

Bike Tips: Reporting traffic incidents to police

What to do at the scene of an incident

At the scene of any crash, you should try to:

- remember you and others can be in shock and may not be completely with it
- make sure the scene is safe, assist any injured person, call police & ambulance if necessary
- exchange details with other vehicle drivers/riders and witnesses

For any incident you want to report to police, record:

- registration number and description of vehicle (colour, make)
- description of driver (and occupants) if possible
- contact details of any witnesses

Record the rego by keying the number into your mobile, writing on your hand (always carry a pen in your outer backpack/pannier pocket), or using a rock on the pavement – don't rely on memory.

Reporting an incident to the police

Report as soon as possible

Go to any police station to report the incident as soon as you can ("after work" might be ok but it will count against you if you leave it too long). Tell them that you want to report a traffic incident or dangerous driver behaviour or whatever, and use **the magic words: "I want to make a statement and I'd be prepared to go to court if necessary"**. Without this, they won't want their time wasted and will usually try to turn you away. It helps if you know your road rules and can tell them what offence has been committed (eg. unsafe overtaking – see list of road rules below).

Be persistent

If it is just "**your word against theirs**" then the officer will often tell you "nothing can be done". While it is true such a prosecution is unlikely to succeed in court, it is still possible for them to take a statement from the driver. Doing so might lead to self-incrimination (eg. "But I swerved at the cyclist because he shouldn't be on the road") or at least the driver thinking twice about doing the same again to someone else. You may need to insist. Repeat **the magic words: "I want to make a statement and I'd be prepared to go to court if necessary"**. Failing that, ask to speak to the Duty Officer (the officer in charge of the station at the time).

Remember your witnesses

You may be told that your friend/training buddies or the motor vehicle's other occupants are not "**independent witnesses**". This is not true. It is not necessary for a witness to be 'independent'; it will be up to the magistrate to later weigh up the evidence from that witness taking any connection into account.

Understand the police procedures

What happens when you report a traffic incident to police?

1. The police officer should take your statement, either in their notebook or directly onto the computer. You will be asked to sign the statement, including a bit that you are prepared to go to court as a witness if necessary.
2. The officer will verify that the registration number matches the colour and make or description you gave. If not, it will not proceed.
3. Once entered in the computer system ("COPS") you will be told the COPS "event number".

4. The officer will serve a “form of demand” on the owner of the vehicle, requiring them to identify who was driving at the time.
5. The officer will arrange to take a statement from the driver, or, if the driver lives outside the area, for an officer from the driver’s local police station to take their statement.
6. Similarly, statements from any witnesses will be taken and entered into COPS.
7. The officer will normally refer the event to the Traffic Sergeant at the regional traffic services command. The Traffic Sergeant decides what to “breach the driver” with.

There are a number of “proofs” required for each breach. The decision will often be quite a conservative one, since more severe charges are more onerous to prove and more likely to be dismissed by the courts (and you can’t come back later with a lesser charge). If you genuinely think that the wrong decision may have been made, you might be able to discuss it directly with the Traffic Sergeant.

Follow up

Follow up is crucial! Police are busy people and following up on traffic matters is often their least favourite thing. Call the officer handling your event **at least once a week** to ask them about progress; otherwise don’t expect anything to happen. Keeping notes of progress makes it easier to complain if it’s not been properly handled.

You can get a copy of the police report (everything from the event, including all parties’ statements) afterwards. Send a letter quoting the event number and a \$38 cheque made out to "NSW Police Service" to Insurance Services Unit, PO Box 4444, Parramatta 2124.

Knowing the road rules

Some key road rules to know:

- Menacing driving (Section 43)
- Negligent/furious/reckless driving (s42)
- Dooring (Australian Road Rule 269)
- Not give way (ARR 62-81 depending on situation)
- Obstructing (ARR 125)
- Tailgating (ARR 126)
- Overtaking when unsafe (ARR 140)
- Overtake on left (ARR 141) (bikes can, cars can’t)
- Overtaking at unsafe distance/cutting in (ARR 144)
- Horn misuse (ARR 224)
- Crash: driver must give you name & address (ARR 287)
- Injury: they must stop and give assistance (s70)

More road rules details at <http://www.massbug.org.au/twiki/pub/MASSBUG/BikeSaint/roadrules.pdf>

Further information

Any questions or comments about this page can be directed to massbug@massbug.org.au