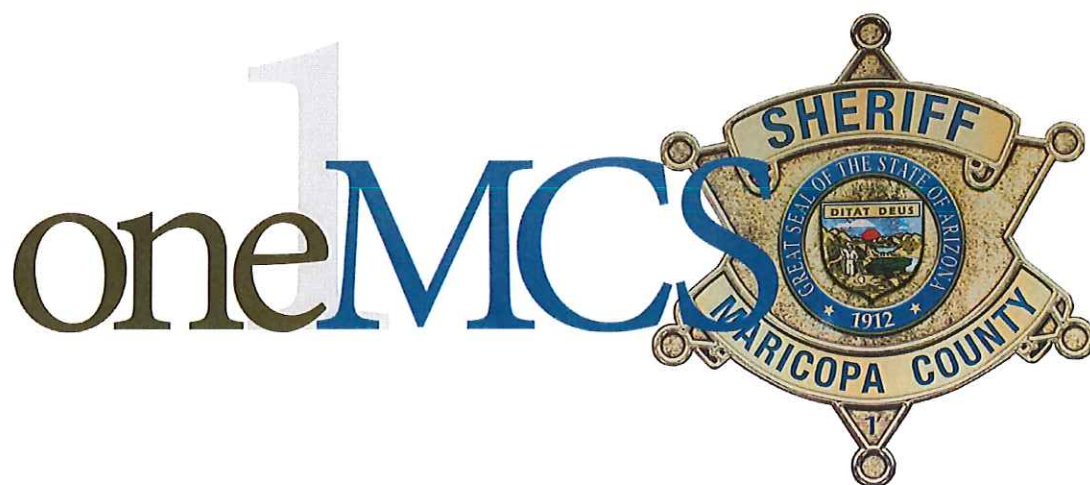


MARICOPA COUNTY SHERIFF'S OFFICE

Bureau of Internal Oversight

Audits and Inspections Unit



SWAT Division – TOU Audit


Final Audit Report

Audit #A2017-0002

June 12, 2018

Bureau of Internal Oversight

Report Highlights

	To: Captain W. Cory Morrison S1509 Division Commander Bureau of Internal Oversight	From: Connie Phillips B3345 Senior Auditor Audits and Inspections Unit Bureau of Internal Oversight
	Audit: SWAT Division – TOU #A2017-0002 Final Report	Date: June 12, 2018

Report Highlights	Page
SWAT Division and its Tactical Operations Unit (TOU) have updated their Operations Manuals to conform to the National Tactical Officers Association (NTOA) standards. They submitted a request for authorization and funding for NTOA team membership which will help them stay current with SWAT standards and best practice guidelines.	3
SWAT Division will review and update the format of its operations manuals to conform to MCSO policy.	3
SWAT-TOU implemented a process to ensure that in-house proficiency training was not only solid, realistic, and ongoing but also verifiable.	5
SWAT-TOU will improve procedures documenting outside training as a tool to effectively manage liability risk and future training opportunities.	5
SWAT has requested approval for an additional permanent full-time position responsible for repairing and maintaining tactical vehicles and equipment as well as performing tracking and monitoring duties for the Division.	6
SWAT-TOU's mission documentation procedures conform to the NTOA standards.	6

Objectives

To determine that:

- TOU policies and procedures complied with MCSO policy and conformed to NTOA suggested SWAT best practices.
 - Controls are in place to ensure that training received by TOU deputies is in accordance with best practice guidelines.
 - TOU documented missions in accordance with NTOA standards.
-

Scope

The Bureau of Internal Oversight (BIO) conducted an operational audit in the Tactical Operations Unit (TOU) of the Special Weapons and Tactics Team (SWAT) Division. The audit was performed as part of our 2017 Annual Audit Plan. For the purposes of this audit, we considered best practice as the recommendations of the National Tactical Officers Association (NTOA) as well as guidelines found in current industry literature.

The audit period was determined by the audit test performed. In general, our work covered activities from January 2017 through December 2017.

This report and its recommendations are based on information taken from samples of transactions and do not represent an examination of all related transactions and activities.

Methodology

Our audit was based on the approach of The Institute of Internal Auditors (IIA) and included a review and analysis of internal control procedures as they related to the MCSO SWAT-TOU. We utilized several methodologies to achieve the audit objectives. These evidence gathering techniques included, but were not limited to, the following:

- Collecting information and documentation,
 - Conducting interviews with appropriate MCSO employees,
 - Researching similar audits and best practices,
 - Observing facilities and processes,
 - Reviewing internal manuals and procedures,
 - Performing selected tests and other procedures, and
 - Analyzing and evaluating the results of tests performed.
-

BIO is free from organizational impairments to independence in our reporting as defined by the IIA *International Standards for the Professional Practice of Internal Auditing*. We report directly and are accountable to the Chief of Staff and Special Counsel. Organizationally, we are outside the staff or line management function of the units that we audit. We report the results of our audits to the Chief of Staff and Special Counsel, and reports are available to the public.

Audit Results

Issue #1: Policies and Procedures

Observation: The Operations Manuals for SWAT Division and TOU serve as their policies and procedures. The NTOA has prepared a list of "Suggested SWAT Best Practices" (*Attorney General's Commission on Special Weapons and Tactics (S.W.A.T.) Final Report, September 10, 2002, Appendix B*). When we compared 17 elements of the NTOA's "Policy" section to the *SWAT Division Operational Manual, July 1, 2015* and the *Tactical Operations Unit Operational Manual, July 1, 2015*, we found the following three relevant areas were not included:

- Organizational chart – NTOA recommends that an organizational chart be embedded in the policy. The SWAT Division's organizational chart is located on the shared "W" drive as a document separate from the operations manuals. NTOA also suggests that the organizational chart show command relationships with other joint or support entities. For example, the Bomb Squad supervisor is also responsible for the sniper function; however, members of the sniper team are assigned throughout MCSO as their primary assignments. This relationship does not appear on the SWAT organizational chart. Also, the command relationships with Tactical Emergency Medical Services (EMS) providers and hostage negotiators should be noted somewhere on the organizational chart.
- Use of force – NTOA recommends a written statement on the Use of Deadly Force. Since MCSO has Policy CP-1 *Use of Force*, SWAT should add a statement in its operations manuals consistent with MCSO Policy CP-1. For instance, something as concise and brief as, "SWAT Division adheres to MCSO Policy CP-1 *Use of Force*."
- Mission reports – NTOA recommends written policy requiring after-action reports (AARs) "which capture tactical and incident debriefing information for training purposes."¹ SWAT documents AARs on "Mission Report" forms. Language should be added to the operations manuals indicating how missions are documented by using the Mission Report form.

In addition to the NTOA recommendation that the organizational chart be included in policy, MCSO Policy GA-3 *Operations Manual Format* (Effective Date 12-06-17), Section B.3. requires that an organizational chart be included in the introduction section of the manual. We also noted other areas of the TOU operations manual that were outdated and not in compliance with Policy GA-3.

Clear, effective, written policies and procedures help ensure continuity in operations, consistency of training, and protection from possible legal action.

¹ *Tactical Response and Operations Standard for Law Enforcement Agencies, 4.0, "Agency Policy Governing SWAT Teams,"* National Tactical Officers Association, September 2015.

<p>Conclusion #1A: SWAT's/TOU's policies and procedures, overall, comply with NTOA suggested SWAT best practices; however, they are not always in writing.</p>	
Recommendation	SWAT/TOU Action Plan
<p>1A-1 Review and update SWAT Division and TOU operations manuals to include the above listed areas of best practice as suggested by the NTOA.</p>	<p>Concur – completed</p> <p>Organizational Chart – TOU Ops Manual section 100, SWAT Ops Manual section 102</p> <p>Use of Force Statement – TOU Ops Manual section 102, SWAT Ops Manual section 302</p> <p>Required Mission Reports – TOU Ops Manual section 105, SWAT Ops Manual section 303</p> <p>Target Date: 5/14/2018</p>
<p>1A-2 Become a member of NTOA. Cost is only \$150 a year for the entire organization and will allow the division to stay current with SWAT standards and best practice guidelines.</p>	<p>Concur – in progress</p> <p>The SWAT Division FY18-19 Budget was submitted with a purchase order request and memorandum of justification for NTOA team membership.</p> <p>Target Date: 8/1/2018</p>
<p>Conclusion #1B: TOU policies and procedures did not fully comply with MCSO policy requirements.</p>	
Recommendation	TOU Action Plan
<p>1B-1 Review and update the TOU operations manual for conformance with MCSO Policy GA-3 <i>Operations Manual Format</i> (Effective Date 12-06-17) and its attachments.</p>	<p>Concur – in progress</p> <p>The SWAT Division Operations Manuals will be revised to be in conformance with the format as dictated in MCSO Policy GA-3.</p> <p>Target Date: 6/29/2018</p>

Issue #2: TOU Training Review

Observation: Documentation of TOU training was located in at least three separate locations – (1) training logs, (2) employee Division Files, and (3) Skills Manager Vista database (currently, theHUB). This made it difficult to easily access records, and track and monitor training to ensure team members received appropriate and sufficient training in compliance with policy and best practice.

TOU recorded in-house proficiency training on "T.O.U. Training Summary" forms (training logs). We observed training exercises and drills and examined 34 training logs from the first six months of calendar year 2017, as well as employee Division Files for each TOU team member as of January 2, 2018. The training documentation mostly met best practice criteria.

According to the International Association of Police Chiefs (as cited in Smith, 2005), SWAT training should be solid, realistic, ongoing, and verifiable,² defined as follows:

- Solid – Overcomes the most consistent problems for SWAT teams, i.e., property damage, developing and maintaining strong and positive community relationships, use of force, budget restrictions.
- Realistic – Duplicates incidents a team will face in the course of 'normal' operations such as, high-risk arrests, search warrants, barricades, and special detail.
- Ongoing – Regularly scheduled, structured training with defined goals and objectives that requires a minimum performance standard to complete.
- Verifiable – Well-documented by syllabus, synopsis, and video that can be easily stored, retrieved, and available for open review.

For all training logs tested, training was determined to be solid, realistic, and ongoing. We found that not all of the training met the "verifiable" criteria. In 18 instances, two different versions of the form were utilized and did not include a section for training goals and objectives. In addition, both training log versions included a place for supervisor approval but none was indicated on any of the 34 training logs reviewed. However, TOU addressed these issues through the implementation of new procedures as of the beginning of calendar year 2018. No exceptions were found in our testing after that time.

External training (e.g., conferences and schools) was evidenced by only certificates of completion kept in the employee's Division File. Documentation of outside training was contingent upon the TOU team member giving a copy of the certificate of completion to the Administrative Assistant, who placed it in the employee's Division File and forwarded it to the Training Division to be recorded in Skills Manager Vista. If the team member did not remember to do this, the training would not be documented in the Division File or recorded in Skills Manager Vista. In addition, Division Files contained only the last three years' information, as everything older than that was purged per retention policy. Although we found several certificates of completion for outside training, there was no way of verifying completeness of the files.

According to professional literature, good documentation of training helps in liability risk management. A good document control system is a risk management tool that helps to minimize the likelihood of lawsuits and to maximize the likelihood of successfully defending against litigation if it does occur.³ Also, good documentation of training would help TOU supervisors and command staff know what team members have been trained to do and how to plan for future training.

² Smith, Jarrod J. (March 5, 2005) *Liability Issues of Developing and Maintaining a Special Response Team*.

³ Drapkin, Marty. "Training Staff on Policies and Procedures, Part 3: Documentation." *PoliceOne.com*, 23 April 2008, www.policione.com/corrections/articles/1688655-Training-staff-on-policies-and-procedures-Part-3-Documentation/.

Conclusion #2A: TOU’s in-house proficiency training met best practice guidelines of being solid, realistic, ongoing, and verifiable. TOU made procedural changes during the audit period that have improved verifiability.	
Recommendation	TOU Action Plan
None	N/A
Conclusion #2B: TOU did not have effective controls over documentation of training.	
Recommendation	TOU Action Plan
Track and monitor all training for the unit as a whole and for each employee individually using an Excel workbook as illustrated in Attachment A . Recording outside training should begin at the point TOU supervisor approval is obtained. The training logs and certificates of completion should be reconciled to the Excel workbook on a monthly basis.	Concur – will implement with modifications The recording of outside training beginning at the point approval is obtained will be implemented to properly account for certificates and required certifications utilizing an Excel workbook. Team training will continue to be documented with goals, objectives, and supervisory review on the TOU Training Summary. Target Date: 6/29/2018

Issue #3: Equipment and Vehicle Management

Observation: The mission statement in the SWAT operations manual describes the members of the Division as being “... trained to a high level in tactics and specialized equipment,” such as armored vehicles and tactical van, Self-Contained Breathing Apparatus (SCBA), diversion devices, weapons, chemical agents, and robots. According to SWAT command staff, it takes an estimated 20 to 40 hours per week to repair and maintain this specialized equipment. Currently, the responsibility of repairing and maintaining the specialized equipment and vehicles used by SWAT falls on SWAT team members. This is an inefficient use of the organization’s investment in these highly skilled individuals.

In a news article dating back nearly 20 years, it was estimated that an organization’s investment in a full-time SWAT team was almost \$80K per team member.⁴ Today, that figure would easily exceed \$100K.

The result of assigning a SWAT team member the responsibility of repairing and maintaining the equipment and vehicles is the potential for this team member to miss crucial training and experience opportunities, and/or it could create a costly overtime situation. Several of the TOU operators are trained in specialty areas such as snipers and explosive/mechanical breaching. Taking any one of the team members away from his primary duties within the team could put the entire team at risk.

Until the middle of 2017, an employee was loaned to the SWAT Division to repair and maintain vehicles and equipment for the Division.

⁴ DiSanto, Dino. “Police Pay Price for SWAT Equipment.” *The News-Herald*. 19 May 2000, www.news-herald.com/article/HR/20000519/NEWS/305199988.

Conclusion #3A: SWAT lacks the appropriate personnel required to repair and maintain the specialized equipment used by SWAT operators to effectively carry out missions.	
Recommendation	SWAT Action Plan
3A-1 Request an additional permanent full-time position to be specifically responsible for repairing and maintaining Division vehicles and equipment. Additional duties for this position would be planning logistics for training, tracking maintenance, monitoring expiration dates for armor, weapons, and chemical munitions, and tracking statistics for not only TOU but for the entire Division.	<p>Concur – in progress</p> <p>A memorandum requesting the additional permanent full-time position to be specifically responsible for repairing and maintaining Division vehicles and equipment will be submitted through the chain of command for review.</p> <p>Target Date: 6/29/2018</p>

Issue #4: Mission Reports

Observation: SWAT uses the “Mission Report” form as its primary method of documenting missions. All phases of the operation are recorded on this form – from planning to the after-action report. We randomly selected 30 mission reports out of a population of 230 for 2017 and found that all 30 reports met the following NTOA standards:

- Target scouting (NTOA SWAT Standard 5.1)
- Development of detailed written operations orders (NTOA SWAT Standard 5.1)
- Detailed operations order briefings (NTOA SWAT Standard 5.1)
- Operation rehearsals and pre-mission inspections (NTOA SWAT Standard 5.1)
- After-action report (NTOA SWAT Standard 4.2.9)
- Preparer and reviewer signatures (NTOA SWAT Standard 4.2.9)

The mission report form contains fields for the names of scouts, as well as various other details of the operation before, during, and after the mission. The mission debriefing is conducted while still at the incident site and provides valuable live feedback. This review and assessment of the operation allows team members the opportunity to discuss and learn what went right as well as ways to improve for future missions.

Conclusion #4A: TOU documented missions using a “Mission Report” form containing all of the elements as recommended by NTOA standards.	
Recommendation	TOU Action Plan
None	N/A

MARICOPA COUNTY SHERIFF'S OFFICE

BIO Tracking Sheet

Audit Number: A2017-0002 SWAT DIVISION

Date: 6/25/2018

Final Review Conducted:

Lt. Larry Kitz 51520 6/25/18
AIU Section Commander's Signature Serial # Date

Comments: I HAVE REVIEWED THE CONTENT OF THIS AUDIT AND APPROVE. PLEASE FORWARD THROUGH CHAIN OF COMMAND.

W.C. Morrison #1509 7/11/18
BIO Commander's Signature Serial # Date

Comments: I HAVE REVIEWED AND APPROVE. EXIT MEETING WILL BE SCHEDULED AFTER EXECUTIVE COMMAND REVIEWS AND APPROVAL.

D. J. Jordan 141 7/12/18
Deputy Chief's Signature Serial # Date

Comments: APPROVED. FORWARD TO CHIEF MELISSA AND CHIEF GIORDANO FOR REVIEW. ONCE REVIEWED, A EXIT MEETING WILL BE SCHEDULED TO FINALIZE THE PROCESS.

[Signature] 071318
Executive Chief's Signature Serial # Date

Comments: FORWARD TO GIORDANO FOR FINAL APPROVAL

I APPROVE. MJA #2133 7-16-18

Chief Deputy/Chief of Staff/CFO's Signature Serial # Date

Comments: