



**ASSOCIATION OF
CHIEF POLICE OFFICERS**

ACPO Speed Enforcement Policy Guidelines 2011- 2015: Joining Forces for Safer Roads

The Association of Chief Police Officers has agreed to these revised guidelines being circulated to, and adopted by, Police Forces in England, Wales & Northern Ireland.

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These revised guidelines have been produced and approved by the Uniformed Operations Business Area. The document was approved by Chief Constables' Council on 19th July 2000. The purpose of this document is to publish the ACPO vision of safer roads with habitual compliance, where enforcement is seen as legitimate. Officers are encouraged to enforce with an appropriate balance of education and engineering so as to affect and influence driver behaviour and achieve a reduction in road casualties. It will be updated and re-published as necessary.

Any queries relating to this document should be directed to either the author detailed above or the ACPO Programme Support Office on 020 7084 8959/8958.

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1. SECTION 1 – INTRODUCTION

1.1 SPEED ENFORCEMENT

- 1.1.1 The road policing ethos is to deliver a crucial protective service that engenders public satisfaction and confidence. Part of this service is to provide speed enforcement where:
- A mandatory limit has been introduced;
 - There is need for compliance;
 - The speed necessary is clear to all drivers using the road; and
 - Some decide to ignore the limit and road safety benefit achieved through compliance.
- 1.1.2 When a road looks and feels like the speed limit experience shows many will comply. Where possible there will be a level of routine enforcement (that is patrols attending when available considering all limits and commitments) to support the limit, however, when the limit is confusing or unclear it will not be routinely enforced, unless there is intelligence that there is either specific or widespread deliberate non-compliance of the limit - then there may well be targeted enforcement.
- 1.1.3 Speed enforcement is expensive - it is both time and resource intensive and competes with other important policing issues of equal public concern. Enforcement is mainly reactive and should not be seen as a preventative measure to achieve vehicle speeds. Prevention has to rely on public support and compliance by the majority and enforcement of the minority who ignore the law.
- 1.1.4 To achieve the maximum compliance, speed restrictions must therefore be clear and appropriate, with the need for compliance obvious to all road users. Where there is then evidence of non-compliance, the police will investigate and target specific offenders who ignore the clearly posted speed limit.
- 1.1.5 In cases where there are high levels of non-compliance, it would tend to identify those limits which maybe are in more unclear areas and poorly displayed. Rather than a need for high levels of enforcement and prosecution, which has the potential to lose public support, the limit should be reviewed (DfT 01/2013). Review should lead to additional engineering, signing or even different speed limits, as the display of the limit was more likely to have been the cause than deliberate offending.
- 1.1.6 These guidelines are intended to assist officers in the exercise of their individual discretion and achieve some consistency of approach. They do not restrict and are not intended to restrict or fetter that discretion so as to form the basis for any complaint that a decision, which may be inconsistent with them, is unlawful or unreasonable.
- 1.1.7 This guidance on where to enforce and how to assess the appropriateness of enforcement has no bearing on whether the law has been broken, nor does failure to follow these guidelines provide any mitigation of a defence for an offence committed under current law.

1.2 ENFORCEMENT TOLERANCES

- 1.2.1 In July 2000 the ACPO Roads Policing Portfolio published Speed Enforcement Guidelines 'Joining Forces for Safer Roads' this document has been used by patrolling officers and decision makers since that date. The document has become out-dated over time although many of the principles are still appropriate today. It is for this reason alone that the previous guidance has been updated and these new guidelines agreed.

1.3 POLICY GUIDELINES INTRODUCTION

1.3.1 Limits which are clear to drivers achieve high compliance, require less enforcement and meet public expectation, together with targeted enforcement against those who refuse to comply. They secure a higher level of compliance with existing speed limits and have the potential to deliver the following benefits:

- Reduced casualties, both in terms of numbers and severity;
- Reduced demand upon the Health Service;
- Reduced conflict between motor vehicles and other road users;
- A calmer and more free-flowing traffic environment; and
- Improved quality of life in local communities.

2. SECTION 2 – ROADS POLICING STRATEGY 2011-15

2.1 The Road policing strategy 'Policing the Roads' contains our vision of safer roads with habitual compliance, where enforcement is seen as legitimate. Officers are encouraged to enforce with an appropriate balance of education and engineering so as to affect and influence driver behaviour, achieve a reduction in road casualties and combat anti-social road use.

3. GOVERNMENT CIRCULAR 01/2013

3.1 The Government has recently published a circular 'Setting Local Speed Limits'. In this document they highlight key points:

- Speed limits should be evidence-led and self-explaining to seek to reinforce people's assessment of what is a safe speed to travel; and
- Encourage self-compliance and see the limit as the maximum rather than a target speed.

3.2 In the document they highlight how speed management is there to create a safe environment and how it should require, encourage and help road users to adopt appropriate and safe speeds below the limit - self-explaining and reinforcing so not unclear or resulting in large scale offending.

3.3 Speed limits should not be set in isolation but as part of a package with other measures to manage vehicle speeds and improve road safety, helping drivers to be more readily aware and drive at an appropriate speed.

3.4 It is seen as important that traffic authorities work closely with the police when considering or determining any changes to a speed limit. Enforcement is appropriate but only after other measures and the cost must be considered before introducing or changing a limit.

3.5 20 mph limits can be introduced where there are significant numbers of vulnerable road users, however where they are introduced, general compliance needs to be achievable without excessive reliance on enforcement. The aim is that successful limits and zones should be self-enforcing through site conditions such as signing or traffic calming leading to a mean traffic speed which is compliant.

3.6 To achieve compliance there should be no expectation on the police to provide additional enforcement beyond routine activity - unless agreed.

4. SECTION 4 – THE PRINCIPLES OF SPEED ENFORCEMENT

4.1 The enforcement of traffic law by the police should be guided by the principles of:

- **Proportionality** in applying the law and securing compliance;
- **Targeting** of enforcement action;
- **Consistency** of approach; and
- **Transparency** about what enforcement action is undertaken, and why.

4.2 This needs to be with the recognition that effective **partnerships** with other organisations are essential.

4.3 Excessively enforcing speed limits that are not clear, that feel like roads with higher limits than in fact they are and tend to confuse rather than help those drivers that wish to comply, may well lose that public support and confidence the police service needs. All limits should be clear and the level of enforcement appropriate to the offending.

5. SECTION 5 – PROPORTIONALITY

5.1 Proportionality means relating enforcement action to the risks and not routinely enforcing inappropriate or unclear/confusing limits. Those whom the law protects and those on whom it places duties expect that action taken by the police to achieve compliance (in this case speed limits) should be proportionate to the risks to individuals and property, based on the offenders' choice to offend rather than genuine mistake (or worse still confusion from unclear limits) and to the seriousness of any breach. Non-compliance of these limits is an offence and may of course be enforced should any officer feel it appropriate.

6. SECTION 6 – TARGETING

6.1 Targeting means making sure that enforcement action is directed primarily at those whose behaviour poses the greatest risk/highest harm (particularly to others), often at identifiable locations or in identifiable circumstances. Targeting needs to take full advantage of a wide range of information sources, including academic research, to develop a greater level of understanding of what the problems are and how to resolve them, so that enforcement action can be focused and prioritised.

6.2 Effective targeting will therefore ensure that:

- Road risks are objectively identified and prioritised for appropriate action;
- Suitable resources are deployed; and
- Pertinent monitoring and evaluation takes place so that costs and benefits can be properly assessed and future decision making enhanced.

6.3 Targeting does not form part of the offence/evidence, does not need to be justified when enforcing against any driver and neither does the data used to deploy police resources. Any driver exceeding the speed limit commits an offence and is likely to be prosecuted.

7. SECTION 7 – CONSISTENCY

- 7.1 Consistency of approach does not mean uniformity. It does mean taking a similar approach in similar circumstances to achieve similar ends. Police Officers are faced with many variables; the decision as to what action to take is a matter of judgement and they must exercise their discretion. Where Police Officers believe that an offence has been committed (in this case, that a motorist has driven at any speed over the relevant speed limit), in exercising their discretion as to the appropriate enforcement action, they must consider the nature and circumstances of the offence, this will include how clear the limit was and whether it would feel like that limit to a visiting driver.
- 7.2 Depending on those circumstances they may decide to:
- Issue a summons;
 - Issue a fixed penalty notice;
 - Offer a speed awareness course (see separate ACPO guidelines on speed awareness);
 - Caution, warn or take no action.
- 7.3 For instance, it might be appropriate to issue a summons for exceeding a speed limit at relatively low speeds over the relevant limit on roads near schools at certain times of day or when there are adverse weather conditions, whereas a similar offence committed in the middle of the night might merit the issue of a fixed penalty notice.
- 7.4 Road users do expect consistency from the police nationally, and this feature has been identified as a benefit linked to the operation of speed cameras. Inconsistency in enforcement decisions as far as the disposal of a case will however undermine public confidence and contribute to resentment. It is part of ACPO's role to ensure that in enforcement proceedings consistency is achieved wherever possible.
- 7.5 Consideration of the nature and circumstances of the offence to consistently enforce does not legitimise any act of speeding and /or restrict any officer from enforcing an individual speed offence.

8. SECTION 8 – TRANSPARENCY

- 8.1 Transparency means helping drivers to understand what is expected of them and why. It also means ensuring clarity about what the public can expect from the police. Raising the public's understanding of the full implications of their actions (specifically including the human and financial costs) will assist in changing behaviour and ultimately attitudes.
- 8.2 The way in which ACPO tries to achieve transparency is by publishing guidelines to all chief constables to enable them, in turn, to offer operational advice and guidance to their officers. ACPO's guidelines are placed in the public domain.
- 8.3 Transparency is also making it clear to the public that all offending is unacceptable and should the police become aware of offending and decide to prosecute then no matter where or when, this is possible and this guidance will not restrict this in any way.

9. SECTION 9 – THE GUIDELINES

- 9.1 ACPO guidelines have been formulated taking into account the need for proportionality (especially with the introduction of Human Rights legislation) and the need for targeting in order to maximise the potential of scarce police resources and make a substantial contribution to the multi-agency road death and injury reduction effort.
- 9.2 Driving at any speed over the limit is an offence and the police are not restricted and may prosecute. In deciding on enforcement means and deployment, one of the factors will be how

Unclear or confusing the relevant signage is or how a site simply does not feel like a road of that speed. Whilst this is not an excuse and any driver may be prosecuted it will be considered when deciding on the prosecution and amount of police enforcement. The enforcement of speed limits is generally related, and proportionate, to the risks to all road users using that road and availability of resources but not restricted in any way.

- 9.3 Where police officers consider that an offence has been committed i.e. that a motorist has driven at any speed over the relevant speed limit, there will be no restriction on proceedings, however, they should consider whether it is appropriate to take enforcement action in that case taking into account such facts as the level of signing and engineering to support the limit and whether it was clear to the motorist that there was a limit and what that speed limit was. Police discretion to ensure prosecution is necessary and proportionate to the offending.
- 9.4 The Police Service now uses technology that enables it to prove that an offence has been committed as soon as a driver exceeds the relevant speed limit by a very small margin. Motorists will therefore be at risk of prosecution immediately they exceed any legal speed limit.
- 9.5 The guidance to police officers is that, when they feel enforcement is necessary, it is anticipated that, other than in the most exceptional circumstances (arrest), the issue of fixed penalty notices or summonses are likely to be the minimum appropriate enforcement action (with certain offenders offered a course of education at the lower and less harmful speeds).
- 9.6 The guidance is that enforcement by prosecution should not be considered when it is lower than the speeds reached in the following table:

Limit	Device tolerance	Fixed Penalty when education is not appropriate	Speed Awareness if appropriate		Summons in all other cases and above
			From	To	
20 mph	22mph	24 mph	24 mph	31 mph	35 mph
30 mph	32 mph	35 mph	35 mph	42 mph	50 mph
40 mph	42 mph	46 mph	46 mph	53 mph	66 mph
50 mph	52 mph	57 mph	57 mph	64 mph	76 mph
60 mph	62 mph	68 mph	68 mph	75 mph	86 mph
70 mph	73 mph	79 mph	79 mph	86 mph	96 mph

All speeds identified above are those shown on the speed device, speedometer or other detection devices

- 9.7 These guidelines do not and cannot replace police officer's discretion. Where an officer decides to issue a summons or a fixed penalty notice in respect of offences committed at speeds lower than those set out in the table, he or she must consider the tolerances of the equipment used to corroborate their opinion. Police speed equipment are tested and approved to work with a maximum tolerance of +/-2mph up to 66mph and 3% for all speeds higher than 66mph, so it is possible to use these tolerances as a prosecution threshold. Moreover, in particular circumstances, driving at speeds lower than the legal limit may result in prosecution for other offences, for example dangerous driving or driving without due care and attention when the speed is inappropriate and inherently unsafe.

10. SECTION 10 – EFFECTIVE PARTNERSHIPS

- 10.1 One agency, acting alone, cannot achieve full compliance. The Police Service actively seeks to develop close working relationships with others (e.g. the Department for Transport (DfT) and Agencies, Highway Authorities, Magistrates Courts, Education Authorities, Road Safety Organisations etc.) in order to promote road safety, achieve the highest level of clarity in limits and zones so as to help those who wish to comply and leave the police to enforce against those who choose to speed rather than do so as a mistake. Working together will produce clear limits and ensure that approaches to speed compliance, which do not rely solely upon sanctions, are fully exploited. To that end it is essential for limits to be clearly identified, look and feel like the limit and communities to participate and embrace speed limits so they are self enforcing.

11. SECTION 11 – 20 MPH SPEED LIMITS OR ZONES

- 11.1 Speed limits are only one element of speed management and local speed limits should not be set in isolation. They should be part of a package of other measures to manage speed which includes engineering, visible interventions and landscaping standards that respect the needs of all road users and raise the driver's awareness of their environment, together with education, driver information, training and publicity.
- 11.2 Altering a limit with simply a sign without making the new limit clear to all drivers who may use the road will risk high levels of offending. Many will be unaware of their behaviour, and may well have complied if the site/limit was clear. This will simply leave vulnerable road users exposed to unnecessary higher speeds and leave the police with a large-scale enforcement issue, which cannot be contained. National guidance to local authorities on installing adequately engineered 20mph limits/zones is unambiguous in not supporting unclear or inappropriate 20mph limits/zones. Neither does it support an increased demand on police forces to carry out routine enforcement where there is, in the opinion of the police, insufficient interventions to make the limit obvious to visiting motorists and achieve a high level of self-enforcement.
- 11.3 The Police Service has to ensure all resources are used effectively in responding to community priorities. They should use intelligence on levels and locations of offending to identify persistent and high harm speeding offenders and target their enforcement in all speed limits; however, in those where the drivers' awareness is lowered due to the omission of measures to manage speed there will be no routine enforcement, only that necessary to eliminate persistent high harm speeding motorists.
- 11.4 As with all limits, if the site doesn't look like or feel like the limit imposed then there will be larger scale offending and routine prosecution seen as inappropriate and quite simply over-the-top. It is for local authorities to appropriately sign and if necessary engineer a limit, leaving the police to target the persistent and deliberate offender, together achieving the very highest level of compliance and safety for other road users.

Appendix A

20 MPH LIMITS AND ZONES – EXPLANATION OF REVISED POLICY GUIDELINES

The original speed enforcement guidance 'Joining Forces for Safer Roads' has been refreshed to complement the new roads policing strategy 'Policing the Roads' and will locate itself within the ethos of targeting deliberate offenders who risk high levels of harm. The guidance now includes changes which support the previous ACPO position on guidance for 20mph limits and zones – a position laid out in Traffic Committee minutes – that 'routine' enforcement would only be engaged in if the limit is regarded as appropriate given the prevailing road conditions in the area and clarity is offered to non-local drivers. This clarity should include ensuring that the landscaping, engineering and signage within the area contributes to the zone feeling and looking like a 20mph zone rather than a zone with a 30mph or higher limit.

POLICE POSITION ON ALL SPEED LIMITS INCLUDING 20MPH

It is important that the police position on all speed limits, including 20mph, is clearly articulated by all:

Enforcement will be considered in all clearly posted limits, given other priorities, and this will be by:

1. Targeted enforcement where there is deliberate offending/disregarding and the limits are clear;
2. Where limits are not clear (that is they don't feel like/look like the limit or are on inappropriate roads), they will not be routinely enforced (routinely means regular planned attendance where there isn't intelligence of deliberate offending) only targeted where there is intelligence of obvious deliberate disregard.

It is very important that the service doesn't unintentionally give the impression that the police will not enforce the law. As with all crimes and all speed limits the police will use their discretion when to enforce and how that enforcement might take place. Unclear or even confusing limits (all limits not just 20's) will undoubtedly lead to mistaken offending and any aggressive enforcement risks a loss of public support for the action and more importantly the police service. Enforcement cannot and must not take the place of proper engineering and or clear signing.

NATIONAL DRIVER OFFENDER RETRAINING SCHEME (NDORS) COURSES

Currently most of the speed equipment deployed is approved for 20mph enforcement. NDORS courses have not been offered in the past due to the police position on 20mph limits, that is the looking and feeling like the limit before routine enforcement would take place. As more and more limits are introduced and officers find there are offenders who are, for whatever reason, either mistaken or simply unaware of the limit and would benefit from education there is a need to provide an education diversion. NDORS will be developing an interim awareness course from November 2013 and this will continue until 2016. During this time the reason for the offending and most appropriate diversion will be researched and evaluated with a more permanent diversion put in place in 2016 or the diversion removed if it is found to be unnecessary and current speed awareness courses suitable

Speeding in a properly marked/engineered limit or zone may not be suitable for a course, which will be built on error and mistaken behaviour. In reality, 20mph zones/limits are introduced for a specific road safety danger - vulnerable road users - where compliance is the aim, not enforcement.

SUMMARY OF THE POLICE POLICY GUIDELINES ON 20MPH LIMITS

Speed limits are only one element of speed management and local speed limits should not be set in isolation. They should be part of a package with other measures to manage speeds which include engineering, visible interventions and landscaping standards that respect the needs of all road users and raise the driver's awareness of their environment, together with education, driver information, training and publicity. Deliberate high harm offenders will always be targeted and prosecuted.

Simply altering a sign without making it clear to all drivers who may use the road that the limit is changing, will risk high levels of offending with many unaware of their behaviour who may well have complied if it looked and felt like the limit.

This will simply leave the police with a large-scale enforcement issue, which cannot be contained. National guidance to local authorities on installing adequately engineered 20mph limits/zones is unambiguous in not supporting unclear or inappropriate 20mph limit/zone or an increased demand on police forces to carry out routine enforcement where there is, in the opinion of the police, insufficient interventions to make the limit obvious to visiting motorists and achieve a high level of self-enforcement.

The Police Service has to ensure all resources are used effectively in responding to community priorities. They should use intelligence on offending to identify persistent and high harm speeding offenders and target their enforcement in all speed limits; however, in those instances where the drivers' awareness is lowered due to the omission of measures to manage speed there will be no routine enforcement, only what enforcement is necessary to eliminate persistent high harm speeding motorists deliberately offending.

So, the police service position on all speed limits (including 20mph roads) is:

- . Appropriate speed limits are supported, so long as they look and feel like the limit giving visiting motorists who wish to conform that chance;
- . The desired outcome has to be speeds at the limit chosen so as to achieve safe roads for other and vulnerable users not high speeds and high enforcement;
- . Self-enforcing (with reducing features) not requiring large scale enforcement;
- . Only introduce where average speeds are already close to the limit imposed (24 in a proposed 20mph area) or with interventions that make the limit clear to visiting motorists;
- . Speeding problems identified in an area must have the engineering, site clarity and need re-assessed, not simply a call for more enforcement; and
- . Enforcing against drivers who simply misread the road may not be appropriate.