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## CRIMINAL COVERAGE

1) Triggered by exposure to criminal liability:

- Critical Incident
- ✓ Shooting;
- ✓ Death in custody;
- ✓ Use of Force, resulting in injury



*24 hours a day / 7 days a week / 365 days a year*

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## CRIMINAL COVERAGE

2) Investigation/allegation of criminal activity

3) Criminal Prosecution




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**CRIMINAL LIABILITY ARISING FROM ON-DUTY VEHICLE ACCIDENTS**

**JOSHUA CROUSEY**  
*LDF Panel Attorney*  
*Rapp Law Firm*




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- ✓ Joshua Crousey is a criminal defense attorney in Cincinnati, Ohio. Joshua has a B.S. from Grove City College and his J.D. from the University of Pittsburgh.
- ✓ Joshua has handled more than 100 criminal cases per year for the past ten years.
- ✓ He has handled all aspects of the criminal process from investigations, trials, and appeals. He has represented numerous law enforcement officers relating to criminal charges both related and unrelated to their employment.



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**CRIMINAL LIABILITY ARISING FROM ON-DUTY VEHICLE ACCIDENTS**

**PAUL GOYETTE**  
*LDF Panel Attorney*  
*Goyette & Associates*




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- ✓ Paul has been practicing law since 1988, and in 1992, he founded Goyette & Associates, Inc. with a goal of using the law to get the best possible results and business outcomes for his clients.
- ✓ 30 years later, Paul oversees teams of lawyers and other specialists in diverse departments with various legal practices and is responsible for client development and marketing policies at G&A.
- ✓ Paul also serves as Chief Legal Counsel for over 100 public and private sector employee organizations



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# Criminal Liability Arising from On-Duty Vehicle Accidents

Joshua Crousey, Rapp Law Firm

Paul Goyette, Goyette, Ruano & Thompson, Inc.

July 20, 2021

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## CASE BACKGROUND – STATE V. AULT

- Car accident involving Trooper Ault
- No lights
- Light rain
- Drifted across double yellow
- Caused the death of a driver in the opposing lane

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## An investigator or the investigated?

### Investigator:

- On the job / in uniform
- Responding to a crime
- Makes the initial call for law enforcement
- Assists his coworkers by providing as much detail as possible

### Investigated:

- Only possible target of the investigation
- Everything that he says was recorded and could be used against him
- Provides blood sample

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## Cooperation with law enforcement

- Familiarity with the investigators
- Belief that honesty will help lead to truth
- Willingness to be interviewed
- Desire for justice to be done

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## Speaking to media vs. No comment

- Opportunity to impact the proceedings in a positive manner
- Attracts more media attention and scrutiny
- Will not increase media coverage
- No opportunity to present both sides of the case to the public

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## Use of Overhead Lights

### Reckless Manslaughter

when a person disregards a substantial and unjustifiable risk heedless indifference to the consequences

### Negligent Manslaughter

substantial lapse from due care, the person fails to perceive or avoid a risk

### Per se Manslaughter

any violation of the traffic laws

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## Career Impact

- Union resources
- Pension
- Re-employment

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# Criminal Liability Arising from On-Duty Vehicle Accidents

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## The Society of Blame

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Complaints

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Lawsuits

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Indictments

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Prosecutions

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## Common California Criminal Charges

Vehicular  
Manslaughter –  
PC § 192 (c)(1)

Involuntary  
Manslaughter -  
PC § 192(b)

Assault with a  
Deadly Weapon  
– PC § 245

Reckless  
Driving – VC §  
23103, 23105

Driving at  
Speed over 100  
MPH – VC §  
22348

Assault Under  
Color of  
Authority – PC  
§ 149

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## Compare: Murder Statutes – PC § 187

- “Malice Aforethought”

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## Key Language:

### Vehicular/Involuntary Manslaughter

- Commission of an act with gross negligence
- Gross negligence:
  - More than just a mistake in judgement
  - Reckless
  - High risk of death or great bodily injury
  - Reasonable person would have known

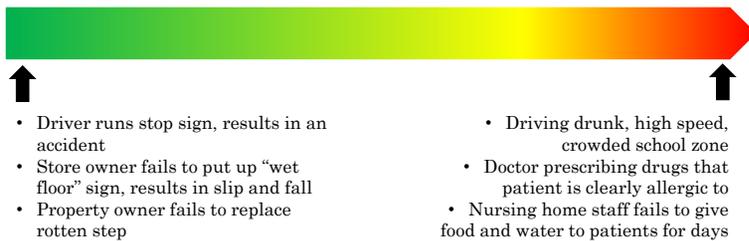
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## THE LAW: Vehicular/Involuntary Manslaughter



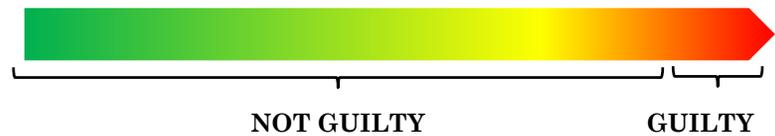
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## THE LAW: Vehicular/Involuntary Manslaughter



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## Prosecution Must Prove Beyond Reasonable Doubt



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## What to do if Involved in an Accident

Statements

Voluntary/Ordered  
statements

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