

POLICY – Pursuit

Number: H 0200

Date Published: 15 November 2018

Version 7 – November 2018

1.0 Summary of Changes

This policy has been updated on its yearly review as follows:

- Change made in terminology from ACPO to NPCC;
- Within Section 4.3 the 9 protected EIA characteristic have been updated;
- New paragraphs added within section 7 regarding data security and retention and disposal of records;
- Owner and author details updated.

2.0 What this Policy is About

This policy explains the approach Essex Police will take to ensure, wherever possible, that pursuits are resolved safely. This policy and associated procedures support the College of Policing advice, as contained within the Authorised Professional Practice (APP) Library (section relating to pursuit within road policing).

Compliance with this policy and any linked procedures is mandatory.

3.0 Statement of Policy

To achieve an early and safe resolution, teamwork is required 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.

The National Decision Making model (NDM) must be applied when consideration is being given whether to pursue a vehicle and continually evaluated during the pursuit. The NDM provides a framework for recording command decisions and the rationale behind them.

It is recognised that police pursuits are potentially dangerous activities for all parties involved. However, this must be balanced against the need to apprehend offenders, prevent crime and to secure public confidence in policing.

A police driver is deemed to be in pursuit when:

‘A driver 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. Pursuit may be spontaneous or pre-planned.’

The clarity of the pursuit definition is such that there is no place for the term ‘follow’ in this context. A police vehicle is either in pursuit or it is not.

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The strategic objectives of any police pursuit are to minimise harm to the public, police and subject(s) through the early and safe resolution of the pursuit, the apprehension of offenders and the prevention of crime.

It is imperative that before any decision to pursue or authorise continued pursuit is made, police officers, Force Control Room (FCR) staff and all supervisors are in a position to recognise, accept, and discharge their responsibilities in compliance with the ACPO Management of Police Pursuits Guidance.

Pursuit Commanders, initial pursuit phase drivers and FCR staff have a responsibility to discontinue a pursuit once it has been identified that the level of risk is disproportionate to the reason for undertaking it. All staff must be in a position to explain and justify decisions and actions taken if required to do so in any post event enquiry.

The Authorised Professional Practice (APP) in relation to pursuits emphasises the need to consider pursuit prevention and pre-emptive tactics. Police pursuits are undertaken only when necessary and as a proportionate means of preventing crime and apprehending offenders. A major consideration in any pursuit must be safety. A pursuit must only be continued where tactical options for resolution are available for deployment within a timescale which strikes a balance between operational need and the foreseeable potential for harm. Pursuit tactical advisors should be identified to assist FCR staff with their decision making. Pursuits will not be authorised in the absence of tactical options for resolution.

Authorisation of a pursuit is an acknowledgement that the driver and vehicle are appropriate for the task. The force has at its disposal a menu of options for resolution. Authorisation is based on the information provided indicating the pursuit is proportionate to the circumstances and in line with the APP criteria.

This policy and the accompanying procedures and tactics are designed and intended to control the routine acts of criminality likely to be encountered by officers in the course of policing. No policy or code of practice can dissect, risk-assess, encapsulate and then carry in text, every potential tactical option necessary to protect the public in extraordinary circumstances where people are prepared to commit atrocities. In such circumstances, it is acknowledged that significant actions may be considered and taken in very short timescales outside the scope of the policy guidelines and APP.

All pursuits undertaken by Essex Police will be subject to a review to ensure that any action taken was lawful, necessary and proportionate and compliant with the College of Policing guidance as contained within the Authorised Professional Practice library.

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4.0 Implications of the Policy

4.1 Finance / Staffing / Training / Other

There are no financial implications associated with this policy. Any costs incurred by the implementation of this policy will be met through local budgets.

This policy provides reassurance to the community that the force has appropriately trained officers and is equipped to deploy police vehicles in pursuit scenarios in accordance with national guidelines.

In order to comply with national guidance, all those involved must be trained and authorised to perform the various roles identified within this policy and its associated procedures.

Persons performing any role in pursuit management must be properly trained in order to comply with the Codes of Practice associated with this document. Drivers must be qualified within the terms of current national guidance in relation to training standards.

Police drivers who are required to undertake pursuit driving at any level must have undergone a pursuit training module commensurate with their level of involvement. The Essex Police Driver Training Unit will hold documentation in relation to driver authorisation and is in a position to produce documentary evidence of individual driver competence levels.

Any police driver who has not undertaken a formal pursuit training module will align their involvement to that of basic drivers and take no part in vehicle pursuit.

4.2 Risk Assessment(s)

A dynamic risk assessment process is built into this policy and associated procedures to ensure that those who pose a serious risk to public safety are apprehended as quickly and safely as possible and those which do not, will not be pursued, but will be dealt with by other police processes.

The pursuit of vehicles by police carries potential danger for police officers and suspects, as well as members of the public lawfully using the roads.

4.3 Equality Impact Assessment

This policy has been assessed with regard to an Equality Impact Assessment. As a result of this assessment it has been graded as having a low potential impact as the proposals in this policy would have no potential or actual differential impact on grounds of age, sex, disability, race, religion or belief, marriage and civil partnership, sexual orientation, gender reassignment and pregnancy and maternity.

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5.0 Consultation

The following have been consulted during the formulation of this document:

- Roads Policing Practitioners;
- Health and Safety adviser;
- Driver Training
- Force Control Room
- Professional Standards Department

6.0 Monitoring and Review

The Assistant Chief Constable Operations will hold strategic responsibility for the maintaining of driving standards to ensure compliance with the Home Office Code of Practice on the Management of Police Pursuits. All vehicle pursuits will be assessed to identify best practice together with any areas of non-compliance, details of which will be reviewed at the Roads Policy and Risk Working Group and published within a quarterly report presented to Operational Policing Command Strategic Development Board.

An annual review will be conducted by or on behalf of the Chief Inspector, Head of Roads Policing OPC, to ensure that the policy is being complied with and ensure that the policy and all related procedures remain accurate and fit for purpose.

7.0 Related Force policies or related procedures

- H 0201 Procedure – Pursuit;
- H 0202 Procedure – Pursuit – Deployment of HOSTYDS
- D 2000 Policy – Safe Driving.

7.1 Data Security

Essex Police have measures in place to protect the security of your data in accordance with our Information Management Policy – W 1000 Policy – Information Management.

7.2 Retention & Disposal of Records

Essex Police will hold data in accordance with our Records Review, Retention & Disposal Policy – W 1012 Procedure/SOP - Records Review, Retention and Disposal

We will only hold data for as long as necessary for the purposes for which we collected. Victims/public should be reminded that Essex Police take the protection of personal data seriously as described in the privacy notice <https://www.essex.police.uk/hyg/fpnessex/privacy-notice/>.

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8.0 Other source documents, e.g. legislation, Authorised Professional Practice (APP), partnership agreements (if applicable)

- Authorised professional Practice (APP) – Police Pursuits
- APP – Public Site
- APP – Secure Site (*takes you to log in*)

8.1 The legal basis within which this policy is to operate can be found in:

- The Police and Criminal Evidence Act 1984;
- The Human Rights Act 1998;
- The Criminal Justice and Police Act 2001;
- Road Traffic Act 1988;
- Road Safety Act 2006;
- The Criminal Law Act 1967;
- Health and Safety Legislation.