

RoSPA Response to

“The Law, Guidance and Training Governing Police Pursuits: Current Position and Proposals for Change”

A Home Office Consultation Paper

13 August 2018



Response to “The Law, Guidance and Training Governing Police Pursuits” Consultation Paper

Introduction

This is RoSPA’s response to Home Office consultation paper, “The Law, Guidance and Training Governing Police Pursuits: Current Position and Proposals for Change”. It has been produced following consultation with RoSPA’s National Road Safety Committee.

During 2016/17 approximately 10,000 police pursuits were authorised, with around 500,000 police response drives.

People must be able to go about their daily lives without fear of harassment or attack and criminals must not think they can get away with a crime by riding or driving in a certain way or on a certain type of vehicle. It is vital that public safety is protected and, although police officers must be accountable for their actions, the right balance must be struck between the police having the confidence to protect the public by pursuing offenders where it is safe to do so.

Police drivers are required by the law to drive safely and not to put other road users at risk. The police are subject to the same offences of careless and dangerous driving as all other drivers; those offences are committed when any person drives in a way that is below (careless) or far below (dangerous) what would be expected of a competent and careful driver.

However, the police need to travel at speed or to disregard road signs and markings to enable them to protect the lives of members of the public, and are frequently called upon to pursue another vehicle, for example where a suspect is fleeing the scene of a serious crime or seeking to avoid arrest. To enable them to do this, road traffic law provides them with exemptions from such things as speed limits, traffic signs, signals and markings.

The police service has a set of national standards for driving, which has existed since 2001 and is now operated through the College of Policing. The Fire and Rescue Service and the Ambulance service also have national driving standards that apply to their statutory services, but not necessarily to private sector providers.

Following its review of the legislation, guidance and practice surrounding the police’s pursuit of suspected criminals, the Home Office is seeking views on future options in this area, in particular whether when police officers driving in accordance with their training, experience and exemptions might face criminal or disciplinary proceedings. This consultation sets out a proposed package of measures and some general questions, including:

- whether legislative change should apply only to police pursuits or to response driving as well
- whether to revise the exemptions to make them clearer and more consistent
- amending the definitions of the offences of careless and dangerous driving to take account of the training and experience of police drivers
- making clear that a suspect being pursued is responsible for their own decision to drive dangerously and not the pursuing police officer.

Subject to this consultation, the Home Office intend to bring forward comprehensive road safety legislation as soon as parliamentary time allows.



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RoSPA Responses to Questions in this Consultation

Question 1

To what extent do you agree or disagree that the emergency services' exemptions from certain aspects of road traffic law (including any restrictions to the exemptions) should be reviewed and, where necessary, amended so that they are set out in similar terms?

RoSPA's Response

RoSPA strongly agrees that the emergency services' exemptions from certain aspects of road traffic law should be reviewed and, where necessary, amended. This does not mean that we have objections to these exemptions, but we do think that it is sensible and prudent to review them to be sure that they are still relevant and are being managed effectively and safely.

Question 2

To what extent do you agree or disagree that a police officer should be accountable for the standard of driving of a suspected criminal who is attempting to avoid arrest by driving in a dangerous manner?

RoSPA's Response

RoSPA disagrees that a police officer should be accountable for the standard of driving of a suspected criminal who is attempting to avoid arrest by driving in a dangerous manner. RoSPA believes that the suspected criminal should be held responsible for the manner of their driving and the fact that they may choose to drive dangerously in an attempt to avoid arrest is not an acceptable excuse to drive in this manner.

Emergencies that involve a threat to public safety justify authorised and trained Police drivers exceeding the speed limit, using blue lights and making use of the other exemptions. However, this type of driving also creates a significant extra risk to the police officers involved and to other road users. These risks must be balanced against the risk of the suspected criminal escaping. On some occasions, it is better to allow a suspected criminal to escape, especially given that there may be opportunities to capture them at a later date and in safe circumstances. We believe that the police already adopt this sensible approach when they believe it is necessary.

The Police must exercise their power to make use of the exemptions from certain aspects of road traffic law safely. High speed drives should only be undertaken if essential. Even then, safety should be the first priority. They need to give the public a chance. The public wants to help and make way for them, but they need warning of the Police vehicle's arrival and where it's going. They need time to react appropriately.

All emergency drives must be managed and under the control of a manager in the control room, not left to the discretion of the individual driver. Even in emergencies, Police drivers should be able to stop within the distance they can see to be clear. The stopping distance quadruples when speed doubles.

A colleague who has acted as an observer/critical friend on a Police Pursuits Group commented on how impressed he was with the serious attention that the Police give to this and especially the caution and scrutiny applied. He noted that the pressure and suspension on officers during inquiries had impacts on morale and police resources. He added that detailed reports have to be submitted for incidents involving a police firearm, but that reporting guidelines and standards for pursuits (which involve more risk and deaths) are sometimes less rigorous and could be improved.



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Question 3

To what extent do you agree or disagree that a police officer in pursuit or responding to an emergency should be held to the driving standard of a 'careful and competent' motorist (i.e. a member of the public), despite the various exemptions to roads traffic law?

RoSPA's Response

RoSPA disagrees that a police officer in pursuit of a suspected offender or when responding to an emergency should be held to the driving standard of a 'careful and competent' motorist (i.e. a member of the public). We believe that they should be held to a higher standard, that of a careful and competent police driver of a similar level of training and skill, as described in our response to question 4 below. Of course, measuring these standards in the specific circumstances of individual incidents can be difficult and subjective. However, as we understand it, all police forces (and national policy) require their drivers to be trained before they are allowed to use the exemptions (although this is not a legislative requirement, which perhaps it should be).

It is certainly important to be clear that police drivers must drive with appropriate safety and care when making use of any of the exemptions and do not treat the exemptions as a carte blanche to drive dangerously or to put themselves and other road users at unnecessary risk. We do not believe that they do so. It is essential that police drivers are properly trained for this type of driving, and only those who have been trained, are authorised to do emergency responses. Even if the police driver is appropriately trained, other road users have not been trained to deal with vehicles travelling at those excessive speeds.

Question 4

To what extent do you agree or disagree that a police officer in pursuit or responding to an emergency should be compared to the driving standard of a careful and competent police driver of a similar level of training and skill?

RoSPA's Response

RoSPA agrees that a police officer in pursuit or responding to an emergency should be compared to the driving standard of a careful and competent police driver of a similar level of training and skill. There is a national syllabus that includes competency and testing for each level of police response driving. In respect of an incident, an assessment is made of police drivers' actions through internal review, which sometimes involves the IOPCC.

Police drivers need to be trained to a higher level than ordinary motorists because of the operational requirements the driving they are required to do. Therefore it is only fair that they be judged at this higher level provided that the police driver involved has been trained and authorised to drive at this higher level.

It is very disappointing that section 19 of the Road Safety Act 2006 still has not been implemented. Section 19 would provide that vehicles being used for emergency service purposes are exempt from speed limits if observing the limit would be likely to hinder their purpose on that particular occasion, subject to the driver having completed a prescribed training course in driving at high speeds. Section 19 should have been enacted by 2012. RoSPA strongly recommend that section 19 of the Road Safety Act 2006 is enacted as soon as possible.



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Question 5

To what extent do you agree or disagree that a police officer in pursuit or responding to an emergency should be required to drive in such a way that is both necessary and proportionate to the circumstances?

RoSPA's Response

RoSPA agrees that a "police officer in pursuit or responding to an emergency should drive in such a way that is both necessary and proportionate to the circumstances". However, we suggest that it is rephrased as "... is permitted to drive in such a way that is both necessary and proportionate to the circumstances". The term "necessary and proportionate to the circumstances" is likely to be difficult to judge in the massive range of difficult circumstances in which police officers are placed in order to carry out their duties. It may also be difficult to clearly define "necessary and proportionate to the circumstances." It is important to be clear that the term is not treated as a carte blanche to justify any type of police driving.

Question 6

To what purposes do you consider that the reforms proposed in this document should apply?

RoSPA's Response

RoSPA believes that the reforms proposed should apply to both police pursuits and response driving. Both of these circumstances involve the police responding to a threat to public safety to which the police are required to respond. And so both justify authorised and trained Police drivers exceeding the speed limit, using blue lights and making use of the other exemptions. However, this type of driving also creates a significant extra risk to the police officers involved and to other road users. These risks must be balanced against the risk of the suspected criminal escaping.

About You:

Which of the following best describes your organisation or the professional interest? Please select one option:

RoSPA's Response

d. Voluntary sector / community organisation

Which organisation do you represent?

RoSPA's Response

RoSPA, the Royal Society for the Prevention of Accidents

In which of the following areas are you based? Please select one option:

RoSPA's Response

l. Nationally based

RoSPA thanks the Home Office for the opportunity to comment on the proposals. We have no objection to our response being reproduced or attributed.





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