

# DO I NEED A SWAT TEAM?

## Threat assessments for warrant service

By Jeffrey J. Noble

Police detectives routinely serve search and arrest warrants to further their investigations or to conclude their cases. Although there is a risk of danger anytime a warrant is served, particularly when the officer intends to enter the suspect's home, most of these warrants do not require the aid of a specialized team. However, there are circumstances under which the use of a SWAT team is not only reasonable but necessary for the safety of the officers, any innocent parties who may be present and the suspects. The challenge confronting law enforcement is determining when officers or detectives should serve warrants and what criteria would cause a reasonable officer, supervisor or manager to request the advice or assistance of a specialized team.

While SWAT commanders and operators understand the parameters for SWAT activations, they can only aid in the decision-making process if reasonable efforts are made to gather relevant intelligence and if they are informed of the intended warrant service. In order to gain a level of assurance that the potential threats have been properly evaluated, police departments should enact policies requiring that a threat assessment be completed during the warrant planning stage regardless of whether the warrant is to be served by patrol, detectives or SWAT. Specific plans are necessary, because without guidelines for making threat assessments, otherwise competent officers may be less thoughtful and thorough in their decision-making and may not consider the full spectrum of threats along with the likelihood of occurrence.

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### THREAT ASSESSMENTS

A threat assessment is a list of criteria that aids detectives, supervisors, managers and SWAT commanders in their decision-making process of choosing the appropriate method to safely secure a location or make an arrest. The threat assessment is a tool to help the case agent or the person planning any operation to conduct an evaluation as to the potential threats, the seriousness of the threat and the appropriate intervention strategy for the safe resolution of the matter at hand. Although there is

Photos courtesy of Sgt. Chris Kuklok  
Plymouth (MN) PD



no list that would cover every possible contingency, there is information that should be obtained which is necessary for informed decision-making. At a minimum, a threat assessment should contain the elements listed in Figure 1.

Some agencies have developed a matrix assigning a point value to each of the above categories — the higher the risk, the higher the corresponding points will be assigned. Once a pre-determined threshold of points has been achieved, the warrant will either be assigned to a specialized team for review

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or sent for warrant execution. Other agencies review the information in its totality and require a supervisor to assess whether a specialized team should be consulted. Either method, if comprehensive and thoughtfully reviewed, achieves the same purpose of ensuring that the proper resources are allocated for the mission.

#### **DECISION TO ACTIVATE SWAT**

While it is the responsibility of the detective to complete a threat assessment

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and the supervisor to refer the threat assessment for a SWAT review, it is the decision of the SWAT commander or other department manager to activate the SWAT team. These managers base their deployment decisions on good faith and reasonable criteria addressed in the threat assessment report prepared by the detectives prior to the warrant service.

SWAT teams were developed to bring the advantages of specialized weapons, training and tactics to deal with high-risk situations. SWAT managers, supervisors and team members are well-versed in making tactical decisions and evaluating circumstances for the activation of a SWAT team that is in the best interest of the department, the community and the suspects. Consulting with professionals whose training and experiences place them in the best position to make decisions is both rational and appropriate.

Police managers do not take a SWAT activation lightly. There are many important considerations in this decision-making process, but ultimately a request for the assistance of SWAT should be initiated whenever any of the following warrant service circumstances exist:

- The suspect to be arrested, or any occupant of the location identified in the warrant, has a known propensity for use of firearms or violence, or is a member of a militant group or gang having a history of violent acts;
- Information has been developed that the location identified in the war-

rant has been fortified against entry or that a conspiracy exists in which lookouts are employed for its protection;

- Conditions exist, as identified in the threat assessment, in which the service of the warrant is so hazardous that it would be beyond the capabilities of detectives.

SWAT activations are serious, costly, dangerous and time-consuming. SWAT should never be activated for training purposes due to a lack of call outs or warrant executions, nor should SWAT be the department's warrant execution team that is routinely used for all warrants regardless of potential threats. SWAT should only be activated when the circumstances, as outlined in a comprehensive threat assessment, clearly articulate risks that require special tools, special weapons or special tactics that may only be achieved safely through a SWAT deployment.

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Once the decision to use SWAT has been made, SWAT operators and supervisors need to understand their role in a warrant execution. SWAT operators are responsible to confirm all intelligence, develop an operational plan and execute the plan for the safety of the officers, the community and the suspects. They are not at the location to conduct evidence searches or to be actively involved in the investigation. The SWAT team should make the location safe, hand off the investigation to detectives and return to their normal duties as soon as practical.

## CONCLUSION

There will be times when there is disagreement between thoughtful and well-meaning individuals about the necessity of a team activation. SWAT leaders are expected to properly assess situations and to exercise judgment as to when and how they should use their power. The ability to make reasonable choices based on training and experience is the distinguishing factor that makes an individual a professional, and while reasonable people may disagree, as long as the assessment was made in good faith and based upon proper criteria, the decision should be supported.

There will also be times when a team is activated and although the threat indicators support activation, it will become apparent after the warrant service that an activation was not necessary. Reviews of decision-making should be based on the intelligence gathered and the facts known at the time the decision was made without applying the wisdom of hindsight.

Finally, detectives and their supervisors should never be criticized for their decision to seek the advice of SWAT. It is the detectives' responsibility to conduct a risk assessment, it is the supervisors' responsibility to review the assessment to determine if consultation with SWAT is appropriate and it is

SWAT supervisors who make the determination of whether or not SWAT is required. Mandating that threat assessments be completed removes the responsibility from the detective and prevents unwarranted criticism that may prevent detectives from seeking the assistance of others when necessary, which could lead to tragic consequences. //

## ABOUT THE AUTHOR



Deputy Chief Jeffrey J. Noble is a 28-year veteran of the Irvine, Calif. Police Department. He has served in a wide variety of roles throughout his career and has been a SWAT supervisor and a SWAT commander.

FIGURE 1

## THREAT ASSESSMENT

### SEARCH WARRANTS

- Severity of the crime (property crime or crime against persons)
- Search warrant is for drugs
- Search warrant is for evidence related to crimes against persons
- Search warrant is for explosives, weapons or dangerous devices

### ARREST WARRANTS

- Severity of the property crime or crime against persons
- Arrest warrant is for drug possession/sales
- Arrest warrant is for crimes against persons
- Arrest warrant is for weapons violations

### SUBJECT ASSOCIATED WITH THE LOCATION

- Subject at the location has property crime history
- Subject has an arrest history involving drugs
- Subject has made statements regarding resisting arrest
- Subject has made threats of violence
- Subject has a history of crimes against persons
- Subject has a violent criminal history or is a third-strike candidate
- The subject has a history of assaultive behavior toward law enforcement, resisting arrest, etc.
- Subject has a mental health condition
- The subject is wanted for murder, attempted murder or a serious assault
- Subject has used firearms during the commission of crimes or is known to possess weapons

- Subject has current or past military or law enforcement experience
- Subject has used explosives or dangerous devices during the commission of crimes
- Subject has a history of drug/alcohol abuse
- Subject is on probation or parole
- Subject is associated with an organization that is known or suspected of violent criminal activity (paramilitary, terrorist, religious extremist, gang, other)

### SERVICE LOCATION ISSUES

- Service location has vicious dog(s) protecting premises
- Service location is a multi-story building
- Service location is remote or is located where a surreptitious approach is unlikely
- Service location has video surveillance
- Service location is fortified, requiring specialized breaching equipment

### SPECIAL CIRCUMSTANCES

- Clandestine laboratory
- Firearms are readily available to subject at the location
- Subject is known to carry firearms or has been arrested for concealed firearms
- Subject is known to have access to illegal explosives/dangerous devices/fully automatic weapons
- Subject is confirmed to have access to illegal explosives/dangerous devices/fully automatic weapons
- Location/subjects are known to have armed counter-surveillance personnel present

Developed from the Fresno County Sheriff's Office Risk Assessment Matrix as outlined in "The Minkler Incident: Findings and Recommendations," available through California POST. See also, "Matrix Systems to Classify Warrants," Donald Burbank, *The Tactical Edge* (Fall 1999).