



SAN JOSE POLICE DEPARTMENT

TRAINING BULLETIN

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

SUBJECT: FOOT PURSUIT GUIDANCE

DATE: December 17, 2022

Bulletin #2022-040

On September 13, 2022, the Independent Police Auditor presented the [2021 Year End Report \(link\)](#) to City Council. This report contains numerous recommendations including the following:

Recommendation #7 reads: “The Duty Manual should provide guidance on when officers engage in foot pursuits.”

Refer to Memo #2022-062 regarding Duty Manual Addition: L 9023 Initiating and Engaging in a Foot Pursuit for further information.

Foot pursuits are inherently dangerous. The primary purpose of this Training Bulletin is to establish a balance between protecting the safety of the public and officers during foot pursuits and law enforcement’s duty to enforce the law and apprehend subjects.¹

When making the decision to initiate or continue a foot pursuit, Department members are expected to act reasonably based upon the totality of the circumstances, including continuously balancing the objective of apprehending the suspect with the risk and potential for injury to Department members, the public, and the subject.

WHAT IS A FOOT PURSUIT?

A general definition of a foot pursuit is *an incident where an officer chases — on foot — a person who is evading detention or arrest.*¹ However, foot pursuits also include incidents where any involved subjects or officers convey by non-vehicle (e.g., bicycle, skateboard, scooter, etc.).

INITIATING A FOOT PURSUIT

The safety of Department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in, or has engaged in criminal activity. In determining whether to initiate a foot pursuit, officers should, balance the need to apprehend the subject immediately versus

¹ [Foot Pursuits - International Association of Chiefs of Police](#)

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the danger the foot pursuit poses to the officer, the subject, and the public. The need to apprehend the subject should reflect the level of criminal activity and/or any ongoing threat to the public.

The decision to initiate or continue such a foot pursuit should be continuously re-evaluated based upon the totality of the circumstances.

Mere flight by a person who is not suspected of criminal activity should not serve as sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

No officer or supervisor will be subject to discipline for deciding not to engage in a foot pursuit due to the perceived risk involved.

In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives based upon the totality of the circumstances and resources available, such as:

- Containment of the area
- Saturation of the area with law enforcement personnel
- A canine search
- [REDACTED]
- Availability of air support
- Apprehension at another time when the identity of the suspect is known or there is information available which 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

Unless already known or should be known, at the initiation of a foot pursuit, or as soon as practicable, officers should identify themselves as police and give orders to the subject to stop their flight. For example, if the officer is in full uniform and exiting a marked patrol vehicle, identification as a police officer may not be necessary.

FACTORS TO BE CONSIDERED

In balancing the seriousness of the suspect's offense(s) and evaluating the risk the suspect poses to the public if not pursued, Department members should consider relevant factors, including but not limited to the following:

- Number of officers involved in the foot pursuit
- Number of subjects involved in the foot pursuit
- Availability of additional resources
- Associates of the subject in the area
- Ability to maintain verbal and/or visual contact with assisting officers
- Ability to maintain verbal and/or visual contact with the pursued subject
- Knowledge of the area and direction of travel
- Radio communications
- Buildings, structures, confined spaces, isolated areas, or dense or difficult terrain

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- Physical ability to maintain the foot pursuit
- Physical ability to engage the subject at the conclusion of the foot pursuit if a confrontation were to occur
- Weapons seen or perceived to be possessed by the subject
- The ongoing threat posed by the subject if they are not apprehended by law enforcement

Some factors which may lead officers to discontinue a foot pursuit include, but are not limited to the following:

- The officer reasonably believes the danger to the pursuing officers, the subject, or the public outweighs the need for immediate apprehension.
- The subject's location is no longer reasonably known.
- The identity of the subject is established, or other information exists which will allow for the subject's apprehension at a later time, and it reasonably appears there is no immediate threat to Department members or the public if the subject is not immediately apprehended.
- The officer becomes aware of unanticipated or unforeseen circumstances which unreasonably increase the risk to officers, the subject, or the public.

Supervisory approval is not a requirement for Department members to initiate a foot pursuit. Involved members should provide accurate and timely information to Communications. This information may be used by supervisors to base their decision upon whether to (1) allow the initiation or continuation of a foot pursuit or (2) terminate the foot pursuit.

COMMUNICATIONS

Initiating Unit

The unit initiating a foot pursuit should notify Communications of the following information as soon as practicable:

- Unit identification
- They are involved in a foot pursuit
- The location and direction of travel
- The subject description
- The initial reason(s) for the foot pursuit
- Any other relevant information

Officers involved in the pursuit should continue to provide updates to Communications as appropriate, to the extent practical. The updates should include additional crimes, location, direction of travel, and any other relevant information (e.g., weapons, wants, evidence, etc.).

Communications

Communications should notify the District sergeant for the assigned district in which the foot pursuit is initiated. If that sergeant is not available, Communications should notify a sergeant from the closest

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district. That sergeant becomes responsible for the supervision of the foot pursuit and should advise Communications they are assuming responsibility on the radio channel handling the foot pursuit.

The Communications dispatcher should attempt to keep the entire foot pursuit on the original radio channel, even if it travels into other districts or jurisdictions. If deemed appropriate, however, the dispatcher, supervisor, or supervising sergeant may direct all involved units to switch to a radio channel which may offer better radio communications.

Additional Personnel

Each subsequent officer joining the foot pursuit should advise Communications. This advisement should be conducted either through the Mobile Data Terminal or on a different radio channel to allow the pursuing officer the ability to broadcast on the primary radio channel.

CONCLUSION OF A FOOT PURSUIT

Foot pursuits generally conclude by (1) the taking of the subject into custody or (2) termination by a Department member (e.g., subject escape or unknown whereabouts). If the conclusion of a foot pursuit includes engaging the subject, whether by overcoming the subject's resistance or their submission to authority, Department members shall abide by the provisions of the Duty Manual, including Chapter L 2600 - USE OF FORCE.

CONTINUATION OR TERMINATION OF A FOOT PURSUIT

The circumstances under which foot pursuits may be initiated and the factors to be considered listed above under initiating a foot pursuit and factors to be considered should be continuously evaluated by involved units and supervisors, balancing the need to apprehend the suspect immediately versus the danger the foot pursuit poses to the officer, the subject, and the public.

If either the pursuing officer or the supervisor responsible for supervision of the foot pursuit (see Duty Manual section L 2156 SUPERVISORY RESPONSIBILITIES) concludes after considering the criteria set forth under initiating a foot pursuit and factors to be considered, the need to apprehend the subject immediately is outweighed by the danger the foot pursuit poses to the officer, subject, and public, that officer or supervisor should immediately terminate the foot pursuit.

SUPERVISORY RESPONSIBILITIES

Once a supervisor becomes aware of a foot pursuit in their assigned area, that sergeant becomes responsible for the supervision of the foot pursuit and should advise Communications they are assuming active management and control of the foot pursuit. In the event the initiating unit is not part of a Bureau of Field Operations patrol team, a supervisor from the pursuing members' unit or bureau may maintain control of the foot pursuit, if immediately available. The supervisor is responsible for monitoring the foot pursuit for compliance with all other sections of this Training Bulletin.

The supervisor should respond to the location of termination of the foot pursuit to facilitate the stabilization of the incident and the capture of the subject.

SUPERVISORS' RESPONSIBILITY FOR SUBSEQUENT APPREHENSION EFFORTS

Whenever a subject initially escapes due to an officer's choice not to pursue, or if the foot pursuit is terminated, the supervisor in charge of the involved officer should make every effort to facilitate a follow-up investigation so the subject may be identified and apprehended at a later time. It should also be the responsibility of the Bureau of Investigations to assist.

A handwritten signature in black ink, appearing to read 'A. Mata', is positioned above the printed name and title.

Anthony Mata
Chief of Police

AM:SD:JJ