

Chapter 15 – Driving of Service Vehicles

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15.1 Safe Driving Policy

Introduction

POLICY

Officers in the course of their duty have a responsibility to drive with due care and attention without exposing members of the public or themselves to unjustifiable risk. A primary role of the Service is to protect the safety of the public. Driving vehicles in a manner causing unjustified risk is against this primary role.

Although officers driving police vehicles may be engaged in the lawful performance of their duties, they are not relieved of their obligations to other road users, and may be liable to criminal, civil, disciplinary or remedial action as a result of events associated with their driving. The onus is on each police driver to demonstrate that due care and attention has been exercised at all times.

The following sections 15.2 to 15.9 constitute the Service's safe driving policy and are to be complied with by all members of the Service where appropriate.

15.2 Driving of Service vehicles generally

For Service policy in relation to the operation of specialised road policing vehicles, police trail bikes, quad bikes and utility off-road vehicles, see s. 15.11: 'Operation of specialised police vehicles' of this chapter.

15.2.1 Compliance with the Transport Operations (Road Use Management) Act and Regulations

ORDER

Police recruits and staff members driving Service vehicles are to comply with the provisions of the *Transport Operations (Road Use Management) Act* and Transport Operations (Road Use Management–Road Rules) Regulation (the Queensland Road Rules).

Officers driving police vehicles are to comply with the provisions of the *Transport Operations (Road Use Management) Act* and the Queensland Road Rules so far as may be consistent with the effective performance of their duty (see s. 15.3: 'Urgent duty driving' of this chapter).

15.2.2 Legal requirements relevant to police drivers

The provisions of s. 144: 'Act does not apply to police officer in course of duty' of the *Transport Operations (Road Use Management) Act* (TO(RUM)A) and a number of sections in Part 19: 'Exemptions' of the Queensland Road Rules exempt officers from provisions of this Act and these Rules. In addition, several sections of the Queensland Road Rules provide specific exemptions for drivers or passengers of police vehicles e.g. s. 267(4): 'Exemptions from wearing seatbelts' and s. 300: 'Use of mobile phones' (see 'Use of mobile telephones' of this section).

Protection afforded by Transport Operations (Road Use Management) Act

The purpose of s. 167: 'Protection from liability' of the TO(RUM)A is to protect police officers against civil liability. Members should bear in mind that the protection from civil action afforded by this section extends to acts or omissions done 'honestly and without negligence' under a transport Act.

Section 144 of the TO(RUM)A provides an exemption to officers from the offence provisions of the Act (other than offences under s. 79: 'Vehicle offences involving liquor or other drugs' and s. 80: 'Breath and saliva tests, and analysis and laboratory tests'), while exercising a power or performing a function under this or another Act.

The protection from prosecution under s. 144 of the TO(RUM)A has been held to apply where:

- (i) the breach committed is "*considered to be a vital part of the functions the officer was required to perform*" (*Bett v. Dugger*, unrep Brisbane DC No 301 of 2000); or
- (ii) the officer's journey "*was in the course of his exercising a power of performing a function under PPRA*" (*Fenelon v. Bone*, unrep Brisbane DC No 3216 of 2003),
- (iii) officers are "*engaged in the actual exercise of a power or performance of a function*" (*Bevis v. Priebe* [1998] 2 QldR 1);

and not incidental to the exercise of a power or performance of a function (see Criminal Law Bulletins 93.3: 'Performance of duty' and 171.2: 'Police Officers Breaching Traffic Laws').

Even though officers engaged in the lawful performance of their duties may be protected by the provisions of ss. 144 and 167:

- (i) their obligations to other road users remain and officers may be liable to criminal and civil action if driving inappropriately in the circumstances; and
- (ii) the sections do not provide protection for:
 - (a) disciplinary or remedial action under the PSAA; or

(b) offences under the Criminal Code which relate to the driving of a motor vehicle.

Protection afforded by Queensland Road Rules

Section 305: 'Exemption for drivers of police vehicles' of the Queensland Road Rules provides that a provision of the Queensland Road Rules does not apply to an officer driving a vehicle in the course of the officer's duty.

The exemption from prosecution under s. 305 of the Queensland Road Rules has been held to apply where it was determined that *"it was reasonable that the regulation imposing a speed limit should not apply to him at the time, as he had exceeded the speed limit to perform his crime car duties"* (*Yabsley v. Donaldson* [2006] QDC 395).

Officers are also provided exemptions under ss. 307: 'Stopping and parking exemption for police and emergency vehicles', 308: 'Exemption for police officers and emergency workers on foot' and 308A: 'Exemption for police officers using personal mobility devices' of the Queensland Road Rules stating provisions relating to each section that do not apply to an officer acting in the course of their duty if, in the circumstances:

- (i) the officer is taking reasonable care; and
- (ii) it is reasonable that the provisions should not apply.

The concept of 'performance of duty' is expressly dealt with by s. 792: 'Performance of duty' of the PPRA, which states:

'an officer performing a function of the police service is performing a duty of a police officer even if the function could be performed by someone other than a police officer',

which has been held in case law to relate to the Queensland Road Rules exemptions. The 'functions of the Police Service' are contained in s. 2.3 of the PSAA.

A breach of Service policy does not, of itself, negate the applicability of ss. 144 or 167 of the TO(RUM)A or ss. 305, 307, 308 or 308A of the Queensland Road Rules respectively.

Example:

A police officer driving a vehicle during a pursuit in the course of the officer's duty fails to first stop before driving against a red traffic light as required by s. 15.3.4: 'Proceeding against traffic light signals' of this chapter. The provisions of s. 305 of the Queensland Road Rules may apply to the officer if the driving through the red traffic light was done with reasonable care, it was reasonable in the circumstances that the requirement to stop at the red traffic light should not apply and subject to the provisions dealing with blue or red flashing light and alarm. The officer may not be charged with an offence in relation to s. 56: 'Stopping on a red traffic light or arrow' of the Queensland Road Rules. However, disciplinary action may be taken in respect to the officer's failure to comply with Service policy.

Use of mobile telephones

Despite the exemption provided by s. 300: 'Use of mobile phones' of the Queensland Road Rules, drivers of police vehicles are not to use a hand held mobile telephone while the vehicle is moving, or is stationary in traffic but not parked, except in an emergency.

Officers involved in an attempt to intercept, evade police offence or police pursuit are to ensure that the police radio is used as the primary means of communication at all times. Only under exceptional circumstances (for example, black spot or loss of radio contact) are officers to consider the use of a mobile telephone as a means of communication, and only where two or more officers are present in the Service vehicle.

15.2.3 Operation of Service vehicles by staff members and government employees

For this section, the term '**vehicle**' includes all motor vehicles and vessels operated by the Service.

Staff members (see SMD) and employees of government departments (co-responder team members) working with officers and/or police liaison officers to provide a multi-agency response, who hold an appropriate licence, may operate Service vehicles where necessary as part of their duties. Whenever practicable, staff members are only to use unmarked vehicles. Co-responder team members are only authorised to operate unmarked vehicles.

Persons contracted or seconded to the Service and co-responder team members may only drive unmarked Service vehicles with the authority of an officer of the rank of superintendent or above, or equivalent. These staff members and persons are to carry a mobile telephone whilst driving Service vehicles.

When staff members, contractors or co-responder team members are travelling in a Service vehicle and are approached by a member of the public, they are to:

- (i) clearly advise the person that they are not a police officer;
- (ii) contact the local police communications centre by telephone and request assistance;
- (iii) avoid placing themselves in a situation of unnecessary, foreseeable risk to themselves, other persons or property; and
- (iv) provide appropriate assistance only where they are qualified to do so (e.g. first aid).

ORDER

Staff members, co-responder team members and persons contracted or seconded to the Service are not to:

- (i) drive high performance Service vehicles (see s. 15.3.5: 'Use of high-powered vehicles for urgent duty driving' of this chapter);
- (ii) operate the siren or emergency lights; or
- (iii) undertake urgent duty driving.

Partners and immediate family members accompanying members in Service vehicles

Partners and immediate family members may accompany members in Service vehicles where approval has been granted by the member's district officer or equivalent ranking officer. Members working in regions/districts (e.g. Highway Patrols) are to obtain approval of the district officer or equivalent ranking officer where the member is located.

Operation of Service vehicles by persons other than members

ORDER

Unless exceptional or emergent circumstances exist, Service vehicles are not to be operated by persons other than members and persons contracted or seconded to the Service.

In emergent or extraordinary circumstances where transportation is required and there are no members of the Service available, an officer may authorise a family member or other suitable member of the public to drive the vehicle under their direction provided the person is licensed to drive that class of vehicle.

Examples of situations:

- (i) a violent prisoner or injured person being transported requires restraint or attention from the officer;
- (ii) the officer is required to drive an ambulance;
- (iii) an offender has been arrested by an officer on foot and a Service vehicle is required to transport the offender; or
- (iv) a Service vehicle is to be returned to the station for security while the officer is engaged in other duties, e.g. searching for a missing person.

15.2.4 Driving of vehicles without a licence

ORDER

Officers are not to drive any vehicle for which they are not duly licensed except in emergency circumstances or where authorisation has been obtained from a commissioned officer.

POLICY

Commissioned officers should consider the following factors prior to authorising officers to drive vehicles for which they are not duly licensed:

- (i) the risk to officers and members of the public including the:
 - (a) type of vehicle to be driven;
 - (b) prior experience/training of officer;
 - (c) physical capacity of the officer to effectively control the vehicle;
 - (d) type of cargo/load contained in or carried by the vehicle;
 - (e) roadworthiness of the vehicle;
 - (f) availability of an appropriate escort vehicle, where appropriate;
 - (g) distance to be travelled;
 - (h) time and location of travel;
 - (i) volume of traffic on the road;
 - (j) location of schools, pedestrian crossings and other hazards; and
 - (k) weather conditions; and
- (ii) any alternative means of moving the vehicle including use of:
 - (a) an appropriate tow truck;
 - (b) another officer licensed to drive the particular vehicle; or
 - (c) an appropriately licensed member of the public acting at the direction of an officer (e.g. directing a MC licensed person to move a B-Double truck to an appropriate parking area).

15.2.5 Persons other than police officers travelling in Service vehicles

At times persons other than police officers travel in police vehicles. They may include:

- (i) persons in custody;
- (ii) Service staff members;
- (iii) police recruits;
- (iv) volunteers in policing;
- (v) stranded motorists or welfare transports;
- (vi) other government agency staff members; and,
- (vii) external observers (e.g. researchers, media, visiting police, and other emergency service personnel).

ORDER

Drivers of police vehicles are not to engage in urgent duty driving where there are persons:

- (i) in custody in the police vehicle. As outlined in s. 10.4.6: 'Transport of arrested persons' of this Manual, officers are to convey arrested persons to the nearest watch-house or police establishment using the most expedient means available; or
- (ii) other than police officers travelling in the police vehicle, unless:
 - (a) those persons can safely exit the vehicle prior to commencing urgent duty driving;
 - (b) the safety of those persons is not compromised; and
 - (c) there is no other reasonable alternative to this course of action.

15.2.6 Transportation of sick or injured persons in Service vehicles

POLICY

In situations of emergency or otherwise, members may transport sick or injured persons in a Service vehicle or render other required assistance provided that:

- (i) appropriate circumstances exist which dictate that such transport services or the rendering of such assistance is required;
- (ii) such transport services or the rendering of such assistance is required by the reasonable expectations of the community or as are reasonably sought of officers by members of the community (see s. 2.3(g): 'Functions of service' of the *Police Service Administration Act*); and
- (iii) paramedics, ambulance or other medical professionals cannot provide transport to the sick or injured person in a reasonable timeframe, or have requested police assistance.

ORDER

The officer in charge at an incident where a sick or injured person requires transportation or the provision of other assistance, is to decide whether it is appropriate to transport that person in a Service vehicle or provide any other required assistance.

PROCEDURE

In making the decision, the officer should consider the circumstances of the request, including the:

- (i) nature of the person's illness or injury;
- (ii) need for such transportation to be effected in a properly equipped vehicle on an appropriate carrier, e.g. an approved stretcher;
- (iii) likelihood of exacerbating the patient's injury or illness by providing inappropriate transport;
- (iv) availability of a properly equipped vehicle;
- (v) nature of the terrain to be traversed;
- (vi) distance from the scene to the nearest place of treatment; and
- (vii) need for the police vehicle to be used at the scene, e.g. command post in an armed offender situation.

15.2.7 Medical conditions affecting the operation of Service vehicles and vessels

Certain medical conditions, disabilities and treatments can affect a member's (see SMD) ability to operate vehicles safely, especially when officers are called upon to perform urgent duty driving. Accordingly, it may be necessary for the Service to require members with certain medical or physical conditions to produce an appropriate medical clearance showing they are fit to operate Service vehicles or vessels.

In accordance with Chapter 3, Part 6, Division 1: 'Jet's law: eligibility for licences and reporting of particular medical conditions' of the Transport Operations (Road Use Management–Driver Licensing) Regulation, persons are:

- (i) required to advise the Chief Executive of the Department of Transport and Main Roads (DTMR); and
- (ii) restricted from obtaining, holding or renewing a Queensland driver licence,

if the person has a permanent or long term mental or physical incapacity.

The Chief Executive DTMR may authorise a person with a permanent or long term mental or physical incapacity to hold a Queensland driver licence with appropriate conditions on the licence (e.g. the person is to wear spectacles or may drive a vehicle fitted with hand controls).

Health practitioners determine whether a person with a medical or physical condition should operate a motor vehicle in accordance with the 'Assessing fitness to drive for commercial and private vehicle drivers' medical standard for licensing guidelines (the Guidelines) (available on the Austroads website and on the Safety and Recruiting 'Policy and Legislation' webpage on the Service Intranet).

The Guidelines outline periods where persons should not be permitted to drive a motor vehicle for:

- (i) prescribed medical and physical conditions; or
- (ii) short periods of time following certain medical procedures.

Certain medical and physical conditions require a period of stability or treatment prior to the relaxation of any restrictions on operating motor vehicles or vessels.

The list of medical and physical conditions in the Guidelines are not exhaustive and other conditions may prevent a member from operating a Service vehicle or vessel upon the advice of the member's health practitioner, e.g. a driving restriction for an appropriate period of time when prescribed certain medication.

ORDER

Where a member is:

- (i) required to advise the Chief Executive DTMR of a medical condition in accordance with Chapter 3, Part 6 of the Transport Operations (Road Use Management–Driver Licensing) Regulation; or
- (ii) directed by their health practitioner to not operate a motor vehicle or vessel due to a medical or physical condition,

the member is:

- (i) to ensure their officer in charge/manager is advised of the relevant medical or physical condition and is supplied with a copy of a medical certificate outlining their restriction from operating vehicles or vessels; and
- (ii) not to operate a Service vehicle or vessel until an appropriate medical clearance is received by the Service.

POLICY

Where a member has been directed by their health practitioner not to drive a motor vehicle, the member is restricted from operating Service vessels for the same period of time.

For the purposes of determining the length of time a member is restricted from operating a Service vehicle or vessel due to a medical condition in accordance with the Guidelines:

- (i) officers are deemed to be 'commercial vehicle drivers'; and
- (ii) other members are deemed to be 'private vehicle drivers'.

Where a member has a medical or physical condition which impacts on their capability to operate a motor vehicle, any clearance to operate a Service vehicle or vessel would be determined as part of the injury management process (see 'Injury Management' of the Safety and Recruiting Policies (available on the Service Intranet).

Members will be restricted from operating Service vehicles or vessels until the member produces an appropriate medical clearance issued by their health practitioner stating the member is fit to operate a Service vehicle or vessel.

PROCEDURE

Officers in charge or managers, upon being notified by a member of a relevant medical or physical condition are to:

- (i) ensure the member does not operate a Service vehicle or vessel until the member produces a medical certificate issued by the member's health practitioner stating that the member is fit to operate a Service vehicle or vessel; and
- (ii) consult with the Injury Management Advisor in relation to appropriate management of the member's condition through the injury management process.

15.3 Urgent duty driving

Definition

POLICY

'Urgent duty driving' means driving a Service vehicle to perform a duty which requires prompt action and may include:

- (i) the use of flashing warning lights and/or siren to obtain priority travel over other motorists; and
- (ii) driving in a manner that, if not justified, would ordinarily constitute an offence.

15.3.1 When urgent duty driving is permitted

POLICY

Generally, officers should only engage in urgent duty driving when:

- (i) responding to priority code 1 and 2 job taskings (see s. 14.24: 'Priority codes' of this Manual);
- (ii) it is not practicable to obtain a priority code and immediate police response to an incident is required;
- (iii) obtaining a 'follow speed' of a vehicle in accordance with s. 6.5: 'Follow speed' of the Traffic Manual;
- (iv) intercepting or attempting to intercept a vehicle (see s. 15.4: 'Vehicle interceptions' of this chapter);
- (v) involved in a pursuit (see s. 15.5: 'Pursuits' of this chapter); or
- (vi) otherwise exercising a power or performing a function covered by legislation and case law, as outlined in s. 15.2.2: 'Legal requirements relevant to police drivers' of this chapter, in circumstances which require prompt action by police.

When engaging in urgent duty driving, officers are to:

- (i) recognise that the safety of all persons (i.e. police officers, members of the public and offenders) is paramount and are not to drive a Service vehicle in a manner which is likely to expose themselves or other road users to unjustifiable risk, injury or death;
- (ii) drive within and not exceed their own personal driving skills and abilities, and the capabilities of the police vehicle;
- (iii) be aware that whilst they have certain exemptions under the *Transport Operations (Road Use Management) Act* and Queensland Road Rules, any actions must be reasonable in the circumstances (e.g. exceeding the posted speed limit);
- (iv) drive in such a manner to avoid having a collision whilst proceeding to a call for service; and
- (v) use sound professional judgment and will be held accountable for their decisions.

Officers should also be mindful that other road users may not be aware of the presence of a police vehicle engaged in urgent duty driving including, drivers hearing being impaired by having windows closed and noise from car stereos and air-conditioners. Other environmental factors (e.g. bright sun, position of the police vehicle and other road users) may also diminish the effectiveness of flashing warning lights and siren and add to the risks associated with urgent duty driving.

Urgent duty driving that causes unjustifiable risk to the safety of any person is not acceptable and does not display sound professional judgement. Even though officers driving police vehicles may be engaged in the lawful performance of their duties, they are not relieved of their obligations to other road users and may be liable to criminal and civil action as a result of events associated with their driving.

15.3.2 Urgent duty driving not permitted for priority code 3 and 4 tasks

POLICY

Drivers of police vehicles assigned a job tasking with a priority code 3 or 4 are not to engage in urgent duty driving (see s. 14.24: 'Priority codes' of this Manual).

15.3.3 Use of flashing warning lights and siren

ORDER

Drivers of police vehicles are to use the flashing warning lights and siren fitted to the vehicle when engaged in urgent duty driving, unless exceptional circumstances exist.

POLICY

Where an officer in a police vehicle decides to activate the vehicle's siren, the vehicle's flashing warning lights should also be activated.

The flashing warning lights should be activated in the performance of duty when travelling at a speed no greater than the prescribed speed limit, such as:

- (i) the use of the road by the police vehicle under circumstances which may require taking special precautions or manoeuvres to avoid risk or danger to any person or property (e.g. moving to the incorrect side of the road to avoid storm damage or whilst performing a wide load escort); or
- (ii) proceeding through congested traffic to reach the site of a traffic crash requiring a timely police response.

For the purposes of this policy, exceptional circumstances include:

- (i) covert operations, including covert surveillance;
- (ii) obtaining a 'follow speed' of a vehicle pursuant to s. 6.5: 'Follow speed' of the Traffic Manual. However, once sufficient evidence has been obtained to prove the offence of speeding, officers are to intercept the vehicle in accordance with s. 15.4: 'Vehicle interceptions' of this chapter; or
- (iii) situations where the use of flashing warning lights and/or siren is not appropriate, such as:
 - (a) accelerating the police vehicle to catch up to and attain positioning behind a vehicle to be intercepted, so as to give the driver of the vehicle a direction to stop (see s. 15.4: 'Vehicle interceptions' of this chapter). However, once a suitable position has been obtained to give a direction to stop, officers are to intercept the vehicle as soon as practicable in accordance with s. 15.4.3: 'Intercepting a vehicle' of this chapter; or
 - (b) when it is not tactically sound e.g. approaching breakers on premises, alarms or disturbances, where the early activation of the flashing warning lights and siren would defeat enforcement action.

Officers are to ensure the provisions of s. 15.3.1: 'When urgent duty driving is permitted' of this chapter are applied in the situations above.

15.3.4 Proceeding against traffic light signals

ORDER

Officers engaged in urgent duty driving may drive against a red traffic control light signal only after stopping and ensuring that continuing through the intersection (or pedestrian, railway or other crossing) will not create a dangerous situation.

15.3.5 Use of high-powered vehicles for urgent duty driving

The Service has a number of high-powered vehicles generally used for traffic enforcement duties. These vehicles have performance capabilities beyond those of standard vehicles.

High-powered vehicles are defined in Schedule 9: 'Dictionary' of the Transport Operations (Road Use Management—Driver Licensing) Regulation. For the purposes of this chapter, a four wheel drive vehicle which is designed to travel off-road (e.g. Toyota Landcruiser) is not a high-powered vehicle.

POLICY

Officers are not to drive high-powered vehicles in urgent duty driving situations unless they have:

- (i) successfully completed a 'Car Course Level II'; or
- (ii) obtained prior authorisation from a commissioned officer of their district or command.

Officers who have an operational requirement to drive high-powered vehicles in urgent duty driving situations, but have not completed a 'Car Course Level II', should apply for authorisation from a commissioned officer.

Commissioned officers considering such an application are to consider:

- (i) the successful completion by the officer of departmental driving courses;
- (ii) the experience of the officer in driving high-powered vehicles;
- (iii) the types and number of vehicles available to the officer;
- (iv) the officer's driving history;
- (v) whether the officer has previously been authorised to drive high-powered vehicles in urgent duty driving situations and the period of time elapsed since last being authorised to drive high-powered vehicles; and
- (vi) when the next 'Car Course Level II' is to be held.

When an officer has an ongoing need to drive a high-powered vehicle in urgent duty driving situations, but has not successfully completed a 'Car Course Level II' (e.g. Highway Patrol officer), the officer in charge of the relevant officer should recommend the officer is enrolled in the next available course.

ORDER

Districts and Commands are to maintain a register of officers authorised to drive high-powered vehicles in urgent duty driving situations.

The Officer in Charge, Driving Skills Section, Operational Skills Training Unit, Recruit and Policing Skills Group, Education and Training, People Capability Command is to ensure:

- (i) appropriate records are made and maintained for officers who successfully complete a 'Car Course Level II'; and
- (ii) the 'Car Course Level II' is regularly scheduled to meet ongoing demand.

15.3.6 Vehicle capabilities to be considered when urgent duty driving

A number of different vehicles are used within the Service. These may include:

- (i) motorcycles (road and trail);
- (ii) sedans (4, 6, or 8 cylinder);
- (iii) 2WD and 4WD utilities;
- (iv) medium and heavy duty 4WD vehicles; and
- (v) prisoner transport and other specialised vehicles.

Each vehicle has limits to its capabilities.

POLICY

When engaged in urgent duty driving, officers are to ensure they drive in a manner commensurate with the capabilities of the particular vehicle. For example, a specialist vehicle (such as a dog squad or prisoner transport vehicle) should not be driven in the same manner as a high-powered vehicle. Care must be undertaken by officers particularly when engaged in urgent duty driving, not to exceed the capabilities of the vehicle being driven.

15.4 Vehicle interceptions

Definition

POLICY

A **vehicle interception** means the period from when an officer in a police vehicle decides to intercept the driver of a vehicle until:

- (i) the driver stops; or
- (ii) fails to stop as soon as reasonably practicable.

It includes the period when the police vehicle closes on the subject vehicle prior to giving the driver a direction to stop.

If the other vehicle fails to stop as soon as reasonably practicable after being given a direction to stop and the driver of the police vehicle continues to follow the vehicle, a pursuit will exist (see s. 15.5: 'Pursuits' of this chapter).

15.4.1 Authority to intercept

In all instances, officers are entitled, where lawful, to intercept a vehicle. The following sections of the PPRA contain provisions relating to the stopping of vehicles:

- (i) s. 31: 'Searching vehicles without warrant'; and
- (ii) s. 60: 'Stopping vehicles for prescribed purposes'.

15.4.2 Considerations prior to interception

Officers intending to intercept motor vehicles should ensure:

- (i) they do not unnecessarily expose themselves or any other persons, to danger; and
- (ii) appropriate safety precautions are taken.

Prior to giving a direction to the driver of another vehicle to stop, officers should:

- (i) consider the reason for the interception and what action can be taken if the driver of the vehicle refuses to stop, see ss. 15.5.2: 'Justification for pursuit' and 15.4.4: 'Abandoning an attempted interception' of this chapter;
- (ii) consider whether to stop the vehicle immediately or call for assistance. This consideration should include whether the vehicle is being driven in a manner dangerous to road users, the offence suspected of having been committed, the number of persons in the vehicle and whether the officer is attempting the interception is alone;
- (iii) whenever practicable, inform the local police communications centre of their intentions prior to attempting to stop the particular vehicle; and
- (iv) select a suitable interception site having regard to the distances required for vehicles to stop safely when travelling at the speed limit for that relevant section of road. Where practicable, the interception site should be well lit and located on a level stretch of roadway so that both the police vehicle and the intercepted vehicle are

visible from a distance. If possible, avoid stopping over the crest of a hill or in an area where visibility of the police vehicle is impeded.

15.4.3 Intercepting a vehicle

Unless in exceptional circumstances, unmarked Service vehicles which are not fitted with flashing warning lights and a siren should not intercept vehicles.

Once an officer has decided to intercept a vehicle, a direction to stop is to be given as soon as practicable (see s. 15.4.6: 'Protracted following of a vehicle' of this chapter) after:

- (i) an officer's vehicle is appropriately positioned in relation to the vehicle to be intercepted; or
- (ii) observing the subject vehicle being driven in a manner which poses a risk to road users.

Where a vehicle has been used in recent evade offences, officers are to comply with s. 15.4.7: 'Attempts to intercept a vehicle that has recently evaded police' of this chapter prior to attempting an interception.

When an officer has decided to intercept the driver of a vehicle, the officer should:

- (i) check the rear vision mirror and monitor any following traffic and keep a clear view of and do not overtake the vehicle to be intercepted;
- (ii) be alert to the possibility that the vehicle may:
 - (a) stop suddenly and the occupants decamp from the vehicle;
 - (b) make a U-turn and drive off in the opposite direction; or
 - (c) reverse with the intent to ram and disable the police vehicle.
- (iii) position the police vehicle to the rear of, and at a safe distance from, the vehicle to be intercepted. This may include exceeding the speed limit to catch up to the vehicle of interest prior to activating the flashing warning lights and siren;
- (iv) activate the flashing warning lights and siren fitted to the police vehicle to give the driver a direction to stop (see s. 748: 'Giving a direction for ch 22' of the PPRA);
- (v) when intercepting oncoming vehicles, at no time position the police vehicle on the incorrect side of the road or travel into the path of an oncoming vehicle. However, this does not apply to a roadblock established pursuant to s. 2.4.12: 'Roadblocks' of this Manual;
- (vi) if the vehicle does not stop and only if it is reasonably safe and practicable to do so, position the police vehicle abreast of the vehicle. Care should be taken during this manoeuvre to avoid 'over-shooting' the vehicle and to prevent the driver swerving the vehicle into the police vehicle. Officers should be prepared to take evasive action if the driver of the vehicle attempts to ram the police vehicle;
- (vii) indicate to the driver of the vehicle by hand signals, visual means (such as a 'POLICE – STOP' sign, if available), loudspeaker or other suitable means, to stop the vehicle; and
- (viii) if the vehicle:
 - (a) comes to a halt, stop the police vehicle at a reasonable distance behind the vehicle, allowing visibility of the interior of the vehicle. The police vehicle should be stopped in an off-set position if the interception site allows it. Officers should comply with the provisions of s. 15.4.5: 'Procedures after interception' of this chapter; or
 - (b) fails to stop as soon as reasonably practicable and the officer believes on reasonable grounds the driver of the subject vehicle is intentionally attempting to evade police:
 - if appropriate, commence a pursuit in accordance with s. 15.5: 'Pursuits' of this chapter, or
 - abandon the attempted interception and comply with s. 15.4.4: 'Abandoning an attempted interception' of this chapter.

15.4.4 Abandoning an attempted interception

For the purposes of this policy, an attempted interception is where the driver of a vehicle fails to comply with a direction to stop as soon as reasonably practicable (see s. 15.4.3: 'Intercepting a vehicle' of this chapter) and the officer decides to abandon the interception of the vehicle.

When an attempted interception is abandoned, officers are to:

- (i) turn off the flashing warning lights and siren of the police vehicle;
- (ii) pull over and stop the police vehicle in the first available safe position;
- (iii) provide the local police communications centre with:

- (a) brief details of the attempted interception; and
 - (b) location and odometer reading of the police vehicle.
- (iv) make notes of the circumstances of the attempted interception to assist with the subsequent investigation of the evade police offence (see s. 754: 'Offence for driver of motor vehicle to fail to stop motor vehicle' of the PPRA) and any other offences detected; and
- (v) ensure that prior to the end of the shift:
- (a) an investigation is commenced; and
 - (b) a QPRIME occurrence report is furnished.

For an evade police offence and any other offences detected prior to abandoning the attempted interception (see s. 15.8: 'Evading police officers and type 1 vehicle related offences' of this chapter).

The information to be recorded in QPRIME includes:

- (i) in the 'Offence Location Details' – the location where the initial direction to stop was given;
- (ii) in the 'Modus Operandi Details':
 - (a) the reason for the attempted interception (e.g. a traffic infringement or random breath test);
 - (b) how the direction to stop was given (e.g. by positioning the police vehicle to the rear of the vehicle or the use of flashing warning lights and siren);
 - (c) descriptions of additional directions to stop, if any (e.g. by re-positioning the police vehicle alongside the other vehicle, whether the driver of the vehicle was directed by hand signals, visual means (such as a 'POLICE – STOP' sign), loudspeaker or other suitable means, to stop the vehicle);
 - (d) the actions of the driver which led to the reasonable belief that they were deliberately attempting to evade police (e.g. increasing speed, weaving between lanes to travel at a speed higher than the surrounding traffic);
 - (e) the speeds attained during the attempted interception;
 - (f) the reason the attempted interception was subsequently abandoned;
 - (g) the location where the attempted interception was abandoned;
 - (h) the type of police vehicle(s) involved (e.g. motorcycle, sedan, four-wheel drive) and whether marked or unmarked; and
 - (i) description of the offending vehicle, driver and any other occupants; and
- (iii) in the 'Officer's Report', the details of the officers in the police vehicle(s).

15.4.5 Procedures after interception

PROCEDURE

Before leaving the police vehicle to speak to the occupants of the intercepted vehicle, officers should:

- (i) notify the local police communications centre of the interception and the exact location as well as any other information regarding the description of the intercepted vehicle and its occupants;
- (ii) if time permits, record on the activity log or elsewhere, information about the intercepted vehicle and its occupants;
- (iii) continue to operate the flashing warning lights;
- (iv) observe the occupants of the intercepted vehicle for any unusual movement, e.g. change of seating positions, attempts to dispose of anything or attempts to leave the scene unexpectedly either in the vehicle or on foot;
- (v) avoid standing between the police vehicle and the intercepted vehicle; and
- (vi) conduct a threat assessment using the POP process (Person Object Place) and, if safe to do so, approach the intercepted vehicle in accordance with the 'Dealing with motorised offenders' Good Practice Guide (available on the Service Intranet).

15.4.6 Protracted following of a vehicle

The protracted following of a subject vehicle, without attempting an intercept, may be considered a pursuit and could create an undue risk to all road users.

Protracted following means the following of a vehicle by the driver of a Service vehicle who directly observes the driver of the subject vehicle:

- (i) committing a driving offence; or

(ii) conducting overt acts to avoid detection (e.g. conducting multiple left and right turns), beyond the time reasonably necessary to:

- (i) conduct QPRIME checks in relation to the vehicle and occupants;
- (ii) obtain a follow speed;
- (ii) determine whether an interception of the vehicle should be attempted;
- (iii) identify a suitable location to safely intercept; or
- (iv) coordinate and execute a planned interception of the vehicle (e.g. arranging additional crews to assist or deploying tyre deflation devices).

It is immaterial if the police vehicle's siren or flashing warning lights are activated.

The continued following of a vehicle where the vehicle is committing a driving offence or overt actions to avoid detection may constitute a pursuit (see s. 15.5: 'Pursuits' of this Manual).

This does not apply:

- (i) when the driver of a subject vehicle is not committing a driving offence or an overt act to avoid detection;
- (ii) to officers of the Covert & Special Operations Group or an OIC approved surveillance task;
- (iii) to Police Service helicopters (see ss. 2.21.3: 'Polair Queensland tasking' and 15.5.10: 'Use of Polair Queensland during a pursuit' of this Manual);
- (iv) to government and community helicopter providers (see s. 2.21: 'Helicopter operations' of this Manual); and
- (v) in instances where a vehicle is being monitored and tracked by remote electronic means.

15.4.7 Attempts to intercept a vehicle that has recently evaded police

Where a vehicle has been involved in a recent evade offence (see Chapter 22: 'Provisions about type 1 vehicle related offences' of the PPRA) it is likely the driver of the vehicle will continue to evade police if a further interception is attempted.

Where an officer identifies a vehicle they intend to intercept has, within the past 4 hours, been involved in a recent evasion offence, prior to attempting a further interception the officer should:

- (i) conduct a risk assessment, considering the factors within s. 15.5.3: 'Risk assessment' of this chapter; and
- (ii) contact the local police communications centre for approval to intercept and advise of:
 - (a) the vehicle's current location;
 - (b) any offences being committed by the driver of the vehicle;
 - (c) relevant information which will assist with the decision-making process; and
 - (d) request authority to conduct a further interception.

The authority to authorise a further interception can be made by an OIC or shift supervisor of a police communications centre or where relevant outside of a police communication centre, a regional duty officer (RDO), patrol group inspector, district duty officer (DDO) or shift supervisor.

Decision to authorise interception

The authorising officer is to assess the new information provided and all relevant circumstances, including historical evades, any reduced risk (e.g. vehicle is now in rural area) and the criminality regarding the vehicle and determine if a further interception should be conducted within the four hours.

Any decision to approve a further interception is to incorporate a continued risk assessment and the coordination and execution of the interception (e.g. arranging supervisors/additional crews to assist with the interception, deploying tyre deflation devices and coordinating Polair).

An authorising officer may delegate interception responsibility and coordination to a RDO or DDO who they believe possesses greater situational awareness and command and control.

Decision not to intercept a vehicle that has recently evaded police

Authorising officers are not to deny intercept approval without first conducting an assessment.

Where a decision is made by the authorising officer that there is to be no attempt to intercept the vehicle, the officer making the decision should:

- (i) direct all officers on the relevant radio talkgroup/s to cease any further interception attempts;
- (ii) consider if officers should continue to follow the subject vehicle (see s. 15.4.6: 'Protracted following of a vehicle' of this chapter);

- (iii) ensure a modification to the BOLO for the vehicle with the details of the vehicles direction; and
- (iv) advise the relevant adjoining communications centre if the vehicle is likely to enter their location.

Officers are not to attempt an interception of a vehicle identified as being involved in a recent evade offence within 4 hours, unless approval has been given. Officers are to comply with any direction regarding the continued following of the vehicle.

15.4.8 Mobile interception of heavy vehicles

Heavy vehicles such as articulated motor vehicles, B-Doubles, road trains or other rigid motor vehicles towing one or more trailers, due to their weight and size require suitable interception sites.

PROCEDURE

Officers intending to intercept heavy vehicles should ensure that any selected interception site:

- (i) has sufficient space for the stopping of the vehicle;
- (ii) has a safe 'pull-off' section;
- (iii) provides for good visibility of stopped vehicles to approaching traffic and wherever practicable be on flat roadway;
- (iv) does not require the sudden application of brakes by drivers of heavy vehicles or the driving of the heavy vehicles uphill when departing; and
- (v) has sufficient space for vehicles to move off and return into the traffic flow.

15.4.9 Security firms' special purpose armoured vehicles

PROCEDURE

Where officers intercept drivers of special purpose armoured vehicles owned by security firms, the intercepting officer should:

- (i) permit the driver to remain in the special purpose armoured vehicle; and
- (ii) allow the driver to communicate through a microphone system fitted to that vehicle.

Any written communication, including any identification or driver licence may be passed by the driver to the officer through the vehicle's gun ports.

Special purpose armoured vehicles should not be left on roadways and where appropriate the vehicle is to be driven to a police station/establishment. The relevant security firm's supervisor will attend upon request to make any necessary arrangements depending on the circumstances.

Where a special purpose armoured vehicle is involved in a traffic incident officers should permit the driver of such vehicle to communicate with their supervisor to enable that supervisor to attend the scene. If the driver is incapacitated as a consequence of an injury, officers should contact the security firm's supervisor.

Officers performing duties at a random breath test interception site should not intercept special purpose armoured vehicles.

15.5 Pursuits

Definition

A 'pursuit' exists when an officer driving a police vehicle continues to follow another vehicle after:

- (i) an officer in a police vehicle gives a direction to the driver of another vehicle to stop (see s. 15.4.3: 'Intercepting a vehicle' of this chapter) and the vehicle fails to stop as soon as reasonably practicable; and
- (ii) the officer believes on reasonable grounds that the vehicle driver is attempting to evade police.

A pursuit is to be abandoned immediately if it:

- (i) is a non-pursuable matter (see s. 15.5.2: 'Justification for pursuit' of this chapter); or
- (ii) creates an unjustifiable risk to the safety of any person (see s. 15.5.11: 'Abandoning a pursuit' of this chapter).

The definition of pursuit does not apply to ss. 15.4.6: 'Protracted following of a vehicle' and 15.4.7: 'Attempts to intercept a vehicle that has recently evaded police' of this manual.

15.5.1 Pursuit policy principles

The pursuit policy is underpinned by the following principles:

- (i) Pursuit driving is potentially dangerous;

- (ii) Officers should consider alternative options prior to initiating a pursuit;
- (iii) Pursuits should only be conducted where justified;
- (iv) Officers must at all times consider the risks of conducting pursuits;
- (v) Officers who determine that it is:
 - (a) unjustifiable to conduct a pursuit; or
 - (b) justifiable to conduct a pursuit and undertake appropriate risk assessments in compliance with Service policy,

will be supported by management and senior officers of the Service.

The Service will treat a pursuit as a serious matter and make every effort to identify and apprehend the offender(s). The policy encourages alternative options for apprehension, other than pursuit, against people who evade interception. The Service will continue to apprehend offenders who evade interception, but pursuits will not be the principal means of effecting apprehension.

Before considering the justification for a pursuit in accordance with s. 15.5.2: 'Justification for pursuit' of this chapter, officers are to consider:

- (i) the relevant risks factors in accordance with s. 15.5.3: 'Risk assessment' of this chapter; and
- (ii) any alternative options to pursuit including:
 - (a) not pursuing the offender given the risks of pursuing are too high;
 - (b) identifying and/or apprehending the offender at a later time. For example, attending the last known address of the driver or registered owner and conducting investigations and exercising powers under the PPRA or another Act including powers for evade offences (see s. 15.8: 'Evading police officers and type 1 vehicle related offences' of this chapter); and
 - (c) where a Polair Queensland helicopter is in the vicinity and is able to track the offending vehicle, requesting the helicopter to maintain electronic surveillance of the offender(s) (see s. 15.5.10: 'Use of Polair Queensland during a pursuit' of this chapter); and
 - (d) where justified:
 - deploying a tyre deflation device (TDD) (see s. 14.30: 'Use of tyre deflation devices (TDD)' of this Manual); or
 - establishing a roadblock in accordance with s. 26: 'Roadblocks' of the PPRA (see s. 2.4.12: 'Roadblocks' of this Manual); and
- (iii) how a potential pursuit may be safely concluded.

Officers should apply the pursuit decision making process (see s. 15.5.4: 'Conduct of a pursuit' of this chapter) prior to commencing a pursuit and on a continual basis throughout a pursuit.

15.5.2 Justification for pursuit

The justification for a pursuit is based on the officer's reasonable belief. For the definition of reasonable belief see SMD.

Pursuable matters

ORDER

A pursuit is not to be commenced or continued unless officers can justify the need to pursue a vehicle to immediately apprehend an occupant, who officers reasonably believe:

- (i) will create an imminent threat to life; or
- (ii) has or may commit an act of unlawful homicide or attempt to murder; or
- (iii) has issued threats to kill any person and has the apparent capacity to carry out the threat; or
- (iv) has committed an indictable offence prior to an attempt by police to intercept the vehicle.

Non-pursuable matters

POLICY

The following matters do not justify a pursuit:

- (i) licence, vehicle or street checks;
- (ii) routine traffic interceptions where no other offence exists apart from failing to stop as directed;
- (iii) random breath tests;
- (iv) all simple offences (including traffic offences and evasion offences); and

(v) indictable offences based on officer instinct alone or suspicion only (without supporting evidence).

15.5.3 Risk assessment

POLICY

Officers are to conduct a risk assessment of all factors impacting or potentially impacting on the conduct of the pursuit:

- (i) prior to deciding to commence a pursuit; and
- (ii) continually throughout a pursuit.

ORDER

Where the pursuit would expose the police, public or the occupants of the pursued vehicle to an unjustifiable risk of death or serious injury, the pursuit:

- (i) should not be commenced; or
- (ii) is to be abandoned (see s. 15.5.11: 'Abandoning a pursuit' of this chapter).

PROCEDURE

The risk assessment factors for consideration by officers are to include but are not limited to:

Risk factor	Consideration
Manner of driving	Speed of the offender's and police vehicles Distance between the offending vehicle from the police vehicle Disobeying traffic control signals, signs and markings Excessive weaving and lane changing 'Hoon' type behaviour Effect of police presence on the driver's behaviour
Occupant	Identity of the offender known/unknown Apparent age of the driver/occupants Offences committed or suspected Occupant behaviour (i.e. brandishing weapons/bottles, disposing property, irregular movements/gestures)
Offender's vehicle	Reported stolen Apparent condition (i.e. roadworthiness or damage)
Weather	Raining or dry conditions Time of day (i.e. light conditions, dawn or dusk, bright sunlight, visual impact)
Environment	Type of road (i.e. sealed/unsealed, multi-lane, separated, one way, limited/unlimited access) Built up area (i.e. traffic calming, speed zone, school zone, entertainment precinct) Condition of the road (i.e. roadworks, sealed/unsealed, road width, state of repair) Foreseeable emerging road conditions Existing visibility and lighting (i.e. street lighting availability at night)
Traffic	Pedestrian activity Road traffic Peak/Off Peak Parked or stationary vehicles
Officer/vehicle capabilities	Experience of the driver Type of police vehicle (motorcycle/trail bike, 4wd, vans, marked/unmarked) Is it single officer patrol Knowledge of the road/area

15.5.4 Conduct of a pursuit

POLICY

Officers who:

- (i) have commenced or are involved in a pursuit; or
- (ii) are the Pursuit Controller in a pursuit,

are to be aware that safety of all members of the public, police officers and suspect persons is the primary consideration.

Officers should embrace the 'Consider all Options and Practise Safety' (COPS) philosophy when involved in pursuits and conduct a continual risk assessment in accordance with s. 15.5.3: 'Risk assessment' of this chapter.

Pursuit decision making process

POLICY

Officers should apply the following decision making process when deciding whether to commence or continue a pursuit. Pursuit controllers, regional duty officers and district duty officers should also apply the decision making process when deciding whether a pursuit should be continued or abandoned.

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

Is there a need to **immediately** apprehend the vehicle occupant/s for a pursuable matter?

Yes

No / Uncertain

Abandon

Are there other appropriate methods locating and for apprehending the vehicle occupant/s?

No

Yes / Uncertain

Abandon

Conduct a risk assessment of the current environment and driver behaviour hazards.

Consider these examples:

Manner of driving	Occupant	Offender's vehicle
Weather	Environment	Traffic
Officer / vehicle capabilities (see s. 15.5.3: 'Risk assessment' of the Operational Procedures Manual)		

Consider the risk:

What are the possible consequences, including any injury to a person that may result from the Pursuit?

Is the overall harm the members are seeking to prevent greater than the risks involved in conducting the pursuit?

Yes
May initiate or continue pursuit but continually assess the risks

No / Uncertain

Abandon

The pursuit decision making process and continual assessment should be conducted in conjunction with:

- (i) s. 15.5.1: 'Pursuit Policy Principles';
 - (ii) s. 15.5.2: 'Justification for pursuit'; and
 - (iii) s. 15.5.3: 'Risk assessment';
- of the Operational Procedures Manual.

Continual Assessment

15.5.5 Notification of pursuits

POLICY

When an officer initiates a pursuit in an area where radio contact can be maintained, that officer will ensure the local police communications centre is advised immediately of the following:

- (i) the identity of the police unit;
- (ii) the reason for the pursuit (see 'Pursuable matters' in s. 15.5.2 of this chapter);
- (iii) the location of the pursuit, its direction of travel and speed;
- (iv) a description of pursued vehicle and occupant(s);
- (v) the type of police vehicle (e.g. sedan, motorcycle, van, four wheel drive) and whether the unit is marked or unmarked;
- (vi) the number and identity of occupants of the police unit; and
- (vii) risk factors and any other relevant details in accordance with ss. 15.5.3: 'Risk assessment' and 15.5.4: 'Conduct of a pursuit' of this chapter.

Where there is an officer other than the driver in the police vehicle, that officer is responsible for maintaining radio contact, and relaying as soon as possible all relevant details to the radio operator.

Where there is a backup unit, an officer from that vehicle is to ensure that the local police communications centre is immediately advised of points (i), (iii) and (v) above in instances where that information is not already known to the communications centre.

The radio operator, wherever possible, is to instruct all units not actually involved in the pursuit to maintain radio silence unless urgent. Officers involved in a police pursuit are to ensure that the police radio is at all times used as the primary means of communication. Only under exceptional circumstances (i.e. black spot or loss of radio contact) are officers to consider the use of a mobile telephone as a means of communication during a police pursuit, and only where two or more officers are present in the pursuing vehicle.

15.5.6 Officer responsible for the control of pursuits (Pursuit Controller)

ORDER

The senior officer in the primary unit is responsible for initiating the pursuit and is the Pursuit Controller until control of the pursuit is passed to the:

- (i) police communications centre; or
- (ii) police station/establishment,

from where the radio operator is transmitting. When a radio operator is advised of a pursuit, the operator is to ensure the communications room supervisor responsible for that dispatch talk group is immediately advised. The communications room supervisor will then be the Pursuit Controller.

Where the radio operator is:

- (i) an officer, that person will temporarily become the Pursuit Controller; or
- (ii) a civilian radio operator, the senior officer in the primary unit will remain the Pursuit Controller,

until the communications room supervisor of the relevant dispatch talk group or officer in charge or shift supervisor of a police station/establishment assumes the role of Pursuit Controller.

The designation of 'Pursuit Controller' applies regardless of rank. For example, where the communications room supervisor is a senior constable and the officer in the primary unit is a sergeant, the senior constable communications room supervisor assumes the role of Pursuit Controller.

In areas where radio contact cannot be maintained, the senior officer in the primary unit will remain the Pursuit Controller.

All officers in a pursuing vehicle are to:

- (i) comply with any direction given by the Pursuit Controller; and
- (ii) ensure where radio contact can be maintained, that the radio operator is advised of the progress of the pursuit at regular intervals and when requested to do so by the radio operator.

15.5.7 Responsibilities of the Pursuit Controller

POLICY

Pursuit Controllers are accountable for their actions and decisions in allowing a pursuit to continue. Pursuit Controllers should, immediately on becoming aware of a pursuit:

- (i) broadcast via the police radio that the pursuit is now under their control;
- (ii) confirm that the pursuit is authorised under the policy (see 'Pursuable matters' in s. 15.5.2 of this chapter);
- (iii) conduct a continual risk assessment of the pursuit (see s. 15.5.3: 'Risk assessment' and 'Pursuit decision making process' in s. 15.5.4: 'Conduct of a pursuit' of this chapter); and

- (iv) determine whether a Service helicopter is available to perform electronic surveillance of the pursuit (see s. 15.5.10: 'Use of Polair Queensland during a pursuit' of this chapter);
- (v) where practicable, if a regional duty officer and/or district duty officer are performing duty in the area where the pursuit is occurring:
 - (a) advise the officer/s of the pursuit; and
 - (b) seek their advice with respect to the continuation or abandonment of the pursuit and any appropriate uses of force option to bring the pursuit to a resolution, e.g. the deployment of TDD (see s. 15.6: 'Use of force during a pursuit' of this chapter as appropriate); and
- (vi) authorise if appropriate, the continuation or abandonment of the pursuit (see s. 15.5.11: 'Abandoning a pursuit' of this chapter).

During a pursuit the Pursuit Controller is responsible for:

- (i) designating which vehicle will perform the role of primary unit and back-up unit in the pursuit (see s. 15.5.9: 'Operational considerations' of this chapter);
- (ii) identifying and assigning other available resources to assist in the pursuit (e.g. a backup unit to assist in the pursuit and/or tyre deflation device (TDD) equipped units);
- (iii) authorising certain use of force options in accordance with s. 15.6: 'Use of force during a pursuit' of this chapter as appropriate;
- (iv) notifying the relevant adjoining communication centre, where a pursuit is moving into that centre's area of control, and providing information including:
 - (a) the identity of the pursuing police unit(s);
 - (b) a description of the pursued vehicle and occupant(s);
 - (c) the location of the pursuit, its direction of travel and speed;
 - (d) the reason for the pursuit; and
 - (e) any actions the offending vehicle has taken to avoid capture;
- (v) authorising, if appropriate, a pursuit to cross the border into another State or Territory (see s. 15.5.11: 'Abandoning a pursuit' of this chapter). In considering such approval, the Pursuit Controller is to notify and liaise with the relevant police communications centre for that State or Territory; and
- (vi) authorising its resumption of an abandoned pursuit if appropriate in accordance with s. 15.5.12: 'Resumption of a pursuit' of this chapter;
- (vii) advising the relevant regional duty officer, patrol group inspector, district duty officer or shift supervisor at the conclusion of a pursuit and providing a brief overview of the pursuit (see s. 15.5.13: 'Conclusion of a pursuit' of this chapter).

Whilst the Pursuit Controller is ultimately responsible for the management of a pursuit, whenever practicable:

- (i) the counsel of regional duty officers, district duty officers and/or patrol group inspectors should be sought; and
- (ii) regional duty officers, district duty officers and/or patrol group inspectors should be authorised to develop and execute appropriate tactics to bring the pursuit to a resolution, e.g. the deployment of TDD (see s. 15.6: 'Use of force during a pursuit' of this chapter).

15.5.8 Responsibilities of regional and district duty officers and shift supervisors

POLICY

Regional duty officers, patrol group inspectors and district duty officers should:

- (i) advise the Pursuit Controller of any facts or circumstances, at the earliest practical time, that may have an impact upon the decision making process of the Pursuit Controller;
- (ii) where possible:
 - (a) monitor the progress of all pursuits initiated within, or which enter, the area under their control;
 - (b) provide advice and support to the Pursuit Controller to manage the pursuit; and
 - (c) in consultation with the Pursuit Controller, develop and execute appropriate tactics to bring the pursuit to a resolution, e.g. the deployment of TDD (see s. 15.6: 'Use of force during a pursuit' of this chapter);
- (iii) comply with the direction of the Pursuit Controller to abandon a pursuit. An abandoned pursuit is not to be resumed without the prior approval of a Pursuit Controller;
- (iv) if considered appropriate, direct the abandonment of the pursuit in accordance with s. 15.5.11: 'Abandoning a pursuit' of this chapter;

(v) provide support to all officers involved in pursuits in accordance with s. 15.5.14: 'Support for officers' of this chapter; and

(vi) ensure that the pursuit is recorded in accordance with s. 15.7: 'Mandatory reporting of pursuits' of this chapter.

In areas where regional duty officers or district duty officer are not performing duty, shift supervisors should perform the role outlined in this section.

15.5.9 Operational considerations

ORDER

Unmarked Service vehicles which are not fitted with flashing warning lights and siren are not to engage in pursuits.

Officers engaged in motor vehicle pursuits are to ensure:

(i) the initial pursuing vehicle continues the pursuit but relinquishes the primary unit position to another vehicle if the occupants:

(a) are unable to keep the offender's vehicle in sight; or

(b) consider another unit is in a better position to undertake the pursuit;

(ii) if a police motorcycle initiates a pursuit as the primary unit, the motorcycle is to relinquish the primary unit position to a vehicle with four wheels, when advised by the Pursuit Controller that such a vehicle is in attendance;

(iii) where the Pursuit Controller designates a second four wheel unit as a backup unit, that unit is to maintain a safe distance behind the primary unit, but should be close enough to render assistance if and when required;

(iv) if the initial pursuing vehicle contains only one member, that unit is to relinquish the primary unit position to another vehicle with two members, when advised by the Pursuit Controller that such a vehicle is in attendance;

(v) unless otherwise directed by the Pursuit Controller, only two units pursue an offender's vehicle. If additional units are requested after the pursuit has ended to assist in detaining occupants of the pursued vehicle, the Pursuit Controller shall arrange accordingly. Under no circumstances are other police units to join in the pursuit of an offending vehicle unless directed to do so by the Pursuit Controller;

(vi) pursuits of trail bikes by four wheel units, other than on formed roads should only be conducted in extreme circumstances. Trail bikes should only be pursued in off-road situations by approved motorcyclists riding trail bikes; and

(vii) if an unmarked police vehicle initiates a pursuit, that unit is to relinquish the primary unit position, when advised by the Pursuit Controller that a marked police vehicle is in position to take over the pursuit.

Where the initiating pursuit vehicle relinquishes the role of primary unit in a pursuit, that vehicle should:

(i) if a marked vehicle, accompany the primary unit at a safe distance, but should be close enough to render assistance if and when required; and

(ii) if an unmarked vehicle or police motorcycle, accompany the primary unit at a safe distance,

and at the conclusion of the pursuit initiate the investigation with respect to the offence for which the pursued vehicle was originally required to stop.

15.5.10 Use of Polair Queensland during a pursuit

The Service operates two helicopters to provide aerial support with policing activities within the Brisbane Region, South Eastern Region, Ipswich and Moreton Districts (see s. 2.21.3: 'Polair Queensland tasking' of this Manual).

The equipment fit-out of the Polair Queensland helicopters allows electronic surveillance of a vehicle to be maintained in a 'covert' manner. In addition, at night Polair Queensland are authorised to operate without navigation lighting, meaning whilst a person may hear the helicopter, it cannot be easily seen.

ORDER

A pursuit is not permitted to continue solely to await the arrival of a helicopter.

A helicopter is not to take the role of the primary vehicle in a pursuit.

POLICY

Where a Service helicopter is in the vicinity of a pursuit and able to assist with electronic surveillance:

(i) the ground-based pursuit of a vehicle may be able to be abandoned, which may reduce the risk factors outlined in s. 15.5.3: 'Risk assessment' of this chapter; and

(ii) alternate options for intercepting the vehicle and apprehending the offender(s) such as:

(a) preparing TDD deployments (see s. 14.30: 'Use of tyre deflation devices' of this Manual) ahead of the vehicle;

- (b) performing an interception of the vehicle in an appropriate location; or
- (c) tracking the vehicle until it stops,

may become available to the Pursuit Controller.

Polair Queensland is to be utilised as a 'support' role in a pursuit as well as maintaining electronic contact with the subject vehicle once a pursuit is abandoned.

Role of Pursuit Controller

POLICY

When advised of a pursuit, ensure inquiries are conducted as a priority to determine whether Polair Queensland is available to assist with the pursuit.

When a Polair Queensland helicopter has commenced electronic surveillance of the pursuit, the pursuit controller is to conduct a risk assessment and apply the 'Pursuit decision making process' in accordance with ss. 15.5.3 and 15.5.4: 'Conduct of a pursuit' of this chapter and decide whether the pursuit should:

- (i) continue; or
- (ii) be abandoned with Polair Queensland maintaining contact with the subject vehicle using electronic surveillance.

Where available, the pursuit controller should access the real-time video footage transmitted from the helicopter to assist in determining whether the pursuit should continue, be abandoned, or resumed, as appropriate.

Where information from the Service helicopter as well as a risk assessment allows, a pursuit controller:

- (i) may authorise the resumption of a pursuit in accordance with s. 15.5.12: 'Resumption of a pursuit' of this chapter; or
- (ii) develop appropriate strategies to manage the situation, including the safe apprehension of the subject vehicle's occupants. Whenever practicable, the Pursuit Controller should seek the counsel and input of regional duty officers, district duty officers and/or patrol group inspectors in this process.

Role of Polair Queensland

POLICY

When advised of a pursuit, the mission commander in the Polair Queensland helicopter is to determine whether it is safe or practical to respond to the pursuit. The mission commander has the final decision in relation to whether the helicopter is able to assist with the pursuit.

The mission commander is to:

- (i) advise the Pursuit Controller when the helicopter has engaged and commenced electronic surveillance of the pursued vehicle;
- (ii) await any further requests from the Pursuit Controller regarding their observations. During a pursuit, Polair Queensland should provide regular situation reports to the Pursuit Controller and warn officers of approaching dangers (e.g. traffic congestion, heavy pedestrian traffic, etc.);
- (iii) Where a pursuit has been abandoned, whenever practicable Polair Queensland should continue to maintain electronic surveillance of the subject vehicle to allow the location and arrest of the offenders. The Pursuit Controller should be briefed regularly in relation to the offending vehicle's location and actions;
- (iv) conduct a continual risk assessment of the pursuit and apply the 'Pursuit decision making process' (see ss. 15.5.3 and 15.5.4 of this chapter) and where an unacceptable risk exists, the pursuit is to be abandoned in accordance with s. 15.5.11: 'Abandoning a pursuit' of this chapter;
- (v) advise the Pursuit Controller of any Service vehicles not complying with the Service's pursuit policy; and
- (vi) terminate the Service helicopter's surveillance of the vehicle when:
 - (a) it appears to the mission commander, the offender is aware of the helicopter and appears to be taking evasive action to break contact with the helicopter; or
 - (b) directed by the Pursuit Controller to disengage from the pursued vehicle.

When Polair Queensland is directed to disengage from the offending vehicle, the mission commander in the helicopter is to request the pilot to change direction to create a physical separation between the helicopter and offending vehicle (as soon as practicable considering airspace and weather restrictions).

15.5.11 Abandoning a pursuit

ORDER

A pursuit must be abandoned immediately if it creates an unjustifiable risk to the safety of any person. All officers involved in a pursuit are to:

- (i) consider the risk factors in s. 15.5.3: 'Risk assessment'; and
- (ii) conduct a continuous risk assessment as part of the 'Pursuit decision making process' (see s. 15.5.4: Conduct of a pursuit' of this chapter),

when deciding whether to abandon the pursuit.

Officers are to abandon a pursuit when:

- (i) the pursuit exposes the police, public or the occupants of the pursued vehicle to unjustifiable risk of death or serious injury;
- (ii) continuing the pursuit is futile;
- (iii) visual contact with the pursued vehicle has been lost and is unlikely to be regained;
- (iv) the identity of the driver of the pursued vehicle is known and it is not necessary to immediately apprehend the person;
- (v) the driver of the pursued vehicle is a child, unless the reason for the pursuit and the circumstances are so serious it is necessary that the child be immediately detained;
- (vi) directed by the Pursuit Controller that:
 - (a) a Polair Queensland helicopter is in the vicinity of the pursuit and has commenced electronic surveillance of the pursued vehicle; and
 - (b) the ground-based pursuit is to be abandoned,

(see s. 15.5.10: 'Use of Polair Queensland during a pursuit' of this chapter); or

- (vii) the pursued vehicle crosses the State border, unless:
 - (a) the Pursuit Controller has given prior authority to cross the border;
 - (b) the driver of the police vehicle is a special constable for that State; and
 - (c) the public interest or potential for loss of life or property is so great that the pursuit should continue.

Officers who continue a pursuit across the border into another State or Territory are to be aware they will also be subject to the police pursuit policies and procedures of the relevant State or Territory.

- (viii) a direction to abandon the pursuit is given by:
 - (a) an officer in a pursuing vehicle;
 - (b) the Pursuit Controller;
 - (c) a regional duty officer;
 - (d) a district duty officer;
 - (e) a patrol group inspector; or
 - (f) a shift supervisor, where a regional or district duty officer or patrol group inspector is not operating;

after consideration of the factors in s. 15.5.3 and applying the 'Pursuit decision making process' within s. 15.5.4 of this chapter.

The officer who decides to give such a direction is to ensure the direction is immediately communicated to all officers involved.

When a pursuit is abandoned, all officers involved are to:

- (i) turn off flashing warning lights and siren;
- (ii) pull over and stop the police vehicle in the first available safe position;
- (iii) advise the Pursuit Controller:
 - (a) they have abandoned the pursuit;
 - (b) their reasons for abandoning the pursuit, if no direction to abandon was made; and
 - (c) their location and odometer reading of the police vehicle;
- (iv) conduct a safety check of the police vehicle. This includes:

- (a) leaving the engine running to continue engine cooling;
- (b) where the police vehicle's brakes were used extensively during the pursuit, leaving the vehicle stationary for a sufficient period of time to allow the brakes to cool down; and
- (c) visually inspecting:
 - underneath the engine bay for excessive coolant loss;
 - the tyres and rims of the vehicle for obvious damage; and
 - the body of the vehicle, if contact with another vehicle or object occurred during the pursuit.

See also 'Vehicle inspections following pursuits' of this section; and

(v) make notes of the circumstances of the abandoned pursuit to assist with the subsequent investigation of the evade police offence and any other offences involved (see s. 15.5.15: 'Investigation of offences committed during pursuits' of this chapter).

PROCEDURE

Once the required information has been provided to the Pursuit Controller, the safety check of the police vehicle conducted and relevant notes made concerning the incident, the units involved may resume normal patrols or other (pre-pursuit) duties.

Vehicle inspections following pursuits

POLICY

Where Service vehicles were:

- (i) driven at high speed for an extended period;
- (ii) subjected to heavy braking applications; or
- (iii) driven across rough or irregular road surfaces or off a roadway,

during a pursuit, a post-pursuit inspection should be conducted. Where an inspection is required, the officer in charge of the station or establishment to which the vehicle is attached, is to ensure the inspection is conducted.

15.5.12 Resumption of a pursuit

ORDER

An abandoned pursuit is not to be resumed without the prior approval of a Pursuit Controller.

Unless the reasons for abandoning the original pursuit have significantly changed, resumption of a pursuit is not to occur. Where a pursuit is resumed, the same considerations outlined in s. 15.5.3: 'Risk assessment' of this chapter apply.

POLICY

Officers who identify a vehicle previously involved in a pursuit should advise their police communications centre of the offender's location, driving actions and any other relevant information to assist the Pursuit Controller in determining whether the pursuit should be resumed.

15.5.13 Conclusion of a pursuit

POLICY

At the conclusion of a pursuit, the Pursuit Controller is to arrange for the relevant regional duty officer, district duty officer or shift supervisor to be advised as soon as possible. As soon as practicable, the relevant duty officer or supervisor advised should, contact the officers involved in the pursuit to:

- (i) ensure officer welfare;
- (ii) discuss the reasons and conduct of the pursuit and provide basic feedback;
- (iii) establish whether there were any failures or deficiencies in procedures, equipment or tactics; and
- (iv) provide assistance in the investigation of pursuit related offences (see s. 15.5.15: 'Investigation of offences committed during pursuits' of this chapter).

If conducted, a reference to this debrief should be recorded on the significant event message (see s. 15.7: 'Mandatory reporting of pursuits' of this chapter).

If the pursuit results in damage to property, injury or death, the Pursuit Controller is to advise the relevant regional duty officer who is to ensure the matter is properly investigated. See s. 5.13: 'Investigation of traffic incidents involving members or Service vehicles' of the Traffic Manual and s. 1.17: 'Fatalities or serious injuries resulting from incidents involving members (Police related incidents)' of this Manual.

ORDER

At the conclusion of a pursuit, if not already completed, officers are to conduct a safety check of all Service vehicles involved in the pursuit (see s. 15.5.11: 'Abandoning a pursuit' of this chapter).

15.5.14 Support for officers

POLICY

The Service will support officers who:

- (i) abandon a pursuit on the basis of unacceptable risk. The Service acknowledges sound professional judgement, the avoidance of unnecessary risk and compliance with Service policy; and
- (ii) conduct a pursuit where it is justified, after taking appropriate risk assessments and in compliance with Service policy.

Any decision to continue or abandon a pursuit is to be made in accordance with ss. 15.5.1: 'Pursuit policy principles', 15.5.2: 'Justification for a pursuit' and 15.5.3: 'Risk assessment' of this chapter.

In circumstances where a pursuit may be justified, an officer will not be criticised or disciplined for a decision not to engage in a pursuit, including where the identity of an offender is unknown due to the pursuit being abandoned and the offender may escape apprehension.

15.5.15 Investigation of offences committed during pursuits

POLICY

At the conclusion of any pursuit, the senior officer in the police vehicle who commenced the pursuit is to ensure that prior to the end of the shift:

- (i) an investigation is commenced (see s. 15.8: 'Evading police officers' of this chapter); and
- (ii) a QPRIME occurrence is created for the evade police offence and any other offences detected, including the original offence which led to the pursuit.

PROCEDURE

The information to be recorded in QPRIME includes:

- (i) in the 'Offence Location Details' – the location where the initial direction to stop was given;
- (ii) in the 'Modus Operandi Details':
 - (a) the reason for the attempted interception (e.g. a traffic infringement or random breath test);
 - (b) how the direction to stop was given (e.g. by positioning the police vehicle to the rear of the vehicle, the use of warning lights and siren);
 - (c) descriptions of additional directions to stop, if any (e.g. by re-positioning the police vehicle alongside the other vehicle, whether the driver of the vehicle was directed by hand signals, visual means (such as a 'POLICE – STOP' sign), loudspeaker or other suitable means, to stop the vehicle);
 - (d) the actions of the driver which led to the reasonable belief that they were deliberately attempting to evade police (e.g. increasing speed, weaving between lanes to travel at a speed higher than the surrounding traffic);
 - (e) the times the pursuit commenced and finished;
 - (f) the locations where the pursuit commenced and finished;
 - (g) reason for the attempted interception that led to the pursuit (see 'Pursuable matters' in s. 15.5.2: 'Justification for pursuit' of this chapter);
 - (h) traffic conditions;
 - (i) speeds attained;
 - (j) damage to any property;
 - (k) injuries sustained to any person;
 - (l) the reason for abandoning the pursuit, if abandoned;
 - (m) the deployment of a tyre deflation device or any other use of force option;
 - (n) the type of police vehicle involved (e.g. motorcycle, sedan, four wheel drive) and whether marked or unmarked;
 - (o) description of the offending vehicle, driver and any other occupants; and
 - (p) the QPRIME occurrence number, if any; and

(iii) in the 'Officer's Report' – the details of the officers in the police vehicle.

15.6 Use of force during a pursuit

15.6.1 Use of tyre deflation devices during a pursuit

For the use of tyre deflation devices during a pursuit see s. 14.30: 'Use of tyre deflation devices' of this Manual and the 'Police Operational Skills and Tactics Vehicle Tyre Deflation Devices Good Practice Guide 2001' available on the Operational Skills and Tactic Program webpage on the Service Intranet.

15.6.2 Other use of force options

Definitions

For the purposes of this section:

Boxing in

means positioning Service vehicles near a pursued vehicle, which are then slowed to a stop along with the pursued vehicle.

Heading off

means attempting to stop a pursued vehicle by positioning a Service vehicle ahead of, or beside the pursued vehicle driving the Service vehicle in a manner to force the pursued vehicle to stop, slow or be forced from the roadway.

ORDER

Interception techniques which are intended to cause the driver of the pursued vehicle to lose control are prohibited (e.g. Pursuit Interception Technique (PIT) manoeuvre).

Officers are not to use the following tactics/practices unless prior approval has been obtained from the Pursuit Controller and:

(i) the persons involved:

(a) are reasonably suspected of violent crimes against a person (e.g. murder, robbery); or

(b) have committed, or are about to commit, other offences where there is danger to life; or that will create circumstances that pose an imminent significant risk to public safety; or

(ii) a tyre deflation device has been used (see ss. 14.30: 'Use of tyre deflation devices' and 15.6.1: 'Use of tyre deflation devices during a pursuit' of this Manual) and:

(a) multiple tyres on the offenders vehicle are deflated; and

(b) the offender has not stopped within a reasonable time and is continuing to drive the vehicle on the deflated tyres or wheel rims,

and the pursuit warrants resolution through such means as:

(i) 'boxing in' or 'heading off' (see 'Definitions' of this section) the offender's vehicle; or

(ii) establishing a roadblock in accordance with s. 26: 'Roadblocks' of the PPRA (see s. 2.4.12: 'Roadblocks' of this Manual).

Officers are to be able to fully justify any decision to utilise these use of force options.

15.7 Mandatory reporting of police pursuits

Police pursuit report

POLICY

The senior officer in the primary unit involved in a pursuit is to ensure a 'Police pursuit report' is completed in the relevant QPRIME occurrence within 24 hours of the creation of the occurrence.

Where there is more than one primary unit involved in a police pursuit, the most senior officer in the initiating primary unit is to ensure the 'Police pursuit report' is completed.

See s. 14.3.9: 'Use of force reporting' of this Manual.

The completion of a 'Police pursuit report' is in addition to the significant event message notification requirements.

Significant Event Message

POLICY

Before the end of the shift during which the pursuit occurred, the senior officer in the primary unit is to provide relevant information concerning the pursuit to the regional duty officer, district duty officer or shift supervisor, for inclusion within a significant event message.

The regional duty officer, district duty officer or shift supervisor advised is to ensure a significant event message is completed in relation to the pursuit, in accordance with the provisions of ss. 1.4.6: 'Responsibilities of regional duty officer, district duty officer, and shift supervisor' and 1.18.1: 'Significant Event Messaging System' of this Manual.

15.8 Evading police officers and type 1 vehicle related offences

An evasion offence is committed when the driver of a motor vehicle fails to comply with a lawful direction to stop by an officer in a police vehicle as soon as reasonably practicable (see Chapter 22: 'Provisions about type 1 vehicle related offences' and Schedule 6: 'Dictionary' of the PPRA).

ORDER

Officers are to ensure the driver of a motor vehicle is given a direction to stop the motor vehicle pursuant to s. 748: 'Giving a direction for ch 22' of the PPRA (see s. 15.4.3: 'Intercepting a vehicle' of this chapter). Where a driver fails to comply with a direction to stop, the intercepting officer is to ensure the information from s. 15.4.4: 'Abandoning an attempted interception' of this chapter is recorded in the relevant QPRIME occurrence.

15.8.1 Type 1 vehicle related offences and notices

An evasion offence and an offence of wilfully causing a motor vehicle to lose traction with the road (see s. 85A of the TO(RUM)A) are type 1 vehicle related offences (see s. 69A: 'Meaning of type 1 and type 2 vehicle related offences' of the PPRA).

The following offences are also type 1 vehicle related offences when committed in circumstances that involve a speed trial, race between motor vehicle or burn out:

- (i) Dangerous operation of a vehicle (see s. 328A of the CC);
- (ii) Careless driving (see s. 83 of the TO(RUM)A);
- (iii) Racing and speed trials on roads (see s. 85 of the TO(RUM)A); and
- (iv) wilfully starting or driving a motor vehicle in a way that makes unnecessary noise or smoke.

Issuing type 1 vehicle related offence notice

Officers investigating a type 1 vehicle related offence may issue a QP 0685: 'Type 1 Vehicle Related Offence Notice' to the owner or nominated person of the vehicle involved in the offence when the owner or nominated person does not state who was using the vehicle at the time of the offence (see s. 755 of the PPRA). The QP 0685 requires the owner, or nominated person, within 14 business days, to give a declaration to an officer named in the notice or the OIC of a stated station or establishment.

For the definition of 'nominated person' and 'owner' see Schedule 6 of the PPRA.

Details of a motor vehicle's registered operator(s) can be obtained by:

- (i) conducting a QPRIME external search for Queensland registered vehicles; or
- (ii) contacting a police communications centre or the Police Information Centre, for motor vehicles registered in another state or a territory.

Where a motor vehicle is registered to:

- (i) an owner or nominated person as an individual, the officer is to:
 - (a) give the QP 0685 personally; and
 - (b) explain what the QP 0685 requires and the consequences of not complying with the notice; or
- (ii) a company, the officer should, whenever practicable:
 - (a) give the QP 0685 to an executive officer of the company; and
 - (b) explain what the QP 0685 requires and the consequences of not complying with the notice.

Where a vehicle is registered to a company and personal service of the QP 0685 cannot be achieved, service can be made in accordance with the provisions of s. 39: 'Service of documents' of the *Acts Interpretation Act*.

15.8.2 Impounding and forfeiture of motor vehicles for evasion offences

An evasion offence is a prescribed type 1 vehicle related offence under Chapter 4: 'Motor vehicle impounding and immobilisation powers for prescribed offences and motor bike noise direction offences' of the PPRA.

Section 752: 'Interaction between ch 4 and this chapter' of the PPRA allows officers to use the most appropriate sections of:

- (i) Chapter 4; or
- (ii) Chapter 22: 'Provisions about evading police officers',

of the Act when impounding or immobilising a vehicle or making an application for an impounding or forfeiture order.

When a proceeding is commenced for an evasion offence and the vehicle:

- (i) can be impounded or seized at the time the offender is charged (see SMD), officers should consider impounding or forfeiting the motor vehicle under Chapter 4 of the PPRA (see ss. 16.7: 'Impounding motor vehicles for type 1 vehicle related offences' and 16.16.2: 'Forfeiting motor vehicles for type 1 vehicle related offences' of the TM); or
- (ii) is not impounded or seized at the time offender is charged, officers should consider obtaining a court order to impound or forfeit the vehicle under the provisions of Part 3: 'Obtaining impounding and forfeiture orders' and Part 4: 'Deciding applications' of Chapter 22 of the PPRA (see s. 16.20: 'Obtaining a court order to impound or forfeit a motor vehicle for evasion offences' of the TM).

When a vehicle has been impounded or immobilised under either section, the disposal process should be managed under Chapter 4 of the PPRA as contained in Chapter 16: 'Impounding motor vehicles' of the TM.

15.9 Review of police driving

POLICY

Where required, pursuits and urgent duty driving matters are to be reviewed in accordance with s. 1.17: 'Significant Event Reviews' of this Manual.

15.10 Traffic breaches committed by drivers of police vehicles

POLICY

The following policy and procedures are to be adopted in relation to traffic breaches committed by drivers of police vehicles.

15.10.1 Officer detected breaches

Interception

Whenever a driver of a police vehicle is directed by an officer to stop, that driver is to comply with the direction, unless the police vehicle is proceeding under a code 1 or code 2 priority or is otherwise performing urgent duty driving, in which case the driver is to supply their name and job details at the first reasonable opportunity.

The driver is to be called upon to explain their manner of driving, and if the driver offers:

- (i) no reasonable excuse or exculpation, the officer detecting the breach is to report the incident to their OIC for referral to the district officer prior to the end of their shift; or
- (ii) a reasonable excuse or grounds for exculpation, the officer detecting the breach is to immediately report the incident to their shift supervisor, DDO or RDO to confirm that such a reasonable excuse or exculpation exists and if so, no further action is to be taken.

District investigation

On receipt of a report of an alleged traffic breach, the district officer is to nominate an officer to be responsible for identifying the driver of the vehicle at the time the offence was committed; and investigating the alleged traffic breach.

Once identified, the driver is to be called upon to:

- (i) accept enforcement action of the alleged offence;
- (ii) make a written submission for exculpation within 28 days; or
- (iii) make any other written submission, within 28 days, deemed necessary in respect to s. 3.4.3: 'Factors to consider when deciding to prosecute' of this Manual. If the driver does not make a written submission within 28 days it is to be deemed the driver has accepted enforcement action.

On receipt of the driver's response and/or submission, the nominated officer will:

- (i) make all reasonable inquiries to check the probity of the driver's submission;
- (ii) submit a report with firm recommendations as to whether enforcement action should be taken against the driver;
- (iii) determine whether the matter should be dealt with as a discipline or management issue; and
- (iv) report any grounds for disciplinary action (see Complaint and Client Service Reporting of the Ethical Standards Command Policy and Guidelines webpage on the Service Intranet).

15.10.2 Camera detected breaches

Road Safety Camera Office

The OIC, Road Safety Camera Office (RSCO), RPRSC:

- (i) accepts service of camera detected infringement notices in relation to police vehicles on behalf of the Commissioner of Police; and
- (ii) is to ensure that the issuing agency is notified of the RSCO police vehicles' business email address for service of notices.

On receipt of an infringement notice from an issuing agency showing a police vehicle committing an offence, the OIC, RSCO is to arrange for the RSCO to:

- (i) create a QPRIME occurrence with supporting documentation (i.e. the infringement notice);
- (ii) create and send a task to forward the infringement notice to the district officer or director who has responsibility for the subject vehicle; and
- (iii) on receipt of the district officer's recommendation, provide information to the Queensland Revenue Office to inform its decision on whether the infringement notice should be issued or waived, in the form of:
 - (a) a statutory declaration advising of an exemption from the offence under s. 144: 'Act does not apply to police officer in course of duty' of the TO(RUM)A and s. 305: 'Exemption for drivers of police vehicles' of the Transport Operations (Road Use Management – Road Rules) Regulation (TO(RUM-RR)R); or
 - (b) a statutory declaration nominating the driver in charge of the vehicle at the time of the detection.

Investigation

On receipt of an infringement notice from the RSCO, the district officer or director is to nominate an officer to complete an investigation in accordance with s. 15.10.1: 'Officer detected breaches' of this chapter.

Recommendation

On receipt of the nominated officer's report and the driver's response or submission, the district officer or director will:

- (i) consult with Legal Division and any other area deemed necessary;
- (ii) decide whether the infringement notice should be issued against the driver;
- (iii) ensure completion of the statutory declaration provided with the infringement notice issued to the Commissioner in the appropriate manner; and
- (iv) return the infringement notice to the RSCO with a recommendation (and reasons for the decision) as to whether the infringement notice should be issued against the driver.

A statutory declaration as described at (iii) may be completed by the driver or by the nominated officer.

A recommendation not to proceed with enforcement action is appropriate only if investigations reveal the detection occurred while the driver was exercising a power or performing a function in the course of duty in accordance with s. 144 of the TO(RUM)A and s. 305 of the TO(RUM-RR)R. It is not the intention to penalise officers performing their duties as would be expected and required by the community; however, officers are not to receive favourable treatment due to their position.

Members are to record the investigation in accordance with the QPRIME User Guide and include a completed QP 1199: 'Report of a Camera Detected Offence'.

15.11 Operation of specialised police vehicles

Policy in relation to the operation of a number of specialised police vehicles are contained in this section.

For policy in relation to the operation of:

- (i) speed camera vehicles, see s. 9.4.4: 'Management of speed camera systems and vehicles' of the Traffic Manual;

- (ii) Service vehicles fitted with ANPR systems, see s. 9.5.1: 'Use of automatic number plate recognition system' of the Traffic Manual;
- (iii) wide load escort police vehicles, see s. 12.14.5: 'Use of police wide load escort vehicles' of the Traffic Manual; and
- (iv) high-powered police vehicles, see s. 15.3.5: 'Use of high-powered vehicles for urgent duty driving' of this chapter.

15.11.1 Police motorcycles

For the purpose of this section:

Road motorcycle

means marked or unmarked motorcycles that are designed primarily for use on roads.

The term does not include trail bikes, quad bikes or utility off-road vehicles (see s. 15.11.2: 'Police trail bikes, quad bikes and utility off-road vehicles' of this chapter).

Role of road motorcycles

The roles of road motorcycles maintained by the Service are, in order of priority:

- (i) use in traffic enforcement;
- (ii) use in road safety programs, particularly as part of a general deterrence strategy;
- (iii) use as first response to incidents in situations where the mobility of a road motorcycle provides a superior response to that of other Service vehicles such as management of traffic:
 - (a) around road incidents;
 - (b) in the vicinity of major events; and
 - (c) on major roads by providing a quick response to incidents causing traffic congestion; and
- (iv) participation in ceremonial escorts.

POLICY

Officers in charge of regions and commands that operate road motorcycles are to ensure that these vehicles are deployed in a way that maximises their ability to perform their roles.

Officers in charge of stations that operate road motorcycles and officers who perform operational duties on Service road motorcycles should ensure that the motorcycle is used in a way that maximises the visibility of the motorcycle as a tool for general deterrence of poor road user behaviour.

Deployment of officers riding motorcycles generally

POLICY

When deploying officers on motorcycles to incidents, members are to comply with the provisions of s. 14.24.9: 'Single officer patrols' of this Manual and also consider the fact that officers riding motorcycles are not generally in possession of protective body armour.

Authority to ride Service motorcycles

POLICY

Officers are not to ride Service road motorcycles on operational duties unless they have successfully completed the QPS Road Motorcycle Course and this includes being granted recognition of prior learning for the course.

Officers approved to ride Service road motorcycles on operational duties should successfully complete a motorcycle requalification course every 2 years or the first available opportunity.

Officers who have been absent from riding a Service road motorcycle for a period of 12 months or more should successfully complete a motorcycle requalification course prior to being approved to ride a Service road motorcycle operationally.

Members who have not successfully completed the QPS Road Motorcycle Course, but who hold an appropriate driver licence may ride Service motorcycles subject to any conditions or restrictions imposed by their officer in charge but they are not to engage in urgent duty driving. Examples of members riding Service motorcycles under these circumstances include transporting a Service road motorcycle to the QPS Road Motorcycle Course and members delivering Service motorcycles to places for display or repair.

Wearing of jackets

ORDER

Officers who perform operational duties on Service road motorcycles are to wear a Service-issued motorcycle jacket whilst riding the motorcycle.

15.11.2 Police trail bikes, quad bikes and utility off-road vehicles

Definitions

For the purposes of this section:

Approved helmet

means a helmet that complies with the AS 1698, UNECE 22.05, or NZS8600:2002 standards (see 'Helmets for quad bikes and side by side vehicles', available from the Workplace Health and Safety Queensland website).

Quad bike

means a 4-wheeled motorcycle designed primarily for off-road use.

Trail bike

means a motorcycle that is designed primarily for off-road use.

Utility off-road vehicle

means an off-road capable vehicle with seating for two or more occupants who sit side by side.

The purpose of Service trail bikes, quad bikes and utility off-road vehicles is to enable effective policing services in situations where it is impracticable to utilise conventional vehicles. When purchasing quad bikes, trail bikes and utility off-road vehicles, members should take into account the Managing Risks of Plant in the Workplace Code of Practice 2021 and the Rural Plant Code of Practice 2004.

In accordance with the Form 17: 'Guideline for conditionally registered vehicles in Queensland' drivers and passengers of utility off-road vehicles with factory fitted seat belts and roll over protection system are not required to wear an approved helmet when the vehicle is operating on a road or road related area.

POLICY

Officers are not to operate Service trail bikes, quad bikes or utility off-road vehicles unless:

- (i) they hold a current Queensland driver licence for that class of motorcycle, quad bike or utility off-road vehicle; and
- (ii) they have successfully completed the relevant Service course for that class of vehicle; or
- (iii) they have district officer approval after consideration regarding the skill and expertise of the rider; or
- (iv) an emergent circumstance exists.

PROCEDURE

Officers in charge granting operator approval must satisfy workplace health and safety obligations in relation to the skills and proficiency of the applicant officer.

An officer seeking approval is to provide a report detailing their operating skill and experience, as well as their knowledge of the operating principles of the class of trail bike, quad bike or utility off-road vehicle in order for the officer in charge to make an informed decision.

Approval is only relevant whilst the relevant officer is under the command of the approving officer in charge and does not provide a formal Service qualification.

In situations where an officer does not hold a current Queensland driver licence, see s. 15.2.4: 'Driving of vehicles without a licence' of this chapter.

Officers in charge are to ensure Service trail bikes, quad bikes and utility off-road vehicles are properly maintained and used in accordance with the manufacturer's recommendations. Serviceable protective equipment is to be provided to operators. The purchase of protective equipment is a regional responsibility.

ORDER

Officers:

- (i) operating a trail bike;
- (ii) operating a quad bike; or
- (iii) travelling in a utility off-road vehicle which does not have factory seat belts and roll over protection system fitted,

are to wear an approved helmet whilst using the vehicle.

When a utility off-road vehicle is being used in off-road areas where the risk of the vehicle overturning is increased (e.g. steep slopes or rough terrain), officers travelling in the vehicle are to wear an approved helmet.

Helmets meeting the NZS8600:2002: 'ATV helmet' standard are not to be used when operating:

- (i) a trail bike or quad bike under any circumstances; or
- (ii) a utility off-road vehicle in rough terrain or at high speed.

Operators are to conduct safety and service inspections of the trail bikes, quad bikes and utility off-road vehicles prior to operation.

Seatbelts are to be worn if fitted.

POLICY

Officers should conduct a risk assessment and consult the manufacturer's recommendations to determine the protective equipment necessary for the activity to be conducted. As a minimum, the following protective clothing should be worn whilst operating Service trail bikes, quad bikes and utility off-road vehicles:

- (i) knee and elbow pads;
- (ii) chest and back protection;
- (iii) safety glasses or goggles complying with AS 1609;
- (iv) ankle support boots; and
- (v) gloves,

as appropriate for the physical environment the officer is operating in e.g. an officer riding a trail bike in thick scrub should be wearing all the listed protective clothing, a patrol of parkland in a utility off-road vehicle, would not require this.

If the minimum protective equipment is not suitable for the policing circumstance or due to specific environmental or tactical reasons, the risk assessment outcome is to be recorded.