



POLICY AND PROCEDURE NO. 430

Police Foot Pursuits

Date Issued Sept. 13, 2015	Date Effective Sept. 13, 2015	Revision No. Original	No. of pages 6
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1. PURPOSE:

The practice of engaging in the pursuit of suspects on foot by police is beset with threats of injuries, up to and including death, to the pursuing officer(s), to responding assisting officers as well as to the subject being pursued. Moreover, as the subject has, by virtue of his flight alone, demonstrated that he is and will continue to resist being taken into lawful police custody and not surrender peacefully, the apprehension portion of the pursuit can be a physically violent confrontation.

Accordingly, it is the purpose of this policy and procedure statement to provide guidance to police personnel with the objective of facilitating the safety of law enforcement personnel, the safety of the public and that of the subject being pursued. Concomitantly, this policy and procedure serves to limit the alarm and disruption to our city residents whom reside or are may be present in the area of a police foot pursuit.

Since there are numerous situations which arise in law enforcement that are unique, it is impossible for this policy to anticipate all possible circumstances but in sum, this policy seeks to secure a balance between the protection of the lives and safety of the public and police officers, and law enforcement's duty to enforce the law and apprehend violators.

2. POLICY:

Whenever an officer decides to engage, or continue a foot pursuit a quick and continuous **risk assessment** must take place. The officer must evaluate the risks involved to themselves, the suspect and the community versus the benefit of embarking on or continuing the foot pursuit. It must be fully understood by police personnel that the articulable decision to not engage in or continue a foot pursuit where the risks thereof outweigh the benefits of the apprehension is a perfectly valid option where warranted.

3. DEFINITIONS:

- A. Foot Pursuit:** A situation in which an officer, on foot chases a suspect in an effort to detain or arrest that individual who is the subject of an arrest warrant, or who the officer has a reasonable suspicion to believe is about to commit, is committing, or has committed a crime and who is resisting apprehension by fleeing from the officer.
- B. Fleeing Felon:** As articulated in our Use of Force Policies & Procedures (#400.7), deadly force may only be used if the officers are presented with a deadly threat to themselves or another. Whenever it is both practical and reasonable, a clear warning to

the fleeing felon is required prior to the use of deadly force. Deadly force may never be used to stop or apprehend a fleeing misdemeanor.

- C. Contact/Cover:** A tactical practice of having two or more officers working together during a foot pursuit. The officers work as a team utilizing direct or indirect communication methods to coordinate their efforts, remain aware of the locations of officers and suspects, and keep abreast of the status of the pursuit.
- D. Suspect:** Includes any individual who is the subject of an arrest warrant or who a police officer reasonably believes is about to commit, is committing or has committed an offense or poses an imminent threat to the safety of the public, other officers or themselves.
- E. Recognized Positions of Advantage and Disadvantage:** The relative positioning actions of responding police personnel versus a suspect(s) in order to achieve a tactical advantage over the suspect and deter the suspect's efforts to escape custody. Positions of Disadvantage, include but are not limited to having the suspect(s) sit or kneel and/or deny him and escape path. Similarly, Positions of Advantage (for police) would be to respond in numbers that suggest that flight is futile to the suspect(s), to block escape routes, have readied tactical elements and tools.
- F. Unprovoked Flight:** The physical act of running from or in the presence of a police officer uninitiated by any readily discernable reason other than the presence of the police officer.

4. **PROCEDURE:**

A. Lawfulness of Stop & Pursuit:

From the very outset, it is necessary for an officer contemplating the stop of any person that the basis of the stop comports with current Constitutional guidelines. It is important to note that flight alone does not constitute sufficient legal justification to detain or arrest an individual. Under Article 14 of the Massachusetts Declaration of Rights, officers *seize* a citizen when they *initiate pursuit* with the intent to detain him or her for questioning. Accordingly, the stop starts when the pursuit begins and that that point, the police must possess reasonable suspicion for that stop. Flight must be accompanied by one or more factors that together provide sufficient justification to support a temporary investigatory stop.

B. Preventing Foot Pursuits:

1. Based on the inherent dangers associated with foot pursuits, officers should take precautions when initially confronting suspects in order to prevent the suspect an opportunity to flee on foot.

2. Officers should take preventative measures when approaching a suspect to reduce the opportunity for flight by the suspect.
3. Utilize the Contact/Cover Principle (Recognized Position of Advantage & Disadvantage)
 - a. Sufficient officer response to suggest futility of flight to suspect(s).
 - b. Tactical positioning by officer during initial contact with suspect(s) to cut off suspect's escape routes
 - c. Officers should place suspects in positions of advantage to the officer; *i.e.* handcuffing, sitting, kneeling *etc.*
 - d. Calm the suspect(s) by tone of voice and choice of words. Talking with suspect keeps his mind focused on what the officer is saying
 - e. Command presence/officer presence - Take control of the suspect(s) and situation
4. Be aware of suspect's body language
 - a. Telegraphing signs they might run
 - b. Pulling pants up getting ready to run
 - c. Looking for escape routes

C. Alternatives to Foot Pursuit: To the extent that resources are available, officers should consider the following alternatives to a foot pursuit:

1. Area Containment
2. Additional officers
3. Surveillance until additional resources become available
4. Later apprehension of the subject under more favorable conditions to police

D. Factors to Consider in Conducting the Risk Assessment:

1. Whether the suspect is armed
 2. How serious is the suspect's offense; *i.e.* Does he or she pose a serious threat to the community if allowed to escape?
 3. Officer acting alone
 4. Availability and timeliness of backup
 5. Officer knowledge of the area
 6. Officer pursuing more than one suspect
 7. Suspect physical condition, abilities, or history; *i.e.* suspect large, muscular, has defense training, history of violence, under the influence of substance(s)
 8. Officer not in physical condition to pursue a subject on foot
9. Location:

- a. Nature of area- (*i.e.* residential, commercial, isolated, wooded, limited access highway) which impacts the safety of all those who may be affected by the foot pursuit.
- b. Conditions of structures: abandoned and condemned
- c. Environmental factors: weather conditions or darkness
- d. Potential for ambush
- e. Area of pursuit is hostile to law enforcement personnel

10. Ability to apprehend the subject at a later time; *i.e.* identity is known

11. Communications Issues:

- a. Officer familiarity with location, able to identify subject's location with accuracy during pursuit.
- b. Radio frequency and coverage. Is officer in area where radio coverage may fail?

C. Pursuing Officer Responsibilities:

1. The decision to initiate or continue a foot pursuit requires weighing the need to apprehend the suspect against the degree of risk to which the officer and others are exposed to as a result of the pursuit.
2. An officer should not initiate or continue a foot pursuit if acting alone and the pursuit results in an officer chasing two or more suspects simultaneously.
3. If two officers engage two or more suspects and the suspects flee in different directions, the two officers should not separate and should pursue a single suspect.
4. If two or more officers have multiple suspects detained and one suspect flees, an officer should not pursue the fleeing suspect if that leaves his/her partner or fellow officers in a situation in which the number of detained suspects exceeds the number of officers.
5. Once an officer decides to engage in a foot pursuit, the officer must immediately relay the following information to communications:
 - a. Officer identifier (car or radio number)
 - b. Location (continuing responsibility)
 - c. Direction of travel
 - d. Identity of suspect if known
 - e. Description of suspect
 - f. Whether suspect is armed
 - g. Reason for foot pursuit
 - h. Coordinating with other officers to establish perimeter for containment.
6. The primary officer should maintain sufficient tactical gap between him or herself and the suspect to allow time for maintaining cover and allow for the arrival of backup officers before engagement.

7. An officer should not enter a building, structure, confined space, or area of limited or no cover without a backup officer present.
8. An officer should not continue a foot pursuit if the officer has lost their firearm, radio, or lighting source if at night.
9. Officers should note that residents may mistake pursuing officers as prowlers; to the extent possible efforts should be made to notify area residents of the police presence. Officers or supervisors might consider notification to area residents
 - a. Reverse 911
 - b. Backup officers' use of vehicle's P.A.
 - c. Use of vehicle siren
10. Advise the dispatcher if responding backup officers and elements can reduce their response speed or completely.

D. Supervisor's responsibility: If a supervisor is on duty, the supervisor shall:

1. Monitor the pursuit and direct available resources to provide for the swift and safe apprehension of the suspect.
2. Terminate any foot pursuit where the risk to the officer, the public, or the suspect outweighs the need for the foot pursuit.
3. Consider the use of specialized units/personnel to aid in the apprehension; *i.e.* canine, SWAT following containment, *etc.* In the absence of a supervisor, this consideration should be undertaken by involved officers.

E. Communications Responsibility:

1. Maintain open communications with involved officer.
2. Notify a supervisor and provide relevant information (without compromising ability of involved officer in communicating ongoing information)

F. Termination of Foot Pursuits:

1. Officers shall terminate a foot pursuit when so ordered by a supervisor.
2. Officers must strongly consider terminating a foot pursuit under the following conditions:
 - a. An officer or a third party is injured during the pursuit and requires immediate assistance, and there are no other police or medical personnel able to render assistance.

- b. The suspect flees into buildings, structures, confined spaces, or into wooded or otherwise isolated areas and the officer does not have sufficient backup. In this instance the primary officer shall stand by, radio his or her location, and await the arrival of other officers to establish a perimeter. At this point, the incident may be considered a barricaded person.
- c. The pursuing officer loses more than momentary visual contact with the suspect and becomes unsure of the suspect(s) whereabouts or continued direction of travel.
- d. The pursuing officer is unsure of his or her own location or direction of travel.
- e. The pursuing officer becomes too tired to affect an arrest at the conclusion of the pursuit.
- f. The suspect's identity is established or other information exists that allows for the suspect's probable apprehension at a later time, and there is no immediate threat to the public or police officers.
- g. If the officer believes the danger to the pursuing officers or the public outweighs the necessity for the immediate apprehension of the suspect.
- h. After termination of a foot pursuit, the involved officers will notify communications of the last known location of the suspect or in cases of apprehension, the location of apprehension.

G. Review of Foot Pursuits: At the conclusion of a foot pursuit as defined by this policy, whether the foot pursuit resulted in the apprehension of the subject or not, the primary officer shall complete and submit an incident report into Police Server detailing the time and place of the foot pursuit, the subject being sought, the reasons for the foot pursuit, identity of all involved officers, course of travel, injuries to any person, damage to any property during this foot pursuit, police force used in the pursuit and/or apprehension.

The pursuit shall be reviewed by the primary officer's first line supervisor.

PER:



Gary J. Gemme

Chief of Police