

# ROAD CLOSURES FOR COLLISION INVESTIGATION



**Devon & Cornwall Police**  
Building safer communities together

**Shaun Sawyer**  
**Chief Constable**

# Context

- Loss to UK Plc – estimated £1bn per year
- Community & business development impact
- D&C is largest geographic force in England
- Majority of force boundary is coastal
- Only 3 strategic routes – M5, A38, A30
- Infrastructure & geographic limitations







# Investigation of Road Deaths

- ◆ Investigating a death is core police work
- ◆ 1,754 UK road deaths in 2012 (8% down)
- ◆ Devon & Cornwall:

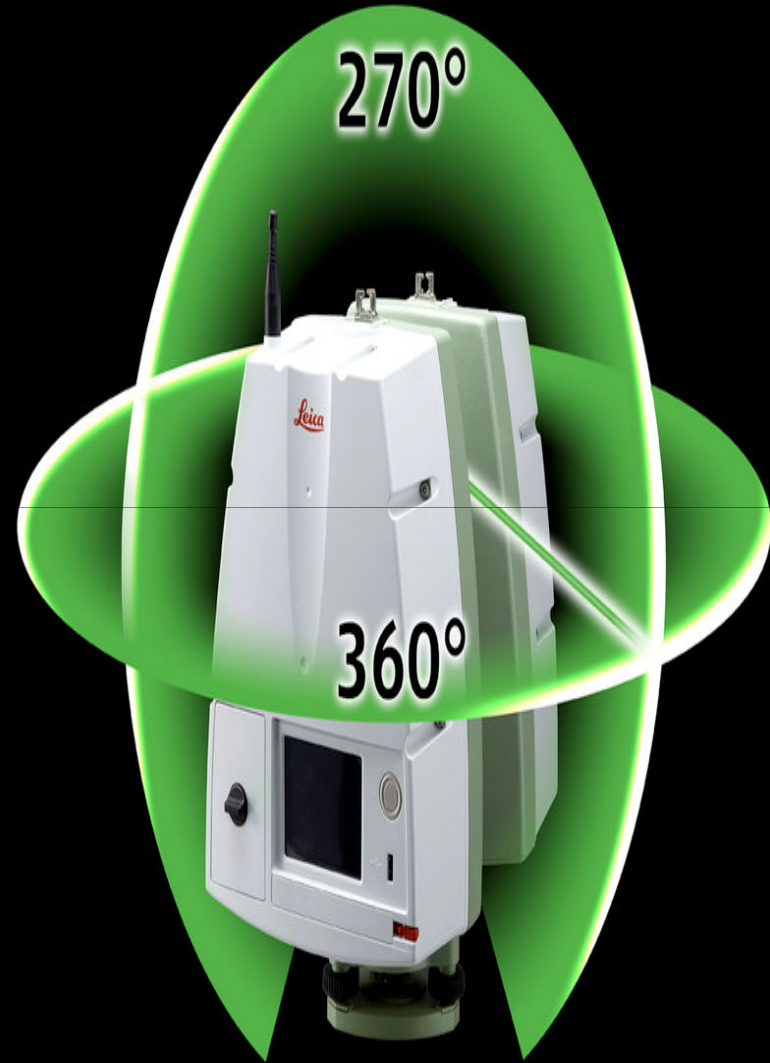
YEAR	KILLED	KILLED + SERIOUS INJURY
2008	81	575
2009	66	454
2010	57	582
2011	43	561
2012	69	554

# Diligence

- ◆ Death investigated on behalf of the Coroner
- ◆ Inquest and/or criminal prosecution
- ◆ Deliver answers for the victims or bereaved
- ◆ FLO's provide support and contact for family
- ◆ Balancing competing demands:
  - ◆ Complete the investigation to RDIM standards
  - ◆ Gather all the available evidence required by HR Act
  - ◆ Ensure roads are closed for as little time as possible
  - ◆ Keep the family, victims and public informed

# Road Closures (RTC)

- ◆ Roads often blocked not 'closed' by police
- ◆ Average times following a collision:
  - ◆ Serious – 1 to 3hrs (often just physically blocked)
  - ◆ Fatal – 5 to 7hrs (often a police closure)
- ◆ Times from incident to prosecution
  - ◆ Serious – 3 to 6 months (to file submission)
  - ◆ Fatal – 6 to 18 months (to Crown Court/Inquest)



# Human Rights Act

- ◆ *“Investigation should be independent and accessible to the victims family... carried out with reasonable promptness ... be effective... lead to a determination... afford a sufficient element of public scrutiny of the investigation or its results.”*



# Human Rights Act

- ◆ *“The authorities must have taken reasonable steps... to secure the evidence concerning the incident, including ... eyewitness testimony, forensic evidence and... autopsy. Any deficiency in the investigation which undermines its ability to establish the cause of death, or the person(s) responsible, will risk falling foul of this standard.”*

# Consequences & Benefits

- ◆ Judicial review of a prosecution/inquest
  - ◆ Defective inquest process
  - ◆ Unsafe prosecution
  - ◆ Damages claims
  - ◆ Disciplinary action
- ◆ Adheres to national investigative standards
  - ◆ Improves public confidence
  - ◆ Delivers justice to the victim and bereaved
  - ◆ Maintain investigative integrity on road deaths

# Western Morning News

The Voice of the Westcountry

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**Crash chaos is  
just too costly**



# Police defend crash road closure policy

ROAD closures following crashes are an inevitable consequence of the need for the police to treat the scene of every road accident as a potential crime scene, a senior Devon and Cornwall officer explained yesterday.

And with the maximum sentence for causing death by dangerous driving to rise from ten to 14 years, police say there is a need for the investigation to be thorough and comprehensive.

Officers were speaking after an eight-hour road closure following a fatal accident on Monday, which business leaders claimed cost the local economy £10 million. They say there have been other long closures following serious accidents which have hit business by causing huge delays.

Yesterday, Chief Insp Ian Aspinall, head of the traffic division of Devon and Cornwall, said: "Once we reopen the road the evidence is gone forever."

## MARK CLOUGH

Chief Insp Aspinall said that road closures after crashes were necessary to ensure that the police complied with the law.

"Article Two of the Human Rights Act 1998 states that where someone is denied their right to life the relevant authorities have to carry out an efficient and effective investigation of that person's loss of life," he said.

## 'Once we reopen the road the evidence is gone forever'

Chief Insp Aspinall said that every road crash scene was treated as the scene of a potential homicide requiring a "high quality criminal investigation".

That duty has to be balanced against Article Eight of the Act which enshrines the right to private

and family life. The article states there shall be no interference with that right except in accordance with the law to prevent a crime.

Other factors which pose a problem for police officers investigating crash scenes include health and safety legislation.

"At the scene of a crash there will be oil, petrol and other chemicals. There could also be body parts and fluids, which have to be dealt with correctly," said Chief Insp Aspinall.

"I have a huge duty of care to be responsible for the health and safety of everyone at the scene. That is why we have to close the road down.

"We have to do it proportionately and as soon as we close the road we review that closure every 30 minutes to make sure officers keep on their toes about the closure."

Chief Insp Aspinall said the police were very aware of the inconvenience that road closures caused and the cost to businesses.

"We are stuck between a rock and a hard place because with many of these closures the Westcountry doesn't have the infrastructure for us to be able to divert traffic very easily," he said.

"We are working closely with other authorities on this to try to reduce the problem. Not only does a closure cause the public a lot of time and inconvenience, of which we are keenly aware, but it also means my police resources are tied up at the scene often for hours on end.

"For the Perch garage murder inquiry at Wadebridge, the A39 was closed for four days and we received no complaints from the public."

A fatal road crash near Landrake on the A38 Cornwall on Monday caused major traffic delays when the road was closed for eight hours. Last week, a fatal accident road closure on the A38 near Plymouth caused huge rush-hour huge delays.

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# Moving Forward

- ◆ Investigating road death is a core police task
  - ◆ Safer Roads Support Unit in D&C
- ◆ Innovations in technology
  - ◆ Highways Agency CLEAR initiative
  - ◆ 16 Oct 13 Ministerial Conference on road closures
- ◆ Funding is critical to the business
  - ◆ Increased staff/assets can reduce investigation times
- ◆ Recognise some unique issues to D&C
  - ◆ Geography & road infrastructure

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