

## FATAL TRAFFIC ACCIDENTS : THE CONTENTS OF INVESTIGATION REPORTS

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**T**he study outlined here was part of a program for prevention<sup>1</sup> where the CESDIP was commissioned to study the behavior of drivers involved in fatal accidents over as long as possible a period prior to the accident.

The present project analyses the pre-prosecution investigation reports on fatal traffic accidents and assesses their information potential with respect to drivers' behavior. These reports contain several standardized documents describing the material and formal aspects of the accident, reports of hearings of witnesses liable to shed light on the event and on some of its causes. They are the basis on which the judicial authorities will define the offences and ascribe responsibility in the framework, in the present case, of a preliminary investigation for homicide. The question is : is the information they contain on behavior also exploitable for other purposes ? Because of the peculiarities of these reports, the scientific validity of their informational content must first be ascertained.

In fact, the papers forming this report come from two sources, whose strategy in narrating the events is motivated by divergent goals. The first source, the driver or a witness, formulates a message in the interrogation room, and attempts to minimize his/her responsibility. The second, a police officer (or a gendarme), reconstructs it in accordance with his/her professional and institutional ends. The written message no longer shows any trace of the interactions which produced it. Are these the outcome of more or less systematic and exhaustive questioning<sup>2</sup>, and of what we may postulate to be the strategies of the different actors ?

Other arguments are in favor of close scrutiny of these reports, which present some major advantages : they represent an exhaustive source which may be put to other uses without any additional expense.

Would data collected directly for research purposes be more reliable ? Actually, when researchers do the investigating themselves, the problems encountered in gaining access to the actors involved in a fatal accident, and regarding the status of the information produced by them, are very much same as some of those related here, both because of the aftermaths for these people and those around them, and because of the role they are aware of having played.

<sup>1</sup> With the participation of the *Centre Européen d'Etudes Socio-économiques et Accidentologiques des Risques* (CEESAR) and the *Laboratoire d'Accidentologie et de Biomécanique* (LAB), run jointly by Peugeot-Citroën and Renault and financed by the *Mutuelle Assurance Automobile des Instituteurs de France* (MAIF) : the CNRS was requested, via the *Agence Nationale pour la Valorisation interdisciplinaire de la recherche en sciences de l'homme et de la société auprès des Entreprises* (ANVIE) (National agency for interdisciplinary promotion of research in the social sciences in the business world).

<sup>2</sup> Officers receive special training in intervention on the site of accidents, but not on interrogation or on the structure of the investigation, both of which are part of their overall training in criminal affairs, with additional training being given within each team.

### Objectives and method

The present research pursued several interconnected objectives : it aimed at studying how the policing agencies handle fatal accidents, so as to infer what professional and institutional norms preside over the establishment of the document; identifying the behavior of those involved in or witness to fatal accidents and, on the basis of their testimony, inferring the personal standards they bring to bear when deciding how to act. A prerequisite for this work was the definition of the status of the information on the driver's behavior that is to be found in these reports.

The method developed assesses how meaningful the document is with respect to the points studied. It combines internal and external analysis of these documents. Each paper is first subjected to **content analysis**, describing the document, the motives and conditions behind its production, identifying the sender and the receiver of the message as well as its meaning. Particularly complex or crucial sequences are subjected to the **historical criticism** approach, applied to both the author of the message and the testimony, as well as to the comparison of contradictory versions. Last, the message itself is described, using **theme analysis**.

A sample batch of 50 files was randomly selected from among all fatal accident reports (8 400 cases) over a one-year period. The sample was described using content analysis along with gradually refined theme analyses of all 214 documented hearings. Testimony came from 91 direct witnesses and 123 indirect witnesses who either were on the road at the same time as the vehicle involved or were beneficiaries, the civilly or criminally liable, intimates, etc.

Thematic analysis according to type of accidents allows for the construction of typologies of witnesses and investigations. For a clearer identification of police practices, interviews and texts were collected, so as to obtain a general idea of the instructions, the means of action and the training given to officers by the institution.

At the same time, theme analysis synthesized the information drawn from the scholarly literature on drivers' behavior, derived from situations other than police interrogations. This overview was compared with the reports studied, so as to proceed with an external analysis of the content of these documents. The idea was to determine how and to what extent the latter inform us on the behavior of drivers, as defined by data collected for research purposes.

Comparison of the information on drivers' behavior derived from these two sources - internal and external analysis - clarifies the reach of some reconstructions - facts are added or omitted, coherence is artificially constructed, insufficiently documented pieces of information are viewed as sure facts - and enables us to determine the status of the information

contained in reports on fatal accidents.

## Police practices

The investigation report aims at accumulating **physical evidence**... It is very exacting in the establishment of the trajectories of the vehicles before, during and after the hit. There is rarely any physical evidence of speed, on the other hand, and estimations are generally based on the statements of witnesses, and occasionally grounded in a demonstration. Preliminary investigations rarely resort to an expert's report on speed. And yet, the witness' estimation, as mentioned in the report, is sometimes treated as though the speed had actually been measured, whereas the blood alcohol content was the only thing measured, and constitutes the only physical evidence systematically collected. All other information is derived from testimony, with the exception of technical reports on the vehicles by experts in some exceptional cases.

The consistencies observed in the hearings indicate that the police interrogations include a battery of routinely posed questions and others that are adjusted to the nature of the witnesses and the type of situation. Knowledge of this **basic model** improves our perception of the information it produces and enables the identification of the strategies of both parties - witnesses and police officers. For this purpose, structural, grammatical and lexical analyses are occasionally implemented. The specific contribution of each type of testimony is evidenced, one effect of which is to identify those most relevant to prevention.

When describing an accident, **police officers** always designate the individual presumed to be responsible as driver A, and other drivers, variously involved (B, C...). Pedestrians, even when responsible, are designated differently (Y). Thus, a hierarchy of responsibility is established as soon as the police arrive on the scene. Consequently, the information collected will mostly concern driver A. His/her general behavior - on the road and elsewhere, including health, occupational activity and family life, is often well or relatively well described. Such information tends to pertain to the past rather than to the last 24 hours. Collection of such data is quite spotty, however.

**Hearings of witnesses** attest to the professionalism of the police force, but perhaps too to how they restrict their efforts. Direct witnesses are questioned on the facts, their consequences, offences possibly committed and responsibilities, but rarely on their own or the driver's general behavior. Conversely, indirect witnesses are relatively often questioned on the latter subject with respect to driver A - especially if he/she is dead and no direct witness is available - so as to rapidly rule out the hypothesis of intentional homicide and above all, to explore the possibility of a suicide.

In the case of occupational accidents, Dodier<sup>3</sup> has shown that investigations are closed when a single main cause is identified. This is not the case in traffic accidents, since the model for interrogation is broad, and enables the identification of multiple causes. Discovery of any causes external to the model is hazardous, on the other hand.

To go deeper, causal analyses would have to make clearcut distinctions within the hierarchy and the chronology of causes. Some accidents ascribed to speeding and involving a number of opposable witnesses' accounts indicate that several "critical scenarios"<sup>4</sup> may follow on from one another, over time. Each of them involves numerous causes, among which the first incident was not necessarily the "main" cause of the accident, any more than the "loss of control" that preceded it.

During the investigation, the police adopt an extremely cautious approach, often refraining from inferring any cause. Perhaps they are afraid to overcommit themselves in a highly technical field where insurance experts generally dispose of time and means far superior to their own. Their presentation of the facts is aloof, and devoid of any moral judgement, as a rule. Even when the driver's blood alcohol level exceeds the legal figure, the writers make no comment if the person is deceased. The same is not true in the rare cases where driver A drank and survived. For instance, in one accident in which two children died, the person presumed to be responsible had a high blood alcohol level, but accurate measurement had not been possible on the spot : his behavior was examined closely, material proof of speeding was found, and the part of the investigation report in which police officers are allowed to express themselves contained a moral judgement on the case... This stance is also exceptional in witnesses who have no specific interest to defend, except when the latter report at-risk behavior, and occasionally even offer testimony spontaneously. It seems, then, that the historic dissociation noted by Ewald in the evolution of civil and criminal law between the notions of fault and of risk has been assimilated by the public at large. Only presumedly deliberate risk-taking seems to elicit moral indignation.

The fact of a previous accident is rarely mentioned in the hearings, no more than usual driving style : the police do not systematically note denials, or else tend to rely more on judicial files and insurance records.

People in the driver A position hardly ever shoulder overall **responsibility** for the accident. Aside from the undeniable physical evidence yielded by measurement of their blood alcohol level, they admit to very little, and exclusively to acts that constitute offences. People in the driver B position deny any responsibility and only rarely admit to having committed any offence. By and large, the other direct witnesses make only informal, extremely reserved comments on responsibility. This situation is indicative of the relatively balanced strength of the two positions, that of the suspect and of the police, except when criminal liability is involved : the weight of authority is then perceptible in the attempt to entangle the person in his/her contradictions.

## Behavior of drivers and of people around them

Representations pertaining to alcohol, driving and speeding was established for suspects and uninvolved witnesses.

**Drunken drivers** presumed to be responsible for an accident were almost always extremely impregnated and deceased. Witnesses to their drinking did not attempt to persuade them not to drive, for lack of a sign perceived as sufficiently alarming. They were nonetheless present while the person downed

<sup>3</sup> This writer shows that the attribution of responsibility results in the closure of the judgement on the main cause of an occupational accident, thus putting an end to the search for secondary causes. (DODIER (N.), Causes et mise en cause. Innovation sociotechnique et jugement moral face aux accidents du travail, *Revue Française de Sociologie*, 1994, XXXV, 251-281).

<sup>4</sup> These scenarios are reported on the basis of the Detailed Accident Studies done by the Institut National de Recherches sur les Transports et leur Sécurité (National Institute for Research on Transportation and Transportation Security).

numerous drinks, exceeding by far the limits prescribed during prevention campaigns. Despite this non-interference, some people proclaim the need for intervention as an expression of solidarity. However, a major physical sign (generally, the inability to stand on one's feet...) is the only criterion they retain as sounding the alarm, and seem to view as legitimate. To the point that when the question is put to them, they make no claim whatsoever to have attempted to prevent the driver from taking the wheel. This shows that prevention campaigns on drinking and driving have not yet touched some categories of the population, and above all, that they have not succeeded in replacing some extreme physical signs by the assessment of the amount ingested as the right alarm signal. Furthermore, the data collected shows that it is easier for strangers than for intimates to dissuade a drunken driver from taking the wheel. Findings are similar for medication.

**At-risk behavior** takes the form of speeding, risky passing and unpredictable courses, with cars not staying in their lane. They are generally ascribable to alcohol consumption, however slight. Driver A people in this case use word-play to describe their behavior so as to deny their responsibility, both in their own eyes and in those of the police. *Driving very, very fast* in the words of a witness becomes *going at a good pace* for one driver A, whereas following each other at great speed and passing at the same time does not mean *racing* for another, while a third driver stated : *I was not trying the car out, I was simply showing what it could do...* In fact, these representations of their behavior are not simply a strategy for the interrogation : even people who are convicted for a traffic offence, including one committed when intoxicated, are convinced that they are good drivers under all circumstances<sup>5</sup>. This means that there is not yet a consensus on the definition of at-risk behavior.

One special category of at-risk behavior is the **joyride**. Characteristically, this involves riding around, with stops at which alcohol is generally consumed. The motivations of some drivers are prevalently social and would not incline them to seek alcohol outside of this particular situation, whereas others pursue the joyride in the sole desire to find a drink. The latter search seems to be characteristic of older individuals, whose blood alcohol level soars (at least 2.5 g/l), indicating familiarity with alcohol, if not chronic alcoholism. It is a fact that a person with more than 1 g/l of blood may be assumed to suffer from this condition, but testing for other biological indicators is required for corroboration. However, these biological indicators are not yet evidenced in novice heavy drinkers. The fact that the compulsive search for alcohol is a specific trait of heavy drinkers confirms this hypothesis. There remains the question of whether some joyrides in rural areas are not a side effect of the regulations presiding over drinking places : people are prevented from drinking as much as they like in one place, and so travel from town to town.

## Duty to interfere ?

Investigation reports on fatal accidents yield information, then, not only on some features of law enforcement, but also on fields where preventive action might intervene.

Because these documents on the overall behavior of drivers are quite heterogeneous, their representativity is somewhat shaky. They remain useful, nonetheless, for locating problem

behavior and situations. Police questioning also has some advantages, since it brings out points that witnesses have no desire to clarify, even in their own mind.

The aloofness of the police discourse is the outcome of a real effort at neutrality. Concern with accuracy leads the officers to place emphasis on physical evidence. But accounts by witnesses remain crucial, for lack of time and means. When the latter take on the appearance of scientific discourse - or of measurement, as in the case of speed - they induce a priori confidence in the reports, where such confidence should be conditional and predicated on point by point justification.

Over and beyond these causal phenomena, for which more thorough study is required, the records analysed yield evidence of links, on a different plane, between fatal road accidents and basic social problems such as the consumption of alcohol and of other alertness-reducing substances, working conditions and socioeconomic precariousness. Some accidents reveal the major role played by long working hours and difficult schedules (20 hours with a 2 or 3-hour pause in eating places) or by defective self-repaired cars... Often precarious socioeconomic situations loom in the background here, connected, in epidemiologic research<sup>6</sup>, with an increased overall risk of accidents ; more detailed study is required here, and could be approached, specifically, through the judicial files...

Efforts at prevention should be directly aimed at drivers with problems, irrespective of whether these involve some pathological condition - such as heavy drinking or medication-taking - or lifestyle, in the case of youngsters on joyrides. It is a fact that the people around them are apparently unable to influence their choices "in the heat of action". When a conflict arises between their personal values of individual freedom and of solidarity, people give in to the former, unless an unquestionable physical alarm bell is rung, which authorizes them to transgress their respect of self-determination. If, in point of fact, the goal of the people in charge of prevention was to influence this hierarchy of fundamental values, they would have to encourage thinking, on the collective level, on this specific kind of "duty to interfere"... The next step would be to identify supportive relays, to provide them with argumentative material and perhaps even suggest dissuasive behavior.

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<sup>5</sup> RENOARD J.M., How Traffic Violations are Viewed by Sentenced Offenders, *Penal Issues*, 1996, IX.1, 1-4.

<sup>6</sup> Haut Comité d'Etude et d'Information sur l'Alcoolisme, *Alcool et accidents*, Paris, La Documentation Française, 1985.