

# Non-Criminal Barricaded Subjects and Special Relationships

## 434.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations in which officers have legal cause to contact or detain a subject to determine if they meet criteria for a mental health evaluation, but the subject is not wanted for a crime. This policy provides specific strategies for resolution of these dynamic and rapidly evolving incidents.

### 434.1.1 DEFINITIONS

**Non-criminal Barricade:** An incident in which a subject maintains 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 occurs when the subject is not wanted for a crime, and law enforcement's objectives are ensuring the immediate safety of the subject and those present at the scene and determining whether the subject meets criteria for a mental health evaluation.

**Special Relationships:** Though law enforcement generally has no constitutional duty to protect members of the general public from harm, officers do have an affirmative duty to protect specific individuals if they have established a "special relationship" with them. Special relationships arise in two ways: (1) an officer makes an express or implied representation upon which someone detrimentally relies, and this causes foreseeable harm, or (2) an officer engages in an affirmative act that increases the foreseeable risk of harm to an individual. A special relationship creates a duty of care, i.e. an obligation to protect an individual where one would not otherwise exist.

Examples of special relationship duties include protecting those in police custody at the scene of arrest, during transport, and while in holding; ensuring the safety of motorists and pedestrians when law enforcement gives commands at an accident scene; and following through on any promises made to notify victims of their assailants' release from custody.

**Strategic Disengagement:** This 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 continued contact may result in an undue safety risk to the subject, other individuals or officers on scene, or the greater public. Where officers have a reasonable, articulable belief that individuals present an immediate danger to themselves, prior to disengagement, officers shall assess whether they could reasonably remain at the scene and use other tactics to diminish the risk of harm to the subject without increasing the risk of harm to anyone else.

## 434.2 POLICY

The Fresno State Police Department will address non-criminal barricade situations with care and concern for the preservation of life and protection of subjects, officers, and third parties from the risk of injury whenever possible. Officers should be aware of the distinction between an armed, barricaded suspect wanted for a crime and a barricaded subject who has not committed a crime

# Fresno State Police Department

## POLICY MANUAL

### *Non-Criminal Barricaded Subjects and Special Relationships*

---

but has only expressed the desire to harm themselves. It is not a criminal act to express the desire to or attempt to commit suicide, and suicidal or mentally ill subjects do not forfeit any constitutional protections.

#### **434.3 FIRST RESPONDER CONSIDERATIONS**

When circumstances permit, the first officers on scene should try to establish and maintain lines of communication with a barricaded subject. Officers should attempt to identify and locate anyone else present at the scene, inquire about victims and injuries, gather intelligence information, and obtain the subject's compliance.

An officer responding to a call involving a non-criminal barricaded person in crisis should:

- Assess the situation and consider whether the subject may be experiencing a mental health crisis.
- Examine critically whether previously reported information appears to be accurate.
- If circumstances permit, briefly stage away from the location of the call to develop a tactical plan and coordinate the response with assisting units.
- Consider additional resources – more officers, Crisis Negotiation Team, Mobile Crisis, County Mental Health, family/friends/coworkers of the subject.
- Gather information
  - Is anyone else barricaded with the subject or on the premises?
  - Does the subject have a mental health history?
  - Are any firearms registered to the subject or to anyone else at the premises?
- Assess risk
  - Does the situation require an immediate response?
  - If the subject has committed a crime, what is the seriousness of the offense?
  - Does the subject have access to a weapon?
  - Is the subject in a position to harm anyone else? Has the subject manifested an intent to do so?
- Assign responsibilities – secure perimeter, contact team, communication with subject.

#### **434.4 COMMUNICATING WITH THE SUBJECT**

Establishing and maintaining communication with the subject is essential. Two officers who are not supervising the response should assume the communication responsibilities; one officer should establish direct communication with the subject while the second relays information to the supervisor and/or dispatch regarding incident progress.

# Fresno State Police Department

## POLICY MANUAL

### *Non-Criminal Barricaded Subjects and Special Relationships*

---

#### **434.5 DISENGAGEMENT**

Disengagement may be appropriate when reasonable communications have failed to bring the situation to a stable resolution. Prior to disengaging and leaving the scene, officers should be mindful of the following:

- (a) Consider the safety of the subject, others at the scene, and those who may arrive later
- (b) Do not make any promises to the subjects, their family, or community members
- (c) Consider advising those who have been contacted during the incident, that the Fresno State Police Department is disengaging and leaving the area and that they should call 911 if they perceive a safety risk.
- (d) Prior to leaving the scene, officers should gather all relevant information about the subject, family members, doctors, location intelligence, floorplan, neighbor contacts, etc.
- (e) Strategic disengagement can be initiated by an officer on scene with supervisory approval.
- (f) Write a detailed report, including reasons for disengagement, whether there was a criminal want, any attempts to reasonably negotiate, the risk to the subject of making entry, officers, or third parties, and, if appropriate, a plan to re-engage.

#### **434.6 RE-ENGAGEMENT PLAN**

Officers will utilize available campus and local mental health resources to develop a plan to contact the subject and/or the subject's treatment team.