

Fleeing driver policy

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Summary

Introduction

Drivers who fail to stop for Police and flee to avoid apprehension, pose risks to public and police employee safety and may be subject to considerable scrutiny. Police has a responsibility to strike a balance between our responsibility to protect life and our duty to enforce the law. Police must prioritise safety by driving with care and professionalism, and in a manner appropriate to the situation. The conduct and management of how Police pursue fleeing drivers must balance the priority of apprehending the offender and maintaining safety at all times.

Important: At all times during a pursuit, warning lights and siren must be simultaneously activated, and the Communication Centre (Comms) must be advised immediately there is a fleeing driver and that a pursuit has been initiated. This is to ensure effective pursuit management. If the identity of the offender becomes known the pursuit must be abandoned, unless there is an immediate threat to public or staff safety.

This chapter:

- is empowered by General Instruction [V001 - Police Driving](#)
- must be read in conjunction with the:
 - [Urgent duty driving](#) (UDD) chapter
 - [Police Vehicle Management](#) chapter
 - [Professional Police Driver Programme \(PPDP\)](#) chapter
 - [Tyre Deflation Devices \(TDD\)](#) chapter
 - relevant legislation
- applies to Police constables, hereafter referred to collectively as 'Police'
- for the purposes of this chapter, Police passenger refers to a Police constable acting in a double-crewed unit, who has specific responsibilities outlined under [employee responsibilities](#).

Overriding principle

Public and staff safety takes precedence over the immediate apprehension of the offender.

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Authority to pursue a fleeing driver

Legislation

Police drivers must comply with all relevant legislation and be aware that there is no blanket legal protection for police involved in pursuing a fleeing driver. Any actions taken may later need to be justified in any subsequent investigation or employment or legal proceedings.

This table provides an overview of the legislation relevant to pursuing fleeing drivers.

Legislation	Authority
Section 114 - Land Transport Act 1998	<p>Empowers:</p> <ol style="list-style-type: none"> (1) A constable in uniform (or wearing a distinctive cap, hat or helmet with a badge of authority affixed to it) to signal or request a driver to stop the vehicle as soon as practicable. (2) A constable in a vehicle following another vehicle, by displaying flashing blue and red lights or sounding a siren, to require the driver of the other vehicle to stop. <p>The stop is for the traffic enforcement purposes specified in s 114.</p>
Section 9 – Search & Surveillance Act 2012 (S&S Act)	<p>Empowers a constable to stop a vehicle without a warrant to arrest a person if they have reasonable grounds:</p> <ol style="list-style-type: none"> (a) to suspect that a person: <ol style="list-style-type: none"> (i) is unlawfully at large; or (ii) has committed an offence punishable by imprisonment; and (b) to believe that the person is in or on the vehicle. <p>Refer to the Road blocks and stopping vehicles for search purposes section of the Search chapter for further information.</p>
Section 121 – Search & Surveillance Act 2012	<p>Empowers a constable to stop a vehicle to conduct a search under a power of search:</p> <ul style="list-style-type: none"> • Without a warrant (conferred under the S&S Act or another enactment specified in column 2 of the S & S Act schedule) if satisfied there are grounds to search the vehicle; • With a warrant (issued under the S&S Act or another enactment specified in column 2 of the S&S Act schedule) if satisfied the warrant has been issued and is in force. <p>Refer to the 'Road blocks and stopping vehicles for search purposes' section of the 'Search' chapter for further information.</p>
Section 39 - Crimes Act 1961	<p>Where any person is justified or protected from criminal responsibility in:</p> <ul style="list-style-type: none"> • executing or assisting to execute any warrant; or • making or assisting to make any arrest <p>that justification or protection extends and applies to the use of force as may be necessary to overcome any force used in resisting such execution or arrest, unless the warrant can be executed or the arrest made by reasonable means in a less violent manner.</p>

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Land Transport (Road User) Rule 2004	<p>Rule 5.1(3) provides a defence to the requirement to drive within the applicable speed limit upon proof that at the time the vehicle was being driven:</p> <ul style="list-style-type: none">• the vehicle was being used by a constable engaged on urgent duty and compliance with the speed limit would be likely to prevent execution of the officer's duty; or• the vehicle was an emergency vehicle being used in an emergency and was operating a red beacon or a siren or both. <p>There are also specific exemptions under Rules 11.18 and 11.19 that apply to constables proceeding against a red light or stop or give way signs. The constable must be driving an emergency vehicle that is displaying red and blue beacons or sounding a siren. The driving constable must reduce driving speed to not more than 20 km/h and take due care to avoid a collision with pedestrians and other traffic.</p> <p>Note: This Rule does not permit careless, dangerous or reckless driving, or driving at a dangerous speed.</p>
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Note: When drivers have been signalled to stop in accordance with this legislation, and fail to do so, they become 'fleeing drivers' and a pursuit may be initiated. Units must assess the factors outlined in the [risk assessment](#), and notify Comms as soon as the pursuit is initiated.

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Risk assessment

What is a risk assessment?

A risk assessment determines whether:

- a pursuit should be initiated, or
- if it has already been initiated, whether it should continue or be abandoned.

Given how quickly a pursuit can develop and circumstances change, assessing the risks must be a continuous process until the pursuit is resolved or abandoned. The [communication procedure](#) is designed to ensure that units involved in the pursuit of the fleeing driver provide situation reports (sit-reps) to the pursuit controller in a timely manner. This enables the pursuit controller to make an independent assessment of the risks and manage the pursuit including whether to direct the abandonment of the pursuit.

Risk assessment factors

You must carry out a risk assessment both prior to initiation and during a pursuit. The assessment must be based on the factors detailed in this table.

Risk factors	Including...
Speed and manner of driving	<ul style="list-style-type: none">• what is the speed limit?• what is the manner of driving of the offending vehicle? Is it deteriorating or remaining the same?
Occupant characteristics	<ul style="list-style-type: none">• is the offender known? Is there an immediate threat to public or staff safety?• what offences have been committed or suspected of being committed?• is it a stolen vehicle?• how many occupants in the vehicle?• how old are the occupants (observation only)?• what is the condition of the offender's vehicle (observation only)?• are the occupants armed?
Weather conditions	<ul style="list-style-type: none">• what are the driving conditions like?• is it raining with slippery roads?• is it dawn or dusk with a chance of sun strike?
Environment	<ul style="list-style-type: none">• what is the location of the pursuit? Is it a built-up area, or near a school?• what type of road is it?• what potential hazards are there in the area?
Traffic conditions	<ul style="list-style-type: none">• what are the traffic conditions like?• what is the volume of traffic? Is it peak hour traffic?• are there pedestrians around?• what time of the day is the pursuit occurring?
Officer and vehicle capabilities	<ul style="list-style-type: none">• is the driver an experienced officer? What is their PPDP classification?• what type of Police vehicle is involved? What is the vehicle classification?• is it a single-crewed unit?• do they have hands-free radio?• is a secondary unit available to take over pursuit commentary?• are non-constabulary persons in the Police vehicle?

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After considering these factors, determine whether the need to immediately apprehend the fleeing offender is outweighed by the potential risks of a pursuit to:

- the public
- the occupants of the pursued vehicle
- the occupants of your Police vehicle.

If there is no need to immediately apprehend the fleeing driver or the risks are too great, a pursuit must **not** be initiated, or should be abandoned.

If a pursuit is initiated, the driver (or Police passenger in the primary unit if applicable) must advise Comms immediately. They must give details of the risk assessment as prompted by the dispatcher, using the [communication procedure](#).

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Employee procedures

Driver action

Drivers must follow these steps.

Step	Action
1	Carry out a risk assessment .
2	Activate warning devices (lights and siren).
3	Inform Comms you have commenced a pursuit and maintain radio contact, as per the communication procedure with the pre-alerting technique. If the unit is double-crewed this must be undertaken by the Police passenger.
4	Continually use the risk assessment factors to determine whether the need to immediately apprehend is outweighed by the risks posed by continuation of the pursuit. Where the risks outweigh the need to immediately apprehend, you must abandon pursuit .
5	You must follow the instructions of the pursuit controller and provide regular sit-reps to allow them to effectively manage the pursuit.
6	If the offending vehicle stops, ensure the vehicle is contained to prevent any risk of continuation.
7	When a pursuit is abandoned either as a result of the driver's (or a Police passenger's) decision, or on direction from the pursuit controller, the abandonment procedure must be followed.

Pursuit controller action

Pursuit controllers must follow these steps when notified that a pursuit has commenced.

Step	Action
1	Ensure the pursuit warning is given by the dispatcher and acknowledged by the pursuing unit.
2	If the officer and vehicle classification allow, appoint the unit that initiated the pursuit as the primary unit. Replace unmarked vehicles (category B) in a pursuit with marked vehicles (category A) at the earliest opportunity. Ensure a secondary unit takes over the pursuit commentary if the primary unit is single-crewed.
3	Follow the communication procedure to ensure risk assessment information is received from the primary or secondary unit.
4	Constantly use the risk assessment information, to determine whether the need to immediate apprehend is outweighed by the risks posed by the continuation of the pursuit. Where this is the case, you must give the direction to abandon pursuit .
5	Direct the pursuit is abandoned if the identity of the offender(s) becomes known during the pursuit, the offender does not pose an immediate threat to public or staff safety, and can be apprehended later.
6	Limit the number of Police vehicles following to no more than two unless tactically appropriate (e.g. requirement of a dog handler in the vicinity).
7	Coordinate other units to support the primary and secondary units, and control traffic at critical points to maximise public and staff safety.
8	Arrange aerial surveillance where possible.
9	Consider and employ other tactical options as appropriate.

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Employee responsibilities

Role definition

This table defines the roles specific to those involved in pursuing fleeing drivers.

Role	Definition
Primary unit driver	The driver of the lead Police vehicle pursuing the fleeing driver. This will usually be the driver of the unit that has initiated the pursuit, or the driver of a pursuit vehicle that has replaced the initial pursuit vehicle at the direction of the pursuit controller.
Police passenger	The Police constable who is a passenger in the primary unit.
Secondary unit	The second vehicle in the pursuit that follows the primary unit.
Pursuit controller	The shift commander at Comms who manages the pursuit. If a shift commander is unavailable, a team leader may take the role of pursuit controller. In exceptional circumstances, this may be a Police employee who is not a constable. In cases where the pursuit controller is not the shift commander, this must be reported to the Commissioner.
District reviewer	Nominated by the District Commander to review pursuits in their district.

Responsibilities during a pursuit

This table outlines staff responsibilities during a pursuit.

Role	During a pursuit
Primary unit driver	<p>Has primary responsibility for the initiation (unless replaced by the pursuit controller), continuation and conduct of a pursuit. The driver must:</p> <ul style="list-style-type: none"> • comply with relevant legislation • notify Comms immediately that a vehicle has failed to stop • ensure lights and siren are activated • drive in a manner that prioritises public and staff safety • continuously assess the risks • maintain constant communication with Comms • comply with all directions from the pursuit controller • comply with the directions of the Police passenger, if senior in rank or service or PPDP classification. <p>Note: The above provisions notwithstanding, no driver can be directed to commence or continue a pursuit against their judgement. A driver's decision not to commence a pursuit, or to abandon a pursuit in progress, cannot be overridden.</p>
Police passenger	<ul style="list-style-type: none"> • Assists the driver by operating the radio, this may not be appropriate if the passenger is not pursuit trained or familiar with the area. • Advises the driver of possible risks or any other considerations. <p>Note: If the passenger is senior in rank or service or PPDP classification to the driver, they may also direct them to abandon the pursuit, according to the risk assessment.</p>
Secondary unit	<ul style="list-style-type: none"> • Is assigned by the pursuit controller to follow behind the primary unit (this may be a dog unit) at a safe distance, if directed by the pursuit controller. • Takes over the pursuit commentary, if the primary unit is single-crewed. In this case they may recommend to the pursuit controller that the pursuit be abandoned.
Other Police units	<ul style="list-style-type: none"> • Must not actively participate in the pursuit, unless they are

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in vicinity	<p>responding to a direction or have received permission from the pursuit controller.</p> <ul style="list-style-type: none"> • Cease all non-essential radio communication. • Do not tag along behind the pursuit if you have not been assigned as a primary or secondary unit, as this will affect your ability to assist in the deployment of tyre deflation devices, close roads or take up cordon positions if the offender flees the vehicle on foot. <p>Note: If another unit becomes involved in the pursuit on direction of the pursuit controller, they must follow the directions of the pursuit controller.</p>
Dispatcher	<ul style="list-style-type: none"> • Advise the shift commander of a pursuit. • Maintain radio communications with units involved in the pursuit. • Give the pursuit warning and request sit-reps from the primary or secondary unit. • Communicate instructions from the pursuit controller as per the communication procedure. • Reissue the pursuit warning if a new unit takes over as the primary unit or the pursuit location changes to a new dispatch channel.
Pursuit controller	<ul style="list-style-type: none"> • Supervise the pursuit and coordinate the overall response. • Select and implement the appropriate tactical options. <p>Note: When a pursuit controller is actively supervising a pursuit, the dispatcher will use the shift commander call sign (e.g. Northcomm Alpha, Central Alpha, Southcomm Alpha).</p>
AOS/STG Commander	<ul style="list-style-type: none"> • May direct a non-compliant vehicle stop on a mobile armed offender. • Communicate the AOS/ STG tactic, where operationally possible, to Comms. • Will act as pursuit controller during an AOS/STG specialist operation until transfer of command to Comms is given, unless operational circumstances dictate otherwise.
Field supervisor	<ul style="list-style-type: none"> • Advise the pursuit controller of any relevant information. • May recommend to the pursuit controller that the pursuit be abandoned.

Responsibilities after a pursuit

This table outlines staff responsibilities following a pursuit.

Role	Following a pursuit
Pursuit controller	<ul style="list-style-type: none"> • Ensures the Comms section of the pursuit notification form is completed as soon as practicable following the conclusion of the pursuit. • Arranges a debrief with the dispatcher if required.
Primary unit	The unit that initiated the pursuit must ensure the second part of the pursuit notification form is completed, before the end of shift.

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Field supervisor	<ul style="list-style-type: none">• Has supervisory duties following a pursuit.• Should take appropriate action to ensure compliance with this chapter. Any incidents of non-compliance must be reported immediately to their supervisor.• Ensure the pursuit notification form is completed by the primary unit before the end of shift. If the primary unit is injured and unable to complete the form, the supervisor should complete.• Review and approve the pursuit notification form in a timely manner.
District reviewer	<ul style="list-style-type: none">• Reviews all pursuit notification forms in their district to ensure compliance with this chapter.• Monitors pursuit activity in order to identify and manage any health and safety risks, or training issues.

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Tactical options

What tactical options are available

This table provides an overview of the tactical options available.

Tactical option	Initiated by...	Conditions
Abandon pursuit	Driver , Police passenger , pursuit controller	Must be abandoned if directed by any of these people and abandonment procedure must be followed.
Tyre deflation devices	Pursuit controller to staff trained in this tactic except in exceptional circumstances. Comms Shift Commander for heavy vehicle deployments.	Refer to the tyre deflation device chapter.
Aerial surveillance	Pursuit controller	Must be used when available to take over responsibility of providing commentary to pursuit controller.
AOS/STG non-compliant vehicle stop	AOS/STG commander	In response to a life threatening incident, must follow AOS/STG Standard Operating Procedures and only by those trained in the tactic.

Tyre deflation devices (TDDs)

TDDs can only be deployed:

- On the authority of the pursuit controller, except in exceptional circumstances;
- On a heavy vehicle with the approval of the Comms Shift Commander;
- in accordance with the [tyre deflation device](#) chapter; and
- by those who have been trained to use this tactic.

Caution: TDDs must **not** be used on motorcycles.

If a unit is positioned at a cordon point and the fleeing vehicle proceeds through that cordon, a tyre deflation device can be deployed to stop the vehicle, so long as the deployment is safe and meets the requirements of the [tyre deflation device](#) chapter.

Aerial surveillance

Aerial surveillance must be utilised where available. An aircraft providing aerial surveillance must take over primary responsibility for providing commentary to Comms, in order to reduce pressure on those in pursuit.

Once air surveillance is established, the pursuit controller must consider instructing ground units to drop back and the appropriate role of other units, including whether they should remain in pursuit.

While the presence of aerial surveillance can encourage offenders to stop their attempt to evade Police, there are also situations in which offenders drive in a dangerous manner to evade aerial surveillance (similar to ground pursuit). If 'Eagle' personnel think their aircraft has been identified by a fleeing driver, they must inform Comms.

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Police undertaking aerial surveillance and the pursuit controller must continually carry out a [risk assessment](#) for continued aerial surveillance, and abandon pursuit if appropriate. Any aircraft that abandons pursuit must leave the vicinity of the pursuit as rapidly, but as safely, as possible.

See also: [Police air operations](#).

AOS/STG non-compliant vehicle stop

In situations involving a mobile armed offender, AOS/STG commanders are approved to authorise a non-compliant vehicle stop. This can only be done where there is no other practical method of containing the offender or neutralising the threat presented by the offender, and the vehicle does not comply with signals or requests to stop. Only AOS/STG personnel can undertake the tactic when:

- responding to a life threatening incident
- trained in its use
- undertaken in accordance with AOS/STG Standard Operating Procedures
- authorised by an AOS/STG commander.

AOS/STG personnel must otherwise comply with policies and legislation outlined in this chapter.

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Abandoning the pursuit of a fleeing vehicle

Who can abandon a pursuit?

The following role holders can abandon a pursuit:

- the driver of the [primary unit](#)
- the [Police passenger](#) in the primary unit, where they are senior in rank or service or PPDP classification to the driver
- the [pursuit controller](#).

Note: in the case of a single-crewed primary unit, the secondary unit can recommend to the pursuit controller that the pursuit be abandoned.

The decision to abandon a pursuit by any staff member due to the escalating level of risk to themselves and other occupants of their vehicle, occupants in the offending vehicle, or members of the public will be supported by the organisation.

Criteria for abandoning a pursuit

A pursuit must be abandoned when any of the following criteria apply:

- an offender's identity becomes known and apprehension can be effected later, so long as there is no immediate threat to public or staff safety or the fleeing vehicle's location is no longer known
- the distance between the primary unit and the offending vehicle is such, that in order for the Police vehicle to catch up to it, the speed involved creates an additional risk, and Police no longer has the ability to warn other road users of the fleeing vehicle
- if a person is injured during the pursuit and there is no other unit available to render assistance
- there is a sustained loss of contact between the primary and/or secondary units with Comms, or the units fail to provide critical information to Comms in a timely manner
- when the siren and/or warning lights fail to operate
- any of the risk assessment criteria conditions change, such as an increase in traffic volumes or weather or road conditions, that mean the risks of continuing with the pursuit outweighs the need for immediate apprehension of the fleeing driver.

Direction to abandon pursuit

If a pursuit controller decides that a pursuit must be abandoned, or if they are advised that a unit has abandoned pursuit, they must give the direct order:

"All units, (Comms Centre) Alpha, abandon pursuit now. I say again, all units abandon pursuit now."

Once this direction is given, all units must follow the abandonment procedure. Where aerial surveillance is involved, this direction must specify whether the aerial unit must abandon the pursuit also.

Abandonment procedure

Following the direction to abandon pursuit, all participating Police vehicles must immediately carry out these steps.

Step	Action
1	Acknowledge the direction to abandon pursuit, or advise the pursuit controller that the pursuit has been abandoned.
2	Immediately reduce speed to increase the distance between the fleeing vehicle and their own.
3	Deactivate warning devices once below the posted speed limit.
4	Stop as soon as it is safe to do so.

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5	Report the abandonment to the pursuit controller, confirming they are stationary and stating their specific location. This formally concludes the pursuit.
6	Undertake a search phase if authorised by the pursuit controller.

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Search phase

On formal abandonment of the pursuit, Comms may authorise units to undertake a search to locate the offending vehicle.

Note: As the pursuit has been formally abandoned, there is no longer a justification for units to engage in urgent duty driving. Therefore, during the search phase units must not exceed the posted speed limit.

If the vehicle is located

If the offending vehicle is located during the search phase, the unit is permitted to signal the driver to stop. If the driver fails to stop and attempts to evade Police, approval from the pursuit controller to recommence the pursuit must be sought and received before the pursuit can continue.

Recommencing a pursuit

An abandoned pursuit must not be recommenced without the approval of the pursuit controller.

Approval to recommence will only be considered if:

- the situation has changed following abandonment
- the risk assessment criteria indicates that the risks involved in the pursuit have reduced, so that the need to immediately apprehend the offender is no longer outweighed by the risks posed by recommencing the pursuit.

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Investigation phase

If the fleeing driver is not apprehended at the time of the pursuit, there are avenues of inquiry that staff should follow, where possible, to identify the driver and take subsequent action. These include:

- potential speed camera photographs
- following up on the vehicle registration and owner inquiries
- unlawfully taken vehicle inquiries
- reported petrol drive-offs
- CCTV footage
- area inquiries.

Fleeing driver policy, Continued...

Communication procedure

Procedure

Police initiating a pursuit must notify Comms immediately and follow this procedure. Given the speed in which pursuits initiate and change, there may not be time for this procedure to be completed in its entirety. However, units are expected to provide the information requested by Comms. Failure to provide this information in a timely manner may lead to the pursuit being abandoned. (When units provide sit-reps, there should be at least 1 second breaks between them, but no more than 5 seconds).

Step	Action
1	Unit calls Comms using a pre-alert technique: "Comms Centre, {unit call sign}, in pursuit"
2	The dispatcher will acknowledge: "{unit call sign}, go ahead"
3	The unit will then transmit the following information: "{unit call sign} in pursuit {Location and direction of travel}" Break
4	Comms transmit the pursuit warning: "{Call sign} if there is any unjustified risk to any person you must abandon pursuit immediately. Acknowledge."
5	Unit acknowledges the warning with the words: "{Call sign} Affirm"
6	Comms transmits: "{Call sign} advise reason for pursuit and vehicle description." Break. Unit reports the requested information.
7	Comms transmits: "{Call sign} report driver and vehicle classification, and whether single or double-crewed." Break. Unit reports the requested information.
8	Comms transmits: "{Call sign} report speed, posted speed limit and manner of driving." Break. Unit reports the requested information.
9	Comms transmits: "{Call sign} do you know the identity of the driver?" Break. Unit reports the requested information.
10	Comms transmits: "{Call sign} report road, traffic and weather conditions." Break. Unit reports the requested information.
11	Comms transmits: "{Call sign} confirm lights and siren are activated." Break. Unit reports the requested information.
12	Unit maintains commentary with breaks at 5 second intervals.
13	Dispatcher prompts for additional information and sit-reps and coordinates tactical response as directed by the pursuit controller.

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More information

Refer '[Radio and Communication Centre Protocols](#)'.