



# AFP National Guideline on urgent duty driving and pursuits (ACT Policing)

## Part 1: Administration

### 1.1 Disclosure and compliance

This document is marked **For Official Use Only** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on information management](#).

#### Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

### 1.2 Acronyms

<b>ACT</b>	Australian Capital Territory
<b>AFP</b>	Australian Federal Police
<b>CAD</b>	Computer Aided Dispatch
<b>CPO</b>	Chief Police Officer for the Australian Capital Territory
<b>DIRC</b>	Driving Incident Review Committee
<b>DOM</b>	Duty Operations Manager (ACT Policing – Police Operations)
<b>PROMIS</b>	Police Real-time Online Management of Information System

## 1.3 Definitions

**AFP appointee** – means a Deputy Commissioner, an AFP employee, special member or special protective service officer and includes a person:

- engaged overseas under s. 69A of the [Australian Federal Police Act 1979](#) (Cth) (AFP Act) to perform duties as an AFP employee
- seconded to the AFP under s. 69D of the AFP Act
- engaged under s. 35 of the AFP Act as a consultant or contractor to perform services for the AFP and determined under s. 35(2) of the AFP Act to be an AFP appointee.

(see s. 4 of the AFP Act.)

**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 appointees in the course of their duties.

**AFP member** – means a 'member of the AFP' as defined in s. 4 of the AFP Act.

**Approved course** – means a course, for AFP members, approved by AFP Learning & Development or the manager of the AFP member's functional area.

**Approved AFP member** – means an AFP member who has successfully completed an approved driving or riding course.

**Caged vehicle** – means a vehicle specifically designed and used for the transportation of prisoners\* or persons in police custody using a compartment separate from the passenger cabin.

\* The requirement for prisoners to wear seat belts when conveyed in the caged area of a police vehicle designed for their conveyance is exempted per Rule 267(5) [Australian Road Rules](#) (ACT).

**Critical incident** – means:

- the on-duty homicide or unlawful death of an AFP member
- the shooting of a person by an AFP member
- a motor vehicle or vessel collision involving an AFP member which results in a death or serious injury
- the death of any person in ACT Policing custody
- the death or serious injury of a person associated with police contact

- the discharge of a firearm (other than to destroy an injured, dangerous, or vicious animal) and
- any serious injury to a person as a result of the application of force.

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

**Driving** – means to be in control of the braking, steering, or propulsion of a vehicle and includes riding.

**Driving Incident Review Committee** – means a committee formed to review circumstances and results of all police pursuits and police collisions, and in addition any incidents of Urgent Duty Driving or operational police driving referred to it.

**Exemption provision** – means for the purposes of state/territory road transport legislation:

Jurisdiction	Statute	Exemption provision
ACT	Road Transport (Safety and Traffic Management) Regulation 2000	s.69 to be read in place of Rule 305 of the <a href="#">Australian Road Rules</a> (ACT)
NSW	Road Rules 2008	Rule 305

**Gross vehicle mass (GVM)** - means the maximum (potential) loaded mass of the vehicle specified by the manufacturer on an identification plate on the vehicle or if there is no specification by the manufacturer on an identification plate on the vehicle or if the specification is not appropriate because the vehicle has been modified, the GVM certified by the ACT Road Transport Authority or its equivalent.

**Police officer** – means\* for the purposes of state/territory legislation:

Jurisdiction	Meaning of 'police officer'	Source
Commonwealth	AFP member	s.4 <i>AFP Act 1979</i>
ACT	Member or special member of AFP	Dictionary, <i>Legislation Act 2001</i> (ACT)
NSW	Member of NSW Police	Dictionary, <i>Road Rules</i>

\* See also definition of *AFP appointee* in this guideline.

**Police vehicle** – means 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, but are not limited to, high speed driving, evasive tactics, or wilfully or otherwise disobeying a direction by a police officer to stop. This definition includes pursuits at all speeds and over any distance or terrain and does not necessarily involve speeds in excess of prescribed speed limits.

A pursuit does not include the time during which a police officer attempts to gain the attention of a motorist during a routine traffic stop by performing an intercept; however, a pursuit does commence from this situation when it becomes clear that the driver of the intercepted vehicle does not intend to stop in a reasonable amount of time.

A reasonable amount of time is an amount of time by which a reasonable person would have been expected to stop when subjected to a routine traffic stop.

A pursuit, in this document, does not relate to a police officer in a vehicle attempting to apprehend a person travelling on foot or on an animal.

**Pursuit Controller** – means a member performing the duties of the Duty Operations Manager or Operations Sergeant deployed to Police Operations at the time of notification of the pursuit.

**Road Transport Legislation** – means those Acts, including the accompanying Regulations, listed in s.6 of the [Road Transport \(General\) Act 1999](#) (ACT).

**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 police officer who forms the intent to stop the vehicle, and ends when the suspect vehicle

stops where and when requested by the police officer, or the situation escalates to a pursuit.

**Secondary unit** – means a police vehicle assisting in a pursuit, usually by following the primary unit.

**Siren** – means an alarm fitted to a police vehicle.

**Terminate** – means to immediately cease the activity and, in the case of a pursuit, cease the pursuit and stop following the fleeing vehicle and return to the applicable speed limit before 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 and includes a type of device referred to as a 'Stop Stick'.

**Urgent Duty Driving (UDD)** – means driving a police vehicle in response to a specific incident or emergency that would ordinarily constitute an offence against the road transport legislation in that jurisdiction, but does not include a routine traffic stop.

**Warning device** – means the lights and/or sirens fitted to a police vehicle.

## 1.4 Guideline Authority

This guideline was issued by the Chief Police Officer for the ACT 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.

## 1.5 Introduction

This guideline outlines the obligations for AFP appointees to balance accountability with empowerment and initiate, facilitate, and consolidate corporate and individual decision making processes in relation to the performance of operational police driving including urgent duty driving and pursuits.

## 1.6 Policy on operational police driving

There are inherent and serious safety risks associated with police officers driving in contravention of road transport legislation in the execution of their duties, especially in connection with attempts to intercept and apprehend drivers who flee from police. The sworn

duty of a police officer to protect life will always have primacy over the need to apprehend offenders, irrespective of the offence that has been committed or the purpose of the interception.

It is preferable to consider other avenues of identifying and/or apprehending fleeing drivers prior to engaging in a pursuit. The primary consideration of police officers engaging in the interception or pursuit of a vehicle must be the safety of the public, bystanders and other road users not involved with the incident, the police officers involved in the incident and the occupants of the vehicle being intercepted and/or pursued. This outlook adopts the philosophy of zero harm: an aspiration to reduce the frequency and severity of mental and physical injuries in and caused by the workplace.

Police officers who choose not to initiate a pursuit, or to abandon a pursuit, will be fully supported by the AFP, even if the decision taken by the police officer results in an offender escaping detention, apprehension or prosecution.

## 1.7 Compliance with road transport laws - Overview

Police officers must comply with the *ACT Road Transport Legislation* when driving in the course of their duties and road transport legislation of NSW when entering that state. Departure from road laws is only permitted where it can be justified by an exemption provision made available by law. The exemption provisions are discussed at Part 2.5 in relation to Urgent Duty Driving and Part 3.11 in relation to pursuits.

Regardless of the jurisdiction from which a road transport exemption provision for police officers emanates, an exemption provision typically requires the following in order for it to be applied:

- the driver of the police vehicle was taking reasonable care, and
- it was reasonable that the offence provision should not apply.

Road transport exemption laws require a driver of a police vehicle to demonstrably bring themselves within the meaning and spirit of the exemption provision in order for it to apply.

Exemption provisions do not apply to serious driving offence provisions including negligent driving, dangerous driving, reckless driving and culpable driving.

Exemption provisions do not preclude members from civil litigation regardless of the application for an exemption provision being upheld.

## 1.8 Compliance with state/territory police governance

AFP operations conducted in the ACT, including those of ACT Policing, are likely to require police officers to enter NSW in the execution of duties including circumstances which warrant Urgent Duty Driving or the pursuit of a fleeing driver.

The performance of operational driving, including Urgent Duty Driving and pursuits, must be in accordance with this guideline and the related NSW Police Force policy when AFP members enter that state.

Where police officers are driving in NSW and there is a clash between the governance of the NSW Police Force and this guideline, the governance of the NSW Police Force has primacy.

## 1.9 Compliance review mechanism

ACT Policing must establish a Driving Incident Review Committee (DIRC).

The purpose of the DIRC is to review all instances where:

- police officers pursue a fleeing driver
- instances of Urgent Duty Driving referred to the committee
- police collisions referred to the committee

For Urgent Duty Driving, Part 2 of this guideline provides the DIRC with authority, establishment, terms of reference, timeliness of reviews and reporting obligations.

For pursuits, Part 3 of this guideline provides the DIRC with authority, establishment, terms of reference, timeliness of reviews and reporting obligations.

## 1.10 Licence classification

The following table illustrates the AFP Driving Permit classifications:

AFP	AFP Permit Classification
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<b>Class</b>	
Class 1	Passenger cars (restricted)
Class 2	Operational police vehicles up to 4.5 tonnes, carrying no more than 12 adults (restricted)
Class 2A	Surveillance
Class 2B	V.I.P. escort vehicle
Class 2C	Patrol cars (including Urgent Duty Driving)
Class 2D	Urgent Duty Driving
Class 3	Four-wheel-drive (up to 4.5 tonnes)
Class 3A	Four-wheel-drive and recovery (up to 4.5 tonnes)
Class 4	Heavy vehicles (exceeding 4.5 tonnes) (restricted)
Class 4A	Heavy four-wheel-drive (exceeding 4.5 tonnes) (restricted)
Class 4B	Articulated vehicle (restricted)
Class 5	Motorcycle (restricted)
Class 5A	Off-road motorcycle (restricted)
Class 5B	Advanced motorcycle
Class 6	Advanced motor vehicle

## 1.11 Vehicle classification

Vehicles used by ACT Policing have been categorised as follows:

<b>Category 1</b>	Most suitable for pursuit and Urgent Duty Driving.
<b>Category 2</b>	Suitable for pursuit and Urgent Duty Driving.
<b>Category 3</b>	Least suitable for pursuit and Urgent Duty Driving.
<b>Category 4</b>	Not an authorised vehicle for pursuits. May be used for Urgent Duty Driving where such response is justifiable and reasonable.
<b>Category 5</b>	Not an authorised vehicle for pursuits. Not an authorised vehicle for Urgent Duty Driving.



Must not breach the road transport laws.
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All vehicles which are permitted to be used for Urgent Duty Driving or pursuits must be fitted with a marking to designate their classification of vehicle category.

It is the responsibility of ACT Policing portfolio managers to ensure that vehicles allocated to their team/s have fitted a marking that designates the category classification of vehicle.

Vehicles not containing a marking to illustrate the classification of vehicle category are to be deemed as a Category 5 vehicle.

Where ambiguity exists about how a vehicle should be classified, a decision to classify a type of vehicle must be made by the CPO.

In the event that a police vehicle is conveying a person other than a police officer the vehicle will be classified as Category 5.

## Category 1 vehicles

A Category 1 vehicle includes:

- a motor vehicle designated as a Category 1 vehicle by the CPO or their delegate and is:
  - a sedan, station wagon or utility, and
  - permanently marked as a police vehicle fitted with fixed warning devices, or
  - an unmarked vehicle fitted with covert or portable warning devices, and
  - being driven by a qualified AFP Class 6 driving permit holder.

If the driver of a Category 1 vehicle does not hold a Class 6 permit, the vehicle is classified as Category 5.

A permanently marked Category 1 vehicle is preferred over an unmarked Category 1 vehicle. Category 1 vehicles are preferred over Category 2 vehicles for pursuit and Urgent Duty Driving.

The delegates of the CPO, in relation to the designation of Category 1 vehicles are:

- Deputy Chief Police Officer – Response, ACT Policing, or
- Superintendent of Traffic Operations, ACT Policing.

## Category 2 vehicles

A Category 2 vehicle includes:

- a vehicle not including Category 3, 4 and 5 vehicles, and that is a police patrol sedan or station wagon, permanently marked as a police vehicle, fitted with fixed warning devices which must be activated for the duration of a pursuit, and unless circumstances warrant, for the duration of any Urgent Duty Driving.

If the driver of a Category 2 vehicle does not hold an AFP Class 2C or AFP Class 6 permit, the vehicle is classified as Category 5.

- a motorcycle designated as a Category 2 vehicle by the CPO or their delegate that is permanently marked as a police motorcycle fitted with fixed warning devices, or is an unmarked motorcycle fitted with covert fixed warning devices that while being ridden by a police officer wearing uniform including a motorcycle helmet to which police marking decals are affixed.

If the rider of a Category 2 motorcycle does not hold a Class 5B permit or is not wearing uniform, the motorcycle is classified as Category 5.

Category 2 vehicles are preferred over Category 3 vehicles for pursuit and Urgent Duty Driving.

## Category 3 vehicles

A Category 3 vehicle is a vehicle not including Category 4 and 5 vehicles, and that is an unmarked sedan or station wagon, fitted with approved warning devices (which includes a portable roof light or covert warning lights) which must be activated for the duration of a pursuit, and unless circumstances warrant, for the duration of any Urgent Duty Driving.

If the driver of a Category 3 vehicle does not hold an AFP Class 2C permit, the vehicle is classified as Category 5.

## Category 4 vehicles

A Category 4 vehicle is a vehicle not including category 5 vehicles and that is:

- a van, passenger van, utility or light rigid vehicle, approved for use as a patrol vehicle by the CPO or their delegate, which is permanently marked as a police vehicle, fitted with fixed warning devices which must be activated for the duration of Urgent Duty Driving unless circumstances warrant, and have been approved by the Duty Operations Manager.
- a caged vehicle, which is permanently marked as a police vehicle, fitted with fixed warning devices which must be activated for the duration of Urgent Duty Driving, unless circumstances warrant, and have been approved by the Duty Operations Manager.
- a four-wheel-drive vehicle (not approved by the CPO or their delegate as a Category 1, 2 or 3 vehicle), either permanently marked as a police vehicle or unmarked and fitted with fixed warning devices which must be activated for the duration of Urgent Duty Driving where circumstances warrant and have been approved by the Duty Operations Manager.
- a motorcycle designed for use as a trail bike.

If the driver of a Category 4 vehicle does not hold an AFP Class 2D, 2C or 6 permit, the vehicle is classified as Category 5.

Category 4 vehicles are not authorised for use during pursuits, however may be used for Urgent Duty Driving where such a response is reasonable and approved by the Duty Operations Manager.

## Category 5 vehicles

A Category 5 vehicle includes:

- a vehicle of a higher Categorisation than the AFP permit or qualification issued to the driver.
- an unmarked vehicle not fitted with warning devices.
- any vehicle with a gross vehicle mass over 4.5 tonnes.
- any medium or heavy rigid vehicle.
- a bus.
- any vehicle towing a caravan or trailer (combination), or carrying a load (other than patrol equipment), whether it be internal or external to the vehicle.
- any vehicle not displaying a classification of vehicle category marking.
- any vehicle carrying persons, including witnesses, offenders and members of the public but not including law enforcement agency partners. Once the passenger/s have exited the vehicle, the vehicle will return to its previous category as per the above vehicle classifications.

Category 5 vehicles are not authorised to conduct pursuits or Urgent Duty Driving.

## 1.12 Hierarchy of AFP Driving Permit and Vehicle Categories

During a pursuit or Urgent Duty Driving event, a police officer driving a higher class of vehicle is preferred over the lower classification.

During a pursuit or Urgent Duty Driving event, where vehicles of the same classification are being utilised, a police officer with a Class 6 or 5B permit is preferred over a Class 2 permit.

## 1.13 Urgent Duty Driving

Part 2 of this guideline refers to governance of Urgent Duty Driving.

## 1.14 Pursuits

Part 3 of this guideline refers to governance of pursuits.

## 1.15 Collisions

Where, as a result of Urgent Duty Driving or a pursuit, a vehicle (police vehicle or otherwise) is damaged or a person is injured, the provisions of the following AFP governance must be applied:

- in the event of serious injury or death:
  - [AFP National Guideline on prohibited drugs, pharmaceutical products and alcohol](#)
- in general:
  - [AFP Practical Guide on critical incidents involving appointees \(ACT Policing\)](#)
  - [AFP National Guideline on persons in custody and police custodial facilities](#)

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## 1.16 Further advice

Any queries relevant to the content of this guideline generally should be referred to the Coordinator - Ministerial, Policy and Performance, ACT Policing.

Any queries specific to the content of Parts 2 and 3 should be referred to the Chair, ACT Policing – Driving Incident Review Committee.

## 1.17 References

### Legislation

- [Australian Federal Police Act 1979](#) (Cth)
- [Australian Road Rules](#) (ACT)
- [Crimes Act 1900](#) (ACT)
- [Police Act 1990](#) (NSW)
- [Road Transport \(General\) Act 1999](#) (ACT)
- [Road Transport \(Safety and Traffic Management\) Act 1999](#) (ACT)
- [Road Transport \(Safety and Traffic Management\) Regulation 2000](#) (ACT)
- [Road Transport \(Vehicle Registration\) Act 1999](#) (ACT)
- [Work Health & Safety Act 2011](#) (Cth).

### AFP governance instruments

- [AFP Commissioner's Order on Operational Safety \(CO3\)](#)
- [AFP Commissioner's Order on Professional Standards \(CO2\)](#)
- [AFP National Guideline on persons in custody and police custodial facilities](#)
- [AFP National Guideline on prohibited drugs, pharmaceutical products and alcohol](#)
- [AFP Practical Guide on deaths \(ACT Policing\)](#)
- [AFP Practical Guide on critical incidents involving appointees \(ACT Policing\)](#)

### Investigator's Toolkit

s37(2)(b)

- [Pursuit controller debrief report](#)
- [Pursuit driver debrief report](#)
- [Use of tyre deflation report](#)

### Case law

- [Australian Capital Territory v Crowley and Commonwealth of Australia and Glen Pitkethly \[2012\] ACTCA 52](#)

- [Bryson v Fensom \[2002\] NTSC 25](#)
- [Horan v Smith, Supreme Court ACT, 23 September 1986 Sec 211\(1\) Motor Traffic Ordinance 1936](#)
- [Norman v Spiers \[2005\] ACTCA 14 \(13 April 2005\)](#)

## Part 2: Urgent Duty Driving

### 2.1 Context

Police are routinely required to respond to calls for assistance and serious criminal incidents in a timely fashion. Legislators have recognised this necessity and have provided police officers with an exemption provision to certain road transport laws which permit police to expedite the process of attending calls for assistance: Urgent Duty Driving.

This guideline provides guidance in relation to the execution of Urgent Duty Driving and demonstrates the obligations to be met per the exemption provisions.

Police owe a duty of care to the community and accordingly the AFP has adopted a zero harm outlook towards driving related policy including this guideline. The duty of care is not only owed to person/s at the incident being responded to, but equally to the community encountered when doing so.

### 2.2 Compliance

Compliance with this Part will be in accordance with Part 1.1.

### 2.3 Application

This Part of the guideline applies to a police officer performing Urgent Duty Driving in the ACT.

The responsibility for the Urgent Duty Driving policy in the ACT rests with the CPO.

The AFP is committed to zero harm in the workplace and in the context of Urgent Duty Driving this includes the safety of police officers, the occupants of any vehicles involved, other road users and the community.

In accordance with this principle:

- Police officers must not initiate or continue an Urgent Duty Driving response unless they believe that the overall harm they are seeking to prevent is greater than the risks involved in conducting the Urgent Duty Driving.
- If an Urgent Duty Driving response is required, the police officers involved must assess the driving against the *Urgent Duty Driving Justification Criteria* at Part 2.6 of this guideline. The *Decision Making Tool - Risk Assessment* at Part 2.7 of this guideline must be continually applied throughout the Urgent Duty Driving incident.
- When the incident no longer meets the criteria for an Urgent Duty Driving response, the Urgent Duty Driving must be immediately terminated or modified.
- Any action taken to limit the risks to public, including offender/s and police, will be based on a decision that displays sound professional judgment and will be supported by the AFP – refer Part 1.6.

## 2.4 Driving Incident Review Committee

ACT Policing must establish a Driving Incident Review Committee (DIRC).

The Terms of Reference, membership, function, powers and reporting obligations of the DIRC can be found in Part 3 of this guideline.

## 2.5 Legislative provisions

Police officers are provided with an exemption provision for *Road Transport Legislation* offences including the [Australian Road Rules \(ACT\)](#) as adopted in the ACT by virtue of s. 69 of the [Road Transport \(Safety and Traffic Management\) Regulation 2000](#) (ACT):

### **s.69 Road Transport (Safety and Traffic Management) Regulation 2000 Exemption for driver of police vehicle—generally**

- An exemption provision does not apply to the driver of a police vehicle if:
  - in the circumstances:
    - the driver is taking reasonable care; and
    - it is reasonable that the provision should not apply, having regard to the road and traffic conditions at the time; and

- if the vehicle is a motor vehicle that is moving—the vehicle is displaying a blue or red flashing light or sounding an alarm.

Note: This section also applies to a rider of a police motorbike (see Road Transport (General) Act 1999, dictionary defines **drive**, **driver**, **ride** and **vehicle**).

- Subsection (1) (b) does not apply to the driver if, in the circumstances, it is reasonable:
  - not to display the light or sound the alarm; or
  - for the vehicle not to be fitted or equipped with a blue or red flashing light or an alarm.
- In this section exemption provision means:
  - the Act, section 5B (Burnouts and other prohibited conduct); or
  - the Act, section 7 (Furious, reckless or dangerous driving), to the extent the section relates to furious or dangerous driving; or
  - part 2.1 (Incorporation into ACT law); or
  - part 2.2 (How the Australian Road Rules are incorporated); or
  - part 2.3 (Additional ACT road rules).

Police officers may only seek to apply the exemption provision if taking reasonable care and it is reasonable that the road rule being breached should not apply in those circumstances.

The exemption provision does not exempt police officers from serious offences and obligations contained in the *Road Transport Legislation*, the [Crimes Act 1900](#) (ACT) and the [Work Health & Safety Act 2011](#) (Cth), nor does it preclude civil litigation and liability.

## 2.6 Urgent Duty Driving Justification Criteria

Police officers must not undertake Urgent Duty Driving unless they possess a current AFP Permit that includes either the classification of 'Urgent Duty Driving' (Class 2C or 2D), 'advanced motorcycle' (Class 5B) or 'advanced motor vehicle' (Class 6).

Urgent Duty Driving may only be undertaken:



- In response to a specific incident or emergency which justifies prompt action; and
- When the circumstances of the incident are sufficiently serious to make that conduct reasonable.

Urgent Duty Driving must be notified to Police Operations at the first available opportunity with the exception of those instances of Urgent Duty Driving associated with a routine traffic stop or other non-urgent breaches of the *Road Transport Legislation*.

Police officers involved in Urgent Duty Driving must use warning devices unless it is reasonable not to do so, in accordance with s. 69 of the [Road Transport \(Safety and Traffic Management\) Regulation 2000](#) (ACT). Police officers must give the best practicable warning (lights and/or sirens) when conducting Urgent Duty Driving.

When approaching an intersection, police officers must slow their vehicle and only enter the intersection when it is safe to do so. Where an intersection is controlled by a traffic control device, including traffic lights or stop and give way signs, the driver must consider whether it is necessary to bring the police vehicle to a complete stop in order to safely enter, cross and exit the intersection. The police officer must provide other road users the opportunity to give way to the police vehicle in an emergency situation.

Referencing Part 1.1 drivers of police vehicles must not engage in Urgent Duty Driving if there are persons other than police officers, police recruits and observers in the police vehicle.

## 2.7 Decision making tool – Risk assessment

The following must apply for Urgent Duty Driving to be initiated or continue:

- The drivers of the police vehicles involved must hold appropriate AFP driving permits or qualifications.
- The police vehicles must be categorised at Category 1, 2, or 3 and in the case of Category 4 vehicles only where such a response is reasonable and approved by the Duty Operations Manager.
- Flashing lights and/or alarms fitted to the police vehicles must be operable and activated unless their use is not warranted in the circumstances in so far as the need to warn of the approaching police vehicle.

- Communications with Police Operations must be activated and clear.

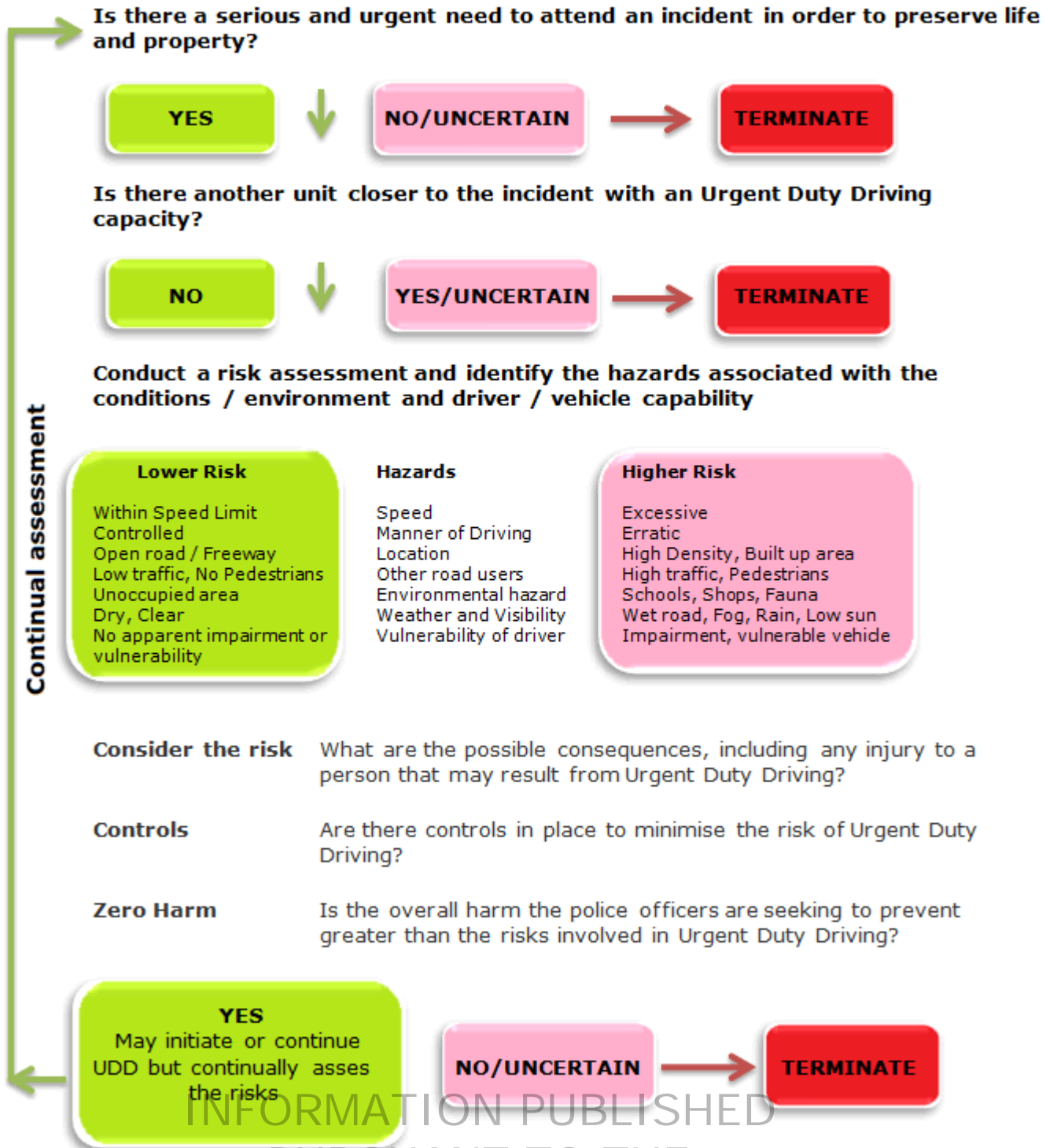
If the above mandatory requirements are met in consideration of deciding to undertake Urgent Duty Driving, the *Decision Making Tool – Risk Assessment* must be adopted.

Apply the following when considering whether to initiate Urgent Duty Driving and continually upon commencing Urgent Duty Driving:

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FREEDOM OF INFORMATION ACT 1982  
(COMMONWEALTH)

INFORMATION PUBLICATION SCHEME (IPS)



The list of hazards described in the *Decision Making Tool – Risk Assessment* is not meant to be exhaustive and a further description of those hazards includes:

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## **1. Speed**

Consider whether the speeds attained by the police vehicle are excessive in relation to the speed limit, the condition, the nature and use of the area.

Consider whether the speed attained significantly alters the time of arrival to the incident.

## **2. Manner of driving**

The driving conduct displayed by police officers must, at all times, comply with the requirements of the legislative exemption provisions and the AFP Driving Manual.

## **3. Location**

Consider the density of buildings, road furniture (light poles, signposts, bus shelters and crash barriers) and other physical objects and nuances in the vicinity or the road or road related area.

## **4. Other road users**

Consider the vehicular and pedestrian traffic in, or likely to be in, the vicinity.

Consider the presence of vulnerable road users in or likely to be in the vicinity of the Urgent Duty Driving.

## **5. Environmental hazard**

Consider the nature and type of use of the area in the vicinity including the prevalence of fauna.

## **6. Weather and visibility**

Consider the impact of weather on the road surface in terms of reduced grip for cornering, braking and accelerating, together with any reduction in visibility for all road-users.

Consider limitations to visibility caused by fog, rain, low sun and street lighting.

## **7. Vulnerability of other road users**

Consider the driving experience and vulnerability of nearby road users, including the vehicle types and modes, safety equipment, and the age or condition of other traffic encountered.

Should the risks associated with any one of these hazards become greater than the value of attending the incident sooner, the Urgent Duty Driving must be terminated or modified.

## **2.8 Urgent Duty Driving - Roles and responsibilities**

## 2.8.1 Driver responsibilities

The driver of a police vehicle undertaking Urgent Duty Driving must, prior to and during Urgent Duty Driving, consider whether appropriate legislative exemption provisions in Part 2.5 can be applied. If the driver can justify Urgent Duty Driving by virtue of the *Urgent Duty Driving Justification Criteria* referred to in Part 2.6 the following will be taken into account when considering the *Decision Making Tool – Risk Assessment* referenced in Part 2.7:

- the classification of the police vehicle in accordance with this guideline
- the proximity of the police vehicle to the incident
- the risks (risk assessment) associated with the activity
- the real or potential danger to police, members of the public or people in the subject vehicle
- the volume of road and pedestrian traffic in the area
- the performance capabilities of the police vehicle
- the experience, competency and AFP licence classification of the driver
- the nature and seriousness of the event precipitating the need for Urgent Duty Driving
- weather and road surface conditions and features of the locality
- the prevalence of fauna.

## 2.8.2 Passenger responsibilities

A police officer who is a passenger in a police vehicle in an Urgent Duty Driving incident must, where possible, assist with the risk assessment and notify the driver of perceived/identified risks to the safety of the occupants of the police vehicle or any other person, will assist with radio communications as required, and may when senior in rank or experience to the driver, direct the termination of the Urgent Duty Driving pursuant to Part 2.9 when the purpose for the driving is outweighed by one or more of the *Urgent Duty Driving Justification Criteria* referred to in Part 2.6 and the *Decision Making Tool – Risk Assessment* in Part 2.7.

## 2.8.3 Police Operations responsibilities

The Duty Operations Manager or the Police Operations team leader together with the applicable radio operator must, during an Urgent Duty Driving incident which has been brought to their attention:

- monitor the Urgent Duty Driving

- actively consider initiatives which will lead to the termination or modification of the Urgent Duty Driving at the earliest opportunity where the purpose of the Urgent Duty Driving is outweighed by one or more of the Urgent Duty Driving Justification Criteria referred to in Part 2.6 and the Decision Making Tool – Risk Assessment in Part 2.7
- ensure a response to any direction to terminate or modify Urgent Duty Driving is recorded in the relevant CAD log.

The Superintendent in charge of Police Operations must ensure appropriate induction and ongoing training for Police Operations personnel in relation to Urgent Duty Driving and police pursuits.

## 2.9 Termination/modification of Urgent Duty Driving

Where the purpose for Urgent Duty Driving is outweighed by one or more of the *Urgent Duty Driving Justification Criteria* referred to in Part 2.6 and the *Decision Making Tool – Risk Assessment* in Part 2.7, the police officer who is the driver of the vehicle involved in the Urgent Duty Driving incident must immediately terminate or modify that manner of driving.

A direction to terminate or modify Urgent Duty Driving may be given by any one of the following police officers:

- the Duty Operations Manager
- a Police Operations team leader
- a police officer of the rank of Sergeant or above
- a police officer on higher duties as an Acting Sergeant
- a senior police officer in the police vehicle engaged in the Urgent Duty Driving.

A police officer who is directed to terminate or modifies Urgent Duty Driving must verbally acknowledge the direction.

In the case of a direction to terminate Urgent Duty Driving, the police officer will cease the activity as soon as it is safe and practicable to do so and return to driving within the provisions of the *Road Transport Legislation*.

In the case of a direction to modify Urgent Duty Driving, the police officer will modify their driving as directed.

## 2.10 Cross border Urgent Duty Driving

Where it is likely that police officers are required to enter New South Wales (NSW) while performing Urgent Duty Driving, ACT

Police Operations must make all reasonable attempts to notify the NSW Police Force and seek permission to continue Urgent Duty Driving until the NSW Police Force terminate or modify the driving.

Police officers involved in Urgent Duty Driving must comply with both their home jurisdiction's driving policy and that of the jurisdiction being entered. Where there is a conflict between those policies, the policy of the jurisdiction being entered must take precedence.

### 2.10.1 Notifications

ACT Police Operations must provide the following information to the NSW Police Force:

- the location and direction of travel of the Urgent Duty Driving
- the purpose of the Urgent Duty Driving
- the driver's Recognised Law Enforcement Officer status within NSW
- the driver's police experience, rank, driving qualification and duty type (e.g. General Duties or Traffic Patrol)
- the classification of the police vehicle involved in the Urgent Duty Driving.

The Duty Operations Manager or Police Operations team leader must report any cross-border Urgent Duty Driving or pursuits to the Superintendent, ACT Police Operations, or in their absence, the on-call duty Superintendent, as soon as practicable.

Where a collision occurs involving any vehicle or person involved in, or as a result of a cross-border pursuit, an investigation must be conducted in accordance with jurisdictional requirements.

### 2.10.2 Permission

If permission cannot be obtained from, or is declined by, the NSW Police Force, the Urgent Duty Driving must be terminated prior to entering NSW, or immediately terminated or modified on receipt of notification from the NSW Police Force.

### 2.10.3 Transfer of ACT Policing Urgent Duty Driving to NSW Police Force

This Part applies when AFP police officers conducting Urgent Duty Driving need to continue that driving into NSW.

Where permission for Urgent Duty Driving is given to continue into NSW, control of the driving must transfer to the NSW Police Force at the moment ACT Policing vehicle/s enter NSW. An appropriate radio channel must be determined by the Duty Operations Manager or Police Operations team leader in consultation with the equivalent in the NSW Police Force.

## 2.10.4 Alignment – AFP Driving Class – NSW

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

<b>AFP Class</b>	<b>AFP Permit Classification</b>	<b>NSW Police Permit Classification</b>
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	Off-road motorcycle (restricted)	N/A



5A		
Class 5B	Advanced motorcycle	Silver
Class 6	Advanced motor vehicle	Silver

## 2.10.5 Transfer of NSW Police Force Urgent Duty Driving to ACT Policing

This Part applies when NSW Police Force members conduct Urgent Duty Driving in the ACT.

NSW Police Force members must be Special Members of the AFP in order to engage in Urgent Duty Driving when entering or traversing the ACT and accordingly they must comply with this guideline.

## 2.11 Further advice

Any queries specific to the content of this Part should be referred to the Chair, ACT Policing – Driving Incident Review Committee.

Any queries relevant to the content of this guideline generally should be referred to the Coordinator - Ministerial, Policy and Performance, ACT Policing.

## Part 3: Pursuits

### 3.1 Context

The AFP will make every effort to identify and apprehend offenders, including drivers who fail to stop when directed; however, a police officer's duty to protect life must always have primacy over the need to apprehend offenders.

There are inherent risks associated with conducting pursuits, including risks to the community and other road users, the occupants of pursued vehicles and to police. Therefore, pursuits must not be the primary means for apprehending and arresting fleeing drivers and may only be conducted in exceptional circumstances.

This policy sets the criteria for conducting pursuits and how police officers must manage the risks involved in order to protect the public and themselves.

Police officers must consider other avenues of investigation or apprehension of offenders prior to engaging in a pursuit. The major considerations of the police officer prior to engaging in a pursuit and thereafter, in contravention of relevant road transport legislation by any party, must be the safety of the public including bystanders and road users not involved with the pursuit, the police officers involved in the pursuit and the occupants of any vehicle being pursued.

Therefore pursuits must not be the primary means of apprehending occupants of fleeing vehicles, and may only be initiated or continued in circumstances where the risk of not initiating or continuing a pursuit outweighs the real and potential risks associated with the pursuit.

Decisions by police officers not to commence a pursuit or to abandon one that has commenced will be supported by the AFP, even if it results in an offender escaping apprehension – refer Part 1.6.

The AFP expects police officers to conduct vehicle intercepts in order to enforce the law and to visibly demonstrate road policing. When a vehicle intercept is initiated and the driver fails to stop when directed, the priority is safety. The AFP is committed to the principle of zero harm in the workplace, and in the context of vehicle intercepts and pursuits this outlook aims to ensure the safety of police officers, the occupants of any vehicles involved, other road users and the community is paramount.

In accordance with this principle:

- Police officers must plan vehicle intercepts and consider alternatives to immediate apprehension if the driver of a vehicle fails to stop when directed.
- Police officers must only initiate or continue a pursuit when they believe that the overall harm they are seeking to prevent is greater than the risks involved in conducting the pursuit.
- In ordinary circumstances, a pursuit must not be initiated for any property or traffic offence, and should not be undertaken in and around school precincts.
- Police officers must consider the *Pursuit Justification Criteria* at Part 3.9 and the *Decision Making Tool – Risk Assessment* at Part 3.12 to determine if a pursuit is authorised, appropriate and in compliance with this guideline.
- If a pursuit is initiated, the police officers involved must assess whether continuing the pursuit is justified by the *Pursuit Justification Criteria* at Part 3.9.
- When a pursuit no longer meets the pursuit criteria, the pursuit must be immediately terminated per Part 3.15.

- When a pursuit is initiated, or continued, that warrants police officer/s driving in contravention of road laws, the police officer/s must qualify for the legislative exemption provision specified in Part 3.11.
- If it becomes unreasonable for the exemption provision to apply to the police officer/s, the pursuit must be immediately terminated per Part 3.15.
- If a pursuit is initiated, the *Decision Making Tool – Risk Assessment* at Part 3.12 must be rigorously applied and continually re-applied throughout the pursuit.
- When a pursuit does not or no longer fulfils the *Decision Making Tool – Risk Assessment* at Part 3.12, the pursuit must be immediately terminated per Part 3.15.
- If a police officer initiating or involved in a pursuit is uncertain whether any of the factors that authorise a pursuit are substantiated, a pursuit must not be initiated or must be immediately terminated.

## 3.2 Compliance with guidelines

Compliance with this Part will be in accordance with Part 1.1.

## 3.3 Application

This Part of the guideline applies to any police officer performing duties in the ACT.

The responsibility for pursuit policy in the ACT rests with the CPO.

## 3.4 Driving Incident Review Committee

ACT Policing will establish a Driving Incident Review Committee (DIRC).

### 3.4.1 Driving Incident Review Committee - membership

The DIRC membership comprises:

- Chair - Deputy Chief Police Officer – Response
- Superintendent Traffic Operations
- Superintendent Judicial Operations
- Superintendent Police Operations
- Superintendents North and South on annual rotating basis
- Station Sergeants (two) on an annual rotating basis to be determined by the Chair
- Any other AFP member by invitation of the Chair.

### 3.4.2 Driving Incident Review Committee – Terms of Reference

The Terms of Reference of the DIRC are:

#### **Analysis and assessment**

- The DIRC must undertake a review for all instances of:
  - Police officer/s pursuing a fleeing driver
  - Urgent Duty Driving matters referred to the committee by the ACT Policing Operations Sub-Committee (OSC)
  - Pursuit related collisions involving AFP vehicles or AFP members performing official duties in concert with any formal collision and/or Critical Incident investigation taking place
- Analysis and review undertaken by the DIRC is not intended to usurp or replace any formal investigation of a matter by ACT Policing and AFP Professional Standards.
- The purpose of analysis and review by the DIRC is to examine the adequacy of, and compliance with, this guideline, to determine if managerial action is warranted.
- The DIRC must report to the ACT Policing - Operations Committee (OC) fortnightly on trends, patterns or issues.

#### **Referral process for Urgent Duty Driving matters**

- Incidents of Urgent Duty Driving warranting review by the DIRC must be raised through an ACT Policing Operations Sub-Committee (OSC) member.
- The OSC member with whom the Urgent Duty Driving matter is raised will refer the matter to the OSC Secretariat to be marked as an Agenda Item for consideration by the committee at the next available OSC meeting.
- The OSC will:
  - return the matter to the workplace to which the Urgent Duty Driving matter relates for remediation by the relevant OSC member/workplace manager, and
  - the matter will remain on the OSC agenda until the OSC is advised and satisfied the matter has been appropriately treated, and
  - if the matter is unable to be effectively managed within the workplace following the workplace management process, refer the matter to the DIRC, or

- if the circumstances of the matter warrant, the OSC may circumvent the workplace management approach and refer the matter directly to the DIRC.
- Referral of Urgent Duty Driving matters by the OSC to either the relevant OSC member/workplace manager or the DIRC will be undertaken by the OSC Chair or an OSC member nominated by the Chair.

### **Quarterly reporting**

- The DIRC must meet at least quarterly to conduct a broad analysis of all police pursuits over the previous reporting period, and provide the CPO with a written report regarding trends, training issues, welfare or personnel management matters.
- The Chair of the DIRC may invite other AFP member to the quarterly review meetings to assist the committee.

### **Critical Incident reporting**

- The DIRC will provide a written report in accordance with the [AFP Practical Guide on critical incidents involving appointees \(ACT Policing\)](#), to the Deputy Chief Police Officer – Response following any Critical Incident resulting from a police pursuit.
- In addition to the role of Chair – DIRC, the Deputy Chief Police Officer – Response will report to the CPO on any Critical Incident resulting from a police pursuit.
- At any other time where the DIRC considers it necessary to report on a review of a police pursuit, the DIRC will provide a written report to the Deputy Chief Police Officer – Response.
- In addition to the role of Chair – DIRC, the Deputy Chief Police Officer – Response will report to the CPO as necessary.

### **Power to sanction**

- Where necessary, the DIRC may:
  - identify and remedy any training shortfalls or requirements of an AFP member
  - suspend, cancel or modify an AFP member's driving authority
  - place conditions on an AFP member's driving authority
  - cause an AFP member to undergo a driving re-assessment
  - cause an AFP member to undergo driver training
  - issue any other sanction deemed appropriate in relation to the use of AFP vehicles by an AFP member, including

recommendations regarding the suitability for employment of AFP members who deliberately or recklessly depart from this guideline

- recommend to the CPO any of the above sanctions
- recommend to the CPO an amendment to this guideline or other AFP governance relating to the use of AFP vehicles, including this guideline.

The sanctions that can be imposed by the DIRC do not negate the ability of workplace managers to similarly sanction the driving of police vehicles by AFP members coming under the command of that manager, and may include limitations, modifications and suspensions on the driving of police vehicles.

Sanctions imposed by workplace managers upon AFP members should ideally be short-term and used as a means to efficiently manage the driving conduct warranting the sanction. Longer-term sanctions including those of unspecified or undermined length will require the consideration and endorsement by the DIRC.

### 3.5 Intercepting vehicles

When planning to intercept a vehicle police officers should, where practicable:

- conduct all available checks on the vehicle and/or driver before attempting the intercept
- consider whether assistance is required to intercept the vehicle and explore alternative options to an intercept, particularly if intelligence suggests that the driver may refuse to stop
- consider safety and apply tactical awareness when selecting an appropriate location to conduct an intercept
- consider how to respond if the vehicle fails to stop – refer Part 3.7.

### 3.6 Giving a direction to stop

Prior to the implementation of this guideline, police officers were empowered to direct the driver of a vehicle to stop by virtue of s. 109 of the [Road Transport \(Safety and Traffic Management\) Regulation 2000](#) (ACT).

The *Road Transport Legislation Amendment Bill 2016* (RTLAB) has amended this provision, and has moved the police power, driver obligation and driver offence provision to s.5C of the [Road Transport \(Safety and Traffic Management\) Act 1999](#).

A direction to stop may include:

- verbal direction, giving hand signals or displaying signs to the driver
- the police vehicle flashing headlights, activating the red and blue flashing lights or sounding the alarm, siren or other warning device.

After giving a direction to stop, police officers must allow the driver to stop as soon as practicable, that is, within a reasonable time, distance and/or appropriate safe location. Where it appears that the direction may not have been understood, consider alternative methods of issuing the direction.

This provision provides the police powers and driver offence provisions for pursuit related conduct and is not to be confused with Rule 304 [Australian Road Rules](#) (ACT) for police powers and the offence provision for the direction of traffic generally.

### 3.7 Responding to a vehicle that fails to stop

After a direction to stop is given and the police officer believes the driver is taking deliberate action to avoid being stopped, they must determine the most appropriate action to take and either:

- discontinue the intercept and immediately notify ACT Police Operations of the details of the vehicle and the circumstances, or
- commence a pursuit and continue to follow the vehicle if the *Pursuit Justification Criteria* are met.

Where the intercept is discontinued, the police officer must notify Police Operations of the failure to stop and the action taken by the police officer.

### 3.8 Pursuit requirements

Per Part 1 of this guideline, all of the following must apply for a pursuit to be initiated or continue:

- the police driver must hold a current and unexpired Class 2C, Class 2D, Class 5B or Class 6 AFP Driving Permit
- only Category 1, 2, and 3 vehicles may be used as a primary or secondary unit
- occupants of pursuing police vehicles must be police officers
- for a cross-border (pursuit into NSW), the police officer must be a *Recognised Law Enforcement Official* for NSW

- communications, flashing lights and alarm must be fitted, operable and activated at all times.

### 3.9 Pursuit Justification Criteria

Police officers must only initiate or continue a pursuit when they believe that:

- there is an urgent need to apprehend the vehicle occupant/s because:
  - it is necessary to prevent an immediate or ongoing serious risk to public health and safety
  - or
  - an offence has been committed which involved serious injury to or death of a person
  - or
  - an offence is about to be committed which involves serious injury to or death of a person
  - and
  - alternative means for apprehending the vehicle occupant/s are not feasible
  - and
  - the overall harm they are seeking to prevent is greater than the risks involved in conducting the pursuit.

When assessing whether alternative responses to immediate apprehension are feasible, considerations include whether:

- the driver needs to be apprehended immediately, given the nature of the offence or the threat or demonstrated behaviour exhibited
- and
- a planned approach is possible, likely to be safer and more effective (e.g. where the identity of the fleeing driver or occupant/s is known, or additional resources are required to be mustered prior to attempts at interception).

Each police officer involved in a pursuit must apply the *Decision Making Tool – Risk Assessment* at Part 3.12 when initiating or continuing a pursuit.

Referencing Part 1.1 drivers of police vehicles must not engage in pursuits if there are persons other than police officers and police recruits in the police vehicle.

### 3.10 When must a pursuit not be conducted



Police officers must not commence a pursuit or must terminate the pursuit:

- where the *Pursuit Justification Criteria* set out in Part 3.9 does not apply
- in ordinary circumstances, a pursuit must not be initiated for any property or traffic offence
- if there is no urgent need to apprehend the vehicle occupant/s because:
  - there is no immediate or ongoing serious risk to public health and safety and
  - no offence has been committed, or is about to be committed, which involves serious injury to, or the death of, a person
- when there are feasible alternative means for apprehending the vehicle occupant/s
- when the overall harm the police officers are seeking to prevent is not greater than the risks involved in conducting the pursuit.

### 3.11 Legislative provisions

Police officers are provided with an *exemption provision* for *Road Transport Legislation* (RTL) offences including the [Australian Road Rules](#) (ACT) by virtue of s.69 of the [Road Transport \(Safety and Traffic Management\) Regulation 2000](#) (ACT):

#### **s.69 Road Transport (Safety and Traffic Management) Regulation 2000** **Exemption for driver of police vehicle—generally**

- An exemption provision does not apply to the driver of a police vehicle if:
  - in the circumstances:
    - the driver is taking reasonable care; and
    - it is reasonable that the provision should not apply, having regard to the road and traffic conditions at the time; and
  - if the vehicle is a motor vehicle that is moving—the vehicle is displaying a blue or red flashing light or sounding an alarm.

Note: This section also applies to a rider of a police motorbike (see [Road Transport \(General\) Act 1999](#) (ACT), dictionary defines **drive**, **driver**, **ride** and **vehicle**).

- Subsection (1) (b) does not apply to the driver if, in the circumstances, it is reasonable:
  - not to display the light or sound the alarm; or
  - for the vehicle not to be fitted or equipped with a blue or red flashing light or an alarm.
- In this section **exemption provision** means:
  - the Act, section 5B (Burnouts and other prohibited conduct); or
  - the Act, section 7 (Furious, reckless or dangerous driving), to the extent the section relates to furious or dangerous driving; or
  - part 2.1 (Incorporation into ACT law); or
  - part 2.2 (How the Australian Road Rules are incorporated); or
  - part 2.3 (Additional ACT road rules).

Police officers may only seek to apply the exemption provision if taking reasonable care and it is reasonable that the road rule being breached should not apply in those circumstances.

The offences committed by the driver of the fleeing vehicle are not justification for the pursuing police officers to engage in similar driving behaviour.

The exemption provision does not exempt police officers from serious offences and obligations contained in the *Road Transport Legislation*, the *Crimes Act 1900* and obligations and the *Work Health & Safety Act 2011 (Cth)*, nor does it preclude civil litigation or liability.

### 3.12 Decision Making Tool – Risk Assessment

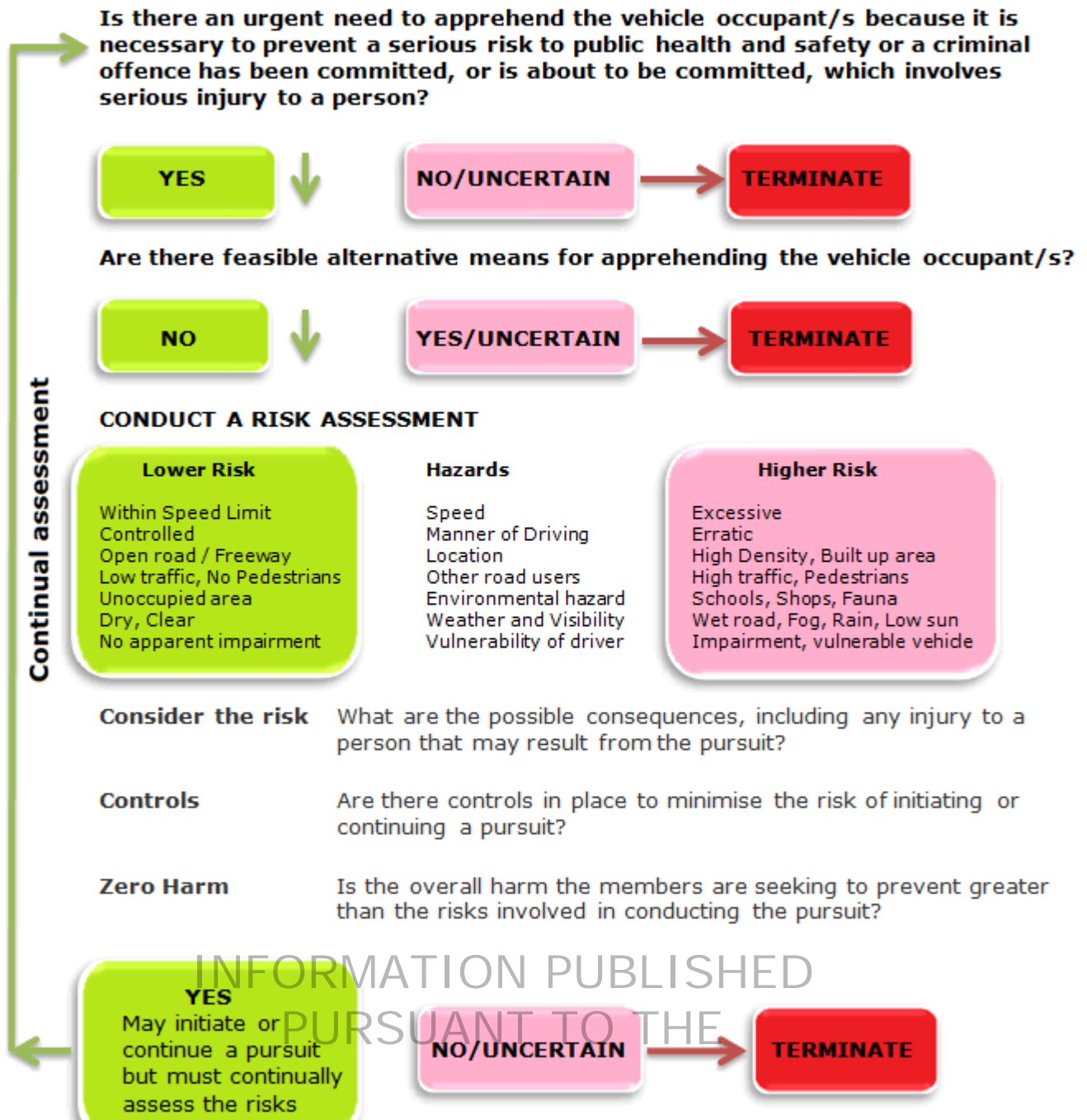
The following must apply for a pursuit to be initiated or continue:

- The drivers of the police vehicles involved must hold appropriate AFP driving permits or qualifications.
- The police vehicles must be categorised at category 1, 2 or 3.
- Flashing lights and/or alarms fitted to the police vehicles must be operable and activated.

- Communications with Police Operations must be activated and clear.

Apply the following when considering whether to initiate a pursuit and continually throughout a pursuit:

**Pursuits – Decision making tool and risk assessment**  
**Mandatory requirements**



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The list of hazards depicted in the *Decision Making Tool – Risk Assessment* is not meant to be exhaustive and a further description of those hazards includes:

### **1. Speed**

Consider whether the speeds attained by the fleeing driver and pursuing police are excessive in relation to the speed limit or the nature and use of the area in the vicinity of the pursuit.

### **2. Manner of Driving**

Consider whether the driving behaviour of the fleeing driver is controlled, erratic or dangerous.

### **3. Location**

Consider the density of buildings, road furniture (light poles, signposts, bus shelters and crash barriers) and other physical objects and nuances in the vicinity or the road or road related area.

### **4. Other road users**

Consider the vehicular and pedestrian traffic in or likely to be in the vicinity of the pursuit.

Consider the presence of vulnerable road users in or likely to be in the vicinity of the pursuit.

### **5. Environmental hazard**

Consider the nature and type of use of the area in the vicinity including the prevalence of fauna.

### **6. Weather and visibility**

Consider the impact of inclement weather upon the road surface in terms of reduced grip for cornering, braking and accelerating, together with any reduction in visibility for all road-users caused by inclement weather.

Consider limitations to visibility caused by fog, rain, low sun and street lighting.

### **7. Vulnerability of driver**

Consider the likelihood of intoxication or impairment of the fleeing driver.

Consider the driving experience of the fleeing driver.

Consider the vulnerability of the fleeing driver and occupants of the vehicle being pursued by vehicle type, safety equipment, and vehicle age or vehicle condition.

If the risks associated with any one of these hazards becomes greater than the value of apprehending the occupant/s of a fleeing vehicle, a pursuit will not be commenced or it will be immediately terminated.

## 3.13 Roles and responsibilities

### 3.13.1 General responsibilities

Police officers must only initiate or continue a pursuit when:

- they have justified the pursuit within the Pursuit Justification Criteria outlined at Part 3.9
- they have followed the Decision Making Tool – Risk Assessment at Part 3.12
- warning devices are operable and activated for the duration of the pursuit as required at Part 3.8.

When approaching an intersection, police officers must slow their vehicle and only enter the intersection when it is safe to do so. Where an intersection is controlled by a traffic control device, including traffic lights or stop and give way signs, the driver must consider whether it is necessary to bring the police vehicle to a complete stop in order to safely enter, cross and exit the intersection.

### 3.13.2 Pursuit Controller

The Pursuit Controller must control and coordinate the pursuit.

The Pursuit Controller must not direct a police officer to instigate, commence, continue or re-commence a pursuit.

Upon notification of a pursuit, the Police Operations - Duty Operations Manager (DOM) or Operations Sergeant must adopt the role of Pursuit Controller and immediately begin the control and coordination of police officers involved for the duration of a pursuit.

The control and coordination of a pursuit includes:

- Direct monitoring of the radio transmissions between the police officers involved in the pursuit and Police Operations.
- Conduct an immediate and ongoing assessment of the reason for the pursuit to ensure that a pursuit initiated or continued is authorised pursuant to the *Pursuit Justification Criteria* at Part 3.9.

- Conduct an immediate and ongoing assessment of the risks involved to ensure that a pursuit qualifies against the *Decision Making Tool - Risk Assessment* in Part 3.12.
- Ensure the *pursuit warning* is read to, and acknowledged by, the police officers involved in the pursuit when a pursuit is initiated and again if the s37(2)(b) are reached at Part 3.15.1.
- Re-affirm the identity of the primary unit and if present, the identity of the secondary unit, and advise other police officers not to engage in the pursuit.
- The Pursuit Controller may approve and assign additional backup or support police vehicles to assist the primary and secondary units based upon an analysis of:
  - the reason for which the pursuit was commenced
  - the number of offenders and propensity for violence
  - the number of police officers necessary to safely effect an arrest at the conclusion of the pursuit
  - the number of police officers in primary and secondary units
  - any injuries sustained by occupants of the primary or secondary units
  - any damage to the primary or secondary unit vehicles
  - any other factors that would justify adding more than the primary and secondary units.
- Identify any qualified Class 5B or 6 AFP Driving Permit holders who are driving Category 1 or 2 vehicles who may be eligible to readily become the primary unit and attempt to utilise those members as soon as is practicable.
- Whenever possible and appropriate, authorise the deployment of tyre deflation device/s. Considerations for the deployment of tyre deflation devices are outlined at Part 3.15.2 of this guideline in addition to the s37(2)(b)
- Where a decision is taken to deploy a tyre deflation device, other patrols should be utilised to direct traffic away from the deployment site and whenever possible the Pursuit Controller must:
  - authorise a police officer approved by the s37(2)(b) as the deployment officer

- ensure all police officers in the vicinity to be advised of the authorisation for the use of a tyre deflation device
  - continue the co-ordination of the pursuit
  - if necessary, ensure other emergency service organisations are notified of the tyre deflation device deployment site.
- At the commencement of a pursuit, the Pursuit Controller must ensure a CAD field incident is created and allocated to the primary unit.
- At the conclusion of a pursuit, the Pursuit Controller must complete a [Pursuit Controller Debrief Report](#).
- At the conclusion of a pursuit, the Pursuit Controller must ensure the Pursuit Controller Debrief Report is loaded into the case log of the relevant PROMIS incident via the relevant Case Note Entry.
- At the conclusion of a pursuit, the Pursuit Controller must ensure the appropriate incident type is selected for the CAD/PROMIS job.
- At the conclusion of a pursuit, the Pursuit Controller must ensure the field Police Pursuit is selected in the PROMIS special category field.
- At the conclusion of the pursuit, the Pursuit Controller must ensure the Pursuit Controller Debrief Report is brought to the attention of the Superintendent Police Operations via a PROMIS tasking.
- At the conclusion of a pursuit, the Pursuit Controller must ensure the audio recording, together with any vehicle location data, is appropriately saved and secured in preparation for subsequent review.
- The obligations of the Pursuit Controller must be completed prior to ceasing duty.

### 3.13.3 Police Operations

A radio operator who is made aware of a pursuit must immediately notify the DOM of the incident and must broadcast the *pursuit warning* to the pursuing vehicle.

**Pursuit warning:** “If the pursuit does not meet the criteria and does not meet the risk assessment you are to terminate immediately. Do you understand?”

The radio operator must provide the Pursuit Controller with all relevant information surrounding the pursuit, which includes details provided by the driver of the primary unit referred to in Part 3.13.4.

Only the Pursuit Controller can authorise for other patrols to assist with a pursuit.

ACT Police Operations may request all other police officers to cease use of the channel for unrelated matters. Police officers must stand-down communications if directed unless the communication they wish to make is urgent and warrants breaching the stand-down direction.

### 3.13.4 Primary unit

The principal responsibility for the initiation and conduct of a pursuit rests with the police officer driving the primary unit.

The driver of the primary unit must:

- drive in a manner that prioritises the safety of the public and
- comply with any directions of the Pursuit Controller including a direction to terminate the pursuit.

Prior to initiating a pursuit, the driver of the primary unit must ensure the *Pursuit Justification Criteria* outlined at Part 3.9 is achieved.

Prior to initiating or continuing a pursuit, the driver of the primary unit must assess and continue to re-assess the risks associated with the conduct of the pursuit in accordance with the *Decision Making Tool – Risk Assessment* outlined in Part 3.12.

When a pursuit is commenced, a police officer in the vehicle must notify ACT Police Operations of the:

- reason for the pursuit
- vehicle description and registration number if available
- location and direction of the offending vehicle
- progress of the pursuit
- speed of the offending vehicle
- relevant speed limit
- traffic conditions
- road conditions



- weather conditions
- category of the vehicle being driven by the police officer
- class of AFP Driving permit/driving qualification held by the driver/s of the police vehicle/s.

At regular intervals, a police officer in the vehicle must notify ACT Police Operations of:

- progress of the pursuit
- speed of the offending vehicle
- relevant speed limit
- traffic conditions
- road conditions
- disobedience by the fleeing driver of traffic controls and signals including the traffic lights, stop signs, give-way signs and pedestrian crossings that bring the fleeing vehicle into conflict or contra-flow with other traffic.

No more than two police vehicles (the primary and secondary units) are to be involved in a pursuit, unless additional units are directed to do so by the Pursuit Controller.

All vehicles involved in a pursuit must maintain a safe distance between each vehicle.

Where a vehicle commences a pursuit, that vehicle must relinquish the primary role immediately upon participation of a vehicle which falls into a higher vehicle classification or AFP driving permit class as outlined in Parts 1 and 3.8 of this guideline.

Following the conclusion of a pursuit, the driver of the primary unit must:

- complete a [Pursuit Driver Debrief](#) report
- ensure the Pursuit Driver Debrief report is loaded into the case log of the relevant PROMIS incident via the relevant Case Note Entry
- ensure the appropriate Confirmed Incident Type is selected for the PROMIS job
- ensure the field Police Pursuit is selected in the PROMIS special category field
- submit a Management Significant Entry in PROMIS.

### 3.13.5 Passenger (primary unit)

A police officer who is a passenger in a police vehicle involved in a pursuit must, where possible, assist with the *Decision Making Tool* –

*Risk Assessment* at Part 3.12 and in doing so, notify the driver of perceived/identified risks to the safety of the occupants of the police vehicle, the fleeing vehicle and members of the public.

A police officer who is a passenger in a police vehicle involved in a pursuit, should assist with radio communication as required and if senior in rank or experience to the driver, may direct the pursuit be immediately terminated when the purpose for the driving is outweighed by one or more of the *Pursuit Justification Criteria* at Part 3.9 or the *Decision Making Tool – Risk Assessment* at Part 3.12.

### 3.13.6 Secondary unit (driver and/or passenger)

The driver and/or passenger of the secondary unit must notify ACT Police Operations when they have taken up position of the secondary unit and:

- maintain a position to the rear of the primary unit at a safe distance
- if not provided by the primary unit, inform ACT Police Operations of the speed, direction, environmental conditions, vehicle description and any other relevant information
- continue the pursuit until replaced as the secondary unit, the vehicle is safely intercepted, or the pursuit is terminated or otherwise resolved
- continually monitor the situation using the Decision Making Tool – Risk Assessment at Part 3.12
- if at any time the risk outweighs the objective:
  - recommend to the Pursuit Controller that the pursuit be terminated, or
  - if senior to or more experienced than the member/s in the primary unit, direct that the pursuit be terminated
- maintain constant radio communications if the primary unit is unable to do so
- maintain constant radio communications if requested to do so
- upon termination of the pursuit, acknowledge the directive and advise of the last known location, direction and any other identifying details of the fleeing vehicle.

### 3.13.7 Team Leaders (non-Police Operations)

The team leader of a police officer/s involved in a pursuit must continually monitor and assess the risks of the pursuit (regardless of where the pursuit commenced). If at any time the risks outweigh

the objective, the team leader must direct that the pursuit be terminated in accordance with Part 3.15, and:

- ensure the police officer/s involved comply with the appropriate guidelines (including de-brief and reporting requirements)
- conduct a debrief of the incident with the police officer/s before the end of the police officer/s shift
- provide advice to the Pursuit Controller on any other matter relevant to the pursuit
- in incidents where the vehicle was driven at a high speed for an extended period, heavy braking occurred during the pursuit, or rough or irregular road surfaces were traversed, consider a mechanical inspection prior to the vehicle being returned to service
- if a mechanical inspection is carried out, ensure that a record is made in the vehicle's log book
- ensure a Case Note Entry is made within the relevant PROMIS case indicating if a mechanical inspection was undertaken or not, and record all relevant details.

### 3.13.8 Non-involved AFP members

AFP members not involved in a pursuit must refrain from any non-pursuit related or non-urgent radio communication.

If police officers not involved in a pursuit are in the immediate area and able to assist, they may notify ACT Police Operations and await instruction. These police officers must not become involved in the pursuit unless directed to do so by the Pursuit Controller and must follow all directions given by ACT Police Operations.

### 3.14 Overtaking

Unless extreme circumstances warrant, police vehicles must not travel parallel to the pursuit on an adjacent street, nor draw level with, or attempt to overtake the fleeing vehicle unless approved by the Pursuit Controller.

This applies equally to primary and secondary units and all other police vehicles including police officers attempting to gain position to deploy tyre deflation devices.

### 3.15 Termination

A pursuit must be terminated when the risk associated with apprehending the fleeing driver exceeds the overall harm the police

officers are seeking to prevent – refer *Pursuit Justification Criteria* at Part 3.9.

Police officers involved in a pursuit must continually assess and reassess the *Pursuit Justification Criteria* at Part 3.9 and where the criteria is no longer upheld, a pursuit must be terminated immediately.

Police officers involved in a pursuit must continually assess and reassess the *Decision Making Tool – Risk Assessment* at Part 3.12 and where the responses to the considerations raised by the risk assessment do not support the continuance of a pursuit are or become uncertain, a pursuit must be immediately terminated.

### 3.15.1 Authority to terminate a pursuit

A direction to terminate a pursuit may be given by:

- the driver of a pursuing police vehicle
- a police officer in a pursuing police vehicle who is senior in rank or experience to the driver
- a member performing the duties of a Sergeant or a higher rank
- the Pursuit Controller.

Any decision by a Pursuit Controller to terminate a pursuit is final and cannot be overridden.

A pursuit must not be re-initiated unless authorised by the Pursuit Controller.

The Pursuit Controller must, when considering a request to re-initiate a pursuit, only authorise the re-initiation if there is information that sufficiently alters the circumstances of the decision to terminate and complies with the *Pursuit Justification Criteria* at Part 3.9 and the *Decision Making Tool – Risk Assessment* at Part 3.12.

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3. There are other reasonable means available for police to identify or apprehend the occupant/s of the fleeing vehicle.

4. The identity of the fleeing vehicle's occupant/s is established and there is no immediate or ongoing threat to public safety by allowing them to remain at large.

5. There are malfunctions with police equipment and/or damage to the police vehicle involved in a pursuit that makes the pursuit too hazardous to continue.

6. The pursuing police lose radio contact with ACT Police Operations.

7. Whether it would be practicable to terminate the pursuit with the use of tyre deflation devices.

8. The distance between the pursuing police vehicle/s and the fleeing vehicle is so great that further pursuit is futile.

9. The pursuit enters or is about to enter NSW and contact with the NSW Police Force Communications cannot immediately be established to authorise and pass control of the pursuit per Part 3.17.1-4 inclusive.

Upon a direction to terminate a pursuit, pursuing police officers must immediately verbally acknowledge the direction with the Pursuit Controller and terminate the pursuit as soon as practicably safe to do so.

If the pursuing police officer/s terminate a pursuit, they must immediately verbally notify the Pursuit Controller of the termination, and provide the reason/s for the termination.

Upon termination of a pursuit, pursuing members must carry out a visual safety inspection of the police vehicle when it is safe to do so. While leaving the engine running to continue engine and brake cooling, the visual inspection will include:

- engine bay and ground underneath to detect excessive coolant loss
- tyres and rims of the vehicle for damage
- body of the vehicle, particularly if contact with another vehicle or object has or may have occurred during the pursuit.

### 3.15.2 Forcible termination of a pursuit

Members engaged in a pursuit must not attempt to forcibly stop the fleeing vehicle, other than by the authorised use of a tyre deflation device, unless immediate intervention is necessary in response to an imminent threat of loss of life or serious injury.

Road blocks, with the exception of the deployment of tyre deflation devices, must not be used without approval from a police officer performing the duties of Superintendent or above, and then only as a last resort in response to an imminent threat of loss of life or serious injury.

Police officers must not deploy tyre deflation devices in a pursuit without the authority of the Pursuit Controller and they must comply with the

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## 3.16 PROMIS and CAD - recording of incident

PROMIS and CAD recording are outlined in Part 3.16 – Roles and responsibilities.

When the occupants of the vehicle are not identified, the police officer assigned the PROMIS case (the informant) must conduct an investigation to attempt to identify the occupants.

The results of the informant's investigation must be reported to the *Driving Incident Review Committee* to assist the committee to complete their analysis and assessment, recording and reporting obligations per Part 3.4.2.

Results of investigations will be recorded by the informant in the applicable PROMIS case and the *Driving Incident Review Committee* will be notified by way of a PROMIS task.

## 3.17 Cross border pursuits

Where it is likely that a pursuit will cross into New South Wales (NSW), ACT Police Operations must make all reasonable attempts to notify the NSW Police Force and seek permission to continue the pursuit until the NSW Police Force take carriage of or decide to terminate the pursuit.

Police officers involved in pursuit driving must comply with both their 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 must take precedence.

### 3.17.1 Notifications

ACT Police Operations must provide the following information to the NSW Police Force:

- the location and direction of travel of the fleeing vehicle
- speed of fleeing vehicle
- prevailing speed limit
- a description of the fleeing vehicle
- driver's Recognised Law Enforcement Officer status within NSW
- driver's police experience, rank, driving qualification and duty type (e.g. General Duties or Traffic Patrol)
- the classification of the police vehicle involved in the pursuit
- the reason for the pursuit.

### 3.17.2 Permission

If permission cannot be obtained from, or is declined by the NSW Police Force, the pursuit must be terminated prior to entering NSW, or immediately on receipt of notification by the NSW Police Force to terminate.

### 3.17.3 Transfer of ACT Policing pursuits to NSW Police Force

Where permission for a pursuit is given to continue into NSW, control of the pursuit must transfer to the NSW Police Force at the moment the first pursuing ACT Policing vehicle enters NSW. An appropriate radio channel must be determined by the Pursuit Controller in consultation with the equivalent in the NSW Police Force.

Where a pursuit continues into NSW, no more than two ACT Policing vehicles may continue the pursuit. When a suitable NSW Police Force vehicle joins the pursuit it must take primary unit responsibility and one AFP vehicle must remain as a secondary unit. When a second or subsequent NSW Police vehicle joins the pursuit, police officers must terminate all pursuit response.

### 3.17.4 Alignment – AFP Driving Class – NSW

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

<b>AFP Class</b>	<b>AFP Permit Classification</b>	<b>NSW Police Permit Classification</b>
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

### 3.17.5 Transfer of NSW Police Force pursuits to ACT Policing

This section applies when NSW Police Force members pursue a fleeing vehicle in the ACT.

NSW Police Force members must be Special Members of the AFP in order to engage in pursuits in the ACT and accordingly they must comply with this guideline.

The Pursuit Controller must report any cross-border pursuit driving to the Superintendent, ACT Police Operations, or in their absence, the on-call duty Superintendent, as soon as practicable.

Where a collision occurs involving any vehicle or person involved in, or as a result of a cross-border pursuit, an investigation must be conducted in accordance with jurisdictional requirements.

### 3.18 Further advice

Any queries specific to the content of this Part should be referred to the Chair, ACT Policing – Driving Incident Review Committee.

Any queries relevant to the content of this guideline generally should be referred to the Coordinator - Ministerial, Policy and Performance, ACT Policing.

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