

Our Ref: IM-FOI-2015-2171



Sir Stephen House QPM
Chief Constable

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

Please provide a copy of your SOP, policy etc. governing the driving of unmarked police cars with covert blue lights activated. I'm specifically interested in whether any police driver can do so or if you have to be a 'traffic' driver, as is the case in many forces

Your request for information has now been considered and I can advise you that Police Service of Scotland does not hold the information requested by you. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, I can advise that there is no specific Standard Operating Procedure or policy that provides solely for driving of unmarked police cars with covert blue lights activated etcetera. However, within 2 current documents, there is a definition of how and when auxiliary warning equipment (such as blue lights and/or sirens) should be used; these documents are:

- *Driver Training and Standards - Vehicle Safety Checks SOP (explains limits of authority to drive police vehicles)*
- *Policing Scotland's Roads - Police Scotland Guidance Document (explains where/when auxiliary lamps may/should be used)*

All Police Scotland Policies are available on the Intranet Website for the information of Police Officers and Police Staff.

While there is an expectation that officers and staff will follow the prescribed procedures, it is recognised that every eventuality cannot be covered and accordingly, officers will require to exercise their professional judgement. Where officers and staff have no discretion as to their actions, this will be clearly indicated in the SOP. Officers and staff should at all times consider whether their actions represent the expectations and standards of the Service and demonstrate Integrity, Fairness and Respect.

Any subsequent analysis of actions will be judged reasonably, in the light of all the facts and circumstances rather than solely on non-compliance with the relevant SOP.

Please find below the extract relative to your request:

EMERGENCY AND PRIORITY RESPONSE

30.4 Officers are reminded that the activation of auxiliary warning equipment such as blue lights and sirens merely makes the presence of the vehicle potentially more visible to other road users, but does not in any way negate the individual responsibilities that officers have for ensuring that the highest standards of driving and safety expected of a trained police driver are maintained. As a consequence Police drivers must drive in accordance with their respective level of driver training and experience at all times.

To clarify, **any** Police Officers, authorised to drive police vehicles, can drive unmarked police vehicles with covert blue lights.

Should you require any further assistance concerning this matter please contact Information Management Glasgow on 01786 895 863 quoting the reference number given.

If you are not satisfied with the way in which your request has been dealt with, you are entitled in the first instance, and within 40 working days of receiving this response, to request a review of the decision. Should you wish to do so, contact details are; Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH - foi@scotland.pnn.police.uk

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Scottish Information Commissioner within six months for a decision. Contact details are; Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS - enquiries@itspublicknowledge.info

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.