

<b>Case 5   Issue 38 – Roads policing</b>		<b>LEARNING THE LESSONS</b>
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## Collision with a pedestrian while ‘offsiding’

*Police vehicle ‘offsiding’ to overtake traffic collides with a pedestrian, raising issues about:*

- *Risk assessing the decision to ‘offside’*
- *Appropriate speed when ‘offsiding’*

This case is relevant to the following areas:



## Overview of incident

PC A and PC B began a mobile patrol in a marked police vehicle. PC A was driving. At around 5.45pm the force received phone calls about a disturbance involving three people fighting, one of whom reportedly had an axe.

PC B said he remembered assigning himself to the incident. A firearms unit was told to head towards the location of the incident but no authority to use firearms was given. It was noted on the incident log that the deployment of the firearms unit was a tactical decision in case the disturbance became more serious.

Shortly after, it was noted on the incident log witnesses had seen a man with an axe drive away in a black car. Officers were aware of the make of the vehicle. The control room notified officers and communicated the licence plate of the subject vehicle.

PC A recalled arriving at the location of the original incident and being flagged down by a member of the public. PC B spoke to the member of the public through the window of the vehicle. He was told about two vehicles involved in an incident and that both had driven off in the same direction. PC A said he discussed this information with PC B and decided to try and intercept the vehicles.

Searches on the Police National Computer (PNC) revealed the identity of the registered keeper of the black vehicle. It was recorded on the incident log the man was well known for intelligence about drugs in the area.

Around 10 minutes later the control room told officers of another incident involving the subject vehicles where men were reported to be fighting with hammers. It appeared one man had been

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run over. PC A explained to the IOPC that two calls in a short space of time and the “climate” they were in contributed to the feeling this could be a terrorist incident. PC B also said he felt this could have been a terrorist incident. Both officers did not recall discussing this feeling with each other.

PC A and PC B were diverted to the second incident. It was recorded on the incident log all people involved in the incident were no longer in the area. The control room made a transmission to officers which stated the incident had moved to a different location. Shortly after, the officers received a report of a third incident involving dangerous driving. The participants were reported to be ‘deliberately driving at each other’. PC A and PC B agreed to attend the incident and continued along the road they were travelling on to get there. Emergency lights and sirens were used.

PC A stated as he travelled along this road he noticed stationary traffic blocking his route. He said he could not recall what had caused the traffic to become stationary or how far down the road it was queuing. Witnesses at the scene recalled the traffic was stationary due to red traffic lights at a pedestrian crossing, stopping them from moving forward. A witness at the front of the queue stated he believed he had been stationary for about 15 seconds when he saw the police vehicle.

PC A said he believed he had two options for dealing with the stationary traffic: to fight his way through it, or to move offside of the vehicle to overtake them. Both PC A and PC B said the offside lane was clear of traffic so PC A moved onto the opposite side of the road to overtake into the direction of traffic. PC A explained he believed to fight his way through the traffic would have taken “an inordinate amount of time.” Three witnesses estimated the speed the police vehicle was travelling at was approximately 40 – 50mph.

PS C, a force driver training instructor, explained in his account to the IOPC that ‘offsiding’ (moving onto the wrong side of the road) should only be attempted when there is good visibility of the road ahead and should be completed slowly and appropriately to the circumstances.

There is no specific statutory exception for offsiding. However, it is taught to officers as part of their training, and they are allowed to break traffic laws outside of statutory exemptions as long as they can justify their decision. PC A justified his decision to do this due to the amount of time it would have taken if he had not done so. However, he did not give an account of other potential hazards he considered in making his decision.

PC A stated he noticed a pedestrian crossing ahead of him after he had started offsiding. Neither PC A or PC B could remember the colour of the traffic lights as they approached the crossing. As they approached, a man (now known to be Mr D) began to cross on the same side of the road as the police vehicle.

PC A noticed Mr D when he was about halfway into the road. Mr D said he remembered beginning to cross and looking to his right to check the way was clear. He stated he did not look left as he did not expect vehicles to come from that direction. Mr D said he thought he had taken two or three steps before he heard the police siren and saw the flashing lights. He said he knew in that moment he could not go forwards or backwards.

PC A said he instinctively braked once he saw Mr D, but did not alter the position of the vehicle. He said he braked very sharply before the vehicle collided with Mr D. PC A did not have enough time to brake to avoid hitting Mr D. PC B estimated the speed at the point of collision was between 15-20mph. A collision examiner concluded the speed was likely to have been closer to

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28mph. However, the police vehicle was not fitted with any hardware or software which would have monitored speed.

Mr D was taken to hospital after the collision. He had three broken ribs and cuts to his face.

### Type of investigation

IOPC independent investigation.

### Outcomes for officers and staff

#### PC A

1. PC A pleaded guilty to 'careless driving' and received a 12 month conditional discharge. He had to pay a victim surcharge. He resigned from the force before a misconduct hearing took place.

### Questions to consider

#### Questions for policy makers and managers

1. How does your force make sure officers adequately risk assess and justify their decision to 'offside'?

#### Questions for police officers and police staff

2. Would you have done anything differently to prevent the collision in this scenario?