

# Trivial Pursuit

## *Policy Rebranding vs Operational Realities*



Response driving is frequently conflated with pursuit driving, according to Detective Garda Mark Ferris, GRA Executive Member for the Dublin West Division. He claims that until such time as An Garda Síochána addresses the lack of pursuit training for members, these policies will remain theoretical and expose everyone involved to high-risk situations, not to mention representing a major risk to the public.

There has been recent public commentary around the updated pursuit policy of An Garda Síochána by the national broadcaster RTÉ. Commissioner Drew Harris has said: "*Gardaí can now pursue people driving scramblers, scooters and electric bikes in a dangerous fashion, which they (Gardaí) had previously been forbidden to do*".

He added that "*the previous policy has been changed and these drivers, mostly young men wearing face coverings and not helmets, can be apprehended through pursuit and vehicle-stopping devices*", whilst finally saying of Garda members that "*when it's appropriate and proportionate to the threat, they can pursue*".

I feel this commentary requires some background and context, given the advocacy role of the Garda Representative Association (GRA) on behalf of our members. It is especially important given the

often contentious – and occasionally highly controversial – nature of this aspect of police work.

High speed pursuits of reckless criminals are regular fodder for the media and the decisions of officers on the ground in exceptionally challenging circumstances are subject to the hindsight of commentators who will never have to make these decisions. That is why it's important to look at this 'policy change' and its implications for Garda members.

### **POLICY VS PRACTICE**

The old policy set out in HQ Directive 44/19 ('Managed containment and stopping of subject vehicles') and the newer policy in HQ Directive 87/24 ('Spontaneous Pursuit'), which replaces the older one, share identical foundational principles: proportionality, necessity, and accountability under the European Convention on Human Rights (ECHR).

The rebranding of terminology (e.g., 'managed containment' to 'spontaneous pursuit') does not constitute any substantive or meaningful policy change.

Key operational parameters – risk assessment, supervisory oversight, and containment processes – remain consistent across both documents. The perceived 'change' or shift reflects the confusion between organisational policy (written directives set out) and organisational practice (implementation of same).

**These are the critical deficiencies that undermine the newer policy:**

- **Control Room Authorisation:** Directive 87/24 mandates supervisory oversight for pursuits, yet control room personnel lack standardised training in dynamic risk assessment, pursuit initiation or termination criteria, or indeed ECHR compliance. This violates the policy's requirement for 'qualified oversight' and makes the authorisation of a so-called pursuit potentially a violation of the policy itself.
- **Pursuit Driver Training:** There is no member of An Garda Síochána trained and appropriately authorised in pursuit driving which renders the policy inoperable. Competency Based Driving 2 (CBD2) drivers (which make up the vast majority of response drivers) are not trained in any element of pursuit.

Response driver training, as governed by the Emergency Services



*Driving to an emergency situation with blue lights and sirens on is not, and should not, be confused with pursuit driving.*

Driving Standard (ESDS) in An Garda Síochána, is frequently conflated with pursuit driving, highlighting a misalignment between organisational policy, operational implementation and public messaging. Driving to an emergency situation such as an armed robbery in progress with blue lights and sirens on is not, and should not, be confused with pursuit driving.

**PURSUIT DRIVER TRAINING**

Pursuit Driver Training, as defined by the College of Policing, the professional body for those working in policing in England and Wales, identifies the following situations:

1. When a driver/motorcyclist indicates by their actions or continuance of their manner of driving/riding that they have no intention of stopping for the police.

2. The police driver believes that the driver of the subject vehicle is aware of the requirement to stop and decides to continue behind the subject vehicle with a view to either reporting its progress or stopping it.

While pursuit driving requires active evasion and awareness of a driver's refusal to stop it also requires a level of competence to engage, while response driving is a distinct driving activity that allows trained members, for example under CBD2, to exceed normal driving standards when responding to emergency incidents.

These fundamental differences highlight how the two activities should never be confused or conflated. In fact, the College of policing also says of pursuits if 'the situation falls within the definition of a pursuit, and non-pursuit trained drivers must discontinue immediately.'

On closer view, the entire CBD driver training model also has NO element of pursuit driving incorporated across any of its facets. Tactical vehicle containment or the use of vehicle stopping devices do not constitute pursuit driving techniques or the required level of competence with which to engage in pursuit driving.

For additional context, the UK's College of Policing's pursuit framework explicitly stipulates that all personnel involved in pursuit management, including control room staff, tactical advisors, and drivers, MUST undergo standardised training aligned with NPCC-approved standards.



*The new standard was rolled out by the RSA to ensure Gardaí, ambulance and fire services personnel were more aware of risks associated with driving emergency service vehicles.*

Representatives from the principal response agencies, pictured with Moyagh Murdock, RSA Chief Executive (centre) at the launch of the Emergency Services Driving Standard (ESDS) on the grounds of Farmleigh House on 18 November 2014.



This is not advisory but a foundational governance requirement for lawful, safe pursuits in that jurisdiction. In light of this, I contend that the absence of a training framework-aligned programme invalidates Directive 87/24s operational viability. Pursuits cannot be safely authorised or conducted under these conditions.

#### POTENTIAL FOR LEGAL ACTION

To allow these pursuits magnifies the risks to the health and safety of rank-and-file Gardaí and jeopardises their career trajectory with the potential for disciplinary, or even legal action, in the event of a mishap.

Thus, the purported policy “change” is purely semantic and not substantive. The remedy is simple but challenging and requires leadership – a comprehensive review of the current pursuit driving landscape.

And following this the appropriate, and if required, investment in a training framework that is designed to create pursuit programmes and also identify and upskill all members who could likely engage in this hazardous policing activity.

So, until An Garda Síochána addresses this lack of training, pursuit policies will remain theoretical and expose everyone involved to high-risk situations. Inadequate or no training results in individuals making poor decisions or worse again no decisions. The risk to the public is great in situations where people are not equipped appropriately to deal with dynamically unfolding events.

#### ABOUT THE AUTHOR

Detective Garda Mark Ferris is based in Blanchardstown Garda Station and has over 24 years of frontline experience, including more than 20 years as a response driver. He is an executive member of the Garda Representative Association (GRA) for the Dublin West Division.

A passionate advocate for his colleagues, D/ Garda Ferris has developed strong identification and negotiation skills and a proven track record of delivering decisions that enhance conditions and welfare within the service. He holds a Master’s Degree in Human Rights, a Higher Diploma in Leadership, and a Law Degree in Applied Policing.



**RECOMMENDATIONS REQUIRE LEADERSHIP**

In light of this, the following recommendations should now be made by the GRA:

**Independent Review:** An immediate suspension of Directive 87/24 pending examination by an independent review body that can make appropriate training framework recommendations. These recommendations should accurately reflect and align current practice with organisational policy.

**Training Framework Audit:** This review should include an audit of existing response driver training and also examines best practice evidence from other jurisdictions. Appropriate recommendations around alignment such as with the College of Policing/NPCC benchmarks should be made.

**Public Messaging:** Clarify public messaging to distinguish policy terminology from operational reality. i.e. response driving (blue lights and sirens) is not pursuit driving.

These recommendations require leadership, but it should also be noted that leadership is not just about being in charge. It's also about taking care of the people in your charge. This pertains to the CEO of any organisation, public or private sector and An Garda Síochána should be no different.



**THREE-LEVEL STRUCTURE TO THE ESDS**

1. ESD Level 1 is the entry level and sets out the training, learning and assessment to produce competent and responsible emergency service drivers.
2. ESD Level 2 describes the training, learning and assessment for emergency service drivers and includes the principles and skills set of 'Roadcraft' (a system of vehicle control in training emergency service drivers that develops a methodical and systematic approach to driving). The system increases safety by giving the driver more time to react in complex situations as they have a greater awareness and ability to anticipate hazards.
3. ESD Level 3 refers only to services who by law can drive using blue lights and sirens in emergency response situations when this does not endanger the safety of other road users. An example of this is when an emergency services vehicle exceeds the statutory speed limit. This applies only to those emergency services specified in Section 87 of the Road Traffic Act 2010 – such as An Garda Síochána, Ambulance Services and Fire Services.

**LAUNCH OF EMERGENCY SERVICES DRIVING STANDARD**

The Emergency Services Driving Standard (ESDS) was officially launched by the Road Safety Authority (RSA) in November 2014. The standard – the first one of its kind in Europe – was then rolled out by the principal response agencies in 2015.

The driving standard for emergency services – as identified in the Government's Road Safety Strategy 2012-2020 – was developed by a working group with representatives from the RSA, the Chief Fire Officers' Association, HSE Ambulance Service, An Garda Síochána, Civil Defence, Irish Coast Guard, Defence Forces, Irish Prison Service, the Pre-Hospital Emergency Care Council, and the National Directorate for Fire and Emergency Management.

Speaking at the launch of the ESDS, RSA Chief Executive Moyagh Murdock said at the time that the standard and syllabus was "developed in response to the need identified by many emergency service professionals for training and management, when driving in complex and stressful emergency response situations".

She said that the aim of the RSA was to ensure that the emergency services drivers had "greater confidence of dealing with particular risks associated with emergency response driving, and that they will also be better equipped to react to the countless hazards that they have to deal with on a daily basis".

The launch of the standard was the cover story in 'Emergency Services Ireland' (Issue 50; December 2014).