

Fleeing driver policy

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Policy statement and principles

What

For various reasons some drivers make the decision to not stop when signalled to do so by Police. They often flee at high speeds and/or undertake high risk driving behaviours to avoid apprehension, which increases the risks to all involved, including the public.

Why

Fleeing drivers can be volatile and unpredictable. Incidents are often high risk and staff/public safety is the paramount consideration when initiating and resolving any fleeing driver pursuit. Police employees must be flexible in their response to what will often be a rapidly changing situation.

How

Police will ensure that:

- the decision to commence, continue, or abandon a fleeing driver pursuit must be continually assessed and reassessed in accordance with the TENR-Operational threat assessment ([TENR](#)) risk assessment tool, to ensure the pursuit is resolved as safely and as quickly as possible whilst using the least amount of force
- all staff are suitably trained and are fully aware of their roles and responsibilities if engaged in a fleeing driver pursuit
- all foreseeable and/or identified risks within the quickly changing environment of a fleeing driver pursuit are considered and managed as efficiently and safely as possible
- any decision to commence and continue a fleeing driver pursuit will be able to be justified
- an inquiry phase is preferred over a fleeing driver pursuit wherever possible
- decisions to abandon fleeing driver incidents will be supported
- safety is prioritised and risks minimised.

Overall principles

The overarching principle is that public and Police employee safety takes precedence over the immediate apprehension of a fleeing driver.

Additional principles are:

- fleeing driver incidents must be managed in the safest possible manner
- an inquiry phase is preferred over a fleeing driver pursuit wherever possible and when circumstances allow
- fleeing driver incidents will only be commenced and/or continued when the seriousness of the offence and the necessity of immediate apprehension outweigh the risk of pursuing
- the fact that a driver is fleeing does not in itself justify a fleeing driver pursuit;
- decisions to abandon fleeing driver incidents will be supported
- Police employees will use risk-based assessments (e.g. [TENR](#)) and apply a flexible response to changing circumstances, and
- fleeing drivers will be held to account.

Purpose

The purpose of this chapter is to guide staff decision making around whether to pursue fleeing drivers, and if so, how to pursue in a manner that prioritises safety and minimises risk.

A 'fleeing driver' is a driver who has been signalled to stop by an officer but fails to do so.

Fleeing driver policy, Continued...

Fleeing driver incidents can be volatile, unpredictable and high risk. Safety is the paramount consideration in any decision to pursue a fleeing driver. Resolving the fleeing driver pursuit as safely and as quickly as possible, using the least amount of force, is the key objective.

The decision to commence, continue, or abandon a fleeing driver pursuit must be continually assessed and reassessed in accordance with the [TENR](#) (Threat-Exposure-Necessity-Response) risk assessment tool, to ensure:

- the actual or perceived risks are fully understood on a continuing basis; and
- the tactical options available are understood and deployed appropriately.

How Police conduct and manage fleeing driver incidents must balance:

- public and Police employee safety
- the risks involved, and
- the public interest in apprehending those who fail to stop.

The lead or secondary vehicle drivers or their passengers, the field supervisor, and the pursuit controller must monitor the risks and take responsibility to make decisions about the safe management and apprehension of the fleeing driver. Any of these individuals can order the fleeing driver incident to be abandoned if they believe that the risk to the public, Police employees and/or the fleeing driver outweighs the seriousness of the offence and the necessity of immediate apprehension. Police employees should be flexible in their response to what will often be a rapidly changing situation.

All fleeing driver incidents are subject to close scrutiny during and after a pursuit. Officers involved in the fleeing driver pursuit are neither relieved nor protected from the consequences of reckless disregard for the lives and safety of others. Fleeing driver incidents are subject to Police review, which includes consideration of the reasons that existed for the pursuit. The fleeing driver pursuit may also be subject to scrutiny in civil or criminal proceedings.

Fleeing driver policy, Continued...

Definitions

This table outlines the meaning of terms used in this policy.

Term	Definition
Abandon	Permanently abandon the fleeing driver pursuit. No further attempt to signal the vehicle to stop will be made unless the Pursuit Controller gives prior approval.
District reviewer	Nominated by the District Commander to review pursuits in their district.
Field supervisor	The field supervisor overseeing the incident – this may be different to the pursuing officer's line supervisor.
Fleeing driver	A driver who has been signalled to stop by a constable but fails to do so.
Police constabulary passenger	A constable who is a passenger in the lead or secondary vehicle.
Lead vehicle	The first Police vehicle pursuing the fleeing driver.
Lead vehicle driver	The driver of the lead Police vehicle pursuing the fleeing driver. This will usually be the driver of the Police vehicle that has initiated the fleeing driver pursuit, or the driver of a vehicle that has replaced the initial pursuit vehicle at the direction of the Pursuit Controller.
Pursuit Controller	<p>The shift commander at Police Communications (field supervisor or person to whom command is transferred from Police Communications) who manages the fleeing driver pursuit. If a Police Communications shift commander is unavailable, a constabulary team leader may take the role of pursuit controller. In exceptional circumstances, this may be a Police employee who is not a constable.</p> <p>In cases where the Pursuit Controller is not a Police Communications constabulary member or command is passed to a Field supervisor, this must be identified in the weekly Comms report and assessed to identify whether there were any operational risks and issues that may require further action.</p> <p>Note: Police Communications retain overall operational oversight and organisational risk management even though command may have been passed to a field supervisor. Police Communications may retake command.</p>
Secondary vehicle	The second Police vehicle in the fleeing driver pursuit that follows the lead vehicle.
Signalling a driver to stop	Police vehicle drives up behind the vehicle/driver concerned and signals the driver to stop using flashing red and blue lights and a siren. An officer in uniform may also signal a vehicle to stop.
Tactical vehicles/s	Any Police vehicle or officer not actively pursuing the fleeing driver but seeking authorisation from the pursuit controller to conduct approved tactical options.

Fleeing driver policy, Continued...

TENR	Threat, Exposure, Necessity, Response (TENR) - The Police threat assessment methodology (TENR) is a decision making process that supports the timely and accurate assessment of information directly relevant to the safety of Police and others.
Urgent duty driving	Urgent Duty Driving (UDD) .

Other applicable policies are:

- [Police vehicle management \(PVM\)](#)
- [Professional Police Driver Programme \(PPDP\)](#)
- [Tyre deflation devices \(TDD\)](#)
- [Use of force](#).

Fleeing driver policy, Continued...

Decision to pursue

Given how quickly a fleeing driver pursuit can develop and circumstances change, assessing the risks must be a continuous process until the pursuit is resolved or abandoned by all staff involved.

[TENR](#) is a decision-making process that supports the timely and accurate assessment of information directly relevant to the safety of Police and others. The response to any given situation must be considered, timely, proportionate and appropriate.

The overriding principle when applying TENR is that of 'safety is success'. Public and employee safety are paramount, and every effort must be made to minimise harm and maximise safety.

The decision on whether to commence or continue a fleeing driver pursuit is one which requires careful initial and ongoing consideration of all of the known circumstances that exist at that time, as part of the TENR risk assessment.

The TENR risk assessment must balance the ongoing exposure to harm that the fleeing driver incident poses, or is creating, with the current threat that the fleeing driver poses and the necessity to respond. This will determine your response.

As part of a flexible response model all suitable tactical options should be considered or requested to safely apprehend the fleeing driver. This could include not pursuing or abandonment.

If the driver is known and does not pose an imminent threat, as determined by the TENR risk assessment, the preferred approach is for the offender to be apprehended through subsequent lines of inquiry.

Motorcyclists

Motorcyclists often flee at high speeds, undertaking high risk driving behaviours, which place increased risks on all involved. Any decision to pursue a motorcyclist must balance the severity of the offending against the current risks in accordance with TENR.

Police Presence

If a fleeing driver was not driving in a dangerous or reckless manner prior to being signalled to stop, but now is, the Officer must determine as part of their risk assessment if they should continue to pursue the fleeing driver due to the potential impact of their presence.

Fleeing driver policy, Continued...

Roles and responsibilities for a fleeing driver pursuit

Once a fleeing driver pursuit is commenced, officer actions should be flexible and appropriate to what are often rapidly changing situations, with all appropriate [tactical options](#) and resources available applied.

The lead or secondary vehicle drivers or their passengers, the field supervisor, and the pursuit controller all have a responsibility to make decisions about the safe management and apprehension of the fleeing driver. Any of these individuals can order the fleeing driver pursuit to be [abandoned](#).

Responsibilities for those actively pursuing

This table outlines responsibilities during a fleeing driver pursuit.

Role	During a pursuit
Lead vehicle driver	<p>Has primary responsibility for deciding whether to pursue a fleeing driver. The lead vehicle driver must:</p> <ul style="list-style-type: none">• continuously assess the risks (TENR)• ensure warning lights and siren are activated throughout the fleeing driver pursuit• where there is a Police constabulary passenger direct that officer to undertake communications• notify Police Communications as soon as practicable and when it is safe to do so that a vehicle has failed to stop, location, direction, fleeing vehicle description, and reason that it is being pursued (failure to stop is not a reason)• acknowledge the pursuit warning given by the dispatcher• maintain regular communication with Police Communications when it is safe to do so• comply with all directions from the Pursuit Controller. <p>Note: notwithstanding the above provisions, no driver can be directed to commence or continue a fleeing driver pursuit against their judgement. A driver's decision not to commence a fleeing driver pursuit, or to abandon a pursuit, cannot be overridden.</p>
Police constabulary passenger	<ul style="list-style-type: none">• Must undertake radio communications if in the lead vehicle.• Advises the lead vehicle driver of possible risks or any other considerations.• May direct the lead vehicle driver to abandon the fleeing driver pursuit. The Pursuit Controller must be notified when safe to do so including the reason for abandonment.
Secondary vehicle	<ul style="list-style-type: none">• Follows behind the lead vehicle at a safe distance, to provide support and tactical options as required.• Takes over the pursuit commentary, if the lead vehicle is single-crewed.• May direct the fleeing driver pursuit to be abandoned by notifying the Pursuit Controller, when safe to do so, including the reason for abandonment.

Fleeing driver policy, Continued...

Other Police vehicles in vicinity or responding as a requested tactical option	<ul style="list-style-type: none"> • Must not actively participate in the fleeing driver pursuit or respond, unless they are preparing tactical options, undertaking a temporary road closure, collecting intelligence or are responding to a Pursuit Controller direction that could assist in safely stopping the fleeing driver. • Notify the Pursuit Controller of your location, tactical option and seek permission as appropriate, when safe to do so, if self-initiating a tactical option. • Must cease all non-essential radio communication. • Must not follow behind the fleeing driver pursuit unless directed or approved to do so by the Pursuit Controller. • Must comply with the 'Urgent Duty Driving' chapter and any direction from the Pursuit Controller.
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Pursuit Controller responsibilities during a pursuit

The Pursuit Controller must actively monitor and manage the fleeing driver pursuit and where appropriate order abandonment.

Step	Action
1	Ensure the pursuit warning is given by the dispatcher and acknowledged by the lead vehicle (and secondary vehicle if present).
2	If the officer and vehicle classification allow, appoint the Police vehicle that initiated the pursuit as the lead vehicle. Replace unmarked vehicles (category B) in a fleeing driver pursuit with marked vehicles (category A) at the earliest opportunity. Ensure a secondary vehicle takes over the pursuit commentary if the lead vehicle is single-crewed.
3	Arrange aerial surveillance where available and if tactically appropriate.
4	<ul style="list-style-type: none"> • Maintain regular communications in accordance with the Police Communications procedure. Given the speed at which fleeing driver incidents initiate and change, there may not be time for this procedure to be completed in its entirety. • Monitor the situation reports (sit-reps) to ensure sufficient and relevant information is provided to enable informed decision making. • Where there is a continued failure by the lead vehicle (or secondary vehicle if appropriate) to provide sufficient relevant information in a timely manner, consider instructing abandonment of the fleeing driver pursuit.
5	Regularly assess the risk to determine whether the need to immediately apprehend the driver is outweighed by the risks posed by the continuation of the fleeing driver pursuit. If sufficient doubt about the safe continuation of the fleeing driver pursuit exists, direct abandonment.
6	Direct abandonment of the fleeing driver pursuit if the identity of the fleeing driver becomes known, the fleeing driver does not pose an immediate threat to public or police employee safety, and they can be apprehended later.
7	Limit the number of Police vehicles following to no more than two, unless tactically appropriate.
8	Coordinate tactical vehicles and options, where appropriate, to support the lead and secondary vehicles, and control traffic at critical points to maximise safety.

Responsibilities after a pursuit

This table outlines staff responsibilities following a pursuit.

Role	Following a Pursuit
Pursuit Controller	<ul style="list-style-type: none"> • Ensure that the 'Comms Details' section of the pursuit notification form is completed as soon as practicable following the conclusion of the fleeing driver event, but no later than end of shift.

Fleeing driver policy, Continued...

	<ul style="list-style-type: none"> • Debrief the dispatcher if required.
Lead Vehicle	<ul style="list-style-type: none"> • The unit that initiated the pursuit must ensure that the 'Pursuit Details' section of the pursuit notification form is completed by the end of the shift.
Field / shift Supervisor (the officer overseeing the incident (or primary staff at the time of the event))	<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/manager. • Ensure that the Pursuit Notification form is completed by all relevant staff before the end of shift. If any staff member is injured and unable to complete the form, the supervisor should complete. • Review and approve the pursuit notification form within 3 days*. • Ensure an inquiry phase, where appropriate, is conducted as a priority prevention activity.
TDD deploying officer	<ul style="list-style-type: none"> • Ensure that the 'TDD Details' section of the pursuit notification form is completed by the end of the shift*.
District Reviewer	<ul style="list-style-type: none"> • Review their district pursuit notification forms to ensure compliance with this chapter, within 3 days* of the review request. • Monitor pursuit activity in order to identify and manage any health and safety risks, training issues or lessons learnt.

* Where reporting timeframes cannot be met due to exceptional circumstances, ensure all known information is populated within the required timeframes, and the form completed as soon as possible.

Fleeing driver policy, Continued...

Communications

The Police staff responsible for the fleeing driver communications should provide the Pursuit Controller with timely and uniform sit-reps (when safe to do so). Where additional information is required or yet to be transmitted the dispatcher or Pursuit Controller should prompt for the required details.

Communication information for fleeing driver incidents

The following information should be transmitted by the officer responsible for communications or requested by the dispatcher in accordance with standard communications alerting and transmission of information protocols.

Notification of driver failing to stop

For example:

Step	Action
1a	<p>Police vehicle must advise Police Communications of the pursuit, when safe to do so, including the justification eg,:</p> <p>“Comms Centre, {vehicle call sign}, in pursuit.”</p> <ul style="list-style-type: none"> • Location • Direction of travel • Fleeing vehicle description • Reason for pursuit <p>The lead vehicle must repeat the sit-rep until Police Communications transmits acknowledgment.</p>
1b	<p>Police Communications transmits pursuit warning to all vehicles involved: “{Call sign} if there is any unjustified risk to any person you must abandon pursuit immediately. Acknowledge”</p> <p>Vehicle/s acknowledges the pursuit warning with the words: “{Call sign} Affirm”</p>
1c	<p>Police Communications transmits: “{Call sign} confirm lights and siren are activated”</p> <p>Vehicle/s acknowledges the pursuit warning with the words: “{Call sign} Affirm”</p>

Sit Rep

Police officers and Communications Centre staff are responsible for transmitting and requesting relevant information, at regular intervals, that will assist the Pursuit Controller with incident management.

Commentary should be maintained with breaks, at 5 second intervals, or when it is safe to do so.

The following examples, **although not exhaustive**, show what type of information should be transmitted (or requested) as part of a sit-rep.

2a	<p>Police unit transmits or Police Communications request:</p> <ul style="list-style-type: none"> • call sign • speed over posted limit • manner of driving by fleeing driver.
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Fleeing driver policy, Continued...

2b	Police unit transmits or Police Communications request: <ul style="list-style-type: none"> • call sign • road rule breach • location • speed over posted limit • road and traffic conditions.
2c	Police Communications transmits: "{Call sign} report driver identity" Officer responds with requested information. Direct abandonment of the fleeing driver pursuit if the identity of the fleeing driver becomes known, the fleeing driver does not pose an immediate threat to public or police employee safety, and they can be apprehended later.
2d	The Pursuit Controller prompts for additional information and sit-reps and coordinates a tactical response as appropriate.

Additional information

Officers should only pursue a fleeing driver in accordance with Police policy and legislation.

PPDP driver classification and vehicle class may be requested (or transmitted) by Police Communications.

For example:

3	Police Communications transmits: "{Call sign} report driver and vehicle class" Vehicle reports the requested information, i.e.: <ul style="list-style-type: none"> • call sign • PPDP driver class • vehicle class. Note: PPDP Silver drivers with a Gold supervisor in the vehicle can report as Gold while under supervision.
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Direction to abandon

When the lead or secondary vehicle drivers or their passengers, the field supervisor, or the Pursuit Controller direct the fleeing driver pursuit to be abandoned, the Pursuit Controller **must** advise all vehicles involved that the pursuit is abandoned. This does not negate the Pursuit Controller considering other tactical options, or initiating an inquiry phase to apprehend the fleeing driver.

The standard Pursuit Controller direction to abandon a pursuit is:
"{Call sign} All vehicles, abandon pursuit now."

Field staff should notify Police Communications of the abandonment, the reason and current location, for example:

"{Call sign} pursuit abandoned because {reason for abandonment, location xxxx}."

Once the direction to abandon is given, all vehicles must abandon the fleeing driver pursuit. **All vehicles** must therefore comply with the road user rule. Where aerial surveillance is involved, this direction must specify whether the aircraft must abandon observations or assist with an inquiry phase.

Fleeing driver policy, Continued...

All Police vehicles must immediately carry out these steps following a direction or decision to abandon a pursuit.

Step	Action
1	Acknowledge any direction to abandon the fleeing driver 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. If stopping in an area such as a motorway, safety may necessitate that the warning lights remain activated until the vehicle is mobile again.
5	Confirm to the Pursuit Controller they are stationary and state their specific location.
6	Undertake inquiry phase as directed by the field supervisor.

Fleeing driver policy, Continued...

Inquiry phase

If the fleeing driver is not apprehended at the time of the fleeing driver pursuit, all viable lines of inquiry to identify and hold the fleeing driver accountable should be exhausted. The inquiry phase should be dealt with as a priority prevention activity.

An inquiry phase does not qualify for urgent duty driving.

An inquiry phase may consist of, but not limited to, the following actions:

- Aircraft monitors the fleeing driver to allow inquiry phase to be initiated
- observations on known addresses
- registered vehicle address inquiry
- speed camera photographs
- unlawfully taken vehicle inquiries
- reported petrol drive-offs
- CCTV footage area inquiries
- section [118](#) Land Transport Act 1998 letter to registered owner
- 28 day impoundment under section [96](#) (1AB) Land Transport Act 1998.

Charging considerations

All drivers apprehended for failing to stop should be considered for prosecution action pursuant the Solicitor General's prosecution guidelines and the provisions of section [114](#) of the Land Transport Act 1998. If defendants have previous convictions for breaches of section [114](#) then the enhanced penalties pursuant to section [52](#)(3), [52](#)(4), or [52](#)(5) LTA may apply. These added to the charging document and the penalty provision of any summary of facts.

Commencing a fleeing driver incident after abandonment

Abandoned events

Permission must be sought from the Pursuit Controller to engage a fleeing driver after abandonment.

Permission will only be granted to re-engage a vehicle previously involved in an abandoned fleeing driver incident, if the pursuit controller is satisfied that any subsequent risks are mitigated or the situation has changed.

This subsequent engagement and any failing to stop, post any previous abandonment, would become a new pursuit and notification.

Radio protocol

Officers **must** only signal a driver to stop, who was involved in a recently abandoned fleeing driver event, once approval has been given by the Pursuit Controller.

As an example:

Step	Action
1	Vehicle calls Pursuit Controller (Police Communications or field) using a pre-alert technique: <ul style="list-style-type: none">• call sign• request permission to signal the driver to stop• vehicle description or registration• location and direction of travel• manner of driving• reason for signalling the driver to stop.
2	Only the Pursuit Controller determines whether the fleeing driver will again be signalled to stop and advises the requesting officer of their decision.

More information

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

Fleeing driver policy, Continued...

Tactical options

What tactical options are available

This table provides an overview of the standard tactical options available.

Tactical option	Initiated by...	Conditions
Abandon pursuit	Lead or secondary vehicle drivers or their passengers, the field supervisor, or the Pursuit Controller	Must be abandoned if directed by any of these people and abandonment procedure must be followed.
Aerial surveillance	Pursuit Controller	Must be used when available to take over responsibility of providing commentary to the Pursuit Controller.
Dog Unit	Pursuit Controller or Dog Unit	Must notify the Pursuit Controller if joining an event, when safe to do so. Where tactically desirable the dog unit may be in addition to the lead and secondary vehicle.
Inquiry Phase	Lead driver, Police passenger, Pursuit Controller, field supervisor	An inquiry should be dealt with as a priority.
Non-compliant vehicle stop (moving block) (AOS or STG)	AOS or STG commander	In response to a mobile and armed fleeing driver. Can only be conducted by AOS or STG members who are trained in the tactic.
Tyre deflation devices	<ul style="list-style-type: none"> • Pursuit controller • Trained Police employees in exceptional circumstances • Police Communications shift commander for deployments on heavy vehicles 	Refer to the ' Tyre deflation devices ' chapter.
Temporary road closure	Pursuit controller	Refer to the ' Perimeter control ' chapter.

Tyre deflation devices

When a Police vehicle is positioned at a cordon point and the fleeing vehicle is heading through that cordon, a tyre deflation device may be deployed to stop the fleeing vehicle and apprehend the fleeing driver, so long as the deployment meets the requirements of the '[Tyre deflation devices](#)' chapter.

Aerial surveillance

Where available and tactically appropriate, an aircraft must take over primary responsibility for providing commentary to Police Communications, in order to reduce pressure on the lead or secondary vehicle providing the sit-reps. This commentary must be provided by an officer familiar with this chapter and the '[Urgent duty driving](#)' chapter.

Once aerial surveillance is established, the pursuit controller must consider instructing the lead vehicle (and secondary if present) to drop back and consider the appropriate

Fleeing driver policy, Continued...

role of all vehicles involved, including whether they should remain in pursuit, or whether other tactical options should be employed.

Aircraft can request permission from the pursuit controller to direct Police vehicles and officers as part of the Police tactical response.

If any aircrew consider their aircraft has been identified by a fleeing driver, they must inform the Pursuit Controller. While the presence of aerial surveillance can encourage fleeing drivers to stop their attempt to evade Police, there are also situations in which fleeing drivers drive in a dangerous manner to evade aerial surveillance (similar to ground pursuit).

The instruction to abandon a fleeing driver pursuit, by the Pursuit Controller, will not apply to an aircraft unless specifically directed to do so. Where an aircraft is directed to cease observations, the aircrew will leave the area as safely and quickly as possible.

The Pursuit Controller must continually assess the risk involved in ongoing aerial surveillance, and abandon aerial observations if necessary.

Aircraft will assist the Pursuit Controller in the control and coordination of the pursuit by:

- providing sit-reps
- advising the Pursuit Controller of any breaches of Police policy by pursuing or tactical vehicles, including the use of any unauthorised vehicles involved in the pursuit
- continually undertake a risk assessment ([TENR](#)) and advising any change in justification to pursue
- recommending abandonment by Police vehicles, in accordance with the abandonment section, to the Pursuit Controller
- ceasing aerial surveillance and advising the Pursuit Controller, if it is believed that aerial surveillance is contributing to the fleeing driver incident risk;
- where suitable equipment is available, recording the fleeing driver pursuit and notifying the Pursuit Controller if video recording equipment is in operation
- monitoring and relaying information via Police Communications after the fleeing driver pursuit has been abandoned or the fleeing driver has decamped on foot. The pursuit controller may use this information to authorise commencement of a previously abandoned fleeing driver incident or to detect and arrest the fleeing driver and passenger/s (if present).

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

AOS/STG non-compliant vehicle stop

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

- they are responding to a mobile armed fleeing driver, and
- they are trained in its use, and
- it is undertaken in accordance with AOS or STG Standard Operating Procedures, and
- it is authorised by an AOS or STG commander, and
- it is undertaken in the capacity of an AOS or STG operation.

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

Fleeing driver policy, Continued...

Appendix A - Powers in respect of pursuing fleeing drivers

Police drivers must comply with all relevant legislation. There is no blanket legal protection for Police involved in a fleeing driver pursuit. 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 a fleeing driver pursuit.

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 section 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>

Fleeing driver policy, Continued...

Land Transport (Road User) Rule 2004

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:

- 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.

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.

Note: This Rule does not permit careless, dangerous or reckless driving, or driving at a dangerous speed.