

Traffic Accidents

501.1 PURPOSE AND SCOPE

Best Practice NYSLEAP - 47.7 NYSLEAP- 8.7 - 47.7 NY_CALEA_ 6.19 - 61.2.1

This policy provides guidelines for responding to and investigating traffic accidents.

501.2 POLICY

Best Practice

It is the policy of the Town of Cheektowaga Police Department to respond to traffic accidents and render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of accidents by attempting to identify the cause of the accident and through enforcing applicable laws. Unless restricted by law, traffic accident reports will be made available to the public upon request.

501.3 RESPONSE

Best Practice NYSLEAP - 40.2, 47.7 (F), 47.7 (A) NYSLEAP- 8.7 - 47.7 (A), 47.7 (F), 40.2 NYSLEAP 2023 - 40.2, 47.7 (A), 47.7 (F) NYSLEAP June 2023 - 40.2, 47.7 (A), 47.7 (F) NY_CALEA_ 6.19 - 61.2.2 (a)

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

- (a) Is within the jurisdiction of this department and there is:
 - 1. A life-threatening injury.
 - 2. A fatality.
 - 3. A Town vehicle involved.
 - 4. A Town official or employee involved.
 - 5. Involvement of an on- or off-duty member of this department.
- (b) Is within another jurisdiction and there is:
 - 1. A Town of Cheektowaga vehicle involved.
 - 2. A Town of Cheektowaga official involved.
 - 3. Involvement of an on-duty member of this department.

501.3.1 MEMBER RESPONSIBILITIES

Best Practice MODIFIED NYSLEAP - 47.7 (E), 47.8, 47.7 (B) NYSLEAP- 8.7 - 47.7 (B), 47.7 (E), 47.8 NYSLEAP 2023 - 47.7 (B), 47.7 (E), 47.8 NYSLEAP June 2023 - 47.7 (B), 47.7 (E), 47.8 NY_CALEA_ 6.19 - 61.2.2 (b), 61.2.2 (c), 61.2.2 (e), 61.2.2 (g), 61.3.2 (a), 61.3.2 (b), 61.3.2 (c), 61.3.2 (d)

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Upon arriving at the scene, the responding member should consider and appropriately address:

- (a) Traffic direction and control.
- (b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.
- (c) First aid for any injured parties if it can be done safely.
- (d) The potential for involvement of hazardous materials.
- (e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire hazards / department, hazardous materials response, tow vehicles).
- (f) Clearance and cleanup of the roadway.

501.4 NOTIFICATION

Best Practice **MODIFIED**

If a traffic accident involves a life-threatening injury or fatality, the responding officer shall notify a supervisor or, if unavailable, the Watch Commander. The Watch Commander or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Watch Commander will ensure notification is made to the Traffic Unit Lieutenant, department command staff and in accordance with the Major Incident Notification Policy.

501.4.1 NOTIFICATION OF FAMILY

Best Practice **MODIFIED** **NYSLEAP - 43.7 NYSLEAP- 8.7 - 43.7 NYSLEAP 2023 - 43.7 NYSLEAP June 2023 - 43.7 (a)**

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Medical Examiner. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic accident should not be released until notification is made to the victim's immediate family.

501.5 MINIMUM REPORTING REQUIREMENTS

State **NYSLEAP - 47.7 (A), 47.7 (C), 47.7 (F) NYSLEAP- 8.7 - 47.7 (A), 47.7 (C), 47.7 (F) NYSLEAP 2023 - 47.7 (A), 47.7 (C), 47.7 (F) NYSLEAP June 2023 - 47.7 (A), 47.7 (C), 47.7 (F)**

An accident report shall be taken when:

- (a) A fatality, any injury (including complaint of pain), property damage in excess of \$1000 to any vehicle or hit-and-run is involved.
- (b) An accident involves a commercial vehicle that has been towed (Vehicle and Traffic Law § 603).
- (c) An on-duty member of the Town of Cheektowaga is involved.
- (d) The accident results in any damage to any Town-owned or leased vehicle.
- (e) The accident involves any other public agency driver or vehicle.

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- (f) There is damage to public property.
- (g) There is damage to any vehicle to the extent that towing is required.
- (h) Prosecution or follow-up investigation is contemplated.
- (i) Directed by a supervisor.

501.5.1 PRIVATE PROPERTY

Best Practice

Generally, reports should not be taken when a traffic accident occurs on private property unless it involves an injury or fatality, a hit-and-run violation or other traffic law violation. Members may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

501.5.2 TOWN VEHICLE INVOLVED

Best Practice NYSLEAP - 47.7 (F), 47.7 NYSLEAP- 8.7 - 47.7 (F), 47.7 NYSLEAP 2023 - 47.7 (F), 47.7 NYSLEAP June 2023 - 47.7 (F), 47.7

A traffic accident report shall be taken when a Town vehicle is involved in a traffic accident that results in property damage or injury.

A general information report may be taken in lieu of a traffic accident report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a Town vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Captain. The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

Members will not investigate an accident in which he/she is involved.

501.5.3 INJURED AND KILLED ANIMALS

State

Department members should refer to the Animal Control Policy when a traffic accident involves the disposition of an injured animal. The driver of the striking vehicle is required to notify the owner of the animal if it is a horse, dog, cat or animal classified as cattle. If the driver cannot find the owner than he/she is required to notify an officer and provide license, insurance and the vehicle license number (Vehicle and Traffic Law § 601).

In the event a deer, moose or bear is unintentionally killed in a traffic accident, a member may issue a permit to the driver permitting him/her to possess the carcass and transfer it to a designated person. If the driver declines possession, the member may issue the permit to another requesting party (Environmental Conservation Law § 11-0915).

501.6 INVESTIGATION

State NYSLEAP - 40.1 (B) NYSLEAP- 8.7 - 40.1 (B) NYSLEAP 2023 - 40.1 (B) NYSLEAP June 2023 - 40.1 (B) NY_CALEA_6.19 - 61.2.2 (d)

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When a traffic accident meets minimum reporting requirements the investigation should include, at a minimum (Vehicle and Traffic Law § 603-a):

- (a) Identification and interview of all involved parties.
- (b) Identification and interview of any witnesses.
- (c) A determination of whether a violation of law has occurred and the appropriate enforcement action.
- (d) Identification and protection of items of apparent evidentiary value.
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence, reporting) on the appropriate forms.

501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

Best Practice

The Traffic Unit Lieutenant or on-duty Watch Commander should request that the New York State Police or other outside law enforcement agency investigate and complete a traffic accident investigation when a life-threatening injury or fatal traffic accident occurs within the jurisdiction of the Town of Cheektowaga Police Department and involves:

- (a) An on- or off-duty member of the Department.
 - 1. The involved member shall complete the department traffic accident form. If the member is unable to complete the form, the supervisor shall complete it.
 - 2. Criminal investigations involving a fatal incident should be coordinated with the Office of Special Investigations (see the Officer-Involved Shootings and Deaths Policy).
- (b) An on- or off-duty official or employee of the Town of Cheektowaga.

Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic accident. The accident investigation and report shall be completed by the agency having jurisdiction.

501.6.2 ACCIDENTS INVOLVING SERIOUS INJURY OR DEATH

State NYSLEAP - 47.7 (D) NYSLEAP- 8.7 - 47.7 (D) NYSLEAP 2023 - 47.7 (D) NYSLEAP June 2023 - 47.7 (D)

An officer investigating an accident involving a serious injury or death should request a preliminary breath test from any driver involved in the accident if there are reasonable grounds to believe that the driver committed a serious traffic violation as provided in Vehicle and Traffic Law § 603-a. The result of such test or the driver's refusal of such test shall be included in the accident investigation report (Vehicle and Traffic Law § 603-a).

In the event of a positive result from such test, officers shall proceed as provided in the Impaired Driving Policy.

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501.7 ENFORCEMENT ACTION

State **NYSLEAP - 47.7, 47.5 (D), 47.7 (C), 47.7 (A) NYSLEAP- 8.7 - 47.5 (D), 47.7, 47.7 (A), 47.7 (C) NYSLEAP 2023 - 47.5 (D), 47.7 (A), 47.7 (C)**

NYSLEAP June 2023 - 47.5 (D), 47.7 (A), 47.7 (C) NY_CALEA_6.19 - 61.1.5 (h)

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the accident, authorized members should issue a traffic summons or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.8 REPORTS

State **NYSLEAP 2023 - 47.7 (A), 47.7 (B), 47.7 (C), 47.7 (D), 47.7 (E), 47.7 (F) NYSLEAP June 2023 - 47.7 (A), 47.7 (B), 47.7 (C), 47.7 (D), 47.7 (E), 47.7 (F) NY_CALEA_6.19 - 82.3.3 (a)**

(F) NY_CALEA_6.19 - 82.3.3 (a)

Department members shall utilize forms approved by the New York State Department of Motor Vehicles (DMV) (i.e., NY MV-104A and any required addendums) as required for the reporting of traffic accidents. All such reports shall be forwarded to the Traffic Unit for approval and filing.

For all accidents involving a fatality, the Early Notification of a Fatal Accident form (MV-104EN) and the Report for Motor Vehicle Accident form (MV-104D) should be submitted to the DMV.

Members shall advise persons involved in accidents that they must file a citizen accident report on the appropriate state form with the DMV if there has been an injury, death, or property damage in excess of \$1,000 to any vehicle and that the report must be filed within 10 days of occurrence (Vehicle and Traffic Law § 605).

501.8.1 REPORT MODIFICATION

Best Practice

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

501.8.2 TRAFFIC UNIT LIEUTENANT RESPONSIBILITIES

Best Practice **NY_CALEA_6.19 - 61.3.1 (b)**

The responsibilities of the Traffic Unit Lieutenant include, but are not limited to, ensuring the monthly and quarterly reports on traffic accident information and statistics are forwarded to the Patrol Captain or other persons as required.

Investigation reports should be forwarded to the Commissioner of Motor Vehicles within five business days of completion (Vehicle and Traffic Law § 603-a).