

Third Edition

THE MANAGEMENT OF POLICE SPECIALIZED TACTICAL UNITS



TOMAS C. MIJARES, PH.D. & RONALD M. MCCARTHY

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ABOUT THE AUTHORS

Dr. Tomas C. Mijares became a member of the Criminal Justice faculty at Texas State University after retiring from the Detroit Police Department in 1991. He spent the majority of his police career as a sergeant in patrol supervision and tactical operations. Throughout his academic career he has taught classes in organized crime, white collar crime, terrorism, and organizational management. He earned his Master's degree from the University of Detroit and his Ph.D. from the University of Michigan. Dr. Mijares serves as a member of the Training Advisory Board for the Texas Tactical Police Officers Association and for the Texas Police Association. His research findings in critical incident management have been presented in several professional conferences and published in a variety of academic journals. Finally, he has often testified as an expert witness in matters pertaining to the tactical use of force by police officers.

Ronald M. McCarthy retired from the Los Angeles Police Department after a distinguished career in tactical operations. He received the Medal of Valor in 1975 and was recognized for courageous action during the rescue of hostages in 1983. He was named Police Officer of the Year in 1976 and received the Award of Excellence from the National Tactical Officers Association in 1990. In 1995 he received the All-American Hero Award. Since retirement he has served as a tactical consultant to the Department of Energy, the Department of Justice, the International Association of Chiefs of Police, and the National Tactical Officers Association. He is a much-sought speaker at conferences of tactical police officers and often serves as an expert witness in the field of tactical operations.

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By

TOMAS C. MIJARES, Ph.D.

Sergeant, Detroit Police Department (Retired)

Professor of Criminal Justice (Retired)

Texas State University

San Marcos, Texas

and

RONALD M. MCCARTHY

Sergeant, Los Angeles Police Department (Retired)

Los Angeles, California



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We dedicate this book to two young men who were inspirational to many SWAT cops. Timothy Danger Miles always wanted to be a SWAT cop but medical problems prevented him from reaching adulthood. In 2015, Timothy was made an honorary member of the National Tactical Officers Association. Cory Couch also suffered from medical issues that prevented him from reaching full maturity. His presence at various functions of the Texas Tactical Police Officers Association was a blessing to all. We lost Timothy in 2016 and Cory in 2018, but they will always be with us. They were unable to perform the physical tasks that tactical personnel take for granted, but their bravery far surpassed anything that we have seen.

PREFACE

The material in this book follows the same basic premise seen in the previous two editions; i.e. that it is actions of the management of an organization that determine how well it meets its stated mission. It differs from the earlier books by our emphasis of the importance of complying with the standards of the profession and by our expanded use of case histories to illustrate issues. Following the Harvard Business School model of analysis, our use of case histories is more than a summary of the facts. We also included the lessons that were learned and projected how these lessons have changed future operations. Although we were often personally acquainted with many of the participants in these case histories, we meticulously corroborated any statements that they may have made and scrupulously avoided identifying errant participants by name. We have no intention of using these case histories to assess personal blame or to subject anyone to public ridicule, embarrassment, or censure. Our purpose in using this method is to provide guidance by increasing the legal and proper options available to police responders while removing the opportunities available for the perpetrator to continue violent criminal behavior. In our experience and continuous study of police tactical operations, we have concluded that mishaps, mistakes, and even misconduct are the result of mismanagement long before the incident took place. Under various theories of vicarious civil liability in law enforcement, it is the immediate supervisor, mid-level administrators, the chief executive, and ultimately the elected politicians who appoint them who bear the responsibility for the organization's operation. These theories include negligence in selection (hiring), negligence in training, negligence in assignment, negligence in entrustment, and negligence in retention. Responsibility increases at each level of the organizational pyramid and ends with President Truman's motto, "The buck stops here." Consequently, we start at the top of the organization and emphasize a proactive approach to the functions of managing a tactical unit.

To simplify our discussion, we followed Luther Gulick's model of management functions (planning, organizing, staffing, directing, coordinating, reporting, and budgeting). Thus, our goal is to show how organizational lead-

ers and politicians alike are required to balance the demands of society with the mandates of the legal system and the constraints of a budget.

As society has become more complex, it has also become much more volatile. Today's world sees a much wider range of deceptive, destructive, and disruptive behavior than in previous generations. Today's law enforcement personnel face problems and challenges that were impossible to foresee in earlier times. Before September 11, 2001, no one could predict that criminals would kill thousands in one day in an attempt to bring about an end to the system that has done so much to equalize economic and social opportunity throughout the world. Who could conceptualize that each citizen could carry more technology in a pocket-sized electronic device than what was available to the original cosmonauts and astronauts? Who could imagine that a biological microbe could shut down the world's economy? Who could envision how the action of one person in less than nine minutes could undo the social progress that took centuries to develop?

Because of the extremely wide range of challenges facing law enforcement personnel responding to ever-changing forms of criminality, on-site tactical options must remain flexible yet based on uncompromising standards and expectations of behavior. Through this book our goal is to provide police administrators with a wide range of preventative practices. We do so with a reminder that it is still the duty of all law enforcement personnel to serve and to protect.

To accomplish our goal, we have addressed the following issues:

1. Responding to criminal activity in a systematic manner is a necessity. Although police departments are not specifically mandated by case law or legislation to create and maintain tactical units, the alternative of responding to critical incidents on an *ad hoc* basis is unacceptable and usually counterproductive. As we see in our discussion of *Downs v. United States*, special situations require a special response. We construe a special response to be specially selected, trained, and equipped personnel who can respond as a cohesive unit instead of as a collection of individuals. Much more performance, transparency, and accountability are expected from the personnel who have been chosen to undergo more training and receive more resources. The officers assigned to tactical operations must not only display continuous improvement in their skill sets and knowledge bases, they must also be able to articulate their decisions thoroughly.

2. Tactical operations are team operations. A SWAT team is a part of an organizational whole wherein each constituent part has a function to fulfill. This idea has a Biblical foundation in the discussion of how different skills were needed to foster the early Church (Romans 12:4-8). The Parable of the Talents (Matthew 25: 14-30) illustrated how all people are given different types and amounts of talents. How these talents are cultivated and used are determinants of our future success.

3. The history of SWAT operations has a bearing on its present state and on its future direction. Jorge Santayana is credited with the maxim that claims “Those who do not study and learn from history are doomed to repeat it.” We can also paraphrase George Orwell by saying that to influence the future, we must understand the present. But, to understand the present, we must first understand the past. Improvements in future operations can come about only by understanding present procedures and how they were developed.

4. Legal issues arise from more than the litigation that follows operational mistakes. They also come from rulings by regulatory agencies, new legislation, and re-interpretations of old court decisions. Since the criminal justice system is based on law, it is mandatory for the tactical team to stay abreast of changes in the law. While we have identified the basic legal framework and court cases that are relevant to SWAT operations, we also discuss the social and political matters that must be continuously defined, identified, and settled prior to the implementation of any substantive or procedural legal changes in tactical policy.

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 and Sharon Moorman for suggesting that a third edition of our original work would be a timely effort especially in light of the historical events that have taken place since 2007 when we assembled our second edition.

We must also thank retired Lieutenant Mike Hillmann, one of the originators of the Los Angeles Police SWAT Unit. During the middle nineteen-sixties, Lt. Hillmann was far advanced for his time by his recognition that criminal behavior has always been a continuously evolving phenomenon. As the LAPD SWAT unit was developed, Lt. Hillmann was a continuous reminder that police personnel need to stay abreast of criminal trends and to respond appropriately based on legal parameters, standards of the profession, and technical innovation based on scientific research.

Former Dean of the College of Applied Arts and Technology, Dr. Gordon E. Martin, at Texas State University provided advice on the writing process of this book. His guidance included the encouragement that the academic demands of “publish or perish” are best accomplished by engaging in research on subject matter that is of interest to the scholar. Research and publication done primarily to gain favor with colleagues lacks the passion and enthusiasm that begets long-term success.

Andy Lamprey, who was also among original members of the Los Angeles Police Department SWAT Unit, provided a historical perspective of the selection process described in Chapter Three. He also provided us with a perspective of how proper personnel selection methods are still an operational necessity.

Many current and former tactical police personnel, particularly Shannon Couch, Mike Finley, David Flory, Bobby Flores, Paul Hershey, Tom Shelton, and Graham Smith 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 and Lt. Erwin

Ballarta of the Texas Department of Public Safety (Retired), contributed substantial commentary concerning practices to be followed during training. Their comments are paraphrased in Chapters Four and Five.

Despite the fact that he never served as a police officer, Dr. Kevin Jennings has impressed several from the community of researchers and engineers in the field of tactical equipment with his scientific knowledge and insight into how various developments of technology developed for other fields can be transferred and used to improve tactical operations. Dr. Jennings wrote Chapter Six and provided the valuable service of proofreading.

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

We must also acknowledge the following subject matter experts who made helpful suggestions after carefully reviewing portions of the book:

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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 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. More recently American society has been plagued with the phenomenon of mass school and church shootings perpetrated by students and outsiders alike. Although not every special event in American law enforcement has been as newsworthy as the shootout between the Symbionese Liberation Army and the Los Angeles Police Department’s Special Weapons and Tactics (SWAT) Unit in 1974 or the mass shooting by a sniper who opened fire on a crowd of music lovers in Las Vegas in 2017, 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. To overlook, rationalize, or deny these events does a grave disservice to the citizens who are victimized by this heinous criminal behavior.

METHODS FOR THIS BOOK

Information for this book was obtained from a variety of sources including literature reviews, direct observation, experiments, examinations of official police reports and court records and interviews. Subjects of the interviews have included police officers of all ranks and assignments, developers

and vendors of tactical equipment, attorneys, judges, journalists, academics, victims of criminal behavior and even an occasional perpetrator. In some instances, members of the university community whose usual areas of interest are not within the field of criminal justice have also applied their expertise and insight in a manner that can help make the world a safer place.

This edition features an additional chapter written by Dr. Kevin Jennings currently of Georgia Southern University. Dr. Jennings' expertise is focused primarily on scientific innovations in law enforcement with particular attention given to digital technology. Accordingly, Dr. Jennings' contribution to this project will address the basis and development of the new equipment as it applies to tactical operations.

Heavy use is made of the Harvard Business School Case Method to examine historic incidents in the management of tactical operations. This process is not simply a chronological recapitulation of the elements of an incident. Each case history is presented to illustrate what was learned by each event, how it is related to the topic under discussion, what options may have been feasible, and how the situation and its outcome altered future SWAT operations.

Academic methods of data analysis usually emphasize numerical calculations that produce statistical descriptions and inferences. The intention is to publish the results and conclusions in the academic language used in papers delivered in professional conferences and then later submitted to specialized journals. This approach usually produces outstanding research findings because of the refereed process whereby it is read with great scrutiny by experts in the academic world who make recommendations about modifications needed in the process and substance. However, by the time an article is refined and re-written, the tedious process can produce results that may be irrelevant to immediate problems and to the needs of organizational decision makers.

Gathering and presenting our research findings in book form provides two distinct advantages over approaching the project in the traditional method of the university professor. First, once it is published in an academic journal, it could be years before the information reaches anyone who can apply it to immediate societal problems. The targeted audience of academic presentations and journals is other academics who may choose to use the material for their students, most of whom are not preparing for careers in specialized law enforcement operations and administration. Presenting our research in a specialized book allows faster dissemination of information through the state, regional and national associations and conferences of tactical police officers.

Second, since the intended readership is already known to be decision makers of all ranks in this very specialized area of policing, we can discuss

trends in organizational management as they relate to tactical operations in terms of the standards of the profession. Standards are continuously evolving through the development of new tactics, techniques, and technology. These developments are often shaped by legislation and adjudication.

This book is presented not merely as a conduit of information about current developments in the management of tactical operations. Through the authors' experience and longevity, the book provides a description of the evolution of the profession. For police administrators who are tasked with the responsibility for justifying budgets and explaining operations to politicians, an understanding of the history and evolution of the profession is mandatory.

ANCIENT PRECEDENTS TO MODERN SWAT OPERATIONS

The reason for the creation of modern SWAT Teams stems from events of the 1960s and 1970s which led to the judicial opinion that special circumstances require special responses (*Downs v. United States*, 1974). The concept of special responses has been defined as purposefully selected, trained and equipped police personnel to contain, control, and de-escalate critical situations without depleting the organization's ability to respond to routine calls for service (Mijares and McCarthy, 2015).

The Book of Judges appears in both Hebrew and Christian scripture and describes the leaders of Israel from the death of Joshua in approximately 1245 B.C. until the creation of the Israelite monarchy in approximately 1050 B.C. During this period the leaders of Israel were referred to as "Judges." The term "Judge" in this context meant much more than it implies in the modern criminal justice system. In addition to serving as an arbiter of criminal charges and civil disputes, a judge was expected to be a military strategist, politician, organizational manager, economist, prophet, spiritual leader, and a beacon of morality.

Gideon, who ruled as a judge over the twelve tribes of Israel from 1191 B.C. to 1144 B.C. before the creation of a Hebrew royal monarchy, may be credited with initiating the idea of using smaller, disciplined units to deal with specific problems when he reduced his military forces from 32,000 to 300 to deal with the invading Midianites. Despite their desire to protect their promised homeland, he sent the remaining 31,700 back to their families, farms, and flocks to fulfill their primary mission and ultimate destiny of expanding the twelve tribes into a nation.

Although the Midianites possessed the advantage of far greater numbers, Gideon was advised by an angel that a much smaller force would show that divine intervention and assistance would be more effective and would demon-

strate that the Israelites were the people chosen by God to occupy the land. He was also given divine instruction about personnel selection, tactics, technology, and small group leadership which will be referred to later.

The Battle of Thermopylae in 480 B.C. further illustrated how a relatively small group of defenders can engage a much larger force of invaders. Although Greek King Leonides was ultimately defeated by a naval flanking movement, he demonstrated that training, discipline, proper equipment, and sound tactics, when combined with sound leadership, do not add to each other as much as they effectively multiply each other.

In the early sixteenth century Cesare Borgia's limited use of small groups called *condottieri* (mercenaries) during the various battles of the Papal States reduced the carnage and destruction of property associated with large-scale military operations. By using stealth and surprise on various occasions, Borgia could deploy small forces to infiltrate and demoralize his adversaries and convince them to withdraw with minimal resistance. Well trained and highly disciplined mobile, small units have been employed many more times throughout the history of combat for mission-specific operations.

The tactics of a SWAT team range from long-term patience to a planned and practiced response immediately upon arrival at the crime scene. The response is determined by the actions of the criminal perpetrator. Like the troops under Gideon's command, today's SWAT team must be properly organized, staffed, trained, disciplined and equipped to use whatever tactics may be necessary to neutralize the actions of the adversary successfully, safely, and legally.

CONVENTIONAL PATTERNS OF AMERICAN LAW ENFORCEMENT¹

Traditional methods of American law enforcement have concentrated on 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

1. Information for this section was developed through an oral history of law enforcement provided by retired police officers William Francis Hillary (Grand Rapids, Michigan Police Department 1906–1944) and James R. Tait (Detroit Police Department 1952–1977).