



## Road Traffic Collisions (Policy & Procedure)

**Official**

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**Policy Statement**

Merseyside Police will investigate Road Traffic Collisions in line with College of Policing APP Investigation of fatal & serious injury road collisions, provide a high level of service to victims and their families and secure convictions for serious motoring offences.

The overarching aim of the policy will be to ensure that those persons involved in all collisions receive an appropriate standard of service in relation to the severity of the collision, and that offenders are either educated or prosecuted in the event of their driving standard falling below, or far below, what would be expected of a competent and careful driver.

**Aims**

This policy has two main aims:

- 1 Provide a consistent and effective framework for reporting; categorisation; recording; investigating, and suitable disposal decision for road traffic collisions, so that we understand our business; focussing on quality and do the right thing in every circumstance.
- 2 Provide access to the correct level of support and information for victims and their families, 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 involved in road traffic collisions through effective investigation and wider adoption of structured disposal options for offenders 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 completed within agreed timescales.
4. Increased number of investigations with a positive disposal outcome.
5. Increased number of offenders dealt with through non-court options to include education and training.

**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>

Matrix Roads Policing will have responsibility for all investigations; Matrix Business Support will have responsibility for recording/ administration relating to reportable (Section 170, Road Traffic Act 1988) and recordable (STAT's 19 and 20) road traffic collisions.

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

**Procedure****Version History**

07/03/2016	V 3.0 – Major rewrite on review to reflect changes to organisational structure, roles, responsibilities and process.
19/02/2020	V 4.0 – Major rewrite on review to reflect changes to organisational structure, roles, responsibilities and process. Injury reporting timescales changed to 30 days to reflect DFT guidance. Appendices removed as no longer applicable.

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<b><u>Contents</u></b>	<b><u>Page</u></b>
1.0 Introduction	5
2.0 Definitions	5
3.0 Collision Categories	6
4.0 Initial Reporting of a Road Traffic Collision	8
5.0 Responsibilities	8
6.0 Road Traffic Collision Recording	11
7.0 Preliminary Impairment Tests	12
8.0 Outside Force Collisions	12
9.0 Victim and Witness Care	13
10.0 Investigation and Finalisation of Road Traffic Collisions	14
11.0 Civil Proceedings	16

## 1.0 Introduction

The reporting and recording of Road Traffic Collisions is a statutory requirement for the police with over 5000 collisions recorded every year on Merseyside.

## 2.0 Definitions

There is a difference between a “Reportable” collision under the Road Traffic Act and a “Recordable” collision as required by the Department for Transport (DfT).

The [DfT Stats20 manual](#) provides instructions for the completion of Road Accident reports.

### 2.1 **Reportable (Road Traffic Act 1988)**

Owing to the presence of a mechanically propelled vehicle on a road or other public place, an accident occurs by which –

- Personal injury is caused to a person other than the driver of that mechanically propelled vehicle  
or
- Damage is caused to a vehicle other than that mechanically propelled vehicle or a trailer drawn by it
- Damage is caused to an animal other than to an animal on that mechanically propelled vehicle or a trailer drawn by it
- 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

### 2.2 **Recordable**

The Department for Transport (DfT) provide a wider definition of what must be reported to them. The DfT cannot accept this data without an appropriate RTC number to reference it; hence all such collisions will be recorded on Niche RTC Reports. The accumulated data is used by a range of establishments for research into road safety measures, road layout, road safety campaigns, funding etc.

The DfT state the following must be recorded:-

All **death or injury** occurring on the Highway.

To clarify highway includes – Footpaths, embankments/land adjacent to highways, Pedestrianised areas with limited access for motor vehicles, rail/tram tracks that cross a highway, cycle lanes if part of a highway, tracks and byways open to traffic, Royal Parks.

Locations that would not require recording include Car parks, Petrol stations, Pedestrian malls, Bus stations unless they form part of the highway.

Deliberate acts including assaults must be recorded.

Examples of Recordable collisions that do not fit the definition in the Road Traffic Act would be where a person falls on a bus, injuries to cyclists or horse riders with no vehicle involvement.

Non-Recordable accidents are those not involving injury, those in car parks, confirmed suicides or accidents reported to police more than 30 days after they occurred.

### 3.0 Collision Categories

Care needs to be taken to correctly categorise each collision.

The relevant categories are:

- (i) **Fatal/Likely to prove/Life Changing**
- (ii) **Serious injury**
- (iii) **Slight injury**
- (iv) **Non-injury (damage only).**
- (v) **Fail to stop - damage only and those involving injury.**

When deciding on the level of injury caution should be taken in cases where elderly persons or pregnant women are involved as health complications may well develop at a later stage.

#### 3.1 **Fatal / Likely to Prove (LTP)/ Life Changing**

3.1.1 A Fatal RTC will be assessed by a Lead Investigating Officer (LIO) and assigned one of the following categories:-

Category A+	Assessed as likely homicide investigation or where complexity requires the deployment of a nationally registered SIO.
Category A	Confirmed fatality – one or more vehicles failed to stop and/or drivers decamped or other factors are present that significantly increase the complexity of the investigation.
Category B	Confirmed fatality – all drivers/riders are known or can be immediately identified.
Category C	Confirmed fatality – driver/rider only killed, no third party involvement – inquest only.
Category D	Confirmed fatality – driver/rider only killed, death due to natural causes, may involve a third party – no inquest necessary.

3.1.2 A Likely to Prove (LTP) collision is one where medical staff expect that the injuries are likely to be un-survivable.

3.1.3 A life changing injury or condition is where the life-long health and wellbeing of the injured person is drastically affected. It could be a permanent injury which substantially interferes with one's activities of daily life. The injuries are survivable and non-life threatening. Examples would include paralysis, loss of limbs etc.

#### 3.2 **Serious Injury**

This category refers to any injury that involves a change or disruption to the person's ability to carry out their daily activities or routine.

The national criteria includes:

- (i) Fractures (of any description)
- (ii) Internal injury
- (iii) Severe cuts (4 stitches or more)
- (iv) Crushing
- (v) Concussion

- (vi) Severe shock requiring hospital treatment
- (vii) Burns

Any injury that results in a period of detention in hospital as an in-patient, either immediately or later, must be classified as a serious injury.

### **3.3 Slight Injury**

This category refers to any injury that causes only minimal disruption to the person's daily activities or routine.

The national criteria includes:

- (i) Minor whiplash injuries
- (ii) Sprains
- (iii) Bruises
- (iv) Slight cuts (3 stitches or less)
- (v) Slight shock requiring only roadside attention

### **3.4 Non-Injury (Damage Only)**

This category refers to any reportable collision where no person suffers any injury. These RTCs are not "recordable" in line with DfT guidelines and do not require an RTC report.

### **3.5 Fail to stop - damage only and those involving injury**

This category refers to any reportable collision where one or more driver(s) fails to stop at the collision or fails to report the collision committing an offence under S170 Road Traffic Act 1988.

## **4.0 Initial reporting of a Road Traffic Collision**

The primary report of a Road Traffic Collision will be via the phone system to the Force Control Centre (FCC) from a member of public or partner agency such as North West Ambulance Service.

Contact Resolution Officers within the FCC are required to understand the contents of this policy so they can assess the most appropriate deployment method in line with deployment principles, use of the national decision making model and assessment of threat risk or harm. In the event of deployment of a police officer to scene that officer will be responsible for recording the RTC in line with this policy.

In the event of an RTC on the Motorway network the STORM Log will be passed to the Regional Control Centre for the North West Motorway Patrol Group at Rob Lane. The FCC are not to manage collisions on the motorway network.

If the RTC does not require the deployment of a police officer then (if required in line with this policy) the Contact Resolution Officer should obtain sufficient details so the report can be recorded.

S170 Road traffic Act states that a person if required to do so, should report the RTC as soon as possible or nether the less within 24 hours in person to a Police Constable or Police Station. Although the legislation has not been updated most police forces have provided alternative methods of doing so and the person will not be prosecuted for doing so within the time scales. The same applies in Merseyside and we will accept reports over the telephone to 101, in person at a police station General Enquiry Office or online via the force website/Single Online Home.

## **5.0 Responsibilities**

### **5.1 Matrix Roads Policing**

Matrix Roads Policing will be responsible for attending and investigating all RTCs.

Any RTC attended by Matrix Roads Policing, will be recorded (where applicable in line with this policy) and investigated by the attending officer. This RTC may be handed over to the Serious Collision Investigation depending on level of injury.

Matrix Roads Policing Investigations contains the RTC Investigation Unit and Serious Collision Investigation Unit.

The RTC Investigation unit has responsibility for all "Slow-time" RTCs recorded without the deployment of Police to scene or RTC's recorded by non-Matrix Roads Policing Officers. The team will quality assure all RTC's to ensure correct recording in line with this policy, data quality of statistics for DfT returns and conduct an assessment to ascertain if any further investigation is required.

#### **5.1.1 Allocation of RTCs to Matrix Roads Policing Syndicates**

The RTC Investigation Unit will conduct an initial assessment of all RTC's sent to the department recorded by non-Matrix Roads Policing Officers to ascertain if it is suitable for desk-based investigation.

The following RTC's will be allocated for further investigation and finalisation by Syndicate officers:-

- Complexity of investigation required makes the collision not suitable for desk-based investigation.
- Vulnerable person involved – A visit is required to conduct an assessment of their vulnerability, consideration of fitness to drive, eye sight, medical conditions etc. Assess if vulnerable person referral is required.
- The threat/risk harm of an incident required deployment of police to scene however no Matrix Roads Policing Officer was available at that time to attend.

They will be allocated to the syndicate on duty at the time of the collision occurred not time of report. For clarity morning to afternoons handover time is 17.00 hours for RTC allocation.

#### **5.1.2 Fatal, LTP and Life Changing Injuries**

In the case of Fatal, LTP or Life Changing collisions, to prevent any delay in gathering evidence, the investigation will remain the responsibility of the reporting officer to progress until it is reviewed by the Investigation Team Inspector or an Investigation Team Sergeant.

The review will identify three proposed levels of investigation with responses endorsed on the Niche OEL:

1. Investigation to be reallocated to the Serious Collision Investigation Unit.
2. Investigation to be reallocated to a Syndicate Sergeant for investigation.
3. Investigation to remain with the reporting officer (Syndicate).

## 5.2 Non Matrix Roads Policing Officers

In the event of a Matrix Roads Policing Officer not being able to attend an RTC and it is attended by another strand officer, that officer will complete initial scene investigation and record the RTC in line with this policy. Included within the report should be photographs of the collision, completed RTC report where it involves injury, signed first accounts from drivers/witnesses/Injured parties etc.

In the event of a report made in person at a General Enquiry Office or over the telephone the same principles will apply.

In the event of injury the RTC report will be completed and ticked as “ready to submit”.

The RTC must be tasked via workflow to the officer’s supervisor on Niche for quality assurance before the end of duty. The supervisor is responsible for quality assuring the report then tasking via workflow to Matrix Roads Policing Investigation Unit for progression.

Files which are submitted 14-days or more from the date of the collision, will be returned by Matrix Roads Policing to the reporting officer for them to investigate or where quality assurance standards are not met.

## 5.3 Investigation of Police Vehicle Collisions

A separate [policy](#) is in existence with regards to this subject and should be consulted for any RTC involving a Police Vehicle. Where injuries occur they should be recorded in line with this policy.

## 6.0 Road Traffic Collision Recording

The following RTCs will or will not be recorded on Niche RMS. For any RTC that falls outside of Merseyside Police's recording policy there is no requirement to generate any sort of reference number even if requested by Insurance companies or solicitors. In the event an RTC is recorded it does not necessary mean that an investigation will follow.

### 6.1 Injury

All RTC's involving injury will be recorded on Niche RMS in line with the above injury classification and an RTC report will be created. It is the reporting officer's responsibility to ensure the "Ready to submit" box is ticked. Without this the RTC will not submit to the DfT and will affect the RTC Statistics.

RTC's resulting in injury within car parks will not be recorded. In the event of serious injuries advice should be sort from Matrix Roads Policing as although not recordable an investigation may still take place.

**6.1.1 Fatal Injury** – Where Police do not attend the scene and it is subsequently reported this will be recorded at any time.

**6.1.2 Slight/Serious Injury** – Where Police do not attend the scene or the report is not taken immediately on the phone – Merseyside Police will only record Injury RTCs reported within 30 days from the time of collision.

### 6.2 Damage to vehicles

There is no statutory requirement for Merseyside Police to record damage only RTC's.

Merseyside Police will not record Damage only RTC's that occur in car parks, irrelevant of level of damage. In the event of a significant incident within a car park advice should be sought from Matrix Roads Policing.

Merseyside Police will record damage only collisions on the public highway in the event of Fail to stop or other offences or involvement of a police vehicle as described below and if reported within 24 hours of the collision:-

**6.2.1 Damage only Fail to Stop** - Where Police do not attend the scene or the report is not taken immediately on the phone – Merseyside Police will only record damage only fail to stop RTC's reported within 24 hours of the time of collision so that the victim complies with S.170 of the Road Traffic Act.

**Fail to Stop** - If one or more vehicles takes action to avoid stopping at the scene of the collision. In this case it will only be recorded if the offending vehicle details are known at time of the report i.e. Full VRM, or sufficient partial VRM that PNC/ANPR enquires will easily locate the vehicle.

Merseyside Police will not attend to collect CCTV which "may" show the incident or offending vehicle. The reporting person needs to have sufficient evidence available at the time of the report to allow an investigation to commence.

In the event of Damage only Fail to stop this must be reported to Police within 24 hours in order to comply with S170 RTA.

**6.2.2 Damage only RTC with offences** - Where Police do not attend the scene or the report is not taken immediately on the phone – Merseyside Police will only record RTC's with offences such as no Driving licence or Insurance if reported within 30 days from the time of collision.

**6.2.3 Involvement of Police Vehicle** – See associated [PVC policy](#).

**6.3 Damage to Property** - Merseyside Police will not record or investigate collisions where damage occurs to property constructed on or fixed to land adjacent to the road such as trees, street furniture, walls etc. unless one or more vehicles failed to stop at the scene, in which case the same principles as 6.2.1 will apply.

Where damage is such that it could cause danger to road user's then immediate notification should be given to the relevant local authority or partner agency.

Where damage is caused to property forming part of the road infrastructure belonging to the local authority or Highways England such as road signs, safety barriers etc. the OIC will complete Police Form 148 and sent to Matrix Roads Policing Traffic Managers.

**6.4 Damage to Animals** - Merseyside Police will not record collisions in the event of injury or death of a specified animal (horse, cattle, ass, mule, sheep, pig, goat or dog) unless there is sufficient evidence to suggest a deliberate act (consider criminal damage offences) or there is evidence of poor driving likely to result in a prosecution such as the driver has lost control mounted the kerb and hit a specified animal.

## **7.0 Preliminary impairment tests of drivers involved in Road Traffic Collisions**

All drivers involved in any RTC where the police attend the scene, must be breathalysed whether alcohol is suspected or not.

A "Field Impairment Test" and a 'Drug screening test' must be considered following any collision and must be conducted after every collision involving life changing, likely to prove or fatal RTC.

In the event of a driver being removed to hospital prior to completing preliminary tests then officers must use powers under Section 7 RTA 1988 to complete in hospital impairment procedures. All hospital procedures must be conducted in accordance with form MG/DD C and Matrix Roads Policing should be contacted for advice if necessary.

Under S96(2) of the Road Traffic Act 1988 a person driving a motor vehicle on a road must, if required to do so by a police officer submit to an eye sight test if the officer suspects that the person is guilty of the offence of driving a vehicle with defective eyesight. This should be considered for all RTCs.

## **8.0 Dealing with Outside Force Collisions**

In the event of a report where the collision has occurred in another force area, an email should be sent to the relevant force control room. Consideration should be given to vulnerable persons who may require assistance in reporting.

In the event of Matrix Roads Policing officers attending RTC's in outside force areas as part of the NWMPG collaboration all RTC's will be investigated at scene and will be recorded on Niche RMS and tasked via supervision to RTC Admin. Any RTC occurring on the M6 motorway will be retained by Merseyside Police and not forwarded to Greater Manchester Police in line with NWMPG agreements.

## **9.0 Victim and Witness Care for parties involved in a Road Traffic Collision**

All victims, witnesses and offenders must, be regularly updated on the progress of the investigation and informed of the final outcome.

This should be done via means of an O.E.L entry utilising 'Victim Contact' template.

### **9.1 Vulnerable Persons**

Particular attention should be paid by the reporting and/or officer in charge as to the vulnerability of all persons involved in a collision and if deemed necessary, a Vulnerable Person Referral Form (VPRF1) should be completed.

Officers dealing with vulnerable parties from RTC's, have a responsibility to ensure a Vulnerability Assessment is considered. Examples could include unsupervised children, elderly isolated persons, persons suffering with mental health conditions etc.

If the investigating officer has completed a D751 referral the officer must complete a VPRF1 referral.

### **9.2 Vulnerable Road Users**

A number of road users are identified as vulnerable by the Highway Code, statistics show they are disproportionately affected by road traffic collisions. These are pedestrians, cyclists, motorcyclists and horse riders.

This factor should be considered at all stages of investigation and finalisation. Positive action should be taken where possible to protect vulnerable road users and may be an aggravating factor for prosecution rather than out of court disposal.

### **9.2 Support Agencies**

Following a Fatal, Likely to Prove, Life Changing or Serious Injury RTC, a referral to a relevant support agency should be offered to the victim and/or family where applicable. Merseyside Police's identified support agency for RTCs is Aftermath.

## **10.0 Investigation of Collisions and Finalisation**

Investigation of an RTC must be conducted to the same high standards of any crime. Each investigation should be reviewed by a supervisor every 28 days and the OEL endorsed with the review.

### **10.1 Investigation**

The level of investigation will vary between RTCs dependent of circumstances, offences disclosed and level of injuries. The following describes the expectations for damage only, slight and serious injury collisions, although is not exhaustive.

#### **10.1.1 Damage only/Slight Injury**

Where an officer attends the scene of an RTC the full investigation should be completed at scene by that officer, there should be no requirement for follow up enquiries or investigations. The officer should identify any aggravating or mitigating factors in the cause of the collision and decide if it is suitable for an educational course. The reporting officer should check the driver's eligibility for such a course.

In this event the officer should take photographs of the vehicles in their post collision positions, bodycam the scene, obtain comprehensive signed first accounts from involved drivers stating which vehicle they were driving, what happened and if they allege any mechanical defect or automatism defence. They should identify any independent witnesses and obtain a signed first account and secure any CCTV evidentially.

In this case there is no requirement to interview the driver, unless further evidence is required or the points to prove for the offences are not met. All of the above should be added to Niche and tasked via a Sergeant for final disposal.

If the driver is not eligible for an educational course or would be unwilling to attend one then they should be interviewed in line with PACE for a prosecution to follow.

#### **10.1.2 Serious Injury**

In the event of serious injury the investigation will assume by default a prosecution will be the finalisation. As such offending drivers will be interviewed in line with PACE.

It may later be the case that after a full investigation and consultation with RTC Investigation team Inspector that a suitable disposal may come in the form of an educational course.

## **10.2 VTC 5/6's**

VTC 5/6s are pro-forma questionnaire statements. They are to be used for non-key witnesses who provide limited evidential value or for volume investigation such as numerous passengers on a bus who all provide the same evidence. Under no circumstances can they be used for under 18 year olds, vulnerable persons, suspects or offending drivers.

They cannot be used for Fatal, LTP, Life Changing or Serious Injury collisions in any circumstance.

## **10.3 Case finalisation**

There are 3 disposal outcomes for RTC's namely Prosecution, Out of court disposal and No Further Action.

For NFA or out of court disposals in the event of “Serious Injury” the final decision will be made by a Roads Policing Investigation Inspector or Investigation team Sergeant.

For all other cases the final disposal decision will be made by a Roads Policing Sergeant or Police Decision Maker.

The decision must be made using the full code test as per the [Directors Charging Guidance](#), all available evidence must be available and the investigation concluded.

### 10.3.1 Prosecution

Prosecutions should be carried out in line with the directors Charging Guidance full code test. Where there is sufficient evidence for the offences considered, provides a realistic prospect of conviction and the public interest test is made. Aggravating factors for S3 Due care offences which make the disposal method a prosecution rather than an out of court disposal may include:-

- Fail to conform to a traffic light, pedestrian crossing, solid white line, police officer or traffic warden.
- Disregard at a Give-Way, i.e. no attempt made to give-way or no effort to take care.
- Serious error of judgement, e.g. overtaking when not safe for conditions.
- Significant driver impatience.
- RTC caused by aggressive driving, e.g. tailgating.
- Offending vehicle subject of obscured vision with driver at fault.
- Offending driver has committed further offences such as drive otherwise than, disqualified, No insurance, No MOT etc.
- Significant excess speed for the circumstances.
- Defective vehicle part caused the collision.
- Failure to wear prescribed vision correction devices (glasses etc.)
- Failure to declare a notifiable medical condition e.g. epilepsy.
- Offending driver using handheld device or otherwise not in proper control of vehicle.
- Victim is vulnerable person or a vulnerable road user.

### 10.3.2 Out of Court Disposal

In the event of the evidential test being complete for the offence of S3 Driving without due care and attention however the public interest test isn't due to a number of mitigating factors then an out of court disposal may be more suitable.

In the event of a low level collision, in order to change driver behaviour research shows drivers often respond better to education than prosecution. If it is deemed more suitable for an out of court disposal in the form of education then a course can be offered if the offender is eligible for such a course.

The decision to offer a place on a course should be based on an objective assessment of the individuals driving which led to the offence such as minor lapses of concentration, judgment or mistake rather than the consequences of a collision.

In considering a course disposal consideration should be given to, was the manor of driving high risk or potential for high harm level.

The exception is fatal RTCs or serious bodily harm or where a non-court disposal may affect public confidence.

If a driver is not eligible for a course due to previous attendance, inability to attend or refusal to attend then the public interest test would be made out for prosecution.

### **10.3.3 No Further Action (NFA)**

When all enquiries are complete the full code test should be applied. If when applying the evidential test the points to prove for the offence are not met or there is not a likely prospect of conviction then no further action should be taken.

If the evidential test is successfully complete however the public interest test is not then again no further action should be taken.

## **11.0 Civil Proceedings**

### **11.1 Disclosure of Information**

Officers attending and investigating RTCs should familiarise themselves with the College of Policing guidelines for disclosure to third parties in RTC's.



COP Disclosure  
RTC.pdf

Remedies sought via civil litigation are of profound importance to the wellbeing of victims and their families and Merseyside Police will support this in line with Community First principles.

It is expected that the officer will inform and encourage any witnesses that their statement can be used in any possible criminal or civil proceeding.

Officers should be aware that the information they gather at scene such as plans, photographs, PNB entries, Body Cam footage etc. will be released for civil proceedings. Similarly lack of obtaining such information during the course of the investigation could affect civil proceedings and the victim's perception of Merseyside Police.

### **11.2 Data Protection**

In situations where vehicles or persons fail to stop it is permissible for officers in their course of enquiries to obtain details from PNC in order to make enquiries with the offender however these details cannot be disclosed to any other party involved. Any information gathered from the offending driver in confirmation of PNC information may be passed on to a third party.

It is a criminal offence to supply information from the Police National Computer.

### **11.3 Requests from Solicitors to interview Police Officers**

Requests from solicitors will be made via the RTC Administration Unit. The RTC Administration Unit will request this via Niche Task to the officer's supervisor.

An interview will be agreed in all cases, it is irrelevant if criminal proceedings have commenced.

The exception will be where the officer has no information to provide such as they took a report of the collision and/or only has hearsay evidence of the incident, a letter must be sent to the solicitor stating this and refusing the interview.

Any letters requesting interviews received by individual officers or departments must be forwarded to the RTC Administration Unit in the first instance for an initial response.

A supervisory officer must be present for the interview or take sufficient steps to ensure that the interview is confined purely to facts; opinion is not to be discussed.