

# DÁIL ÉIREANN

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## AN COMHCHOISTE UM IOMPAR AGUS CUMARSÁID

## JOINT COMMITTEE ON TRANSPORT AND COMMUNICATIONS

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*Dé Céadaoin, 16 Aibreán 2014*

*Wednesday, 16 April 2014*

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The Joint Committee met at 9.30 a.m.

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### MEMBERS PRESENT:

Deputy Paudie Coffey,	Senator Eamonn Coghlan,
Deputy Timmy Dooley,	Senator Paschal Mooney,
Deputy Dessie Ellis,	Senator Ned O'Sullivan.
Deputy Tom Fleming,	
Deputy Noel Harrington,	
Deputy Seán Kenny,	
Deputy Helen McEntee,	
Deputy Patrick O'Donovan,	
Deputy Ann Phelan,	

DEPUTY JOHN O'MAHONY IN THE CHAIR.

BUSINESS OF JOINT COMMITTEE.

**Business of Joint Committee.**

**Chairman:** As we have a quorum, we will commence. The interference from phones, apart from one phone, was much reduced at yesterday's meeting. I ask members to ensure their mobile phones are switched off.

Apologies have been received from Deputies Eamonn Maloney and Michael Moynihan and Senator Terry Brennan.

I propose we go into private session to deal with other business.

*The joint committee went into private session at 9.35 a.m. and resumed in public session at 10 a.m.*

**Road Traffic Offences: An Garda Síochána**

**Chairman:** The purpose of this morning's meeting is to engage with An Garda Síochána on the difficulties encountered in obtaining convictions arising out of summonses based on evidence obtained by the GoSafe speed detection vehicles. The matter was highlighted recently in Kilrush District Court. On behalf of the committee I welcome assistant commissioner, Mr. John Twomey, as well as chief superintendent, Mr. Michael O'Sullivan, and superintendent, Mr. Cornelius O'Donoghue, of the Garda national traffic bureau.

I wish to draw your attention to the fact that by virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. However, if you are directed by the committee to cease giving evidence on a particular matter and you continue to do so, you are entitled thereafter only to a qualified privilege in respect of your evidence. You are directed that only evidence connected with the subject matter of these proceedings is to be given and you are asked to respect the parliamentary practice to the effect that, where possible, you should not criticise or make charges against a person or persons or an entity by name or in such a way as to make him or her identifiable. The opening statements you have submitted to the committee will be published on the committee website after the meeting.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official either by name or in such a way as to make him or her identifiable.

I call on the assistant commissioner, Mr. John Twomey, to make his opening remarks.

**Mr. John Twomey:** I thank the Chairman and the committee for the opportunity to address them on matters relating to the operation of the GoSafe safety cameras. Before getting into specifics I believe it might be useful to give a broad overview of the GoSafe safety cameras to help to contextualise the relevant issues. The safety camera project was established to reduce speed-related collisions and, as a consequence, save lives in designated areas, known as speed enforcement zones. Although 2013 resulted in an increase in road deaths from the previous year the total of fatalities that year was the third lowest number ever recorded. To put it into perspective, in 2005 there were 396 road deaths and in 2013 there were 190. Therefore, the reduction between 2005 and 2013 was more than 50%. For the five years prior to the commence-

ment of GoSafe operations approximately 30% of fatal collisions annually were occurring in particular zones of the road network. In 2013 there was a reduction of 40% of fatal collisions in these speed enforcement zones, a reduction of 23 road fatalities. Separately, the speed surveys from January 2011 showed average compliance rates for all speed limits in these areas of 81%. Speed surveys from 2014 showed average compliance rates across all speed limits of 95%, an increase of 14% in these areas.

Excessive and inappropriate speed is the number one road safety problem. Speeding is a primary factor in approximately one third of fatal collisions and an aggravating factor in all collisions. These data are from an European Transport Safety Council performance index, PIN, report in 2010. We believe it is fair to say that these statistics demonstrate the important role safety cameras have played in improving road safety in this country.

The outsourcing of the operation of safety cameras commenced in November 2010 and reached full operational capacity in March 2011. The contract was for five years from commencement in November 2010 with an option to extend for one further year. The system is operated by the service provider GoSafe under the direction of An Garda Síochána. An Garda Síochána has responsibility for the scheduling of monitoring and survey sessions. The superintendent of the Garda national traffic bureau, GNTB, has responsibility for ensuring oversight of the day-to-day running of the project. This work takes place in the office for safety camera management, OSCAM. GoSafe has responsibility for ensuring that monitoring and survey sessions are conducted in accordance with the schedules and for the provision of survey and monitoring data to An Garda Síochána. GoSafe provides the necessary vehicles, monitoring and survey equipment and operators. An Garda Síochána is the prosecutor and the data are transferred to An Garda Síochána for prosecution.

From the outset of the project An Garda Síochána established OSCAM under the responsibility of the superintendent of the GNTB and currently four full-time personnel are allocated there. OSCAM has *inter alia* access to all GoSafe session data, equipment, vehicle and personnel logs and the office is responsible for monitoring the operations of GoSafe on a day-to-day basis. We have supplied appendix A, a document setting out some of the performance indicators and areas where we focus.

The designation of specific sections of road as speed enforcement zones is based on an analysis of collision data. Following the selection of a speed enforcement zone the outsourced safety camera operator, GoSafe, liaises with local members of An Garda Síochána to identify suitable sites to operate from. Each site must be clearly visible and risk-assessed to ensure the health and safety of the public and the operators of the safety camera vans. Once a suitable site is confirmed ongoing surveys are conducted to monitor the compliance rate with speed limits. Signage is erected at the start of each zone to inform road users and information on the location of all zones is available on the Garda website.

Speed enforcement zones are continually reviewed to ensure enforcement activity is targeted and prioritised at the locations where collisions are occurring, with some zones being removed and additional zones being included. Currently there are 727 speed enforcement zones nationally. The locations and collision history are available on the Garda website. Monitoring of speed enforcement zones is carried out at set times and on set days based on when collisions occur. Analysis of compliance and detection rates has also led to the introduction of a weighting system within the roster which allocates a higher weighting, and, consequently, more monitoring hours, to those locations where compliance rates are lowest.

## ROAD TRAFFIC OFFENCES: AN GARDA SÍOCHÁNA

GoSafe is contracted to provide 7,475 hours of monitoring and surveying per month. This is currently divided up into a minimum of 7,375 hours per month throughout the country from vans marked with high-visibility reflective material, which display safety camera symbols. These safety cameras are mobile. GoSafe also provides a minimum of 100 survey hours per month from unmarked vans to observe and record the speeds at which vehicles are currently travelling. This is for survey purposes only. These survey hours may be reduced to increase monitoring hours. As I noted earlier, no prosecutions come from survey hours.

The audit process in place includes weekly and monthly reviews and invoice reconciliation and consists of a two-tier audit process involving OSCAM and GoSafe. GoSafe has fulfilled its contractual obligations at all times. As part of the monitoring of the contract, each Wednesday the roster for the following roster week is approved by OSCAM. This is checked to ensure that GoSafe adheres to certain guidelines, including that sites are not overused or that sessions do not overlap with other nearby sessions. On a daily basis the actual data for each session is received by OSCAM as well as a non-completion log, which outlines any sessions not completed as expected.

Under the audit process at the end of each month the actual data for the month is compared to the approved roster. Each session is cross-referenced against other reports received during the month and a decision on payment is made at that stage. Any sessions conducted in excess of the contractual agreement are not considered for payment. However, data gained from these sessions are transferred to An Garda Síochána and are processed as normal. Since June 2011, GoSafe has consistently exceeded the contractual sessions and all hours before that date have been recouped by the State at no cost.

The ongoing oversight by An Garda Síochána and GoSafe has led to improved back-office processing methods as well as the upgrading of camera equipment to tackle such issues as image quality and images lost due to the presence of multiple vehicles within an image. GoSafe will shortly introduce dual radar units, which will enhance the identification of the offending vehicle when more than one vehicle is present within the detected image. These units will be utilised specifically at locations where validation of images is difficult due to multiple vehicles or image quality.

I wish to comment on specific issues raised by the committee. Failure to pay a fixed charge penalty notice after 56 days results in a summons being issued. Speeding summonses are received at the fixed-charge penalty notice office in Thurles. The certificates of ownership, copies of the speeding detection, a request to produce the driving licence or learner permit in court and details of all correspondence with that office are attached to the court pack for prosecution purposes. A cover sheet issues to the relevant superintendent in the district who conducts the prosecution.

OSCAM currently schedules GoSafe employees to attend court when required as a Garda witness in speeding offence prosecution. Where GoSafe notifies the fixed charge penalty office that an operator has left its employment the fact is recorded on a cover sheet provided in the court pack with the home address of the operator and outlines that a witness summons must be applied for to secure attendance in court. Where GoSafe notifies the fixed charge penalty office, FCPO, that an operator has left its employment this fact is recorded on a cover sheet provided in the court pack with the home address of the operator outlining that a witness summons must be applied for to secure his or her attendance in court. When GoSafe commenced operations in 2010 the inspector in the fixed charge penalty office briefed all personnel involved in the preparation of the court files in the various Garda districts and outlined the actions required

to prosecute these cases. A direct number and mobile phone number are provided to assist with any inquiries.

At times there can be a conflict of court sittings, resulting in a GoSafe operator being required in two courts at the same time, resulting in it being necessary to request an adjournment in one of the courts. It is accepted that there are, at times, ongoing difficulties in scheduling the operators for court as they operate across a number of District Court areas. Furthermore, the late notification of the court list, sometimes the evening before the court, allied with the late service of summons, makes it problematic for securing operator attendance and in applying for and serving witness summonses. This issue is receiving ongoing attention.

As well as receiving formal training from GoSafe in relation to court attendance, a number of briefing sessions were held for operators at the outset of the project. The superintendent in the Garda national traffic bureau and-or the inspector in the fixed charge penalty office addressed each of these briefing sessions dealing with the issues of court procedures and the giving of evidence.

An Garda Síochána is satisfied with the court process. However, where difficulties arise, each case is reviewed on a case-by-case basis. Similar to all road traffic and other legislation, prosecutions of GoSafe offences for speeding are open to defence challenges on both legal and procedural matters. However, there have been no challenges to current legislation underpinning the safety camera project.

I am also aware of the request for An Garda Síochána to supply the committee with figures for the number of summonses that have been dismissed or struck out in court due to the inadmissibility of evidence given by GoSafe staff when prosecuting cases in court. These figures are unavailable as this level of detail is not recorded. We do not differentiate between a GoSafe summons and a summons issued directly by a member of An Garda Síochána. We are unable to provide that information.

Each case is heard before the courts on individual merit and on a case-by-case basis. However, as stated earlier, where issues arise that could have an impact on the relevant legislation or corporate policy, these cases are reviewed specifically and any issues of concern addressed. In this regard, a number of cases relative to the safety camera project have been remanded to May 2014 and the results of these cases will be closely monitored.

The Minister for Justice and Equality and the Commissioner of An Garda Síochána entered into a contract with GoSafe to operate safety cameras in Ireland on behalf of An Garda Síochána. The management of outsourced safety cameras formed part of the Comptroller and Auditor General's annual report 2012 for the public services, chapter 8. In compiling that report a representative from the Office of the Comptroller and Auditor General reviewed how An Garda Síochána oversees and manages the contract with GoSafe. The report did not make any comment or recommendation in respect of current oversight as carried out by An Garda Síochána.

**Chairman:** I thank Mr. Twomey for his presentation and for addressing the issues raised by the committee.

**Deputy Timmy Dooley:** I welcome Mr. Twomey and his colleagues and I thank him for the presentation which is very helpful. The background to the meeting from the point of view of the committee is based on comments made by a judge at Kilrush District Court and the concerns he raised. I refer to his comments addressed to the local Garda superintendent who prosecutes

those cases:

You have been put in an unenviable position of trying to prosecute cases where matters have been so badly and so appallingly put together by [a named inspector] and his team.... The sooner this is highlighted, the better....The complete waste of public money by these people who come into court who don't know or don't happen to be told how to prosecute simple road traffic matters.

Mr. Twomey, the Assistant Commissioner, has set out the process and procedure. Has he had an opportunity to investigate that particular case? If so, I ask if he might share with us what he believes went wrong and how he might propose to have it fixed.

With regard to the broader contract with GoSafe, Mr. Twomey stated that GoSafe has fulfilled its contractual obligations based on the audit. In light of issues which have arisen, is there a necessity to revisit that contract and the training of personnel?

Mr. Twomey described in detail the process for preparing and presenting evidence in court. In his view, would a change in legislation, which is our role, be preferable, rather than dragging him in here to explain the process? Is there a role for us as legislators to bring forward amending legislation to make that process more streamlined and make it easier to prosecute while also protecting the citizen?

I refer to other references made by Judge Durcan about comments by Gay Byrne whose view was that the courts do not deal with this in an appropriate manner. I have asked the question but I suspect Mr. Twomey will not comment. I will not press the matter.

**Mr. John Twomey:** I refer to the matter of the Kilrush District Court. Any such issues raised are of particular concern to us. We examine each and every one of those cases in detail and we ask ourselves a number of questions. Do the points raised impact on the law? Invariably the issues raised will follow two lines. One line will be to address the legislation and the second will be to address the process. In the matter of the Kilrush District Court case and other cases, we are happy that it is a matter of the process more so than the legislation. We are happy that the legislation is sound and that it stands.

This project has been running since 2010 so we are four years down the road. There have been lots of prosecutions. Any legislation is open to a defence. We do not have a particular concern about the legislation. A number of issues related to the process were raised on that day and some of those process issues related to An Garda Síochána because we are the prosecutors while GoSafe personnel appear as witnesses. It is a matter for the Garda superintendent and the prosecution to ensure that all the proofs are in place. The number of issues arising on that day have been addressed. The cases have been put back to a later date. The inspector from the fixed charge penalty office will be present in court to address any of the issues the District Court judge may raise. At this stage we are satisfied that we can address the issues that have been raised in the court but like everything, the situation can change from case to case and from issue to issue. We are reasonably happy at this stage that we can address any of the issues raised by the court.

**Deputy Timmy Dooley:** Is Mr. Twomey happy that what happened in Kilrush was an isolated incident, as opposed to something systemic across the State?

**Mr. John Twomey:** These are isolated incidents to do with process issues which are due to circumstances beyond control which could not have been dealt with in advance of the court

hearing. Those issues related to the administration and the process. These are not systemic issues.

**Deputy Timmy Dooley:** Could legislation help to negate some of the cumbersome nature of the process? I take the point that the legislation can be challenged by the defendant and this has been addressed by Mr. Twomey. Could amending legislation help to make the process less cumbersome and avoid such issues arising as arose in the Kilrush case?

**Mr. John Twomey:** No. We are happy with the court process and we are happy that the provider attends as a witness on our behalf. We prosecute the case. A member of An Garda Síochána could also be a witness. GoSafe is one arrow in the quiver, so to speak. We have a number of elements and processes by which we enforce the Road Traffic Act. A garda could be giving evidence tomorrow in another case, sitting in the same seat as the GoSafe personnel. I acknowledge that issues may arise in other cases and at that stage we may have to revert.

**Deputy Patrick O'Donovan:** I thank the representatives of An Garda Síochána. Anything that can be done to reduce the number of road fatalities is a good thing. Regardless of the colour of the vans or where they are based, the most important issue is that people are made aware of the speed at which they travel and that they try to reduce it. Anything that could be done in that regard is a good thing.

Mr. Twomey might be able to indicate whether it is urban legend or if there is a degree of truth in the following. It has been recounted to me that if a person fails to turn up in court for prosecution, he or she can use for defence a statement to the effect that he or she did not receive the summons in the post. It has been relayed to me that if they use that defence the case is essentially thrown out. There is an assumption that the person must receive the summons and if it is conveyed to the individual by way of standard post then the assumption cannot stand up in court because the person might not have received it. If that is the case, is there anything that could be done to mitigate the situation from the point of view of saying the assumption is taken for granted once the summons enters the postal system? The postal rule is that the letter becomes the property of the person to whom it is conveyed rather than the person from whom it is conveyed. If what I outlined were the case it would be worrying as it would be a serious waste of Garda resources if it had to hand out summonses. I do not say the situation I have outlined is true but I would welcome clarification.

On the 727 speed enforcement zones, could Mr. Twomey provide an indication of, typically, how often they are manned or policed? Other committee members might have a different view but I seem to see the same locations manned regularly, in particular on national primary roads – open and straight stretches of road that are prone to speed. There might be a tendency to put one's foot down on the accelerator on such a road but it might not necessarily be the same type of road that claims so many lives. I refer to secondary and tertiary roads on which lives are lost in many cases because of the condition of the road or the nature of the driver.

Is the data compiled by the speed vans used to try to encourage local authorities and the National Roads Authority to carry out mitigating works? My understanding is that the approach being taken is based on enforcement, engineering and education. Enforcement is fine. That is what the Garda is doing but is the data used to suggest to local authorities that speed limits are wrong – too high or too low – or that work must be carried out?

It has been said in the context of dismissed cases that there is no differentiation between what is dismissed by virtue of an operational issue with An Garda Síochána and cases relating

to GoSafe. Is it the intention to introduce categorisation to find out what is happening so that we know the situation? Everyone would agree that the investment by the State is significant. There is a lot of capital investment. Much money is involved. The company in question has returned its accounts. To ensure the individual and the road user is getting value for money and the Garda is getting value for money, is it the intention to break down the figures to see if it is possible to improve the situation?

**Mr. John Twomey:** If it is okay I will deal with two of the issues and I will ask Superintendent O'Donohue to respond to the question on the court and court summonses.

We started off with 565 zones when the project began. The situation is under constant review. We analyse collision data for a five-year period. That highlights trends in various zones. The situation shifts constantly. This was the first time An Garda Síochána had embarked on such a contract to outsource some of its enforcement and to tell people and put on its website the locations of the speed cameras. The simple message is that if one speeds in those zones one is liable to be killed or seriously injured, more so than anywhere else on the road network. They are the areas that are most dangerous on the road network. We have given the information to the general public to ask them to slow down in the first instance because if they do not they run a far greater risk than anywhere else on the road.

The zones are constantly shifting. Compliance rates have shifted to 95%. Some areas do not shift and other areas are higher than 95%. We took zones off the list where compliance was higher and we replaced them with other areas. The analysis in 2012 and 2013 was a year older and we had more up to date information. We did change and we added to the locations. We increased the number of monitoring hours. It started off at 6,000 and we have now extended it to 7,375. As a consequence of the surveys and the increased compliance we were able to focus greater attention on the monitoring aspect of it to allow enforcement.

We focused more on certain areas because of the collision data and what it tells us. We weight the zones. If compliance levels in some zones are considerably lower than in other ones we will put increased emphasis in that area to try to bring compliance up. When we bring compliance up we increase safety and reduce road fatalities. That is the simple and single objective of the initiative: to reduce fatalities and injuries on the roads. We can achieve that by reducing speeds.

On the splitting of the dismissals in the court, it is certainly something we will take away and consider but it has not been of concern to us to date. There is no considerable differentiation between the Garda dismissals and the GoSafe dismissals. There is no noticeable difference between the two but it is certainly something that we will take away in light of the issues raised and I hope we will be able to provide the data in future.

**Deputy Patrick O'Donovan:** Is the Garda using the data for local authorities and the NRA?

**Mr. John Twomey:** Yes. All accidents are recorded on what we call a form CT68. Every accident has a CT68. The data is shared with both the Road Safety Authority and the NRA. They have the information. We also have national and local meetings with both of those organisations. We visit every fatal accident site with the local authority.

Deputy O'Donovan is correct that the three areas that relate to road safety are known as the three Es - enforcement, engineering and education. We work very closely with local au-

thorities. They have the same data we have on accidents: time of day and location on the road. There have been lots of stretches of roadway that have been re-engineered based on the accident data. There is a close working relationship between ourselves, the NRA, local authorities and the RSA – all of the agencies involved in road safety. I will ask Superintendent O’Donohue to respond to the final point.

**Mr. Cornelius O’Donohue:** In response to the last point on speed data, we have shared the data with the National Roads Authority, which is the conduit for us to the local authorities.

On the Deputy’s first point on summonses, effectively what he is talking about is the serving of the fixed charge notice – the ticket. We serve them by ordinary post. It is covered in legislation – in the Interpretation Act – that we can serve a document by ordinary post. People do on occasion go to court and give the defence that they did not get the notice. They are entitled to give that defence and it is up to the court as to whether it accepts it.

There is a change in the 2010 Road Traffic Act which will affect how we serve our fixed charge notice and in terms of the evidence. To go back to the first question asked by Deputy Dooley about changes in legislation, there is a change that will allow us to serve notice. Proof of service will be provided by way of certificate of postage to a particular address or delivery to a particular address. It would also remove the defence for somebody to say they did not get the notice in defending their case in the court because as part of the summons under the new process they would be given another opportunity to pay the fixed charge. If one is sent a fixed charge notice and one did not get it for whatever reason, when one gets a summons one will get an option to pay. We refer to it as a third payment option on the basis that one has two options to pay before that: a payment of €80, an increased amount after 28 days and then a third payment option at some stage. Those changes are part of the 2010 Act.

There is an ongoing project with the other stakeholders in the Department of Justice and Equality, the Department of Transport, Tourism and Sport and the Courts Service to try to implement that section of the 2010 Act. The introduction of those provisions will see a change in terms of how we prosecute cases and how cases are defended.

**Deputy Patrick O’Donovan:** I welcome the change. In Mr. O’Donohue’s experience, is the defence that someone did not get the summons typically successful?

**Mr. Cornelius O’Donohue:** It depends on the evidence given. Judges will generally ask the defendant to go into the witness box and they will question him or her about other aspects of receiving post in terms of post having gone missing, and they do not always accept the evidence that the person did not get the notice. It varies depending on the judge’s view of the evidence provided on the day.

**Chairman:** Deputy Ellis was to be the next speaker but he was called away. Does Deputy Fleming wish to contribute?

**Deputy Tom Fleming:** I welcome the delegation and also their clarification on a number of matters. Preventive methods and learning from procedures is what is important. Deputy O’Donovan referred to the additional warning signs, the changing of speed limits, the necessary road surface improvements and the elimination of bends, particularly on some minor and regional roads that are accident black spots. The level of co-ordination among the National Roads Authority, the Road Safety Authority, the Garda and the local authorities must be addressed at an early stage. The accident black spots throughout the country have been identified but what

progress has been made in meeting the requirement to eliminate the dangers on those sections? I am aware that near Milltown, in the centre of County Kerry, action has been taken in the past six months as a result of numerous incidents, including cars skidding off the road, on which there was good liaison among the local authorities, the Garda, the Road Safety Authority and the National Roads Authority. We need more of that because prevention is the answer to these problems. Such liaison will not remove all the risks or reduce the number of fatalities but it will assist greatly in that regard. I wish the witnesses well in their endeavours.

**Chairman:** I call Deputy Coffey who will be followed by Senator Mooney.

**Deputy Paudie Coffey:** I thank the Chairman. I welcome Assistant Commissioner Twomey and his colleagues. It is an interesting discussion because road safety and reducing collisions and fatalities on our roads should be a priority of all of us.

I want to touch on three areas, on one of which a response has been given to the Deputies who raised it, namely, the criticism by the courts. My question is to Assistant Commissioner Twomey. Why are the cases dismissed or struck out not recorded by the office for safety camera management, OSCAM? Does the Garda keep a record of that? I accept it can be complicated for various reasons but if a record was kept of the number of cases being struck out it would be of interest to this committee and to the general public.

With regard to the integrity of the process, I refer to a recent “Prime Time” programme which I am sure the assistant commissioner saw in which questions were raised regarding the standard and maintenance of equipment used. That can be used in court if challenged. What key performance indicators, KPIs, or system of oversight does the Garda use to ensure that the contractors, GoSafe, have adequate equipment? What are the reporting mechanisms to the Garda or to OSCAM? It would be essential for public confidence that the integrity of that system would be good.

The assistant commissioner explained how the Garda reviews the selection of enforcement zones and that it is closely monitoring that. He mentioned the Road Safety Authority and the National Roads Authority but is there an opportunity for the local authorities’ road sections or even public representatives through the Garda liaison committees on local authorities to give local feedback on problems identified by locals or public representatives? I understand the Garda selects the enforcement zones and then directs the contractors but it is important from a public confidence point of view that there would be adequate opportunities in that regard. The assistant commissioner might address that point.

Public confidence in the system is vital. It is important that people support the system in operation but it would be remiss of me not to say that sometimes I hear criticism in that regard. People are caught speeding, and that is a fair point, but there is criticism of the system on occasion in that it is almost entrapment. I ask the assistant commissioner to respond to that from a public confidence point of view. If people are speeding, they are speeding. It is a black or white issue, but people sometimes say these vans are located on relatively straight roads where there does not appear to be a problem, whereas there could be a problem in other areas.

I want to give credit to the Garda for its use of social media. I use Twitter, and I notice that breath-testing and speed zones are regularly notified on social media by the Garda. That is a good exercise in terms of public awareness because it alerts people to the fact that the Garda is monitoring and checking, all of which is in the interests of road safety. I would encourage further use of that because it is working, and I commend the Garda for engaging on that platform.

**Senator Paschal Mooney:** I have a question that is somewhat related. In the context of the questions raised by Deputy Coffey about the equipment, he is probably referring to the same television programme I had intended to mention in which former employees alleged that procedures were not complied with. The assistant commissioner will be familiar with that. I am curious to know about the technical aspects in the context of the GoSafe operation and how they impact on potential prosecutions.

GoSafe is not the only speed detection system in operation. The Garda operates its own speed detection systems, and I have always been curious about how that works. There is an eight mile stretch of road where I live in County Leitrim between Drumshanbo and Carrick-on-Shannon on which GoSafe vans operate on a regular basis. Sadly, they are located where fatalities occurred; I assume that is the reason they are in those locations. It is probably one of the safest roads in the country at this stage because not only are the GoSafe vans in operation on it but the local gardaí operate unmarked speed detection vans also. That leads me to the query Deputy Coffey raised. There is a public perception that there is an element of sneaky entrapment going on in that these vans and cars are unmarked. I do not wish to detract in any way from the serious nature of what the gardaí are doing because it is all about saving lives, but is there a revenue generating element to that? Are there brownie points for gardaí who detect speeders, separate from the GoSafe operation? It is probably an urban myth but it might be useful to clarify that it is about speed detection and not gathering revenue for the sake of it. There is an old saying about pork in a barrel, and there have been a number of incidents of that around the country. The most famous example is the Stillorgan bypass on which I was caught driving over the speed limit on one occasion on my way to attend a vote in this House, only to discover when I got here that a vote had not been called; I was caught on the double in that regard. Those are the generalities of the questions.

**Mr. John Twomey:** The road safety legislation and speeding regulations are probably the most debated of our laws. One will hear various stories about what did or did not happen in certain cases. The revenue does not come to An Garda Síochána. We get no revenue from the enforcement of the Road Traffic Act; it goes to the central Exchequer. That is one myth we would like to lay to rest. We have put all the speed enforcement zones on the website. We have also put notices at the start of every zone. The simple message we gave from the minute this project started was, "Please, slow down". If one does not slow down in these areas, one is putting oneself and other road users at a greater risk of being killed or seriously injured. There is no more that we can do.

Unfortunately, while our compliance rates have improved and increased and the majority of road users comply with the Road Traffic Act, there are a number of people who do not. That is where the enforcement end comes in. I do not want to put anyone's life at risk in these particular areas or anywhere on the road network. We want every driver to be responsible. The rules of the road are there for a specific reason - that we can all use the roads safely. Unfortunately, I have had the bitter experience of having to deal with families whose lives have been devastated by road traffic fatalities. It is cold comfort to them when they hear a driver say he was only a small bit over the limit.

Up to 30% of road fatalities were happening in these 700 zones. We in An Garda Síochána have to enforce the Road Traffic Act for people that will not heed the road safety messages. We advertise the zones on the website and they are constantly referred to in a variety of ways. We must protect the public. Unfortunately, for that 5% who do not listen, we have to move into the enforcement area.

I thank the Deputy for his comments on our use of social media. We have 70,000 Twitter followers, the second largest number in the public service. It gets the message out, telling people where we are so we can improve compliance. It is not about enforcement but compliance because compliance equals safety.

In every area there is a local JPC, joint policing committee, where people and local representatives can raise any local issues of concern about road safety. There are many examples where roads have been re-engineered as a consequence of safety issues raised locally, either informally with a local superintendent or through the more formal structures of the JPCs. We welcome such public engagement as we do not have all the answers and do not get it right all the time. Those who use a road day in, day out very often have a greater insight into safety issues with it.

There were several issues raised on the “Prime Time” programme which we are pursuing. All the equipment used is calibrated and is to the highest ISO standard. This information is provided to the court to support cases. All cases dismissed in court are a concern to us. We examine the issues raised in each individual case to see if it involves the detection process or the legislation and address them if we need to. Legislation changes due to issues raised. We are aware of the issues raised in Kilrush and have taken steps to address them but will continue to monitor it.

**Mr. Cornelius O’Donohue:** The programme in question was about how the equipment was set up as opposed to the equipment itself. The equipment is approved to international standards and is calibrated. We have full access to all equipment registers and repair logs to ensure it remains within proper calibration and certification standards. An Garda Síochána oversees this all the time to have full confidence that the equipment is maintained to the highest standard. In every court case, the operator is in a position to produce the certification from those who check the equipment. There have been no issues with court cases.

**Senator Paschal Mooney:** My question was not about the efficiency of the equipment but about the manner in which it was located and set up. The allegations made by the former employees were that they brought this to the attention of their superiors but were dismissed out of hand. In turn, this had an impact on subsequent prosecutions. That was the core message of these allegations. This raises serious issues which could be impacting on drivers who perhaps were not over the speed limit. I do not know anything about the technical aspects which is why I asked how it can impact on subsequent prosecutions. What is of concern is the serious allegation that alleged serious deficiencies were brought to the attention of the employer by some employees but were ignored.

**Mr. Cornelius O’Donohue:** That was what was said in the programme. We are examining the case. On the day, there was a record of the operator raising an issue about the equipment. Unfortunately, that was not passed on to the validation process or to GoSafe management. They missed it. Part of our quality assurance is that operators are encouraged at all times to raise issues on a no-blame basis. I went around the country speaking to operators when they took up employment because many of them were new to the courts process. One point I made to them was that they were to immediately put their hands up if they had not set up equipment properly. This was on a no-blame basis which I told the company so as to ensure it would not take action against them. I had every confidence that would happen.

As a result of that sort of input, the particular operator on the programme had been spoken to by another inspector. While I was not at that session, the operator got the same message.

When he realised that a court case coming up was related to a session he had already raised with management, he went back to highlight it. That quality assurance worked. GoSafe management immediately brought it to my attention and we took action at the time. It was certainly not buried by anybody. It was accepted by GoSafe management that it was not acted upon correctly when it was identified on day one. Once it was raised again, the management did not drop the ball the second time.

**Deputy Paudie Coffey:** That is a fair point.

**Senator Paschal Mooney:** Are GoSafe employees encouraged to report problems without penalty?

**Mr. Cornelius O'Donohue:** Yes, absolutely. When I meet employees through formal sessions and court appearances, I encourage them to raise issues concerning problems with equipment if they need to.

**Senator Paschal Mooney:** That is reassuring.

**Deputy Paudie Coffey:** I welcome that reassurance. Is it only if an issue concerning a court case arises that the Garda is notified?

**Mr. Cornelius O'Donohue:** We are notified of all the issues raised in any session. For example, if an employee feels he cannot set up a session because there is a vehicle in the way of the van, we are notified that this happened and why.

**Deputy Paudie Coffey:** Does that feed into the oversight audit management system?

**Mr. Cornelius O'Donohue:** Yes, every day.

**Deputy Dessie Ellis:** I thank the delegation for its presentation. I always felt the Garda should have been running the GoSafe programme and it should never have been farmed out to a private company. Resources should have been put in place for the Garda to do it. The profits made indicate that. There would also have been fewer problems dealing with the courts.

It was said that some of the GoSafe zones have been fixed by road improvement works and so forth. Are figures for accidents going up or down in these locations? It is important we monitor those problem zones as thoroughly as we can. We pay the likes of GoSafe based on enforcement and survey hours. Have we ever considered paying on the basis of convictions? Does the Garda monitor the qualifications of the GoSafe staff and whether they have full knowledge of the rules of the road and all the issues that arise?

I was going to talk about the alignment of the cameras. According to the reports, they were badly aligned and this could make a difference of plus or minus 5 km/h. If the alignment of the cameras is that critical and there is a standard procedure of how the vehicles are set up, could the witnesses tell us what has been done to address it and if the GoSafe staff are rectifying it? Since the witnesses said new cameras are being introduced, particularly with multi-vehicles, there must be a problem to be addressed in clearly identifying vehicles in areas where there is traffic build up and cars are coming alongside each other.

At one stage there were 1,200 members of the traffic corps and now there are 800. This weekend there will be a special operation in place and I welcome that. The Garda sergeants and inspectors have asked the witnesses and the Garda Commissioner to examine this. In 2011 and 2012 there were significant reductions of over 40% in the number of casualties. In 2013,

suddenly 28 more people were killed than in 2012 and there has also been an increase this year. Is there any relationship there?

**Deputy Noel Harrington:** I welcome the assistant commissioner, Mr. Twomey, and his colleagues. I am a former postmaster, and the much-maligned postal service is getting a hammering here today. That is totally unfair and the evidence or court cases may improve that situation. There may be a need to examine that because it is more than just a myth or a perception. There is a problem when one can legitimately claim as a defence that one did not receive a notice in the post. One is then at the mercy of the courts. This committee has the task of examining road safety and perception is a very important issue. We are here because of media reports. There is an inaccurate perception that there are ways of getting away with speeding. We must nail that. The Garda has a role in improving the processes all along the way to ensure that perception is nailed.

I have read the appendix. Could the witnesses flesh out where OSCAM fits into the bureau? At what stage or level does OSCAM report to the assistant commissioner's office? What influential members are part of OSCAM to ensure there are clear communications between the processes and what is happening within the assistant commissioner's office with a direct responsibility for road safety?

Previous speakers touched on the "Prime Time" programme on the set-up or calibration of the equipment. I have examined some of the processes they carry out across the water. The West Midlands Police service routinely publishes on its website in PDF format the calibration certificates of each piece of speed detection equipment, whether it is GATSO, red light, Truvelo, mobile or ProLaser. While I do not know what those are, I presume the witnesses are familiar with that equipment. An industry of dedicated speeding ticket solicitors has built up in the UK. They use every avenue they can to try to get people off, often on technical grounds. It might be a reasonable approach to publish the technical calibration certificates on the Garda website. The use of the website and social media regarding the speed zones is very beneficial and positive. The light-hearted social media engages people, they are interested and it is very positive.

Do the witnesses have figures on any reductions or changes in accidents, fatalities or behaviour in high-accident areas? Are those zones monitored? Would they consider publishing any figures on changes in attitude where there is continuous monitoring or speed vans in those areas? The witnesses' report stated there were no figures on the cases that were struck out in court. Could the witnesses establish some liaison between their office and the court registrars to get some handle on the number of traffic offences struck out and the reasons? Since the court registrars are civil servants, not part of the Judiciary, there would be no question of infringing on the separation of powers. Over recent months we have had a public debate on people dying because they believed they could get away with speeding. There must be some way of approaching the court registrar service to establish the truth and the myth, and how best it can be addressed.

When one has 12 points on one's licence, is disqualification mandatory? In the UK it is discretionary and in 2012, just under one third of those who had 12 points were not disqualified after giving mitigating circumstances, and we know where that can lead. Could the witnesses clarify that a person who reaches 12 points is automatically disqualified?

**Senator Ned O'Sullivan:** I welcome the assistant commissioner and his team and commend them on the forthright manner in which they dealt with the questions. Everything is straightforward and that is appreciated. The GoSafe contract was awarded nearly five years

ago and it was a very competitive tendering process. The successful consortium was an international group with French and Australian involvement but the operation is centred in Listowel, County Kerry, where I come from and, therefore, I am familiar with it. The Listowel people who are involved have a long history of successful involvement in a number of businesses related to photo processing and they are regarded as highly competent and professional and men of probity. I was reassured by Superintendent O'Donohue's response to the television programme. I saw the programme and felt it was very much over the top and made a mountain out of a molehill.

Judge Durcan more or less condemned the GoSafe operation. Is the function of GoSafe staff to detect and report speeding offences and present themselves in court when a prosecution is made with the process of prosecuting remaining a matter entirely for the Garda ensuring total separation? The judge did not seem to appreciate that. I stand corrected if I am wrong but if it is true, the judge did not seem to know that and I am surprised. Has he been contacted by the Garda to point out the reality to him? I do not know if that is how everything operated at that level but perhaps there should be communication with him because he was in error.

I refer to another issue that has bothered me for some time. I drove home to Kerry on Good Friday last year and as I drove along the two-lane carriageway at Islandbridge while leaving Dublin, a major Garda operation was under way involving up to a dozen or more Garda vehicles and two dozen gardaí. They were pulling motorists in to breathalyse them. I found it to be a dangerous practice. I was lucky not to be in an accident because drivers were crossing lanes and so on. The operation was over the top. Is that normal practice? If so, should this be examined? I thank the assistant commissioner for his attendance.

**Mr. John Twomey:** I will begin with the final speaker. We have what we call super MAT checkpoints where we take a main road and they would be more overt than what we normally do. We do not do them terribly often. We did one on the M50 before Christmas. We are very conscious of the health and safety aspect of such checkpoints. I am concerned by the points raised by the Senator and I will take them back and discuss them with the people involved.

He is right that An Garda Síochána is the prosecutor and the GoSafe people perform as witnesses. Any issues with the prosecution are a matter for the Garda. We have spoken with the court and on the next date the inspector in charge of the fixed penalty office will be available to the court to answer any issues that are addressed in respect of any of the procedures that are followed. We have, therefore, tried to address those specific issues.

I will jump then to the first question Deputy Ellis asked. These are contractors working for An Garda Síochána. We are doing the job but we have contracted out a little of it. Our contractor provides 7,500 hours of enforcement to us every month. It is a good fit. They can do the off-road stuff; we do all the on-road, highly visible, overt enforcement. When we come back to the statistics, we had a reduction in these 727 zones of 23 road fatalities last year. That is a simple fact. As a consequence of the increase in compliance, there has been a reduction of 40% in road fatalities across these zones. There are issues around the edges regarding processes and the courts and we need to be careful and clearly oversee them but the facts speak for themselves. We are about reducing road deaths and how to achieve that.

The 12 penalty points is mandatory. There is no option around it. It is an administrative, court process. Once a driver reaches 12 points, he or she loses his or her licence. The zones are constantly updated and we constantly review, check and examine the collision data to see if another area in the road network pops up. We have made public even here today the results of

the past few years. Speed compliance has increased by 40% in these areas and road fatalities have reduced by 40. They are the results.

We will take away the issue of making the details of the equipment public and give it serious consideration. There is no doubt that road traffic legislation is among the most hotly debated. It is something we constantly monitor. We also monitor court cases on a daily basis, irrespective of whether the Garda is involved. The Garda is responsible for all these prosecutions and, therefore, we monitor what develops in a court case closely and where there are issues of concern, we look at how we can improve the process. If we need to do so, we will. We have done that on many occasions. If there is a more fundamental difficulty, we have to come back to a forum such as this where we need legislative amendment. The 2010 Act, which was mentioned, will address the issues relating to postal service. That will make it a little tighter for people in that the certificate of postage will now be accepted by the court if the notice has not been delivered. The legislation constantly evolves. The third payment option was discussed earlier, which means people can pay the fine within a certain timeframe rather than go to court.

OSCAM was set up when this project started and Superintendent O'Donohue is directly in charge of it. He reports directly to me and Chief Superintendent O'Sullivan and, therefore, there is a direct line of communication. We have meetings on a daily basis and address any issues that arise with the equipment. It is closely monitored and audited and a number of changes have been introduced in the processes as the contract has evolved. It is the first time in the world that such a contract has been introduced where enforcement has been subcontracted directly by the enforcement agency. The results are positive.

The reduction in the traffic corps is a topical issue. As everyone in this room is well aware, An Garda Síochána and every other State body has reduced budgets and reduced staffing. That has necessitated us trying to streamline and look at different ways of operating. That is the space we operate in and that is the challenge we face. While we have 800 people in the traffic corps, the force still has 13,000 members. Every member of An Garda Síochána is responsible for the enforcement of the Road Traffic Acts and ensuring compliance when they are on duty. It is still quite a number of people. We have worked with other agencies to improve our processes and to make it easier for us to operate on the roads. Certain efficiencies have been gained. During the first quarter in 2014 there was an increase in enforcement compared to the same period last year in all areas of road traffic - speeding, mobile phone use, drink driving and seat belts. Resources are a constant challenge and we constantly review them. Hopefully, there will be recruitment later this year which will provide greater opportunities for us. We will monitor resources closely.

Issues that are raised in the courts come directly to us. We deal with and take appropriate action.

**Chairman:** Some time ago the Minister spoke about new technology which can monitor the speed at which a vehicle goes from A to B. Is this in force or how will it be implemented? Will it have an impact? Technology is improving in every area. Might other improvements help the Garda detect speeding?

In recent weeks in my constituency cases have been highlighted whereby the cars of people stopped because their tax is out of date are confiscated on the spot. According to a radio programme I heard, people have had to walk home. Has there been a change of policy in this regard? It is not within the remit of today's discussion topic so the witnesses may have to follow up with information. It is an area of concern as in one case the road was unlit. I would have

thought a person whose tax was out of date would be fined and would have to appear in court. Perhaps the policy has changed.

**Mr. John Twomey:** There has been no change in policy. It is governed by legislation. I am not familiar with the particular case mentioned by the Chairman. Our clear advice to all our people in such a case is they must be balanced, reasonable and proportionate. This is the policy in all enforcement. I am not aware of the specific case raised by the Chairman. We will take away what he stated and examine it.

Equipment changes all the time and is getting more up to date. We constantly watch improvements in equipment and we deal with the Department in this regard. Average speed limits from one point to another will be tested but this is not in force yet. Proposals have been made to examine the Dublin Port tunnel, whereby if one enters it at a particular time and exits it after a certain time one must have exceeded the speed limit. This method is used on the Continent. It deals with point to point journeys and is all about exits. We will examine it in time with regard to the Dublin Port tunnel.

**Chairman:** The legislation announced recently with regard to using mobile phones is something the witnesses will welcome. Will it have a big impact?

**Mr. John Twomey:** Absolutely and the legislation is very welcome. It is an indication of the changing behaviour of road users and the updating and upgrading of mobile phones and technology. It is no coincidence the greatest increase in enforcement is with regard to the use of mobile phones on roads. It is a problem and a challenge. The new legislation is welcomed by An Garda Síochána.

**Deputy Dessie Ellis:** We are tied into a contract with GoSafe which has another year to run. Is there any way fixed cameras can be used on the 727 routes in question or is it the case that fluency does not allow this as we could have a change in circumstances? Would it be more cost-effective to use fixed cameras on many of these routes with enough scope to upgrade if necessary?

I did not receive an answer to my question on multiple vehicles. Obviously there is a problem with the GoSafe cameras dealing with multiple vehicles in an image with regard to angles or focus. Has this led to problems with convictions with regard to cars overtaking?

**Mr. John Twomey:** There is an ongoing debate about fixed cameras versus mobile cameras and various jurisdictions use one or the other. The ability to change location gives us greater scope and coverage throughout the country. We had fixed cameras and there was a noticeable difference in the speed of cars before and after fixed cameras. Everybody knew where they were. People drove at a certain speed approaching the camera and after they passed them they moved on.

**Deputy Dessie Ellis:** The Garda website advertises the 727 locations so it is not as though this has changed.

**Mr. John Twomey:** The 727 locations constantly change in accordance with accidents and collisions as they happen. The maximum length of time a camera will be in any location is three hours. It is considered more efficient and effective to have this greater mobility in the network. The results of the initiative to date probably support this argument.

**Mr. Cornelius O'Donohue:** We do not have any issues with the technology *per se*. There

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are limitations to any piece of technology. With the particular camera and radar system used at present in some cases one cannot proceed with prosecution because of where a second vehicle is in the image. We look at the data behind capturing the image, with regard to what the radar detected, to identify an offending vehicle but it is not always clear. The new technology makes it easier to identify the offending vehicle if two vehicles are in the image. We check all of the images and the data behind them. Radar constantly sends out a signal and receives results which are plotted in a graph we can examine. When we do so we decide whether an image can be let through. This limitation at present does not cause a problem with convictions because we do not let the images concerned through the process. The dual grader will allow more images to come through the validation process and more fixed charge notices will be issued. If two cars are side by side in an image we will have a better chance of identifying an offending vehicle with the new technology. This is slightly more difficult to do at present. Anything which goes through the system is perfectly validated and the new technology will allow us validate more images and approve more fixed charge notices.

**Chairman:** I thank the witnesses for coming before the committee and clarifying many issues. It has been a very useful engagement. We wish them well in their work.

The joint committee adjourned at 11:20 a.m. until noon on Wednesday, 30 April 2014