



Tactical Advantage

Special Interest Articles:

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Washington State Tactical Officer Association

The Tactical Advantage

The mission of the Washington State Tactical Officers Association is to act as a forum for the exchange of ideas and information. The association strives to advance individual and team knowledge by providing a network to share sound tactics, training and operational experiences. WSTOA works to foster the highest professional standards and levels of competence

by providing high quality instruction to its members, promoting proper tactics, equipment and safety.

One manner to act as a conduit of tactical information is through the organization's newsletter, and the rebirth of the newsletter is a critical part to meeting our stated purpose. In the next few months members will see a dramatic increase in communication you're your organization. From

the email newsletter, to meetings with your district representatives, to an increased social media presence, you should expect to hear much more from WSTOA.

Live with Honor

Train with Passion

Fight with Courage

Jeff Selleg, Vice President
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support your troops by sending them to training that will enhance their abilities. The more officers we get signed up each year, the more trainers we can bring in from across the country.

The WSTOA Board of Directors and District Representatives are working hard for you but at the end of the day, it is your participation that makes the difference. Be a part of making a positive change with our profession!

Visit the WSTOA website (www.wstoa.org) and conference page (http://www.wstoa.org/2014_conference.php) for more information about the services WSTOA provides, as well as information on our upcoming conference.

Wayne Dubois, President.
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Message from the President

If you are reading this and are a member of the WSTOA, you are part of the backbone of this organization. The WSTOA exists only because of the membership it serves. Currently we have 36 member teams throughout the Northwest and Canada and we are working diligently to continue to provide services that are of benefit to the members. The primary functions of the WSTOA are to promote the exchange of information related to our field, and to be a conduit for training.

We are currently solidifying topics for the remainder of the year for the quarterly training, as well as continued

efforts to make this year's Pacific NW Tactical Conference & Vendor Show the best to date. In order to provide these services and to improve upon them each year, we need something from you. What we need is participation! WSTOA's guarantee is to provide excellent training opportunities at either low or no cost, but in order to improve on that we need SWAT and Patrol Officers from around the state to take advantage of the training. If you are a SWAT Operator, go to your Team Leader and put in for the Conference or a quarterly training. If you are a Team Leader put your operators in for training. If you are a Team Commander,



"What is SPECIAL about a SWAT Team or a SWAT Guy?"



A thought on Qualifications, SGT Bill Blowers

I have been teaching firearms to some degree since 1988. As a young Army Sergeant I was given the task to teach basic rifle marksmanship to soldiers and ROTC cadets. I was good at reciting the appropriate chapter of the book. When I became a cop a few years later, I was naturally inclined toward firearms. Initially because I believed then, and still believe, that skill with arms is the single most critical skillset that we have as cops. So I started a journey to be the best damn shooter on the planet with both pistol and rifle. That led to my desire to attend instructor courses and then eventually teaching others to shoot.

SWAT is an acronym for *Special Weapons and Tactics*. In 1995 we did indeed have "special" weapons. The SWAT guys were the only ones with MP5's and Benelli shotguns while patrol had 870's. So the

guns themselves were special. Nowadays, patrol officers in my agency are issued a Colt Commando with an *Aimpoint* optical sight, Surefire *Fury* light and a Tactical sling. They don't have the AUTO function. As a SWAT guy I am also issued a short barreled rifle with *Aimpoint* optical sight, special light, tactical sling and without the AUTO function. All of a sudden the guns aren't so special. Now when I ask what is "special" about a SWAT team or SWAT guy, my answer is – it is my skill at arms that make me special. It's not the arrows, it's the Indian. As SWAT guys we have to be the best shooters on the planet. My adversary will dictate what level of skill I need on "The Day". If he is extremely well trained, then I should be better than him on his best day when I am having my worst. My life and the lives of my teammates depend on my skill level. I must

constantly be working on and developing my skills in order to force improvement in all aspects of my shooting. Improvement requires a system to track certain benchmarks so I can determine progress. Most SWAT officers use a similar concept in the gym. Your Crossfit personal record (PR) or max bench are gauges to help you determine when and where you are improving. SWAT Officers must do the same thing with the guns.

(Continued on page 4)



Team Focus - Tacoma Police SWAT

In February 1983, Tacoma Police Patrol Officers attempted to apprehend a barricaded, armed subject with documented mental health issues. Officers forced their way into the home in the hope of capturing the subject by surprise. During the attempt, Patrol Officer Michael Justice was shot by the shotgun-wielding subject. Officer Justice survived the assault, but it was the third incident in less than fifteen years wherein a Tacoma Police officer was shot or killed while trying to apprehend a violent subject. The incident punctuated the need for the department to develop a team of specially trained officers who could be called upon whenever the capabilities of primary call responders or investigators, was exceeded. In 1984, the Tacoma Police Departments' first tactical team was developed, originally called the "Special Operations Team," which consisted of a commander, an assistant commander, eight entry operators, four marksmen, and four negotiators. It was not until a few years later that the team was called the Special Weapon and Tactics Team.

Members of the newly formed team trained extensively for one year before becoming fully

operational. About one year later, the team had a full-time, five-operator unit called the "Special Operations Section" (SOS). This unit evolved into the "Upper Tacoma Task Force", then to the "Crack House Abatement Team" (CHAT) as it grew in size to about eight operators, a non-SWAT narcotics detective, and a deputy prosecutor. CHAT became part of Special Investigations and eventually dissolved of its exclusive SWAT personnel status. The SWAT Team grew in personnel, equipment and vehicles as it prepared for the 1990 Goodwill Games. Over the years it has expanded to its current elements and size of thirty-two members. Team members became well-versed in the use specialty equipment and the employment of non-traditional tactics designed to peacefully resolve conflicts. The team was very successful, but along with that success came more demands for service. The Tacoma Police SWAT team was used heavily for warrant services, street gang suppression, dignitary protection, site security, and the apprehension of violent, heavily armed and/or barricaded subjects.

The operators in the teams' Entry, Marksman/Observer, Crisis Negotiator and

Command Post elements are highly-motivated and extremely dedicated to the profession. Many of the Tacoma SWAT Teams' operators are certified instructors in firearms, high-angle rescue techniques, defensive tactics, explosive breaching techniques, less-lethal tactics and hostage negotiations, whose expertise has been sought after by tactical teams nationwide.

If one were ever to see the team's logo, they would notice the initials "WFL" followed by the numbers "061". These markings represent the late operator Officer William Francis Lowry and his badge number. "Billy" was a well-respected team member and WSTOA instructor. He was mortally wounded while engaging an armed and barricaded hostage-taker in August 1997. In the twenty-six years of the team's existence, he is the only member of the team lost during a tactical operation. Gone, but never forgotten, all Tacoma SWAT Team members proudly wear the markings "WFL061" on their uniforms as a reminder of Billy's contribution to our team, the tactical community, and his ultimate sacrifice.



A Thought on Qualifications (continued from Page 2)

"Spend a majority of their training time training the core competencies tested....."

SGT Bill Blowers has served in law enforcement since 1992 and is currently assigned as the training supervisor for the Kent Police Department. Bill has served numerous positions on SWAT since 1995. He is currently assigned as an entry team leader on Valley Regional SWAT serving the south King County area and is the owner/operator of Tap-Rack Tactical. Bill can be reached at bill@tap-rack.com



"My adversary will dictate what level of skill I need on "The Day."

One of the ways to force training is to constantly switch the qualification course up. Years ago I was trying to incorporate a new pistol qual for my agency. The department had a large failure rate when the new qual course was presented. As a result, the Deputy Chief at the time told me it was "Too hard" and he refused permission to change to the new qualification course. I argued that the course tested core competencies, our officers were simply not trained to shoot well. The course we had been shooting had been in place for over 20 years, this allowed officers to be well trained in shooting THAT course. So most officers could pass the test, but not demonstrate the core competencies of shooting. To illustrate the point, I used our range staff for an experiment. I told them that I had developed a new pistol course and I wanted them to shoot it for feedback and as a test bed. They all shot it and all of them shot a lower percentage score than normal. When I asked what they thought, I heard comments like "It's pretty tough", "Some of the times are really tight", "Too many rounds at 25 yards" and so forth. Then I told them that they had just fired our existing course, but I had scrambled the stages of fire. So stage 1 was last and the middle stage was first and so on. Nothing was changed but the order. We had trained them to get comfortable with a course. We should have been training so they would be comfortable with **ANY** course. It is my opinion that changing your qualification courses annually is the way to improve the overall shooting of the team. They should not be

spending all of their time practicing the qualification. They should be spending a majority of their training time training the core competencies tested by the qualification course. Decreasing time for the first shot from the draw with a hit will help them qualify. Decreasing reload time will give me more time to fire accurate shots, this helps me qualify. Being able to quickly clear stoppages, allows me to spend more time to accurately shoot, helping me to qualify. Proper training and tracking of progress will allow me to pass any qualification course, regardless of the stages of fire. Changing the course of fire adds stress and forces proper training to occur. More importantly, it may just save my life or the life of a teammate someday.

Warrantless Entry in Washington

Part 1 of 3 – A 50,000 FOOT VIEW.

By Arthur "Pat" Fitzpatrick, Deputy City Attorney for Kent

When SWAT Teams responds to an incident, it is not uncommon for the team to surround and contain a dwelling prior to the issuance of a warrant to enter and arrest. Standard protocol is for SWAT to wait for a search warrant and enter the dwelling only after its issuance. However, circumstances may arise in quickly evolving situations in which SWAT is faced with the decision as to whether or not to enter without the authority of a search warrant.

This article outlines a quick review of warrantless entry issues. This is merely a summary of the law as it exists in Washington, and each situation being different, consideration of the details of each event is critical. When reading this article, it is important to understand that the mission of SWAT will generally be to make an arrest, or enter a dwelling and conduct a search in order secure the scene so that another arm of the police force can conduct a search for evidence pursuant to a search warrant.

As always, when practical, SWAT should obtain a warrant prior to the entry of any home.

General Legal Framework
The U.S. Constitution

prohibits unreasonable searches and seizures. Our state constitution (Article 1, § 7) goes further and requires actual "authority of law" before police may enter a person's home. Generally, police officers must obtain a warrant before entering a home, and, *it is presumed that warrantless entries violate both the U.S. and Washington Constitutions.* This presumption can be rebutted if it is shown that the entry fell within one of the "*narrowly and jealousy drawn exceptions to the warrant requirement.*" It is always the burden of the police agency to establish any exception to the warrant requirement.

Narrowly and Jealously Drawn Exceptions to the Search Warrant Requirement

1. **Exigent Circumstances:** Washington courts recognize the following exigent circumstances which constitute an exception to the search warrant requirement:
 - a. Imminent Destruction of Evidence
 - b. Danger/Threat to Safety of Officer or Public
 - c. Strong Likelihood of Escape

In evaluating whether an exigency exists, SWAT must consider the following factors: (1) the gravity of the offense, particularly whether it is violent; (2) whether the suspect is reasonably believed to be armed; (3) whether police have reasonably trustworthy information that the suspect is guilty; (4) there is strong reason to believe that the suspect is on the premises;

(5) the suspect is likely to escape if not swiftly apprehended; (6) the entry is made peacefully; (7) the police are in hot pursuit; (8) the suspect is fleeing; (9) the officers or public are in danger; (10) the suspect has access to a vehicle; and (11) there is a risk that the police will lose evidence. Not all of these factors must be met in order to find exigent circumstances; however, the circumstances must show that officers need to act quickly.

The idea underlying the exigent circumstances exceptions to the search warrant requirement is that police do not have adequate time to obtain a warrant. The most critical issue to consider in determining whether an exigency exists is that *the police bear the heavy burden of showing that exigent circumstances necessitate immediate police action, and that it is impractical or unsafe to take the time to get a warrant.*

2. **Emergency Aid Exception:** The emergency aid exception to the search warrant requirement emerges from law enforcement's 'community caretaking function' and allows for entry if police can show that (1) officers subjectively believe that someone likely needs assistance for health or safety concerns; (2) a reasonable person in the same situation would similarly believe that there is a need for assistance; (3) there is a reasonable basis to associate the need for assistance with the place being entered; (4) police believe a specific person or persons or property is in need of immediate help for health or safety reasons; and (5) the claimed emergency is not a mere pretext for an evidentiary search.

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3. In a few words, it should accurately represent the contents of the story and draw readers into the story. Develop the headline before Consent: When SWAT has surrounded a home, it may enter the home based upon voluntary consent of the owner (e.g., to arrest a dependent child, guest or intruder). Note that if multiple people with control over the dwelling (e.g. spouses) are present to provide consent; voluntary consent must be obtained from all of them. Assuming that the intent of the entry is for reasons other than to conduct a search for evidence, *Ferrier* warnings are not required. However, SWAT should be very careful in using consent as a basis for entry, as generally speaking, consent assumes a peaceful entry. If SWAT obtained consent, and then drove a truck through the door, or utilized tear gas or flash bangs, a court could determine that the entry was beyond the scope of consent. In the end, consent will be an unlikely basis for a SWAT entry.

Note about Civil Liability Issues

It is important to recognize that civil liability in the context of a police entry into a home will be analyzed under the U.S. Constitution, and not the Washington Constitution. While a person may sue a municipality for a violation of the U.S. Constitution by virtue of federal statute 42 U.S.C. § 1983, there is no comparable authority to sue for a violation of the Washington Constitution. However, since the Washington Constitution is more protective of privacy rights than the U.S. Constitution, it follows that if police comply with the Washington Constitution, they generally will not be in violation of the U.S. Constitution, and therefore, will not be liable under § 1983.

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The Pacific Northwest Tactical Officers Conference and Vendor Show will be conducted July 21-25, 2014 in Vancouver Washington. This year will highlight multiple training tracks to include FBI - Hostage Rescue, Explosive Breaching, Advanced SWAT, NTOA Hostage Negotiations. As always the first day of the conference is free to all first responders and includes two

Large incident debriefings and the region's largest vendor tactical equipment vendor show.

No registration is required for the first day and WSTOA encourages all first responders to attend. Further information can be located at the WSTOA website.

www.wstoas.org

