



By the end of this lesson you will be able to:

1. Identify the purpose of a Traffic Offence Report including the when they might be issued.
2. Identify the process for issuing a Traffic Offence Report including its completion.
3. Identify the evidence required on completion of a Traffic Offence Report and how this would be recorded and retained.
4. Describe the process followed once a Traffic Offence Report has been submitted including examples of driver education courses available.

What is a Traffic Offence Report (T.O.R.)?

Replaces all Road Traffic Fixed
Penalty Notices – both
endorsable and non-
endorsable

Can be used for Fixed Penalty
Notice and Vehicle Defect
Rectification Scheme (VDRS)
offences



A **TOR** is a Traffic Offence Report that replaces all Road Traffic Fixed Penalty Notices [both endorsable and non endorsable] but **NOT** graduated FPNs and PNDs.

It is to be used for Fixed Penalty and VDRS offences (Vehicle Defect Rectification Scheme) as long as the driver is present and spoken to by the reporting officer.

Traffic Offence Reports (T.O.Rs)?

Utilised for offences where the driver is present

Enhance disposal options to help improve driving behaviour and make roads safer

Enable the most appropriate disposal method to be determined

Identify persistent offenders

Reduce administration and bureaucracy

Does NOT replace officer discretion



Traffic Offence reports (TORs) have been introduced for all motoring offences where the driver is present and replaces previous Fixed Penalty Notices (FPNs), FT71 warning notices and Vehicle Defect Rectification Scheme (VDRS) notices.

With a TOR the motorist is reported at the roadside and the prosecutions unit will then conduct relevant checks to decide on the most appropriate disposal method.

Officers are encouraged to use the TORs to record all offences where the driver is present as it will identify those motorists who persistently commit road traffic offences.

The use of TORs offers more flexibility compared with, for example, a FPN and greatly simplifies the administration process after it has been issued.

It removes the requirement for a driver to surrender their licence to an officer or at a police station so reducing bureaucracy.

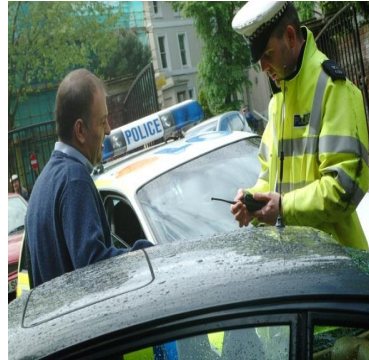
It does NOT preclude the use of officer discretion in dealing with low level offences by way of a verbal warning at the roadside where officers deem this to be a suitable course of action in the circumstances.

Traffic Offence Reports: Exceptions

T.O.R.s are not suitable for offences where the driver was not seen or if the offence involves an unattended vehicle

In circumstances where it cannot be confirmed that the driver holds a valid driving licence then a T.O.R. must NOT be issued

The offence of driving without insurance cannot be disposed of by use of a T.O.R. and the driver should be reported for prosecution.



Whilst Traffic Offence Reports (TORs) have been introduced for all motoring offences where the driver is present, there are some exceptions to this, namely:

Offences where the driver was not seen or the offence involves an unattended vehicle
- In these circumstances, consideration should be given to dealing with the offence by way of a Fixed Penalty Notice (FPN) or Summons

As the driver number MUST be recorded on the T.O.R., if officers cannot confirm that the driver holds a valid driving licence, then a T.O.R. must NOT be issued.

The offence of driving without insurance cannot be disposed of via a T.O.R. and the driver should be reported for prosecution.

SERIOUS ORGANISED CRIME AND POLICE ACT 2005 (SOCAP) S152 (SEIZURE FOR NO LICENCE OR INSURANCE).

A constable in uniform has the power to seize and retain uninsured motor vehicles and vehicles driven otherwise in accordance with conditions of a licence. When relevant conditions are satisfied, a Constable in uniform may seize the vehicle and have it removed. The power may be exercised anywhere other than a private dwelling

house (this does not include any garage or other structure occupied with the dwelling house) and if necessary reasonable force can be used. If the constable is unable to seize the motor vehicle immediately because the person driving has failed to stop as requested or has driven off, the vehicle may be seized at any time in the next 24 hours.

It is a **power not a duty** to seize such vehicles and officers must satisfy themselves that there is sufficient evidence to prove the offence.

Requesting Officer

Prior to seizing the vehicle, a Constable must clearly warn the driver that the vehicle may be seized, UNLESS he/she produces their driving licence (immediately, or provides a valid certificate of insurance for his/her use of that motor vehicle. The warning need not be given if it is impractical to do so.

Must carry out systematic questioning and checks to form the belief that the offence is being committed.

All admissions from the driver must be recorded by officer and verified by relevant checks on PNC to confirm any admissions made by them.

Traffic Offence Reports: Verbal Warnings

For the more minor offences an officer may deem it appropriate to provide an offender with advice and a verbal warning.

In the context of a roads- related offence, minor means that one or more of the following must be met:

- When there is no danger to another person
- No other party is involved
- It is at a time when there is little traffic on the road.



As previously mention, the introduction of T.O.R.'s is not intended to remove officer discretion.

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In the context of a roads- related offence, 'minor' means that one or more of the following must be met:

- When there is no danger to another person
- No other party is involved
- It is at a time when there is little traffic on the road.

Issuing a Traffic Offence Report

1. Confirm Driver's identity
2. Check Driving Documents via PNC
3. Fully complete the front of the T.O.R
4. Record Driving Licence number
5. Give a verbal NIP if appropriate to do so
6. Remember to fill the TOR in correctly for the process to work



Process for issuing a T.O.R.

1. Confirm Driver's identity.
2. Check Driving Documents via PNC.
3. Record Driving Licence number.
4. Give a verbal NIP if appropriate to do so, depending on the offence that was committed.
5. Remember to fill the TOR in correctly for the process to work!

Issuing a T.O.R

P	Point out the Offence	Use simple language Do not use act & section
O		
C	Caution	Use 'When' caution Note reply
L	Legals	Tell them, they are not under arrest Not obliged to stay with you
A	Admin	Obtain details, name & address etc. Complete paperwork
R	Report for Offence	
O		
C	Caution	Use 'Now' caution, No more questions

If you conduct an interview, record questions and answers verbatim here!



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POCLAROC is a best practise model used for reporting for a minor traffic offence

- A person is seen committing offence or information / allegation is received that they have committed offence. When pointing out offence use simple language don't quote Act & Section
- After when caution comply with PACE "You are not under arrest - do not have to remain with me."
- Make a note of the reply person makes after caution
- Deal with the offence as you see fit & having regard for the offence being dealt with I.e. FPN VDRS HO/RT1 Summons
- Questions - may constitute an interview
- Report - Caution - Note reply in PNB
- DO NOT ASK ANY FURTHER QUESTIONS - NOT EVEN "Do you understand?"

Issuing a Traffic Offence Report

1. Complete title, date of birth, surname, forename(s), address, postcode.
2. Include Ethnicity, Occupation and Gender.
3. Remember to confirm driver's identity.
4. Remember to check Driving Documents on PNC.
5. Remember to record Driving Licence number.



What do I tell the driver?

He/ she will be reported for consideration of prosecution, and a decision made at a later stage.

A time gap allows for the consideration of other methods of disposal for offenders who have come to police notice for the first time.

All cases are reviewed and a decision made as to the most appropriate disposal method based on criteria threshold set.

The reporting officer can provide valid reasons for consideration as to why a particular outcome should not be considered suitable for a T.O.R.

Multiple Offences

In line with Crown Prosecution Service and NPCC guidelines, officers are permitted to issue up to three TOR's for one occurrence but only one of those reports may be for an endorsable offence.

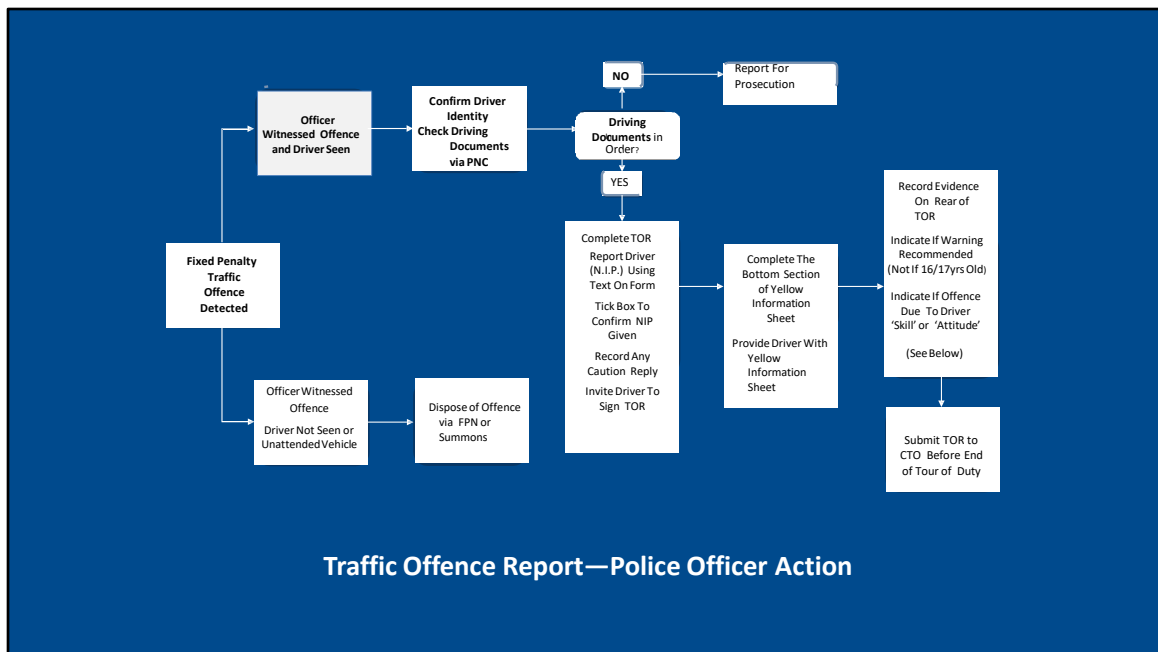
16 & 17 Year Old Drivers

Can be dealt with via a TOR but cannot be recommended for a warning. Disposal methods would be NDORS Course, Conditional Offer or Summons.

Traffic Offence Report: What evidence is needed?

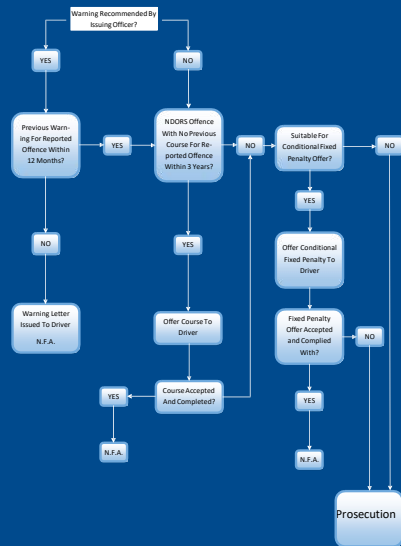
- If the evidence on the statement is sufficient and the case is diverted to prosecution no further input is required from the officer.
- (The Transaction Unit will build the case file).
- If evidence is not sufficient to support early prosecution application the matter will be returned to the reporting officer.
- If a proforma statement is used affix firmly to the rear of the TOR.
- If the offence is complex or more evidence is required to be presented then use an MG11 and attach to the TOR.





Flowchart may assist trainer in explaining process

Fixed Penalty Unit TOR Workflow: TOR Received & Checked For Errors / Omissions



Flowchart relates to process once TOR has been submitted.

Traffic Offence Report: What are the courses?				
Courses	Target Group	Content	Duration	Total Cost
What's Driving Us?	Attitude	Classroom based interactive discussion based	3 ½ hours	£85
Driving 4 Change	Skills deficit	1:2 practical driving tuition	2 ½ hours	£95
Speed Awareness	Speed	Classroom based	4 hours	£85
Driver Alertness	Offences, collisions	Theory and practical	8 hours (full day)	£185
RIDE	Motorcyclists	Theory	7 hours	£110
Your Belt, Your Life	Seatbelt	Online	1 hour	£36
AA Drivetech	Young driver scheme	Classroom based and e-learning modules	2 ½ hour course and 5 modules	Not currently offered

The courses available may vary depending on the force concerned.

South Wales Police focus is on the education of motorists to promote good driving and influence driver behaviour, therefore improving road safety and reduce offending. To achieve this, South Wales Police now offer the following diversionary courses to eligible drivers:

National Speed Awareness Course (NSAC)

Driving 4 Change (D4C)

What's Driving Us (WDU)

Those offences which qualify for D4C or WDU require the officer to provide a view on whether the offence was committed as a result of poor **attitude** or lack of **skill**. The attitude test applies to the circumstances of the offence rather than the offenders attitude when questioned. This assessment determines which of the two courses is subsequently offered.

The attitude test is defined as *“By an act or omission their mischief was intentional or deliberate i.e. the driver knew their actions amounted to an offence and/or where infringement causation factors are considered to be attitudinal.”*

The skills test is defined as *“A lapse of concentration, an error of judgement, a general mistake, or a lack of awareness of the law pertaining to the alleged offence,*

which has not had wider consequences (i.e. collision) where infringement causation factors are considered to be skill based.”

At the top of the TOR officers should indicate whether in their judgment the offence arose from an attitude or skill deficiency, with supporting evidence in the comments section. The purpose of this is to determine which course is appropriate.

For Excess Speed Offences officers must specify speed or the range of speeds and period which driving was observed if a specific speed is unavailable. This is to establish whether the driver, if eligible, can be offered a National Speed Awareness Course. Officers should also consider National Police Chiefs Council & Court thresholds to determine whether issuing a TOR is appropriate in the circumstances. The thresholds can be found in the guidance section above.

For an offence where the driver has contravened a red traffic signal, the officer should indicate where possible, the length of time the signal was showing red, prior to the contravention.

The issuing officer can also make a recommendation that the driver is suitable for a warning. The decision on whether the driver receives such a warning will be made by the Fixed Penalty Unit after they have conducted relevant checks on the driver.

In all cases, officers should not indicate to the driver how the offence will be disposed of. They can advise the driver on the possible outcomes available to the Fixed Penalty Unit, but that it will be for the Fixed Penalty Unit to decide on the disposal, who will in turn notify the driver in writing of its decision.

