

## **Public Interest Test 2921\_15**

### **Exempt Information**

The following information is exempt under Section 31 (a)(b) Law Enforcement and Section 38 (1) (a)(b) Health and Safety.

1. The speed threshold that the West Midlands Police (WMP) team enforce at.

### **Harm**

To disclose this information would alert individuals to police tactics and undermine the work of speed enforcement. If drivers were able to predict police tactics they would be more likely to exceed the speed limit as they would believe that the chances of being recorded at certain speeds was low. This may lead to a number of motorists driving at a speed above the national limit, but just below a speed at which they believe they are likely to be prosecuted. This would be detrimental to law enforcement by encouraging people to drive in excess of the limit which can lead to road traffic collisions which in turn can lead to significant harm to motorists and other members of the public.

For camera enforcement to be truly effective there must be the perception that the chances of being recorded are high at all times. Also, the risk of being caught speeding and the enforcement action that may result, is a significant deterrent to persons who may otherwise commit such an offence. The release of the speed threshold would significantly undermine this deterrent by revealing the threshold at which the Constabulary will take action against motorists.

### **Reasons for disclosure**

Disclosing information about policing tactics would provide a greater transparency in the actions of a public authority. It is clear that there is a public interest in public authorities operating in as transparent a manner as possible, as this should ensure they operate effectively and efficiently. Confirming the speed threshold could help to ensure that WMP is prosecuting offenders at a level that is safe for both drivers and the public. The public can judge whether we are using our resources in the most efficient manner. Therefore it may provide the necessary safeguards and satisfy the public interest in this matter.

This information could assist individuals in gaining an understanding of road safety in relation to speed. This would therefore help them gain awareness regarding road safety issues.

### **Reasons for non disclosure**

Where the current or future law enforcement role of the force may be compromised by the release of information, then this is unlikely to be in the interest of the public. Confirming the

threshold at which we do not prosecute, makes it more difficult for the WMP to enforce the speed limit. Driving above the designated speed limit is not only unsafe but also illegal. We therefore reserve the right to prosecute all those who are breaking the law.

In this case, confirming the threshold could negatively impact driver behaviour. It may encourage drivers to exceed the speed threshold knowing that the WMP do not prosecute below a certain level. In a report by the Slower Speeds Initiative, it is documented that 'for every 1mph change in average speed there will be a corresponding 5% change in the number of crashes.'<sup>1</sup> As well as an increase in the risk of a Road Traffic Collision (RTC) occurring, an increase in the speed increases the consequences of these RTCs. Therefore by releasing the speed threshold could have potential dangerous consequences for drivers and members of the public. Putting the public's safety at risk is unlikely to be in the public interest.

### **Balancing Test**

For a public interest test, issues that favour release need to be measured against issues that favour non disclosure. The public interest is not what interests the public, or a particular individual but what will be the greater good, if released, to the community as a whole.

The issues of transparency and accountability of WMP are noted. However, on balance it is considered that the public interest in disclosing the data is outweighed by the potential impact release would have on law enforcement and driver behaviour.

Releasing the speed threshold increases the possibility of drivers purposely driving over the limit but below the trigger speed. Consequently this makes the deployment of safety cameras less effective, thereby compromising this important law enforcement technique and increasing the risk of injuries to the public.

Having considered the arguments for and against, the public interest test favours the non disclosure of the data requested. West Midlands Police will not disclosure information that will undermine future law enforcement and put the public in danger.

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<sup>1</sup> <http://www.slower-speeds.org.uk/files/slowspeeds/ssi%20bad%20driving%20response.pdf>