

# AFP National Guideline: ACT Policing: Urgent duty driving and pursuits

## 1. Security classification

This document is classified **UNCLASSIFIED** and is for internal AFP use. Wider dissemination should be approved by the document owner or authorised by Commonwealth law.

This document has effect from 7 December 2007.

## 2. Acronyms

<b>AFP</b>	Australian Federal Police
<b>CAD</b>	Computer Aided Dispatch
<b>CPOACT</b>	Chief Police Officer for the Australian Capital Territory
<b>PPRC</b>	Police Pursuit Review Committee
<b>PROMIS</b>	Police Real-Time Online Information System

## 3. Definitions

**AFP Vehicle** - includes any Commonwealth owned, leased or hired vehicle and includes any vehicle currently in the possession of the AFP that is used by AFP Employees in the course of their duties.

**Approved Course** - means a course for members approved by the Chief Police Officer (CPO) ACT Policing.

**Approved Member** - means a member who has successfully completed an approved course.

**Cross Border Pursuit** - means where a police officer is engaged in a pursuit that moves from one jurisdiction into another jurisdiction and there is an intention to continue the pursuit.

**Member** - has the same meaning as is contained in the [Australian Federal Police Act 1979](#).

**Police Pursuit Review Committee** - means a committee formed to review circumstances and results of all police pursuits, and will consist of the Superintendents of Traffic Operations, Prosecution and Judicial Support and Police Communications.

**Police Vehicle** - means, for the purposes of the Australian Road Rules, any vehicle driven by a person who is a police officer and is driving the vehicle in the course of their duties as a police officer.

**Primary Unit** - means the police vehicle that takes up a position immediately to the rear of the pursued vehicle. Usually this will be the vehicle initiating the pursuit.

**Pursuit** - means an attempt by a police officer driving a police vehicle to stop a person driving another motor vehicle who, by their actions, has indicated an intention to avoid interception. These actions can include high speed driving, evasive tactics, or wilfully disobeying a direction by a member to stop. This definition includes pursuits at all speeds and over any distance and does not necessarily involve speeds in excess of prescribed speed limits.

**Pursuit Controller** - means a member performing the duties of team leader, Police Communications at the time of notification of the pursuit.

**Pursuit Driver** - means a member who is the holder of a current Class 6 AFP Driving Permit.

**Pursuit Rider** - means a member who is the holder of a current Class 5B AFP Driving Permit.

**Pursuit Vehicle** - means a motor vehicle approved for use as a Traffic Operations pursuit vehicle by the CPO or a delegate.

**Routine Traffic Stop** - means the interception of a vehicle for the purpose of law enforcement, and includes the period from the time the suspect vehicle is first observed by the member who forms the intent to stop the vehicle, and ends when the suspect vehicle stops where and when requested by the member, or the situation escalates to a pursuit.

**Secondary Unit** - means a police vehicle assisting in a pursuit, usually by following to the rear of the primary unit.

**Siren** - for the purposes of the Australian Road Rules - means an alarm.

**Stop Sticks** - means the type of tyre deflation device in use by ACT Policing.

**Terminate** - means to immediately cease the activity and, in the case of a pursuit, cease the pursuit and stop following the offending vehicle and return to the legal speed limit, stopping the police vehicle and turning off all warning devices as soon as possible and safe to do so. This applies to all police vehicles whether directly or indirectly involved in the incident.

**Tyre Deflation Device** - means a device approved for use by the CPO, which causes the deflation of tyres of a vehicle when driven over.

**Urgent Duty Driving** - means driving a police vehicle in response to a specific incident or emergency that would ordinarily constitute an offence against the Australian Road Rules in that jurisdiction.

**Warning Device** - means approved flashing blue and/or red lights and/or sirens fitted to a police vehicle.

## 4. Authority

This practical guide was created by the Chief Police Officer using power under s. 37(1) of the [Australian Federal Police Act 1979](#) (Cth) as delegated by the Commissioner under s. 69C of the Act.

## 5. Introduction

This National Guideline outlines the policies and procedures to balance accountability with empowerment and initiate, facilitate, and consolidate corporate and individual decision making processes in relation to the performance of Urgent Duty Driving and Pursuits.

## 6. Policy

There are serious safety risks associated with police officers driving at speeds in excess of prescribed speed limits, and with the pursuit of drivers who refuse to comply with a direction to stop. The sworn duty of a police officer to protect life and property will always have primacy over the need to apprehend offenders, especially when the offence involved is relatively minor, or where there are safer options other than immediate apprehension.

## 7. Compliance with laws and guidelines

- a. This National Guideline is based on Rule 305 of the [Australian Road Rules](#) and sets out the considerations and procedures to be adopted by members performing duties that involve urgent duty driving, pursuits or cross border pursuits which may occur on roads, road related areas or any other place.
- b. The risks involved in these activities require the demonstration of a high standard of professionalism and care and do not justify placing police or the community at unreasonable risk.
- c. Members of ACT Policing are expected to comply with applicable road rules in the course of their duties. Departure from those rules is only permitted where it can be justified with reference to the duties being undertaken at the time.

- d. Officers who choose not to commence a pursuit or to abandon one that has commenced will be fully supported by the AFP, even if it results in an offender escaping immediate detention or from being prosecuted.
- e. The performance of urgent duty driving or pursuits will be in accordance with the provisions of this National Guideline. Compliance with this guideline is required by the [Australian Federal Police Commissioner's Order on Professional Standards \(CO2\)](#) An AFP employee or special member may, after having had regard to a National Guideline, depart from the provisions of the guideline, but must be able to demonstrate that the departure was reasonable and justified in the given circumstances. Unless prevented by circumstances, before departing from a National Guideline, an AFP employee or special member should discuss the proposed departure with his or her supervisor with a view to determining whether departure from a National Guideline is the appropriate course in the circumstances.

## 8. Exemptions - Australian Road Rules

### Rule 305 - Exemptions for Drivers of Police Vehicles

- a. A provision of the [Australian Road Rules](#) does not apply to the driver of a police vehicle if:
  - i. In the circumstances:
    - The driver is taking **reasonable** care; and
    - It is **reasonable** that the provision should not apply; and
  - ii. if the vehicle is a motor vehicle that is moving - the vehicle is displaying a blue or red flashing light or sounding an alarm.
- b. Sub rule (a) (ii) does not apply to the driver if, in the circumstances, it is **reasonable**:
  - i. Not to display the light or sound the alarm  
or
  - ii. For the vehicle not to be fitted or equipped with a blue or red flashing light or an alarm.

The laws relating to exemptions for police vehicles are found in the *Australian Road Rules*. It should be noted that these exemptions only apply to the *Australian Road Rules*.

- c. This exemption does not preclude the requirement to drive at all times with due care and attention and with reasonable consideration for other road users. Police officers have a duty of care towards the public and their fellow officers which also extends to the drivers and occupants of the vehicles police are endeavouring to intercept.
- d. Drivers of police vehicles are **not** exempt from prosecution under Acts such as the [Road Transport \(Safety and Traffic Management\) Act 1999](#), for offences such as driving in a manner/speed dangerous to the public, negligent driving, or from civil litigation.
- e. Drivers of police vehicles are **not** exempt from prosecution for offences of culpable driving and manslaughter under the provisions of the *Crimes Act 1900*.

## 9. Vehicle classification

- a. **Category 1:** Most suitable for **Pursuit** and **Urgent Duty** driving.
- b. **Category 2:** Suitable for **Pursuit** and **Urgent Duty** driving.
- c. **Category 3:** Least suitable for **Pursuit** and **Urgent Duty** driving.
- d. **Category 4:** **Not** an authorised vehicle for **Pursuit** but may be used for **Urgent Duty** driving where such response is justifiable and reasonable.
- e. **Category 5:** **Not** an authorised vehicle for **Pursuit** or **Urgent Duty** driving. A Category 5 vehicle will **not** exceed a posted speed limit.
- f. All vehicles which are permitted to be used for Urgent Duty Driving or Pursuits will be marked with their classification.

## 10. Category classification

- a. In all cases, a four wheel vehicle will take precedence over a motor cycle.

## Category 1 vehicles

- b. A motor vehicle approved for use as a Traffic Operations pursuit vehicle by the CPO or a delegate which is:
  - i. A pursuit vehicle, permanently marked as a police vehicle, fitted with fixed warning devices, and driven by a qualified pursuit driver. (When driven by a member who is not a qualified pursuit driver the vehicle will be downgraded to Category 2.)
- c. Category 1 vehicles will take precedence over Category 2 vehicles.

## Category 2 vehicles

- d. A motor vehicle or motorcycle approved for use as a Traffic Operations pursuit vehicle by the CPO or a delegate which is:
  - i. A pursuit motorcycle, permanently marked as a police motorcycle, fitted with fixed warning devices
  - or
  - ii. An unmarked pursuit vehicle, fitted with approved warning devices (which includes a portable roof light or covert warning lights) which will be activated for the duration of the urgent duty driving or pursuit, and driven by a qualified pursuit driver. (When driven by a member who is not a qualified pursuit driver/rider the vehicle will be downgraded to Category 3.)
- e. A motor vehicle (not including Category 3, 4 and 5 vehicles) approved for use as a patrol vehicle by the CPO or a delegate which is:
  - i. A police patrol sedan or station wagon, permanently marked as a police vehicle, fitted with fixed warning devices.
- f. Category 2 vehicles will take precedence over Category 3 vehicles.

## Category 3 vehicles

- g. A motor vehicle, including a two-wheel drive station sedan, approved for use as a patrol vehicle by the CPO or a delegate which is:
  - i. An unmarked sedan or station wagon, fitted with approved warning devices (which includes a portable roof light or covert warning lights) which will be activated for the duration of the urgent duty driving or pursuit.
- h. Category 3 vehicles will take precedence over Category 4 vehicles.

## Category 4 vehicles

- i. A van, passenger van or light rigid vehicle approved for use as a Traffic Operations vehicle by the CPO or a delegate which is:
  - i. Permanently marked as a police vehicle, fitted with fixed warning devices which will be activated for the duration of the urgent duty driving.
- j. A van, passenger van or light rigid vehicle approved for use as a patrol vehicle by the CPO or a delegate which is:
  - i. Permanently marked as a police vehicle, fitted with fixed warning devices which will be activated for the duration of the urgent duty driving.
- k. A caged vehicle, permanently marked as a police vehicle, fitted with fixed warning devices which will be activated for the duration of the urgent duty driving. (Mazda Bravo caged vehicles are not to exceed posted speed limits under any circumstances).
- l. A four wheel drive vehicle (not approved as a pursuit vehicle under Category 1 or Category 2), fitted with fixed warning devices which will be activated for the duration of the urgent duty driving, whether permanently marked as a police vehicle or unmarked.
- m. A medium or heavy rigid vehicle fitted with approved warning devices (which include a portable roof light or covert warning lights) which will be activated for the duration of the urgent duty driving.
- n. An unmarked vehicle not fitted with warning devices.
- o. A motorcycle designed for use as a trail bike.

- p. A vehicle not displaying a classification label./li>

## Category 5 vehicles

- q. A bus.
- r. A vehicle towing a caravan or trailer, or carrying a load, whether it be internal or external to the vehicle.

## 11. Licence classifications

- a. The following table includes AFP Driving Permit Classifications and a comparison with NSW Police Permit Classifications for utilisation in cross border pursuit situations.

AFP Class	AFP Permit Classification	NSW Police Permit Classification
Class 1	Passenger cars (Restricted)	Bronze
Class 2	Operational Police vehicles up to 4.5 tonnes, carrying no more than 12 adults (restricted)	Bronze
Class 2A	Surveillance	Silver
Class 2B	V.I.P. Escort vehicle	Silver
Class 2C	Patrol Cars (including Urgent Duty Driving)	Silver
Class 2D	Urgent Duty Driving	Silver
Class 3	Four-Wheel-Drive (up to 4.5 tonnes)	Silver
Class 3A	Four-Wheel-Drive and recovery (up to 4.5 tonnes)	Silver
Class 4	Heavy vehicles (exceeding 4.5 tonnes) (restricted)	N/A
Class 4A	Heavy Four-Wheel-Drive (exceeding 4.5 tonnes) (restricted)	N/A
Class 4B	Articulated vehicle (restricted)	N/A
Class 5	Motorcycle (restricted)	N/A
Class 5A	Off Road motorcycle (restricted)	N/A
Class 5B	Advanced motorcycle	Silver
Class 6	Advanced motor vehicle	Silver

- b. The NSW Safe Driving Policy stipulates that a member must hold a Silver permit classification to participate in Urgent Duty Driving and Pursuits.

## 12. Vehicle inspections

- a. The team leader of any member involved in an urgent duty driving or pursuit incident where:
  - i. The vehicle was driven at a high speed for an extended period
  - ii. Heavy braking occurred during the pursuit
 or

- iii. rough or irregular road surfaces were traversed  
will consider a mechanical inspection prior to the vehicle being returned to service.
- b. The team leader will ensure that:
  - i. A record is made in the vehicle log of any mechanical inspection undertaken
  - ii. A case note entry is made within the relevant PROMIS case indicating if a vehicle inspection was undertaken or not and all relevant details.

## 13. Vehicle crash/injury

- a. Where, as a result of an urgent duty driving or pursuit incident, a vehicle (police vehicle or otherwise) is damaged or a person is injured, the provisions of a number of AFP governance documents apply.

## 14. Urgent duty driving

- a. Members will not undertake urgent duty driving unless they possess a current AFP Driving Permit that includes either the classification of 'urgent duty driving', 'advanced motorcycle' or 'advanced motor vehicle'.
- b. Urgent duty driving may only be undertaken:
  - i. In response to a specific incident or emergency which justifies prompt action
  - ii. When the circumstances of the incident are sufficiently serious to make that conduct reasonable.
- c. The performance of urgent duty driving will be notified to Police Communications (with the exception of that associated with a routine traffic stop) at the first available opportunity.
- d. Members involved in urgent duty driving will use warning devices unless it is reasonable not to do so, in accordance with Rule 305 of the Australian Road Rules.
- e. Members involved in an urgent duty driving incident will, when approaching any intersection, slow their vehicle and only enter the intersection when it is safe to do so. Where an intersection is controlled by any traffic control device, including red traffic lights or stop signs facing the driver, the driver must consider whether it is necessary to bring the police vehicle to a complete stop in order to safely enter the intersection.
- f. Drivers of police vehicles are not to engage in urgent duty driving if there are persons, and in particular persons in custody, other than police officers travelling in the police vehicle unless:
  - i. Those persons are able to safely exit the vehicle
  - ii. The safety of those persons is not compromised
  - or
  - iii. There is no other reasonable alternative in the circumstances.

The provisions of (f) above do not relate to a pursuit, which is referred to at Section 21.

## 15. Driver responsibilities

- a. The driver of a police vehicle undertaking urgent duty driving will, prior to commencement and during an urgent duty driving incident, consider whether Rule 305 of the *Australian Road Rules* apply. If the driver can justify Urgent Duty Driving, the following will be taken into account:
  - i. The classification of the police vehicle in accordance with this National Guideline
  - ii. The proximity of the police vehicle to the incident
  - iii. The risks (risk assessment) associated with the activity
  - iv. The real or potential danger to police, members of the public or people in the subject vehicle
  - v. The volume of road and pedestrian traffic in the area
  - vi. The performance capabilities of the police vehicle
  - vii. The experience, competency and AFP licence classification of the driver
  - viii. The nature and seriousness of the event precipitating the need for urgent duty driving
  - ix. weather and road surface conditions and features of the locality.

## 16. Passenger responsibilities

- a. A member who is a passenger in a police vehicle undertaking urgent duty driving will, where possible:
  - i. Assist with the risk assessment and notify the driver of perceived/identified risks to the safety of the occupants of the police vehicle or members of the public
  - ii. Assist with radio communication as required
  - iii. May, when senior in rank or experience to the driver, direct termination of the urgent duty driving when the purpose for the driving is outweighed by one or more of the criteria referred to in Section 14 above.

## 17. Police Communications responsibilities

- a. The Police Communications team leader and dispatcher will, during an urgent duty driving incident which has been brought to their attention:
  - i. Monitor the urgent duty driving
  - ii. Report all relevant information to the driver's team leader
  - iii. Actively consider initiatives which will lead to a termination of the urgent duty driving at the earliest opportunity
  - iv. Record full details of any occurrence where urgent duty driving is undertaken
  - v. Where the purpose of the urgent duty driving is outweighed by any one or more of the criteria referred to in Section 15 above, direct the termination of the urgent duty driving
  - vi. Ensure a response to any direction to terminate any urgent duty driving incident is recorded in the relevant CAD log.
- b. The Superintendent in charge of Police Communications will ensure appropriate induction and ongoing training for police communication personnel in relation to urgent duty driving and police pursuits.

## 18. Termination/modification of urgent duty driving

- a. Where the purpose for urgent duty driving is outweighed by any one or more of the criteria referred to in Section 15 above, the member who is the driver of the vehicle involved in the urgent duty driving incident will terminate/modify that manner of driving.
- b. A direction to terminate an urgent duty driving situation may be given by any one of the following members who are aware of the incident:
  - i. A member in the police vehicle who is senior in rank or experience to the driver
  - ii. The team leader of the driver of the vehicle involved in an urgent duty driving incident
  - iii. A member performing the duties of a Superintendent or above
  - iv. The team leader of Police Communications who is monitoring and overseeing the incident.
- c. If any member considers that the urgent driving incident should be continued and the team leader of Police Communications monitoring the incident disagrees as to continuation, the team leader of Police Communications has the authority to direct that the urgent duty driving be terminated.
- d. A member who is directed to terminate urgent duty driving will acknowledge the direction, cease the activity immediately, and return to driving within the provisions of the *Australian Road Rules*.

## 19. Pursuit management and coordination

- a. The responsibility for pursuit policy rests with the CPO. The responsibility for the control and coordination of pursuits rests with the Pursuit Controller.
- b. The primary responsibility for the initiation and conduct of a pursuit rests with the member driving the police vehicle. That member will:
  - i. Drive in a manner that prioritises the safety of the police and public
  - ii. Comply with any directions of the Pursuit Controller
  - iii. Subject to this National Guideline, comply with the directions of a senior member.
- c. The Pursuit Controller may terminate a pursuit against the advice of the member driving the police vehicle. The member will terminate the pursuit immediately if directed to do so.
- d. The Pursuit Controller cannot direct a member to continue a pursuit against that member's preference to terminate.

## 20. Pursuit driving

- a. Members involved in a pursuit will use warning devices for the duration of the pursuit.
- b. Members involved in a pursuit will, when approaching any intersection, slow their vehicle and only enter the intersection when it is safe to do so. Where an intersection is controlled by any traffic control device, including red traffic lights or stop signs facing the driver, the driver must consider whether it is necessary to bring the police vehicle to a complete stop in order to safely enter the intersection.
- c. Where possible, posted School Zone speed limits should be complied with.

In considering 'where possible' members must take into account that there is a heightened risk for any pursuits conducted in and around school zones and need to be alert and mindful of this when undertaking a pursuit, particularly during the times that school zones are in operation.

## 21. Roles and responsibilities

### Pursuit Controller

- a. The Pursuit Controller will immediately assume a control and coordination role for the duration of a pursuit and any subsequent deployment of a tyre deflation device. In particular, the Pursuit Controller will undertake the following:
  - i. An immediate assessment of the dangers involved in allowing the pursuit to continue
  - ii. Regular assessments and evaluation of issues that may impact on the pursuit and any consequences as a result of it
  - iii. Ascertain if pursuit qualified Traffic Operations members are available and direct those members to become the primary unit as soon as practicable. Members under such direction will drive in accordance with the provisions relating to urgent duty driving until they take over the pursuit
  - iv. Re-affirm the primary pursuit vehicle and advise other members not to specifically engage in the pursuit
  - v. Where a decision is taken to deploy a device, other patrols should be utilised to direct traffic away from the deployment site
  - vi. Authorise an approved member as the deployment officer
  - vii. Advise all members of the authorisation for the use of a tyre deflation device
  - viii. Continue co-ordination of the pursuit
  - ix. Advise other emergency service organisations of the tyre deflation device deployment site.
- b. At the conclusion of a pursuit the Pursuit Controller will ensure that the PROMIS and CAD recording responsibilities, as outlined in Section 25, are completed prior to ceasing duty.

### Police communications

- c. A dispatcher who is made aware of a pursuit will immediately:
  - i. Notify the Pursuit Controller
  - ii. Broadcast a safety reminder in the form of:  
**"If there is unjustified risk to any person you are to terminate the pursuit immediately. Do you understand?"**
- d. A dispatcher will provide the Pursuit Controller with all relevant information surrounding the pursuit, which will include those details referred to in Section 21.
- e. Police Communications, in consultation with the Pursuit Controller, may approve and assign additional backup or support vehicles to assist the primary and secondary pursuit vehicles based upon an analysis of:
  - i. The nature of the offence for which the pursuit was commenced
  - ii. The number of offenders and any known propensity for violence
  - iii. The number of members in primary and secondary pursuit vehicles
  - iv. Any damage or injuries to the primary or secondary pursuit vehicles or members
  - v. The number of members necessary to safely effect an arrest at the conclusion of the pursuit

- vi. Any other facts that would justify adding more than the primary and secondary pursuit vehicles.
- f. Only members of Police Communications will arrange for other patrols to assist with a pursuit.
- g. Police Communications will stand down all other members on the relevant channel unless the communication is urgent.

## Primary vehicle

- h. Prior to commencing, and during a pursuit, members will assess, and continue to re-assess the risks to members of the public, themselves and those persons in the subject vehicle. These risks include, but are not limited to:
  - i. The real or potential danger to police, members of the public or people in the suspect vehicle (for example, overtaking into oncoming traffic, disobeying traffic signals, crossing intersections at speed)
  - ii. The volume of road and pedestrian traffic in the area
  - iii. The weather and road surface conditions, and features of the particular locality of the pursuit
  - iv. The nature and comparative seriousness of the offence/matter
  - v. Whether there are other reasonable means available for police to identify or apprehend the relevant people
  - vi. Whether it would be practicable to terminate the pursuit with the use of tyre deflation devices
  - vii. The distance between the police vehicle and the other vehicle is so great that further pursuit is futile
  - viii. The speed of the subject vehicle involved
  - ix. The experience/competency of the driver
  - x. The performance capabilities of the police vehicle
  - xi. The classification of the police vehicle in accordance with this National Guideline
  - xii. The provisions providing exemption for urgent duty driving within Rule 305 of the *Australian Road Rules* as outlined in Section 8.
- i. When a pursuit is commenced, a member in the vehicle will notify Police Communications of:
  - i. The reason for the pursuit
  - ii. The vehicle description and registration number if available
  - iii. The location and direction of the offending vehicle
  - iv. The progress of the pursuit (at regular intervals)
  - v. The speed of the offending vehicle (at regular intervals)
  - vi. The relevant speed limit
  - vii. Traffic conditions
  - viii. The category class of the member's vehicle
  - ix. The driving qualifications of the member.
- j. No more than two police vehicles (a primary unit and a secondary unit) will become actively involved in a pursuit, unless directed to do so by Police Communications.
- k. All vehicles involved in a pursuit will maintain a safe distance between each vehicle.
- l. Where a vehicle commences a pursuit, that vehicle will relinquish the primary response vehicle role immediately upon participation of a vehicle which falls into a higher vehicle classification.
- m. Following the conclusion of a pursuit the driver of the primary vehicle, or other nominated member, will ensure that the PROMIS recording responsibilities, as outlined at Section 25, are completed prior to ceasing duty.

## Passenger (primary vehicle)

- n. A member who is a passenger in a police vehicle in a pursuit will, where possible:
  - i. Assist with the risk assessment and notify the driver of perceived/identified risks to the safety of the occupants of the police vehicle or members of the public
  - ii. Assist with radio communication as required
  - iii. May, when senior in rank or experience to the driver, direct termination of the pursuit when the purpose for the driving is outweighed by one or more of the criteria referred to in Section 15 above.

## Secondary vehicle (driver and/or passenger)

- o. The driver and/or passenger of a secondary vehicle will:
  - i. Notify Police Communications they have taken up position as the secondary vehicle
  - ii. Maintain a position to the rear of the primary vehicle
  - iii. If not provided by the primary unit, the speed, direction, environmental conditions, vehicle description and any other relevant information
  - iv. Continue the pursuit until replaced as the secondary vehicle, the vehicle is safely intercepted, or the pursuit is terminated or otherwise resolved
  - v. Continually assess the risks as outlined in Section 21
  - vi. If at any time the risk outweighs the objective, recommend to the Pursuit Controller that the pursuit be terminated or direct the pursuit to be terminated
  - vii. Maintain constant radio Police Communications if the primary vehicle is unable to do so
  - viii. Maintain constant radio communications if requested to do so
  - ix. Upon termination of the pursuit, acknowledge the directive and advise of the last known location, direction and any other identifying details of the offending vehicle being followed.

## Team Leaders (non police communications)

- p. The team leader of a member/s involved in a pursuit will:
  - i. Continually monitor and assess the risks of the pursuit (regardless of where the pursuit commenced)
  - ii. If at any time the risks outweigh the objective, direct that the pursuit be terminated in accordance with Section 24
  - iii. Ensure the members involved comply with this National Guideline (including de-brief and reporting requirements)
  - iv. Conduct a debrief of the incident with the member/s before the end of the member/s shift
  - v. Provide advice to the Pursuit Controller on any other matter relevant to the pursuit.

## Non-involved police vehicles

- q. Members not involved in a pursuit will:
  - i. Abstain from any non-pursuit related or non-urgent radio communication
  - ii. If in the immediate area and able to assist, notify Police Communications and await instructions
  - iii. Not become involved in the pursuit unless directed and follow any direction given by Police Communications.

## 22. Police vehicle occupants

- a. An AFP vehicle will not become involved in a pursuit where the vehicle contains a person who is not a sworn police member. Where there is a second member in the vehicle their responsibilities include assistance in the risk assessment process, radio communication and advice to the driver of environmental and other considerations relevant to the activity as outlined at Section 21.

## 23. Overtaking

- a. Unless extreme circumstances exist, police vehicles will not:
  - i. Travel parallel to the pursuit on the same or adjacent streets
  - ii. Draw level with or attempt to overtake the pursued vehicle (this applies equally to primary, secondary and all other police vehicles).

## 24. Termination of pursuit

- a. Where the value of apprehending an offender in a pursuit, is outweighed by any one or more of the following criteria, the member who is the driver of the vehicle involved in the pursuit will terminate that pursuit:
  - a. The real or potential danger to police, members of the public or people in the suspect vehicle (for example, overtaking into oncoming traffic, disobeying traffic signals, crossing intersections at speed)
  - ii. The volume of road and pedestrian traffic in the area
  - iii. The weather and road surface conditions, and features of the particular locality of the pursuit
  - iv. The nature and comparative seriousness of the offence/matter
  - v. Whether there are other reasonable means available for police to identify or apprehend the relevant people
  - vi. The offenders identity is established to a point where later apprehension is likely and there is no immediate threat to public safety
  - vii. The distance between the police vehicle and the other vehicle is so great that further pursuit is futile
  - viii. The speed of the subject vehicle involved
  - ix. The experience/competency of the driver
  - x. The performance capabilities of the police vehicle
  - xi. The provisions providing exemption for urgent duty driving within Rule 305 of the Australian Road Rules no longer apply
  - xii. Where there are malfunctions with police equipment and/or serious damage to the police vehicle involved in a pursuit which makes the continued operation of the pursuit hazardous
  - xiii. The vehicles in the pursuit lose radio contact with ACT Police Communications.
- b. A direction to terminate a pursuit may be given by one of the following members:
  - . A member in the police vehicle who is senior in rank or experience to the driver
  - i. The team leader of the driver of the vehicle involved in the pursuit
  - ii. A member performing the duties of a Superintendent or above
  - iii. The Pursuit Controller.
- c. If any member considers that the pursuit should be continued and the Pursuit Controller monitoring the pursuit disagrees as to continuation, the Pursuit Controller has the authority to direct that the pursuit be terminated.
- d. A pursuit will not be re-initiated by any other police vehicle unless approval is first granted by the Pursuit Controller. It should be noted that this approval will only be considered if pertinent information is received which would sufficiently alter the circumstances of the original response.
 

**Terminate** - means to immediately cease the activity and, in the case of a pursuit, cease the pursuit and stop following the offending vehicle and return to the legal speed limit, stopping the police vehicle completely and turning off all warning devices as soon as possible and safe to do so. This applies to all police vehicles whether directly or indirectly involved in the incident.
- e. Upon termination of a pursuit, members will:
  - . Notify police communications immediately that the pursuit has been terminated and the reasons for termination
  - i. Carry out a safety check of the police vehicle when safe to do so. This check will include:
    - Leaving the engine running to continue engine cooling
    - A visual inspection of the engine bay for excessive coolant loss
    - A visual inspection of the tyres and rims of the vehicle for damage
    - Visual inspection of the body of the vehicle, particularly if contact with another vehicle or object may have occurred during the pursuit.

## Physical termination of pursuit

- f. Members engaged in a pursuit will not attempt to forcibly stop another vehicle, other than by the use of a tyre deflation device, unless immediate intervention is necessary to prevent imminent loss of life or serious injury.
- g. Road blocks (with the exception of the deployment of tyre deflation devices) will not be used without the express permission of a member performing the duties of a Superintendent or above, and then only as a last resort to prevent loss of life or serious injury.
- h. Members will not deploy tyre deflation devices in a pursuit without the authority of the Pursuit Controller.

## 25. PROMIS and CAD - recording of incident

- a. At the commencement of a pursuit, Police Communications will create a 'CAD' field incident and allocate a primary unit.
- b. At the conclusion of a pursuit and in consultation with the relevant team leader, the Pursuit Controller will allocate the finalisation of the PROMIS incident to a member.
- c. The nominated member will complete a PROMIS entry which will include, but is not limited to:
- d. A completed 'Pursuit Driver Debrief report':
- e. Where sufficient detail is included in that report the relevant PROMIS case write off may be completed by inserting 'refer to Pursuit Driver Debrief report' or similar.
  - i. The circumstances of the pursuit
  - ii. The outcome of the pursuit
  - iii. Any damage caused to property as a result of the pursuit.
- f. 'Police Pursuit' will be selected in the PROMIS 'special category' field in addition to the appropriate 'incident type'.
- g. The Pursuit Controller will complete a 'Pursuit Controller Debrief report' at the conclusion of a pursuit and ensure that:
- h. The debrief report is loaded into the case log of the relevant PROMIS incident
- i. Brought to the attention of the Superintendent Police Communications through a PROMIS tasking.

## 26. Cross border pursuits

- a. Where there is likelihood that a pursuit will cross into New South Wales (NSW) Police Communications will make all reasonable attempts to notify the NSW Police Service and seek permission to continue the pursuit in that State until that State can resume or terminate the pursuit.
- b. At the time of notification the following information will be provided:
  - i. The location and direction of travel of the pursuit
  - ii. Speed of suspect vehicle
  - iii. Prevailing speed limit
  - iv. A description of the vehicle being pursued
  - v. Driver's Special Constable status within NSW
  - vi. Driver's police experience, rank, driving qualification and duty type, for example General Duties or Traffic Patrol
  - vii. The classification of the police vehicle involved in the pursuit
  - viii. The reason for the pursuit.
- c. If permission cannot be obtained or permission to continue the pursuit is declined such pursuit will be terminated prior to entering NSW, or in any case immediately on receipt of notification to terminate.
- d. Where permission for a pursuit is given to continue into NSW, control of the pursuit will transfer to the NSW Police Service at the moment the first pursuing police vehicle enters NSW. An appropriate radio channel will be determined by the AFP Pursuit Controller.
- e. Where a pursuit continues into NSW no more than two AFP vehicles will continue the pursuit. When a suitable NSW Police vehicle joins the pursuit it will take primary vehicle responsibility and one AFP vehicle will remain as a secondary vehicle. When a second or subsequent NSW Police vehicle joins the pursuit, AFP members will terminate all pursuit response.
- f. The provisions of this section will similarly apply when NSW Police vehicles cross into the Australian Capital Territory for the purposes of pursuit.
- g. NSW Police vehicles engaged in a pursuit into the ACT are expected to comply with the provisions of this National Guideline.
- h. The Pursuit Controller will report any cross border pursuit driving to the Superintendent, Police Communications or in their absence, the On Call Duty Superintendent as soon as practicable.
- i. Members involved in pursuit driving will comply with both their home jurisdictions pursuit driving policy and that of the jurisdiction being entered. Where there is a conflict between those policies the policy of the jurisdiction being entered, and in which the pursuit is taking place, will take precedence.
- j. Where a collision occurs involving any vehicle or person involved in, or as a result of a cross border pursuit, an investigation will be conducted in accordance with jurisdictional requirements.

## 27. Police Pursuit Review Committee

- a. The Police Pursuit Review Committee (PPRC) is responsible for:
  - i. The review of all police pursuit driving incidents
  - ii. Identifying any problems or patterns developing in AFP driver behaviour so appropriate strategies may be put in place
  - iii. Identifying any training requirements
  - iv. Recommending cancellation or suspension of a member's driving authority where driver development or assessment is required, regardless if any other action has been instituted
  - v. Recommending amendments to the AFP National Guideline: ACT Policing: Urgent Duty Driving and Pursuit Guideline.
- b. The PPRC will meet at least quarterly to analyse all police pursuits over the previous reporting period. Where a major incident (involving injuries or major property damage) has occurred, a meeting will be convened as soon as practicable to enable formal consideration of the matter. The Committee members should include a representative from Learning and Development and AFP Psychological and Welfare Services at their quarterly and major incident review meetings.
- c. A written report will be provided to the Deputy Chief Police Officer - Response each quarter regarding trends, training issues, welfare or personnel management matters; following any major incident involving a police pursuit; and, at any other time that the PPRC considers it necessary to report on a particular police pursuit incident review.

## 28. Further advice

- a. Any queries relevant to the content of this guideline would be referred to ACT Policing Policy, Performance and Planning.

## 29. References

### Legislation

- [\*Australian Federal Police Act 1979\*](#)
- [\*Australian Road Rules\*](#)
- [\*Crimes Act 1900\*](#)
- [\*Road Transport \(Safety and Traffic Management\) Act 1999\*](#)

### AFP Commissioner's Order

- [\*Australian Federal Police Commissioner's Order on Professional Standards \(CO2\)\*](#)