

Victoria Police vehicle impoundment and immobilisation program

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Abstract

Title: Safe Vehicles and Safe Road Use

Introduction:

To discuss the processes Victoria Police has implemented and is investigating to enforce expanded legislation and methodology to mitigate the risk of returning unsafe vehicles to the fleet within the vehicle impoundment, immobilisation program.

Methods:

Increased relevant period from 48 hours to 30 days.

Expanded relevant offences to include drink driving, drug driving and unlicensed driving.

Utilisation of improved technology such as in car video and automatic number plate recognition systems.

Commitment to immobilisation via steering wheel clamps.

Commitment to a robust, risk associated, disposal program for abandoned and forfeited motor vehicles.

Results:

Potential increase in detected offences from approximately 3500 in 2010-2011 to an estimated 15900 in 2014-2015.

95% of all abandoned motor vehicles are assessed as unsafe to return to the fleet and are crushed.

Conclusions:

An increased enforcement program will result in the removal of more high risk offending drivers; the impact is a contributing factor in reducing road trauma associated with drink, drug and unlicensed drivers.

The risk associated disposal of abandoned and forfeited motor vehicles ensures that only motor vehicles assessed as "safe" are returned to the fleet.

Keywords

Driver Behaviour

Change

Enforcement

Technology

Expectations

Introduction

On average four people die and 90 people are seriously injured on Australian roads every day. Most Australians have been personally affected by the trauma of a road crash and the cost to the community in terms of economic loss and personal suffering is enormous.¹

This is the opening paragraph in the foreword of the National Road Safety Strategy 2011-2020.

During the period 2000-2005, Victoria Police attended over 2200 fatal and 33, 800 serious injury crashes². Driver behaviour and the incidence of unlicensed, disqualified or suspended drivers were over represented in these statistics.

In response to the increasing incidence of "Hoon" and anti-social driver behaviour and community expectations, the then Labour Government, in conjunction with the other road safety partners in Victoria, developed and introduced the Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Act 2005.

This Act amended the Road Safety Act 1986 and in particular created Part 6A - Impoundment, Immobilisation and Forfeiture of Motor Vehicles.

The intention of this new regime was to:

- enable the seizure, impoundment, immobilisation and forfeiture of motor vehicles in certain circumstances; and
- to create a new offence relating to the improper use of a motor vehicle.

In a first for Victoria, police were given the power to seize a motor vehicle used in the commission of certain offences and impound them for a designated period, 48 hours.

The goal of Victoria Police was to utilise this legislation to provide an enforcement strategy that addressed community expectations by;

- An enforcement regime to manage "dangerous and at risk" road driver behaviour;

¹ Australian Transport Council – National Road Safety Strategy 2011-2020

² Victoria Police Collision data

- Actively contribute to road safety strategies and a reduction in road trauma; and
- Managing anti-social road use to preserve community amenity.

A service success concept was developed that revolved around the premise of:

- Operating an environment faithful to the intent of the legislation;
- A managed enforcement program that was lawful, proper and fair; and
- Encouraging community involvement and acceptance with the deployment of diverse detection capabilities.

Evolution of the Vehicle Impoundment Regime:

July 2006 – Legislation commenced.

November 2007 – Legislative change. New offence of Evade Police.

December 2007 – Legislative change. New offence of Deliberately/Recklessly enter a level crossing.

April 2008 – Process change. Introduction of the Crime stoppers “Hoon Hotline”.

May 2008 – Process change. Implementation of seizures for traffic camera detections for excessive speed.

June 2009 – Legislative change. Changes to definitions and processes. New powers and processes for disposal.

November 2009 – Legislative change. Rewording of offences to align with new Criminal Procedure Act.

December 2009 – Legislative change. Hoon Boating.

August 2010 – Legislative change. New offences, powers and time periods. New court processes. New definitions.

October 2010 – Legislative change. New definitions.

July 2011 – New Offences, powers and sanctions.

Methodology

Vehicle impoundment methodology revolves around the convergence of;

- Appropriate Legislation; and

- A managed enforcement program; and
- Community involvement; and
- Utilisation of Technology; and
- Commitment to effective risk mitigated processes for disposing of abandoned and forfeited motor vehicles.

Appropriate Legislation

As stated in the introduction, Vehicle Impoundment/Immobilisation legislation empowers the police to seize a motor vehicle used in prescribed circumstances and hold it for a designated period.

Legislative change that commenced on 01 July 2011 saw a substantial re-development of the seizure periods, prescribed offences and powers for police engaged in this enforcement program.

Designated Period

Since the commencement of the Vehicle Impoundment program in 2006 the designated period for which police could seize and hold a motor vehicle was 48 hours. Police could immediately enforce this sanction upon detection of certain "relevant offences" or could initiate a surrender process whereby the motor vehicle would be seized at a later date, but still for the "designated period" of 48 hours.

A commitment by Government to the community to increase sanctions against drivers who commit "relevant offences" has seen this designated period increase to 30 days commencing with the seizure of the motor vehicle.

Relevant Offences

From the commencement of the Vehicle Impoundment program the relevant offences have been linked to a reduction in road trauma, "hoon" related and anti social behaviour. Excessive Speed, Improper Use and Disqualified/Suspended driving were the major offences and these were augmented in 2008 with the offences of Evading Police and Deliberately/Recklessly enter a level crossing.

July 2011 saw the introduction of a range of new "relevant offences" and the restructuring of offence categories. The new offences include;

- Drink Driving in certain circumstances;
- Driving under the influence of a drug;
- Unlicensed Driving; and
- Breach of a driving licence condition.

Tier levels of offending were introduced along with increased judicial sanctions and outcomes.

Offences are now categorised as either Tier 1 or Tier 2.

The Tier level of offences becomes relevant during the court process. Offenders found guilty of a Tier 1 offence risk having their vehicle further impounded or immobilised for a period of 45- 60 days for a first offence and risk permanent forfeiture on a second offence.

Drivers found guilty of a Tier 2 offence risk further impoundment or immobilisation for a period of 45- 60 days on a second offence and risk permanent forfeiture on a third offence.

The introduction of Tier 1 and 2 offences and the ability to apply for further impoundment and immobilisation on a first offence for Tier 1 offences will see seizure levels rise from approximately 3500 in fiscal year 2010-2011 to approximately 11000 in fiscal year 2013-2014.

Technology

2011 saw the introduction of the Automated Number Plate Recognition Program to Victoria Police.

ANPR is a method and form of electronic traffic management that utilises OCR to analyse live imagery to identify number plates. It is a leading edge enforcement tool and in the vehicle impoundment regime it is used to detect, prosecute and deter unauthorised driving.

ANPR provides greatly improved efficiencies for front line police and enables the interrogation of far larger numbers of motor vehicles than conventional methods.

A static camera captures an image of a number plate and OCR determines the characters. This information is compared to a live database of registration and licence information. An alert sounds if a hit against predetermined parameters is achieved and the vehicle is intercepted.

It is predicted that ANPR could account for up to 25% of all impoundment/immobilisation enforcement in the future.

Victoria Police also utilise in car video systems as a forensic aide to members in capturing evidence for production at court. Although not new technology, in car video provides the corroborative aspect invaluable to police operations and in particular when operational police work alone. Police vehicles are fitted with high definition front and rear cameras and capture full video and audio. The cameras can be selectively activated and will automatically activate during urgent duty driving. Data is stored on hot swappable hard drives and a dedicated unit ensures operations and continuity of recorded materials at all times.

Operational members have the ability to review captured imagery at the scene to assist in the enforcement process and this ability also has the potential to mitigate risk of public complaint against police.

Approximately two thirds of the operational fleet of Victoria Police vehicles are fitted with Mobile Data Terminals (MDT's). These terminals allow police to send and receive information from dispatchers instantaneously without the need for voice communications. Importantly they allow for police to check the details of motor vehicles and drivers electronically, a great improvement in efficiency over voice communications. Patrol vehicles are able to interrogate vehicle registration details, owner licence status and history rapidly. This system is only limited by the mobile data coverage area and the speed of the operator.

Immobilisation

Victoria Police have undertaken to assess the feasibility and effectiveness of immobilisation of motor vehicles in lieu of impoundment and storage. One of the main drivers for immobilisation is the cost of storage for impoundment. Immobilisation of the motor vehicle at a safe, off street location, by agreement with the owner should prove cheaper and be more procedurally fair. There is also a higher likelihood of the owner paying the release fees to have the motor vehicle un-clamped at the expiration of the designated period. To gauge the effectiveness of immobilisation an assessment of steering wheel clamping was conducted in Tasmania and South Australia. In Tasmania 75% of vehicles are clamped and approximately 10% in South Australia, although the South Australian program is relatively new.

The discloc steering wheel clamp has been selected as it is already a proven device and in operation in other jurisdictions. It not only immobilises the motor vehicle but allows very limited movement, sufficient to relocate the motor vehicle onto a tow truck for transport.

A controlled trial of immobilisation using the discloc steering wheel clamp is a consideration for the second half of fiscal year 2011-2012. If successful and implemented across the state as an alternative to impoundment and storage, immobilisation has the potential to save the taxpayer in excess of \$1,000,000 annually in storage costs and provide added flexibility to the service delivery model.

Vehicle Disposal

In line with state and national strategies around road safety and the reduction in fatal and serious injury collisions, Victoria Police has a very effective and robust motor vehicle disposal process. This process is for vehicles that are either abandoned by the owner after they are impounded or are the vehicles of recidivist offenders whose motor vehicles have been forfeited to the crown for repeat offending.

The disposal process is a multi-faceted system of checks and balances to ensure that any motor vehicle returned to the fleet is safe and does not pose a threat to a purchaser or other road user.

Every abandoned motor vehicle (approximately 5% of all impounds) and forfeited motor vehicle (approximately 0.5% of all impounds) are assessed for:

- The rating against the used Car safety Rating Scheme. Only motor vehicles that achieve 4 stars are considered for sale at public auction unless it is identified as an antique, classic or collectible.
- Motor vehicles that are rated at 4 stars are then inspected to ensure they are safe and comply with the relevant standards for registration. If they are modified then there must be a reasonable expectation that the motor vehicle can be restored to original manufacturer's condition.
- Motor vehicles are then value assessed. This is particularly applicable where a motor vehicle is an antique, classic or collectible.
- Every motor vehicle (whether assessed as suitable for sale or not) is vetted by the stolen motor vehicle unit.
- The motor vehicle is then cleared for sale or disposal by other means.
- Motor vehicles not assessed for sale are crushed and a certificate of destruction is issued by the recycler.

Results

Over the past five years on average 3500 motor vehicles have been impounded across the state each year. Through an increased legislated enforcement program and the utilisation of technology the rate of detected offenders will increase to approximately 15000 in 2015.

The rate of recidivist offenders detected is extremely low at approximately 5% of all detected offenders.

Through a risk associated, robust disposal program, 95% of abandoned or forfeited motor vehicles are assessed as unfit to return to the fleet via public auction and are crushed.

Discussion

Is the program successful?

Are there any success measures and what are they?

These are questions often asked and are difficult and subjective to answer. In fact it is easier to answer these questions by outlining the success measures of the program to date.

These success measures to date are that the enforcement program in Victoria has:

Diverse detection methodology – (all possible detection methods have been engaged.)

Feedback – (the public, offenders, other law enforcement agencies, government.)

Positive Media – (printed and electronic including road user forums.)

Successful Court Processes – (that are supported.)

Stringent but fair hardship provisions(internally by Victoria Police and by the Magistrate's Court.)

Low recidivism rates – (approximately 5%.)

Formal Evaluation – (internally and by external agencies eg. MUARC in 2008)

Conclusion

Vehicle impoundment and immobilisation is a dynamic enforcement tool that supports operational policing and Victoria Police meet its obligation to the National, State and Organisational Road Safety Strategies.

It is a managed program that is lawful, fair and proper and is faithful to the intention of the legislation. It engages community expectation and involvement and utilises diverse detection and technology capabilities.

The Victoria Police, Vehicle Impoundment and Immobilisation Program results in high risk offenders being removed from the roads. This is a factor in reducing road trauma associated with drink, drug and unauthorised drivers. It is a driver for improved public amenity and is a deterrent to the incidence of "Hoon and anti-social" driver behaviour.

References

1. Australian Transport Council, 2011. National Road Safety Strategy 2011-2020, Foreword, Canberra.
2. Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Act 2005.
3. Justice and Road Legislation Amendment (Law Enforcement) Act 2007
4. Road Legislation Further Amendment Act 2007.
5. Road Safety Amendment (Hoon Driving) Act 2010.
6. Road Safety Amendment (Hoon Driving and Other Matters) Act 2011.
7. Road Safety Act 1986, Version 130.
8. Road Safety General Regulations 2009, Regulations 56-59.
9. Victoria Police Manual Guidelines – Vehicle Impoundment 2011