

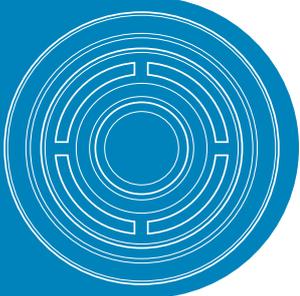


DRIVING CHANGE

Enforcement of road traffic
legislation in Northern Ireland

September 2016





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September 2016





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List of abbreviations

ACC	Assistant Chief Constable
ACPO	The Association of Chief Police Officers
ANPR	Automatic Number Plate Recognition
CIU	Collision Investigation Unit
CJI	Criminal Justice Inspection Northern Ireland
CPS	Crown Prosecution Service
DD	Discretionary Disposal
Dfi	Department for Infrastructure
DoE	Department of the Environment – in May 2016, the vehicle regulation, road safety & Driver and Vehicle Agency functions of the DoE were transferred to the new Dfi
DoJ	Department of Justice
DRD	Department for Regional Development – in May 2016 the functions of the DRD were transferred to Dfi
DVA	Driver and Vehicle Agency
DVLA	Driver and Vehicle Licensing Agency (Swansea)
ETSC	European Transport Safety Council
FPN	Fixed Penalty Notice
HGV	Heavy Goods Vehicle
HMRC	Her Majesty's Revenue and Customs
KSI	Killed or Seriously Injured
MOT	(Derived from) Ministry of Transport – refers to annual vehicle test
NICTS	Northern Ireland Courts and Tribunals Service
NIPB	Northern Ireland Policing Board
NIRSS	Northern Ireland Road Safety Strategy
OPONI	The Office of the Police Ombudsman for Northern Ireland
PLPs	Police-Led Prosecutions
PPS	Public Prosecution Service for Northern Ireland
PSNI	Police Service of Northern Ireland
RoI	Republic of Ireland
RSVRD	Road Safety and Vehicle Regulation Division
RTC	Road Traffic Collision
SIO	Senior Investigation Officer
SLA	Service Level Agreement
SORN	Statutory Off Road Notification
TRU	Transport Regulation Unit



Chief Inspector's Foreword

Use of the road network has become fundamental to modern living. Due to the risks associated with its use, we need to be assured that the roads are as safe as we can make them and that the three pronged approach of engineering, education and enforcement be kept in balance and under constant review.

The killed and seriously injured figures remain the internationally recognised measure for road safety and despite annual fluctuations, Northern Ireland's are still unacceptably high for such a small jurisdiction. The standards of driving and attitudes of some road users which are reflected in criminal prosecution tells us that there is persistent offending particularly in relation to speeding, driving under the influence of alcohol and drugs and mobile phone usage while driving. Waiting for technological solutions and a change in driving behaviour while reasonable and pragmatic, does not deal with the pain, anguish and despair associated with unnecessary and avoidable death and injury.

I am concerned that eight years on from our original Roads Policing inspection we have not achieved the mutual recognition of penalty points, driving disqualification and the lowering of drink/drive limits. Travelling North or South in Ireland we still see some visiting drivers flaunting the traffic laws safe in the knowledge of the limited consequences that are likely to ensue.

We are still not maximising the use of Automatic Number Plate Recognition to improve road safety and with diminishing resources available, there is a compelling case for a more administrative solution which will reduce the pressure on both the Prosecution Service and the Courts for minor traffic offences.

We have made three strategic recommendations, which if pursued will save lives and support the aim of changing driving behaviours.

This inspection was conducted by David MacAnulty and Stephen Dolan. My sincere thanks to all who contributed to their work.

Brendan McGuigan
Chief Inspector of Criminal Justice
in Northern Ireland

September 2016



Strategic Recommendations

1

The Department for Infrastructure (DfI), the Department of Justice (DoJ), and the Road Safety Partnership, through the North/South Ministerial Council should:

- advocate the policy position of mutual recognition of driving disqualifications with the Republic of Ireland (RoI), with the aim to achieve compliance by the end of 2016; and
- develop an action plan to deliver mutual recognition of penalty points with the RoI (paragraph 2.16).

2

The Police Service of Northern Ireland (PSNI) and the Driver and Vehicle Agency (DVA), should maximise the use of technology in the enforcement of road traffic laws. In particular:

- the use of Automatic Number Plate Recognition (ANPR) by the PSNI should be extended to allow for the enforcement of the full range of road traffic laws; and
- the use of an integrated database system, against which to verify compliance with road traffic regulations, should be established by the DfI and made easily accessible for roadside enforcement staff (paragraph 3.19).

3

The PSNI and the Public Prosecution Service (PPS), along with the Northern Ireland Courts and Tribunals Service (NICTS), the DfI and the DoJ, should scope and deliver a road traffic prosecutions team to operate within a centralised Traffic Court in Northern Ireland (paragraph 4.25).

6



Executive summary

Road traffic legislation was introduced through primary and secondary legislation into Northern Ireland. It usually followed the introduction of similar legislation by the United Kingdom Parliament, whilst European directives also provided numerous laws to provide a uniform approach to road traffic law throughout Europe.

The roads network is vital to efficient travel and to economic trade and mobility. Legislation is used to ensure the roads are safe to use and for the free flow of traffic. To be effective, these laws need to be enforced. There are various agencies to carry out this function, but at the time of inspection, the Police Service of Northern Ireland (PSNI) and the Department of the Environment (DoE) were mainly responsible for the enforcement of most road traffic laws. In May 2016, the vehicle regulation, road safety, Driver and Vehicle Agency functions from the DoE, along with the functions of the Department for Regional Development (DRD) were transferred into the new Department for Infrastructure (DfI). Enforcement predominantly took the form of roadside checks, use of cameras, vehicle examination and organised traffic stops.

Road safety is a priority for all agencies dealing with the enforcement of road traffic laws, particularly in relation to the rates of deaths and serious incidents. Casualty rates had been reducing from baseline targets,¹ although 2014 and 2015 saw increased fatality rates. The increase came at a time when compliance with vehicle safety and adherence to road traffic laws overall, was improving.

Legislation is ineffective without enforcement, compliance and education. There had been a general improvement in engineering on roads and vehicle safety requirements, however there was no pivotal evidence provided to Inspectors, for reasons regarding the increase in road fatalities. In these circumstances, it could be considered that legislation compliance and enforcement had a marginal affect on road traffic fatality rates during the years 2014 and

¹ This included, reducing the rates of road deaths by 60% to 48 and reducing serious road traffic incidents by 45% to 611; Northern Ireland road safety strategy to 2020, monitoring of targets and key performance indicators, 2015, www.infrastructure-ni.gov.uk.



2015. Individual driver error continued to be the single major contributor to those killed or seriously injured (KSI) on the roads in Northern Ireland. Further risks to road safety were found in the failure to establish North/South co-operation on legislation and mutual recognition of penalty points. There was support voiced for better joined-up cross-border enforcement of legislation, but this required continued political support. Road closures and diversions also caused significant issues for road users, particularly businesses which required the continued free flow of traffic, however all road users were affected by lengthy delays. To deal with this risk, good communications were required between the organisations tasked to ensure the safe and free movement of traffic. Inspectors found that this area could be improved.

Enforcement of road traffic laws was conducted by the various agencies to a high degree of skill and expertise. The agencies needed to improve their use of technology to assist in enforcement activities, however this required greater integration of resources and closer partnership arrangements. For example, the PSNI could better utilise Automatic Number Plate Recognition (ANPR) more effectively and DfI (formerly DoE) operational staff should have easier access to a central database for all road traffic regulations and laws.

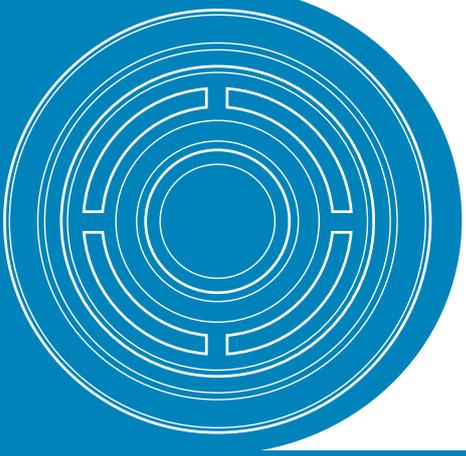
Files prepared for prosecution of regulations and laws were overall considered by lawyers in the Public Prosecution Service for Northern Ireland (PPS), to be of good quality; in particular those files prepared by the PSNI road traffic and the DfI (formerly DoE) roadside enforcement teams.

However, for the former DoE staff specifically, there were different legal tests to be considered between civil law regulations and criminal law cases. Clear guidance was needed to ensure that there is no conflict in approaches across the DfI.

In relation to sanctions for breaking road traffic laws, discretion and roadside alternatives were being widely used by the DfI (formerly DoE) and the PSNI. Whilst this continued to be an efficient way to deal with minor offences, CJI previously reported concerns regarding the PSNI use of discretion for unsuitable offences.² Closer scrutiny and oversight of all types of alternative disposals was an ongoing concern. However, the key strategic police targeting of road traffic offences, such as seatbelts and mobile phone usage, were found to be consistently delivered throughout the PSNI. Concerns were raised that some sanctions were not sufficient to deter profit motivated offenders, where the risk of being detected breaking road traffic laws, was outweighed by the potential to make financial gains.

The administration of road traffic enforcement could be improved. When traffic cases had to go to court, utilising a centralised Traffic Court system with a more administrative approach, similar to the civilian/Police-Led Prosecutions (PLPs) teams in England, may provide a more efficient and cost effective way to deal with the enforcement of road traffic cases.

² Police use of discretion incorporating penalty notices, January 2015, CJI – www.cjini.org.



Inspection Report



Introduction

- 1.1 The road network is vital with most of the Northern Ireland public using it every day, as drivers, passengers, pedestrians, riders or cyclists. Our roads provide access to work, leisure, to goods and services, and as such are hugely important to our economy and community. It is essential to balance travel and mobility with risk and to ensure that everyone can use our roads safely and get where they need to go as efficiently as possible. To ensure the safe use of the roads network, legislation was established. The legislation covered areas such as no seat belts to dangerous driving, and no vehicle test (commonly known as 'MOT') certificate to dangerous loads on heavy goods vehicles (HGVs).
- 1.2 Government has responsibilities to drive road safety initiatives and proposals forward. The Northern Ireland Programme for Government 2011-15, recognised the Northern Ireland Assembly's responsibility to develop legislation and policies, and move forward road safety initiatives, with specific reference to reducing the number of deaths and serious road casualties on our roads.³ The draft 2016 Programme for Government made no specific references to road safety, referring only to the need to reduce crime and offending⁴ and improve transport connections for people, goods and services.⁵ Statutory partners, particularly the PSNI and the DfI, play critical roles in enforcing regulations, dealing with collisions and ensuring the safe flow of traffic. Employers, the community and voluntary sector, motoring and insurance organisations, along with the public, all have a role in ensuring that they take responsibility for any actions that could have an impact on their own safety or that of others.
- 1.3 The European Transport Safety Council⁶ (ETSC) considered⁷ that enforcement was effective as a short-term measure, whilst education and engineering improved safety in the longer-term. Targeted enforcement was seen to rapidly reduce deaths and injuries on the roads, and sustained intensive enforcement which was supported, explained and publicised, also had a longer-lasting effect on driver behaviour. Organisations including the PSNI and the DoE (subsequently DfI) asserted that such intensive enforcement in Northern Ireland could not be maintained because of reduced funding and declining numbers of enforcement/police officers.

3 Programme for Government, Priority 3, 2011-15.

4 Draft Programme for Government, Outcome 7, 2016-21.

5 Draft Programme for Government, Outcome 1, 2016-21.

6 An independent non-profit making organisation dedicated to reducing the numbers of deaths and injuries in transport in Europe.

7 Briefing to United Kingdom Parliament on road traffic law enforcement, 2015, ETSC – www.parliament.uk.

The organisations dealing with road traffic laws must find a more efficient and joined-up approach to enforcement, including a greater use of technology, cross-border legislation and a more efficient way to deal with the administration of road traffic laws.

- 1.4 Enforcement of road traffic laws was the responsibility of a number of organisations. Table 1 shows the main pieces of legislation and key responsibilities for the major organisations tasked with keeping the roads safe.

Table 1: Responsibilities, powers and legislation

	Responsibilities	Powers	Legislation ⁸
PSNI	Road traffic offences ranging from speeding/defective vehicles to dangerous driving/driving with excess alcohol/under influence of drugs. Traffic management.	Gather evidence, stop, search, arrest, charge/report.	Road Traffic Order 1981/95/98/2007; Road Traffic Offenders Order 1996; Motor Vehicles Regulations - Construction and Use/Driving Licences/speed limits; Police and Criminal Evidence (Northern Ireland) Order 1989.
Driver and Vehicle Agency (DVA) (DfI)	'MOT' testing of private and commercial vehicles. Overweight/abnormal load lorries; tachographs/drivers' working hours; vehicle road worthiness; regulation of buses/taxis/goods vehicles.	Roadside/operator/driver compliance checks. Operator premises compliance checks.	Road Traffic Order 1981; Motor Vehicles Regulations - Construction and Use/Driving Licences/speed limits; Roads Vehicle Legislation Regulations; Passenger and Good Vehicle Regulations 1979; The Roads Order 1993; Public Service Vehicles Regulations.
Transport Regulation Unit (TRU) (DfI)	Licences for the operation of heavy goods vehicles.	Grant/refuse/remove heavy goods vehicles licences.	Goods Vehicles Licensing of Operators Act (Northern Ireland) 2010.

8 A more comprehensive list can be found at <http://www.nidirect.gov.uk/the-road-user-and-the-law>.

Her Majesty's Revenue and Customs (HMRC)	Specialist Investigations (Road Fuel Testing Unit) is responsible for the detection and disruption of the illicit supply, distribution, sale, storage and misuse of fuel for road vehicles. Risk and Intelligence Service.	Customs and excise duty. HMRC does not take fingerprints, charge or bail suspects. This has to be done by the police.	Police and Criminal Evidence (Northern Ireland) Order 1989; Regulation of Investigatory Powers Act 2000.
Local councils	On/off street parking.	Setting parking tariffs, penalties, lighting and upkeep of car parks.	The Traffic Management (Northern Ireland) Order 2005; The Off-Street Parking (Functions of District Councils) Act (Northern Ireland) 2015; Traffic Management Order 2005.

- 1.5 A total of 74 people died on the roads in Northern Ireland in 2015⁹ compared to 79 in 2014, 56 in 2013 and 48 in 2012. The 2015 rate exceeded the baseline target of [no more than] 48 (deaths) per year, set in the Road Safety Strategy.¹⁰ Annual variation in road fatalities occurs for a variety of reasons and trends should be considered against the 2004-08 figures which established a baseline rate of 126 roads deaths per year.¹¹ Compared to previous decades in which 171 people were killed in 2000, 185 people in 1990 and 229 in 1980, the headline figure of road fatalities had significantly reduced. In comparison to the rest of the United Kingdom,¹² average road deaths of 43 per million of population in Northern Ireland (2013) were relatively high (29 per million population in the United Kingdom), although very similar to the Republic of Ireland (42 per million of population), but less than the European Commission average of 52 deaths per million population. Over half of road deaths continue to occur on rural roads and 70% of road traffic collisions are a result of careless driving.¹³ Reducing these factors presented particular challenges to enforcement: the first due to the extent of the rural road network in Northern Ireland and the latter because it is the outcome of careless driving that is usually detected.

9 Road traffic collision statistics, up to 2015, PSNI – www.psni.police.uk.

10 Northern Ireland Road Safety Strategy to 2020, monitoring of targets and key performance indicators, 2015, www.infrastructure-ni.gov.uk.

11 Ibid.

12 Road deaths per million population, 2013, European Commission statistics – ec.europa.eu.

13 Police road traffic statistics, 2015, PSNI – www.psni.police.uk.

The CJI inspection

- 1.6 This inspection by Criminal Justice Inspection Northern Ireland (CJI) focused on the enforcement of road traffic laws and the approach of the various departments and organisations, whilst at the same time considering the overall impact of enforcement on road safety and on the roads network. Inspectors examined each of the organisations that oversee the use of Northern Ireland's roads and enforce the legislation that is in place. The Terms of Reference for the inspection can be found at Appendix 1.
- 1.7 Meetings were held with a number of stakeholders in advance of the inspection, including senior managers within the DfI (DoE at the time of fieldwork), the PSNI, the PPS and the Northern Ireland Courts and Tribunals Service (NICTS). The main phase of fieldwork was conducted between November 2014 and April 2015, and included a review of PLPs in Norfolk and Essex. Although all front-line police officers had a general duty to enforce road traffic laws, the PSNI Roads Policing Unit was the main point of communication with Inspectors from a policing perspective. The inspection team also interviewed enforcement staff and management within the former DoE as well as conducting interviews with the PPS, HMRC and operational staff from each of the main agencies responsible for road traffic law enforcement. The latest data from the PSNI, the DoE/DfI and the NICTS available at the time of writing was used, including police road traffic collision statistics up to December 2015.



Strategy and governance

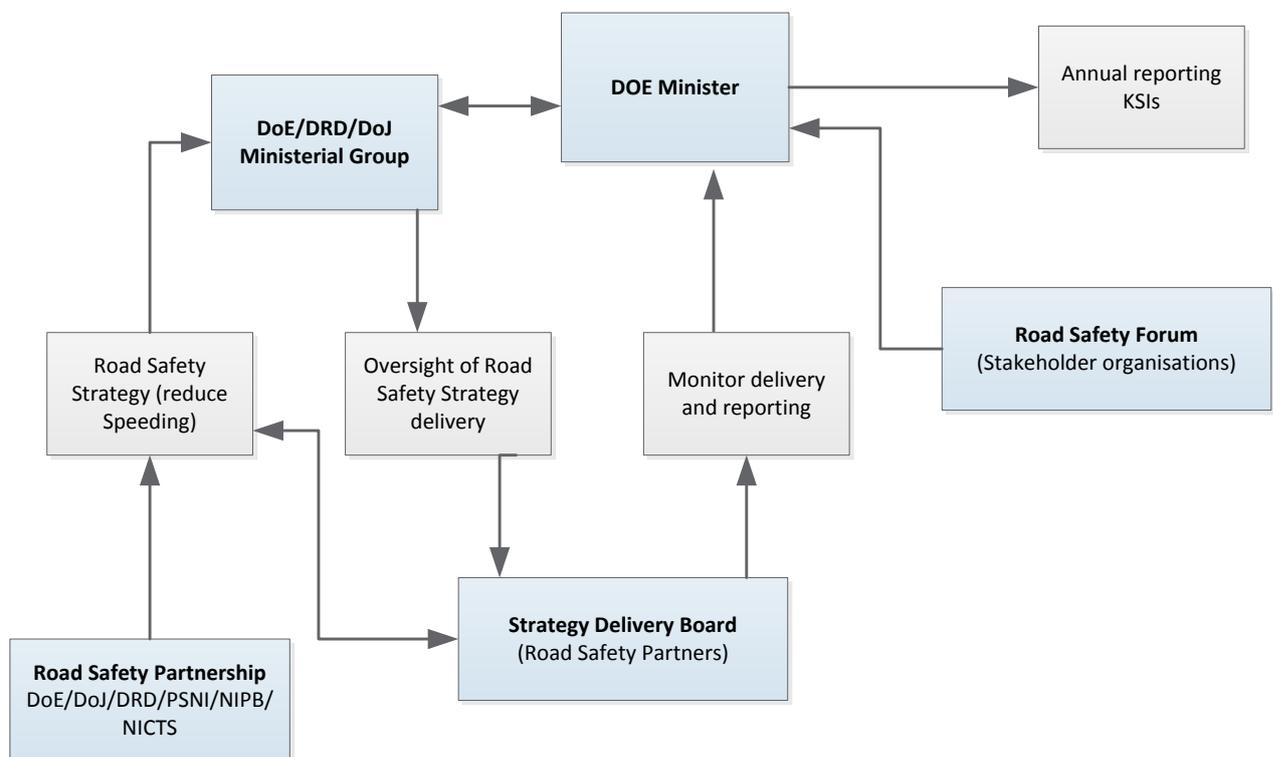
Road Safety Strategy

- 2.1 Road traffic laws are agreed by Government who make proposals for legislation. The legislation should be evidence-led, self-explaining and seek to reinforce the public's assessment of what is a safe way to use the roads network. This will often necessitate the altering of legislation from time to time, for example the lowering of the amount of alcohol allowed to be consumed before driving, or the setting of weight limits for heavy good vehicles to ensure the safety of all road users. Legislation was also used to promote the free flow of traffic, for example, the setting of speed limits which aimed to improve the flow of traffic. The 2011-15 Northern Ireland Programme for Government recognised the Northern Ireland Assembly's responsibility to develop legislation and policies and move forward road safety initiatives, with specific reference to reducing the number of deaths and serious road casualties on our roads.¹⁴
- 2.2 Enforcement of road traffic legislation was the responsibility of various road statutory partners, predominantly the DfI (formerly DoE) and the PSNI. The Road Safety Strategy to [the year] 2020, introduced a baseline of statistics from 2004-08. The Strategy identified the main causes of those KSI between 2004-08, including 126 road deaths per annum, with 78% KSIs attributed to excessive/inappropriate speed, alcohol/drugs and a range of 26 causation factors (for example, inattention, wrong course and emerging from a minor road). These statistics were monitored and compiled by the DoE in conjunction with the Northern Ireland Statistics and Research Branch.
- 2.3 Some of the main targets and challenges included:
 - reduce by 60% those killed – from 120 to 48;
 - reduce those seriously injured by 45% - from 1,111 to 611;
 - improve road safety on rural roads; and
 - reduce inappropriate road behaviour (illegal road users, poor driving standards).

¹⁴ Programme for Government, Priority 3, 2011-15.

2.4 A Strategy Delivery Board, made up of road safety partners, monitored progress of the delivery of the Strategy and reported to the Dfl (formerly DoE) Minister. A Road Safety Forum was established to provide an interface between the Minister and representatives of organisations with an interest in road safety. Oversight of the implementation process was provided by a Ministerial Group on Road Safety which comprised the DoE, the Department for Regional Development (DRD) and the Department of Justice (DoJ) Ministers. In 2016, the functions of DRD and DoE (regarding road traffic legislation), were transferred to the Dfl. There was no indication available at the time of writing, how this would affect the Ministerial Oversight group. The DoE had reported annually on progress in reducing the numbers KSI and monitored changes in road user behaviours. Figure 1 demonstrates the relationships between the various departments and organisations.

Figure 1: Chart of organisations with responsibilities for roads in Northern Ireland



2.5 The Road Safety Partnership evolved from the Northern Ireland Safety Camera Scheme, and was introduced on 1 July 2003. It was part of the Road Safety Strategy to reduce casualties on the roads of Northern Ireland. The aim of the Partnership was to support the reduction of speeding through targeted enforcement and delivery of educational campaigns and initiatives, including the education of offending drivers. The delivery of the Strategy was overseen by the Partnership Board of the Dfl (formerly the DoE and the DRD), the PSNI, the DoJ, the NICTS and the Northern Ireland Policing Board (NIPB).

Road network

- 2.6 TransportNI was a business unit within the DRD (transferred to DfI in 2016), with a role in facilitating the safe and convenient movement of people and goods throughout Northern Ireland and the safety of road users. This was delivered through maintenance of over 25,000km of public roads and the management and development of the transport network with an overall aim to keep it safe, efficient, reliable and sustainable. TransportNI also contributed to road safety through the DfI and its role on the Road Strategy Delivery Board.
- 2.7 One key objective for TransportNI in conjunction with the PSNI, was to agree a revised protocol for responding to emergencies to lessen the impact of road closures and traffic diversions. This was due to be agreed by summer 2015, however the protocol had not been finalised at the time of writing. The cause of the delay was, in part, due to serious incidents on the A1 resulting in significant traffic disruption with minor routes becoming impassable. This led to calls for an improved approach to traffic diversions and roads closures. The many reported road closures throughout Northern Ireland caused significant public concern with disruptions to everyday travel arrangements. Of equal concern was the impact on local businesses which required free flowing traffic to facilitate both their customers and suppliers. Inspectors found that there were communication issues between the DRD (before transfer to the DfI), TransportNI and the PSNI, with data on road closures being held outside of the PSNI databases. This meant that in the event of a major road traffic incident, the PSNI could divert traffic onto minor roads which were closed, had ongoing road-works or were unsuitable. Concerns were also raised regarding the length of time it took for roads to be cleared.

Operational recommendation 1

To improve communications and road diversions, CJI recommends the revised protocol on road closures should be agreed between the PSNI, TransportNI, the DfI and all relevant organisations, and implemented within six months of the publication of this report.

Roads Policing Strategy

- 2.8 The NIPB Policing Plan¹⁵ set out a general strategy for the police to reduce the number of people KSI on the roads in Northern Ireland. It also set out various targets whilst working with other [road traffic partner] organisations. These were similar in nature to the Road Safety Strategy targets.
- 2.9 CJI's roads policing inspection¹⁶ in 2008 made nine recommendations and referenced earlier recommendations in an inspection of enforcement in the DoE.¹⁷

15 Latest version for 2015-16 available at www.nipolicingboard.org.uk.

16 Roads Policing, June 2008, CJI – www.cjini.org.

17 Enforcement in the DoE, October 2007, CJI – www.cjini.org.

Recommendations centred on the establishment of a specialist crash and collision unit to strengthen the investigation of fatal and serious road traffic collisions (RTCs) and improvements in the governance of roads policing enforcement and the enforcement of speed limits. The 2010 CJI follow-up review of roads policing,¹⁸ reported limited progress against the critical recommendation to improve the arrangements for the investigation of fatal and serious RTCs. A Collision Investigation Unit (CIU) had been established, but required the full support of the Assistant Chief Constable (ACC) Operational Support and the Head of Roads Policing to reach its full potential. At the time of the CJI follow-up review, overall, four recommendations were achieved and five were partly achieved.

- 2.10 Inspectors welcomed the fact that strategic ownership for Roads Policing continued to rest under one ACC (in Operational Support Department), with a Superintendent leading the Roads Policing Branch. Roads Policing policy and operations were combined under one Chief Inspector and plans were under way to co-locate the staff within the branches. Policy was developed in line with generic targets to reduce the numbers of deaths and those seriously injured on the roads. KSI policy set by Roads Policing Branch was replicated at district level within the PSNI.
- 2.11 The PSNI's partnership working remained strong, with reported good communications and working practices among the DVA, the National Crime Agency, HMRC and the Social Security Agency. Joint operations remained a regular feature. Education was also a key focus for the PSNI albeit with concerns over the long-term investment in educational programmes with continuous reductions in Departmental budgets. The former DoE draft budget¹⁹ in 2015-16, indicated that road safety promotion would be cut back with 'a significant curtailment of road safety promotion and associated education.'
- 2.12 The different agencies involved with roads traffic legislation and enforcement, found it difficult to precisely quantify what overall affect advertising and education had on reducing the numbers of road deaths and those seriously injured - although the (former) DoE compiled a yearly report on safety on the roads in Northern Ireland.²⁰ Key points from the report in 2014 showed 72% of those surveyed found television advertising was the most important influence in creating awareness around the risks to those using the roads. In comparison, the second biggest influence was the enforcement of road traffic laws, with 30% of those surveyed citing penalties as an important factor. With nine out of 10 people reportedly influenced by television campaigns, there was a danger that reducing the budget for such campaigns may have an adverse impact on driver behaviour. If the important work and success of advertising and education campaigns are to continue, organisations will need to seek alternative ways to fund them. Alternative methods of dealing with road traffic cases may provide this opportunity. This is discussed further at paragraphs 2.21-2.23 and in greater detail in Chapter 3.

18 Roads policing – a follow up review of inspection recommendations, November 2010, CJI – www.cjini.org.

19 Found at: <http://www.doeni.gov.uk/doe-draft-budget-2015-2016-assessment-consultation.pdf>.

20 Northern Ireland road safety monitor, DfI – www.infrastructure-ni.gov.uk.

Partnership with An Garda Síochána

- 2.13 There were ongoing road safety risks identified with different legislation being used in the RoI, to that in Northern Ireland. Cross-border traffic was a major concern for those on both sides of the border. The PSNI and An Garda Síochána maintained open communications, however the number of joint operations had reduced along with the reduction in funding and resources. On a day-to-day basis, direct contact with An Garda Síochána was maintained, particularly in border areas. Also regular strategic meetings of more senior officers were seen as a positive way to ensure co-ordination of operational practices.
- 2.14 It was a major concern however, that the United Kingdom Government 'opted-out' of European Acts that covered crime and justice, on 1 December 2014. This meant that the European Convention on Driving Disqualifications was no longer valid between the United Kingdom and the Republic of Ireland and the mutual recognition of disqualified drivers, was no longer possible. Both Governments committed to amend legislation to ensure that mutual recognition of disqualified drivers continued, and signed a treaty to this effect on 30 October 2015. However, it was unclear as to when any legislation regarding mutual recognition of disqualified drivers, would be in place.
- 2.15 The lack of mutual recognition of penalty points between the RoI and the United Kingdom, was also a major concern. In October 2012, Government Ministers from both the RoI and Northern Ireland agreed a timetable for full cross-border recognition of penalty points in both jurisdictions by December 2014.²¹ At the time of writing, there was no timetable and no working proposals to make this happen. Furthermore, the European Union set out proposals²² for rules to make it easier to share information across (European Union) countries to help enforcement agencies share information to identify road traffic offenders. Both the RoI and the United Kingdom postponed incorporating these proposals into law, until 6 May 2017.
- 2.16 The public on both sides of the border were at risk from drivers who may have significantly poor driving records, and in some cases, drivers who may be disqualified and uninsured in one jurisdiction but driving in another. Inspectors were concerned about the lack of forward momentum on the mutual recognition of disqualification and penalty points between the United Kingdom and the RoI. This created an increased danger on the roads and needed urgent attention.

21 Reported at; <http://www.thejournal.ie/penalty-points-cross-border-ireland-623966-Oct2012/>.

22 Road traffic offences – sharing information between countries, Directive (EU) 2015/413, found at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32015L0413>.

Strategic recommendation 1

CJI recommends that the DfI, the DoJ, and the Road Safety Partnership, through the North/South Ministerial Council should:

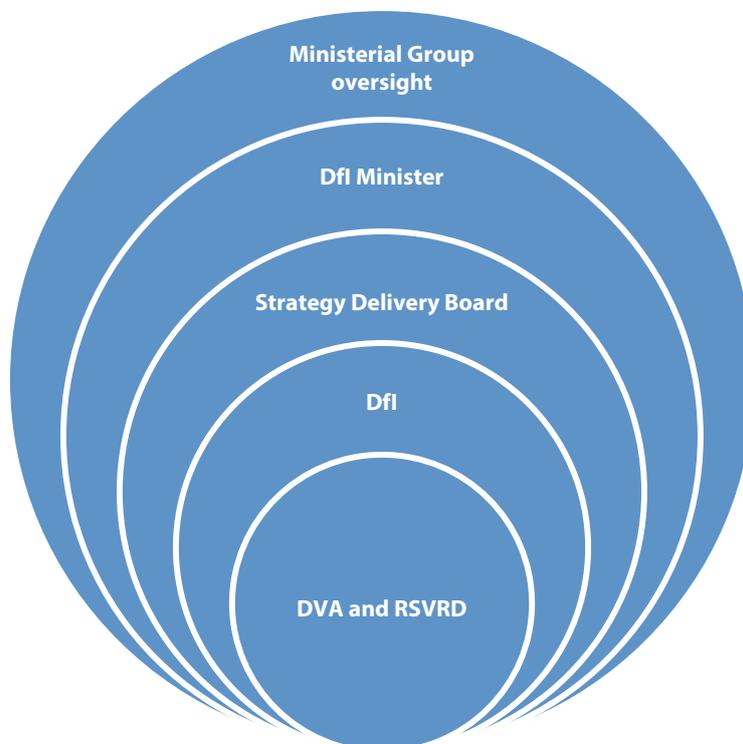
- **advocate the policy position of mutual recognition of driving disqualifications with the Republic of Ireland (RoI), with the aim to achieve compliance by the end of 2016; and**
- **develop an action plan to deliver mutual recognition of penalty points with the RoI.**

Road safety and vehicle regulation

2.17 Enforcement duties within the DfI (formerly DoE) were carried out by the DVA and aimed to improve road safety and better regulate the transport sector - both of which featured at the time of writing, in the (then) DoE's corporate objectives and the (then) Environment Minister's priorities. These priorities and objectives were then transferred to the DfI in May 2016. The DVA's responsibilities included driver licensing, vehicle and driver testing, responsibility for those who drive for a living, plus compliance and roadside enforcement. The Road Safety and Vehicle Regulation Division (RSVRD) was responsible for implementing the Northern Ireland Road Safety Strategy and aimed to promote improved road safety and deliver better regulation of the transport sector, with a focus on:

- developing policy and legislation for the taxi, freight and bus industries and for vehicle standards;
- regulating the freight industry through the Transport Regulation Unit;
- developing driver policy and legislation; and
- road safety advertising and education.

2.18 As part of their enforcement role, the DVA required partnership with other organisations to ensure effective enforcement, particularly the PSNI and the PPS who assisted in roadside checks and prosecution of cases in court. Good strategic connections and communications were found between the PSNI, the (then) DoE, the PPS, Transport NI, the courts system, and education and road safety organisations. The various heads of management shown in Figure 2 were responsible for policy, legislating and regulation of the road network within the DfI.

Figure 2: Illustration of DfI road safety oversight

- 2.19 The CJI report on enforcement within the DoE in 2007 and a follow-up review in 2011²³ dealt partly with enforcement and road safety. It found that the DoE corporate planning focused more on enforcement rather than a strategic approach to road safety. In the current inspection, Inspectors found that the use of surveys, enforcement targets and compliance monitoring continued to help in setting strategic direction. There were regular meetings to identify progress on targets, external agency co-operation, and enforcement priorities. The focus on road traffic legislation compliance was moving to prevention, education and targeting of operators.
- 2.20 An integrated enforcement unit was established in the DVA as recommended in the 2007 CJI inspection. The aim of this recommendation was to assist with good communication, transparency of process and to provide a degree of consistency. Driver licences were still dealt with by the DVA although by 2014, the Driver and Vehicle Licensing Agency (DVLA) in Swansea had taken over the responsibility of road fund licensing, with the DVA acting as agents to locally enforce road tax laws. In Northern Ireland this usually took the form of static roadside checks and the use of Automatic Number Plate Recognition (ANPR), whereas in England and Wales there is wider use of ANPR outside of static roadside checks, which provided instant access to a wide database of information about vehicles. Although some responsibilities had been moved away from the DVA, Inspectors found that communication with the DVLA and the enforcement of legislation had not been adversely affected by this move.

23 Enforcement in the Department of Environment - a follow-up review, November 2011, CJI - www.cjini.com.

Licensing of Heavy Goods Vehicles

2.21 The legislation²⁴ in place to deal with the licensing and regulation of heavy goods vehicles focused on:

- fair competition;
- road safety;
- organised crime;
- regulation of operator premises; and
- granting and regulation of licences.

The DVA performed enforcement of heavy goods vehicles road levy compliance under the United Kingdom Department for Transport authority. The Transport Regulation Unit (TRU) had responsibility for the granting or removal of licences.

2.22 The DVA roadside enforcement team were tasked to catch and deter operators breaching the legislation and they had a range of sanctions and actions available with, ultimately, a referral to the TRU for an operator's licence to be removed. In some instances of serious or persistent offenders, referrals by the enforcement team to remove licences, were not acted upon by the TRU. Some operators who did not comply with the law could still have a licence to operate in circumstances where the TRU believed that the removal of a licence was not warranted or due to delays when the decision to remove a licence (a civil action) was held back whilst criminal cases were ongoing.

2.23 PPS representatives did not have the same concerns over the conflict between civil law and criminal law, and were clear that the criminal cases were to have priority. Whilst it may be clear from a prosecutorial point of view, Inspectors found that practically, the operation of this policy had caused concerns amongst enforcement staff who were caught between licensing policy and prosecution policy. The enforcement team felt frustrated that they were trying to enforce road laws under different legal standards. There was a clear communications issue between the enforcement team and the TRU and the practical issues between criminal and civil law standards.

24 Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010.

Operational recommendation 2

CJI recommends that the DVA, with input from the PPS, should provide clear guidance for staff on the appropriate use of civil and criminal law in regulation and enforcement processes, within six months of publication of this report.

- 2.24 The DVA had a service level agreement (SLA) with the PPS whereby the Prosecution Service would direct on files referred to them and if necessary, prosecute cases in court. Advice on legal matters was also provided to the DVA when required. The PPS and the DVA management continued to meet twice per year to discuss strategic direction and planning. Although representation by the PPS was well regarded by enforcement staff, the attendance at court was time consuming and expensive.
- 2.25 The DVA strategy for a greater use of roadside detection of those heavy goods vehicles, buses and taxis breaking the law, showed an increase in the use of fixed penalties. These had more than trebled from 506 in 2011-12 to 1,697 in 2014-15. Meanwhile, fewer files were sent to the PPS; down from 803 in 2010-11 to 439 in 2013-14. The change in strategy resulted in fines and penalties being increased from £209,486 to £330,269, which passed to central government (see Chapter 3 for further detail).
- 2.26 The use of Police-Led Prosecutions (PLPs) in England and Wales within a road traffic court system, offered an opportunity for traffic legislation cases to be dealt with more quickly at less cost, and in turn, free up police and prosecution time. Removing traffic cases from the Magistrates' Court would allow for a focus on more serious cases and help reduce delay. Inspectors observed PLPs in Norfolk and Essex and found that a dedicated traffic court, to deal with guilty pleas for breaches of traffic laws, could deliver significant benefits. As an example, the cost to present cases under this system was very low at an average of £11 per case. Inspectors explore this matter in greater detail in Chapter 3, however it was clear that there was room for a change in strategic planning for the prosecution of all traffic cases.

Sharing intelligence

- 2.27 A range of SLAs, protocols and agreements continued to help strengthen enforcement across the DVA/PSNI/PPS and there were agreements in place with the NICTS and the PSNI regarding the Graduated Fixed Penalty and Deposit Scheme.²⁵ Key targets were set for joint operations with the PSNI and multiple-agency cross-border operations. However, Inspectors found the DVA and some agencies set differing and sometimes conflicting strategic priorities with, for example, HMRC focusing on the most serious crimes rather than general enforcement, which was the focus of the DVA. This meant that protocols were slowly progressing between the DVA and HMRC.

²⁵ Instead of court prosecutions, DVA enforcement officers can offer fixed penalties for some offences – deposits are similar but for non-UK drivers.

Similarly, a data sharing protocol with the Northern Ireland Environment Agency was still under review at the time of writing, indicating there was room for more effective cross-departmental working.

- 2.28 Traffic offences for on and off-street parking were decriminalised in 2006 and from April 2015, off-street parking, car parking enforcement and responsibility for tariffs, lighting and upkeep of car parks transferred to local councils. TransportNI continued to control on-street parking zones in Belfast, Newry, and Lisburn. TransportNI was also continuing to maintain off-street collection and cash processing on behalf of local councils until October 2016 with their costs being deducted from collections and the balance passed to local councils. Rates for parking were set by local councils, therefore these rates varied across Northern Ireland. Although, beyond the scope of this report, Inspectors were advised that there were opportunities to transfer all parking enforcement to local councils and improve the process of collection such as contactless payment, graduated fees and other 'ease of use' schemes which were being operated in Great Britain and the Rol.



Delivery

- 3.1 Enforcement of road traffic legislation aims to ensure not only safer roads, but also better management and use of the roads. For example, speed limits can be altered by legislation with the aim of ensuring that road users can move more safely and freely. However, Bristol and Brighton pilots²⁶ for introducing 20mph speed limits showed that speed limits were only reduced on average by one mph in both Bristol and Brighton. Further reviews²⁷ noted that driver compliance and awareness, along with other traffic calming measures, may be more effective in reducing speeds. There was limited evidence available however to demonstrate that the reduction in speed, actually reduced fatality rates in urban areas where fatality rates were already low. In Northern Ireland, reducing urban speed limits to 20mph would make no difference to the fatality rates on rural roads, where most fatalities occurred. Furthermore, the enforcement of such legislation may place further significant resource burdens on the PSNI, when efforts could be placed elsewhere, for example the early removal of vehicle collisions on main roads and the enforcement of road traffic legislation on areas where more accidents were occurring. Overall, changing legislation may have minimal impact on road safety without adequate enforcement, education and road user compliance. However, there may be significant impact on the local economy with the reduction in numbers of private vehicles entering urban areas, whether through avoiding these zones or through being redirected for significant periods of time due to minor traffic incidents.

Road traffic safety

- 3.2 The World Health Organisation advocate a 'whole systems approach' to road traffic safety that includes involvement at all levels of the road traffic system; from road providers and enforcers (vehicle manufacturers, road traffic planners, road safety engineers, police, educators, health professionals, and insurers) to road users. In Northern Ireland the Road Safety Partnership bears the responsibility of delivering a safer, better roads network in accordance with this approach.

26 Found at: <http://www.brighton-hove.gov.uk/content/parking-and-travel/travel-transport-and-road-safety/safer-streets-better-places>.

27 The Guardian, article on 20mph speed limits found at: <http://www.theguardian.com/cities/2015/may/29/do-20mph-speed-limits-actually-work-london-brighton>.

3.3 The Northern Ireland Road Safety Strategy (NIRSS) 2020, monitored progress against targets and indicators, using the 2004-08 average figures as a baseline. Table 2²⁸ shows the latest road traffic collisions progress figures up to 2014, against some of the key NIRSS targets.

Table 2: Performance of key targets

Strategy target	2020 target	2004-08 baseline	2011	2012	2013	2014	Four-year average
Number of road traffic fatalities	50	126	59	48	57	79	61 (-51%)
Serious injuries	611	1,111	825	795	720	710	763 (-31%)
Children 0-15 KSI	58	128	93	92	73	70	82 (-36%)
Young people 16-25 KSI	165	366	216	218	176	208	205 (-44%)

2015 rates of KSIs were only available up to November on a provisional basis. However, the trends at the time of inspection showed similar rates to those of 2014.

Table 2 showed that rates of road traffic fatalities decreased to the four-year average of 61 deaths against the baseline of 126. However, 2014 saw a substantial increase to 79 roads traffic fatalities and by the end of 2015, there had been 74 road traffic fatalities. Those collisions causing serious injury and figures for children showed a continued downward trend, although young people rates in 2014, at 208, were above the four-year average of 205 – and well outside the target of 165. The data demonstrated that there was some way to go to achieve the target set. It was significant that even when focus was placed on these key areas, overall rates could increase contrary to previous downward trends.

28 NIRSS data found at - <https://www.infrastructure-ni.gov.uk/publications/topic/6076>. PSNI data http://www.psni.police.uk/updates_road_traffic_statistics.

Policing the roads

- 3.4 Day-to-day enforcement of road laws by the police show that on average every day in 2015, the PSNI issued 76 motoring fixed penalty notices or discretionary disposals and responded to 26 reports of road traffic collisions, two of which involved a death or serious injury.²⁹ A key target³⁰ for the PSNI was to reduce KSIs. This was to be delivered by enforcement through a central road traffic division and locally through front-line policing. Inspectors found that amongst those police officers interviewed, there was a common understanding and awareness of the local and central police strategy on road traffic enforcement. This was supported by local education events, targeting specific groups including motorcyclists and road-show events aimed at young people in schools. The overall focus was on enforcement, education, monitoring the rates and causes of road traffic incidents and setting targets to reduce those KSI on the roads.
- 3.5 The level of collisions on particular types of roads was predictable. In 2014, rural roads (above 40mph, excluding motorways and dual carriageways) accounted for 420 of the 789 people KSI (53.2%). Fatal collisions occurred mostly on rural roads (69.6% of fatalities for the year) although urban roads (40mph limit or less accounted for most (60.3%) of total (all) injury collisions. Of the four children killed on Northern Ireland roads in 2014, two were on urban roads and two were on rural roads. The majority of young people (aged between 16 and 24) were KSI in 2014 on rural roads (62.5%).
- 3.6 Statistics and collision maps were used to identify, predict, target and enforce road traffic laws. However road traffic incidents occurred every day and at all times, day or night, throughout Northern Ireland, and particularly throughout the rural road network. This made it difficult to allocate enforcement officers to specific roads. The focus of roads policing was placed on the strategic roads network (the main roads throughout Northern Ireland), whereas over 60% of injury collisions and over 53% of KSIs happened on rural roads. The roads policing resources were being reduced in line with reductions in other policing areas/departments with potentially even less enforcement on rural roads in the future. Enforcement is only one aspect of reducing roads collision rates; areas such as roads engineering also play a significant role. As an example there were six deaths on the A1 in the last five years (up to 2015) due to 'crossover' incidents.³¹ However, collision rates on this particular road had improved at the same time as engineering improvement when a number of slip roads and bridges were built. Even so, the absence of a physical medial barrier in many places remained a source of a number of road traffic collisions. There remained too many crossing points on what had become a key transport corridor.
- 3.7 A key challenge for all agencies and organisations was to identify the level of impact that enforcement had on improved road safety. Enforcement of legislation was necessary as part the regulatory regime, but expensive, especially in complex cases. The statistical evidence

29 Chief Constable, PSNI, BBC news 5 March 2015 found at: <http://www.bbc.com/news/uk-northern-ireland-31752667>.

30 Roads Safety Strategy to 2020 targets and NIPB 2015-16 targets.

31 Data supplied by PSNI Roads Policing department.

showed that a base line rate of road traffic incidents will occur every year until the factor of human error is removed from driving. Road safety had been improving through better technology, engineering, education and enforcement; however a more radical approach and alternative strategic thinking was required to deliver the next step-change in improvement.

Managing serious incidents

- 3.8 Investigation of, and enforcement in, serious road traffic incidents played a key role in the development of strategy, service delivery, education and informing legislation to reduce those KSI on our roads. In line with a CJI recommendation in the Roads Policing report 2008,³² a specialist CIU was set up with a compliment of two Sergeants and 10 full-time Constables. Final determination of the level of resources deployed for this specialist unit depended on the outcome of the PSNI's operational support review which was ongoing at the time of writing. Whilst the unit was considered to be under-resourced, they were working to capacity and meeting the demands required of them. Overall, the CIU appeared to be well established with district police aware of its role and responsibilities. Training for some officers had been carried out with Lancashire Constabulary although plans to roll out the training across Northern Ireland were still at scoping stage at the time of inspection. ***This training should be completed without further delay.***
- 3.9 The CIU took control of most aspects of serious incidents that required road closures, with an appointed senior investigating officer (SIO) taking overall strategic command. Local police officers provided assistance to enable the CIU to carry out its duties. Where road closures were necessary, there was a review process carried out by a SIO to ensure that closures were kept to the minimum time required to carry out a full investigation. Even so, when third party organisations, such as the Office of the Police Ombudsman for Northern Ireland (OPONI) or the Northern Ireland Fire and Rescue Service were involved, road closures could be prolonged. One example was the involvement of the OPONI in carrying out further investigations in a serious road traffic incident involving police officers. Whilst the secondary investigation of police officers' involvement in the collision was necessary, it prolonged the road closure significantly. This demonstrated the need to achieve a better balance between road safety/investigations and better management of the road network. Although overall the process worked relatively well with good communications reported between agencies, road closures continue to be a significant issue for all road users and required a seamless process to ensure delays were reduced to an absolute minimum. Having dedicated SIOs to manage serious incidents was seen as key to the delivery of an efficient process.

32 Roads policing in Northern Ireland, June 2008, CJI – www.cjini.org.

- 3.10 The SIOs were based within local districts and within the PSNI's Operation Support division, in which the Roads Policing branch was located. Issues were identified around maintaining the numbers of SIOs with a move to more policing districts to match the newly established local councils. The role of the SIO was also being reviewed at the time of writing, with consideration being given to a smaller number of SIOs to cover the greater number of new policing districts. Difficulties were found amongst duty Inspectors who had to adopt a dual role of being a SIO whilst continuing their day-to-day Inspector duties. This had the potential for some officers to be unable to provide adequate attention to either duty. With the role of the SIO being widened and reduced SIO numbers, CJI had concerns for the potential for overload with obvious implications for the management of serious road collisions. ***The PSNI should provide a working rotation system for road traffic SIOs to ensure focused delivery on serious road traffic incidents only.***
- 3.11 The enforcement of road traffic laws was the main focus of the PSNI roads policing team, although all police officers had a role in enforcement and prevention. The officers interviewed were aware of the offences that were strategic priorities for the PSNI. At the time of inspection these included a zero tolerance approach to mobile phone offences, speeding and seat belt offences aimed at reducing the level of KSIs from the relatively high figure of 458 in 2014. The level of KSIs was proving a challenge with the year-on-year figure in 2015 reaching 446.
- 3.12 Between 2009 and 2014, five people were KSI where using a mobile phone was the main cause and using a mobile phone was a contributory factor for 15 other deaths or serious injury.³³ The use of mobiles was a significant issue, particularly given research that suggests that individuals are four times more likely to have a collision when driving using a phone. However, the rate of 446 KSIs up to July in 2015 was very similar to the rate of 458 to July in 2014. This was despite the changes made to enforcement and the zero tolerance approach to the use of mobiles.

Fixed penalty notices and police discretionary disposals

- 3.13 Police used fixed penalty notices (FPNs) and discretionary disposals (DDs) for a list of 'lower level' offences.³⁴ They were dealt with in this way rather than reporting cases to the PPS. Inspectors agreed that the administrative process of penalising those who broke road traffic laws, should be done as soon as possible and avoid the need to use extra public money and time in sending these types of cases to the PPS and then onwards to court. There were reported instances of conflict between enforcement policy and the use of non-court disposals/enforcement. Although the 2015 CJI report on the police use of discretion³⁵ found the number of FPNs issued by the police was declining over a period of years and was operating relatively soundly, the governance and quality assurance of discretionary disposals remained inconsistent and in some instances discretionary disposals were being used for offences which

33 Reported by u.tv, 22 May 2015.

34 PSNI statistical report on fixed penalties and use of discretion, 2014, found at: http://www.psni.police.uk/fpn_and_dd_monthly_update_to_april_2015.docx.

35 Police use of discretion incorporating penalty notices, January 2015, CJI – www.cjini.org.

were not suitable. Inspectors also found that that the level of use of discretion in road traffic cases varied between police districts. However, the service-wide withdrawal of discretion for mobile phone and seat belt offences was consistent.

3.14 Key PSNI results for FPNs and DDs in 2014³⁶ showed:

- that there were 27,935 FPNs and DDs issued by the PSNI for traffic offences, compared with 28,398 issued in 2013. This was part of a year-on-year fall for these types of disposals since 2011;
- over one quarter (26%) of all FPNs and DDs were issued for speeding offences;³⁷
- over one fifth (22%) were issued for mobile phone offences (a decrease of 10% on from 2013);
- the third largest group (15%) was for careless and inconsiderate driving; and
- males aged 30-49 received more FPNs and DDs for all offences than any other group.

3.15 The results demonstrated again that careless driving featured as one of the main causes of offending on the roads and that drivers aged 30-49 broke the law more than any other group. The results also showed that with a reducing number of police officers, there was a continued fall in the number of people being detected for breaking road laws.

The use of technology in enforcement

3.16 Detection of breaches of road traffic legislation included the targeting of specific areas, for example the M1/A1 corridor, and usually involved the use of mobile/vehicle patrols and speed cameras. However, Inspectors found that not all the available technology was being used to its potential. ANPR was not routinely used for day-to-day detection and enforcement, yet provided a ready source of information for all enforcement agencies, not just the PSNI. For example the DVA had access to road tax information and deployed mobile cameras in vehicles throughout Northern Ireland. This allowed for the enforcement of road tax legislation without the need for stopping vehicles. ANPR was also widely used in other non-policing areas, for example, Inspectors visited a car park which was using ANPR to ensure time limits were adhered to, with some data being managed in Scotland.

3.17 The ANPR network helps to detect, deter and disrupt criminality including organised crime groups and terrorists. It is because of this that in Northern Ireland the central database was controlled by the PSNI Crime Operations department. In 2008, CJI recommended that the PSNI update its ANPR strategy in line with England and Wales and provide for a wider use of ANPR. ANPR assists in the enforcement of road laws, for example detection of non-insured vehicles, speeding, dangerous driving, without the need to stop other road users. It also had the potential to improve the flow of traffic. With reducing budgets and fewer officers to enforce the law, the wider use of ANPR across the road network would provide an automated enforcement system.

³⁶ Ibid.

³⁷ Figure excludes those speeding who completed a speed awareness course.

- 3.18 The Dfl (formerly DoE) strategy for enforcement of legislation was to make better use of the resources they had and to target specific offending. Legislation allowed for the Dfl to check HGVs, buses, cars and taxis, to ensure they were complying with the law with a view to improving public safety. Roadside enforcement of legislation required the use of various databases. Checks were made by roadside officers who had to contact office based staff/operators to access the different databases to determine whether the vehicles were fully compliant with legislation. The DVA had considered giving better roadside technology to assist their enforcement team, for example online and remote computer access. Even so, improved roadside equipment would still be hampered by the need to access multiple databases to identify any potential breaches of road traffic laws, and a fully-integrated database would be of much greater benefit. A central database, made available through upgraded roadside technology, would give easy access to the required information, improve efficiency and provide the means for a more meaningful integrated traffic approach.
- 3.19 Resources continued to be challenged within both organisations with budget cuts, which meant alternative forms of enforcement were required. For example, the use of black box technology³⁸ by insurance companies restricts driver behaviour which in turn can have a direct impact on road traffic incidents. The use of technology had the potential to ease many of the issues faced by the PSNI and the Dfl.

Strategic recommendation 2

Inspectors recommend the PSNI and the DVA, should maximise the use of technology in the enforcement of road traffic laws. In particular:

- **the use of ANPR by the PSNI should be extended to allow for the enforcement of the full range of road traffic laws; and**
- **the use of an integrated database system, against which to verify compliance with road traffic regulations, should be established by the Dfl and made easily accessible for roadside enforcement staff.**

Partnership working

- 3.20 Inspectors found that communications on a day-to-day level between PSNI officers and PPS prosecutors were reported as good. Traffic files sent to the PPS for prosecution were generally considered to be of high standard, which was reflected as around 90%³⁹ of defendants in road traffic cases were convictions and around 70% of those cases that proceeded to court⁴⁰ were dealt with by the second court appearance.

38 Devices installed in cars to track speed, braking, steering and mileage to help an insurer set premiums.

39 Most up-to-date data at the time of inspection, 2015, PPS statistics department.

40 Most up-to-date data received from NICTS, 2014, statistics found at: www.courtsni.gov.uk.

- 3.21 The DVA were provided with good practical support from the PSNI during roadside enforcement. There were regular joint operations involving the PSNI and the (then) DoE, such as illegal taxi and bus enforcement. Enforcement was found to be necessary as part the regulatory regime, but expensive, especially in complex cases, with concerns raised by the DVA enforcement team, that legal sanctions may not deter profit motivated offenders who were willing to take the risk of being detected for the sake of increased profit. To help overcome this, the enforcement team, had begun to target business premises to improve both education and compliance, before offences were committed.
- 3.22 The agreement between the PPS and the DoE (transferred to the DfI) provided for an efficient delivery of prosecutorial services. Inspectors found provision of ongoing advice and file-building, was supported by good communications at the operational level. However, with the continued pressure of budgetary cuts and restructuring, the long-term commitment to the provision of this service could not be guaranteed. The response to pressure on resources would need to be met through structural changes rather than a simple remedy of increasing the through-put of current processes, which were already under pressure. Proposals for a centralised road traffic court have been suggested by CJI in the past, to reduce delay and reduce cost. Whilst recognising there is some merit in this, the process of transferring files to the PPS with subsequent presentation in court (even a centralised one), would not realise the full potential for efficiency.
- 3.23 Partnership working between the PSNI and An Garda Síochána was considered to be good by the PSNI. Regular communications were occurring between enforcement officers and any issues that arose could be addressed by contacting established liaisons within local Garda Síochána, particularly in border areas. Road safety was a concern on both sides of the border. CJI previously reported⁴¹ that there were around 33% more casualties around border areas, than other areas. Furthermore, statistics from the PSNI Roads Policing unit,⁴² showed that non-United Kingdom registered vehicles⁴³ that were detected by speed cameras breaking speed limits in Northern Ireland, were not traceable. There was no agreement in place with the RoI to provide the PSNI with vehicle and driver details other than a general Interpol agreement regarding the transfer of information on single criminal cases, however Interpol intelligence sharing was focused on more complex cases.⁴⁴ The outcome of this was that between 2013 and 2015, 10,227 non-United Kingdom motorists did not receive a fine for speeding. This amounted to a loss of revenue of at least £613,620 based on a minimum fine of £60. More importantly, it further demonstrated the difficulty in enforcing road traffic laws in Northern Ireland on those non-United Kingdom registered vehicles and drivers who were creating a risk to other road users. Without any agreed process for the sharing of information and without legislation for the mutual recognition of penalty points and disqualifications, between Northern Ireland and the RoI, enforcement could not take place.

41 Roads policing in Northern Ireland, 2008, CJI – www.cjini.org.

42 Freedom of information request, 2016, PSNI Roads Policing.

43 Data did not capture the origin of nationality, however given the land border between the Republic of Ireland and Northern Ireland, it is likely that these figures included vehicles from the Republic of Ireland.

44 For more details on Interpol and intelligence sharing go to: <http://www.interpol.int/INTERPOL-expertise/Criminal-Intelligence-analysis>.

- 3.24 There were more general cross-border joint operations ongoing, although these had reduced in line with budget cuts. The CJI report on enforcement in the DoE,⁴⁵ noted that criminals were using the border as a way to evade detection and expand their criminal activity, for example the cross-border disposal of waste was a significant area of concern. Denying criminals the use of the roads by use of enforcement was a policy directive for the PSNI.⁴⁶ This required continued cross border co-operation and considerable enforcement resources, given the high number of rural roads along the entire border. Further improvement of the overall success of denying criminals the use of the roads in border areas, required greater political support in both jurisdictions along with legislative reform and practical support, such as the greater use of technology, exchange of information and data across agencies.

45 Enforcement in the DoE, 2007, CJI – www.cjini.org.

46 Available at http://www.psni.police.uk/policy_directive_03-12.pdf



Outcomes

The measured outcomes

- 4.1 Road safety statistics focused on the strategic goals set by the NIPB and the NIRSS to 2020 to reduce the numbers of fatalities and serious road traffic collisions. The DoE (transferred to DfI) also compiled compliance (with legislation) surveys. The PPS and the NICTS were able to monitor the numbers of road traffic cases that were being dealt with, although these figures were not routinely used by the (then) DoE or PSNI. There was limited direct data which detailed the affect enforcement activities had on outcomes.
- 4.2 The latest international fatality information⁴⁷ for 2014 is provided in Table 3, which compares Northern Ireland's road deaths with a selected list of countries.

Table 3: International comparisons of road deaths, 2014

Country	Number of road deaths	Road deaths per million population
<i>United Kingdom Total</i>	1,854	29
England	1,472	27
Sweden	270	28
Wales	103	33
Netherlands	570	34
Spain	1,661	36
Scotland	200	37
Germany	3,368	42
Republic of Ireland	195	42
Northern Ireland	79	43

47 Found at <https://www.gov.uk/government/statistical-data-sets/ras52-international-comparisons>.

Country	Number of road deaths	Road deaths per million population
Australia	1,156	49
France	3,384	51
Italy	3,330	55
Portugal	607	58
Romania	1,818	91
USA	32,675	102

4.3 The increase in road deaths from 57 (in 2013) to 79 (in 2014) in Northern Ireland, meant that there were more people killed per million of population in 2014, compared to England, Scotland, Wales and the Rol. In relative terms, the data suggested that Northern Ireland roads were safer than a lot of other countries, however there was a concern over the large increase from 2013 to 2014 rates (79) and unconfirmed figures at the time of writing for 2015 (74).

4.4 PSNI statistics⁴⁸ revealed:

- in 2014 there were 9,388 casualties comprising 79 fatalities, 710 people seriously injured and a further 8,599 people slightly injured;
- 79 deaths in 2014 was the largest number of road deaths on Northern Ireland's roads since 2009 when there were 104 deaths;
- 79 deaths in 2014 was the highest yearly rate increase for 15 years (an increase of 38.6% from 2013);
- injury road traffic collisions increased from 4,947 in 2005 to 6,085 in 2014 (an increase of 23%) and the total number of casualties resulting from these collisions increased from 8,159 to 9,388 (an increase of 15%);
- the number of people seriously injured (710) is at the lowest level since 1971;
- the number of motorcyclists seriously injured in 2014 was the lowest number recorded since 1997 and also there were fewer pedestrians and drivers seriously injured since 1986;
- in 2014 there were four children killed and 66 seriously injured. At 70, the number of child (under 16) KSI casualties was three fewer than the 73 recorded in 2013 and is the lowest level of children KSI since this data was made available;
- drivers of motor vehicles accounted for the greatest proportion (37.1%) of all persons KSI in 2014. Drivers aged 35 to 49 accounted for the highest proportion of drivers injured by age group with 1,428 casualties (representing 28.1%); and
- vulnerable road users, pedestrian and motorcycle KSIs continued to reduce from 2009; however, 62 pedal cyclists KSI in 2014 was the highest rate since 1997 and an increase of 35% from 2013.

48 Road traffic annual statistics report, 2015, PSNI – www.psni.police.uk.

- 4.5 The data captured some outside factors in what was causing road traffic collisions and the levels of injuries, but important areas such as engineering, road changes, and changes in driver behaviour had significant bearing on outcomes. There was room for a greater integration of information and analysis for all forms of data that dealt with road traffic issues, which should be shared across all enforcement agencies. One factor that *was* predictable was the very high prevalence of careless driving. In 2014, more than two-thirds (70%) of road traffic⁴⁹ collisions were as a result of careless driving. This is the typical percentage over the last five years. From 2013-14 to 2014-15, of the no prosecution decisions for motoring offences issued by the PPS, 45% related to driving without due care and attention.⁵⁰ Driver error and inattention featured highly in all the recorded statistics.
- 4.6 2012 saw the lowest recorded number of people killed (48) on the roads. This rate had steadily grown to 57 deaths in 2013, 79 in 2014, and 74 people lost their lives on the roads in 2015 (unconfirmed). Closer examination revealed that in the last 10 years the number of people killed or injured in any way ranged from 8,159 incidents in 2005, to 9,767 in 2009. In 2014 there were 9,388. The average over the 10-year period was 9,140. This data may suggest a predictable level of road traffic incidents every year and indicated an upward trend. This was where cross-referencing of other data would be beneficial with factors such as roads engineering, better car design and even economic considerations having a bearing on the outcomes of road traffic and road traffic incidents. There was a need for continued cross-departmental working, shared resources and information, and a need to continually evolve how road traffic is dealt with. CJI has recommended in this report the establishment of better communications between the PSNI, the DfI and TransportNI – this could provide a reference point to further integrate the various databases of strategic road safety partners, to ensure that each of the agencies synchronise their databases and efforts, to continually improve road safety.
- 4.7 (Former) DoE data⁵¹ (Table 4) showed a continued reduction in non-compliance⁵² with legislation regulating heavy goods vehicles by 11% from 2011 to 2014, to a rate of 20% non-compliance in 2014. However, taxi and bus non-compliance had risen over the same three-year period, with 30% of taxis and 27% of buses not complying with relevant legislation. At the same time, the number of taxis checked in 2014-15 (1,445) was over 26% lower than in the previous year (1,965). The number of buses checked decreased by 1.8% to 764 during the same period, though this was around twice the number checked in 2008-09 (383). Surveys completed by the DoE (as illustrated in Table 4) shows the compliance changes between 2011-12 to 2013-14.

49 Road traffic annual statistics report, 2015, PSNI – www.psni.police.uk.

50 PPS statistics department, 2015.

51 Compliance and surveys, latest data up to 2015, DfI www.infrastructure-ni.gov.uk.

52 Non-compliance rates measure those vehicles that do not meet the legislative requirements, for example overweight lorries or defective tachographs.

Table 4: (Former) DoE compliance survey results (2011-12 to 2013-14)

	2011-12	2012-13	2013-14
Heavy goods non-compliance	31%	23%	20%
Taxi non-compliance	25%	31%	30%
Bus non-compliance	23%	30%	27%

- 4.8 The DVA surveyed rates of vehicle excise duty and vehicle test ('MOT') evasion every two years. At the time of inspection, the latest figures were for 2013-14.⁵³ Rates of evasion were at the lowest levels since 2008 with vehicle excise duty evasion at 0.7% - similar to 2011, but around a third less than the 2008 rate of 2.2%. This level is similar to that found in Great Britain where the evasion estimate was 0.6%. 'MOT' evasion rate was 2.8% in 2013 – the previous rate in 2011 was 3.7%. It was significant that 'MOT' and vehicle duty (motor tax) collection had improved, along with technology changes including online applications and the introduction of the Statutory Off-Road Notification (SORN) system. The high compliance with 'MOT' rates suggested that there was continued improvement on vehicle and user safety. There was an ongoing concern around the levels of taxi and bus compliance with legislation.
- 4.9 The increased use of roadside fines as part of enforcement had the effect of reducing the numbers of files sent to the PPS for prosecution with consequent improvement to cost-efficiency. The (former) DoE data⁵⁴ in Table 5 shows the amount of fixed penalties issued compared to those files sent to the PPS over the last five years.

Table 5: (Former)DoE statistics showing increase in non-court enforcement

	2010-11	2011-12	2012-13	2013-14	2014-15
Files referred to PPS	803	592	448	511	439
Fixed penalties issued	n/a	506	1,192	1,460	1,697
Total value to DoE	£209,486	£248,746	£255,850	£254,175	£330,269

- 4.10 The number of fixed penalties had more than trebled in four years to 2014-15, whilst the number of files sent to the PPS had almost halved in five years by 2014-15. At the same time the income value to the DVA enforcement section had increased by 58% in the same five-year period. This showed that direct enforcement of legislation on the roads, instead of having a longer court process, was possible. The benefits included swifter justice, dealing directly with

53 Vehicle excise duty and 'MOT' evasion rates, latest data up to 2015, Department for Transport – www.gov.uk.

54 Statistics provided by DoE, 22 May 2014.

offenders at the time offences were committed and avoiding the costs associated with taking cases to court. It also showed that the DVA strategic plan had delivered positive outcomes, whilst ensuring that roads were kept safer through enforcement.

4.11 Overall, the data suggested that the range of measures including education, enforcement and ongoing work with service providers/operators, affected compliance. The data was in turn used to inform strategic direction and enforcement planning.

Outcomes at court

4.12 The number of traffic cases heard in the Crown Court was very low, and thus the focus of this inspection was on the outcome of the vast majority of cases which were found in the Magistrates' Courts. By way of context, Table 6 illustrates NICTS data⁵⁵ showing the number of defendants disposed of in the Magistrates' Court over the last three years compared with defendants disposed of who had only road traffic charges.

Table 6: Magistrates' Court defendants compared to road traffic defendants

	2012	2013	2014
Criminal defendants disposed of	54,008	48,200	43,759
Average waiting time between summons/charge and disposal (weeks)	11.4	10.7	10.3
Road traffic defendants disposed of	17,056	15,063	13,627
Road traffic defendants disposed of 1st court appearance	7,799 (46%)	6,706 (45%)	5,861 (43%)
Road traffic defendants disposed of 2nd court appearance	4,436 (26%)	3,877 (26%)	3,692 (27%)
Average waiting time between summons/charge and disposal for road traffic defendants (weeks)	7.8	7.5	7.4

4.13 Road traffic defendants made up 31% of all criminal defendants disposed in 2014 in the Magistrates' Court. From 2012-14⁵⁶ there was a yearly average of approximately 2,000 road traffic defendants with all charges withdrawn at court. When considered alongside Table 6, most traffic cases (up to 90%) are dealt with on a purely administrative basis (guilty pleas by post/defendant not attending). The PPS Statistics Department⁵⁷ also confirmed that around 90% of road traffic cases were convictions with an assumption that a large amount are dealt with by post.

55 Most recent data received from the NICTS, 2014 – found at: <https://www.courtsni.gov.uk/en-GB/Services/Statistics%20and%20Research/Documents/Judicial%20Statistics%202014.pdf>

56 Ibid.

57 Most up-to-date data at time of inspection, 2015, PPS Statistics department.

4.14 The NICTS data revealed that traffic offences were dealt with much more quickly and routinely than other criminal Magistrates' Court cases. Nearly half⁵⁸ of all traffic cases are dealt with on the first occasion and by the second appearance at court, 70% of cases were dealt with. Most adjournments were technical, for example to allow for the presentation of driving licences or to allow for the attendance of individuals. Furthermore, over 52% of all first offences in 2013-14 were for motoring offences.⁵⁹ The nature of traffic offences presented an opportunity to adopt a better, more efficient and cost effective way to deal with the administration of traffic court cases, with the potential for better utilisation of the courts estate.

Police-Led Prosecutions

4.15 The Ministry of Justice in England and Wales introduced legislation to streamline the court process for traffic and other similar offences. This allowed for the presentation of uncontested cases without court attendance by prosecution or defence. In turn this reduced the bureaucracy of prosecuting these offences and enabled courts to focus on more serious and contested criminal cases. Legislation⁶⁰ had empowered the police to prosecute criminal proceedings in a list of specified road traffic offences ranging from speeding offences to driving the wrong way in a one-way street. Since July 2012, proceedings in England and Wales were also allowed to be continued at a Magistrates' Court wherein:

- the accused has not appeared, and the court proceeds in his/her absence;
- evidence is read out in the case of an accused who has indicated a guilty plea by post, which maintains the position under the existing Order; and/or
- obligatory disqualification under the 'totting up' provisions (to hear exceptional hardship representations).

4.16 An important distinction was that all offences in which a not-guilty plea was indicated were handed over to the Crown Prosecution Service (CPS) for trial. Furthermore, cases considered sensitive in nature or having a unique point of law, were also handed over to the CPS. This left the bulk of road traffic cases as guilty pleas, which were dealt with very efficiently. Inspectors noted that a high volume of cases were dealt with in a very short period of time. The court lay-presenters (non-legal staff) had excellent knowledge of traffic offences and dealing with traffic cases, which was well supported by a knowledgeable back-room team who made decisions. A benefit of this system was the expertise that was built up by those working on purely road traffic cases, which further assisted in the streamlining of traffic cases. It also allowed for practical changes to procedures, for example the letters sent out to those who had committed traffic offences were excellent in their clarity and simplicity.

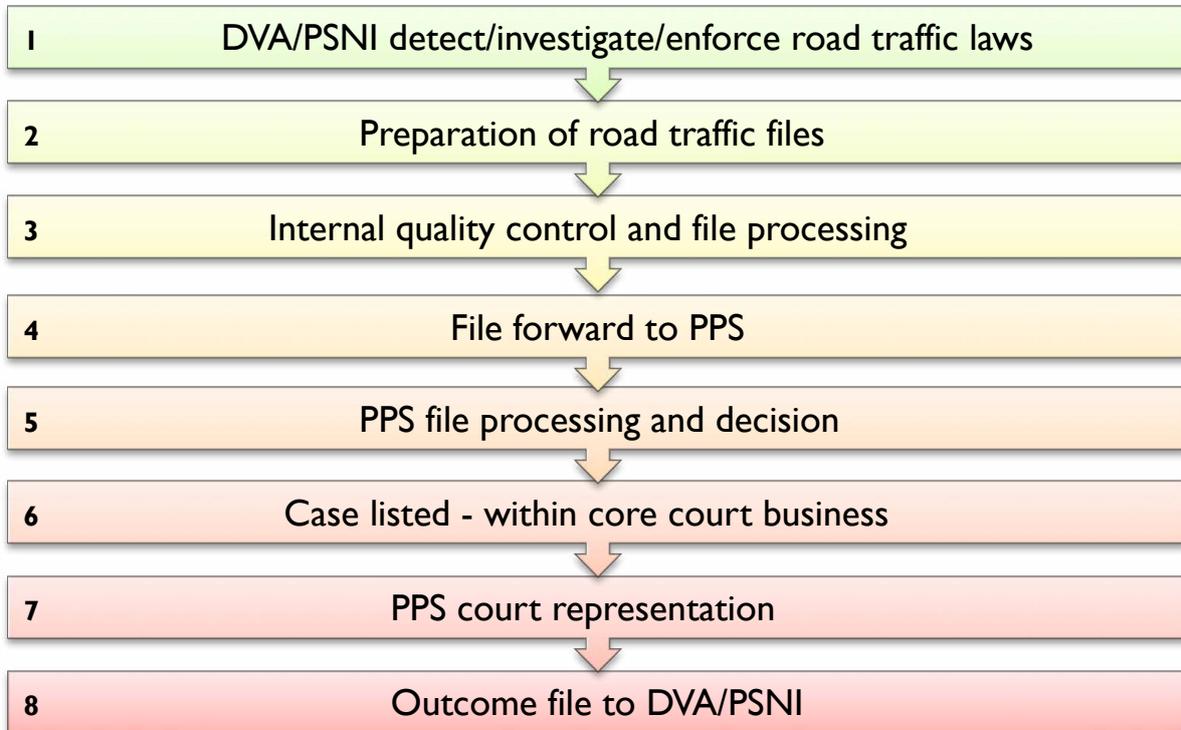
4.17 Figure 3 illustrates the process of road traffic enforcement in Northern Ireland at the time of the inspection.

58 Forty-five percent on average over three years.

59 First time entrants to the criminal justice system, Research and Statistical Bulletin 20/2015, DoJ – www.justice-ni.gov.uk.

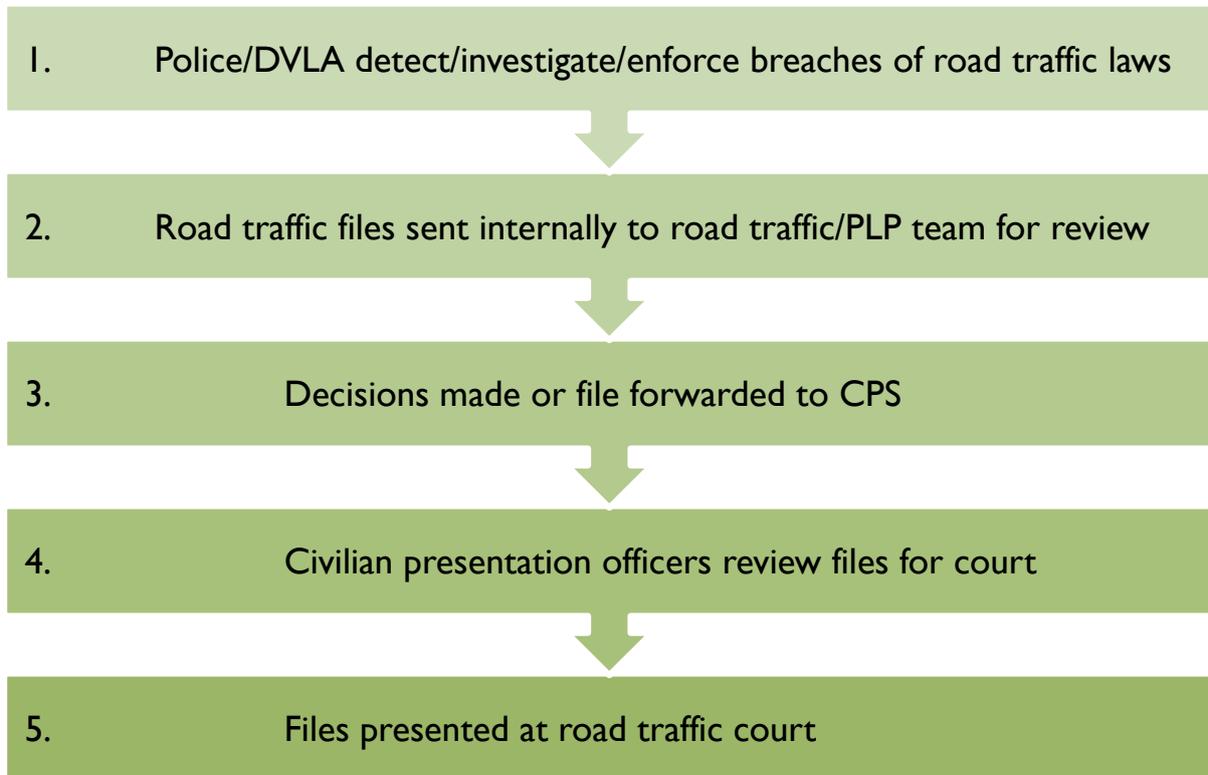
60 The Prosecution of Offences Act 1985 (specified Proceedings) Order 1999, s.3.

Figure 3: Process of road traffic offence enforcement via court system in Northern Ireland



4.18 Inspectors visited Norfolk and Essex PLP teams to ascertain the potential and suitability for similar systems in Northern Ireland. Essex and Norfolk covered similar population numbers and case numbers as Northern Ireland and had a good mix of rural and urban areas. PLPs were made up of a mix of former police officers and civilian staff including legally qualified and non-legal staff. There were no hard and fast rules covering the location of the PLPs' offices. Norfolk, for example, worked within the Crown Prosecution Service (CPS) building whilst Essex worked within a local police station. Courts allocated specific time slots for traffic courts. The court buildings themselves were usually in a centralised location; however there were regular satellite traffic court sittings in more rural areas. Figure 4 outlines the reduced process in civilian prosecutions.

Figure 4: Process of road traffic offence enforcement via PLPs in traffic courts



4.19 The Home Office expected that all forces in England and Wales would adopt PLPs for traffic offences. The following case study shows a more detailed breakdown of how one of the civilian/PLP team works.

Case Study - Norfolk/Suffolk region - Review Team

Norfolk/Suffolk PLP was set up in June 2013 and made up of five staff (four full-time equivalent) decision-makers who reviewed all road traffic files (for example, collisions, careless/dangerous driving/mobile phone use/traffic offences/reports from police officers). They decided whether, on the face of the papers provided, an offence had been committed. If so, then they made an outcome decision which was normally a driver improvement course or court prosecution. The test for the decision-makers was made using Association of Chief Police Officers (ACPO) guidance with reference to the CPS code test (i.e. was there 'sufficient evidence' and should the decision be taken in the 'public interest').

If there was a lack of evidence, then a 'no further action' decision was made and the case closed. A separate team, working alongside the decision-makers, dealt with driver improvement courses. These were offered on a conditional basis by writing directly to the registered keeper/driver to arrange for a driving course to be booked up with 21 days from the letter date. Decisions for court prosecution were sent as a file to the Police Presenting Team who conducted a further quality review on the decision. Once satisfied on the standard of evidence and decision, the case was booked into one of the pre-booked traffic court slots and presented at the Magistrates' Court.

Guilty pleas were decided at traffic courts and the appropriate sentence handed down, along with approximately £85 legal fees for Police Presenters' attendance. This was in keeping with other regions including Cambridgeshire and Essex PLPs. The fees were similar to the application for fees in courts in Northern Ireland at Departmental courts in which applications for fees are regularly requested on behalf of the Departments involved in the prosecution.

All cases in which there was an indication of 'not guilty' were transferred over to the CPS to prosecute. Police Presenters only dealt with 'specified' offences.⁶¹ Any unspecified cases for example serious injury, multiple car collisions, complex legal cases/issues, or cases in which there was media interest or serving officer involvement, were sifted-out and transferred directly to the CPS.

Norfolk and Suffolk also managed a camera team who utilised both fixed and mobile cameras to detect speeding and those teams had their own processing staff/systems who deal with all speeding offences that can be dealt with out-of-court (fixed penalty payments and/or speed awareness driver courses). Any speeders who were ineligible for a speed awareness course (i.e. had attended one within the last three years, refused the course, or where the offence involved high speed) were then passed on to the Police Presenting Team to build the file in readiness for a court hearing.

61 Prosecution of Offences Act 1985 (Specified Proceedings) Orders 1999. The list referred to mainly road traffic offences. Although the list was extended in 2012 and 2014 to include low level public order offending and low value criminal damage/theft, the areas reviewed by Inspectors only prosecuted road traffic offences. The full list of offences can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/317934/Full_list_of_specified_offences.pdf

It was estimated that Norfolk/Suffolk were on target to achieve a 2014-15 cost income of around £700,000 - actual recovery rates were to be substantially lower due to approximately 31% of all costs awarded, either not being paid or paid by monthly small amounts, creating an income recovery lag between the court date and actual payment.

The income meant that Norfolk/Suffolk were self-funding with CPS expenses completely removed for those cases the PLPs dealt with. Inspectors found that very few cases were being withdrawn and there were very few not-guilty pleas. Courts were running on a very efficient, administrative basis.

4.20 The streamlined process of PLPs demonstrated a direct and cost effective way of dealing with the enforcement of road traffic legislation. On closer examination, Inspectors identified that a system of specialised traffic courts and traffic staff had many benefits including:

- reduction in delay – court rates indicated that most cases were dealt with without the need for defendants to attend and around two-thirds of those who attend pleaded guilty – the majority of cases were postal pleas/proved in absence;
- increase in convictions per reported incidents;
- removal of traffic cases (one-third of Magistrates' Court cases in Northern Ireland) from Magistrates' Court lists;
- a specific study of specialist courts⁶² was conducted in West Yorkshire in 2003 – it found the levels of cases withdrawn, discontinued, not serviced, failed, fell from 85% to 1% of cases – the national level at the time was 43%; and
- the potential to provide substantial savings with fewer police officers having to attend and wait at court, reduced time for victims and witnesses attending court, defence and prosecution lawyers focusing on resolving more serious/difficult cases and improving overall, the reduction of delay in courts.

At the time of writing, further offences that PLPs could deal with were being introduced included:

- criminal damage under £5,000;
- alcohol in public offences;
- (lesser) drug offences; and
- other minor public order offences, for example trespassing/throwing stones on railway, false fire alarm, litter offences.⁶³

⁶² PLPs toolkit.

⁶³ A full list can be found at: <https://www.gov.uk/government/publications/police-led-prosecution-list-of-offences>.

- 4.21 Specifically PLPs brought together the CPS, police and courts to reduce delays, strip out duplication of effort and increase the number of proceedings seen through to completion by the police. The benefits of this included:
- centralised case management;
 - postal charging and requisitions⁶⁴ - time taken for summons service completely excluded;
 - clearer communications to defendants – reducing the need to attend court and ensuring that experts in road traffic legislation are always available; and
 - dedicated court sittings to reduce the time and cost by processing routine offences en-masse.
- 4.22 Table 7 gives an estimated breakdown of motoring cases dealt with along with associated costs.

Table 7: Estimated files dealt with and costs one-year period 2014-15

	Norfolk/Suffolk	Essex
Number of cases per year	12,399	16,241
Average costs received per case (est.)	£37.26	£38
Unit cost per case	£10.32 ⁶⁵	£3.24 ⁶⁶

- 4.23 In Norfolk/Suffolk, there were only 471 cases (4%) that were not guilty pleas. The recovery/ collection rate of costs in that region was 80% (60-65% on average in Essex) which generated 250% additional income which was handed over to road safety improvement. There were no costs received per case in Northern Ireland and therefore no additional income could be used for road safety improvement. In February 2015, the then Northern Ireland Environment Minister warned of the serious implications for budget cuts on road safety campaigns.⁶⁷
- 4.24 In comparison, the PPS dealt with 12,724 motoring only cases.⁶⁸ Making a direct cost comparison between the PPS and PLPs was difficult because the PPS were obliged by legislation⁶⁹ to prosecute all criminal cases referred to them by the PSNI. As such, additional costs are incurred by the PPS prosecutors making decisions and presenting road traffic cases at court as part of their overall caseload. However, the PPS acknowledged that changes to their working practices governing the administration of road traffic cases could improve efficiency with even greater efficiencies being delivered through a more streamlined approach to road traffic cases in conjunction with the PSNI and the NICTS.

64 Unlike in Northern Ireland, proof of posting at the (legally) last known address of a defendant, was considered sufficient to proceed in their absence.

65 Four court presenters salary divided by number of cases.

66 Two court presenters salary divided by number of cases.

67 Official Hansard Report found at: <http://data.niassembly.gov.uk/HansardXml/committee-13114.pdf> and Belfast Telegraph Article 4 February 2015.

68 Cases disposed of at court.

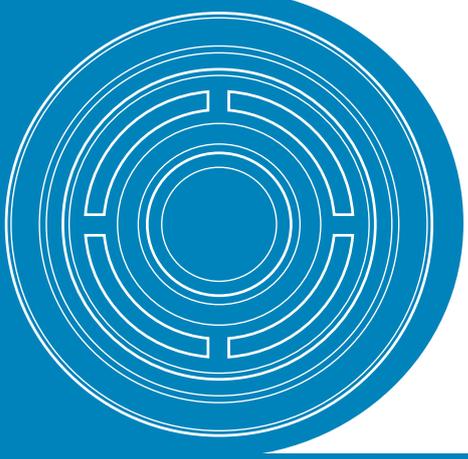
69 The Justice (Northern Ireland Act) 2002.

Whilst acknowledging that any changes to making decisions on road traffic cases would require legislative reform, the potential to better utilise the resources of police, courts and prosecutors should be realised.

- 4.25 It was clear to Inspectors that how Northern Ireland deals with traffic enforcement could be greatly improved. Cost savings, quicker outcomes, efficient use of resources, were all possible as indicated by the PLP process.

Strategic recommendation 3

The PSNI and the PPS, along with the NICTS, the DfI and DoJ, should scope and deliver a road traffic prosecutions team to operate within a centralised Traffic Court in Northern Ireland.



Appendices



Appendix 1: Terms of Reference

The enforcement of road traffic legislation

Introduction

Road traffic is covered by a range of Northern Ireland and United Kingdom legislation and European Directives which aim to protect all road users. Criminal Justice Inspection Northern Ireland (CJI) proposes to undertake an inspection of how road traffic legislation is enforced in Northern Ireland. Recent trends have seen Northern Ireland roads counted amongst the safest in the world; however 2014 has seen an increase in fatalities.

Context

Responsibility for road safety and enforcement of traffic legislation is shared between the Police Service of Northern Ireland (PSNI) and a number of Government departments and agencies, along with an increasing level of private sector providers particularly in the area of parking regulation.

Roads policing has evolved from a purely 'traffic/enforcement' police role to dealing with denying criminals the use of the roads, tackling terrorism, reducing anti-social behaviour, traffic management and investigating collisions and reducing deaths, all under the banner of Roads Policing. Establishing the relationship between levels of policing and accident or casualty rates is problematic; however enforcement is believed to have an impact on road safety.⁷⁰

Departmental and agency objectives focus on education and prevention of road traffic incidents, and testing and enforcement of private vehicles, commercial vehicles and users including heavy goods vehicles, buses and taxis. Previous CJI reports on Roads Policing⁷¹ and Enforcement in the DoE, and follow-up reviews, made a number of recommendations for improvement. CJI will assess the progress of recommendations since the publication of these reports.

Aims of the inspection

CJI have set the following broad aims:

- assess how the PSNI and DoE conduct enforcement and contribute to improving road safety;
- assess progress made by the PSNI and DoE in implementing the findings of earlier CJI reports;
- assess the impact of enforcement strategies and delivery mechanisms on keeping road users safe in Northern Ireland;
- make recommendations to improve enforcement strategies and delivery mechanisms with a view to improving outcomes;

70 How Methods and Levels of Policing Affect Road Casualty Rates, Elliott & Broughton, 2004.

71 Roads Policing, June 2008, CJI - www.cjini.org.

and more specifically:

- examine the use of technology in enforcement; and
- explore and consider the partnership workings with the Republic of Ireland and the rest of the United Kingdom.

Methodology

The inspection will follow the CJI inspection approach outlined in the organisational guidelines and inspection framework and will examine relevant strategies and policies, how the criminal justice system in partnership, enforces road traffic legislation and will assess outcomes arising from these approaches.

CJI inspections are based on the principles outlined in the Government's policy on inspection of public services. The principles of inspection are set out more fully on the CJI website at: <http://www.cjini.org/TheInspections/Our-Approach/The-Inspection-Process.aspx>.

The following methodology within a three-stage framework is proposed:

Design and planning

Inspectors have consulted with a range of criminal justice agencies to identify areas of specific issues and include these in the ToR. Best practices are identified with the agencies involved. CJI and external reports on roads policing and safety and other data, will also support the findings of Inspectors. The DoE and PSNI will provide self-assessments on enforcement of road traffic legislation in light of the published CJI reports.

Delivery

Prepare fieldwork plan with timetable of meetings.

Identify statistics, reports and other data to be provided to Inspectors.

Analyse data in conjunction with representatives from relevant bodies.

Feedback of emerging issues to agency.

Drafting of report - Following completion of the fieldwork and analysis of data a draft report will be shared with the inspected bodies for factual accuracy check.

The Chief Inspector will invite the inspected bodies to complete an action plan within six weeks to address the recommendations and if the plan has been agreed and is available it will be published as part of the final inspection report. The inspection report will be shared, under embargo, in advance of the publication date with the inspected bodies.



Publication and Closure

Once Ministerial approval to publish is received CJI will draft a press release and share this with the inspected bodies, who in turn may prepare their own press releases.

A publication date will be provided.





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