

**REPLY BY THE PRESIDENT OF
THE COMMITTEE *FOR* HOME AFFAIRS
TO QUESTIONS ASKED PURSUANT TO RULE 14 OF THE
RULES OF PROCEDURE BY DEPUTY R LE BRUN**

QUESTION

Having seen numerous comments from members of the public, particularly women and vulnerable road users, describing experiences of intimidation and threatening behaviour by drivers, and having subsequently been contacted by a constituent whose partner reported being subjected to aggressive close following, engine revving, horn sounding and a hostile verbal confrontation whilst cycling to work, but was informed that the Police would be taking no further action, does the Committee accept that there may be an enforcement blind spot in how intimidating and threatening behaviour is assessed when it occurs on the public highway?

In particular, in light of the valuable work undertaken by Guernsey Police, Poppy Murray and SafetyNet to tackle Violence Against Women and Girls and encourage women to report behaviour that causes fear, alarm or distress, why does conduct which may be perceived as intimidation, harassment or threatening behaviour in other public settings appear, in some circumstances, to be viewed primarily through a road traffic enforcement lens when it occurs on the road?

What guidance is provided to officers regarding consideration of Section 4 ("Fear or Provocation of Violence") of The Public Order (Bailiwick of Guernsey) Law, 2006, where a motor vehicle is alleged to have been used as an instrument of intimidation against a cyclist, pedestrian or other vulnerable road user?

Finally, does the Committee consider that current policies and enforcement practices **adequately** reflect the reality that intimidating conduct carried out by individuals in control of large, fast-moving vehicles capable of causing serious injury or death may be particularly frightening and coercive for cyclists, pedestrians and other vulnerable road users and, if so, on what basis?

ANSWER

Incidents involving tailgating, engine revving and horn sounding while driving are generally considered in the context of road traffic legislation. In Guernsey, such conduct may amount to the offence of driving without due care and attention where the standard of driving falls below that expected of a competent and careful driver. Where the manner of driving presents a danger to the public, an offence of dangerous driving may be considered.

Aggravating factors may arise where the incident also involves threatening, abusive or intimidating behaviour, potentially constituting a public order offence, or where a specific

individual is repeatedly targeted, potentially amounting to harassment. The purpose of these offences is to enable the Police to address conduct which goes beyond poor driving standards and enters into behaviour that causes fear, alarm or distress through threats, intimidation or a sustained course of conduct.

Specific guidance regarding the application of section 4 of the Public Order (Bailiwick of Guernsey) Law 2006 is contained within the Guernsey Police Legal and Procedural Guidance Manual. There is no specific guidance concerning the use of a vehicle to commit an offence of Fear or Provocation of Violence. Officers must therefore assess each case on its individual facts and determine whether the conduct was such that it caused a person to believe that immediate unlawful violence would be used against them or another person.

A person is guilty under this offence if they

- use towards another person threatening, abusive or insulting words or behaviour,
- or distributes or displays to another person any writing, sign or other visible representation which is threatening, abusive or insulting.

The evidential threshold for a public order offence requires consideration of whether the conduct was threatening, abusive or intimidating in nature and whether the circumstances are capable of supporting the relevant offence.

Intimidation and threatening behaviour by drivers towards any other road users have no place on our roads and the Committee is supportive of measures that make travelling on Guernsey's roads safer for everyone, however every incident that is reported to the police must be assessed on its own facts in order to determine the course of action.