



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 41.4

### TITLE: FOOT PURSUITS

**EFFECTIVE:**

**REVISED:**

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#### PURPOSE

Foot pursuits are inherently dangerous and require legal justification, sound tactics, and heightened officer safety awareness. This Chapter governs officers' decisions to initiate or continue the pursuit of suspects on foot by balancing the objectives of protecting the safety of the public, police officers, and the suspect with enforcing the law and apprehending the suspect.

#### POLICY STATEMENT

1. The safety of Department personnel and the public shall be the primary consideration when determining whether officers should initiate or continue a foot pursuit. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Department personnel.

#### DEFINITIONS

Definitions relevant to this Chapter include:

**Exigent circumstances**—A compelling urgency or true emergency that an officer can specifically describe not using vague terms or boilerplate language. Circumstances that cause a reasonable person to believe that prompt action is necessary to prevent injury to themselves or others.

**Foot Pursuit**—An incident where an officer chases (on foot) a person who is evading a legal detention or arrest.

#### DECISION TO PURSUE ON FOOT

2. Officers may be legally justified in initiating a foot pursuit of any individual whom an officer has probable cause to believe has violated a law or ordinance or when the officer has met the requirements for a Terry Stop (see **Chapter 1.2.4.1 – Terry Stops / Investigatory Stops**).
3. Officers must continually reevaluate the decision to pursue in light of changing circumstances during the pursuit.
4. Mere flight by a subject who is not suspected of criminal activity shall not serve as the sole justification for engaging in a foot pursuit.

5. Deciding to initiate or continue a foot pursuit often is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. Foot pursuits may place Department members and the public at risk. An objectively reasonable assessment of risk is a legitimate factor in determining whether to initiate or continue a foot pursuit.
6. Surveillance and containment are generally the safest tactics for apprehending fleeing persons and shall be utilized when circumstances reasonably permit.
7. Other reasonable alternatives that officers must consider in deciding whether to initiate or continue a foot pursuit include:
  - (a) Availability of aerial support;
  - (b) Containment of the area;
  - (c) Canine search;
  - (d) Saturation of the area with patrol personnel; and
  - (e) Apprehension at another time, when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

#### **GUIDELINES FOR FOOT PURSUIT**

8. The pursuing officer(s) shall terminate a foot pursuit if so instructed by a supervisor.
9. Unless the officer reasonably believes that exigent circumstances exist (e.g., an immediate, serious threat to the safety of Department members or the public), officers should consider alternatives to engaging in or continuing a foot pursuit.
10. A **risk factor** is any attribute, characteristic or exposure that increases the likelihood of injury and/or compromises the safety of the public and Department personnel. Officers shall consider the following risk factors when deciding whether to initiate or continue a foot pursuit:
  - (a) The officer is acting alone.
  - (b) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, a single officer should keep the suspect in sight from a safe distance and coordinate the containment effort.
  - (c) The officer is unsure of his/her location and direction of travel.
  - (d) Pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspects should a confrontation occur.
  - (e) The physical condition of the officers renders them incapable of controlling the suspect if apprehended.
  - (f) The officer loses radio contact with Communications Services or with backup officers.
  - (g) The suspect enters a building, structure, confined space, or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment; the primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.

- (h) The officer becomes aware of unanticipated or unforeseen circumstances that substantially increase the risk to officers or the public.
- (i) The officer reasonably believes that the danger to the pursuing officers or public outweighs the necessity for immediate apprehension.
- (j) The officer loses possession of his/her firearm or other essential equipment.
- (k) The officer or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel available to render assistance.
- (l) The suspect's location is no longer definitely known.
- (m) The identity of the suspect is established or other information exists that will allow for the suspect's probable apprehension at a later time, and it reasonably appears that there is no immediate threat to Department members or the public if the suspect is not immediately apprehended.
- (n) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness, or other conditions.

## **RESPONSIBILITIES IN FOOT PURSUITS**

### **INITIATING OFFICER'S RESPONSIBILITIES**

- 11. The initiating officer shall be responsible for coordinating the progress of the pursuit unless relieved by another officer or a supervisor.
- 12. Officers must ensure that they activate their body worn cameras throughout the foot pursuit.
- 13. Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion.
- 14. Commencing with a request for priority radio traffic and advisement of a foot pursuit, the initiating officer should provide the following information to Communication Services on the primary communications channel of the District in which the request to pursue is made:
  - (a) Unit identifier;
  - (b) Location and direction of travel;
  - (c) Reason for the foot pursuit;
  - (d) Number of suspects and description; and
  - (e) Whether the suspect is known or believed to be armed.
- 15. Officers shall make reasonable efforts to update their location and direction of travel during the pursuit.
- 16. Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.
- 17. Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information shall terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be implemented by on scene members and alternatives considered based upon the circumstances and available resources.

18. When a foot pursuit terminates, the officer will notify as quickly as practicable the Communications Services of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect) and will direct further actions as reasonably appear necessary.

### **ASSISTING OFFICER RESPONSIBILITIES**

19. Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio talk group (channel).
20. Any officer positioned to intercept a fleeing suspect or to assist the primary officer with the apprehension of the suspect shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

### **SUPERVISOR'S RESPONSIBILITIES**

21. Upon becoming aware of a foot pursuit, the supervisor shall direct that radio traffic is restricted, decide as soon as possible whether the foot pursuit should continue and make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control, and coordination of the foot pursuit.
22. The supervisor should not allow the foot pursuit to continue if the foot pursuit violates provisions of this Chapter or related Department regulations, policies, or training and:
  - (a) There are at least two officers working in tandem and there is a reasonable belief that the suspect(s) has committed an act that would permit the officer to detain the suspect; or
  - (b) There is a reasonable belief that the suspect(s) pose an immediate threat to the safety of the public or other officers.
23. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines and shall direct that officers terminate a foot pursuit at any time the supervisor concludes that the danger to pursuing officers or the public outweighs the necessity for immediate apprehension of the suspect.
24. The supervisor should respond to the area when possible but does not need to be physically present to exercise control over the pursuit. The supervisor should exercise control via radio when not present.
25. Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to assert post-pursuit discipline, direct the post-pursuit activity, and conduct any investigations relating to Use of Force, if necessary (see **Chapter 1.3.6 – Reporting Use of Force**).

### **COMMUNICATION SERVICES RESPONSIBILITIES**

26. Upon being notified or becoming aware that a foot pursuit is in progress, Communications Services personnel shall ensure that a District supervisor is immediately notified of the foot pursuit and provided all available information.

27. Communications Services personnel are also responsible for:
- (a) Clearing the radio channel of non-emergency traffic;
  - (b) Repeating the transmissions of the pursuing officer as needed;
  - (c) Ensuring that a District supervisor is notified of the pursuit;
  - (d) Relaying all pertinent information to responding personnel;
  - (e) Contacting additional resources as indicated or requested; and
  - (f) Coordinating response of additional resources to assist with the foot pursuit.