



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2008-03571

Keyword: Operational Policing

Subject: Different types of equipment / numbers deployed by PSNI for detecting Speed

Request:

- Q1. Will you please send me details of the different types of equipment and numbers deployed by PSNI for detecting speed on our roads?**
- Q2. Details of the training given to officers using the equipment and the checks made on the equipment to ensure that it is working correctly.**
- Q3. The Legislation in place to allow the evidence gathered by such equipment to be given in Court.**
- Q4. The Legislation, which allows each individual piece of equipment to be deployed on our roads.**
- Q5. The number of Police vehicles detected exceeding the speed limit where the driver has been given a FPN or prosecuted**

Answer:

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested. The decision has been taken to disclose the located information to you in full.

Answer 1

I have been advised by Roads Policing Department that there are currently maintenance/calibration check contracts in existence for the following numbers of equipment: -

Mini Quip (hand held radar)	20
Pro Laser	9
LTI Systems	33
Ultra Light (hand held radar)	133
SPECS (fixed camera site)	2 (A1 Newry and A2 Bangor)
Safety Camera (mobile)	8 (vehicles -1 LTI 20.20 laser fitted to each vehicle)
VASCAR	100 (time/distance devices)

For your information with the exception of SPECS (fixed camera site) and safety camera (mobile) equipment districts can purchase their own equipment.

Answer 2

All officers who are trained in the use of speed detection devices receive the appropriate training for each piece of equipment. Training is conducted in accordance with the guidance contained in the ACPO Code of Practice for Operational Use of Road Policing Enforcement Technology (available on internet), Manufactures Handbooks (available from manufactures) & any Service Policy if applicable. On each course they are instructed on how to carry out the calibration checks relevant to the equipment and where and how to record details of same.

Answer 3

The legislation for evidence gathering is contained in the information below and can be viewed on the internet at www.opsi.gov.uk and www.acpo.police.co.uk

Speeding offences etc: admissibility of certain evidence (Article 23 of the Road Traffic Offender (NI) Order 1996)

23. —(1) Evidence of a fact relevant to proceedings for an offence to which this Article applies may be given by the production of—

(a) A record produced by a prescribed device, and

(b) (In the same or another document) a certificate as to the circumstances in which the record was produced signed by a constable or by a person authorised by or on behalf of the Chief Constable;
But subject to the following provisions of this Article.

(2) This Article applies to—

(a) An offence under Article 155 of the Order of 1981 (exceeding speed limit);

(b) An offence under Article 156 of that Order (exceeding temporary or experimental speed limit);

(c) An offence under Article 49 of the Order of 1995 consisting in the failure to comply with an indication given in a light signal that vehicular traffic may not proceed;

(d) An offence under paragraph (4) of Article 20 of the 1993 NI 15.Roads (Northern Ireland) Order 1993 consisting in the contravention of a restriction on the speed of vehicles imposed under that Article.

(3) The Department may by order amend paragraph (2) by making additions to or deletions from the list of offences for the time being set out there; and an order under this paragraph may make such transitional provision as appears to it to be necessary or expedient.

(4) A record produced or measurement made by a prescribed device shall not be admissible as evidence of a fact relevant to proceedings for an offence to which this Article applies unless—

(a) The device is of a type approved by the Department, and

(b) Any conditions subject to which the approval was given are satisfied.

(5) Any approval given by the Department for the purposes of this Article may be given subject to conditions as to the purposes for which, and the manner and other circumstances in which, any device of the type concerned is to be used.

(6) In proceedings for an offence to which this Article applies, evidence—

(a) Of a measurement made by a device, or of the circumstances in which it was made, or

(b) That a device was of a type approved for the purposes of this Article, or that any conditions subject to which an approval was given were satisfied, may be given by the production of a document which is signed as mentioned in paragraph (1) and which, as the case may be, gives particulars of the measurement or of the circumstances in which it was made, or states that the device was of such a type or that, to the best of the knowledge and belief of the person

making the statement, all such conditions were satisfied.

(7) For the purposes of this Article a document purporting to be a record of the kind mentioned in paragraph (1) or to be a certificate or other document signed as mentioned in that paragraph or in paragraph (6), shall be deemed to be such a record, or to be so signed, unless the contrary is proved.

(8) Nothing in paragraph (1) or (6) makes a document admissible as evidence in proceedings for an offence unless a copy of it has, not less than 7 days before the hearing or trial, been served on the person charged with the offence; and nothing in those paragraphs makes a document admissible as evidence of anything other than the matters shown on a record produced by a prescribed device if that person, not less than 3 days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice on the complainant requiring attendance at the hearing or trial of the person who signed the document.

(9) In this Article "prescribed device" means a device of a description prescribed in an order made by the Department.

(10) Orders made under paragraphs (3) and (9) shall be subject to negative resolution.

5. Attended Actively Operated Devices: Presentation of Evidence

Any prosecution depends upon the integrity of the method of operation, accurate observations by the officer operating the device and their professional presentation of evidence, if challenged, before the court. It is in this area that the integrity of the device and its operation will be closely scrutinised.

Operators should record evidence concerning the target vehicle, such as speed, direction of travel, etc. Additionally, they should note any other factor (such as the presence of any other vehicle in the vicinity), which may be used in defence when challenging prosecution evidence. (Criminal Procedure & Investigations Act 1996).

All evidence must be properly documented.

The evidence from attended actively operated equipment corroborates the operators prior opinion the target vehicle was travelling in excess of the permitted speed limit for the road or class of vehicle.

If the operator has any doubt as to the validity of the reading obtained by the device in comparison to their personal estimation of the speed of the target vehicle, then they will stop the check.

Except in exceptional operational circumstances, devices should normally be operated from positions where they will be clearly visible to the public.

The target vehicle must be kept within direct sight of the operator of the device at all times throughout the period of observation and check.

The device operator must make contemporaneous positive identification of the target vehicle.

Whilst no legal requirement exists for the accused driver to be shown the speed recorded on the device, they should be given the opportunity whenever this is possible. (Westwater/Milton, 1980).

A trained police operator must be aware of the basic technical functions of the device. However, it is not necessary for them to be technically qualified to give evidence on neither principles of the system nor the internal workings of the device. If such evidence is required, then the CPS should ensure an expert witness is called from the manufacturer or their agent.

The operator must be in a position to produce evidence, which supports their opinion that, at the time a device produced a record (for example on the visual display unit) the device was working correctly.

Answer 4

This legislation can be found on the ACPO website mentioned in answer 3 above and states the following: -

1. Home Office Type Approval

1.1 What is Home Office Type Approval?

The purpose is to ensure devices are accurate, reliable and robust and provides accurate evidence leading to safe convictions. Home Office Type Approval is granted for enforcement devices that have been manufactured or supplied to the strict criteria laid down in handbooks produced by Home Office Police Scientific Development Branch (PSDB) and are intended for police use. If the device meets the criteria and is successful in Type Approval testing the supplier and the

Home Office enter into a Type Approval agreement. This places a strict contractual obligation on the supplier to ensure all devices supplied for road policing enforcement in England, Northern Ireland, Scotland and Wales comply exactly with the devices tested.

1.2 How is the Type Approval made known?

The Home Office will ensure a copy of all Type Approval Orders is sent to every police force in order to ensure a copy can be produced at court when required. Any person or organisation can obtain a copy of a statutory instrument from the Stationery Office, or orders issued from January 1998 onwards can be downloaded from www.homeoffice.gov.uk.

1.3 What is the Type Approval Process?

The process for acquiring Home Office Type Approval has two parts: an ACPO Road Policing Enforcement Technology part followed by a Home Office part.

Answer 5

Article 42 of the Road Traffic Regulations Order, states, "No enactment imposing a speed limit on motor vehicles shall apply to any vehicle on an occasion when it is being used for fire brigade, ambulance, police, military or customs purposes, if compliance with that provision would be likely to hinder the use of the vehicle on that occasion for any of those purposes".

If a police vehicle is detected by way of safety camera or at one of the fixed sites it is treated in the same manner as a member of the public. If Article 42 of the Road Traffic Regulation (NI) Order 1997 applies no further action is taken, if this is not the case the officer is treated as a member of the public and prosecuted etc in the same way however we could not say how many of these occasions there are because a persons occupation is not recorded on our FPN computer system e.g. "Police officer".

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this email.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that all PSNI replies under Freedom of Information will be released simultaneously into the public domain via our website @ www.psni.police.uk.

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.