
Road death investigations in the West Midlands: A guide for bereaved families

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west midlands
office of the police
and crime commissioner

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Foreward

If you have been bereaved by a road crash, then please accept our condolences. The loss of a loved one in a road incident brings about a whole range of emotions for everyone affected: agony, anguish, disbelief, loss, regret, heartache, anger, the list is endless.

When my husband was killed by a hit and run driver in 2004, I didn't have the capacity to deal with the practicalities of the situation.

I relied heavily on the advice of our Family Liaison Officer (FLO) who helped immensely with the practicalities of our situation.

It's an overwhelming time. Dealing with the emotions is hard enough, but the events that have just impacted on so many people demand actions and responses.

This guide offers advice on the immediate and the long-term procedures and processes that you may have to deal with. In this you are not alone; support is available through the police and through organisations like RoadPeace.

Jane Evans

RoadPeace West Midlands Local Group Facilitator

Introduction

Devastated, angry, confused. That's how you might be feeling if you've recently lost a loved one in a road collision. We're so very sorry for your loss. Road deaths are sudden, violent and premature deaths that do not need to happen. Yet almost every week another family is bereaved in a road crash in the West Midlands.

Information can be hard to absorb in the early days. We hope this guide will help you understand what will happen next. It explains how the police investigate road deaths and how they'll keep you informed. Hopefully, this will help you feel like you have more control at this very difficult time.

If you live in England or Wales, you should also have been given a guide to road investigations from the Ministry of Justice and a pack from Brake, the road safety charity. This guide aims to complement these and is produced by us at RoadPeace, the national charity for road crash victims.

We suggest you go through it with a friend or family member, and you can write notes and questions as your investigation progresses.

This guide is based on our 25 years of experience of supporting road crash victims, and also includes advice from victims in the West Midlands.

We hope you find the guide useful and offer our condolences again for your loss. Please get in touch with RoadPeace or join us at the RoadPeace West Midlands support group if you need more help – we're here for you. Our contact details are on the back cover.

David Jamieson, West Midlands Police and Crime Commissioner (PCC), funded this guide. A former Road Safety Minister (2001–2005), he appreciates the need for safer roads and supporting families bereaved by road deaths.

Thanks to funding from West Midlands PCC, RoadPeace has introduced a bi-monthly local support group and introduced a six-week trauma support programme for people bereaved by road deaths. Call us on 0845 4500 355 to find out more.

Who will carry out the investigation?

In the West Midlands, a **police collision investigation team** is assigned to every road death. The police officers involved will include:

Forensic Collision Investigator (FCI)

These are police officers who are **specialist investigators** with nationally recognised qualifications. They'll examine the crash scene, do reconstructions, take photos, and produce detailed plans and comprehensive reports.

Vehicle Examiner

Vehicle examiners **inspect vehicles involved in collisions** to find out if a problem with them might have contributed to what happened. If the crash involved a heavy goods vehicle or public service vehicle, like a bus, an examiner from the Driver and Vehicle Standards Agency will do this job.

Roads Policing (RP) Lead Investigator

An RP Lead Investigator will be in charge of the investigation into the death of your loved one and make key decisions about how the investigation team carry out their work. They will treat what has happened as 'an unlawful killing'. The RP Lead Investigator will also decide what information is released to the media and when. An RP Lead Investigator gathers all of the evidence and considers all possible outcomes, which are then presented to the crown.

Note: This position used to be called the Senior Investigating Officer, and police may still call it this, but the College of Policing, who sets national guidance, now refers to RP Lead Investigators.

Investigating Officer

Investigating officers **deal with the day to day investigation of the crash**. They pull together and examine evidence, and carry out witness and suspect interviews.

Family Liaison Officer (FLO)

Your FLO will be **your main point of contact**. They'll liaise between you and the RP Lead Investigator to make sure you are kept up to date with the investigation. You can read more about what to expect from your FLO on the next page.

How your Family Liaison Officer can help

As noted previously, **your main point of contact** with the police will be your Family Liaison Officer (FLO), who'll be assigned to you for the whole case, and will be able to support you in lots of different ways, including:

Keeping you informed

Your FLO will keep you updated as the investigation progresses – and you can go to them with questions at any time.

It's a good idea to **tell your FLO how you want to be contacted and when**. For example, let them know if you'd prefer not to be contacted at night. They'll need a single point of contact for your family.

FLOs keep a record of their contact with families. You should do the same – **make notes of what you talk about**, including agreed follow-up actions. Write down any questions you can think of so you don't forget them when you speak to your FLO.

It's worth noting that there will be times when your FLO won't be able to answer your questions. This is generally to make sure the investigation isn't compromised in any way, particularly if the case goes to court.

Even if it doesn't go to court, the police still might not be able to share information with you before the inquest into your loved one's death.

TOP TIP:

"Don't be embarrassed to ask your FLO the same question twice."

Bereaved mother

West Midlands is the first police service in England to have a dedicated Family Liaison Officer unit. They work in the same office as the collision investigation team to help with communication.

The unit is open from 7am to 10pm Monday to Friday. Your FLO will let you know if you can contact them out of hours and what's the best way to get in touch. If your FLO is on leave, another officer from the unit will cover the role of keeping you informed.

Supporting you

If there are criminal charges, your FLO will try to come to court hearings, trials and sentencings.

If the case doesn't go to court, they'll try to attend the inquest with your family.

Getting property back

The police may need to keep your loved one's clothes or mobile phone as evidence, which you'll only be able to get back after the criminal trial or inquest. Your FLO can give you a list of the items the police have.

Tell your FLO how you want your loved one's clothes to be returned to you. They can be washed before you get them back or returned without being cleaned. This is often important to families and be sure to let your FLO know how you want the clothes returned.

Visiting the crash scene

If you feel you want to, **you can ask your FLO to arrange a visit to the crash scene.** They can explain what they know about what happened – but bear in mind this could change as the investigation progresses.

Writing your personal statement

For cases that go to court, you may be asked to give a 'Victim Personal Statement (VPS)'. **This will be used as a witness statement and shared with the defence team,** so the driver could see it. It will only be used at sentencing after someone is found guilty of causing the collision in which your loved one died.

At an inquest, you may be asked to give a background statement on the victim. This allows a coroner and the public to understand your loved one's life better.

For more information on these statements, and to see examples from other families, get in touch with us at RoadPeace (details on the back cover).

TOP TIP:

*"As a victim of losing a loved one to a road death, I think it's so important to write a VPS. People need to be aware of the devastation and impact left behind. Your loved ones have no voice other than through you – let it be heard."
Bereaved daughter*

Your rights

As a family member of someone who has died in a road crash, you have a number of rights as noted below. Talk to your FLO if you're concerned about your rights not being met.

The Ministry of Justice's Code of Practice for Victims of Crime says you should:

- ▶ receive a clear explanation of what to expect from the criminal justice process as soon as possible. Either a written explanation, such as the '*Information for victims of crime*' leaflet, or details of a website containing the same information
- ▶ get information about victims' services from the police
- ▶ be offered accessible advice on bereavement
- ▶ be asked for your consent before police send your details to victims' services
- ▶ get an assessment of your needs to work out what help or support you may need
- ▶ be told as soon as possible how often you will receive updates on the status of the case from the police
- ▶ receive an explanation of a decision not to investigate a crime
- ▶ be advised if/when an investigation into your loved one's death has ended with no one being charged and to have the reasons why explained to you
- ▶ have explained to you by the police that a witness statement may result in you needing to give evidence in court
- ▶ receive information on pre-trial therapy and counselling, if this is appropriate
- ▶ be asked if you want to be informed of an investigation reopening if a case has ended without a charge being made. The police must consider your views if the case is reviewed
- ▶ have a Family Liaison Officer assigned to you by the police. This happens if the RP Lead Investigating Officer considers it appropriate – it will be in most cases.

The police should let you know within one working day if a suspect is:

- ▶ arrested
- ▶ interviewed under caution
- ▶ released with no further action
- ▶ released on bail, or if bail conditions are changed or cancelled

And:

- ▶ if the police bring charges
- ▶ the timings of court hearings

Police should also explain to you the reasons behind these decisions.

What happens in a road death investigation?

Stage one – At the scene of the crash

When the police arrive

At the scene of a collision, the police's first priority will be to **help people who've been hurt**. After that, they will **preserve the scene and gather evidence**.

Examining the scene

The police will collect information including:

- ▶ the location of vehicles or victim(s) after the collision
- ▶ physical evidence such as details of marks, damage and the road layout
- ▶ photographs and/or videos
- ▶ measurements.

Roads can be closed for several hours when the police investigate a collision. They should not reopen until the police are finished and the road is safe.

Witnesses

Police usually just take brief initial accounts from witnesses at the scene. Depending on the circumstances officers can take full statements at the scene.

Driver investigation

If they haven't been injured, drivers will be breathalysed at the scene. If they are injured, they may be breathalysed at the hospital or the police will ask doctors to take a blood sample.

Doctors can refuse if it will delay medical treatment. If the driver is suspected of being on drugs, the police can test for this too.

Driver arrest

If the police suspect the driver has caused the collision, they can arrest them on suspicion of causing the death. If this happens, the police will take the driver to a custody unit and interview them 'under caution', which means the police will tell them their legal rights. **Drivers who are not arrested will be asked to give a voluntary interview**, but this doesn't have to happen at a custody unit.

Mobile phones

At the scene of a fatal collision, police take the mobile phones of those involved to check if they were being used at the time of the crash.

Examining vehicles

Under certain circumstances and if the vehicle is in a safe condition, the police can drive it and test the brakes. Police should keep vehicles involved in the collision so they can examine them. Drivers suspected of causing the collision have the right to an independent vehicle examination.

Stage two – The follow-up investigation

The police will check CCTV for evidence. If they suspect a driver of dangerous driving, the police can check CCTV further away from the collision site for any patterns of bad driving.

Witnesses

After taking their brief account at the scene, **trained police officers will take full statements from key witnesses in person.**

Media appeals

The police decide what information to release to the press. With family consent, they will release photos. But they can't stop the press using other photos, including taking them from social media sites such as Facebook.

The police may write a press release and appeal for witnesses. They could ask you and your family for a quote for these or you can volunteer to give one. Appeals involving the family can get more responses as they are more personal.

Once the next of kin has been told about their loved one's death, unless there are specific reasons not to, **the name of the deceased will be made public. Once a coroner opens an inquest, this is always public information.**

Social media and press coverage

Police can't stop drivers involved in collisions, or their family or friends, from posting on social media. This can be extremely insensitive and cause more pain and offence, but it's not against the law.

Investigating the driver

Police will **check the driving licence** and record of the driver involved in the collision. They will check for motor vehicle insurance and any previous driving offences, as well as other offences.

If the driver claims to have a medical condition that contributed to the collision, police can ask for permission to **check their medical records.**

Investigating the victim (toxicology test)

Everyone aged 16 and over killed in road collisions is tested for alcohol and drugs. It is possible, but rare, for younger victims to be tested.

Second post-mortem

Drivers prosecuted for causing someone's death have the right to ask for a second post-mortem. This is to check that the crash and not a medical condition caused their death. Distressingly, this can delay the release of the body by weeks.

Talk to your FLO or RoadPeace for more information. The Chief Coroner is trying to expedite second post mortems and reduce the additional suffering caused to bereaved families. Families are now encouraged to query the need for a second post-mortem as the first one should be enough to confirm cause of death.

TOP TIP:

"Although it's hard as you want to protect your loved one's memory, you have to accept that press and social media comments will happen. Most of it will be positive, it's important to try and separate yourself from it. What helped me was to think that at least it raises a little awareness about the dangers of speeding in my case."
Bereaved sister

TOP TIP:

"News of a second post-mortem was a shock to our family. However, at the time there was nothing we could do to stop this. Our advice would be just to hold on to each other during this continued difficult time." Bereaved sister

The decision to bring charges

While the police arrest, question, gather evidence and take witness statements, the **Crown Prosecution Service (CPS) is in charge of prosecutions**. They decide if the evidence against the driver is good enough to charge them with a crime and go to court.

It could take several months for the police to finish their investigation into the collision that caused your loved one's death. Cases that involve a possible criminal prosecution take longer.

If the RP Lead Investigating Officer decides there isn't enough evidence to prove someone is guilty, they can end the investigation, citing 'no further action'. That means they won't pass the investigation on to the CPS.

If a case is passed to the CPS, the police can say which criminal charge the evidence supports.

What if I'm unhappy with the police's decision not to prosecute?

Speak to your Family Liaison Officer (FLO). They can explain how you can appeal a 'no further action' decision within three months of the police declaring it. A Chief Inspector or Inspector will review the decision.

How will I hear about the CPS's decision?

After the police pass their fatal collision investigation report to the CPS, they aim to make a decision within three weeks, but this may not always be possible. The CPS will tell the police what they have decided and **your FLO will share the news with you. The CPS will also send a letter and offer to meet with you to explain their decision.**

What if I'm unhappy with the CPS's decision?

If the CPS decides not to prosecute, **you have the right to ask for the verdict to be reviewed under the Victims' Right to Review scheme**. A CPS office outside your local area will do the review. The police can also appeal a CPS decision not to prosecute.

Unfortunately, **you don't have the right to request a review if the CPS decides to prosecute for a less serious crime than you expected.**

What happens after the police and CPS make their decisions?

It of course depends on the individual circumstances, but most road deaths don't result in criminal charges, but an inquest instead.

Inquest

If the case doesn't go to court, the police send their files to the coroner and an inquest is held.

An inquest is a **fact finding inquiry to record who, where, when and how the deceased died**. It is not about blame. The coroner can't determine criminal culpability or civil liability.

The coroner should contact you to see what information you would like before the inquest and to let you know when it will take place.

You can read the *RoadPeace Guide to Road Death Inquests in the West Midlands* for more information.

Criminal Prosecution

If the case is going to court, your Family Liaison Officer will let you know when it will start. **Court cases can take over a year to complete and often involve adjournments** which can be frustrating.

If the driver involved in the collision pleads not guilty, there will be a trial.

If they plead guilty, the judges at court will decide what happens to them. This is called sentencing and includes a summary of the collision but witnesses won't be questioned.

If you want to hear witnesses' evidence, you can ask the coroner to do an inquest. This is rare, but possible.

Complaints

If you're unhappy with the police investigation or how you've been kept informed, you have the right to complain. **Speak to the RP Lead Investigating Officer first and if you still aren't satisfied, make a formal complaint to the Chief Constable.**

You can also complain to the Independent Police Complaints Commission (IPCC) but they handle appeals about complaints rather than the initial complaint itself. (www.ipcc.gov.uk).

It's a sad fact that your family won't be the last to be bereaved by a road crash. We'd really appreciate knowing if this guide was useful to you and your family. If you have any suggestions on how we can improve it, please let us know. You can contact us at helpline@roadpeace.org or call 020 7733 1603.

Find out more

You can find out more about road death investigations and your rights by reading:

- ▶ RoadPeace (2017), *Road Death Investigation Guide for Bereaved Families*.
- ▶ Ministry of Justice (2015), *Code of practice for victims of crime*.

How RoadPeace can help you

RoadPeace is the national charity for road crash victims. We support bereaved families and those who have been seriously injured by road crashes through:

Support

Helpline – 0845 4500 355

Our helpline provides emotional support, information about the justice system and signposting to appropriate services. It is for anyone bereaved or injured in a road crash. The helpline is open **Monday to Friday from 9am to 5pm**.

Befriender support

Our befriending service offers ongoing telephone support from trained volunteers who have suffered a similar experience.

Resilience Building Programme

This is a six-week trauma support programme for bereaved families. It offers families:

- ▶ an opportunity to meet with others bereaved by road crashes
- ▶ the chance to develop ways to understand and cope with the reactions to your loss
- ▶ an insight into how the mind and body can react to traumatic loss

Local support groups

Bi-monthly meetings are held in Birmingham and offer bereaved families the chance to get together. They provide families the opportunity for mutual support and can raise awareness of local issues relating to road danger and justice for road crash victims.

Advocacy and justice

Information guides

RoadPeace helps families navigate the justice system through detailed guides on:

- ▶ collision investigation
- ▶ inquests
- ▶ criminal prosecution

Casework assistance

We help victims with queries about investigation, inquests, prosecution, compensation and sentencing.

If you have any questions about road death investigations or need any other support, please contact RoadPeace. To find out more about our West Midlands Support Group, call our helpline or email RoadPeace.

Helpline: 0845 4500 355

helpline@roadpeace.org

www.roadpeace.org

Access to justice

The RoadPeace Legal Panel provides high quality legal advice to those bereaved or seriously injured in road collisions and to support them to achieve justice and fair compensation.

The Legal Panel is made up of leading specialist personal injury law firms. Panel members sign up to an agreed set of qualifying criteria including quality standards as their sign of commitment to road crash victims.

To access our services please call our helpline or email RoadPeace.

Ways of remembering

RoadPeace understands the importance of remembering family and friends who have died in a road crash. We organise the following:

World Day of Remembrance for Road Traffic Victims

This is an annual event with services held across the UK on the third Sunday in November – please contact RoadPeace for your local service.

August National Road Victim Month

An annual Ceremony of Remembrance, held at the National Memorial Arboretum, Staffordshire on the second Saturday in August, as part of National Road Victim Month.

Roadside memorials

We can provide a remember me plaque, which can be used as a roadside memorial to mark the site of a crash.

Campaign for justice

In addition to supporting crash victims, we campaign for change including for:

- ▶ improved post-crash response by the justice system
- ▶ improved rights and recognition for crash victims
- ▶ road danger reduction policies that prioritise vulnerable road users and the environment.