" PPP "
People for Proper Policing in North Wales

Below is a verbatim extract of the most important paras in the 97 page document entitled…….

ACPO Code of Practice for Operational use of Enforcement Equipment

Owner: ACPO Road Policing Business Area (i.e Richard Brunstrom..MRC)
Author: ACPO Road Policing Enforcement Technology Committee
Implemented: 1 November 2002
Review: 31 December 2004
Version: 2.1 (1 March 2003)

Human Rights Statement

Overview

Consideration has been given to the compatibility of this policy and related procedures with the Human Rights Act; **With particular reference to the legal basis of its precepts; the legitimacy of its aims; the justification and proportionality of the actions intended by it**; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making processes and outcomes of action. In the application of this Code of Practice, the police service will not discriminate against any persons regardless of sex, race, colour, language, religion, political, or other opinion, national or social origin, association with national minority, property, birth or other status as defined under Article 14,
Of the European Convention Human Rights (ECHR).

In the event of equipment malfunction or **other circumstances**, whereby the detection of an offence maybe unsound, **officers are prohibited from making detections or pursuing prosecutions.** It should also be noted that legislation protects drivers of emergency vehicles from prosecution dependent upon the use to which the vehicle is being put at the time.

When selecting a casualty reduction site, **treat with extra caution** places with view of: high voltage overhead lines, transmitting masts or tower, airports or harbours, and any other place where high power radar transmitters may be expected to operate.
Always select a site with a clear view of the oncoming traffic and which is free of any large objects such as: bus shelters, large road signs, fences/crash barriers, stationary large vehicles.
To avoid multiple reflections the radar must not be operated from under a bridge or arch and should not be targeted through bridges, railway arches or concrete lined cuttings. Other types of device should be used.
The **selected site** should be assessed for reflections by facing the traffic flow and aiming the meter along the road when no vehicle is in view.

Traffic passing to the side and rear of the operator may cause a reading if a reflective surface is present. **A different site must be selected if this could happen.**

5. Attended Actively Operated Devices: Presentation of Evidence

The proper application of all checking procedures coupled with the officers prior qualification and knowledge of the device, will satisfy a court that the device was working correctly.

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 operator's **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.
Contemporaneous, positive identification of the target vehicle must be made by the device operator.

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 v Milton, 1980).

A trained police operator must be aware of the basic technical functions of the device. However, it is not necessary for them be technically qualified to give evidence on neither the 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.

14. Laser/Optical Speedmeters

14.1 Introduction

Laser/optical devices are capable of being manufactured for hand-held, vehicle mounted (when stationary) or roadside use in both attended and unattended/automatic mode, with or without camera attachments.
The handheld devices, on occasions, **have the appearance of a firearm**. It is therefore important that this fact is borne in mind when operating such units.
The operator must be clearly visible to the public and the target vehicle throughout the check. Devices should be operated in accordance with manufacturers instructions.

14.7 Calibration/Testing

The device **must be** currently within its calibration period.
Due to the nature of the medium and systems used, these devices are continually self-calibrating. Calibration verification is carried out:
(a) By the device itself during its built-in tests upon being switched 'on'
(b) **During and as part of the start and end of tour checks. A record of these checks will be made (i.e. in pocket note book).**
Should a calibration defect arise, the device **must** be returned to the manufacturer or certified authorised agent before further use.
The manufacturer shall annually calibrate a speedmeter or his agent and a certificate should be issued to this effect and held by the police. A visible sticker showing the date of calibration should be fixed to the meter.

The type-approval process acknowledges the accuracy of the device together with its self-checking systems. **In that respect, it is vital that at the start and conclusion of a tour of duty, all laser devices are checked in accordance with the manufacturer's instructions, and will include alignment and distance checks.**
These checks will be recorded and noted as part of the evidence as to the integrity of the machine and the data so produced.
Additionally, at each speed detection site, the officer will note that, when switched on, the device self-checked and operated correctly.

15.2 Criteria for Safety Camera Site Selection

All camera-attached devices have the potential to deal with large numbers of alleged offenders and as such are powerful tools in the drive to reduce road death and casualties. Equally, they can be wrongly **viewed as a revenue-gathering instrument if poorly located or if the relevant casualty reduction strategy is poorly 'marketed'.**
Police forces must liase closely with highway authorities and other members of casualty reduction partnerships in respect of proposed installations. Any location where static or mobile camera enforcement is to be used must be chosen on the basis of the following factors:
• a recognised KSI collision problem
• the causes of the KSI collisions, or a major factor in the severity of injury, must be illegal excess speed or red light running.
• a robust review of the site and surrounding roads indicates enforcement is the best available option with **the sole intent being to reduce casualty figures by means of influencing driver behaviour.**

In this respect **forces should keep in mind the considerable benefit of media involvement by advertising their commitment to such schemes both on a local and force basis**. Police forces should ensure that there is continual discussion (in line with the principles laid down in this section) with highway authorities in respect of the siting and installation of permanent sites for the use of automatic devices and that sites are selected in accordance with Department of Transport, Local Government and the Regions advice issued to Highways Authorities. That advice is repeated in Home Office Circular **38/1992.**
The provisions of **paragraph 15.2** should also be applied in respect of those locations where mobile casualty reduction measures will be utilised.

15.4 Unattended/automatic Devices

Installation …Roadside furniture and equipment must be installed in Accordance with manufacturer's instructions and relevant highway safety legislation.
Care should be taken to ensure that the presence of the equipment does not create a road safety problem and that road signs and the like are not obscured or their effectiveness diminished by the equipment.

Care should be taken to ensure the camera housing is not obscured by signs or foliage to prevent the mistaken perception cameras are hidden to 'trap' motorists.
The use of dummy flash units should receive favourable consideration as experience has shown they have a deterrent effect and are an excellent accident prevention factor. However, the same criteria for location (i.e. designated hot-spot areas) as for "live" cameras should be used. This restriction has been introduced by virtue of the arrangements made by the Secretary of State under Section 38, Vehicles (Crime) Act 2001. Experience has further shown that one camera circulating between up to a maximum of ten sites and moved at regular intervals will produce an effective casualty reduction result.

Visual identification of the offender's vehicle should be verified by confirming make and colour against the records maintained by DVLA or PNC. Best practice is for this to be made while the operator can see the image and the PNC or DVLA data extract.

This **reduces the chances of keying errors** resulting in Notices of Intended Prosecutions being sent to **incorrectly identified registered keepers.**

(e)Any potential defendant, in respect of a speed or red light offence, should be given the opportunity of viewing the image.
(f) The displayed image will only show that part of the vehicle, which permits the identification of the driver with the remainder of the passenger compartment obscured.
(g) The initial image, recorded by the device at the time of the alleged offence, will always remain in its total and unaltered condition as the 'best evidence' for subsequent production in Court if necessary.
A close examination should be made of the film by the operator with a view to ensuring it gives:
• Clear and unambiguous evidence of the offence.
• A record of all the information required by type approval.
Where there is a suggestion in the image that two or more vehicles are, or may, be in the measurement field, the reading must be disregarded.
The Road Traffic Act 1991, in amending the Road Traffic Act 1988 and The Road Traffic Offenders Act 1988, requires that before a conditional offer of fixed penalty can be made **the circumstances of the offence must be considered by a police constable**
as suitable for such an offer to be made. Any audit trail must be robust enough to withstand any challenge this has not occurred.

16.7 Prosecution Procedures and advice on Good Practice
Schedule 9 Paragraph 6(3) to the Criminal Justice and Public Order Act, 1994 amends Section 1 of The Road Traffic Offenders Act, 1988 to provide for the service of NIP's by first class post. To ensure service can be proven, initial

Service of Notice of Intended Prosecution and Section 172 Notices should be made by recorded delivery.
Where there is no response to the initial recorded delivery notice, a reminder notice/letter can be sent by first class mail between 7 and 28 days of the first notice. Experience shows "reminder" letters usually prompt a high level of response; recorded delivery letters are sometimes seen as threatening and ignored.
Some forces have reported difficulty with the courts in identifying the locus of the offence for a failure to comply with a Section 172 notice. There is no definitive court view, although the majority view is the locus of the offence is the point of issue of the notice.

16.8 Cases adjourned Sine Die due to no date of birth

When all possible enquiries have been completed in respect of a Section 172 Notice and the matter has been to court, magistrates are adjourning cases heard in absentia because the date of birth of the offender is not known. **The possibility of including the date of birth on the registration document is being pursued by the DVLA**. This does not solve the problem where another person is driving the vehicle.
In these circumstances it is considered best practice to place an entry on PNC as being of interest to the relevant force, which may provide the opportunity to trace the offender. Forces will need to be in a position to show to the courts they have taken reasonable steps to identify the driver and /or the registered keeper of a vehicle if they are to achieve a successful prosecution.
A number of forces have expressed concern about the resource implications in follow up enquiries from non-response to notices or reminder letters. However, experience has shown where such enquiries are undertaken rigorously, they often yield benefits in detecting other criminal offences. Some responses to a Section 172 notice will state there was more than one possible driver at the material time and the keeper is unable to specify the driver.
In these circumstances and, where front or simultaneous front and rear photography is used, the images may be used to identify the driver **in accordance with the protocol.**

Light beam Speed Measuring Devices (laser)

01495 752323.
Laser Data Interface (LDI)
Only when used in conjunction with both
Kustom ProLaserII Speed
Measuring Device and
Autovision (AV3)
Approved from 24 May1999
Traffic Safety Systems Ltd
Unipar Urban Speed Ace Approved from 28 May 1999 Unipar Services
LTI 20.20 UltraLyte 100 Approved from 15 July 1999 Tele Traffic U.K.
Jenoptik LaserPatrol
Approved from 15 October

1999
Truvelo (UK) LTD
7, Teddington Business Park,
Teddington
TW11 9BQ.
0208 977 1228
Riegl FG21-P
Approved from 23 November
1999
Riegl GmbH
Leica XV2 SpeedLaser
Approved from 12 February
2001
Genesis UK Ltd
4 Mendip Vale
Cheddar Business Park
Wedmore Road
Cheddar
BS27 3EL
Autovelox 104/C-2
Sodi Scientifica
Via Poliziano
50040 Settimelo di Calenzano,
Florence, Italy
Prolaser III
Approved from 21 October
2002 Traffic Safety Systems Ltd

Code of practice for operational use of enforcement equipment

Image Capture Systems For Use Only With Type Approved Laser Speedmeters

LASTEC Local Video System
[for use with LTI 20.20 TS/M
or LTI 20.20 TS/M
"Speedscope" only]
Approved from 10 February
1998
TeleTraffic (UK) Ltd
LaserCam Digital Camera
System [for use with LTI
20.20 TS/M or LTI 20.20
TS/M "Speedscope" only]
Approved from 26/2/98
Locktronic Systems Pty Ltd,
29-31 Heatherdale Road
Ringwood,
Victoria,
Australia
Tel: (03)9872 5577
Fax: (03)9872 5727
Autovision 3 (AV3) when
used in conjunction with the
Prolaser III Hand Held
Speedmeter
Approved from 17 February
2003
Traffic Safety Systems Ltd

Road Sensors Speed Measuring Devices (activated by means of sensors or cables on or near the surface of the road)

Micro Mercury 90500 Approved from 9 August 1993
BDL Systems Ltd,
14, Denmark Lane,
Poole
Dorset.
BH15 2DG
01296 397000
Micro Mercury Vision System
92600
Approved from 9 August 1993 BDL Systems Ltd
The SpeedMaster DS2 Traffic Safety Systems Ltd
The Autovision 2 Traffic Safety Systems Ltd
The Speedman Enforcement
System
Golden River Traffic Ltd,
Churchill Road,
Bicester,
Oxon
OX6 7XT
Tel 01869 24040