



**POLICE
SCOTLAND**

Keeping people safe

**Road Death Investigation
Manual**

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Contents

1. Overview
2. Key Roles in Fatal Collision Investigation
3. Initial Response
4. Investigation Stage
5. Developing an Investigative Strategy
6. Implementing an Investigative Strategy
7. Collision Scene Management Strategy
8. Forensic Collision Investigation Strategy
9. Intelligence Strategy
10. Witness Management Strategy
11. Witness Interview Strategy
12. Suspect Management Strategy
13. Suspect Interview Strategy
14. Family Liaison Strategy
15. Communication and Community Strategy
16. Post Mortem and Pathologist
17. Other Agencies and Resources
18. Support Agencies

Appendices

Appendix 'A'	Health and Safety Executive – Work Related Deaths – A Protocol for Liaison
Appendix 'B'	Fatal Accident Inquiries
Appendix 'C'	Road Policing SOPs

1. Overview

- 1.1 The Police Scotland Road Death Investigation Manual has been updated in order to replace the version published previously by the former Association of Chief Police Officers in Scotland (ACPOS).
- 1.2 The manual is founded on current investigative approaches and will provide support to develop sound processes around Road Death Investigation.
- 1.3 The manual will remain a living document that can be improved as new developments and opportunities are developed and embedded within investigative procedures. The Police Scotland Road Death **Policy** Group will oversee maintenance and review of this manual.
- 1.4 The [Lord Advocate's Guidelines on the Investigation of Road Traffic Deaths](#) support the manual and must be referred to in all road death investigations and the Police Scotland [Investigation of Death SOP](#) also provides a valuable source of information.
- 1.5 This manual 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 Road Policing Senior Investigating Officer (RP SIO). It may also be of benefit to senior management who have responsibility for managing resources and to other staff involved in fatal collision investigations.
- 1.6 Content of this manual focuses on a specific area where the Police Service of Scotland may benefit from evidence-based good practice. Practitioners are encouraged to use this manual to support continuous review of 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.
- 1.7 The manual is arranged in three parts. These are summarised as follows:
 - **Part 1 – Resources (Section 2)**
Resources refer to the key Police roles required to conduct effective fatal collision investigations.
 - **Part 2 – Key Investigative Principles (Section 3)**
This manual adheres to the principle that all fatal collisions should be investigated as a 'suspicious death' 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.

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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 manual are consistent with those described in the [Scottish Investigators Guide](#), [Crime Investigation SOP](#) and [ACPO Murder Investigation Manual](#).

- **Part 3 – Key Components of Fatal Collision Investigation (Section 8)**
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.

- 1.8 Although the content of this manual is concerned with fatal collision investigation, the roles, principles and components can also be applied to the investigation of non-fatal collisions.
- 1.9 This manual references additional sources of information and guidance that can help staff involved in all aspects of fatal collision investigation.

1.10 Fatal Collision Investigation and the National Intelligence Model

- 1.10.1 Although the focus of this manual 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 road 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 both Police Scotland and the Scottish Government.
- 1.10.2 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.
- 1.10.3 Tasking and co-ordination processes (e.g. daily management meeting, tactical tasking and co-ordination group) should be followed to request additional resources and support during an investigation. For more general information on the National Intelligence Model (NIM), see [Guidance on the National Intelligence Model \(NIM\)](#).

1.11 Management issues

- 1.11.1 Police Scotland must ensure that the policies, practices and procedures contained in this manual form the cornerstone of fatal collision investigation. To achieve this, Police Scotland should ensure that:

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- The key roles outlined in 2.1 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.

1.12 Defining Material

1.12.1 The term material is used throughout this manual. Material is not currently defined in Scottish law; however, the definition of relevant material is provided by [Lord Coulsfield's Review of the Law and Practice of Disclosure in Scotland \(2007\)](#).

1.12.2 'Relevant material' is defined as:

"...anything that appears to an investigator, or the officer in charge of an investigation or the disclosure officer to have some bearing on any offence under investigation or any person being investigated or on the surrounding circumstances unless it is incapable of having any impact on the case".

1.12.3 The following list gives an example of material in a road policing context. 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 made 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.

1.12.4 All material gathered during an investigation will be subject to disclosure protocols, irrespective of whether it is used as information, intelligence or evidence, for further information refer to the [Disclosure of Evidence in Criminal Proceedings SOP](#).

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PART 1 - Resources

2. Key Roles in Fatal Collision

2.1 Introduction

2.1.1 The nature and focus of a fatal collision investigation varies 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 Police Scotland to develop and allocate appropriate resources to investigate every fatal collision. These resources include:

- Road Policing Senior Investigating Officer (RP SIO);
- Specialist roles pertinent to fatal collision investigation, for example, Road Policing Forensic Collision Investigator.

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

2.2 The Role of the Road Policing Senior Investigating Officer

2.2.1 The role of the Road Policing Senior Investigating Officer (RP SIO) is crucial to the efficient investigation of a fatal collision. The RP SIO generally acts as the lead investigator for all fatal collisions. However, some circumstances may require a crime SIO to assume this role, such as Murder/Culpable Homicide and Hit and Run Investigations.

2.2.2 Any officer undertaking the role of RP SIO must have completed an accredited SIO course and be able to:

- 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 for the conduct of the investigation.

2.2.3 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 roles of investigator and manager.

2.3 RP SIO as an Investigator

2.3.1 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:

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- 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.

2.4 RP SIO as Manager

2.4.1 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, e.g. 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 [4.6 Investigative Team Approach](#).

2.4.2 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.

2.5 RP SIO Experience and Training

2.5.1 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.

2.5.2 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.

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- 2.5.3 Some of these skills are transferable from previous roles, but continuing development and understanding will increase the RP SIOs professionalism and improve their approach to all investigations.
- 2.5.4 Police Scotland should ensure that all officers performing the role of RP SIO are accredited and regularly updated with any changes in investigation protocol or legislation as appropriate.
- 2.5.5 This may be achieved through existing investigative training provision. In support of this Divisional Road Policing Units (DRPU) and Trunk Road Patrol Groups (TRPG) 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.

2.6 Other Specialist Roles in Fatal Collision Investigation

- 2.6.1 In addition to the RP SIO, the following key roles are required for effective fatal collision investigations:
- Road Policing Forensic Collision Investigator (RPFCI);
 - Vehicle Examiner (VE);
 - Family Liaison Officer (FLO);
 - Investigating Officer (IO).
- 2.6.2 The RP SIO must also be aware of the additional resources and specialisms that may be required to progress the investigation, see **2.11** Other Key Resources.
- 2.6.3 The Police Investigations and Review Commissioner (PIRC) may, on the instruction of the Crown Office and Procurator Fiscal Service, investigate fatal collisions or 'likely to prove' collisions where there is an indication that the person driving was a person serving with the Police.

2.7 Road Policing Forensic Collision Investigator (RPFCI)

- 2.7.1 The involvement of a Road Policing Forensic 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 and to enable the reconstruction of the collision;
 - In conjunction with other staff as required, ensuring that such material is photographed (supplemented by video recording or return to scene if appropriate), along with the surrounding topography in order to give context;

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- If appropriate in the circumstances 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.

2.8 Vehicle Examiner (VE)

- 2.8.1 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, e.g. the Collision Investigator or dedicated Vehicle Examiner.
- 2.8.2 Civilian staff specifically employed as Vehicle Examiners may also undertake it. In cases involving large goods (LGVs) and passenger carrying vehicles (PCVs), it would be appropriate to consider engaging the services of the Driver and Vehicle Standards Agency (DVSA) to provide assistance, (see **17.23** - Driver and Vehicle Standards Agency (DVSA)).
- 2.8.3 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.
- 2.8.4 In addition to these requirements, the vehicle examiner may also undertake a number of additional tasks, although it must be emphasised that the Forensic Collision Investigator may have completed them or have overall responsibility for them.

2.8.5 Additional tasks may 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;

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- 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), collision or incident data recorders 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.

2.8.6 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 homicide ([Corporate Manslaughter & Corporate Homicide Act 2007](#)) in order to identify any system failures. Reference should be made to the regular publications from DVSA Vehicle Safety Branch.

2.8.7 Additional information in this respect can be found within the [Police Scotland Corporate Manslaughter and Corporate Homicide Act 2007 Manual of Guidance for Senior Investigating Officers](#).

2.9 Family Liaison Officer (FLO)

2.9.1 The primary role of the FLO is to work to the objectives set in a family liaison strategy. The principal role of a FLO is that of an investigator and where there is no identified investigative need then a FLO will not generally be required. Where a decision not to deploy a FLO is taken it is important to note that it is essential that an officer is identified to act as a single point of contact with the family or their nominated representatives.

2.9.2 Beyond any 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 prior agreement of the RP SIO, in order to avoid compromising the enquiry;
- Facilitating the viewing, identification and release of the body;
- Ensuring the return of property is carried out tactfully, sensitively, in accordance with the family's wishes and with due regard to current Police Scotland procedures;
- Informing the family of suitable support agencies and sources of information, for example; BrakeCare, and Cruse Bereavement Care, Scotland, see **18 – Support Agencies**.

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2.9.3 For further information on the role of the FLO, see Police Scotland [Family Liaison SOP](#). For further information on the family liaison strategy (See section [14](#) Family Liaison Strategy).

2.10 Investigating Officer

- 2.10.1 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.
- 2.10.2 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 and statement noting skills;
 - The ability to work with minimum supervision;
 - A disciplined approach to the work of the investigation;
 - A sound knowledge of relevant legislation.
- 2.10.3 Officers involved in general road policing duties may have the most relevant skills to fulfil this role.

2.11 Other Key Resources

- 2.11.1 In addition to the key roles already listed, the RP SIO must consider other specialist roles that will support the investigation, this may [include](#) Disclosure and Productions officers. Other roles will be dependent on the circumstances of each individual case and their requirements will be determined by it, for example, Scene Manager, Police Traffic Management Officer or Analyst.
- 2.11.2 These roles and other specialist partners are explained at relevant points throughout this manual. The RP SIO must be able to acquire these resources and be aware of how they can help to progress a fatal collision investigation.
- 2.11.3 Police Scotland may wish to explore the possibility of employing police staff to perform key roles in a fatal collision investigation, for example, a police staff Forensic Collision Investigator. This type of resource can be used to supplement dedicated police resources. Employing police staff in these roles remains at the discretion of the Head of Road Policing.

2.12 Configuration of Resources for Fatal Collision Investigation

- 2.12.1 In order to conduct an effective fatal collision investigation, Police Scotland must be able to provide an appropriate response twenty-four hours a day, seven days a week. The Head of Road Policing is responsible for ensuring that resources are configured to meet this need.

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PART 2 - Investigative Principles

3. Initial Response

3.1 Introduction

3.1.1 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. All staff must be adequately trained and supervised in the actions they should take in relation to reports of potential fatal collisions.

3.1.2 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 Investigation

3.2.1 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 informant;
- First account of 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.

3.2.2 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.

3.2.3 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;

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- Not touch or move anything;
- Identify themselves to officers arriving at the scene.

3.2.4 The recordings 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 Initial Response

3.3.1 The actions taken by the first officers attending the scene of a collision are critical to the success of any future 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 mind-set from the outset.

3.3.2 They incorporate:

- Conducting an initial assessment (incorporating SAD-CHALETs, see 3.4 - 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).

3.4 Conducting an Initial Incident Assessment

3.4.1 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.

3.4.2 A suitable mnemonic that can help officers conduct this initial assessment is **SAD-CHALETs**:

Survey the scene from a distance with due regard to safety

Assess the scene

Disseminate information initially via Area Control Room (ACR)

Casualties – approximate number of dead, injured and uninjured

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

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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, e.g. of number of vehicles or buildings involved

Start a log and **Safety** – Consider commencing an incident log and conduct and Review dynamic risk assessments for working at or near the scene.

- 3.4.3 An initial assessment, either from the first officers or police staff at the scene or via information received by the ACR, may determine the need to declare a major incident.
- 3.4.4 Police Scotland has its own major incident procedures. It is important that staff are aware of these procedures. See Police Scotland [Major Incidents – Initial Response, Roles and Structures SOP](#).
- 3.4.5 If applicable, and not already ascertained, the first officers or police staff at the scene should provide the ACR with a description of suspects and their associated entry and egress points.
- 3.4.6 Regardless of the circumstances, the first officers or police staff attending must consider starting a scene log at the earliest opportunity.

3.5 Making the Scene Safe and Preserving Life

- 3.5.1 Following the initial assessment, the 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. (For further guidance on Scene Safety see [Policing Scotland's Roads](#).)
- 3.5.2 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).
- 3.5.3 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;

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- 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.

3.5.4 When a victim is moved from the scene to a 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.

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

- Establish the identity of the victim and or suspect;
- 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 breath/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.

3.5.6 Where staff, attending the scene believe the victim is dead, a police surgeon, Pathologist or other medically qualified personnel should be called to formally pronounce life extinct. The Handling of Human Remains Regulations allow a paramedic, nurse, ambulance officer or other person appointed by a medical practitioner, to issue a Declaration of Life Extinct Form. This permits the body of a deceased person to be removed from the place of death. If there is any doubt, first aid should be administered immediately and an ambulance called.

3.6 Preserving the Scene

3.6.1 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

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- Secure

3.6.2 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 Police Scotland [Policing Scotland's Roads](#).

3.7 Identify

- 3.7.1 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.
- 3.7.2 Ensure all casualties are accounted for, giving consideration to the possibility of parties ejected, or having wandered, from a vehicle. If it becomes apparent that the scene is larger than initially thought, resources may need to be redeployed to secure the scene.

3.8 Protect

- 3.8.1 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. Identifying and defining permissible routes within the scene can complement this.

3.9 Secure

- 3.9.1 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.
- 3.9.2 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](#))

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- Close roads and create diversions ([Section 67 Road Traffic Regulation Act 1984](#))
- 3.9.3 Other partners, including Transport Scotland's Operating Companies 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 roads authority or Transport Scotland's Operating Company to help with road closures and diversions. In these circumstances, existing protocols between Police Scotland and these agencies should be followed. For further information see **7.7** - Managing Disruption and Releasing the Scene.
- 3.9.4 When securing the scene, it is important that entry is prevented to anyone other than authorised personnel (e.g., RP SIO, Collision Investigator, Scenes of Crime Officer). Staff managing the scene must ensure that those who enter, where necessary, wear protective clothing.
- 3.9.5 A scene log should be considered 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.
- 3.9.6 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.

3.10 Securing Material and Identifying Witness(es)

- 3.10.1 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 productions;
 - Material being obliterated;
 - Contamination of the locus;
 - Loss of material.
- 3.10.2 To achieve this, and when appropriate, liaison may be required with other emergency service personnel and/or forensic collision investigators to move emergency vehicles if they are positioned on top of, or close by, potential material.

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3.10.3 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 or careless driving.

3.11 Identifying the Victim(s)

3.11.1 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.

3.12 Identifying the Suspect(s)

- 3.12.1 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 (e.g. tachograph charts, documents, and reconnection of speed limiter) must be managed.
- 3.12.2 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 officers who are already there arrest the offender(s) at the scene, the fact that the arresting officer has been at the scene should be declared to the RP SIO as soon as possible.
- 3.12.3 Detaining 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

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10.5 - Witness Categorisation. Suspects should be examined for fitness to be interviewed prior to questioning.

3.12.4 Officers are reminded that it remains the Police Scotland policy to breath test every driver who is involved in a collision (See Police Scotland [Road Traffic Collisions SOP](#)). The absence of alcohol or any suspicion of impairment through drugs is as important evidentially as a positive result or substantiated suspicion. Where there has been potential impairment through drugs, the use of officers suitably trained in Drug Influence Recognition and Preliminary Impairment Testing (DIR/PIT) is strongly encouraged.

3.12.5 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;
- Checking abandoned or parked vehicles;
- Identifying the route taken as soon as possible;
- Recovery of CCTV footage (within vehicles and fixed point) on access and exit routes, also consideration of Safety Camera Partnerships to help identify suspect(s) and witnesses.

3.12.6 These types of incidents are potentially complex and may subsequently require the establishment of a major incident room (MIR). For further information, see **6.7** - Complex Cases.

3.13 THE RP SIO AND THE INITIAL RESPONSE

3.13.1 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 control.

3.13.2 There will be 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.

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3.13.3 They should:

- Ensure that any instructions they give for the preservation of the scene or other fast-track actions (see 3.14 – The Golden Hour Principle and Fast-Track Actions) are clearly communicated and recorded;
- Consider authorising the deployment of additional or specialist resources, where they have sufficient information to enable a judgment 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.

3.13.4 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.

3.13.5 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.

3.13.6 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.

3.13.7 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(s);
- Identifying all the staff who have been involved in the initial response, including those in the ACR, and ensuring that they are fully debriefed before they leave duty;

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- Securing all logs and recordings of telephone messages to the police about the incident;
- Requesting that a MIR is opened where applicable. For further information on MIRs, see [ACPO Guidance on Major Incident 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 / FCO should be implemented, see **14** - Family Liaison Strategy;
- 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 Appendix A, Health and Safety Executive;
- 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.

3.13.8 Where there is any inference that a police vehicle or an on duty police officer has directly, or indirectly, been involved in a collision where a death or serious injury has occurred, the on-call Procurator Fiscal and the on-call PIRC senior investigator should be notified without delay. The Procurator Fiscal will decide whether to instruct an independent investigation by the PIRC. Where the decision is for an independent investigation the RP SIO will provide a full account of the circumstances and the action taken up to that point. The RP SIO should record the information passed and any actions which are required by the PIRC Senior Investigator.

3.13.9 The PIRC Senior Investigator will assume responsibility for the investigation and will, where practicable, attend the scene and meet with the RP SIO at the earliest opportunity. The PIRC Senior Investigator will work with the RP SIO to ensure that this guidance is adhered to and that an effective investigation is carried out on behalf of the Procurator Fiscal.

3.14 The Golden Hour Principle and Fast-Track Actions

3.14.1 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 over emphasised.

3.14.2 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.

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- 3.14.3 This might include identifying witnesses, victims or suspects. Fast-track interviews, as outlined in 10.4 - 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.
- 3.14.4 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.
- 3.14.5 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.
- 3.14.6 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.

4. Investigation Stage

4.1 Introduction

- 4.1.1 The RP SIO must always start a fatal collision investigation by adopting the mind-set of a suspicious death 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.
- 4.1.2 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;

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

4.1.3 A road death is one type of incident, which is investigated by the police on behalf of the Crown Office and Procurator Fiscal Service (COPFS) with a view to establishing whether or not culpable negligence or criminal liability can be attributed to any person. A report of these investigations is made to the Procurator Fiscal detailing the circumstances into which the death occurs. For the investigation to progress smoothly, it is essential that the RP SIO liaise with the PF at the earliest opportunity.

4.1.4 Outside office hours, the RP SIO must contact the on call Procurator Fiscal, in accordance with force procedures. This is done to advise the Procurator Fiscal of the death and to also seek guidance on how the Procurator Fiscal's office wishes the investigation to be progressed, in particular the requirements relating to the Post Mortem examination.

4.2 Managing Material

4.2.1 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 1.12 - Defining Material. Understanding how material can be located, gathered and used is central to fatal collision investigation.

4.2.2 For general information on material, see [Scottish Investigators Guide](#) and the Police Scotland [Crime Investigation SOP](#).

4.2.3 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 3.14 - 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, e.g. witnesses, scene examination, CCTV, family liaison, and other experts such as DVSA;
- When gathering material, supervisors or Procurators Fiscal 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

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the PF with all of the material that has been gathered so that decisions can be made as to its value as evidence. The PF, in liaison with the disclosure officer and/or investigation team, will also decide on the material to be disclosed to the defence;

- Death Reports, Standard Police Reports and Forensic Collision Investigation Reports should be submitted to the Procurator Fiscal in accordance with the [Lord Advocate's Guidelines on Road Traffic Deaths](#) . In addition, Investigators must ensure that all relevant material gathered in the course of the investigation is submitted to the Procurator Fiscal so that decisions can be taken as to its evidential value and whether it requires to be disclosed in the event of criminal proceedings being raised.

4.2.4 For further information on disclosure, see [Disclosure of Evidence in Criminal Proceedings SOP](#).

4.2.5 For further information on dealing with copy documents and business records see [COPFS Criminal Procedure \(Scotland\) Act 1995, Schedule 8 Guidance Manual](#).

4.2.6 Relevant material, as described in Section [1.12.2](#) - is 'anything that appears to an investigator, or the officer in charge of an investigation or the disclosure officer to have some bearing on any offence under investigation or any person being investigated or on the surrounding circumstances unless it is incapable of having any impact on the case.' ([Lord Coulsfield's Review of the Law and Practice of Disclosure in Criminal Proceedings in Scotland](#)).

4.3 Investigative Decision Making

4.3.1 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.

4.3.2 Advice on investigative decision-making is contained in the [Scottish Investigators Guide](#) and the [Crime Investigation SOP](#). 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 mind-set;
- Investigative evaluation;
- The investigative team approach.

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

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4.4 Investigative Mind-Set

- 4.4.1 The RP SIO must adopt an investigative mind-set. 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 mind-set 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.
- 4.4.2 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.

4.5 Investigative Evaluation

- 4.5.1 In the early stages of fatal collision investigations, the RP SIO must evaluate and respond to a constant stream of information.
- 4.5.2 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. See Police Scotland [Crime Investigation SOP](#). 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.
- 4.5.3 The starting point for investigative evaluation is to identify:
- What is known?
 - What is not known?
 - Consistencies and inconsistencies;
 - Conflicts.
- 4.5.4 The RP SIO can focus this process by applying the following formula:
- Why + When + Where + How + Who + What?**
- 4.5.6 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.
- 4.5.7 In addition, investigative evaluation can be used for the following:
- Identifying additional and/or specialist resources that are required to progress the investigation, see [4.6](#) - The Investigative Team Approach;

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- 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 Road 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 Appendix 'A', Health and Safety Executive;
- Developing hypotheses to explore gaps in knowledge, see 4.7 - The Use of Hypotheses.

4.6 Investigative Team Approach

4.6.1 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.

4.6.2 It is the RP SIO's responsibility to ensure that information flows and is shared between members of the investigative team.

4.6.3 The structure of an investigative team is a matter for 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 may be considered in fatal collision investigation include:

- Productions Officer;
- Disclosure/Review Officer;
- Deputy SIO;
- Scene Manager;
- Office Manager.

4.6.4 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, e.g. Police Search Advisor (PoISA);

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- 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, e.g. emergency service personnel, DVSA, HSE;
- Administrative support;
- Other roles deemed necessary by the RP SIO, e.g. CCTV liaison officer.

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

4.7 Use of Hypotheses

4.7.1 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 available material and the investigative evaluation will provide the answers to these questions.

4.7.2 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 [5 - Developing an Investigative Strategy](#). For further information on the use of hypotheses in the decision making process, see [Crime Investigation SOP](#).

4.7.3 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;

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- Ensuring sufficient resources are available to develop or test the hypothesis;
 - Ensuring that hypothesis building is proportionate to the seriousness of the offence.
- 4.7.4 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.

5. Developing an Investigative Strategy

5.1 Introduction

- 5.1.1 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;
 - The role of other agencies.
- 5.1.2 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.
- 5.1.3 The RP SIO must remain aware of other components that may form part of the investigative strategy. If relevant to the investigation, the [ACPO Murder Investigation Manual](#) can be consulted for information on:
- Searches;
 - House-to-house enquiries;
 - Inter-jurisdictional investigations;
 - Work-related deaths see also Appendix A, Health and Safety Executive (HSE).

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5.1.4 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

5.2 Advice

5.2.1 The advantages of the team approach to decision making have already been discussed in 4.6 - 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.

5.3 Material

5.3.1 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.

5.4 Objectives

5.4.1 A clear statement of the objectives that the RP SIO is trying to achieve should underpin each of the investigative strategies. 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.

5.5 Methods and Resources

5.5.1 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.

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5.6 Responsibility

- 5.6.1 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.

5.7 Review

- 5.7.1 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 (e.g. at the scene of the fatal collision). As the investigation progresses, however, reviews may be held less frequently.
- 5.7.2 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.
- 5.7.3 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.
- 5.7.4 **Note:** It is not an admission of personal failure to change investigative direction in the light of new material.
- 5.7.5 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.
- 5.7.6 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 **6.5** - Accountability.

6. Implementing an Investigative Strategy

6.1 Introduction

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

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

6.2 Resources

- 6.2.1 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. 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 external specialist human resources such as the pathologists, forensic scientists and experts in various fields.
- 6.2.2 The specific mechanisms for resource management vary between areas, but the RP SIO should have sufficient knowledge and experience to manage resources in compliance with the national policy. 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.
- 6.2.3 The RP SIO, starting an investigation from the position of a suspicious death until proved to the contrary, may use the categories presented in 2.2 The Role of the Road Policing Senior Investigating Officer as an interim method for working out the likely resource requirements of the investigation.
- 6.2.4 As more material becomes available, the RP SIO will be in a position to conduct a detailed assessment of the resources required.

6.3 Actions and Lines of Enquiry

- 6.3.1 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' ([Crime Investigation SOP](#)). 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

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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.

6.3.2 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. For additional information see [Police Scotland PNC Use & Management SOP](#).

6.3.3 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.

6.3.4 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.

6.4 Briefing and Debriefing

6.4.1 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.

6.4.2 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.

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- 6.4.3 The RP SIO may have to conduct briefings at the scene of a fatal collision and/or sometime 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.
- 6.4.4 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.
- 6.4.5 Briefings that are conducted away from the scene of a fatal collision should follow local policies and the principles outlined in the [National Intelligence & Briefing Models](#).
- 6.4.6 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.
- 6.4.7 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. Refer to local guidance on advice regarding debriefing.
- 6.4.8 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.
- 6.4.9 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.

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6.4.10 Where a fatal collision investigation identifies any potential short-term or long-term welfare issues appropriate support, advice and guidance should be sought. Additional guidance is also provided within the Police Scotland [Stress Management](#) and [Trauma Risk Management](#) SOPs. Further information can also be found on the [People and Development](#) section of the Police Scotland Intranet.

6.5 Accountability

6.5.1 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 Sheriffs' Court or High Court;
- Fatal Accident Inquiry;
- Other judicial proceedings;
- Reviews.

6.5.2 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.

6.5.3 Key issues in relation to the use of policy files 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.

6.5.4 RP SIOs should develop skills to construct a good policy file. Police Scotland guidelines recommend that the RP SIO construct 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 [9.4 - Covert Policing Methods](#);
- Policy issues for linked investigations or incidents;
- Forensic strategy;
- Arrest strategy;

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- Communication strategy;
 - Family liaison strategy;
 - Other.
- 6.5.5 Each broad heading is underpinned by a number of subheadings, which the guidelines define. It is possible to replicate the details of these subheadings within the policy file as a useful aide-memoire for the RP SIO.
- 6.5.6 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.
- 6.5.7 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.
- 6.5.8 Policy should be restricted to strategic and critical tactical and investigative issues. Care should also be taken when making entries regarding sensitive matters, which may be subject to disclosure. 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.
- 6.5.9 It is likely that all of those with investigative and management responsibilities will maintain records in addition to those kept by the RP SIO.
- 6.5.10 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.
- 6.5.11 All staff involved in the investigation team should keep notes of briefings and other significant meetings and interviews with witnesses. Consideration could be given to maintaining such notes 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 Guidance on Major Incident Standardised Administrative Procedures \(MIRSAP\)](#).

6.6 Case Management

- 6.6.1 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.

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6.6.2 The RP SIO should develop a case management strategy that includes the following:

- Completion of all outstanding actions;
- Preparing and submitting all relevant police reports within given timescales;
- Liaison with the Procurator Fiscal;
- Witness management (see 8 Witness Management Strategy);
- Family Liaison (see 10 Family Liaison Strategy);
- Trial media strategy.

6.6.3 At the conclusion of the Crown proceedings, the RP SIO should ensure that the outcome of the case is properly recorded and retained for future reference. Arrangements should be made to return productions, where appropriate. Other material gathered during the investigation should be stored securely, according to force policy.

6.6.4 For further information on the review, retention and disposal of material, see the Police Scotland [Record Retention SOP](#).

6.7 Complex Cases

6.7.1 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.

6.8 Low Information Investigations

6.8.1 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.

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

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- 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:
 - a) Have police failures led to material being missed?
 - b) Has material that has been gathered been misinterpreted?
 - c) Seek expert assistance in key strategic areas.

6.8.3 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.

6.9 High Information Investigations

6.9.1 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.

6.9.2 In these types of investigation it may be necessary to instigate an MIR. For further information see [ACPO Guidance on Major Incident Standardised Administrative Procedures \(MIRSAP\)](#).

6.9.3 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.

6.10 Critical Incidents

6.10.1 The definition of a critical incident is;

‘Any incident where the **effectiveness** of the police response is **likely** to have a **significant** impact on the **confidence** of the victim, their family and / or the community.’

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- **Effectiveness** – a measure of the professionalism, competence and integrity evident in the police response to an incident.
- **Likely** – all incidents that the police deal with could have a significant impact on confidence, but are they likely to?
- **Significant Impact** – significant should be interpreted as being particular to each incident but critically relates to the impact on the individual, family or community.

For further guidance see [Critical Incident Management SOP](#).

6.10.2 An effectively managed fatal collision investigation should diminish the potential for the need to declare a critical incident.

6.11 Review of Fatal Collisions

6.11.1 A formal review process should be developed and adopted in relation to fatal collision investigations. As part of this review process, Police Scotland will develop procedures for commissioning reviews, receiving the subsequent findings and implementing relevant good practice and lessons learned across the Force. This work will fall within the remit of the Police Scotland Road Death Group.

6.11.2 Police Scotland will retain responsibility for commissioning the reviews and will make the terms of reference clear for the reviewing officer to follow.

6.11.3 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;

6.11.4 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.

6.11.5 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.

6.11.6 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.

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6.11.7 Police Scotland is responsible for developing a suitable policy and criteria for reviewing cases (e.g. which cases to review). These will need to incorporate the following:

- Timing;
- Reviewing Officer and Team;
- Procedures;
- Reports and Subsequent Action;
- Disclosure.

6.12 Timing

6.12.1 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. The view 'the earlier the better' may be taken and may, for example, and consideration given to appointing a reviewing officer relatively soon after the fatal collision has occurred, especially if the case is unresolved. As a minimum, however, a fatal collision that has not been resolved or detected after twenty-eight days from the outset of the investigation should be formally reviewed, see Police Scotland [Crime Investigation SOP](#).

6.12.2 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.

6.12.3 Consideration should also be given to 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.

6.13 Reviewing Officer and Team

6.13.1 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.

6.13.2 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.

6.13.3 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 area. These circumstances may also dictate the need for the reviewing officer to involve additional staff to form a review team.

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- 6.13.4 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.
- 6.13.5 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.

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6.14 Procedures

6.14.1 In order for the review to be effective, the reviewing officer or team will require a basis to work from. Police Scotland will 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:
 - a) Initial actions taken;
 - b) Collision investigator's initial actions and assessment of the scene;
 - c) Forensic collision investigation strategy;
 - d) FLO deployment;
 - e) Witness and suspect strategy;
 - f) Communication strategy;
 - g) Any other investigative strategies.

6.14.2 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.

6.15 Reports and Subsequent Action

6.15.1 Once the review has been concluded, the reviewing officer should prepare a report and submit it to whoever commissioned the review.

6.15.2 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.

6.15.3 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.

6.15.4 At the end of each process, the lessons learned and good practice identified should be circulated within each force. Where appropriate, relevant policies and working practices should be revised in the light of the review findings.

6.16 Disclosure

- 6.16.1 In the event of a person or persons being charged in connection with a fatal collision investigation where a review has been conducted, anything relevant concerning disclosure within the report should be submitted to the Procurator Fiscal. In light of this, the content of review reports should be accurate, evidence based and capable of being justified in judicial proceedings.

7. Collision Scene Management Strategy

7.1 Introduction

- 7.1.1 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) or Deputy SIO where there are complex or multiple scenes. This then allows the RP SIO to focus on developing and implementing the investigative strategy.
- 7.1.2 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.
- 7.1.3 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.
- 7.1.4 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.
- 7.1.5 Collision scene management is underpinned by administration and welfare issues, both of which the RP SIO is responsible for (e.g. consideration of health and safety issues, liaison with the emergency services, liaison with the media). [Policing of Scotland's Roads](#) Guidance Manual provides general advice on how to manage different types of incidents on the road and liaise with other agencies at the scene (e.g. scene safety and general response to collisions).
- 7.1.6 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 the Police Scotland

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Critical Incident Management SOP , Major Incidents – Initial Response, Roles and Structures SOP and ACPO Guidance on Major Incident Standardised Administrative Procedures (MIRSAP).

7.2 Review of Initial Action

7.2.1 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).

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

7.2.3 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.

7.2.4 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.

7.3 Resources and the Involvement of Other Agencies

7.3.1 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:

- Road Policing Forensic Collision Investigator;
- Vehicle Examiner;
- Deputy SIO
- Investigating Officers;
- Scene Manager;
- Cordon officers;

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- Police Traffic Management officer;
- Production officers;
- Disclosure officer;
- Loggist;
- Pathologists;
- Photographers and/or video camera operators;
- Other specialists, for example:
 - a) SIO (Senior Officer / Crime Management)
 - b) Crime Scene Manager (CSM)
 - c) Crime Scene Coordinator (CSC)
 - d) Forensic Scientist
 - e) Police Search Adviser (PoISA)
 - f) Scientific Adviser (SA).

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

- DVSA, see 17.23 - Driver and Vehicle Standards Agency (DVSA);
- Police Investigations and Review Commissioner (PIRC): see 17.15
- Transport Scotland Operating Companies; Amey / Bear / Scotland Transerv (who provide TRISS), see 17.18 - Transport Scotland;
- The local roads authority;
- The Health and Safety Executive (HSE), see Appendix A, Health and Safety Executive (HSE);
- Other agencies, for example, the Office of Rail Regulation, see 17.14 - Office of Rail Regulation.

7.4 Parameters

7.4.1 The RP SIO and Road Policing Forensic Collision Investigator should define the scene. If the designated area is too small, valuable material may 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.

7.5 Scene Log and Security

7.5.1 A scene log may have been started prior to the arrival of the RP SIO (see 3.4 - Conducting an Initial Incident Assessment). Once at the scene, the RP SIO is responsible for ensuring that the scene log is managed appropriately (e.g. that only one log is kept for each scene). A dedicated scene manager if utilised may take on this role.

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7.5.2 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 production labels, should be handed to the productions officer.

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

7.6 Preservation

7.6.1 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.

7.6.2 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;(e.g. 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.

7.6.3 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.

7.6.4 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 (e.g. Scottish Fire and Rescue Service), which focus on how accidental contamination can be minimised.

7.7 Search

7.7.1 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).

7.7.2 When setting search objectives, RP SIOs must remember that the protection of life always takes primacy over the preservation and recovery of forensic

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material. In addition to this, the objectives of the search should always take account of the forensic collision investigation strategy (see **8** - Forensic Collision Investigation Strategy).

- 7.7.3 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.
- 7.7.4 Force health and safety officers should be consulted as necessary to advise on the health and safety issues pertinent to collision scenes.
- 7.7.5 For further information see Police Scotland [Search SOP](#) .

7.7 Managing Disruption and Releasing the Scene

7.7.6 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.

7.7.7 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.

7.7.8 Other options for managing disruption include:

- Appointing a Police Incident Officer (PIO) to deal with the traffic management implications allowing the SIO to concentrate on the investigation;
- Appointing a diversion manager to assist with the flow of traffic on other routes, in conjunction with the relevant road authority. In cases of extended closures and /or major congestion, the diversion manager should consider implementation of an emergency standard diversion route if the locus is on a motorway or trunk road. Transport Scotland have developed and agreed these routes with Police Scotland and local authorities for a point closure at any location on the motorway and trunk road network to help reduce time spent on assessing diversion options and implementation times;
- 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.

7.7.9 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 and all material has been recovered. Although the closure of

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roads is likely to cause disruption, the RP SIO should withstand pressure from others to release the scene (e.g. re-open roads) prematurely.

7.7.10 The investigation should in all cases take precedence over the need to re-open roads. However, the RP SIO must regularly review and balance the circumstances of the incident and the needs of the investigation against the desire to re-open the road. This is especially true in respect of the closure of a trunk road or major route where significant traffic and economic disruption will result.

7.7.11 The layout, maintenance and features of a road can all be contributory factors in a collision. The RP SIO should consider a subsequent site visit to the scene in company with a representative from the relevant Roads Authority and Traffic Management officers.

PART 3 - Key Components of Fatal Collision Investigation

8. Forensic Collision Investigation Strategy

8.1 Introduction

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

- Clarification of circumstances;
- Clarification of a sequence of events;
- Testing hypotheses, e.g. did the road surface contribute to the collision?
- Prioritising lines of enquiry;
- Corroboration;
- Providing interview material;
- Identification and/or implication of suspect, see **12 - Suspect Management Strategy**;
- Elimination of Trace/Interview/Eliminate (TIE) subjects, see **13.5 - Identification where the Suspect is Absent from the Scene**;
- Prioritisation of laboratory submissions;
- Linking scenes across separate offences.

8.1.2 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.

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8.1.3 As there are continual advancements in forensic investigation techniques, RP SIOs may have difficulty in keeping up to date with 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.

8.1.4 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.

8.2 Human, Vehicle and Environmental Factors

8.2.1 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.

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

- **Human Factors**
 - Alcohol and/or drugs, see **3.5** - Making the Scene Safe and Preserving Life;
 - Vehicle occupant restraint use – were restraints correctly worn?
 - Fatigue;
 - Bad or injudicious driving;
 - Distraction of the driver, other road user or pedestrian (e.g. through use of a mobile phone);
 - Other road user or pedestrian movements;
 - Training and competence of the driver or road user;
 - Health and eyesight issues.

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- **Vehicle Factors**
 - Roadworthiness and general condition;
 - Suitability of vehicle for use or location, e.g. moped on a motorway;
 - Potential design fault, e.g. an inbuilt blind spot;
- **Environmental Factors**
 - Road condition, e.g. condition of the road surface;
 - Road geometry, e.g. curvature and gradient;
 - Roadside protection, e.g. purpose and condition of the central reservation barriers;
 - Signage, lighting, automatic traffic signals;
 - Weather conditions at the time of the collision.

8.3 Scene Examination – Objectives and Resources

8.3.1 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.

8.3.2 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.

8.3.3 The use of hypotheses must be considered in cases where it is unclear or unknown as to what has happened, e.g. if there is a gap in the investigation team's knowledge that cannot be filled by available material, see **4.7 - Use of Hypotheses**.

8.3.4 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.

8.3.5 In relation to resources, it is unrealistic to expect key staff (e.g. Road Policing Forensic 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 Road Policing Forensic Collision Investigator and/or a

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senior collision investigator. These decisions will need to be made in consultation with the RP SIO and their staff.

- 8.3.6 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 (e.g. DVSA, vehicle manufacturers, roads engineers).
- 8.3.7 For further information on agencies that may provide this type of expertise, see **17 - Other Agencies and Resources**. Alternatively, Scenes of Crime Officers, in liaison with the collision investigator and/or vehicle examiner, can offer advice on, for example:
- Blood;
 - DNA;
 - Fingerprints;
 - Hairs;
 - Fibres;
 - Particulates (e.g. glass or paint fragments);
 - Selection of samples for toxicology purposes;
 - Ballistics;
 - Recovery and examination of documents (e.g. alleged suicide notes).
- 8.3.8 In some circumstances, the RP SIO may wish to establish a dedicated forensic management team (FMT). This may consist of a CSC, CSMs, and Scenes of Crime Officers working closely with members of the investigation team. For more information on these roles and the FMT, the RP SIO should consult the Police Scotland [Crime Investigation SOP](#). Consideration should be given to designating a production officer to ensure the continuity and appropriate handling of any seized items.
- 8.3.9 It is essential that the RP SIO liaise with the Procurator Fiscal on the issue of vehicle seizure and retention during a fatal collision investigation. Vehicles may have to be retained as productions until the conclusion of any prosecution and any periods for appeal, see **R v Beckford [1996] 1 Cr App R 94**. Police Scotland should plan for the logistics associated with the retention and storage of vehicles for a potentially lengthy period.

8.4 Conducting the Scene Examination – General Principles

- 8.4.1 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 Road Policing Forensic Collision Investigator, who is responsible for conducting a thorough examination of the scene.
- 8.4.2 The following list is intended to outline some of the methods that a Road Policing Forensic Collision Investigator may decide to employ when conducting a scene examination:

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- 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, specialist photographers may undertake this;
- 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, e.g. 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 such material may be preserved and retrieved;
- 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, collision or incident data recorders, airbags or antilock braking systems (ABS). Again, consideration should be given to how this device and any material it may contain can be preserved as evidence;
- Comparing the condition or damage of vehicles with relevant street furniture. Where evidence of contact exists, attributing the physical marks with the object(s) which made them;
- Undertaking skid tests to establish coefficient of friction values between the road surface and vehicle;
- Drag test techniques can also be used to establish coefficient of friction values in circumstances where the vehicle has overturned and slid on its roof or if the vehicle involved is a motorcycle;
- Recovery of any tachograph charts and related material;
- Analysis of any CCTV footage.

8.5 Recording the Scene

8.5.1 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;

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- 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.

8.5.2 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:
 - a) its potential to deteriorate
 - b) the time available for scene retention.

8.5.3 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 e.g. return to scene;
- Surveying equipment, for example, theodolite equipment with or without global positioning systems (GPS).

8.6 Post-Scene Considerations

8.6.1 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;

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- Analysis of injuries to establish points of contact with vehicles and pedestrian positions and movement, also to establish seating positions of occupants within the vehicle;
 - Tachograph installations;
 - Material from collision data recorders;
 - Material from journey data recorders;
 - The use of specialist forensic reconstruction services.
- 8.6.2 As with examination at the collision scene, appropriate resources need to be identified, allocated and reviewed.

9. Intelligence Strategy

9.1 Introduction

- 9.1.1 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 methods;
 - Analytical support;
 - Standard analytical products.
- 9.1.2 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.
- 9.1.3 The RP SIO must ensure that the intelligence requirement and any subsequent taskings are clearly communicated to staff through the medium of an Intelligence Strategy. For the Intelligence Strategy to work effectively, the RP SIO will require support from the local intelligence unit.
- 9.1.4 The intelligence unit would be tasked initially via a HOLMES/MIRSAP Cardex action.
- 9.1.5 The RP SIO in consultation with the Intelligence Cell manager, Major Incident Room (MIR) Office manager, Analyst and any other person deemed necessary to the process, will define an Identified Intelligence Strategy (IIS).
- 9.1.6 Examples of the support, which could be offered by an Intelligence cell, would be:

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- 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 and may initiate enquiry 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;
- Carry out analytical work as per sections 9.5 – 9.6 below.

9.1.7 For further information on the use of intelligence to support investigations, see [ACPO Guidance on Major Incident Standardised Administrative Procedures \(MIRSAP\)](#) and Police Scotland [Crime Investigation SOP](#).

9.1.8 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 1.10 - Fatal Collision Investigation and the National Intelligence Model.

9.1.9 Sharing information and intelligence with other agencies may include cooperation with:

- Child Protection Committees (CPC) – Further information is available in Protecting Children and Young People: Child Protection Committees. Scottish Executive Jan 2005 [5];
- Other agencies that have an enforcement function (e.g. Traffic Commissioners).

9.2 Information Sources

9.2.1 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 9.4 - Covert Policing Methods. 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.

9.2.2 Relevant information sources can include but are not confined to:

- PNC, including Querying Using Enhanced Search Techniques (QUEST) and VODS;
- ANPR;

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- Passive Data Generators, which are automated systems that gather and collate information for various purposes, for example, CCTV. For further information see [ACPO Murder Investigation Manual](#).
- Local intelligence databases, e.g. Force computerised incident handling systems, crime recording systems, Scottish Intelligence Database (SID), force and local 'legacy' intelligence systems, Police Informant Management System (PIMS) or other locally utilised Confidential Source Register (CSR);
- 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 methods, for example, Covert Human Intelligence Sources (CHIS) and accessing communications data.

9.2.3 A definitive list of Sources of Information that can be accessed for law enforcement purposes can be located within **the**, [Guidance on the National Intelligence Model \(NIM\)](#) (Appendix 3).

9.3 Information and Intelligence Evaluation

9.3.1 Regardless of the source, information must be evaluated by the submitting officer 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.

9.3.2 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.

9.3.3 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 [Guidance on the National Intelligence Model \(NIM\)](#).

9.4 Covert Policing Methods

9.4.1 The RP SIO may wish to consider the use of various covert-policing methods to meet an intelligence requirement and progress an investigation. These methods can include the use of CHIS, Communications data, Interception or Property Interference. If covert policing methods are an option, additional guidance is available within the [Directed Surveillance, Intrusive Surveillance & Property Interference SOP](#).

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9.4.2 Covert policing methods, which may be considered, could include:

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

9.4.3 The main considerations with regards to covert policing methods are:

- Ensuring access to the appropriate staff that have knowledge on when and how to develop and apply a particular technique;
- Understanding the implications of the Human Rights Act, e.g. the need for a particular technique to be legal, necessary and proportionate in the circumstances;
- Understanding the legal framework, e.g. knowledge of the Regulation of Investigatory Powers (Scotland) Act (RIPSA) 2000, 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 method, 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 the [Directed Surveillance, Intrusive Surveillance & Property Interference SOP](#) and [ACPO Guidance on Major Incident Standardised Administrative Procedures \(MIRSAP\)](#).

9.5 Analytical Support

9.5.1 Once material has been collected and evaluated, a trained analyst, within the Intelligence Cell, should undertake its interpretation and assessment. Once an analyst has worked within the Intelligence 'cell' of an enquiry, then he/she **must not** work on the evidential side of the enquiry. This is so that they may never be called to court, having been previously aware of intelligence sources, about which they could then be asked in court.

9.5.2 An analyst will be able to identify information gaps and any material that requires corroboration. This process will help the further 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.

9.6 Standard Analytical Products

9.6.1 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.

9.6.2 Examples of relevant analytical techniques include:

- Incident Analysis, e.g. creating timelines, sequence of events charts, utilising witness statements and other information;
- Subject/Nominal Profile, e.g. building a profile of a suspect;
- Network Analysis, e.g. understanding the nature and significance of the links between elements, such as the offender, vehicle or location.

9.6.3 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 Murder Investigation Manual](#) and the Police Scotland [Crime Investigation SOP](#).

10. Witness Management Strategy

10.1 Introduction

10.1.1 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.

10.1.2 A witness is a person, other than an accused, 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.

10.1.3 Witness management comprises three interdependent strategies:

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

10.1.4 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 the [Scottish Investigators Guide](#).

10.2 Witness Identification Strategy

- 10.2.1 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 3.10 - Securing Material and Identifying Witness(es).
- 10.2.2 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.
- 10.2.3 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:
- Road checks;
 - Provision of notice boards in appropriate languages;
 - Media appeals;
 - Scene reconstructions;
 - Examination of ANPR data;
 - Interviews with other witnesses;
 - Viewing CCTV;
 - Conducting house-to-house enquiries;
 - Suspect interviews;
 - Making enquiries at significant geographical locations proximate to the scene (e.g. motorway service areas).
- 10.2.4 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.

10.3 Initial Contact with Witnesses Strategy

- 10.3.1 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.
- 10.3.2 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.

10.4 Fast-Track Interviews

- 10.4.1 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.
- 10.4.2 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.
- 10.4.3 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;
 - Apprehending alleged offender(s).
- 10.4.4 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.
- 10.4.5 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.

10.5 Witness Categorisation

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

10.6 Vulnerable Witnesses

- 10.6.1 The RP SIO should be aware of the terms of the [Vulnerable Witnesses \(Scotland\) Act 2004](#). This legislation allows child witnesses and vulnerable adult witnesses to give evidence by way of special measures.
- 10.6.2 Children under the age of 16 years are automatically entitled to give evidence with the assistance of standard special measures:
- A live television link in another part of the court building;
 - A screen; and
 - A supporter in conjunction with either of the standard special measures mentioned above.

10.6.3 There are further special measures available on application for either child witnesses under the age of 16 or adult vulnerable witnesses:

- Use of a live television link (either within the court building or from a place other than the court building);
- Use of prior statements of vulnerable witnesses as evidence in chief;
- Taking evidence by a commissioner;
- Use of a screen; and
- Use of a supporter.

10.7 Significant Witnesses

10.7.1 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 that may be of greater value to the investigation because of the background information they can provide.

10.7.2 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 also have their statements audio recorded.

10.7.3 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 an 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.

10.8 Special Measures Directions

10.8.1 Special measures for adult vulnerable witnesses can only be considered where there is a significant risk that the quality of the evidence to be given by the person will be diminished by reason of:

- A “mental disorder” (that is where the witness is suffering from a mental illness, personality disorder or learning disability);
- Fear or distress in connection with giving evidence at the trial or proceedings.

10.8.2 Although it is a matter for the Procurator Fiscal to decide whether or not an application should be made for special measures, it is vital that all those in the criminal justice system ensure that information about potential vulnerability is recorded and shared. RP SIOs should therefore make themselves familiar with the terms of the [Lord Advocates Guidelines to the Police providing information on vulnerable adult witnesses](#).

11. Witness Interview Strategy

11.1 Introduction

11.1.1 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 **11.7 - 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.

11.1.2 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.

11.2 Setting Objectives

11.2.1 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.

11.3 Selecting Interviewers

11.3.1 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;
- Appointing reserve members of staff in the event of sickness or other unforeseen circumstances.

11.4 Briefing Interviewers

11.4.1 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.

11.4.2 The briefing should give guidance on matters including:

- The category the witness falls into, i.e. 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
 - a) Points to prove
 - b) Descriptions
 - c) Any productions to be identified;
- Anything known about the witness including
 - a) Previous involvement with the police
 - b) 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.

11.4.3 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.

11.5 Supporting the Interview

11.5.1 Detailed guidance on planning and conducting interviews with vulnerable witnesses can be found in the [Scottish Investigators Guide](#) and the [Lord Advocates Guidelines to the Police providing information on vulnerable adult witnesses](#). It is essential that RP SIOs play an active role in supporting interviews with vulnerable and significant witnesses. Interviewers should never be abandoned.

11.5.2 Reference should also be made to Police Scotland [Appropriate Adults SOP](#) and the Police Scotland [Interpreting and Translating Services SOP](#).

11.5.3 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.

11.6 Debriefing the Interviewers

11.6.1 Interviewers should be debriefed to establish:

- The information that has been obtained;
- How the account given fits in with other available material;

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- Whether any action needs to be taken;
- What further enquiries are necessary?

11.7 Interview Advisers

11.7.1 Consideration should be given to appointing an interview adviser. 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 (e.g. 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 (e.g. 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 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;

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- Post-interview analysis of information obtained.

11.7.2 If an RP SIO wishes to request the help of an interview adviser, they should refer to local procedures.

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11.8 Reluctant and Hostile Witnesses

- 11.8.1 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.
- 11.8.2 Apart from a few statutory exceptions the police have no power to compel a witness to give a statement but it is the moral obligation of every law-abiding citizen, when asked by the police, to give all information in their power. [The Criminal Procedure \(Scotland\) Act 1995](#) does provide the police the power to compel witnesses to provide their name, date and place of birth, nationality and address.
- 11.8.3 As most people are aware of this obligation and realise that the police, in questioning them, are simply acting in the execution of their duty, little difficulty is normally encountered. In the case of a reluctant or hostile witness, a discreet reminder of this obligation may persuade him or her to co-operate. If, however, an impasse is reached and a person adamantly refuses to give a statement, on no account should the Investigating Officer adopt a blustering or overbearing attitude.
- 11.8.4 Should the information known to be in the possession of the witness be of fundamental importance, it may be necessary, in exceptional cases, to secure the aid of the Procurator Fiscal who is empowered to compel the attendance of witnesses for precognition. In most cases, however, a reminder that this power exists should be sufficient to ensure that the required information is forthcoming.

11.9 Witness Support

- 11.9.1 RP SIO should give due regard to the care and treatment of all witnesses of fatal or serious collisions and be mindful of the principles contained within the [Victims and Witnesses \(Scotland\) Act 2014](#).
- 11.9.2 Witnessing or being involved in a fatal or serious collision can be extremely traumatic. There are a number of support agencies (see section 18 of this manual) who provide for witnesses' emotional needs, although 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. 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.

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- 11.9.3 When a witness reports an incident or is identified at the scene, they should 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 that 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.
- 11.9.4 In some cases, the RP SIO may consider deploying a FLO to support a witness if a close family member or if considered appropriate. This decision will depend on the circumstances surrounding the fatal collision and is at the discretion of the RP SIO (see section **14 – Family Liaison Strategy**).
- 11.9.5 In cases involving criminal proceedings certain categories of witnesses may be referred by the Procurator Fiscal to Victim Information and Advice (VIA), which is part of the Crown Office and Procurator Fiscal Service. VIA helps victims, witnesses and bereaved nearest relatives through the criminal justice process by keeping them informed of key events and offering explanatory advice where appropriate.
- 11.9.6 There are also a number of publications available to assist witnesses:
- Crown Office and Procurator Fiscal Service - **Being a Witness** (Different forms of this booklet are sent to witnesses according to which court they are being cited to);
 - Crown Office and Procurator Fiscal Publication – VIA (Victim Information and Advice) **How we can help you?**;
 - Scottish Government website – Witnesses in Scotland.
<http://www.witnessesinScotland.com>.
- 11.9.7 The investigation 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. Police Scotland can provide a variety of support and additional guidance in these circumstances. Further information can be found within the **People and Development** section of the Police Scotland Intranet.

12. Suspect Management Strategy

12.1 Introduction

- 12.1.1 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.
- 12.1.2 For most fatal collision investigations, the most applicable strategy of concern to the RP SIO is suspect interviewing, see 12.2 Suspect Interview Strategies.

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This is because, in the majority of cases, suspects are readily identifiable as most remain at the scene.

- 12.1.3 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 13 Suspect Identification Strategies.
- 12.1.4 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.
- 12.1.5 For procedures relating to developing and implementing an arrest strategy, and for information on procedures relating to suspects and custody, see [ACPO Murder Investigation Manual](#) and [Crime Investigation SOP](#).

12.2 Suspect Interview Strategies

- 12.2.1 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.
- 12.2.2 RP SIOs may wish to appoint an interview adviser to assist them with the development and implementation of the suspect interview strategy, see [11.7 - Interview Advisers](#).

12.3 Selecting Interviewers

- 12.3.1 The following points should be considered when the 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.

12.4 Briefing Interviewers

- 12.4.1 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.

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12.4.2 The briefing should give guidance on the following matters:

- The nature of the offence;
- Anything known about the suspect including:
 - a) Previous involvement with the police;
 - b) Whether an interpreter or an appropriate adult is required.
- Location of the interview and any recording equipment that may be needed;
- The aims and objectives of the interview;
- Planning and structuring the interview;
- Points to be covered during the interview, including:
 - a. Points to prove;
 - b. Productions to be identified;
 - c. Any information that might lead to the identification of new witnesses, e.g. where has the suspect been and who did they tell.
- Dealing with significant statements;
- 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.

12.4.3 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.

12.5 Implementing a Suspect Interview Strategy

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

- Managing the interview;
- Debriefing the interviewers.

12.6 Managing the Interview

12.6.1 Interviews conducted with suspects should take place within the PRICE framework (planning and preparation; rapport building; information gathering; confirming the content; evaluation and action). The most common method of interviewing is one of conversation management; see Police Scotland [Crime Investigation SOP](#) and [Scottish Investigators Guide](#).

12.6.2 It is extremely important that RP SIOs play an active role in supporting the interview. Interviewers should never be abandoned. Ideally, the RP SIO

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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.

12.7 Debriefing the Interviewers

12.7.1 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?

12.8 Interview Advisers

12.8.1 Consideration should be given to appointing an interview adviser and Police Scotland policy should be adhered to in this regard.

12.8.2 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 (e.g. video interviews with vulnerable or significant witnesses);
- 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 issues that are likely to have an impact on the interview (e.g. 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;
- Managing the introduction of evidence of bad character in interviews;
- Setting aims and objectives for interviews;
- Selecting interview teams;
- Briefing interviewers;

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- Determining how and who will monitor interviews (including the method of intervention);
- Managing interview plans;
- Monitoring interviews;
- Raising fast-track actions during interviews;
- Monitoring the welfare of suspects;
- Debriefing interviewers;
- Post-interview analysis of information obtained.

13. Suspect Identification Strategies

13.1 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, e.g. 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, i.e. fail to stop. In these cases, the RP SIO should consider implementing a suspect identification strategy.

13.2 The main strategic issues involved in an identification strategy are:

- Initial description of a suspect;
- Identification where the suspect remains at the scene (see 13.4 - Identification where the Suspect Remains at the Scene);
- Identification where the suspect is absent from the scene (see 13.5 - Identification where the Suspect is absent from the Scene);

13.3 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 Procurator Fiscal as part of an identification strategy.

13.4 Identification Where the Suspect Remains at the Scene

13.4.1 The police may have sufficient information to justify the detention 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.

13.4.2 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,

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seek to resolve disputed identification issues through a thorough forensic collision investigation strategy. See Section 8 - Forensic Collision Investigation Strategy.

- 13.4.3 In the absence of, or in addition to, relevant material, the RP SIO may wish to consider the use of identification parades that includes using a Formal identification parade, Video Identification Parade Electronic Recording (VIPER) or other approved video identification techniques.
- 13.4.4 The use of VIPER or video identification procedures does not require the suspect to attend and, if relevant, the accused's solicitor is invited to witness the parade.
- 13.4.5 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 visual display unit (VDU) 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.
- 13.4.6 For more information on Identification Parades and VIPER see the [Scottish Investigators Guide](#) and Police Scotland [Identification Procedures SOP](#)

13.5 Identification Where the Suspect is Absent from the Scene

- 13.5.1 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 3.12 - Identifying the Suspect(s). These actions may lead to the relatively quick detention 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.
- 13.5.2 The term Trace/Interview/Eliminate is covered in detail within the [ACPO Murder Investigation Manual](#). A TIE strategy enables investigators to identify the groups of people who are likely to include the offender.
- 13.5.3 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, e.g. through forensic collision investigation, with the intention of identifying the suspect.
- 13.5.4 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.
- 13.5.5 Once a suspect has been identified and apprehended, the procedures outlined in 12.2 - Suspect Interview Strategies should be followed. In addition,

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the procedures outlined in 13.4 - Identification where the Suspect Remains at the Scene should be followed if there were witnesses to the fatal collision.

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14. Family Liaison Strategy

14.1 Introduction

- 14.1.1 One of the most important considerations throughout a fatal collision investigation is providing appropriate support to the family of the deceased. Families should be considered as partners in an investigation and must be treated appropriately, professionally, with respect and according to their diverse needs.
- 14.1.2 This principle must be reflected at all levels of the police service and due considerations given to any police action which may impact on a family, from the media statements made by the Chief Constable, to the telephone operator who responds to a query from a family member.
- 14.1.3 The trauma associated with a sudden unexpected tragedy will place the family of the victim under immense personal pressures at a time when the needs of the investigation will make heavy demands for detailed information.
- 14.1.4 When considering family liaison the RP SIO should consider the term 'family' which should include; partners, parents, siblings, children, guardians and others who have had a direct and close relationship with the victim.
- 14.1.5 The initial priority must be to establish communication with the family as soon as practicable in order to furnish them with any information that they require, in accordance with the needs of the investigation. The officer first having contact with the family has a crucial role and may not be a trained Family Liaison Officer (see 14.2.11).
- 14.1.6 Nevertheless, the needs and requirements of the family must be identified from this stage onwards. In supporting the family throughout the investigation sensitivity, compassion and respect for the family's needs and requirements must underpin the approach to gathering evidence and information.
- 14.1.7 In the event of a death of a human being where there is a police investigation, the police have a positive duty to communicate effectively and inclusively with the bereaved family.
- 14.1.8 The overall aim of family liaison in fatal collision investigation is:
- To provide information to and facilitate care and support for the family, who are themselves victims, in a sensitive and compassionate manner in accordance with the needs of the investigation;
 - To gather evidence and information from the family, in a manner which contributes to the investigation and preserves its integrity;
 - To secure the confidence and trust of the family thereby enhancing their contribution to the investigation.

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14.1.9 Primary guidance for Police family liaison is contained within the Police Scotland [Family Liaison SOP](#). RP SIOs **must** refer to this guidance during development of their family liaison strategy.

14.2 Deployment of Family Liaison Officers

14.2.1 Generic criterion for deployment of Family Liaison Officers is contained within the Police Scotland [Family Liaison SOP](#). Elements of this guidance are replicated below in order to provide sufficient context:

14.2.2 Family Liaison Officers **should be deployed** in the following cases:

- Murder;
- Suspicious deaths where there is obvious or apparent criminality;
- Missing person enquiry where there is reason to suspect foul play;
- Any other serious criminal enquiry where deployment of a FLO would be significantly beneficial to the progress of the enquiry.

14.2.3 Where COPFS has directed an independent investigation in the case of:

- Deaths in Police custody;
- Victims or families of police shootings;
- Police related road deaths.

14.2.4 Fully trained independent Family Liaison Officers will be deployed by the Senior Investigator of the Police Investigation and Review Commissioner (PIRC).

14.2.5 The deployment of FLOs may also be considered in other types of non-criminal deaths where communication has to be maintained between the police and family of the deceased for an **extended period**. As the availability of trained FLOs will inevitably be limited, careful consideration should be given to their use in relation to non-criminal deaths.

14.2.6 Family Liaison Officers **should be considered** in the following cases:

- Death which is likely to be subject of a Fatal Accident Inquiry;
- Multiple deaths due to a public transport accident;
- A critical incident;
- Any death which is likely to raise serious public concern, and generate significant and sustained media interest;
- The investigation of every road collision involving a fatality, potential fatality or life changing injury;
- Hate crimes where the effectiveness of the police response is likely to have a significant impact on the confidence of the victim, their family and/or the community.

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- 14.2.7 In addition to the guidance contained within the Police Scotland [Family Liaison SOP](#) and to support the RP SIO decision making process whilst considering FLO deployment, the following points are also worthy of consideration:
- Is there a likelihood of a criminal case? (RTA 1988 sec 1, 2, 3 A etc.)
 - Is the incident likely to be high profile or attract significant media interest?
 - Would deployment of a FLO enhance the investigation?
- 14.2.8 Notwithstanding the guidance provided, it should be recognised that the primary role of a FLO is that of an *investigator*. Where there is no investigative value to be had, deployment of a FLO may not be appropriate.
- 14.2.9 The decision to deploy or not deploy a FLO is ultimately a matter for the RPSIO. Decisions and rationale in this respect **must** be fully recorded within the RPSIO policy file.
- 14.2.10 Where a decision is taken to deploy a FLO, the RP SIO **must** refer to the Police Scotland [Family Liaison SOP](#). To ensure a professional and consistent approach across the Force the guidance and requirements within this SOP **must** be adhered to.
- 14.2.11 Where a decision is taken not to deploy a FLO, the RP SIO **must** ensure that an officer is identified to act as a point of contact with the family or their nominated representative to facilitate an effective level of communication between the enquiry team and the bereaved family. This role may be undertaken by one of the Investigating Officers for example. It may not require an officer to be specifically deployed to undertake this role alone.
- 14.2.12 Irrespective of whether a FLO is deployed to a family or not, it is considered best practice to ensure that the publication titled 'Information and advice for bereaved families and friends following death on the road in Scotland', produced by Brake (see section 18.1) is made available to all victims' families.

14.3 Delivery of a Death Message

- 14.3.1 Families of bereaved persons should be informed of the fact of death as soon as is practical by an appropriately briefed Police Officer. As a general rule, a FLO should not be deployed to deliver a 'death message'.
- 14.3.2 Where a decision is taken to deploy a FLO in this role, careful consideration as to the circumstances must be made by the RP SIO to ensure that any relationship between the FLO and the family is not damaged. Such decisions should be included in the RP SIO Policy file and made in consultation with the Family Liaison Co-ordinator and FLO. For further guidance refer to the [Family Liaison SOP](#).

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14.4 Foreign Nationals

- 14.4.1 In the event of a road death where the victim is a foreign national, the relevant consulate should be contacted and advised of the fact of death and that a police investigation into those circumstances is ongoing.
- 14.4.2 High Commissions of Commonwealth member countries do not require to be informed of the death if the deceased is also a United Kingdom citizen through dual nationality.
- 14.4.3 Interpol should be contacted if the subject involved is of foreign origin however has 'naturalised' as British. The Interpol Enquiry Form should be used to facilitate this process.
- 14.4.4 Whilst there is no absolute requirement, there may be advantages in making early contact with the International Unit, Specialist Crime Division, who may be able to assist with specific difficulties.
- 14.4.5 When submitting the Death Report, the nationality of deceased, where known, should be clearly identified to the Procurator Fiscal.
- 14.4.6 See also Police Scotland [Investigation of Death SOP](#).

15. Communication and Community Strategy

15.1 Introduction

- 15.1.1 The RP SIO has to develop a communication strategy (e.g. media strategy, internal communication strategy). This section provides advice on developing such a strategy. In addition it gives information on community impact assessments.
- 15.1.2 This section should be read in conjunction with Police Scotland and COPFS Joint Protocol [Working with the Media](#). Further information on communication and community strategies can also be found in [ACPO Murder Investigation Manual](#).
- 15.1.3 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.

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15.1.4 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.

15.2 Establishing a Communications Strategy

15.2.1 The RP SIO is responsible for formulating a communications strategy in collaboration with Police Scotland Corporate Communications and other relevant agencies, e.g. Transport Scotland's Press Team and/or Operating Company, Traffic Scotland 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.

15.2.2 The overall aims of a communications 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.

15.2.3 Depending on the circumstances of the case and progress of the investigation, the objectives of a communications 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 15.7 - Appeals);
- Reassuring and informing the public.

15.2.4 The investigative team should be aware of the communications strategy for a particular case. The RP SIO should manage all police contact with the media. In high-profile cases, the RP SIO may wish to appoint a spokesperson to work with Police Scotland Corporate Communications. 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.

15.2.5 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. Consideration should be given to video or audio recording of all press conferences and copies of all releases given to the media should be kept. Recordings of all

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press interviews should be kept and RP SIOs may also wish to keep a press cuttings file.

- 15.2.6 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.
- 15.2.7 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 Police Scotland is presented in a professional light. When releasing any information that is copyrighted (e.g. photographs, plans), the owners of that copyright should be clearly identified to the recipients.
- 15.2.8 Further information can be obtained within the [Lord Advocates Guidelines on the Police and The Media Working with the Media, Police Scotland and COPFS Joint Protocol](#) and the [Police Scotland Road Policing – Communication Strategy](#).

15.3 Identifying the Offender

- 15.3.1 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 Police Scotland [Identification Procedures SOP](#).
- 15.3.2 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 with assistance from Police Scotland SCD.

15.4 Locating the Offender

- 15.4.1 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 Procurator Fiscal, Police Scotland Corporate Communications and Police Scotland Legal Services.
- 15.4.2 There are a number of different types of appeal available to RP SIOs. Any appeal for identified suspects should be discussed and authorised by the Procurator Fiscal. 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.

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15.5 Fast-Track Considerations

- 15.5.1 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 (e.g. fail to stop);
 - Whether an incident room has been set up, giving the contact telephone numbers;
 - An initial appeal for witnesses and/or information.
- 15.5.2 When a contact telephone number is to be published, adequate resources must be employed to deal with the resulting response.
- 15.5.3 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 Traffic Scotland, Transport Scotland's Press Team and/or Operating Company and also local authorities.
- 15.5.4 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.

15.6 Slow-Time Considerations

- 15.6.1 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 time frames are reasonable, there is a likelihood that the media will be sympathetic to the victim, their family and the overall aims of the investigation.
- 15.6.2 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.

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- 15.6.3 Police Scotland Corporate Communications 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 (e.g. Transport Scotland's Press Team and/or Operating Company or local road authorities).
- 15.6.4 The deceased's details should be released only on the authority of the RP SIO, who may wish to consult others such as the Procurator Fiscal. 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.
- 15.6.5 Bereaved families should be informed that the victim's details will be released to the press. It must be stressed that the press may obtain them from sources other than the police. How this message is communicated is a matter of control between the SIO and the FLO/FCO and can be done with Police Scotland Corporate Communications support.
- 15.6.6 **Note:** The identity of any person suspected, but not yet charged, with an offence should not be released to the media.

15.7 Appeals

- 15.7.1 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.
- 15.7.2 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;
 - Social Media;

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- Trade journals;
- Hotlines e.g. Travel Link via Transport Scotland;
- Neighbouring Forces.

15.7.3 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.

15.8 Media Access at the Scene

15.8.1 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 Police Scotland Corporate Communications for advice and assistance.

15.8.2 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, e.g. high-powered lighting - must not be allowed to cause danger to other traffic.

15.9 Internal Communication Strategy

15.9.1 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;
- Police Scotland News, intranet systems or video briefings;
- Posters;
- Individual briefings to senior officers, neighbourhood policing teams, local intelligence, custody officers and staff.

15.9.2 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, which will enable the RP SIO to obtain a clear update on progress and assist in identifying lines of enquiry. Factors to consider are:

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- Location – fitness for purpose, briefing or conference rooms;
- Timing and frequency;
- Notification – attendees such as initial investigators, analysts, SOCO's, intelligence officers, enquiry teams, neighbourhood policing teams, supervisors;
- Facilities – video, overhead projectors, flip charts, analysts charts, tape recorders;
- Record keeping – maintaining records, retaining briefing sheets, (Disclosure 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.

15.9.3 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 [6.4 - Briefing and Debriefing](#).

15.10 Community Impact Assessment

15.10.1 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.

15.10.2 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 placed on the Police Service of Scotland by the [Equality Act 2010, section 149](#) to give due regard to the need to

- Eliminate discrimination, harassment, victimization and any other conduct prohibited by the act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant characteristic and persons who do not share it.

15.10.3 For further information, RP SIOs should also consult the Police Scotland [Equality, Diversity and Dignity SOP](#).

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- 15.10.4 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 Disclosure.
- 15.10.5 Some members of the community, such as children or young cyclists, are more vulnerable to road death than others. There is 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 Department for Transport [Road User Safety and Disadvantage Report](#).
- 15.10.6 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, e.g. Community Planning Partnerships and local authorities.
- 15.10.7 For further information on community impact assessments, e.g. completing a Community Impact Assessment form (CIA), see the Police Scotland [Community Impact Assessment SOP](#).

16. Post Mortem and Pathologist

16.1 Introduction and Overview of the Role of the Pathologist

- 16.1.1 A pathologist is given authority by the Procurator Fiscal to perform a post-mortem examination. A post-mortem examination may be carried out by either one or two pathologists.
- 16.1.2 The circumstances surrounding the fatal collision dictate whether the Procurator Fiscal instructs one or two pathologists to carry out the post-mortem examination.
- 16.1.3 Two pathologists will only be instructed where there are grounds for believing that a criminal prosecution, on a charge, which requires that the fact and cause of death be proved by corroborated evidence, will follow (e.g. Culpable Homicide, Section 1 of the Road Traffic Act 1988). The majority of pathologists have considerable experience of road traffic deaths.

16.2 Post-Mortem Examination

- 16.2.1 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.
- 16.2.2 The Procurator Fiscal has authority at common law to direct that a post-mortem examination be carried out. There is no other person or body in Scotland who has such authority. The Procurator Fiscal does not require the

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consent of the deceased's nearest relative or family to instruct a post-mortem examination.

- 16.2.3 However, the Procurator Fiscal will, in so far as possible, take into account the views of the deceased's nearest relative and family. In cases where it appears that the deceased's family may have specific cultural or religious needs the death report and associated criminal report submitted to the Procurator Fiscal should clearly specify both their ethnic, cultural and religious background to ensure that liaison can take place in a manner which is sensitive to their cultural and religious needs.
- 16.2.4 In cases other than a two pathologist post-mortem it will be a matter of discretion for the Procurator Fiscal as to whether the RP SIO, or another member of police staff involved in the investigation, are required to attend the post-mortem examination. Where a two-pathologist post-mortem takes place, police officers will generally be required to attend in order to identify the body to the pathologists.

16.3 Instruction of Pathologist

- 16.3.1 As referred to at **16.1.3 (above)**, a two pathologist post-mortem examination will only be instructed where there are grounds for believing that a criminal prosecution, on a charge, which requires that the fact and cause of death be proved by corroborated evidence, will follow.
- 16.3.2 The Procurator Fiscal will select and instruct the pathologists to perform the post-mortem. He or she may be advised by these pathologists as to the need for further investigation by way of forensic science but the decision on the extent of such investigation and the choice of experts will be made by the Procurator Fiscal in the light of all the known circumstances of the case.
- 16.3.3 In some cases the Procurator Fiscal will require to consider whether a pathologist with particular skill should be called in. For example in cases of head injury it might be useful to instruct a neuropathologist.
- 16.3.4 In cases involving apparent Murder, Culpable Homicide or contravention of Section 1 or 3A of the Road Traffic Act 1988 the Procurator Fiscal and the RP SIO (or an appropriately designated officer) will normally be present throughout the autopsy so that they can appreciate the findings and answer any questions that might arise about the circumstances of the case.
- 16.3.5 Appropriate SOCOs and CID should also be present as they are responsible for ensuring that samples are appropriately labelled and signed.
- 16.3.6 The number of individuals in the autopsy room should be kept to a minimum.

16.4 Attendance of the Pathologist at the Scene

- 16.4.1 Generally it will not be 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

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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 the Procurator Fiscal.

- 16.4.2 If it is agreed that a pathologist will attend the scene, the pathologist should examine the deceased 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.
- 16.4.3 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.

16.5 Procedures for Further Post-Mortem Examinations

- 16.5.1 Where criminal proceedings have commenced the Procurator Fiscal will ascertain from the defence whether they wish to instruct a post-mortem examination.
- 16.5.2 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 Procurator Fiscal without delay. A suitable time for the post-mortem can then be arranged. Defence pathologists will need to establish such things as the nature of the wounds and cause of death. They will also need to examine the original post-mortem report, photographs and any other relevant items.

16.6 Retention and Release of the Deceased's Body

- 16.6.1 The Procurator Fiscal has a right and a duty to control the disposal of bodies, which have died within their jurisdiction, while they make enquiries into the death. However, it is appreciated that the nearest relative will be anxious to complete the funeral arrangements and that the body should be released as soon as possible after enquiries have been complete.
- 16.6.2 Procurators Fiscal are aware that bereaved relatives from some cultures and religions will wish to have early release to meet their religious or cultural requirements. This highlights the importance of providing information about the ethnic, religious and cultural background of the deceased to the Procurator Fiscal.
- 16.6.3 In cases where criminal proceedings have commenced the body will not be released until the defence has indicated in writing that they do not require a defence post-mortem examination or that they have completed their autopsy.

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- 16.6.4 In cases where death was the result of a suspected criminal act but criminal proceedings have not commenced or a suspect has not been identified difficult questions may arise as to the release of the body. In such cases the Procurator Fiscal will report the matter to Crown Counsel for further instructions.
- 16.6.5 The post-mortem report is confidential to the Procurator Fiscal. The Procurator Fiscal will also consider requests from all those having a legitimate interest in the circumstances of the death (including the nearest relative).
- 16.6.6 There should be a presumption in favour of providing a copy of the report.
- 16.6.7 However, if criminal proceedings are in contemplation or pending, the Procurator Fiscal must assess whether those proceedings might be prejudiced by disclosure of the report.
- 16.6.8 It is not uncommon for the question of organ and/or tissue transplants to arise, given the wishes of the victim and immediate family. A protocol has been agreed between the Crown Office and Procurator Fiscal Service and the Scottish Transplant Group for dealing with cases where organ and/or tissue transplantation might be contemplated.
- 16.6.9 No donation can take place without the consent of the Procurator Fiscal and this is preserved in the Human Tissue (Scotland) Act 2006 which provides that where there is reason to believe that the Procurator Fiscal may require an examination of a body no part of that body may be removed without the consent of the Procurator Fiscal.
- 16.6.10 It is important to 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 Procurator Fiscal;
 - If the Procurator Fiscal is satisfied that donation will not prejudice the investigation they will allow it to proceed, although the interests of justice are paramount;
 - The Procurator Fiscal 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 and may instruct that the pathologist be present when the organ/tissue is removed.

17. Other Agencies and Resources

17.1 Introduction

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

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- Agencies which can offer specialist input into the response to, and the subsequent investigation of, fatal collisions (see **17.2** - Responding and Investigative Agencies);
- Agencies that can offer support to victims or witnesses (see **18** - Support Agencies).

17.1.2 The lists of agencies are not definitive and, when necessary, the investigating team is encouraged to identify other agencies and resources which may be able to offer an input into the investigation.

17.2 Responding and Investigative Agencies

17.2.1 Officers and staff 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.

17.3 Scottish Ambulance Service (SAS)

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

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

17.3.3 The overall priority of the SAS 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.

17.3.4 For further information see <http://www.scottishambulance.com/>

17.4 British Transport Police (BTP)

17.4.1 The mission of the British Transport Police is to protect and serve the railway environment and its community, keeping levels of disruption, crime and the fear of crime as low as possible.

17.4.2 For further information see Police Scotland [Safety and Policing of the Railways SOP](#) and <http://www.btp.police.uk/>

17.5 Department for Transport (DfT) - Incorporating Air Accident Investigation Branch, Marine Accident Investigation Branch and Rail Accident Investigation Branch

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

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

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

17.6 Air Accident Investigation Branch (AAIB)

17.6.1 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.

17.6.2 For further information see Police Scotland [Civil Aviation and Military Aircraft SOP](#) and at <http://www.aaib.dft.gov.uk/>

17.7 Marine Accident Investigation Branch (MAIB)

17.7.1 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.

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

17.8 Rail Accident Investigation Branch (RAIB)

17.8.1 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.

17.8.2 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.

17.8.3 For further information see Police Scotland [Safety and Policing of the Railways SOP](#) and <http://www.raib.gov.uk/>.

17.8.4 It is important to note in relation to the Edinburgh Tram network that Police Scotland will deal with all reported collisions on a road. These will be treated

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as vehicular accidents rather than train accidents and as such the British Transport Police will not have jurisdiction, although close liaison will be required regarding incidents that take place off-road where tram lines near to heavy rail lines.

See Police Scotland [Attendance at Incidents Involving Trams SOP](#) for additional information.

17.9 Driver and Vehicle Licensing Agency (DVLA)

17.9.1 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 Police Scotland has a number of 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).

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

17.10 Driving Standards Agency (DSA) (Becoming DVSA)

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

- Setting standards for drivers, riders and instructors, including voluntary registrations 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.

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17.10.2 A new agency with responsibility for maintaining vehicle and driver standards was launched in November 2013 as the Driver and Vehicle Standards Agency (DVSA). This new agency will replace the Driving Standards Agency (DSA) and the Vehicle and Operator Services Agency (VOSA) and will have responsibility for setting, testing and enforcing driver and vehicle standards in Great Britain.

17.10.3 There will be a gradual introduction of the new agency name ahead of a formal launch in April 2014, with no change to the level or quality of services during the transition period.

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

17.11 Experian

17.11.1 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.

17.11.2 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;

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

17.12 Scottish Fire and Rescue Service (SFRS)

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17.12.1 The Scottish Fire & Rescue Service (SFRS) took on its full range of functions on 1 April 2013, when it replaced the eight previous fire authorities.

17.12.2 The statutory duties of the service have not changed and we will continue to see a service focused on:

- Protecting our communities by working to encourage people and businesses to take action to prevent fires happening;
- Being equipped and ready to respond to emergencies.

17.12.3 Within the context of the road network, this enables full participation in the integrated command of an incident. This ensures the SFRS work proactively with Police Scotland and other agencies to prevent harm to road users by using their specialist expertise.

17.12.4 The [Fire \(Scotland\) Act 2005](#) as amended by the Police and Fire Reform (Scotland) Act 2012 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 road;
- Stop and regulate traffic;
- Restrict the access of persons to premises or a place.

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

17.13 Maritime and Coastguard Agency (MCA)

17.13.1 The primary responsibility of the MCA is to initiate and co-ordinate civil maritime search and rescue within the UK search and rescue region. This includes mobilising, organising and dispatching resources to assist people in distress at sea or in danger on the cliffs or shoreline or in certain inland areas.

17.13.2 The Counter Pollution and Response Branch is responsible for dealing with pollution at sea and assists Local Authorities with shoreline clean-up. The MCA will assist other Emergency Services and Local Authorities during civil emergencies such as flooding at the specific request of the Police or Local Authorities.

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

17.14 Office of Rail Regulation (ORR)

17.14.1 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

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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).

17.14.2 Police Scotland should 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.

17.14.3 For further information see: <http://www.rail-reg.gov.uk/>

17.15 Police Investigations and Review Commissioner for Scotland (PIRC)

17.15.1 The role of the PIRC is to undertake independent investigations into the most serious incidents involving the police and to provide independent scrutiny of the way police bodies operating in Scotland respond to complaints from the public.

17.15.2 The Police Investigation and Review Commissioner (PIRC) may, on the instruction of the Crown Office and Procurator Fiscal service, investigate fatal collisions or 'likely to prove' collisions where there is an indication that the person driving was a person serving with the police.

17.15.3 For more information see <http://pirc.scotland.gov.uk/>

17.16 Scottish Environment Protection Agency (SEPA)

17.16.1 SEPA is the lead body for protecting and improving the environment in Scotland with its main priorities being:

- Prevention or minimisation of the impact of the incident;
- Investigation of the cause of the incident considering enforcement action;
- Seeking remediation, clean up or restoration of the environment.

17.16.2 Their role is dependent on the nature of the incident, e.g. in a Flood event SEPA will focus on operational issues, i.e. issuing flood warnings and operating flood defences to protect at risk communities.

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

17.17 Traffic Commissioners

17.17.1 There are seven regionally-based traffic commissioners, who are appointed by the Secretary of State for Transport and who have responsibility in their region or country for:

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- 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.

17.17.2 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.

17.17.3 In addition the Traffic Commissioner for Scotland also has statutory powers to consider appeals by taxi operators against fare scales fixed or reviewed by Scottish licensing authorities. She is also empowered under the Road Traffic Act 1991 to appoint adjudicators to consider appeals against penalty charge notices issued in respect of improperly parked vehicles in Scottish local authority areas where parking offences have been decriminalised.

17.17.4 For further information see:
<https://www.gov.uk/government/organisations/traffic-commissioners>

17.18 Transport Scotland

17.18.1 Transport Scotland is the national transport agency for Scotland. Transport Scotland is an agency of the Scottish Government and is accountable to the Scottish Ministers. It is responsible for operating, maintaining and improving the strategic road network in Scotland.

17.18.2 The strategic road network consists of all trunk roads in Scotland. A trunk road is a road considered by the Scottish Government to be strategic to the national economy. All existing motorways and many A-roads are designated as trunk roads.

17.18.3 Scotland's strategic road network of 3,500 kilometres is vital because it connects our cities, rural communities and the ports that serve the islands. The trunk road network in Scotland is hugely diverse – from the 10 lanes M8 Motorway in the centre of Glasgow to single carriageways in the West Highlands. Although it represents just over 6% of the total Scottish road network it carries 37% of all traffic and 62% of large goods vehicles.

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17.18.4 For more information see <http://www.transportscotland.org>.

17.19 Traffic Scotland

17.19.1 The trunk road network is only congested for limited periods of time, either because of peaks in demand or because of temporary lane restrictions caused by collisions or roadworks. It is crucial to keep traffic moving and there are many traffic management measures in place on Scotland's trunk road network.

17.19.2 The suite of intelligent transport system infrastructure operated on behalf of Transport Scotland is termed as the "Traffic Scotland" system, formerly known as NADICS (National Driver Information and Control System).

17.19.3 Improved driver information can help to alleviate congestion and up-to-the-minute information about road conditions is provided to the public by the "Traffic Scotland Operator" (TSOP), a service provider to Transport Scotland. The Traffic Scotland system includes:

- Overhead gantry signal control;
- Automatic queue detection systems;
- Real-time traffic information for drivers via roadside variable message signs (VMS);
- CCTV;
- Journey time information systems.

17.19.4 This system was established by the Scottish Government to improve safety and efficiency. Messages are displayed on variable signs to give drivers advance warning of problems such as:

- Roadworks;
- Collisions;
- Adverse weather conditions;
- Road closures;
- Lane closures;
- Speed restrictions.

17.19.5 These messages are controlled from the Traffic Scotland Control Centre in Glasgow and the information displayed can also be updated through Area Control Rooms (ACR). This assistance can provide valuable support to uniformed patrol officers in dealing with incidents on the network. Strategic traffic information is also passed to the broadcast media and regularly updated on the Traffic Scotland website, <http://www.trafficscotland.org>.

17.20 Operating Companies and DBFO Concessionaires

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17.20.1 Transport Scotland is responsible for the management and maintenance of the trunk road network in Scotland. Private sector companies who are contracted to Transport Scotland undertake this on behalf of the Scottish Government. This service is provided on the vast majority of the network by four “Operating Companies” (OC) working in one of four regions, North West, North East, South West and South East.

17.20.2 Additionally there are a small number of “Design Build Finance Operate” (DBFO) Concessionaires who provide a similar service to Transport Scotland via a private finance initiative. Both these parties carry out day-to-day inspection, management, maintenance and repairs to the trunk road network under contracts to Transport Scotland.

17.20.3 The Operating Companies and DBFOs thereafter undertake responsibility for:

- Routine and cyclic maintenance;
- Emergency response;
- Winter maintenance;
- Traffic management;
- Design and supervision of infrastructure projects;
- Maintenance of bridges and structures;
- Routine management of the network;
- Street lighting and traffic signals;
- Structural pavement maintenance;
- Road safety schemes;
- Road markings;
- Safety fence repairs;
- Overseeing of works carried out by contractors and utility companies.

17.20.4 Transport Scotland works in partnership with the Operating Companies and DBFOs to achieve the aim of delivering a safe, efficient, reliable and environmentally acceptable Scottish trunk road network that meets current and future needs.

17.21 Inter-Partner Operational Liaison

17.21.1 The operational links between the various Police Forces and Transport Scotland are vital in continuing to operate a safe and efficient motorway and trunk road network. This may be via working in partnership on site with the relevant OC/DBFO or through operational control room/FCR liaison with the Traffic Scotland Control Centre. With regard to the latter point, this may be to advise of incidents on the network (or those on local authority roads which may have an impact on the trunk road network) or to seek assistance in setting the overhead gantry signals to restrict or prohibit traffic on a particular route. This co-ordinated method of operation ensures that the police and

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Transport Scotland provide a robust operation to ensure the efficient and effective operation of the network.

17.21.2 This point is clearly demonstrated in dealing with incidents where the police request on-site assistance from the OC/DBFO and also assistance from Traffic Scotland in setting the gantry signals and variable message signs (VMS). This ensures that the incident is being managed in a co-ordinated manner, that the police have assistance in dealing with the incident and that Traffic Scotland can manage strategic traffic, thereby reducing the amount of traffic which the police or OC have to deal with at the incident locus. By regularly updating the FCR, who in turn contacts Traffic Scotland, the road authority can ensure accurate information from operational partners is being received and the public can then be advised of the management of the incident via the VMS, media updated travel bulletins and the Traffic Scotland website.

17.21.3 This operational liaison is not only important when managing an incident but also during periods of severe weather. Whilst the Traffic Scotland field infrastructure, especially weather monitoring stations, is vast and continuously developing, not all of the network is covered by these stations or CCTV. Hence, the operational liaison and reporting of localised conditions can be a valuable tool in managing the impacts of severe weather.

17.21.4 All uniformed patrol officers are therefore encouraged to advise their ACR of the effect of severe weather conditions on the network, and also areas of local authority roads, which may impact on the trunk road, network, so that this information can be passed on to the Traffic Scotland Control Centre. This will help Traffic Scotland in managing strategic traffic and therefore reduce the impact of traffic on police resources when trying to clear incidents.

17.22 Trunk Road Incident Support Service (TRISS)

17.22.1 Since inception the Operating Companies have been contracted to provide Incident Support Units (ISU) on the motorway and trunk road network. Their remit includes assisting police and the other emergency services at incidents on the network. The ISU staff are operatives of the Operating Companies who would normally be performing other tasks, e.g. road maintenance, sign setting etc., and would therefore have to leave their tasks in order to respond to a request for ISU assistance. This obviously affected response times.

17.22.2 In order to improve response times a trial was established the aim of which was to investigate the effectiveness of a dedicated Trunk Road Incident Support Service (TRISS) operated by the relevant OC. Following the success of this trial the TRISS units continue to be deployed in the Glasgow area and have been extended to provide a service in the Edinburgh area. This new service is operated by the relevant OC.

17.22.3 The TRISS units use fully liveried vans and operate from 0600 hours to 1830 hours seven days a week. The aim of the service is to reduce delays and speed up the time it takes to clear the road after incidents; therefore, each van

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carries enough equipment to carry out emergency traffic management. The vans are also equipped with roof mounted variable message signs.

17.22.4 The main difference between the ISU and the TRISS units are that TRISS will actively patrol their allocated area of the trunk road network and deal with incidents as they come across them. Their functions include:

- Clearance of debris from traffic lanes and hard shoulders;
- Offering assistance to broken down vehicles;
- Assisting with the removal of broken down vehicles to safe locations;
- Assisting with Road Closures;
- Offering fuel to drivers of broken down vehicles where required;
- Advising their control centre of broken down or abandoned vehicles.

17.23 Driver and Vehicle Standards Agency (DVSA)

17.23.1 The Driver and Vehicle Standards Agency (DVSA) (formerly known as the Vehicle Operator's Service Agency – 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. DVSA undertakes a large number of activities aimed at improving road safety.

17.23.2 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, DVSA can also offer assistance with tachograph analysis and drivers' hour's investigations as well as providing background information on operator(s). DVSA's intelligence unit may be able to provide details of relevant intelligence held on its intelligence database and ANPR systems.

17.23.3 Contact with the unit can either be through local DVSA intelligence officers or the National Intelligence Coordinator based in Bristol.

17.23.4 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.

17.23.5 Examiners employed by DVSA have this experience and consideration should be given to using the services of the agency for these inspections wherever possible.

17.23.6 A number of DVSA 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.

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- 17.23.7** Police Scotland has a formal standard operating procedure (SOP) agreed with local DVSA 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.
- 17.23.8** Road Policing supervisors are encouraged to agree local protocols with DVSA. Consideration should be given to the benefits of requesting DVSA 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.
- 17.23.9** When a request is made for a DVSA examination, the RP SIO should ensure that the necessary PREV1 form is completed for each vehicle and forwarded to the relevant enforcement office. On conclusion of the DVSA 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 DVSA collision forms can be supplied. At the request of the RP SIO, a full technical report can also be provided where this is necessary.
- 17.23.10** Where vehicles are examined by DVSA on behalf of the RP SIO, any components or samples removed from them should be retained by the Police as productions.
- 17.23.11** DVSA'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' hour's records or in technical assessment of vehicle maintenance records.
- 17.23.12** A number of DVSA 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 DVSA can assist the RP SIO in cases where digital recording equipment is fitted to the vehicle.
- 17.23.13** DVSA 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.

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- 17.23.14** Ideally, requests for examiners to attend the scene of a collision or for subsequent vehicle examinations should be made to DVSA's local enforcement office. In the event that local contact cannot be established, the request should be made to DVSA's Vehicle Safety Branch in Bristol from where the local office will be contacted.
- 17.23.15** The request should contain all relevant information to enable DVSA 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.
- 17.23.16** 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 DVSA's Vehicle Safety Branch.
- 17.23.17** The investigation of any fatal or serious injury collision is solely the responsibility of the police, but DVSA do have a responsibility to the traffic commissioner and 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, DVSA 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.
- 17.23.18** A new agency with responsibility for maintaining vehicle and driver standards was launched in November 2013 as the Driver & Vehicle Standards Agency (DVSA). This new agency will replace the Driving Standards Agency (DSA) and the Vehicle and Operator Services Agency (VOSA) and will have responsibility for setting, testing and enforcing driver and vehicle standards in Great Britain.
- 17.23.19** There will be a gradual introduction of the new agency name ahead of a formal launch in April 2014, with no change to the level or quality of services during the transition period.
- 17.23.20** For further information see <http://www.vosa.gov.uk/>

18. Support Agencies

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

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18.2 For further information see <http://www.busk-uk.co.uk/index.php>

- **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 Scotland. This guide is also available for England and Wales and Northern Ireland.
- 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 Scotland, England and Wales and Northern Ireland.
- BrakeCare What happens in an intensive care unit? This guide is predominantly distributed by hospitals in the UK.

18.3 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.

18.4 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.

18.5 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 answer phone service and calls will be returned within forty-eight hours. The helpline can be contacted by telephone on [0845 603 8570](tel:08456038570).

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

- **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.

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

- **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/>

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- **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. Bereaved parents staff the helpline.

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

- **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.cruse.org.uk/>

- **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/>

- **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 7247 1080 (No Website).

- **RoadPeace**

The RoadPeace helpline offers free, confidential support and information to the bereaved, the injured and their carers. Trained volunteers, who have themselves suffered bereavement or injury, staff the helpline. 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;

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>

- **Royal Society for the Prevention of Accidents (ROSPA)**

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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/>

- **Samaritans**

Samaritans provide confidential emotional support twenty-four hours a day for anyone in need. Trained volunteers, who will listen sympathetically, staff Helplines.

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

- **Scotland's Campaign Against Irresponsible Driving (SCID)**

SCID's objectives are to help and advise victim families of road crashes in Scotland, to seek changes in the law as it applies to Criminal Traffic Offences, which have caused death or injury, also to deter irresponsible drivers by the imposition of more relevant sanctions and to encourage drivers through education to adopt safer standards.

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

- **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/>

- **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. (No Website).

- **Victim Information and Advice (VIA)**

VIA is part of the Crown Office and Procurator Fiscal Service and assist victims, witnesses and in certain cases of sudden, unexpected or crime related deaths, the next of kin. VIA are able to provide the following:
Information and advice about how the criminal justice system works;
Update on the progress of the case;
Advice and assistance concerning court procedure;
Provide details of other services for victims and their families.

VIA can also help nearest relatives in cases of deaths, which may involve criminal proceedings, or if there is to be a Fatal Accident Inquiry or extensive investigation.

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For further information see <http://www.copfs.gov.uk/involved-in-a-case/victims>

- **Victim Support**

Victim Support is the national charity that 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/>

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Health and Safety Executive Work Related Deaths – A Protocol for Liaison

Health and Safety Introduction

This protocol has been agreed among the Health and Safety Executive (HSE), the Police Service of Scotland (PSoS), the British Transport Police (BTP), and the Crown Office and Procurator Fiscal Service (COPFS). It sets out the principles for effective liaison among the parties in relation to work-related deaths in Scotland and is available to the public. In particular, it deals with incidents where, following a death, evidence indicates that a serious criminal offence other than a health and safety offence may have been committed. The protocol addresses issues concerning general liaison and is not intended to cover the operational practices of the signatory organisations.

HSE, the police and COPFS have different roles and responsibilities in relation to a work-related death.

When a crime is committed or where there has been a sudden, suspicious or unexpected death, it is the responsibility of the Procurator Fiscal to investigate it, although this will usually be done (for crimes other than health and safety ones) in the first instance by the police, who will report the result of their investigation to the Procurator Fiscal. Decisions on whether there should be prosecutions or Fatal Accident Inquiries are taken by COPFS.

HSE is responsible, under Section 18 of the Health and Safety at Work, etc. Act 1974 (HSW Act), for making adequate arrangements for the enforcement of health and safety legislation with a view to securing the health, safety and welfare of workers and protecting others, principally the public.

Other enforcing authorities may investigate work-related deaths and use either the HSW Act or other more specific legislation that may be relevant to the circumstances and hence need to be involved. There are ministerial and intergovernmental department agreements about relative responsibilities for regulatory regimes and the boundaries that will be applied to the HSW Act. These other enforcing authorities (see the Annex for the main bodies) will be involved to investigate and report on their regimes and legislation as appropriate.

The HSW Act is not devolved legislation and the Health and Safety Commission (HSC) has overall responsibility to ministers for securing the aims of the HSW Act through health and safety enforcement policy. Health and safety offences are investigated by HSE, the local authority or other enforcing authority in accordance with HSC's **Enforcement Policy Statement** and other policies, and are subject to direction by ministers and HSC. HSC's **Enforcement Policy Statement** has been accepted by COPFS as part of the 'public interest' test and HSC policies in respect of work-related risks to others will be communicated to COPFS.

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All decisions on whether to prosecute health and safety offences, whether or not a fatality is involved, are made by COPFS.

The underlying principles of this protocol are:

An appropriate decision concerning prosecution will be made based on a sound investigation of the circumstances surrounding work-related deaths

- Where there is an indication of the commission of a serious criminal offence (other than a health and safety offence) the police will conduct an investigation (subject to any guidance or instruction from the Procurator Fiscal) jointly with HSE (or other enforcing agency). On the rare occasions where joint investigation would not be appropriate, there will still be effective liaison and co-operation among the investigating parties;
- Where health and safety offences only are involved, HSE (or other enforcing authority) will conduct an investigation, again in liaison with the police and COPFS;
- The decision to prosecute will be made without unreasonable delay;
- The bereaved and witnesses will be kept suitably informed; and
- Parties to the protocol will maintain effective mechanisms for liaison.

Application

For the purpose of this protocol, a work-related death is a fatality resulting from an incident arising out of or in connection with work. The principles set out in this protocol also apply to cases where the victim suffers injuries in such an incident that are so serious that there is a clear indication, according to medical opinion, that death is likely.

There will be cases in which it is difficult to determine whether a death is work related or not in the early stages of an investigation. The Procurator Fiscal will determine whether or not a death is work-related and thus subject to this protocol after consultation with the police and investigating agencies.

Statement of Intent

In the early stages of an investigation, it is not always apparent whether any serious criminal offence has been committed. The parties to the protocol are committed to ensuring that any investigation into a work-related death is thorough and appropriate, and agree to work closely together in order to achieve this. Decisions in relation to who will lead the investigation, and the direction it will take, should be timely, informed by the best available evidence and technical expertise, and should take account of the wider public interest. Should there be any issue as to who is to be involved in investigating any work-related death, then the enforcing authorities and the Procurator Fiscal will work together to reach a conclusion. Where the Procurator Fiscal decides that a work-related death may be a serious criminal offence (other than a health and safety offence), then they have authority to direct the police to lead the investigation until such time as such serious crime is excluded.

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The Procurator Fiscal has no authority to issue instructions to HSE or other investigating authorities other than the police, as these have their own investigatory needs, but will assist the Procurator Fiscal and police where they have the skills, competencies and resources to do so.

Initial Action

A police officer attending an incident involving a work-related death should treat the locus as a crime scene and arrange, according to the officer's own force procedures governing unexplained deaths, to:

- Identify, secure, preserve and take control of the scene, and any other relevant place;
- Supervise and record all activity;
- Inform a senior supervisory officer;
- Enquire whether the employer or other responsible person in control of the premises or activity has informed HSE (or other investigating or enforcing authority);
- Contact and discuss the incident with HSE (or other enforcing authority) and agree arrangements for controlling the scene for considering access to others, and for other local handling and procedures to ensure the safety of the public.

A police officer of supervisory rank should attend the scene and any other relevant place to assess the situation, review actions taken to date and assume responsibility for the investigation. Should any other investigating or enforcing authority have staff in attendance before the police arrive, it should ensure that the police have been called, and preserve the scene in accordance with the initial actions (above) until the police get there.

The police officer of supervisory rank should, when they have assessed the situation and reviewed actions taken, contact the Procurator Fiscal, or if out of hours, the duty Procurator Fiscal, and appraise them of the full circumstances of the death. They should comply with any instructions issued by the Procurator Fiscal who may decide to attend the scene of the death and/or to instruct a pathologist to attend. Other specialists should attend the locus in accordance with local arrangements for the investigation of a serious crime to ensure a complete and thorough investigation.

Although the HSE Investigators guide is at present only available in an 'England and Wales' form, it nevertheless contains helpful practical guidance on initial scene attendance. A 'Scotland' form will be prepared to complement this Protocol.

Management of the Investigation

Investigations should always be managed professionally, with communications among the signatory organisations continually maintained. Investigations should generally be jointly conducted, with one of the parties taking the lead, or primacy, subject to the authority or guidance of the Procurator Fiscal, as appropriate.

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An investigation may also require liaison with any other enforcing authority, which may have an interest.

Throughout the investigation period, the police and HSE (or other enforcing authority) should keep the progress of the investigation under review. Milestones should be agreed and monitored, and policy and key decisions made after discussion with the Procurator Fiscal if necessary. All policy and key decisions are to be recorded.

The Procurator Fiscal, police and HSE (or other enforcing authority) should agree on:

- How resources are to be specifically used;
- How evidence is to be shared among the parties;
- How the interviewing of witnesses, the instruction of experts and the forensic examination of productions are to be co-ordinated;
- How, and to what extent, corporate or organisational failures should be investigated;
- A strategy for keeping the bereaved, witnesses, and other interested parties informed of developments in the investigation;
- A media strategy to take account of the sensitivities of the bereaved and those involved in the incident, and to encourage consistency of approach in reporting;
- Whether general warnings need to be given to industry or other classes of duty holder if the investigation reveals risks, which may not be generally understood. The wording of such general warnings will need to be agreed with the Procurator Fiscal to minimise jeopardising any later proceedings.

In certain large-scale investigations it may be beneficial to form a strategic liaison group to ensure effective inter-organisational communication, and to share relevant information and experiences.

Decision Making

This protocol formalises the arrangements for work-related deaths to be subject to joint initial investigation by the police and by HSE (or other enforcing authority responsible for health and safety legislation). Both parties will discuss their initial findings and views with the Procurator Fiscal as soon as possible after the initial site visit, with a view to enabling the Procurator Fiscal to make an early decision as to whether a serious criminal offence (other than a health and safety offence) can be excluded.

Where the investigation gives rise to a suspicion that a serious criminal offence (other than a health and safety offence) may have caused the death, the police will assume primacy for the investigation and will work subject to the authority of the Procurator Fiscal in partnership with HSE (or other enforcing authority). Where it becomes apparent during the investigation that there is insufficient evidence to establish that a serious criminal offence (other than a health and safety offence) caused the death, the investigation should, by agreement, be taken over by HSE (or

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other enforcing authority). Parties should record such a decision and therefore the reason in writing.

Information obtained and evidence gathered will continue to be exchanged as needed between the parties after any decision has been made on handover of the investigation.

Where HSE (or other enforcing authority) is investigating the death, and new information is discovered that may assist the Procurator Fiscal in considering whether a serious criminal offence (other than a health and safety offence) has been committed, then the enforcing authority will pass that new information to the Procurator Fiscal who will decide whether to involve the police in the enquiry. The decision and reasons should be recorded in writing.

Disclosure of Material

Disclosure must always follow the established law and procedure and all decisions or disclosure, outwith the signatories, will be made by COPFS.

Where there has been an investigation, all reports of the investigation will be submitted to the Procurator Fiscal and shared, subject to any legal restrictions among the Procurator Fiscal, the police and HSE (or other enforcing authority). Special handling procedures may be necessary in certain cases. The organisation responsible for retaining the productions, documents and other relevant material should also be agreed upon.

Special Inquiries

In the case of some incidents, particularly those involving multiple fatalities, the Health and Safety Commission may, with the consent of the Secretary of State, direct that a public inquiry be held. Alternatively, the Commission may authorise HSE, or any other person, to investigate and produce a special report.

In such circumstances, all signatories will provide any necessary support and evidence to the person appointed to conduct the public inquiry or to the special investigation, subject to the relevant regulations.

Complex legal issues may arise when there are parallel public inquiries and criminal investigations or prosecutions. The signatories will aim to keep the Procurator Fiscal and the Chairs of any inquiries informed of the progress of the investigation and the Procurator Fiscal will advise the inquiry as necessary.

Sometimes the report of a public inquiry may be delayed to await the conclusion of criminal proceedings, and on other occasions, there may be no such delay because of strong public interest in publishing the report and the recommendations of a public inquiry quickly. In either event, the signatories to the protocol will work together to ensure that the decision to prosecute can be made as expeditiously as possible and any criminal proceedings commenced without unreasonable delay.

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Advice Prior to Charge

Early and regular liaison among the Procurator Fiscal, Police, HSE or other investigating agency is essential in the best interests of the investigation and prosecution process as a whole.

The police must consult the Procurator Fiscal before charging an individual or the representatives of a company or corporate body with any serious criminal offence arising out of a work-related death.

The Decision to Prosecute

The decision to prosecute any serious criminal offence, including a health and safety one, will be taken by COPFS in accordance with the Prosecution Code. Following discussion among the Procurator Fiscal, the police and HSE (or another enforcing authority) the Procurator Fiscal will submit a full precognition to Crown Counsel who will make the decision and have it communicated to the Procurator Fiscal.

A serious criminal offence, other than a health and safety one, may be prosecuted with or without related health and safety offences. In respect of potential health and safety offences, HSE (or other enforcing authority) will submit a report to the Procurator Fiscal with recommendations on how to proceed made in accordance with the HSC Enforcement Policy Statement and the HSE Enforcement Handbook (Scotland), which incorporates the appropriate provisions of the COPFS Prosecution Code.

34. There should be no unreasonable delay in reaching the prosecution decision. If there is a delay then COPFS should notify the police and HSE (or other enforcing authority), explain the reasons for the delay, and keep them informed of the decision making progress.

COPFS should always take into account the consequences for the bereaved of the decision whether or not to prosecute, and of any views expressed by them.

When Crown Counsel have made their decision, it will be communicated to the police and HSE (or other enforcing authority) as soon as practicable by the Procurator Fiscal.

No prosecution decision will be made public until the accused and the bereaved have been advised.

The public announcement of the decision will be made according to the agreed media strategy.

The Prosecution

COPFS will arrange all aspects of the prosecution and will:

- Deal with the retention and disclosure of material;

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- Make arrangements for keeping the bereaved and witnesses informed of developments;
- Make the announcement of the decision in consultation with the police and HSE, the local authority or other investigating agencies;
- Make arrangements for maintaining contact during the prosecution.

Fatal Accident Inquiries

Where a death occurs as the result of an accident in the course of employment, it is mandatory for the Procurator Fiscal to hold a Fatal Accident Inquiry. An exception to this is where a prosecution has taken place in which the circumstances of the death are fully explored. In that case the Lord Advocate may dispense with the need for a Fatal Accident Inquiry.

Where there has been a prosecution, the Procurator Fiscal will consult with the police and HSE (or other reporting agency) before reporting to the Lord Advocate for instructions on whether a Fatal Accident Inquiry should take place.

Where there is to be no prosecution, a Fatal Accident Inquiry will take place. The Procurator Fiscal will manage all aspects of the inquiry and will:

- Deal with retention and disclosure of material;
- Make arrangements for keeping the bereaved and witnesses informed of developments;
- Make the announcement of the decision in consultation with the police and HSE (or other investigating agency);
- Make arrangements for maintaining contact during the inquiry.

Inspectors appointed under the HSW Act have a statutory right to attend Fatal Accident Inquiries and ask questions.

Following the Fatal Accident Inquiry, the Sheriff will issue a determination, which will be copied, to the Police and HSE (or other investigating agency) by the Procurator Fiscal.

National Liaison

The National Liaison Committee comprises representatives from COPFS, HSE, Police Scotland and BTP. It will meet at least once a year to review the operation of the protocol and consider the need for changes to the arrangements.

Annex: A general guide to the Enforcement of the Health and Safety at Work Act 1974 (HSW Act) and related legislation.

Enforcement

Enforcement of the HSW Act and related legislation is generally shared between HSE and local authorities. A general guide to the allocation of the main activities is detailed below. For more detailed guidance on allocation of specific activities or premises refer to HSE's website: www.hse.gov.uk/lau/lacs/23-15.htm.

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The Health and Safety Executive

HSE is responsible for enforcing work-related health and safety legislation in:

- Factories and other manufacturing premises, including motor vehicle repair;
- Chemical plants and refineries;
- Construction;
- Railways, tram and underground systems;
- Mines, quarries and landfill sites;
- Farms, agriculture and forestry;
- Hospitals, including nursing homes;
- Local government, including their offices and facilities run by them;
- Schools, colleges and universities;
- Domestic gas installation, maintenance or repair;
- Utilities, including power generation, water and waste;
- Fairgrounds (travelling or fixed);
- Airports (except terminal buildings, car parks and office buildings);
- Police and fire authorities;
- Crown bodies, including the Ministry of Defence;
- Prisons;
- Docks;
- Nuclear installations;
- Offshore gas and oil installations and associated activities, including pipe-laying barges, and diving support vessels;
- Onshore major hazards, including pipelines, gas transmission and distribution
- Transport of dangerous goods by road and rail;
- Manufacture, transport, handling and security of explosives;
- Common parts of domestic premises.

Local Authorities

Local authorities enforce the HSW Act in respect of certain non-domestic premises, including:

- Shops and retailing, including market stalls, coin-operated launderettes and mobile vendors;
- Most office-based activities;
- Some wholesale and retail warehouses;

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- Hotels, guest houses, hostels, caravan and camping sites, restaurants, public houses and other licensed premises;
- Leisure and entertainment, including night clubs, cinemas, social clubs, circuses, sports facilities, health clubs, gyms, riding schools, racecourses, pleasure boat hire, motor-racing circuits, museums, theatres, art galleries and exhibition centres;
- Places of worship and undertakers;
- Animal care, including zoos, livery stables and kennels;
- Therapeutic and beauty services, including massage, saunas, solariums, tattooing, skin and body piercing, and hairdressing;
- Residential care homes;
- Privately run pre-school childcare, e.g. nurseries;

There are other authorities and agencies with responsibilities for the investigation and enforcement of the HSW Act and other similar legislation.

These include:

- The fire authorities;
- The Maritime and Coastguard Agency (on board ships);
- Scottish Environmental Protection Agency;
- The Civil Aviation Authority;
- Trading Standards;
- The Department of Trade and Industry (DTI);
- The Marine Accident Investigation Branch;
- The Building Control Departments of local authorities.

Contacting the Procurator Fiscal Out of Hours

The duty Procurator Fiscal can be contacted through local Area Control Rooms.

Contacting HSE Out of Hours

HSE is not an emergency service. It has produced guidance for Police and other emergency service control rooms describing how to contact HSE Inspectors out of hours.

Further Information

HSE produces a wide range of documents. Some are available as printed publications, both priced and free, and others are only accessible via the HSE website, www.hse.gov.uk.

HSE priced and free publications are available by mail order from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA Tel: 01787 881165 Fax: 01787 313995

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Website: www.hsebooks.co.uk (HSE priced publications are also available from bookshops and free leaflets can be downloaded from HSE's website: www.hse.gov.uk.)

For information about health and safety ring HSE's Infoline Tel: 0845 345 0055
Fax: 0845 408 9566 Textphone: 0845 408 9577 e-mail: hse.infoline@natbrit.com or
write to HSE Information Services, Caerphilly Business Park, Caerphilly CF83
3GG.

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Fatal Accident Inquiries

A Fatal Accident Inquiry (FAI) is a statutory public inquiry into the circumstances of a death. The Procurator Fiscal can apply to the Sheriff Court to hold a FAI once the investigation of the death is complete.

The Procurator Fiscal must hold a FAI when a death was caused during employment, or while in legal custody, i.e. while being held at a police station or prison.

In other circumstances, the Procurator Fiscal can hold a FAI where there are issues of public safety or matters of general public concern arising from a death and there is a need to highlight hazardous or dangerous circumstances or systems that have caused or contributed to it.

At the end of a FAI, a Sheriff makes a determination. The determination will set out:

- Where and when the death occurred;
- The cause of death;
- Any precautions by which the death might have been avoided;
- Any defects in systems that caused or contributed to the death;

A FAI cannot make any findings of fault / blame against individuals.

For further information see <http://www.copfs.gov.uk/investigating-deaths/our-role-in-investigating-deaths>.

Police Scotland (Road Policing) Standard Operating Procedures

The following list contains hyperlinks that lead to all published Road Policing Standard Operating Procedures together with synopsis of key content. Click on the title to view SOP:

[Abnormal Loads](#)

- Administration functions
- Types of Escorts
- Duties of Police
- Escort Criteria

[Attendance at Incidents on the Roads Network](#)

- Duty of Police
- Incidents on Motorway and dual carriageways
- Abandoned Vehicles on Motorways
- Pedestrians on Motorways
- Patrolling in the Snow

[Conditional Offer of Fixed Penalty Scheme - Traffic Offences](#)

- Circumstances where COFPN will not be issued
- Careless Driving COFPN Criteria
- New Drivers details
- Cross Border
- Foreign Drivers

[Drink, Drugs Driving](#)

- Roadside procedures
- Section 4 procedure
- Power of Entry
- Station Procedure
- Blood/urine sample procedures
- Hospital Procedures
- Pedal Cycle procedures
- Solvent abuse

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- Diplomats
- Vehicle Forfeiture
- Railway, Marine and Aviation procedures

Driver and Vehicle Licensing

- Driver Record Requests – who to contact
- Custody reports
- People who have two driver records
- Medical Conditions
- Vehicle Record Requests
- Police Notification to update licence records
- Excise queries

Driver Improvement Scheme

- When to Suggest a referral
- Reporting Timescales
- Additional Offences

Driver Training and Standards - Vehicle Safety Checks

- Driver Training Standards
- Driving Authorisation
- Probationary Constables
- Police Staff
- Levels of Authorisation – Basic / Standard / Advanced
- High-Speed Driving Re-assessment
- Suspension of Authorisation
- Statutory Exemptions
- Fitness to Drive
- Medical Conditions
- Long Journeys
- Vehicle Safety Checks
- Timing of Servicing of Vehicles

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Hollow Spike Tyre Deflation System

- Types of Devices
- Limitations
- Availability
- Deployment

HORT Procedure

- Process / Procedure
- HO/RT1 (Driver Process) – HO/RT2 (Station process)
- Electronic Insurance Certificates
- Fixed Penalty Notices and HO/RT1 – England / Wales only
- Trade Policies of Insurance

Prohibitions

- Mechanical Prohibitions (PG9)
- Removal of Prohibitions
- Overweight vehicles (PG170)
- Driver Hours Prohibitions (PG170)
- Carriage of Dangerous Goods
- Check Forms (10-500)

Road Traffic Collisions

- Attendance Criteria
- Non-Attendance Recording
- Attending Officers – Initial Actions – Damage only / Slight Injury
- Recording Procedures (Officers attending)
- RTC involving Security Vehicles
- Fatal / Likely to Prove
 - Full Investigation
 - SIO Policy File
 - Scene Management
 - Family Contact Officers

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Scottish Safety Camera Partnerships

- Objectives
- Site Selection
- Back Office Procedures
- Emergency Vehicles Activations

Seizure of Vehicles

- CVRS
- Control Room Procedures
- Categories of vehicle seizure
- Forfeitures
- Lawful property in the possession of persons taken into custody
- Unlawful property in the possession of persons taken into custody
- Retention and disposal of seized vehicles
- Dealing with complaints
- Charges
- Property within Vehicles

Speeding

- Procedures
 - Calibrated Speedometer
 - In-car Distance/Time systems (VASCAR)
 - Hand-Held Devices
- Training
- Operational Use
- Enforcement Criteria
- Enforcement of 20mph limits

Tachographs

- Vehicles requiring Tachographs
- Types of Tachographs
- Calibration
- Records
- Seizure of Records

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- Digital Data Recovery
- Collisions

[Tinted Window Offences and Use of Tintman Photopic Window Tintmeter](#)

- Windows and windscreens
- Motorcycle Visors
- Prohibitions
- Testing Method
- Preparation for Use
- Method of Calibration
- Blank Check

[Tracker - Stolen Vehicle Tracking System](#)

- Purpose
- Procedures of Use
- Contact Details

[Vehicle Defect Rectification Scheme](#)

- Purpose
- Application of Scheme and type of vehicles
- Procedure with Form
- Exceptions on Scottish Islands or where testing stations are not available

[Vehicle Pursuits](#)

- Definition
- Armed Pursuits
- Responsibilities
- Pursuit Tactical Advisor
- Recording of Pursuits

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