



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2010-00650

Keyword: Road Policing

Subject: Speed Detection Procedures

Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information you requested and the answers to your questions are as follows.

I have today decided to:

- disclose records in relation to question 1 in full and
- fully exempt records in relation to questions 2 - 6 pursuant to the provisions of Section 30 of the Act.

Question 1

I am seeking further information under the Freedom of Information Provisions as follows

While travelling on the Dromore bypass on the 31st January 2008 a speed sign showing 60mph was clearly displayed my speed at the time was recorded by your officers as being 57mph. To me this is within the speed limit and yet I received a speeding ticket.

It now appears that this 60mph was incorrectly displayed due to road works.

I am looking information as follows:

What is the procedure that your officers must do when setting up these speed checks.

Answer

PSNI do not hold any records in relation to this part of your request. However, I can advise you that at each deployment the Safety Camera Operators record details of the location, start and finish times, weather and road surface conditions and the speed limit pertaining. They must also check the speed restriction signs before commencing enforcement and record their distance from these signs. Finally, they will ensure that it is safe to deploy at the intended location.

Question 2

What checks did your officers do to make sure these signs were correctly displayed.

Question 3

Copy of all records made in relation to the checking of these signs.

Question 4

Time your officer arrived at this location.

Question 5

Time your officers started checking the speed of vehicles.

Question 6

All other information.

Answer

Section 17 of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

- (a) states that fact,
- (b) specifies the exemption in question and
- (c) states (if not otherwise apparent) why the exemption applies.

The information you have requested is exempt from disclosure under the Freedom of Information Act 2000. The exemption applicable is as follows:

Section 30 (1) (a)(b)(c) – Investigations

Section 30 (1)(a)(b)(c) is a class based qualified exemption and therefore a Public Interest Test must be carried out.

The first part of the exemption covers information which “has at any time been held” by a public authority for any of the following purposes:

- a) Investigations into whether a person should be charged with an offence, or whether a person charged with an offence is guilty of it.
- b) Investigations which may lead the authority to initiate criminal proceedings which it has the power to conduct
- c) Criminal proceedings which the public authority has the power to conduct.

Under the Freedom of Information Act 2000 any information disclosed is released into the public domain not just to the individual requesting the information. Police investigations are conducted with due regard to the confidentiality and privacy of any persons involved. Releasing this information could prejudice any prosecution or criminal proceedings.

PUBLIC INTEREST TEST**Factors Favouring Release – Section 30**

There is a general public interest in the way that police work and for public bodies to be accountable for their actions. Information, which enables the efficiency and effectiveness of a force to be

scrutinised, will be of benefit to the community. Release will reassure the public that officers carry out correct procedures regarding speed detection.

Release may assist the requester in determining whether to pursue a legal remedy or otherwise.

Factors Favouring Retention – Section 30

Police investigations are conducted with due regard to the confidentiality and privacy of any persons involved. The information requested would form part of any prosecution file with regard to any penalty tickets issued as a result of the use of the laser and vehicle in question on the date mentioned. Releasing details of this specific incident could compromise any investigation or possible prosecution.

DECISION

Having considered the above I have decided that this information should not be disclosed. The information requested would form part of any prosecution file with regard to any penalty tickets issued as a result of the use of the laser and vehicle in question on the date mentioned. Disclosing the details of the incident could compromise any investigation and/or the outcome of any possible prosecution.

For your information members of the public can apply in writing or telephone directly to the Fixed Penalty Processing Centre, to arrange an appointment to view the relevant speed detection, video evidence. Viewing generally takes place during office hours at a viewing suite at PSNI Lisnasharragh. An appointment is required prior to viewing to ensure the relevant tape is readily available.

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 letter.

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 PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psnipolice.uk

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