

# Use of Force Policy

## Addendum C

### Barricaded Individuals

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# 1 Purpose of Policy

- 1.1** Encounters with barricaded individuals present law enforcement officers with some of the most challenging scenarios they are forced to manage. These encounters frequently involve armed individuals, often incapable or unwilling to engage in rational discourse and behavior. Some of these encounters involve criminal suspects who seek to evade justice by refusing to recognize the legal authority of police officers to take them into custody. However, many encounters involve barricaded individuals who are dealing with behavioral or mental health crises as described in Section 2.7 of the Attorney General’s Use of Force (UOF) Policy. The primary purpose of this addendum to the Use of Force Policy is to maximize the chances of resolving incidents without death or serious bodily injury to anyone, including third parties, the barricaded individual and law enforcement officers, by ensuring that best practices are utilized during law enforcement responses to situations involving barricaded individuals. See Section 1.2 of the Attorney General’s Use of Force Policy.
- 1.2** Experience has demonstrated that time is the critical ally of law enforcement officers seeking to peacefully resolve barricade scenarios. The first few minutes of the encounter are the most volatile and unpredictable. First responding officers are key to stabilizing the situation and summoning necessary assets. Section 2.9 of the UOF Policy instructs that, “...officers should not default to attempting to resolve an incident immediately if slowing down the pace is viable and can be accomplished without creating an immediate threat to the public or placing officers in unreasonable danger.” Once officers are successful in preventing death or injury during the initial stages of an encounter, the opportunity for a nonviolent resolution increases dramatically as time passes. The longer a situation continues, especially when managed by highly trained crisis negotiators, the greater the likelihood of a resolution without force or violence.
- 1.3** This Addendum to the Use of Force Policy is not intended to constitute a comprehensive document addressing all of the complicated issues involved in law enforcement responses to barricaded individuals. Rather, it is designed to ensure that every agency is utilizing best practices, including integrating mental health professionals into the response. Mental health professionals, with appropriate education, requisite experience and familiarity with law enforcement response procedures, can bring unique perspective, expertise in dealing with a person experiencing a mental health crisis, and input informed by access to patient information to the incident leadership team. Their input will provide additional tools and resources to maximize opportunities to successfully resolve delicate encounters with barricaded individuals.
- 1.4** In addition to requiring law enforcement to engage and train with mental health professionals, this Addendum is further intended to ensure that the tactical and Crisis Negotiation Teams responding to barricade incidents have received the finest training and are equipped with the necessary resources and equipment. Once a situation has been determined to involve a barricaded individual or a hostage situation, it is imperative that all

relevant information be communicated to tactical team leaders so that appropriate resources may be dispatched. The probability of a successful outcome in such instances is exponentially increased when the responding team is properly trained and equipped. Nevertheless, first responding officers still must shoulder the difficult responsibility to contain the situation and establish initial communication with the barricaded individual.

- 1.5** This Addendum was drafted in consultation with law enforcement officers from across the State, including the leaders of numerous tactical and Crisis Negotiation Teams. Mental health professionals and community stakeholders were also consulted in drafting the addendum. During the discussions, these professionals demonstrated a genuine commitment to developing progressive ideas, techniques and training designed to avoid the creation of barricade incidents and to peacefully resolve these challenging scenarios whenever they do develop. The inclusion of mental health professionals during certain law enforcement responses, as further evidenced by the positive results of the ARRIVE Together program, demonstrates law enforcement's continuing commitment to making New Jersey a safer place for all of our residents.

## 2 Definitions

- 2.1 **Barricaded Individual.** A person who is the focus of a law enforcement intervention effort, has taken a position in a physical location, including a structure or vehicle, who does not allow immediate law enforcement access, and is refusing law enforcement orders to exit or comply. Depending upon the circumstances, a subject could also be barricaded in an open-air or outside setting, such as a tree stand or densely wooded area or on a bridge. A Barricaded Individual may be someone suspected of an offense (a Barricaded Suspect) or a person in need of medical or mental health intervention (a Barricaded Subject). Before determining that a person is a barricaded individual, law enforcement shall consider whether the person is simply refusing to make contact, but not presently a danger to self or others,<sup>1</sup> nor subject to a lawful arrest for an offense at that time. If so, the person is not considered a barricaded individual, and therefore not subject to the procedures outlined in this Policy.<sup>2</sup> In addition, an unarmed person who refuses to immediately exit a motor vehicle, room or other area, when instructed to do so by a law enforcement officer, shall not automatically be considered a barricaded individual for purposes of the application of this Policy. Tactical disengagement may always be considered as an option in these scenarios. See Section 4.8 of this Policy.
- 2.2 **Crisis Intervention Trained Officers.** Law enforcement officers who have been specially trained to identify persons in mental health crisis and work with mental health professionals to coordinate with appropriate resources and obtain services for those persons. Such training includes specific techniques in communication and de-escalation, such as that provided by CIT (Crisis Intervention Team) training. See Section 2.5 of the Attorney General’s Use of Force Policy.
- 2.3 **Crisis Negotiation Team.** A group of officers who are specially selected, trained, and equipped to deal with high risk incidents involving individuals who are refusing law enforcement orders to surrender or comply, especially individuals dealing with behavioral or mental health crises; substance abuse crises; or intellectual, cognitive or developmental disabilities. The Crisis Negotiation Team has primary responsibility for communicating with the barricaded individual and determines the manner in which others, such as mental health professionals, family members, friends or colleagues, will communicate directly or indirectly with the barricaded subject.

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<sup>1</sup> See generally New Jersey’s Mental Health Screening Law, *N.J.S.A.* 30:4-27.1 et seq; and specifically, *N.J.S.A.* 30:4-27.6.

<sup>2</sup> This policy does not apply to “active shooter” or “active killing” incidents, which require immediate action by law enforcement to preserve life.

- 2.4 **Hostage Situation.** A barricaded individual who restrains another unlawfully for the purposes of holding that person for a ransom, reward, as shield, or as a hostage. This includes, but is not limited to, holding the individual in order to facilitate the commission of a crime, inflict bodily injury, terrorize the victim, or interfere with the performance of any governmental or political function. Commanders must determine whether a hostage situation exists whenever: 1) it is determined that another person is present in the location, but the barricaded person may not be presently aware of the presence of the other person; or 2) a third-party is present and consents to stay or refuses to leave the area of the barricaded individual, despite the increased risk associated with remaining.
- 2.5 **Incident Command System (ICS).** A management system designed to enable effective and efficient domestic incident management by integrating a combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure.
- 2.6 **Inner Perimeter.** An area encompassing the incident location that is sufficient to isolate and contain the barricaded person. Law enforcement officers should establish an inner perimeter that contains the barricaded person in a manner that eliminates the barricaded subject's access to innocent parties, prevents a hostage situation, and provides safety and security for all present. The inner perimeter should be established to permit effective communication but not limit law enforcement's response options in the event of aggressive action by the barricaded person. No one is permitted into the inner perimeter without authorization. Only those personnel needed to resolve the situation should be within the inner perimeter.
- 2.7 **Outer Perimeter.** A secure area removed from the incident location that ensures the safety of the public and allows law enforcement to operate effectively.
- 2.8 **Mental Health Professional.** A person trained to deal with people with mental illnesses, substance abuse disorders, or intellectual, cognitive or developmental disabilities that can assist law enforcement with resolution strategies that seek to minimize the use of force to resolve situations.
- 2.9 **Resolution Techniques.** Primary police action geared toward resolving a barricaded individual situation and involving the use of minimally intrusive techniques such as negotiations, time, electronic surveillance (where legally permissible) and other techniques. See Section 2.8 of the Attorney General's Use of Force Policy.
- 2.10 **Resolution Tactics.** Secondary police action geared toward resolving a barricaded individual situation and involving the use of intrusive tactics such as window clearing, mechanized entry tools, chemical agents and related munitions, less lethal munitions, breach, hold and call-out procedures, or use of K-9.

2.11 **Supervisor.** A police officer who, by virtue of rank or assignment, is responsible for the direction or supervision of the activities of other police officers.

2.12 **Tactical Team.** A group of officers who are specially selected, trained, and equipped to handle high risk incidents, including, but not limited to, those involving snipers, barricaded persons, warrant services, apprehensions, acts of terrorism, and other situations or activities as deemed necessary by command leadership. Commonly used names for tactical teams include Special Weapons and Tactics (S.W.A.T.), Special Response Team (S.R.T.), and Technical Emergency and Mission Specialists (T.E.A.M.S.).

## 3 Initial Response to Barricaded Individuals

- 3.1 **First Responding Officers.** The first officers to arrive at a scene are a critically important component of the overall response. The initial responding officers must assess the situation, make a preliminary determination whether a barricaded individual situation exists, and begin to request appropriate resources. Consistent with ICS principles, the first officer is the incident commander until relieved by higher authority. Responding to a report of a barricaded individual incident alone should be avoided, when feasible, as this may limit the responding officer's potential resolution responses.
- 3.2 **Supervisory Response.** Officers shall immediately request the response of a supervisor to any incident that appears to involve a barricaded individual or appears to have a reasonable probability of evolving into a barricade situation. Law enforcement agencies shall adopt policies requiring immediate supervisory response to such incidents. Officers and supervisors shall quickly determine whether additional resources are needed and promptly call for the response of the needed resources, which may include ARRIVE Together teams or other mental health/crisis intervention resources. Whenever the incident involves a Barricaded Individual or Hostage Situation, the supervisor shall promptly contact the commander of the appropriate Tactical Team, as described in Section 4.3. This designated Tactical Team commander shall determine the appropriate tactical and negotiations resources to respond to the incident.
- 3.3 **Assess and Gather Information.** The responding officer should consider whether the person is attempting to cause harm to themselves or another, and whether any hostages are present. Responding officers and supervisors should gather as much information as possible from available sources. This includes friends, family and witnesses. Establishing communication with the barricaded individual and assessing their status is a primary goal. Officers should consider the factors in the Attorney General's Use of Force Policy Core Principle 2 (Force as a Last Resort and Duty to De-Escalate) when assessing the situation.<sup>3</sup> In addition, officers should consider the barricaded individual's primary language and, if communication is difficult, take reasonable steps to establish communication via the person's primary language, such as utilizing bi-lingual officers, interpreters, telephonic interpretation/translation services, or community crisis response teams,<sup>4</sup> if feasible and appropriate. Of particular importance is determining whether the subject is wanted for a criminal offense. If the person is not a wanted person, the officer should consider whether the person is experiencing a behavioral health episode caused by a mental health, substance use or similar crisis.

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<sup>3</sup> [https://www.nj.gov/oag/dcj/agguide/directives/ag-Directive-2022-4\\_Directive-Updating-Statewide-Vehicular-Pursuit-Policy-and-Use-of-Force-Policy.pdf](https://www.nj.gov/oag/dcj/agguide/directives/ag-Directive-2022-4_Directive-Updating-Statewide-Vehicular-Pursuit-Policy-and-Use-of-Force-Policy.pdf)

<sup>4</sup> Community crisis response teams were formed in accordant with N.J.S.A. 52:17B-236.2 *et seq.*

- 3.4 **Utilize Procedures in Use of Force Policy.** The Attorney General’s Use of Force Policy requires that force be used only as a last resort and deadly force only as an absolute last resort. Officers should, when feasible, and when no immediate threat to hostages or others is present, establish an inner perimeter and wait for appropriate resources to respond. Slowing down and using time as a tactic can help resolve the incident with minimal or no force being used.
- 3.5 **Preserve Status Quo.** First responding officers should maintain the status quo to permit additional assets to be deployed. They should not attempt to force a resolution, unless such action is immediately necessary to prevent injury or death to hostages, other third parties or officers. However, if clear evidence exists that the barricaded individual is currently engaged in behavior likely to cause their own imminent death or serious bodily injury, officers may take affirmative action to prevent this behavior or render medical aid. Nothing in this policy is intended to discourage officers from attempting to peacefully resolve an incident during this phase using communication and negotiation tactics.
- 3.6 **Family Members of the Barricaded Individual.** Whenever family members or close friends of the barricaded individual are at the scene, law enforcement should maintain close contact with these individuals in order to keep them advised on the status of the situation and to utilize them as sources of information that may be useful to Crisis Negotiators and mental health professionals in resolving the situation. Supervisors should utilize Victim-Witness Assistance resources from the County Prosecutor’s Office or the State Police on-scene to assist in these scenarios. See section 6.4 of this Policy. In some situations, community resources, such as community crisis response teams, may be helpful in communications with family members and close friends on scene. The decision to seek or deploy assistance from such community-based resources should be made by supervisors, in consultation with the County Prosecutor’s Office, to ensure that all safety and evidentiary concerns are properly addressed.



## 4 Ongoing Response to Barricaded Individuals

- 4.1 **Incident Command.** Agencies should use the incident command system. This will help to ensure that appropriate resources are brought in and that all interests are represented in the decision-making process. The incident command structure shall include, at a minimum, a tactical team representative, a Crisis Negotiation Team representative, a senior member of the County Prosecutor’s Office command staff, a mental health professional in a consulting role when available, and the incident commander. Communication between the tactical team and the Crisis Negotiation Team is critical for the effective operation of the Unified Command. Communication in real time will permit the incident commander to make appropriate decisions about how to successfully resolve the situation.
- 4.2 **Establish Incident Command and Designate Incident Commander.** The first responding officer is responsible for the incident until relieved by higher authority. A supervisor shall respond to the scene and establish incident command. The supervisor should begin to determine what resources are needed and start the process of having resources respond to the incident. Resources may include but are not limited to a special response or tactical team, crisis negotiators, mental health professionals, ARRIVE Together teams, and specialized equipment.

- 4.3 **Tactical Team Response.** Once an incident has been determined to involve a barricaded individual or hostage situation, the supervisor or incident commander shall contact the Tactical Team commander, or designee, who shall determine the appropriate assets to respond to the incident. The Tactical Team notified shall meet the general standards required of a Tier 1 or Tier 2 SWAT Team, as established by the National Tactical Officers Association (NTOA) in the Tactical Response and Operations Standard for Law Enforcement Agencies, published June 2023.<sup>5</sup> These NTOA standards ensure that the responding Tactical Teams will have the requisite leadership, staffing, capabilities, specialized equipment, initial and ongoing training, and necessary oversight to address the complex issues encountered in scenarios involving barricaded individuals. Local resources that do not qualify as Tier 1 or Tier 2 SWAT Teams may be utilized pending the arrival of the Tactical Team and Crisis Negotiation Team resources required by this section, but shall yield control of the incident to the commander of the Tier 1 or Tier 2 SWAT Team upon notification that said team is on-scene and operational. The commander of the local resources shall provide any assistance and support requested by the commander of the Tier 1 or Tier 2 SWAT Team or the Incident Commander.<sup>6</sup>
- 4.4 **Crisis Negotiation Team Response.** Once an incident has been determined to involve a barricaded individual or hostage situation, the Tactical Team shall immediately request a Crisis Negotiation Team to respond to the incident, if crisis negotiators are not an integrated component of the Tactical Team response required by Section 4.3.
- 4.5 **Required Training.** Crisis Negotiators called to respond to incidents involving barricaded individuals pursuant to Sections 4.3 and 4.4 of this Policy are required to have attended a Crisis Negotiation Course of at least 40 hours duration conducted by the Federal Bureau of Investigation, the National Tactical Officers Association, the Public Agency Training Council or an equivalent course approved by the County Prosecutor or Attorney General.

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<sup>5</sup> <http://ntoa.org/pdf/TROS.pdf>

<sup>6</sup> By October 1, 2024, each County Prosecutor shall inspect the tactical teams operating in their jurisdiction and determine which, if any, meet the standards established by the NTOA to be recognized as Tier 1 or Tier 2 SWAT Teams. The County Prosecutor may permit a tactical team to operate under Section 4.3 if there are only minor variations from the standards established by NTOA that do not affect the essential functioning of a Tier 1 or Tier 2 SWAT team. The County Prosecutor shall then issue a written directive to each law enforcement agency in their jurisdiction advising the results of this process and which Tactical Teams may be activated to satisfy the requirement of Section 4.3 of the Attorney General's Barricaded Individual Policy.

- 4.6 **County Prosecutor Advisory.** Law enforcement agencies handling an incident involving a barricaded subject or hostage situation shall, as soon as possible, contact the County Prosecutor's Office, which shall make legal personnel available to assist with decisions and legal process for search warrants, communications data warrants, electronic surveillance applications, potential criminal charges or any other legal matter. County Prosecutor's Offices may also assist with the identification of ARRIVE Together teams within the county, community crisis response teams or other community-based resources for potential utilization in Tactical Disengagement situations pursuant to section 4.8.
- 4.7 **Decision to Utilize Resolution Tactics.** Absent exigent circumstances, a decision to employ resolution tactics as defined in Section 2.10 of this addendum and/or to enter a structure or area occupied by a barricaded individual, shall be made by the incident commander, who shall be the highest ranking on-scene law enforcement supervisor. This decision shall be made after giving due consideration to all available information, including that provided by the tactical commander, Crisis Negotiation Team leader, available mental health professionals, and alternative strategies. This decision shall not be made solely to resolve the incident more quickly, unless there is an immediate articulable threat to hostages, third parties or officers.
- 4.8 **Tactical Disengagement.** In certain situations, commanders may consider tactical disengagement strategies as an alternative to more traditional resolution strategies. Disengagement is the tactical decision to leave, delay contact, delay custody or plan to make contact at a different time and under different circumstances. This tactic should be considered when an officer reasonably believes continued contact may result in an unreasonable risk to a person in crisis, the public or law enforcement officers. A tactical disengagement strategy may include the utilization of the Attorney General's ARRIVE Together program, a community crisis response team, or other community-based resources.
- 4.9 **Special Considerations for Hostage Incidents.** Preserving the life and safety of hostages is a priority in all hostage situations. Therefore, the opportunity to safely extract hostages or potential hostages must be taken into account in determining resolution tactics and timing. Strategic or tactical disengagement is not an option in hostage situations.

## 5 Integration of Mental Health Resources

- 5.1 **Response by Crisis Intervention Trained Officers.** When feasible, an officer trained in crisis intervention should respond to incidents involving barricaded individuals and assist in de-escalating the situation and recommending appropriate resources. These officers may participate in negotiations until a Crisis Negotiation Team arrives. Law enforcement agencies should consider providing crisis intervention training to officers assigned to Tactical Teams.
- 5.2 **Identification of Mental Health Professionals.** Tactical Teams and/or Crisis Negotiation Teams shall identify qualified and experienced mental health professionals who will be available to respond to all incidents involving a barricaded individual or hostage situation. These mental health professionals may be individual providers or organizations. Law Enforcement agencies in all twenty-one counties have already established professional partnerships with mental health providers through the Attorney General's ARRIVE Together program. These existing relationships will likely provide for natural partnerships for Tactical Teams and/or Crisis Negotiation Teams across the state as they gain compliance with the instant policy.

While an in-person response to the barricaded individual incident is preferable, telephonic or virtual responses can add significant value as well. As barricaded individual incidents can occur at any time, Tactical Teams and/or Crisis Negotiation Teams should consider the availability of professionals when establishing these partnerships. The mental health professional can assist with negotiations by providing advice and information or, with the recommendation of the Crisis Negotiation Team Commander and approval of the Incident Commander, may communicate directly with the barricaded individual, if it has been determined that this may help to resolve the incident. Mental health professionals may also be able to access information about the barricaded individual that is not available to law enforcement officers but may be useful in resolving the incident.

- 5.3 **Agreements with Mental Health Professionals.** Law enforcement agencies either operating or sponsoring Tactical Teams or Crisis Negotiation Teams shall enter into agreements with mental health professionals providing for assistance and support from these professionals during incidents involving barricaded individuals, as described in section 5.2 and 5.4. These agreements should contemplate mutual training requirements identified in Section 7 of this Policy with a goal of maintaining a professional and proficient relationship.

5.4 **Response by Mental Health Professionals.** Tactical Team and/or Crisis Negotiation Team Commanders, when called to respond to an incident involving a barricaded individual, shall immediately notify the on-call Mental Health Professionals selected under Section 5.2 and 5.3 to be available to assist the team in accordance with pre-established protocol. If responding to the scene, which is the preferred option, the mental health professionals shall be assigned to a safe and secure area from which they are able to monitor the communications with the barricaded individual and be available to provide insight and expertise to both the crisis negotiators and command personnel. If assisting either telephonically or via a virtual connection, mental health professionals should, to the extent practicable, be provided with information about the situation and the ability to monitor communications with the barricaded individual. Command personnel should determine, in advance, the most efficient process for consulting with the mental health professionals.

## 6 Required Capabilities of Tactical Teams

- 6.1 **Shields and Barriers.** Barriers can reduce the ability of the subject to contact the officers, providing officers with additional time to react and reducing the need to use force. Tactical Teams responding pursuant to Section 4 of this Addendum must be equipped with shields and barriers that are readily available for deployment. Law enforcement agencies should equip Tactical Teams with ballistic shields, ballistic blankets, or other barriers that can protect officers. Law enforcement agencies should consider providing shields and barriers to other first responding officers for use before the arrival of Tactical Teams.
- 6.2 **Less Lethal Platforms.** Less lethal weapons such as conducted energy devices (CEDs) or impact munitions are often effective in resolving incidents without the use of deadly force. Tactical Teams responding pursuant to Section 4 of this Policy shall be equipped with less lethal weapons, including both CEDs and impact munitions, to be used when appropriate and in accordance with the Use of Force Policy.
- 6.3 **Surveillance and Communications Equipment.** Tactical Teams shall be equipped with devices to enable the teams to maximize communication and intelligence gathering capabilities in a variety of scenarios. These devices shall include: devices to enable communication such as throw phones, specialized cell phones, megaphones, or robots with two-way communication; and devices to enable observation and surveillance, such as surveillance drones, under-the-door cameras, telescopic cameras, or pinhole cameras. If available, Tactical Teams should utilize robots and infrared sensors if authorized under law. Such devices permit the Tactical Team to assess the environment in the vicinity of the barricaded individual without the need for officers to make entry, keeping officers and barricaded individuals safer and avoiding undesirable outcomes.
- 6.4 **Victim-Witness Resources.** Once a barricade situation has been determined to exist, Victim-Witness Assistance resources from the County Prosecutor's Office or the New Jersey State Police should be notified and available to respond in the event the resources are needed. This notification is especially important in situations when hostages or family members of the barricaded individual are present. The decision to request a response from a victim-witness advocate shall be made by a representative of the County Prosecutor's Office or the Incident Commander. As with mental health professionals, while an in-person response to the barricaded individual incident is preferable here too, telephonic or virtual responses can add significant value as well.

## 7 Training

- 7.1 **Integrated Training.** Tactical Teams and Crisis Negotiation Teams shall conduct regular training with the mental health professionals associated with their teams. It is suggested that this training occur at least quarterly. The training should provide an opportunity to clarify the roles for each member of the team and to explore the processes for mental health professionals to provide real time input during the course of an incident involving a barricaded individual. Familiarity and trust among team members must be established prior to the response to an incident. Training may include classroom presentations, table top exercises and live scenario-based exercises.
- 7.2 **Associations.** County and Municipal Tactical Teams and Crisis Negotiation Teams should establish associations with mental health professionals and agencies within their areas of responsibility. The New Jersey State Police and other agencies with statewide areas of responsibility should have mental health professionals available within regions that can respond within a reasonable amount of time to incidents involving barricaded individuals and hostage situations.
- 7.3 **Training of First Responding Officers.** The Police Training Commission shall develop and include barricaded individual training for law enforcement officers in all of its basic training courses. This mandatory training will include proper identification of barricaded individuals, responses to barricaded individual and hostage situations, and interacting with individuals in behavioral and mental health crises. In addition, the PTC shall develop an online in-service course for law enforcement officers on the provisions and requirements of this Policy.
- 7.4 **After Action Reviews.** Tactical and Crisis Negotiation Teams shall conduct after action reviews of all barricade situations, which shall include the mental health professionals and any County Prosecutor's Office legal personnel who assisted in the response.
- 7.5 **Professional Associations.** The leaders of Tactical Teams and Crisis Negotiation Teams are encouraged to formally organize statewide associations to enhance existing relationships and share best practices for the safe resolution of barricaded individual and hostage situations. Once organized, these associations should include opportunities for mental health professionals to participate in this collaborative process. As Tactical and Crisis Negotiation Teams gain experience working with mental health professionals, the associations and mental health professionals are further encouraged to submit suggestions to the Attorney General for revisions to this Policy in order to facilitate the safe resolution of barricaded individual and hostage incidents.