

Memorandum



DATE: January 23, 2015

TO: Honorable Members of the Public Safety Committee: Sheffie Kadane (Chair), Adam Medrano (Vice Chair), Dwaine Caraway, Jennifer S. Gates, Sandy Greyson, Scott Griggs

SUBJECT: **Foot Pursuit Policy Update**

On Monday, January 26, 2015 you will be briefed on the Foot Pursuit Policy Update. The briefing materials are attached for your review.



Eric D. Campbell
Assistant City Manager

Attachment

cc: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council



Foot Pursuit Policy Update

Public Safety Committee
January 26, 2015



Purpose

Provide an update on the proposed changes to the foot pursuit policy.

Current Policy Guidelines

An officer's decision to pursue on foot shall be made with an awareness of the risk to which the officer and others will be exposed

- Provide guidelines for initiating a pursuit
- Establish criteria for terminating a foot pursuit
- Provide tactical considerations to avoid pursuits, alternatives to pursuits and safety considerations

Critical Policy Points

- **Policy defines foot pursuits**
- **Provides strategies to prevent pursuits:**
 - Tactical positioning
 - Talking with a calm voice
 - Officer presence, taking control of the situation
- **Considerations when initiating a foot pursuit**
- **Accountability and responsibility**
 - Pursuing officers
 - Supervisors
 - Communications
- **Specific criteria to discontinue a foot pursuit**

Employee Input

Two follow up meetings were held with employee association representatives to obtain input and suggested changes to current policy

- Dallas Police Association
- Black Police Association
- Latino Peace Officers Association
- Fraternal Order of Police

Proposed Changes

- 1) Clarify language regarding when a single officer may engage in a foot pursuit
 - All tactical / safety considerations would be unchanged
- 2) More clearly define the “rapidly evolving” nature of foot pursuits
- 3) Remove the section requiring discontinuing a pursuit if the suspects identity is known
- 4) Some wording changes to concede more of the decision making to the officers judgment
 - Change “conclusion” to “belief”
 - Allow officers/supervisors to determine adequate number of officers needed to control the situation

Questions?

Appendix

Attachment 1: Current Foot Pursuit Policy General Orders 311.00

Attachment 2: Proposed changes to Foot Pursuit Policy General Orders 311.00



Dallas Police Department General Order

311.00 Foot Pursuits

DAVID O. BROWN
CHIEF OF POLICE

Revised 9/18/2013

311.00 FOOT PURSUITS

311.01 Purpose

- A. The purpose of this General Order is to describe the authority and establish guidelines for foot pursuits. It is intended as general guidance for officers in determining whether to initiate a foot pursuit and establishes criteria for termination of a foot pursuit. These guidelines are also intended to provide officers tactical considerations to avoid foot pursuits, alternatives to foot pursuits and safety considerations during a foot pursuit.
- B. Philosophy - Situations exist that may require officers to pursue a suspect who is evading capture on foot. Foot pursuits are proven to be dangerous. It is the policy of the Dallas Police Department that the safety of our officers and the public shall be the determining factor for initiating and/or terminating a foot pursuit. Accordingly, the decision to initiate a foot pursuit must be based on the pursuing officer's conclusion that the immediate danger to the public created by the failure to apprehend the suspect outweighs the potential risk of danger in pursuing the suspect on foot.

311.02 Definitions

- A. **Foot Pursuit** is defined as an active attempt by an officer to pursue a suspect or potential suspect who is evading detention or arrest by fleeing from the officer on foot.
- B. **Evading Arrest or Detention** (Texas Penal Code § 38.04)(a) A person commits an offense if he intentionally flees from a person he knows is a peace officer attempting lawfully to arrest or detain him.
- C. **Unprovoked Flight** is the physical act of running from or in the presence of a police officer uninitiated by any readily ascertainable reason other than the presence of the police officer.

Differentiating Unprovoked Flight from Evading Detention or Arrest

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 has established lawful grounds to detain or arrest the suspect.

- A. **Terry Stops.** 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). It is also well settled that officers may detain (but not arrest) a person if they are aware of facts constituting "reasonable suspicion" to believe the person was committing a crime. See Alabama v. White, 496 US 325 (1990).
- B. **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 factors that together provide sufficient justification to support a temporary investigatory stop.

311.03 Preventing Foot Pursuits

- A. Based on the inherent dangers associated with foot pursuits, officers should take precautions when confronting suspects in order to prevent the suspect an opportunity to flee on foot.
- B. Officers should take preventative measures when approaching a suspect to reduce the opportunity for flight by the suspect.
- C. Utilize the Contact/Cover Principle
 1. Tactical positioning by officer during initial contact with suspect to cut off suspect's escape routes
 2. Officers should place suspects in positions of advantage to the officer, example: sitting, kneeling etc.
 3. Calm the suspect by tone of voice and choice of words. Talking with suspect keeps his mind focused on what the officer is saying
 4. Command presence / officer presence - Take control of the suspect and situation
- D. Be aware of suspect's body language
 1. Telegraphing signs they might run
 2. Pulling pants up getting ready to run
 3. Looking for escape routes

311.04 Initiating Foot Pursuits – Decision Matrix

Although it is an officer's decision to initiate a stop, it is the suspect or violator who decides to precipitate a foot pursuit by fleeing. If the officer has sufficient legal justification to detain or arrest and the individual flees to evade detention, arrest or escape from custody, an officer's decision to pursue on foot shall be made with an awareness of the risk to which the officer and others will be exposed.

- A. In deciding whether or not to initiate a pursuit, an officer shall consider the following alternatives to foot pursuit:
 1. Aerial support
 2. Utilizing police vehicle

Dallas Police Department General Order

311.00 Foot Pursuits

Revised 9/18/2013

3. Containment of the area
 4. Canine search
 5. Saturation of the area with patrol personnel
 6. 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
- B. In deciding whether to initiate or continue a foot pursuit, officers should consider the following risk factors:
1. Whether the officer is acting alone
 2. Familiarity with the area or an area that is hostile
 3. Dangers of pursuing suspects who are known to be or suspected of being armed
 4. The ability or inability to obtain backup in a timely manner
 5. The dangers of pursuing in inclement weather, darkness, or reduced visibility conditions
 6. Whether the officer is in adequate physical condition to conduct a foot pursuit
 7. Geographic and physical hazards that could endanger the officer

311.05 Initiating Foot Pursuits – Accountability and Responsibility

Responsibility of Pursuing Officer(s)

Officers initiating foot pursuits shall be responsible for the foot pursuit unless circumstances dictate otherwise or until relieved by a supervisor. In any situation, an officer must always base the decision to engage in a foot pursuit on known facts, and circumstances that can be articulated by the officer. To engage in a foot pursuit the officer must have a reasonable suspicion that the person has committed or is about to commit a criminal offense. **It is important to note that flight alone does not constitute sufficient legal justification to detain or arrest an individual.**

Pursuit Procedures

- A. An officer should not initiate or continue a foot pursuit if acting alone and the pursuit results in an officer chasing two or more suspects simultaneously.
- B. If two officers engage two or more suspects and the suspects flee in different directions, the two officers should not separate and should pursue a single suspect.
- C. If two or more officers have multiple suspects detained and one suspect flees, an officer should not pursue the fleeing suspect if that leaves his/her partner or fellow officers in a situation in which the number of detained suspects exceeds the number of officers.
- D. An officer shall not initiate and/or continue a foot pursuit if the officer knowingly loses possession of his/her firearm.
- E. An officer should not initiate and/or continue a foot pursuit if the officer loses his ability to communicate with dispatch.
- F. Once an officer decides to initiate a pursuit the initiating officer should:
 1. Identify his/her element number over the radio and advise the dispatcher of the foot pursuit
 2. Provide location and direction of travel
 3. Give description of the suspect and his/her clothing description
 4. Advise whether the suspect is armed
 5. Advise the dispatcher and responding elements if sight of the suspect is lost and last location
 6. Advise the dispatcher if responding elements can reduce to code 1
 7. Advise the dispatcher once suspect is taken into custody

Supervisor Responsibilities

- A. Upon becoming aware of a foot pursuit, the supervisor shall monitor the pursuit and decide as soon as possible whether the foot pursuit should continue. The supervisor should allow the pursuit to continue if:
 1. There is a reasonable belief that the suspect has committed an act that would permit the officers to detain the suspect
 2. There is a reasonable belief that the suspect poses an immediate threat to the safety of the public or other police officers; and
 3. The pursuit does not violate provisions of this or other department policy, procedures, or training
- 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.
- C. The patrol supervisor monitoring the foot pursuit should command, control, and coordinate the situation as soon as possible, appropriately directing resources to safely apprehend the suspect.
- D. The monitoring patrol supervisor shall respond to the culmination point of a pursuit if an arrest is made.

Communications Division Responsibilities

- A. Receive, record, and immediately report incoming information from the officer(s) involved in the pursuit to other officers regarding the suspect; and ensure cover officers are immediately assigned.
- B. Alert a patrol supervisor from the division of the foot pursuit.
- C. Alert the helicopter.

Dallas Police Department General Order
311.00 Foot Pursuits

Revised 9/18/2013

311.06 Discontinuing a Foot Pursuit

An officer should not continue a pursuit under the following conditions:

- A. An officer or a third party is injured during the pursuit and requires immediate assistance, and there are no other police or medical personnel able to render assistance.
- B. The suspect flees into buildings, structures, confined spaces, or into wooded or otherwise isolated areas and the officer does not have sufficient backup. In this instance the primary officer shall stand by, radio his or her location, and await the arrival of other officers to establish a perimeter. At this point, the incident may be considered a barricaded person.
- C. The pursuing officer loses more than momentary visual contact with the suspect and becomes unsure of the suspect(s) whereabouts or continued direction of travel.
- D. The pursuing officer is unsure of his or her own location or direction of travel.
- E. 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.
- F. The pursuing officer becomes too tired to affect an arrest at the conclusion of the pursuit.
- G. Anytime the danger to the pursuing officer(s) or public outweighs the necessity for immediate apprehension of the suspect.



Dallas Police Department General Order

311.00 Foot Pursuits

DAVID O. BROWN
CHIEF OF POLICE

Revised 10/18/2013

311.00 FOOT PURSUITS

311.01 Purpose

- A. The purpose of this General Order is to describe the authority and establish guidelines for foot pursuits. **Foot pursuits are rapidly evolving incidents that occur with little or no warning to the officer. As such this order** is intended as general guidance for officers in determining whether to initiate a foot pursuit and establishes criteria for termination of a foot pursuit. These guidelines are also intended to provide officers tactical considerations to avoid foot pursuits, alternatives to foot pursuits and safety considerations during a foot pursuit.
- B. Philosophy - Situations exist that may require officers to pursue a suspect who is evading capture on foot. ~~Foot pursuits are proven to be dangerous.~~ It is the policy of the Dallas Police Department that the safety of our officers and the public shall be the determining factor for initiating and/or terminating a foot pursuit. Accordingly, the decision to initiate a foot pursuit must be based on the pursuing officer's **belief** ~~conclusion~~ that the immediate danger to the public created by the failure to apprehend the suspect outweighs the potential risk of ~~danger~~ in pursuing the suspect on foot.

311.02 Definitions

- A. **Foot Pursuit** is defined as an active attempt by an officer to pursue a suspect or potential suspect who is evading detention or arrest by fleeing from the officer on foot.
- B. **Evading Arrest or Detention** (Texas Penal Code § 38.04)(a) A person commits an offense if he intentionally flees from a person he knows is a peace officer attempting lawfully to arrest or detain him.
- C. **Unprovoked Flight** is the physical act of running from or in the presence of a police officer uninitiated by any readily ascertainable reason other than the presence of the police officer.

Differentiating Unprovoked Flight from Evading Detention or Arrest

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 has established lawful grounds to detain or arrest the suspect.

- A. **Terry Stops.** 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). It is also well settled that officers may detain (but not arrest) a person if they are aware of facts constituting "reasonable suspicion" to believe the person was committing a crime. See *Alabama v. White*, 496 US 325 (1990).
- B. **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 factors that together provide sufficient justification to support a temporary investigatory stop.

311.03 Preventing Foot Pursuits

- A. Based on the inherent dangers associated with foot pursuits, officers should take precautions when confronting suspects in order to prevent the suspect an opportunity to flee on foot.
- B. Officers should take preventative measures when approaching a suspect to reduce the opportunity for flight by the suspect.
- C. Utilize the Contact/Cover Principle
 1. Tactical positioning by officer during initial contact with suspect to cut off suspect's escape routes
 2. Officers should place suspects in positions of advantage to the officer, example: sitting, kneeling etc.
 3. Calm the suspect by tone of voice and choice of words. Talking with suspect keeps his mind focused on what the officer is saying
 4. Command presence / officer presence - Take control of the suspect and situation
- D. Be aware of suspect's body language
 1. Telegraphing signs they might run
 2. Pulling pants up getting ready to run
 3. Looking for escape routes

311.04 Initiating Foot Pursuits – ~~Decision Matrix~~ Considerations

Although it is an officer's decision to initiate a stop, it is the suspect or violator who decides to precipitate a foot pursuit by fleeing. If the officer has sufficient legal justification to detain or arrest and the individual flees to evade detention, arrest or escape from custody, an officer's decision to pursue on foot shall be made with an awareness of the risk to which the officer and others will be exposed.

- A. In deciding whether or not to initiate a pursuit, an officer shall consider the following alternatives to foot pursuit:
 1. Aerial support

Dallas Police Department General Order

311.00 Foot Pursuits

Revised 9/18/2013

2. Utilizing police vehicle
 3. Containment of the area
 4. Canine search
 5. Saturation of the area with patrol personnel
 6. 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
- B. In deciding whether to initiate or continue a foot pursuit, officers should consider the following risk factors:
1. Whether the officer is acting alone
 2. Familiarity with the area or an area that is hostile
 3. ~~Dangers of pursuing suspects who are known to be or suspected of being armed~~
 4. The ability or inability to obtain backup in a timely manner
 5. The dangers of pursuing in inclement weather, darkness, or reduced visibility conditions
 6. Whether the officer is in adequate physical condition to conduct a foot pursuit
 7. Geographic and physical hazards that could endanger the officer

311.05 Initiating Foot Pursuits – Accountability and Responsibility

Responsibility of Pursuing Officer(s)

Officers initiating foot pursuits shall be responsible for the foot pursuit unless circumstances dictate otherwise or until relieved by a supervisor. In any situation, an officer must always base the decision to engage in a foot pursuit on known facts, and circumstances that can be articulated by the officer. To engage in a foot pursuit the officer must have a reasonable suspicion that the person has committed or is about to commit a criminal offense. **It is important to note that flight alone does not constitute sufficient legal justification to detain or arrest an individual.**

Pursuit Procedures

- A. ~~One officer should not attempt to pursue more than one suspect at a time. Attempting to pursue and capture two or more suspects simultaneously creates significant risk to the pursuing officer and should not occur. An officer should not initiate or continue a foot pursuit if acting alone and the pursuit results in an officer chasing two or more suspects simultaneously.~~
- B. If two officers engage two or more suspects and the suspects flee in different directions, the two officers should not separate and should pursue a single suspect.
- C. If two or more officers have multiple suspects detained and one suspect flees, an officer should not pursue the fleeing suspect if that leaves his/her partner or fellow officers in a situation in which the number of detained suspects ~~exceeds the number of officers~~ **cannot be safely controlled by the remaining officers.**
- D. An officer shall not initiate and/or continue a foot pursuit if the officer knowingly loses possession of his/her firearm.
- E. An officer should not initiate and/or continue a foot pursuit if the officer loses his ability to communicate with dispatch.
- F. Once an officer decides to initiate a pursuit the initiating officer should:
 1. Identify his/her element number over the radio and advise the dispatcher of the foot pursuit
 2. Provide location and direction of travel
 3. Give description of the suspect and his/her clothing description
 4. Advise whether the suspect is armed
 5. Advise the dispatcher and responding elements if sight of the suspect is lost and last location
 6. Advise the dispatcher if responding elements can reduce to code 1
 7. Advise the dispatcher once suspect is taken into custody

Supervisor Responsibilities

- A. Upon becoming aware of a foot pursuit, the supervisor shall monitor the pursuit and decide as soon as possible whether the foot pursuit should continue. The supervisor should allow the pursuit to continue if:
 1. There is a reasonable belief that the suspect has committed an act that would permit the officers to detain the suspect
 2. There is a reasonable belief that the suspect poses an immediate threat to the safety of the public or other police officers; and
 3. The pursuit does not violate provisions of this or other department policy, procedures, or training
- 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.
- C. The patrol supervisor monitoring the foot pursuit should command, control, and coordinate the situation as soon as possible, appropriately directing resources to safely apprehend the suspect.
- D. The monitoring patrol supervisor shall respond to the culmination point of a pursuit if an arrest is made.

Communications Division Responsibilities

- A. Receive, record, and immediately report incoming information from the officer(s) involved in the pursuit to other officers regarding the suspect; and ensure cover officers are immediately assigned.
- B. Alert a patrol supervisor from the division of the foot pursuit.
- C. Alert the helicopter.

Dallas Police Department General Order
311.00 Foot Pursuits

Revised 9/18/2013

311.06 Discontinuing a Foot Pursuit

An officer should not continue a pursuit under the following conditions:

- A. An officer or a third party is injured during the pursuit and requires immediate assistance, and there are no other police or medical personnel able to render assistance.
- B. The suspect flees into buildings, structures, confined spaces, or into wooded or otherwise isolated areas and the officer does not have sufficient backup. In this instance the primary officer shall stand by, radio his or her location, and await the arrival of other officers to establish a perimeter. At this point, the incident may be considered a barricaded person.
- C. The pursuing officer loses more than momentary visual contact with the suspect and becomes unsure of the suspect(s) whereabouts or continued direction of travel.
- D. The pursuing officer is unsure of his or her own location or direction of travel.
- ~~E. 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.~~
- ~~F. The pursuing officer becomes too tired to affect an arrest at the conclusion of the pursuit.~~
- G. Anytime the danger to the pursuing officer(s) or public outweighs the necessity for immediate apprehension of the suspect.