

Vehicle-accident-scene investigation

A private investigator's perspective, with a checklist for personal-injury-evidence collection

By Lindon Lilly

The investigation following a vehicle accident is critical for securing valuable evidence that can make or break a case. Acting promptly during this phase can have a significant impact on the outcome. Key evidence such as video footage that clearly identifies the involved parties and demonstrates fault may be lost forever if not collected in time.

It's important to have an investigator prioritize immediate site visits, even if the police report is not yet available. These visits allow us to gather time-sensitive evidence, take photographs, capture video footage, and interview witnesses before memories dim and crucial details disappear or are altered.

Obtaining a traffic-collision report

In California, as in most states, a police report is mandatory for accidents involving injury or death. These reports contain essential information, such as the parties involved, insurance details, and witness statements, making them an invaluable starting point for any investigation. Because these reports are considered confidential, access is restricted to involved parties and their representatives. The information in the reports may help attorneys assess the case's value early in the process, guiding their decision on whether to take the case.

Scene-canvassing

An effective private investigator is often seen as an extension of the legal team, working in the field to gather evidence that could otherwise be lost. One of the investigator's first tasks is scene-canvassing, which includes collecting video footage from nearby businesses, residential buildings, and municipal traffic cameras. Since many businesses only retain video footage for a short period, typically between seven and thirty days, it is crucial to issue a preservation of evidence letter during the initial canvassing phase.

Scene-canvassing should be thorough, covering a 360-degree view of the location. Even seemingly inconspicuous sites without visible cameras or windows should be checked for potential witnesses or hidden footage.

Photographs of the scene are vital, especially when conditions at the time of the accident – such as ongoing construction – may have contributed to the incident. These details could impact the determination of liability or negligence.

For accidents occurring at intersections with traffic signals, traffic-signal timing analysis is essential. This process helps determine whether the timing of traffic lights contributed to the crash or influenced driver behavior. Video documentation of traffic-light sequences can be critical for future litigation.

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Witness interviews

Preserving witness statements is a key component of pre-litigation investigation. Over time, witness recollections may change, and some witnesses may become unavailable or lose interest in the case. Recorded statements ensure that the facts are preserved as accurately as possible. Regular check-ins with witnesses can also prevent the need for skip-tracing if they move or change contact information.

Drone photography

Drones have become an invaluable tool in accident investigations, offering several advantages:

1. Aerial perspective: Drones provide a comprehensive aerial view of the accident scene, capturing critical details such as road layout, vehicle positions, skid marks, and surrounding infrastructure that may not be visible from the ground. This aerial perspective aids in reconstructing the accident with greater accuracy.
2. Evidence collection: Drones can capture detailed images and video of the scene, preserving evidence such as vehicle damage, environmental conditions, and contributing factors like road obstructions.
3. Accident reconstruction: The data collected by drones can be used to create 3D models or maps of the accident scene, allowing investigators to reconstruct the events leading up to the crash. This helps clarify key details such as vehicle speed, distances, and potential sight obstructions.
4. Speed and efficiency: Drones can quickly cover large areas, making it easier to efficiently document extensive accident scenes or hard-to-reach locations. This efficiency is particularly valuable when evidence may be altered or removed after an accident.
5. Preservation of evidence: Drone footage allows investigators to preserve the accident scene as it was shortly after the event, which is critical since weather, cleanup efforts, or resumed traffic can rapidly change conditions at the site.

Drone photography enhances the thoroughness and precision of accident investigations, providing key visual evidence that supports case findings.

Event data recorder (EDR)

Another valuable tool in accident investigations is the event data recorder (EDR), often referred to as the automotive black box. The EDR captures crucial information about the vehicle's performance in the moments leading up to a crash. Data such as speed, brake usage, airbag deployment, and seatbelt status can provide critical insight into the circumstances surrounding the collision and is invaluable for accident reconstruction.

Personal-injury evidence checklist

Vehicle Accidents

*Preservation of Evidence (POE) letters

*Vehicle inspections and photographs

*Hit-and-run first-party claim with contact issue – schedule vehicle inspection ASAP

*Products liability, i.e., airbags, safety harness, brakes, tires.

*Event data recorder – EDR or vehicle black box; download data ASAP if needed

*Negligent entrustment

*Course and scope

Site Inspection

*Canvass area for witnesses and security cameras

*Provide POE letters to business or area residents if there is a chance footage might exist

*Traffic-signal phasing (at a time and under similar conditions to when incident occurred)

*Post flyers looking for witnesses

Premises Liability

*Dog bite – Contact area residents re: vicious propensities of the dog. Track down mail carrier for an interview

*Slip/trip and fall – Inspect area for causation re: lighting, water, carpet, faulty construction, neglect

Witness Interviews

*Preserve statements ASAP

*Witnesses can and do disappear; they forget important facts if interview is delayed

*May lose interest if not contacted soon after the incident

*Keep in touch regularly with your witnesses to make certain they are still available

Products liability

*Preserve evidence – preferably the product itself if still available

*Purchase same product to identify the manufacturer

*Vaping devices – preserve all parts including batteries

*Battery fires/explosions – Purchase the same type of battery, review and evaluate its authenticity

Drone Videos/Photos of Area

*Review your case ASAP to see if it will benefit from drone photography

Financial Investigations

*Review your case to see if financial/assets investigation of defendant is warranted due to insufficient policy limits


Lilly

Lindon Lilly is a member of the California Association of Legal Support Professionals (CALSPro). As the founder and president of Rhino Investigation and Process Serving, *Lilly brings over 30 years of experience in the attorney-support business. He served two terms as governor of the California Association of Licensed Investigators (CALI) and now serves on the CALI Board of Directors. The California Assembly has recognized him for his dedicated work with victims' rights groups.*

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