



FREEDOM OF INFORMATION REQUEST

REQUEST NUMBER: F-2011-00831

REQUEST DETAILS:

“How many police vehicles from your force have been caught speeding when not on an emergency call with lights flashing. Please include figures for 2009, 2010 and so far in 2011.”

RESPONSE:

Suffolk Constabulary has considered your request for information and our response is below.

The information provided relates to those offences concerning vehicles registered to Suffolk Constabulary at PHQ, but there is no way of deciphering whether or not they were on an emergency call at the time. These figures represent offences where photographic evidence was viewed and the offence details transferred over to the computer systems used to process the offences, resulting in the offence being referred to a supervisor for a decision on enforcement and/or the issue of a Notice of Intended Prosecution / Section 172 Notice.

Not included within the figure, is the amount of offences cancelled at the stage the photographic evidence was viewed; unfortunately this is not retrievable from the computer system.

2009 – 38 offences recorded of which 3 were dealt with by fixed penalty
2010 – 87 offences recorded of which 4 were dealt with by fixed penalty
2011 – 16 offences recorded of which 0 have been dealt with by fixed penalty at this time.

Please note that the figure for 2011 is up to and including 7 March 2011, therefore there may be some outstanding FPN's that have not as yet been finalised or may be pending payment.

Notices involving Suffolk Constabulary vehicles are cancelled under Section 87 of the Road Traffic Regulation Act 1984 (Speed), where the driver and their commanding Officer believe that observance of the speed limit would have been likely to hinder the use of the vehicle for the purpose for which it was being used on that occasion.

The Act states: *“No statutory provision imposing a speed limit on motor vehicles shall apply to any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes, if the observance of that provision*

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would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion”.

The Prevention and detection of crime and apprehension of offenders are a key aim to the Constabulary and therefore there will be occasions where the speed limit will be exceeded to ultimately ensure the safety of the County.

These would include issues such as attending an emergency call, gaining on a vehicle ahead which they intended to stop and a multitude of operational issues. It does not state within the regulations that Police Vehicles have to use their blue lights when exceeding the speed limit. Blue lights are used to try and warn other motorists of the police vehicles presence when traffic conditions require it, but these can hinder operations such as attending burglaries in progress at night where the lights can be seen from a long distance.

Whilst it is widely recognised that this exemption is essential to the police in conducting our business, it must be used reasonably and not to excess. It must be remembered that the purpose of the exemption is to facilitate a prompt response from emergency personnel. Above all, it is essential that staff travel to an incident **SAFELY**. Officers are responsible in law for their actions as a driver. The statutory exemptions do not afford them any protection against compromising safety and they must consider how the public will react to their presence.

In the event of a safety camera or other approved device being activated by a police vehicle or hire vehicle, whether marked or unmarked and whether it is utilizing emergency warning equipment or not, the officer shall, if aware of the activation, as soon as is practicable, inform the Force Operations Room for this information to be attached to any relevant log.

Alternatively, an Event can be created stating the name, rank and number of the driver and details of the date and time of the activation together with full details of the vehicle and circumstances of the incident.

The Central Ticket Office (CTO) staff will not normally seek an explanation from a police driver where it is obvious that the vehicle was being used for 'police purposes' i.e. Blue Lights are flashing. This will be known as a 'Stage One' Exemption. However, even if blue lights are obvious the CTO will take into account the speed involved and may proceed to stage two if appropriate. If it is possible the incident will proceed to stage two, the CTO will:

- View the offence and process it
- The same day refer to a Procedures Officer or the CTO Manager
- Possibly may view the photographic evidence and decide on enforcement
- Enter a minute onto the system giving the reason for their decision.

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If the decision is exemption, the speeding will be cancelled so that no Notice of Intended Prosecution (NIP) is issued. If the decision is made to continue, a NIP & exemption letter/form will be issued. This will be termed a 'Stage Two Exemption.'

Line managers (Inspectors or above) are required to declare on the exemption form, whether the vehicle was being used for police purposes and that such a speed was justified. All exemption forms then need to be returned to the CTO Manager for a decision to be made as to whether the matter can be finalized or not. If having regard to the circumstances, the CTO Manager has concerns about the matter; it should be referred to their line manager, a CJS Development Manager, who will in turn refer the matter to the Head of Protective Services, with recommendations.

If a decision is made to refer the matter to CPS, the Policing & Professional Standards department will be informed and the decision will be communicated to the CTO Manager, who will arrange for the appropriate prosecution file to be submitted.

If, after scrutiny at Stage Two and using the above guidance, any doubts as to the use of a legal exemption remain, the case will be forwarded to the Crown Prosecution Service for independent and objective review. This will be termed a 'Stage Three Exemption.'

For further information concerning Suffolk Constabulary's procedure for driving Police vehicles at speed and subsequent safety camera enforcement action taken by the Central Ticket Office can be found via the following link, from page 8.

<http://www.suffolk.police.uk/NR/rdonlyres/20D8873B-DB20-4563-8993-A3D91ECEF95F/0/DrivingofPoliceVehicles.pdf>