



# POLICE SCIENCE

## Auto-Related Procedures



The reports will be attached to the Complaint Report Worksheet and given to the desk officer for review. After the desk officer confirms (through zFINEST) that the automobile is not impounded, wanted in connection with a crime, towed or previously reported stolen, the investigating officer will use the zFINEST system to transmit an alarm for the stolen vehicle.

*Note:* The **COMPLAINT REPORT** will be closed to patrol unless it was used in the commission of a crime or other condition indicates that further investigation is necessary (pattern, unique crime, etc.).

### COMPLAINTS OF LOST/STOLEN LICENSE PLATES

When a complainant reports license plates missing or stolen, certain procedures must be followed to ensure the proper transmittal of an alarm. First, the investigating officer must ascertain that the complainant is the registered owner or a true representative of the owner of the plate(s), then the officer must prepare a Complaint Report Worksheet.

- *If one plate is missing* and there is no other evidence to suggest a larceny or other crime, classify the complaint as “lost property” and close the complaint immediately as referred to Department of Motor Vehicles. Whether the complaint is classified as a crime (e.g., larceny) or lost property, direct the owner/representative to turn in the remaining plate to the Department of Motor Vehicles. Advise the complainant to contact the precinct after the plate is turned in for transmission of an alarm. A person subsequently found to be in possession of a lost license plate could be charged with larceny by acquiring lost property. A license plate missing from an out-of-state registered vehicle, that is only required to have one plate, will not be classified as a larceny or other crime unless there is additional evidence to support the crime. An alarm, however, will be transmitted in all cases.
- *If both plates are missing*, have alarm transmitted via zFINEST system and attach a copy of the NYSPIN acknowledgement to the **COMPLAINT REPORT**.

**Note:** When one plate is missing from a vehicle registered to this Department, have alarm transmitted as soon as possible via zFINEST system. Ensure that the details section of the **COMPLAINT REPORT** includes that the missing/stolen plate is registered to a Department vehicle.

*Note:* Unless additional information is available to determine if a missing plate(s) is stolen, one missing plate will be classified as *lost property*.



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When both plates are missing, the case will be classified as a *petit larceny*.

The investigating officer must then prepare and sign **Report of Lost, Stolen, or Confiscated Motor Vehicles Items (MV-78B)** and give it to the complainant. This form will also be prepared when a complainant claims that their driver license or registration was stolen or lost. The complainant will then be instructed to deliver the form to the Department of Motor Vehicles to obtain new documents.

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### PART II: VEHICLE PURSUITS

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In New York City, it is a rare occasion to witness a police pursuit. There is a simple explanation for this: ***we do not do it***. NYPD has very strict regulations on vehicle pursuits, and it is critical that you understand, and adhere to them. When a situation arises that may lend itself to the initiation of a pursuit, remember the following:

- You will not take the motorist's flight personally;
- You will not let your emotions get the better of you, but will make quick, rational, and smart decisions about what to do next;
- You will ask yourself several questions, while considering the answers possible outcomes:
  - Does the immediate apprehension of this subject outweigh the danger to public safety caused by the pursuit?
  - Is trying to catch this individual worth risking the life of everybody on the road?
  - Would I chase this individual if this were the street where I lived? Where my kids walked home from school? Where my deaf grandmother lived?
  - If I chase this individual and somebody gets hurt or killed, will I be able to explain – to my bosses; to the family of the killed or injured person; to the lawyers who will inevitably sue me; to the jury that hears the suit – why I became involved in this pursuit? Will they think I acted reasonably? Or will they think I acted recklessly?



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Pursuing officers, often times, do not know why a subject refuses to stop. When this happens, a simple rule applies – **WHAT YOU SEE IS WHAT YOU'VE GOT** – and the decision of whether to pursue should be made on what is **known**. **If the subject was being stopped for a traffic infraction and a license plate check comes up clean, that is all you know** – that you've got a traffic violator and that chasing them cannot be justified on the basis of what you might find out later. As the data above suggest, you cannot assume that the fleeing subject is a violent felon; therefore, you should terminate the pursuit.

**Note:** A supervisor will be monitoring the radio when a pursuit is initiated. **If the supervisor calls off the pursuit, all patrol cars will terminate the pursuit immediately.** Any officer who continues the pursuit past that point will be subject to disciplinary action. Any officer who continues a pursuit after it has been called off may be subject to **criminal** and **civil** penalties if the pursuit results in a vehicle collision or injuries.

### DEPARTMENT GUIDELINES RELATING TO VEHICLE PURSUITS

When a pursuit is initiated, there are Department guidelines that must be followed. Failure to comply with these rules will result in disciplinary action (and possibly criminal and civil penalties):

- **Primary vehicle** – Vehicle initiating pursuit.
- **Secondary vehicle** – First additional unit assisting in pursuit.
- **Vehicle Ramming Attack (VRA)** – A form of attack in which a perpetrator deliberately rams a motor vehicle into a crowd of people or building.
- **Unmarked Department vehicles will limit pursuits.** In practice, this means that unmarked cars should engage in pursuits only under the most serious circumstances, and that they should turn pursuits over to more easily identifiable marked units at the first opportunity.
- Like unmarked cars, **two wheel motorcycles will limit pursuits** and terminate pursuit when four-wheel Department vehicles have joined the pursuit.
- **Department vans and scooters (2- and 3-wheel) will not be used in pursuits.**



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- **Only two vehicles (primary and secondary) and supervisors will pursue the subject** and transmit over the radio. Other vehicles will remain alert and stay off the radio (unless emergency).
- The **secondary vehicle will stay at least five car lengths behind** the primary vehicle and will **not pass** (unless primary is disabled or requests).
- The following tactics are generally prohibited and should not be used in an attempt to stop a vehicle:
  - Ramming
  - Placing a moving Department vehicle in a position to be struck by the pursued vehicle;
  - Driving alongside the pursued vehicle;
  - Roadblocks (unless specifically directed by supervisory personnel).

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**N**OTE: IF A VEHICLE IS BEING USED IN A “VRA,” UNIFORMED MEMBERS OF THE SERVICE WILL TAKE REASONABLE MEASURES TO STOP THE VEHICLE. ANY VIOLATIONS OF THE ABOVE PROHIBITIONS MAY BE REVIEWED ON A CASE-BY-CASE BASIS BY THE USE OF FORCE REVIEW BOARD TO DETERMINE WHETHER, UNDER THE CIRCUMSTANCES, THE ACTION MAY HAVE BEEN JUSTIFIED AND WITHIN GUIDELINES (I.E., A ‘VEHICLE RAMMING ATTACK’ IS THE TYPE OF EXTRAORDINARY EVENT THAT THIS CLAUSE IS INTENDED TO ADDRESS. THE OBJECTIVELY REASONABLE USE OF DEADLY PHYSICAL FORCE TO TERMINATE A MASS CASUALTY EVENT WOULD BE LEGALLY JUSTIFIED AND WITHIN DEPARTMENT GUIDELINES).

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The Department takes police vehicle pursuits very seriously. This is a densely populated city in which, at almost any time of day or night, there are more than 10 million residents, visitors, or workers. You simply cannot engage in high-speed pursuits in this environment without endangering yourself, innocent citizens, and the person you are pursuing – who, more often than not, is an irrational and panicked motorist who is doing something stupid, rather than a serious career criminal.

You should typically not pursue except in the rarest and most serious circumstances. Do so if you believe, beyond any doubt, that someone or yourself, will be in imminent danger if you do not apprehend the subject immediately. You must honor your highest responsibility: to protect life.



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### PART III: MOTOR VEHICLE COLLISIONS

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The response to, and handling of, vehicle collisions is a common occurrence on patrol. The severity and location of a vehicle collision will dictate the procedures you will follow. In those instances where a collision is relatively minor, your basic responsibilities will encompass rendering aid, minimizing hazards caused by the collision, directing traffic, conducting an investigation, preparing reports and ensuring that vehicles are moved to a safe location. While performing these tasks, you must *remain alert to the dangers of moving traffic*.

When a vehicle collision involves *fatalities, seriously injured persons who are likely to die or critical injury has occurred*, your responsibilities at the scene are much more complex. The basic steps still apply at serious collisions, such as rendering aid, taking safety precautions, etc. The fundamental difference is that the collision location will be *considered a crime scene*. In addition, the formal investigation shifts to specially trained investigators. These investigators are members of the service trained as collision technicians assigned to the *Highway District Collision Investigation Squad*.

The specific procedures to follow when you become aware of, or observe a vehicle collision, will be discussed in “*Appendix to Auto-Related Procedures*.” For a more comprehensive review, the *Appendix* information should be used with the accompanying PowerPoint slides. Additionally, later in this chapter you will also learn the steps to take when you find that one of the parties, involved in a collision, has fled the scene without fulfilling the legal reporting requirements.

#### TRAFFIC COLLISION INVESTIGATION

Collision investigation is definitely not the same as taking a report when someone comes into a precinct and fills in the blanks. When you investigate a collision, the purpose is to go beyond simply filling in the blanks. Your intent is to inquire into the cause of the collision, which may be mechanical, human error, engineering, or an act of some supreme being. Most collisions are not accidents; they are caused events. Thus, the Patrol Guide requires *you to determine the cause of vehicle collisions* by inquiry and observation. Apply the questioning techniques you have learned in past lessons (e.g., separate the parties before questioning, don't ask leading questions, be objective, etc.). You should be actively surveying the scene to try to paint a true picture of what may have contributed to the collision. Some of the factors to look for include:

- Road condition (wet, dry, potholes, etc.)
- Weather condition (sunny, rain, etc.)
- Lighting condition (dark, daylight, etc.)



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- Traffic control (signs, traffic lights, etc.)
- Human factors (driver inattention, unsafe speed, etc.)
- Vehicular factors (worn tires, tinted windows, etc.)
- Environmental (glare, land markings inadequate, etc.)
- Traffic conditions (many vehicles or pedestrians on the road, etc.)
- Other factors (overloaded vehicle, witness statements, videos from surveillance cameras, etc.)

Once you have completed your interview, check to see that the information you've received is consistent with the damage and conditions at the scene (be aware of the possibility of insurance fraud). You will record the vehicle collision on a Police Accident Report. In the *Description/Officer's Notes* section of the PAR, write down your opinion as to the factors that may have contributed to the collision. These factors must be based on the investigation you conduct as well as the factors discussed above.

*Note:* Collision investigations involving a fatality or a motorist who is seriously injured and likely to die or suffered a critical injury will be conducted by Highway Unit personnel only. Members of the service will render any necessary assistance at the scene but will **not** take an active role in photographing, measuring, or diagramming a collision scene in order to determine the cause of a collision.

### PREPARATION OF REPORTS

After all safety precautions have been taken and all victims attended to, prepare the top portion of **COLLISION INFORMATION EXCHANGE/ACKNOWLEDGEMENT OF FOUND PROPERTY**; enter the address of the precinct of occurrence and give it to the operators. Advise operator, if incapacitated, that another participant in the collision, or the owner of the vehicle, must complete the form. If no other participant is available to complete the form, then a uniformed member on the scene will prepare it.

Upon notification of **any** vehicle collision, you are required to prepare a **Police Accident Report (MV104AN) (PAR)**. The mandated preparation of Police Accident Report is **not** predicated upon property damage estimates, and should not be confused with the circumstances under which motorists are required to report the facts on a **Report of Motor Vehicle Accident (MV104)**.

*Civilian Requirements for Accident Reports.* V.T.L. Section 605 requires the preparation of an accident report by any person operating a motor vehicle involved in a collision that results in:

- Death; **or**
- Any injury; **or**
- At least \$1,000 worth of property damage.





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The report must be filed within ten (10) days of the collision. Failure to report a collision as required, or failure to give correct information in connection with such report, is a misdemeanor. Additionally, failure to file such reports constitutes grounds for suspension or revocation of the operator's license or registration for any vehicle.