

# 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'

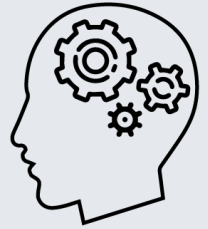
- Beyond the control of the actor + downplays long-lasting consequences
- No presumption guilt or innocence

### 2. 'Offender' *versus* 'the one who caused'

- Cause ↔ Intent
- More complex than in other crimes



# I. Conceptual and legal framework



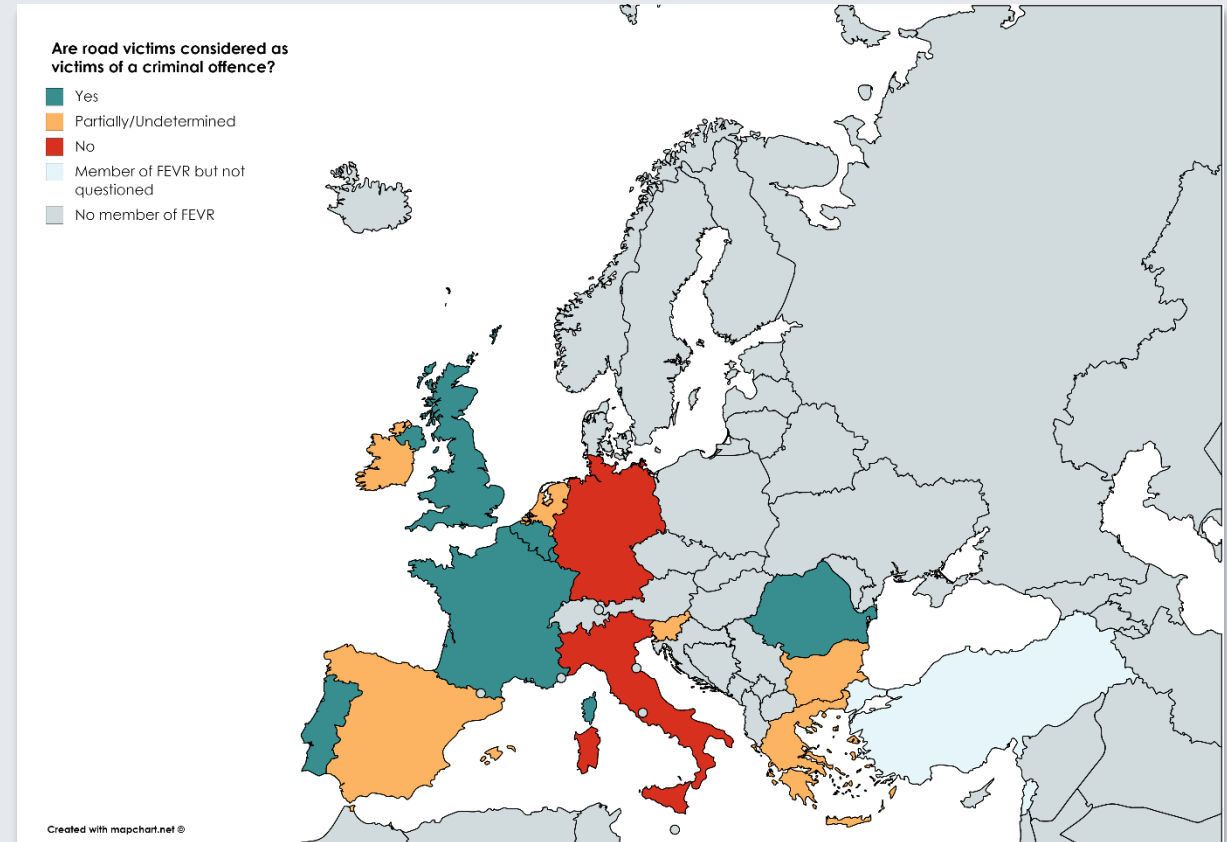
## Is a road traffic victim a victim of crime?

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'



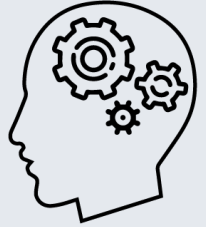
Driving 'a little' too fast and drinking 'one glass' too many

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

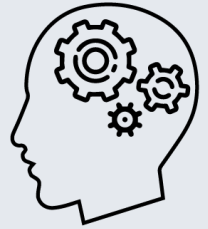
... for potential actors?

- 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...

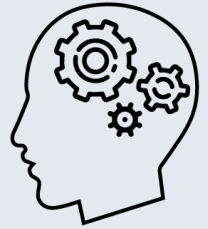
### Direct physical consequences: restrictions activity and participation



- 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



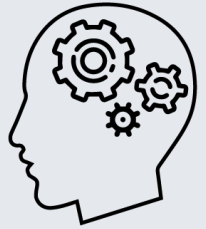
Minor injuries can have profound psychological impact

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)

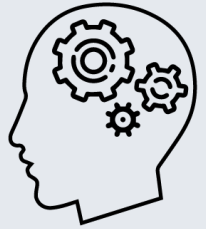
Rebuilt set of assumptions = cognitively restructuring event

→ 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

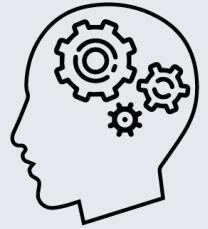
- In general (13-19% after 6 months)
- 'Phobic travel anxiety' (3,6-17% after 6 months)
- More severe passengers in a vehicle

Depression (6-16% after 1 year, but difficulty link with crash)

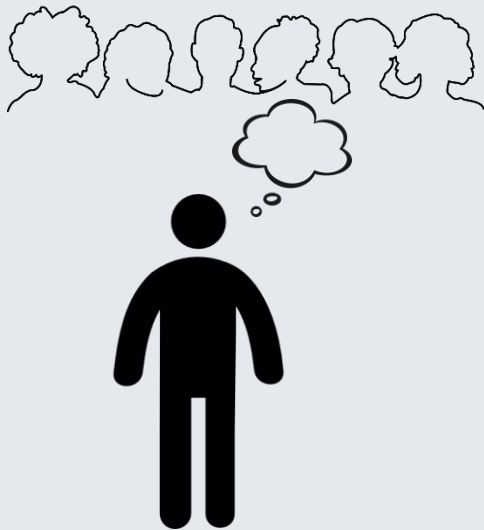
- Also parents/siblings



# III. Consequences of road traffic crashes



## Social and relational consequences



Interpersonal relationship often negatively impacted, but...

Relationships in general: 15% decline of contacts

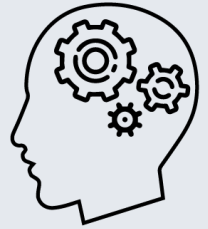
- Societal trivialisation
- Fear of family/friends to talk about collision due to shame, guilt, ...

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.

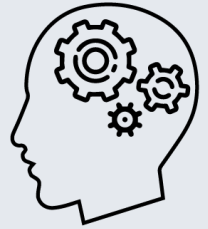
Family members often

- Take time off
- Change working situation





# III. Consequences of road traffic crashes



## Financial consequences



### Direct costs

- Material damage
- Medical costs

### Indirect costs

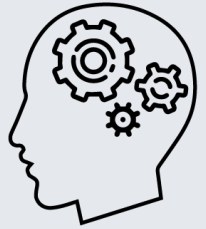
- Loss of income because not able to work
- Lawyers' fees

### Insurance agencies: long, not reimburse indirect costs

- Symbolic value or blood money
- Negative impact: frustration, psychological suffering, PTSD



# IV. Three central topics EU-project



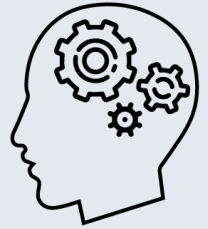
Gain recognition for RTV and R

Avoid secondary victimisation

Three interrelated topics



# IV. Three central topics EU-project



## Information and support

Sense of control over the situation



Various topics

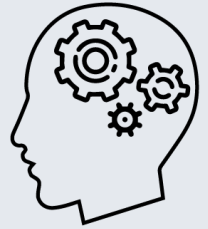
From whom?

- 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...

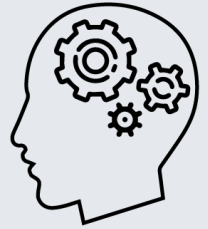
... is not enough!

→ Active referral

→ Absence = single greatest barrier to victim's ability to access support (VSE, 2013)



# IV. Three central topics EU-project



## Information and **support**

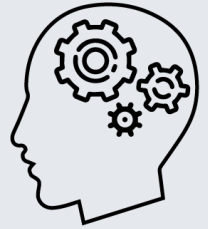


Early stage reduces medium and long-term consequences

Flexible and adapted to changing needs  
→ Deal with needs in an integrated way



# IV. Three central topics EU-project



## Interdisciplinary cooperation



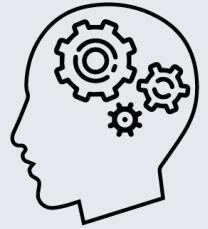
Professionals from variety of fields

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

