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SWAT Operations and Deadly Force: A Comparison of National Data with the Dorner Case

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Abstract

This study examines the case of ex-Los Angeles Police officer Christopher Dorner comparing it with national data on Special Weapons and Tactic (SWAT) operations. Emphasis is on the final confrontation between Dorner and SWAT. The inquiry seeks to expand what is known on SWAT use of deadly force. Qualitative data from media accounts and a law enforcement dispatch log is fused with quantitative data on SWAT from both the Multi-Method Study of Police Special Weapons and Tactics Teams in the United States, 1986-1998 and a related report to the U.S. Department of Justice. Chi-square tests of significance were applied. Results found Dorner possessed and used weapons common to SWAT suspects, SWAT and Dorner used deadly force, he was barricaded, and he committed suicide. Statistical significance was found for the following; SWAT uses deadly force more often than suspects, narcotics warrant suspects are fired upon by SWAT more than in other types of incidents, and hostage takers are fired upon less than in other types of incidents. Aspects of the case share commonalities with SWAT incidents nationally. Analysis of SWAT use of deadly force found narcotic warrant suspects are at risk for being fired upon by SWAT with hostage-takers less so.

Keywords: SWAT; Christopher Dorner; Weapons; Police; Deadly force

Introduction

In 2009, Christopher Dorner, then of the Los Angeles Police Department (LAPD), was fired for making false statements about his training officer [1]. In February 2013, he posted a rambling "manifesto" on the social networking site Facebook detailing his dissatisfaction with the handling of his case and promising revenge where "the violence of action will be high.... I will bring unconventional and asymmetrical warfare to those in LAPD uniform whether on or off duty" [1]. Around that same time, Dorner shot to death the daughter and daughter's fiancé of the officer that was assigned to represent Dorner in his disciplinary process. Soon thereafter, using an assault style rifle loaded with 223 ammunition, Dorner shot at two LAPD officers, and shot and killed a Riverside police officer and wounded his partner [2]. A massive manhunt ensued with Dorner eventually located in Big Bear, California, on February 12, 2013. Attempts to apprehend him resulted in a gunfight with one San Bernardino Sherriff's Deputy wounded and another killed. Dorner took his own life after the cabin he took refuge in was engulfed in flames ignited by tear gas devices. A Special Weapons and Tactics (SWAT) unit spearheaded the final assault on Dorner. This study compares the Dorner case with national data on SWAT operations. The goal of this study is to obtain new information on SWAT use of deadly force, information not previously available in academic, peer-reviewed journals. The Dorner case was selected as SWAT units were intricately involved in the case, events of the case are well documented, and the incident is well known receiving world-wide attention.

Background

The firepower and level of violence of criminals has increased and as a result many law enforcement agencies have formed SWAT teams [3-6]. The creation of SWAT teams has proliferated to the degree that efforts have been made to standardize their practices [7,8]. SWAT units were first developed following the sniper shootings at the University of Texas in 1966 with LAPD forming the first team and gaining notoriety with high profile shoot-outs with the Black Panthers in 1969 and the Symbionese Liberation Army in 1974 [4,6,9-12]. Selection to SWAT is

competitive, training is rigorous, teamwork is essential, exacting tactics are critical, and peaceful resolutions to situations preferred [3,4,13,14].

Research on SWAT is limited with only a handful of scholars addressing a particular aspect of SWAT. Given the limited research on SWAT, it is useful to note what has been conducted to provide an overview (especially to any international readers) of SWAT as a specialized police unit. Dodge et al. [15] found although officers are generally accepting of women as SWAT team members, women officers view the genders as equal in the strength and skills necessary to be on a SWAT team while male officers are less convinced. A sample of SWAT officers in one study scored high on muscular strength but lower on core strength, flexibility, and aerobics suggesting officers should have enhanced physical fitness regimens given the special tasks/equipment of SWAT officers [16]. A study by Clark et al. [5] found SWAT units were formed in response to an increase in the drug trade and officers from smaller departments received training at community colleges with officers from larger departments receiving training from a state academy. Interagency cooperation is not uncommon and even necessary in SWAT situations [5]. However, good leadership, open communication, and reliable access to resources are necessary for collaboration to be effective [17].

SWAT is not without its critics. Some view the military-like tactics of SWAT as distancing the public from law enforcement and reinforcing a crime control/militaristic paradigm rather than a community policing

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approach in both large and small communities [18,19]. Although allowed by law and the Constitution, cross-training between SWAT teams and the military and concerns over Fourth Amendment issues and SWAT practices have raised alarm among some [10]. Wrong-premises SWAT raids have been blamed for property damage, injury, and even death to innocent citizens [20]. Fisher [21] claims SWAT teams are an unnecessary and excessive resource whose existence is fueled by the "war on drugs", political agendas and overly zealous law enforcement officials. However, Williams and Westall [6] could not establish a statistically significant difference between SWAT and non-SWAT officers in the use of force when those SWAT officers were not attached to a SWAT unit. The findings indicate SWAT training and culture do not make for a more aggressive, over-zealous officer.

Although SWAT teams were developed, in part, to limit casualties to officers and suspects, deadly force will be used by SWAT if required [4,7,13,22-25]. SWAT situations are dangerous as indicated by the practice of having medical personnel readily available [26,27]. They are particularly dangerous if deadly force becomes involved, which can happen instantaneously given the unpredictability and fluidity of SWAT situations [28]. For purposes of this study, deadly force is defined as "the use of any forceful means that can or does result in the death of another human being" [9].

The application of deadly force is controversial with some viewing it as prone to abuse with legislative and administrative efforts to limit its use unsuccessful [29,30]. Furthermore, despite the enormous stakes involved in the use of deadly force for officer, suspect, and the public, among non-SWAT officers, there is little standardization nationwide in training for the use of such [31]. For SWAT units, however, readiness to use deadly force is their stock-in-trade as evidenced by their gear, weapons, and tactics [3,4,9,13].

Prior research tends to focus on use of deadly force primarily among patrol police officers and not officers operating in a SWAT capacity [32-41]. In the academic, peer-reviewed literature, there is little work on SWAT proper [5,6] and no work, specifically, on SWAT use of deadly force. However, Klinger and Rojek [42] did produce a report for the U.S. Department of Justice that addresses the topic. Their report is the most thorough and comprehensive on SWAT use of deadly force available and that work and the data set from which it was developed was instrumental in the present study [43].

Methods

The incident is analyzed by systematically fusing qualitative data related to events with quantitative data on SWAT use of deadly force. However, unlike most studies that utilize both qualitative and quantitative methods where the qualitative data serves as an adjunct to support quantitative findings, a different approach is applied here. Qualitative data (media reports and the official law enforcement dispatch log) frames the incident and this record is compared with national data on SWAT operations. These logs are readily available to the public [11,43]. The socio-demographic characteristics of those making comments in the dispatch logs are unknown, except that they were law enforcement personnel. Given that the dispatch logs were made available by the news media and are part of the public record, informed consent was not required for their use.

Qualitative data was secured from media accounts of the Dorner incident. These sources included newspaper articles and video clips posted by news agencies. In addition, the dispatch log as released by the San Bernardino Sheriff's Department (SBSD) documenting the

events was also utilized [11,44]. The time frame selected begins at 12:23 PM and ends at 4:20 PM. These times are selected as Dorner is first mentioned in the dispatch log at 12:23 PM. The log also indicates a shot heard from inside the burning cabin at 4:20 PM. The shot is believed by law enforcement to be the self-inflicted one that ended Dorner's life [45]. Data from the dispatch log are presented sic with some entries followed by terms in brackets for clarification purposes.

Quantitative data was procured from the report to the U.S. Department of Justice and the Inter-university Consortium for Political and Social Research [42,43]. More in-depth analyses (i.e., tests of statistical significance) not performed as part of the report were conducted on the data [42]. The sample consisted of 2, 027 law enforcement agencies in the United States with 50 or more sworn officers. Of these, 1, 207 agencies had a SWAT team. Respondents were asked to complete two surveys (known collectively as the Swat Operations Survey, SOS), Part 1: Operations Data focused on operations and training and suicide of suspect (341 cases). Part 2: Firearms Discharged Data focused on incident type, weapons of suspect, number of shots fired by officers and/or suspect, if suspect was killed, and related topics (N=272). The survey received a response rate of 30% [43]. The only data used from Part 1 of the data set was for number of suspects committing suicide which was not included in Part 2. Eighty-seven percent of the cases in the Part 2 data set involved only one suspect and for continuity purposes, since the Dorner case involved only one suspect, data in the present study is analyzed for cases involving a lone suspect. The variable selected for assessing use of deadly force was the firing of a weapon of any type at a human target.

Results and Discussion

At 12:23 pm, the dispatch log reads, "they were tied up by chris dorner...susp [suspect] left 12-30 min ago" and he "took their keys to veh [vehicle]: purple maroon colored niss [nissan] rogue". Dorner had been staying in the couple's vacant cabin but they returned unexpectedly. He subsequently bound them, stated he would not kill them, and claimed he only wanted to clear his name [45]. The couple managed to free themselves after Dorner had left and call authorities [45,46].

While fleeing in the couple's vehicle, Dorner was spotted by an officer of the California Department of Fish and Wildlife and a deputy from SBSD. According to officials, Dorner had "a sniper rifle with a silencer, a pistol, some grenades, and a survival pack" in the vehicle [46]. Upon seeing the officers, he sped away with wardens from Fish and Wildlife in pursuit. Dorner evaded the officers but lost control of the Nissan and crashed into a snow bank. He abandoned the vehicle and carjacked a pick-up truck. While driving the pick-up truck, Dorner passed by another Fish and Wildlife officer and "rolled down his window, pulled out a pistol, and fired at least six shots at a warden driving alone" (Fish and Wildlife officer as reported by Pelisek, 2013).

The weapons and shooting were noted in the dispatch log; 12:54 pm a "veh clear with silenced sniper5 [snipers] rifle in the back seat" and at 1:01 pm, "fish & game had shots f [fired]" followed at 1:08 pm with, "game warden took fire frm susp hand gun no units inj [injured]". At some point after firing on the Fish and Wildlife officer, Dorner abandoned the carjacked truck after he had crashed it and fled to a vacant cabin. Two SBSD deputies approached the cabin and Dorner opened fire, injuring one and killing another [47,48]. The dispatch log reports at 1:25 pm; "2 deps [deputies] down no obs [observation] on susp". Law enforcement believe Dorner used "assault rifles with flash suppressors that masked the sound of gunfire and the location it was

coming from as he pelted the first two deputies" for according to Sheriff McMahon of SBSD, "our officers had not even pulled their guns out at that point and were not prepared to engage anybody and they were ambushed" [49].

The matter was further complicated due to the difficulty in getting medical attention to the deputies; 1:29 pm "need ar, ored [armored] veh to get peronel [personnel] out", 1:31 pm, "deps still down in the kill zone". The first deputy was removed at 1:34 pm; "1 dep out" and the other at 1:38 pm, "loading up 2nd dep to exit to the east". Audio from the video clip of the shootout reveals a massive amount of gunfire with Dorner allegedly firing on law enforcement trying to reach the fallen deputies and officers returning fire [50,51]. The possession of the types of firearms used by Dorner is not unusual among suspects encountered by SWAT (Table 1).

Among the 24 "other weapons", a majority (N=15) were knives. The other weapons in this category included a scalpel, vehicle, ax, knife sheath, gas and lighter, and Molotov cocktail (a home-made bomb), all with a frequency of one, except for multiple knives which had a frequency of two. The most common weapon is the handgun (51%), not unexpected as the majority of homicides in the United States are committed with handguns [52]. Found among Dorner's possessions were, "assault weapons, a sniper rifle, large caliber ammunition, smoke bombs, silencers, and even one rifle bearing the word 'Vengeance', all allegedly belonging to Dorner" [53]. More specifically, Dorner had "a military-style bulletproof helmet, .308 caliber bolt-action sniper rifle, 10 suppressors (i.e., silencers), high-capacity magazines, canisters of tear gas and smoke, and a tactical vest with high-capacity rifle magazines" [54]. In addition, found were "a Glock 9 mm semi-automatic pistol equipped with a suppressor, an AR-15 or M-4 type rifle equipped with a suppressor, forward grip, tactical light and scope" [50].

A survey of 58 SWAT teams "found that the majority favored.308-caliber ammunition for their sniper rifles" as a ".308 caliber bullet will penetrate glass and still have enough power to kill" [4]. Jones [13] notes the same, writing, ".308 Winchester is tops. It is accurate, powerful, and not affected by environmental conditions at realistic police sniper distances". Dorner had a similar type of rifle as that preferred by SWAT teams, one capable of firing .308 ammunition.

There were a total of 47, 753 SWAT operations from 1986 to 1998 [42]. Of those operations, the suspect fired on SWAT on 122 occasions. Table 2 reflects the type of weapon used by suspects in these incidences.

Of the 329 uses of deadly force by both SWAT and suspect, SWAT used deadly force on 207 occasions (killing the suspect in 138 of those cases). The suspect fired at SWAT 122 times with two SWAT fatalities. Table 3 reflects the difference between SWAT use of deadly force and suspect use of deadly force in the course of those 329 shootings.

Given the non-parametric, one-way classification of the data, a chisquare test of significance was selected to assess for differences between suspect and SWAT use of deadly force [55]. A statistically significant

Handgun	153	(51.2%)		
Shotgun	57	(19%)		
Rifle	55	(18.5%)		
Other Firearm	7	(2.2%)		
Other Weapon	24	(8.0%)		
TOTAL	298*	(100%)		

^{*}The suspect may have been armed with more than one type of weapon explaining the N of 298

Table 1: Type of Weapon Possessed by Suspects.

difference exists between suspect and SWAT use of deadly force. The SWAT use of deadly force category contributes substantially to the X^2 value (8.80 of 8.87). An inspection of the data found SWAT used deadly force more than what would be expected by chance (207 observed versus 164.5 expected) than the suspect used such force (122 observed versus 164.5 expected). The null hypothesis of no difference between SWAT use of deadly force and suspect use of deadly force is rejected with a statistically significant difference in SWAT use of deadly force versus such use by suspects. Some factor other than chance is operating for this deviation to occur.

Comparing the weapons possessed by suspects and Dorner case, Dorner was armed with both a handgun and several rifles, the two most common weapons of suspects involved in SWAT operations. Regarding deadly force, both Dorner and SWAT used deadly force as opposed to just SWAT firing upon Dorner, a finding inconsistent with national data. Dorner had already killed one law enforcement officer (and would subsequently kill another) and two civilians at the time he was spotted in Big Bear. During the time after Dorner committed his first homicides and prior to being located in Big Bear, on two separate occasions, LAPD and Torrance police had mistakenly opened fire on innocent citizens believing them to be Dorner [2,56-58]. Both suspect and law enforcement had shown no hesitation in the willingness to use deadly force and the gun battle in Big Bear with a barricaded Dorner was a continuation of that willingness. A barricaded suspect, like Dorner, is just one type of incident SWAT may encounter and this can have ramifications for SWAT use of deadly force as seen in Table 4.

Given the non-parametric quality of the data, a chi-square test of significance was selected to assess for differences between type of incident and SWAT in firing weapons at a suspect [59,60]. A statistically significant difference exists between type of incident and SWAT firing on suspects. Close to 60% of the contribution to the total X^2 value comes from the fact that there were more narcotics warrant suspects fired upon than would be expected by chance (6 observed versus 3.0 expected) and less hostage incident suspects fired upon than would be expected by chance (1 observed versus 4.4 expected). These two cells alone contribute 5.63 (59.3%) to the total X^2 of 9.5 (3.0 and 2.63 respectively). The null hypothesis of no difference between type of incident and SWAT firing upon a suspect is rejected with narcotic warrants and hostage situations having a statistically significant difference in SWAT

Handgun	68	(55.6%)		
Shotgun	20	(16.4%)		
Rifle	34	(27.9%)		
TOTAL	122	(100%)		

Table 2: Type of Weapon used by Suspect Firing on SWAT.

SWAT	207	(62.8%)
Suspect	122	(37.2%)
Total	329	

 X_{01}^2 , where *df* = 1, is 6.34, Significant, *p*<.01

Table 3: SWAT and Suspect use of Deadly Force.

	Barricaded	Hostage	Narcotics	Other	Other
	Suspect	Incident	Warrant	Warrants	Incidents
SWAT No	10	1	6	3	2
Fires	(8.1%)	(2.0%)	(20.0%)	(15.8%)	(25.0%)
Yes	114	46	24	16	6
	(91.9%)	(97.9%)	(80.0%)	(84.2%)	(75.0%)

 X_{05}^2 , where *df* = 4, is 9.49, Significant, *p*<.05

 Table 4: Type of Incident and SWAT Firing at Suspect.

use of deadly force. Some factor other than chance is operating for this deviation to occur. The data suggest narcotics warrant suspects are being shot at by SWAT more often than not compared to other situations and hostage takers, less (based on the observed and expected frequencies). It may be narcotics warrant suspects are particularly desperate to avoid capture and volatile and more willing to present a situation compelling SWAT to use deadly force. For hostage takers, the fact that a hostage is involved may make SWAT less willing to use deadly force in the interest of rescuing the hostage and preventing injury or death to them. Neither narcotics nor hostage taking was involved in the Dorner case for although Dorner did take a couple captive for a short time, they were not hostages as he did not hold them "in lieu of exchange for something the perpetrator seeks" [9].

Once Dorner barricaded himself in the cabin, it became an operation headed by SWAT as indicated by the two media reports below:

A SWAT team surrounded the cabin and used an armored vehicle to break out the cabin windows, said a law enforcement official who requested anonymity because the investigation was ongoing. The officers then pumped a gas into the cabin and blasted a message over a loudspeaker: "Surrender or come out" [61].

The intense fire, which burned for hours as authorities waited at a distance, began after a SWAT team stormed a cabin near Big Bear Lake where a suspect -- who authorities said matched Dorner's description -- had holed up after a fatal shootout with San Bernardino County sheriff's deputies [62].

The key operational role played by SWAT (particularly SBSD SWAT) is expressed in the dispatch logs; 1:26 pm, "swat [sbsd] on scene", 3:08 pm, "la city helicopter landed, all 15 swats members wearing all black, landed within the hills" and at 3:09 pm, "have non sbsd swat team stand at current loc [location]".

After tearing down the walls of the cabin with a specialized vehicle, SWAT deployed a particular type of tear gas is known as "burners".

"We are going to go forward with the plan, with the burner", the unidentified officer said, according to a recording of police radio transmissions reviewed by *The Times*. "The burner" was shorthand for a grenade-like canister containing a more powerful type of tear gas than had been used earlier. Police use the nickname because of the intense heat the device gives off, which often causes a fire. "Seven burners deployed", another officer responded several seconds later, according to the transmission which has circulated widely among law enforcement officials. "And we have a fire" [57].

The dispatch log notes; 4:16 pm, "burners deployed, fired [fire] started", 4:17 pm, "#1 side fully enguled [engulfed], fire on #4", 4:18 pm, "side fully engulfed". Some in the public have criticized law enforcement for the manner in which the situation was handled, particularly the use of a type of tear gas known to cause fires [57,63]. It is not the purpose of this study to decry or defend the actions of SBSD SWAT. However, two observations are offered. (1) At a press conference held on February 15, 2013, SBSD displayed tear gas similar to that used against Dorner [50]. One of the devices is labeled "CM Triple Chaser" produced by the company Defense Technology whose product specifications state, "It should not be deployed onto rooftops, in crawl spaces, or indoors due to its fire-producing capability" [64]. (2) The use of tear gas by SWAT units would not be unusual with a barricaded suspect who had committed four homicides, was heavily armed, firing on officers, and

gave no indication of giving up peaceably [3,4,9,13]. At the February 15 press conference, Sheriff McMahon stated, "I can tell you that it was not on purpose. We did not intentionally burn down that cabin to get Mr. Dorner out" [50].

At 4:20 pm, the dispatch log reads, "one shot fired from inside". The Riverside County Coroner's Division determined Dorner died from a self-inflicted gunshot wound to the head [10]. For all cases in the SOS, 379 suspects committed suicide. Klinger and Rojek [42] remark "it is far more likely that citizens will take their own lives during SWAT operations than be killed by SWAT officers, by a margin of more than 2.5 to 1" (2008, p. 8). In the present study, an analysis of the SOS Part 1 data found 292 total suicides translating into 12.8% of the 2, 276 total barricaded suspects. Whether barricaded or otherwise, suicide is not an unknown choice for suspects engaged with SWAT.

Conclusion

A comparison of the Dorner case with national data found Dorner was in possession of and used weapons common to SWAT suspects, SWAT used deadly force, and Dorner committed suicide. The only inconsistency with national data and the case was Dorner's use of deadly force. Analysis of the national data found statistical significance for SWAT and use of deadly force as follows, (1) SWAT fires on suspects more often than the reverse, (2) narcotics warrant suspects are fired upon by SWAT more than in other types of incidents, and (3) hostage takers are fired upon by SWAT less than in other types of incidents. The findings of this study are generally consistent with those in the seminal works on SWAT [3,4,9,13]. The present study will be helpful to law enforcement as it provides insights into SWAT operations beyond the tactical that may assist such agencies in better understanding processes associated with the fluid and dangerous situations encountered by SWAT units.

The study is not without its limitations. Although Klinger and Rojek [42] indicate data was collected on Special Munitions in Section 9 of a Post Critical Incident Report (PCIR), no data is available on the section. Its omission prevents inquiries into the use of the deployment of tear gas and the ability to compare this with the Dorner case. Secondly, the data is dated as it has been 15 years since the last year (1998) data was collected for the SOS. Lastly, data from the study does not include information on the social characteristics of officers and/or suspects. Knowing the gender, race, and ethnicity of officers and suspects and any possible relationship of these characteristics to the use of deadly force by SWAT would be of interest to some scholars.

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