

# **BPD POLICY REFRESHER:**

## **Use of Force & Pursuits**



Performance Review Board  
Training - 2021

# Performance Objectives

- Through facilitated discussion and case study analysis, learners will **evaluate a vehicle pursuit** as part of a PRB review of the initiation of the event, and compare the pursuit to BPD's Policy 1503, *Emergency Vehicle Operation and Pursuit Policy* to the satisfaction of the facilitator.
- Through facilitated discussion and case study analysis, learners will **evaluate a foot pursuit** as part of a PRB review of the initiation of the event, and compare the pursuit to BPD's Policy 1505, *Foot Pursuits* to the satisfaction of the facilitator.
- Through facilitated discussion and case study analysis, learners will **evaluate the elements of reasonable, necessary, and proportional** as they would during a PRB review to the satisfaction of the facilitator.

# Policy 1503, *Emergency Vehicle Operation and Pursuit Policy*



## Policy 1503

Subject

### **EMERGENCY VEHICLE OPERATION AND PURSUIT POLICY**

Date Published

**24 November 2019**

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*By Order of the Police Commissioner*

### **POLICY**

The purpose of this policy is to provide guidance on conducting safe emergency vehicle operations and pursuits. Members shall use sound judgement and discretion while upholding the sanctity of human life in all instances of emergency response and pursuit.

**While members must at all times comply with the minimum legal requirements governing the use of force, they must also comply with even stricter standards set forth by Departmental Policy.**

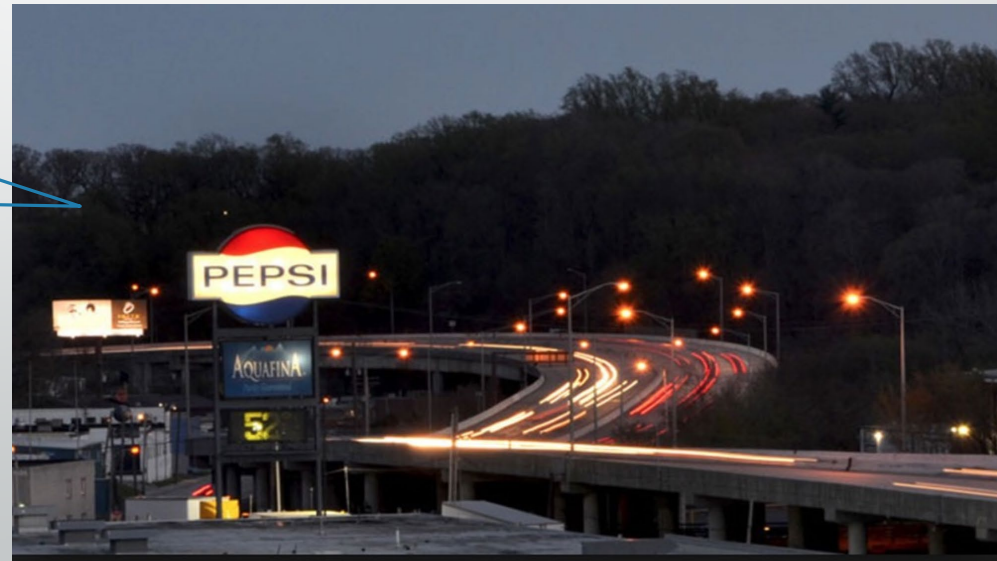
### **CORE PRINCIPLES**

1. **Member and Public Safety.** Members shall operate all vehicles with the utmost care and caution, and will comply with all traffic regulations. While operating in Emergency Response Mode, members shall comply with Maryland State Law governing emergency vehicle operations. Members shall weigh the risks of driving in Emergency Response Mode against the nature of the emergency.
2. **Sanctity of Human Life.** Members shall make every effort to preserve human life in all situations.
3. **Value and Worth of All Persons.** All human beings have equal value and worth and members shall respect and uphold the value and dignity of all persons at all times.
4. **Peaceful Resolutions.** Members shall avoid the Use of Force unless it is not possible to do so.
5. **De-Escalation.** Members shall use de-escalation techniques and tactics to reduce any threat or gain compliance to lawful commands without the Use of Force or with the lowest level of force possible (See Policy 1107, *De-Escalation*).
6. **Avoiding Escalation.** Members shall not do or say anything that escalates an encounter unless necessary to achieve a lawful purpose.
7. **Assessment.** Members shall continuously assess each situation and change the member's response as the circumstances change. Members may be justified in using force in one instance, but not justified in using force an instant later. This duty to assess includes the continuous assessment of circumstances before and after the member uses force.
8. **Use of Force: Reasonable, Necessary, and Proportional.** Members shall use only the force reasonable, necessary, and proportional to respond to the threat or resistance to effectively and

# Potential factors for weighing the risks of a Pursuit

- What is the underlying reason for the pursuit?
- What are the traffic conditions, including pedestrian and vehicular density?
- How are the weather conditions affecting road conditions?
- What kind of speed and maneuverability is the eluding vehicle capable of?
- Is the eluding vehicle heading towards a densely populated area?

Safety first!



# SUPERVISOR RESPONSIBILITIES

## CURRENT POLICY

- Upon notification that a pursuit has been initiated, supervisors shall use their discretion to:
  - Approve or disapprove the continuation of the pursuit
  - Direct additional units to join the pursuit

## PRB's PROPOSED UPDATE

- "Supervisors shall terminate authorization for a vehicle pursuit when the threat of danger or harm to citizens, including the subject of the pursuit, and the member's life has surpassed the lawful object of the pursuit."





# CASE STUDY



# Let's Discuss:



- What information did the officer have that informed his decision to pursue?
- Based on current BPD policy, should the officer have initiated the pursuit?
- What did you observe as good performance/tactics during the pursuit?
- What did you observe as performance/tactics that could be improved for future pursuits?

# Policy 1505, *Foot Pursuits*



## Policy 1505

Subject <b>FOOT PURSUITS</b>	
Date Published <b>9 February 2021</b>	Page <b>1 of 8</b>

*By Order of the Police Commissioner*

### POLICY

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.

### CORE PRINCIPLES

**Justified Pursuits.** 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 & 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.



# In order to initiate a foot pursuit, we need:



- RAS of a crime (not “lesser offense” or status offense), and
- Valid need to detain the suspect that outweighs potential to self, suspect, or community

# Listing Activity:

- Based on BPD policy, training, and experience, let's list some best-practices for a foot pursuit that we should look for:



# CASE STUDY





# Let's Discuss:

- The initiation of the pursuit
- The justification of the pursuit (including hypotheticals)
- During the pursuit; tactics
- Conclusion of the pursuit





# Policy 1115, *Use of Force*



## Policy 1115

Subject <b>USE OF FORCE</b>	
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*By Order of the Police Commissioner*

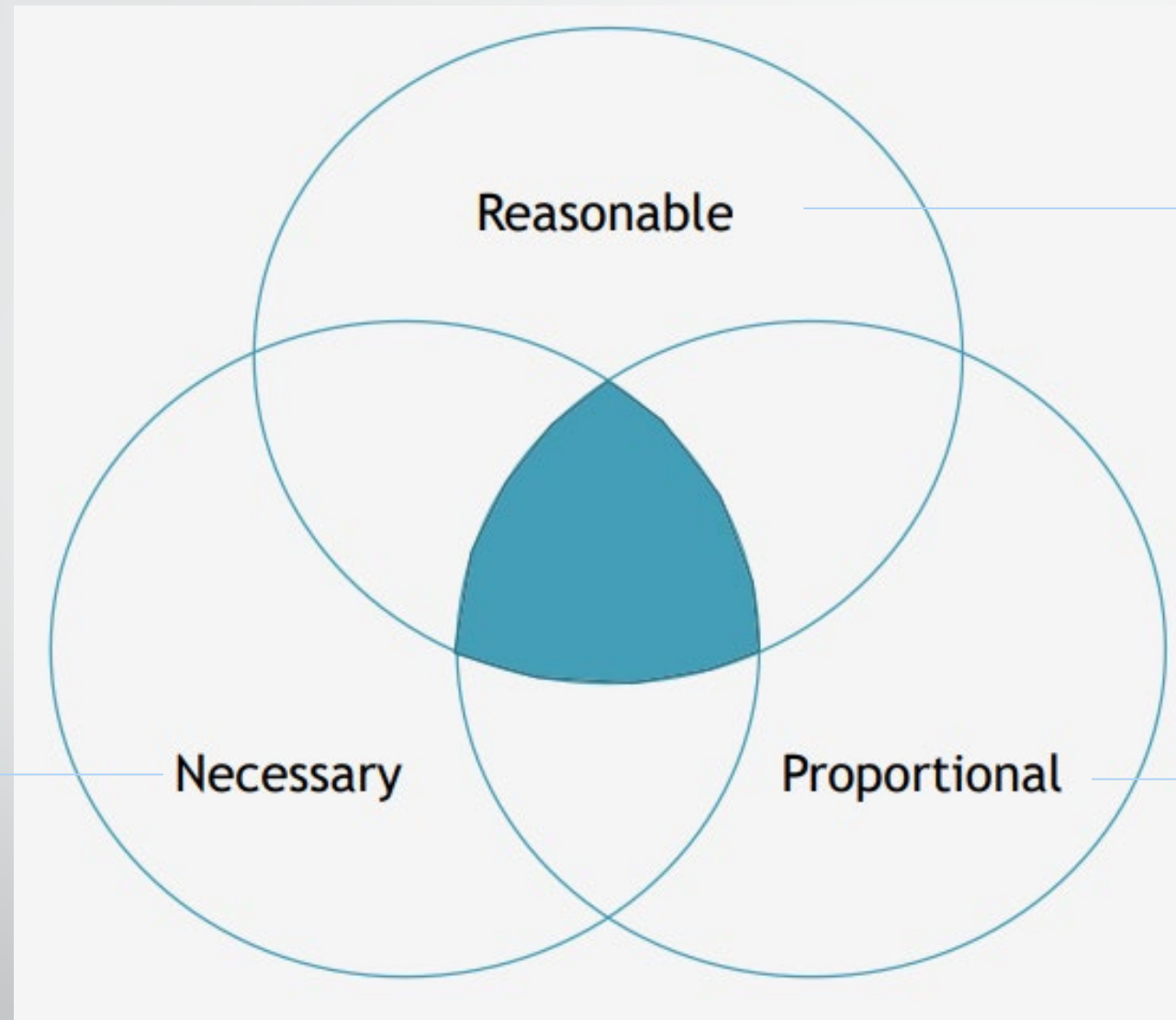
### POLICY

The purpose of this policy is to establish when a member may use force, and members' duties before, during, and after the Use of Force. The decision to use force requires careful attention and continual assessment of the situation, threats, options, and risks, with the goal of resolving the encounter peacefully.

**While members must at all times comply with the minimum legal requirements governing the Use of Force, they must also comply with even stricter standards set forth by Department policy.**

### CORE PRINCIPLES

1. **Sanctity of Human Life.** Members shall make every effort to preserve human life in all situations.
2. **Value and Worth of All Persons.** All human beings have equal value and worth and members shall respect and uphold the value and dignity of all persons at all times.
3. **Peaceful Resolutions.** Members shall avoid the Use of Force unless it is not possible to do so.
4. **De-Escalation.** Members shall use De-Escalation Techniques and tactics to reduce any threat or gain compliance to lawful commands without the Use of Force or with the lowest level of force possible (See Policy 1107, *De-Escalation*).
5. **Avoiding Escalation.** Members shall not do or say anything that escalates an encounter unless necessary to achieve a lawful purpose.
6. **Assessment.** Members shall continuously assess each situation and change the member's response as the circumstances change. Members may be justified in using force in one instance, but not justified in using force an instant later. This duty to assess includes the continuous assessment of circumstances before and after the member uses force.
7. **Use of Force: Reasonable, Necessary, and Proportional.** Members shall use only the force Reasonable, Necessary, and Proportional to respond to the threat or resistance to effectively and safely resolve an incident, and will immediately reduce the level of force as the threat or resistance diminishes.
8. **Reporting Use of Force.** Each member who uses force, or observes another member or members use force, shall immediately notify their supervisor, and will accurately and completely report the Use of Force by the end of their tour of duty (See Policy 725, *Use of Force Reporting, Review, and Assessment*).



The **need** to use force

**Necessary**

**Reasonable**

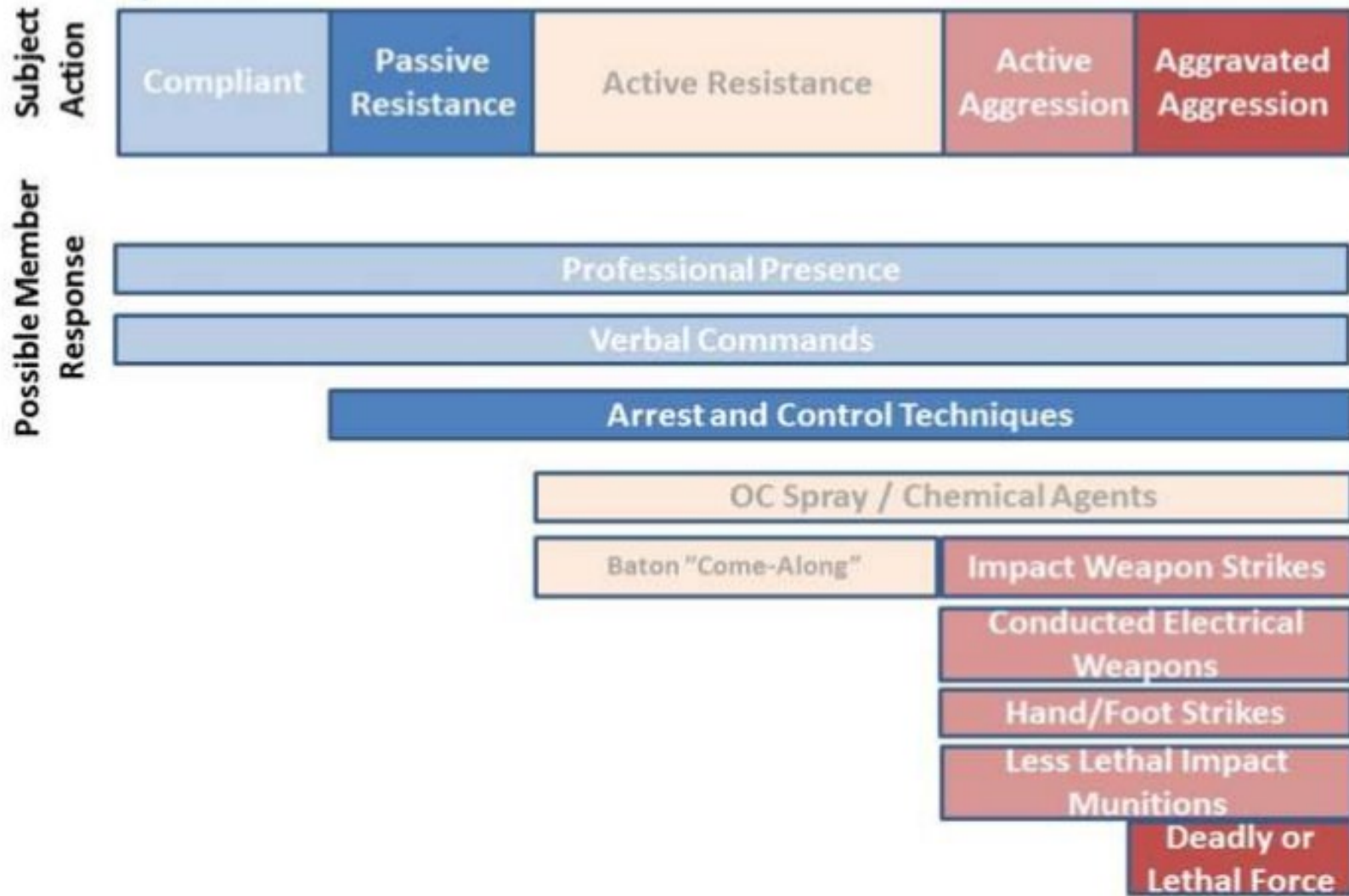
**Proportional**

The **amount** of force used

The **type** of force used

BPD Members may use force that is reasonable, necessary, and proportional

BPD Members must continually evaluate situation and attempt to de-escalate



# CASE STUDY



[Click here to review the case study](#)



Case Study  
(diff. angle)



# Let's Discuss:

Was the use of force:

- Necessary?
- Reasonable?
- Proportional?





# Gots? Needs? Questions?



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