

<b>East Haven Police Department</b>  	<b>Type of Directive:</b> <b>Policies &amp; Procedures</b>		<b>No. 414.5</b>
	<b>Subject/Title:</b>  <b>Motorized Pursuits</b>	<b>Issue Date:</b> <b>December 17, 2019</b>	
		<b>Effective Date:</b> <b>January 1, 2020</b>	
<b>Issuing Authority:</b> <b>Honorable Board of Police Commissioners</b>	<b>Review Date:</b> <b>Annually</b>		
<b>References/Attachments:</b>  <b>Policies and Procedures #: 404, 405, 407</b> <b>Connecticut General Statutes § 14-283 and 14-283a</b>		<b>Rescinds:</b> <b>414.4</b>	
		<b>Amends:</b> <b>N/A</b>	

## I. PURPOSE

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

## II. POLICY

- A. It is the policy of the East Haven Police Department that no officer shall initiate a vehicular pursuit unless the officer has reasonable suspicion to believe that the driver or occupant has committed or is attempting to commit a crime of violence, or there are exigent circumstances that warrant the need to apprehend the suspect in a timely manner because of the potential for harm to the public if the apprehension does not occur.
- 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 multiple police vehicles, which is then slowed to a stop along with the violator's vehicle.

- C. Communications: The East Haven Public Safety Communications Center (EHPSCC) and its personnel who are the central dispatch center for the Department.
- D. Crime of Violence: An offense in which physical force, the attempted use or threatened use of physical force, is used against another person(s) for the purpose of, injuring, damaging or abusing another person(s), or any offense that is a felony and that involves a substantial risk that physical force against another person may be used in the course of committing the offense.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. Roadblock: An obstruction used in the roadway, natural or manmade, having the purpose of stopping vehicular traffic.
- J. Secondary Unit: Any police vehicle operated by a police officer that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- K. Street Paralleling: Driving the police vehicle on a street parallel to a street on which a pursuit is occurring.
- L. Supervisor: A sworn member designated by the Department to have supervisory control over the operation of the Department's vehicles during a pursuit.
- M. Tertiary Police Vehicle: Any police vehicle which supplements the primary or secondary police vehicle, however, is not active in the pursuit.
- N. Vehicle Contact Action: Any action undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued vehicle.
- O. Vehicle Paralleling: A deliberate offensive tactic by one or more law enforcement vehicles to drive alongside the pursued vehicle while it is in motion.

- P. 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.
- Q. 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. Initiation of a Pursuit**

1. A police officer may only engage another vehicle in a pursuit if the officer has reasonable suspicion to believe that the driver or occupant has committed or is attempting to commit a crime of violence, or there are exigent circumstances that warrant the need to apprehend the suspect in a timely manner because of the potential for harm to the public if the apprehension does not occur. The officer(s) must be able to articulate the exigent need to apprehend the driver or occupant(s) because of the potential harm or risk to the public.
2. Offenses that constitute infractions, property crimes to include stolen motor vehicles, non-violent misdemeanors and non-violent felonies shall not be justification to engage in a pursuit of another vehicle, absent articulable exigent circumstances.
3. The officer(s) involved in the pursuit and their supervisor(s) shall continuously reassess the factors listed above to determine whether the pursuit shall continue or be terminated.
4. A pursuit shall not be undertaken, even if allowable by other provisions of this directive, unless and until the officer, based upon the information available to him/her at the time, shall make an objectively reasonable determination that the threat of imminent death or serious physical injury to the officer, the public or both, created by the pursuit is less than the immediate or potential danger to the public, should the suspect(s) or occupant(s) remain at large. A decision to engage in a pursuit shall be based upon the following.
  - a. The underlying crime for which the operator or occupants are suspected of committing.
  - b. Whether the identity of the operator or occupant is known and apprehension by other means is possible.
  - c. The immediate danger to the public and the police officer(s) created by the pursuit is less than the immediate danger to the public should the occupants of the pursued vehicle remain at large.
  - d. Location, speed, direction of other traffic, population density, type of vehicle being pursued and operators driving behaviors.
  - e. Environmental factors such as, weather, time of the day, and visibility.

- f. The relative capabilities of the police vehicle(s) and the vehicle being pursued.
- g. Road conditions, including surface type, wet, icy, dry roadway. Road typography, traffic controls.
- h. The presence of other people in the police vehicle.
- i. Population density, vehicular and pedestrian traffic.

#### B. Pursuit Operations

1. All authorized emergency vehicle operations shall be conducted in strict conformity with Connecticut General Statutes § 14-283a and 14-283.
2. Upon engaging in or entering into a pursuit, the pursuing officer shall activate his/her police vehicle's emergency lights and siren. An audible warning device shall be used during all such pursuits.
3. The pursuing officer shall immediately notify EHPSCC 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 the EHPSCC updated on the pursuit.
4. 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.
5. When engaged in a pursuit, officers shall drive with due regard for the safety of persons and property.
  - a. A police vehicle entering any intersection against traffic control signals or signs shall slow to safe speeds and be prepared to slow or stop to avoid any collision.
6. Unless circumstances dictate otherwise, a pursuit shall consist of no more than three (3) 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.
7. The primary unit involved in the pursuit shall become secondary when the fleeing vehicle comes under police air surveillance or when another unit has been assigned primary responsibility.

#### C. Supervisory Responsibilities

1. When made aware of a pursuit, an on-duty 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. When feasible, the on-duty supervisor shall respond to the location where a vehicle has been stopped following a pursuit.
4. The supervisor shall complete a detailed report in the Law Enforcement Administration System (LEAS) Department Review (DR) reporting module prior to the end of their shift in accordance with Policies and Procedures # 407 – Use of Force Review and Investigations.

#### D. Pursuit Tactics

1. All police units in active pursuit shall space themselves at reasonable and safe distances to permit adequate braking and reaction times if any preceding vehicle stops, slows, turns, becomes disabled or collides with any vehicle or object.
2. 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.
3. 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. The marked unit will be the primary unit.
  - 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 crime of violence 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. Once the pursued vehicle is stopped, police officers shall utilize appropriate police officer safety tactics and shall be aware of the necessity to utilize only the force the police officer reasonably believes to be necessary to take occupants into custody.

#### E. Stop Intervention Techniques

1. 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.

2. Forcible stops may only be utilized to apprehend one of the following persons after all reasonable alternatives have been exhausted or would be ineffective.
  - a. A dangerous fleeing felon - A person for whom there is reasonable cause to believe that the person has committed a violent felony involving an actual or threatened attack which the police officer has reasonable cause to believe could or has resulted in death or serious physical injury.
  - b. Any person who is operating a motor vehicle recklessly and in such a manner as to be reasonably likely to cause death or serious injury to any other person. The officer must be able to articulate the exigent need to apprehend the operator or occupant because of the potential harm or risk to the public.
3. Officers shall take into consideration that forcible stops usually present serious safety hazards to participants and any innocent persons who are present.
  - a. Intentional Collision of an Offending Vehicle.
    - 1) An intentional collision of an offending vehicle occurs when there is a deliberate contact between a police vehicle and a violator's vehicle, which is intended to cause the violator to spin or leave the roadway in a slow and controlled manner.
    - 2) When considering intentional collision of an offending vehicle, each police officer and supervisor must be aware that these actions may result in serious physical injury or death and may activate the vehicle airbags or fuel system shut-offs causing the police vehicle to become disabled.
    - 3) Intentional collision techniques may be utilized only when officers have received appropriate training in their use.
  - b. Roadblocks are prohibited unless specifically authorized by the supervisor in charge and only after considering the necessity of applying deadly physical force to end the pursuit; all other reasonable alternatives must be exhausted or believed to be ineffective.
    - 1) Roadblocks may be utilized only when officers have received appropriate training in their use.
4. With permission from an on-duty supervisor, absent exigent circumstances, all other intervention techniques short of deadly force may be used when necessary and it is possible to do so in a safe manner and when the police officers utilizing them have received appropriate training in their use. Such techniques shall include, but not be limited to, boxing-in, intentional collision of the offending vehicle, and using controlled termination devices such as stop sticks.
  - a. Boxing-In.
    - 1) Boxing-in shall only be performed at relatively low speeds. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into

consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to police officers, the public and the occupants of the violator vehicle.

- 2) Boxing-in normally requires two or more police units to position themselves around the violator to form a box at low speed pursuits. Once the fleeing vehicle is blocked, the police pursuit vehicles slowly and gradually reduce their speed, causing the violator to stop.
  - 3) It must be anticipated that a violator may attempt to maneuver past the lead blocking vehicle or intentionally collide with it or one of the other blocking vehicles to move out of the box.
  - 4) Boxing-in technique may be utilized only when officers have received appropriate training in its use.
- b. Officers trained and authorized in the use of tire deflation devices (i.e. stop sticks, etc.) may deploy them to stop a suspect's vehicle that is in pursuit.
- 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.
  - 4) Tire deflation devices shall not be deployed to stop motorcycles, or other vehicles with less than four (4) wheels.
  - 5) The use of tire deflation devices may be utilized only when officers have received appropriate training in their use.

#### F. Use of Firearms

1. Officers engaged in a pursuit shall not discharge his/her firearm from, or at a moving vehicle or its occupants, unless the occupants are using, or threatened the use of deadly physical force, against the officer or another person present, by means other than the vehicle.
  - a. This does not preclude exigent circumstances such as, but not limited to, where the officer reasonably believes there are no other means available to avert the threat of the vehicle, or if such vehicle is being utilized as a weapon against the officer(s), or another person, such as in a vehicle ramming attack.
    - 1) Officers shall not intentionally place themselves in the path of or reach inside a fleeing vehicle.

- b. Whenever possible, the involved officer should make an effort to move to an area of safety if the vehicle becomes a threat, including retreating from the threat, if practical.

#### G. Termination of the Pursuit

1. The police officer(s) 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 the risks associated with the continued pursuit are greater than the public safety benefit or making an immediate apprehension.
2. The pursuit may be terminated by the primary unit at any time.
3. A supervisor has the authority to 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. A pursuit may be terminated if the identity of the occupants has been determined, immediate apprehension is not necessary to protect the public or police officers, and apprehension at a later time is feasible.
5. A pursuit shall be terminated when the police officers are prevented from communicating with their supervisors, the EHPSCC, or other police officers.
6. A pursuit shall be terminated if the police officer knows or is reasonably certain that the fleeing motor vehicle is being operated by a juvenile and the suspected offense is not a violent felony.
7. 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 directive would permit the commencement or the continuation of the pursuit.

#### H. Inter-Jurisdictional Pursuits

1. The pursuing police officer (primary unit) shall notify the EHPSCC when it is likely that a pursuit will continue into a neighboring police agency's area of law enforcement responsibility or cross the state line.
  - a. The EHPSCC shall immediately notify the police agency responsible for such area.
2. A pursuit into a bordering state shall comply with the laws of both states and any applicable inter-agency agreements.
3. When a pursuit enters into another jurisdiction, the EHPSCC shall, as soon as practical, provide the police agency responsible for such area with all the available information pertinent to the pursuit, including but limited to:
  - a. The reason(s) for the pursuit, or primary offense the driver or occupant(s) are believed to have committed.

- b. Location, speed, and direction of travel.
  - c. Vehicle and occupant(s) description.
  - d. The number of vehicles and agencies involved in the pursuit.
  - e. Whether assistance is requested/needed or not.
  - f. Other available information as to the conditions of the pursuit.
  - g. The EHPSCC will notify the other jurisdiction whether or not a pursuit has been terminated or is leaving their jurisdiction.
4. If a pursuit enters the Town of East Haven, the on-duty supervisor shall determine if assistance is necessary, and officers shall not join the outside pursuit unless:
    - a. Directed to do by the on-duty supervisor.
    - b. The involved pursuit unit is unable to request assistance.
    - c. The situation demands immediate assistance.
  5. The supervisors of the respective police agencies involved in a pursuit 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.
  6. The supervisors shall also communicate with each other regarding any external conditions pertinent to the continued conduct of the pursuit.
    - a. Communications between police agencies shall be controlled by inter-agency police radio systems, if they exist, or by telephone, or by both.
  7. In all cases where the pursuit enters a municipality without a regularly organized police department, the EHPSCC shall notify the State Police Troop that is responsible for that area.
  8. 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/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.
  9. Officers may not join a pursuit that enters East Haven from another jurisdiction without permission of a supervisor.
  10. If an officer from this Department is involved in a pursuit, they may, at their discretion, choose to terminate their involvement in the pursuit at any time.

I. Notifications

1. When death, injury, or property damage are the results of a pursuit, the on-duty supervisor 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 regional accident re- construction 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 with 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.
3. The Office of the State's Attorney shall be notified of all accidents involving a serious injury and/or a fatality.

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 to determine if departmental policies have been complied with and to detect and correct any training deficiencies.
  - 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.

- a. Upon the completion of the inspection, the police vehicle will be returned to service if the police vehicle has been deemed to be roadworthy.
- b. If the inspection reveals that the police vehicle is not roadworthy, the necessary repairs will be completed accordingly.

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 conduct and submit a documented annual analysis of vehicular pursuits of the previous year to the Office of the Chief of Police. The annual analysis as approved by the Chief of Police shall, at minimum, 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.
  - g. Demographics of the offender(s), if known.
  - h. Noticeable trends.
  - i. A review of policy and reporting procedures pertaining to vehicular pursuits.
3. In accordance with Sections 14-283a-1 to 14-283a-4, inclusive, and Section 14-283a of the Connecticut General Statutes, the Chief of Police or his/her designee shall submit an annual report, not later than January 31<sup>st</sup> of the proceeding year, to the Connecticut Police Officers Standards and Training Council (CT POST) regarding pursuits by police officers on the standardized form developed and promulgated by POST.
4. The Department shall report its involvement in all pursuits to CT POST on the designated reporting form indicating whether the Department was the initiating agency or a secondary unit.

O. Vehicle Pursuit Training

1. Police officers who drive police vehicles shall be given initial and biennial update training in the agency's pursuit policy and in safe driving tactics. The provisions of Sections 14- 283a-1 to 14-283a-4 shall be a part of the curriculum for all police basic recruit-training and re-certification programs in Connecticut.
2. Pursuit Training Programs shall consist of:
  - a. Knowledge of applicable statutes.
  - b. Court decisions impacting police pursuits.
  - c. Department policy and procedures.
  - d. Supervisory and individual responsibilities in a police pursuit.
  - e. Reporting requirements.
  - f. Inter-jurisdictional considerations.
  - g. Pursuit driving skills and techniques.