

# NEW HAVEN DEPARTMENT OF POLICE SERVICE

## GENERAL ORDERS



GENERAL ORDER **302**

EFFECTIVE DATE: JANUARY 15, 2012

### VEHICLE PURSUIT

#### **302.1 PURPOSE**

The purpose of this General Order is to provide officers guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Pursuits of suspected or known violators of the law expose innocent citizens, police officers, and fleeing suspects to serious injury or death. Vehicle pursuits require officers to exhibit a high degree of common sense and sound judgment.

#### **302.2 POLICY**

It is the policy of this Department that a pursuit shall be based on the 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 occupant(s) of such vehicle remain at large. Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit because of the risk involved. It is recognized that vehicle pursuit situations are not always predictable and decisions made pursuant to this General Order will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

**302.3 DEFINITIONS**

**PURSUIT:** Any event in which a police officer in an authorized emergency vehicle attempts to apprehend an occupant of another moving motor vehicle, when the driver of the fleeing vehicle is attempting to avoid apprehension by operating a motor vehicle by using high speed driving, driving in an evasive manner, or otherwise ignoring the police officer's attempt to stop the vehicle.

**\*\*The mere fact that an officer has activated his/her lights and siren does not constitute a pursuit**

**FAILURE TO YIELD:** Refers to the actions of a vehicle operator who fails to stop or respond to the emergency light(s) and siren of a law enforcement vehicle. Generally, the vehicle operator continues to travel forward at or below the speed limit, observes applicable rules of the road and does not change direction of travel in an evasive manner.

**AUTHORIZED EMERGENCY VEHICLE:** A police vehicle equipped with operable emergency equipment, including audible siren and red or blue flashing lights, while such vehicle is being operated by a police officer.

**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.

**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.

**302.4 PROCEDURES****A. INITIATION OF PURSUIT**

- The decision to initiate a pursuit shall be based on the 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 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; and
- f. The presence of other persons in the police vehicle.

## **B. PURSUIT OPERATIONS**

- Upon engaging in or entering into a pursuit, the pursuing vehicle shall activate appropriate emergency warning lights. A siren shall be used during all pursuits.
- Upon engaging in a pursuit, 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 for the stop. The officer shall keep Communications updated on the pursuit. Communications personnel shall immediately notify the supervisor of the officer involved in the pursuit, or in that supervisor's absence, the closest available supervisor to the pursuit and the Shift Commander, clear the radio channel of non-emergency traffic and relay necessary information to other officers and other law enforcement agencies as appropriate.
- When engaged in a pursuit, all officers shall drive with regard for the safety of persons and property.
- 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, and a police supervisory vehicle. No other personnel shall join the pursuit unless instructed to participate by a supervisor.
- The primary unit involved in the pursuit shall become secondary when another unit has been assigned primary responsibility.

## **C. SUPERVISORY RESPONSIBILITIES**

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving department officers.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

- Upon becoming aware of a pursuit, immediately ascertain all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.

- Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- Exercising management and control of the pursuit even if not engaged in it.
- Ensuring that no more than the number of required police units needed are involved in the pursuit.
- Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue.
- Ensuring that proper radio communication is occurring.
- Control and manage New Haven units when a pursuit enters another jurisdiction.
- When possible, respond to the termination point of the pursuit to oversee apprehension and arrest of suspect(s).
- Prepare a post-pursuit memorandum.

#### **D. SHIFT COMMANDER RESPONSIBILITIES**

Upon becoming aware that a pursuit has been initiated, the Shift Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this General Order. The Shift Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit, and shall be in overall command.

The Shift Commander shall review all pertinent reports and the supervisor's post-pursuit memorandum and forward to the Patrol Commander.

#### **E. PURSUIT TACTICS**

Police officers not engaged in the pursuit as the primary or secondary unit shall not normally follow the pursuit on parallel streets in an "emergency mode," unless authorized by a supervisor. This does not preclude officers from positioning themselves on routes adjacent to the pursuit.

- When feasible, available patrol units having the most prominent markings and emergency lights shall be used to pursue, particularly as the primary unit. When a pursuit is initiated by other than a marked patrol unit, such unit shall become the secondary unit when a marked unit becomes available. When a second marked unit becomes available, to be the secondary vehicle, the unmarked unit shall disengage from the pursuit.

- 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. Motorcycles shall disengage from the pursuit when support from marked patrol cars becomes available.
- Firearms will not be discharged from pursuit vehicles while such vehicles are in motion. Roadblocks must be authorized by the supervisor in charge after consideration of the necessity of applying deadly physical force to end the pursuit.
- Once the pursued vehicle is stopped, police officers shall utilize appropriate safety tactics and shall utilize only the force the police officer reasonably believes to be necessary to take occupants into custody.

#### **F. TERMINATION OF THE PURSUIT**

- 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 he or she reasonably believes that the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
- The supervisor of the pursuit may order the termination of a pursuit at any time and shall order the termination of a pursuit when he/she reasonably believes that 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.
- The Shift Commander may order the termination of a pursuit at any time and shall order the termination of a pursuit when he/she reasonably believes that the potential danger to the public outweighs the need for immediate apprehension. Such decision shall be based on information known to the Shift Commander at the time of the pursuit.
- 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.
- A pursuit may be terminated when the police officers are prevented from communicating with their supervisors, Communications or other police officers.

**G. INTER-JURISDICTIONAL PURSUITS**

1. The primary unit shall notify Communications when it is likely that a pursuit will continue into a neighboring police agency's jurisdiction or cross the state line.
2. When a pursuit enters another agency's jurisdiction Communications shall immediately notify that police agency.
3. When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to request the other agency to assume the pursuit.
  - Units from this Department involved in the pursuit will discontinue the pursuit when advised that another agency has assumed the pursuit and our assistance is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request or at the direction of a supervisor from this Department, to the termination point to assist in the investigation.
  - The role and responsibilities of officers at the termination point of the pursuit initiated by this Department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.
  - Notification of a pursuit in progress should not be construed as a request to join the pursuit. Request to or from another agency to assume a pursuit should be specific.
4. This Department shall not join a pursuit by another police agency that enters this jurisdiction unless specifically requested to do so by that agency.
  - The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this Department may join the pursuit until sufficient units from the initiating agency join the pursuit.
  - The agency that initiates a pursuit shall be responsible for conducting the pursuit.
  - When a request is made for this Department to assist or take over a pursuit from another agency that has entered this jurisdiction, the Shift Commander or a supervisor is responsible for approving or denying the request. The

Shift Commander or supervisor should consider the following factors when making this decision:

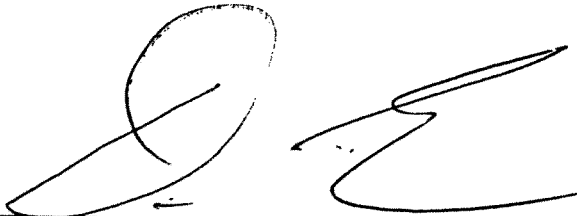
- a. Ability to maintain the pursuit.
  - b. Circumstances serious enough to continue the pursuit.
  - c. Adequate staffing to continue the pursuit.
  - d. The public's safety within this jurisdiction.
  - e. Safety of the pursuing officers.
- This Department's assistance to another agency involved in a pursuit in this jurisdiction will terminate at the city limits provided that the pursuing officers have sufficient assistance. Ongoing participation from this Department may continue only until sufficient assistance is present.
  - In the event that a pursuit from another agency terminates within this jurisdiction officers from this Department shall provide appropriate assistance to officers from the other agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.
  - A pursuit into a bordering state shall comply with the laws of both states and any applicable inter-agency agreements.

#### **H. AFTER-PURSUIT REPORTING**

1. The primary officer shall complete the appropriate crime/arrest reports.
2. The supervisor overseeing the pursuit shall complete a post-pursuit memorandum to be reviewed by the Shift Commander and forwarded to the Patrol Commander. If the incident falls within the definition of failure to yield, rather than pursuit, no supervisory memorandum is required. The post-pursuit memorandum shall contain, at the minimum, the following information:
  - Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger, and the officers involved.
  - The violation(s) that caused the pursuit to be initiated.
  - The identity of the officers involved in the pursuit.
  - The means or methods used to stop the suspect being pursued.

- All charges that the suspect(s) were arrested for.
- The conditions of the pursuit, including but not limited to, all of the following:
  - a. Duration of pursuit.
  - b. Distance traveled during the pursuit in miles or tenths thereof.
  - c. Number of officers involved in the pursuit.
  - d. Number of police units involved in the pursuit.
  - e. Time of day.
  - f. Weather conditions.
  - g. Maximum speeds reached during the pursuit.
  - h. Relevant information as to the manner in which the pursued vehicle was being operated.

**This order supersedes General Order 94-2.**



Dean Esserman  
Chief of Police

12/15/2011  
Date