



**Division of State Patrol
Policy and Procedure**

Number
8-13

Subject MCSAP POST-CRASH INSPECTIONS	
Author/Originator Bureau of Field Operations	Approved by Superintendent <i>Anthony L. Burrell</i>
Records Management Statement Supersedes P&P 8-13 dated February 20, 2018 Posted on WisDOT Internal Website (SharePoint) at https://wigov.sharepoint.com/sites/dot-dsp/policy/sitepages/home.aspx	

I. POLICY

It is the policy of the Division of State Patrol (DSP) to inspect commercial motor vehicles (CMVs) and their drivers involved in crashes where there is a fatality, great bodily harm, or injury requiring medical transport.

II. BACKGROUND

CMV crashes often result in significant personal and economic losses to those involved. The collection of Motor Carrier Safety Assistance Program (MCSAP) CMV crash inspection data is necessary to establish databases that will assist law enforcement agencies in directing their enforcement efforts. Data will be used to target high crash areas, identify driver and vehicle deficiencies, and implement special enforcement projects.

III. OBJECTIVE

The objective of this policy is to provide the DSP with guidelines to inspect CMVs involved in crashes. This policy will address uniformity on call-out procedures, inspection procedures, and reporting requirements. The guidelines will be in conformity with standards established by the Federal Motor Carrier Safety Administration (FMCSA) and the Commercial Vehicle Safety Alliance (CVSA).

IV. DEFINITIONS

- A. **Event Data Recorder (EDR)** – an electronic module within a commercial motor vehicle that captures configuration data or information surrounding defined operational or diagnostic events. These may include, but are not limited to, control units for engines, anti-lock braking systems, or transmissions. Other EDRs may be incorporated into vehicle safety technology designed for occupant protection, collision mitigation, lane deviation, or other electronic logging devices. For the purposes of this policy, the definition of Event Data Recorder will encompass all modules from which electronic information or imagery can be retrieved.
- B. **Post-Crash Qualified (PCQ)** – personnel who have received and successfully completed additional post-crash investigation training beyond the National Training Center (NTC) Part B certification.

V. GENERAL PROVISIONS

- A. Post-Crash Inspection (PCI)/Event Data Recorder (EDR) Download Criteria:
1. CMVs may be MCSAP post-crash inspected after being involved in a crash. For the purpose of this policy, a CMV is defined as a vehicle or combination of vehicles that meets one or more of the following specifications:
 - a. Has a gross vehicle weight rating, combination vehicle weight rating, or actual weight of 10,001 pounds or more.
 - b. Transports a placardable amount of hazardous material.
 - c. Is equipped to transport nine or more passengers including the driver.
 2. The crash must also meet one or more of the following criteria:
 - a. **Fatality** – one or more persons involved in the crash is killed.
 - b. **Great Bodily Harm** – one or more persons involved in the crash has a bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily injury.
 - c. **Personal Injury** – one or more persons involved in the crash has an injury severe enough for the injured person to require ambulance transportation from the scene for immediate medical attention.
 - d. **Supervisory Direction** – request may be authorized when any incident has significant personal and/or economic loss, is high-profile in nature, or is deemed warranted due to other circumstances.

3. At the direction of a supervisor, a CVSA North American Standard (NAS) Level 1 MCSAP certified inspectors may conduct a MCSAP post-crash inspection.
- B. The following criteria should be used when assigning an inspector to conduct a CMV crash inspection:
1. A certified inspector who is both on duty and able to respond to the crash scene in a timely manner (approximately 60 minutes) shall be called when crash severity meets any criteria in Section V (A)(2) of this policy.
 - a. If an inspector is not available from the region/post serving the geographical area where the crash occurred, and the crash is located closer to the area served by another post, determine if a qualified inspector can respond in a timely manner from that post.
 - b. Consideration should be given to inspectors approaching or at the beginning of their duty shift versus use of personnel who are nearing the end of their duty shift.
 2. In the event that no certified inspector is on-duty and able to respond in a timely manner, an off-duty certified inspector closest to the crash scene should be called when crash severity meets criteria in Section V (A) (2).
- C. Some post-crash inspections may necessitate the imaging of an EDR utilized by the CMV. For equipment availability, the Fond du Lac or DeForest Post will need to be contacted. Personnel should be guided by the following –
1. Data recorded or imaged by an EDR shall not be accessed by DSP personnel unless one of the following has been met:
 - a. The court or authority having jurisdiction issues an official order via a search warrant.
 - b. An owner or a lessee of the motor vehicle provides written, electronic, or recorded audio consent to the retrieval of the data for the purpose of a law enforcement investigation.
 - c. The data is retrieved for the purpose of determining the need for, or facilitating emergency medical response in a motor vehicle crash.
 2. Personnel imaging or analyzing EDR data must have successfully completed DSP authorized training on the subject matter.

VI. PROCEDURE

- A. The Region Commander shall:
1. Ensure that this policy is carried out.
 2. Promote availability of the MCSAP PCI program during meetings with local law enforcement agency officials.
- B. The officer at the crash scene shall:
1. Determine if one or more of the vehicles is a CMV as defined in this policy and if the crash meets MCSAP PCI criteria.
 2. If the crash meets PCI criteria, contact the applicable region/post communications center or the Traffic Management Center (TMC), identify the reason for inspection and request the assistance of a MCSAP-certified inspector.
 3. Collect driver documents (record of duty status – log book, driver’s license, medical certificate) and shipping papers as soon as possible.
 4. Ensure that the CMV is not moved or mechanically altered (i.e., service brakes backed off).
 5. If the crash scene is secure and the CMV is not creating an additional safety hazard requiring removal, set the parking brake and secure the key by turning off the ignition and taking possession of the key.
 6. If crash circumstances warrant moving the CMV, note what gear the transmission is in before shifting to neutral. Releasing the parking brakes by “caging” and driveshaft removal is acceptable. When towing, ensure the ignition is in the “off” position and key is removed.
 7. If possible, ensure battery cables are not cut. If it is necessary to interrupt the power supply, ensure that the parking brake is set and the ignition key has been removed for at least one minute prior to disabling the power supply.
 8. Restrict or supervise entrance into the CMV cab area once emergency personnel have secured the scene. Do not allow removal of items that may contain evidence relevant to the crash. Personal belongings that may contain supporting documents of hours-of-service records shall be secured along with any time record the driver may have been using.

Note: Emergency medical care and public safety shall not be jeopardized for the sake of preserving evidence.

- C. The Law Enforcement Dispatcher (LED) shall:
1. Forward a request for a CVSA NAS Level 1 MCSAP certified inspector to a supervisor.
 2. Forward a request for an EDR qualified inspector to a supervisor.
 3. If a duty supervisor is unavailable, the LED should contact a supervisor on call.
 4. Determine availability or equipment utilizing eDispatch log.
 5. Document appropriate information under a Mobile Architecture for Communications Handling (MACH) Call For Service (CFS) and eDispatch log.
- D. The contact supervisor shall:
1. Review requests from LED, inspector, trooper or other requesting agency and determine personnel availability.
 2. Determine crash severity as defined in Section V (A) (2) of this policy.
 3. Assign an inspector as defined in Section V (B) and (C), as applicable, of this policy. (If an inspector is not reasonably available, impounding of the CMV is an acceptable alternative. In order to reduce monetary costs, the use of governmental property is encouraged.)
 4. Notify the motor carrier sergeant of the inspector's assignment to a CMV crash.
 5. Upon the request of an on-scene inspector, call out a PCQ inspector if warranted.
- E. The certified inspector shall:
1. Respond to the crash site when assigned.
 2. Survey the scene to ensure a safe inspection.
 3. Determine the need for a PCQ inspector or EDR qualified inspector. (Refer to Wisconsin State Patrol EDR Crash Guide to determine EDR capabilities)
 - a. If damaged components or unusual circumstances exist, determine if they are relevant to the circumstances of the crash. If necessary, contact a supervisor to obtain a PCQ inspector or EDR qualified inspector.

- b. It is the responsibility of the initial inspector to complete all relevant reports associated with the investigation and obtain assistance when necessary.
 4. Conduct the appropriate North American Standard (NAS) Inspection level based on crash circumstances.
 5. Document any violations with photographs if possible.
 6. If the CMV is subject to the Federal Motor Carrier Safety Regulations (FMCSR), complete a MCSAP report indicating “Post-Crash” inspection.
 7. Record violations in MCSAP report appropriately.
 8. Complete an electronic Offense/Incident report (eSP4500) and attach a zip-file containing narrative reports, photographs, relevant documents, and a PDF file of the MCSAP report.
 9. Use the PCI worksheets when necessary to compile and summarize the results of the post-crash inspection.
- F. The EDR qualified inspector shall:
1. Respond to the requested location to conduct an EDR download.
 2. Follow procedures outlined in the Extraction Manual during data extraction.
 3. Complete a Heavy Truck Event Data Recorder Report.
 4. Provide appropriate information to the applicable post communications center or the TMC for the eDispatch log.
 5. Attach relevant files and narrative report to the eSP4500.
 6. Assist investigating personnel in data analysis.
- G. The motor carrier sergeant shall:
1. Coordinate the PCI program.
 2. Review paperwork for completeness and ensure entry into data system.
- H. Central Headquarters shall:
1. Maintain information regarding electronic DSP reports and eDispatch System.

2. Coordinate MCSAP enforcement programs with areas showing high CMV crash rates.
3. Periodically review program for effectiveness and economic impact.

VII. REFERENCES

United States Department of Transportation, Federal Motor Carrier Safety Administration,
National Training Center Part B.

United States “Driver Privacy Act” – Title 14, Subtitle C, Part 1, Section 24301-24303
Extraction Manual

DSP Policy and Procedure 8-4, Motor Carrier Safety Assistance Program
eSP4500, Offense/Incident Report