

Geneva Police Department <b>GENERAL ORDERS</b>		<b>MOTOR VEHICLE ACCIDENT INVESTIGATIONS</b>	
<input type="checkbox"/> new: <input checked="" type="checkbox"/> rescinds: Policy & Procedure 47.7 <input type="checkbox"/> amends:		<b>cross-reference:</b> G.O. 410; G.O. 620; G.O. 800; G.O. 905  <b>Accreditation/Recognition standards:</b> C.A.L.E.A.: NYS L.E.A.P.: 47.7	
<b>effective date:</b> 5.18.05	<b>issue/amend date:</b> 5.18.05 / 3.6.15 / 6.30.20		

<b>I. PURPOSE</b>	The purpose of this General Order is to establish and describe policies and procedures for traffic accident management and investigation.
<b>II. POLICY</b>	It is the policy of the Geneva Police Department (GPD) to respond to, and thoroughly investigate, all reported motor vehicle accidents within the City of Geneva.
<b>III. REPORTING REQUIREMENTS</b>	<p><b>A.</b> All personnel investigating motor vehicle/bicycle accidents 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 <b>DMV Police Accident Report Manual</b>. Officers will complete all Motor Vehicle Accident Reports using TraCs (Traffic and Criminal System).</p> <p><b>B. <u>Reports to be Filed by Motorists/Bicyclists</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>Report of Motor Vehicle Accident</u></b> (MV-104) – Motorists are required to report accidents involving death, personal injury or property damage to any one person in excess of \$1,000.00. <i>See NYS Vehicle and Traffic Law §605</i>. 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.</li> <li>2. <b><u>Bicycle Accident Report</u></b> (MV-104C) - Every person operating a bicycle involved in an accident 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 Accident Report within ten (10) days of the accident. Bicyclists may obtain copies of the MV-104C from the DMV.       <ol style="list-style-type: none"> <li>a. If the accident involved a <b><u>moving</u></b> motor vehicle, motorcycle, or moped and serious physical injury resulted, the bicyclist <b><u>must</u></b> report it on a MV-104, not an MV104-C.</li> </ol> </li> </ol> <p><b>C. <u>Reports to be Filed by Law Enforcement</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>Police Accident Report</u></b> (MV-104A)       <ol style="list-style-type: none"> <li>a. Officers shall conduct a thorough preliminary investigation and complete an MV-104A for any motor vehicle accident involving:           <ol style="list-style-type: none"> <li>1. Personal injury or death;</li> <li>2. Leaving the scene (“hit and run”);</li> <li>3. Property damage of \$1000.00 or more to one of the vehicles involved;</li> <li>4. An operator arrested for impairment or intoxication;</li> </ol> </li> </ol> </li> </ol>

**III. REPORTING REQUIREMENTS (CONT.)**

5. An operator issued a UTT or arrested for any misdemeanor or felony;
6. A City-owned vehicle, authorized use of a personally owned vehicle for City employment duties, or any damage to City-owned property;
7. Any of the special circumstances listed below in § III(C)(2,3,4) of this Order are present (truck/bus, bicyclist, fatality);
8. Upon request of an involved party; or
9. Upon direction of a Supervisor.

b. The MV-104A shall be completed in accordance with the instructions provided in the Department of Motor Vehicles publication "Police Accident Report Manual".

c. If none of the above conditions are present the Officer will facilitate an exchange of information in lieu of completing a MV-104A if all parties agree. Officers may utilize a *TraCs Exchange Slip* for this.

**2. Fatal Motor Vehicle Accident Report (MV-104D)**

If a motor vehicle accident involves any fatality, officers will complete an MV-104D in addition to the standard MV-104A.

**3. Police Line of Duty Accident - Personnel will file a standard MV-104A for all police vehicles that are involved in on-duty accidents.**

a. Whenever a sworn officer of the Department, operating a police vehicle in the city becomes involved in an accident, such must be investigated by an Officer of higher rank who must promptly submit a report to the Chief of Police, indicating whether the accident was "preventable" or "non-preventable", unless otherwise authorized by the Chief. Photos of the accident will also be taken at the scene.

**4. Truck and Bus Supplemental Police Accident Report (MV-104S) Officers are required to complete and file an MV-104S in addition to an MV104A under certain conditions (*See Police Accident Report Manual*).**

**D.** All report forms shall be forwarded to the appropriate Supervisor for review and approval. Supervisors shall forward approved reports to the Records Bureau.

**E.** Records Bureau shall be responsible for the forwarding of appropriate accident reports to the New York State Department of Motor Vehicles for classification and statistical analysis.

**A.** Personnel being dispatched to a reported traffic accident should first confirm accident location, injuries, if any, then proceed to the accident scene as quickly as possible, using caution to arrive at the scene safely. Depending on the type of accident 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. 410 - Emergency Response and Pursuit Driving*.

**B. Investigative Responsibilities**

1. The assigned Officer shall have responsibility for conducting the preliminary investigations of motor vehicle accidents.

**IV. GENERAL PROCEDURES**

**IV. GENERAL PROCEDURES (CONT.)**

2. If the motor vehicle accident involves any hazardous materials (Haz-Mat) the procedures set forth in *G.O. 800 – Critical Incident Management/Hazardous Materials/Bio-Hazard Incidents - Attachment D* shall be followed. The Geneva Fire Department has primary responsibility for dealing with Haz-Mat situations.
3. When motor vehicle accidents involve any serious physical injury or fatality, the Department Lieutenants and the Chief of Police will be notified.

**C. Delayed Motor Vehicle Accident Reports and Investigation** - Officers shall conduct an investigation and complete a police accident report when the accident is reported within five (5) days and when:

1. A minor injury is reported;
2. A hit and run is reported;
3. All involved principals and their vehicles are present; or
4. Directed by a supervisor.

**D. Accidents on Private Property**

1. Officers investigating motor vehicle accidents that occurred on private property shall observe the following guidelines:
  - a. Private Property Not Open to the General Public—No Injuries
    1. Consistent with the provisions of sections 600 - 603 of the Vehicle and Traffic Law, no written police report will be required for an accident occurring on private property that is not normally open to the general public, such as a private residence, when no injury has occurred, and no person involved in the accident requests that a report be taken.
  - b. Private Property Not Open to the General Public—Injuries
    1. Accidents 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 Control Report) as set forth in this Order.
  - c. Private Property Open to The General Public
    1. Accidents occurring on private property normally open to the general public, such as shopping areas, will be processed as if they had occurred on the public highway.

**A. Accident Scene Stabilization**

1. Protection and preservation of life shall be the Officers' first priority when stabilizing an accident scene. Officers shall apply first aid and summon emergency medical service personnel, when appropriate.
2. Protection of the accident scene shall be the Officers' second priority. When an accident 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 an accident results in serious physical injury, death, or the vehicles can not be moved due to damage or other factors, such as a dispute or disturbance between the parties involved, officers should protect the accident scene by:

**V. ACCIDENT INVESTIGATION PROCEDURES**

**V. ACCIDENT INVESTIGATION PROCEDURES (CONT.)**

- a. Properly positioning the police vehicle and activating its emergency lights.
- b. Using flares, other warning devices, or traffic cones to re-route traffic around the accident scene.
- c. Erecting police line tape around the accident scene, when necessary.
- d. Enlisting the aid of other police officers or Fire Department personnel to direct traffic.

**B.** When an accident results in a fire or fire hazard, or involves hazardous materials, Officers shall request that Fire Department personnel be dispatched to the scene. Officers shall remove all persons from the area threatened by the fire, fire hazard, or hazardous material. When appropriate, Officers shall attempt to contain the fire or fire hazard using any available fire extinguisher.

**C.** 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 accident 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 using driver exchange slips.

**D. Removal of Vehicles**

- 1. Vehicles that are damaged during the accident and cannot be moved, or create a traffic hazard shall be removed in accordance with the procedures set forth in ***G.O. 620 - Vehicle Towing and Impound Procedures***.

**VI. NOTIFICATIONS**

**A.** The Department Lieutenants and Chief of Police shall be notified as soon as possible of all accidents which:

- 1. Result in serious physical injury or fatality; or
- 2. Result involve any Department personnel.

**VII. ENFORCEMENT ACTION**

**A.** Enforcement actions arising from traffic accident investigation or reporting shall be consistent with the nature of the violation and with Departmental directives concerning traffic law enforcement.

**B.** 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.

**VIII. PROPERTY OF ACCIDENT VICTIMS**

- A. Officers shall make reasonable efforts to safeguard the property of persons involved in accidents. Officers shall be alert to prevent pilferage and theft at traffic accidents.
- B. Officers shall ensure that automotive parts, vehicle papers, or any items are removed with the vehicle and not left littered about the scene.
- C. Any personal property that is left at the accident scene and unable to be given to its rightful owner at that time shall be handled in accordance with the procedures set forth in ***G.O. 905 – Property and Evidence Management***.

**IX. TRANSPORTING INJURED PERSONS FROM THE ACCIDENT SCENE**

- A. No injured person is to be transported in a police vehicle unless by the direction of a Supervisor, or unless the removal of such person is necessary, in the Officer’s opinion, to prevent violence, save the subject’s life, or to avert any other serious disaster. If practicable, authorization from a Supervisor should be requested.
- B. Upon the arrival of emergency medical personnel at an accident scene, all responsibility for the care of the injured person(s) is to be turned over to the certified emergency medical technician accompanying the ambulance.

**X. DISPOSAL OF ANIMALS KILLED BY COLLISION**

- A. The following provisions shall apply regarding the disposal of deer killed by collision with a motor vehicle when the accident is reported to and investigated by the Department:
  - 1. The owner of the motor vehicle, which has been damaged by collision with the deer, may be issued a permit (“deer tag”) entitling such owner to possess the carcass for consumption. A “deer tag” shall not be issued unless the accident is both reported to and investigated by this Department.
  - 2. The permit shall authorize the owner of the motor vehicle to transfer the carcass to a designated person for consumption.
- B. In the event that a dog or cat is killed by collision with a motor vehicle, an attempt should be made to notify the rightful owner. If an owner cannot be located, the Ontario County Humane Society may be contacted for any available assistance, if practicable. If an owner cannot be determined, Officers may dispose of the animal at the Department of Public Works (DPW) Garage. When DPW personnel are on duty, they can be contacted for assistance in removal.

Approved By

**MICHAEL J. PASSALACQUA**  
*CHIEF OF POLICE*