Traffic offences

Policy summary

West Yorkshire Police complies with Authorised Professional Practice (APP) which contains information to assist policing, and has established a local policy procedure to provide clear standards and guidelines in order to make our roads a safer environment for all.

This policy procedure informs officers about road traffic offences and the different types of disposal.

Aim

The aims of this policy procedure are to explain:

<table>
<thead>
<tr>
<th>No</th>
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<tbody>
<tr>
<td>1</td>
<td>the prosecution limits for speeding offences;</td>
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<tr>
<td>2</td>
<td>the times when drivers can be prosecuted for not displaying lights on their vehicle;</td>
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<tr>
<td>3</td>
<td>the training which is available to drivers as an alternative to prosecution;</td>
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<td>4</td>
<td>how to request driving documents and the action which will be taken if drivers fail to produce any or all of them;</td>
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<td>5</td>
<td>types of disposal available for driving and road traffic offences;</td>
</tr>
<tr>
<td>6</td>
<td>vehicle excise licence offences; and</td>
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<tr>
<td>7</td>
<td>when and how driving licences can be revoked.</td>
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Scope

This policy procedure applies to all police officers, police community support officers, special constables and traffic wardens.

This includes offences detected by officers or by fixed automatic equipment.

Compliance

Serious Organised Crime and Police Act 2005
New Drivers Act 1995
Road Traffic Act 1988
Road Traffic Offenders Act 1988
Road Traffic Regulation Act 1984
National driver offending re-training schemes (NDORS):
  • Speed awareness course
  • Rider intervention developing experience
  • Driver improvement scheme
APP Prosecution and case management
ACPO Codes of practice for the operational use of road policing enforcement technology
ACPO Speed enforcement policy guidelines: Joining forces for safer...
roads
ACPO Challenges relating to Home Office type approved speed and red light detection devices and disclosure of evidence.

Chapter 1 Principles

Force undertaking

The government focus is on education to improve driving standards and reduce offending.

In order to achieve these aims we work closely with partner agencies as part of the National Driver Offender Retraining Scheme (NDORS) to offer offending drivers the opportunity to attend a suitable training course to improve their behaviour and/or driving skills.

Chapter 2 National driver offender retraining scheme (NDORS)

Introduction

There are six courses available to drivers as an alternative to prosecution by FPN or through the Magistrates court, these are:

- National speed awareness;
- National driver alertness;
- RIDE – Rider intervention developing experience;
- What’s Driving Us;
- Driving 4 Change; and
- Your Belt Your Life.

Course referral

Only the CPB prosecution managers can refer a driver, who meets the ACPO criteria, for these schemes.

Criteria

All offences will be reported by way of the Traffic Offence Report (TOR) or the Form 192 Report whichever is the most appropriate.

The Central Process Bureau will on receipt of the report check the driver’s eligibility for an appropriate course. If they are:

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
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<tr>
<td>eligible</td>
<td>and a suitable course is available for the offence outlined they will normally be offered the option to attend a course; or</td>
</tr>
<tr>
<td>not eligible</td>
<td>for a course they will be normally offered the opportunity to pay a fixed penalty. However, if the offence or the circumstances do not allow for a fixed penalty offer they will be requisitioned to attend court.</td>
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</tbody>
</table>
Restrictions

Drivers can only attend each course once within a three year period.

Chapter 3  Prosecution limits for speeding offences

Introduction

The Force will consider prosecuting anyone who exceeds the lawful speed limit, by:
- fixed penalty notice (FPN);
- the National Driver Offender Retraining Scheme (NDORS); or
- summons/post requisition.

Criteria for prosecution

The table describes the usual means of prosecution for speed offences:

<table>
<thead>
<tr>
<th>Limit</th>
<th>Device tolerance</th>
<th>Speed awareness course, if appropriate</th>
<th>Fixed penalty when course not appropriate</th>
<th>Summons</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>22</td>
<td>24 and 31</td>
<td>24 to 34</td>
<td>35</td>
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<td>30</td>
<td>32</td>
<td>35 and 42</td>
<td>35 to 49</td>
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<td>40</td>
<td>42</td>
<td>46 and 53</td>
<td>46 to 65</td>
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<td>50</td>
<td>52</td>
<td>57 and 64</td>
<td>57 to 75</td>
<td>76</td>
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<td>60</td>
<td>62</td>
<td>68 and 75</td>
<td>68 to 85</td>
<td>86</td>
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<tr>
<td>70</td>
<td>73</td>
<td>79 and 86</td>
<td>79 to 95</td>
<td>96</td>
</tr>
</tbody>
</table>

Chapter 4  Sunrise, sunset and lighting up times

Information

The Force will consider prosecuting anyone who fails to display lights on their vehicle, by:
- verbal warning;
- FPN; or
- Summons/postal requisition.

A list of the times for the current, and recent years, is available.

Chapter 5  Power to require driving documents to be produced

Legislation

The powers to require a person to produce driving documents are exercisable only by a police officer or vehicle examiner. The relevant legislation is provided by the Road Traffic Act 1988, as
amended, namely:
• power to require production of driving licence; and
• power to require production of insurance, test certificate, etc.

stop a motor vehicle

Introduction

The power to stop a motor vehicle is provided by Section 163 of the Road Traffic Act 1988. If an offence is committed it is essential that the officer correctly identifies the driver, and obtains sufficient information that will allow them to identify the driver possibly months later at court.

Effective investigation at the scene can avoid unnecessary arrests under Section 24 of the Police and Criminal Evidence Act (PACE) 1984.

PACE

None of the below should prevent an officer from using their powers under section 24 of PACE if they are justified in doing so.

In car video

If a police vehicle is fitted with video then the microphone should be active and the camera facing into the vehicle.

Interrogate databases

A thorough interrogation of PNC, crime and intelligence databases must be carried out. Officers should remember to make use of distinguishing features and marks, as well as checking for driving licence details.

Compare photographs

Officer should make full use of the Corvus facility to compare against a photograph.

obtain fingerprints

Serious Organised Crime and Police

The power to require fingerprints of persons who are not known and who are suspected of having committed an offence is provided by Section 117 of the Serious Organised Crime and Police Act 2005.

This act amends:
• s61(6A) of PACE (see below); and
• s64 of PACE to enable fingerprints to be taken from deceased persons for identification purposes.
Police and Criminal Evidence Act 1984

Section 61 (6A) of PACE allows fingerprints of a suspect who has not been arrested to be taken in connection with any offence (whether recordable or not) using a mobile device and then checked on the street against the national fingerprint database.

These fingerprints:
- may be subject to a speculative search; and
- cannot be retained after they have been checked. It is best practice for officers to delete any prints from the Mobile ID device once identification has been resolved.

The results may make an arrest for the suspected offence based on the name condition unnecessary (See Code G paragraph 2.9(a)) and enable the offence to be disposed of without arrest, e.g., by summons/charging by post, penalty notice or words of advice.

If arrest for a non-recordable offence is necessary for any other reason, this power may also be exercised at the station.

Before the power is exercised, officers must:
- inform the person of the nature of the suspected offence and why they are suspected of committing it;
- give them every reasonable opportunity to establish their real name before deciding that their name is unknown and cannot be readily ascertained or that there are reasonable grounds to doubt that a name they have given is their real name; and
- as applicable, inform the person of the reason why their name is not known and cannot be readily ascertained or of the grounds for doubting that a name they have given is their real name, including, e.g., the reason why a particular document the person has produced to verify their real name, is not sufficient.

Chapter 6 Health and safety

Interference with sensitive equipment

You must conduct a dynamic risk assessment before taking action.

The BlueCheck Solution Mobile ID fingerprint device transmits data using mobile 'phone signals and there is a potential risk of them causing interference with sensitive equipment such as:

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<tr>
<th>No</th>
<th>Equipment</th>
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<tr>
<td>1</td>
<td>speed enforcement devices;</td>
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<tr>
<td>2</td>
<td>medical care equipment, e.g. hospital heart monitors and pacemakers. In the case of pacemakers, you should maintain a distance of at least 23 cm between your mobile device and the subject;</td>
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<tr>
<td>3</td>
<td>roadside and station substantive breath test devices; and</td>
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<td>4</td>
<td>petrol station fuel pumps.</td>
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Officers must power the Mobile ID device off when in the proximity of these items.

Similarly, if officers attend an incident involving a suspected IED, they must power off the Mobile ID device completely and not bring it any closer than 50 meters of a suspected device.

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<th>Admin</th>
<th>Last reviewed:</th>
<th>October 2014</th>
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<td></td>
<td>Scheduled for review:</td>
<td>October 2017</td>
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