

# GUIDE *for* FAMILIES BEREAVED BY ROAD COLLISIONS



You don't have to face this alone



# GUIDE *for* FAMILIES BEREAVED BY ROAD COLLISIONS

Navigating the justice system  
after a road death



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UACHTARÁN NA hÉIREANN  
PRESIDENT OF IRELAND

**MESSAGE FROM PRESIDENT MICHAEL D. HIGGINS**

As we mark this 10<sup>th</sup> anniversary of the formation of the Irish Road Victims Association, may I congratulate you and ask you to convey my deepest sympathies to all those who have lost loved ones due to fatal collisions and accidents on Ireland's roads.

The pain and suffering that lies behind the stark statistics released every year; the grief and pain of those left behind, and the profound sense of regret for the promise and possibilities lost forever, must concern us all.

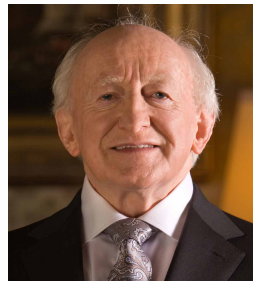
The Irish Road Victims Association has, since its establishment, worked with commitment and generosity to advocate for a safer environment for all those who use our roads. They have reached out a hand of solidarity and support to all those whose lives have been darkened and shadowed by fatal traffic incidents across Ireland.

On this significant anniversary, may I thank you for your remarkable spirit of citizenship and wish you every success as you continue your compassionate and vital work.

Mo bhuíochas libh is gach dea gúi do'n todchaí.

Beir Beannacht

Michael D. Higgins  
Uachtarán na hÉireann  
President of Ireland



# Messages of Support

*As Minister with responsibility for road safety, I am delighted to endorse the Guide for Families Bereaved by Road Crashes published by the Irish Road Victims' Association.*

*Fatalities on our roads are preventable tragedies, and it is my goal and the goal of all those involved in the area of road safety to work towards reducing and ultimately eliminating deaths and serious injuries on our roads in line with Government's Vision Zero commitment.*



*On a personal level for those affected, one is never prepared for the sudden death of a loved one involved in a road traffic collision. The shock and grief experienced by bereaved family members can be compounded by the fact that knowing, whatever the cause in any particular case, the death of any person travelling on Ireland's roads should have been preventable. This pain and grief can also unfortunately also be exacerbated by the very necessary legal processes which must be gone through as a result of such incidents.*

*For instance, there will always be an official Garda investigation into what happened, followed by an inquest. Depending on the findings of the investigation, this may lead to a trial, where a person is accused of criminal wrongdoing. While these processes are necessary, they can be hard to bear and will always be painful for those so suddenly and unexpectedly bereaved. Indeed, loved ones' sorrow may be further added to by the uncertainty of not knowing what to expect and having to hurriedly get to grips with the legal process at such a vulnerable time.*

*To help those who have to go through this unenviable journey, the Irish Road Victims' Association has produced an excellent Guide on what may lay ahead for bereaved families following a fatal road traffic collision.*

*This Guide gives people a clear explanation of how the whole process works, and what to expect. As such, it is an invaluable resource for anyone who finds themselves in this terrible position and needs to know what will happen next.*

*The Irish Road Victims' Association is an organisation made up of people who have been through these difficulties themselves. They know what it is like to try to navigate what is undoubtedly an extremely difficult and painful time and have prepared this Guide based on their own experience. In addition to making sense of the legalities involved, the Irish Road Victims Association also provides counselling and support services for those bereaved by road traffic incidents, and does other commendable work in promoting road safety.*

*Once again, I am very happy to recommend this Guide to anyone who finds themselves having to cope with a sudden bereavement due to road traffic collisions and who are looking for an explanation of what processes will follow, how to navigate them, and how to find emotional support if needed through such a difficult and heart breaking time.*

**Hildegard Naughton (TD)**  
**Minister of State for Transport**



*Once again, this year, we should remember lost loved ones and salute the tireless work of the Irish Road Victims' Association (IRVA) in the battle against road deaths.*

*Over several years as Minister for Transport I was honoured to attend IRVA's dignified World Day of Remembrance in Mullingar. The solace that it provides to families devastated by their losses is immeasurable.*

*The number of deaths on our roads continues to rise. IRVA must be supported in its selfless determination to prevent others from suffering similar unspeakable tragedies to those that its members and their families have endured. Despite setbacks and unbearable pain, members of IRVA and fellow victims groups have led the fight against carnage on the roads. Others should no longer fear to tread into areas where the road victims' families have so courageously led.*

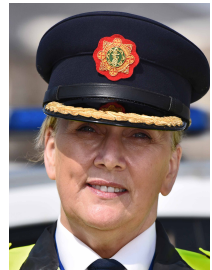


**Shane Ross**  
**Minister for Transport, Tourism & Sport**  
**May 2016 to June 2020**

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*Losing a loved one in a road traffic collision is a devastating and life changing experience. That is why the work the Irish Road Victims Association (IRVA) and other Non-Governmental Organisations do is so important.*

*I regularly meet with members of IRVA and see and hear first-hand the work they do together with stakeholders, including ourselves in An Garda Síochána, with a common aim to reduce injury and death on our roads and to improve support services for road victims and bereaved families.*



*All of this work is based on the lived experiences of so many who now dedicate themselves to helping others through the work of the Association at a difficult and tragic time in people's lives.*

*I thank IRVA and welcome this resource.*

**Paula Hilman**  
**Assistant Commissioner**  
**Roads Policing & Community Engagement**

*We all rightly speak both from the heart and on fact about the tragedies of deaths and injuries as a result of road traffic collisions and sometimes question whether the constant repetition of this safety message diminishes its impact. It does not and must not. It is why we must continue to voice our messages of support and of earnest encouragement for measures to reduce the number of deaths and injuries on our roads because these deaths, injuries and losses are preventable.*



*Although great progress has been made over the past decades in tackling the dangers of road travel and improving road safety, this must not make us complacent or accepting of a “better year” in which we reduced the carnage resulting from road crashes.*

*In my professional life as a doctor, Coroner and forensic practitioner I have seen too many people and their families with their lives destroyed by the consequences of road users speeding, being intoxicated with alcohol or other drugs, of not wearing a seat belt or safety helmet or in a moment of tiredness or careless inattention on the road.*

*I, like others, have felt powerless at times knowing what must be done and yet seeing the sometimes very slow pace of change in the necessary individual behaviours, in enforcement supported by the needed legislation passing through the Oireachtas and in the reform of court processes in particular.*

*Every injured person and every life lost must continue to be a constant and sad reminder to us to never forget our aims, working together, to make the roads safer and of the responsibility on each of us as road users to be vigilant and to take care in driving, cycling and walking on our roadways for the sake of others and for ourselves. We must also continue to support those injured and bereaved through all our services be they emergency services, medical and hospital care, bereavement support services, Garda and coronial investigations into the truth of what happened in any road crash and also through the justice system.*

*It is also why the invaluable work of organisations such as the Irish Road Victims’ Association is so vital and necessary in guiding and supporting families who suffer the tragedy of a road traffic collision causing a death or serious injury. Let us make every day, week, month and year a better one than the last for safety and security on our roads.*

*I wish IRVA and all its members and supporters every success in their ongoing trojan work and in sharing their experiences and expertise sadly gained through their own tragedies with those who heartbreakingly find that they too now need that understanding, support and guidance in the raw pain and suffering inflicted on them so suddenly and without warning.*

*Ní neart go cur le chéile – together we are indeed strong and we still need to believe every day that we can make a difference. We owe it to those loved ones lost to us and to those seriously injured in road crashes and will always remember them and keep them as our core inspiration for the continuing fight to bring about more real change for greater safety on our roads.*

**Professor Denis Cusack**  
**Forensic & Legal Medicine**  
**Medical Bureau of Road Safety**

*On behalf of the Road Safety Authority (RSA), I would like to thank the Irish Road Victims' Association (IRVA) for publishing the Guide for Families Bereaved by Road Crashes. The services that IRVA provide are of critical importance to the families who have lost loved ones as a result of road trauma and this guide is a testament to the work that they do.*



*I am conscious that many of those reading this will have experienced a serious injury or the loss of a loved one on our roads. To you all, I extend our deepest and heartfelt sympathies and a pledge that we in the RSA will continue to work to make the roads a safer place for all.*

*The devastation that death or serious injury on our roads wreaks on victims, their loved ones, and their communities is permanent. Unfortunately, this is something that too many people across Ireland are all too familiar with. We have lost almost 25,000 people on the roads since we first began recording road deaths in 1959. They are not statistics, they are family members, friends, people we cherish and names we will remember forever.*

*Here at the RSA, we are working collaboratively with organisations like IRVA, to reduce and ultimately eliminate deaths and serious injuries on our roads. Achieving this would mean that no more families have to experience the trauma that comes with the devastating news that they have lost a loved one.*

*There is still a lot that needs to happen to make this a reality, and while we work together to achieve this, we rely on the essential work of IRVA in not only supporting road traffic victims and their families but in advocating on their behalf.*

*The Guide for Families Bereaved by Road Crashes provides a comprehensive guide to families who are faced with navigating the justice system after a road death. While many of us have not had to experience the loss of a loved one by road trauma, IRVA is unparalleled in dealing with the grief associated with a tragic loss and with court cases that may arise as a result.*

*The work done by IRVA in supporting victims of road traffic collisions and their families is invaluable to our joint mission of reducing and eliminating road deaths in Ireland.*

**Liz O'Donnell**  
**Chairperson**  
**Road Safety Authority**

# Background

We are so sorry if your family needs this guide. We really hope that our support services can help you as you try to pick up the pieces of your shattered lives. Like you, our hearts have been utterly broken by the tragic loss of our loved ones, and we hope that in offering our support, and in sharing our experiences, we can ease the burden for you and others, as you try to deal with the aftermath of the crash in which your loved one was killed.

The Irish Road Victims' Association (IRVA) assists bereaved families as they deal with the legal processes which follow such sudden and unnatural deaths, including the Garda investigation, DPP, any Criminal or Civil court proceedings, and the Coroner's Inquest. Processes which we know very little about, and which we are ill prepared for, and at a time when we are least able to deal with them, as we are already in the throes of grief, dealing with an unexpected funeral, and all while trying to come to terms with the loss of our loved ones, often our own child.

As bereaved parents, siblings and partners ourselves, we truly understand your pain and will do everything we can to assist you and to help alleviate unnecessary suffering.

We understand that you may be feeling isolated and alone at this very sad and traumatic time. We encourage you to reach out and speak to us, when you feel able and are ready to do so. Our helpline is always open, and all of our support services are provided free of charge.

## HELPLINE: Phone/Text 086 8634194

In those early days, weeks, and months, when you don't feel able to reach out for help, we encourage you to appoint a trusted family member or friend who can represent you and reach out for support or advice on your behalf.

Sadly, life goes on for others while we are numb, still in shock and disbelief, as we attempt to take in, and eventually come to terms with, our devastating loss.

There are no time limits on grieving. Everybody deals with their grief differently. But while going through the already deeply traumatic grieving process, we don't want bereaved families to be re-traumatised or to miss important deadlines which can have truly devastating and life changing consequences.

Our guide for families bereaved by road crashes we hope therefore will serve as an aid, to assist you on your journey through the criminal justice process.

It is our hope that in referring to our guide, and in taking your own independent legal advice, your bereaved family will avoid some of the pitfalls which we ourselves have experienced over the years which only served to add to our pain.

Please know that we are always there for you during this deeply traumatic time. We don't ever want you to feel isolated or alone in your grief. Please reach out, as soon as you are able, to our volunteers on our helpline.

Together, we can make this long and very difficult journey that little bit easier to bear.

We can come through this deeply painful process together, while honouring the memory of our beloved family members, and helping to prevent further needless loss of life and injury on our roads.

**Donna Price**  
**Founder & Chair**  
**Irish Road Victims' Association**  
**Charity Reg. 20100070**

## WHO IS IRVA?

Founded in 2012, Irish Road Victims' Association (IRVA) is the national charity for road crash victims in Ireland.

For those in need of support following the sudden death or serious injury of a loved one in a road traffic collision. IRVA offers:

- bereavement counselling
- peer support, and
- advice and guidance

IRVA also organises an annual World Day of Remembrance for Road Traffic Victims, on the third Sunday of every November.

# Introduction

This guide has chapters on the key areas of:

- Road death investigation
- DPP Charging decision
- Coroner's inquest
- Court prosecution and sentencing
- Civil compensation
- Sparing others

The longest chapter is on the road death investigation by the police. There are two main reasons for this. Firstly, not all road deaths result in a criminal prosecution, or inquest or civil compensation, but all will involve an investigation.

Secondly, so much depends on the investigation. Thorough collision investigation is vital where death and serious injury has been caused. It's needed in order to ensure that justice is served for the devastation caused, but also for road safety prevention efforts to spare others.

This guide includes the latest statistics and developments from the justice system to help put the information into context. Chapters include a section on the rights of bereaved families to information and how to appeal a decision.

Important points may be repeated. This is to ensure they are not overlooked. We understand that anyone needing this guide will have been deeply traumatised by the sudden, tragic death of their loved one, and will be grieving. This in itself can be more than the bereaved family can deal with, without having to deal with the legal processes which follow.

**Please ask a friend or family member to also read this guide and help you be better prepared for the proceedings ahead.**

# Road Death Investigation

## Chapter Overview

This chapter covers the work of the investigation by the Gardaí, including how:

- the investigation is conducted;
- surviving drivers are investigated for criminal offences;
- the deceased and any role they had in contributing to the collision or death (i.e., any risk taking on the part of deceased, e.g., drink driving and not wearing a seat belt);
- the vehicles involved and road environment are examined; and
- you can stay informed and understand what is happening.

## How road deaths are investigated by the police

An Garda Síochána is the national police service with responsibility for roads policing. This means that road deaths are to be investigated in a consistent manner across the country, with only one police force involved. Furthermore, since 2002, the Gardaí have held that road death investigations have the same status as other sudden death investigations. (Garda Síochána Inspectorate, 2008).

Last updated in 2021, An Garda Síochána Roads Policing Manual covers collision investigation, including the roles and responsibilities of Forensic Investigators. (PQ 23850/21, 2021)

## What is investigated

There are three main causes of collisions:

- **Human factors:** All parties involved will be investigated for their role in the collision and/or fatality.
- **Vehicle factors:** All vehicles involved in the collision will be investigated.
- **Road environment:** This includes such issues as road conditions, signage, visibility and skid resistance etc.

## Key roles in road death investigation

Each road death investigation involves several different officers, including

- Investigating officer
- District Officer/Superintendent
- Forensic Collision Investigator
- Scenes of Crime Unit Officer
- Public Service Vehicle Inspector
- Family Liaison Officer

Their roles are summarised below:

**Investigating Officer:** The Investigating officer, will be a local Garda, and is usually the first to attend the collision scene. They are responsible for preserving the scene, identifying witnesses, gathering evidence and preparing the files for the Director of Public Prosecutions and the Coroner.

You are advised to request the name of the investigating Officer as soon as possible and make an appointment to meet him/her. They will be reporting to a sergeant, an Inspector and ultimately to the District Superintendent.

The **District Officer/Superintendent** has responsibility for the management and resourcing of serious collision investigation. Since 2007 the Garda Commissioner have had a formal "Traffic Collision Investigation Policy" which places responsibility with each District Officer for the investigation of all serious collisions in his/her jurisdiction. This collision policy places an obligation on him or her to visit all collision scenes, establish the investigation team including individuals with the required skills in forensic investigation and technical examination. They are ultimately responsible for passing the investigation files to the Director of Public Prosecution (DPP) and Coroner. If the district officer is unavailable, then one from an adjoining district will take charge.

**Scenes of Crime Unit (SOC)** officers are called to the scene in the immediate aftermath of the collision. These Gardaí may take material samples for forensic investigation, photograph the scene, and look for CCTV and other evidence which may help to establish the cause of the collision.

**Forensic Collision Investigator (FCI)** is trained to forensically reconstruct a road traffic collision. They are based in several districts around the country and are called to the scene of all fatal collisions, or serious injury collisions likely to result in a fatality. They assist the investigating team in ascertaining the cause of the collision.

**Public Service Vehicle Inspectors (PSVI)** are qualified mechanics in An Garda Síochána. They examine the vehicles at the scene, and again once, they have been removed to a secure compound.



**Family Liaison Officers:** Very soon after the collision, An Garda Síochána will appoint a liaison officer to the Bereaved family known as the Family Liaison Officer (FLO). This officer is specially selected for the job and they will keep you informed of the progress of the investigation and where applicable court proceedings. They will answer any questions you might have or refer them to the District Officer for answering. More information on FLOs is provided at the end of this chapter.

## How long does the investigation take?

Thorough investigations takes time. This can be over a year. As explained in this chapter, the Gardaí will be compiling the investigation file for both the DPP to consider if a prosecution is warranted, and for the Coroner in whose District the death occurred.

## Scene investigation

An Garda Síochána will examine the scene for information on how, when and why the collision occurred. The scene will be photographed, surveyed, and in many cases scanned by 3D scanner. This helps with the police reconstruction of the collision.

“

I joined IRVA after the death of my daughter Marsia by a hit and run driver. I was feeling low and trying to deal with all surrounding what happened and life without Marsia by myself. When I became part of IRVA I started to realise that I could either stay as I was or try to turn the worst time in my life into something positive by helping others through what we went through and try save lives. Unfortunately I joined IRVA too late to benefit from all the advice and legal aid they provide. But after, I now know how much they could have helped me and my family through the legal process and got me out of my feelings of helplessness. I just wish I had heard of IRVA before I eventually did.

”

**Leo - Lost his daughter Marsia (Pedestrian)**

“

I got involved with IRVA when my husband was killed in a road traffic collision due to no fault of his own. IRVA has been amazing for myself and my two boys, great support and meeting with other families who have been affected the same. IRVA is a very close knit group that offers support and guidance to grieving families who have lost a loved one through tragedy. IRVA holds a special place in myself and my two boys lives.

”

**Patricia - Lost her husband James (HGV Driver)**

## Witnesses

Initial accounts will be taken from witnesses and any driver(s) identified at the scene. This will be basic information such as their contact details, and a brief account of what they saw. This will help Gardaí prioritise eyewitnesses to the crash over those who can only say what happened after the collision.

Witness appeals will be made in order to identify any further witnesses. These appeals now regularly include calls for dash cam evidence. Enquire with the investigation team as to details of any appeals, or if your family can help with these appeals.

Gardaí will conduct face to face interviews with eyewitnesses, but it can take some weeks or months before these are completed.

## Driver (surviving) investigation

### Drink driving

**Drink driving remains a leading cause of road death. In 2016, the Road Safety Authority (RSA) reported 29% of all fatal collisions involved a driver over the drink drive limit (ETSC, 2020).**

Since 2011, Gardaí are legally required to test all drivers in fatal crashes for drink-driving in Ireland, as long as this does not harm them. A specimen of blood can also be taken from an incapacitated or unconscious driver by a Doctor in a hospital setting, and be tested for intoxicants.

If the driver fails the preliminary roadside screening test (breath-test for alcohol, or drugs swipe screening test), then they are taken to the Garda station for further tests. A doctor may be called to take a blood or a urine sample. These tests must be done within three hours of the crash.

The samples taken will be sent to the Medical Bureau of Road Safety for drink and drug driving analysis.

### Drug driving

Gardaí can conduct roadside drug tests (e.g., cannabis, cocaine, opiates and valium). But this is not yet mandatory in law following a fatal crash, as it is for drink driving.

### Mobile phones

Mobile phones can be seized by the Gardaí and checked, but this is not mandatory under legislation. They will be checked if the Gardaí suspect they were a cause of distraction. This may require witnesses saying they saw the driver using their phone. There is no mandatory checking of phone records with the telephone service providers.

### Fatigue

**Fatigue is believed to be a factor in as many as 1 in 5 fatal collisions in Ireland (Gardaí, 2022).**  
**Link: <https://www.garda.ie/en/roads-policing/road-safety/>**

Gardaí can ask questions about driving and working hours, breaks and rest periods - particularly where commercial drivers are concerned. Tachographs and meter readings from commercial vehicles involved in fatal crashes, including HGVs, Buses and Taxis, should also be examined and the evidence preserved.

### Driver arrest and interview

Every case is different. The driver may be asked to give a brief "first account" shortly after the crash, assuming they are not injured or in shock. If evidence of culpability is found, the Gardaí can arrest the driver on suspicion of dangerous driving causing the death. This includes when the driver tests positive for drink-driving.

Upon charge, drivers can be banned from driving by order of the courts. They may also be remanded in custody or released on bail pending the case going to trial/hearing.

In most cases surviving drivers may continue to drive while awaiting a criminal court hearing, unless by order of the court their license is withdrawn. This is due to the presumption of innocence in Irish law.

While every investigation is different, a formal statement is generally taken from driver(s) after all other witnesses have been identified and interviewed. This may take some time.

“

IRVA has a pivotal role to play in road safety but also in the psychological welfare of the bereaved. It is wonderful to know others who are willing to be a voice for those lost on our roads, that solidarity is what can sometimes spur me on.

Meeting others who walked this path before me was incredibly helpful. I found IRVA supportive but never intrusive and that's what made me feel comfortable with them. As time went on, I was happy to be more involved in some things with IRVA as I know the importance of such work.

I'd recommend anyone who wants a confidential ear to help process the aftermath of losing loved ones in road collision make contact even if just for a short chat. It does help.

”

**Neil - Lost his sister Donna (Cyclist)**

## Role of the deceased

The Gardaí will carry out a full investigation into all aspects of the incident, including the deceased, in order to establish all of the facts. This includes testing for intoxication in the post-mortem which is discussed in the chapter on Coroners and Inquests.

### Background information

While every case is different, the deceased's movements at the time of the crash, and visibility, may be considered, along with any other risk taking by them. Families will be asked about the deceased, including their experience with road use in general and familiarity with the route taken, their mental health, etc.

### Seat belt

If your loved one was a vehicle occupant, they will be checked to see if they were wearing a seat belt, had a headrest etc. Not using a seat belt does not cause a crash but it can contribute to the crash being fatal.

**Approximately one-fifth of occupant deaths did not use a seat belt at the time of the crash. (Gardaí, 2022).**

**Link: <https://www.garda.ie/en/roads-policing/road-safety/>**

### Personal belongings

The victims' belongings (phone and clothing) may also be retained and checked. Ask your Family Liaison Officer when and how they will be returned. You may want them returned untouched or you might want to ask the police to have them cleaned.



IRVA is like a family for me and it helped me to advocate for road safety in our Richard's honour, and keep his beautiful memory alive. I can't recollect how I met Donna and the IRVA members but they were there for me in my time of grief and loss. I became a member of the IRVA board, as through my own experience of losing my brother Richard, I wanted to give back and help others who walk our journey. To give them help, a listening ear, and support.



**Karen - Lost her brother Richard (Driver)**

## Vehicle examination

Vehicles will be investigated to see if they contributed to the collision (e.g. braking, steering, tyres etc) or the fatality (e.g. lack of seat belt, headrest or airbag).

### Commercial vehicles

**Between 2019-2021, 28% of fatal crashes involved Heavy Goods Vehicle (HGV) and Light Goods Vehicles (LGV). HGVs weigh over 3500kg while LGVs weigh less than 3500kg.**

**Link: <https://www.kildarestreet.com/wrans/?id=2022-01-19a.668&s=Hgv+fatal#g674.q>**

The PSV Inspector will examine the vehicles in an effort to establish their condition prior to the collision.

With commercial vehicles, the PSVI will examine the tachograph charts and/or digital tachograph card, and other evidence taken from the vehicles. The evidence obtained will assist them in determining the speed of the vehicle at the time of impact, and the driving hours and rest periods of the driver leading up to the fatal crash, along with other evidence such as evidence of any braking in the lead up to the crash.

Investigation procedures regarding the continuity of evidence are followed in relation to all evidence gathered. You, or your independent forensic collision investigators, are entitled to examine and photograph the damaged vehicles in the secure compound where they are stored. You can also ask that the vehicle be preserved and returned to you at a later date, once all proceedings are concluded.

### Speed

Speed is a key factor as it increases both the risk of a crash as well as the likelihood that it is deadly. Speeding may be suspected at the scene but the Garda investigation is needed to calculate the vehicle speeds involved.

Vehicle speeds can be calculated in different ways, e.g. video footage, data recorders, tachographs, skid tests and markings on the ground. It may be difficult to determine an exact speed and a range may be given.

## Investigation of the road environment

Shortly after the collision, the Gardaí, in conjunction with the local authority, will visit the scene to establish if road factors have contributed to the collision and may need to be remedied. This will include checks with visibility, signage, and the road surface.

The collision record of the site will also be reviewed to see if there is any pattern of collisions. Recommendations on engineering solutions if necessary are submitted. Families may request a copy of the Engineers Report from the local authority. We would encourage families to appoint their own forensic engineer also, if possible, who will report to them.

## Special circumstances

### Hit and run collisions

In cases where the driver has left the scene, An Garda Síochána will conduct all necessary investigations, e.g., checking security and traffic cameras in order to identify possible vehicles, drivers and witnesses involved.

### When the Gardaí are involved in the collision

In cases where the fatal crash involved a Garda officer (on duty or off duty), or where one of the vehicles involved was pursued by the Gardaí, the Garda Ombudsman will be involved. This is an independent organisation with their own investigation staff capable of providing investigators 24 hour/365 days a year. Their investigators have the same powers as the Gardaí and they will carry out a thorough investigation in these cases.

“

When Sarah died we were devastated beyond belief and didn't know where to turn for advice or help. Later, out of desperation, we searched the Internet and found IRVA and we just wish we had found them sooner because we had made quite a few wrong decisions by this time in relation to the legal aspect of Sarah's death which could have been avoided if we had the correct advice sooner. IRVA listen, and their advice is invaluable at a time when people are desperately seeking answers.

”

**Colette & Tommy -  
Lost their daughter Sarah (Driver)**

## Garda investigation file

The Garda Investigation file is compiled from the statements of the investigating Gardaí, witness statements, evidence gathered from the scene and the period immediately prior to the collision. While all investigations are different, this file may include the Rough Sketch of the scene by the investigating officer, Forensic Collision Investigator Report, Scenes of Crime Units Report, PSV inspectors report, the Computer Generated Sketch or map of scene, coloured photographs, Fire Officers report, Ambulance service report, Medical Evidence, Toxicology (Drink and Drugs) and Autopsy Reports, and witness statements. The file is kept in the District Superintendent's office in the area where the collision occurred.

The completed Garda file, together with the District Officer's recommendation as to any criminal charge which they believe the evidence indicates, will be forwarded to the DPP via the State Solicitor. The Gardaí also forward a copy, or an abstract of the investigation file to the Coroner.

**This happens in every case, where there has been a fatality, except in the case of single vehicle collision where only one party was involved who is now deceased. A file being sent to the office of the DPP does not mean that a prosecution is recommended by the Gardaí or will result.**

“

IRVA brought a light into our lives. It was so nice to be able to meet people who can understand the pain you're feeling, and the questions you may have, as you go through a difficult journey of attending an inquest of your loved one - and to know you're not alone. Because of IRVA I wanted to give something back, and be a beacon of light, that IRVA has been for me and my family. Our hearts may never heal, but we have met others like us who can truly understand, and who we can now call our dear friends for life.

”

**Catherine - Lost her sister Delia (Driver)**



## Right to information and support

**The Criminal Justice (Victims of Crime) Act, 2017** ([www.irishstatutebook.ie/eli/2017/act/28/enacted/en/index.html](http://www.irishstatutebook.ie/eli/2017/act/28/enacted/en/index.html)) gave victims of crime rights for the first time in our justice system. The **Victims Charter** ([www.victimscharter.ie](http://www.victimscharter.ie)) explains your rights and entitlements to the services provided by state agencies working with victims of crime. The Victims Charter defines a victim as including "family members whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death." Families should remember that the Victims Charter is a guide and does not offer victims any legal rights.

An Garda Síochána have given a number of commitments to victims of crime, including the following:

- (a) to ensure that the victim is kept informed about the progress of the investigation, including whether a suspect is charged or cautioned.
- (b) to tell the victim whether the accused is in custody or on bail and the conditions attached to the bail.

Not all road deaths involve criminal offences. But as long as the Gardaí are investigating the possibility of a criminal offence, bereaved families should qualify for the rights in the Victims Charter.

## You and your FLO

As noted previously, in every case where there is a fatality, a Garda FLO will be appointed to the bereaved family. It is their job to keep you informed of the progress of the investigation and any prosecution. FLOs will be trained for this role but it will not be their full time job. It's important to know that FLOs are investigating officers who will also be dealing with other routine Garda duties.

Families should stay in touch with their FLO. Your first point of contact for questions to be answered is your FLO. Do not be afraid to ask questions of your FLO. If they can answer your questions, they will. If not, they will be able to explain why not. This might be due to the fear that it could jeopardise a criminal prosecution.

If FLOs are unable to provide you with answers, you are encouraged to request a meeting with the Senior Investigating Officer. This may not be possible until the file has been passed to the DPP and they have made a decision regarding a criminal prosecution. Be sure to take notes in any meeting as the Gardaí may not be able to share evidence at that time.

FLOs will keep a record of all interactions with families. We urge you to also keep a record, noting when you spoke and any key points. You should also put all important requests in writing. Ask a friend to help if needed.

“

Do not attend any meeting or key event without a trusted family member or friend. Do not put pressure on yourself to take notes alone, or try and remember all that is discussed.

”

### Bereaved Mother

We advise that you keep a log of all contact with the Liaison Officer and or District Officer, noting the dates, reason for contact, and the information exchanged. We recommend that you request that all important information and decisions are put in writing. Through your Liaison Officer you should request (in writing) adequate notice of the Inquest date set down by the coroner. The liaison officer will keep the contact with you until the inquest is over (where there is no prosecution) or until the prosecution is over.

***Your Family Liaison Officer may be very nice but they are not a counsellor. Their role is not providing emotional support. Nor are they the decision maker. Ask for a meeting with the senior officer over the road death investigation.***

Ask the liaison officer if you can visit the scene with the Gardaí and have them explain what the police know about the circumstances of the crash. You might also want to be accompanied by your forensic engineer or legal advisor. It is important for you to also know that as investigating officers these FLOs, as part of their role, will be collecting information on the deceased which may be of assistance with the investigation.

Families often ask about seeing the Garda file. The Garda file is not shared with the family nor their solicitor. But the Garda Abstract file, with the key information, will be shared, although this can take time. See more in the next chapter.

## From the other emergency services

In addition to the police, other emergency services (ambulance, fire) may have responded to the crash. They will prepare reports on their actions for the Gardaí and Coroner. You can contact them to ask for this information, including the recordings of emergency calls from the National Ambulance Service.

“

I brought my brother who lost his son to IRVA's memorial event in November. I wasn't sure how he would take it because it is all still so raw and heartbreaking to have lost our beautiful Bill just last year. My brother felt it helped him through his grief. It was so sad hearing other stories and seeing people so distraught and feeling their pain. But there was also a sense of comfort and solidarity. It was fantastically organised and very sensitive and personal. The music was lovely and the walk to the lake following the man with the bagpipes was beautiful. The doves, the roses and the sense of people being united in their grief was uplifting. To see the photo of my gorgeous nephew up there with all the other young people who have lost their lives in road accidents was so sad and poignant. It was also so lovely to think that IRVA have provided the forum to allow us to remember, to grieve together and to celebrate his life and the lives of all the other victims. Also, very stark, the number of deaths caused by dangerous and drunk driving. The speakers were heartfelt and got a strong message across. I couldn't help thinking though that they were talking to the already converted and needed a wider audience. Everything, from the candles to the music, poetry, words, framed pictures and refreshments were outstanding and very much appreciated. We will be back next year and bring more of the family now that we know what to expect. You must have put an amazing amount of work into organising such a great day. There were so many vulnerable people there who needed that tribute to their adored family members who have been prematurely taken from them. It's a trauma no one should have to endure, however, thank God for people like IRVA, that have been through this horror themselves and are still ready to offer so much to people to help them through their nightmare. From the bottom of my heart Thank you.

”

**Ann-Marie - lost her nephew Bill (Motorbiker)**

Families want to know how their loved one was treated after the crash and what medical assistance was provided. Understanding what happened in the last few minutes of your loved one's life can hopefully spare you from imagining the worst.

**If you can afford it, you may want to consider hiring a private forensic engineer to examine the crash scene, liaise with the Gardaí and produce their own independent investigation report. We would recommend that you do this as soon as possible.**

## Key points to remember

- Surviving drivers are required to be tested for drink driving, if this will not harm them, but checking for other factors such as drug driving or mobile phone use will vary.
- Your loved one will be investigated for any role they might have had in the fatal crash.

“

We lost our son Nigel in a road traffic collision in 2011. The IRVA reached out to us as a family and have been a great support to us since then. Losing a loved one in a sudden collision is traumatic and plunges you into all sorts of situations - personal and legal, in which you have no experience and all of that is on top of your bereavement. It is great to have a support network with the knowledge to help you through the unknown. Each year we get together for World Day of Remembrance and join together with other families in the same situation for comfort and support. We are thankful for IRVA and all that they do.

”

**Margaret & Bernard - Lost their son Nigel  
(Driver)**

# DPP Prosecution Decision

## Chapter Overview

This chapter covers the decision by the DPP to prosecute or not, and:

- What to do first if the DPP decides not to prosecute.
- What more can be done if you do not agree with their reasons not to prosecute.
- How in the case of a decision to prosecute, the family have no right to request a tougher charge.

## Role of the DPP

After a fatal crash, the DPP is responsible for deciding if there is to be a criminal prosecution or not. This includes cases where the driver is the sole party and has been killed. This is because the Gardai always prepare a road death investigation file. And as noted in the previous chapter, these are always sent to the DPP. Families should not assume this means a prosecution is being recommended. A file must be sent to the DPP in each case where there has been a sudden and unnatural death.

The DPP will send you a letter explaining the reasons for their decision. But you may hear this first from your FLO.

When deciding if a criminal charge is to be prosecuted, the DPP ask two main questions:

1. Is there sufficient evidence?
2. Is it in the public interest to prosecute?

In cases where there is evidence of criminal culpability, it may still not be in the public interest to prosecute. Such cases could include where the driver is elderly and has surrendered their license, where the driver is seriously injured, or where the deceased was a family member.

## When the DPP decide to prosecute

The DPP may decide a charge of Dangerous Driving causing death is merited, or the lesser charge of Careless Driving causing death, or maybe just Careless Driving. If it is any of the latter, you have no right to appeal for the more serious charge. This can be very difficult for families as the lower charge, often with no mention of the fact that a death has been caused, can have a significant impact on the judicial process and the sentencing outcome.

“

When our world fell apart in 2014 with the loss of our beautiful little boy Ciarán and after I sustaining serious life changing injuries we came to know Donna and IRVA. The support, understanding and compassion we received and still do from IRVA is paramount, and has helped us so much as a family to try come to terms with Ciarán's loss. Forever grateful for all Donna and IRVA's hard work and dedication.

”

**Gillian & Ronan - Lost their son Ciaran (Passenger)**

## When the DPP decides not to prosecute

You may receive a letter from the DPP telling you they have decided not to prosecute. You may agree with the DPP decision. This may be the only possible decision in cases where the deceased was the sole driver involved. It should be noted however that if there is no criminal prosecution, the other driver has a right to maintain their anonymity.

### **Step 1: Request the summary of reasons for decision not to prosecute**

If you disagree with the decision of the DPP, you can write and ask for a **summary of the reasons** behind their decision.

While the DPP is not responsible for the conduct of the investigation and have no Garda oversight role, they are able to indicate to the Gardaí what additional evidence would be required to sustain a prosecution.

We would encourage bereaved families to engage with the office of the DPP and to liaise with the senior investigating officer in the Gardaí. Otherwise the case will be set down for the Coroner's inquest at this time.

The DPP may say that the reason for no prosecution is due to a lack of evidence. This can be difficult for families as they don't know what evidence has been submitted to the DPP's office and formed part of their review.

**Bereaved families are kept very much on the periphery while the Garda investigation and DPP deliberations are ongoing. Once the decision of the DPP is made known, families have a short window of opportunity to get the answers they need, before the Coroner's Inquest is set down for hearing. We encourage you to ask those questions now.**

### Garda Abstract file

As noted above, families will be disadvantaged by their lack of information. They will not be able to know what evidence informed the DPP's decision. They have no legal right but they can request a copy of the Garda Abstract file which contains the key evidence, such as

- Two page pre-printed Garda form filled in with details of the collision, including all parties involved.
- Rough Garda sketch of the collision scene as well as Computer Generated Sketch showing the position of vehicles and any parties involved and the point of impact.
- Witness Statements including the Garda and other emergency service officers statements
- Coloured photographs (not photocopies)
- PSV Inspectors' report
- Forensic Investigator's report
- Scenes of Crime Unit Report
- Pathologist report
- Toxicology report

The FLO will try to facilitate your need for answers. Nobody wants the bereaved family to go into the Coroner's Inquest to be re-traumatised, and to hear what could be harrowing evidence for the first time in that forum. It is much better that bereaved families are supported as much as possible with the information that they need to be empowered to ask questions, and to take expert advice and opinion if needed - prior to the Inquest.

“ IRVA have been a massive support to us as a family. They have been there for us from day one and are always at the end of the phone. The kindness and empathy from Donna and the members of the organisation truly shines through. Knowing that everyone at IRVA are constantly working to improve road safety, investigations and victim services provides reassurance to bereaved families that someone is fighting for justice for them and their loved ones. When you're feeling alone in grief or don't feel you have the strength to fight the fight, just knowing IRVA is there is like a blanket of support and comfort. ”

**Michael, Martina and Ciara - Lost their son and brother, Michael Junior (Passenger)**

## Step 2: Request for a Review of Decision not to prosecute

If you are not satisfied with the reasons, you can ask for the decision to be reviewed by the DPP. This review will be carried out by a lawyer who was not involved in making the original decision.

The DPP can arrive at a different decision even in the absence of new evidence. In most cases however it is unlikely for a decision of the DPP to be changed without new evidence.

## Time limits

There are time limits. From receiving the letter informing you there will be no prosecution, you have:

- 28 days to contact the DPP with a Request for a Summary of Reasons
- 56 days to contact the DPP with a Request for Review of Decision not to prosecute

The time limits may be extended by the Gardaí or the DPP but you should not rely on this.

Requests should be sent to: **Communication and Victims Liaison Unit, Office of the Director of Public Prosecutions, Infirmary Road, Dublin, D07 FHN** or forms are available in any Garda station.

## Key points to remember

If you want to appeal the DPP decision not to prosecute

- Ask for the Gardaí Abstract File so you can understand the basis for the decision. This is provided free of charge to the bereaved families.
- Ask the DPP the evidential basis for the decision not to prosecute. Did she/he have all of the evidence? Eg. Alcohol and Drug tests, phone records, driving hours, tachograph, speed, eyesight, etc.
- Raise any factors you think were overlooked or misinterpreted.
- Remember the deadlines.
- Keep in touch with the Coroner's office and ensure they are aware that you are appealing the decision of the DPP.
- Remember that your questions to the DPP, and the Gardaí, can prompt a more thorough investigation into your loved ones death, particularly where things may have been overlooked.

Bereaved families are looking for justice for their loved ones, and where there is no prosecution, justice for them can mean lessons being learnt in order to assist in saving lives and preventing further needless injury. A thorough investigation is therefore vital if they are to ascertain all of the contributory causes of the fatal collision. Bereaved families need to know all of the facts surrounding the death of their loved one, and that the Garda investigation of the circumstances surrounding the crash was a fair and thorough one.



# Coroners and Inquest

## Chapter Overview

This chapter covers

- The role of a coroner and the purpose of an inquest, including when it is held
- How to get information on the crash before the inquest

## Role of the Coroner

The Coroner is an independent judicial officer who is responsible for

- Ensuring the identification of the deceased.
- Directing a post-mortem examination.
- Authorising release of the body of the deceased for burial.
- Directing an inquest.
- Obtaining all necessary and relevant documentation.

Coroners are medical doctors or lawyers (solicitor or barrister).

In Ireland Coroners operate independently in their own districts. There are no national guidelines and procedural matters may vary considerably. Families are advised to contact the coroner for information on the precise procedure in their district.

“

The 27th of February 2016 brought the darkest day imaginable when our beautiful daughter and sister Laura's life was tragically taken at 29 years in a car crash a few kilometres from where she lived. Hard to find solace or comfort amidst such great pain but Donna and the IRVA family understood our deep pain and grief and from that we gained solace and comfort. Donna was always there to listen, empathise, and from that we found the strength to continue this new life without our brightest light, for that we will always be grateful.

**Claire - Lost her sister Laura (Driver)**

”

“

My brother was killed on our roads on Dec 23rd 2018. If you are reading this then you may very well know the shock and horror that comes with receiving news like this. In 2019 i found IRVA and contacted them about doing some fundraising for them. I wanted to raise awareness about how dangerous our roads are and i was angry that my brother was taken that way. Since then what IRVA has done for me, my parents, and my younger siblings has been unbelievable. The support they offer is second to none and we all have benefited from finding IRVA. I will always fundraise for IRVA as they don't get the recognition they deserve for the phenomenal work put into the organisation. My family and i will be forever grateful to them and will join with them every World Day of Remembrance in lighting our candles and remembering my brother John and all our loved ones who have been taken by our roads.

”

**Caroline - Lost her brother John (Driver)**

### **Post-mortem**

A Post mortem, also known as an autopsy, is an examination of a body after a death. It will almost always be carried out by the hospital pathologist in the case of all road fatalities to establish the medical cause of death. Your loved one will be tested for alcohol and drugs - including medications - as a necessary part of the autopsy. These findings will be included in the Post Mortem pathology report and be made public at the inquest.

It is the Coroner who orders the autopsy after they are informed of an unnatural death. As coroners have a legal duty to investigate unnatural deaths, they do not need to ask the bereaved family for permission.

### **Tissue/organ retention**

Often the only way to understand the cause of death is to examine part of the organ under a microscope. This requires the removal of small pieces of tissue. In some cases, the pathologist may wish to remove an entire organ from the body for further study.

Whilst consent is not required for post-mortems, there is an absolute requirement to give the bereaved the right to make choices regarding how, when, and if they wish to be informed about the retention of organs and body parts. When tests are completed on the retained organ the hospital or mortuary will contact you.

### **Organ donation**

The Coroner and the next of kin must give permission before organs can be donated. This includes road deaths where the person is a registered organ donor. Coroners may be able to limit their Post-Mortem examinations to accommodate organ donation.

Coroners appreciate the need for organ donation and are supportive of requests. See **Citizens Information.ie** for more information on organ donation.

### **Second post-mortem**

A person accused of a criminal offence related to the death of the deceased may request a second post-mortem. This is believed to be rare but it can delay the funeral.

### **Purpose of Inquest**

The Coroner's Inquest is a full investigation or enquiry into sudden, unexplained and unexpected deaths due to unnatural causes or violence. These include deaths resulting from road traffic collisions.

The aim of the inquest has been defined as to:

- Find out the facts about the death;
- Place those facts on the public record; and
- Make findings on the following:
  - o The identity of the deceased person;
  - o The date and place of death;
  - o How, when and where the death occurred;
  - o The circumstances in which the death occurred, to the extent that the coroner considers it necessary.

Inquests do not decide matters of civil or criminal liability. These are matters for the courts.

To be clear, the inquest can neither apportion blame nor exonerate, it merely establishes the facts surrounding your loved ones death and issues a death certificate. There are no defendants, there are only "properly interested persons".

The inquest can make general recommendations intended to help prevent future deaths occurring.

### **Death certificate**

Prior to inquest (or whilst awaiting the postmortem report) the Coroner's office will provide an Interim Certificate of the Fact of Death which may be acceptable to the Probate Office, banks, insurance companies and other institutions. The death will be registered by means of a Coroner's Certificate when evidence of identification and medical cause of death have been taken. This can take place when an inquest is opened and adjourned, or when the inquest is concluded.

This Certificate is then sent to the Registrar of Births, Marriages and Deaths where the death is recorded. The resulting death certificate can be used for banking, insurance and legal purposes such as for probate.

Some Coroners - though not all - will enter in the Coroner's Certificate that the injuries were sustained in a Road Traffic Collision but others do not. If you consider that it is important for you to have a record of that, there is another Document available at the conclusion of an Inquest called a "Record of Verdict" which you should request from the Coroner.

## **What determines if a full Inquest hearing will be held**

### **1. No Criminal prosecution**

Inquests will proceed to a full hearing where there is to be no criminal prosecution.

A date is set for a full inquest and the family of the deceased are notified. If any new evidence should come to light before or during the inquest the family should make the facts known to the Coroner and ask for an adjournment. The inquest is the only chance to formally question witnesses. Families may have legal representation to ask questions on their behalf, or may ask questions themselves through the Coroner.

The Gardaí/Coroner are obliged to give the family adequate notice of the inquest in order for you to prepare. If you believe that you have not been given adequate notice you may request the Coroner to adjourn the inquest and arrange a more suitable date. Adequate notice is generally a period of circa two months although the legally required period is not less than 14 days. The Coroner will be in possession of the Post Mortem (Autopsy) Report and Toxicology Report at the time of the inquest.

Remember, that where there is no criminal trial, the inquest is the only opportunity open to the relatives to find out as much as possible about the circumstances which led to the death of their loved one. It is the only public hearing into our loved one's death.

“

When a tragedy happens to someone I'm sure most of us have said 'I just don't know what to say' and most people don't know how to console the family of the deceased. People are often afraid to say the wrong thing and it feels like nothing they can do or say helps. This is where IRVA can really help. Grief can be so overwhelming and very lonely, but they will be there for you like they were for me when you need them to listen and to give advice and sometimes just their presence can be a great comfort. They can identify with your pain and they offer support but they don't draw comparisons of their own experiences. Just one of the things I have learnt through them is that just because my family are grieving the loss of our parents it doesn't mean we grieve in the same way and at the same time, and that is ok.

”

**Bobbie - Lost her Parents (Driver & Passenger)**

## **2. Criminal prosecution and the Inquest**

Inquests rarely happen after a criminal prosecution.

If the DPP directs a criminal prosecution, the inquest will be opened and adjourned to allow the criminal prosecution to take place. Evidence will be taken on identification of the deceased and medical cause of death, and the death will be registered and a full death certificate will be issued.

The Inquest will be adjourned after evidence is given on identification and the medical cause of death is read. The inquest may be resumed and concluded by the Coroner after they receive confirmation from the criminal court registrar that the criminal prosecution has been concluded. Generally there will not be a full Coroner's hearing at this stage, as the facts will have been established by the courts.

The outcome of the Coroner's court must mirror the outcome of the criminal case. Families may not be informed of when all of this is happening. It is therefore advisable to contact your Coroner to be kept informed of the completion of the inquest when the criminal trial is over. Families are generally not informed about the completion of the previously adjourned inquest and may believe that nothing happened, so it is important that you establish this for yourself by keeping in touch with the Coroner's office.

## When inquests are held

Inquests generally takes place about 4-10 months after the death (but can be longer depending on circumstances). It is not unusual for the Coroner's inquest to take place a year or more after the death of your loved one.

## On the day of the Inquest

Road death inquests may or may not be held before a jury as the Coroner thinks proper. If there is to be a jury, the Gardaí are responsible for selecting the jury and they are generally chosen from an experienced small pool of local residents and business people.

Evidence at the inquest typically comes from:

- The witness who identified the deceased.
- The last person to see the person alive.
- Person who saw the collision or the aftermath or who saw those involved prior to the collision.
- Investigating Garda and Garda Forensic Collision Investigator.
- Someone the family puts forward by application to the Coroner if the Coroner deems that person to have evidence helpful to the court.
- Ambulance Crew and or Doctor attending the scene if any.
- Fire Officer attending the scene.
- Medical Evidence especially where the deceased survived for a time after the collision.
- Autopsy Report.
- Depositions

Some Coroners want to see the full book of evidence in order to prepare their depositions from the witness statements. A deposition should not have any content which apportions blame. Other Coroners get the proposed evidence directly in draft deposition form from the Gardaí.

You should ask the Coroner how the depositions are drawn up for his/her court. Also ask if translators will be provided for any interested parties, if needed. Skype technology can be used for someone from overseas to provide evidence, but only in certain jurisdictions. The Coroner cannot compel a person outside of the jurisdiction to give evidence. Enquire as to the feasibility of this in your Coroner's Court if relevant.

Witnesses include the Gardaí who will give evidence of their investigations for the Coroner under the Coroner's Act. The witnesses are required to take an oath or affirm, and the draft deposition of each witness is read out to the court before they are questioned by the Coroner. The jury, if empanelled, and properly interested persons are given opportunity to ask questions and to engage with the witnesses. This questioning of witnesses during the inquest is very important as it may lead to an adjournment if it points to further evidence being required.

“

On Nov 16th 2001 our world changed forever! Our beautiful son and brother Jonathan was tragically killed by a drunk driver along with 2 of his friends not far from home just 10 days after celebrating his 21st birthday. We never really understood heartbreak until that awful knock on our door at 3am and upon hearing those words from the Gardaí that our son/brother was gone our hearts literally broke in two. They say time is a great healer but that is just a cliché. You never heal from losing your child, how could you, it's not natural to bury your son or daughter or sibling, you just learn to make this new pain you're experiencing part of your life, and it becomes part of who you now are.

We were a broken family with no idea of how to cope, or manage the grief we were experiencing, but that changed when we stumbled upon the wonderful Donna and the amazing charity IRVA. This amazing charity became our solace, our comfort, our safe place. Until you sit among people who know exactly how you feel, you feel lost in a world of pain and suffering. The experience of sitting among others whose grief is just as raw as yours, was in a sense very comforting as everyone in that room knew exactly how you felt, because up until that moment we felt so alone. Although we were very much supported by family & friends, they really didn't know or understand how we really felt, but the people involved in IRVA and the beautiful World Remembrance Day For Road Traffic Victims annual event did. We as a family really take so much from this annual event. They're more than people sitting in a room sharing memories of their loved ones, they have become family and we've made some very special friends too. The power in that room annually is something very special. It's very hard to explain but we find it very powerful, uplifting, and emotional, but more than anything very comforting. But to see so many new faces of broken families is very hard each year, they are so new to this awful grief but they too take comfort in their new IRVA family knowing that there's a safe place to express their grief in an environment, and with people that know exactly how they feel.

IRVA, I don't think you will truly ever know what your charity means to our family. You came into our lives when we were at rock bottom with open arms and gave us love, support and hope and the opportunity to see that we were not alone in our grief. You are truly a very special charity and provide to families like us something that is without a doubt exceptional in more ways than you could possibly imagine.

”

**John, Helen, Sinéad & Ashling - Lost their son & brother Jonathan (Pedestrian)**

The inquest, which may be the first public hearing into the death, can be very restricted. It can be restricted to the where, when and how your loved one was killed, with no hearing of the circumstances surrounding the crash, e.g., in cases already reviewed by the DPP.

**The other (surviving) driver does not have to attend the inquest. They may be subpoenaed, or summoned to attend by the Coroner. This summons will be served by the Gardaí and there is a penalty if they do not show up and are found guilty of that offence. It can be very hard for families if the other driver does not attend.**

### Inquest verdict

The coroner informs the jury which verdicts are lawfully available in a particular case. The most common verdicts are “accidental death,” or “death by misadventure” which means there was risk taking on the part of the deceased. More unusually verdicts are recorded as “unlawful death”, “death by natural causes”, or an “open verdict”. Inquests must reflect criminal verdicts.

The Coroner and the jury can also make recommendations to prevent future deaths. The Coroner follows this up with a letter to the relevant authorities. There is however no requirement in the law for authorities to accept and act on these recommendations.

### Getting information before the inquest

You are strongly advised to liaise at an early stage with the Coroner’s Office. This will be in the district where the death occurred, which can be different to that of the crash, if the victim was taken to a hospital in another district and died there. Your FLO will give you the contact details or you can get them from the Coroners’ website, or from the local authority in the area where the death occurred.

Some Coroners will communicate with the family of the deceased from the start and be more open to sharing information. However this may not be the practice in all districts.

As mentioned previously, if you have not been given adequate notice of the date you should contact the Coroner’s Office requesting an adjournment. The Coroner’s court is not an adversarial one and you should find that all persons are dealt with very fairly and with great compassion.

Pre-inquest disclosure of documents is not automatic but can be requested by the family.

### Costs of reports

The Garda Abstract report is given to the Coroner. It then becomes known as the Coroner’s Deposition. The Coroner’s deposition is free to bereaved families before the inquest. After the inquest, there is a statutory charge.



Ask the Coroner if there is to be a written transcript or a recording of the inquest hearing, and its cost. This can be very helpful for families affected.

## Advice to families

Inquests can be quite restricted hearings. They may not be where key questions are answered for the bereaved families. It is where the official role of the Gardaí ends. Families can however ask for a meeting with Gardaí to discuss the information presented at the inquest, and to get any further information they may need.

**We encourage families to request answers to any questions they may have in advance of the Coroner's Inquest if possible and allowable. It can be very traumatic to hear things for the first time in this forum. It is much better to be prepared for what you will hear, and to be empowered to ask questions and take expert advice and opinion, in advance of this public hearing into your loved one's death.**

Key points to remember

- Inquests are mainly held when there is no criminal prosecution.
- They may be the only chance the family has to find out what happened.
- Ask for a copy of the 'Garda Abstract File' or 'Coroner's Deposition' in advance of the Coroner's Inquest.
- Take expert advice and opinion.
- Find out who the witnesses are and if any surviving driver is attending.
- Make a list of your questions and ask if they can be answered in advance of the inquest.
- Be empowered to ask questions during the inquest.
- Information should be provided free to bereaved families prior to the inquest proceedings but there can be a statutory cost imposed after the inquest.

“

Since losing our beautiful son, Christopher, in a road traffic collision in May 2019 we have continued to turn to the IRVA for support on emotional and legal matters. They have been an amazing support in our time of need and have helped us through the darkest of days. Most especially Donna who is always at the end of the phone and understands completely what we are going through. Their remembrance service is a wonderful tribute to all of our lost family members.

”

**Lorraine - Lost her son Christopher (Motorbiker)**

# Court Prosecution and Sentencing

## Chapter Overview

This chapter covers the key issues of

- what happens at court with criminal trials
- sentencing, including Victim Impact Statements
- your rights to information about hearings, verdict and sentence

## Criminal offences

The two main criminal charges are

- Dangerous driving causing death
- Careless driving causing death

## How often is a driver convicted of causing a death?

There were 35 convictions for Death by Dangerous Driving causing death in 2020, up 10 from 25 in 2019 (**Central Statistics Office**). This is a homicide offence with data published by the Central Statistics Office. But this may be an underestimate. The Central Statistics Office has previously reported there to be more convictions for Dangerous driving causing death than initially reported.

It is not possible to know how many prosecutions there are for Careless Driving causing death. It is not a homicide offence and data is not published on it.

It is possible but rare for a driver to be charged with just a summary offence (e.g. uninsured driving). In this case it will be heard in the lower courts. Summary offences need to be laid within six months from the crash, as otherwise they are statute barred or out of time. There is no time limit on charging a driver with Dangerous driving causing death or Careless driving causing death.

It is extremely rare for the more serious charge of manslaughter to be used

## Going to court

Criminal cases dealt with by the Circuit Criminal Court begin in the District Court and are sent forward to the Circuit Court for trial or sentencing. It is possible but rare that a causing death charge is sentenced in the District Court. A lawyer acting for the DPP prosecutes death by driving cases.(State Solicitor)

With trials in the Criminal Court, the case is heard by judge and jury, although a person can change their plea to guilty and dispense with the need for a trial. The accused must be served with the prepared documents (Book of Evidence) within 42 days of their first appearance in court. This time limit may be extended.

A date will be set for the trial. There may be many appearances by the defendant in the District Court before the case is finally heard by the courts.

The Book of Evidence is made up of the following documents:

- A statement of the charges against the accused.
- A copy of any sworn information in writing upon which the proceedings are initiated.
- A list of the witnesses it is proposed to call at the trial.
- A statement of the evidence that is expected to be given by each of them.
- A copy of any document containing information which is proposed to be given as evidence viz. (Blood alcohol levels of drivers and victims, Toxicology report of victims, Post Mortem Report or Clinical Evidence, PSV Inspectors Reports etc., a list of exhibits such as CCTV footage, photographs etc.
- Certificates of evidence based on Section 6 (1) Criminal Evidence Act 1992.

## Giving evidence

If you happened to be a survivor of the same collision, and have made a witness statement, you will most likely be asked to appear as a witness to give evidence. This occurs where the defendant is pleading not guilty to the charge and there will be a full trial. If however, the defendant pleads guilty, you will not be asked to take the stand to give evidence in relation to the crash, but in either case you may be given the opportunity to give a victim impact statement to the court under oath. In the event of a guilty plea you will not get any detail on how the collision occurred, or its causes.

In this instance it makes it all the more important to obtain all available facts referred to as "The Garda Abstract Report" from the Gardaí as soon as the criminal process is over.

## Preparing yourself for the Criminal Case

The time in court is very stressful whether you are there as a relative or as a witness. You would be well advised to visit the court before hand to familiarise yourself with the surroundings and procedures. There are dedicated victim waiting rooms in refurbished courthouses.

While the bereaved family are not represented in the court proceedings, the prosecuting solicitor and counsel have certain obligations towards victims (including bereaved families).

You can request a meeting with the prosecuting solicitor and counsel prior to the trial. The purpose of this meeting is to explain the pre-trial process to the family and answer any questions you may have. Evidence, however, will not be discussed.

The family is entitled to have their views heard and considered. You should be dealt with in a reassuring and sympathetic manner. Solicitor or counsel should explain the legal processes and procedures and should keep the family informed. Any complaints should be addressed to the DPP or the Chief Prosecution Solicitor directly.

On the day of the trial bring your solicitor (if you have one) and ask family members and or friends for support. Your solicitor will not be allowed to take an active role as it is the State which takes the prosecution case against the defendant.

“

IRVA has been a huge part of my life since losing my son Adam on August 1st 2017 age 16. Every year our family go to Mullingar on the third Sunday in November to spend World Remembrance Day for Road Traffic Victims in the company of so many families who have sadly had to deal with the same sadness and grief as ourselves, through losing a loved one in a road traffic crash. These families, we have come to know so well, and it means so much to spend that day with families who know the same pain. Our loved ones are spoken of, cherished, and remembered for the day. Donna and IRVA have got me through so many lonely days while missing and mourning Adam, all while dealing with their own loss. Offering so many services from counselling, support with courts, legal advice or just a simple chat and so much more. IRVA is an amazing charity who I am so grateful to, for having helped me through so much.

”

**Sharon - Lost her son Adam (Passenger)**

However, your solicitor will be familiar with the process and will be there to keep an eye on events for you and explain what is happening. The outcome of the criminal case can have a bearing on any civil case should you decide to take one.

**It should be noted that a civil case must be taken within two years of the date of the crash to avoid being statute barred or out of time. This time limit is very strictly applied by the court.**

## Expenses

Travel expenses are paid by the Gardaí if you are a witness and giving evidence. Travel expenses, unfortunately, are not offered to bereaved families who are not giving evidence.

## Sentencing

Sentencing has traditionally been left to judges and they have had much discretion. That is beginning to change with the introduction of Sentencing Guidelines. In January 2022, the first set of **Sentencing Guidelines** was published, and included guidelines on Dangerous driving causing death and serious bodily harm. These are shown below.

## Dangerous driving causing death

Dangerous driving causing death can result in a fine up to €20,000 and imprisonment up to 10 years, or both. It also has a mandatory minimum four year disqualification.

The new **Sentencing Guidelines** for Dangerous Driving causing death and serious bodily harm give recommended ranges for custodial sentences according to level of seriousness, i.e., culpability.

Dangerous driving causing death and serious bodily harm sentencing guidelines

Level of seriousness	Custodial sentence range
Lower range	up to 3 years 4 months (40 months)
Mid range	between 3 years 4 months and 6 years 8 months (80 months)
High range	between 6 years 8 months and 10 years (120 months)

Mitigating or aggravating factors may lower or increase the sentence. If there are aggravating factors such as driving whilst significantly intoxicated, the sentence should be six or more years.

Other aggravating factors include:

- previous relevant convictions
- leaving the scene
- driving while disqualified
- driving whilst uninsured and speeding

Guilty pleas given early are treated as a mitigating factor and will result in a decrease in the custodial sentence. This is because it saves on court time and is believed to spare victims and their families from the ordeal of a trial.

“

The reason I got involved in IRVA was to try to prevent other families experiencing the excruciating pain that my family endure having lost our daughter on our roads, through the actions of a drunken driver. I also got involved to try to make a difference, and improve our road safety measures to keep people safe on our roads, while also promoting the importance of road safety not only in Ireland, but also internationally.

IRVA has helped me grieve for my daughter Janice in a number of ways. It has helped to talk to others who have lost loved ones tragically, building up friendships with people who understand, and are in the same situation as myself.

Improving road safety measures with the IRVA team also gives me a feeling of fulfilment. The most important of all is I am keeping my lovely daughter's memory alive, and making a difference to other peoples safety on the roads in her memory.

”

**Margaret - Lost her daughter Janice (Pedestrian)**

## Careless driving causing death

Careless driving causing death carries a fine up to £10,000 and imprisonment up to 2 years, or both. It also has a mandatory minimum four year disqualification period.

No sentencing guidelines have been produced for this offence. But careless driving causing death can result in a community service order. An order of community service can be for unpaid work for between 40 and 240 hours that must be to the benefit of the community and be completed within a year. Community service placements are managed by the Probation Service.

## Court ordered compensation

Judges can order offenders to pay compensation. This can be in addition or instead of other punishment. The amount is limited to how much could be awarded in a civil case. Maximum compensation limit of £75,000 in the Circuit Court and €15,000 in District Court.

## Victim Impact Statement

You may be invited to tell the court about the impact of the crime on your family. You can find information on how to make a victim impact statement at [www.courts.ie](http://www.courts.ie). The Victim Impact Statement is read into the court once the verdict of the jury has been recorded, and before sentencing by the Judge.

## Appeals

The prosecution has the power to appeal or seek a review of certain decisions of a trial court. See Chapter 11, Guidelines for Prosecutors - Director of Public Prosecutions. Follow the link in ([www.dppireland.ie](http://www.dppireland.ie)).

## Restorative Justice

This is a recent and new initiative in Ireland and involves the offender hearing from the victim of the impact the crime has had on them. It requires the approval of both parties (bereaved family and offender). It involves supervised face to face meetings or it can be done via written correspondence. Some of our families have found this to be helpful.

## Right to information

The Garda commitments to victims of crime include informing the bereaved family of the

- time, date and location of the court hearing of the charges against the accused.
- circumstances where a judge may ask for a Victim Impact Statement, and arrange for its completion;
- final outcome of the trial.

## Key points to remember

- The total number of prosecutions and convictions for causing death by driving is not reported. Our experience is that this happens in less than 20% of fatal driving cases.
- There are guidelines published to assist with the sentencing for dangerous driving causing death, but not yet for careless driving causing death.
- You have a right to make a Victim Impact Statement and you can request to be allowed to read it out at court.

“

I became involved with IRVA following the road traffic collision that resulted in my son Shane's death on 12th July 2012. After Shane's death we his parents started looking for help, guidance and support as we were unsure of how to proceed with court cases, and in our case obtaining a European arrest warrant, as the man that was responsible for Shane's death had fled to Northern Ireland. After contacting Donna she made sure that we weren't alone and gave us advice and support during the years that it took for Shane's case to be heard, and for the inquest to take place. We first attended the World Day of Remembrance in Mullingar in November 2013 and found it a great comfort to us as a family as we met families in similar circumstances. I later became a board member as I felt I might be able to help another family in letting them know that help is available, and also that IRVA has many services available for families after a family member is injured or killed in a road crash.

”

**Julie - Lost her son Shane (Driver)**



# Civil Compensation

## Chapter Overview

This chapter covers the

- Role of the Personal Injury Assessment Board
- Deadline for submitting a claim to the court (two years from date of crash)

No money can compensate for the loss of a loved one. But road deaths bring financial losses, unexpected funeral costs, as well as emotional devastation, and financial compensation is important. This is especially so when the victim was a key income earner or provider for the family.

Families need information about their rights to compensation as well as any deadlines and restrictions. Families may decide to settle for private compensation from the driver but at least they should know the alternative.

A personal injury claim must be made within two years of the date of the collision and must be made initially through the Personal Injuries Assessment Board (PIAB). You should seek legal guidance on this. Please note that the clock stops ticking for personal injury cases while the Personal Injury Assessment Board (PIAB) is deliberating on your claim, but this is not the case for fatalities. The clock continues to tick for such cases and families may find themselves statute barred while the case is with PIAB. It's imperative that papers are lodged in the court by your solicitor for your civil claim - within two years of the date of the crash. This is a very strict deadline, and you will find yourself out of time or statute barred if this is not done. This has left some bereaved families who have found themselves in this position deeply traumatised.

## Personal Injuries Assessment Board

The Personal Injuries Assessment Board (PIAB) is a statutory body which provides independent assessment of personal injury compensation for victims of Workplace, Motor and Public Liability accidents and collisions. This assessment is provided without the involvement of Solicitors, Barristers and Experts' fees. In exceptional cases legal / expert fees may apply and PIAB examines each case on its own merits. See website details at the back of this booklet for more information.

The personal injuries assessment board assesses the amount of compensation due to an injured party. Under the court system it can take approximately three years to settle a claim. It generally takes nine months to settle a personal injury claim via PIAB [www.piab.ie](http://www.piab.ie). Remember to always be cognisant of the very strict two year deadline for taking your case to the courts.

If you are undecided as to whether civil proceedings are relevant in your own case, it is worthwhile lodging papers yourself in the court, or having a solicitor lodge papers with the courts for you. These can be stamped and re-lodged on a six-monthly basis. By doing this you will avoid a situation where you have become 'statute barred' and unable to proceed with any civil case due to the two year time limit for the issuing of legal proceedings in court being exceeded.

In many cases the civil route is the only avenue remaining for families in order to have a hearing, and for a court to adjudicate, on the collision in which their loved one died. Remember that you may take a civil case even in the event that the DPP decides that there should be no criminal prosecution, or where the criminal case may be dragging on. The burden of proof differs in the criminal and civil processes. Often families find themselves statute barred for a civil claim while they await the outcome of the criminal trial. You should take legal advice immediately to ensure that this does not happen to you.

**The Gardaí are not allowed to advise families regarding civil matters, and bereaved families may therefore miss these most important deadlines, with serious consequences for them when they are left without a hearing, and without compensation for their loss.**

## Civil Liability

At present liability must be proven in all crashes, including those between motor vehicles and pedestrians and cyclists. This may change in the future. The government's Road Safety Strategy (2021-2030) includes an action for the Department of Transport to *Examine the potential for presumed liability for mechanically propelled vehicles (MPV) drivers in cases of collisions with vulnerable road users and make recommendations.* (RSA, 2021). But this could take many years before it is agreed and introduced.

“

In the weeks following my Dads death in 2015, the feelings of overwhelm and fear were immense. Not knowing what the future would hold, how we would cope but also feeling so alone. I felt like no one knew my pain, or the struggles we faced emotionally and mentally.

And then we found Donna, and the IRVA and that all changed. Families out there just like us, supporting and understanding, compassionate in their words and approach. We all felt the same pain, we were united in our grief.

We have attended the IRVA events, met so many wonderful people and support Donna and the amazing team in their efforts to improve legislation, messaging and road safety in a Ireland. It's not just a support group, it's real people affected by real life tragedy, channeling their grief into something positive to care for and help others and prevent more unnecessary and avoidable road injuries and death.

My dad was knocked down and killed crossing a road. He should be here today but he is not. My story can be anyones, I never thought it would be the script I'm living today but it is. The IRVA has helped my family adjust and adapt, by providing a network of people bonded by their stories and I am forever grateful for their ongoing and much appreciated support.

”

**Lisa Marie - Lost her Dad Eugene (Cyclist)**

## Deadlines

As noted, families have two years from the fatal crash to lodge a civil claim. You should take immediate legal advice on this, and have papers lodged by your solicitor in the civil courts before this very strict deadline. Otherwise you will be statute barred. This can have very serious implications for your family, particularly if the deceased was the bread winner or you were otherwise reliant on them for support. You may also need to be compensated for your own injury, or for psychological trauma such as PTSD or nervous shock, or for rehabilitative or medical care and counselling.

## Key points to remember

- Liability must be proven but this is a lower standard of proof than for criminal culpability.
- Claims may start with the Personal Injuries Assessment Board - though not necessary for fatal injury cases.
- Claims must be registered within two years of the crash. This is most important for claims being made in the Courts.

# Sparing Others

## Chapter Overview

This chapter covers how you can help

- reduce the suffering of other families, if you are able to get involved
- keep this guide updated and useful for bereaved families

With road deaths on the rise, the government has adopted a new road safety strategy. **Ireland's Road Safety strategy 2021-2030** is based on the principle that any road death is unacceptable. This should mean that every road death is thoroughly investigated, in order to understand how it occurred, and how it can be prevented.

Your first priority needs to be on coping with the loss of your loved one. Later on, you may want to try to spare other families from the same devastation your family has had to endure.

If you want to contribute to our road safety efforts, please contact IRVA. There are many ways in which you can help.

We are currently working on a road safety advocacy programme with the Road Safety Authority and we are looking for families who would be willing to share their stories. When the time is right for you, please get in touch. Email: [IRVA@eircom.net](mailto:IRVA@eircom.net).

“

On a sunny weekend in August 2012 our Regiment lost Gunner Lee Scally in a road traffic collision on his way home from a friend's house.

Lee was the third of our lads in a less than 6 years we had lost to road traffic collisions on our roads.

Gunner James Butch Maher died on his way in for security duty on a Saturday morning in June of 2006, while Gunner Nigel Costello died on his way home from security duty on a Sunday afternoon.

The loss of Butch, Nigie and Lee was devastating to our Regiment, a sense of disbelief, followed by shock, and then the sadness of rendering them honours in their military funerals, carried home by friends and comrades of all ranks.

Donna Price had lost her son Darren on 30th March 2006, three months before we lost Butch.

Considering the loss and grief of our Regiment, I cannot even imagine the sense of loss to family members of the 163 of our citizens who lost their lives on our roads in 2012.

In 2012, we formed Irish Road Victims' Association with Donna as Chair and have advocated for road safety since.

Ten years on, a total of 1687 have lost their lives through road traffic collisions up to 8th June 2022, an average of 168 lives lost, with six months still to go to December of this year!

This does not include the thousands of lives damaged, both physically and mentally.

We need to change the culture of behaviour on our roads, but we have to do it together.

”

Together Forward.

**Noel O'Callaghan**  
**Regiment Sergeant Major (Retired)**

# Further Information

## Financial Assistance Following a Bereavement

The following payments, which are once-off and made to families in the immediate aftermath of sudden deaths, may be available to you to assist you with unexpected expenses.

- Assistance with funeral costs
- Urgent needs payments
- Rent or Mortgage interest Supplements
- Short-or long- term social welfare payment

Please contact your local Community Welfare Officer in the HSE to enquire about your eligibility for these payments. There is also a free booklet entitled "Information for those affected by bereavement" which can be downloaded [HERE](#). It is also available from your local Welfare office or from your nearest Citizen Information Centre.

## Citizens Information Board

The Citizens information Board provides easy access to information and advice by telephone and e-mail. This service provides very important information on your rights and entitlements and on state and other social services. All calls within Ireland are charged at local rates: Low Call number: 1890 777 121 International number: 00353 1 605 90 00 Fax: 003531605 90 99 Email: [info@ciboard.ie](mailto:info@ciboard.ie) The service is available from Monday to Friday, 9.00am to 9.00pm. Website: [www.citizensinformation.ie](http://www.citizensinformation.ie)

## Collision Investigation

The Gardaí have a manual for the investigation of fatal collisions which is outlined in the 'Garda Code'. These are confidential documents for the benefit of members of An Garda Síochána only and are not available to the general public.

**Garda Síochána** ([www.garda.ie](http://www.garda.ie))

**Garda Ombudsman** ([www.gardaombudsman.ie](http://www.gardaombudsman.ie))

**Forensic Engineers** ([www.forensicengineers.ie](http://www.forensicengineers.ie))

## Coroners and Inquests

Contact information for the Coroner for your area may be obtained from your Local Authority, your family doctor, from your Family Liaison Officer in the Gardaí or from:

[www.coroners.ie](http://www.coroners.ie)  
[www.coronerdublincity.ie](http://www.coronerdublincity.ie)  
[www.kildarecoco.ie](http://www.kildarecoco.ie)  
[www.corkcity.ie](http://www.corkcity.ie)

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## Post Mortems and Coroner Service

[www.citizensinformation.ie](http://www.citizensinformation.ie)  
[www.coroners.ie](http://www.coroners.ie)

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## Medical Bureau of Road Safety

[www.mbrs.ie](http://www.mbrs.ie)

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## Office of the Director of Public Prosecutions (DPP)

[www.dppireland.ie](http://www.dppireland.ie)  
Download Guidelines for Prosecutors [5th Edition - December 2019] [HERE](#)

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## The Courts Service of Ireland

[www.courts.ie](http://www.courts.ie)

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## Road Traffic Acts Ireland & Garda Síochána Ombudsman's Act

[www.irishstatutebooks.ie](http://www.irishstatutebooks.ie)

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## Personal Injuries Assessment Board

[www.piab.ie](http://www.piab.ie)

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## Other Useful Links (alphabetical order)

[www.abiireland.ie](http://www.abiireland.ie)  
[www.advic.ie](http://www.advic.ie)  
[www.anamcara.ie](http://www.anamcara.ie)  
[www.barnardos.ie](http://www.barnardos.ie)  
[www.citizensinformation.ie](http://www.citizensinformation.ie)  
[www.coroners.ie](http://www.coroners.ie)  
[www.courts.ie](http://www.courts.ie)  
[www.crimevictimshelpline.ie](http://www.crimevictimshelpline.ie)  
[www.dppireland.ie](http://www.dppireland.ie)  
[www.forensicengineers.ie](http://www.forensicengineers.ie)  
[www.headway.ie](http://www.headway.ie)  
[www.hse.ie](http://www.hse.ie)  
[www.iacp.ie](http://www.iacp.ie)

[www.irishprisons.ie](http://www.irishprisons.ie)  
[www.itas.ie](http://www.itas.ie)  
[www.iwa.ie](http://www.iwa.ie)  
[www.mbrs.ie](http://www.mbrs.ie)  
[www.menssheds.ie](http://www.menssheds.ie)  
[www.nrh.ie](http://www.nrh.ie)  
[www.pieta.ie](http://www.pieta.ie)  
[www.rehab.ie](http://www.rehab.ie)  
[www.spinalinjuries.ie](http://www.spinalinjuries.ie)  
[www.rsa.ie](http://www.rsa.ie)  
[www.samaritans.org](http://www.samaritans.org)  
[www.vsac.ie](http://www.vsac.ie)  
[www.widow.ie](http://www.widow.ie)



# Conclusion

We really hope that you have found our Guide for Families Bereaved by Road Crashes useful, and that it will have helped in some small way as you deal with the aftermath of your loved one's loss.

For bereaved families, it can be overwhelming to face everything in the criminal justice process alone, at a time when you are grieving such a devastating loss.

We encourage you to get in touch with us in IRVA. Our charity is there to support you, and all of our services are free of charge.

The IRVA Helpline is always open.

**Phone or text 086 8634194  
and we will do everything we can  
to help and support you.**

We never want you to feel isolated or alone.

As bereaved parents, partners and siblings ourselves, we understand what you are facing, having dealt with the aftermath of our own personal tragic loss in similar circumstances. We can share our experiences, and the burden of our loss and in so doing support each other as we survive our earth shattering loss, and carry on. All while honouring the memory of our loved ones and helping to spare others.

This guide was written by **Donna Price** and **Amy Aeron-Thomas**.

Donna founded the Irish Road Victims' Association (IRVA) in 2012 following the Coroner's Inquest into her son Darren's death in a road crash, through no fault of his own, in March 2006. Darren was one of 365 people killed on Ireland's roads that year. Donna wrote the first IRVA guide for families bereaved by road crashes in 2012. IRVA holds a special commemoration of the UN World Day of Remembrance for Road Victims in Mullingar every year which is attended by several hundred bereaved families, injured victims, and the emergency services, and people affected travel from all counties in Ireland to attend. Donna was appointed to the board of the Road Safety Authority in Ireland in January 2018, where she is serving a second term. She is also a member of the Major Trauma Audit Committee in NOCA, the National Office of Clinical Audit.

At a regional and global level, Donna founded and co-chairs the International Road Victims' Partnership (IRVP), a partnership of some 160 NGOs from all regions of the world, where she works to improve road safety and the post crash response, and the rights of road victims and their bereaved families. She does this work on behalf of IRVA and the IRVP as an active member of the UN Road Safety Collaboration, the European Transport Safety Council, the Parliamentary Advisory Council for Transport Safety UK, Victim Support Europe, and the Global Alliance of NGOs for Road Safety.

Amy is a Board Member and Justice Advisor in the International Road Victims' Partnership, where she has compiled several publications which include those on Road Death Investigation, Hit & Run, Victims' Rights and 'Writing a Guide for Families Bereaved by Road Crashes'. <https://www.irvp.org/publications.php>

Amy has also written justice guides for bereaved and injured families in England and Wales where she was the Advocacy and Justice Manager for RoadPeace, the national charity for road crash victims in the UK. Amy now works for Action Vision Zero which is dedicated to tackling road danger. She leads on their roads policing and justice campaigns, including producing annual reports on the prosecution and sentencing of causing death and serious injury by driving.



This Guide is dedicated to all of our loved ones who have been tragically killed on our roads. Everything that we do in IRVA is in their honour. May they rest in peace.

