

**Police Federation
of England and Wales**



**Ffederasiwn Heddlu
Lloegr a Chymru**

Established by Act of Parliament

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To whom it may concern

Police officers have a sworn duty to uphold the law and they must comply with that duty.

They must also act in a way which is lawful.

Legal advice has recently highlighted that police response and pursuit drives are, in most circumstances, highly likely to fall within the definitions of careless and or dangerous driving.

There are no exemptions to the offences of careless or dangerous driving to permit emergency driving.

This matter has been considered by Chief Constable Anthony Bangham, NPCC lead for Roads Policing. He accepts that – at least as far as pursuits are concerned, drives are highly likely to fall outside the law as it is currently drafted.

The IPCC has recently directed a force to bring proceedings against an officer for Gross Misconduct for careless driving. Gross Misconduct is conduct that would justify dismissal.

A typical response or pursuit drive is likely to involve the officer contravening traffic signs and or speed limits. A course of driving involving contravention of traffic signs and speed limits is very likely to fall within the definition of careless or dangerous driving. Officers are required by law to drive to the standard of the careful and competent driver. Not the careful and competent *police driver*, the careful and competent (non-police) driver. This is the standard police drivers will be held to. There are **no** legal exemptions from the offences of careless or dangerous driving. Any such drives are therefore likely to be unlawful, placing the driver at risk of prosecution and proceedings for gross misconduct.

PFEW have raised this matter with MPs Brandon Lewis, Jeremy Wright, Jake Berry, Jack Dromey, Daniel Zeichner, Mike Penning, Amber Rudd, Dianne Abbot, NPCC leads and most recently Nick Hurd new minister for Policing.

To date the difficulties remain with our proposed draft for legislative change not yet having been progressed to a point where officers are appropriately protected.

In light of this, the advice of the PFEW is as follows:

- Officers have a sworn duty and must uphold that duty.
- Officers should drive in a way which is lawful and does not contravene the laws of dangerous or careless driving.
- Officers are advised not to undertake any manoeuvre which may well fall outside the standard of the careful and competent non police driver

It is hoped that this correspondence will reduce police related accidents and significantly reduce proceeding against officers for motoring offences and or Gross Misconduct hearings.

Tim Rogers
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