

THE MANAGEMENT OF POLICE SPECIALIZED TACTICAL UNITS

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Second Edition

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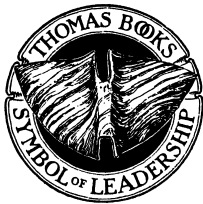
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Randal “Randy” Simmons was a valued and extremely proficient member and team leader of the Los Angeles Police Department Special Weapons and Tactics Team. On February 6, 2008 at approximately 9:30 p.m., he was killed while attempting to shield a wounded fellow police officer from a gunman. Randy was a college educated athlete and dedicated Christian whose devotion to his wife and children and his loyalty to his team members were greatly admired by all aspects of society, even by the criminals whom he had arrested. Randal Simmons’ dedication to his family and to his team members as well as his courage during an outstanding career lasting over twenty-five years of heroic service will be a symbol and an example to the Los Angeles Police Department and to SWAT officers everywhere. It is to Randal Simmons and to all SWAT officers who have made the supreme sacrifice that this book is dedicated.

INTRODUCTION

Professional police supervisors and administrators are responsible for more than the enforcement of the law and the maintenance of order. They must ensure that the officers who perform these functions do so within socially and legally established parameters while remaining within the constraints of a budget. Under various theories of civil liability, the police supervisor, administrator, and ultimately, the chief executive of the law enforcement agency may also assume legal responsibility for the actions of their subordinates. The corresponding ability of subordinate law enforcement personnel to perform assigned tasks within the established legal and ethical guidelines and standards of the profession has a direct impact on the careers of their supervisors.

Several books have already been written about special weapons and tactics for street police officers to assist them in the performance of their duties. Most of these books have been directed toward individual officer performance in the field and are often modifications of military field manuals and standard operating procedures of state and local police departments. Other discussions of emergency and tactical management have focused on the field management of the actual crisis.

The material that follows continues with our original premise; i.e., it is written with a proactive emphasis for tactical team leaders, police supervisors and administrators who are sensitive to the demands placed on the agency by society, by the legal system and by their own budgets. Largely following Luther Gulick's (1937) classic description of the elements of management,¹ the book will attempt to explain the steps for developing and maintaining a realistic, effective response to increasing levels of sophisticated violent crime. It will discuss the

1. Planning, organizing, staffing, directing, coordinating, reporting, and budgeting.

social and political matters that must be continuously defined, identified, and settled prior to the implementation of any substantive or procedural change in tactical policy. This book is, thus, more concerned with the advanced management functions of developing organizational structure, policies, personnel, and resources needed in the resolution of critical incidents. The book will also discuss media relations, relations with other criminal justice agencies, and intra-departmental politics.

It would be insufficient merely to answer the basic questions about who should create a tactical capability within a law enforcement agency, what must be done to achieve this capability, where to find the equipment and expertise needed to become operational, when the tactical unit must be mobilized and exercised, and how this capability relates to the overall police mission. As each issue is identified and examined, an attempt is made to go beyond previous texts by explaining the organizational rationale for each decision.

Another recurring theme found in this book will be the responsibility of the law enforcement agency and its supervisory and administrative personnel to follow legal guidelines in the formation and operation of the tactical unit. The agencies that currently maintain or in the future will seek to form tactical units are as diverse and fragmented as our entire criminal justice system. Such diversity in turn means that there exists a broad range of disparate legal principles possibly applicable, depending on the jurisdictional origins of a particular agency.

The entire range of possible jurisdiction-specific theories upon which liability claims against field officers, supervisors and governmental bodies might be predicated is beyond the scope of this work but should be examined separately by police administrators on a jurisdiction by jurisdiction basis. The same is true for various defenses to liability that may exist. However, generally speaking, causes of action founded in intentional wrongdoing, negligence and so-called constitutional torts are somewhat common concerns (Mijares and Perkins, 1994).

This work will, therefore, at places present certain legal precedents as described in appellant judicial opinions to study relevant issues as they might arise in the courts. These appellate court opinions are included in legal discussion not because they represent the only, the best, or the majority view of the law, but because on their facts or within their texts they appear to be informative. Additional commentary

derived from literary review will at times likewise accompany the cases offered.

This book also makes extensive use of actual field examples to illustrate various points. In so doing, another important difference between previous publications and this book is identifiable. Authors of earlier presentations of literature related to tactical operations have primarily used case studies of successful operations as examples of proper procedures. Much can be discovered by analysis of less successful incident resolutions as well. It would be misleading and an exercise in futility to claim that only one method is appropriate for all circumstances or even any given single situation. Political, social, and technical conditions change on a daily basis, and a panacea is not possible or even desirable. The principles developed in this examination allow and actually encourage adjustment to change. In so doing we have refrained as much as possible to avoid identifying by name any law enforcement personnel whose actions may have led to litigation or other action. We have no intention of assessing blame, pointing fingers, subjecting anyone to ridicule or publicly embarrassing anyone. Our intent remains: to provide guidance.

This book will further serve a final purpose. The model of management suggested herein can be applied to other areas of law enforcement. Whether the area of attention is vice crimes, traffic law enforcement, or the investigation of organized crime activity, the law enforcement manager is confronted daily with the same managerial issues addressed in this text.

T.C.M.
R.M.M.

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The completion of a book of this size and complexity requires more than the work of the authors. We wish to thank many people for their support and assistance. First, we wish to thank Michael Payne Thomas for suggesting that a second edition of our original work would be a timely effort especially in light of the historical events that have taken place since 1999 when we assembled our first edition.

Many current and former tactical police personnel, particularly Shannon Couch, Mike Finley, Paul Hershey, and Tom Shelton have provided us with topic suggestions. To describe all of their individual suggestions would add several pages to this book. However, we must specifically acknowledge that Marcus “Sandy” Wall, former President of the Texas Tactical Officers Association, contributed substantial commentary concerning safety practices to be followed during training. His comments are paraphrased in Chapter Four. In addition, John Gnagey, Executive Director for the National Tactical Officers Association, provided valuable insight into current issues associated with news media relations. His perceptions are summarized in Chapter Ten. Also, Andy Lamprey, who was among original members of the Los Angeles Police Department SWAT Unit, provided a historical perspective of the selection process.

We must also thank the following graduate students of Texas State University for their important research contributions and computer assistance:

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Doctor David B. Perkins developed the original framework for analyzing the myriad of court cases that have affected the management of police specialized tactical units. Although other commitments rendered him unable to participate in this particular project, we look forward to collaboration on future endeavors.

Finally, we must thank our wives, children and grandchildren for their tolerance at our occasional lapses into single-mindedness when working on this project. More important, their very presence provides us with a daily reminder that we as authors and instructors in the field of tactical operations have a moral obligation to make our world safer for those who follow us.

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THE MANAGEMENT OF POLICE SPECIALIZED TACTICAL UNITS

Chapter One

THE HISTORY AND MISSION OF POLICE TACTICAL UNITS

Several events in police history have demonstrated how law enforcement agencies at every level are at times too poorly prepared, organized, trained and equipped to cope with an increasingly more violent and sophisticated criminal element. The concept of “special events” is difficult to define with any degree of precision. Special events are those events that are beyond the normal preparation and capability of standard patrol procedures and resources. These events include, but are not limited to, sniper incidents, barricaded subjects, hostage seizures and dignitary protection situations. Although not every special event in American law enforcement has been as newsworthy as the MOVE confrontation in Philadelphia or the shootout between the Symbionese Liberation Army and the Los Angeles Police Department’s Special Weapons and Tactics (SWAT) Unit, the increasing frequency and relative magnitude of events such as these are realities that must be addressed by the professional police administrator and by the elected officials to whom he must report.

CONVENTIONAL PATTERNS OF AMERICAN LAW ENFORCEMENT¹

Traditional methods of American law enforcement have centered

1. Information for this section was developed through an oral history of law enforcement provided by retired police officers William Frances Hillary (Grand Rapids, Michigan Police Department) and James R. Tait (Detroit Police Department).

around the beat cop making his rounds on foot and taking the appropriate action through his own initiative and limited resources. Backup assistance and radio calls to the station for advice were technically impossible until the relatively recent times of the middle twentieth century. Specialized response capabilities were initially limited to horse-mounted police officers and were later improved by the advent of the automobile and the “Flying Squads” of major city detective bureaus.

Labor unrest during the 1930s demonstrated the need for specialized police units possessing the means for immediate deployment, containment and arrest capabilities to deal with unusual circumstances such as barricaded suspects, demonstrations, strikes and other forms of unrest in a rapidly changing society. Racially charged incidents during the 1940’s and later during the 1960s further demonstrated this need. However, the units that were developed were limited in their ability to perform these tasks.

With the exception of the New York Police Department’s Emergency Services Unit for rescue operations, extraordinary circumstances were met with stop-gap measures. A physically large officer with an eagerness and ability to use force may have been the first selected for these special assignments. But, the personnel selected for these circumstances were usually chosen on the basis of immediate availability instead of their training and demonstrated ability. Normally they received only an *ad hoc* status for a particular incident. As a result, the ranks and response time of the remaining patrol forces were depleted, and the more routine tasks of police work received a secondary priority or were ignored altogether. Members of these temporary task forces often had not worked together as a unit and almost never trained together. Consequently, these temporary units lacked the cohesiveness and coordination necessary to function properly as a unit. This lack of training also often led to an indiscriminate, undisciplined and unaccountable use of force.

As police administrators recognized the need to maintain unit integrity for these events, specialized units were developed. Often given excitement-generating names such as the “Riot Squad” (many cities) or the “Commando Unit” (Detroit), these units generally operated on a part-time basis, whereby the officers assigned were mobilized and united only on an as-needed basis and returned to their regularly scheduled duties upon completion of the incident. Despite the assump-

tion of elitism in the creation and maintenance of these units, the following shortcomings were identified by the ***National Commission on Law Observation and Enforcement***.²

1. The selection process for most police appointments and assignments was often based on nepotism and favoritism. Any other criteria were based on an officer's physical size, an estimate of his willingness and ability to use force and/or personal possession of specialized equipment such as a high-powered rifle with a telescope.

2. Training was irregular, inconsistent and incomplete. As a result, a greater amount of force was used than what may have been necessary. Until the recommendations made by the Commission were made operational, training had emphasized meeting force with increased force. Thus, any subsequent increase in resistance by the criminal perpetrator was simply met with an even greater increase in force by responding police personnel. Little, if any, attention was directed toward the containment, control, and de-escalation of a volatile situation through the use of negotiation, superior technology, or any of the other force-reducing tactics.

3. No continuous and concerted effort was made in large departments to integrate these units with other sections of the police departments.

4. Little research was conducted to find improvements to existing techniques and technology. Except for the advent of motorized vehicles and primitive radios, law enforcement technology had not changed appreciably since the nineteenth century. Communications beyond the station house were limited to a select few radio-equipped patrol cars which were initially only capable of reception. Weaponry was limited to a revolver, the shotgun (usually a double-barrel), the Thompson submachine gun and the Winchester Model 94 rifle. Since the individual officer on the beat during these years was still very similar to his nineteenth-century counterpart, tactics and techniques were relatively unchanged and largely dependent on his individual ability to employ force.

2. In 1931 the ***National Commission on Law Observation and Enforcement***, commonly referred to as the Wickersham Commission, was charged with the responsibility of reporting on the enforcement of the ***Eighteenth Amendment*** (Prohibition). Its overall conclusion was that Prohibition was not being enforced because it was an unenforceable task placed on American law enforcement. The Commission's 14 volume series of reports probed deeply into the American criminal justice system to offer the causes and effects of the situation and to suggest possible ameliorative efforts (Bopp and Schultz, 1972).