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Special Weapons and Tactics (S.W.A.T.)
Operating Policies and Procedures

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ABSTRACT

A Special Weapons And Tactics (SWAT) team is a useful, and in most police agencies, a necessary tool. Recent events in policing such as, Columbine and the North Hollywood bank robbery have shown a clear need for specialized units within a police agency. These specialized units, in particular SWAT teams, are used to handle high-risk situations that are beyond the capabilities of regular police forces.

This Policy Research Project will demonstrate that a written SWAT policy is clearly needed for the current and future operation of the existing Pharr Police Department (P.P.D.) SWAT team. Written policy will help defend the police department against civil liability issues that may arise as a result of actions taken by the SWAT team. Key points are the composition and selection processes of the SWAT team. Another important point is how the SWAT team is to be deployed and the command structure of the SWAT team during a call out. This research consisted of with the review of SWAT policies of other police agencies.

It is concluded that SWAT as a specialized unit within the Pharr Police Department has been operating under custom (unwritten policy) without any structure or direction. Implementing written policy will provide a definite foundation for its operational structure, command structure and the direction of P.P.D. SWAT in the future. And just as important, a written policy for P.P.D. SWAT will provide for a better defense against any civil suits resulting from a SWAT call out in a high-risk situation.

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INTRODUCTION

The Pharr Police Department (P.P.D.) currently operates a Special Weapons and Tactics team (SWAT), which has been active since 1986. P.P.D. SWAT is currently composed of ten officers and operates as other SWAT teams in The Rio Grande Valley of South Texas. The main function of a SWAT team is to handle any and all situations that are beyond the scope and capabilities of normal police services.

The purpose of this Policy Research Project is to write a basic SWAT policy for review by administrators of the Pharr Police Department. The fact being that even though a SWAT team exists and operates as part of the Pharr Police Department patrol force, no written policy is in place for SWAT. This paper will outline policies and procedures concerning the composition, selection processes, organizational structure and deployment of SWAT. There is clearly a need for written policies and procedures for a SWAT team in great part due to liability issues concerning the existence of a SWAT team.

The SWAT policies and procedures outlined in this PRP will be presented to the Chief of Police for review and preparation in hopes that the Pharr City Council adopts them to reduce future liability.

The research project will be composed from several policies used in other police departments. Research material has been obtained from various sources to include, but not limited to, interviews with SWAT team members and Command staff of the Houston, McAllen, Corpus Christi and Killeen Police Departments. In addition, material, from periodicals such as the Tactical Edge, Command, F.B.I. Law Enforcement Bulletin and the National Criminal Justice Reference Service were reviewed.

The presentation of this policy research project will likely have a large impact on the Pharr Police Department's SWAT team and the manner in which it will continue to operate.

Historical, Legal or Theoretical Context

The first SWAT team was created by the Los Angeles Police Department following the Watts Riots in 1965 (McCarthy, 1996). Several issues dictated the creation of a special police team and these issues are still the basis of modern SWAT teams. SWAT teams are tasked with dealing with police problems beyond the scope and capabilities of the police force.

The Los Angeles Police Department thus created a Special Weapons And Tactics team. Since then SWAT teams have evolved to current operational standards. These standards have been set by police agencies, and tactical associations throughout the United States.

According to the National Tactical Officers Association, 58 percent of agencies with 50 or more officers have a SWAT team. Most of those teams are part-time, meaning the officers have other primary duties. Training and equipment is no longer based on military operations like the early years of SWAT. Now training and equipment for Police SWAT teams are specifically tailored for the Law Enforcement mission.

A policy is necessary in SWAT operations so that the overall SWAT mission is accomplished. The policy should not be one that dictates every single movement of a SWAT team during a high-risk situation. There are too many variables during high-risk situations that it would be impossible to anticipate every possible scenario.

A department policy that states patrol personnel are restricted from using special weapons, deadly force without special approval (such as a sniper shot) or making entry into a dwelling with a possible hostage situation, demonstrates that the shackles are in place (Hawkins, 1999). A restrictive policy for patrol and SWAT teams in general would only hinder a SWAT operation and expose the SWAT team to greater liability. SWAT policy should contain a basic structure that would contain procedures such as team composition, when a SWAT call out may occur and command structures during a critical incident.

In this day and age to operate a SWAT team without having written policies and procedures is almost non-existent. Eleven police departments surveyed, from large to small, had policies and procedures in place for SWAT. Twenty-three other police departments were checked through internet searches and all of those had policies and procedures in place for SWAT.

The importance of having a SWAT policy in place to have a better ability to defend against civil liability after a high-risk situation involving a SWAT team (Matulia, 1985). Police are often the targets of lawsuits, with over 30,000 civil actions filed against them every year, between 4-8% of them resulting in an unfavorable verdict, where the average jury award is \$2 million. (Kappeler, V. 1993) Prior research points to the need for more up to date policies and procedures designed to specifically address liability issues (Fletcher, 1987).

The leading case in police department liability under federal law is *Monell v. Dept. of Social Services* (1978). Under this ruling, it must be shown that the department adopted or promulgated (however informal) a "Custom" or policy that was the driving force behind the officer's violation of constitutional rights. (Kappeler, V. 1993)

The SWAT team currently operates under a set of customs that are neither written nor reviewed by the city attorney. Operating in this manner leaves no room for preparing a solid defense against a civil action. The law defines the police in terms of their mission, practice, and parameters of operation (Herbert, 1997).

Review of literature or practice

The policies and procedure of three police departments were picked out of eleven to be used as models for a strong and balanced policy for the Pharr Police Department SWAT Team. The three policies selected for review were from a small, medium and a large department. These policies were well structured and did not outline every action to be taken by the police and SWAT.

The study of these three policies along with a review of many other policies has shown that such policies contain within them hostage negotiator team policies that operate in conjunction with a SWAT team. The (2) Two officer hostage negotiator team for the Pharr Police Department operates alongside of SWAT during high-risk situations. This PRP will deal with creating a policy for P.P.D. SWAT allowing room for additional research from the Chief of Police and the Hostage Negotiators on writing a policy for that unit.

In all three policies used as models for writing a SWAT policy, key points were similar. First, each included a mission statement or a department's philosophy about maintaining a SWAT team. Next high-risk situations and a basic response policy were summarized or outlined. Finally SWAT team organization and command structure issues are summarized or outlined.

Discussion of Relevant Issues

The Pharr Police Department (P.P.D.) SWAT team was created in 1986 specifically to handle high risk situations and narcotics search warrants. In the beginning, the P.P.D. SWAT team had only (5) five officers and the commander. P.P.D. SWAT now has (10) ten officers and is possibly increasing to (12) twelve officers in the near future.

P.P.D. SWAT officers are now well trained in comparison to several years ago. Each current P.P.D. SWAT officer holds at least one 60-hour basic swat course with most holding two advanced swat course certificates, hostage rescue course certificates, first responder to critical incident course certificates, weapons course certificates. Members also complete twice a month in house SWAT training. Training is now a priority with each P.P.D. SWAT officer receiving an average of (220) two hundred twenty hours of SWAT training annually. Kraska (1997) reported that smaller cities, tactical officers receive on average 106 hours of annual

training compared to 225 hours of training for officers from larger agencies. The equipment issued to P.P.D. SWAT officers is modern and standard as most SWAT teams throughout the country.

P.P.D. SWAT has been called out to hostage situations, armed barricaded suspect situations, high risk warrants service and dignitary protection details. P.P.D. SWAT has conducted high-risk warrant operations and fugitive searches for the U.S. Customs Service, the F.B.I., the U.S. Marshal Service and the D.E.A. as part of mutual aid requests.

Justifying the need for creating a SWAT team, staffing and equipping a SWAT team is not the issue or a problem because these factors have been dealt with and a SWAT team is operation.

The existence of a SWAT team as a unit with in a police department without any written policy that outlines team composition, operational protocols during a call out, command and control at a call out and when to use SWAT are factors that could create liability issues for the Pharr Police Department and P.P.D. SWAT officers.

A key issue in most policies reviewed and in all three sample policies used was a mission statement or department philosophy. All stated that a SWAT team is a group of specially trained police officers to provide police service in high-risk situations above and beyond the normal capabilities of normal patrol force on duty (Hansen, 1988).

The only projected expense of implementing a SWAT policy is the cost of the review by a SWAT expert, the Chief of Police and the city attorney's office. A need to look at the operational procedures and the rules of engagement in a SWAT policy is critical. This is an area where the use of an outside expert to review team and SWAT policies is money well spent (Berkow, 2001). The benefit of having a good basic SWAT policy versus not having one in place is the tremendous reduction in liability issues.

Conclusion / Recommendations

The purpose of this P.R.P. is to present a basic structured SWAT policy to the Chief and City Commissioners in order to have it placed in the P.P.D. policy and procedures manual. The research is clear in showing that having a policy in place for certain police operations is necessary to limit liability issues. Having a policy in place for SWAT does not prevent civil liability, but does make it more difficult to pursue civil action against the police. Civil liability is a great concern to police officers, departments, and their parent municipalities.

In having an operational SWAT team while not having written policy to outline the operation and direction of a SWAT team is in this day and age an unheard of thing. In conclusion this P.R.P. shows a definite need for policies and procedures for a Police SWAT team. The basic

recommendation of this P.R.P. is to have a basic SWAT policy implemented.

The issue is that not having a SWAT policy and operating under practice and custom is a great liability to the City of Pharr. Having a policy in place for the SWAT team will reduce the civil liability issue.

Implementing written policy will provide a definite foundation for the operational structure, command structure and the direction of the P.P.D. SWAT team in the future.

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Appendix 1

A Model SWAT Policy

Special Weapons And Tactics (S.W.A.T.)

I. It is the policy of the Pharr Police Department to maintain a specially trained team of officers to provide police service in high risk or critical incidents and those situations requiring specialized tactics and equipment. The officers selected for this team will receive specialized tactical training and will perform their specialized duties in addition to their regular duty assignments.

II. S.W.A.T. / Hostage Negotiations Use

A. The S.W.A.T. Team, and as necessary, the Hostage Negotiation Team will be utilized in high-risk situations which are clearly beyond the normal capabilities of the patrol force on duty. The primary goal in such situations shall be the safe release of any hostages and the peaceful resolution of high-risk situations without loss of life.

B. Hostage Negotiations Objectives

III. Definitions:

A. **High-Risk Situations** – Any incident involving an act of violence or threatened violence in which police officers are at a disadvantage and subject to extreme danger. High-risk situations include but are not limited to the following:

1. Hostage Situation – An incident where a subject is holding one or more persons against their will by use of force, implied use of force or by threat of violence.

2. Barricaded Subject – An incident where a subject takes a position of confinement to avoid apprehension. The subject must have demonstrated the capability of and/or stated intention of causing the death of or serious bodily injury to any other person.
 3. Sniper Situation – An incident where a subject causes or attempts to cause the death of or serious bodily injury to another person by discharging a weapon from an initially concealed position.
 4. Terrorist Activity – Any act or threat that creates or is designed to create fear of death or immediate bodily injury in the minds of others or to prevent/interrupt the use or occupation of any place of business, public service, or mode of communication or transportation.
 5. High-Risk Warrants – Any preplanned operations that require the executions of search warrants or arrest warrants where there is a great potential for armed resistance.
 6. Civil Disorder – Any civil disturbance or crowd control problem where the use of organized tactics, gas munitions, or rescue/apprehension from a crowd will probably be required.
- B. Inner Perimeter – The area of containment closest to the suspect(s).
- C. Outer Perimeter – The area of containment that is set up to prevent unauthorized persons or vehicles from gaining access into the problem area.
- D. Command Post – Field headquarters located in a safe and secure area usually within the outer perimeter.

IV. Organization:

- A. The Pharr Police Department Special Weapons And Tactics Team shall consist of volunteer peace officers that are trained in the use of tactics and weapons. To handle situations that are beyond the scope and capabilities of normal police services.
- B. The S.W.A.T. Team strength shall be ten (10) or more officers.
 1. Selection Criteria.
 - a. Physical wellness – using a test created by the Cooper Institute for aerobic fitness, flexibility, dynamic strength, and body density.

- b. Firearm Proficiency – officers are required to shoot the current departmental qualification course with a minimum score of 90%.
- c. Team Work Ability – officers run the obstacle course as an individual, and as the member of a team. The candidate passes this event on completion of the course, but the main goal is to see their interaction as a member of a team.
- d. Officers, who successfully completed all phases, are discussed and then interviewed by the S.W.A.T. team. The candidate's work history, personnel file and sick leave is also checked.
- e. The candidates are ranked and the top three are placed on an eligibility list and sent to the S.W.A.T. commander and chief of Police for final selection.

V. Command Structure:

A. S.W.A.T. Team will be under the direct command of the S.W.A.T. Team commander and or the Chief of Police.

1. The S.W.A.T. commander

- a. Assume overall command of on-scene operations.
- b. Ensure the establishment of a command post for the operation.
- c. Gather all intelligence for briefings of S.W.A.T. and Hostage Negotiations Team.
- d. Obtain maps of the area and floor plans of the hostage location from the S.W.A.T. Team.
- e. He may authorize the tactical or diversionary discharge of firearms
- f. Maintain direct contact with team leader(s).

B. S.W.A.T. Team will be under the supervision of two team leaders.

- 1. Team leaders are responsible for the team's training and supervision of high-risk situations.

VI. Response Policy:

A. When a situation is designated a high-risk situation by a patrol lieutenant, the request for the S.W.A.T. Team is made to the S.W.A.T. commander, or the Chief of Police who must approve the call out requests. Upon approval the S.W.A.T. team will be immediately activated.

B. S.W.A.T. Officers

1. On or off duty S.W.A.T. officers shall respond promptly to all call outs.
2. S.W.A.T. officers will go directly to a high-risk situation scene unless directed otherwise by a S.W.A.T. team leader or commander.
3. Assume immediate inner-perimeter counter sniper positions to provide protection for officers being relieved.
4. Relieve patrol officers and assume inter-perimeter containment positions as soon as practical.
5. Obtain any intelligence and prepare detailed scouting reports.
6. Carry out tear gas, assault, arrest, or hostage rescue plans as designated by the Chief of Police or his designee.
7. Follow and relocate the inner-perimeter containment area if the suspect accompanied by the hostage moves from the original location.
8. Continue evacuations as needed of area residents or bystanders.

C. The S.W.A.T. team leaders will immediately respond to the scene and assess the situation for assignment of the S.W.A.T. officers as they arrive on-scene.

1. The team leader(s) will assemble an emergency react team of four (4) S.W.A.T. officers.
 - a. The emergency react team will be responsible for the emergency assault of a location (building, home, structure or vehicle) for the purpose of rescuing a person or persons from imminent danger of death in circumstances that can not be controlled through any other means available.

2. The team leader(s) will directly supervise S.W.A.T. officer's on-scene.
3. The team leader(s) will constantly evaluate the situation for any changes that could be advantages.
4. The team leader(s) will keep the S.W.A.T. commander constantly informed of any changes that could be advantages or compromising to the situation.