Involved Member(s):

Trooper Michael G Raap

Case Type: Personnel Complaint

Case Number: DCN2020-0180

Finding: Founded

Complainant: Constance Y. Marines

Pers	sonnel	Comp	olaint V	Vork SI	neet	Case I	Numb	er	
Type: Personn	el Inv.	Sub Ty	pe:		Incident	Date: 5/12/20	7.50	Incident Time: 11:00 AM	
						Detail or Tro		Level of Investigation	
Initiated By:	⊠C = Citia	zen	= NYSP	CTV	: F3659	F	T	1	
Mode Received			☐ Fax				Phone		Survey
Synopsis of Co a motor vehicle			ant states	Tpr. Mich	ael Raap of	SP Deerpark	failed	to prope	rly investigate
Subject(s) of	Complain	t		First Name		1.00	FOR		Maiday Nama
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Member Inform			inant)						
Employee ID #	Rank/Nar	ne							TZS
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Employee ID #	Rank/Nar	ne					1	Date	Time
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Troop Notifica	ation						352	<u> </u>	and the state of the
Employee ID #		ne of Mem	ber at Troop	p Notified			1	Date	Time
	Capt. M	ark Niels	on				(6/16/20	3:27 PM
Employee ID # Rank/Name of Member Notifying Troop				1	Date	Time			
Major Gregory Thomas 6/15/20				10:19 AM					
Division Notif	ication								
Employee ID # Rank/Name of Member at Division (or Duty Officer) Notified Date Time					Time				
	Control action of the control of the						9:00 AM		
Employee ID #	s labe verifically adjustment of all adjustments and adjustment of a significant of the s					Time			
						2:00 PM			
Employee ID #		Charles and an arrangement of the	stigating Me	ember				Date	Time
	Sgt. Andre Terry 6/17/20 2:					2:02 PM			

Some fields have a built-in Help feature that will work when opened with Word. With the cursor on the field, you may click F1 to invoke Help or check the status bar on the lower left for tips on data entry.

PROFESSIONAL STANDARDS BUREAU PERSONNEL COMPLAINT TRACKING

DCN: 2020-0180 CTV: F366	8 REGION: SRO		LEVEL: 1	TYPE: Personnel Complaint	
Subject(s): Trooper Michael (G. Raap		-		
Investigated by: Sergeant And	e R. Terry		Troop or Detail	F	
Staff Inspector: Gregory Thoma			Date: occurred or	n 5/12/20	
SUBJECT HISTORY REVIEW		VIDEO? □	ON PROBATION	? 🔲	
ALLEGATION: Service Compl					
SYNOPSIS: On June 13, 2020, complainant contacted PSB-HQ regarding a motor vehicle collision investigated by Trooper Raap, wherein he failed to obtain pertinent information of an uninvolved, yet potentially contributory tractor trailer. On May 12, 2020, Trooper Raap responded to a minor PIAA at SR 284 and CR 93, T/Wawayanda. Complainant stated the uninvolved tractor trailer began to enter her lane, causing her to take evasive action and run of the roadway, striking a culvert. Trooper Raap interviewed the uninvolved operator, but failed to document any information, which would have allowed the complaint to make a claim for damages sustained as a result of the collision.					
Major James C. Michael, Troop F Commander, determined this Personnel Complaint is Founded, with Tpr Raap violating NYSP Regulation: 8A2 for Failure to comply with Rules/Regulation/Instructions, specifically: Article 38J3(a)(1) Investigate all motor vehicle collisions reported to you and determine what action is necessary to perform a complete investigation.					
A/Inspector Gregory Thomas co	ncurs with the findings of Maj	or Michael.			
Finding of Investigation: 🛛 1	Founded Unfounded [Unsubstantiated	Closed by Inv	estigation	
Recommended Level of Adjud	ication: 🗌 Troop Level 🛛	Division Level			
Adjudicated at Troop⊠	Date:11/23/2020	Dispositi	on: Letter of (Censure	
Date Forwarded to Assistant L	Deputy Superintendent – Pro	fessional Standard	ls Bureau: GST 12	2/01/2020	
Assistant Deputy Superintenden					
Comments:		VIII	A 44.4	The state of the second	
Finding of Investigation:	Founded 🗌 Unfounded 📗] Unsubstantiated	☐ Closed by Inv	vestigation	
Recommended Level of Adjud	ication: 🔲 Troop Level 🛛	Division Level			
Date Forwarded to Deputy Su	oerintendent – Professional S	itandards Bureau			
Deputy Superintendent - Profes	cional Standards Rureau	Pare Date Pare		"是一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个	
Comments:				and the second s	
☐ Division Level Recommended ☐ Troop Level Recommended Date Forwarded to First Deputy Superintendent:					
First Deputy Superintendent	Date:				
Direction: Troop Level—Return to Chief Inspector Division Level Forward to Division Counsel Date Forwarded to Counsel or the Chief Inspector:					
☐ Troop Level Rank	Name of Member Notified				
Date Notified:	Notified by Whom:				



KEITH M. CORLETTSuperintendent

November 23, 2020

Trooper Michael G. Raap New York State Police Deerpark, NY

RE: DCN 20200180

Dear Trooper Raap:

LETTER OF CENSURE

On May 12, 2020 at approximately 11:00AM, you responded to a one-car motor vehicle accident at the intersection of State Route 208 and County Route 93 in the Town of Wawayanda. The sole occupant of the vehicle later alleged that you failed to adequately investigate the accident when you did not obtain the identity of the male operator of a tractor trailer who she alleged had caused her to crash her car. Subsequent investigation determined that you also did not obtain the registration information of the tractor trailer, information which could have been pertinent to the accident investigation. In failing to complete an adequate motor vehicle collision investigation and determine what action was necessary to perform a complete investigation, you acted in violation of Regulation 8A2.

On November 23, 2020, you appeared before me, executed a waiver and requested that I adjudicate the discipline in this matter.

Accordingly, it is my decision that you receive a letter of censure for your actions. I trust that you will not allow this to happen again.

Sincerely,

John Canhol

Major James C. Michael

Troop Commander

Troop F

Administrative Investigation Report

PC#	20200180	RCN#				
SJS#	9584605	Date:	05/12/2020			

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Administrative Investigation Report

PC# 20200180 Date: 05/12/2020

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Administrative Investigation Report

PC#	20200180		
SJS#	9584605	Date:	05/12/2020

Enclosures Ch	eck List (Check all that app	oly)) is the second of	
		Last Name of Person(s)	Submitting Memo(s):	· · · · · · · · · · · · · · · · · · ·
Memo(s)	\checkmark	Raap		• .
		Last Name of Person(s)	Signing Deposition(s) and/or S	itatement(s):
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GENL-89 Use of Chemical Agent				
GENL-90 Use of Taser X26/X26P				
GENL-91 Vehicle Pursuit Report				
MV-104A Police Accident Report	✓			
Non-SP Collision/Incident Report (TRACS)				
Audio Recording		# Enclosed:	Transcript enclosed:	Enter Source:
Video Recording		# Enclosed:	Transcript enclosed:	Enter Source:
GENL-81 Medical Release		Last Name(s):		Records Enclosed: Yes No
GENL-81E Medical Release		Employee(s) Last Name:		Records Enclosed: Yes No
GENL-81M Medical Release	·	Member(s) Last Name:		Records Enclosed: Yes No
Other Enclosures	✓	Describe: Accident	Exchange Information	on Form

Administrative Investigation Report PC# 20200180

sus # 9584605 Date: 05/12/2020

Report of:		*			
Name	Rank	Employee ID #	TZS		
Andre R Terry	Sergeant		F261		
Signature	Date				
SCTRKD	10/27/2020	M. I	F		
Reviewed by:	₹				
Name	Rank	Employee ID #	TZS		
Thomas Brozycki	Lieutenant		F200		
Signature / / ^	Date	4 2 4			
T Broggely	10/27/2020		33		
1 st Endorsement		* **			
To: Troop Commander		75 U.S. 1	K+ V &		
From: CAPTYNIN PETER J. CIRIGLIANO II	I concur with the findings of this	s investigation: Yes	No .		
Signature: Carr Part	Date: 11/3/20	w w			
2 nd Endorsement	F 9 7- 7				
To: Division Headquarters					
From: Pluger J. C. Mahal	I concur with the findings of this	s investigation: Yes 4	No		
Signature: June Alle	Date: 11/5/LU	Total Mod			
If Division Wehicle Collision check appropriate s	status:				
Preventable	Non-Preventable		No.		
If Personnel Complaint check appropriate statu	s:	la jor it √	esu 1. Jel		
Founded Unfounded	Unsubstantiated	Closed by Investigat	ion		
If Founded, complete the following:					
Date: Rule 3 Waiver Form attached	Copy of Memorandum of Disp	osition to Member Attached			
Disposition imposed under Rule 3:					
No Action Warranted Letter of Censure Intra - Troop Tra	Probation # of days:	Loss of A.L. Days			

Administrative Investigation Report Narrative

PC # 	20200180		
SJS#	9584605	Date:	10/27/2020

On 05/12/2020 at approximately 11:00 a.m. Trooper MICHAEL RAAP responded to a one car motor vehicle accident with injuries at the intersection of State Route 284 and County Route 93 in the Town of Wawayanda. CONSTANCE MARINES was the operator and the sole occupant of a 2018 Ford bearing New York registration JRM3813. (Reference Accident Report #SP2F20BTS9GH).

On 07/13/2020, I interviewed MARINES and secured a deposition from her which states in sum and substance that Trooper RAAP failed to adequately investigate a motor vehicle accident by failing to obtain the identity of the male operator of the tractor trailer who she alleges caused her to crash her vehicle.

On 08/03/2020, I interviewed Trooper RAAP, who stated he investigated the accident involving MARINES. Trooper RAAP stated he interviewed MARINES as well as the male operator of the tractor trailer. Trooper RAAP stated he also interviewed ROBIN HANAK, who was at the scene but did not witness the accident. Trooper RAAP stated he did not obtain the identity of the male operator of the tractor trailer nor did he obtain the registration of the tractor trailer.

On 10/21/2020, I interviewed ROBIN HANAK, who stated she was at the accident scene to comfort her friend, MARINES, but she did not witness the accident and did not know the identity of the male operator of the tractor trailer. ROBIN HANAK declined to provide a deposition.

On 10/27/2020, I interviewed ROBERT HANAK of Grand Prix Auto, who responded to the accident scene and towed MARINES'S vehicle to his shop. ROBERT HANAK stated he did not know the identity of the male operator of the tractor trailer. ROBERT HANAK declined to provide a deposition.

Investigation into this matter revealed that Trooper RAAP failed to obtain the identity of the male operator of the tractor trailer as well as the vehicle's registration, which would have been pertinent to the accident investigation.

The complaint is founded in that Trooper Raap violated Regulation 8A2, failure to comply with instructions, specifically Article 38J3 (a)(1) of the Members Manual which states, Members should investigate all motor vehicle collisions reported and determine what action is necessary to perform a complete investigation.

NEW YORK STATE POLICE

MEMORANDUM

Troop F Station Deerpark

Date November 10, 2020

To:

ì

Major James C. Michael, Troop F Commander

From:

Trooper Michael G. Raap

Subject:

DISCIPLINARY ACTION

I hereby request to have the above-captioned investigation adjudicated by the Troop Commander pursuant to Rule 3, Disciplinary Action, of the New York State Police Manual.

I waive the following:

- 1. The right to have this matter disposed of by the Superintendent or by a formal hearing.
- 2. Any right to appeal the Troop Commander's adjudication, which may be a determination of unfounded or, upon a finding of guilt, the imposition of the following penalties:
 - i. A letter of censure and/or
 - ii. An intra-troop transfer and/or
 - iii. A fine to be expressed in the loss of no more than five vacation days to be worked by me with no additional compensation or overtime.

NEW YORK STATE POLICE

MEMORANDUM

Troop F Station SP Deerpark

August 3, 2020

To:

Major JAMES C. MICHAEL, Troop F, Troop Commander

From:

Trooper MICHAEL RAAP



Subject: PERSONNEL COMPLAINT

I was advised of my rights to representation pursuant to Article 16.2 of the contract by Sergeant ANDRE TERRY. I provide the following account:

On May 12, 2020 at 11am I responded to a 1 car accident (SP2F20BTS9GH) at the ST 284 and CR 93 intersection in the Town of Wawayanda. Upon arrival at the scene, I observed a 2018 Ford in a culvert in a field on the western shoulder of ST 284. The operator of the vehicle, CONSTANCE MARINES, was sitting on the northern shoulder of CR 93 along with a female friend. I spoke to MARINES who stated she was driving northbound on ST 284. She observed a tractor trailer facing west at the stop sign on CR 93 at the ST 284 intersection. MARINES stated that the tractor trailer began to proceed west on CR 93 into the intersection of ST 284. She then swerved to the left to avoid striking the uninvolved tractor trailer. She then drove off the western shoulder of ST 284 striking a culvert in the field.

then spoke to MARINE's female friend, ROBIN HANAK, who stated she was assisting MARINES with a chest injury suffered from the accident. She stated she did not observe the accident.

I then located the tractor trailer parked on CR 93 just prior to the ST 284 intersection. I interviewed the male operator who stated in sum and substance that he was driving westbound on CR 93 and stopped at the stop sign at the intersection of ST 284. He then began to slowly proceed forward but did not enter the intersection (the stop sign and white stop line are set back a couple of feet from the intersection). He stated he stopped when he observed the 2018 Ford. He then observed that same vehicle drive off the western shoulder of ST 284 and into the field. I did not obtain the operator's name, date of birth, address, or telephone number.

Grand Prix auto then responded and removed the 2018 Ford from the field.

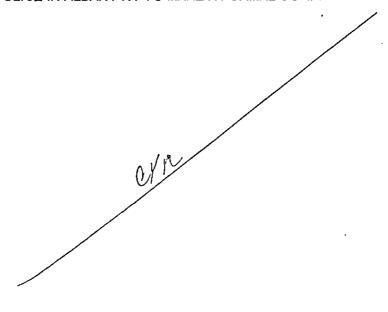
NEW YORK STATE POLICE

3	THE PEOPLE OF THE STATE	OF NEW YORK			_
V 	. Defendant(s)				
	<u>INCIDENT LOCAT</u>	ION:	LOCA	TION OF DEPOSITION:	
STAT	E OF NEW YORK LOCAL CRII	MINAL COURT	STA	TE OF NEW YORK	8
COUN	TY OF ORANGE		COUNTY OF OR	ANGE	<u>8794</u>
тои	/N ofWAWAYAND;	4	TOWN of	GREENVILLE	
	ä		-		
Date On 07/13/2	Time Started 2020 at 08:41 PM	Full Name: I, CONSTANCE Y MARIN.	ES	· · · · · · · · · · · · · · ·	
Date of Birth	No. and Street	I, CONSTANTOL PRIMARILE	сли	% T 12 <u>12</u> 1	State
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committe	written instrument, any person wat a crime under the laws of the under penalty of perjury	(Penai La ho knowingiy makes a false s			ue has
this	13 day of JULY	, 2020	(SIGNATURE OF DI	EPONENT)	
* 0.01	- OR -		(WITNESS)		
this	bed and Sworn to before me		SCT AND RETT	Time Ended 07/13/2020 09:25	PM

^{*} This form need be sworn to only when specifically required by the court

State The Following:

SP2F20BTS9GH WHICH HAD MY INFORMATION ONLY ON IT. I SUBSEQUENTLY CONTACTED MY INSURANCE COMPANY TO NOTIFY THEM OF THE ACCIDENT I WAS INVOLVED IN ON 05/12/20. MY INSURANCE COMPANY INQUIRED ABOUT THE INFORMATION OF THE OTHER DRIVER WHICH I DID NOT HAVE AT THE TIME. I CALLED THE STATE POLICE BARRACKS IN MIDDLETOWN AND WAS TOLD THE OTHER DRIVER'S INFORMATION SHOULD BE ON THE ACCIDENT REPORT. WHEN I RECEIVED ACCIDENT REPORT # SP2F20BTS9GH, TO MY SURPRISE I DID NOT SEE THE OTHER DRIVER'S INFORMATION ANYWHERE ON THE ACCIDENT REPORT. I CALLED TROOPER RAAP IMMEDIATELY AND ASKED HIM WHY ISN'T THE OTHER DRIVER'S INFORMATION ON THE ACCIDENT REPORT. TROOPER RAAP ADVISED ME THAT SINCE I DID NOT MAKE CONTACT WITH THE OTHER VEHICLE THERE WAS NO NEED FOR THE OTHER DRIVER'S OR VEHICLE'S INFORMATION TO BE IN THE ACCIDENT REPORT. I ADVISED TROOPER RAAP THAT THERE WAS A FEMALE SUBJECT WHO WAS AT THE ACCIDENT SCENE WHO STATED THAT THE TRACTOR TRAILER WAS LEFT IN THE INTERSECTION OF STATE ROUTE 284 AND COUNTY ROUTE 93. TROOPER RAAP ADVISED ME THAT THE FEMALE SUBJECT DID NOT WITNESS THE ACCIDENT. I IMMEDIATELY ADVISED TROOPER RAAP THAT I WANTED TO SPEAK WITH A SUPERVISOR FROM THE STATE POLICE, I SPOKE TO SERGEANT ERIK ANDERSON OF THE STATE POLICE AND SUBSEQUENTLY CONTACTED THE STATE POLICE IN ALBANY NY TO MAKE A FORMAL COMPLAINT.



Notice

(Penal Law §210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed ur	der penalty of perjury TH day of <u>JULY</u> , 2020	(SIGNATURE OF DEPONENT)
	- OR -	
* Subscribe	ed and Sworn to before me	(WITNESS) Time Ended
this	day of	(NAME OF PERSON TAKING DEPOSITION) 07/13/2020 09:25 PM

^{*} This form need be sworn to only when specifically required by the court

	Page 1 of 2 Pages	New York State	e Departmen	of Motor Vel	nicles				
	Local Codes 9584605	POLICE A			ORT			19 26	
<u> </u>	SP2F20BTS9GH AMEND	DED REPORT	V-104A (6/0	14)				20	
	Accident Date	Vehicles	5	No. Killed	Not Investigated	<u></u>		20	
-	5 12 2020 TUESDA VEHICLE 1	Y 11:00 1	1 VEH	O IICLE [Accident Recons		Yes ✓ № OTHER PEDESTRIAN	F	
	VEHICLE 1- Driver	State of L	ic. VEHICLE				State of Lic.	21	
1.5	License ID Number Driver Name - exactly		Driver N	ane exactly	1				
	as printed on license MARINES, CONSTA Address (Include Number and Street)	ANCE Y			er and Street)	The state of the s	APP Co.	T	
	City of Town		Cityon			State		22	
3			茅機器				ZPCoce		
7	Date of Birth Month Day Year Unlicensed N	to. of Occupants Public Property Damaged	Late of B.	Day Year	593. UNIC	ense ti iko di Sko pan	Property T		
	Name - executy as primed on registration \$	Sex Date of Birth Month Day Yea	Name tex	achy as printed o	n registration in	Sex a Date	GLBION D Day York	23	
4	MARINES, CONSTANCE Y	F	46la66 /	:1				2	
	Address (Include Number and Street)	pt. No. Haz. Rels Mat Rels Code	ased Address (ncyde Number a	rdSirce)	Cooe	Released	24	
5	City or Town State	g Zip Code	City of To		;;	, Siato	Zip Code		
1	Plate Number State of Reg. Vehicle Year & Mall JRM3813 NY 2018 FORD		The state of the s	se s	ta of Reg. Vehicle	Year & Mako Vehic	e,Type mu ilne)Code		
	Ticket/Arrest	BOBA 033	Ticket/Am	51				25	
6	Number(s) Violation	1.2.	Number(s Violation	THE RESIDENCE OF THE PARTY OF T				1	
1	Section(s) [Check if involved vehicle is:	Check in involved, vehicle is:	Section(s)	The state of the s	ram below that de	escribes the accident, o	r draw your own		
Ar.	more than 95 inches wide;	more than \$4 (eet long).		diagram in spa	ice #9. Number th	ne vehicles.		1	
7	H operated with an overweight permit;	operated with an overweig	hì permit 1	Roor End Left Turn Right Angle Right Turn Head On					
1	C VEHICLE 1 DAMAGE CODES C	operated with an overdime							
Alex:	L Box 1 - Point of Impact 1 2 L E Box 2 - Most Damage 3 3 E	Box 1 Point of Impact 1 Box 2 Most Damage		2 🛬	- 0, 5	6. 7	a		
	Enter up to three 3 4 5 more damage codes 14	Enter up to three 3 more damage codes	. 4 5	ACCIDENT D	IAGRAM	¥		27	
	Vehicle By: GRAND PRIX Towed To: GRAND PRIX	Vehicle Bya Towed Tox			last page	e of the MV-1	04A for the	\vdash	
	VEHICLE DAMAGE CODING:	3 4 5	5 7	accider	it diagram	•			
	1-13 SEE DIAGRAM ON RIGHT. 14. UNDERCARRIAGE 17. DEMOLISHED			9.				28	
	16. TRAILER 18. NO DAMAGE 16. OVERTURNED 19. OTHER		386	Cost of repair	s to any one vehi	cle will be more than \$1	F	20	
	Reference Marker Coordinates (if available)	Place Where Accident Occ	10 P	Unknov	vn/Unable to dete	rmine Yes	∐ No	┞	
	2 8 4 Latitude/Northing	County ORANGE		City V	illage 🔽 Town	of MINISIN	к		
	4580089	Road on which accident occ	curred ROI	JTE 284	9-405 dg-3855	(Route Number or 5	Street Name)	29 -	
	8 3 0 1 Longitude/Easting	at 1) intersecting street	COUNTY	ROAD 93		(Route Number or S	SOCIOLO E CARRACIO	-2	
	1 0 7 4 542334	or 2) miles		S of	epost Nearest inters	ecting Route Number or St		20.000	
	Accident Description/Officer's notes	The state of the s	<u> </u>					30	
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E D	and Signature TPR Jpm // Und	O Rep Badge/ID No.			Sector	TERRY, ANDRE	5/12/2020	8	
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Page 2 of 2 Pages

New York State Department of Motor Vehicles

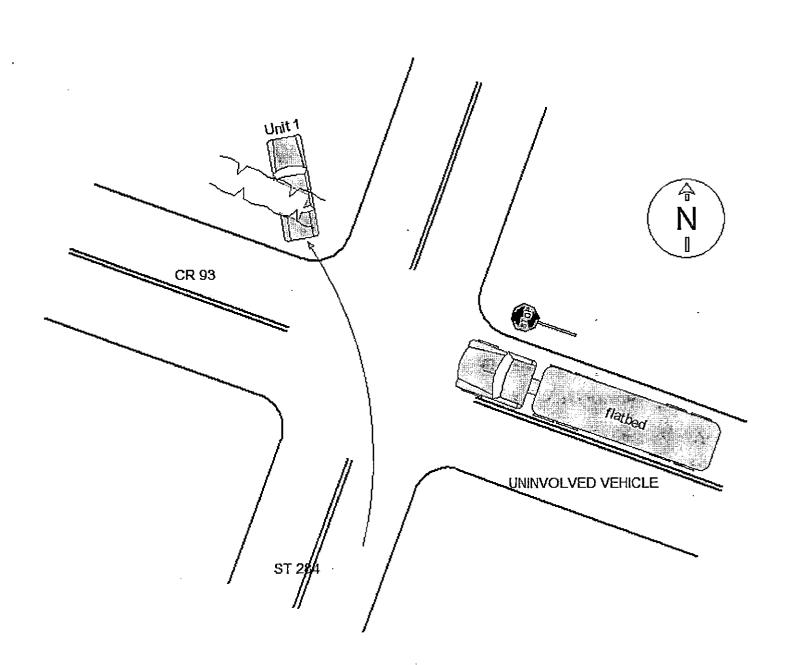
POLICE ACCIDENT REPORT

MV-104A (6/04)

9584605 SP2F20BTS9GH AMENDED

1	AMENDED REPOR	? <i>T</i>
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		Day of Week	Military Time No. of Vehicles		No. Injured	No. Killed	Not Investigated at Scene	 Police Photos	
Month 5	12	2020	TUESDAY	11:00	1	1	0	Accident Reconstructed	Yes 🗸 No



ACCIDENT INFORMATION EXCHANGE FORM

NY State Law requires that any accident resulting in a fatality, injury or damage to property of any person (including damage to your vehicle) or entity over \$1000 be reported by YOU to the Department of Motor Vehicles (DMV) within 10 days after an accident. Failure to report an accident or failure to give correct information is a misdemeanor and may result in the suspension/revocation of your driver's license (or operating priviledge in NYS) and all vehicle certifications or registrations.

Report your Accident to DMV on DMV form MV-104 (Report of Motor Vehicle Accident). Police Accident Reports (DMV form MV-104A) DO NOT satisfy YOUR civilian reporting requirement.

Accident Report # SP2F20BTS9GH	Local Codes 9584605	Date 5/12/2020	Time 11:00 AM	# of Veh.	Town, City, Road Name MINISINK, TOWN OF - 3659	ROUTE 284	D D
Police Agency	i c	Officer's Name	/Badge ID#			10 20	
SP DEERPARK - 13508			RAAP		MICHAEL	G	2989

Operator's Nan	ne		Date of Birth	Address	-	
MARINES	CONSTANCE	Υ				2
City/State/Zip		Motorist	I.D.#	Vehicle Year and Make 2018 FORD	License Plate JRM3813	# and State NY
Vehicle Type	Insurance Code and Cor	npany	5.5	Vehicle Owner		
SUBN	639 - GEICO GEN INS CO			MARINES	CONSTANCE	Υ
Vehicle Towed	By		Ve	ehicle Towed To	<i>V</i> 2	

GRAND PRIX

Miscellaneous Notes

GRAND PRIX

VEHICLE# 001

Please wait 14 days before contacting DMV to request a copy of your accident report.

If you want to purchase a copy of the police accident report, form MV-104A, complete DMV's "REQUEST FOR COPY OF ACCIDENT REPORT" form MV-198C and send it to DMV. The form and instructions are available at www.dmv.ny.gov or at your local DMV office.

To obtain a blank civilian Accident Report (Form MV-104),
visit the DMV office nearest you
or
access forms online at www.dmv.ny.gov