Police combating moped and motor cycle enabled crimes with 'Tactical Contact'?

There is debate on whether this is the toughest era for UK police officers. Comparison of past decades is difficult, but whilst we ponder the effects of reducing police resources verses rising demand, criminals continue regardless.

Last week a Metropolitan Police press briefing presented 'Operation Venice', a commitment to robustly combat scooter, moped and motorcycle enabled criminals. One method involves using a moving police vehicle to make physical contact with bikes driven by suspects, as safely as possible stopping criminals. This is called *Tactical Pursuit and Containment (TPAC)*[1].

The onus is on the errant driver to stop when directed by uniformed police officers driving liveried operational vehicles. Therefore all consequences of failing to stop, driving recklessly or dangerously, even if fatal, primarily rest with that motor cycle rider, rather than with the police. Where a police vehicle is used to intentionally make 'tactical contact', consequences and liability still rest with the party failing to stop voluntarily. But, the police driver does have to account for the 'use of force'[2]. Assurance that police actions are necessary, proportional and reasonable is vital.

TPAC requires fast time decision-making i.e. processing the available information; knowledge of legal powers; identifying potential range of tactical options; and then deciding the optimum action to address an incident….. This is application of the National Decision Model (NDM)[3], it is a key element in a process referred to as 'dynamic risk assessment'.

For many police officers, this subject and accountability should end here. But it is more complicated.

****

TPAC is receiving significant attention, as desired by the MPS briefing. However, media and general public are using terms like 'ramming', 'colliding' and 'crashing' into motor cyclists. Deliberately emotive and unhelpful. But so too are statements made by official Police Federation representatives and unofficial police spokespersons, the latter purporting to speak for the majority of police officers. Contrary to reports by some of these parties, TPAC is not low risk.

Only selected and highly trained police drivers can use TPAC, this clarifies the official police view. It is a high risk tactic. Aside from possessing high driving skills and excellent road safety competence; calmness under pressure and sound judgement are mandatory criteria for selecting and training specialist police officers. We know fatalities do arise from 'one punch' conflicts between pedestrians, when a victim falls - from standing - and makes hard impact with the ground. How on earth can a fall following collision between motor vehicles, even at slow speed be low risk? The presence or absence of a crash helmet does not significantly alter risk. This misinformation on risk highlights need for the police service to take measures ensuring consistent and accurate information. But, it does not change the need for TPAC and effective robust policing.

Unhelpful too, are responses to criticism of TPAC and other operational tactics by some serving and former police officers. Hostile reactions grate against the necessity for police accountability, this is a significant difficulty. It propagates perennial difficulties that are adversely impacting on policing and community relationships. A sizeable lobby challenge police 'use of force' demanding that powers are used fairly, it is not a police function to seek to quash or silence critics.

Inevitably results from 'Operation Venice' and continued use of TPAC will be compared to other operational tactics, such as the outcomes from Stop and Search, with particular focus on equality and proportionality. Some police officers have already reacted stressing that errant motor cyclists will not encounter police bias, because police officers cannot discriminate when a suspect's appearance is masked by a crash helmet. This response misses the core issue. Again the presence or absence of a crash helmet does not alter risk.

TPAC is likely to encounter prolonged criticism similar to that received due to inherent errors with intelligence based strategies e.g. 'Stop and Search' and the 'Gangs Matrix' [5].

UK policing tactics will fail as long as crime strategists try to resolve a *'race problem'*, when police should be focusing on *'crime problems'*. Wider public concern is that tactical decisions may be based on what a person looks likes or their attire, rather than use of primary crime-fighting factors:

- What is the suspect actually doing or done?
- How serious is the offence committed or likely to be committed?
- What is the actual or likely risk of physical harm to others?
- Is there need for immediate action to prevent serious physical harm to others?

This is not a finite list, but it forms part of an assessment for the type and duration of physical force the police actually use. This must be proportionate to the harm the police are trying to prevent.

Adverse and hostile reactions to criticism by members of a police service will not build or repair relations with critics. Compared with late 20th century policing, social media access today is huge; it enables millions of people to comment on policing in the public domain. Mobile phones permit capture, comment and transmission of images of incidents instantly. Growth in both activities will be phenomenal.

There is huge support for the police service and TPAC, and also sizeable opposition. But, feedback and criticism is just that! If police officers and representatives respond as if all disapproving comments are *'anti police'*, it is the police response that is the problem and the result will be further loss of public confidence.

Pro police is the way forward, however even here proponents can cause avoidable reputational damage by adopting extremes e.g. outright rejections that some police officers can and do make grave mistakes, and some even commit crime. No spokesperson can represent or vouch for every individual police officer.

Legislation protecting police officers using force in the course of duty already exists, but the risks linked to TPAC requires specific and enhanced measures for those police officers who are performing to good standard, selected and trained to make high risk decisions. The *'Emergency Response Drivers Bill'*[6] and any other future legislation should not be drafted or interpreted so as to afford impunity to all police officers. It must take account that avoidable mistakes and negligent conduct cannot be excluded.

Accepting risks of prosecution does not undermine work done by the majority of police officers performing admirably on a daily basis. It might assist the start of repairs to decimated relationships between police and some communities still deteriorating during past five decades plus.

There is no quick fix! Relationships with some communities will take generations to mend, but first reparations must get on track!

1 https://www.bbc.co.uk/news/av/uk-england-london-46321715/thieves-knocked-off-mopeds-by-police-in-london

2 http://www.legislation.gov.uk/ukpga/1967/58/section/3

3 https://www.app.college.police.uk/app-content/national-decision-model/the-national-decision-model/

5 https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2018/11/ico-finds-metropolitan-police-service-s-gangs-matrix-breached-data-protection-laws/

6 https://services.parliament.uk/bills/2017-19/emergencyresponsedriversprotections.html

Alton Charles   GCILEx, Dip SP&C (Open)

Independent Investigator, Researcher & Writer
Retired Metropolitan Police Officer
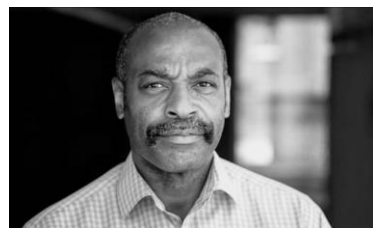
Author of **'Policing with Difference'**
ISBN 978-0-9567574-1-8