

30 June 2015

15/4946

Alan Candy  
[fyi-request-2784-7ee18cd8@requests.fyi.org.nz](mailto:fyi-request-2784-7ee18cd8@requests.fyi.org.nz)

Dear Alan

I refer to your Official Information Act request of 29 May 2015 about information relating to speeding infringement offences, detection equipment and infringement notices.

You requested:

1. *Please confirm that the Police are required to prove Speeding Infringement Offences to the Criminal Standard of Beyond Reasonable Doubt, not merely to the Civil Standard of On the Balance of Probabilities.*

The above request seeks advice rather than information held by New Zealand Police, therefore this part of your request is refused as it is outside of the scope of the Official Information Act. That said, Police are required and do prove speeding infringement offences to the standard of beyond reasonable doubt.

2. *Please identify the nature of all vehicle speed detection and enforcement systems and equipment currently being used by NZ Police, for the detection of Speeding Infringements and the relied upon in the issuance of Speeding Infringement Notices against vehicles, allegedly speeding on New Zealand roads.*

The table below shows the type, model, manufacturer and number of speed detection devices used by New Zealand Police.

Speed Measuring Devices			
Type	Model	Manufacturer	Quantity
Radar	Stalker DSR	Applied Concepts Inc	1047
Radar	Stalker DUAL	Applied Concepts Inc	42
Laser	Pro II	Kustom Signal Inc	19
Laser	Pro III	Kustom Signal Inc	5
Laser	Stalker Lidar	Applied Concepts Inc	57
Laser	Stalker Lidar LR	Applied Concepts Inc	99
Laser	Stalker Lidar XLR	Applied Concepts Inc	29
Laser	Stalker ACURA	Applied Concepts Inc	4
Red Light Camera	MK4 RUCS Redflex NZ	Redflex Traffic Systems PTY	5
Mobile Camera	REDFLEXradarcam NZTMR	Redflex Traffic Systems PTY	45
Static Camera	Autopatrol SP-200	American Traffic Systems	11
Static Camera	REDFLEXred radar NK7	Redflex Traffic Systems PTY	13
Static Camera	REDFLEXspeed radar NK7	Redflex Traffic Systems PTY	3

3. *Please state the proven and certified accuracy of each of these systems. For example, one brand of mobile, van-mounted Microwave Radar based Speed Camera system has a certified accuracy of plus or minus 1 km/h. Please report the relevant accuracy for each system in question in these terms, AND, if given, as a percentage of the indicated speed, according to the data supplied by the equipment manufacturer, and confirmed by routine calibration. Please be sure to include the speed ranges which apply to the stated accuracy (or accuracies), or vice versa, whichever is more appropriate. Certificates of Accuracy for each type of equipment in use would be sufficient to answer this question.*

All New Zealand Police speed detection equipment is calibrated to the highest international standard. The New Zealand Police calibration laboratory and the processes it uses, were first accredited to ISO (International Standards Organisation) 17025 standard in 1999. It is audited annually by IANZ (International Accreditation New Zealand) and has retained its accreditation status every year.

Please refer to the IANZ website ([www.ianz.govt.nz](http://www.ianz.govt.nz)) for information relating to accuracy standards for accredited organisations.

Measurement of uncertainty associated with all of the instruments is determined by the Chief Metrologist for New Zealand following international recommendations for determining uncertainty. All the speed devices are designed to round down e.g. 50.8km/h will display as 50km/h.

All speed detection equipment is calibrated annually in accordance with the requirements of the Land Transport Act 1998. A copy of the calibration process can be provided if you specify the type of device you are interested in.

"The statement relating to accuracy following calibration" is contained on the specific Certificate of Accuracy for each piece of equipment of which thousands of certificates are produced each year. Police are able to provide copies of the certificates for whichever devices you specify.

4. *Please explain why the Police Infringement Bureau (and therefore the NZ Police as a whole) are evidently in the habit of issuing Speeding Infringement Notices for alleged offences which the NZ Police's own evidence cannot prove Beyond Reasonable Doubt?*  
*To elaborate, when a speed of, for example, 61 km/h is registered, in a 50 km/h Speed Zone, by Speed Detection Camera equipment with an accuracy of plus or minus 1 km/h, why is the Infringement Notice issued for the speed of 61 km/h when this speed cannot be proven Beyond Reasonable Doubt? Reasonable Doubt says that there is a 33% probability of the speed being 60 km/h, and this is surely therefore the maximum speed that can be proven to this standard of proof, in this example. Please explain why the Police are not respecting this standard of proof by issuing the notices for 61 km/h in this instance.*

The above request seeks advice rather than information held by New Zealand Police, therefore this part of your request is refused as it is outside of the scope of the Official Information Act. This question is best answered by an experienced member of the legal profession.

5. *Please supply detailed data for the year ended 31 December 2014 (or similar or later date if more convenient) for all Speeding Infringement Notices issued for the following excess speeds, using only equipment which has a certified accuracy of plus or minus 1 km/h (i.e. +/- 1 km/h). Please state the types of equipment included within this data set.*

*Speeding Infringement Notices issued where the alleged speed exceeds the posted speed limit by exactly the following amounts:*

- \* 11 km an hour*
- \* 16 km an hour*
- \* 21 km an hour*
- \* 26 km an hour*
- \* 31 km an hour*
- \* 36 km an hour*

*To elaborate, for example in a 50 km/h zone, data for each speed, for speeds of exactly 61, 66, 71, 76, 81 & 86 km/h, similarly 71, 76, ... km/h for a 60 km/h zone, etc. Please include all relevant infringement notices for the period.*

Police is able to provide a breakdown of speed infringements and proceedings for 2014 based on whether they were issued by constabulary member or by a speed camera is provided in Table Two, attached. Police is not able to provide a breakdown of the exact equipment used by officers in each instance without manually examining each notice. Therefore this part of your request is declined pursuant to section 18(f) of the Official Information Act 1982. See the Police response to question 3 above for information about the accuracy of Police speed detection equipment.

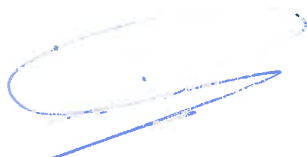
*6. Please supply data for the same year period as in (5), for ALL speeding Infringement notices arising from the same equipment, for speeds in the ranges listed below:*

- \* not more than 11 km an hour*
- \* more than 11 km an hour but not more than 16 km an hour*
- \* more than 16 km an hour but not more than 21 km an hour*
- \* more than 21 km an hour but not more than 26 km an hour*
- \* more than 26 km an hour but not more than 31 km an hour*
- \* more than 31 km an hour but not more than 36 km an hour*

Information about speeding infringements and proceedings in 2014 where the recorded speed exceeded the speed limit by less than or equal to 36km/h is shown in Table Three, attached. Police is not able to provide a breakdown of the exact equipment used by officers in each instance without manually examining each notice. Therefore this part of your request is declined pursuant to section 18(f) of the Official Information Act 1982. See the Police response to question 3 above for information about the accuracy of Police speed detection equipment.

You have the right to complain to the Ombudsman to seek an investigation and review of my decision if you are not satisfied with the way I have responded to your request.

Yours sincerely



Superintendent Steve Grealley  
National Manager Road Policing