

<b>Case 3   Issue 38 – Roads policing</b>		<b>LEARNING THE LESSONS</b>
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## Unauthorised pursuit of a moped leads to a collision

*Police driver unauthorised to engage in pursuits acting as both driver and radio operator collides with moped, raising issues about:*

- *Officer awareness of driver authorisation*
- *Acting as both radio operator and driver in a double-crewed vehicle*

This case is relevant to the following areas:



### Overview of incident

PS A was on a mobile patrol in a marked police vehicle with PC B. PC B was driving when they became aware of a moped with a driver and pillion passenger. The moped was not displaying a registration plate, did not have its lights illuminated, and both rider and passenger were not wearing helmets.

PS A reported to the control room there were two men on a moped with no registration plate and both were not wearing helmets. PS A stated he suspected the moped was stolen due to the number driven around the local estate.

PC B was not pursuit trained. Therefore, when PS A and PC B followed the moped into a supermarket car park, PS A changed into the driver's seat. PS A was an advanced trained driver, whereas PC B only had basic driving authority. While PS A did have advance driving authority, he was not permitted to engage in pursuits.

PS A said PC B was a very new officer and had never taken part in a pursuit or given commentary on one, so PS A assumed all roles while pursuing the moped. PS A said it would have been possible for PC B to give commentary to the control room but felt she perhaps would not have known what to say. In his experience, the pursuit would be aborted if the control room had concerns about the officer's demeanour or the way they gave commentary.

PS A continued to report his location over the airwaves while pursuing the moped and asked if any additional resources were able to assist. Mr C, a control room operator, informed PS A no one was able to assist at the time. PS A stated over the airwaves he had his blue lights on and the moped was failing to stop. He asked "is anyone going to authorise this?" Mr C told PS A the

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control room supervisor was not available and therefore a pursuit could not be authorised from the control room. At this point PS A self-authorized the pursuit. He justified this because there was a lack of people or traffic which lowered the risk. PS A also told the control room he was travelling alongside the bike to try and get Body Worn Video (BWV) footage of their faces. College of Policing guidance does give officers the option to self-authorise and justify the decision at a later time in line with the National Decision Model (NDM).

### **College of Policing Authorised Professional Practice (APP): Roads policing; pursuit management**

#### **Authorisation**

“Officers should seek authorisation for their decision to engage in a pursuit from designated control/communications room staff. The time available between recognising the need for action and the deadline for taking action may be too short to acquire the control/communications room authorisation. In such cases officers may self-authorise and justify the decision at a later time in line with the National Decision Model. No additional authority is required to move from the initial phase to the tactical phase.”

Find out more:

<https://www.app.college.police.uk/app-content/road-policing-2/police-pursuits/#pursuit-management>

PS A's training record showed he was not pursuit trained and should not have self-authorized the pursuit. PS A told the IOPC he was shocked at this as he genuinely believed he did have authority to engage in pursuits and therefore to self-authorise. He stated he completed an advanced refresher course a couple of years earlier and believed his previous pursuit authority rolled over with the completion of the refresher course. The IOPC obtained an email from Mr D, a force trainer, to PS A around the time this refresher course was completed. It said: “as discussed this does not include pursuit and therefore it is not included on your driving authority”. PS A described how the force used to issue cards with your details and level of driving authority. This had been discontinued in recent years.

Mr C asked PS A over the airwaves “... just confirm you have aborted?” This can clearly be heard on the airwave transmissions and BWV footage of PC B. Around the same time, the incident log was updated to reflect PS A was “advised to abort”. PS A told the IOPC he did not hear the command requesting him to confirm he had aborted the pursuit. PS A also said even if he had heard the transmission, he would not have taken it as a command to abort as it was phrased as a question.

At one point during the pursuit, the moped turned around in the driveway of an industrial premises. The moped headed back in the direction of the police vehicle on the wrong side of the road. Fearing a head on impact, PS A turned the police vehicle back to the nearside of the road. As he did so, the moped turned right to try to cut across him. As PS A turned and braked, the moped accelerated across his path and collided with the front of the police vehicle.

The pillion passenger, who was 14 years old, sustained a fracture to his left leg. He was subsequently arrested on suspicion of theft of a motor vehicle.

## Type of investigation

IOPC independent investigation.

## Outcomes for officers and staff

### PS A

1. PS A had a case to answer for misconduct. This was over the allegation he engaged in a pursuit when not authorised to do so without having properly checked his driving authorisation and adhering to its constraints. The force agreed to address this outcome through management action and to make sure PS A was provided with a clear statement about his driver training status and restrictions.

## Questions to consider

### Questions for policy makers and managers

1. How does your force make sure officers are aware of their current driving authorisation for pursuits? Do you provide any physical or electronic record which confirms driving authority?
2. Does your force give clear guidance on how officers should respond when a control room supervisor is not available to authorise a pursuit?

### Questions for police officers and police staff

3. What steps would you have taken to avoid engaging in a pursuit?
4. If you were working in the control room, what steps would you take to make sure the police driver understood the pursuit was not authorised and should not be continued?
5. Would you have advised officers to continue pursuing the moped to capture an image of the drivers' and passengers' faces?