

Tactical Considerations



PRIORITY OF LIFE

#1: HOSTAGES

#2: CITIZENS IN DANGER
AREAS

#3: POLICE OFFICERS

#4: SUSPECTS

What does this mean for us?

- Regardless of the situation, the priority of life does not change- Whenever possible, the life of the suspect will be a serious consideration. However, the life of the suspect will never take priority over the life of a hostage, innocent person, or police officer.

RESPONSIBILITY AS FIRST RESPONDERS

- As first responders, your duty and obligation to provide protection to the citizens of Colorado Springs is no different than that of the Tactical Enforcement Unit's.

OBJECTIVE

- Provide information to first responders of critical incidents, in an effort to achieve the most favorable outcome for victims, law enforcement, and suspects

-Critical Incident- First Responder Priorities

CONTAINMENT

- 1) Contain the threat to the smallest area possible AND have Crisis Plans in place.

-CONTAINMENT- CRISIS PLANS

- Crisis Entry Plan
- Escape Plan
(all sides)
- Surrender / Arrest Plan
(all sides)

CRISIS ENTRY PLANS

- Under what circumstances will we enter?
- Which officers will enter, which officers will maintain containment positions?
- Who will breach the entry point?
- Who will go where, upon entry?

ESCAPE/ARREST PLANS

- Who will give verbals?
- Who will cover the suspect?
- Who is “hands on”?
- Who maintains containment?
- What is our last resort?

(Plans for all sides of the residence)

Isolate the Area

- Evacuations
- Control pedestrian / vehicular traffic

The suspect is contained and the area is isolated, now what?

- TEN CRITICAL QUESTIONS THAT WILL BE ASKED BY RESPONDING COMMAND POST PERSONNEL

CRITICAL QUESTION #1

- **BRIEF SYNOPSIS OF THE SITUATION**

(Officers went to the address on a domestic. Upon attempting contact at the door, suspect said he had a gun and that people would die if officers tried to enter. Officers backed off and contained the residence.)

CRITICAL QUESTION #2

- HOSTAGE OR BARRICADE
(and how do we know)

CRITICAL QUESTION #3

- IS THE SUSPECT CONTAINED?

- * Containment Includes:
K-9, AR-15's, Crisis Plans

CRITICAL QUESTION #4

- ARE VEHICLES AVAILABLE TO
THE SUSPECT?

CRITICAL QUESTION #5

- WHAT WEAPONS ARE INVOLVED
OR AVAILABLE TO THE SUSPECT?

CRITICAL QUESTION #6

- ARE WE CURRENTLY COMMUNICATING WITH THE SUSPECT?

CRITICAL QUESTION #7

- IS AN ARREST/SEARCH

WARRANT NEEDED?

CRITICAL QUESTION #8

- INTERIOR FLOOR PLAN AVAILABLE?

CRITICAL QUESTION #9

- ARE KEYS AVAILABLE TO THE RESIDENCE?

CRITICAL QUESTION #10

- HAVE EVACUATIONS BEEN COMPLETED?

HOW TO ACCOMPLISH THE 10 CRITICAL QUESTIONS

- DELEGATE RESPONSIBILITIES
- KEEP WITNESSES AT THE COMMAND
POST
- COMMUNICATE WITH INNER
PERIMETER OFFICERS

PROBLEMS ENCOUNTERED WITH INITIAL RESPONSE

- Containment positioned too close
- Failure to utilize AR's and Shotguns
- Failure to utilize K-9
- Failure to make crisis plans
- Failure to return to command post after being relieved

THINGS THAT WILL HINDER YOUR ACCOMPLISHMENTS

- Failure to delegate
- Committing yourself to a specific assignment (Supervisor)
- Failure to demand more resources
- Hesitation in taking charge

- Leaving outer and inner perimeter on the same channel
- Re-establishing communication without exigency, when TEU has already been called-out.
- Staging area too close

- Initiating action before you are prepared for it.

TACTICAL OPTIONS

- Escalation of Force

- Presence

- Verbal Commands (PA System)

- Distractions (Use of Vehicle Sirens/Lights)

- Light/Sound Diversionary Devices

- Breaking Windows

- Chemical Agents (Give them time to work)

TACTICAL OPTIONS

- Less Lethal Considerations
 - Must have lethal option in place
 - Distances of effectiveness (Taser/Beanbag)
 - Consider K-9 (How far from the residence must the suspect be before K-9 can be deployed?)

TACTICAL OPTIONS

- Sniper Considerations

- Must establish ability, opportunity, jeopardy

- Can be used to initiate a hostage rescue

- Snipers can be used to gather intelligence from a safe distance

Jumpers

- Surprisingly, most police and fire agencies have little or no special equipment (air cushions, etc.)
- Establish a perimeter and safe zone around and under the jumper (impact of a jumper can kill or wound people below)
- DO NOT grab or attach yourself to them-get them to come to a position of safety for you and them
- Do not try to catch them-you can't
- Assume they are armed
- Less lethal options are rarely helpful since you can't control which way they are going to fall

Suicidal Party Calls

- There are a number of considerations that need to be taken into account when answering CFS with suicidal individuals. There is no black and white answer as to how these calls should be handled and it is up to the supervisor and officers on scene to determine how far they will go on the call based on the initial information and the information they gather on scene. There are some basic guidelines to consider but in the end common sense and best practice based on past events should be applied.

Considerations for Suicide Calls

- Is this a third party call or directly from the suicidal individual?
- Do we have a crime?
- What specific suicidal statements have been made?
- Do your observations on scene corroborate the initial call details about the mode of suicide if one was given?
- Have you made contact with the individual either by phone, talking through a closed door or face to face?
- What is the individual saying now that you are on scene about their condition/state of mind?

- It has been a long held practice that on suicidal person calls, officers need to make face to face contact with the person to ensure their safety.
- If you have this philosophical belief, how far are you willing to go to accomplish the face to face?
- Is there any liability for officers if we force entry to check the welfare and end up having to hurt the very person we are there to help because of their actions?
- Is there any liability for officers if they take reasonable steps to check the welfare and after doing so they leave the scene?
- Should we document the steps we attempted in

Hastings V Barnes

Aug 23, 2002 32 year old Todd Hastings called Family and Children Services in Tulsa, expressing thoughts of suicide. He said he was going to commit suicide by running a hose from his truck to his home thereby asphyxiating himself. Owasso P.D. was contacted and responded to check the welfare. Tulsa County S.O. also responded because it was actually their jurisdiction.

- Upon arrival officers saw the truck but it did not have a hose attached and running to the residence. Officers contacted Todd after a few knocks and he opened the door. They asked him to come outside and he wanted to put on shoes first. One officer put his foot in the door to prevent Todd from closing it. Todd retreated to a bedroom and the officers followed him and at some point pepper sprayed him. Todd picked up a sword and was shot and killed by the officers.

- The trial court ruled in favor of Hastings in that the officers did not use “Objective Reasonableness” when they entered the residence already knowing the subject was mentally ill. They also sprayed him with pepper spray but could not articulate that prior to spraying him, he had taken an aggressive posture with them. Court ruled that their use of deadly force was unreasonable upholding a lower courts decision.

Graham V Connor

- In this case Graham was a diabetic who was in the beginning stages of a diabetic episode. Officers thought he may have committed a crime in the store so they stopped and detained him even after being told he was a diabetic. This case established Objective Reasonableness as the standard standard by which use of force by police agencies is examined.

Welfare checks and the Emergency Aid Doctrine

- **People V Ray 1999.**
- In Ray, The court ruled under the EAD which is a sub-category of officers "Community Caretaking" Duties. the case deals with warrantless entry into a residence when police reasonably believe someone inside needs assistance. (***REASONABLENESS IS: GIVEN THE KNOWN FACTS, WOULD A PRUDENT AND REASONABLE OFFICER HAVE ACTED IN A SIMILAR MANNER***).
- This case deals with officers who entered the persons locked-off property based upon a neighbors unsubstantiated belief that the defendants had been the victims of a drug rip. Officers had seen a small amount of Marijuana debris at edge of the property and a small depression under the fence. Court ruled in favor of Ray based on the fact that the officers acted more in line with investigating a crime than checking the welfare of anyone.

- For “Community Caretaking” to apply there are three requirements.
- 1. The police must have “reasonable grounds” to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property.
- 2. The search must not be primarily motivated by an intent to arrest and seize evidence.
- 3. There must be some reasonable basis “approximating probable cause,” to associate the emergency with the area or place to be searched.

(Other cases where warrantless entry under “Community Caretaking” was upheld.

United States V Bradley- Welfare check of 9 year old.

Murdock V Stout- Suspicious activity call.

United States V Russell- Shooting Call

■ Whitcomb V City and County of Denver

Stranded motorist Whitcomb called 911 to report that she was stranded in a dangerous area (she had run out of gas). Denver P.D. arrived and found no emergency and that her car was not a traffic hazard. They offered to call a tow truck, which she refused for monetary reasons, they also offered to call her sister but she did not want to wake her sister as it was after midnight. She wanted the officers to take her to a gas station but they did not have a gas can and stated the open gas stations would not have gas cans either (which she found later to be true,) the officers then left.

She eventually walked to a gas station and accepted a ride home from two men who ended up assaulting her. She then sued DPD. The court ruled that the officers had not created any special relationship with Whitcomb so they could not be held liable.

Quezada V Bernalillo 1991

Case Deals With Officer Creating Exigency

- Dec 20, 1986. Berlinda Griego was contacted by a deputy in a parking lot behind a closed building in Albuquerque. Deputy Sauser did not retreat to cover when he saw Griego armed with a handgun although two other officers did take cover behind a vehicle. Sauser ended up shooting and killing Griego after he said she turned abruptly and pointed her weapon at him. Incident took place over about a 7 minute time period.