

Road Death Investigation Survey Report



International Road
Victims' Partnership

VICTIMS

INJURED BY
CARELESS DRIVING
DRINK DRIVING
HIT & RUN

DRUG DRIVING
DISTRACTED DRIVING
SPEEDING



Introduction

Established by victim advocates, the International Road Victims' Partnership (IRVP) is an association of NGOs from all regions of the world. They have come together to campaign for road safety efforts to include the post-crash response and the justice system.

IRVP members work to ensure:

- Development of minimum and best practice standards in collision investigation, criminal prosecution, civil compensation and Victims' rights.
- Inclusion of collision investigation, criminal prosecution, civil compensation and Victims' rights in road safety programmes in the UN Decade of Action.
- Thorough police investigations, including data collection, preservation, and sharing of information with all Stakeholders.

Following the inaugural conference of the IRVP in Mullingar, Ireland, a manifesto was produced. This included a call for thorough and consistent collision investigations, which would include:

"checking of all of the known contributory causes, in crashes where death or injury has occurred—in every case, and all drivers in crashes being tested for impairment (drink/drugs). This should be mandatory and enshrined in law. The state should ensure resources for the police to conduct impairment checks. Police must have access to data from event data recorders already present in vehicles" (IRVP, 2018).

The Conference included a presentation from the Chief Executive Officer of the Road Safety Authority in Ireland which discussed the research they had undertaken into fatal collision investigation files. This produced a much more accurate understanding of the extent of drink driving related fatal crashes in Ireland, than the traditional source of collision reports. It also provided an opportunity for the Road Safety Authority to give feedback to the police on their road death investigations, including identification of evidence gaps.

Background

Collision investigation is key to both justice and prevention. Evidence based prevention programmes require comprehensive and accurate data from investigations. The importance of improving road collision investigation is widely recognised:

In Europe, EU member states have been recommended to:

- Dedicate necessary financial and human resources to the police and require them to attend, register and follow-up all fatal and serious road traffic collisions.
- Introduce obligatory testing for alcohol of all active road users in all collisions resulting in road deaths or injuries and collect data systematically.
- Test all road users for drug use as a minimum when there is a reason to suspect drug consumption.
- Introduce procedures which allow police to verify whether a mobile phone was used at the time of a fatal collision by establishing information exchange between the police and mobile network providers.
- And EU institutions were recommended to mandate Event Data Recorders in all new vehicles and require the data to be made available for accident investigation¹. (ETSC, 2017)

Victim advocates have previously led the call for collision investigation to be included in road safety programmes. In 2009, WHO hosted the first meeting of non-governmental organisations (NGOs) advocating for road victims and road safety. The declaration produced covered the Post-Crash Response and called upon government 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, drawing upon existing research and proven reduction measures from other countries –"no need to re-invent the wheel".
- Conduct national situational reviews to monitor road collision investigations capability, number of criminal prosecutions in cases of road death and injury and standard of services for crash victims.

(Chaudhry, 2009)

¹ Also called for at IRVP's event in Brasilia (2016) by Richard Cuerden, Chief Scientist from TRL.

This action helped secure inclusion of the post-crash response and collision investigation in the Global Plan for the UN Decade of Action for Road Safety. Launched in May 2011, the Global Plan was organised into five pillars, including a Pillar on Post-crash Response with:

- Activity 5: Encourage a thorough investigation into the crash and the application of an effective legal response to road deaths and injuries and therefore encourage fair settlements and justice for the bereaved and injured.

((WHO, 2011))

Yet action on this activity was not forthcoming. At WHO's international road safety conference in Brasilia in 2015, the Post-crash committee of the Global Alliance for Road Safety NGOs organised a side event and published a report 'Justice & The Post Crash Response', to highlight the lack of progress on the post-crash response.

Survey Methodology

The survey design was approved by the IRVP Board. SmartSurvey² was used to collect and analyse the responses. Disseminated in July 2018, respondents had two months to respond. Responses were received from 32 organisations from 20 countries, as shown in Table 1 below³.

For purposes of discussion, responses have been divided into four geographical/economic groups:

- Europe+ had 11 organisations responding from nine countries (six EU countries plus Australia, Canada and Lebanon).
- Africa had seven organisations responding from six countries.
- Asia had nine organisations responding from four countries.
- Argentina (the only Latin American country participating) had five organisations respond.

IRVP members were encouraged to consult with their police before responding, which many did. It will be seen, however, that the answers from different organisations within the same country did not always agree. This can be attributed to both differences in practices between states/provinces etc. and differences between various organisations' experiences and understanding.

The survey responses were analysed and summarised by Amy Aeron-Thomas, IRVP Justice Advisor and Advocacy and Justice Manager at RoadPeace, the national charity for road crash victims in the UK, and one of the founding members of IRVP.

² <https://app.smmartsurvey.co.uk>

Table 1: IRVP RDI Survey Respondents

Group	Respondent organisation	Text Reference
Europe + (Including Australia Canada Lebanon)	John Lambert and Associates	Australia1
	Safer Australian Roads and Highways	Australia2
	MADD Canada	Canada
	SOS ROAD CRIMES PANHELLENIC ASSOCIATION FOR ROAD SAFETY AND ROAD VICTIMS	Greece1
	YOU ARE WHAT U DO GREEK ASSOCIATION FOR ROAD VICTIMS	Greece2
	An Garda Siochana (Irish Police)/IRVA	Ireland
	Fondazione Luigi Guccione	Italy
	Roads For Life, Lebanon Vereniging Verkeersslachtoffers	Lebanon Netherlands
	DRIVE, Institute for innovative education	Slovenia
	RoadPeace	UK
Africa	NGO ALINAGNON	Benin
	SECURROUTE AFRICA	Cameroon
	Nyankonton Aid Foundation	Ghana
	ASIRT Nairobi: Kenya	Kenya/South Africa (RSA)
	South Africans Against Drunk Driving	
	HOPE FOR VICTIMS OF TRAFFIC ACCIDENTS (HOVITA)	Uganda1
	Freddie Commonwealth Association-Uganda	Uganda2
Asia	Avoid Accident	India1
	Forum for Prevention of Road Accidents	India2
	Institute of Road Transport	India3
	Peoples Trust Jaipur	India4
	R-SAFE NGO	India5
	Head Injury Foundation	India6
	Swift Integrated Logistics	Malaysia
	Road Safety Promoters	Pakistan
	Project C.A.R.E.S.	Philippines
Argentina	PAVICEI (Province of Salta)	Argentina1
	Estrellas Amarillas (Province of La Pampa)	Argentina2
	OVILAM-Observatorio Vial Latinoamericano	Argentina3
	MADRES DEL DOLOR	Argentina4
	Grupo J.E.N.	Argentina5

National Standards in Road Death Investigation

In light of the importance and need for consistent and thorough collision investigations, the survey asked about:

- national standards
- unlawful killing
- mandatory tests
- road death investigation manual
- training
- quality assurance

National Standards

IRVP members were asked if their country (or state/province) had a national standard for road death investigation, e.g. if all fatal collisions were investigated the same way. Of the 32 respondents, only 12 stated there were such standards (Canada, Greece¹, Greece², Ireland, Netherlands, Slovenia, Ghana, RSA, India², India³, Malaysia, Argentina⁵).

Some respondents indicated that there were specialist investigators responsible in all cases (e.g. Ireland and Lebanon) or that a single dedicated entity was responsible (e.g. Ghana) but made no mention of a standard set of protocols.

A number of respondents indicated that there was a national standard or protocol but that this was not applied consistently.

In Argentina, one respondent stated that a new national protocol was just being introduced. Others referred to partial protocols and differences between past investigations.

Collision reporting

Unlawful Killing

In the UK, the Road Death Investigation Manual included the principle that a road death was to be treated as an unlawful killing, until the contrary was proven. This was the opposite of approaching it as a road accident.

When asked if this principle applied in their countries, only 12 respondents replied in the affirmative³.

In addition to the UK, these were from Canada, Greece, Netherlands, Cameroon, Ghana, Kenya, RSA, Malaysia and two of the respondents from Argentina.

The response from Forum for Prevention of Road Accidents (India) noted:

"Road traffic death is still considered as outcome of an accident, not unlawful killing. The Police believe that none of the specific offences of causing death by driving can constitute unlawful killing, only driving that constitutes gross negligence manslaughter can result in an unlawful killing".

Mandatory Tests

The main aim of police investigations is to determine any criminal culpability. This requires impairment testing -

- a. Drink driving — Twenty four organisations reported that drink driving was checked after a fatal crash (from Australia, Canada, Greece, Ireland, Italy, Lebanon, Netherlands, Slovenia, Cameroon, Ghana, RSA, one from Uganda, four from India, Malaysia, Philippines, and four from Argentina).
- b. Drug driving — 18 stated drug driving was tested (Australia, Greece, Ireland, Italy, Lebanon, Netherlands, Slovenia, Cameroon, Ghana, RSA, three from India, Malaysia and two from Argentina)
- c. Mobile phone — Eight said mobile phones were checked (Italy, Lebanon, Netherlands, Cameroon, Ghana, India³, Pakistan and Argentina²).
- d. Eyesight-only — Four responded that eyesight was checked (Ghana, India³, Pakistan, Argentina⁵).

Road Death Investigation Manual

IRVP members were asked if there was a road death investigation manual or guidance for police to follow.

None of the African respondents reported any such manual or guidance.

In Slovenia, a handbook was reported available. In the UK, guidance for road death investigation in England and Wales is now coordinated by the College of Policing and has been reduced substantially. Police Scotland have updated the Road Death Investigation

³ Comments on this question indicated that there may have been differences in interpretation on this, see Appendix A.

but have kept the much longer guidance document. In the Netherlands, a series of formal organisational relationships were described but no single source of guidance.

In Argentina, whilst the organisations responded that no manual existed, they did report a protocol for collision investigation had been developed. It is unclear if this has been produced at the provincial level or the national level.

In Asia, Malaysia responded positively but noted that the standard operating procedures for police collision investigation was not reported publicly. In India, one organisation responded that there was guidance but commented that this referred to collision reporting system.

Training

The survey asked about any established training programme for forensic collision investigators, or for those who manage and lead road death investigations. There were seventeen positive responses.

Nine of these were from the Europe+ group (both from Australia, Canada, both from Greece, Ireland, Netherlands, Slovenia and the UK).

Only one of these (RSA) was from Africa. Another African respondent stated *"The whole country doesn't have any single forensic expert. Not even training."*

In the UK, each police service can decide its own training programme. The Association of Chief Police Officers did invest in developing a recommended training programme but this is not mandatory. But new international standard in forensic investigation is being implemented in 2020 and that is expected to deliver consistent forensic collision investigation across the country.

In Asia, Malaysia reported training programmes were available to police collision investigators. Training on forensic science was reported provided by state and national police academies in India.

Three of the five respondents reported training programmes in Argentina. In Buenos Aires, a post graduate course was reported to be offered by the University Federal of Police.

Quality Assurance

IRVP members were asked how the police ensured that their investigations are thorough, impartial, effective and consistent. Information was requested about any external evaluation.

Police investigations are usually measured in terms of effectiveness by their conviction rates. But this indicator does not apply to collision investigations as not all involve criminality or merit a criminal prosecution.

There were no coded responses to this question, just comments. These suggested that the ideal of independent evaluation/audit of investigation standards was far from being achieved. The training and integrity of the police was the only, and often insufficient, guarantor in some countries. For many, the investigation was judged satisfactory if the public prosecutor took the case to court.

There is no national quality assurance system in the UK. The first time the independent police inspection body evaluated road death investigation was in a report published in February 2015 which only considered six police services out of 43. In Slovenia, it was reported that *"Police officers are expected to act on the basis of the law, the rules of the profession and a high level of integrity"*.

Respondents from Africa were unable to provide any ways in which quality assurance in collision investigation by police was checked. One respondent noted that *"Due to rampant corruption poor people don't get justice because of substandard investigations"*. The only external organisation mentioned was the National Road Safety Commission in Ghana but no further information was provided on how it monitored collision investigation.

In Argentina, the responses noted the reliance on prosecutors and the judicial process to ensure collision investigations were thorough and impartial. No quality audit process within the police was known. In Asia, the responses were similar with no independent review body. It was left to the judicial system and courts to ensure quality of investigations.

Transparency in Road Death Investigation

Transparency is essential for multiple reasons. With roads policing and collision investigation rarely a priority for politicians or senior police, the budget and staffing levels of collision investigation should be reported to help deter under-investment in investigation. Transparency is also needed to manage victims' expectations and to ensure investigations are thorough.

Investigation Budget

Only seven respondents (Australia², Canada, both from Greece, Cameroon, India² and Argentina³) indicated that investigation budgets were reported. Though the Indian respondent did explain it was in conference presentations that police discussed budgets, staffing, etc.

Investigation Staffing

Only seven respondents (Canada, Ireland, RSA, Uganda², India², Argentina¹, Argentina³) said investigation staffing levels were reported.

Investigation Procedures

Just over one third of respondents claimed that police reported their investigation procedures. This included Canada, both from Greece, Netherlands, Slovenia, Ghana, RSA, Uganda², India², and two from Argentina (1 and 5).

There was no clear pattern of better transparency across the different country groups.

Only two respondents (Canada and India²) indicated that all three (budget, staffing and procedures) were reported. Most respondents (Australia¹, Italy, Lebanon, UK, Benin, Kenya, Uganda¹, all the other respondents from India and the rest of Asia, and two of the respondents from Argentina) reported there was no transparency on any of these areas.

Investigation Judicial Outcomes

Ideally, the outcome of all collision investigations should be made publicly available, whether or not a prosecution was to take place. This would include cases of no further action (NFA) and the reasons for this.

Twenty two respondents answered that judicial outcomes were reported (Australia², Canada, both from Greece, Italy, Lebanon, Slovenia, Cameroon, Ghana, Kenya, RSA, Uganda², all from India, Malaysia, Philippines and three from Argentina). The respondent from Lebanon did say that the "ISF⁴ releases outcomes of investigations" and Uganda to a weekly press briefing. However, it was clear from many of the attached comments that public reporting was of investigations that resulted in a prosecution, with reasons for NFA only being reported internally within the police or to the public prosecutor.

⁴ Internal Security Forces

Treatment of Families – Information and Support

Victims are not collateral damage. They deserve recognition, information and support....Victims need information on the legal procedures, their rights and role in the proceedings. They should be kept informed of the progress of the investigation and the prosecution. ...Victims deserve support. Having failed to prevent the crashes which have bereaved or injured them, the state should provide support and help victims cope, if not recover. If caseworkers can be provided for other victims of crime, then why not for victims road traffic crime.

IRVP (2018)

Members were asked about the support and information provided to bereaved families, including if

- the police appointed someone to communicate with the bereaved family, and if
- there is a guide on road death investigation given to bereaved families.

Of the 13 respondents who stated that such support was available, nine were from the Europe+ group (Australia², Canada, both from Greece, Ireland, Italy, Netherlands, Slovenia and the UK); there were two from Africa (Ghana, RSA) and two from Asia (India², Malaysia).

In the Europe+ group, the police are described as having an established network of psychologists who train officers in how to communicate bad news (Slovenia). Networks of dedicated Family Liaison Officers are described elsewhere (Ireland, the UK). In the Netherlands, multiple points of contact are described between a bereaved family and police FLOs, Victim Support and the DPP.

There were qualifications in some of the comments. Liaison officers can be restricted to major cases (Australia²). And, in Italy, "There is no report after the first communication from the death at families from to police".

Elsewhere, positive responses (Ghana, RSA, India² and Malaysia) were considerably rarer (4 in 21) and comments about police support included many that were largely critical.

Disclosure

Ideally, the police would share the findings of any collision investigation with the injured/bereaved, at no/low cost⁵. When asked on this, 12 respondents gave positive responses.

These were mainly from Europe+ (Canada, both from Greece, Netherlands, UK) and Africa (Cameroon, Ghana, Kenya and RSA), with one from Malaysia and two from Argentina.

In the UK, families are not provided a copy of the collision investigation report until the criminal case is closed. If the case is not going to court, then they should be allowed to see the collision investigation report before the inquest. There is no charge for seeing the documents before the inquest.

In Africa, in addition to information supplied by the police, Benin and Cameroon reported families getting the report via the insurance company. However, in Uganda it was "Not done because of rampant corruption rich people are not taken to courts of law .and poor victims cannot afford private lawyers. There is no legal Aid services for the road crash victims..".

In Asia, investigation reports were not said to be shared in Malaysia. Whilst in India, thanks to the Right to Information Act 2005, victims get access to investigation files, including First Information Report, Police Statement, Post-mortem Report etc.). Only the case diary which is a record of the day by day investigation of a case is not provided to the family.

In Argentina, responses were varied. Some claimed it was the prosecutor who released information, not the police. There was also mention of a new law on victims' rights which included the right to information, including about the crash circumstances.

⁵ This is contested in the Netherlands, where they do not supply details of the investigation for fear of re-traumatising the victims/bereaved with photographs etc. Instead they prefer to keep them informed verbally.

Prevention Based Investigation

The survey asked if there was any road collision investigation department or research programme that was focused on injury prevention. The question clarified it was not asking about the police investigation.

Twelve gave a positive response. Seven were from Europe+ (Australia², Canada, Greece¹, Ireland, Italy, Netherlands, UK), none from Africa, three from Asia (India², India³ and Malaysia) and two from Argentina.

In the UK, the Department for Transport has funded investigation research for decade with its' On the Spot studies and its current Road Accident In Depth Research Studies (RAIDS). And recently, following a campaign coordinated by the Parliamentary Advisory Council for Transport Safety, the Department for Transport launched a new programme into collision investigation, with £475,000 invested in a three year programme with police. In addition, Highways England has also introduced a programme where it reviews every fatal collision on its network to determine prevention measures.

Improving Road Death Investigation

IRVP members were asked if they were aware of any recent efforts to improve collision investigation.

Three respondents were unsure on this. Seven were clear that no improvements had taken place (Australia², both from Greece, Benin, Uganda¹, Pakistan and the Philippines). Italy had seen no comprehensive improvements under the previous two government but was hoping to try again.

In contrast, the police in the Netherlands had just gone through a major reorganisation and had introduced new techniques of (3D) recording and an upgrade of training. 3D scanners had also been introduced in Slovenia. While in the UK there were a number of positive changes, including the introduction of the ISO forensic investigation standard.

In India, progress was not uniform/seen to be uniform. Three of the respondents provided brief details of progress of different sorts. One gave a detailed description of a system of improvement spanning multiple ministries and a high level review of reporting formats. One claimed that there had been progress in a few metropolitan cities. One thought there had been no improvement.

Kenya noted that there had been some retraining of investigators.

Argentina, like India, had mixed answers from different provinces/respondents, though little was positive.

Conclusions and Recommendations

Conclusions

Whilst road safety and the prevention of road traffic casualties have traditionally been led by transport departments, their efforts depend on the police for the understanding of crash circumstances. This requires through investigation.

And whilst:

- an evidence based approach is advocated by all in road safety and
- investigation related actions were included in the Global Plan,

collision investigation is not believed to have received any attention to date in the Decade of Action for Road Safety.

This survey and its report is intended to help kick-start the action needed. It has been conducted by the IRVP, a voluntary association, and includes responses from a range of organisations, with varying levels and road death investigation in their country, and different levels of understanding.

Recommendations

Police

1. **Unlawful killing.** All countries should be encouraged to adopt the principle that a road death should be treated as an unlawful killing, until the contrary is proven. This would help counter the notion that they were accidents.
2. **Collision investigation reviews.** Collision investigation should be audited with reviews covering key issues as resources, manuals, training programmes, investigation procedures, evaluation methods, as well as victim satisfaction and public confidence.
3. **National standards.** In order to promote consistency and thorough investigations, national standards should be adopted for road death investigation. If these cannot be made mandatory, then they should define best practice. These would include investigation procedures, such as eyesight checks, witness

statements, scene preservation, etc., with case-file templates and policy logs to ensure investigation decisions and actions were recorded.

National standards are also needed with collision investigation training programmes and quality assurance procedures. These should be held consistent across a country.

4. **Mandatory impairment tests.** All drivers in fatal crashes should be tested for impairment, with drink driving at least. Best practice would include drug driving and mobile phone checks. This should include those killed, in order to provide an accurate understanding of the contributory factors. At present, whilst many responded that impairment tests were supposed to be mandatory, this was not the case in practice. Funding is required if impairment tests are to be conducted consistently. Governments should consider imposing the cost of tests on the offender. And collision report forms should collect data on impairment tests so the number of tests conducted is known.
5. **Road death investigation manual.** More than half of organisations reported no road death investigation manual existed in their country. This is a key way to promote good practice standards and consistency in road death investigation.

Countries should be encouraged to develop a road death investigation manual, with the UNRSC monitoring this as a key performance indicator for the post-crash response.

6. **Transparency.** For justice to be done, it must be seen to be done and this requires transparency. This includes transparency with investigation outcomes, procedures, budget and staffing. The number of specialist collision investigators should be monitored as a key performance indicator.

And any investigation research or improvement programme should be better publicised. IRVP members work to reduce the suffering of other families, including that caused by the justice system after a crash. Much additional trauma could be avoided if families and victim NGOs were able to have confidence in the police collision investigation. This will require transparency as well as investment.

Other Government Departments

7. **Prevention.** Injury prevention programmes rely on accurate and complete data being collected by the police. In depth collision investigation teams.
8. **Road safety projects.** Road safety and collision reporting projects should include collision investigation. Highway department/ministries, especially those receiving international aid, should conduct reviews of fatal collisions and what would have prevented them. Appendix B includes a list of suggested key performance indicators.
9. **Event data recorders.** The campaign for Event Data Recorders to be mandated in all new vehicles, with the data required to be made available for collision investigation, should be extended beyond Europe. The UNRSC Vehicle Safety Working Group and Global NCAP should be able to assist.

Victim Related

10. **Rights of victims.** Just as road deaths are to be presumed to be homicides, so should bereaved families be treated as bereaved by homicide until the contrary is proven.

In addition, guides for bereaved families which explain the investigation procedures, including the timeline, as well as their rights, if any, should be developed. IRVP can help deliver this recommendation.

And police should be held responsible for keeping the family updated of the developments with the investigation. They should adopt the practice of assigning a single point of contact and improve the communication with bereaved families. Timely provision of information is essential if re-traumatisation of victim is to be avoided.

11. **Victim advocacy.** Road death investigation improvement is likely to depend on demand from victims and the public. Victim advocates need to raise awareness of the inadequacy in investigation and the impact it has on lives and justice, including in newsletters, presentations, conferences. Examples include SADD's newsletters highlighting fatal crashes where drivers were not tested for drink driving, the annual "Black book" produced by the Dutch Victim Association, and RoadPeace's report "Road death investigation in the UK: Overlooked and Underfunded".

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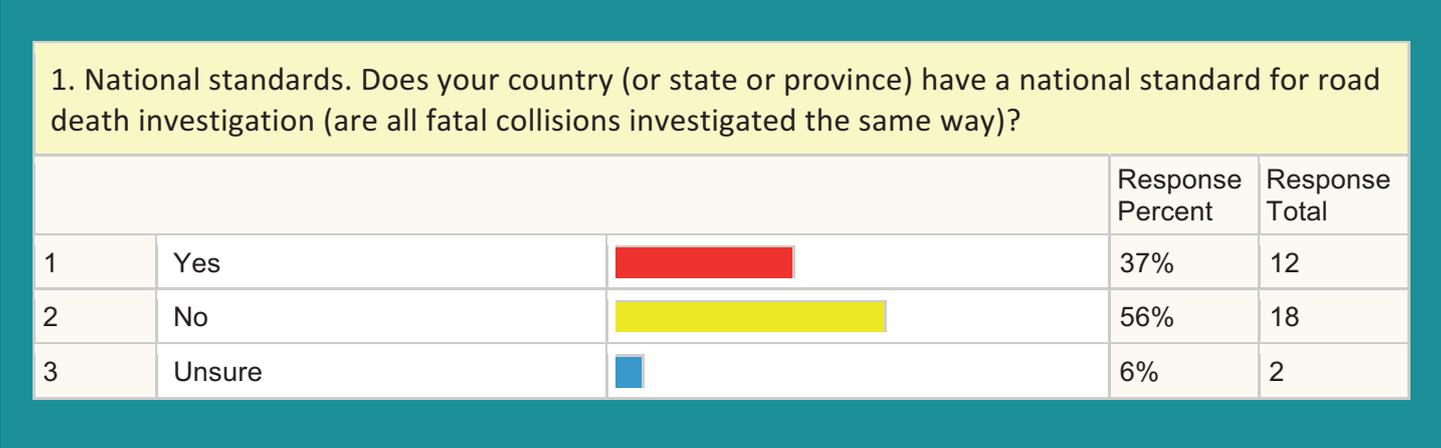
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Appendix A.

Analysis of Road Death Investigation Survey Responses, including Comments



There were clear differences between the groups. The group with the most positive response was Europe+, which had six (55%). Other groups were lower (Asia, 3 of 9) or much lower (Africa, 2 of 7, and Argentina, 1 of 5).

Some respondents indicated that there were specialist investigators responsible in all cases (e.g. Ireland and Lebanon) or that a single dedicated entity was responsible (e.g. Ghana) but made no mention of a standard set of protocols.

A number of respondents indicated that there was a national standard or protocol but that this was not applied consistently.

Responses within countries reflected differing perspectives. One respondent in India stated that

"The Ministry of Road Transport Highways, Government of India has standardized the investigation of road accidents at national level. It has developed a Road Accident Reporting Format containing of 17 tables and circulated the same to all States/Union Territories." Other respondents from India were unaware of these standards, making such comments as "Very improper and unscientific crash investigation occurs in India" and "It is supposed to be. But not done the same way as each State has its own investigation methods and the Central Govt Standards are very generalised and unfocussed."

In Argentina, one respondent stated that a new national protocol was just being introduced. Others referred to partial protocols and differences between past investigations.

2. Mandatory tests. Please state any mandatory tests that must be done after every fatal crash. For instance, are the police required to test the driver for drink or drugs? Is this stated in law or policy? What about eyesight or use of mobile phones?

			Response Percent	Response Total
1	Drink Driving		80%	24
2	Drug driving		60%	18
3	Mobile phone		26%	8
4	Eyesight		13%	4
5	Other (please specify):		30%	9

Mandatory tests were reported most by the eleven respondents from the Europe+ group: drink driving (10) and drug driving (9), but few reported tests for mobile phones (3) and not one of this group reported mandatory eyesight tests. This does not always mean that these tests are consistently applied: "the tests are mandatory and required by law. But the tests for alcohol and drugs are not homogenous throughout the national territory" (Italy). Similarly, for the Netherlands, "For many years now, all accident cases mean, 'colliding is blowing' (testing for alcohol by breath-analyzer). Unfortunately, this is not the practice. This applies more as a standard for fatal collisions."

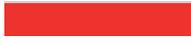
In the UK, there are no mandatory tests, although the police have an agreement to test all drivers for drink driving in crashes attended by police. The collision report form records if a driver was breath-tested and the Department for Transport publishes the data on an annual basis. Whilst much effort is made to collect toxicology readings on all fatalities, on average, data is only recorded on two out of three driver fatalities.

In Africa, Ghana and Cameroon reported mandatory tests for drink, drugs and mobile phones. In Uganda there was a division of opinion on tests for drink driving but otherwise no tests. And, even if the tests are mandatory, "Nothing is done on those tests, due to ill trained police and lack of equipment". Other African countries (Benin and Kenya) reported no tests at all.

In Asia, mandatory tests for drink and drugs were reported in Malaysia and for drink driving in the Philippines. In India, answers varied between respondents/states: a test for drink driving was said to be mandatory by four but not by two. One commented "The answer to all questions is that though rules are set in most cases, the enforcement agencies themselves are not clear on these issues".

In Argentina, there were differences between respondents/regions. Four stated there were between one and three mandatory tests. Two stated there were none.

3. Manual. Is there a road death investigation manual or guidance for police to follow? Please provide title and URL, if possible.

			Response Percent	Response Total
1	Yes		38%	12
2	No		41%	13
3	Unsure		19%	6

Eight of the twelve responses indicating a manual were from Europe+, two of these from Greece. The respondent from the Netherlands described detailed procedures for handling the crime scene, witnesses, cameras etc. Progress is being made towards one in Italy, where "The Udine Public Prosecutor's Office has set up an inter-force group for post-accident investigations". In the UK, a road death investigation manual was introduced in 2001, but the current version for England and Wales is produced by the College of Policing and is a much shorter than previously published. Police Scotland have retained the longer version so there is much inconsistency within the UK.

Three of the remainder were from Asia. Though, again there were differences in India between respondents/states: two stated there was; four stated there wasn't, though one of these (India¹) stated that the Punjab was developing one. Only one African respondent (Kenya) indicated that there was a manual. All the Argentinian respondents were in agreement that there wasn't a manual, though one stated that "a protocol of action for the investigation of road death has been sanctioned at the beginning of the month of August of the current year, which must be followed by the police".

A number of respondents indicated that guidance was unpublished/unavailable to the public (Kenya, Uganda¹, Argentina, Philippines).

4. Training. Is there any established training programme for forensic collision investigators or for those who manage and lead road death investigations? If so, please provide any information available on duration and content.

			Response Percent	Response Total
1	Yes		53%	17
2	No		37%	12
3	Unsure		9%	3

Of the 15 respondents reporting a training programme existed, eight were from Europe+, four from Asia and three from Argentina. Each of the two respondents in both Australia and Greece indicated that there was an established training programme.

In the UK, the police have invested in developing a training programme, including for Forensic Collision Investigators, Senior Investigating Officers, and Family Liaison Officers, but each police service can determine

their own training requirements. This will change for Forensic Collision Investigators. By October 2020, all Forensic Collision Investigators will be required to be trained to the International Standard for crime scene investigation.

As on other questions, the respondents/states in India were divided, as were those from Argentina.

The training mentioned by respondents included university courses⁶ of different durations (Australia¹, Argentina², Argentina⁴). Most were trained in police academies, with different levels of training being mentioned by some (Netherlands, Slovenia, Greece, South

Africa). Specialist forensic collision investigator training was mentioned (Netherlands, the UK, Australia¹) but a number of respondents indicated that there was no specific training for this (Uganda¹, Kenya, India²).

5. Quality assurance. How do the police ensure their investigations are thorough, impartial, effective, and consistent? Please provide details of any external body responsible for evaluating road death investigation.

This question was interpreted in different ways. A number of respondents suggested that the evidence from the collision investigation would be evaluated by the relevant body undertaking any prosecution (Netherlands, Greece¹⁻², South Africa, Malaysia, Argentina¹⁻⁴, Italy). Otherwise, police were not seen to be accountable to any outside body, though NGOs had

some role (Lebanon). One previous external review had taken place in the the UK: "The only time there was external evaluation was with Her Majesty's Inspectorate of Constabulary who reviewed road death investigation in just six police areas. Their report was published in February 2015."

6. Working group. Is there a multi-disciplinary working group which looks at how to improve collision investigation?

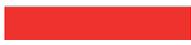
			Response Percent	Response Total
1	Yes		36%	11
2	No		50%	15
3	Unsure		13%	4

Of the eleven positive responses, four were from Europe+, three from Asia and four from Argentina. Various organisational mechanisms were cited. These included a quality circle (Netherlands), internal working groups (THE UK), cross-departmental groups

(e.g. Ireland, India⁶), NGO groups (Lebanon) and a road victims lawyers group (Philippines). And coverage could be patchy – "only three or four Offices of the Procurators of the Republic out of 140 throughout Italy".

⁶ <http://www.saea.com.au/event-2968960>

7. Research. Does your country have a road collision investigation department or programme that focuses on injury prevention? (Note--This is not about the work of the police as they focus on determining criminal culpability and if a prosecution is justified)

			Response Percent	Response Total
1	Yes		38%	12
2	No		41%	13
3	Unsure		19%	6

Of the 12 positive responses, seven were from Europe+, three from Asia and four from Argentina. In Europe+, universities were cited as the main source of this type of research by Australia², Lebanon and Italy⁷.

Otherwise, this is done by a range of local government bodies including Health and Road Safety (Canada), Traffic Police Department (Greece), Road Safety Authority (Ireland). In the Netherlands, "there are various programs or parties that take a look at the accident image to determine the basis of whether changes have to be implemented within Engineering, Education or Enforcement or if additional activities are required."

In the UK, the Department for Transport has invested in collision investigation research programmes for many years, including On the Spot Studies and Road

Accident In-Depth Studies. But these were independent from police investigations. It has recently allocated £475 thousand to a three year programme which will focus on developing police investigations so as to collect more data for causation analyses.

In Asia, there was the Malaysian Institute of Road Safety Research (MIROS)⁸. In India, there is no separate national Road Collision Investigation Department, only state police departments, though the Transport Research Wing of the Ministry of Road Transport and Highways conducts road collision investigation at National Level. Or, more generally, "many Institutes are there in India to undergo Road safety and prevention measures". In Argentina, all respondents cited the Agencia Nacional de Seguridad Vial⁹ (National Road Safety Agency).

8. Transparency. Do the police report their road death investigation budget or staffing levels, or their road death investigation procedures? Please mark which ones are reported

			Response Percent	Response Total
1	Investigation budget		28%	7
2	Investigation staffing		28%	7
3	Investigation procedures		44%	11
4	Unsure		40%	10

⁷ <http://news.unipv.it/?tag=incidenti-stradali>

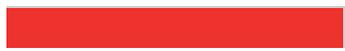
⁸ <https://www.miros.gov.my/1/>

⁹ <https://www.argentina.gob.ar/seguridadvial>

Respondents giving a positive answer to transparency on budget, staffing and procedures were in a minority in all areas. The largest cluster was from Europe+, with four responding that the investigation budget and procedures were reported, whilst two said investigation staffing was reported. In the UK, each police service is independent. Budgets, staffing and procedures are not routinely reported but can be obtained via Freedom of Information requests.

Elsewhere, respondents were more often unsure than able to give a positive response on any of the three categories. In Africa, there was a single positive response for budgets (Cameroon) and for staffing (Uganda²) and two for procedures (Ghana and Uganda²). In Asia, there were three positive responses but all of these were from a single respondent (India²). In Argentina, there were three positive responses on procedures, two on staffing and one on budget.

9. Judicial outcomes. Do the police report the outcomes of their investigations and the reasons for no further action (this could be because of a road defect, vehicle defect, medical episode, not in public interest to prosecute, or victim caused collision, no identified suspect, etc.)

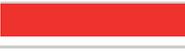
			Response Percent	Response Total
1	Yes		68%	22
2	No		25%	8
3	Unsure		6%	2

This question was answered positively by half the respondents in Argentina and two thirds or more in the other groups. The comments, however, suggested that interpretation of this question differed.

Many comments related to cases where prosecutions followed on from the investigation (Australia², Greece, Ireland, Italy, Netherlands, South Africa, Argentina¹⁻⁶). Some comments were more about the reporting of reasons for no further action. For instance: "The Ministry of Justice reports statistics on the number of the number

of drivers prosecuted and convicted of causing death and serious injury by driving offences. But the police do not report how often investigations result in convictions or the reason for No Further Action. ..The new London Vision Zero action plan includes publicising prosecutions so that this can be monitored by the community (UK)." Or "Police highlights its outcome in investigation reports and do recommend reasons not in substantial manner". In some cases, either no comment was made or the comment left the interpretation of the question unclear.

10. Unlawful killing. Is there any agreed police policy to approach a road death as an unlawful killing, until the contrary is proven?

			Response Percent	Response Total
1	Yes		38%	12
2	No		51%	16
3	Unsure		9%	3

Five of the positive responses to this question were from Europe+ (Canada, Greece¹⁻², Netherlands, the UK), four from Africa (Cameroon, Ghana, Kenya and South Africa), one from Asia (Malaysia) and two from Argentina. The comments suggested that these numbers might have been influenced by differences in terminology.

The positive response of the the UK described how "this was introduced in the 2001 ACPO Road Death Investigation Manual and has been maintained in the College of Policing guidance". Other positive responses were qualified in the comments, e.g. "but different terminology is used. (Canada)". Responses from Greece referred to "neglect killing" and "neglect killing until the contrary is proven".

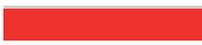
The most detailed response was from the Netherlands. It described a system where an investigation of the collision and a criminal investigation into "murder, manslaughter or death by guilt" could run parallel to each other if the Public Prosecution Service thought fit. However, it was not clear if this was just for a situation where the collision (and the death) was suspected of being intentional.

Other submissions included:

- Two years after the approval of the law on the killing of the road there is no adjustment of the initiatives with respect to the new type of crime envisaged (Road killing). (Italy)

- Culpable homicide cases are investigated first, then sub system, and outcome is then decided to prosecute or not.
- Road traffic death is still considered as outcome of an accident, not unlawful killing. The Police believe that none of the specific offences of causing death by driving can constitute unlawful killing; only driving that constitutes gross negligence manslaughter can result in an unlawful killing
- Only in Hit and run cases
- There is almost nil criminality involved in traffic accidents and people often get away with small charges.

11. Support and information for bereaved families. Do the police appoint someone (e.g. Family Liaison officers) to communicate with the bereaved family, and is there a guide on road death investigation given to bereaved families? Please note where these services are provided.

			Response Percent	Response Total
1	Yes		41%	13
2	No		51%	16
3	Unsure		6%	2

Responses to this question had the most consistent differences between groups.

In the Europe+ group, there were positive answers from nine out of eleven respondents, with two (Australia¹ and Lebanon) being unsure. Liaison officers can be restricted to major cases (Australia²). And, in Italy, "There is no report after the first communication from the death at families from to police. The only initiatives (Guide to what to do in case of road collision, psychological support, etc.) are made by the families of the victims ("Marcel Haegi" National Assistance Centre in Rome)". The police are described as having an established network of psychologists who train officers in how to communicate bad news (Slovenia). Networks of dedicated Family Liaison Officers are described elsewhere (Ireland, the UK). In the Netherlands, multiple points of contact are described between a bereaved family and police FLOs, Victim Support and the DPP.

In the other respondent groups, there were only three positive responses (Ghana, South Africa and one from India). Additional comments were that "Usually, the Investigating Police Officer is assigned to liaison and communicate with the bereaved family members for legal support service, victim compensation etc." and that various NGOs assisted the police in the South Africa.

Those responding negatively to the question, added comments that included:

- "The investigating officer is expected to communicate with the family. There is however no standard procedure for this"
- "Legal authority cell provide some basic support in legal cases"
- "how I wish

In Argentina, comments were particularly negative

- Regarding the police, there is no institution or designated personnel to follow-up and / or update information to family members. At the provincial office there is a Victim Assistance Office for relatives of Victims of road accidents "
- No help at all
- "the police does not appoint any family liaison official to communicate with the family in mourning. sometimes, and very exceptionally, according to the circumstances and the jurisdiction in which the road crash has occurred, psychologists are appointed to be close to the direct family members of the victim / s. when they are found in a state of severe emotional shock after having received the news of the violent death of his beloved."
- "No lo hace la policia" (the police don't do it).

Few respondents mentioned the existence of guides for bereaved families. In the UK, the Ministry of Justice funds a guide for bereaved families whilst in Ireland, the

police signpost bereaved families to guides produced by charities such as Irish Road Victims Association.

12. Disclosure. Is any information on the investigation given to bereaved families? When, if ever, do the police release the collision investigation report to the bereaved family? Please clarify if this is before or after the criminal trial or inquest. And do the family have to pay for this?

This question received a wide range of responses, although several were unsure about what information was provided to families.

Europe+

- Information is released before an inquest (so for cases not involving a criminal prosecution) but when there is a criminal prosecution, families must wait for the criminal case to be completed before they can obtain the collision investigation report. This must be paid for but can be included in a compensation claim (the UK).
- Information is released before a trial, as required by Greek criminal law (Greece).
- The coroner's inquest must be concluded before the family can get information on the investigation (Ireland).
- Information is released after 90 days with a report of the collision provided before the trial (Italy).

Africa

- In Benin, families get the collision investigation report via insurance companies.
- In Ghana, families get the report from the police but must pay for it, whereas in Kenya, the investigation report is released before trial and families do not have to pay.
- In Uganda, the collision investigation report was not provided to bereaved families.

Asia

- All related information, including First Information report, police statement, post-mortem report, were supplied to bereaved families, as per the Right to Information Act (2005). Only the case diary which records the day to day investigation of a case is not released to families. Families do not have to pay (India).
- Investigation reports are not shared with bereaved families (Malaysia).
- Mostly no information is provided and the pace is very slow (Pakistan).

Argentina

- Recent changes in the law now mean that victims have the rights to be informed on the circumstances of the collision. This information is free but has to be asked for.
- Information comes from the prosecutor, not the police.
- Requests have to be directed through the victims' lawyers.

13. Other. Has anything been done in recent years to improve the quality of road death investigation? This could include an inspection, consultation, review, etc. Is there anything else you would like to add?

A number of respondents were unsure on this (Australia¹, Canada, Lebanon). Others were clear that no improvements had taken place (Australia², Greece¹⁻², Benin, Uganda¹, Pakistan, Philippines). Italy had seen no comprehensive improvements under the previous two governments, though proposals had been submitted, but a submission to the new government was planned for November (2018), under the title "Modernity and Justice: risk and insurance society. Protection of the innocent and protection of the victims Investigations, fair and effective penalties, reparations, assistance".

In contrast, the police in the Netherlands had just gone through a major reorganisation, "explicitly naming the tactical handling of accidents and the establishment of an organic tactical unit by specialists.." that was "a first step ..to more and better handling of fatal collisions". They also described the use of new techniques of (3D) recording and an upgrade of training.

Positive changes were also noted for the UK:

- A new DfT funded programme to identify ways of collecting more prevention related data from the police investigation.
- In 2015, Her Majesty's Inspectorate of Constabulary published their first ever review into road death investigation.
- The incoming ISO forensic investigation standard is driving improvement, with the National Police Chief Council focused on ensuring forensic collision investigators are registered with a national standard.

In Slovenia, there have been technological advances. The police began using 3D laser scanners which has greatly increased the level of documentation of traffic accidents and allowed reconstructions of traffic accidents.

In India, progress was not uniform/seen to be uniform. Three of the respondents provided brief details of progress of different sorts. One gave a detailed description of a system of improvement spanning multiple ministries and a high level review of reporting formats. One claimed that there had been progress in a few metropolitan cities. One thought there had been no improvement.

Kenya noted that there had been some retraining of investigators.

Argentina, like India, had mixed answers from different provinces/respondents, though little was positive. This included:

- Technical research in the Province of Salta
- reports on road signal problems to the City Government, which got no response
- Interconsulta con otros organismos, a través de los diversos cuerpos propios que componen la actividad forense, ingenieros, fotógrafos, peritos viales, etc. (Consultation with other agencies, through various bodies for forensic investigation, engineers, photographers, road experts.)

Malaysia and Cameroon noted more general changes towards improving road safety.

Appendix B.

Draft Key performance Indicators for Road Death Investigation

National Standards and Quality Assurance

1. Are there national standards agreed with road death investigation?
2. Are impairment tests mandatory for fatal crashes?
3. Does the collision report form include impairment testing?
4. Is there a national collision investigation training programme?
5. Do the police have a policy to treat road deaths as unlawful killings, until contrary is proven?
6. Are the police required to pass their investigation file to the prosecution authority to make the charging decision?
7. Is there a national collision investigation working group? If so, does it include representatives of victim NGOs?
8. Is collision investigation included in any road safety plan?
9. Has road death investigation process been reviewed recently, i.e. in the last three years?
10. Are police able to access Event Data Recorders?

Treatment of the Bereaved

11. Are there guides for bereaved families that explain the collision investigation?
12. Are the police responsible for keeping victims informed of the investigation progress?
13. Are the police responsible for signposting bereaved families to support services?

Prevention

14. Is there any collision investigation research programme or department that is focused on preventing crashes?



Over 70 Non Governmental Organisations from all Regions of the World
Our Mission is to work together to improve the Post Crash Response
and advocate for Victims' Rights Globally

For more information from IRVP, or to join us, please contact:

INTERNATIONAL ROAD VICTIMS' PARTNERSHIP
Pettitswood, Mullingar, Co. Westmeath, Ireland

Ms Donna Price
Email: donnapriceirvp@gmail.com

Ms Viviam Perrone
Email: kevinsedano@yahoo.com.ar

Website: www.irvp.org