

Public Interest Test 21265 19

Section 31 (a)(b) Law Enforcement

Section 38 (1) (a) (b) Health and Safety.

Harm

To disclose this information would alert individuals to police tactics and undermine the work of speed enforcement. If drivers were able to predict (or thought that they were able to predict) police tactics they would be more likely to exceed the speed limit as they would believe that the chances of being recorded speeding at particular speeds was low.

For camera enforcement to be truly effective there must be the perception that the chances of being recorded are high at all sites and at all times. Therefore releasing this level of detail would increase the speed motorists travel at around as they feel the likelihood of being caught is low.

Reasons for disclosure

Disclosing information about policing tactics would provide a greater transparency in the actions of a public authority. It is clear that there is a public interest in public authorities operating in as transparent a manner as possible, as this should ensure they operate effectively and efficiently. Confirming the speed threshold could help to ensure that WMP is prosecuting offenders at a level that is safe for both drivers and the public.

There is a clear public interest in ensuring that public organisations are acting within their authority by prosecuting offenders who breach the speed limit. By confirming the speed thresholds other than the guidelines available in the public domain the public can judge whether we are using our resources in the most efficient manner. Therefore it may provide the necessary safeguards and satisfy the public interest in this matter.

Reasons for non-disclosure

where the current or future law enforcement role of the force may be compromised by the release of information, then this is unlikely to be in the interest of the public. Confirming the threshold at which we do not prosecute, makes it more difficult for the WMP to enforce the speed limit. Driving above the designated speed limit is not only unsafe but also illegal. To speed by 1 Mph or 10 Mph, is irrelevant, if you speed, you are breaking the law. We therefore reserve the right to prosecute all those who are breaking the law.

In this case, confirming the threshold could negatively impact driver behaviour. It may encourage drivers to exceed the speed threshold knowing that the WMP do not prosecute below a certain level. In a report by the Slower Speeds Initiative, it is documented that 'for every 1mph change in average speed there will be a corresponding 5% change in the number of crashes.' As well as an increase in the risk of a Road Traffic Collision (RTC)

occurring, an increase in the speed increases the consequences of these RTCs. Therefore by releasing the speed threshold could have potential dangerous consequences for drivers and members of the public. Putting the public's safety at risk is unlikely to be in the public interest.

Not All neighbouring force's disclose their threshold, to disclose ours could have a negative impact on these forces as people are unaware of where the boundaries begin and end for many forces .

Balancing Test

For a public interest test, issues that favour release need to be measured against issues that favour non disclosure. The public interest is not what interests the public, or a particular individual but what will be the greater good, if released, to the community as a whole.

The issues of transparency and accountability of WMP are noted. However, on balance it is considered that the public interest in disclosing the data is outweighed by the potential impact release would have on law enforcement and driver behaviour.

Releasing the speed threshold increases the possibility of drivers purposely driving over the limit but below the trigger speed. This could encourage them to exceed the speed limit when they believe that enforcement is unlikely to be taking place. Consequently this prejudices the Police Services abilities to prevent and detect crime and to protect the public's safety.

Having considered the arguments for and against, the public interest test favours the non disclosure of the data requested. West Midlands Police will not disclosure information that will undermine future law enforcement and put the public in danger.