

**ROBERT ELLIOTT** MITAI LCGI MCSFS CPCFCI

PRINCIPAL FORENSIC COLLISION INVESTIGATOR  
CCTV & DASHCAM ANALYST

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**APIL Expert**

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An Independent Forensic Collision Investigator specialising in the investigation and reconstruction of road traffic collisions including the examination of seat belts, biomechanics in collision reconstruction, CCTV analysis and elements of Human Factors including night-time recognition and driver perception response times in emergency situations.

Over 30 years' experience as an Expert Witness in all levels of Court, as a trained Single Joint Expert, a Court appointed Expert and holds the following professional qualifications:

### **PROFESSIONAL QUALIFICATIONS**

Licentiatehip of the City and Guilds Institute Motor Vehicle Inspections [LCGI]

Membership of the Institute of Traffic Accident Investigators [MITAI]

Member of the European Association for Accident Research and Analysis [EVU]

Member of the Chartered Society of Forensic Sciences [MCSFS]

Certificate of Professional Competence for Forensic Collision Investigation [CPC FCI]

The current External Examiner for De Montfort University overseeing the UCPD, Cert HE, FdSc and BSc courses in Collision Investigation.

A Membership Grades Assessor on behalf of The Institute of Traffic Accident Investigators.

A certified (Bosch) European Crash Data Retrieval (CDR) Technician and a certified Data Analyst.

Trained and qualified to assess and certificate the competency and vocational qualifications of others in the field of Collision Investigation within the framework of the Regulated Qualifications Framework (RQF) and holds an NVQ Level 3 Assessor Certificate.

Has been assessed by The Institute of Traffic Accident Investigators and has been awarded a Certificate of Professional Competence in Forensic Collision Investigation (CPCFCI).

Shown on the UK Register of Expert Witnesses as a verified Expert. Registered as First Tier Expert Witness with The Association of Personal Injury Lawyers.

A Registered Forensic Practitioner with the Council for the Registration of Forensic Practitioners (CRFP) in the speciality of Road Transport Investigation, a trained Membership Grades Assessor and a Forensic Practitioner of the Academy of Experts until the closure of the CRFP.

Trained in a variety of specialist subjects/courses including advanced collision investigation and reconstruction techniques, motor vehicle and tyre examination, examination of seat-belts, Forensic examination of light bulbs, CCTV analysis, alcohol related matters, vehicle crush analysis (AIDamage), profiling & measurement, accident repair techniques, Glassmatix and Audatex estimating systems, fraudulent insurance claims, staged collisions, electronic surveying of accident / serious crime scenes, computer aided design, Tachograph installation, testing, calibration and chart analysis, hand held Radar, Police Pilot, ARAS 360HD™, PC-Crash™ and Faro Reality™ advanced 3D animation & modelling computer software programs, Photogrammetry, Vascar and Laser speed enforcement meters, car body control systems, Bond Solon Excellence in Report Writing, statistics, shock absorber technology, airbag and supplementary restraint systems.

Dealt with complex cases in the UK ranging from careless driving to Murder as well as in Hong Kong, Morocco, Canada, Egypt, South Africa, Bahrain, the Channel Islands and Germany. Accepted as an Expert Witness during Court proceedings in all levels of Court, and as a Single Joint Expert, on behalf of the Crown, CPS, Police, Legal representatives of Defendants, Claimants and Defendants.

Carried out many hundreds of damage consistency investigations including several high profile 'cash for crash' and fraud investigations. Has carried out many crash tests to establish damage consistency.

Previously a serving Police Officer for almost fourteen years up until retirement as a result of an injury on duty. Left with a Certificate of Exemplary Service. Spent over 11 years on the Road Traffic Department including over five years within the specialised Collision Investigation Unit as a full-time dedicated Collision Investigator where his primary role was the investigation and reconstruction of fatal collisions for HM Coroner.

As a serving Police Collision Investigator and Traffic Patrol Officer, attended many hundreds of fatal and serious collisions, investigating and reconstructing many based upon the laws of physics, mathematics, vehicle dynamics, collision investigation techniques, and has received a Police Commendation for his work in this field.

Successfully completed 140 hours training in Advanced Analysis of Driver's Responses (Human Factors in Traffic Crashes) provided by Dr Jeffrey Muttart, Crash Safety Solutions; which studies results of numerous research papers related to driver Perception and Response Times (PRT) in various circumstances including night-time conspicuity; headlamp illumination and night-time recognition thresholds.

The course topics are directly linked to the reference book – *“Drivers’ Responses in Emergency Situations – A Quick Reference”* authored by Dr Muttart; and which in turn, are linked to the IDRR software (Interactive Driver Response Research) and more currently the RESPONSE program also authored by Dr Muttart. Mr Elliott possesses both the publication and the IDRR program.

Passed two 3 day course in relation to the science, research and use of the IDRR program by Dr Muttart.

Completed 40 hours training in *‘Bio-Mechanics in Accident Reconstruction’* by Professor Jeffrey A Pike and Greg Sullenberger.

A Certified Operator for Axon Investigate™ CCTV analysis software.

A Certified Examiner for Axon Investigate™ CCTV analysis software.

A Certified Metrologist for Axon Investigate™ CCTV analysis software.

Trained in the use of Amped FIVE software and the calculation of vehicle speed from CCTV.

Has received training and is experienced in photographic techniques in relation to forensic recording of evidence for both daylight and night-time investigations, the use of relevant software, and the usage of the resulting images and video when presenting to Courts. Is experienced in conducting photogrammetry surveys and producing accurate three-dimensional scene plans thereafter.

Has comprehensively studied methodology and research in the investigation of incidents involving the question of pedestrian conspicuity and Human Factors.

Regularly conducts reconstructions as part of a collision investigation in terms of fields of view, lines of sight, night-time visibility and driver detection thresholds and pedestrian conspicuity. Conducted many hundreds of reconstructions, including night-time reconstructions, often jointly with the relevant Police Collision Investigation Expert.

Continues to expand his knowledge of the science of Collision Investigation, familiarising himself with new legislation, technology and evolving relevant issues by personal research/testing and by regularly attending Expert Witness Conferences, Seminars, Training Courses and crash testing / vehicle handling test days.

For the past 12 years has assisted The Institute of Traffic Accident Investigators in organising their international Crash Day. For the past 3 years (pre Pandemic) has organised, overseen and carried out the low velocity (LVI) & damage consistency crash testing forming part ITAI's crash day events including as the crash test driver.

Maintains a portfolio of continuing professional development.

Speaker Criminal Law Conference Manchester 6 May 2016

Speaker Criminal Law Conference London 13 May 2016

### **Notable work**

Awarded a Police Commendation in 1997 for his investigation and reconstruction of a serious road traffic collision involving four fatalities where a tipper lorry had collided with a number of vehicles including driving over and crushing two cars. The scene was extensive and extremely complex, and Robert reconstructed the events forensically from the physical evidence. The forensic evidence Robert presented was such that it was not challenged in court and the Defendant was sentenced to 8 years imprisonment.

### **Notable cases**

#### **Killey v Smith, Haven Insurance & Morgan (2023)**

This very high value case involved a collision between a car emerging from a side road where the view was limited and a stolen car driven by Smith at nearly twice the 40mph speed limit. The driver of the stolen car swerved onto the opposing lane and then struck and killed two cyclists. Mr Elliott was able to show that at the point Mr Morgan made his observations and also when he began to emerge from the junction, the stolen car was outside of his field of view. This case also involved Human Factors where the Expert instructed for the insurers of the stolen vehicle sought to imply a degree of liability on Mr Morgan with several theoretical scenarios. Mr Elliott opined that these were based purely on hindsight bias and that Mr Morgan would not have had the benefit of such foresight and the Expert was using human factors and PRT incorrectly for these circumstances. The Judge found 100% in favour of those instructing Mr Elliott.

#### **R v Reynolds - Causing Death by Dangerous Driving**

This case involved a Mercedes being driven by an intoxicated driver at high speed, dangerously, during heavy rain, the vehicle having two bald tyres. The owner of the car, Mr Reynolds was the front seat passenger and permitted his friend to drive whereupon he lost directional control and collided head on with a vehicle travelling in the opposite direction. At a first trial an Expert instructed by the Defendant advised the Court that the defective tyres were not factors for the loss of control and that the vehicle had not aquaplaned. At the first trial the jury were unable to reach a decision. Mr Elliott was then instructed by the Prosecution to reinvestigate the available evidence for a second trial and concluded that the defective tyres were significant factors in the driver's loss of control and that all the ingredients for aquaplaning were present. After 3 joint Expert reports, the Defendant's Expert conceded Mr Elliott's evidence and the owner of the car pleaded guilty.

#### **R v Asif Khan - Causing Death by Dangerous Driving**

This case involved a taxi emerging from a side road onto a main road during the hours of darkness. Whilst doing so, the taxi was struck by a motorcycle which was travelling along the main road from the taxi driver's right-hand side resulting in the death of the rider and life changing injuries to the pillion passenger. The incident was captured by CCTV cameras near the crash site. Mr Elliott examined CCTV evidence, conducted a reconstruction using the involved taxi, a motorcycle and the relevant CCTV system and was able to show that when the taxi began to emerge from the junction, the motorcycle was beyond the limit of view and was

travelling at over twice the speed limit and that the Crown's Expert's evidence was wholly flawed. Following a joint report, the case against the taxi driver was dropped.

#### **R v Islam, Choudhary & others - A large fraud case involving six defendants**

This case arose from an insurance claim where a three series BMW drove into the rear of another three series BMW. The insurers instructed an Expert who concluded that the two vehicles had never been in contact with each other and that this was a case of fraud. A total of six claims were therefore repudiated, several insurance policies cancelled, and the file was passed to the City of London Police Fraud Department. The Police prosecuted the six claimants and instructed the engineer who had authored the original report as the Crown's Expert. Mr Elliott examined imagery evidence and found conclusive evidence that the vehicles had been in contact with each other in the manner described and that the Crown's Expert's evidence was flawed. The Judge agreed halfway through the trial when the Crown's Expert agreed that he had made mistakes. The Judge ordered the Police to investigate their experts' previous cases. After 5 days of the trial, the Crown offered no evidence against all 6 Defendants.

#### **Plank v Yallop**

This was a prosecution for careless driving. A driver was turning right into a parking space on the opposite side of the road when his car was struck on its nearside by a speeding motorcycle, resulting in very serious injuries to the rider. Robert was able to show by way of reconstruction that the motorcycle was travelling at over twice the speed limit and that when the driver conducted his observations the motorcycle was out of view. The Crown's Expert accepted Robert's evidence and the prosecution offered no evidence on the first day of the trial. The rider then made a personal injury claim against the driver of the car and his insurers. Robert was able to show that had it not been for the manner of riding of the Claimant (the motorcyclist), the collision would not have occurred. The Claimant lost his claim.

#### **R v Gavin Whitlock**

A causing death by dangerous driving matter. A car turning right at traffic lights was struck by a motorcycle travelling in the opposite direction. The Crown sought to put forward the simplistic view that the Defendant was culpable because he turned across the path of an oncoming vehicle. Mr Elliott conducted a reconstruction at the locus and was able to show that the motorcycle would have been masked by the headlights of vehicles travelling behind it and which is why the Defendant did not identify its presence even though he looked prior to turning. Following the production of a joint report with the Crown's Expert, the Prosecution offered no evidence against the Defendant.

#### **R v Tim Smith**

A causing death by dangerous driving matter. A refuse lorry turning left out of a junction struck a pedestrian who was crossing in front of the vehicle. The Crown's Expert concluded that the pedestrian would have been within the Defendant's line of sight and therefore he was culpable. Mr Elliott conducted a full reconstruction at the locus with the lorry and a pedestrian. Mr Elliott was able to show that the pedestrian would not have been within the driver's view when he conducted his observations prior to exiting the junction. Following the production of a joint report with the Crown's Expert, the Prosecution offered no evidence against the Defendant.

#### **R v David Bassett**

A causing death by dangerous driving matter. A car turning right at a right turn filter lane was struck by a motorcycle travelling in the opposite direction. The Crown sought to put forward the simplistic view that the Defendant was culpable because he turned across the path of an oncoming vehicle and that the motorcycle was in view when the car began to turn. Mr Elliott conducted a full reconstruction at the locus using a motorcycle and was able to show that the motorcycle was travelling at over twice the speed limit and would have been out of view when the Defendant conducted his observations. Following the production of a joint report with the Crown's Expert, the Prosecution offered no evidence against the Defendant.

#### **Daniel Boyd v Lee McKewan**

A pedal cyclist was struck by a motorcycle whilst crossing a pedestrian crossing. Robert was able to show the motorcycle was travelling more than the speed limit and had it not been, the cyclist would have reached the safety of the central refuge and the collision would have been avoided altogether. A very high value claim settled in favour of the pedal cyclist.

### **R v Wayne Coleman**

A car v 2 yr old child collision where the child had run into the road as the Defendant's vehicle was entering a supermarket car park. The incident was recorded on CCTV. The Police Expert concluded that he could find no reason the Defendant could not have seen the pedestrian prior to impact and should have been able to brake and stop prior to impact. Mr Elliott conducted a reconstruction at the material locus using the Defendant's vehicle and a child mannequin. Mr Elliott found that due to the relative movement of both parties, the child was always within the blind spot behind the driver's side A pillar, and he was therefore unaware of the child's presence. This was subsequently agreed by the Crown's Expert.

### **R v Beverley Greaves**

An elderly pedestrian was struck by the Defendant's vehicle whilst crossing the road during the hours of darkness. The events were recorded on CCTV. The Crown's Expert concluded that the pedestrian would have been within the Defendant's view prior to impact and as such she should have braked to avoid him. Mr Elliott conducted a night-time reconstruction using a pedestrian and found that due to the pedestrian contrasting very poorly with his surroundings he would not have been visible until such time as he became illuminated in the vehicle headlights. Mr Elliott was able to show that the pedestrian was not in view when he entered the road and using Human Factors, Mrs Greaves would have been unable to avoid a collision in the circumstances. The case against Mrs Greaves was dropped.

### **R v Nanson**

A causing death by dangerous driving case. This concerned a collision involving four fatalities whereby a small passenger car carrying four local teenagers was struck whilst pulling out of a minor side road onto a major country A road by a large 4 x 4 vehicle. Robert was able to explain to the court & jury why the Crown's Expert's reconstruction was incorrect by addressing Human Factors and that the Defendant was unable to do anything in the time available to avoid the collision. The Crown's Expert accepted Robert's evidence and, mid-trial, the Judge accepted there was no case to answer against the Defendant.

### **R v Firouzian**

A causing death by careless driving case where a foreign student was run over and killed by a bus turning into a junction late at night. Robert and his team were able to show that the pedestrian would have always been within the driver's blind spot, that she would have been inconspicuous against the unlit dark background and that the imagery evidence provided by the Crown's Expert was seriously flawed. The Jury found the Defendant not guilty by a unanimous decision.

### **R v Allington**

A murder case where the Defendant was attacked whilst in his vehicle by a group of youths. As he attempted to escape the locus one of the attackers was inadvertently run over by the Defendant's car. The Crown's Expert alleged the Defendant deliberately drove at and then over the pedestrian. Robert's forensic evidence was able to show to the jury how the Crown's proposition was flawed and that there was no evidence of a deliberate act. The Jury took very little time in finding the Defendant not guilty of murder, or any other offence, by a unanimous verdict.

### **R v Baylis**

A causing death by dangerous driving case where the Defendant's car was struck head on by another car which was overtaking in the opposite direction. The Crown alleged that because of the Defendant's standard of driving witnessed about 5 minutes previously, they sought to link the two events and placed liability on him for the collision where the driver of the overtaking car died. During his investigation, Robert closed the dual carriageway at the locus for reconstruction tests and was able to show that the collision was not the fault of the Defendant. On the morning of the trial at the Crown Court, the Crown's Expert agreed Robert's evidence and the charge was dropped.

### **R v Lawrence**

A murder case. Robert's investigation of the forensic evidence on behalf of the prosecution was able to show the Defendant had deliberately disengaged the passenger airbag prior to crashing his car and that he had unclipped his passenger's seat belt in the instant before impact. The Defendant was found guilty of murder by a unanimous verdict and sentenced to life in prison.

### **4 x 4 Fatal Crash in Egypt**

This case involved a 4 x 4 vehicle where the occupants were being chauffeured on the desert road between Cairo and Alexandra. The driver lost control of the vehicle and drove over a ravine killing his passengers. The Egyptian Police determine the 4 x 4 had suffered a tyre blow out and the driver was not responsible. Robert examined the locus and the vehicle and was able to show the tyre had not suffered a blow out and in fact that the driver had fallen asleep at the wheel whilst driving at a speed of between 92 to 110mph.