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***A community discussion paper on  
police car chases***

**July 2011**

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## Acknowledgement

The ACT Greens would like to start a public discussion about police car chases, as we believe there are improvements that the community should discuss.

At the outset, I would like to acknowledge that there have been seven deaths on ACT roads in connection with police pursuits in the last seven years. As a mark of respect to those people and their families and friends I wish to acknowledge that I have used their names in this paper and have reproduced them below.

2004 - Benjamin Hayes

2005 - Clea Rose

2006 - Heather Freeman

2010 - Scott Oppelaar, Samantha Ford, Brody Ford, Justin Williams

I would also like to acknowledge the police officers involved in each incident and the injury and trauma they experienced while going about their job.

Finally, I acknowledge the continuing efforts of ACT Police in changing attitudes at all levels, improving procedures and introducing new technology.

This paper is intended to build on the good work of ACT Police.



Shane Rattenbury  
ACT Greens Police Spokesperson  
July 2011

## Consultation

We want to hear the views of the community about this paper and the proposals in it.

We would be pleased to receive your thoughts from now until the end of October 2011.

Please contact me via –

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## Summary of proposal

The ACT Greens propose to trial an updated ACT police pursuit policy to restrict chases to violent crimes only like murder, rape and armed robbery.

This paper sets out evidence that most chases are for traffic infringements or suspicion of car theft, and also the risks a chase poses to police and innocent bystanders. Based on this evidence, we believe a better balance can be struck by only permitting chases to take place for serious violent crimes that warrant the risk.

Further evidence cited shows that other jurisdictions, such as Tasmania, are using more progressive policies and have experienced decreases in crimes. This is contrary to the often stated view that amending our police chase policy will result in an explosion in crime.

If the trial is successful and crime levels remain steady or decline, the trial should be made permanent.

## Introduction

Every time a car refuses to pull over at the direction of police, the officer in charge is faced with a balancing act.

On the one hand, they have an obligation to use all reasonable means available to immediately apprehend an offender. This means pursuing the offender. On the other hand, the officer has a duty to maintain public safety and road safety. Given the risk to police and innocent road users created by a high speed pursuit, this will mean not pursuing the offender.<sup>i</sup>

In light of these contradictory duties, police have a difficult decision to make, often with only seconds to think. Do they pursue or not?

When the fleeing driver has committed a serious or violent crime, few people would argue that police should be prevented from chasing. There is public interest in immediately apprehending the offender due to the gravity of the offence.<sup>ii</sup>

However, experience and data over many years has shown that most people chased by police are not serious criminals. More often than not, drivers who flee are guilty of no more than a traffic offence or suspicion of driving a stolen car.

In the last seven years in the ACT, seven people have died in connection with police chases. Australia wide, 163 people have died in the last 19 years in connection with car chases. That is a sobering statistic, and many more people have had to endure pain and suffering as the family and friends of those killed or injured.

What is even more concerning is that the majority of those 163 deaths were in car chases sparked by relatively minor offences. 74 were theft related (63 of which were vehicle theft), 65 were traffic related, 9 were for violent crimes, 4 were public order offences and 3 were drug related.<sup>iii</sup>

This poses a fundamental question – is it really worth risking the life of a police officer or innocent road user to chase down a traffic infringement or a stolen car?

The ACT Greens believe the risks in most chases outweigh the potential apprehension of an alleged offender. For this reason, we propose the police pursuit policy in the ACT be updated to only allow chases to take place for violent offences.

The evidence in this paper demonstrates that the bulk of chases that occur are for traffic infringements or suspicion of stolen cars. Because of this, the updated policy would reduce the number of pursuits taking place overall and ensure they only take place for those serious offences that justify the risk. Put another way, the policy would ensure that chases only take place where there is a significant and immediate risk to the public in not chasing.

There is a well understood link between police chases and injury or death. We can expect that, over time, the incidence of death or injury will rise if there are more chases, and fall if there are fewer. What this means is that a decision to continue with the current pursuit policy carries with it the acceptance of relatively minor offences causing death and injury, often to innocent people.

The ACT Government has a commitment to “Vision Zero”, a road safety policy that aims to achieve zero road deaths in the ACT. The Government has stated that *“The vision is based on **Ethics**, noting that every human being is unique and irreplaceable”*. Vision Zero is a commendable goal and one that the ACT Greens fully support. We also support the ethical principle that all life has inherent value and is something to be highly valued.

The ACT Greens believe our proposal represents a better balance for road safety on our streets and we would appreciate feedback from the community.

### ***Friday night in the Bus Interchange***

Clea Rose was a 21 year old student when she was hit and killed in the Civic bus interchange on a Friday night in 2005. She was walking across the interchange with two friends when hit by a stolen car. The car was driven by a 14 year old male who was being chased by police who wanted to “make enquiries”.<sup>€</sup>

*“Clea was the strongest person I know, emotionally, mentally, physically. She could beat every person in this room at an arm wrestle. This worked greatly to our advantage when we were overseas, scoring us many free drinks from losing bar tenders”.*<sup>α</sup>

€ Coroner’s Report of Findings

α Clea’s friend Emma, speaking at the funeral.

## Issues arising from an updated pursuits policy

When the proposal for an updated pursuit policy is discussed, the statement is often made that any change will give offenders 'the green light' and there will be an explosion in crime. There are two specific assumptions:

Assumption 1: the failure to comply with a police direction to pull over indicates the driver has recently committed a serious crime (more serious than the traffic infringement which initially drew the police attention to them) ie "they have something serious to hide"; and

Assumption 2: if the police power to pursue is restricted, crime rates will increase because offenders know they can get away.

The evidence does not support either of these assumptions.

Evidence on assumption 1: The evidence shows that people actually fail to pull over because of minor crimes like driving without a licence. Statistical evidence shows that in these cases they are highly unlikely to have recently committed a serious crime.

A 2007 Australian Federal Police Internal Review reported that in the ACT, 70% of pursuits were for traffic related incidents, 19% were on the suspicion of the vehicle being stolen, 8% on the suspicion the car was used in a crime and 4% where the driver was known to police or there was an outstanding warrant.<sup>iv</sup>

A 2005 Queensland study looked at the way in which police suspicion of a serious crime sparks a pursuit and stated that *"this apparent justification for engaging in pursuits is largely unsupported – an examination of the charges against the fleeing drivers showed that very few apprehended drivers were charged with crimes more serious than what was known at the time the pursuit was initiated"*.<sup>v</sup>

A 1990 study in Western Australia examined 346 police pursuits in a 6 month period. Not one involved a serious crime like murder, kidnap or armed robbery.<sup>vi</sup>

A 1993 New Zealand study showed that only 3% of people involved in pursuits were charged with a serious violent crime.<sup>vii</sup>

Evidence on assumption 2: Police agencies that have implemented restricted pursuit policies do not report increases in crime and some have in fact reported a decrease.

Ten years ago Tasmania Police introduced a restrictive policy that only allowed pursuits for violent offences such as murder and kidnap. The policy specifically prevents police pursuing for stolen cars. The number of stolen cars in Tasmania has dropped from 4,000/year in the year 2000 to 1,300 in 2009. Advances in immobiliser technology are largely responsible for this decrease, but it is equally important that the crime rate did not increase dramatically following the policy change as some people anticipated.

Tasmanian Assistant Commissioner Scott Tilyard is on the record saying *"We recognised that pursuing vehicles is a high-risk activity and the number of people who get killed or injured far outnumbered the people killed or injured as a result of firearms"* and *"one of the things that people will say is that if police can't pursue for a whole range of things, then crime will get out of control ...but in our experience that has certainly not been the case"*. And *"in the last 10 years our crime categories have reduced significantly in Tasmania. For example, motor vehicle stealing, which used to be one of the main triggers for pursuits, has actually gone down. Back in 2000, nearly 4,000 cars were stolen each year in Tasmania, last year we had just 1,300 stolen"*.<sup>viii</sup>

A literature review conducted by the AFP in 2007 reported that “*Studies show that jurisdictions which have tightened their pursuit policies have seen a decrease in the numbers of pursuits and a resultant decrease in collisions, injuries and deaths without an increase in people fleeing from police*”.<sup>ix</sup> (emphasis added)

Further afield, Orlando in the United State of America reported a 1.1% drop in felonies the same year a more restrictive pursuit policy was introduced.<sup>x</sup>

## 82 year old Campbell grandmother killed, 2006

A high speed police pursuit ended in tragedy in Woden. A car being chased by police ran a red light and collided with another car being driven by Mrs Heather Freeman.

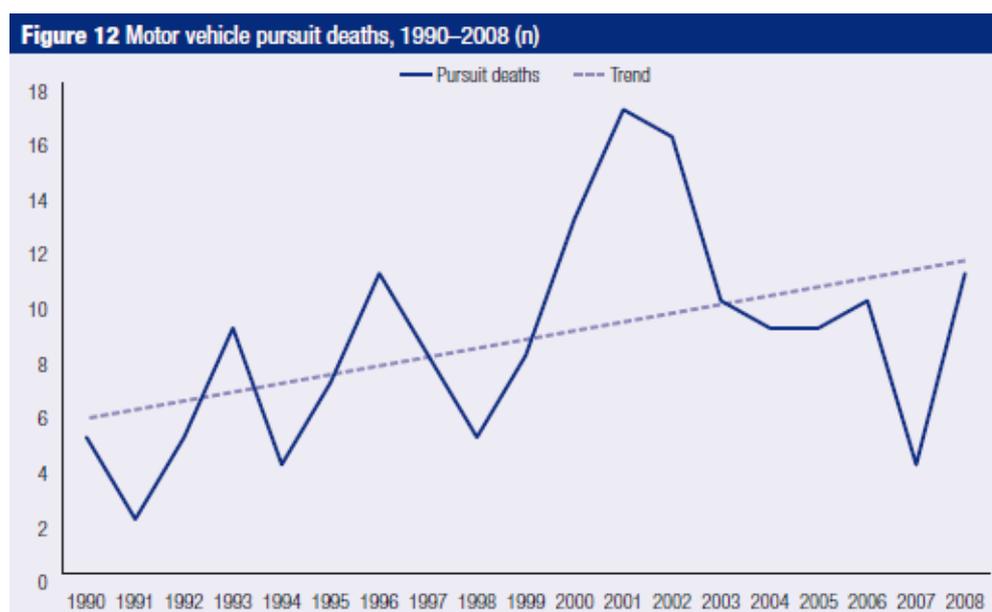
Mrs Freeman died at the scene. Bert, her husband of 56 years, was in the passenger seat and was taken to hospital with injuries.

Canberra Times 15th and 16th November 2006

## Why the police vehicle is the “most deadly weapon in the police arsenal”<sup>xi</sup>

There were 163 deaths on Australian roads between 1990 and 2008 which were caused by police car chases. In the same period, 92 people were shot and killed by police<sup>xii</sup>. In 1991 the claim was made that the police vehicle is the most deadly weapon available to police and, based on the statistics, that is still accurate today.

Unfortunately, there is an upward trend in the number of deaths caused by police pursuits.



Source: Australian Institute of Criminology, *Deaths in custody in Australia: National Deaths in Custody Program 2008*, page 48

In addition to the emotional grief and suffering that follows the death of a loved one, the financial cost to the tax payer from police pursuits can be significant. The parents of Ms Clea Rose have made the conservative estimate that Clea's injury and death cost the family and community over \$2.5 million.

Financial cost to the victim and family include fees associated with hospital, funeral, psychologists and other professional support, legal representation at court or coronial proceedings as well as costs associated with time off work without pay.

Costs to the public include resources necessary to undertake the police investigation, court and coronial proceedings and the cost of incarcerating the offender for causing death by dangerous driving.

### ***Death of a 13 year old NSW school girl, December 2006***

*"I took my little girl to school one day and she never came home."*

*"She would be alive if there hadn't been a police pursuit"\**

Caitlin Hanrick was hit and killed by a stolen \$200 Holden Commodore while she was crossing the road to reach the other side of her split NSW school campus.

The stolen car was being chased at speed by police.

In response, the Queensland Government restricted police pursuits in 2010.

Describing the death as tragic, the Police Minister stated *"It is hoped that the initiatives outlined in the Government and Queensland Police Service Response will leave a legacy of improved safety for the community."*<sup>∞</sup>

\*Jenny Hanrick, mother of Caitlin, Good Weekend, Sydney Morning Herald, 17 July 2010, page 13  
∞Queensland Ministerial Media release, 24 December 2010

## Why are pursuits so dangerous?

Studies in Australia, New Zealand and the United States have found that one third of police pursuits were ending in a collision of one sort or another.<sup>xiii</sup>

The standard profile of an offender who flees a police direction to pull over is:

- young male
- driving under the influence of drugs and/or alcohol
- a history of failing to pull over when directed
- an extensive criminal history<sup>xiv</sup>

The AFP Literature Review noted that *“Clearly, pursuits typically involve individuals who represent high risks on the road under every-day driving, let alone under the unpredictable conditions involved in a pursuit situation.”*<sup>xv</sup>

Factors that contribute to an officer starting or continuing a chase include:

- the challenge to authority; and
- an organisational culture where “fighting crime” and “fighting crime quickly” are strong values.<sup>xvi</sup>

Some officers will undergo physiological changes during a high speed chase due to the adrenaline rush. This can lead to “myopia and auditory lockout”, also known as short-sightedness and hearing loss.<sup>xvii</sup> “Red mist” is another term well known among police. It is a feeling of extreme competitiveness or anger that temporarily clouds one’s judgement.

Having young drivers, impaired by drugs or alcohol, being chased by police at high speed is a dangerous mix. Of further concern is the reports of offenders choosing to bait police in order to start a chase and get an adrenaline kick.

One retired police officer summarised it as follows:

*“Many offending drivers engage in pursuits purely for the buzz it gives them. In my experience, they are invariably male and in their mid-teens. These are not people who can effectively judge risks and make reasoned choices about how their actions could affect themselves and others.”*

And when recounting a discussion he had with drivers who had fled:

*“They told me that they had both been in hundreds of chases and it was clear that they baited police into chasing them because the adrenaline rush that came with it was like a drug.”*

He concluded by saying:

*“Pursuits are just madness. There is such a disparity between the magnitude of the risk to those involved and the public and the consequences of the best possible outcome (that is, arrest, charge and conviction of the offender for generally minor offences) that any rational person would never let them happen”*<sup>xviii</sup>

Statistical evidence cited in the AFP Literature Review backs up these statements with the finding that *“more than half of respondents reported that they were willing to run at all costs.”*<sup>xix</sup>

## Family tragedy on Canberra Avenue, 2010

Four people were killed in 2010 when a stolen Mazda 626 ran a red light and hit another vehicle that was pulling out of a side road. The stolen car was being chased by NSW police immediately prior to the crash.

This matter is currently being examined by the Coroner.

The victims were Scott Oppelaar, a 33-year-old father of six, Samantha Ford, 29, and their 4 month old son, Brodie. They were killed instantly, and the high speed impact of the crash resulted in debris being strewn for 100 metres down Canberra Ave.

Justin Williams, the 23 year old driver of the stolen car was also killed, and his passenger badly injured.\*

\*Canberra Times 23rd and 24th March 2010

## ACT background

In 2007, the ACT police pursuit policy was independently reviewed by former Commonwealth Ombudsman Mr Alan Cameron (the Cameron Review).

One key recommendation of the Cameron Review was that “*Car theft or suspicion of it is not in itself a serious enough offence, even if proved, to put the community at the increased risk caused by a pursuit*”<sup>xxx</sup> However, as of July 2011 this recommendation has not been adopted.

The Cameron Review repeated the findings of an earlier AFP Internal Review and stated:

*“The literature on Police Pursuits is voluminous and consistent:*

- (a) Those chasing and those being chased are usually young males;*
- (b) Most pursuits are commenced for minor offences or on mere suspicion of something more serious;*
- (c) Car theft or suspicion of it, is a very common cause of pursuits; and*
- (d) Most pursuits are very short.*

*The ACT's recent experience of pursuits is largely consistent with the general pattern:*

- (a) They were relatively infrequent, mostly at night, and of short duration (an average of 4 minutes 13 seconds; the shortest, 3 seconds, the longest, 36 minutes.)*
- (b) Traffic related incidents accounted for 70% of the pursuits; suspicion of the vehicle being stolen (19%); suspicion of the vehicle having been used in a crime (8%); and situations where the suspect was known or there was an outstanding warrant (4%).*
- (c) 55% of suspects evaded apprehension at the time, and 45% were caught.*
- (d) Almost half of all pursuits were terminated by police; around 20% of suspects stopped of their own accord, and slightly fewer when forced to do so by becoming cornered, becoming bogged, or running out of petrol; 10% concluded by a collision involving the suspect vehicle.*
- (e) 96% of the suspect drivers were male, with an average age of 24 years.*

*(Source: the internal AFP review, 2007)”*

The Cameron Review concluded at page 3:

*“Subject to the recommendations contained in this review and the internal AFP review, and unless the coronial findings on the two recent incidents in the ACT, or the Queensland trial, compel a different view, I am satisfied that the revised AFP Guideline will provide the appropriate balance between the community interest in apprehending offenders and the public interest in road safety, and there is no necessity at present to take any stronger action to dissuade ACT police from inappropriate pursuits.”* (Emphasis added)

However, this conclusion of the Cameron Review cannot be taken as the end point of discussions in the ACT on police pursuits. Further discussion is warranted because the Cameron Review:

1. As discussed above, made a recommendation that police be prevented from chasing suspected stolen cars, on the basis the risks outweigh the benefits. This recommendation has not been adopted.
2. Was only a review of the Internal AFP Review and *“was not expected or given the time and resources to carry out primary research, such as attitudes either of police or the community towards high speed pursuits”*<sup>xxi</sup>
3. Made its conclusion that current policy is appropriate on the proviso that the recommendation about not chasing stolen cars was adopted. Because of this, the conclusion is not able to be fully relied upon.
4. Made note of Tasmania’s restrictive pursuit policy but stated it *“was unable to ascertain what impact this has had on the crime level in Tasmania”*.<sup>xxii</sup> As noted in this paper, the number of stolen cars has decreased from 4,000 cars in the year 2000 to 1,300 in 2009.

Also, since the 2007 Cameron Review there have been important developments in Queensland:

1. In January 2008 Queensland introduced a new pursuit policy to restrict the range of offences for which police can pursue; and
2. In December 2010 the Queensland Government accepted a coronial recommendation to restrict its pursuit policy even further.

The issue of police pursuits continues to be discussed in each Australian state and territory. At this point in time, Tasmania is the state which has adopted the most decisive change to pursuit policy.

## The ACT Greens' police pursuit proposal

The ACT Greens propose a 24 month trial of a new police pursuits policy to limit high speed police pursuits to violent crimes only. In conjunction with the trial, the results would be measured and the new policy made permanent if successful.

No change would be made to the "traffic stop", where police follow with lights and sirens, often at high speed, in order to direct a vehicle to stop.

However, when a car fails to pull over, police would be permitted to chase the car only where its occupants are suspected of violent crimes such as:

- a) Murder;
- b) Rape;
- c) Armed robbery;
- d) Kidnap; and
- e) Other serious crimes to be determined in consultation with ACT Police.

The new policy would prevent police from pursuing for:

- f) Simple traffic infringements such as a failure to indicate when changing lanes;
- g) Driving an unregistered or stolen car;
- h) Suspicion of driving without a licence; and
- i) Suspicion of driving under the influence of drugs or alcohol.

For offences f) – i) the police would use existing policing techniques aimed at apprehending the suspect safely in the future. Existing techniques include radioing ahead to alert other police cars to intercept the vehicle, use of real time number plate recognition systems such as RAPID (Recognition and Analysis of Plates Identified), road blocks and road spikes.

The trial could also make use of emerging car mounted technologies such as Star Chase, which is a pursuit management system using a laser-guided, compressed air launcher to attach a GPS tracking device onto a fleeing vehicle. Police can also use systems that are able to disrupt a target vehicle's ignition system in newer vehicles, as well as utilize an increased use of immobilisers in older vehicles.

During the 24 month trial, data would be collected on the number of:

- a) traffic infringement notices and breaches;
- b) motor vehicle thefts;
- c) drivers who choose to flee after being asked to pull over by police; and
- d) police pursuits and their outcomes.

The trial would compare the data to the long term average.

If there is no appreciable increase in the crime indicators compared to the long term average, the new trial policy should be made permanent.

If the trial is made permanent, the ACT should investigate whether the existing evade police offence is adequate. Currently in the ACT, a driver who refuses to pull over when directed to by police faces a maximum penalty of \$2,200<sup>xxiii</sup>. Similar offences in New South Wales and Tasmania carry a 12 month penalty and a \$5,000 fine or both.<sup>xxiv</sup> The ACT Greens would support investigation of the existing penalty and whether it should be increased to more accurately reflect the dangers involved in evading police with speed or erratic driving.

## Conclusion

This paper proposes to update the ACT police pursuit policy. Based on the evidence that most chases are for traffic infringements or suspicion of car theft, and also the risks a chase poses to police and innocent bystanders, we believe a better balance can be struck between road safety and the need to immediately apprehend offenders.

Given the evidence and the dangerous consequences of police pursuits, the ACT Government and Police should move to undertake a 24 month trial of restricting police pursuits to cases involving violent crimes.

As we continue to work on this important issue we would like to hear your views and to receive your feedback.

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- i The balancing act faced by police is well encapsulated in the *AFP Literature Review* (2007) under the heading “Pivotal debate in pursuit literature”. See page 65: [http://www.justice.act.gov.au/resources/attachments/Independent\\_Review\\_of\\_Pursuit\\_Guideline\\_Review\\_31\\_July\\_2007.pdf](http://www.justice.act.gov.au/resources/attachments/Independent_Review_of_Pursuit_Guideline_Review_31_July_2007.pdf)
- ii *Public attitudes towards police pursuit driving* (1998) MacDonald and Alpert, volume 26, number 3, *Journal of Criminal Justice* pages 185-194
- iii *Deaths in custody in Australia: National Deaths in Custody Program 2008*, Monitoring Report Number 10, Australian Institute of Criminology. Page 54: <http://www.aic.gov.au/en/publications/current%20series/mr/1-20/10.aspx>
- iv The AFP Internal Review was not publicly released. However, the *Cameron Review* (2007) conducted by former Commonwealth Ombudsman Alan Cameron had access to the Review and cites some of the statistics in his report at page 2: [http://www.justice.act.gov.au/resources/attachments/Independent\\_Review\\_of\\_Pursuit\\_Guideline\\_Review\\_31\\_July\\_2007.pdf](http://www.justice.act.gov.au/resources/attachments/Independent_Review_of_Pursuit_Guideline_Review_31_July_2007.pdf)
- v *Police pursuits in Queensland: research, review and reform* (2005) Hoffman and Mazerolle, Queensland Crime and Misconduct Commission
- vi *High speed police pursuits in Perth* (1990) Homel page 5
- vii *AFP Literature Review* (2007) Refer endnote (i) at page 6
- viii *Good Weekend* supplement - Sydney Morning Herald (17 July 2010) page 17
- ix *AFP Literature Review* (2007) Refer endnote (i) at page 64
- x *Policing Continuity and Change* (2006) Alpert, Dunham & Stroshine, page 200
- xi This was a statement made in 1991 in: *Urgent Duty Driving by Australian Police; Facts and Recommendations* (1991) Australasian Centre for Police Research Report, number 115
- xii *Deaths in custody in Australia: National Deaths in Custody Program 2008*, Monitoring Report Number 10, Australian Institute of Criminology. Pages 50 and 56: <http://www.aic.gov.au/en/publications/current%20series/mr/1-20/10.aspx>
- xiii *AFP Literature Review* (2007) Refer endnote (i) at page 67
- xiv *AFP Literature Review* (2007). Refer endnote (i) at page 64
- xv *AFP Literature Review* (2007). Refer endnote (i) at page 71
- xvi *AFP Literature Review* (2007) Refer endnote (i) at page 64
- xvii *FBI Law Enforcement Bulletin* (April 2009) page 2, available at: <http://deadlyforce.com/wp-content/uploads/2010/12/LEB-Emergency-Pursuit-Driving.pdf>
- xviii *All Pumped Up* Sydney Morning Herald (13 November 2004)
- xix *AFP Literature Review* (2007) Refer endnote (i) at page 71
- xx *Cameron Review* (2007) refer endnote (iv) at page 33 (recommendation 9.7)
- xxi *Cameron Review* (2007) refer endnote (iv) at page 4
- xxii *Cameron Review* (2007) refer endnote (iv) at page 16
- xxiii Section 109 *Road Transport (Safety and Traffic Management) Regulation 2000*
- xxiv Section 11A *Police Powers (Vehicle Interception) Act 2000 (Tas)* and section 39 *Law Enforcement (Powers and Responsibilities) Act 2002 (NSW)*