

Pursuit, TPAC – Crash!

Do I tell my Insurance company?

Police Tactical Pursuit and Containment (TPAC) - Liability on Police Officers to inform their own private vehicle insurers

DCC Holt the National Policing Lead for the Police Pursuits Working Group within the Roads Policing portfolio, has been working with the Police Federation of England and Wales (PFEW) and the Association of British Insurers (ABI) to agree common practice on the liability of police officer drivers to disclose details of TPAC incidents to their own private vehicle insurance companies.

Through negotiation with ABI executives, the following has been agreed:-

If a police officer is involved in a tactical pursuit and containment of a subject vehicle in line with duties and training and a collision occurs, the police officer only has a requirement to inform their own private vehicle insurance company if:-

"The manoeuvre necessitates the recording of an 'accident' report as defined by Sec 170 (1) of the Road Traffic Act 1988".

This means that should a collision occur as a result of engaging in tactical options, police drivers directly involved in these tactics have no liability to disclose such incidents to their own insurance companies, providing tactics used were in accordance with the Pursuits Authorised Professional Practice (APP).

However, if an incident occurs, whereby a third party not connected is involved as a consequence of police tactics and this necessitates the recording of a road traffic accident report, then the officer would be advised to inform their own insurers to comply with legal obligations.

A legal definition (R v Morris 1972) of an accident is 'an unintended course of action, which had an adverse physical effect.'

Appendix K - Collision recording Policy 130/2013 has been amended to include the above. The Sussex Police Pursuit Policy is currently under review to bring it in line with the College of Policing - Authorised Professional Practice for Police Pursuits.

Paul WOOD
Road Policing Unit