



VICTORIA POLICE

# Inspectorate Review 20/2011 Evaluation of Pursuits Final Report

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## TERMS OF REFERENCE

The 2011 Pursuits Review was undertaken in consideration of the following Terms of Reference:

1. Evaluate the current operational practices regarding Victoria Police pursuits by reviewing all pursuits for the past 12 months.
2. Review the current Victoria Police pursuit policy to determine its adequacy and compliance by police members.
3. Review OHS legislation, policy and practices to determine safety compliance relative to pursuits.
4. Research interstate and international pursuit policy to identify best practice and possible risk mitigation strategies in relation to pursuits.

## EXECUTIVE SUMMARY

The decision to engage in a pursuit is one of the most difficult police face. It is also among the quickest they must make.<sup>1</sup>

ACCP Kieran Walshe  
12 January 2011

The need to apprehend suspects in order to maintain a lawful society is obvious. The manner and method of apprehensions, especially in cases of automobile pursuits, is however, an object of criticism and disagreement for many commentators.<sup>2</sup>

The need to pursue is a dilemma that faces Victoria Police, and policing organisations worldwide. The fallout public opinion and media commentary that follows a pursuit indicates it truly is the case of damned if you do, damned if you don't. Bearing this in mind, it is important to highlight the following statistics:

- Fatalities from police pursuits make up less than 1% of our State Road Toll
- Fatalities from police pursuits make up less than 1% of total pursuit outcomes

Victoria Police seeks to eliminate all fatalities and road trauma collisions from our roads. In respect to pursuits, our actions, training, systems, practices and policy contribute significantly towards mitigating risks, and in doing so accords with the our priorities of delivering *A Safer Victoria*.

### Review

The 2011 Pursuits Review was undertaken in consideration of the following Terms of Reference:

1. Evaluate the current operational practices regarding Victoria Police pursuits by reviewing all pursuits for the past 12 months.

### Findings

- Pursuits have increased annually at a rate of 4.2% since 2002
- Pursuit terminations have increased from 16% in 2002 to 44% in 2011
  - Self terminations have increased from 8% in 2002 to 31% in 2011
  - Directed terminations have increased from 8% in 2002 to 13% in 2011
- Pursuit collisions have increased from 10% in 2002 to 14% in 2011
- Pursuit fatalities equate to less than 1% of pursuit outcomes since 2002
- Regular reinforcement of police members' obligations to critical incidents and pursuits through existing internal mediums – intranet, email, The Gazette – appears to have a positive influence on police members' behaviour.

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<sup>1</sup> Acting Chief Commissioner Kieran Walshe, Victoria Police News, 12 January 2012

<sup>2</sup> Police Pursuits: A comprehensive look at the broad spectrum of police pursuit liability and law. O'Connor, T and Norse, W. 2006, page 512.

2. Review the current Victoria Police pursuit policy to determine its adequacy and compliance by police members.

### Findings

- The Victoria Police policy is adequate and compliance by police members is high
  - The Victoria Police policy aligns with the practices and policies of other law enforcement agencies both nationally and internationally
  - Uncertainty exists in respect to pursuit definitions, in particular the Elective and Imperative Definitions
  - Opportunities exist for improvement within Victoria Police in respect to:
    - Adherence to Approved Driving Authority restrictions  
On occasion police drivers exceed the speed restrictions placed on their Approved Driving Authorities (ADA)
    - Adherence to Police Vehicle Class restrictions  
On occasion police drivers exceed the speed restrictions placed on the Police Vehicle Classification
    - Post incident reporting and incident investigation  
There is limited review of police pursuits at supervisor and management levels
  - Education appears to have a positive influence on police members behaviour
  - The 8 internal information systems that capture police pursuit data are not connected, and thus do not allow for a total reconstruction and review of pursuits.
3. Review *Occupational Health and Safety Act 2004*, policy and practices to determine safety compliance relative to pursuits.

### Findings

The Victorian Government Solicitors Office and People Department advise that Victoria Police meets its obligations under relevant *Occupational Health and Safety Act 2004* legislation as it relates to the execution of operational duties (pursuits).

4. Research interstate and international pursuit policy to identify best practice and possible risk mitigation strategies in relation to pursuits.

### Findings

Policies for pursuits nationally and internationally are closely aligned, and appear to have been modelled on the Victoria Police policy review in 2002.

There exist a number of technological options that could be used as potential risk mitigation and resolution options for pursuits:

- Hands Free Communications
- Increases to the In Car Video capabilities
- Increases to the Mobile Data Network capabilities

Pursuit Resolution Options, such as the Fleeing Vehicle Tagging System which launches a transmitter that affixes to the fleeing vehicle for tracking, and electronic pulse immobilisers were considered too risky, difficult and costly to operate and execute.

## **Conclusion**

Victoria Police's execution of functions in pursuits is sound and improving. To place further restrictions and/or ban this function would create a pathway to lawlessness on our roads and draw criticism from the wider Victorian Community.

Whilst fatalities from police pursuits make up less than 1% of the State Road Toll, Victoria Police deems this result as unacceptable, robustly investigating, assessing and reviewing the circumstances of each pursuit fatality, under the constant and immediate scrutiny and oversight of agencies such as the Critical Incident Management Review Committee, Ethical Standards Department and Office of Police Integrity, but more so, the wider community.

Victoria Police is committed to delivering *A Safer Victoria*. It would be preferred that vehicle pursuits did not occur, but Victoria Police attempts to mitigate the risk of an adverse result through: its established policy and training; constant review; and ongoing reinforcement to staff of their obligation to our primary duty of protecting life and property.

## LIST OF RECOMENDATIONS

1. Separate the policies for Urgent Duty Driving and Pursuits
2. Amend Urgent Duty Driving and Pursuits policy rules and guidelines:
  - a. Include reference to Crimes Act s462A and Road Safety Act Road Rules s305
  - b. Remove Elective and Imperative Definition
  - c. Include definition and criteria for Pursuit Resumption
  - d. Include direction for management of Post Pursuit investigations
3. Review Risk Assessment Prompt Card and adopt newly described model – SPEEDER and SAFE
4. Centre For Operational Safety adopt the administration of the IFS database
5. Assistant Commissioner Intelligence and Covert Support Department examine the capability and capacity of LEAP to record and manage pursuit and road policing investigations
6. Establish Divisional Pursuit Review Panels to review all pursuits and submit findings and conclusions to the Centre for Operational Safety
7. Centre for Operational Safety provide a consolidated quarterly report of pursuit reviews to Critical Incident Management Review Committee to inform ongoing training
8. Centre for Operational Safety continue to consider opportunities for incorporating new learning into training and organisational mediums, examples:
  - Consequence Education
  - Red Mist definition
9. Centre for Operational Safety and Police Communications Centre review the Pursuit Controller and Pursuit Coordinator responsibilities so that coordination of assets and generic request for specialised units is facilitated by the On Line Supervisors at the Police Communications Centre
10. Centre for Operational Safety includes in any education package and informing medium for pursuits, instructions in relation to appropriate radio communications and the restriction of un-necessary chatter
11. The Mobile Data Network and In Car Video Project Teams research and report on the capacity to enhance data and information capabilities of their prospective units to assist Pursuit Controllers and Pursuit Coordinators in their oversight of pursuits

## INTRODUCTION

In November 2011 the Inspectorate was tasked by the Critical Incident Management Review Committee (CIMRC) to review police pursuits that have occurred during the previous twelve months.

A pursuit exists when police begin to follow a driver of a vehicle because the driver:

- fails to stop after being signalled to stop by a police member; and/or
- is taking deliberate action to avoid being stopped.

A police member's duty to protect life and property will always have primacy over the need to arrest offenders, especially when the offence involved is relatively minor, or where there are safer options other than immediate arrest.

Any decision to cease urgent duty driving or terminate a pursuit on the grounds of avoiding an unacceptable risk will be supported. Any action taken to limit the risks to public, including offender/s, and police will be viewed as a decision that displays sound professional judgment.<sup>3</sup>

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<sup>3</sup> Victoria Police Manual Policy Rules, Urgent duty driving and pursuits, page 1



## Issue 1 – current operational practices

### TOR 1 – Evaluate the current operational practices regarding Victoria Police pursuits by reviewing all pursuits for the past 12 months.

An evaluation was made of the current operational landscape using a variety of information sources including data analysis, education and literature reviews, Road Policing Practitioner, Focus Group and police member consultation.

The intention of this research was to identify both statistical and anecdotal information from which to develop an appreciation of the policing environment in respect to pursuits. Victoria Police Urgent Duty Driving and Pursuit policy evolved from a review conducted in 2002; as such that year was used as a starting point.

The Review was requested to assess all pursuits which occurred in the past 12 months. The quantity of pursuits and the timeframes around reporting required a refinement to this request. Subsequently, 1035 Incident Fact Sheets from 2011 were assessed, 62 were reviewed, and 19 were selected and full case studies conducted. The 19 Case Studies Pursuits were chosen from the speeds reached, units involved and the fact that they all resulted in collisions.

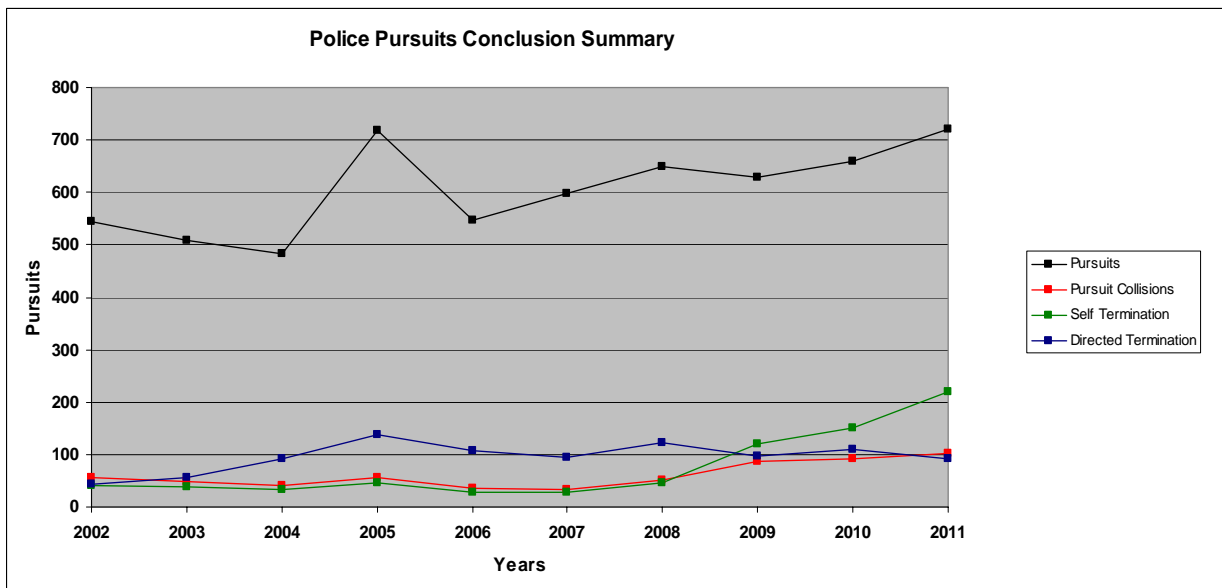


Figure 1 – Police Pursuits Vs Termination Vs Collision Comparison – 2002 -2011

Disclaimer	Use of Force Data for the period 1 January 2002 to 31 December 2011 This data was extracted on 2 February 2012 by Sergeant Geoff Currie Use of Force Registry This data is subject to variation
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Year	Pursuits	Termination	%	Pursuit Collisions	%	Fatal Pursuits	%
2002	545	85	16%	57	10%	5	0.9%
2003	509	94	18%	48	9%	6	1.2%
2004	484	123	25%	40	8%	2	0.4%
2005	719	183	25%	57	8%	3	0.4%
2006	548	135	25%	37	7%	3	0.5%
2007	597	121	20%	33	6%	0	0.0%
2008	649	169	26%	50	8%	2	0.3%
2009	630	218	35%	88	14%	2	0.3%
2010	659	261	40%	92	14%	1	0.2%
2011	721	314	44%	102	14%	3	0.4%

**Table 1 - Use of Force Data, Pursuit Vs Termination Vs Collisions Vs Fatalities – 2002-2011**

Disclaimer	Use of Force Data for the period 1 January 2002 to 31 December 2011 This data was extracted on 2 February 2012 by Sergeant Geoff Currie Use of Force Registry This data is subject to variation
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### Explanation:

Analysis of the pursuit data identified potential explanations for both positive and negative patterns in respect to offending driver/s and police behaviour.

### Legislation

Analysis of legislative change appears to correlate with changes in our pursuit data. For example, the drop in pursuit numbers in 2006 appears to correlate with the enactment of the Road Safety (Vehicle Impoundment and Other Amendments) Act 2005 and commenced on 1 July 2006.

The intent of this legislation was to reduce road trauma on our roads, act as a deterrent to recidivist offending, and provide Victoria Police members with legislation to effect our obligations in delivering *A Safer Victoria*.

The legislation provided Victoria Police members with a legislative capacity to seize vehicles from offending drivers in certain circumstances. This capacity was a shift from previous legislation and the impact / impost on offending drivers may have discouraged them from fleeing rather than risk having their vehicle impounded.

### Policy Reinforcement

Analysis of Victoria Police policy and education since 2000 identified a total of 42 internal articles with references to police pursuits, critical incidents; their execution and management – refer Appendix A.

When assessed against the pursuit data there appears to be a correlation between the reinforcement of our obligations and desired behaviour of police members in pursuits, for example the reinforcement of police members' obligations to debriefing and reporting appears to correlate with a spike in pursuit numbers in 2005.

These policy changes and references were made to both educate and reinforce with police members their obligations to appropriately risk assess critical incidents, and pursuits, ensuring that their behaviour accorded with the expectations of management, and that they abided by the processes and directions established within internal policy.

These internal communications media have had a positive result, which is supported by the explanation of Manz and Sims, 1981:

*The key to successful introduction of change was seen to lie in effective communication. The customary cascading down of information from the top of the organization to the rank and file managers was found to be ineffective when a large-scale structural reorganisation program was being introduced and this led to a search for more effective ways of communication. The partial answer appeared to lie in providing information from the top directly to all employees through new technology – an intranet and extensive use of e-mail.<sup>4</sup>*

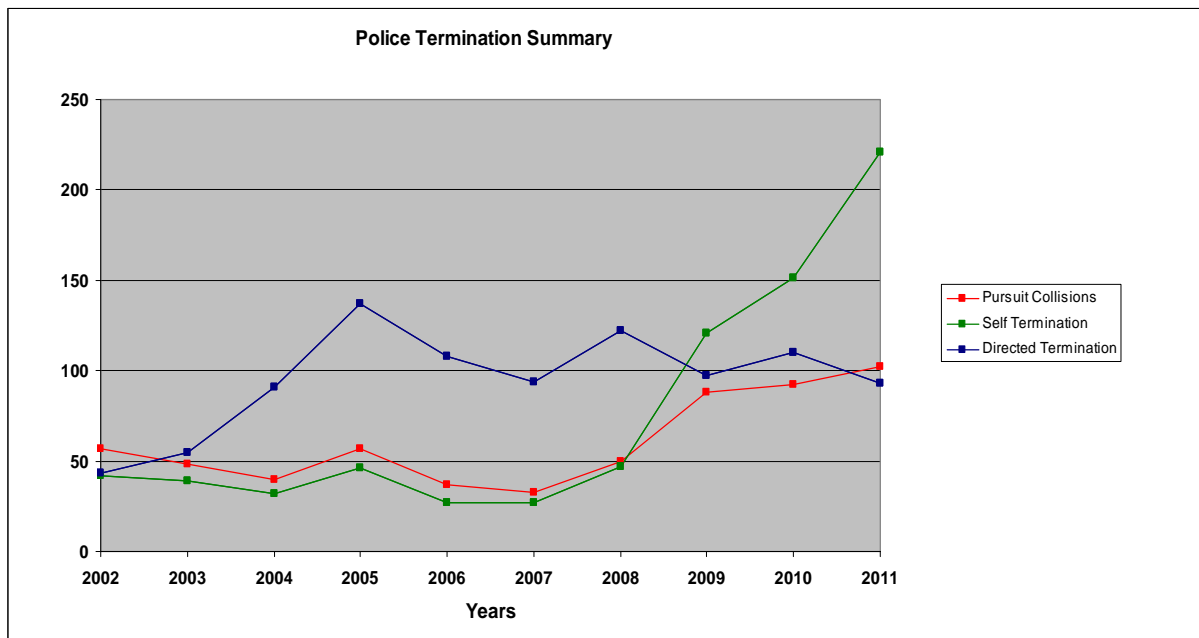


Figure 2 – Use of Force, Police Terminations Vs Collision Comparison – 2002 -2011

Disclaimer	Use of Force Data for the period 1 January 2002 to 31 December 2011 This data was extracted on 2 February 2012 by Sergeant Geoff Currie Use of Force Registry This data is subject to variation
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### Supervisor Terminations

Supervisor Terminated pursuits have increased from 8% in 2002 to 13% in 2011. At its peak, Supervisor Terminated pursuits reached 20% in 2006 but have steadily decreased since this time as frontline police members are more cognisant of risks and terminate. In 2008 Self Terminations overtook Directed Terminations.

<sup>4</sup> Change management: The role of internal communication and employee development. Proctor, T and Doukakis, I, 2003, page 268

In 2005 there was a spike in the number of pursuits being Supervisor Terminated which appears to correlate to the reintroduction of supervisor training – refer Appendix A. The Diploma of Supervision, and now the Sergeants Qualifying Program, includes theoretical and practical sessions dedicated to pursuit supervision and management, with a major focus on risk assessment and policy. Through this education supervisors are more aware of their increased accountability, and the need to weigh risk against the safety of the public, police and those being pursued.

Anecdotally the review identified that some supervisors, who had been promoted prior to 2005 and had not undertaken this training, were more likely to allow pursuits to continue for longer periods with less emphasis on assessing risk. This identified a need for regular and ongoing education refresher training across all levels.

### Self Terminations

Self Terminated pursuits have increase from 8% in 2002 to 31% in 2011. Improved risk assessing and recognition of accountability at supervisor level, as well as an increased awareness of personal safety, has motivated the adoption of this practice by frontline police members.

A focus group conducted in December 2011 identified a “*cultural change*” in respect to pursuits over recent years. Police members are now more aware of the risks associated with pursuits, and self terminate when they deem the risks outweigh the objective.

The negative outcomes of a pursuit, be it a fatality or serious trauma, appear to have motivated a greater awareness of the risks and influenced the subsequent behaviour of self termination. This adaptive behaviour is supported through research:

*Individuals tend to increase the frequency of behaviour that resulted in positive consequences, and will tend to decrease the frequency of behaviour that has resulted in negative consequences.*<sup>5</sup>

### Police Collisions

Whilst the number of pursuits has steadily increased over the past 3 years 2009 – 2011 (630 / 659 / 721) the percentage of pursuit related collisions has not followed this trend, but in fact remained constant at 14%.

Over this period the rate of Self Termination has overtaken Supervisor Termination, indicating that police members are conducting more thorough and timely risk assessments. Whilst we are still pursuing, our tactics, techniques and decision making skills are evolving towards a safer approach and are a reflection of organisational and community expectations.

### Operational Landscape

This section of the report and the conclusion and recommendations drawn should be read in consideration of the Road Policing Intelligence Unit Intelligence Summary 2011 and 2012. The current operational landscape of pursuits in Victoria was made in consideration of the following elements:

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<sup>5</sup> Vicarious Learning: The Influence of Modelling on Organisational Behaviour. Manz, C and Sims, H. The Academy of Management Review, volume 6, No. 1, January 1981, page 105.

**Police members**

Age  
 Length of service  
 Approved Driving Authority (ADA)  
 Station  
 Police vehicle driven

**Pursuit**

Reason for pursuit  
 Vehicle pursued  
 Time  
 Day  
 Speed  
 Length of pursuit / Outcomes

The conclusions drawn below are made from information identified in the 19 Pursuit Review Case Studies. Whilst considered, not all of the elements identified above are reported on:

**Police members – Age and Length of Service**

Police members engaging in pursuits are junior in rank, but it would be wrong to draw a conclusion from this that they lack experience. The Police Pursuits Case Study identified that the average age of the driver in the Primary Unit was 36 with a length of service of 10+ years.

**Police members – Approved Driving Authority (ADA) and Vehicle Class**

The police units engaged in pursuits are evenly divided between General Duties Units and Highway Patrol Units. It can be concluded from this that ADA and Vehicle Class of the primary vehicle is also evenly divided between Gold and Silver.

**Police members - Police Vehicles**

The ratio of Highway Patrol Units to General Duties Units in the Victoria Police Fleet is 1:5. The ratio of General Duties Units to Highway Patrol Units engaged in pursuits is 1:1.

Proportionally, Highway Patrol Units become involved in more pursuits, but they are also more specialised in terms of driver education and training. As part of an organisational risk mitigation strategy for pursuits, it is preferred that Highway Patrol Units be utilised as the Primary Vehicle.

**Pursuit – Reason**

68% Elective  
 32% Imperative

**Pursuits – Speed in kilometres per hour average**

The average speed reached during the pursuits examined in the Police Pursuits Case Studies was 126 kmh. The maximum speed reached exceeded 200 kmh, with the minimum being 77 kmh.

**Pursuit – Distance and time**

The Road Policing Intelligence Unit identified for the calendar years 2010-2011, the majority of police pursuits lasted for 3km or less (58%) and 3 minutes or less (62%).

There were no significant variations in the average duration of pursuits between metropolitan and regional areas in the 2010 and 2011 period. However, the average distance of pursuits in regional areas (8.7km) was longer when compared to metropolitan areas (6.3km)<sup>6</sup>.

Country pursuits generally occur in areas where the traffic and road conditions allow for the pursuit to occur at a reduced risk – i.e. pursuits on highways, consisting of straight lines and without intersection roads.

<sup>6</sup> Road Policing Intelligence Unit Intelligence Summary February 2012, page 3

Of the 721 pursuits reported for 2011, 452 of these incidents lasted between 1 to 3 minutes<sup>7</sup>.

**Pursuit – Outcomes**

Drivers complied 8.6%

Offender apprehended 24.4%

Supervisors terminate 12.8%

Driver decamped from vehicle 5.5%

Vehicle evaded intercept 18.2%.

Self terminated 30.5%

**Other factors identified**

**Understating speed and traffic conditions**

Of the Police Pursuit Case Studies reviewed, 3 contained evidence of understating speeds. The Review was unable to identify traffic conditions relevant to these Case Studies from the information reviewed.

**Highway Patrol Units – Culture of “we know best”**

Victoria Police management held a view derived from anecdotal information that there existed with the Highway Patrol culture an attitude of *we know best*.

The review failed to identify any such culture, but acknowledges that the Highway Patrol Units involved in pursuits performed to the highest standard.

**Findings**

- Pursuits have increased annually at a rate of 4.2% since 2002
- Pursuit terminations have increased from 16% in 2002 to 44% in 2011
  - Self terminations have increased from 8% in 2002 to 31% in 2011
  - Directed terminations have increased from 8% in 2002 to 13% in 2011
- Pursuit collisions have increased from 10% in 2002 to 14% in 2011
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- Regular reinforcement of police members’ obligations to critical incidents and pursuits through existing internal mediums – intranet, email, The Gazette – appears to have a positive influence on police members’ behaviour.

**Recommendations**

Nil.

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<sup>7</sup> Driver Training Unit, email 31 January 2012

## Issue 2 – policy review

### **TOR 2 – Review the current Victoria Police pursuit policy to determine its adequacy and compliance by members.**

The review considered all internal documentation relevant to pursuits contained in the Victoria Police Manual. There are numerous policy sections contained within the Victoria Police Manual, policy rules, procedures and guidelines, with requirements on police members in relation to police pursuits and associated reporting:

- Urgent Duty Driving and Pursuits
- Operational Debriefing
- Police Vehicles
- Complaints and Discipline
- Inquests
- Vehicle Collisions

The Victoria Police policy for pursuits is absorbed within a sister policy around Urgent Duty Driving which the review submits distracts from its high risk. Notwithstanding that Urgent Duty Driving is itself high risk, there exists an opportunity to create a stand alone policy and in doing so ensure that all relevant, internal policy, legislation and recommendations are reflected within it. ([Recommendation 1](#))

### **Explanation**

Victoria Police members, for the most part, comply with pursuit policy, particularly with regard to the operational requirements around execution. This review identified very few cases of non compliance with policy.

The review identified some areas in policy that could be refined, and that non compliance issues relate specifically to vehicle and driving authority restrictions, and post incident reporting.

### **Police Pursuit – A Use of Force**

The review identified that whilst other internal policies specifically consider and reflect our legislative justification and obligations to operational incidents and decision making, the policy for police pursuits did not.

Section 462A of the Crimes Act provides our legislative power for the use of force and should be clearly referenced in the pursuit policy as a means of reinforcing the importance of justifying actions and tactics adopted when in pursuit. ([Recommendation 2a](#))

### Victoria Police Manual Pursuit Definitions

Elective pursuit – is the pursuit of a vehicle:

- That has failed to stop after being signalled to stop for a lawful purpose. The reason for the pursuit is to intercept an offending driver.

Imperative pursuit – is the pursuit of a vehicle:

- That is creating a danger to the public by its presence on the road; or
- Where there are reasonable grounds to believe that immediate apprehension of the driver or occupant/s is essential to prevent danger to any persons.

The reason for the pursuit is to minimise or remove a danger; see risk assessment table below.

<b>Assessment of risks and reasons for urgent duty driving: Responding to an incident or pursuit</b>		
<b>Urgent Response</b>	<b>Imperative Pursuit</b>	<b>Elective Pursuit</b>
(eg. an offender on premises)	(eg. a fleeing armed offender, or dangerous driver)	(eg. driver fails to stop for a breach of the Road Rules)
<b>Police duty requires an urgent response</b>	<b>Police duty requires a danger to be stopped</b>	<b>Lawful reason to intercept vehicle</b>
<i>“I believe my urgent response is required.”</i>	<i>“I believe safety is at serious risk and my duty requires me to act.”</i>	<i>“I have a lawful right to stop this driver.”</i>
<b>Reasonable belief that urgent duty driving does not endanger the public or police</b>	<b>Reasonable belief that pursuit does not further increase the danger</b>	<b>Reasonable belief that pursuit does not endanger the public or police</b>
<i>“My urgent duty driving is not endangering the public or police.”</i>	<i>“My pursuit is not increasing the danger.”</i>	<i>“My pursuit is not endangering the public or police.”</i>
<b>But urgent duty driving must be moderated when it poses a danger</b>	<b>But pursuit must be terminated when the urgent duty driving becomes more dangerous than the original incident</b>	<b>But pursuit must be terminated when the urgent duty driving poses serious danger</b>
<i>“I will moderate my driving because it is safer to arrive later than not at all.”</i>	<i>“I will terminate pursuit because the danger is increasing.”</i>	<i>“I will terminate pursuit because there is a serious danger.”</i>
<b>The key to urgent duty driving is safety first. When the risks outweigh the result to be achieved, moderate your driving, even if this means terminating a pursuit.</b>		

Table 2 – Urgent Duty Driving and Pursuit Risk Assessment <sup>8</sup>

### Definition Uncertainty

Interpretation of the Elective or Imperative Pursuit is subjective. An Elective Pursuit may evolve into an Imperative Pursuit, but the exact point at which this is determined is a grey area.

The review has identified that there exists some uncertainty within the organisation when determining the definition of a pursuit –Elective or Imperative – and that this uncertainty may impact on the priority in a pursuit, which is risk assessment.

<sup>8</sup> Victoria Police Manual – Guidelines – Urgent Duty Driving and Pursuits, page 3



## Definition Risk

Victoria Police members have a duty at times to pursue a vehicle whether Imperative or Elective, so once in pursuit the focus shift should be to the risk. Provision of appropriate information to assess and establish whether or not the risk outweighs the objectives is the priority. As the majority of pursuits only last between 1-3 minutes, this time needs to be used efficiently.

The Review identified that on occasions, during the initial stages of a pursuit, time is lost in the determination of definition rather than to assessing risk due to police members being uncertain about justification and classification.

*Judge Coate, State Coroner of Victoria, whilst acknowledging that the policing response to critical incidents/pursuits often provides little time on which planning and risk assessing can occur, states that nevertheless there is an expectation that police members would have turned their mind to these issues.<sup>9</sup>*

Urgent Duty Driving and Pursuit Policy foreword states:

*A police member's duty to protect life and property will always have primacy over the need to arrest offenders, especially when the offence involved is relatively minor, or where there are safer options other than immediate arrest.*

Given the short timeframes in which pursuits generally occur priority should be to assessing the risk rather than determining the definition, reason and objective. ([Recommendation 2b](#))

## Adherence to Approved Driving Authority Restrictions

The Approved Driving Authority and Vehicle Classifications were derived from 2001-2002 research conducted by Monash University Accident and Research Centre (MUARC). The MUARC research recommended:

- A review of current and ongoing driver training to ensure adequate initial and refresher training is provided
- Creation of three new driver licensing categories that relate to vehicle speed classifications
- Review of the adequacy of the current training facilities
- Allocation of resources to develop driver training and driver knowledge
- Development of integrated programs to progress a safe driving culture within Victoria Police.<sup>10</sup>

In terms of licensing and vehicle classifications the following categories and restrictions were developed and included into Victoria Police policy:

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<sup>9</sup> Victoria Police, Critical Incident Management, E-learning package, pending release 2012.

<sup>10</sup> Fleet Safety Strategy 2002, page 21.

<b>ADA CLASS</b>	<b>VEHICLE COLOUR AND RESTRICTION</b>
<b>GOLD</b>	
Gold – motor cycle	GOLD – on-road-type motorcycles only – speed unrestricted
Gold – motor cycle off-road	GOLD – off-road-type motorcycles only (road/trail, trail and enduro styles) – speed unrestricted
Gold – TMU vehicles Gold – surveillance Gold – close personal protection Gold - SOG	GOLD – sedans, station wagons – speed unrestricted SILVER – sedans, station wagons, divisional vans – speed limit 150 kmh WHITE – sedans, station wagons, other light transport – at posted speed limit
<b>RESTRICTED SILVER</b>	
Restricted Silver The Holder of a “Restricted Silver” ADA is prohibited from engaging in an elective or imperative pursuit	GOLD – sedans, station wagons-speed limit 25kmh over posted speed SILVER – sedans, station wagons, divisional vans-speed limit 25 kmh over posted speed. WHITE – sedans, station wagons, other light transport – at posted speed limit
<b>SILVER</b>	
Silver	GOLD – sedans, station wagons – speed limit 150 kmh SILVER – sedans, station wagons, divisional vans – speed limit 150 kmh WHITE – sedans, station wagons, other light transport – at posted speed limit
<b>BRONZE</b>	
Bronze – 4WD	BRONZE – 4WD – speed limit 120 kmh
Bronze - restricted	BRONZE – 4WD – on road use only
<b>WHITE</b>	
White	GOLD – sedans, station wagons – posted speed limit SILVER – sedans, station wagons, divisional vans – posted speed limit WHITE – sedans, station wagons, other light transport – posted speed limit
White - motorcycle off-road	Off-road type motorcycles only (road/trail, trail and endure styles) - posted speed limit and ride within all road rules (RR305 not applicable).
White specialist vehicles	WHITE – specialist vehicles, must be authorised by Transport Branch or other specialist area – posted speed limit only

**Table 3 – Victoria Police Manual, Police Vehicles, Authority to drive police vehicles**

ADA/Vehicle	URGENT DUTY DRIVING	PURSUIT
<b>Approved Driving Authority (ADA) of driver</b>	Must hold a Gold, Silver, Restricted Silver or Bronze class ADA or as otherwise directed by the officer in Charge Driver Training Unit	Must Hold a Gold, Silver, or Bronze Class ADA.  The holder of a Restricted Silver class ADA is not permitted to engage in a pursuit.
<b>Police vehicle</b>	Any police vehicle but only within the limits of the vehicle’s functional classification	<ul style="list-style-type: none"> <li>• Gold marked sedan or wagon – in any role</li> <li>• Silver marked sedan, wagon or divisional van – as a primary or secondary unit when a Gold marked sedan or wagon is unavailable</li> <li>• Bronze divisional-van, Gold or Silver unmarked sedan or wagon fitted with blue/red lights and alarm, Bronze marked 4WD, Gold marked motorcycle, Silver marked station wagon – as a primary or secondary unit when the above are unavailable</li> <li>• Other vehicles must not be used</li> </ul>

**Table 4 – Pursuits and Urgent Duty Driving, Pre-requisites for urgent duty driving and pursuits**

Of the Police Pursuit Case Studies reviewed, 3 contained evidence of police drivers exceeding these restrictions. Of these 3 all were driving divisional vans.

Of the Police Pursuit Case Studies undertaken, only 1 identified the Pursuit Controller having considered the Approved Driving Authority and Police Vehicle Class of the Primary/Secondary vehicle. This pursuit lasted for 30 minutes, occurred in a rural setting, and provided more time to consider such factors. This often does not occur due to the majority of pursuits lasting for a much shorter timeframe and the nature of other risks to be considered first.

The Victoria Police Manual entries for ADA and Vehicle Class provides for 14 different ADA categories and 18 different vehicle classes making the role of governance by a supervisor during a pursuit difficult.

## Demographics

Victoria Police consider demographics when conducting intelligence probes or developing strategic documentation, it is submitted that this be considered organisationally around training.

- 18-25 year old males are identified as accounting for a high percentage of Victoria's Road Fatalities<sup>11</sup>

Driver Training Unit stated that this demographic of police officers generally controls itself at the start of the training cycle but unravels towards the end, taking more risks. Whilst the Driver Training Unit does not formally consider this in their training package, they do use this knowledge as a platform for learning in their training.

## Current guidelines for Urgent Duty Driving risk assessment

Anything can influence an urgent duty driving risk assessment; however, consider the following before and at all times during the driving. Any action should escalate or de-escalate depending on the risks.

- What is the outcome you are trying to achieve?
- What Approved Driving Authority do I hold, and what are the restrictions?
- What is likely to happen if you don't stop a pursued driver, or if you arrive at an incident slower than anticipated?
- How safe do you feel driving in the manner you are?
- What class of police vehicle are you driving?
- What types of warning devices are fitted to your police vehicle?
- What are the road, weather and traffic conditions like?

## Proposed guidelines for a risk assessment

There are risk factors and priorities not included in the Urgent Duty Driving and Pursuit VPM guidelines that need to be considered – e.g. vehicle vulnerability. Given that the average pursuit is short in nature it could be argued that the priority of these considerations should be reworked.

The Review has compiled the following table for consideration, and recommends that the SPEEDER and SAFE guidelines replace the current Urgent Duty Driving risk assessment. ([Recommendation 3](#))

It must be acknowledged that the SPEEDER table was previously developed by the 2001 Pursuit Policy Working Party:

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<sup>11</sup> Transport Accident Commission webpage

**Pursuit - SPEEDER**

<b>S</b>	<b>P</b>	<b>E</b>	<b>E</b>	<b>D</b>	<b>E</b>	<b>R</b>
<b>Safety First</b>	<b>Purpose</b>	<b>Environment</b>	<b>Evidence</b>	<b>Decision</b>	<b>Evaluate</b>	<b>Resolutions</b>
Slow down Step back Safety first HIARRC <ul style="list-style-type: none"> <li>• Hazard Identification</li> <li>• Assess the Risk</li> <li>• Risk Controls</li> </ul>	Reason for pursuit Assess risks against need to pursue Is there another option other than immediate apprehension?	Speeds Location Driving manner Time of day Day of week Traffic volume Speed zone Weather / road conditions Environmental hazards schools / shops / livestock Type of vehicle being pursued two / four wheeled / manoeuvrability / acceleration rate / vulnerability if involved in a collision Apparent age / ability of offender driving	Is the identity of the driver known? Is the vehicle registration confirmed? Is there a crime scene that might provide identity? Are there witnesses that can provide driver identity? Is there a co-offender that knows the drivers identity? Do you need to apprehend the vehicle now?	Our duty to protect life and property will always have primacy over the need to arrest offender(s), especially when the offence involved is relatively minor, or where there are safer options other than immediate arrest. Consider: OHS obligations Road Rules Exemptions	Evaluate yourself, your staff: Acknowledgement of "red mist" – Are you dispassionate and objective? Clear and effective communications Type of warning devices fitted / activated Pursuing driver(s) licence classification Pursuing vehicle type / limitations / marked / speed Primary / Secondary unit – one up / two up One up - two up unit assume communications role	Resolution strategies: Air wing / Highway Patrol Units / Canine availability Tyre Deflation Devices VicRoads Traffic Light Control Develop / deploy resolution strategies <ul style="list-style-type: none"> <li>• TDD</li> <li>• Roadblock</li> <li>• Traffic signal control</li> </ul> Public information notifications Continually reassess risks against need to pursue Do you need to apprehend the vehicle now?

If the risks outweigh the result to be achieved, the driving must be moderated, which may include ceasing urgent duty driving or terminating a pursuit. Any member involved can direct that the urgent duty driving ceases or the pursuit terminated.

**Post Pursuit - SAFE**

<b>S</b>	<b>A</b>	<b>F</b>	<b>E</b>
<b>Stop</b>	<b>Assess</b>	<b>Find</b>	<b>Evaluate</b>
Stop  Acknowledge the termination  Turn off any flashing blue/red lights and alarm.  Advise: - Description - Registration - Direction of travel	Hot or Full debrief must assess:  Policy - ADA - Vehicle  OHS  Legislation	Investigate:  Evade Police  - Allocate investigator - Submit reports - Prosecute	Report:  OIC to ensure submit:  Running sheet - IFS - UoF - Debrief - LEAP - TIS - Brief of Evidence  OIC to monitor investigation  OIC to review

**Pursuit Resumption**

On occasion the need to resume a pursuit may arise, but to engage in such an action will require appropriate assessment of the new factors to pursue in consideration of the previous determination to terminate.

The Police Pursuit Case Study review identified 1 occasion where a pursuit was resumed post termination. Examination of the issues relevant to this action identified little thought in relation to the previous reasons to terminate, and more consideration in relation to achieving the objective – target apprehension.

Pursuit resumptions need to consider and weight the initial reason for termination against the current circumstances. The decision to resume should be determined by the Terminating Supervisor, against the following definition example:

*Example - A pursuit must not be resumed without the expressed permission of the terminating divisional supervisor and a significant change in circumstances exist.*

An examination of the Victoria Police Manual identified that there exists no policy around the resumption of a police pursuit. ([Recommendation 2c](#))

## Reporting

At present police members are required to submit information in a number of different formats depending on the circumstances and severity of the incident. These include:

- Use of Force Forms – VP203, VP203A, VP203B (Mandatory)
- Incident Fact Sheet (Mandatory)
- Patrol Duty Return (Mandatory)
- Debrief Report (Optional)
- CIMRC Review (Circumstances dictate)
- Brief of Evidence (Suspect is apprehended)

Victoria Police policy stipulates that police members, at a minimum are required to submit a Use of Force (UoF) form and an Incident Fact Sheet (IFS) following a pursuit. Lack of compliance in submitting UoF forms has inhibited a true representation of police pursuits.<sup>12</sup>

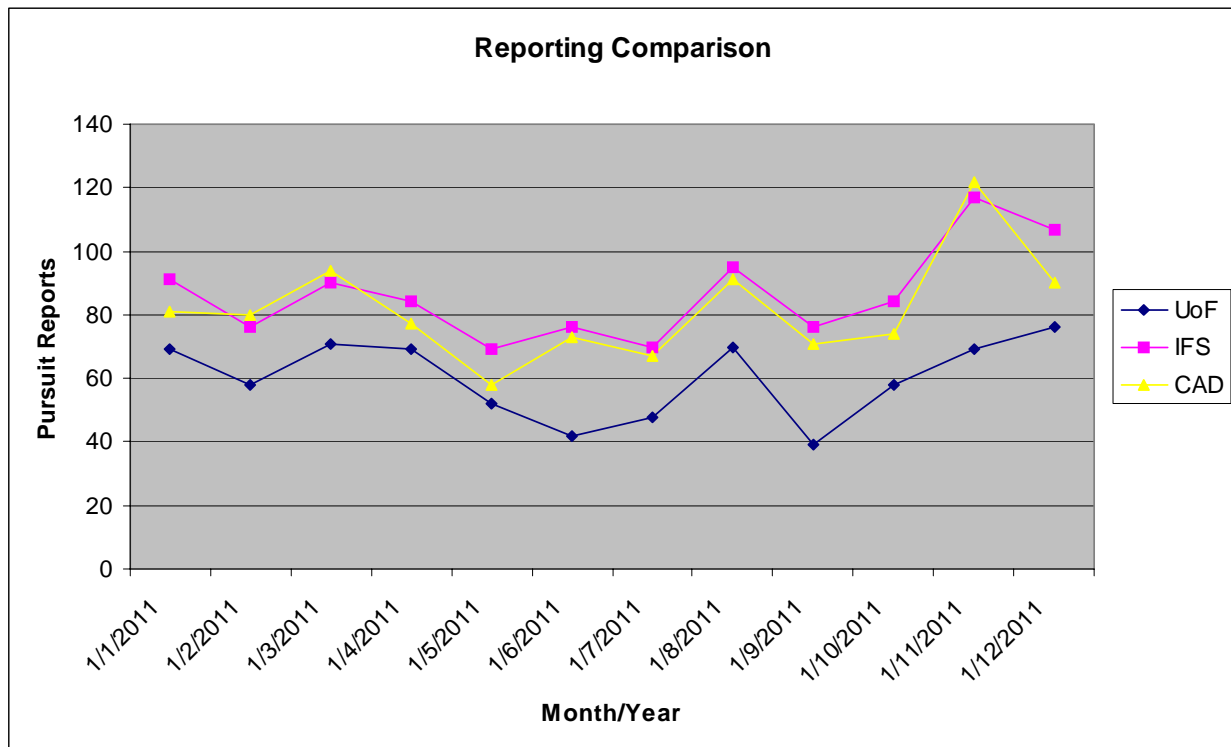


Figure 3 - IFS Vs UOF Vs CAD – 1/11/2010 – 31/10/2011

In 2001 the following reports were made for pursuits - 1035 Incident Fact Sheets, 721 Use of Force Forms and 978 pursuits reported via D24. Police members are over reporting incidents on the Incident Fact Sheets, often outside the requirements of the system and believing they have met their obligations.

<sup>12</sup> Road Policing Intelligence Unit Intelligence Summary July 2011, page 2.

Police members described the current reporting requirements as confusing and cumbersome. Whilst policy clearly defines their obligations to submit reports post a pursuit, police members have adopted the IFS system as a quasi information management system for the recording and management of pursuits.

## Reporting Issues

A number of issues were identified during the course of this review in relation to the existing databases and their capacity to determine whether or not a collision involved police or were the result of a pursuit – refer Appendix B. The issues identified are:

### Incident Fact Sheet

When reporting on a pursuit and depending on the outcomes, if there was a collision, police members compiling an IFS can submit an event against Pursuit or Police Collision under the “*Nature*” drop down section.

There is no capacity in the police collision section to identify if the collision resulted from a police pursuit other than in the summary. This limits the capacity to identify, assess and interpret data in this system, and creates confusion against which “*Nature*” - police collision or pursuit – police members are required to report, and results in duplicated entries.

This system is readily utilised by police members and as such consideration should be given to expanding its use to incorporate all necessary functions. Its current usage would provide for live recording of outcomes and increase real time organisational learning. Currently no department within Victoria Police administers this system. ([Recommendation 4](#))

### LEAP

Currently LEAP does not allow for the recording of traffic offences, other than as a result of an offender being charged. This restriction removes a police member’s capacity to report and manage investigations relevant to traffic offences, which is particularly pertinent to the investigation of offences which may occur in pursuits and evading police.

The absence of an investigation management model for pursuits, removes capacity to administer and manage these investigations, but also creates an intelligence vacuum from which to identify and monitor recidivist drivers and offending. ([Recommendation 5](#))

### Traffic Incident System

At the time of this review there is no capacity in the Traffic Incident System to identify if the collision resulted from a police pursuit other than in the summary section. This limits the capacity to identify, assess and interpret data in this system.

The Review has identified that the TIS Business Support Unit has submitted an enhancement request for this inclusion.

### Use of Force

The Use of Force forms have been identified as cumbersome. The review found that the Use of Force form gleaned enough information on which to determine behaviour, but found that its administration and failures in submission had affected the capacity for review and assessment. There are also data quality issues as these are often not reviewed by a supervisor prior to submission.



### **Debrief Reports**

The submission of Debrief Reports is negligible raising concerns that the Debrief process may not be occurring as required by Victoria Police policy. The Field Debriefing Report is considered cumbersome and appears to have been last reviewed in 2004.

Policy dictates that a Debrief must be conducted after any pursuit. The Pursuit Controller must direct whether to conduct a full or hot debrief depending on certain criteria, such as injuries or fatalities, collision(s), potential for criticism or media attention, cross border, or as deemed otherwise necessary.

Indications from the Police Pursuit Case Studies, UoF data and North West Metro Regional Review 2011/2012 were that very few full debriefs were conducted.

This identifies a critical gap in opportunities to identify and learn from key issues and trends, and highlights the benefit of re-establishing Pursuit Review Panels. [\(Recommendation 6\)](#)

These panels should not only review compliance and management of all pursuits, but it should also identify best practices. Divisional Review Panels should report these learning's to the Centre for Operational Safety and CIMRC to ensure a strategic awareness of pursuits is maintained organisationally. [\(Recommendation 7\)](#)

## Education

The benefit of regular and continued messaging to staff through varied mediums has been previously identified in this report. Victoria Police should ensure that there is calendaring of education on the policies and obligations relevant to all high risk activities such as pursuits.

Victoria Police needs to ensure that we maintain our current initiatives in respect to the identification of emerging operational risks and ensure that training is developed in acknowledgement of these risks.

### Consequence education

It is said that people learn through their mistakes, but unfortunately in policing and particularly the high risk activities such as pursuits, these mistakes can result in death or serious injury.

Having said this, police members benefit from the identification and acknowledgement of issues that have consequences; as such Victoria Police should consider adopting a consequence education program as part of all operational policing education packages. This type of education would highlight to police members other risks not normally considered and contextualise these risk enhancing their knowledge and allowing them to apply the consequences to the risk assessment. (Recommendation 8)

Below are some factors that police members should be educated on, in order to provide them with knowledge and context on which to base their risk assessments:

#### Extended intercepts are a Pursuit

On occasion police members negotiate the outcome of an action in order to forgo their reporting obligation for a pursuit. This is often termed an “*Extended Intercept*”. Police members need to be mindful that as soon as a driver fails to comply with a direction to stop, or engages in deliberate action to avoid being stopped, this is a pursuit.

#### Exemption misconception

An organisational perception exists around s305 of the Road Safety Road Rules 2009 providing full exemption to operational police members for them to drive in any fashion during a pursuit and that they will be covered in the event of any negative outcomes.

Whilst s305 may provide exemptions in relation to the (safe) breaching of Road Rules, it does not provide exemptions around criminality, breaches of the Road Safety Act, or civil litigation. If members involved in a pursuit are deemed to have acted inappropriately and breached policy, or committed criminal offences, or breached provisions of the Road Safety Act, they may be prosecuted.

There is an opportunity to reinforce this fact through the different realms of training and potentially as an identified element of any post pursuit events, such as debriefs and reporting.

#### Speed

The following points have been provided by the Major Collision Investigation Unit as a means of educating police members in relation to vehicle and driver behaviour relative to speed. These points are significant and should be provided as part of education in relation to potential consequences:

- In Australia excessive speed is a factor in 20 percent of fatal crashes but this is an underestimate. There is a clear association between speed and the risk of a collision.

- A vehicle travelling at 124 kmh will take 69 more metres to stop than a vehicle travelling at 60 kmh.
- The risk of an occupant being fatally injured is 17.5 times more likely to occur when a vehicle is travelling at 124 kmh than when the vehicle is travelling at 60 kmh.
- Emergency vehicles which have lights and or sirens must be prepared that vehicles ahead of them may make erratic or unexpected manoeuvres once becoming aware of the emergency vehicle behind.
- Drivers of emergency vehicles cannot assume that drivers ahead are aware of their presence purely because lights and/or sirens are activated. Drivers may not observe lights in daylight hours (particularly at dusk), or may not hear sirens due to internal radios or simply may not be aware of their surrounds due to other thought processes or distractions such as mobile phone use or conversations with passengers.

### **Investigation technology**

The following points relate to the avenues of enquiry available to an investigator where a police pursuit ends in a fatality, serious injury or complaint.

- D24 have the capacity to view the actions and estimated speed of the primary unit via the MDN system
- D24 have the capacity to view the actions of all vehicles when the Air wing are engaged via a live video link
- MCIU will access and review these data sources during the course of their investigation of a fatal police pursuit
  - MDN records location, time, speed, directions of travel
  - ESTA audio to determine the calls from the primary vehicle
  - UOF, IFS, Debrief Reports etc
- MCIU will download the data from the police vehicle computer and analyse this during the course of their investigation of a fatal police pursuit

All of these items will be assessed to determine the true circumstances of the pursuit and critical analysis of the police driver's behaviour. The underlying message is.....if you understate speed it will be identified.

### **Red Mist**

The Police Pursuit Case Studies identified that during a pursuit police become objective driven. This is a physiological response, which through training may assist in police members in the identification and control of this behaviour, and allow for a more accurate risk assessment during a pursuit.

The Association of Chief Police Officers (ACPO) in the United Kingdom refers to this response as Red Mist.

*Red Mist is a term used to describe a complex emotional situation affecting the state of mind of drivers who can become so focused on an objective or outside influence their ability to accurately assess driving risk is severely reduced<sup>13</sup>.*

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<sup>13</sup> The Management of Police Pursuits Guidance, ACPO, 2009, page 13

## Urgent Duty Driving

During the review it was identified that Urgent Duty Driving (UDD) is deemed to be an organisational risk. This risk has been identified from managers and supervisors becoming aware of an increase in traffic enforcement notice files and police collisions being reported.

On average since 2005/2006 there have been 55+ police collisions resulting from UDD, with more than 60% being the fault of Victoria Police<sup>14</sup>. Whilst policy states that the Police Communications is to be notified if responding with lights and/or alarm activated, there is no specific requirement for any direct oversight of this action by supervisors.

## Findings

- The Victoria Police policy is adequate and compliance by police members is high
- The Victoria Police policy aligns with the practices and policies of other law enforcement agencies both nationally and internationally
- Uncertainty exists in respect to pursuit definitions, in particular the Elective and Imperative Definitions
- Opportunities exist for improvement within Victoria Police in respect to:
  - Adherence to Approved Driving Authority restrictions  
On occasion police drivers exceed the speed restrictions placed on their Approved Driving Authorities (ADA)
  - Adherence to Police Vehicle Class restrictions  
On occasion police drivers exceed the speed restrictions placed on the Police Vehicle Classification
  - Post incident reporting and incident investigation  
There is limited review of police pursuits at supervisor and management levels
- Education appears to have a positive influence on police members behaviour
- The 8 internal information systems that capture police pursuit data are not connected, and thus do not allow for a total reconstruction and review of pursuits.

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<sup>14</sup> Driver Training Unit, email 31 January 2012

## Recommendations

1. Separate the policies for Urgent Duty Driving and Pursuits
2. Amend Urgent Duty Driving and Pursuits policy rules and guidelines:
  - a. Include reference to Crimes Act s462A and Road Safety Act Road Rules s305
  - b. Remove Elective and Imperative Definition
  - c. Include definition and criteria for Pursuit Resumption
  - d. Include direction for management Post Pursuit investigations
3. Review Risk Assessment Prompt Card and adopt newly described model – SPEEDER and SAFE
4. Allocated administration of the IFS database to the Centre For Operational Safety
5. Assistant Commissioner Intelligence and Covert Support Department examine the capability and capacity of LEAP to record and manage pursuit and road policing investigations
6. Establish Divisional Pursuit Review Panels to review all pursuits and submit findings and conclusions to the Centre for Operational Safety
7. Centre for Operational Safety provide a consolidated quarterly report of pursuit reviews to Critical Incident Management Review Committee to inform ongoing training
8. Centre for Operational Safety continue to consideration opportunities for incorporating new learning into training and organisational mediums, examples:
  - Consequence Education
  - Red Mist definition

## Issue 3 – safety compliance

### TOR 3 – Review OHS legislation, policy and practices to determine safety compliance relative to pursuits.

Victoria Police shares the obligations of all employers under the *Occupational Health and Safety Act 2004*. In addition to these legislative requirements, Victoria Police also acknowledges the importance of its people in the strategic plan, *The Way Ahead 2008-2013*, where 'Valuing our people' is a specific priority.

As such, Victoria Police is committed to creating a safe and productive workplace by improving health, safety and wellbeing for its employees. This commitment is demonstrated by the implementation and integration of measures that actively protect and promote the health, safety and wellbeing of all employees.<sup>15</sup>

Victoria Police has adopted the following philosophy, which includes occupational health and safety considerations, for the planning, implementation and evaluation of police operations. The operational safety principles support this philosophy:

*The success of an operation will be primarily judged by the extent to which the use of force is avoided or minimised<sup>16</sup>.*

These principles now underpin all operational responses and planning, no matter what the incident, and contained within these is an emphasis on personal safety and as such an acknowledgement of our requirements to Occupational Health and Safety principles.

### Pursuit Policy and Occupational Health and Safety

In relation to pursuits, policy and education has been developed and amended on recommendation from coronial findings on fatal police pursuits, internal reviews, as well as academic research by Monash University Accident Research Centre (MUARC), over the past 10 years.

Complimenting the policy has been the establishment of dedicated training programs such as the Standard Operational Car Course and the Driver Development Program, which exposed police drivers to the rigours and risks associated with Urgent Duty Driving and Pursuits. Since the implementation of the Standard Operating Car Course in the early 1990's the incidence of police collisions has reduced by 42%. When compared against the vast increase in the Victoria Police vehicle fleet and kilometres travelled, this is a significant reduction.

### Explanation

Our organisational literature for pursuits, and our operational practices, naturally considers our obligations to Occupational Health and Safety. The current operational practices, and ongoing development and learning resulting from internal reviews and recommendations, allow us to constantly evolve in respect to workplace safety.

<sup>15</sup> Victoria Police Manual Policy Rules, OHS Fundamental Obligations, page 1

<sup>16</sup> Victoria Police Manual Policy Rules, Operational Safety and Equipment, 2010, page 1

The Victoria Police policy development process requires consideration of OHS and human rights issues (refer section 5.6, VPMG Policy development). The main principles of the urgent duty driving/pursuit policy (e.g., terminate if things aren't safe, etc) are based on OHS even if it is not explicitly stated. We have an overarching requirement for human rights to be considered in any decision making process (Code of Conduct - Professional and Ethical Standards).

In recent times there have evolved a number of workplace safety initiatives such as Safe-T-Works and Protecting Our People which highlight the potential dangers in our workplace, but also reinforce the need to be vigilant and proactive in this respect.

Operational Tactics and Safety Training has also evolved to consider risk over outcome. Education is now underpinned by the need to continually risk assess in order to achieve the safest outcomes. Further reinforcement of this is achieved through risk assessments being conducted in consideration of the OHS principles and operational debriefs specifically examining whether OHS was considered.

Overall Victoria Police meet the required threshold in respect to our obligations concerning OHS, but it is incumbent that we maintain this through ongoing education and administration of police members.

## Occupational Health and Safety Legislation

Advice from the Victoria Police People Safety Division in December 2011 is that:

*Victoria Police meets it's obligations under relevant OHS legislation as it relates to the execution of operational duties with regard to pursuits. The following risk controls are in place:*

- *The Victoria Police Manual contains specific instruction for all driving situations including those involving pursuits*
- *Members are trained in safety principles, risk assessment and safe driving techniques, including pursuit situations.*
- *All pursuit situations are managed by a Pursuit Controller who conducts a risk assessment and makes informed decisions*

*All vehicles are fit for purpose and are maintained to a high standard. Incident debrief forms, August 2004, have specific sections relevant to OHS considerations. Other than this, and the OHS Departments webpage and policy documents, there is no specific directions to OHS operational execution.<sup>17</sup>*

Advice from the Victorian Government Solicitors Office in January 2012 advises:

*Division 4 of the OHS Act relates to the duties of employees while at work and s25 provides, relevant to this advice, that an employee commits an indictable offence if he or she fails to:*

- 8.1 take reasonable care of their own, or another employee's, health and safety (s25(1)(a)); and*
- 8.2 take reasonable care for the health and safety of persons who may be affected by the employee's acts or omissions at a workplace (s25(1)(b)); and*

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<sup>17</sup> People Department, Operational Health and Safety Division, email, 23 January 2012.

8.3 co-operate with his or her employer with respect to any action taken by the employer to comply with a requirement imposed by or under the OHS Act or Regulations (s25(1)©).

*We consider that given that the operational work of Victoria Police is inherently dangerous, where police are acting reasonably and in good faith in the execution of their duty, it would be unlikely that a court would find any consequent danger involved a breach of s25(1)(a) and/or s25(1)(b) of the OHS Act.<sup>18</sup>*

## Charter of Human Rights

Section 38 of the Charter of Human Rights and Responsibilities Act 2006 creates an obligation on Victoria Police, as a public authority, to consider human rights in decision-making and to act compatibly with human rights principles.

*Under s38(1) of the Charter, ‘...it is unlawful for a public authority to act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant human right’.<sup>19</sup>*

Victoria Police continues to use a human rights framework in service delivery, as well as being responsive and reflective of the diverse community expectations.

## Findings

The Victorian Government Solicitors Office and People Department advise that Victoria Police meets its obligations under relevant *Occupational Health and Safety Act 2004* legislation as it relates to the execution of operational duties (pursuits).

## Recommendation

Nil.

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<sup>18</sup> VGSO Report, 25 Jan 2012, Interviewing members where an offence under the OH&S Act is suspected, page 3

<sup>19</sup> Charter of Human Rights and Responsibilities Act 2006



## Issue 4 – interstate and international best practice

### TOR 4 – Research interstate and international pursuit policy to identify best practice and possible risk mitigation strategies in relation to pursuits.

The following interstate and international policies were reviewed to identify best practice and potential risk mitigation strategies for consideration of incorporation into Victoria Police Policy:

- Tasmania
- New South Wales
- Queensland
- Australian Capital Territory
- Western Australia
- South Australia
- New Zealand
- United Kingdom
- Scotland
- Gloucestershire

#### Explanation

The Review developed a set of Key Performance Indicator’s and reviewed Victoria Police policy and are confident that our organisational pursuit practices align with and / or meet best practice in relation to pursuits – refer Appendix C.

#### Interstate and International Policy Comparison

The review identified the following key points:

Pursuit Controllers
All other jurisdictions reviewed have the Pursuit Controller as operating from the Communications Centre.
Victoria Police Policy defines the Pursuit Controller as an “Operational Supervisor” working the field.
This review recommends: <ul style="list-style-type: none"> <li>• In line with ICCS arrangements the Pursuit Controller remains in the field to risk assess and develop a resolution strategy</li> <li>• Communications Operators adopt a role as Pursuit Coordinators, identifying and coordinating operational and specialist resources such as Highway Patrol Units / Air Wing / Canine</li> </ul>
Stakeholders – Centre for Applied Policing and Communications – who support this recommendation and the transfer of responsibility and process.

## Pursuit Control and Communications

This review identified a need to review the Command and Control arrangements in respect to pursuits, particularly in relation to Field Operations and Communications. Nationally, all other jurisdictions define the Pursuit Controller as the Communications Centre Supervisor. This option has some benefits:

- Primary unit increases capacity to provide necessary information with limited interruptions
- Pursuit controller receives and assesses relevant information with limited interruptions
- Increase the capacity to identify and plan resolutions

## Pursuit Coordinator – Police Communications

In line with the Incident Command and Control System, it is recommended that the Police Communications Supervisor / Operator adopt the role of Pursuit Coordinator, where they can more efficiently and effectively glean all necessary information on which to assess risk, request and coordinate supporting assets, and reduce superfluous radio chatter through duplicated messaging. This would allow the role of pursuit controller to remain in the field and be better informed in terms of risk assessing and effective resolution strategies. (Recommendation 9)

## Pursuit Controller – Field Supervisor

The Pursuit Controller would still be identified at the initiation and maintain overall control of a pursuit but then allow the Pursuit Coordinator to make requests for information from the primary unit, request supporting assets and coordinate unit placement, allowing the pursuit controller to monitor events, assess the risk and when necessary provide advice and authorisation around planned resolution. (Recommendation 9)

The effect would be a reduction in duplicated requests, consistency in management with pursuit coordinators being regularly exposed to these events, and the capacity for the pursuit controller to critically assess all information and provide direction without the distraction of requesting and coordinating generic and available resources.

## Pursuit assets

### Back Up Units

Back Up Units should keep dialogue to a minimum. This will allow the Primary Unit, Pursuit Coordinator and Controller to dialog, provide information and negotiate resolutions. The main complaint or issues identified post pursuit is communications, and more so the un-necessary chatter that occurs. Police and Communications staff should be co-trained to refrain from un-necessary chatter during these critical incidents. (Recommendation 10)

### Canine, Air Wing

Enquiry for these assets should be made automatically by the Pursuit Coordinator at the commencement of a pursuit. These units should come to the channel involved, if available, and identify themselves once in a position to assist or take over. Estimated times of arrival should be relayed to the Pursuit Coordinator when prompted. (Recommendation 10)

**Interstate and International Policy Comparison continued....**

<p><b>Speed Restrictions</b></p> <p>Most jurisdictions do not have specific speed restrictions on pursuits; however they do have licence and vehicle classifications which impose speed limitations when involved in a pursuit or urgent duty driving.</p> <p>Victorian Police policy defines speed limitations based on driver skill sets, vehicle type - licence and vehicle classifications.</p> <p>This review recommends:</p> <ul style="list-style-type: none"> <li>Reinforce speed restrictions contained in Victoria Police policies for Approved Driving Authorities and Vehicle Classifications through education and internal mediums (Forms part of Recommendation 8)</li> </ul>
<p><b>Driver qualifications and refreshing</b></p> <p>Victoria Police requires that Gold Class accredited licence holders are assessed every 5 years or less. This is not occurring due to demands associated to increased recruiting levels and the need to issue the Restricted Silver licence qualification.</p> <p>This review recommends:</p> <ul style="list-style-type: none"> <li>Return to the Driver Training Unit Gold Class refreshing as soon as practical.</li> </ul> <p>Stakeholders – Driver Training Unit, Centre for Road Policing – are reviewing this issue.</p>
<p><b>Target Vehicle Classification</b></p> <p>Victoria Police policy has no direct reference to consideration for the type of vehicle being pursued.</p> <p>The review recommends:</p> <ul style="list-style-type: none"> <li>Inclusion of a reference and definition of vulnerable vehicles in the internal literature relevant to pursuits, and in particular risk assessment. (Forms part of Recommendation 3)</li> </ul>
<p><b>Resumption of Pursuits</b></p> <p>Most other jurisdictional policies contain a reference to the reinitiating of a pursuit – approval must first be granted by identified position holders and is only to be considered if pertinent information is received indicating that the circumstances of the pursuit have changed significantly.</p> <p>Victoria Police Policy makes no reference to any required criteria for reinitiating a pursuit.</p> <p>The review recommends:</p> <ul style="list-style-type: none"> <li>Inclusion of a Pursuit Resumption definition and process in policy. (Forms part of Recommendation 2)</li> </ul> <p>Stakeholders – Centre For Operational Safety – supports this recommendation</p>
<p><b>Debrief</b></p> <p>All other jurisdiction policies require a de-brief at the conclusion of all pursuits with some, such as NSWPOL, ACTPOL, QPOL, NZPOL establishing a Safe Driving Panel who review all pursuits on a quarterly basis.</p> <p>Victoria Police policy identifies a requirement for a de-brief at the end of every pursuit, whether Full or Hot debrief with the potential for significant variance in quality and content.</p> <p>The review recommends:</p> <ul style="list-style-type: none"> <li>The establishment of a Divisional Pursuit Review Panel to review all pursuits to remove the potential of subjective oversight, and maintain a standardised, independent, best practice approach. (Forms part of Recommendation 6)</li> </ul> <p>Stakeholders – Road Policing Strategy Division – supports this recommendation</p>

## Best Practice and Risk Mitigation Strategy Consideration

### Policy

The review identified that the policies for pursuits nationally, are similar and appear to have been generated from the Victoria Police policy review in 2002. Whilst some of the jurisdictions have evolved their policies over time, the underlying features are similar.

### Legislation

Evade police is a summary offence, specifically applicable to pursuits, carrying significant financial, custodial and licensing penalties. Since the enactment of the Evade Police legislation in 2006 there are 3 incidents recorded in LEAP<sup>20</sup>.

Evade Police and Vehicle Impoundment Legislation data is captured via one method internally, this being the Vehicle Impoundment Form and a database managed by the Vehicle Impoundment Unit.

As such the capacity to assess the effectiveness and results via Victoria Police holdings is limited. To assess this data the review would need to directly access court holdings, which due to the timeframes of the review is unachievable.

### Technology

Appendix D includes a cross section pursuit technologies being tested internationally, however, none were mentioned in any of the policies reviewed as a present day options and are therefore difficult to assess.

We must consider the fact that the majority of pursuits occur in a window of between 1-3 minutes, thus making options that require the firing of a projectile in moving traffic unrealistic and unachievable, as does the opportunity for placement of devices such as the road sentry, in advance of the pursued vehicle. Whilst tagging / GPS technology to track a fleeing vehicle is attractive, the risk, training and cost implications, when balanced with our air observation capacity are unjustified.

There are several items also included in the table, specifically, In Car Video and foot operated microphones that are presently utilised in some capacity across our organisation. The following technologies are identified as having an immediate useful application in relation to police pursuits.

#### **Hands Free Communications**

Single Member Units are still pursuing and communicating via handheld radio. This creates operational risk, and does not reflect well publicly. Victoria Police recognises the risk of using a hand held devices while driving, yet our policy allows for Single Member Units to engage in this high risk activity.

Victoria Police is currently in the process of installing Hands Free Communications technology in all Highway Patrol vehicles, with consideration being given to expanding this across the fleet.

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<sup>20</sup> Road Policing Intelligence Unit Intelligence Summary July 2011, page 7.

### **In Car Video**

The In Car Video Unit is currently conducting research and development with external companies on the development of state of the art In Car Video Systems. The ICV Unit is also currently testing specifically designed systems combining ICV and Automatic Number Plate Recognition (ANPR) technologies in conjunction with Geospatial mapping capabilities. These developments will help to revolutionise operational policing and to further support the road safety message.

In Car Video System provides a means of capturing physical evidence of conduct – police members and offenders – thus encouraging compliance to policy and legislation. Expansion of this system could include a capacity, like the Air Wing, for live feed video to D24 and/or Pursuit Controller during the course of a pursuit. This would increase capacity around risk assessing through the delivery of live information. ([Recommendation 11](#))

### **Mobile Data Network (MDN)**

The MDN system is constantly evolving with the Electronic Patrol Duty Return providing an example of its expanding capacity. The review has identified potential for pursuit execution, management and governance to be improved through expansion of the MDN capacity:

- The MDN be programmed to recognise police members Approved Driving Authority and Vehicle Classification at the time of log on, and then govern compliance to speed restrictions contained in Victoria Police policy
- The MDN be programmed to poll at ESTA when a police vehicle is being driven outside the police members/vehicles classifications/restriction and/or during the course of a pursuit; this facility could automatically sound an alarm to notify the Pursuit Controller, or prompt termination for a breach of Victoria Police policy
- The MDN be programmed to poll all police units on the MDT in each police vehicle, to allow units to monitor the pursuit live from their own MDT and exercise caution or assist in traffic control along the identified route
- The MDN be programmed to receive In Car Video feed from police vehicles and air wing during the course of a pursuit to assist in assessing risk ([Recommendation 11](#))

### **Resolution Technologies**

A number of Pursuit Resolution Options were considered, such as the Fleeing Vehicle Tagging System which launches a transmitter that affixes to the fleeing vehicle for tracking, and were deemed to risky, difficult and costly to operate and execute – refer Appendix D.

## Findings

Policies for pursuits nationally and internationally are closely aligned, and appear to have been modelled on the Victoria Police policy review in 2002.

There exist a number of technological options that could be used as potential risk mitigation and resolution options for pursuits:

- Hands Free Communications
- Increases to the In Car Video capabilities
- Increases to the Mobile Data Network capabilities

Pursuit Resolution Options, such as the Fleeing Vehicle Tagging System which launches a transmitter that affixes to the fleeing vehicle for tracking, and electronic pulse immobilisers were considered too risky, difficult and costly to operate and execute.

## Recommendations

9. Centre for Operational Safety and Police Communications Centre review the Pursuit Controller and Pursuit Coordinator responsibilities so that coordination of assets and generic request for specialised units is facilitated by the On Line Supervisors at the Police Communications Centre
10. Centre for Operational Safety includes in any education package and informing medium for pursuits, instructions in relation to appropriate radio communications and the restriction of un-necessary chatter.
11. The Mobile Data Network and In Car Video Project Teams research and report on the capacity to enhance data and information capabilities of their prospective units to assist Pursuit Controllers and Pursuit Coordinators in their oversight of pursuits

## Recommendation Summary

<p>Recommendation 1.</p>	<p>Separate the policies for Urgent Duty Driving and Pursuits</p>	<p>Approved / <del>Not Approved</del> ..... Date: / / 2011</p>
<p>Recommendation 2.</p>	<p>Amend Urgent Duty Driving and Pursuits policy rules and guidelines:</p> <ul style="list-style-type: none"> <li>a. Include reference to Crimes Act s462A and Road Safety Act Road Rules s305</li> <li>b. Remove Elective and Imperative Definition</li> <li>c. Include definition and criteria for Pursuit Resumption</li> <li>d. Include direction for management of Post Pursuit investigations</li> </ul>	<p>Approved / <del>Not Approved</del> ..... Date: / / 2011</p>
<p>Recommendation 3.</p>	<p>Review Risk Assessment Prompt Card and adopt newly described model – SPEEDER and SAFE</p>	<p>Approved / <del>Not Approved</del> ..... Date: / / 2011</p>
<p>Recommendation 4.</p>	<p>Centre For Operational Safety adopt the administration of the IFS database</p>	<p>Approved / Not Approved ..... Date: / / 2011</p>
<p>Recommendation 5.</p>	<p>Assistant Commissioner Intelligence and Covert Support Department examine the capability and capacity of LEAP to record and manage pursuit and road policing investigations</p>	<p>Approved / Not Approved ..... Date: / / 2011</p>

<p>Recommendation 6.</p>	<p>Establish Divisional Pursuit Review Panels to review all pursuits and submit findings and conclusions to the Centre for Operational Safety</p>	<p>Approved / <del>Not Approved</del> ..... Date: / / 2011</p>
<p>Recommendation 7.</p>	<p>Centre for Operational Safety provide a consolidated quarterly report of pursuit reviews to Critical Incident Management Review Committee to inform ongoing training</p>	<p>Approved / <del>Not Approved</del> ..... Date: / / 2011</p>
<p>Recommendation 8.</p>	<p>Centre for Operational Safety continue to consider opportunities for incorporating new learning into training and organisational mediums, examples: • Consequence Education • Red Mist definition</p>	<p>Approved / <del>Not Approved</del> ..... Date: / / 2011</p>
<p>Recommendation 9.</p>	<p>Centre for Operational Safety and Police Communications Centre review the Pursuit Controller and Pursuit Coordinator responsibilities so that coordination of assets and generic request for specialised units is facilitated by the On Line Supervisors at the Police Communications Centre</p>	<p>Approved / Not Approved ..... Date: / / 2011</p>
<p>Recommendation 10.</p>	<p>Centre for Operational Safety includes in any education package and informing medium for pursuits, instructions in relation to appropriate radio communications and the restriction of unnecessary chatter</p>	<p>Approved / <del>Not Approved</del> ..... Date: / / 2011</p>
<p>Recommendation 11.</p>	<p>The Mobile Data Network and In Car Video Project Teams research and report on the capacity to enhance data and information capabilities of their prospective units to assist Pursuit Controllers and Pursuit Coordinators in their oversight of pursuits</p>	<p>Approved / Not Approved ..... Date: / / 2011</p>



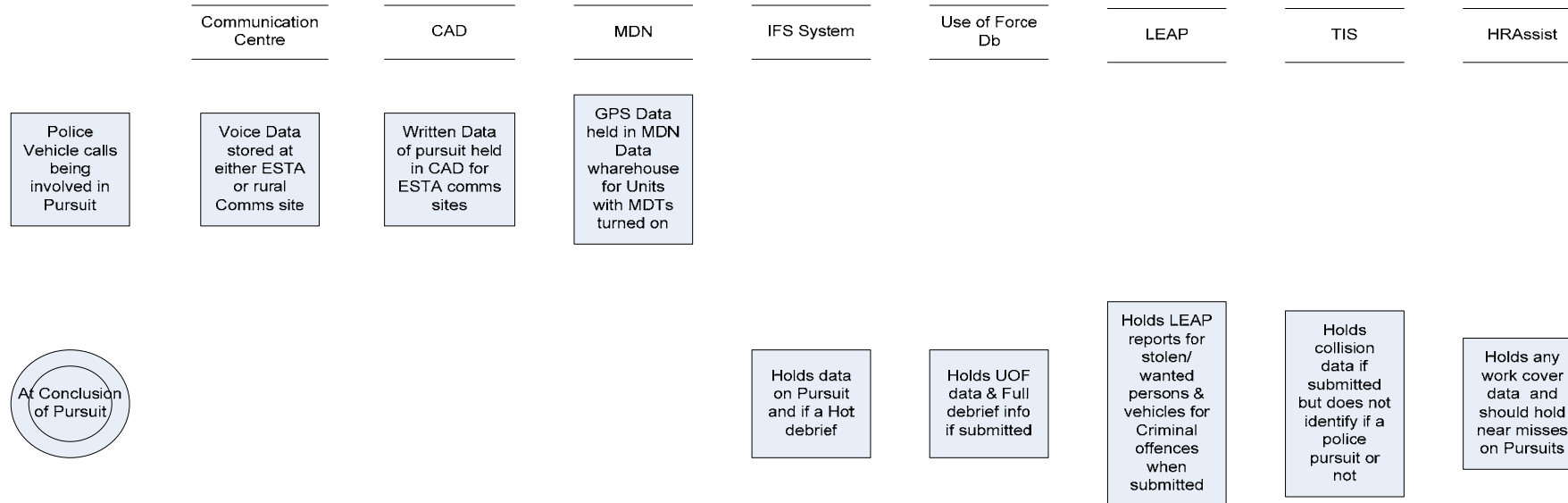
## APPENDIX A – VICTORIA POLICE LEGISLATION, POLICY AND INSTRUCTION TIMELINE

Legislation, Policy and Instruction Timeline	
2002	<p><b>Pursuit Review - AC Shuey</b></p> <p>In 2002, concerns resulting from comments made by the State Coroner of Victoria in relation to the number of deaths that had resulted from pursuits prompted Victoria Police to examine pursuit policy, practices and procedures. Assistant Commissioner Ray Shuey subsequently sponsored a review into police pursuits in 2002.</p> <p>This review resulted in forty six recommendations being made in regard to policy and procedures and several major changes were implemented into the manner in which pursuits were conducted.</p>
2003	<p><b>The Gazette Monday 30 June 2003 No.13 Fewer risks under new pursuit policy</b></p> <p>A new pursuit policy places greater emphasis on risk assessment and requires police to terminate a pursuit if the risks outweigh the benefits of apprehending the suspect.</p>
2004	<p><b>The Gazette Monday 23 February 2004 No.4 Speed classifications for police cars and drivers</b></p> <p>Under safety classifications, each of the organisations vehicles has been assigned a functional colour coded safety classification that sets a maximum speed level at which it can be safely driven. In addition, staff with a Victoria Police driving authority have been assigned a colour- coded driver classification:</p> <ul style="list-style-type: none"> <li>• Gold High speed pursuits - no limit - safety considerations apply</li> <li>• Silver Maximum speed 150KMPH - safety consideration apply</li> <li>• Bronze Maximum speed 120KMPH – safety consideration apply</li> <li>• White vehicle to be driven at posted speed limit.</li> </ul>
	<p><b>The Gazette Monday 29 November 2004 No.24 Results show pursuit policy improves safety</b></p> <p>The number of police pursuits and resultant deaths and serious injuries have dropped since the introduction of a pursuit policy in June last year.</p> <p>Acting Superintendent Stork said the pursuit termination rate had increased since the policy was introduced. In 2003-04 there were 55 voluntary terminations and 82 directed terminations, where the pursuit controller directed police to terminate. This compares to 51 voluntary and 78 directed terminations in the previous year and 37 voluntary and 51 directed terminations in 2001-02.</p>
	<p><b>Education - Diploma of Police Supervision commences</b></p> <p>Increased emphasis on supervision, risk assessment and accountabilities.</p>
	<p><b>Education - Centre for Operational Safety</b></p> <p>Pursuit policy training delivered.</p>

<b>Legislation, Policy and Instruction Timeline</b>	
<b>2005</b>	<p><b>The Gazette Monday 21 February 2005 No.4 Incident debriefings</b></p> <p>Vehicle pursuits where there was no collision, a file copy should be sent to the register within 48 hours. Where there is a collision or a person is injured, a copy of the Divisional Pursuit Review Panel should also be sent to the register.</p> <p>Hot debriefs, should be held when a full debrief is not required. Issues and recommendations arising from incident debriefings, including pursuits, may be identified by the member conducting the debriefing, divisional managers or the officer in charge of the register.</p> <p>Formal recommendations with corporate significance are recorded on the Recommendations Database, where they are monitored and regularly updated.</p>
	<p><b>Chief Commissioners Instruction 07/05 Tyre deflation devices</b></p> <p>Victoria police has introduced a Tyre Deflation Device (TDD) to be used as a pursuit resolution strategy.</p>
<b>2006</b>	<p><b>The Gazette Monday 11 June 2007 No.12 Critical Incident debriefings</b></p> <p>Introduced to review incidents where a fatality or serious injury has occurred, or any other high risk police activity, likely to attract external scrutiny where no injury has resulted.</p> <p>Critical incidents such as fatal or non fatal police shootings and <b>pursuits</b> can be the subject of Coronial Hearings, Office of Police Integrity Reviews, and associated media attention.</p>
	<p><b>Legislation - Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Act 2005</b></p> <p>Introduction of the vehicle impoundment legislation - Hoon Legislation – commenced 1 July 2006</p>
<b>2007</b>	<p><b>The Gazette Monday 6 August 2007 No.16 In Car Video switched on in Bendigo</b></p> <p>Launched and installed in 30 rural TMU cars and will continue to be installed in all country TMU vehicles over the next three years. Motorists who try to outrun police face tough penalties, including possible jail time and hefty fines under legislation introduced by parliament.</p>
	<p><b>Chief Commissioners Instruction 11/07 Evading Police (Pursuit) Offence</b></p> <p>The Road Safety Act 1986 has been amended to include s64A creating the offence of driving a motor vehicle when being given direction to stop by police.</p>
<b>2008</b>	<p>Nil</p>
<b>2009</b>	<p><b>The Gazette Monday 5 January 2009 No.1 Evading Police (Pursuits)</b></p> <p>Chief Commissioners Instruction 15/08 Evading Police (Pursuits) Offence (re-issued) on 1<sup>st</sup> December 2008. The re-issue Chief Commissioners Instruction replaces Chief Commissioners Instruction 11/07 which was published on 8 November 2007.</p>

<b>Legislation, Policy and Instruction Timeline</b>	
	<p><b>The Gazette Monday 20 July 2009 No.1 Procedure for reporting matters to ESD</b></p> <p>Serious vehicle collision involving a Victoria Police employee on or off duty (including those that are the result of a police pursuit or where a person is conveyed to a hospital, which may result in the questioning or criticism of the organisations policies, procedures or practices).</p>
	<p><b>The Gazette Monday 7 December 2009 No.25 Chief Commissioner' Instructions re-issued</b></p> <p>Chief Commissioners Instruction 15/08 Evading Police (Pursuit) Offence</p>
2010	<p><b>The Gazette Monday 29 March 2010 No.7 Assessing the risks of police vehicle pursuits</b></p> <p>In light of a recent multiple-fatality in the ACT last weekend members are reminded of the procedures surrounding police pursuits. Deputy Commissioner (Road Policing) Ken Lay defended the practice as a means of removing dangerous drivers, but said members needed to carefully balance the risks involved.</p>
	<p><b>The Gazette Monday 30 August 2010 No.18 MDN refresh rollout begins</b></p> <p>The system has allowed us to narrow down and pinpoint the location of a vehicle, Portable Data Terminals (PDT) or Mobile Data Terminals (MDT) to within 100 metres if members are involved in a pursuit or are in distress</p>
2011	<p><b>The Gazette Monday 11 April 2011 No.8 Changes to audible tone following pursuit</b></p> <p>VPMP Urgent duty driving and pursuits has been amended to clarify that the direction to terminate a pursuit can be issued by <b>any member involved in the pursuit</b>, and the audible tone will be transmitted in all instances of a pursuit being terminated.</p>
	<p><b>The Gazette Monday 23 May 2011 No.23 Be aware of pursuit responsibilities</b></p> <p>While a majority of police pursuits in 2009 and 2010 resulted in termination or the offender being caught, members are being reminded to know their responsibilities when it comes to high speed chases.</p>

## APPENDIX B – POLICE PURSUIT REPORTING DATA SOURCES



The 8 data sources nominated above all require separate data entry aspects and are not connected for the purpose of recording in a single action or reconstructing a pursuit by a review panel when determining quality of response or opportunities for improvement. In many instances of 'Hot debriefs' to pursuits where no person was injured, and no one was apprehended no data will be found in the last 4 data sources, even if a registration number was nominated but there was no criminal offence capable of being identified by the police officer to cause LEAP reports to be submitted.

In consideration of Hot debriefs the supervisor conducting same will do so without even recourse to the initial 3 data sources but only relying on their memory and sometimes with reference to the IFS system. The put a comment in the IFS system that is generally complimentary of everyone because it is in the public space and criticism of others is not ideal in the public space. This leads to rather a halo assessments of the participants in the pursuit and does not assist with the Use of Force registry identifying trends for training improvement, as they rely on the IFS & UOF data being submitted.

## APPENDIX C – VICTORIA POLICE POLICY KEY PERFORMANCE INDICATORS

Key Performance Indicators (Developed by Inspectorate for review)	Victoria Police Manual Policy and Guidelines	Comments / Recommendations
Pursuit Definition	Defined in VPM UDD and Pursuit (VPMP):  <i>A pursuit exists when police begin to follow a driver of a vehicle because the driver: (a) fails to stop after being signalled to stop by a police member; and / or (b) is taking deliberate action to avoid being stopped.</i>	Definition is clear and consistent with other jurisdictional policies
Use of Force	Defined in other policy but not in UDD and Pursuit Policy.	Recommend inclusion of 462A of the Crimes Act reminding members that pursuing motorists with a police vehicle is a use of force and must be proportionate to the objective sought:  <i>A person may use such force not disproportionate to the objective as he believes on reasonable grounds to be necessary to prevent the commission, continuance or completion of an indictable offence or to effect or assist in effecting the lawful arrest of a person committing or suspected of committing any offence.</i>
Focus on safety first	Defined in VPM UDD and Pursuit (VPMP3):  <i>In all urgent duty driving situations the priority is safety first. This includes the safety of all members' involved, the occupants of any vehicles involved and any other road users.</i>	Policy should be refined to include dictum around safety first at the beginning of the policy:  <i>“slow down, step back, safety first”</i>
Risk Assessment	Defined in VPM UDD and Pursuit (VPMG 2.2):	Risk assessment has been reviewed and refined for consideration.

Key Performance Indicators (Developed by Inspectorate for review)	Victoria Police Manual Policy and Guidelines	Comments / Recommendations
Objective / decision making	No direct reference in VPM UDD and Pursuit	<p>Suggestion to include comment at the beginning of the policy under context:  <i>Members must remain dispassionate and objective in their decision making, concentrating purely on driver behaviour, the dynamic risk assessment process and communicating clear and pertinent information. If members become too focused on a single objective or outside influence, impacting on their ability to accurately risk assess, the member and / or pursuit controller must take appropriate action such as removal from the pursuit, change or role within a pursuit or termination.</i>                      (ACPO – UK Policy)</p>
Clearly defined management principles	Defined in VPM UDD and Pursuit (VPMP 4.2)	<p>Victoria Police execution in this respect whilst good could be improved.</p> <p>It is recommended that the Police Communications Centre Radio Operators undertake a greater role in the coordination of pursuits, as per all other policies reviewed.</p> <p>All other jurisdictional policies allocate the role of Pursuit Controller to a communications centre supervisor.</p>
Clearly defined terminology	<p>Defined in VPM UDD and Pursuit (VPMG 2.1):</p> <p><b>Elective Pursuit</b> – pursuit of a vehicle that has failed to stop after being signalled to stop for a lawful purpose.</p> <p><b>Imperative Pursuit</b> – pursuit of a vehicle creating a danger to the public by it’s presence on the road or where there are reasonable grounds to believe that immediate apprehension of the driver and / or occupant(s) is essential to prevent danger to any persons.</p>	<p>Recommended removal of reference to “Elective” and “Imperative” pursuits.</p> <p>Recommended separation of policy / guidelines on urgent duty driving and pursuits. Coronial findings (2001)</p>

Key Performance Indicators (Developed by Inspectorate for review)	Victoria Police Manual Policy and Guidelines	Comments / Recommendations
One up / two up – primary / secondary	<p>Defined in VPM UDD and Pursuit (VPMG 2.3)</p> <p><i>Where possible, primary or secondary unit involved in a pursuit should be “two up” to ensure safe communications.</i></p> <p>Defined in VPM UDD and Pursuit (VPMP 4.1)</p> <p><i>Another police vehicle may assist with the pursuit as the secondary unit travelling immediately behind the primary unit; there must only be one secondary unit.</i></p>	Nil.
Notifications of pursuit	<p>Defined in VPM UDD and Pursuit (VPMP 4.1):</p> <p><i>The observer in the primary unit, or the driver if no observer, must notify police communications that a pursuit has been initiated and maintain constant communications.</i></p>	Nil.
Effective communications	<p>Defined in VPM UDD and Pursuit (VPMP 4.1 / 6.1):</p> <p><i>A pursuit must be terminated when; police radio communications become ineffective or lost.</i></p>	Nil.
Resolution tactics / considerations	Defined in VPM UDD and Pursuit (VPMP 5 / VPMG 4)	Refer amended Pursuit Assessment and Management Guide
Environmental considerations	Defined in VPM UDD and Pursuit (VPMG 2.2)	Refer amended Pursuit Assessment and Management Guide
Appropriate warning devices	<p>Defined in VPM UDD and Pursuit (VPMG 2.4):</p> <p><i>Both lights and siren must be activated in a pursuit</i></p>	VPMG dictate that both lights and siren must be activated throughout a pursuit and if either fail then termination is mandatory.
Vehicle Classification	<p>Defined in VPM UDD and Pursuit (VPMP2):</p> <p>Gold / Silver / Bronze. No mention of speed restrictions applicable to particular vehicles.</p>	Recommend inclusion of particular restrictions such as speed limits as defined in VPMP Police Vehicles.
Licence Classification	<p>Defined in VPM UDD and Pursuit (VPMP 2):</p> <p>Must have a Gold, Silver or Bronze Class ADA.</p>	Recommend inclusion of particular restrictions such as speed limits as defined in VPMP Police Vehicles.

Key Performance Indicators (Developed by Inspectorate for review)	Victoria Police Manual Policy and Guidelines	Comments / Recommendations
Vehicle / offender profile considered	Defined in VPM UDD and Pursuit (VPMG 2.2):  <i>Do you know the identity of the person you are pursuing?</i>  <i>How competent or experienced a driver do you believe the person you are pursuing to be?</i>	Recommend expansion of risk assessment to considerations of different vehicles, identifying their vulnerability should they be involved in a collision (eg two wheeled or four wheeled vehicles / ATVs etc) (SAPOL Jan -12) and acknowledging their increased acceleration rate / manoeuvrability.  Refer amended Pursuit Assessment and Management Guide
Safer options available other than pursuit	Defined in VPM UDD and Pursuit:  <i>A police member's duty to protect life and property will always have primacy over the need to arrest offenders, especially when the offence involved is relatively minor, where there are safer options other than immediate arrest.</i>	Recommend inclusion as first point to consider under risk assessment guidelines – <ul style="list-style-type: none"> <li>• <i>Is there a safer option than to pursue?</i></li> </ul> Refer amended Pursuit Assessment and Management Guide
Intelligence available	Not defined in VPM UDD and Pursuit, but would be assumed as part of the risk assessment process.	Recommend inclusion under risk assessment  <i>Have you considered other intelligence available that would lead to the identification of the offender such as CCTV etc and potentially remove the need to pursue?</i>  Refer amended Pursuit Assessment and Management Guide
Cross border instructions	Defined in VPM UDD and Pursuit (VPMP 7)  It appears that Victoria Police Border Stations have standing arrangements with their cross border stations and communications centres for pursuits.	Nil.
Clear termination criteria	Defined in VPM UDD and Pursuit (VPMP 6.1):  Conditions / Notification / Effecting Termination	Nil.
Resumption of a pursuit	Not defined in VPM UDD and Pursuit.	Recommend criteria to be included in policy – requiring authority from the pursuit controller and significant change in circumstances identifying the risk as justified. (NSW / QLD / ACT / TAS / UK / NZ policy)



Key Performance Indicators (Developed by Inspectorate for review)	Victoria Police Manual Policy and Guidelines	Comments / Recommendations
Follow up investigations	Not defined in VPM UDD and Pursuit	Recommend that the responsibility for follow up investigations be assigned by the pursuit controller (particularly where the pursuit was terminated and the offender(s) remain outstanding).
Reporting / debriefing process	Defined in VPM UDD and Pursuit (VPMP 9.2): Full and Hot debriefs.	Recommend details of all hot debriefs be documented and recorded on UOF forms or similar – allowing ability for review by Divisional Pursuit Review Panels or other interested parties.

## APPENDIX D – TECHNOLOGY OPTIONS

Technology	Description	Benefit	Risk	Recommendations
Remote Vehicle disabling	Sends remote signal to vehicle restricting fuel supply and / or braking systems.	Slows the speed of vehicle to walking pace or a complete stop.  Resolves pursuit with minimum risk.	Cost prohibitive for manufacturers.  Limited to luxury models / brands at present which are less likely to be involved in a pursuit due to other advanced anti theft technology.  Industry driven.	Nil.
Auto Arrester System	Pursued vehicle passes over device - a short pulse of electric current disrupts the componentry in the vehicle's ignition.	Vehicle's engine is disabled and it coasts to a stop.  Resolves pursuit with minimum risk.	Requirement to be in a position with sufficient time to deploy in advance of the pursued vehicle (as with TDD).  Potential to damage all electronic componentry within a 100m radius.  Damaged componentry – financial cost / safety risk.	Nil.  TDD achieves similar objectives, with less risk and financial cost, and is effective on all vehicles.
Fleeing Vehicle Tagging System	A projectile containing a radio frequency transmitter is launched at the pursued vehicle.	Transmitter provides a means of tracking the vehicle from a distance.  Removes need to remain in pursuit, providing ability to withdraw whilst monitoring location of pursued vehicle at a distance.	Potential injury / damage to other road users when deploying.  Does not resolve imminent danger to other road users (if applicable)  Does not identify occupants.  Considerable training / financial implications.	Nil.  Presents added risk to other road users in deployment phase -i.e. - firing projectile into moving traffic.
Laser Guided Projectile	A projectile containing a GPS tracking device is fired at the pursued vehicle (with the assistance of laser guidance).	This device provides a means of tracking the vehicle from a distance.  Effective in built up locations and covered car parks.  Removes need to remain in pursuit, providing the ability to withdraw whilst monitoring location of pursued vehicle.	Potential injury / damage to other road users.  Does not prevent imminent danger to other road users (if applicable).  Does not identify occupants.  Considerable training / financial implications.	Nil.  Presents added risk to other road users in deployment phase - i.e. - firing projectile into moving traffic.

Technology	Description	Benefit	Risk	Recommendations
Road Patriot	Rocket launched projectile which affixes itself to the pursued vehicle and emits an electromagnetic energy pulse that disrupts the engine.	<p>Vehicle's engine is disabled and it coasts to a stop.</p> <p>Resolves pursuit.</p>	<p>Must be within 7 car lengths to launch.</p> <p>Potential injury / damage to other road users.</p> <p>Potential to damage all electronic componentry within a 100m radius.</p> <p>Damaged componentry – financial cost / safety risk.</p> <p>Considerable training / financial implications.</p>	<p>Nil.</p> <p>Presents added risk to other road users in deployment phase - i.e. - firing projectile into moving traffic.</p>
Road Sentry	Placed on roadway in advance of pursued vehicle, as the vehicle passes over the device a signal is emitted that disrupts the engine.	<p>Operated remotely.</p> <p>Can be permanently affixed to roadway.</p> <p>Vehicle's engine is disabled and it coasts to a stop resolving pursuit.</p>	<p>Potential damage to other vehicles.</p> <p>Potential to damage all electronic componentry within a 100m radius.</p> <p>Damaged componentry – financial cost / safety risk.</p>	<p>Nil.</p> <p>TDD achieves similar objectives with less risk and financial cost and is effective on all vehicles.</p>
Pursuit Simulator	Electronically simulated pursuit training.	<p>Provides training in a controlled environment.</p> <p>Opportunity to assess decision making / risk assessing in varied scenarios.</p> <p>Can test the risk assessing ability of both the pursuit driver and controller.</p>	<p>Inhibited ability to assess skills / responses in a dynamic environment.</p> <p>Inability to effectively assess car control skills.</p>	<p>Driving School research technology available / added benefit to present training methodologies.</p>

## Methodology

Data was sourced from the following reports, systems and police members:

- Incident Fact Sheets (IFS), Mobile Data Terminal (MDT), Traffic Incident System (TIS), Use of Force, Ethical Standards Department (ESD) Review, Critical Incident Management Review Committee (CIMRC) Review, Debrief Reports, Mobile Patrol Duty Return (501), Police Communication Centre (D24) audio
- Focus Group with Managers, Supervisors and Road Policing Practitioners from the 10 highest rated pursuit PSA's
- Consultation with Highway Patrol Units (HWP) – managers and police members
- Internal and external literature, both academic and analytical

## Disclaimer

During the course of this review identified issues in respect to statistical data holdings held by Victoria Police. These statistical data sources are limited by compliance in regards to form submission by police members, lack of coordination across departments, and failures of the administration processes that underpin the data entry relevant to each system.

As a result, the assumptions and conclusions drawn in this report are primarily made against data from the Use of Force Data for the period 1 January 2002 to 31 December 2011, extracted on 2 February 2011 by Sergeant Geoff Currie Use of Force Registry, and complimented by findings of 19 Victoria Police Pursuit Case Studies which assessed all available material relevant to each pursuit. This material included:

- Use of Force
- Incident Fact Sheets
- Debrief Reports
- Police Communications Centre Audio Recordings
- Mobile Data Terminal data plotting
- Mobile Patrol Running sheets – Form 501
- Critical Incident Management Review Committee Reports
- Ethical Standards Department Review Reports

This analysis primarily considered the Use of Force database, which needs to be qualified as incomplete up until 2008. The Use of Force Registry is currently reviewing all its data, working backwards from today, and having completed to 2008. All data is subject to variation.