House of Commons

Transport Committee

Roads Policing and Technology: Getting the right balance: Government Response to the Committee's Tenth Report of Session 2005–06

Second Special Report of Session 2006–07

Ordered by The House of Commons
to be printed 31 January 2007

HC 290
Published on 6 February 2007
by authority of the House of Commons
London: The Stationery Office Limited
£0.00

The Transport Committee

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Committee staff

The current staff of the Committee are Tom Healey (Clerk), Annette Toft (Second Clerk), Clare Maltby (Committee Specialist), Louise Butcher (Inquiry Manager), Tony Catinella (Committee Assistant), Ronnie Jefferson (Secretary), Henry Ayi-Hyde (Senior Office Clerk) and Laura Kibby (Media Officer).

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Second Special Report

The Committee published its Tenth Report of Session 2005–06 on 31 October 2006. The response from the Department for Transport was received in the form of a memorandum dated 25 January 2007, and is published as an Appendix to this report.

Appendix

The Government is grateful to the Committee for this report and the constructive suggestions that have emerged from the inquiry.

The Department of Transport (DfT) and Home Office (HO) have examined the report in depth and would like to offer the following comments in response to specific recommendations on pages 64–73.

1. We congratulate the Department for Transport, the police, local authorities and road safety professionals for the good progress that has been made toward the casualty reduction targets. This is a considerable achievement. There should be no complacency however, when over 3,000 people continue to be killed each year, and almost 30,000 are seriously injured. The number of deaths and injuries remains far too high. People accept a level of risk on the road which far surpasses anything they would consent to in other aspects of daily life, including other modes of transport. (Paragraph 7)

Comment

The Government agrees fully with the Committee's view that the number of deaths and injuries is unacceptable irrespective of the achievement of targets. There is no complacency on the part of the Department of Transport or the road safety practitioners with whom it works. The Department has recently undertaken the second review of the 2000 Road Safety Strategy and that will be published in the spring of 2007. The focus of this Review is on priority actions for delivering further casualty savings up to 2010 but it is recognised that there is now a need to look well beyond that date at the prospects for further savings.

Number of roads police officers

2. The experience of police forces is that roads policing requires specialised knowledge and skills, specific training and equipment. The practice of treating roads policing as a secondary or additional duty of officers engaged in other activities offers chief constables a high degree of flexibility in how they use their officers, but there is a significant danger that it will lead in the longer-term to a reduced priority for roads policing. This is nowhere more in evidence than in the fact that it is no longer possible to say with any certainty how many officers are now engaged with roads policing. Multi-tasking in this way requires careful monitoring, and if it is found that the arrangement further impedes the ability of police officers to dedicate the necessary time and resources to operational roads policing, a different approach should be introduced. The special role of roads police officers must be recognised and protected,

and the high standards of roads policing—which have helped the UK's roads to be among the safest in the world—must be maintained. (Paragraph 23)

Use of 'non-sworn' staff

3. Policing the roads is a complex and resource-intensive activity. The government has attempted to free police time by transferring responsibility for some roads policing tasks to non-sworn officers. In using subsidiary staff the Department for Transport and the Home Office must ensure that the lines of control and areas of responsibility are very clearly delineated. The onus is on the Government to ensure there is no drift of responsibility. In assessing the impact of the Highways Agency Traffic Officers the Government should evaluate the impact not only on traffic flows, but on other factors such as safety and protection of crash scenes and evidence. It should monitor any actual conflict between the responsibility of the Highways Agency to keep the network flowing and the need for the police to investigate crashes in considerable detail. The Government should set out guidelines to resolve these issues to determine a sensible balance between these two conflicting factors. (Paragraph 29)

Comment

The Government agrees that police have a very important role in roads policing. However the number of dedicated traffic police should not be the sole measure of roads policing activity. Any police officer can enforce the law on the roads and the Government has increased the number of police over-all by over 14,000.

Integration of roads policing with other core activities might be the best way locally to make more effective use of police resources. Where a force has adopted such an approach, the number of dedicated officers might have reduced without any lower level of enforcement. The effective use of technology and removal from the police of work not requiring their specialist expertise and powers are also significant, as is decriminalisation where appropriate.

Such changes remove unnecessary burdens from the police and free up their time. The policy on how such freed up resources are used is a matter for local decision in the light of changing situations, circumstances and public concerns at different times and in different places. It is right that day-to-day decisions should be taken at the local level, to respond to local needs and concerns. Nationally the Government has made clear its view of the importance of roads policing, as has the Association of Chief Police Officers (ACPO).That importance is reflected in the issue of the joint Roads Policing Strategy, agreed by ACPO, HO and DfT.

On the strategic road network the different roles of police and Highways Agency Traffic Officers (HATOs) are clear. The latter do not have enforcement powers and the police retain operational primacy when in attendance at an incident. The transfer of roles enables existing road policing officers to pursue core roads policing activities rather than being diverted into network management tasks.

We welcome the focus on roads policing in ACPO's Uniformed Operations Business Area and the championing of effective roads policing by the Chief Constable Head of Business Area, Meredydd Hughes. The importance of roads policing is demonstrated and supported through the extensive senior level involvement in events such as ACPO's annual national roads policing conference and the activities of specialist groups such as the Roads Policing Operational Forum.

National policing plans

4. Failure to include roads policing as a priority in the National Policing Plan over a number of years seriously undermines the claim that roads policing is seen by the Home Office as a core part of police activity. In the future the Home Office must ensure that road safety and roads policing representatives are fully consulted when the priorities for the National Policing Plan are being determined. We recommend that the road casualty reduction targets become part of the Home Office's Public Service Agreements. Given the vital contribution that roads policing can make to casualty reduction, the targets should be explicitly acknowledged to be the joint responsibility of both the Department for Transport and the Home Office. The offences of drink driving, drug driving and disqualified driving are serious ones, and should be included in the Home Office Counting Rules for Recorded Crime. (Paragraph 38)

Comment

The Government has made its expectations as regards roads policing clear. All the National Policing Plans issued have included a reference to roads policing, as did the National Community Safety Plan issued last year. The update to that Plan, issued on 30 November, set implementation of the Roads Policing Strategy as a key action for the police in 2007–08 and set support for the police in its implementation as a specific Government commitment. There was full consultation across Government and with ACPO before the Plans were finalised.

One of the main aims of the Strategy is to reduce road casualties. The Home Office, like DfT, is committed to the achievement of the casualty reduction targets set out in the Government's Road Safety Strategy, as published in *Tomorrow's Roads – Safer for Everyone* and specifically reflected in DfT's Public Service Agreement (PSA). The current PSAs cover the period 2005–08 and final decisions have not yet been taken on new agreements beyond then.

The recorded crime figures are based on statistical returns provided by the 44 police forces in England and Wales, including the British Transport Police. The police compile these data in accordance with the rules for coverage, classification and counting contained in the Home Office Counting Rules (HOCR) for Recorded Crime. The data relate to crimes that have to be reported to the Home Office. Historically these have been those offences which are either indictable or triable either way: Some closely related summary offences, such as common assault, were included from 1998–99, but in general, summary offences are excluded. The offences of drink driving, drug driving and disqualified driving are all summary offences. Only recorded crimes can count as sanctioned detections, and only recorded crimes currently count towards the Government's offences brought to justice target.

The list of offences notifiable to the Home Office has been revised on a regular basis to reflect legislative changes and the rules and police recording practices are reviewed to ensure consistency. In August 2005 the Statistics Commission initiated a review of crime statistics. Their *Interim Report* and the final report *Crime Statistics: User Perspective* published in September 2006 indicated that the current presentation of the crime data led to confused reporting and could be lead to a lack of trust. The final report recommended that the appropriateness of statistical classifications of crime were kept under review.

Following the publication of the Statistics Commission's interim report, the then Home Secretary commissioned a review of crime statistics to examine key issues raised by the Statistics Commission and to make any relevant practical recommendations. The Adrian Smith Report *Crime Statistics: An Independent Review* was published in November 2006. This acknowledged that the integrity of police recorded crime data was amongst the best in the world, but concluded that the scope and definitions of the national crime statistics needed a radical overhaul. The Home Office will be considering the recommendations contained in these reports in detail in the coming months.

As regards drink driving, drug driving and disqualified driving, we fully agree that these are serious offences. Their omission from the recorded crime figures does not imply otherwise. While these do not currently feature in the offences brought to justice target, we are considering how their importance can be adequately reflected in future performance frameworks.

Evidence-based policing priorities

5. The Home Office should base priorities in the National Policing Plans on evidence of the actual number of casualties which result from different types of crime, not the amount of publicity they generate. We welcome the decision by the Home Office and the Department for Transport to undertake research into the links between offences and collision data. The results of this research must be taken fully into account in police deployment decisions. (Paragraph 43)

The potential of roads policing

6. In the interests of public safety, roads policing should be more about deterrence than about maximising the number of drivers caught for offending. We recommend that roads policing is guided by the conclusions of TRL's research into the methods and levels of roads policing. Visible, stationary roads policing units should be increasingly deployed randomly at different locations on the road network. This kind of visible policing will increase the deterrent effect and the perceived risk of detection across the network as a whole. The importance of visible roads policing should not be underestimated. In the context of rising numbers of 'hit and run' collisions the importance of a police presence is even greater. There is value in drivers knowing that enforcement of all traffic regulations takes place. (Paragraph 51)

Comment

The police section of the National Community Safety Plan was produced following consultation with the key policing stakeholders. Its priorities were informed by ACPO's National Strategic Assessment and the Government's Public Service Agreements. The strategic policing priorities allow sufficient flexibility for police authorities to set local priorities on that basis, within the framework of the Plan, the deployment of resources for the national Roads Policing Strategy is a matter for individual chief officers. They will base their decisions on what in their professional judgement is most likely to be efficient and effective in their particular local contexts.

It must be recognised, however, that enforcement of law on the roads cannot be the only concern of the police. We firmly believe, and believe the public would agree, that they must also concentrate on the prevention and detection of crimes directly against the person and property. All deaths and injuries are tragic and we want everything possible done to prevent them. Effective enforcement of road traffic law will help this. The police must however also act to reduce deaths and injuries that are the direct result of other crimes – domestic violence, child abuse, robbery, terrorism and others. Such offences are not only distressing to their victims, but contribute greatly to public concerns and fears and diminish the over-all quality of life nationally.

HM Inspectorate of Constabulary assessment

7. We are pleased that roads policing operations performed well in HM Inspectorate of Constabulary's assessment of protective services. But the result is undermined by the fact that it was not heavily influenced by actual casualty rates. Models and frameworks in place should form part of the assessment, but the single 'outcome' indicator of primary importance in assessing roads policing performance should be the level of road casualties and the casualty reduction rate. The police should periodically monitor 'real world' compliance with traffic law in order to give an indication of the scale of violations and to help target police enforcement efforts where they will have maximum impact. (Paragraph 55)

Comment

The number of people killed or seriously injured in road traffic collisions per 100 million vehicle kilometres travelled is a grading criterion in HMIC's baseline assessments. Credit is also given in assessments to forces which promote road safety and engage in public education.

Roads policing is one of the 27 areas of policing on which HMIC carries out its baseline assessments. It is however important not to regard these areas as silos. Roads policing is an integral part of *core* policing and therefore is the responsibility of all police officers whether attached to a Roads Policing Unit or not.

The key elements of the joint Roads Policing Strategy are denying criminals the use of the roads; reducing road casualties; tackling the threat of terrorism; reducing anti-social use of the roads and enhancing public confidence and reassurance by patrolling the roads. These objectives from the basis of the specific grading criteria for baseline assessment areas:

- User satisfaction
- Volume crime reduction
- Serious and organised crime investigation
- Forensic processes
- Criminal justice processes
- Anti-social behaviour
- Special Operations support
- Human resources
- Race and diversity
- Leadership
- Performance management

HMIC inspects and credits police forces for their commitment to the basic tenets of policing, namely the protection of life, protection of property and the preservation of the peace. All of these are integral components of roads policing.

Compliance with road traffic law is routinely monitored by day to day police operational activity, but special exercises may also be undertaken. A recent example is the V79 exercise. For this, police forces throughout the UK undertook a national police compliance check on motoring requirements for both drivers and vehicles on 31 March 2006. This involved the random stopping of nearly 6,000 vehicles (cars, motorcycles and light goods vehicles). The police checked for compliance with requirements as to driver licensing, vehicle registration, road tax, insurance and MOT. In addition, the police checked for stolen vehicles, those being driven with a Statutory Off-Road Notification in force, and illegal number plates. The police also undertook checks on compliance with live animal transportation regulations at the same time. The operation, organised on behalf of ACPO, was supported by DfT and by DEFRA and a report is available on the DfT website.

Promotional campaigns

8. The level of road casualties each year is not widely known. The public should be educated about the number of people killed and injured, the dangers of driving and the risks of offending. While some excellent campaign materials are produced, exposure to these materials needs to be increased. The effort that goes into producing them should be matched by investment in ensuring the material reaches the target audience regularly and in the most effective way. Advertising campaigns should more effectively

support enforcement campaigns to maximise the impact of roads policing. (Paragraph 60)

Comment

Our award winning campaigns secure wider coverage and recognition. We are always looking for new ways to widen the coverage. However, we are not convinced that good knowledge of the basic statistical facts about road deaths and injuries would necessarily have an impact on the driving behaviour of the individual. However we fully agree that road users do not always understand the dangers they expose themselves to or the risks they might present to other people. This is a prime aim of our road safety publicity campaigns. The DfT is working more closely than ever with the police to synchronise publicity and enforcement on specific issues at a regional level as well as a national level.

For the period approaching Christmas 2006 DfT adopted a number of innovative approaches including a diverse range of messages on drink and drugs and driving via partner websites whose cooperation is much valued.

Roads policing strategy

9. While the introduction of the Roads Policing Strategy was broadly welcomed there has been some doubt over the actual impact it has had. The Home Office, Department for Transport and ACPO must jointly commit to evaluate its effectiveness and set outcome performance indicators to assist such judgements. It is of concern that not all forces have adopted the strategy—the Home Office should put in place the incentives to ensure all do so. (Paragraph 64)

10. It is a matter for concern that the emphasis of roads policing has to some extent transferred from road casualty reduction work to tackling terrorism. Both objectives are clearly extremely important. The need to deal with terrorism should not reduce efforts or resources in what should be a core policing function that includes tackling the driving offences most likely to result in a collision; such as speeding and impaired driving. (Paragraph 68)

Comment

ACPO, on behalf of the police, was an equal partner with the HO and DfT in drawing up and issuing the Roads Policing Strategy. The first National Community Safety Plan set as one of the actions for the police in 2006–07 "to implement the Roads Policing Strategy" and committed the Government "to support the police in implementing the joint Roads Policing Strategy". How the police implement the Strategy is an operational matter for individual chief officers. In the baseline assessments by HM Inspectorate of Constabulary, however, a force must have a roads policing strategy based on the national Strategy to achieve in this area an assessment of Fair or above. The Strategy has five key elements: denying criminals the use of the roads, reducing casualties, tackling the threat of terrorism, reducing anti-social use of the roads and enhancing public confidence and reassurance by patrolling the roads. The Strategy does not prioritise any one of these. How they are all addressed is a matter for forces locally. DfT and Home Office Ministers have however

written recently to all chief officers of police to stress the Government's continuing commitment to the Strategy and the importance of its effective implementation.

The current Policing Performance Assessment Framework already includes a specific roads policing indicator relating to the number of people killed or seriously injured in road traffic collisions per 100 million vehicle kilometres travelled. Another indicator relates to satisfaction with the way incidents are dealt with, including for victims of road traffic collisions. For the future, the Home Office has committed to establishing a single performance framework for crime, drugs and policing. The new framework will cover key police criminal justice targets and, in due course, be further aligned with the frameworks used by other parts of the Home Office, plus those used by other departments such as DCLG and DH.

Investment in staff

11. There are many extremely dedicated and committed police officers working on traffic law enforcement. Technology must complement their role and not be seen as an excuse for reducing the number of roads police officers. In some forces there has been a tendency to see technology as 'freeing up' police officers to be deployed on duties other than roads policing—this approach is short-sighted. There are numerous serious traffic offences which technology cannot yet detect. In addition, technology cannot perform the educative role that police officers carry out. While it is hard to measure the value of stopping drivers to give a warning and some guidance, that type of intervention seems certain to have some effect in raising driving standards. The Police also play an important role in collecting the collision and casualty data which underpin the road safety targets and future strategies and interventions. Technology cannot replace police officers: its value lies in making roads police officers more efficient and effective in carrying out their duties. The Home Office and individual forces should properly invest in both roads police officers and technologies to enhance the impact of police enforcement. (Paragraph 75)

12. New technology such as speed cameras and automatic number-plate recognition can make a significant contribution to road safety. But it should not be seen as an alternative to police officers on the ground. There are a number of important aspects of officers' work—warning and advising drivers, collecting collision and casualty data and, most importantly, detecting certain moving vehicle offences—which cannot be carried out by new technology. We recommend that the Government issue clear guidance to police forces about the role of new technology in supplementing, not supplanting, the work of roads police officers. (Paragraph 76)

13. Most new enforcement equipment requires staff to interpret and act on the intelligence. If the resources are unavailable then the capacity of the technology is curtailed. The police are not able to maximise the impact of Automatic Number Plate Recognition technology because they do not have the resources to respond to every positive identification. This gives a worrying indication of the level of lawlessness on our roads. New technology must be supported by adequate police staff resources and skills. (Paragraph 79)

Comment

We recognised and clearly stated in the Roads Policing Strategy that technology cannot wholly replace the police and that an adequate police presence on the roads is also vital. We agree that technology cannot enforce all offences and cannot replace direct intervention by the police or the police role in providing confidence and reassurance. Its aim is to reduce burdens and enhance the police capacity to perform their role more efficiently and effectively.

ANPR is one example of extremely valuable technology, a proactive tool that seeks to target those using the roads illegally. The majority of police vehicles are not yet equipped with ANPR, but the Home Office, realising the obvious benefits and success that ANPR can bring to reducing crime, has invested £32.5 million to encourage the adoption and development of this technology. It is the responsibility of individual forces, however, to allocate their budgets as they see fit.

The volume of ANPR-generated hits is high and we welcome this as demonstrating the effectiveness of the technology in detecting and preventing criminality. It means, however, that it is unavoidably necessary to prioritise such hits according to their importance. The Home Office is working closely with both ACPO and the police service more widely to ensure that robust, operational procedures are in place to enable an effective response to the most serious criminal activity. When it has not been possible to act immediately on this information derived from ANPR cameras, the intelligence is often used for vital post-incident investigation analysis. Numerous offenders have been brought to justice subsequently through this process. ANPR intercept teams also provide a highly visible police presence on the strategic road network which contributes to public reassurance and general road safety, in accordance with the objectives of the national Roads Policing Strategy.

Applying the National Intelligence Model to roads policing

14. The National Intelligence Model has an important role in improving intelligence-led policing and should help the police to identify where to focus resources to achieve maximum effect. We hope to see the Model more fully integrated into roads policing and casualty reduction, including at the local level. The Inspectorate should continue to evaluate progress in these important areas. (Paragraph 82)

Comment

The importance of the National Intelligence Model is recognised in the Roads Policing Strategy. Its principles are used in the National Roads Policing Intelligence Framework (NRPIF) and this is a specific grading criterion for roads policing. HMIC will continue to refer to its implementation in baseline assessments. No force can achieve a "Good" grading without being able to demonstrate evidence of implementation and use.

Training

15. With the move away from specialist roads police officers to centralised roads policing units there must be a strenuous effort to ensure there is no reduction in the specialist training provided. Initial and refresher training for police officers must be improved. It is imperative that officers engaged in roads policing understand how to manage and protect the scene of a serious road collision, both for their own safety and for the quality of the crash investigation. Offenders must not have the opportunity to escape serious driving charges because of police failure to use equipment competently or as a result of procedural irregularities. (Paragraph 87)

Comment

The initial police learning and development programme (IPLDP) was officially launched on 1 April 2006 with the purpose of reforming the delivery of student officer training within police forces in England and Wales. IPLDP is broadly a 2 year probationer programme which is modular in structure. It is delivered and assessed against 22 recognised National Occupational Standards (NOS) and is delivered locally to a quality assured national curriculum by individual forces. IPLDP is now live nationally, with all 43 forces having received their first intake of IPLDP students. National Occupational Standard 2C1 refers to attending incidents – the range includes road traffic incidents. Student officers are required to meet the specified outcomes and show evidence of this in their Student Officer Learning Assessment Portfolio.

The 22 NOS are regularly updated through wide consultation by Skills for Justice. The centrally developed learning materials published by Centrex reflect any updates. There are also regular updates to the detailed national learning materials as a result of, for example, input from key stakeholders, legislative changes, strategic initiatives, public enquiries, independent advisory groups and force feedback. There are several scheduled changes in relation to road traffic legislation. CCTV and the role of passive data generators are also scheduled to be included in the programme

Investment in technology

16. We believe it signals an insupportable choice of priorities that Highways Agency vehicles designed to keep traffic moving on the motorway should be better equipped than the police service's law enforcement vehicles. We heard that there are problems with IT interoperability between databases and between forces. We welcome the progress that has been made in this area and expect further resources to be found to invest in roads policing technology, to ensure that wherever possible access to data is instantaneous. This is the responsibility of both individual Chief Constables and central government. (Paragraph 93)

Comment

We acknowledge that the disparity of IT systems deployed by individual forces can be a barrier to greater efficiency and effectiveness in all areas of policing. Given that forces have the freedom to select and procure the systems that best meet their local needs, the

problems of interoperability can only be addressed by a more corporate approach to the way that data are handled.

The Home Office is already supporting two initiatives that will have a significant impact on this problem. Work is well advanced as part of the IMPACT programme to help forces locate and access intelligence and other operational information held in other forces' local systems. Secondly we are supporting the adoption of the Information Systems Strategy for the Police Service (ISS4PS). Under the ISS4PS (amongst other things) IT systems will be developed to provide a national view rather than a purely local view of information. From 1 April 2007 both of these important pieces of work will be driven forwards by the new National Policing Improvement Agency.

The influence of new technologies on deployment decisions

17. Technological developments alone should not be allowed to direct or unduly influence the deployment of police resources. Automatic Number Plate Recognition is an example of a technological development which has had a significant impact on policing. It very efficiently enables the police to identify vehicles wanted for past offences and registration-type offences when they are on the road. We welcome its introduction and wish to see all forces making full use of the technology. Nevertheless, it is vital that the police teams visible on the roads fulfil the whole range of road policing tasks and enforce all types of traffic offence. (Paragraph 97)

As we stated in our response to paragraphs 11–13 above, we recognised and clearly stated in the Roads Policing Strategy that technology cannot wholly replace the police and that an adequate police presence on the roads is also vital. They need to be there both because technology cannot enforce all offences and because it cannot replace direct intervention by the police or the direct police role in providing confidence and reassurance.

How law enforcement is carried out at any particular time and in any particular place and the role of technology in enforcement are operational matters for the police. It should be noted however that ANPR intercept teams now present on the roads are highly visible and in addition to their direct ANPR function provide an important resource to promote reassurance and tackle other motoring offending – it may well for example be an ANPR team that observes and can deal with a motorist using a hand-held mobile phone, who might not otherwise be detected.

Introducing new technologies into enforcement

18. When new technologies and new systems of enforcement are introduced there must be adequate attention given to how best to contribute to the public and media debate. The Government should properly convey reasons for the changes. Lessons about the importance of public communication must be learned from the safety camera hypothecation scheme. Both the Department for Transport and the Home Office must do more to publicly support new enforcement initiatives and ensure their success. (Paragraph 100)

Comment

The Government has continued to give strong financial and political support to the national safety camera programme and acted to provide maximum publicity and generate public support. The decisions to make cameras highly visible by painting them yellow and to publicise their location on websites were indicative of the objective of reducing speed rather than collecting fine revenue. The commissioning and publication of regular independent evaluation reports have in particular helped to raise media and public awareness of the programme, and its objectives and effectiveness.

Type approval

19. Difficulty achieving full market development of new technologies, and Home Office type approval, can lead to delay in anticipated improvements in roads policing. Ideally any necessary legislation and type approval of new technologies will come about at the same time—this requires proper planning and investment in research, design and development. The Home Office should examine whether the type approval process can be improved and accelerated without jeopardizing the outcomes. The process should encourage, not hinder, manufacturers to innovate. (Paragraph 105)

Comment

An efficient and effective type approval process is essential to insure the integrity and reliability of evidence produced by technological devices and its acceptance by the courts. We are aware of views that the type approval process is lengthy and expensive, but do not agree. We always seek to avoid unnecessary burdens on manufacturers and our requirements are only such as are essential to meet the over-all goal of type approval.

The process for devices such as safety cameras is managed through ACPO's Road Policing Enforcement Technology Committee, which includes representatives from HO Scientific Development Branch (HOSDB) and HO policy. The Committee's expectation is that manufacturers will have completed any development work before submitting either final pre-production or production equipment for entry to the type approval process. Often that is not the case. Companies often seek to present their equipment at the first possible meeting of the Committee, but then find they have not quite completed its development by that time. The Committee will nevertheless often agree to its entry on condition development will be completed to the satisfaction of the Committee Secretary and HOSDB.

An effective process requires manufacturers to be able and willing to provide full technical documentation and an in depth explanation of their equipment. Once a device has been admitted to the type approval process, it is the time taken for these to be provided that in most cases dominates the length of the process. The approach of companies varies. Some first provide what they regard as the minimum information necessary and then provide additional information only when it has been specifically requested. Some provide nothing at the start of the process, seemingly because they have no documentation ready or else need to write or re-write it. This is despite the fact they are advised they can submit what they do have, then provide more as requested. In some cases manufacturers fail to respond to requests for information and have to be set a deadline. If nothing further is heard, the device is withdrawn from the process and brought back only after payment of a deposit.

The police will not commence field testing until HOSDB is content with the technical documentation and user manual and able to advise ACPO on its testing.

When manufacturers come with final equipment, are clear about how it is to be used, are ready to provide technical documentation to HOSDB, the process is likely to take less than one year, but where that is not the case, it can take several times longer. Only rarely does it take longer because of technical problems which require correcting.

For our part, we are willing to consider any specific proposals for change and already do adapt the process to facilitate and encourage innovations. HOSDB, for example, published in 1996 a guidance document which introduced requirements for digital images and their protection to enable their use in evidence. This was innovative at the time and we believe led other European countries to introduce similar requirements. HOSDB also assisted in the introduction of 'bus lane enforcement in London by producing a handbook and helping take forward type approval, it worked with DVLA to enable the type approval of ANPR equipment to detect unlicensed vehicles, and when a company put forward an automatic average speedmeter it produced the Automatic Distance/Time Speedmeter handbook in 1995 to enable it to be approved. This was before any other country had such systems.

More recently, in the light of legal advice, HOSDB in 2002 published requirements that enable evidence to be recorded at a remote location and for the device to be controlled from there. In January 2004 HOSDB published new, extended, requirements for automatic distance/time speedmeters to enable average speed enforcement over a network of roads sharing the same speed limit. It has also produced a new handbook for manual distance/time speedmeter because, at ACPO's request, the HO started to require new such devices to be approved. Supplementary requirements were then produced to allow the addition of devices to the in-car video recording system.

There is no shortage of companies wishing to submit new devices for approval. From a commercial point of view, many manufactures have indicated that UK type approval is valuable in gaining access to overseas markets. Our concern is to ensure only devices which have a benefit to UK police and camera partnerships for UK traffic law enforcement are considered and that limited government resources are used only to that end. We would not wish to encourage applications for the type approval of devices that were clearly unsuitable or were unlikely to be marketed in the UK, nor would we wish to incur costs simply to reduce a commercial company's development costs and thereby increase its profits.

Regarding the cost, there is no charge for the time of police or safety camera partnership staff in conducting and reporting on field tests, or for HOSDB time, or for the time of HO policy officials in preparing the necessary agreements with companies and processing the type approval order. The manufacturer has to meet only the costs of contracting an independent test house to test their device against the relevant requirements, of providing a copy of the report to HOSDB, of loaning equipment for field tests and where fixed installations are required, paying for two sites. It is a matter for manufacturers to consider their costs and how these are recouped in sales.

Co-ordinating legislative change and the type approval of any new technology it requires are not straightforward. There is no real incentive for manufacturers to develop specific items of equipment for police use which cannot be used within the existing legal framework as there would be no market Developing a device without knowing what exactly might be required of it, either directly in the legislation or in any specification that might be laid down, could also be fruitless expenditure Government does however keep in touch with scientific and technological advances to inform its policy development and manufacturers maintain an awareness of areas in which they might be able to offer a product to benefit the implementation of policy.

Safety Camera Partnerships

20. It was disappointing that whilst acknowledging the essential role of safety cameras, the Association of Chief Police Officers' Head of Road Policing did not wish to see more cameras in use. We find such a contradictory approach bewildering. Well-placed cameras bring tremendous safety benefits at excellent cost-benefit ratios. A more cost effective measure for reducing speeds and casualties has yet to be introduced. An increase in safety camera coverage would be supported by evidence, as well as public opinion. There are many more sites which meet the existing camera guidelines and more funding should be made available to enable better coverage. (Paragraph 118)

21. The police and road safety campaigners want flexibility on where and how to deploy cameras. It is a disgrace that the existing Department for Transport guidelines require potentially preventable deaths and injuries to have occurred in a location before cameras can be installed. The relationship between speed and collisions is so well proven that this requirement is unnecessary and even irresponsible. Evidence of excessive speed is evidence of danger and there is no need to wait for somebody to die in order to take action intended to slow vehicles. We recommend that the casualty criteria be lifted. Future guidance from the Department should emphasise the importance of local decisions about camera siting: there should be more flexibility for rural roads with casualty problems which do not meet speed criteria and urban roads which cannot fulfil the visibility requirements. (Paragraph 119)

Comment

The independent four year evaluation of the National Safety Camera Programme confirms that safety cameras continue to be a valuable and cost-effective method of enforcing speed limits. The camera deployment criteria for the National Safety Camera Programme were amended in light of the conclusions of this report to provide partnerships with greater flexibility to deploy cameras where there is a strong road safety need. In particular for 2006/07:

- The criteria allow increased levels of enforcement at exceptional sites where there are community concerns about speeding or where there is a speeding problem and a history of all types of injury accident, rather than focusing on those that result in death or serious injury; and

- The criteria now allow cameras to be deployed on longer routes, especially in rural areas, where there is a clear problem of speeding and accidents along the route as a

whole, but the accidents are not sufficiently clustered in one section to trigger the previous criteria.

Local road safety partnerships will be responsible and accountable for the deployment of cameras from 1 April 2007. The Department therefore intends to be less prescriptive about deployment criteria from that date. The primary objective for their deployment will continue to be to reduce deaths and injuries by reducing the level and severity of speeding and red light running. However partnerships will have much greater freedom to develop local deployment criteria and use cameras in response to community concerns about excessive speeding. The Department for Transport will be issuing guidance to traffic authorities on these matters shortly. Alongside this greater local determination and accountability, we are providing £110 million a year of funding which represents a significant increase in funding for road safety compared to current spending on cameras.

22. Even driving a few miles per hour over the speed limit makes a big difference in a collision with a pedestrian or cyclist: the chances of survival halve between collisions at 30 miles per hour and 35 miles per hour. With more accurate camera equipment and with accurate digital speedometers installed in vehicles, it would be possible to lower the enforcement threshold speeds. The Government and the police should work towards harmonizing threshold speeds and reducing these to nearer the actual speed limit in order to improve the effectiveness of speed cameras, and to better protect pedestrians and cyclists. (Paragraph 121)

Comment

The Association of Chief Police Officers' guidelines to Chief Constables on minimum enforcement thresholds for speeding are kept under review. Any improvements in camera technology will be taken into account in future reviews.

23. The change in funding arrangements for the National Safety Camera Partnerships ends the ring-fencing for camera operations. The police fear that under the new system their involvement could be sidelined and their access to funding might be curtailed. Transport for London in particular has concerns that it will be difficult to increase funds to expand camera enforcement even where cameras are the most effective solution. Camera Partnerships have provided valuable lessons in partnership working; the connections that have been made must not be lost. We will keep the new arrangements under review and hope to see that cameras continue to be an important part of casualty reduction for as long as they remain one of the most effective interventions. (Paragraph 128)

Comment

Safety cameras play an important role in an integrated road safety strategy. As part of the integration of cameras into the wider road safety delivery process, we are encouraging the establishment of wider road safety partnerships. The intention is that the existing close working between local authorities, the police and other local partners on safety cameras is extended across a broader range of road safety measures. DfT will continue to monitor progress, facilitate good practice and provide assistance.

Future technologies for speed limit enforcement

24. Speed cameras have achieved significant reductions in collisions and casualties. There remains potential to increase this impact not only through the rules and arrangements which govern their use, but also through ongoing technological developments. Time-distance cameras improve effectiveness: the Department for Transport, Home Office and police forces should take the steps necessary to encourage their use and make sure sufficient resources are invested. The possibility of using time-distance cameras to enforce 20 miles per hour limits on residential roads should be explored by the Department. We welcome Transport for London's efforts to secure Home Office type approval for such equipment in order to protect vulnerable road users through enforcement of appropriate speed limits. Development work on Intelligent Speed Adaptation should be continued. We would welcome the early introduction of in-vehicle enforcement technology. The potential of Intelligent Road Studs should also be further explored. (Paragraph 135)

Comment

We recognise the significant advantage of using time over distance speed enforcement as well as enforcement at particular points on the road. As outlined above, HOSDB has produced the necessary type approval requirements as and when needed.

Time over distance speed enforcement is already encouraged at sites where a significant number of collisions are scattered along a length of road and for major road works enforcement. Greater flexibility was afforded to Safety Camera Partnerships to use this technology in 2006/07 and their use is also included the shortly to be published guidance on the future deployment of cameras post 1 April 2007.

Subject to the technology meeting the type approval requirements, it will for example be possible to use time over distance cameras to enforce 20mph speed limits from that date. However, 20mph zones are typically self-enforcing, where appropriate through suitable traffic calming measures. At this stage, the Department remain of the general view that this should continue to be the case.

Nonetheless we are happy to consider Transport for London's proposals and are working in co-operation and collaboration with them on the type approval process. HOSDB had early discussions with TfL and the supplier of the only approved average speed system when it published in January 2004 requirements to enable a network of roads to be enforced. TfL is very helpful in facilitating test sites for the Metropolitan Police to undertake HO type approval testing and we are very grateful for this. TfL is currently facilitating a test site for an average speed enforcement system that is currently in the type approval process. TfL also have a development project for a digital 'bus lane enforcement camera system on which they have consulted HOSDB.

The police and HO already do make resources available for adapting and operating the type approval process. Some forces also assist highway authorities with projects that include the development of new enforcement technology. It would however not be possible for the Home Office to fund or be involved in any development work itself in this area. It is beneficial to have a range of products available. To achieve this, companies have to develop

systems at their own cost and submit them to the type approval process. HOSDB could not continue to maintain the confidence of the companies that their information was being protected if it seemed that any HOSDB development was benefiting from HOSDB seeing the technical documentation of all competing products. For the type approval process to work, it is essential it operates in confidence to protect the commercial interests of all companies submitting their products.

We acknowledge that Intelligent Speed Adaptation technology is an option for helping drivers to remain within speed limits in the future. The Department has been undertaking a trial through a research project and this is scheduled to report shortly. Only one company is known to claim that it has intelligent road studs with the potential for use in speed enforcement. HOSDB has encouraged the company to submit such a device, but so far without success.

We acknowledge that Intelligent Speed Adaptation (ISA) technology could help drivers to remain within speed limits in the future and anticipate manufacturers taking forward ISA in response to consumer demand. The Department has carried out trials looking into the longer term effects of using ISA on driver behaviour; this project is due to report shortly.

Increasing prevalence of drink-driving and drug-driving

25. More than one in six people killed in road crashes are the victim of drivers over the permitted alcohol limit. This is far too many deaths and indicates a level of non-compliance with traffic law which is appallingly high. The number of drink-drive casualties has increased in recent years, as the number of roads policing officers has fallen. Police enforcement has a crucial role to play. As ACPO noted, the operation does not need to be complex: it is a case of doing much more of the same. We need a uniformly stringent approach to drink-driving enforcement. There should be a greater effort to understand and address the reasons for an increasing number of people's preparedness to drink-drive. (Paragraph 144)

Comment

The number of drink drive casualties has actually been falling although the number of deaths has increased. After several decades of progress towards the eventual goal of eradicating drink driving this is a very disappointing situation. The fact that the severest of accidents are not declining does support the view that the culprits are well above the legal drink drive limit and are therefore the types of person who have little regard for the law. We have been researching the degree and form persuasion needed to get the message over to these people – who are not necessarily long term hardcore but younger inexperienced motorists who have a perception of themselves as indestructible. It is believed that their willingness to drive impaired is boosted by a perception, whether accurate or not, that police are not around to enforce. It is our joint aim through publicity and actual police action to destroy that myth.

26. The incidence of drug-driving is also on the rise, although the actual scale of the problem is still unknown. There is a widely-held belief among offenders that drug-driving is not enforced by the police. The drug-driving enforcement campaign has not yet really begun in earnest. Given the estimated scale of the problem, there must be

much greater enforcement and a publicity campaign directed at drug-driving. The Department for Transport must do more to educate the public of the dangers of both drug-driving and drink-driving. (Paragraph 145)

The full impact of drugs on road traffic accidents is not yet known. The DfT contributory factor measures recorded by the police on the Stats 19 accident record system suggest that drugs are a factor in about one tenth of the number of fatal accidents where alcohol was involved. The incidence of drugs in injury accidents as a whole may sometimes be concealed by the presence of excess alcohol because the police may take forward prosecution proceedings for drink driving without investigating for drugs. Paragraphs 30–33 detail the government's and police's progress on enhancing enforcement. For example, we are in communication with commercial manufacturers on the development and delivery of a suitable roadside device for testing for a broad range of drugs. This would enhance the scope to measure the prevalence of drugs and is discussed in detail at paragraphs 30–31 below. Publicity on drug driving was at an all time high at Christmas 2006 and is being targeted through the most relevant media.

27. It is disappointing that the police, Home Office and Department for Transport have not found funding to secure the type approval of roadside evidential breath testing equipment. It is unacceptable that last year the Government announced £15 million of extra funding for the continuing development of Automatic Number Plate Recognition technology, and yet it has not made £60,000 available to ensure type approval of roadside evidential breath testing equipment, which could be instrumental in reducing the 3,000-plus people killed and seriously injured through alcohol-related road crashes each year. The Government must work earnestly with manufacturers to resolve barriers to production of the equipment as a matter of urgency. (Paragraph 148)

Comment

Our remarks above on paragraph 19 are relevant also to the developmental and type approval costs of evidential breath test equipment. The cost of type approval testing is considerable, but unavoidably so. (The cost of £60,000 is an estimated cost *per device* based on the assumption that it passes the required tests first-time and that the test set-up costs are spread over 3 devices.) Commercial decisions are matters for the individual companies that might seek to produce devices and have them approved.

Devices must demonstrate that they can give accurate results under extremes of temperature and humidity, as well as against quite severe shocks, vibrations and impacts. They must demonstrate that they do not give off any radio waves which might affect other equipment; as well as demonstrating that they are not themselves adversely affected by radio waves. When all of these tests have been satisfactorily completed, the devices have to be tested for their response to alcohol vapour samples. An evidential breath test instrument must show that it responds only to the ethanol in a sample of breath not to any individual one of a number of other volatile substances. Instruments must prove they will give accurate and repeatable results and that they will show no "memory effect" (i.e. the result of a particular test must not be influenced by the test(s) carried out immediately beforehand), or "drift" (i.e. the calibration of the device must be stable for at least 3 months). The test time for a device can run into several days per test type and the complex software has to be tested carefully to ensure it does all that is required, but nothing else.

Special materials have to be used in the tests and some very specialised test equipment has to be used.

The Forensic Science Service, which advises the Home Office on the type approval of breath test devices, has supported the National Physical Laboratory (NPL) in its bid for funding from the Department for Trade and Industry's national Valid Analytical Measurement (VAM) programme. In the recent VAM funding meetings, NPL have been successful in securing some set-up funding to support the Type Approval of mobile evidential breath test instruments. It is expected that various devices will be tested during 2007 with the likelihood that recommendations as to type approval may be made by the end of the year.

28. As technology improves the government should review the guidelines governing its use to ensure they continue to strike the correct balance between gathering sufficient evidence to prosecute and making effective use of police time. We recommend the government reviews the merits of offering a blood and urine testing option to drivers with between 40 and 50 micrograms of alcohol in 100 millilitres of breath. Improvements in technological accuracy may have made such an option superfluous. (Paragraph 149)

Comment

On the blood/urine testing option, technological accuracy is not the only issue. One of the reasons for the introduction of this option was the physiology of alcohol in the human body.

The ratio between blood alcohol (BAC) and breath alcohol (BrAC) is not the same for everyone. The figures in the Road Traffic Act (80mg/100ml BAC = 35µg /100ml BrAC imply a ratio of 2300:1. This was obtained statistically from the analysis of many hundreds of blood samples taken concurrently with breath samples.

The lowest BAC/BrAC ratio obtained was 1600:1, though this has been questioned by more recent studies. Someone with a BAC/BrAC ratio of 1600:1 could blow 50µg/100ml on a breath screener, but their blood would contain 80mg/100ml (50µg x 1600 = 80mg). Therefore, even though their BrAC would be in excess of the legal limit, their BAC would not be. If the option were to be removed, the *de facto* prosecution limit of 40µg/100ml would mean that anyone with a BAC/BrAC ratio of less than 2000:1 would be disadvantaged.

As the Committee recognises, technology has improved in terms of accuracy and specificity and the calculations and factors used now are different from those employed previously. A further study is necessary of drivers making use of the option before any change can reasonably be made. We shall consider this further.

29. The scale of the drink-drive problem indicates the need for all efforts to be made to promote compliance. Where technology can help increase compliance its use should be encouraged. 'Alcolocks' should be fitted to offenders' vehicles. In addition, the Department should evaluate the impact of eventually fitting alcolocks in all new vehicles, and should the results prove to be beneficial for road safety, the Government should push for alcolock fitment to be incorporated into the European Whole Vehicle

Type Approval standards. The alcolock should be calibrated to the Member State's national alcohol limit. (Paragraph 151)

Comment

The technology of alcohol ignition interlocks continues to evolve. It has been reported that the (US) State of New Mexico has adopted a system based on a transdermal sensor in place of a breath test as part of its judicial interlock programme. We continue to monitor developments in other countries. Enabling powers have been taken through the Road Safety Act 2006 to allow for the setting up of a judicial programme but this will progress via an experimental phase probably in a limited part of the country. DfT research on operational and social aspects of the use of interlocks is nearly complete and a report will be published in spring 2007. A simpler version of an interlock can be used as a preventive device. It is possible that fleet operators may be interested in this. Decisions about fitting interlocks to all new vehicles are not likely to be taken at national level but if they were it is likely that manufacturers would want to calibrate them well below legal limits because of potential liability in the case of any failure or inaccuracy in a particular machine.

Drug screening equipment

30. We welcome the development work which is underway into technologies that will effectively and accurately detect whether drivers have used drugs. Drug-driving already poses a very significant danger on our roads: studies indicate that 18% of collisions involve a driver in whom illicit drugs are present. We are therefore concerned that, given the extent of the problem, far too little attention has been dedicated to such research and development. It is a complex task but the Home Office must prioritise the development of drug screening equipment and police officers must have access to this technology at the earliest possible opportunity. Until this technology is available, the deterrent effect of enforcement will be minimal. (Paragraph 156)

31. There should be effective co-operation between roads police officers and forensic scientists to ensure that prosecutions for drug-driving offences are pursued wherever possible. We are concerned that in the context of drug-driving enforcement, the results of police and medical tests frequently do not match. This problem should be explored and both groups should be better trained in the procedures. (Paragraph 158)

Comment

Any devices the police might use to test a driver for the presence of a drug must be of a type approved by the Secretary of State. The responsibility of the Home Office, with its advisers in the Forensic Science Service and HOSDB is to prepare a type approval guide setting out the specification which a device would have to meet to achieve type approval. The Department then has to ensure that any device presented meets that specification and merits type approval. The actual development of devices is essentially the responsibility of commercial manufacturers, with whom we maintain regular communication. We welcome the keen interest they show in this area.

The type approval process is overseen by the HO-chaired Drink Drug Drive Working Group (DDDWG). Although the road safety issue is whether a person is impaired by a

drug, rather than simply has a drug present, the Group is fully aware of the importance of this work and is pressing for the guide to be available as soon as possible. It is, however, of vital importance that there is extremely careful drafting of the guide. The type approval process must result in a device that is practically useful, reliable and accurate. A device which detected some impairing drugs but not others that might be in common use, or that could not be used properly and reliably in different operational conditions, would be of limited benefit; one that gave either a falsely positive reading or a falsely negative reading would be actively harmful and potentially dangerous.

There has already been extensive work towards production of the guide. and this continues. It involves outside academic experts and consultation with industry and other interested parties. A further draft of the guide is expected to be issued by 31 January 2007 or shortly afterwards.

The work also had regard to relevant research, particularly the joint European/USA ROSITA-II study. This found a wide range of problems with the different existing devices tested, both in their accuracy and sensitivity and in their operational use. The specific conclusion was that "no device was considered to be reliable enough in order to be recommended for the roadside screening of drivers". One manufacturer has subsequently prepared what is claimed to be an improved device but there are no independent data to back up the claims

We are aiming to enable manufacturers to have devices on the market by the end of the year. This is a best-case scenario and depends on the following assumptions:

a) The next circulated version of the Guide requires little or no change before publication.

b) Manufacturers have devices ready for testing.

c) Some (or all) of the environmental testing has been carried out before final publication of the Guide (The environmental tests are all taken directly from International Standards. If the manufacturer has a device ready, there is no reason why these tests cannot be done now, and only the "drug-specific" tests have to wait until publication of the Guide.)

d) Police field trials find at least one device satisfactory.

e) The devices pass all the tests first time (and hence require no re-engineering and subsequent re-testing).

f) The agreed calibration check interval is no longer than 1 month (which would require 3 months of testing).

In parallel to this work, and on a longer time-scale, HOSDB is engaged on a priority project to develop a more sophisticated device which rather than screening for the presence of specified drugs analyses a sample of oral fluid and identifies the illegal, prescription or over-the-counter drugs that are present. This work, at the forefront of scientific and technological development, is extremely difficult, complex and delicate. When complete, a specification will be prepared for commercial manufacture of the device.

As regards co-operation in drugs tests, there are 3 stages that lead to the analysis of a blood or urine sample from a motorist suspected of driving whilst unfit through a drug:

a) An officer witnesses the suspicious driving behaviour and possibly conducts a field impairment test; the driver is taken to the police station. A field impairment test, which can only be conducted by a trained and certified officer, is not a definitive indication that a person is impaired by a drug but can give support to an officer's suspicion.

b) A medical practitioner states that the motorist has a condition which might be due to some drug and a sample is taken, It is for the medical practitioner to decide on what to base his statement.

c) A forensic scientist analyses and reports the result of the sample.

The Road Traffic Act blood sampling kit contains a copy of the national MGDD/E Drug Sample Information Form. This should be submitted with every blood or urine sample taken from a motorist and is designed to help the forensic scientist decide which analyses to carry out, and in which order.

The analysis and reporting of drug levels is not as straightforward as the analysis and reporting of blood alcohol levels. The main differences are:

a) Drugs are not volatile and so cannot be easily and quickly separated from the blood for analysis.

b) The drug potentially present may be a single drug (e.g. cocaine), or a group of drugs (e.g. benzodiazepines), or a specific metabolite rather than the drug itself.

c) The levels of drugs which may cause an effect are hundreds of times lower than the level of alcohol which may cause an effect. This means that the forensic scientist has to undertake a far more discriminating analysis.

d) Regular drug users will have an increased tolerance to the drugs that they regularly take. This can make it hard to interpret a particular drug level as one which may cause impairment (and means that a field impairment test may correctly not suggest impairment, even though blood analysis shows the presence of a drug).

e) The forensic scientist can rarely say that the motorist was impaired or unfit from the analysis of the sample. The analytical result should provide an indication that a person's suspicious condition was, in the absence of any medical or physical explanation, due to drugs.

The Home Office chaired Drink Drug Driving Working Group has a specialist Drug Driving Advisory sub-group in which those with professional, operational and scientific interest in the issue can discuss problems as they arise and potential improvements to the system.

Field Impairment Test

32. We are pleased to see that in the absence of drug screening devices, the police have developed the Field Impairment Test to assist officers to accurately detect drug drivers. The early results are promising. It is therefore disappointing that not all forces have adopted the system. The Home Office and the Association of Chief Police Officers should work together to ensure that the Field Impairment Test procedure is harmonised and fully applied across police forces. (Paragraph 161)

Comment

The Road Traffic Act 1988, as amended, requires any police officer carrying out a preliminary impairment test, such as Field Impairment Tests (FIT), to be specifically approved by the chief officer of the police force to which he belongs. Before approval, a constable must be qualified for the purpose by training and assessment in the use of Field Impairment Tests in accordance with the standard set in:

* BS EN ISO 9001: 2000 and

* The Quality Manual held by the Association of Chief Police Officers (ACPO) and the Association of Chief Police Officers Scotland (ACPOS).

In addition to being trained to administer the Field Impairment Tests, constables so authorised will also be trained to a standard set down in the above BS EN ISO, to identify the signs and symptoms of drug influence. Constables will be trained for the purpose only by instructors who have been approved for that purpose, in England and Wales by the Association of Chief Police Officers (ACPO) and, in Scotland by the Association of Chief Police Officers (Scotland) (ACPO(S)). The Act also requires the Secretary of State to issue a code of practice on the use of FIT. Such a code was issued in December 2004 and is available on the DfT and HO websites.

Legislation and enforcement of drink-driving and drug-driving

33. The continuing requirement to prove impairment is an obstacle to the effective policing of the drug-driving problem. We recommend that the Government work in consultation with police services and the appropriate medical experts to identify suitable thresholds and tests for the presence of illegal drugs in a driver's body. At the same time, the Government should bring forward the legislation necessary to enable drivers to be prosecuted on the basis of drug-testing rather than impairment-testing. (Paragraph 168)

Comment

In terms of operational convenience for the police, there is an immediate attraction in the suggestion that the requirement to prove impairment should be removed. The Government is therefore prepared to give this further consideration. There are, however, a number of issues to be resolved before the Government might properly decide to introduce primary legislation to give effect to the suggestion.

Such evidence as is available suggests that drink driving remains probably a tenfold more significant problem than drug driving. With both, the road safety issue is the extent to which a driver's ability might be impaired by drink or drugs. There is no absolute ban on driving with alcohol in the body. The prescribed limit for alcohol reflects empirical evidence as to the amount the average person can drink before a significantly higher chance of being involved in a collision. There is a very wide range of drugs that might be used and people's tolerance of each varies, as therefore does the point at which their driving becomes impaired and potentially dangerous. Moreover, some drugs can remain in the body long after they could be having any impairment effect.

To set limits for every type of drug that is currently available or might become available in the future is not practical. To have an absolute ban would make it an offence to be driving a vehicle with an illegal drug in the body, although it is not otherwise an offence (the offence under the Misuse of Drugs Act is to be in possession of a controlled drug). It is also not simply the case that people have particular drugs in their bodies, because the substances metabolise after consumption. Impairment is the road safety issue and there is a need for proof that an illicit drug has been consumed before it can be claimed that a person is likely to be impaired by it. Such proof relies on markers. In some cases, however, the impairment might outlast any marker related to a drug. Moreover, some more dangerous drugs are eliminated from the body more quickly than less dangerous drugs. It would be counter-productive to encourage people to take more dangerous drugs in the hope of being better able to avoid detection.

34. We believe that impairment is still the appropriate test in relation to drivers who are affected by licensed medicines. (Paragraph 169)

Comment

The Government agrees.

Mobile telephone use

35. Driving while using a mobile telephone is extremely impairing—drivers holding a mobile telephone conversation are four times more likely to be involved in a crash. Anyone who observes traffic for even a short period of time is likely to see this law being flouted with impunity—it is disappointing that there have not been more high profile enforcement operations to support the change in legislation. Failure to enforce the new law risks bringing traffic law enforcement into disrepute. Given the significantly increased risk of collision, the police should undertake regular and highly visible enforcement action, supported by targeted advertising campaigns. (Paragraph 175)

Comment

Enforcement is going up. Home Office figures are only available for 2004, but reports we have had suggest that some forces will catch this year more than three times the numbers in the 2004 figures. The Road Safety Act raises the stakes from 27 February 2007 by doubling the FPN and bringing in points; and we believe this will make a serious difference to the way the offence is perceived and enforced.

DfT is running a national campaign in early 2007 linked to the new penalties. We are also looking at increasing social unacceptability with publicity aimed at those who make calls to drivers. The THINK! team are talking to ACPO about linking enforcement and publicity campaigns, and plan a trial on seat belts. Mobile phones would be an obvious next target if the results are positive.

36. Collision data should include details of whether a driver was using a mobile telephone at the time of the incident, and certainly in all fatal crashes the collision investigator should check telephone records to identify whether the driver was using a telephone at the time of the crash. The fact that it is currently difficult (or impossible) to detect mobile telephone use through technology should not mean that this law is neglected. In addition, the Home Office should support research into new technologies which detect telephone use or prevent people from driving while using them. (Paragraph 176)

Comment

We have included mobile phone use among the contributory factors recorded on STATS19, but this is not straightforward. A policeman arriving at the scene of a road traffic accident will rely at the scene on an admission or other witness evidence that a phone was being used. The driver might well make another call before the officer arrives (to summon the police and/or other emergency services, report delay to family or work, etc), which makes detection possible only by a check of the phone company record. We understand that there are thresholds to cross before the necessary authority to search these records will be given. Devices that can detect whether a mobile phone is in use nearby already exist and have been used by the Department for Transport for survey work. They do not, however, indicate retrospectively whether a mobile phone was in use.

Fatigue

37. We welcome the research being undertaken by the Home Office Scientific Development Branch into a device which would help police officers reliably detect impairment in drivers. If such a device is shown to be effective, the Home Office should ensure that police officers have access to this equipment as soon as possible, and that they are adequately resourced and trained to make best use of it. (Paragraph 179)

Comment

HOSDB will continue this work. The availability and use of any device that may be developed will in due course depend on commercial manufacturers and decisions taken by individual chief officers as to its value and cost-effectiveness in assisting with operational duties. There should not be too much focus on the ability to detect impairment due to fatigue. Many experts believe that this will not be possible because of the rush of adrenalin a suspect driver might experience when stopped by the police. The main focus of the HOSDB work is on impairment resulting from drugs or alcohol.

Haulage vehicles

38. Commercial vehicle and driver compliance checks should be properly resourced. The Department for Transport and Vehicle and Operator Services Agency should work together to enforce vehicle safety standards on all vehicles, including foreign-registered Heavy Goods Vehicles. We welcome measures in the Road Safety Bill that toughen the regime for foreign-registered vehicles. (Paragraph 183)

Comment

The Vehicle Operator and Services Agency spends a significant amount of resource on compliance checks, but there are inevitably limits as to what can be undertaken, and a reasonable balance needs to be struck. The solution is not just about the absolute level of checking – it is about targeting checks against the most likely offenders, and this is exactly what the Agency is doing, irrespective of where a vehicle is registered and where the driver comes from.