

CONSOLIDATING TACTICAL UNITS

*Regionalization of SWAT Teams for Small and Mid-Sized Departments in the 21st
Century*

Article

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Regionalization of SWAT Teams for Small and Mid-Sized Departments in the 21st Century

By Edward Lopez

One of the changing dynamics for policing in the 21st century is to seek new opportunities to redesign expensive services such as forensic crime labs, airborne operations, and Special Weapons and Tactics (SWAT) Teams. In doing so police departments have to become more fiscally insightful and responsive to find more effective ways to deliver these services at a reduced cost. One of the most effective methods to meet the goal of delivering needed specialty services without exorbitant costs is to consider regionalizing those services that utilize resources at a higher cost. SWAT is perhaps the best, and most widely utilized, specialty function suited for such consideration.

Fiscal Issues

Dwindling police budgets might cause many small (about 25 or less sworn officers) and mid-sized (approximately 26 to 150 sworn officers) police departments¹ to seriously consider not forming their own SWAT function or even disband their existing teams. In doing so, they either run the risk of not meeting the public's need to be fully protected no matter what the circumstance or relinquish their SWAT missions to a completely different law enforcement agency. Although using a SWAT Team from a neighboring jurisdiction could conceivably be more efficient or effective, communities lose significant control over the management of this high-risk endeavor. Alternately,

cities may want to consider adopting a regional approach to accomplish their SWAT missions.

Recent media coverage of courthouse shootings, school violence, and other similar incidents exemplify the need for highly trained specialists in police agencies. The question is, at what cost? With spiraling salaries and equipment costs, cities and counties are straining to put even the most basic protective services into the field. Can we afford to buy SWAT equipment and train officers for the occasional high-risk incident if it is at the expense of their everyday duties? Today we are operating in an era in which departments are asked to either reduce or hold the line when it comes to budgets. As the pressure builds, it is increasingly evident that it is time for a change.

Since the 108th Congress reduced grant funding, State and local law enforcement is feeling the effects of less and less external financial support.² As a result, grants that once helped offset police costs are no longer as prevalent as they once were. An important price tag affecting police budgets – especially for small and mid-sized police departments – is the expense to operate professional SWAT Teams.

To meet the conflicting demands of fiscal prudence and the costs of tactical response, policing agencies will have to overcome a multitude of difficulties regarding operational SWAT related costs. They will have to continue to be persistent and innovative to develop their financial strategies so that fiscal plans for SWAT are economically prudent, responsible, and accountable to their community. Tight budgets could, however, spark innovation and creativity on the part of departments if they consider providing tactical response services through a regional concept to their communities – particularly smaller and mid-sized agencies. They will need this

innovative spark if they are to maintain current levels of proficiency, or even increase tactical training hours pursuant to emerging recommendations such as those now in place in California.³

Do we regionalize?

Small and mid-sized police departments will need to identify their team's level of tactical capabilities (or desired capability) with regard to dealing with barricaded suspects, armed criminals, high-risk search and arrest warrants, hostage rescues, and other high-risk situations. Will these departments be able to pay for training and equipment to meet professional SWAT standards or will they have to consider regionalizing SWAT missions with neighboring law enforcement agencies? If regionalization does occur, what format would the team have, and who would manage their work? Even though the process of creating a joint powers agreement or memorandum of understanding to answer these questions are options, how will communities respond to these issues?

Regionalization in policing is nothing new. It allows the efforts of two or more agencies (for example multi-agency narcotic teams, auto theft task forces, gang units, etc.) to accomplish more than the sum of their individual efforts. For instance, a regional SWAT Team would have the ability to handle multiple tactical operational missions simultaneously if designed and deployed in an effective fashion. It can lead to an unparalleled level of response for each participating agency and would boost public service and lower costs. It has long been a tool of governments who strive to improve the service they provide to their constituents.⁴ In addition to the potential increase in tactical effectiveness, perhaps the greatest reason for regionalization are the costs savings to

make SWAT operations for small and mid-sized police departments more feasible. Some examples of possible cost savings are 1) maximizing use of agency personnel by transitioning from single to multi-agency participation 2) restructuring SWAT responses from local to regional deployments, assigning only highly skilled personnel to SWAT – thereby reducing potential litigation, and 3) by combining resources and technologies. Police chiefs and sheriffs must ensure, however, that the regional approach allows for either improved service at the same cost or at least the same service at a lower total cost.

In developing strategies, the option of transitioning to a regional SWAT model may very well not only be a new strategy, but also the best plausible choice. By joining a regional team, communities in the same geographic areas might better themselves by the distribution of this resource. Budgetary and manpower advantages in multi-jurisdictional teams could be a positive feature. As an example, the Los Angeles County Police Departments of Arcadia, Glendora, and Monrovia already employ this model by fielding their regional Foothill Special Enforcement Team. According to police officials from these cities, regionalization has increased the number of SWAT officers now available to them. In return for this asset each of the departments are accountable for funding, training, and equipping of their own agency officers.⁵ With regional training also comes proficiency, a high level of competency, and professionalism within the ranks of SWAT and their police mission.

The 21st Century

Today, because of cost saving attempts as well as the limitations on small and mid-sized agencies to provide tactical personnel on SWAT Teams, the concept of regionalization is evolving. Consistent with this emerged reality are the operational

guidelines and standardized training recommendations recently developed by California's Commission on Peace Officer Standards and Training (POST). (Some of these recommendations speak to the levels of team capability, multi-jurisdictional protocols, and training standards). These guidelines and recommendations are in response to California Penal Code § 13514.1, enacted in 2004. They entail SWAT issues ranging from "operations, personnel selection, fitness requirements, planning, hostage negotiation, tactical issues, safety, rescue methods, after-action evaluation of operations, policy, logistical and resource needs, uniform and firearms requirements, risk assessment, and multi-jurisdictional SWAT operations." POST encourages the development of protocols, agreements, and other working relationships to support regionalized SWAT efforts.⁶ Law enforcement agencies need to understand this evolution in order to successfully deal with efficient and effective public safety services. As law enforcement services become more regionalized, departments will need to adapt organizationally and interact more with neighboring agencies than they have done in the past.

Until this past decade, regionalization of SWAT in California was uncommon. However, now there is a slow but progressive movement toward this model. For example, today there are two regional SWAT Teams in the greater Los Angeles metropolitan area. In addition to the Foothill Special Enforcement Team the Orange County cities of Fullerton, Brea, Placentia, and La Habra (North Orange County SWAT Team), also employ this model of tactical response.⁷ The regional teams have not, however, been without their problems. Regional programs have incurred additional training expenses during their first year. This initial expense is expected to decrease and

cost savings are anticipated to increase as each agency dedicates less total officers to SWAT duties.⁸

Future events that might prompt small and mid-sized agencies to move toward the regional model (instead of contracting with the local Sheriff Department) is the possibility of larger agencies with full-time tactical teams charging smaller cities for policing services that they currently provide to the public (e.g., homicide, forensic services, arsons/explosives, SWAT, etc.). In March 2005, the Los Angeles County Auditor-Controller finished an audit of countywide services and operating cost of the Sheriff Department. In part, the audit determined that the County of Los Angeles should study the prospect of charging municipalities using Sheriff Department services.⁹

Criminologists and Long Beach State criminal justice professor, Dr. Harold Becker said the sharing of SWAT Teams among jurisdictions is almost certainty for mid-sized agencies as we move into the 21st century. In his opinion, he felt that the regionalization of SWAT operations among neighboring mid-sized police departments was inevitable in order to help control personnel, equipment, training, and litigation. These police departments joining forces with other departments for SWAT also are benefiting in having modern-day equipment and technology to use for their tactical operations. This alone increases the competency factor of the team.¹⁰

Management of the Regional Team

As previously mentioned, POST recommends an agreement be developed when regional teams are established. Most cities or counties would almost certainly require it. These agreements should include a command and control structure with an executive steering committee, which acts as the Board of Advisors. This committee would be

responsible for policy and the overall strategy of the regionalized program. The agreement should include a mission statement, management structure, operational standards, team structure, personnel, administrative guidelines, and fiscal guidelines. Multi-agency concerns that would be addressed in the agreement would range from citizen complaints to use of force. Details concerning litigation costs would be a major factor in getting agencies to agree on terms. Common legal language found in task force memorandums of understanding, such as the ones previously mentioned in this article, can allude to the terminology that each member agency should be solely liable for damages resulting from the acts or omissions of its own employees and should indemnify and hold harmless each member agency for said acts and omissions. However, even with these legal definitive agreements, participating agencies should remain cautious, as litigation exposure is not easily removed from an agency merely because a different agency in a joint operation created the occurrence resulting in litigation.

SWAT litigation fundamentally remains the same regardless of the SWAT model employed by departments. According to Eugene Ramirez, (an experienced lawyer in defending SWAT teams in civil liability cases, a member of the California State Attorney General's Blue Ribbon SWAT Committee, and a member of POST's Executive Advisory Committee for SWAT teams) during his presentation to the 2005 California Association of Tactical Officers conference, litigation primarily revolves around the following issues: vicarious liability, negligent hiring, training, retention, policies, documentation, use of force, fourth amendment issues, knock and notice, and the destruction of property. Managers of tactical units should, therefore, remain aware of the need to have clearly defined policies and procedures to deflect possible litigation, and to train their teams on

ways in which to act during deployment, report their actions, and respond to the legal system when inquiries into their conduct inevitably occur.¹¹

Collaboration

Although, not a SWAT effort, a good example of mutual aid collaboration recently initiated by multiple Los Angeles County law enforcement agencies assisting the City of Baldwin Park in 2005 reflects the effectiveness of agreements in joint operations. Two opposing factions, the non-profit group “Save Our State” and about twenty-five opposition organizations (MEChA, Chicano Moratorium, Danza Cuatemoc, Union Del Barrio, etc.), were at odds with each other concerning a monument (named Danza Indigenas) that was built on public land in Baldwin Park with public monies. According to Save Our State, the monument had seditious and anti-American inscriptions on it. This group demanded the removal of either the monument or the inscriptions by a certain date. The pro-monument groups felt the monument had cultural and artistic meaning and demanded that the monument and its inscriptions remain. There was a potential for a major civil disturbance had it not been for the regional and collaborative efforts of numerous Los Angeles County law enforcement agencies. With a force of only 80 police officers, the Baldwin Park Police Department would have been overwhelmed; however, this mutual aid force maintained public safety and order in an expedient and effective manner. This is just one example of collaboration in a specific geographical region where a previously adopted agreement by multi agencies worked well when it came to mutual aid issues concerning personnel, equipment, and logistics, in order to carry out a law enforcement mission. These same principles can be used with the implementation of regional SWAT Teams.

Challenges to Collaboration

Future analysis of efforts toward regionalization may not reach the cost savings expectations nor the personnel, equipment, technical benefits, or support from public and elected officials. Even if costs savings are realized, regionalization may not be as fruitful as perceived. It is possible consolidation could cost more to implement than it would actually save, especially during the start-up phase of the concept. Grant funding, terrorism monies, or other innovative funding mechanisms can help agencies work through these costs at the outset and during ongoing operations.

In addition to unrealized cost savings, other challenges could also confront municipalities when joining personnel, equipment, and technical systems. Officers from diverse departments rely on different types of equipment and technical systems. A consolidation of SWAT services may necessitate implementation of new technology and training on new systems, which could cost more money and time. In addition, cultural challenges might produce resistance from officers. The fear of losing SWAT positions within their own organizations can create an attitude of opposition to regionalization. Law enforcement history does indicate, however, that the public generally benefits from multi-jurisdictional crime fighting task forces. This is evident by the past and present successes¹² of Los Angeles County multi-agency task forces such as LA IMPACT (Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force), TRAP (Taskforce for Regional Autotheft Prevention), and Avoid the 50 – DUI Task Force.

Keys to Success

Departments must be cognizant that their studies and evaluations of SWAT should focus on whether a regional approach is more efficient for the community. In

addition, if studies show that regionalizing SWAT is more efficient and effective, then a solid strategy would be for law enforcement to think globally. This would require law enforcement officials to have a more open mindset and not become hampered by jurisdictional boundary issues. Collaborative police responses for mutual aid have been very successful, and perhaps this model could be adapted for a possible regional SWAT Team.

Some of the keys to successful regionalization are leadership, trust, risk management, communication, and coordination. Police administrators must be committed to developing good working relationships between organizations. They must do their best to build professional trust so that staff charged with developing and delivering SWAT services actually believe they can rely on the motives and predict the performance of their regional counterparts. When individual police chiefs consider evaluating the viability of participating in a regional SWAT Team, they will have to carefully examine the risk and be cognizant of both internal and external factors surrounding regionalization. Internal factors include the Department mission, the participants, and their current relationships with neighboring departments. External factors would include the economic, political, and technological environments. Regional partners must also have strong information sharing and communication skills amongst them.

The Future

The future will demand a much wider use and practice of regional SWAT Teams. Such teams will be comprised of members from a wide range of cities and counties.

The most important components needed to effectively regionalize the SWAT operation is full commitments by participating agencies to problem solve, coordinate resources, equipment, and a willingness to strive for a collective understanding of the best approach to create a new model of providing this crucial service.

During the phase where this concept is being explored, agencies must also consider the differences in organizational culture. It is critical to assess the various agency systems and closely analyze all the criteria with an open mind, while being objective and sensitive to each individual agency's needs. If this format is followed with the utmost professionalism and respect, it can provide an unparalleled level of mutual trust. This is critical to the successful implementation of this new model of SWAT operation. A commitment to anything else is a commitment to failure and failure is not an option of SWAT Teams.

¹ Police Structure of the United States. Police Structure and Organization: A State by State Guide. Available from <http://faculty.ncwc.edu/toconner/polstruct.htm>

² Open Congressional Research Reports for the People. Federal Crime Control: Background, Legislation, and Issue. May 6, 2005; available from [openocrs, ED RL32824](http://openocrs.com/ED/RL32824)

³ State of California, Department of Justice. Special Weapons and Tactics (SWAT) Operational Guidelines and Standardized Training Recommendations. Sacramento: Commission on Peace Officer Standards and Training, 2005, 2005-12.

⁴ Collaboration in Government: For the Congressional Internet Caucus Advisory Committee – E-Government Task Force. SAP Public Services, Inc. 2001.

⁵ Allen, Marshall. San Gabriel Valley Tribune: SWAT, Police Departments Form Regional Team. 15 August 2005.

⁶ Supra note #3

⁷ Connelly, Laylan. Irvine World News Online Edition. Training Keeps City's SWAT Team Special. Available from <http://www.irvineworldnews.com/Astories/oct16/swat.htm>. 16 October 2003.

⁸ Supra note #5

⁹ Paulson, Mark, Independent Cities Association: Countywide Fees for Sheriff Services to All County of Los Angeles Cities, 12 August 2005.

¹⁰ Becker, Harold, Criminal Justice Professor, CSULB. Interview by author. Nominal Group Technique. Baldwin Park. 14 October 2004

¹¹ Ramirez, Eugene, SWAT Litigation: What's Hot and What's Not, California Association of Tactical Officers Conference, Anaheim, CA. 22 August 2005.

¹² State of California. Department of Justice. Office of the Attorney General. Attorney General Lockyer Announces Arrests by Los Angeles Drug Task Force in Major Trafficking Case: Three Suspects in Nationwide Ring Arrested; \$25 Million Worth of Cocaine Seized. 20 June 2005. 05-046.