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NSW POLICE FORCE

SAFE DRIVING PUBLIC POLICY STATEMENT

TRAFFIC AND HIGHWAY PATROL COMMAND

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DOCUMENT CONTROL SHEET

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Caveat

This document remains the property of the New South Wales Police Force. It is intended to be a public policy document outlining the position of the NSW Police Force in respects of the intent and guiding principles behind road safety in the organisational context.

Advice should be sought in the first instance from the Commander - Traffic & Highway Patrol Command, before any public comment is made on the contents of this document.

Intended Provision – This Policy document compliments the NSW Police Force Safe Driving – Response and Operations Guidelines which replaces the NSW Police Force Safe Driving Policy V1 from the date of commencement.

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FOREWORD

This public policy statement explains the position of the New South Wales Police Force in respects to governance on the use of departmental motor vehicles in the course of police duties.

The very nature of policing, means officers can expect to be faced with circumstances in which they are required to act or take a particular course of action. A primary resource used by police to attend or effect resolution is the use of NSW Police Force motor vehicles.

The NSW Police Force acknowledge the duty of care which exists to all members of the public, and further acknowledge the duty of care to its own members.

Whether responding to an emergency, criminal act or a public safety issue, NSW Police Force officers will respond in a considered manner, taking into account the specific circumstances against what is required to fulfil their duty and ultimately, reduce crime, violence and improve public safety.

It is the intent of this public policy statement to provide transparency and ensure the continued trust and confidence of the wider community of New South Wales.

PART 1 – NSW POLICE FORCE VEHICLES

The NSW Police Force will only use motor vehicles which have undergone a rigorous assessment process to ensure they are suitable for the particular purpose (fit for purpose).

The use of a particular type of motor vehicle for a particular police purpose, will be endorsed by the Vehicle Standards Committee (VSC) and approved by the Deputy Commissioner Corporate Services, as the Agency Head for the NSW Police Force Fleet.

NSW Police Force vehicles will be maintained and serviced according to NSW Police Force technical requirements or manufacturers specifications depending upon the duty types and use of the specified vehicle.

NSW Police Force vehicles will have all necessary repairs undertaken as soon as reasonably practicable.

NSW Police Force will only use parts and accessories endorsed by the vehicle manufacturer or the VSC (including tyres).

NSW Police Force vehicles can only be used operationally by personnel who have received the appropriate level of training required for a particular duty or response type (see following section NSW Police Force Drivers).

Other personnel may drive specialist vehicles at the speed limit under certain conditions in a limited capacity (for example : administrative personnel under an exemption, service and repair technicians etc).

NSW Police Force vehicles will be categorised for ease of identifying their maximum response and / or operational capability.

PART 2 – NSW POLICE FORCE DRIVERS

The NSW Police Force will only use appropriately trained and certified personnel for:

- Administrative duties
- Urgent duties (response)
- Operations – including pursuits

Officers who are certified to engage in urgent duty and pursuits, have been trained and assessed to the requisite standard in order to attain such a level.

Some specialist police units require officers to undergo further specialist training in the driving of departmental motor vehicles.

Untrained officers and administrative personnel are not permitted to engage in urgent duty or pursuits.

NSW Police Force members will have an Australian Driver Licence for the class of vehicle they are operating whilst on duty and any driver licence suspension or other sanction imposed on their civilian driver licence will result in their certification to drive departmental motor vehicles removed until resolved.

Police officers have an obligation to self-report such circumstances to their Commander / Manager in a timely manner.

PART 3 – POLICE DUTIES

3.1 Administrative duties

Administrative Duties – are duties that are generally conducted by administrative personnel who are not trained police officers, but who have received training and instruction in using departmental motor vehicles for administrative functions only.

Administrative duties may be performed by some sworn police who are no longer working in an operational role.

3.2 Vehicle stops

Vehicle stops – are a function of police, where a vehicle driven by a member of the public is required to stop by police for a specific purpose.

A direction to stop should be by way of the displaying of a police vehicles warning devices – or can be by another approved method.

Only sworn police officers who have been certified to drive to the requisite standard and who are driving an appropriate category vehicle may conduct vehicle stops.

3.3 Urgent duty

Urgent duty – is a response to a situation that has become pressing or demanding prompt attention. Only sworn police officers who have been certified to drive to the requisite standard and who are driving an appropriate category vehicle may undertake an urgent duty response.

Urgent duty will be undertaken in a police vehicle that is displaying blue and red flashing lights and an audible siren (warning devices) unless it is reasonable that partial use is operationally appropriate.

3.4 Pursuits

Pursuits may be undertaken by police when a person who has been directed to stop their motor vehicle, fails to do so in contravention of that direction and continues to attempt to evade police.

Engaging police in a pursuit is a serious offence and carries a term of imprisonment of up to 5years.

Only sworn police officers who have been certified to drive to the requisite standard and who are driving an appropriate category vehicle may engage in a pursuit.

There is rigorous policy overseeing and governing police pursuits.

3.5 Pursuit reporting assessment and oversight

Each pursuit that is reported or identified in NSW, requires the police officer involved to be debriefed by a senior officer, usually a Sergeant or Inspector of Police.

The pursuit is then subject to a three-tier assessment process. Each stage of the assessment process is undertaken separate and independent from the other to ensure process transparency and that pursuit guidelines have been properly adhered to.

Supervisor Triage

Local Safe Driver Panel

State Pursuit Management Committee

The first stage is a where the pursuit is triaged by an officers immediate supervisor to identify any policy or procedure compliance issues.

The pursuit is then placed before a Local Safe Driver Panel who can make recommendations and take action deemed appropriate based upon the circumstances if needed.

Finally, each pursuit is subject of independent assessment by the State Pursuit Management Committee, whose role is to report and make recommendations where a pursuit is identified as having fallen outside of the modelling contained in the NSW Police Force – Safe Driving Response and Operations Guidelines.

PART 4 – CONSIDERATIONS

Police will take due care when conducting any duty response and take into account:

- The danger to members of the public, all other road users and police
- Weather, traffic and road conditions
- Time of the day, day of the week
- Any other factor deemed relevant at the time to adequately risk assess the action being undertaken

The above factors will be subject of continual and dynamic reassessment by police undertaking that duty type, to ensure the greatest amount of safety in the circumstances.

If the whole of the circumstances are as such, that the danger to the public outweighs the need to undertake the activity, police will discontinue the activity.

PART 5 – POLICE MOTOR VEHICLES INVOLVED IN CRASHES

If a police motor vehicle is involved in a crash, the following provisions apply:

5.1 Minor motor vehicle collision (with another vehicle or property)

If the self reporting crash provisions apply, police will exchange particulars with the other party and the matter will be determined within the normal insurance provisions (standard across NSW).

5.2 Major traffic crash

If a police vehicle is involved in a major traffic crash, but there was no death or serious injury, the matter will be attended and investigated by police from the geographical location in which the crash occurred. The investigation will be oversighted by the chain of command and subject to standard supervision practices.

5.3 Declaration of a critical incident

A critical incident may be declared in the following circumstances:

If a police vehicle is involved in a crash and a person or persons have been seriously injured or died as a result, or;

A crash has occurred as a result or arising from a police operation and a person or persons have been seriously injured or died.

In these circumstances, a Region Commander may declare a critical incident. A critical incident will be thoroughly investigated by a senior critical incident investigator from a location not connected to where the incident occurred.

Where a death is associated with an incident of this nature, it is reportable to the Coroner. There are additional oversight agencies who also hold an interest in the conclusions reached by the critical incident investigation.

5.4 Reporting / assessment / oversight

Any time a member of the police force is involved in any crash when on duty in a police vehicle, a number of assessments have to be made to ensure compliance with the law, with NSW Police Force Policies and compliance with NSW Police Force Procedures.

All police crashes – irrespective of crash type will be subject of an initial triage by the police officers immediate supervisor and will then, be independently assessed by a Local or Regional Safe Driver Panel.

A Safe Driver Panel can make recommendations and take action deemed appropriate based upon the circumstances of the crash.

If the crash is as a result of a pursuit, the State Pursuit Management Committee will be informed and will independently conduct its own triage and assessment process, ensuring impartiality and parity in process.

If a critical incident is declared, the NSW Police Force has specific Critical Incident Guidelines that will be applied.

CONCLUSION

The NSW Police Force continues to consider its' responsibilities to the community of NSW at the highest level. The safety of members of the public, all road users and that of police, is a primary focus as we respond and operate to reduce crime and violence and improve public safety. This focus drives us to create rigorous and comprehensive policies and procedures in line with our corporate responsibilities and to engage in continuous improvement.

The NSW Police Force identifies with key principles within the ANZPAA* Framework – Police Pursuit Principles - and place great emphasis on both organisational responsibility and personal responsibility of police officers, that is owed to the community of New South Wales.

The NSW Police Force continues to develop and be at the forefront of Police Policy, Officer Training, Risk Assessment and Accountability.

*Australian And New Zealand Policing Advisory Agency (AANZPA)

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