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**THESIS**

**PREVENTING TERROR ATTACKS IN THE HOMELAND:  
A NEW MISSION FOR STATE AND LOCAL POLICE**

by

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September 2005

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**PREVENTING TERROR ATTACKS IN THE HOMELAND:  
A NEW MISSION FOR STATE AND LOCAL POLICE**

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## **ABSTRACT**

As the Department of Homeland Security continues to develop plans and strategies to guide our government towards a safer environment, state, local, and tribal law enforcement agencies are struggling to define their role in the Homeland Security Mission. This paper proposes the creation of a National Law Enforcement Network made up of the state, local and tribal law enforcement agencies throughout the country. The network design will allow local agencies to reach beyond the traditional law enforcement approach by establishing formal networks that facilitate local, regional, national and eventually global coordination of an effective strategy aimed at preventing future terror attacks in the homeland.

The creation of this network will ensure that every police officer in the United States understands their role in preventing future attacks. Drilling down to the lowest local level to include businesses, industry and the private sector, the formation of the network expands our detection and prevention capabilities well beyond our current level.

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## **LIST OF ABBREVIATIONS/ACRONYMS**

|              |                                       |
|--------------|---------------------------------------|
| <b>CIA</b>   | Central Intelligence Agency           |
| <b>CFR</b>   | Code of Federal Regulations           |
| <b>DNI</b>   | Director of National Intelligence     |
| <b>DoD</b>   | Department of Defense                 |
| <b>FBI</b>   | Federal Bureau of Investigations      |
| <b>HLS</b>   | Homeland Security                     |
| <b>IC</b>    | Intelligence Community                |
| <b>JTTF</b>  | Joint Terrorism Task Force            |
| <b>LBN</b>   | Local Business Network                |
| <b>MSC</b>   | Mission Specific Clusters             |
| <b>NLEN</b>  | National Law Enforcement Network      |
| <b>SLTLE</b> | State, local, tribal law enforcement  |
| <b>TIPP</b>  | Terrorist Incident Prevention Program |
| <b>TEW</b>   | Terrorism Early Warning               |
| <b>USC</b>   | United States Code                    |

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## I. INTRODUCTION

### A. PROBLEM

With all of the talk about “connecting the dots”<sup>1</sup> there has been little focus on how to identify the “dots” in the first place. After all, the dots, (or bits and pieces of information), that may be linked to terrorist activity can be very subtle and are often difficult to identify. While it is not complicated to identify and assemble known bits and pieces of information *after* an attack has occurred, it is seldom that simple *before* the event. The ability to recognize the links between unusual behavior, or subtle activities, and potential preparation for a terrorist attack can be extremely difficult; especially for federal intelligence agencies that have the responsibility of scanning the globe for potential threats. While most agree it is reasonable to hold federal intelligence agencies accountable for analyzing and connecting the dots, it is unrealistic to think they will be able to identify all of them. Preventing future terror attacks will not be possible without an effective system for collecting and connecting the important bits and pieces of information needed to identify and stop terrorists before they strike. Today’s terrorism is a local crime and with the potential for future attacks increasing, it is essential that we engage the more than 800,000 state, local and tribal police officers that work in our local communities in strategic prevention activities that will assist them with identifying those dots.

The ability to recognize this type of behavior or subtle activity requires a balance of knowledge, familiarity, experience and skill; all of which have been mastered by police officers when it comes to dealing with traditional crime. Local law enforcement has the structure, systems, skills and performance metrics already in place to understand and deal with traditional crime and they are eager to be included in the Homeland Security Mission. Preventing terror attacks must be viewed as a priority in the Homeland Security Mission and leaving local law enforcement out of the national prevention strategy is no longer a defensible option.

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<sup>1</sup> “Connecting the dots” refers to the intelligence community’s ability to relate important pieces of information through analysis and identify potentially dangerous or threatening activity or patterns of activity.

In today's environment we must consider strategies that will allow us to defend our nation from terrorists who operate in increasingly diverse networks and are skilled at blending among us as they plan and carry out asymmetric attacks in our local communities; a concept we have still not been able to come to grips with as a nation. Despite numerous and progressively more deadly attacks<sup>2</sup> within the United States, we are still a nation of confidence, comfort and complacency when it comes to our vulnerability to future attacks. However, the reality is that terrorists will continue to launch attacks in the United States and our government has an obligation to do everything within its power to protect our citizens by improving our ability to identify the important and sometimes subtle, bits and pieces of information that may prevent an attack before it occurs.

With the growing need for global situational awareness, most agree that connecting the dots should remain the responsibility of the federal intelligence agencies, which have years of experience and the resources available to analyze intelligence; however, domestically, it is the local police officers who are on the front lines interacting with hundreds of thousands of individuals and businesses each day that will be the ones who discover most of them.

### **1. Framing the Issues: Whose Job is it Anyway?**

There are mixed messages being sent when it comes to who is actually supposed to do what in the Homeland Security Mission and confusion remains about who will be held accountable for what.

In the aftermath of the 9-11 attacks there was a whirlwind of controversy surrounding our nation's ability to detect and respond to such a devastating attack that had literally been planned in our own backyard. While the Department of Defense, federal intelligence agencies and elected leaders underwent round after round of criticism for failing to recognize the increasing threat posed by terrorists, local police leaders were

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<sup>2</sup> Bruce Hoffman, *Terrorist Targeting: Tactics, Trends, and Potentialities*, in *Technology and Terrorism*, ed., Paul Wilkerson (Portland, Oregon: Frank Cass, 1993), 21. See also "Current and Projected National Security Threats to the United States," Vice Admiral Lowell E. Jacoby, U.S. Navy, Director, (Defense Intelligence Agency, February 2005).

taking advantage of this rare opportunity to emphasize the impact of being ignored as the first responders to acts of terrorism.<sup>3</sup>

But given this opportunity, local law enforcement leaders did not stress (or maybe did not even realize) how critical a role they play in detecting and deterring terrorist activities and preventing attacks. After all, no one blamed police officials for failing to understand the threat or questioned why hundreds of thousands of police officers engaging in community policing<sup>4</sup> and criminal investigations every day never detected the presence of the 9-11 operators who had been living in and preparing for the attacks in the communities officers were sworn to protect.

Given the benefit of hindsight, one can't help but wonder if things would be different for police officers today if the 9-11 Commission *had* questioned police leaders about why their officers didn't know the terrorist were operating in their community? What if police chiefs had been asked how much time they had invested in training their officers to recognize potential indicators of terrorist activity prior to 9-11? It seems reasonable that things *would* be different had these issues been raised in 2001; just as it is likely that these questions *will* be raised in the aftermath of the next attack.

Raising this issue is not meant to criticize police leaders for actions in past events, but more to bring attention to the critical gaps in our National Homeland Security Strategy that may bring harsh criticism in the future. While it can be assumed that local law enforcement leaders had at least some indication that terrorists continued to pose a threat to the United States following the attacks on the World Trade Center in 1993 and the Alfred P. Murrah Building in 1995; I would suggest that the reason police leaders did not pursue terrorist-related training and preparation more aggressively had more to do with understanding their role than it did with understanding the threat. Until recently, counter-terrorism had always been viewed as a federal responsibility, not a local one; which made sense in the past when the primary terrorist threat came from state actors

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3 A. Chambers, "Terrorism's Cost Hit Home," *Illinois Issues*, May 2002. [[www.illinoisissues.uis.edu/features/2002/may/terrorism.html](http://www.illinoisissues.uis.edu/features/2002/may/terrorism.html)]. August 13, 2005.

4 Community policing is a term commonly used to describe a method of deploying police officers to fixed geographical areas to enhance their relationship with members of the community. The goal of community policing is to promote pro-active problem solving and crime prevention through police community partnerships.

who threatened us from afar. But it does not make sense today, as it is clear that the primary threat of future terror attacks comes from decentralized terror cells that exist within our borders. Counter-terrorism can no longer be viewed as a federal responsibility and local law enforcement leaders must adapt and broaden their expertise beyond response.

Unfortunately, this mentality is not new for Americans and is certainly not limited to the law enforcement community. In general, Americans still feel that the FBI, CIA and the Department of Defense are responsible for defending the homeland and preventing terrorist attacks, so much so that the FBI was publicly criticized after 9-11 for choosing to “serve local priorities, not national priorities.”<sup>5</sup>

The lack of support for local law enforcement when it comes to counter-terrorism continues to present a challenge for law enforcement leaders who understand the importance of their role in preventing future attacks.

## **2. The Current Situation**

On July 16, 2002, President George W. Bush wrote in his opening letter announcing the National Strategy for Homeland Security; “This is a national strategy, not a federal strategy.”<sup>6</sup> The strategy itself supports this idea by reinforcing that the goal of the National Strategy for Homeland Security was designed to be “a concerted national effort to prevent terrorist attacks within the United States, reduce America’s vulnerability to terrorism and minimize the damage and recover from attacks that do occur.”<sup>7</sup>

Since that time the Department of Homeland Security has produced more than a dozen documents to build on that concept through the release of the National Response Plan, the National Incident Management System, the National Preparedness Goals and numerous other “how to” manuals. However, these documents and the overall concept of homeland security still remain primarily a federal effort to support a federal strategy. Despite everyone’s best efforts, the strategy and the idea of homeland security, has yet to

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<sup>5</sup> *National Commission on Terrorist Attacks Upon the United States: The 9/11 Commission Report* (New York: W.W. Norton & Company, 2004), 74.

<sup>6</sup> Office of Homeland Security, *National Strategy for Homeland Security, Letter to the American People*, July 16, 2002, Office of Homeland Security (Washington, D.C.: Government Printing Office, 2002), 4.

<sup>7</sup> *Ibid.*, 2.

evolve into a concerted national effort that includes key players at the local level.<sup>8</sup> Although an overarching concept of operations for protecting our homeland has been articulated, constructing a framework for national coordination will require significant transformation of long-standing perceptions and traditions that present challenges to accomplishing this goal.

It is clear that the President's intention was to create an efficient "system" that includes the use of federal, state and local governments as well as private security to prevent, deter and respond to terror attacks within the United States; however, we are still struggling to break away from the traditional independent systems that are entrenched in our government. Despite the significant internal improvements made within each discipline over the past few years, each continues to operate independently when it comes to prevention, deterrence and response. Therefore this paper will propose an effective method for integrating the state, local and tribal law enforcement (SLTLE) component into the larger Homeland Security "system" envisioned by the President when the National Strategy was developed.

### **3. Progress Toward an Efficient System**

The idea to create the Department of Homeland Security was based on the concept that there must be a unified effort within the primary disciplines before a coordinated strategic effort could be effectively implemented. This effort began with the integration of 22 domestic security related agencies under the Secretary of the Department of Homeland Security in 2002.<sup>9</sup> The evolution continued in 2004 when the Director of National Intelligence was appointed to coordinate the efforts of the 14 agencies that make up the nation's intelligence community.<sup>10</sup> However, there has been no such effort to coordinate the work of more than 18,000 SLTLE agencies.

It is clear that there is still much to be done in the way of creating efficient national systems within each of the disciplines before a truly unified national effort to

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<sup>8</sup> IACP, "From Hometown Security to Homeland Security: Principles for a Locally Designed and Nationally Coordinated Homeland Security Strategy," Report to the Department of Homeland Security (2005), 2.

<sup>9</sup> Homeland Security Act of 2002 (6 U.S.C. 101), November 25, 2002.

<sup>10</sup> The Director of National Intelligence is a Cabinet level position created in February, 2005 (50 USC. 403-1).

prevent and respond to terrorism can begin. If critical assets in the key sectors remain disjointed and without the structure needed to ensure a smooth transition into the larger national homeland security system we will once again find ourselves explaining why we failed to connect the dots after the next attack. Therefore the effort must begin with a structure that will synchronize the work of the agencies within each discipline and provide them with a common understanding of their mission.

## **B. DEFINING THE STRATEGIC ISSUES: CONFUSION REMAINS**

The National Strategy loosely defines law enforcement's role as one of "preventing and interdicting terrorist activity within the United States,"<sup>11</sup> but the lack of clarity and guidance has resulted in some significant strategic issues for the SLTLE leadership.

The first deals with the continued emphasis on response. While purchasing personal protective equipment and response vehicles are important elements of our preparedness, this approach suggests that we are helpless to prevent future attacks and sends a clear message to society that the only role of police officers is to respond to and deal with the aftermath of the next attack. This is a disturbing mindset in light of what we have learned about the obvious indicators that were missed in the weeks and months leading up to the 9-11 attacks.

The second is our national focus on preparing only those agencies in the largest most densely populated cities, essentially ignoring the role of nearly 80% of the police agencies in the United States.<sup>12</sup> Although there is clearly a need to consider the likelihood of another attack on a major U.S. city, focusing solely on response capabilities in our most populated cities ignores the role of many smaller agencies in detecting the subtle behaviors and activities that may be associated with terrorists preparing for an attack. It also ignores the potential for smaller attacks against soft targets in areas outside of the major cities within the United States.<sup>13</sup> These are important gaps considering what is

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11 Office of Homeland Security, "National Strategy for Homeland Security" (July 2002), 25.

12 The average police department in the United States has 25 or fewer sworn police officers.

13 Targets such as amusement parks, stadiums, transportation systems, schools, or remote critical infrastructure are just a few examples of potential targets located in rural areas outside of major cities that if attacked could create a sense that no one is safe; maximizing the primary goal of the terrorists.

known about how terrorists target, gather resources and prepare for attacks. One only needs to pay attention to the attacks that continue to take place around the world to realize that soft targets are becoming increasingly attractive to terrorists who are efficient at exploiting our vulnerabilities. The openness of the American society combined with the network capabilities of terrorists and the ease of transportation does not limit terrorists to large urban areas within the United States. While terrorists may target large urban areas, they can mobilize, plan, secure resources and then deploy from out of the way rural locations as was the case in the recent bombings in London.<sup>14</sup>

Lastly, with all of the focus on national intelligence requirements and information sharing, there has been little time to focus on the intelligence requirements of the SLTLE's. Since terrorism is a global phenomenon that presents local threats, our national efforts must focus on creating a mechanism for the SLTLE to report and share critical information in all directions; internally among the various units within the agency, as well as externally with other SLTLE agencies, federal intelligence agencies, the private sector, and ultimately, internationally with their counterparts in other regions of the world. This will be a quantum leap for police agencies who are still struggling to get homicide detectives and narcotics investigators to share information within their own organizations. Therefore, the leadership must begin by establishing the conduits for communication and developing a single set of standards, policies and practices that will expedite critical information and intelligence sharing.

All of the strategic issues identified are the result of a single dilemma that has created similar challenges for law enforcement in the past; without a national police force there is no central authority or single strategy designed specifically to guide state and local law enforcement when it comes to defining their role in the Homeland Security Mission. Unlike the specific roles set forth for each of the federal agencies in the National Response Plan, there is no single document that defines the specific roles and

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<sup>14</sup> Bombers in the London attack resided in Leeds, a rural community more than 180 miles from London.

expectations for each of the SLTLE agencies when it comes to homeland security leaving many of the smaller agencies, outside of large urban areas with a sense that “nothing has changed since 9-11.”

With each state responsible for creating their own Homeland Security Strategy<sup>15</sup> there is no overarching concept of operations that facilitates a unified effort from law enforcement. Creating a unified strategy for the more than 18,000 SLTLE agencies will be a complex task, but it can and *must* be done.

### **1. Funding**

Since September 11, 2001, there have been a variety of funding programs designed to increase the level of response preparedness at the local level. Unfortunately, the majority of these programs have only been made available to the larger police agencies that serve in the most densely populated cities across the country. While large metropolitan areas are realistically the most attractive targets for terrorist who wish to carryout mass casualty attacks, this methodology ignores the fact that such groups typically spend a great deal of time living, planning and training for these attacks in the smaller suburban and rural areas of our country. Therefore there must be a shift in the allocation of funding that includes all elements of prevention and incorporates all law enforcement agencies regardless of size or geographical jurisdiction.

The Office for Domestic Preparedness published guidelines for terrorism prevention and deterrence in 2003 recommending that policy makers and stakeholders work collaboratively to “establish a framework for prevention unique to the jurisdiction’s capabilities, threats, vulnerabilities, and risks, as well as the resources available.”<sup>16</sup> Clearly, there is a unique role for the rural agencies when it comes to recognizing the threat posed by terrorist who may be living in and preparing for an attack in their local communities. Threat recognition must be integrated into the daily activities of the officers responsible for law enforcement in areas that are most vulnerable to terrorist activities that may indicate the preparatory stages of an attack.

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15 George W. Bush, “Homeland Security Presidential Directive 8, National Preparedness” (December 17, 2003), 9.

16 Office for Domestic Preparedness, “Guidelines for Homeland Security: Prevention and Deterrence” (June 2003), 4.



Although the establishment of the Department of Homeland Security (DHS) in early 2003 has improved the distribution and standardization of some of these funding programs, there is still a lack of clarity as to who determines the appropriate level of training and types of equipment each individual agency should acquire. This issue is exacerbated by the fact that many law enforcement agencies have no idea what their role is in supporting the National Homeland Security Strategy on a daily basis much less during another large scale attack.

In a public statement released on July 13, 2005, Secretary Chertoff announced his intention to revise the DHS Grant program for state and local partners to include a risk-based distribution of funding that will apply to all preparedness activities.<sup>17</sup> Since preparedness activities include planning and prevention, this proposed “risk-based” method for supplying funding must consider the vulnerability that exists outside of our major cities when it comes to terrorist planning activities. It must also consider the increased risk we face as a nation if these local jurisdictions are not included in the prevention preparedness strategy in the future.

With this in mind, the goal of this research is to resolve the issues noted above through the development of a National Law Enforcement Network made up of the SLTLE that would facilitate their integration into the National Homeland Security Strategy. The following concepts will be proposed:

- Creation of a mission based, National Law Enforcement Network that includes all SLTLE agencies.
- Creation of a Local Business Network through the expansion of existing terrorism prevention programs that rely on the private sector, businesses and industries vulnerable to terrorists exploitation or attack.
- Creation of regional fusion centers that will serve as the hubs for the National Law Enforcement Network, the Local Business Network and the

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<sup>17</sup> Michael Chertoff, “Second Stage Review of the Department of Homeland Security” (Department of Homeland Security Press Office), July 13, 2005, [[www.dhs.gov/dhspublic/display?content=4598](http://www.dhs.gov/dhspublic/display?content=4598)], retrieved on July 16, 2005.

federal intelligence community, to analyze and share critical information within the United States and with other regions of the world.

The policy options proposed have been formulated based on supporting the National Strategy at the local level and will support four basic principles.

- The creation of a unified prevention strategy that will be useful to all law enforcement agencies at the local level, regardless of size or location.
- Developing a model that will assist with the equitable distribution of federal funding to state and local agencies using the new “risk-based” analysis.
- Consideration for the sensitive public and political expectations and consequences associated with government prevention activities.
- Determination of operational feasibility that will be sustainable over time without diminishing the demands of traditional law enforcement activities that must be maintained.

### **C. METHODOLOGY**

As a local law enforcement practitioner responsible for implementing the operational aspects of new federal guidelines and mandates pertaining to homeland security, the goal of this paper was initially to clarify some of the complex issues that many agencies at the local level are struggling with. The motivation for this research was to identify problems and propose solutions to some of the many issues faced by local law enforcement when it comes to engaging in the Homeland Security Mission. However, through the course of study it became clear that this is not a situation that involves well defined problems for which simple solutions can be devised. Rather it is a situation where the issues are difficult to define due to the larger social and political components that are part of a system that presents multiple opportunities for improvement.<sup>18</sup>

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<sup>18</sup> Dale Couprie, Alan Goodbrand, Bin Li, and David Zhu, “Soft Systems Methodology,” Department of Computer Science (University of Calgary, 2002), retrieved from <http://sern.ucalgary.ca/courses/seng613/F97/grp4/ssmfinal.html>, September 4, 2005.

As such, applied and pure research methods would not serve the purpose of this inquiry. As a result, a *Soft Systems Approach*<sup>19</sup> was used to evaluate the existing body of knowledge on law enforcement's role in preventing terror attacks, including a review of existing written material, interviews with first responders and subject matter experts, as well as the personal experiences of the author. However, it is important to note that this topic pertains to an evolving field of study that is still in its infancy and is being developed from an emerging threat that is not fully understood as of this writing. Therefore, the most relevant information comes from analyzing strategies presently under development by the Department of Homeland Security when considered in context with the current local law enforcement environment.

Ultimately, the information contained in this paper attempts to capture the "problem situation" and propose a conceptual model that will improve our national prevention efforts using the *Soft Systems Approach*. The model proposed includes the creation of a National Prevention Network that incorporates state, local and tribal law enforcement agencies, as well as the private sector, into a unified system that will allow local agencies to reach beyond the traditional law enforcement approach. This network design establishes formal conduits for information sharing and operational planning that will facilitate local, regional, national and eventually global coordination of an effective strategy aimed at preventing future terror attacks in the homeland.

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<sup>19</sup> The Soft Systems Approach was developed by Peter Checkland specifically to define problem situations that exist when systems are not functioning at the desired level. This approach requires the researcher to analyze the role of stakeholders and diagram key processes in order to propose a conceptual model that will improve the effectiveness of the system.

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## II. CHALLENGES

### A. PERCEPTIONS AND THREATS

Despite military successes we can expect terrorism to be a constant threat for many years to come.<sup>20</sup> With terror cells and supporters increasing across the globe, terrorist networks are continuing to expand and become more difficult to identify. With Iraq serving as the new training ground for thousands of terrorists who have united against the West in, what they perceive as a “global jihad,” the risk for continued and repeated attacks within the United States is increasing and can no longer be ignored.

#### 1. Understanding the Threat

Considering that the primary terrorist threat to the United States, at least in theory, has historically been from “state sponsored terrorism,” it was logical to view responsibility for defending against this threat to be one of the military and federal intelligence agencies. It has long been speculated that state sponsored terrorist organizations have refrained from attacking the United States because of the fear of harsh retaliation by our military; as foreign governments feared the sure, swift response that would undoubtedly be unleashed by the world’s superpower in retaliation for any attack against the homeland.<sup>21</sup> Unfortunately, it is likely this perception that has led to our complacency and fostered our sense of invincibility for many years while other countries around the globe suffered repeated attacks.

But our enemies and their motivations have changed and are becoming increasingly difficult to identify before they engage in attacks. With the decentralization of terror cells around the world, nation states that wish to do us harm can easily do so by providing resources to smaller terror cells that can carryout the attacks, thus creating a layer of protection for the state. As such, these emerging threats and complicated

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<sup>20</sup> John Arquilla, David Ronfeldt, and Michael Zanini, “Countering the New Terrorism: Networks, Netwar, and Information-Age Terrorism” (Santa Monica, CA: RAND, 1999). See also Robert Mueller’s Statement to Congress (February 2005).

<sup>21</sup> Claire Sterling, *The Terror Network: The Secret War of International Terrorism* (New York: Holt, Rinehart & Winston, 1981), 12. See also Ray S. Cline and Yonah Alexander, *Terrorism: The Soviet Connection* (New York: Crane Russak, 1984), 44. Or Roberta Goren, ed. Jillian Becker, *The Soviet Union and Terrorism* (London: Allen & Unwin, 1984).

dynamics dictate that our strategy for dealing with this new form of terrorism must shift from one of military deterrence to one of strategic prevention at all levels.

## **B. TRANSITION TO FOURTH GENERATION TACTICS**

Unfortunately, our vulnerability to attack was not realized until al Qaeda carried out simultaneous suicide attacks on two major cities in the United States. Despite previous large scale attacks carried out by both foreign and domestic terrorist in 1993 at the World Trade Center and in 1995 at the federal building in Oklahoma City, we continued to ignore the increasing threat and somehow missed indicators that terrorists were planning the largest terror attack on U.S. soil in our history. In all of these cases fear of retaliation by U.S. Armed Forces did not deter these terrorists from crossing a line that has for many years been avoided by other terrorists. But the motivations and tactics of the adversary has changed<sup>22</sup> and as we move through the new era of globalization, we must reassess our counter-terrorism strategies and evolve along with the terrorist who have decentralized and morphed into an enemy that is far more deadly and even more difficult to detect and deter. Unable to go toe-to-toe with our military, the terrorists have made the transition to what is now recognized as fourth generation warfare,<sup>23</sup> bringing the battle to our local communities and we must quickly adapt to prepare for what will likely be a long-term struggle.<sup>24</sup>

### **1. Islamic Fundamentalist**

One form of terrorism that will significantly impact the United States in the future is the proliferation of radical Islamic Fundamentalist groups.<sup>25</sup> It is this group in particular that generates the most fear and presents the greatest challenges for strategies aimed at deterrence. For those who believe that dying in battle unites them with God, there is no fear of retaliation. In fact, for Islamic Fundamentalist, U.S. retaliation against Muslim Countries has become part of their strategy as it is what unites them and divides us.

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<sup>22</sup> Ian O. Lesser, Bruce Hoffman, John Arquilla, David Ronfeldt and Michele Zanini, *Countering the New Terrorism* (Santa Monica, CA: RAND, 1999), 44.

<sup>23</sup> Thomas Hammes, "Insurgency: Modern Warfare Evolves into a Fourth Generation," Strategic Forum (National Defense University, 2005).

<sup>24</sup> Anonymous, *Imperial Hubris: Why the West is Losing the War on Terror* (Washington, DC: Brassey's Inc., 2004), 167.

<sup>25</sup> Daniel Benjamin & Steven Simon, *The Age of Sacred Terror* (New York: Random House, 2002).

It is the moral and religious principles that motivates radical Islamic Fundamentalist and inspires suicide bombers; whose ultimate strategic goal is to increase fear by demonstrating extreme commitment to their beliefs. Clark McCauley describes this motivation as “a drive to feel a connection with God and the work of God, to feel the peace of submission of God’s will. . .”<sup>26</sup>

In the case of those engaged in jihad<sup>27</sup> “Fear is an act of worship due only to God.” Considering McCauley’s psychological assessment of radical Islamic Fundamentalist, a different type of deterrence has to be considered to influence the actions of what now seems to be our greatest threat.

McCauley’s theory is consistent with, if not supported by, the argument posed by Roxanne Euben who argues against the “rational actor” theory of terrorism. Euben contends that for Islamic Fundamentalist “there is no separation between religion and politics for Islam.” Therefore, these fundamentalist are operating under the belief that they are in fact engaged in a battle for “good versus evil” as described by McCauley. As a result, it is the fundamentalist belief that those that operate outside of the Islamic Law (the Qur’an) can only be cured of such ignorance through divine authority; or the employment of a holy war (jihad).<sup>28</sup> Thus it appears that even if retaliation were possible it would not serve as a deterrent rather it would further the goal of the fundamentalist as they would view retaliation as a continuation of the holy war.

It is this shift in organization and motivation that forces us to realize that detection and deterrence is no longer the sole responsibility of the FBI and the military on a national level, but one that must be addressed at a local level by our uniform police officers. One only has to look at the most recent attacks launched by jihadist in Madrid and London to realize that we must adapt to this new kind of threat and develop a layered

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26 Clark McCauley, “Psychological Issues in Understanding Terrorism and the Response to Terrorism,” *The Psychology of Terrorism* Vol. 3, ed. Chris Stout (Westport, CT: Pareger, 2002), 3-30.

27 Quranic definitions of jihad equate to, “Struggle against oppression.” The greatest jihad is said to be the internal jihad against sin. Today it has become synonymous with violent aggression justified by Islamic religious Fatwa against the West. See John Esposito, “The Islamic Threat: Myth or Reality?” (Oxford: Oxford University Press, 1995) 28.

28 Euben, Roxanne, “When Worldviews Collide: Conflicting Assumptions about Human Behavior Held by Rational Actor Theory and Islamic Fundamentalism,” *Political Psychology*, Vol. 16. No. 1 (1995).

system for strategic prevention that reaches down to the local level. Otherwise we may find ourselves policing in an “urban battlefield” as we move into the 21<sup>st</sup> Century.

## **2. Growing Domestic Threats**

The motivations of the Islamic Fundamentalist, although predominant in our vision since 9-11, are not the only motivations that present a threat to the former tranquility of the United States. The potential for mass casualty attacks by domestic terror groups are not widely recognized outside of the law enforcement community, but remind us that there are others among us that are equally committed and must be considered in the development of our prevention strategy.<sup>29</sup>

Despite our growing feeling of insecurity, we have been dealing with terrorism in the United States for decades and the potential for mass casualties - equivalent to or greater than September 11<sup>th</sup> - has existed for many years. In fact, in 1999 members of the San Joaquin County Militia (SJCM) conspired to destroy two propane tanks in Northern California that were part of the largest above-ground propane facility in North America. Had this group succeeded in the attack it is anticipated that the explosion would have killed 12, 000 and the resultant fire would have caused 3<sup>rd</sup> degree burns in a five-mile radius.<sup>30</sup>

## **3. The Patriot Movement**

Having been identified as “the greatest threat of domestic terrorism to the United States at the end of the 20<sup>th</sup> Century,”<sup>31</sup> America’s anti-government Patriot movement has captured only periodic attention from the general public.

Aside from the most notorious acts of a few single actors, the various factions of the modern-day Patriot movement have not generated much fear among the general populace despite their potential for mass-casualty attacks. But the motivations and goals of these domestic extremist groups are drastically different than those of al Qaeda; thus requiring different tactics for detection and deterrence.

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29 August Kreis, “Aryan Nation Leader Reaches Out to al Qaeda,” [http://www.jihadwatch.org/archives/005546.php] accessed March 30, 2005.

30 John Jay College of Criminal Justice, “Targeting Gremlins First, Then Terrorists,” *Law Enforcement News* Vol. 524 (December 1999).

31 B. Levin, “The Patriot Movement: Past, Present and Future,” *The Future of Terrorism*, ed. Harvey Kushner (Thousand Oaks, CA: SAGE Publications, 1998), 97-131.



Once again, retaliatory responses to acts of terrorism by these groups can often be counter-productive to our mission of deterrence. Memorialized in the words of Patriot zealot Chris Temple, when referring to the “Weaver tragedy” at Ruby Ridge; “All of us in our groups...could not have done in the next 20 years, what the federal government did for our cause in 11 days in Naples, Idaho.”<sup>32</sup>

Groups of extremist like the SJCMT and the Patriot Movement number in the hundreds throughout the United States. They exist in prisons, remote rural areas and in large cities. Research by the Anti-Defamation League has demonstrated that hate and extremism is never static and includes both domestic and international groups.<sup>33</sup> These examples should remind us that a number of terror attacks have been planned and in some cases carried out, by American citizens in the United States in recent years.

#### **4. Networks Expanding**

There is growing evidence that terror groups are expanding their networks to include the resources of our homegrown criminal organizations and gangs.<sup>34</sup> Studies have shown there are increasing numbers of Muslim converts being recruited in our prison systems and universities creating a potentially deadly pool of resources for fundamentalist seeking to carryout future attacks. And while many of these converts will never cross the line to extremist tactics, they may serve as an unwitting resource for fundamentalists who are seeking weapons and resources for future attacks.

Whether foreign or domestic, religious or ideologically-motivated terrorists do have some commonalities that allow them to plan, obtain resources and prepare to carry out their attacks. An effective strategy must redefine traditional roles and capabilities of our local police officers to establish multiple layers of prevention through detection and deterrence at all levels. We can no longer ignore the fact that there are terrorists who live among us and we must concentrate on reducing our vulnerabilities at the local level.

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<sup>32</sup> Levin, *The Future of Terrorism*, 97.

<sup>33</sup> ADL Website [[http://www.adl.org/main\\_hate\\_crimes.asp](http://www.adl.org/main_hate_crimes.asp)], accessed July 16, 2005.

<sup>34</sup> Sara Daly, *Identifying and Mitigating al-Qa'ida Recruitment Nodes* (Santa Monica, CA: RAND, 2004), 34.

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### **III. EMPHASIZING PREVENTION**

#### **A. IDENTIFYING INDICATORS**

As was the case with all of the groups cited above, most of today's terrorist will live in and move about in our local communities for some time before launching an attack, gathering and assembling a variety of resources locally. In most cases, these resources will not be obtained in close proximity to the attack itself, but outside of the target area.

In order to carry out an attack, the terrorist must have certain resources; shelter, transportation, communication, funding, and weapons (or the resources necessary to make weapons). With each of these activities comes an opportunity for police officers, correctional officers, sheriffs deputies, park rangers or private security officers to come into contact with the attacker before the attack occurs. The same is true for security personnel from universities, hospitals, hotels and amusement parks, who will also have opportunities to recognize subtle activities that may indicate that something is out of place and may warrant further investigation. At the same token, it may be a local business or particular industry that notices something that is out of the ordinary through interactions with potential terrorist operatives as they move about collecting the resources needed to carry out an attack. Therefore, local law enforcement must enhance both internal and external capabilities to detect these activities through the use of efficient networks.

#### **B. STRATEGIC AND TACTICAL PREVENTION**

Developing a law enforcement prevention strategy begins by defining the term "prevention" and understanding the context in which it will be used in the strategy. Although the term prevention implies that the actions taken by police will ensure that future attacks will never occur, this is unrealistic. Like with crime prevention, the more realistic view of terrorism prevention should be considered as "law enforcement's best effort to minimize the possibility of an attack occurring." One must keep in mind that the expectations that are established both internally and externally must be realistic and achievable or the consequence will be failure; either in terms of internal effort to engage in the activity or external support for the activities. Therefore, "preventing terror attacks"

must be considered in terms of reducing the fear and damage that terrorist are able to inflict on the community. This can only be accomplished through the establishment of effective internal and external prevention networks among the law enforcement community.

In terms of activities, the objectives for the law enforcement prevention network will take the form of preventive actions aimed at detection, which will be strategically focused; or deterrence, which will be tactically focused.

### **1. Detection: A Strategic Focus**

Detection will be based on the daily activities of every police officer. Assignment to patrol, criminal investigations, communications, or narcotics enforcement, is irrelevant; the idea is to understand how detecting terrorist activities fits into each officer's daily responsibilities. This understanding starts at the agency level; *i.e.*, what is the agency's mission focus; transportation security, highway safety, campus security, etc., and continues to the micro level of understanding how it fits into each officer's daily duties; *i.e.*, patrol, narcotics, investigations, etc.

### **2. Deterrence – Tactical Focus**

Deterrence, on the other hand, is more tactically focused and will be used to secure specific locations or events based on an analysis of risk and potential consequences. Increasing physical security measures and the visibility of police officers around potential terror targets forces the terrorist to change their behavior and sends a message that the risk of failure is greater than their commitment to a specific target. This concept, suggested by Davis and Jenkins in 2002, encompasses deterrence through an increased risk of failure. When one realizes that changing the motivations and commitment of terrorist may not be possible, changing the possibility of their success may be. "Even hardened terrorists dislike operational risks and may be deterred by uncertainty and risk."<sup>35</sup> The patience and years of extensive planning demonstrated by al Qaeda seems to support this hypothesis.

What is most appealing about this theory is that it seems to apply equally to all terrorist organizations; including Islamic Fundamentalist. "While they may be committed

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<sup>35</sup> Paul Davis and Brian Jenkins, *Deterrence and Influence in Counterterrorism* (Santa Monica, CA: RAND, 2002), 4.

to God and willing to die to further their holy war, they also realize that their power depends on perceptions of whether they are winning or losing and a stymied mission lacks the appeal of dying in a spectacular, successful attack.”<sup>36</sup>

Therefore, law enforcement officials must now strategically rethink public security procedures and practices in order to maximize the full potential of their resources at certain locations and during certain events.

### **C. UNDERSTANDING THE TERRORIST CONTINUUM**

Effective policing has always required the flexibility to adapt to new criminal trends and threats. Over the past few decades officers have continually demonstrated this ability as they have learned to recognize and respond to the emergence of new threats; the unpredictable violence associated with the crack cocaine era and complexity of navigating through hazardous methamphetamine labs serve as good examples. Similarly, the effectiveness of local police officers in preventing terror attacks will be contingent upon their understanding of terrorist motivations and tactics. Although terrorism is, in one sense, a bit more complex than traditional crime, understanding terrorist tactics is much less complicated when examined in the context of traditional criminal activity. Regardless of the motivations, carrying out a terrorist attack will require the operators to engage in certain activities before the attack that can be detected by local police. Figure 1 depicts those activities as operational stages in “continuum of activities” necessary to initiate an attack.

The “Continuum” illustrates the stages of activities that will likely occur from the moment a decision is made to carryout an attack, highlighting the series of decisions and actions that must take place for the attacker to be successful. A former Israeli Intelligence Officer describes a similar continuum of activities that are carried out by nations planning attacks on opposing countries.

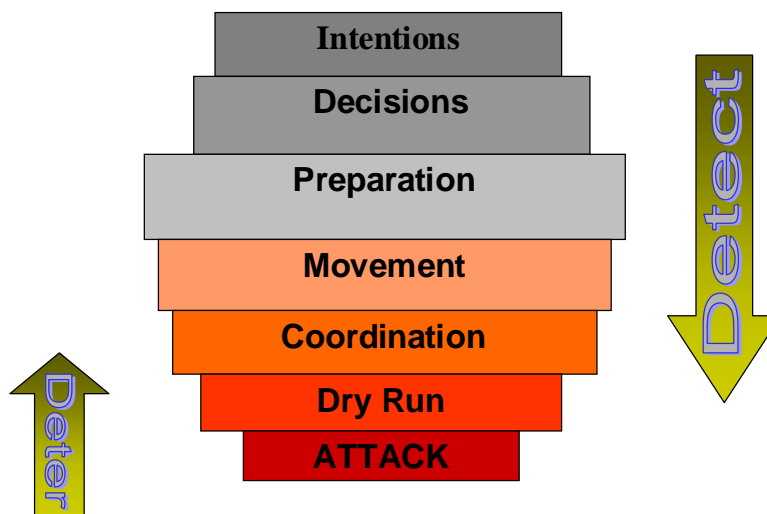
Once attack planning begins the opportunities for detection by the opposing country increases. For example, military intelligence agencies in the targeted country will monitor and may recognize subtle changes in the activities of the adversary that may include; increases in the movement of military resources and personnel, the stockpiling or

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<sup>36</sup> Paul Davis and Brian Jenkins, *Deterrence and Influence in Counterterrorism*, xii.

movement of medical and blood supplies to hospitals along with other subtle, but obvious indicators that an adversary may be planning to strike.<sup>37</sup>

With each activity that moves the attacker closer to the actual strike, the subtle activities become increasingly more susceptible to interception by the targeted country - at least until they reach a certain point, then the opportunities for intervention (or in this case detection) decrease. Once planning and preparation has reached a certain stage, the strategic opportunities to detect and pre-empt the adversary is lost and defensive/deterrent measures must be considered (tactical opportunities).



**Figure 1. The Terrorist Attack Continuum**

**Intentions - Attack Conceived:** At the point when the attack is conceived, it is likely that there is just one person, or a limited number of people who are aware of the intent to attack. This limits opportunities for detection through infiltration due to the limited number of operators with knowledge of the attack. At this stage, the goal of intelligence is knowing who the potential adversaries are and understanding their vision, intentions and capabilities. Timothy McVeigh and Osama bin Laden are good examples. Both made their hatred for the U.S. Government known and openly expressed a desire to attack or kill Americans.<sup>38</sup> Once the leader clarifies his intentions, he will bring in

<sup>37</sup> Yoram Hessel, Israeli Mossad (retired), Former Director, Global Operations, Intelligence and Foreign Relations (Lecture, January 2004).

<sup>38</sup> Bin Laden's Fatwa 1998 and McVeigh's discussions with friends and family members about retaliating against government for Ruby Ridge.

other actors, typically his closest confidants, and the opportunities for intelligence begin to expand.

**Decisions - Recruiting/Relocation:** During this stage, intentions are being translated into strategic decisions and initial movement begins. Due to the decentralized structure and network capabilities of today's terrorist movement, terror attacks are not carried out from afar. In most cases, the attackers will have to reside within the United States, at least temporarily, before an attack can take place. During this time the attacker may relocate closer to the target and attempt to recruit or meet with other operatives that will assist in the attack.

**Preparation - Scouting/Surveillance:** Preparation requires collaboration and draws in more people increasing intelligence opportunities. Travel and the use of temporary resources such as rental vehicles, apartments, hotels and mailboxes may also be indicators. Even if a particular target has been selected, there must be some surveillance or reconnaissance of the target carried out by the attacker. They must assess the most effective means of attack and survey the current conditions to identify obstacles that may hamper their operation. During this stage, video taping, photographing, and inquiries, will likely be carried out, putting the attackers in close proximity to the actual target for significant periods of time. Early warning indicators will likely be present and detectable.

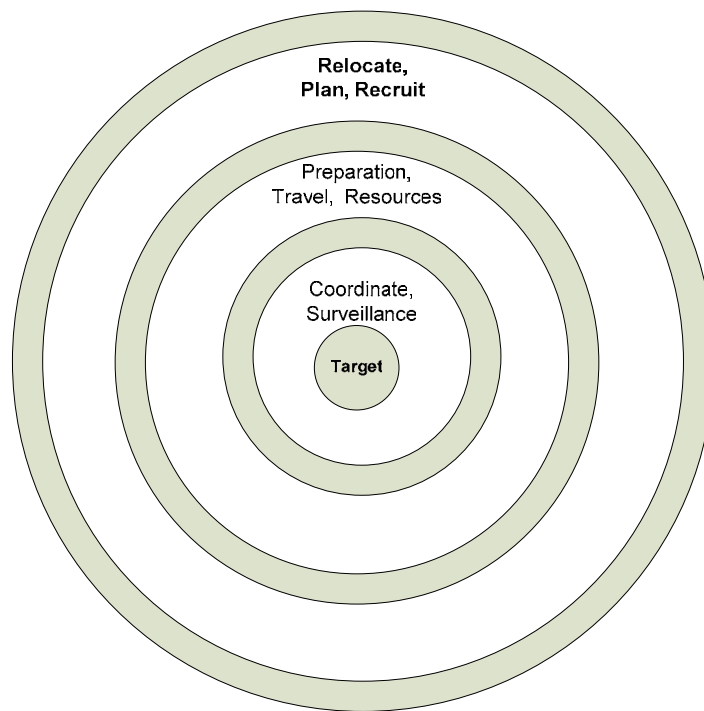
**Movement - Gathering Resources:** The resources needed include shelter, transportation, financing, communications and weapons. Since travel and border security make it difficult to import most of the resources needed to carry out a major attack, the activities in this stage become even more vulnerable to detection. Interactions with local businesses, service industries and licensing agencies will increase early warning indicators.

**Coordination - Preparation/weapons:** During this stage, the activity will include training, increased communication within the group, and the preparation of the weapon(s) that will be used. Even if initial training and communications took place previously, there will likely be additional coordination among the group as the attack plan progresses. The group must physically synchronize their actions and prepare weapons that will be used. If explosives are to be used, there must be a time and place to assemble or prepare them, if vehicles are to be used, the appropriate training and licensing must be secured, if access to certain areas will be needed additional resources may need to be obtained.

**Dry Run:** In the final stages of preparation the attackers must verify that the conditions that may affect the attack have not changed. This may involve a final rehearsal of coordinated actions, timing of activities surrounding the target, or last minute surveillance of security or other potential barriers that will hamper the final attack plan. If warning indicators have been detected, defensive actions or pre-emption are the only options at this stage. Tactical deterrence measures may minimize or divert successful attack.

**Attack:** Once the final plan is set into motion the opportunities for detection have passed and effective response will be critical to minimize and mitigate the damage of the attack.

Although these stages may not occur in precise order, they do allow some perspective of spatial considerations for detection opportunities in terms of attack preparation. However, when these stages are graphed geographically, an additional dimension is added for offensive strategies aimed at prevention. Figure 2 considers the use of these stages in terms of where they may occur in relationship to the potential target, adding an element of risk-based analysis that can be applied to the types of activities that may be detected by law enforcement or the private sector.



**Figure 2. Activity Detection Areas**

Using the *Attack Continuum* and the *Activity Detection Areas* the role for local law enforcement becomes more defined allowing individual agencies to focus prevention and deterrence efforts on areas and activities that are most likely to occur within their



jurisdiction. However, strategic coordination between agencies must still be clarified. The next chapter delves into the specific measures that can be used to facilitate that coordination.

Enhancing the skills of our police officers must begin with a realistic look at the current threat environment, with an eye towards identifying the most appropriate role for law enforcement officers across the country with regard to prevention through detection and deterrence. We must expand our efforts beyond preparing for response in major cities or we may miss the important indicators in our smaller more rural communities.

#### **D. OPPORTUNITIES MISSED**

A brief look back at the known activities and behaviors of terrorists that have been successful in carrying out major attacks within the United States reveals potential indicators that may have been detected by state and local law enforcement had they realized the degree of the threat and known what to look for. Although we now have the benefit of hindsight, one must wonder if any of these attacks could have been prevented had state and local police officers had a better understanding of terrorism and their role in prevention before the attacks of September 11, 2001; or before April 19, 1995; or before February 26, 1993?

As we will see, there were many opportunities for intervention by law enforcement, corrections and private security in the weeks and months leading up to all of these attacks. What follows is a summary of what is known about activities terrorists were able to carry out in our local communities before these deadly attacks.

##### **1. The 1993 World Trade Center Bombing & Holland Tunnel Plot**

Mohammed Salameh, one of the key players in the 1993 World Trade Center bombing, rented the Ryder truck used to carry the bomb, from Jersey City, the day before the attack. Salameh later reported the truck stolen and called the rental office in an attempt to get his \$400.00 deposit back. Nidal Ayyad, another accomplice, acquired the chemicals for the bomb locally and mixed them in a rented garage. Both Ahmad Ajaj and Ramzi Yousef had traveled around the United States for years using false identification documents; a crime for which Ajaj had been arrested in New York in 1992.<sup>39</sup>

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<sup>39</sup> *National Commission on Terrorist Attacks Upon the United States: The 9/11 Commission Report* (New York: W.W. Norton & Company, 2004).

Sheikh Omar Abdel Rahman, the mastermind of the 1993 attack had been living in New York since 1990. Rahman, an extremist Sunni Muslim Cleric, also masterminded another plot to bomb major landmarks and tunnels in New York just four months later.

In the second plot, while planning attacks on the United Nations Building and the Lincoln and Holland Tunnels in New York, the terrorist spent time training with automatic assault weapons at a public Long Island rifle range. They also made several visits to a known terrorist in Attica Prison to plot additional attacks and assassinations. They rented a safe-house (garage) in Queens that would later be used to construct bombs and continued to meet other operatives regularly at local Mosques. They were able to obtain handguns, stun guns and detonators as well as fraudulent passports and birth certificates within the United States. In one case, they were even able to obtain the itinerary of a visiting head of state that they had planned to assassinate. They traveled in rented vehicles on numerous occasions to survey and videotape targets and traffic patterns around New York's Lincoln and Holland Tunnels as well as the United Nations Building. They purchased multiple 55 gallon drums from a drum company in Newark, New Jersey and traveled to a gas station in Yonkers to fill the drums with diesel fuel. They purchased timing devices from a store in Chinatown (NY) and large quantities of fertilizer from the suburbs.<sup>40</sup> They also made several unsuccessful attempts to purchase stolen cars from local criminals for use as getaway vehicles after the attack.<sup>41</sup>

Yousef and Ajaj also prepared and carried with them what has come to be known as the "terrorist kit" that contained; bomb making manuals, operations guidance manuals and video tapes advocating terrorist acting against the United States.

## **2. 1995 Attack on the Alfred P. Murrah Building, Oklahoma City**

Although Timothy McVeigh would be considered a "lone-wolf" terrorist, his motivations and obsessions were fueled by the writings of known white supremacist William Peirce, in the Turner Diaries.<sup>42</sup> McVeigh and his accomplice, Terry Nichols,

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<sup>40</sup> *United States v. Rahman*, 189 F3d88, 104 (2d Cir. 1999).

<sup>41</sup> Several attempts were made to purchase stolen cars to be used as getaway vehicles but the group did not have sufficient funds to complete the transaction.

<sup>42</sup> The Turner Diaries describe a revolution that takes place through anti-government attacks and the use of guerrilla tactics directed at the U.S. Government.

traveled through several states including Texas, Michigan and Kansas as they prepared for the attack, gathering resources and interacting with businesses, friends and strangers. In the months leading up to the bombing McVeigh and Nichols were able to accomplish the following as they planned and prepared for the attack.

Beginning in September, 1994, McVeigh began gathering his resources for the attack on the Murrah Building in Oklahoma City, starting with the purchase of more than 4,000 pounds<sup>43</sup> of ammonium nitrate<sup>44</sup> from a mid-Kansas cooperative using the alias “Mike Havens.” He and accomplice Terry Nichols continued preparations by stealing seven cases of Tovex<sup>45</sup> explosives and a box of non-electric blasting caps from the Martin Marietta rock quarry near Marion, Kansas.<sup>46</sup> McVeigh then purchased three drums of nitro-methane<sup>47</sup> from an auto race track outside of Dallas, Texas and rented numerous storage lockers in Kansas to store bomb components. Short on cash to fund the attack, McVeigh robbed a local gun dealer in Arkansas.

He also created and carried with him a diagram of how he would rig the explosives and carryout the attack on the Murrah Building, allegedly showing it to others periodically. He typed a number of anti-government letters and warned friends and family members that he planned to take action against the federal government in retaliation for the siege at Waco.<sup>48</sup> In the later stages of his planning, McVeigh made several trips to the Murrah Building to determine what size truck he could use to place the explosives in the most vulnerable point of the building. Associates of McVeigh report that he purchased numerous books that described how to make bombs and encouraged self-declared patriots to blow up federal buildings.<sup>49</sup>

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43 There is widespread disagreement about the amount of ammonium nitrate McVeigh actually used. Estimates vary between 4,000 and 7,000 pounds.

44 Ammonium nitrate is commonly sold as a fertilizer but when mixed with the appropriate fuel oil (ANFO) it becomes one of the most commonly used ingredients for making improvised explosive devices.

45 Tovex is a gel-based high-explosive manufactured by DuPont.

46 Marion, Kansas is approximately 225 miles from Oklahoma City.

47 Nitro-methane is a racing fuel that can be used to mix with ammonium nitrate to create a supercharged explosive.

48 Referring to the ATF raid of the Branch Davidian Ranch in Waco, Texas in April, 1993.

49 *U.S. v McVeigh*, Retrieved from [www.fas.org/irp/threat/mcveigh/overview.htm].

McVeigh spent much of his time in motel rooms as he traveled from state-to-state gathering resources, spending several days in a Junction City, Kansas motel just prior to the attack. It was from this room that he placed several calls to various truck rental companies to secure the one-way rental of the Ryder truck from Junction City to Oklahoma.<sup>50</sup> He picked up the Ryder truck using an alias and fake South Dakota driver's license.

Just four days before the attack, he purchased his getaway vehicle at the Junction City, Firestone and parked in an alley just a few blocks from the Murrah Building without any tags. Realizing this may come to the attention of the local police, McVeigh attached a note to the window stating "Not abandoned; Please do not tow; will move by April 23 (needs battery and cable)." The vehicle remained parked in that location until the attack.<sup>51</sup>

### **3. The 2001 Attack on the World Trade Center and Pentagon**

Most of the 19 terror operatives from the 2001 attack lived in and traveled around the United States at various times over the previous several years;<sup>52</sup> however, the following timeline will focus on the months leading up to the actual attack to highlight the operational stages that are most vulnerable to detection. Although attack organizers Hazmi and Mihdhar arrived in Los Angeles<sup>53</sup> in January 2000, 14 of the 15 "muscle hijackers" did not arrive in the United States until June of 2001.

Hazmi and Mihdhar posed as Saudi students and spent a considerable amount of time in Culver City, California, living in a strong Muslim community, seeking assistance from local Mosques. They stayed at numerous hotels between Los Angeles and San Diego and attended planning meetings with other operatives at local restaurants.<sup>54</sup> They frequently met with and attempted to recruit local university students from other

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<sup>50</sup> It is nearly 300 miles from Junction City, Kansas to Oklahoma City, Oklahoma.

<sup>51</sup> M. Lou and D. Herveck, *American Terrorist* (New York: Regan Books, 2001), 47.

<sup>52</sup> *The 9/11 Commission Report*, 215.

<sup>53</sup> Khalid Sheikh Mohammed, the organizer of the attack, related that California was a convenient point of entry from Asia and had the added benefit of being far away from the intended target area.

<sup>54</sup> Predominately restaurants in Muslim dominated communities (like Culver City) and located near Mosques.

Muslim countries. Over the course of several months, they rented apartments,<sup>55</sup> opened bank accounts, obtained California and Virginia Driver's Licenses and applied for language and flight schools.

As other 9-11 operatives entered the plot, the group was clearly able to move about the United States undetected as they engaged in unusual activities. For example, it is known that the operatives attended numerous flight training schools, often expressing their desire to begin training by learning to fly jets (Boeing aircraft in particular), often asking different flight schools<sup>56</sup> where they could find a program that would skip the small aircraft flight training. As flight students they were noted as "poor students who showed no interest in take off and landing procedures." They were also described by some flight instructors as aggressive and rude during instruction, fighting to take over the controls of the aircraft. Additionally, at least some of the operatives were known to have taken multiple cross country surveillance flights, including a unique test flight along the Hudson Corridor.<sup>57</sup>

They traveled by car frequently between Newark, New Jersey and New York and between Arizona and California, sharing apartments with flight instructors and renting single engine planes.

Eventually, most operatives purchased used vehicles, and several were able to obtain private pilots licenses. Several of the operatives were known to have established residences in Falls Church, Alexandria and Virginia Beach, Virginia,<sup>58</sup> as well as in Patterson, New Jersey and Connecticut. They secured several rental mailboxes in various suburban areas and frequently attended Mosques in rural suburban areas including Northern Virginia, Connecticut and New Jersey.

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<sup>55</sup> Hazmi and Mihdhar first attempted to pay for the apartment in cash but the leasing agent would not accept cash payment. The pair lived in the apartment with virtually no furniture and very few possessions.

<sup>56</sup> Known flight schools include Sarasota and Venice, Florida; Mesa, Arizona; San Diego, California. Both Atta and Al-Shehhi received flight training in Venice, Fla., Tampa, Fla., and Miami after visiting a flight school in Norman, Okla. The same school provided entry flight training to Zacarias Moussaoui, who had been detained in Minnesota since mid-August after he aroused suspicions by seeking training on a simulator to fly--but not land--passenger jets.

<sup>57</sup> The Hudson Corridor is a low-altitude 'hallway' along the Hudson River that passes New York landmarks like the World Trade Center.

<sup>58</sup> *The 9/11 Commission Report*, 253.

At least one of the operatives was encountered on a traffic stop by local law enforcement in April 2001, in Broward County Florida. Several of the operatives stayed in various suburban Washington hotels from August through September 10, 2001, and attempted, on at least one occasion, to use a bad credit card to purchase an official Air Force Magazine at the Government Printing Office in Washington, D.C.<sup>59</sup>

After 9-11, it was revealed that the operatives repeatedly visited a fertilizer company in Belle Glade, Fla., (inquiring about the use of crop dusters); and continually attempted to recruit additional operatives from local universities and Mosques. They used traveler's checks for numerous purchases<sup>60</sup> and opened bank accounts, rented cars and mailboxes, joined local gyms, stayed in hotels and motels, rented apartments, and traveled to resorts.<sup>61</sup>

#### **E. A CLEAR ROLE FOR LOCAL LAW ENFORCEMENT**

In many cases, such as those cited above, terrorist will have some contact with, or be known by, local law enforcement well before an attack occurs. And in all cases, the attackers will need to purchase, lease or steal the resources they needed from local businesses or industry. Most will, at some point, obtain and possess fraudulent identification or other legal documents needed to assist them in concealing their identity. Other detectable commonalities include the use of motel rooms, rental vehicles, temporary mailboxes, storage facilities, apartments and bank accounts; frequent travel on major roadways; interaction and recruiting attempts at local universities, Mosques and correctional facilities; frequent and unusual interactions or requests from businesses that offer training, licensing, services, rental vehicles and storage facilities. These known facts demonstrate a host of activities that are potentially detectable by state and local law enforcement and private security if they know what to look for.

These examples demonstrate that the openness of our democratic society and the ease of transportation does not limit terrorist to large urban areas within the United

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<sup>59</sup> David Peace, "One Suspect Emerges as Group's 'Pied Piper'," *Sun Times*, September 26, 2001.

<sup>60</sup> Nearly \$50,000 in traveler's checks were used in the United States; *The 9/11 Commission Report*, 237.

<sup>61</sup> Shehri traveled to Las Vegas, and the Princess Resort in Freeport Bahamas; *The 9/11 Commission Report*, 242.

States. While terrorists may target large urban areas, they typically mobilize, plan, secure resources and deploy from out of the way rural locations. This fact reinforces our need to expand our detection capabilities by ensuring that every police officer in the United States fully understands their role and is engaged in our national efforts to prevent future attacks. Without the support of these officers, who work in our communities every day interacting with hundreds of thousands of motorists, tourist, victims and criminals we are not putting our best efforts forth. The value added by using these additional “eyes and ears” as a force multiplier far surpass any effort that could be accomplished by the 11,800 Federal Law Enforcement agents<sup>62</sup> around the country when it comes to detecting terrorist activity *before* an attack occurs. The value of the unique skills and abilities of local police officers in making the connections between the seemingly innocuous activities of the terrorists highlighted above are enumerated in the following section.

### **1. The Discoverers**

Police officers are skilled at discovery. They are extremely efficient at recognizing subtle activities that indicate something is “out of the ordinary” in the communities that they serve. Due to the nature of their duties, police officers typically develop a keen “sense” or perception that allows them to apprehend offenders, investigate and solve crimes and most importantly, survive. This sixth sense is a combination of experience, familiarity and survival skills that are inherent in what they do.

Having been described as “long periods of boredom interrupted by brief moments of intense fear” a police officer’s daily routine builds the essential qualities needed to enhance our prevention efforts. While the majority of a police officers’ day may be spent patrolling familiar areas, conducting routine and sometimes redundant activities, they quickly become skilled at recognizing what is “normal” about the people and places they patrol, creating a mental map of what is “ordinary.” As they gain experience these mental acuties become increasingly sensitive to slight changes in the environment or behaviors of the people with which they interact.

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<sup>62</sup> This number represents the total deployment of law enforcement agents working for the Federal Bureau of Investigation (FBI).

Much like the skilled “career criminal,” good police officers learn all of the subtle nuances that create opportunities for criminals and predators seeking to infiltrate their communities and they act strategically to reduce those vulnerabilities. This phenomenon applies equally throughout the police organization as officers from patrol, narcotics and investigations develop extraordinary skills that make them successful in fulfilling their mission. For example, experienced patrol officers will recognize subtle differences in how a person concealing a weapon walks; his gait, arm movements, hand placement and clothing.<sup>63</sup> They can detect when a person they have stopped is about to flee or launch an assault through slight changes in eye movements, perspiration and breathing patterns. While on routine patrol they notice people or things that are out of place, using a rapid, almost simultaneous assessment that considers the time of day, location, appearance/clothing, or actions; which often provide opportunities to prevent or disrupt burglaries or property theft.

Through training and experience traffic enforcement officers on a routine traffic stop will instinctively look for potential indicators that an occupant may be concealing something or possibly pose a threat to the officer or community. As they approach the stopped vehicle, they look to see if the vehicle is in gear, or if the break lights are illuminated, indicating the potential flight of the motorist. They observe the body language and hand movements of the occupants, anticipating signs of potential danger that will allow them time to take cover or defend themselves from an attack.

Narcotics officers have mastered the complex methods and tactics used by drug organizations and understand how they communicate, travel, conceal narcotics and establish markets. Criminal investigators conducting an interrogation quickly adjust their techniques to manipulate suspects by capitalizing on their strengths and weaknesses. Good police investigators can almost instinctively read deception in an interrogation and can follow the smallest shreds of evidence to track perpetrators involved in nearly any crime.

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<sup>63</sup> In the mid 1990s law enforcement officers began training programs on how to identify an armed gunman based on subtle differences in body language and clothing.



These examples of law enforcement adaptation demonstrates that for years police officers have become extremely efficient at developing the expertise needed to meet and overcome new challenges and threats posed by criminals. Thus the inclusion of subtle activities detection of potential terrorist activities does not represent an insurmountable challenge or even a significant shift from what it is that police officers do instinctually.

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## IV. PUBLIC POLICY AND PUBLIC VALUE

### A. NATIONAL AND LOCAL CHALLENGES

The most significant challenge to local law enforcement is rooted in traditional public policy in that local priorities must trickle down from federal priorities. This should not, and does not have to be the case when it comes to the National Strategy. Although it was developed at the federal level, it was done so with the stated purpose of including “all levels of government, the private sector and the American people;”<sup>64</sup> a theme that is common in each of the national strategic documents that have been produced by the Department of Homeland Security and endorsed by the President over the past three years.

#### 1. National Level: National vs. Local Priorities

At the national level intelligence sharing and response preparedness have been the focal points for government reform since 9-11. Logically, these priorities are driven by what issues have the greatest public value, *i.e.*, information sharing is important because people want to feel they are informed of potential threats so they can act to protect themselves; just as the emphasis on response is driven by society’s need to know that our first responders will have the ability to rescue them should another attack occur. Prevention, on the other hand, is an invisible quantity that means “nothing happens” to impact peoples lives and thus demands no attention. Unfortunately, prevention can not be measured and therefore doesn’t register or have public value when compared to the tangible, “what’s in it for me” element associated with information and response. While this mentality is understandable, it leaves us in the dangerous position that no one is focusing on prevention at the local level which ignores the “lessons learned” about the success of al Qaeda and many other terror groups that have been successful in the past.

This pressure has in turn filtered down to local law enforcement leaders who are focusing on ensuring they have access to terrorist-related intelligence and the ability to respond more effectively to mass-casualty terrorist attacks. While local police leaders across the country continue to fight for security clearances, information, and funding for

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<sup>64</sup> *National Strategy for Homeland Security*, vii.

response equipment, these issues seem to be the only ones getting political, economic and community support. As a result, law and policy makers are developing new strategies and allocating budgets around these two principals and millions of dollars are being made on selling response equipment to law enforcement agencies around the country.

At the national level federal budgets continue to focus on preparing for response, which stimulates economic growth, while focusing on prevention does not offer the same benefit.<sup>65</sup> More importantly, with the vast majority of federal funding focused on response and recovery a strong message is being sent that prevention is not valued or necessary at the local level.

## **2. Local Level: Changing Perceptions**

At the local level, law enforcement strategies and budgets are driven by what stakeholders feel are important at the community level and ultimately tie into only those things the community feels their local police are responsible for; and preventing terror attacks is not one of them. The average American citizen is more afraid of becoming the victim of a robbery than they are of being the victim of a terrorist attack. As far as they are concerned, the local police are responsible for protecting them from criminals, while the military and the federal government (FBI, DHS, and CIA) are responsible for protecting them from terrorists; thus there is no public support for local law enforcement efforts in terrorism prevention or homeland security. As far as local budgets are concerned preparing for response brings federal funding while focusing on prevention will only add to the strain on scarce personnel resources.

Unfortunately the reality is, if local law enforcement leaders are unable to convince key stakeholders that terrorism detection, deterrence and prevention are important elements of the law enforcement mission, strategies will not evolve and budgets will not be adjusted to include the crucial elements necessary to counter the external threats.<sup>66</sup>

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<sup>65</sup> Christopher Bellavita, "What's Preventing Homeland Security?" *Homeland Security Affairs* 1 (July 2005): 17.

<sup>66</sup> The average tenure of a Police Chief in the United States is three to five years based largely on political and constituent support. *Command Performance*, Police Executive Research Forum (1998).

## **B. CONSIDERATIONS**

The field of homeland security is so broad and encompasses so many different disciplines the best bet for a comprehensive approach would be to develop components for each discipline across all levels of government that can later be integrated into the larger homeland security system.

As with all strategies developed in a public domain, it is essential that three critical elements are considered during development. First, there must be critical thought in determining what would be valuable and effective at the national *and* local level. In this context, that means creating a prevention strategy that supports the National Strategy and will be useful to all law enforcement agencies at the local level, regardless of size or location.

The strategy must also consider the public/political expectations and consequences. This is particularly important at the community level, as we prepare to engage our law enforcement officers in an offensive strategy that is directed at an adversary that may be politically or religiously motivated. There are a myriad of sensitive issues that relate to the delicate balance between liberty and security that must be considered and integrated into the philosophy of the strategy.

Lastly, there must be an analysis and determination of operational feasibility that will be sustainable over time. The later being the most difficult considering the demands of traditional law enforcement activities that will not diminish in the future.<sup>67</sup> Operational plans developed to support the National Strategy cannot be too complex or lengthy, making them impossible to digest otherwise they will sit on a shelf and not be used. Additionally, they must clearly define roles and responsibilities for all agencies that take into consideration the consequences of actions taken on surrounding jurisdictions.<sup>68</sup>

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<sup>67</sup> In fact, traditional demands on local law enforcement may increase with the new prevention strategy as the reporting of suspicious activity increases. Follow up on additional suspicious activity reporting will also increase demand.

<sup>68</sup> In 2003, it was discovered that the U.S. Capitol Police Department in Washington, D.C. had prepared and implemented an emergency plan that included closing off major arteries that had been designated as Emergency Evacuation Routes by the Metropolitan Police Department. This created significant problems that neither agency was aware of until a crisis arose and confusion set in. See Lyndsey Layton, "Street Closing Irks D.C. Leaders," *The Washington Post*, 3 August 2004, sec A01.

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## **V. BUILDING THE LAW ENFORCEMENT STRATEGY**

### **A. EXPANDING THE MISSION**

Due to the strong traditional nature of policing, change has always been slow and difficult for law enforcement organizations. Historically change has only been expected when the organization or society itself faces a significant threat or crisis; and even then changes must be carefully balanced with the political and social needs of the time. The attacks on New York and Washington, D.C. in 2001 have certainly illuminated an emerging threat that can no longer be ignored, thus ensuring that change will follow. The first step in initiating that change is ensuring that police officers understand their obligation to prevent terror attacks through their daily interactions with the public. Every traffic stop, every citizen contact and every investigation of suspicious activity or crime could lead to the identification of a terrorist operator and prevent a potential attack. When combined with the existing community oriented policing model practiced by most law enforcement agencies this realization will be the impetus for moving to a more secure community.

#### **1. Community Oriented Policing and Today's Strategy**

With little variation, the core mission of local law enforcement has always been to prevent crime, detect criminal activity and apprehend offenders while fostering a sense of safety in the community. As law enforcement models have evolved from the political era thru Community Oriented Policing, goals have been revised, but the core mission has not changed. As we move forward into a new arena of crime fighting that includes terrorism, the mission and goals developed during the Community Oriented Policing era have provided us with a natural evolution that will make enhancing and the integrating new skills easier.

Although not all law enforcement agencies have fully embraced the Community Oriented Policing concept, studies have shown that there is growing recognition for the value it brings in terms of reduced crime and fear of crime as well as improved

community satisfaction.<sup>69</sup> Utilizing the same problem solving philosophy and community partnerships, terrorism prevention through detection and deterrence can be integrated into police organizations without reducing the emphasis on crime control, order maintenance or service to the community.

## **2. Leveraging Existing Expertise**

In the simplest terms, terrorism is a crime of violence that is intended to inflict casualties in the communities that local law enforcement is sworn to protect. What makes it different is the extreme commitment of the perpetrators, who are willing to sacrifice themselves in order to carryout elaborate, deadly attacks against large numbers of random, unsuspecting civilians. The magnitude and consequences of those attacks on our society as a whole also create new dynamics that must be considered. Like other criminals, terrorists are becoming increasingly skilled at blending among us as they plan these attacks from within our local communities. Therefore detecting the subtle activities that may be associated with a potential attack is crucial.

Clearly, the opportunities for detection and deterrence during the planning stages of an attack are numerous and should be recognized by every police officer in every community. As terrorists carry out surveillance of potential targets and commit crimes to create false identities to finance their mission, opportunities are created for local police officers to identify and pre-empt even the most dedicated terrorist organizations from succeeding in an attack. But the enhanced skills and associated responsibilities should not be isolated in “counter-terrorism” or other specialized units.<sup>70</sup> The law enforcement community as a whole must incorporate terrorism prevention in their missions, goals, objectives, training, performance evaluations and all other elements that define the culture and activities of their organizations.<sup>71</sup>

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<sup>69</sup> U.S. Department of Justice, “Community Policing,” Office of Community Oriented Policing Services (2001), 22. Between 1997 and 1999, departments employing personnel designated as community police rose from 34% to 64%.

<sup>70</sup> Unlike the start of the community oriented policing era where agencies would assign specific officers to handle the community policing function while all others continued on with their traditional roles.

<sup>71</sup> Mathew Scheider and Robert Chapman, “Community Policing and Terrorism,” April 2003, [<http://www.homelandsecurity.org/journal/articles/scheider-Chapman.html>], July, 2005.



The Preparedness Guidelines for Homeland Security released in 2003, identified five elements of a terrorism prevention strategy: collaboration, information sharing, threat recognition, risk management and intervention.<sup>72</sup> These five elements correspond with the central idea of community policing which fosters a collaborative partnership with the community to effectively address the underlying conditions that give rise to crime and disorder. In this case, the task is for local law enforcement to enhance those partnerships to include public and private agencies through the establishment of a Local Business Network. Law enforcement's partnership with this network will add a new dimension to our prevention effort as thousands more "eyes and ears" are added to the national network learning to look for and report potential warning indicators.

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<sup>72</sup> Office of Domestic Preparedness, "Guidelines for Homeland Security: Prevention and Deterrence," (Washington, D.C.: Department of Homeland Security, June 2003), 9.

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## **VI. THE ROAD MAP**

### **A. ESTABLISHING NATIONAL STRUCTURE**

The nature of the threat we are facing dictates that we must undergo some significant changes in the way we organize and communicate. Ideally, the structure should be built from the ground up allowing us to move from individual agency actions, to structures that facilitate regional, national and international networks. Creating effective conduits for strategic information sharing will be dependent on the structures put in place to reach beyond our traditional jurisdictional boundaries.

Since it is unlikely that we will ever move to a national police force in the United States, the development of a national network of state, local and tribal police agencies along with private security, will allow law enforcement to be used as a “force multiplier” in the global war on terror. The use of this type of network will allow us to maximize each agency’s unique skills while harnessing the collective strengths of the law enforcement community as a whole.

The creation of a National Law Enforcement Network (NLEN), much like the consolidation of federal agencies into the Department of Homeland Security and the centralization of control for intelligence agencies created through the appointment of the DNI, will facilitate a more effective unified system that integrates all levels of government into the Homeland Security Mission. The structure of the NLEN will assist with the development of a unified prevention strategy that is reasonable and appropriate for *all* state, local and tribal law enforcement agencies, regardless of their size or jurisdiction. Prevention objectives can then be developed to define roles that are realistic and achievable for all departments.

#### **1. The Principles**

The effectiveness of the National Law Enforcement Network is based on two key principles: increasing the ability of state and local officers to detect the subtle activities or behaviors that may indicate terrorist activity; and the expansion of existing local partnerships that will improve detection and reporting of such activities throughout the

business community. The success of both principles will rely on the development of effective conduits for centralizing and sharing that information.

Once established these networks will improve both the internal and external capacity of local police agencies that serve as our nation's front line of defense in the fight against terrorism.

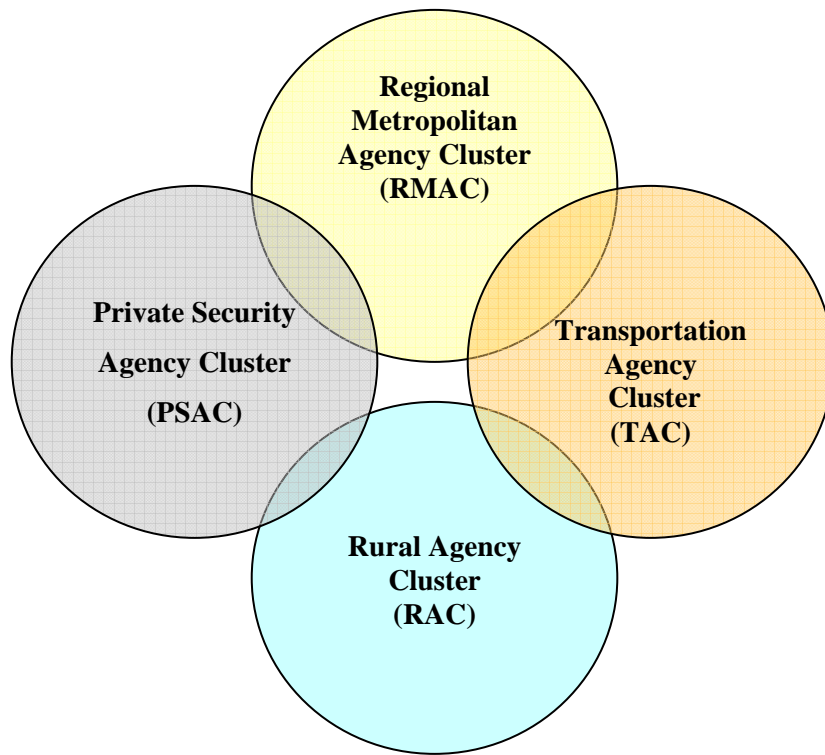
## **B. MISSION SPECIFIC CLUSTERS**

Organizing more than 18,000 individual police agencies into a structure that will enhance the collective efforts of local law enforcement can be accomplished through the use of "Mission Specific Clusters" (MSC). The cluster system groups law enforcement and private security agencies according to their traditional core competencies and natural areas of expertise to more clearly define their role in the prevention strategy. These clusters build on the logical similarities that are inherent in each agency's primary skill areas allowing law enforcement leaders to enhance the skills of their police officers without eroding the commitment to their community or ignoring the strategic needs of their particular agency. Most importantly, the development of these Mission Specific Clusters will allow for varying levels of operational functionality that will define the roles and expectations of all agencies within a particular cluster, eliminating confusion across jurisdictional boundaries. The hope is that the development of this model will guide the leadership in implementing a comprehensive strategy that will enable them to prepare their agencies to detect terrorist activities and prevent future attacks, making state and local law enforcement an active component of the Homeland Security system.

Although the Mission Specific Clusters were initially designed to assist with the implementation of a national prevention strategy, they provide a much needed structure that can later be expanded to define the appropriate roles and capabilities in all aspects of preparedness including equipment, training and mobilization for response.

### **1. The System**

The decision to use "clusters" instead of "tiers" was intended to emphasize that no one agency is more important than another when it comes to prevention. It also emphasizes that some mission clusters will overlap with others, either geographically or operationally as depicted in Figure 3. This will be an important consideration for local agencies engaging in strategic prevention within the *Detection Activity Areas*.



**Figure 3. National Law Enforcement Network: Mission Specific Clusters**

**Regional Metropolitan Agency Cluster (RMAC):** This cluster is geographically based to include all law enforcement agencies within 50 miles of one of the 30 most densely populated cities. This grouping was designed on the premise that the most densely populated cities are the most favored for attack and often present the biggest challenge for law enforcement in terms of reducing vulnerabilities. Agencies in this cluster include; city, county, state, townships, sheriffs, park /natural resource, private security, school security, university, hospitals, etc.

**Transportation Agency Cluster (TAC):** This cluster includes all law enforcement and security responsible for the various modes of transportation (excluding commercial airlines). This cluster is “mission based” in that these agencies have direct responsibility for securing the transportation sector. This cluster overlaps both the RMAC and RAC. The agencies in this cluster include: state police/highway patrol, freight and passenger railroad police, mass transit and commuter bus or rail police, and transportation and port authority police, etc.

**Rural Agency Cluster (RAC):** Similar to the Regional Metropolitan Agency Cluster, this cluster is geographically based to include those law enforcement and security agencies in remote, rural areas that are outside of the RMAC zones and are not included in the TAC and PSAC. These agencies include:

sheriff's departments, county and township police departments, tribal police, natural resources/wildlife fish and game, park police, etc.

**Private Security Agency Cluster (PSAC):** Similar to the Transportation Agency Cluster, this cluster is “mission-based” to include those private security and correctional agencies responsible for the following: infrastructure protection, colleges and universities, hospitals and public facilities, commercial and residential building security, business and industry security, as well as corrections/correctional facilities, etc. This cluster has direct responsibility for various areas that represent unique opportunities for detection of terrorist planning and preparation for potential attacks.

## **C. EFFECTIVE NETWORKS**

Since terrorism is a global phenomenon that impacts our local communities, the key to success for the new NLEN will be creating a mechanism for the SLTLE to gather, report and share critical information in all directions; internally among the various units within the agency, as well as externally with; other SLTLE agencies in the network, the private sector, the federal intelligence community, and ultimately, internationally with their counterparts in other regions of the world. Therefore, the initial focus should be on establishing intelligence requirements for the SLTLE and creating effective conduits for communication. This framework must then be formalized through the development of standards, policies, and practices that will reinforce and expedite critical information sharing.

### **1. Establishing Local Intelligence Requirements**

Ultimately, local law enforcement leaders need information that will guide them in developing prevention strategies that set a meaningful direction for the local law enforcement community when it comes to the complex issue of dealing with terror and extremist networks. This must be done through the establishment of appropriate requirements which will serve both the tactical and strategic needs of the NLEN in terms of prevention and planning.

When it comes to intelligence, many law enforcement leaders at the local level are unsure exactly what information can/should be collected; what information can/should be kept in files; what information can/should be shared and with whom; and most importantly, what resources are available to assist them with answering these questions. Local law enforcement leaders should not assume that the intelligence requirements for

the federal or military agencies are adequate or appropriate for the needs of local police agencies. Extreme caution must be used in this area as there are strict rules and regulations that separate national security intelligence and criminal intelligence which are based on the key missions of the agencies that make up the Intelligence Community and the law enforcement community. Most importantly, the intelligence requirements that are developed for the SLTLE must be in compliance with CFR 28, Section 23; a regulation that most local agencies are completely unaware of.

## **2. National Intelligence and Criminal Intelligence**

The agencies that make up the Intelligence Community<sup>73</sup> (IC) are responsible for gathering and analyzing national intelligence. National intelligence is primarily concerned with the relationship between the United States and foreign powers and the maintenance of the United States' sovereign principals. It includes both policy and military intelligence that identify nations hostile towards the United States and their ability to pose a threat through their weapons systems and warfare capabilities.<sup>74</sup> There is no consideration in these requirements for criminal investigations or the constitutional restrictions that attach to criminal cases associated with law enforcement intelligence. Therefore caution must be used by local law enforcement agencies that are gathering intelligence and maintaining files that may subject them to both legal and civil liability in the future.<sup>75</sup>

## **3. Intelligence for Prevention and Planning**

In terms of prevention, intelligence is based on gaining or developing information related to threats of terrorism or crime that can be used to apprehend offenders, harden targets and design strategies to reduce or eliminate threats.<sup>76</sup> In large part, this information will come from the federal intelligence community through the Department

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<sup>73</sup> The Intelligence Community (IC) is comprised of the Army, Navy, Air Force, Marine Corps Intelligence Agencies, Central Intelligence Agency, Coast Guard Intelligence, Defense Intelligence Agency, Dept. of Energy, Dept. of Homeland Security, Dept. of Treasury, Dept. of State, Federal Bureau of Investigations, National Geospatial Agency, National Reconnaissance Office, and the National Security Agency, [www.intelligence.gov], accessed August 14, 2005.

<sup>74</sup> David Carter, *Law Enforcement Intelligence: A Guide for State, Local and Tribal Law Enforcement Agencies* (U.S. Department of Justice, Office of Community Oriented Policing Services, 2003), 14.

<sup>75</sup> Methods used to collect NSI likely will not meet the constitutional requirements for a criminal prosecution.

<sup>76</sup> Carter, *Law Enforcement Intelligence*, 94.

of Homeland Security. As our national security agencies develop information on foreign terrorist leaders, their motives, tactics and the capabilities of their networks around the globe, this information must be shared with local law enforcement so local strategies can be adjusted to reduce vulnerabilities at the local level. The same is true for federal law enforcement agencies that collect intelligence domestically. There must be a mechanism for sharing the appropriate aspects of this information so local law enforcement leaders have adequate time to respond offensively.

Intelligence shared with local law enforcement must also be used strategically for planning and resource allocation. This aspect of intelligence will provide information to decision makers about the emerging threats for the purpose of developing response strategies and reallocating resources to accomplish effective prevention.<sup>77</sup>

#### **4. Use of Intelligence and Technology**

The type of intelligence needed in today's environment goes well beyond the "dragnet approach" of traditional law enforcement intelligence units. For years, local law enforcement has been gathering large amounts of data on suspects, criminals, and other criminal associates and storing them in large databases for future reference. In most cases, these systems do not allow for contextual searches or relationship identification between key elements of data, nor do they allow for interactive searches between jurisdictions.

Just as emerging technologies led local law enforcement to the CompStat<sup>78</sup> era, whereby, crime and policing efforts were data driven through the use of timely information on crime and criminal activity; this same concept can be used as we move into an intelligence led policing model that will improve our ability to fight terrorism through the use of regional information on suspicious activity and other terrorist related data.

The availability of technology will drive the evolution of the new intelligence led policing model and eliminate the stove-piping of information between agencies. If local

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<sup>77</sup> Carter, *Law Enforcement Intelligence*, 65.

<sup>78</sup> CompStat was developed as a tool for Community Policing and draws its name from Computerized Statistics. CompStat uses computerized crime mapping and statistics as a tool to deploy resources more efficiently.



law enforcement is ever going to be considered a viable component of the Homeland Security Mission, they must build the capacity to think “globally and act locally.”<sup>79</sup>

The transition to an intelligence led policing model will ensure that all SLTLE, private security, and the community are engaged in a comprehensive prevention strategy that emphasizes our commitment to the National Strategy.

#### **D. EXTERNAL NETWORKS**

The establishment of the National Law Enforcement Network (NLEN) provides the framework for the expansion of the network to the private sector through the development of a Local Business Network (LBN). Just as the Mission Specific Clusters serve as components of a National Law Enforcement Network, the Local Business Network will establish nationwide lines of communication between our business and industry partners and local law enforcement through the Mission Specific Clusters. With terror cells operating in our communities, our local businesses and industries may unwittingly provide the resources needed to carry out an attack. Therefore including them in the prevention network will increase opportunities for detection as well as the operational risk to the terrorist.

Using the Mission Specific Clusters to build this external network will aid in the development of an effective national prevention strategy that can be carried out at the local level facilitating a seamless integration into the national prevention strategy envisioned by the President.

##### **1. Existing Programs**

State and local police agencies have demonstrated their creativity and agility over the years as they have continuously adapted to overcome emerging threats without waiting for direction from the federal government. For cities like New York, Washington, D.C. and Los Angeles the threat of future attacks was too great to await guidance from the Department of Homeland Security. Almost immediately, these agencies implemented local terrorism prevention programs that could be integrated into existing activities to enhance their ability to detect and prevent future attacks.<sup>80</sup>

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<sup>79</sup> Carter, *Law Enforcement Intelligence*, 4.

<sup>80</sup> The TEW established in Los Angeles, was actually created in 1996, but since 2001, the program has been expanded and will likely be replicated around the country through the UASI grant program.

## **2. Terrorism Prevention Outreach Programs**

Programs like Operation Nexus created by the New York City Police Department (NYPD), and Operation TIPP (Terrorist Incident Prevention Program) implemented by the Metropolitan Police Department (MPD) in Washington D.C., (Appendix A) are based on what is known about previous terror attacks within the United States in that certain businesses and industries may be exploited by terrorist who portray themselves as legitimate customers seeking to purchase, lease or otherwise obtain certain materials, licenses and/or services to covertly further a terrorist plot. As demonstrated in all of the case studies and through the use of the Terrorist Continuum, these programs educate officers on the known activities of terrorist groups and engage them in an outreach program that requires personal contact with the local businesses that are most at risk and likely to detect conduct or requests that are inconsistent with their experience with routine customers.

## **3. The Terrorism Early Warning Group (TEW)**

The Terrorist Early Warning Group (TEW) in Los Angeles was originally created to “fill a void in information and knowledge about terrorism for local law enforcement and public safety agencies.”<sup>81</sup> The TEW is a multi-discipline, multi-agency approach that provides a local network of public and private agencies that serve multiple fusion functions and provide information on; indications and warning, operational assessments, and special events with threat potential. The creation of the TEW was one of the first major steps towards regional preparedness and will serve as a model for local agencies around the country.

## **4. Expanding Local Programs through the Network**

These and other programs initiated by local law enforcement agencies of all sizes around the country emphasize the importance of using the long-standing relationships law enforcement has built with the local communities and the formidable network they can create when harnessed in a unified effort. The credibility and trust earned by local police leaders over the years demonstrates they are clearly the best suited to lead our national prevention efforts. While all of these local programs demonstrate the initiative and flexibility of our local police agencies when faced with new threats or changes in the

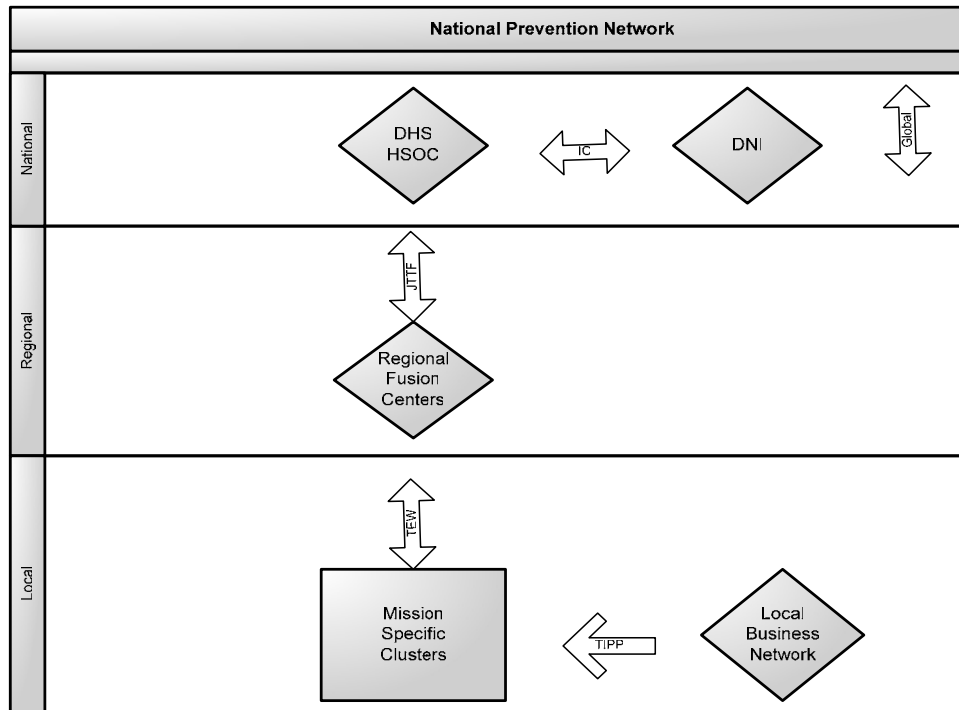
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<sup>81</sup> John Sullivan, *TEW Resource Book One: Introduction to the Terrorism Early Warning Group*, 3.

environment, they have been largely overlooked by the Department of Homeland Security as well as other federal agencies who continue to establish federal hoops for locals to jump through in order to receive funding.

These programs have tremendous value when it comes to preventing terror attacks at the local level, but they must be expanded to reach into the smaller, more rural communities where terrorists can still effectively prepare undetected, for attacks on major cities and soft targets. Using the Mission Specific Clusters and the LBN as the platform to expand these programs can eliminate those pockets of vulnerability.

Once the networks are complete the lines of communications needed to successfully deal with terrorism will be established. The final network is pictured in Figure 4.



**Figure 4. The National Prevention Network**

**E. NATIONWIDE IMPLEMENTATION OF PREVENTION PROGRAMS**

Clearly, nationwide implementation of programs like Operations Nexus and Operation TIPP distributed at the local level through the MSC’s will capitalize on the existing expertise among the various clusters and maximizes the benefit of existing relationships already established by the Mission Specific Clusters with the more than five

dozen business/industry resource vulnerabilities identified in these programs. For example, using the agencies within the Transportation Agency Cluster (TAC) to educate commercial driving schools, marinas, and railway commuters, ensures minimal disruption to existing agency activities.

National distribution efforts will form the basis of the LBN that will eventually reach across the nation and be tied into regional fusion centers where relevant information can be tracked and analyzed.

### **1. Creating Regional Fusion Centers**

Using the TEW concept, regional fusion centers established across the country will provide connectivity from region to region. Once firmly established the regional network will become national and eventually global to include our allies and neighbors in other regions of the globe.

### **2. Connecting at the National and Global Level**

The regional fusion centers will be connected through the existing Joint Terrorism Task Force structure established by the FBI. These existing partnerships facilitate the efficient exchange of information between local and federal agencies. From there existing conduits for connection with the Department of Homeland Security's Operations Center (HSOC) will ensure national situational awareness of threats and warnings. Information can then be shared through the Director of National Intelligence and the Department of State with our global partners who support our efforts to combat terrorism internationally.

## VII. CONCLUSIONS

### A. CLARIFYING ACCOUNTABILITY AND CHANGING PERCEPTIONS

The roadmap outlined in this proposal describes the most crucial steps for transforming our local law enforcement agencies into a formidable network that can significantly reduce our vulnerability to future acts of terrorism.

The process begins by clarifying the role of SLTLE agencies in the National Strategy when it comes to preventing future terror attacks. It must be clear who will be held accountable for what in terms of preparedness and activities. Local law enforcement leaders must understand that they will be held accountable for ensuring that their agencies are fully engaged in *preventing* future attacks, not just responding to them.

Success in this area will be dependent on our ability to change the perceptions both internally and externally. Thus it will be critical that we change the message and form the proper perspectives as to local law enforcement's role. The message that SLTLE is responsible for preventing terror attacks must come from the top and be constantly reinforced in public messages and federal strategies and plans produced by all levels of government. The public and local government leaders must understand the important role of local police officers in prevention or missions, budgets and strategies will not shift to support their role.

The local community must also understand that their local police officers can and should be engaged in terrorism prevention and that these efforts will not reduce law enforcement's effectiveness in preventing traditional crimes; rather it will enhance their capabilities to pursue traditional criminal organizations that may aid in future attacks. It is the government's obligation to prepare society for what may become the inevitable if the appropriate steps are not taken.

### B. PREVENTION AND FUNDING

While efforts to improve response to terrorist attacks should continue, the President and Secretary of Homeland Security must expand this push to place greater emphasis on the importance of prevention at the local level. To this end the risk-based analysis used to provide financial support for local efforts must factor in the risk of

missing early planning efforts of terrorists in areas outside of our major cities. The financial investment needed is not substantial and certainly supports the cost-benefit analysis in terms of reducing vulnerabilities to our most at risk targets.

### **C. IMPROVING INTELLIGENCE AND COMMUNICATION**

Emphasis on intelligence and information sharing should also continue however, there must be increased focus on developing appropriate intelligence requirements for all levels of government that will improve the efficiency of the information that is gathered and exchanged. A finite set of standards should govern each level so that SLTLE agencies understand what information is needed from them and the federal agencies understand what the SLTLE need in return.

The President must continue his push to establish effective governmental structures that are best suited to deal with terrorism in the future. This can be done by aligning local agencies in a network structure that capitalizes on their core competencies and traditional roles through the creation of the Mission Specific Clusters that will form the National Law Enforcement Network. This structure will facilitate the most efficient use of SLTLE in the National Strategy, especially when it comes to including the private sector.

### **D. LEADING AND IMPLEMENTING CHANGE**

The role of the Department of Homeland Security will be to support the strategic and tactical prevention efforts of the SLTLE by funding programs like Operation TIPP and the TEW's. The development of training videos, programs and materials require minimal funding and will provide the most efficient means to educate local police officers. Distribution of these programs will be accomplished through the Mission Specific Clusters and coordination will be managed by the TEW's.

The agencies within each of the Mission Specific Clusters must be tasked with establishing the Local Business Network through the use of existing programs like Operations TIPP and Nexus. These are local initiatives created by local agencies that understand the needs of the community as well as the needs of the government. This makes the most sense as it is the local police officers that will be the face of government in times of a crisis. They have already established the relationships needed to build the networks and certainly are the most appropriate ones to do so.

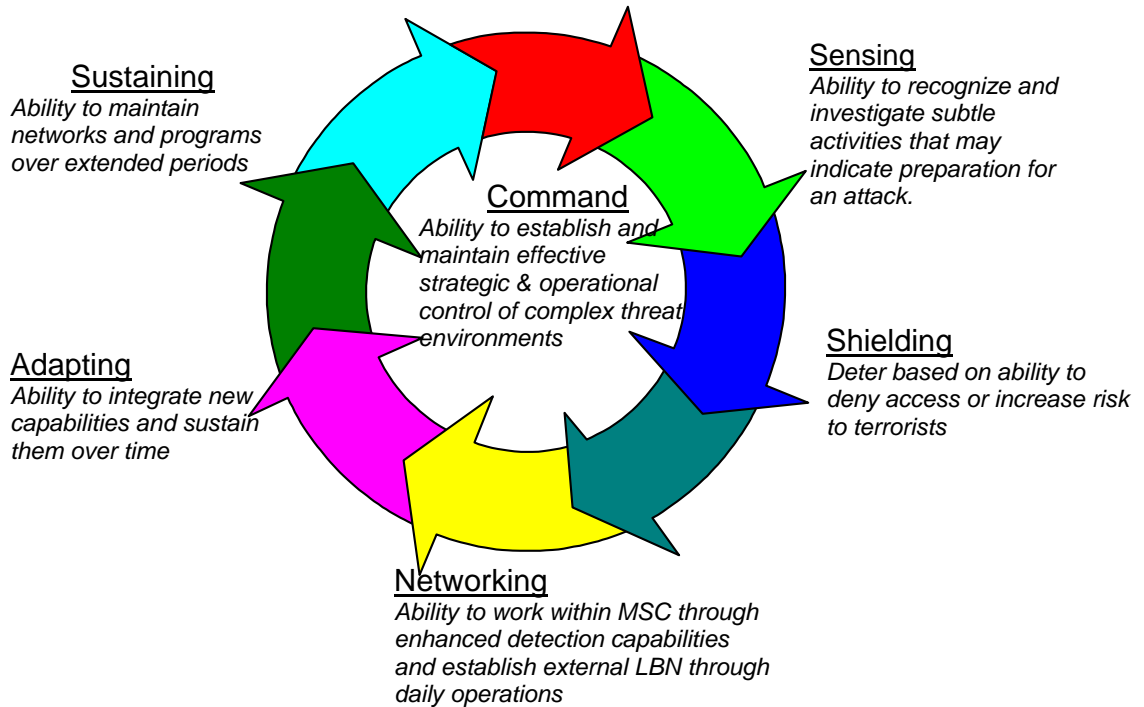
Additionally, local law enforcement has already established many of the needed relationships with the private sector that will be needed to support the new prevention network. The implementation of these programs across the nation will capitalize on the existing regional efforts already underway at the local level and will facilitate their expansion to include national and eventually global efforts.

The Department of Homeland Security must continue to work with agencies at all levels to develop the appropriate intelligence requirements that will meet the needs of all agencies and facilitate the most efficient means of information sharing.

**1. The Homeland Security Strategic Cycle for SLTLE**

Local law enforcement leaders must extend agency capabilities beyond response preparedness. Countering terrorism in today's environment must begin at the local level and its effectiveness will depend on the SLTLE agencies ability to think strategically as they work towards building the capability to detect, prevent and deter terrorist activity or attack. The *Homeland Security Strategic Cycle* in Figure 5 illustrates the expanded capabilities that SLTLE must establish and maintain.

## SLTLE Homeland Security Strategic Cycle



**Figure 5. Homeland Security Strategic Preparedness Cycle for NLEN**

1. **Sensing** – Ability to recognize and investigate subtle activities that may indicate preparation for an attack.
2. **Shielding** - Deterrence based on ability to deny access to potential targets and increase operational risks to terrorists.
3. **Networking**- Ability to work within Mission Specific Clusters through enhanced detection capabilities and establish external LBN through daily operations.
4. **Adapting** - Ability to integrate new skills and capabilities into a profession that is largely based on tradition, and sustain them over time.
5. **Sustaining** – Ability to maintain skills, networks and programs over extended periods of time, including all activities related to training, supplies, maintenance, and public affairs.



6. Command – Serves as the nexus of all other functions; the ability to lead change internally and encourage acceptance externally.

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## **VIII. STRATEGIC POLICY DOCUMENTS**

### **A. NATIONAL STRATEGY**

A cohesive National Strategy document is needed to set local law enforcement's roles and expectations and provide a structured approach for terrorism prevention for both transnational and domestic terrorist groups. However, creating a new strategy is not encouraged as there are more than enough National Strategy documents already in existence. Utilizing existing policies and directives, like the National Preparedness Goals along with stronger incorporation into Homeland Security Presidential Directive 8 (HSPD 8) may be a valid option. Expanding the National Goal requirements to emphasize local law enforcement prevention capabilities also provides a mechanism to motivate compliance in accordance with the Department of Homeland Security's "risk-based" funding programs. Incorporation into a Homeland Security Presidential Directive (HSPD) also has the force of law for federal agencies and would require implementation.

### **B. LOCAL AND REGIONAL OPERATIONAL POLICIES**

Regional Partnerships must be encouraged to leverage state and local law enforcement resources, supported by federal capabilities and funding. This allows funding to remain consistent with Secretary Chertoff's new risk-based funding policy without excluding smaller agencies that serve high-risk planning and preparation areas for future attacks.

Using the National Law Enforcement Network creates a national level incentive for local law enforcement leadership to engage in prevention strategy. Through the use of fusion centers in the Regional Metropolitan Area Cluster's<sup>82</sup> smaller agencies need only engage in the TIPP concept and participation in the establishment of the Local Business Network – both can be accomplished without internal organizational change.

### **C. INCENTIVES**

Performance measures must be created for Department of Homeland Security funding programs aimed specifically at local law enforcement terrorism prevention

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<sup>82</sup> This should be funded through the Department of Homeland Security, Urban Area Security Initiative (UASI) Grant Program.

efforts, and mechanisms must be developed to encourage and leverage regional resources beyond the current Urban Area Security Initiatives.

While funding for educational and training programs for law enforcement in subtle activity prevention would be minimal, they should be developed in consensus with major law enforcement associations and their members.

#### **D. IMPLEMENTATION MODEL**

Immediate implementation focus should be on suburban and rural agencies which currently lack the necessary skills and conduits to engage in an effective prevention strategy. The agencies in the Regional Metropolitan Area Clusters should provide support for these agencies through regional funding.

The goal of this research is to resolve the issues noted above through the development of an operational model that could be used at a national level. The policy options proposed have been formulated with an eye towards supporting the National Strategy at the local level and will support key Homeland Security principles. With these strategic documents, the operational implementation model will need to be developed with specific guidelines for adoption that will not require structural change, rather allow incorporation into existing organizational designs and structures. Otherwise, many smaller agencies will not have the resources to fully participate.

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