



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-03386

Keyword: Road Policing

Subject: Speed Camera Vans

Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information.

I have today decided to:

- disclose information in response to questions 6 to 9 and 12 in full;
- fully exempt information in response to questions 1 to 5 and 10 to 11 pursuant to the provisions of Sections 21, 31 and 38 of the Act.

Question 1

I would like information regarding the Speed Camera Vans which are used in Northern Ireland. This request follows on from request F-2011-02729 which I would like to thank you for replying to. The information specifically applies to the speed camera Van used on Tuesday 9th August 2011 (Afternoon) on Moyarget Road, Moyle, BT53. The information I would like is:

Was a daily calibration check carried out on the Teletraffic LTI20:20 laser on Tuesday 9th August (Moyarget Road site)? (This is the Instrument Confidence Check as referred to in the Teletraffic manual and which AA Drivetech says should have been carried out.)

Question 2

Was the confidence check carried out before and after the enforcement session at Moyarget Road?

Question 3

Has a log of this confidence check been kept and could a copy of this log be released?

Question 4

What distance and angle were the measurements made with this equipment on this day? (If this is fixed or the "gate window" was used on the device)

Question 5

Is the co-sign error phenomenon (referred to in the devices manual) of this device allowed for when

fixed penalty notices are issued?

Answer

Section 17(1) 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 the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The following exemption has been applied:

Section 21 - Information Reasonably Accessible by Other Means

The information you request is available to you via "Disclosure" under the Criminal Justice Act 2003. Should you lodge a "not guilty" plea at court, the prosecution are under a duty to disclose evidence which undermines the prosecution case or assists the defence case. Please see the link below for further information;

<http://www.legislation.gov.uk/ukpga/2003/44/notes/division/2/5>

Question 6

How long was the speed camera at this location on this day?

Answer

The speed camera was at this location for 2 hours 30 minutes.

Question 7

How many fixed penalty notices were issued on this day (at this location)?

Answer

36 fixed penalty notices were issued on this date.

Question 8

How many fixed penalty notices were cancelled (from those issued on this day at this location?)

Answer

No fixed penalty notices were cancelled.

Question 9

What were the reasons for the cancellation of these notices?

Answer

No fixed penalty notices were cancelled

Question 10

The following questions refer to the speed awareness courses that PSNI run (for motorists detected in a 30 mph zone - specifically Moyarget Road site).

At what detected speed are motorists offered the NATIONAL speed awareness scheme course?

Question 11

At what detected speed are motorists offered the LOCAL speed awareness scheme course?

Answer

Section 17(1) 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 exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 31 (1)(a)(b) Law Enforcement
Section 38 (1)(a)(b) Health and Safety

Sections 31 and 38 are prejudice based and qualified exemptions, therefore a Harm Test and Public Interest Test are necessary.

Harm Test

The PSNI is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Release of this information has the potential to increase speed on our roads. To reveal the detected speed at which drivers are offered speed awareness courses would reveal the PSNI enforcement threshold. If the enforcement threshold were revealed motorists may drive to this rather than the posted speed limit. This could negatively impact on the police's ability to effectively enforce speed limits and expose drivers and pedestrians to significant risk of harm.

Public interest Test - Section 31

For Release

The PSNI has a duty to effectively police Northern Ireland's roads. The public have a right to know that this is being done responsibly. Release would also lead to better understanding of the speed detection processes used on the roads.

For Retention

Release of this information would compromise road policing tactics, place individuals at risk and may lead to more driving offences being committed.

Public Interest Test - Section 38

For Release

Disclosure would lead to better public awareness and debate with regards to roads policing and the speed awareness scheme.

For Retention

The release of information relating to speed detection thresholds could lead to increased danger on the roads and pose a significant risk to drivers and pedestrians. Excessive speeding is already the main cause of the vast majority of crashes which kill and seriously injure on our roads. To reveal PSNI's enforcement thresholds could deliver a message that speeds other than those posted will be tolerated and create a loss of confidence in the PSNI to protect the well being of the community.

Decision

There is always a strong interest in the accountability of the Service, however, balanced against this is the importance of public safety and the ability of the police to prevent and detect crime.

Disclosure would be likely to increase danger on our roads and place individuals at risk. Information should not be released if it is likely to endanger the safety of any individual.

It is for these reasons that the public interest must favour withholding the requested information.

Question 12

Of the £86.81 fee for the course, what proportion is retained by AA Drivetech and what proportion is retained by the PSNI (or speed camera partnership).

Answer

Currently £27 of the money recovered from offenders attending the speed awareness course is returned to the PSNI. An additional £5 is retained by ACPO Road Safety Support to pay for maintenance of the National Police Improvement Agency's national database. The remaining £54.81 is retained by AA Drivetech. Amounts shown are inclusive of VAT.

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.