

Road death investigation

A guide for bereaved families in Northamptonshire

Contents

Foreword

| | |
|---------------------------------------|---|
| 1. Introduction | 2 |
| 2. Collision investigation team | 2 |
| 3. Keeping you informed | 3 |
| 4. Road death investigation | 6 |
| 5. Charging decision | 7 |
| 6. What happens next | 8 |
| 7. More information | 9 |

Foreword

If you are reading this guide after the death of a loved one killed on the roads of Northamptonshire, please accept our condolences.

Families deserve help with understanding what the police do and how the justice system responds after a road death.

1. Introduction

This guide is intended to help bereaved families understand how road deaths are investigated in Northamptonshire. It gives a brief explanation of how the police conduct their investigations into the cause of the collision and what happens if there is/isn't any criminal culpability.

It also explains how families are to be kept informed by the police of their investigation.

This guide is intended to complement the national guide, funded by the Ministry of Justice and produced by Brake, the road safety charity. Families bereaved by road crashes in England and Wales are given this guide.

RoadPeace also produces a more detailed guide on road death investigation which summarises the national police guidance and practice on road death investigation. Information about these references and other sources of information are provided at the end of this guide.

2. Collision investigation team

A collision investigation team will be assigned to every road death. Within this team, there are several key roles:

- Senior Investigating Officer - Detective Sergeant / Police Sergeant
- Forensic Collision Investigator – Police Constable / Police Staff
- Vehicle examiner – Police Constable / Police Staff
- Investigating Officers - Detective Constables / Police Constables
- Family Liaison Officer – Detective Constable / Police Constable

Senior Investigating Officer (SIO). The SIO is responsible for leading the investigation. They oversee the whole investigation and make key decisions as to how the investigation is conducted by their team. The SIO will record key decisions.

The SIO will decide what information is released to the media and when this will happen, although the name of the deceased will be in the public domain once the inquest is opened.

SIOs will ensure that road deaths are investigated as an unlawful killing, until the contrary is proven or there is clear evidence to suggest otherwise such as a single vehicle collision.

Forensic Collision Investigator (FCI). These are specialist investigators with nationally recognised qualifications. They attend and examine scenes, conduct reconstructions where necessary, produce photographic evidence, detailed plans and comprehensive reports.

Vehicle examiner. These will determine the mechanical condition of the vehicle before the collision. They will assess the likelihood of a vehicle defect having contributed to the collision.

Investigating Officer. These are experienced Police Officers / Detectives working under the supervision of the SIO. Investigating Officers will deal with the day to day investigation and will have an in depth knowledge of the case. They will collate and examine all of the evidence. They will conduct both witness and suspect interviews as required.

Family Liaison Officer (FLO). The FLO's role is to act as a liaison between the family and the SIO and to ensure the family is given relevant information as directed by the SIO. There will be times when the FLO may not be able to give the family answers to their questions; this is due to the way investigations are conducted and ensures the investigation is not compromised in any way, particularly if there is a criminal investigation.

If there is no criminal investigation the police are still restricted as to what information they can pass to families prior to a Coroner's Inquest.

This is a key role and the next chapter is dedicated to their work.

3. Keeping you informed

Family Liaison Officers

All bereaved families are assigned a FLO, shortly after a road death.

As mentioned, the role of a FLO is to keep you informed of the progress of the investigation. As a bereaved family, under the Ministry of Justice's Code of Practice for Victims of Crime (Victims' Code), you are entitled to be informed of the charging decision, timings of court hearings, and bail conditions (very few drivers are given bail conditions) within one working day of the police being informed.

If your FLO is on leave or away on a training course, then another officer will cover the role of keeping you informed.

Key points

- Let your FLO know how you want to be contacted and when. If you do not want phone calls at night, be sure to tell them. Do let them know who is the contact for your family as they need ONE single point of contact. This will normally be the next of kin.
- FLOs are required to keep a log of contacts with families. RoadPeace encourages families to do the same and make written notes of what is discussed, including agreed follow up action. It is a good idea to write down any questions you can think of so that when you meet / speak with your FLO you do not forget.
- Your FLO will stay assigned to your family until the criminal proceedings are over. They will try to attend court hearings, trials and sentencings. If there is no prosecution, then they will try to attend the inquest with your family.

Property of the victim

The police may need to keep the clothing or mobile phone of your loved one. Release of evidence will only occur after the completion of a criminal trial or Coroner's Inquest.

Visiting the scene

If you want to go to the crash scene for a better understanding of what happened, ask your FLO.

They should be able to arrange this and explain what is known about the circumstances of the collision, but this will be preliminary information and may change as the investigation progresses.

Meeting the SIO

You will be offered a meeting with the SIO who is leading the investigation into your loved one's death. This is usually offered within a week of the fatal crash. **If this is too soon for your family, it can be postponed until you are ready to meet.**

Victim Personal Statement (VPS)

Your FLO will take your VPS, if this is needed. This is intended to highlight the impact on your family. It is not supposed to include your views on sentencing.

This does not have to be taken immediately and is only used if a defendant is found guilty. It is submitted to the court as a witness statement. This means that it is shared with the defence team so the driver may get to see it.

It may also be referred to as a **Family Background Statement**. This is a statement normally given by the Next of Kin. It allows the Coroner and the wider public to have an understanding of the life of your loved one.

For more information on VPS or to see examples from other families, ask RoadPeace.

Code of Practice for Bereaved Victims of Crime

Police investigation

You are entitled to receive the following from the police:

- A clear explanation of what to expect from the criminal justice process.
- Information about victims' services including their contact details from the police so that you can access their support at any time.
- Your explicit consent before they send your details to victims' services.
- An assessment of your needs to help work out what help or support you may need. Victims' services may do a more detailed assessment on behalf of the police.
- Either written information on what to expect from the criminal justice system such as the "information for victims of crime" leaflet, or the details of a website which contains the same information, as soon as possible.
- To be informed how often you will receive updates on the status of the case following discussion with the police.
- An explanation of a decision not to investigate a crime.
- To be advised when an investigation into the case has been concluded with no person being charged and to have the reasons explained to you.
- If you are making a witness statement the police should explain to you that this may result in you needing to give evidence in court if the case goes to trial.

You are entitled to be informed by the police of the following information and to have the reasons explained to you within one working day of a suspect being:

- Arrested.
- Interviewed under caution.
- Released with no further action.
- Released on police bail, or if police bail conditions are changed or cancelled.

You are entitled:

- To receive information on pre-trial therapy and counselling where appropriate.
- On being advised that a case has been concluded without charge, to be asked if you wish to be informed if the investigation is to be reopened. The police must consider your views if the case is reviewed.
- To have a Family Liaison Officer assigned to you by the police, where the Senior Investigating Officer considers this to be appropriate. This will happen in the majority of cases.
- To be offered accessible advice on bereavement and information on available victims' services by the police.

Source: Ministry of Justice (2013), Code of Practice for Victims of Crime

4. Road death investigation

4.1 Initial response

Upon arrival at the scene of a collision the first priority will be the preservation of life, then scene preservation. After these, the examination and the collection of evidence follows.

Scene examination

Information collected at the scene includes the location of where the vehicles or victim were found after the collision. Physical evidence such as marks, damage and road layout will be secured.

A recording of the scene will be done by scanners, still photography and written records / plans.

Witnesses at the scene

Witnesses will be spoken to and statements obtained. If appropriate, this will be done at the time.

Driver Investigation

Drink Driving. If they have not been injured, drivers will be breathalysed at the scene. If they are injured, this may be done at the hospital or a blood sample may be requested. However doctors can refuse if they believe this will delay medical treatment or is medically not possible.

Mobile phones. Mobile phones are usually seized at the scene of a fatal collision. The police may investigate phone usage to establish if it was in use at the time of the collision.

Eyesight. Vision is usually checked at the time of the driver's interview in a calmer environment, not at the crash scene.

Drug driving. If impairment is suspected due to drug driving, the police should have the driver tested.

Driver arrest. If the police suspect the driver has caused the collision and certain legal criteria are met, they may arrest the person on suspicion of causing the death. If this happens the driver will be taken to a Police Custody Unit where s/he will be interviewed under caution.

If the person is not arrested and is a suspect they will still be interviewed at a Police Custody Unit.

Vehicle examination

Vehicles involved in the collision will be retained for investigation. You have the right to organise an independent vehicle examination should you wish. If you have a solicitor they will know how to organise this or you can ask your FLO.

4.2 Investigation stage

CCTV. The police will check for local authority and commercial sources of CCTV if it is relevant.

Witnesses. Statements will be taken from key witnesses.

Media appeals. The police will decide what information will be released to the press. They do not release photos but cannot stop the press using photos provided by others.

They will always give a press release and will appeal for witnesses. It is important to know that once the Next of Kin has been made aware, unless there are specific reasons not to, the name of the

deceased will be released to the public. The reason for this is because once the Coroner opens the inquest this is public information.

Social media. Police are unable to stop the driver or their family or friends from posting on line. Whilst it can demonstrate extreme insensitivity and cause much offence, it is not against the law.

Investigation review. The police will continually review evidence collected, lines of enquiry, etc.

This guide covers the basic collision investigation procedures. If the crash involved such factors as hit and run, driver at work, foreign driver, please contact RoadPeace for more information.

5. Charging decision

When does this happen?

It takes a minimum of six weeks for the Forensic Collision Investigator to complete their report. The police aim to complete their investigation within four months but it can take longer, depending on the case. They will then pass their collision investigation report to the CPS or the coroner, if there is to be no criminal prosecution.

Who decides?

If the SIO decides that there is not enough evidence of culpability against another person, they can decide 'No Further Action' (NFA) without passing the file to the CPS. In most cases, the collision investigation file is passed to the CPS.

Unhappy with the police charging decision

If the police decide No Further Action, then you have the right to request a review of this decision. This must be done within three months of the police deciding NFA. The review will be conducted by a Detective Inspector or Detective Chief Inspector.

If the file is passed to the CPS they are expected to make a decision within several weeks. The CPS will inform the Investigating Officer / SIO who will normally ask the FLO to notify you of the CPS's charging decision. The CPS should send a letter explaining their decision but families will usually hear it first from their FLO. You should be offered a meeting with the CPS for them to explain their decision.

Unhappy with the CPS charging decision

If you are unhappy with the review of the charging decision by the police or CPS, you can seek a judicial review of the decision. See <http://www.northantspcc.org.uk/#!/HelpforVictimsandWitnesses/25532> for more information.

Meeting the CPS

Proper face to face private meetings with the CPS are rare so try to make the most of this opportunity. You may want to ask about:

- The strength of the case against the driver.
- The likelihood of the charge being downgraded or the driver pleading guilty.
- Likely sentences.

The CPS and the Police will not be able to explain the case / investigation to you. This is normal procedure as material / evidence has to be laid before a court. Follow up contact with Prosecuting Barristers will normally occur in court; sometimes this is done in corridors although private rooms can be used if they are available.

Please contact RoadPeace for more information on how to prepare for this meeting.

What if you don't agree?

If the CPS decide there is to be no prosecution, under the Victim's Right to Review you can request this decision be reviewed. It will then be sent to a different unit outside of the local CPS area for review.

You do not have the right to request a review if the CPS decided to prosecute for a less serious criminal charge than you expected. The Victim's Right to Review only applies when the CPS decide not to prosecute. This is CPS policy and does not apply to the police.

6. What happens next

No Prosecution- Inquest

If there is to be no prosecution, the collision investigation file will be sent to the coroner and an inquest will be held. The coroner will then write to you to see what information you would like before the inquest.

The coroner will also let you know of the date of the inquest. See our **Guide to Inquests in Northamptonshire** for more information.

Criminal Prosecution

If there is a prosecution, you will be informed of court hearing dates by your FLO. Court cases can easily take over a year to complete and often involve adjournments. This is a known source of frustration to families and police.

If the driver pleads guilty the case will go to sentencing. It may be adjourned for reports prior to the Judge passing sentence. The sentencing will include a summary of the collision but witnesses will not be questioned.

The Coroner will not normally conduct an inquest in these circumstances although you can request one. However the final decision lies with Her Majesty's Coroner.

Complaints

If you are unhappy with the police investigation, you have the right to complain. In the first instance you are advised to speak to the SIO or their supervisor (Detective Inspector) in order to resolve the issue.

You can make a formal complaint to the Northamptonshire Police Chief Constable. You can also make a subsequent complaint to the Independent Police Complaints Commission but you should first start with the police.

7. More information

College of Policing (2013), Investigating Road Deaths
HMCPsi (2015), Joint inspection of the investigation and prosecution of fatal road traffic incidents
RoadPeace (2015), Road Death Investigation Guide for Bereaved Families
RoadPeace (2015) Guide to Inquests in Northamptonshire

Contact RoadPeace for further information or emotional support
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