



VEHICULAR MANSLAUGHTER CRIME SCENE PROCEDURE

Best Practices for Prosecutors

I: Prior to Arrival at Scene:

- a. Location crash and number vehicles/injured/deceased.
- b. Primary law enforcement agency.
- c. Brief description of what happened.
- d. Reminder for blood test from all drivers. (Consent/search warrant/exigent circumstances).
- e. Reminder for DRE if drugs suspected.
- f. Reminder that LEOs should accompany/follow suspects transported to hospital for blood tests when possible for chain of custody.
- g. Reminder to secure clothing from defendant.
- h. Reminder to seize cell phones; put in Airplane Mode and in Faraday bag to prevent remote wiping of data.
- i. Reminder to secure scene from public and press.
- j. Reminder to not move involved vehicles.
- k. Reminder to contact Medical Examiner (1-800-452-8744). They have jurisdiction over the body.
- l. If commercial vehicle involved, need MSP Commercial Vehicle on scene. (207-657-3030 or 1-800-228-0857)
- m. If law enforcement involved in the cause of death (high speed chase; roadblock, etc.), you must notify the on-call AAG from Criminal Division. (207-624-7076 or 1-800-452-4664).
- n. Get good directions. Go to the scene and expect to spend 3 to 4 hours there. Dress appropriately for the weather.

II: Arrival at Scene:

- a. Locate and speak to officer in charge. Remember this is a crime scene; be careful where you walk and do not touch or move anything.
- b. Confirm blood has been obtained from all drivers. Most hospitals will not allow employees to draw blood for prosecution purposes. Need to insure blood sample is obtained by qualified person using approved collection kit.
- c. Confirm reconstruction/mapping requested and in route.
- d. Impound all vehicles for autopsy and forensic examination if necessary. Better if vehicles are in secure facility and if forensic examination needed, have vehicle taken directly to Crime Lab with law enforcement escort.
- e. Confirm ME notified and examination/autopsy will be conducted. Make sure law enforcement officer will be present. ME will draw blood/fluids for toxicology testing and obtain known DNA sample for comparison.
- f. If hit and run, the debris at scene will become important in identifying offending vehicle. It all needs to be documented and secured.
- g. Look for area cameras (residential / commercial / security/ ATMs, etc.) that may contain evidence. Arrange to preserve and secure.

III: Investigation Pointers:

- a.** Remind officer in charge to assign an officer to interview defendant as soon as possible. Remind them to obtain a 24-hour history of the defendant's whereabouts in addition to their normal interview. Are there *Miranda* issues to be concerned with?
- b.** Ensure a DRE has examined defendant if drugs suspected or if alcohol level is low or can't be obtained.
- c.** Preservation letters to cell carriers for follow up. If not preserved, you will lose content of text messages.
- d.** Insure there are sufficient color photographs of the scene. Return the next day for more photographs of the scene.
- e.** Identify all civilian witnesses and have plan for interview.
- f.** Identify all fire/rescue personnel at scene and have plan for interviews. You want to know what everyone did.
- g.** Specifically identify all fire/rescue personnel who interacted with the offending driver and have plan for interview. You want to know all statements made by him/her and all observations of impairment made by them. Make request for the run sheet. (*See 1 M.R.S.A. § 402(3)(H).*)
- h.** Walk the scene with the crash reconstruction team to ensure you know exactly what they found. Be alert for artifacts that have nothing to do with the crash and account for their presence in photographs.

IV: Necessary Follow-up:

- a.** Search warrant for vehicle autopsy, including event data recorder. (*See 29-A M.R.S.A. § 1972(F).*)
- b.** Search warrant defendant's blood/urine sample drawn at hospital and/or the medical records for toxicology testing at hospital. Must be done within 48 hours as actual samples are destroyed.
- c.** Search warrant for DNA and forensic examination of motor vehicle at Crime Lab. Usually only necessary if motor vehicle/pedestrian crash.
- d.** Search warrant/subpoena for cell phone data and examination of phone.
- e.** Interview with hospital personnel who interacted with defendant; usually Life Flight or emergency room personnel.
- f.** Get bar tab for all locations defendant consumed alcohol. Preserve and obtain all video that the establishment may have.
- g.** Identify and interview all who had contact with defendant for 24 hours preceding the crash.
- h.** Get medical records for all injured parties and autopsy report for deceased.
- i.** Set appointment with primary investigating officer, crash reconstruction and DRE within 48 hours to coordinate additional follow up.
- j.** Have VWA/trial assistant contact family of deceased and any injured parties as soon as possible.
- k.** Go back to the scene with primary officer/crash reconstruction to ensure you fully understand the facts that can be proven beyond a reasonable doubt.

This handout of best practice recommendations for prosecutors was designed by Assistant District Attorney Pat Mador for the 2016 Maine Impaired Driving Summit and amended in 2024. Funding supplied by Maine Bureau of Highway Safety and AAA Northern New England.