

MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER



BY ORDER OF THE CHIEF OF POLICE

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SUBJECT: Manual Revision – <u>7-804 Foot Pursuits</u>			APPROVED BY:

MP-8806

Introduction:

Effective with the issuance of this Special Order, Section 7-804 of the MPD Policy and Procedure Manual shall be added as follows:

7-804 Foot Pursuits
(xx/xx/24)

I. Purpose

The safety of MPD members, community members, and any person being pursued is the primary consideration when determining whether a foot pursuit should be initiated or continued.

Sanctity of life and the protection of the public are the cornerstones of the MPD’s use of force policy. Members must recognize and respect the sanctity and value of all human life. Members shall make every effort to preserve human life in all situations (P&P 5-301).

This policy describes the conditions and prohibitions associated with foot pursuits, and details the responsibilities for pursuing members, assisting members, and supervisors, when involved in a foot pursuit.

II. Policy

A. Member, Community, and Suspect Safety

1. Foot pursuits are inherently dangerous police actions. The safety of members, the suspect, and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued.
2. When deciding to initiate or continue a foot pursuit, members shall continuously weigh the necessity for apprehension against the risk created for the members, the general public and the suspect.

B. Reasonable Suspicion Required

1. Members may only engage in foot pursuits with suspects when there is reasonable suspicion to believe that the person has committed, is committing, or is about to commit a crime (with the exception of those instances identified below under prohibited actions) and when members reasonably believe that there is a valid law enforcement need to detain the person that outweighs the threat to safety posed by pursuit.
2. Members shall **not** conduct a foot pursuit based solely on a person's response to the presence of police, including a person's attempt to avoid contact with a member (e.g., walking away, declining to talk, running away, or crossing the street to avoid contact). People may avoid contact with a member for many reasons other than involvement in criminal activity. This does not prohibit members from conducting an investigative detention if the members have reasonable suspicion of other criminal activity (see [b] below).
 - a. 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 (P&P 9-200).
 - b. If otherwise consistent with this policy, a member may conduct a foot pursuit when a person in a location known for certain criminal activity runs, unprovoked, from the law enforcement and the member can articulate reasonable suspicion to believe the person is running because they are involved in the type of criminal activity prevalent in that location.
 - i. In this situation, the member must be able to articulate the specific facts establishing reasonable suspicion, including how the person's unprovoked flight is linked to their suspected participation in the type of criminal activity prevalent in that location.

Examples of facts that may establish a link between a person's unprovoked flight and the type of criminal activity prevalent in a location include:

- The member observes the person taking actions that are consistent with the commission of the particular crime prevalent at that location.
 - The member has personal knowledge that the person has committed the crime previously.
 - The member has personal knowledge that there was a recent call for service about that particular crime being committed at that location.
- ii. Members specific and descriptive language and shall not use only boilerplate language when describing the basis for an investigative detention or foot pursuit (avoid phrases such as "high crime area").
 - iii. Members are prohibited from intentionally provoking or attempting to provoke flight in an effort to justify an investigative detention or a foot pursuit. For example, members may not drive at a high rate of speed toward a group congregated on a corner, brake quickly, and exit quickly with the intention of

stopping anyone in the group who flees. This does not prohibit members from rapidly approaching people they already have reasonable suspicion to detain.

C. Supervision and Termination of a Foot Pursuit

When directed by a supervisor to terminate a foot pursuit, such an order shall be considered mandatory and the pursuit must be terminated.

D. Use of Force

1. Members must use the tactics described below when feasible, to mitigate the risk of unnecessary or excessive force during or at the conclusion of a foot pursuit.
2. When a foot pursuit ends in apprehension, members shall not use more force than is objectively reasonable, necessary and proportional to arrest the person (P&P 5-301).
3. Force, or the threat of force, shall not be used as a means of retaliation, punishment, or unlawful coercion, including but not limited to punishing or retaliating against a person for fleeing, resisting arrest or assaulting a member (P&P 5-301).

III. Procedures/Regulations

A. Conditions for a Foot Pursuit

1. Offense seriousness

Although foot pursuits are permissible with reasonable suspicion as articulated above, members are expected to weigh the seriousness of the offense against the immediate need to apprehend and the consideration of member and public safety.

For example, the need to immediately apprehend a shoplifter may be minimal, while the need to bring an armed carjacking suspect to justice is more significant given the danger they pose to the public.

2. Decision to pursue

- a. Deciding to initiate or continue a foot pursuit is a decision that a member must make quickly and under unpredictable and dynamic circumstances.
 - i. Any doubt by participating members or their supervisors regarding the overall safety of any foot pursuit should be decided in favor of communication, coordination, surveillance, and isolation (P&P 7-801).
 - ii. No member or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit or ordering the termination of an ongoing pursuit based upon a reasonable assessment of the perceived risk to the member and those they are entrusted to serve.
- b. The decision to initiate or continue a foot pursuit must be continuously re-evaluated in light of the circumstances presented at the time, including whether reasonable suspicion is still established or has been dispelled.

3. Danger to the public or members

- a. Members shall not initiate or continue a foot pursuit if they reasonably believe that the danger to the public or members outweighs the objective of immediate apprehension.
- b. Members shall not continue a foot pursuit if they become aware of unanticipated circumstances that unreasonably increase the risk to members or the public.

4. Lost equipment

Members shall not initiate or continue a foot pursuit if they knowingly lose possession of their firearm, radio, or other essential equipment which may endanger the member or the public if recovered by another person.

5. Loss of communication

Members shall not initiate or continue a foot pursuit if they are unable to or lose the ability to promptly and effectively communicate with dispatch or other members.

6. Injuries

- a. Members shall not continue a foot pursuit if they become injured and are unable to safely continue the foot pursuit.
- b. Members shall not continue a foot pursuit if another person is injured and requires immediate medical aid that cannot be provided by other on-scene members or emergency medical personnel.

7. Unknown location

Members shall not initiate or continue a foot pursuit if they are unaware of their current location or are unable to provide a location for support units to respond.

8. Suspect enters a confined or isolated structure or area

- a. In the event that the fleeing person enters a building, structure, confined space, wooded or otherwise isolated area, or dense or difficult terrain, the pursuing member should consider discontinuing the foot pursuit and coordinating isolation (P&P 7-801) pending the arrival of sufficient resources.
- b. If the foot pursuit will continue, the member shall assess the situation, notify MECC of their location and determine whether to wait for the arrival of responding members and a supervisor so a perimeter around the area can be established.

9. Higher risk situations

Members should consider alternatives to engaging in or continuing a foot pursuit in the following circumstances, when feasible, which create particularly high risk for members and the public:

- a. The member is acting alone.
- b. The physical condition or size of the member relative to the fleeing person renders them incapable of controlling the person if apprehended.
- c. The fleeing person's location is no longer known.
- d. The member's ability to safely continue the foot pursuit is impaired by inclement weather, darkness, or other environmental conditions, such as steep terrain, worn-out structures, piles of debris, etc.
- e. The presence of vehicular traffic in the area of the pursuit and risk of emergency vehicle response by additional members create safety concerns.
- f. When the members involved are not readily identifiable as MPD law enforcement officers.

B. Alternatives to a Foot Pursuit

Surveillance and isolation are generally the safest tactics for apprehending fleeing people. In deciding whether to initiate or continue a foot pursuit, members should continuously consider reasonable alternatives based upon the circumstances and resources available, such as:

1. Isolation of the area (P&P 7-801).
2. Saturation of the area with law enforcement personnel, including assistance from other agencies.
3. A canine search (P&P 7-807).
4. Thermal imaging or other sensing technology.
5. Air support or UAV support (P&P 4-226).
6. Apprehension at another time when the identity of the fleeing person is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the person does not reasonably appear to outweigh the risk of continuing the foot pursuit.

C. Procedures for Pursuing Members

1. Activate BWC

Members initiating or joining a foot pursuit shall ensure their Body Worn Camera (BWC) is activated in accordance with P&P 4-223 and remains activated throughout the duration of the foot pursuit.

2. Responsibility for coordination

Unless relieved by another member or a supervisor, the initiating member shall be responsible for coordinating the progress of the pursuit and isolation (P&P 7-801).

3. Communication

Early communication of available information is essential.

- a. Members engaging in a foot pursuit must initiate a radio broadcast within the first few seconds to ensure that adequate resources are coordinated and deployed to assist and manage the pursuit to a safe conclusion.
 - i. The broadcast shall contain the following information, at minimum:
 - Location and direction of travel.
 - Call sign.
 - Reason for the foot pursuit, such as the offense.
 - Number of suspects and physical descriptions, to include name if known.
 - Whether the fleeing person is known or believed to be armed with a dangerous weapon.
 - ii. Absent exigent circumstances, any member unable to promptly and effectively broadcast this information should terminate the foot pursuit.
- b. Members should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.
- c. Whenever any member announces that they are engaged in a foot pursuit, all other members should minimize non-essential radio traffic to provide the involved members with maximum access to radio communications.

4. Assisting members

- a. Assisting members shall respond in a safe manner, and take an active role in the apprehension of the suspect by assisting the initiating member.
- b. Assisting members should allow the primary member to concentrate on the fleeing person's actions while the second member provides back up and maintains contact with police radio and other responding members.

5. Terminated foot pursuit

If the foot pursuit is terminated for any reason, immediate efforts for isolation (P&P 7-801) should be established and alternatives considered based upon the circumstances and available resources.

6. Pursuit conclusion

The member shall direct further actions as reasonably appear necessary, including requesting needed medical aid for members, suspects, or other people (P&P 7-350).

7. Reporting Requirements

Members shall document in the Police Report the following details surrounding the foot pursuit:

- Reasonable suspicion or probable cause for any offenses.
- Reasonable suspicion for initiating the foot pursuit and any other circumstances surrounding the foot pursuit.
- The course and approximate distance of the foot pursuit.
- Any involved vehicles and members.
- Any use of force (P&P 5-302).
- Any injuries or medical treatment given or requested by any member, bystander or suspect related to the pursuit.
- Any property or equipment damage related to the pursuit.

D. Supervisor Responsibilities

1. Assume command

- a. Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources.
- b. Foot pursuits are often difficult to supervise due to their short duration and the difficulty members may have speaking to the supervisor on the radio while running. Supervisors shall make a good faith effort to supervise under these challenging circumstances.

2. Respond to the area during the pursuit

- a. Supervisors shall respond to the area whenever possible.
- b. The supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation to ensure the foot pursuit is conducted within established Department guidelines.

3. Terminate the foot pursuit

Supervisors shall terminate the foot pursuit when:

- a. It reasonably appears either that the pursuit lacks a lawful purpose or is unsupported by reasonable suspicion (e.g., cases of mistaken identity where actual suspect has been apprehended elsewhere).
- b. The danger to pursuing members or the public appears to unreasonably outweigh the objective of immediate apprehension of the fleeing person.

4. Respond after suspect apprehension

- a. Upon apprehension of the suspect, the supervisor shall promptly proceed to the apprehension location to direct the post-foot pursuit activity.

- b. Upon arriving at the scene, the supervisor shall check for any injuries to victims, bystanders, members, and suspects. All injuries shall be documented.
- c. If force was used requiring notification (P&P 5-302), or misconduct is apparent or alleged (P&P 2-101), the supervisor ensure the required reporting is done.

5. Review pursuit

The supervisor shall review the incident in accordance with the supervisor review requirements in P&P 9-201 and P&P 9-110.

E. Dispatch Communication

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher will:

1. Clear the radio channel of non-emergency traffic.
2. Coordinate pursuit communications of the involved members.
3. Request air support or a UAV (P&P 4-226) when applicable.
4. Broadcast pursuit updates as well as other pertinent information as necessary.
5. Ensure that a precinct supervisor is notified of the foot pursuit.
6. Notify and coordinate with other involved or affected agencies as necessary and practicable.

IV. Definitions

Foot Pursuit: When a member pursues a person who is attempting to evade law enforcement.

Reasonable Suspicion: An objective legal standard that is less than probable cause but more than a hunch or mere speculation.

1. Reasonable suspicion, which must be articulable, depends on all circumstances which the member observes and the reasonable assumptions that are drawn based on the member's training and experience.
2. Reasonable suspicion can result from a combination of particular facts, which may appear harmless in and of themselves, but taken together amount to reasonable suspicion.
 - a. Reasonable suspicion should be founded on specific and objective facts or observations about how a person behaves, what the person is seen or heard doing, and the circumstances or situation in regard to the person, as either witnessed or known by the member.
3. Accordingly, reasonable suspicion must be described with reference to facts or observations about a particular person's actions or the particular circumstances that a member encounters.

4. In accordance with P&P 5-104, the physical characteristics of a person are never, by themselves, sufficient. Instead, members may take into account the reported descriptors in P&P 5-104 of a specific suspect or suspects using credible, reliable, recent, locally based information that links specific, suspected, unlawful or suspicious activity to a particular person or group of people, and when the description also includes other appropriate non-demographic identifying factors (such as clothing or an associated vehicle).