

**NEW CANAAN POLICE DEPARTMENT**

**SUBJECT: PURSUIT POLICY**



**GENERAL ORDER NUMBER: 89-2-55**

**FILE: SRVS 2**

**LAW ENFORCEMENT**

**I PURPOSE**

The purpose of this policy is to provide the guidelines to be followed during vehicle pursuits, forcible stopping of vehicles and roadblocks.

**II POLICY**

Vehicle pursuit of fleeing suspects may present a danger to the lives of the public, officers and suspects involved in the pursuit. It is the policy of this Department to safeguard all persons' lives to the greatest extent possible when enforcing the law. To effect these obligations, it shall be the policy of the Department to regulate the manner in which a vehicle pursuit is undertaken and performed.

**III RESPONSIBILITY**

It is the responsibility of all police personnel to adhere to this general order. It is the additional responsibility of the supervisory and command staff to insure compliance. It is the responsibility of the Department to assist officers in the safe performance of their duties

**IV DEFINITIONS**

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| Vehicle Pursuit:              | Means an attempt by a police officer in an authorized emergency vehicle to apprehend one or more occupants 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. (C.G.S. 14-283a) |
| Authorized Emergency Vehicle: | Means a police vehicle equipped with operable emergency equipment, including audible siren, red/blue flashing lights, while such vehicle is being operated by a police officer.  |
| Primary Unit:                 | Means the police unit that initiates pursuit or any unit that assumes control of the pursuit.  |
| Secondary Unit:               | Means any police unit that becomes involved as a back up to the primary unit and follows the primary unit at a safe distance.  |
| Supervisor:                   | Means a person designated by the police agency to have supervisory control over the operation of the agency's vehicles during a pursuit.   |
| Communications:               | Means the central dispatch center or personnel of the police agency where the pursuit is occurring.  |

Uniform State Wide Pursuit Policy :	Refers to C.G.S. 14-283a-1 to 14-283a-4, known as “the policy” or “this policy” therein, inclusive of the Regulations of Connecticut State Agencies.
Agency:	Means the Connecticut State Police, a municipality with a resident state trooper or an organized municipal police department.
Serious Offense:	An offense which has caused <b>SERIOUS PHYSICAL INJURY</b> to a victim. An offense in which the <b>USE OR THREATENED USE OF DEADLY FORCE WAS INVOLVED</b> or in which the perpetrator <b>PRESENTS AN IMMEDIATE OR CONTINUED THREAT</b> to the safety and welfare of the public if not apprehended.
Property Crime:	Is the theft of property and includes, but is not limited to stolen motor vehicles, shoplifting, vandalism, and thefts from vehicles.

**V PROCEDURES (OPERATIONS/PURSUIT OF MOTOR VEHICLES/ FORCIBLE STOPPING OF VEHICLES & ROAD BLOCKS)**

**A** The decision to initiate a pursuit **for a Serious Offense**, 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. Apprehending the violator should not be the sole deciding factor when deciding to continue a pursuit.

1. Engaging in a vehicle pursuit for motor vehicle violation or a property crime (e.g. stolen vehicle, larceny, theft, fraud, shoplifting, vandalism, etc.), **THAT IS NOT A SERIOUS OFFENSE, is prohibited.**
2. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when the following criteria is met:

The suspect exhibits the intention to avoid arrest by using a vehicle to flee apprehension where it is a **SERIOUS OFFENSE** which has caused **SERIOUS PHYSICAL INJURY** to a victim, or the offense in which the **USE OR THREATENED USE OF DEADLY FORCE WAS INVOLVED** or an offense in which the perpetrator **PRESENTS AN IMMEDIATE OR CONTINUED THREAT** to the safety and welfare of the public if not apprehended. Merely fleeing from the pursuit is not a cause to continue the pursuit.

3. The pursuing officer shall consider the following factors in determining whether to initiate pursuit:
  - a. The seriousness of the offense (i.e. violence of the underlying offense.)
  - b. The threat the offenders pose if not arrested versus the risks of the pursuit.
  - c. The safety of pursuing officers.
  - d. The safety of the public.
  - e. The time of day.
  - f. The weather, environmental and road conditions.
  - g. Geographic location (school zone, congested area, etc.)

- h. Population density and vehicular and pedestrian traffic.
- i. The performance capability and condition of the police vehicle and the relative performance capabilities of the vehicle being pursued.
- j. The speed of the pursuit.
- k. Whether the identity of the occupants of the pursued vehicle is known and immediate apprehension of same is not necessary to protect the public or police officer(s).
- l. The feasibility of apprehension of offenders (is the offender known?) at a later date.
- m. The presence of other persons in the police vehicle.

4. The **initiating officer** shall have the following responsibilities:

- a. All authorized emergency vehicle operations shall be conducted in strict conformity with Sections 14-283a-1 to 14-283a-4, inclusive, of the Regulations of Connecticut State Agencies, and section 14-283a of the Connecticut General Statutes.
- b. The pursuing officer shall immediately activate the patrol vehicle's emergency lights, siren and shall keep this emergency equipment active during the entire pursuit.
- c. The pursuing officer should when feasible immediately activate his/her body camera, and should keep the body camera activated until the pursuit ends and the suspect is arrested.
- d. When the officer decides to initiate the pursuit, the desk officer/dispatcher shall be immediately notified and relayed the following information:

- 1. Unit identification
- 2. Location, speed and direction of travel
- 3. Reason supporting decision to pursue
- 4. Description of vehicle and if possible the occupants
- 5. Registration plate if known.

*The failure to provide this information to communications personnel may result in an immediate decision by a supervisor to order termination of the pursuit.*

- e. During the pursuit, officers will continue to relay information regarding location, direction of travel, speed and any changes or factors that would affect the status of the pursuit. This will enable the supervisor to properly evaluate the justification of the pursuit. While in pursuit officers shall drive with due regard for the safety of persons and property.
- f. When an agency supervisor or the initiating officer terminates the pursuit, all agency vehicles shall disengage warning devices (lights and siren), cease the pursuit and not continue to follow or engage the suspect vehicle. The initiating officer shall clearly state to the supervisor the exact location of the pursuit's termination via police radio.
- g. Officers shall not discharge firearms from or at moving vehicles **\*except** where all other reasonable means of the use of force continuum have been exhausted and section III, C,4 of G.O. 89-17-70, Use of Force is applicable.

- h. Once the pursued vehicle has been stopped, officers shall utilize appropriate officer safety tactics and shall only use the amount of force necessary to take the occupants/offenders into custody (REF. G.O. 89-17-70 Use of Force.)
  - i. In the event that an unmarked and a marked police unit are involved in the same pursuit, the marked unit shall be designated as the primary unit.
  - j. Complete an incident/arrest report detailing involvement and actions undertaken during the pursuit, to include:
    - a. The reasons for initiating and continuing the pursuit.
    - b. Description of injuries and property damage.
5. The **secondary officer(s)** shall have the following responsibilities:
- a. Unless authorized by a supervisor, no more than two police vehicles will be operated in a pursuit.
  - b. Shall drive with due regard for the safety of persons and property.
  - c. All secondary officer(s) should when feasible immediately activate their body camera(s), and should keep their body camera(s) activated during the entire pursuit.
  - d. Complete an incident/arrest report detailing involvement and actions undertaken during pursuit.
6. **Back Up & Officers not involved in the pursuit** shall have the following responsibilities:
- a. 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.
  - b. Officers not involved in the pursuit shall curtail radio transmissions except for emergencies.
7. The **desk officer/dispatcher** shall have the following responsibilities:
- a. The desk officer/dispatcher must always attempt to maintain radio contact with the officer involved in the pursuit and upon initiation, shall notify a supervisor of the pursuit.
  - b. If a supervisor cannot be notified to evaluate the pursuit, the desk officer/dispatcher may terminate the pursuit.
  - c. If it appears that the pursuit will continue beyond the town limits, the desk officer/dispatcher shall notify the jurisdictions affected as soon as practicable through the use of the "Hotline" or by telephone.
  - d. Clear the radio channel of all non-emergency traffic.
8. The **supervisor** shall have the following responsibilities:
- a. Primary command responsibility for continuing and terminating the pursuit.

- b. The supervisor must authorize continuation of the pursuit to both the primary and secondary officer(s) and communications.
  - c. The supervisor must evaluate the situation and the conditions that caused the pursuit to be initiated, the need to continue the pursuit, monitor and evaluate all incoming information, coordinate and direct activities as needed to insure that proper procedures are followed.
  - d. The supervisor shall have the authority to terminate the pursuit at any time and shall do so when the potential danger to the public outweighs the need for immediate apprehension of offenders. Such a decision shall be based on the information known to the supervisor at the time of the pursuit. When the agency supervisor communicates a termination directive, all agency vehicles shall disengage warning devices, cease the pursuit, and clearly state to the supervisor the exact location of the pursuit's termination via police radio. **If a pursuit is terminated, it is the responsibility of the supervisor to determine if offenders could be on foot in the area where the pursuit was terminated, and if in New Canaan, coordinate a thorough search of the area.** This search is not a reason to re-engage the previously pursued vehicle, but is meant to determine if offenders are on foot. If the pursuit was terminated in a location that is not in New Canaan, the supervisor shall notify the police agency responsible for the area where the pursuit was terminated that a search of the area may be necessary.
  - e. The supervisor shall respond to the location where a vehicle has been stopped following a vehicle pursuit.
  - f. The supervisor shall verify all agency vehicles have disengaged emergency lights and sirens, disengaged pursuit and are no longer following the pursued vehicle after the termination order is issued.
  - g. Shall review all reports completed by officers involved in the pursuit and determine whether the pursuit adhered to Department policy.
  - h. The shift supervisor shall complete the Pursuit Tracking Form designated by the Police Officer Standards and Training Council. Once completed, the Pursuit Tracking Form and a copy of all Incident/Arrest Reports shall be forwarded to the **Commander of Operations**.
9. Command Staff shall have the following responsibilities:
- a. The Commander of Operations shall review every Pursuit Tracking Form and forward them to the designated repository within the State of Connecticut.
  - b. The Commander of Operations shall conduct a documented annual analysis of our pursuit reports, including a review of policy and reporting procedures. This analysis and review shall be approved by the Chief of Police.
  - c. On an annual basis, the Chief of Police or his/her designee shall submit a report to the Police Officers Standards and Training Council regarding pursuits by our officers, on the standardized form developed and promulgated by POSTC.
10. The officer involved in the pursuit and the supervisor must use good judgment when evaluating a pursuit, and must continually evaluate the justification to pursue and decide whether or not the pursuit should continue or terminate. The element of the "personal challenge" to the officer must not enter into the decision. The pursuing officer, the field supervisor, desk officer/dispatcher or other command personnel may terminate pursuit.

No disciplinary action will be taken against any officer who terminates a pursuit. However, officers **must** discontinue the pursuit when:

- a. The risk of personal safety and the safety of others outweighs the danger to the community if the suspect is not apprehended.
- b. Environmental conditions and/or hazards indicate the futility or danger of continued pursuit.
- c. When a termination order is issued by any supervisor or dispatcher.
- d. If the pursuing officer loses visual contact of the pursued vehicle and further pursuit is futile.

When it has been decided to discontinue a pursuit, the officer(s) shall promptly:

- a. Shut down all emergency lights and siren.
- b. Not continue to follow or engage the pursued vehicle.
- c. Communicate to the supervisor via the police radio the exact location of the area where the pursuit was terminated.
- d. Resume normal patrol (i.e., obey traffic regulations etc.)

**11.** In general, deliberate physical contact (i.e., forcible stopping) between a police vehicle and the pursued vehicle will not be permitted. However, when an officer is in pursuit of a known and extremely dangerous fleeing felon, who, if allowed to escape, would create a substantial risk of another person being killed or seriously injured, then a forcible stop may be permitted when authorized by the supervisor.

**12.** Due to the extreme and obvious dangers inherent in the use of a roadblock, one shall only be utilized when appropriate and with supervisory approval and only after the supervisor has considered the necessity of applying deadly physical force. As a general policy, roadblocks, moving or stationary will only be used to apprehend fleeing felons and when it is apparent that innocent people will not be endangered. The guidelines listed below shall be followed when setting a roadblock:

- a. It will not be set up on the crest of a hill, on a curve of the roadway or where an innocent person could be involved in a collision.
- b. It will be set up in such a location that will afford the pursued vehicle a reasonable opportunity to slow or stop their vehicle safely.
- c. Whenever possible, roadblocks should be avoided in areas where the suspect vehicle will have an avenue to escape once the roadblock is in view.
  - 1) All police vehicles involved in the roadblock shall have their emergency lights activated. No one will remain in or directly behind the vehicles. The use of natural/man made barriers (i.e., trees, walls, buildings, bridge abutments etc.) is strongly encouraged.
- d. When the approved roadblock has been established the shift commander or senior officer at the scene shall communicate to dispatch and all other units the following command; **ROADBLOCK IS SET** or similar type command.

- e. Sobriety and investigative checkpoints shall be set up in accordance with General Order 90-12-88, Traffic Direction & Control.

**The safety of the officers and public shall be the primary concern when utilizing a roadblock.**

- 13. Motorcycles may not be used for a pursuit unless deadly force has been used by an occupant of the pursued vehicle, or the pursuit is necessary to preserve a life, provided that weather and related conditions allow such pursuit to continue. Motorcycles shall disengage from the pursuit when support from marked patrol units becomes available.

**14. Prohibitions to Initiating or Continuing Pursuits:**

- a. When the suspects have committed a motor vehicle violation or a property crime;
- b. When the suspects **have not** committed a SERIOUS OFFENSE;
- c. When non-law enforcement officers are present in the vehicle;
- d. The police vehicle does not have functioning emergency equipment (lights and siren);
- e. The identity of the violator has been established to the point that a later apprehension and identification is likely through other means, unless there exists an immediate need for apprehension

**VI PROCEDURES (OPERATIONS/INTER-JURISDICTIONAL & INTRA-JURISDICTIONAL PURSUITS)**

- A. Due to the contiguous border of New York State, and neighboring jurisdictions, there exists a high probability that a suspect may attempt to avoid prosecution by attempting to flee outside of this department's jurisdiction. These guidelines shall be followed for inter-jurisdictional and intra-jurisdictional motor vehicle pursuits.

**1. Inter-jurisdictional pursuits by the New Canaan Police Department:**

- a. If it appears that an officer in pursuit of a vehicle is going to enter another jurisdiction (within Connecticut), the officer initiating the pursuit shall immediately notify the desk officer/dispatcher of that fact. The desk officer/dispatcher shall immediately contact that jurisdiction by the "Hotline" radio or telephone and inform them of all pertinent information.
- b. The supervisor shall be responsible for assessing the situation and determining whether to continue or terminate the pursuit.
- c. When entering the adjacent jurisdiction, one authorized backup patrol unit may assist in the pursuit. \*The supervisor may authorize pursuit by additional units when necessary.
- d. New Canaan police officers will fully cooperate with the officers of the jurisdiction entered.
- e. All procedures as outlined in this general order shall be applicable to officers assisting another jurisdiction involved in a pursuit within this jurisdiction, or who are involved in a pursuit in another jurisdiction.
- f. When an officer initiates a motor vehicle stop, and it is obvious to the officer that the operator of the suspect vehicle is not attempting to elude or avoid prosecution, but the vehicle crosses over the town line into another jurisdiction, said officer shall notify the desk officer/dispatcher of his/her location and follow standard departmental

procedures for a motor vehicle stop (re: General Order, #89-15-68, Traffic Law Enforcement)

**2. Inter-jurisdictional pursuits by other law enforcement agencies:**

- a. When a police pursuit originates in another jurisdiction and enters the town of New Canaan, the shift supervisor shall determine what assistance is to be rendered and assign officers accordingly. No officer shall assist in the pursuit unless instructed to do so by the shift supervisor.
- b. Officers shall not continue pursuits outside of the Town of New Canaan unless directed to do so by the supervisor.
- c. If the suspect is apprehended said suspect may be charged with all violations that occurred within the Town of New Canaan.
- d. All procedures pertaining to pursuits, as previously outlined, are applicable to officers assisting another jurisdiction in New Canaan.

**3. Intra-jurisdictional pursuits by the New Canaan Police Department.**

- a. If it appears that an officer in pursuit of a vehicle is going to enter into New York State, said officer shall immediately notify the desk officer/dispatcher. The supervisor shall be notified and must determine if the pursuit should be continued or terminated.
  - 1) The New York Law Enforcement Agency having jurisdiction shall be immediately notified of the pursuit via radio or telephone and should be given the opportunity to take control of the pursuit.
  - 2) All procedures pertaining to pursuits as previously outlined are applicable to officers in an Intra-jurisdictional pursuit.
  - 3) Pursuits into New York State shall comply with applicable inter-agency agreements and this pursuit policy.

**VII USE OF FIREARMS DURING A PURSUIT**

**A.** Officers shall not discharge their firearms 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.

1. 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.
2. No officer should intentionally position his or her body into the path of a fleeing motor vehicle, unless such action is a tactic approved by the law enforcement unit, that employs such police officer and in accordance with an established written policy. 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.



## **VIII TRAINING**

The Training Office will, on an annual basis provide review and/or coordinate Lieutenants and Sergeants in the training of this general order.

On an annual basis, within PowerDMS the Training Officer shall ensure a policy review and sign off, along with a quiz, is completed by all sworn personnel.

Training in pursuit driving skills and techniques should be provided to sworn personnel, when such training is offered by POSTC or other training providers located within a reasonable proximity to the department.

## **IX MISCELLANEOUS PROVISION**

This general order is designed to provide all police personnel, including supervisory and command staff, with guidelines for proper conduct before, during and after motor vehicle pursuits. This general order does not create a civil cause of action in favor of any person nor does it establish a presumption that a legal duty has been breached in the event that a person(s) asserts that injury or property damage has occurred as a result of a police pursuit.

This order is not designed to be a basis for civil liability on the part of individual police officers, the Police Department or the Town of New Canaan. While this order is enforceable to police personnel including, supervisory and command staff whose responsibility it is to insure its compliance, it does not imply that any other person has a legal standing to seek enforcement of this order in any collateral proceeding or transaction.

## **X DISTRIBUTION**

This general order will be reproduced in electronic and traditional media. All sworn personnel shall have access to Department general orders through a read-only file on their individual domain of the Department's computer network.

This General Order shall also be disseminated and reviewed with each recruit prior to initiating their Field Training Program.

## **XI EFFECTIVE DATE**

This general order approved by the Police Commission on January 18, 1989 and is effective January 30, 1989.

Revised October 1992  
Revised June 1997  
Revised February 2000  
Reviewed June 2009  
Revised August 2012  
Revised June 2020

Per Order,  
*Leon Krolikowski*

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Leon Krolikowski  
Chief of Police