

Roads Ahead

Police Federation Roads Policing Newsletter

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Foreword

Alan Jones

Police Federation Lead on Roads Policing



Welcome to our post-conference edition of Roads Ahead. This year's 4th Annual Joint Roads Policing Conference with ACPO was another tremendous success and we have received excellent feedback from attendees, speakers, delegates and exhibitors alike. Such an event can't work without all of their support, so a huge thank you to all involved.

The theme of this year's conference was 'Working to Meet Tomorrow's Challenges' and as we face the reality of harsh cuts to the policing budget for the foreseeable future, the theme was very appropriate.

Whilst we face a challenging future to say the least, our concern is how the gravity of such cuts will affect service delivery. Unfortunately, roads policing will probably take a more disproportionate hit than some specialist units, decision makers must not lose sight of the crucial responsibilities and the operationally demanding role we undertake. What has not gone unnoticed is that some forces are already making substantial changes to their roads policing operations. I urge all Chief Officer and District Commanders to carefully consider the broader consequences of the changes that they plan to make. The priority must be to retain operational resilience in order to continue to meet road safety demands and reduce criminal activity on the roads network. We can and must work to save roads policing units and not see it absorbed into general policing which unfortunately would mean a lack of focus, leadership, awareness and operational capacity for this vital area of policing.

Prior to the printing of this edition, Tom Winsor published his interim report on Police Officer and Staff Remuneration and Conditions. Mr Winsor uses a role profile in his report, point 78, appendix 3, of a traffic constable which is not only seriously out-dated, but does not reflect the modern generic role. This is unhelpful and it surprises me where he has taken this profile from. Little wonder, if this is evidence of a modern traffic constable, our operational capabilities might not be seen at the sharp edge of policing. It's enlightening to see what is deemed to be the priority, given the expectation to keep doing more with a whole lot less.

On a more positive note, it was good to see a number of Chief Officers and Superintendents at the conference and I am confident they will play their part in setting out the best business case possible in order to facilitate a viable investment to maintain an effective roads policing presence. Together we can make a difference, even in these challenging times.

I hope you enjoy this edition of Roads Ahead.

CC Mick Giannasi

This was the last conference for ACPO's roads policing lead, CC Mick Giannasi, who retires at the end of March. He will be sorely missed and we greatly appreciate the valuable contribution, commitment and energy he has given to roads policing.

The Joint Central Committee of the Police Federation of England and Wales, were delighted to present CC Giannasi with the highest recognition that the Federation can award, which is rarely given to members of ACPO - the last one was presented 20 years ago. This was in recognition of his leadership and delivery of much needed change during his time as ACPO's lead on roads policing. We thank him profusely for all his help and support over the years and wish him well in his retirement.

We welcome the new ACPO Roads Policing Lead, CC Phil Gormley, Norfolk Constabulary, and look forward to working as productively with him as we did with CC Mick Giannasi.



Alan Jones presented CC Giannasi with a special award from the Police Federation

DCC Adam Briggs

It is with sadness that DCC Adam Briggs announced his earlier than expected retirement from the service at the end of January. In his role chairing ACPO's traffic operations forum he has provided really sound guidance, leadership and importantly tuned into Federation issues impacting on operational police officers. Both DCC Adam Briggs and CC Mick Giannasi are a rare breed amongst ACPO and it shows that when there is a willingness to engage, ACPO and the Federation

can work closely and productively, not only in the interests of the service as a whole but also for those officers at the sharp end faced with ever demanding challenges. We wish Adam well in his retirement.



DCC Adam Briggs

ACPO Strategy

Conference heard from Chief Superintendent Geraint Anwyl about his work, commissioned by ACPO, to look at the strategic structure and operational profile in the roads policing business area. This work was required to refresh and reenergise the traffic portfolio within a changing and modernising policing world. This also recognises the significant changes through enforcement which the Road Safety Minister set on taking office. The original tripartite agreements regarding the roads policing mission, established between the Home Office, DfT and ACPO, was carried out 7 years ago so an update is long overdue - something the Federation welcomes and supports.

This is important work that recognises and demonstrates the need for officers to use common

sense, discretion and a proportionate use of enforcement.

We are hopeful that the proposals receive the blessing of ACPO, which will be one great step towards ensuring standards and consistency of approach throughout England and Wales.

- A proven strategy that combats crime, that works
- Protects the public from harm
- Tackles anti-social behaviour
- Provides a visible reassuring presence
- Tackles criminal use of the road network
- Supports local and cross border policing
- Counters serious and organised crime

The North Review

Sir Peter North QC CBE, was a guest speaker at conference. He gave a valuable and compelling insight into his latest comprehensive review of drink and drug driving, which was commissioned by the last government. The report contains a number of key recommendations regarding process and administration relative to drink and drug driving. This is presently awaiting a response from the current Transport Secretary and until such time as the government's comments are received, the report remains work in progress. The Police Federation's Roads Policing Group asks the government to take note of a number of key areas, especially those related to drug driving

procedures. It is essential that they establish a series of changes to simplify the procedure, without compromising the legislative necessities to protect a highly credible justice process. To see the report and recommendations visit



Sir Peter North

<http://northreview.independent.gov.uk/index>

ANPR

John Dean, ANPR lead and co-ordinator, gave a presentation to a closed session break-out group. He gave a full update and answered questions on the developments and use of the ANPR system. He emphasised the fact that long-term success will only be achieved if ANPR moves from its current status in many forces as an add-on project to becoming a mainstream policing tool, integrated into police force strategies, policy and procedures. The focus needs to move from consideration of the technological issues around ANPR, important as these will continue to be, to recognising that it is the business processes to fully exploit ANPR as an Intelligence and Investigative resource that will bring the best returns. The NPIA Implementation Support Plan (ISP) was developed to identify the key national standards to assist forces in developing capability to help them to maximise the benefits from ANPR. The NPIA Assisted Implementation team has been working with all forces to assist and advise in respect of current

good practice, implementation strategies, and other procedures, during the past three years.

By becoming a core part of what the police service does on a day-to-day basis, ANPR has the capability to deliver on ACPO's strategic aim: 'to target Criminals through their use of the roads'.

There is an ANPR community on POLKA which can be found at www.polka.pnn.police.uk <<http://www.polka.pnn.police.uk>> where essential documentation and much more can be found. There is also a quarterly ANPR Newsletter - the next edition is due for publication in April.



What's the 10 Year Plan?

We were keen to learn from Road Safety Minister Mike Penning regarding what his thoughts and government objectives are in relation to a visionary road safety plan for the next ten years. As with most government policy these days it seems the Minister is quite content to leave this to be directed and controlled locally, rather than setting a national target. Given achievements in making the UK's roads the safest in the world, we hope this approach does not take a backward step and damage the good work done to date.



Mike Penning MP

The ACPO National Driver Offender Retraining Scheme (NDORS)

Education not prosecution

Ian Aspinall

The Road Traffic Law Review Report in 1988 clearly articulated that an important feature of any outcome within the Criminal Justice System should be a process that enables decision makers to use their inherent discretion. This would divert suitable errant drivers from the inflexibility of the court system to an educational training course in the interest of road safety - with all the positive benefits that this training attracts. It remains that those drivers presenting a high risk will still receive prosecution.

The scheme also realised other significant savings in healthcare, criminal justice, the environment and journey times on the road network – the cost of congestion currently to UK PLC is estimated at £30 billion.

For the past 20 years, there has been a systematic and stepped development of NDORS by ACPO Road Policing. The original programme was introduced solely for instances of careless driving following a collision. Nevertheless, the programme has evolved with the introduction and addition of a speed awareness course for those errant low speed motorists to address the perceived loss of public satisfaction and confidence brought about by safety camera enforcement operations, and a bespoke course for the most vulnerable road user - motorcyclists

The Scheme, which is unique to the UK, to date has been a marked success, evidenced by evaluation by leading academics; however, its real value has been recognised by the motoring public, road safety organisations, the police service and the UK government. Significantly, when considering speed, over 500,000 errant offending motorists have chosen to take the course by spending their money on driver education rather than on a criminal sanction.

The courses are designed by a Strategic Course Development Group comprising of leading academics in the field of driver behaviour and delivered to an accredited standard by a mixture of public and private sector providers, usually chosen by individual forces following a procurement exercise. The motorist pays for attending the course that usually last for 4 hours and at the end they do not get the points or fine had they been prosecuted or elected for a ticket, and don't get a

loading on their insurance either as they haven't been convicted. If they come to the notice of the police within 3 years of committing the offence they won't be eligible to attend another course.



Ian Aspinall

The clear advantage of educating errant motorists has not been lost on ACPO Road Policing (RP) who favours education over punishment for suitable road traffic offences, with the need for a mixture of statutory and non-statutory retraining schemes.

In delivering its new five-year strategy, Satisfying Safety – Reducing Risk, ACPO RP seeks to fundamentally change the philosophy in how the discipline is delivered by focusing on harm reduction in the application of its strategic goals: safer roads, habitual compliance, public confidence/satisfaction and an educational alternative to prosecution.

The Rt. Hon. Mike Penning, Road Safety Minister expressed his support for the scheme and the development ACPO RP wished to implement. On 18th January 2011, the Minister sent a letter of support to the head of ACPO RP. He stated, *"...I therefore support greater use being made of nationally available educational courses for tackling this type of offending where a road safety benefit can be demonstrated. This can help to reform driver behaviour and deliver safer roads, in a fair and proportionate way..... Its right that people committing offences should pay towards the costs of their enforcement and the education activity offered in place of prosecution."*

The legal legitimacy of the police to divert offenders to courses was again reviewed by a leading QC in January 2011. This latest opinion supports the ACPO NDORS scheme as being fully compliant within the current legal framework. This is based on common law discretion; the statutory role of the police as a prosecutor; the Attorney General's Code for Crown Prosecutors to offer an offender the opportunity to have the matter dealt with by an out of court disposal; and finally ACPO policy in the disposal of offenders through education. These four principles fully encompass the Human Rights Act. The advice goes on to

consider whether this power is compromised by the inclusion of cost recovery from the offender for detecting and processing traffic offenders, he concludes that this approach is based on good law.

The scheme is to develop further with the introduction of new courses to cover a whole range of other motoring offences, and the matters surrounding a bespoke course for the young driver will be investigated, so in future the option of a course for suitable offenders can be an option of first choice.



Vehicle Procurement

ACC Nick Croft updated conference on progress made with the ACPO Working Group, at which the Federation are represented, looking at procurement standards for vehicles and technology. This he said is an important area of work under ACPO's traffic portfolio which potentially could save the service significant costs, whilst simultaneously setting standards in terms of vehicle needs and how equipment is fitted and used. He accepts, as the Federation does, that officers will have varied views on vehicles and individual preferences but at times of great economic pressure it is important we're doing the right thing for the right reasons – enhancing, not compromising officer safety, and improving communications. The point was well made that if together we don't try and address the procurement issues, which central government have taken a keen interest in recently, then there could well be interventions which are unnecessary. It is essential we work together to find a suitable solution.

ACC Croft spoke about on-board advanced vehicle recording systems and the enhanced technology coming through the process, whereby driving style and behaviour could be evaluated through a range of data capture processes. It is his hope that the benefits outweigh the costs. He also said that there will be general acceptance that this is technology moving in the right direction.



ACC Nick Croft

£1530 raised to Help our Heroes



Delegates, sponsors and exhibitors all gave generously to the raffle, which was in aid of Help for Heroes. We are pleased to announce that we raised £1530 for this very worthwhile charity. A cheque was presented to Tony Vlasto at Help for Heroes. Mr Vlasto is pictured here with John Giblin, Linda Mellors and Alan Jones, with Nyki Curtis presenting the cheque.

Many thanks to everyone who contributed.

Mike Penning MP, Road Safety Minister

Unfortunately Mike Penning MP, Road Safety Minister, was unable to join us at conference. However, support for what he considers to be a vital public service was given via an interview recording played at conference. He answered a series of pre-submitted questions from roads policing officers.

The first question asked for his response, where Chief Constables felt, in budget settlement terms, roads policing is a luxury they can't afford? In answer, the Minister said that roads policing is vitally important, not just in terms of policing the roads and overall safety issues but also in terms of catching other prolific offenders who use the roads network, and he hopes that Chief Constables are not saying or considering that.

In terms of camera partnerships, Mr Penning was asked about the recent problems of withdrawal or reduction in enforcement by some local authorities following the budget settlement. He emphasised that there is a limited budget for local partnerships. His said money was tight, and that cameras should be in place or used for the right reasons. It is for local people to decide and for motorists to have faith in the reasons they are in place. He wants camera statistics published, whilst he is keen to move forward and look at other measures to prevent collisions.

Mr Penning also talked of his support of the changes to the speed awareness programme (NDORS) that ACPO is proposing. His belief is that

this programme does work for some. He wants to extend to other offences, the aim is to work together to re-educate and not simply to penalise.

In terms of support for the proposal to reduce the drink drive limit, he said we can expect an announcement soon on this. When asked about issues around drug driving and simpler enforcement in this area, Mr Penning spoke of his support for in-station drug-alyzers. He gave assurance that he would support giving police all the powers necessary for enforcement in this area.

Closure of major arterial routes including motorways for investigative purposes remains a topical issue. Mr Penning was asked what he thought was more important – investigation or disruption? He said the priority for the police should be on ensuring that investigations are done correctly and proportionately. The question at the moment being, is change required? Can the police conduct investigations better than they are presently, with consideration given to the consequences of main arterial routes being closed for long periods of time, which understandably causes serious disruption? Motorway closures alone costs billions of pounds to the national economy.

All in all, the Minister gave his full support for the work we do, saying roads policing is massively important in the policing agenda. He has full admiration for the work officers do, and this is a vital part of policing going forward.



What's your View?

The recent launch of online Crime Maps has caused a great deal of debate. Should we be asking government to map road casualties in a similar way? Email your views to roadspolicing@polfed.org

Positive change for drug enforcement?

Jerry Moore, in his familiar but recently civilianised role, gave conference an insight and update into his work with the DfT, on behalf of ACPO traffic. In particular, Jerry explained the issues, complications and areas to consider relative to taking forward a road-side drug testing process. He said work was now on-going, with Ministerial support. There are always solutions to be found if the science and legal positions can be combined to find a way forward. He explained that road deaths associated with drink and drug driving was still too high, but ascertaining how many drivers are driving whilst impaired through drug use is something that has to be addressed.



Jerry Moore

“Given the exceptional road and weather conditions which we experienced in December, forces across the country reported a significant reduction in the number of people using the roads. Understandably, in those conditions, we were not able to conduct as many tests as we did last year. Despite that, there were still 6,613 people who chose to put the lives of others at risk by driving under the influence of drink and drugs. That is not only socially irresponsible; it will also have consequences for those who were caught. All of them now face a lengthy driving ban, some will face imprisonment and many will already have lost their jobs and their livelihoods.”

The campaign ran from 1 December 2010 to 1 January 2011 with officers from 43 forces throughout England and Wales testing drivers at all times of the day and night. A range of tactics were used from high profile roadside operations to intelligence led targeting of suspected drink and drug drivers identified by members of the public through confidential helplines. The number of people tested dropped by 24% on last year and the number of people found to be under the influence of drink or drugs dropped in comparison to last year by 13%. Forces have attributed the reduction in the level of testing to the bad weather. Despite that, the numbers tested and the numbers who were positive were still higher than in 2008.

The statistics also once again revealed that those who have been drinking and then drive are more likely to be involved in an accident - 7 percent (1727 people) of those breath tested after a collision were arrested. The number of people testing positive for drugs increased to 20 percent of those tested.

More than 6,600 people arrested in month-long Christmas and New Year drink and drug driving campaign

ACPO lead for Roads Policing, Chief Constable Mick Giannasi said: “Forces across England and Wales stopped and tested 169,838 people during what was reported to be the coldest December in 120 years. Despite the dangerous conditions created by the weather and the very clear message that drinking and driving is not acceptable, more than six and a half thousand drivers appear not to have listened.

What are your thoughts and views?
email: roadspolicing@polfed.org

Can't see the wood for the trees?

Why do we have 43 variations of fixed penalty notices and a wholesale variety of different codes for fixed penalty offences? Surely if ACPO were to address this, without much effort it would go a long way reducing unnecessary, costly bureaucratic processes and most importantly, would result in financial

benefit which may even ease the pressure on other areas of policing.

Let's set a plan and better manage this within 12 months - it can be done, where there's a will...

Colin Chapman, Crown Prosecutor

Colin is a senior branch crown prosecutor and was invited to discuss with conference a CPS view on what the rules are in terms of police driving to incidents, and what police officers need to be cautious of before finding themselves on the wrong side of a prosecution when responding to public requests for urgent assistance.

Colin explained that the case of RV Bannister has been established, which the Federation has taken a careful interest in. This case confirms that officers must drive according to law, but of course the law allows officers, in certain circumstances, to exceed the speed limit. In taking everything into account Colin said that if a case was presented to

the CPS, he would hope his colleagues look at the necessity to prosecute in view of public interest, but importantly, when explaining their actions, officers must demonstrate that they acted according to their judgement of the situation, which was proportionately and legitimately carried out, and commensurate with the prevailing circumstances. There can be no hard and fast rules, but clearly if officers drive according to their training, and what the law allows them to do, then they should be well prepared to take on the risks the public ask them to perform when responding to incidents, and the CPS would not take a contrary view to that.

Our best wishes...

We give our best wishes to Police Constable Ian Rees who is about to retire after 34 years service in West Midlands; and to Jim Lucas who is now General Secretary of South Yorkshire's Joint Branch Board.

Police Constable and National Roads Policing Intelligence Forum & Operation Mermaid National Co-ordinator, Annie Mitchener, is also retiring from the service after 30 years.

We give our thanks to Ian, Jim and Annie for their valuable support and participation in the Federation's roads policing user group.

We would also like to extend our gratitude to all delegates, guest speakers, exhibitors and sponsors of the Roads Policing Conference 2011. Your participation made the event the success that it was, thank you.

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