



Police Vehicles Detected by Enforcement Cameras Policy (1076/2023)

Abstract

This policy sets out the exemption criteria for drivers who are recorded by a speed camera or red light enforcement camera and the subsequent police action that will be initiated.

Policy

1. Introduction

1.1 This policy is required to ensure drivers are aware of the process that will be initiated and their accountability if they are recorded by a speed or red light enforcement camera whilst driving a police vehicle

It will also guide staff who are responsible for enforcement, processing and investigation of cases; and ensures that there is an auditable decision making and enquiry process. It should be read in conjunction with Driver Permit Groups and Driving of Police Vehicles (Surrey and Sussex) (616) for more information.

1.2 For the purposes of this policy, all references to speed or red light enforcement cameras can include fixed, mobile and average speed cameras; red light enforcement cameras (which can refer to traffic light cameras or red "x" lane control cameras) and speed on green cameras. When new technology is introduced other vehicle enforcement cameras may be appended to this list.

1.3 For the purposes of this policy, all references to Section 172 and the Section 172 Form, refers to [Section 172 of the Road Traffic Act 1988](#).

2. Scope

2.1 This policy covers:

- The exemptions criteria following an Emergency Service Vehicle (ESV) being detected by speed or red light enforcement cameras
- Police action following detection
- Driver Identification

3. Policy Statement

3.1 Drivers of police vehicles are ambassadors of road safety and are expected to drive in a manner which equates with their skill and level of training whilst maintaining the safety of the public at all times. Sussex Police will operate a robust, transparent and

consistent system for dealing with speed camera or red light enforcement camera activations by police vehicles in order to maintain public confidence

Procedure

1. Introduction

1.1 The subject of speeding is often controversial and emotive, particularly in the eyes of the public. The expectation is that the emergency services (including police, Fire and Rescue Service, ambulance and other vehicles that may seek such exemption) should always act with total integrity and not be above the law themselves.

1.2 There are occasions when the use of a police vehicle is hindered by complying with speed limits and red traffic lights. This is recognised in law and there are statutory exemptions to non-compliance.

1.3 However, these exemptions are conditional and any occasion where the speed limit is exceeded will be examined by the Operations Command Partnerships: Process Unit (OCP: PU). Where it is not clear that the conditions have been met, the police have a responsibility to enquire into the circumstances to establish the reason for non-compliance.

2. Exemptions and Criteria

2.1 Mobile, Fixed or Average Speed Site Camera Activation

2.1.1 [Section 87 \(1\) of the Road Traffic Regulations 1984](#) exempts Emergency Service Vehicles (ESVs) from speed limits if observance of that speed limit would hinder the use of the vehicle for the purpose for which it was being used on that occasion provided the following can be applied:

- (a) It is being used for fire and rescue authority purposes, ambulance purposes or police or National Crime Agency (NCA) purposes
- (b) It is being used for other prescribed purposes in such circumstances as may be prescribed, or
- (c) it is being used for training persons to drive vehicles for use for any of the purposes mentioned in paragraph (a) or (b) above,

Section 87(2) states that subsection (1) above does not apply unless the vehicle is being driven by a person who:

- (a) has satisfactorily completed a course of training in the driving of vehicles at high speed provided in accordance with regulations under this section, or
- (b) is driving the vehicle as part of such a course.

It is important to note that as a matter of course Sussex Police will not support any police officer or member of police staff in claiming the statutory defence if section (a) or (b) does not apply to them but all cases will be reviewed on their own merits.

2.1.2 The statutory exemption does not place any restriction on the margin by which the speed limit is exceeded but it is important to note that the statutory defence does not apply to a charge of careless or dangerous driving. Where a vehicle is recorded traveling at twice the speed limit (or at what is considered an excessive speed on a red light activation) the driver will be required to justify this speed.

NB: This does not automatically mean that double the speed limit is excessive or dangerous, but that further details from the police officer are required to clarify this – police officers are used to dynamically assessing risk and this will need to be articulated.

2.1.3 Drivers of police vehicles should always drive having regard to their training, the limitations of their vehicle, the prevailing circumstances and within the constraints of the restrictions imposed by their category of driving permit and groups authorised. Please refer to Driver Permit Groups and Driving of Police Vehicles (Surrey and Sussex) (616) for more information.

2.1.4 Police officers must never instruct members of the public to exceed the speed limit as members of the public cannot avail themselves of the statutory exemption because of the requirement to have attended a driving course as at Section 87(2)(a) and a police officer could be liable to a charge of aiding and abetting the offence of speeding in these circumstances.

2.2 Red Light

2.2.1 [The Traffic Signs Regulations and General Directions 2002](#), and General Directions 2002, as amended by [The Traffic Signs Regulations and General Directions 2016](#) states, subject to sub-paragraph (b) and, where the red signal is shown at the same time as the green arrow signal, to sub paragraphs (f) and (g), the red signal shall convey the prohibition that vehicular traffic shall not proceed beyond the stop line.

2.2.2 Regulation (36) (1) (b) describes the statutory exemption:

“When a vehicle is being used for a Fire and Rescue Service, ambulance, bomb or explosive disposal, national blood service or police purposes and the observance of the prohibition conveyed by the red signal in accordance with sub paragraph (a) would be likely to hinder the use of that vehicle for the purpose for which it is being used, then sub-paragraph (a) shall not apply to the vehicle, and the red signal shall convey the prohibition that that vehicle shall not proceed beyond the stop line in a manner or at a time likely to endanger any person or to cause the driver of any vehicle proceeding in accordance with the indications of lights signals operating in association with the signals displayed the red signals to change its speed or cause in order to avoid an accident.”

2.2.3 The exemption does not have the condition about training that applies to exceeding the speed limit but it does set out a condition on the way that an ESV should proceed across the line.

3. Police Action

3.1 When a police officer or member of police staff is responding to an incident with or without blue lights displayed and illuminated, and believe they have activated an enforcement camera, the individual must make best efforts to inform the Force Control Room in order that a record can be added to the Computer Aided Dispatch (CAD) for that

incident to retain information relevant to enforcement processes and investigations. Every effort should be made to get the record added before that shift ends. Officers and staff are reminded that use of police vehicles exceeding speed limits / contravening traffic signals should keep a written record of such events as it is not always apparent that a camera has been activated. Keeping such records by either a CAD or notes / records where appropriate will assist in assessment should an exemption need to be claimed at a later date.

3.2 When a speed or red light enforcement cameras is activated and the marked or unmarked police vehicle is not stopped at that time; photographic or video evidence is captured by the enforcement cameras and reviewed by nominated staff within the OCP: PU to determine if a combined Notice of Intended Prosecution (NIP) / Section 172 Notice should be issued taking into account National Police Chiefs' Council (NPCC) guidelines.

3.3 Blue Lights Displayed and Illuminated

If the evidence shows that the police vehicle was displaying illuminated blue lights, then, in the absence of any evidence to the contrary, OCP: PU will assume that the exemption is valid and the matter will be discontinued at that point with no paperwork sent out. However, if the vehicle is travelling at more than double the speed limit this will not be the case and police officers will have to justify any excessive speed. This applies to marked and unmarked vehicles.

3.4 Blue lights Not Displayed and Illuminated

If blue lights are not displayed and illuminated, a NIP / Section 172 document will be sent to the admin office at Joint Transport Services (JTS) who will complete the nomination part of the document with the unit to whom the vehicle is allocated and return it to OCP: PU who will record it in the normal manner and issue a new document to the Inspector / Head of Department for the unit in question for completion.

3.5 Combined Notice of Intended Prosecution (NIP) / Section 172 Form

The Section 172 Form requires the police or other agency to nominate the driver of the vehicle at the time when the camera was activated.

3.6 Exemption Form

This form is not included with the notice but is available through online Templates in Admin Forms and scroll to 'Traffic Violation Exemption' The form can be completed in ink or electronically however all signatures must be wet signed. The exemption form must be filled in with as much detail as possible including copies of any notes / records / CAD created at the time to allow it to be properly scrutinised by Operations Command Partnership and once complete the original form should be sent by internal post to 'Investigations, Operations Command: Partnerships' – scanned copies or emails are NOT accepted.

3.7 If the exemption is to be claimed in accordance with the circumstances of 3.4 above, the Section 172 Form must still be completed identifying who the driver was at the time of the activation and the Exemption Form MUST be completed and signed by the driver at the time of the offence. Where there were a number of police officers using the vehicle at

the time, for example whilst training, under Section 172 there is an absolute requirement to name the driver at the time of the offence without exception.

This form should then be submitted to a police officer not below the rank of Inspector who:

- 1) must be satisfied that the requirements of the statutory defence are met and/or any excessive speed is justified in the circumstances,
- 2) is in a senior position to the person who was driving the vehicle (in the case of a police vehicle, that person must be a police officer of the rank of Inspector or above); and
- 3) Was not in the vehicle at the time of the activation.

3.8 The Inspector or above would then sign and date the document under an endorsement stating:

“I have reviewed this request for application of statutory exemption. Given the circumstances as presented, I believe it to be a valid application for exemption and the actions were proportionate in the circumstances.”

3.9 If the exemption is claimed and the documents completed appropriately, OCP: PU will assume that the exemption is valid and take no further action UNLESS there is evidence available to challenge the claim.

3.10 All applications for exemption will be reviewed by an Investigator within Operations Command Partnership. If following scrutiny, there are any concerns around the honesty of the exemption form, then it should be referred to Professional Standards Dept (PSD) for assessment around both criminal and conduct matters.

Should the matter escalate to an integrity issue, such as missing vehicle logbook and no one accepting they were the driver at the time of the offence, the Investigators will seek guidance from PSD. Investigators will liaise with all police officers who seek guidance as to any matters relating to the issue of NIP / Section 172 documents to police vehicles. A fraudulent application for an exemption will be investigated as a criminal offence of perverting the course of justice. If following assessment, there are no concerns around honesty of the exemption form but Operations Command Partnership do not feel that an exemption is valid, then they should make decisions around prosecution of the offence and update PSD who can consider the matter in a conduct context.

3.11 If the exemption is not claimed, OCP: PU will process the investigation in the same way as any speed or red light camera activation. It should be noted that nothing in this policy prevents the driver using any defence in mitigation in court proceedings, including the statutory defence.

Traffic Violation Exemption can be found within Templates. Refer to Process Flowchart

4. Driver Not Traced

4.1 Every effort must be made to identify who was driving the car at the time of the activation and Section 172 of the Road Traffic Act 1988 creates the offence of 'failing to give information as to the identity of a driver, as they may be required to give by or on

behalf of a Chief Officer of Police, where the driver of the vehicle is alleged to be guilty of an offence to which this section applies'.

4.2 A different standard of defence is placed on a 'body corporate' when compared with an individual and legal opinion is that a police force is a 'body corporate'.

4.3 The following summarises the relevant subsections of Section 172 of the Road Traffic Act 1988:

Subsection 4 of the Section 172 provides a defence where the person could not 'with reasonable diligence' ascertain who the driver was. This applies to individuals.

Subsection 6 of Section 172 states that where the alleged offender is a 'body corporate', subsection 4 (the defence), shall not apply unless 'no records were kept and it was reasonable not to keep records'. The Chief Constable will therefore be liable when the driver is not identified and it was not reasonable that records were not kept.

In considering whether it was reasonable, or not, that records were not kept, it is essential that the facts of each instance be considered. For example, during a major incident in which cars are swapped and driven by many different people, it may be reasonable not to keep records. This would then allow the defence under subsection 4 to be applied.

Subsection 5 of Section 172 provides that where the offence is by a body corporate and is due to the consent, connivance or neglect of a director, manager etc., then that person as well as the body corporate may be guilty of an offence.

An example of this would be a car hired by a police vehicle fleet manager where no logbook has been issued. The Chief Constable and the manager responsible could be liable. Where a manager has failed to comply with their legal responsibilities, they may be personally liable.

4.4 This meets the legal obligations of Section 172 of the Road Traffic Act 1988 as well as providing a consistent approach with how a 'body corporate' can be dealt with, but it is a very poor reflection on the police service.

4.5 It is essential, therefore, that vehicle logbooks are stringently maintained as highlighted in Driver Permit Groups and Driving of Police Vehicles (Surrey and Sussex) (616) by ensuring the driver's name and times of driving for each driver are correctly and legibly recorded.

Team: Operations Command Roads Policing Unit