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Module 3: Regulations/Traffic Law Enforcement

Purpose:

To focus on the use of legislation, regulations and enforcement to improve road safety.

Learning Outcomes:

Upon completion of the module the participant will be able to:

- Describe the philosophy of traffic law enforcement
- Define the purpose of law enforcement
- List the hierarchy of offences
- Describe at least three aspects of the culture of road safety in Western countries
- Identify at least three deficiencies in the culture of road safety in China

Contents:

- A. Introduction
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- C. Purpose of police enforcement
- D. Targeted police enforcement
- E. Creating a road safety culture
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- H. The courts
- I. Road user regulations and enabling legislation

Format:

1. Overhead Presentation

- General information on legislation, regulations and enforcement

1. Introduction

Sgt. Greenhalgh has 35 years service, has worked as a police officer in three different police agencies in two Nations. He has worked on Road Safety issues in the United Kingdom, Canada, Australia, New Zealand and the USA. He has also traveled and observed traffic in Europe. Sgt. Greenhalgh has worked alongside Bill Hubbard of the Insurance Corporation of British Columbia for 10 years on Road Safety issues affecting the Province. Bill Hubbard is well respected by the traffic police community in British Columbia and has developed many innovative and creative road safety programmes. In British Columbia there has been an extraordinary relationship developing since 1982 between police and the Insurance Corporation in terms of cooperation to produce safer roads. The first key programme in 1982 was a campaign to first persuade police that Safety belts were an important part of improving road safety, then to work with police to convince the public of the same thing.

Both David & Bill are widely traveled and in a position to describe best practices worldwide which produce safer highways. This insurance company is an unusual Government institution in that it is also responsible for driver licensing, vehicle licensing, vehicle inspections and commercial vehicles. These are responsibilities that are carried out here in China by the police. Both David and Bill are committed to improving road safety worldwide.

Throughout the training modules the following terms are used frequently:

Developed Nations - In the context of traffic safety training this term refers generally to those Nations, which are prosperous, and in which therefore a majority own personal vehicle for transportation. The term includes by inference those Nations that have demonstrated persistent commitment to road safety, and upon whose roads it is generally considered safe to travel. The term excludes those Nations generally considered developed, such as South Africa but which have poor road safety records.

In general –

1.1 The Topics

The purpose of the training is to provide an overview of practices and procedures around the world that contribute to improved Road Safety. To make this overview work well considerable difficulties have had to be overcome with respect to language and culture. Areas of misunderstanding are inevitable and your patience and tolerance as we work through these areas together will be appreciated. For example the team all lives in a car culture. We all own and operate personal and company vehicles and have done so since our youth. This may cause us to make assumptions of which we are unaware, that persons unfamiliar with the car culture would not make.

In the next four training modules we are going to discuss the role of police in Road safety, police leadership, the philosophy of traffic enforcement, the organization of traffic

police, the role of regulations, behavioural theory, and specific issues surrounding regulations. This is all with a view to assisting to improve the culture of road safety in China.

1.2 Where Are We All Headed?

Where are we going: China is rapidly growing and industrializing. As the population prospers our citizens want to travel. Commercial traffic is growing. The personal vehicle is the ultimate symbol of status. Government disincentives against vehicle ownership have not been successful in such countries as the United Kingdom. In the UK heavily taxed petrol is the most expensive in the industrialized world and the roads are densely populated with vehicles. Despite this everyone wants a car or motorcycle.

China is headed along the same road. The question is where will China's fatalities and injuries be 5 years from today? China has a 5,000-year-old culture from which we all can learn, but in terms of public vehicle ownership China is about the same place as the developed world was in 1950.

Why should China not learn from the mistakes made by the developed Nations during the rapid growth of personal vehicle use over the last 50 or 60 years?

The United States has the highest density of vehicle ownership per person. With one quarter of China's population the USA has over 200 million motor vehicles. This example is quoted to indicate where China may be headed as prosperity and national productivity increase. As the USA has the most number of vehicles we will be drawing upon some US research with respect to traffic collisions and their prevention.

The time is right to prepare the infrastructure, the Government, and road users for a future that involves a major change in personal transportation habits.

In the developed world the frequency of death and injury per 10,000 vehicles is much lower than here. China can ill afford to have its hospitals full of injured people. The social costs of traffic collisions are appalling.

1.3 Crash Crime Clock

In many Nations death injury and property loss from preventable traffic crashes are the single biggest social problem in terms of social costs.

Crash Crime Clock overhead (USA 1995)

USA – 1990 Cost of traffic collisions \$70 Billion

USA – 1995 Cost of traffic collisions \$131 Billion

USA – 2000 Estimated cost of traffic collisions approx. \$200 Billion.

In addition to financial costs there is massive social harm. Much attention is paid to the social harm caused by crime in the developed Nations, but the experience indicates the costs of traffic collisions are about 500% higher than the total costs of crime.

Traffic collisions cause:

- Massive social harm
- Economic disruption (medical costs, disabled employees, disabled vehicles, disrupted traffic)
- Social disruption (death of a valued family or work unit member, disabled persons requiring support)

Comprehensive Road Safety programmes in the developed world show that most traffic collisions are preventable.

With the world's largest population China faces the world's biggest road safety challenge.

2. Philosophy of Enforcement

2.1 Basic View

In the developed nations the commonly accepted philosophy of traffic law enforcement is that use of incentives, education, coercion and where necessary, lawful sanctions will change behaviour.

This is in order to improve road user behaviour for the social good of the community. Application of incentives, education, coercion and sanctions is a continuum, with incentives and education being the first and best approaches.

It is most important that the foundational view be - that enforcement is for the social good of the community.

2.2 Competing Views

There are competing views and philosophies that can undermine or dilute the benefits of this philosophy. Three examples are suggested:

- a) Taxation – The philosophy that the traveling public are sheep to be fleeced for tax purposes! Some societies tax motorized vehicle use punitively, in the same way that most Governments tax liquor and cigarettes. Fines also become taxes and are seen as taxes by the public. This approach is very detrimental to public support for rules of the road. Drivers begin to view the rules as simply tools for Government taxation. This may justify lawbreaking. The Government of the United Kingdom is frequently accused of applying this philosophy to photo radar. Some small towns in rural areas of the USA are accused of this because they entirely fund staffing of the police, by rigorous enforcement of unfair speed limits.

- b) Environmentalism - The environmental philosophy that motorized vehicles are somehow evil and are to be discouraged at any cost. Their view is that personal vehicle use is to be discouraged by any means. That oil wells, oil refineries, vehicle manufacturing plants, bridges, highways, parking lots ought not to be built. This philosophy has unduly influenced enforcement efforts in a number of places. One example being that vast tracts of undeveloped land in the USA have been put off limits to vehicle use. The environmentalist philosophy is actually being influenced in some cases by a minority cult religious view of the world.
- c) Elitism – This is an elitist philosophy that highways exist for the benefit of a privileged few, the very wealthy or very powerful, and that the masses ought not be allowed personal mobility, as this is a form of liberty. In these Nations special privileges may be granted to the elite that release them from requirements to adhere to rules and regulations governing highway use.

These three philosophies compete with, confuse, and damage application of a pure enforcement philosophy that operates solely in the best interest of road users.

2.3 General Policing Philosophies

Internationally there are contrasting views of policing. With two exceptions these vary between two extremes.

- a) Government run State Police. This is policing where the Government runs, controls and funds policing at every level. It is tightly centrally controlled. Government tells the police what they are to do. Police follow orders. Government knows what is best for people.
- b) Common law policing. This is local policing that developed out of cities, communities and villages banding together for self-defense against crime. This principle operates on the basis that all citizens have a policing responsibility. Common law policing is independent from central government; it is funded by and reports to local governments. (Common law is an old English term to describe commonly accepted legal principles and practices that are not enacted regulations). Even at the local level, police have independence and do not necessarily do what local politicians would like them to do.

The independence of common law policing should be stressed. These police are independent of political influence and will generally not enforce laws that are not clearly supported by a majority of the population. This is called “policing by consent” and is the predominant model in the English speaking Nations.

These descriptions are basic, but describe the wide extremes of public policing worldwide. Operating within this spectrum there are many varieties of types of police around the world.

There are two types of police that fall outside these definitions. These are “religious police” such as those who ensure observance of religious law in Islamic countries. The other type of police are soldiers placed in police uniforms, such as those in some Balkan countries created for political purposes. In neither case are these considered true civil police.

Canada’s own Royal Canadian Mounted Police was originally created as an army to defend against American aggressors. It was called police for political reasons, so as not to alarm the Americans. The Mounted Police however quickly reverted to a true civil police and has not been involved in a military engagement for over 100 years.

New Zealand, a small nation of 4 million, has one National Police force. However this force adopts a common law approach to its policing principles. Switzerland is a small nation, yet it has scores of police agencies, one for each town and County like the United States.

The relevance of this is simple. Police in developed nations do not just follow orders like an army soldier. If they are to take a new approach to solve a problem, the police must be convinced of the value of the new approach. If the police are wrong, (as they were wrong about the benefits of Safety belts 20 years ago) the public good may suffer. However when common law police are convinced an enforcement approach is beneficial to the community they can be motivated and highly productive.

2.4 Use of Sanctions

Enforcement, charging violators, arresting offenders, issuing fines, is not an end in itself. In fact this can be a meaningless activity, unless it is directed, on purpose, at solving a particular community or road safety problem.

10 years ago in Canada and the USA it was common practice for traffic police officers to go to a “fishing hole” work hard for one to two hours, catch lots of speeders then relax for the rest of the day. The “fishing hole” was commonly a place where there were lots of vehicles exceeding the speed limit, but had no collisions caused by or aggravated by speed.

Today in the best practices, police officers go to work equipped with a much more sophisticated approach to what they plan to do during the day. This brings us to our next topic.

3. Purpose of Enforcement

To be effective all traffic policing should be ON PURPOSE, focused on one of three objectives. There is general agreement amongst traffic police on the following purposes.

- Firstly to reduce death, injury, and property loss caused through collisions
- Secondly to maintain and improve traffic flow (traffic smoothing?)
- Thirdly to ensure the proper identification and documentation of road users.

4. Targeted Traffic Enforcement

Sometimes called Selected Traffic Enforcement Programmes, this has brought a new approach to proper use of the traffic officer's time whilst working:

4.1 Statistics and Data

The foundation of effective means of applying limited staffing resources to solve road user behaviour problems and thus reduce crashes is having a sound and accurate collision database. Existence of this database depends the following.

- Consistent standards for police collision attendance, investigation and reporting.
- Consistent standards for data entry.
- Ability to query specific fields in the database for:
 1. Location
 2. Time & Day
 3. Type of collision
 4. Primary cause of collision
 5. Secondary of collision
 6. Number and type of vehicles
 7. Severity of collision etc. etc.

In addition there should be an enforcement database keeping records of all the types of enforcement carried out. This also should be capable of easy access to enable the user to determine:

- What the officers are doing with their time
- What priorities they are applying to enforcement
- What locations they are working and at what times
- What type of vehicles they are stopping etc.

The problem of officers using a "fishing hole" to create enforcement statistics is worldwide.

4.2 Analysis

A police supervisor will then study the crash data and the enforcement data and establish a hierarchy to follow in terms of prioritizing and applying the enforcement resources to solving the problem.

There is a simple technique for applying problem solving tools to the data. This is called establishing a “hierarchy of offences”. Establishing a hierarchy simply means setting an order of priority from the most important to the least important. The hierarchy can be general, or it can be site specific. For example if there is a problem with unlicensed drivers this is usually a general and widespread problem, not specific to a location. Not having a license does not of itself cause a collision, (although unskilled untested drivers frequently do cause collisions). A person ignoring red traffic lights will definitely cause collisions.

The crash data analysis should identify each type of behaviour that causes collisions.

The analysis should then identify each type of collision causing behaviour that is prohibited by an enforceable regulation.

The analysis should then prioritize the enforceable regulations and ignore those particular causes about which police can do nothing.

The analysis will establish the times and dates of the highest frequency of collisions.

4.3 Apply the Solution

An enforcement plan will then be formulated. This plan will do the following:

- Apply the police enforcement staff resources.
- To enforce against the collision causing behavior.
- At the locations with the highest frequency of collisions.
- At the times and days that collisions are most frequent.

Actual experience of applying this model sees remarkable results, commonly a reduction of collisions exceeding 30% within as little as six months.

In the first phase of an enforcement plan it is common to use a “high visibility” approach. Highly visible enforcement against a few individuals deters many others who see what is happening, from breaking the same laws.

If resources permit, after use of “high visibility” enforcement, a “covert” approach can be used. The City of Vancouver British Columbia is currently using unmarked sports cars to police two of its most unsafe traffic corridors.

In addition to site-specific enforcement, such as a specific intersection, “corridor” enforcement is a highly useful tactic. This set the same hierarch of offences to be enforced by mobile or static patrols along an unsafe stretch of highway.

Example of problem solving approach:

Analysis of motor vehicle crash reports revealed the intersection of 72nd Ave & 120th St. in Delta was generating 80 injury-producing collisions per year. This was more than one per week. This intersection was the second busiest in the City. The collision data was analyzed and revealed the following:

- Most collisions were caused by left turning vehicles failing to yield the right of way to oncoming traffic (this law is different in China).
- The next cause of collisions was persons failing to stop for the red light.
- Collisions were aggravated because the through vehicles were commonly exceeding the speed limit. This turns what should be a minor collision into an injury collision.
- The next cause of collision was persons following too close, running into the rear of cars stopping at the red light.
- Most collisions were occurring during the evening rush hour, 4 to 6pm on weekdays, and at anytime during the day on Saturday.

An experienced and motivated motorcycle officer, Constable Frers, was assigned ownership of this intersection. He was specifically charged with reducing injury collisions at that location. His enforcement priorities were:

- High visibility enforcement.
- Firstly enforce against unsafe left turns including failing to signal.
- Next, enforce against drivers disobeying red lights.
- Finally enforce against drivers following too close.

Please note that it was not possible to prioritize the speeding problem at that particular location for operational reasons (practical convenience and officer safety). Speeding was therefore removed from the hierarchy of offences. Constable Frers worked the intersection on the motorcycle an average of four hours per day and always through the busiest rush hour periods. Within 6 months collisions at this intersection had been reduced by almost 40%.

Constable Frers commitment to solving this problem was ensured by fully consulting him at every stage. He was given the problem to solve and he actually conducted the analysis. He then enforced the law according to priorities and had measurable success in reducing the number of people hospitalized. Regrettably the next year Constable Frers, who is an outstanding police officer, was applying these techniques to another unsafe intersection nearby when he was struck on his motorcycle by a speeding van and critically injured.

NB: The use of moving motorcycles for safety enforcement at intersections in dense traffic conditions is recognized world wide as an effective means of high visibility enforcement. In the developed world, motorcycle officers are associated by all drivers exclusively with traffic law enforcement.

4.4 General Hierarchy of Offences

In addition to site-specific problems all traffic police officers should understand, know and apply a general hierarchy of offences at any location. In the developed world a common hierarchy of top causes of collisions would probably look like this:

- #1. Unsafe left turn at intersection (including Fail to yield, fail to signal)
- #2. Following too close
- #3. Speeding
- #4. Unsafe passing
- #5. Disobey stop sign or red light

This list above consists of the causes of over 70% of collisions. Each cause is contrary to a specific offence created by law. Enforcement actions can be taken to reduce the occurrence of each offence. Although speeding is listed as the third cause, it is a contributing factor to collision severity in all collisions.

In any officer's list of personal priorities, dealing with collision causing behaviour by appropriate enforcement should be at the top of his list.

Once again it should be noted that the #1 cause of collisions in the developed world, unsafe left turns, is not an offence in China. We are informed that oncoming traffic at an intersection is required to yield to a continuous stream of traffic turning left. This regulation is completely inconsistent with practice in the developed world and gives cause for concern.

5. Creating a Culture of Road Safety – Practices in Effective International Jurisdictions

There is a similarity in approach to road user safety in all the worlds' most effective Highway Safety jurisdictions. These include:

- 1) Early childhood education from kindergarten – This is generally conducted by schoolteachers. The children's training covers practices such as crossing the road safely, walking facing traffic, wearing light clothing and safe bicycling practices. As children approach driving age, additional school education may be provided by police officers. Some schools provide specific training in the responsibilities and duties of drivers. This is because 95% or more of these young people will get drivers licenses.

- 2) Driver training, young driver training and enhanced sanctions for new drivers. Private companies or persons who are trained as instructors generally provide this service. These instructors are examined, licensed, bonded and regulated by the Government. An instructor must have several years driving experience, a clean driving record and a clean criminal record. Whilst China provides driver training, the only qualification to be an instructor is to have held a drivers license for five years. It appears that driver instructors are not generally in a pay grade where they can afford to operate their own cars. The developed Nations require much higher qualifications to instruct. This field is recognized as a professional qualification. The concern is that these instructors are teaching the bad habits they learned to others.

In addition, in the developed world it is common practice to require young persons in their last year of school, to take training in their duties and obligations when they operate a motor vehicle.

- 3) Rigorous driver, motorcycle rider examination, followed by retesting and license revocation.
Government employees, who are experienced drivers themselves, generally conduct examinations. A common requirement is that they were formerly driving instructors. In some cases they are retired police officers.
- 4) A driver's license with integrity i.e. not counterfeit, graduated for different classes of drivers - Most of the 60 North American license issuing jurisdictions are now issuing the second generation of secure driver licenses. Counterfeits are now extremely rare.
- 5) Points type sanctions for unsafe driving – This is the most common approach to identifying persons with poor driving habits and taking them off the road. It relies heavily however on a centralized driver license database.
- 6) Police accessible National or Provincial drivers database – this accurately records all offences and automatically kicks out the worst offenders.
- 7) Safe Highway engineering – This has become increasingly sophisticated. It is expensive but worth doing right the first time. International standards have been established for such things as lane markings, traffic signs and traffic lights.
- 8) Safe Vehicle engineering & safe vehicle equipment - the theory of constant improvement (Japanese Keizen) is at work here on a daily basis. The innovations of the 1960's were safety belts, disc brakes and radial tires; the innovations of the 1970's were front and rear impact bumpers and side guard door beams. The innovation of the 1980's included creating a cage effect around the vehicle occupants and improved child safety restraints, the innovations of the 1990's was anti-skid-braking, air bags. This new Century will see many improvements such as infrared vision windshields (now available) and radar warning of objects ahead.

- 9) Adequate police staffing – Victoria State Australia, which you will hear more about later, has well over 1200 mobile traffic officers for 4 Million people.
- 10) Vehicle Inspection programme – this may require annual inspections by Government, roadside inspections by police, or inspections by Government Certified mechanics.
- 11) Effective police led enforcement programmes - including selected traffic enforcement programmes such as aggressive drunk driving enforcement. You will hear more about this later.
- 12) Properly equipped police – Officers are equipped with sufficient cars, motorcycles, and radar & laser speed monitoring devices, noise meters, window tint devices plus crash investigation tools plus adequate training to use these devices.
- 13) Adequate legal regulations – This includes legislation called “enabling legislation” specifically designed to empower police and solve a particular problem.
- 14) A Court or traffic court system – this is a system of checks and balances. This is to prevent abuse of power and ensure public confidence in the integrity of the justice system. This is an issue that separates the civilized world. Without a proper court system many undeveloped Nations use traffic laws as an opportunity to fleece innocent motorists. This practice damages legitimate road safety efforts by professional police officers.
- 15) Administrative sanctions for impaired driving – These include driving prohibitions, license suspensions and vehicle impoundments. Under administrative law these are subject only to administrative and therefore not a legal review.
- 16) A Drug Recognition Expert programme - This is a scientific approach to observing persons suspected of being under the influence of either illegal drugs, or, pharmaceutical drugs. Officers, who take this intensive 2-week training, qualify as court experts in giving evidence as to their observations of drug impairment.
- 17) Vehicle Impoundment – a highly effective tool for police to deal with unlicensed drivers, prohibited drivers, drunk drivers and drivers who don't pay traffic fines.
- 18) Adult education – a programme requiring unsafe drivers and traffic offenders to take schooling in their legal responsibilities when they operate a vehicle.
- 19) A graduated response sanctions system that includes warnings, fines, points, prohibitions, vehicle impoundment, and jail. (graphic)
- 20) Vehicle Occupant and other safety restraints
- 21) Rapid and effective lifesaving emergency response – there is a whole module of training on this topic later in the programme.

- 22) Effective medical care – Surgeons require training to deal with complex issues such as heady injury, chest trauma (steering wheel), soft tissue trauma (whiplash) and injuries caused by deployments of Safety belts and Air Bags at high speeds.
- 23) Automated electronic enforcement – This includes territory wide photo radar speed enforcement coupled with red light camera enforcement.
- 24) China has virtually all of these in place, but weak areas have been identified.

5.1 Deficiencies in China

China has most of these programmes in place, but there are identifiable deficiencies. Please note that in the international sphere all enforcement systems have some type of deficiency. China is not alone in this regard. There is not one perfect model to follow.

Deficiencies appear in the following:

- 1) Rigorous Driver testing - the standard in the developed Nations is 30 to 45 minutes. This is being extended to two driving test up to two years apart. The examination is done by someone who owns and operates a car. The examiner is likely a former driver instructor, has taken a training course to be an instructor.
- 2) High quality driver training - Whilst China requires driver training; the only qualification to be an instructor is to have held a drivers license for five years. It appears that driver instructors are not generally in a pay grade where they can afford to operate their own cars. The developed Nations require much higher qualifications to instruct. This field is recognized as a professional qualification. The concern is that these instructors are teaching the bad habits they learned, to others.
- 3) Retest programme – A programme should be in place that ensures certain persons are called in for driver re-examination. Persons causing serious crashes, or with poor driving records, or identified by police as being poor drivers should be recalled. The retest may require retest for medical fitness if there is reason to suspect the person is medically unfit.
- 4) Secure drivers license – the existing PRC driving license is outdated and insecure. Many counterfeit versions have surfaced in Canada. This license does not compare favourably with secure licenses issued by Governments in the developed world because there is too much opportunity for fraud. It is reported that up to 10% of licenses in China may be counterfeit.
- 5) Points type sanctions for unsafe driving – China has recognized this as a useful tool, however it appears only to be maintained at the local city level. Due to the

- mobility of vehicle drivers this programme needs to be adopted at the very least at the Provincial level.
- 6) Police accessible National or Provincial drivers database – This is a standard foundation amongst developed Nations for officers at the roadside to identify poor drivers, including unlicensed and prohibited drivers and those wanted for arrest and detention or vehicle impoundment.
 - 7) Safe Highway engineering – China has built new expressways which largely meet or even exceed standards in the developed world. However older Highways need significant engineering upgrades in order to meet the safest standards.
 - 8) Safe Vehicle engineering & safe vehicle equipment.
 - 9) The use of child car restraint systems appears to be none-existent. Safety belts are not adequate restraints for small children. Air bag equipped vehicles are designed to supplement Safety belts, but Air bags will kill small children and adults if they are not properly restrained. Until recently rear seats of vehicles in China were not required to have Safety belts fitted. This is contradictory to international best practices. Rear seat belts have commonly been required since about 1968.
 - 10) Deficiencies in operator safety equipment – motorcyclists are observed to be wearing inadequate helmets, inadequate eye, and skin and foot protection. Bicycle headgear is not seen to be used. Experience in Heilongjiang Province indicates Commercial vehicle operators do not carry flares, reflective triangles or other warning devices.
 - 11) Police staffing levels may be inadequate - Adequate police staffing is a requirement to ensure that road users have a strong “perceived risk of apprehension” that is they believe that if they break the law they will be caught. Even if staffing is adequate, there is a discrepancy in the number of officers that are able to conduct mobile enforcement by car or motorcycle.
 - 12) Automated traffic enforcement - Territorial photo radar, red light cameras, fixed speed cameras – do not yet exist in China. These are cost effective and will recover the initial cost of equipment and staffing.
 - 13) Effective police led enforcement programmes – this includes selected traffic enforcement programmes such as aggressive drunk driving enforcement, speed and aggressive driving programmes. Perhaps the first such programme on a National or Provincial basis should be aimed at Safety restraints and crash helmets.
 - 14) Adequate legal regulations – to be discussed later

- 15) A Court or traffic court system – this is desirable in the long run but not fundamentally essential in a basic system. Apparently there is little no independent appeal against the decision of an officer that a road user has committed a breach of the regulations. This can bring the police into disrepute. Occasionally police are wrong, or make a simple mistake. The citizen should have an independent appeal process when this occurs.
- 16) A graduated response sanctions system that includes fines, points, prohibitions, vehicle impoundment, and jail. (graphic) China has some, but not all of these in place.
- 17) Rapid and effective, lifesaving emergency response – to be discussed in later training Modules.

6. Governance of Traffic Law Enforcement

All the developed Nations practice some form of democracy. Government may be centralized like China, France, New Zealand or Holland or Federalized like Canada, Australia or the USA. A federation is a voluntary amalgamation of States or Provinces. Central Governments produce National laws governing road user behaviour throughout the country. This has the advantage of uniform and standardised laws.

Federal Governments delegate law-making ability (like Canada), or, recognize existing law-making ability (Australia, USA) by the States or Provinces that make up the Federation. In a Federal system the practice is usually to permit road use to be regulated by the State or Province.

In turn the State or Province may delegate regulatory authority to Cities and Counties. The English term for delegation to a city is called creating “City Bylaws”. The Federal system definitely has some advantages in responding flexibly to changing conditions. This system removes responsibility from the National Government for law making capacity, to a lower level of Government. These are often more flexible and experience indicates these laws can be handled efficiently at a lower level.

Numerous examples of flexibility and innovation from delegation under the Federal example can be produced.

North Carolina – In 1982 this State was the first in the USA to promulgate a law requiring use of Safety Belts by vehicle occupants. Within a couple of years the Governor of North Carolina was boasting that this initiative saved the State \$150 Million in social costs. This influenced other states. As a result within five years many other States had enacted similar laws following the North Carolina precedent.

Manitoba – In 1991 this Province was the first jurisdiction in North America to promulgate a law permitting police to enforce 90-day civil driving prohibitions against

drunk drivers. This was coupled with 30 to 60 day vehicle impoundments. This initiative began a ripple effect throughout the North American Continent.

(NB: In the first year a mechanic who was prohibited from driving, was caught driving a marked Winnipeg City police car to the repair shop – the vehicle was impounded for 30 days. It is the responsibility of the owner to ensure the driver is properly licensed).

British Columbia – In 1997 this Province was the first of 60 territorial jurisdictions in North America to authorize police to impound vehicles operated by unlicensed drivers. British Columbia also adopted the Manitoba Statute at the same time.

In 2000 Washington State adopted laws based on the Manitoba model. Following another trend Washington State also reduced its blood alcohol content level for driver from .10 to .08.

An enlightened National Government can pursue road safety aims by persuasion. The United States Government cannot enact traffic law, however it has a powerful road safety lobby in the National Highway Traffic Safety Administration. This ministry was successful in persuading most States to reduce speed limits in the 1970's and to enact legislation requiring use of crash helmets by operators of motorcycles in the 1980's. It has also brought influence to bear on the States to reduce blood alcohol content levels.

At the lowest level of Government, Cities and Counties may have delegated authority to enact laws impacting road safety within their jurisdiction. A number of Counties in the USA have recently promulgated laws requiring mandatory use of safety helmets by bicyclists for example. Later on you will here about a creative road safety strategy applied using City Bylaws in Delta British Columbia.

7. The Traffic Police

In the developed nations the following characteristics apply to the traffic police. They are selected for good character, well trained, properly paid, properly equipped, well dressed and courteous. They are required to have one to two years of college. They are professional in every respect. Traffic police in the developed Nations do not accept cash fines at the roadside. This is a practice that leads to disrepute.

7.1 Organization of the Traffic Police

There is no consensus on the best approach to organizing traffic police in the developed Nations and many different organizational models exist. Sometimes these models exist side-by-side, sometimes even in the same city.

For example in Delta, Canada, the civil City police have a traffic Division. This division includes a Commercial Transport enforcement unit, which is very rare. The Province also has a different traffic police that polices the expressway within the City. The Province also has vehicle Inspectors, Dangerous Goods Inspectors and Commercial Transport

Inspectors, who perform some traffic policing functions within the city. Contrary to what might be expected, this works well and these agencies all cooperate well together.

In China there is one National police force with a distinctly separate traffic division.

In the United States there are over 36,000 police forces. In almost every US State there is a separate State police force responsible for policing the major highways within that State. All major cities have a City Police with a distinct traffic division under the same command structure. The Counties have an elected County Sheriff who commonly, but not always, operates a separate traffic division for densely populated areas. Sometimes all three Jurisdictions State, County & City overlap. The State of New Mexico even has a volunteer traffic police, fully equipped at their own expense, although this supplements regular State Police.

New Zealand has one National police force. The Ministry of Transport (similar to Ministry of Communications) used to have a completely separate traffic police. These two were amalgamated in 1992. The civil police then dominated the traffic police and this was detrimental to their effective operation.

Australia has 8 State police forces and one territorial police. Its police forces have long accepted responsibility for traffic policing and have distinct professional traffic divisions within the State police command structure.

Europe has a combination of police models; the most localized being Swiss canton system with specialized traffic units in the larger agencies. The United Kingdom has gravitated from a combination of small towns and counties to a system of counties and cities with a minimum size of generally 3,000. Within these structures function traffic police divisions.

It is not possible to clearly state one model is always more successful than the other. The model that works in Australia does not work as well in New Zealand.

The internal organization of traffic police does recognize certain specialties:

- Traffic control
- Traffic enforcement
- Collision investigation
- Collision reconstruction analyst (distinct from investigation)
- Commercial vehicle enforcement
- Vehicle Inspections
- Research
- Motor officer
- Traffic data analysis

However traffic police are rarely strictly compartmentalized. With the exception of the highly trained collision analyst, a common “tour” in one speciality is three years.

Collision analysts are a different breed. They are required frequently to attend the most traumatic traffic crashes. They are required to undergo severe cross-examination whilst giving expert evidence in court. There is a “burnout” factor in this area of responsibility and some evidence that these officers are unusually liable to stress induced suicides.

7.2 Command Structure

All police organizations have a hierarchical structure modeled loosely after military rank structure. However there has been an effort to reduce administrators and put more officers on the street. Recent developments in the English speaking Nations have seen a significant flattening of rank structure and several ranks eliminated. In an average City, one or more Sergeants manage traffic operations. A Sergeant will almost always be the highest-ranking officer in charge of a major incident unless there are mass casualties, such as in a train wreck. If senior officers happen to appear at the scene of a major collision involving fatality, they will not interfere in the Sergeant’s responsibilities.

The general practice is however that all civil police have some traffic enforcement and traffic control responsibilities coincident to their regular duties. All traffic officers have primary traffic enforcement responsibilities including all of those working in the specialist areas listed above. For regular non-traffic civil police, traffic enforcement is a secondary responsibility in which they will engage part time.

8. The Courts

The road user sanctions system is initiated by police but the court system is totally independent of the police. Any person receiving fines or a sanction has an avenue of appeal to an independent body or court with appointed Judge. The police are therefore not seen as making their own laws. This necessitates a court system. A person charged with committing a traffic offence has a right of appeal to a person in authority who is not associated with the police. This is considered a fundamental human right.

All the developed Nations have a court system that is independent of the Police and of the Government. The theory is that these courts will rule impartially, based on the facts and evidence before them, and that this will inspire public confidence.

Court systems vary widely in the developed world but for traffic enforcement purposes they are often divided into two avenues:

- Criminal – for serious offences which may result in Jail
- Civil or traffic court – for less serious offences

Generally approximately 99% of all enforcement is conducted under the civil model in terms of volume. A civil traffic court model is common practice. This uses Judges Magistrates or “referees” to adjudicate on evidence presented by police. Generally the

rules of evidence are less strict than in criminal court. Conviction rates for person required to make their defense in civil or traffic court commonly exceed 90%.

9. Road User Regulations

The following characteristics apply to the most effective road user regulations in the developed Nations. The regulations are:

- Precise
- Relevant
- Enforceable
- Consistent with world practice
- Simple for road users to understand
- Simple for police to enforce
- Cover road user behaviour and vehicle safety
- Permit lower jurisdictions authority to pass local regulations consistent with the senior law.

However in general these regulations do not cover the activities of police. The most common practice to regulate police is by use of written Policy. This policy is flexible and easy to change. (E.g. Driver test regulation).

These regulations must be consistent to cover the PURPOSE of Traffic Law Enforcement discussed earlier in order to be adequate.

9.1 Enabling Legislation

These are laws or regulations promulgated by the Nation, Province, State or City that are specifically designed to enhance police ability to deal with road safety issues.

Types of enabling legislation:

- Regulations setting maximum blood alcohol content for vehicle operators.
- Regulations empowering police to demand breath, blood or urine samples.
- Regulations empowering the licensing authority to suspend or prohibit drivers.
- Regulations empowering police to impound vehicles of drunk drivers, prohibited drivers.
- Regulations empowering police to prohibit drunk drivers at the roadside.
- Power of arrest for possession/production of counterfeit drivers licence.
- Regulations requiring vehicle safety
- Regulations requiring occupant/rider safety belts, child seats, helmets.

In general enabling legislation is slightly distinct from basic regular road use regulations. This is because, the National, Provincial or City authority can promulgate it quickly - and in response to a particular, or developing, unsafe road use condition. It will empower police to solve a particular problem. The focus of enabling legislation is a specific problem to be solved.

9.2 Actual Examples of Enabling Legislation

In 1997 British Columbia enacted legislation empowering police to administer driving prohibitions at the roadside, and, to impound the cars of drivers so prohibited for 30 to 60 days. This greatly enhanced police tools to deal with drivers under the influence of liquor.

In 1995 British Columbia enacted legislation empowering police to commence a Province wide photo radar programme. This enhanced the ability of police to deal with speeding drivers.

In 1997 British Columbia amended legislation to permit the use of photo radar against person disobeying red lights at intersections.

In 1999 Washington State enacted legislation to reduce blood alcohol content levels from .10 to .08

In 2000 Washington State enacted legislation to empower police to seize vehicles of persons found driving whilst prohibited from doing so.