

National Rider Risk Awareness Course procedure.

This procedure is part of North Yorkshire Police policy to which all Chief Constable personnel and the functions provided by the Police, Fire and Crime Commissioner are required to adhere.

Procedure Statement

The aims of this procedure are to:

- provide clear guidance upon the use of the National Rider Risk Awareness Course experience(NRRAC)) in North Yorkshire where the offending rider is a member of the public
- emphasise the importance of evidence gathering in a collision
- explain the criteria that must be fulfilled before an offending rider may be referred to the NRRAC
- provide clear guidance upon the use of the NRRAC in North Yorkshire where the offending rider is employed by North Yorkshire Police (NYP) as a police officer or as a member of police staff

Background

The NRRAC Scheme has been designed as an intervention for those motorcyclists whose behaviour has brought them to the attention of the Police. Motorcyclists are known to be one of highest groups for serious injury or fatal collision. This Scheme is designed to address the behaviour of those motorcyclists whose riding could be described as thrill or sensation seeking and also those who by the very nature of their riding could be defined as anti-social or careless, thereby attracting a criminal prosecution. It can also be used for those motorcyclists who have demonstrated careless riding leading to a collision.

Offences

It is the intention of the NRRAC scheme to remove from the criminal justice system those riders whom by the manner of their riding having intentionally or erroneously offended against:

Section 3 of the Road Traffic Act 1988 - Riding without Due Care and Attention or without reasonable consideration for other road users

or

Section 36 of the Road Traffic Act 1988 - Failing to Conform to Traffic Signs and Signals

or

Section 41D of the Road Traffic Act 1988 (previously Regulation 104 of the Road Vehicles (Construction and Use) Regulations 1986) - Failing to have proper control over their machine.

(Originally the previous RiDE scheme allowed the additional offence of 'exceeding the speed limit' to be considered. However, after further consultation it has been decided not to include this in the NYP NRRAC Scheme but process appropriate offenders onto the National Speed Awareness Course. (NSAC) This remains the same with the NRRAC)

The NRRAC Scheme offers the offender a specific alternative to prosecution by referral to an approved Service Provider (ONLY the above offences can be referred to the scheme).

The scheme is not intended to usurp the Courts authority but is intended to broach a rider's attitude and behaviour towards inappropriate riding which hopefully in turn leads to a reduction in re-offending and ultimately contributes towards road safety and a better quality of life.

To qualify for this course the rider could have demonstrated a mere lapse or error. Additionally, there could be an element of guilty knowledge (*mens rea*). This is not meant to be an alternative for those offenders who clearly offend against Section 2 of the Road Traffic Act 1988.

It may also be considered that a person involved in a road collision could benefit from such a course. The decision to offer an offender a place on a course should be based on a subjective test regarding the individual's riding which led to the offence.

Process

Driving without Due Care and Attention/Reasonable Consideration for other Road Users

- (Section 3 Road Traffic Act 1988). Suitable due care/reasonable consideration type offences would be where evidence exists that a single motorcycle has left the road due to the careless riding of the machine. It is particularly pitched where in the absence of any other evidence the facts speak for themselves. (*Res Ipsa Loquitur applies.*) Also, any collision involving a motorcycle where evidence exists (without aggravating factors) of riding the motorcycle without due care and attention are suitable.
- The test to be applied for careless riding is when a rider departs from the standard of riding, which would be exercised by a reasonable, prudent, competent rider in all the circumstances of the particular case. If a person's riding falls far below that standard, charges under Section 2 Road Traffic Act 1988 should follow.
- The decision to offer an offender a place on a NRRAC Course will be made by the Dedicated Decision Maker. It should be based on a subjective test regarding the individual's riding which led to the offence. It is usually unjustified to place an offender before the court mainly because of the consequences and aftermath of a collision or incident. There are, however, exceptions to this rule, especially if the incident causes serious or fatal injury to a third party. It is difficult to be prescriptive regarding a definition of 'serious' but it must include any injuries, which at the time were perceived to be life threatening, or hospitalisation for seventy-two hours. If the person's riding is bordering on dangerous (Section 2 Road Traffic Act 1988) a prosecution should follow.

- If an officer witnesses poor riding where the offender would be reported for a section 3 offence. Whether involved in a collision or not the rider will be reported for summons. The collision report should be endorsed by the OIC to the effect the offence is deemed suitable for the scheme. The Dedicated Decision Maker will decide on the appropriate course of disposal taking into account any comments made by the reporting officer.
- To allow for a timely educational course, RPG Officers, when determining a Collision could/should lead to a NRRAC course offer, can submit a Streamline RTC report which allows for a quicker submission to the DDM's and the earliest offer of a course as possible.

Failing to Conform to Traffic Signs and Signals.

- (Section 36 of the Road Traffic Act 1988.) These offences should not normally be a momentary lapse in concentration but should be accompanied by aggravating factors, i.e. excessive speed, prolonged misuse of double white line markings etc., which could amount to a charge under Section 3 of the Road Traffic Act 1988 but the lesser charge of Section 36 has been preferred, e.g. a rider who deliberately crosses double white lines to carry out an overtake rather than a rider who misjudges an overtake and clips the start of a double white line system.
- Complete NRRAC Referral Report with sufficient evidence to prove the offence and send to the prosecution team

Not being in a position to exercise proper control.

- (Regulation 104 of the Road Vehicles (Construction & Use) Regulations 1986, Section 41D of the Road Traffic Act 1988). This is where there is sufficient evidence to support a prosecution that could amount to a charge under Section 3 of the Road Traffic Act 1988 but the lesser charge of Regulation 104 has been preferred, e.g. a rider pulling wheelie.
- Complete NRRAC Referral Report with sufficient evidence to prove the offence and send to prosecution team

The officer must carry out checks at the roadside to confirm identity, driving licence, insurance etc.

If an alleged offender commits more than one offence (e.g. double white line and a document offence), they cannot be offered a referral to the NRRAC scheme.

At the time of dealing with a motorcycle offender for one of the specified offences, they shall be informed that they can be dealt with by way of Summons, Fixed Penalty Notice or as an alternative, the NRRAC Scheme.

If the alleged offender meets the above criteria and elect's referral to the NRRAC Scheme, the officer will report the offender (including Notice of Intended Prosecution if required) for summons.

If documents are checked and found to be in order at the time of the alleged offence, the officer completes the NRRAC Referral Report and forwards to the local prosecution team.

If documents are not produced at the roadside and roadside checks cannot verify the existence of valid documents issue HORT1 and retain all paperwork until the documents are produced. If no additional offences are disclosed, submit NRRAC Referral Report to the Prosecution Team. If additional offences are identified, then a file must be referred to the Dedicated Decision Maker with the requisite supporting evidence to prove the offences.

Dedicated Decision Makers may take a pragmatic approach in the process where a minor further offence is identified, Dedicated Decision Makers where appropriate may offer NRRAC if deemed suitable and the offer of a course is more appropriate and proportionate over prosecution. This will be on a case by case basis with the intention of promoting future road safety.

Offenders can only attend one NRRAC Scheme within a 3-year period. If they do not meet this criteria, they are not eligible for a further course (until a 3 year period has elapsed) and must be dealt with in accordance with force prosecution policy.

It must be pointed out to the alleged offender that should they fail to attend the course a Single Justice Procedure Notice (SJP) will be issued.

Once the offender has successfully completed a NRRAC course, they shall not be liable to any further proceedings, fines, penalty points for that offence. Their slate is in effect wiped clean.

The Service Provider

The course provider for North Yorkshire is:

TTC 2000 Ltd
Hadley Park
Telford
Shropshire
TF1 6QJ

Tel: 0845 2704380

The Criminal Justice Operations Manager is the liaison officer for any contact with the supplier.

Referral Where the Offending Motorist Is an Employee Of NYP

Advice is contained in a document published by the Association of Chief Police Officers and entitled "National Driver Improvement Scheme Policy Guidance". This has been circulated to all Prosecution Team Managers and is also held by the Police Federation.

In relation to emergency service drivers, the guidance states:

"Whilst there is no reason in principle why offers, (of a NRRAC), should not be made to emergency service drivers following on duty incidents these cases pose a particular dilemma in so far as a higher standard of driving than can be offered by the NRRAC may be trained for and expected. It may be that in-house remedial driver training is more appropriate under the circumstances than the Driver Improvement Scheme. This is a matter for individual Chief Constables' discretion".

The following summarises the position in North Yorkshire:

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- before any decision can be taken in relation to whether an offending emergency service driver should be referred to the scheme, the general referral criteria MUST apply. The first stage is to decide whether the incident is one that is suitable for referral, if so, then this guidance should be consulted as to which option to take
- in accordance with the above, the file in relation to all NYP employees involved in a blameworthy road traffic incident will be referred to the NYP Police Vehicle Collisions Panel.
- the Dedicated Decision Maker (DDM) reviewing the file will comment as to the suitability of the NRRAC having regard to the referral criteria. The NYP Police Vehicle Collisions Panel will provide an element of independent scrutiny, and will advise as to the most appropriate course of action
- if a referral is considered the most appropriate disposal then the officer or member of support staff involved will be offered a place on the NRRAC scheme. This will be provided by external service providers
- Officers/Staff referred to the NRRAC scheme will be asked to pay the appropriate fee
- cases involving police officers and police staff from other Forces will be dealt with in the same manner as any other member of the public

Responsibilities

Operational Officers/Police Staff

Evidence gathering in relation to the incident

Preparation and submission of the case file papers to the Prosecution Team in accordance with Manual of Guidance standards.

First Line Supervision

Guide and advise investigating Officers in process

Quality check case files, taking remedial action where required prior to signing as suitable for submission to the Prosecution Team.

Prosecution Team - DDM

Review file and make decision applying set criteria.

Mark up file and refer to the prosecution team Officers.

Prosecution Team - Officers

Act upon DDM's instructions

Monitor case progress through to finalisation, taking action as appropriate.

Updating case management systems

Safer Neighbourhood Commanders

Ensure force policy and procedure is followed.