

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

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S.W.A.T.: “Paramilitary” police units – or just highly trained officers?

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**An Administrative Research Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**

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**By
C. S. Fontenot**

**Alvin Police Department
Alvin, Texas
November 12, 2003**

ABSTRACT

This paper discusses the argument of the “militarization” of police SWAT teams. This argument states that these specialized police tactical teams have become too much like our military and as such are too violent and too often used. This argument is countered with figures showing that SWAT teams actually decrease the likelihood of violence and that SWAT responses to violent domestic crimes and terrorism are needed, as traditional police responses are not adequate. It also postulates that much of the militarization argument is based on semantics and inflammatory language; while at the same time, it concedes that these complaints may be a necessary function to monitor and regulate police behavior. Lastly, the argument is discussed from a Marxian conflict theory perspective, as well as that of a neo-functionalist perspective. The conflict theory explores the above-mentioned aspect of complaints regulating police abuse, while the neo-functionalist perspective explains the creation and maintenance of SWAT.

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Introduction

There appears to be a significant movement criticizing today's police SWAT units. A vocal segment, using print media and especially the Internet, has launched a crusade using the terms "militarization" and "para-militarization" to describe what it appears to believe to be U.S. police agencies' trend toward violent control of its citizens. The extent of this issue can be illustrated using a simple Internet search. An Internet search on 07/31/2003 using the Google search engine provided two examples. Using the search terms "POLICE" and "MILITARIZATION," 20,000 sites were produced; while using the terms "SWAT" and "MILITARIZATION" produced 857 sites (using the term "SWAT" in place of the word "police" appeared to limit the hits almost exclusively to articles and web pages referring to American civilian policing). The relevance of examining this criticism of our police appears obvious: Americans hold their civil liberties as sacrosanct, and any potential threat of those liberties must be taken seriously until proven otherwise. An example of this is the legal (and political) tightrope on which law enforcement has walked since September 11th and issues in criminal profiling people of Middle Eastern descent.

The militarization claim appears to primarily allege that this supposed trend is making our police too violent and too often utilized. This paper will discuss the concept of militarization and U.S. police and many of the specific criticisms cited regarding this issue with the ultimate goal of answering the question: Have our police agencies become militarized? This paper will attempt to analyze this question by review of related literature, a limited survey of certain Texas police agencies, and an analysis of internal after-action reports from a combined agency SWAT team. The review of literature will

consist of articles gleaned from Internet sources such as professional articles, newspaper articles, and web page articles. No books were found that specifically addressed this issue. The survey consisted of a questionnaire directed to police professionals representing twenty-one Texas police agencies and which asked a series of questions related to the SWAT issue discussed in this paper. Lastly, an analysis of after-action reports spanning 1996 through 2003 from the Combined Agency Response Team, a SWAT team composed of officers from the Alvin, League City, and Pearland Police Departments in Texas.

It is anticipated that the research will show that the “militarization” argument of American police agencies becoming too-like the U.S. military is over-stated in the extreme and that it will instead show that, while police have responded to changing circumstances, they have maintained their subservience to the will of the American people.

American law enforcement by its very nature must be cognizant of the citizens it serves and the expectations and desires of the public. An understanding of public criticisms, and an ability to accurately answer those criticisms, is a requisite for any public agency in a free society. This research will aspire to discuss and answer this particular criticism of American law enforcement SWAT teams, and lastly, to suggest follow-up research and recommendations to further evaluate this issue.

Review of Literature

S.W.A.T. is an acronym for Special Weapons and Tactics police units. These special police units were originally created in the 1960s and 1970s to answer a new police challenge: the determined domestic terrorist. Today, teams exist to handle “critical

incident” situations that even the contemporary well trained patrol officer would be hard-pressed to handle; however, there are critics who decry the militarization of the police, arguing that this makes our police too violent and too oft used. While abuses likely do occur, it can also be argued that these problems are not symptomatic of today’s policing and that when isolated problems do arise, both internal and external outcry (and the usually resultant litigation) quickly addresses the issues, departments, and personnel involved.

SWAT teams came into vogue due largely to two critical incidents: one occurring in the 1960s in Texas; and the second, a string of violent encounters with the Symbionese Liberation Army (SLA) in the early 1970s. The first catalyst was the University of Texas (UT) shootings by 23-year-old Charles Whitman in 1966 in which Whitman, using various high-powered rifles from the height of the 28-story UT clock tower, shot and initially killed 14 people and wounded approximately 30 more (Holley, 1996). Interestingly, the fifteenth fatality to this tragedy was not recorded until 2001 when Whitman shooting victim David Gunby voluntarily withdrew from dialysis treatment and died a few days later. The coroner ruled his death a homicide as a direct result of his injuries sustained 35 years ago in the UT shootings (Henderson, 2001). The second catalyst was a number of terrorist incidents by the SLA, which culminated in the 1974 two-hour shoot-out in which SLA members used automatic weapons against Los Angeles Police Department (LAPD) patrol officers. Two SLA members were shot dead as they exited the house firing at police and six others were found dead inside the house after refusing to come out even after the house caught fire (Wikipedia, 2002). When these events occurred, SWAT teams did not exist, equipment was limited, and officers did not

wear the ballistic vests available today. According to one report of the UT shooting, a police officer, lacking a handheld radio tried to call his police department via telephone—and received a busy signal—while other officers made calls on AM radios asking for hunters with deer rifles to respond to the scene (Holley, 1996).

Kopel (2000), a critic of today's SWAT "trend," in his article "Smash-up policing – when law enforcement goes military" cited officers "waving machine guns, spewing foul language, threatening to shoot people, and trashing the house" (p.1). He goes on to sprinkle his article with derogatory terms, such as officers being dressed in "battle gear," "paramilitary units," and their "special violent skills" (p.1). The reference to "battle dress" refers to the common SWAT officer's black BDU uniforms (which is a military acronym for battle dress uniform). Kopel goes on to quote a Rutgers professor citing that this clothing can be related to tapping "into associations between the color black and authority, invincibility, and the power to violate laws with impunity" (p.2). This claim appears spurious; as any officer violating laws with impunity soon finds himself a pariah in the law enforcement community, and usually in prison in short order. Interestingly, a current trend in contemporary law enforcement SWAT teams is a move away from the traditional black BDU's to military green or urban camouflage BDU's. It is not clear if this is in answer to the above criticism, or due to other considerations, such as economic and effectiveness factors.

Kopel also adds the claim that, ". . . it is ex-military who account for almost all SWAT-team members" (p.2); however he adds no justification for this last assertion. Although many ex-military do find themselves in law enforcement, no statistical information could be found on the make-up of SWAT officers with prior military

experience. A review of personnel belonging to a multi-agency SWAT team serving the cities of Alvin, League City, and Pearland (this team is described in more detail later in this paper) showed that of the 30 officers on the team, only seven had any prior military experience.

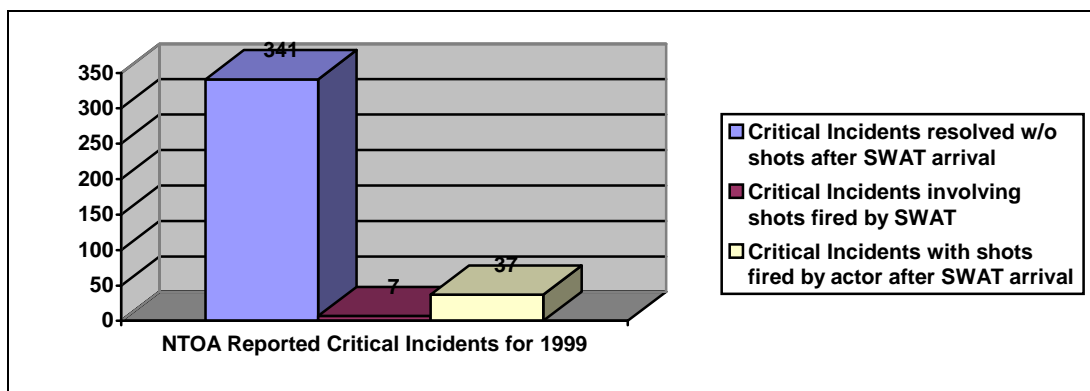
Bovard's article "Time to curb SWAT rampages" reports "the explosive growth and expanding mission of SWAT teams has, in turn, led to complaints that an occupying army is marching through America's streets—that they are too aggressive, too heavily armed, too scary" (1999, p.1). The article goes on to state, "Once local governments militarize the police, they naturally find more and more pretexts to send out their storm troopers—if for nothing else than to keep people in place" (p.1). Along with "massive federal aid" in money and equipment, police officers supposedly find "massive intimidation" easier than "old fashioned police work..." (p.2). This writer makes the direct accusation that "No-knock SWAT raids at wrong addresses have become a national scandal," but he then fails to provide a single example. He does cite a 48-year-old suicidal male in San Antonio who was killed when tactical police responded to "stop him from committing suicide" (without details of the incident). He then lastly cites a fire in Massachusetts started from a police "stun grenade" while police were looking for a drug dealer—the fire leaving 24 people homeless. He finishes his criticism of SWAT with the appeal that "Average, peaceful Americans should not need to worry about government agents storming into their homes on the flimsiest of pretexts" (Bovard, 1999).

Much of the criticism seems to hinge completely on negative semantic rhetoric and arguments, and depending on one's perception, could go either way. For example, SWAT teams are also now called Emergency Response Teams, Tactical Response

Teams, Combined Agency Response Teams and a host of other friendlier, more politically correct sounding names; however, the mission remains the same. Officers once called snipers are now *marksmen*, assault teams are now *entry* teams, stun grenades and flash-bangs are now *distraction devices*, rifles and assault weapons are now *long guns* – all terms sterilized to make them less offensive, but all describing the same thing as their predecessors.

One critic postulated “Police militarization promotes maximal use of force as a solution, even when no force at all is required” (Kopel, 2000, p.3). This argument, and many of the previously mentioned ones, either insinuates or outright claims that SWAT is too violent, uses intimidation, or uses too much force (or all three). According to a preliminary National Tactical Officer’s Association (NTOA) report, there were 385 reported critical incidents involving SWAT in the U.S. in 1999. A critical incident is defined as an incident in which a weapon is used—not just present, but used—and in which “there are injuries to victims and/or officers, and there is a real threat to the community’s health and welfare” (Glick, 2000, p.2). Of those 385 incidents, 341 were “resolved without shots fired after SWAT arrived” and only seven resulted in an officer-involved shooting, in which a total of five suspects were killed. 193 of the incidents were hostage/barricade situations and the other 134 were warrant service (Glick, 2000). These statistics seem to clearly indicate that SWAT presence does not escalate what was in most situations an already violent situation (Figure 1).

Figure 1. NTOA reported 385 total critical incidents for year 1999.



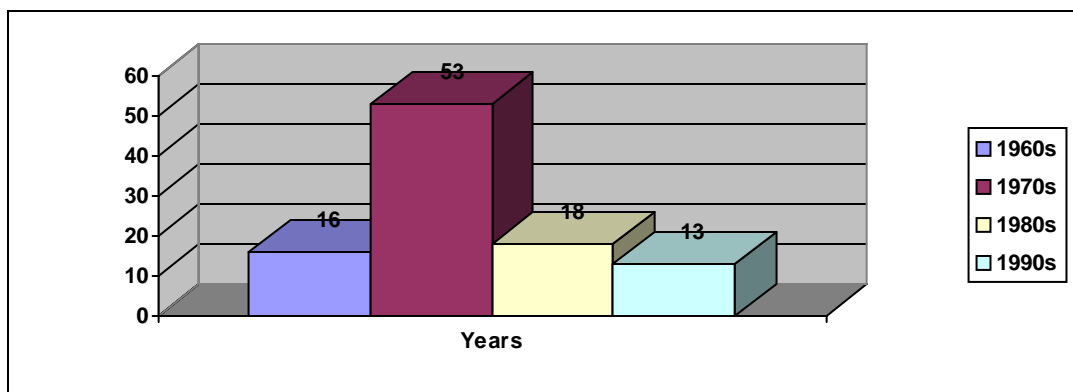
One possible cause of the perception of violence is the overwhelming show of force. This allegation is true. SWAT teams *want* to be intimidating. It is believed that an intimidated suspect is less likely to challenge police and more likely to give up peacefully—as the above statistics appear to testify. The goal of a SWAT officer, as well as any other officer, is the protection of innocent victims, as well as himself and his fellow officers. While care is also taken to assure the well being of the suspect, the welfare of the suspect is ultimately up to the suspect through his own actions.

The excessive use of SWAT teams claim is harder to quantify. This criticism is usually applied to use of SWAT in situations where a search or arrest warrant is to be served. If the target is a violent armed criminal, SWAT use is usually not argued. However, it is when a narcotics search warrant is served, where the person may or may not be armed, that the reasoning becomes a little more tenuous. There is always the argument that the drug trade *is* violent and the person *may* be armed; however the primary law enforcement motive is usually preservation of evidence. To knock on a drug dealers' door and wait patiently for him to come to the door and allow you inside to find evidence that will likely place him in prison is unrealistic. If entry is not quick and efficient, and the evidence secured, it will be literally—and quickly—flushed down the

drain. SWAT officers, unlike the average street officer, are trained and equipped to execute these type dynamic entries.

The other primary criticism that can be gleaned from these complaints is that there are too many SWAT teams. One critic is reported to have claimed that there were as many as 30,000 SWAT teams currently in the United States (Glick, 2000). This would be difficult, since only 13,535 local, state, and federal police agencies in the United States reported to the 2000 Department of Justice Annual Report (DOJ). And not all police agencies have a SWAT team. A 1997 conducted NTOA survey of 2,027 police agencies with more than 50 sworn officers showed that only 58% of these agencies had tactical teams. There were only 24 full-time SWAT teams in the entire U.S.; as only the largest of cities can afford a full-time team. The survey also showed that “16 percent of all tactical teams were established in the 1960s, 53 percent in the 1970s, 18 percent in the 1980s, and 13 percent in the 1990s” (Glick, 2000, p.3). All this indicating that the vast majority of SWAT teams are well established, and not the product of recent explosive growth as some critics insinuate (Bovard, 1999) (Figure 2).

Figure 2. Percentage growth of US SWAT Teams per decade for years 1960 through 1990.



The phenomenon of rural school shootings argue against the myth that violence only occurs in urban settings. SWAT teams are a valuable tool and *insurance* even in the

smallest of agencies – and also augment the line patrol officer ranks with better-equipped and trained officers charged with the initial response to critical incidents. The creation of part-time multi-agency tactical teams seems to have filled this need for those smaller agencies unable to field a team due to lack of resources and manpower.

In answer to the criticism that police are relying on “massive intimidation rather than old fashioned police work” (Bovard, 1999, p.2) one need only look at the LAPD response to the North Hollywood bank robbery in 1997. Two determined bank robbers armed with automatic weapons loaded with armor piercing ammunition took on well-trained LAPD patrol officers—who were armed with only pistols and shotguns. These officers bravely held their ground, with ten officers being wounded in the process, along with five civilians, until the arrival of LAPD full-time SWAT officers who, with better equipment and weapons, were able to directly challenge (and subsequently kill) one of the two fanatical bank robbers (the other committed suicide) (CNN, 1997). This was not a one-time aberration. In Norco, California, in 1980, five heavily armed men robbed a bank and in their subsequent escape attempt, killed one police officer, wounded eight more, and damaged or destroyed 33 police cars and one police helicopter before being killed or captured (Burrows, 2000). One could hardly argue that police were guilty of too much intimidation in either setting.

Society can be violent, and as such, society must have its protectors ready to do violence in turn to protect against that threat. Society can and should hold its guardians accountable to the standards of the Constitution; however, society should not tie law enforcement’s hands and make them ineffective or ask them to risk their lives any more than they already do.

In another analysis of this issue, conflict theory and functionalism were applied to the argument. Conflict theory in its simplest Marxian' form argues that groups will be in conflict over the inequality of the distribution of power and resources. Max Weber argued a similar thought when he stated, "there could be no peace in the economic struggle for existence" (Kelly, 2000, p. 215). Marx believed that this disparity would result in conflict between the two groups, and that the group with less power would ultimately rise up in revolution to overthrow the minority group holding the power and that a more equal distribution of resources and power would result (until the process repeated itself) (Kelly). As re-stated by Jonathan Turner, "The eruption of conflict leads to a social re-organization of power relations within a system" (Turner, 1975, p. 619).

Bovard's abovementioned accusation of police of using SWAT teams to " ... keep people in their place" seems clearly to suggest that the power elite—the government and those who control it—are using the police in the proverbial Marxian struggle. It may be argued that this description, as applied to the argument discussed in this paper, has legitimacy in that the *struggle* or criticism of the police can and does in fact lead to change. If police tactics are not approved by the people, the subsequent outcry and political pressure will invariably lead to a change in police conduct and tactics, as can be attested to by the civil rights movement of the 1960s and the positive change in police behavior since that time.

According to Colomy and Greiner, the four key aspects of neo-functionalism are: problem-solving, structural differentiation, systems, and culture (Colomy & Greiner, 2001, p. 159). Applying two of these factors, problem-solving and structural differentiation, appears fairly straightforward. The problem-solving aspect seems

obvious, “Salient social problems that appear to exceed the problem-solving capacities of existing structures are a potent impetus to alter the established institutional order”

(Colomy & Greiner, 2001, p. 161). By definition, when a SWAT team is called upon, the incident has exceeded the capabilities of the street police officer. From a structural differentiation perspective, the advent of SWAT teams would be merely an expected evolution of the police institution in answer to new (violent) challenges to traditional police responsibilities. Colomy and Greiner (2001) wrote:

More specialized or differentiated institutions have responded more efficiently and effectively to functional perquisites than have multifunctional (or multipurpose) institutions . . . and that . . . structural differentiation can be understood, then, as an unconsciously evolved device modern societies have ‘hit upon’ to increase their overall effectiveness and efficiency (p. 161).

Until recently, police agencies consisted of police officers and their supervisors. The police officer was responsible for all aspects of police work; whereas today’s police departments have many specialty police officers ranging from detectives, bicycle officers, crime prevention specialists, and computer specialists . . . to SWAT officers. Frank Young repeats this in his paper on “Neo-Durkheimian” sociology in explaining “social movements” cause “social innovation” (Young, 1999, p. 9). His “social movements,” in a negative sense, can be used to describe the social events (domestic terrorism, etc.) that led to the creation and continuance of SWAT teams, while the SWAT teams would be the police institutions’ “social innovation” created to answer those issues. Young also touches on differentiation and explains that it is, “...the degree to which institutions...are specialized” (Young, 1999, p. 9).

The militarization of SWAT argument appears specious, and while occasional abuses may be occurring, the victims of that abuse along with the media keep a close watch for these abuses and—rightfully—report them to the public. Political pressure and court review then usually correct any discrepancies that may be present. Using the Marxian conflict theory, this is what should be happening: if the police (in this case, representatives of the power elite) overstep their bounds, then the underprivileged (victims of police abuse) revolt (complain) and new social order results (the officers and/or police practices are replaced or modified if found at fault). The neo-functionalist perspective sees SWAT as a natural extension, or specialization, of the traditional police institution in a response to new challenges.

Methodology

Have U.S. police agencies, specifically their SWAT teams, become militarized? And if so, are they now too violent, too quick to use tactical solutions—too *rough*? It is believed that although most U.S. police SWAT teams do utilize at least some military equipment and incorporate some types of military tactics, this does not mean that our police officers have developed a military mentality. The missions of the two professions remain fundamentally different: civilian police have a primary mission to protect life and property, even that of the “bad” guy; while the military’s primary mission is to defend the United States by destroying the bad guy.

The review of literature, as well as anecdotal evidence seen frequently on mass media outlets, appears to indicate that much—if not all—of the criticism stems from warrant service by SWAT teams (or police officers thought to be SWAT). One method of inquiry used in this research was an email questionnaire sent to police officers

representing twenty-two separate law enforcement agencies in Texas. The questionnaire (see appendix A) asked a series of logistical questions to determine the makeup of the particular department and whether or not the agency fields a SWAT team. The question was then asked, “Is the team used to serve warrants, and if so, what are the parameters for utilizing the team on warrant service?” The questionnaire finally asks three subjective questions: Is the SWAT team worth it? Does the team serve a legitimate purpose in your law enforcement community and the community at large? Are there abuses or areas that could use improvement?

Of the 22 agencies surveyed, six responded with all six agencies having SWAT teams (27%). The agencies ranged in size from 52 officers to 2,300 officers, and serving populations ranging from 62,000 to 1.2 million persons. Only one agency, part of a multi-agency SWAT team advised that they responded to all warrant requests, while the other five all cited “high risk” prerequisite parameters such as “known danger” or “violent felony.”

Another inquiry was made by analyzing after-action reports of the Combined Agency Response Team (CART). This is a combined agency SWAT team formed in 1992 by the police departments of the Texas cities of Alvin, Friendswood, League City, and Pearland. The Friendswood Police Department dropped its participation in 1994, however the other three agencies remain closely linked. The three cities have a combined population of approximately 118,000 citizens (U.S. Census Bureau, 2002). The team itself is composed of over thirty officers assigned various duties such as tactical, negotiations, medic, and command. The CART team itself, like most SWAT teams, is a

part time team consisting of officers from the patrol and detective ranks called together for monthly training and for actual call-outs.

Eighteen CART after-action reports were available to be analyzed. The reports covered call-outs from 1996 through 2003 and could be summated as two types of call-outs: barricaded subjects and warrant service. Of the 18 reports, three pertained to warrant service, while the other 15 covered barricaded subjects either refusing to submit to arrest or suicidal subjects. Barricaded suicidal subjects accounted for the most call-outs (ten), while the remaining five could be best characterized as disturbances that developed into barricaded suspects with and without hostages. Two call-outs involved shots fired by the suspect. No shots were reported by CART personnel in any of the call-outs with the exception of less-lethal munitions involved in two call-outs (12ga. beanbag round in one and Advanced Taser in the other). Only one call-out resulted in a death where the suspect fatally shot himself.

The three call-out reports of most interest, those dealing with warrant service, involved warrants for bank robbery, murder, and theft of firearms. Since part of the criticism aimed at SWAT teams infers the excessive or unnecessary use of SWAT in warrant services, it is clear that all three of these deployments of the CART team appear justified by the nature of the suspects' offenses. A review of the three reports showed that all three suspects used guns in their original offenses.

In analyzing the CART after-action reports, a shortcoming was discovered—the reporting itself. After a call-out, the assistant commander of the particular city in which the call-out occurs is responsible for completing the after-action report and forwarding it to the other commanders. It was found that although most barricaded suspect/hostage

situations appear to have been reported, most warrant services were not. This appears to have been due more to lack of protocol than design, but remains an obstacle to accurate statistical analysis in this area.

Findings

The review of literature appeared to offer the most pertinent support to this paper's hypothesis: that SWAT teams, in general, have not become militarized as critics have proclaimed. Specifically, critics make the claim that SWAT teams have become "militarized," meaning—to them—that police SWAT teams are too like the military, and as such are too violent for civilian law enforcement. The complaints ranged from the ludicrous, such as that SWAT teams were "too scary;" to the more substantial, that SWAT teams find reasons to deploy to justify their existence. The available literature appears able to answer most of these complaints directly and show that they are either outright incorrect or are just so oversimplified and one-sided that the real picture is obscured.

The questionnaire used in this study proved problematic in that it should have been sent to more agencies. With 22 agencies surveyed and only six agencies returning the instrument, the response rate makes a measure of any veracity doubtful. It was useful in showing that all but one of the responding agencies had guidelines to safeguard against inappropriate use of their SWAT teams in serving warrants—one of the criticisms lodged by the critics of SWAT.

The analysis of the Combined Agency Response Team's after-action reports was very useful in illuminating the type calls addressed by that rural team, as well as showing their success rate. Additionally, a review of these reports clearly dispels previously the

mentioned accusation that SWAT uses “maximal force as a solution, even when no force at all is required.” The reports show that force is rarely used. In fact the CART team, in existence since November of 1992, has never used deadly force, and has used less-lethal tactics only twice, and both of those incidents involved suspects who had been brandishing firearms. Another criticism that SWAT uses intimidation is true, but as stated previously, this is a purposeful *show* of overwhelming force intended to cow the aggressive suspect into compliance with police demands *without the use of actual force*. And again, statistics from both the CART team’s after-action reports and the data cited by L. Glick in his article appear to strongly support this assertion.

Conclusions

Vocal critics of police tactical teams have made sweeping claims that the SWAT “trend” has made civilian police too much like the military, and in so doing has eroded Constitutional protections and exposed citizens to excessive force and violence by their police. This paper sought to determine whether this was so, and would argue after careful review that the police, specifically SWAT units, have not become militarized as these critics define the term.

The most noticeable limitation noted during this study was the absence of uniform reporting. A police department does not have to report whether or not it has a SWAT team; therefore, it was not possible to determine how many agencies actually have SWAT teams barring contacting every police agency. The figures that are cited on both sides of the “militarization” argument appear to be estimations.

Another issue is lack of standardization of the SWAT officers and their training. In Texas, this training is somewhat monitored by the Texas Commission on Law

Enforcement (TCLEOSE) which sets the current standard for a SWAT officer's basic certification as successfully completing a 50-hour Basic SWAT School; however there is no recertification required by TCLEOSE after the initial training. Additionally, there is no standardization of tactical officers. Many narcotics units use their own officers for raids and many use SWAT attire, giving the impression that these are certified SWAT officers, when in reality they are not. As one officer responding to the survey instrument noted: "Many agencies just put some street officers in black BDU's, give them machine guns and call them SWAT."

Yet another limitation noted was in the lack of uniform reporting in critical incidents. The reporting of SWAT deployments is not mandated, and as such, reliable statistical analysis is difficult. It is suggested that mandatory reporting to a central database, such as one sponsored by the National Tactical Officer's Association or some governmental law enforcement agency would likely address this issue.

Lastly, it is suggested that a uniform set of guidelines for warrant service by SWAT teams be established, as well as a uniform definition of what constitutes a SWAT officer and team. This would make for uniform deployment standards across jurisdictions and would assist in reliable statistical analysis of data gathered.

The relevance of this study is in pointing out the need for the law enforcement community to conduct routine introspection of their profession in order to monitor their own behavior and performance. Criticisms like those cited in this paper are rarely without some kernel of truth, and although in this case it is believed that the criticism is derived from a few rare instances of malfeasance, it is law enforcement's responsibility to be able to answer any and all criticisms so that they are able to maintain the trust and

respect of the communities they serve. If these criticisms are not answered appropriately to the public, then as in other cases, perception may drive reality and the resultant mistrust on both sides could engender the very thing that these critics are decrying.

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