

## EMERGENCY RESPONSE DRIVING RISKS AND PITFALLS

### BACKGROUND

Driving comes with unique risks and challenges, especially during emergencies. To navigate these complexities effectively, it is essential for first responders to remain informed about relevant court decisions, as these rulings significantly concern their responsibilities and actions. According to Connecticut General Statute 14-283(d), the privileges granted to emergency vehicle operators under 14-283(b)—which allow emergency responders to ignore certain traffic laws, signals, and signs under specific conditions—with the responsibility to drive with “*due regard*” for the safety of all individuals and property.

Before this decision, emergency vehicles could call on qualified immunities under Connecticut General Statute 52-557n(a)(2)(B). However, recent case law has changed how courts apply immunity during emergency response driving.

In the Connecticut Supreme Court Decision, ***Adesokan v. Town of Bloomfield (2023)***, the plaintiff sought damages for injuries caused when a police cruiser struck their vehicle. Responding to an emergency call, the officer was driving over 70 mph and collided with the plaintiff’s car in an intersection. The plaintiff brought this action, claiming negligence and negligent supervision.

### CONNECTIUT LAW

Connecticut General Statute 52-557n(a)(2)(B) states the following:

*“Except as otherwise provided by law, a political subdivision of the state shall not be liable for damages to person or property caused by... negligent acts or omissions which require the exercise of judgment or discretion as an official function of the authority expressly or impliedly granted by law.”*

Connecticut General Statute Section 14-283(d) states the following:

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

According to Connecticut General Statute 52-557n(a)(2)(B), government entities and their employees are generally protected from liability for their discretionary acts. The court referenced the recent case of ***Borelli v. Renaldi (366 Conn. 1)***, where it was determined that “the duty to drive with due regard” in Conn. Gen. Stat. 14-283(d) creates a discretionary duty for first responders when deciding whether to start or continue a pursuit of a fleeing driver. On appeal, the plaintiff argued that the trial court had improperly relied on the ***Borelli*** case and mistakenly decided that the immunity for discretionary acts prevents her claims. She contended that Conn. Gen. Stat. 14-283(d) imposes a ministerial duty on emergency vehicle operators “to drive with due regard for the safety of all persons and property.”

This Supreme Court case clarifies that governmental immunity **does not apply** to the operation of emergency vehicles. This decision established that driving is classified as a ministerial act, requiring strict adherence to established procedures without discretion, rather than a discretionary act, which involves personal judgment and decision-making by first responders. This distinction restricts the town or city’s ability to claim immunity under Conn. Gen. Stat. 52-577n, meaning that emergency responders may be held accountable for negligence in relation to their ministerial duties.

### RECOMMENDATIONS

- Regularly educate emergency responders on the *Adesokan v. Town of Bloomfield (2023)* Connecticut Supreme Court decision, emphasizing acts that constitute ministerial duties vs. discretionary acts.
- Annually review the department’s driving procedures and ongoing training, emphasizing safe driving techniques, protocols for emergency response, and alignment with current case law.
- Consider implementing a speed limit policy for emergency response situations.

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**RECOMMENDATIONS - *continued***

- Conduct regular training for emergency responders on defensive driver techniques and case law updates.
  - Such training may detail the risk vs. reward of traveling at elevated rates of speed.
- Consider working with CIRMA Risk Management for additional assistance, questions, or requests for training.