

STATES OF JERSEY



MOBILE SPEED CAMERAS (P.91/2020): AMENDMENT

Lodged au Greffe on 15th September 2020
by the Connétable of St. John

STATES GREFFE

MOBILE SPEED CAMERAS (P.91/2020): AMENDMENT

1 PAGE 2 –

For the words “Home Affairs” substitute the word “Infrastructure”.

2 PAGE 2, PARAGRAPH (a) –

After the words “Honorary Police to use” insert the word “unattended”.

3 PAGE 2, PARAGRAPH (a) –

After paragraph (a) insert the following new paragraph and re-designate the subsequent paragraph accordingly –

“(b) permit the data recorded by such cameras to be admissible as evidence in any criminal case;”.

CONNÉTABLE OF ST. JOHN

Note: After this amendment, the proposition would read as follows –

THE STATES are asked to decide whether they are of opinion –

To request the Minister for **Infrastructure** to bring forward legislation to –

- (a) enable the Honorary Police to use **unattended** mobile speed cameras;
- (b) **permit the data recorded by such cameras to be admissible as evidence in any criminal case; and**
- (c) introduce stricter sentences for motorists who are found guilty of travelling 30 miles per hour or more over the speed limit.

REPORT

Speeding in Jersey

The risk of severe injury, or death, of a pedestrian struck by a vehicle significantly increases the faster the vehicle is travelling. Risk of severe injury is 10% at an impact speed of 16mph, 25% at 23mph, 50% at 31mph, 75% at 39mph, and 90% at 46mph. Risk of death of a pedestrian is measured at 10% at an impact speed of 23mph, 25% at 32mph, 50% at 42mph, 75% at 50mph, and 90% at 58mph.¹ With the highest possible speed limit of 40mph on a Jersey road, it is clear that a potential accident involving a pedestrian caused by speeding could have very serious consequences.

In the 5 year period from 2013 to 2017 there were at least 104 collisions in Jersey that were speed related². These collisions cost the economy over £8 million. A reduction in such road traffic collisions would therefore reduce unnecessary financial costs, but, vitally, reduce the risk of potentially fatal, or life-changing, accidents.

In July 2019 an individual who had been caught driving at 85mph in a 40mph zone was banned from driving for 2 years and ordered to carry out 150 hours of community service. The Assistant Magistrate said:

“I want people to get the message and for it to be very clear, anybody doing these speeds will risk going to prison.”³

Despite the intended message of such penalties, incidences of speeding are still regularly reported to the police and highlighted on social media by people frustrated by the noise disturbance and concerned for the safety of road users. However, evidence or complaints from members of the public is insufficient evidence to secure convictions.

Statistics on Jersey road traffic accidents for the years 2017, 2018 and 2019 show that speeding has been the cause of approximately 21% of accidents each year.⁴ It is an ongoing problem. During Jersey’s period of lockdown due to Covid-19, police received many complaints about speeding. The States of Jersey Police launched Operation Canvas on 20th June 2020 to target the speeding issue, with an Inspector stating:

“This is purposefully to target drivers that are using our roads as a racetrack. Our roads are not designed as such and shouldn’t be used as such.”⁵

In just over 1 month after its launch, Operation Canvas had caught 52 speeders, with the fastest of those speeders measured driving at 63mph – at least 23mph over any Jersey speed limit. Targeting speeders in this way requires planned effort and resource, and this is a challenge.

¹ <https://aaafoundation.org/impact-speed-pedestrians-risk-severe-injury-death/>

² Data source: Government of Jersey - Growth, Housing and Environment.

³ <https://jerseyeveningpost.com/news/2019/07/04/motorist-caught-driving-at-obscene-speed/>

⁴ <https://www.gov.je/Freedom%20of%20Information%20library/ID%20FOI%20Road%20accidents%2020200403.pdf>

⁵ <https://www.itv.com/news/channel/2020-07-22/over-50-caught-speeding-and-26-cars-taken-off-road-under-jersey-police-crackdown>

Policing speeds: a resource issue

Current legislation ([Road Traffic \(Jersey\) Law 1956](#)) has perpetuated the need for police officers to be present to operate the speed cameras during road checks; data collected by unattended or unstaffed speed measuring devices cannot be used to make a prosecution, and without a change in the law any speed checks will continue to be resource intensive. The success, to date, of Operation Canvas shows how effective Jersey's police are in carrying out speed checks, but this is only possible with the sufficient number of staff.

In March 2019 local media reported that the St. Brelade Honorary Police force was operating at 50% below usual levels which meant that patrols on some nights could not go ahead.⁶ The Honorary Police force launched a recruitment campaign in February 2020 to encourage people to join their local parish's Honorary team after struggling to recruit new officers in recent years.⁷ There is undoubtedly a case for enabling a method of policing speeds that does not require officers to be in attendance to record speeding data that can be used to prosecute.

Data collected by speed indicator devices, such as the "smiley face" signs, operated by the parishes, may be useful in helping the States of Jersey Police and Honorary Police to identify locations and times of day that can be deemed speeding "hotspots", but at present this can only determine good places to deploy the resources required to set up staffed speed checks. Such speed checks are known to have been thwarted by drivers alerting each other to speed check locations using "feeder" vehicles and posting details on social media. To deliberately continue to use such a resource-intensive method of policing speeds, is counter-intuitive when more flexible options are known to be available.

A previously voiced concern on policing speeding is that the Parish Hall Enquiry system does not have the capacity to deal with an increase in volume of offenders. It must be acknowledged that the intention with this proposition is not about catching every single driver caught speeding slightly over a speed limit. The key is to utilise the discretion of the Centenier to focus enforcement on the speeding offenders that have been recorded speeding excessively and to ensure that appropriate penalties are issued to strongly discourage repeat offences.

Flexibility of using mobile cameras

There are several benefits of being able to use unattended mobile cameras. Mobile cameras can obviously by their nature be moved around to target known hotspots, but their mobility is also suited to Jersey's infrastructure. A challenge here is that the Island's roads are not all physically suitable for a standard staffed police check because of the space they take up. Much of our network of green lanes is very narrow, and cannot safely be monitored without potentially causing delays to other road users.⁸ Changing the law to permit both the use of unattended speed cameras and the data they collect admissible as evidence in a court of law or Parish Hall Enquiry is essential. Enabling this will provide Jersey's police forces with the flexibility to monitor and catch

⁶ <https://jerseyeveningpost.com/news/2019/03/25/honorary-police-recruitment-crisis/>

⁷ <https://www.itv.com/news/channel/2020-02-11/jersey-launches-honorary-police-recruitment-campaign>

⁸ <https://jerseyeveningpost.com/news/2020/07/20/speed-cameras-for-green-lanes/>

the most egregious speeding offenders, whether that is on Victoria Avenue or a narrow lane in a rural parish.

The use of mobile cameras also provides a cost-effective solution. Parishes that may not be in a position to purchase a camera for sole use could potentially have shared ownership and benefit from the ability to move the camera from location to location as required.

Mobile speed cameras can also offer the capability for policing red-light running, which between 2013-2017 is known to have caused at least 6 collisions, costing the economy in excess of £480,000.⁹ Although this proposition is not specifically seeking to address this issue at present, the introduction of mobile cameras would mean that this could be tackled in the future.

Change in sentences for speeding 30mph over the speed limit:

The current penalties for speeding convictions are outlined in the Magistrates Court Sentencing Guidelines – the relevant section is included as an Appendix to this report.¹⁰ The aim with this proposition is to ask the Assembly to consider adopting an increase in fines for those convicted of speeding more than 30mph over the speed limit. At present the lowest suggested fine in the Sentencing Guidelines is £445 when caught driving at 70mph in a 40mph zone. This should be changed so that any instance of speeding over 30mph over any speed limit is liable to a fine of £1,000 which is a Level 2 fine on the Standard Scale.

Financial and manpower implications

Law-drafting will be required as a result of this proposition, but the financial and manpower implications are otherwise negligible. Several Connétables have already been consulted on the possibility of purchasing and sharing a limited number of mobile speed cameras and it is anticipated that this will keep the costs within existing Parish budgets. This proposition has been developed to be possible within the existing staffing resources of the Honorary Police.

⁹ Data source: Government of Jersey – Growth, Housing and Environment.

¹⁰ <https://www.jerseylaw.je/courts/SentencingGuidelines/Part1B-2016RoadTraffic.pdf#nameddest=Speeding>

APPENDIX

Section of the Magistrates Court Sentencing Guidelines available on www.jerseylaw.je

Road Traffic (Jersey) Law 1956 Art 21	Speeding
Road Traffic (Speed Limits) (Jersey) Order 2003, Art 2 (30 mph), Art 3 (20 mph), Art 4 (15 mph)	

Maximum: Level 2 fine (£1,000)

May endorse or disqualify. May order retest, as a stand alone Order or after a period of disqualification.

Offence seriousness (culpability and harm) A. Identify the appropriate starting point Starting points based on first time offender pleading guilty				
Speed above limit (in mph)	15 mph	20 mph	30 mph	40 mph
5	65	60	55	50
6	70	65	60	55
7	75	70	65	60
8	80	75	70	65
9	85	80	75	70
10	90	85	80	75
11	95	90	85	80
12	100	95	90	85
13	105	100	95	90
14	110	105	100	95
15	115	110	105	100
16	120	115	110	105
17	125	120	115	110
18	130	125	120	115
19	135	130	125	120
20	210	205	200	195
21	235	230	225	220
22	260	255	250	245
23	285	280	275	270
24	310	305	300	295
25	335	330	325	320
26	360	355	350	345
27	385	380	375	370
28	410	405	400	395
29	435	430	425	420
30	460	455	450	445

31	485	480	475	470
32	510	505	500	495
33	535	530	525	520
34	560	555	550	545
35	585	580	575	570
	Consider endorsement	Endorse/consider disqualification for 1-2 months		Disqualify for 2-6 months

<p>Offence seriousness (culpability and harm)</p> <p>B. Consider the effect of aggravating and mitigating factors</p> <p>The following may be particularly relevant but these lists are not exhaustive</p>	
<p>Factor indicating higher culpability</p> <ol style="list-style-type: none"> 1. Poor road or weather conditions 2. Physical nature of the road 3. LGV, HGV, PSV etc. 4. Towing caravan/trailer (NB 30 mph limit) 5. Carrying passengers or heavy load 6. Driving for hire or reward 7. Evidence of unacceptable standard of driving over and above speed <p>Factor indicating greater degree of harm</p> <ol style="list-style-type: none"> 1. Location e.g. near school 2. High level of traffic or pedestrians, especially children or the elderly, in the vicinity 	<p>Factor indicating lower culpability</p> <ol style="list-style-type: none"> 1. Genuine emergency established

Form a preliminary view of the appropriate sentence, then consider offender mitigation

Consider endorsement and disqualification – may order retest

Note

The scale up to 19 mph over the limit replicates that used at Parish Hall level. Other than for repeat offences there may be aggravating circumstances that lead to the case being sent to Court – these will be dealt with on a case by case basis.