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The Efficacy of SWAT Teams in Law Enforcement



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ABSTRACT

The necessity of tactical teams, often referred to as SWAT teams, continues to be validated throughout law enforcement in America. This paper addresses the origin of SWAT, along with current trends in American society, and opposition to the utilization and militarization of law enforcement specialized response teams. Based on current events, such as civil unrest associated with anti-law enforcement groups, domestic terrorism, and continued use SWAT or tactical teams related to narcotics, it is important to continue funding for equipment and training for those officers and agencies that have and will be thrust into the front lines of responding to increasingly complex and dangerous situations.

Funding and implementing these programs can be a deterrent to those agencies that struggle to maintain fiscal responsibility and independence. This paper also addresses and identifies some of the government grants and programs that can be used to alleviate and offset the costs associated with implementing and maintaining these programs, which will provide a valuable police response alternative.

Generally speaking, from the inception of SWAT in the late 1960s (Dulin, 2005), and as this ideology progressed and transformed into what it has become today, police equipment and response tactics have evolved in response to ever-changing trends in society. As the world changes and adapts to current events, so must the approach to law enforcement ideas and technology change and adapt. Simply keeping up with or maintaining a minimum response capability is dangerous and creates unnecessary and undue liability, which society cannot afford to accept.

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INTRODUCTION

The topic of this white paper contends with the efficacy of SWAT teams in law enforcement. It will address the history of SWAT and its relevance in today's current political and social climate. The increasing and diverse instances of crime, such as events in San Bernardino, California; Dallas, Texas; and, Baton Rouge, Louisiana, in which an elevated response by law enforcement was required, bolsters support and funding for training, equipment, and deployment. Simply ignoring the current trends and events in which police officers have been under attack and recently killed is not feasible. Those incidents requiring a specialized response to public safety concerns, regardless of whether it is an isolated event or a series of crime-related actions, would have a devastating effect on society as a whole if not effectively and appropriately responded to. Law enforcement has a duty to "Protect and Serve" in all law enforcement related responses to crime and public disorder. It is, therefore, necessary that agencies continue to identify and support the basic needs of responding police units by supplying the tools to effectively manage every situation in which it is called upon to respond.

By training tactical teams and its members and supporting them by providing the equipment necessary to enhance their ability to respond, teams and their members have a greater probability of being successful when called upon to deal with more violent events. Training for these incidents should mirror the types of calls being responded to. Success in these responses is not negotiable and should be approached with that mindset. Domestic and global terrorism, civil unrest, active shooter, and even human trafficking occurrences necessitate this response and ideology. Law enforcement must address these instances, just as they address routine and standard

calls for service. The difference in these types of instances is that there is a greater potential for serious and harmful escalation of events, and the possibility of requiring even more resources at a greater cost and higher risk is multiplied exponentially.

POSITION

There is a necessity for funding and implementing special weapons and tactics (SWAT) teams, and law enforcement should continue this endeavor. The basic development of SWAT teams took place in the mid to late '60s and early '70s (Dulin, 2005). This evolved from civil unrest incidents in both Los Angeles and other United States cities. In 1965, the Watts section of Los Angeles, California erupted in social and civil disorder when residents became increasingly violent towards public safety officials. For four days, riots continued around the clock, and law enforcement was not prepared or equipped to regain control of the situation (History.com Editors, 2010). Another event occurred when an active shooter, later identified as Charles Whitman, climbed the UT Tower in Austin on August 1, 1966, killing 16 people and injuring many others (Biography.com Editors, 2014). There was also civil unrest associated with anti-government groups such as the Black Panther Party, which formed in October of 1966 and which “fought to establish revolutionary socialism” (Baggins, 2002, para. 1). They created situations where tactical teams were needed to respond to social disorder when law enforcement needed to respond.

More recently, events of a terroristic nature have emerged. On December 2nd, 2015, in San Bernardino, California, a radicalized couple of Middle-Eastern decent opened fire on unsuspecting attendants of a holiday party being held at a county facility. Twenty-one people were injured, while 14 others died. In fact, “Public Health

researchers at Harvard University and Northwestern University have confirmed that mass shootings are becoming more and more frequent, and the San Bernardino shooting is the latest” (Ehrenfreund, 2015, para. 6). One could cite a growing number of active shooter incidents, as well as terror-related and civil disorder, which contributes to elevated numbers of law enforcement responses of this type. It is the escalation of these events, and the burgeoning violence associated with them, that requires a tactical response. This tactical response is not designed for patrol officers who are not equipped or trained to the level and capability of SWAT teams.

Police officers, in general, have specific training that offers them a well-rounded approach to their basic duties. The types of instances listed above, however, are not average or everyday duties. The idea in developing the original SWAT ideology is, and remains, that there will be duties that extend beyond that normal police response. SWAT units, then, must be designed and equipped, as well as trained and funded, to respond to those instances that exceed the response capabilities of normal police officers (Clark, 2000). Clark (2000) wrote, "Because SWAT teams are often called to upon to respond to situations where deadly force may be applied, continuous and specific training of these officers is of paramount importance" (p. 407). Further, police officers assigned to SWAT teams require enhanced levels of physical fitness and physical capabilities.

These skill and fitness levels tend to require extended and focused commitments to all aspects of the job. Tactical members need to be able to run further, lift more, and sustain prolonged activity related to the physical demands to which they will encounter. They should be highly trained and proficient with an array of weaponry and skill sets.

Some of those skills sets may include precision rifle training, room entry and clearing tactics, and deployment of diversionary devices, which are but some of the skills that are required to enhance and provide more capabilities. These skills are developed with exposure and training. These skills are not taught in basic police academies, and they are perishable skills. This means that they must be a continuous process. Advanced weaponry and skills are typically not taught to younger or less experienced officers unless prior military training and experience are evident. Much like military training, though, these officers are trained in various skill sets by exposure to many hours of specialized schools and training courses. The elevated levels of training and heightened response to dangerous situations can create a health risk for those who are not maintaining an enhanced level of physical fitness, so physical fitness training is also needed.

Albert Einstein may have once said “The world is a dangerous place to live- not because of the people who are evil, but because of the people who don’t do anything about it” In keeping with that rhetoric, serious and violent crimes require a more serious response from law enforcement. In 2005, Dulin (2005) wrote, “the role that police agencies play in countering terrorism perpetrated by domestic and international groups in the U.S. has been underscored since September 11, 2001” (p. 2). Terrorists and terror groups often have extravagant funding and have weaponry far superior to law enforcement agencies operating on limited and diminishing budgets. To face this type of superior weaponry with under-trained and out-gunned personnel would create a disastrous and far-reaching effect. Previously deemed tranquil places, such as Columbine and Aurora, Colorado, and Newtown, Connecticut, and others, have shown

the necessity to maintain the capability to deploy responsive and appropriate tactics and personnel. The training and equipping of those response teams are as important today as it was in the 1960s (Haberman, 2014).

This ideology is not centered in major cities and populated areas alone. The types of responses to these events are quickly spreading to all areas. Recent world events, as well as those occurring in the United States, have bolstered the necessity of continuing this police service. In fact, the current state of affairs should offer an increased level of support, as well as funding and equipping, for these officers and agencies as warranted.

In 2014, Ferguson, Missouri saw civil unrest associated with anti-police rhetoric and demonstrations (Healy, 2014). These events were born out of the death of what was reported as an unarmed black teenager, and this fueled a growing disdain and rage for law enforcement nationwide. In fact, multiple instances of deadly force involving law enforcement have compounded a growing movement of opposition and have lead to organized and sometimes violent clashes with police. These clashes will last for days and sometimes weeks, often erupting in many cities and locations across the country. They are not always localized to the area in which the original event took place. In July of 2016, in Dallas, Texas, 12 officers were shot, five of them fatally, by a military veteran who had a disdain for white police officers. Less than two weeks later, seven more were shot in Baton Rouge, Louisiana, three of those were fatal. This was purported to have taken place in response to a controversial deadly force instance in the prior month, where an alleged unarmed black man was shot and killed by a police officer after a

protracted struggle to take him into custody. Facts and details from this instance were not yet published and available when the anti-police protests began.

The shooting of another black man the following week in Minnesota raised concerns and again drew controversy after the female companion of the deceased published video of the incident on social media and gave several inflammatory interviews and statements to the media. The facts and details of this case were also not completely investigated and published by the investigating authorities when the video was played on social media. The public's response to limited facts and information has been viewed as one of the reasons for the growing public outrage and is believed to be one of the factors contributing to instances of civil unrest and attacks on police. Any of these situations have impacted police tactics and response. Tactical teams have been deployed at an increased rate in response to the growing and escalating scenes which normal patrol functions are not equipped to handle.□

In November 2014, months after the initial tragedy in Ferguson, a grand jury announced that it had not indicted Officer Darren Wilson in the shooting death of what was reported to be an unarmed black teen in Ferguson Missouri. In fact, the District Attorney reported the information that was reviewed which led the Grand Jury to make that decision. This is not typical of grand juries but was done for transparency in the investigation and matters after the judicial process. After hearing this decision, and the accompanying information, protests again erupted in Ferguson as well as across the nation. Parts of this protest in Ferguson led to the windows at City Hall being shattered, a police car being overturned and burned, as well as an AR-15 assault rifle being stolen from the overturned police car. Law enforcement officials said, "the more assertive

response had helped curb the chaos that prevailed” (Healy, 2014, para. 4). The initial protests continued for several weeks, as well as the flurry of demonstrations after the grand jury announcement. This extended police response was taxing on those required to answer the call. In fact, Ferguson police handed over the responsibility of policing the protests to St. Louis County Police because it is “a larger department and is better equipped” (Buchanan, Fesseneden, & Lai, 2015, para. 12). Ultimately, the governor called in the National Guard to assist in maintaining control over the unpredictable protests and riots.

A secondary justification to funding and training for specialized response teams is the the existence of government programs for funding and equipping their existence. Virtually every aspect of forming and funding a specialized team or response group is expensive. There are many aspects of federal and state funding that address these issues. Agencies that require more personnel, equipment, and training to address response deficiencies can apply to subsidized programs designed specifically to implement and maintain these efforts.

The U.S. government’s Defense Logistics Agency, formerly identified as Defense Reutilization and Marketing service (DRMA), operates the National 1033 program that provides law enforcement with used or overstock military equipment at little or no cost to the requesting agency. Items such as 5.56 NATO M-16s, and 7.62 NATO M-14s, as well as military flight suits, cold weather gear, riot gear, eye protection as well as a variety of ancillary equipment and technology, is available (Challans, 2013) The related costs for these types of purchases can be staggering when an agency decides to implement and structure a tactical team. While the initial costs can soar to well over

\$6,000-9,000 per team member, there are other costs as well. Team costs, such as vehicles, entry and breaching tools, distraction devices and shields can increase the operating capital requirements to amounts that eliminate or limit procurement of certain necessary items or cause the cancellation of plans to fund the team altogether.

Arguably, the need to operate these teams or provide these functions far outweigh the ramifications of costs. The fact cannot be ignored, however, that many municipalities and county governments are not fiscally capable of the financial commitment required. The government subsidies and programs address this expenditure and remove some of the burdens on those agencies requiring assistance.□

Often, agencies will combine with neighboring cities and counties as well as form task forces to increase needed personnel and logistical implications. Combined teams offer a wide range of services and equipment that a smaller or more rural agency might not have available. These teams will also serve a larger area of the population in their respective areas and limit or eliminate some of the financial and logistical impacts on those cities and agencies. The need to utilize these types of approaches answers some of the problematic and recurring issues associated with SWAT teams. If funding concerns can be addressed, with the full support of agency administrators and local leaders, the difficulty associated with start-up and continuing operations and programs related to SWAT teams diminish.□

COUNTER POSITION

Certain personalities in government and society, as well as activist groups that argue that the “militarization of police” is creating a stigma of brutality and violation of civil rights, feed off of anti-police rhetoric. In fact, soon after the tragedy in Ferguson,

Missouri and while the development of the riots was still ongoing, the United States Attorney General Eric Holder, backed by President Barack Obama, made inference to this “militarization of police” and called for an end to the current supplying of law enforcement agencies under the 1033 Program. In fact, Holder stated, “I am deeply concerned that the deployment of military equipment and vehicles sends a conflicting message” (McCalmont, 2014, para. 2). This program began during the Clinton administration and basically honed what Ronald Reagan previously started with congressional approval and input related to military surplus being turned over to and issued to domestic police agencies across the country (Balko, 2013b). Through this directive and allowance, machine guns and tanks, along with, in some instances, helicopters and even 50 caliber rifles, equipment was issued to SWAT teams and other agencies that were trying to form these teams (Balko, 2013). Opposition to this type of military response and equipping of law enforcement feels that by utilizing these tactics and methods, it only serves to further escalate existing problems. □

There are those in opposition to this type of law enforcement action who often cite that these “militarized tactical police units” are deployed against “unarmed civilian protesters,” and that this tactic only serves to escalate non-violent situations into violent ones (Balko, 2014). In most cases, the police are viewed as “heavily armed” military units instead of police (Balko, 2013). Those who view these instances on the surface believe police tactics should remain police tactics, and military tactics and equipment are some of the causing factors for escalation. People feel that they need to be able to protest peacefully, and they should not be faced with tanks and weapons that they associate with war.

This line of thought is not entirely accurate and is quite often misreported. As stated, the supposed unarmed protesters in Ferguson, Missouri were not just those protesters shown on television and throughout the media. There were antagonists from all over the country who were, in fact, armed and confrontational beyond what was portrayed in the media. The violence shown throughout the several weeks of protests, coupled with property damage, and assaults on police, were so prevalent that National Guard personnel were also deployed. These guardsmen, as well as outside law enforcement agencies who responded to the call for assistance, absolutely required special equipment and gear that would protect them from assaults and violence from these unarmed protesters. It is counter-productive to deploy military units to any situation that warrants this type of response yet hold police accountable and deem them antagonistic for dressing in the very same military-style protective clothing and utilizing protective equipment just as the other involved agencies had been issued and deployed with. Moore (2015) wrote, "Taking away critical equipment to officer safety and impacting an agency's ability to protect its community to the fullest is a terrible mistake. It's one that, if made, will come back to haunt those making it" (para. 7).

Generally speaking, the option to deny vital and lifesaving equipment could have its own costs ramifications. It could serve to cost the agency involved even more funds and manpower by deploying under-equipped personnel. To fail in providing police gear while still responding to situations where this gear is necessitated is not an option and is not acceptable. Already existing equipment, left in a warehouse or on a shelf simply because someone in government failed to see its usefulness in the field, not being issued has far-reaching negative results (Moore, 2015)

Additionally, as a reason to not equip SWAT teams, public leaders and officials often limit the use and training of SWAT teams, based solely on cost and liability. There is a culture that preaches that these teams create a severe liability to the taxpayer. Opposition groups claim that there is a liability in the form of funding, as well as liability in the form of public safety. According to the ACLU, funding programs that transfer military equipment to law enforcement agencies is not only feeding the militarization of law enforcement but is wasteful. It claims that billions of taxpayer dollars are spent on these programs each year. It states that in 2011, funding exceeded 500 billion dollars in grants end equipment (Balko, 2013). A large majority of the resources provided as surplus military equipment is purchased through this program, and would otherwise be destroyed. To consider that the destruction of this equipment would make more sense than utilizing it for its intended purpose is an invalid argument. Equipment that has already been purchased and stored can be reallocated to a domestic front and be more readily available and utilized easily.

With current times and budgeting concerns for most law enforcement expenditures, funding a team can be budget depleting, but this is not necessary. A working knowledge of budgeting and with a grasp of raising funds associated with personal safety equipment, any agency has the capability of a start-up without impacting the citizens it serves (Marcou, 2009). Simply knowing how to navigate through the system will benefit the agency and populous it serves. Assistance in training has also been provided by the government to guide those interested agencies in the procurement and processing of requests for the equipment. This is done to

streamline the effectiveness of the program and to simplify the agency getting the selected equipment as it becomes available.

RECOMMENDATION

It is recommended that the funding and training of SWAT teams, as well as the procurement of equipment through government programs, should continue. Research for this paper has shown overwhelmingly that the need for these police units is validated daily. Instances of violent crime occur at an alarming rate and in increasingly diverse locations. The alternative to not having a police force capable of response to those crimes leaves a glaring hole in the protection of society. By funding those programs, and training the officers who participate, highly equipped responses restore order and calm the chaos that exists outside of law and order when it is needed the most. The military is not set up to respond to those situations on a domestic front, and as a society, there is an aversion to the utilization of the military to confront domestic issues. These issues include domestic terrorism, fighting the war on drugs and intervention in civil disorder, and active shooter scenarios, as well as surges in human trafficking. These instances are occurring increasingly each day. Instances, where these events erupt, cannot be eliminated with static and unrealistic responses. Law enforcement must consider new ways of thinking and respond to these calls, and when training, they must evolve in the methods in which they train. Classroom training, in which theories are discussed are no longer adequate to address these problems; officers and those who train them must implement scenario and reality-based training with real results.

Just as these "specialty units" were born out of necessity and developed over the years, changing and evolving as times have changed, they continue to be absolute in

the realm of enforcement of the laws of this country. It would make no sense to respond to critics of the programs and their funding by cowering to a societal outcry that has no basis or understanding of how force must meet force. In the end, the chaos that remains after failing to appropriately address crime and its effect leaves a larger issue to be dealt with. The funding of those problems and reparations for those inadequate responses is by far costlier. It is costly for funding, it is costly in reparations for inadequate responses, and it is costly in lives.

Society cannot overlook the importance of administering this program in a fair and impartial manner. Oversight of all of these programs should have transparency that leaves no doubt as to the validity of its use. Its management and application are scrutinized by those who seek to eliminate responsibility for the actions of others. It will always be those who lack knowledge about the utilization of valuable crime suppression tools that call for "demilitarization of police" and "softer tactics." As times change and evolve, both societal constraints and criminal activities will consistently question any tactics for which they are not comfortable with nor educated about. It will be the duty of law enforcement administrators and managers to address these concerns and meet those questions with information and education. There should always be a hope that these "tactics" and "units" would never be used or needed. Unfortunately, it would seem that those simpler times and softer approaches to law enforcement responses have diminished, and it will be up to future generations of society and law enforcement to find a common mindset and goal. The achievement of this goal is not only useful but mandatory, in today's world. The funding for equipment and training of SWAT teams in

America is vital to public safety and should continue, which will allow for the evolution of current and developing trends.

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