

Posted 8/16/20

“SWAT” IS A VERB

Officers join specialized teams for a reason



For Police Issues by Julius (Jay) Wachtel. Let's begin with an interesting quote:

Under the surface...SWAT is controlled by a group of Police Officer III+1's ("plus-ones") who glamorize the use of lethal force, and who direct the promotions of officers who share the same values while maligning the reputations of officers who do not....These Police Officer III+1's exercise influence and power in SWAT in a manner that is highly disproportionate to their rank, and they refer to themselves as the "SWAT Mafia"....

These words form but a small part of a lawsuit recently filed by LAPD Sergeant Timothy Colomey against his employer, the City of Los Angeles ([L.A. Superior Court no. 20STCV28185](#).) In a highly detailed thirteen-page complaint, Sgt. Colomey, who helped supervise SWAT officers for over a decade, alleges that his honest criticisms about their work led to his banishment from an active role and stalled his career.

We obtained a copy of the complaint. What first caught our eye comes about a third of the way through, in paragraph number "26." That's where the good Sergeant asserts that in March 2019, while he was still active in SWAT, he informed LAPD internal affairs investigators that colleagues whom he described as members of a "SWAT Mafia" had engaged in "improper uses of force without being properly disciplined or otherwise held accountable." (Para. 26.) While these episodes aren't described, Sgt. Colomey's lawyers are said to be focusing on these three encounters:

POLICEISSUES.ORG

- [Accidental death of Carlos Ocana](#). During the evening hours of May 24, 2014 SWAT was called to help patrol officers [get a homeless man off the roof](#) of a commercial structure in L.A.'s downtown skid row. By the time they arrived fifty-six year old Carlos Ocana was on top of a billboard that was on top of the roof. To entice him down an officer proffered a cigarette. Sure enough, Ocana came down from the billboard. But after snatching his smoke he tried to go back up. Officers had planned to grab him, but before they could [a SWAT team leader fired his Taser](#). Struck by a dart, Ocana lost his balance and fell to the ground, tragically missing the cushions that firefighters laid down to absorb the impact should he fall. He died from his injuries.
- [Shooting death of Anthony Soderberg](#). On May 8, 2017 a woman found a strange man in her hillside home. Anthony Soderberg, 29, was "speaking to himself and referencing Jesus." She fled out a window, called police, and alerted them about unsecured guns and ammunition that were inside the home. [A helicopter was called in](#) and SWAT deployed a robot to communicate with the intruder.

What happened next is complicated, but it began inside the house, with Soderberg using one of the guns to fire at police while threatening to "kill all those SWAT officers that are out there." A gas grenade drove him outside. He exchanged fire with the helicopter and was fired on by a group of officers, all armed with rifles, who were positioned some distance away. Soderberg re-entered the home. He then left again, this time for good. Officers again opened fire. Soderberg, who may have been struck by a round, eventually wound up in a ravine. That's where he was shot dead by more rifle fire. According to [a detailed review](#) by the L.A. County District Attorney, the fatal wound was inflicted by an officer who fired from "56 yards away" when Soderberg, who had assumed a prone "praying position," suddenly moved.

- [Arrest of Jose Rauda](#). Five weeks after the Soderberg episode, on June 15, 2017, officers attempted to conduct a probation search at the residence of Jose Rauda, a 34-year old gang member. But they were met by gunfire, and Rauda ran out the back.

Two hours later SWAT team members spotted Rauda hiding in a trash can. He opened fire, wounding a police dog, then bounded into a shed. There was more gunfire, and when one of Rauda's rounds "grazed" an officer's helmet the team [unleashed an eighty-round barrage](#). Miraculously, none struck Rauda. He eventually came out and was arrested with help from a beanbag shotgun. Rauda was convicted on multiple counts of attempted murder and got life in prison.

POLICEISSUES.ORG

[LAPD's account of the episode](#) is online. We couldn't find any mention that discipline was ever considered in this affair.

Let's analyze. We'll begin with Mr. Ocana, the homeless man who fell to his death. Clearly, the only risk he posed was to himself. To their credit, officers seemed intent on keeping him from harm. But a SWAT team leader – a senior officer with a rank just below sergeant – had “a better idea.” According to the lawsuit, his sudden, uncoordinated discharge of the Taser “[substantially deviated from the tactical plan](#)” and led to the man's death.

Sergeant Colomey apparently intends to use this episode to illustrate the power and independence of these team leaders – the so-called “plus-ones” – who comprise the “SWAT Mafia.” His lawsuit alleges that while they ostensibly report to supervisors such as himself, they often make decisions without consultation, flaunt use-of-force rules, and exert unseemly influence on promotions and assignments:

...the powerful Police Officer III + 1's who make up the SWAT Mafia: routinely made decisions during tactical incidents without consultation or input from their sergeants; dictated to the SWAT lieutenants which officer candidates would be selected to undergo SWAT School; and successfully pressured SWAT supervisors into failing certain candidates out of SWAT School....SWAT Mafia members had engaged in improper uses of force without being properly disciplined or otherwise held accountable...SWAT trainings conducted by SWAT Mafia members instructed SWAT officers that the use of deadly force was permissible in situations when Department policy clearly dictated that it was not.

So what was the outcome for the team leader? Perhaps surprisingly, then-LAPD Chief Charlie Beck formally admonished the officer for making an unplanned, inappropriate use of the Taser and issued a written reprimand. Astonishingly, [the “plus-one” contested the wrist-slap](#) with a lawsuit. It ultimately failed.

Both other incidents involved multiple officers discharging large volumes of rifle fire at lone suspects who were at most armed with a handgun. Concerns about the SWAT response are evident throughout the Los Angeles Police Commission's [detailed review](#) of the killing of Mr. Soderberg. Although one officer's initial six rifle rounds were ruled “in policy,” three of four commissioners found that twelve other officers acted inappropriately when they fired a total of 38 rifle rounds at someone who was by then unarmed:

POLICEISSUES.ORG

Officers...cited observations of a gun or dark object being held or presented by the Subject....The evidence in this case does not support the reasonableness of any of these reported observations. There were no firearms recovered outside the residence and there were no dark objects identified that could be construed as weapon....The officers' observations of the Subject were made from a considerable distance, which would have limited their ability to accurately observe and assess the Subject's actions as constituting an imminent deadly threat. Moreover, the relative proximity of the officers at the residence and APS officers to the Subject was such that it was not reasonable for these officers, from their distant location, to believe their intervention with lethal force was warranted.

[Then-Chief Charlie Beck disagreed](#) and ruled that all the force used was appropriate. After [an extensive review](#), District Attorney Jackie Lacey took a more nuanced position. She concluded that all officers but three had fired in self-defense, the defense of others, or to "apprehend a dangerous fleeing felon." As for the three who shot Soderberg as he lay on the ground, she found "insufficient evidence to prove beyond a reasonable doubt that the shots fired...were unlawful." Mr. Soderberg's survivors [have filed a lawsuit](#). An [expert statement](#) suggests that the plaintiffs will characterize the killing as an execution. So the last word on this conflicted episode is yet to be heard.

As for the episode involving Mr. Rauda, there was a happier ending: no one got shot despite all the gunfire. And there was a *lot* of that. Four officers fired a total of twelve pistol rounds and nine discharged a total of *ninety-two* rifle rounds. Yet the commissioners were largely pleased. All gunfire was ruled "in policy" [except for three pistol shots](#) fired by one officer as the encounter began (the officer was faulted by three of four commissioners for firing while confused and without a clear target.)

Mr. Rauda was armed throughout and repeatedly fired at police. [His gunfire](#) wounded a K-9 (don't worry, the pooch recovered) and nearly struck an officer's skull. Given all that, the incident clearly presented an easier call "politically" speaking. And until Sgt. Colomey came forward there's been no blowback.

More than a decade has passed since we posted "[You Can't Manage Your Way out of Rampart](#)." In the late nineties dozens of members of LAPD CRASH teams ("Community Resources Against Street Hoodlums") beat up suspects, planted evidence and flat-out lied as they combatted street gangs in the city's downtrodden Pico-Union district. (For a 300-plus page report click [here](#).) [Then there's the L.A. Sheriff's Department](#), whose

POLICEISSUES.ORG

tattooed deputy cliques (e.g., “Little Devils,” “The Jump-Out Boys,” “Banditoes,” “Spartans,” “Reapers”) have prowled the Southland’s high-crime unincorporated areas since the seventies.

Still, we’re skeptical about attributing Sgt. Colomey’s career crash to a police clique. We don’t doubt that SWAT officers have flung that colorful “Mafia” term about. But when it comes to the death of Mr. Ocana, there’s a readier explanation at hand. There are few working cops who haven’t experienced a senior officer butting in and messing things up. As past posts suggest, the consequences can sometimes be tragic:

- [In October, 2014](#) Chicago police officers corralled a knife-wielding youth and were trying to be “patient” when a late-arriving 14-year veteran rushed in and shot him dead.
- [Two years later](#) an NYPD sergeant aggressively barged in to an apartment where officers were containing a mentally disturbed woman. She ran into a bedroom and flaunted a baseball bat. He shot her dead.
- [And on May 25, 2020](#), in an episode that will live in infamy, a Minneapolis police sergeant’s cold-hearted knee-on-neck move caused a man’s death. Coming in after rookies had successfully corralled a suspect, the sergeant did things his way, setting off a chain of events from which we’ve yet to recover.

Neither is the presence of an officer “Mafia” necessary to explain the massive volleys fired at Mr. Soderberg and Mr. Rauda. Since they were alone, and neither was armed with a long gun, one might expect that a couple of officers would have engaged them with rifle fire. But *nine? Twelve?* Sgt. Colomey’s civil complaint indicates that he’s all about de-escalating. In our experience, though, that’s not exactly where combat-ready, rifle-toting teams such as SWAT typically are. His conservative views about high-risk engagement and use of force, if true, could have placed him at odds with most everyone in SWAT. So it wouldn’t be surprising if he was ostracized.

Then again, we haven’t seen Sgt. Colomey at work. Is he truly as skilled as he implies? It will be interesting to see what the lawsuit reveals.