

# [Combating domestic terrorism at the state level](https://assignbuster.com/combating-domestic-terrorism-at-the-state-level/)

### Introduction

Theevents of September 11th, 2001 fundamentally changed not only the United States’security posture in the world, but also the perception of the American peopleabout our vulnerability to non-state, violent actors. No longer was terrorism athird-world or even second-world problem, restricted to a back-water, desolatecorner of the globe where governments lacked the infrastructure and resourcesto combat these violent individuals. Thanks in part to the vast technologicaladvancements in the last three decades, terrorism is a very real, andunfortunately all too common, threat in today’s modern industrializedcountries, to include the United States.  The purpose of this paper will be to explorethe domestic terrorist threat currently facing the United States, what rolelocal law enforcement is playing (if any), gaps in the capabilities of localand state law enforcement in combating terrorism, and some recommendations onhow to improve local law enforcement agencies’ ability to combat domesticterrorism without inhibiting their ability to suppress other criminal activity.

In the seventeen years since 9/11, over40 known terror plotsagainst the United States have been foiled by law enforcement and intelligence agencies (Mayer and Erickson, 2011). In the same time period, authorities have also failed to stop Nidal Hassan’s 2009 mass shooting at Ft. Hood, Texas; the 2009 shooting at a Little Rock, Arkansas, military recruitment office by Carlos Bledsoe; the 2002 shooting at the El Al ticket counter in LAX airport by Hesham Mohamed Hadayet; the Boston Marathon bombing of 2013 by the Tsarnaev brothers; the 2015 shooting at a military recruitment office in Chattanooga, Tennessee, by Mohammad Abdulazeez; the Inland Regional Center shooting in San Bernadino, California, by Syed Farook and Tashfeen Malik in 2015; the 2016 mass shooting at a night club in Orlando, Florida, by Omar Mateen; the “ Unite the Right” rally vehicular assault by James Alex Fields Jr. in Charlottesville, Virginia, in 2017; and the 2017 vehicular attack by Sayfullo Saipov against pedestrians near the World Trade Center Memorial in New York, New York.

All of the individuals listed above represent a disturbing and growingtrend of domestic home-grown and lone-wolf terrorism within the United States. Andas is evident by the examples listed above, there is still significant work tobe done by law enforcement in identifying and apprehending terrorist operativesbefore they can harm and kill American citizens.

Withthe rise of ISIS has come the age of Internet recruitment and radicalization. Utilizing highly effective social media campaigns, online discussion forums andencrypted third-party messaging applications, ISIS, and groups like it, areable to reach thousands of potential recruits via the Internet (Mayer, 2016). Bothrecruitment efforts and operational planning, once needing to take place in a securelocation and limited by time, space, and money, can now happen securely fromthe safety of a person’s home or the local Internet café and includeparticipants from across multiple continents and countries. The fact that anindividual in St. Paul, Minnesota (as an example), can be recruited andradicalized through Twitter, and then plan an operation to be carried outdomestically with the help of individuals located thousands of miles away inSyria, demands that local law enforcement (who know the local populace muchbetter than federal agencies) train and equip their officers with the abilityto identify and disrupt terrorist activities in their respective jurisdictions.

Accordingto the Federal Bureau of Investigation, the federal law enforcement agencytasked with the majority of counterterrorism responsibilities, protecting theUnited States of America from a terrorist attack has remained its number onepriority since 9/11. Contrast this fact with the priorities of local and statelaw enforcement since 9/11, and the empirical evidence does not suggest aparadigm shift has occurred within a majority of departments showing aprioritization of allocation of resources, personnel, or training towardscounterterrorism efforts (Ortiz, Hendricks & Sugie, 2007). Still, to thisday, and for too long now, national security has been seen solely as theresponsibility of the federal government and not that of local police officers(Ortiz, et al., 2007). This paper does not advocate that local and statedepartments should adopt the focus of the FBI and make counterterrorism theirnumber one priority. This does not make sense given the unique crime preventionneeds of each community in which a particular department serves as well as thevarying degrees of funding and resources available. However, as Mayer andErickson wrote in their 2011 article for TheHeritage Foundation :

The new face of terror requires a robust, decentralized intelligence-gathering apparatus that reaches far beyond the usual scope of the federal government and associated intelligence agencies, and brings together the expertise and manpower of the nation’s 18, 000 local, state, and federal law enforcement agencies… It becomes imperative that the broader state and local law enforcement community create a new generation of police officers trained in the recognition and awareness of both traditional criminal activity as well as activity that may be a nexus to terrorism (para. 2-3).

The fight against home-grown domestic terrorism and lone-wolfterrorism will not be waged and won by federal agencies. According to recentstatistics from the FBI, there are approximately 13, 000 Special Agents (SA) currentlyemployed by the Bureau and only about one-third of those SAs are assigned toinvestigate terrorism-related offenses for the entire country. Conversely, according to the Census Bureau, as of 2012 there were approximately 700, 000sworn police officers employed across the United States at the local, countyand state levels (Banks, Hendrix, Hickman & Kyckelhahn, 2016). Leveragingthis vast amount of manpower will be key in future efforts to combat domesticand lone-wolf terrorism within our own borders.

In order to empower localand state police officers to counter the threat of domestic terrorism, we mustidentify those areas that are currently an impediment to their ability to doso. Research on this subject seems to indicate that there are a number ofcapabilities and traits that are key to local law enforcement’s ability toidentify and thwart terrorist activity. For the purposes of this paper, threeareas have been identified, and they are: Culture, Intelligence Training andCollection, and Intelligence Analysis. A brief overview of each as well as aportion of the data that exists on each will be discussed in the nextsection.

### Review of Topic

Culture :

Theculture of an organization is commonly described as the shared beliefs, valuesand assumptions that govern how an organization conducts its mission and whatpriorities it places on particular issues within its scope of influence. Localand state police departments are not unique among organizations, and they eachpossess an organizational culture that often dictates what areas of criminalactivity are an emphasis for the leadership (Ortiz et al., 2007). Additionally, the culture of a police department is often perpetuated as each new officer ismentored and developed by his superiors and adopts the enforcement prioritiesof that particular department. Based on the current research, it is a logical conclusionthat the majority of police departments have not made a significant culturechange since 9/11 to incorporate an increased focus on counter terrorismefforts, and they still continue to focus on traditional criminal activitiesand the suppression of them, whether it be DUIs, narcotics or violent crime(Ortiz, et al., 2007).

To support this conclusion, a study conducted by Ortiz, Hendricks andSugie in 2007, conducted a study of 16 police departments of varying sizesacross the United States. The data indicated that the 16 police agenciesstudied did not make attempts to move toward a homeland security focus (Oritz, et al., 2007). The data specifically showed that the police departments understudy did not conduct covert intelligence gathering, immigration enforcement, or other counter terrorism initiatives to any significant extent (Ortiz, etal., 2007). As Ortiz (2007) states, “ While none of the agencies completelydisregarded homeland security efforts, the majority of agencies continued toconduct business as usual” (p. 106).

Despite the decentralized, domestic nature of the terrorist threat facedby the United States, there still exists a culture of resistance among manylocal departments to engaging in disruption operations against terroristoperatives, mistakenly believing that this is still solely the realm of federalagencies (Oritz, et al., 2007). This resistance could possibly stem from thefalse perception that properly training and equipping officers to deal with theterrorist threat will shift departmental priorities to counter terrorismefforts at the expense of other enforcement activities. This perception ismisguided; on the contrary, increased situational awareness, understanding ofthe intelligence cycle and intelligence gathering operations, and improvedanalytical abilities are all attributes that can complement police workregardless of the nature of the crime.

Inthe wake of 9/11, the changes that local and state departments have attemptedto implement have been strategic in nature, designed to close the informationgap by partnering with the local FBI Joint Terrorism Task Force (JTTF) toconduct information sharing or implementing training courses for firstresponders (Mayer et al., 2011). While information sharing and training toprovide increased awareness among local law enforcement is a step in the rightdirection, both initiatives are superficial in nature and do not create asMayer and Erickson (2011) state, “…an organizational culture that truly valuesthe emergent threat of domestic terror and homegrown radicalization” (para. 15). As an example of the problem with focusing on strategy as opposed tocultural change, Mayer and Erickson (2011) cite California’s post 9/11legislation which eventually led to the creation of the Law EnforcementResponse to Terrorism (LERT) course, which is an eight-hour training courseeducating officers on the unique variables present in a suspected terroristattack. The goal of counter terrorism, however, is to prevent a terroristattack from happening. Training designed to collect evidence and investigateafter a terrorist attack does not help prevent an attack which may costthousands of lives. In addition, this type of training only reinforces thereactive nature of law enforcement, an undesirable attribute that other policereforms such as intelligence-led policing and community policing have tried tochange as well (Mayer et al., 2011).

Changingthe culture of an organization can take years and certainly changing local andstate law enforcement organizational culture in the United States will nothappen overnight. However, to combat this emergent threat to their communitiesMayer (2011) states, “ local and state law enforcement must adopt a paradigmthat is fully aware of the scope and scale of today’s domestic terrorismthreats” (para. 19). This can be best achieved through a comprehensive trainingprogram for new officers, which will be discussed in the recommendationssection of this paper.

IntelligenceTraining and Collection :

Counterterrorism is essentially an intelligence war due to the clandestine nature ofboth international and domestic terror operations and a robust intelligencecapability is needed within local and state law enforcement in order to disruptterrorist attacks (Mayer et al., 2011). It is well known that local and statepolice have utilized HUMINT activities such as covert undercover operations, developingsources and conducting surveillance in order to disrupt criminal enterprises, gather evidence, and facilitate apprehension of suspects. However, manydepartments lack an organized intelligence unit or organized intelligence collectionplans or stated objectives that drive when, where, how, and why they arecollecting intelligence (Ortiz et al., 2007). Countering domestic terroristactivities requires synchronized, coordinated intelligence gathering effortsthat have a specific goal in mind. In referring back to the Ortiz (2007) studyof 16 local law enforcement agencies, of the 16 studied, 12 of the 16departments did not have a formal intelligence unit. The four that did, established these units prior to 9/11 and were focused on other criminalintelligence needs (Ortiz, et al., 2007). Also noteworthy in this study, werethe opinions of police chiefs surveyed that had significant doubts about theeffectiveness of utilizing police officers untrained in intelligence gathering(Ortiz et al., 2007). These concerns convey a lack of organization and propertraining for new local and state law enforcement officers as it relates tointelligence operations.

Though the FBI is equipped with a formidable, organized and effectiveintelligence apparatus, local law enforcement, if properly trained, have asignificant advantage over their federal counterparts.  Dahl (2014), quoting the 319 Group (a groupof former intelligence/counter terror experts) in his article on the NYPD’scounter terrorism efforts, stated the following:

Local police are in the best position tocollect domestic intelligence. The ethnic composition

of police departments usually reflects thelocal population, the officers know their territory,

and unlike federal officials, they don’t rotate to a new city every fewyears (p. 83).

Many police departments still function under the community-policingmodel. Given this fact, they are much more likely to have developed rapport andsome sort of a relationship with members of the community in which they servethan federal officials who are often concerned with big-picture, strategicissues. If given the proper training, a local department with in-depthknowledge of its community can be highly effective in gathering and analyzingintelligence. Consider the example of the New York City Police Department. TheNYPD has developed an intelligence program that is considered a model toemulate by some agencies in both the local and federal levels (Dahl, 2014). Officers assigned to the NYPD intelligence division perform a variety offunctions. Some are assigned as “ core collectors” by developing confidentialinformants and others work undercover operations in order to infiltrate groups(Dahl, 2014). Tying all of these efforts together is the Analytical Unit whichhelps to process and create actionable intelligence from the data being collectedby officers and detectives out on the street (Dahl, 2014). And while theargument can be made that the NYPD intelligence division has stepped outsidethe bounds of its authority and that its model may be difficult to replicate insmaller departments (NYPD officers number over 34, 000), the basic structure andtactics used can be replicated on a smaller scale and have been proveneffective in disrupting at least nine terrorist plots in New York City since9/11 (Dahl, 2014).

Intelligence Analysis :

Carter (2014) notes, “ Intelligenceanalysis is the process of analyzing information to determine if there is athreat, identifying priority intelligence requirements, and creating target andvulnerability assessments with the intent of never allowing the threat tomaterialize” (p. 4). While there is still value in local and state policedepartments conducting passive intelligence operations and even some activeintelligence operations, it is very difficult to act on information gathered ifthere is not a dedicated group of individuals or unit that is responsible foranalyzing the data collected by officers and turning it into “ information” suchas key players, networks and potential targets requiring further investigation. As was previously mentioned, the research to date does not indicate asignificantly increased emphasis on homeland security activities by local andstate law enforcement since 9/11 (Ortiz, et al., 2007). Coinciding with thistrend is the continuation of a many departments to engage primarily in crimeanalysis with little to no intelligence analysis being done.

As Carter (2014)indicates in his study, the 345 state and local law enforcement agencies thatwere surveyed participated mostly in crime analysis which relies on national informationdatabases such sex offender registries and the National Crime InformationCenter. Crime analysis is most useful in identifying patterns of crime across ageographical area and is useful for repeat offenders and conducting targetedenforcement in higher crime areas (Carter, 2014). Unfortunately, the eminentand large loss of life inherent in terrorist attacks demands a proactiveapproach that crime analysis does not provide. The decentralized andasymmetrical nature of the domestic terror threat requires law enforcement toanticipate and identify threats before they become a successful attack.

Local and state departments do possess thefoundation for more effective intelligence analysis as Carter (2014) notes, “…despitea conceptual and operational difference between crime analysis and intelligenceanalysis and noted previously, the two do not operate independent of oneanother. Intelligence analysis routinely involves activities that are typicallyconsidered crime analysis – such as crime mapping” (p. 23). With additionalfunding and training, local and state police could vastly improve theefficiency of their operations centers in handling a wide range of threats bybuilding on the skills of those already performing criminal analysis.

Having reviewed threeareas that are key to local and state law enforcement’s efforts to combatdomestic terrorism and some of the capability gaps that exist in each of them, attention will now be given to policy recommendations for each.

### Policy Recommendations

Culture :

Given what we have seen through the literature that exists on the organizational culture of local and state law enforcement, it is evident that in order to effectively combat the growing domestic terrorism threat, a change must be made within the culture that exists among local law enforcement. A culture that truly recognizes the domestic terror threat for the serious national security threat it is and that recognizes the important role that local and state officers play in homeland security is best achievable through a counter terrorism training program for all new officers at the state level. Ideally, this program would be run through subject matter experts from the FBI or DHS and would be integrated into the training pipeline for all new state police. The state level is recommended for three reasons. First, it is estimated that there are approximately 60, 000 state troopers or patrolmen in the United States as of 2012 (Banks et al., 2016). Training 60, 000 individuals over time is much more feasible than the almost 700, 000 county and local police (Banks et al., 2016). Second, state police have a presence in every region of their respective states and can coordinate homeland security efforts across the state. If an individual under surveillance travels to another location within the state, the state police have the jurisdiction to continue surveillance no matter where that individual is located within state borders. Lastly, as state police receive counter terrorism training and become more well versed in conducting counter terrorism operations, they can begin to train their local counterparts which will help to create ownership of homeland security efforts within state borders, removing the stigma that it is solely the federal government’s job.

IntelligenceTraining and Collection :

As for intelligence training and collection activities, it is recommended that all state police departments work with the FBI and DHS to integrate a comprehensive block of instruction on everything intelligence from collection to analysis into state academies and stand up a dedicated intelligence unit. For officers assigned to intelligence units, an additional four-week course should be attended. Equipping all state departments with the ability to collect and analyze, as well as coordinate intelligence requirements across the state, will greatly enhance a department’s ability to stay ahead of the threat. Also, an increased knowledge at the state level will trickle down to the local and county level. State personnel, whether officers or government contractors, can assist local departments in setting up basic intelligence programs and integrate them into the state’s intelligence network furthering synchronization within state borders.

IntelligenceAnalysis :

As was noted from the study by Carter (2014), local and state police departments are not effectively or frequently using intelligence analysis in law enforcement operations. A change from a solely crime analysis approach to a combined intelligence and crime analysis approach is recommended. In order to facilitate this change, departments must have individuals who understand how and are trained to conduct crime and intelligence analysis. Again, the state level method seems best. Each state police department should allocate for a certain number of analyst positions as budget and resources allow. Federal funding for training is recommended via travel to a federal academy or through a mobile training team until a state-run program can be created to train new intelligence analysts.

### Conclusion and Way Forward

Given what we know about the growing domestic and lone-wolf terrorism threat in the United States, which is currently being expanded through groups like ISIS’ use of the Internet to radicalize individuals to action at a distance, there are significant changes that must be made in the way that local and state level law enforcement agencies view and respond to the threat in the coming years (Mayer et al., 2011). The resistance of local and state law enforcement to accept their critical role in homeland security efforts poses great risk to their respective communities and has been noted (Ortiz et al., 2007). In addition, the lack of key capabilities such as dedicated intelligence units with officers qualified to conduct intelligence activities and an operations center capable of conducting intelligence analysis have been well documented in the empirical research on the subject (Ortiz et al., 2007). In order to implement the recommendations of a dedicated counter terror and intelligence training program at state police academies, the Federal Bureau of Investigation and the Department of Homeland Security should immediately present the available data on this subject to congressional leaders and request a reallocation of funding from training programs deemed ineffective, in order to allow subject matter experts in both disciplines to be sent to academies to provide no less than a two-week block of instruction integrated into the current training plan at each academy. A phased funding plan in which the states eventually absorb the cost to train their personnel will create ownership of the program at the state level. Lastly, until state agencies have the capability of training their own intelligence analysts, additional federal funding should be reallocated to train state analysts through already established federal programs. By taking these steps, local and state police will ensure a future generation of officers and analysts fully aware and capable of combating violent domestic terrorists.

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