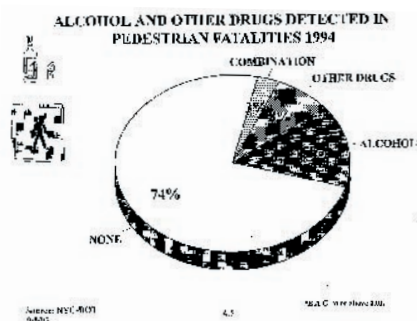
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## DETAILED INVESTIGATION AND DATA COLLECTION AND DATA ANALYSIS OF ALL PEDESTRIAN FATALITIES AND INJURIES.

When it comes to accident investigations resulting in pedestrian fatalities and injuries, the statistics that the police report are not accurate-- and they need to be. There is a serious problem not only with how accident data is collected by the NYPD, but also how the NYPD interprets accident data. Let me explain.

Antonia Monge was killed on November 17, 1995 while crossing the intersection of Atlantic Avenue and Hoyt Street. The driver stated that Ms. Monge “jumped in front of her vehicle without looking.” We know this from reading the police accident report.

Nothing seems strange about this, until you realize that Antonia Monge was 88 years old and couldn’t jump in front of a vehicle if she wanted too.

The police need to find credible witnesses to determine what happened in all pedestrian fatalities. And this means some one other than the driver who just killed a human being, and has a self interest in lying.

The NYPD blames pedestrians in other types of “accidents” too. This is because they misinterpret the data they collect, as well as the data they receive from other agencies. A typical example of this is the story of Michael Regina. He was killed in front of his auto shop near the corner of Prince and Lafayette. He was crossing the street when he was hit by a vehicle driving fast enough in reverse to throw him 20 feet up in the air. According to police statistics, he is blamed for his own death, because he wasn’t crossing at the intersection. But if he didn’t land on his head and die from his injuries, what he


DOT documentation showing alcohol and drug detection in pedestrian fatalities. Note that BAC is tested at .01 which is neither illegal nor impaired, and is also 10 times less than the BAC of .10 permitted for drivers.

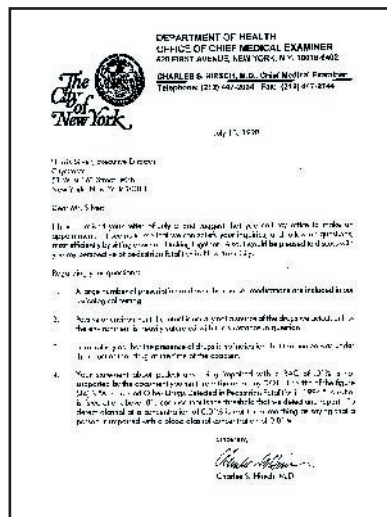
would tell you is the only reason he was killed was because a driver with a suspended license was speeding backwards down a Manhattan Avenue. Yes, Michael Regina was jay-walking. No, he wasn’t killed because he was jay-walking as the police claim, he was killed because of the illegal actions of a reckless driver. The statistics need to reflect this reality. Currently they don’t.

Another problem with police statistics is that if a pedestrian tests positive for alcohol or drugs they are automatically blamed for the accident .

(the police say 25% of all pedestrian fatalities test positive for drugs and, or alcohol-- this is based on mandatory toxicology tests performed by the Chief Medical Examiners office in all pedestrian fatalities).

What the police don’t tell you is that the Chief Medical Examiners office tests for the lowest level detectable of alcohol in pedestrian fatalities [blood alcohol level (BAC) of .01] which is ten times less than the BAC of .10-- required to consider a driver impaired]. That is, the alcohol test performed on pedestrians does not determine that a pedestrian was impaired as the police imply. Rather it only tests for the presence of alcohol. To put this in perspective, if you take cough medicine for a cold, alcohol will show up in these tests. Additionally when the police say drugs are a factor most people think crack, cocaine and heroin and are surprised to learn that many of the agents that are tested for in the standard toxicology tests, are found in many prescription and over the counter medications. Additionally many of the agents tested for can be found after they have been

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Letter from Chief Medical examiners office stating that perscription and over the counter medications are tested for in pedestrian fatalities and clarification on alcohol testing. The chief medical examiner of New York States that alcohol detected at such a low concentration should not be considered impaired.

metabolized by the body. In layman’s terms what this means is that certain agents show up in these tests long after they have stopped affecting the individual that took them. For instance, if someone smokes pot at a party and a week later is killed while crossing the street, the marijuana will show up on the toxicology test, and the police will blame him or her by saying drugs were a factor, when in fact they weren’t under the influence of drugs at the time of the “accident”.

It is wrong to blame a pedestrian who was struck down while crossing with the light, or standing on a sidewalk when a car jumps the curb, and to say that because they had drugs or alcohol in their system that their behavior caused their death. It ignores the fact that it is legal to walk down the street after ingesting alcohol, and it shifts the responsibility for the cause of the accident and skews the data that is used to form policy. Pedestrian responsibility in all accidents should be based solely on pedestrian behavior. Again in layman’s terms what this means is someone who had a glass of wine at dinner is probably capable of crossing a street and shouldn’t automatically be blamed for their death. The police need to determine cause not fabricate cause.

The police need to start accurately interpreting this scientific data--precisely because they are basing public policy on it and it’s misinterpretation is having an adverse effect on public safety. This is why although 14,000

pedestrians are struck by cars every year in NYC high ranking police officers suggest that people should learn how to cross safer and wear bright clothes at night, and completely leave out the reality that it is the action of drivers and not carelessness of pedestrians that is the cause of almost all pedestrian vehicle “accidents”.

This is because their policy is based on conclusions from their data. But how can their conclusions be accurate if the information that they use to come to those conclusions is not accurate? The police don’t apply the same type of tactics, techniques and resources to traffic fatalities as they do for so-called real crimes like felonies or homicides. The police use a different standard if you are killed by a stray bullet than if you are killed by a hit and run Chevy. The police need to design and implement an accurate and efficient methodology for the entire information-gathering process and analysis in all pedestrian “accidents”.

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“These reports indicate that a high incidence of pedestrian injury or death from motor vehicle related accidents are due to the actions of pedestrians rather than motorists”

Michael J. Farrell Deputy Commissioner of policy and planning NYPD.

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