

Developing the Pre-Crash Plan

The crash scene is not the time to figure out the process of collecting and preserving critical crash evidence. This training session explores how to put together successful police-prosecutor crash teams in your jurisdiction to develop a Pre-Crash Plan.



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REFERENCE MATERIALS & GUIDANCE IN CREATING THIS TRAINING WAS PROVIDED BY THE FOLLOWING INDIVIDUALS:

John Kwasnoski, Professor Emeritus of Forensic Physics, Western New England College

Joseph McCormack, Office of the District Attorney, Bronx County, NY.

Sgt. Tim Tomczak, Raleigh North Carolina Police Department – “Crash Reconstruction Unit Field Book.”

Sgt. Sam Ketchum, Idaho State Police, State Impaired Driving Coordinator

THANK YOU!

Vehicular Homicide – Pre-Planning Your Crash Scene Investigation

Introduction to Police-Prosecutor Crash Teams

The horrible multi-vehicle crash is not the time to learn how to work together. It is not the time to learn you do not have the resources needed. It is not the time to do legal research. It is not the time to draft a search warrant from scratch. It is not the time to develop standard operating procedures for investigation. It is not the time to meet your local firefighter, EMS, Drug Recognition Expert, emergency room doctor, phlebotomist, nurse or victim witness advocate for the first time. The crash scene is absolutely the last place you want to start organizing your team.

The crash scene is the time to execute your pre-planned crash investigation playbook. This playbook is developed long before the crash occurs. The first step for a police-prosecutor led crash team starts with training...This Training! Each prosecutor's office should be involved in the regular cross-training of officers and prosecutors in impaired driving and collision investigation cases. Trust and communication are crucial to successful teams. Long ago a crash reconstruction officer invited me to spend a shift with him and to be available for a call out on his next injury crash. He simply said, "Until I work with you, I don't trust you."

All of the decisions a prosecutor makes during the course of a case, to include deciding if a case exists, are based on the known, provable facts. The more you know, the fairer the prosecution will be. The best way for law enforcement personnel to gather the information the prosecutor desires, is to know firsthand what the prosecutor is looking for. Officers also must be aware of how to legally gather it. Regular training allows prosecutors and officer to be involved and keep updated on the latest trends in the law. It creates an open line of discussion for both sides to get the answers they need to do the best job.

The benefits of a crash team approach include: (1) determine which cases merit criminal prosecution; (2) protect defendant's rights; (3) decrease preparation time in adjudicating the criminal case; (4) decrease defense motions challenging the investigation; (5) increase the amount of evidence gathered; (6) preventing loss of evidence (eyewitnesses, physical evidence, second crime scenes, etc.); (7) dramatically improve the prosecution of the case (visualizing the evidence, explaining the evidence, and teaching the jury); and (8) reduce hardship on victims.

Vehicular homicides are among the most difficult, technical and emotionally charged criminal cases to investigate and prosecute. This session will explore how to successfully develop a crash team in your jurisdiction that is police-prosecutor led. We will learn who should be on the team in your specific jurisdiction. Finally, together we will begin to design and assemble a successful pre-crash plan. Let's get started . . .

Step 1: Determine Who Should Be On the Team.

To ensure the most thorough and timely resolution of a crash investigation requires preparation and foresight. The immediate goal is to determine, to the best of our ability, whether the crash is indeed a criminal act or an accident. We must rely on the combination of individual skills the team members bring to the job to make that determination. Therefore, the first step is to determine who should be on the team in your jurisdiction.

TEAM MEMBERS

- Prosecutor
- Crash Reconstructionist
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

HOW DO YOU IDENTIFY & ENGAGE THESE PEOPLE?

Step 2: Actually Initiate the Start of Your Official Team.

There are likely a number of steps to start your official team. There may be some initial resistance, but all of the benefits of the team listed on page 1, and many more benefits, are what will overcome this resistance. How do you initiate the start of your team?

1. Obtain the support of your Agency Head (your boss).
2. Identify the bosses of those you wish to include on your team (i.e. Police Chief, Sheriff, Colonel, Lab Director, Fire Chief, Hospital Administrator, President of Victim Organization, and so forth).
3. Schedule a meeting to propose the team idea and secure a working commitment.

Step 3: Design Your Pre-Crash Plan

You may want to draft your pre-crash plan before your first scheduled meeting to propose the team idea. This will help demonstrate the benefits of a prosecutor-police led crash team and the decision makers will be able to better visualize what you are trying to accomplish.

Designing your pre-crash plan begins with conducting a job-task analysis. We are going to spend a few minutes demonstrating what a job-task analysis looks like and then start applying it right away. The purpose of the task analysis is to identify real world tasks the team member will be required to perform. This includes observable, physical tasks and non-observable, cognitive tasks. It is easier than it sounds.

JOB-TASK ANALYSIS

1. **Identify a high-level task to be analyzed.**
2. **List the different ways this task is performed (varieties of task performance)**
 - a. **Is there more than one variety of this task?**
 - b.
3. **List the steps or stages in which this task is performed (steps in task performance)**
 - a. **What are the steps or stages in performing this task in normal conditions?**
 - b. **What are the steps or stages in performing this task in abnormal conditions, such as in emergencies or during major malfunctions?**
4. **Repeat steps 1-3 at all levels of subtasks until you reach a practical stopping point.**

JOB-TASK ANALYSIS DEMONSTRATION

1. Identify a high-level task to be analyzed.

Responding to a pedestrian collision.

2. List the different ways this task is performed (varieties of tasks)

You may start by listing the important pieces of evidence:

- Point of impact
- Debris
- Pre-impact path of pedestrian
- Location of witnesses
- Vehicle damage, photo's
- FRP of pedestrian body, vehicle
- Evidence of braking
- Airbag deployment
- Drag factor
- Operator perspective – visibility
- Pedestrian conspicuity (lighting)
- Windshield damage (low, medium, high location)
- Securing pedestrian's clothing
- _____
- _____

3. List the steps or stages in which this task is performed (steps in task performance)

Take any of the above bullet points and break it down in steps. This will help identify who needs to be on the team, what resources may be needed and so on.

For example – Airbag deployment: Why does this evidence need to be collected? Who will collect it? Will a search warrant be needed for the EDR “black box” information regarding the airbag deployment? What can we address in our pre-crash plan to save us time investigating this at the crash scene?

4. Repeat steps 1-3 at all levels of subtasks until you reach a practical stopping point.

Once you determine all of the subtasks, you may choose to develop a job aid to assist the team leader to assign those tasks to a team member when responding to the crash.

Example: Develop a search warrant template for EDR and include it in a “Crash Field Book” for the prosecutor team member to use.

JOB-TASK ANALYSIS DEMONSTRATION

1. Identify a high-level task to be analyzed.

In your assigned groups – determine the number of potential second scenes to a crash investigation.

List of Potential Second Scenes to a Crash Investigation:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

2. List the different ways this task is performed (varieties of tasks)

What is the potential evidence to be collected at these potential crime scenes?

3. List the steps or stages in which this task is performed (steps in task performance)

Take any of the above bullet points and break it down in steps. This will help identify who needs to be on the team, what resources may be needed and so on.

4. Repeat steps 1-3 at all levels of subtasks until you reach a practical stopping point.

Conclusion

Your next horrible fatality crash is not the time to assemble your team and learn how to work together. The pre-crash planning process started today in this training. You have identified who should be on the team in your jurisdiction. The pre-crash planning process had been demonstrated and you have had a chance to practice the process. Examples have been provided of materials and job aids to include in your pre-crash plan. The challenge is now to integrate what you have learned in this session and use it in your personal and professional lives.

Here is the assignment --- Within 72 hours after completing this course, I want you to schedule a meeting with two other potential team members in your jurisdiction. At that meeting, show them the pre-crash plan you have started in the training today. Explain the benefits and draft these two individuals to be on your team. Then get started on developing the pre-crash plan specific to your jurisdiction. . .

If I can be of any assistance, please do not hesitate contacting me. All of my contact information is found on the title page of this document. Like you, I am passionate about these cases and would be intensely interested in your work product. Please send me a copy of the pre-crash plan that you develop. Together we can make a difference in doing the right thing, to the right people for the right reasons.