

# ROAD TRAFFIC COLLISIONS POLICY

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## ROAD TRAFFIC COLLISIONS

**Owning Department:** Protective Services Command

**Department SPOC:** Ch/Insp Roads and Armed Policing Team

**Risk Rating:** Low

**Legal Sign Off:** 05.07.2024

**JNCC:** 11.09.2024

**Published Date:** 24.09.2024 (v4.1)

**Review Date:** 16.09.2028

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## Legal Basis

### Legislation specific to the subject of this policy document:

- Road Traffic Act 1988
- Road Traffic Act 1991
- Road traffic Offenders Act 1988
- Road Vehicles(Construction and Use) Regulations 1986
- Traffic Signs Regulations and general Directions 2002
- Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997
- Police (Conduct) Regulations 2004

### Other relevant legislation which you must check this document against (required by law)

- Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
- Equality Act 2010
- Crime and Disorder Act 1998

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- Health and Safety at Work etc. Act 1974 and associated Regulations
- General Data Protection Regulation (GDPR) and Data Protection Act 2018
- Freedom of Information Act 2000
- The Civil Contingencies Act 2004

### **Other documentation which you must check this document against:**

- College of Policing – Code of Ethics
- Norfolk and Suffolk Constabularies' Standards of Professional Behaviour
- College of Policing – Authorised Professional Practice
- Review, Retention and Disposal of Crime and Non-Crime Related Information Schedule.
- Drivers of Police Vehicles Policy

## **1. Introduction**

1.1 The Road Traffic Act 1988 places certain obligations on drivers and riders who are involved in road traffic collisions; the driver must stop and, if required to do so by any person having reasonable grounds, give their name and address. They must also give the name and address of the vehicle owner and its registration / identifications marks.

1.2 If, for any reason, the driver does not give their name and address then they must report the accident.

1.3 There are different reporting methods available:

- By telephone;
- Online;
- To a police officer;
- At a police station.

1.4 The police service is obliged to ensure that drivers and riders of mechanically propelled vehicles which are involved in collisions comply with the law and their requirements under s.170 of the Road Traffic Act 1988 (duty to stop and report).

1.5 The law defines a reportable road traffic collision as an accident involving a mechanically propelled vehicle on a road or other public area that causes:

- Injury to anyone, other than the driver of that vehicle;
- Injury to an animal, other than one being carried in that vehicle (as defined within the Road Traffic Act 1988);
- Damage to another vehicle, other than the vehicle which caused the collision;
- Damage to property constructed on, affixed to, growing in, or otherwise forming part of the land where the road is.

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- 1.6 For investigation and analysis purposes there will be occasions when collisions not involving motor vehicles will require recording. This is particularly relevant to pedal cycle collisions (see section 9).
- 1.7 This policy document informs police officers and staff of their roles and responsibilities in relation to the investigation of collisions and the report documentation required.

## 2. Statement of Policy

- 2.1 This policy has been formally agreed via the approved policy development/review process. It will be maintained by the Joint Protective Services Command in conjunction with the Central Policy Unit.
- 2.2 The policy is intended to promote equality, eliminate unlawful discrimination and actively promote good relations regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, economic or family status.
- 2.3 Managers have a responsibility to ensure this policy is applied fairly, and unless otherwise stated, all policies and procedures are non-contractual.

## 3. Applicability

- 3.1 Unless otherwise stated, this policy applies to all police officers (including officers of the Special Constabulary) and all members of police staff (including police support volunteers).

## 4. Collision Categories

- 4.1 Collisions are recorded depending on severity of injury, if any. The categories are:
- Damage only;
  - Slight injury;
  - Serious injury;
  - Fatal injury.
- 4.2 The first officer on the scene should decide, as soon as practicable, the likely severity of the collision and advise the relevant Contact and Control Room (CCR) accordingly.

## 5. Checks at the Roadside

### Drink / drug driving

- 5.1 ALL drivers involved in collisions will be breath-tested for alcohol and the possible effects of other substances should also be considered with the use of 'DrugWipe' equipment and/or Field Impairment Testing.

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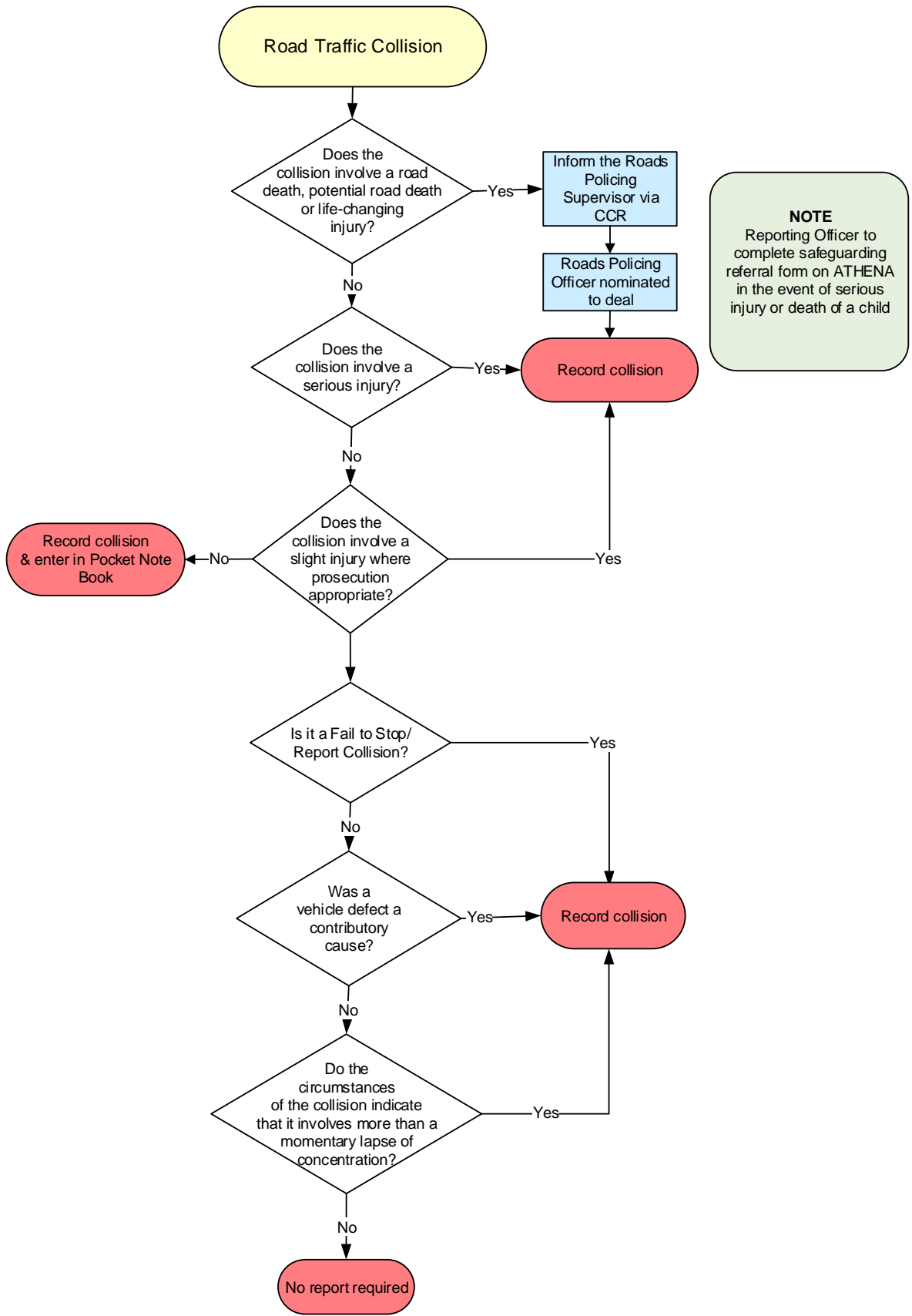
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## Eyesight assessments

- 5.2 The attending officer will also consider a roadside eyesight/visual impairment test assessment, where appropriate.
- 5.3 The attending officer will consider medical and medication factors where appropriate.

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**6. Recordable Collisions**



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## 7. Damage Only Road Traffic Collisions

7.1 Vehicle damage only collisions should not be recorded in a Collision Report Book (CR1 or CRASH App) unless:

- One of the drivers involved in the collision:
  - i. fails to comply with the statutory requirements to stop and furnish particulars;

**or**

  - ii. fails to report the collision at a police station within 24 hours;

**or**

  - iii. fails to report the collision by telephone or online (in circumstances where it was impracticable to comply with the first two requirements).

This requirement is aimed at the wilful 'hit-and-run' type of incident.

- The manner of driving or a vehicle defect was a contributory cause in the collision and a prosecution should be considered.

7.2 Consideration should be given as to whether the collision occurred because of driving on the part of the offender which amounted to more than a momentary lapse of concentration.

7.3 In those instances where:

- Only static property is damaged (e.g. roadside furniture, unattended vehicles),
- or**
- An animal (defined by statute as a horse, cow, ass, mule, sheep, pig, goat or dog) is killed or injured,
- and**
- It is impractical or unreasonable to exchange details with the owner at the time,
- and**
- The driver reports the matter as required by law

then these types of collisions should not be recorded in a CR1. Instead, officers will ensure, so far as is reasonably practicable, that the owner of the property is notified, the CAD message updated accordingly, and full details are recorded in their pocket note books. In the event that this is not complied with a CR1 would be required for clarity.

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## 8. Injury Collisions

### Slight Injury Collisions

- 8.1 All slight injury Road Traffic Collisions (including those involving pedal cycles) must be recorded in a CR1 or CRASH, ensuring all red fields are completed for Collision Recording and Sharing (CRASH) purposes.
- 8.2 Slight injuries include whiplash, sprains, bruises, cuts (not judged to be severe) and slight shock requiring roadside attention.

### Serious Injury Collisions

- 8.3 All serious injury Road Traffic Collisions must be recorded.
- 8.4 A serious injury is where a casualty suffers any of the following:
- Fracture;
  - Internal injury;
  - Severe cuts and lacerations;
  - Crushing;
  - Burns (excluding friction burns);
  - Concussion;
  - Severe general shock requiring hospital treatment;
  - Admission to hospital as an in-patient following a collision.

- 8.5 'Serious Injury Casualties' who subsequently die 30 days or more after the collision will not be added to the fatal statistics; they will remain as a serious injury statistic.
- 8.6 Simply attending hospital does not render the collision as 'serious'.
- 8.7 Where a casualty is removed from the scene to receive medical assistance, either locally or at the casualty department of a general hospital, then the collision will be recorded.
- 8.8 Police officers are not medically qualified to give an opinion on the severity of an injury received. Officers must take a subjective view as to whether a CR1 or CRASH App should be completed, irrespective of whether a person receives medical treatment at the time of the collision.
- 8.9 A Roads Policing Supervisor must be informed immediately if notification is received of a death following a road collision which was not considered to have the potential to be a road death at the time.

### Serious Injury or Death of a Child

- 8.10 In the event of a Death of a Child (person under 18) the relevant Sudden Death in Infant Protocols and procedures for each respective force will be followed.

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8.11 This must also be completed after the driver of a vehicle containing young people is reported for driving offences and the children are at risk. This must be completed by the end of tour of duty or at least within the timeframe of the submission of the CR1/CRASH App. All fatal collisions must be recorded.

## 9. Injury Incidents Involving Pedal Cyclists and Pedestrians

9.1 The Road Traffic Act 1988 only covers collisions where there is some involvement of a mechanically propelled vehicle.

9.2 However, to ensure proper investigation and for statistical purposes, there will be occasions when an incident not involving a mechanically propelled vehicle on a road or public place, which results in injury, should be recorded. This is of particular importance with regard to pedal cyclists.

9.3 Cases involving one or more pedal cycles, where a pedal cyclist suffers any injury, should be recorded in a CR1/CRASH App. Where a pedal cyclist hits a pedestrian resulting in injury to the pedestrian, the incident will be recorded in a CR1/CRASH App ensuring all red fields are complete for CRASH purposes.

## 10. Road Defects

10.1 Where a collision results from a road defect, whether the collision is recorded or not, a Road Hazard/Defect Form must be completed and forwarded to the local Traffic Management Officer (TMO). If the defect needs immediate action then arrangements should be made on a local level in consultation with the relevant Highways agency and the T40 submitted with full details of actions taken to the relevant TMO.

## 11. Fatal and Life Threatening/Changing Road Traffic Collisions

### Criteria for Recording

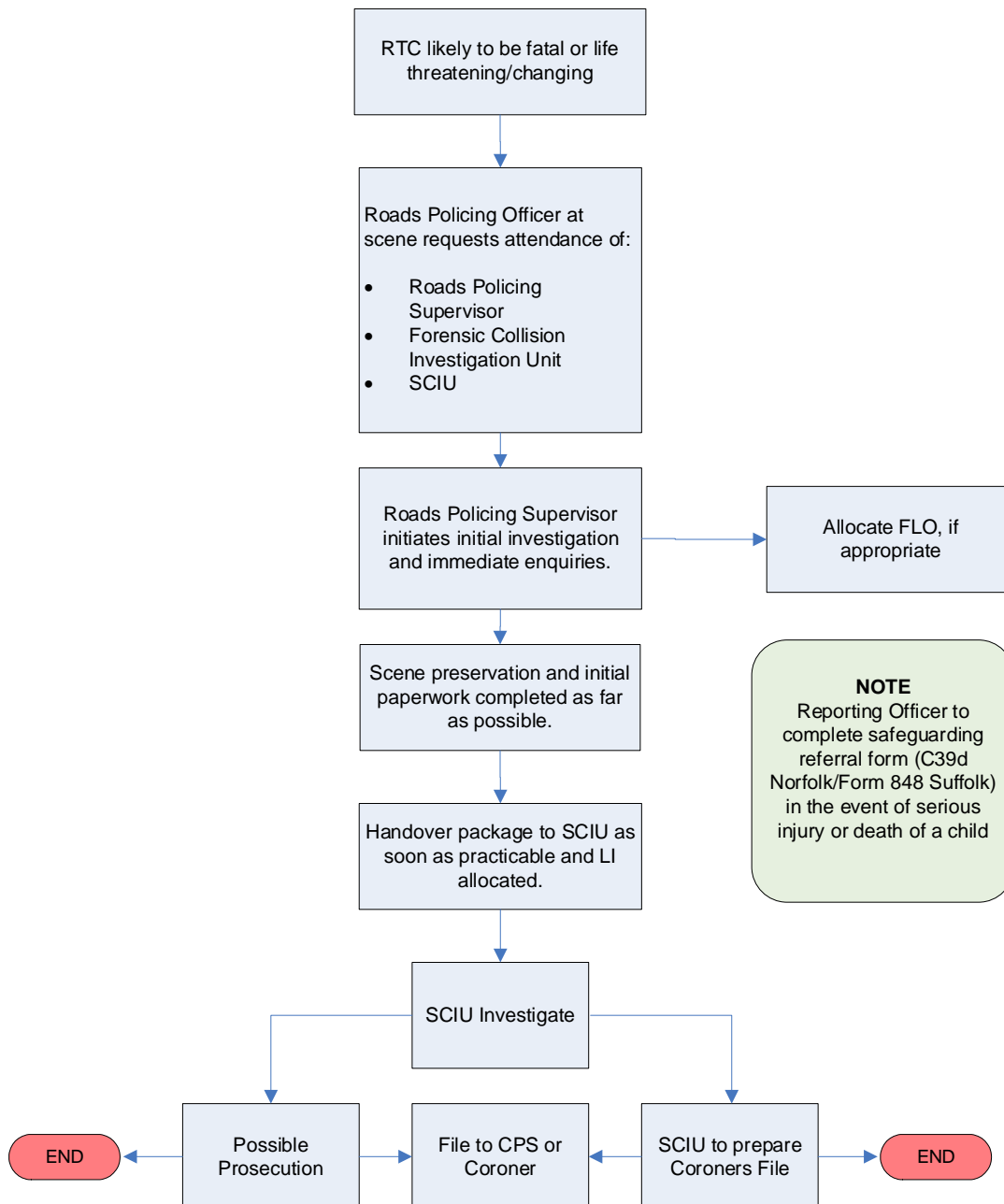
11.1 A T54F – Fatal Collision Notification is required for all fatal collisions.

11.2 A T54S – Serious Notification (W3W) is required for all Serious Life Changing collisions attended by Roads Armed Policing Team (RAPT).

11.3 A Serious life changing collision is locally defined (within Norfolk and Suffolk RAPT) as 'An injury which results in a major impact on the person such as permanent disability, ongoing health problems, reduced life expectancy or any other long term impact'.

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## 12. Actions/Responsibilities

### Preservation of Life

12.1 Preservation of life is the overriding priority. Officers should not impede the work of other services who are engaged in casualty treatment. The assistance of these services will be sought in avoiding unnecessary destruction of potential evidence at the scene.

### Preservation of Scene

12.2 The first officer to arrive at a fatal or life threatening/changing collision should do all that is possible to preserve the scene for crash and forensic investigation.

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12.3 Road closure should be achieved at the earliest opportunity to ensure the safety of everyone at the scene and to preserve evidence. Arrangements for road closure should take proper account of the impact on the local road network and the increased consequential risk to road users. Early contact with local media will be beneficial. The assistance of the Highways Agency or County Council should be sought in circumstances where road closure is likely to extend beyond two hours – liaise with the appropriate CCR for guidance and contact details.

### Notification

12.4 The relevant CCR must be notified of the circumstances of the collision as soon as practicable. The CCR must ensure the attendance of Roads Policing personnel, including a RAPT and Serious Collision Investigation Unit (SCIU) Officer.

12.5 The Lead Investigator must ensure that a serious/fatal notification is sent to the “Road Policing – Fatal/Serious Collision Notification” email address (available via the Force ‘Outlook’ address book). This must be done by the end of tour of duty / within 24 hours at the latest.

### Drivers and Witnesses

12.6 Officers should identify drivers and witnesses as soon as practicable. Body worn cameras should be used when obtaining accounts and the footage retained. Any initial verbal accounts from drivers and prior to caution should be recorded in the CRASH app (or CR1 if this is unavailable). Initial witness statements can and should be recorded in the CRASH app (or CR1 if this is unavailable). At the point where there is any suspicion a person acted in circumstances that amount to an offence, they must be cautioned, and no further questions put to them outside of a PACE interview. Any statements or accounts provided by any person should be read through by them and be given the opportunity to correct anything before they sign.

### Investigating Officer

12.7 A suitably trained officer or staff member will investigate all fatal and life threatening/changing collisions in accordance with the College of Policing Roads Policing APP.

12.8 All Such collisions will be recorded in a CR1/CRASH App. A CRASH record will be created for all collisions.

12.9 An Athena investigation is required where there is an ongoing investigation or there are other circumstances which, in the opinion of a RAPT supervisor, requires an Athena investigation.

12.10 Athena collision investigations will be recorded as ‘Non Crime Investigation – RTC’ CCCJS code NCI/38.

12.11 Driving offences are only to be recorded when a positive charging/summons decision is made, until this time the investigation is a non-recorded offence for Home Office counting rules.

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- 12.12 One investigation is required for one collision, the 'one victim/one crime' rule does not apply until a positive disposal decision is made.
- 12.13 A roads policing supervisor will attend all collisions which are (or are likely to be) fatal or life threatening/changing and will ensure that the initial investigation is conducted in accordance with the College of Policing Roads Policing APP.
- 12.14 The Roads Policing Supervisor will ensure the attendance of a Forensic Collision Investigator (FCI) and nominate a Roads Policing Officer to investigate the collision or consider calling SCIU to investigate. They will also ensure that the next of kin are informed of the collision using a Family Liaison Officer (FLO) whenever possible.
- 12.15 Should the collision involve a fatality, a Notice to Coroner of Sudden Death Form must be completed and forwarded to the Coroner. Also, a Fatal Collision Notification Form must be completed and forwarded to relevant parties.

### Roads Policing Supervisor

- 12.16 Details of deceased and injured persons must not be released to the media until next of kin have been informed. Where next of kin object to details of the deceased being released, full details will be made available after an inquest has been opened.
- 12.17 Appeals for witnesses in the media are generally advantageous and brief details relevant to the collision may be released. However, consideration should be given to the impact on next of kin and the needs of the investigation.
- 12.18 For most investigations, the Serious Collision Investigation Unit Manager will act as Lead Investigator (LI).
- 12.19 Where an investigation is likely to lead to a prosecution, it is the responsibility of the LI to ensure early contact is made with Crown Prosecution Service (CPS), RCST and the Coroner. Good practice dictates that updates should be provided to these agencies on a six weekly basis.
- 12.20 The following offences should be recorded as an investigation and classified as 'solved' following CPS advice to prosecute:
- Causing Death by Dangerous Driving;
  - Causing Death by Careless Driving Whilst Under the Influence of Drink or Drugs;
  - Causing Death by Careless or Inconsiderate Driving;
  - Causing Death by Driving: unlicensed, disqualified or uninsured drivers;
  - Causing Serious Injury by Dangerous Driving.
- 12.21 The Lead Investigator must ensure that interested parties are informed of the outcome of an investigation as soon as practicable.

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#### Family Liaison Officer (FLO)

12.22 A Family Liaison Officer should be appointed as soon as practicable to assist with notification and identification procedures. The FLO should ensure next of kin are regularly updated with the progress of the enquiry, in liaison with the Lead Investigator and Family Liaison Coordinator (FLC).

12.23 Faith, race or cultural issues should be established as soon as possible to ensure the investigation is sensitive to the needs of the family.

#### Road Collision Support Team (RCST)

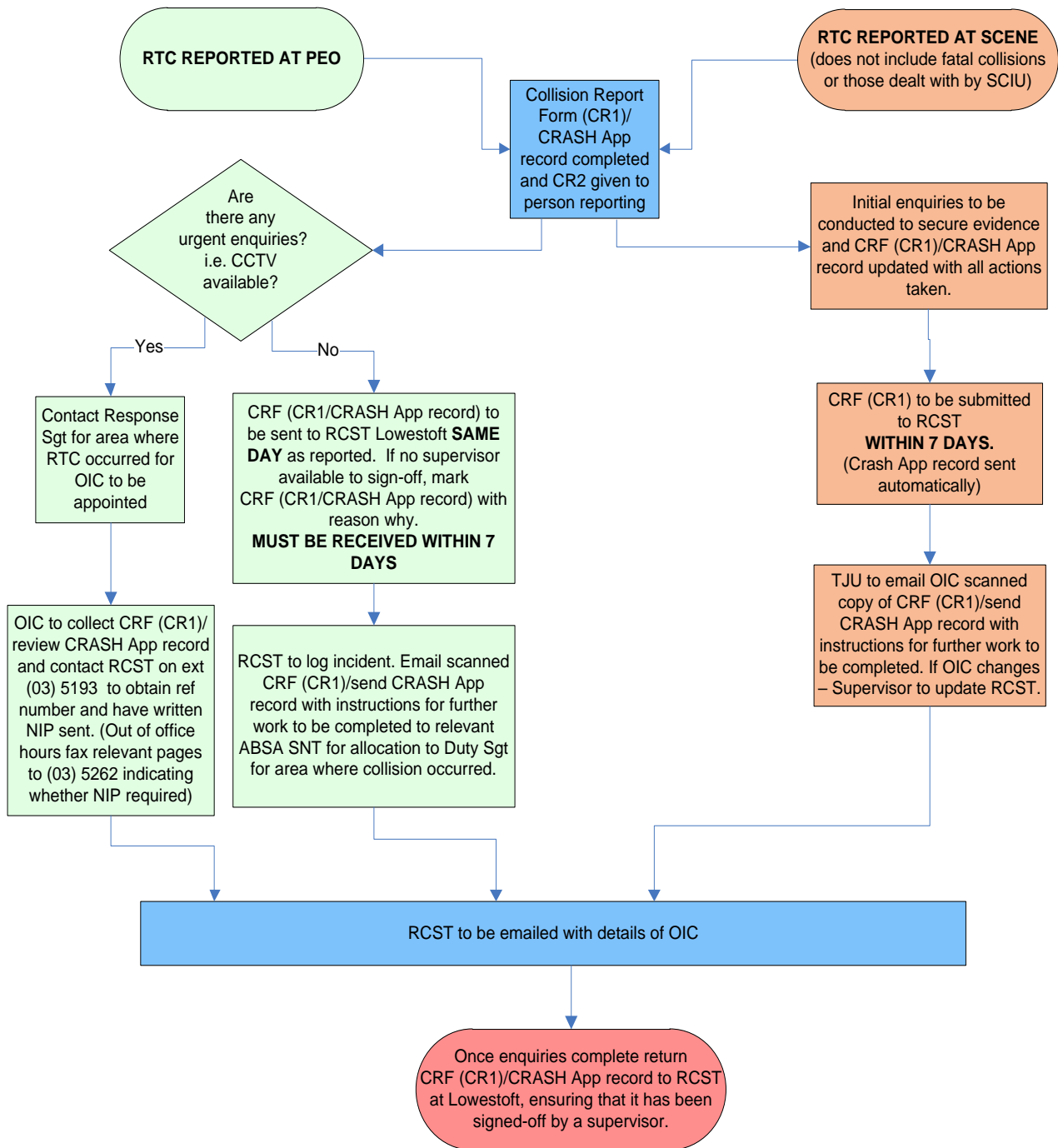
12.24 Following consideration by the CPS, Road Policing will contact RCST to raise a postal requisition (PR), arrange postal service and inform the investigating officer of the first court hearing. The investigating officer will arrange personal service if this is preferred.

#### Crime Scene Investigator (CSI)

12.25 Should the need arise, a CSI will be responsible for arranging for the services of a forensic scientist at the scene.

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**13. Allocation of RTC Investigations**



**Please Note:** A completed CR2 Form **MUST** be issued to relevant persons when an RTC is reported at a Police Station or if police attend the scene of an RTC.

**14. Police Vehicle Collisions**

14.1 For information and guidance on collisions involving police vehicles, please see Drivers of Police Vehicles policy.

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## **15. Road Traffic Collisions Records**

15.1 Records relating to road traffic collisions will be retained and reviewed in accordance with the Review, Retention and Disposal of Crime and Non-Crime Related Information Schedule.