



# Vehicle and Traffic Infraction

## Reporting and Classification Guidance

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[www.justicecenter.ny.gov](http://www.justicecenter.ny.gov)

# Introduction

This vehicle and traffic incident infraction guidance, developed by the New York State Justice Center for the Protection of People with Special Needs, is intended to assist mandated reporters in determining whether an incident involving vehicles is reportable to the Justice Center. The attached chart is not an exhaustive list of reportable incidents but rather is intended to provide general guidance on what is reportable to the Justice Center.

If you are a mandated reporter and have reasonable cause to suspect that a reportable incident has occurred and that it was committed by a custodian, you must report it to the Justice Center immediately upon discovery. Custodians are individuals who are employed by, or volunteer at, state operated, licensed or certified facilities or agencies under the Justice Center’s jurisdiction. Consultants, volunteers or contractors of organizations or companies that contract with facilities and agencies under the Justice Center’s jurisdiction are also considered to be custodians if they have regular and substantial contact with a service recipient.

## Classification and Assignment

The chart below is used by the New York State Justice Center (NYJC) when classifying vehicle and traffic incidents reported to the NYJC. Incidents are classified as Abuse/Neglect (A/N) or Significant Incident (SI). All allegations of abuse and neglect are investigated by the NYJC or the State Oversight Agency (SOA) responsible for licensing or certifying the provider agency. The NYJC determines assignment for the investigation of abuse and neglect allegations based on the severity of the allegation.

Nature of Allegation	Factors to Consider for Determining Classification	Presumptive Classification	Factors to Consider for Determining Assignment	Presumptive Assignment
Vehicle accident	<ul style="list-style-type: none"> <li>Appears to be the fault of the custodian</li> </ul>	Abuse/Neglect	<ul style="list-style-type: none"> <li>Infraction given to driver</li> <li>Witness reports or report of recorded evidence</li> <li>Known or suspected harm/impact to service recipient reported</li> </ul>	NYJC *Accidents where the custodian appears to be at fault will always be assigned to NYJC
	<ul style="list-style-type: none"> <li>No fault accidents (no fault or appearance of fault of custodian at time of report)</li> </ul>	Significant Incident	<ul style="list-style-type: none"> <li>No harm/impact to service recipient reported</li> </ul>	
ANY moving violation except DUI/DWI (see traffic violation list below)	<ul style="list-style-type: none"> <li>Ticket is issued</li> <li>Harm/likelihood of impact on SR</li> </ul>	Abuse/Neglect	<ul style="list-style-type: none"> <li>Nature of alleged violation is serious (e.g. road rage)</li> <li>Actual harm/impact to service recipient reported</li> </ul>	NYJC
			<ul style="list-style-type: none"> <li>Nature of violation less serious</li> <li>No harm/impact to service recipient reported</li> </ul>	SOA
	<ul style="list-style-type: none"> <li>No ticket is issued</li> </ul>	Significant Incident	Not Applicable	

Nature of Allegation	Factors to Consider for Determining Classification	Presumptive Classification	Factors to Consider for Determining Assignment	Presumptive Assignment
Appears to be under the influence of alcohol or drugs while operating motor vehicle	<ul style="list-style-type: none"> <li>Harm/likelihood for harm is assumed</li> </ul>	Abuse/Neglect	<ul style="list-style-type: none"> <li>Direct/ Eye witness</li> <li>Odor</li> <li>Erratic driving</li> </ul>	NYJC
			<ul style="list-style-type: none"> <li>No direct evidence/no eye witness</li> </ul>	SOA
Improper use or failing to use safety restraints or van technology		Abuse/Neglect	<ul style="list-style-type: none"> <li>Service recipient sustained injury requiring treatment beyond first aid</li> </ul>	NYJC
			<ul style="list-style-type: none"> <li>No injury or minor injury that did not require treatment beyond first aid</li> </ul>	SOA
Speeding	<ul style="list-style-type: none"> <li>Report of recorded evidence (e.g., law enforcement speeding device)</li> <li>Ticket issued</li> <li>Witness reports corroborate excessive speed</li> </ul>	Abuse/Neglect	<ul style="list-style-type: none"> <li>Likelihood for harm</li> </ul>	NYJC
	<ul style="list-style-type: none"> <li>Pulled over but not ticketed</li> </ul>	Significant Incident	Not Applicable	
	<ul style="list-style-type: none"> <li>Ticket is issued or</li> <li>Eyewitness</li> </ul> <p><i>*If accident occurred see "Vehicle Accident" section above</i></p>	Abuse/Neglect	<ul style="list-style-type: none"> <li>Service recipient sustained injury requiring treatment beyond first aid</li> </ul>	NYJC
<ul style="list-style-type: none"> <li>No injury or minor injury that did not require treatment beyond first aid</li> </ul>			SOA	
	<ul style="list-style-type: none"> <li>No ticket issued or</li> <li>No eyewitness</li> </ul>	Significant Incident	Not Applicable	

Nature of Allegation	Factors to Consider for Determining Classification	Presumptive Classification	Factors to Consider for Determining Assignment	Presumptive Assignment
Erratic/reckless driving	<ul style="list-style-type: none"> <li>Ticket is issued or</li> <li>Eyewitness</li> </ul> <p><i>*If accident occurred see "Vehicle Accident" section above</i></p>	Abuse/Neglect	<ul style="list-style-type: none"> <li>Service recipient sustained injury requiring treatment beyond first aid</li> </ul>	NYJC
			<ul style="list-style-type: none"> <li>No injury or minor injury that did not require treatment beyond first aid</li> </ul>	SOA
	<ul style="list-style-type: none"> <li>No ticket issued or</li> <li>No eyewitness</li> </ul>	Significant Incident	Not Applicable	Not Applicable
Falling asleep while driving		Abuse/Neglect	<ul style="list-style-type: none"> <li>Witnessed and reported by someone who had direct observation of the action</li> </ul>	NYJC
			<ul style="list-style-type: none"> <li>Reported by someone who did not directly observe driver falling asleep</li> </ul>	SOA
Maintenance and condition of vehicle	<ul style="list-style-type: none"> <li>Actual harm/impact to service recipient reported</li> </ul> <p><i>*If accident occurred see "Vehicle Accident" section above</i></p>	Abuse/Neglect		SOA
	<ul style="list-style-type: none"> <li>No accident or harm to service recipient</li> </ul>	Significant Incident	Not Applicable	
Driver training/proper license for driving vehicle/suspended license	<ul style="list-style-type: none"> <li>Driver is pulled over and the suspension of the license means that service recipients are left at the side of the road for an extended period while other transportation is arranged</li> </ul> <p><i>*If accident occurred see "Vehicle Accident" section above</i></p>	Abuse/Neglect	<ul style="list-style-type: none"> <li>Actual harm/impact to service recipient reported (e.g. while stopped awaiting other transportation, a service recipient elopes or is hit by car)</li> </ul>	NYJC
			<ul style="list-style-type: none"> <li>Examples that may be A/N but not egregious: Service recipients are exposed to elements for extended period of time and not properly dressed for weather, other adverse impact</li> </ul>	SOA
	<ul style="list-style-type: none"> <li>Staff person is pulled over for suspended license responsible for driving service recipients</li> <li>No harm/impact to service recipient</li> </ul>	Significant Incident	Not Applicable	

Nature of Allegation	Factors to Consider for Determining Classification	Presumptive Classification	Factors to Consider for Determining Assignment	Presumptive Assignment
Someone other than agency employee driving service recipient in vehicle	<ul style="list-style-type: none"> <li>Actual harm/impact to service recipient reported</li> </ul>	Abuse/Neglect	<ul style="list-style-type: none"> <li>Service recipient sustained injury requiring treatment beyond first aid, or other aggravating circumstance (e.g. exposed to sexually suggestive behaviors, alcohol/drugs)</li> </ul>	NYJC
			<ul style="list-style-type: none"> <li>Minor injury that did not require treatment beyond first aid</li> </ul>	SOA
	<ul style="list-style-type: none"> <li>No harm or other incident</li> </ul>	Significant Incident	Not Applicable	
Improper use of agency vehicle by staff (using vehicle for non-work appropriate activities)	<ul style="list-style-type: none"> <li>Driven to location that is non-work related (e.g. staff's home)</li> <li>Actual harm/impact to service recipient reported</li> </ul>	Abuse/Neglect	<ul style="list-style-type: none"> <li>Service recipient sustained injury requiring treatment beyond first aid</li> </ul>	NYJC
			<ul style="list-style-type: none"> <li>Minor injury that did not require treatment beyond first aid</li> </ul>	SOA
	<ul style="list-style-type: none"> <li>Driven to location that is non-work related (e.g. staff's home)</li> <li>No harm/impact to service recipient</li> </ul>	Significant Incident	Not Applicable	
Motor vehicle operation infractions or issues with no service recipient in vehicle	<ul style="list-style-type: none"> <li>No potential for harm to service recipients</li> </ul>	Non-NYJC		
Insurance and Inspection expired	<ul style="list-style-type: none"> <li>No actual harm/impact to service recipient reported (e.g. no accident occurred)</li> </ul>	Non-NYJC		

## Common Traffic Violations

- Speeding
- Reckless driving
- Failed to stop for a school bus
- Inadequate brakes
- Improper cell phone use
- Following too closely
- Passing improperly, changing lanes unsafely, driving to the left of center, driving in the wrong direction
- Failed to obey a traffic signal, a stop sign, or a yield sign
- Railroad crossing violation
- Includes property damage or the injury of a domestic animal
- Other moving violations
- Use of portable electronic device ("texting") includes cell phones and handheld GPS
- Failed to yield the right-of-way
- Passenger safety violation, including seat belt and child safety seat violations for passengers under the age of 16
- Left the scene of an accident that includes property damage or the injury of a domestic animal
- DUI/DWI

## Resources and Contact Information

Report Abuse or Neglect:	1-855-373-2122
Report Abuse or Neglect TTY:	1-855-373-2123
Information & Referral:	1-800-624-4143
Individual & Family Support Unit:	1-800-624-4143

For additional resources and information on the Justice Center, please visit our website at:

[www.justicecenter.ny.gov](http://www.justicecenter.ny.gov)