



11<sup>th</sup> June 2018

## Freedom of Information Request Reference N<sup>o</sup>: FOI 001707/18

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 14<sup>th</sup> May 2018 in which you sought access to the following information:

Unless otherwise specified, I would like to receive the following information for the previous five years, with an annual breakdown. I also request a breakdown by specific offences (if available). In each case, please provide the maximum severity (eg speed, BAC), and/or details of the breakdown of any offence severity banding (eg speeding at 30mph over the limit) as applicable.

- 1 How many of your serving police officers were found to have committed what would ordinarily be considered to be traffic offences while on duty (eg caught on camera speeding or shot by a traffic policeman exceeding a speed limit)? Please exclude any cases where there was a bona fide blue light emergency, or where specific permission was otherwise given.
  - A How many of the above were dealt with by means of internal disciplinary processes, rather than being charged or given a fixed penalty notice (FPN)? Please detail the internal sanctions used, eg restricted duties, dismissal, verbal warning etc.
  - B In how many cases above was no action taken?
  - C In how many cases above was a prosecution mounted, or FPN issued?
- 2 How many officers, both in work and outside of work (given separately), have been charged with motoring offences from your force?
- 3 What guidance exists for officers who stop or reprimand colleagues for motoring offences, both in work and out of work, to prevent unduly lenient treatment?
- 4 What is the policy for police officers (not on blue lights) who are caught by speed cameras and ATS cameras?
- 5 What is the procedure for complaints to be raised concerning any unduly lenient treatment of police officers and staff, specifically with regard to motoring offences?
- 6 What is your force's procedure for allowing the public to report officers for motoring offences, and what are the procedures for bringing charges or issuing FPNs in such circumstances?
- 7 Do you use police vehicle in-cab footage, dash cams or telematics to monitor officers' driving, and to identify offending by officers?
- 8 What complaints, if any, has your force received concerning unduly lenient treatment of motoring offences by officers?

- 9 How many accidents (minor, and separately KSI) have occurred with police officers driving in the course of their duties - excepting tactical stops and other deliberate operational manoeuvres.
- 10 How many off duty police officers were involved in KSI collisions while driving off duty, and separately in non-emergency driving in work? How many of these were prosecuted?

## **Response to your Request**

Norfolk and Suffolk Constabularies have considered your request for information and our response is below:-

When responding to a request for information under the terms of the Freedom of Information Act, a public authority is not obliged to provide information if the authority estimates that the cost of the retrieval of the information requested would be in excess of £450 (equivalent to 18 hours work).

The costs criteria relates to a request in its entirety, which means that if we cannot retrieve all of the information requested within the costs limit, we are not obliged to retrieve *any* of the information requested.

The Norfolk and Suffolk Constabularies estimate that to retrieve all the information you have requested would exceed cost in excess of £450 per force.

With regard to minor traffic offences, the force policy says:-

*There is a requirement for all police personnel to report to the Chief Constable;*

- *Any driving convictions which attract penalty points and/or a period of disqualification whether through court proceedings or otherwise, or*
- *Any other court conviction relating to the driving or use of a motor vehicle on a road.*

*It is the responsibility of each authorised driver to report any conviction or endorsements as above to the Driving School via their line/departmental manager. In addition to this all authorised drivers are required to report any impending court proceedings/hearings that could result in a conviction or endorsement.*

*The Chief Inspector Response will on the basis of the specific incident, the driver history and where appropriate in consultation with the driver's line management decide whether;*

- 1 *To take any further action*
- 2 *To arrange a driving assessment*
- 3 *To refer the matter to Professional Standards Department for advice on misconduct proceedings.*

Any reports to the driving school are entered onto staff personnel records. There is no central record for this and each individual HR record would need to be reviewed to establish whether the individual has reported a minor traffic offence to either Constabulary.

Considering this would involve the search of thousands of records, this would significantly exceed the appropriate limit for dealing with a Freedom of Information request, in terms of cost, and therefore Section 12(1) of the Freedom of Information Act applies.

Section 12(1) of the Freedom of Information Act states that a public authority is not obliged to:

*"...comply with a request for information if the authority estimates that the cost of*

*complying with the request would exceed the appropriate limit”.*

The Freedom of Information (Appropriate Limit and Fees) Regulations 2004, defines the ‘appropriate limit’ for Norfolk and Suffolk Constabularies as £450 each, and specifies that this sum equates to 18 hours work at a standard rate of £25 per hour.

In accordance with Section 17 of the Freedom of Information Act (2000), this serves as a Refusal Notice for your request.

### Advice & Assistance

Although excess cost removes the Constabularies obligations under the Freedom of Information Act, as a gesture of goodwill, we have supplied information, relative to your request, which was retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful but it does not affect our legal right to rely on the fees regulations for the remainder of your request.

Q1 With regard to FPNs issued for speeding offences, this would also exceed the cost limit. If an unmarked vehicle is identified as activating a camera, the Notice of Intended Prosecution is sent to Transport Services. They will carry out enquiries to see which business area was using the vehicle at the time and will forward the NIP. It is the responsibility of the relevant department to carry out the necessary enquiries to determine whether the driver was driving the vehicle in line with the force policy.

Therefore each department would need to be contacted to see what relevant information is held and this would exceed the cost limit.

Q2 A recent FOI request completed by the Constabularies regarding motoring offences by serving officers included the following information:-

A review of internal conduct cases recorded in Professional Standards for the period 1<sup>st</sup> January 2013 to 31<sup>st</sup> December 2017 has been conducted.

With respect Norfolk officers, two police officers were convicted of driving with excess alcohol whilst off duty. Both of these incidents occurred in 2016. Misconduct proceedings were undertaken and both were subject to misconduct hearings where they were dismissed.

With respect Suffolk officers, one police officer appeared at court for driving with excess alcohol whilst off duty in 2016. The officer was found not guilty but went on to appear at a misconduct hearing where they were dismissed.

Q3 Officers are required to deal with colleagues in line with the Code of Ethics. A link to the College of Policing website Code of Ethics document has been provided below:-

[http://www.college.police.uk/What-we-do/Ethics/Ethics-home/Documents/Code\\_of\\_Ethics.pdf](http://www.college.police.uk/What-we-do/Ethics/Ethics-home/Documents/Code_of_Ethics.pdf)

Q5 Members of the public can make a complaint regarding police officers and staff as per Independent Office for Police Conduct (IOPC) guidance. A link to the IOPC has been provided below:-

<https://www.policeconduct.gov.uk/complaints-and-appeals/make-complaint>

This response will be published on the Constabularies web-site under the Freedom of Information pages:-

<https://www.norfolk.police.uk/about-us/our-data/disclosure-log>

<https://www.suffolk.police.uk/services/freedom-information/disclosure-logs>

Should you have any further queries concerning this request, please contact Amanda Gibson, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;

<http://www.opsi.gov.uk/>

Norfolk and Suffolk Constabularies are not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.

Your Right to Request a Review of Decisions Made Under the Terms of the  
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask the Norfolk and Suffolk Constabulary to review their decision.

Ask Norfolk and Suffolk Constabularies to look at the decision again.

If you are dissatisfied with the decision made by Norfolk and Suffolk Constabularies under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk and Suffolk Constabulary that you are requesting a review within 20 days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker  
Information Management Department  
Norfolk Constabulary  
Operations and Communications Centre  
Jubilee House  
Falconers Chase  
Wymondham  
Norfolk NR18 0WW  
OR  
Email: [freedomofinformation@norfolk.pnn.police.uk](mailto:freedomofinformation@norfolk.pnn.police.uk)*

In all possible circumstances Norfolk and Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 20 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Norfolk and Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at [www.ico.org.uk](http://www.ico.org.uk) or contact them at the address shown below:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Telephone: 01625 545 700