

FIRST REPORT TO THE STATE OF MARYLAND
UNDER PUBLIC SAFETY ARTICLE § 3-507

Maryland Statistical Analysis Center,
Governor's Office of Crime Control & Prevention

August 30, 2010

INTRODUCTION

On May 19, 2009, Governor Martin O'Malley signed into law Senate Bill 447/HB 1267, which was subsequently enacted as Public Safety Article § 3-507. This law requires law enforcement agencies that maintain a SWAT Team to report specific activation and deployment information to the Maryland Statistical Analysis Center (MSAC) located in the Governor's Office of Crime Control & Prevention (GOCCP).¹ The MSAC, along with the Police Training Commission, worked with law enforcement and legal representatives to develop a standardized, user-friendly format for recording and reporting data required under this law. Appendix A contains the recording and reporting format for SWAT Team activation and deployment. For additional details regarding the definitions of the metrics used for reporting, see Appendix B.

METHODOLOGY

The 2010 SWAT data report shows all law eligible SWAT Team deployments in Maryland reported to MSAC during fiscal year 2010 (July 1, 2009 – June 30, 2010). Data were submitted biannually, with the first data set being sent to MSAC by January 15, 2010 for all activations and deployments occurring from July 1 – December 31, 2009. The second set of submissions was received by July 15, 2010 and included SWAT activation and deployment data from January 1 – June 30, 2010. The original data sets were submitted using the required, model reporting (i.e., Excel) format, and then combined, merged, standardized, and analyzed using SPSS version 16.0, a system package widely accepted and used by researchers and social scientists.

During FY 2010, 39 agencies reported SWAT activation and deployment information to MSAC for analysis (n = 1,618 deployments). The new law specified the following reporting parameters and definitions. Maryland police agencies without a SWAT Team were required to

¹ A SWAT Team is defined as a special unit composed of two or more law enforcement officers within a law enforcement agency trained to deal with unusually dangerous or violent situations and having special equipment and weapons, such as rifles more powerful than those carried by regular police officers.

electronically submit verification that their agency did not have a SWAT Team. The units of analysis for this report are all law eligible SWAT deployments that occurred during FY 2010. A SWAT deployment means that the team has taken SWAT-related tactical police action but does not include manpower, security, executive protection, or general law enforcement duties. Specifically, every law enforcement agency that maintains a SWAT Team reported the following information to MSAC as required by the law.

- The number of times the SWAT Team was “activated and deployed” by the agency during the six month period
- The name of the county and/or municipal corporation and zip code of the location where the SWAT Team was deployed
- The legal authority for each activation and deployment
- The reason for each activation and deployment
- The result or outcome of each deployment including the following information
 - Whether forcible entry was used
 - Whether property was seized
 - Whether any weapon was discharged by a SWAT Team member
 - The number of arrests
 - Whether any person or domestic animal was injured or killed by a SWAT Team member

Based on stakeholder (ex: legal representatives, law enforcement, MSAC) recommendations, and the requirement of the new law, Appendix B defines each of the aforementioned metrics in greater detail. For example, the legal authority of the SWAT deployment is defined as the origin of legal authority for which the team is being deployed and was coded as one of five variables: arrest warrant, search warrant, barricade, exigent circumstances, or other. The reason for deployment variable was coded as one of five variables including: part I crime, part II crime, emergency petition, suicidal, or other. The forcible entry,

property seized, weapon discharged, and person and animal injuries or fatalities variables were all coded as yes or no.

RESULTS

For fiscal year 2010 (July 1, 2009 – June 30, 2010), a total of 1,618 SWAT activations and deployments occurred throughout the state of Maryland by 39 different police departments. All other data sets were excluded from this report due to the fact that they either did not have an active SWAT Team or the SWAT Team did not activate any deployments in the allotted time frame. The MSAC achieved 100 percent compliance from law enforcement regarding their reporting obligation under the new law.

Chart 1 displays the origin of legal authority for which each SWAT deployment was activated. The overwhelming majority of deployments throughout the state were initiated from the direct approval of a judge in the form of a “search warrant” (91.8%, n = 1,486). The remaining four categories of legal authority account for a total of 8.2 percent of the deployments: barricade (4.3%, n = 70), other (2.3%, n = 37), arrest warrant (1.0%, n = 16), and exigent circumstances (0.6%, n = 9).

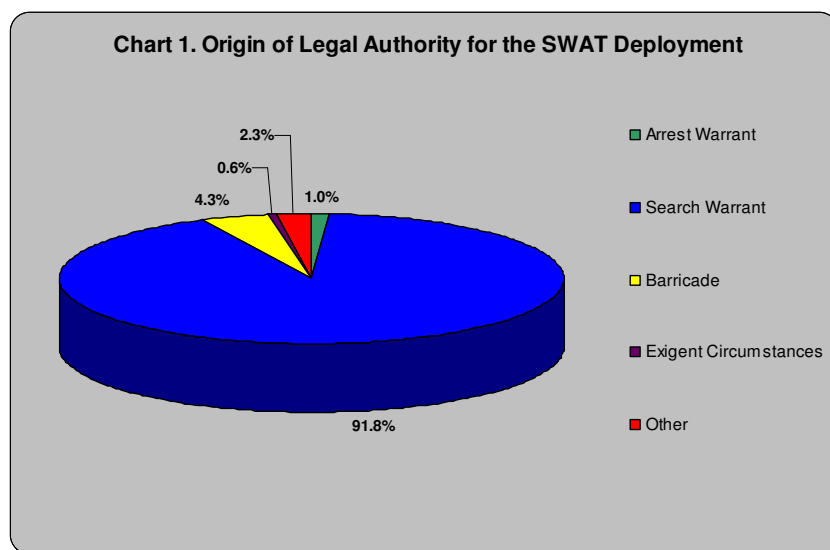


Chart 2 depicts the underlying reason for the deployment of each SWAT Team. The majority of all Maryland SWAT deployments (95.1%, n = 1538) were activated through the

investigation or commission of a “part I crime” (48.1 %, n = 778), or a “part II crime” (47.0%, n = 760). As defined by the Federal Bureau of Investigation in the Uniform Crime Report², a part I crime consists of one of eight felony crimes including homicide, rape, robbery, aggravated assault, breaking and entering, larceny/theft, motor vehicle theft, and arson. Part II criminal offenses consist of a variety of crimes; however, for the purpose of analyzing SWAT deployments the main underlying reason for an activation of this type is to recover and seize illegal drugs and other contraband items from the offender(s). Deployments activated for “answering to an emergency petition” (0.7%, n = 11), “responding to a suicidal person” (0.8%, n = 13), and “other” reasons (3.5%, n = 56) accounted for a total of five percent.

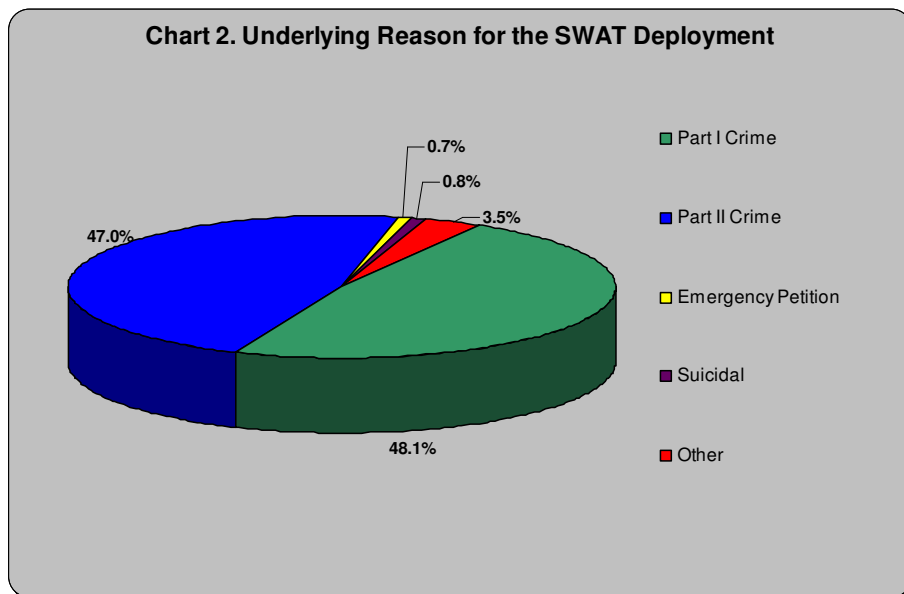
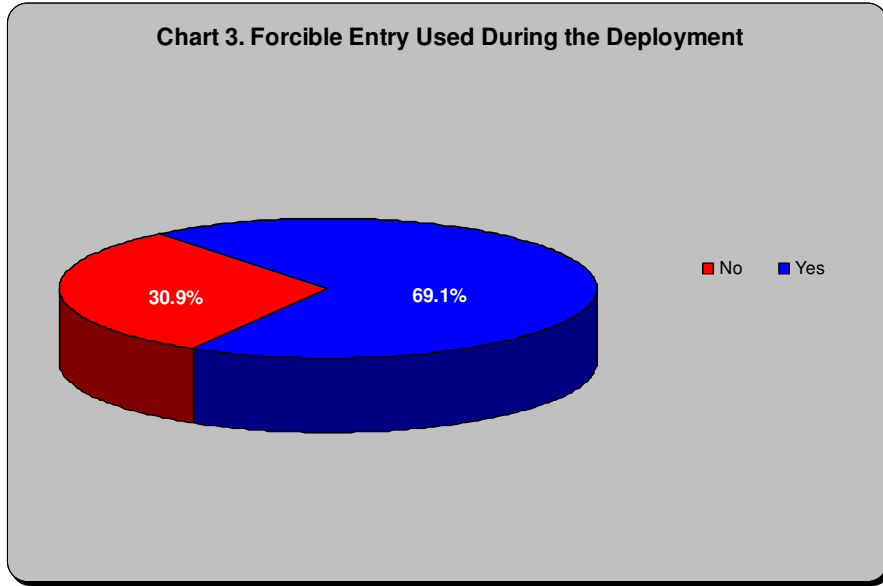


Chart 3 displays the percentage of deployments where forcible entry occurred.³ As shown in the chart, SWAT deployments that involved forcible entry (69.1%, n = 1,118) were more common than deployments that did not involve forcible entry (30.9%, n = 500).

² Federal FBI, Crime in the United States, 2008

³ Forcible entry is defined as any deployment during which the occupant does not consent to entry. A non-consensual entry to penetrate the premises includes any physical force whether or not damage to the location actually occurs. Forcible entry can also include a deployment where notice has not been given to the occupants prior to the tactical team’s entry into the dwelling or simply when the occupant has refused consent to enter.



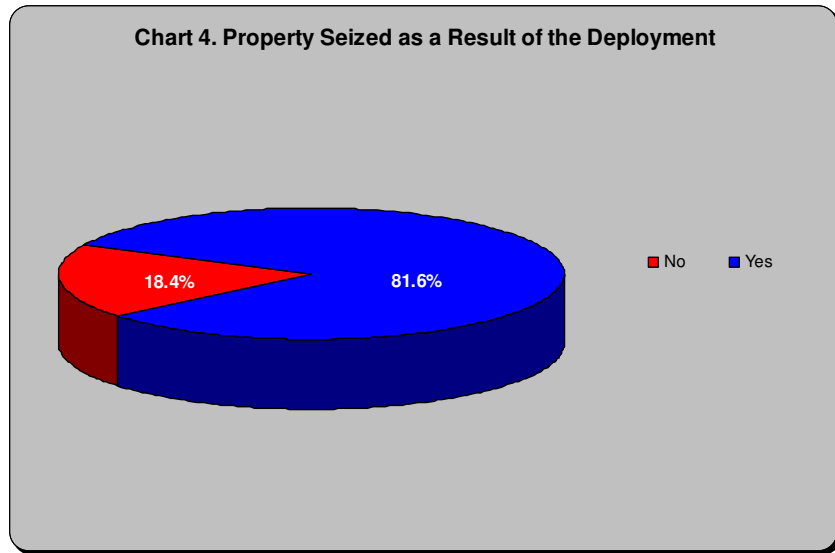
As shown in Table 1, cross tabulation of deployment reason is stratified by the use of forcible entry. As indicated, forcible entry was slightly more likely to be utilized during activation and deployment responses to a part I crime than a part II crime (74.3% compared to 66.6%).

Table 1. Forcible Entry by Underlying Reason for the SWAT Deployment

Forcible Entry		Underlying Reason for the SWAT Deployment					
		Part I Crime	Part II Crime	Emergency Petition	Suicidal	Other	Total
No	Count	200	254	5	8	33	500
	Pct	25.7%	33.4%	45.5%	61.5%	58.9%	30.9%
Yes	Count	578	506	6	5	23	1118
	Pct	74.3%	66.6%	54.5%	38.5%	41.1%	69.1%
Total Deployments	Count	778	760	11	13	56	1618
	Pct	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Chart 4 illustrates whether the police agency seized any property as a result of the Team's activities during the deployment. During fiscal year 2010, SWAT Teams recovered or seized

property in over 80 percent of all deployments (81.6%, n = 1,319) compared to those deployments where no property or contraband was seized (18.4%, n = 297).⁴



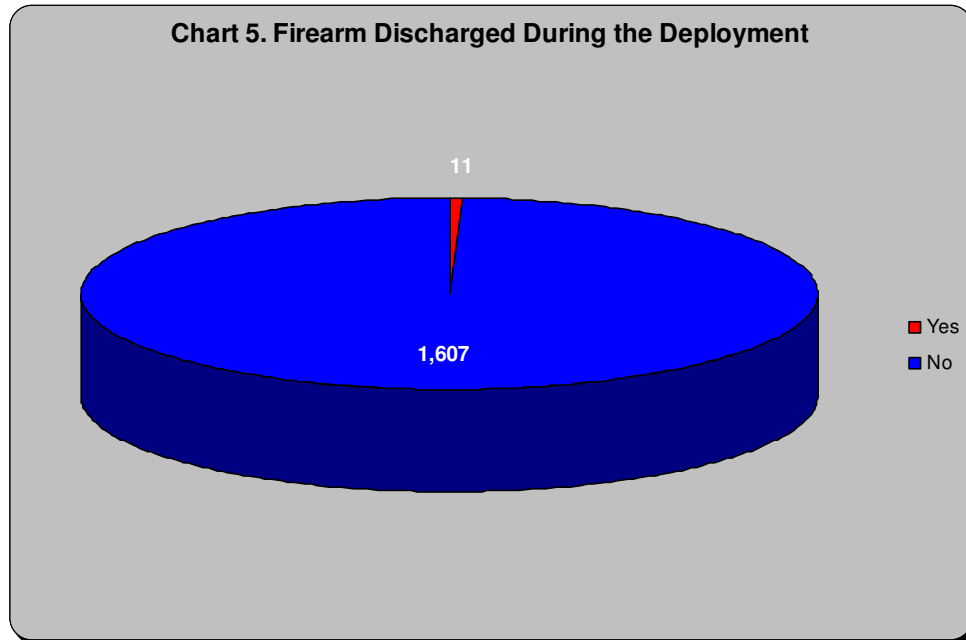
As shown in Table 2, cross tabulation of deployment reason can be stratified by whether property was seized. Results indicate that property is slightly more likely to be seized in deployments that are activated due to a part II crime than a part I crime (87.1% compared to 77.6%).

Table 2. Property Seized by Underlying Reason for the SWAT Deployment

Property Seized		Underlying Reason for the SWAT Deployment					
		Part I Crime	Part II Crime	Emergency Petition	Suicidal	Other	Total
No	Count	172	98	4	6	17	297
	Pct	22.1%	12.9%	36.4%	46.2%	30.4%	18.4%
Yes	Count	604	662	7	7	39	1319
	Pct	77.6%	87.1%	63.6%	53.8%	69.6%	81.5%
Unknown/Missing	Count	2	0	0	0	0	2
	Pct	0.3%	0.0%	0.0%	0.0%	0.0%	0.1%
Total Deployments	Count	778	760	11	13	56	1618
	Pct	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

⁴ Note: Totals do not equal the total number of SWAT deployments due to missing property seized data in 2 cases.

The number of SWAT deployments where a weapon was discharged is illustrated in Chart 5. For the purposes of this report, a weapon is defined as a firearm by the Annotated Code of Maryland, Public Safety Article, 5-101.⁵ The results portray that a firearm was discharged by a SWAT Team member in only 11 of the 1,618 deployments, accounting for less than one percent of all eligible SWAT activations.



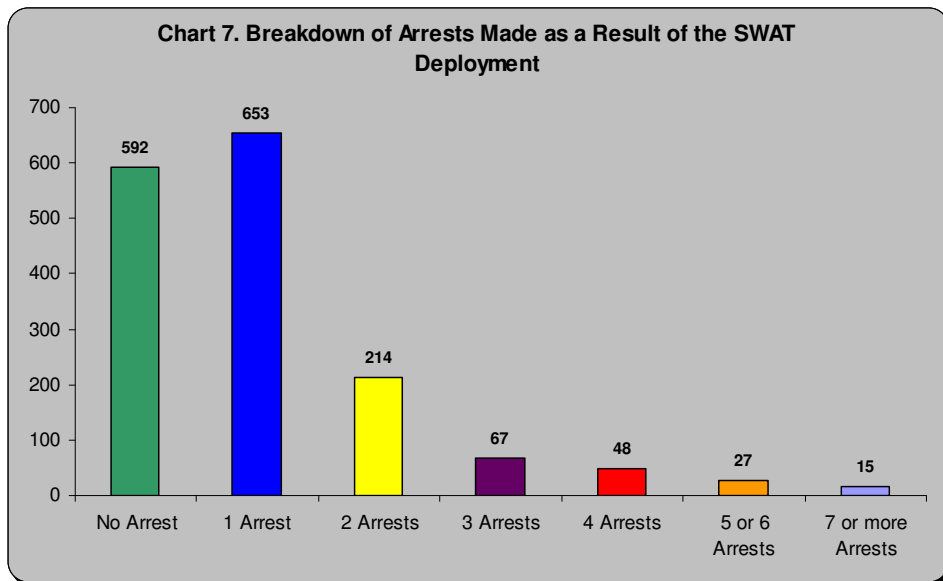
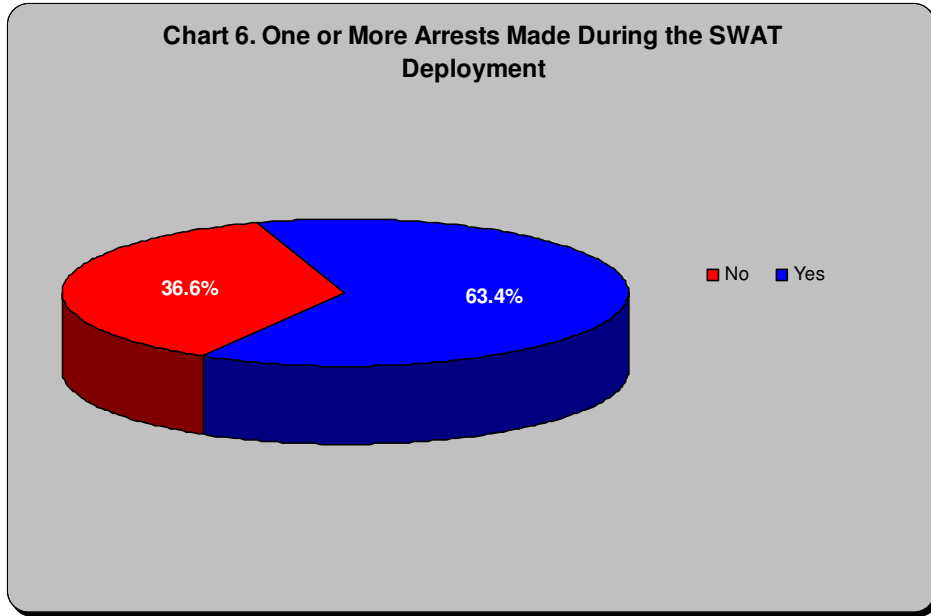
The prevalence of arrests being made as the result of the SWAT deployment is shown in Chart 6. Data suggest that, at least one arrest was made in nearly two-thirds of all SWAT Team activations (63.4%, n = 1,024) while no arrest was reported in 592 deployments (36.6%).^{6 7} Furthermore, Chart 7 provides a breakdown of all arrests made by law enforcement as a direct result of the SWAT deployment. The number of arrests made at a single deployment ranged from 1-20, with nearly 64 percent of all deployment outcomes resulted in a single arrest (n = 653)

⁵ “Firearm” means (i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or (ii) the frame or receiver of such a weapon; or (iii) a starter gun.

⁶ It is possible that in a deployment coded as an arrest, the SWAT Team may not have made the arrest, rather another law enforcement agency made the arrest. It is also possible that a deployment coded as no arrest may have actually included an arrest by a law enforcement agency other than the SWAT Team that was not reported.

⁷ Note: Totals do not equal the total number of SWAT deployments due to missing arrest data in 2 cases.

followed by 214 deployments that resulted in two arrests (20.9%), 67 deployments that resulted in officers making three arrests (6.5%), 48 deployments that resulted in officers making four arrests (4.7%), 27 deployments resulted in five to six arrests (2.6%), and 15 activations resulted in seven or more arrests (1.5%).



The cross tabulation of deployment reason stratified by the number of arrests made by law enforcement is depicted on Table 3. The results indicate that an arrest is somewhat more

likely to be made by law enforcement during deployments responding to a part II crime than in response to a part I crime (69.6% compared to 58.1%).

Table 3. Number of Arrests by Underlying Reason for the Deployment

Number of Arrests		Underlying Reason for the SWAT Deployment					
		Part I Crime	Part II Crime	Emergency Petition	Suicidal	Other	Total
0	Count	325	231	8	9	19	592
	Pct	41.9%	30.4%	72.7%	69.2%	33.9%	36.6%
1	Count	335	303	3	4	8	653
	Pct	43.2%	39.9%	27.3%	30.8%	14.3%	40.4%
2	Count	77	126	0	0	11	214
	Pct	9.9%	16.6%	0.0%	0.0%	19.6%	13.2%
3	Count	20	39	0	0	8	67
	Pct	2.6%	5.1%	0.0%	0.0%	14.3%	4.1%
4	Count	11	35	0	0	2	48
	Pct	1.4%	4.6%	0.0%	0.0%	3.6%	3.0%
5	Count	4	11	0	0	2	17
	Pct	0.5%	1.4%	0.0%	0.0%	3.6%	1.1%
6	Count	1	8	0	0	1	10
	Pct	0.1%	1.1%	0.0%	0.0%	1.8%	0.6%
7	Count	2	3	0	0	0	5
	Pct	0.3%	0.4%	0.0%	0.0%	0.0%	0.3%
8	Count	1	2	0	0	3	6
	Pct	0.1%	0.3%	0.0%	0.0%	5.4%	0.4%
10	Count	0	1	0	0	1	2
	Pct	0.0%	0.1%	0.0%	0.0%	1.8%	0.1%
12	Count	0	0	0	0	1	1
	Pct	0.0%	0.0%	0.0%	0.0%	1.8%	0.1%
20	Count	0	1	0	0	0	1
	Pct	0.0%	0.1%	0.0%	0.0%	0.0%	0.1%
Total Deployments	Count	776	760	11	13	56	1616
	Pct	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The number of SWAT deployments that resulted in an animal either being injured or killed is depicted in Chart 8 and Chart 9. As the charts illustrate below, only three deployments resulted in an animal being injured, and only three deployments resulted in an animal fatality.

Chart 8. Number of Deployments where an Animal was Injured

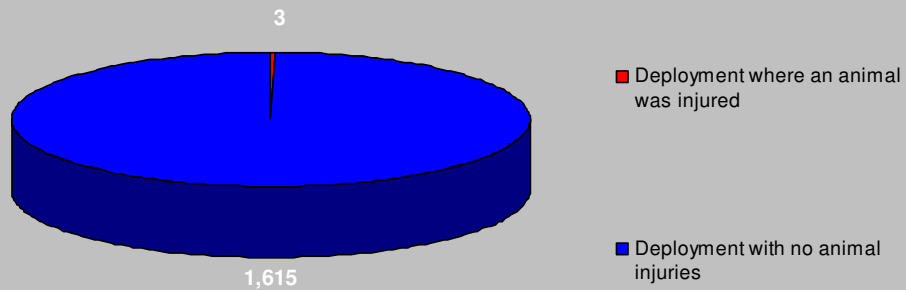
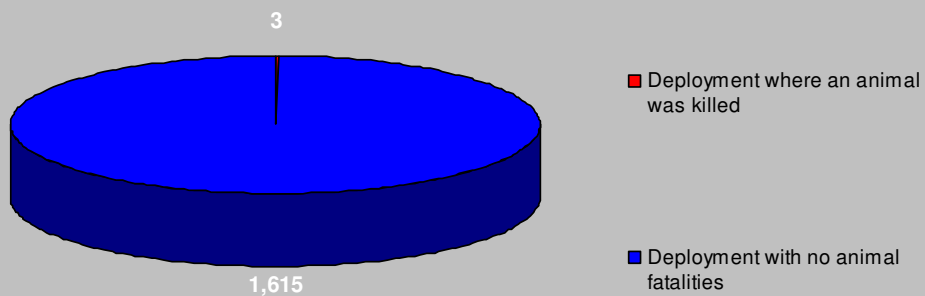


Chart 9. Number of Deployments where an Animal was Killed



The number of deployments that resulted in either a human injury or fatality is shown in Chart 10 and Chart 11. Sixteen deployments resulted in a person being injured by a SWAT Team member, accounting for just less than one percent of all eligible deployments. Furthermore, out of

the 1,618 SWAT Team deployment activations, only one deployment resulted in the death of a human being.⁸

Chart 10. Number of Deployments where a Person was Injured

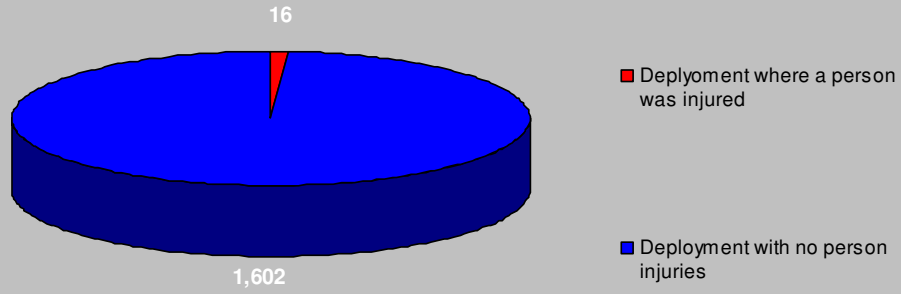
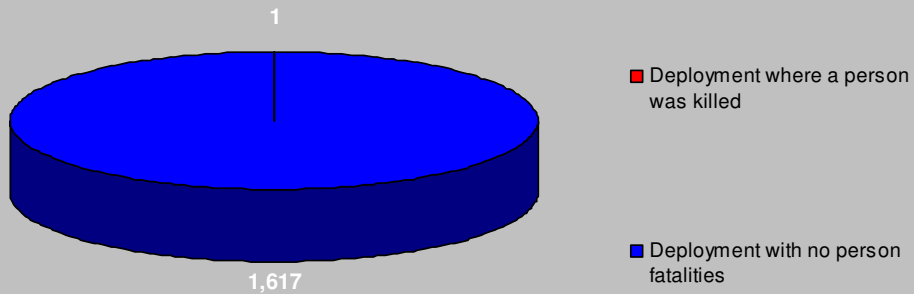


Chart 11. Number of Deployments where a Person was Killed



⁸ This statistic excludes cases of suicide.

DISCUSSION AND LIMITATIONS

The aforementioned statistics indicate that SWAT deployments in Maryland during FY 2010 were almost exclusively activated and initiated after a judge authorized a search warrant and were typically in response to either a part I felony crime or a part II crime drug seizure. In addition, the majority of SWAT deployments utilized forcible entry, and some form of property being seized. Approximately two-thirds of SWAT deployments resulted in arrests being made. A weapon being discharged, as well as the injury or death of a domestic animal or person at the hands of a SWAT Team member during a deployment, were rare incidents that occurred in less than one percent of all deployments.

It should be noted that data regarding the discharging of a firearm, and the injuries and fatalities of an animal or person by a SWAT Team member, were reported to MSAC in yes or no format. The circumstances surrounding these occurrences and the justification for the use of force were not required to be reported.

One limitation of the current study is that there is some confusion and ambiguity as to what constitutes a reportable arrest. Some agencies only report the arrests made by actual members of the SWAT Team. Other agencies take a broader view and report any arrest made during the deployment, even if the arrest is not made by a SWAT Team member. The MSAC will work with the Police Training Commission to clarify what arrests are reportable, and will also provide appropriate guidance to police departments around the state for purposes of future reporting.