



## Road Traffic Collisions Policy (Surrey and Sussex) (130/2022)

### Abstract

This policy provides an overarching structure that brings together all aspects of dealing with road traffic collisions (RTC). The subsequent procedures for Surrey Police and Sussex Police, whilst similar and bring together a common standard of response across both Forces will be separate documents to reflect differences in departmental structure and personnel.

### Policy

#### 1. Introduction

1.1 Road traffic Collisions (RTC) can have a significant effect on not only those directly involved but also their families, other road users and those members of the emergency services who are called to scenes. This policy supports a framework for how Surrey Police and Sussex Police will record and investigate RTCs and support partner agencies to help keep roads safe in both counties.

#### 2. Scope

2.1 This policy and supporting procedures encompass all types of RTC processes from the initial report, attending the scene of the collision, when and how to report and the level of investigation required. It also details what data must be recorded for analytical and statistical purposes for the Department of transport (STATS 20) and the National CRaSH system by the Traffic / Collisions Process Unit (CPU) for Sussex and the Criminal Justice Traffic and Process Unit for Surrey.

#### 3. Policy Statement

3.1 Surrey Police and Sussex Police are committed to providing reassurance, protection and assistance to all road users through effective recording and management of collisions. We will evaluate and respond appropriately to collisions in line with the associated procedures for each force whilst fulfilling our primary functions to protect life and property, keep the peace and prosecute offenders. We fully support the collection and dissemination of data to our partners to assist with identifying and improving road safety.

Surrey Police procedure can be found on their website

Sussex Police procedure can be found below



## 1. Initial Report, Assessment and Recording of Collisions

1.1 A report of a collision may be received by Sussex Police through one of the following ways:

- an emergency phone contact at either one of the Resourcing Centres
- a non-emergency phone contact, including text, to the Police Contact Centre (PCC)
- to a police station front Counter
- directly to a police officer
- Via a "Single on Line Home" report or
- via an Email, Tweet or 'Live Chat' to the PCC

1.2 As part of the assessment process to determine the appropriate response, in the case of a non-injury collision, staff will consider the SODAPOPS criteria, which provides guidance for dealing with non-injury collisions:

- Serious damage has been caused
- Other property on the road is damaged
- Defect in the vehicle or road/public place environment is possible cause
- Animal is killed or seriously injured (Horse, Cattle, Ass, Mule, Sheep, Pig, Goat or Dog)
- Particulars have not been exchanged at the scene (names, addresses and registration numbers)
- Offence is involved or alleged
- Police vehicle is involved
- Special circumstances exist

1.3 The presence of one of these factors will not necessarily dictate that police are required to attend. Other resolutions may be possible, but they should still be considered.

1.4 This criterion is designed to ensure that we still attend a non-injury collision if special reasons exist. If a straightforward, non-injury collision has occurred, details have been exchanged and no danger is caused to other road users, there will be no requirement for police attendance and no requirement for the caller to be referred to a police station.

1.5 When a police vehicle collision is reported, further consideration must be given to the procedures that are necessary.

## **2. Recordable Collisions**

2.1 Those collisions that are recordable are generally those that have occurred on a highway. All road accidents involving human death or personal injury occurring on the Highway and notified to the police within 30 days of the occurrence, and in which one or more vehicles are involved. This is a wider definition of road accidents than that used in the Road Traffic Acts.

2.2 Injury collisions that occur on public roads involving non-motor vehicles such as pedal cycles and ridden horses, regardless of whether or not a motor vehicle or pedestrian was involved.

2.3 Collisions for any involved or alleged offence.

2.4 Police vehicle collisions – or collisions involving on duty police staff.

2.5 Stats 20, gives advice on locations which are or are not recordable. It gives advice regarding vehicles that will be recorded, persons who should be included, defines 'slight' and 'serious' injuries and explains what is required for accurate completion of the statistical requirements of Pronto.

2.6 Stats 20 is used by police and other organisations as an intelligence tool, therefore it is imperative that police officers accurately record information. Entries which may subsequently prove to be incorrect must be altered. Please refer to Department of Transport STATS 20 Information on Collision Recording Requirements for more information.

NOTE: 2.3, 2.4 and 2.5 are still subject to the collision occurring on a public road. If the collision occurred elsewhere, such as the rear yard of a police station, the matter can be recorded on the Storm Computer Aided Dispatch (CAD) incident or in an investigators notebook, and the relevant intranet message sent if applicable, BUT, it need not be recorded on Pronto (see section 3. of non-recordable collisions).

## **3. Non-recordable Collisions**

3.1 Collisions that occur off road, e.g. car parks, private roads, private estates, some Industrial Estates, regardless of whether or not they may be deemed to be a 'Public Place' and 'reportable' under [Section 170 Road Traffic Act 1988 \(S.170 RTA\)](#). (Note. S.170 RTA includes 'public place' for the purpose of duty to Stop / Report Collisions to police – whilst offences may arise from this, they generally remain non-recordable collisions).

3.2 Collisions that occur outside of the Sussex force area and are subsequently reported in Sussex. They will be recorded on a form MG NCRF (CRaSH Form), and then transferred to the force with jurisdiction.

3.3 Non-injury collisions, which will only be recorded in accordance with the SODAPOPS Criteria.

## **4. Method of Recording Collisions**

4.1 All recordable injury road traffic collisions reported to Sussex Police that fit the criteria set out at 2 above, will be recorded on Pronto / National CRaSH. Reports will be entered onto the system and submitted to CPU for checking within 72 hours of notification to police.

4.2 There is no requirement to “push” a STORM CAD to NICHE in order for the matter to be recorded on National CRaSH. This may, on occasion, be required so that photographs / Body Worn Video (BWV) can be added to an associated NICE link.

4.3 The National CRaSH system will be used for the recording of all collisions that occur on roads in Sussex in accordance with Stats 20 2011. It captures information to comply with the requirements of form MG NCRF.

4.4 All collision reports will be entered onto the system and submitted to CPU for checking within 72 hours of notification to police.

4.5 It is imperative that records are submitted promptly and confirmed by CPU in a timely manner to ensure that forms are sent out within prescribed time limits e.g. Notice of Intended Prosecution (NIP), and that data from the records is exported to our partners, e.g. Department for Transport and Local Authorities.

4.6 Pronto will be monitored by the CPU supervisors and any case that is not submitted within 72 hours will be followed up with an outlook e-mail to the police officer who first attends the scene and their supervisor. If no response is received within two weeks the matter will be escalated to a Chief Inspector.

4.7 The statistical record must be emended in the light of the investigation findings. The statistical record is a valuable intelligence tool to help drive casualty reduction, both nationally and locally, and therefore must be reviewed and updated as necessary at finalisation by the Officer in Charge (OIC).

## **5. Front Counter – Recording, Reporting and Allocation**

5.1 Collisions that are reported at police stations or via Single on Line Home (SoLH) will be subject to the same recording criteria as laid down in section 1 above (collisions that will / will not be recorded).

5.2 If the collision is recordable, a STORM CAD should be created and the collision reference number and CAD number given to the person reporting the collision, either at the time or later by telephone or email. They should be given the name of the Police Enquiry Officer (PEO) dealing with the report as a contact, and also supplied with contact details for CPU.

5.3 Where a damage only collision is assessed (using SODAPOPS) as recordable, unless there are clearly no lines of enquiry (LOE), the PEO will enter records onto Pronto.

5.4 Car park collisions will also be entered onto Pronto as the CPU will now deal with these collisions.

5.5 Once submitted the case will appear in an inbox for the CPU supervisors to allocate to the relevant team.

5.6 Where it is established that there are no LOE, a STORM CAD should be created and appropriate details recorded.

5.7 The Member of the Public (MOP) should be advised that should the other party make contact, Sussex Police will re-contact them and they will be requested to attend a police station to report the collision.

5.8 Once the collision is recorded the exchange of details will be facilitated.

5.9 If the circumstances of a collision are assessed and deemed to be non-recordable, a STORM CAD incident should be created and the reference number given to the person reporting.

5.10 The PEO will take details of the time, day, date and place of the collision, the details of the drivers and vehicles involved including any contact details and enter them onto the STORM CAD. This will enable a collision record to be entered onto Pronto should it later become necessary. The informant will be advised that this number should be quoted to their insurance company when reporting the matter to them.

5.11 If it is apparent to the PEO that a collision occurred recently and the person reporting it was a driver and may be under the influence of drink or drugs, then a police officer will immediately be requested to attend and deal. Drink / drug driving offences may be detected up to 18 hours after a collision has occurred.

5.12 Pronto records will be submitted to CPU within 72 hours.

## **6. Force Contact, Command and Control Department (FCCCD) – Response to Collisions and Initial Information Gathering**

6.1 When receiving an initial report, Communications Department staff will assess the severity and type of the collision to help inform the assessment of the correct call grading and response. Many factors may impact on this assessment, but the main issues to consider are;

- What is the exact location of the collision?
- Is anybody injured, and what are the injuries?
- Is anybody trapped?
- Is the road blocked by vehicles or debris?
- Are there any vulnerable persons involved?
- What types of vehicles are involved?
- What has happened?
- Are other road users at risk?

- Have any offences been committed (drink / drugs / careless or dangerous driving)?
- What are the weather and lighting conditions at the scene?
- Any other hazards (e.g. leaking chemicals, dangerous goods)?

This is not an exhaustive list, and it may be apparent that other issues are present which will dictate police response, depending on their nature. Common sense should prevail.

6.2 In the vast majority of cases, once the initial information has been gathered, the assessment process will be quick and the appropriate response will be easily judged.

6.3 Grading of the initial response will be carried out in accordance with the Force Call Grades and Deployment Policy (785) and National Call Handling Standards.

6.4 As a guide, the following scenarios are likely to require an immediate, Grade 1 response;

- Where a person has been injured and the circumstances involve, or are likely to involve, serious personal injury.
- Where the collision has occurred on a major trunk road and the road is blocked or there is a dangerous or excessive build-up of traffic.
- Where the location is significant for other reasons (major junction / level crossings / town centre).
- When the nature of the scene creates an on-going danger to the public and property, e.g. blocked roads, debris, the road layout, weather conditions etc.
- When offences have been committed (This will not always constitute a Grade one and may need to reflect the Call Grades and Deployment Policy (785) i.e. criminal conduct and offenders making off)

6.5 Where any number of these scenarios may be present, the presumption should be that police would attend, unless all these factors have been considered and eliminated.

6.6 When a collision has occurred in an off-road location, such as a car park, private road, industrial estate, place of work etc, the same assessment process will be carried out. They may ultimately not be considered to be a recordable collision, but the rationale for initial police attendance remains valid.

6.7 The assessment process will also be applied to reports of non-injury collisions, as it is possible that despite the absence of any injuries, other factors may still require immediate or prompt police attendance.

6.8 If the assessment process determines that attendance is not required at a non-injury collision due to the absence of issues such as the location, on-going danger etc., the SODAPOPS criteria should be considered, which may also provide a reason for police attendance.

6.9 Reports taken by police contact handlers over the telephone do not constitute reporting of a collision to police under S.170 RTA. However, Sussex Police will record damage only hit and run collisions, on STORM, with no identified lines of enquiry over the telephone.

6.10 Collisions involving injury, suspected offences with identifiable lines of enquiry will be dealt with by the member of the public attending a police station. These reports must be made in person at a police station or to a Police Constable for this purpose. Therefore if it has been determined that police attendance at the scene is not appropriate, but that the person has a lawful duty to report the collision, they should be advised of their responsibility and given the Storm incident number as a reference when reporting the matter.

6.11 Where no police attendance is necessary the informant must be advised of the requirements of S.170 of the Road Traffic Act 1988, i.e. that the index numbers of the vehicles involved and the names and addresses of the drivers and owners of the vehicles (if different) must be exchanged with any person reasonably requiring them.

6.12 If the call handler is able to ascertain that S.170 has been complied with, the informant need not be referred to a front counter but should be provided with an CAD number, and an explanation given as to why police will not be attending, some suggested wording could be;

“The police will not attend this collision as the requirements of the road traffic act have been complied with, and we are not required to make a report in relation to the circumstances. The collision should be dealt with by way of the insurance companies involved or by civil claim. The incident has been recorded, and CAD \*\*\*\* refers. This number can be quoted to insurance companies as a reference number”

This is not intended to be prescriptive, and any similar variation would be appropriate.

6.13 The correct resolution must be determined to ensure that we still provide public reassurance, that the relevant legislation is complied with but that public and staff are not unnecessarily inconvenienced.

## **7. Deployment of Police Resources and Initial Scene Assessment**

7.1 All collision scenes attended by police will be treated as a potential crime scene until assessed otherwise, either by the first units attending or, where the collision is potentially life-threatening, by the appropriate Road Policing Unit (RPU) supervisor.

7.2 If a collision (including damage only, slight or serious injury) has occurred on the M23 a RPU will be deployed to attend. FCCCD must be informed, if not already aware. FCCCD will inform the Regional Control Centre, Godstone.

7.3 If a collision has occurred on a major trunk road or at another significant location, then whenever possible an RPU unit will be deployed to attend. Where it is deemed necessary for a District unit to attend such an incident on a major trunk road, permission to do so will be sought from Oscar 1 before deployment. Oscar 1 should consider the Strategic Road Network (SRN) protocol.

7.4 If the injuries are serious, regardless of the location, then RPU will be deployed to attend where possible.

7.5 If the injuries are life threatening or fatal, RPU must be deployed to attend and an RPU supervisor notified immediately.

7.6 It is the role of the police to provide command and control of a collision scene and, as much as is possible in the circumstances, to preserve and record evidence for an investigation.

7.7 The safety of persons within the scene is paramount and upon the arrival of police, an initial risk assessment should be carried out. Particular attention should be paid to the threat from approaching vehicles as well as from hazards within the scene itself.

7.8 Adequate signage and coning must be placed to warn approaching drivers and prevent other vehicles encroaching into the scene or otherwise presenting a risk to public and police.

7.9 Possible contaminants and hazards from within the scene such as leaking fluids, the presence of chemicals or other hazardous loads, blood and other organic matter must be neutralised as far as possible.

7.10 An early assessment of the nature of the collision, the severity of injuries and the need for additional resources will be required. Police officers must include if the collision is 'life-threatening' or not. The mnemonic METHANE should be considered:

- Major incident declared?
- Exact location
- Type of incident
- Hazards present or suspected?
- Access routes that are safe to use
- Number, type, severity of casualties
- Emergency services present and those required

7.11 Where units at the scene of a collision are awaiting the arrival of RPU, they will do all they can to protect and preserve the scene, identify the drivers involved and obtain initial witness accounts and details.

7.12: Any officer attending a collision involving Heavy Goods Vehicles (HGVs) should consider requesting the attendance of the Driver and Vehicle Standards Agency (DVSA) and/or Commercial Vehicle Unit as they will conduct vehicle checks which may assist the investigation. Should the matter relate to a vehicle involved in the carriage of hazardous goods, then the Commercial Vehicle Unit should be notified.



This includes overweight vehicles, mechanical inspections, document and driver hours checks which then has the potential to mitigate or deny the driver / companies an opportunity to exploit any evidence not captured at the scene.

## **8. Road Closures**

8.1 If closures of minor roads are required, then a supervisor should be advised at the earliest opportunity so that an assessment of its impact on the local road network can be carried out.

8.2 If a closure of a main road, trunk road, or part of the strategic road network is required then an RPU supervisor must be consulted immediately to ensure that a diversion plan is put into action to minimise disruption on the road network.

8.3 Where any part of the road network is to be closed for an extended period, the relevant Highway authority, agency or contractor will be advised in accordance with established protocols. Consideration will be given to using a suitable route rather than the nearest junction, which may not always be suitable for increased traffic volumes.

8.4 If police instigate a road closure, all practical steps will be taken to ensure diversion routes are clearly signed, that residents are able to have reasonable access to their property and that the closure is publicised through local media via control rooms.

8.5 Persons and vehicles not directly involved in the investigation, including police and other emergency service vehicles on an emergency or otherwise, will not drive through any road closure for any reason without the express permission of the officer managing the scene.

## **9. Scene Management of Road Death Investigations**

9.1 A road death investigation is defined as a collision that involves injuries regarded as life threatening or where a fatality has occurred.

9.2 A fatal or potentially fatal collision scene will remain as a potential crime scene and treated as such; cordons established, road closures put in place and only necessary personnel admitted access to preserve it for subsequent forensic examination. The mnemonic METHANE should be considered:

- Major incident declared?
- Exact location
- Type of incident
- Hazards present or suspected?
- Access routes that are safe to use
- Number, type, severity of casualties
- Emergency services present and those required

9.3 FCCCD will be informed of all fatal and potentially life-threatening collisions. The Operations Room Inspector (Oscar 1) will consider the communications strategy applicable to each incident and will monitor and review the incident as it progresses. Where necessary FCCCD will contact and inform Duty Force Gold of the incident.

9.4 A RPU Lead Investigating Officer (LIO) will attend the scene at the earliest opportunity.

9.5 The Roads Policing (RP) LIO will carry out an investigation in accordance with the Authorised Professional Practice (APP) Investigating Road Death.

9.6 It will be the role of the RP LIO to direct all actions in relation to the investigation, to provide investigative focus from the earliest stages, and to require further support as may be required.

9.7 A Forensic Collision Investigator from the Forensic Collision Investigation Unit (FCIU) will attend the scene of every road death investigation.

9.8 A dynamic risk assessment must be carried out to ensure the safety of persons within the scene and to enable officers from Forensic Collision Investigation Unit (FCIU) to conduct a safe and detailed examination of the scene.

9.9 The collision site must be properly protected and preserved. Officers allocated to diversion points or inner cordons must not allow any person to enter the scene unless they are emergency personnel who have been required to attend or with the express permission of the RPU LIO or appointed Scene Manager.

9.10 Attending officers must apply the same principles that they would apply to any other major crime scene, i.e. every effort should be made to keep the area sterile, identify suspects and witnesses, preserve evidence and avoid cross-contamination.

9.11 The deceased should be left in situ to aid forensic evidence gathering and the position and description of those persons necessarily moved from their post impact positions by the other emergency services noted. Officers will need to ensure that any action they take does not interfere with, or impede, the rescue and treatment of persons trapped or seriously injured and the gathering of evidence is a secondary consideration where it is necessary to preserve life or prevent the medical condition worsening.

9.12 Officers will comply with the requirements of [Police and Criminal Evidence Act 1984 \(PACE\)](#) regard to suspects and must be aware of issues of cross contamination.

9.13 Officers should only leave the scene after briefing the RPU LIO or the appointed Scene Manager.

9.14 The LIO should be mindful that some officers or staff involved may view the incident as a traumatic event. The LIO has a duty of care and should consider the wellbeing and welfare of colleagues to ensure that the correct support is available for those affected.

## **10. Breath Tests and Impairment**

10.1 When an officer attends any collision, ALL drivers of motor vehicles involved will be breath tested in accordance with National Police Chiefs' Council (NPCC) guidelines, regardless of the status of the driver or their apparent culpability.

10.2 Section 6 of the Road Traffic Act states the following (as quoted)

'Power to administer preliminary tests

(1) If any of subsections (2) to (5) applies a constable may require a person to co-operate with any or more preliminary tests administered to the person by that constable or another constable

(2) This subsection applies if a constable reasonable suspects that the person –

(a) Is driving, is attempting to drive or is in charge of a motor vehicle on a road or other public place, and

(b) Has alcohol or a drug in his body or is under the influence of a drug

(3) This subsection applies if a constable reasonable suspects that a person –

(a) Has been driving, attempting to drive or in charge of a motor vehicle on a road or other public place while having alcohol or a drug in his body or while unfit to drive because of a drug, and

(b) Still has alcohol or a drug in his body or is still under the influence of a drug

(4) This subsection applies if a constable reasonably suspects that the person –

(a) Is or has been driving, attempting to drive or in charge of a motor vehicle on a road or other public place, and

(b) Has committed a traffic offence while the vehicle was in motion

(5) This subsection applies if –

(a) An accident occurs owing to the presence of a motor vehicle on a road or other public place, and

(b) A constable reasonably believes that the person was driving, attempting to drive or in charge of a motor vehicle at the time of the accident

(6) A person commits an offence if without reasonable excuse he fails to co-operate with a preliminary test in pursuance of a requirement imposed under this section

(7) A constable may administer a preliminary test by virtue of any of subsections (2) to (4) only if he is in uniform

(8) In this section –

(a) A reference to a preliminary test is to any of the tests described in sections 6A to 6C, and

(b) 'traffic offence' means an offence under –

- (i) A provision of Part II of the Public Passenger Vehicles Act 1981 (c.14)
- (ii) A provision of the Road Traffic Regulation Act 1984 (c.27)
- (iii) A provision of the Road Traffic Offenders Act 1988 other than a provision of part III, or Road Traffic Offenders Act 1988 (c 53)
- (iv) A provision of this Act other than a provision of Part V.'

10.3 Breath tests will be administered regardless of whether or not the collision will subsequently be recorded or investigated.

10.4 Consideration should be given to carrying out the necessary procedures at hospital if a casualty has left the scene for hospital treatment. A breath test may still be administered at hospital as a screening device, subject to medical consent from the doctor in charge of the case. This procedure should be carried out in accordance with form MG DD/C.

10.5 If it is suspected that a driver is unfit to drive through drugs (S4 RTA), or over the drug drive limit (S5A RTA), consideration should be given to requesting a Field Impairment Testing (FIT), which can be conducted by most RPU officers or conducting a preliminary drug test (DrugWipe).

10.6 It is important that officers explain to drivers that the routine breath testing of all drivers after a collision is an initiative intended to improve road safety by detecting offences of drink driving and deterring drivers. Breath testing all drivers involved in any collision attended by police, however minor, sends a clear message that police will not tolerate such behaviour.

## **11. Mobile Telephones**

11.1 Where a driver suspected of causing a collision is in possession of a mobile telephone, accessible to them either on their person or within the vehicle, officers should consider seizing it for examination.

11.2 Any seizure must be proportionate, necessary and reasonable given the circumstances, the accounts of witnesses or other evidence that may lead to a suspicion that the driver was using a mobile telephone at the time of the collision. Advice can be sought from RPU supervisors.

11.3 Officers must not examine mobile telephones seized as potential evidence at the scene. To preserve their integrity as evidence, they must be switched off immediately and properly packaged for forensic examination.

11.4 Comprehensive advice should be sought from the Regulation of Investigatory Powers Act 2000 (RIPA) Compliance Unit at Lewes if officers are unsure how to proceed.

11.5 Mobile telephones are personal property and must be returned to the rightful owner once officers are satisfied that they present no further investigative opportunities or evidence.

## **12. Highways Liaison**

### **12.1 Areas of Responsibility**

Sussex Police have several partners that provide highway management services, all of which agencies have a statutory duty to manage the road network and ensure its safe operation.

12.2 National Highways have the responsibility for looking after motorways and designated trunk roads. The Local Highway authorities are East Sussex County Council (ESCC), West Sussex County Council (WSCC) and Brighton & Hove County Council (BHCC).

12.3 Within Sussex Keir Highways are the managing agents for National Highways and are responsible for the M23 / A23, A21, A27, the A26 from Beddingham to Newhaven, and the A259 between Pevensey and the Kent border, not including the borough of Hastings - Glynde Gap on the west side of Hastings to the junction of Martineau Lane on the east side.

12.4 A Traffic Management Officer (TMO), manage police liaison with the authorities in their areas. They are part of the RPU Command structure.

### **12.5 Notifications of Collisions / Incidents**

The following incidents that occur on the road network must be reported to the relevant agency as soon as practicable;

- Any collision involving dangerous materials i.e. hazardous chemicals, inflammable liquids or radioactive materials.
- Collisions that occur resulting in structural damage, i.e. to a bridge.
- Any damage caused to street furniture, i.e. railings, barriers and signs.
- Any collision that results in significant disruption likely to attract media attention.

12.6 It is vital that police provide the information in a timely manner to enable the Highways Authority to respond appropriately to any incidents that occur.

12.7 If the condition of the road surface has altered due to a collision, either by actual physical damage or fluid spills that require cleaning, the relevant Highways Authority must be informed of the nature of the suspected damage.

12.8 If necessary an engineer will attend to assess the road and a crew will attend to make it safe. Once the relevant Highway Authority is informed, the road should not be re-opened without their authorisation.

12.9 Sussex Police have an agreed protocol with Keir Highways for the trunk road network, that we will notify them immediately of any disruption of more than 15 minutes

duration on those roads that are their responsibility. Most of these incidents will require immediate notification to Keir Highways by FCCCD so that they can respond quickly to minimise disruption to the road network and provide timely support to police officers with regard to road diversions. This is good practice and officers and control room staff are encouraged to adopt a similar approach with the other agencies.

12.10 Reports of damage to street furniture, which do not require immediate attendance, can be passed to the appropriate authority by the OIC at a later time.

12.11 Where the OIC or RPLIO suspects a defective road surface may be a cause of a collision, Forensic Collision Investigators from the FCIU should be called to the scene.

12.12 The Highway Authority must be informed immediately of the nature of the suspected defect. They will normally send an engineer to assess the road, which must remain closed until such time as the Highway Authority authorise its re-opening.

12.13 Where 12.12 applies the TMO must be contacted and informed in relevant cases. The TMO will facilitate any later necessary enquiries with the relevant Authority and assist with any investigation.

### **13. Collision Involving a Police Vehicle**

#### Non-Fatal Police Vehicle Collisions

13.1 A police vehicle collision is defined as a collision that occurs when a vehicle owned / leased / hired by Sussex Police is involved in a collision, either when being driven by a Sussex Police employee, or whilst parked and unattended. It includes situations where a Sussex Police employee, on-duty, is involved in a collision in a private vehicle.

13.2 Officers travelling to and from work, in their own time and in a private vehicle, are regarded as being off duty for the purposes of this policy.

13.3 An officer of a rank above that of the driver involved will be expected to attend the scene unless impracticable owing to the circumstances. Regardless of rank, the direction to breathalyse all drivers involved in an RTC must be complied with at the earliest opportunity. Police and other emergency service drivers are not exempt.

13.4 RPU can be called upon to provide professional expertise and advice in relation to a police vehicle collision, but the investigating officer should normally be of a higher rank to the police driver involved, unless it is clear that no blame can be attached to the officer, or where a trained RPU LIO conducts the investigation.

13.5 Where a police vehicle collision occurs even if the circumstances appear non-blameworthy vehicle Close Circuit Television (CCTV) and telemetry systems (where fitted) should be considered as a source of potential evidence. CCTV Download Single Point of Contacts (SPOCs) and further guidance is found under 'How do I' on the Joint Transport Services (JTS) intranet site.

13.6 Investigations will be retained by divisions unless a serious injury is involved (as defined by Stats 20) then, regardless of who is alleged to be at fault, the investigating

officer will be a supervisor of Sergeant rank. The scene should be preserved and protected pending their arrival.

13.7 Following a police vehicle collision, it will be the responsibility of the investigating officer to;

- Complete a collision record on Pronto
- Ensure a police vehicle Incident Message is sent via the Intranet
- Investigate the circumstances of the collision
- Consider what immediate action should be taken with regard to driving permit withdrawal
- Determine if disciplinary action may need to be taken, in consultation with Professional Standards Department (PSD) who will arrange service of Regulation 17 notices where appropriate.
- Regardless of the likelihood of disciplinary action if an officer's driving is subject to investigation liaise with PSD at an early stage. A record will be created within PSD and the officer served notices (copied to the Federation) informing them that they are subject to investigation. Officers should be offered the opportunity to consult with a Federation representative before they are subject to further investigative actions.
- Ensure that the welfare of the officers is considered, as appropriate
- Provide regular updates to PSD regarding the progress of your investigation and prior to any finalisation.

13.8 If any offences come to light regarding the actions of the member of Sussex Police, the file must be referred to PSD who will either make a charging decision (in accordance with Crown Prosecution Service (CPS) guidelines on police charging decisions and current PSD protocol) or, if the case meets the criteria for referral to CPS and a police charging decision cannot be made, PSD will first send the file to the NPCC review team for "Pursuit and Response Driving Incidents" prior to submission to CPS, for advice.

13.9 Attached below is an NPCC letter regarding dangerous and careless driving – "Mitigating risk of prosecution in necessary and appropriate cases of pursuit and police purpose when responding to incidents / situations". The following documents should be read and considered in conjunction with paragraph 13.9 above – you should liaise with PSD at the earliest opportunity. (Documents removed for external publication)

13.10 In the event that the case meets the criteria for a police charging decision the PSD decision maker will first consult with the Police Vehicle Incident (PVI) group (Head of Driver Training) to understand any history of the police driver to ensure a fully informed decision, particularly when considering the Public Interest Test.

13.11 The PSD charging protocol is available through the PSD departmental website under PSD Guidance

13.12 The SPOC for the NPCC review team is (email address redacted) South Yorkshire Police.

13.13 If a police officer is involved in the tactical pursuit and containment of a subject vehicle in line with duties and training and a collision occurs, the police officer only has a requirement to inform their own private vehicle insurance company if:

- “The manoeuvre necessitates the recording of an ‘accident’ report as defined by S.170 (1) of the Road Traffic Act 1988”.
- This means that should a collision occur as a result of engaging in tactical options, police drivers directly involved in these tactics have no liability to disclose such incidents to their own insurance companies providing tactics used were in accordance with the Pursuits Authorised Professional Practice (APP).
- However, if an incident occurs, whereby a third party not connected is involved as a consequence of police tactics and this necessitates the recording of a road traffic accident report, then the officer would be advised to inform their own insurers to comply with legal obligations.
- A legal definition (R v Morris 1972) of an accident is “an unintended course of action, which had an adverse physical effect”.

13.14 "Where officers are unsure as to whether to report an incident to their insurer, they can gain further advice and guidance from the Force Insurance Manager."

#### Fatal and Potentially fatal Police Vehicles collisions

13.15 Where a collision occurs that falls within the definition as at 13.1 and is either fatal or potentially fatal, then the scene will be treated as a crime scene pending the arrival of the SIO.

13.16 The advice regarding response and attendance at such collisions must be applied regardless of the apparent blameworthiness, or otherwise, of the police driver.

13.17 FCCCD and Force Gold must be informed and a fully accredited SIO will attend and conduct the subsequent investigation.

13.18 The duty Forensic Collision Investigator (FCI) will be called to the scene. They will notify the Senior Forensic Collision Investigator who, if available, will attend and manage the forensic collision investigation on behalf of the RPU LIO. Where the Senior Forensic Collision Investigator is unavailable, the deployment of a second collision investigator must be achieved to verify findings at the physical scene.

13.19 The duty PSD officer will be notified as soon as possible and will arrange immediate mandatory referral to the Independent Office for Police Conduct (IOPC). PSD and IOPC will potentially attend the scene, which must be preserved pending their arrival. If the attendance of the IOPC will not be immediate, with the authority of the IOPC officer, the scene will be examined by the attending FCI(s), evidence will be marked and photographed to prevent the loss of transient evidence. The IOPC will then decide if the investigation will be independently investigated by them, or whether the Force will



conduct the investigation managed or supervised by the IOPC and will advise the RPU LIO accordingly. The IOPC may appoint another police force to investigate the collision.

13.20 Consideration must be given to commencing a Post Incident Management (PIM) process – the decision to initiate post incident procedures rests with the duty Gold Commander for the force following (where appropriate) advice from PSD.

13.21 When making the decision to implement post incident procedures the Gold Commander will take into account all of the prevailing circumstances of the police contact and the death or injury, such as; the nature of the police contact, the timing of the police contact in relation to the death or injury and any other factor relating to the contact or the death or injury.

13.22 The criteria for post incident procedures (non firearms) apply to incidents where: 'Following contact with the police, a member of the public suffers Death (or there is an expectation of death) or Injuries that are, or potentially, life changing **or** Any other circumstances outside of above criteria when authorised by the duty Gold Commander **and**

In any case there is, or a likelihood of an IOPC led, managed or supervised investigation into the circumstances of the police contact and the death or serious injury sustained'. Please refer to Post Incident Management Policy (Surrey and Sussex) (1067).

13.23 The Police Federation must be notified as soon as possible. Sussex Police Federation have 'on call' officers who are nationally trained to respond to critical incidents. Failing to ensure an officer is properly represented and advised may undermine any subsequent proceedings. Federation officers will be available to liaise with the LIO, IOPC and PSD as required and will arrange legal advice as necessary.

13.24 The welfare of the officer(s) involved is the responsibility of their line managers. Their duty Command team must be notified as soon as possible. The officer's Divisional Command will provide welfare and other support, as necessary, for any officers concerned.

Refer to the 'checklist for Police Road Traffic Incidents (RTI) investigation reports' which seeks to improve the consistency of information recorded. Whilst not exhaustive due to considerations of individual cases, the suggested checklist supports a consistent approach to recording information into serious and/or fatal collisions involving a police vehicle.

#### **14. Remit of Serious Collision Investigation Unit (SCIU)**

14.1 SCIU will deal with all fatal road traffic collisions (Prosecution and Coronial only), except for confirmed medical episodes where no other party was injured. SCIU will also investigate prosecution collisions where a serious life changing / altering injury has been sustained. In terms of providing clarity around which prosecution serious injury collision investigations this involves, the following applies:

- Collisions resulting in life changing injuries to one or more party. Such injuries will result in a significant impact on daily living and could include brain / head injury, spinal cord injury, amputations, paralysis, severe burns and multiple fractures.

- Any collision falling into the above categories that involves a police vehicle subject to any management / oversight by the IOPC.
- Any collision falling into the above categories that occurs elsewhere than on a road such as a car park or designated sporting event.

14.2 Additionally, SCIU will, if required, investigate the following collisions following a professional discussion between the investigating officer and the SCIU Sergeant or at the direction of the Senior Management Team (SMT):

- Any complex collision, irrespective of injury level whereby the circumstances present serious organisational risk.
- The SCIU will provide support to the Major Crime Team in Category A+ investigations.

## **15. Role and Remit of Roads Policing Unit**

15.1 The RPU Sussex is headed by one Inspector who is responsible for the three RPU teams based at Bexhill, Arundel and Lewes.

15.2 The RPU will retain all serious injury collision investigations, including those involving a police vehicle as detailed at 13.6 above when the SCIU do not have capacity to do so. In terms of providing clarity around which serious injury collision investigations this involves, the following applies:

STATS 20 Examples of 'Serious' injury are:

- Broken neck or back
- Severe head injury, unconscious
- Severe chest injury, any difficulty breathing
- Internal injuries
- Multiple severe injuries, unconscious
- Loss of arm or leg (or part)
- Other chest injury, not bruising
- Deep penetrating wound
- Fracture
- Deep cuts / lacerations
- Other head injury
- Crushing
- Burns (excluding friction burns)

- Concussion
- Severe general shock requiring hospital treatment
- Detention in hospital as an in-patient, either immediately or later
- Injuries to casualties who die 30 or more days after the accident from injuries sustained in that accident.

15.3 Divisional officers attending a serious injury collision must liaise with RPU supervision to ensure a review is completed and relevant and necessary fast track actions have been completed or a rolling handover is in place. This can be through professional discussion or full review of the collision, dependent upon its nature and complexity.

Depending on the level of injury caused as defined by the 'STATS 20 serious injury criteria', a professional discussion will then take place between RPU supervisors and relevant Divisional supervisors to decide if RPU will take ownership of the investigation or whether the level of injury means it is suitable to be retained by divisional officers

15.4 If the OIC deems the incident is suitable for No Further Action (NFA) or Written Warning (WW) (Victim / Aggrieved must be consulted), NICHE or Journal to be endorsed with rationale and the investigation will be passed to CPU for finalisation.

15.5 If the OIC deems the incident is suitable for a Safe and Considerate Driving course (SCD), they will complete investigation sufficient for SCD purpose i.e., sufficient evidence for realistic prospect of conviction (RPOC) at court and offending driver agrees to attend SCD. CPU will complete SCD paperwork when updated by OIC.

15.6 If the OIC deems the incident is suitable for prosecution, they will retain ownership of the investigation. NICHE number to be sent to CPU.

## **16. Role and Remit of Collisions Process Unit (CPU)**

16.1 The CPU is headed by the Collisions supervisor and comprises of two teams who will retain all minor injury collisions and the volume damage only collisions.

16.2 Collisions Support and Disclosure Officers Team.

Key responsibilities will include the following:

- Check all reports submitted to National CRaSH for accuracy before export to partners.
- Send any documentation required on cases.
- Process statements / notices received into the unit.
- Decision making on disposal outcomes for damage only hit and run collisions reported at Front Counters using the National Decision Model (NDM) and Threat, Harm, Risk, Investigation, Vulnerability and Engagement (THRIVE principals).
- Process Safe and Considerate Driving courses.

- Manage the generic inbox for all Collision related enquiries and also answer the telephone to members of the public.
- Be the subject matter expert in the disclosure / redaction of police reports for civil claims.

#### 16.3 Collisions investigators Team who will:

- Investigate and manage the cases allocated to them by the team leader
- Conduct a welfare check on injured parties and set expectations for the investigation process.
- Collect any outstanding evidence including Close Circuit Television (CCTV)
- Interview suspects and gather statements if this cannot be achieved at the road side.
- Dispose of cases using the NDM and THRIVE principals
- Submit files for Safe and Considerate driving courses.
- Input files onto Niche for court action.
- Attend court if necessary for these cases.

#### 16.4 Collision Data – Release of Individual Reports

Whilst a police criminal investigation or inquest proceedings are pending, collision record information will only be disclosed in accordance with the disclosure rules contained within the [Criminal Procedure and Investigations Act \(CPIA\) 1996](#), or on the authority of HM Coroner.

- CPU will supply copies of collision records to Insurance Companies and Solicitors representing parties with a legitimate interest. Sussex Police cannot release collision records to members of the public due to Data Protection restrictions.
- The current standard fees for the release of records are contained within the NPCC Guidance on Charging for Police Services, as amended whenever the level of fees is reviewed.
- Collision records will not include “possible or likely” causation factors.
- As part of the initial record release any officer’s statement and sketch plan may also be included but any comments based on an officer’s opinion will be deleted unless the officer is qualified to express an opinion on that matter.
- There will be an additional fee for the release of any other documents from a collision file.
- The Chief Constable retains the absolute discretion whether or not to provide any information in any particular case.

- The [Freedom of Information Act 2000](#) states that information is exempt from disclosure under the provisions of the Act if the information is reasonably accessible to the applicant by other means.
- The release of collision records and documentation upon payment of the fee is a routine and established process, which qualifies for the purposes of the Freedom of Information Act 2000 as being 'other means'.
- Any request for collision information made under the Freedom of Information Act 2000 is likely to be refused, and the applicant referred to CPU to apply for the information in the normal way.

## **17. Management of Police Information (MOPI) automatic deletion**

17.1 Forces can now opt to select for automatic deletion of collision records in line with MOPI rules. The rules that have been applied are detailed below;

- Fatal records will be retained for a period of 10 years before they are deleted
- Collision records involving juveniles will be retained until their 21st birthday before they are deleted
- All other collisions will be retained for 6 years before they are deleted
- Where several of these criteria apply, CRaSH will ensure that the date furthest in the future is applied as the persons MOPI retention date.
- A coroner's verdict of natural causes or suicide means a person is no longer considered a fatality for the purposes of MOPI retention. Instead they are considered a casualty.
- A medical episode has no effect on MOPI retention.
- Collisions with convictions for "death by" offences must be retained for 100 years or the lifetime of the offender. These MUST be manually amended when finalising the collision investigation after a prosecution.
- If a MOPI review date has been manually amended the system will not automatically set the MOPI date as per the rules above.

Please refer to CRaSH Automatic MoPI Retention Dates for more information on the automated retention schedules.

## **18. Victim's Right to Review Scheme**

18.1 The Victims' Right to Review (VRR) Scheme gives victims the right to ask for a review of a police decision not to prosecute a suspect in cases in which a suspect has been identified and interviewed under caution, either after an arrest or voluntarily within three months of the police decision not to prosecute. More information can be found [here](#)

## **19. Citizens Advice Witness Service**

19.1 Citizens Advice Witness Service (CAWS) is a national charity funded by the Ministry of Justice and provides free and independent support for both victims and witnesses of crime through the judicial process. For more information please follow the link [here](#)

## **20. Collision Data – External Research Requests**

20.1 Collision data held by Sussex Police will be routinely exported to our partners.

20.2 It is recognised that external agencies such as engineering companies, road safety organisations and other interested parties will also require access to our data to enable them to carry out their role.

20.3 As there is a clear financial cost to the police in terms of the resources required to provide this data, external requests will be charged at a reasonable rate.

20.4 The Ops Accounting officer within Finance can advise on the current rate and will co-ordinate external data requests, ensuring the correct invoicing and accounting procedures are followed.

20.5 Requests will be carried out by the Sussex Safer Roads Partnership.

20.6 The charge for data entitles the applicant to receive the following which gives sufficient data to form an understanding of how a collision occurred and what site conditions may have been present;

- Historical and current collision data for one specified location / area
- All categories of injury collisions that are required, from slight to fatal
- The following data fields; Eastings, Northings, Date, Time, Road Class, Road Name, Weather, Light Conditions, Road Surface Conditions, Vehicle Directions, Vehicle Manoeuvres, speed limit, casualty type, casualty sex, casualty age, casualty severity, contributory factors
- The officer's description of the collision

20.7 Any requests for further information, or for research at additional sites, will be subject to further charges as appropriate.

20.8 In some cases it may be deemed that the charging of a fee is inappropriate. If a registered charity, parish council, education establishment or similar agency asks for data, discretion can and should be applied to such requests if it can be seen that it in some way contributes to the stated aims of Sussex Police.

20.9 The Freedom of Information Act 2000 states that information is exempt from disclosure under the provisions of the Act if the information is reasonably accessible to the applicant by other means. The release of collision records and documentation upon payment of the fee is a routine and established process, which for the purposes of the Freedom of Information Act 2000 qualifies as being 'other means'

20.10 Any request for collision data made under the Freedom of Information Act 2000 is likely to be refused and the applicant referred to the Ops Accounting officer within Finance to apply for the information in the normal way.

**Team:** Roads Policing Unit