



# WSTOA

## Newsletter

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**WSTOA**

WSTOA.org

### Contact Us:

<http://www.wstoa.org>

### President's Message

By: Wayne DuBois, President

2012 looks to be a promising year for WSTOA. Our board recently held a strategic planning session which allowed the entire board to have a shared vision for where the association is going. Although the economy is not improving, WSTOA is increasing our services to our membership.

The economy continues to impact agencies and training dollars are often the first thing to go. We are now seeing where WCJTC is struggling to secure the funds to offer some courses to Washington Law Enforcement. Rather than cutting back the programs we offer, WSTOA is working hard to offer more training to its members at low and sometimes no cost. Here are some of the things we are doing:

- Free quarterly training for members that will come to your district or a district close to you
- WSTOA agency hosted courses that are free or have a very low tuition fee
- 2<sup>nd</sup> Annual Pacific Northwest Tactical Conference & Vendor Show, which will offer multiple training tracs from nationally recognized instructors at a very low cost

WSTOA is only as strong as its membership and we need your support. Every dollar paid for membership fees, tuition, or merchandise is funneled to providing the best service possible to you. Please check our website ([www.wstoa.org](http://www.wstoa.org)) for updates on training and association business. We look forward to progressing the association and serving the members in the future.

Sgt. Wayne DuBois can be reached at [wdubois@ci.richland.wa.us](mailto:wdubois@ci.richland.wa.us)

### K9's And SWAT

By: Brent Austin, District 9 Representative

Over the last decade there has been an increase in the use of K9 during SWAT situations in the state and across the country. If you have been around law enforcement for any amount of time, you will know the benefits that a well trained patrol dog brings to an agency. Those same benefits can greatly enhance your tactical team's safety and success.

Dogs can serve many roles during tactical incidents. They range from holding perimeter positions, assisting during limited breach entries, searching for barricade

suspects once entry has been made, and conducting tactical tracks for violent fleeing suspects. K9's are not greatly affected by chemical agents, making them a great tool for searching gas filled environments ahead of the team. While searching long hall ways with multiple closed doors, a dog can be put on a long line and used to probe down the hall and use its superior sense of smell to locate a hiding person. The mere presence of the dog can be a force multiplier for your team. Many people are scared of dogs, and a barking police dog can, and has convinced violent suspects to surrender.

While a well trained K9 team can be an integral part of your tactical team there are considerations that need to be taken. Firstly, not every K9 team is right for SWAT. Handlers should be selected as SWAT members and be fully trained SWAT members. If the handler is not a full time member of the team, then they should attend a basic SWAT course and routinely attend SWAT training to maintain a minimum level of knowledge on team tactics. The handler should have the same desire and ability to want to work in the team environment as the rest of the team does.

Secondly, the dog must have a high prey drive, have above average obedience and be controllable by the handler at all times. It must be stable under gunfire and work well in and around team members. Preferably, the dog will be quiet, a noisy dog will give away a team's position or alert the suspect of the teams approach. The handler has to know the limitations of the dog and not be afraid to back away from a situation if necessary. The handler is the expert on K-9 deployment. His advice on when and how a dog is utilized, if at all, should be conveyed to front line leadership to assist in their tactical decision making. I work in an agency with 5 patrol dogs all have been deployed in a SWAT capacity several times. The handlers know the limitations of their dogs and will bring the right dog to the appropriate application. It is similar to picking the right SWAT operator to swing a ram or run a shield.

Training for the Dog team on SWAT team deployments need to be conducted before any real world operations take place. This allows the SWAT team and handler to predict the outcome of the deployment. The dog has to become comfortable around the team and the team has to become comfortable around the dog. If the team doesn't understand how the dog is going to be utilized or the dog's limitations, then the operation will not be a success. I have seen a lot of SWAT operators who are uncomfortable around service dogs. If they are not allowed to get familiar and comfortable around the dog, then when its go time, they will not be focused on their job. As with anything else we do, training and continual training is the key.

Administrators also have to be trained. They have to understand what benefits a K9 will bring to your team's tactics. They also have to understand the limitations. If they don't know what the dog is going to do, then I'm willing to bet they won't let you do it. Keep SWAT commanders and incident commanders up to date with your training and tactics that you employ with your dog teams so you don't have to explain it to them during the real deal.

SWAT trained K9's are a tool, just like a ram or shield. They are not appropriate for all situations but a good option to have. There is a great deal that goes into training a dog to work in the tactical environment. Our state has many knowledgeable people on the subject and Spokane PD runs a 4 day (criminal justice training commission) advanced handler course that focuses on K9 SWAT tactics. We have had several SWAT operators and leadership observe the training to enhance their knowledge on K-9/SWAT integration and application. If you need assistance or have questions about introducing K9 teams to your SWAT teams, contact WSTOA and we will assist in any way possible.

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## Obtaining A Search Warrant For a Barricaded Suspect

By: Steve Lobdell, Vice President

WSTOA is always striving to provide training and education to law enforcement personnel. This is not limited to tactical training only. Below is information concerning dealing with a barricaded person and obtaining a search warrant before progressing on with any type of entry into the location.

I know that most teams I have talked to obtain a search warrant prior to an entry. As you will read this is not “law” but I believe it should be done if at all possible. We are there to assist detectives and or patrol with safely taking a person into custody. When we leave they will still have some sort of case to build. By obtaining a warrant, we hopefully will eliminate the issue of search and seizure that could be brought up in court.

The last portion of the below information is from Kent City attorney who has been kind enough to assist WSTOA with questions and concerns of this nature.

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“Police may make a warrantless arrest of a suspect who is barricaded in a residence by surrounding the home. Regardless of how long the standoff occurs, police need not obtain an arrest warrant before taking the suspect into full physical custody, so long as the police are actively engaged in completing the suspect’s arrest. This remains true regardless of whether the exigency that justified the seizure of the house has dissipated by the time the suspect is taken into full physical custody. *See Fisher v. City of San Jose*, 558 F.3d 1069 (9th Cir. 2009) (officers did not need an arrest warrant to take an intoxicated man, who had threatened to shoot police officers if they attempted to enter his property in response to a uniformed security guard’s report that the intoxicated man threatened to shoot him, into custody, when the man left his apartment and peacefully surrendered following a 12-hour long standoff”).

**The court now holds *Fisher v. City of San Jose*, 558 F.3d 1069, March 11, 2009**  
During an armed standoff, once exigent circumstances justify the warrantless seizure of the suspect in his home, and so long as the police are actively engaged in completing his arrest, police need not obtain an arrest warrant before taking the suspect into full physical custody. This remains true regardless of whether the exigency that justified the seizure has dissipated by the time the suspect is taken into full physical custody.

### From Kent City Attorney Fitzpatrick

We know that SWAT can enter a home without a warrant (via personnel, robots, OC/CS, flash bangs, phone, camera, etc) if exigent circumstances exist or there is a community caretaking/emergency function. **Of course, if SWAT can obtain a warrant, they should**, but we all know that things progress in such a manner that getting a warrant is not always possible.

I am very familiar with the Fisher case, and watched it go through various stages of appeal before the 9th Circuit finally got it right. There, the court held that once exigent circumstances justify the warrantless seizure of a suspect in his home, and so long as the police are actively engaged in completing his arrest, police need not obtain an arrest warrant before taking the suspect into full physical custody. This remains true regardless of whether the exigency that justified the seizure has dissipated by the time the suspect is taken into full physical custody.

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