

# Disrupting criminality

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First published 23 October 2013 Updated 22 September 2025

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11 mins read

Criminals' use of roads ranges from minor motoring offences to international organised crime. Forces should use intelligence and enforcement to disrupt criminality. Police may be called to assist with road checks being conducted by the Driver and Vehicle Standards Agency (DVSA) and be associated with national and seasonal campaigns.

## Powers to stop and seize vehicles

The police have a number of powers to enable them to search and seize vehicles. Forces should work closely with local authorities and other partners to ensure that abandoned vehicles are removed as soon as possible. Local authorities have a duty to remove any vehicle abandoned in the open air or on any part of the highway. The police can seize a vehicle on a road if it may have been used to commit crime or has been left in a dangerous or unlawful position, or in a dangerous condition.

## Section 163 Road Traffic Act 1988 (RTA) and Police Reform Act 2002 (PRA) powers

Under [section 163 of the Road Traffic Act 1988 \(RTA\)](#), a person driving a mechanically propelled vehicle on a road must stop the vehicle on being required to do so by a constable in uniform or a traffic officer.

His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) recommends that officers apply minimum recording standards for stops under [section 163 of the RTA](#). See the [Police Race Action Plan \(PRAP\)](#) and [HMICFRS recommendations](#).

This allows senior officers to assess the effective and fair use of the powers provided by section 163 of the RTA for an officer in uniform to stop a vehicle or cyclist.

Section 163 of the RTA is subject to the same general obligations as any other police power. This includes:

- the duty not to discriminate on grounds of protected characteristics ([section 149 of the Equality Act 2010](#))
- the duty not to act in a manner incompatible with the [European Convention on Human Rights](#) of any individual ([section 6\(1\) of the Human Rights Act 1988](#))

For further information, see the [HMICFRS recommendations](#).

## Other powers to stop vehicles

- [Section 4 of the Police and Criminal Evidence Act 1984](#) – allows either all vehicles or those selected by a particular criterion to be stopped in a particular locality in order to locate an offender or witness involved in an indictable offence (subject to authorisation). The location of such road checks is integral to achieving this objective. It should afford maximum protection to both the public and police while giving little warning to the suspect and no escape routes.
- [Section 60 of the Criminal Justice and Public Order 1994](#) – gives preventive stop and search powers (subject to authorisation) to the police where violence is anticipated in a particular location.
- [Section 43, section 44](#) and [section 45](#) of the Terrorism Act 2000 – give preventive stop and search powers to the police when terrorist activity is anticipated in a particular location.

It is recommended that vehicles are stopped from behind. When stopping vehicles, officers should do the following.

- Monitor the reactions of other drivers in case they believe an instruction to stop applies to them.
- Ensure that the target vehicle has stopped before bringing the police vehicle to a stop.
- Position the police vehicle in such a way as to make the best use of emergency lighting and markings. It may be necessary to ask the motorist to move to a safer location.
- On motorways and dual carriageways, consider taking vehicles off the carriageway and stopping them at the next junction or service area.
- On the motorway hard shoulder, leave a distance of at least 25 metres between the police vehicle and the subject vehicle. This also applies when attending a broken-down vehicle on the hard shoulder.

- On the motorway hard shoulder, instruct drivers on how to rejoin the carriageway safely. Officers need to be confident that the following advice has been understood.
  - Build up speed on the hard shoulder to match the speed of the traffic in lane one.
  - Signal prior to moving into an available gap.
  - Ensure that motorists from other lanes are not about to move into the same space.

When stopping a vehicle from the front, the police vehicle's rear matrix (where fitted) should be used to direct the vehicle to a suitable and safe location, and then stopped.

## Seizing vehicles

- Road Traffic Act 1988 (Retention and Disposal of Seized Motor Vehicles) Regulations 2008 allows the police to charge the driver if the vehicle is to be removed and retained under the Road Traffic Act 1988 s 165A (power to seize vehicles driven without licence or insurance).
- Section 59 of the Police Reform Act 2002 allows the police to seize motor vehicles which are being driven inconsiderately or carelessly on a road or other public place (contrary to the Road Traffic Act 1988 s 3) or without lawful authority, off road or on any road that is a footpath, bridleway or restricted byway (contrary to the Road Traffic Act 1988 s 34) and in such a manner as to cause, or is likely to cause alarm, distress or annoyance to members of the public. A constable shall not seize a motor vehicle under this power, unless a warning is given that continued use will lead to seizure.
- Section 34B of the Environmental Protection Act 1990 allows vehicles to be seized where they have been used to commit a relevant offence.
- Sections 173 to 175 of the Transport Act 2000 allow the police and the Driver and Vehicle Licensing Agency (DVLA) to seize untaxed vehicles.
- Section 41 of the Police Reform Act 2002 allows chief constables to accredit DVSA staff with the power to stop goods and passenger vehicles.
- Section 64 of the Criminal Justice and Public Order Act 1994 allows the police to enter land and seize vehicles in relation to rave events.
- Section 45 of the Proceeds of Crime Act 2002 allows the police to seize criminal assets, including vehicles that are subject to a restraint order where it is necessary to prevent the vehicle's removal from England and Wales.
- Section 19 of the Police and Criminal Evidence Act 1984 (PACE) gives general powers of seizure.

- **Section 25d of the Immigration Act 1971** provides that a senior officer or a constable may detain a relevant ship, aircraft or vehicle if a person has been arrested for an offence under the Immigration Act 1971 s 25, 25A or 25B.

His Majesty's Revenue and Customs (HMRC) has the power to seize vehicles suspected of being used to smuggle tobacco and alcohol into the UK.

For further information see [\*\*National Police Chiefs' Council Vehicle Recovery Group \(VRG\) Guide 2021.\*\*](#)

## Detained persons

Where the necessity test is met under the [\*\*Police and Criminal Evidence Act 1984 \(PACE\) Code G\*\*](#), transportation of detainees should only be undertaken in accordance with force policy.

Consideration should be given to:

- searching the back of the police vehicle and removing any equipment before placing the suspect in the vehicle
- searching the suspect before placing them in the car
- using handcuffs
- activating the child locks to prevent the suspect opening the car doors, and deactivating any electric windows
- seating another officer behind the driver, watching the suspect at all times
- searching the back of the police car on arrival at the police station, in the presence of the suspect

If the occupant(s) of a vehicle is arrested, officers should ensure that the vehicle is left in a safe position.

For further information on moving detainees between the scene of an incident/arrest and a police custody suite, see [\*\*safe movement of detainees\*\*](#).

## Dynamic risk assessment

Officers should carry out a dynamic risk assessment prior to stopping a vehicle and ensure that it is stopped in a position which gives approaching traffic sufficient warning. There are additional factors to consider when a vehicle(s) is suspected of being involved in terrorism or is believed to be

carrying:

- firearms – in this case, specialist advice from a firearms advisor should be sought
- drugs – the National Crime Agency (NCA) diamond database can provide information on the movements, transportation methods, routes used, packaging, markings and concealment methods
- vulnerable people – this includes those subjected to child sexual exploitation, human trafficking, kidnap and extortion, missing persons and child abduction

## Anti-social behaviour

Forces should adopt a problem-solving approach to anti-social behaviour on the roads. Examples of anti-social behaviour on the roads include:

- use of mini motos
- road rage
- gatherings of young drivers in public areas
- cruise events
- obstructions and illegal parking
- illegal off-roading
- abandoned vehicles
- illegal dumping of waste

## Technology

Technology can transform how the police tackle criminality on the roads. It can also assist in counter-terrorism activity. Technology available to forces to disrupt criminality includes the following.

- Automatic number plate recognition (ANPR).
- CCTV.
- Vehicle tracking – devices which may be fitted to vehicles by manufacturers or the public. Some allow vehicles to be immobilised remotely. Many police vehicles and air support units have tracking equipment fitted.

- SmartWater – a clear liquid substance only visible under ultraviolet light. It contains a unique code and is used to mark property.
- Roadside fingerprinting (project lantern).
- Facial recognition.
- Average speed safety cameras.
- Facial images national database (FIND) project.

## Automatic number plate recognition

Automatic number plate recognition (ANPR) is an effective way of identifying vehicles and matching them against predetermined indices or flags. It is a proactive policing tool for response policing and investigations, which can prevent crime by targeting criminals through their use of the roads.

ANPR:

- automatically reads vehicle registration marks (VRMs), allowing these details to be compared against database records
- provides a tactical option to disrupt, prevent and detect criminal activity and, by doing so, helps to increase public confidence
- identifies a vehicle of interest based on the number plate it is displaying, but such identification should not replace thorough investigative enquiries and officer discretion

For further information, see [National ANPR Service \(NAS\)](#).

## Number plate reader

ANPR systems are cameras linked to a reading device (NRD) that collect data, which is then stored on the NAS database. The capability of the reader dictates the number of vehicles that can be read. NRDs can be:

- static – built to capture and read VRMs in a fixed location which will not be moved
- moveable – built to capture and read VRMs in a fixed location, but on a temporary basis
- multi-lane – have the capability to read VRMs across multiple lanes, as well as vehicle movements in the same or opposite directions of travel – this can be done using a single NRD
- CCTV-integrated – a dual-purpose camera that can operate as CCTV and as an NRD. Integrated systems only provide data to the NAS when in ANPR mode

- mobile – built to capture and read VRMs from a mobile base, including vehicle-mounted systems or other portable systems
- covert – can be static, moveable or purpose-built, authorised for deployment to support covert policing operations

## Management

Forces should develop force policy and procedures for the effective management and deployment of ANPR assets. These should cover a range of issues that include compliance with relevant legislation and standards, maximising the benefits of ANPR within core police business, and supporting the development of relationships with partner agencies.

The development of a service level agreement (SLA), or memorandum of understanding (MoU) between the law enforcement agency (LEA) and partners, should also be considered for shared/other ANPR systems. The SLA provides the necessary information for all parties on how, when and what type of ANPR alerts the police will respond to, and the responsibilities of individual partners.

For further information, see [National ANPR standards](#).

## ANPR for response policing

When using ANPR as part of a response policing strategy you should consider the following.

### Deployment

- Nature of the crime.
- Intelligence and information available.
- Traffic flows.
- Available vehicle site.
- Additional support resources.

### Tactical

- Environment and location.
- Other operational commitments.
- Type and number of available resources.

- Other agency support or partnership working.

ANPR systems fitted to police vehicles should remain active as much as possible to gather 'read' data (for example, when single-crewed or already dealing with an incident) to collect intelligence which would otherwise not be gathered.

## Police National Computer data and ACT/REACT reports

If a vehicle comes to the attention of a response patrol because of a Police National Computer (PNC) check, it should be dealt with according to the information within the report.

An action (ACT) report may include the requirement to stop the vehicle or assess where the action should be determined, based on the information within the report and the circumstances relevant at the time.

A reaction (REACT) report is used to cancel an ACT report after the required action has been completed. If it is apparent that the ACT report is of ongoing relevance to an investigation or an enquiry, a REACT report should not be created.

If an officer is considering whether to stop a vehicle but does not have live-link access to the PNC, they should verify any information in the ACT report before taking any action.

## Pre-planned operations

ANPR can be used as part of a pre-planned operation where an immediate response can be made to an alert from a local database. Consideration should be given to the location of the NRD, and the operation should be planned and managed to reduce the possibility of a pursuit.

Cross-border operations should form part of the level two tasking and coordination process.

Consider historic ANPR data when organising a pre-planned operation. It may help with deciding on the most suitable location, day of the week, and time of day for the operation to be carried out.

## ANPR infrastructure

An NRD should only be deployed following an assessment that establishes a need for ANPR at that location, to detect, prevent and disrupt criminality. This also applies to LEAs receiving data

from ANPR systems operated by other organisations. Where a need is identified, it is also necessary to consider whether the deployment or receipt of data is appropriate and proportionate, balancing public protection with the rights and legitimate expectations of individual privacy.

Assessments should take account of:

- national security and counter terrorism
- serious, organised and major crime
- local crime
- community confidence and reassurance, crime prevention and reduction

A data privacy impact assessment (DPIA), including consultation with relevant stakeholders and the force data protection officer, is required for all planned/new infrastructure. The extent of consultation should be determined in the context of the proposed development, with a presumption that it will include all persons and organisations with a reasonable interest in the proposal, unless that would be contrary to the purpose of the development.

The continued requirement for an NRD at a location, or the receipt of data from ANPR systems operated by other organisations, should be monitored. The device should be removed, or the receipt of data terminated, if the justification for deployment at that location ceases. The locations of all NRDs, and the need to receive data from systems operated by other organisations, must be reviewed annually at the very least, taking into account the above factors to ensure that the deployment or receipt of data remains appropriate and proportionate.

## Tags

Roads policing