

	<b>Houston Independent School District Police Department Directives</b>	<b>DIRECTIVE: 450-007</b>
		<b>EFFECTIVE DATE: March 7, 2014</b>
	<b>SUBJECT: Foot Pursuits</b>	<b>REVISED DATE: February 4, 2022</b>

## **PURPOSE**

This directive aims to establish a balance between protecting the safety of the public and officers of the Houston ISD Police Department during police pursuits on foot and law enforcement's duty to enforce the law and apprehend suspects.

## **POLICY**

A foot pursuit is defined as an officer chasing (on foot) a person who is evading detention or arrest. Foot pursuits are inherently dangerous police actions. It is the policy of this department that public and officer safety shall be the overriding consideration in determining whether a foot pursuit will be initiated or continued. Officers of the HISD Police Department should conduct a quick and continuous risk assessment whenever engaging in or continuing a foot pursuit. This policy is intended to provide overall direction and guidance to officers when deciding if such foot pursuits are warranted and how they should be conducted.

## **DIFFERENTIATING UNPROVOKED FLIGHT FROM EVADING DETENTION OR ARREST**

An officer can 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 for detaining or arresting an individual. In Illinois v. Wardlow, 529 US 119 (2000), the Supreme Court, while acknowledging that unprovoked flight is suggestive of wrongdoing, rejected the argument that detention is always justifiable when a suspect flees upon "seeing an identifiable police officer." Flight must be accompanied by one or more factors that provide sufficient justification to support a temporary investigatory stop.

## **AUTHORIZATION**

Although an officer decides to initiate a stop, the suspect or violator decides to precipitate a foot pursuit by fleeing. An officer should weigh all risk factors before engaging in a foot pursuit.

No officer or supervisor shall be criticized or disciplined for a decision not to engage in a foot pursuit if, in the officer's assessment, the risk exceeds that reasonably acceptable under the provisions of this and related department policy and training.

When necessary, an officer may pursue persons they reasonably believe have committed an act that would warrant a stop, investigative detention, or arrest.

The officer shall not leave a prisoner to pursue any subject.

## **ALTERNATIVES TO FOOT PURSUITS**

In deciding whether or not to initiate or continue a foot pursuit, an officer shall consider the following alternatives to foot pursuit:

- a) Containment of the area;
- b) Additional officers to saturate the area;
- c) Surveillance until other resources become available and;
- d) Apprehension at another time and place when the officer knows the identity of the fleeing subject or has other information that would likely allow for later apprehension.

The decision to initiate or continue a foot pursuit requires weighing the need to apprehend the fleeing subject against the degree of risk to the officer, the subject, and the community.

## **RISK FACTORS TO CONSIDER INCLUDE**

- a) If the subject is believed to be armed;
- b) The seriousness of the subject's offense;
- c) Officer acting alone;
- d) Backup is not available promptly;
- e) Officer familiarity with the area;
- f) Officer is pursuing more than one subject;
- g) Officer's physical condition;

- h) Ability to apprehend at a later time (identity is known);
- i) Radio frequency and the ability to transmit information in the area,
- j) Conditions of the area of pursuit (i.e., school zones, busy streets, lighting, etc.), and;
- k) Location:
  - 1) Nature of the area which impacts the safety of all those who may be affected by the pursuit (residential, commercial, freeway);
  - 2) Conditions of structures (abandoned, condemned, etc.);
  - 3) Environmental factors (weather conditions and darkness).

### **PURSUING OFFICER RESPONSIBILITIES**

Once an officer decides to engage in a foot pursuit, the officer must, as soon as practical, relay the following information to the Dispatch Center:

- a) Officer identifier;
- b) Location (continuing responsibility);
- c) The direction of travel (continuing responsibility);
- d) Number of fleeing subjects;
- e) Description of fleeing subject(s);
- f) Whether the subject(s) is believed to be or known to be armed, and;
- g) Reason for pursuing; and
- h) Officers should be cognitive of the safe handling of their weapons.

The pursuing officer shall coordinate with other officers to establish a perimeter for containment. Based on the officer's risk assessment and using their discretion, they should consider the following:

- a) Maintaining a sufficient tactical gap between themselves and the fleeing subject allows time for maintaining cover and allows for the arrival of backup.
- b) Entering a building, structure, or an area of limited or no cover without a backup officer present.

When two or more officers are in pursuit, they shall not separate unless they remain in sight of each other and maintain continuous communication.

## **SUPERVISOR RESPONSIBILITIES**

Supervisors shall:

- a) Monitor the pursuit and direct available resources to provide for the swift and safe apprehension of the subject;
- b) Respond to the scene if a use of force occurs;
- c) Terminate any foot pursuit where the risk to the officer, the public, or the fleeing subject outweighs the need for the foot pursuit, and;
- d) Consider and coordinate specialized units/personnel to aid in the apprehension (Canine, Emergency Response Team following containment, etc.).

## **COMMUNICATION RESPONSIBILITIES**

Dispatchers shall:

- a) Maintain open communications with the involved officer(s);
- b) Immediately dispatch backup officers to the pursuit location;
- c) Notify a supervisor and provide relevant information, and;
- d) If necessary, notify other area public service agencies.

## **ASSISTING OFFICERS' RESPONSIBILITY**

Assisting officers shall:

- a) Minimize radio traffic before arrival;
- b) Adhere to the emergency mode of vehicle operation and;
- c) Assist other responding officers in setting up a perimeter and containment.

Generally, the first assisting officer on the scene shall be responsible for this task. The officer who begins to coordinate a perimeter and containment should maintain that function until the foot pursuit has ended or been terminated or until relieved from that duty by a supervisor.

## **TERMINATION OF FOOT PURSUITS**

Officers shall terminate a foot pursuit if;

- a) Ordered by a supervisor;
- b) If the officer believes the danger to the pursuing officer(s), the public, or the fleeing subject outweighs the necessity for the immediate apprehension of the subject;
- c) If the officer(s) has lost sight of the fleeing subject(s) and all attempts at apprehension have been exhausted;
- e) If the primary officer loses communication with dispatch and backup officers; If the officer becomes unsure of their location or direction of travel, or;
- f) The officer has lost their firearm.

After termination of a foot pursuit, the involved officer(s) will notify communications of the last known location of the fleeing subject or, in cases of apprehension, the location of apprehension.

## **REPORTING**

All officers involved in a foot pursuit are responsible for completing all necessary reports and forms by the end shift or immediately following the incident, including offense information reports and individual officer supplements. Reports should include the officer's actions and observations. Response to resistance paperwork will also be completed on all foot pursuits, when applicable.

The initiating officer will be responsible for submitting a detailed report of the foot pursuit in a police incident/investigation report. Details of the foot pursuit will be included in the report's narrative under the heading Foot Pursuit Report. The officer will list the Foot Pursuit as the final item in the narrative section of the incident report to include but not limited to the following information about the Foot Pursuit:

- a) Date and time of the foot pursuit (beginning and ending times);
- b) Initiating officer's name; number, and names of additional officers involved;
- c) Names of other departments and the number of officers involved;
- d) Reason and probable cause for initiating the pursuit; did the suspect bail out of a vehicle or building;
- e) Demographical information of suspect(s) and others involved;
- f) Supervisor notified whether the pursuit was terminated, if so, by whom and why;

- g) Whether any other incidents, accidents, or injuries occurred as a result of the pursuit, either directly or indirectly;
- h) Medical treatment provided or rendered and by whom; transported, if so to where;
- i) Any weapons, drugs, and money recovered;
- j) What charges were filed against any suspect(s) arrested; and
- k) Any other pertinent information.

## **TRAINING**

This policy and its procedures will be discussed and reviewed during roll call briefings and in-service training. All reviews will be documented and forwarded to the Training Unit.

Approved By

  
Pedro Lopez Jr., Chief of Police