



**Economic and Social
Council**

Distr.
GENERAL

ECE/TRANS/WP.1/2010/5
12 January 2010

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Road Traffic Safety

Fifty-ninth session
Geneva, 22-24 March 2010
Item 4 (c) of the provisional agenda

**MULTI-DISCIPLINARY CRASH INVESTIGATION:
A TOOL TO IMPROVE ROAD SAFETY**

Transmitted by the European Federation of Road Traffic Victims (FEVR)

1. At its fifty-eighth session, upon a proposal by the European Federation of Road Traffic Victims (FEVR), the Working Party decided to include in the agenda for its next session an item on 'Multi-disciplinary crash investigation: a tool to improve road safety' (ECE/TRANS/WP.1/125, para. 59).
2. The present document, prepared by FEVR, is submitted with a minimum of editing by the secretariat. The Working Party is expected to consider it and decide whether to include this item in its work or not. Should the decision be positive, one possible outcome would be to have 'Multi-disciplinary crash investigation: a tool to improve road safety' included as a chapter in the Consolidated Resolution on Road Traffic Safety (R.E.1).

**Preventing road deaths and injuries by including - not ignoring - vital
post crash analysis and action**

1. The reason why both UNECE and the United Nations Road Safety Collaboration (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.
2. 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.
3. 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 a 10-year action plan for reducing road casualties must include the post crash areas, it is to succeed, and be widely supported by all those working for road safety. Collision Investigation is a key post crash area and should therefore be considered an essential component of countries' road safety strategies.
4. Many countries have set themselves targets for the reduction of road casualties – up to 50 per cent. 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 to respond to these planned and expected crashes and victims.
5. 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 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.
6. A further area would be raising “medical and social care” to acceptable standards, to reduce the severity of injuries, prevent the likelihood of premature deaths from the injuries sustained and of emotional trauma to all those affected by road death and injury.
7. Investigation of crashes: The investigation of all crashes, including non-injury crashes, should be thorough and followed by actions in order to prevent fatal and injury crashes. For 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.
8. 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 (e.g. in the UK 1/40 of those for investigating manslaughter/murder).

9. FEVR would like to see national and eventually international standards for road death investigations, modelled on homicide investigations.

10. Below is some information from the UK, which is represented in FEVR by RoadPeace.

11. The United Kingdom Road Death Investigation Manual, which is not mandatory but advisory only, states that “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.”

12. In the United Kingdom, 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.

13. The "Road Death Investigation Guide for bereaved families" (RoadPeace, 2008), states that “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”.

14. 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).

15. The ‘Brussels Declaration’ of non-governmental organizations (NGO), resulting from the Global NGO meeting in May 2009 and signed by some 70 NGOs, contains some relevant recommendations to governments:

- (a) 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;
- (b) 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);
- (c) 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.

16. 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:

- (a) Immediately
 - (i) Contact details of the investigating team;
 - (ii) Name of driver(s) involved and their motor insurance policy details.
- (b) 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)
 - (i) Where the point of impact occurred and how it was determined;
 - (ii) What the approach and impact speeds were and how they were calculated;
 - (iii) How the local traffic management system (traffic signals, signs, lights) was checked to see if it contributed to the crash;
 - (iv) What tests, including breathalyzer, were done.
- (c) Vehicle examination (tyres, mirrors, lights, seatbelts, metal strength, brakes, steering, airbags, tachograph, black boxes)
 - (i) What will be done to determine if the vehicle condition contributed to the crash or the victim's death.
- (d) Site investigation (speed limit and speed estimation, CCTV cameras, collision history etc.)
 - (i) Number and type of collisions at the crash site in recent years;
 - (ii) Maintenance record of the site;
 - (iii) Any local concerns about speeding, visibility, etc. ;
 - (iv) Any traffic signal, road layout or engineering issues.
- (e) 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.)
 - (i) How witnesses were identified;
 - (ii) Who will interview witnesses;
 - (iii) Whether families can help with a media appeal for information or witnesses.
- (f) Driver investigation: (formal statement, eyesight, health, driving record, mobile phone use, fatigue; professional drivers, uninsured drivers)
 - (i) The results of any drink or drug tests conducted;
 - (ii) Insurance details;
 - (iii) Whether checks on mobile phone records and eyesight were done.

(g) Charging

- (i) When the police file was passed to the prosecuting authorities and which criminal charge, if any, was recommended by the police;
- (ii) Which criminal charge, if any, will be used by the prosecuting authorities;
- (iii) 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.

(h) At conclusion of the case

- (i) 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.

17. In their response to the European Commission 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.
