



Preventing road deaths and injuries through not ignoring vital post crash analysis and action

The reason why both the UNECE and UNRSC are exploring how road casualties could be reduced further is the fact that this reduction has proved and continues to prove difficult to achieve. Even in the most successful Western countries, the reduction of fatalities has reached a plateau, while correct injury figures are still not truly known.

Politicians tend to consider the fatality figures low, simply because they concern road deaths, the same figures for any other deaths would be seen as unacceptable. But road safety practitioners are very concerned at the continuing road death and injury toll. They also want to prevent low income countries from suffering through a period of enormous road casualties before reaching the present levels in the West.

Road victim organizations know from experience that lessons could be learned from crashes, but are not. The Haddon Matrix analysis does not leave out the post event phase – analysis and action, yet most road safety strategies do. We believe that the 10-year action plan for reducing road casualties, widely supported by all those working for road safety, will need to - if it is to succeed - include the post crash areas.

Collision Investigation is a key post crash area and should therefore be considered an essential component of countries' road safety strategies.

Many countries have set themselves targets for the reduction of road casualties – up to 50%. Although casualties are only a partial measure of road safety, this means that even if these targets are achieved, thousands of deaths and millions of injuries are envisaged each year. Yet virtually no provisions are made in road safety strategies for responses in respect of these planned for and expected crashes and victims.

We are suggesting that road casualty reduction work and road safety plans need to include the post crash areas – in the first instance **Investigation of crashes and the response to the findings** – the steps taken to prevent similar crashes from occurring (lessons learned) and in addition, where appropriate, the response through the legal process, both criminal and civil (justice and deterrents). These investigations should not be independent from legal procedures, contrary to those discussed at the March 2007 SafetyNet Workshop.

A further area would be **Medical and Social care** to acceptable standards, in order to ameliorate the severity of injuries, prevent likelihood of premature deaths from the injuries sustained and of emotional trauma to all those affected by road death and injury.

Investigation of Crashes

Although the investigation of all crashes, including non-injury crashes, should be thorough, and followed by actions in order to prevent fatal and injury crashes, in respect of non-injury crashes this appears to be possible only in pilot projects or selected studies, not on a national scale.

The investigation of 'injury only' crashes is generally woefully inadequate and this needs to be addressed.

Road death investigation

The most serious investigations are reserved for crashes in which there have been one or more fatalities. Even then the resources are a fraction of those for investigating other culpable deaths; in the UK 1/40 of those for investigating manslaughter/murder.

We would like to see national and eventually international standards for road death investigations, modelled on homicide investigations. Below is some information from the UK, which is represented in FEVR by RoadPeace.

From the UK Road Death Investigation Manual, which is advisory only, not mandatory:

All road deaths to be approached as unlawful killings

This manual adheres to the principle that all fatal collisions should be investigated as 'unlawful killings' until the contrary is proved...Whatever the initial circumstances appear to be, all fatal collisions must be investigated to the highest standard. ACPO and NPIA, 2007

In the UK, there has been welcome progress in road death investigation since the findings of a survey on training of police officers in road death investigation were reported in the Police Review in 2000 as 'grim reading':

only 16 of the 43 forces offer any form of training in road death investigation. Of the 16 forces which provided training the length of training varied from 75 minutes through to five days. A total of 27 forces offered no quantifiable training

All forces now offer training in collision investigation and standardized training courses are to be brought in.

The importance of a proper road death investigation cannot be overstated as it is crucial to fair criminal prosecutions and civil compensation settlements. It is also essential for the bereaved to know that the unnatural death of their loved one is being treated with the scrutiny and priority it deserves. Even where there is no

criminal charge, there may be lessons that can be learned that could help prevent future deaths.

Road Death Investigation Guide for bereaved families, RoadPeace, 2008

Apart from providing justice, a serious post crash response is equivalent to a message that this is a grave matter and therefore also acts as a deterrent and support of any road safety work (which is undermined by a casual response).

Information to the bereaved

In connection with **investigations into road deaths**, FEVR and the national road victim organizations under its umbrella expect that the following information is provided to bereaved families:

Immediately

- Contact details of the investigating team
- Name of driver(s) involved and their motor insurance policy details

At-scene investigation

(vehicle location, skidmarks, diagram post collision, photos of crash scene and vehicles, CCTV evidence, traffic signals; control systems of cars and lorries, documentation; contact details and brief statement from drivers, breath/drug tests; contact details and brief statement from witnesses)

- Where the point of impact occurred and how it was determined
- What the approach and impact speeds were and how they were calculated
- How the local traffic management system (traffic signals, signs, lights) was checked to see if it contributed to the crash
- What tests, including breathalyzer, were done

Vehicle examination

(tyres, mirrors, lights, seatbelts, metal strength, brakes, steering, airbags, tachograph, black boxes)

- What will be done to determine if the vehicle condition contributed to the crash or the victim's death

Site investigation

(speed limit and speed estimation, CCTV cameras, collision history etc.)

- Number and type of collisions at the crash site in recent years
- Maintenance record of the site
- Any local concerns about speeding, visibility, etc.
- Any traffic signal, road layout or engineering issues

Witness identification and interview

(independent or one of the parties involved, witnesses to crash or pre-crash; witness boards & appeals, house-to-house enquiries, viewing CCTV, etc.)

- How witnesses were identified
- Who will interview witnesses
- Whether families can help with a media appeal for information or witnesses

Driver investigation

(formal statement, eyesight, health, driving record, mobile phone use, fatigue; professional drivers, uninsured drivers)

- The results of any drink or drug tests conducted
- Insurance details
- Whether checks on mobile phone records and eyesight were done

Charging

- When the police file was passed to the prosecuting authorities and which criminal charge, if any, was recommended by the police
- Which criminal charge, if any, will be used by the prosecuting authorities
- If no charge, explanation of the reasons

(In the NGO Declaration, NGOs recommended that road collision investigation capacity and number of criminal prosecutions for road death and injury should be monitored)

At Conclusion of the case

- Families to be entitled to a free copy of the investigation report and a meeting to discuss what has been learned to reduce the risk of similar crashes recurring in the future

In their response to the EC Consultation on the 4th Road Safety Action Programme, FEVR suggested that black box technology would both help with enforcement or compliance, and at the same time provide evidence in cases of collisions.

The NGO 'Brussels Declaration', resulting from the Global NGO meeting in May and signed by some 70 NGOs, contains some relevant recommendations to governments:

- to conduct thorough investigations of crashes, especially fatal and injury crashes, in order to identify all causes and employ all available measures to prevent their recurrence
- to apply an effective, proportionate and deterrent legal response to road law violations and death and injury caused thereby...with procedures and verdict delivering justice for road crash victims
- to conduct national situational reviews to monitor road collision investigation capability, number of criminal prosecutions in cases of road death and injury and standard of services for road crash victims