Independent DSI Investigation

Investigation report

Investigation into the Cumbria Constabulary pursuit and subsequent collision with a motorcycle on 3 November 2024

Contents

Investigation information

IOPC reference:	2024/011495
Investigation type:	Independent - DSI
IOPC office:	Wakefield
Lead investigator:	Craig Clifton
Case supervisor:	Kim Manning
Director General delegate (decision maker)	Sophie Mellor
Status of report:	Final
Date finalised:	6 March 2025

The investigation

Introduction

1. The purpose of this investigation report is to present and explain the relevant evidence. It does not contain any opinions or conclusions about outcomes.

Summary of events

2. At 6.39pm on 3 November 2024, a Cumbria Constabulary officer (Officer A) was on patrol in Carlisle and single crewed in an unmarked police car, when he passed a motorcycle which appeared to have been ridden at speeds in excess of the posted speed limit on Blackwell Road. The rider, subsequently identified as Mr S, was wearing a helmet, and protective clothing. Officer A turned to follow the motorcycle and at 6.41pm, asked the Cumbria Constabulary Communications Centre to check the motorcycle's registration number which was recorded as being off road with no insurance held.

3. Officer A illuminated his police car's emergency warning equipment (blue lights and sirens) whilst travelling towards London Road, signalling for the motorcycle to stop. Mr S failed to do so, and a pursuit commenced reaching speeds of up to 80 miles per hour (mph). The Force Incident Manager (FIM), Officer B, authorised the pursuit to continue. Another Cumbria Constabulary officer, Officer C, successfully deployed a tyre deflation device (HoSTyDS[1]) against the motorcycle.

4. A short time later, Officer A used his police car to make contact with the motorcycle, which caused Mr S to become dismounted. Mr S slid across the road and hit a bollard on the adjacent pavement. As a result, Mr S sustained an open fracture on both ankles with heavy arterial bleeding.

Terms of reference

5. The IOPC decision maker approved the terms of reference for this investigation on 11 December 2024, and they were provided to all interested parties. In summary, we investigated the following matters:

    a) The decisions, actions and risk assessments of Cumbria Constabulary officers and staff immediately prior to and during the pursuit.

    b) Whether Cumbria Constabulary officers and staff acted in accordance with local and national policies, procedures, guidance and training in place at that time.

[1] A HoSTyDS device, also known as a Stinger, is a Hollow Spiked Tyre Deflation System, used to deflate a vehicle's tyres during a pursuit.

Other investigations

6. Cumbria Constabulary is currently investigating Mr S for the following offences:

- Dangerous Driving – S.2 Road Traffic Act 1988
- Driving whilst disqualified – S.103 Road Traffic Act 1988
- Driving without insurance – S.143 Road Traffic Act 1988
- Failing to stop for the police – S.163 Road Traffic Act 1988
- Driving a motor vehicle whilst unfit through drink / drugs – S.4 Road Traffic Act 1988
- Possession of a controlled drug (Class A) – S.5 Misuse of Drugs Act 1971
- Fraud by failing to disclose information – S.3 Fraud Act 2006
- Driving without a vehicle excise license – S.29 Vehicle Excise and Registration Act 1994

The Death or Serious Injury (DSI) questions

7. This report also includes an accurate summary of the evidence relating to:

a) The nature and extent of Cumbria Constabulary's contact with Mr S prior to him sustaining his serious injuries

b) Whether there is any evidence to indicate that Cumbria Constabulary may have caused or contributed to the serious injuries Mr S sustained.

Summary of the relevant evidence

8. The police Airwave[2] radio communications confirm that on 3 November 2024, Officer A contacted Officer C via radio communications and alerted him that a full-size motorcycle had been sighted travelling at speed on Blackwell Road and that he was currently behind the motorcycle at a set of traffic lights. At that time, Officer C was unable to respond due to attending another incident.

9. The identity of the rider was not known during the pursuit. Only after the collision, was the rider identified as Mr S.

[2] The Airwave network is a secure private mobile radio communications network for organisations involved in public safety in Great Britain, including the police, fire and emergency services.

10. At the time of sighting the motorcycle, Officer A was in full uniform, single crewed, and was driving an unmarked BMW police car, deemed suitable for use in police pursuits.

11. The police car's in-vehicle dashcam, showed at approximately 6.39pm, a red motorcycle travelled past Officer A in the opposite direction which Officer A described as travelling at speed.

12. The dashcam showed Officer A turned around and appeared to travel at speed[3], through red traffic lights and overtaking other vehicles to catch up to the motorcycle.

13. From the dashcam alone, it is unclear whether Officer A activated his emergency lights and sirens at that point, however, in his statement[S3] he explained he did not activate these as he did not want Mr S to know of his presence at the time, and potentially initiate a pursuit.

14. In his account, Officer A explained that he was aware of intelligence relating to the use of unregistered motorcycles being ridden in the area, as well of the use of motorcycles in supplying large amounts of Class A drugs across the country. He described that many of these reports were called in by members of the public in expectation for the police to act and resolve the issues.

15. The dashcam showed Officer A caught up to Mr S at a mini roundabout. After taking the second exit, Mr S appeared to accelerate quickly before he slowed down and travelled with the normal flow of traffic. This is corroborated in Officer A's statement which explained Mr S appeared to be travelling at approximately 30mph in a 30mph speed zone.

16. In his account, Officer A described the rider's manner of driving was strange as he attempted to steady himself at crossings and some turns, and on occasion, failed to react to other road user's driving. He stated his belief that the rider may have been under the influence of alcohol or a new rider, but ultimately as someone who was unable to recognise danger.

17. Mr S appeared to travel within the speed limit until a silver car in front of him turned off to the right. With no other vehicles in front of him, Mr S appeared to accelerate quickly. At that time, Officer A can be heard requesting a Police National Computer (PNC) check on the motorcycle.

18. The Airwave recording confirmed the control room operator provided information to Officer A, whilst he was on Blackwell Road, indicating the motorcycle was registered to a person named 'Mr T' and that it was notified as 'off road' and 'insurance not held'.

19. Cumbria Constabulary officers interviewed Mr S on 3 February 2025, during which he recalled that on 3 November 2024, he had drunk three quarters of a

[3] Telematics weren't fitted to the police car until after the incident, as part of a fleet roll out process. The dashcam footage is believed to display GPS speed, as referenced by Officer A in his account, but the copy obtained by the IOPC does not display this.

pint of Guinness at a pub, and had left to buy cocaine, further explaining that his father had recently passed away and he was not in a good frame of mind as a result. Mr S also confirmed that he was banned from driving at the time of the incident, which was why he failed to stop for police. He stated that due to being banned, he was unable to insure any vehicle in his name and instead used the name 'Mr T', however, he did confirm that there was no tax or insurance policy in place for the motorcycle.

20. Officer A explained to the radio operator that he was not pursuing Mr S at that time and was instead aiming to follow him home with the intention of recording his manner of riding for prosecution. This is corroborated in Officer A's statement and pocket notebook entry in which he explained he fully recognised the dangers of a pursuit with a motorcycle. The specific dangers were not described further.

21. The dashcam showed Mr S appeared to travel at speed, taking several turns and crossing the centre line with both flowing and oncoming traffic nearby, and pedestrians in the surrounding areas.

22. At 3.40am on the dashcam, Mr S can be seen driving into residential areas, with narrow roads. Officer A activated his police car's emergency warning equipment when Mr S turned right on to Ridgemount Road.

23. In his statement, Officer A explained that he activated his blue lights as he believed that Mr S had noticed his police car, and almost collided with a parked van as a result. He further explained that the lights and sirens gave warning to surrounding pedestrians and traffic that may be unaware or unable to see the motorcycle.

24. A short time later, Officer A updated the control room operator that Mr S had failed to stop, and a pursuit ensued.

25. Officer A provided his risk assessment to Officer B (the FIM) as follows:

    "Speed 3-0 we're going over the speed bumps which is delaying him. Erm medium risk at this time. Rider is wearing a helmet and full motorbike leathers. An adult male. TPAC trained and authorised and suitable vehicle. Turning left onto Petrol Bank Road towards London Road…A full-sized road motorbike. Licence plate, number plate, headlights everything all working correctly. Vehicle is left, left, left London Road. Speed is 4-0 medium risk, approaching the lights for Eastern Way, standby."

26. Officer A explained in his account that at the time of verbalising, Mr S was wearing full protective equipment, he was straight behind him but did not have time to fully review the exact nature of his clothing. Officer A explained that there are several manufacturers that provide protective clothing and footwear which mirrors the appearance of casual clothing such as jeans and trainers.

27. At the time Officer A passed information relating to Mr S's protective clothing, it can be seen on the officer's dashcam that the officer was directly behind Mr S and only after Mr S later turned a corner does the dashcam show what appears

to be Mr S wearing jeans and trainers, as well as a helmet and motorcycle jacket.

28. Officer A explained in his account that he considered discontinuing the pursuit, but this would not have eliminated the risk to the rider or the public. He also explained research suggesting pursued riders/drivers would continue to drive in the same manner for four minutes after a police pursuit before abandoning their vehicle. He explained the FIM was watching the pursuit from a live feed in his police vehicle and authorised it to continue, reinforcing that he made the right decision to continue.

29. Officer B authorised the pursuit following receipt of this risk assessment. He also requested more patrols to assist and explained that HoSTyDS and Tactical Pursuit And Containment (TPAC) tactics were authorised.

30. The Airwave recording captured an inaudible section of dialogue to which Officer C appeared to reply: “I’m just further down trying to get a stinger out.” Officer C did not give his location at the time.

31. In his account, Officer C explained he felt it was necessary to deploy a HoSTyDS device to make the motorcycle slow down and protect the public from its manner of driving. He also described the deployment as an emergency deployment following a dynamic risk assessment of the situation.

32. It is unclear from the Airwave recording if Officer A heard this update, however, in his account he did confirm that he was not aware of a HoSTyDS device being deployed. The airwave also confirms that Officer A states ‘received thank you’ to acknowledge the FIM had authorised the pursuit. Shortly after this acknowledgement, Officer C can be heard to say he is further up the road ‘trying’ to get a stinger out. Officer C does not confirm it had actually been deployed and there is no evidence to suggest Officer A was aware it had been deployed.

33. The dashcam showed the pursuit continued with Mr S appearing to continue to travel at speed, overtaking vehicles and driving through red lights. Officer A can be heard stating the following relating to a change in risk assessment:

    “Just approaching the bus lane by B&Q at the moment. Speed is 6-0. High risk. If he continues any further past these next set of lights, I’ll discontinue, and it will be entering [inaudible].”

34. Officer B confirmed receipt of the change in risk assessment. Officer C also confirmed receipt of this in his account.

35. In his account, Officer C confirmed he had placed a HoSTyDS device on Botchergate.

36. The dashcam showed, at approximately 6.45pm, Officer C was stood to the rear of a police car parked on the opposite side of the road on the approach to the set of traffic lights that Officer A referenced in his last Airwave transmission. Officer C appeared to have laid a HoSTyDS device on the road in front of the

path of the motorcycle. The deployment appeared to have successfully deflated the motorcycle's tyres. Images taken of the motorcycle post pursuit showed the stinger spikes/quills embedded in the motorcycle tyres and Mr S's control appeared to have been severely affected following the stinger deployment.

37. In his account, Officer C explained his initial risk assessment as being too high to deploy a HoSTyDS device due to the surrounding traffic and risk. However, he said that he dynamically risk assessed the situation and, as the motorcycle slowed, decided to deploy the HoSTyDS device on a straight and naturally slowing section of road to minimise risk to the rider.

38. The motorcycle continued through the next set of red traffic lights and Officer A continued the pursuit.

39. In his account, Officer A explained that he did not know a HoSTyDS device had been deployed until he also ran over the stinger, but believed that its deployment was successful on the motorcycle as well as his police car. He further explained he continued the pursuit because of the success of the motorcycle's tyres being deflated. He also acknowledged a consideration of discontinuing the pursuit if his police car became unsafe due to tyre deflation.

40. The dashcam showed the motorcycle continued to be ridden away from Officer A at what appeared to be a slower speed, but also drove through a further two sets of red traffic lights. At 6.46pm, the motorcycle turned left where Mr S appeared to use his left foot to steady himself going around the corner. As he did this, his leg appeared to bounce back up as soon as it touched the road.

41. The dashcam showed that almost immediately after taking the left turn, Officer A's police car made contact with the motorcycle, causing Mr S to lose control and become dismounted. From the point Officer A commenced the pursuit until using tactical contact to dismount Mr S, was approximately two and a half minutes.

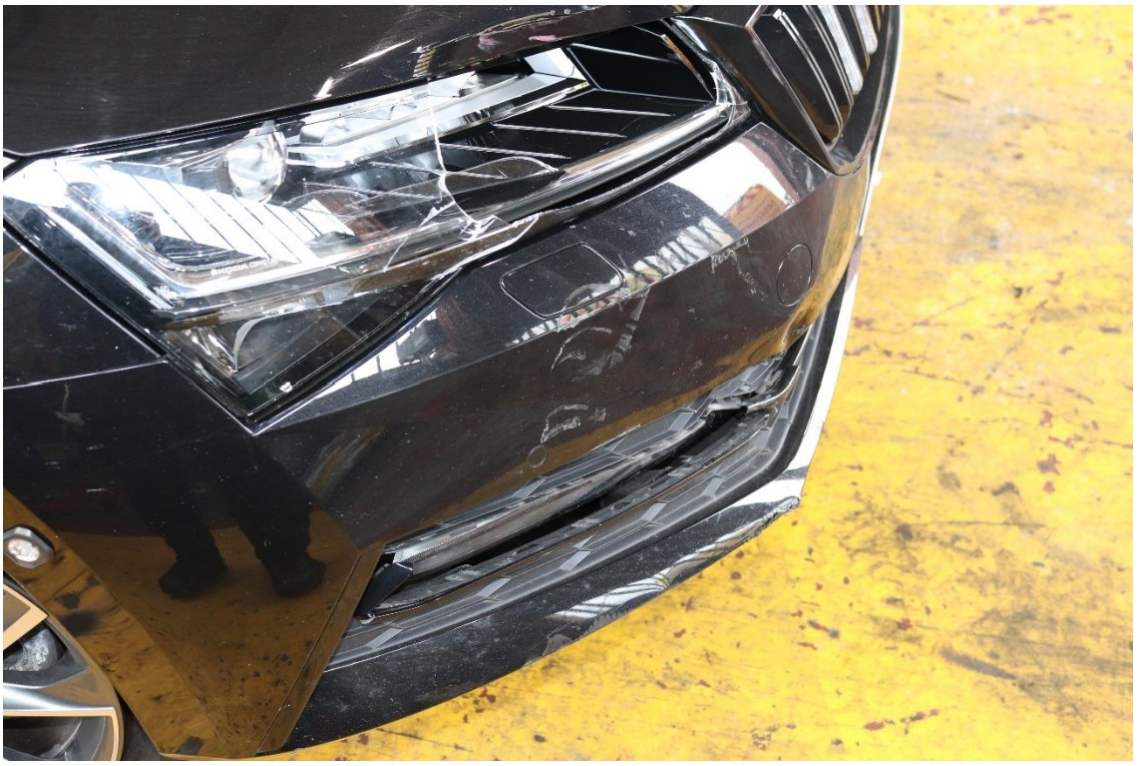
42. In his account, Officer A described the speed at the time of the collision as being displayed on dashcam as 19mph but was likely slower than this due to GPS time lag (caused by retrospective calculations). He also described the lack of pedestrians and traffic in the surrounding area, risk assessing the conditions as safe to make contact with the motorcycle. Officer A described his decision to make tactical contact to prevent Mr S increasing his speed with burst tyres on a powerful bike where there was an immediate risk to the public and Mr S if he were to accelerate where he could have lost control or entered a heavily pedestrianised area with deflated tyres at speed. This decision was made after discounting other options including:

    - Discontinuing the pursuit – unlikely to reduce Mr S's speed based on identified research for an average of four minutes.

    - Continue pursuing until the officer's car became undriveable due to deflated tyres or Mr S stopping – Mr S could have continued with deflating tyres and limited control potentially colliding with members of the public.

43. Officer A also explained that he had to manually override his car's Anti-lock Braking System[4] (ABS) to be able to perform the tactic by maintaining acceleration and using his car to help break Mr S's fall.

44. The damage caused to both vehicles following the collision is pictured below:



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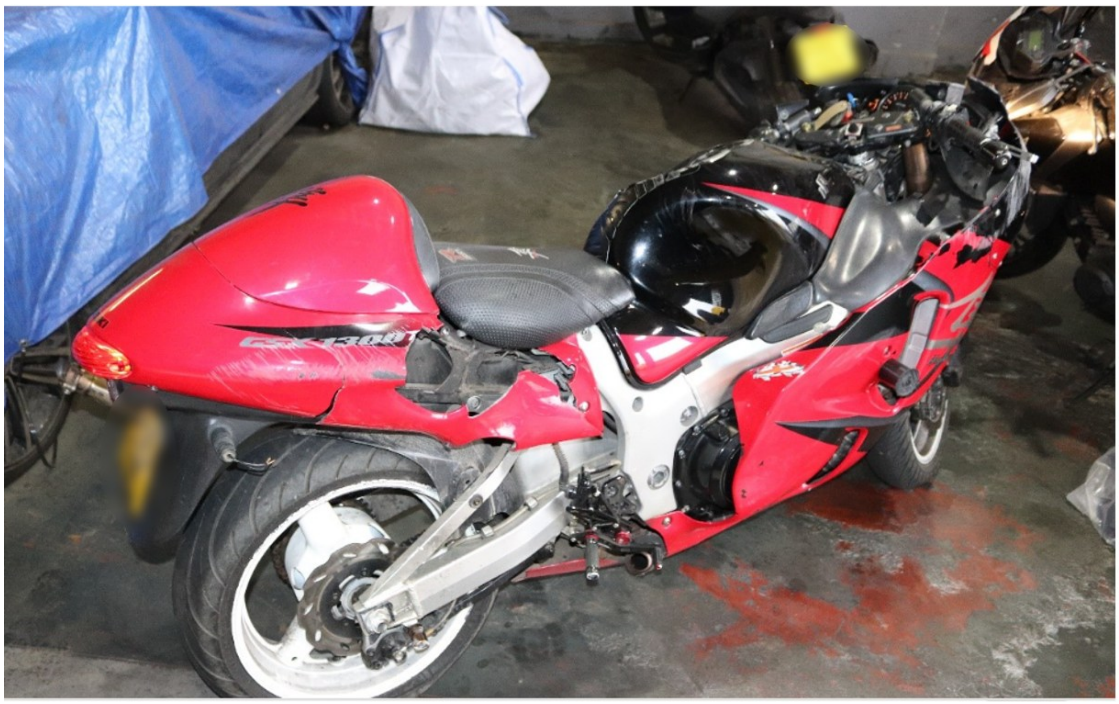
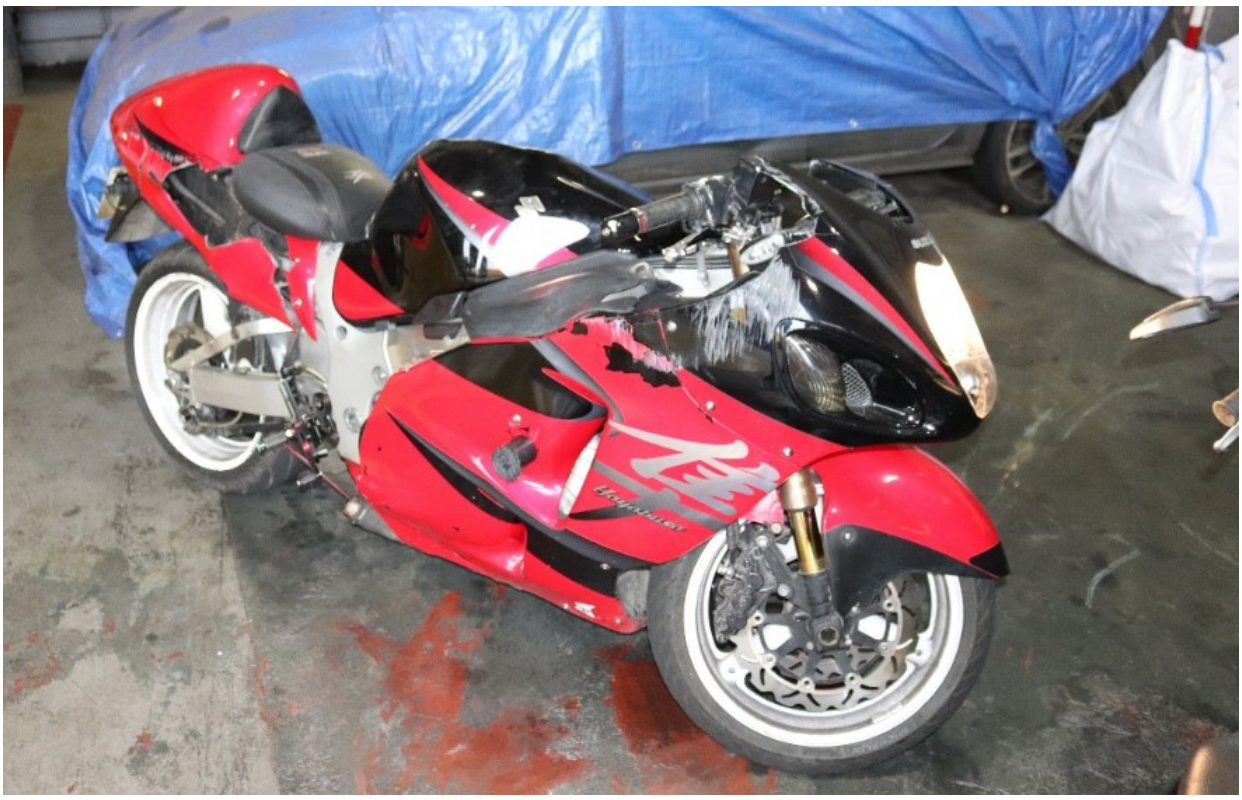


[4] ABS - An automatic braking system which applies brakes to wheels when braking harshly, or, in this case, when detecting a collision



45. As a result of the collision, both the motorcycle and Mr S slid across the road and appeared to make contact, with some force, with a bollard on the pavement, to the right of the police car. Mr S appeared to make contact with the bollard first, before his motorcycle appeared to follow the same path. It is unclear from the dashcam whether Mr S was in between the motorcycle and the bollard at this time.

46. In his account, Officer A explained his consideration of relevant legislative powers available to him at the time, and specifically referred to Section 117 of PACE 1984, Section 3 Criminal Law Act 1967, Section 163 Road Traffic Act 1988 and Section 87 Road Traffic Offenders Act 1984. These pieces of legislation have been described below in the 'Relevant legislation, policies and procedures' section.

47. Officer A left his car, ran towards Mr S and appeared to take a hold of him. In his statement, Officer A said, "I have exited my vehicle and approached the driver unaware of any injuries to restrain him and prevent his escape."

48. Shortly after this, Officer C and another officer arrived to assist. Other units also arrived in succession.

49. Officer A activated his body worn video (BWV) camera after the collision; therefore, it does not add further context to the pursuit of the motorcycle. Officer A's BWV showed Mr S having sustained injuries of open fractures above each ankle. Officer A further stated the injuries caused heavy arterial bleeding which had been contained using tourniquets.

50. Officer A and other officers continued to provide Mr S with medical assistance until paramedics took over at approximately 6.58pm.

51. At approximately 7.04pm, Officer A passed the following information via his police Airwave radio:

> *"*This male appears to be heavily under the influence of alcohol, saying that he just wants to die, that his dad passed away yesterday. He's currently on the stretcher being taken into the ambulance to be fully assessed, still conscious and breathing and complaining... his only injuries appear to be his ankles, at his lower legs from where he's just folded off the bike. I don't know how much you're aware but he was stung just before the left turn...thank you that's very nice to hear...the offences are stacking up he's going to be [inaudible], he's a disqual driver couple of times before, the original offences were [inaudible] and then his manor of driving down Botchergate which is what drew my attention to him.*"*

52. Paramedics transported Mr S into the back of the ambulance prior to immediately transporting him to hospital.

Training

53. Officer A was the driver of the unmarked police BMW and is trained in advanced driving and TPAC. His training was up to date at the time of the incident.

54. Officer C was the officer who deployed the HoSTyDS device. He is also an advanced driver and is trained and authorised in initial phase pursuit (IPP) and the use of a HoSTyDS. His training was up to date at the time of the incident.

55. Officer B was the FIM who had oversight of the pursuit at the time of the incident. He is a FIM with 14 years' experience and is trained as a pursuit Manager. His training was up to date at the time of the incident.

Training slides relating to tactical contact

56. These slides are included in Appendix 1 at the end of this report. The contents of the slides contain information based on the College of Policing (CoP) Authorised Professional Practice (APP) guidance, as well as guidance relating to tactical contact which is not publicly available. This guidance is detailed below.

57. [redacted]

58. [redacted]

Relevant legislation, policies and procedures

Legislation

Road Traffic Regulation Act 1984

59. “Qualified and authorised members of statutory services and/or other organisations prescribed by the Department of Transport (DfT) have specific exemptions to lawfully undertake their duties. These exemptions are set out in the Road Traffic Regulation Act 1984, the Traffic Signs Regulations and General Directions 2016 and the Motorways Traffic (England and Wales) Regulations 1982. These exempt emergency vehicles driven by qualified and authorised personnel from:

- observing speed limits
- observing keep left/right signs
- complying with traffic lights.”

60. Section 87 of the Road Traffic Regulation Act 1984 outlines,

“no statutory provision imposing a speed limit on motor vehicles shall apply to any vehicle on an occasion when it is being used for fire and rescue authority, for ambulance purposes or police purposes, if the observance of that provision would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.”

Road Traffic Act 1988

61. Section 163 of the Road Traffic Act 1988 states,

“a person driving a mechanically propelled vehicle on a road must stop if required to do so by a constable in uniform.’

‘If a person fails to comply with this section he is guilty of an offence.”

Criminal Law Act 1963

62. “A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.”

Police and Criminal Evidence Act 1984

63. “Where any provision of this Act—

(a) confers a power on a constable; and

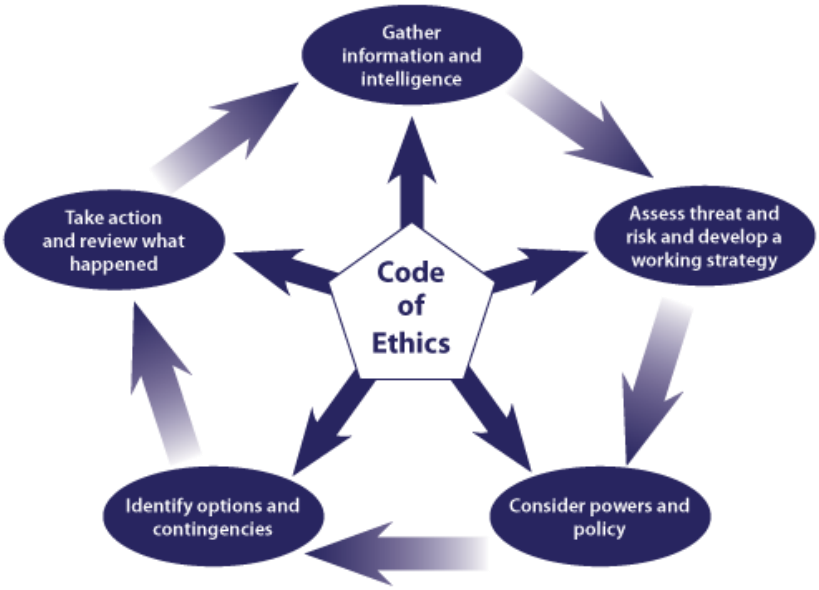
(b) does not provide that the power may only be exercised with the consent of some person, other than a police officer,

the officer may use reasonable force, if necessary, in the exercise of the power."

National policies, procedures or guidance

CoP APP Police Pursuits guidance

64. "The National Decision Model (NDM) must be applied to pursuits and provides a framework for recording command decisions and the rationale behind them. The NDM must be applied when consideration is being given whether to pursue a vehicle, and continually evaluated during the pursuit."



65. "The APP relating to police pursuits details that pursuit activity is likely to place members of the public and police officers under a significant degree of risk.' 'Authorised pursuit officers and incident managers must give due regard to the purpose and justification of pursuit decisions and actions."

66. "Engagement with motorcycles presents additional challenges to those involved in pursuit management. The acceleration and manoeuvrability of these vehicles make it difficult for officers to engage with the subject vehicle for sufficient time to develop and implement tactics. Furthermore, given the lack of physical protection provided by the vehicle, the vulnerability of the rider is a serious consideration. Motorcycle pursuits clearly present higher risks for suspects than conventional vehicle pursuit. Only trained and authorised staff, in consideration of their current force policy, should engage in motorcycle pursuits and tactics."

67. “Where possible, it is preferable to use pre-emptive tactics to prevent motorcycle and quad bike pursuits. The use of tactics given in the tactics directory including tyre deflation devices may be proportionate and necessary to mitigate risk to the public, officers and subjects. It is accepted that the pre-emptive use of tactics carries some risk to rider(s), however, this risk is likely to be significantly lower than allowing the vehicle to be driven at speeds to avoid capture, regardless of the intention of the police to engage in a pursuit.”

68. “A police driver is deemed to be in pursuit when a motorcyclist indicates by their actions or continuance of their manner of riding that they have no intention of stopping for the police, and the police driver believes the rider is aware of the requirement to stop and decides to continue behind the subject motorcycle with a view to either reporting its progress or stopping it.”

69. “Spontaneous pursuits occur when the actions of the suspect driver/rider in deciding to flee are triggered by the presence of a police vehicle, and there is no prior warning or sufficient time to develop a specific strategy and plans, regardless of whether or not the officer made an initial requirement for the vehicle to stop.”

70. “The initial phase of a pursuit (IPP) is the period of a spontaneous pursuit before tactical resolution can be considered and actioned. Pursuit trained standard and response police drivers with suitable vehicles may be authorised to continue by an appropriate member of FCR staff. Tyre deflation systems may be used in an IPP, but the drivers have no authority to take an active part in tactical resolution.”

71. “The tactical phase is the phase of an authorised pursuit, for which appropriate resolution tactics are available. It is commenced by, or taken over by, a tactical phase trained advanced driver in a suitable vehicle, with a pursuit commander identified. Once the pursuit moves into the tactical phase, tactical options for bringing the pursuit to a conclusion will be directed by the pursuit commander.”

72. “Vehicles considered suitable for the initial phase include:

- Marked cars fitted with audio and visual warning equipment which have been deemed suitable for use in pursuit
- Unmarked cars fitted with audio and visual warning equipment driven by advanced drivers and deemed fit for use in the tactical phase
- Police response motorcycles fitted with audio and visual warning equipment.”

73. “Vehicles considered suitable for the tactical phase include:

- Marked cars fitted with audio and visual warning equipment which have been deemed fit for use in tactical phase pursuit
- Unmarked cars fitted with audio and visual warning equipment driven by tactical phase trained advanced drivers and deemed fit for use in tactical

phase pursuit (forces should consider replacing unmarked vehicles with suitably marked vehicles at the earliest opportunity due to the limitations of using unmarked vehicles in pursuit)."

74. "Officers should seek authorisation for their decision to engage in a pursuit from designated control/communications room staff. The time available between recognising the need for action and the deadline for taking action may be too short to acquire the control/communications room authorisation. In such cases officers may self-authorise and justify the decision at a later time in line with the NDM."

75. As detailed in the APP, "when deciding to engage in a pursuit, officers must take account of various pursuit considerations, in accordance with the NDM:

- The current level of risk posed by the pursued driver.
- Whether or not the suspect's identity is known.
- The seriousness of any known offence committed or suspected.
- The weight of intelligence as to whether the suspects are, or are likely to be, armed.
- Whether the driver is, or appears to be, a juvenile or whether it appears that other vulnerable persons are in the vehicle.
- The type of vehicle being pursued, for example, car or motorcycle.
- The current/anticipated route in respect of the time of day, road, weather, traffic, specific considerations such as schools, licensed premises or off-road terrain.
- The availability of tactical options."

76. "Sometimes information regarding one or more of the pursuit considerations will be unavailable, or one or more of the considerations for continuance will not be met. Such situations should not automatically preclude the authorisation or continuance of a pursuit. Each pursuit must be considered on the information and intelligence at hand and measured against the considerations collectively."

77. "Engagements with motorcycles presents additional challenges as the acceleration and manoeuvrability makes it difficult for officers to engage with it for sufficient time to develop and implement tactics. Furthermore, given the lack of physical protection provided, the vulnerability of the motorcycle rider and any passengers is a serious consideration. Only trained and authorised staff, in consideration of their current force policy, should engage in motorcycle pursuits."

78. "Where possible, it is preferable to use pre-emptive tactics to prevent motorcycle and quad bike pursuits. The use of tactics given in the tactics directory…including tyre deflation devices may be proportionate and necessary

to mitigate risk to the public, officers and subjects. It is accepted that the pre-emptive use of tactics carries some risk to rider(s), however, this risk is likely to be significantly lower than allowing the vehicle to be driven at speeds to avoid capture, regardless of the intention of the police to engage in a pursuit."

79. "There may be a public interest in engaging **motorcycles** in pursuits if the following circumstances apply:

    - Where such vehicles are used to facilitate serious crime; or
    - Where they are used repeatedly as the mode of transport for organised crime groups; **or**
    - Where there is a need to minimise the risk to the public from criminality; and
    - To secure public confidence in policing."

80. "During the initial phase, initial phase trained drivers must:

    - Convey information regarding the circumstances and direction of the pursuit, so that control/communications room staff can properly organise and deploy appropriate resources
    - Risk assess the situation and provide information to control/communications room staff regarding pursuit considerations
    - Drive in accordance with their level of authority and personal capability, avoiding increased risk
    - Pass control to a tactical phase trained advanced driver as soon as possible."

81. "The decision to discontinue a pursuit can be made by initial or tactical phase drivers or control /communications room staff. Only pursuit trained drivers or managers should be considered suitably qualified and experienced to discontinue a pursuit, other persons in the pursuing police vehicles with knowledge supporting a discontinuance have an obligation to articulate this dynamically so an informed decision can be made by the pursuit tactical advisor, force incident manager or control room supervisor. Staff must discontinue a pursuit as soon as the risk becomes disproportionate to the reasons for undertaking it, or where no tactics are available."

CoP Tactics directory (Appendix E - Use of Tactics when engaged in pursuits of motorcycles)

82. [redacted]

Spanset Stinger Guidance

83. “The Stinger Spike System employs high strength, hollow steel spikes that penetrate all types of tyres – including self-sealing and run-flats – and deflate them in a regulated manner. This prevents blowouts, slows the perpetrator’s vehicle to a safer rate of speed, and allows for a controlled stop.”

Local policies, procedures or guidance

84. Cumbria Constabulary have several policies in line with the CoP APP which will not be repeated. Additional guidance found in their policies is detailed below.

BWV Policy and Procedure

85. “The expectation will be that to ensure the transparency of our actions and secure best evidence, the majority of operational encounters will be recorded. The expectation is that users **must** activate BWV to record events in the following specific circumstances (unless there are legal or operational reasons not to do so - supported within national guidance), or it has been impracticable due to the circumstances at the time. Any such reasons **must** be recorded in the Officers Pocket Note Book (eNotebook) and officer should expect significant scrutiny as to this decision making if operating out with this guidance.”

86. “Users must use BWV in the following circumstances:

- Use of Force: Where a user is or may be required to exercise the use of force against persons or property. “Failing to record an incident may require explanation in court; however, in some instances it is not appropriate to make a video recording and in such cases users should record the rationale in their eNotebook.”

Analysis of the evidence

Addressing the Terms of Reference

87. My analysis of the relevant evidence is set out below, with reference to each point of the Terms of Reference.

The decisions, actions and risk assessments of Cumbria Constabulary officers and staff immediately prior to and during the pursuit

88. The available evidence suggests that prior to police intervention, Mr S was driving in a dangerous manner at excessive speed, in residential areas with surrounding pedestrians and traffic; with PNC checks indicating the motorcycle was not suitable to be used on the road, and Mr S was uninsured. Although Officer A did not recognise the motorcycle as being involved in criminality, he

was aware of local intelligence around the use of motorcycles for transporting drugs in this vicinity. Considering this information, it may be considered that a level of police intervention was required.

89. The available evidence suggests that Officer A did attempt to prevent a pursuit by initially following Mr S and not activating his emergency lights and sirens. In analysing the decision making, this appears to have been in line with APP guidance and the officer's training. As Officer A followed the motorcycle during that initial interaction, his in-vehicle dashcam confirmed he was not in a pursuit (as defined by the APP).

90. Whilst the APP does not preclude the pursuit of a motorcycle, it does recognise that the lack of physical protection for the rider is a serious consideration. Officer A noted his belief of Mr S wearing full protective clothing, which included a helmet and leather jacket. He further explained his knowledge of protective clothing such as trousers and footwear, made to look like casual clothing.

91. The officer's decisions and actions appear to have been in compliance with the requirements of the NDM to inform his decision-making to gather information and intelligence in order to assess the threat and risk and develop a working strategy.

92. It is also acknowledged that Officer A could have chosen not to engage in a pursuit with Mr S. The police pursuits APP recognises pursuit activity is likely to place members of the public and police officers under a significant degree of risk. It recommends that whenever possible, trying to prevent a pursuit from taking place must be a primary consideration. The officers involved must consider if a pursuit is necessary, and balanced against threat, risk and harm for which the subject rider is being (or about to be) pursued. In this instance, Officer A went on to clearly indicate for the rider to stop by activating his police car's emergency blue lights and sirens. However, this failed to have the desired effect, and the motorcycle continued which precipitated the spontaneous pursuit.

93. It is acknowledged that a pursuit, and Mr S's injuries, may have been avoided had Mr S complied with the officer's instruction to stop prior to, or indeed, at any point during the pursuit. In support of this, Mr S said he did not stop for the police due to being disqualified from driving at the time. It is also acknowledged that Mr S admitted to drinking alcohol prior to riding his motorcycle. As such, this too may have impacted Mr S's decision making, which shaped events prior to and during the incident.

94. As outlined in the evidence above, Officer A felt there was a danger to the public, including both pedestrians and road users, due to the speed and manner in which Mr S was driving. He utilised his police car's emergency lights and sirens to signal for Mr S to stop which subsequently gave warning to others around them of the potential danger of the approaching motorcycle.

95. As previously described, Officer A explained that he activated his lights as he believed that Mr S had noticed his police car, and almost collided with a parked van because of this. The dashcam does not clearly show an indication that Mr

S noticed the police car at this time. It could be argued that Mr S may have lost control of the bike due to Officer A's explanation of Mr S's unsteady riding, potential of driving whilst under the influence or inexperience. Officer A said "I noticed the strange manner of riding of the rider. On setting off, crossing the pedestrian crossing and on entering the roundabout the rider has his legs lowered and appeared to be stabilising himself as if he were an inexperienced new rider. His feet were tapping on the ground, and he was unsteady on the bike with it wobbling underneath him. This behaviour and the area from which he had ridden the bike led me to suspect that he might have been under the influence of alcohol." As such, it may not have been appropriate to activate emergency lights at this time if the intention was still to avoid a pursuit.

96. The evidence indicates that Officer A utilised the NDM to make a decision to intervene when considering the risks Mr S presented to himself and others with his manner of driving, as well as prior intelligence links to the use of unregistered motorcycles, and the use of motorcycles in supplying drugs across the city. Officer A noted the public interest in expecting the police to resolve these issues.

97. According to the APP guidance, the pursuit considerations include whether or not the suspect's identity is known and whether the driver/rider is, or appears to be, a juvenile or whether it appears that other vulnerable persons are in the vehicle. In this instance, the available evidence indicates Officer A was unaware of Mr S's identity until after the collision. Officer A was aware that Mr S was wearing a helmet which hid their face from view, and as such the officer would not have been able to identify Mr S unless the motorcycle was stopped.

    From the information available to the officer at that time, he could not have identified Mr S, therefore, it appears that the decision to pursue the motorcycle in this respect was in line with guidance detailed above.

98. Officer A did not use his emergency lights and sirens during the initial pre-pursuit phases of driving, however, the evidence indicates that Officer A conducted these manoeuvres with caution (slowing down at junctions, roundabouts and when overtaking other road users) and for a lawful policing purpose. Officer A explained he did not activate his lights or sirens initially as to avoid a pursuit. As such, it appears activating the lights and sirens may not have been appropriate at that time. The available evidence suggests that Officer A was adhering to legislation, policy and training prior to the pursuit.

99. Officer B was viewing the live feed from Officer A's police car which allowed him to observe the pursuit in real time and would have been able to instruct the discontinuation of the pursuit if he felt it necessary. Officer B ensured to seek the relevant information to allow him to appropriately risk assess and authorise the pursuit and pursuit tactics. These included driver level, vehicle suitability, circumstance of the incident and the initial risk assessment. These factors allowed Officer B to dynamically risk assess the pursuit with Officer A and safely, and appropriately, authorise the pursuit as well as the use of a HoSTyDS and TPAC tactics.

100. The available evidence suggests that there did not appear to be discussion/ planning around pre-emptive or early resolution tactics. Both Officer A and Officer C's accounts indicate that Officer A did not know about the HoSTyDS deployment on London Road.

101. The footage showed that there was a delay in Officer C retrieving the HoSTyDS device once it had been deployed and successfully used on Mr S's motorcycle, causing it to also be successfully, although unintentionally, deployed on the police car. However, the dashcam footage does not appear to show any unsafe driving of the police car immediately after the HoSTyDs deployment. This may be due to the slow release of air from the tyres as detailed in the evidence above from the stinger manufacturer, which may have been of a lower deflation rate than that of the motorcycle tyres which are considerably smaller in volume.

102. The available evidence indicates that Officer A did consider discontinuing the pursuit as it became high-risk due to the speed and location of the motorcycle, and the risks presented in the surrounding areas (traffic/pedestrians/street furniture/etc.). However, the HoSTyDS deployment changed Officer A's risk assessment as this appeared to slow the motorcycle down. This appeared to give Officer A a safer opportunity to make contact with the motorcycle and bring the pursuit to an end. This decision-making process appears to have been in line with the APP guidance relating to the NDM. Additionally, despite having oversight of the pursuit, Officer B acknowledged in his account that Officer A was in a better position to judge the risk at the time. The fact that Officer B did not instruct Officer A to discontinue the pursuit, appears to provide support of the risk assessment suggesting it may have been appropriate to continue.

103. The evidence outlined in this report indicates that, once the pursuit commenced, the officers appear to have not been able to bring it to an earlier resolution prior to the tactical contact between the police car and the motorcycle. The officers' decisions to pursue the motorcycle appear to have been in line with the APP guidance.

Whether Cumbria Constabulary officers and staff acted in accordance with local and national policies, procedures, guidance and training in place at that time.

104. A review of the available evidence confirmed that Officer A is an advanced driver qualified to undertake both IPP and the tactical phases of a pursuit. His training was up to date at the time of the incident. At the time of the pursuit, he was driving a vehicle suitable for both phases of the pursuit, in line with APP guidance.

105. A review of the evidence confirmed Officer C is an advanced driver and is trained and authorised in IPP and the use of a HoSTyDS devices. His training was up to date at the time of the incident. The evidence indicates that Officer C justified his actions in line with the NDM.

106. Officer B is a FIM with 14 years' experience and is trained as a pursuit manager. His training was up to date at the time of the incident. The evidence

indicates he acquired the relevant information needed to appropriately authorise the pursuit, TPAC and ‘stinger’ tactics. This included information about Officer A’s driver status, vehicle suitability, the circumstance and risk assessment of the incident. The evidence indicates that the authorisation of the pursuit and other tactics may have been appropriate in this circumstance. Officer B also had oversight of the pursuit throughout and was able to dynamically risk assess the situation alongside Officer A. The evidence indicates Officer B did not believe there was a requirement to discontinue the pursuit at any point and appeared to agree with Officer A’s risk assessment throughout.

107. The evidence indicates that Officer A travelled at speed shortly after first passing Mr S, and subsequently did appear to travel at speed in excess of the posted limit in order to catch up with him. The available evidence indicates that Officer A may not have activated his emergency lights and sirens at this time. Despite this, Section 87 of the Road Traffic Regulation Act 1984 does not require the use of emergency lights, and states that statutory provisions imposed on motor vehicles do not apply when utilised for a policing purpose. As such, it appears that Officer A’s actions were in line with the legislation outlined above.

108. Section 163 of the Road Traffic Act 1988 explains that a person driving a motor vehicle must stop if required to do so by a police officer in uniform, if not they are guilty of an offence. It is acknowledged that Officer A was in uniform at the time of requesting Mr S to stop and that Mr S may be guilty of an offence by not complying.

109. The evidence indicates that Officer C deployed the HoSTyDS device following his dynamic risk assessment of the developing situation. He did not have a significant amount of time to deploy the HoSTyDS device and did so at his own risk (not having time to put on protective goggles or activate BWV). Officer C acknowledged Officer A’s assessment of high-risk, but provided his rationale for the deployment, including the need to protect the public from risk of harm and criminality, and as such, he justified his actions as per the NDM guidance.

110. The evidence indicates that Officer A made decisions based on dynamic risk assessments throughout the incident and appears to have acted in accordance with Section 117 of the Police and Criminal Evidence Act 1984 and Section 3 of the Criminal Law Act 1967 which allows an officer to use reasonable force where necessary to assist with apprehending an offender, when making tactical contact with the motorcycle.

111. The force policy states that BWV must be activated for any use of force and if not activated, the rationale for this decision should be recorded. It is acknowledged that Officer A did not activate his BWV until after the collision, and no rationale has been provided by Officer A to explain this. However, the evidence showed there was in-vehicle dashcam which provided a live feed and recording of the pursuit and subsequent use of force. It is also recognised that Officer A was single crewed and appeared to be appropriately focussed on

conducting the pursuit and assessing and communicating his risk assessment and decisions of the pursuit.

Addressing the DSI questions

112. Full details of the evidence relating to the DSI questions are provided above. In brief, this evidence is as follows:

The nature and extent of Cumbria Constabulary's contact with Mr S prior to him sustaining his serious injuries

113. The evidence indicates that the police first became involved in this incident at 6.39pm on 3 November 2024. Officer A witnessed Mr S riding his motorcycle, travelling at speed on Blackwell Road. Officer A attempted to follow Mr S home, without the use of emergency lights or sirens, to avoid a pursuit but ultimately did engage in a pursuit when Mr S noticed the police presence and failed to stop, as Officer A requested.

114. Officer C successfully deflated the motorcycle's tyres using a HoSTyDS device. A short time later, Officer A made tactical contact with the motorcycle using his police car which subsequently dismounted the rider, Mr S.

115. As a result of the collision, Mr S and his motorcycle slid across the road and made contact with a pavement bollard. It appears at some point following this tactical contact, Mr S sustained open fractures and heavy arterial bleeding above both ankles. Officer A and other officers provided first aid to Mr S, prior to paramedics arriving.

Whether there is any evidence to indicate that Cumbria Constabulary may have caused or contributed to the serious injuries Mr S sustained

116. It may be argued that the presence of the police car and the officer's decision to pursue the motorcycle may have contributed to Mr S's decision making and behaviour which shaped events during the pursuit.

117. However, as outlined in this report, Mr S chose to accelerate at speed away from the police car when he could have stopped at any time after being requested to do so. Cumbria Constabulary are investigating Mr S for the related driving offences including driving whilst unfit/intoxicated.

118. The evidence indicates that the impact from the police car making contact with the motorcycle appeared to cause Mr S to be knocked from the motorcycle and slide across the road, colliding with a bollard adjacent to the footpath. The motorcycle also followed this path.

119. The available evidence shows the police car did not make direct contact with Mr S himself and, as such, this action did not appear to cause Mr S's injuries.

120. It is unclear exactly what caused Mr S's injuries; this may have been the result of Mr S's impact with the ground, the collision between Mr S and the bollard, the collision between Mr S and his motorcycle or the impact from the motorcycle causing a collision between Mr S and the bollard.

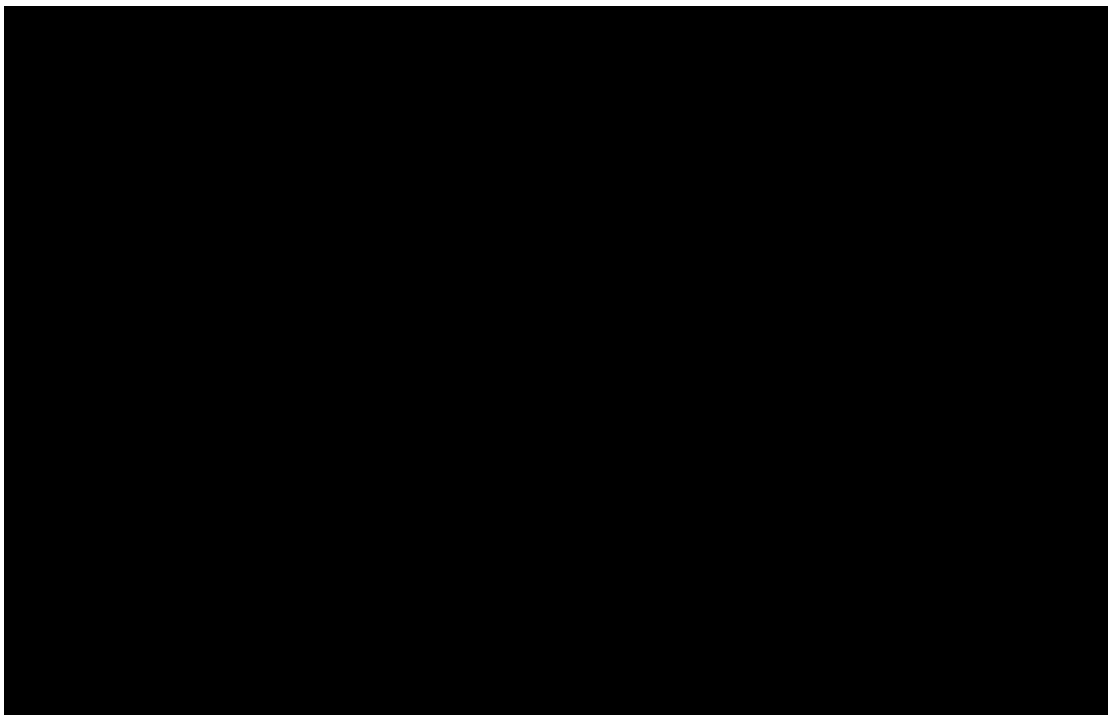
121. Upon entering a spontaneous pursuit, Officer A passed Officer B relevant information needed for the pursuit to be authorised. This included his driving level and training, conditions of the road, pedestrians and traffic, the weather and the type of protective clothing Mr S was wearing. It is noted that Officer A believed Mr S to be wearing a helmet and full protective clothing. The evidence showed that Mr S was wearing a helmet and motorcycle protective jacket but was not wearing protective leg clothing or footwear.

Organisational learning

122. Throughout our investigation, we considered whether there were any opportunities for regional or national learning.

123. In this case we did not make any organisational learning recommendations.

Appendix 1: Cumbria Constabulary motorcycle pursuits and tactical contact training slides delivered to Officer A



The training PowerPoint includes three further slides of still images which represent videos shown during the presentation. There is no text on these slides to add context to the still images and will therefore not be included in the report. These are included in the training Officer A received.

To find out more about our work or to request this report
in an alternative format, you can contact us in a number of ways:

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We welcome telephone calls in Welsh
Rydym yn croesawu galwadau ffôn yn y Gymraeg