

Fleeing driver policy

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Policy statement and principles

Purpose

The purpose of this policy is to describe the options available to Police when drivers flee. It provides the information and tools to inform the risk assessment and decision-making process to enable officers to make an informed assessment of the appropriate response. This will ensure that offenders are held to account for their actions while managing fleeing driver events in a safe manner.

What

A fleeing driver is a driver who has been signalled to stop by an enforcement officer but fails to stop or fails to remain stopped.

This can create a high-risk, fast-paced event which evolves rapidly, exposing the public, fleeing driver, passengers, and enforcement officers to significant risk.

All drivers who fail to stop or fail to remain stopped after being signalled to do so, will be managed in accordance with this policy.

The original reason for signalling a driver to stop is a significant factor in determining the response to a fleeing driver.

The threat, exposure, necessity, and associated risks are different in each of these circumstances. This will inform an appropriate, proportionate response and resolution.

Why

The purpose of this policy is to guide the risk assessment and decision-making if a driver fails to stop or fails to remain stopped. The overall objective is to achieve the safest possible outcome balanced against our policing functions (as stated in the Policing Act 2008). These functions include:

- keeping the peace
- maintaining public safety
- law enforcement
- crime prevention, and
- community support and reassurance.

This will be achieved through a clear and common understanding of the officer's TENR risk assessment, Perceived Cumulative Assessment (PCA) and decision-making process, through application of the [Fleeing Driver Framework](#).

How

Vehicle stops are unpredictable. Signalling a driver to stop may result in them fleeing Police, including at an impaired driving checkpoint. The decision to initiate, continue or abandon a pursuit must be made by the application of the Fleeing Driver Framework (in this policy), and performing a continuous TENR risk assessment.

The TENR risk assessment is where you balance the:

- **threat** and the potential **exposure** posed by the vehicle occupant(s);
- **necessity** to immediately apprehend the driver and/or passenger(s); and
- the ongoing **risk** of harm to any person, property, or public interest if the occupants are not apprehended.

The TENR risk assessment must factor in all considerations when responding to a fleeing driver event, including those associated with the vehicle occupants and the risks associated with possible Police actions in response to the event. The TENR risk assessment must be continuously applied for the duration of any fleeing driver event to ensure that the most appropriate decisions are made.

The [Fleeing Driver Framework](#), which is based on TENR, will guide decision-making to determine whether a pursuit is appropriate in the circumstances.

The Police response to each fleeing driver event must be:

- reasonable, proportionate, and necessary
- lawful

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- justified, considering all the circumstances, and
- compliant with Police Instructions and policy.

Each fleeing driver event will be reviewed for lessons learnt and whether the appropriate decision-making process was applied.

Overall principles

All staff share a collective responsibility for ensuring a fleeing driver event is managed as safely as possible.

All fleeing driver events will be reported, and the appropriate action taken. An investigation is a viable alternative to initiating or continuing a pursuit.

The safety of Police staff, the public, and vehicle occupant(s) [s.6\(c\) OIA](#) takes priority over the immediate apprehension of a fleeing driver.

A pursuit is only possible if at least one of the justifications in the [Fleeing Driver Framework](#) are met.

The actions and behaviour of a driver or occupants prior to Police presence, where known, must be given consideration when conducting a TENR risk assessment and determining the appropriate response.

A decision to not pursue or to abandon a pursuit will be supported by Police. No unit can be directed to initiate or continue a pursuit against their judgement.

Fleeing driver events will be reviewed in a timely manner to identify and effectively manage or escalate any health and safety risks, training issues, systemic issues, or lessons learnt.

Staff may be criminally liable if their actions contravene legislation in relation to fleeing driver events.

Related legislation and policy

The following legislation may be applicable to fleeing driver events:

- [Crimes Act 1961](#)
- [Health and Safety at Work Act 2015](#)
- [Land Transport Act 1998](#)
- [Land Transport \(Road User\) Rule 2004](#)
- [Policing Act 2008](#)
- [Search and Surveillance Act 2012](#)

Related policies include:

- [Debriefs policy](#)
- [Digital photography policy](#)
- [Impounding vehicles](#)
- [Investigation of critical incidents policy](#)
- [Perimeter control](#)
- [Police vehicle management](#)
- [Professional Police Driver Programme \(PPDP\)](#)
- [Radio and communication centre protocols](#)
- [Serious crash investigation review](#)
- [Speed enforcement](#)
- [TENR-Operational threat assessment](#)
- [Traffic patrol techniques](#)
- [Tyre deflation devices](#)
- [Urgent duty driving](#)
- [Use of force](#)

Fleeing Driver Framework

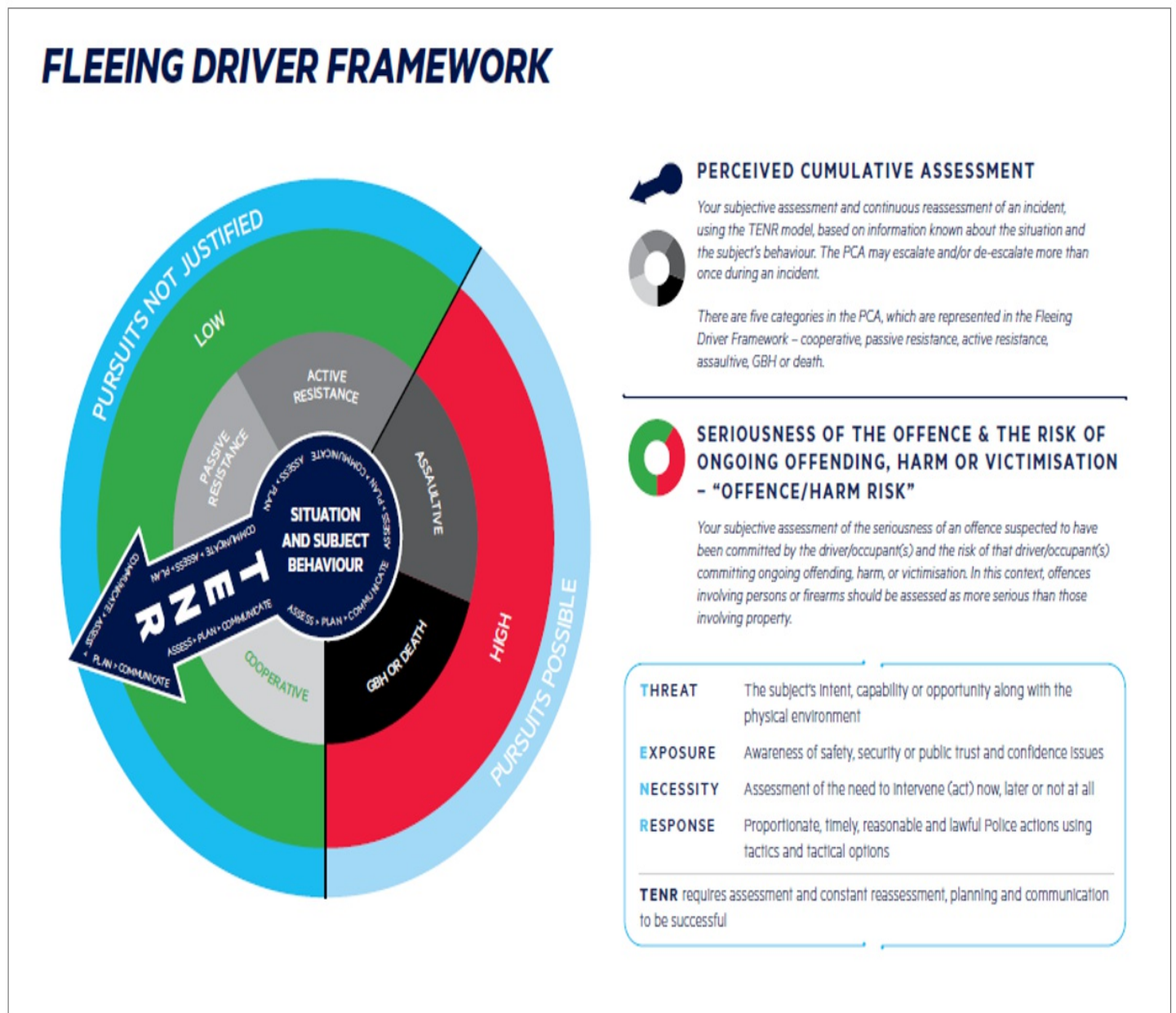
Purpose of the Fleeing Driver Framework

The Fleeing Driver Framework is a tool to assist with determining if the immediate risk to safety posed by the fleeing driver/occupant(s) justifies a pursuit.

The Framework sets out two potential justifications to initiate or continue a pursuit, either of which must be met:

1. based on the threat posed by the driver/occupant(s) as determined by an officer's perceived cumulative assessment of the situation and subject behaviour, or
2. based on the seriousness of an offence suspected to have been committed by the driver/occupant(s), and the risk of that driver/occupant(s) committing ongoing offending, harm, or victimisation (referred to as 'offence-harm risk').

Under the Framework, a pursuit is possible if an officer's perceived cumulative assessment, after considering all available information, places the driver/occupant(s) at assaultive or above, or the offence-harm risk is assessed to be high.



If a pursuit is initiated, the Fleeing Driver Framework must be continually applied to determine if there are any changes in the circumstances, and ongoing reassessments of the appropriate tactical response. This must be informed by a continuous TENR risk assessment.

Scenarios are listed in [Appendix A: Fleeing Driver Scenarios](#), which illustrate application of the Fleeing Driver Framework.

Decision to stop a driver

Vehicle stops can be unpredictable. Enforcement officers must apply the provisions in the [Traffic patrol techniques](#) policy before conducting a vehicle stop.

Officers must request support whenever their TENR assessment identifies a specific risk to signalling a driver to stop, such as:

- the behaviour of the vehicle occupant(s), or
- checks and/or observations that lead you to suspect the driver may flee/fail to remain stopped.

Consideration should always be given to delaying the signal to stop while coordinating tactical options or waiting for the wider environment to become safer to reduce risk.

If the information available indicates a driver is likely to flee, the Emergency Communications Centre (ECC) **must** be advised of:

- the initial reason for wanting to stop the driver, and
- the intention to signal the driver to stop, and
- whether a pursuit is going to be initiated if the driver fails to stop, and,
- any plan to stop a fleeing vehicle.

The purpose of this communication is to pre-alert the ECC to the possibility that a driver may flee if signalled to stop. This enables the ECC to assist in the planning of the response and assessment against the [Fleeing Driver Framework](#).

Note: Comms are now referred to as ECC.

Driver fails to stop

All drivers who fail to stop or fail to remain stopped after being signalled to do so, will be managed in accordance with this policy. This includes drivers who:

- are unaware of the signal to stop,
- are unaware of the required action when signalled to stop by Police, or
- deliberately fail to stop or remain stopped.

The threat, exposure, necessity, and associated risks are different in each of these circumstances and will inform an appropriate and proportionate response and resolution. An investigation is a viable alternative to initiating or continuing a pursuit.

In particular, four anchoring factors that assist in informing your ongoing TENR risk assessment must be considered when determining whether a pursuit should be initiated or continued. These are:

s.6(c) OIA s.6(d) OIA

TENR risk assessment considerations

When determining the ongoing response to a fleeing driver, a range of factors should be considered.

The actions and behaviour of a driver or occupants prior to Police presence, where known, must be given consideration when conducting a TENR risk assessment and determining the appropriate response.

The table below provides examples of factors for consideration, but each event will differ, so these are indicative and not comprehensive of the factors to consider.

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Assessing the 'threat' (intent, capability, opportunity, physical environment).	<ul style="list-style-type: none"> - What is the reason for stopping the vehicle? Has a serious offence been committed/detected? - Is this a continuing threat? - Is the suspect under the influence (or likely to be under the influence) of any substances? - Does the driver/occupant have access to a firearm (or other weapon)? - Environmental circumstances, e.g., road conditions, traffic density, foot traffic, school hours/proximity, weather, driver behaviour, condition of vehicle.
Assessing the 'exposure' (safety and security).	<ul style="list-style-type: none"> - What is the ongoing risk of harm to either people or property, and the public interest if the offender(s) are not held to account? - Who may be harmed if the driver flees? What are the risks to other road users, vehicle occupant(s) and Police? - Would the risks created by a pursuit be greater than the initial risk(s) posed by the driver and/or vehicle occupant(s)? - What is the likely age of the driver, the impact of age on their decision-making ability, and driving experience? - What is the number and likely age of passengers, and their likely influence on the driver? - Do Police have the appropriate resources (staff, tactical options) available to manage any pursuit? How far away is additional support? - Am I current in training? Do I have the right skills for this situation? Do I have current and working equipment to protect me and others? - Can cordons be established and maintained to contain the subject(s)?
Assessing the 'necessity' to act now, later, or not at all.	<ul style="list-style-type: none"> - Have you or anyone else identified the suspect or occupants of the vehicle? - Do you have all the resources you need to respond safely and effectively now, or should you delay the response until the right resources are available? - Do you have other means available to de-escalate the threat to a manageable level? - What are the ongoing factors? Is it in the public interest to act immediately? - What are the known consequences to Police and/or the public in delaying the response?
Determining the response.	<ul style="list-style-type: none"> - Is the response reasonable, proportionate, and necessary?

Decision not to pursue

Police will support enforcement officers' decision not to pursue. No unit can be directed to initiate or continue a pursuit against their judgement.

If the decision is made not to pursue a fleeing driver, the officer must:

- Communicate this decision to the ECC and request the ECC to create a FLEE event.
- Immediately reduce speed to increase the distance between the fleeing driver and their own vehicle **OR** remain stationary if already stopped.
- Deactivate warning devices once below the posted speed limit.
- Stop as soon as it is safe to do so. If stopping in an area such as a motorway, safety may necessitate that warning lights remain activated until their vehicle is mobile again.
- Advise the ECC they are stationary and state their specific location.
- Resume normal duties or deploy to other events as directed.

A post-fleeing driver investigation following the decision not to pursue, should include enquiries to identify vehicle occupants and perform the appropriate follow-up activities to locate them where possible. These actions should be included in the Fleeing Driver Report.

Refer to the *Fleeing Driver Investigation Guide*.

Decision to pursue

A pursuit, on its own, is not a way to stop a vehicle; rather it provides the officer a way of maintaining visibility and observation of the vehicle while a plan is developed to stop the vehicle or to put alternate observation options in place.

You should decide whether a pursuit is justified prior to signalling the driver to stop. A pursuit is only possible if at least one of the justifications in the [Fleeing Driver Framework](#) are met.

If a driver flees when signalled and the officer initiates a pursuit, they must:

- notify the ECC that they have initiated a pursuit, and
- communicate the initial reason for signalling the driver to stop and their justification under the Fleeing Driver Framework for initiating the pursuit, and
- ensure lights and sirens are used at all times during the pursuit.

In all pursuits, ECC have Command and Control.

Throughout the pursuit, a continuous TENR risk assessment must be completed to ensure the pursuit is still appropriate, including ongoing assessment of the anchoring factors. Changes to any of the anchoring factors or other circumstances may change the response to the fleeing driver.

Decision to abandon a pursuit

If the continuous TENR assessment determines that risk outweighs the necessity to continue the pursuit, then the pursuit must be abandoned.

Any unit can recommend a pursuit to be abandoned, however a pursuit can only be ordered to be abandoned by:

- the lead or secondary vehicle drivers or their passengers
- the field supervisor
- a crew member of the Air Support Unit (Eagle)
- the Pursuit Controller or Dispatcher.

The pursuit **must** be abandoned if:

- the TENR assessment identifies that the risk of harm outweighs the initial or ongoing threat posed by the vehicle occupants and the need to immediately apprehend, **or**
- the pursuing unit(s) has sustained loss of visual contact with the fleeing driver, **or**
- the ECC has sustained loss of communication with pursuing unit(s) (when factoring in known black spots in the cell/radio network).

The reason to abandon should be communicated to all units by the person ordering the abandonment and recorded in the fleeing driver report.

Once the decision to abandon the pursuit has been made, all units involved **must**:

- immediately reduce speed to increase the distance between the fleeing driver and their own vehicle
- deactivate warning devices once below the posted speed limit
- stop as soon as it is safe to do so. If stopping in an area such as a motorway, safety may necessitate that warning lights remain activated until their vehicle is mobile again
- advise the ECC they are stationary and state their specific location
- consider options on how to hold offending driver to account.

A decision to abandon will always be supported.

Tactical options available to monitor or stop the vehicle

This table provides an overview of the standard tactical options available to monitor or stop the vehicle when a driver flees.

Tactical option	Initiated by ...	Conditions
Air Support Unit (ASU)	ECC	<p>Must be considered when available and suitably qualified staff can maintain observations and/or provide commentary to the Pursuit Controller.</p> <p>ASU may be utilised for this purpose when directed by ECC, even if pursuits are not justified under the Fleeing Driver Framework or have been abandoned.</p> <p>The primary role of the Air Support Unit (ASU) in a fleeing driver event is to maintain observations and provide the Pursuit Controller with enhanced situational awareness to inform their TENR risk assessment, decision-making, and safe management of the fleeing driver event. ASU will not be available in all areas.</p> <p>See also: ‘Police air operations’</p>
AOS or STG non-compliant vehicle stop	Pursuit Controller or AOS/STG Commander	<p>When notified of a pursuit, all AOS/ STG and tactical group members will follow the direction of the Pursuit Controller [see also AOS/STG policy].</p> <p>In situations which are justified by a TENR assessment (e.g., armed offenders or extreme risk to public), a Pursuit Controller or an AOS/STG Commander may authorise trained and certified AOS/STG staff to conduct 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.</p>
Dog unit	ECC	The dog unit may be additional to the initiating and secondary units. Dog units must notify the Pursuit Controller if they are available to provide tactical assistance.
Temporary road closure	ECC	<p>Refer to the ‘Traffic patrol techniques’ chapter. Sections 30 and 32 of the Search and Surveillance (S&S) Act allow the establishment of an authorised road block to arrest a person who is unlawfully at large or a person who has committed an offence punishable by imprisonment where there are grounds to believe such persons are in a vehicle. Section 32 also allows the stopping of vehicles at the road block or in the vicinity of the road block.</p>
Cordon and contain	ECC	Police may direct supporting units to position themselves to support the apprehension of an offender through cordon and containment.
Tyre deflation devices (TDD)	<ul style="list-style-type: none"> - ECC. - Trained Police employees. - ECC shift commander for deployment on heavy vehicles. 	Refer to the ‘Tyre deflation devices’ chapter.

Subsequent fleeing driver events post abandonment

If a vehicle or offender is located following the abandonment of a pursuit, and is still driving, permission must be obtained from the Pursuit Controller before signalling the driver to stop, and whether a pursuit would be possible if the driver flees when signalled.

Permission will only be given in circumstances where at least one of the justifications in the [Fleeing Driver Framework](#) are met.

If permission to signal and pursue is granted, the Pursuit Controller must communicate a clear plan and tactics to resolve the fleeing

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driver event should the driver fail to stop or remain stopped.

If urgent duty driving post abandonment is required, all the circumstances need to be considered to justify your response.

Any subsequent pursuit with a vehicle or driver of a previously abandoned pursuit is a new event.

Post fleeing driver event

Event closure

A Fleeing Driver Report is to be completed and submitted by the initiating unit prior to the end of the shift.

Every FLEE event must result in a K6 (report) or K9 (arrest).

FLEE events where the driver is not apprehended immediately will be referred to identify and hold the driver/offender to account.

Note: When completing the fleeing driver report, consideration should be given to whether a Health and Safety Incident or near miss has occurred. If it has occurred, the appropriate Health & Safety or Near Miss report should be completed.

Fleeing Driver Report

A Fleeing Driver Report must be completed for **every** fleeing driver event, regardless of whether a decision was made to initiate a pursuit or not.

If the fleeing driver is not apprehended at the time of the pursuit, the field supervisor has primary responsibility for ensuring a Fleeing Driver Report has been created, and directing inquiries to identify and locate the fleeing driver and/or any other offenders as part of any ongoing investigation i.e., inquiries with the registered person, review of CCTV footage etc.

All associated fleeing driver files must be linked and will form part of the investigation.

Appendix A - Fleeing driver scenarios

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s.6(c) OIA

s.6(d) OIA

Appendix B - Roles and responsibilities

This table outlines the key roles and responsibilities used in this policy.

Term	Definition
Air Support Unit (ASU)	<p>The primary role of the Air Support Unit (ASU) is to maintain observations and provide the Pursuit Controller with enhanced situational awareness to inform their TENR assessment, decision making, and safe management of the fleeing driver event.</p> <p>ASU has no command or control role in fleeing driver events.</p> <p>The Pursuit Controller may request ASU to:</p> <ul style="list-style-type: none"> - Take over primary responsibility for providing commentary. - Assist in the coordination of ground units to resolve the fleeing driver event safely. <p>ASU may order abandonment of a pursuit if they identify risks to staff/person(s).</p>
Armed Offenders Squad (AOS)/ Special Tactics Group (STG)/ Tactical Group member	<p>When notified of a pursuit, all AOS/ STG and tactical group members will follow the direction of the Pursuit Controller [see also AOS/STG policy]. Pursuit Controllers and AOS/STG commanders can authorise a non-compliant vehicle stop to be carried out by an AOS/STG officer specifically trained to conduct that activity.</p>
Dispatcher	<p>The Dispatcher:</p> <ul style="list-style-type: none"> - Manages the radio channel throughout a pursuit. - Notifies the Pursuit Controller and conveys the reason for the pursuit. - May abandon the pursuit prior to the Pursuit Controller taking command of the event where the reason for the pursuit is not provided or is insufficient to justify a pursuit. - Must abandon the pursuit if a Pursuit Controller or team leader is not available. - Ensures all CARD events for fleeing drivers result in either a K6 or K9.
District Command Centre (DCC) and NCCC	<p>Have no command role in fleeing driver events, however, may provide situational intelligence to staff and the ECC.</p>
Field Supervisor	<p>Any supervisor aware of the pursuit. This may be different to the initiating unit's line supervisor.</p> <p>A Field Supervisor will:</p> <ul style="list-style-type: none"> - Maintain oversight during the pursuit and may direct abandonment at any time. - Provide support to staff and the Pursuit Controller, avoiding direct involvement in the pursuit where possible. - Continuously perform own TENR assessment to assess whether the risks associated with the pursuit continue to be justified.

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Initiating Unit	<p>The Initiating Unit is the Police unit that first signalled the driver to stop.</p> <p>They will advise the ECC of the pursuit, including the initial reason for signalling the driver to stop, location, direction, and vehicle description.</p> <p>Should the Pursuit Controller give acknowledgement of a pursuit to the Initiating Unit, the Initiating Unit must:</p> <ul style="list-style-type: none"> - Acknowledge and comply with all directions from the ECC. - Continuously perform a TENR assessment to assess whether the risks associated with the pursuit continue to be justified. - Ensure all relevant risk information is communicated to the ECC. <p>The Initiating Unit will abandon the pursuit if:</p> <ul style="list-style-type: none"> - The TENR assessment identifies that the risk of harm outweighs the initial threat posed by the vehicle occupants and the need to immediately apprehend, or - Contact is lost with the fleeing driver, or - Sustained communication is lost with the ECC, or - If ordered to do so by the Pursuit Controller. <p>Post-Fleeing Driver event, the Initiating Unit will complete the relevant sections of the Fleeing Driver Report.</p>
Lead Unit	Any Police unit that has replaced the initiating unit, usually at the direction of the Pursuit Controller.
Level 1 Reviewer	<p>A Level 1 Reviewer:</p> <ul style="list-style-type: none"> - Reviews the Fleeing Driver report to ensure compliance with policy and legislation.
Level 2 Reviewer	<p>A Level 2 Reviewer:</p> <ul style="list-style-type: none"> - Reviews the Fleeing Driver notification to ensure compliance with policy and legislation. - Reviews the ECC audio recording. - Reviews any ASU footage in conjunction with an ASU representative in compliance with the Digital photography policy. - Identifies and effectively manages or escalates any health and safety risks, training issues, systemic issues, or lessons learnt.
Constabulary Passenger	A constable who is a passenger in the initiating, lead or secondary vehicle.

Pursuit Controller	<p>A Pursuit Controller is the ECC shift commander who manages the fleeing driver event.</p> <p>If an ECC shift commander is unavailable, a suitably trained team leader may undertake the role of Pursuit Controller.</p> <p>A Pursuit Controller is responsible for the control and command of the pursuit, confirming the initial reason for signalling the driver to stop and the justification for the pursuit, and can direct the abandonment of the pursuit at any time.</p> <p>If the acknowledgement of a pursuit has been given and acknowledged by the initiating unit, the Pursuit Controller will continuously perform their own TENR assessment to ensure that the risks associated with the pursuit continue to be justified.</p> <p>A Pursuit Controller will plan to resolve the pursuit as safely as possible, and communicate this plan, and any subsequent revision of the plan.</p> <p>Where resources allow, a Pursuit Controller should:</p> <ul style="list-style-type: none"> - Ensure a secondary vehicle takes over the pursuit commentary if the initiating unit is single-crewed. - Replace unmarked vehicles (category B) with marked vehicles (category A) at the earliest opportunity. - Replace a single-crewed initiating unit with a two-person unit as soon as practicable. - Limit the number of Police units following the fleeing driver to no more than two, unless tactically appropriate. - Coordinate tactical units and options to resolve the event safely (including the Air Support Unit where available). - Monitor situation reports to ensure sufficient risk information is being provided to enable informed decision making. <p>Pursuit Controllers may authorise a suitably trained AOS or STG member to perform a non-compliant vehicle stop.</p>
Secondary Vehicle	<p>The second Police vehicle in a fleeing driver pursuit.</p> <p>At the direction of the Pursuit Controller, this unit may take over the role of lead vehicle, for example, where the initiating unit is single-crewed or in an unmarked vehicle.</p>
Tactical Unit(s)	<p>Any Police unit not actively pursuing the fleeing driver but available to carry out a tactical response as directed by the Pursuit Controller.</p>