

Combating domestic terrorism at the state level



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Introduction

The events of September 11th, 2001 fundamentally changed not only the United States' security posture in the world, but also the perception of the American people about our vulnerability to non-state, violent actors. No longer was terrorism a third-world or even second-world problem, restricted to a back-water, desolate corner of the globe where governments lacked the infrastructure and resources to combat these violent individuals. Thanks in part to the vast technological advancements in the last three decades, terrorism is a very real, and unfortunately all too common, threat in today's modern industrialized countries, to include the United States. The purpose of this paper will be to explore the domestic terrorist threat currently facing the United States, what role local law enforcement is playing (if any), gaps in the capabilities of local and state law enforcement in combating terrorism, and some recommendations on how to improve local law enforcement agencies' ability to combat domestic terrorism without inhibiting their ability to suppress other criminal activity.

In the seventeen years since 9/11, over 40 known terror plots against 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 growing trend of domestic home-grown and lone-wolf terrorism within the United States.

And as is evident by the examples listed above, there is still significant work to be done by law enforcement in identifying and apprehending terrorist operatives before they can harm and kill American citizens.

With the rise of ISIS has come the age of Internet recruitment and radicalization. Utilizing highly effective social media campaigns, online discussion forums and encrypted third-party messaging applications, ISIS, and groups like it, are able to reach thousands of potential recruits via the Internet (Mayer, 2016). Both recruitment efforts and operational planning, once needing to take place in a secure location and limited by time, space, and money, can now happen securely from the safety of a person’s home or the local Internet café and include participants from across multiple continents and countries. The fact that an individual in St. Paul, Minnesota (as an example), can be recruited and radicalized through Twitter, and then plan an operation to be carried out domestically with the help of individuals located thousands of miles away in Syria, demands that local law enforcement (who know the local populace much better than federal

agencies) train and equip their officers with the ability to identify and disrupt terrorist activities in their respective jurisdictions.

According to the Federal Bureau of Investigation, the federal law enforcement agency tasked with the majority of counterterrorism responsibilities, protecting the United States of America from a terrorist attack has remained its number one priority since 9/11. Contrast this fact with the priorities of local and state law enforcement since 9/11, and the empirical evidence does not suggest a paradigm shift has occurred within a majority of departments showing a prioritization of allocation of resources, personnel, or training towards counterterrorism efforts (Ortiz, Hendricks & Sugie, 2007). Still, to this day, and for too long now, national security has been seen solely as the responsibility of the federal government and not that of local police officers (Ortiz, et al., 2007). This paper does not advocate that local and state departments should adopt the focus of the FBI and make counterterrorism their number one priority. This does not make sense given the unique crime prevention needs of each community in which a particular department serves as well as the varying degrees of funding and resources available. However, as Mayer and Erickson wrote in their 2011 article for *The Heritage 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 :

The culture of an organization is commonly described as the shared beliefs, values and assumptions that govern how an organization conducts its mission and what priorities it places on particular issues within its scope of influence.

Local and state police departments are not unique among organizations, and they each possess an organizational culture that often dictates what areas of criminal activity are an emphasis for the leadership (Ortiz et al., 2007).

Additionally, the culture of a police department is often perpetuated as each new officer is mentored and developed by his superiors and adopts the enforcement priorities of that particular department. Based on the current research, it is a logical conclusion that the majority of police departments have not made a significant culture change since 9/11 to incorporate an increased focus on counter terrorism efforts, and they still continue to focus on traditional criminal activities and 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 and Sugie in 2007, conducted a study of 16 police departments of varying sizes across the United States. The data indicated that the 16 police agencies studied did not make attempts to move toward a homeland security focus (Ortiz, et al., 2007). The data specifically showed that the police departments under study did not conduct covert intelligence gathering, immigration enforcement, or other counter terrorism initiatives to any significant extent (Ortiz, et al., 2007). As Ortiz (2007) states, " While none of the agencies

completely disregarded homeland security efforts, the majority of agencies continued to conduct business as usual" (p. 106).

Despite the decentralized, domestic nature of the terrorist threat faced by the United States, there still exists a culture of resistance among many local departments to engaging in disruption operations against terrorist operatives, mistakenly believing that this is still solely the realm of federal agencies (Ortiz, et al., 2007). This resistance could possibly stem from the false perception that properly training and equipping officers to deal with the terrorist threat will shift departmental priorities to counter terrorism efforts at the expense of other enforcement activities. This perception is misguided; on the contrary, increased situational awareness, understanding of the intelligence cycle and intelligence gathering operations, and improved analytical abilities are all attributes that can complement police work regardless of the nature of the crime.

In the wake of 9/11, the changes that local and state departments have attempted to implement have been strategic in nature, designed to close the information gap by partnering with the local FBI Joint Terrorism Task Force (JTTF) to conduct information sharing or implementing training courses for first responders (Mayer et al., 2011). While information sharing and training to provide increased awareness among local law enforcement is a step in the right direction, both initiatives are superficial in nature and do not create as Mayer and Erickson (2011) state, "...an organizational culture that truly values the emergent threat of domestic terror and homegrown radicalization" (para. 15). As an example of the problem with focusing on strategy as opposed to cultural change, Mayer and Erickson (2011) cite California's post <https://assignbuster.com/combating-domestic-terrorism-at-the-state-level/>

9/11 legislation which eventually led to the creation of the Law Enforcement Response to Terrorism (LERT) course, which is an eight-hour training course educating officers on the unique variables present in a suspected terrorist attack. The goal of counter terrorism, however, is to prevent a terrorist attack from happening. Training designed to collect evidence and investigate after a terrorist attack does not help prevent an attack which may cost thousands of lives. In addition, this type of training only reinforces the reactive nature of law enforcement, an undesirable attribute that other police reforms such as intelligence-led policing and community policing have tried to change as well (Mayer et al., 2011).

Changing the culture of an organization can take years and certainly changing local and state law enforcement organizational culture in the United States will not happen overnight. However, to combat this emergent threat to their communities Mayer (2011) states, "local and state law enforcement must adopt a paradigm that is fully aware of the scope and scale of today's domestic terrorism threats" (para. 19). This can be best achieved through a comprehensive training program for new officers, which will be discussed in the recommendations section of this paper.

Intelligence Training and Collection :

Counterterrorism is essentially an intelligence war due to the clandestine nature of both international and domestic terror operations and a robust intelligence capability is needed within local and state law enforcement in order to disrupt terrorist attacks (Mayer et al., 2011). It is well known that local and state police have utilized HUMINT activities such as covert

undercover operations, developing sources and conducting surveillance in order to disrupt criminal enterprises, gather evidence, and facilitate apprehension of suspects. However, many departments lack an organized intelligence unit or organized intelligence collection plans or stated objectives that drive when, where, how, and why they are collecting intelligence (Ortiz et al., 2007). Countering domestic terrorist activities requires synchronized, coordinated intelligence gathering efforts that have a specific goal in mind. In referring back to the Ortiz (2007) study of 16 local law enforcement agencies, of the 16 studied, 12 of the 16 departments did not have a formal intelligence unit. The four that did, established these units prior to 9/11 and were focused on other criminal intelligence needs (Ortiz, et al., 2007). Also noteworthy in this study, were the opinions of police chiefs surveyed that had significant doubts about the effectiveness of utilizing police officers untrained in intelligence gathering (Ortiz et al., 2007). These concerns convey a lack of organization and proper training for new local and state law enforcement officers as it relates to intelligence operations.

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

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

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

and unlike federal officials, they don't rotate to a new city every few years (p. 83).

Many police departments still function under the community-policing model. Given this fact, they are much more likely to have developed rapport and some sort of a relationship with members of the community in which they serve than federal officials who are often concerned with big-picture, strategic issues. If given the proper training, a local department with in-depth knowledge of its community can be highly effective in gathering and analyzing intelligence. Consider the example of the New York City Police Department. The NYPD has developed an intelligence program that is considered a model to emulate by some agencies in both the local and federal levels (Dahl, 2014). Officers assigned to the NYPD intelligence division perform a variety of functions. Some are assigned as "core collectors" by developing confidential informants and others work undercover operations in order to infiltrate groups (Dahl, 2014). Tying all of these efforts together is the Analytical Unit which helps to process and create actionable intelligence from the data being collected by officers and detectives out on the street (Dahl, 2014). And while the argument can be made that the NYPD intelligence division has stepped outside the bounds of its authority and that its model may be difficult to replicate in smaller departments (NYPD officers number over 34,000), the basic structure and tactics used can be replicated on a smaller scale and have been proven effective in disrupting at least nine terrorist plots in New York City since 9/11 (Dahl, 2014).

Intelligence Analysis :

Carter (2014) notes, " Intelligence analysis is the process of analyzing information to determine if there is a threat, identifying priority intelligence requirements, and creating target and vulnerability assessments with the intent of never allowing the threat to materialize" (p. 4). While there is still value in local and state police departments conducting passive intelligence operations and even some active intelligence operations, it is very difficult to act on information gathered if there is not a dedicated group of individuals or unit that is responsible for analyzing the data collected by officers and turning it into " information" such as key players, networks and potential targets requiring further investigation. As was previously mentioned, the research to date does not indicate a significantly increased emphasis on homeland security activities by local and state law enforcement since 9/11 (Ortiz, et al., 2007). Coinciding with this trend is the continuation of a many departments to engage primarily in crime analysis with little to no intelligence analysis being done.

As Carter (2014) indicates in his study, the 345 state and local law enforcement agencies that were surveyed participated mostly in crime analysis which relies on national information databases such as sex offender registries and the National Crime Information Center. Crime analysis is most useful in identifying patterns of crime across a geographical area and is useful for repeat offenders and conducting targeted enforcement in higher crime areas (Carter, 2014). Unfortunately, the eminent and large loss of life inherent in terrorist attacks demands a proactive approach that crime analysis does not provide. The decentralized and asymmetrical nature of the

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domestic terror threat requires law enforcement to anticipate and identify threats before they become a successful attack.

Local and state departments do possess the foundation for more effective intelligence analysis as Carter (2014) notes, "...despite a conceptual and operational difference between crime analysis and intelligence analysis and noted previously, the two do not operate independent of one another. Intelligence analysis routinely involves activities that are typically considered crime analysis - such as crime mapping" (p. 23). With additional funding and training, local and state police could vastly improve the efficiency of their operations centers in handling a wide range of threats by building on the skills of those already performing criminal analysis.

Having reviewed three areas that are key to local and state law enforcement's efforts to combat domestic 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

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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.

Intelligence Training 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

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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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