Derbyshire Constabulary

ROAD TRAFFIC COLLISIONS REPORTS AND PROCEDURES

POLICY REFERENCE 06/050

This procedure is suitable for Public Disclosure

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1. Procedure Identification Page

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Impacts on other policies / guidance / documents (list):
- CPS & ACPO Guidelines/Charging Standards
- National Driver Improvement Scheme Force Guidelines/Procedures
- Police Driving Standards Policy
- Vehicle Recovery
- Road Death Investigation Guidance
- Drink/Drugs Driving Procedures
- Vehicle Examination
- Casualty Reduction

Security Classification:
NOT PROTECTIVELY MARKED

Disclosable under FOI Act:  YES

Procedure to be published on Intranet  YES
Procedure to be published on Force Website  YES
2. Legislative Compliance

This document has been drafted to comply with the principles of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the individual and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used.

Equality and Diversity issues have also been considered to ensure compliance with the Equality Act 2010 and meet our legal obligation in relation to the equality duty. In addition, Data Protection, Freedom of Information and Health and Safety Issues have been considered. Adherence to this policy or procedure will therefore ensure compliance with all relevant legislation and internal policies.

3. Introduction

This policy will ensure that officers and staff understand when collision reports are required and what type of record is needed. It is of vital importance that collision information is recorded as accurately as possible and when taking particulars of a collision, the recording officer/staff member should keep in mind the purpose for which the information is required:

(i) to provide a detailed record of evidence in the event of court proceedings;
(ii) for the information of HM Coroner in cases of fatal collisions;
(iii) to provide accurate statistical information from which police and traffic authorities may identify collision remedial measures and formulate collision reduction strategies;
(iv) to provide accurate statistical information to the Department for Transport (DfT);
(v) to supply information to interested parties.

4. Recording and Reporting Procedures

4.1 Completion of Collision Reports - Introduction

The requirement to make a record of a collision whether in the form of an incident, electronic collision record or both depends on a number of factors such as the way the collision is reported and the type of collision involved. The below guidance should be read by all staff involved in the recording, management or investigations of collisions.
4.1.1 Personal Injury Collisions

The Department for Transport (DfT) rules on recording injury collisions are much wider than the legal definition of what is a reportable collision. All staff must be familiar with Section 170 of the Road Traffic Act 1988 that defines a reportable collision but be aware that many other types of injury collisions need to be recorded. All injury collisions on a road which come to the notice of the police must be recorded on the force’s electronic collision recording system including:

(i) collisions on the footway.
(ii) collisions on private roads to which the public have access, either by right or tolerance.
(iii) collisions involving the boarding and alighting of buses or coaches.
(iv) collisions in which passengers already aboard a bus/coach are injured, whether or not another vehicle or pedestrian is involved.
(v) collisions involving persons repairing their vehicles on roads to which the public have access.
(vi) collisions involving pedal cyclists and horses, including where the pedal cyclists injure themselves or a pedestrian; (“ridden” pedal cycles should be included on report).
(vii) collisions on bridle paths and country tracks which motor vehicles are lawfully allowed to use.
(viii) collisions which commence on a public highway but which involve casualties off the highway (e.g. where a vehicle runs out of control while on the public highway and causes casualties elsewhere).
(ix) collisions where a person falls off a vehicle and is injured.
(x) collisions in pedestrian precincts.
(xi) collisions resulting from deliberate acts of violence but excluding casualties who are subsequently identified as confirmed suicides.
(xii) collisions involving injuries to horse riders (“ridden” horses should be included in the report).

4.1.2 Non Injury Collisions

With the exception of non-injury collisions that are non-reportable by law, a record will usually be made of all road collisions involving damage only to vehicles or property and those involving animals, coming to police notice.

The record made will either be in the form of a command & control incident only, an electronic collision record only or both dependant on the circumstances as explained below.
4.1.2.1 Non-Injury Collisions – When to Record an Incident

Over 80% of Derbyshire Police non-injury collisions investigations do not result in further police action being taken against the parties involved once initial details have been obtained. It is for that reason that reports of non-injury collisions should be resolved at the first point of contact (FPOC) if possible without the allocation of a police officer. Non-injury collisions should be resolved at the FPOC where:

- Details have already been exchanged between parties involved in a collision and there are no allegations of offences being made. In these circumstances, the parties involved should be advised that have already complied with the law and an incident record will NOT be required unless the informant specifically requests a reference number.

- Details have already been exchanged and an allegation, even if proven, is unlikely to lead to a criminal justice outcome for the offending driver such as a driver improvement course or court prosecution. In these cases, it is for the complainant’s insurers to establish who was at fault. Police officers should not take statements from witnesses unless a prosecution is being considered. Examples of cases unlikely to be in the public interest to prosecute and lead to a criminal justice outcome include:
  - Low speed collisions in retail car parks, where there has been minimal error in judgement and no tangible risk of injury.
  - Low speed collisions when parking on a road where no pedestrian, cyclist, motor-cyclist or other vulnerable road user was put at risk by a minor lapse of driver/rider judgement.
  - A low speed, rear-end collision on a road where there has been a minimal error in maintaining the correct braking distance.
  - A ‘fail to stop’ report is made and there are no clear lines of enquiry identified e.g. part/full registration, witnesses identified by the informant that can provide a part/full registration or identity of the driver, registration plate left at scene, CCTV known to cover the scene etc. If further information comes to light which may lead to the identity of the driver, the police response can be re-assessed.
  - A damage only collision is being reported where the informant has been unable to identify the property/animal owner after taking reasonable steps to locate them. Unless there is a need to send a police resource (e.g. the wall to a field of livestock has been knocked down), an incident should be created and closed after the incident reference has been provided.

In the circumstances outlined above, the reason why there will no further police action should be explained politely to the informant who will be given an incident number (where appropriate) before it is closed. The incident will contain adequate information in line with an agreed pro-forma before closure to ensure subsequent enquiries from insurers, solicitors or other parties can be answered. PNC checks will also be conducted before the incident is closed to ensure the driver and any other known parties involved are not committing any document offences including ‘no insurance’.
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Where there is any doubt as to whether a non-injury collision is suitable for resolution at the FPOC, guidance should be sought from the FCC Supervisor in the first instance. To aid decision-making, the following non-injury cases should always be investigated by an officer:

- Blocked road
- Road defect
- Non-compliance with a traffic sign e.g. failing to give way, comply with a red traffic light, solid white-line, no entry etc.
- Vehicle defect apparent, regardless of whether it was clearly a factor in causing the collision e.g. no lights, defective tyres etc.
- Drink/drug driving
- Fail to stop (with lines of enquiry available)
- Dangerous driving
- Document offences
- Theft or TWOC of vehicle
- Police RTCs
- More complex cases where it is not possible to assess at first point of contact whether a criminal justice outcome is warranted without further enquiries by an officer.

In these circumstances, when the officer has attended and obtained more information, if they decide that there is no requirement for further police action/enquiries, the incident should be updated accordingly and closed without an electronic collision report being created.

4.1.2.2 Non-Injury Collisions – When to create an Electronic Collision Record

Where it has not been possible to resolve a report at the first point of contact or an attending officer decides that further enquiries are necessary after taking details from an informant, an electronic collision record will be created. In all other cases, an incident record only will suffice. Electronic collision records when created will be used to record investigation notes as well as a final ‘mark-off’ from a supervisor.

ALL non-injury collisions involving a police vehicle or a privately owned vehicle being used by a police officer on duty require an electronic collision report which should not be marked-off until the case has been considered by the Head of Roads Policing in line with the force Driving Standards policy.

4.1.2.3 Non-Injury Collisions– Further recording considerations

Many non-injury collision reports will be made direct to the Force Contact Centre who will create incidents and consider if the report can be resolved at the first point of contact.
Where an electronic collision report subsequently becomes necessary, the creation of both an incident and electronic collision report will be unavoidable.

In cases however where the initial report is made direct to a police officer, an Enquiry Officer or a Business Support staff member, the person receiving the report should consider if:

- there is a requirement to allocate an immediate or priority police response in which case an incident will be required or
- the report can be resolved at first point of contact as per 4.1.2.1 above or
- further enquiries are necessary in which case an electronic non-injury collision report should be completed by the person taking the initial report without unnecessarily duplicating the same information on an incident.

4.1.3 Collisions Occurring in Other Public Places

Reports will occasionally be made of collisions that occur in car parks and other public places. **Other public places include:-**

(i) collisions on private roads to which the public are allowed access.

(ii) collisions in all picnic areas, public car parks, e.g. shopping centre car parks.

(iii) collisions on petrol station forecourts, motorway service areas and on similar roads where the public have access by invitation.

(iv) collisions in bus stations.

**Personal injury** and **Non injury** collisions which come to the notice of the police and occur in other public places should be recorded in the same way as for other collisions. Offences under the Road Traffic Act including production of insurance certificates are applicable, with the exception of the power to demand a driving licence and MOT test certificate.

4.1.4 Foreign Force Collision Reports

If a collision is reported in Derbyshire that occurred in another force area, full details should be taken and forwarded by FCC via email to the relevant force so that they may take any necessary actions in line with their own policy.

Where a report of a Derbyshire collision requiring further enquiries is received from another force, it will be processed by Business Services in line with Derbyshire’s collision policy. Where no further enquiries are required, the report will be dealt with as per 4.1.2.1.

4.1.5 Reporting Methods for Collisions

Under current legislation, S170 Road Traffic Act 1988 states that where drivers involved in reportable collisions have been unable to exchange details after stopping at the scene, they must report the collision:

“at a police station or to a constable, and must do so as soon as is reasonably practicable and, in any case, within twenty-four hours of the occurrence of the accident”.

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Although legislation states the collision should not be reported by telephone, Derbyshire Police now demonstrate a more flexible approach to collision reporting to reflect the reduced number of Enquiry Offices across the county and recent advancements in technology which allow many driving documents to be checked via PNC. As such, collision reporting contrary to legislation is allowed in the following circumstances:

1) An injury collision, where there is no requirement for the allocation of an immediate police resource, may be dealt with by way of a scheduled appointment, if necessary beyond 24 hours after the collision. In these circumstances, an incident will be recorded containing adequate information and will remain open until the driver has reported the full details to a constable.

2) A non-injury collision, where there is no requirement for the allocation of an immediate police resource and where a police investigation is judged necessary, may be dealt with by way of a scheduled appointment, if necessary beyond 24 hours after the collision. In these circumstances, an incident will be recorded containing adequate information and will remain open until the driver has reported the full details to a constable.

3) A non-injury collision report may be taken over the telephone in circumstances where it is appropriate to finalise the collision at the first point of contact (see section 4.1.2.1). In these circumstances, an incident will be recorded containing adequate information before closure.

With the above in mind, drivers involved in reportable collisions now have the option to report collisions in the following ways:

- To an ‘open’ enquiry office
- To a police officer at a collision scene
- Over the telephone (dependent on the circumstances)
- Via a scheduled appointment

Where a collision has been dealt with over the telephone in line with this revised policy, no subsequent prosecution for ‘failing to report’ should be considered. Should a driver fail to keep a scheduled appointment, a supervisor should be consulted before any prosecution for failing to report is considered. In all other cases where a driver involved in a collision has failed to comply with the legal requirement to report a collision, the submission of a traffic offence report for ‘failing to stop’ should be considered e.g. reporting to a police station beyond the 24 hour period.

4.1.6 All Collisions – Other Considerations

4.1.6.1 Data Protection

In situations where a person involved possesses, for example, only the registration number of the offending vehicle and requires a name and address, it is permissible for an officer to obtain these details from PNC in order to make enquiries with the alleged offender but these details may not be disclosed to any party involved. Any information gathered from the offending driver in confirmation of the PNC details (name and address, etc) may, however, be passed on to a party involved.

It is a criminal offence to supply information from the Police National Computer direct to any party in any circumstances, unless verification has been received from the officer in the case.
4.1.6.2 Failure to Provide Insurance Details (Section 154 Offences)

Late notification of collisions received due to problems experienced by drivers in obtaining the insurance details of a third party, and coming to the attention of the police when there has been no previous involvement by the police, may be received by Station Enquiry Officers or Business Support. The ‘third party’ insurance details will be pursued, provided that the injured party supplies proof, in writing, of any request for insurance details. If necessary, an officer will be allocated to prepare a prosecution file if offences are identified.

In all other cases, the injured party should be advised to obtain insurance details via the askMID.com website.

4.1.6.3 Form 485 & Advice to the Public

Form 485 ‘Road Collision Advice and Information’ is a leaflet setting out the service which will be provided by the Force to victims of road collisions by investigating officers. It contains the name and contact point of the officer dealing with the incident as well as information relating to vehicle recovery, legal requirements and insurance.

Where an officer attending the scene of a road collision decides that no further action is necessary, parties involved should be informed of that decision at the time. Form 485 should be completed as far as possible and handed to them along with a NFA insert. Officers should not complete the section which describes how the collision happened – this is the driver's responsibility.

It is the responsibility of the attending officer to ensure that Form 485 is provided to parties involved in road collisions. Wherever possible, this should be done at the time of the collision. Otherwise, the form should be delivered by post or hand within 3 days of the collision being brought to police attention.

When collisions are resolved at FPOC, members of the public should be advised that they may view further advice and a copy of this policy on the force website under “Contact us – Road Traffic Collisions”.

5. Operational Procedures

5.1 Action on Arrival at Scene

The first officer at the scene should assess any potential danger to other road users, attend to the needs of injured persons and take appropriate action to prevent traffic being unduly impeded and further incidents occurring, having regard to the appropriate generic risk assessments. The officer will also be responsible for control of the incident. Police warning equipment should be placed in accordance with the appropriate risk assessment on arrival at the scene and personnel will wear reflective jackets.

Where other traffic needs to be diverted, the Duty Officer, Force Control Room, should be notified who will then ensure that arrangements are made for appropriate diversionary routes and traffic controls.

At the scenes of serious or fatal collisions the Guidance and Procedures for the Management of Road Death Investigations should be followed.
5.2 Resources at Scene

The officer in charge at the scene will decide how many officers are necessary to deal with the incident. In the interests of efficiency, officers not usefully employed should be returned to normal duties immediately.

5.3 Breath/Drug Tests

With due regard to the use of discretion, officers are encouraged to use the powers available to them in respect of breath and/or drug testing of drivers at scenes of road traffic collisions. For the offence of being impaired or unfit to drive (Section 4, Road Traffic Act 1988), the majority of Roads Policing and Armed Response Unit Officers are qualified in Field Impairment Testing (FIT) and can provide evidence of a subject’s condition. Section 5A Road Traffic Act 1988 has seen the introduction of drug screening devices for excess specified drugs offences. Should an officer have a suspicion that the driver of a vehicle is impaired by drugs, Roads Policing and Armed Response Unit Officers are qualified in the use of drug swipe testing equipment.

5.4 Vehicles Failing to Stop

Where a vehicle fails to stop after a collision, the Force Control Room should be informed as soon as possible and appropriate circulation will then be made. It will also be necessary to serve a notice of intended prosecution on the registered keeper within 14 days (further information and guidance is available on PNLD).

5.5 Practical Points

5.5.1 Photographs

Photographs will normally only be required in fatal or life changing injury collisions or where there is a likelihood of proceedings for dangerous driving and where it is clear that the cause of the collision can be more easily shown by photographs than by sketch plans or measurements. Available photographs should be uploaded to the collision report.

5.5.2 Sketch Plans

A freehand sketch plan of the collision scene may be made and uploaded to the collision report. Care should be taken to include all the relevant information.

Where a further sketch plan is required for evidential purposes, it should include the following:

(i) Heading.

(ii) Collision reference.

(iii) Layout of road at incident location and road names.

(iv) Position in which vehicle(s) involved finally came to rest (unless removed prior to arrival of the police).

(v) Position of relevant road signs, skidmarks and markings.

(vi) Relevant distances.
While a sketch plan does not purport to be a scale plan, it should nevertheless display a reasonable sense of proportion.

5.5.3 Scale Plans

Scale plans need only be drawn for fatal or life changing injury collisions or when required for evidential purposes. An officer should not hesitate to record initial measurements at the scene should they consider this to be necessary. Scale plans will be completed by the Collision Investigation Unit and any request for a plan is to be sent to one of the unit’s Detective Sergeants.

5.5.4 Animals

Animals injured in road collisions should be dealt with in accordance with force guidance relating to Animals and Birds.

5.5.5 Medical Condition of Driver

Whenever a road traffic collision results from the medical condition of the driver of a motor vehicle, including an eyesight defect, the reporting officer should notify the DVLA (by completion of Form D751), as soon as possible of the relevant details. This is particularly important in the case of persons suffering from a condition that may involve seizures, fits or bouts of unconsciousness, such as diabetes or epilepsy.

5.5.6 Road Defects

Any road defects which may have contributed to the collision or which may have arisen as a result of the incident should be reported to the highway authority responsible for the maintenance of that road. Where immediate attention is required, the defect should be reported by telephone or fax. Otherwise, a Fusion record should be entered or a Form 421 should be submitted to Traffic Management, Force Headquarters. Under no circumstances should officers forward reports suggesting or recommending junction/road improvements, parking/waiting restrictions or traffic management schemes direct to highway authorities.

Should the road defect be deemed so serious that further collisions may occur, the closure of the road should be considered. Advice from the Duty Collision Investigation Unit Detective Sergeant or Operational Support Unit Duty Sergeant is to be obtained and the local highways authority or council informed who should be asked to attend so a decision can be taken by them.

5.5.7 Witness Statements

5.5.7.1 Statements to be Recorded

Written statements will only be recorded on the following occasions:-

(i) fatal collisions.

(ii) life changing injury collisions.

(iii) on the direction of a supervisory officer.

(iv) at the request of the Crown Prosecution Service.
5.5.7.2 Use of Witness Pro-Forma

Where it appears to the officer at the scene that a witness is not likely to be prosecuted for an offence and may be able to assist in the investigation, the officer will record the name and address of the witness and a verbal account of the incident. The witness may be given the opportunity to make a written statement at the time. Where the officer or the witness considers it more convenient, a witness pro-forma (Form 1064) incorporating a blank sketch plan, may be handed to the witness for completion at a later stage. Alternatively, the reporting officer will send a pro-forma through the post, together with a pre-paid envelope. Officers should ensure the content of a pro-forma is completed satisfactorily before file submission.

5.5.7.3 Reminder Procedure

Should a witness not reply within 21 days, a reminder letter (Form 1069) with a new pro-forma should be sent by the officer. If the witness fails to reply to the second letter, the reporting officer will assess the value of the witness and either cause the witness to be visited personally or submit the file without further recourse to that witness.

5.5.8 CPS Advice

The Crown Prosecution Service will normally accept a witness pro-forma in a prepared file and advise a course of action. However, any request by the Service to take a statement from the witness will be complied with.

5.5.9 Attendance by Road Policing/Operational Support Team Officers

Road Policing/Operational Support Team Officers will attend and deal with:

(i) all fatal collisions, i.e. where death occurs less than 30 days after the collision as a result of injuries sustained in that collision.

(ii) all collisions involving life threatening injuries - life threatening is where there is a high probability of death, most often associated with an inability to maintain an airway or through uncontrolled blood loss. This should be based on the injuries that have occurred as a result of the collision and not subsequent complications following hospital admission. Collision Investigation Unit (CIU) - will attend all confirmed life threatening collisions.

(iii) all collisions involving life changing injuries - life changing is where there is a high probability that the injured party will not recover sufficiently to lead an independent life, typically severe head or spinal injuries and including loss of a limb or eyesight in both eyes. CIU will attend all confirmed life changing collisions.

(iv) all collisions involving serious injury - serious Injury is where the injury is less than life changing but is still at a level that would amount to Grievous Bodily Harm under S.20 Offences Against the Person Act 1861, where the injured party has been detained in hospital for treatment and not only for observation. This is relevant in cases of causing serious injury by dangerous driving. CIU will attend and take primacy on such cases at the discretion of the duty CIU Senior Investigating Officer.

(v) all collisions occurring on designated roads. These will include the M1 motorway and high speed dual carriageways.
(vi) all collisions involving hazardous substances.

The Collision Investigation Unit will deal with all fatal road traffic collisions.

5.9.10 Vehicle Examination

5.9.10.1 Authorised Examiners

In any road collision, particular attention should be paid to the mechanical condition of the vehicles involved including brakes, tyres, steering linkage, lights, etc. In the following circumstances, it may be considered necessary for motor vehicles to be examined by an authorised examiner:-

(i) where it is alleged a mechanical defect has contributed to the incident, or;

(ii) to establish that there is no defect present in the vehicle likely to have contributed to the incident.

5.9.10.2 Submission of Tyres for Laboratory Examination

Forensic analysis of tyres can provide assistance in the investigation of road collisions. An initial forensic examination of tyres can be conducted by either the force vehicle examiner or one of the suitably trained Forensic Collision Investigation officers from the Collision Investigation Unit. If a tyre is then required to be sent to the forensic laboratory for examination, those officers will arrange this.

5.9.11 Property

Property from the scene of a road collision, which is required as evidence, will be taken into the possession of the police by the reporting officer and correctly exhibited and labelled. Property, which the owner is incapable of looking after, must also be taken into possession and dealt with as Miscellaneous Property in accordance with procedural guidance on Found, Miscellaneous and Lost Property.

5.9.12 Removal of Vehicles

Motor vehicles damaged in collisions will not be taken to police premises and must, whenever possible, be removed by the owner or their representative. In all other cases, the Vehicle Recovery and Seizure Policy must be strictly observed.

Vehicles involved in fatal, life changing/threatening injury collisions will be removed in accordance with the SIO’s instructions to a rota garage and subsequently examined by a police vehicle examiner.

5.9.13 Preparation of File

5.9.13.1 Action by Reporting Officer

If no further action is contemplated, the reporting officer's supervisor will mark off the collision report accordingly, stating the reason for the decision. The electronic collision report will be forwarded to IPQA/BSUP (Information Processing & Quality Assurance) and any supporting hard copy paperwork should be forwarded with a Form 137d. Where a
collision results in allegations of offences, the reporting officer will submit the collision report electronically and the prosecution file to the Central Summons Unit via the GEM Case system.

5.9.13.2 Action by File Review Officer

If the File Review Officer does not consider that the evidence is such that prosecution can be justified, they will endorse the file accordingly, stating the reason for the decision and will sign the endorsement legibly. The endorsement will serve as a reminder as to why the decision was arrived at should the matter be queried at a later date.

When there is evidence that the degree of fault shown by the driver is sufficiently serious to justify criminal proceedings, a prosecution file will be prepared and forwarded to the Crown Prosecution Service. Criminal proceedings must not be used as a substitute for a civil remedy.

5.9.13.3 Requests for Offender Interviews by Foreign Forces

Most Forces now refuse to interview and report offenders following road traffic collisions.

Many Forces will refuse to do this type of enquiry where they consider that the police officer attending the scene had the opportunity to do this at the time. They have taken this action because of the number of enquiries they have been receiving and priorities in other areas.

In the event that the police officer did not have the opportunity, e.g. owing to the 'offender' being removed to hospital, some will still carry out the relevant enquiry.

In view of this policy, officers from this Force attending road traffic collisions need to bear in mind that:

(i) they must take every opportunity to interview offending drivers themselves, rather than rely on a foreign force enquiry.

(ii) when submitting requests for foreign force enquiries the reasons for the request are stated.

5.9.14 National Driver Alertness Course

If an offence is disclosed against Section 3, Road Traffic Act 1988, for driving without due care and attention, an offender may be referred for further driver training rather than prosecution, subject to the following conditions:-

- there must be sufficient evidence for a reasonable chance of a successful prosecution for driving without due care and attention, should the offender decline or fail a course.
- no other offences are to be dealt with by prosecution, in respect of the same collision, e.g. no insurance.
- three years must have elapsed since any previous offer of a Driver Improvement Course.
- the driver must be the holder of a full driving licence or possess a certificate of competence to drive.
File Review Officers will make the decision for suitable referrals.

- any appropriate files must be clearly marked and submitted to Central Summons Unit within eight weeks of the offence date.

5. Monitoring and Review

This monitoring and review of this guidance is the responsibility of the Head of Department, Operational Support.

The guidance will be reviewed annually.

7. Appeals Process

If a member of staff has an issue with the content or application of this guidance they should raise this in the first instance with their Line Manager.

Members of the public who take issue with the guidance have recourse to the police complaints system.