

RoadPeace calls

Road death investigation is too important to be so fragmented. If standards are to be improved, coordination is needed between the many different organisations involved (NPCC, CoP, Police Scotland, Home Office, HMIC, Forensic Science Regulator, Police Federation, Metropolitan Police Service, Coroners Society and DfT, and key stakeholders, including victim organisations).

RoadPeace call: A multi-disciplinary National Oversight Group on road death investigation should be established to ensure that road deaths are investigated to the highest standard, including being approached as unlawful killings, as police guidance has called for since 2001.

Current guidance was found to be summary and did not promote consistency or thoroughness. Police cuts and increased threats from other crimes, including terrorism, have added to the obstacles in achieving high standards in road death investigation.

What is needed is clearer guidance on what evidence should be collected and when, according to best practice. What steps are taken both at the scene and after will always be best determined by the officer in charge. However, for reasons of consistency and transparency, police should have to record the reasons why recommended steps are not taken. This includes such key impairment tests as drink driving, drug driving, mobile phone use, eyesight. It should allow the police to be held accountable for high quality investigations.

RoadPeace call: National guidance should be revised, with best practice investigation standards defined, and police expected to document reasons why standards were not met. Development of a case file template should help promote consistency.

RoadPeace is also calling for:

- ▶ The HMIC to include collision investigation in its annual assessments of police services.
- ▶ Increased transparency and accountability with the police reporting their investigation resources, procedures and outcomes. Reasons for No Further action should be reported.
- ▶ The Home Office to include the number of FCIs in their police workforce monitoring.
- ▶ London with its concentration of crashes and higher number of FCIs, to help define and demonstrate best practice.
- ▶ The Department for Transport to ensure its collision investigation research programmes included upskilling police investigations.
- ▶ Police services to annually review their road death investigation and work with the local community, including victims and campaigners, to improve its effectiveness.
- ▶ Police services and districts to establish annual awards programmes for FCIs.
- ▶ Guides for bereaved families to explain the local road death investigation procedures, including how they will be kept informed, and include a checklist for their use.
- ▶ Police to be confident enough to seek feedback and survey bereaved families on their level of satisfaction with the investigation.
- ▶ Additional sources of funding for collision investigation to be explored, with costs borne by offenders and motor vehicle owners.

Our campaign will continue to call for quality assurance in collision investigation. Without this, justice is denied and our roads are not safe.

RoadPeace is the national charity for road crash victims. Our role is to support victims, campaign for judicial reform and reduce road danger. Our members include those who have been bereaved or injured in crashes and those who are concerned about road danger.

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Road death investigation: overlooked and underfunded

Report summary

RoadPeace launched a campaign for quality assurance in collision investigation in summer 2016. At that time, causing death by driving prosecutions in England and Wales were reported to have fallen by 23% between 2010–2015, whilst fatal collisions had only dropped by 5%. And convictions for causing death by driving had decreased by 29%.

Our campaign included the first ever national review of road death investigation, aiming to bring together current practice and present recommendations and opportunities for improvement. Our report on the review, published in November 2017, Baroness Jones, RoadPeace Patron, noted

“We are a modern and mobile society. We travel widely for work, education and enjoyment. Freedom of movement a basic right, as should be safety of movement. But when the worst happens and someone is killed or suffers life changing injuries in a crash, the state should respond with a thorough investigation.”

“But how are we to know how that, after budget cuts and increasing workloads, the police are able to deliver thorough investigations. Where is the quality assurance? This is the key question posed by RoadPeace in this report. Supporting and advocating on behalf of bereaved families for over 25 years, RoadPeace has decades of experience of hearing questions and concerns about road death investigation.”

This report begins with a review of how road death investigation was resourced, standards maintained, and evaluated by the police. It focuses on England and Wales, where over 85% of road deaths occur. It includes information on road death investigation in Scotland, where the police services have merged and where their investigation guidance differs from England and Wales. Road users deserve consistency in how road deaths are investigated throughout Britain.

It also includes RoadPeace’s assessment of how thorough, impartial, effective and consistent road death investigation appears to be. This review is not a technical assessment of forensic collision investigation. It is based on RoadPeace’s experience of supporting and advocating for bereaved families over 25 years. It focuses on the issues regularly raised by families on the thoroughness, quality, and fairness of the investigation. Our report includes examples of good and bad practice case studies.

Our review is intended to be constructive and help promote the development of a quality assurance system for road death investigation. To help us achieve this, RoadPeace sent a draft report to police, transport authorities, private collision investigators and road safety professionals, asking:

- ▶ Is our summary of the current situation accurate?
- ▶ Is our definition of effective investigation appropriate?
- ▶ Are our recommendations practical? If not, what is needed?

Feedback was then incorporated to ensure our report was fair and pragmatic.

Road death investigation baseline review

Priority? Road death investigation does not receive the same level of priority as homicide investigation. The Home Office and the Ministry of Justice (MoJ) do not classify Causing death by driving charges as homicide.

Road death investigation is also a low priority for the police. It took 150 years and over 500,000 road deaths before Her Majesty's Inspectorate of Constabulary (HMIC) inspected road death investigation. In February 2015, a joint inspectorate report by the HMIC and Her Majesty's Crown Prosecution Service on road death investigation and prosecution was published. It was not a national inspection and was only in six of the 43 police services in England and Wales. The inspection methodology included: interviewing over 100 police staff, including from the College of Policing (CoP) and the Roads Policing Learning Project, surveying bereaved families (36), and reviewing case files (72) in six police areas.

The case files were evaluated against by a set of 46 questions. These covered the crash circumstances, prosecution considerations, and communication with the bereaved family. Yet, despite this being a review of road death investigation, it did not include any questions on the investigation itself. Despite this, the joint report still concluded that road death investigation was *"professional and thorough"*, with *"standards of investigation and evidence gathering were satisfactory"*. Recommendations focused on improving and standardising the training of senior investigating officers (SIO).

RoadPeace argued the inspection was limited, un-representative and superficial as it focused on cases which led to prosecution. Nor has there been any monitoring of the implementation of its recommendations.

Resourcing. The Home Office monitors over 65 different police roles, but this does not include Forensic Collision Investigators (FCI). RoadPeace made a Freedom of Information (FOI) request asking the number of FCIs in each police area. As FCIs are also responsible for investigating some non-fatal crashes, our FOI also queried the number of non-fatal crashes investigated by FCIs.

The FOI responses showed how the structure and make up of these collision investigation units varied. Most notable is the move towards shared collision investigation units. A sharing of specialist resources has been encouraged by the government for some time.

Over half (23) police services reported having fewer than 10 FCIs with nine reporting five or fewer. Considering crashes can occur any time and on any day, FCIs will be under much pressure. A particular concern was the impact of unit mergers on response time due to the larger areas being covered. How this is being monitored or addressed is uncertain. The national average number of fatal collisions each year per FCI was 4.4. The Tri-force area in the South West (7.0) reported investigating three times as many road deaths per FCI than did Northumbria (2.2).

Most police services reported the number of non-fatal collisions investigated by FCI. Yet there was much variation in the workload, but not all, were able to report. Norfolk and Suffolk reported a low of 1.7 non-fatal collisions investigated per FCI whilst Cumbria had 2.7 non-fatal collisions investigated per FCI. At the other end were Lancashire Constabulary and North Wales Police reporting over 36 non-fatal collisions investigated per FCI. This may be due to some police restricting their answers to those cases where the FCI produced an investigation report, whilst others reported those where FCI was involved in initial investigation.

Training. Whilst the police had invested in developing a national set of training standard, training requirements are not nationally set. These remain local decisions with Chief Constables able to determine the relative level of priority and resources invested in training, and the training requirements for investigators. Adoption and implementation of the national training programme is not monitored. Police do not publish the training standards of their key investigation team officers.

Guidance. Road death investigation guidance varies widely in England and Wales with that of Scotland. After a public consultation in 2012, ACPO's Road Death Investigation Manual was replaced in England and Wales by the CoP Investigating Road Deaths (2013). This was on-line and approximately one-tenth the length of the RDIM. Police in Scotland kept the RDIM and have updated it.

The latest CoP guidance has dropped reference to Senior Investigating Officers (SIOs), and now refer to the Roads Policing Lead Investigator. This downgrading of the lead officer has been challenged, with many police services still referring to SIOs as leading road death investigations.

Guidance includes advice on what both should and can be done. However, the scope for discretion by police is significant. There are only two policy decisions that the CoP request to be recorded within the policy file. These include the reasons not to use an FCI or a Forensic vehicle examiner. The need to record decisions with investigating potential criminal offences, e.g. testing for drink/drug driving, mobile phone use or eyesight, are not mentioned.

RoadPeace assessment

Collision investigation is the cornerstone of justice and key to delivering safer roads. On behalf of road crash victims, RoadPeace expects much from road death investigations. They should:

- ▶ deliver criminal justice with offenders detected
- ▶ facilitate civil justice (this can be more important to victims than criminal justice)
- ▶ mitigate suffering of bereaved families and keep them properly informed
- ▶ contribute to road traffic injury prevention efforts
- ▶ inspire confidence in police.

Thorough? A thorough investigation would check all possible criminal offending. But our review showed offending, including impairment and distraction, was not always investigated. The Department for Transport (DfT) report receiving alcohol levels in only 62% of driver fatalities. Checks for mobile phone use often depend upon witnesses whilst drug driving tests depend upon the officers attending the scene.

And whilst examples of very good practice were included, these were often down to individual officer's dedication, rather than a structured approach.

Impartial? Unconscious bias is believed to be a problem, both with the low rates of convictions and the perceived empathy for drivers over that of cyclists or pedestrian casualties. Our report included several examples of poor investigation into cyclist deaths. We also noted how unconscious bias into other crimes, such as sexual violence, has been recognised and addressed.

Effective? Evaluating the effectiveness of collision investigation is difficult. The traditional measure of effectiveness with police investigation is Offences Brought to Justice. But not all collisions involve offences, so this is not appropriate. As police can decide unilaterally to end an investigation and not allow a prosecution to be considered, transparency with judicial outcomes and before quality assurance of collision investigation is essential.

Consistent? As highlighted throughout this report, road death investigation in Britain is not consistent. Investigation procedures vary by police services, e.g. impairment tests, assignment of SIO, collection of witness statements, etc. When road death investigations are reviewed varies widely. Thames Valley Police and Hampshire Constabulary report reviewing road death investigations 21 and 90 days after the crash, whilst North Yorkshire review after 48 hours, seven days and three months.