



# AN INFORMATION GUIDE FOR FAMILIES INVOLVED WITH FATAL AND SERIOUS INJURY COLLISIONS

**Victim Services Unit  
Halton Regional Police Service**

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The Halton Regional Police Service is recognized as one of the leading police agencies in the areas of diversity and community policing initiatives, and is committed to ensuring Halton Region remains as safe tomorrow as it is today.

One Vision  
One Mission  
**One Team**

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# WE ARE HERE TO HELP

We recognize this is an extremely difficult time for you. It is important for you to know that the Halton Regional Police Service is here to provide assistance to you in any way possible in relation to the case involving the death of your loved one.

Our duty is to bring an appropriate resolution to the case by conducting a professional and thorough investigation with the goal of identifying, apprehending and bringing justice to the person(s) responsible.

During the course of this investigation, many things may happen. This Guide for Families Involved with Serious Injury and Fatal Collisions will identify the people involved and the phases of the investigation so you have a clear understanding of the process. Included are contact numbers, resource information and what you can expect during a Collision Reconstruction investigation.





# WHO WILL BE INVOLVED?

The Halton Regional Police responds to all calls for service, including serious, personal injury and fatal collisions. In the case of a serious injury or fatal collision, the Collision Reconstruction Bureau is dispatched immediately to the scene.

## Collision Reconstruction Bureau

The Halton Regional Police Service Collision Reconstruction Unit (CRU) is a branch of the Community Mobilization Bureau. It is a highly specialized unit responsible for the investigation and reconstruction of all motor vehicle and vessel collisions that result in life-threatening or life-altering injuries or death. Their expertise enables them to collect evidence, calculate speeds and reconstruct motor vehicle collisions to understand what happened.

When it has been determined that a criminal act took place, members of the CRU provide expert testimony in both criminal and civil courts of law, allowing judges, juries and the families of victims to better understand what occurred at the scene of a collision.

In some instances, it can be determined that no criminal act took place, which means no criminal charges are laid, even when a loved one has been killed. This can be very disheartening to grieving family members. For this reason the members of the CRU work closely with the Victim Services Unit, a unit that provides emotional and practical support to victims of crime and trauma.

## Victim Services Unit

The Victim Services Unit of the Halton Regional Police Service is a 24 hour crisis intervention service for victims of crime and trauma through on scene support as well as telephone follow-up and community referrals. Some of the services that may relate to family members of serious accident or fatality victims are listed below:

- Next of kin notifications for other family members, even outside Halton Region
- Liaison for the family with the Collision Reconstruction Unit
- Assist with arrangements after a serious or fatal collision (e.g. media procedure, funeral assistance, etc.)
- Referrals to various municipal, provincial and federal finance programs to assist with funeral planning
- Referrals for Bereavement Counselling
- Support with notifying and supporting children affected by the collision



## Coroner

In Ontario, a Coroner is a medical doctor who has additional special training and is appointed to investigate circumstances surrounding an unexpected death.<sup>1</sup> In all fatal motor vehicle collisions, as well as sudden deaths involving motor vehicles, a Coroner is called to the scene and required to pronounce death. In addition, the Coroner will also direct police with regards to the handling of the deceased.

A Coroner can order an autopsy (also known as a post-mortem). Post-mortems for deaths in Halton are conducted at the Hamilton General Hospital. In addition to determining the cause of death, the post-mortem can assist investigators with further injury analysis. Materials are collected for medical evidence (e.g. hair, fibres) and for toxicology testing in a laboratory (e.g. blood and other bodily fluids).

## Victim/Witness Assistance Program

The Victim/Witness Assistance Program provides information, assistance and support to victims and witnesses of crime to increase their understanding of, and participation in, the criminal court process, **only when criminal charges are laid** as a result of a serious injury or fatal collision investigation.



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<sup>1</sup> Common questions about death investigations. (2016). Retrieved July 13, 2016, from [http://www.mcscs.jus.gov.on.ca/english/DeathInvestigations/CommonQuestionsAboutCoronersInvestigations/OCC\\_common\\_questions.html](http://www.mcscs.jus.gov.on.ca/english/DeathInvestigations/CommonQuestionsAboutCoronersInvestigations/OCC_common_questions.html)



# HOW IS THE INVESTIGATION CONDUCTED?

Upon attending a fatal or serious injury collision, the Halton Regional Police Service Collision Reconstruction Unit (CRU) will take over the investigation, starting with securing the scene to prevent anyone (vehicles or pedestrians) from entering it. Photographs will be taken and all pertinent evidence will be collected. CRU officers will examine all involved vehicles and roadways for factors that may have contributed to the collision. The scene is then mapped and measured using highly specialized equipment. The data is then entered into a computer featuring a unique type of software that will create a scale diagram of the collision scene.

Once all of the above has taken place the involved vehicles are towed and a mechanical inspection may occur in some instances. The CRU will then review all of the collected data in an effort to determine how the collision occurred. If a criminal or provincial offence has been committed, it is the responsibility of the Officer in Charge (OIC) to follow the court process to its final disposition.

In some instances, there simply is not enough evidence to identify why a collision took place. While this can be devastating for families it does remind us about the need to modify our expectations of any investigation. In situations where limited evidence is available, CRU officers will review the known facts with the family and provide options for what happened. Without an evidentiary basis to support any one theory, an official conclusion cannot be drawn.

Within some investigations, in order to protect the integrity of the investigation, certain information may be withheld from family members as well as the general public. This would only take place when there are extenuating circumstances that, if that information were made public, may cause harm to others or hinder the investigation.

Furthermore, the CRU often reaches out to other available resources in an effort to conduct the investigation. These resources often include other members on the CRU team, support units within the Halton Regional Police Service and other law enforcement agencies as required, such as the Ministry of Transportation and the Centre for Forensic Science.



## NEXT OF KIN NOTIFICATION

Once the members of the Halton Regional Police identify the name of the victim (often done using evidence at the scene witnesses, other victims or, searching the vehicle owner based on the license plate of the vehicle), family members would be identified. The Halton Regional Police recognizes this is a very difficult call to make and therefore utilizes all available resources in an effort to best support those family members. That is done by attending the residence with a member of the Victim Services Unit, trained in providing immediate support in situations such as this. At this time, if additional family members are identified, the Halton Regional Police and the Victim Services Unit will attend those locations if requested. If additional locations are located out of the Region of Halton, efforts will be made to contact other Police and Victim Service locations.

It is important that the designated next of kin is able to make all necessary decisions with respect to their loved one, and relay these decisions to HRPS detectives. Any questions or concerns as well as follow up investigations will be addressed through this family member to prevent misinformation and duplication.

## THE CORONER AND FUNERAL PROCESS

In all fatal motor vehicle collisions a Coroner can order an autopsy (a post-mortem). Post-mortems for deaths in Halton are conducted at the Hamilton General Hospital. A post-mortem will not generally affect the family's ability to view the body; however, it is good to be aware that viewing your loved one immediately following a medical examination such as a post-mortem may be emotionally difficult. Information pertaining to the death may be obtained from the Coroner, sometimes at the scene but also in the days following.

On written request, the designated next of kin can obtain a copy of the Coroner's investigation statement; however, it can sometimes take over eight months for the final report to be compiled and released once all the testing has been completed. Sometimes reading an official Coroner's report can be upsetting or traumatizing for a family. It is a personal choice whether you and your family wish to read all the details described in the report, or whether you would converse with the Coroner directly to have your questions answered. The Victim Services Unit is happy to assist with this process as needed.





# Making Funeral Arrangements

Once the Coroner completes the post-mortem, generally within a few days following the death, your loved one can be released to the funeral home or other service provider. Funeral arrangements can begin to be made as soon as you and your family are ready. Choosing a funeral home or crematory service can be done by looking in the yellow pages, searching online or by recommendations of friends and family. If you have a spiritual or faith leader that you trust, they may be able to make a recommendation as well. Some families make their selection by closeness of the facility to the family's neighbourhood. Once a funeral home has been selected, you will need to phone them and ask for an appointment to be made within the next few days. The Victim Services Unit is happy to support you in selecting and contacting a funeral home if needed.

Topics that may be discussed at a meeting with the funeral home:

- Suitable dates and times for the ceremony
- Clothing choices for your loved one
- A designated charity for memorial donations, if desired
- Financial arrangements (Please contact the Victim Services Unit if you believe you will require financial support to afford a funeral)
- Burial/cremation, visitation and viewing options
- Types of services you would like (e.g. style of service, religious/non-religious, cultural requests, etc.)

## If your loved one is an international student or visitor to Ontario

Unfortunately on occasion, international students or visitors to Ontario die suddenly, and their loved ones will require funeral and repatriation information. Repatriation is the process of returning the deceased loved one to their family in their country of origin. Generally, in these cases a local funeral home would assist in making these arrangements. Such arrangements would include Air Transportation details for either cremated or non-cremated remains. Most airline companies provide further assistance with regards to discounted flights, which can be found on their respective company websites.



# THE COURT PROCESS

## Should I expect charges to be laid?

Every case is different just like every collision is different. In some instances, it is determined that no criminal act took place, which means no criminal charges are laid, even when a loved one has been killed. Factors such as age of the victim, medical conditions, toxicology, etc., are all factors that are taken into consideration. As an example, did the death cause the collision or did the collision cause the death?

This can be very upsetting to family, especially when that circumstance caused the death of their loved one.

Some cases result in criminal charges where an arrest can be made within hours of the incident; others take days, months and sometimes years. Regardless of when an arrest has been made, the Officer in Charge will determine what the specific charges are and will place an "Information" before the Court. A Crown Attorney will be assigned and the Court process will begin.

## Is there a statute of limitation for charges?

Only Provincial Offences (charges under provincial legislation such as *The Highway Traffic Act*) have a six month statute of limitation for which charges can be laid.

Criminal Offence charges (charges under federal legislation such as *The Criminal Code of Canada*) have **no statute of limitations**.

### Provincial Traffic Offences

- Consequences tend to be less severe (e.g. a fine)
- Does not appear in a criminal record – instead would appear in a drivers abstract
- Examples: speeding, failing to remain at the scene of an accident, following too closely

### Criminal Traffic Offences (Federal)

- Tend to be larger more serious offences
- Consequences tend to be more severe and can range from driving prohibitions to jail time
- Appears in a criminal record check, **only upon conviction**
- Examples: dangerous driving, impaired driving



## What happens after an arrest (if applicable)?

After an arrest is made, the Judicial (or Court) process begins. There are a number of possible outcomes. In some cases, a preliminary inquiry or hearing in the Ontario Court of Justice may take place. A trial will then be held at the Superior Court level. Each case is very important and your support is both necessary and genuinely appreciated. You will be notified as soon as progress is made in the case, including any arrests and subsequent court appearances. It is important that you keep in touch with the Officer in Charge of the case. Please update your information with us if you move or change your phone number so that we can continue to keep you informed in a timely manner.

Generally the same applies to Provincial Court proceeding. Highway Traffic Act (HTA) charges will be prosecuted in Provincial Offences (Traffic) Court by a Provincial Prosecutor. Only HTA charges resulting from a fatality would be prosecuted by the Crown Attorney's Office as in criminal cases, but will remain in Provincial Offences (Traffic) Court.

The courts in Halton are located at:

### **Milton Court House**

491 Steeles Avenue East  
Milton, Ontario  
L9T 1Y7

### **Burlington Court House**

4085 Palladium Way  
Burlington, Ontario  
L7R 3X4

*If you have any further specific questions about the court process and your involvement within it, you may wish to contact the Victim/Witness Assistance Program (not to be confused with the Victim Services Unit) located at the Milton Court House. The Victim/Witness Assistance Program provides information, assistance and support to victims and witnesses of crime to increase their understanding of, and participation in, the criminal court process.*

### **Victim/Witness Assistance Program**

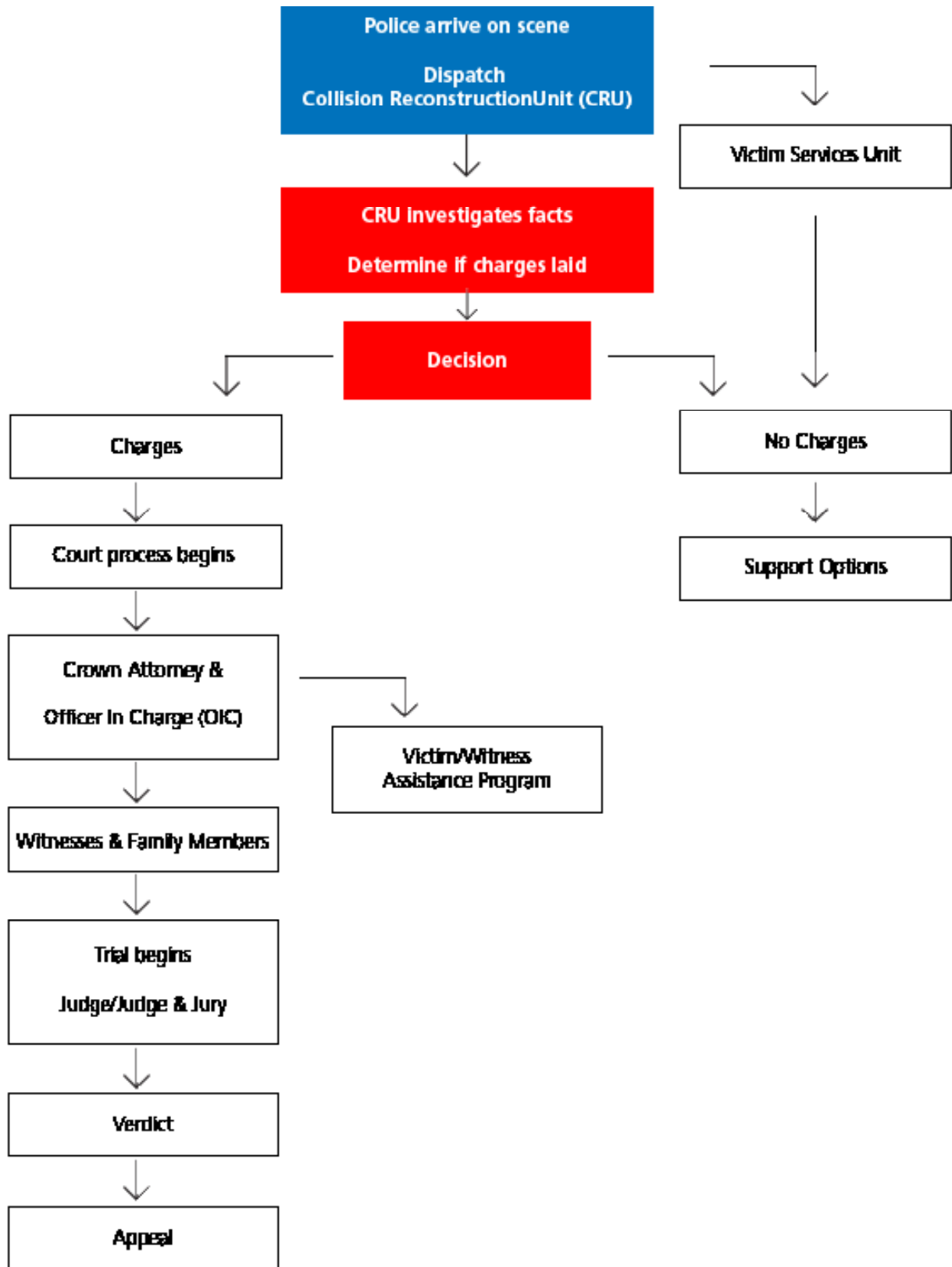
**Toll Free:** 1-888-579-2888

**Local:** 905-878-6292

**Website:** [www.ontario.ca/victimservices](http://www.ontario.ca/victimservices)



# CRIMINAL CASE PROCESS REFERENCE GUIDE





# PERSONAL PROPERTY AND EFFECTS

## How do I get the property of my loved one?

Some property can be returned rather quickly. Other property may need to be retained as evidence and cannot be returned until the court process has commenced. In some instances, certain items of property such as clothing, may have been exposed to biological hazards that prevent them from being released to the public. Such items may ultimately have to be destroyed.

The Officer in Charge of the case is responsible for both deciding on and facilitating the release of various items of property. However, if property is left in the secured vehicle, and is immediately required (e.g. medication/ID, then arrangements can be made through the Collision Reconstruction Unit (CRU) to have it retrieved and returned. If you require further assistance with this or anything else, you can also contact the Victim Services Unit.

## What about releasing vehicles?

In most situations vehicles are impounded at the scene and held for expert examination. These vehicles are generally held at a police authorized secure tow facility and may be released after any necessary processing is complete. The Officer in Charge of the incident will advise as soon as possible when the vehicle can be released and will communicate when necessary with involved insurance companies. If there is some essential property within the vehicle such as medications, identification or third party belongings that need to be returned immediately, then contact the Officer in Charge.





# IMPORTANT INSURANCE FACTS

## Mandatory Coverage: In Case of Injury Insurance Bureau of Canada (IBC)

Generally speaking, there are two types of mandatory auto insurance coverage: Accident Benefits and Third-Party Liability. Accident Benefits coverage pays for medical treatment, income replacement and other benefits to help you heal if you are injured in a collision. Accident Benefits are also called “no-fault benefits,” which means they are paid to you by your own insurer regardless of who caused the collision. Accident benefits coverage is mandatory in Ontario.

The other mandatory coverage is Third-Party Liability. In most provinces, the person who did not cause the collision has the right to sue the at-fault driver for additional costs and damages not covered by Accident Benefits. Third-Party Liability covers you for the legal costs of being sued if you are the at-fault driver.<sup>2</sup>

If you **do not** have your own auto insurance or are **not** listed on someone else’s policy, but have been injured in an auto collision, you can still make a claim for accident benefits. The circumstances will determine which insurance company is responsible for paying for the accident benefits you may be entitled to.

The chart below will help you to determine which insurance company to send the Accident Benefits Application Package to, if you do not own or lease a vehicle and are not listed on someone else’s policy.

<b>Your Situation/Circumstance</b>	<b>Where to Send the Application</b>
You were driving the company vehicle.	The insurance company that insures the company vehicle.
You were a passenger in someone else's vehicle when injured.	The insurance company that insures the vehicle you were a passenger in.
You were a passenger in an uninsured vehicle and there was more than one vehicle involved in the collision.	The insurance company of the insured vehicle involved in the collision.
You were a pedestrian or cyclist.	The insurance company of the vehicle that hit you.
None of the above.	The Motor Vehicle Accident Claims Fund (MVACF).

<sup>2</sup> Information of Insurance Bureau of Canada - <http://www.ibc.ca>



# Motor Vehicle Accident Claims Fund (MVACF)

If you do not have auto insurance, are not listed on someone else's policy and no other vehicle involved in the accident has auto insurance or can be identified, you may be entitled to obtain accident benefits from Ontario's Motor Vehicle Accident Claims Fund (MVACF).

MVACF is considered to be the "payer of last resort," providing accident benefits, such as income replacement, medical rehabilitation and attendant care benefits, to people injured in auto collisions when no auto insurance policy exists to respond to the claim.

Pedestrians and cyclists hit by an uninsured or unidentified driver are eligible for up to \$200,000 to \$2 million through MVACF for medical and attendant-care benefits if they suffer catastrophic injuries as are the uninsured drivers, even if they were at fault in the collision. Uninsured drivers do not always have to pay for the damages they inflict.

**Note:** *While MVACF protects innocent parties injured in auto collisions, the persons who cause those accidents are still held accountable. MVACF takes legal action against at-fault uninsured drivers to recover the full costs of judgments paid out by MVACF.<sup>3</sup>*

*To obtain more information on making a claim through MVACF contact:*

## **Motor Vehicle Accident Claims Fund**

Financial Services Commission of Ontario

5160 Yonge Street

PO Box 85, 8th floor

Toronto, Ontario

M2N 6L9

**Toll Free:** 1-800-268-7188

**Local:** 416-250-1422

**Website:** [www.fsco.gov.on.ca](http://www.fsco.gov.on.ca)

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<sup>3</sup> Information of Financial Services Commission of Ontario - <http://www.fsco.gov.on.ca>



# MEDIA

It is highly recommended that you be cautious when speaking to the media without first contacting the Officer in Charge because it could hurt the Halton Regional Police Service's ability to properly investigate the collision or bring the person(s) responsible to justice. Instead, work with the Officer in Charge, who will in turn, coordinate with the media through proper channels.

- It is important to note that there is absolutely no requirement or obligation for you and your family to speak to the media in this difficult time. Please contact police if you are ever concerned about your safety/security when it comes to the media.

It is the practice of the Halton Regional Police Service to not to release the names of victims or deceased persons without first making every attempt possible to contact the closest Next of Kin (NOK). The NOK would be the parents, siblings or adult children of the deceased person. Unfortunately, the media has access to social internet sites where sensitive information may have been posted. This access to information is beyond the control of the Halton Regional Police and in some cases has hindered investigators efforts to contact families before the information is made available on any public forum.

- It is important to note that anyone can post information to social media sites, some of which may be very difficult to see or read. If you as a family member encounter sensitive information or photographs on social media that you find harmful, please feel free to contact the Collision Reconstruction Unit or the Victim Services Unit. While we cannot stop people from posting information and personal opinions, we will do our best to mitigate the risk of emotional harm to the family.

Frequently, the police contact the media to help with active investigations. Sometimes this can create new leads or identify new witnesses that may come forward with useful information about the investigation.

- Sometimes the media will talk to witnesses at the scene of a collision and incorrectly publish information that can distort the facts and adversely impact an active investigation.

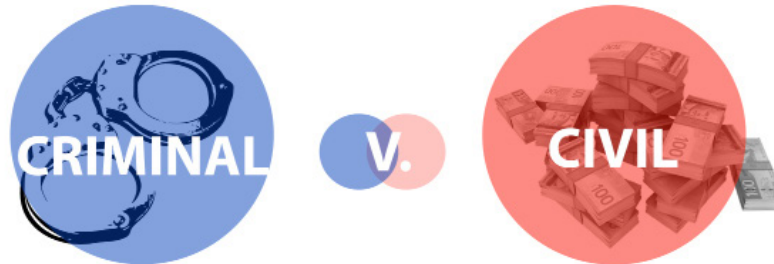
The media also assist police investigations with such non-profit organizations such as Crime Stoppers. Anonymous information is shared and awards are granted for helpful information in return. For more information visit [www.haltoncrimestoppers.com](http://www.haltoncrimestoppers.com) or call 1-800-222-TIPS (8477).





# CIVIL PROCESS

## How can one seek a civil remedy for financial losses?



A civil court case is different from a criminal court case. In criminal court, the government/state brings charges against an individual to provide relief to the general public and punish this individual for their crime. Civil cases, on the other hand, can be used by anyone to enforce, redress or protect their legal rights through court orders and monetary awards. The two types of trials are very different and have separate procedural rules and practices.<sup>4</sup>

Although the civil process can take several years, it is still recommended that families of involved parties from serious or fatal collisions seek consultation with a Personal Injury Lawyer. It is important that you retain a lawyer that you trust and who is going to represent you effectively and seek only fair compensation. We recommend taking recommendations from trusted friends and family members, or visiting the website of The Law Society of Upper Canada, which regulates legal professionals in Ontario. (<http://www.lsuc.on.ca/find-a-lawyer-or-paralegal/>).

The disbursements of short and long term accidents benefits and any other financial awards can be extremely complex and involved. This is true in both Criminal/Provincial Case proceedings as well as for those investigations where charges were not applicable. Even if there are criminal court proceedings this does not mean that the family of involved parties cannot also seek civil remedies.

This is not a comprehensive list of all support that is available to you through Victim Services. If you have any other question or concern not identified in this list, please do not hesitate to contact us. If we do not know the immediate answer, we are always happy to do everything we can to find it out on your behalf. You can call us at 905-825-4777 ext.5239 during regular business hours or contact the Officer in Charge to get in touch with us.

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<sup>4</sup> <http://legal-dictionary.thefreedictionary.com/civil+procedure>



# MISCONCEPTIONS & MYTHS

## **1. Not all deaths are criminal.**

While an individual may cause the death of your loved one, it may not be intentional, such as the case with medical distress. Recognizing this can still be very disheartening to a grieving family. Proof of intent or negligence must be present in order for the death to be considered criminal and for charges to be laid.

## **2. Don't "investigate the investigation".**

When a loved one dies it is natural to expect that your case should take priority and be investigated quickly. Officers want to ensure they do the very best investigation they can for you, sometimes that means taking longer than they would like. When this happens it can sometimes lead you to want to conduct your own investigation. It is important to note that a collision investigation is not just about establishing a theory about what happened but it is about the presence of scientific evidence. Allowing the police to conduct their investigation without interference helps to ensure they have the ability to gather all of the facts of the collision, even though it may be difficult to hear.

## **3. Don't play the "blame game".**

It is a common reaction to be angry as a result of the death of a loved one. When this happens family members can sometimes rush to judgement in an effort to hold someone accountable for causing so much pain and loss. It is important to step back and allow the police to conduct their investigation, to take the necessary time to gather all of the evidence, interview all of the witnesses and present the facts that may help you to understand how and, in some cases, why your loved one died.

## **4. Be careful about retaining a lawyer too early in the process.**

Criminal prosecutions always take precedence over civil actions. Family members always retain the right to consult legal counsel; however, when to do so, is not as clear. Police cannot provide legal advice and the police investigative report will not be available for release for a civil action until the conclusion of any criminal matters. Please consult your police contact if you have questions. In addition, be aware of legal professionals who may request to represent you and ensure you understand any contractual issues that may arise from this representation.

## **5. Television is not reality.**

While television provides us with entertainment it is important to remember that it does not always reflect reality, particularly as it relates to policing and investigations.



# GRIEF AND LOSS

The death of someone close to us is one of life's most stressful events. Coping with the changes it brings to our lives is vital to our mental health.

There are no stages of grief. Do not let anyone establish stages or timelines for you. These are some of the normal emotions you may experience:

- Shock – numbness, disbelief
- Sadness – feelings of being overwhelmed
- Panic – fear of the future, uncertainty
- Loneliness – emptiness, feeling displaced
- Anger – due to lack of support, inadequate medical care, with the deceased for leaving you
- Confusion – memory loss, inability to concentrate
- Guilt – things you wish you had said or done
- Loss – dreams, finality

## Coping Mechanisms

- Give yourself permission to grieve and accept the reality of your loss. Allow yourself to cry, get angry, sleep, eat or whatever you need to do without going to extreme.
- Be patient with the process – there is no “normal” timeline for feeling better.
- Get plenty of rest – your body needs to recover from the stress.
- Reach out for help – do not be afraid to ask for support through your family members, friends, doctors, clergy, funeral director and counsellor.





# MY CONTACTS:

<b>C.R.U. Officer in Charge</b>		
<b>Name:</b>		<b>Position:</b>
<b>Business Phone:</b>	<b>Cell Phone:</b>	<b>E-mail:</b>
<b>Office Location:</b>		<b>HRPS Occurrence Number:</b>

<b>Victim Services Unit Crisis Worker(s)</b>	
<b>Name(s):</b>	<b>Position:</b> Crisis Volunteer
<b>Business Phone:</b> 905-825-4777 ext.5239	<b>E-mail(s):</b>
<b>Office Location:</b> 2485 North Service Road West Oakville, Ontario L6M 3H8	<b>Notes:</b>

**Reminder:**

Have you provided your updated contact information to the Officer in Charge and your VSU worker?

For more information, please contact:

**Victim Services Unit**

Halton Regional Police Service  
2485 North Service Road West  
Oakville, Ontario  
L6M 3H8

**Telephone(s):** 905-825-4810 / 905-825-4777 ext.5239 / 905-825-4805

**Website:** [www.haltonpolice.ca/en/services-and-reporting/victim-services.aspx](http://www.haltonpolice.ca/en/services-and-reporting/victim-services.aspx)