

NIAGARA FALLS POLICE DEPARTMENT

General Order

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I. Policy:

- A. The presence of a highly skilled and trained police tactical unit has been shown to substantially reduce the risk of injury or death to citizens, police officers and suspects. A well-managed “team” response to critical incidents usually results in their successful resolution.
- B. It is the intent of the Emergency Response Team (ERT) to provide a highly trained and skilled team and to support the Police Department with a tactical response to critical incidents.

II. Definitions:

- A. Apprehension: The arrest or apprehension of armed or potentially armed suspect (s) where there is a likelihood or armed resistance.
- B. Barricaded Subject: The standoff created by an armed or potentially armed suspect in any location, whether fortified or not, who is refusing to comply with police demands for surrender.
- C. Critical Incidents:
 - 1. Hostage Situation: The holding of any person(s) against their will by an armed or potentially armed suspect.
 - 2. Sniper Situation: The firing upon citizens and/or police by an armed suspect.
- D. Special Assignments: Any assignment, approved by the Superintendent or designee, based upon the level of threat or the need for a special expertise.
- E. Warrant Execution: The service of search or arrest warrants where there is a likelihood of armed or potentially armed suspect(s) and there is the potential for armed resistance or destruction of evidence.
 - 1. Includes high risk narcotics no-knock search warrant entries.

III. Procedures

A. Command and Control:

1. The ERT is a 24-hour a day on-call special response unit. It falls under the direction of the ERT Commander.
2. Tactical Leaders provide direct supervision and operational support for tactical team members during activation.
 - a. Tactical Leaders report directly to the ERT Commander and assume ERT Command in his or her absence.
3. When activated for operation, the ERT Commander, or in the absence of the ERT Commander, the Tactical Leader reports directly to the Incident Commander, where one has been designated.

B. The ERT Commander is responsible for deployment of the ERT, tactical decision-making, and tactical resolution of the incident.

1. The ERT Commander is subordinate to the Incident Commander only in terms of when and if the tactical option will be initiated, not how it will be performed.
2. Unless the ERT Commander relinquished his control to another person outside the ERT, no other person, who is not in a leadership position within the ERT, will attempt to direct, supervise, or control any element or member of the ERT during a tactical operation (when an ERT ranking officer is present).
3. If no ERT ranking officers are present, team members shall fall under the supervision of the ERT Senior Officer.
4. When a ERT ranking officer arrives, he/she shall assume tactical command of the incident.
5. ERT members become subordinate to the ERT Commander until he/she determines that the activation is over.
6. Responsibilities of Patrol Supervisors:
 - a. Prior to an ERT ranking officer arriving on-scene, the patrol supervisor will:

- i. Establish Inner and Outer Perimeters;
- ii. Establish a Command Post;
- iii. Arrange for an ambulance(s) to be on scene;
- iv. Coordinate a staging area for arriving personnel, medical assistance, media, etc.;
- v. Develop appropriate intelligence;
- vi. Begin evacuation (if necessary);

7. When an ERT ranking officer arrives on scene, the patrol supervisor will:

- a. Brief the ERT Supervisor of the situation outlining known factors.
- b. Control of the Inner Perimeter will be released to the ERT Commander/Supervisor who will be responsible for containment and apprehension of the suspect(s). Outer perimeter will remain the responsibility of the Patrol Supervisor until otherwise relieved.

IV: Activation:

- A. The following personnel have the authority to immediately activate the ERT for any critical incident:
 - 1. Superintendent of Police
 - 2. Deputy Superintendents of Police
 - 3. Shift Commander (also must notify Superintendent)
 - a. In exigent circumstances (i.e. active shooter, hostage taker), the Shift Commander may immediately call in the ERT.
- B. Pre-Planned Event- (i.e. search warrant execution)
 - 1. Only the Superintendent of Police or designee can authorize ERT call-out for a pre-planned event.
- C. The ERT Commander (or designee) will be notified first.
 - 1. He/she will determine if any how many members of the team need to be called in.
 - 2. If the determination is made to call in team members, the ERT Commander (or designee) will request the Desk Lieutenant to

contact the appropriate ERT personnel through the established protocol.

D. Mission Planning:

1. The ERT will utilize a written planning process for all operations that are proactive or anticipatory in nature, such as warrant service/search warrant execution.
2. The written process will include a format that will document how the operation is to be:
 - a. Conducted
 - b. Commanded
 - c. Controlled
 - d. Communication
 - e. Support Required
3. The ERT Commander will cause a log of events to be recorded on all SWAT operations, and will also cause all planning or decision making documents to be recorded.

E. Media Relations

1. Any media inquiries regarding actions taken during an ERT Activation shall be handled by the Superintendent of Police or designee.

F. Post-Incident

1. Upon completion of the tactical aspect of the mission, command and control will revert back to the division that initiated the call-out for follow-up investigation.
2. Members of the ERT may be reassigned as necessary.

G. Documentation of Activation

1. After the situation is resolved, the ERT Commander / Supervisor will forward a written report to the Superintendent of Police.
2. The report will include only those actions taken by the ERT to include:
 - a. Injuries to any persons
 - b. Use of weapons
 - c. Any property damage
 - d. Explanation and justification for Level I use of force.

3. The report will detail the tactical aspect of the operation, and will contain pertinent information required to follow-up investigators, prosecutors, etc.
4. Use of Force Reporting:
 - a. A NFPD Use of Force Report is not required for a Level I use of force undertaken during a tactical ERT operation (high risk warrant executions, etc.).
 - b. Level I use of force actions (such as acquiring a target or securing subjects for officer safety) shall be documented by the ERT Commander on the After-Action Report.
 - c. Any ERT member using Level II or Level III force during an operation are subject to the same use of force reporting requirements dictated by G.O. 122.10 Use of Force Reporting and Investigation.
 - d. The ERT Commander shall conduct supervisory review and investigation of all Level II and Level III uses of force pursuant to G.O. 122.10 Use of Force Reporting and Investigation.
5. The After-Action Report will be stored and indexed by date, location, and case number.

H. After Action Critique:

1. At the completion of all operations and significant training events, the ERT Commander will conduct an after action review.
2. The purpose of this review will be to create a forum for team members to offer information for the improvement of the team.
3. The after action review will be formatted to develop the following information:
 - a. Positive factors
 - b. Areas that need improvement
 - c. Solutions for any areas that need correction

V. Team Member Selection Process:

- A. The ERT Commander will select members (after consulting with the Superintendent of Police) based on certain criteria. The criteria for application will be based on the following:
 - 1. Satisfactory job performance in present and previous assignments
 - 2. Supervisor's recommendations
 - 3. Experience and training
 - a. Minimum of 2 years prior law enforcement experience
 - 4. Personnel file review
 - 5. Oral interview with ERT Commander, Senior Tactical Leader, and at least one Team Member.
 - 6. No physical limitations
 - 7. Ability to work as a team member
- B. Once accepted and assigned to the ERT, all operational team members, regardless of rank or position, must maintain acceptable standards of conduct (both on and off duty).
- C. A team member may voluntary withdraw from the team at any time, for any reason.
- D. A team member may be removed from the team, without cause, when deemed necessary for the good of the team by the ERT Commander after consulting with the Superintendent of Police.

VI. Training

- A. ERT members will complete 8 hours of training per month.
- B. ERT members will train on appropriate subjects related to the mission of the ERT Team.
- C. The training program will also include regular updates on legal issues facing ERT operations, such as use of force, quick entry procedures, etc.
- D. All training will be documented and maintained by the ERT Commander in the ERT training file.

VII. Equipment Standards

- A. The department will supply ERT members with at least the following safety equipment:
 1. Kevlar Helmet
 2. Safety Goggles
 3. Tactical Vest (level 3 protection) with level 4 chest plate insert
 4. Duty belt and tactical holster (nylon)
 5. Special weapons as authorized by the SWAT Commander
 6. Appropriate amount of ammunition for weapons training and qualification.
 7. Radio earpiece/microphone
 8. Gas Mask
 9. Utility Uniform
- B. ERT members will utilize appropriate utility type uniforms, of an approved color/pattern, and footwear. Uniforms will utilize visible and identifiable placards; patches or lettering that identifies the wearer of the uniform as a law enforcement officer. The ERT Commander must approve all other items of personal wear or equipment in writing.
- C. ERT members, to whom any item of equipment is issued, are responsible for the care and maintenance of the equipment. Failure to appropriately care for or maintain the equipment in full mission readiness will be grounds for removal from the team. Any item that is in need of repair/replacement must be reported to a ERT ranking officer immediately. Team leaders at the start of each monthly training program will inspect equipment. Deficiencies will be brought to the attention of the ERT Commander for appropriate action
- D. ERT members will wear their ballistic vest during all ERT missions. ERT officers will also wear all and only the equipment issued/approved by the ERT Commander. Failure to carry and or wear the required equipment or carrying and or wearing unauthorized equipment is grounds for removal from the team.
- E. Equipment Storage
 1. All team equipment (i.e. ballistic shields, face shields, etc. will be stored in the ERT vehicle or in the equipment room)
 - a. Equipment shall not be stored in an individual's locker or equipment bag.

2. All issued equipment will be stored under the following conditions:
 - a. Off Duty-in the ERT equipment room.
 - b. On Duty- All issued equipment should be carried with the officer to include the M-4 rifle (MP-5 or shotgun). If not carried on-duty, the equipment will be stored in the above manner. If carried, the equipment will be secured in the vehicle of the officer's cruiser unless it's use is authorized.

F. Special Equipment

1. The missions of the ERT are often performed in hazardous environments.
2. Recognizing that the safety of innocent citizens, officers, and suspects is often jeopardized by these hazardous conditions, it shall be the intent of the ERT to utilize special equipment, in an attempt to reduce the risk of injury or death to all involved.
3. The ERT Commander will insure that only those Team members properly trained and certified in the use of the special equipment will utilize the equipment.
 - a. Specialized weapons: Any such weapon deemed appropriate to carry out the mission of the ERT. All specialized weapons must be approved for use by the ERT Commander.
 - b. High Caliber Rifles: These weapons allow the team member to place highly accurate rounds where needed to help resolve life-threatening incidents.
 - c. Less Lethal Weapons or Ammunition: Weapons or ammunition, which propel a round or device that is not normally lethal in nature. Designed to offer an alternative to the use of deadly force when appropriate (see General Order Manual Section 122.00 Use of Force policies.)
 - d. Noise/Flash Diversionary Devices: Designed to save lives and reduce the potential for shooting situations by providing for a diversion for the entry of ERT personnel into a hazardous area. Utilizes a bright flash of light followed immediately by a loud noise.

- e. Breaching Tools and Ammunition: Items such as rams, pry bars, special frangible shotgun rounds, etc., which are designed to force entry into barricaded or secured areas.

VIII. Vehicles

- A. All ERT Vehicles will be inspected monthly for operational readiness.
 - 1. An officer will be assigned to each vehicle by the Tactical Commander. The officer will notify the Tactical Commander and Fleet Maintenance immediately upon discovering a vehicle in need of repair. All inspections will be documented and forwarded to the Tactical Commander.
- B. The equipment stored within the ERT equipment vehicle includes:
 - 1. Ballistic shields and blanket
 - 2. Night vision equipment
 - 3. Search light (portable)
 - 4. Breaching tools
 - 5. Fire Extinguisher
- C. ERT officers will be trained on vehicle operation before they are authorized to use such vehicle. Training will consist of:
 - 1. Backing the vehicle
 - 2. Turning the vehicle
 - 3. Using mirrors
 - 4. Familiarity with the controls and on board electronic equipment i.e radio, siren, lights, etc
- D. ERT vehicles may be used by any ERT officer during an ERT mission or assignment.