

THE MANAGEMENT OF POLICE SPECIALIZED TACTICAL UNITS

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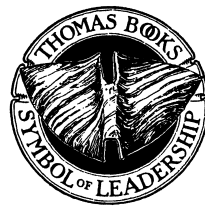
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INTRODUCTION

Professional police supervisors and administrators are responsible for more than enforcing the law and maintaining 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 guidelines 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 development of the skills needed 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.

This book is not meant to be a manual on how to become a better tactical officer nor is it intended to be a checklist of procedures to be followed at the scene of a critical incident. Skill-based training of this sort is in a continuous state of refinement and is readily available through several sources mentioned in Chapters Five and Six. Certainly the book should not be construed as an inhibiting set of legal proscriptions designed to limit the ability of tactical units to perform their duties. Just as the net effect of the landmark Supreme Court decision of *Miranda v. Arizona* was to strengthen the quality of criminal prosecution, thereby increasing the conviction rate of offenders, the

court cases cited here should be regarded as information to improve organizational quality and operational effectiveness.

The material that follows is different from its predecessors because it is written with a proactive emphasis. It is incumbent on management, from team leaders and immediate supervisors to the organizational chief executive officer who is forced to be sensitive to the demands placed on the agency by society, by the legal system and by their own budgets to follow a proactive approach. This sort of approach is initiated through an identification of potential issues long before the perpetrator initiates any criminal activity. Largely following Luther Gulick's (1937) classic description of the elements of management,¹ this 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 social and political matters that must be 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 intradepartmental 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. In turn, such diversity means that there exists a broad range of disparate legal principles, depending on the jurisdictional origins of a particular agency.

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

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 for their own jurisdictions. 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, present certain legal precedents as described in appellate 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.

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.

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CONTENTS

	<i>Page</i>
<i>Introduction</i>	vii
 <i>Chapter</i>	
1. THE HISTORY AND MISSION OF SPECIALIZED POLICE TACTICAL UNITS	3
Conventional Patterns of American Law Enforcement	3
An Increase in Violence in a More Complex Society	6
A Change in Procedures: Three Examples of Needed Reorganization	8
Conclusions	13
2. ORGANIZATIONAL ISSUES	16
Identifying Organizational Needs and Goals	19
Organizational Policy and Procedures	21
Intraorganizational Placement	22
Organizational Commitment	23
Civil Liability Awareness	27
Litigation Cornerstones	28
Common Law Tort Actions	28
Vicarious Liability	32
Statutory Torts	34
Constitutional Torts	36
3. THE SELECTION OF TACTICAL OFFICERS	39
Early Methods of Selecting Specialized Personnel	39
Relevant Issues of Public Personnel Administration	40
Selection of Tactical Personnel and Civil Liability	45
A Range of Approaches to the Selection of Tactical Personnel	47
Conclusion	54

4. INITIAL TACTICAL TRAINING	55
Purposes of Training	55
Curriculum Issues	58
Sources of Initial Tactical Training	60
Training Sites	62
The Relationship of Training to Civil Liability Issues	63
5. ADVANCED TRAINING	67
A Rationale for Continuous Training	68
Training Content	70
Sources of Follow-up Training	73
Training Frequency	79
Enhancing the Training Effect	80
Case History: The North Hollywood Bank of America Incident	82
6. EQUIPMENT	86
The Evolution of Individual Police Tactical Equipment	87
New Developments in Tactical Equipment	89
Privacy Rights and the Law	109
Alternatives to Conventional Purchasing Procedures	113
Projections of Future Tactical Equipment and Technology	118
7. LEADERSHIP ISSUES IN TACTICAL OPERATIONS	123
Basic Terms	124
Roles of Leadership in the SWAT Environment	126
Sources of Leadership Power	128
Criteria for the Assignment of Tactical Supervisory Personnel	129
Factors to Be Considered in Tactical Decision Making	131
Case History: The Springle Street Incident	133
8. INCIDENT MANAGEMENT	139
Activation and Mobilization Procedures	139
Resource Allocation	143
Communications	144
Relations with Other Agencies	145
Rehearsal	146
Execution of Plans	147
Postincident Critique	149

9. THE THREAT OF TERRORISM AND TACTICAL OPERATIONS	151
The SWAT Response to Violent Political Organizations	152
Recommendations	153
10. TACTICAL OPERATIONS AND THE MEDIA	157
Case History: The Gun Battle Between the Symbionese	168
Liberations Army and the Los Angeles Police SWAT Team	168
11. NON-SWAT USES OF THE TACTICAL TEAM	171
Saturation Patrol	172
Warrant Service	173
Training	174
Research and Development	174
Infrequent Yet Critical Assignments of Tactical Personnel	176
Conclusion	178
12. TACTICAL OPERATIONS OF THE FUTURE	179
Problems to Be Encountered by SWAT Units in the Near Future	179
Changes in SWAT Approaches to Problem Resolution	184
Conclusion	187
<i>References</i>	189
<i>Index</i>	195

THE MANAGEMENT OF POLICE SPECIALIZED TACTICAL UNITS

Chapter One

THE HISTORY AND MISSION OF SPECIALIZED 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 which 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 M.O.V.E. 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 or she must report.

CONVENTIONAL PATTERNS OF AMERICAN LAW ENFORCEMENT ¹

Traditional methods of American law enforcement have centered around the beat cop making rounds on foot and taking the appropri-

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

ate action through initiative and with 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 1940s 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 assumption 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 officers' physical size, an estimate of their 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 the nineteenth-century counterpart, tactics and techniques were relatively unchanged and largely dependent on individual ability to employ force.

5. Specific department orders were not developed to define the deployment procedures to be followed by specialized units. The lines

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 & Schultz, 1972).

of authority, responsibility, accountability, and communications were obscure. Inefficiency was the rule rather than the exception. For many reasons the command structures usually stayed at arm's length from these units. Further muddying the waters of accountability and control, this lack of administrative fortitude led to the creation of rogue units and to misuse because their specialized duties were not fully understood by department executives. When they were used, these units often assumed roles as strike breakers or to keep minorities "in their place."

The situation did not change measurably through the 1940s, 1950s, and even beyond. For example, the forceful response of these specialized units to the protests of the college students of the 1960s was similar to the responses directed toward the labor protests of the 1930s.

AN INCREASE IN VIOLENCE IN A MORE COMPLEX SOCIETY

From the middle and late 1960s and early 1970s to the present, social and technical factors have been at work to change the complexion of law enforcement in general and tactical policing in particular. First, the war in Viet Nam and other conflicts resulted in a quantum increase in the number and variety of weapons available for law enforcement applications. Unfortunately, criminal elements throughout the world had (and continue to have) access to the same technology without the legal, social, and economic constraints endured by law enforcement agencies (Dobson and Payne, 1982). The huge operating budgets enjoyed by organized crime, particularly the elements involved in illegal drug trafficking and international terrorist operations, have produced a new breed of criminal whose weapons equal and usually surpass those of modern military and police forces. Their ruthless nature indicates that they have no reluctance to employ such weapons indiscriminately. Often purchased through legitimate sources, their armories include fully automatic rifles, rocket launchers, submachine guns, fragmentation grenades, and myriad explosives and detonating devices.

Second, America's space exploration program and its by-products have also had an impact on the technology of law enforcement and criminality. Limited space for orbiting payloads resulted in smaller,

more efficient radio communications systems. Land-line callboxes and one-way radios in police cars were expanded to full two-way communications and were later improved by the PREP (Portable Radio Equipped Patrolman) radio. Originally weighing approximately five pounds each with a one-channel capacity and very limited operational range, portable two-way radios have now been improved to include multiple channels, scrambling and cross-district interphase capabilities and hands-free operation. It is especially useful for today's tactical officer to use a device slightly larger than a deck of playing cards for radio communication. Where law enforcement had traditionally been dependent on the unplanned and unrelated efforts of patrol officers acting individually, the improvement in communications now allows all involved law enforcement officers the opportunity to coordinate their efforts more effectively in surveillance, pursuits, high-risk warrant service, tactical operations, and other activities that optimally require several individuals to act as a unit.

Third, the frequency and magnitude of special threats have increased beyond the imagination of the beat cop of a few decades ago. Regardless of the size of a law enforcement agency's jurisdiction, it is extremely naive for a police administrator to ignore the possibility of extreme violence. History has already shown that these events are not limited by demographic and geographic factors. The Texas Tower incident in Austin, the Howard Johnson motel incident in New Orleans, the McDonald's Restaurant massacre in San Ysidro, California, and the fatal shooting of 23 customers in a central Texas restaurant are disturbing reminders of how a well-armed individual can easily and quickly inflict unspeakable carnage at any time and at any place.

Finally, the effects of technical sophistication were accelerated by the development of criminal groups from all points on the political-philosophical spectrum. These splinter groups have often joined forces through networks of computerized billboards and have been able to share information, resources, and personnel for matters of mutual concern (Mullins, 1997). What is particularly disturbing for law enforcement has been the realization that irrespective of their philosophies and ultimate goals, some of these groups share the commonalities of impressive armories of military weapons, the sophisticated training necessary to employ them, a proclivity for violence, and a total commitment to their causes. These factors have sometimes resulted in