

# **GWENT POLICE**

## **Management of Vehicle Pursuits POLICY**



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## 1.0 Policy Identification Page

This policy can be disclosed to the public.

**Policy Title: Management of Vehicle Pursuits Policy**

**Reference: 301/5 a issue 3**

**Historical Reference: Management of Vehicle Pursuits Sept 2000 issue 2 policy and procedure, previous issue April 2000 issue 1**

**Underlying Documents: Management of Vehicle Pursuits (Procedure)**

**Policy Ownership: Superintendent, Operations Support Division ('OSD')**

**Portfolio/Business Area Owner: ACPO Operations**

**Policy Written By: Chief Inspector, Uniform Operations, OSD**

**Department Responsible: OSD**

**Policy Lead: Chief Inspector, OSD**

**Links to other Policies: Road Traffic Collisions, Police Vehicle Accidents, Removal from Driving Police Vehicles, Management of Records Including Disposal and Retention, Information Security, Data Protection, National Intelligence Model, CCTV, Health and Safety, Operational Orders.**

**Policy Implementation Date: 25<sup>th</sup> JANUARY 2005 ST&CG**

**Policy Review Date: January 2007**

## 2.0 Policy Statement & Intentions

### 2.1 Principle & Scope of Policy:

2.1.1 The Police Service has a duty, and a public expectation to:

- respond swiftly to emergency situations and incidents,
- keep the peace,
- maintain law and order,
- protect life and property,
- prevent, reduce, and detect crime,
- identify, locate and apprehend offenders,
- safeguard the public from situations that can seriously influence their lives, cause concern, or has the potential of increasing their fear of crime,
- provide an efficient and effective service in the discharge of all its functions

2.1.2 There will be occasions when the driver of a motor vehicle refuses to obey a police officer's instructions to stop and flees, in which case a strategy is required to safely bring the vehicle to a stop. In order to maximise our efficiency and effectiveness in such situations, and to ensure the health and safety of members of the public, other road users, police officers, as well as any offending driver / rider, it is the policy of Gwent Police to train selected police officers to a standard of professionalism which enables them to make precise judgements about:

- ( a ) their own ability,
- ( b ) the correct use of the police vehicle, and
- ( c ) the deployment and use of 'vehicle arresting devices',

thereby minimising risk to all concerned. It will be the duty of all staff to promote, support, deploy, and use their specialist skills whenever appropriate.

2.1.3 It is recognised that police pursuits are a potentially dangerous activity for all parties involved. However, this must be balanced against the need to apprehend offenders and prevent crime. To this end, a dynamic risk assessment process is built into this policy to ensure that those who pose a risk to public safety are apprehended as quickly and safely as possible in the circumstances. To achieve an early, safe resolution will require teamwork from all of those involved and recognition that there may be instances where it may be better to discontinue a pursuit on the grounds of public safety. It is important that each pursuit is considered individually,

according to the developing circumstances with decisions being made on the basis of the changing information available at the time.

- 2.1.4 In order to meet response necessities and the expectations as described above, there will be occasions when police vehicles must be driven at high speeds and in a manner requiring skills which far exceed those of the general motorist. Officers required to undertake this task will receive appropriate training.
- 2.1.5 When considering 'Pursuit Management' issues, Police Officers in the exercise of their duty must ensure that:
- ( a ) they follow a clearly defined decision making process by detailing their objective(s), assessing all available and relevant information and feasible options, documenting decisions made where possible and reviewing outcomes.
  - ( b ) they give due regard to the welfare, safety, general well being and human rights of all individuals involved;
  - ( c ) they do not unjustifiably discriminate against any individual or groups of individuals;
  - ( d ) the actions taken are justified, strictly proportional to, and the least intrusive and damaging option to the achievement of their legitimate aims;
  - ( e ) they follow the guidance contained within this policy document, the Management of Vehicle Pursuits Procedure and their training.
- 2.1.6 The decision making process, as at 2.1.5 ( a ) above will be subject of review and scrutiny by Operational Support Division as appropriate.
- 2.1.7 The provisions in this policy in relation to the use of Pursuit Tactical Advisers will not become policy until such time as sufficient staff are selected and trained to perform this role.

## **2.2 Aims of Policy**

This policy document reflects the ACPO Guidelines for the Management of Police Pursuits 2004 and sets the local arrangements in the Gwent Police area for the handling of such incidents.

## 3.0 Introduction

### 3.1 Origins/Background Information

This policy reflects the ACPO Guidelines for the Management of Police Pursuits 2004 whilst also acknowledging the respective Police Complaints Authority studies 'Following Fatal Pursuit' and 'Police Pursuits in Wales', 2004.

### 3.2 Motivators/Driving Forces

To promote safety and reduce disorder, to reduce crime and the fear of crime, to contribute to delivering justice in a way that secures and maintains public confidence.

### 3.3 The Legal Basis and Legitimate Aims

3.3.1 The primary aim of Gwent Police and this policy is to provide an efficient and effective means of delivering the functions as set out in paragraph 2.1.1 above in a manner that ensures that the safety of all concerned is of paramount importance.

3.3.2 The principle lawful authorities for the exercise of the powers and duties outlined in this policy are:

**(i) Section 163 Road Traffic Act 1988**

A person driving a mechanically propelled vehicle on a road must stop the vehicle on being required to do so by a constable in uniform.

From the 1<sup>st</sup> September 2002, the Police Reform Act 2002 made the following addition to Section 163 Road Traffic Act 1988 by adding the following under sub section (3),

*A constable in uniform may arrest a person without warrant if he has reasonable cause to suspect that the person has committed an offence under this section.*

**(ii) Section 1(2) Police and Criminal Evidence Act 1984**

A constable may search any person or vehicle or anything that is in or on a vehicle for stolen or prohibited articles and may detain a person or vehicle for the purposes of such a search.

**(iii) Section 4 Police and Criminal Evidence Act 1984**

Refers to the conduct of authorised road checks by police officers for the purpose of ascertaining whether a vehicle is carrying: -

- (a) A person who has committed an offence other than a road traffic or vehicle excise offence;
- (b) A person who is a witness to such an offence;
- (c) A person intending to commit such an offence;
- (d) A person who is unlawfully at large.

**(iv) Section 117 Police and Criminal Evidence Act 1984**

Where any provision of this Act:

- (a) Confers a power on a constable; and
- (b) Does not provide that the power may only be exercised with the consent of some person other than a police officer, the officer may use reasonable force, if necessary, in the exercising of the power.

**(v) Section 35 Road Traffic Act 1988**

Where a constable is, for the time being, engaged in the regulation of traffic in a road, a person driving or propelling a vehicle who neglects or refuses to:

- (a) Stop the vehicle; or
- (b) Make it proceed in, or keep to, a particular path of traffic when directed to do so by the constable in the execution of his duty is guilty of an offence.

**(vi) Section 3 Criminal Law Act 1967**

A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.

**(vii) Human Rights Act 1998**

- a) It is possible that police pursuits could result in the loss of life and/or injury to persons. In such circumstances the subjects' Article 2 (Right to Life) freedoms and/or their right to physical integrity (an aspect of Article 8) will be engaged. Whilst the service has a duty not to take life or cause physical harm unnecessarily, public authorities like the police also have a positive obligation to uphold and protect the convention freedoms where this is practicable to do so. In the context of pursuits, this positive obligation parallels health and safety and "Duty of care" responsibilities
- b) This policy deals with police pursuits and, as such may engage the following articles of the Human Rights Act 1998:

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**Article 2: Right to Life**

Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force that is no more than absolutely necessary:

- (i) In defence of any person from unlawful violence;
- (ii) In order to effect a lawful arrest or to prevent the escape of a person lawfully detained
- (iii) In action lawfully taken for the purpose of quelling a riot or insurrection.

**Article 8: Right to Private Life**

Everyone has a right to respect for his/her private and family life, his/her home and his/her correspondence. There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of:

- National security
- Public safety or the economic well-being of the country
- Prevention of disorder or crime
- Protection of health or morals
- Protection of the rights or freedom of others

#### **Article 14: Prohibition of Discrimination in Convention Rights.**

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

- c) In the application of this policy, Gwent Police will not discriminate against any persons regardless of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under Article 14 European Convention Human Rights.
- d) The terms “proportionality” and “least intrusion” have been introduced into UK legislation. It is therefore necessary, when considering an action, to decide not only whether an act by a police officer is reasonable but also whether it is commensurate with the acts of the suspect and likely outcomes.
- e) “Intrusion” has the same meaning under the Human Rights Act 1998 as in everyday language. The principle of “least intrusion” requires that before embarking on a course of action, the affects upon third parties must also be considered. A pursuit has the potential to cause danger to people who are not themselves involved in the pursuit. For example, a pursuit through an area with public houses is more likely to contravene the principle of “least intrusion” at closing time than at other times of the day. A further example of this would be during mid-afternoon and morning during school term time.

#### **(viii) Health & Safety**

- a) There is a requirement under Health & Safety legislation that managers perform risk assessments of all activities that pose a significant risk to police officers and employees that they are likely to be engaged in when on duty. The Centrex Driver Training Programme represents a safe system of working based on both principles and training. Forces are expected to have a review process in place for health, safety and welfare.

3.3.3 Gwent Police consider that these actions are necessary in a democratic society in the interest of:

National Security,

Public Safety,  
the economic well being of the country,  
the prevention of disorder or crime,  
the protection of public order,  
the protection of health and morals and  
the protection of rights and freedom of others.

### **3.4 The Appendices**

N/A

### **3.5 Definitions**

**Definitions: -**

#### **3.5.1 Pursuit**

**‘A driver who, when required to stop in the approved manner and having had the opportunity to do so, indicates by their actions or continuance of their manner of driving that they have no intention of stopping for police and the police driver believes that the driver of the subject vehicle is aware of the requirement to stop and decides to continue behind the subject vehicle with a view to either reporting its progress or stopping it, the police driver will be deemed to be in a pursuit’.**

**3.5.2 NOTE: OTHER THAN QUALIFIED, PURSUIT TRAINED DRIVERS (AS DEFINED BY 3.5.3 BELOW), POLICE DRIVERS MUST STAND DOWN IMMEDIATELY.**

**3.5.3 Suitably trained (and authorised) drivers in the context of this policy**

**means: -**

**Drivers who have passed an Advanced driving course to Grade 1 level or an Advanced refresher driving course to Grade 1 level in the last 3 years and also attended a Pursuit Management and On Road training course.**

#### **3.5.4 Suitable Police vehicles**

**'Only Roads Policing Unit vehicles equipped with two-tone horns and blue lights will be authorised to pursue vehicles. The provisions in this policy and attached appendices in relation to the use of police motorcycles and unmarked Roads Policing Unit vehicles in pursuits apply'**

## **4.0 Implications of the Policy**

### **4.1 Financial Implications/Best Value**

There should be no additional financial implications to this policy.

### **4.2 Human Resources/Training**

This policy necessitates no changes to the present Driver Training programme, which is already geared towards the existing principles and aims of this strategy, other than the future training of pursuit tactical advisors when this role is established. Each pursuit incident is evaluated and consideration takes place by managers, in conjunction with the Driver Training Unit, as to whether any training needs are identified.

### **4.3 Strategic Plan Links**

Strategic Plan - working towards reducing the number of killed and seriously injured road casualties.

Best Value Performance Plan - aiming to reduce crime and the fear of crime; also, contributing to delivering justice in a way which secures and maintains public confidence.

#### **4.4 Partnership Links**

N/A

#### **4.5 Diversity**

In the application of this procedure consideration must be given to the possible social impact of this procedure on the community. A social impact assessment is a requirement to ensure all issues are considered. This is also a requirement of the Gwent Police Race Equality Scheme. Social impact assessments must be undertaken before and after the application of this policy.

Under the Race Relations (Amendment) Act 2000 Gwent Police is required to undertake proactive work to meet the General Duty of :

- Eliminating unlawful racial discrimination;
- Promoting equality of opportunity;
- Promoting good relations between people of different ethnic groups.

The General Duty is outlined in Section 71 (1) of the Act, and must be met **in its entirety**.

Monitoring must be undertaken to ensure that there is no adverse impact either positive or negative upon any one particular social group or individual. The results of monitoring must be analysed and be available for publication, and appropriate changes made.

All individuals using this procedure must be aware of the potential impact that this procedure has on the individuals to whom it is applied. The following strands of diversity and their corresponding pieces of legislation must be considered when answering these questions.

- Welsh Language Act 1993
- Race – Race Relations Act and Amendment Act
- Disability - Disability Discrimination Act
- Gender – Sexual Discrimination and Equal Pay Act
- Age – Article 13 Treaty of Amsterdam (2006)
- Sexual Orientation – Article 13 Treaty of Amsterdam (2003)
- Religion – Article 13 Treaty of Amsterdam (2004)
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003

#### **4.6 Links to Other Policy/Procedures**

The Management of Vehicle Pursuits Procedure complements this policy and provides operational and tactical instructions to achieve effective and safe implementation of the policy. The procedure is a restricted document.

#### **4.7 Consultation**

Police Authority  
ACPO  
Divisional Departmental Heads  
Womens Police Association  
Black Police officers Association  
Police Federation  
UNISON  
Gwent Police Disability Group  
Information Security  
Freedom of Information Officer  
Head of Training  
Driver Training Supervisor  
Force Firearms Officer  
Chief Inspector OSD (Communications)  
Air Support Unit Executive Officer

#### **4.8 Sustainable development**

N/A

## 5.0 Human Rights Consideration Certification

### 5.1 Auditing for potential interference and discrimination

Q1. What articles of the Human Rights Act 1998 may be engaged?  
2, 8 and 14.

Q2. Where individual rights are engaged, what is the potential to discriminate against the parties involved? Where people are involved there is always potential to discriminate, however:

" In the application of this policy the Force will not discriminate against any persons regardless of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under article 14 of the European Convention on Human Rights ".

### 5.2 Key Human Rights Principles

Q1. What is the legal basis for your policy? See Section 3.3

Q2. Does the policy provide details of what could be considered as a legitimate aim for the potential interference with an individual's rights, through the exercising of this policy? Yes - see Section 3.

Q3. How are staff made aware of the clearly defined decision making processes?

This will be outlined in section 6.2 of the procedure entitled Management of Vehicle Pursuits

Q4. What are the minimum standards of documentation in relation to decision making?

This will be outlined in section 6.2 of the procedure entitled Management of Vehicle Pursuits

Q5. How does your policy provide guidance on the justification for actions and assessment as to whether the action is the least intrusive?

By referring officers to the ACPO Guidelines for the Management of Police Pursuits 2004 which underpin this policy.

### **5.3 Rights, Publication, Audit and Inspection**

Q1. Are there any sections of the document which should not be disclosed to the public on the Force Publication Scheme; because they consist of tactical or operational procedures, that would inhibit the apprehension or prosecution of offenders if publicly known, or would compromise the ability of the force to carry out its duties?

This policy can be disclosed to the public.

Q2. What rights to make representation and appeal process are available?

Persons affected by this procedure will have recourse to civil and criminal law and both formal, informal and organisational police complaints procedures.

Q3. What internal review and audit process is in place or is proposed?

This will be outlined in section 6.2 of the procedure entitled Management of Vehicle Pursuits

Q4. What external independent scrutiny is recommended?

This policy can be made available for scrutiny by the HMI, Best Value and approved auditors.

#### **5.4 Certification of Compliance**

**A member of the Policy and Planning Team will complete this section following a Human Rights audit.**

Consideration has been given to the compatibility of this policy and related procedures with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

#### **5.5 Legal Vetting**

**There are no issues in this policy under ECHR that cannot be resolved.**

**Policy Officer**

**This policy has been vetted.**

#### **5.6 Policy Review Date**

**Bi-annually**

#### **6.0 Promotion and Distribution**

This policy will be published in General Orders, the Force Intranet and internet site. Additionally, pursuit management policy aide memoir leaflets are provided by the Driver Training Unit to all officers attending driving courses held under the auspices of the National Police Training Driving Manual

## **7.0 Monitoring / Review**

### **7.1 Monitoring**

The OSD (Uniform Operations) Chief Inspector will be responsible for ongoing and interim monitoring and review of all pursuit incidents that are brought to attention. Where there are issues from vehicle pursuits that relate to performance, development and standards these will be dealt with in conjunction with those responsible. In particular Fleet Management, Standards Unit and Driver Training Unit will all be required to ensure acceptable levels of response to issues raised.

The principles of the Race Relations Amendment Act must be adhered to in that any recognisable adverse impact should be identified and appropriate action taken.