07-01 Transportation Collisions

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Rationale

The *Highway Traffic Act* (HTA) defines circumstances where collisions are reportable and has developed provincial forms to be submitted. This Procedure establishes the criteria, responsibility and process for investigating collisions in accordance with the HTA, *Ontario Regulation 392/23, Adequate and Effective Policing (General)* made under the *Community Safety and Policing Act* (CSPA), and the best practices for the Toronto Police Service (Service).

Supervision

- Supervisory Officer mandatory attendance
  - collision involving a Service vehicle
  - life threatening injury/fatality
- Supervisory Officer mandatory notification
  - collision involving a Service vehicle
  - life threatening injury/fatality
  - when requesting expert mechanical examination of a motor vehicle

Procedure

The Service is responsible for ensuring the safe and efficient flow of traffic on city roads. When investigating traffic collisions involving only property damage or where minor injuries are sustained, officers shall identify and collect evidence and remove involved vehicles and debris from the roadway as soon as practicable to reduce traffic disruption to the community. Police officers shall only consider road closures as a measure of last resort.

Reporting

The HTA defines the duty of persons to report a collision and provides for police officers to direct persons to report to another specified location forthwith [i.e. Collision Reporting Centre (CRC)]. The Ministry of Transportation (MTO) has developed a Motor Vehicle Collision Report Manual to assist in collision investigations and provincial forms to be submitted.

The SRLD401 eReport shall be completed for the following collisions

- when reportable under the HTA

- when dictated by Service Governance under At–Scene investigation criteria
- personal injury collisions when parties attend at the CRC.

For property damage collisions reported at the CRC, the MTO has approved the SRLD418 for use by CRC officers only.

At–Scene Investigation Criteria

Police officers who are dispatched to or come upon the scene of a collision that meets the At–Scene investigation criteria shall complete or request the most suitable officer/unit to complete the investigation at the scene including all required reports and lay charges where appropriate.

Collisions that involve the following criteria shall be investigated at the scene

- when an injured involved party requires transportation by Toronto Paramedic Services immediately following the collision
- death
- suspected or reported criminal activity
- suspected or known consumption of alcohol/drugs by involved drivers
- a vehicle transporting a load of dangerous goods where the load has been compromised
- a person who is found to be suspended, unlicensed, or not within the class of motor vehicle being operated
- a motor vehicle found to be without insurance through admission or verification that no insurance exists (excludes simply not having a valid insurance card at the scene)
- damage to private, municipal or highway property (involving any property other than a vehicle)

  ➔ *When officer arrives on scene, the driver can be supplied with a completed TPS 344, and then directed to the CRC.*

- damage caused directly or indirectly from a police pursuit
- collisions that are reported and/or have occurred between 0000 and 0800 hours where the vehicle is <u>not</u> driveable
- pedestrians, cyclists, and wheeled devices, however, **when not reported at the scene of the collision**, may be referred to a CRC for the report to be taken
- all Service Vehicle Collisions (SVCs)
- any collision originally sent to the CRC where the injured driver requires hospitalization **prior** to the completion of the CRC investigation.

Collision Reporting Centre (CRC) Criteria

Any collision not meeting the At-Scene investigation criteria <u>shall</u> be sent to the CRC.

Responsibility for Investigation

The first dispatched officer to arrive on the scene or the most suitable officer shall be responsible for At–Scene collision investigations.

A **TSV officer** shall investigate

- any collision that meets the At-Scene investigation criteria
- fatal and life threatening injury collisions involving
  - motor vehicles
  - streetcars

  - trains (including suicides)
  - subways (excluding suicides)
- collisions occurring on expressways that meet the At–Scene criteria
- fail to remain collisions where the investigation has not been completed within 48 hours of the collision being reported
- any collisions resulting from a Vehicle Pursuit (Pursuit)
- any collisions where the Special Investigations Unit (SIU) mandate has been or may be invoked
- all Service Vehicle Collisions (SVCs)

➔ *A case manager from TSV Detective Office will be assigned to all life threatening and fatal collisions.*

Photographs/Collision Reconstruction

When life threatening and/or fatal injuries are sustained, the final decision on whether a collision Reconstructionist will attend or whether photographs/digital video will be taken rests with a TSV supervisor in compliance with Procedure 07–03.

Mechanical Examination of Vehicle

A motor vehicle may be submitted for expert mechanical examination when

- apparent life threatening and/or fatal injuries are sustained as a result of the collision, and
- there is legal authority to seize the vehicle, and
- it is alleged/suspected that a mechanical defect contributed to the cause of the collision.

Removal of Vehicle from Highway

The removal of a vehicle involved in a collision is the responsibility of the owner or driver unless investigation reveals that a criterion for impoundment, as directed in Procedure 07–11, has been met.

Members shall not offer opinions or advice in order to influence the owner or driver in making a decision.

When the owner or driver is unable or unwilling to personally advise the investigating officer of the towing arrangements for the removal of their vehicle from the highway, the investigating officer shall impound the motor vehicle in compliance with Procedure 07–11.

If the owner or driver insists on driving an unsafe vehicle, the officer shall take the appropriate steps to deem the vehicle unsafe, record the observed vehicle damage in their memorandum book and comply with Procedure 07–13.

The officer may permit a vehicle to be driven to the nearest parking lot in order to clear the roadway and continue a collision investigation, provided evidence has been collected and the vehicle is in a safe condition to be driven. The officer shall not encourage the vehicle to be towed short distances gratuitously.

Driver’s Licence Review

The MTO, in consultation with representatives from the Public Safety Division and the Ministry of the Attorney General developed a reporting mechanism for police officers to complete when reporting a

driver who shows signs or exhibits behaviour of driving incompetence that has/may impede the drivers ability to sustain safe driving practices.

Police officers may use the form to report drivers upon the investigation of a:

- Collision
- Public Complaint, and/or
- Exhibition of poor driving skills

Officers may choose to report a driver, using the Ministry of Transportation Inquiry Services System (ISS). The MTO have developed a digital interface to assist in the submission and processing of drivers, who shows signs or exhibits behaviours of driving incompetence that could be due to physical/mental impairment which may have played a role in causing a collision; may impede the drivers ability to sustain safe driving practices; or may put the driver and/or public at risk if the driver continues to operate a motor vehicle.

When the ISS is unavailable, police officers shall complete and sign the form TPS 317, then send it by facsimile to the Registrar of Motor Vehicles at [redacted]. Copies of any related Service reports/occurrences shall not be faxed to the Registrar.

Police Officer

1. When on scene of a vehicle collision shall
   - use extreme caution and comply with Procedure 10–02 if dangerous goods are involved
   - ensure injured persons receive immediate medical attention, in compliance with Procedure 10–06
   - use universal precautions when rendering assistance to injured persons, in compliance with Procedure 08–07
   - request the attendance of Toronto Paramedic Services and Toronto Fire Services (TFS), as required
   - determine whether the collision meets the At-Scene criteria for investigation
   - comply with Procedure 07–03 when the collision involves life threatening or fatal injuries

2. Upon determining the collision does not meet the At-Scene investigation criteria shall
   - refer the involved parties to a CRC and ensure
     - documents are verified
     - information is exchanged
     - the particulars of all involved vehicles (licence plates, year, make, model, etc.) are noted in the event prior to clearing the call
     - provide the involved parties with a TPS 327, if required
     - direct all involved parties to report to the nearest Toronto CRC location within 24 hours

       ➔ *In an effort to increase Service response to the detection and investigation of impaired drivers, officers shall be dispatched to all collisions that are reported and/or have occurred between 2300 and 0600.*
       - *Upon investigating the sobriety of each involved driver and determining that driver impairment or alcohol consumption is not evident,* ***and***
       - *does not require the services of a tow truck,* ***and***
       - *does not meet any other condition of the At-Scene investigation criteria,*

       the attending officer <u>shall</u> direct the involved drivers to attend the CRC during business hours (0800 – 0000).

3. Upon determining the collision meets the At–Scene investigation criteria shall

- conduct a thorough and unbiased investigation, or request the most suitable officer/unit to complete the investigation at the scene
- ensure all vehicles are removed from the highway as soon as practicable to reduce traffic disruption, provided evidence has been collected and the collision involves only property damage or minor injuries
- direct traffic or request assistance to maintain adequate flow of traffic, as required
- determine if there is evidence of any criminal/provincial offences
- gather evidence in compliance with Procedures 04–21 and 09–01
- determine whether charges are to be laid and advise all involved
- exchange information between involved persons
- provide name, rank, badge number and unit to all involved persons
- submit a SRLD401 eReport prior to reporting off duty, whether or not it is complete

  ➔ *The SRLD401 shall be completed using the Versadex built-in electronic eMVA xForm and Quickscene diagramming applications. As of 2014.07.01, the MTO will no longer accept hardcopy or scanned SRLD401 reports. The eMVA requires that all collision reports generated within Versadex will have to pass MTO data validation rules before submission to the MTO eCollision database.*

- complete and submit the SRLD401 eReport within 7 days of the collision being reported
- complete a TPS 344, if applicable
- scan and attach
  - all field notes and/or memorandum book notes
  - any driver/witness statements
  - measurements, field sketches, if applicable
  - any hardcopy reports

  to the original SRLD401 eReport

  ➔ *For non–reportable collisions where charges are laid, it is not necessary to complete the sketch portion of the SRLD401 eReport; however, all other relevant notes shall be submitted with the final completed report.*

4. When investigating an operator who shows signs or exhibits behaviours of driving incompetence that could be due to physical/mental impairment which
   - may have played a role in causing a collision
   - may impede the drivers ability to sustain safe driving practices
   - may put the driver and/or public at risk if the driver continues to operate a motor vehicle

   shall
   - complete the online Drivers Licence Review on the Ministry of Transportation's Inquiry Services System (ISS) or if not available a TPS 317
   - transmit the TPS 317 by TPS eFax to
     - the Registrar of Motor Vehicles at [redacted]
     - the analyst at TSV at [redacted]

     ➔ *Copies of any related Toronto Police Service eReports shall not be faxed to the Registrar.*

5. When it is necessary to notify the next of kin, and the person is unable to do so, shall
   - complete the Next of Kin Information screen of the original eReport
   - make every effort to contact the next of kin and deliver the information
   - upon successful notification, complete the notified section of the Next of Kin Information screen
   - if unable to notify next of kin, send the relevant information and the original eReport number by V–mail to the Prime handle

➔ *Records Management Services – Operations (RMS–Ops) will create and post a BOLO.*

6. If a vehicle involved in a collision needs to be removed from the scene shall
   - advise the owner/driver that, unless investigation reveals that the criterion for impoundment is met, they are responsible for the removal of the vehicle
   - record the removal details on the TPS 332 and/or their memorandum book, as applicable, including
     - licence plate and/or vehicle identification number (VIN) of the vehicle
     - how vehicle removed
     - location vehicle removed to
     - name of tow truck company and metro licence number, if applicable

7. If the damages may have rendered the vehicle unsafe and there are concerns that the vehicle may be driven prior to having the damage repaired, should consider declaring the vehicle unsafe, and comply with Procedure 07–13.

8. When the owner/driver is not present at the collision scene, or is unable or unwilling to personally advise the investigating officer of the towing arrangements for the removal of the vehicle from the highway shall
   - complete a TPS 336 or TPS 337 and impound the vehicle, using a contract tow truck, to the respective contract pound in compliance with Procedure 07–11
   - submit the completed TPS 336 or TPS 337 to the Officer in Charge prior to reporting off duty

9. When submitting a vehicle for mechanical examination shall comply with Procedure 07–03.

10. When an investigation involves a technical analysis or calculations shall submit the original SRLD401 eReport number and relevant information to the Officer in Charge – TSV Reconstruction Squad for verification before forwarding to Information Management - Information Access, or to the courts.

11. When investigating a Service Vehicle Collision (SVC) shall also comply with Procedure 07–05.

Supervisory Officer

12. When notified of a collision involving apparent life threatening or fatal injuries shall ensure the collision is investigated in compliance with this Procedure, as well as Procedure 07–03.

13. When notified of a SVC shall ensure the collision is investigated in compliance with this Procedure, as well as Procedure 07–05.

Supervisory Officer / Officer in Charge – Collision Reporting Centre

14. Upon receipt of a SRLD418 eReport, shall review for completeness, following the guidelines provided by the Ministry of Transportation.

15. When reviewing a SRLD401 eReport for a fail to remain collision, where the investigation has not been completed within in 48 hours of the occurrence being reported shall ensure the SRLD401 eReport is forwarded to the TSV- Detective Office.

Officer in Charge – Traffic Services

16. Upon being notified of a motor vehicle collision shall ensure collision investigative support is provided to Divisions in addition to mandated responsibilities, when possible.

Supplementary Information

Governing Authorities

Federal: Criminal Code

Provincial:
- Community Safety and Policing Act
- Community Safety and Policing Act (Ontario Regulations)
  - O. Reg 392/23, Adequate & Effective of Policing (General)
  - O. Reg. 397/23, Vehicle Pursuit (Pursuit)
- Compulsory Automobile Insurance Act
- Highway Traffic Act

Municipal:
- Toronto Municipal Code, Chapter 545, Licensing
- Toronto Municipal Code, Part III, Traffic and Parking By–Laws

Other:
- Motor Vehicle Collision Report (MVCR) Manual

Associated Governance

Toronto Police Service Board Policies:
- Adequacy Standards Compliance Policy
  - Part 2 XIII AI-013 Speed Detection Devices
  - Part 5 XLIV LE-017 Traffic Management, Traffic Law Enforcement and Road Safety

Toronto Police Service Procedures:
- 01–01 Arrest
- 04–21 Gathering/Preserving Evidence
- 06–01 Commencing POA Proceedings
- Chapter 7 Vehicle Investigations & Traffic Enforcement
- 08–07 Communicable Diseases
- 09–01 Property – General
- 10–02 Incidents Involving Hazardous Materials
- 10–06 Medical Emergencies
- 13–17 Notes and Reports
- 15–10 Suspect Apprehension Pursuit
- 15–17 In–Car Camera System

Forms:

- eReports
- TPS 317 Driver Information – Request for Driver's Licence Review
- TPS 327 Collision Reporting Centre (CRC) Referral Form
- TPS 331 Collision Field Notes: Cover
- TPS 332 Collision Field Notes: Involved Persons
- TPS 335 Collision Field Notes: Witnesses/Supplementary
- TPS 336 Impounded or Held Vehicle Report
- TPS 337 Tow Report
- TPS 344 Municipal Damage Report
- SRLD401 Motor Vehicle Collision Report
- SRLD418 Self–Reporting Collision Report

➔ *The TPS 337 and TPS 344 are available as text templates.*

➔ *The SRLD401 shall be completed using the Versadex built-in electronic eMVA xForm and Quickscene diagramming applications. As of 2014.07.01, the MTO will no longer accept hardcopy or scanned SRLD401 reports. The eMVA requires that all collision reports generated within Versadex will have to pass MTO data validation rules before submission to the MTO eCollision database.*

Other:

- Toronto Police Service Traffic Management
- Traffic Law Enforcement and Road Safety Plan

Definitions

For the purposes of this Procedure, the following definitions will apply:

Collision for the purpose of collision reporting, means the contact resulting from

- the motion of a motor vehicle or streetcar or its load that produces property damage, injury or death
- any door of the motor vehicle that is open or opening coming into contact with a cyclist, a bicycle or a moving vehicle, even if the motor vehicle is stationary, stopped or parked.

Reportable Collision means every person operating a motor vehicle or streetcar involved directly or indirectly in a collision that results in personal injury, death, or property damage exceeding $5000, is required to report and furnish information forthwith to the nearest police officer in accordance with the *Highway Traffic Act*.

Vehicle Pursuit (Pursuit) means a pursuit that occurs when a police officer pursues, in a motor vehicle, another motor vehicle that the officer had attempted to stop but that failed to stop and remain in place.
[Source: *Community Safety and Policing Act, O. Reg. 397/23, ss.1(1)*]

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