



<u>Policy Title</u>	NON - INJURY ROAD TRAFFIC COLLISIONS REPORTING, RECORDING, ATTENDANCE & INVESTIGATION
<u>CCMT Sponsor</u>	ACC Specialist Operations
<u>Department/Area</u>	Roads Policing

1.0 Rationale

The purpose of this policy is to standardise reporting and recording of non-injury* road traffic collisions, in a way which is consistent with the recommendations of the Policing Bureaucracy Taskforce, to increase the presence of uniformed officers in the community by:

- removing unnecessary procedural burdens borne by front line staff
- providing adequate support; and
- revising working practices to enable them to give best value.
(*The expressions "non-injury" and "damage only" will be read as interchangeable - the former expression is preferred.)

2.0 Intention

The intention of this policy is to standardise the Force's response to dealing with road traffic collisions to ensure the public are appropriately protected roadside; that offences, other than minor breaches, are dealt with appropriately; and that Force personnel are effectively utilised by not attending incidents which do not require a police presence.

Fatal and injury road traffic collisions will continue to be attended and recorded on the appropriate National Collision Reporting Form (NCRF) and National Statistical Reporting Form (NSRF); injury collisions reported at police stations will also be subject to such formal recording.

However, Thames Valley Police generally will only attend and/or record non-injury road traffic collisions **where there is a clear, specified, purpose for doing so.**

Taking initial reports, attendance, and recording are mandatory in the following circumstances:

- road safety issues are apparent

- * if the incident is on a motorway or similar high speed road (e.g. A34 or other similar major trunk roads) where an initial report will be taken and police will attend, in order to assess the scene, *unless it is clear that there is no danger – in such cases the incident will pass to the Highways Agency Traffic Officers (HATOs), where the road is under their jurisdiction, for them to deal.*
 - * attendance for road safety purposes applies to initial attendance only - a separate assessment will be made for vehicle recovery operations.
- the investigation of driving offences **which are likely to result in a prosecution (prosecution includes referral to the Driver Improvement Scheme)**

This paragraph will not, in itself, preclude attendance on other occasions. Decisions in respect of attendance will always be made after taking into account the circumstances of each individual incident.

3.0 General Principles

This policy refers to:

1. the taking of the initial reports, both real time and after the event;
2. the attendance at the scene of the collision; and
3. the recording of non-injury road traffic collisions

Where the incident being reported does not involve a collision but is to do with reports of BAD DRIVING, the procedure to be followed can be found on the reference database.

Non-injury road traffic collisions should be attended and/or recorded where one or more of a limited number of conditions apply. There are different sets of criteria for each stage: the fact that a collision is appropriate for the taking of an initial report, or attendance, will not necessarily mean that it must be recorded.

Where collisions are recorded, unless otherwise stated, this will be in the NCRF booklet.

3.1 Initial Reports

Where a person reports to police a current collision which is ascertained not to involve injury the procedure to be followed by the person receiving the report, and the questions to be asked, is detailed in the Reference Database see - 'Damage Only Road Traffic Collision' and 'Damage Only Road Traffic Collision – Motorway'.

Where, following this procedure, it is ascertained that police attendance is not necessary, it will be explained to the person reporting the collision that there will be no one attending the scene and no police record made or kept of the

incident other than the initial Command and Control entry, the Unique Reference Number (URN) of which should be given to the caller. The Command and Control computer record can be supplied to drivers and insurance companies, on request. Disclosures of this nature should only be undertaken by the Control Rooms & Enquiries Department, who, as System Owner of Command & Control, have a policy to deal with such disclosures.

It must be remembered that a road traffic collision may be a traumatic experience for members of the public concerned. Although unnecessary deployment of resources is undesirable, we must always seek to provide a caring service. The person receiving the call therefore has discretion to send a police resource where this is considered necessary.

3.2 Scene attendance

Following the making safe of the scene as required under the Force Risk Assessment process, an officer attending the scene of a collision will establish whether or not it should be formally recorded in the NCRF booklet.

If the collision is not recorded, the officer will advise the drivers concerned that they should comply with the statutory requirements of the Road Traffic Act and that a report will not be completed. A TA6 leaflet - "Road Collisions" – (a guide to those involved) should be supplied, either at the time or subsequently with the relevant sections completed by the police officer. A Pocket Note Book entry is not required.

Where a member of the public appears aggrieved by an officer's decision not to record particulars, the officer will make it clear to the parties concerned that their dissatisfaction has been noted but particulars of the collision will not, in accordance with Force Policy, be recorded. A brief entry should be made in the Command & Control log.

3.2.1 Non-injury road traffic collisions will not be recorded unless one or more of the following conditions apply:

- (a) The driver has failed to comply fully with the statutory requirements of the Road Traffic Act, e.g. fail to stop; exchange details
- (b) The officer considers that there is sufficient evidence about the manner of driving to prove an offence and that there is a realistic prospect of a successful prosecution; or the case is suitable for referral to the Force Driver Improvement Scheme (DIS).

Note: Proceedings would not normally be instituted unless the 'sufficiency of evidence' and 'public interest' criteria outlined in the Code for Crown Prosecutors are met.

- (c) The collision occurred in another Force's area unless it is not known, or is established that they have a similar policy.

- (d) A police vehicle, or any motor vehicle being used by a police officer or member of support staff on duty, is involved. See Police Vehicle Collision Policy.

3.3 Subsequently Reported Collisions

Where collisions are reported, either by telephone, electronically, or in person, to the police after the event the caller should be advised that if no parties involved are injured and the law regarding the duty to stop and the duty to exchange details has been complied with there is no requirement to officially report it and that no record will be made or kept of the collision.

Collisions involving minor injury or non-injury which are reported after 7 days will not be recorded, unless there is evidence to support an allegation of no insurance against any driver.

Where as a result of Force policy no report has been completed, the police will generally refer enquiries in respect of insurance production to the civil law remedies available. Whilst each case will be considered on its merits, the police will not routinely investigate claims of no insurance against the parties involved in a non-recorded collision, unless substantial evidence exists to warrant such an investigation.

In such a case it may be sufficient to facilitate the exchange of details to comply with the law and both the law and Force policy allow such action. Where a DIPS1 (HO/RT1) is issued in respect of a collision but no NCRF booklet is completed, the DIPS1 (HO/RT1) must be endorsed 'record' and not 'accident'. This will prevent unnecessary requests for non-existent reports.

3.4 Investigation of Collision

Subject to the instructions outlined above, all recorded road traffic collisions must be thoroughly investigated in an impartial manner. It is the responsibility of the police to ensure that those involved have complied with road traffic law. A simple dispute about civil liability is a matter for insurance companies.

If it is anticipated that proceedings will be instituted, the officer at the scene should interview, under caution, the driver(s) of the vehicle(s) most likely to be proceeded against.

Witnesses and 'other drivers' should be informed at the scene that no written statements will be taken at that stage but that the police may contact them later seeking their cooperation in completing a pro-forma statement. Brief verbal explanations as to how the collision happened should be recorded and signed by the maker. Such explanations will greatly assist the Administration of Justice Department Decision Maker to decide what further course of action, if any, is required.

Officers attending the scenes of road traffic collisions should remain impartial and must not give an opinion as to whether proceedings will result.

Where the offer of a Driver Improvement Scheme course seems appropriate the matter can be dealt in a simplified manner under the scheme procedures.

Collisions recorded at a police station front counter will pass to the Administration of Criminal Justice Department (ACJ) for any follow-up investigation and enquiries.

3.4 'Fail to Stop' Collisions

In collisions where any party has failed to comply with the requirements to stop, immediate enquiries should be made in an effort to locate both the offending driver and vehicle, including the circulation of details for observations. If any witness has essential evidence for investigation, consideration should be given to obtaining a written statement as soon as possible. The victim should be kept informed of the progress of the enquiry.

3.5 Preliminary Breath Testing of Drivers

When an officer attends a road traffic collision, ALL DRIVERS involved will be breath tested in accordance with legislation and the Thames Valley Police policy. It is important that officers, who administer breath tests, stress to drivers that this initiative is intended to prevent collisions, ensure impartiality and so enhance the safety of drivers and their passengers.

3.6 Collisions involving animals; roadside furniture and property

Where the damage to roadside furniture or roadside property is such as to be an immediate danger to other road users the appropriate local highway authority should be called, via the control room, to the scene to make safe. Details of the vehicle and driver responsible for the damage will be passed to their controller.

Where damage has been caused to roadside furniture or roadside property, whether or not the collision is formally recorded, the police officer attending the scene or the person taking the report, in addition to placing full details in the Command and Control log, MUST complete a form TA3 (available on the LAN as a template) and then either e mail to 'traffic management' or forward to Roads Policing Specialist Units, Bicester. The information contained within the document allows the property owner, predominately the Highway Authority, to recover costs of repair from the vehicle owner or their insurers rather than having to come out of public funds.

Where the collision involves injury to an animal, (AS DEFINED by the Road Traffic Act - horse, cattle, ass, mule, sheep, pig, goat or dog) full details will be recorded in the Command and Control log.

3.7 Off-Road Collisions and 'Other Collisions'

The same criteria for attending and reporting will be applied to:

- Collisions on footpaths to which the public have right of access.
- Collisions involving boarding and alighting from passenger carrying vehicles (PCVs)
- Collisions on bridle paths or country tracks, etc. (where motor vehicles are lawfully allowed to use them).
- Collisions in which a vehicle runs out of control and has a collision off the public highway.
- Collisions on railway level crossings (British Transport Police to be contacted immediately)

3.8 Collisions in "Public Places"

Section 170 of the Road Traffic Act, 1988 (Duty to Stop & Report Collisions) includes the term 'public place'* for the purpose of collision reporting

**Any place to which the public have open access is a public place, even if payment must be made to gain entry'.*

The police will not generally record or investigate non-injury collisions which result from low speed manoeuvres in a public place, e.g. public car park, **unless:**

- a party to the collision has failed to exchange details**, or
- substantial damage is caused **and** the officer considers that there is sufficient evidence about the manner of driving to prove an offence for which there is a realistic prospect of a successful prosecution (or referral to DIS)

**It may be sufficient in these circumstances to facilitate the exchange of details to comply with the law and force policy allows such action. Where a DIPS1 or HO/RT1 (record of stop/search and/or requirement to produce driving documents) is issued in respect of a collision but no NCRF booklet is completed, the DIPS1 (HO/RT1) must be endorsed 'check only'. This will prevent unnecessary requests for non-existent reports.

3.9 Collisions Involving Police Officers and Support Staff

Whenever an on-duty police officer or member of the support staff, driving a Police Authority owned vehicle or a privately owned vehicle, is involved in a road traffic collision, an officer will be appointed as an Investigating Officer (of a higher rank than the driver and/or other parties involved unless this is not practicable) and will attend the scene. The Investigating Officer will comply with the Force policy, which includes reporting and the consideration of suspension from driving.

3.10 Submission of NCRF Collision Reporting booklets

It is important that the collision report is completed fully and submitted to Administration of Justice Department as soon as possible, this will usually be prior to completion of a tour of duty, and in any event within three (3) days. Should the report need to be returned to the officer for further enquiries, a note to that effect must be attached to the report. When completing a collision report, officers may wish to include a recommendation as to whether the circumstances are sufficient to warrant proceedings against any driver or whether the Driver Improvement Scheme is appropriate. Supervisors will not be required to make any recommendations but should quality check the report and sign page 2 of the NCRF to this effect.

4.0 Challenges & Representations

Superintendent Roads Policing
Thames Valley police
Bath road
Taplow
Buckinghamshire
SL6 0NX

5.0 Guidance, Procedures & Tactics

The Guidance, Procedures and Tactics are documented in Section 3 of this Policy and can be made available to the public.

6.0 Communication

6.1 Links to Police National Legal Database and Other Sources

Relevant links to PNLD, Reference Database, other Force Policies, etc. are contained with the body of this policy

6.2 Communications Strategy

This is an updated policy without major change; therefore, detailed communications are not required other than a reminder to relevant staff of its existence.

7.0 Compliance and Certification

7.1 Human Rights Certification

This Policy has been drafted *and audited* in accordance with the Human Rights Act 1998. The legal basis for this policy is to be found in:

- Section 1 Road Traffic Act 1988 - Causing death by dangerous driving
- Section 2 Road Traffic Act 1988 - Dangerous driving
- Section 3 Road Traffic Act 1988 - Careless / Inconsiderate driving

- Section 170 Road Traffic Act 1988 - Duty to Stop & Report Collisions

It is acknowledged that this Policy has the potential to engage the Articles of the Act listed below - they will be engaged only to the extent that such interference is in accordance with the law and only as is necessary in a democratic society in the interests of public safety and for the prevention of crime. This policy will be applied with reference to the key principles of the Convention, namely justification, proportionality and least intrusion.

Article 2 Right to Life

There is '*...a positive obligation on the State to take preventative operational measures to protect an individual whose life is at risk from the criminal acts of another individual*'. Whilst this Policy is aimed at removing dangerous offenders from the roads, this has to be viewed against the needs of the wider public, ensuring that proportionality between the aims and outcomes are balanced at all times.

Article 5 Right to Liberty

'Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law... (b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure fulfilment of any obligation prescribed by law; (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so'. Legislation allows, in certain circumstances, for an officer to stop and detain an individual.

Article 6 Right to a Fair Trial

'In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law'. This Policy refers to the gathering of evidence for the purposes of prosecution, thus engaging this Article.

Article 8 Right to Respect for Private and Family Life

'Everyone has the right to respect for his private and family life... There shall be no interference by a public authority with the exercise of this right except such as in accordance with law and is necessary in a democratic society in the interests of... public safety... prevention of disorder and crime... for the protection of the rights and freedoms of others'. This Policy refers to the receiving and recording of all incoming information. The collection and retention of personal data will automatically engage this Article.

Article 14 Prohibition on Discrimination

'The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

Actions taken as a consequence of this Policy will be applied in an impartial and fair way, having due regard for natural justice and human rights.

7.2 Diversity Impact Assessment

The policy author is currently in the process of assessing this policies relevance to the six strands of diversity.

7.3 Diversity (Human Resources)

In the application of this policy, the Force will not discriminate against any persons regardless of their gender, sexual orientation, race or ethnic origin, religion, age or disability.

7.4 Data Protection

This policy is suitable for public disclosure. Personal data gathered as a result of this policy will be processed in accordance with the provision of the Data Protection Act 1998. It is recognised that some personal data may be of a sensitive nature (injuries, impending prosecution, medical details).

A Command and Control (incident recording computer) message will be created in circumstances where the police are informed of, but do not attend/record, a road traffic collision. This URN (Command and Control computer record) can be supplied to drivers and details to insurance companies, on request. Disclosures of this nature should only be undertaken by the Control Rooms & Enquiries Department, who, as the System Owner of Command & Control have a policy to deal with such disclosures.

7.5 Freedom of Information Act

This policy is suitable to be made publicly available.

7.6 Protective Markings

This document has been assessed as 'NOT PROTECTIVELY MARKED'

7.7 Health & Safety at Work

Health & Safety considerations are taken in to account in current Generic Risk Assessments.

8.0 Monitoring and Review

8.1 Links to Best Value/PPAF/Priorities/Performance Indicators

This policy contributes to the following Strategic Objective:

- To provide an effective and timely response focused on the needs of the citizen
- To improve our performance – get better at what we do

8.2 Review Process

A full review will be carried out by the policy author and will examine:

- Changes in legislation
- Court rulings – Domestic, European and Human Rights
- Examples of good practice from other Forces or other organisations
- Changes in Home Office Circulars
- Developments with ACPO Policy Unit
- Representations made by individuals and relevant organisations
- Relevant Race Equality data

This Policy will be reviewed every 2 years

FOR USE BY THE POLICY MANAGEMENT UNIT ONLY

<u>Policy Authorisation</u>	
Policy signed off by:	
_____	_____
ACC Specialist Operations	Date