

Road Fatality Review Panel

Do we count it or not?

Presented by

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Background

The recording of road crash fatalities is integral to the formulation of policy and to strategic approaches to the reduction of harm on our roads. In order to properly inform these policy and strategic initiatives, statistical information must be relevant, accurate and reliable.

Road crash statistics are also required by many government and private sector bodies for research into various aspects of road safety such as vehicle safety standards, crash exposure studies (especially in relation to children), road engineering, and costs imposed on the community by road crashes. If such studies are to be able to reach valid conclusions, it is important that accurate, consistently compiled statistics be available.

In Victoria, the official Road Toll statistics are maintained by Victoria Police, with the decision to include or exclude a particular fatality resting with the Deputy Commissioner. The particular agencies nominated as custodians of road crash statistics varies through the different jurisdictions.

Victoria Police works closely with partner agencies to reduce community harm brought about by fatal and serious injury road crashes.

Arrive Alive! 2008-2017 is the Victorian Whole-of-Government strategic plan directed at increasing road safety. The strategy commits to achieving a 30% reduction in road fatalities over the life of the strategy.

Victoria Police is one of the agencies accountable for delivering the outcomes of the strategy, and as such there is the potential for a perceived conflict of interest when considering whether fatalities meet the criteria for inclusion or exclusion from the road toll.

Prior to 2009, the decision was based on a recommendation of the Inspector-In-Charge, Road Safety Strategic Policy Unit. In order to minimise the potential for such a perceived conflict of interest, and to increase the robustness and transparency of the process, the Road Fatality Review Panel was developed under the direction of (then) Deputy Commissioner Road Policing, Ken Lay.

The panel comprises highly regarded expert representatives from relevant disciplines from outside of Victoria Police, and provides independent recommendations to the Deputy Commissioner regarding whether particular fatalities meet the criteria for inclusion.

Criteria

Victoria uses the Australian Bureau of Statistics 1983 “*Guidelines for Reporting and Classifying Road Vehicle Accidents*” (the guidelines) to determine whether or not a particular fatality should be included on the road toll.

Victoria Police supports the ANZPAA proposal to develop nationally consistent guidelines for crash reporting across all Australian jurisdictions.

Immediate Inclusion/Exclusion

If there is compelling evidence that a particular fatality will not meet the criteria for inclusion, the Inspector, Road Policing Strategy Group (RPSG), may authorise its interim exclusion from the road toll. In every such case, the case will be referred to the panel for a review of this decision. This is a process intended to minimise large fluctuations in the road toll, which draw media attention and distract from the real road safety issues.

Referral Process

Each business day, staff from the Traffic Incident System (TIS) Business Unit review every fatality that occurred up until midnight the previous day. If there are issues that warrant referral, staff will consult the Inspector, RPSG who will sanction referral. As above, if there is compelling evidence to support exclusion, the Inspector may authorise its interim exclusion pending determination by the panel.

Charter/Terms of Reference

There is a clear charter containing Terms of Reference for the panel and outlining panel composition and governance. There is also a separate document containing Standard Operating Procedures.

Panel Composition

The Road Fatality Review Panel comprises expert representatives of various disciplines, as follows:

A senior expert forensic pathologist;

An expert in clinical medicine;

An expert in forensic psychiatry;

An expert member of VicRoads regarding status of on/off road locations.

In addition to the qualifications required for their disciplines, panel members also hold qualifications in law, jurisprudence and other medico-legal fields.

Types of Information Provided

The quantity and type of information presented to the panel varies with the particular issue(s) being considered.

By way of example, a question of whether a particular fatality occurred in an on or off road location may be decided by simple reference to a diagram and description in the collision report.

In contrast, the question of whether a person deliberately intended to take their own life may require medical/psychiatric records, witness statements, examination of aspects of the crash scene, reference to the Empirical Criteria for the Determination of Suicide (ECDS), autopsy and toxicology reports, telephone records etc.

A formal agreement has been reached with the State Coroner where reports can be requested where necessary, and are treated with strict confidentiality. A master record is filed and any duplicates are securely destroyed.

Governance, Confidentiality and Reporting

All panel deliberations are conducted in confidence and are chaired by the Inspector, RPSG. All deliberations and recommendations are to remain confidential and are only to be communicated to the Deputy Commissioner, Regional and Road Policing via the Victoria Police Chain of Command.

At the conclusion of the calendar year, the Inspector, RPSG, is to report on the number of cases reviewed, and the determinations of each case. This report contains a summary of the number of cases either included or excluded from the road toll.

Procedures

The Road Fatality Review Panel will meet bi-monthly and as required.

All available evidence on the fatal collision being considered will be presented to the Panel by the Inspector RPSG. Where possible, such material will be forwarded in advance of the panel meeting to allow time for proper examination by the panel members.

Specialist advice including psychological autopsies and appropriate medical or other scientific opinion will be provided to the Panel by the relevant expert.

A unanimous decision is required for a fatality to be excluded from the road toll statistics. The decision must be consistent with the Guidelines. If a unanimous decision cannot be reached, the fatality will remain on the official Road Toll. When a decision is reached, each panel member is to sign the master file after the relevant recommendation is endorsed.

No documentation is to be removed from the meeting and all documents are to be accounted for at the end of the meeting, with due regard to privacy and associated data security provisions.

Information provided by the Office of the State Coroner is to be used solely for the purpose of panel deliberations and recommendations.

Outcomes

For a fatality to be removed from the road toll (or where the earlier interim decision of the Inspector RPSG to exclude a fatality is confirmed), a unanimous decision of the panel is required. In the event that unanimity is not reached, the fatality will be included on the road toll.

The panel findings are signed off by each panel member and a master copy is filed. The panel recommendations are incorporated into a report which is forwarded to the Deputy Commissioner, Regional and Road Policing, who has the ultimate accountability and authority regarding the road toll. Since the commencement of the panel in early 2009, the Deputy Commissioner has never countermanded a recommendation of the panel.

In addition to the road toll recommendations which result from the panel's *raison d'être*, the panel is also contributing to the corporate knowledge pool by improving the quality of investigations. This comes about by highlighting certain avenues of inquiry at a very early stage in the investigation allowing expeditious pursuit of those avenues. This leads to a greater likelihood of good quality evidence being available for later consideration by the Coroner.

Additionally, if particular issues or trends are identified through the panel process, a representative of the State Coroner's Office attends the panel and can report back on relevant issues.

Results

The creation of the Road Fatality Review Panel has created a robust system upon which Executive Command can rely for the provision of independent, expert advice. An independent internal audit was conducted which provided further assurance of the robustness of the process.

It is expected that there will be transparency and accountability in all facets of modern policing. The Road Fatality Review Panel provides for a layer of independent, expert advice, allowing properly considered and authoritative decisions to be made.

Case Study 1

This case was presented to the Road Safety Fatality Review Panel in late 2010 for consideration of Deliberate/Intentional Act. The deceased was a 34 year old male.

The deceased was hit by a truck and killed instantly, and according to the truck driver, there was no opportunity to take evasive action as the deceased ran straight out in front of the truck, waving his arms in the air.

As there was only the truck driver's version of events at the time, the case was included on the road toll pending further inquiries.

Statements were taken from treating medical and psychiatric practitioners, family members and friends. As a result of these inquiries, the following information came to light:

The deceased had a significant psychiatric history, including paranoid delusions and had been prescribed *Risperidone*. He also had a Doctorate in psychology and was resistant to others offering assistance. The deceased had not been taking his medication for some time and family members were attempting to get him to engage with treating psychologists. He had recently returned from Queensland and was worried about financial matters, and alternating between being delusional and lucid. On the day of the incident, in the early morning he was described as "vague" and chain-smoking. He left the home of family members with whom he was staying without saying where he was going.

Witnesses said that the deceased was on the side of the road walking towards the traffic flow.

As a truck approached, he threw up his arms in the air, and then put them back down. He was walking along with his head facing down as though he was watching his feet. He kept walking as the truck approached him. He moved closer to the edge of the bitumen as the truck approached.

When the truck was within a few metres, the deceased ran out onto the road right in front of the truck. The truck driver had no time to avoid him or even brake. The deceased collided with the front of the truck and died from his injuries.

Following consideration by the panel, this case was removed from the road toll as a deliberate act.

Case Study 2

This case was presented to the Road Safety Fatality Review Panel for consideration of Deliberate/Intentional Act. The deceased was a 19 year old male.

It was a single vehicle crash, where the deceased driver was travelling at fast rate of speed and failed to negotiate a left hand bend in the road. The vehicle left the road to the right and became airborne for approx 21 metres before colliding front on into a tree, flipping the vehicle into another tree.

Examination of the scene revealed that there were no tyre marks to indicate braking and an autopsy revealed no evidence of a seat belt being worn. The vehicle had burst into flames. The deceased was found with cut marks on forearms and ripped and bloody jeans, appearing to have crawled to a creek bed 11 metres from the vehicle.

Inquiries revealed that the deceased had attempted suicide after breaking up with his girlfriend. He had been suffering from depression and was being counselled for suicidal thoughts.

Earlier that morning, the deceased had spent some time with his ex girlfriend at a pub and she reported that he seemed happy but began to make her uncomfortable when he got too close. They spoke about their previous relationship and he told her he loved and missed her. The deceased told his brother he had to leave to pick someone up, then at 0300 sent a text message to his ex-girlfriend which read "I'll be peaceful in death, goodbye, I love you".

After consideration of the physical evidence at the scene and autopsy, as well as evidence from the expert psychiatrist, this case was removed from the road toll as a deliberate/intentional act.

Case Study 3

This case was presented to the Road Safety Fatality Review Panel for consideration of Deliberate/Intentional Act. The deceased was a 21 year old female.

It was a single vehicle crash, where the vehicle veered off the incorrect side of the road and collided with a tree at high speed. There were no tyre marks indicating braking or evasive action. At the time of the incident, conditions were dry and sunny with excellent visibility. The road was tarmac and in excellent condition. There were no obstructions or intrusions onto the carriageway in any direction. There was no evidence of any other vehicle involved.

Inquiries with numerous friends and family revealed that the deceased stated she was depressed a couple of days prior to the crash. One witness described the following - About a week before the crash "(the deceased) rang to tell me that she went to Hallam Railway Station and she was going to jump in front of a train".

Early indications led to a suspicion of suicide. However, these inquiries also revealed the following:

Most witnesses described her as a reckless driver. Witnesses state that although the deceased's mobile 'phone had been switched off on the day of the crash; the deceased stated that this was because her battery was low and she seemed in good spirits immediately before the crash. Another witness stated that half an hour before the crash she and the deceased had made plans to go clubbing.

This case was included on the road toll, as there was insufficient evidence to reach a determination of intention.

References

“Guidelines for Reporting and Classifying Road Vehicle Accidents” ABS, 1983

”Road Fatality Review Panel Terms of Reference” Victoria Police, 2009