



***Road  
Danger  
Reduction  
Forum***

***Enforcement***

**BRIEFING PAPER ③**  
**April 1997**



# *Enforcement now*

**C**urrently the overwhelming responsibility for the enforcement of traffic law lies with the police. However, over the last two decades the resources allocated by the police to traffic law enforcement have steadily declined in the face of a doubling in motor vehicle traffic. This lack of resourcing can easily be understood when one considers the system of police funding.

The police have 5 main national objectives, performance measures, achievement of which will gain more funding for individual forces. Traffic enforcement and road safety are not included in these. There is therefore little incentive to properly resource this area of work, indeed quite the opposite. This lack of incentive is also replicated in a general low opinion of traffic work amongst police officers.

## **Mixed messages**

This state of affairs makes it very difficult for local authorities to fully implement local road safety strategies. Enforcement is often a vital component in these, but one which is inconsistent and liable to be withdrawn if other more “important” demands are made on limited police resources.

The result is that enforcement in the UK is carried out in a very piecemeal fashion, varying greatly from one force to another. The motoring public, whom we seek to influence by enforcement, are therefore given conflicting and confusing messages. This is compounded further by the very nature of traffic law itself and how it is prosecuted through the courts.

The inconsistency of police enforcement is duplicated in the courts where there is a wide variation in sentencing for similar offences across the country. There is, however, uniformity in one area of the legal system, the Crown Prosecution Service’s reluctance to charge offending motorists with more serious offences or even any offences at all, when clearly they could do so. This reinforces the view of traffic law being a low priority and totally undermines its deterrent value. The excuse for this approach is that if enforcement were carried through the courts more rigorously the whole system would be overwhelmed by the weight of offenders.

## Speeding

The clearest example of the current state of affairs is with regard to speeding. Millions of pounds have been spent recently on publicity to discourage speeding. The 40, 30, 20 campaign informs the public how most pedestrians struck by a vehicle travelling at 40mph are killed whereas at 20mph they would survive. The campaign's stated objective is to make speeding as socially unacceptable as drinking and driving. Yet the success of the long-standing campaign against drinking and driving has been achieved largely because of rigorous complementary enforcement. This is not the case with speeding. Indeed ACPO (Association of Chief Police Officers) guidelines advise that motorists should not be prosecuted unless they are travelling in excess of 11mph above the speed limit. This makes a mockery of the anti-speeding publicity, particularly as most speeding motorists seem well aware of the 11mph rule.

The very acceptance by the police and the courts that the scale of road traffic law breaking is so large that they cannot cope with it is ample testimony to the failure of current enforcement policies. This failure has played a key part in building a public perception that the road environment is more dangerous. This is one of the reasons why vulnerable road users, who pose the least threat if they should break the law, have increasingly excluded themselves from that environment. For these, the least "dangerous", the environment has become more dangerous and will continue to do so as their numbers decrease. This is a vicious circle which must be broken if our vision of a safer and more sustainable environment for all is to be realised. Enforcement can play a central part in this as a deterrent to those who pose the most threat.

## The way ahead

Before charting the way ahead we must first have a vision of where we are going. (The RDRF's vision is clearly set out in "Briefing Paper No. 1 - an Introduction to Road Danger Reduction"). *Progress will only be possible when all agencies' involved share this vision and fully co-ordinate their efforts towards fulfilling it.* In terms of enforcement there has always been co-operation between local authorities and the police but this has been dogged by the limitations highlighted above. Significant progress will only be possible when these agencies masters, the government Departments of the Home Office, Environment and Transport share the vision and begin serious co-operation. Other Departments such as Education and Health, which have much to gain from a safer environment, can then be drawn in

as co-operation increases.

The start point should be a total review of road traffic law and the way it is both enforced and prosecuted through the courts. Whilst current traffic law does in many respects provide adequate powers, the inconsistency of its prosecution totally undermines its effectiveness. Road users need to be aware that if they break the law they will be caught and punished. They also need to know that punishment will be consistent. To achieve this will require statutory guidelines on sentencing backed by a simplification of prosecution procedure.

The unwillingness of the Crown Prosecution Service (CPS) to take minor traffic offences to court and to press more serious charges is not wholly their own fault. Magistrates have gradually been demanding ever more conclusive prosecution evidence as defence lawyers have become more imaginative in supporting their motoring clients. This in turn has acted as a discouragement to the CPS. It will be the Home Office's responsibility to break this circle. They can do so by giving clear guidance to magistrates in relation to evidence and consistent sentencing and by closely monitoring how this works.

## Local Strategies

Clarification and simplification of the legal process should substantially reduce the cost of prosecuting traffic law. This would make wider enforcement much more economically viable. However, unless the Police are given ring-fenced resources such enforcement will not be possible in the current framework. One answer to this would be to de-criminalise minor traffic offences and permit local authorities to carry out enforcement in partnership with or in place of the Police. This could be part of the general traffic law simplification process. It would enable local authorities to fully integrate enforcement within local transport strategies and programmes permitting a much more effective targeting of resources.

This devolution of traffic law enforcement could be funded primarily in two ways. The enforcing agency could be permitted to keep a proportion of the revenue collected from fines. The streamlining of prosecution procedures which we have advocated above would make this type of funding more viable. Further funding could be sought as part of package bids in Transport Policies and Programme funding. To make this possible would require the co-operation of the Department of Transport. However, this co-operation between the two government departments, the Police and local authorities is precisely what is required if the RDRF vision is to be realised. The Department of Transport can play a further role by requiring ini-

tial driver training to include significant input on the consequences of breaking the law.