

The following is a quick breakdown of my crash which resulted in my use of the Citizen Initiation Law which is described in more detail later.

- 5 pm September 22, 2005 a motorist who ran a red light at the intersection of Grand and Hawthorne hit myself and another vehicle going approximately 35-40 mph.
- I was knocked unconscious, because of this I do not remember most of that day.
- Total of 7 witnesses (4 sent me written statements).
- AMR did not list me as a trauma patient at the scene.
- Portland Police officer that responded conducted a “Traffic Crash Exchange Report” only because of their policy to only investigate crashes that result in a trauma listing.
- Immediately upon arriving at the emergency room I was upgraded to trauma.
- I spent the night in the trauma unit immobilized. Sustained a concussion, separated shoulder and numerous lacerations on my back and buttocks requiring many stitches. Total hospital bills amounted to approximately \$18,000.
- The motorist was never cited for running the red light.
- No investigation of any kind was ever conducted by the police because AMR did not list me as trauma at the scene.

In January I decided to use the information I obtained from Ray Thomas and pursue this matter myself. Sometime in the middle of January 2006 I called the police officer that responded to my accident. I found this information on the “Traffic Crash Exchange Report” which was given to my girlfriend in the hospital by the responding officer. It took several calls to get in touch with the officer so I would not be discouraged if your first couple attempts to reach them fail and they do not return your call. I found out when his shifts started and tried in the first 1/2 hour of his shift before he went out on the road.

Once I was in touch with the officer I told him I wanted to use the Citizen Initiation Law to issue a citation against the individual for running the red light. The officer had never heard of the Citizen Initiation Law and was reluctant to proceed until I told him that if he had any questions to contact the Traffic Division and they would be able to help him out.

About one week later I received a call back from the officer who told me he had to fill out some paperwork (Oregon Uniform Citation and Complaint Form) and would then submit it to the Circuit Court. It would take him about a week to accomplish and then I would have to go down to the Circuit Court and sign off on it and swear the information I

provided was correct. I also sent the officer a letter with a review of the crash and stated my intent to use the Citizen Initiation Law. (see attached).

Around another week later (2/1/06) I called the Multnomah Circuit Court on 1021 SW 4<sup>th</sup> Ave Portland, OR (phone: 503.988.3022) and asked if the paperwork had been dropped off and was ready for me, which it was. After work I stopped by and went to room 106 (prepare for long lines) and had to sign my name to the "Oregon Uniform Citation and Complaint" form and swear that the information was correct. Once again when I told the clerk what I was there for I got a bunch of blank looks from everyone. I had however spoken to "Linda" who I believe is the supervisor and she was able to get everything processed. Once everything was taken care of they gave me a copy of the "Oregon Uniform Citation and Complaint" (see attached) form which had my court date at the bottom of the form.

My court date was on April 5, 2006. I prepared for this by contacted everyone that had witnessed the crash to see if they would be willing to attend the court date and back up my charge since I did not remember any of it. I was lucky enough to have one witness willing and able to come down and appear. I also had all the written witness statements along with me. I was however warned that the judge might not accept written statements since they can not cross-exam a sheet of paper. This is why I felt very luck a witness was willing to attend. I also brought all documentation I had concerning the crash and all my medical bills. I was informed that there would be no lawyers or jury, just myself and the defendant. We would each have a chance to prove our case and then the judge would make a decision.

Once we arrived for court on April 5<sup>th</sup> we went to room 106 at the Circuit Court again. You will have to wait in line again so I would give yourself at least a half hour before your court time. When I got to the counter a Clerk explained to me that the defendant had a choice to either plead guilty or not-guilty. If they choose to pledge guilty they pay their ticket and are on their way, if they plead not-guilty we would have proceeded to the court room.

In my case the defendant decided to plead guilty, paid his fine, and that was the end of it. The entire process took somewhere around 3 months, most of which was waiting for the court date. I really did not take much effort on my part, the most being the time off from work to appear in court. I did find the process to be worth all my efforts. The thing to remember is that this is a new process so one needs to be willing to be assertive as well as understanding when dealing with the respective parties.

One thing I have learned through this whole ordeal is the importance of a good witness. Without all the witnesses I had it would have been a very hard battle for me to recoup damaged personal property along with all my medical bills and it would have been much more difficult to successful carry out the Citizen Initiation Law. After doing some brainstorming with one of my witnesses we decided that all a witness needs to have is a camera cell phone. Everyone just assumed that the police would carry out some sort of

investigation when I was hit. We now know this does not always happen so there are a couple things a witness could do with their phone to help out, more than just giving a written statement. After witnessing a crash a witness needs to take as many pictures of the scene as possible. Then, as a follow up, if they could leave themselves a voice message with a detailed description of what happened. We all know that our memory is fleeting so by leaving a message while still at the scene it will be more detailed and accurate information that can be used later. Having the written statements was extremely helpful to me but in hindsight if someone would have taken these steps if my situation would have come to arguing my case to a judge or insurance company this additional information would have be vital.

I have learned a lot going through this whole ordeal and this pretty much sums it up. I hope that this information will be helpful to someone out there if they find themselves in a similar situation.

Michael Rueter