



INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

TESTIMONY

Statement of

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Before The

**Committee on Homeland Security and
Governmental Affairs**

Committee on the Judiciary

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Good Morning, Mr. Chairman, Senator Collins, and members of the Committee:

On behalf of the International Association of Chiefs of Police, it is my pleasure to be here this morning to share the views of the nation's law enforcement executive community on our national efforts to detect, prevent, prepare for, and respond to acts of terrorism.

Law enforcement's efforts to combat terrorism did not begin on September 11, 2001. For decades prior to that fateful day, law enforcement agencies throughout Europe, Asia, Central and South America, and the Middle East were engaged in daily battles to apprehend terrorists and keep their communities safe from harm.

Nor was September 11 the first terrorist attack in the United States. The Unabomber, the 1993 World Trade Center bombing, Oklahoma City, and the Atlanta Olympics demonstrated that the United States was not immune from terrorist strikes. Yet, despite these incidents, the United States did not fundamentally alter its security strategy, and law enforcement agencies throughout the nation, while certainly learning from these incidents, did not dramatically adjust their policing philosophies.

However, the incredible and horrific nature of the September 11 terrorist attacks and the massive devastation and loss of life that they wrought ushered in a new era of policing in the United States.

In the aftermath of these attacks, as the nation struggled to comprehend the new menace confronting our society, our nation's law enforcement agencies realized that they now had a new and critically important mission. No longer could they focus their energies solely on traditional crime fighting efforts. Now they would be asked to confront a new threat to their communities, perpetrated by individuals and organizations that had vastly different motivations and means of attack from that of traditional criminals. Accepting this challenge required law enforcement agencies to reassess their operations and reevaluate their priorities. At the same time, realizing that confronting international and domestic terrorism required a national effort, these agencies also looked to the federal government for both leadership and resources.

The September 11, 2001 attacks also required the federal government to fundamentally alter its traditional role. Over the past several years, a number of dramatic steps have been taken to confront the menace of terrorism, including the passage of the Patriot Act, the establishment of the Department of Homeland Security, and the creation of a variety of programs designed to assist state and local governments in their efforts.

Unfortunately, despite these efforts and the billions of dollars appropriated by Congress for homeland security initiatives, state, tribal, and local law enforcement executives have grown increasingly concerned over a homeland security strategy that has moved too slowly and has not fully comprehended the post 9/11 role of state, local and tribal law enforcement in securing our homeland.

It is a strategy that, while improving the security and safety of a few communities, has left many others increasingly vulnerable.

For these reasons, I would like to spend a few moments discussing what the IACP believes are the vital elements that must form the basis of a successful homeland security strategy.

First and foremost, the IACP believes that the prevention of terrorist attacks must be the paramount priority in any homeland security strategy.

To date, the vast majority of federal homeland security efforts have focused on increasing our national capabilities to respond to and recover from a terrorist attack. Although the IACP certainly does not quarrel with the need to improve the response and recovery capabilities of the state, tribal, and local public safety communities, law enforcement officials understand that it is their primary responsibility to prevent these events from happening in the first place. As a result, law enforcement officials view the need to build response and recovery capabilities as secondary to the need to build our capacity to prevent terrorist attacks from happening at all.

Although the association agrees that there is a need to enhance response and recovery capabilities, such preparations must not be done at the expense of efforts to improve the ability of law enforcement and other public safety and security agencies to

identify, investigate, and apprehend suspected terrorists before they can strike.

On a related note, because of the IACP's strong belief in the importance of prevention, we were extremely dismayed over the Congress's failure to establish the Office of Terrorism Prevention within the Department of Homeland Security as part of its FEMA reform legislation last year. The failure to create this office substantially undermines efforts to improve our nation's security and further hinders the terrorism prevention efforts of state, tribal and local law enforcement agencies. The IACP implores the Congress to address this situation as soon as possible.

Another critical element that must serve as the foundation for a successful homeland security strategy is the realization that terrorist attacks that occur in the United States, while they have national or international repercussions, are inherently local crimes that require the immediate response of state, local, or tribal authorities. Even large-scale and coordinated attacks that simultaneously impact multiple jurisdictions, such as the ones that occurred on September 11, 2001, require that state, tribal, and local law enforcement agencies handle the initial response and recovery efforts.

Even more critical is the realization that while planning, conducting surveillance or securing the resources necessary to mount their attacks, terrorists often live in our communities, travel on our highways, and shop in our stores. As we discovered in the aftermath of September 11th, several of the terrorists involved in

those attacks had routine encounters with state and local law enforcement officials in the weeks and months before the attack. If state, tribal, and local law enforcement officers are adequately equipped and trained and fully integrated into an information and intelligence sharing network, they can be invaluable assets in efforts to identify and apprehend suspected terrorists before they strike.

Therefore, IACP believes that it is imperative that as homeland security proposals are designed, they must be developed in an environment that fully acknowledges and accepts the reality that state and local authorities, not federal, have the primary responsibility for preventing, responding to, and recovering from terrorist attacks. It is the IACP's conviction that adherence to this fundamental philosophical viewpoint will greatly enhance the value and effectiveness of all future homeland security efforts.

In that light, I would like to touch briefly on the importance of intelligence and information sharing. As the 9/11 commission properly noted, the lack of effective information and intelligence sharing among federal, state, tribal, and local law enforcement agencies was, and continues to be, a major handicap in our nation's homeland security efforts. The IACP wholeheartedly agrees with this determination.

In fact, in 2003 the IACP developed the National Criminal Intelligence Sharing Plan (NCISP), which was endorsed by the Department of Justice, the Department of Homeland Security and the FBI, to provide a cohesive vision and practical solutions to

improve law enforcement's ability to detect threats and protect communities. The recommendations contained in the NCISP were focused on establishing a collaborative partnership that would not only ensure that all levels of government are equal partners, but would also promote a freer flow of information and make certain that the experience and capabilities of all parties are realized.

It is for these reasons that the IACP strongly supports the Information Sharing Environment (ISE) Implementation Plan recently submitted by the Office of National Intelligence (ONI). The ISE plan, along with the release of Guideline 2, which directs the development of a "Common Framework for the Sharing of Information", is a major step forward in intelligence integration and will allow the law enforcement community to better detect, disrupt, and prevent future acts of terrorism.

The IACP is particularly pleased that the ISE plan emphasizes the vital role that state, local, and tribal law enforcement must play in the development and dissemination of critical intelligence. This reinforces the IACP's longstanding belief that only through effective information sharing can we hope to make our hometowns and homeland safer.

The IACP is also very supportive of the aggressive, yet achievable, timeline set forth for establishing the Information Sharing Environment and believes that meeting the 2009 date is critical to our homeland security efforts. Therefore, it is imperative that the Director of National Intelligence retain the Program Manager for

Information Sharing Environment for the three-year implementation phase as recommended in the plan. The IACP strongly supports this recommendation.

As Congress continues its efforts to develop policies and programs to prevent terrorist attacks in the future, the IACP urges you to support the proposals contained in the ISE Implementation Plan.

Finally, I would like to conclude my remarks by addressing another essential element in a successful homeland security strategy. It is critically important that we commit to the development and maintenance of a broad-based effort that builds our nation's prevention and response capabilities from the ground up. It is vital that a baseline capability be established in all communities, not just urban areas or those determined to be at greatest risk. Once these basic capabilities are established nationwide, they can be used as the foundation upon which more advanced homeland security capabilities can be built.

Regrettably, the current homeland security strategy and funding formulas appear to have the opposite goal. The last several years have witnessed a pronounced shift away from a broad-based homeland security program toward a program that targets primarily urban areas for assistance.

While the IACP agrees that there is a need to provide urban areas with the resources they need to protect their communities from terrorist attacks, this must not be done at the expense of programs

that provide assistance to law enforcement agencies throughout the rest of the country.

Unfortunately, this is exactly what is happening. As funds have shifted toward major metropolitan areas, the vast majority of our nation's communities have been forced to compete over an ever-dwindling pool of resources. As a result, their ability to upgrade their capabilities and improve their readiness has already been severely hindered.

It is the IACP's opinion that failure to implement and adequately fund a broad-based effort that will improve the security of all communities weakens our overall approach to securing the homeland. **For as larger metropolitan areas become more secure, terrorists will seek out other, less protected targets to attack. As we move forward in developing our national homeland security strategy, we must remember that we are a nation of communities and that all of our communities are at risk.**

This concludes my statement, I will be glad to answer any questions you may have.