



National Blue Light Users Conference

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Group*





ASSOCIATION OF
CHIEF POLICE OFFICERS

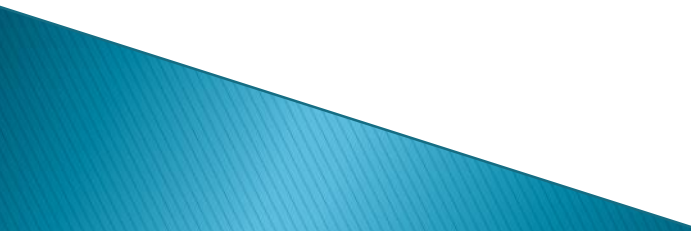
PROSECUTION STANDARDS FOR EMERGENCY SERVICE DRIVERS & TRAINERS

Insp Craig Clifton ACPO Pursuits group
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BACKGROUND INFORMATION

This session will consider:

- ▶ Brief history outlining legal position.
 - ▶ Set emergency driving in context of the law
 - ▶ Risks
 - ▶ Training requirements
 - ▶ Standards
 - ▶ Promoting consistency
 - ▶ Evaluation
 - ▶ Management responsibility
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WE ARE WHERE WE ARE!!

- ▶ Legal position:
- ▶ Case R V Bannister 2009 – high court judgement clarified Parliaments intention when drafting the law in relation to dangerous driving.
- ▶ In summary – such driving is measured or to be judged on the level of ability of a careful and competent driver.
- ▶ Despite the fact– skills required for emergency service drivers – operate at a higher level than that of the average careful and competent!
- ▶ Occupational risk!

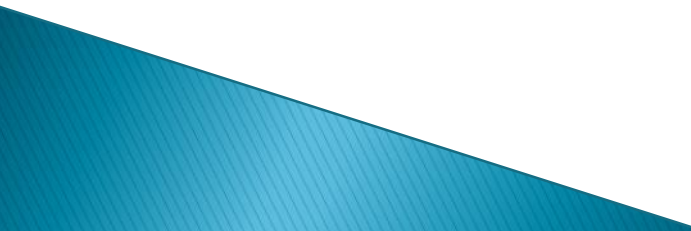
CAREFUL & COMPETENT

- ▶ A person drives dangerously when the way they drive falls far below the minimum acceptable standard expected of a careful and competent driver – AND – it would be obvious to a careful and competent driver that driving in that way would be dangerous.
- ▶ Typical examples would be – going too fast – driving aggressively – ignoring traffic lights, road signs – overtaking dangerously – driver being avoidably and dangerously distracted.
- ▶ (Source CPS guidance)


EMERGENCY DRIVING IN A LEGAL CONTEXT

- ▶ THERE IS PRESENTLY NO LEGAL PROTECTION!
 - ▶ HOWEVER
 - ▶ All emergency service drivers need to be cautious.
- ▶ Common sense has to prevail. How can we define what this means...??
- ▶ Standards & consistency essential. Variations on a theme unhelpful!
- ▶ Drivers responsibility to take decisions.
- ▶ Courts have sympathy – but this can be a traumatic experience – it's not always a necessary outcome!

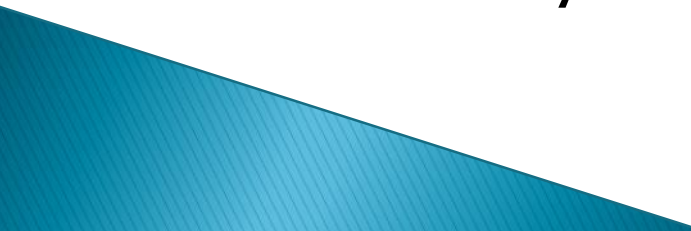
MANAGING RISKS

- ▶ JUSTIFICATION
 - ▶ PROPORTIONALITY
 - ▶ NECESSITY
 - ▶ APPROPRIATE
 - ▶ Compliance with policy, practice, guidance?
 - ▶ Driver Trg standards?
 - ▶ Driver history?
 - ▶ Evidential content?
 - ▶ Public complaint, media interest, public confidence.
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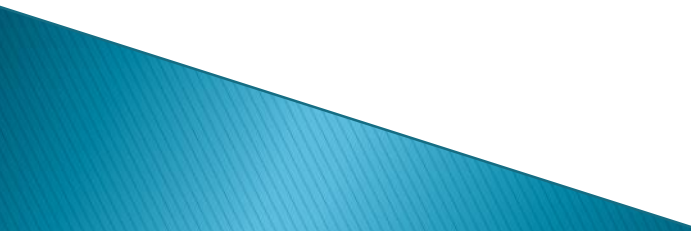
TRAINING REQUIREMENTS

- ▶ Essential component – albeit has no real legal basis (at the moment).
 - ▶ To nationally acceptable standards
 - ▶ Deal positively and supportively where known issues of standards are being compromised or left unchallenged.
 - ▶ Drivers must not go beyond their ability or level of driving authorisation.
 - ▶ Control room personnel.
 - ▶ Supervisory roles.
 - ▶ Manage the risks.
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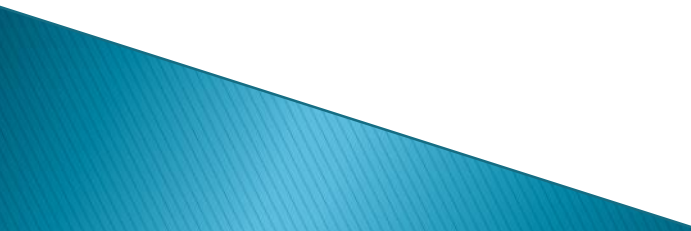
PROMOTING STANDARDS/CONSISTENCY

- ▶ Essential for confidence to any legal audit, public or employee evaluation.
 - ▶ Police role is to investigate all such incidents.
 - ▶ To address inconsistency of standards – ACPO pursuits group have agreed to provide support to forces in the decision making process.
 - ▶ How this process works.
 - ▶ To note this is none statutory – but evidentially disclosable.
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MANAGEMENT RESPONSIBILITY

- ▶ Individual decision making will always be the key factor.
 - ▶ Management cannot absolve responsibility to individuals or expect employees to make decisions which are not supported by sound operational guidance.
 - ▶ To ensure there is a responsible training and assessment regime in place.
 - ▶ To deal effectively with concerns and manage responsibly.
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CONCLUSION

- ▶ Difficult situation – ideal solution would be where the law actually recognises requirements for emergency service driving.
 - ▶ Section 19 Road Safety Act 2006.
 - ▶ Ownership of the problem is a joint services issue.
 - ▶ Nothing to be fearful of!!!
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