


# GENERAL ORDER

	<b>Effective:</b> January 1, 1994	<b>Number:</b> 94-60-001
	<b>Subject:</b> <b>RESPONSE TO ACCIDENTS AND EMERGENCIES</b>	
	<b>Reference:</b> M.S. 299D.03, 169.09, CALEA 63	
	<b>Special Instructions:</b> Rescinds R 83-60-001	<b>Distribution:</b> A,B,C,D

## I. PURPOSE


To assure that all motor vehicle accidents and other emergencies which occur within the jurisdiction of the State Patrol are attended, investigated, and reported by State Patrol personnel in an expeditious and efficient manner.

## II. DUTIES

- A. All motor vehicle accidents or other emergencies which State Patrol personnel have immediate knowledge of or are directed to attend through State Patrol channels shall be responded to expeditiously with due regard for the safety of others.
- B. Based upon the results of the investigation, an accident report and/or field report shall be submitted. The report shall include the assigned ICR number and all pertinent facts.
- C. In those instances where no State Trooper is on duty or on assigned 'on call' status, the Radio Communications Operator shall call the nearest available off-duty Trooper to respond. Local jurisdictions shall be requested to respond only after it is conclusively determined that no off-duty Trooper is available for response.

<b>Approved:</b>  <b>Signed 01/01/1994</b>  _____ <b>Colonel Mike Chabries, Chief</b> <b>Minnesota State Patrol</b>	<b>I have read and understand this General Order.</b>  _____ <b>Signature</b>
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# GENERAL ORDER

	<b>Effective:</b> July 1, 1996	<b>Number:</b> 96-60-002
	<b>Subject:</b> ACCIDENT SCALE DIAGRAM	
	<b>Reference:</b> CALEA 63; General Orders 25-003, 60-003, 60-009, and 10-025	
	<b>Special Instructions:</b> Rescinds PO 94-60-002	<b>Distribution:</b> A,B,C

## I. PURPOSE

To maintain a high level of proficiency and uniformity with respect to the investigation of motor vehicle accidents.

## II. SCALE DIAGRAMS

### A. Criteria

Scale Diagrams will be completed by members of the State Patrol for any of the following accidents attended:

1. Fatal accidents;
2. Serious personal injury accidents;  
**\*Note:** When an Accident Report is Coded "A" but no scale diagram is completed, the investigating Trooper must forward a memo stating the reasons.
3. Accidents which are likely to result in extensive civil litigation or a tort claim against the State.  
**\*Note:** This does not preclude a Trooper from preparing a scale diagram on any other accident when they determine that there is a need.

### B. Procedure

1. At all Accidents requiring a scale diagram, it is encouraged the diagram be done with the use of the Total Station Mapping equipment.
2. All scale diagrams shall contain the following:
  - a. The ICR number assigned to the accident. It shall be placed in the Information block.
  - b. The final positions of all pertinent evidence listed in the field sketch.
  - c. Date and time of the accident.
  - d. Last names of principles involved.
  - e. Location of the accident including street names, city or township and county in which it occurred.
  - f. Scale to which the diagram is drawn.
  - g. Direction of North.
  - h. Mark the reference point.
  - i. Investigating Officer.
  - j. Measurements by (Officer's names and/or badge numbers).
  - k. Drawn by (Officer's name and badge number).**\*Note:** You may erase but be sure that the drawing is neat.
3. The original shall be maintained by the submitting Trooper for criminal and/or civil needs.

4. A copy shall be submitted to the District Office within ten (10) working days of the accident occurrence. In those instances where circumstances justify additional time, a memo shall be submitted to that effect.
5. All requests for diagram copies shall be directed to the District Office.


97-Data Privacy Classification

**\*Note:** Refer to General Order 10-025 for information on the Data Privacy classification of these documents.

1. Prior to the completion of any criminal proceeding, scale diagrams shall be classified as confidential.
2. Subsequent to any criminal proceeding, scale diagrams shall be classified as private.

<b>Approved:</b>  <b>Signed 07/01/1996</b>  _____ <b>Colonel Mike Chabries, Chief</b> <b>Minnesota State Patrol</b>	<b>I have read and understand this General Order.</b>   _____ <b>Signature</b>
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# GENERAL ORDER

	<b>Effective:</b> July 31, 2023	<b>Number:</b> 23-60-003
	<b>Subject:</b> CRASH ATTENDANCE, INVESTIGATION, ENFORCEMENT	
	<b>Reference:</b> Minn. Stat. secs. 168B.035, subd. 4; 299D.03	
	<b>Special Instructions:</b> Rescinds General Order 22-60-003	<b>Distribution:</b> A,B,C,D,E

## I. POLICY

The policy of the Minnesota State Patrol is to provide assistance as requested or required to all parties involved in a traffic crash, provide necessary first aid to the injured, and assist in the exchange of information between parties. In addition, the State Patrol will accurately and thoroughly complete all required forms and reports as outlined in this General Order for the investigation of the crash. The investigation and reporting requirements are intended to determine the causes, times, and places of crash-causing violations in order to:

- implement selective enforcement action
- obtain data for traffic and highway engineering improvements
- protect the rights of the individuals involved
- utilize data to improve traffic safety and driver education
- aid in prosecutorial decisions

The State Patrol will take enforcement action in each instance where the facts developed in a motor vehicle crash investigation establish the elements of an offense which caused or contributed to the crash.

## II. ALL CRASHES

### A. Members

1. Response to motor vehicle crashes shall be expeditious with due regard for safety of members of the State Patrol and the general public. Required emergency lights and siren shall be used when it is necessary to request the right of way or exceed the speed limit.
2. Patrol units and other warning devices shall be used to protect the crash scene.
3. Traffic direction should, as much as possible, be utilized to provide safe and expeditious movement of traffic around the scene. Care must be taken to minimize congestion caused by drawing attention to the crash scene.
  - a. The investigation of crashes/events involving moveable vehicles shall be removed from the main freeway or highway as soon as possible, and crash investigation sites shall be used, where available. Squad car push bumpers, tow trucks and MnDOT units are to be used to expedite the process in appropriate circumstances.
  - b. Reopening a lane or roadway blocked by a crash/event shall be considered an agency priority.
    - i. This priority shall not compromise the safety of the scene or the investigative process.
    - ii. The provisions of Minn. Stat sec. 168B.035, subd. 4 (Quick Clearance) shall be utilized in applicable events within MnDOT's eight-county metropolitan district.
    - iii. Any extended highway or freeway closure shall be reported to the on-duty or on-call district supervisor. The district supervisor shall contact the on-call Major for a prolonged highway or freeway closure that will cause significant travel delays.
4. Determine the presence and degree of injuries and, when necessary, provide care to the injured and summon medical assistance. If a member needs to retain the driver's license of an injured person, the remaining personal property should be left with the person because it may contain pertinent medical information.

5. If a major crash investigation is required ( multiple fatalities, serious school bus crash, hazardous material incident, extraordinary property damage, etc.), use the Communications Center to request the specialists (i.e. MSPCRS, CVI, DRE, forensic mapper) or to make notifications to the National Transportation Safety Board (NTSB). Unless it is absolutely necessary, do not remove any of the vehicles or evidence prior to the arrival of the specialists.
  6. Request tow services when necessary.
  7. Identify drivers, passengers and witnesses for subsequent interviews.
  8. Photographs shall be taken in accordance with GO 20-017 (Photographs).
  9. Interview and record statements from all principals and witnesses when appropriate.
  10. In the CAD event record, include preliminary information such as vehicle license plate numbers, driver's license numbers for all involved drivers, names of injured parties, and a brief description of the crash for those involving fatalities, serious injuries, or state units.
  11. Notify MNDOT, property owners, and public utilities of damaged property. Document case number, date of incident, location of property and description of damaged MNDOT asset(s) by utilizing the electronic yellow tag map within MnCrash.
  12. Pursuant to *Railway Labor Executives' Association v. Tschida* (1988 D. Minn.), do not conduct substance testing of train crews involved in a train crash. Railroad workers are covered by other testing requirements by the Federal Railroad Administration (*Skinner v. RLEA*, 489 U.S. 602, 1989).
  13. Complete applicable forms or reports listed in Section VII, Data Reporting (crash reports, supplemental reports, etc.).
  14. Respond professionally to on-scene media requests with basic public incident information.
- B. Radio Communication Operators
1. Complete an entry on the Media Web Page for the following types of crashes:
    - a. Serious injury, fatal or otherwise high-profile crashes.
    - b. Injury crashes involving someone transported to a hospital via ambulance, with the exception of Districts 2400 and 2500.
    - c. MSP state unit crashes.
  2. Notify NTSB for the following types of crashes:
    - a. School bus crashes resulting in injury or death to a student passenger;
    - b. Public or charter bus crashes resulting in death or injury to the occupants;
    - c. Railway crossing crashes resulting in two or more deaths or involving a commercial vehicle;
    - d. Heavy truck crashes resulting in two or more deaths;
    - e. Crashes resulting in five or more deaths.

### III. SERIOUS INJURY/FATAL CRASHES

- A. Members
1. Prepare a field sketch and measure the crash scene, or mark all physical evidence relating to the crash for measurements at a later time provided weather conditions will not disturb such markings.
  2. All digital files, audio recordings, and video recordings taken at the serious injury/fatal crash scene are to be immediately turned over to the Investigating Member.
  3. Work with the coroner or hospital staff to ensure that next-of-kin are expeditiously notified in all fatal crashes. Whenever possible, notification should be made in person by a member of the State Patrol or another law enforcement agency. Troopers making notification shall provide a copy of the State Patrol's handbook titled "A Guide for Grieving Families" at the time of notification. If notification cannot be made in person, Troopers shall notify their District/Section Office and the District/Section Commander shall ensure a copy of the handbook is mailed to the victim's next-of-kin as soon as possible.
  4. A Serious Injury/Fatal Crash File (PS-1844) should be properly completed, as it is intended to provide a complete, professionally prepared case study of the crash for anyone having a need for such information. For example, when the prosecutor examines the file, they will be able to determine if criminal charges are possible as well as what specific charge or charges should be involved. As applicable, the file should include, but is not limited to the following:

- a. MnCrash Report
  - b. Statement Form (not commonly used)
  - c. Echarging packet which includes BTA, Temp DL, Temp Registration, Test Results and Forfeiture forms.
  - d. Field Sketch
  - e. Scale Diagram/Forensic map
  - f. Crash Reconstruction Report
  - g. TraCS Report(s) primary and supplementals
  - h. Any supplemental reports from assisting allied agencies.
  - i. Photographs, audio, and video
  - j. Coroner's Report
  - k. Fatal Traffic Crash Investigation Release
  - l. Other relevant data and reports (e.g. Post-crash CVI Report or Event Data Recorder reports)
5. Completion of Reports
- a. Initial MNCrash reports for fatality crashes must be completed before the end of the Investigating Trooper's shift. Amended reports will be submitted without delay to make the final report accurate.
  - b. Use the checklist on the front of the Serious Injury/Fatal Crash Investigation file to indicate when items are completed and entered into the file.
  - c. The Investigating Member or District Investigator (when applicable) shall be responsible for compiling all appropriate reports. The member shall submit originals and/or copies of all reports to the District/Section Office where they will be maintained until completion of both criminal and civil court activity.
  - d. In cases where a certain report or reports are not going to be completed (see list—III, A, 4) a memo noting such omissions shall be written and included in the original case file. The memo shall include the reason for exclusion (temporary or permanent) of any of the listed reports.
1. Upon completion of the investigation, the Investigating Member or a District/Section Supervisor familiar with the crash should contact the next-of-kin to discuss the results of the investigation.
- B. District/Section Supervisors
- 1. Review the Serious Injury/Fatal Crash File for thoroughness and accuracy, and to ensure that all of the items on the checklist have been received.
  - 2. MNCrash reports for fatal crashes must be approved within two business days of the crash occurrence.
- C. District/Section Commanders
- Review the Serious Injury/Fatal Crash File and sign off on the file checklist indicating that all required forms have been received, are thorough and accurate, and are on file.

#### **IV. MOTOR VEHICLE V. ANIMAL CRASHES**

- A. It is the policy of the Minnesota State Patrol to investigate motor vehicle v. animal crashes and complete a MnCrash Report only when: 1) requested to document property damage; or 2) if the crash involves personal injury or death to a person. Troopers should not be dispatched to animal crashes solely for the purpose of issuing car kill deer possession tags.
- B. Members
- 1. Investigate all motor vehicle v. animal crashes required by law (injury or death to a person) and complete a MnCrash Report.
  - 2. If responding to a non-reportable motor vehicle v. animal crash, enter the license plate of the involved vehicle and the driver information into the supplemental info data and brief comments into the CAD event remarks.
  - 3. Complete and issue a TraCS car-kill deer possession permit if someone wants to keep a deceased deer.
- C. Radio Communications Operators
- 1. Dispatch a member to the scene of a motor vehicle v. animal crash only if:
    - a. a person is injured;
    - b. the vehicle is disabled (respond as if it were a stalled vehicle);
    - c. debris is blocking the roadway; or,
    - d. a Trooper's presence is requested by the caller.
  - 2. If no member is dispatched to the scene, enter the license plate of the involved vehicle and driver information into the supplemental info data and brief remarks into the CAD event. Also indicate in the event remarks that no member was dispatched to the scene, and close the event as an "advised" event.

3. Give the CAD event number to the caller to assist with their insurance claim.

#### D. District/Section Offices

1. Upon request, District/Section Offices will provide involved citizens or their legal representative a properly redacted copy of the CAD event documenting the incident.

### V. COMMERCIAL MOTOR VEHICLE CRASHES

#### A. Members

1. If a *commercial vehicle* (includes coaches, school buses, and head start buses) is involved in any of the following, a post-crash inspection is required:
  - a. fatality;
  - b. bodily injury with immediate medical treatment away from the scene of a crash;
  - c. one or more of the vehicles involved in the crash receives damage that results in the vehicle having to be towed from the scene.
2. If the crash involves the circumstances listed above, ask dispatch to contact a Commercial Vehicle Inspector.
3. It is unlawful to operate a commercial vehicle after a crash with the circumstances listed above unless the vehicle has been inspected or a waiver of inspection has been issued by a member of the State Patrol. Members may issue a waiver when it appears clear that equipment defects on the commercial vehicle could not have played a part in the crash or the inspection cannot be accomplished within a reasonable time. The CMV waiver found in TraCS is to be used for this purpose.
4. Unless absolutely necessary, do not allow anyone to mechanically “back off” brakes or manipulate the brakes in any way prior to the inspection. If the brakes are locked and the vehicle must be towed, try to run the engine, externally introduce air into the brake system, or instruct the tow operator to “cage” the brakes.  
This is intended to make it possible to move the vehicle and preserve the brake integrity for an inspection at a later time.
5. Give a copy of the crash report to the Commercial Vehicle Inspector for attachment to the post-crash inspection report.
6. Hazardous or Pollutant Material Issues - Ask the Dispatcher to make the necessary contacts (Minnesota Duty Officer, Pollution Control Agency, hazardous materials response teams, etc.) when a crash results in pollutant spillage or hazardous material exposure.

#### B. Radio Communication Operators

If an inspector is needed to conduct a post-crash inspection on Saturday, Sunday, a holiday or after normal business hours, contact the 4700 on-call lieutenant.

### VI. RECREATIONAL VEHICLE CRASHES WITHIN HIGHWAY RIGHT-OF-WAY

When attending a crash involving a recreational vehicle (snowmobiles/ATV's/off-road motorcycles and vehicles) occurring within the right-of-way of a state highway, troopers will adhere to all MSP General Orders relating to motor vehicle traffic crash investigation, including completion of a MnCrash Report.

### VII. ENFORCEMENT

Enforcement action should be taken in each instance where the facts developed in a motor vehicle crash investigation establish the elements of an offense which caused or contributed to the crash. The initiation of the court action is to be taken as early as practicable following the investigation.

- A. If sufficient facts are known or available at the crash scene, a Uniform Traffic Citation must be issued to the offender at that location. The member shall provide a verbal explanation of the charge and court appearance requirements.
- B. If it appears likely that enforcement action will be taken but additional investigation or consultation with a prosecutor is necessary, advise the offender of that fact and inform them that they will be notified by mail of the outcome of the investigation.
  1. If a charge is filed, attach a copy of the administrative electronic citation to a letter detailing all pertinent information relating to the charge. A copy must be forwarded to the District/Section Commander.
  2. If no charges are forthcoming, a notification letter is to be sent to the driver at the completion of the investigation.
  3. If no charges were contemplated but additional facts come to light that make the filing of charges necessary, follow the policy outlined in B1 above.

- C. In the following instances, court action is to be initiated by a formal complaint process through the Prosecutor's Office:
1. Any serious injury/fatal crash;
  2. Any crash where more than 20 days have elapsed without a citation being issued;
  3. In any jurisdiction that will not accept a uniform traffic citation.

## VIII. DATA REPORTING

### A. Members

1. MnCrash Reports - except for fatality crashes that require a report submitted the day of the crash, MnCrash Reports shall be completed and electronically submitted to the District/Section Office within four days of the incident, unless prior approval has been given by the District/Section Commander. Do not hold up the submission of this report by waiting for the completion of other Serious Injury/Fatal Crash File reports. Supplemental or amended reports may be submitted later, if necessary.
2. DWI Arrest Report and Other DWI Related Forms must be used whenever alcohol and/or drugs are factors in the crash. They include, but are not limited to: Implied Consent Advisory, Notice and Order of Revocation/Temporary Driver's License, breath test results or other analysis reports. (Should another agency require the original, a copy must then be placed in the file).
3. A BCA Ethyl Alcohol/Drug Examination Report should be obtained from the BCA upon completion of their examination. The submission of Serious Injury/Fatal Crash File is not to be held up pending receipt of this report.
4. A Field Sketch should be made at the scene by the Investigating Member. Sufficient information must be documented on the field sketch so that a scale diagram can be made.
5. Scale Diagram/Forensic Map data is to be collected on all serious injury or fatal crashes.
6. A Reconstruction Report shall contain a list of the facts, logic and/or math used to state the reconstruction specialist's opinion.
7. A Case Summary (TraCS Report) should be a detailed narrative account of the facts determined by the Investigating Member. It should include the names of the witnesses, available physical evidence, observations and other relevant facts, as well as the investigator's conclusions.
8. Supplemental TraCS Report
  - a. All members assisting the Investigating Member shall prepare a Supplemental TraCS Report utilizing the same number as assigned the investigator. The supplementary report shall indicate the assisting member's participation in the crash investigation or reason for being on the scene; in addition to any observations made or other information collected that may benefit the crash investigation, future prosecution, or anticipated court action. This Supplemental Field Report shall be submitted to the investigator for inclusion in the Serious Injury/Fatal Crash File.
  - b. Any member assisting at another agency's serious injury/fatal crash investigation shall complete a Field Report in TraCS. The report shall be forwarded to any agencies assisted by the Patrol.
  - c. If a representative from another agency assists at a Patrol investigated serious injury/fatal crash, request a copy of their incident report or if that agency has none, encourage them to submit a report on the MSP case number to the investigating member or case manager.
9. A Coroner's Report or Death Certificate must be obtained from the Coroner following completion of the examination. The submission of the Serious Injury/Fatal Crash File is not to be held pending receipt of this report.
10. A Fatal Traffic Crash Investigation Release is to be completed by the prosecuting attorney, at the request of the member, where there is at least one surviving driver involved in a fatal crash. This will accelerate the review of the fatal crash file. Once completed, this form will indicate that either criminal prosecution is not warranted or has been completed by the prosecuting attorney, thereby authorizing the release of a closed criminal investigation.

### B. District/Section Commanders or Designee

1. Review reports (including MnCrash Reports) for thoroughness, accuracy, and compliance with policy.
2. Approve non-fatality MnCrash Reports in order to comply with the ten day (after the incident) statutory reporting requirements. Fatality crashes must be approved within two days of the occurrence. (Note: all approved MnCrash Reports are available in the DVS database.)




**IX. DATA CLASSIFICATION**

All information gathered during an investigation, including photos, video and audio recordings, notes, measurements, and statements are criminal investigative data and shall be treated as described in GO 10-025 and the Minnesota Data Practices Act (Minn. Stats. Chap. 13).

**APPROVED:**  
**SIGNED 7/31/2023**  
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**Colonel Matthew Langer, Chief**  
**Minnesota State Patrol**

# GENERAL ORDER

	<b>Effective:</b> March 15, 2013	<b>Number:</b> 13-60-004
	<b>Subject:</b> CRASH INTERVIEW AND CIVIL COURT APPEARANCE POLICIES	
	<b>Reference:</b>	
	<b>Special Instructions:</b> Rescinds General Order 07-60-004	<b>Distribution:</b> G

## I. POLICY

The policy of the Minnesota State Patrol is to respond to requests for interviews and civil court appearances arising from official activities, and to ensure employees are uniformly compensated for this service.

## II. PROCEDURE

- A. In the interest of providing maximum service to the public, interviews and civil court appearances resulting from State Patrol official activities shall be conducted on off-duty time. In unusual circumstances, the district/section commander may authorize duty time for a civil court appearance, deposition, or interview.
- B. Compensation for a State Patrol member's off-duty time pursuant to this General Order is at the applicable hourly rate or any portion thereof (without vehicle) for State Patrol members as listed in GO 20-031 (Escort and Contract Rates). Compensation should include the time to travel to and from the interview/court appearance, with a one hour minimum.
- C. If a party demands appearance and refuses to pay fees and mileage as described in this General Order, employees must honor the subpoena and notify their district/section commander.
- D. Mileage for personal automobile use is reimbursable at the current rate permitted by the appropriate work agreement.
- E. This policy has no application to:
  1. drivers or family members seeking necessary crash information or making informal inquiry relative to crash facts;
  2. insurance adjusters representing the state of Minnesota fleet insurance carrier, when contacted, while on duty; or
  3. Attorney General's office staff.

## F. RESPONSIBILITIES

- A. **Employees**
  1. In all instances of compensated *off-duty* interviews or civil court appearances, a completed Off-Duty Interview Report shall be submitted to the district/section commander.
  2. Any fee payment received for interviews, depositions, or appearances while *on-duty* shall be endorsed to the Commissioner of Public Safety and given to the district/section commander.
- B. **District/Section Commander**
  1. File the Off-Duty Interview Report in the employee's district supervisory file.

Approved:

SIGNED 3/15/2013

Colonel Kevin P. Daly, Chief  
Minnesota State Patrol

# GENERAL ORDER



<b>Effective:</b>	May 25, 2017	<b>Number:</b>	17-60-007
<b>Subject:</b>	<b>MOTOR VEHICLE CRASH RECONSTRUCTION AND REPORTING</b>		
<b>Reference:</b>	60-002 and 60-003		
<b>Special Instructions:</b>	Rescinds GO 16-60-007	<b>Distribution:</b>	A,B,C,D

## I. PURPOSE

To establish rules for the training, certification, decertification, crash reconstruction reporting, total station/forensic mapping system assignment and use, and the activities of the Crash Reconstruction Advisory Board of Minnesota State Patrol personnel designated as Minnesota State Patrol Accident Reconstruction Specialists (MSPARS).

## II. SCOPE

The utilization of the MSPARS is a support effort in identifying the causal factors in serious/fatal motor vehicle crashes. The use of the MSPARS to assist in the investigation of such crashes is critical for successful criminal and civil court actions. The following procedures are not intended to relieve the investigating troopers of their individual reporting and investigating responsibilities, and shall apply to all crashes reconstructed by troopers certified as MSPARS.

## III. QUALIFICATION

The minimum training standards for qualification as a MSPARS are one of the following:

- A. Satisfactory completion of a Minnesota State Patrol-sponsored crash reconstruction course.
- B. Satisfactory completion of a crash reconstruction course consisting of a minimum of 80 hours that is sponsored by an outside law enforcement agency and approved by the crash reconstruction coordinator and the Director of Training.
- C. Satisfactory completion of a crash reconstruction course consisting of a minimum of 80 hours that is sponsored by an academic institution utilizing instructor(s) and/or curriculum approved by the crash reconstruction coordinator and the Director of Training.

## IV. CERTIFICATION

The Minnesota State Patrol may certify State Patrol personnel who have satisfactorily completed any of the above academic courses and completed one of the field performance requirements of the State Patrol crash reconstruction program as specified in IV, A or B.

- A. Provide expert testimony in criminal or civil court in reference to crash reconstruction.
- B. Complete one year of field experience in crash reconstruction and pass a certification test provided by the crash reconstruction coordinator OR the final exam provided by the training institution (scores reported as pass/fail only).
- C. In order to continue to hold the designation of a certified MSPARS, each MSPARS must complete the following:
  1. Each year attend a minimum of 16 hours of crash reconstruction-related training approved by the crash reconstruction coordinator and the Director of Training.
  2. Each year all MSPARS shall complete and submit a minimum of five (5) comprehensive crash reconstructions to the appropriate district office and/or prosecutor.
  3. Every two (2) years satisfactorily complete a recertification exam. This exam will cover all aspects of the field of crash reconstruction. This test may replace one of the training sessions and will qualify as part of the sixteen (16) required hours of training. Scores will be reported as pass/fail only.

## V. DECERTIFICATION/REINSTATEMENT

- A. MSPARS will be decertified if they fail the recertification test as specified above. Those decertified in this manner may be resonated if they complete one of the following:
  - 1. Pass a retest that would be scheduled no more than 60 days after the original test
  - 2. Satisfactorily complete a qualifying crash reconstruction course as designated in this General Order.
- B. MSPARS may all be decertified for the following:
  - 1. Exhibiting in reports or court testimony a disregard for, or a misunderstanding of, Newton's Laws of Physics used in the reconstruction of traffic crashes.
  - 2. Violating General Orders or Chief's Memos pertaining to crash reconstruction.
  - 3. Failure to submit required reports in a timely manner.
    - a. Crash reconstruction reports to the district office and to the appropriate prosecutor.
    - b. Reconstruction application (web based MSPAR log) shall be completed as specified in IX. A.
  - 4. Giving test answers that violate the laws of physics, i.e., combining speeds which are not combinable.
  - 5. Failure to promptly respond to crash reconstruction assignments as requested.
  - 6. Failure to attend authorized and/or elective reconstruction training approved by the crash reconstruction coordinator.
  - 7. Failure to complete a minimum of five comprehensive crash reconstructions as described in IV.C.2.
- C. MSPARS who are decertified under this General Order or voluntarily resign their specialist designation will be notified in writing. A copy of the decertification notice will be entered into the trooper's personnel file.
- D. In order to be reinstated into the MSPARS program, a decertified member must satisfactorily complete an approved crash reconstruction course(s). However, MSPARS who have voluntarily resigned may be granted a one-time opportunity during the first year after their resignation to be reinstated by passing the recertification test.

## VI. MISCONDUCT

Allegations of MSPARS misconduct under this General Order shall be referred to the Director of Training and the crash reconstruction coordinator for review. If they feel no misconduct has occurred, the complainant will be advised of the decision. If they believe misconduct has occurred, a complaint with the recommendations will be forwarded to the Internal Affairs Division for a complete investigation. If the allegations of misconduct are sustained, the MSPARS will be decertified and disciplinary proceedings will follow the normal contractual guidelines.

## VII. INACTIVE STATUS

Certified MSPARS on special assignment, extended sick leave, military leave or other approved leaves of absence may make a request through the chain of command to the State Patrol Chief for temporary inactive status as a MSPARS. If granted, the inactive status shall remain in effect until such time as the MSPAR applies for reinstatement or chooses to be decertified. A MSPAR seeking reinstatement shall make the request in written format to the crash reconstruction coordinator. Prior to reinstatement the inactive member shall pass a recertification test administered by the crash reconstruction coordinator. Upon successful completion of the test the member shall be reinstated as an active MSPARS and will be required to attend the first available reconstruction in-service training authorized by the reconstruction coordinator.

## VIII. CRASH RECONSTRUCTION REQUESTS

- A. On-duty requests for services of the MSPARS from agencies or troopers/officers wherein criminal prosecution is anticipated or assistance is needed in the investigation shall be directed to the district commander/designee for approval. Requests by other agencies for the Metro Crash Reconstruction Team (MCRT) shall be directed to the Commander of the Investigative Service Section. The district

commander/designee may send an on-duty district MSPARS, call out an off-duty district MSPARS, or request the services of a MSPARS from another district as the circumstances warrant.

- B. Off-duty requests made directly to a MSPARS for services on an off-duty basis by law firms, insurance companies, etc., must be approved by the crash reconstruction coordinator prior to beginning any action. Upon approval, the coordinator will issue the requesting MSPARS an identification number which will be permanently assigned to that reconstruction. Prior to issuing an identification number, the coordinator will insure that MSPARS do not:
  - 1. Become involved in cases where an on-duty State Patrol trooper was the investigating trooper or MSPARS.
  - 2. Become involved in civil cases where criminal action is still pending.
  - 3. Become involved in a civil case where the defendant is the State of Minnesota.
  - 4. Become involved in a civil case where the defendant is a law enforcement agency or peace officer involved in the performance of their duties.
  - 5. Become involved in any crash where they have had previous involvement on an on-duty basis.
  - 6. This includes any crash where the MSPARS was physically present at the scene, regardless of their role.
- C. Requests for services of the MSPARS on an off-duty basis by law firms, insurance companies, etc., that are directed to the crash reconstruction coordinator will be assigned to the MSPARS requested, with an identification number designated. In the event that no specific MSPARS is requested, the coordinator will ensure that the assignment is made on an equitable basis with the following criteria in mind:
  - 1. Crash location.
  - 2. Station assignment of the MSPARS.
  - 3. Volume of work that the MSPARS has pending.
  - 4. Availability of the MSPARS (work status due to military leave, vacation or sick leave).
- D. If, through the process of the MSPARS work, it is determined that a violation of section VIII, A or B (above) may surface, all work shall cease immediately. No report, whether verbal or written, shall be made. The Director of Training and the crash reconstruction coordinator shall be notified immediately and kept apprised of the situation.
- E. If, through the process of the MSPARS work, it is determined that the initial investigating agency/officer made an obvious error in their initial investigation, or that another MSPARS made an obvious error in their reconstruction, the coordinator shall be notified immediately. The crash reconstruction coordinator will notify the Director of Training reference the error.

#### **IX. CRASH RECONSTRUCTION CASE AND SPECIALIST TRACKING**

- A. MSPARS shall enter all new cases into the recon application by the end of the shift in which the investigation was initiated. In the event the investigation extends the MSPARS' past there regularly scheduled shift, the recon application shall be updated at the beginning of the MSPARS' next regularly scheduled shift.
- B. The Director of Training and the crash reconstruction coordinator will prepare and submit to the chief a yearly crash reconstruction report which will include summaries of all data received in connection with the MSPARS program.
- C. The Director of Training will maintain a current list of certified MSPARS. A copy of the list will be provided to each district/section commander upon request.

#### **X. CRASH RECONSTRUCTION ADVISORY BOARD**

- A. The Crash Reconstruction Advisory Board is to act as an advisor to the State Patrol Chief in policy formation and oversight of the State Patrol Crash Reconstruction Program. The Advisory Board may review suggestions for crash reconstruction policy changes, equipment needs and training initiatives.
- B. The Advisory Board shall consist of the following members:

1. Major as selected by the Chief
  2. Director of Training
  3. Lieutenant of Training and Development Section or other selectee
  4. Crash Reconstruction Coordinator
  5. Four MSPARS from different patrol districts (serving two-year terms)
- C. The State Patrol Chief may convene a Crash Reconstruction Advisory Board meeting at any time.
- D. The Advisory Board will meet a minimum of twice yearly. After each meeting, a memo outlining meeting activities shall be sent to the Major overseeing Training and Development.

## **XI. FORENSIC MAPPING**

Total Station/Forensic Mapping Equipment will be assigned to trained Forensic Mapping Specialist(s) in each State Patrol District. These specialists will be responsible for the care and maintenance of the Forensic Mapping equipment.

- A. Utilization: It is the policy of the State Patrol to utilize Forensic Mapping technology to measure crime/incident scenes whenever possible in the following situations:
1. All traffic crashes which require a scale diagram to be completed as described in GO 60-002.
  2. Traffic crashes and crime scenes for other Law Enforcement Agencies and for civil cases involving any governmental agency if approved by a State Patrol Supervisor.
- B. Procedure
1. A Forensic Mapping Specialist should be immediately called to the scene of any crash/incident where evidence cannot be preserved for measurement at a later time.
  2. A Forensic Mapping Specialist should be called to the scene of all situations that are designated as a Major Crash Investigation.
  3. When circumstances prohibit the response of a MSPARS and/or Forensic Mapping Specialist, the investigating trooper should refer to GO 60-003.
- C. Turn-in
- Any MSPARS who leaves the program or otherwise is required to turn in crash reconstruction equipment shall do so only to the Crash Reconstruction Coordinator or his/her designee

## **XII. SENSING AND DIAGNOSTIC MODULES/RESTRAINT CONTROL MODULES**

MSPARS shall determine if vehicle diagnostic recording devices should be downloaded to obtain information relevant to an investigation. If downloading the information is believed to be evidentially valuable, the following requirements must be met:

- A. No Crash Data Retrieval (CDR) Image/download shall be used to substantiate factors in any investigation without supporting crash reconstruction documentation.
- B. In articulable exigent circumstances, the download may be done without consent and/or a search warrant.
- C. Absent articulable exigent circumstances, a download shall only occur after a search warrant or documented consent from the vehicle's owner has been obtained.
- D. If the module is removed from the vehicle, the module shall be held as evidence in the case.
- E. A supplemental report shall be completed. The supplemental and CDR reports will both include the notation: "The data contained within this EDR report was obtained to be retained as evidence. A verification of accuracy of the information herein has not been performed. Before this data can be relied upon, a complete situational reconstruction must be completed to substantiate the data recovered."
- F. MSPARS shall be formally trained and remain current in the equipment and software they are operating.

### **XIII. CRASH RETRIEVAL ANALYST**

- A. The position of Crash Data Retrieval (CDR) analyst will be filled by a crash reconstruction specialist who has demonstrated a high level of knowledge/proficiency with CDR. The Analyst shall:
1. Report directly to the Investigative Services Section supervisor.
  2. Accurately report and document all data retrieved, collected and analyzed in conjunction with all applicable reconstruction investigations.
  3. Distribute requests for CDR investigation/interpretation to certified MSP CDR Analysts. The reconstruction application will be used to equally distribute caseloads between analysts.
  4. Assist CDR analysts/technicians or allied agencies with CDR-related inquiries as needed.
  5. Provide continuing education training to all MSP CDR analysts and technicians.
  6. Maintain all CDR equipment (repairs, purchases) through coordination with the Crash Reconstruction Coordinator. Distribute all software updates and licensing keys to all MSP CDR personnel as they become available.
  7. Review a minimum of two CDR analysis reports from each certified analyst yearly. Report to the Crash Reconstruction Coordinator any issues/concerns which arise as a result of these annual reviews.
- B. The CDR analyst is not required to complete the yearly requirement of five comprehensive crash reconstructions, as specified in section IV-C-2, provided that he/she is ACTAR accredited and meets all continuing education requirements to maintain the accreditation.

### **XIV. RECONSTRUCTION COORDINATOR**


- A. The position of the Crash Reconstruction Coordinator will be filled by an experienced reconstruction specialist who is ACTAR accredited. The Coordinator shall:
1. Report directly to the Director of Training or other designated TDS supervisor.
  2. Coordinate all training and equipment needs for collision investigations and crash reconstruction for the Minnesota State Patrol.
  3. Review sensitive, high-profile, and otherwise directed crash reconstruction reports prior to submission for prosecution.
  4. Review at least two complete reconstruction reports from each MSPARS annually.
  5. Provide assistance as needed to any MSPARS or allied agencies relating to collision/reconstruction investigations.
  6. Continually work to improve the quality and efficiency of the crash investigation/reconstruction program.
  7. Complete a report on the reconstruction program and provide it to the Director of Training annually.
- B. The Crash Reconstruction Coordinator is not required to complete the yearly requirement of five comprehensive crash reconstructions, as specified in section IV.C.2, provided that he/she is ACTAR accredited and meets all continuing education requirements to maintain the accreditation.

**Approved:**

**SIGNED 5/25/2017**

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**Colonel Matthew Langer, Chief  
Minnesota State Patrol**

# GENERAL ORDER

	<b>Effective:</b> July 15, 2022	<b>Number:</b> 22-60-009
	<b>Subject:</b> STATE UNIT DAMAGE	
	<b>Reference:</b> General Orders 10-045, 20-012, 60-003	
	<b>Special Instructions:</b> Rescinds General Order 21-60-009	<b>Distribution:</b> G

## I. POLICY

The policy of the State Patrol is to utilize uniform reporting procedures for all damage to State Patrol units and to review all incidents involving damage to a state unit to ensure policies and laws are followed. The goal is to minimize damage to state units and hold employees accountable for their driving behavior or any negligent acts that cause damage.

## II. DEFINITIONS

### A. Crash

Any unintended event that produces injury or damage involving a motor vehicle, including striking an animal, when the state unit is in motion or struck by another vehicle.

### B. Damage

Any damage to a vehicle or its equipment.

### C. Legal Intervention

An intentional intervention such as pushing stalled vehicles, or the application of a Pursuit Intervention Technique (PIT) or intentional contact pursuant to General Order 20-012.

### D. Injury

Any personal injury including fatal injury.

### E. Preventable Damage

Any damage sustained by a State Patrol vehicle which the responsible employee did not do everything within reason to avoid the damage. Preventable damage might occur as the result of a preventable crash, or as the result of another negligent act that directly contributes to damage on a state unit. This classification is based on whether or not damage could reasonably have been prevented or avoided, and if the sustained damage was necessary to achieve a justifiable objective.

### F. Non-preventable Damage

Any damage sustained by a state patrol vehicle which the responsible employee could not have foreseen or done anything differently to prevent the damage from occurring. Non-preventable damage may occur as the result of a non-preventable crash, or an incident which is beyond a State Patrol employee's immediate control (examples: weather, vandalism, glass breakage due to vehicle stress, or windshield chips caused by objects thrown up from the ground) and was not reasonably avoidable by the driver or person to whom the unit is assigned if unoccupied.

### G. State Unit

All state-owned vehicles operated by State Patrol employees.

### H. Preventable Crash

A crash in which the employee did not do everything within reason to avoid the crash. This is based on whether or not the crash could have been prevented or avoided by the driver in question, not who was primarily responsible or at fault.

### I. Non-Preventable Crash

A non-preventable crash is one in which the employee could not have foreseen the crash nor done anything reasonably differently to prevent the crash from occurring.



### III. GENERAL

#### A. State-Owned Vehicles

1. All state-owned vehicles are self-insured by the state of Minnesota.
2. The Certificate of Self-Insurance number is **A-1046**. This identification number should be used to comply with all insurance disclosure information.
3. A certificate of Self-Insurance card indicating current insurance coverage identification shall be carried in the insured vehicle at all times.

#### B. Privately-Owned/Leased Vehicles

1. Members of the State Patrol shall work in issued, state-owned vehicles only unless prior authorization has been granted by the employee's District/Section Commander.
2. Privately-owned vehicles used for official duty are not covered by state insurance.
3. Commandeered vehicles are covered in like manner as are state-owned vehicles.

#### C. Claims

A claims service agency is on state contract for adjusting all crash liability claims resulting from the operation of state-owned vehicles. All inquiries regarding crash liability claims should be referred to the state contract adjuster. The Fleet Section can provide current contact information.

### IV. CRASH REPORTING PROCEDURES

#### A. Involved Employee Responsibilities

1. Immediately notify the supervisor and communications operator of any crash involving a state unit operated by a state patrol employee.
2. Reporting Requirements: All crashes involving a state unit require the following reports. For a crash involving an animal, follow the reporting procedures in section V (Damage).
  - a. A TraCS Report must be submitted prior to the end of the member's shift, unless approval is provided by a supervisor. Non-sworn employees, other than CVIs and Capitol Security Officers, may submit a memo in lieu of a TraCS Report to describe the circumstances surrounding the crash.
3. The involved member must ensure that dispatch is provided with details for Media Web entry of any crash involving a state unit prior to the end of the shift.

#### B. Investigating Trooper Responsibilities

1. Reporting Requirements: All crashes involving a state unit require the following reports. For a crash involving an animal, follow the reporting procedures in Section V (Damage).
  - a. A MnCrash Report with case number submitted by the Investigating Trooper. The Investigating Trooper shall not be involved in the crash. The report must be submitted prior to the end of the member's shift, unless approval is provided by a supervisor. Any at-fault actions by all drivers, including employees, must be documented in the MnCrash Report. In order to facilitate restitution and for clear tracking, a MnCrash Report is required in all cases except the following:
    - i. Damage was not from a crash as defined in this General Order
    - ii. Damage as a result of a crash with an animal (unless a personal injury occurs)
    - iii. Damage sustained during EVOC training (unless a personal injury occurs)
  - b. A TraCS Report.
  - c. Photographs and any video (BWC and squad) of the crash scene and damage.
  - d. Scale drawing when required.
  - e. Serious Injury/Fatal Crash File (PS-01844) in all serious injury and fatal crashes pursuant to General Order 60-003 (Crash Attendance, Investigation, Enforcement).
2. The Investigating Trooper shall secure vehicle insurance information, including agent name and telephone number from the other party, and inform the other party that the state is self-insured, and reference the self-insured identification number A-1046.
3. The Investigating Trooper shall attempt to record a statement from parties involved (excluding the state patrol employee) and available witnesses and document why any statement was not taken.

**C. District/Section Commander or On Call Supervisor Responsibilities**

1. Notify the on-call Major if an employee is involved in an injury or fatal state unit crash.
2. Reporting requirements: Assemble the crash reports and other pertinent information and save it in the appropriate folder on the L drive within seven days of the crash. The file shall include all documents listed in section IV-A and IV-B as well as any other pertinent information, including a copy of the squad video if one is available. Video copies and photograph copies are not required if stored in Evidence.com.
3. In cases where the cause of a crash is a violation of a traffic law by an employee, refer possible enforcement action to the appropriate prosecuting authority, and notify the appropriate Major.
4. Payment for Damages
  - a. Contact the Fleet Section for assistance, if needed, in determining claim amounts in total loss situations and/or when other state equipment will be included in the final settlement.
  - b. In all state unit crashes where the State Patrol has no apparent contributing liability, make an immediate attempt to arrange for the other driver/owner's insurance company to pay 100% of the repairs at a local repair facility. The insurance company may pay the body shop directly or:
    - i. The insurance company may make the vendor doing the repairs and the Minnesota State Patrol a co-payee on their check. The District/Section Commander is authorized to endorse this check on the behalf of the State Patrol when the work on the vehicle is satisfactorily completed.
    - ii. Forward a copy of the check and the final body shop invoice/repair order to the Fleet Section within five days of endorsement with the unit number and date of crash clearly indicated.
    - iii. All other crashes where a 100% settlement is not immediately feasible should be processed using standard purchasing procedures to initiate the vehicle repair.
  - c. When damage is incurred involving a criminal act, request that the prosecutor seek restitution from the court for any damages as a condition of the sentence imposed in those cases where the offender is known. The Fleet Section is to be advised of this court action.
  - d. Forward claims in excess of \$10,000 to MSP Headquarters.

**D. Radio Communications Operator Responsibilities**

Enter relevant information into the Media Website upon notification of a state unit crash.

**E. State Unit Damage Review Board Major Responsibilities**

1. Examine all documents to ensure the reports give a thorough, accurate description of the crash and the investigation was thoroughly completed.
2. In the event that the crash qualifies as a Critical Incident, an investigation and review must be conducted in accordance with General Order 10-045 (Critical Incidents).
3. Once compiled, forward the crash reports and other material received from District/Section Offices to the Fleet Section.

**CRASH/DAMAGE/LEGAL INTERVENTION REPORTING PROCEDURES**

**A. Involved Employee Responsibilities**

1. Immediately notify the supervisor and communications operator of any incident involving damage to a state unit.
2. A TraCS report (or memo for non-sworn employees) is required any time damage is sustained to a state unit. The report must be submitted prior to the end of the member's shift unless approval is provided by a supervisor.
3. Photographs of the damage and any evidence shall be taken.
4. Any captured video evidence shall be retained.
5. The involved member must provide dispatch with details for Media Web entry of any damage or legal intervention involving a state unit prior to the end of the shift.

**B. District/Section Commander Responsibilities**

1. For incidents listed in A, above, forward a copy of the Field Report or memo and repair estimates (if available) to the Statewide Fleet Lieutenant within seven days. The Statewide Fleet Lieutenant will prescribe the procedures for relaying the information.
  - i. For damage sustained during EVOC training, also forward a copy of the Field Report to the Director of Training as soon as possible after the incident.

**C. Radio Communications Operator Responsibilities**

Create a field event and enter relevant information into the Media Website upon notification of an incident or legal intervention.

**D. Director of Training Responsibilities**

1. Review all EVOC training events resulting in property damage with the EVOC Coordinator.
2. Refer any event involving gross negligence to the Crash Review Board.

**VI. INITIAL REVIEW PROCEDURE**

**A. Statewide Fleet Lieutenant**

1. Examine all State Unit Damage files including all associated crash or event reports, photographs, and video files.
2. May classify state unit damage and crash files that are obviously non-preventable or incurred as the result of a properly applied Legal Intervention technique, without presenting them to the State Unit Damage Review Board (i.e. proper PIT maneuvers, correctly performed push bumper damage).
3. Present all qualifying state unit damage and crash files at the next scheduled State Unit Damage Board meeting.

**VII. STATE UNIT DAMAGE REVIEW BOARD PROCEDURES**

**A. Composition**

1. The State Unit Damage Review Board will consist of three (3) members:
  - a. The State Patrol Major overseeing Fleet and Asset Management
  - b. The State Patrol District/Section Commander of the district where the damage occurred
  - c. The State Patrol Statewide Fleet Lieutenant
2. Scheduled review days will be determined by the Statewide Fleet Lieutenant.
3. Review board members may meet in person, or virtually as necessary.

**B. Board Review and Recommendations**

1. The State Unit Damage Review Board will review all applicable state unit damage and crash files, and may require additional investigation of certain cases when deemed necessary.
2. The involved employee will not appear before the State Unit Damage Review Board. The classification of the state unit damage and crashes will be determined based on the investigative reports.
3. Each event will be classified either Preventable, Non-Preventable, or Legal Intervention based on the criteria established in Section II, with a majority vote ruling.
4. When any damage or crash is classified as Preventable, the file will be forwarded to the State Patrol Assistant Chief for review and follow up including but not limited to:
  - a. Counseling by the employee's immediate supervisor or District/Section Commander
  - b. Assignment to training
  - c. Additional investigation of the crash
  - d. Discipline as appropriate

**C. Reporting of State Unit Damage Review Board Results**

1. If state unit damage is ruled as Legal Intervention or Non-Preventable, a memo will be issued by the Statewide Fleet Lieutenant and distributed as follows:
  - a. One copy to the involved employee's District/Section Commander
  - b. One copy to the Fleet Section
  - c. One copy to the involved employee
  - d. One copy to the State Patrol Assistant Chief

2. If the crash or damage is ruled Preventable, a memo will be issued by the State Patrol Chief and distributed as follows:
  - a. One copy to the involved employee's District/Section Commander
  - b. One copy to the Fleet Section
  - c. One copy to the involved employee
  - d. One copy to the State Patrol Assistant Chief

**D. Employee Crash History Records**

The Statewide Fleet Lieutenant will maintain a historical database to record employees' crash history.

**E. State Unit Damage Review Board Appeal**

If an employee disagrees with the State Unit Damage Review Board's decision, the employee may appeal in writing to the Statewide Fleet Lieutenant within 30 days. The State Unit Damage Review Board will hear the employee's rationale for disagreeing with the initial decision, consider the appeal, and issue a final ruling which will prevail.

**Approved:**

**SIGNED 7/15/2022**

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**Colonel Matthew Langer, Chief  
Minnesota State Patrol**