

BERKELEY POLICE DEPARTMENT

DATE ISSUED: February 1, 2012

GENERAL ORDER X-1

SUBJECT: **CRITICAL INCIDENT RESPONSE/BARRICADED SUBJECT HOSTAGE NEGOTIATION TEAM OPERATIONS**

PURPOSE

- 1 - The purpose of this General Order is to explain basic response procedures to critical incidents, and to establish policies and guidelines governing the organization and operation of the Barricaded Subject Hostage Negotiation Team (hereafter referred to as HNT).

POLICY

- 2 - The Berkeley Police Department shall exercise control over critical incidents, including, but not limited to, barricaded subject and hostage situations. The Department's goals will be to protect the lives of, and minimize hazards to, all persons related to such events.
 - (a) The Department's goal of protecting the lives of all persons shall include the individual responsible for the critical incident, but not to the extent that the safety of others will be compromised.
 - (b) Given the dynamics and unique nature of a critical incident, as much time as may be necessary will be used to advance the potential of a non-violent resolution to the situation.
 - (c) Nothing in this policy shall preclude the use of reasonable force to protect individuals from injury or death.
- 3 - A specialized unit within the **Operations** Division, the HNT will be trained and equipped to handle the following situations:
 - (a) Barricaded subject and hostage situations;
 - (b) Service of high risk search and/or arrest warrants;
 - (c) Special circumstance search/rescue operations;
 - (d) Special weapon and tactical support for planned or unplanned Departmental operations; and,
 - (e) Special weapon and tactical support for Crowd Management Team (CMT) operations in incidents involving major violence.
- 4 - Operational commitment of the HNT to resolve any incident presumes the perpetrator is armed or has the means to take human life.

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DEFINITIONS

- 5 - For the purpose of this Order, a reference to the masculine includes the feminine, and the singular includes the plural:
- (a) Barricaded Subject: A person who has the capacity to inflict, threatens, or has inflicted, bodily harm to himself or others, and who confines or restricts himself to a location from which he will not voluntarily leave.
 - (b) Hostage: An individual held or controlled by another person as security for the performance of certain acts or to achieve specific demands.
 - (c) Barricade Incident: An event involving a barricaded subject.
 - (d) Hostage Incident: An event where one person holds another hostage.
 - (e) Barricaded Subject Hostage Negotiation Team (HNT): Specially selected employees trained to resolve critical incidents, including, but not limited to, barricaded subject and hostage situations.
 - (f) Inner Perimeter: The geographic area immediately surrounding the location occupied by a barricaded subject or hostage taker that is contained by officers.
 - (g) Outer Perimeter: The geographic area outside the Inner Perimeter which is strictly controlled by police personnel.
 - (h) Immediate Danger Zone: The area wherein a barricaded subject or hostage taker can inflict injury or death.
 - (i) Potential Danger Zone: The area beyond the Immediate Danger Zone within the Outer Perimeter, over which it is necessary to maintain control.

PROCEDURES

Team Organization

- 6 - The HNT is organized into the following elements:
- (a) Command Element: Comprised of one HNT Commander who has responsibility for all HNT operations, and two tactical commanders who have responsibility for their respective tactical teams.
 - (b) Negotiator Element: Comprised of one team leader, an assistant team leader, and 6-8 negotiators; has the responsibility to advance the resolution of a critical incident through intelligence gathering and negotiation.

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- (c) Tactical Element: Comprised of two, 12 member tactical teams (designated by the colors "blue" or "gold"); has responsibility for tactical missions, including arrest, containment, evacuation, tactical intelligence gathering, rescue, search, security, and support of other planned department operations.
- (d) Tactical Dispatch: Comprised of Public Safety Dispatchers; may have responsibility for tracking HNT call out status and deployment procedures, establishing communications channels, and maintaining and posting tactical logs and incident events.
- (e) Logistics Element: Comprised of a team leader and three sworn officers; has responsibility for the procurement and maintenance of team equipment and supplies, other projects as assigned by the HNT Commander, and during a team operation, the establishment of the Incident Command Post.
- (f) TEMS: Comprised of sworn officers trained and qualified to the standard of Emergency Medical Technician (EMT); responsible for tactical emergency medical support in HNT operations.

7 - The Chief of Police shall assign team personnel in any manner deemed to be in the best interest of the Department.

8 - Element Team Leaders, within the scope of their respective duty, are responsible for supervision, leadership, training, equipment maintenance, and overall performance of their Element.

Selection Process

9 - At least every two years, HNT command staff shall establish an HNT eligibility list to accommodate HNT staffing needs.

- (a) The announcement and application filing procedures shall adhere to the procedures set forth in General Order P-15.

10 - Unless otherwise specified by the Chief of Police, all applicants shall meet the following criteria to be eligible for appointment to the HNT:

- (a) Have at least three years of law enforcement experience;
- (b) Have successfully completed Department probation for initial appointment;
- (c) Have Personnel Appraisal Report ratings of at least "meets requirements" for two years preceding application;
- (d) Successfully complete a selection board interview.
- (e) Tactical Element applicants shall be able to pass physical fitness and weapons qualification testing.

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- 11 - The Selection Board will be comprised of, at minimum, HNT Command and/or Team Leader representatives.
- (a) A Commissioner of the Police Review Commission (PRC) shall be permitted to attend the selection board interviews to monitor the interview process.
- 12 - The Selection Board is responsible for the evaluation of each applicant and submission of recommendations regarding eligibility to the **Operations** Division Captain.
- 13 - Candidates who are successful in all aspects of the testing process will be placed on an HNT eligibility list, which will remain in effect for no longer than two years.
- (a) With the exception of appointments to Team command positions, vacancies on the Team shall be filled from the eligibility list based on recommendations from HNT Command Staff to the Patrol Captain.
- (b) Final selection authority shall rest with the Chief of Police.
- 14 - The **Operations** Division Captain shall recommend a lieutenant for appointment to the position of HNT Commander based on the lieutenant's overall departmental experience, prior work performance, judgment, and reliability. **The Operations Division Captain shall also recommend a qualified sergeant or lieutenant for the appointment to the position of Tactical Commander based on the same aforementioned factors.**
- (a) Criteria applicable to consideration of a lieutenant's appointment to the position of HNT Commander should include his/her successful completion of probation at rank, and prior operational experience as a member of HNT.
- (b) In the event that current Tactical Commanders are not appointed to the position of HNT Comander, the position shall be filled from the rank of captain or lieutenant department-wide.
- (c) Final authority for selection of any member of the HNT Command Element shall rest with the Chief of Police.

Training

- 15 - When possible, the Personnel & Training **Bureau** shall arrange for new HNT Tactical and Negotiator Element members to attend an appropriate POST-approved basic training course no later than 12 months after appointment to the team.

Physical Fitness Standards

- 16 - Tactical Element members shall be required to meet physical fitness standards designed to ensure individual capability with regard to physical challenges posed

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by tactical operations.

- (a) Authority to establish and maintain the physical fitness standards shall rest with the HNT command staff.
 - (b) HNT command staff, with the approval of the **Operations Division** Captain, may implement alterations to established physical fitness standards or the testing process.
- 17 - HNT command staff, or their designee(s), will oversee the administration of physical fitness testing, which will be conducted on a semiannual basis.
- (a) The physical fitness test employed by the HNT is at the discretion of the HNT Command staff.
 - (b) A clearly defined scoring scale shall be utilized; a passing score, established by the HNT command staff, shall be conveyed to team members prior to beginning a fitness testing process.
- 18 - If a tactical team member is unable to successfully **pass** a scheduled physical fitness test, he/she shall be allowed a second opportunity to achieve a passing score no later than 90 days from the initial testing date.
- 19 - Pending participation in a retest described in paragraph 18 of this Order, a tactical team member may continue to participate in HNT training and live operations.
- 20 - If a tactical team member is unable to achieve a passing score after a **second** attempt at the physical fitness test, he/she shall be decertified and removed from the HNT.
- (a) A team member removed from the HNT due to failure to meet established physical fitness standards may apply for reinstatement at the next department-wide selection process.

Service Status

- 21 - Unless officially inactive or excused, Team members will ensure their availability for unrestricted participation in all HNT activities.
- 22 - If a team member is unable to perform the duties associated with their HNT assignment for any reason, including, but not limited to, injury or illness, he/she shall promptly notify the HNT Commander.
- 23 - If, due to injury or illness, a team member requests approval to temporarily suspend his/her participation in HNT activities, he/she must provide medical documentation directing restricted or modified duty.
- 24 - In situations where an injury or illness is of such a nature that the recovery time may exceed a period of six months, the team member may be placed on inactive

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status and precluded from participating in HNT activities.

- (a) Team members who are transferred to inactive status shall be placed on the HNT Eligibility List, ahead of candidates pending first appointment, and below previously listed inactive members of similar team assignment.
 - (b) When the inactive team member is eligible for return to "Active" status without duty restriction, and has passed the established physical fitness test in the case of members returning to the tactical element, he/she may be reappointed to their previous team element at the next available vacancy.
- 25 - A team member may be transferred to inactive status due to a conflict with the his/her primary duty assignment (i.e. Internal Affairs, Homicide, etc.), or when otherwise deemed necessary or appropriate, at the discretion of and for a period determined by the Chief of Police.
- 26 - In the event a team member is placed on inactive status, the vacant position may be filled by an appointment from the HNT **Eligibility** List.
- 27 - A team member who has been on inactive status for longer than twelve consecutive months due to an injury or illness may be removed from the team at the discretion of the Chief of Police.

Command Structure and Responsibilities

- 28 - In operations conducted prior to the transfer of command authority from the **Operations** Division Incident Commander to a HNT Commander, Departmental chain of command and rank structure shall be adhered to.
- (a) In the event an HNT Commander is unavailable, HNT Command will be comprised of the **Operations** Division Incident Commander and an HNT Tactical Element Team Leader.
- 29 - When command authority has been transferred to a HNT Commander, the chain of command for HNT personnel shall be:
- (a) Incident Commander: Has responsibility to relieve ranking **Operations** Division officer at the scene of the critical incident and assume responsibility for all related field operations.
 - (1) Shall develop and ensure the proper resources to implement a tactical plan to resolve the situation.
 - (2) Reports to the Operations Captain, who: ensures the Incident Commander develops and has the resources to implement a plan to resolve the situation; makes notifications to other agencies and individuals when/if appropriate (including the PRC); to provide requisite media liaison; and, reports to the Chief of Police, as necessary.

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- (b) Tactical Commander: Reports to the Incident Commander and is responsible for operations within the inner perimeter.
 - (c) HNT Team Leader: Has responsibility for activities of subordinate HNT members:
 - (1) Tactical Team Leader: Under command of the HNT Tactical Commander, is responsible for the coordination and conduct of actions necessary to implement a tactical plan and assure the success of the assigned mission.
 - (2) Assistant Team Leader: Has responsibility for activities of subordinate HNT members.
 - (3) Negotiator Team Leader: Reports directly to the HNT Incident Commander; has responsibility to direct the establishment and maintenance of communications with a barricaded subject or hostage taker.
- 30 - All team members, whether assigned to the Command, Tactical, Negotiator, Logistics, Dispatch, or TEMS Element of the team, shall be responsible for carrying out all tasks and duties assigned by their supervisors.
- (a) Failure of a team member to perform assigned duties may negatively impact the ability of the entire team to perform it's mission. Accordingly, that member may be subject to disciplinary action, up to and including removal from the team.

Patrol Response Procedures

- 31 - Upon notification that an actual or potential critical incident exists, on-duty **Operations** Division personnel shall immediately respond.
- 32 - **Operations** Division responsibilities include, but are not limited to:
- (a) Protection of all life: hostages/victims, citizens, emergency response personnel, and suspects.
 - (b) Determination if the facts of the event indicate a barricaded subject and/or hostage taking incident exists.
 - (c) Establishment of an Inner Perimeter using as few officers as possible, who are placed to take advantage of cover, avoid crossfire situations, sufficiently contain the location (e.g., isolates the perpetrator), block routes of escape, and control police activity.
 - (d) Evacuation of injured persons, neighbors and by-standers within the Immediate Danger Zone, and contact with citizens in the Potential Danger Zone.

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- (e) Establishment of an Outer Perimeter that controls pedestrian and vehicular traffic.
 - (f) Attempt to establish communication with the subject.
 - (g) Establish an Incident Command Post, place Patrol communications on a separate radio channel, and initiate a chronological log that includes all pertinent incident information (i.e., suspect actions, weapons discharge, etc.).
- 33 - Strict fire discipline shall be maintained, with adherence to Police Regulation 323 and General Order U-2.
- (a) Notwithstanding the provisions of PR 323 and GO U-2, and with the prior approval of HNT Command, officers may discharge firearms to shoot out lights or effect some other physical action against an inanimate object when it reasonably appears that such discharge can be performed safely and that it will result in a significant advantage in bringing a critical incident to a successful resolution.
- 34 - On-duty HNT members assigned to uniformed patrol duty, not otherwise involved in an assignment, will respond to the scene of the incident and provide informational and operational assistance to the scene supervisor.
- (a) Notice of this response will be made to the Communication Center by the responding HNT officer as soon as possible.

On-Duty HNT Activation / Response Procedures

- 35 - Upon request of the ranking **Operations** Division officer at the scene, available on-duty HNT members in assignments other than uniformed patrol duty will respond and provide required informational and operational assistance.
- (a) When requested, the Communication Center shall direct all on-duty HNT personnel to respond to the critical incident via intra-department voice-call and all police radio frequencies.
 - (b) If HNT Tactical Element officers sufficient to initiate tactical action at or within the Inner Perimeter respond to the on-duty HNT activation, an HNT Commander shall be contacted and directed to respond to the Incident Command Post.
- 36 - Subsequent to arrival at the Incident Command Post and briefing by the **Operations** Division Incident Commander, an HNT Commander shall assume the responsibilities of Incident Commander for the incident.

General HNT Activation / Response Procedures

- 37 - It shall be the responsibility of the **Operations** Division Watch Commander, the ranking **Operations** Division supervisor, or HNT Commander, if an on-duty HNT

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activation has occurred, to initiate a general activation of the HNT immediately following the determination that one of the following situations exist:

- (a) Barricade incident (as defined in paragraph 5(c) of this Order);
 - (b) Hostage incident (as defined in paragraph 5(d) of this Order); or,
 - (c) Any situation beyond the capacity of on-duty personnel to resolve and which more properly falls within the capabilities of the HNT.
- 38 - Upon determination that the HNT is needed, HNT command shall initiate team notifications, **begin personnel/duty assignments, and establish communication with Operations personnel in preparation for the transition of command.**
- 39 - Upon **determination of HNT Command personnel, the team** will assume control of the scene and responsibility for the incident's resolution.
- (a) Negotiator Element personnel will relieve those engaged in communication with the subject and/or assume responsibility for the communication and negotiation process.
 - (b) Tactical Element personnel will relieve initial responding officers and assume control over activities at and within the Inner Perimeter.
 - (c) The HNT Incident or Tactical Commander will relieve the **Operations** Division Commanding Officer/ Supervisor.
 - (d) The HNT Incident Commander will assume responsibility for the resolution of the incident.

Planned Operations

- 40 - In planned operations in which HNT personnel are to be utilized, such as high risk search and/or arrest warrant service, the request shall be made through the **Operations Division Captain.**
- (a) HNT should be notified as soon as practical once a high risk operation has been identified in order to maximize the opportunity for preparation.

Post-Operational Procedures

- 41 - As soon as practical following the conclusion of the planned or unplanned incident, personnel involved in the Department's response will participate in a debriefing.
- (a) Information received in a post-operational debriefing, as well as from other available sources, shall be documented in an After Action Report.
 - (b) HNT command shall ensure After Action Reports are completed within 72

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hours of the date of the debriefing.

- 42 - Detective Bureau personnel will be assigned to investigate all criminal acts associated with an incident.
 - (a) HNT personnel who witnessed criminal activity, or have first-hand knowledge of facts related to such activity, will submit supplemental reports documenting said information to further the criminal investigation.
- 43 - Should police activity relating to the critical incident require administrative review, HNT personnel shall assist said inquiry pursuant to policies and procedures set forth in law and Departmental Orders.

HNT Rifle Deployment in Patrol Operations

- 44- Qualified HNT Tactical Element members, when assigned to uniformed **Operations** Division duty, shall carry an HNT rifle during the course of their duty shift.
 - (a) HNT Tactical Element members not assigned to uniformed **Operations** Division duty may carry their assigned HNT rifle during the course of their duty shift.
 - (b) Exception to this policy shall be authorized by the HNT Commander, his/her designee, or in unusual circumstances, the HNT member's **Operations** Division supervisor.
- 45 - The HNT rifle is intended as a supplemental firearm to the pistol and shotgun.
 - (a) Only rifles and ammunition that have been specifically authorized and provided by the Department shall be used.
 - (b) The HNT rifle will be stored, maintained, handled, carried while on-duty in police vehicles, and deployed in accordance with the procedures set forth in General Order F-6.
- 46 - **Operations** Division Supervisors shall be responsible for insuring all qualified HNT Tactical Element members assigned to Patrol duty under their supervision adhere to the above described policies and procedures regarding the carry, deployment and use of HNT rifles during the HNT officer's duty shift.

References: General Order C-64, D-2, F-6, P-12, P-15, P-26 and U-2
Police Regulations 321 and 323
Event Management Manual