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Speed limit enforcement as perceived by offenders: implications for roads policing

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Abstract

Getting caught for speeding is an emotive issue. This paper analyses an unexpected source of data captured by unprompted comments left at the end of a questionnaire by a sample of British drivers who all had penalty points on their licences, many for speeding.

The paper's relevance to roads policing is that perceived fairness of police procedures is crucial in shaping public support, and comments made by this sample of offending drivers indicated that speed limit enforcement through the operation of the speed camera system was often seen as unfair. Since roads policing is closely linked with this, and with many drivers having penalty points on their licences, the views of such drivers could be instructive given the continuing reliance on camera technology and the need for police to offer public reassurance. Finally, the implications for roads policing are considered.

Introduction: an unexpected source of data

Britain was one of the first countries to operate a penalty point system that can lead to disqualification. In the current system, detected speeders are offered a fine via a conditional fixed penalty or by court sanction, and acquire between three and six penalty points that stay on a driver's licence for four years, though they are 'live' for only three years. Disqualification should occur when 12 points are reached, which means that drivers can be processed up to four times for speeding in any three year period before disqualification happens, although a court may impose up to six points or disqualification for more serious offences.

Speed cameras are generally considered a successful tool internationally in the endeavour to reduce road casualties through encouraging compliance with speed limits (e.g. Pilkington and Kinra, 2005). However, there are still questions about the effectiveness of speed cameras in reducing speeds in general, rather than only in the vicinity of cameras, and there has been resistance from lobby groups that cite libertarian principles in their aims to reduce or reject the use of cameras.¹ Indeed, cameras enjoy far from universal popularity among drivers, and the themes emerging from the study underpinning this paper may be relevant to other countries where cameras operate.

A recent British study (Corbett *et al.*, 2008) showed that as drivers approached the threshold for disqualification they modified their behaviour, indicating that deterrence can be achieved through the imposition of penalty points. The main component of the study was a postal survey of more than 1000 drivers selected from the Driving and Vehicle Licensing Agency (DVLA) database. The large majority of these had acquired points on their licences, many of which were for speeding offences, and the study set out to elicit their experiences of, and views on speed limits, cameras, and the points system. When offered the opportunity to comment at the end of the questionnaire, a very high proportion in the experience of the authors did so. While most made only one or two comments,

¹ E.g. Association of British Drivers (2009) 'Speed Cameras' www.abd.org.uk/speed_cameras.htm

some filled all the space available, a few wrote at length on separate sheets, and a small number asked to be interviewed in person so that they could pass on their views. As one respondent put it: 'I don't ever fill in this sort of thing, but speed cameras and points are something I feel very strongly about'. These comments were all spontaneous and unprompted, and may be seen as an unexpected but rich source of qualitative data concerning a group of drivers who have not received much research attention in the past. The present study set out to analyse these qualitative data in order to identify recurring themes, and to assess their relevance to the ongoing debate on speed enforcement policy.

Qualitative analysis

We make no claim that the comments to be discussed come from a representative sample of the driving population. Only half the respondents made comments, and only comments from drivers with points were analysed. However, those who did comment are important in road safety terms: they have unwanted experience of the enforcement system, and they have strong views about that experience. In this context, it is worth noting that a recent survey by a British insurance company² found that drivers from the professional classes were over-represented among its clients who had acquired penalty points, and might therefore be expected to be articulate on this topic.

Of the 1115 drivers who responded to the survey in the Corbett *et al.* (2008) study, 49% made comments at the end of the questionnaire. Using standard qualitative analysis techniques, these comments were grouped into 12 main categories. The comments of the small number of drivers who had acquired no penalty points were not considered relevant to the present discussion, and are not included in Table 1 below that gives a breakdown of comments by category. The middle and right-hand columns split the totals by sex of driver, and it is seen that roughly twice as many comments were made by male compared with female drivers, reflecting the preponderance of male respondents among those with penalty points in the survey - though males were only slightly more likely than females to offer any comments overall.

² Admiral Insurance 'Legal eagles top worst drivers list'. Press Office, issued 05.02.09.
<http://www.admiral.com/contactUs/pressOffice/pressReleases/legal-eagles-top-worst-drivers-list.php>

Table 1: Categories of comments by sex of respondent

Category	All	%	Male	%	Female	%
Speed limit signage unfair/inadequate	44	4.7	29	4.3	15	5.9
Limits unfair/inappropriate	93	10.0	63	9.4	30	11.8
Motorway limit too low	42	4.5	32	4.8	10	3.9
Camera siting unfair/inappropriate	75	8.1	57	8.5	17	6.7
Cameras dangerous/distracting	42	4.5	30	4.5	12	4.7
Cameras are just to make money	106	11.4	84	12.6	20	7.9
Points system unfair	142	15.3	106	15.9	36	14.2
Negative impact of system	133	14.3	97	14.5	36	14.2
Better ways to improve safety	61	6.6	41	6.1	19	7.5
Better ways to reduce speeding	75	8.1	54	8.1	21	8.3
Positive	61	6.6	38	5.7	23	9.1
Miscellaneous	53	5.7	37	5.5	15	5.9
Total Comments:	927	100.0	668	100.0	254	100.0

In view of space considerations, these categories will not be examined in detail here. Instead, the remainder of the paper will focus on broad themes that emerged from the analysis, and which were often based on comments from more than one of the categories shown in the table above. The implications for roads policing will be examined as appropriate.

Speed limits and speed camera placement

The first theme, accounting for over a quarter of all the unprompted comments, incorporates speed limits, in both general and specific terms, as well as the siting of speed cameras. While there was widespread support for the principle of speed limits, there were also many complaints about practice:

‘Speed limits of 30mph in built-up areas – good. Speed limits of 40-50 on main roads and dual carriageways – pointless and bad.’

‘Happy with current town and city speed limits, however motorways should have an increased limit to 80 or 90mph.’

‘I maintain that many speed limits in built-up areas are too high whilst the great majority of limits on major roads and motorways are too low.’

A recurring message from these comments is a willingness to accept low – or even lower – limits around homes and schools, but, in a manner reminiscent of a ‘social contract’, these drivers expect to

be treated 'fairly' in return and not be subject to what are seen as 'unrealistic' limits on major roads, and on motorways in particular.

More specific complaints were directed at speed limit signage, and the frequency of changes in speed limits.

'When I received four points I was unaware of the speed sign which was hidden in foliage.'

'What annoys me most is the continual changing of speed limits over a short distance – 60, 40, 30, 50, 30, and so on. In the end you don't know what you are meant to be doing and then cameras are thrown in.'

Implicit in comments about poor signing and frequently changing speed limits is that in some instances sanctions can be incurred for 'unintentional' speeding. For instance:

'I made the same mistake 5 times in a fortnight and collected 15 points exceeding the 30 mph limit by 10 mph each time. I thought it was a 40 limit area. Nothing indicated otherwise.'

Local traffic authorities in Britain may deviate from national speed limits on their roads provided they observe official guidance for setting local speed limits, and are also responsible for placing speed limit signs.³ However, as our survey indicated, respondents were not always satisfied with the local limits set, and clarity as to which limit applied on particular stretches was not always achieved.

Informing the public of the evidence base required under the recent circular (DfT, op.cit.) to consider the propriety of local speed limits would help remove any concerns about their arbitrary nature or of political interference,⁴ and more active oversight of signage placement by police enforcement officers could improve public confidence.

The siting of speed cameras was a contentious topic. Several comments expressed concern and even resentment that cameras were not placed where it was felt they were needed:

'Speed cameras should be relocated to built-up and urban areas to stop lunatics and boy racers racing through urban areas and housing estates.'

'Why can't cameras be in towns, near schools and residential areas where it might save people being hurt?'

³ Department for Transport Circular 01/2006; The Traffic Signs Regulations and General Directions 2002.

⁴ Political interference in these matters is reported to happen in the United States, e.g. Mannering (2009).

One implication of these comments is that they clearly indicate a lack of awareness among our respondents about who is responsible for the siting and installing of cameras, and also that there are certain criteria and conditions that must be observed. In Britain, the siting of fixed-spot cameras is largely the responsibility of local authority partnerships, while most mobile cameras are the responsibility of the police. If the public are to have greater confidence and a better understanding of decisions on camera location, then more information about, and explanation of the procedures, limitations and rules involved could help to alleviate any perceptions of capriciousness or unfairness.⁵ In contrast to comments expressing concern that cameras were not placed where they were wanted, others noted that cameras were placed ‘unfairly’, e.g. very close to a change in speed limit, often because revenue generation was suspected as a key purpose. For instance:

‘[My] points were from speed cameras in obscure, hidden locations (i.e. bottom of steep hill just after speed limit change from 50 mph to 30 mph).’

This was only one of several comments referring to cameras being sited at the bottom of hills, seen as having the purpose of catching out drivers out rather than reducing danger:

‘In most instances the positioning of cameras is cheating, i.e. cameras will be positioned at the bottom of hills or on the downgrade of roads where your vehicle tends to run away from you.’

‘Revenue generation’

Many respondents were explicit about what they saw as the main purpose of cameras – revenue generation, sometimes referred to as ‘stealth tax’ – and were quick to blame variously the police, local authorities, and central government for the situation.

‘I believe that the placing of many speed cameras is designed to attract revenue, not to encourage people to drive more carefully; this definitely has a negative effect on my views on cameras.’

‘Speed cameras should not be used as a means of fundraising for police forces or Government.’

⁵ DfT web pages are maintained on some matters although items are sometimes embedded, which is unlikely to enhance public awareness, e.g. <http://www.dft.gov.uk/pgr/roadsafety/speedmanagement/aidememoireonspeedlimitandsa4797?page=2#a1001>

While these comments suggest British police were sometimes thought to benefit directly from speed camera revenue, this is not the case now or in the past. The underlying perception, however, is hardly surprising as the actual funding arrangements were extremely complex, especially between 2002 – 2007. During that period, they involved so-called ‘netting-off’ or hypothecation arrangements whereby police and local authorities recouped costs of camera installations and operations from fine revenue, and so were cost neutral. Since April 2007, a new funding scheme has applied, and there is no financial incentive to police for detecting speeding drivers.

In reality, the bulk of motoring fines including speeding fines have for almost a century been directed to the Treasury (Taylor, 1999), and media reports often emphasise that this happens.⁶ However, a government spokesperson in 2009 stated the official position that “Safety cameras are there to save lives, not make money....The government is clear that the best safety camera is the one which takes no fines at all, but succeeds in deterring drivers from speeding”.⁷ It is likely that many respondents to this study would fail to be convinced by this.

A danger is that the intended road safety message inherent in the cameras’ presence can be denied or easily ignored by some drivers, as evidenced by some comments in the study alleging that the supposed dangers of speed have been used falsely to justify the expansion of cameras, because they are an important source of government revenue. For instance:

‘What your survey fails to examine is how the whole issue of speeding penalties has become increasingly important as a government revenue source thinly disguised behind a pretence of safety.’

‘If I felt cameras saved people’s lives rather than created profits for our nanny state I’d be more inclined to observe limits.’

‘Cameras are about profits. If they were concerned with casualties or accidents they would be installed on housing estates.’

‘Unfairness’ of the penalty points system

⁶ Telegraph. ‘Speeding Tickets Double under Labour to earn £250,000 every day’. 4 May 2009. <http://www.telegraph.co.uk/news/newstopics/politics/labour/5273310/Speeding-tickets-double-under-Labour-to-earn-250000-every-day.html>

⁷ Telegraph, op.cit.

If the sanctions for speeding were purely financial, then the impression gained from this survey is that there could be many drivers who would accept the situation with a certain cynical resignation.

However, the fact that penalty points are also involved led to the single main source of criticism from respondents: concerns about the perceived unfairness and inflexibility of the penalty points system.

This was exacerbated for some by a perception that speed enforcement was seen as an easy option for the authorities. Many respondents were aggrieved that the instances they saw regularly of poor, bad, or potentially dangerous driving practices would pass without redress, while their 'minor indiscretions' resulted in sanctions. Perhaps more serious in the longer term was the fact that speeding and crash risk were often not seen as connected, whereas research studies point to the fact they are (e.g. Taylor, Lynam and Baruja, 2000). Usually this was expressed in terms of irritation:

'I have always driven carefully and respectfully; I have driven hundreds of thousands of miles, and never had an accident or made a claim. I am on 9 points since the presence of speed cameras – I'm pissed off about this as my speeding offences were minimal.'

In a few cases the response was one of denial:

'As a responsible person who has driven a substantial number of miles over the years without being involved in any accident I am staggered that I have picked up 15 points for minor speeding incidents. This proves that the system is wrong.'

A further element of the 'unfairness' theme was the manner in which cameras and the points system were seen as a blunt instrument that operates without discretion such that the particular circumstances of the speed limit breach are considered irrelevant.

'The old laws were based upon a policeman's discretion. Cameras do not recognise vehicle or weather conditions, however, the penalty has stayed the same.'

'Cameras may not lie but they do not tell the whole story.'

Many of the respondents who faced the prospect of disqualification through the 'totting-up' provisions⁸ felt strongly that this would be quite disproportionate to the offences they had committed.

'Many people lose their livelihoods because of points while not causing any problems on the roads – disgraceful bureaucracy.'

⁸ A driver faces disqualification from driving for a minimum of six months having accumulated 12 or more penalty points in a three year period, under S.35 of the Road Traffic Offenders Act 1988.

‘The consequence of losing a driving licence is too high and disproportionate for totting up as it can destroy a person’s life.’

Further, a sense of alienation and criminalisation emerged in some comments such as:

‘Speed fines penalise normal people who can pay. Speed fines criminalise otherwise innocent people.’

‘Why for an average of 8 mph over the speed limit do I feel like a criminal and a dangerous driver?’

‘I am not a dangerous driver what I am is middle class insured and can afford to pay therefore hated and targeted by this dreadful government.’

‘When I got points for speeding at 2 a.m. I became resentful and at odds with authorities instead of working with them.’

‘There is no substitute for flexibility and a carrot and stick approach to road safety. The accent is on punitive measures only; this destroys confidence in the administration of justice.’
[This comment was made by a barrister]

As noted earlier, these are the views of only a minority of motorists, albeit an articulate one.

However, their numbers could increase should wider use be made of average speed cameras as this would increase the risk of detection.

The positive impact of the penalty points system

Lest the impression be drawn that a sense of unfairness overshadows and colours all considerations of cameras among those subject to speeding sanctions, it should be noted that 7% of comments were positive, as seen in Table 1.

‘Speed cameras I have to say, however reluctantly, have altered my driving behaviour – for the better.’

‘Since being caught and fined I’ve been aware of speed limits and it’s improved my driving by keeping to speed limits. For me the system has worked as it should.’

‘I now feel less stressed, less fatigued and I also get twice as much to the gallon as I was before.’

‘The threat of losing my licence and the knock-on effects of that eventuality has been the only thing that has drummed some sense into me about driving more carefully by slowing down. I don’t like driving like a machine but I have no choice now.’

Following on from the last comment, it is worth noting that there were some drivers who felt that the ‘positive’ change in behaviour after getting points was not altogether desirable:

‘I am now obsessed with the speed limit which I don’t think makes me a safer driver. I spend most of the time searching for speed limit signs and checking my speedometer.’

Conclusions

The management of speed limits requires enforcement, and the roads police are the main agency that undertakes this in Britain. Yet there are potential dangers for the police in how their enforcement role is perceived. This argument was outlined earlier in this journal by the first author (Corbett, 2008), and the current study presents evidence to support some of those contentions.

First, it is important to remember that there remains majority support for cameras as a means of casualty reduction in Britain when last tested extensively (Gains *et al.*, 2005). More recently the smaller Corbett *et al.* survey reinforces this in finding that 53% of its sample of drivers with penalty points supported the use of cameras for casualty reduction.⁹ Despite this support, however, the qualitative analysis considered in this paper revealed numerous concerns from those who had offended with the way the camera and penalty points system operate in practice.

Considerable disaffection was expressed in the comments about a sense of unfairness in camera placement, their visibility, the frequency of speed limit changes and occasional lack of clarity in regard to the speed limit on particular stretches of road which were seen as designed to catch them out. Better awareness campaigns by central government could help to aid understanding and acceptance by drivers. More responsiveness too by local authorities could explain why particular fixed-spot cameras are placed where they are to allay driver disquiet and encourage understanding, and where local concern remains over the notoriety of any particular camera, such concerns should be revisited.¹⁰

Indeed, many of the comments made by respondents seemed closely linked with the perception that revenue generation was the underlying purpose of the camera system, and some very specific examples of camera sitings given indicated how these beliefs might have arisen. However, as noted

⁹ Op.cit.: Table A14, p. 65

¹⁰ E.g. see Mail Online. ‘England’s most lucrative speed camera revealed – raking in £2.3 million in five years’. 28 December 2009. <http://www.dailymail.co.uk/news/article-1238885/Englands-lucrative-speed-camera-revealed--raking-2-3million-years.html>

above, the previous funding arrangements for camera development and maintenance in Britain operated on a cost neutral basis, while the current funding scheme allows the Road Safety Grant allocated centrally to local authorities to be used for local road safety priorities other than camera purposes. The time has come therefore for police publically to separate themselves from the notion that they are direct beneficiaries of speed camera fine monies through better communication of what does happen to fine revenue, as it is possible that many road users may never have understood the system, irrespective of any changes in procedure.

The fact remains that the government *is* a long-standing beneficiary, and it could be surprising to some that the government has stated that it would be pleased not to receive revenue from speed cameras. That said, however, at present there is a risk of the 'easy money' perception undermining the road safety message of the dangers of speed. There is thus a need to prevent conflation by keeping separate messages explaining the deterrent purpose of speed limit enforcement from educational road safety messages, and for police also to be clear that these should be handled as separate issues. This is all the more important because disaffection with the way speed limits are enforced and the imposition of penalty points seem to be laid at the door of the police by default - and perhaps unfairly - in the absence of clearer statements by government and local authorities about their respective roles in speed limit management.

At root is the continuing challenge to educate drivers away from the attractions of speed. It is almost two decades since serious research began to explore drivers' motivations for speeding (e.g. Corbett and Simon, 1992). It appears that exceeding speed limits is still not seen as a crime by many, despite inappropriate or excess speed being a contributory factor in many road deaths and serious injuries, and instead speeding is treated rather as an administrative infraction. In line with this, the current analysis noted a sense of alienation and criminalisation following the 'unfairness' of prosecution for such 'minor' breaches and a view that worse road crimes were often left unenforced.

Tom Tyler, Professor of Psychology at New York University, conducts research on popular notions of justice, and has found that people generally are more concerned about process than outcome. With a colleague, Dr Sunshine, he has found that the perceived fairness of police procedures is the key antecedent in shaping public support for the police. Dr Sunshine and another colleague, Dr Jonathan Jackson, of the London School of Economics, have recently discovered that police must be seen to typify group morals and values as well as to treat the public with dignity and respect if trust and confidence in them are to be achieved. Meanwhile, Dr Helen Wells of Keele University (2008) has taken these ideas further by highlighting that previous research in this domain has focused on *interpersonal* encounters between the controllers and controlled, whereas technological enforcement depends on *human-machine* interaction. She says this mechanical justice lacks discretion to consider the individual contextual circumstances of an offence and the ‘common sense’ that can be meted out by officers in the form of a warning rather than a ticket. Echoing a sub-theme from our own analysis that cameras were experienced as an unfair blunt instrument, she concluded that ‘the fairest form of enforcement to date’ can be experienced as ‘one of the most unfair’.

The relevance of this discussion to our own study is that offending drivers’ perceptions of unfairness could translate into reduced confidence in the police. These perceptions clearly have important implications for an enforcement policy based in Britain and elsewhere on continued and increasing reliance on camera technology, and underline the need for roads police generally to exercise great caution to maintain public support. If techno-surveillance is here to stay, then firstly drivers need to have better means to avoid unintentional speeding if they so wish (e.g. by the voluntary use of Intelligent Speed Adaptation) to prevent any further erosion of confidence in police and ‘blame’ for detection falling elsewhere. Secondly, more reassurance policing in the form of more traffic patrols could put back the human touch that seems to be lacking from the justice afforded by cameras, and this would help achieve one of the core objectives identified for roads policing (ACPO/DfT/Home Office, 2005). Thirdly, continued targeted educational campaigns on the dangers and anti-social nature of speed are needed, particularly at a local and neighbourhood level. Lastly, the strength of feeling demonstrated in the current analysis about the operation of speed camera enforcement

underscores the need to do something promptly to contain (and preferably reduce) any perceptions of unfairness among drivers. Roads are central to modern lives and are where so much police-public contact happens. Reducing unsettled tensions around speed camera enforcement would present an opportunity for police to reassure the driving public that they are responsive to their concerns.

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