



Legislation Text

File #: Res 1435-2012, **Version:** *

Res. No. 1435

Resolution calling on the Commissioner of the New York City Police Department to revise the Department's patrol guide section regarding police response to motor vehicle accidents that result in death or serious injury likely to result in death to reflect the New York State Vehicle and Traffic Law requirement that police investigate all accidents involving serious physical injury or death, as defined by the Penal Law.

By Council Members Levin, Lander, Vacca, Chin, Comrie, Dickens, Gentile, James, Koppell, Mendez, Rose, Williams, Wills and Ulrich

Whereas, The New York City Police Department ("NYPD") is responsible for enforcing traffic laws and investigating motor vehicle accidents in New York City; and

Whereas, Upon arriving at the scene of an accident, the NYPD determines whether anyone has been injured; and

Whereas, The NYPD's level of response to vehicle accidents depends on the severity of injuries that have been sustained; and

Whereas, For accidents that result in an injury, regardless of the severity of the injury, the NYPD deploys patrol officers to the scene who complete a police accident report, request ambulance service, determine the cause of the accident, and direct traffic, among other duties; and

Whereas, In addition to deploying patrol officers to accident scenes, the NYPD sends the Highway Unit's Accident Investigation Squad ("AIS") if a person dies or is "likely to die" as a result of the accident; and

Whereas, AIS is a specialized unit comprised of, among others, detectives who conduct a comprehensive investigation at the accident scene, including interviewing witnesses, preparing crash scene diagrams, and analyzing physical evidence; and

Whereas, According to the NYPD, in 2011, AIS was deployed 304 times, including to 241 accidents that

resulted in a death and 63 classified as having a victim that was likely to die; and

Whereas, However, while death is apparent, whether or not an injury is “likely to result in death” might not always be so clear; and

Whereas, In fact, authorities may not always know how severe an injury is until the individual arrives at the hospital, at which point it may be too late for the NYPD to deploy the AIS; and

Whereas, Furthermore, while death and injuries likely to result in death are “serious injuries,” many other injuries, while not life threatening, are serious as well; and

Whereas, Many accidents result in life altering injuries such as multiple broken bones, dismemberment, head trauma and paralysis; and

Whereas, One such accident occurred on July 10, 2011 when Clara Heyworth was hit by a motor vehicle as she was crossing a street in Brooklyn; and

Whereas, The AIS allegedly began an investigation shortly after the accident took place that was put on hold because Ms. Heyworth initially survived the accident; and

Whereas, Unfortunately, Ms. Heyworth never regained consciousness and passed away the day after the accident; and

Whereas, Three days after the accident the AIS reportedly resumed the investigation into the crash; and

Whereas, The decision to postpone the investigation allegedly compromised some evidence from the crash; and

Whereas, Ms. Heyworth’s case demonstrates the difficulties of assessing the seriousness of someone’s injuries and how it effects the accessibility and integrity of crash scene evidence; and

Whereas, Yet another example occurred in October 2010, when a driver who was allegedly speeding hit James Paz and Michelle Matson and fled the scene; and

Whereas, Mr. Paz suffered a broken rib while Ms. Matson suffered a fractured skull, a broken neck and a broken leg; and

Whereas, Despite witnesses who saw the car hit Ms. Matson and send her down the street, the NYPD was never able to identify the driver; and

Whereas, The NYPD allegedly treated this accident as a non-AIS type since no person died or was deemed “likely to die”; and

Whereas, In order to ensure that the NYPD conducts a thorough investigation into accidents that result in serious injury, the NYPD should revise its patrol guide to reflect the New York State’s Vehicle and Traffic Law’s (“VTL”) response requirement; and

Whereas, Pursuant to VTL section 603-a, police shall investigate all motor vehicle accident which result in serious physical injury or death to a person as defined in the Penal Law; and

Whereas, Serious physical injury is defined in the Penal Law as an injury that creates a substantial risk of death or which causes death or serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ; and

Whereas, This definition covers more injuries than the definition used by the NYPD in determining when to conduct a more through accident investigation; and

Whereas, It is important for a thorough investigation to be conducted in all accidents resulting in serious injuries; and

Whereas, The NYPD should, therefore, adopt this language and amend departmental policies to ensure that all vehicle accidents that result in serious physical injuries are properly responded to and investigated; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Commissioner of the New York City Police Department to revise the Department’s patrol guide section regarding police response to motor vehicle accidents that result in death or serious injury likely to result in death to reflect the New York State Vehicle and Traffic Law requirement that police investigate all accidents involving serious physical injury or death, as defined by the Penal Law.

SA
7/18/12
LS# 3424