

"P" 20 (2020)

Albany, New York

December 14, 2020

TO: All Enforcement Agencies

SUBJECT: Reporting Police-Involved Crashes

The attached document clarifies which police-involved crashes need to be reported to DMV and which police crashes are eligible for exemption from an officer's external driving record. This information is also contained in pages 89-93 of the Police Crash Report Submission Instructions (form P-33), which is available at <https://dmv.ny.gov/forms/p33.pdf>

Please share this information with appropriate staff. Thank you.

Mark J.F. Schroeder
Commissioner

Attachment

Reporting “Police-Involved” crashes to DMV

When to report a “Police-Involved” crash to DMV:

Any police-involved crash where any of the following occurred **must** be reported to DMV:

- A death occurred.
- Any personal injury occurred to any person involved.
- Any property damage, regardless of who owns the property, in excess of \$1,000.

Pursuant to Vehicle and Traffic Law (VTL) Section 605(a)(4), any crash where the officer is deemed to have been in “Emergency Operation” will be **excluded** from the operator’s external license abstract unless the operator was charged with a violation of penal law or found grossly negligent. Any reportable crash that did not occur while in “Emergency Operation” will appear on an officer’s external license abstract.

“Emergency Operation” is defined in VTL Section 114(b).

“The operation, or parking, of an authorized emergency vehicle, when such vehicle is engaged in transporting a sick or injured person, transporting prisoners, delivering blood or blood products in a situation involving an imminent health risk, pursuing an actual or suspected violator of the law, or responding to, or working or assisting at the scene of an accident, disaster, police call, alarm of fire, actual or potential release of hazardous materials or other emergency. Emergency operation shall not include returning from such service.”

Forms that should be used to report “Police-Involved” crashes to DMV:

1) MV-104A or MV-104AN (Police Accident Report)

- The officer’s name and D.O.B. are required fields.
- If the police-involved crash occurred in “Emergency Operation,” make sure it is clearly stated in the “Accident Description/Officer Notes” section that the crash occurred while in “Emergency Operation”.

2) MV-104L (Police Line of Duty)

- Must accompany the above police accident report.
- The reporting officer can denote if the crash occurred during “Emergency Operation” and if so, make sure the box by the officer’s name is checked to denote being in “Emergency Operation.”
- Receiving this report provides DMV with the officer’s driver license number which can then be omitted on the police accident report.
- This report replaces the need for an officer to independently file an *MV-104* (Motorist Report).

3) MV-104 (Motorist Report)

- The officer involved in the crash is responsible for filing an *MV-104* (Motorist Report) if the police agency does not file an *MV-104L*.

- If the police-involved crash occurred while in “Emergency Operation,” on the MV-104 in the “How did this accident happen?” section, make sure it is clearly stated that the crash occurred while in “Emergency Operation.”

This information is also contained in the P-33 Police Crash Report Submission Instructions (Pgs. 89-93)

[P-33 Online](#)