

Email

ICO Case reference: IC-10...

Regarding

Worked By

Status Reason

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Activity Marker


Direction


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Email

From  [ICO Casework](#)

To  DPO@sussex.police.uk

Cc

Subject ICO Case reference: IC-108170-P1J8

Display Name ICO to DC - FI needed

Date Received 28/02/2022 10:52

Email Address

28 February 2022

Case Reference: IC-108170-P1J8

Dear Sir/Madam,

I am writing to you as the Information Commissioner's Office (ICO) has received a data protection concern about Sussex Police. The complaint was received by the ICO on 20 May 2021.

The ICO's role

Our role is to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.


One way that we do that is to consider complaints from individuals who believe there has been an infringement of the data protection law. Section 165 of the Data Protection Act 2018 requires us to take steps to respond to the complaint including investigating it to the extent that we feel is appropriate and informing the complainant of the outcome.

The concern

The concern is about the disclosure of  personal data to a third-party. I attach relevant document for your reference.

Next steps

Before we are in a position to make an assessment we need some further information from you. Please provide responses to the following:

- Describe the procedure for handling incidents of this kind, and state whether the procedure was followed in this instance.
- Please state if  personal data is being processed under UK GDPR or part 3 DPA 2018.

- If under UK GDPR, what Article 6 lawful basis did you use to disclose [REDACTED] personal data?
- What was the purpose for the disclosure?
- Why was the disclosure necessary for this purpose?
- Please provide any further information you feel may be relevant to our assessment.

We ask that you provide responses to the above questions as soon as possible, and no later than 14 days from the date of this email.

I look forward to receiving your response. Please contact me on the number below if you have any queries concerning this process.

Yours sincerely,


David Hunt
Case Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 414 6822 F. 01625 524510 ico.org.uk twitter.com/iconews

For information about what we do with personal data see our **privacy notice**: <https://ico.org.uk/global/privacy-notice/>

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Email

CIM.11.22 ICO Case refere...

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Email

From  DPO@sussex.police.uk

To  [ICO Casework](#)

Cc

Subject CIM.11.22 ICO Case reference: IC-108170-P1J8

Display Name DC FI response

Date Received 03/03/2022 09:51

Email Address "DPO@sussex.police.uk" DPO@sussex.police.uk

External: This email originated outside the ICO.

Dear David

Thank for your letter in response to the complaint raised by [REDACTED] I have extracted the relevant information to answer the questions below. Most of the responses have been directly lifted from the email exchanges (as attached), this is to validate the communications from the Collisions Unit to the data subject to re-enforce the current operational processes in place for such incidents.

- Describe the procedure for handling incidents of this kind, and state whether the procedure was followed in this instance.
- What was the purpose for the disclosure?
- Why was the disclosure necessary for this purpose?

Where an incident that falls under [Section 170 of the Road Traffic Act 1988](#) occurs and one of the parties has refused to give their contact details for insurance purposes, the aggrieved party will contact the police to provide the necessary data from the DVLA records. The information shared is the minimum required as required by the legislation to allow civil proceedings to be established. In this scenario, the aggrieved party used the information to confront the data subject, this is a crime and will be investigated as such. The information shared with the data subject by the Collisions Unit made the purpose for the processing clear to the data subject:

With regards to your enquiry about your personal details being given. Under section 170 of the Road Traffic Act 1988 it is a requirement that the names and addresses of the drivers involved in a damage only collision are exchanged.

Therefore you would have been required to do this at the scene although I understand from your explanation why this may not have been possible for you. As details were not exchanged and the collision was reported to ourselves by the other party, part of our role is to try to establish the details of the other driver.

Once these details have been established we are required under section 170 to pass these details onto both parties.

Should you be involved in a similar situation in the future and you are not able to exchange details at the scene then you should report the incident to the Police within 24 hours

Although you had stated that there was not a Road traffic accident or damage the other driver has reported the incident and advised that there is damage to their vehicle therefore section 170 applies and details are required to be exchanged

- Please state if [REDACTED] personal data is being processed under UK GDPR or part 3 DPA 2018.
- If under UK GDPR, what Article 6 lawful basis did you use to disclose [REDACTED] personal data?

Personal data was originally processed under the GDPR as processed by the DVLA. This was then further processed by the police for a law enforcement purpose. The initial processing by the DVLA would be Public Task as there is a requirement to process this data within their official functions. Due to the lawful requirement to make the disclosure under the Road Traffic Act, the information was further processed as it was compatible and necessary for the performance of a task carried out for that purpose by a competent authority. Under the data minimisation requirements, only the relevant and pertinent information was shared with the aggrieved party, this being sufficient to report the claim to their insurance company.

- Please provide any further information you feel may be relevant to our assessment.

Whilst appreciative that this was a traumatic incident for the data subject, this process was established to ensure incidents involving damage to vehicles where a driver refuses to give their details can be resolved through insurance companies. This is also an established and required process for all Police Forces in agreement with the DVLA. Fortunately, this type of incident is an exception rather than the normal and any crimes committed against either party following the exchange of personal data will be fully investigated. Support will also be offered to the victims, as it was for [REDACTED]

If you require any further information then please do not hesitate to contact me. Many thanks

Regards

[REDACTED]
Information Governance Supervisor
Force Deputy Data Protection Officer
Sussex Police Headquarters, Church Lane, Lewes, East Sussex, BN7 2DZ
www.sussex.police.uk

From: ICO Casework <icocasework@ico.org.uk>
Sent: 28 February 2022 10:54
To: DPO <DPO@sussex.police.uk>
Subject: CIM.11.22 ICO Case reference: IC-108170-P1J8

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28 February 2022

Case Reference: IC-108170-P1J8

Dear Sir/Madam,

I am writing to you as the Information Commissioner's Office (ICO) has received a data protection concern about Sussex Police. The complaint was received by the ICO on 20 May 2021.

The ICO's role

Our role is to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

One way that we do that is to consider complaints from individuals who believe there has been an infringement of the data protection law. Section 165 of the Data Protection Act 2018 requires us to take steps to respond to the complaint including investigating it to the extent that we feel is appropriate and informing

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ICO Case reference: IC-10...

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Email

From  ICO Casework

To  DPO@sussex.police.uk

Cc

Subject ICO Case reference: IC-108170-P1J8

Display Name ICO to DC - FI needed (2)

Date Received 15/03/2022 09:47

Email Address

FAO: 

15 March 2022

Case Reference: IC-108170-P1J8

Dear Mr 

Thank you for your reply to my email dated 28 February 2022.

We need some more information from you to progress the matter.

I note the following from your response: "Where an incident that falls under Section 170 of the Road Traffic Act 1988 occurs and one of the parties has refused to give their contact details for insurance purposes, the aggrieved party will contact the police to provide the necessary data from the DVLA records."

Please advise where in section 170 RTA 1988 it states that, in the event that details are not exchanged, the police either can, or have a duty to, share the information with the other party to the alleged incident.

We ask that you provide your response as soon as possible, and no later than 7 days from the date of this email.

I look forward to hearing from you again. Please contact me on the number below if necessary.

Yours sincerely,


David Hunt
Case Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0330 414 6822 F. 01625 524510 ico.org.uk twitter.com/iconews

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Email

From DPO@sussex.police.uk

To ICO Casework

Cc

Subject CIM.11.22 - ICO Case reference: IC-108170-P1J8_Additional

Display Name DC FI response (2)

Date Received 18/03/2022 08:12

Email Address "DPO@sussex.police.uk" DPO@sussex.police.uk

External: This email originated outside the ICO.

Good Morning David

I have spoken with (Collision Process Unit Supervisor) and (Case Director Manager) within our Ticketing unit. I am on annual leave for a week, but messages sent to the DPO inbox will be monitored and a response sent if required. Thank you in advance.

Below is a summary of their response in relation to your query as below. If you require any further information, please let me know and I will speak to the persons named above:

- Please advise where in section 170 RTA 1988 it states that, in the event that details are not exchanged, the police either can, or have a duty to, share the information with the other party to the alleged incident.

Collision Unit Response:

Section 170 Road Traffic Act 1988 deals with the obligations on a driver to stop and exchange details, it does not state the Police can or have a duty to exchange information with other parties. Section 170 imposes obligations on drivers of mechanically propelled vehicles who are involved in road accidents.

- 170(1) This section applies in a case where, owing to the presence of a mechanically propelled vehicle, on a road or other public place an accident occurs by which -
 - (a) personal injury is caused to a person other than the driver of that mechanically propelled vehicle, or
 - (b) damage is caused -
 - (i) to a vehicle other than that mechanically propelled vehicle or a trailer drawn by that mechanically propelled vehicle, or
 - (ii) to an animal other than an animal in or on that mechanically propelled vehicle or a trailer drawn by that mechanically propelled vehicle, or
 - (iii) to any other property constructed on, fixed to, growing in or otherwise forming part of the land on which the road or place in question is situated or land adjacent to such land.
- 170(2) The driver of the mechanically propelled vehicle must stop and, if required to do so by any person having reasonable grounds for so requiring, give his name and address and also the name and address of the owner and the identification marks of the vehicle.
- 170(3) If for any reason the driver of the mechanically propelled vehicle does not give his name and address under subsection (2) above, he must report the accident.

- 170(4) A person who fails to comply with subsection (2) or (3) above is guilty of an offence.
- 170(5) If, in a case where this section applies by virtue of subsection (1)(a) above, the **driver** of a **motor vehicle** does not at the time of the accident produce such a certificate of insurance, or other evidence, as is mentioned in **section 165(2)(a)** of this Act -
 - (a) to a **constable**, or
 - (b) to some person who, having reasonable grounds for so doing, has required him to produce it,
 the driver must report the accident and produce such a certificate or other evidence.
- 170(6) To comply with a duty under this section to report an accident or to produce such a certificate of insurance, or other evidence, as is mentioned in section 165(2)(a) of this Act, the driver -
 - (a) must do so at a police station or to a constable, and
 - (b) must do so as soon as is reasonably practicable and, in any case, within twenty four hours of the occurrence of the accident
- 170(7) A person who fails to comply with a duty under subsection (5) above is guilty of an offence, but he shall not be convicted by reason only of a failure to produce a certificate or other evidence if, within [seven] days after the occurrence of the accident, the certificate or other evidence is produced at a police station that was specified by him at the time when the accident was reported
- 170(8) In this section animal means horse, cattle, ass, mule, sheep, pig, goat or dog.
Sussex Police Road traffic Collisions Policy 130/2021 (attached) has 2 references to the sharing of information:

This legislation requires the exchange of personal details following a collision, Sussex Police also operate under the policy 130 of 2021 for these specific purposes. A copy of the policy (not for public / further dissemination) can be found below:



Policy 130 2021.doc

This states under paragraph 5.8 that once the collision is recorded, the exchange of details will be facilitated. Also, under section 15.4 (Collision Data – Release of Individual Reports) it identifies that 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 Procedures & Investigations Act 1996, or on the authority of HM Coroner.

- Collision Process Unit will supply copies of collision records to all parties with a legitimate interest.
- 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.
- No part of this policy must prevent legitimate release of those details to the parties involved, as required by Sec. 170 of the Road Traffic Act 1988.

The other driver claims there was damage caused, therefore details provided were in line with sect 170 (1)(b). Police couldn't prove it as no independent witnesses:

- 170(1) This section applies in a case where, owing to the presence of a mechanically propelled vehicle, on a road or other public place an accident occurs by which -
 - (a) personal injury is caused to a person other than the driver of that mechanically propelled vehicle, or
 - (b) damage is caused

Regards

Information Governance Supervisor

Sussex Police Headquarters, Church Lane, Lewes, East Sussex, BN7 2DZ

www.sussex.police.uk

From: ICO Casework <icocasework@ico.org.uk>

Sent: 15 March 2022 09:49

To: DPO <DPO@sussex.police.uk>

Subject: CIM.11.22 - ICO Case reference: IC-108170-P1J8

Email

ICO Case reference: IC-10...

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Email

From  ICO Casework

To  DPO@sussex.police.uk

Cc

Subject ICO Case reference: IC-108170-P1J8

Display Name ICO to DC - FI needed (3)

Date Received 11/04/2022 10:47

Email Address

FAO: 

29 March 2022

Case Reference: IC-108170-P1J8

Dear ,

Thank you for your reply to my email dated 15 March 2022. I note the contents. At this stage some further clarification is needed.

In your email dated 3 March 2022 you stated Sussex Police's legal basis for processing as follows:

"Due to the lawful requirement to make the disclosure under the Road Traffic Act, the information was further processed as it was compatible and necessary for the performance of a task carried out for that purpose by a competent authority. Under the data minimisation requirements, only the relevant and pertinent information was shared with the aggrieved party, this being sufficient to report the claim to their insurance company."

I have understood this to mean that Mr  personal data was disclosed to the other party to the alleged collision under Article 6(1)(e) UK GDPR 'Public Task'.

• Please confirm if this is the case – Y/N

If no, please clarify what lawful basis was used to make the disclosure.

If yes, please respond to the following:

- What was the public task being carried out?
- What is the clear basis in law for this task?
- Why was the disclosure necessary for this task? Have other ways of performing the task been considered? If yes, please explain what they were, and why they were not used.

Guidance on the use of 'Public Task' as a lawful basis is on our website [here](#).

Please provide any other information you think may be necessary for this investigation.

We ask that you provide your response as soon as possible, and no later than 7 days from the date of this email.

I look forward to hearing from you again. Please contact me on the number below if necessary.

Yours sincerely,

David Hunt



Case Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. 0330 414 6822 F. 01625 524510 ico.org.uk twitter.com/iconews

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Email

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Email

From

[Redacted]

To

ICO Casework

Cc

Subject

CIM.11.22_ICO Case reference: IC-108170-P1J8_C

Display Name

DC FI response (3)

Date Received

14/04/2022 13:57

Email Address

[Redacted]

External: This email originated outside the ICO.

Dear David

The information shared in these instances was targeted, proportionate and minimal to allow the aggrieved party to report the incident and other driver details to their insurer to claim for damage to their vehicle. The police recognise that in this instance, [Redacted] went on to commit an offence and was reprimanded for their actions. The information was shared with both drivers, [Redacted]. The police did not disclose any information to [Redacted] directly, [Redacted] should not have shared this information with [Redacted] for this purpose, it should have been shared solely with the insurer for the purposes of making a claim. In this instance, there clearly was a possibility of civil litigation as damage had been caused to [Redacted] car, they [Redacted] believed [Redacted] was responsible.

Prior to release of information, checks were conducted to identify any risks or safeguarding issues. If issues were highlighted, police would consider options and speak with interested parties directly. On checking local systems, there were no risks identified and neither party were known. Therefore, the safeguarding checks did not flag any potential issue such as this and the data was shared solely for the purposes of the aggrieved party making an insurance claim.

The Central Ticketing Team have provided the attached documents for further reading:

1. Release of Information following a Road traffic Accident
2. Home Office circular 1967 (as far as the team are aware this never been superseded)
3. NPCC guidance – Policy when dealing with disclosure of information held by third parties in road traffic collisions (para 1.3, 2.1, 6-6.3)
4. CPS Guidance – disclosure of material to third parties (Road Traffic Collisions) : [Disclosure of Material to Third Parties | The Crown Prosecution Service \(cps.gov.uk\)](#)

In answer to the specific questions:

- What was the public task being carried out?

The processing of this information was necessary for the performance of a task carried out in the exercise of official authority vested in the controller as there is a requirement under section 170 (1)(b) of the Road Traffic Act 1988 for drivers to exchange details at the scene of an accident. The information was shared under the Police statutory functions to bring offenders to justice, albeit this was through civil proceedings for insurance purposes. The minimum and necessary information (for insurers to make a claim) was shared.

- What is the clear basis in law for this task?

There is a lawful requirement for drivers of mechanically propelled vehicles to exchange details at the scene of a road traffic accident. In this instance, [REDACTED] deemed there to be no damage and therefore left the scene. However, the other involved party identified damage and as [REDACTED] has not provided his details, was in clear violation of the legislative requirements (section 170 (1)(b) of the Road Traffic Act 1988).

170(2) The driver of the mechanically propelled vehicle must stop and, if required to do so by any person having reasonable grounds for so requiring, give his name and address and also the name and address of the owner and the identification marks of the vehicle.

[REDACTED] refused to give details as claimed there was no damage.

170(3) If for any reason the driver of the mechanically propelled vehicle does not give his name and address under subsection (2) above, he must report the accident.

[REDACTED] did not report the accident to the Police, this was done by the other party.

170(4) A person who fails to comply with subsection (2) or (3) above is guilty of an offence.

This constitutes the processing of the data in question under Public Task for a competent authority.

- Why was the disclosure necessary for this task?

In order for the interested parties to pursue a civil claim as the Police investigation was closed NFA insufficient evidence. CPS guidance is as follows: *Marcel & Others v the Commissioner of Police of the Metropolis* (1991) 1 All ER 845, Dillon LJ specifically approved the current practice of the police in supplying information and witness statements to interested parties where there is a possibility of civil litigation after a road collision, in particular, the supply of names and addresses of parties involved in the collision

- Have other ways of performing the task been considered?

Yes, we can advise interested parties or their solicitors / insurance companies to apply for a copy of the Police report, however there is a charge for this service and would contradict the guidance in the attached documents to ensure that there is a timely and reasonable disclosure to interested parties of basic facts.

Regards

[REDACTED]
Information Governance Supervisor
Sussex Police Headquarters, Church Lane, Lewes, East Sussex, BN7 2DZ
www.sussex.police.uk

From: ICO Casework <icocasework@ico.org.uk>
Sent: 11 April 2022 10:49
To: DPO <DPO@sussex.police.uk>
Subject: CIM.11.22_ICO Case reference: IC-108170-P1J8_B

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FAO: [REDACTED]

29 March 2022

Case Reference: IC-108170-P1J8

Dear Mr [REDACTED],

Thank you for your reply to my email dated 15 March 2022. I note the contents. At this stage some further clarification is needed.

Title: Road Traffic Collisions Policy (Surrey and Sussex)

Abstract: Note. Under no circumstances is the “To begin an official review of this policy” link to be used. Always contact the Force Policy Officer (donna.hilton@sussex.police.uk) when completing policy reviews, updates and when proposing a new policy. Policy reviews cannot be completed via the links as this process no longer works.

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.

Sponsor: [REDACTED]

Contact: [REDACTED]

Links/Appendices:

Appendix A Department of Transport STATS 20 Information on collision Recording Requirements

Appendix B Checklist for recording information into serious and or fatal collisions

Appendix C CRaSH - Automatic MOPI Retention Dates

Sussex Police Road Traffic Collisions Procedure

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.

- **Appendix A:** Department of Transport STATS 20 Information on collision Recording Requirements
- **Appendix B:** Checklist for recording information into serious and/or fatal collisions involving a police vehicle.
- **Appendix C:** CRaSH Auto Management of Police Information (MoPI) Retention Dates

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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.

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).

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 **Appendix A: Department of Transport STATS 20 Information on collision Recording Requirements** for more information.

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.

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), 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.

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 and Reconstruction Unit (FCIRU) 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 (S 5A RTA), or over the drug drive limit, consideration should be given to requesting a Field Impairment Testing (FIT), which can be conducted by most RPU officers (S 5A RTA) 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 The Highways Agency 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 the Highways Agency 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 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 RPU LIO 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 there is slight or serious injury to any person, even where the circumstances appear to be non-blameworthy, on-board data systems should be considered as a source of potential evidence and a Forensic Collision Investigator (FCI) should be contacted and consulted at the earliest opportunity' The police vehicle involved must be left 'sterile' pending their examination.

13.6 **Investigations will be retained by divisions** unless a serious injury is involved (as defined by **Stats 20 Appendix A**) 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.

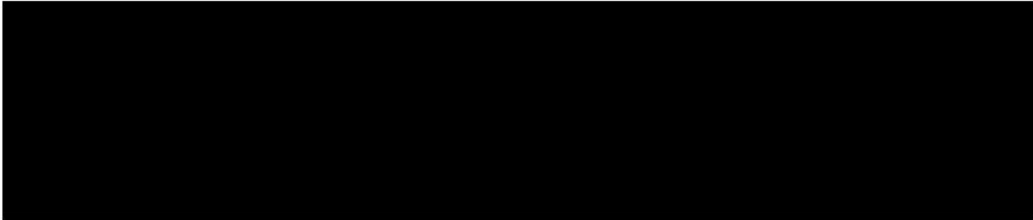
13.8 If any offences come to light regarding the actions of the member of Sussex Police, the file must be referred to PSD who will either make a charging decision (in accordance with Crown Prosecution Service (CPS) guidelines on police charging decisions and current PSD protocol) or, if the case meets 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.

**Covering
letter**


**Review Group Terms
of Reference Checklist**


**National File Presentation
Checklist**



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 here

13.12 The SPOC for the NPCC review team is: Inspector  E-mail



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 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.

Attached at **Appendix B** is a 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 prosecution investigations where death or serious injury is a consequence and there is culpability of the part of at least one party. 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 may 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.
- The SCIU will provide support to the Major Crime Team in Category A+ investigations.

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):

- Those involving offences that fall under the definition of causing serious injury by dangerous driving or causing serious injury: disqualified drivers.

- Any collision regardless of injury where the effectiveness of the investigation poses a risk to the reputation of the organisation.

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 or where 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. However, 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 all parties with a legitimate interest.
- 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.
- No part of this policy must prevent legitimate release of those details to the parties involved, as required by S.170 of the Road Traffic Act 1988.
- Collision records released in accordance with Home Office Circular 81/1967 will not include the description of how the collision occurred, causation factors or personal data other than that required to be exchanged pursuant to S.170 of the Road Traffic Act 1988.
- 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 **Appendix C: 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 collisions that are required, from non-injury to fatal
- The following data fields; Collision Type, Eastings, Northings, Date, Time, Road Class, Road Name, Weather, Light Conditions, Road Surface Conditions, Vehicle Directions, Vehicle Manoeuvres, Vehicle locations, Junction Locations, First Points of Impact.
- The officer's description of the collision
- Contributory Factors will not be released to outside agencies.

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.

Email

ICO Case reference: IC-10...

Regarding

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Status Reason

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Activity Marker

Direction

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Email

From

 ICO Casework

To



Cc

Subject

ICO Case reference: IC-108170-P1J8

Display Name

To DC - FI needed (4)

Date Received


08/07/2022 14:21

Email Address

8 July 2022


Case Reference: IC-108170-P1J8

Dear 

I am writing to you further to our previous correspondence about the complaint raised with the ICO about the disclosure of  personal data. Some further information is needed from Sussex Police at this stage.

I note from your email dated 3 March 2022 the following:

Personal data was originally processed under the GDPR as processed by the DVLA. This was then further processed by the police for a law enforcement purpose. The initial processing by the DVLA would be Public Task as there is a requirement to process this data within their official functions. Due to the lawful requirement to make the disclosure under the Road Traffic Act, the information was further processed as it was compatible and necessary for the performance of a task carried out for that purpose by a competent authority.

I understand the above to mean that Sussex Police initially processed  personal data under Part 3 DPA, for law enforcement purposes. You then further processed it under Part 2 DPA (General Purposes) in order to disclose it to the parties to the alleged RTA, in order to facilitate a civil claim.

Re-use of personal data

DPA Section 36(1) states that the second data protection principle is that personal data must not be processed in a manner that is incompatible with the purpose for which it was collected.

DPA Section 36(4) states that personal data collected for any of the law enforcement purposes may not be processed for a purpose that is not a law enforcement purpose unless the processing is authorised by law.

Therefore, as a competent authority under Part 3, Sussex Police must determine:

- 1) whether the new purpose is compatible with the purpose for which the personal data was collected, and,
- 2) whether any disclosure, or re use, of personal data for non law enforcement purposes is authorised by law.

• Please explain how your disclosure of Mr [REDACTED] personal data satisfied requirements 1) & 2) above.

There is guidance on the re-use of data by competent authorities for non-law enforcement purposes on our website [here](#).

Proportionality

We have previously established that you disclosed Mr [REDACTED] personal data to the other party to the alleged RTA using 'Public Task' as your lawful basis (see email 29 March 2022).

In order to rely on the 'Public Task' the disclosure/processing must be necessary – that is to say the processing must be a targeted and proportionate way of achieving the purpose. It must also be fair and lawful as a justified interference with the Article 8 ECHR rights of individuals.

• Please explain how you reached the decision that the disclosure of [REDACTED] personal data was 'proportionate'. As part of your response, please ensure that you explain how you have balanced: (i) the benefits disclosing the data, against (ii) the impact of the proposed disclosure on the rights of the drivers whose data was shared.

I would be grateful if you would provide this information no later than 14 days from the date of this email.

Please feel free to contact me if necessary.

Yours sincerely,

David Hunt


Case Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. 0330 414 6822 F. 01625 524510 ico.org.uk twitter.com/iconews

For information about what we do with personal data see our privacy notice: <https://ico.org.uk/global/privacy-notice/>

ATTACHMENTS

File Name	Followed	File Size (Byte...)	🔄
			
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0 - 0 of 0 (0 selected)			Page 1

Email

Response_CIM.011.22_IC...

Regarding

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Email

From



To

ICO Casework

Cc

Subject

Response_CIM.011.22_ICO_Case reference: IC-108170-P1J8

Display Name

DC FI response (4 attach'ts)

Date Received

22/07/2022 07:21

Email Address



External: This email originated outside the ICO.

Dear David

Please find attached response in relation to your points below. I have embedded the 3 .PDF in the Word document, however in case they don't open for you – I have also attached them as separate documents. For reference, these contain personal information relating to the data subject and other involved parties in the offence. I look forward to hearing from you should you have any further questions. Many thanks

Information Governance Supervisor

information.governance@sussex.police.uk

Sussex Police Headquarters, Church Lane, Lewes, East Sussex, BN7 2DZ

www.sussex.police.uk

From: ICO Casework <icocasework@ico.org.uk>

Sent: 08 July 2022 14:23

To:

Subject: CIM.011.22 ICO Case reference: IC-108170-P1J8

****External Email- Think before you click. If you do not trust the sender, do not click on any links or open any attachments. Further information can be found [here](#).****

8 July 2022

Case Reference: IC-108170-P1J8

Dear Mr



Collision Process Unit
Operations Command Partnerships
Sussex Police
Shoreham Police Station
Ham Road
Shoreham-by-Sea
BN43 6DB



General Enquiries:
collisions.unit@sussex.pnn.police.uk
01273 404150 Mon-Fri 10am-12pm



Date: 15 April 2021

Collision Ref: 

Dear 


I am writing to update you regarding the incident on  at , following our initial contact

We have now completed our investigation and after careful consideration of the facts it has been decided that Sussex Police will be taking no further action. The reason for this decision is: We have now confirmed both parties involved in this incident.

We have been provided with no independent witness details to the incident therefore we have insufficient evidence to pursue the matter.

Should further evidence come to light, we reserve the right to reconsider the position.

If you or your insurers wish to pursue a civil claim, extracts from the police file can be made available to you or your representative upon payment of a mandatory fee. Any application for such information should be made to the Collision Process Unit at Shoreham Police Station, quoting the reference shown above.

Details of the driver of vehicle registration number  are as follows:

Name: 

Address: 

Should you recall any new information that may assist us, please do not hesitate to contact us by e-mail at collisions.unit@sussex.pnn.police.uk, by letter, or telephone using the contact details above.

For further information regarding collision data please visit www.sussexsaferroads.gov.uk.

Yours sincerely

A black rectangular redaction box covering the signature of the sender.A black rectangular redaction box covering the name of the sender.

Case Direction Manager, Operations Command Partnership

CIM.011.22 ICO Case reference: IC-108170-P1J8

I have liaised with the Collisions Team (CT) to provide a full chronology of the incident to outline the processing under Part 2 and Part 3 of the Data Protection Act, for reference:

- Veh 1: Vehicle belonging to [REDACTED]
- Veh 2: Vehicle belonging to [REDACTED]

Summary of Contact and Processing:

1. Veh 2 reported a damage only incident at a police station Front Office as the other driver failed to stop. Veh 2 gave the VRM belonging to Veh 1.
2. CT performed a DVLA check to identify Registered Owner (RO) for Veh 1.
3. This identified that [REDACTED] was the RO (not necessarily the driver at the time).
4. To determine the driver for a police investigation, a T51 (S172 notice request) was sent to the keeper of Veh 1 [REDACTED]. This is a lawful document to request the details of the actual driver at the time of the incident. A copy of the returned letter can be seen below:



5. The returned T51 confirmed that [REDACTED] was the driver at the time of the incident.
6. The incident was assessed to determine whether it met the threshold for criminal prosecution. On review it was determined that No Further Action (NFA) would be taken by the Police. However, there could be a need for civil proceedings.
7. Both parties were sent S170 letters, stating that this incident would be NFA and included the names and addresses of the other driver to allow civil / insurance proceedings for damages.
8. If [REDACTED] had not fled the scene of this accident, this would mirror the details exchanged for insurance purposes, whether police attended the scene or not.
9. A copy of the S170 letters can be seen below:



PDF



.PDF

10. The address details provided to Veh 2 were provided by [REDACTED] and not taken from Police systems. The details in the above letters were sent to the drivers of the vehicles for the sole purpose facilitating civil claims. The Section 172 letters state that the information is being shared to assist with a civil claim, the exact text is below:

If you or your insurers wish to pursue a civil claim, extracts from the police file can be made available to you or your representative upon payment of a mandatory fee. Any application for such information should be made to the Collision Process Unit at Shoreham Police Station, quoting the reference shown above. Details of the driver of vehicle registration number are as follows:

This process is necessary and proportionate as the investigation needs to determine the actual driver and not just the RO. For example, the involved vehicle could be a hire car and to allow any claims for damage, the aggrieved party would need to know who was actually driving the vehicle.

As an addition to ensure the protection of data subjects involved, the CT carry out risk assessments based on the nature of the incident. On this occasion, it was considered low risk as it was described as [REDACTED]. There was no verbal exchange or violence at the incident, therefore the details were shared as above.

Lawful Processing Of Data:

Point 4: Law Enforcement Processing

To determine the named driver it is essential to contact the RO using the details from the DVLA. This information is processed as necessary for the performance of a task carried out for that purpose by a competent authority. This being investigation and potential prosecution of a criminal offence of failing to provide drivers details under Section 170 of the Road Traffic Act 1988.

DVLA data only provides the name of the RO, therefore the outlined S172 process is necessary, relevant and proportionate to determine the driver at the time of the incident. Only the minimum data necessary is processed to determine this.

Point 11: Law Enforcement Processing (not Article 6 UK GDPR)

Following a further review of the CT process, we believe this falls under law enforcement processing.

In this instance, the details of the person driving the vehicle were provided by the data subject, [REDACTED] (obtained on the S172 form under Section C). This information was then further processed to the driver of the second vehicle for the purpose of investigation and potential prosecution (albeit through civil insurance and financial prosecution) related to a criminal offence.

Previous responses to the ICO stated that police processed [REDACTED] details under Public Task, under the UK GDPR. As stated this has now been reviewed and confirmed that sharing [REDACTED] address with the victim of Veh 2 was an extension of the law enforcement processing and is therefore compatible with the purpose under which it was originally obtained. [REDACTED] failed to stop at the scene and exchange details, whilst there was no further action taken by the police, there is still a requirement for insurance companies to carry out a full assessment to prosecute the offending driver through civil prosecution.

This is a necessary and proportionate process to ensure enforcement of S170 of the Road Traffic Act, if driver details were not shared with the involved parties then insurance companies would not be able to represent their customers and seek the necessary compensation for damages. Once again, had [REDACTED] stopped at the scene of the incident, he would have been required to share these with the other driver for this purpose.

ICO Queries:

Please explain how your disclosure of [REDACTED] personal data satisfied:

- whether the new purpose is compatible with the purpose for which the personal data was collected,
- whether any disclosure, or re-use, of personal data for non-law enforcement purposes is authorised by law.

The Data Protection Act Section states that personal data must not be processed in a manner that is incompatible with the purpose for which it was collected. Furthermore, personal data collected for any of the law enforcement purposes may not be processed for a different purpose unless the processing is authorised by law.

The information requested from [REDACTED] related to who was driving the vehicle at the time of the incident. The purpose of processing was necessary and consistent throughout all steps outlined in this response, this being the requirement of a driver to stop and give details at the scene of an accident (Road Traffic Act, S170). This includes the investigation of criminal offences by both the Police and the intended re-purposing for insurance claims.

The Road Traffic Act 1988 (section 170) places a duty on a driver to stop, report accident and give information or documents. As [REDACTED] did not stop and, as required to do so by any person having reasonable grounds, give their name and address and VRM, was likely to be found guilty of an offence.

Although the matter was NFA by the police, there is still a requirement for investigation from the insurance company of Veh 2. Therefore, the Police shared only the relevant, necessary and proportionate details for this purpose, this being the name, address and VRM of the other driver involved in the incident. Other means, such as insurers contacting the DVLA directly, would only identify the RO whereas the policing investigation identified the driver at the time of the incident (which greatly impacts on what damage drivers are insured for).

Please explain how you reached the decision that the disclosure of [REDACTED] personal data was 'proportionate'. As part of your response, please ensure that you explain how you have balanced:

- the benefits disclosing the data, against the impact of the proposed disclosure on the rights of the drivers whose data was shared.

The initial processing of this data (to identify the driver at the time of the incident) was essential to allow a police investigation. The further processing (sharing with named drivers) was also required to allow civil proceedings for the alleged damage to the vehicles. The Police considered the processing to be necessary, relevant and proportionate in both challenges from the ICO, had [REDACTED] stopped at the scene of the incident, he would have been required to share these with the other driver for this purpose.

Having reviewed the process with the CT, I am satisfied that this is a proportionate process which provides only the minimum necessary data for a victim of a RTC to make a claim through their insurer. Therefore I am satisfied that this is a targeted and proportionate process that is compatible with the reasons why the data was initially, obtained.

Whilst sympathetic to [REDACTED] that followed, consideration of Article 8 of their Human Rights were considered and a necessary risk review was carried out.



Collision Process Unit
Operations Command Partnerships
Sussex Police
Shoreham Police Station
Ham Road
Shoreham-by-Sea
BN43 6DB

General Enquiries:
collisions.unit@sussex.pnn.police.uk
01273 404150 Mon-Fri 10am-12pm

[Redacted]

Date: 15 April 2021

Collision Ref: [Redacted]

Dear [Redacted]

I am writing to update you regarding the incident on [Redacted] at [Redacted], following our initial contact

We have now completed our investigation and after careful consideration of the facts it has been decided that Sussex Police will be taking no further action. The reason for this decision is: We have now confirmed both parties involved in this incident.

We have been provided with no independent witness details to the incident therefore we have insufficient evidence to pursue the matter..

Should further evidence come to light, we reserve the right to reconsider the position.

If you or your insurers wish to pursue a civil claim, extracts from the police file can be made available to you or your representative upon payment of a mandatory fee. Any application for such information should be made to the Collision Process Unit at Shoreham Police Station, quoting the reference shown above.

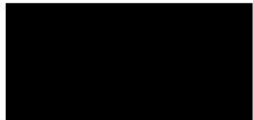
Details of the driver of vehicle registration number [Redacted] are as follows:

Name: [Redacted]

Address: [Redacted]

Should you recall any new information that may assist us, please do not hesitate to contact us by e-mail at collisions.unit@sussex.pnn.police.uk, by letter, or telephone using the contact details above.

For further information regarding collision data please visit www.sussexsaferoads.gov.uk.



Case Direction Manager, Operations Command Partnership



23/4
PLEASE RETURN FORM TO:

Collision Process Unit
Sussex Police
Shoreham Police Station
Ham Road
Shoreham-by-Sea
BN43 6DB

General Enquiries:
collisions.unit@sussex.pnn.police.uk
01273 404150 Mon-Fri 10am-12pm



Date: 19 March 2021

Collision Ref:

NOTICE OF INTENDED PROSECUTION

In accordance with Section 1 of the Road Traffic Offenders Act 1988, I hereby give you notice that consideration is being given to taking proceedings against the driver for the alleged offence of **Careless or Inconsiderate Driving**. At at Motor vehicle was involved in a road traffic accident whereby it is alleged damaged caused to another vehicle. The driver did not stop and details were not exchanged in accordance with Section 170 of the Road Traffic Act.

If you have received this notice on behalf of a limited company, this form is for the attention of the Company Secretary. For companies who do not have a Company Secretary this form is for the attention of any other responsible person.

Request for information as to the driver

On behalf of the Chief Constable of Sussex Police under Section 172 of the Road Traffic Act 1988 you are required to supply any information requested below within 28 days of the date of this notice.

WARNING: DO NOT IGNORE THIS NOTICE

FAILING TO PROVIDE THE NECESSARY INFORMATION WILL RENDER YOU LIABLE TO PROSECUTION. SUPPLYING FALSE INFORMATION IS A FAR MORE SERIOUS OFFENCE AND WILL BE PROSECUTED IN EVERY CASE.

If you are the keeper of the above vehicle at the time of the alleged offence, you are required to provide the full name and address of the driver at the time of the alleged offence.
OR
If you are not the keeper of the vehicle at the time of the alleged offence, you are required to give any information in your power which may lead to the driver's identification.

The form **MUST BE COMPLETED AND SIGNED BY THE ADDRESSEE** or in the case of a company, by the person completing this form in which case you must state your position in the company.

IF YOU WERE THE DRIVER at the time of the alleged offence you are required to complete section A in all cases. If your details are not correct then fill in section C as well.
IF YOU WERE NOT THE DRIVER at the time of the alleged offence you are required to tick the appropriate boxes in sections A & B and supply, at section C, the name and address of the driver of the vehicle.

If you are unable to identify the driver, use a separate piece of paper to explain why and ensure this is returned with the Section 172 form.

Yours sincerely

Case Direction Manager, Operations Command Partnership
On behalf of the Chief Constable of Sussex Police

SUSSEX POLICE
14 APR 2021
CENTRAL TICKET & SUMMONS UNIT

1. The information in this document is for the exclusive use of the applicant.
2. This information must only be used for the purposes for which it has been obtained.
3. Be aware that any improper disclosure, copying, distribution or use of the contents of this information is prohibited and criminal proceedings may follow.