



POLICE SCIENCE

Auto-Related Procedures



The PAR is a multi-captioned form where proper preparation will ensure:

1. Fair and just settlement of any claims resulting from the collision;
2. Accurate documentation by the Department of Motor Vehicles of drivers who may pose a danger to other motorists and pedestrians;
3. Statistical information that can be used for developing traffic laws, and safety and prevention programs;
4. Identification and assessment of road hazards and implementation of corrective measures;
5. That unscrupulous motorist cannot alter the PAR to commit insurance fraud.

The PAR is a form adapted specifically for use in New York City which requires two types of entries: written entries in the body of the report and numbers entered in boxes on the sides of the report. There are certain major points that the officer must always remember when filling out a PAR:

- Prepare the PAR using the license, registration and insurance card of all drivers involved (copy exact information);
- The following vehicles do not require insurance identification cards:
 - a. Taxis, buses and other rented vehicles;
 - b. Vehicles operating under the authority of the Public Service Commission and Interstate Commerce Commission;
 - c. Government owned vehicles;
 - d. Certain farm vehicles.
- If an injury was involved, note whether the airbag (if any) inflated and deployed;
- Place **IDENTIFICATION TAG** on aided *if unconscious and removed to hospital*;
- *Bicycle collisions* with either property damage only, physical injury, serious physical injury and likely to die, critical injury or death whether or not the collision involves a motor vehicle will be recorded on a Police Accident Report;



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- If collision involves an arrest for driving while intoxicated/impaired, a copy of the PAR will be attached to court papers and delivered by the arresting officer to the Assistant District Attorney in the complaint room;
- To *reduce fraud*, certain steps must be taken:
 - All boxes in the “all involved” and “persons killed or injured” section must be lined out and initialed (if not used);
 - All persons named on the PAR should be properly identified through photo identification (if they cannot, it must be noted in the “officer’s notes” section);
 - VINs must be noted on the front and back of the PAR and identified through observation of the dashboard VIN, as well as the VIN on the driver-side door;
- Officers should survey the scene carefully and be alert for some of these more *common insurance fraud indicators and indicate* in the “Officer’s Notes” section of the PAR:
 - Minor collision/low impact collision yet *all vehicle occupants are claiming injuries*;
 - The injured passengers are not acquainted with the driver and/or each other;
 - Older model vehicles involved in collision with multiple vehicle occupants claiming injury;
 - No debris at the scene despite significant damage to the vehicle(s). This is an indication that the collision/damage took place elsewhere;
 - The driver’s description of the collision does not coincide with the damage to the vehicles;
 - Differing accounts of the collision are given by the driver and passengers;
 - The vehicle driver is eager to assume blame for the collision;
 - The driver, injured occupants, and/or witnesses use a post office box as an address.



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DEPARTMENT VEHICLE COLLISIONS

In the event that a Department vehicle is involved in a collision, the patrol supervisor will respond and conduct the investigation. *The vehicle should be moved only if its location is hazardous and likely to cause additional collisions.* It is important to understand the officer's duties at a Department vehicle collision scene prior to the arrival of the patrol supervisor:

1. Request ambulance, if necessary;
2. Request operator, occupants and witnesses to remain pending arrival of patrol supervisor;
3. Obtain name, address, home and business telephone numbers of persons involved and witnesses;
4. Request patrol supervisor, precinct of occurrence, to respond;
5. Prepare a *Report of Motor Vehicle Accident - MV104*, (not a PAR), in all cases;
6. If incapacitated, the patrol supervisor will prepare the *Report of Motor Vehicle Accident*, in addition to other forms.

The Police Department, the City Law Department, or their designee, pursues claims against private entities that are at fault in Department vehicle collisions. Details concerning the cause of the collision including the names of witnesses favorable to the City will be carefully documented on **all** Department forms.

LOD INJURY

In the case of a Department vehicle collision where a *police officer sustains an injury* (or any case that involves a police officer sustaining an injury), the police officer must *remain at the scene (unless emergency), request the patrol supervisor to respond, request any witnesses to await the supervisor and notify the desk officer.*

LEAVING THE SCENE OF A COLLISION

People who are at fault for collisions sometimes avoid responsibility for their actions by fleeing the scene. Operators of motor vehicles who flee the scene of a collision seriously hamper the ability of police to investigate the nature and cause of the collision. The New York State Vehicle and Traffic Law describe offenses that apply to



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individuals who leave the scene of a collision. Upon response to a vehicle collision involving property damage, physical injury or a fatality, police officers must be familiar with both the New York State Vehicle and Traffic Law and the Patrol Guide as they relate to leaving the scene of a collision.

NEW YORK STATE VEHICLE AND TRAFFIC LAW SECTIONS 600 & 601

Any person operating a motor vehicle knowing that property damage or personal injury has been caused as a result of an incident involving the motor vehicle, shall stop and identify him or herself to the party sustaining the damage. The operator of the motor vehicle is required to stop to display their license and proof of insurance. In cases where the party sustaining damage is not present at the place where the damage occurred, then they shall report the same as soon as physically able, to the nearest police station.

- Section 600-1(a) *Leaving the Scene of a Property Damage Collision* - Traffic Infraction
- Section 600-2(a) *Leaving the Scene of a Personal Injury Collision* - Misdemeanor
- Section 600-2(a) *Leaving the Scene of a Personal Injury Collision (Death/S.P.I.)* - Felony

Additionally, any person operating a motor vehicle that strikes and injures any horse, dog, or cat shall stop and attempt to locate the owner or custodian of such animal. The operator of such vehicle must also take any other reasonable or appropriate action so that the animal may have necessary medical attention.

There are two main types of leaving the scene of an accident: in cases where a motorist has left the scene prior to police arrival (transmit a description of the auto, if known, and prepare a **COMPLAINT REPORT** for “Leaving the Scene of a Collision”) and if the perpetrator is caught while fleeing the scene. If it is the latter, follow these procedures:

- *Property damage only* – A summons may be issued in lieu of a **COMPLAINT REPORT**;
- *Injury sustained* – An arrest will be effected and a Complaint Report prepared.



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PART IV: VEHICLE TOWING

TOW TRUCKS

The NYC Department of Consumer Affairs (DCA) licenses most tow trucks conducting business within New York City. There are some tow trucks that are exempt from the DCA licensing requirement. Unfortunately, many tow trucks that are required to be licensed by DCA are not property licensed and do not adhere to the applicable laws.

- *Tow Truck* - Shall mean a vehicle that is equipped with a crane, winch, tow bar, push plate or other device designed to pull, push or raise a vehicle from the front or rear.
- *Towing* - A tow truck being driven or operated on public streets *whether or not it is actually transporting another vehicle*. Towing shall include the offering to transport a vehicle by means of a tow truck.

Motor vehicle collisions often require the use of private tow trucks to remove vehicles from the scene. There are several hundred tow companies in NYC, all in direct competition with each other. Often the difference between getting the tow (and possible collision work associated with the repair of the vehicle involved) or not is a matter of seconds. With this goal in mind, many tow drivers will race through the streets without regard to the traffic rules and subsequently create a safety hazard for all.

In an effort to curtail these dangerous situations, the Department of Consumer Affairs has implemented a Directed Accident Response Program (D.A.R.P.). The intent of this program is to provide an orderly and efficient way of dispatching tow trucks to the scene of collisions and reduce the potential for serious crashes caused by tow trucks chasing collision jobs. Members of the service are required to comply with these procedures as well as enforcing the pertinent laws and procedures relating to the issuance of summonses and **REPORT OF VIOLATIONS** to tow operators who do not comply with the DARP provisions.

TOW OPERATORS

Tow truck drivers must have the following available while driving a tow truck:

- 1) New York State commercial driver license class A, B, C or non – CDL class C License with a “W” endorsement or equivalent from other jurisdictions
- 2) New York City Department of Consumers Affairs license



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- 3) New York State DMV vehicle registration
- 4) Insurance card
- 5) Tow truck identification card issued by DCA

Section 501(b) (viii) of the VTL requires that a NYS CDL or non – CDL class “C” license bear a “W” endorsement in order for the holder to operate a tow truck. Tow trucks to which an exemption sticker has been issued do not require the driver to possess a DCA tow truck license, but still require the driver to possess the NYS CDL or non – CDL class “C” license with a “W” endorsement.

The following tow trucks are exempt from the DCA licensing requirements but must display a DCA exemption sticker:

- Government Agency
- Vehicle Dismantler/ Itinerant vehicle collector
- Bus Company
- Utility Company
- School Bus Company
- Vehicle Rental Agency
- Tow truck owner of a Taxi or Livery vehicle licensed to operate by the Taxi and Limousine Commission