



Kent Police

ROAD DEATHS INVESTIGATION IMPLICATIONS FOR HIGHWAYS

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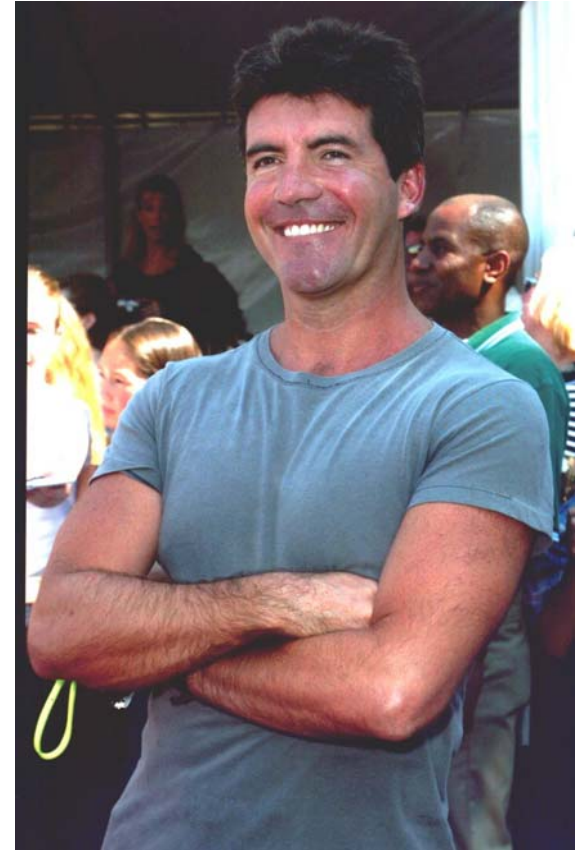
THE ROLE OF THE POLICE

As a stake holder charged with:

1. Roads policing with the aim of reducing casualties, enforcing the law & combating anti - social driving.
2. The primary body for the investigation of serious collisions and principally road deaths

HEALTH WARNING

**This presentation
contains images or
information which
some may find
distressing**



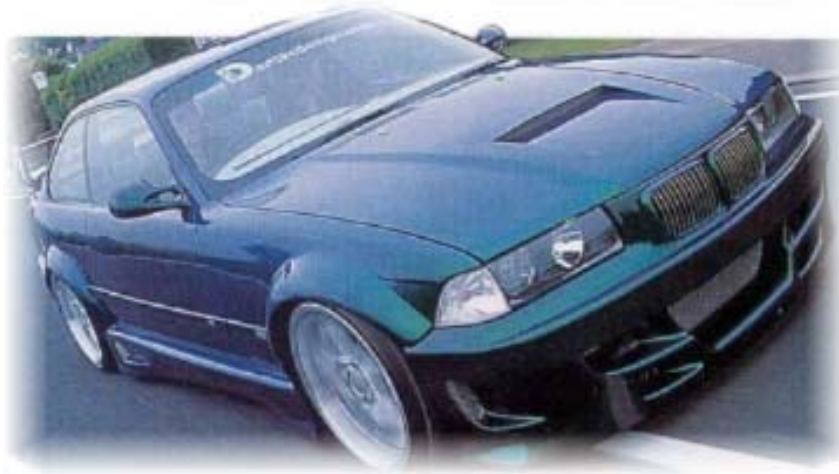
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DEFINITION

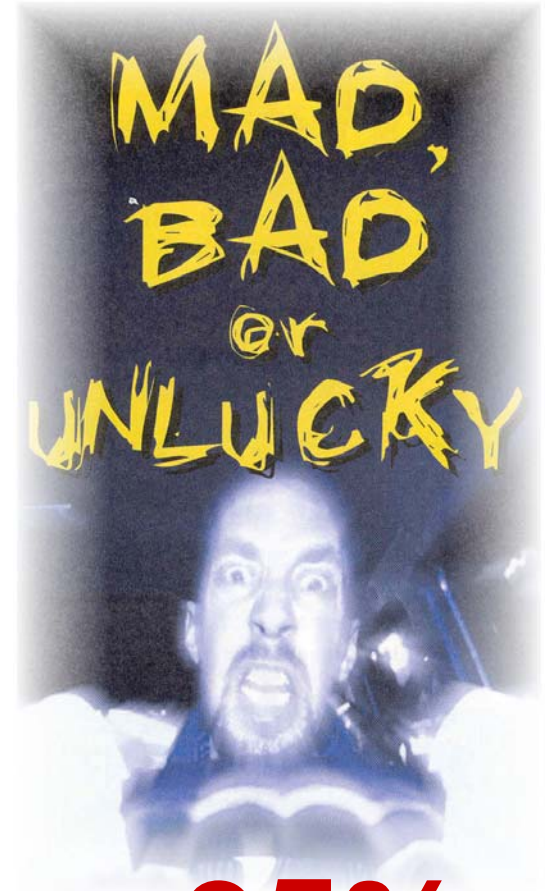
Rare & random MULTI FACTOR event in which one or more road users fails to cope with their ENVIRONMENT

- Traditionally fatal road deaths investigations centred around the driver
- Inevitably as the breadth and depth of police investigations increases so they have come to examine in far greater depth the potential influences the highways conditions may have contributed

THREE KEY ELEMENTS



2%



95%



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3%

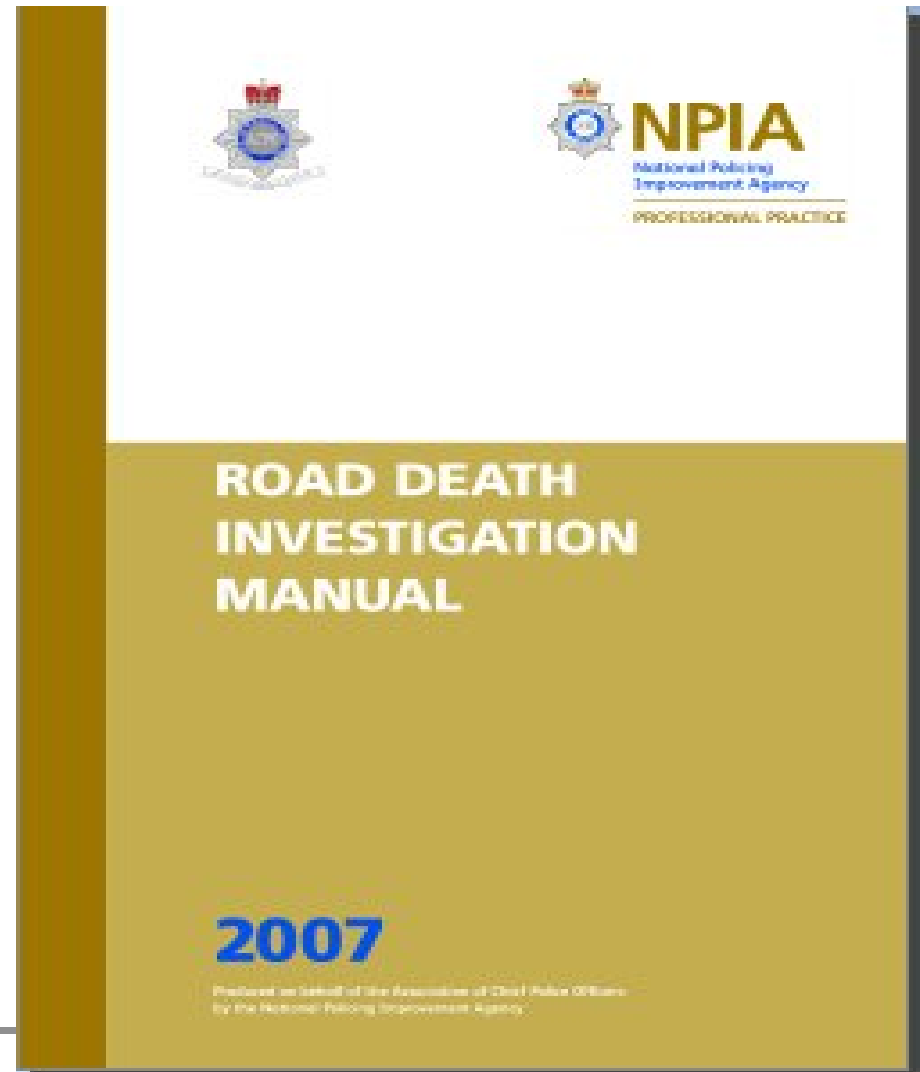
HAVE THE RULES OF ENGAGEMENT CHANGED? THE SIMPLE ANSWER IS - YES

There were three fundamental reasons for this:

- 1. Legislation (ECHR)**
- 2. A review in the way police responded to, and treated, the investigation of road deaths (RDIM)**
- 3. The Corporate Manslaughter & Corporate Homicide Act 2007**

ROAD DEATHS INVESTIGATION MANUAL

- Introduced in 2000
- New version out now
- 14 Sections
- 22 Additional documents/Appendices



POTENTIAL OFFENCES

1. MANSLAUGHTER (Individual)
2. CORPORATE MANSLAUGHTER (NEW)
3. HEALTH & SAFETY AT WORK ACT.
4. HIGHWAYS ACT
5. ROAD TRAFFIC ACT 1988.

CONTRIBUTORY?

- Fatting up
- Rutting
- Potholes
- Flooding/drainage issues



HIGH FRICTION – CAN A SAFE ROAD SURFACE BE HAZARDOUS/CONTRIBUTORY?

- Looks & performs great new
- What happens when half wears away and you are causing an imbalance in braking effect across axles by 40+%!
- What happens when the motorcycle or LGV leaves this surface onto one that support 25% less lateral acceleration?
- How often are you prepared to 'refresh / renew' this surfacing?



AREAS UNDER INVESTIGATION

- ✓ Defects in the wearing course.
- ✓ Road surface condition Rutting or channelling
- ✓ Standing water due to design, maintenance or drainage issues
- ✓ Missing, worn or incorrect carriageway markings.
- ✓ Overbanding
- ✓ Non compliance with accepted design standards HD19/03 on HA roads or county standards.
- ✓ Prior knowledge of collisions at a site
- ✓ Winter maintenance schedules

**IS IT AN ISOLATED INCIDENT OR
ARE THERE SYSTEMIC FAILURES**

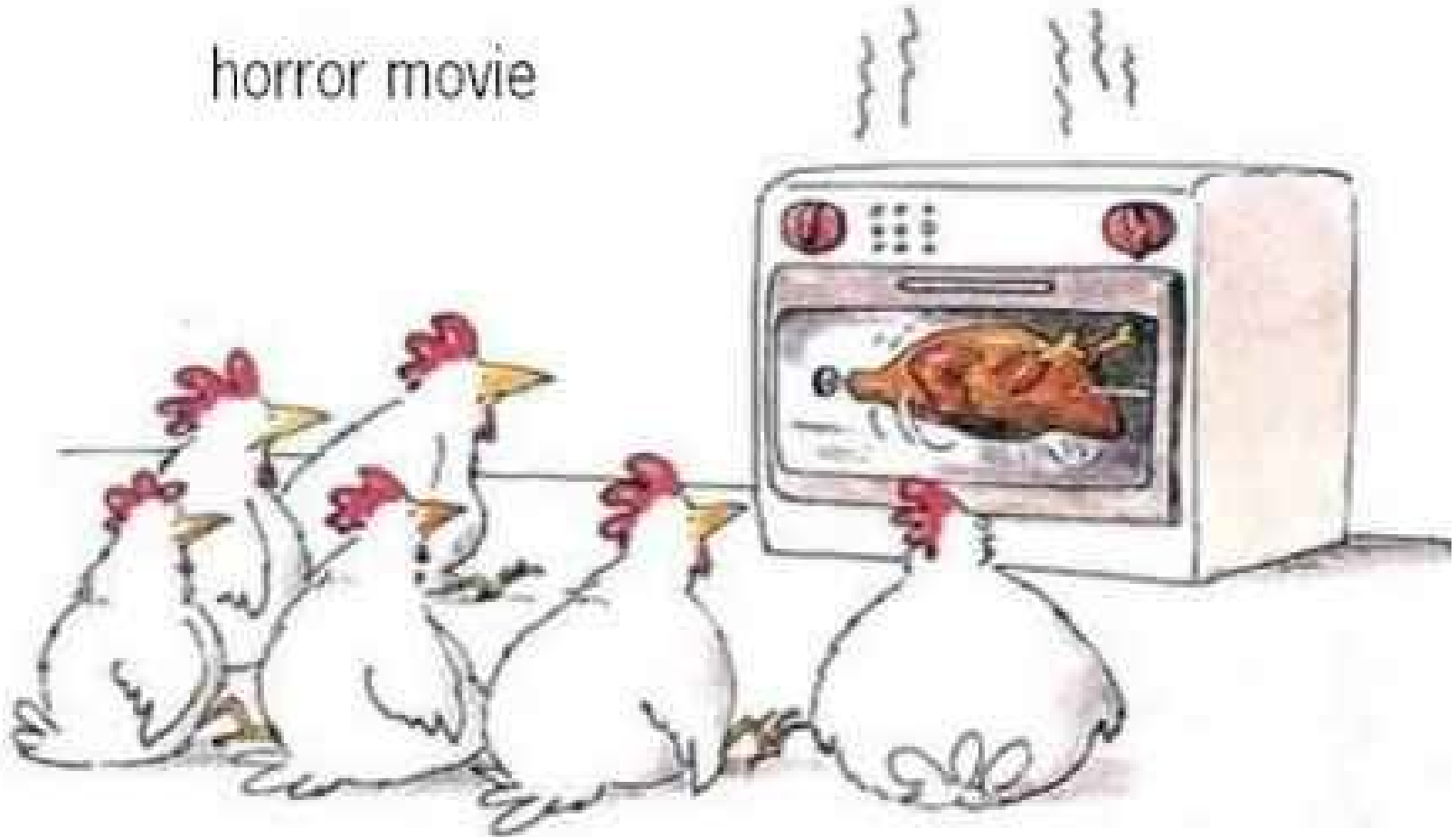
SO WHAT HAPPENS WHEN IT DOES GO WRONG

- WE POP AROUND FOR A CHAT



SO WHAT'S LIKE BEING INVESTIGATED?

horror movie



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SOME OF WHAT WE'LL WANT

AND THE IDENTITY OF THE ACCOUNTABLE MANAGER!

- Background as to the work's priority and inclusion on a maintenance or resurfacing programme (scheme lists, committee approval, criteria used for prioritising sites)
- Highway Maintenance Plan & associated maintenance policies
- Tender documents and/or specification for the works
Surfacing policy & associated procedural documents
- Skid Resistance policy & associated procedural documents
- Safety Inspection policy & associated procedural documents
- Details of any preparation work at the location prior to the resurfacing
(e.g., patching / haunching)
- Details of any site-specific information given to the contractor regarding methods/equipment to be adopted, operational restrictions, timing of works.

CONSEQUENCES

- ✓ ARRESTS!!!!!!!
- ✓ Dawn raids (**our dawn NOT yours**) for computers, documents – search warrants - SECTION 8 PACE!!
- ✓ Early cries of 'MURDER' or 'MANSLAUGHTER'
- ✓ Lack of good auditing/absence of documentation could be interpreted as **"what are you hiding?"**
- ✓ Homes as well as offices.
- ✓ Seizure of files, records, minutes of meetings, computers etc
- ✓ Forensic testing of documentation (don't 'update' records, we'll know!)



CONSEQUENCES

- ✓ Joint/parallel investigations with the HSE
- ✓ Downloads of e-mails
- ✓ Downloads of mobile phones, PDA's, 'Blackberrys' - including all those romantic messages and pictures you thought you had deleted!!
- ✓ In-depth interviewing by trained officers under caution, audio and video taped.
- ✓ Being released ON POLICE BAIL while further enquiries are made



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**YOU WILL FEEL YOU ARE BEING TREATED LIKE
CRIMINALS BECAUSE IT'S A CRIMINAL INVESTIGATION.**

MORE CONSEQUENCES

A corporate investigation could 2-3 years.

Can you sustain:

- Disruption of your workplace**
- Inability to carry out day to day operations**
- Short, medium or long term staff morale & occupational health/welfare issues**

REALITY CHECK



**We have to do this
9 times a day -
every day on average!**



THE WAY FORWARD

- ✓ Far closer working links between Highways Authorities and Police Collision Investigation teams – consider your own 'in house investigators'.
- ✓ Joint Investigations and reports into Serious Road Traffic Collisions
- ✓ Inter agency training and workshops
- ✓ Highways Authorities to appoint single points of contact
- ✓ Use investigations as a learning and auditing opportunity
- ✓ Carry out auditable asset risk management & assessment
- ✓ Remember who we serve, the public, and what we are all trying to do -

THANKS FOR LISTENING

