

# Pursuits

Model Use of Force Policy

# The Policy

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## 1.1 – Key Concepts and Definitions

### A. Key Concepts:

1. Foot and vehicle pursuits are not themselves uses of force but may involve the use of force, including intervention tactics and the apprehension of a person following a pursuit.
2. Pursuits present substantial dangers to officers and members of the public, require strong justification, and must be conducted in accordance with this policy.

### B. Definitions:

1. **Crime of Violence:** A felony offense involving the infliction of death or serious bodily injury, or the threat of death or serious bodily injury.
2. **Fleeing:** A driver's act of increasing speed, taking evasive actions, or refusing to stop after a reasonable time, after an officer's use of voice, lights, or sirens to signal to that driver to stop. A vehicle driven by a fleeing driver is a **Fleeing Vehicle**.
3. **Vehicle Pursuit:** An active attempt by an officer in an authorized emergency vehicle to apprehend a person that is fleeing in a motor vehicle and attempting to flee from the officer.

## 1.2 – Preventing Foot Pursuits

### A. Prevention

This Department prioritizes preventing the need for officers to engage in foot pursuits. Officers should utilize the following strategies:

- Officers should take precautions when approaching individuals who are suspected of having committed offenses, to discourage and prevent individuals from fleeing on foot.
- Officers can use tactical positioning to block potential escape routes and should be aware of the angle of their approach.
- Officers can use their body language to affect an encounter—for example, to assert control over a situation or allow a person to feel comfortable in the situation, based on the officer's judgment of what will be most effective.
- Officers should maintain a calm demeanor and speak calmly to engage a person in a dialogue.

### B. Alternatives to a Foot Pursuit

Officers should consider the following alternative strategies:

- Containment of the area;
- Saturate the area with patrol personnel;
- Canine search;
- Aerial surveillance;
- Apprehension at another time and place if the person's identity is known or the officer has information that will likely allow such an apprehension.

Even if a foot pursuit is legally justified, containment and surveillance strategies are often the safest tactics officers can use to apprehend a person, and officers should use those strategies instead of a foot pursuit, when the circumstances allow.

## **1.3 – Authorization and Standard for Foot Pursuit**

### **A. Authorization for Foot Pursuit**

A foot pursuit is authorized only when:

1. Pursuing the person is legally justified because the officer has probable cause to believe that the person has violated a law or ordinance, or the officer has reasonable, explainable suspicion that would meet the requirements for a Terry stop; and
2. The benefit of immediately apprehending the person suspected of committing the offense outweighs the risks to public and officer safety.

### **B. Mere Flight Alone Insufficient for Pursuit**

Officers may not undertake a foot pursuit based only on the observation that a person is avoiding a police presence or fleeing police. People may avoid contact with a police officer for reasons that do not indicate criminal activity.

### **C. Risk Considerations for a Foot Pursuit**

In deciding whether to initiate or continue a foot pursuit, officers should consider the following risk factors that may make a pursuit more dangerous and less likely to end in a successful apprehension:

- Whether the officer is operating alone;
- Whether the officer is unfamiliar with the area;
- Whether the surroundings are challenging or confrontational;
- Whether the individual being pursued is known or suspected to be armed;

- Whether the officer will be able to maintain communications and obtain backup support in a timely manner;
- Whether the officer is physically able to pursue and successfully apprehend the person; and
- Inclement weather, darkness, or other reduced visibility conditions.

#### **D. Standard for Conducting a Foot Pursuit**

Upon deciding to initiate a foot pursuit, an officer must:

1. Identify themselves as a police officer and order the fleeing individual to stop.
2. Communicate with dispatch that they have initiated a foot pursuit. The officer should communicate: the officer's call-sign/identifier, the officer's location and direction, the reason for the foot pursuit, and any information known about the person being pursued.

#### **E. Limit on Number of Pursued Individuals**

Except in exigent circumstances, an officer operating alone may not pursue multiple individuals.

#### **F. Use of Firearms During a Foot Pursuit**

An officer must have their firearm holstered while running under most circumstances. If this policy authorizes the officer to unholster their firearm, they must proceed with extreme caution while running with an unholstered firearm. The officer must re-holster their firearm before physically restraining a person.

#### **G. Involvement of Plainclothes and Undercover Officers**

The involvement of plainclothes and undercover officers in a foot pursuit can pose special risks to officers and the public, as it may not be possible to immediately recognize these officers as police. Plainclothes officers must endeavor to make themselves readily recognizable as police officers by wearing an outer garment like a raid jacket as well as their official police identification.

#### **H. Prohibited Foot Pursuits**

Officers are prohibited from engaging in foot pursuits if the suspected criminal activity is a citation-only offense or non-arrestable offense.

### **1.4 Termination of a Foot Pursuit**

#### **A. Order to End Pursuit**

An officer must terminate a foot pursuit if directed to do so by their supervisor, at any time.

#### **B. Continuous Reassessment of the Benefits/Risks of Pursuit**

Officers must continually reassess whether the benefits of a foot pursuit outweigh the risks under the circumstances. If an officer is unable to determine whether the benefits of the pursuit outweigh the risks, the officer may not undertake the pursuit and must instead use alternative strategies.

### **C. Legal Justification Expires**

If the legal justification for the foot pursuit ceases, the pursuit must end. For example, if a person apprehended elsewhere is identified as the perpetrator of the offense, the person being pursued should no longer be considered a suspect.

## **1.5 – Authorization and Standard for Vehicle Pursuit**

### **A. Authorization for Vehicle Pursuit**

An officer may engage in a Vehicle Pursuit of a Fleeing Vehicle only when:

1. The officer determines that probable cause exists that a person in the Fleeing Vehicle has committed or attempted to commit a Crime of Violence;
2. The person's escape would pose an imminent threat of death or serious bodily injury to others;
3. The Vehicle Pursuit can be safely undertaken based on the factors set forth in this policy; and
4. The officer receives supervisory approval before initiating the Vehicle Pursuit.

### **B. Supervisory Approval Required**

Upon determining that the conditions authorizing a Vehicle Pursuit are met, the officer must promptly provide a supervisor with the circumstances surrounding the proposed Vehicle Pursuit. The supervisor who responds to the officer's call is responsible for determining whether a Vehicle Pursuit is justified and should be initiated. If the officer proposing to undertake a Vehicle Pursuit does not receive a response, the officer must not undertake the pursuit.

### **C. Risk Considerations for a Vehicle Pursuit**

In deciding whether to initiate or continue a vehicle pursuit, officers should consider the following risk factors that may make a pursuit more dangerous and less likely to end in a successful apprehension:

- Risk of the Fleeing person's conduct towards others;
- Information known about the Fleeing person;
- Physical location and road configuration, weather and environmental conditions, existence of vehicle and pedestrian traffic, and lighting and visibility;
- Relative performance capabilities of the officer's vehicle and the Fleeing Vehicle;
- Officer's training and experience; and
- Presence of other persons in the officer's vehicle or the Fleeing Vehicle.

## **D. Standard for Conducting a Vehicle Pursuit**

Upon deciding to initiate a Vehicle Pursuit, an officer must:

1. Communicate with dispatch that they have initiated a vehicle pursuit. The officer must communicate: the officer's call-sign/identifier, the officer's location and direction, the reason for the vehicle pursuit, a description of the Fleeing Vehicle and its occupants, the current speed of the pursuit, and traffic conditions.

The **officer—the primary pursuit unit—and any other pursuit units** directly involved in the Vehicle Pursuit must:

1. *Activate lights and sirens.* All pursuit units must activate emergency lights and sirens which must remain activated for the duration of the pursuit.
2. *Drive with caution.* All pursuit units must drive with caution, traveling at a reasonable and prudent speed and maintaining control of their vehicles. Units may not proceed through intersections with red lights, stop signs, or yield signs, without first ensuring that it is safe to continue through the intersection.
3. *Maintain a safe distance.* All pursuit units must maintain a safe distance from the Fleeing Vehicle and other vehicles so that they preserve visibility, avoid hazards, and can react to maneuvers by the Fleeing Vehicle.
4. *Relay information to dispatch.* The pursuit units should relay information to dispatch, including developments on the direction and location of the pursuit.
5. *Limit the number of pursuit units.* No more than three vehicles may be directly involved in a Vehicle Pursuit of one Fleeing Vehicle.

The **supervisor** managing the Vehicle Pursuit must:

1. *Monitor and oversee the pursuit.* The supervisor is responsible for monitoring the pursuit's progress and overseeing the pursuit, including monitoring radio transmissions, and proceeding in the direction of the pursuit's progress in non-emergency mode.
2. *Terminate the pursuit if necessary.* The supervisor must direct that the pursuit be terminated at any point when the supervisor determines that the risks of continuing the pursuit outweigh the benefits of immediate apprehension of the vehicle, or when the supervisor learns any information that causes the pursuit to no longer be justified.

**Uninvolved units** in the field should:

1. Monitor the progress of the pursuit. Uninvolved units should monitor the progress of the pursuit and may position themselves at intersections along the route of the pursuit to warn drivers and manage traffic.

2. Refrain from following the pursuit. Uninvolved units are prohibited from following the pursuit on parallel roadways or driving in emergency mode.

## **1.6 – Termination of a Vehicle Pursuit**

### **A. Continuous Reassessment of the Benefits/Risks of Pursuit**

The primary pursuit unit and the supervisor managing the pursuit must continually reassess whether the benefits of the Vehicle Pursuit outweigh the risks under the circumstances. These officers must terminate the pursuit whenever the risks of continuing the pursuit are no longer justified based on Available Information.

### **B. Circumstances when Pursuit Must be Terminated**

An officer must terminate a Vehicle Pursuit when:

1. The supervisor managing the pursuit directs that the pursuit be terminated.
2. The conditions in this policy authorizing the pursuit are no longer met.
3. The primary pursuit unit loses visual contact with the Fleeing Vehicle for fifteen seconds and the vehicle's location is no longer definitively known.

## **1.7 – Authorization for Vehicle Pursuit Intervention Tactics**

### **A. Authorization for Vehicle Pursuit Intervention Tactics**

The use of intervention tactics is authorized only when:

1. An officer believes, consistent with Available Information, that the continued movement of the Fleeing Vehicle would place others in imminent threat of death or serious bodily injury;
2. The risk of harm from the Fleeing Vehicle, if it continues to flee, is so great as to outweigh the risk of harm involved in forcibly stopping the vehicle; and
3. The officer receives supervisory approval to use intervention tactics.

### **B. Prohibited Intervention Tactics**

The following intervention tactics are prohibited:

1. Fixed roadblocks;
2. Moving or rolling roadblocks;
3. Ramming a vehicle;
4. Forcing Fleeing Vehicles off the road, including through boxing in; and
5. Discharging a firearm to stop a Fleeing Vehicle.

## **1.8 – Vehicle Pursuits Crossing Jurisdictions**

### **A. Vehicle Pursuits that Continue into Other Jurisdictions**

When a Vehicle Pursuit extends into another jurisdiction, the managing supervisor must determine if the other jurisdiction should be asked to assume the pursuit. A Vehicle Pursuit into a bordering jurisdiction must comply with the regulations of both jurisdictions and any applicable agreements between the jurisdictions. An officer's actions will continue to be governed by the policies of this Department.

### **B. Vehicle Pursuits from Other Jurisdictions**

When requested to join a Vehicle Pursuit that will continue from a neighboring jurisdiction into this Department's jurisdiction, a supervisor must determine whether the Vehicle Pursuit should be assumed by this Department and direct units accordingly.

## **1.9 – Reporting Requirements for Foot and Vehicle Pursuits**

### **A. Documenting Pursuit**

After a pursuit has terminated, the officer who initiated the pursuit must complete an incident report documenting the pursuit. Reports should include the following details: date and time of the pursuit, reason for the pursuit, distance and path of the pursuit, alleged offenses of the person who was pursued, the results of the pursuit, and any injuries or property damage that occurred as a result of the pursuit. All other officers involved in a Vehicle Pursuit should complete their own supplemental incident reports and, for a foot pursuit, supporting officers should supplement the pursuing officer's incident report as needed.

### **B. Reporting Use of Force**

If the pursuit involved any use of force, including a pursuit intervention that involved the use of force on a pursued vehicle, any officer using force must complete a use of force report.