



# DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: <b>Motor Vehicle Crash Investigation</b>	Effective Date: June 28, 2016	Policy Number: <b>5.16</b>	
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Attachments:	L. Shane Nelson, Sheriff		

## I. PURPOSE

The purpose of this policy is to establish guidelines and procedures governing motor vehicle crash reporting and investigation.

## II. POLICY

The responsibility of the Sheriff's Office regarding traffic crashes is to ensure the safety of the victims and other motorists, restore the normal flow of traffic, and, when appropriate, take enforcement action.

Many of the minor crashes are reported for insurance purposes only and their investigation serves little purpose in providing safety for the involved parties or to restore normal traffic flow. The policy of this agency, therefore, will be to investigate only those crashes which require law enforcement intervention as established by this policy.

## III. RESPONSE TO CRASHES

The Sheriff's Office shall respond to and generate a case number for motor vehicle crashes involving:

1. Death or injury;
2. Major traffic offenses;
3. Serious crashes involving traffic blockage or congestion;
4. Vehicular/property damage extensive enough to require towing or equipment to clear a roadway;
5. Hazardous materials;
6. Damage to public vehicles or property; and
7. Disturbances resulting from the incident.

## IV. MANDATED INVESTIGATIONS

Motor vehicle crashes will be assigned a case number and investigated when the crash involves:

1. Death (or death is likely to occur as a result of the crash);
2. A substantial or incapacitating injury;
3. Another governmental agency vehicle, upon their request;
4. A vehicle belonging to this local government;

5. A train and vehicle on railroad right-of-way;
6. When one of the major traffic offenses is alleged to have been committed;
7. Any vehicle containing a hazardous material that poses a significant threat to the safety of persons in the immediate area;
8. When a deputy feels the circumstances warrant an investigation and report; and
9. When enforcement action is taken, e.g., when a citation is issued.

## **V. NON-MANDATED CRASH INVESTIGATIONS**

### **A. Minor Crashes**

At a crash where ORS does not require a DMV report:

- deputies will run operator's driving status, check current insurance paperwork and conduct vehicle want checks on involved vehicles.
- deputies may cite for violations of ORS, such as Driving While Suspended, Driving Uninsured and Expired Vehicle Registration.

### **B. Minor Crashes on Private Property**

The deputy will assist in the exchange of information between drivers involved in minor crashes on private property. The deputy will attach the vehicle and driver information of all involved parties to the call and will ensure that each driver has a valid driver's license and insurance for the vehicle being driven at the time of the crash. These procedures will also apply to private property crashes.

### **C. Hit and Run Exception**

Minor crashes involving vehicles in which a driver fails to remain at the scene of a crash, as required by law, will be investigated, and traffic crash and incident reports will be completed.

Any major traffic offense on private property that results in a crash will be investigated and a DMV Crash report completed.

## **VI. CRASH SCENE PROCEDURES**

Procedures at motor vehicle crash scenes will be consistent with agency investigation, case tracking, and follow-up procedures, in conjunction with the Oregon Department of Motor Vehicles traffic crash manual and report.

### **A. General**

Deputies must be aware of potential hazards they may encounter at motor vehicle crash scenes.

1. The first arriving deputy should immediately protect the scene to prevent further damage or injury, assess the scene for emergency medical requirements, possible hazards and additional assistance requirements. The initial deputy at the scene should render basic and advanced life support and communicate any hazards or dangerous situations to responding units.
2. The deputy assigned the case is responsible for the investigation and follow-up. If the crash appears to be serious, such as qualifying as an assault or that may result in a fatality, the investigating deputy may request, via a supervisor, deputies specifically trained in crash investigation and reconstruction. The deputy will coordinate with or relinquish the investigation to them.
3. If the motor vehicle crash involves a school bus or other form of mass transportation, a train, public vehicle, or a hazardous material or fire, and appears to be of a serious nature, the investigating deputy may request, via a supervisor, the response of deputies specifically trained in crash investigation and reconstruction. The deputy will coordinate with or relinquish the investigation to them.

4. Traffic control at crash scenes is essential to protect the safety of all concerned. After the scene has been protected and controlled, the deputy must ensure traffic control is maintained, to best protect lives and property, expedite arrival of medical, rescue and additional resources, and restore movement of traffic. Deputies may utilize various procedures, such as patrol vehicles, barricades, manual direction, or temporary traffic control devices, to restore the flow of traffic, including but not limited to:
  - a. temporarily blocking a roadway until it can be reopened partially or completely to traffic flow;
  - b. re-routing the traffic through a by-pass or side streets;
  - c. restricting the number of lanes used; and
  - d. alternating traffic flow directions or limiting the direction of flow to a single direction.
5. Deputies should identify and control actual or potential dangers at the scene, such as fires, hazardous materials, road, weather, congestion and traffic dangers with appropriate methods, or evacuate and contain the scene until a proper response can be conducted.

## **B. Investigations**

When investigating a traffic crash, the deputy should collect any related data, including, but not limited to:

1. Witness and vehicle occupant statements;
2. Data concerning vehicle occupant location, names, DOB, and addresses;
3. Roadway and lighting conditions;
4. Roadway controls;
5. Vehicle condition and damage; and
6. Crash scene conditions and measurements.

## **C. Follow-up Investigations**

Deputies will conduct follow-up investigations in all traffic crashes, as needed, including, but not limited to:

1. Collecting off-scene data;
2. Obtaining/recording formal statements from witnesses;
3. Reconstructing crashes;
4. Using expert and technical assistance; and
5. Preparing formal reports to support criminal charges when appropriate.

Whenever possible, the original deputy should conduct the follow-up investigation. However, when that is not possible, the deputy shall ensure the case is submitted to an agency deputy or otherwise assigned at the discretion of a supervisor.

## **D. Hazardous Materials**

Refer to [Policy 5.23 Hazardous Materials and Contaminant Spills](#).

Hazardous materials may constitute unique dangers which the deputy is not equipped to handle. Annual agency training in the identification and response to this type of hazard should be carefully followed whenever the presence of hazardous material is suspected. Only properly trained and equipped personnel should be allowed into such areas.

# **VII. COUNTY PERSONNEL AND PROPERTY**

## **A. General**

1. Any crash involving on-duty county personnel or county property shall require a deputy be dispatched to the scene to conduct an investigation.

2. Photographs will be taken at the scene of any crash involving county personnel and/or property.
3. A supervisor will be dispatched to the scene of a crash occurring outside the county, within a reasonable distance, to assist and/or investigate crashes involving county personnel or property. A copy of reports will be requested from the investigating agency. If no investigation is conducted by the agency having jurisdiction, the supervisor will obtain sufficient information to complete the required reports.
4. If serious property damage, serious injury, or death occurs as the result of a crash involving county personnel and/or property, the Sheriff and then the County Administrator should be notified as soon as possible.
5. Oregon OSHA shall be notified within 8 hours of a work-related fatality. Oregon OSHA shall be notified within 24 hours of a work-related injury that results in an overnight hospital stay. OAR 437-001-0700(21).

If a motor vehicle crash involves a member of the Sheriff's Office and the crash results in serious injury or death of the member or another person, supervisors are mandated to request blood and urine from the employee involved.

#### **B. Sheriff's Office Vehicles**

1. If a Sheriff's Office vehicle is involved in a crash, or otherwise sustains damage, a supervisor will be dispatched to the scene to conduct and/or supervise the investigation. The vehicle will not be moved until authorized by the supervisor.
2. The supervisor will decide if the crash is to be investigated by this agency or request another department to conduct the investigation. Generally, the Sheriff's Office may investigate crashes that are minor, with little or no property damage, and the fault is clearly and indisputably of the other party. Crashes involving any present or probable injury, any crash involving more than \$1,500 property damage, or any crash involving disputed culpability will be investigated by an outside police agency. In a crash where the Sheriff's Office may be culpable or liable, the Sheriff's Legal Counsel shall be notified as soon as reasonably possible.
3. Whenever a Sheriff's Office vehicle is involved in a collision, the vehicle will be taken to the shops for inspection.
4. If the crash is investigated only because it involves county property and does not otherwise fall within the criterion listed under Section III above (Responses to Crashes), then no citation need be issued.
5. If a Sheriff's Office vehicle is involved in a crash and the reason for investigating it comes within the criterion listed under Section III above and the issuance of a traffic citation is in order for one of the parties involved, as determined by the investigation and approved by a supervisor, a citation will be issued at the scene of the crash and the report shall be referred to the District Attorney's Office.
6. Required Documentation:
  - a. Department of Motor Vehicles Crash Report when the crash falls within the criterion listed under Section IV Mandated Investigations.
  - b. State of Oregon Traffic Crash & Financial Responsibility Report, completed by the involved member when applicable under Oregon Motor Vehicle Statutes.
  - c. Supervisor's Incident Review, completed by the supervisor. This report will contain a summary of the supervisor's investigative findings and observations. This report should include the supervisor's corrective/ disciplinary action.
  - d. Injury/SAIF Report; completed by the involved employee and investigating supervisor whenever an employee sustains an injury or the potential of injury exists and the employee sees a physician or suffers any loss of work time.
  - e. Vehicle/Property Damage Report, completed by the involved employee and the investigating supervisor. The completed damage report form will be forwarded to the Automotive Unit Supervisor, Risk Management and Command for review and record keeping.

- f. Photographs of the crash damage. Photographs will include the license numbers of all vehicles involved.

### **C. Board of Review**

1. A Board of Review will be established for the purpose of reviewing serious Sheriff's Office vehicle crashes and/or incidents in which the facts of the crash are disputed, there is the need to determine culpability and to identify deficiencies in operational and administrative policies and procedures. Minor or undisputed crashes may be handled more informally by an Administrative Board (Crash Review Board) consisting of three employees of equal or greater rank than the employee as assigned by the Sheriff or his designee.
2. The Crash Review Board will be appointed at the direction of the Sheriff or his designee.
3. Composition:
  - a. In a crash involving an agency employee of a rank below sergeant, the Board will be composed of two members to be appointed by the Sheriff or his designee and one representative to be appointed by the involved employee.
  - b. In a crash involving a sergeant or a lieutenant, the Board will be composed of three members of equal or higher rank than the employee involved in the crash, two appointed by the Sheriff or his designee and one by the involved employee. Outside agency personnel may be used, if necessary.
  - c. In a crash involving the Sheriff, the Board will be composed of the County Administrator, County Attorney, and another person of the County Administrator's choosing.
  - d. In a crash involving a civilian member, the Board will be composed of three agency employees, two of which are appointed by the Sheriff or his designee and the third by the involved member.
4. Findings:
  - a. The Crash Review Board will complete a memorandum of findings and recommendations for submission to the division commander covering the following topics:
    - 1) Culpability or contributing action by agency member and / or other individuals involved.
    - 2) Whether sufficient evidence exists to support a specific traffic/criminal charge.
    - 3) Whether traffic engineering or other physical hazards may have contributed to the crash.
    - 4) Whether agency operational procedures were violated or require revision.
  - b. A preventable crash is a crash that involves fault or negligence on the part of the operator. The fault or negligence may arise from the operator's failure to act in an appropriate or reasonable manner.

A finding of "preventable crash" by the Board should carry a recommendation for discipline, not to exceed the following, unless there are extenuating circumstances.

    - 1) *First Preventable Crash*, within previous twelve months from the time the Board convenes: Oral reprimand (minimum) to one day suspension (maximum).
    - 2) *Second Preventable Crash*, within previous twelve months: Written reprimand (minimum) to three days suspension (maximum).
    - 3) *Third Preventable Crash*, within previous twelve months: One day suspension (minimum) to termination (maximum).
    - 4) *In Excess of Three Preventable Crashes*, within previous twelve months: Two weeks suspension (minimum) to termination (maximum).
    - 5) *Preventable Crash with Gross Negligence*: This requires the Board to find the crash was preventable and represented a lack of respect for the lives and property of others to such a degree that the act or failure to act constituted a gross deviation from the standard of care that

a reasonable person would observe in the situation. The recommendation for discipline shall be based on the totality of the situation.

- c. In the case of a crash involving the Sheriff, the County Commissioners will make the decision of appropriate action.