

East Haven Police Department 	Type of Directive: Policies & Procedures		No. 414.4
	Subject/Title: Motorized Pursuits	Issue Date: August 28, 2018	
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Issuing Authority: Honorable Board of Police Commissioners	Review Date: Annually		
References/Attachments: Policies and Procedures #: 404, 405 Connecticut General Statutes § 14-283 and 14-283a		Rescinds: 414.3	
		Amends: N/A	

I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department (EHPD) regarding pursuit of motor vehicles, in accordance with the provisions of Connecticut General Statute § 14-283a.ⁱ

II. POLICY

- A. It is the policy of the East Haven Police Department that no officer shall initiate a vehicular pursuit that requires the officer to exceed the posted or applicable speed limit or that involves a target vehicle operating in violation of the posted or applicable speed limit or other traffic laws unless the officer reasonably believes at least one of the following two conditions apply.
1. That the continued operation of the vehicle the officer intends to stop poses a risk of physical harm to the officer or others.
 2. That the occupant(s) of the vehicle is/are wanted for the commission of felonies that threaten, have threatened, or will threaten the health, life, or safety of a person or persons.
- B. It is the policy of the East Haven Police Department that supervisors shall be accountable for communicating with officers involved in a motorized pursuit and for the decision to terminate the pursuit when it exposes any officer, suspect, or member of the general public to any unnecessary risk of harm or injury.

III. DEFINITIONS

- A. Authorized emergency vehicle: A police vehicle equipped with operable emergency equipment, including audible siren and red/blue flashing lights, while such vehicle is being operated by a police officer.
- B. Boxing In: The surrounding of a violator's moving vehicle with a pursuit vehicle, which is then slowed to a stop along with the violator's vehicle.
- C. Heading Off: An attempt to terminate a pursuit by pulling ahead of, behind or toward a violator's moving vehicle to force it to the side of the road to otherwise come to a stop
- D. Intervention Technique: Any device by its design used to reduce the risks or dangers associated with police pursuits that, when deployed and contact is made, will cause the fleeing vehicle to sustain flattened tires and force it to slow down.
- E. Primary Unit: The police vehicle operated by a police officer that initiates a pursuit or any police vehicle operated by a police officer that assumes control of the pursuit.
- F. Pursuit: An attempt by a police officer in an authorized emergency vehicle to apprehend any occupant of another moving motor vehicle, when the driver of the fleeing vehicle is attempting to avoid apprehension by maintaining or increasing the speed of such vehicle or by ignoring the police officer's attempt to stop such vehicle.
- G. Roadblock: An obstruction used in the roadway, natural or manmade, having the purpose of stopping vehicular traffic.
- H. Secondary Unit: Any police vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- I. Street Paralleling: Driving the police vehicle on a street parallel to a street on which a pursuit is occurring
- J. Tertiary Police Vehicle: Any police vehicle which supplements the primary or secondary police vehicle, however, is not active in the pursuit
- K. Vehicle Contact Action: Any action undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued vehicle.
- L. Vehicle Paralleling: A deliberate offensive tactic by one or more law enforcement vehicles to drive alongside the pursued vehicle while it is in motion.
- M. Violation: An offense which is not a crime, for which the only sentence authorized, is a fine and which is not expressly designated as an infraction. C.G.S. § 53a-27.

- N. Violator - Any person operating a motor vehicle whom a police officer reasonable believes has committed a violation or a crime as defined by Connecticut General Statutes, or poses an immediate threat to the safety of the public or other police officers

IV. PROCEDURES

- A. All authorized emergency vehicle operations shall be conducted in strict conformity with Connecticut General Statutes § 14-283aⁱ and 14-283.ⁱⁱ

B. Initiation of a Pursuit

1. The decision to initiate a pursuit shall be based on the pursuing police officer's conclusion that the immediate danger to the police officer and the public created by the pursuit is less than the immediate or potential danger to the public should the occupants of such vehicle remain at large. In deciding whether to initiate a pursuit, the police officer shall take the following factors into consideration.
 - a. Road, weather and environmental conditions.
 - b. Population density and vehicular and pedestrian traffic.
 - c. Whether the identity of the occupants is known and an immediate apprehension is not necessary to protect the public or police officers and apprehension at a later time is feasible.
 - d. The relative performance capabilities of the pursuit vehicle and the vehicle being pursued.
 - e. The seriousness of the offense.
 - f. The presence of other persons in the police vehicle.
2. The pursuing officer shall activate lights and siren. An audible warning device shall be used during all such pursuits.
3. The pursuing officer shall immediately notify communications of the location, direction and speed of the pursuit, the description of the pursued vehicle and the initial purpose of the stop. The police officer shall keep communications updated on the pursuit.

C. Conduct of a Pursuit.

1. East Haven Public Safety Communications Center (EHPSCC) personnel shall immediately notify any available supervisor of the agency or agencies involved in such pursuit, clear the radio channel of non-emergency traffic, enter the pursuit into the CAD system, and relay necessary information to other police officers of the involved police agency or agencies, and adjacent police agencies in whose directions the pursuit is proceeding.
2. All officers shall drive with due regard for the safety of persons and property.

3. Unless circumstances dictate otherwise, a pursuit shall consist of no more than two police vehicles, one of which shall be designated as the primary unit. No other personnel shall join the pursuit unless instructed to participate by a supervisor.
4. The secondary unit will follow the primary unit at a safe distance and shall be responsible for radio communication with the shift supervisor and/or the EHPSCC. The secondary unit will become the primary unit when the primary unit becomes disabled or is unable to continue the pursuit.

D. Supervisory Responsibilities.

1. The officer's supervisor shall evaluate the situation and conditions that caused the pursuit to be initiated, the need to continue the pursuit, and monitor incoming information, coordinate and direct activities as needed to ensure that proper procedures are used.
2. Such supervisor shall also have the authority to terminate the pursuit and/or intervention techniques.
 - a. When the supervisor communicates a termination directive, all agency vehicles shall disengage warning devices and cease the pursuit.
 - b. The supervisor will confirm that all units have ceased the pursuit.
3. A supervisor shall respond to the location where a vehicle has been stopped following a pursuit.
4. The supervisor shall complete a detailed Department Review (DR) report prior to the end of their shift in accordance with Policies and Procedures # 407 – Use of Force Review and Investigations.

E. Hostage Involved Vehicular Pursuits

1. The safety of the hostage is the primary consideration in determining the tactics that will be employed to affect the release of the hostage and the apprehension of the suspect.
2. When an officer becomes aware that a hostage is, or may be, in a pursued vehicle, the on-duty supervisor shall be notified immediately and shall maintain control of the pursuit until the Shift Commander is contacted. The Shift Commander will then be responsible for determining whether the pursuit should be continued or terminated.
3. In instances where taking of a hostage has not been confirmed, the on-duty supervisor will attempt to obtain any additional information.
4. The primary pursuit vehicle shall attempt to ascertain and broadcast information concerning the hostage positions in the vehicle, the number and description of the suspects, and their weaponry.

F. Pursuit Tactics

1. Police officers, not engaged in the pursuit as the primary or secondary unit, shall not normally follow the pursuit on parallel streets unless authorized by a supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.
2. When feasible, available patrol units having the most prominent markings and emergency lights shall be used to pursue, particularly as the primary unit.
 - a. When an unmarked unit initiates a pursuit, the pursuit shall be taken over by a marked unit when one becomes available.
 - b. The unmarked unit shall disengage altogether when an additional marked unit becomes available as the secondary unit.
3. Motorcycles may be used for a pursuit in exigent circumstances including, but not limited to, situations where a felony has been committed, deadly force has been used by a vehicle occupant, or the pursuit is necessary to preserve a life, provided that weather and related conditions allow such pursuit to continue.
 - a. Motorcycles shall disengage from the pursuit when support from marked patrol units becomes available.
4. Firearms
 - a. Officers shall not discharge his/her firearm at or from a moving vehicle, unless use of deadly force is justified by something other than the threat from the moving vehicle.
 - 1) Officers shall not intentionally place themselves in the path of or reach inside a moving vehicle.
 - 2) Officers where possible shall attempt to move out of the path of a moving vehicle before discharging their weapon.
5. Forcible Stops
 - a. Officers may forcibly stop a suspect's vehicle during a pursuit under the circumstances of when the officer reasonably believes it is necessary to prevent immediate, imminent death or serious physical injury to himself/herself or others in accordance with Policies and Procedures # 404 – Use of Force, and Policies and Procedures # 405 – Use of Deadly Force.
 - b. Road blocks are prohibited unless specifically authorized by a supervisor after consideration of the necessity of applying deadly force to end the pursuit consistent with State and Federal law and Policies and Procedures # 405 – Use of Deadly Force.
 - c. Officers trained and authorized in the Boxing-In technique may deploy such technique to stop a suspect's vehicle that is in pursuit. Such technique may be used at the discretion of the trained officers.

6. Forcible Stop - Intervention Devices

- a. Officers trained and authorized in the use of tire deflation devices may deploy them to stop a suspect's vehicle that is in pursuit, after receiving permission from a supervisor.
 - 1) The officer deploying the tire deflation device will notify police vehicles involved in the pursuit that the tire deflation device is about to be deployed and the exact location of the device. Upon receipt of notification that tire deflation device is about to be deployed, officers involved in the pursuit will allow a sufficient distance between themselves and the suspect vehicle so as to avoid contact with the deflating device.
 - 2) Officers deploying the tire deflation device should do so from a safe location off the edge of the roadway, or only when it is safe to enter the roadway.
 - 3) The police officer deploying the device will advise police vehicles involved in the pursuit when the tire deflation device has been deployed.

G. Termination of the Pursuit

1. The police officer serving as the primary unit engaged in the pursuit shall continually re-evaluate and assess the pursuit situation, including all of the initiating factors, and terminate the pursuit whenever they reasonably believe that the risks associated with continued pursuit are greater than the public safety benefit or making an immediate apprehension.
2. The primary unit may terminate the pursuit at any time.
3. A supervisor may order the termination of a pursuit at any time and shall order the termination of a pursuit when the potential danger to the public outweighs the need for immediate apprehension. Such decision shall be based on information known to the supervisor at the time of the pursuit.
4. Pursuit shall be terminated when the police officers are prevented from communicating with their supervisors, communications or other police officers.
5. No officers or supervisor shall be disciplined for a decision not to engage in a vehicle pursuit based on the risk involved even in circumstances where this general order would permit the commencement or the continuation of the pursuit.

H. Inter-Jurisdictional Pursuits

1. The pursuing police officer shall notify the EHPSCC when it is likely that a pursuit will continue into a neighboring community or cross the State line.
2. A pursuit into a bordering state shall comply with the laws of both states and any applicable inter-agency agreements.

3. In all cases where an East Haven pursuit enters an area of law enforcement responsibility of another police agency, the EHPSCC shall be responsible for immediately notifying the police agency responsible for such area.
 4. The EHPSCC shall contact the other police agency involved and they shall communicate with each other to determine the respective responsibilities of each police agency and to determine which police agency will assume primary operational control of the pursuit.
 - a. All officers involved shall maintain conformance with all other sections of this policy while in any other jurisdiction.
 5. The EHPSCC shall also communicate with the other department regarding any external conditions pertinent to the continued conduct of the pursuit.
 6. Communication between EHPD and other police agencies shall be controlled by inter-agency police radio systems, if they exist, or by telephone, if they do not.
 7. Officers operating a Department emergency vehicle shall become involved in an actual pursuit originating outside the Town of East Haven only at the direction of his or her supervisor or other ranking officer.
 - a. Such pursuits will only be undertaken to protect the public and officers from the threat of serious physical injury or death.
 8. Officers may not join a pursuit that enters East Haven from another jurisdiction without permission of a supervisor.
- I. Notification/Reporting
1. When death, injury, or property damage are the results of a pursuit, the supervisor in charge shall notify the head of patrol immediately.
 2. When death, serious injuries, or major property damage is the result of the pursuit, the Head of Patrol shall contact the Chief of Police immediately.
- J. Arrests
1. Once the pursued vehicle is stopped, police officers shall utilize appropriate police officer safety tactics and shall be aware of the necessity to take occupants into custody.
- K. Accident Investigation
1. The Shift Commander or patrol supervisor shall investigate an accident that is the result of a pursuit.
 - a. They shall have the responsibility of investigating these incidents and their findings shall be reported to the Head of Patrol.
 2. The Shift Commander shall notify and request that the Department's accident reconstruction team, the South Central Connecticut Traffic Unit (SCCTU) report to the

scene of any accident that is the result of a pursuit in which any party involved is deceased or critically injured.

- a. The SCCTU shall have the responsibility of investigating these incidents and their findings shall be reported to the Head of Patrol.
- b. The SCCTU Commander or Supervisor on scene may decide after conferring up the Chain of Command that a serious injury or fatal accident caused by a pursuit would be better served being investigated by a third party outside law enforcement agency. In that event, the SCCTU will assist that agency in anything they need to conduct the investigation.

L. After-Pursuit Reporting

1. Whenever a police officer engages or is involved in a pursuit, the police officer shall complete an Incident Report and an Officer Use of Force Report describing the circumstances.
 - a. The officer's supervisor shall review the reports.
 - b. The Use of Force reporting protocol described in Policies and Procedures # 407 – Force Investigations and Review shall be followed.

M. Police Vehicle Inspection

1. Upon termination of the pursuit, any vehicle which is suspected to have suffered damage in a pursuit shall immediately be removed from service for inspection.

N. Pursuit Review

1. The Department shall periodically analyze its police pursuit activity and identify any additions, deletions, or modifications warranted in the Department's pursuit procedures. The Head of Patrol or his/her designee shall complete a documented annual review of the pursuit policies and reporting procedures.
2. The Head of Patrol or his/her designee shall prepare an annual vehicular pursuit analysis/summary report of the previous year to the Chief's Office. The yearly report shall contain the following information.
 - a. Total number of pursuits.
 - b. Number of pursuits which resulted in accidents, injuries, death and number of arrests.
 - c. The number and types of vehicles involved in accidents.
 - d. A description of the individuals injured or killed (police, violator, third party).
 - e. The number of violators involved and arrested in pursuit incidents, including passengers.
 - f. Number of offenses charged.

ⁱ **Sec. 14-283a. Adoption of state-wide policy for pursuits by police officers.** (a) As used in this section, "police officer" means a sworn member of an organized local police department or a state police officer, which member or officer is assigned to patrol duties on public streets or highways, and "pursuit" means an attempt by a police officer in an authorized emergency vehicle to apprehend any occupant of another moving motor vehicle, when the driver of the fleeing vehicle is attempting to avoid apprehension by maintaining or increasing the speed of such vehicle or by ignoring the police officer's attempt to stop such vehicle.

(b) The Commissioner of Emergency Services and Public Protection, in conjunction with the Chief State's Attorney, the Police Officer Standards and Training Council, the Connecticut Police Chiefs Association and the Connecticut Coalition of Police and Correctional Officers, shall adopt in accordance with chapter 54 a uniform, state-wide policy for handling pursuits by police officers. Such policy shall specify: (1) The conditions under which a police officer may engage in a pursuit and discontinue a pursuit, (2) alternative measures to be employed by any such police officer in order to apprehend any occupant of the fleeing motor vehicle or to impede the movement of such motor vehicle, (3) the coordination and responsibility, including control over the pursuit, of supervisory personnel and the police officer engaged in such pursuit, (4) in the case of a pursuit that may proceed and continue into another municipality, (A) the requirement to notify and the procedures to be used to notify the police department in such other municipality or, if there is no organized police department in such other municipality, the officers responsible for law enforcement in such other municipality, that there is a pursuit in progress, and (B) the coordination and responsibility of supervisory personnel in each such municipality and the police officer engaged in such pursuit, (5) the type and amount of training in pursuits, that each police officer shall undergo, which may include training in vehicle simulators, if vehicle simulator training is determined to be necessary, and (6) that a police officer immediately notify supervisory personnel or the officer in charge after the police officer begins a pursuit. The chief of police or Commissioner of Emergency Services and Public Protection, as the case may be, shall inform each officer within such chief's or said commissioner's department and each officer responsible for law enforcement in a municipality in which there is no such department of the existence of the policy of pursuit to be employed by any such officer and shall take whatever measures that are necessary to assure that each such officer understands the pursuit policy established.

ⁱⁱ **Sec. 14-283. Rights and duties re emergency vehicles. Obstruction of emergency vehicle.** (a) "Emergency vehicle", as used in this section, means any ambulance or vehicle operated by a member of an emergency medical service organization responding to an emergency call, any vehicle used by a fire department or by any officer of a fire department while on the way to a fire or while responding to an emergency call but not while returning from a fire or emergency call, any state or local police vehicle operated by a police officer or inspector of the Department of Motor Vehicles answering an emergency call or in the pursuit of fleeing law violators or any Department of Correction vehicle operated by a Department of Correction officer while in the course of such officer's employment and while responding to an emergency call.

(b) The operator of any emergency vehicle may (1) park or stand such vehicle, irrespective of the provisions of this chapter, (2) proceed past any red light or stop signal or stop sign, but only after slowing down or stopping to the extent necessary for the safe operation of such vehicle, (3) exceed the posted speed limits or other speed limits imposed by or pursuant to section 14-218a or 14-219 as long as such operator does not endanger life or property by so doing, and (4) disregard statutes, ordinances or regulations governing direction of movement or turning in specific directions.

(c) The exemptions herein granted shall apply only when an emergency vehicle is making use of an audible warning signal device, including but not limited to a siren, whistle or bell which meets the requirements of subsection (f) of section 14-80, and visible flashing or revolving lights which meet the requirements of sections 14-96p and 14-96q, and to any state or local police vehicle properly and lawfully making use of an audible warning signal device only.

(d) The provisions of this section shall not relieve the operator of an emergency vehicle from the duty to drive with due regard for the safety of all persons and property.

(e) Upon the immediate approach of an emergency vehicle making use of such an audible warning signal device and such visible flashing or revolving lights or of any state or local police vehicle properly and lawfully making use of an audible warning signal device only, the operator of every other vehicle in the immediate vicinity shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the emergency vehicle has passed, except when otherwise directed by a state or local police officer or a firefighter.

(f) Any person who is (1) operating a motor vehicle that is not an emergency vehicle, as defined in subsection (a) of this section, and (2) following an ambulance that is using flashing lights or a siren, shall not follow such vehicle more closely than one hundred feet.

(g) Any officer of a fire department may remove, or cause to be removed, any vehicle upon any public or private way which obstructs or retards any fire department, or any officer thereof, in controlling or extinguishing any fire.

(h) Any person who willfully or negligently obstructs or retards any ambulance or vehicle operated by a member of an emergency medical service organization while answering any emergency call or taking a patient to a hospital, or any vehicle used by a fire department or any officer or member of a fire department while on the way to a fire, or while responding to an emergency call, or any vehicle used by the state police or any local police department, or any officer of the Division of State Police within the Department of Emergency Services and Public Protection or any local police department while on the way to an emergency call or in the pursuit of fleeing law violators, shall be fined not more than two hundred fifty dollars.

(i) Nothing in this section shall be construed as permitting the use of a siren upon any motor vehicle other than an emergency vehicle, as defined in subsection (a) of this section, or a rescue service vehicle which is registered with the Department of Motor Vehicles pursuant to section 19a-181.

(j) A police officer may issue a written warning or a summons to the owner of a vehicle based upon an affidavit signed by the operator of an emergency vehicle specifying (1) the license plate number, color and type of any vehicle observed violating any provision of subsection (e) or (h) of this section, and (2) the date, approximate time and location of such violation.