

## NIAGARA FALLS POLICE DEPARTMENT GENERAL ORDER

EFFECTIVE DATE: 09/24/2013	SUBJECT:  <b>ACCIDENT INVESTIGATIONS</b>	Number 323.00 (NYSLEAP O-47-7)
RESCINDS: 04/15/2003		Number of pages 4

- I. Purpose:
  - A. To ensure that motor vehicle accidents, which occur in the City of Niagara Falls, are investigated and documented.
  
- II. Definition:
  - A. Motor Vehicle Accident:
    1. A motor vehicle accident is any incident in which injury and/or property damage is caused by the movement of a motor vehicle.
  
- III. Policy:
  - A. Officers will investigate and report accidents in accordance with the New York State Vehicle and Traffic Law, Article 22.
  - B. Accident Report Forms (MV-104A) will be completed in accordance with the directions set forth by the Department of Motor Vehicles.
  - C. Accidents requiring an accident report (MV-104A):
    1. Hit and run accidents with follow-ups
    2. Accidents with injuries
    3. Excessive damage or unusual circumstances
    4. Any accident in which a Vehicle and Traffic Law arrest is made, to include DWI arrests and 511 section violations.
  
- IV. Accident Investigation Guidelines:
  - A. Upon arrival at any motor vehicle accident, officers will safeguard the scene and care for the injured.

- B. All drivers should be interviewed. Officers will attempt to locate witnesses and statements shall be obtained if appropriate.
  - C. Enforcement actions may be taken when traffic violations have occurred.
  - D. Exchange of Information Forms will be issued to all drivers, when appropriate.
  - E. Fatal and Serious Injury Accidents:
    - 1. Traffic Division personnel will be dispatched to the scene along with the appropriate patrol officers to assist.
    - 2. If Traffic Division personnel are not available, then patrol officers will protect the scene and gather information until Traffic Division personnel are able to respond.
    - 3. The Shift Commander shall be notified and will authorize the call out of the Traffic Division Commander when warranted.
    - 4. The Traffic Division Commander shall have the authorization to call out the Crash Management Team.
    - 5. Criminal Investigation Division personnel may be used to assist the investigation as needed.
  - F. Driving While Intoxicated or Impairment due to Drugs:
    - 1. Whenever an officer suspects that the ability of a driver involved in an accident has been impaired by alcohol or drugs, arrests may be made in accordance with General Order 322.00, Driving While Intoxicated.
- NOTE: Section 1194-lb of the Vehicle & Traffic Law requires drivers involved in accidents to submit to field testing.
- G. Hit and Run Accidents:
    - 1. Department personnel will conduct investigations of hit and run accidents. All investigations of this type shall be pursued as far as practicable.
    - 2. Hit and run cases will be investigated by the Traffic Division whenever possible. If the Traffic Division is unavailable, officers at the

scene will do the report and paperwork. If necessary they will refer the investigation to the Traffic Division for follow-up.

H. Motor Vehicle Accidents Involving Hazardous Materials:

1. Whenever a motor vehicle accident 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. Initial responders should remain upwind from the suspected hazardous material.
2. The responding officers will notify dispatch for emergency services and request a Patrol Division supervisor. The Traffic Division commander or designee shall be notified, along with the Niagara County Hazardous Materials Team. An assessment will be done by the on-scene supervisor and the Niagara Falls Fire Department. Additional resources shall be contacted if the situation dictates their specific expertise.
3. 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.

I. Delayed Accident Reports:

1. Often times, the NFPD is called upon to complete an accident investigation and report after the involved parties have left the scene. This service will be provided only when it is possible to obtain an accurate account of the circumstances and within a reasonable time after the actual incident.
2. Drivers involved should be interviewed prior to completion of the report in order to provide an objective report.
3. The Accident Report Form (MV-104A) should note that the investigation report was not completed at the scene.

J. Accidents Involving City Owned Vehicles:

1. The Traffic Division shall investigate accidents involving city vehicles, whenever possible. An Accident Report (MV-104A) will be completed and photographs shall be taken. Additionally, the driver shall submit any appropriate paperwork to the city Risk Management Office. NFPD employees shall complete a separate and detailed account of the accident on a police incident report.

2. Police vehicle accidents shall be investigated by a police officer that is not involved in the accident.
  3. If the Traffic Division is unavailable, the Patrol Division will assume the investigation. A patrol supervisor shall be dispatched to the scene.
  4. All accident documentation shall be forwarded to the Traffic Division Commander.
  5. After review, the Traffic Division Commander shall submit all accident reports to the Administrative Division. The Administrative Division shall forward all reports to the Department of Motor Vehicles in a timely manner.
- K. Truck and Bus Supplemental Police Accident Report:
1. Form - MV-104S (Truck and Bus Supplemental Police Accident Report) must be completed and attached to the corresponding police accident report (Form MV-104A) for certain trucks, tractor-trailers, and buses involved in qualifying motor vehicle accidents, as prescribed by the Department of Motor Vehicles in the Police Accident Report Manual.
- L. Filing Accident Reports:
1. After appropriate review, the Traffic Division Commander shall submit all completed forms MV-104S to the Administrative Division. The Administrative Division shall forward these forms to the New York State Department of Motor vehicles with the corresponding forms MV-104A.