

	LANE COUNTY SHERIFF'S OFFICE POLICY	Number: G.O. 9.10
		Issue Date: March 21, 2005
		Revision Date: July 1, 2008; September 15, 2017; September 8, 2022
CHAPTER: Traffic Operations		Related Policy: G.O. 5.12 (Sheriff's Office Vehicle Crash Investigations)
SUBJECT: Traffic Collision Investigation and Reporting		Related Laws: ORS 133.310, ORS 810.410, ORS 810.460, ORS 811.720, ORS 822.600 and ,ORS 801.400 and OSHA 437-002-0123(7)

POLICY: The Sheriff's Office is responsible for the preservation of human life, the public peace and order, the protection of the rights of individuals and their property, the prevention of crime and the enforcement of State statutes and County ordinances.

RULE: Deputies will wear a high-visibility upper garment or vest after an emergency has passed and they're doing traffic control, cleanup, investigations or similar tasks. The high visibility garment or vest must contrast with the colors in the area to make you stand out. The garment or vest must also reflect from all sides from 1,000 feet during hours of darkness.

PROCEDURE:

I. Collisions, Public Highways

A. Investigation: An investigation and police crash report shall be completed in the following collisions:

1. Death occurs, or is likely to occur.
2. Involving serious injury where the person has been admitted to a medical facility.
3. Involving DUII, Attempt to Elude, Reckless Driving, or Hit and Run.
4. Police vehicle (any agency), or any federal, state, county, or municipal vehicle.
5. Upon notice from repair shop regarding serious damage or evidence of being struck by a bullet. (Reference ORS 822.600)
6. A citation is written for a violation in connection with the accident.

7. Police crash reports shall be completed in all cases where a deputy investigates a vehicle accident which ORS 811.720 or 822.600 requires to be reported. (Reference ORS 810.460)

B. Reporting

1. The DMV Oregon Police Traffic Crash Report will be used to report all crash investigations.
2. A supplemental report will be used to report follow-up investigations and to document observations and functions performed by assisting officers.
3. A Custody Report will be completed on all persons taken into custody as a result of the accident.

C. In non-injury or damaged vehicle only incidents, the deputy will take the following action:

1. Provide traffic control as needed.
2. Assist drivers in exchanging information. Check driver's license, and insurance status for violations.
3. Advise drivers of their responsibility to file an Oregon Traffic Accident and Insurance Report as required under ORS 811.725.
4. Arrange through communications for tow vehicles, if owner's request taxicabs or other transportation.
5. If there is evidence of a clear violation of traffic offense, then a crash investigation will be conducted and a report completed.

D. Enforcement Action

1. Uniform Traffic Citation - When a deputy at the scene of a traffic accident has reasonable grounds, based upon the deputy's personal investigation, to believe that a person involved in the accident has committed a traffic offense in connection with the accident, the deputy should issue to the person a citation for that offense without making an arrest. If the deputy has any doubt as to whether or not there exists sufficient evidence upon which to issue a citation, the crash will be thoroughly reported and referred to the field supervisor for an opinion, prior to the issuance of a citation. (Reference ORS 810.410)
2. Physical Custody

- a. A deputy may arrest a person without a warrant, if the deputy has probable cause to believe that the person committed: (Reference ORS 133.310)
 - (1) A felony;
 - (2) A misdemeanor
 - b. In the case of a fatal, potential fatal or major injury involving a possible assault charge, no citation or arrest action will be taken at the scene or at a hospital unless instructed to do so by the field supervisor or the on-call Deputy District Attorney.
3. Enforcement action for traffic offenses in connection with an accident require a traffic crash report be completed. (Reference ORS 810.460)

II. Collisions, Premises Open to the Public (ORS 801.400)

- A. An investigation and police crash report shall be completed in the following situations:
 1. Death occurs, or is likely to occur.
 2. Involving serious injury where the person has been admitted to a medical facility.
 3. Involving DUII, attempt to elude, reckless driving, or hit and run.
 4. Police vehicle (any agency or any federal, state, county, or municipal vehicle).
- B. Reporting (refer to Section I.B., "Reporting")
 1. Indicate "Private Property" on top of first page of crash report.
- C. Minor Accidents (not described in Section I.C. above)
 1. Provide traffic control as needed.
 2. Assist drivers in exchanging information. Check driver's license and insurance status.
 3. Advise drivers of their responsibility to file an Oregon Traffic Accident and Insurance Report as required under ORS 811.725.
 4. Arrange for tow vehicles via communications, if owner's request taxicabs or other transportation.

5. Nothing in this section shall preclude a supervisor from requiring a deputy to complete a crash report which falls outside the criteria for reporting.

D. Enforcement Action

1. Enforcement action for traffic offenses in connection with an accident require a traffic crash report be completed. (Reference ORS 810.460)
2. The deputy may issue a Uniform Traffic Citation, or make an arrest, for any of the five major traffic offenses (DUII, DWS, reckless driving, attempt to elude, or hit and run).

NOTE: Not all vehicle code statutes apply to premises open to the public. Deputies must ensure the vehicle code is applicable prior to issuing a citation.

3. In the case of a fatal, potential fatal or major injury involving a possible assault charge, no citation or arrest action will be taken at the scene or at the hospital unless instructed by the field supervisor or on-call deputy District Attorney.

III. Collisions, Private Property (Not open to the public)

A. Investigation: An investigation and Incident Report shall be completed in the following accidents:

1. Death occurs, or is likely to occur.
2. When a criminal offense is apparent.

B. Enforcement

1. Vehicle code offenses may not be enforced on these premises.
2. Suspected criminal code offenses, such as Negligent Homicide, Assault, Recklessly Endangering, or Criminal Mischief will be investigated.
3. In the case of a fatal, potential fatal or major injury involving an assault charge, no arrest action shall be taken at the scene or at the hospital unless instructed by the field supervisor or the on-call deputy District Attorney.

IV. Special Procedures involving Fatal, Potential Fatal, and Serious Injury Accidents

A. Uniformed Deputy Responsibilities

1. Respond to the scene in a safe manner and provide care for the injured.

2. As soon as practical, attempt to determine extent of injuries and if the collision was alcohol or drug-related. This information should be relayed to the on-duty supervisor as soon as possible.
3. Attempt to reestablish a smooth flow of traffic and request whatever assistance deemed necessary from communications to accomplish same.
4. Establish scene security.
5. Identify drivers, passengers, and any and all witnesses.
6. Identify and record names and agencies of responding fire/medical personnel.
7. The deputy assigned to make the initial contact at the hospital shall:
 - a. Identify ambulance attendants, obtaining their statements (if applicable to the investigation).
 - b. Identify and obtain statements from those victims not identified at the scene.
 - c. Identify attending physicians and obtain a more descriptive extent of victim's injuries.
8. Complete the initial police crash report and death investigation report in instances of fatality.
 - a. There will be no attempt in the report(s) to identify the vehicle at fault or which driver is conclusively responsible for the accident if the incident is being investigated by a Traffic Crash Reconstruction investigator.
 - b. Identification of all assisting officers, and anyone contacted by the initial officer and statements obtained should be documented.
 - c. A chronological order depicting the sequence of events will be necessary, to include a brief description of the scene when the officer arrived (approximate location of bodies, etc.).
 - d. Extremely important in this report will be establishing probable cause for blood withdrawal, if done so by the initial officer, and whether consent was obtained.

B. Field Supervisor Responsibilities

1. Proceed to the scene and determine if the elements are present for any of the felony assault, manslaughter, or negligent homicide statutes. (If the accident is at a remote location, and/or the field supervisor is involved in other duties, this determination may be made by an appointed deputy, who shall report the circumstances to the field supervisor as soon as possible.)
2. If warranted, the field supervisor will call out the Traffic Crash Reconstruction Team investigator.
3. Assure that scene security is established.
4. Assign a deputy to the hospital with injured victims.
5. Assign a deputy to the involved drivers.
6. Assist the Traffic Crash Reconstruction Team investigator with additional manpower needs, if requested. (Traffic control, etc.)
7. Should it be absolutely necessary to close a roadway for investigative purposes, cause appropriate authorities to be notified.
8. Assist in preparation of a press release.

C. Lead Investigator Responsibilities

1. Respond to the scene.
2. Conduct an in depth investigation of the scene which includes on scene investigation and drivers examinations. This officer will normally be a DRE or crash reconstruction investigator.
3. Arrange to have blood and/or urine samples from all drivers involved.
4. As a general rule, the lead investigator must establish probable cause for blood withdrawal and notify the Supervisor of the need for same. (A detectable odor of alcohol; speech affected; watery eyes; open containers, etc.)
 - a. The investigator should attempt to obtain consent from the driver for the withdrawal of blood samples. If consent is denied, or the driver is incapacitated and cannot give consent, a Search Warrant for the blood samples must be obtained.
 - b. As required, the investigator will fill out the appropriate affidavit and search warrant as provided by the District Attorney's Office

for blood withdrawal, consulting with the on-call Deputy District Attorney and supervisor as is necessary.

- c. Appropriate medical personnel will then be requested to withdraw the blood samples once the consent or a search warrant is obtained.
 - d. The investigator will then be required to witness the blood withdrawal, maintain control of the samples, and submit same to the evidence lab.
5. Note the clothing and shoes worn by any of the occupants of the vehicle(s) involved in the accident.
 6. The lead investigator will confer with the Medical Examiner and will be responsible for insuring that the Medical Examiner's report is obtained.

D. Reconstructionist Responsibilities

1. Conduct in depth investigation of the collision scene including scene measurements, vehicle examinations, photographing, and evidence collection.
2. The Reconstructionist will be responsible for determining the cause of the crash along with any related factors.

E. Written Reports

1. All reports will be completed accurately and in a reasonable time period.
2. Additional reports should be completed on appropriate supplemental forms. These should document observations and functions performed by the assisting officers. These reports should be completed as each step in the investigation is completed and submitted as soon as possible.
3. A copy off all reports submitted to the case file will be forwarded to the CIS Supervisor.
4. The in-depth investigative report and detailed diagram shall be completed under the direction of the CIS supervisor.
 - a. This report shall establish cause of the crash along with a detailed description of the condition of the vehicles, and roadway and weather conditions.
 - b. This report should also thoroughly describe the crash scene.

- c. This report will include any expert findings, conclusions, and recommendations to the District Attorney's Office for prosecution.

F. Arrests and Citations

1. It is preferable that no enforcement action be taken at the scene. Rather, the lead investigator should submit all the information to the District Attorney for Grand Jury presentation.
2. If, however, time is of the essence and enforcement action must be taken immediately, the District Attorney's Office should be first consulted and the proposed enforcement action discussed. The defendant should be charged with the highest crime provable. Such circumstances may involve an out-of-state or transient defendant.
3. An immediate arrest for charges other than warrants will require the approval of the CIS Supervisor. If the CIS supervisor is not available, then the on-duty Field supervisor will need to give approval, following consultation with the District Attorney's Office.