



## Police Vehicle Collisions (Policy & Procedure)

**Official**

|                                   |  |
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## Policy

### Statement

Merseyside Police will investigate Police vehicle collisions in line with College of Policing APP Investigation of fatal & serious injury road collisions and provide a high level of service to victims and their families.

### Aim

The aim of the policy will be to ensure that those persons involved in Police vehicle collisions receive an appropriate standard of service in relation to the severity of the collision.

This policy has two main aims:

- 1 Provide a consistent and effective framework for reporting; categorisation; recording; investigation and suitable disposal decision making for Police vehicle collisions, so that we understand our business; focussing on quality and doing the right thing in every circumstance.
- 2 Provide access to the correct level of support and information for victims and their families, and witnesses and other bona fide parties, to ensure we always put the needs of the community first.

### Objectives

The primary objectives are to reduce the numbers of people killed or seriously injured in Police vehicle road collisions, through effective investigation and wider adoption of structured disposal options for the education and development to impact on future driver behaviour.

The objectives will be underpinned by:

1. The collection, verification and timely sharing of statistical data with the Department for Transport and Local Authorities under national and local road safety strategies.
2. Improved public confidence and satisfaction with action taken by the Police to include response times; follow-up from the Police; the investigation and treatment by the Police.
3. Increased number of investigations that meet the required standard all completed within agreed timescales.

### Application and Scope

All Police officers and Police staff, including the extended Police family and those working voluntarily or under contract to Merseyside Police must be aware of, and are required to comply with, all relevant policy and procedures.

This policy document sets out principles to help guide decision making and is in some parts quite prescriptive. However, it is vital that officers and staff have the freedom to innovate, exercise discretion and take risk based decisions centred on the needs of the victim and the merits of each

case. Non-statutory policies, including College of Policing APP, provide guidance only. They are 'living documents' and it is recognised that there may be a better way of doing this. Accordingly, if staff depart from a policy but are able to give a good rationale for their actions, and have acted with honesty, integrity and professionalism, to make the best decision for the community we serve, they will be trusted and supported.<sup>1</sup>

This policy should also be read in conjunction with the Merseyside Police, Police Driver Standards Protocol and Police Pursuits Procedure.

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<sup>1</sup> This paragraph inserted 23/06/2016 to emphasise appropriate use of discretion. Version number remains unchanged.

**Version History**

|            |  |
|------------|--|
| 06/10/2011 | <p>Paragraph 1.7 inserted to cover out of Force collisions.</p> <p>Paragraph 1.8 inserted to cover requirement to inform insurers.</p> <p>Paragraph 7.2 expanded to extend exclusions form mandatory suspension.</p> <p>Paragraph 7.9 expanded to cover “high risk” drivers.</p>   |
| 14/12/2011 | V 3.2 – Reference to newly approved Escalation Process included in “Application & Scope” of policy section.  |
| 02/08/2012 | <p>V 3.3 - All references to suspended/suspension removed at Chief Officer’s direction following misinterpretation and inaccurate reporting in Liverpool Echo.</p> <p>Slight amendment to the breath test requirement following recent guidance from the IPCC.</p>   |
| 24/10/2013 | V 3.4 – Section 9 introduced to cover protocol between RP and Armed Policing Teams.  |
| 30/01/2015 | V 3.5 – Numerous relatively minor amendments to reflect the Niche reporting process, changes to organisational structure and responsibilities of Force PVC Manager.  |
| 01/12/2016 | V 3.6 – Changes made to terminology in line with Community First Force re-structure.   |
| 01/05/2017 | V 3.7 – Changes made to reflect the change from the DTNA process to the Police Vehicle Collisions Review.  |
| 11/09/2020 | <p>V 3.8 - Changes to reflect introduction of DSG process and removal of the DTNA processes. Changes to recording of PVC’s on Police premises. Pursuit Policy link removed. Changes to procedure regarding Investigating officer’s responsibilities including Victim Contact.</p> <p>Review of T-P-A-C incidents changed to include Driver Training and PVC Manager. Oshens reporting added to Policy. Automatic removal of driving authority removed. Updated regarding armed policing tactics.</p> |

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## **Introduction**

Merseyside Police records approximately 640 collisions annually involving Police vehicles and although given huge volume of miles driven every year by the Force it is imperative that each collision is dealt with professionally and transparently as this is what the public would rightly expect of us.

### **1.0 Definitions**

#### **1.1 Police Vehicle Collision (PVC)**

Owing to the presence of a Police vehicle on a road or public place an accident occurs by which:-

- Personal injury is caused to any person.  
Or
- Damage is caused to any mechanically propelled vehicle or trailer drawn by it.
- Damage is caused to any animal.
- Damage is caused to any other property constructed on, fixed to, growing in or otherwise forming part of the land on which the road is situated.

#### **1.2 Police Vehicle**

Any vehicle owned, hired or leased under any agreement by Merseyside Police. Any privately owned vehicle used for Police purposes whilst on duty. Any vehicle that has come into the possession of the Police due to operational reasons

#### **1.3 Public Place**

Any location to which the public have access to on payment or otherwise. Also includes any location which the Police and subsequently any Police vehicle gain access to with lawful permission of the land owner or via the use of Police powers.

#### **1.4 Personal Injury**

In line with Department for Transport (DfT) guidelines all death or injury to any party occurring on the Highway must be recorded as such on a Motor Vehicle Collision (MVC) report. Highway includes footpaths, embankments, land adjacent to highways, pedestrianised areas, rail/tram tracks that cross a highway, cycle lanes where form part of a highway.

#### **1.5 Damage**

Damage will be taken as its regular everyday meaning, size or cost of damage is irrelevant.

#### **1.6 Animal**

Animals are specified by the Road traffic Act as horse, cattle, ass, mule, sheep, pig, goat or dog.

#### **1.7 Police Station Collisions**

A damage only collision that occurs within the confines of Police premises is to be dealt with via the Police driver's immediate supervisor or line manager. In this case there is no requirement to record on Niche however the driver will complete a Form 104 and email via their supervisor to the Force PVC Manager and Vehicle fleet.

## **1.8 Police Driver**

The term police driver includes Police officers and police staff that are driving a Police vehicle at the time when a collision occurs. The term police driver also includes a Police officer or Police staff member who is responsible for a stationary vehicle, unattended or otherwise, at the time it is involved in a collision.

## **1.9 Criminal Damage**

Where Police vehicles are subject to criminal damage offences a crime report should be created in line with Home Office Counting Rules (HOCR). This crime reference number should be emailed with an accompanying 104 to Vehicle Fleet Management via the reporting officer's supervisor.

## **1.10 Off duty Collisions**

### **1.10.1 Commuting**

Any collision occurring when travelling from a Police driver's home to their place of work or vice versa is not a Police Vehicle Collision for the purpose of this policy. However, for Police Pension purposes only, officers are regarded as being on duty for such journeys. All such collisions will be reported on the Oshens Health & Safety Portal by the person involved.

### **1.10.2 Recall to duty / On call**

If a member of staff is called to immediately return to duty, then they are on duty from the time of the call, and any collision is a Police vehicle collision for reporting purposes. At the conclusion of duty any return to home does not amount to 'on duty' time and any collision is not a Police vehicle collision.

## **1.11 Covert Vehicles**

Officers involved in covert operations should where possible, follow the guidance in this policy. However on occasion this will not always be possible thus they should follow their standard operating procedures/contingency procedures.

## **1.12 Insurance**

All staff are reminded that in the event of being involved in a Police Vehicle Collision there is a requirement to inform their own insurance company. Advice has been sought on this issue and it is likely that failing to inform the insurance company of a collision may render a policy invalid and leave a person uninsured.

## **2.0 Police Driver Responsibilities**

- 2.1** When a reportable Police Vehicle Collision occurs the FCC must be informed as soon as possible. FCC staff will then create a Storm log and Niche Occurrence and will arrange for a suitable officer or supervisor to obtain the PVC report.
- 2.1.1** Please note, damage only collisions on Police premises do not require a Storm log or Niche occurrence to be created. As such the Police driver should contact their own supervisor / line manager to report the matter. In the event they are not available then a different supervisor from the same strand **must** be contacted.
- 2.1.2** It is the Police drivers responsibility to ensure they comply with Section 170 of the Road Traffic Act and supply their name, address, vehicle registration etc. otherwise they may commit an offence under the Road Traffic Act.
- 2.1.3** Under **no** circumstances should the officer leave the scene of the collision and report it at a later time.
- 2.1.4** Under **no** circumstances can the Police driver be involved in the reporting or investigation of a PVC which they played a part in. As such Matrix Roads Policing Sergeants or Lead Investigating Officers should not routinely be involved in high risk activities where PVC's can occur such as pursuits, pre-planned vehicle tactics etc.
- 2.1.5** It is the Police driver's responsibility to ensure the IDR is activated following a PVC. This can be done manually by long pressing the IDR button until it beeps. In the event of damage to the Police vehicle the IDR may activate automatically and will be illuminated red.

## **2.2 Out of Force Collisions**

In the event of a Police driver being involved in a collision out of the Merseyside Force area the collision will be reported at the time to the local Force who will investigate the collision as per their Force Policy. The Police driver **must** also report the matter to their own supervision.

- 2.2.1** The Force PVC Manager **must** be informed of the collision at the earliest opportunity. This can be either by the officer's own supervision or the Force Incident Manager, depending on the circumstances and the severity of such a collision.
- 2.2.2** On reviewing the collision a decision will be made on whether or not to suspend the driver, if the investigating Force has not undertaken this.
- 2.2.3** At the conclusion of the investigation by the investigating Force the completed file will be subject to the Driver Standards Governance (DSG) process within Merseyside Police.

## **3.0 Initial Reporting**

Upon creation of a PVC Storm log it will be tasked to an FCC supervisor. The FCC supervisor will then assess the matter for threat, risk and harm based on the information known and decide on suitable resources required or a suitable reporting officer (and request their attendance accordingly).

The following officers can attend and report a PVC, it is the FCC Supervisors decision to select the most appropriate resource based on the incident and current Force commitments:-



### 3.1 Damage Only

Any Police staff supervisor or manager from the relevant strand responsible for the driver involved (Police station premises only), Any Police Sergeant or Inspector from the relevant strand, Matrix Roads Policing Sergeant, Matrix Roads Policing Constable.

### 3.2 Slight Injury

Any Police Sergeant or Inspector from the relevant strand, Matrix Roads Policing Sergeant, Matrix Roads Policing Constable.

### 3.3 Serious Injury

Any Police Inspector from relevant the strand, Matrix Roads Policing Sergeant, Matrix Roads Policing Lead Investigating officer (LIO). Both the FIM and FDO must be informed and a DSI referral completed via PSD.

### 3.4 Fatal, Likely to prove or life changing Injury

Matrix Roads Policing Lead Investigating officer (LIO) only. In the event of the duty LIO being an immediate colleague or line manager of the Police driver a LIO from the Matrix Roads Policing Serious Collision Investigation Unit should assume the role during office hours. Out of hours the responsibility remains with the duty LIO. Both the FIM and FDO must be informed and a DSI referral completed

## 4.0 Reporting Officer Responsibilities and Investigation

It is recognised that the reporting officer and investigating officer (long term) may not be the same person.

For ease of use this policy contains all investigative procedures in this chapter.

All PVC's **must** be investigated by a Matrix Roads Policing Sergeant / Inspector.

If a PVC has resulted in death or serious injury the Death and Serious Injury [Post Incident Procedure](#) (PIP) process should be considered.

Where a conflict of interest occurs e.g. The Matrix Roads Policing Sergeant is also the line manager for the Police driver, the Force PVC manager will re-allocate the matter to a different Matrix Roads Policing Sergeant for investigation.

### 4.1 On attendance at the scene the first responsibility is to determine the severity of the incident and the following factors will determine this:

- Level of injuries in line with DfT classifications
- Extent of damage caused.
- Other aggravating factors such as a pursuit situation.

- Whether there are any potential misconduct issues.
  - Disruption to the road or Motorway network.
- 4.2** For a collision involving a Police pursuit, the investigating officer must make themselves aware of the procedures outlined within the [Police Pursuit Procedure](#) and ensure that all standards have been adhered to.
- 4.3** If the reporting or investigating officer identifies any potential breaches of the Police Codes of Conduct they must ensure Professional Standards Department & the Force PVC Manager are informed as soon as practicable. Similarly if the Police driver is suspected of any offences they should be informed they are being treated as a suspect at an early stage and informed of their rights within legislation to consult with a legal advisor before any account or statements is obtained. Where consideration is given to Post Incident procedures, if being treated as a suspect the Police driver should be removed from this process.
- 4.4** The initial reporting officer must complete a Niche RTC report, including the MVC report where injuries are reported. A PVC should have its own occurrence which should be separate to any associated crimes or arrests. Any witness statements or accounts taken at the scene or immediately after the collision, must be completed in full and on the most up to date version of the form MG11 or via Pronto. The Niche occurrence must be tasked to the Force PVC manager Niche Pot within 24 hrs so an early assessment of the incident can be made.
- 4.5** The reporting officer is responsible for ensuring that all drivers involved in a Police Vehicle Collision must provide a preliminary breath test. The officer should also consider the use of eye sight test, primary field impairment test and/or drug wipe where appropriate. In the event of serious injury these **must** be completed with **all** involved drivers.
- 4.6** The reporting officer is responsible for the download of any IDR or telematics data if installed in the Police vehicle. Similarly the reporting officer is responsible for the download of CCTV installed in the Police vehicle. The CCTV (and audio) must be secured evidentially and a copy placed on NICE Investigate.
- 4.7** The reporting officer should obtain photographs of the collision showing the general collision location / dynamics and any damage caused. Body Worn Video should also be utilised at the scene. Comprehensive first accounts and/or Mg11's should be obtained from involved drivers, injured parties and witnesses.
- 4.8** A Niche Task must be sent to the PVC Manager's Niche pot within 48hrs of the incident and an E-mail to Vehicle Fleet, notifying them of the incident. The initial reporting officers' must then complete a summary of the circumstances on the Occurrence Enquiry Log for the PVC.
- 4.9** All Police Vehicle Collisions require the completion of an Oshens Health & Safety Report. The Police drivers involved or the relevant Supervisor is responsible for ensuring these forms are completed at the earliest opportunity.
- 4.10** The investigating officer **must** keep all victims updated with the progress of the investigation every 28 days or following a key significant event in line with the victim's code of conduct.

## **5.0 Withdrawal of Driving Authority**

- 5.1** The starting presumption will be that driving authority will not be removed from officers following a PVC.

An officer's driving authority should only be removed at the scene or during the subsequent investigation where the circumstances of the incident are felt to be serious enough. Examples could include significant or serious damage or injury, offences under the Road Traffic Act, breaches of professional standards of behaviour, significant breach of driver standards / training.

The removal of an officer's driving authority may be undertaken by any supervisor. Following withdrawal the return of that authority can only be undertaken by the Force PVC Manager or authority of the Matrix Roads Policing (Investigations) Inspector.

- 5.2** The officer removing the driving authority will inform the Police driver of the removal of their driving authority as soon as practicable and document this in writing via email. The rationale for the withdrawal of the driving authority will also be recorded.

The purpose of withdrawal of the Police drivers driving authority is to allow an objective assessment of the driver's training / development needs to be undertaken and to ensure that public confidence in Merseyside Police is maintained.

- 5.2.1** The temporary withdrawal of the persons driving authority will be reviewed by the Police Vehicle Collision Manager or in their absence the Matrix Roads Policing (Investigations) Inspector at the earliest opportunity. This review will determine whether the withdrawal of the driving authority is to be lifted or ratified.

- 5.2.2** If a Police a driver is reinstated by either the PVC Manager or Matrix Roads Policing (Investigations) Inspector the driver will be notified via email.

- 5.2.3** The PVC Manager or Matrix Roads Policing Inspector must also update the OEL stating that the Police drivers driving authority has been re-instated.

- 5.2.4** If the withdrawal of the Police drivers driving authority is ratified by either the PVC Manager or Matrix Roads Policing (Investigations) Inspector the driver will be notified via email. They must also update the OEL.

- 5.2.5** The first and second line managers of the Police driver and the Academy Driver Training Programme Manager will be informed of the decisions made above.

## **5.3 Driver Training**

Where a collision occurs involving a student engaged on a Driver Training course the reporting or investigating officer should consult the Driver Training Programme Manager or in their absence the Police Driver Instructor prior to withdrawal of driving authority.

## **5.4 High Risk Drivers**

- 5.4.1** Officers whose driving history has been identified as 'High Risk' and are subsequently involved in an avoidable PVC, will not be re-instated until a decision is made to determine if the matter is to be referred to the DSG / PSD or a case conference is to be held to consider their future driving authority. This meeting will be chaired by either the Superintendent Matrix or the Chief Inspector Matrix Operations (Roads Policing) and attended by Driver Training, Force PVC Manager, Federation / Union and a

representative of the Police drivers Command Team. If the matter is more suited to a DSG meeting then the protocols of the DSG will apply. ([See DSG - S.O.P](#))

- 5.4.2** Notwithstanding the provisions of this policy the Superintendent Matrix may direct that a Police driver's authority be removed at any stage during an investigation. In such cases the driver will be notified personally. An email will also be forwarded to the driver's first and second line manager explaining the decision. Any such removal from driving duties would be subject to the same review provisions as described in this policy.

## **5.5 Driving Standards**

- 5.5.1** Any supervisor may temporarily withdraw a Police driver's driving authority if they receive information or there is an incident that causes them concern in respect of their driving standards whether a PVC has occurred or not. Such circumstances may include complaints from members of the public, excessive speed and medical / welfare needs.
- 5.5.2** Where a supervisor withdraws a Police driver's authority the Police driver should be notified in writing via E-mail with an explanation / rationale as to why the decision has been made.

The Force PVC Manager, Head of Driver Training, first and second line managers must be included in this notification.

- 5.5.3** The Force PVC Manager will conduct a review of this decision as soon as practicable and inform all persons involved of their decision in writing.

## **6.0 Finalisation**

The investigating officer at the conclusion of the investigation will complete a finalisation report on the OEL of the Niche occurrence.

The investigating officer is to ensure that all parties including members of the public are aware of the finalisation.

### **6.1 Avoidable / Unavoidable**

Based on the finalisation report the Force PVC Manager will file the PVC as an avoidable or unavoidable collision. The Force PVC Manager will determine which collisions require further discussion at the Force [Driving Standards Governance](#) SOP

### **6.2 Pursuits**

In the case of PVC's following pursuits / tactical resolutions, consideration must also be given to how the pursuit was conducted and if it complied with the relevant Force Policies, college of policing tactics directory and APP.

In a collision involving damage and / or injury where tactical pursuit and containment tactics were used, the tactics will be reviewed by the Driver Training Programme Manager to identify any training/ development requirements.

### **6.3 Offences**

If the investigating officer identifies that a member of the public has committed an offence as part of a PVC then action should be taken in line with the Force RTC policy.

## **7.0 Matrix Armed Policing Tactics**

- 7.1** The deployment of ARV vehicle tactics can occur as part of a spontaneous or pre-planned scenario. These tactics will be deployed under the command of an accredited Firearms Commander.
- 7.2** The use of such tactics will often result in a collision that fits in the definition of a PVC. However the use of such tactics are a use of force.
- 7.3** When a collision occurs as the result of ARV vehicle tactics in a firearms operation the Tactical Firearms Commander (TFC) will firstly assess if the tactic(s) have been applied in line with training and nationally approved standards. Secondly they will assess if the collision is damage only or injury. In the event of damage only the matter will not require recording as a PVC. It is for the TFC to obtain sufficient information at the scene such as Photographs, Body worn video, Mg11's/accounts to justify the use of force and protect the Force from civil litigation in this matter.
- 7.4** In the event of injury being caused to any involved party this requires recording in line with DfT guidance. As such the matter will be recorded as a PVC. The TFC will request as such via the JCC in line with this policy.
- 7.5** In the event of serious injury advice should be sought with recognition of the Death and Serious Injury (DSI) Policy.
- 7.6** The Force PVC Manager and Matrix Firearms Inspector will review such incidents jointly as soon as practicable.

## **8 Force PVC Manager Responsibilities**

- 8.1** The Force PVC Manager is a Sergeant posted within Matrix Roads Policing Investigation.

### **The role of PVC Manager includes the following;**

- Quality Assure all PVC Investigations / driver standards
- Allocate PVC investigations to the relevant person for progression
- Ensure the PVC database / driver records are maintained accurately
- Oversee any temporary withdrawal and reinstatement of driving authorities
- Ensure cases are concluded within timescales
- Be the point of contact for any PSD / IOPC referrals
- Liaise with CPS
- Review and identify collisions for the Driving Standards Governance Meeting
- To determine whether a collision is Avoidable or Unavoidable

## **9 Responsibilities of the Force RTC Dedicated Decision Maker (DDM)**

- 9.1** The role of Force RTC Dedicated Decision Maker is undertaken by the Matrix Roads Policing Inspector (Investigations). The purpose of the role is to ensure consistency in

the decision making process in relation to Police Vehicle Collisions working closely with the PVC Manager and to ensure transparency and a consistent approach throughout the investigation process.

Matters that will be taken into account for the consideration any referral to a Criminal Justice DDM for advice will be as follows (list not exhaustive):

- Police Driver not responding to/dealing with an acknowledged policing matter.
- Police Driver acting **far** outside of their level of training.
- Injury to a third party (Police or public)
- Level of damage caused.
- Lack of information to identify/justify the reasons for the manner of driving
- Where it is in the public interest or interest of Merseyside Police demonstrating impartiality/third party oversight.

**9.2** When a file is submitted recommending that a Police driver is prosecuted the DDM will consider the following criteria:

- Current CPS Charging Standards
- Any relevant legal exemptions
- All circumstances of the incident
- Police Driver record
- The potential impact on public confidence

**9.3** If having considered these criteria the DDM considers a prosecution is appropriate a full Prosecution file will be requested from the investigating officer and forwarded to a PDM for a charging decision.