

TRAINING THE SWAT TRAINER

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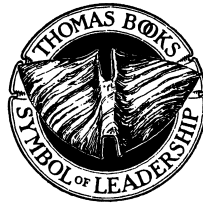
Legal Mandates and Practical Suggestions for
Improving Police Tactical Performance

By

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and

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PREFACE

Students at all levels have experienced instructors who might possess a firm grasp of the subject matter or who can perform important and difficult tasks but cannot convey the relevant information in an effective manner. Other instructors may display a great gift of gab and can dazzle and entertain the audience. However, at the end of the day the students are hard-pressed to explain what they had learned.

The intended audience of this book is composed of police instructors, particularly those who are assigned to train tactical (SWAT) officers or any other police trainer whose subject matter expertise is in the use of force. The book was initially conceptualized as a set of guidelines for the instructional cadre of the Texas Tactical Police Officers Association (TTPOA) and ALERRT (Advanced Law Enforcement Rapid Response Training) Center at Texas State University in San Marcos, Texas. The book is based on the assumption that the instructors conducting the classes already possess a sound knowledge of the subject matter. Whether the substantive topic is less-lethal technology, rappelling, low-light maneuvers, or tactical first-aid, the instructor is also required to be familiar with the various legal, administrative, budgetary, and pedagogical guidelines that are as important to the satisfactory completion of the class as the actual knowledge imparted to the student. Failure to adhere to these guidelines can result in a failure to learn or a failure to be credited with the appropriate learning units required by most state law enforcement regulatory agencies.

When training focuses on any aspect of the use of force by a police officer, a failure to provide training that addresses the standards of the profession or that is presented in an inappropriate manner could ultimately result in criminal charges, loss of job, or civil litigation. Although many well-meaning police instructors possess a great deal of substantive knowledge of their topic, they are not adequately familiar with how that substance is to be delivered. Nor are they familiar with the many court cases that have a direct bearing on their instructional role. In an effort to help all SWAT instructors become more effective in their craft, this book addresses these shortcomings.

It can be metaphorically said that civil liability defies gravity because it rolls uphill. Under the legal theory of vicarious civil liability, the chief executive officer of any organization bears the ultimate responsibility for any actions taken during the operation of the organization, no matter how far removed and insulated from the actions of the subordinates. Thus, it is also incumbent on police executives to become familiar with the issues of training that are addressed here. It is equally important that supervisors at all levels from the chief executive officer to the patrol officer who is using the training be familiar with these precepts.

Readers should take caution when studying the legal cases cited in this book. Many have been decided on the basis of legal procedure, jurisdiction, and perfunctory issues. Thus, it cannot be definitively said that a particular case mandates a specific police practice to be performed in a universally employed manner. The cases that are cited have been included to illustrate substantive and pedagogical issues that may become relevant and cause for legal action if due diligence is not exercised.

It is axiomatic that criminal activity is in a state of continuous flux. As a corollary to this axiom is the recognition that responses and countermeasures by law enforcement personnel must similarly be in a state of continuous adjustment. Police officers cannot afford to become predictable in their responses to given types of situations by regarding criminal behavior as a constant or by following a "one size fits all" to problem resolution. Nor can the law enforcement community allow itself to be complacent in its preparation and training. Thus, the importance of continuous research to be performed by the SWAT instructor will be stressed throughout this book to develop and refine the best possible tactics, techniques, and technology for the resolution of violent problems.

The book will focus on the need for the SWAT instructor to master pedagogical techniques and administrative requirements as well as the substance to be imparted. This approach is to encourage a continuous increase in the body of tactical knowledge, to improve the delivery of the substantive base of knowledge, and to keep instructional personnel aware of the many external factors affecting the training of future and current tactical officers. Much of the impetus for the book came from the realization that while many instructors of tactical personnel are very well versed in their subject matter, they are often not trained in modern instructional techniques and generally unaware of their administrative and legal requirements.

This book will differ from other books on police tactical training in three significant ways. First, it is intended primarily, though not exclusively, for SWAT instructional personnel. While organizational managers and tactical operators certainly have a vested interest in the book, it is intended to address the specific needs of SWAT instructors. Second, it includes signifi-

cant historical case studies to illustrate the substantive material. Finally, the authors make use of the abundance of legal cases that have had an impact on police training. While the majority of the book will address the basic interrogatives of who and what, reference to case law will explain the how and why of SWAT training.

T.C.M.
M.L.W.

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The development of police tactical operations has given rise to many different terms and job classifications within the overall field. Team leaders, containment personnel, entry teams, and snipers are but a few of the many important roles to fulfill and functions to perform. The role of the tactical trainer is no less important and is much more than a position that can be filled on the basis of politics or favoritism. Possessing a knowledge base or skill in a given subject matter will not necessarily produce a good instructor by itself. Thus, the purpose of this book is to acquaint current and future trainers with the pedagogical tools and techniques, legal requirements, and operational realities of the instructional role. Although the focus is on tactical operations, the principles that follow can be applied to any aspect of police training.

As authors, we are the individuals who receive the credit for putting our thoughts to the printed page. In truth, many individuals should share the recognition: Mr. Michael P. Thomas for his patience and support; Maxwell Murphy, Gerald M. Solai, Joseph Solomon, and Patricia Ryan for their proof-reading and substantive suggestions; our wives, Janet Mijares and Theresa Wall, for their continuous encouragement and helpful suggestions; our children, all adults, who still remind us that our goal has always been to make our world a safer place for them and for their children. Our contributors, Armando Ramirez, Mike Lehner, Erwin Ballarta, and Lindsay Mijares, filled in gaps where we fell short. Graduate students Rachel Liedtke, Reneé McDevitt, Felix Adam, and Kevin Jennings, all of Texas State University, conducted much of the research that readers often take for granted. We also give thanks to all SWAT personnel, particularly the members of the Texas Tactical Police Officers Association, for their ideas of material that should be covered. Most of all, we wish to thank God for putting us in the right place and equipping us with the ability to do this work.

We also wish to point out that any royalties for this project will be deposited in endowments to support the Les Early Memorial Scholarship through the Texas Tactical Police Officers Association and in the Yari Mokri Memorial

Scholarship through Texas State University. We may have given a little time and effort to finish this project, but they gave their lives for our safety and for our freedom.

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Chapter 1

INTRODUCTION

Historical Perspective

From the onset, police training in the United States was minimal. Few officers received anything more than an on-the-job exposure from more experienced officers. In some cases, a new officer may be paired with a veteran for a brief period. However, this form of job preparation lacked structure, continuity, accountability, or even an announced goal or minimum level of performance. The rookie officer was told to emulate the actions of veteran officers without any organizational guidance defining appropriate and inappropriate behavior. The probationary training period usually lasted for little more than a few weeks. It was generally assumed that any reasonably healthy individual could learn to perform the tasks of a patrol officer in a short time. The only advice given to a new officer was to keep his eyes and ears open and his mouth shut until an arrest was required. He was told to keep the peace on his beat by whatever means was necessary and to never shy away from danger.¹

The basis for modern police training took place in the early portion of the twentieth century. In 1908, the Berkeley, California Police Department, under the leadership of August Vollmer, established the first formal training program for police officers. In 1909, the New York Police Department established its police training academy as a logical outgrowth of its School of Pistol Practice. The Detroit Police Department established a police training academy two years later, while Philadel-

¹ From an interview with William Francis Hillary on Thanksgiving Day of 1972. Hillary served as a police officer in Grand Rapids, Michigan from 1906 to 1944.

phia followed suit with its training facility in 1913. In almost all instances, formal police training was limited to the instruction of new recruits. However, the New York Police Department soon expanded its instructional offerings to prepare officers for the specialized position of "Detective."

However, the state of police training still left much to be desired. This shortcoming was most evident during the Prohibition years. In a critique of the entire criminal justice system after the repeal of Prohibition, the Wickersham Report attributed much of the shortcomings of law enforcement to three factors (Bopp & Schultz, 1972). While the identified issues of corruption and political interference have been observed in various ways in law enforcement operations throughout the United States, the inadequacies associated with training continue to be relevant to tactical operations when examined in light of litigation for improper police service. In many instances, the first question raised is the adequacy of training.

Various federal funding programs addressed the issue of training of law enforcement personnel throughout the Great Depression. The ***George Dean Act of 1936*** provided grants-in-aid for several forms of vocational education with over 9000 officers enrolled in some form of training. Similarly the ***Works Progress Administration*** provided funds for 101 police-related projects from 1934 through 1938. While only \$1,275,000 was allocated, its importance could be seen through the precedent that was established for funding the research to address local law enforcement problems through federal assistance.

With the exception of various educational and occupational training programs provided through the Veteran's Administration, police operations, including training, continued relatively unchanged for the next three decades. However, the mass disturbances of the turbulent 1960s led to the passage of the ***Omnibus Crime Control and Safe Streets Act of 1968***. Among the many features of this legislation was the provision of block grants for local law enforcement agencies. While most of the funds associated with these grants went to the purchase of equipment, a large portion went to the development of specialized units for specialized responses to law enforcement problems.

In addition, funds were made available under the Act to provide educational and training benefits for law enforcement personnel. While the immediate effect was to raise the educational level of thousands of police officers during the 12-year duration of the legislation, one of its

long-term effects was to raise law enforcement effectiveness. Society and its problems had become more complex and societal expectations required police officers who could not only perform the general tasks of law enforcement but also the specialized functions predicated by continuously changing criminal activity and by continuously changing public demand.

The Need for Continuous Tactical Training

Mass disturbances, increased criminal violence, and the politicization of criminal behavior were among the many factors leading to the realization that a coordinated response from law enforcement was necessary without depleting the ability of the police to respond to routine calls for service (Mijares & McCarthy, 2008). When the SWAT concept was introduced to American law enforcement, police tactical training was often a modification of military training in terms of both substance and approach. Since many of the officers assigned to SWAT operations were former military personnel, their training was a logical continuation and application of much of what they had already learned in the military to a civilian law enforcement context.

However, the political and social environments of civilian law enforcement required a large measure of modifications to this information and ability. In addition, the mission, structure, and guidelines for behavior or rules of engagement, of the two institutions remain quite different. As a result of these differences, the legal environments are also quite different (History Channel, 2002).

The original concept of tactical operations and SWAT teams centered on the need for an improved response to armed barricaded suspects, particularly when hostages were involved. At least initially, the subject matter of SWAT training programs consisted primarily of the following topics: team movements, hostage negotiations, confidence building, physical fitness, sniper operations, and marksmanship. While there is still a large measure of merit associated with this sort of training, changes in criminal behavior such as terrorist events and schoolyard shootings, as well as changes in technology and court decisions, have necessitated at least recognition that more training is necessary.

Unlike military operations in which the assigned personnel are normally engaged in some sort of training and maintenance mode when