

MASSACHUSETTS VISION ZERO COALITION

This document was adapted from the Families For Safe Streets NYC Resource Guide in May, 2018. [Families for Safe Streets](https://www.transalt.org/familiesforsafestreets/resourceguide) is a group of individuals based in New York City who have lost loved ones or been injured in traffic crashes, and aim to give New Yorkers the opportunity to receive support services and channel their grief into action. To view a full version of the guide, visit: <https://www.transalt.org/familiesforsafestreets/resourceguide>.

Five Important Considerations After Your Crash

1. Work with the Police and Gather Evidence as Needed

If you wish to hold the driver accountable in some way, you will need to press the police to conduct a thorough investigation. The police are required to interview all witnesses, locate nearby security cameras to obtain video evidence, and take photos of the crash. Find out which police officer or detective is assigned to investigate your crash, contact them immediately and continue to follow up.

Sadly, many Families for Safe Streets members have found that the police do not always do enough. You may want to do additional investigative work yourself or perhaps with an attorney, if you hire one right away. If you are concerned that the police are not conducting a thorough investigation, we recommend that you or someone you know go back to the scene and try to collect your own evidence. Family members and friends typically want to help, and gathering evidence is a task you can ask them to do.

POSSIBLE WAYS TO GATHER EVIDENCE:

- **Video Recordings:** Ask local businesses near the scene if they have security cameras that may have recorded the incident. Businesses only keep such videos for a limited time (typically 30 days but sometimes as little as 24 hours), so you will want to obtain this ASAP. Be sure to get contact information of everyone who has handled the video because your lawyer will need to “authenticate” that no one tampered with the video.
- **Photos:** Take photos of evidence you see at the scene, such as: skid marks, debris, damage to vehicles, damage to nearby property, etc.
- **Witnesses:** Try to find your own witnesses. If you do not have anyone’s contact information who was at the scene, ask nearby business owners, put up posters, offer a reward, etc.

Note that many law firms will hire a private investigator to assist with this effort.

After five days have passed, contact the police to see if you can review a copy of the report to make sure it's accurate. If it's not, fight to fix it. Just because it's written, doesn't mean it's not amendable. If there is evidence you believe was not collected, demand that they do more. You might want to call a lawyer to help with this.

2. Consult with an Attorney

Attorneys in these types of cases are usually paid on a "contingency" basis, meaning they only get paid if they collect money for you. It is always free to get a consultation, so most experts recommend you talk to a lawyer. Given that lawyers may help with the investigation, we recommend you do so as soon as possible. We also suggest that you interview at least two attorneys.

See the section in the full Families for Safe Streets Guide called Civil Lawyers for more information, including questions you may want to ask when selecting an attorney.

3. Seek Support

Get the help you need.

Take advantage of hospital support services and resources. Ask for a patient advocate or social worker if one is not provided. They can help you understand hospital regulations, insurance requirements, and paperwork, as well as advocate for specific care. Some members have found that a hospital chaplain can serve a similar role. If you or your family member were injured, make sure to not be discharged until all necessary home care arrangements have been made. All hospitals are mandated to provide discharge planning assistance.

Families for Safe Streets also provides a range of supports including:

- Support Groups: in-person and telephone
- Peer Mentoring: one-on-one support
- Online Help: private Facebook discussion groups
- Logistical Assistance: help navigating the various systems involved

See also the section in the full Families for Safe Streets Guides on Emotional Support for details.

4. Start an Insurance Claim

Call up the driver's insurance company and open a claim. Provide only basic information about what happened: that you were hit as a pedestrian or cyclist by this driver on this day at this location. The insurance company will likely pressure you to give a full narrative, ask whether you've seen a doctor, or spoken to the police. You do not have to disclose any of this, and

attorneys advise that you get legal counsel before divulging any details related to the crash. If you were driving and/or have auto insurance, you should contact your own insurance company as well. You may be covered, as a pedestrian or cyclist, under your own auto insurance.

5. Brace Yourself, Lean on Your Support System, and Be Prepared to Push Back

Sadly, you will learn that the system is broken. Cities and towns in Massachusetts should be doing so much more to prevent crashes and hold reckless drivers accountable. Families and individuals who suffer should be compensated, but unfortunately, this is not typically the case.

Many Families for Safe Streets members describe their experience dealing with the police, insurance companies, district attorney, and the press as just pouring salt on an colossal wound.