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I. Policy

This policy addresses **criminal** and **non-criminal** barricades. The Division recognizes that not all situations require Emergency Response Team activation or immediate action. A distinction exists between suspects barricaded due to criminal activity and individuals expressing intent for self-harm without committing a crime. Suicide attempts or threats are not criminal acts in the state of Maryland. This policy provides officers with options to aid, assess mental health, or detain, when necessary, without forcing direct confrontation if circumstances suggest a safer approach. Safeguarding life remains the Division's highest priority.

The Division's approach to hostage and barricade incidents embodies its core commitment to safeguarding life, upholding public safety, and supporting the mental health of individuals in crisis. By integrating tactical expertise, de-escalation techniques, and inter-agency collaboration, the Division ensures that every incident is managed with professionalism and care. This directive serves as a framework to balance the immediate need for intervention with the long-term goal of community trust and resilience. Continuous evaluation and adaptation of these policies will strengthen the Division's ability to respond effectively to evolving challenges, maintaining its role as a dedicated protector of the communities it serves.

II. Definitions

- A. Criminal Barricade Incident - An event where an individual isolates themselves in a location, refuses to surrender, and has committed or is threatening to commit a criminal act. This may involve hostages, weapons, or threats of violence, requiring a tactical response to resolve the situation to ensure public safety if negotiation and de-escalation attempts are not effective. Any incident involving the taking of one or more hostages is a criminal matter.
- B. Non-Criminal Barricade Incident – A situation where an individual confines themselves in a location (such as a home or building) and refuses to exit, but there is no evidence of a criminal act, immediate threat of violence, or criminal act, or risk to others. These incidents often involve mental health crises, civil disputes, or situations requiring negotiation and de-escalation rather than tactical intervention.
- C. Hostage Incident – Incidents where a person attempts to avoid apprehension by seizing captives and threatening them with injury to deter police action.
- F. Rescue Team – A team of officers that will assist emergency rescue personnel with the rescue and removal of injured victims from the target location.
- G. Staging Area – Assembly point for officers responding to hostage/barricade incidents; it should be conveniently accessible and of sufficient size to accommodate the expected personnel volume.

- The area will not be used as a command post (CP), the location of which will be selected by the conflict management team (consisting of, on-scene commanders, SWAT Team, hostage negotiators, etc.) from the Montgomery County Police Department.

H. Tactical Assault - Physical intervention by police. Actions include the use of weapons and tactics.

III. Hostage/Barricade Definition

- A. Armed Criminal Barricaded Suspect - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe that the subject is armed with a dangerous or deadly weapon and the barricaded suspect has committed or is threatening to commit a criminal offense.
- B. Communication - The use of verbal and non-verbal techniques to impart or exchange information to aid in controlling a situation and enhancing officer and community safety.
- C. De-escalation tactics and techniques - Proactive actions and approaches used by a law enforcement officer to stabilize the situation so that more time, options, and resources are available to gain a person's voluntary compliance and reduce or eliminate the need to use force, including verbal persuasion, warnings, tactical repositioning techniques, slowing down the pace of an incident, waiting out a subject, creating distance between the officer and the threat, and requesting additional resources to resolve the incident.
- D. Hostage - A person held against their will by an armed, potentially armed, or otherwise dangerous suspect who has demonstrated by action, word, or deed an immediate and present danger to themselves and the person being held and a willingness to do the person held, harm. The hostage may be completed to engage in activity from another party to act or refrain from acting in a particular way for personal gratification.
- E. Hostage situation - Any situation in which one or more hostages are seized.
- F. Immediate Action Team (IAT) - The IAT is a group of officers who provide a swift deployment to on-going, life-threatening incidents to prevent death or great bodily harm to persons who may be injured or distressed. The IAT's mission is to neutralize any deadly threat(s) or take custody of said threat(s) in the event of surrender. In addition to the capability to deliver lethal force, when possible, the IAT should also have a less lethal force option, breaching capabilities, a designated communications officer for de-escalation opportunities, and a designated "hands-on" officer in the event of a surrender. The use of shields, long guns (shotgun or M4), and K9 should be considered when forming the IAT.
- G. Non-Criminal Barricaded Suspect - A subject who has not committed a criminal act and is not threatening a criminal act, who barricades themselves by maintaining a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon. A non-criminal barricade may stem from, but is not limited to, a non-criminal call for police service (e.g., welfare check, medical assistance request, mental health evaluation, or crisis intervention request).

- H. Priority of Life Hierarchy (POL) - POL is a recognition that officers may be faced with situations where the actions and decisions of other persons will require prioritization of the lives of all persons involved to bring the situation to a successful conclusion. The safety of hostages, innocent persons and officers typically takes priority over the safety of individuals engaged in criminal or suicidal behavior.
- I. The Special Relationship Doctrine
 - 1. The Special Relationship Doctrine is a legal principle that can impose a duty on police officers to protect specific individuals beyond the general duty they owe to the public at large. This doctrine arises when a particular relationship between the officers and the victim creates a foreseeable and direct risk of harm if the officers fail to act appropriately.
 - 2. Key Elements of the Special Relationship Doctrine:
 - a. Specific Assurances or Promises – If officers explicitly assure an individual or group that they will provide protection or take specific actions, this can establish a special relationship.
 - b. Reliance on the Officers' Actions – If the victim relies on the assurances or actions of the officers to their detriment, the doctrine may apply.
 - c. Knowledge of Foreseeable Harm – The officers must be aware of a specific threat or danger to the individual.
 - d. Direct Contact – The officers must interact directly with the victim, distinguishing them from the general public.
 - e. Hostages or Victims are Identified and Engaged – Officers may form a special relationship if they communicate directly with hostages or individuals at risk, providing explicit assurances of their safety or promising rescue efforts.
 - f. Active Participation in Rescue Efforts – If officers undertake specific rescue operations or negotiate with the suspect, the victims may reasonably rely on their efforts for protection.
 - g. Legal Precedent and Limitations - Liability may arise if there is clear evidence that officers made specific promises, created a reliance on those promises, and then failed to fulfill them, leading to foreseeable harm.
 - The doctrine balances **officer discretion** with the need to ensure **reasonable care and accountability** in situations where their actions or assurances directly influence the safety of identified individuals.

- J. Strategic Disengagement: The tactical decision to leave the scene, delay contact, delay custody and / or plan to contact a person engaged in a non-criminal barricade at a different time, under different circumstances. This tactic should be considered when the choice for officers to engage in or remain in direct contact with a non-criminally barricaded subject may result in an undue safety risk to the subject, other individuals or officers on the scene, or the greater public. Disengagement is a de-escalation strategy and technique and may result in law enforcement resources leaving the area as necessary but does not inherently mean no further law enforcement resources will be provided at a later time. Strategic disengagement may also be a factor for minor criminal offenses where there is no known victim or when victims are not desirous of criminal prosecution or police assistance/intervention.
 - K. Strategic Re-engagement: Re-engagement is a tactical decision to resume involvement in a non-criminal barricade incident following initial disengagement. This decision acknowledges that static, non-criminal incidents can escalate into criminal events, requiring a shift in approach. Re-engagement may become necessary if the situation evolves into a criminal investigation or if new emergencies arise, rendering disengagement impractical.
 - L. The re-engagement process is guided by the principle that police have an on-going duty to protect the community from potential harm, even in non-criminal barricade scenarios. Recognizing this, the Division incorporates reasonable alternatives such as the Crisis Intervention Team (CIT) and the Mobile Crisis Team to stabilize the situation without exacerbating tensions. However, contingency plans must ensure that the scene remains monitored when these resources are unavailable or ineffective to safeguard innocent bystanders, such as neighbors or passersby.
 - M. In line with the standards of due diligence and due care, officers conduct thorough initial assessments and implement strategies that balance disengagement with the need for public safety. This may include deploying specialized units, such as the Special Assignment Team (SAT), to remain nearby in a non-uniformed capacity. The SAT supervisor will periodically evaluate the situation, consulting with executive leadership to determine whether continued deployment is necessary or if complete disengagement is appropriate.
 - N. Strategic re-engagement reflects the Division's commitment to minimizing harm while remaining flexible and responsive to evolving conditions. Ensuring the safety of both the public and involved personnel remain paramount.
- IV. Non-Criminal Barricade
- A. Officer Procedures
 - 1. When an officer becomes aware of a barricade situation, they should immediately notify the shift supervisor to respond.
 - 2. Officers should be mindful of the priority of life hierarchy to determine if there are hostages and/or innocent community members who are in immediate danger.
 - 3. Based on available information at the time of the incident, the officer should determine if the subject barricaded has committed a crime or is wanted for a crime. The seriousness of the crime should be taken into consideration.

4. If the incident is deemed to be a non-criminal barricade, the supervisor and involved officers will attempt to resolve the situation with the use of available resources while ensuring officers and community members are not placed at unnecessary risk. The on-scene supervisor should exhaust all attempts to peacefully resolve the situation and contact the district executive or duty commander to discuss disengagement strategies. Officers may also contact SOD executives for consultation at any time during the incident.
5. An Immediate Action Team should be strategically deployed at points of ingress and egress to a physical structure, ready to act or accept the surrender of the barricaded subject.
6. Supervisors should strategically deploy resources to ensure containment of the structure.
7. Officers should attempt to gather relevant information about the subject, family members, and location history.
8. No promises will be made by any Division member to any persons involved in or related to the incident, including neighbors or persons driving through the neighborhood to avoid creating a special relationship. This communication includes in-person communication, telephone conversations, and/or electronic communication/texts.
9. Supervisors and officers should understand that at times, the dynamics of the event will exceed the capabilities and resources of patrol. (e.g., lone barricaded subject who is armed with a gun in a heavily populated apartment building. Or lone armed suicidal subject in a vehicle in a populated parking lot. The priorities of life cannot be mitigated, and an MCP SOD consultation should occur.)

B. Communication Procedures

1. When circumstances permit, a trained CIT member or Negotiator should try to establish and maintain lines of communication with the lone barricaded subject.
2. If the above is impractical, initial responding officers should try to establish and maintain lines of communication with the lone barricaded subject.
3. Officers should attempt to identify if other subjects are present at the location.
4. Officers should investigate and/or inquire about how the subject intends to do harm and note any claims of weapon possession and what type.
5. Officers should attempt to gain compliance from the subject by utilizing de-escalation techniques and communication to request that the subject cooperate with law enforcement personnel who have been strategically deployed.
6. If practical, officers should attempt to have a family member respond to the courthouse to obtain a court-ordered emergency evaluation petition.

7. If the court grants an Emergency Petition, an on-scene officer should immediately notify the Montgomery County Sheriff's Office Domestic Violence Unit to inform them of the events that have been and are currently occurring.
8. If the subject agrees to surrender, the officer communicating should provide clear and concise instructions to the subject to ensure they exit the structure free from any weapons with their hands extended over their head. Communications related to surrender should be relayed via the police radio to the officers who are on-scene for their situational awareness.
9. One officer in the IAT should be designated as the communications/contact officer so that the subject only hears one voice issuing commands upon their surrender.
10. If reasonable negotiations with the subject have failed, or the subject is non-responsive to the requests of law enforcement, a strategic disengagement plan should be considered and discussed with the watch duty commander or OIC.

C. Procedures for Disengagement and Prevention of Special Relationships

1. The Division should provide reasonable, appropriate assistance to those in a mental health crisis, the subject's refusal to cooperate may prevent that assistance from being offered safely. The discussion to strategically disengage needs to be considered and the totality of the circumstances and potential safety risks must be thoroughly discussed prior to implementation.
2. Prior to disengaging and leaving the scene, officers must consider the following:
 - a. Consider the safety of the subject, others at the scene, and those who may arrive later. In the event of law enforcement disengagement, officers should make a reasonable effort to advise known involved parties of the departure of direct law enforcement resources, and that a third-party choice to remain on scene is done so at their own risk.
 - b. The incident commander may elect to deploy plain clothes officers to fixed positions. If this strategy is employed, the presence of plain clothes officers will not be disclosed to any member of the public.
 - c. As officers disengage from the incident, they cannot force the relatives, roommates, and/or acquaintances who are present to leave the area, nor can they prevent these persons from assisting the barricaded subject. Officers must advise the parties of the inherent risks and should refer to the listed statement in this Directive to prevent the creation of a special relationship.
 - d. Do not make any promises to the subjects involved in the non-criminal barricade, their family, or other community members.
 - e. Officers should consider providing disengagement advisement to those contacted during the incident, advising them that as a de-escalation effort, police are leaving the scene, and they should call 911 if there is a new incident requiring intervention. The officer should document this on Body Worn Camera.

3. Crisis Intervention Team supervisor(s) should be notified of the event.
- D. Non-criminal Barricade Re-engagement
1. Division members should know the potential need to re-engage in a direct law enforcement response. Re-engagement may result from, but is not limited to, the following circumstances:
 - a. The incident transitions into a substantial criminal investigation, where it no longer meets the criterion of a non-criminal barricade.
 - b. The dynamics of the incident result in additional emergencies that are appropriate for law enforcement intervention and where disengagement tactics are no longer suitable (e.g., after disengagement, the subject points a gun out the window, and neighbors call 911).
 - c. If persons involved in a non-criminal barricade become willing to accept an offer for resources/treatment under reasonably safe circumstances.
 2. Re-engagement tactics may also include referring the incident to outside resources for response consideration or enlisting the assistance of other division resources later. Those resources include the Crisis Intervention Team.
- V. Criminal Barricade Procedures
- A. The first officer on the scene will verify the incident and begin establishing an outer perimeter, positioning arriving officers until relieved by a supervisor. Officers should avoid confrontations with the subject(s) and attempt to manage the situation until hostage negotiation and/or tactical personnel arrive.
 - B. Notifications will be made by the Communications Section; when directed Montgomery County Emergency Communications Center (E.C.C.) will make additional notifications per their procedures.
 - C. The officer-in-charge (OIC) will establish a safe staging area outside of the visual or audible range of the incident. This location will be up-wind from the incident and be large enough to accommodate a command bus, SWAT truck, and approximately 80 – 100 vehicles.
 - D. A Park Police command staff member will respond to the scene and relieve the shift supervisor.
 - E. The Park Police OIC will institute a unified command/incident command structure and act as liaison between the MCP Emergency Response Team.
 - F. Any evacuations will be carried out by police personnel at the direction of the incident commander. The names and addresses of all evacuated persons will be recorded by the evacuating officers.

- G. When practical, all negotiations will be handled by the Montgomery County Police Hostage Negotiation Team.
- H. Media personnel will be directed to a designated staging area and unified/incident command PIO will maintain contact with and control over the media throughout the incident. All press releases will be cleared through the unified/incident commander.
- I. The unified/incident command Team will direct the appropriate agency to transport and process any arrestee/detainee(s).
- J. Due to the nature of these incidents, where situations may change suddenly, nothing in this directive will preclude immediate reaction by officers on the scene, when necessary to protect life.
- K. The OIC will complete an after-action report and ensure the completion of all appropriate incident and crime reports by the end of their shift. A post-incident debriefing will be scheduled as soon as practical, to include all involved agencies and available on-scene personnel.

VI. Reporting Requirements for Criminal and Non-Criminal Incidents

- A. An incident report will be written documenting the following where applicable:
- B. Efforts taken to de-escalate the situation before disengagement.
- C. Any injuries sustained by officers and attempts to render aid.
- D. If known, subject injuries, including medical assessment or evaluation and whether the subject refused aid.
- E. Reasons for disengagement, including the subject's actions and behaviors.
- F. Name and rank of the officer who authorized disengagement.
- G. Name and rank of officers who were consulted or notified of the event.
- H. Name, rank, and time of the officer who gave the disengagement advisement and what method was used to deliver it.
- I. If known, list any community members directly affected by the incident and if they evacuated or voluntarily remained at the location.
- J. If known, intended follow-up or re-engagement strategies.
- K. Name, rank, and time of the CIT officer who was notified of the event.
- L. If applicable, name, rank, and time of notification to Montgomery County Police Department of Sheriff's Office members who responded to assist, or SOD supervision or command staff who were consulted.

Issuing Authority:



**Chief Darryl W. McSwain
Maryland-National Capital Park Police
Montgomery County Division**

End of Directive