



Home Office

The Law, Guidance and Training Governing Police Pursuits

Government response

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Introduction and contact details

This document is the post-consultation report for the consultation paper, The Law, Guidance and Training Governing Police Pursuits: Current Position and Proposals for Change.

It will cover:

- The background to the consultation;
- a summary of the consultation responses;
- a detailed response to the specific questions raised in the consultation; and
- the next steps following the consultation.

The consultation paper is available at: www.gov.uk/government/consultations/police-pursuits

This report is also available at: www.gov.uk/government/consultations/police-pursuits

Alternatively, copies of this report and the consultation paper can be obtained by contacting the Police Powers Unit at the address below:

Police Pursuits Consultation
Police Powers Unit
6th Floor,
Fry building,
2 Marsham Street,
SW1P 4DF

Email: RoadTraffic@homeoffice.gov.uk

Alternative format versions of this publication can be requested from the Home Office (using contact details above).

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

Background

1. In September 2017, the Minister for Policing and the Fire Service, Rt Hon Nick Hurd MP, commissioned Home Office officials to lead a review of the law, guidance, procedures and processes surrounding police pursuits, with a particular focus on identifying the reasons why the current legal framework is seen as falling short; identifying options for improvement; and developing recommendations.
2. While the existing exemptions apply across the emergency services, the Terms of References of the Review did not include considering whether to extend any change to the fire and rescue and ambulance services – or indeed to the broader range of other organisations and purposes that have been granted a degree of exemption under road safety legislation.
3. Road traffic law generally applies in a uniform way across Great Britain – there is a separate body of legislation applicable to Northern Ireland. The police are subject to the same offences of careless and dangerous driving as all other drivers; those offences are committed when any person drives in a way that is below (careless) or far below (dangerous) what would be expected of a competent and careful driver.
4. The consultation paper *The Law, Guidance and Training Governing Police Pursuits: Current Position and Proposals for Change* was published on 22 May 2018. It invited comments on reforms to emergency service exemptions from certain aspects of road traffic law, the tests set out in the Road Traffic Act 1988 for the offences of careless and dangerous driving, police guidance and training; include both pursuit and response driving.
5. The consultation paper published the initial findings of our review of the legislation, guidance and practice surrounding the police's pursuit of suspected criminals seeking views on future options in this area.

Issues set out in the consultation and potential future action included:

- considering whether any legislative change should apply only to police pursuits or to police response driving as well
- whether to revise the various exemptions from certain areas of road traffic legislation to make them clearer and more consistent
- amending the definitions in the offences of careless and dangerous driving to take account of the training and experience of police drivers
- making clear that a suspect being pursued is responsible for their own decision to drive dangerously and that blame should not be attached to the pursuing police officer

Summary of responses

Respondents

The Home Office received 383 responses to the consultation on The Law, Guidance and Training Governing Police Pursuits; 376 by email and seven responses by post. Of these responses, the largest group (222) were from those describing their organisation or professional interest as “Police Force”. A further 89 responses were anonymous and the remainder were from a range of organisations, including members of the public, government departments, Police and Crime Commissioners, voluntary sector, community organisations and victim’s groups, and representative bodies.

Geographically, responses were received from across the country, the highest response levels were from Greater London (30.5%) the South East of England (8.9%) and the East of England (7.3%). West Midlands provided (7.0%) of responses but included a Snapsurvey circulated amongst 348 officers. The lowest proportions of responses were from Scotland (0.5%), Wales (1.0%), East Midlands (1.0%) and North East England (1.8%). Although the consultation did not extend to Northern Ireland, the Police Service of Northern Ireland provided one response.

Free Text Responses

In addition to the standardised consultation responses, 90 (23%) email responses were received during the consultation period, which did not respond to specific consultation questions, but did raise themes and issues we were consulting on. The majority of these free text responses voiced general agreement that

- there should be further exemptions;
- police officers should be held to the driving standard of police driver of similar level of training and skill;
- police officers should be required to drive in such a way that is both necessary and proportionate to the circumstances.

The majority of these free text responses also stated that police officers should not be accountable for the driving of a suspect or held to the standard of a careful and competent motorist.

Responses to specific questions

The Law – Exemption

Q1. To what extent do you agree or disagree that the emergency service exemptions from certain aspects of road traffic law (including any restrictions to the exemptions) should be reviewed and, where necessary, amended so that they are set out in similar terms?

Almost three quarters of responses (71.5%) agreed that emergency service exemptions should be reviewed and amended. 23.8% of responses which provided no additional comment.

Answers	Responses	Percentage
Strongly agree	234	61.1%
Agree	40	10.4%
Neither agree or disagree	7	1.8%
Disagree	5	1.3%
Strongly disagree	6	1.6%
No Theme Completed	91	23.8%
TOTAL	383	100.0%

The majority of respondents felt that there is a need for the police to have the exemptions to effectively enforce the law. A review would provide an opportunity to assess whether the police could be given more powers to pursue suspects whilst maintaining appropriate checks, balances and responsibilities. The review could also determine whether exemptions could be set out consistently to ensure that exemptions and what they mean are clearly understood as the current law does not take into account the unique circumstances and situations Police Officers face.

A small number of responses felt that the current exemptions available to Police drivers are sufficient. They raised concerns that additional exemptions such as contravening 'No Entry' signs would be dangerous given the hazards these manoeuvres would present to the police driver and other road users.

The Law – Dangerous and Careless Driving

Q2. To what extent do you agree or disagree that a police officer should be accountable for the standard of driving of a suspected criminal who is attempting to avoid arrest by driving in a dangerous manner?

Almost three quarters of responses (72.6%) disagreed that a police officer should be accountable for the driving standard of an evading motorist. 23.5% of responses which provided no additional comment.

Answers	Responses	Percentage
Strongly agree	8	2.1%
Agree	4	1.0%
Neither agree or disagree	3	0.8%
Disagree	32	8.4%
Strongly disagree	246	64.2%
No Theme Completed	90	23.5%
TOTAL	383	100.0%

A strong majority felt that clarity on this area of the law is needed to deter suspected criminals from driving dangerously to avoid arrest. It is not viewed as being in the interest of the general public to hold a police officer liable for the standard of driving of a suspected criminal who is attempting to avoid arrest by driving in a dangerous manner.

Respondents felt that as long as a police driver drives within their training and their actions are determined to be necessary and proportionate through a risk assessment, they should not be accountable for the standard of driving of a suspected criminal attempting to avoid arrest by driving dangerously. Some commented that it is ultimately for the suspect to be accountable for their actions and response in being requested to stop by the Police. Whereas other respondents felt a blanket provision could encourage officers to continue to pursue suspected criminals without taking into account the risks involved.

The Law – Dangerous and Careless Driving

Q3. To what extent do you agree or disagree that a police officer in pursuit or responding to an emergency should be held to the driving standard of a ‘careful and competent’ motorist (i.e. a member of the public), despite the various exemptions to roads traffic law?

Almost three quarters of responses (71%) disagreed that a police officer should be held to the driving standard of a ‘careful and competent’ motorist. 23.5% of responses which provided no additional comment.

Answers	Responses	Percentage
Strongly agree	9	2.3%
Agree	9	2.3%
Neither agree or disagree	3	0.8%
Disagree	64	16.7%
Strongly disagree	208	54.3%
No Theme Completed	90	23.5%
TOTAL	383	100.0%

The majority of responses felt that no matter how careful or competent, an untrained driver would not have the knowledge or skills comparable to those of a trained Police driver, nor have the same decision-making ability.

The standard of driving expected of the police driver would be higher than that of a careful and competent driver given the level of training they have received. A member of the public could not be expected to drive in the same way of a police driver who has passed rigorous training before engaging in pursuits.

A small number of responses agreed that a police officer should continue to be held to the standard of a careful and competent motorist given this is already an established process of accountability. It was argued that some police officers, when driving on blue lights, drive more aggressively when using current exemptions, which falls below the careful and competent motorist standard.

The Law – Dangerous and Careless Driving

Q4. To what extent do you agree or disagree that a police officer in pursuit or responding to an emergency should be compared to the driving standard of a careful and competent police driver of a similar level of training and skill?

Two thirds of responses (66.6%) agreed that a police officer responding to an emergency or a pursuit should be compared to the standard of a police driver with similar training and skill. 23.5% of responses which provided no additional comment.

Answers	Responses	Percentage
Strongly agree	157	41.0%
Agree	98	25.6%
Neither agree or disagree	10	2.6%
Disagree	9	2.3%
Strongly disagree	19	5.0%
No Theme Completed	90	23.5%
TOTAL	383	100.0%

The majority of responses agreed that the level of training should be taken into account for police to be confident in pursuing effectively. All police drivers are trained to a specific standard and therefore any instance where a driver has deviated from training could see that driver held accountable. They will be compared to their peers of similar training rather than the general public who have no instruction in or awareness of police driving and tactics.

A small number of responses felt that we should not compare police drivers to the same standard of a careful and competent police driver as this would lower driving standards, making poor driving acceptable as the police would be judging themselves, lack independence and the courts would have no understanding of the police driver standard. The current standard of careful and competent motorist safeguards the public and the police given that these are recognised in UK courts with the onus on the police officer to driver safely.

The Law – Dangerous and Careless Driving

Q5. To what extent do you agree or disagree that a police officer in pursuit or responding to an emergency should be required to drive in such a way that is both necessary and proportionate to the circumstances?

Almost three quarters of responses (71.5%) agreed that a police officer should be required to drive in such a way that is both necessary and proportionate. 23.2% of responses which provided no additional comment.

Answers	Responses	Percentage
Strongly agree	197	51.4%
Agree	77	20.1%
Neither agree or disagree	11	2.9%
Disagree	4	1.0%
Strongly disagree	5	1.3%
No Theme Completed	89	23.2%
TOTAL	383	100.0%

A strong majority felt that police drivers should always drive in a manner which is proportionate to the circumstances and at a speed which is appropriate to the prevailing conditions, whilst also giving consideration to their duty of care for all road users. Whether action is necessary and proportionate should be the primary factor in determining the justification for the police driving.

A small number of responses felt it was unclear who would make the decision that the police driving was both necessary and proportionate in the circumstances.

Police Pursuits or Response?

Q6. To what purposes do you consider that the reforms proposed in this document should apply?

Almost three quarters of responses (74.4%) agreed that the scope of any change should cover both police pursuits and when a police office is performing an emergency response. 23% of responses which provided no additional comment.

Answers	Responses	Percentage
Police Pursuits	4	1.0%
Police Pursuits and response	285	74.4%
No changes are necessary	4	1.0%
No Theme Completed	90	23.5%
TOTAL	383	100.0%

The majority of respondents felt that both police driving in pursuit of a subject and those responding to an emergency were not adequately covered by the current system. Some respondents felt that tactics employed in pursuit and typical response driving will fall foul of the test for careless and dangerous driving.

As recent caselaw¹ has suggested that a police driver’s level of training cannot be taken into account in determining whether their driving was careless or dangerous, a significant majority of respondents felt that the current law does not offer sufficient protection and any changes should cover both police pursuits and when a police officer is performing an emergency response.

A small number of responses felt that we should not consider extending the reforms beyond police pursuits to all response driving. All response driving would extend to fire, rescue and ambulance services and broader range of other organisations such as non-NHS ambulances and military purposes. It was felt that blue lights already give all emergency services the ability to alert other drivers to their presence and that they wish to pass. The current standard affords protection to the public and police and ensures road safety.

¹ R v Bannister [2010] 2 All ER 841

Conclusion and next steps

6. We have considered the responses to the consultation and believe there is consensus on the need to make some changes to ensure the police drivers are given the tools to do their jobs, while maintaining road safety.
7. The Government will introduce a new test to assess the standard of driving of a police officer involved in a road traffic incident. This new test will compare the standard of driving against that of a careful, competent and suitably trained police driver in the same role rather than use the existing test which compares driving against a standard qualified driver who would not normally be involved in police action.
8. The Government has also decided to examine how to:
 - Make clear police officers should not be regarded as being accountable for the driving of a suspected criminal who is attempting to avoid arrest by driving in a dangerous manner, providing the pursuit is justified and proportionate; and to
 - Review the existing emergency service exemptions to traffic law to ensure they remain fit for purpose.
9. This will give police officers greater confidence that they will be appropriately protected by the law if they drive in accordance with their training with a view to protecting the public.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>

Annex A – List of respondents

Respondents to the consultation included:

Avon and Somerset Constabulary
Bedfordshire Police
Brake, the road safety charity
British Insurance Brokers' Association (BIBA)
British Transport Police
Cambridgeshire police
Cheshire Police
City of London
Cleveland Police
Crown Prosecution Service
Cumbria Constabulary
Derbyshire Police
Devon & Cornwall Constabulary
Dorset Constabulary
Dyfed-Powys Police
Essex Police
GEM Motoring Assist
Gloucestershire Constabulary
Greater Manchester Police
Gwent Police
Hampshire Constabulary
Hertfordshire Police
HM Revenue and Customs
Humberside Police
IAM RoadSmart
Independent Ambulance Association
Independent Office for Police Conduct
Norfolk and Suffolk Roads Policing and Firearms Operations Unit
Kent Police
Lancashire Constabulary
Leicestershire Police
Lincolnshire Police
Mayor's Office for Policing and Crime
Merseyside Police
Merseyside Police and Crime Commissioner
Met Police
MOD Police
National Crime Agency
National Fire Chiefs Council (NFCC)
National Motorcycle Dealers Association (NMDA)
Norfolk Constabulary
North Yorkshire Police
Northumbria Police
Northamptonshire Police
NPCC Merseyside Police
NPCC NPL Roads Policing
NPCC Surrey and Sussex Police

Office of the Police and Crime Commissioner for West Yorkshire and West Yorkshire Police.
Police Action Lawyers Group (PALG)
Police Federation for Northern Ireland
Police Federation of England and Wales
Police Scotland
Police Service of Northern Ireland
Roadpeace - The national charity for road crash victims
RoSPA, the Royal Society for the Prevention of Accidents (Charity)
South Yorkshire Police
South Yorkshire Police Federation
Staffordshire Police
Staffordshire Police Federation
Suffolk Constabulary
Surrey Police
Sussex Police
Thames Valley Police
Tuckers Solicitors
Warwickshire and West Mercia Police.
West Midlands Police
West Yorkshire Police



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