

12.230 FATAL OR POTENTIALLY FATAL CRASH INVESTIGATION AND PLACEMENT OF RELATED CHARGES

Reference:

Procedure 12.225 - Vehicular Crash Reporting
Procedure 12.235 - Operating a Vehicle Under the Influence (OVI): Processing and Arrest
Procedure 12.270 - Impounding, Moving, and Release of Vehicles
Procedure 12.605 - Identification of Persons in Police Custody and Wanted Persons
Procedure 12.615 - Deceased Persons/Prisoners and Death Notifications
Procedure 12.815 - Court Appearances, Jury Duty, and Other Hearings
Procedure 18.120 - Public Records Requests
Cincinnati Police Department Crime Scene Manual

Purpose:

Provide uniform guidelines for Department personnel when at the scene of a fatal or potentially fatal crash.

Provide uniform guidelines for Department personnel when charging individuals with Aggravated Vehicular Homicide, Vehicular Homicide, or Aggravated Vehicular Assault.

Policy:

Traffic Unit personnel are responsible for the investigation of all fatal and life-threatening injury motor vehicle crash investigations and fatal or life-threatening injury collisions involving the streetcar and a motorized and/or non-motorized unit.

Traffic Unit will coordinate the investigation of these crashes with the Prosecutor's Office prior to filing criminal charges.

Procedure:

- A. Investigation of Fatal or Potentially Fatal Crashes:
 1. A police officer at the scene of a fatal or potentially fatal crash will:
 - a. Analyze and address medical needs.
 - b. Request a supervisor respond to the scene.
 - c. Protect the crash scene. Keep unauthorized persons away from involved vehicles, debris, and tire marks. Do not permit the Fire Department to flush the scene unless a danger of fire or explosion exists. Do not move any items unless necessary for obvious safety reasons.

- d. Locate drivers and witnesses and have them remain at the scene. If witnesses must leave, request they complete an Ohio Traffic Accident Witness Statement (Form OH-3). Information on the Form OH-3 includes the witness's name, date of birth, social security number, address, and telephone numbers at home and work. Give this information to the Traffic Unit officer investigating the crash.
 - e. Establish traffic control.
 - f. Assist Traffic Unit where needed.
 - g. In the event of a fatal or serious collision involving the streetcar, the rail can be shut down. Officers will request Emergency Communications Section (ECS) to contact the Southwest Ohio Regional Transit Authority (SORTA) for emergency power shut off to the streetcar.
2. The first supervisor on the scene will:
- a. Request Emergency Communications Section (ECS) dispatch a Traffic Unit supervisor and Traffic Unit officer to investigate the crash.
 - 1) ECS will recall Traffic Unit personnel if the crash occurs outside Traffic Unit's duty hours.
 - b. Request ECS notify the Night Inspector if the investigation occurs during their duty hours.
 - c. Coordinate the activities of all officers at the scene until the arrival of a Traffic Unit supervisor or officer.
 - d. When participants are injured and probable cause exists to charge under OVI statute, request necessary blood samples from Fire Department paramedics or hospital emergency room personnel if Traffic Unit personnel are delayed.
 - e. If needed, request ECS to contact SORTA for emergency power shut off to the streetcar.
 - 1) SORTA will provide a 'bus bridge' service for passengers, if requested.
3. Upon arrival, the ranking Traffic Unit officer will assume command of the crash investigation and will:
- a. Thoroughly investigate and prepare the necessary reports.
 - 1) Fatal or life-threatening injury collisions involving a streetcar **and a non-motorized unit** will be reported on a RMS Aided Case report (316).
 - b. Ask all drivers involved in fatal or potentially fatal crashes to take a voluntary breath or urine test when insufficient probable cause exists to charge under the OVI statute. This is strictly voluntary. If a driver declines, proceed with the remaining investigation.

- 1) If drivers give voluntary consent, have them sign a Consent to a Chemical Test Without a Warrant (Form 603) prior to a test. By signing this form, they waive their protection afforded under the Fourth Amendment and the test results are admissible in court.
 - 2) It is not necessary for the police to have probable cause or even reasonable suspicion for test results to be admissible in a consent situation.
 - c. If probable cause exists to charge under the OVI statute, handle the drug/alcohol test according to state law.
 - 1) The testing officer will request breath, urine, or blood samples to determine use of alcohol, drugs, or a combination of both.
 - d. Request ECS to contact SORTA to resume power to the streetcar as soon as possible after the incident has been brought to a conclusion or when conditions allow for the safe use of the rail.
4. The Traffic Unit supervisor will notify the Hamilton County Coroner's Office (HCCO) if the victim(s) are deceased at the scene. The HCCO will provide instructions to Traffic Unit personnel prior to movement of the deceased victim(s).
5. Tow vehicles to the Impound Unit for post accident examination.
 - a. Tow all vehicles involved in a fatal or potentially fatal auto accident directly to the Impound Unit.
 - 1) Process according to Procedure 12.270, Impounding, Moving, and Release of Vehicles.
 - 2) Traffic Unit supervisors have the authority and access to secure a vehicle at the Impound Unit.
6. Traffic Unit will consult the Prosecutor's Office prior to charging under the following criminal sections of the Ohio Revised Code (ORC):
 - a. Aggravated Vehicular Homicide; Vehicular Homicide (2903.06)
 - b. Aggravated Vehicular Assault; Vehicular Assault (2903.08)
 - c. Involuntary Manslaughter (2903.04)
7. When using ORC Sections 2903.06, 2903.08, or 2903.04 and the traffic violation is an element of the offense, do not complete an Ohio Multi-count Traffic Tag (MUTT). Include the causative factors in the criminal complaint form.
 - a. Do not issue an MUTT for companion charges until the criminal complaint is signed.

8. If there is a seriously injured person from a crash, do not issue MUTT citations to the individual at fault. Wait a reasonable time to see if the injured person survives. The time will vary with each case.
 - a. If the injured person recovers, issue the appropriate criminal or traffic citation.
 - b. If the injured person dies:
 - 1) Contact the Prosecutor's Office and explain the full circumstances before filing vehicular homicide charges.
 - 2) If the MUTT charges are pending, after consulting with the Prosecutor's Office, request a dismissal in court and file the appropriate vehicular homicide charge.
 - a) Follow Procedure 12.815, Court Appearances, Jury Duty, and Other Hearings, when requesting dismissal of charges in court.
 - b) If the traffic violations have already been disposed of in court, double jeopardy may prevent filing vehicular homicide charges.
- B. Notification of Next of Kin in Cases of Death:
1. Refer to Procedure 12.615, Deceased Persons/Prisoners And Death Notifications.