



Fitchburg State University

Police Department

Subject: FOOT PURSUITS		General Order 9.2.3
Reference: IACLEA: 9.2.3 MPAC: 1.1.3, 81.2.4		
Effective Date: July 5, 2023	Review Date:	
By Order of: Michael J. Cloutier, Chief of Police		

PURPOSE:

The Fitchburg State University Police Department recognizes that the practice of engaging in foot pursuits is dangerous and can cause injury to the pursuing officer(s), the responding assisting officer(s), the subject being pursued, as well as members of the public. Thus, the purpose of this policy is to establish a balance between protecting the safety of the public, the subject and police officers during police pursuits on foot. This General Order governs officers' decisions to initiate or continue the pursuit of suspects on foot, and law enforcement's duty to enforce the law and apprehend criminal offenders.

POLICY:

Foot pursuits are inherently dangerous police actions. It is the policy of the Fitchburg State University Police Department that the safety of community members and officers should be the overriding consideration in determining whether foot pursuits occur in a wide variety of circumstances. Therefore, this general order is intended to provide overall direction and guidance to officers when deciding to engage in, or continue, a foot pursuit, and how foot pursuits should be conducted. It also addresses supervisory oversight of foot pursuits. It is valid to decide not to engage in, or continue, a foot pursuit when the risks to the public, officers, and/or the subject being pursued outweigh the benefits of the apprehension.

DEFINITION:

- A. **Foot Pursuit:** When a member pursues (on foot or bicycle) a fleeing person who is attempting to evade detention by law enforcement who has established reasonable articulable suspicion or probable cause that a person has committed, is committing, or is about to commit a crime.
- B. **Reasonable Articulable Suspicion:** Suspicion based on specific, objective, articulable

facts, taken together with the member's training and experience, that a person has committed, is committing, or is about to commit a crime.

- C. **Probable Cause:** When a member has knowledge of facts that would lead a reasonable person to believe that a crime has, is, or is about to occur and that the person identified is responsible for the crime.
- D. **Partner Splitting:** When distance, obstacles, or loss of visual contact separates partners or other assisting members to the extent that it impedes the ability to provide assistance during a foot pursuit or the apprehension of a person being pursued.

General Guidelines and Considerations:

Unless there are exigent circumstances such as an immediate threat to the safety of other officers or civilians, officers should 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 increase the risk to public safety inherent in the pursuit.
 - 1. Running into buildings, domiciles, or otherwise secure areas
 - 2. Persons join efforts to assist the subject in fleeing to evade capture
- C. No officer or supervisor should be criticized or disciplined for a decision not to engage in a foot pursuit if, in the officer's or supervisor's assessment, the risk is unreasonable due to existing conditions or circumstances, and/or outweighs the benefit of apprehension.
- D. While acting alone, if exigent circumstances warrant, the lone officer should keep the suspect in sight from a safe distance and coordinate containment.
- E. Officers shall avoid the use of unreasonable force during or at the conclusion of a foot pursuit, to keep members of the public and officers safe.
- F. All new officers will be trained in this General Order, and each officer will receive a refresher every two years.

IACLEA 9.2.3

PROCEDURE:

A. Deciding Whether to Pursue:

- 1. An officer's decision to pursue on foot shall be made with an awareness of and appreciation for the risk to the officer, the public, and the subject of the pursuit.
- 2. Officers may legally pursue a person who they have reasonable articulable suspicion or probable cause to believe has committed, is committing, or is about to commit a crime and when officers reasonably believe the valid law enforcement need to detain the subject outweighs the threat to safety posed by a foot pursuit

(see *Terry v. Ohio*, 392 US 1 (1968)). At a minimum, reasonable suspicion, based on articulable facts should exist at the commencement of the stop.

3. The decision to initiate or continue such a foot pursuit must be continuously reevaluated considering the circumstances presented at the time.
4. Officers must also weigh the seriousness of the offense against the immediate need to apprehend. For example, the need to immediately apprehend a violator of university policy is minimum, while the need to apprehend an armed carjacking suspect is more significant given the danger they pose to the public.
5. In deciding whether to initiate or continue a foot pursuit, officers should also consider risk factors when: acting alone; in an unfamiliar area; in an area that is hostile or susceptible to a possible ambush, such as a drug trafficking location; pursuing persons who are suspected or known to be armed; pursuing more than one person; unable to obtain backup quickly; unstable terrain or surface conditions exist; unable to maintain contact with FSUPD's Communication Center (dispatch); or, pursuing in inclement weather, darkness, or reduced visibility conditions.

B. Prohibited Actions

1. Fitchburg State University police officers **will not** initiate or continue a foot pursuit if:
 - a. Mere flight by a subject who is not suspected of criminal activity is the sole justification for engaging in a foot pursuit.
 - b. The foot pursuit is based solely on a person's response to police presence, including a person's attempt to avoid contact with the police (e.g., walking away, declining to talk, running away, or crossing the street to avoid contact). People may avoid contact with police for many reasons other than involvement in criminal activity.
 - c. The only purpose is to enforce minor violations including university violations, citation-only violations, or non-arrestable violations.

C. Preventing Foot Pursuits

1. Based on the inherent dangers associated with foot pursuits, officers should take precautions when initially confronting persons when Reasonable Articulable Suspicion or Probable Cause has been established in order to prevent the person from an opportunity to flee on foot.
2. When members are not readily identifiable as Fitchburg State University Police Officers, the risk of harm from a Foot Pursuit increases because of possible confusion by the person being pursued, by members of the public, or by other Department members. Examples of when Department members are readily identifiable as Fitchburg State University Police Officers include, but are not limited to:
 - a. Officers in Uniform utilizing marked FSUPD cruiser;

- b. Members on a plainclothes detail or assignment will wear equipment that readily identifies them as Fitchburg State University Police officers during operations. Clearly adorned with POLICE and visible equipment and badges;
 - c. Members of plainclothes operations will include the unmarked vehicle that both are equipped with and utilize emergency equipment i.e. blue lights.
 3. Once Reasonable Articulate Suspicion or Probable Cause has been established to conduct an investigative stop or make an arrest, officers shall utilize the Contact/Cover Principle (Recognized Position of Advantage & Disadvantage)
 - a. Sufficient officer response to suggest the futility of flight to suspect(s);
 - b. Tactical positioning by an officer during initial contact with suspect(s) to cut off suspect's escape routes;
 - c. Officers should place suspects in positions of advantage to the officer; i.e. handcuffing, sitting, kneeling etc;
 - d. Calm the suspect(s) with the tone of voice and choice of words. Talking with the suspect keeps his mind focused on what the officer is saying;
 - e. Command presence/officer presence - Take control of the suspect(s) and situation.
 4. Officers should be aware of the suspect's body language
 - a. Telegraphing signs that they might run;
 - b. Pulling pants up and getting ready to run;
 - c. Looking for escape routes.

D. Alternatives to Foot Pursuit

1. In deciding whether or not to initiate a foot pursuit, an officer should consider to the extent that resources are available the following:
 - a. Area Containment;
 - b. Additional officers;
 - c. Surveillance until additional resources become available;
 - d. Later apprehension of the subject under more favorable conditions for police.

E. Pursuing Officer(s) Responsibilities and Foot Pursuit Coordination:

1. Officers initiating foot pursuits shall have communication(s) priority and shall not have operational responsibility for coordination of additional resources/officers during the foot pursuit unless circumstances dictate otherwise or until relieved of resource allocation by monitoring supervisor or Officer in Charge. Pursuing officers are reminded that voice transmissions while running and in tactical situations may be difficult to understand and may have to be repeated.

2. The officer initiating the foot pursuit shall immediately, or as soon as safely practical, provide the following information to the Fitchburg State University Police Department's Communication Center (dispatch):
 - a. Call sign;
 - b. Reason for foot pursuit;
 - c. Officer location and direction of pursuit;
 - d. The number of suspects and description;
 - e. Whether or not suspect(s) are believed to be armed.
3. The primary officer should immediately coordinate directly through the Fitchburg State University Police Department's Communication Center (dispatch) with secondary officers to establish a perimeter in the area to contain the suspect.
4. Generally, the primary officer should not try to overtake the fleeing suspect but should keep the suspect in sight until sufficient manpower is available to take the suspect into custody. Including requesting the City of Fitchburg Police Department or the Massachusetts State Police for assistance if needed.
5. Assisting officers should immediately attempt to contain the pursued suspect. Secondary officers should hold the containment area unless the suspect has been stopped and the primary officer requests assistance to take the suspect into custody.
6. When two or more officers are in pursuit, they should make efforts not to separate unless they remain in sight of each other and maintain communication, they should allow the lead officer to concentrate on the suspect's actions while the second officer provides backup and maintains communications with the Fitchburg State University Police Department's Communication Center (dispatch) and other assisting officers.

F. Partner-Splitting

1. Partner splitting carries inherent risk to department members, members of the public, or the person being pursued, and may compromise the safety, hinder effective communication between department members, prevent the ability to provide assistance during a foot pursuit, or create a situation that places the department member in a tactical disadvantage (e.g. potential cross-fire positioning).
2. When working with a partner, department members engaged in a foot pursuit:
 - a. will not engage in partner splitting, unless necessary to provide for the safety or protection of department members, members of the public, or the person being pursued.
 - b. should work to remain in sight of and maintain communications with their partner. The pursuing department member should concentrate on the actions of the person being pursued while the partner should concentrate on

providing backup and maintaining communications with assisting department members.

- c. may consider separating from a partner or other assist units through a coordinated effort when using tactical positioning or containment strategies to eliminate flight opportunities, reduce the likelihood of continued flight by a person, or preserve officer and public safety.
3. If department members have multiple people detained and one flees, department members should not pursue the fleeing person if that leaves their partner or assisting department members in a situation in which the number of detained people cannot be safely controlled by the remaining department member(s).
4. If department members have multiple people detained and multiple people flee, department members should not separate if that leaves their partners or assisting department members in a situation that would prevent the ability to provide assistance during the foot pursuit or apprehension of the persons being pursued.

G. Termination:

1. The pursuing officer shall **immediately** terminate a pursuit:
 - a. If instructed to do so by a patrol supervisor or officer in charge.
 - b. If the subject goes into buildings, structures, confined spaces, or wooded or otherwise isolated areas without sufficient backup and containment of the area. The primary officer should stand by, radio their location, and await the arrival of officers to establish a containment perimeter. Officers should consider requesting assistance from the City of Fitchburg Police Department or Massachusetts State Police as determined by *General Order 9.1.6 Administrative Notifications and Resource Request and Memorandum of Understanding with the City of Fitchburg*.
 - c. If the suspect's identity is established or other information exists that allows for the suspect's probable apprehension later, and there is no immediate threat to the public or police officers
 - d. If the suspect's location is no longer known.
 - e. If primary officers lose communications with Fitchburg State University Police Department Communications Center (dispatch) or communications with backup officers are interrupted.
 - f. If the officer loses their department-issued radio, firearm, or other essential equipment that may endanger the officer or the public if recovered by another person.
 - g. If an officer or civilian is injured during the pursuit who requires immediate medical assistance.
 - h. If the officer loses visual contact with the suspect.

- i. If the officer is unsure of their own location or direction of travel.
 - j. If the officer reasonably believes they would not be able to control the person being pursued should a confrontation occur (e.g., due to exhaustion or physical condition).
2. When the pursuing officer terminates the pursuit, they will notify the Fitchburg State University Police Department Communications Center (dispatch) of their location and request assistance if necessary.
3. When a foot pursuit concludes with an apprehension, members will not use more force than is necessary to arrest the person being pursued.

H. Documentation

1. Within the body of the narrative of the incident and/or arrest reports, Fitchburg State University officers shall include details surrounding the foot pursuit, including:
 - a. reasonable suspicion and/or probable cause for any offenses;
 - b. reason and circumstances surrounding the foot pursuit;
 - c. course and approximate distance of the foot pursuit;
 - d. involved vehicles and members;
 - e. any use of force;
 - i. A separate Use of Force/ Response to Resistance form shall also be completed, if appropriate.
 - f. any injuries and/or medical treatment;
 - i. A separate Medical Report shall also be completed, if appropriate.
 - g. any property or equipment damage.

I. Supervisor's Responsibilities:

1. Upon becoming aware of a foot pursuit, the supervisor or Officer in Charge will make every reasonable effort to ascertain sufficient information to direct responding resources and take command, control, and coordinate the foot pursuit. Supervisors should decide as soon as possible whether the pursuit should continue if:
 - a. two officers working in tandem, or backup is nearby, and a reasonable belief that the suspect has committed an act that would permit the suspect's detention
 - b. there is a reasonable belief that the suspect poses an immediate threat to the safety of the public or other police officers
 - c. the pursuit does not violate provisions of this or related department General Orders, or training

2. The supervisor shall terminate a foot pursuit at any time they conclude:
 - a. The danger to pursuing officer(s) or the public outweighs the necessity for immediate apprehension of the suspect.
 - b. The pursuit lacks a lawful purpose or is unsupported by Reasonable Articulate Suspicion or Probable Cause.
 - c. The pursuit is otherwise not in compliance with any department General Order.
3. The notified supervisor will respond to the area whenever possible. The supervisor does not, however, need to be physically present to exercise control over a foot pursuit.

MPAC 81.2.4

J. Supervisory Review of Foot Pursuits

1. For all foot pursuits associated with a reportable use of force and/or arrest, the supervisor will review the foot pursuit for any issues regarding tactics, policy or performance improvement. The supervisor shall review:
 - a. Any available video footage of the event from the initiating member and other responding members;
 - b. Any radio or phone transmission;
 - c. Any written reports that were generated from the event;
 - d. Any other information available regarding the incident;
 - e. Whether the Foot Pursuit aligned with this General Order.
2. The supervisor shall assess
 - a. Whether opportunities for de-escalation or prevention of flight were missed and what tactics may have been useful.
 - b. Whether, during the pursuit, any tactics used could have been improved and if so, how those can be addressed or avoided in the future (e.g., through further training, coaching, or policy review).

K. Fitchburg State University Police Department's Communication Center's Responsibilities:

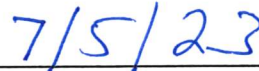
1. Upon being notified that a foot pursuit is in progress, communications personnel shall immediately notify the patrol supervisor and provide all available information to involved personnel.
2. Communications personnel shall carry out the following responsibilities during a foot pursuit:

- a. Receive, record, and immediately report incoming information on the pursuit, the officers involved, and the suspect(s).
- b. Control all radio communications and clear the radio channels of all non-emergency traffic.
- c. Monitor cameras in the area of the pursuit, with attention to:
 - i. Suspect location and action;
 - ii. Officer's location;
 - iii. Any known or visible hazards or concerns.
- d. Coordinate and dispatch backup assistance and support units under the direction of the patrol supervisor.
- e. If a foot pursuit is occurring near the McKay Elementary School, during school hours, communications personnel **shall notify the McKay school's administrator and the City of Fitchburg Police Department** of the facts and circumstances without delay.

Approval:



Chief of Police



Date