

Intersection Accident

Incident Details

An Officer who was operating a marked Ford sedan police interceptor pursuit vehicle (PPV) responded as the fourth car to a reported fight. His emergency lights and sirens were activated as he traveled westbound to the dispatched location. The posted speed limit in the area was 30 mph. The witness statements are consistent in reporting that the officer had a red traffic signal as he entered the intersection and that the police cruiser had its emergency lights and sirens activated. One of the witnesses indicates that the cruiser was moving very fast.

It was determined through examination of the physical evidence that the approximate speed of the police cruiser was 67 mph. The civilian vehicle was traveling at about 19 mph, and any braking only occurred after the vehicles entered the intersection, fractions of a second before impact.

Risk Analysis

Evidence and statements indicate that the Officer did not slow in response to the red traffic light to safely clear the intersection and **in failing to do so was the cause of this collision.**

Liability

There were six occupants in the civilian vehicle. Each of the occupants suffered injuries ranging from minor to serious, including fractures requiring surgical repair. Because the Officer did not continue to drive with the safety and due regard of others and endangered life and property, the liability rests with the Officer and the department.

Lessons Learned

Although Connecticut General Statute (CGS) 14-283 provides discretion on how an officer proceeds through an intersection, it clearly states that officers must continue to drive with safety and due regard for the safety of others.

- Sec. 14-283. (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,...**

Recommended Changes

Evidence and statements indicate that the Officer did not slow his response to the red traffic light to safely clear the intersection to the extent necessary to proceed safely and **in failing to do so was the cause of this collision.**

- COME TO A COMPLETE STOP AT ALL INTERSECTIONS.
- Do not exceed the posted speed limit. Exceeding the posted speed limit only reduces response time on average by 20 seconds.

Questions? Ask your Supervisor or CIRMA Risk Management Consultant.

Pursuit Accident

Incident Details

A Patrol Officer was pursuing a vehicle to apprehend the driver, who was wanted for a misdemeanor warrant. The weather conditions were poor and the street surface was covered by snow and ice. The suspect vehicle crossed a main artery, with the officer close behind. The suspect made it through the intersection; however, the Officer's vehicle was struck and run over by a semi-truck and trailer. The officer's car was crushed. Fortunately, the officer was able to move within the car to avoid being injured.

Risk Analysis

The Officer failed to stop at a stop sign, slid into an intersection, and his car was struck and crushed by a large truck. The suspect was not apprehended. The pursuit and collision potentially put the community and other Officers at risk.

Liability

State of Connecticut Police Officers must adhere to the Connecticut Uniform Pursuit Policy which clearly outlines when a pursuit is warranted. The officer engaged in a pursuit for a misdemeanor warrant during in climate weather and failed to maintain his vehicle in accordance with 14-218(a) and 14-283-continue to drive with the safety and due regard of others and endangered life and property in doing. In this case liability would rest with the officer and the department.

Sec. 14-283a-4. Procedures (a) Initiation of 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. (2) 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.

Lessons Learned

The Officer should have conducted a risk assessment regarding immediate apprehension versus the danger caused by pursuing.

Changes as a Result of that Experience

Police Officers should continuously review the pursuit policies of the State and their own Department. Pursuits for minor offenses are not advised. In this case the subject's identity was known; therefore it would be possible to plan and apprehend them at a later date.

Suspect Searches

Incident Details

A suspect was arrested after a foot chase for shooting a deputy. He was arrested by one of the many different agencies involved in the incident. The arresting Officer made a cursory search and placed him in his patrol vehicle; subsequently transporting him to the local Police Department where custody was transferred to the lead investigating agency. The receiving agency did not search the suspect upon accepting him into the processing area. He could have killed several individuals and Officers during the fingerprinting and photo process. The suspect was cooperative during the intake processing and was subsequently placed into one of the holding cells; again, he was not searched. While in the holding cell the suspect committed suicide by shooting himself in head. It was determined through review of the cell closed circuit television (CCTV) that the suspect pulled from his waist band a firearm once he was inside the cell.

Risk Analysis

The suspect had a fully-loaded and operational .45 caliber automatic handgun concealed in the front waistband of his pants during the interview. He was walked around an office fully staffed by sworn and civilian personnel, creating the opportunity for potential death of both Officers and civilians.

Officer Safety

During the transfer of the suspect neither department who maintained control of the suspect completed a proper search of the suspect which created a significant officer safety concern.

Lessons Learned

Law enforcement agencies should have in place protocols and procedures for the transfer or receiving suspects to or from another agency. These procedures should be regularly communicated to officers within the agency and to outside agencies with whom the department interacts with on a regular basis

Recommendation

With the compact size of weapons and the easy ability to conceal these weapons, Connecticut Police Departments should implement a standard operating procedure in line with the **Connecticut POST-C Accreditation Standard 1.3.17**. The Standard is a written directive that establishes procedures for searching detainees and accounting for each detainee's property before entry to the holding facility.

Unlawful Seizure/Detention

Incident Details

An Officer seized and transported a person without legal justification. The officer self-initiated contact with a subject who was thought to be a suspect in recent breaking and entering incidents.

Scenario

The Officer, who was assigned to the investigation of a motor vehicle collision with injuries, noticed a subject walking by the location who resembled a person of interest in a recent string of burglaries. This individual was not part of the motor vehicle collision investigation. The Officer left the accident scene on foot and caught up to the individual approximately three blocks away. He identified himself to the subject and began questioning him. The individual had not interfered with the Officer's investigation of the motor vehicle collision nor did he provide any reasonable suspicion for the Officer to believe he was a threat to the scene, civilians, or officer safety.

The subject provided identification that showed the individual was not the person of interest; however the Officer questioned the validity of the identification based on the physical similarities between the individual and the person of interest. The Officer did not utilize all reasonable expected methods to further confirm that this individual was indeed the person of interest.

The Officer made a decision, despite being unsure and the identification that indicated the individual was not the person of interest, to take him into custody. He placed him in handcuffs and into the back of the car. During the suspect intake and process at the police department, it was determined that the person who had been detained was not the person of interest for the burglaries and was subsequently released from custody.

Outcome of the Response Activity

An unlawful detention was made of a subject who was not the person of interest.

Explanation of the Contributing Factors

The Officer was not aware of the correct action to take in an incident such as this. The person of interest did not agree to accompany the Officer to the station and was placed in handcuffs as if arrested. The Supervisor in this instance agreed with the Officer's actions indicating that he too did not know the proper procedure.

Lessons Learned

Search and seizure is a very critical part of the routine work performed by sworn law enforcement Officers. It is critical that they understand when they can and when they cannot affect an arrest or restrict a person's freedom. It became readily apparent that the Supervisor in this incident also did not know the proper application of law and/or policy.

Changes as a Result of the Experience

Although the proper procedure was not known by the Officer or the Supervisor, there was no change needed in the department's policy and/or practice. The recommended changes were in the training that instructs officers that they may not stop persons without reasonable suspicion. Much more important is the lesson that if officers have questionable probable cause, they should attempt to take reasonable steps to verify whether or not the suspect is the person wanted before transporting the suspect to the station.

Questions? Ask your Supervisor or CIRMA Risk Management Consultant.

Comments to the Community

Incident Details

An Officer was in a parking lot writing his report of a previous incident that occurred at a flooded underpass. A resident approached the officer and indicated that another person was in distress and stuck at the same flooded underpass. The officer stated "...I will get to her when I finish my paperwork..." The individual then drowned in her vehicle.

Scenario

On August 27, 2006, the local Police Department received calls for assistance at 10:45 PM, and dispatched an Officer to the area of the underpass to assist a vehicle that was stuck in high water. This particular underpass had a history of flooding during heavy rain. The Officer arrived at 10:50 PM where he found a car stalled under the bridge because of the flood water. Per the Police Officer, the water appeared to be around six feet deep. The Police Officer called dispatch and requested another car to the location.

The Officer then put the group of people in his car to drive them around to the other side of the bridge to a safe location to meet a friend who was going to drive them home. The Police Officer did not put out any traffic cones and left the scene prior to the arrival of the other officer. While driving to the other side of the bridge, the Police Officer had to take several detours due to the side roads' flooding. There was flooding all over the city at this time due to heavy rains.

The Officer delivered the individuals to a school parking lot, which is up the street from the south side of the bridge/flooded area. Once the individuals left the scene, the Officer began to write his incident report. While writing his report the officer was advised by a resident that another car had driven into the water, and a person was trapped. The Officer stated to the resident:

"I will get to her when I finish my paperwork in 5 minutes".

The resident testified that the officer made the statement in a sarcastic manner and seemed not to care. The officer did not contact Dispatch to determine the proximity of the second car he initially requested or to inform them of the second victim.

On the way back to the underpass to check on the vehicle, the resident called 911. By the time the Officer responded, the Fire Department was on the scene and had already pulled the victim from the submerged vehicle. Despite resuscitation efforts the victim died; the cause of death was ruled to be a drowning.

Outcome of the Response Activity

The person was trapped in the vehicle and drowned as a result.

Explanation of the Contributing Factors

Although the Officer called for an additional unit, he did not secure the scene to ensure the safety of other motorists. He did not put out cones and did not wait for the other officer to arrive. Additionally, the statement made by the officer was interpreted as indifference by the jury and portrayed the officer as uncaring.

Lessons Learned

Speaking with the community is an essential function of a Police Officer's duties. Although the Officer was prioritizing his tasks based on his prior knowledge of the scene where the vehicle occupants were able to escape, the officer's communication style was viewed, in this instance, as indifferent. This perceived indifference had a large impact on the jury, leading to a multi-million dollar verdict against the Police Department. It is recommended that Officers receive regular communication training to understand the proper way to address and respond to the community's residents in a manner that conveys professionalism.

Questions? Ask your Supervisor or CIRMA Risk Management Consultant.

Suspect Supervision

Incident Details

Officers detained an Emotionally Disturbed Person with handcuffs, placed him on a kitchen chair, and left him unattended for several minutes without monitoring. The individual slipped his handcuffs and began to fight with the officers, resulting in multiple Taser deployments. The person became unresponsive and died.

Scenario

On May 24th, 2010 at approximately 7:50 PM a local Police Department received a call asking for an officer to respond to a large male who was out of control. Three Officers were dispatched and responded. Upon arrival they found the Emotionally Disturbed Person (EDP) in the bedroom underneath the bed in an uncontrolled rage. He was actively destroying the bed frame, box spring and mattress. Based on these actions, and information provided by the EDP's wife, responding officers determined that this person was in need of a medical/psychological evaluation. One Officer began the Police Emergency Examination Request (PEER) and called for an ambulance to transport the individual to the emergency room. The other two Officers were able to verbally calm the individual down.

At some point prior to the ambulance arriving, the individual became enraged again and threw the destroyed bed across the room and charged aggressively towards the three Police Officers. The Officers again attempted to verbally calm the individual. When this failed to be effective, the Officers escalated the verbal commands and ordered the individual to the ground and to get on his stomach, which he refused. This refusal required the Officers to physically gain control of the individual and placed him in hand-cuffs. Because of his size, the Officers used three sets of hand-cuffs interlocked, securing his hands behind his back. Once they were able to secure the hand-cuffs and gain control of him, the Officers placed him onto a chair in the kitchen.

At this time all three Officers left the individual unattended and turned their backs to him while they spoke to the individual's wife. At this time, the individual was able to "slip" his cuffs and began to fight with the Officers, causing the Officers to deploy multiple uses of force, including the Police K-9 and Taser. The individual was subsequently Tased 35 times. During the altercation the suspect became unresponsive and subsequently died.

Outcome of the Response Activity

This large individual was able to "slip" his hand-cuffs, thus creating a situation which resulting in injury to the Officers, the Police K-9 and his ultimate death.

Explanation of the Contributing Factors

The Officers did not properly monitor the individual which lead to the individual's ability to "slip" his hand-cuffs. This action lead to an increased use of force with the deployment of the Police K-9, a physical altercation, and 35 Taser Deployments.

Lessons Learned

Dealing with suspects, including Emotionally Disturbed Individuals (EDPs), has become one of the most common calls for service law enforcement agencies. These individuals can become out of control very quickly, leading to Officer injury and the individual's injury – sometimes involving fatalities. We learned from this call that the individual was not properly supervised while he was sitting in the kitchen chair. This allowed the individual to "slip" his hand-cuffs. Upon investigation it was determined that this particular Police Department did not train its Officers on the Department's Standard Operating Procedure (SOP) for suspect/EDP supervision. If the individual was properly supervised he would not been allowed to "slip" his hand-cuffs, thus eliminating the need for the increased use of force.

Changes as a Result of the Experience

Although the proper procedure was not known by the Officers, the department's policy and procedures were adequate. The recommendation would be ongoing and regular communication of the department's SOPs, policies and training, especially involving emotionally disturbed individuals. More importantly, Officers must understand that although a person is hand-cuffed they still pose a potential danger and threat to themselves and their fellow officers.

Questions? Ask your Supervisor or CIRMA Risk Management Consultant.

Work Zone Safety

Incident Details

A police officer who was working an extra-duty road construction job was struck and killed by a small SUV traveling in the work-zone.

Scenario

There were two (2) Police Officers assigned to work an overtime/extra-duty assignment for a town road paving project. The project involved a two lane road being reduced to one. It was near the end of the shift, late in the day, at dusk. It was dark enough to restrict vision, but not dark enough for the street lights to be activated or to require the use of head lights. A light rain had been falling since noon and most cars had their headlights on.

One officer was positioned at each end of the work zone, and both were equipped with portable radio communications. The officers were assigned to control the traffic flow through the work-zone. This was accomplished throughout the shift by one officer stopping traffic to allow for safe passage of vehicles from the other side, and then alternating. The officers would communicate to each other via the portable radios as to when to stop traffic or allow traffic to proceed through.

At 6:00 pm, a small SUV was signaled by the officer on the north side of the work zone to proceed through. Unfortunately, the northbound officer did not communicate to the southbound officer that the SUV was entering the lane. The northbound officer later explained that he looked down the roadway and did not see the second officer or any traffic waiting, so he thought it was safe for the SUV to proceed. The northbound officer further explained that he thought the second officer was in his personal vehicle getting ready to leave.

The southbound officer was struck by the SUV vehicle, when he stepped into the open lane. The officer was thrown to the ground, striking his head and, although EMS arrived shortly thereafter and transported him to a trauma center, the officer unfortunately succumbed to his injuries.

Lessons Learned

- It was determined that the injured police officer was not wearing any high visibility clothing or reflective vests as required by the Department of Transportation.
- Additionally, proper communication between officers did not take place for safe passing of traffic through the work-zone.

Officer Safety Risk Management

Wear the proper ANSI Class High Visibility/Reflective clothing and vests, as required by the Department of Transportation, when working in roadways.

Ensure that proper communication is made throughout the dynamic work-zone at all times. Constant communication, even when it appears your partner is not in harm's way, will ensure that each officer completes the assignment safely.

Questions? Ask your Supervisor or CIRMA Risk Management Consultant.

Wear Protective Vests

Incident Details

A police officer who was shot while responding to a report of two men in an altercation outside of a hotel survived. Police investigators credit the officer's bulletproof vest with saving his life.

Scenario

Police received a 911 call from a person who was witnessing two men physically assault each other at a local gasoline station. After several minutes of fighting, one of the individuals ran to his vehicle and sped off. The second individual got into his vehicle and began following the first individual. The 911 caller got into his car and followed them, while remaining on the phone with the 911 dispatcher the entire time. The 911 caller followed the two men to an area hotel parking lot, where the individuals exited their vehicles and began to engage in a verbal altercation.

Questioned by the dispatcher, the 911 caller was unable to either confirm or deny whether the individuals possessed any weaponry. As a result, the 911 operator dispatched two police offers to the hotel to investigate the situation.

When the first police officer arrived on scene, he exited his vehicle and immediately ordered the two men on the ground. A second police officer then arrived on the scene. At this point, one of the two men pulled out a .38 caliber firearm and fired two rounds at one of the officers, one of which struck the officer in the upper chest area. The second officer immediately returned fire, fatally shooting the suspect. The other suspect was taken into custody.

The police officer who sustained the gunshot to his chest was airlifted to a local trauma center. A short time later, the wounded police officer was alert and conscious.

The Chief of Police issued the statement that the officer was struck once in the chest, over the heart, and because he was wearing his protective vest, he was conscious and alert and was expected to make a full recovery.

Lessons Learned

- The protective vest saved the officer's life.
- Because every situation an officer enters can lead be threatening, protective vests or body armor should be worn on a regular basis. Since 1987, protective vests have saved over 3,100 Police Officers throughout the United States.
- OSHA has also issued an opinion that based on the dangers associated with being a police officer, they will now consider protective vests as required Personal Protective Equipment (PPE).

Officer Safety Risk Management

Wear your protective vest / body armor as you would any other tool on your duty belt.

Questions? Ask your Supervisor or CIRMA Risk Management Consultant.

Police Pursuit

Background

This claim involved a police pursuit and two municipal police departments:

- The evading party was driving a 2001 BMW SUV owned by another party when he failed to stop at a stop sign.
- An officer attempted to stop the BMW for the traffic violation when the driver decided not to stop. The officer then activated his lights and sirens and called into dispatch that he was in pursuit of a BMW that failed to stop at a stop sign.
- Shortly thereafter, a police sergeant from the same town joined the pursuit, near an intersection of a major roadway. The pursuit extended into a bordering town.
- A second police officer from the same town entered as the #3 car in the pursuit.
- The bordering town did not provide any resources and did not engage in the pursuit, since the reason for the pursuit was a minor motor vehicle infraction.
- The BMW driver subsequently failed to make a left turn and struck a tenant-occupied house, crashing through the first floor of the structure and striking the injured the claimant while he slept in bed.
- The BMW driver fled the scene but was subsequently arrested.
- The pursuit lasted approximately thirteen (13) minutes in duration.
- The claimant was found pinned under the vehicle, where he remained for approximately 90 minutes while the fire department performed emergency extrication procedures.
- Per affidavit, the BMW operator had permission use to drive the vehicle but it carried no liability coverage.

At-Fault Party Investigation

- The BMW operator was at fault for the crash, which violated C.G.S. 14-223(b) Engaging in Pursuit; 14-222 Reckless Driving; 53a-49 Criminal Attempt to Commit Assault on a Police Officer; 53a-167 Interfering; and 14-301 Failure to Obey a Stop Sign.
- The BMW operator was held in lieu of a \$1M bond.
- The BMW driver had an extensive criminal record, having been previously arrested approximately 17 times since 1996.

Pursuing Police Department Investigation

The State Police conducted the investigation and completed the police report with the following findings:

The pursuing police department

- Officer 1 – Per the department’s Standard Operating Order 4.07, was found negligent - for failure to comply with any lawful orders, general orders, and directives, either oral or written.
- Sgt. 1 – Per the department’s Standard Operating Order 4.01, was found negligent - for failure to properly supervise subordinates and take appropriate disciplinary action. Per 4.07, negligent for failure to comply with any lawful orders, general orders, and directives – either oral or written.
- Dispatcher 1 – Per the department’s Standard Operating Order 4.07, was found negligent - for failure to comply with any lawful orders, general orders, and directives – either oral or written.
- Officer 2 – No violation of policy found. His role as a back-up unit to Officer 1 was determined to have been a necessity and not a violation of the department’s pursuit policy.

Bordering Town Police Department

- No units pursued the vehicle after discovering the pursuit stemmed from a motor vehicle violation.

Damages/Injury

Claimant suffered second and third degree burns to his lower back, buttocks, and right thigh. He also sustained soft tissues injuries to multiple body parts, including a minimally displaced nasal bone fracture. The claimant subsequently underwent

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Questions? Ask your Supervisor or CIRMA Risk Management Consultant.



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extensive skin grafting procedures on various areas, leaving him with permanent scarring. He lost approximately three months from work while recuperating from his injuries.

CIRMA Liability Assessment

The BMW operator bears responsibility for this injury as does the pursuing police department for violating their pursuit policy. Without any other appropriate insurance coverage, the pursuing town's police department bears negligence as Joint and Several Liability (JSL) applies. Additionally, neither the injured claimant nor property owner bear any responsibility for this incident. Liability was assessed at 40% to the pursuing town and 60% to the BMW driver.

Unfortunately, the presiding court venue would have potentially contained a jury pool that generally awards verdicts which are similar to those awarded by juries for similar cases in other districts, so settlement was entertained.

Outcome

The case was successfully settled prior to trial for \$575,000.

Key Points

The police department should continue to conduct ongoing police training relative to their specific pursuit policies, which should be regularly enforced at basic and recertification training programs. Additionally, the police departments should continue to provide defensive driver training for their officers.

For more information, please contact George Tammara, Risk Management Services Manager at CIRMA, (203) 946-3700 or gtammara@ccm-ct.org