



west midlands
casualty reduction
s c h e m e

Guidance for staff around activation of safety cameras by emergency

Service vehicles

Background

Safety cameras have been a feature of the national drive to reduce road casualties on UK roads for a number of years. The West Midlands Police area includes the use of these cameras which are deployed at locations where there is a history of collisions and speed is a contributing factor and issue.

The safety cameras are operated by West Midlands Casualty Reduction Scheme, (WMCRS) a department of Force Traffic. At present, there are safety cameras deployed at fixed speed sites, red traffic light controlled junctions, mobile deployment vehicles and as part of the active traffic management system (ATM) on the M42 motorway, (this will also be extended along the M6 in the West Midlands).

In 2009, there were 40,388 activations of the safety cameras by emergency service vehicles, of those, 10,568 were by Police Vehicles. The vast majority of those activations were in line with force policy and no further action was taken.

This guidance is to provide support and information to WMCRS staff, police drivers and supervisors and other emergency service staff on all emergency service vehicle activations of safety cameras.

It takes into consideration the following documents;-

1. West Midlands Police Part 1 order 62/2006 (and associated documents)
2. Road Safety Act 2006
3. CMPG Driving Policy (Version 5)
4. DfT Circular 01/2007, Use of speed & red light cameras for traffic enforcement

5. ACPO Guidance 2007, emergency service vehicles, speeding and red light offences

Exemptions

Section 1.11 of West Midlands Police Part 1 order 62/2006 clearly states the following:-

Where credible evidence comes to light that any police vehicle has been travelling at excessive speed for the prevailing circumstances/conditions, that instance will be subject to close scrutiny and will attract referral to the territorial LPU commander for consideration. If necessary this may require suspension from driving duties pending appropriate investigation. In any circumstances speed will only be tolerated if the vehicle is engaged in:-

- Training
- Response to an immediate incident
- A pursuit (as per pursuit policy)
- Speed detection (following check)
- To assist in making progress towards the stopping of a compliant motorist i.e.

ANPR operations

- Where the gravest of circumstances apply
- Vehicle testing by the driver development unit specifically commissioned by the fleet manager.

Speed

Section 87 of the Road Traffic Regulation Act, as amended by the Road Safety Act 2006 states any statutory provision imposing a speed limit on motor vehicles does not apply to any vehicle which is being used for Fire and Rescue, Ambulance or Police purpose (including training), if the observance of that provision is likely to hinder the use of the vehicle on that occasion.

While exemption from adhering to speed limits when engaged in response exists, there still remains a statutory requirement to maintain safety margins – legal exemptions for police do not include driving at a speed or in a manner which would amount to driving without due care and attention.

The full statutory wording for Sec 87 RTRA is:-

The Road Traffic Regulation Act 1984 as amended by Schedule 4 of the Serious Organised Crime and Police Act 2005 provides traffic authorities with the authority to regulate traffic within their area.

Section 87 of the Act exempts certain emergency vehicles from speed limits if observance would hinder the use of the vehicle for the purpose it was being used for on that occasion.

87(1) 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 and rescue authority, ambulance or police purposes, if the observance of that provision would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.

87(2) Subsection (1) above applies in relation to a vehicle being used:-

(a) for Serious Crime Agency purposes, or

(b) for training persons to drive vehicles for use for Serious Crime Agency Purposes, as it applies in relation to a vehicle being used for police purposes.

87(3) But (except where it is being used for training the person by whom it is being driven) subsection (1) above does not apply in relation to a vehicle by virtue of subsection (2) above unless it is being driven by a person who has been trained in driving vehicles at high speeds.

Note

Section 87(3) means that the speed exemption in section 87(1) (exemption for certain emergency vehicles) only applies to SOCA staff who have been trained in driving vehicles at high speeds or by staff using such a vehicle to train them.

Training in the context is interpreted to mean a formal training course, driving assessment or check drive with an accredited driver trainer. Under no circumstances will drivers be considered for an exemption outside this remit.

While exemption from adhering to speed limits exists, there still remains a statutory requirement to maintain safety margins – legal exemptions do not include driving at a speed or in a manner which would amount to driving without due care and attention or dangerous driving.

On occasions, often due to circumstances outside their control, police drivers will find themselves considering contravention of other signs and regulations where no

showing to indicate the vehicle is responding to an emergency call within these tolerances, unless there is concern about the speed given the time of day / road conditions / urban location of the camera etc in which case a review will be undertaken by the CEU Supervisor.

It should be borne in mind that sifting out emergency service vehicle activations at this stage does not necessarily mean that there will be no prosecution for offences arising from the driving of the vehicle which come to light by means other than safety camera activation.

Action outside Tolerances

In these cases the CEU Supervisor will review all paperwork provided.

A NIP will be generated and forwarded for a report and consideration of exemption to the LPU or department that the vehicle is allocated to.

LPU/department determine who the driver is and driver must write written report (or fill out exemption form, example attached at the rear of this report in Appendix A) as to the details of the incident to include Log URN number or details.

Exemption form must be endorsed with recommendations for supporting or not supporting an exemption in that specific case by Ch Insp Rank or above. If not authorised by the correct rank, the exemption will be forwarded back to the LPU commander.

The final decision on all cases will be made by the WMCRS manager taking all information into account.

It is recognised that in accordance with the Director's Guidance on Charging, any decision to prosecute (charge or summons) must be made by CPS where there is an allegation of dangerous driving or where the circumstances of the driving have resulted in the death of any person. Director's Guidance on Charging also enables the police to seek early advice and guidance from CPS in any appropriate case (including those in which the police may themselves determine the charge).

Other Emergency Vehicles

Other Emergency Vehicles displaying blue lights should be dealt within the tolerances set for police driver and NIPs/exemption notices issued where appropriate.

Appendix A.

WEST MIDLANDS POLICE – FORCE EXEMPTION FORM

Notice of Intended Prosecution - Emergency Vehicles Speed Exemption

Application

Name Rank No Station

At hours on (day & date)

I was driving vehicle Reg No at (location)

I have subsequently been served with a Notice of Intended Prosecution – Number C

With concern to the speed of the vehicle. I wish to avail myself of the provisions of

Section 87, Road Traffic Regulation Act 1984 for the following reasons:-

Brief Circumstances (include log URN number, road and weather conditions, and incident attended)

.....

.....

.....

.....

Driver / Rider status Advanced/Standard/Basic (Please Circle)

Signed Date

Name Rank Number

Line Manager Use Only

I Support .. Do Not Support .. the application for exemption

Signed..... Date.....

Name Rank Number

Head of LPU / Dept Use Only (Ch Insp or above)

I Support .. Do Not Support .. the application for exemption

Signed Date.....

Name Rank Number

GUIDANCE NOTES

Provision exists in law to protect drivers of emergency service vehicles from prosecution for excess speed or red traffic light offences dependant upon the use to which the vehicle was being put at the time.

There is no blanket exemption for these offences and each and every recorded event must be capable of justification to preserve the integrity of the operators and the police service.

ACPO Protocol makes no distinction between “marked” or “unmarked” emergency vehicles. If, therefore, an unmarked vehicle is identified by PNC as an emergency vehicle the following procedure will be adopted. A Notice of Intended Prosecution will be sent to the LPU/Department concerned who will either claim exemption or not as is the current practice.

Whenever the driver of a police vehicle is aware that a speed or red-light camera has been activated, they should inform their control so that an OASIS log can be either created or, if en route to an incident, updated

The receiving LPU/Department will then cause enquiries to be made into the circumstances surrounding the activation. The OASIS log (where available) should be returned together with the exemption form from the officer concerned, which should be endorsed by an officer not below the rank of Chief Inspector, stating whether or not the application for exemption is supported. These papers should then be returned to CEU for cancellation or process as appropriate. Any cases that require further decision will be considered by Chief Superintendent, Operations