

## Foot Pursuits

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### Concepts and Issues Paper

February 2003

## I. INTRODUCTION

### A. Purpose of Document

This paper is designed to accompany the Model Policy on Foot Pursuits established by the IACP National Law Enforcement Policy Center. This paper provides essential background material and supporting documentation to provide a greater understanding of the developmental philosophy and implementation requirements for the model policy. This material will be of value to law enforcement executives in their efforts to tailor the model to the requirements and circumstances of their community and their law enforcement agency.

### B. Background

The scenarios in which foot pursuits are initiated are repeated daily. A speeding motor vehicle abruptly turns off the highway or becomes disabled. The suspects—often pursued for vehicle theft, suspicion of drug possession, or fleeing a potential drunk driving or related violation—bail out of the vehicle and begin to run. In other situations, suspects may flee on foot at the sight of police approaching, or turn and run when officers attempt to place them into custody. The situations that precipitate foot pursuits are innumerable and it is beyond the scope of this document to treat them individually. What can be examined here are some of the principles and rules that should be remembered when determining whether to initiate or terminate a pursuit and the procedures to follow during pursuits.

## II. PROCEDURES

### A. Prevention/Detection of Foot Pursuits

No officer wants to become engaged in a foot pursuit if it can be avoided. While officers cannot totally prevent suspects from fleeing if the suspects choose to make the attempt, officers can make it more difficult or reduce the likelihood of flight by taking simple preventive measures. For example, always stay on guard by remembering that escape is an option that most suspects have on their mind, regardless of the circumstances. Officers should always look for early signs of escape. The suspect may glance at a potential escape route or may move a foot in one direction or

shift his weight when deciding whether or not to flee. If the 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.

If an officer is on foot and preparing to make a *Terry* stop or field inquiry, whenever possible the officer should approach the subject when the subject is situated in front of a barrier such as a store front, a fence, high hill or drop off, or similar location that diminishes the options for flight. Approaching a suspect standing in an open area, such as an alley or field, provides him with an unnecessary flight advantage.

Officers often have even more discretion in selecting a site for stopping motorists. The principles of limiting the possibilities and avenues for flight pertain here as well. In addition, officers should be careful when stopping vehicles in potentially hostile environments (such as notorious street drug markets) where the subject's temptation to flee may be increased based on a belief that it will provide safe haven. Stopping the vehicle next to a fence, Jersey barrier, or other natural or manmade encumbrance will reduce the potential avenues for flight.

Once the suspect has stopped, an officer can often sense whether the suspect is motivated to flee by paying close attention to his body language. Glancing to one side and then another, leaning one's body in a given direction, remaining on the balls of the feet rather than standing flat footed with arms dangling—all can signal the intent or potential of flight.

### B. Deciding Whether to Pursue

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 subject. It should be remembered however, that flight alone does not constitute sufficient legal justification to detain or arrest an individual. Flight must be coupled with one or more other factors that together provide sufficient justification to support reasonable suspicion to support a temporary investigative detention.<sup>1</sup>

The decision to pursue a fleeing suspect should not be regarded as a required or even prudent action in all instances. The safety of the pursuing officer(s), fellow officers who may respond, and the public is the primary concern. It is often better that a sus-

pect should escape than that an officer should take unnecessary risks that could pose unreasonable danger to officers and others. Internal studies conducted in one of the nation's largest police departments reveal a pattern of personal injuries up to and including death that are associated with foot pursuit.

In addition, between 1990 and 1999, nearly 75 percent of officers feloniously killed died within a 10-foot radius of the offender.<sup>2</sup> This fact raises the issue of planning and strategy, for once an officer comes within close radius of the suspect on foot he or she must have a plan for subduing the suspect. Tackling a seemingly unarmed suspect, for example, is inherently dangerous, and rushing into close proximity of the suspect to make the arrest—an action that is typical of police officers—can result unnecessarily in hand-to-hand or armed combat. These are among the many factors that must be considered if a decision is made to initiate a foot pursuit. Because of the inherent and demonstrated dangers involved in foot pursuits, it should be a matter of agency policy that officers should not be criticized or sanctioned for making a rational and professionally informed decision not to engage in or to terminate a foot pursuit.

Even though the decision to pursue must normally be made quickly, officers should develop a plan for conducting a foot pursuit that includes a number of factors such as alternatives to foot pursuit and an assessment of unreasonable dangers and risks. Officers should continue to assess and reevaluate the propriety of the foot pursuit as it progresses.

**Alternatives to Foot Pursuit.** Officers should consider—given the location, surroundings, seriousness, and urgency of the situation—whether there are reasonable alternatives to foot pursuit at their disposal.

For example, if aerial support is available, it may be better to request such assistance in a variety of situations, such as pursuing persons in and around neighborhoods, in wooded areas, after dark, and in related situations where cover is readily available and the chances of ambush more likely.

In other situations the use of area containment may be more advisable than foot pursuit. For example, in situations where the suspect flees into a nonpublic building, securing the building with backup officers followed by a systematic search would generally be preferable. Suspects who flee into such buildings generally have a good understanding of their surroundings and are at a distinct advantage. In many instances, officers pursuing individuals in these environments have encountered booby traps and other prearranged threats and obstacles.

In the foregoing situation and in others, the use of a canine is another alternative that should not be overlooked. Building searches, open field searches, contained areas such as junkyards and related locations that provide cover and concealment options for suspects are often best suited for use of a canine. In these and related situations, officers may classify the situation as a barricaded or otherwise non-compliant subject and follow protocols for containment and the call out of specialized services such as SWAT.

Another alternative is the use of saturation patrol. Saturating a neighborhood or other area with officers provides the opportunity to contain the suspect, block his paths of escape, and intercept him through coordination of officer movements.

Finally, if the officer can identify the suspect and there is reason to believe that he can be located at a later time, it may be more prudent not to attempt to catch the suspect on foot. Of course, decisions such as these depend in part on the seriousness of the offense and the potential for harm should the suspect be

allowed to flee.

**Risk Factors.** There are a number of risk factors that officers should consider when deciding whether to initiate or continue a foot pursuit. These include but are not limited to the following.

❑ **Acting alone**

Normally, conducting a foot pursuit alone is far too dangerous an undertaking to be permissible. Here, as in other situations, however, it is difficult to state categorically that officers acting alone should not conduct foot pursuits, and an overriding rule may be applied. That is, in the officer's professional judgment, the foot pursuit should not be conducted if the officer believes that the danger to the pursuing officer or the public outweighs the need for immediate apprehension.

❑ **Area familiarity**

Officers who are unfamiliar with the area in which the pursuit will be conducted are also at a serious disadvantage to the suspect. In these situations there is a greater likelihood that the suspect will be able to take advantage of obstacles, hiding places, terrain, and other factors that the officer cannot anticipate and plan for. In these environments, officers are more likely to be led into clotheslines, over fences, or into other obstacles, such as booby traps known only to the suspect. If the officer should become disabled, particularly while acting alone, the situation can become life-threatening.

❑ **Area hostility**

Some locations, such as those in which known drug dealing is prevalent, are inherently more dangerous to officers on foot. Persons fleeing in these areas have the advantage of being on their own turf and recognize that members of the community will typically not provide officers with any meaningful cooperation or may even assist the suspect or intervene on his behalf if the officer attempts to place him under arrest. Officers who are on foot pursuit in such areas are at a significant strategic disadvantage.

❑ **Armed suspect**

Chasing an armed suspect is intrinsically more dangerous than chasing one who is not. However, officers cannot always be certain that a suspect is not armed just because no weapon is visible. Additionally, foot pursuit of a fleeing suspect who is visibly armed with a handgun has significant bearing on the tactics that officers should use during the pursuit and the need to take greater advantage of cover. Such added risks provide greater support to exploring alternatives to foot pursuit.

❑ **Multiple suspects**

The risks presented when dealing with multiple suspects mandate the use of backup officers and other options. The initial dilemma is which of the fleeing suspects to pursue and the added concern that other suspects who are not pursued may ambush the officer or come to the aid of their colleague once that person is subdued.

❑ **Available backup**

Normally, officers working alone, and particularly those working in rural environments who cannot expect ready backup assistance or support, should not engage in foot pursuits. Again, this admonition must be weighed in the context of the situation given a reasonably trained and experienced officer. Take for example the scenario in which an officer conducts a traffic stop for a minor moving violation. Once the suspect vehicle stops, the operator immediately exits the vehicle and flees on foot. If the officer's vehi-

cle is equipped with video recording equipment, it is after dark, and there is no immediate back up, a foot pursuit would not be advisable. This decision is reinforced by the fact that the suspect may have been recorded on video when exiting the vehicle. If, on the other hand, there was reason to believe that the suspect operator posed a significant threat to the officer or the community, requests for backup alternatives such as aerial support and coordinated ground search with canines may be warranted.

#### ❑ **Officer fitness levels**

Engaging in a foot pursuit creates a tremendous strain on even the more physically fit officers. Typically an officer is at a disadvantage wearing soft body armor, pounds of equipment attached to the duty belt, slacks, and duty shoes as often compared to a young suspect wearing shorts, running shoes, and a T-shirt. This disadvantage can be accentuated in hot weather and the fact that the officer(s) most often begin a foot pursuit spontaneously, all of which makes overexertion more likely and more rapid. Under these and other conditions an officer can become exhausted running even short distances at a sprint and then find himself or herself in a precarious physical position when having to subdue and secure the suspect or, even worse, if the suspect attempts to overcome the officer. Officers who are seriously out of condition are not typically capable of conducting foot pursuits and even officers who are in good physical condition should be aware of the added risks that they face due to the equipment they must carry and wear.

#### ❑ **Communications**

Maintenance of constant communication with dispatchers and other members of the foot pursuit operation is absolutely essential for officer safety and effectiveness of the pursuit. Officers need to maintain ongoing communication of their location and circumstances for their safety and the safety of other responding officers. Where multiple officers are conducting foot pursuit and search operations, tactical communications between these officers will allow them to better organize the search, rapidly respond to changes on the ground, and help ensure that officers are not misidentified for the suspect or caught in crossfire situations. Where communication is lost between dispatch and officers involved in foot pursuit, the pursuit should be terminated.

#### ❑ **Weather and darkness**

Inclement weather and darkness can become another risk factor that should be weighed by officers. Obviously, reduced visibility is a primary concern during foot pursuits as it provides more opportunity to hide and evade capture or to create an ambush for the officer(s). Inclement weather also makes it more difficult to maneuver and maintain one's footing.

Unless there are exigent circumstances, such as an immediate threat to the safety of other officers or civilians, officers should not normally engage in or continue foot pursuits in the following situations.

- ❑ While acting alone—although, if exigent circumstances warrant, the lone officer should consider keeping the suspect in sight and/or confined from a safe distance until backup personnel can be coordinated to effect containment
- ❑ Into buildings, structures, confined spaces, or wooded or otherwise isolated areas without sufficient backup and containment of the area
- ❑ If the officer believes the danger to pursuing officers or the

public outweighs the necessity for immediate apprehension

- ❑ If the officer loses possession of his or her firearm
- ❑ If the suspect's identity is established where the suspect may be apprehended at a later time with a warrant and there is no immediate threat to the officers or the public
- ❑ If the suspect's location is no longer known
- ❑ If communications is lost between officers or with central dispatch
- ❑ If there is a person injured during the pursuit and there are no police or medical personnel able to render assistance
- ❑ If the officer becomes aware of unanticipated circumstances that substantially increase the risk to public safety inherent in the pursuit
- ❑ If the officer loses visual contact with the suspect or is unsure of his location or direction of travel

### **C. Foot Pursuit Coordination**

The officer who initiates the pursuit should immediately contact the communications center and directly or indirectly through dispatch coordinate with a secondary officer to establish a perimeter to contain the suspect. Generally, the primary officer should not try to overtake the fleeing suspect but should keep him in sight until sufficient manpower is available to take him into custody.

In the event that the suspect enters a building, structure, confined space, or wooded or otherwise isolated area, the primary officer should stand by, radio his or her location, and wait for the arrival of backup officers to establish a perimeter around the area. Officers should not pursue suspects into such confined or isolated areas alone. In these instances, the situation should be regarded as a barricaded or otherwise noncompliant suspect and consideration should be given to using specialized units such as special weapons and tactics teams, crisis response teams, aerial support, canines, or other additional services.

Officers responding to the location of a foot pursuit should attempt to contain the suspect where appropriate rather than try to immediately locate the primary officer in the pursuit. Backup officers should not join the primary officer unless the suspect has been stopped and the primary officer requests assistance to make an arrest. Where two officers initiate a foot pursuit together, they should not separate unless they remain in sight and in communication. One officer should take the lead in the pursuit while the other provides backup and maintains communication with dispatch and other assisting officers who may be arriving to provide backup.

### **D. Initiating Officer Responsibilities and Tactics**

Should an officer or officers decide that a foot pursuit is warranted and prudent under the circumstances, they place themselves in a field command situation and bear operational responsibility for the pursuit unless circumstances dictate otherwise or until relieved by a supervisor.

As soon as it is practical, initiating officers should provide the following information to the department's communications center:

- ❑ Unit identifier
- ❑ Reason for the foot pursuit
- ❑ Officer location and direction of travel
- ❑ Suspect(s) and descriptions
- ❑ Whether the suspects are armed

Pursuing officers should update their location and situation as frequently as possible and make requests for backup as required. They should keep in mind that while running and in other tacti-

cal situations communications may not be understood and may have to be repeated.

*No foot pursuit is "routine."* Persons who run from the police do so for many reasons but a large number do so because they know that their capture will probably result in incarceration for the incident offense and/or other crimes as yet unknown to the pursuing officer. This warrants a high level of caution for police officers engaged in such pursuits.

On the other hand, many persons flee simply because they panic. It is not uncommon for so-called joy riders to bail out of stolen vehicles for this reason. Even otherwise upstanding adults may panic for fear of the impact an arrest—often for drunken driving or possession of drugs—will have on their family, their reputation, or their employment. With this in mind, officers should consider, when deciding to engage in a foot pursuit, if the known offense justifies this action. There have been situations in which pursuits for minor offenses have escalated into more serious confrontations, resulting in serious injury or death to the officer and the suspect. For example, there have been instances in which suspects being pursued for minor offenses have barricaded themselves and taken hostages in a frantic and irrational attempt to evade the police. Others who would not normally be considered dangerous have similarly engaged officers in physical confrontations.

This is not to suggest that officers should not engage in foot pursuits simply because the basis for the initial stop involved a seemingly minor offense. Many persons run because they have something as serious or even more serious to hide. It is meant to say that foot pursuits—like vehicular pursuits—can spiral and have spiraled into situations with far more serious consequences for officers and suspects alike than the original basis for the stop. Foot pursuits are adrenaline-filled, highly charged events that can result and have resulted in charges against officers of excessive force, either because of the officer's overreaction or because of the physical resistance of the suspect. And, as with some vehicular pursuits, it is often the more prudent action to back off or terminate the pursuit rather than risk unnecessary injury to officers, suspects, or innocent bystanders.

When a suspect flees he may or may not know the territory in which he is running. It is more likely that he does if he was on foot at the time of initiating the stop. Whether he does or not, the pursuing officer should attempt to follow the suspect's path of flight so that in case there are hidden objects or obstacles the suspect will be the first to encounter them. The exception to this rule is when the subject enters closed area such as tunnels or alleys where the potential exists for officers to be trapped in what is commonly referred to as the "fatal funnel." In these and similar situations, officers should attempt to parallel the path of the subject so that he will not know the pursuing officer's exact location.

Officers should use good safety strategies such as assessing, selecting, and moving from cover to cover as he or she pursues the suspect. Similarly, the officer should use distance from the suspect as a protective barrier and increase or decrease the distance as the pursuit ebbs and flows.

When climbing fences and walls officers should consider using a spot other than that where the suspect climbed over and ensure by sight or sound that the subject is not laying in wait on the other side for an ambush. When rounding the corners of buildings officers should be particularly careful. Generally, taking a wide sweeping turn around corners will allow an officer an advantage and more reaction time should the suspect be waiting on the other side.

Nighttime foot pursuits are inherently more dangerous because of the reduced visibility. Engaging in a foot pursuit under such conditions requires greater justification. For example, the suspect should normally be deemed a danger to officers or others if allowed to escape and there should be a reasonable likelihood of capture in a relatively short period of time. Nighttime or low-light pursuits require aerial support for safety and effectiveness and generally the additional assistance of backup officers for containment.

Pursuit in low light or nighttime conditions also creates the added potential of injury due to falls over unseen objects such as lawn sprinkler heads, clotheslines, or numerous other objects, some of which might be known to the suspect who leads the officer into them. If a flashlight must be used, this also creates a convenient tip-off to the suspect of the officer's location and an easier target should the suspect be armed. For these and other reasons, pursuit in low-light and nighttime conditions requires significant justification and extreme caution.

Carrying a handgun while pursuing a suspect on foot can be problematic but the choice is dependent on the circumstances. If the suspect is a known violent felon or is known to be armed, ready availability of the firearm may be essential, particularly if the officer and suspect are in relatively close proximity. However, when running, a handgun creates an imbalance to the officer, it can more easily discharge causing harm to the officer or others, can be dropped if the officer falls, and can be a disadvantage if the officer needs to jump obstacles or climb fences or walls, among other actions. Where a suspect appears unarmed and there is no other reliable information to determine the danger he presents, it is generally best to keep the handgun securely holstered until or unless needed to effect the arrest.

As previously noted, many foot pursuits take place during the stop of motor vehicles for driving infractions or vehicular theft. This reemphasizes the importance of keeping offenders in the vehicle unless a roadside sobriety check is necessary or occupants are ordered out of the vehicle for search or for the officer's safety. If the operator flees, officers should ensure that there are no other accomplices in the vehicle before pursuing the suspect to ensure that they don't set up an ambush. Also, officers should take the police vehicle's keys to guard against the suspect's doubling back and stealing the vehicle.

By the time the officer has caught up with the suspect, he or she should have developed a plan of action. As noted, some officers tend to rush in to apprehend suspects, sometimes with serious consequences. So, in many instances, it is safer to find cover a short distance away and determine whether the suspect will respond to verbal commands. It is generally best to wait for backup officers to respond before affecting the physical arrest and restraint of the suspect. An officer's physical strength can be significantly depleted following a foot pursuit and this can also affect cognitive abilities. So, if the situation allows, officers should take a moment to regain their composure and strength, survey the situation and determine how best to approach the subject.

If the suspect does not respond to verbal commands it may indicate that he remains confrontational or combative or that he will offer either active or passive resistance to arrest. Just as the officer experiences a significant adrenaline rush during foot pursuits, so do suspects being pursued. And, when cornered, even seemingly benign suspects can become dangerous under these conditions. Officers may even choose to extend the distance between them and the suspect until backup arrives rather than

risk entering what is referred to as the "killing zone."<sup>3</sup> This is important if the suspect is or may be armed with a firearm or other weapon, has demonstrated violent behavior or martial arts training, or appears to be of such physical prowess to suggest that the laying on of hands to restrain the suspect could trigger an aggressive response.

### **E. Supervisor Responsibilities**

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 are at least two officers working together and 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.

The supervisor should terminate a foot pursuit at any time he or she concludes that it violates agency policy or accepted training and tactics or that the danger to the pursuing officers and the public outweighs the necessity for immediate apprehension of the suspect.

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.

### **F. Dispatch/Communications Responsibilities**

Communications and dispatch personnel play an important part in conducting effective foot pursuits and supporting the safety of involved officers. It is important for example that the emergency operations center (EOC) operator remain in close contact with the pursuing officer or the officer's partner in the pursuit and backup police personnel. If not otherwise provided by the officer the EOC operator should solicit important information from the officer(s) involved. This includes the reason for the pur-

suit, suspect description, location, and direction of travel. They should ensure that unclear radio transmissions are repeated for clarity, and where appropriate, rebroadcast essential information to assisting personnel.

Communications personnel should notify the field supervisor and provide him or her with all available information. Backup assistance such as air support or canines should be dispatched where necessary and appropriate under direction of the field supervisor. The communications operator should control all radio communications and clear the radio channel of all non-emergency communications traffic.

### **Endnotes**

<sup>1</sup> See *Illinois v. Wardlow*, 528 U.S. 119, 120 S. Ct. 673 (2000)

<sup>2</sup> Department of Justice, Federal Bureau of Investigation, Uniform Crime Reporting Program, *Law Enforcement Officers Killed and Assaulted*, 1999 (Washington DC, 2000), p. 10-15.

<sup>3</sup> Pinizzotto, Davis, and Miller, "Escape from the Killing Zone," *FBI Law Enforcement Bulletin*, March, 2002.

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Every effort has been made by the IACP National Law Enforcement Policy Center staff and advisory board to ensure that this model policy incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities among other factors.