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Civil Liability Law Section – July, 2007

Civil Liability for SWAT operations.

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Many police departments have specialized units popularly known as SWAT (Special Weapons and Tactics), which are utilized to carry out dangerous operations, including hostage rescue, armed intervention, engaging heavily-armed criminals, responding to terrorist incidents, or serving arrest warrants in high-risk situations. Such units, which are also sometimes formed on a multi-jurisdictional basis, are armed with high-powered weaponry, protective gear, and specialized vehicles.

Any unit which, by its very nature, is utilized in highly charged and dangerous situations necessarily confronts circumstances fraught with tension and with a good possibility of death or serious bodily injury to officers, to offenders, to the victims of offenders, and to bystanders. This brief article touches on some of the legal issues that have arisen in cases involving such incidents in the context of subsequent lawsuits. There has been much analysis and discussion of the role of SWAT units, and the article concludes with a listing of some useful articles and specimen policies, most of which can be accessed in their full text on-line. The most general lessons that can be drawn from the incidents examined, together with the suggested readings are the vital importance of careful selection of unit personnel, carefully thought out and vigorous training, and carefully thought out and regularly reviewed policies attempting to foresee common situations and the strategies and tactics that may be appropriate in them.



Los Angeles Police Department SWAT patch

1. Civil Liability for S.W.A.T. Operations.

A S.W.A.T. team or unit gets called into action in response to an extraordinary situation, where it is believed that the normal law enforcement response may be inadequate to deal with the circumstances. Lawsuits over the use of SWAT often are based on arguments that the utilization of such force was an overreaction to the circumstances faced, that the level of force and display of force presented in fact enhanced the danger, leading to deaths or injuries that might otherwise not have occurred, or that officers on the SWAT team were not adequately trained to deal with the specific circumstances, including hostage negotiations or dealing with mentally disturbed individuals, another circumstance which frequently arises.

In one such case, [Estate of Bing v. City of Whitehall](#), No. 05-3889, 456 F.3d 555 (6th Cir. 2006), the court ultimately ruled that police officers on the scene, including S.W.A.T. team members, were entitled to qualified immunity for surrounding the home of a man who had fired shots into the air and ground nearby, entering the home forcibly without a warrant, and using pepper gas and a flashbang in an attempt to flush him out. Assuming that the use of a second flashbang, which burned down the house, was excessive, as the plaintiff argued, the court found that it still did not violate any "clearly established right." Factual disputes about whether the suspect was still armed and was threatening officers at the time they shot and killed him, however, barred qualified immunity for the officers on a claim that the use of deadly force was excessive.

The case involved a man in [Whitehall, Ohio](#) who fired a gun into the air and into the ground near his home one evening, resulting in a number of witnesses to this phoning the police. Upon arriving on the scene, the officers were informed that the man had retreated into his home. The officers, backed up by a S.W.A.T. team, surrounded the house, attempted to communicate with the man, and subsequently tried to force him outside using pepper gas. Eventually, the S.W.A.T. team invaded the house, and killed the man. During the raid, police used a

flashbang device, which also burned the house down.

The decedent's estate and his brother brought a federal civil rights lawsuit under the [Fourth](#) and [Fourteenth Amendments](#) against the city, the police department, and individual officers. The lawsuit claimed that the police violated the decedent's clearly established rights when they entered the home without a warrant, used excessive force by employing pepper gas and flashbang devices, unreasonably used deadly force when they shot and killed him, and unreasonably destroyed property by burning down the house. The trial court denied qualified immunity to the defendant officers, finding that there were disputed issues of fact that required a trial.

A federal appeals court reversed in part. It found that the officers were entitled to qualified immunity for breaking the house's front door, seizing the man inside through an encirclement of his house without a warrant, using the pepper gas and the flashbang devices, entering his home without a warrant, and destroying the house. It upheld the denial of qualified immunity on the excessive force claim.

The appeals court reasoned that the officers acted lawfully in effecting a "de facto house arrest" of the man by surrounding the house, despite not obtaining a warrant, because his firing of shots in the neighborhood created a "dangerous emergency." For that same reason, the officers did not need a warrant to enter the house, and the use of pepper gas and a flashbang device as attempts to force the suspect outside were reasonable. The appeals court, assuming for purposes of the appeal, without holding, that the use of a second flashbang device that set the house on fire violated the decedent's constitutional right to be free from excessive force, found that the right, in this context, was "not clearly established." Accordingly, the defendant officers were entitled to qualified immunity on all those claims.

The appeals court ruled, however, that the trial judge had properly denied summary judgment on the claim of deadly force with regard to the shooting and killing of the suspect. It was disputed, among other things, whether or not the decedent was armed or unarmed after officers entered his home, and whether or not he threatened them in any way as they approached. If he was unarmed and did not threaten the officers as they approached, as the plaintiff claimed, then shooting and killing him would violate his clearly established right not to be attacked with deadly force under those circumstances. Further proceedings were therefore required to resolve these factual disputes.

The case of [Estate of Davis v. City of North Richland Hills](#), No. 04-10036, 406 F.3d 375 (5th Cir. 2005), involved claims for supervisory liability, and assertions of inadequate training and supervision. Ultimately, the court concluded that both the police chief and SWAT team leader were entitled to qualified immunity on

claims for supervisory liability in circumstances where a SWAT officer entering residence shot and killed a man inside the home within two seconds, and the plaintiffs claimed that the decedent was unarmed. Nothing showed, the court found, that they made a deliberate choice to inadequately train or supervise the officer, which caused the alleged deprivation of the decedent's rights.

The officer allegedly shot and killed a man during the execution of a no-knock search and arrest warrant at the residence he shared with his mother. The decedent's estate and his mother sued the police chief, the shooting officer, and another officer involved in the incident. The shooting officer was the first member of a SWAT team to enter the home, and allegedly shot the man within his first two seconds there. The plaintiffs claimed that the decedent was then in his living room, unarmed, with his arms outstretched, and repeating "don't hurt us."

The police officers, on the other hand, stated that the shooting officer was immediately confronted by the armed decedent standing at the end of a hallway, pointing a gun at him. The plaintiffs' lawsuit contended that the police chief, and the second officer, two of the shooting officer's supervisors, should be held liable for their allegedly inadequate supervision and training of him, resulting in the use of excessive force during the raid.

The plaintiffs argued that these supervisors knew, prior to the incident, that the shooting officer was "prone to use excessive and/or deadly force without cause," had a reputation for "displaying lewd and criminal behavior while on and off-duty," and that his employment history showed that he was "dysfunctional and unfit for police work." Neither the police chief nor the other officer actually participated in the raid, while the other officer, the SWAT Team commander, was present outside the home at the time of the shooting.

The trial court denied summary judgment on the basis of qualified immunity to the two supervisors, finding that there was evidence presenting a genuine issue of material fact as to whether they were deliberately indifferent to the shooting officer's alleged propensity to use excessive force, and whether their conduct was objectively unreasonable under clearly established law.

The trial court based this, in part on testimony that the shooting officer had fired his weapon on three occasions during training exercises when the scenarios did not call for firing, that a background investigation indicated that he had a tendency to act "too aggressively," and testimony by a motorist pulled over by the shooting officer for a traffic violation who characterized the officer's behavior as "like a psycho," as well as evidence that the officer had a reputation for exposing himself, including during a team photo at SWAT team training, which had earned him the nickname "Penie."

A federal appeals court disagreed, and found that these allegations were insufficient to deny the two supervisors qualified immunity. Even if all the allegations were true, and they were viewed in the light most favorable to the plaintiffs, the appeals court ruled, they were insufficient to demonstrate supervisory liability.

Such liability must be based on a failure to supervise or train, a "causal link" between those failures and the alleged violation of the plaintiff's rights, and a showing that the failure to train or supervise amounted to "deliberate indifference," the court summarized. Deliberate indifference, the court noted, is more than negligence or even gross negligence.

Deliberate indifference must be based on a showing that the inadequacy of the supervision or training is "obvious and obviously likely to result in a constitutional violation."

The appeals court found inadequate evidence of a prior pattern of conduct by the shooting officer of violating constitutional rights by employing excessive force, and noted that proof of a single violent incident is ordinarily insufficient for supervisory liability. Prior indications of the officer's violent propensities cannot simply be for any and all "bad" or "unwise" acts, the appeals court pointed out, but rather must point to the specific violation in question.

While the shooting officer's "over- 'exposed' photography stunt" and his nickname might demonstrate a lack of judgment, crudity, and perhaps illegalities, the court commented, they did not point to a past use of excessive force. And the traffic stop, regardless of the details, did not involve excessive use of force with a deadly weapon resulting in harm to a citizen.

While the past inappropriate use of the officer's weapon during training, the court stated, was, "at first blush, more troubling," since it was a training exercise, no one's constitutional rights were violated, and they did not show that the officer had previously used excessive force against a third party.

Furthermore, we hesitate in analyzing supervisory liability to place too much emphasis on mistakes during training. We are wary of creating incentives to conduct less training so as to minimize the chance that a subordinate will make a training mistake that can be used against the supervisor if that subordinate later makes a mistake in the course of duty. More to the point, in training mistakes are the fodder and "adequately trained officers occasionally make mistakes; the fact that they do says little about the training program or the legal basis" for holding a supervisor liable. Even if a fact finder were to infer that Hill's training did not stick or that he resisted it, the incidents in training did not effect a violation of a third party's rights. On this record, Appellants cannot be deemed deliberately indifferent by failing to supervise or train differently.

As for the "background report," there was no evidence that the two defendant supervisors were even aware of it.

In summary, there was no conduct from which it could be reasonably concluded that these supervisors made a deliberate or conscious choice to endanger constitutional rights, so they were entitled to qualified immunity from liability. (In a subsequent decision, Davis v. City of North Richland Hills, No. 4:00-CV-438, 2007 U.S. Dist. Lexis 17648 (N.D. Tex.), the trial court also granted summary judgment to the city on municipal liability claims based on purported inadequate training).

Claims of inadequate training and control of a SWAT team was also at issue in Jensen v. City of Oxnard, #97-55936, 145 F.3d 1078 (9th Cir. 1998); cert. den. 525 U.S. 1016 (1998), in which a widow of a SWAT officer shot and killed by fellow officer during raid to serve a search warrant was allowed to sue the shooting officer and city for violation of federal civil rights. The court rejected the argument that the case was simply about a "safe workplace," and rejected the defense that the shooting officer was entitled to qualified immunity. The premises being searched were unoccupied at the time.

A flash-bang grenade thrown into the residence emitted smoke, and a number of officers went up the staircase to the second floor. Shortly after that, a sergeant fired three rounds from his shotgun, killing his fellow officer, who he claimed that he had mistaken for a gun-wielding occupant of the premises. There were disputed issues of fact as to whether the officer was shot in the back, whether he was entering the room directly in front of the sergeant, and the degree to which vision was obscured by the grenade smoke. The court ruled that if, as the plaintiff alleged, the sergeant shot the officer three times in the back from a distance of three feet in conditions in which he should have been able to recognize that the figure he was shooting was a fellow officer, his use of force was unreasonable. Similarly, if police officers knew, as the plaintiff claimed, that the sergeant's past record showed that he was likely to inflict a constitutional injury, they could also be held liable.

S.W.A.T teams are often called in circumstances in which disturbed people are acting in a hostile and potential dangerous manner. In one such case, involving a homeless mentally ill man, it was claimed that the use of a SWAT team against him constituted disability discrimination.

Officers shot and killed a homeless mentally ill man sitting in his car, in a use of force that a court subsequently found was not excessive, since they only acted after he raised a gun at them—which they did not know, until later, was a BB gun. Under those circumstances, the court stated, it was reasonable for them to believe that their lives were at risk, justifying the use of deadly force. Following the

shooting, the officers called on a SWAT team to go in and extract the man from his car, which allegedly caused a delay in medical treatment for his wounds, arguably contributing to his death. A lawsuit argued that doing this constituted disability discrimination against him on the basis of his mental illness. The federal trial court rejected this argument, ruling that the use of the SWAT team was reasonable under the circumstances in order to help ensure the officers' own safety, as well as the safety of others present in the vicinity of the incident. Ali v. City of Louisville, No. Civ. A. 3:03CV-427, 395 F. Supp. 2d 527 (W.D. Ky. 2005).

Occupants of a home mistakenly identified in a search warrant and subjected to a no-knock search by members of a Special Weapons and Tactics (SWAT) team, in Solis v. City of Columbus, No. 2:02-CV-788, 319 F. Supp. 2d 797 (S.D. Ohio 2004), presented an arguable issue as to whether the city's policies or lack of policies concerning the issuance of no-knock search warrants caused a violation of their Fourth Amendment rights.

Because of the "hyper-intrusive" nature of such searches, the court comments, the government should show more than the standard requirement of probable cause to obtain such a warrant. At the same time, the court rejected the argument that the city was required to demand that the officer in charge of an investigation personally provide visual verification of the address in a search warrant, finding that a policy of allowing such verification by other officers was reasonable.

One case suggests that haste in deploying a SWAT team without carefully considering whether it is actually warranted may lead to an unfortunate result. In Federman v. County of Kern, No. 01-16691, 2003 U.S. App. Lexis 7180 (9th Cir.), after his neighbors had complained about a man's odd behavior, a sergeant with the county sheriff's office concluded, after a "brief interaction" with the man at his home, that he should be taken into custody for an involuntary psychiatric evaluation. Without informing the man of this decision, and without attempting to get a warrant, the sergeant asked a Special Weapons and Tactics (SWAT) team to help him detain the man. The SWAT team surrounded the man's home for four hours, and eventually lured him to a window and sprayed him in the face with pepper gas.

At the same time, five officers armed with shotguns and submachine guns knocked down his door and entered the house. The man then fired two shots from a rifle out the window and the SWAT team retreated from the house, then fired three rounds of tear gas and threw a flashbang into the house. The officers then re-entered and the man dropped his guns in sight of the officers, drew out a knife, and began walking towards them. As he walked towards them with the knife, one of the officers fired four rounds of wooden "less-than-lethal" munitions at him, and

three other officers fired 18 times at him with standard ammunition, fatally wounding him.

The decedent's surviving family sued the county sheriff and individual members of the SWAT team for alleged excessive use of force and unlawful warrantless entry into the home. Among other arguments, they claimed that the decedent had been in the process of surrendering to the officers when he was shot and killed. The trial court denied qualified immunity to the sheriff and officers on the excessive force claim, while granting it on the warrantless entry claim, and ruling that the county and its sheriff in his official capacity were immune from liability under the Eleventh Amendment.

Upholding the denial of qualified immunity on the excessive force claims, a federal appeals court found that the alleged "reckless entry" into the home with a SWAT team constituted excessive force under the Fourth Amendment.

This aggressive entry without warning or a warrant, to detain Federman for psychiatric examination due to his odd but relatively trivial, non-criminal behavior, provoked Federman to resist and turned a relatively minor situation into a fatal shooting. No reasonable police officer could have believed that he was entitled to make such an entry.

Plaintiffs also state a constitutional claim of excessive force for the fatal shooting of Federman. The reasonableness of the force used in a seizure is measured by balancing the "nature and quality of the intrusion on the individual's Fourth Amendment interests" against the countervailing governmental interests at stake." Governmental interests are evaluated using a range of three factors: "(1) the severity of the crime at issue (2) whether the suspect posed an immediate threat to the safety of the officers or others ... (3) whether he [was] actively resisting arrest or attempting to evade arrest by flight, and any other exigent circumstances [that] existed at the time of the arrest."

Deadly force may not be used unless it is necessary for self-defense or to prevent escape of a suspect when an officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others. Federman was not a suspect of any kind and, resolving the factual disputes for plaintiffs, he was surrendering his knife to the police when he was shot. Under this view, defendants used excessive force when the deputies shot Federman eighteen times and killed him.

The appeals court found that the law on excessive force was clearly established by April 21, 1998, the day the decedent was shot and killed.

If all factual disputes were resolved in favor of the plaintiffs--including their claim that the decedent was in the process of surrendering when he was shot and killed, then "a reasonable officer should have known that shooting Federman when he was surrendering violated his rights." The deadly force was being used against

him following a "surprise siege of his home" by the SWAT team, after he had committed no crimes. He had not threatened the SWAT team until he was sprayed in the face with pepper gas, had not attempted to flee his home, "and had not threatened any bystanders." Under these circumstances, "there was no immediate need to subdue him," and any reasonable officer "should have known that a fatal shooting was excessive."

In contrast is another case in which the deployment of a SWAT team and the shooting of a mentally ill woman to get her to submit to involuntary treatment was found not to be an "unreasonable seizure," in light of the fact that she had threatened to shoot officers and swung a butcher knife at one officer. Williams v. Richmond County, Ga., 804 F.Supp. 1561 (S.D.Ga 1992).

In Estate of Smith v. Marasco, #02-1437, 318 F.3d 497 (3rd Cir. 2003), the family of a former police officer and Vietnam vet with post-traumatic stress disorder, argued that the activation of a SWAT team against him and its tactics under the circumstances resulted in his death in a manner "shocking to the conscience," which a federal appeals court found was a viable claim.

Several state police officers were familiar with the former police officer and Vietnam veteran who suffered from various medical problems, including Post-Traumatic Stress Disorder and coronary heart disease, largely as a result of ongoing problems between him and his neighbor. Through these contacts, the state police allegedly came to know that he was in fragile physical and mental health, suffered from hypertension, recently had been hospitalized, and was required to be free from stressful situations and to take medications. Some of them were aware of his post-traumatic stress disorder and experiencing of flashbacks.

One night, in response to a complaint by the man's neighbors, two state troopers went to his residence and repeatedly knocked on his door, but he did not respond. When one of the officers was in the back of the house, he observed a small red light in a window and thought that the man inside might be videotaping the officers. The other officer on the scene testified later that he saw the light on his partner's body and that they believed that the man was directing a laser-sighted firearm at him. The officers retreated and called for backup assistance.

The state police's Special Emergency Response Team (SERT) was summoned. Several officers began to establish a perimeter around the residence, and a SERT negotiation team and tactical team arrived, with at least 30 SERT members wearing riot gear and camouflage and armed with various weapons. Sharpshooters targeted firearms at the house, a helicopter hovered overhead, and the state police would not allow anyone, even family members, to come and go from the premises without permission.

Criminal charges of aggravated assault, simple assault, and recklessly endangering a person were filed against the man inside and a warrant was obtained for his arrest, as well as a search warrant. It was subsequently alleged that SERT rejected offers from family, friends, and neighbors to attempt to communicate with the man inside, and rejected the use of a psychologist or recording a message from someone close to the man, despite having the technology to do this.

SERT then entered and cleared the house and the shed in the backyard using rocks, tear gas, and "flash bang" distraction devices, but found no one inside. They did recover eight weapons, including handguns with scopes, though none had a laser sight.

They learned that the man had a hunting hideout in the woods, and they searched for him there, but failed to find him. The officers then called off the search, giving up on it and leaving the scene. The criminal complaint against the man was withdrawn, but he did not return home. Several days later, a friend found the man's severely decomposed body in a wooded area 200 yards from the home. It was estimated that he died on the day of the incident and the plaintiffs alleged that, given his medical condition, the stress of the incident probable led to a fatal heart attack. The surviving family claimed that the law enforcement officers improperly treated the incident as a barricaded gunman situation.

A federal appeals court overturned the trial court's grant of summary judgment on claims that the defendants used excessive force, conducted an unreasonable search, and violated the decedent's due process rights to protection by bringing into being a "state-created" danger to him. The appeals court found that there was evidence from which a reasonable jury could have found that the tactics used increased the risk to the decedent, that the harm to the decedent was foreseeable, and that the activation of the SERT team "shocked the conscience" in light of the very slight evidence available to suggest that the man inside the home posed a threat to the officers, the alleged knowledge of his medical condition, and the alleged failure to pursue available avenues to attempt to communicate with him.

While the officers may have had an objectively reasonable belief that the man might be in the house, ignoring their attempts to communicate with him and bearing a laser-sighted firearm that one of them believed was used to target his partner. This may have provided probable cause to arrest, but that "does not mean that they could use any amount of force in that process," the court commented.

The appeals court ruled that a jury should be allowed to consider the testimony of the plaintiffs' police practices expert, who had the opinion that the police responded unreasonably to a situation involving a known emotionally disturbed person, and in allegedly alerting the SERT team in violation of its own procedures

which provided that it was not to be activated unless a warrant has first been or is in the process of being prepared or if exigent circumstances exist.

The plaintiffs had presented sufficient evidence to require that the question of the reasonableness of activating the SERT, which is essentially a SWAT team, and of SERT's tactics under the circumstances, be submitted to a jury, the appeals court found.

Another decision in the case by the federal appeals court, after further proceedings, upheld summary judgment on claims arising from the decision to activate SERT in the first place and on "state-created danger" claims against officers (on the basis of qualified immunity), but found it inappropriate as to claims that excessive force was used in storming the house and a shed based on the amount of time that had passed and the alleged awareness of the decedent's medical condition, as well as to claims of an unreasonable search based on the officers' second entry into the backyard. [Estate of Smith v. Marasco](#), No. 04-2146, 430 F.3d 140 (3rd Cir. 2005).

Also see, [Estate of Smith v. Marasco](#), No. 00-5485, 2006 U.S. Dist. Lexis 58475 (E.D. Pa.), denying officers summary judgment on a state law claim for emotional distress stemming from the alleged mishandling of the decedent's body, based on the argument that the officers had intentionally withheld the body's location, and knew or reasonably should have known its location.

Lawsuits against SWAT teams, arising from the use of deadly force, resulting in death and/or serious bodily injury, will usually involve large settlements or judgments when liability is either found or when the circumstances suggest that a settlement is preferable to taking the case to trial.

In [Heard v. Board of County Commissioners of Miami County](#), No. 00-2173-JWL, U.S. Dist. Ct. (D. Kan.), reported in *The National Law Journal*, p. A6 (May 14, 2001), and in 44 *ATLA Law Rptr.* No. 5, p. 170 (June 2001), a \$3.5 million settlement was reached in the shooting death of a man who grabbed an unloaded rifle when members of a SWAT team entered his home while executing a search warrant. The City of Miami also reached a \$2.5 million settlement in the death of 72-year-old man in his bedroom during SWAT team raid on his apartment in which 122 shots were fired. The officers asserted that the decedent fired two shots at them after they properly knocked and announced they were executing search warrant, while plaintiffs asserted that gun and drugs were "planted" by officers to "cover up" misconduct, and that officers did not properly announce their identity as police. [Brown v. City of Miami](#), U.S. Dist. Ct. Miami, Fla., reported in *The National Law Journal*, p. A10 (March 27, 2000).

Also of interest is [Schultes v. Village of Addison](#), No. 89 C-7710, U.S. Dist.

Ct., N.D. Ill., reported in Chicago Daily Law Bulletin, P. 20 (March 1, 1993), suggesting that, while training is important, including training that simulates, to the extent possible, real life possible scenarios, care must be taken to carry out such training in a well thought out manner. In this case a firefighter was awarded \$179,000 in damages for false imprisonment based on a police SWAT team's simulated "terrorist takeover" of his fire station which was designed to test and drill firefighters' response to such incidents. The firefighter, however, was not informed that it was a drill, and suffered medical expenses, lost time from work, and mental pain and suffering, based on his reaction to the exercise.

Can there be liability for failure to have a SWAT team, or failure to utilize it? In one case, a federal appeals court appeared to answer that question in the negative. It found that a county and sheriff were not liable for the death of a courthouse hostage based on a sheriff's alleged order that city SWAT and hostage negotiation teams leave. His replacement of them with county personnel not trained for SWAT or hostage negotiation duties did not violate any constitutional rights of hostage, the court stated, as there is no constitutional duty to have a SWAT team or trained hostage negotiators. Salas v. Carpenter, 980 F.2d 299 (5th Cir. 1992).

2. Some Relevant References and Specimen Policies.

Articles: (chronological)

- [Deaths During Police Intervention](#), Apr. 2006 FBI Law Enf. Bulletin
- [People with Mental Illness](#), DoJ Community Oriented Policing Doc. 40 (2006)
- [Overkill: The Rise of Paramilitary Police Raids in America](#), Cato Institute (2006)
- [Crisis Intervention for Law Enforcement Negotiators](#), Oct. 2004 FBI Law Enf. Bulletin
- [Suicide Risk and Hostage/Barricade Situations Involving Older Persons](#), Apr. 2003 FBI Law Enf. Bulletin
- [Terrorists and Suicide Attacks](#) – Congressional Research Service, Aug. 2003
- [Crisis Negotiation Teams: Selection and Training](#), Nov. 2002 FBI Law Enf. Bulletin
- [California Attorney General's Commission on Special Weapons and Tactics \(S.W.A.T.\), Final Report](#). September 2002.
- [Hostage/Barricade Management](#), May, 2002 FBI Law Enf. Bulletin
- Treading the Thin Blue Line: Military Special-Operations Trained Police SWAT Teams and the Constitution, 9 Wm. & Mary Bill of Rts. J. 673 (Apr. 2001)
- [Keeping the Peace: Police Discretion and Mentally Ill Persons](#) – National Institute of Justice Journal, July 2000

- [Police Response to Emotionally Disturbed Persons](#) – National Institute of Justice Doc. #179984 (1999)
- [The School Shooter - A threat assessment perspective](#), FBI Academy (1999)
- [Warrior Cops: Paramilitarism in American Police Depts.](#), Cato Institute (1999)
- The Police Response to People with Mental Illnesses: Trainers Guide and Model Policy, [Police Executive Research Forum](#) (1997)
- Less-Than-Lethal Force Weaponry: Law Enforcement and Correctional Agency Civil Law Liability for the Use of Excessive Force, 28 Creighton L. Rev. 733 (Apr. 1995)
- Legal Issues in Crisis Management, Jun. 1994 FBI Law Enf. Bulletin
- Rethinking SWAT, Apr. 1993 FBI Law Enf. Bulletin

Specimen SWAT Policies/Procedures: (alpha)

- [Cincinnati, OH](#)
- [Pacific Grove, CA](#)
- [Tulsa, OK](#)
- [Washoe County \(Reno\), NV](#)

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