



PORTAGE DEPARTMENT OF PUBLIC SAFETY POLICY AND PROCEDURE		ORDER NO. 200-82
SUBJECT: Foot Pursuits		
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ISSUED BY: <i>Nicholas J. Arnold</i> Nicholas J. Arnold, Director of Public Safety		MICHIGAN STANDARDS: 3.5.7 CALEA STANDARDS:

- I. Pursuits
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I. PURPOSE

The purpose of this policy is to secure a balance between protecting the lives of personnel, the public, and upholding the duty to enforce the law and apprehend violators.

All pursuit situations are hazardous. Moreover, fleeing subjects, by virtue of their flight alone, have demonstrated that they will continue to resist being taken into lawful police custody and not surrender peacefully. The apprehension portion of a pursuit can be a physically violent confrontation. 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.

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. Also, chasing persons merely because they run from officers does not constitute articulable, reasonable suspicion or probable cause.

The mere flight itself cannot be the foundation for the pursuit. Officers should not engage or continue in a foot pursuit unless an individual is suspected of committing a crime or the officer has articulable facts giving reasonable suspicion that crime is afoot.

No officer or supervisor will be criticized or disciplined for a decision not to engage in a foot pursuit if, in the officer's assessment, the risk outweighs the benefit of apprehension under the provisions of this and any other related policy, procedure and/or training.

II. DEFINITIONS

- A. Foot Pursuit – The physical attempt by an officer, without the aid of a vehicle, to detain, arrest or otherwise take physical custody of an individual who attempts to flee on foot.
- B. Violator – Any individual a police officer reasonably believes has committed an offense or poses an immediate threat to the safety of the public or other officers.
- 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.

III. PROCEDURES

- A. The Portage Department of Public Safety recognizes that officers have the authority, at all times, to attempt to stop any individual suspected of committing any criminal offense, violation, or traffic infraction and are authorized to pursue individuals. However, the department further realizes that, while the officer initiates the stop, the violator provokes the pursuit by fleeing. Therefore, pursuing officers will base their decisions on whether to pursue on foot a fleeing suspect on the degree of risk to themselves or others. The decision not to engage in a foot pursuit will be evaluated based on the totality of the circumstances and on the perceived risk to the officer under the provisions of related department policy and training.
- B. Decision Considerations to Pursue on Foot:
 - 1. Based on the inherent dangers associated with foot pursuits, officers should take preventative measures when approaching a suspect to reduce the opportunity for flight by the suspect.

2. Utilize the contact/cover principle (recognized position of advantage and 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; e.g., handcuffing, sitting, kneeling, etc.
 - d. Talking with suspect to keep their mind focused on what the officer is saying.
 - e. Command presence: taking control of the suspect(s) and situation.
 3. Be aware of suspect's body language.
 - a. Telegraphing signs they might run.
 - b. Looking for escape routes.
- C. Evaluating circumstances/risk factors:
1. Whether the suspect is armed;
 2. How serious is the suspect's offense, e.g. does the suspect pose a serious threat to the community if allowed to escape;
 3. Officer acting alone;
 4. Backup officers' availability in a timely manner;
 5. Number of suspects being pursued;
 6. Officer's physical condition;
 7. Location:
 - a. Nature of area, e.g. residential, commercial, freeway, which impacts the safety of all those who may be affected by the foot pursuit;
 - b. Conditions of structures: abandoned or condemned;

- c. Environmental factors: weather conditions or darkness;
 - d. Area of pursuit is hostile to law enforcement personnel.
 - 8. Ability to apprehend the subject at a later time, e.g. identity is known.
 - 9. 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.
- D. Restrictions - Officers should not continue foot pursuits:
 - 1. Into structures, confined spaces, or wooded/isolated locations without using the team concept or without supervisory authorization, except in the event of extreme urgency, such as the immediate threat to the safety of the general public or other officers;
 - 2. If the officer loses visual contact with the violator and becomes unsure of the suspect's whereabouts or continued direction of travel;
 - 3. When the danger to pursuing officers or the public outweighs the necessity for immediate apprehension;
 - 4. If the officer is disarmed or loses possession of service weapon;
 - 5. In the event contact with fellow officers or the communications center is lost;
 - 6. When directed by the immediate supervisor to not chase or to discontinue.
- E. Pursuing officer and secondary 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 officers and others are exposed as a result of the pursuit.
 - 2. Once an officer decides to engage in a foot pursuit, the officer will, as soon as practicable, relay the following information to the communications center:

- a. Officer identifier,
 - b. Location (continuing responsibility),
 - c. Reason for foot pursuit,
 - d. Direction of travel,
 - e. Description of suspect,
 - f. Whether suspect is armed,
 - g. Coordinating with other officers to establish perimeter for containment.
3. Officers should wait for backup if they believe that the suspect is armed or extremely dangerous, except in the event of extreme urgency, such as the immediate threat to the safety of the general public or other officers.
 4. If other secondary officers are on the scene or arrive shortly afterward, primary officer or supervisor should communicate with them to set up a perimeter in the area to contain the violator.
 5. A single officer may not abandon their police vehicle to pursue a subject fleeing on foot while other occupants of the suspect's vehicle remain.
 6. The pursuing officer should ensure that suspects who flee from vehicles do not have accomplices in the car that may attack from behind.
 7. Officers should take their vehicle keys with them to avoid having suspects return to the scene and flee in police units.
 8. While pursuing on foot, officers should try to follow the same general path as the suspects so that the officers will discover any hidden obstacles, such as clotheslines, wires, cables, holes, and sprinkler heads, etc.
 9. Officers should remain cautious, in control, and alert for additional threats and other changes in the situation.

F. Supervisor's responsibilities:

1. When becoming aware of a foot pursuit, supervisors should decide as soon as possible whether the pursuit should be continued.

Generally, the foot pursuit should be allowed to continue if there is a reasonable belief that (1) the suspect has committed an offense or violation that would permit the officer to detain the suspect or (2) there is reasonable belief that the suspect poses an immediate threat to the safety of the public or other police officers.

2. Maintain open communications with involved officer.
3. Consider the use of specialized units/personnel to aid in the apprehension, e.g. canine, SWAT following containment, etc. In the absence of a supervisor, this consideration should be undertaken by involved officers.
4. The supervisor should take command and control of the foot pursuit as soon as possible and coordinate the efforts of responding personnel in cooperation with information communicated from the officer(s) in pursuit. As in other tactical situations, the supervisor does not have to be physically present to assert control over the situation. Once the pursuit has concluded, the supervisor should proceed to the arrest or terminus site and supervise post-event arrest, reporting, and debriefing activities as required.

G. Communications responsibilities:

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).
3. Coordinate and dispatch additional backup assistance under the direction of the on-duty supervisor.
4. Receive and record all incoming information on the pursuit and the suspect.
5. Maintain control over the radio so that involved or assisting units can communicate with each other.
6. Relay pertinent information to other units and/or other agencies as directed by the involved units.

H. Termination of foot pursuits:

1. Officers will terminate a foot pursuit when so ordered by a supervisor.

2. Officers will terminate a foot pursuit under the following conditions:
 - a. When 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. If 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 should 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. If 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. If the pursuing officer is unsure of his or her own location or direction of travel.
 - e. If the pursuing officer becomes too tired to effect an arrest at the conclusion of the pursuit.
 - f. If 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. If the officer loses possession of their firearm or other essential equipment during the pursuit.
 - i. If the officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.
3. After termination of a foot pursuit, the involved officers will broadcast the last known location of the suspect or, in cases of apprehension, the location of apprehension.
4. Termination of a pursuit does not prohibit the officer from remaining in an area and, if conditions change, to justify re-initiation.

I. Reinitiating a Pursuit:

1. Sworn members may re-initiate a previously terminated foot pursuit as long as:
 - a. A supervisor did not already terminate the foot pursuit.
 - b. The original conditions permitting the pursuit to be initiated are still present.
 - c. The conditions that caused the termination no longer exist.
2. If a pursuit is reinitiated the on-duty supervisor and dispatch must be advised..

J. Incident Review

1. At the conclusion of a foot pursuit, as defined by this policy, all officers involved will complete an incident report and submit it to their immediate supervisor for review, along with all supporting documentation.
2. The on-duty supervisor will obtain a brief verbal account of the incident and ensure that all required reports have been completed and submitted for review.
3. In all cases, the immediate supervisor will initiate a policy review, and complete and submit the following reports/items (pursuit documentation packet) to the Patrol Operations Lieutenant:
 - a. Completed Administrative Review form, including post-incident supervisory summary assessment and a recommendation regarding policy compliance.
 - b. Copy of all completed case and supplemental reports associated with the incident.
 - c. All other reports submitted as part of the pursuit, arrest, or investigation.
4. The Patrol Operations Lieutenant will forward, through the chain of command, the documentation packet and the immediate supervisory review to the Public Safety Director for review, along with any recommendations.
5. The Public Safety Director will assign a meaningful supervisory or command review of each foot pursuit to include at a minimum:

- a. reason for the foot pursuit and severity of offense;
 - b. reasonable suspicion the subject was armed;
 - c. officer knowledge of the person pursued;
 - d. the risk posed to other officers and the public by the suspect;
 - e. time of day and weather conditions;
 - f. available backup and support resources;
 - g. the officer's familiarity with the foot pursuit area;
 - h. officers action at apprehension/termination of pursuit or transition to other tactic;
 - i. reasonableness of use of force by other officer(s);
 - j. compliance with policy and training; and
 - k. actions and decisions of supervisor managing the activity.
6. The Public Safety Director, or designee, will conduct a documented annual review and summary of all foot pursuit incidents. The review and summary will include any emerging issues or concerns, a meaningful analysis of all foot pursuit incidents in the aggregate, and a review of pursuit policies and reporting procedures. This review is required even if no actual foot pursuits occurred during the review period.