


**LEESBURG POLICE DEPARTMENT
REGULATIONS AND GENERAL ORDERS MANUAL**

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Title: FOOT PURSUITS		
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I. PURPOSE

Foot pursuits, if not initiated and conducted properly, can be dangerous for officers, bystanders, and suspected offenders. Problems relating to communication and to strategic and tactical decisions, including when officers engage in solo foot pursuits need to be addressed to minimize risk to all involved. The purpose of this policy is to establish a balance between protecting the safety of the public and police officers during police pursuits on foot and law enforcement's duty to enforce the law and apprehend suspects.

II. POLICY

Foot pursuits are inherently dangerous police actions. It is the policy of this department that officer and public safety shall be the overriding consideration in determining whether a foot pursuit will be initiated or continued. Foot pursuits occur in a wide variety of circumstances. Therefore, this policy is intended to provide overall direction and guidance to officers when deciding if such pursuits are warranted and how they should be conducted.

III. DEFINITIONS

A. Foot Pursuit

A situation in which an officer, on foot, chases a suspect in an effort to detain or arrest that individual, whom he or she has reasonable suspicion to believe is about to commit, is committing, or has committed a crime, and is resisting apprehension by fleeing from the officer on foot.

B. Unprovoked Flight – Legal Grounds to Support Foot Pursuit

An officer has the authority to stop any person with or without a warrant when there is reasonable suspicion to believe that the person has committed or is about to commit a criminal offense or the officer otherwise has lawful grounds to detain or arrest the suspect.

1. The United States Supreme Court has ruled that an officer who has reasonable, articulable suspicion that criminal activity is afoot may conduct a brief, investigatory stop, Terry v. Ohio, 392 US 1 (1968).
2. Officers may detain (not arrest) a person if they are aware of facts constituting "reasonable suspicion" to believe the person was committing a crime. Alabama v. White, 496 US 325 (1990).
3. However, to arrest a person, an officer needs "probable cause" which is a greater threshold than "reasonable suspicion. In the absence of direct evidence that the suspect was committing a crime, officers must rely on circumstantial evidence, furtive gestures, the suspect's nervousness, time of day or night, location (area of high narcotic sales or activity, etc).
4. Although none of these circumstances alone will usually justify a detention, various combinations of them will. It is important to note that flight alone does not constitute sufficient legal justification to detain or arrest an individual. The Supreme Court, in Illinois v. Wardlow, 529 US 119 (2000), while acknowledging that unprovoked flight is suggestive of wrongdoing, rejected the argument that a detention is always justifiable when a suspect flees upon "seeing a clearly identifiable police officer." Flight must be accompanied by one or more other factors that together provide sufficient justification to support a temporary investigatory stop.
 - a. The Court stated that there are "unquestionably circumstances in which a person's flight is suspicious, and undeniably instances in which a person runs for entirely innocent reasons." Officers must state in their Case Reports, or any other applicable reports, in detail as to why they reasonably

believed the suspect saw them, recognized them as police officers, and whether they were in uniform or traveling in a marked or unmarked vehicle, etc.

IV. Preventing Foot Pursuits

While officers cannot totally prevent suspects from fleeing if the suspect chooses to make the attempt, officers can make it more difficult or reduce the likelihood of flight by taking simple preventive measures. The following measures should be followed to reduce the likelihood of becoming involved in a foot pursuit:

1. Stay alert by remembering that escape is an option that most suspects have on their mind, regardless of the circumstances;
2. Officers should always look for early signs of escape (e.g., the suspect may glance at a potential escape route or may move a foot in one direction or shift his or her weight when deciding whether or not to flee). If a suspect is standing with both feet pointed in one direction away from the officer, it should be considered a sign that the suspect is considering flight;
3. If an officer is on foot preparing to make a "Terry Stop", whenever possible, the officer should approach the suspect when the suspect is situated in front of a barrier such as store front, fence, etc. Approaching a suspect standing in an open area, such as an alley or field, provides him or her with a flight advantage.

V. FOOT PURSUIT PROCEDURES

A. Deciding Whether to Pursue

General

1. The officer's decision to pursue should always be undertaken with an awareness of the degree of risk to which the officer exposes themselves or others;
2. A police officer may pursue a person on foot under the following circumstances:
 - a. When the officer reasonably believes that the suspect has committed or is about to commit a crime that would permit the officer to detain or arrest the suspect.
 - b. When a police officer reasonably believes that the suspect poses an immediate threat to the safety of the public or other police officers.
 - c. Flight alone does not constitute legal justification to detain or arrest an individual.
 - d. No officer or supervisor shall be criticized or disciplined for a decision not to engage in a foot pursuit if, in the officer's assessment, the risk exceeds that reasonably acceptable under the provisions of this and related department policy and training.
3. In deciding whether or not to initiate a pursuit, an officer shall consider the following
 - a. Alternatives to foot pursuit:
 - b. Containment of the area
 - c. Canine search
 - d. Saturation of the area with patrol personnel
 - e. Apprehension at another time and place when the officer knows the identity of the subject or has other information that would likely allow for later apprehension
4. In deciding whether to initiate or continue a foot pursuit, officers shall also consider risk factors whenever officers are acting alone, in an unfamiliar area, or in an area that is hostile. Those factors may be:
 - a. Whether the suspect is believed to be or known to be armed.
 - b. Suspect's behaviors:
 - (1). Looking back may be an indication the suspect is targeting or "sizing up" a pursuing sworn member.
 - (2). Change in stride or pace or efforts to draw a sworn member in or allow a sworn member to close may indicate the suspect is preparing for an attack.
 - (3). Hand and shoulder movement is an indicator the suspect may be reaching into the waistband or other threat areas.
 - (4). Holding an area of clothing to keep a weapon from falling out.
 - c. Conditions:
 - (1). Locations:
 - (a). Residential.
 - (b). Commercial.

- (c). Roadways.
- (d). Schools.
- (e). Wooded or isolated areas.
- (2). Environmental factors: Weather or darkness.
- (3). Communications.
- (4). Availability and proximity of cover units.
- d. Sworn member's characteristics:
 - (1). Physical conditioning and abilities.
 - (2). Familiarity with the area.

B. Initiating Officer's Responsibilities

1. Officers initiating foot pursuits shall be in field command and shall bear operational responsibility for the foot pursuit unless circumstances dictate otherwise or until relieved by a supervisor. Pursuing officers are reminded that voice transmissions while running and in other field tactical situations may be difficult to understand and may have to be repeated.
2. The officer initiating a foot pursuit shall, as soon as practical, provide the following information to ECC:
 - a. Unit identifier
 - b. Reason for the foot pursuit
 - c. Officer location and direction of pursuit
 - d. Number of suspects and description
 - e. Whether or not the suspect(s) is armed

C. Foot Pursuit Coordination

1. The primary (initiating) officer shall immediately coordinate directly or indirectly through the ECC and with secondary officers to establish a perimeter in the area to contain the suspect(s).
2. Generally, the primary officer shall not try to overtake the fleeing suspect but shall keep him in sight until sufficient manpower is available to take him into custody.
3. Assisting officers shall immediately attempt to contain the pursued suspect. Such officers shall not respond to the primary officer's location unless the suspect has been stopped and the primary officer requests assistance to take the suspect into custody.
4. When two or more officers are in pursuit, they shall not separate unless they remain in sight of each other and maintain communication, but they shall allow the lead officer to concentrate on the suspect's actions while the second officer provides backup and maintains communications with dispatch and other assisting officers.

D. Guidelines and Restrictions

1. The pursuing officer shall terminate a pursuit if so instructed by a supervisor.
2. Unless there are exigent circumstances such as an immediate threat to the safety of other officers or civilians, officers shall not engage in or continue a foot pursuit under the following conditions:
 - a. If the officer believes the danger to pursuing officers or the public outweighs the necessity for immediate apprehension.
 - b. If the officer becomes aware of any unanticipated circumstances that substantially increases the risk to public safety inherent in the pursuit.
 - c. The preferred action while acting alone is for the lone officer to keep the suspect in sight from a safe distance and coordinating containment.
 - d. Into buildings, structures, confined spaces, or into wooded or otherwise isolated areas without sufficient backup and containment of the area. The primary officer should stand by, radio his or her location, and await the arrival of officers to establish a containment perimeter. At this point, the incident shall be considered a barricaded or otherwise noncompliant suspect, and officers shall consider using specialized units such as Emergency Response Team personnel (tactical or negotiators), aerial support, or police canines.
 - e. If the officer loses possession of his firearm.

- 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 suspect's location is no longer known.
 - h. If primary officers lose communications with ECC or communication with backup officers is interrupted.
 - i. If an officer or third party is injured during the pursuit who requires immediate assistance and there are no other police or medical personnel able to render assistance.
 - j. If the officer loses visual contact with the suspect.
 - k. If the officer is unsure of his or her own location or direction of travel.
3. When the pursuing officer terminates the pursuit he or she shall notify ECC with his or her location and request any assistance deemed necessary.
 4. Supervisor's Responsibilities

Upon becoming aware of a foot pursuit, the supervisor shall decide as soon as possible whether pursuit should continue.

- a. The supervisor should allow the foot pursuit to continue if:
 - (1). There is a reasonable belief that the suspect has committed an act that would permit the officer to detain the suspect, or
 - (2). There is a reasonable belief that the suspect poses an immediate threat to the safety of the public or other police officers, or
 - (3). The pursuit does not violate provisions of this or related department policy, procedures, or training.
 - (4). Supervisors should make every possible effort to insure that there are at least two officers working in tandem in the foot pursuit
- b. The supervisor shall terminate a foot pursuit at any time he or she concludes that the danger to pursuing officers or the public outweighs the necessity for immediate apprehension of the suspect.
- c. The supervisor shall take command, control, and coordinate the foot pursuit as soon as possible.
- d. As in any tactical incident, the supervisor does not have to be physically present to assert control over the situation.
- e. Once the foot pursuit has concluded, the supervisor shall proceed to the terminus of the pursuit to assert post-pursuit discipline and control as needed.

E. ECC Responsibilities

1. Upon being notified that a foot pursuit is in progress, communications personnel shall immediately notify the field supervisor and provide all available information.
2. Communications personnel shall carry out the following responsibilities during a foot pursuit:
 - a. Receive, record, and immediately report incoming information on the pursuit, the officers involved and the suspect.
 - b. Control all radio communications and clear the radio channels of all nonemergency traffic.
 - c. Coordinate and dispatch backup assistance and air support units under the direction of the field supervisor.