

# Swatting: An Ill-Defined Crime with Potentially Deadly Consequences

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I learned a new word on my drive home yesterday: swatting. Ari Shapiro, host of NPR's All Things Considered, explained in [this report](#) that swatting occurs when a person falsely reports a crime in an effort to cause a large group of officers or a [SWAT](#) (Special Weapons and Tactics) team to converge on the scene. The prank is associated with video gamers who [reportedly](#) have used it as [a form of revenge as well as entertainment](#).

**Swatting can be deadly.** Last Thursday, a 911 operator in Wichita, Kansas received a 911 call from a man who claimed he had shot his father and was holding the rest of his family hostage at a house in Wichita. Police arrived on the scene and surrounded the house. Twenty-eight-year-old Andrew Finch, who was unarmed, came out the front door with his hands raised. When Finch reached toward his waistband, an officer shot and killed him.

Officers now believe that the 911 call was placed from Los Angeles. The man suspected of making the call, Tyler Barriss, was arrested there on Friday on a felony warrant. He appeared in court [today](#) and said he would not fight extradition to Kansas. It is [unclear what crime Barriss is alleged to have committed](#), but there are several possibilities.

**Potential charges.** Georgetown University Law Professor Neal Katyal [spoke with Shapiro yesterday](#) about the charges that could arise from the Wichita tragedy. Katyal said charges could include falsely reporting an emergency under circumstances likely to cause death or great bodily injury, and great bodily injury or death results (a [felony in California](#) but not, apparently, in Kansas), obstruction of justice, and murder, though he noted the difficulty with proving that the perpetrator of such a hoax intended that it result in another person's death. Professor Katyal cited the need for statutes at the federal and state levels that sorted through the degrees of swatting behavior and consequences. [Update: It is a crime under Kansas law to make a false call for emergency assistance. See [K.S.A. 21-6207](#). The offense is a felony if the person uses an electronic device or software to conceal his or her identity or if the request includes false information that violent criminal activity or an immediate threat to a person's life or safety is taking place. Hat tip to [this article](#) from *The Wichita Eagle* discussing potential charges related to the Wichita incident].

The FBI, which has joined the Wichita investigation, [estimates](#) that there are about 400 [cases of swatting](#) each year. Many of these cases do not, of course, result in the death of the victim. U.S. Representative Katherine Clark of Massachusetts [spoke yesterday](#) about her efforts to make swatting a federal crime. Clark and two other legislators introduced last June the [Online Safety Modernization Act](#). The bill proposed a tiered punishment system for false communications causing an emergency response, authorizing up to five years imprisonment in the general case, up to 20 years imprisonment if the communication resulted in serious bodily injury, and life imprisonment if it resulted in death. Clark said federal legislation was needed to address the fact that such calls can cross state lines and international borders and to impose penalties commensurate with the harm that can--and sometimes does--result.

**North Carolina law.** Unlike California, North Carolina does not have a criminal law tailored to punish swatting. G.S. § [14-225\(a\)](#) prohibits a person from willfully making a false report to a law enforcement agency or officer for the purpose of interfering with the operation of a law enforcement agency, which would cover swatting behavior. If the false report relates to the disappearance of a child, the violation is a Class H felony. Otherwise violation of G.S. 14-225(a) is a

Class 2 misdemeanor, a classification that obviously fails to account for the degree of damage suffered in Wichita.

I don't know the extent of swatting in North Carolina and am not aware of any efforts to amend our state's criminal laws to address this behavior. (As I admitted at the outset, I just learned the word yesterday.) Readers, if you know something about swatting that this post fails to address, use the comment feature to share your thoughts.