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NPIA

National Policing
Improvement Agency

PROFESSIONAL PRACTICE

ROAD DEATH INVESTIGATION MANUAL

2007

Produced on behalf of the Association of Chief Police Officers
by the National Policing Improvement Agency

This manual contains information to assist policing in the United Kingdom.

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ROAD DEATH INVESTIGATION MANUAL

This manual has been produced by the Professional Practice Unit of the National Policing Improvement Agency (NPIA) on behalf of the Association of Chief Police Officers (ACPO). It will be updated according to legislative and policy changes and re-released as required.

The NPIA was established by the Police and Justice Act 2006. As part of its remit the NPIA is required to develop policing doctrine, including manuals, in consultation with ACPO, the Home Office and the Police Service. Manuals produced by the NPIA should be used by chief officers to shape police responses to ensure that the general public experience consistent levels of service. The implementation of all manuals will require operational choices to be made at local level in order to achieve the appropriate police response.

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Acknowledgements

ACPO and the NPIA would like to express their thanks to all those involved in the drafting of this document and to members of the ACPO Steering Group and the ACPO Guidance Working Group who gave their advice. All of the responses during the consultation phase of this project were appreciated and contributed to the final document.

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FOREWORD

The *ACPO (2007) Road Death Investigation Manual* (RDIM) is to be used to assist forces to develop policies and business processes to ensure that deaths on the road are investigated professionally. The RDIM has been developed on behalf of ACPO by the National Policing Improvement Agency with the help and support of practitioners from the roads policing community and partner agencies. It builds on and supersedes previous versions of the Road Death Investigation Manual. The procedures contained within this practice advice complement those contained in *ACPO (2005) Core Investigative Doctrine*, *ACPO (2006) Murder Investigation Manual* and the standards required of investigators as set out in the Professionalising Investigation Programme (PIP). Family liaison and the relationship with other agencies in these sometimes complex investigations are also included.

The Police Service has a duty to conduct a thorough investigation to establish the circumstances that have led to a road death, and to discharge their responsibilities to the coroner. Most importantly, the investigation will enable the Police Service to provide an explanation of what happened to the family and friends of the deceased. In addition, the outcome of investigations can be used to learn lessons which may assist in the prevention of further deaths and serious injuries on the road.

My thanks are extended to all who have provided their assistance and expertise in the development of this practice advice.

A handwritten signature in black ink, appearing to read 'Shabir Hussain', with a stylized flourish at the end.

Shabir Hussain
Metropolitan Police Service

Section 1

INTRODUCTION

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1.1 OVERVIEW OF THE ROAD DEATH INVESTIGATION MANUAL

This practice advice contains key roles, investigative principles and individual strategies and components to assist an effective and professional investigation into a fatal collision. Its primary audience is the Roads Policing Senior Investigating Officer (RP SIO), see **2.2 The Role of the Roads Policing Senior Investigating Officer**. It may also be of benefit to senior management who have responsibility for managing resources, and to other staff involved in fatal collision investigations.

Practice advice focuses on a specific area where the Police Service may benefit from evidence-based good practice. Chief officers have the discretion to adhere to the final product or not. Practitioners are encouraged to use this practice advice to review their force's current policies and processes for road death investigation. They are also encouraged to remain aware of emerging issues and good practice in this area, for example, changes in legislation.

The practice advice is arranged in three parts: Resources; Key Investigative Principles; and Key Components of Fatal Collision Investigation. These are summarised as follows and in **Figure 1**.

Part 1 – Resources

Resources refers to the key police roles required to conduct effective fatal collision investigations.

Part 2 – Key Investigative Principles

This manual adheres to the principle that all fatal collisions should be investigated as 'unlawful killings' until the contrary is proved. It is, however, acknowledged that fatal collisions may include a wide range of circumstances, for example, investigating an incident involving one vehicle which results in the death of the single occupant driver, through to a full-scale murder investigation. Whatever the initial circumstances appear to be, all fatal collisions must be investigated to the highest standard. As there can be no prescriptive response to cover all types of fatal collision investigation, the key investigative principles, in conjunction with the appropriate resources, provide investigators with a suitable framework to ensure that the most thorough and appropriate investigation is conducted. The investigative and interviewing principles contained in this practice advice are consistent with those described in *ACPO (2005) Practice Advice on Core Investigative Doctrine* and *ACPO (2006) Murder Investigation Manual*.

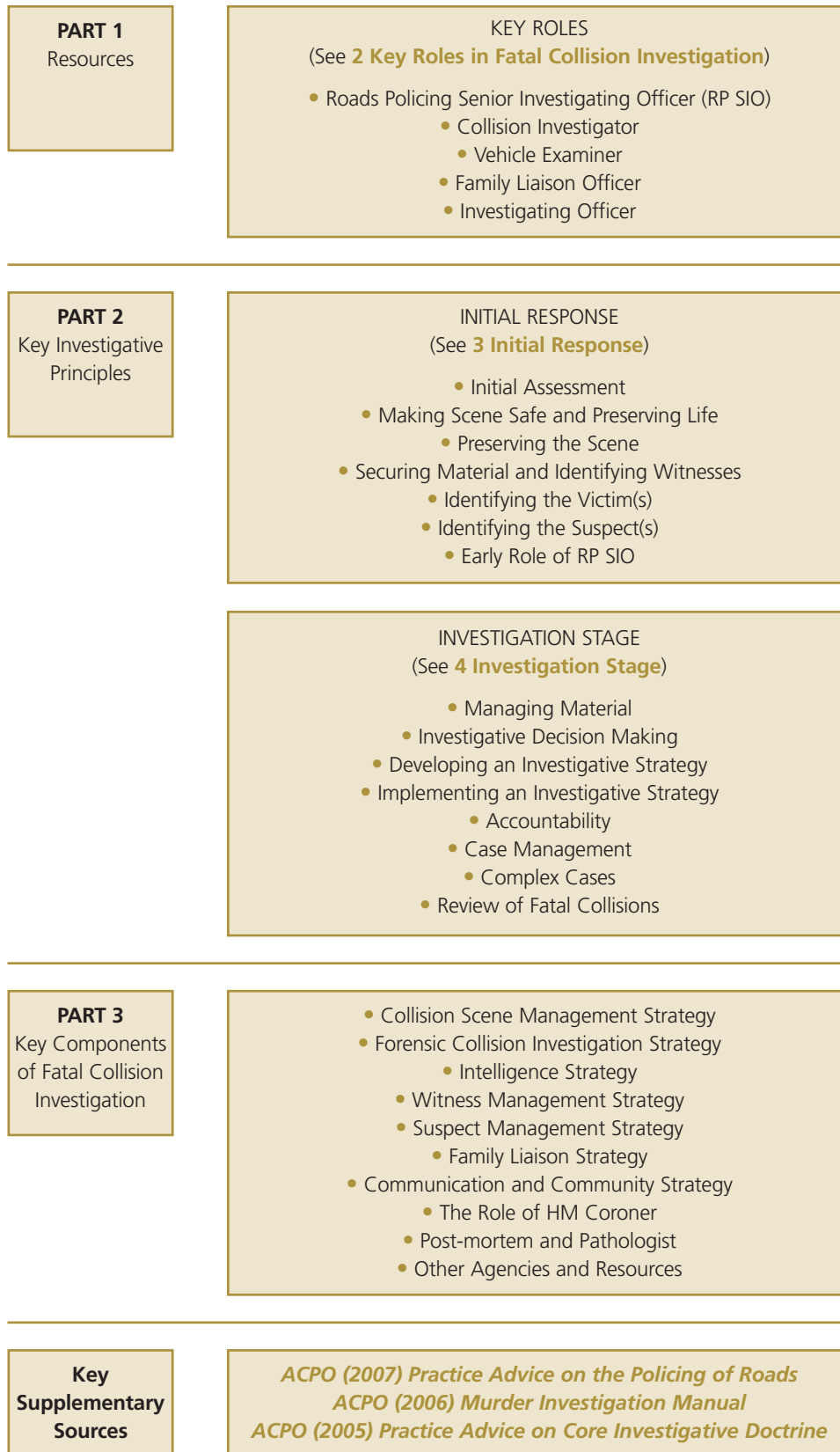
Part 3 – Key Components of Fatal Collision Investigation

The components presented in Part 3 provide advice on areas that are likely to be pertinent during a fatal collision investigation. Depending on the circumstances, however, not all of these components will be relevant to every case. They are intended to be followed as and when applicable.

Although the content of this practice advice is concerned with fatal collision investigation, the roles, principles and components can also be applied to the investigation of non-fatal collisions involving, for example, serious injuries as defined by the MG National Collision Report Form (NCRF) and local policies.

This practice advice references additional sources of information and guidance that can help staff involved in all aspects of fatal collision investigation. **Figure 1** also gives examples of key supplementary sources to this practice advice.

Figure 1 Overview of the Road Death Investigation Manual



1.2 FATAL COLLISION INVESTIGATION AND THE NATIONAL INTELLIGENCE MODEL

Although the focus of this practice advice is to support the effective and professional investigation of fatal collisions, it is important that staff involved in this area can contribute to the identification of longer-term prevention, intelligence and enforcement opportunities with regards to wider roads policing and road safety issues. The findings of investigations into fatal collisions can help to reduce future road casualty numbers. This is one of the priorities of the Association of Chief Police Officers/Department for Transport/Home Office Road Policing Strategy.

In addition, therefore, to conducting effective and professional collision investigations, staff must be aware of how to access local and force tasking and co-ordination processes and priorities. This represents the most effective method for raising, and ultimately responding to, longer-term problems and priorities. Tasking and co-ordination processes (eg, daily management meeting, tactical tasking and co-ordination group) should be followed to request additional resources and support during an investigation. For further information on tasking and co-ordination, see *ACPO (2006) Practice Advice on Tasking and Co-ordination*. For more general information on the National Intelligence Model (NIM), see *ACPO (2005) Guidance on the National Intelligence Model* and *ACPO (2007) Practice Advice Introduction to Intelligence-Led Policing*.

1.3 MANAGEMENT ISSUES

Forces must ensure that the policies, practices and procedures contained in this practice advice form the cornerstone of fatal collision investigation. To achieve this, forces should ensure that:

- The key roles outlined in **2 Key Roles in Fatal Collision Investigation** are resourced with the appropriate staff;
- These resources are configured so that they are deployed effectively, see **2.4 Configuration of Resources for Fatal Collision Investigation**;
- The investigating team has access to appropriate facilities, equipment and external expertise to perform their roles effectively;
- An appropriate review process is developed and implemented, see **4.9 Review of Fatal Collisions**;
- Agreements with partner agencies are developed and implemented that clarify roles and responsibilities in relation to fatal collision investigation.

1.4 DEFINING MATERIAL

The term material is used throughout this practice advice. The definition of material is taken from the Code of Practice under Part II of the Criminal Procedure and Investigations Act 1996 (CPIA):

Material is material of any kind, including information and objects, which is obtained in the course of a criminal investigation and which may be relevant to the investigation. Material may be relevant to an investigation if it appears to an investigator, or to the officer in charge of an investigation, or to the disclosure officer, that it has some bearing on any offence under investigation or any person being investigated, or on the surrounding circumstances of the case, unless it is incapable of having any impact on the case.

The use and management of material during a fatal collision investigation is detailed in **4.2 Managing Material**. **Figure 2** gives an example of material in a roads policing context.

Figure 2 Defining Material

Whether material becomes information, intelligence or evidence depends on how it is used. For example, tachograph records could be:

- Information – if used to identify hours driven, speed, route;
- Intelligence – if analysed together with other material to identify the route taken by the vehicle, any stops and an indication of load;
- Evidence – if used in court to show that a particular vehicle was involved in an offence at an identified location.

All material gathered during an investigation is subject to the CPIA, irrespective of whether it is used as information, intelligence or evidence.



PART ONE – RESOURCES

Section 2

KEY ROLES IN FATAL COLLISION INVESTIGATION

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2.1 INTRODUCTION

The nature and focus of a fatal collision investigation vary on a case-by-case basis. Regardless of the circumstances, however, the overarching objective is to ensure the highest possible standard of investigation for each case. Meeting this objective requires forces to develop and allocate appropriate resources to investigate every fatal collision. These resources include:

- Roads Policing Senior Investigating Officer (RP SIO);
- Specialist roles pertinent to fatal collision investigation, for example, collision investigator.

This section examines these resources, and also considers resource configuration to ensure effective deployment.

2.2 THE ROLE OF THE ROADS POLICING SENIOR INVESTIGATING OFFICER

The role of the RP SIO is crucial to the efficient investigation of a fatal collision. The RP SIO acts as the lead investigator for all fatal collisions. Given that the circumstances of a fatal collision investigation will vary on a case-by-case basis, this role is not department or rank-specific. Force investigation policies are usually consistent with all aspects of the Professionalising Investigation Programme (PIP) and will describe three levels of investigation (major investigations, serious and complex investigations, and volume and priority investigations). Fatal collision investigations should, therefore, be considered in this context.

Developing and adopting a classification system may help identify the most appropriate person to perform the role of RP SIO. **Figure 3** presents an example of different classifications of fatal collisions, and this, or a similar system, could be used to indicate at an early stage the level of investigative experience and expertise required by an RP SIO. It must be noted, however, that a fatal collision should be initially investigated as an unlawful killing until the contrary is proved. If developing a classification system for these purposes, it must be recognised that there will be exceptions and/or cases that are not easy to categorise; a common sense approach should, therefore, be adopted. It must also be recognised that a classification system will be scaleable, for example, an incident initially identified as Category B may, as the investigation progresses, require re-classifying as Category A or vice-versa. This, in turn, may necessitate a change in RP SIO to mirror the complexity of the investigation.

A categorisation system can also be used to gauge the type and number of resources which may be required for different types of fatal collisions. Adopting such a system remains at the discretion of forces.

Figure 3 Example Classifications of Fatal Collisions for Identifying an Appropriate RP SIO

| | | |
|--------------------|---|---|
| Category A+ | Assessed as likely homicide investigation or where complexity requires the deployment of a nationally registered SIO. | Major investigations (PIP classification – Level 3) |
| Category A | Confirmed fatality – one or more vehicles failed to stop and/or drivers decamped, or other factors are present that significantly increase the complexity of the investigation. | Serious and complex investigations (PIP classification – Level 2) |
| Category B | Confirmed fatality – all drivers are known or can immediately be identified. | Serious and complex investigations (PIP classification – Level 2) |
| Category C | Confirmed fatality – driver only killed, no third-party involvement, inquest only. | Volume and priority investigations (PIP classification – Level 1) |
| Category D | Confirmed fatality – driver only killed, death due to natural causes, may involve a third-party, no inquest necessary. | Volume and priority investigations (PIP classification – Level 1) |

As a minimum, however, any officer holding the role of RP SIO must be able to:

- Perform the role of officer in charge of an investigation as described in the Code of Practice under Part II of the Criminal Procedure and Investigations Act 1996, see **Figure 4**;
- Develop, record and implement the investigative strategy;
- Develop and record the information management and decision-making systems for the investigation;
- Acquire and manage resources allocated to the investigation;
- Be accountable to chief officers for the conduct of the investigation.

The role of the RP SIO in a fatal collision investigation can be complex and challenging. It combines two elements, each of which the RP SIO must perform to the highest standards. These are the role of investigator and the role of manager.

Figure 4 The Criminal Procedure and Investigations Act 1996 (CPIA)

All RP SIOs should be fully familiar with the requirements of the CPIA 1996. The following are extracts which are particularly relevant to the role of the RP SIO.

Section 2.1 of the Code of Practice under Part II of the Criminal Procedure and Investigations Act 1996 (CPIA) provides a number of definitions that are relevant to understanding the role of an RP SIO.

Criminal investigation

A criminal investigation is an investigation conducted by police officers with a view to it being ascertained whether a person should be charged with an offence, or whether a person charged with an offence is guilty of it. This will include:

- Investigations into crimes that have been committed,
- Investigations whose purpose is to ascertain whether a crime has been committed, with a view to the possible institution of criminal proceedings, and
- Investigations which begin in the belief that a crime may be committed, for example, when police keep premises or individuals under observation for a period of time, with a view to the possible institution of criminal proceedings.

Charging a person with an offence includes prosecution by way of summons.

Investigator

An investigator is any police officer involved in the conduct of a criminal investigation. All investigators have a responsibility for carrying out the duties imposed on them under this code, including in particular recording information, and retaining records of information and other material.

Officer in charge of an investigation

The officer in charge of an investigation is the police officer responsible for directing a criminal investigation. He is also responsible for ensuring that proper procedures are in place for recording information, and retaining records of information and other material in the investigation.

Section 3 of the code outlines some general responsibilities.

3.1 The functions of the investigator, the officer in charge of an investigation and the disclosure officer are separate. Whether they are undertaken by one, two or more persons will depend on the complexity of the case and the administrative arrangements within each police force. Where they are undertaken by more than one person, close consultation between them is essential to the effective performance of the duties imposed by this code.

3.2 The chief officer of police for each police force is responsible for putting in place arrangements to ensure that in every investigation the identity of the officer in charge of an investigation and the disclosure officers is recorded.

3.3 The officer in charge of an investigation may delegate tasks to another investigator or to civilians employed by the police force, but he remains responsible for ensuring that they have been carried out and for accounting for any general policies followed in the investigation. In particular, it is an essential part of his duties to ensure that all material which may be relevant to an investigation is retained and either made available to the disclosure officers or (in exceptional circumstances) revealed directly to the prosecutor.

2.2.1 RP SIO AS INVESTIGATOR

The wide range of circumstances in which fatal collisions occur means that no two investigations are exactly the same. As a consequence, it is preferable that RP SIOs are skilled and experienced investigators who are able to develop investigative strategies based on the unique circumstances of each case. They should be able to continually modify these strategies as material becomes available. In particular, they must have:

- Knowledge of
 - road traffic legislation and other criminal law, for example, health and safety legislation
 - the principles of criminal investigation and supporting disciplines;
- Skills and experience in applying the techniques of fatal collision investigations;
- Decision-making ability.

2.2.2 RP SIO AS MANAGER

RP SIOs must also be able to acquire and manage the necessary resources to enable investigations to proceed efficiently. Depending on the circumstances of each case, this will range from tasking individuals with discrete pieces of work through to managing a temporary team. The process will involve police officers and usually police staff and, in some cases, specialists from outside the Police Service, eg, the Health and Safety Executive. It is, therefore, desirable that RP SIOs have a high level of management ability. This includes being able to adopt and promote a team approach to the investigation of fatal collisions. For further information see **4.3.3 The Investigative Team Approach**.

It is unrealistic to expect the RP SIO and members of the investigating team to possess expertise in all aspects of fatal collision investigation. As the manager, however, the RP SIO must be aware of gaps in knowledge and expertise (including their own) during the progress of a fatal collision investigation. They must also be prepared to seek additional and relevant expertise.

2.2.3 RP SIO EXPERIENCE AND TRAINING

RP SIOs should take every opportunity to increase their knowledge and widen their experience and exposure to fatal collision investigations. In the past many RP SIOs developed their skills through a system heavily biased towards experience. This development path depended on the number of cases investigated and the willingness of others to share their experiences. In many respects it is still desirable for RP SIOs to learn in this way. Experience, however, is relative and can be influenced by personal prejudices, beliefs or stereotypical images of certain groups and individuals. Furthermore, even the most experienced RP SIO will not have first-hand experience of all types of fatal collisions. Experience alone, therefore, is no longer a sufficient preparation for leading a fatal collision investigation. RP SIOs also need to understand the wider principles of criminal investigation and related disciplines such as forensic collision investigation techniques and collision scene examination. Some of these skills are transferable from previous roles, but continuing development and understanding will increase the RP SIO's professionalism and improve their approach to all investigations.

Forces should be aware that a national standard for RP SIOs is in development. This will be accompanied by a training package to enhance existing experience. Any new national standard will reflect the contents of this practice advice and be consistent with the Professionalising Investigation Programme (PIP). In the meantime, forces should ensure that all officers performing the role of RP SIO are adequately trained and regularly updated. This may be achieved through existing investigative training provision. Forces may also wish to consider developing a mentoring scheme for inexperienced RP SIOs to help them develop in their role. This could involve, for example, working closely with experienced RP SIOs.

2.3 OTHER SPECIALIST ROLES IN FATAL COLLISION INVESTIGATION

In addition to the RP SIO, the following key roles are required for effective fatal collision investigations:

- Collision investigator;
- Vehicle examiner;
- Family liaison officer;
- Investigating officer.

The RP SIO must also be aware of the additional resources and specialisms that may be required to progress the investigation, see **2.3.5 Other Key Resources**.

2.3.1 COLLISION INVESTIGATOR

The involvement of a collision investigator in a fatal collision investigation is paramount. The key requirements of this role include the following.

- Assisting the RP SIO to identify the full extent of the scene(s).
- Assisting the RP SIO to ensure that all scenes are secured to prevent, as far as possible, the loss of material.
- Identifying, preserving and recording all physical material which could be relevant to the circumstances of the collision.
- In conjunction with other staff as required, ensuring that such material is photographed (supplemented by video recording if appropriate), along with the surrounding topography in order to give context. In addition, the scene should be surveyed to enable the subsequent production of a scale plan showing the position of the material identified.
- Conducting, or making arrangements for, any tests or forensic examinations in relation to reconstruction. Such tests should be carried out in a timely manner having regard to environmental conditions.
- Advising and continuing to update the RP SIO so that informed decisions can be made concerning continuing road closures.
- Reviewing any witness evidence in line with known or established facts.
- Ensuring the RP SIO is kept informed in respect of findings, and ultimately preparing a comprehensive written report.

Forces must ensure that, as a minimum, collision investigators are trained to the standard outlined in *ACPO (2003) Collision Investigation and Reconstruction within the Police Service*.

2.3.2 VEHICLE EXAMINER

A vehicle examiner must be used during a fatal collision investigation. If circumstances suggest to the RP SIO that a vehicle examiner is not required, this decision and the rationale must be noted in the policy file. This role may be undertaken by police officers, eg, the collision investigator or dedicated vehicle examiner. It may also be undertaken by civilian staff specifically employed as vehicle examiners. In cases involving large goods and passenger carrying vehicles (PCVs), forces may have protocols with the Vehicle and Operator Services Agency (VOSA) to provide assistance, see **14.2.14 The Vehicle and Operator Services Agency (VOSA)**. In some forces these protocols may involve VOSA in a wider capacity, eg, the examination of all types of vehicles involved in a fatal collision.

Regardless of who performs this role, the key requirements of vehicle examination include:

- Establishing the pre-collision mechanical condition of the vehicle, in so far as the consequences of the collision allow;
- In conjunction with the RP SIO and known or established facts, considering the likelihood of a vehicle-related factor having caused or contributed to the collision.

In addition to these requirements, the vehicle examiner may also undertake a number of additional tasks, although it must be emphasised that the collision investigator may have completed them or have overall responsibility for them. Additional tasks include:

- Obtaining forensic material from the vehicles involved;
- Establishing the pre-collision position of controls, switches and other components which may have had an influence on the position or movement of the vehicle prior to the collision;
- Recording details of the position and extent of any damage in order to ascertain the immediate pre-impact positions of vehicles and objects relative to each other;
- Identifying whether any devices have been fitted to the vehicle, for example, engine management systems, satellite navigation systems, airbags or anti-lock braking systems (ABS), and whether they contributed to the collision or hold material that would be useful to the investigation;
- Identifying any vehicle design implications and ascertaining if any defects may have caused the collision or have a potential to affect the overall safety of similar vehicle models. This may require checking vehicle maintenance records for vehicles involved in a fatal collision and, if necessary, reviewing records for vehicle fleets in cases of potential corporate manslaughter, in order to identify any system failures. Reference should be made to the regular publications from VOSA Vehicle Safety Branch.

2.3.3 FAMILY LIAISON OFFICER (FLO)

The primary role of the FLO is to work to the objectives set in a family liaison strategy. In addition to this investigative function, the role of the FLO also includes:

- Treating families professionally and with respect and consideration for their needs. Officers must never make assumptions about the particular needs and expectations of a family but should respond to the information communicated by them.

- Passing appropriate information regarding the enquiry to the family (with the agreement of the RP SIO in order to avoid compromising the enquiry).
- Organising the viewing, identification and release of the body.
- Ensuring the return of property is carried out tactfully, sensitively, and in accordance with the family's wishes.
- Informing the family of suitable support agencies and sources of information, for example, BrakeCare, see **14.3.2 BrakeCare**.

For further information on the role of the FLO, see **ACPO (2003) Family Liaison Strategy Manual**. For further information on the family liaison strategy, see **10 Family Liaison Strategy**.

2.3.4 INVESTIGATING OFFICER

The role of investigating officers is to support the RP SIO during a fatal collision investigation. The RP SIO is responsible for determining the number of investigating officers that they will require and manage, and the tasks they should perform. The precise nature of the tasks to be undertaken by investigating officers will be dictated by the nature and complexity of the incident. It is likely, however, that investigating officers will be involved in tasks such as witness interviewing. In order to contribute effectively to the investigation, investigating officers must, therefore, possess:

- Appropriate investigative skills;
- The ability to work with minimum supervision;
- A disciplined approach to the work of the investigation;
- A sound knowledge of relevant legislation.

Officers involved in general roads policing duties may have the most relevant skills to fulfil this role. Alternatively, investigating officers may be attached permanently to dedicated collision investigation units, see **2.4 Configuration of Resources for Fatal Collision Investigation**.

2.3.5 OTHER KEY RESOURCES

In addition to the key roles already listed, the RP SIO must consider other specialist roles that will support the investigation. Some of these roles, for example, liaison with the Crown Prosecution Service (CPS) and disclosure and exhibit roles, will be required for every fatal collision investigation. Other roles will depend on the circumstances of an individual case and their requirements will be determined by it, for example, police traffic management officer, scene manager or analyst.

These roles, and other specialists from within and outside the Police Service (eg, Health and Safety Executive), are explained at relevant points throughout this practice advice. The RP SIO must be able to acquire these resources and be aware of how they can help to progress a fatal collision investigation.

Some forces may wish to explore the possibility of employing civilian staff to perform key roles in a fatal collision investigation, for example, a civilian collision investigator or civilian interviewer. These types of civilian resources can be used to supplement dedicated police resources. PIP provides a standard that can be used to define role profiles for civilian staff, eg, through relevant National Occupational Standards (NOS) such as Interview Victims/Witnesses (2H1). Employing civilian staff in these roles remains at the discretion of individual forces.

2.4 CONFIGURATION OF RESOURCES FOR FATAL COLLISION INVESTIGATION

In order to conduct an effective fatal collision investigation, forces must be able to provide an appropriate response twenty-four hours a day, seven days a week. Individual forces are responsible for ensuring that resources are configured to meet this need. One way of meeting this need is to establish a dedicated collision investigation unit that consists of key staff providing cover for a defined geographical area, eg, Basic Command Unit (BCU) or force area.



PART TWO – KEY INVESTIGATIVE PRINCIPLES

Section 3

INITIAL RESPONSE

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3.1 INTRODUCTION

This section details the actions associated with the initial response to investigating a fatal collision. These actions apply to the way in which reports are dealt with by control rooms and how officers initially respond. These are generally outside the control of the RP SIO, who may only become involved once it has been determined that fatalities have occurred. Forces should, therefore, ensure that staff are adequately trained and supervised in the actions they should take in relation to reports of potential fatal collisions.

The initial actions that should be taken by the RP SIO during the early stages of the investigation, for example, undertaking fast-track actions, are also included in this section.

3.2 INSTIGATION

On being notified of a collision, the following details must be recorded accurately:

- Any obvious dangers at the scene;
- Name, home address and telephone number of the informant;
- First account of the informant;
- Precise details of the location of the scene;
- Vehicle identification;
- Details of other people present at the scene;
- First description of a suspect and possible entry and egress points relating to the scene, where applicable.

In cases where notification comes from a caller who attempts to remain anonymous, every effort should be made to discover their identity. If they terminate the call, steps should be taken to establish its origins. Reports of collisions will also be made to other emergency service control rooms. It should, therefore, be possible to obtain the caller's number from the records and tapes of other emergency services.

Until the arrival of police officers or police staff at the scene, there is a risk that valuable material may be lost or contaminated. To minimise the potential for this to happen the person making the report should, when applicable, be advised to:

- Not put themselves in danger;
- Not enter the obvious parameters of the scene;
- Not touch or move anything;
- Identify themselves to officers arriving at the scene.

The tapes of all telephone calls and radio transmissions associated with the investigation should be preserved and made available to the RP SIO if necessary.

3.3 THE INITIAL RESPONSE

The actions taken by the first officers attending the scene of a collision are critical to the success of any future potential investigation. These actions can be broken down into a set of six principles, which must be considered on attending the scene. These principles help to create an investigative mindset from the outset. They incorporate:

- Conducting an initial assessment (incorporating SAD-CHALETs, see **3.3.1 Conducting an Initial Incident Assessment**);
- Making the scene safe and preserving life;
- Preserving the scene;
- Securing material and identifying witness(es);
- Identifying the victim(s);
- Identifying the suspect(s).

3.3.1 CONDUCTING AN INITIAL INCIDENT ASSESSMENT

The first officers or police staff attending the collision scene must conduct an initial assessment and send a situation report to the control room. The control room will, if necessary, coordinate the deployment of supervisors and additional resources to the incident. Good communication is paramount at this stage, along with consideration of potential safety issues. A suitable mnemonic that can help officers conduct this initial assessment is SAD-CHALETs:

Survey

Assess

Disseminate

Casualties – approximate number of dead, injured and uninjured

Hazards – present, eg, fuel spillage, debris, weather conditions, terrain; potential hazards, eg, presence of gases, chemicals, fire or the danger of explosion

Access – best routes for emergency vehicles, parking, turning points, routes blocked and suitable rendezvous points

Location of incident (if it is not easily identifiable, as in isolated areas, identifiers such as landmarks or road junctions should be used to pinpoint the site)

Emergency services – present and required

Type of incident – brief details, eg, of number of vehicles or buildings involved

Safety – all aspects of health and safety and risk assessment must be considered by all staff working at or close to the scene.

An initial assessment, either from the first officers or police staff at the scene or via information received by the control room, may determine the need to declare a major incident. Each force has its own major incident procedure, which should follow the advice contained in *ACPO (2002) Emergency Procedures Manual*. It is important that staff are aware of these procedures.

If applicable, and not already ascertained, the first officers or police staff at the scene should provide the control room with a description of suspects and their associated entry and egress points.

Regardless of the circumstances, the first officers or police staff attending must be prepared to start a scene log at the earliest opportunity.

3.3.2 MAKING THE SCENE SAFE AND PRESERVING LIFE

Following the initial assessment, the next priority is to make the scene safe and preserve life. The key consideration for making the scene safe is to ensure that the incident does not escalate, and that further casualties are prevented. Following this, the condition of the victim(s) should be assessed. If there is any possibility that they may still be alive, first aid should be applied and medical support called for (if this has not been requested already).

Applying first aid and removing the victim will involve disturbance of the scene, and may destroy material. While the priority must always be the preservation of life, the following actions can minimise the impact of such disturbance.

- Video and photographic equipment can be used to record the detail of scenes, particularly the location of victims and vehicles. In the absence of such equipment, a sketch or series of sketches may help.
- Identify whether anything has been moved, noting the original and eventual position. Consider also noting details of persons engaged in this activity.
- Try to remove the victim with minimum disturbance of the scene.
- Identify and manage the route into and out of the scene.
- Make an accurate record of any actions taken and report to the RP SIO at the earliest opportunity.

When a victim is moved from the scene to the hospital, the identity of the ambulance crew and the details of the hospital should be established. Ideally, an officer should travel to the hospital with the victim to provide evidence of continuity and to coordinate investigative actions at the hospital. If this is not possible, a member of staff should attend the hospital as soon as possible. Forces may wish to consider developing pre-prepared continuity packs that can be used for this purpose. This may also prove useful in fatal collisions with a large number of casualties.

Priorities for any member of staff attending the hospital should be:

- Establish the identity of the victim;
- If the victim is conscious, establish what has happened including details of drivers and others present during the collision (subject to medical advice);
- Request a blood sample where there is a suspicion of alcohol and/or drug use; this should be requested at the earliest opportunity and, if applicable, prior to any blood transfusion;
- Obtain medical opinion about the victim's condition;
- Obtain details of family, friends or associates who visit the victim as they may be witnesses or sources of other information;
- Consider forensic seizure of clothing and/or property at an early opportunity.

Where staff attending the scene believe the victim is dead, a police surgeon should be called to formally pronounce life extinct. Pathologists and some paramedics can also perform this function. If there is any doubt, first aid should be administered immediately and an ambulance called.

3.3.3 PRESERVING THE SCENE

Collision scenes are an important source of material for investigations. However, physical material may be very fragile and can easily be destroyed or contaminated. It is, therefore, essential that those involved in the initial response take effective action to maximise the chances of recovering physical material without contaminating or destroying it. This can be achieved by the following steps:

- Identify;
- Protect;
- Secure.

When taking these steps, it is important to note that the personal safety of officers, other personnel and members of the public at the scene of a fatal collision is paramount. For further information on managing the scene of different types of road-related incidents safely, see *ACPO (2007) Practice Advice on the Policing of Roads*.

Identify

The identification of all scenes is a priority activity. All personnel who originally attend the site of a collision tend to concentrate on the obvious location of vehicles and debris. This may only be part of the scene and it may be necessary to redefine the scene parameters. This can be achieved by walking beyond the initial scene or by, for example, using witness testimony or aerial assistance. If it becomes apparent that the scene is larger than initially thought, resources may need to be redeployed to secure the scene.

Protect

In addition to safety issues, officers should prevent further meteorological, human or animal disturbance of the scene. Where it is practicable, protecting the scene can be achieved by identifying and defining a single access and exit route. This can be complemented by identifying and defining permissible routes within the scene.

Secure

Depending on the circumstances of a collision, there will always be a wide range of methods available to secure scenes. Some of the most commonly used include:

- Cordons and tape – starting with a widely defined area to allow the RP SIO the best chance of securing all available material;
- Stationing officers at entry points with cordon control – while being aware of contamination issues that may arise if this option is used;
- Blocking access by using vehicles;
- Road closures and diversions;
- Temporary fencing.

To help secure the scene of a collision, police officers are reminded that they have the power to:

- Stop vehicles (section 163 Road Traffic Act 1988);
- Direct traffic (section 35 Road Traffic Act 1988);
- Close roads and create diversions (section 67 Road Traffic Regulation Act 1984).

Other non-warranted personnel, eg, traffic wardens, police community support officers (PCSO) and Highways Agency traffic officers (HATO), can also help with securing the scene provided that the tasks allocated to them do not exceed their legal powers. It may also be necessary to call on the services of the local highways authority or Highways Agency to help with road closures and diversions. In these circumstances, existing protocols between the Police Service and these agencies should be followed. For further information see **5.8 Managing Disruption and Releasing the Scene**.

When securing the scene, it is important that entry is prevented to anyone other than authorised personnel (eg, RP SIO, collision investigator, crime scene investigator). Staff must ensure that protective clothing is worn by those who enter the scene, where necessary.

A scene log should be started to ensure that:

- There is no unauthorised entry to the scene(s);
- The integrity of potential physical material is secured;
- Intelligence opportunities are maximised, for example, by obtaining details of potential witnesses and/or suspects who approach the police cordon;
- Contamination issues are appropriately managed.

The scene log should also show:

- Name of the officer keeping the record;
- Name of any person entering or leaving the scene;
- Date and time of such entry or departure;
- Reason for entry.

3.3.4 SECURING MATERIAL AND IDENTIFYING WITNESS(ES)

Staff initially deployed to the scene of a collision can secure material which will help maximise investigative opportunities. For example, officers must do all that is possible to prevent:

- Movement of exhibits;
- Material being obliterated;
- Additional material being added;
- Loss of material.

To achieve this, and when appropriate, liaison may be required with other emergency service personnel and/or collision investigators to move emergency vehicles if they are positioned on top of, or close by, potential material.

The early identification of witnesses is important as people may leave the scene shortly after the arrival of the emergency services. Witnesses are an important source of material in the early stages of an investigation. Focused questioning at the collision scene presents an opportunity to identify witnesses and secure material. This can be achieved by:

- Obtaining details of all persons at the scene.
- Identifying witnesses and obtaining an initial account from them, together with their personal details and, if applicable, details of their vehicles. This must be done as soon as possible to prevent potential witnesses discussing what they have seen with each other.

- Recording details of vehicles to identify witnesses who may be able to provide accounts of driving prior to the collision, for example, recording index numbers of vehicles caught in queues behind cordons. This may be an important component in subsequent attempts to prove dangerous driving.

3.3.5 IDENTIFYING THE VICTIM(S)

It is essential that the victim's identity is established as soon as possible so that the investigation can progress and the family can be informed. This may be achieved through appropriate questioning of those reporting the fatal collision and/or witnesses at the scene. Any relevant information obtained by first responders regarding the victim's identity will be beneficial to the RP SIO. It must be stressed, however, that the victim's identity can only be confirmed through a formal identification process.

3.3.6 IDENTIFYING THE SUSPECT(S)

If an early assessment indicates that a criminal offence may have been committed, arresting suspect(s) who have been identified and are present at the scene of a fatal collision must be a priority, for example, in cases where impairment through drink or drugs is suspected. In such circumstances, the escape of any potential suspect(s) and the intentional or accidental destruction of material (eg, tachograph charts, documents, reconnection of speed limiter) must be managed.

The isolation of any suspect(s) and/or vehicle(s) is also important to limit cross-contamination of material in cases where identification may be an issue. The removal of suspect(s) from the scene should be undertaken by officers who have not been involved in the response and/or investigation of the scene, as this will also avoid cross-contamination. If this is not possible, for example, if the offender(s) is arrested at the scene by officers who are already there, the fact that the arresting officer has been at the scene should be declared to the RP SIO as soon as possible.

Arresting officers should follow normal procedures for taking suspects into custody but should try to reduce contamination of forensic material as much as possible. Although the suspect should not be questioned in detail about the incident, all that they say should be recorded as significant statements, see **8.3.2 Witness Categorisation**. Suspects should be examined for fitness to be interviewed prior to questioning.

Officers are reminded that it is ACPO policy to breath test every driver who is involved in a collision. The absence of alcohol or any suspicion of impairment through drugs is as important evidentially as a positive result or substantiated suspicion (ACPO Traffic Committee Meeting 1 of 1996 item 5). Where there has been potential impairment through drugs, the use of officers who have received Drug Recognition Training (DRT) and Field Impairment Testing (FIT) is strongly encouraged.

In cases where it is suspected that a driver has failed to stop at the scene of a collision, initial actions may involve:

- Circulating a description of the offender and vehicle (if known);
- Ensuring a suitable marker is placed on the vehicle's Police National Computer (PNC) record as soon as possible;
- Making enquiries with the registered keeper;
- Retrospectively searching Automatic Number Plate Recognition (ANPR) logs in the relevant area;
- Setting up road checks under section 4, Police and Criminal Evidence Act 1984;
- Checking abandoned or parked vehicles;
- Identifying the route taken as soon as possible;
- Recovery of CCTV footage on access and exit routes to help identify suspect(s) and witnesses.

These types of incidents are potentially complex and may subsequently require the establishment of a major incident room (MIR). In these circumstances, a PIP Level 3 SIO will take overall responsibility for the investigation. For further information, see **4.8 Complex Cases**.

3.4 THE RP SIO AND THE INITIAL RESPONSE

The RP SIO is generally called to the scene of a fatal collision following a situation report from those making the initial response. Depending on the nature of the collision, a great deal of activity may have been initiated prior to the arrival of the RP SIO. The RP SIO's first task on being informed of a collision is to review what has been done prior to their involvement and to bring the investigation under their command.

Each force will have its own arrangements for calling RP SIOs to the scene of a collision; this should include out-of-hours cover. The first contact is generally by telephone and this provides the RP SIO with an early opportunity to review what has been done and to take control of the investigation. The RP SIO should speak to the supervisor in command of the initial response to the collision, familiarise themselves with the situation and be satisfied that the action being taken is appropriate. They should:

- Ensure that any instructions they give for the preservation of the scene or other fast-track actions (see **3.5 The Golden Hour Principle and Fast-Track Actions**) are clearly communicated and are recorded.
- Consider authorising the deployment of additional or specialist resources, where they have sufficient information to enable a judgement to be made.
- Ensure that the supervisor of the initial response to the collision has a clear line of communication with them should they wish to confer before taking fast-track action while the RP SIO is travelling to the scene.

In all but the most unusual of circumstances the RP SIO should attend the collision scene as soon as practicable. On arrival at the scene the RP SIO should obtain a briefing from the officer in charge of the initial response to the collision. There is usually a large amount of information to assimilate during the initial response and the RP SIO is likely to issue verbal actions during this period. The RP SIO should remember that verbal instructions are more prone to misinterpretation than written ones, particularly in the highly pressured environment of an initial response. They should, therefore, make sure that all instructions are as clear as possible. The RP SIO must keep accurate records of what they have been told and the actions they have raised, for example:

- Material received by the RP SIO, its source and the time of receipt;
- Any observations, decisions or comments which they intend to later include in their policy file;
- Actions issued by the RP SIO, including who they were issued to and the time.

Where it is thought likely that the initial response will be lengthy or complex, RP SIOs should consider establishing a temporary command team using the resources that are available to them at the scene. This will enable them to better manage the various strands of work that will be required to complete the initial response phase of the investigation successfully.

The RP SIO should review the action taken prior to their arrival. This can include:

- Satisfying themselves that the scene parameters are adequate and that the measures taken to protect the scene and make it safe are effective.
- Assessing the number and type of resources that are needed to successfully complete the initial response, and initiating their acquisition.
- Initiating any necessary fast-track action.
- Identifying all the staff who have been involved in the initial response, including those in the control room, and ensuring that they are fully debriefed before they leave duty.
- Securing all logs and tape recordings of telephone messages to the police about the incident.
- Requesting that an MIR is opened where applicable. Local force policy will govern the location and specification of the MIR. In these circumstances a PIP Level 3 SIO will take overall responsibility for the investigation. For further information on MIRs, see *ACPO (2005) Guidance on Major Incident Room Standardised Administrative Procedures (MIRSAP)*.
- Ensuring that the victim's family is aware of the death and that they are receiving support from the police. Action to deploy a FLO should be implemented, see **10 Family Liaison Strategy**. Copies of *BrakeCare (2006/7) Information and advice for bereaved families and friends following a death on the road in England and Wales* should be handed to family members.
- Assessing any preliminary enquires that indicate that the collision may be work-related and/or that significant management failures may be a contributory factor. In these circumstances it will be necessary to notify the Health and Safety Executive, see **14.2.8 Health and Safety Executive (HSE)**.
- Considering issuing a preliminary press release. This may take the form of a witness appeal and/or a factual holding statement. Informing the press that an incident has occurred and setting a time for a formal press conference in the near future may prevent the media from seeking information directly from the RP SIO at the scene.

3.5 THE GOLDEN HOUR PRINCIPLE AND FAST-TRACK ACTIONS

The term Golden Hour refers to the principle that effective early action can result in securing significant material that would otherwise be lost to the investigation. Such early action can lead to the recovery of significant material which enables the investigation to make rapid progress. The importance of immediately following up obvious lines of enquiry cannot be overemphasised.

Making early progress can be achieved through the use of fast-track actions. Fast-track actions are any investigative actions which, if pursued immediately, are likely to establish important facts, preserve evidence or lead to the early resolution of the investigation.

This might include identifying witnesses, victims or suspects. Fast-track interviews, as outlined in **8.3.1 Fast-Track Interviews**, may help the RP SIO develop appropriate fast-track actions. Fast-track actions are often used during the early stages of an investigation, but they may be required at other key stages, for example, the discovery of another scene, the identification of significant witnesses or the identification of a suspect.

The process of reviewing and updating fast-track actions should commence from the moment an RP SIO is first informed of a fatal collision and again on attendance at the main scene(s). This process of reviewing and updating fast-track actions continues throughout the investigation.

The RP SIO is responsible for bringing some order to the many activities that have been initiated during the initial response. If not brought under control, these activities run the risk of generating further confusion and, worse, the material being lost or contaminated. While not discouraging initiative, RP SIOs should quickly review any fast-track actions that are already under way and satisfy themselves that they are well founded. The RP SIO should, however, be particularly cautious if fast-track actions have been based on, for example, the uncorroborated verbal accounts of witnesses. Such accounts often appear to have greater certainty about specific facts than is the case in subsequent written versions. As it is not always possible or desirable to wait for written versions of material before taking action, the same care should be taken to verify verbal accounts as would be taken for written accounts. Active supervision from the RP SIO, coupled with effective task deployment, will yield results and allow time for major policy decisions to be given due consideration.

Section 4

INVESTIGATION STAGE

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4.1 INTRODUCTION

The RP SIO must always start a fatal collision investigation by adopting the mindset of unlawful killing until the contrary is proved. Starting from this position enables the RP SIO to scale the investigation up or down in light of the material that is available. Although the circumstances concerning the investigation of a fatal collision vary in complexity from incident to incident, this section outlines the core principles that the RP SIO can apply to progress any investigation.

As the actions associated with the initial response phase of the investigation are completed, the RP SIO will start to initiate actions designed to take the investigation forward under more controlled conditions than are possible during the initial response. The key strategic considerations during the investigation phase are:

- Managing material;
- Investigative decision making;
- Developing an investigative strategy;
- Implementing an investigative strategy;
- Accountability;
- Case management strategy;
- Complex cases, eg, fail to stop collisions;
- Review of fatal collisions.

For the investigation to progress smoothly, it is essential that the RP SIO liaises with the CPS at the earliest opportunity. The Police Service is obliged to refer all cases involving a death to the duty prosecutor under *CPS (2007) The Director's Guidance on Charging*. This allows the local CPS branch to allocate a lawyer to the case. Early involvement of the CPS will help the RP SIO to identify which offences to proceed with, thereby freeing up more of their time for investigations. This should mean that the charge is right first time, resulting in fewer delays and adjournments. An allocated lawyer will have knowledge of the case and be able to advise the RP SIO on, for example, evidential requirements and bail management. Involving the CPS at an early stage also enables the CPS to make the necessary staffing provisions required to assist in the smooth running of the case.

Outside office hours, the RP SIO must consult CPS Direct. This is a national out-of-hours telephone service staffed by on-call prosecutors that allows the police to access charging advice twenty-four hours a day, seven days a week. The on-call prosecutors will not have the in-depth knowledge of the investigation that the allocated local CPS lawyer will have. The RP SIO should, therefore, consult the allocated lawyer when planning the time of charge and/or answering bail as this will enable the allocated lawyer to liaise with CPS Direct to ensure that any out-of-hours charging runs smoothly.

4.2 MANAGING MATERIAL

Managing material appropriately at the outset of an investigation will provide the foundation for conducting investigative decision making and the subsequent development of an investigative strategy. Material is defined in **1.4 Defining Material**. Understanding how material can be located, gathered and used is central to fatal collision investigation. For general information on material, see *ACPO (2005) Practice Advice on Core Investigative Doctrine*. As part of a fatal collision investigation, however, the RP SIO should be aware of the following issues.

- Starting the investigation as soon as practicable after a fatal collision has occurred will enhance the opportunity to gather the maximum amount of material (see **3.5 The Golden Hour and Fast-Track Actions**).
- As circumstances will vary in each case, the investigation team must remain open-minded as to the potential sources of material, eg, witnesses, scene examination, CCTV, family liaison, and other experts such as VOSA.
- When gathering material, supervisors or crown prosecutors can be consulted to determine whether it should be retained for use in the investigation or in subsequent court proceedings.
- The interpretation of the rules of evidence is complex and investigators should always provide the CPS with all of the material that has been gathered so that decisions can be made as to its value as evidence. The CPS, in liaison with the disclosure officer and/or investigation team, will also decide on the material to be disclosed to the defence. For further information on disclosure, see **ACPO and the Crown Prosecution Service (2005) Disclosure Manual**.
- RP SIOs should also ensure that there is a disciplined regime for managing material. To achieve this, it is important to establish a culture of accurate record keeping within the team so that all exchanges of material and the action taken in relation to it are recorded. For further information on recording, analysing and storing material appropriately, see **ACPO (2006) Murder Investigation Manual**.

4.3 INVESTIGATIVE DECISION MAKING

The RP SIO is the key decision maker in investigations. This involves their judging the reliability of material, deciding on its possible meaning and determining the action needed to progress the investigation. Although others can help to carry out this function, it is not one that can be delegated. The RP SIO should ensure that all of the material they need to make decisions is available to them.

Guidance on investigative decision making is contained in **ACPO (2005) Practice Advice on Core Investigative Doctrine**. The RP SIO should be familiar with this guidance.

There are four components of decision making in relation to an investigation into a fatal collision. The following three components are interdependent and should, therefore, be undertaken simultaneously rather than in isolation:

- The investigative mindset;
- Investigative evaluation;
- The investigative team approach.

The fourth component, the use of hypotheses, can be helpful when the previous three components reveal gaps in knowledge.

4.3.1 THE INVESTIGATIVE MINDSET

The RP SIO must adopt an investigative mindset. This will enable them to bring some order to the way in which they examine material and make decisions. During an investigation into a fatal collision, the RP SIO can become immersed in management issues and so lose sight of their investigative role. Adopting the investigative mindset enables them to be fully aware of the material that is being gathered and to focus on the investigative problems that need to be overcome. They also need to concentrate on the management issues, but unlike the investigative decisions, these may be delegated to other members of the investigative team.

4.3.2 INVESTIGATIVE EVALUATION

In the early stages of fatal collision investigations, the RP SIO must evaluate and respond to a constant stream of information. To ensure that they have the fullest possible picture and that the investigative strategy accurately reflects the needs of the investigation, RP SIOs should carry out an investigative evaluation regularly as described in **ACPO (2005) Practice Advice on Core Investigative Doctrine**. This is particularly important at the conclusion of the initial response phase. At this time it will enable the RP SIO to identify the material that has been gathered, test its reliability, judge its meaning for the investigation and identify the further material that is required to make progress.

The starting point for investigative evaluation is to identify:

- What is known;
- What is not known;
- Consistencies and inconsistencies;
- Conflicts.

The RP SIO can focus this process by applying the following formula:

Why + When + Where + How + Who + What?

Each of these headings can be broken down into a host of sub-questions, but by considering the material in these terms, RP SIOs may be assisted in formulating lines of enquiry and subsequent specific investigative strategies.

In addition, investigative evaluation can be used for the following.

- Identifying additional and/or specialist resources that are required to progress the investigation, see **4.3.3 The Investigative Team Approach**.
- By the RP SIO to determine the investigative capability and expertise required to lead the investigation. This could result in scaling up or down the role of the RP SIO, see **2.2 The Role of the Roads Policing Senior Investigating Officer**.
- Determining whether contact is required with external agencies, for example, the HSE, in cases where the collision may be work-related and/or significant management failings may be a contributory factor, see **14.2.8 Health and Safety Executive (HSE)**.
- Developing hypotheses to explore gaps in knowledge, see **4.3.4 The Use of Hypotheses**.

4.3.3 THE INVESTIGATIVE TEAM APPROACH

Although the RP SIO is responsible for all of the decisions made during the investigation, it is unrealistic to expect them to acquire expertise in all aspects of fatal collision investigation. One of the skills of the RP SIO is to harness the knowledge and experience of their team and use this to overcome investigative problems. The RP SIO should promote team working to support decision making. It is the RP SIO's responsibility to ensure that information flows and is shared between members of the investigative team.

The structure of an investigative team is a matter for individual forces and the RP SIO, and so will vary on a case-by-case basis. Core roles for every fatal collision investigation will, however, include:

- RP SIO;
- Collision investigator(s) and/or vehicle examiner(s);
- Family liaison officer(s);
- Investigating officer(s).

Other roles that are crucial to fatal collision investigation include:

- Exhibits officer;
- Disclosure officer;
- Scene manager;
- Coroner's officer;
- Review officer.

How these roles are configured will be dictated by the circumstances of each individual investigation.

It may be possible that the following personnel will also form part of the investigative team and/or provide specialist expertise:

- Police traffic management officer;
- Investigators from other disciplines;
- Intelligence officer;
- Analyst;
- Press officer;
- Scenes of crime officer(s);
- Interview adviser;
- Toxicologist;
- Forensic specialist;
- Senior identification manager (SIM);
- Disaster victim identification (DVI) officers;
- External specialists, eg, emergency service personnel, VOSA, HSE;
- Administrative support;
- Other roles deemed necessary by the RP SIO, eg, CCTV liaison officer.

This list is by no means definitive, but adopting a team approach will save on multiple staff briefings and increase the chance of success.

4.3.4 THE USE OF HYPOTHESES

From the outset of the investigation, the RP SIO and the investigation team will be trying to answer numerous questions that help them make sense of the fatal collision. In many cases the answers to these questions will be provided by the available material and the investigative evaluation. Hypotheses, however, can be used by the RP SIO to explore gaps in knowledge. Their use can help the RP SIO to bridge the gap and indicate where further material may be gathered and to identify which investigative strategies are required to progress a fatal collision investigation, see **4.4 Developing an Investigative Strategy**. For further information on the use of hypotheses in the decision-making process, see **ACPO (2005) Practice Advice on Core Investigative Doctrine**.

The key points to remember when building a hypothesis are:

- Ensuring a thorough understanding of the relevance and reliability of all material gathered;
- Ensuring that the investigative and evidential test has been applied to all the material gathered in the investigation;
- Ensuring there is sufficient knowledge of the subject matter to interpret the material correctly;
- Defining a clear objective for the hypothesis;
- Developing a hypothesis that best fits with the known material;
- Consulting colleagues and experts to formulate the hypothesis;
- Ensuring sufficient resources are available to develop or test the hypothesis;
- Ensuring that hypothesis building is proportionate to the seriousness of the offence.

When developing hypotheses, it is important to remain objective. RP SIOs should be aware of the dangers of making assumptions themselves or believing that assumptions made by others are fact. Where assumptions are used to develop hypotheses, they should be made explicit.

4.4 DEVELOPING AN INVESTIGATIVE STRATEGY

Effective investigative decision making will help the RP SIO to understand the material that has been gathered and to identify the additional resources and material that they need to make progress in the investigation. To locate and gather this material effectively, the RP SIO needs to develop an investigative strategy. The investigative strategy must consider and, where applicable, incorporate the following components:

- Collision scene management;
- Forensic collision investigation;
- Intelligence;
- Witness(es);
- Suspect(s);
- Family liaison;
- Communication and community;
- Post-mortem and Pathologist;
- HM Coroner;
- The role of other agencies.

Each of these components is detailed in **Part 3 Key Components of Fatal Collision Investigation**. The results of investigative decision making will determine if these components are developed into discrete investigative strategies.

The RP SIO must remain aware of other components that may form part of the investigative strategy. If relevant to the investigation, the *ACPO (2006) Murder Investigation Manual* can be consulted for information on:

- Searches;
- House-to-house enquiries;
- Inter-jurisdictional investigations;
- Work-related deaths, see also **14.2.8 Health and Safety Executive (HSE)**.

The volume of material gathered during the initial response phase of the investigation, and subsequent investigative evaluation, will determine the individual components that will culminate in an investigative strategy. The RP SIO should, however, adopt a standard method of developing each component of the investigative strategy based on:

- Advice;
- Material;
- Objectives;
- Methods and resources;
- Responsibility;
- Review.

4.4.1 ADVICE

The advantages of the team approach to decision making have already been discussed in **4.3.3 The Investigative Team Approach**. This applies particularly when developing the individual components of the investigative strategy. The RP SIO should supplement their team with those who are able to provide authoritative advice in relation to the strategic area being developed.

4.4.2 MATERIAL

The RP SIO should ensure that they have as full a picture as possible of the material relating to the strategic area under development. They should also ensure that everyone else involved in the investigation understands the material and its meaning to the investigation.

4.4.3 OBJECTIVES

Each of the investigative strategies should be underpinned by a clear statement of the objectives that the RP SIO is trying to achieve. These objectives must be justified and recorded. RP SIOs should avoid setting general and ambiguous objectives as they might compel those who must carry them out to interpret them as they see fit. There is also a danger that if an RP SIO is not absolutely clear about what they want, there is little chance that the investigation team can achieve it.

4.4.4 METHODS AND RESOURCES

The RP SIO should provide a broad outline of the methods by which the objectives are to be achieved and the resources they anticipate will be required to carry them out. There is no requirement at this stage to go into great detail, but the RP SIO should provide sufficient information to enable others to understand how the RP SIO intends to achieve the objective, and the resources that will be required to do so.

4.4.5 RESPONSIBILITY

In the investigation of fatal collisions, the RP SIO has responsibility for most strategies. Where the strategy involves a specialist technique or procedure, however, an appropriately experienced person should be appointed to complete the task.

4.4.6 REVIEW

The person responsible for each strategy should keep reviewing it in light of the material that is coming into the investigation. They should also advise the RP SIO of any significant developments affecting the strategy, as they happen. In addition, the RP SIO should formally review strategies at regular intervals so that they are considered in the light of all developments in the investigation. This process will ensure that strategies become increasingly more focused as the investigation progresses. In the early stages of the investigation, such reviews may be necessary on an ad hoc and frequent basis (eg, at the scene of the fatal collision). As the investigation progresses, however, reviews may be held less frequently.

The application of these principles will ensure a structured approach to planning investigations and will assist the RP SIO in accounting for what they have done and why.

Planning the investigation is a dynamic activity. During the course of an investigation, new material will constantly force the RP SIO to review previous decisions. One piece of material can cause the RP SIO to review whether to pursue further, not to pursue or to instigate new actions. The RP SIO should never adopt an entrenched position regarding the investigative strategy.

Note: It is not an admission of personal failure to change investigative direction in the light of new material.

The RP SIO needs to ensure that the investigative strategy is constantly shared with the investigative team. This will help the team to understand the direction of the enquiry and the rationale behind the RP SIO's policy and decision making.

The investigative strategy and subsequent decisions about it must be recorded in the RP SIO's policy file, along with all other subsequent decisions, see **4.6 Accountability**.

4.5 IMPLEMENTING AN INVESTIGATIVE STRATEGY

To implement an effective investigative strategy, the RP SIO has to consider the following:

- Resources;
- Actions and lines of enquiry;
- Briefing and debriefing.

4.5.1 RESOURCES

Fatal collision investigations typically require the RP SIO to manage a range of human resources that have come together for the purposes of a single investigation. Even in those forces that maintain permanent teams to investigate fatal collisions, specialists such as crime scene examiners, press officers and analysts may be drafted into the team on a temporary basis. In addition, the RP SIO is likely to make use of specialist human resources from outside their force such as the pathologist, forensic scientists and experts in various fields.

The specific mechanisms for resource management vary between forces, but the RP SIO should have sufficient knowledge and experience to manage resources in compliance with the policies of their force. In order to manage resources effectively, an early objective assessment of the scale, gravity and complexity of the fatal collision being investigated should be undertaken. This can be difficult to achieve during the initial response phase of an investigation because the circumstances are likely to be unclear.

The RP SIO, starting an investigation from the position of unlawful killing until proved to the contrary, may use the categories presented in **2.2 The Role of the Roads Policing Senior Investigating Officer** as an interim method for working out the likely resource requirements of the investigation. As more material becomes available, the RP SIO will be in a position to conduct a detailed assessment of the resources required.

4.5.2 ACTIONS AND LINES OF ENQUIRY

An investigative action is ‘any activity which, if pursued, is likely to establish significant facts, preserve material or lead to the resolution of the investigation’ (**ACPO (2005) Practice Advice on Core Investigative Doctrine**). In deciding on the investigative action needed, the following should be taken into consideration.

- The likelihood that the action will locate and gather the intended material.
- The achievability of the action. There is little point in raising actions that cannot be achieved. For example, the strategic objective may be to understand what caused a fatal collision, but it is unrealistic to issue this as a single action. It is far better to break it down into smaller achievable actions which, in combination, are likely to lead to understanding what caused the fatal collision.
- The probable size of the action. Some actions, though theoretically desirable, are simply too large to achieve. For example, interviewing all witnesses to a fatal collision may be a very large task which has to be reduced by developing a prioritisation criterion. Another consideration is the volume of material that will be generated by the action. This will have to be managed and, in some cases, the volume should be anticipated before the action is raised and allocated.
- The availability of resources to carry it out effectively, including any specialist resources, equipment or facilities.
- The likely costs of carrying out the action.

Within the investigative strategy there will often be a series of actions which have a particular focus, for example, identifying and tracing a vehicle described as leaving the scene. In a complex case this may be broken down into a series of smaller actions, such as interviewing witnesses, examining physical material at the scene, and conducting PNC checks and Vehicle Online Descriptive Searches (VODS), all of which are for the purposes of identifying and tracing vehicles. A series of actions such as this are often referred to as lines of enquiry.

A main line of enquiry is one which appears to have the potential to lead to the cause of the collision and which is, therefore, given a higher priority than others.

The RP SIO may also wish to implement a system for grading actions. This could incorporate, for example, the following categories:

- Immediate;
- High priority;
- Medium priority;
- Low priority.

The timescales to apply to each of these categories is at the discretion of the RP SIO and will vary according to the circumstances and complexity surrounding the investigation. If the RP SIO decides to use a criterion for grading actions, it must be clearly communicated to other members of the investigation team and recorded in the policy file.

4.5.3 BRIEFING AND DEBRIEFING

Fatal collision investigation is a team effort and briefings are an effective way of establishing communication between the RP SIO and team members. They can also lead to the building of a 'team spirit'. The investigation team should be considered in its broadest sense. Anyone who is involved in the investigation and can contribute to the investigative effort should be involved in the briefing process.

Briefings are not necessarily verbal. If circumstances such as geographical location of staff or shift patterns dictate, other methods may be used to convey information, for example, written briefing sheets. If briefings are conducted at the scene of a fatal collision, other personnel involved in the management of that scene should also be part of the briefing, for example, relevant representatives from partner agencies and the emergency services.

The RP SIO may have to conduct briefings at the scene of a fatal collision and/or some time after the scene has been reopened. Regardless of when and where briefings are held, the objectives remain consistent and include:

- Updating team members and other relevant personnel on the objectives of the investigation, in light of information already known;
- Informing team members of new developments in the investigation;
- Communicating and allocating investigative tasks to team members;
- Where necessary, for example, during the management and investigation of a prolonged fatal collision scene, conducting a handover with a relief or replacement RP SIO. A handover ensures that key information and objectives are passed on.

When conducting briefings at the scene of a fatal collision, the RP SIO should consider the potential impact of the physical environment. Finding a suitable location may be dictated and/or hindered by, for example, the level of noise, obstructions or health and safety considerations. In these circumstances, the RP SIO should try to identify a location where the impact of the physical environment can be minimised. Although this may be difficult, it is important that the briefing is conducted in an environment where those attending can clearly understand what is being communicated.

Briefings that are conducted away from the scene of a fatal collision should follow the principles outlined in *ACPO (2006) Guidance on the National Briefing Model*. This will ensure that briefings occur in a suitable environment, are appropriately delivered and include relevant content. Regardless of the location of briefings, the RP SIO should ensure that all relevant material generated during the briefing is captured by creating and maintaining briefing notes.

Debriefing is also an important component of an investigative strategy as it is a productive area for capturing information and identifying welfare issues. It is essential that debriefing takes place, and that it is undertaken with all staff involved in the response to, and subsequent investigation of, fatal collisions. *ACPO (2006) Guidance on the National Briefing Model* provides details of a debriefing process.

The provision of welfare and support to staff during a fatal collision investigation ranges from the daily routine needs of individuals to carry out tasks and procedures, to identifying and dealing with emotional distress which may be triggered by the nature of the fatal collision. Welfare needs must be identified as soon as possible and procedures and practices put in place to meet the requirements of reducing the potential damage to an individual. These procedures should apply to all fatal collision investigations, regardless of their complexity. Where a fatal collision investigation identifies any potential short-term or long-term welfare issues, support, advice and guidance from the force welfare department should be requested at the earliest opportunity.

4.6 ACCOUNTABILITY

The systematic recording of the RP SIO's policies is probably the most important aspect of the management of any fatal collision investigation. The RP SIO should use the policy file to record critical policy decisions, recognising that it is the definitive record which they will rely on when subsequently asked to account for decisions at:

- The magistrates' court or crown court;
- Coroner inquests;
- Other judicial proceedings;
- Reviews.

The policy file should be used to record strategic policy decisions. Other than in exceptional circumstances, the contents should be available for viewing by all members of the investigation team. It is not an action book but should be used to document the progress or otherwise of an investigation. The policy file may be a sequentially numbered bound book, or be in electronic format.

The use of policy files is subject to ACPO Crime Committee guidelines revised in 1999. These can be summarised as follows:

- The format of policy files should be standardised.
- All members of the investigation team, subject to the RP SIO's directions, should be made aware of policy decisions.
- At the conclusion of the investigation, the policy files will be retained and stored with the case papers.

RP SIOs should develop skills to construct a good policy file. ACPO guidelines recommend that the RP SIO constructs the policy file using the following broad headings:

- Structure of investigation;
- Enquiry management;
- Lines of enquiry;
- Finance and administration;
- Sensitive issues – this may form a separate policy file, see **7.4 Covert Policing Techniques**;

- Policy issues for linked investigations or incidents;
- Forensic strategy;
- Arrest strategy;
- Communication strategy;
- Family liaison strategy;
- Other.

Each broad heading is underpinned by a number of subheadings, which the guidelines define. Many forces replicate the details of these subheadings within the policy file as a useful aide-memoire for the RP SIO. Forces may wish to tailor these headings.

The RP SIO must adopt a disciplined approach to planning the investigation and this should be reflected in the policy file. In particular, the RP SIO should concentrate on strategic and operational priorities. Financial issues and resources are an important strategic consideration which should be properly reflected in the policy file. However, care should be taken to avoid a lack of focus by filling the policy file with routine administrative and logistical issues. Equally, it is important that the policy file does not become an action book.

Policy should be restricted to strategic and critical tactical and investigative issues. Care should also be taken when making entries regarding sensitive matters which can be anticipated as likely to be subject of Public Interest Immunity (PII) hearings at a later stage of the investigation. In addition, when constructing the policy file, the RP SIO should always attempt to look forward and anticipate likely future challenges to the decisions made by them.

It is likely that all of those with investigative and management responsibilities will maintain records in addition to those kept by the RP SIO. It is important that the RP SIO is aware of other records that are being kept and periodically reviews them to ensure that they accurately reflect the investigative strategy detailed in the policy file.

All staff involved in the investigation team should keep notes of briefings and other significant meetings and interviews with witnesses. Such notes should be maintained in a bound book issued specifically for that investigation and which can later be filed with the other investigation documents. A suggested format for such a document is contained in *ACPO (2005) Guidance on Major Incident Room Standardised Administrative Procedures (MIRSAP)*.

4.7 CASE MANAGEMENT

The issues involved in the case management phase of a fatal collision investigation are not significantly different from those that arise in any investigation. However, the scale of what needs to be done may be substantially greater simply because of the volume of material that has to be gathered. Sufficient resources must, therefore, be allocated to ensure that all necessary work is carried out thoroughly and within the timescales imposed by the criminal justice system.

When someone is charged with an offence, the RP SIO should develop a case management strategy that includes the following:

- Completion of all outstanding actions. It is likely that the suspect will have been charged before all of the outstanding actions have been completed. These may include investigating mitigating circumstances put forward by the suspect and the results of forensic or other tests and actions that have no relation to the suspect. Where there are other suspects, enquiries will continue in relation to them.

- Preparing an evidence file.
- Preparing disclosure schedules.
- Liaison with the prosecution team.
- Witness management (see **8 Witness Management Strategy**).
- Family liaison (see **10 Family Liaison Strategy**).
- Trial media strategy.

At the conclusion of the inquest and/or trial, the RP SIO should ensure that the outcome of the case is properly recorded and retained for future reference, in line with **ACPO (2006) Guidance on the Management of Police Information**. Arrangements should be made to return exhibits, where appropriate. Other material gathered during the investigation should be stored securely, according to force policy.

For further information on the review, retention and disposal of material, see **ACPO (2006) Guidance on the Management of Police Information**. For further information on disclosure, staff should consult their force legal department, or see **ACPO and the Crown Prosecution Service (2005) Disclosure Manual**. The RP SIO is encouraged to familiarise themselves with the content of **Crown Prosecution Service (2006) Driving Offences, Incorporating the Charging Standard**. This document provides information on general issues about driving offences (eg, consumption of alcohol or drugs, seizure of vehicles [*R v Beckford 1996 Cr.App. R 94*]) and charging standards and practice (including corporate manslaughter). The document can be accessed at: http://www.cps.gov.uk/legal/section9/chapter_b.html

4.8 COMPLEX CASES

In most fatal collision investigations, credible material is gathered at an early stage and provides a clear focus for enquiries. Such cases are resolved relatively quickly. A minority of investigations, however, may be more complex. These can be grouped as:

- Low information investigations;
- High information investigations;
- Critical incidents.

4.8.1 LOW INFORMATION INVESTIGATIONS

In some cases there may be insufficient material available to the investigation to enable progress to be made. This usually occurs at three points.

- **Collision Determination** – there is insufficient material to determine what caused the collision, for example, a lack of scene material.
- **Suspect Identification** – the circumstances of the collision are clear but there is insufficient material to, for example, locate a suspect driver in fail to stop cases.
- **Material Gathering** – there is insufficient material to charge a credible suspect with an offence.

In low information cases, the RP SIO should adopt the following approach:

- Avoid issuing low-quality actions simply as a way of doing something – this is demoralising for the enquiry team and risks clogging up the investigation with low-quality material;
- Ensure that all actions issued have been carried out effectively;
- Consider requesting a formal review of the investigation by an independent team of officers to quality assure the investigative strategy and its implementation;
- Adopt a problem-solving approach which seeks to identify the reason why there is low information, for example
 - have police failures led to material being missed?
 - has material that has been gathered been misinterpreted?
 - seek expert assistance in key strategic areas.

Staff morale should receive particular attention, especially in long-running, sensitive or complex investigations. This is of particular importance where there are perceptions that the investigation is not going well, and when the community and media are criticising the conduct of the investigation.

4.8.2 HIGH INFORMATION INVESTIGATIONS

Some investigations will become complex because of the high volume of information that has to be processed. This can occur because of the size of the incident, for example, a multi-vehicle collision on a motorway, the level of public interest, or because of some unique feature of the event itself. In such cases the complexity arises from the need to process high volumes of material and integrate it into the RP SIO's understanding and knowledge of the incident.

In these types of investigation it may be necessary to instigate an MIR. A PIP Level 3 or above SIO will be responsible for the investigation in these circumstances. For further information see *ACPO (2005) Guidance on Major Incident Room Standardised Administrative Procedures (MIRSAP)*.

In some cases the nature of the incident will result in high volumes of low-value information and so the investigation may have the characteristics of both a high information case and a low information case. In such circumstances, it is important to ensure that any information management systems are regularly quality assured so that nothing of value is missed or misinterpreted within the investigation team. Having done this, the RP SIO should adopt the procedures for low information cases.

4.8.3 CRITICAL INCIDENTS

The RP SIO must be familiar with *ACPO (2007) Practice Advice on Critical Incident Management*. An effectively managed fatal collision investigation should, however, diminish the potential for the need to declare a critical incident.

4.9 REVIEW OF FATAL COLLISIONS

A formal review process should be developed and adopted by forces in relation to fatal collision investigations. As part of this review process, forces will also need to develop procedures for commissioning reviews, receiving the subsequent findings and implementing relevant good practice and lessons learned across the force. Whoever is responsible for commissioning the reviews should make the terms of reference clear for the reviewing officer to follow.

The objective of a review in this context is to constructively evaluate the conduct of an investigation to ensure:

- It is thorough;
- It has been conducted with integrity and objectivity;
- That no investigative opportunities have been overlooked;
- That good practice is identified.

To ensure that benefits are obtained from a formal review process, there is a fundamental need for the review to be carried out in a spirit of cooperation between the reviewing officer and the RP SIO. It is important to note that the review should always be regarded by the RP SIO as being of assistance and support to the investigation and should never be seen as a threat.

A formal review process should be considered for both unresolved and resolved/detected fatal collisions. In the case of unresolved fatal collisions, the review can reassure the RP SIO and the organisation that the lines of enquiry were appropriate. Equally, the process may reveal aspects of the investigation which should be pursued or modified.

Every review should be seen as an opportunity to identify lessons learned and good practice, with a view to improving future working practices. These lessons can be found in resolved/detected and unresolved cases.

Individual forces are responsible for developing a suitable policy and criteria for reviewing cases (eg, which cases to review). These will need to incorporate the following:

- Timing;
- Reviewing officer and team;
- Procedures;
- Reports and subsequent action;
- Disclosure.

4.9.1 TIMING

The timing of a review can be critical and one should be conducted when maximum benefit is likely to be obtained from the review process. Forces may take the view 'the earlier the better' and may, for example, wish to appoint a reviewing officer relatively soon after the fatal collision has occurred, especially if the case is unresolved. As a minimum, however, a fatal collision which has not been resolved or detected after twenty-eight days from the outset of the investigation should be formally reviewed.

The timing of reviews may be dictated by, for example, the circumstances of the fatal collision, force policies and the availability of suitable reviewing staff. If, therefore, there is a need to delay a review because, for example, it will disrupt a critical phase of the investigation, a written record of the reasons for the delay should be made in the RP SIO's policy file.

Forces should also consider instigating a review immediately before an undetected fatal collision investigation is 'closed down'. This is to ensure that lessons learned from the investigation are captured.

4.9.2 REVIEWING OFFICER AND TEAM

An objective of the review is to support and assist the RP SIO. To ensure this happens, an appointed reviewing officer should have a career profile which includes recent and relevant investigative experience. It is only by appointing an officer with such experience that the RP SIO will have confidence in the opinions of the reviewing officer and whether that person will bring added value to the process.

The reviewing officer should be at least of equivalent rank to the RP SIO, although this may not always be possible. The overall determining factors in selecting and appointing a reviewing officer should be based on relevant and credible experience.

In cases involving high-profile, complex or sensitive issues affecting the investigation, consideration should be given to appointing a reviewing officer who is from another force. These circumstances may also dictate the need for the reviewing officer to involve additional staff to form a review team.

Whether a single officer or team is appointed to review an investigation, either will benefit from an in-depth presentation of the facts by the RP SIO at an early stage. This is to emphasise the assist function and to provide comment while the enquiry is live. Objective comments passed on to the RP SIO at this stage can be more helpful than later, when the reviewing officer will have the benefit of hindsight.

4.9.3 PROCEDURES

In order for the review to be effective, the reviewing officer or team will require a basis to work from. Forces are encouraged to develop suitable procedures for the review process. These could include the following:

- Supplying the reviewing officer or team with copies of the policy file, sequence of events and statements obtained from the main witnesses. This type of information will enable officers involved in the review to be fully informed before commencing the review.
- The RP SIO providing a briefing to the reviewing officer or team.
- Supplying the reviewing officer or team with the major lines of enquiry being pursued. These could be grouped into headings covering, for example
 - initial actions taken;
 - collision investigator's initial actions and assessment of the scene;
 - forensic collision investigation strategy;
 - FLO deployment;
 - witness and suspect strategy;
 - communication strategy;
 - any other investigative strategies.

The RP SIO should be kept fully aware of any problems or any other matter requiring immediate attention. Regular meetings during the review can assist in achieving this. If, during the course of the review, any actions requiring immediate attention are discovered, the RP SIO should be informed as a matter of priority.

4.9.4 REPORTS AND SUBSEQUENT ACTION

Once the review has been concluded, the reviewing officer should prepare a report and submit it to whoever commissioned the review. Before the report is submitted, however, the RP SIO should be allowed to read it so that they can make an initial response, should they wish to do so. Any responses should be forwarded with the report to the individual or body that initially commissioned the review.

Reviews should be a dynamic process. They should not only be used to assist the RP SIO in the investigation of a fatal collision by identifying lines of enquiry which need to be pursued, but also to increase the effectiveness of future fatal collision investigations. At the end of each process, the lessons learned and good practice identified should be circulated within each force. Where appropriate, relevant force policies and working practices should be revised in the light of the review findings.

4.9.5 DISCLOSURE

In the event of a person or persons being charged in connection with a fatal collision investigation where a review has been conducted, the report should be revealed to the CPS. The prosecutor, in consultation with the RP SIO, will then determine whether the whole or any part of the review report is relevant to the defence case and should, therefore, be disclosed to the defence. In light of this, the content of review reports should be accurate, evidence based and capable of being justified in judicial proceedings. There may be circumstances when the prosecution feels it is appropriate to claim PII status in respect of part, or all, of the review report. For more information see *ACPO and the Crown Prosecution Service (2005) Disclosure Manual*.



PART THREE – KEY COMPONENTS OF FATAL COLLISION INVESTIGATION

Section 5

COLLISION SCENE MANAGEMENT STRATEGY

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5.1 INTRODUCTION

The management of a collision scene is the responsibility of the RP SIO. There are, however, actions concerning collision scene management that the RP SIO may delegate to other staff. The RP SIO may appoint a dedicated scene manager(s) where there are complex or multiple scenes. This then allows the RP SIO to focus on developing and implementing the investigative strategy. Successfully managing the collision scene enhances the potential for useful material to be gained by forensic techniques, both at the scene and at a later stage in the investigation. This section, therefore, focuses on the following components of collision scene management:

- Review of initial action;
- Resources and the involvement of other agencies;
- Parameters;
- Scene log and security;
- Preservation;
- Managing disruption and releasing the scene.

The RP SIO is also responsible for instigating and facilitating the forensic examination and recording of a collision scene, see **6 Forensic Collision Investigation Strategy**.

Collision scene management is underpinned by administration and welfare issues, both of which the RP SIO is responsible for (eg, consideration of health and safety issues, liaison with the emergency services, liaison with the media). *ACPO (2007) Practice Advice on the Policing of Roads* provides general advice on how to manage different types of incidents on the road and liaise with other agencies at the scene (eg, scene safety and general response to collisions). The RP SIO must also be aware of major incident protocols that may have to be instigated at a fatal collision scene. These protocols are determined by force policy and information from guidance such as *ACPO (2002) Emergency Procedures Manual* and *ACPO (2005) Guidance on Major Incident Room Standardised Administrative Procedures (MIRSAP)*.

5.2 REVIEW OF INITIAL ACTION

In many cases, prior to the arrival of the RP SIO, the scene will have been attended by other officers who will have taken decisions about scene preservation and initial action (see **3 Initial Response**). RP SIOs should review decisions that have already been taken with particular reference to:

- The parameters of the scene;
- The security of the scene (including cordon arrangements);
- The action taken to preserve material at the scene;
- The adequacy of the resources deployed at the scene;
- Identifying and securing any additional scenes;
- The record keeping arrangements at the scene(s);
- Capturing material not at the scene(s);
- Identifying and arresting suspect(s).

RP SIOs should give clear instructions about any alterations they wish to be made to earlier decisions, and record them.

In addition to this, RP SIOs should consider whether there are any other potential scenes that have not been identified and, if so, make the necessary arrangements for their management.

The risk of cross-contamination is particularly high during the initial response and when taking fast-track actions. The RP SIO should, therefore, put in place strict monitoring procedures to ensure that cross-contamination does not occur, and to identify it should it happen. For advice on cross-contamination issues, the RP SIO should liaise with staff from crime scene investigation.

5.3 RESOURCES AND THE INVOLVEMENT OF OTHER AGENCIES

RP SIOs should identify the resources necessary for the management and examination of the scene, and decide whether other agencies need to be notified and involved. Relevant resources could include:

- Collision investigator;
- Vehicle examiner;
- Investigating officers;
- Scene manager;
- Cordon officers;
- Police traffic management officer;
- Exhibit officers;
- Disclosure officer;
- Loggists;
- Pathologists;
- Photographers and/or video camera operators;
- Other specialists, for example
 - SIO (PIP Level 3 or above)
 - crime scene manager (CSM)
 - crime scene coordinator (CSC)
 - forensic scientist
 - police search adviser (PoSA)
 - scientific adviser (SA).

With reference to other agencies, and depending on the circumstances, the RP SIO may have to consider notifying and/or liaising with:

- VOSA, see **14.2.14 The Vehicle and Operator Services Agency (VOSA)**;
- The Highways Agency, see **14.2.9 Highways Agency**;
- The local highway authority;
- The HSE, see **14.2.8 Health and Safety Executive (HSE)**;
- The Independent Police Complaints Commission (IPCC), see **14.2.10 Independent Police Complaints Commission (IPCC) and Police-Related Fatal Collisions**;
- Other agencies, for example, the Office of Rail Regulation, see **14.2.12 Office of Rail Regulation (ORR)**.

5.4 PARAMETERS

The RP SIO and collision investigator should define the scene. If the designated area is too small, valuable material might be lost. The most appropriate course of action is to set the parameters for the scene as widely as possible prior to the collision scene examination, reducing it only in the light of overriding practical considerations, for example, safety issues, or where ongoing assessment suggests that a smaller scene is sufficient.

5.5 SCENE LOG AND SECURITY

A scene log may have been started prior to the arrival of the RP SIO (see **3.3.1 Conducting an Initial Incident Assessment**). Once at the scene, the RP SIO is responsible for ensuring that the scene log is managed appropriately (eg, that only one log is kept for each scene). A dedicated scene manager may take on this role. In circumstances where the maintenance of the scene log passes from one officer to another, an appropriate handover will be required. This handover should be recorded in the scene log, and include the time, the date and officers involved. When the scene is released the scene log, along with the necessary exhibit labels, should be handed to the exhibits officer.

Authority to enter a scene can only be granted by either the RP SIO or a nominated representative.

5.6 PRESERVATION

As forensic investigation techniques become more sensitive, so RP SIOs need to be aware of the risk that material may be contaminated. Managing the potential for contamination should be a priority in all fatal collision investigations. The overall aims of scene preservation are:

- To ensure that the material at the scene remains in an unaltered state until it can be gathered to assist in the investigative process;
- To ensure the integrity of the material in the manner of its discovery, recovery and retention in the evidence chain.

Risks to the scene that need to be managed include:

- Damage being caused to the scene by exposure to the elements;
- Disturbance of the scene by material being moved from its original position (eg, during initial attendance of paramedics or the Fire and Rescue Service);
- Disturbance of the scene by items being taken into it;
- Disturbance of the scene by material being removed from it.

Contamination can also occur when samples are being gathered and transported for examination, or by persons entering the collision scene and transferring their own DNA and other trace samples. If this is not identified, it can distort the initial findings and prolong subsequent efforts to identify offenders and/or the cause of the collision.

The potential for contamination increases when a number of people and agencies have access to a scene. Local protocols, should, therefore, be developed with key agencies (eg, Fire and Rescue Service), which focus on how accidental contamination can be minimised.

5.7 SEARCH

RP SIOs are responsible for setting clear objectives for any search that may be required. This process may require liaison with a Police Search Adviser (PoISA). When setting search objectives, RP SIOs must remember that the protection of life always takes primacy over the preservation and recovery of forensic material. In addition to this, the objectives of the search should always take account of the forensic collision investigation strategy (see **6 Forensic Collision Investigation Strategy**). For further information on search, see *ACPO (2006) Practice Advice on Search Management and Procedures*.

The RP SIO should always consider health and safety issues before commencing a search. This is to ensure that the personnel in attendance are protected from any potential hazards. Risk assessments should be completed where appropriate. Force health and safety officers should be consulted as necessary to advise on the health and safety issues pertinent to collision scenes.

5.8 MANAGING DISRUPTION AND RELEASING THE SCENE

The closure of a road may, in some cases, cause significant disruption. Without prejudicing the collection of material, or the health and safety of those involved, RP SIOs should ensure that road closures are appropriate and proportionate to the needs of the investigation. If not already in place, forces should consider developing policies to meet this need.

In order to manage disruption, RP SIOs should determine the sequence of material collection if it facilitates the earlier release of some, or all, of the road. Other options for managing disruption include:

- Appointing a diversion manager to assist with the flow of traffic on other routes, in conjunction with the relevant highway authority;
- The use of strategic variable message signs to advise motorists of diversions;
- Early access to the scene by, for example, vehicle recovery and infrastructure repairs specialists to assess these requirements;
- Arranging for vehicles and equipment to be marshalled near the scene and then escorted to the scene by the police or HATOs, using, for example, the hard shoulder. Where the Highways Agency Traffic Officer Service operates, it can be tasked to take the lead in these activities.

RP SIOs should not release a scene until, having taken all the expert advice into account, they are satisfied that it has been fully exploited for investigative opportunities. Although the closure of roads is likely to cause disruption, the RP SIO should withstand pressure from others to release the scene (eg, re-open roads) prematurely. The investigation should in all cases take precedence over the need to re-open roads.



Section 6

FORENSIC COLLISION INVESTIGATION STRATEGY

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6.1 INTRODUCTION

The development and implementation of a forensic collision investigation strategy is a key priority for the RP SIO. The benefits of such a strategy include the following.

- Clarification of circumstances.
- Clarification of a sequence of events.
- Testing hypotheses, eg, did the road surface contribute to the collision?
- Prioritising lines of enquiry.
- Corroboration.
- Providing interview material.
- Identification and/or implication of offenders, see **9 Suspect Management Strategy**.
- Elimination of Trace/Interview/Eliminate (TIE) subjects, see **9.3.2 Identification where the Suspect is Absent from the Scene**.
- Prioritisation of laboratory submissions.
- Linking scenes across separate offences.

The primary function of forensic examination is to identify and secure evidence. It also provides the RP SIO with an understanding of what happened at the scene, even when it is not of direct evidential value. For these reasons the RP SIO should think about the application of forensic investigation techniques in their widest sense and not from a purely evidential perspective.

As there are continual advancements in forensic investigation techniques, RP SIOs may have difficulty in keeping abreast of changes in this field. Some familiarity with the potential applications of forensic investigation techniques and forensic science will, however, be of significant help. RP SIOs should endeavour to maintain their professional knowledge in these areas but do not need scientific expertise. This specific knowledge is available from, for example, collision investigators and scientific advisers. It is the role of the RP SIO to harness such expertise to further an investigation.

The following components should be developed and implemented in relation to a forensic collision investigation strategy:

- Human, vehicle and environmental factors;
- Scene examination – objectives and resources;
- Conducting the scene examination – general principles;
- Recording the scene;
- Post-scene considerations.

6.2 HUMAN, VEHICLE AND ENVIRONMENTAL FACTORS

Each collision scene varies in nature and complexity. When developing a forensic collision investigation strategy, the RP SIO should consider human, vehicle and environmental factors. This will determine the relevance or otherwise of these factors to the investigation, and whether they are explored at the scene and/or at a later stage.

Examples of human, vehicle and environmental factors include, but are not confined to the following.

Human Factors

- Alcohol and/or drugs.
- Vehicle occupant restraint use – were restraints correctly worn?
- Fatigue.
- Bad or injudicious driving.
- Distraction of the driver, road user, pedestrian, eg, through use of a mobile phone.
- Health and eyesight issues.
- Training and competence of the driver or road user.
- Other road user or pedestrian movements.

Vehicle Factors

- Roadworthiness and general condition.
- Suitability of vehicle for use or location, eg, moped on a motorway.
- Potential design fault, eg, an inbuilt blind spot.

Environmental Factors

- Road condition, eg, condition of the road surface.
- Road geometry, eg, curvature and grade.
- Roadside protection, eg, purpose and condition of the central reservation barriers.
- Signage, lighting, automatic traffic signals.
- Weather conditions at the time of the collision.

6.3 SCENE EXAMINATION – OBJECTIVES AND RESOURCES

The key objectives of collision scene investigation include:

- Identifying, securing and recording the physical outcomes relating to the collision;
- Obtaining information at the scene, which may not be available later;
- Testing hypotheses;
- Identifying material to be seized for examination at a later date.

RP SIOs should set the initial objectives for the examination of a collision scene and develop them in an ongoing dialogue with the collision investigator and, where appropriate, other specialists. While these objectives depend on the nature of the scene, they should include some interpretation of what is likely to have happened. The use of hypotheses must be considered in cases where it is unclear or unknown as to what has happened, eg, if there is a gap in the investigation team's knowledge that cannot be filled by available material, see **4.3.4 The Use of Hypotheses**. Any resulting hypothesis should be used to focus resources by providing direction to the examination, and it should be tested systematically against the emerging findings of the examination. The hypothesis should be either modified or rejected as appropriate. Alternative interpretations of what might have taken place must be continually reviewed.

In relation to resources, it is unrealistic to expect key staff (eg, collision investigator, vehicle examiner) to be experts in every facet of forensic fatal collision investigation. It may be necessary, for example, to involve more than one collision investigator and/or a senior collision investigator. These decisions will need to be made in consultation with the RP SIO and their staff.

In addition, the RP SIO and key staff at the scene of a fatal collision may identify knowledge gaps that can only be filled by seeking relevant expertise from outside the investigation team. Such expertise may come from partner agencies (eg, VOSA, vehicle manufacturers, highways engineers). For further information on agencies that may provide this type of expertise, see **14 Other Agencies and Resources**. Alternatively, CSIs, in liaison with the collision investigator and/or vehicle examiner, can offer advice on, for example:

- Blood;
- DNA;
- Fingerprints;
- Hairs;
- Fibres;
- Particulates (eg, glass or paint fragments);
- Selection of samples for toxicology purposes;
- Ballistics;
- Recovery and examination of documents (eg, alleged suicide notes).

In some circumstances, the RP SIO may wish to establish a dedicated forensic management team (FMT). This may consist of a CSC, CSMs, and CSIs working closely with members of the investigation team. For more information on these roles and the FMT, the RP SIO should consult **ACPO (2006) Murder Investigation Manual**. Consideration should be given to designating an exhibits officer to ensure the continuity and appropriate handling of any seized items.

It is essential that the RP SIO liaises with the CPS on the issue of potential vehicle seizure and retention during a fatal collision investigation. Vehicles may have to be retained as exhibits until the conclusion of any prosecution and any periods for appeal, see *R v Beckford [1996] 1 Cr App R 94*. Forces should plan for the logistics associated with the retention and storage of vehicles for a potentially lengthy period.

6.4 CONDUCTING THE SCENE EXAMINATION – GENERAL PRINCIPLES

The RP SIO has overall responsibility for the scene and must always consider health and safety issues before a scene examination starts. They should liaise closely with the collision investigator, who is responsible for conducting a thorough examination of the scene.

The following list is intended to outline some of the methods that a collision investigator may decide to employ when conducting a scene examination.

- Locating, measuring and describing marks and debris left at the scene.
- Locating and measuring post-collision positions of vehicles and bodies.
- Photographing marks, debris, bodies, post-collision positions of vehicles, damage to vehicles and street furniture. In some circumstances, this may be undertaken by specialist photographers.
- Attempting to match vehicle tyres to tyre marks on the road.
- Examining the condition and operation of traffic control systems and streetlights.
- Examining and noting or photographing the position of control systems within the vehicles, eg, light switches, gears and the condition of seatbelts and airbags.
- Examining the vehicle to identify whether a collision or journey data recorder is fitted to the vehicle. The investigator should record which areas of the vehicle have been examined and whether or not a data recorder has been found. Recording those areas searched and the fact that a data recorder was or was not found may become relevant if a claim is later made that a data recorder was fitted and material from this device is used as a defence.
- Establishing what type of data recorder is fitted to the vehicle and how material from it may be retrieved and preserved.
- Examining the vehicle to establish whether any devices are fitted, and if so of what type, location and whether they were in operation at the time of the collision. Examples may include satellite navigation systems, engine management systems, airbags or anti-lock braking systems (ABS). Again, consideration should be given to how this device and any material it may contain can be preserved as evidence.
- Examining the condition of vehicles and relevant street furniture. Where evidence permits, attributing physical marks to the vehicle or object which made them.
- Undertaking skid tests to establish coefficient of friction values between the road surface and vehicle. This will usually apply to tyres, but this technique can be used on bodywork if the vehicle overturned and slid on its roof.
- Recovery of any tachograph charts and related material.

6.5 RECORDING THE SCENE

In addition to undertaking the scene examination, a suitable recording regime which serves the following purposes is required:

- Demonstrating the integrity of any material obtained from the scene;
- Providing evidence of a link between scenes;
- Making explicit the basis for any interpretation of the scene;
- Facilitating a re-interpretation of the scene if fresh information becomes available;
- Supporting briefings given by the RP SIO;
- Supporting information provided to the media in accordance with the communication strategy;
- Supporting the presentation of evidence at court.

Choosing the appropriate method to record a scene depends on its circumstances. In deciding on the method, the RP SIO should consider:

- The complexity of the scene;
- The sustainability of the scene in terms of
 - its potential to deteriorate
 - the time available for scene retention.

The methods available include:

- A written record;
- Formal scene plans (these can be undertaken by the collision investigator);
- Stills photography;
- Video photography;
- Three hundred and sixty degree photography;
- Aerial photography;
- Virtual systems;
- Surveying equipment, for example, theodolite equipment with or without global positioning systems (GPS).

6.6 POST-SCENE CONSIDERATIONS

Material which can be gathered after the scene has been cleared can include:

- Additional measurements to help prepare scene plans;
- Measurement of gradients, road cambers and sight lines;
- Full mechanical vehicle examination;
- Vehicle damage intrusion measurements that may assist in vehicle speed estimations;
- Additional photographs of vehicles and scene;
- Analysis of injuries to establish points of contact with vehicles and pedestrian positions and movement;
- Tachograph installations;
- Material from collision data recorders;
- Material from journey data recorders;
- The use of specialist forensic reconstruction services.

As with examination at the collision scene, appropriate resources need to be identified, allocated and reviewed.

Section 7

INTELLIGENCE STRATEGY

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7.1 INTRODUCTION

The RP SIO must always be aware of the potential for information and intelligence to promote new lines of enquiry and progress an investigation. In some cases it may be necessary for the RP SIO to develop and implement a specific intelligence strategy. This section, therefore, focuses on the following key components of an intelligence strategy:

- Information sources;
- Information and intelligence evaluation;
- Covert policing techniques;
- Analytical support;
- Standard analytical products.

In addition to these key components, the RP SIO must identify the intelligence requirement, which will consist of a series of facts or questions that need to be answered to progress the investigation. The RP SIO must ensure that the intelligence requirement and any subsequent taskings are clearly communicated to staff, see **4.5.3 Briefing and Debriefing**.

For a dedicated intelligence strategy to work, the RP SIO will require support from the local intelligence unit. Either a specialist from the intelligence unit will be seconded to the investigation team, or the intelligence unit will be tasked by the RP SIO through the BCU Tasking and Co-ordination Group (T&CG). This support will, for example:

- Receive, evaluate, sanitise and appropriately collate and disseminate intelligence material relating to the enquiry in line with NIM;
- Ensure that all intelligence is recorded, secured and disseminated appropriately;
- Carry out actions relating to intelligence gathering;
- Research and develop relevant and timely intelligence packages;
- Attend all briefings, presenting intelligence as appropriate;
- Make recommendations based on the intelligence to assist the RP SIO to progress current lines of enquiry and to identify potential new ones.

For further information on the use of intelligence to support investigations, see **ACPO (2005) Guidance on Major Incident Room Standardised Administrative Procedures (MIRSAP)**.

The RP SIO should be aware that every investigation is unique and potentially generates information and intelligence that holds implications beyond the immediate investigation for both the Police Service and other agencies. In relation to policing activities this could, for example, involve identifying longer-term road safety measures, see **1.2 Fatal Collision Investigation and the National Intelligence Model**. Sharing information and intelligence with other agencies may include cooperation with:

- Local Safeguarding Children Boards (LSCB) in cases involving children under the age of 18 years, see **HM Government (2006) Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children**;
- Other agencies that have an enforcement function (eg, Traffic Commissioners).

7.2 INFORMATION SOURCES

There are many sources of information available to the investigation team. Access to some of these sources is freely available, while access to others is controlled by legislation, see **7.4 Covert Policing Techniques**. The RP SIO should take advantage of all information sources throughout the course of any investigation. In some investigations developing intelligence from information sources will be considered a fast-track action.

Relevant information sources can include but are not confined to:

- PNC, including Querying Using Enhanced Search Techniques (QUEST) and VODS;
- ANPR;
- Passive Data Generators, which are automated systems that gather and collate information for various purposes, for example, CCTV, for further information see **ACPO (2006) Murder Investigation Manual**;
- Local intelligence databases, eg, force computerised incident handling systems, crime recording systems, force and local intelligence systems, Police Informant Management System (PIMS);
- Victims, witnesses and suspects;
- Communities and members of the public;
- Physical evidence sources such as information about physical conditions obtained from the scene of a collision;
- Police officers, police staff, personnel from other agencies involved in the response to the fatal collision;
- Covert policing techniques, for example, Covert Human Intelligence Sources (CHIS) and accessing communications data.

7.3 INFORMATION AND INTELLIGENCE EVALUATION

Regardless of the source, information must be evaluated to check its reliability before being recorded. This must not be influenced by personal feelings but must be based on professional judgement. Its value must not be exaggerated in order to ensure action is taken. The 5x5x5 process enables all members of the investigation team to evaluate and record both the source and reliability of the information. It also allows the information to be risk assessed. Investigators recording intelligence on reports are personally responsible for ensuring the accuracy and unbiased evaluation of the material, based upon their knowledge of the circumstances prevailing at the time. Each piece of intelligence should be separately evaluated using the 5x5x5 process. For more information on information and intelligence evaluation and the 5x5x5 process, see **ACPO (2007) Practice Advice Introduction to Intelligence-Led Policing**.

7.4 COVERT POLICING TECHNIQUES

The RP SIO may wish to consider the use of covert policing techniques as a method to meet an intelligence requirement and progress an investigation. If this is an option, the RP SIO must seek the advice of a covert adviser from a Covert Operations Team, Authorities' Bureau or the Dedicated Source Unit (DSU). Covert policing techniques which may be considered could include:

- The tasking of CHIS through DSUs;
- Appropriate applications for communications data intelligence through the force communications single point of contact (SPoC);
- Covert surveillance.

The main considerations for an RP SIO with regards to covert policing techniques are:

- Ensuring access to the appropriate staff who have knowledge on when and how to develop and apply a particular technique;
- Understanding the implications of the Human Rights Act, for example, the need for a particular technique to be legal, necessary and proportionate in the circumstances;
- Understanding the legal framework, for example, knowledge of the Regulation of Investigatory Powers Act (RIPA) 2000 or Part III of the Police Act 1997;
- Knowing the level of authority required to carry out a particular covert technique, and how to obtain that authority;
- Understanding recognised procedures for recording sensitive information and the product from covert activity and the use of sensitive policy files. For further information see *ACPO (forthcoming) Guidance on the Lawful and Effective Use of Covert Techniques* and *ACPO (2005) Guidance on Major Incident Room Standardised Administrative Procedures (MIRSAP)*.

7.5 ANALYTICAL SUPPORT

Once material has been collected and evaluated, its interpretation and assessment should be undertaken by a trained analyst, who should be secured from the Intelligence Unit through the BCU T&CG. An analyst will be able to identify information gaps and any material that requires corroboration. This process will help the development of an intelligence strategy, and enable the RP SIO to continually review the progress of the investigation. This review will include:

- Assessing the progress of lines of enquiry;
- Identifying new lines of enquiry to be pursued;
- Identifying specific elements of the enquiry which would benefit from further development.

7.6 STANDARD ANALYTICAL PRODUCTS

The RP SIO should have a basic understanding of the techniques used by the analyst in order to task them appropriately. The analytical product will depend on the initial tasking and the analytical techniques used. Examples of relevant analytical techniques include:

- Incident Analysis, for example, analysing timelines or witness statements;
- Subject Profile Analysis, for example, building a profile of a suspect;
- Network Analysis, for example, understanding the nature and significance of the links between elements, such as the offender, vehicle or location.

The analyst will produce a written report or briefing, which identifies key findings and intelligence gaps, and makes recommendations to the investigation team based on the analysis. It may be supported graphically by a chart or map. For further information on analytical techniques and the role of analysis during an investigation, see *ACPO (2005) Major Incident Analysis Manual*.

Section 8

WITNESS MANAGEMENT STRATEGY

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8.1 INTRODUCTION

The success of any fatal collision investigation usually depends on the accuracy and detail of the material obtained from witnesses. Witnesses should be treated with respect and dignity. The way that witnesses are treated can have a significant impact on how they cooperate with the investigation and any subsequent prosecution.

A witness is a person, other than a defendant, who provides information that is relevant and may later be admissible in court. At the time of an investigation, it is not always possible to identify everybody who is likely to give evidence; it may be the case that apparently irrelevant material supplied to police during the early stages of an investigation subsequently acquires greater significance. For these reasons, all those who come into contact with the police during an investigation should be regarded as potential witnesses.

Witness management comprises three interdependent strategies:

- Witness identification strategy;
- Initial contact with witnesses strategy;
- Witness interview strategy.

This section sets out the strategic issues that should be considered when developing each of these elements. Further information on general witness management procedures and issues can be found in *ACPO (2005) Practice Advice on Core Investigative Doctrine*.

8.2 WITNESS IDENTIFICATION STRATEGY

The RP SIO should take active steps to identify and locate witnesses as they will invariably be an important source of information. Some witnesses at the scene of a fatal collision may be self-presenting or self-evident as they have been identified by initial responders, see **3.3.4 Securing Material and Identifying Witness(es)**. The RP SIO should be aware that personnel from the emergency services and other agencies attending the initial response represent a potential source of witnesses. Where this is the case, details of these personnel should be taken at the scene so that they can be contacted at a later date.

Some witnesses, however, may be more difficult to identify or locate. There are several techniques that may be used to identify or locate witnesses. They include:

- Media appeals;
- Notice boards in appropriate languages;
- Examination of ANPR data;
- Interviews with other witnesses;
- Viewing CCTV;
- Conducting house-to-house enquiries;
- Road checks in accordance with the Police and Criminal Evidence Act 1984 (PACE) section 4;
- Suspect interviews;
- Scene reconstructions;
- Making enquiries at significant geographical locations proximate to the scene (eg, motorway service areas).

This process may result in witnesses being identified who are not local to the area in which the collision occurred. This could have resource implications that the RP SIO will have to plan for and manage.

8.3 INITIAL CONTACT WITH WITNESSES STRATEGY

Initial contact with witnesses is not confined to the early stages of a fatal collision investigation but might occur at any point during the course of an investigation. The RP SIO should set objectives to ensure that the members of the investigation team, and any other police staff who could have initial contact with witnesses, understand the action expected of them when they encounter a witness.

8.3.1 FAST-TRACK INTERVIEWS

The need to take immediate action to secure medical attention and make initial decisions about the investigation strategy might be such that some initial questioning of a witness is necessary. Any initial questioning should be framed to elicit a **brief** account of what has been witnessed; a more detailed account should be left until the formal interview takes place. The brief account should include where and when the collision took place and who was involved or otherwise present. This information can affect decisions made in the following aspects of the investigation strategy:

- Forensic collision investigation;
- Identifying and preventing the contamination or disposal of other material;
- Identifying and interviewing other witnesses;
- Arresting alleged offender(s).

Fast-track interviews can also help with the overall interview strategy in terms of:

- Categorising the witness as vulnerable or significant;
- Prioritising the order of interview.

The circumstances and content of any fast-track interview should be recorded. Permission must be obtained from medical staff where the witness is receiving treatment.

8.3.2 WITNESS CATEGORISATION

Once witnesses have been identified, a process of categorisation needs to be undertaken. This is used to identify vulnerable, significant or intimidated witnesses, and should be conducted as soon as possible as it will affect the interview process and applications for special measures in court.

Vulnerable Witnesses

Vulnerable witnesses are defined by section 16 of the Youth Justice and Criminal Evidence Act, 1999 as:

- Child witnesses under 17 years of age; and
- Witnesses of any age whose quality of evidence is likely to be diminished because they
 - have a mental disorder (as defined by the Mental Health Act 1983); or
 - have a significant impairment of intelligence and social functioning (learning disability); or
 - have a physical disability or are suffering from a physical disorder.

Vulnerable witnesses are eligible for a range of special measures **including** the use of a video-recorded interview as evidence-in-chief. Child witnesses should be interviewed on video, unless they do not consent to it. Vulnerable adult witnesses should also be interviewed on video unless they do not consent to it or there is a clear indication that it is unlikely to maximise the quality of their evidence. This is only likely to apply where the witness's disorder or disability is a minor one and their evidence is peripheral to the case.

Significant Witnesses

These include:

- Those who may have been, or claim to have been, an eye-witness or a witness to the immediate event in some other way;
- Those who may be of greater value to the investigation because of the background information they can provide.

RP SIOs are responsible for designating witnesses as significant in any particular case and will need to decide upon and document how the accounts of significant witnesses are to be recorded. It is desirable that witnesses designated as significant are interviewed on video, unless they do not consent. Where consent to video-recording is withheld or is impractical for other reasons, interviews with significant witnesses should be audio recorded, unless they do not consent to this.

In circumstances where multiple witnesses are involved, it might be necessary to limit the number of witnesses who are video or audio recorded according to the resources that are available. The RP SIO should decide which interviews to video record. The rationale underpinning any decision should be recorded, and include the basis for determining which interviews to video record, eg, proximity to the collision, line of sight.

Unlike vulnerable witnesses, recordings of interviews with significant witnesses cannot be played back as evidence-in-chief. Any evidence provided by a significant witness on a video or audio recording will need to be transferred into a format acceptable to the courts.

Where a witness is both vulnerable and significant, they should be treated as vulnerable. This is because the legislation is in place to play their video-recorded interviews as their evidence-in-chief. The RP SIO should note that this must be recorded on the schedule of unused material.

Intimidated Witnesses

Intimidated witnesses, as defined by section 17 of the Youth Justice and Criminal Evidence Act, are those whose evidence is likely to be diminished by reason of fear or distress. In determining whether a witness falls into this category, courts should take account of:

- The nature and alleged circumstances of the offence;
- The age of the witness;
- Where relevant
 - the social and cultural background and ethnic origins of the witness
 - the domestic and employment circumstances of the witness
 - any religious beliefs or political opinions of the witness;
- Any behaviour towards the witness by
 - the accused
 - members of the accused's family or associates
 - any other person who is likely to be either an accused person or a witness in the proceedings.

In the event of intimidated witnesses being identified during the investigation, the RP SIO should consult *ACPO (2006) Murder Investigation Manual*, which contains the different actions that can be taken in relation to different types of intimidation.

8.3.3 SPECIAL MEASURES DIRECTIONS

Vulnerable and intimidated witnesses are eligible for a number of special measures by virtue of the Youth Justice and Criminal Evidence Act. These include:

- The use of screens;
- The use of a live TV link;
- Giving evidence in private;
- The removal of wigs and gowns.

The use of video-recorded interviews as evidence-in-chief is confined to vulnerable witnesses. Vulnerable witnesses are also eligible to use communication aids such as computer-aided speech programs and symbols on boards or in books where necessary. Communication through an intermediary for vulnerable witnesses is currently being piloted in a number of forces.

Where an application for special measures is contemplated, the CPS should be consulted in accordance with the guidance set out in *Home Office (2002) Early Special Measures Meetings between the Police and the Crown Prosecution Service and between the Crown Prosecution Service and Vulnerable or Intimidated Witnesses*.

8.4 WITNESS INTERVIEW STRATEGY

A witness interview strategy should be developed at an early stage in the investigation; RP SIOs should be influential in developing this and playing an active role in its implementation. An interview adviser can assist in developing a witness interview strategy, see **8.4.7 Interview Advisers**. Given that information from witnesses is vital to any investigation, RP SIOs should not simply nominate interviewers then stand back from the planning and subsequent management of the interview process.

A witness interview strategy consists of the six elements listed below:

- Setting objectives;
- Selecting interviewers;
- Briefing interviewers;
- Supporting the interview;
- Debriefing the interviewers;
- Supplementary interviews.

8.4.1 SETTING OBJECTIVES

RP SIOs should set meaningful and realistic objectives for witness interviews, particularly in the case of vulnerable and significant witnesses. These objectives should not prejudge the outcome of an interview, but should be phrased clearly so that interviewers know what needs to be achieved.

8.4.2 SELECTING INTERVIEWERS

Staff selected as interviewers should be competent to the appropriate tier of the *ACPO (2004) National Investigative Interviewing Strategy*.

In selecting interviewers, RP SIOs should consider the following:

- The experience the member of staff has of interviewing witnesses in fatal collision investigations and any other skills that they possess that could be useful in the circumstances.
- The suitability of the member of staff to undertake the interview; this should include a consideration of any welfare issues and whether any previous experience that the member of staff has with the witness is likely to either inhibit a rapport with the interviewee or produce later challenges of coaching, prompting or offering inducements. FLOs should only be asked to conduct interviews with vulnerable or significant witnesses in very exceptional circumstances.
- Appointing reserve members of staff in the event of sickness or other unforeseen circumstances.

8.4.3 BRIEFING INTERVIEWERS

Interviewing staff should be informed of their role at an early stage and given the opportunity to fully plan and prepare for an interview. The first stage of planning should include a briefing.

The briefing should give guidance on matters including:

- The category the witness falls into, ie, vulnerable or significant (if applicable);
- The aims and objectives of the interview;
- Planning and structuring the interview;
- Points to be covered in the interview, for example
 - points to prove
 - descriptions
 - any exhibits to be identified;
- Anything known about the witness including
 - previous involvement with the police
 - whether an interpreter, intermediary or aid to communication is required;
- Location for the interview and any recording equipment that is needed;
- Means of contacting the RP SIO in the event of any urgent actions resulting from the interview.

Interviewers should be able to contact the RP SIO early when they are planning and preparing for an interview with a vulnerable or significant witness so that any concerns can be dealt with.

8.4.4 SUPPORTING THE INTERVIEW

Detailed guidance on planning and conducting interviews with vulnerable witnesses can be found in *Home Office (2002) Achieving Best Evidence in Criminal Proceedings: Guidance for Vulnerable Witnesses, Including Children*. Guidance on planning and conducting interviews with significant witnesses is set out in *ACPO (2004) Practical Guide to Investigative Interviewing*. These documents are compatible with each other.

It is essential that RP SIOs play an active role in supporting interviews with vulnerable and significant witnesses. Interviewers should never be abandoned.

Ideally, the RP SIO should be in close proximity to the location of the interview so that urgent decisions about any significant developments that occur can be made. As an absolute minimum, interviewers should have some means of contacting the RP SIO at all times during the course of the interview.

8.4.5 DEBRIEFING THE INTERVIEWERS

Interviewers should be debriefed to establish:

- The information that has been obtained;
- How the account given fits in with other available material;
- Whether any action needs to be taken;
- What further enquiries are necessary.

8.4.6 SUPPLEMENTARY INTERVIEWS

Supplementary interviews with a witness should only take place where they are essential for the purposes of eliciting additional information or clarifying contradictory information of significance to the investigation. Consideration should always be given to whether holding such an interview would be in the witness's interest and the CPS should be consulted where appropriate. The reasons for conducting supplementary interviews should be recorded.

8.4.7 INTERVIEW ADVISERS

Consideration should be given to appointing an interview adviser, as described in Tier 5 of *ACPO (2004) National Investigative Interviewing Strategy*.

The role of an interview adviser includes assisting the RP SIO in:

- Formulating, applying and maintaining an ethical interview strategy;
- Debriefing the first police staff who were at the scene;
- Debriefing FLOs;
- Pre-interview analysis of relevant documents (eg, video interviews, MG11s, FLO logs);
- Categorising witnesses as vulnerable or significant;
- Considering tactics to be adopted where witnesses are reluctant or hostile;
- Prioritising witness interviews;
- Identifying and liaising with intermediaries, interpreters and experts as appropriate;
- Determining the general style of the interview;
- Determining the method of recording the interview;
- Identifying the necessary facilities and equipment;
- Identifying important investigative information, including points to prove and relevant case law, and considering its management in interviews;
- Identifying probable action after interview (eg, medical, return home);
- Considering action to be taken where a witness might admit to being involved in an offence;
- Considering how witnesses should be prepared for interviews;
- Setting aims and objectives for interviews;
- Selecting interviewer teams (including a camera operator and note-taker);
- Briefing interviewers;
- Determining how and who will monitor interviews (including method of intervention);
- Managing interview plans;

- Monitoring interviews;
- Coordinating multiple interviews;
- Raising fast-track actions during interviews;
- Monitoring the welfare of witnesses;
- Debriefing interviewers;
- Post-interview analysis of information obtained.

If an RP SIO wishes to request the help of an interview adviser, they should contact the NPIA Specialist Operations Centre, see **14.2.11 National Policing Improvement Agency (NPIA) Specialist Operations Centre (SOC)**.

8.5 RELUCTANT WITNESSES

These witnesses are people who are believed to have witnessed an offence, part of an offence or events closely connected with it, but who are reluctant to become involved in the investigative process. There could be a number of different reasons for this. For example, adverse perceptions of the police or criminal justice process based on experience or popular perception, concern about the response of the community where they live, worries about their identity being released, or uncertainty about how they fit into the overall process. Initial actions should, therefore, include trying to establish the reasons for the witnesses' reluctance as it is only by doing so that an attempt to address the issue can be made.

Reluctant witnesses should be given an outline of the offence(s) being investigated. Specific details of the allegation and the particulars of what is believed to have been witnessed by them should not be discussed, and no pressure should be brought to bear on these witnesses to talk to police or to give evidence. The function of the investigator in these circumstances is simply one of providing enough information to allow the potential witnesses to make an informed choice. Records should be kept of any contact with a reluctant witness including anything said by them.

The CPS should be fully informed about reluctant witnesses who remain unwilling to make a formal statement so that consideration may be given to applying for a witness summons.

8.6 HOSTILE WITNESSES

Hostile witnesses are people believed to have witnessed an offence, part of an offence or events closely connected with it, but are opposed to the investigative process. The reasons for their opposition might include their lifestyle or they might have a close relationship with the alleged perpetrator and intend to appear in court as a defence witness for them. Some of these witnesses might simply refuse to cooperate with police; others might choose to provide false information intended to support the alleged perpetrator's account. Records must be kept of all interactions with hostile witnesses, regardless of the reason for their hostility and the extent of their cooperation. These records are classed as unused material and could be disclosed under the CPIA rules. Where hostile witnesses consent to an interview, it should be recorded on video unless they object to this.

8.7 WITNESS SUPPORT

Currently there are no statutory obligations on the police in relation to the ongoing treatment and care provided to witnesses of fatal road collisions. However, all forces do now comply with the National Quality of Service Commitment (NQoSC) on customer care and contact. Once implemented, the Witness Charter will set out recommended minimum standards for contact and care for all witnesses. It will also set out a higher level of care for those witnesses who have given an MG11 to the police during the course of an investigation. In these circumstances it is not necessary that there is a criminal investigation proceeding; this duty will apply to fatal collisions which are subject to coroner's inquest alone (for more information on the role of the coroner, see **12 Role of HM Coroner**).

Witnessing or being involved in a fatal collision can be extremely traumatic. There are few support agencies to provide for witnesses' emotional needs, and social support from statutory agencies can be limited. It is important, therefore, that the investigating team carry out their role professionally and with empathy for the needs of the witness. Compliance with the NQoSC and Witness Charter will have dual benefits: regular contact by the investigating team with updates on key events, and ongoing contact will ensure the witness remains supportive of the criminal justice system. This will increase the likelihood of the witness attending court to give evidence. The RP SIO will have confidence that the witness can be contacted and any changes of address will be notified to the investigation. From the perspective of the witness, being updated with the progress of the investigation is key to satisfaction with the police and the criminal justice system as a whole.

When a witness reports an incident or is identified at the scene, they must be provided with the incident or other reference number, the details of the officer investigating and a contact number. The information provided by the witness should be clarified to ensure it is understood and the witness must be advised of whether they will be contacted again or if it is unlikely that they will receive further contact from the police. In some cases, the RP SIO may consider deploying a FLO to support a witness. This decision will depend on the circumstances surrounding the fatal collision and is at the discretion of the RP SIO.

There is no requirement to update witnesses who do **not** provide an MG11. If, however, the witness contacts the investigating team, they should be provided with an appropriate update into the current state of the investigation. This might be that statements have been taken but no one has yet been charged, or that a person has been arrested but no decision has been made over future action.

Where a witness provides an MG11, they are then tied in to the investigation process and must be made aware that the provision of a statement could lead to them being required to attend and give evidence at a coroner's or criminal court. The witness must be provided with a copy of the leaflet 'Giving a statement to the police – What happens next', and also with the name of the officer in the case, the person taking the statement and any reference number and contact details.

Having provided a statement, a witness is entitled to receive updates at key times during the investigation, for example:

- When a suspect is arrested;
- A decision to take no further action is made;
- Non-court based disposal of a suspect (such as a caution or reprimand);
- Charge of a suspect;
- Whether the suspect has been bailed, relevant bail conditions and first court hearing;
- If the defendant has been remanded in custody, when the next hearing date will be;
- If a decision of no further action is taken by the CPS following submission of an advice file.

Additionally, witnesses must be updated in accordance with the Witness Charter.

The responsibility for updating the witnesses remains with the investigating team until the defendant appears at court. At this point the joint police and CPS witness care units carry out a needs assessment and update the witnesses on the progress of the case.

Where the investigation results in the submission of a coroner's file, the investigation team has responsibility for informing witnesses that the file has been submitted to the coroner. If they are required to give evidence, the coroner's officer will contact them to attend.

It is good practice for RP SIOs to draw up an agreement with the coroner's officer to ensure that once the witness attendance list is drawn up, those non-professional witnesses who will not be required, but who have provided an MG11 to the investigation, are informed that they are not required. This information is essential to prevent witnesses being concerned that they might be required to attend either court or an inquest months, or even years, after the event.

Guidance on pre-trial preparation and support for vulnerable and intimidated witnesses is set out more fully in *Home Office (2002) Achieving Best Evidence in Criminal Proceedings: Guidance for Vulnerable Witnesses, Including Children*. Where a child witness might need therapy prior to the trial, reference should be made to *Home Office (2001) Provision of Therapy for Child Witnesses Prior to a Criminal Trial*. Where a vulnerable or intimidated adult witness might need therapy prior to the trial, reference should be made to *Home Office (2001) Provision of Therapy for Vulnerable or Intimidated Adult Witnesses Prior to a Criminal Trial*.

The investigating team must recognise that police officers and staff who are witnesses are not immune to similar fears and anxieties, especially when they are witnesses to traumatic or unusual events. Force welfare departments can be contacted to provide advice and guidance to staff in these circumstances.

Section 9

SUSPECT MANAGEMENT STRATEGY

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9.1 INTRODUCTION

In cases where the involvement of a suspect is a key component of a fatal collision investigation, the RP SIO needs to develop a suitable suspect management strategy. This encompasses suspect identification strategies, arrest strategies and interviewing strategies. For most fatal collision investigations, the most applicable strategy of concern to the RP SIO is suspect interviewing, see **9.2 Suspect Interview Strategies**. This is because, in the majority of cases, suspects are readily identifiable as most remain at the scene. There will be occasions, however, where the RP SIO has to resolve suspect identification issues, for example, if an identified suspect denies involvement in the fatal collision, or if the identity and location of the suspect are not known. See **9.3 Suspect Identification Strategies**.

There will be cases where there is no suspect involvement. In such cases, however, the RP SIO is still encouraged to review gathered material, conduct further investigative evaluation and exhaust all relevant lines of enquiry before reaching this conclusion.

For procedures relating to developing and implementing an arrest strategy, and for information on procedures relating to suspects and custody, see **ACPO (2006) Murder Investigation Manual**.

9.2 SUSPECT INTERVIEW STRATEGIES

Since information from suspects is vital to any investigation, RP SIOs should not simply nominate interviewers then stand back from the planning and management of the interview process. RP SIOs should consider developing a suspect interview strategy. The main issues involved in developing such a strategy are:

- Selecting interviewers;
- Briefing interviewers.

RP SIOs may wish to appoint an interview adviser to assist them with the development and implementation of the suspect interview strategy, see **9.2.4 Interview Advisers**.

9.2.1 SELECTING INTERVIEWERS

Officers selected as interviewers should be competent to the appropriate tier of **ACPO (2004) National Investigative Interviewing Strategy**. The following points should be considered when RP SIOs select interviewers:

- The experience of the officers in interviewing suspects in fatal collision investigations, and any other skills they possess that could be useful in the circumstances.
- The suitability of the officers to undertake the interview; this should include some consideration of welfare issues and whether any previous experience that the officer has with the suspect is likely to either help build rapport or adversely affect the overall interview process.
- Appointing reserve officers in the event of sickness or other unforeseen absences.

9.2.2 BRIEFING INTERVIEWERS

The interviewing officers should be informed of their role at an early stage and given the opportunity to fully plan and prepare for the interview.

The briefing should give guidance on the following matters.

- The nature of the offence.
- Anything known about the suspect including:
 - previous involvement with the police;
 - whether an interpreter or an appropriate adult is required.
- Location of the interview and any recording equipment that may be needed. (Where possible, consideration should be given to visually recording interviews with suspects in fatal collision investigations, in accordance with PACE Code F).
- The aims and objectives of the interview.
- Planning and structuring the interview.
- Points to be covered during the interview, including:
 - points to prove;
 - exhibits to be identified;
 - any information that might lead to the identification of new witnesses, eg, where has the suspect been and who did they tell?
- Pre-interview briefing for legal advisers, including:
 - what is to be included and why it is to be included;
 - what is not to be included and why it is not to be included;
 - how to handle what has not been included (method and timing of introduction into the interview).
- Dealing with significant statements.
- Use and timing of special warnings.
- Dealing with prepared statements.
- Dealing with evidence of bad character.
- Means of contacting the RP SIO in the event of any urgent actions arising from the interview.

When planning and preparing for an interview with a suspect, interviewers should have easy access to the RP SIO so that any issues that might occur during this stage of the process can be addressed.

9.2.3 IMPLEMENTING A SUSPECT INTERVIEW STRATEGY

The main strategic issues involved in implementing a suspect interview strategy are:

- Managing the interview;
- Debriefing the interviewers.

Managing the Interview

Interviews conducted with suspects should take place within the PEACE framework (preparation and planning; engage and explain; account; clarification and challenge; closure and evaluation). The most common method of interviewing is one of conversation management, see *ACPO (2004) Practical Guide to Investigative Interviewing*.

It is extremely important that RP SIOs play an active role in supporting the interview. Interviewers should never be abandoned. Ideally, the RP SIO should be in close proximity to the location of the interview so that decisions about any significant developments that occur can be readily made. In any event, interviewers should have access to the RP SIO at all times during the course of the interview. The potential benefits of remotely monitoring an interview should be considered where the facilities exist. *Home Office Circular 50/1995 Remote Monitoring of Interviews with Suspects* should be taken into account where remote monitoring is used.

Debriefing the Interviewers

Interviewers should be debriefed as soon as possible to establish:

- What information has been obtained;
- How the account given fits in with other available material;
- Whether any action needs to be taken;
- What further enquiries need to be made.

9.2.4 INTERVIEW ADVISERS

Consideration should be given to appointing an interview adviser, as described in Tier 5 of *ACPO (2004) National Investigative Interviewing Strategy*.

The role of an interview adviser includes assisting the RP SIO in:

- Formulating, applying and maintaining an ethical interview strategy;
- Debriefing the first officers who were at the scene;
- Pre-interview analysis of relevant documents (eg, video interviews with vulnerable or significant witnesses, MG11s);
- Coordinating and prioritising interviews where multiple suspects are involved;
- Considering the impact of the arrest strategy on the interview;
- Considering the impact of the forensic strategy on the interview;
- Identifying and liaising with interpreters and expert advisers as appropriate;
- Deciding on the method of recording;
- Identifying the necessary facilities and equipment;
- Identifying PACE issues that are likely to have an impact on the interview (eg, custody time limits, the need for rest and refreshment);
- Identifying information that is important to the investigation, including points to prove and relevant case law, and deciding how to manage it in interviews;
- Ensuring that significant statements, silences and special warnings are identified and introduced appropriately in the interview;
- Managing the introduction of evidence of bad character in interviews;
- Setting aims and objectives for interviews;
- Selecting interview teams;
- Briefing interviewers;
- Determining how and who will monitor interviews (including the method of intervention);
- Managing interview plans;
- Preparing pre-interview briefings for legal advisers;
- Monitoring interviews;
- Raising fast-track actions during interviews;
- Monitoring the welfare of suspects;
- Debriefing interviewers;
- Post-interview analysis of information obtained.

Where a force has no access to an interview adviser or where a force interview adviser needs additional support, consideration should be given to engaging the services of the National Interview Coordinator, who can be contacted through the NPIA Specialist Operations Centre, see **14.2.11 National Policing Improvement Agency (NPIA) Specialist Operations Centre (SOC)**.

9.3 SUSPECT IDENTIFICATION STRATEGIES

In the majority of cases where an offence has been committed, suspect identification in fatal collisions is not problematic as most suspects remain at the scene and can be managed accordingly. There are, however, cases where the identity of the suspect may be in dispute, for example, where, despite eye witness testimony, the suspect claims they were not driving a particular vehicle; or a suspect and/or vehicle is identified as having left the scene of a fatal collision, ie, fail to stop. In these cases, the RP SIO should consider implementing a suspect identification strategy.

The main strategic issues involved in an identification strategy are:

- Initial description of a suspect;
- Identification where the suspect remains at the scene (see **9.3.1 Identification where the Suspect Remains at the Scene**);
- Identification where the suspect is absent from the scene (see **9.3.2 Identification where the Suspect is Absent from the Scene**).

Investigators should be aware that recognition does not amount to identification and that where a witness claims to recognise a suspect, identification procedures must still be followed. The decision as to which identification procedure to adopt during an investigation should be made in consultation with the identification officer, see PACE Code D. Due consideration must be given to the procedure most suited to the witness.

When identification is an issue, the identification evidence must be secured in a manner that will stand scrutiny in court. RP SIOs must, therefore, ensure that the rules governing identification procedures are fully complied with. Given the importance of identification evidence, whenever an RP SIO is in doubt, they should obtain advice from the CPS as part of an identification strategy. In formulating an identification strategy, RP SIOs must make sure that those involved follow the guidance set out in **ACPO (2003) National Working Practices in Facial Imaging** and Code D of the PACE Codes of Practice.

9.3.1 IDENTIFICATION WHERE THE SUSPECT REMAINS AT THE SCENE

The police may have sufficient information to justify the arrest of a particular person as a suspect for an offence at a fatal collision scene. This subsection provides information on the procedures which should be applied if there is a dispute surrounding the identity of a suspect who remains at the scene.

The results of other strategies may help to determine the identity of the suspect and implicate them. The material representing the best evidential value will come from forensic collision investigation, for example, DNA, fibres or seatbelt impressions. The RP SIO should, therefore, in the first instance, seek to resolve disputed identification issues through a thorough forensic collision investigation strategy. See **6 Forensic Collision Investigation Strategy**.

In the absence of, or in addition to, relevant material, the RP SIO may wish to consider the use of identification parades. If a witness(es) is available to take part in an identification parade, one or a combination of identification procedures may be used, in the following order of preference:

- Formal identification parade, Video Identification Parade Electronic Recording (VIPER) or other approved video identification techniques;
- Group identification;
- A video film;
- A confrontation.

The use of VIPER or video identification procedures does not require the suspect to attend. This reduces the time required to arrange formal identification procedures and gives witnesses an early opportunity to view the parade. Witnesses may also feel less intimidated when picking out an image from a computer screen than by attending a formal identification parade at a police station. Video identification procedures, however, preclude the witness from seeing the suspect walk, move or use a particular phrase or words.

Failure to ensure that the procedures set out in PACE Code D are followed can seriously undermine the strength of the prosecution case and may give the defendant grounds for appeal against a conviction. Following the judgement in the case of *R v Long* [1991], however, there may be circumstances where the court will accept identification evidence that has not been gathered in accordance with PACE Code D, for example, where the witness recognises the suspect when they meet accidentally in the street.

9.3.2 IDENTIFICATION WHERE THE SUSPECT IS ABSENT FROM THE SCENE

Where the suspect is absent from the scene, the priority for the RP SIO is to identify and locate them. In cases where the suspect and/or vehicle has left the scene of a fatal collision, the initial actions to identify the suspect must be undertaken, see **3.3.6 Identifying the Suspect(s)**. These actions may lead to the relatively quick apprehension of the suspect, for example, where intelligence provides the identity and location. If these initial actions do not result in the identification and apprehension of a suspect, a Trace/Interview/Eliminate (TIE) strategy may progress the investigation.

The term Trace/Interview/Eliminate is taken from major incident investigation and is described in detail in *ACPO (2006) Murder Investigation Manual*. A TIE strategy enables investigators to identify the groups of people who are likely to include the offender, for example, vehicle characteristics associated with the offender such as make and/or colour. Enquiries can then be conducted to eliminate those who cannot be the offender and to implicate those who could be. Further investigative effort can then be focused on those who are implicated, eg, through thorough forensic collision investigation, with the intention of identifying the suspect. A TIE strategy can be very resource intensive and, unless managed effectively, may incorrectly eliminate the offender. RP SIOs who are not familiar with this investigative technique should, therefore, seek the assistance of more experienced colleagues.

Once a suspect has been identified and apprehended, the procedures outlined in **9.2 Suspect Interview Strategies** should be followed. In addition, the procedures outlined in **9.3.1 Identification where the Suspect Remains at the Scene** should be followed if there were witnesses to the fatal collision.

Section 10

FAMILY LIAISON STRATEGY

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10.1 INTRODUCTION

One of the most important considerations throughout a fatal collision investigation is providing appropriate support to the family of the deceased. The trauma associated with a sudden unexpected tragedy will place the family of the victim under immense personal pressures. It is essential, therefore, that families are treated with respect and their individual needs taken into account. Assumptions must never be made as to the particular needs and expectations of a family – the emphasis must be placed on providing information and choices to them, and responding to their communications. These principles must be reflected at all levels within police structures. Due regard must be given to any police action that may impinge on a victim's family throughout the investigation, from media statements made by the RP SIO, through to the telephone operator who responds to queries from a family member.

The overall aim of family liaison in fatal collision investigation is to:

- Analyse the needs, concerns and expectations of the family in order to identify relevant and realistic action in the context of their human rights and the obligations set out in *ACPO (2003) Family Liaison Strategy Manual* and *Home Office (2005) Code of Practice for Victims of Crime*.
- Work with the family to comply with their right to receive all relevant information connected with the enquiry, subject to the needs of the investigation.
- Where necessary, assist the investigation by gathering information and evidence from the family in a way that is proportional to their fundamental right to privacy and family life.

The appointment of a FLO is essential in all fatal collision investigations and this is a key investigative role. The main guidance for police family liaison is contained in *ACPO (2003) Family Liaison Strategy Manual*. Forces are encouraged to develop an information sheet outlining the role and responsibilities of the FLO. These can be given to families and will help to clarify the purpose of family liaison and, therefore, manage the family's expectations.

10.2 DEVELOPING A FAMILY LIAISON STRATEGY

In formulating the family liaison strategy, the RP SIO must try to achieve a partnership approach with the family. The strategy should be defined and developed taking into account the needs of the family, the lines of enquiry and all available intelligence. This is a dynamic process which must be reviewed at regular intervals in consultation with the FLO.

The FLO strategy will be recorded by the RP SIO and should consider:

- Objectives of the strategy;
- The selection of FLOs and criteria employed for selection;
- The number of FLOs deployed and to whom;
- The information released to the family.

10.2.1 SETTING OBJECTIVES FOR FAMILY LIAISON

The objectives for family liaison typically include:

- Providing the family with as full and up-to-date information as possible about the investigation;
- Gathering evidence and information from the family in a manner which contributes to the investigation and preserves its integrity;
- Ensuring that family members are provided with the BrakeCare pack *Information and advice for bereaved families and friends following a death on the road in England and Wales* (as outlined in *Home Office (2005) Code of Practice for Victims of Crime*). This should be provided within twenty-four hours but preferably at the time of informing of the death. Packs should always be hand delivered. This pack is also available for Scottish forces and the Police Service of Northern Ireland (PSNI). It is available from BrakeCare **free of charge** to police forces, see **14.3.2 BrakeCare** for information on other relevant publications;
- Identifying additional support agencies that are able to provide appropriate care and support to the victim's family;
- Organising the viewing, identification and release of the body;
- Ensuring the return of property is carried out tactfully, sensitively, and in accordance with the family's wishes;
- Securing the confidence and cooperation of a victim's family, which can have a positive impact on the wider issues of community trust and confidence, as well as bringing positive benefits to the investigation;
- Ensuring the investigation is not compromised by the injudicious disclosure of information.

For further information on these objectives, see *ACPO (2003) Family Liaison Strategy Manual*.

The FLO should introduce the RP SIO to the family as soon as practicable, although the timing may be delayed by the complexity of the enquiry. At some stage during the investigation the family should be offered the opportunity to meet the RP SIO. Depending on the circumstances, the FLO may also be required to arrange a meeting between the CPS and the RP SIO in cases where difficult or controversial charging decisions have been made.

Note: Although the FLO is a useful resource for gathering information from the family, the FLO is an overt investigator and it would be inappropriate for them to be used in any covert operation involving the family.

10.3 IMPLEMENTING A FAMILY LIAISON STRATEGY

10.3.1 KEY ROLES

Family Liaison Officer

The responsibilities of the FLO towards the family and the investigation are detailed in *ACPO (2003) Family Liaison Strategy Manual*. *Home Office (2005) Code of Practice for Victims of Crime* places additional requirements on the RP SIO. Under this code, RP SIOs must advise the victim's family on a monthly basis of the progress of the case throughout the course of the investigation. They must also notify the family within a specified time period of the arrest, interview, release or charge of any suspects. It should be noted, however, that the victim's family can decide to opt out of the services under the Code or request that the obligations that they qualify for be modified at any time (eg, they state that they would prefer to be informed at significant points of the investigation, rather than on a monthly basis). RP SIOs and FLOs should refer directly to this Code for further details.

Family Liaison Coordinator

Cases where multiple FLOs are deployed may also require a family liaison coordinator (FLC) to assist and advise the RP SIO in coordinating and communicating with FLOs. The FLC may assist the RP SIO in developing tactical options, particularly where there are complexities requiring specialist advice.

The FLC can also assist the RP SIO in preparing a risk assessment for FLO deployment. This should be completed prior to deployment, although a full assessment may only be possible after the FLO has made some initial enquiries. It is, however, an essential document and must be reviewed on a regular basis throughout the investigation. Further details on risk assessment can be found in *ACPO (2003) Family Liaison Strategy Manual*.

Family Liaison Adviser

The post of family liaison adviser is optional. It may, however, be used in circumstances where the structures in any given force are such that the FLC is not in a position to provide daily advice and support to RP SIOs in individual cases. This role is primarily one of supporting the RP SIO during the initial or other challenging stages of the enquiry. In essence, it is intended that the family liaison adviser serves some of the support functions associated with the FLC's role in complex or problematic cases where the FLC is not able to provide such intensive support.

National Family Liaison Adviser

A National Family Liaison Adviser is available for operational support and training advice through the NPJA Specialist Operations Centre, see **14.2.11 National Policing Improvement Agency (NPJA) Specialist Operations Centre (SOC)**.

10.3.2 SELECTION AND DEPLOYMENT

The FLO operates in a highly pressured environment and often with very distressed people. The choice of officer to act in the role should be well thought out in every case. All FLOs should have received training to enable them to perform the role successfully and work in a demanding environment.

In selecting the appropriate FLO for deployment the following should be considered:

- The officer's experience and training;
- Recent work demands on the officer;
- Any significant developments in the officer's personal life;
- The family's needs;
- The family's cultural and ethnic background;
- Results of any impact assessment;
- The scale and nature of the incident;
- If there is a suspect in the family.

For further detail on appointing an appropriate FLO, see *ACPO (2003) Family Liaison Strategy Manual*.

One of the first tasks in implementing the family liaison strategy is to identify those families where a FLO may be of assistance. The number of FLOs to be deployed depends on the number of fatalities and family circumstances. With regards to identifying the victim's family, this may be a relatively straightforward task, or it may be substantially more complex in situations where the family is extended or fragmented in some way.

The ACPO definition of a family includes:

- Partners;
- Parents;
- Siblings;
- Children;
- Guardians;
- Any others who have had a direct and close relationship with the victim.

The term family should, therefore, include 'chosen' family and reflect the victim's culture and lifestyle. Multiple or deputy FLOs may also be useful where the family is fragmented or there is conflict between the family members. Additional copies of the BrakeCare pack *Information and advice for bereaved families and friends following a death on the road in England and Wales* can be distributed in such circumstances.

In addition to deploying a FLO to the family of the deceased, it may also be appropriate, in some circumstances, to deploy a FLO to surviving victims during a fatal collision investigation. This option is at the discretion of the RP SIO and should be discussed with the FLC.

A risk assessment concerning FLO deployment must be conducted at an early stage and regularly reviewed.

10.3.3 SUSPECT WITHIN THE FAMILY

In these cases, great care must be taken when deploying a FLO, and a risk assessment must be conducted to support the decision-making process. The following should be taken into account when a FLO is deployed in such a situation.

- Increased monitoring of the FLO's work and interaction with the family, including the FLO's welfare and safety.
- The level of information disclosure to the FLO and, in turn, the family.

- The process by which any intelligence that arises from FLO contact with the family will be managed.
- In view of the potential for intelligence and evidence gathering, the need for the FLO to be clear in their interaction with the family in respect of the requirements of:
 - the Police and Criminal Evidence Act 1984;
 - disclosure;
 - human rights;
 - the Regulation of Investigatory Powers Act 2000;
 - the Race Relations (Amendment) Act 2000;
 - Disability Discrimination Act 2005;
 - Equality Act 2006;
 - Equality Act (Sexual Orientation) Regulations 2007.
- The importance of fully documenting all contact and interactions with the family.
- The deployment of an experienced or senior FLO.
- The deployment of a new FLO when a suspect is arrested.
- The deployment of a deputy FLO for the purposes of corroboration, in addition to supporting the principal FLO.
- Not using the FLO in any search or arrest in the family group.
- Investigative or evidential impact of deployment.

The FLC's advice should be sought in developing a strategy concerning such deployments.

10.3.4 PRESSURE GROUPS AND COMMUNITY INTERVENERS

Although rare, the RP SIO and FLO(s) must be aware that some bereaved families may resist the approaches of the police, preferring to communicate through their solicitor, a community pressure group or other community intervener. For the purposes of this section all of these groups and individuals will be referred to as 'interveners'.

The Police Service should respect the family's wishes wherever possible. Interveners will usually add to police understanding of family perspectives by articulating concerns in a clear and unemotional way. In some cases, however, interveners can obstruct the process of investigation by preventing dynamic communication.

The RP SIO must assess the role of interveners and obtain advice from the local BCU. It is likely that the intervener will have a relationship with the BCU, enabling problems to be addressed without tension or conflict.

Where the relationship with the family is being seriously damaged, to the detriment of the family, the RP SIO should identify management options. These could include:

- Writing directly to the family, setting out police concerns and identifying the advantages of direct communication – any communication with the family must not implicitly or explicitly criticise the intervener;
- Meeting the intervener to set out areas of concern so that protocols to solve problems can be agreed.

If, after having tried to solve problems associated with communicating through an intervener, obstruction persists but the family insist on continuing with existing communication processes, the RP SIO must accept the family's wishes.

All contacts with the family and the intervener must be fully documented, particularly any communications setting out the damage to the investigation.

10.3.5 SUPERVISION

The RP SIO has a duty of care and obligation to support and regularly monitor the health and welfare of FLOs. As FLOs are continually exposed to the emotions and needs of the bereaved, RP SIOs should be particularly aware of the dangers of them experiencing high stress levels. It is essential that FLOs are not left feeling abandoned or isolated. Further guidance on the welfare of FLOs can be found in *ACPO (2003) Family Liaison Strategy Manual*.

The RP SIO should give the FLO(s) a written strategy to work to on each deployment. There is no standard template for this as each deployment is unique and should always be approached on that basis. The FLC can assist in writing a deployment strategy. As with the risk assessment, the family liaison strategy should be regularly reviewed for effectiveness. Clear objectives should be set for the deployment. These objectives may change as the investigation develops and so the communication between the RP SIO and the FLO(s) needs to be of the highest quality.

10.3.6 INTELLIGENCE AND FAMILY LIAISON LOGS

The FLO will need to maintain a log for the life of their deployment. Family liaison logs are important documents within the investigation. Logs must be completed and supervised on a regular basis.

The RP SIO should direct how they want any information and/or intelligence submitted to the investigation team. The specific purposes of the detailed family liaison log are to record when and where meetings with the family took place. They also record who was present, the information disclosed to the family, any family concerns and the date and time of the next meeting. The log should not be used to transfer intelligence.

It is essential that the FLO attends all team briefings so that they are fully aware of case developments. This will enable them to share information with the team.

In some cases, it may be necessary for FLOs to gather as much information as possible about the victim. This process is referred to as victim lifestyle enquiries. These will focus on the associations, lifestyle and behaviour patterns relating to the victim, and may be useful for progressing an investigation. For further information on victim lifestyle enquiries, see *ACPO (2006) Murder Investigation Manual*.

10.3.7 EXIT STRATEGY

Although the family liaison strategy will detail the exit strategy, the natural exit from the family will be at the conclusion of the investigation. On some occasions, however, FLOs will need additional advice and support to decide how and when it is appropriate to exit from a family. They should be given this guidance and support by the RP SIO.

All those concerned with the family liaison process must be able to recognise when the objectives, set as part of the FLO strategy, have been met. It is at this point that the FLO, at the request of the RP SIO, should exit from the family. The FLO will have discussed their exit with the family on many occasions leading up to that point and their withdrawal should never come as a surprise. It is important that the relationship with the family is not damaged by an inefficient or badly conceived exit strategy.

Support agencies that can assist families further should be contacted at an early stage. Failure to do so may result in the FLO taking on responsibilities that are not police related. FLOs may then be operating in an area that they are not familiar with or trained for. Spending time doing things other than those they have been tasked to do could impact on the overall outcome of the investigation. The FLC, at the request of the RP SIO, can assist FLOs to ensure that the most effective investigation into the family's loss is achieved.

One suggested exit strategy is to finalise the case with a conference between the SIO, FLO, family and any representative at the conclusion of the court case or inquest. This helps the clearing up of any legal interpretation placed on the case, any outcome of the court process and allows the family to ask pertinent questions, bringing closure in a formal way.

The FLO must be debriefed at the conclusion of a deployment. This enables good practice to be identified and highlights areas for improvement, see **4.5.3 Briefing and Debriefing**.

Section 11

COMMUNICATION AND COMMUNITY STRATEGY

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11.1 INTRODUCTION

The RP SIO has to develop a communication strategy (eg, media strategy, internal communication strategy). This section provides advice on developing such a strategy. In addition, it gives information on community impact assessments.

This section should be read in conjunction with *ACPO (2003) Media Advisory Group Guidelines Parts 1-11*. Further information on communication and community strategies can also be found in *ACPO (2006) Murder Investigation Manual*.

Some investigations attract intense media attention. The interest of the media in a fatal collision may be influenced by various factors. These include:

- The number of deaths involved;
- The severity of the injuries to others;
- The number of vehicles or the type of vehicles;
- The persons involved, because of their age, prominence or other reason;
- The time and location of the collision;
- Disruption caused;
- Other news stories available to the media.

Positive cooperation with the media can help the progress of the investigation. However, such interaction should be managed to achieve a balance that ensures a fair and thorough investigation is conducted in the public eye, but which protects the wishes and rights of those involved.

11.2 ESTABLISHING A COMMUNICATION STRATEGY

The RP SIO is responsible for formulating a communication strategy in collaboration with their force communications department and other relevant agencies, eg, the Highways Agency or the CPS, at an early stage in the investigation. Any strategy should be robust enough to ensure that the police maintain ownership and actively manage media issues, thereby minimising potential misinformation. The strategy should also be disseminated to other emergency services to ensure a common message is given.

The overall aims of a communication strategy should include:

- Establishing the circumstances of the incident and bringing any offenders to justice;
- Managing interaction with the media;
- Maintaining public confidence in the police;
- Engendering confidence within the investigative team;
- Maximising the opportunities in the search for information.

Depending on the circumstances of the case and progress of the investigation, the objectives of a communication strategy are likely to include some, or all, of the following:

- Identifying offender(s);
- Locating offender(s), where their identity is known;
- Identifying victim(s);
- Identifying and locating witnesses (see **11.5 Appeals**);
- Reassuring and informing the public.

The investigative team should be aware of the communication strategy for a particular case. All police contact with the media should be managed by the RP SIO. In high-profile cases, the RP SIO may wish to appoint a spokesperson to work with the force communications department. In less high-profile cases, RP SIOs may manage local media coverage themselves, or nominate another member of the investigating team to present information to the media.

RP SIOs must ensure that a copy of all material released to the media in the course of an investigation is retained for disclosure purposes, in accordance with the CPIA. There should be a plan to video or audio record all press conferences, and copies of all releases given to the media should be kept. Recordings of all press interviews should be kept and RP SIOs may also wish to keep a press cuttings file.

Any information given to the press and media should be based on fact, but care should be taken to avoid giving any description of events in order to preserve witness integrity. No speculative explanations as to the cause of the collision should be given, and phrases that indicate blame on the part of any of the parties involved should be avoided at all times.

Care should be taken that any information released complies with legislation such as the Data Protection Act (1988), Contempt of Court Act (1981) and the Human Rights Act (1998), and that the Police Service is presented in a professional light. When releasing any information that is copyrighted (eg, photographs, plans), the owners of that copyright should be clearly identified to the recipients.

11.2.1 IDENTIFYING THE OFFENDER

Offenders may be identified by, for example, CCTV footage, photographs or video. If E-FITs or artist's impressions are to be used, care should be taken about the reliability or credibility of the witness who provided the description. For further information on the use of photographs and video footage, see PACE Codes of Practice, Code D, Part 3 paragraphs 3.28 and 3.29, and *ACPO (2003) National Working Practices in Facial Imaging*.

In some cases, offenders closely monitor the media for coverage of their offence. Further information on behavioural analysis, which may assist in making direct appeals to suspects, can be obtained from the NPIA Specialist Operations Centre, see **14.2.11 National Policing Improvement Agency (NPIA) Specialist Operations Centre (SOC)**.

11.2.2 LOCATING THE OFFENDER

If a suspect has been positively identified but their location is unknown, a media appeal can be made to locate them. The RP SIO should make every effort to ensure that the integrity of any future identification procedure is not compromised. In this situation the RP SIO is advised to consult the force communications manager, a force solicitor and the CPS.

There are a number of different types of appeal available to RP SIOs. Any appeal for suspects should be authorised by an officer of ACPO rank. Where identification is not based on photographic evidence, care should be taken to ensure that descriptions are precise and credible so as to avoid a mistaken identification.

11.3 FAST-TRACK CONSIDERATIONS

Early response to the media should be in the form of a holding statement. Details of victims are rarely given as part of a holding statement. This is both for compassionate reasons (to allow friends and relatives to be notified) and for practical purposes (the need to establish and confirm the identity of the deceased). The content of holding statements will vary depending on the circumstances of a particular investigation, but may include confirmatory information such as:

- The police are currently investigating a fatal collision;
- The location of the fatal collision;
- Initial indications of the nature of the fatal collision (eg, fail to stop);
- Whether an incident room has been set up, giving the contact telephone numbers;
- An initial appeal for witnesses and/or information.

When a contact telephone number is to be published, adequate resources must be employed to deal with the resulting response.

In addition, information should be provided for traffic broadcasts. This will assist motorists and the police by avoiding congestion around the site, and should be organised in liaison with the Highways Agency and/or local authorities.

In all circumstances, care should be taken to ensure that the content or timing of a media release is appropriate and will not cause offence to the family, friends, any surviving victims or the wider community. In fatal collision cases, where the police have contact with the family of the victim, the family should be made aware of a media release prior to it taking place. Families should be given copies of any press statements released by the police. They may also wish to contribute to such statements by appealing for witnesses or releasing pictures of the deceased.

11.4 SLOW-TIME CONSIDERATIONS

A holding statement released early on in an investigation will lead the media to expect that further information will be released. This expectation can be managed by giving the media information about the timing of future press conferences and briefings, and the name of the member of staff who will be conducting them. Provided that timeframes are reasonable, there is a likelihood that the media will be sympathetic to the victim, their family and the overall aims of the investigation. Regular press briefings will assist this process. In cases where a victim's family or friends are required to make an appeal, they should be involved in the planning process where possible.

The communications department can, in consultation with the RP SIO, assist the investigation by dealing with the following:

- Handling routine media enquiries;
- Drafting press releases for approval by the RP SIO;
- Dealing with routine press briefings;
- Organising press conferences and other interviews;
- Liaising with other agencies involved in the management of a fatal collision to coordinate a joint media response (eg, the Highways Agency or local highway authorities).

The deceased's details should be released only on the authority of the RP SIO, who may wish to consult others such as the coroner's officer. The RP SIO must only grant authority to release this information when:

- The victim has been positively identified; and
- The victim's immediate family and friends have already been informed.

Bereaved families should be asked if they agree to the victim's details being released to the press. It must be stressed that the press may obtain them from sources other than the police, and that details of the victim will come within the public domain at the opening of the coroner's inquest.

The identity of any person arrested or reported for an offence but not yet charged or summonsed should not be released to the media.

11.5 APPEALS

The RP SIO should consider an early appeal for witnesses. The timing of such an appeal can be important. Consideration of the aims of any appeal and the persons at whom it is targeted will guide the timing. However, the earlier the appeal is made the more successful it is likely to be because motorists may have travelled long distances and may not pass the area again: witness boards and local appeals may not reach them later.

Appeals should be targeted at those most likely to have witnessed the fatal collision. The following methods may be used:

- Radio;
- Television;
- Internet;
- Newspapers;
- Crimestoppers;
- Posters;
- Teletext;
- Trade journals;
- Hotlines.

A tactic to be considered is a subsequent visit to the scene at a time that may stimulate new lines of enquiry. This may be within the first twenty-four hours, at a subsequent anniversary or at another time when it is felt that some advantage may be gained.

11.6 MEDIA ACCESS AT THE SCENE

In cases where the media attend the scene of a fatal collision, access to the scene should be carefully managed, both to protect the scene and for health and safety reasons. It is for the RP SIO to decide when access to the scene should be allowed but they may, in some circumstances, wish to consult their force communications department for advice and help. Media access should be under direct police supervision and media representatives should wear high-visibility jackets while at the scene. The media should be encouraged to obtain the information they want as quickly as possible, and their equipment, eg, high-powered lighting, must not be allowed to cause danger to other traffic.

11.7 INTERNAL COMMUNICATION STRATEGY

An RP SIO can use a number of methods to communicate internally. In some cases they may try to develop material to progress their investigation by informal discussions with colleagues or, more formally, by creating an entry on a daily briefing sheet. This may request information or assistance to identify potential suspects from, for example, descriptions or the modus operandi (MO). Other forms of internal briefing include:

- Entries on internal bulletins (electronic briefing or paper systems);
- General briefing processes;
- Force newspaper, intranet systems or video briefings;
- Posters;
- Individual briefings to senior officers, neighbourhood policing teams, local intelligence, custody officers and staff.

Formal briefing sessions may be undertaken depending on the nature and complexity of the investigation and the numbers of resources being deployed. During the lifetime of an investigation, briefing sessions should be held on a daily or weekly basis depending on the requirements of the investigation. All briefings should be planned and structured to provide opportunities for the exchange of information. This will enable the RP SIO to obtain a clear update on progress and assist in identifying lines of enquiry. Factors to consider are:

- Location – fitness for purpose, eg, briefing or conference rooms;
- Timing and frequency;
- Notification – attendees such as initial investigators, analysts, CSIs, intelligence officers, enquiry teams, neighbourhood policing teams, supervisors, SPoCs;
- Facilities – video, overhead projectors, flip charts, analysts charts, tape recorders;
- Record keeping – maintaining records, retaining briefing sheets (CPIA considerations);
- Staff required – such as loggist, secretary, shorthand writer;
- Objective – intended outcome of the briefing or debriefing;
- Structure – discussion points, main lines of enquiry, developments, opportunities, threats;
- Distractions – such as mobile phones and pagers.

All briefings should follow a similar structure. Regular feedback should be obtained on the style, content and effectiveness of briefings to ensure that they are providing the best means of sharing information and reaching the intended audience. In serious and complex enquiries, a dedicated briefing officer should be used to ensure consistency. For further information on briefing, see **4.5.3 Briefing and Debriefing**.

11.8 COMMUNITY IMPACT ASSESSMENT

RP SIOs should recognise and take account of the impact of their investigation on the community. Communities should be involved in the investigation to ensure the effective flow of information into the enquiry so that public confidence is maintained in the police. In the majority of investigations, community consultation will be confined to family members or specific sections of the community. The level of assessment and involvement will vary from case to case, and, if necessary, the RP SIO may wish to use specialist diversity units. RP SIOs need, however, to be aware of the duties on their chief constable and their force to promote racial equality (section 71 Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000), equality for people with disabilities (section 49A and 49D Disability Discrimination Act 1995, as amended by section 3 of the Disability Discrimination Act 2005) and equality between men and women (section 76A and 76B of the Sex Discrimination Act 1975, as amended by sections 84 and 85 of the Equality Act 2006). RP SIOs should consult their diversity unit for further information.

Where consultation has taken place with the local community and interested parties, thought should be given as to how information can be shared, acted on and, if appropriate, disclosed. Any community impact document will be subject to the provisions of the CPIA.

Some members of the community, such as children or young cyclists, are more vulnerable to road death than others. There is strong evidence that members of poorer communities are more likely to become casualties of collisions than those from more affluent communities. For example, there is a relationship between child pedestrian casualty rates and areas of social deprivation, see *DfT (2003) Tackling the Road Safety Implications of Disadvantage*. A mix of prevention, intelligence and enforcement solutions may help reduce the number of road-related deaths in an area. These solutions represent a long-term approach and will be carried out in partnership with a number of other agencies, eg, Local Strategic Partnerships and local authorities.

For further information on community impact assessments, eg, completing a community impact assessment form, see *ACPO (2006) Murder Investigation Manual*.



Section 12

THE ROLE OF HM CORONER

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12.1 INTRODUCTION AND OVERVIEW OF THE ROLE OF HM CORONER

The importance of the working relationship between the coroner and an RP SIO throughout a fatal collision investigation cannot be overstated. It is essential that RP SIOs confer with coroners and their officers at the earliest opportunity. Early contact with the coroner involves obtaining permission to move a body from a scene to a mortuary and securing the services of a pathologist to undertake a post-mortem examination. Local arrangements with the coroner usually facilitate this. Thereafter, the RP SIO must regularly communicate the progress of the enquiry to the coroner. Ultimately, issues such as opening the inquest, release of the body for burial or cremation, and the full inquest will need to be addressed, but these are a matter for the coroner.

Coroners' inquests are conducted in accordance with the Coroners Act 1988 and the Coroners Rules 1984 (as amended).

Coroners have a statutory duty to hold an inquest into all road traffic deaths.

The role of the coroner and the purpose of an inquest are to determine:

- The identity of the deceased;
- When and where death occurred;
- The medical cause of death;
- How and by what means the deceased came by death;
- The particulars required to register death.

There should not be comment on any other matter. An inquest is not a trial, but an enquiry into the facts surrounding the death. It is not the role of the inquest to apportion blame for the death, nor should a coroner comment on the criminal liability of any named person. However, an inquest is a public forum that may potentially attract media attention in the case of a fatal collision investigation.

HM Coroner can reach a number of conclusions, including accidental death, death by misadventure, unlawful or lawful killing, natural causes, suicide or an open verdict. The coroner can also present a narrative verdict, which may include where and when the death took place, the cause or causes of such death, any defects in the system which may have contributed to the death and any other factors which are relevant to the circumstances of the death.

It is a fundamental principle that coroners have absolute authority over issues relating to a dead body in the area over which they have jurisdiction. Coroners are assisted by their officers, who receive the reports of deaths and make enquiries on their behalf. Some coroner's officers are police officers and others are police or local authority staff. Depending on the size of the population in the coroner's area, they may work either full time or part time.

Some coroners may wish to attend unusual or high-profile fatal collision scenes. It is prudent for local discussions to take place to establish in what circumstances an individual coroner would wish to attend.

A body must not be moved from the coroner's district where it was originally found without the consent of HM Coroner. If it is necessary to extract a victim from a vehicle away from the scene, it is essential that this procedure is communicated to the coroner and their agreement obtained. This is particularly important if the extraction is likely to occur in an adjoining jurisdiction.

12.2 OPENING AN INQUEST

The coroner will normally open an inquest as soon as practicable after the death has occurred. The nature of this hearing varies across the country. The opening of the inquest will be confined to establishing the identity of the deceased and hearing the result of the post-mortem examination. The RP SIO may be expected to report on the progress of the investigation at this hearing.

Investigators should remember that the media and members of the victim's family might be present at the inquest. Care must, therefore, be taken in making comments that might be detrimental to the progress of the investigation or to the trial of an accused.

The RP SIO should be mindful that the opening of an inquest can be used, with the assistance and agreement of the coroner, as a further opportunity to make fresh appeals through the media in cases which remain unresolved.

Where a person has been charged with an offence of homicide, manslaughter, death by dangerous driving (section 1 Road Traffic Act 1988) or causing death by careless driving when under the influence of drink or drugs (section 3A Road Traffic Act 1988), the defence may ask for a second post-mortem examination. A coroner will not generally authorise a second post-mortem except in homicide or manslaughter cases.

The coroner will, at this hearing and after considering any objections, release the body to enable funeral arrangements to be made. In cases where no person has been charged in connection with a fatal collision, the matter is likely to be adjourned pending the outcome of further enquiries.

12.3 PROGRESS OF THE INQUEST

Once someone has been charged with an offence of homicide, manslaughter, death by dangerous driving (section 1 Road Traffic Act 1988) or causing death by careless driving when under the influence of drink or drugs (section 3A Road Traffic Act 1988), and the coroner is notified by the court of this fact, the inquest will remain adjourned pending the result of the criminal trial. The coroner will, however, report matters to the registrar of death, enabling death certificates to be issued.

If the person charged with an offence is subsequently convicted at a crown court, the coroner has the discretion to, but will not normally, resume the inquest. In such cases the crown court proceedings generally take the place of the inquest.

An inquest is likely to be resumed in the absence of a conviction, and an inquest will always be held if there is no trial. The coroner's officer will prepare a file of evidence at this time. Such a file will rely heavily on the material gathered during the fatal collision investigation.

12.4 PREPARING A REPORT FOR THE INQUEST

The RP SIO is responsible for preparing a full, professionally presented report for the coroner in advance of the inquest. The RP SIO is advised to consult the coroner over the format of the report they produce, for example, the type and level of detail required. The report should detail the full extent of the investigation and the facts that have been determined, as well as other matters of relevance. The report should also include the history of the deceased, circumstances of death, evidential aspects, lines of enquiry, people interviewed, forensic aspects, persons charged and continuing enquiries. It is essential that the coroner, the victim's family and the public are satisfied that the police have followed all realistic lines of enquiry during the fatal collision investigation. It is good practice to include in this report such things as the number of hours spent on the enquiry, the number of actions raised, and the number of people interviewed. It is important that any concerns about the onward disclosure by the coroner of any material to interested parties be raised at this time.

12.5 FULL INQUEST HEARINGS

RP SIOs may be required to attend the inquest to provide an overview of the police investigation, including the facts that have been established and the investigative policy adopted. In cases where it is anticipated that police action may be criticised, consideration should be given to providing legal representation to the chief officer and individual officers, as appropriate.

Section 13

POST-MORTEM AND PATHOLOGIST

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13.1 INTRODUCTION AND OVERVIEW OF THE ROLE OF THE PATHOLOGIST

A pathologist is appointed and given authority by HM Coroner to perform a post-mortem examination. A post-mortem is conducted by a Home Office approved forensic pathologist or a pathologist employed in a consultant capacity at a local hospital. The circumstances surrounding the fatal collision dictate whether the coroner appoints a Home Office approved forensic pathologist or not. That is the coroner's decision, but they will consider representations made by the RP SIO. A coroner will not normally appoint a Home Office approved forensic pathologist in cases other than homicide or manslaughter. The majority of pathologists have considerable experience of road traffic deaths.

13.2 POST-MORTEM EXAMINATION

The purpose of the post-mortem is to ascertain the medical cause of death, the extent and nature of any injuries, and the presence of any natural disease which may or may not have a potential causal connection with the death. It is usually undertaken by a pathologist employed in a consultant capacity at a local hospital. It can only be authorised by the coroner. In cases other than manslaughter or homicide, it is a matter of discretion for the RP SIO as to whether they or another member of staff involved in the investigation attends the post-mortem examination. If a decision is made to not attend the post-mortem examination, then the post-mortem report is only likely to indicate a cause of death and a description of the injuries.

13.3 HOME OFFICE FORENSIC PATHOLOGIST

A Home Office forensic pathologist is usually only instructed during homicide or manslaughter investigations. In exceptional circumstances, the coroner may instruct a Home Office forensic pathologist in cases of suspicious death or unlawful killing. Where the cause of death is a necessary constituent of the offence, eg, causing death by dangerous driving, a Home Office forensic pathologist provides the highest level of expertise. The RP SIO should, therefore, consider requesting their use, in consultation with the coroner. This may be particularly helpful if an interpretation of injuries to the deceased is required, as the pathologist can express an opinion concerning what may have happened during the collision.

When a Home Office forensic pathologist conducts the post-mortem examination, the attendance of the RP SIO or designate is a prerequisite. The RP SIO may wish to attend at the start of the post-mortem and then again at the end to be briefed by the pathologist.

For more details on the role of the Home Office pathologist, see *ACPO (2006) Murder Investigation Manual*.

13.4 ATTENDANCE OF THE PATHOLOGIST AT THE SCENE

It is seldom necessary for the pathologist to attend the scene of a fatal collision. On some occasions, however, such attendance may be beneficial both to an RP SIO, in relation to scene interpretation and removal of the deceased, and to the pathologist in understanding and interpreting the injuries. If there is any doubt, an RP SIO should discuss the need to attend with a pathologist.

If it is agreed that a pathologist will attend the scene, the deceased should be examined by the pathologist with the clothing in place to relate to wounds, injuries and other relevant marks. If the pathologist is unable to attend, or is delayed and it is agreed the removal of the deceased is essential, for example, because of the locality or adverse weather, the RP SIO should ascertain from the pathologist what action might be taken prior to removal.

On arrival at the scene, the pathologist should conduct an assessment and carry out a preliminary examination while causing the least disturbance to the deceased and clothing. The pathologist may also attempt to estimate the time of death by taking body temperatures and assessing the degree of rigor mortis. If the pathologist is delayed in attending the scene, it is advisable that the ambient air temperature is recorded to help with estimating the time of death.

13.5 PROCEDURES FOR FURTHER POST-MORTEM EXAMINATIONS

The coroner will not usually allow further examination to be conducted unless there is the potential for a charge of manslaughter or homicide and only then on behalf of any person who may have a proper interest. Any such further examinations must be conducted without undue delay and after the appropriate request has been made of the coroner.

Whenever a post-mortem is required on behalf of the defence, details of the pathologist acting on behalf of the defence should be given to the coroner without delay. The post-mortem and subsequent release of the body can then be considered. Defence solicitors will need to establish such things as the nature of the wounds and cause of death. They will also need to examine the post-mortem report, photographs and any other relevant items. Investigators should ensure that this documentation is available, subject to the coroner's prior approval.

The original pathologist should always be present and, where possible, the RP SIO or their representative.

13.6 RETENTION AND RELEASE OF THE DECEASED'S BODY

Home Office Circular 30/1999 Post Mortems and the Early Release of Bodies relates to the release of bodies in cases involving suspicious death. This circular suggests that, subject to the interests of the criminal justice system, it is the responsibility of all agencies to treat the early release of the body as a priority. It should also be a priority for the RP SIO in helping the family to cope with their grief. This grief may be compounded because of religious beliefs held in certain communities, eg, Muslim and Jewish, if there is any unnecessary delay in burial. There may be an understandable resistance from some families and communities, based on religious beliefs, in relation to performing a post-mortem examination, although this is solely a question for the coroner. These matters require a sensitive response from the RP SIO, who should draw them to the attention of the coroner.

The RP SIO should be proactive in pursuing an early resolution of all post-mortem examinations in cases where a suspect has been arrested or charged.

The RP SIO should liaise with the coroner and pathologist when the post-mortem report will be delayed.

The RP SIO should consider the following issues when contemplating the question of the early release of a body:

- Whether the identity of the victim is in dispute;
- The evidential value of retaining the body;
- The needs of the investigation;
- The potential for a second post-mortem to be requested by the defence, for example, when the suspected offender has not yet been identified.

The post-mortem is confidential to the coroner, who will nevertheless usually release a copy to the RP SIO immediately upon request. The coroner will also consider requests from all those having a proper interest, including any person who has been charged with homicide or manslaughter. Any photographic or video recording taken at an examination may also be supplied (these will be made available by the police). The deceased's next of kin should also be advised that the report is available, if appropriate, see also **10 Family Liaison Strategy**.

The coroner will determine when the body may be released and may have to reach a decision on any objections by properly interested persons before doing so. This would normally be determined at the opening of the inquest.

It is not uncommon for the question of organ and/or tissue transplants to arise, given the wishes of the victim and immediate family. In such instances, the RP SIO needs to make a swift decision at an early stage of the investigation, and should be mindful of the following points:

- In cases of unnatural death, removal of the organs and/or tissue can **only** be with the consent of the coroner exercising jurisdiction;
- If the coroner is satisfied that donation will not prejudice the investigation, they will allow it to proceed, although the interests of justice are paramount;
- The coroner may consult the pathologist assigned to the case to establish that their examination will not be prejudiced by the removal of any organs and/or tissue;
- The relevance of the removal of an organ and/or tissue should be considered in the context of a second post-mortem examination.

Section 14

OTHER AGENCIES AND RESOURCES

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14.1 INTRODUCTION

It is unrealistic to expect the investigating team to acquire expertise in all aspects of fatal collision investigation. There are many agencies which can help the investigation, and these broadly fit into two categories:

- Agencies which can offer specialist input into the response to, and the subsequent investigation of, fatal collisions (see **14.2 Responding and Investigative Agencies**);
- Agencies which can offer support to victims or witnesses (see **14.3 Support Agencies**).

The agencies in this section are presented in alphabetical order for each of these two categories. The lists of agencies are not definitive and, when necessary, the investigating team is encouraged to think of other agencies and resources which may be able to offer an input into the investigation.

Details listed are correct at the time of publication.

14.2 RESPONDING AND INVESTIGATIVE AGENCIES

Forces are encouraged to develop a partnership working ethos and common operating procedures and protocols with external responding and investigative agencies. This will ensure that roles, responsibilities and expectations are clear to all parties.

14.2.1 AMBULANCE AND PARAMEDIC SERVICE (APS)

APS personnel are the frontline representatives of the NHS Primary Care Trusts, and act as the practitioner link for casualty care and treatment.

The role of the APS is to optimise the clinical care and safety of patients before they arrive at the hospital. This requires close liaison with the Police and Fire and Rescue Services, and any medical practitioners in attendance.

The overall priority of the APS and NHS is the complete clinical assessment of all casualties, followed by the suitable prioritisation for patient care. In critical and major incidents this includes effective triage assessment and transportation arrangements for casualties to maximise the survival rate for patients. For further information see **ACPO (2007) Practice Advice on the Policing of Roads**.

14.2.2 BRITISH TRANSPORT POLICE (BTP)

BTP is the national police force for the railways providing a policing service to rail operators, their staff and passengers throughout England, Wales and Scotland. In relation to any crime or suspected crime of terrorism, or any incident of murder or suspicious death on railway premises, BTP will take any immediate action necessary while simultaneously informing the chief constable of the local police force. Thereafter, the force chief constable in consultation with the BTP chief constable will determine how the investigation is to proceed.

For further information see **ACPO (2002) Coordinated Policing Protocol between the British Transport Police and Home Office Police Forces** at <http://www.acpo.police.uk>

14.2.3 DEPARTMENT FOR TRANSPORT (DFT), INCORPORATING AIR ACCIDENT INVESTIGATION BRANCH, MARINE ACCIDENT INVESTIGATION BRANCH AND RAIL ACCIDENT INVESTIGATION BRANCH

The DfT oversees the delivery of a reliable, safe and secure transport system and determines overall transport strategy.

For further information see <http://www.dft.gov.uk/>

The following three Accident Investigation Branches are administered by the DfT, but each conducts their investigations independently and reports to the Secretary of State for Transport.

Air Accident Investigation Branch (AAIB)

The AAIB investigates civil aircraft accidents and serious incidents within the UK. They do so to determine the circumstances and causes of an accident in order to preserve life and avoid accidents in the future.

For further information see *AAIB (2007) Aircraft Accidents Guidance for the Police and Emergency Services* at <http://www.aaib.dft.gov.uk/>

Marine Accident Investigation Branch (MAIB)

The MAIB investigates all types of marine accidents, both to ships and the people on board them. The sole objective of any MAIB investigation is to prevent marine accidents in the future by determining the causes and circumstances of an accident. The MAIB is not a regulatory or prosecuting authority.

For further information see *ACPO (2006) Memorandum of Understanding between the MAIB and ACPO* and <http://intranet.acpo.pnn.police.uk> and <http://www.maib.gov.uk/>

Rail Accident Investigation Branch (RAIB)

The RAIB investigates railway accidents and incidents in the UK to improve safety. It covers:

- National railway networks in Great Britain and Northern Ireland;
- The Channel Tunnel (in cooperation with its equivalent operation in France);
- London and Glasgow underground systems and other metro systems;
- Tramways;
- Heritage railways (including narrow-gauge systems over 350 mm gauge);
- Cable-hauled systems of 1 km or longer.

RAIB investigations are independent. They focus only on improving safety and preventing further accidents from taking place by identifying the causes of accidents and other aspects that could have made the incident worse.

For further information see *ORR, RAIB, BTP and ACPO (2006) Memorandum of Understanding agreed between the Rail Accident Investigation Branch, the British Transport Police, Association of Chief Police Officers and the Office of Rail Regulation for the investigation of rail accidents and incidents in England and Wales* at http://www.rail-reg.gov.uk/upload/pdf/ORR-RAIB-BTP-ACPO_MOU_April_2006.pdf and <http://www.raib.gov.uk/>

14.2.4 DRIVER AND VEHICLE LICENSING AGENCY (DVLA)

DVLA hold data on drivers and vehicles for England, Scotland and Wales. Much of the data they hold is input onto the PNC, which in turn updates details held by DVLA such as lost/stolen reports and disqualified drivers. DVLA have a Police Liaison and Support Group (PLSG), and each force has their own nominated DVLA Liaison Officers. The PLSG are able to provide other services to the Police Service through a direct police liaison telephone number. These include:

- Detailed vehicle and driver histories including microfilmed documentation;
- Examination of suspected forged driver or vehicle documents;
- Procedural and operational queries;
- Interpol stolen vehicle database;
- Sharing of intelligence through a dedicated intelligence unit;
- Administration of the misrepresented numbers scheme;
- Administration of the Register of Number Plate Suppliers (RNPS);
- Central point for all data in respect of the National Driver Improvement and Speed Awareness schemes;
- Access to the European Car Information System (EUCARIS).

For further information see <http://www.dvla.gov.uk/>

14.2.5 DRIVING STANDARDS AGENCY (DSA)

DSA aims to promote 'Safe Driving for Life' and does this by:

- Setting standards for drivers, riders and instructors, including voluntary registration schemes for large goods vehicles (LGVs) instructors and fleet driver trainers;
- Educating drivers;
- Authorising, registering and supervising quality assured instructors to ensure courses are provided to the required standard;
- Assessing learner drivers using computer-based theory tests and practical tests for the various types of vehicle (car, motorcycle, LGVs and PCVs) which reflect modern driving and riding conditions.

For further information see <http://www.dsa.gov.uk/>

14.2.6 EXPERIAN

Experian can provide access to vehicle information such as:

- Vehicle registration mark (VRM);
- Vehicle identification number (VIN) versus VRM check;
- Date of first registration;
- Engine number and capacity;
- Number of previous keepers and date of last change.

As part of their contract with the Home Office, Experian have agreed that all police forces can have free online access to their system. The database is updated daily, seven days a week, using the latest information available from:

- Number of previous keepers and date of last change;
- DVLA;
- PNC;
- Society of Motor Manufacturers and Traders;
- Over 600 finance companies;
- Association of British Insurers;
- Lloyds syndicates;
- Glass's Information Services;
- Fleet and daily rental companies;
- Vehicle Mileage Check Limited;
- British Vehicle and Rental Leasing Association.

For further information see <http://www.experian.co.uk>

14.2.7 FIRE AND RESCUE SERVICE (FRS)

The statutory role of the FRS is to:

- Extinguish fires and protect life and property;
- Rescue people from fire and its consequences, and from a range of other hazards including road traffic collisions;
- Minimise the risks posed by those hazards by putting prevention and protection ahead of reaction;
- Collaborate with the community at all levels, with other public services and with business to tackle these challenges effectively.

Within the context of the road network, this enables full participation in the integrated command of an incident. This ensures the FRS work proactively with the police and other agencies to prevent harm to road users by using their specialist expertise. The Fire and Rescue Services Act 2004 gives firefighters powers to:

- Enter premises or a place, by force if necessary, without the consent of the owner or occupier of the premises or place;
- Move or break into a vehicle without the consent of its owner;
- Close a highway;
- Stop and regulate traffic;
- Restrict the access of persons to premises or a place.

14.2.8 HEALTH AND SAFETY EXECUTIVE (HSE)

As a general rule, the police will investigate all 'at-work' road deaths (and those likely to result in death) and will maintain primacy under road traffic legislation. A definition of at work in these circumstances **excludes** commuting journeys between home and normal base. Under health and safety legislation an employer can be, for example, a company, a partner, a trust, a local authority, or a charity.

Employers have a responsibility, under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR), to report an accident:

- Involving exposure to a substance being conveyed by road;
- Involving loading and unloading of an article or substance (not passengers) onto or off a vehicle;
- Where works vehicles and workers (not in vehicles) are engaged in specific work activity (other than travelling), eg, hedge cutting, construction, demolition, alteration, repair or maintenance activities at or alongside public roads.

The HSE may wish to investigate such accidents.

The HSE should be contacted when the following two criteria apply.

(1) There is sufficient indication that failures in safety management by the employer have significantly contributed to the incident and

- **these failures cannot be addressed by the ‘cause and permit’ provisions in the road traffic legislation; and**
- **the risks are foreseeable and beyond the direct control of the driver.**

The following are instances where this might apply.

Driver Competency – the employer has failed to ensure that drivers are competent and capable of doing their work in a way that is safe for them and other people, for example, has the employer considered whether the driver has the necessary driving licence and if so whether further training is required?

Fitness and Health – the employer has ignored obvious signs that an employee is unfit to drive, for example, from the effects of drink or drugs.

Vehicle Suitability – Vehicles are being used for a purpose for which they were not intended, for example, saloon cars used to transport heavy or bulky goods without appropriate means to secure the load safely.

For further advice see the joint HSE/DfT guidance (INDG 382) *HSE (2003) Driving at Work: Managing work-related road safety*. This is available at <http://www.hse.gov.uk/pubns/indg382.pdf>

And/or

(2) There is a serious continuing risk (eg, one that could result in a similar incident occurring in similar circumstances) which cannot be addressed by the police using road traffic legislation, or by another appropriate enforcing authority (eg, VOSA).

Each case should be considered individually and the investigating agencies will liaise and cooperate as appropriate.

Collisions involving a train should be reported to the Office of Rail Regulation, see **14.2.12 Office of Rail Regulation (ORR)**.

ROLES AND RESPONSIBILITIES

The Police will alert the HSE where, on the basis of their investigation using these criteria, they believe the HSE should become involved in a fatal collision investigation. If in doubt, the RP SIO should discuss the circumstances with the HSE's local principal inspector (PI).

The HSE, after discussion with the RP SIO, will decide whether the HSE should make initial enquiries and/or investigate and advise the police of the outcome. If an HSE investigation is undertaken, the local PI will liaise with the police throughout, in accordance with existing protocols.

14.2.9 HIGHWAYS AGENCY

The Highways Agency is an Executive Agency of the Department for Transport. It is responsible for operating, maintaining and improving the strategic road network in England on behalf of the Secretary of State for Transport. Most motorways and some all-purpose trunk roads are part of the strategic road network and are the responsibility of the Highways Agency. A small number of motorways and all other all-purpose roads are the responsibility of local councils. Forces should already be aware of these, and of the different arrangements, responsibilities and levels of support available.

Following joint working between ACPO and the Highways Agency in 2002, it was agreed that the Agency should become more involved in the operational management of its network.

The corporate goals for the Highways Agency are:

- Safer roads;
- Reliable journeys;
- Informed travellers.

The role of the Highways Agency involves a full and proactive network management responsibility for both routine operations and incidents. This complements and reinforces its traditional focus on infrastructure maintenance and development.

The joint operational goals for the police and the Highways Agency are given in detail in *Highways Agency and ACPO (2005) The Network Operations National Guidance Framework, Second Edition* and can be summarised as:

- Improving road safety;
- Reducing incident related congestion;
- Freeing up police resources.

The Highways Agency deliver their service to achieve these joint goals through Regional Control Centres (RCCs), which coordinate the operational resources of HATOs in England. These RCCs are jointly staffed with regional police representatives who, in some cases, control police resources. Incident support units (ISUs) maintain an on-road capability to repair the road infrastructure, place signs and cones, and clear debris.

Where incidents occur on the motorways and some all-purpose trunk roads, Highways Agency staff are responsible and accountable for assessing, planning and implementing the restoration of:

- The carriageway to normality;
- Infrastructure at the scene.

They also undertake traffic management:

- At the scene;
- Beyond the scene, including
 - the approach to the incident scene
 - the tactical, regional and wider strategic road network;
- Of diversionary routes, including the responsibility to inform motorists.

This requires close liaison with the police, and the police must inform the Highways Agency of when their investigation of the scene is likely to be, or will be, concluded.

The police maintain primacy for incidents involving:

- Injury or death;
- Criminality;
- Threats to public order and safety;
- Allegations of criminality or threats to public order and safety;
- Significant coordination of emergency responders.

Powers for HATOs are detailed in The Traffic Management Act 2004. Section 4 of the Act clarifies the legal relationship between police and HATOs, and states that:

(1) A traffic officer (HATO) shall, when carrying out his duties, comply with any direction of a constable.

(2) Subject to that, a traffic officer (HATO) designated by an authorised person shall, when carrying out his duties, comply with any direction of the appropriate national authority.

Police officers must note that HATOs have restricted powers. These powers relate to the control and direction of traffic. HATOs can place signs and have the same exemptions and powers as constables under the Motorway Regulations, see **ACPO (2007) Practice Advice on the Policing of Roads**. They are trained to deal with, and may only be used for, the following purposes on the strategic road network:

- Maintaining or improving the movement of traffic;
- Preventing or reducing congestion;
- Avoiding danger to persons or traffic, or the risk of any such danger arising;
- Preventing damage to anything on or near the road.

In order to avoid attracting a liability for themselves and their force, police officers should take full account of these restrictions when providing direction to HATOs in resolving incidents.

For further information see <http://www.highways.gov.uk/>

14.2.10 INDEPENDENT POLICE COMPLAINTS COMMISSION (IPCC) AND POLICE-RELATED FATAL COLLISIONS

Police-related road deaths and serious injuries must be referred to the IPCC, which may decide to send an investigator to the scene. The IPCC determine the mode of investigation necessary based on the circumstances of the incident. The early scene management and fast-track actions are always determined by the host force, by necessity. The need for swift examination means that the management of the scene automatically falls to the local force.

For more information on the role and responsibilities of the IPCC, see the statutory guidance *IPCC (2005) Making the New Police Complaints System Work Better*. This document, and further information, is available from <http://www.ipcc.gov.uk>

A police-related fatal collision may also need to be the subject of a notification to the HSE and, as such, the HSE will declare its interest and level of involvement at an early stage. For information on the HSE, see **14.2.8 Health and Safety Executive (HSE)**.

14.2.11 NATIONAL POLICING IMPROVEMENT AGENCY (NPIA) SPECIALIST OPERATIONS CENTRE (SOC)

The NPIA Specialist Operations Centre provides a single point of contact for information and specialist law enforcement advice on:

- Doctrine and its implementation;
- The lawful and effective use of covert techniques;
- The investigation of murder, no-body murder, suspicious missing persons, rape, abduction and series sexual offences;
- Public order and operational planning;
- Disaster management and the policing of major incidents;
- The police use of firearms;
- Access to the deployable resources of the NPIA's Crime and Uniform Operational Support departments.

First contact is with research specialists who conduct bespoke research and deliver a range of information-based services. Working alongside the research specialists are two specialist advisory teams: the Covert Team and the Crime and Uniform Team. These teams offer advice on investigative techniques and best practice procedures for covert, major crime and acute uniform policing. Additionally, the Crime and Uniform Team maintains a database of Expert Advisers for major crime investigations. This includes forensic and investigative providers who may be of particular value to fatal collision investigations.

The NPIA Specialist Operations Centre number offers a twenty-four hour on-call system for urgent enquiries outside normal working hours.

They can be contacted by telephone on 0870 241 5641.

14.2.12 OFFICE OF RAIL REGULATION (ORR)

Under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR), ORR has to be notified by the employer of the death of a railway employee. ORR should also be notified of the death of a person working on the railway by the person responsible for the premises where the incident occurred. This is to enable ORR to consider whether it needs to investigate the death because it may involve a breach of the Health and Safety at Work etc Act 1974. ORR will need to be contacted and may wish to attend the scene of a fatal collision investigation if the road death has resulted from a collision involving a train (the presence of the BTP should also be requested).

ORR will need to be contacted under the circumstances described in the *Office of Rail Regulation (2006) HMRI Major Incidents Manual* available at <http://www.rail-reg.gov.uk/upload/pdf/manual-mip300306.pdf> and *Office of Rail Regulation (2006) Reporting of Serious Incidents to HM Railway Inspectorate* available at <http://www.rail-reg.gov.uk/upload/pdf/ridserious.pdf>

ROLES AND RESPONSIBILITIES

The Police will alert ORR where they believe it should become involved in a fatal collision investigation. If in doubt, the RP SIO should discuss the circumstances with ORR's appropriate area team manager (ATM).

ORR, after discussion with the RP SIO, will decide whether it should make initial enquiries and/or investigate and advise the police of the outcome. If an ORR investigation is undertaken, the appropriate ATM will liaise with the police throughout, in accordance with existing protocols.

14.2.13 TRAFFIC COMMISSIONERS

There are eight regionally-based traffic commissioners, who are appointed by the Secretary of State for Transport and who have responsibility in their area for:

- Licensing operators of LGVs and of buses and PCVs;
- Registering local bus services;
- Granting vocational licences and taking action against heavy goods vehicle (HGV) and public service vehicle (PSV) drivers.

Licences are issued by the traffic area office covering the location where the applicant's vehicles are kept when not in use. The licence document will include:

- Details of the licence holder and the licence number;
- Details of the type of licence issued and the total number of motor vehicles and trailers authorised for use under it;
- Details of the specified operating centres;
- The names of transport managers (as appropriate);
- Conditions and undertakings;
- A list of the registration marks of the motor vehicles specified.

For further information see <http://www.dft.gov.uk/pgr/roads/tpm/trafficcommissioners/>

14.2.14 THE VEHICLE AND OPERATOR SERVICES AGENCY (VOSA)

VOSA is an executive agency within the Department for Transport. The agency's aim is to contribute to the improvement of road safety, environmental standards and reduction in vehicle crime. VOSA undertakes a large number of activities aimed at improving road safety. These activities include carrying out mechanical examinations on LGVs and PCVs which have been involved in fatal or serious injury collisions, at the request of the police. During collision investigations, VOSA can also offer assistance with tachograph analysis and drivers' hours investigations as well as providing background information on operator(s). VOSA's intelligence unit may be able to provide details of relevant intelligence held on its intelligence database and ANPR systems. Contact with the unit can either be through local VOSA intelligence officers or the National Intelligence Coordinator based in Bristol.

The examination of LGVs and PCVs requires specialist knowledge. Examiners should be suitably qualified, equipped, updated and experienced on larger vehicles in order to undertake such examinations.

Examiners employed by VOSA have this experience and consideration should be given to using the services of the agency for these inspections wherever possible. A number of VOSA examiners have received extensive training in vehicle post-collision examination techniques to ensure that the level of service provided to the police is as high as possible, and meets evidential requirements. Specialist equipment to aid collision examinations is widely available to examiners, and high-visibility vehicles provide them with a safe means to attend collision scenes and gather evidence, should this be required.

Many police forces now have formal standard operating procedures (SOP) agreed with their local VOSA area managers, covering a range of topics relating to partnership working during collision investigations. Where working practices such as these have been agreed, it has been found that both organisations work together more efficiently in a spirit of cooperation and mutual assistance, to the benefit of road safety and casualty reduction.

Forces are encouraged to agree local protocols with VOSA.

Consideration should be given to the benefits of requesting VOSA to attend the scene of the collision to gather and preserve evidence which may otherwise be lost due to the recovery process. On-scene attendance is recommended to ensure the continuity of evidence in the most severe cases, or where allegations have been made concerning the condition of the vehicle. The examiner may also be able to offer advice regarding the vehicle recovery procedure to ensure that any potential loss of evidence is kept to a minimum. The examiner's health and safety needs to be assured if on-scene attendance is deemed necessary.

If an examiner does not attend the collision scene, the RP SIO should ensure that the VOSA 'vehicle examination at a collision scene' form (VOSA/CI/1) is completed. On conclusion of the VOSA examination and any further enquiries deemed necessary, the examiner will provide a witness statement detailing their findings regarding the vehicle or trailer condition. In addition, copies of the completed VOSA collision forms can be supplied. At the request of the RP SIO, a full technical report can also be provided where this is necessary.

Where vehicles are examined by VOSA on behalf of the RP SIO, any components or samples removed from them should be retained by the police exhibits officer.

VOSA's national structure and the data it holds on operators means that the organisation can obtain evidence throughout the country quickly and assist the RP SIO by undertaking detailed investigations relating to the operator involved in the case. If necessary, examiners can assist the RP SIO by providing analysis of drivers' hours records or in technical assessment of vehicle maintenance records.

A number of VOSA examiners have been trained in the download and analysis of evidence from digital recording equipment (digital tachographs) and driver cards. Equipment is available to examiners to gather and retain this evidence and so VOSA can assist the RP SIO in cases where digital recording equipment is fitted to the vehicle.

VOSA may also be able to provide data on the operator's previous enforcement history, technical information on vehicles or trailers, information on vehicle safety defect recalls and assistance in establishing contact with vehicle and component manufacturers.

Ideally, requests for examiners to attend the scene of a collision or for subsequent vehicle examinations should be made to VOSA's local enforcement office. In the event that local contact cannot be established, the request should be made to VOSA's Vehicle Safety Branch in Bristol from where the local office will be contacted. The request should contain all relevant information to enable VOSA to carry out the examination. This should include details of the vehicle or trailer, severity of the incident, reason for the request, location of the collision scene or vehicle, together with the name and contact details of the RP SIO dealing with the case.

Any goods vehicle over 3,500 kg gross weight or any PCV with more than eight passenger seats, which is involved in a fatal or serious injury collision, should, as a matter of course, generate a notification to VOSA's Vehicle Safety Branch.

The investigation of any fatal or serious injury collision is solely the responsibility of the police, but VOSA do have a responsibility to the traffic commissioner and the government in relation to the use of LGVs and PCVs. In this respect, if during the investigation discrepancies are identified in the operator's working policies, practices and procedures, VOSA may wish to investigate shortcomings which are outside the scope of the specific case. Any such investigations would only proceed with the agreement of the RP SIO in charge of the case.

For further information see <http://www.vosa.gov.uk/>

14.3 SUPPORT AGENCIES

The RP SIO and the investigation team (especially the FLO) should be aware of all national and local agencies or groups that can provide support to the victims of fatal collisions, and/or campaign in relation to road safety.

14.3.1 BELT UP SCHOOL KIDS (BUSK)

BUSK is a school transport safety organisation dedicated to helping reduce injuries and fatalities on school bus journeys and school trips. The organisation is recognised both nationally and internationally as an expert in the vehicular safety of children and young people.

They can be contacted by telephone on 01633 274944.

14.3.2 BRAKECARE

BrakeCare is a division of Brake. This is the national road safety charity which works to stop death and injury on the roads and cares for people affected by road crashes.

BrakeCare produces the following guides:

- ***BrakeCare Information and advice for bereaved families and friends following a death on the road in England and Wales.*** This guide is also available for Scotland and Northern Ireland. It should be handed to families by the police within twenty-four hours following every UK road death.
- ***BrakeCare Someone has died in a road crash.*** This guide contains advice for bereaved children and their carers following a death on the road.
- ***BrakeCare Advice for families and friends following a serious injury in a road crash.*** Versions are available for England and Wales, Scotland and Northern Ireland.
- ***BrakeCare What happens in an intensive care unit?*** This guide is predominantly distributed by hospitals in the UK.

BrakeCare also provides free input sessions for the police, which cover the contents of BrakeCare literature, how to hand it to families in a sensitive and appropriate manner, and how to refer families to relevant sections. Many of the trained volunteers who deliver the sessions have been bereaved or injured in a road crash so can talk from personal experience. These sessions can be used as part of a full training day for FLOs.

The BrakeCare helpline provides emotional support and practical information to people affected by road crashes, and for professionals supporting these people. The helpline operates an answerphone service and calls will be returned within forty-eight hours.

The helpline can be contacted by telephone on 0845 603 8570.

For further information see <http://www.brake.org.uk>

To order support literature or book free input sessions telephone 01484 559909.

14.3.3 CAMPAIGN AGAINST DRINKING AND DRIVING (CADD)

CADD provides emotional and practical support for victims and the families of victims killed and injured by drunk or drugged motorists. They also offer independent information on the judicial system, civil law, inquests and coroner's courts, and on appealing against a sentence.

For further information see <http://www.cadd.org.uk/>

14.3.4 THE CHILD DEATH HELPLINE

The Child Death Helpline is run by Great Ormond Street Hospital, London, and Alder Hey Hospital, Liverpool. It may be contacted at any time following a bereavement involving a child.

For further information see <http://www.childdeathhelpline.org.uk/>

14.3.5 THE COMPASSIONATE FRIENDS (TCF)

The Compassionate Friends is an organisation of bereaved parents and their families. It offers understanding and support after the death of a child or children. The helpline is staffed by bereaved parents.

For further information see <http://www.tcf.org.uk/>

14.3.6 CRUSE BEREAVEMENT CARE

Cruse Bereavement Care aims to promote the well-being of bereaved people and enable anyone who has been bereaved to understand their grief and cope with their loss. Anyone who has been affected by a death can contact Cruse. The support is free, and there are local branches across the country.

For further information see <http://www.crusebereavementcare.org.uk/>

14.3.7 LEAD THE WAY NATALIE

Lead the Way Natalie is an organisation campaigning for a minimum five-year sentence for any fail to stop driver, and a minimum ten-year sentence should the victim die. Lead the Way Natalie also promotes road safety education, for example, by highlighting the dangers of drink or drug driving.

For further information see <http://www.leadthewaynatalie.org.uk>

14.3.8 LEARN AND LIVE

Learn and Live represents bereaved parents who have lost children in road collisions as a result of their child's or another person's lack of driving experience. The organisation campaigns to raise awareness of safer driving measures, for example, the introduction of a graduated driving licence and restrictions on the carriage of young passengers.

For further information see <http://www.learnandlive.org.uk>

14.3.9 THE NATIONAL ASSOCIATION OF BEREAVEMENT SERVICES

The National Association of Bereavement Services is a support organisation for the bereaved. It can refer people to their nearest appropriate source of support.

Their helpline telephone number is 020 7709 9090.

14.3.10 ROADPEACE

The RoadPeace helpline offers free, confidential support and information to the bereaved, the injured and their carers. The helpline is staffed by trained volunteers, who have themselves suffered bereavement or injury. Local support is available through a network of local groups, and written information is available on the various procedures, such as inquests, which follow a collision.

In addition, RoadPeace:

- Publishes a guide for bereaved families of road crashes;
- Is a member of the European Federation of Road Crash Victims (FEVR) and has a mutual assistance agreement with partner organisations in other countries;
- Is able to assist victims speaking French, Spanish, German, Polish, Hindi and Urdu.

For further information see <http://www.roadpeace.org/index.shtml>

14.3.11 ROYAL SOCIETY FOR THE PREVENTION OF ACCIDENTS (ROSPA)

RoSPA provides information, advice, resources and training to promote safety and accident prevention in all areas of life, including on the roads.

For further information see <http://www.rospace.co.uk/>

14.3.12 SAMARITANS

Samaritans provide confidential emotional support twenty-four hours a day for anyone in need. Helplines are staffed by trained volunteers, who will listen sympathetically.

For further information see <http://www.samaritans.org.uk/>

14.3.13 SUPPORT AND CARE AFTER ROAD DEATH AND INJURY (SCARD)

SCARD provides emotional and practical support to those bereaved, injured or affected by road death or injury. It has a local-rate telephone helpline staffed by volunteers and offers access to counselling. The group aims to raise awareness of road danger by information and education.

For further information see <http://www.scard.org.uk/>

14.3.14 THE TRAUMA AFTERCARE TRUST

The Trauma Aftercare Trust helps people who have suffered various types of disaster and who are suffering mid and long-term psychological after effects known as post-traumatic stress disorder. The twenty-four hour helpline offers immediate support.

The telephone helpline number is 01242 890306.

14.3.15 VICTIM SUPPORT

Victim Support is the national charity which helps people cope with the effects of crime. They provide free and confidential support and information via their telephone helpline and network of local branches. Victim Support can also provide information and support before, during and after a trial.

For further information see <http://www.victimsupport.org/>



APPENDIX 1

ABBREVIATIONS AND ACRONYMS

ABBREVIATIONS AND ACRONYMS

| | |
|----------------------|---|
| AAIB | Air Accident Investigation Branch |
| ABS | Anti-Lock Braking System |
| ACPO | Association of Chief Police Officers |
| ANPR | Automatic Number Plate Recognition |
| APS | Ambulance and Paramedic Service |
| ATM | Area Team Manager |
| BCU | Basic Command Unit |
| BTP | British Transport Police |
| BUSK | Belt Up School Kids |
| CADD | Campaign Against Drinking and Driving |
| CCTV | Closed-Circuit Television |
| CHIS | Covert Human Intelligence Source |
| CPIA | Criminal Procedure and Investigations Act |
| CPS | Crown Prosecution Service |
| CSC | Crime Scene Coordinator |
| CSI | Crime Scene Investigator |
| CSM | Crime Scene Manager |
| DfT | Department for Transport |
| DNA | Deoxyribonucleic Acid |
| DRT | Drug Recognition Training |
| DSA | Driving Standards Agency |
| DSU | Dedicated Source Unit |
| DVI | Disaster Victim Identification |
| DVLA | Driver and Vehicle Licensing Agency |
| EUCARIS | European Car Information System |
| FIT | Field Impairment Testing |
| FLC | Family Liaison Coordinator |
| FLO | Family Liaison Officer |
| FMT | Forensic Management Team |
| FRS | Fire and Rescue Service |
| GPS | Global Positioning Systems |
| HATO | Highways Agency Traffic Officer |
| HGV | Heavy Goods Vehicle |
| HSE | Health and Safety Executive |
| IPCC | Independent Police Complaints Commission |
| ISU | Incident Support Unit |
| LGV | Large Goods Vehicle |

| | |
|-----------------------|---|
| LSCB | Local Safeguarding Children Board |
| MAIB | Marine Accident Investigation Branch |
| MG11 | A form used by the police for all witness statements |
| MIR | Major Incident Room |
| MIRSAP | Major Incident Room Standardised Administrative Procedures |
| MO | Modus Operandi |
| NCRF | National Collision Report Form |
| NIM | National Intelligence Model |
| NOS | National Occupational Standard |
| NPIA | National Policing Improvement Agency |
| NQoSC | National Quality of Service Commitment |
| ORR | Office of Rail Regulation |
| PACE | Police and Criminal Evidence Act |
| PCSO | Police Community Support Officer |
| PCV | Passenger Carrying Vehicle |
| PEACE | Preparation and Planning; Engage and Explain; Account; Clarification and Challenge; Closure and Evaluation |
| PI | Principal Inspector |
| PII | Public Interest Immunity |
| PIMS | Police Informant Management System |
| PIP | Professionalising Investigation Programme |
| PLSG | Police Liaison and Support Group |
| PNC | Police National Computer |
| PoISA | Police Search Adviser |
| PSNI | Police Service of Northern Ireland |
| PSV | Public Service Vehicle |
| QUEST | Querying Using Enhanced Search Techniques |
| RAIB | Rail Accident Investigation Branch |
| RCC | Regional Control Centre |
| RIDDOR | Reporting of Injuries, Diseases and Dangerous Occurrences Regulations |
| RIPA | Regulation of Investigatory Powers Act |
| RNPS | Register of Number Plate Suppliers |
| RoSPA | Royal Society for the Prevention of Accidents |
| RP SIO | Roads Policing Senior Investigating Officer |
| SA | Scientific Adviser |
| SAD-CHALETS .. | Survey, Assess, Disseminate, Casualties, Hazards, Access, Location, Emergency services, Type of incident, Safety |
| SCARD | Support & Care After Road Death & Injury |
| SIM | Senior Identification Manager |
| SIO | Senior Investigating Officer |
| SOC | Specialist Operations Centre |
| SOP | Standard Operating Procedure |
| SPoC | Single Point of Contact |
| T&CG | Tasking and Co-ordination Group |
| TCF | The Compassionate Friends |
| TIE | Trace/Interview/Eliminate |
| VIN | Vehicle Identification Number |
| VIPER | Video Identification Parade Electronic Recording |
| VODS | Vehicle Online Descriptive Search |
| VOSA | Vehicle and Operator Services Agency |
| VRM | Vehicle Registration Mark |

APPENDIX 2

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REFERENCES

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