

Recommendation xx: MPD should amend its SOP on Foot Pursuits to fully address the safety concerns associated with chasing a suspect without communicating with dispatch, solo foot pursuits, pursuing in unfamiliar areas or after losing sight of the suspect, and chasing a suspect while not in full patrol uniform and gear. [OIR 97]

Foot pursuits are inherently somewhat dangerous, and lead to a disproportionate number of officer-involved shootings and other instances of use of major force. As OIR notes:

The dynamic of most foot pursuits is inherently unsafe for the officer. The suspect determines the path of the pursuit. If the suspect is armed, he can draw the officer in and then turn and shoot the pursuing officer before the officer has an opportunity to react. Even worse, if the armed suspect has an opportunity to turn a corner, jump a fence, or enter a building, causing the officer to lose visual contact, the suspect then has a tactical advantage and can ambush the pursuing officer. Running with an unholstered gun places an officer in a better position to react to an ambush, but creates additional problems, including the possibility of an accidental discharge and hampering the officer's ability to engage in a hand-to-hand fight with the suspect. A long foot pursuit can leave an officer (who is weighed down by the necessary gear on his or her belt) winded, and the exhaustion can compromise the officer's tactical skills and decision-making ability.

The dynamic is also unsafe for the public and the suspect being pursued, as the heightened sense of danger faced by officers in this scenario may cause the officer to perceive any ambiguous move by the person being chased – such as grabbing at his waistband – to be an indication that the suspect is armed. Because officers are trained to anticipate lethal threats, the stress of a foot pursuit and insufficient distance between the officer and subject sometimes causes an officer to use deadly force in response to perceived aggression when, in fact, it turns out that the person being chased was not armed after all.

To provide guidance to officers and mitigate the danger, police departments, including MPD, have constructed foot pursuit policies. However, MPD's SOP provides less guidance than OIR recommends and that we agree is needed. OIR specifically recommends that MPD policy be modified to address the following four points:

1. *"The SOP states it is the pursuing officer's responsibility to notify dispatch of pertinent facts, 'if possible.' Better practice is to require officers to terminate a pursuit if they cannot communicate with dispatch, or lose radio contact for any reason."*
2. *"Officers are instructed to consider the availability of backup when initiating a pursuit, but there is no prohibition on solo pursuits, or, at a minimum a requirement that a solo pursuer only chase for tracking purposes and not close the distance to apprehend a suspect on his or her own."*
3. *"The SOP does not instruct officers to terminate a pursuit if the officer loses sight of the suspect – jumping fences or entering buildings, for example – or becomes unsure of his or her location."*
4. *"The SOP does not address the risks of engaging in a foot pursuit for officers not in uniform or without a full set of authorized equipment on their belts (Detectives, for example)."*

Since the OIR report emerged, MPD has altered the SOP to address point 4 (with the SOP now stating that factors to consider in initiating a pursuit include available equipment and whether a uniform is being worn), but it appears that point 1-3 remain unaddressed in policy.

In its response to the OIR report, MPD notes that these issues are addressed in training. However, OIR points out, *“including the concepts in policies messages to officers a heightened importance of compliance and provides the Department the ability to hold officers accountable should the policy be violated,”* and further notes that, *“While training is important, there needs to be clear guidance through policy so that all officers understand in writing what the expectations of the Department are when they engage in a foot pursuit.”* We agree with OIR’s reasoning that these provisions should be embodied in policy. See also Ad Hoc Committee recommendation xx, advising that MPD further tighten discretion that officers have about engaging in foot pursuits.