



<b>MOTOR VEHICLE CRASH REPORTING/INVESTIGATIONS</b>		
<b>new:</b> ✓ rescinds: 47.7 ✓ amends: all previous		<b>cross-reference:</b>  <b>accreditation standards:</b> NYSLEAP Standard(s): 43.1, 47.7 & 51.6
<b>effective date:</b> November, 2012	<b>amend date:</b> July, 2024	

**I. PURPOSE**

The purpose of the Order is to establish and describe procedures for traffic crash management and investigation, and to obtain data about collisions to support planning and coordinated programs for motor vehicle crash countermeasures within the office and by other agencies.

**II. POLICY**

It is the policy of the Tompkins County Sheriff's Office to respond to, and thoroughly investigate, all reported motor vehicle crashes in Tompkins County.

**III. REPORTING REQUIREMENTS**

A. All personnel investigating motor vehicle/bicycle crashes and completing any NYS Department of Motor Vehicle (DMV) reports or forms shall follow the guidelines set forth for each specific form as outlined in the DMV Police Crash Report Manual.

B. Reports to be Filed by Motorists/Bicyclists

1. **Report of Motor Vehicle Crash (MV-104)** - Motorists are required to report crashes involving death, personal injury or property damage to any one person in excess of \$1,000.00. *See* NYS Vehicle and Traffic Law §605. Personnel may provide copies of the MV-104 to the parties involved, if available. Motorists may also obtain copies of the MV-104 from the DMV.
2. **Bicycle Crash Report (MV-104C)** - Every person operating a bicycle involved in an crash *on a public highway* in which another person is killed or in which the bicyclist or another person suffers serious physical injury, must complete and submit a Bicycle Crash Report within ten (10) days of the crash. Personnel may provide copies of the MV-104C to the parties involved, if available. Bicyclists may also obtain copies of the MV-104C from the DMV.

- If the crash involved a **moving** motor vehicle, motorcycle, or moped and serious physical injury resulted, the bicyclist must report it on a MV-104, not and MV104-C.

### C. Reports to be Filed by Law Enforcement

1. **Police Crash Report (MV-104A)** – Officers shall conduct a thorough preliminary investigation and complete a TRACS MV-104A for any motor vehicle crash involving:
  - Personal injury or death;
  - Leaving the scene (“hit and run”);
  - An operator arrested for impairment or intoxication;
  - An operator issued a UTT or arrested for any misdemeanor or felony;
  - A County-owned vehicle or any damage to County-owned property;
  - Any of the special circumstances listed below in III(C)(2,3,4) of this Order are present (truck/bus, bicyclist, fatality);
  - Upon request of an involved party; or
  - Upon direction of a supervisor
  - a. The MV-104A shall be completed in accordance with the instructions provided in the Department of Motor Vehicles publication “Police Accident Report Manual”.
  - b. If none of the above conditions are present the officer may facilitate an exchange of information in lieu of completing a MV-104A if all parties agree. Officers may utilize an *Accident Information Exchange Form* available on TRACS.
2. **Fatal Motor Vehicle Crash Report (MV-104D)** – If the motor vehicle crash involves any fatality, officers will complete an MV-104D in addition to the standard MV-104A. All fatal crashes will require an MV-104EN “Early Notification of a Fatal Accident” form to be faxed within 24 hours to the NYS DMV. Instruction and fax number are on the form.
  - NHTSA’s Fatality Analysis Reporting System requires additional data when investigating fatal crash. This data is to be collected during the investigation of any fatal automobile crash. The following additional information is to be recorded:
    - Posted speed limit
    - Roadway surface type
    - Number of lanes on roadway
    - Roadway flow (i.e. one way, two way/individual lanes, divided highway median, etc.)
    - Emergency medical services involved
    - Initial point of impact on the vehicles
    - Name and address of all involved
3. **Police Line of Duty Crash (MV-104L)** – The Sheriff’s Office will file an MV-104L when a police vehicle is involved in a motor vehicle crash that involves another vehicle(s) and/or when non-county owned property is damaged due to the collision, in addition to the standard MV-104A. When a police vehicle is involved in a solo motor vehicle collision (i.e. Car vs. Deer) the procedures set forth in *G.O. 728 Police Vehicles* shall be followed.

4. **Truck and Bus Supplemental Police Crash Report (MV-104S)** – Officers are required to complete and file an MV-104S in addition to an MV-104A under certain conditions (*see* Police Crash Report Manual). The MV-104S is used when two conditions are met: *qualifying vehicles and severity of crash*.
  - a. Qualifying Vehicles – the crash must involve at least one of the following types of vehicles:
    - A truck having a GVWR or GCWR > 10,000 lbs; or
    - Any vehicle with a Haz Mat placard; or
    - A bus designed to carry nine (9) or more persons, including the driver.
  - b. Severity of Crash
    - At least one person killed; or
    - At least one person injured severely enough to require immediate transportation from the scene for medical attention; and/or
    - At least one vehicle was towed from the scene due to damage.
  - c. If a crash involves both conditions (i.e., at least one qualifying vehicle AND at least one of the qualifying severity criteria), a MV-104S must be completed and submitted for each qualifying vehicle.
5. **Incident Report** – In addition to the appropriate DMV report(s), officers will also complete an Incident Report for motor vehicle crashes involving:
  - Serious physical injury or death;
  - An operator arrested for impairment or intoxication;
  - Any misdemeanor or felony arrest; or
  - Upon direction of a supervisor.
  - a. All personnel who assist in the investigation of motor vehicle crashes shall prepare Supplemental Reports.
  - b. All report forms shall be forwarded to the appropriate supervisor for review and approval. Supervisors shall forward approved reports to Records.
  - c. Copies of all crash reports will be sent to the NYS DMV, via TRACS for classification and statistical analysis.

#### IV. GENERAL PROCEDURES

- A. Personnel being dispatched to a reported traffic crash should first confirm crash location, injuries, if any, then proceed to the crash scene as quickly as possible, using caution to arrive at the scene safely. Depending on the type of crash reported, personnel may use the vehicle's emergency equipment to expedite their arrival at the scene. Use of emergency equipment will be consistent with the policies and procedures set forth in *G.O. 727 Emergency Response/Pursuit Driving*.

## B. Crash Scene Stabilization

1. Protection and preservation of life shall be the officer's first priority when stabilizing a crash scene. Officers shall apply first aid and summon emergency medical service personnel when appropriate.
2. Protection of the crash scene shall be the officer's second priority. When a crash causes property damage or minor physical injury, and the vehicles involved are capable of being moved, officers shall have the vehicles removed from the roadway to the closest safe location as soon as possible. In the event a crash results in serious physical injury, death, or the vehicles cannot be moved due to damage or other factors, such as dispute or disturbance between the parties involved, officer should protect the crash scene by:
  - Properly positioning the police vehicle and activating its emergency lights;
  - Using flares, other warning devices, or traffic cones to re-route traffic around the crash scene;
  - Erecting police line tape around the crash scene, when necessary;
  - Enlisting the aid of other police officers or fire department personnel to direct traffic.
3. When a crash results in a fire or fire hazard officers shall request that fire department personnel be dispatched to the scene. Officers shall remove all persons from the area threatened by the fire or fire hazard. When appropriate, officers shall attempt to contain the fire or fire hazard using any available fire extinguisher.
4. As soon as practicable, officers shall put on their high visibility vest or clothing as set forth in *G.O. 802 High Visibility Traffic Vests*.

## C. Crashes Involving Vehicles Transporting Hazardous Materials

1. Immediately notify the Department of Emergency Response (911 Center) of the presence of hazardous materials and request that the Hazardous Material Team (City of Ithaca Fire Department) be dispatched to the scene.
2. Establish a safe perimeter
  - a. Wind direction, type of material (if readily known) composition of material (liquid gas, granular, etc.) need to be considered in determining perimeter.
  - b. Evacuation may be necessary
3. Notify NYS Department of Environmental Conservation.
4. Notify NYS Department of Transportation or the Tompkins County Highway Department.

#### D. Delayed Motor Vehicle Crash Reports and Investigation

1. During public emergencies (i.e., severe snow storm, floods, etc.) persons reporting motor vehicle crashes not involving serious physical injury or death may be directed to report to the Public Safety Building or other suitable location at a specific time and date in the future to file an official crash report.
2. Officers shall conduct an investigation and complete a police crash report when the crash is reported within five (5) days and when:
  - Minor injury is reported; or
  - Hit and run is reported; or
  - All involved principals and their vehicles are present; or
  - Directed by a supervisor.

#### E. Crashes on Private Property

1. Officers investigating motor vehicle crashes that occurred on private property shall observe the following guidelines:
  - Private Property Not Open to the General Public – No Injuries

Consistent with the provisions of sections 600-603 of the Vehicle and Traffic Law, no written police report will be required for a crash occurring on private property that is not normally open to the general public, such as private residences, when no injury has occurred, and no person involved in the crash requests that a report be taken.
  - Private Property Not Open to the General Public – Injuries

Crashes occurring on private property that is not normally open to the general public, such as a private residence, involving injuries shall be investigated and documented (DMV report and Incident Report) as set forth in this Order.
  - Private Property Open to the General Public

Crashes occurring on private normally open to the general public, such as shopping areas, will be processed as if they had occurred on the public highway.

#### F. Damage to Public Vehicle or Property *Updated July 2024*

1. Officers will respond to and investigate a motor vehicle crash involving public vehicles or property in accordance with the response and crash investigation procedures outlined in this General Order.
2. Crashes involving a Sheriff's Office Vehicle will be handled in accordance with procedures outlined in *G.O. 728 Police Vehicles*.

3. If there is property damage to public property officers will, in addition to completing the appropriate accident report, make notification to the Highway Department utilizing the [HighwayDamageReport@tompkins-co.org](mailto:HighwayDamageReport@tompkins-co.org) email group. Be sure to include case number and property description.

#### G. Hit and Run Crashes

1. Officers will investigate hit and run crashes thoroughly and complete a Police Accident Report.
2. The responding officer will advise Dispatch of any pertinent information that may be useful in identifying the responsible party including color of vehicle, possible direction of travel, vehicle type, etc. This information will be relayed to other officers and agencies by dispatch.
3. Efforts to investigate the hit and run crash will be documented in a Spillman incident report, to include the elimination of all possible solvability factors if applicable.

H. Police Crash Report forms may be generated using the office's Traffic and Criminal Software (TraCS) system or manually, if TraCS is not available.

I. Officers will assure that proper identification information is provided to operators. Officers will supply operators with the case number for the Police Crash Report. If applicable, officers will supply the operators with the crash information exchange slip.

#### J. Removal of Vehicles

1. Vehicles that are damaged during the crash and cannot be moved, create a traffic hazard, and/or are considered evidentiary shall be removed in accordance with the procedures set forth in *G.O. 806 Vehicle Towing and Impound Procedures*.

#### K. Property of Crash Victims

1. Officers shall make reasonable efforts to safeguard the property of person involved in crashes. Officers shall be alert to prevent pilferage and theft at traffic crashes. Officers shall ensure that automotive parts, vehicle papers, and any valuable items are removed with the vehicle and not left littered about the scene.
2. All property shall be handled in accordance with the procedures set for in *G.O. 205 Property/Evidence Management*.

L. Supervisors will review the MV-104A report (and any related reports) for accuracy and completeness and forward the entire report to the Civil Division for distribution.

### VI. **ENFORCEMENT ACTIONS**

A. Officers will check drivers for valid operator's license, registration and insurance coverage.

- B. Enforcement actions arising from traffic crash investigations or reporting shall be consistent with the nature of the violation and the office directives set forth in *G.O. 800 Traffic Enforcement & Uniform Traffic Ticket Procedures*.
- C. When taking enforcement action, the officer must establish all elements of the violation. Elements that the officer has not personally witnessed must be established through investigation, which will include but not be limited to:
  - 1. Statements or admissions made by the alleged violator;
  - 2. Statements of witnesses;
  - 3. Crash scene measurements or other tech work or tests;
  - 4. Other evidence present at the scene (i.e. skid marks, etc.)
- D. For crashes involving serious physical injury and/or death, except for criminal arrests that need to be made immediately, such as DWI, do not issue UTTs, it may require a coordinated approach involving the Crash Investigation Team and the DA's Office.
  - 1. If DWI involvement is suspected, follow the procedures for DWI Investigations.

## VII. **CRASH INVESTIGATION PROCEDURES**

- A. The responding officer shall collect as much information as possible to complete the preliminary investigation. The responding officer shall:
  - 1. Interview all involved parties and witnesses;
  - 2. Examine and record the damage to the vehicles involved;
  - 3. Examine and record the effects of the crash on the roadway;
  - 4. Take, or cause to be taken, measurements, as necessary;
  - 5. Take, or cause to be taken, photographs, as necessary;
  - 6. Collect and preserve physical evidence;
  - 7. Exchange information between the principals involved.
- B. Fatal or Life Threatening Injury Crashes
  - 1. In addition to the procedures outlined above, the responding officer shall notify the on-duty Sergeant, who will:
    - a. Respond to the scene and direct the investigation unless relieved by a higher authority.

- b. Notify the Road Patrol Lieutenant
  - c. Coordinate prompt notification of the “next of kin” of “significant others” in all cases of death or serious injury in accordance with *G.O. 717 Death/Serious Injury Notification*.
2. When on-duty or on-call, a member of CID will be required to immediately respond to the victim or scene (unless the investigation requires an alternative response) of a motor vehicle collision resulting in serious physical injury or death with more than one involved party or a suspected criminal component.
3. With approval from a Lieutenant or higher authority, responding personnel may request assistance from an outside crash reconstruction team, other investigative assistance, and/or request an evidence technician to respond to secure photographs and collect evidence (this request may also be made for collisions that result in substantial damage to private or public property, such as buildings).
4. Prior to the arrival of the Crash Investigation Team, responding officers should treat the scene with the same mind set as any other crime scene. Actions must be taken to ensure the preservation and documentation of evidence, along with the effort of seeking out and collecting the information of witnesses to the event and arranging for thorough statements to be collected.
  - a. Ensure that no evidence is moved without being marked and photographed. During inclement weather do not allow a salt or plow truck to enter the scene. Do not allow speedy dry to be spread on surfaces. Coolant or other fluids should merely be dammed preventing their spread.
  - b. Mark urgent measurements: position of bodies, the location of the top of the head and crotch, the beginnings and ends of any skid shadows or any other evidence that may not be present when the Crash Investigation Team arrives. Determine which pieces of evidence have been moved from their resting positions.
  - c. In cases where a pedestrian has been struck and the suspect vehicle has left the scene, the victim’s clothing should be secured as evidence for possible laboratory examination.
  - d. If there is a commercial vehicle involved in the accident, document what gear the vehicle was in at the time of the accident.
5. In certain cases an officer should be assigned to ride in an ambulance with any person who is not expected to live.
6. The initial responding deputy will be responsible for the gathering of information pertaining to the filing of the MV-104A. Do not wait for the Accident Investigation Team to respond for this to be done. In the event of DWI or DWA/Drugs involvement, the initial responding deputy has primary responsibility of the DWI investigation, to include



staying with the defendant to ensure proper evidence chain of custody. A team approach should be adopted to ensure proper protection and investigation of the crash scene

### VIII. DISPOSAL OF DEER KILLED BY COLLISION

- A. The following provisions shall apply regarding the disposal of deer killed by collision with a motor vehicle when the collision is reported to and investigated by this office:
1. The owner of the motor vehicle, which was involved in the collision with the deer, may be issued a Sheriff's Office business card with the case number indicated, entitling such owner to possess the carcass for consumption. The aforementioned business card shall not be issued unless the crash is both reported to and investigated by this office.
  2. The permit shall authorize the owner of the motor vehicle to transfer the carcass to a designated person for consumption.
  3. Members are prohibited from accepting the carcass and may not recommend its transfer to any party. If the owner of the vehicle does not want the carcass and does not wish to make arrangements for transfer, the responding officer shall notify the 911 Center to arrange for disposal. If the carcass is not obstructing traffic and is well off the roadway immediate response from a highway department crew is not necessary.
  4. Officers may use a firearm against a deer when the animal is seriously injured and other means are not reasonably available to end its suffering. When discharging a firearm against a deer, officers shall use due care to ensure the safety of bystanders and other officers. Officers will indicate the use of a firearm in the Spillman Incident report.

By Order Of



Derek Osborne  
*Sheriff*