

Policy 1505



Subject	
FOOT PURSUITS	
Date Published	Page
DRAFT 24 August 2020	1 of 8

By Order of the Police Commissioner

POLICY¹

- Justified Pursuits.** It is the policy of the Baltimore Police Department (BPD) that members may engage in Foot Pursuits with suspects only when there was Reasonable Articulate Suspicion (RAS) to believe that the suspect has committed, is committing, or is about to commit a crime. The mere act of flight alone by a person shall not serve as justification for engaging in a Foot Pursuit. Members are prohibited from basing an investigative stop only on a person's response to the presence of police, such as a person's attempt to avoid contact with a member or flight. See Policy 1112 Field Interviews, Investigative Stops, Weapons pat downs, and searches.
- Member, Community, and Suspect Safety.** When deciding to initiate or continue a Foot Pursuit, members must continuously balance the objective of apprehending the suspect(s) with the risk and potential for injury to BPD members, bystanders, or the suspects. Members must act reasonably, based on all of the circumstances.
- Supervision and Termination of a Pursuit.** When directed by a supervisor to terminate a Foot Pursuit, such an order shall be considered mandatory and the pursuit must be discontinued.
- Use of Force.** Members must use the tactics described below to avoid the use of unnecessary or excessive force during or at the conclusion of a Foot Pursuit. When a Foot Pursuit terminates with a suspect in custody, it is prohibited to use force to punish persons for fleeing, resisting arrest, or assaulting a member.

DEFINITION

Foot Pursuit — When a member pursues (on foot or bicycle) a person who is attempting to evade law enforcement.

Partner Splitting — When loss of visual contact, distance, or obstacles, separates partners to a degree that they cannot immediately assist each other should a confrontation take place.

Reasonable Articulate Suspicion (RAS) — A well founded suspicion based on specific, objective, articulable facts, taken together with the member's training and experience, that a subject has committed, is committing, or is about to commit a crime.

¹ ©1995-2014 Lexipol, LLC

DIRECTIVES**Decision to Pursue****Member**

1. The safety of BPD members, the suspect, and the public should be the primary consideration when determining whether a Foot Pursuit should be initiated or continued. Members must be mindful that immediate apprehension of a suspect is rarely more important than the safety of other members of the public and BPD members.
2. Members may engage in Foot Pursuits with suspects only when there is RAS to believe that the suspect has committed, is committing, or is about to commit a crime (with the exception of those instances identified below under prohibited actions) and when members reasonably believe that there is a valid law enforcement need to detain the suspect that outweighs the threat to safety posed by pursuit. The decision to initiate or continue such a Foot Pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

NOTE: Although Foot Pursuits are permissible under the above circumstances, members are expected to weigh the seriousness of the offense against the immediate need to apprehend and the consideration of member and public safety. For example, the need to immediately apprehend a curfew violator is minimal, while the need to bring an armed carjacking suspect to justice is more significant given the danger they pose to the public.

3. A member may not conduct a Foot Pursuit based **solely** on a person's response to the presence of police, including a person's attempt to avoid contact with a member (e.g., walking away, declining to talk, running away, or crossing the street to avoid contact). People may avoid contact with a member for many reasons other than involvement in criminal activity.
4. If otherwise consistent with this policy, a member **may** conduct a Foot Pursuit when a person in a location known for certain criminal activity runs, unprovoked, from the police **and** there is an articulable reason to believe the person is running because they are involved in the type of criminal activity prevalent in that location. In this situation, the member must be able to articulate the specific facts establishing RAS, including how the individual's unprovoked flight is linked to their suspected participation in the type of criminal activity prevalent in that location. Examples of facts that may establish a link between a person's unprovoked flight and the type of criminal activity prevalent in a location include: the member observes the person taking actions that are consistent with the commission of the particular crime prevalent at that location; the member has personal knowledge that the person has committed the crime previously; the member has personal knowledge that there was a recent call for service about that particular crime being committed at that location.

NOTE: Members shall avoid broad, boilerplate phrases such as "high crime area" when articulating justifications for Foot Pursuits and Investigative Stops (See Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches*).

5. Members are prohibited from intentionally provoking or attempting to provoke flight in an effort to justify an Investigative Stop or a Foot Pursuit. For example, a member may not drive at a high rate of speed toward a group congregated on a corner, perform a threshold brake, and exit quickly with the intention of stopping anyone in the group who flees.

4. Deciding to initiate or continue a Foot Pursuit is a decision that a member must make quickly and under unpredictable and dynamic circumstances. It is recognized that Foot Pursuits may place BPD members and the public at significant risk.
 - 4.1. Any doubt by participating members or their supervisors regarding the overall safety of any Foot Pursuit shall be decided in favor of communication, coordination, surveillance, and containment.
 - 4.2. Therefore, no member or supervisor shall be criticized or disciplined for deciding not to engage in a Foot Pursuit or ordering the termination of an ongoing pursuit based upon a reasonable assessment of the perceived risk to the member and those they are entrusted to serve.
5. Surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a Foot Pursuit, members should continuously consider reasonable alternatives based upon the circumstances and resources available, such as:
 - 5.1. Containment of the area.
 - 5.2. Saturation of the area with law enforcement personnel, including assistance from other agencies.
 - 5.3. A canine search.
 - 5.4. Thermal imaging or other sensing technology.
 - 5.5. Air support.
 - 5.6. Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the Foot Pursuit.

Prohibited Actions

1. Members shall not engage in a Foot Pursuit for:
 - 1.1. Curfew violations,
 - 1.2. Citation-only violations, or
 - 1.3. Non-arrestable violations.

NOTE: See Policy 1018, *Quality of Life Offenses – Core Legal Elements* for further guidance.

Pursuit Guidelines

1. Members should consider alternatives to engaging in or continuing a Foot Pursuit in the following circumstances. These circumstances create particularly high risk for the members and the public.

- 1.1. The member is acting alone.
 - 1.2. Two or more members become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single member keep the suspect in sight from a safe distance and coordinate the containment effort.
 - 1.3. The member is unsure of their location and direction of travel.
 - 1.4. The physical condition or size of the member relative to the suspect renders them incapable of controlling the suspect if apprehended.
 - 1.5. The member loses radio contact with the dispatcher or with assisting or backup members.
 - 1.6. The suspect enters a building, structure, confined space, isolated area, or dense or difficult terrain, and there are insufficient members to provide backup and containment. The primary member should consider discontinuing the Foot Pursuit and coordinating containment pending the arrival of sufficient resources.
 - 1.7. The member becomes aware of unanticipated circumstances that unreasonably increase the risk to members or the public.
 - 1.8. The member reasonably believes that the danger to the pursuing members outweighs the objective of immediate apprehension.
 - 1.9. The member or a third party is injured during the Foot Pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
 - 1.10. The suspect's location is no longer known.
 - 1.11. The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to BPD members or the public if the suspect is not immediately apprehended.
 - 1.12. The member's ability to safely continue the Foot Pursuit is impaired by inclement weather, darkness, or other environmental conditions, such as steep terrain, worn-out structures, piles of debris, etc.
 - 1.13. The presence of vehicular traffic in the area of the pursuit and risk of emergency vehicle response by additional members create safety concerns.
2. In the following circumstances, containment is preferred:
- 2.1. A member should not initiate or continue a Foot Pursuit if acting alone and the pursuit results in a member chasing two or more suspects simultaneously.

- 2.2. If two members engage two or more suspects and the suspects flee in different directions, the two members should not separate and should instead pursue a single suspect.
- 2.3. If two or more members have multiple suspects detained and one suspect flees, a member should not pursue the fleeing suspect if that leaves their fellow member(s) in a situation in which the number of detained suspects exceeds the number of members.
3. A member shall not initiate and/or continue a Foot Pursuit if the member knowingly loses possession of their firearm, radio, or other essential equipment which may endanger the member or public if recovered by another person.
 - 3.1 A member shall not initiate or continue a Foot Pursuit if the member reasonably believes that the danger to the public outweighs the objective of immediate apprehension.

Responsibilities in Foot Pursuits

Initiating Member Responsibilities:

1. Immediately activate your Body-Worn Camera (BWC), and ensure that the BWC is activated throughout the duration of the Foot Pursuit.
2. Unless relieved by another member or a supervisor, the initiating member shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating member should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient members are present to safely apprehend the suspect.
3. Early communication of available information is essential. Members engaging in a Foot Pursuit must initiate a radio broadcast **within the first few seconds** to ensure that adequate resources are coordinated and deployed to assist and manage the pursuit to a safe conclusion. The broadcast shall contain the following information, at minimum:
 - 3.1. Location and direction of travel.
 - 3.2. Unit identifier/call number.
 - 3.3. Reason for the Foot Pursuit, such as the crime incident type.
 - 3.4. Number of suspects and physical descriptions, to include name if known.
 - 3.5. Whether the suspect is known or believed to be armed with a dangerous weapon.
4. Members should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.
5. Absent exigent circumstances, any member unable to promptly and effectively broadcast this information should terminate the Foot Pursuit. If the Foot Pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

6. In the event that the suspect enters a building, structure, confined space, wooded or otherwise isolated area, the initiating member shall assess the situation, notify police dispatch of their location and determine whether to wait for the arrival of responding members and a supervisor so a perimeter around the area can be established.

NOTE: The SWAT Unit shall always be summoned in cases where the suspect is believed to be armed and has taken a defensive posture which would meet the definition of a barricaded person.

Two or More Members Responsibilities (Partners – Two Person Units):

1. Should try not to separate, and remain in sight of each other, and maintain communications. Partner Splitting can compromise the safety of members who lose their ability to assist or effectively communicate with each other. It also increases the risk that the members or innocent civilians will be caught in cross-fire. Because it is dangerous to members and the public, Partner Splitting should be used only when absolutely necessary to protect the public or members from imminent harm.
2. Should allow the primary member to concentrate on the suspect's actions while the second member provides back up and maintains contact with police radio and other responding members.

Assisting Member Responsibilities:

1. Whenever any member announces that they are engaged in a Foot Pursuit, all other members should minimize non-essential radio traffic to provide the involved members with maximum access to radio communications.
2. Respond in a safe manner, and take an active role in the apprehension of the suspect by assisting the initiating member.

Terminating a Foot Pursuit:

1. When a Foot Pursuit terminates, members shall not use more force than is necessary to arrest the suspect. It is prohibited to use force to punish persons for fleeing, resisting arrest, or assaulting a member.
2. When a Foot Pursuit terminates, the member will notify the dispatcher of their location and the status of the Foot Pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting needed medical aid for members, suspects, or other persons.

Supervisor Responsibilities

1. Upon becoming aware of a Foot Pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control, and coordination of the Foot Pursuit.

NOTE: Foot Pursuits are often difficult to supervise due to their short duration and the difficulty members may have speaking to the supervisor on the radio while running. Supervisors shall make a good faith effort to supervise under these challenging circumstances.

2. Respond to the area whenever possible. The supervisor does not, however, need to be physically present to exercise control over the Foot Pursuit. The supervisor shall continuously assess the situation in order to ensure the Foot Pursuit is conducted within established department guidelines.
3. Terminate the Foot Pursuit when:
 - 3.1. It reasonably appears either that the pursuit lacks a lawful purpose or is unsupported by RAS (e.g., cases of mistaken identity where actual suspect has been apprehended elsewhere).
 - 3.2. The danger to pursuing members or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.
 - 3.3. The pursuit is otherwise not in compliance with this policy.
4. Upon apprehension of the suspect, the supervisor shall:
 - 4.1. Promptly proceed to the termination location to direct the post-Foot Pursuit activity.
 - 4.2. Upon arriving at the scene, check for any injuries to victims, bystanders, members or suspects. All injuries shall be documented.
 - 4.3. If force was used, or misconduct is apparent or alleged, initiate an investigation consistent with policy (see Policy 1115, *Use of Force*; Policy 306, *Complaint Intake and Classification Procedures*).
 - 4.4. Review the incident with responding members for any issues regarding tactics or performance improvement. The supervisor shall review:
 - 4.4.1. BWC footage of the event from the initiating member and other responding members;
 - 4.4.2. Any written reports that were generated from the event;
 - 4.4.3. Any other information available regarding the incident.
 - 4.5. Evaluate whether the Foot Pursuit was in compliance with this policy. Assess:
 - 4.5.1. Whether opportunities for de-escalation or prevention of flight were missed and what tactics may have been useful;
 - 4.5.2. Whether, during the pursuit, any tactics used could have been improved;
 - 4.5.3. Whether any missteps were made, and if so, how those can be addressed or avoided in the future (e.g., through further training, mentorship, or shadowing).

Communications Section

Upon notification or becoming aware that a Foot Pursuit is in progress, the dispatcher is responsible for:

1. Clearing the radio channel of non-emergency traffic.
2. Coordinating pursuit communications of the involved members.
3. Requesting air assistance (Foxtrot).
4. Broadcasting pursuit updates as well as other pertinent information as necessary.
5. Ensuring that a field supervisor is notified of the Foot Pursuit.
6. Notifying and coordinating with other involved or affected agencies as necessary and practicable.
7. Notifying the Shift Commander as soon as practicable.

Reporting Requirements

Within the body of the narrative of offense reports and/or charging documents, members shall include details surrounding the Foot Pursuit:

1. RAS and/or probable cause for any offenses.
2. Reason and circumstances surrounding the Foot Pursuit.
3. Course and approximate distance of the Foot Pursuit.
4. Involved vehicles and members.
5. Any use of force.
6. Any injuries and/or medical treatment.
7. Any property or equipment damage.

ASSOCIATED POLICIES

Policy 306, *Complaint Intake and Classification Procedures*
Policy 824, *Body-Worn Cameras*
Policy 1018, *Quality of Life Offenses – Core Legal Elements*
Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs, and Searches*
Policy 1115, *Use of Force*

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for informing their subordinates of this policy and ensuring compliance.

DRAFT