

CUMBERLAND COUNTY DISTRICT ATTORNEY'S OFFICE – POLICY ON HOSTAGE/BARRICADED SUBJECTS FOR LAW ENFORCEMENT OFFICERS

I. Purpose

The purpose of this policy is to establish a written directive, which describes the agency's procedures related to a Hostage / Barricaded Subject Incident.

II. Policy

This agency shall use properly trained, equipped and supervised officers to respond and contain a potential barricaded/hostage incident. This agency shall respond to and take necessary steps to free innocent persons who are endangered and being held illegally against their will. During situations that involve hostage takings, this agency shall deploy first responding officers to contain the situation and suspects involved when appropriate, pending the arrival of personnel specially trained in negotiations and tactical problem solving. This policy does not prohibit properly trained and equipped first responding officers from taking direct and immediate action up to and including deadly force in cases where a hostage is facing what the officer reasonably believes is the imminent use of unlawful deadly force and the officers' reasonable actions have a high probability of neutralizing the deadly threat or preventing the situation from escalating.

Should the situation involve overtly dangerous or assaultive behavior directed toward officers or involved citizens, or should it involve suspects wanted on serious felony crimes, a tactical element shall immediately respond and address the problem through primary and secondary resolution options.

In all other cases, after the situation has stabilized, this agency shall closely examine the situation and weigh the benefits of forcing the suspect or subject from the location against the potential costs. This agency shall give special consideration to such things as the commitment of agency personnel and resources and the impact this might have on response capability to other critical incidents in the community, the impact on the community surrounding the police operation, the severity of the crime or situation involved, and the agency safety priorities and the recognition of the risks involved when tactics are used to resolve a barricade.

If a decision is made to continue with the resolution effort, minimally intrusive techniques shall be employed until the suspect or subject exits, the agency decides to discontinue the effort and leave the scene, or the agency decides that the minimally intrusive resolution techniques have failed and the need to take the suspect or subject into custody justifies the transition to tactics.

This agency shall generally not use tactics to resolve a barricade situation unless it has lawful justification to arrest the suspect or subject or take him or her into physical custody.

Positive progress in a barricade resolution effort shall be defined as developments that increase the probability that the suspect or subject will be safely taken into custody, as opposed to the mere passage of time.

Given this is a statutorily mandated policy, officers must abide by this agency's policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees.

III. Definitions

Barricaded Subject Incident: Any situation where a person who is not suspected of committing a crime but is the focus of a legitimate police intervention effort -- most often involving threats of suicide or mental illness -- who has taken a position in a physical location, most often a structure or vehicle, that does not allow immediate police access -- whether fortified or not -- and who is refusing police orders to exit. A barricaded subject may be known to be armed, thought to be armed, have access to weapons in the location, or be in an unknown weapons status.

Barricaded Criminal Suspect Incident: Any situation where a criminal suspect who has taken a position in a physical location, most often a structure or vehicle, that does not allow immediate police access -- whether fortified or not -- and who is refusing police orders to exit. A barricaded suspect may be known to

be armed, thought to be armed, have access to weapons in the location, or be in an unknown weapons status.

Hostage Incident: Any situation in which a person is being held against his or her will by an armed, potentially armed, or otherwise dangerous suspect.

Command Post: A centralized base of operation established near the site of an incident at which primary command functions are executed.

Incident Commander (IC): Highest-ranking officer at the scene until specifically relieved by another officer who is authorized to assume command of the situation.

Unified Command: A multi-agency command incorporating officials and personnel from agencies with jurisdictional responsibilities at an incident scene. When an incident's magnitude exceeds the capabilities, resources or jurisdiction of one agency, the ICS of an agency can evolve into and participate in an established Unified Command structure.

Inner Perimeter: A close proximity boundary maintained initially by first responding officers, later transferred to the special response team, and designed to contain the situation to the smallest possible area and prevent access to the target location by persons from the outside.

Outer Perimeter: A boundary outside the inner perimeter maintained by patrol officers and designed to prevent unauthorized persons from entering the area of the critical incident.

Triggering Point: Specific predetermined circumstances that will justify the initiation of direct action to prevent or terminate a particular course of suspect or subject behavior.

IV. Procedures

All officers are responsible for being familiar with the warrantless arrests section of the Criminal Code, and all other applicable statutes, and pertinent chapters of the Maine Law Enforcement Officer's Manual as it pertains to the use of physical force.

A. Initial Response

1. Upon receipt and evaluation of the initial call, the incident supervisor or senior officer, if appropriate, will request the tactical and negotiation teams.
2. The first responding officer shall assume the role of incident commander (IC) and be responsible for:
 - a. conducting an initial situation and response analysis,
 - b. determining what resources will likely be required based on the available information,
 - c. and providing this information to communications.
3. Officers shall also be aware that police presence can be a catalyst for suspect or subject response and that he or she must be prepared to take appropriate action should the situation demand it, regardless of the status of additional personnel responding.
4. The IC shall continuously evaluate the situation and determine whether the opportunity and need exists for immediate intervention. The decision should be based on a variety of factors, including the following:
 - a. Whether the failure to act could reasonably be expected to result in the loss of life or the loss of additional life;
 - b. Whether sufficient numbers of properly trained and equipped police personnel are available to effectively neutralize the threat;
 - c. Whether the target location can be entered, or the suspect engaged without inappropriately increasing the risks to the innocent person or persons being held;
 - d. Whether immediate intervention could limit or preclude the suspect's access to additional victims.
5. When the circumstances suggest an immediate intervention is necessary and appropriate, a properly trained and equipped contact team shall be formed under the supervision of the most qualified officer on scene. The mission of the contact team may vary based on the circumstances presented, but generally the focus is on locating, neutralizing, and apprehending the suspect or

cutting off the suspect's access to hostages or containing the suspect in an area that will limit the suspect's movement and opportunity for escape.

6. The IC shall direct arriving resources to specific positions or the designated staging area.
7. The IC shall establish a command post in an area that is out of the line of sight of the incident and that can handle a large number of vehicles if necessary.
8. The officer shall continue functioning as the IC until relieved by a superior officer or an officer with specialized training or expertise in fulfilling this role.
9. Communications shall be continuously updated on officer positions and status and informed if the responsibilities are transferred to another officer.
10. The IC shall confirm that the staging area maximizes the safety of the responding units and ensure that one officer is assigned at all times to brief arriving personnel.
11. The IC shall consider the previously listed safety priorities and establish an inner perimeter to contain the problem. During this process, all nonpolice personnel shall be evacuated from the inner perimeter to an appropriate location for intelligence debriefing.
12. The IC shall assess the suspect's or subject's options and related triggering points and set a contingency plan in motion to counter such options, based on the totality of the circumstances presented.

B. Stabilization

1. Upon stabilization, the IC shall conduct a secondary assessment and consider what has occurred and the legal standing of the agency to intercede. It is especially important to determine:
 - a. whether a crime has been committed;
 - b. whether the person inside is a suspect in the crime;
 - c. whether there is probable cause for his arrest, and
 - d. whether the need to apprehend the suspect at that moment outweighs the challenges associated with compelling the suspect or subject to submit to police authority.
2. In the absence of a crime or under circumstances where the IC cannot articulate the legitimate risk of death or serious injury, the agency's best course of action may be to stand down.

C. Resolving the situation

1. Upon determining that the agency shall attempt to resolve the barricade situation, the IC shall ensure that the appropriate specialized resources and specialized equipment have been requested (a special response team, crisis negotiations, the fire department, night vision, auxiliary lighting etc.) and ask that communications keep him or her apprised of the specialized unit response status. A Communications plan will be created to ensure communications interoperability amongst responding agencies
2. The IC shall ensure that a variety of tasks are addressed while awaiting the arrival of special response teams and negotiations, including but not limited to the following:
 - a. Establish an outer perimeter and initiate the evacuation and handling process for those inside. Special consideration must be given to the handling of those who refuse to be evacuated.
 - b. Establish a command post location outside the suspect's potential line of fire and sight and ensure that responding officers are directed to this location for assignment before they move to the operations area.
 - c. Initiate an investigation to determine exactly what has occurred and locate, isolate, and debrief any witnesses. This should include obtaining information about the suspect where relevant and available, including the following:
 - i. Name;
 - ii. Physical description;
 - iii. Clothing description;
 - iv. Military background;
 - v. Criminal history;

- vi. Weapons;
- vii. Mental state and condition, and names of treating clinicians;
- viii. Circumstances leading up to the immediate problem

- d. Complete the Hostage/Barricade Subject(s) Checklist, as outlined in Appendix A of this policy.
- e. Obtain the telephone number and physical location of the target subject's telephone. Consider whether it is logical, necessary, and appropriate based on the facts presented to use the telephone in advance of special response and negotiations to establish communications and attempt to convince the suspect or subject to surrender.
- f. Select a location for a media staging area and designate a person to interact with them prior to the arrival of the agency's public information officer.
- g. Select a location for those responding on behalf of the barricaded suspect or subject and designate an officer to interact with them. Make outer-perimeter personnel aware of the presence of those responders and consider that they may attempt to enter the barricade location.
- h. Contact the person with the most knowledgeable concerning the floor plan of the barricade/hostage location, including specifics related to keys, doors, locks, fortification, windows, alarms, weapons, and any other information that might help the resolution efforts.
- i. Establish and maintain a log that documents the activities that have occurred and the location and identification of the assigned personnel.
- j. Brief the special response team and negotiations teams upon their arrival.
- k. Assist the special response team as it relieves the officers responsible for inner perimeter containment personnel.
- l. Ensure that all officers relieved report to the command post for reassignment.

D. Tactical Operations

- 1. Tactical Operations will be managed by the Officer in Charge of the Special Reaction Team.
- 2. Incident Command will provide logistical support to Tactical Operations to include, area maps, building diagrams, search warrant and arrest warrants if required.
- 3. The Special Reaction Team will be responsible for the development of tactical operations plan. The Tactical Operations Leader will keep the Incident Commander informed of all developments and operations when possible. The Incident Commander will be responsible for notifying the CLEO.
- 4. Communications between tactical and hostage negotiation personnel will be a priority, ensuring constant updates are given to the progress or failure of negotiations.
 - a. The negotiation process is one of establishing a trust between the hostage taker and negotiator.
 - b. Negotiators shall be positioned at a location separate from the Command Post. The location should provide privacy and security for the negotiators and contain the equipment to maintain communications with both the scene commander and hostage taker. "Throw phones", radios, cellular phones, and bullhorns may be used to communicate with the suspect. Negotiators should also be conscious of communications security.
 - c. The Negotiator can recommend to the Incident Commander to terminate negotiations at any time he determines they are not fruitful.

E. De-Escalation

Once the hostage/barricaded situation has been resolved the following procedures should be followed:

1. Once the arrest team has secured and searched the suspect, he/she will be given any medical treatment needed and should be removed from the scene immediately. If the suspect's injuries are serious enough to warrant hospitalization, the receiving hospital will be notified along with the law enforcement agency having jurisdiction. An appropriate number of police personnel will be assigned to provide security at the hospital. Suspects should always be accompanied by 2 or more officers for security.
2. Hostages should be removed immediately, upon capture of suspect.
 - a. Radio communication should be made that the hostages are coming out. Medical treatment should be provided, if needed.
 - b. Hostages should not be allowed to discuss the incident with anyone until they have been debriefed by department personnel.
 - c. The Incident Commander should assign an officer/investigator to each hostage for debriefing. Hostages will also be notified of services that are available to them as the victims of crime.

F. After Action Review

All officers will be debriefed after an incident. Information will be collected to critique department actions in the operation and ensure policies and procedures were followed. The Incident Commander will submit a detailed After-Action Report (AAR) to the CLEO through the chain of command on the incident containing all facts pertinent to the incident. The ARR will identify any training, staffing or equipment needs and make recommendations to address them.

PER ORDER OF: _____

Chief Executive Officer

Appendix - A

Hostage/Barricaded Suspect(s) Checklist

Information:

Crime Committed?

Owner of building/ residence?

Suspect Information:

Name and DOB?

Physical Description?

Clothing Description?

Mental Health History?

Criminal History?

Drug or Alcohol Use?

Military History?

Weapons/Type/Ammo?

Shots Fired? How many? Direction?

Attitude towards Police?

Special Training?

Telephone? (Cordless/Cell or other?)

Telephone Number?

Police Scanner?

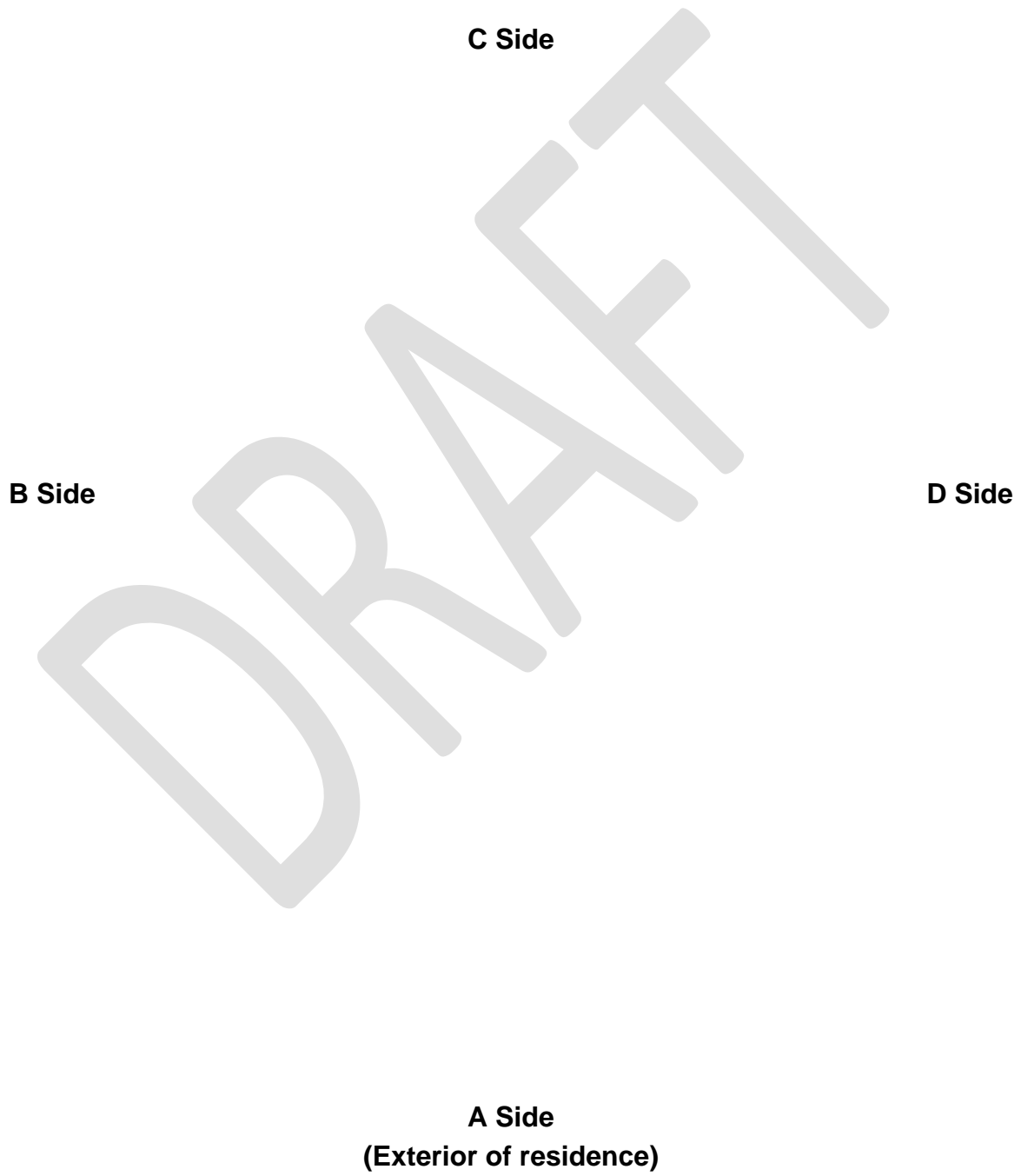
Other people in building?

(If so, who and relationship with suspect?)

Residence Information:

Sketch of **Exterior** (Include doors, windows; which way door opens; screen doors; etc.)
Outdoor Lights and where-
Dogs (If so, how many and where?)-
Outbuildings; Attached structures; Vehicles?
Most Used Entrance to residence? Where?

******Where are First Responder Perimeter Units placed?******



Interior of Residence:

Master Bedroom; Living Room; Bathrooms; Kitchen; other rooms-

C Side

B Side

D Side

**A Side
(Interior of Residence)**



Other Issues to Consider-

Any visuals of suspect? (If so, where and what was seen?)

Verbal contact with suspect? (If so, attitude and statements made?)

Road Blocked?

Evacuation of Neighbors Completed? (If not, document who, what, where and time.)

Victim still on scene? (If not, contact number where he/she can be reached.)

Search Warrant started? By who? E.T.A. to completion?

Arrest Warrant started? By who? E.T.A. to completion?

Fire/E.M.S. on standby?

Command Post Location? O.I.C.?

Interviews of victim; family; friends or other of suspect?

Updates from perimeter units?