

Attorney General's

**Commission on
Special Weapons
and Tactics
(S.W.A.T.)**

Final Report



September 10, 2002

Attorney General’s Commission on Special Weapons and Tactics (S.W.A.T.)

Table of Contents

Background of the Commission	1
History of SWAT	3
Issues and Recommendations	5
Conclusion	10
Appendices	11
A. Commission Roster	
B. NTOA Suggested SWAT Best Practices	
C. San Diego Sheriff Department’s high-risk checklist	
D. Sample multi-agency Memorandum of Understanding	

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Background of the Commission

In recent years, Bill Lockyer, both as a state Senator and Attorney General noted media accounts of tragic incidents that occurred during SWAT operations, which are among the most difficult of police activities. Though rare in the context of the total number of SWAT operations, these incidents caused him concern. He was especially concerned about the potential erosion of community confidence in local law enforcement agencies caused by such tragedies.

As a result, the Attorney General established a broad-based Commission on SWAT to study the current state of tactical teams throughout California. The Commission's Chairperson is Bernard K. Melekian, Chief of Police from Pasadena. The Vice Chairperson is Les Weidman, Sheriff from Stanislaus County. The Commission included police professionals, executives with extensive police and tactical experience, concerned citizens from a broad range of interests and backgrounds, and representatives of public interest groups. One of the Commission members, Chief Pat McKinley of Fullerton, is widely regarded as the chief architect of Special Weapons and Tactics Teams. A roster of the Commission's members is attached as Appendix A.

The Commission was charged with assessing the level of tactical capability in California and making recommendations to the Attorney General regarding improvements in the system. The Commission began meeting in April 2001. The Commission heard testimony from recognized tactical experts, command staff personnel from several departments, and attorneys, representing both plaintiffs and defense.

The Commission also heard testimony from SWAT team representatives from large, medium and small agencies and studied the various model teams that operate throughout the state. A representative from the National Tactical Officers Association (NTOA) discussed that organization's role in developing standards for the training and selection of SWAT personnel. Additionally, a representative from the California Commission on Peace Officer Standards and Training (POST) discussed the role of that agency in connection with training. Various special interest groups also testified before the Commission.

The Commission formed four committees to review tactical operations. The committees addressed the areas of Tactics, Training, Policy and Equipment, and Risk Management.

The Attorney General's office conducted a survey of law enforcement agencies throughout the state in May 2001. This survey asked numerous questions regarding whether the agency had a SWAT team, the size and functions of their SWAT teams, criteria governing the use of SWAT teams, types and amount of training, and the existence of written guidelines for the deployment of a SWAT team.

On July 18, 2001, public hearings were conducted simultaneously in San Diego, Los Angeles, Fresno, Sacramento, Oakland, and Redding. The hearings were widely publicized. Selected Commission members attended each hearing. The comments received were incorporated into the Commission's work. Subsequently, drafts of this report were circulated to Sheriffs, Chiefs of Police, and numerous interested associations for comments and recommendations which were also considered prior to this final report.

From the beginning, apprehension about the Commission was expressed by representatives of tactical teams throughout the state. NTOA stated that developing policy in response to a small number of tragedies might overshadow the fact that over 95% of all tactical deployments are concluded without firing a shot.

The Commission went to great lengths to establish itself as a fact-finding body whose recommendations, not mandates, would consider all aspects of the numerous, complex issues raised. The Commission acknowledges the outstanding work done by tactical teams throughout California to address high-risk, high-energy situations with a minimum application of force.

The Commission also recognizes that in any operation of this nature, continual improvement through critical self-analysis is both possible and necessary. The primary objectives of the Commission's report are to help foster that process and to provide initial guidelines from which improvements can be measured and publically recognized.

History of SWAT

Beginning in the 1960's, local police were confronted by increasingly well-armed individuals and groups who were willing to engage in armed confrontations with the police. The traditional method of response by uniformed patrol officers placed both officers and innocent bystanders at increased risk.

In many nations of the world, such situations would likely be handled by national police forces. However, the American people have historically been very wary of deployment of federal forces within local boundaries.

It became clear that a new method of response to such complex, high-risk and often high-energy situations was needed. Such a response required expertise and weaponry beyond the normal capability of local law enforcement agencies. Thus, the concept of SWAT (Special Weapons and Tactics) was developed by the Los Angeles Police Department.

Originally, the SWAT concept was for counter-sniper and other high-risk situations that in the past would have provoked an inordinate number of shots being fired, often with injuries to innocent persons. Over the years, SWAT has evolved into the management of barricaded suspect situations, the service of high-risk warrants, dignitary protection, and the actual rescue of hostages.

Under the SWAT model, verbal techniques and physical tactics would combine for seamless management of volatile situations confronting local police. The primary purpose behind this concept was to reduce risk to the police forces involved, to the suspects, and to the community at large.

Most of these situations are resolved with verbal tactics utilized by trained hostage negotiators who are frequently an integral component of SWAT teams. Seldom are physical tactics necessary, and even then the actual firing of shots rarely occurs.

Due to the training, discipline and dedication required for this type of assignment, participating officers are regarded as elite forces within the police profession. Not all officers in any department are physically and emotionally qualified to carry out these specific duties on a full-time basis or even part-time basis.

Originally, SWAT teams were the exclusive purview of large agencies that had sufficient personnel and resources to train and equip such a specialized unit. Additionally, such agencies had sufficient numbers of annual incidents to justify the costs associated with these units.

Over time, several factors combined to help add such units to agencies throughout the state, regardless of their size. Most apparent was the proliferation of weapons into the hands of suspects, usually drug dealers and gang members, who were willing to use them.

The increase in the number of violent confrontations led in turn to demands that law enforcement executives train SWAT teams, regardless of the resources available to that agency. SWAT was, and is, considered such a desirable assignment that the creation of such teams was often seen as necessary, both in terms of morale and recruitment.

The 1990's saw an infusion of military surplus equipment into civilian law enforcement agencies. Additionally, a number of private trainers, usually former military personnel, began to provide training at an affordable cost. These factors in combination served to greatly reduce the costs of equipping and preparing SWAT teams.

Issues and Recommendations

Issue 1 *There is no agreed upon definition as to what constitutes a SWAT team.*

The survey results, as well as testimony given to the Commission, demonstrated that law enforcement agencies throughout the state train and equip units in tactics recognizable as SWAT. Nevertheless, the models include wide variance in terms of time devoted to training, nature of the units associated with the duty (i.e. full-time, part-time, or on-call), and names given to such units. This issue was perhaps the most challenging facing the Commission, since all of the subsequent recommendations required dealing with this most basic issue. It was noted by the Policy and Standards Committee that most, if not all, of the errors that have occurred during high risk incidents were not committed by actual SWAT teams but by a collection of law enforcement officers who were not fully trained or equipped to function as a SWAT unit.

The Commission concluded that it was important to develop a matrix, which would define levels of capability. This matrix would allow the agency head to more easily define the role the SWAT team was to play in carrying out the agency's mission.

Recommendation – Develop a definition of a SWAT team.

Proposed Definition

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to respond to critical incidents including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of agency policy, such a unit may be used to serve high-risk warrants, both search and arrest, where public and officer safety issues compel the use of such a unit.

Issue 2 *There are no set standards for SWAT teams in California.*

This lack of standards extends to team size, unit utilization and meaningful determination as to levels of capability. The result is a wide variety of team models using the term SWAT.

Recommendation – Develop a matrix defining the levels of team capability

Proposed Levels of Capability

Level I: Basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5% of the basic team's on-duty time should be devoted to training.

Level II: Intermediate team capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5% of their on-duty time should be devoted to training, with supplemental training for tactical capabilities above the Level I team.

Level III: Advanced team whose personnel function as a full-time unit. Generally 25% of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices (e.g., NTOA Suggested SWAT Best Practices. Appendix B). Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

The Commission understands the difficulty of categorizing specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Individual teams may have to respond to situations that exceed their training levels due to the exigency of the circumstances. The preservation of human life is paramount.

Issue 3 *There are no mandated training standards for SWAT teams in California.*

Due to the absence of POST standards or guidelines, there is a wide variance among agencies in terms of training. Formal training is offered throughout the state by private organizations as well as public agencies.

POST certifies some training allowing for agency reimbursement for expenses incurred. The POST representative appearing before the Commission noted that POST has not established any training standards in connection with SWAT operations and has no mandate to do so. POST is charged with finding subject matter experts capable of teaching the desired material.

Recommendations:

- SWAT teams should provide on-duty training in accordance with the matrix outlined in Issue #2.
- POST should continue to develop and certify contemporary curricula for all basic and advanced SWAT training.
- SWAT team personnel (excluding support) should participate in POST certified basic and advanced SWAT training. New SWAT team members should not be deployed in operational functions without having first completed POST certified basic training.
- In-service SWAT training should be relevant to SWAT missions as defined in agency policy. Such policy should address individual team member's responsibilities, performance-related skills, use of force, and command and control functions. Training should be performance based and ensure that individual team members maintain physical and operational competencies.
- SWAT training "needs assessments" should be conducted annually by each agency to ensure that training is conducted within team capabilities and agency policy.

- SWAT training must include lesson plans and records of attendance. Training should be documented, and such documentation should be retained pursuant to agency policy.
- SWAT team personnel, team administrators and potential incident commanders should receive training regarding SWAT mission assessment, deployment criteria, operational planning, incident command, multi-jurisdictional (task-force) protocols, decision making, tactical options, communications and accountability.
- SWAT team training, including firearms, should incorporate established written safety protocols and on-site safety officers.
- SWAT teams should regularly participate in scenario-based training to include all relevant agency crisis intervention components such as field command, patrol, traffic, hostage negotiations, K9, and bomb technicians, as well as outside agency responders including fire, EMS, and allied law enforcement agencies.

Issue 4 ***There is a wide variety of tactical applications within agencies throughout the state.***

The Commission found a lack of uniformity in the tactical utilization of SWAT teams. Some agencies utilized their teams to execute all search warrants related to narcotics. Others called their teams out only in the case of hostage taking situations, high-risk arrests, etc.

Similarly, widely disparate techniques were noted in the execution of SWAT operations. Dynamic entry vs. surround and call-out were the subject of much discussion. The utilization of knock and notice also produced a variety of viewpoints. There are specific recommendations from the Risk Management Committee that will be discussed later.

Finally, policy with respect to the use of technical equipment was found to be lacking in many cases.

Recommendation – Agencies should develop a written set of operational procedures, in accordance with their determination of their Level of Capability, using sound risk-reduction practices.

Such procedures should include, but are not limited to:

- Time permitting, an operational plan for responding to each incident;
- A generic checklist to be worked through prior to initiating a tactical action;
- The appropriate role for a trained negotiator (the Levels of Capability matrix could be used for that purpose);
- A standard method of determining whether or not a warrant should be regarded as high-risk (See Appendix C: San Diego County Sheriff's Department High Risk Entry Checklist, High Risk Warrant Worksheet, High Risk Warrant Service Protocol, High Risk Warrant Tactics-Pros and Cons, Considerations Regarding Law Enforcement Tactical Missions);
- A method for deciding how best to serve a high-risk warrant with all alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response (See Appendix C) (civilian representatives felt strongly that in those situations involving non high-risk warrants, alternatives to the use of SWAT teams should be strongly considered);

- A written Officer Involved Shooting policy that is applicable to SWAT operations;
- Debriefings after every deployment of the SWAT team for the purpose of improving future performance;
- Sound risk management analysis;
- The presence of legal counsel when appropriate;
- Standardization of equipment deployed.

Issue 5 *There is a wide variety in SWAT models employed in California.*

There are several team models throughout the state. Within single agency teams (the vast majority), there are full-time SWAT teams, single units within departments who have the collateral duty of functioning as a SWAT team, and individuals who serve in different units throughout a department who hold SWAT as a collateral duty.

Additionally, there are a few multi-agency teams throughout the state. These regional teams were represented by Palo Alto and Mountain View to the Commission. This model seems to be the most viable alternative for communities unable to fund or staff a SWAT team on their own. The representative who appeared before the Commission indicated that the regional concept worked well. A definitive memorandum of understanding between the two agencies supports this arrangement. (Appendix D)

With respect to regional teams, there were concerns expressed about the difficulty in determining appropriate command and control. There was also a concern regarding differing levels of training and experience. A possible lack of accountability was another issue raised. It should be noted that NTOA strongly favors regional SWAT teams.

Recommendation – Agencies should analyze their capabilities, utilizing the recommended Levels of Capability, and develop a response policy.

Issue 6 *There is a lack of written guidelines regarding uniforms, equipment and team-member identification.*

There is a wide variance in the type and style of uniforms and equipment employed by SWAT teams. The para-military nature of the uniforms utilized by most SWAT teams was the subject of some controversy.

One example was the use of the balaclava (a head covering, similar to a ski mask). Some witnesses at the public hearings indicated it was extremely intimidating and created an unwanted image. Others indicated its use was a tactical safety precaution against the possibility of injuries due to fire and other dangers.

One concern expressed by the Risk Management Committee was that often team members wear specific pieces of uniform apparel and equipment without knowing why. This presents significant problems both in terms of community confidence and with respect to litigation. The failure to

prominently identify SWAT team members as law enforcement officers was also a significant issue, particularly among members of the community.

■ **Recommendation – Each agency should establish written guidelines for the type and utilization of SWAT equipment. Absent extenuating circumstances, team members should be clearly and conspicuously identifiable as law enforcement personnel.**

■ ***Issue 7*** ***There is a general lack of clarity, among the public as to the exact mission of SWAT.***

Several concerned citizens at the public hearings, as well as non law enforcement committee members, indicated that there is a significant level of confusion with regards to SWAT teams, what is their mission, how do they do their work, etc? There seemed to be a consensus that law enforcement has done an inadequate job of informing the public as to what SWAT teams are, what they do, and what they do not do.

There was almost universal support for some kind of public education program that would allay general public apprehension regarding SWAT teams and assist in gaining public support.

■ **Recommendation – Each agency should engage in a public education program with respect to their SWAT team. The focus of these programs should be to educate the public that the primary mission of SWAT teams is the preservation of human life.**

Conclusion

Significantly, the Attorney General's Commission on SWAT was precipitated by a tragic death of a young male during a SWAT operation. This death, though accidental, compelled law enforcement to engage in critical self-analysis with respect to the utilization of SWAT teams.

The Commission was deeply moved when this victim's family appeared at the Commission's public hearing. The Commission pledged to the family, to the Attorney General, and to the people of California that something constructive and lasting would come from their tragedy. We have tried to honor that pledge.

The Commission did not spend a lot of time and energy assigning blame. Instead we chose to look at the system and tried to determine what worked and what needed to be fixed.

There is no question that the tactical capabilities afforded by SWAT teams are a necessity for local law enforcement. Without such teams, there would be more tragic stories to tell, not fewer. Nevertheless, law enforcement operations are not military operations. There is not an acceptable level of casualties, particularly of innocent bystanders.

A number of issues were identified during the course of our deliberations. Only some of them have been addressed in detail in this report. There are others, including language skills, cultural sensitivity, and ethnic/gender issues that should be addressed in the future.

For the moment, the clearest issue to emerge was the need for a set of standards in all aspects of SWAT operations. The lack of clear standards in training, tactics, and policy can and must be addressed.

All the appropriate agencies and associations throughout California should study this report. This report is the beginning of the process, not the end. If we are going to enhance community confidence and improve our level of service to the public, then this is the place to begin. The Commission recommends that the law enforcement community continue to study and review SWAT team practices throughout California.

The recommendations made by the Commission are not mandates. They are presented for each agency to review and determine specific applicability. They are a call to POST to assist in the process of developing the necessary standards, guidelines and training.

Appendices

- A. Commission Roster
- B. NTOA Suggested SWAT Best Practices
- C. San Diego Sheriff Department's high-risk checklist
- D. Sample multi-agency Memorandum of Understanding

APPENDIX A

Attorney General's SWAT Team Commission

Chairman

**Bernard Melekian, Chief of Police
Pasadena Police Department**

**Ed Bonner
Placer County Sheriff**

**Roy L. Burns, President
Assoc. for Los Angeles Deputy Sheriffs, Inc.**

**Chris Cunnie, President
San Francisco Police Officers' Assoc.**

**Jack Drown
Undersheriff, San Diego County**

**Dean Flippo
District Attorney of Monterey County**

**Alice Huffman, President
NAACP**

**Bill Lentini (Retired)
Brea Chief of Police**

**Pat McKinley
Fullerton Chief of Police**

**Tony Rackauckas
District Attorney of Orange County**

**David Rodriguez, Commander
American GI Forum**

**Steve Staveley, Former Director (Retired)
Division of Law Enforcement (DOJ)**

**Arturo Venegas, Jr.
Oakland Chief of Police**

Vice Chair

**Les Weidman
Stanislaus County Sheriff**

**James Brazelton
District Attorney of Stanislaus County**

**Ed Chavez
Stockton Chief of Police**

**The Honorable David De Alba, Judge
Sacramento County Superior Court**

**Clancy Faria, President
PORAC**

**Jim Gardiner
San Luis Obispo Chief of Police**

**Mark Leap, Commander
Los Angeles Police Department**

**Michael McCrystle, Professor
CSUS**

**Susan Quinn, President, National Assoc.
for Civilian Oversight of Law Enforcement**

**Eugene Ramirez, Esq.
Manning & Marder**

**Laurie Smith
Santa Clara County Sheriff**

**W. Scott Thorpe
Special Assistant Attorney General**

**Erica Yew, Esq.
McManis, Faulkner & Morgan**

APPENDIX B



The National Tactical Officers Association

Suggested SWAT Best Practices

Introduction

A special weapons and tactics (SWAT) team must have at least a reasonable measure of competency in order to effectively respond to emergency or pre-planned operations. In an effort to improve the professionalism and proficiency of SWAT teams, the National Tactical Officers Association (NTOA) has prepared a list of "Suggested SWAT Best Practices". This document recognizes that varying circumstances will dictate different approaches to problem resolution. Therefore, it is not the intent of the NTOA to prescribe strict standards for SWAT teams, but rather to provide a basis for minimum expectations nationwide. This document is divided into two sections, (1) Policy and (2) Procedures. Each section contains suggested best practices for a SWAT team/unit.

Policy

The NTOA suggests that a policy statement include the following.

1. A written statement describing the mission of the SWAT team which also addresses the need and rationale for staffing the team.
2. A written description of the composition and structure of the team. This should include an organizational chart.
3. A written statement describing a clear incident command and control structure that delineates chain of command and lines of communication/notification, both within the team and in the context of the parent organization.
4. A written process for activation of the team. This should include a clear rationale justifying the standards for activation.
5. A written statement on the Use of Deadly Force consistent with department policy.
6. A written description of the selection process for all ranks within the team. The description should include clearly defined and validated selection criteria that are specific to the tasks to be performed. If the selection process has not been formally validated, it should conform to Equal Employment Opportunity Commission guidelines.

7. A written description of standards regarding qualification and subsequent periodic re-qualification for all team members. Included should be a description of the standards showing a lack of acceptable performance and the resulting process for the removal of team members who fail to meet the standards for requalification. The standards for qualification and requalification should be job related and either formally validated or capable of being formally validated.
8. A written standard for a minimum number of hours of tactical training per month for all members and positions. The NTOA recommends a minimum of two days each month for a part-time team and 25% of the on-duty time for a fulltime team.
9. A written standard for safety equipment including but not limited to, helmets, eyewear, hearing protection, body armor, equipment-bearing vests, chemical agents mask and/or belts, and footwear.
10. A written statement of the need and rationale for all weapons, ammunition, diversion devices, chemical agents, forced entry tools, less lethal devices and explosives.
11. A written standard detailing the utilization of a complete and formatted operation plan that is written/documented and retained for a prescribed length of time after the operation. The plan should be designed to fit all predictable utilizations of the team.
12. A written standard detailing the development and utilization of team incident reports for the activation and implementation phases of all call-outs and operations.
13. A written standard detailing the development and utilization of an after-action critique format to be completed and retained for a prescribed length of time following all team call-outs, operations and significant training events.
14. A written standard detailing the time line and conditions for periodic review and updating of all applicable policies.
15. A written policy statement ensuring that the standards adopted meet local and state requirements and are approved by the agency head.
16. A written policy statement regarding the option (s) chosen for the incorporation and utilization of Tactical Emergency Medical Support (TEMS).
17. A written policy statement defining mutual aid agreements with federal, state and local agencies including a clear incident command structure during mutual aid.

Standard Operating Procedures

The four main areas of Standard Operating Procedures (SOPs) are **Personnel Selection, Training, Equipment, and Operational Deployment Procedures**. The NTOA suggests that all four of these areas be included within written SOP

PERSONNEL SELECTION

SWAT team performance is based on selecting and retaining the most qualified applicants for the job. This is the critical foundation upon which a team's performance rests. The selection process **must** be based on performance standards, which constitute a minimum acceptable level of skill and must include a physical fitness standard. The selection test must adequately examine mental and physical abilities of candidates. Once selected, a team member must maintain a certain level of physical fitness and operational competency. These are based on incumbent performance standards, which must be successfully applied to all operational team members. This standard must also apply to command level personnel. Failure to maintain standards may result in a continual degradation of team competency, which could result in operational failure.

Things to consider:

1. The notification of position vacancy and testing.
2. Pre-testing orientation meetings.
3. Possible validation of the selection/testing process.

TRAINING

Training is the essence of a SWAT team. Reasonable training standards based on logic and job tasks produces competent teams, while inadequate training produces incompetent or less-competent teams. Training is based on performance standards, standards for which all team members must be held accountable.

Things to consider:

1. Development of a training curriculum.
2. Advanced scheduling of training events.
3. Use of pre-approved lesson plan and who is authorized to approve less plans.

4. SWAT Instructor minimum standards.
5. Assignment of knowledgeable and/or expert team members to conduct training.
6. Number of days authorized for training.
7. Use of formal, written after-action reports covering all training.
8. Outside training of team members to develop expertise in related tactical skills.
9. Procedures used to enhance safety during training events.
 - a. Integration of Tactical Emergency Medical Support (TEMS) personnel in training.
 - b. Establishment of safety protocols.

EQUIPMENT

A SWAT team must be well equipped with current and state-of-the art equipment and weapons. An equipment van and/or secure facility should be utilized for storage of equipment

Things to consider:

1. An adequate budget.
2. An equipment inventory control and inspection process.
3. A research, testing and evaluation program.

OPERATIONAL DEPLOYMENT PROCEDURES

Operational deployment procedures are the tactics, techniques and doctrinal concepts used by a SWAT team in handling incidents as they occur. Based on the types of incidents to which the team responds, these procedures and their application are designed to foster effective and rapid resolution strategies while increasing the ability to safeguard lives. Usually based on the mission statement of the team, incidents may include hostage incidents, barricaded suspect incidents, sniper incidents, high-risk warrant service and other circumstances where department/agency leadership deems it necessary to utilize SWAT rather than patrol or other units. Included within these procedures are philosophies, such as prioritization of life, and processes for the rapid stabilization of the event.

Operational deployment procedures should be uniform among the elements of the team and should be contained in the SOPs. The SOPs then become training guides that facilitate the response of the tactical team to an event, creating a substantial reduction in the initial confusion surrounding deployment. Issues such as containment, immediate action, deliberate action, suspect/hostage control measures, negotiations and liaison with command elements, are all part of the processes and procedures that should be addressed in the SOPs and should be considered Operational Deployment Procedures.

Things to consider:

1. Establishing priorities of life by understanding how the lives of hostages, officers and suspects are balanced against each other.
2. Call-out (activation) procedures, which facilitate a timely and prepared response by the team.
3. Minimum staffing levels for response to certain types of critical incidents.
4. Mutual aid/assistance protocols.
5. SWAT response to "suicide-by-cop" incidents.
6. Barricaded suspect response.
7. Hostage-Barricade situation response should direct specific actions and activities for various elements of the team and address procedures of containment, immediate action, deliberate action and coordinated initiation of negotiations.
8. Sniper incident response should delineate team response to a situation where a suspect is actively engaging targets from a fixed or mobile position.
9. High-risk warrant service should include practices and procedures to be used in planning and conducting the service of warrants. Consideration should also be given to categorizing warrants by degree of risk to determine which unit should serve them, i.e. SWAT, narcotics, etc.
10. Active shooter response should consider that the first officers on scene must respond within their capabilities to an active shooter at a school or public building as soon as possible and not await the arrival of a SWAT team. The SWAT team will play an important role in the resolution should the situation transition to a barricade incident or the suspect's location is unknown.

11. **VIP / Dignitary Protection duties and protocols.**
12. **A clearly defined Incident Command System (ICS) containing command and supervisory responsibilities, tactical intelligence gathering operational procedures and the integration of crisis/hostage negotiation team (CNT) operations.**
13. **Establishing a written procedure as to who can authorize the use of chemical agents, diversionary device, explosives and other special equipment including equipment provided by outside sources.**
14. **Establish minimum numbers of personnel required to carry out high risk preplanned or emergency operations.**

APPENDIX C

San Diego Sheriff's Department High Risk Entry Checklist

Items 1-5 (Check mark "Yes" to 1 or more of the criteria listed below, S.E.D. should be contacted.)			
	YES	NO	EXPLAIN
1. [Illegible]			
2. [Illegible]			
3. [Illegible]			
4. [Illegible]			
5. [Illegible]			

Items 6-11 (Check mark "Yes" to 2 or more of the criteria listed below, S.E.D. should be contacted.)			
	YES	NO	EXPLAIN
6. Sophisticated counter surveillance? (CCTV, intrusion devices, etc.)			
7. Are the suspect(s) 3 strikes candidates involving violence?			
8. Do the suspect(s) have prior convictions for violence against peace officers?			
9. Security screens on doors and / or windows?			
10. Have specific threats of violence been made recently against peace officers?			
11. Booby traps believed to be on premises?			

When preparing an operational plan, this checklist shall be incorporated into the plan and used to evaluate the need for assistance from the Special Enforcement Detail.

Any number of circumstances may dictate that a Special Weapons Team be used. Deputies and supervisors are encouraged to contact a Special Enforcement Detail (S.E.D.) supervisor whenever questions arise concerning the evaluation of the above listed criteria.

Special Enforcement Detail Contacted? Yes _____ No _____ Date / Time _____

Mission Accepted? Yes _____ No _____ If not accepted, explain briefly: _____

Prepared By: _____ Date: _____

Reviewed By: _____ Date: _____



SAN DIEGO COUNTY SHERIFF'S
DEPARTMENT

SPECIAL ENFORCEMENT DETAIL
S.W.A.T.

HIGH RISK WARRANT WORKSHEET

General Information

A. Date and time request received	
B. Requestor and Unit	
C. Date and time of service	
D. S.E.D. Team Leader	
E. Detail #	

Warrant Information

A. Case agent:	Phone#	Pager#
B. Type of warrant:	Search_____	Arrest_____ Other_____
C. Service time authorized:	Night_____	Day_____ Both_____
D. Copy of warrant received?		
E. Special restrictions on warrant?		

Criteria Justifying S.E.D. Service

	Yes	No	Explain
1. Is the location fortified? (Sallyports, internal fortifications, multiple gates, steel doors, etc.)			
2. Firearms on premises and the suspect(s) have made threats to use them?			
3. Automatic weapons, explosive or military ordinance on the premises?			
4. Suspect(s) wanted for felonious assault on peace officer involving weapons?			
5. Is there a likelihood of a violent / armed confrontation?			

SED WARRANT WORKSHEET - PAGE 2

ejd/5-98

6. Sophisticated counter surveillance?			
7. Are the suspect(s) 3 strikes candidates involving violence?			
8. Do the suspect(s) have prior convictions for violence against peace officers?			
9. Security screens / bars on doors or windows?			
10. Have specific threats of violence been made against peace officers?			
11. Booby traps believed to be on the premises?			
12. Other (Specify)			

Location Information

A. Address:		Phone#
B. Type of structure:		
Single family house	___	Duplex
Mobile home/trailer	___	Condo
Office/business	___	Apartment
		Other(Specify)
C. Structure construction:		
Wood	___	Stucco
		Brick
		Concrete
D. General description:		
1. Primary color:		2. Trim color
3. Type of roof:		4. Identifying features:
5. Estimated square feet:		
E. Perimeter of structure/site:		
1. Dogs:		Type/location:
2. Alarms:		Type/location:
3. Lookouts:		Type/location:
4. Fences:		Type/location:
5. Walls:		Type/location:
F. Security lighting?		Type/location:
G. Other physical obstacles?		Type/location:
H. Windows (Size, type of frame and type of glass)		
1. Side #1:		
2. Side #2:		
3. Side #3:		
4. Side #4:		

I. Are windows barred and/ or fortified on interior or exterior? Type/location:
J. Are there drapes, curtains or blinds over windows? Type/location:
K. Any windows suitable for Entry Points? Location:
L. Doors (List type, locking mechanism and direction door opens) Side #1: Security door? Yes/No/Unk Side #2: Security door? Yes/No/Unk Side #3: Security door? Yes/No/Unk Side #4: Security door? Yes/No/Unk Other: Specify any additional fortifications on doors:
M. Utilities (List location of shut offs) 1. Electric: 2. Gas: 3. Water: 4. Phone:
N. Out building information (List type, location and description) Are the out buildings included in the warrant? Yes/No

Suspect / Occupant Information

A. Number of SUSPECTS believed to be residing at the site: (Attach Suspect data sheet on each)			
B. Are there any other ASSOCIATES/ OCCUPANTS believed to be residing at the site?			Yes/No/Unk
Name	Age/DOB	Sex/Race	Relation to suspect
1.			
2.			
3.			
4.			
5.			

C. Are there any indications of children residing at site? Yes/No/Unk Specify:	
D. Is there any likelihood of additional persons on site at time of service? (ie. Buyers, CI or Users) Specify:	Yes/No/Unk

Weapon Information

A. Are weapons believed to be on site? Specify:	Yes/No/Unk
B. Are explosives believed to be on site? Specify:	Yes/No/Unk

Scouting information

A. Drive by with Case agent conducted? Date & time by whom:	Yes/No
B. Ground photos and/or videos taken? Date & time by whom:	Yes/No
C. Aerial photos and/or video taken ? Date & time by whom:	Yes/No
D. Interior diagram obtained? Information obtained from (Case agent, CI or other specify)	Yes/No
E. ARJIS check completed?	Yes/No
F. CDL check of suspect?	Yes/No
G. Backwards Directory check conducted?	Yes/No
H. Criminal history check of suspects and occupants?	Yes/No
I. Vehicles registered to suspect checked?	Yes/No

Emergency Medical Support

A. Fire Department Paramedics / Lifeflight Nurses notified/ Paramedics or Nurses assigned:	Yes/No
B. Emergency landing zone location:	

<p>C. Emergency hospital location and route:</p> <p>1. Police:</p> <p>2. Suspects:</p>

Support Units

A. Uniformed patrol support required? Assignment:	Yes/No
B. Aerial support required? Assignment:	Yes/No
C. Other support unit(s) required? Specify unit and assignment:	Yes/No

Route Information

A. Route from staging location to target:	
B. Vehicle line-up:	
1.	8.
2.	9.
3.	10.
4.	
5.	
6.	
7.	

Command and Control Information

A. Tactical Staging Area location:	
B. Incident Command Post location:	
C. SWAT Commander:	
D. SWAT radio frequencies: Primary:	Alternate:
E. Support unit(s) radio frequency:	

SED HIGH RISK WARRANT SERVICE PROTOCOL

REQUEST IS RECEIVED BY SED TO EXECUTE HIGH-RISK WARRANT

Any team member can receive the request and prepare a service request.

Before accepting the mission, the request is reviewed by an SED Sergeant and Lieutenant. The final decision to accept or reject a mission is made by the SED Lieutenant based upon the threat assessment criteria that is established in the High Risk Entry Checklist and any other relevant factors.

Once the mission has been accepted, a team from SED, including one Team Leader, is assigned to prepare the operational plan.

DEVELOPMENT OF HIGH-RISK WARRANT OPERATIONAL PLAN

THREAT ASSESSMENT:

SED deputies are assigned to conduct an independent threat assessment. This includes:

- Criminal history research
- Premise history research
- Interviews with informants (whenever possible)
- Photographs & physical descriptions of known suspects
- Photographs & descriptions of known occupants
- Presence of children, elderly and/or infirm
- Presence of vicious dogs or other threats

SCOUTING:

The case agent will personally escort SED deputies to the target location to ensure correct target identification.

SED deputies conduct a comprehensive scouting mission of the target location. Either one or both of the SED sergeants will personally visit the target during this phase. From this, the following will be obtained:

- Ground level photographs
- Aerial photographs
- Diagrams (external)
- Floor plans

SED HIGH-RISK WARRANT PROTOCOL
PAGE 2

OPERATIONAL PLAN:

The team develops a High-Risk Service Order package (attached) which is distributed to every team member prior to execution of the warrant.

OPERATIONAL PLAN REVIEW:

Prior to the execution of the warrant, (usually a day or two before) the SED training coordinator, one or both sergeants, the lieutenant, and/or captain (usually both) are briefed by the warrant prep team on the entire mission, including the tactical plan. The SED Lieutenant, subsequent to this briefing, gives final approval for the mission. Additionally, the search warrant is reviewed to ensure correct location information, night service authorization (when needed), etc. Unless the affidavit has been sealed it, too, will be reviewed.

On complicated missions, SED often elects to conduct a rehearsal of the warrant service on a day preceding the actual service.

WARRANT SERVICE:

On the day of the warrant service, surveillance at the target will begin by the investigative unit at least one hour prior to execution of the warrant.

The members of the warrant prep team, the lead investigator and the Tactical Sergeant brief the entire team.

Photos of the target, any known suspects and other occupants of the residence are displayed, as are all diagrams, floor plans and maps of the target and surrounding area.

Each team member is required to read a copy of the warrant and the Operations Order.

A member of the warrant prep team reads the entire Operations Order out loud, and questions are addressed.

Crisis negotiators attend the briefing in the event the incident should develop into a barricaded suspect or hostage situation.

The SED Lieutenant prior, to its execution, advises the Communications Center of the mission.

**SED HIGH-RISK WARRANT PROTOCOL
PAGE 3**

Team members who have actually been to the target on previous occasions lead a caravan to the target.

The SED Lieutenant and/or Captain are in radio contact with the team throughout the mission. They are staged near the target location with the investigative team, CNT members and medical personnel.

SCENE TRANSITION:

One member of the Entry/Take-down team is tasked with preparing the scene transition report. This report documents the identity of the occupants of the target residence, where they were located and by which team member. This report is given to the lead investigator prior to SED securing from the scene.

AFTER ACTION:

Immediately following the warrant service, the Tactical Sergeant leads a team debriefing at the staging area during which the mission is critiqued.

An after action report is completed by one of the SED supervisors on every warrant service, as well as all tactical missions. It is reviewed and approved by the SED Lieutenant. A copy of this report is given to the case agent and the original is kept on file at the SED office, along with the entire warrant package.

HIGH-RISK WARRANT TACTICS – PROS & CONS

DYNAMIC ENTRY

PROS:

- * Event contained to single location.
- * Reduces mobility of suspect(s)
- * If surprise is achieved, suspect(s) rapidly secured
- * Reduces potential for evidence destruction
- * Reduces exposure to bystanders
- * May be safer for occupants of target residence: speed, surprise aggressive action often mitigate suspects actions

CONS:

- * Greater danger to SWAT Team members
- * Greater danger to occupants of target
- * Greater likelihood of property damage
- * Team members exposed to defensive measures of suspect(s)

SURROUND & CALLOUT

PROS:

- * Safer for SWAT Team members.
- * Best containment of site
- * Allows for controlled evacuation of area
- * Reduces danger to occupants of target
- * Reduces likelihood of property damage
- * Confines suspect to contained location

CONS:

- * Narcotic evidence destruction very likely
- * Allows suspect(s) opportunity to defend site
- * Provides suspect(s) ability to take initiative, forcing team to be reactive to his actions (i.e. hostage taking)
- * May be subject to changing conditions, i.e., schools letting out, rush hour traffic, media attention

TAKE-DOWN AWAY

PROS:

- * Separates the suspect from support group
- * Possibly reduces the number of suspects to be dealt with
- * Usually reduces the suspect's access to weapons, ammunition
- * Suspect removed from his comfort zone
- * Limits exposure of innocent civilians at target

High Risk Warrant Tactics Pros & Cons
Page 2

TAKE-DOWN AWAY

CONS:

- * High mobility creates risk to innocent civilians
- * May result in hostage situation if take-down not accomplished
- * Time/labor intensive (waiting for suspect to become mobile)
- * Difficult to control and preplan for location of potential Confrontation
- * Places deputies in situation of reduced ballistic protection (Vehicle hot-stop or assault)

CONSIDERATIONS REGARDING LAW ENFORCEMENT TACTICAL MISSIONS

1. Do we have a lawful right to be where we are and to do what is proposed?
 - * Arrest warrant
 - * Search warrant
 - * Exigent circumstances
 - * Immediate threat to life
 - * Prevent escape

2. Do the circumstances justify the use of a tactical team?
 - * Has a crime even been committed?
 - * Does the nature of the crime justify the use of a tactical team?
 - * Is the suspect armed?
 - * What weapons are known to be involved – available?
 - * Has the suspect been given the opportunity to surrender and refused?
 - * Has the suspect used deadly force?
 - * Does the suspect present an immediate threat to the public safety?
 - * Is the suspect in a position of advantage?
 - * Will the introduction of a tactical team possibly provoke a violent response?

3. Have we taken every step to ensure we are at the correct location?
 - * Witness debrief
 - * Premise history
 - * Beat knowledge
 - * Investigative research

4. Can the situation likely be resolved safely through negotiations?
 - * Is time on our side?
 - * Most barricaded suspect situations are safely resolved through negotiations

5. Do the circumstances warrant a crisis entry?
 - * Down officer
 - * Victim rescue
 - * Active shooter

6. Do the circumstances warrant the immediate use of deadly force to neutralize the suspect(s)? (Long rifle shot based upon circumstances, not red light/green light order)

- * Hostage execution
- * Random active shooter
- * Suspect sniper

7. Suspect Information

- * Does the suspect have a violent history?
- * Present mental and emotional state
- * Previous similar acts – how resolved
- * Military, Special Forces, explosives experience
- * Known access and/or expertise with weapons – munitions

8. Consequences of Tactical Mission

- * Have all other options been explored?
- * Evacuation of neighbors
- * Chemical agents cross contamination
- * Proximity to schools, day care centers, rest homes, hospitals

9. Risk vs. Benefit Decision Making

This is an ongoing process involving the Incident Commander, SWAT Commander, Tactical Team Leader and CNT Commander. Circumstances change. Decision-making must be an on going process. A static situation may become dynamic in a split second. We must be prepared for the worst case scenario and to change tactics accordingly.

10. Other Considerations

- * The preservation of life, including our own, is the highest priority.
- * The compelling need to take action must, at times, be suppressed. Protracted negotiations may be the best course of action.
- * There are occasions when immediate and decisive action must be taken.
- * Relief for the team members must be considered. Fatigue, hunger, exposure to the elements all impact the amount of time a team can be effective. Utilization of another agency's tactical team for relief may be a necessity.
- * These are extremely high stakes situations, and our actions will be closely scrutinized.

APPENDIX D

**AGREEMENT BETWEEN THE CITIES OF PALO ALTO
AND MOUNTAIN VIEW FOR JOINT POLICE SERVICES**

This contract is dated for identification this 19th day of January, 1998, and is made by and between the CITY OF MOUNTAIN VIEW, a California Charter City and municipal corporation, whose address is P.O. Box 7540, Mountain View, California, 94039 (hereinafter "MOUNTAIN VIEW"), and the CITY OF PALO ALTO, whose address is P.O. Box 10250, Palo Alto, CA 94303 (hereinafter "PALO ALTO").

RECITALS

A. MOUNTAIN VIEW and PALO ALTO share not only a common boundary and proximity but also overlapping demands for Police responses, often to high-risk/critical incidents which require the specialized attention of a team trained specifically to be effective in highly volatile situations.

B. The Police Departments of MOUNTAIN VIEW and PALO ALTO have long recognized that mutual aid and cooperation in response to critical incidents can be enhanced and made more flexible and effective by combining forces for hostage negotiation and special weapons and tactics purposes.

C. The City Councils of MOUNTAIN VIEW and PALO ALTO now desire to formally establish and confirm the framework for this cooperative effort as well as to clarify the legal relationships resultant from that ongoing cooperative arrangement.

NOW, THEREFORE, in consideration of the recitals and mutual promises contained herein, it is agreed as follows:

1. Personnel and Supervision.

The Regional Team shall consist of a Special Weapons and Tactics ("SWAT") team and a Hostage Negotiations Team ("HNT"). The Regional Team configuration may be comprised of as many subteams or reserve teams as needed for a particular incident.

MOUNTAIN VIEW and PALO ALTO will both assign and maintain officers and supervisors for the SWAT team and HNT sufficient to provide appropriate joint coverage for critical incidents in either city which may typically require response by the Regional Team or its components.

The Police Chiefs from MOUNTAIN VIEW and PALO ALTO shall establish minimum qualifications for Regional Team members, including physical agility and tactical firearms qualifications, and shall establish an appropriate selection process for

Regional Team members. While participating in any high-risk/critical incidents or any training exercises, any Police Officer, civilian employee, Community Services Officer or volunteer shall be subject to the exclusive chain of command of the Regional Team.

Any Internal Affairs investigation requested by any supervisor will be referred to and performed by the agency employing the respective officer involved in the conduct to be reviewed. Any administrative action resulting from such investigations shall be a matter left up to the discretion of the employing agency.

Each participating agency will be responsible for the personnel costs and obligations associated with the staff it assigns to the program, including base salary, overtime salary and fringe benefits, Workers' Compensation, retirement, etc.

2. Policies and Procedures.

Each officer assigned to the program will follow the general orders on the use of deadly force, use of lethal force, operation of Police vehicles and any other general operating procedures adopted by the parties for operation of the Regional Team.

The Police Chiefs of MOUNTAIN VIEW and PALO ALTO shall establish procedures for the operation of the Regional Team conforming to the California standardized Emergency Management System requirements, including, but not limited to, executive oversight of the Regional Team, chain of command control over the critical incident responses, and procedures for activation of the Regional Team in response to critical incidents. The city where a critical incident is located shall assume the role of supervising agency for requesting activation of the Regional Team. The incident commander for that supervising agency shall be assigned at the command officer (Lieutenant or higher rank) level and shall direct the nature and scope of response by the appropriate elements of the Regional Team.

The Police Chief (or delegate) of each city may decline to respond to a request for negotiation or tactical unit services through the Regional Team or may withdraw all personnel/services for any resource or policy reason but, in general, each city shall respond to a request for Regional Team services in the other city as promptly and fully as possible.

3. Civil Liabilities.

While assigned to the Regional Team pursuant to this Agreement or while operating with the Regional Team for limited or special purposes, each party's employees so assigned shall be considered to be special employees of the other party.

MOUNTAIN VIEW and PALO ALTO agree to release each other and hold each other harmless, as well as their officers and employees, for any loss or liability

arising from the activities of the Regional Team pursuant to this Agreement. Except as otherwise provided herein, each party agrees to indemnify, defend and hold harmless the other parties, their officers, agents and employees from any and all demands, claims or liabilities of any nature, including death or injury to any person, property damage or other loss caused by or arising out of the performance or failure to perform the obligation assumed under this Agreement.

4. Implementation Guidelines.

The Police Chiefs of both cities shall jointly promulgate written guidelines for the implementation of this Agreement. Said guidelines shall be in writing and approved by the City Attorney as to form. Such guidelines may be changed as necessary by similar agreement.

5. Termination of Agreement.

This Agreement may be terminated by either party at any time, without cause, upon giving the other party written notice thereof. Notice of Termination may be issued by the Police Chiefs of the respective agencies.

IN WITNESS WHEREOF, this Agreement is executed by MOUNTAIN VIEW and PALO ALTO.