

Use of SWAT Questions/Responses:

1. What are the conditions under which SWAT can be used by FCPD today?

[A] Individual SWAT officers may engage in any type of police work.

The SWAT Team as an entity is typically used in the following situations:

- a. Search Warrants / Arrest Warrants
- b. VIP protection
- c. Barricades
- d. Armed Robbery Stakeouts
- e. Active shooter case

* Barricade Definition: “Any person who uses any shelter, conveyance, structure, building, open field, or other location as a barrier against law enforcement and refuses to exit and submit to lawful authority.”

2. What kind of threat assessment is conducted as part of possible uses of SWAT?

[A] A new version of the Risk Assessment Form is currently being piloted. It expands the process by having two components: Part 1 is the Risk Assessment Form which must be done for all Search Warrants regardless of who will be serving the warrant, before Risk Assessments were only done for SWAT requested cases. When the Risk Assessment Form indicates a possible need for SWAT expertise a Tactical Analysis Worksheet (part 2) will be completed and a SWAT commander consulted. The signoff and review process remain the same.

The following outlines the assessment process for using SWAT in a Search Warrant:

- a. The investigating entity obtains a search warrant,
- b. The investigating entity completes the Risk Assessment form,
- c. The investigating entity completes the Tactical Analysis Worksheet if the Risk Assessment Form indicates a potential need for SWAT expertise,
- d. The investigating entities first line supervisor and commander review the completed forms,
- e. If SWAT assistance is deemed necessary the forms are forwarded to the SWAT chain of command for their review/concurrence,
- f. Prior to serving the warrant the lead detective, 2 SWAT officers and one first line supervisor will view the location,
- g. SWAT will review the warrant to ensure it is legal/accurate.

3. What is the final document that certifies assessment of risk?

[A] The Risk Assessment Form indicates known risk factors and the need to consult with SWAT command.

4. When risk other than “low” is certified, is there any accompanying documentation to support a risk assessment other than “Low risk”?

[A] Clarification is needed before an answer can be provided to this question.

5. What factors determine “high risk”?

[A] Any one of the following may indicate the need for SWAT assistance:

- Use of a firearm in a crime
- History of violent crimes involving weapons
- Use of explosive devices
- Using arson as a weapon
- Known body armor, fully automatic weapons, armor piercing ammunition
- Suspect is wanted for homicide, violent sex offense using a weapon, armed robbery, abduction while armed
- Verified threats to harm law enforcement, verified threats of suicide by police
- Subjects present are a known terrorist or is a violent extremist
- Warrant location has armed counter surveillance, booby traps, or is clandestine lab
- Warrant location is fortified and requires special breaching tools

A combination of two or more of the following may indicate the need for SWAT assistance:

- Firearms are present
- Prior history of assaulting police or resisting arrest
- Subject present with criminal gang affiliation
- Suspect is drug user, alcohol abuser, mentally unstable
- Suspect has formal weapons training
- Suspect is on probation/parole
- The structure is large/multi-level and beyond the ability of the requesting entity to secure
- Anticipated multiple felony arrests
- Counter surveillance or monitoring devices are present (lookouts, cameras, etc)
- Presence of vicious animals (guard dogs)

When a combination of the above factors is present, the investigating entity must consult with the SWAT chain of command and complete the Tactical Analysis Worksheet. This does not mean SWAT is guaranteed to be serving the warrant as other strategies may be possible to apprehend the suspect or serve the search warrant.

6. How many people in the chain of command must approve the use of SWAT?

- Search Warrant – 4 total (2 first line supervisors, 2 Commanders)
- Barricade – 2 total (Duty Officer, then OSB Commander)

7. What changes in the use of SWAT have been made in the last 9 years? In particular, I am looking for a change that says SWAT will never be used when the FCPD certified threat assessment is “Low”?

[A] If the risk assessment process cannot document the need for SWAT, there will not be concurrence between the required supervisors and SWAT would not be used.

Firearms Training Questions/Responses:

1. Is there a written definition used by FCPD for “Ready Gun”? If not, to what extent are officers required to conform to the Universal Control Mode (UCM). I know you are aware of UCM, which seems reasonable to me for both police and public safety based on a video I have seen. I also found the following information on UCM at the link below:
<https://www.facebook.com/TopGunTraining/posts/905539429460834>. To the extent that UCM is not followed by FCPD, I would like to know why?

[A] Yes. There is a written description of the ready gun position. The description is currently listed in the “Combat Shooting” lesson plan which is used during recruit training.

We do not follow the “universal control mode (UCM)”. UCM dictates lowering the muzzle so it is pointing at or near a suspect’s feet. Our ready gun position lowers the muzzle so the officer can observe the suspects hands.

To answer why we don’t follow the UCM; Fairfax County Police Firearms Training Unit has been teaching our version of the “ready gun position” for 30+ years. It has been used and tested during qualifications for 25+ years (TQC qualification course of fire mandates it at the 15 yard line). “UCM” is one person’s take on a ready gun position. “UCM” is neither all right, nor all wrong, just one person’s opinion on a ready position. A quick internet search on ready gun positions will reveal a multitude of companies and individuals who all claim to have “answers to all the questions”.

2. Does FCPD still claim to adhere to the 4 Cardinal Rules of Gun Safety?
 - a. Assume all guns are always loaded,
 - b. Never let the muzzle cover anything you are not willing to destroy
 - c. Keep your finger off the trigger until you sight your target and are ready to shoot
 - d. Always be sure of your target and what’s beyond the target.

[A] Yes, the firearms Training Unit claims and do adhere to our version of the cardinal rules of safety. Our version is listed below. We remove recruits and incumbent officers from training if that person violates any of the cardinal rules of safety. They are only returned to training after receiving counselling, and if needed, remedial training. Furthermore, 3 or more violations of our cardinal rules of safety can result in the removal of that recruit or incumbent from the training event.

- a. Treat all weapons as if loaded
 - b. Never point a firearm at anyone unless you are ready and willing to kill that person.
 - c. Keep your finger off the trigger until ready to fire.
 - d. Know your target and what is beyond.
3. What is the policy, training and procedure regarding the pointing of a muzzle of a weapon at the center of mass of an individual who does not poses an imminent danger to anyone and is not a risk of flight?

[A] We adhere to General Order 540.1, Use of Force, the Police Department’s use of force model, and Cardinal Rule number 2.

4. Please clarify the current policies on “muzzle control” and whether or not FCPD policies, procedures and training address the use of a muzzle for purposes of control, intimidation, and compliance of persons who do not pose an imminent danger to anyone or a flight risk.

[A] We adhere to General Order 540.1, Use of Force, the Police Department’s use of force model, and Cardinal Rule number 2.

5. What is the specified written policy for announcing “Police” when SWAT executes its approved tactics and procedures in making an arrest or document search? Is it policy to announce “Police” (or some command to identify your presence) prior to “Ready Gun”, at “Ready Gun” or after “Ready Gun”? If this is discretionary, why?

[A] We refer to General Order 610.3, Search Warrant Procedures regarding the necessity to announce our presence during a search.

We refer to General Order 540.1, Use of Force, the Police Department’s use of force model, and Cardinal Rule number 2 regarding the policy to announce when displaying a firearm.