Victims of road traffic offences
a summary of existing knowledge
A stepping stone

I. Conceptual and legal framework
II. It was ‘just’ an ‘accident’
III. Consequences of road traffic offences

IV. Three core topics EU-Project
   I. Information and support
   II. Interdisciplinary cooperation
   III. Restorative justice

V. Discussion
I. Conceptual and legal framework

Who is the road traffic victim? A definition

Victims of criminalisable behaviour on the road
→ For instance: involuntary injuries, hit-and-run, drunk driving, excessive speed driving

Broad interpretation
→ Direct victims: bereaved and injured
→ Indirect victims: relatives of bereaved and injured victims
I. Conceptual and legal framework

Who is the road traffic victim? Linguistic sensitivities

1. ‘Accident’ *versus* ‘crash’
   → Beyond the control of the actor + downplays long-lasting consequences
   → No presumption guilt or innocence

2. ‘Offender’ *versus* ‘the one who caused’
   → Cause ↔ Intent
   → More complex than in other crimes
I. Conceptual and legal framework

Is a road traffic victim a victim of crime?

RTO: dealt with criminally or administratively? (FEVR, 2015)

→ Criminal offences
→ Partially / Undetermined
→ No criminal offences

Consequence?

→ Unequal treatment RTV
→ Unequal access to minimum rights EU-Directive
II. It was ‘just’ an ‘accident’

Driving ‘a little’ too fast and drinking ‘one glass’ too many

Media coverage: number of casualties and length of traffic jam

Handled in court: together with ‘minor traffic offences’
II. It was ‘just’ an ‘accident’

Underlying cause?

Unintentional nature (cause versus intent)

Road traffic victimisation as ‘collateral damage’

‘Self-protective’ strategy

→ Constant awareness impact on freedom and carelessness of movement
II. It was ‘just’ an ‘accident’

What are the consequences of trivialisation…

… for direct and indirect victims?
→ Impact coping process
→ Limited/not adapted assistance, legislation, attention by professionals

… for potential actors?
→ Less responsibility own behaviour and (potential) consequences
→ No (cognitive) link between RTO and potential damage

→ However, actors do not seem to take less responsibility for acts
III. Consequences of road traffic crashes

Short, medium and long-term consequences

→ Vary between individuals (what and when)
→ Contact with various fields
→ Influenced by lack of understanding
   → Not knowing how to act & provide support
   → Emotional & (psychosomatic) physical harm

Awareness of consequences is essential
III. Consequences of road traffic crashes

Physical consequences
More serious < consequences, but…

Direct physical consequences: restrictions activity and participation
→ Majority of seriously wounded (1,5 year)
→ 45% of less seriously wounded (1 year)
→ Overall situation can worsen on long term
→ Domains impacted: physical health (mobility, fatigue, pain), discomfort, daily activities & social life
→ Cognitive functioning: less often, longest implications
III. Consequences of road traffic crashes

Physical consequences

Psychosomatic physical consequences

→ Not directly caused by collision but shocking experience

→ Stress, fatigue, headache, high blood pressure, muscle pain, sleeping problems, …
III. Consequences of road traffic crashes

Psychological consequences

More persistent than other consequences

Minor injuries can have profound psychological impact

Timing: often not directly after crash, but after weeks/months

Comparable with psychological consequences for actors
III. Consequences of road traffic crashes

Psychological consequences: extraordinary experience

Often, but ‘only happens to others’
→ World as predictable and orderly

→ Shatters basic assumptions:
   → personal invulnerability
   → world as meaningful and understandable
   → positive self-esteem (feeling of helplessness)

Rebuilt set of assumptions = cognitively restructuring event
→ Am I a victim? Do I apply the victim label (refuse due to negative connotation or triviality offence)

→ Difficulty rebuilding varies greatly
III. Consequences of road traffic crashes

Psychological consequences: psychological disorders

Acute and post-traumatic stress disorders
→ ASD 13% (1 month after crash)
→ PTSD 10-25% after 6 months
  → Parents & siblings (45% after 7 years, but…)

Anxiety
→ In general (13-19% after 6 months)
→ ‘Phobic travel anxiety’ (3.6-17% after 6 months)
  → More severe passengers in a vehicle

Depression (6-16% after 1 year, but difficulty link with crash)
→ Also parents/siblings
III. Consequences of road traffic crashes

Social and relational consequences

Interpersonal relationship often negatively impacted, but…

Relationships in general: 15% decline of contacts
  → Societal trivialisation
  → Fear of family/friends to talk about collision due to shame, guilt, …

Among family members/close relatives
  → Higher levels of stress and suffering
  → Higher severity injuries = higher probability to move, difficulty in day-to-day social, emotional and affective life
III. Consequences of road traffic crashes

Professional consequences

Vast majority time off work/studies
→ Substantial part obliged long sick or definite leave
→ 25% cannot return to previous situations, change work of get assigned another task.

Family members often
→ Take time off
→ Change working situation
III. Consequences of road traffic crashes

Financial consequences

Direct costs
→ Material damage
→ Medical costs

Indirect costs
→ Loss of income because not able to work
→ Lawyers’ fees

Insurance agencies: long, not reimburse indirect costs
→ Symbolic value or blood money
→ Negative impact: frustration, psychological suffering, PTSD
IV. Three central topics EU-project

Gain recognition for RTV and R

Avoid secondary victimisation

Three interrelated topics
IV. Three central topics EU-project

**Information** and support

Sense of control over the situation

Various topics

From whom?

→ Police, hospital, ... But repeated!
→ Coordinated and delineated

How?
IV. Three central topics EU-project

Information about support

First contact with competent authority (but repeated)

Informing proactively…

… is not enough!
  → Active referral
  → Absence = single greatest barrier to victim’s ability to access support (VSE, 2013)
IV. Three central topics EU-project

Information and **support**

Early stage reduces medium and long-term consequences

Flexible and adapted to changing needs

→ Deal with needs in an integrated way
IV. Three central topics EU-project

Interdisciplinary cooperation

- Professionals from variety of fields
- Potential secondary victimisation in every contact
- Specific separate initiatives *versus* integrated approach?
IV. Three central topics EU-project

Restorative justice

Can offer support for the involved parties…

… however often discouraged
In conclusion

Contextualisation of victimisation by RTO

Introduction into the different central topics
Discussion