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# CALIBER

## **STATE AND LOCAL LAW**

### **ENFORCEMENT RESPONSE TO TRANSNATIONAL CRIME –**

#### **Task Order T-046**

### **FINAL REPORT**

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B3. Key informant interviews

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## 1. OVERVIEW OF PROJECT

This final report was developed by Caliber Associates as part of a project for the National Institute of Justice (NIJ) to identify and provide guidance on the development of tools and strategies to help advance the capacities of state and local law enforcement to identify and respond to transnational crime. The findings provide state and local law enforcement with advice on sound operational practice derived from this research.

Prior to this project, NIJ sponsored a national survey of law enforcement practitioners to examine the extent of the transnational crime problem from the perspective of state and local law enforcement, the local resources devoted to transnational crime, perceptions of resource needs, and the extent of cooperation among local, state, federal and foreign law enforcement organizations. Using the results of this survey and new research, this project has identified some “next steps” to providing local and state law enforcement with tools to *identify* and *respond* to transnational crime.

### 1.1 Project research questions

The major research questions for this project revolved around identification practices and response strategies for state and local law enforcement in the area of transnational crime.

#### Identification practice questions

- Are there effective methods to identify transnational crime and distinguish it from non-transnational crime?
- Are there common indicators and links between transnational crimes and other crimes faced by state and local police?
- What are the barriers to identifying transnational crime and are there practical methods to help link local investigations of theft, forgery, smuggling, and similar crimes to potential larger conspiracies with transnational terrorist objectives?

#### Response strategy questions

- How are law enforcement agencies organizing their responses to transnational crimes?
- What are some of the greatest barriers to responding to transnational crime cases and what are some possible solutions to these problems?
- What are the education and training needs of law enforcement in the area of transnational crime and what would an outline of this training cover?

## **1.2 Project deliverables**

A task activity summary for this project is included in Appendix A of this report and it addresses activities undertaken to achieve completion of this project from the task award date to the submission of the final report. This project began in October 2003 and included the following major tasks:

- i. A report on secondary analysis conducted by Caliber of the NIJ sponsored national survey of law enforcement practitioners;
- ii. A content analyses report on the transcript from this project's Technical Advisory Group (TAG) meeting of practitioners and researchers. This meeting included a review of available research on the impact of transnational crime on local and state law enforcement, discussions of practitioner needs and recommendations for an appropriate response to those needs;
- iii. A report on the results of Caliber's key informant interviews with local, state and Federal law enforcement on identifying and responding to transnational crime;
- iv. Two case scenario analysis reports;
- v. A police training curriculum outline based on findings from this project in the areas of best practices in identifying and responding to transnational crime;
- vi. A final report with literature review.

## **1.3 Organization of report**

The next section (section 2) provides a literature review of the current state of the field in identifying and responding to transnational crime at the state and local level. The literature review provides a context for the interpretation of the results of this study. Section 3 describes the research methods used in this study for each data source: (i) Secondary analysis of NIJ sponsored national survey of law enforcement practitioners, (ii) content analyses of transcript from this project's TAG meeting of practitioners and researchers, (iii) key informant interviews with local, state and federal law enforcement on identifying and responding to transnational crime, and (iv) case scenario analyses. Section 3 also describes the key results from each of the four data sources in this study. The full results for each of the data sources are contained in four separate self-contained reports presented in Appendix B. Section 4 is the discussion section where we review each of the main study questions in relation to our study results and prior literature (where it exists). Section 5 is the conclusion where we provide a set of recommendations for operational practice/guidelines, a review of police training needs in transnational crime identification and responses, and future directions for research in this area.

## **2. LITERATURE REVIEW**

This section provides a review of the current state of the field in identifying and responding to transnational crime at the state and local level. The sources for this literature review include:

- Published, unpublished and popular literature
- Research databases - ProQuest, LexisNexis, Criminal Justice Abstracts, Academic Search Elite, Dissertations Intl., National Criminal Justice Reference Service, and Google.com
- Websites: American University Transnational Crime and Corruption Center, Nathanson Centre for the Study of Organized Crime and Corruption, etc.

This literature review covers (1) the nature of transnational crime; (2) the structure of law enforcement; (3) barriers to collaboration; (4) the impact of transnational crime on local law enforcement; (5) identifying and anticipating transnational crime; (6) principles of effective responses to transnational crime; (7) principles of effective local-federal partnerships; and (8) critical issues in improving local-federal partnerships.

### **2.1 The nature of transnational crime**

Transnational crime is not a modern phenomenon. Transnational crimes have been perpetrated for as long as borders have separated neighboring countries. What is new about transnational crime, particularly during the last several decades, is the scope and magnitude of activity and the increasing impact that it is having on the United States. Three related factors have impacted transnational crime: Globalization of the economy, rises in the numbers and the heterogeneity of immigrants, and improved communications technology (NIJ, 1999). Furthermore, the globalization of communications made possible by the Internet, the effortlessness of international travel and trade, and budding new democracies in Eastern Europe and around the world that are laboring to become established, all increase the likelihood that local organized crime problems will move internationally with the goal of exploiting new victims (Albanese, 2002). Criminal activities are being redistributed internationally, due to increased opportunities as well as lowered risks that vary from region to region (Williams and Godson, 2002).

Although there is widespread agreement that transnational crime exists, there is less agreement on a common definition. There are ongoing discussions on defining transnational crime, and the implications of an exact definition on research, enforcement, and public policy. However, no single, universally agreed upon definition has emerged. Scholars have not identified a paradigmatic transnational crime organization because they are so complex and diverse in their licit and illicit activities (Minogue, 2000). The sheer number of transnational organized groups, coupled with their diverse languages and cultures, and their loosely structured,

flexible, and highly adaptable organizations makes them extremely difficult to often define and understand (Minogue, 2000).

Despite these difficulties several general traits can be identified that are common among most “transnational” crimes. The working definition of transnational crime that will be used for the purposes of this literature review is taken from the United Nations, and it defines transnational crime as “offenses whose inception, prevention and/or direct effect or indirect effects involved more than one country” (United Nations, 1995). To further qualify this definition, it is important to note that all transnational crime requires a certain measure of organization to its activities but this is distinct from transnational organized crime, which involves traditional organized crime groups (NIJ, 1999). Three different broad categories are included in our working definition of transnational crime, including: sole offender transnational crime that involves a single perpetrator engaging in criminal activities that cross national boundaries; transnational organized crime that involves sophisticated criminal organizations; and transnational crime that involves well-organized criminal operations that cross national boundaries but are not affiliated with a major criminal organization (personal communication with James Finckenauer, October 2003).

While literature exists on defining and explaining types of transnational crime in general, few studies have looked at the identification and response of law enforcement agencies to transnational crime. Most of the studies that have been conducted focus on the Federal level, but rarely have researchers and practitioners systematically studied the identification and response practices of state and local law enforcement agencies. This literature review explores the literature on state and local law enforcement practices building on a previous study conducted by Abt Associates (Shively, Hunt, Kuck and Kellis, 2003) commissioned by the National Institute of Justice. The Abt study focused on the impact transnational crime has on local law enforcement. Shively et al. (2003) developed an exploratory, national survey to obtain data on transnational crime activity. The purpose of the study was five-fold, to address: (1) Perceptions of trends and severity of local transnational crime; (2) level of criminal activity; (3) local resources devoted to such crimes; (4) cooperation among agencies; and (5) perceived resources needed. To achieve these goals, data were collected from 152 local law enforcement agencies, 20 State police departments, and 12 primary police departments. Shively et al. (2003) found that law enforcement considered transnational crime to be a substantial and growing problem in most jurisdictions, especially in the area of computer crime. They also found that in responding to these crimes there was a significant level of communication and cooperation among law enforcement agencies across different levels of government, and that these agencies felt at least adequately prepared to deal with transnational crime in their area (Shively et al., 2003). However, some large city police departments expressed frustration about a perceived lack of Federal support, thus prompting local agencies to establish their own anti-terrorism units (Shively et al., 2003).

Using as a springboard the Abt survey results and related research, this literature review focuses instead on how state and local law enforcement agencies currently organize their response to transnational crime, the ways in which police officers respond, and the methods used to link local investigations of theft, forgery, smuggling and similar crimes to potential larger conspiracies with transnational or terrorist objectives.

## **2.2 Structure of law enforcement and its implications for transnational crime**

According to the most recent estimates, approximately 17,784 local, state and federal agencies operate in the United States (Reaves and Hickman, 2002). And all of these agencies, even those from neighboring jurisdictions and different levels of government, operate autonomously (Reaves and Hickman, 2002). Law enforcement has been organized around the principles of independence and decentralization and is designed to maintain their identity and autonomy. Federal and local law enforcement agencies differ in their mission orientation and the manner in which investigations are carried out.

The primary sworn duty of local law enforcement is to apprehend criminals and prevent crimes. Local law agencies are closely tied to the needs of the community and attempt to stem the tide of local crimes that directly impact the quality of life in local neighborhoods. Local law enforcement agencies tend to be reactive, attempting to respond rapidly to citizens in need. Traditionally, local police are involved in cases that are short-term and come to an end at the time of arrest, at which point investigators move on to the next case.

The priorities of federal law enforcement agencies are national (and at times international) in scope. Federal agencies generally use a long-term approach to case management. Investigations are usually more proactive in nature, which means that the cases are developed from intelligence and based on a pattern of criminal activity associated with individuals and their criminal organizations (Newbold, 1997). As such, federal agencies investigate and prosecute cases that are organizationally and technologically complex, and have the requisite resources, expertise, and personnel to do this.

Primary responsibility for responding to transnational crime has fallen to federal agencies, because of the cultural, political, legal and language differences that exist when working with other nations (NIJ, 1999). With a few exceptions, the resources needed to investigate and prosecute transnational crimes reside among federal agencies. Transnational crime can “tax the capabilities of local law enforcement” (Schlegel, 2000).

However, transnational crimes surface at the ‘street level’, and because of this, local law enforcement agencies often face transnational crimes within their communities. At these times, local police do not know if what they’re seeing is an individual law violation, or the end result of planning, conspiracy and/or organization across national borders. Local police do not know if



this crime is an isolated incident, or if that incident fits into a larger picture of transnational crime activity. They may be unaware of the transnational factors that could be associated with this incident. The focus for local police is generally on individual cases rather than unearthing an underlying phenomenon.

### **2.3 Barriers to collaboration**

There are a myriad of barriers that exist to investigating transnational crimes, on an international level, including transnational police cooperation, multilateral assistance treaties with other nations, corruption, and nationalism, to name a few. However, Kip Schlegel suggests, “We need not look outside the borders of the United States to understand the most significant issues facing local law enforcement as it attempts to deal with transnational crime” (Schlegel, 2000). Crucial partnerships between federal, state, and local law enforcement have been hindered by difficulties in cooperation, coordination, and information sharing.

Operation Trifecta was a 19-month international investigation led by the DEA that resulted in the indictment of Mexican drug lord Ismael Zambada-Garcia and arrested over 240 individuals in the United States and Mexico. The investigation included 9 federal agencies – DOJ (Criminal Division, Narcotic & Dangerous Drug Section), Drug Enforcement Administration, U.S. Attorney’s Offices, U.S. Bureau of Immigration and Customs Enforcement, IRS, U.S. Marshals Service, FBI, U.S. Bureau of Alcohol, Tobacco and Firearms, U.S. Postal Inspectors, and approximately 67 state and local law enforcement agencies from 8 states (DEA, 2003). While Operation Trifecta is an example of one of the more complex transnational crimes, it illustrates the extensive amount of interagency collaboration at all different levels of law enforcement that is necessary for a successful investigation of a transnational crime.

Generally, interagency cooperation has taken two forms: ad hoc arrangements and task forces (Newbold, 1997). Ad hoc arrangements are situations in which agencies will work together on a case-by-case basis. Agencies will work on a case while pursuing its own goals, but major activities of the case are handled collaboratively. Cooperation ceases when the case is solved. Task forces are a more formal and permanent vehicle for interagency cooperation. In this organizational structure, participating agencies release investigators to work on the task force, and these task forces typically handle numerous cases. The continued success of task forces requires a consistent flow of important and solvable cases, otherwise task forces, drains rather than pools limited agency resources (NIJ, 1999).

Schlegel argues that the very nature of transnational crimes demands an interorganizational response from law enforcement (Schlegel, 2000), and that local law enforcement agencies will never have the capacity to adequately respond to these crimes alone. At the same time, local law enforcement patrol city streets and towns daily and, as a result, have an intimate knowledge of those communities they serve. They have developed strong and close

relationships in those communities and can offer vital ‘street-level’ intelligence to federal agencies in investigating transnational crimes (Berger, 2001). Under ideal circumstances, each agency would bring their respective expertise to the table, and play an indispensable part in investigating and prosecuting a case.

All law enforcement entities are involved in ‘self preservation’. The significance of their work, and the ensuing media coverage, translate into public confidence and governmental funding. Therefore, there are issues of trust and ‘self-preservation’ that impair cooperative relationships in task forces (Newbold, 1997). Agencies are guarded and distrustful of any action on the part of collaborative agencies that might reduce their own performance indicators (Schlegel, 2000). Monopolization of information, or what can be perceived as such, also impairs the effectiveness of agency collaborations. State and local law enforcement officers that participate in task forces receive security clearances to give them access to classified materials. However, due to clearance issues, they are unable to share this information with fellow officers, or sometimes with the chief of their department. Local law agencies are often frustrated by what seems to be a one-way flow of information (Schlegel, 2000).

Similar issues arose in a study on cooperation attitudes among federal and local law enforcement drug task forces. The study found that local investigators feel a sense of disenfranchisement in the task forces, and felt that a lack of shared investigative information from federal agencies. The study also found that it is essential that agencies send a strong message to its officers that cooperation is important and integral to the overall mission (Newbold, 1997).

## **2.4 Impact of transnational crime on local law enforcement**

While there are conjectures about the effects of transnational crime on local law enforcement, little research has been done to actually assess the impact of transnational crime on local law enforcement. What transnational crimes do local law enforcement agencies see? How much do they see? These are some of the questions that were answered in a pilot study that was conducted by NIJ. In 2000, a brief mail survey was conducted by NIJ with police officers and prosecutors in New Jersey and California to determine the types of transnational crimes that local law enforcement in these areas were facing, the countries of origin of the perpetrators, and any measures that have been taken to combat transnational crime in the area (personal communication with James Finckenauer about unpublished internal National Institute of Justice report, October 2003). Fifty-three completed surveys were returned. Findings revealed that drug trafficking was the top concern for both officers and prosecutors, followed by drug manufacturing, money laundering, vehicle theft and trafficking, computer crime/internet fraud, illegal immigration and prostitution, in that order. When asked if these crimes were linked to particular countries, respondents most frequently cited Mexico, Costa Rica, “South America”, Columbia and The Netherlands as the source drugs; Korea, Russia and Nigeria as the source of

prostitution; Mexico was lined to illegal immigration; and money laundering was linked to the Russian Mafia.

Most of the departments did not place a particular emphasis on transnational crime, and officers and prosecutors in New Jersey did not see it as an issue in their region at all. Even so, thirty-three of the fifty-three respondents felt that there was a need for more information on transnational crime. Approximately twenty respondents noted that their specific department has been in contact with federal agencies to combat transnational crimes. Most commonly noted were the FBI, INS, DEA and U.S. Customs. Some of the local steps to combat transnational crime that were noted by the respondents were: establishment of a non-traditional organized crime unit focusing on transnational crime, the creation of a special unit to handle money laundering investigations, information sharing and collaboration with DEA and U.S. Customs, sharing of MDMA information with DEA, and the assignment of personnel to federal agencies to work on transnational crimes.

A more extensive survey of local law enforcement was conducted by Nicolas Minogue (2000). Findings from this dissertation underscored some of the findings from the pilot study, while adding new dimensions to the transnational crimes that are impacting local law enforcement agencies. A nationwide survey of local law enforcement agencies was conducted to determine the extent and nature of transnational crime in the United States. A 57% response rate yielded a total number 228 respondents from thirty-four states, making this one of the largest surveys of local law enforcement agencies on the issue of transnational crime. Fifty-four percent of the law enforcement agencies replied that they had active transnational criminal organizations in their jurisdiction in 1999. In other words, transnational criminal organizations were found to be operating in virtually every state and city in the country regardless of population size and geographic location, with the greatest link to organizations from Mexico, then Russia. When asked to estimate the decade in which transnational criminal organizations surfaced in their locality, responses showed a growing increase in transnational activity nationally. Only 7.4% experienced transnational organized crime in the 1950s, slightly dipping to 5.2% in the 1960s, growing to 8.9% in the 1970s, 22.2% in the 1980s, and peaking at 41.5% in the 1990s.

Furthermore, law enforcement agencies responded that these organizations are involved in a variety of illegal activities, including drug trafficking (79.3%), financial fraud (47.9%), money laundering (40.5%), prostitution (23.9%), gambling (21.5%), and high tech crime (19.7%). It is important to note that of the more commonly noted activities, financial fraud, money laundering and high tech crime are the most sophisticated and complex transnational crimes to investigate and prosecute. In addition, those police departments that reported activity of transnational criminal organizations expected these criminal groups to become an increasingly bigger problem in their jurisdictions in the next five years.

## 2.5 Identifying and anticipating transnational crime

Transnational organized crime presents considerable challenges to law enforcement because of the flexibility, mobility and adaptability of its activities. The transnational nature of these offenses adds organizational, technological, and spatial complexity to the police investigative task (National Research Council, 1999: 36). These crimes often involve systematic and complicated forms of economic criminality that require arcane knowledge to investigate (National Research Council, 1999: 36). We are unaware of any research that has assessed the capabilities of local and state law enforcement to identify crimes with such a high level of complexity nor research that has compared different investigative techniques for uncovering transnational crime. For example, we know very little about the effectiveness of traditional investigative approaches compared to newer “high tech” approaches or even the range of approaches that are being used at the local-level to identify transnational crime. Many experts have advocated the use of special units and multi-jurisdictional task forces to investigate transnational crime. However, little systematic data exists on the effectiveness of these units and task forces in this area.

One promising area of research is the use of statistical models and risk assessment tools to forecast the occurrence of transnational crime. Phil Williams and Roy Godson propose that concepts and models of organized crime can be used to anticipate transnational criminal activity and inform law enforcement at the intelligence, strategic planning, and operational levels (Williams and Godson, 2002). In a paper entitled, “Anticipating Organized and Transnational Crime”, Williams and Godson (2002) concede that absolute predictions are impossible, but they purport that existing models of organized crime can be used as a framework to think systematically about transnational organized crime. Extrapolations can then be made to anticipate, with some probability, future developments in organized crime. These models include, political, economic, sociological, strategic, and composite models of organized crime. Williams and Godson further suggest that effective anticipation requires a good knowledge base, good use of underlying warning indicators and timely and reliable intelligence.

Similarly, Jay Albanese (2002) submits that systematic efforts to measure crime risk can improve law enforcement endeavors to anticipate and intervene in transnational criminal activities. In “The Prediction and Control of Organized Crime: A Risk Assessment Instrument for Targeting Law Enforcement Efforts,” Albanese applies criminological prediction models to organized crime to determine the level of risk of specific illicit activities in a particular locality. Law enforcement can use these “risk” assessments to direct limited resources to appropriate areas. The risk assessment tool consists of 17 variables in six categories that are the most likely to influence the nature and extent of organized crime in a region: economic, government, law enforcement, social technological change, criminal environment/special skills, and potential harm.

Furthermore, Albanese advises that there are four parameters for an organized crime risk assessment tool to be effective. It must be location-specific (i.e., findings will vary by geographic location), activity-specific (i.e., different activities will have different risk levels), time-specific (i.e., conditions change at varying rates over time so risk assessment must be done periodically) and all factors must be measured comparatively against levels found in other jurisdictions. The types of data and analysis involve necessitate the contributions of a diverse group of individuals – police, analysts, and researchers. Therefore, a “team” approach is recommended in conducting the assessment. Finally, an impact assessment should be conducted in a jurisdiction prior to the implementation of any new laws or policies that affect commerce.

## **2.6 Principles of effective responses to transnational crime**

In examining responses to transnational crime, it is important to recognize the general lack of rigorous research of police interventions into all types of non-transnational illicit markets. Little convincing research exists on the results of law enforcement efforts to disrupt and decrease a whole variety of illicit criminal markets (e.g., drug and firearm markets) (National Research Council, 2001). Despite these difficulties a number of experts have proposed some potentially effective responses to transnational crime.

Governments cannot deal with transnational crime through an exclusive focus on law enforcement or through traditional methods. There are diverse approaches to combating transnational crime, and it was the goal of an exploratory research project by the Federal Transnational Crime Working Group to uncover these various measures (Schneider, et al., 2000). These approaches were separated under two broad categories – assisting law enforcement through non-traditional agencies and approaches, and enhancing traditional law enforcement approaches through multi-jurisdictional and multi-sectoral approaches. Non-traditional agencies and approaches included:

- Regulatory policies and programs – Mandates are incorporated into the federal and state agencies responsible for regulating sectors that are vulnerable to transnational and organized crime (e.g., financial services sector, marine ports, construction industry, etc.) to allocate powers and resources to address organized crime activities.
- Financial transaction reporting – Financial transaction monitoring and reporting system that are included in public policies that mandate the private sector to implement measures to detect money laundering.
- Taxation policies and programs – Tax inquiries that investigate organized crime figures and criminally-controlled entities that look for indications of tax fraud, including the use of civil proceedings, which can effectively deprive crime figures of unreported funds.
- Civil sanctions – Legislation that allows the state and its citizens to undertake civil actions (e.g., injunctions, treble damage penalties, and the ‘forfeiture’ of assets) against

individuals involved in organized criminal activity, and will often have a lesser standard of proof.

- Foreign policy approaches – Nations use foreign policy tools, such as aid, trade, military support and law enforcement support to address organized criminal activities in origin countries of transnational crime.
- Security intelligence agencies – Security intelligence agencies are given a mandate to gather intelligence on transnational crime groups and activities that threaten national security.

The research also identified approaches to enhance traditional law enforcement through multi-jurisdictional cooperation, including partnerships between:

- Sections or agencies within a government (enforcement) organization;
- Domestic law enforcement agencies;
- Law enforcement agencies from different countries;
- Domestic and foreign criminal intelligence agencies and units;
- Law enforcement and national security or foreign intelligence agencies;
- Police and other enforcement, regulatory, and government policy bodies; and
- Enforcement agencies and private sector companies and associations.

Traditional law enforcement approaches to transnational crime can include reactive responses to random complaints brought to the local police to proactive systematic and structured responses where cases are coordinated with other agencies and federal authorities (Schlegel, 2000). Law enforcement approaches can include the use of "quick hits" of lower echelon members of transnational organized crime groups, seizures of illegal commodities, and more sophisticated techniques (e.g., undercover operations or financial investigations that target upper-echelon members and seek to fully dismantle criminal organizations and operations) (Schlegel, 2000). The level of resources and expertise devoted by local police to transnational crime also varies; that is, from departments with no expertise in this area to police departments that have staff accountants, attorneys, and computer technologists who investigate complex paper trails and audits.

## **2.7 Principles of effective local-federal partnerships**

Successful anticipation of transnational organized crime and adequate warning still do not guarantee a successful response. Collaboration among the different concentric circles of law enforcement is essential in responding to transnational crime. Schlegel (2000) argues that local law enforcement agencies must develop an organizational structure that facilitates

interorganizational relationships to effectively respond to transnational crime. Efforts should be made to establish formalized channels of consistent communication across agencies, as opposed to the more typical reactive solicitation of information with regard to a specific case, crime, organization, or individual (Schlegel, 2000). More attention needs to be given to the development of formalized relationships across agencies that involve training, resources, and information sharing about transnational crime; the environment that produces the opportunity structures for that activity; the mechanisms available for controlling that environment; or the functions, duties, activities, priorities, and problems of the agencies themselves (Schlegel, 2000).

Before 1980, collaboration between local law enforcement and federal authorities was rare. Following the Attorney General's Task Force Report on Violent Crime in 1982, closer collaborations between Federal and local enforcement to battle urban crime became a sustained policy. Since then, hundreds of federal-local collaborations have developed to address drug-, gang-, and violent-related crime in larger U.S. cities. The impact of these collaborations is difficult to ascertain, but a recent case study of three particular collaborations yielded interesting findings (NIJ, 2003). Interjurisdictional collaboration in these sites has improved officer safety, problem solving and intelligence sharing. These collaborations have also enabled specialization against particular targets and increased funding for informants, evidence, 24-hour surveillance, and overtime, all of which are necessary in a long-term investigation.

In addition, the study found that formal collaborations were preferable to informal collaborations, which do not provide sufficient clarity of mission, can create uncertainty, weaken commitment, and impair operations. Moreover, the study identified several principles of effective federal-local collaborations, including:

- High-level agency commitment and sustained funding;
- Clear ultimate legal authority in one agency and use of interagency MOUs and written paperwork protocols to promote clarity of roles and responsibilities;
- Joint federal-local leadership on executive or control boards and at the operating level; and
- Co-location of federal and local law enforcement personnel to promote loyalty and teamwork.

## **2.8 Critical issues in improving local-federal partnerships**

Despite the predicted expansion and diversification of transnational crime, it is improbable that law enforcement resources and manpower will increase at the same rate (McFarlane, 2001). In the presence, but even more so, in the absence of adequate resources, law enforcement agencies need to address future trends in transnational crime through regional cooperation and criminal intelligence sharing (McFarlane, 2001). Many of the critical issues in

improving local-federal partnerships are best voiced and identified by law enforcement professionals themselves. PERF (Police Executive Research Forum) through funding from COPS (Community Oriented Policing Services) convened law enforcement professionals from all levels (e.g., sheriffs, police chief executives, FBI Special Agents, etc.) in November 2002 to examine local-federal partnership surrounding terrorism. The reoccurring theme during the forum was that a mutual understanding of one another's role, as well as limitations, is the key to promoting successful local-federal partnerships. While the forum discussions were focused on improving local-federal collaboration in addressing one type of transnational crime – terrorism, these recommendations have strong implications for ways to improve local-federal collaborations in battling transnational crimes in general. Specific recommendations/concerns were developed around seven priority issues, presented below (Police Executive Research Forum, 2003).

Promoting effective local-federal partnerships – Partnerships must be developed 'pre-crisis' using formal mechanisms (MOUs, joint media and information dissemination policies for joint task force) that will prevail under personality conflicts and key personnel turnover. Leadership in local and federal agencies must address misconceptions, distrust, and tension at the local level, openly communicating issues of resources, legal mandates, limitations and accountability concerns. Guidelines regarding the nature and scope of information that can be shared should be clearly identified. Federal law enforcement agencies must work with local agencies to ensure that federal engagement and disengagement of neighborhoods does not undermine police-citizen relations, particularly with minority communities.

- Securing clearances and information sharing – Law enforcement agencies at all levels need to be better educated about the different types of security clearances. Federal agency personnel need more guidance on what and how information can be shared as unclassified materials, as well as training on the most useful ways to present information to local law enforcement and line officers. Changes, both legislative and administrative, need to be made to facilitate the clearance process for local law enforcement officials, including the accurate and timely completion of paperwork on the part of local law enforcement and the expedited review of applications on the part of federal agencies (no more than 30 days). Local agencies need to identify those personnel most in need of clearances and the level of clearance needed. Local agency personnel must adhere to nondisclosure agreements.
- Joint terrorism task forces – Task forces can be an effective "force multiplier", but they need additional resources, investigators, analysts, and administrative staff to make them more effective. Task forces should establish a governing board such as an executive committee that would be comprised of key law enforcement personnel from federal and local agencies, that would ensure proper information sharing, commitment, accountability, coordination, and would handle other various issues such as turnover of key personnel and the reassignment of officers and agents. To promote long-term local agency involvement, task forces should develop a formal mechanism for providing regular briefings to and ensure accountability of participating agencies. A model for this



would be the New York Police Department (NYPD) COMPSTAT (Computerized Statistics) meetings. Local agencies that do not have a permanent member on the task force should designate a liaison to the task force to facilitate the development of relationships between local agencies and the task force. Federal agencies need to understand that the effectiveness of task forces are diminished with the existence of duplicative task forces due to the limited personnel and resources of local law enforcement. Federal resources for task forces and specific training are scarce in some regions while abundant/redundant in others. These resources need to be more strategically planned to improve consistency and coordination.

- FBI strategies – FBI and local law enforcement need to reach consensus on ways to prevent and investigate criminal activities that are consistent with local needs and priorities, and that are coherent with the capabilities, resources, and authority at each level of government. FBI should use its expertise to focus on specific criminal activity (e.g., cybercrime, financial crime, identify theft) that affect multiple jurisdictions, and possibly reduce its emphasis in large cities, and in consultation with local law agencies, on bank robberies, violent crime, gangs and street-level drug sales. The tenure of an FBI Special Agent in Charge (SAC) in field offices should be increased to five years to provide stability and expertise to oversee long-term efforts. The FBI should also develop a best practices guide for SACs on building local partnerships and succession planning. Local law enforcement personnel must be trained on state laws and ordinances that would limit intelligence collection and retention efforts. SACs need more resources and flexibility in determining investigative priorities. FBI needs to review TURK (Time Utilization Record Keeping System) for overall effectiveness, and local law enforcement can support this by allowing a greater degree of flexibility to respond to changing patterns in crime. Law enforcement at all levels must be informed of the organizational obstacles that affect cooperative efforts and ways to address them.
- Intelligence – All levels of law enforcement agencies need technical assistance and training on revamping intelligence functions to avoid violating any legal or agency mandates while reforming overly restrictive mandates. Federal, state and local law enforcement must eliminate barriers to information exchanges through the implementation of information sharing mechanisms (e.g., regional briefings similar to COMPSTAT). Agencies as a whole must examine internal, cross-jurisdictional and local-federal processes to reduce obstacles to information sharing. It is very important the FBI Office of Intelligence continue to collect, analyze, and disseminate information and intelligence that is relevant and useful to local law enforcement. Local law agencies need federal grants to support the development of their intelligence capabilities, including the hiring and training of intelligence analysts.
- Multi-jurisdictional information sharing – There is a critical need for more relevant national data so that local/state regional networks can be informed of patterns and warning signs that cross jurisdictional boundaries. A possible model for information-sharing among federal, state and local law enforcement is the Gateway Information Sharing Project in St. Louis. The Gateway project and other innovative efforts should be developed and evaluated so that these approaches can serve as models for improving and expanding the intelligence function in local law enforcement. Security controls and

standards must be established to ensure that intelligence is secure while useful information is accessible to local law enforcement agencies.

- Training and awareness – Training programs need to be reviewed for quality and redundancy at all levels so that programs are practical, specific and meet the needs of law enforcement personnel. Joint trainings, bringing together law enforcement agencies from different levels, should be explored to the fullest extent possible. In particular, local law agencies identified a desire for SACs to initiate opportunities to share expertise and materials in trainings. Training must be included in academy and in-service programs, and frequently updated. Law enforcement executives, patrol officers and investigators need training on local indicators of terrorism. Local and state law enforcement executive need to know and access federal agencies and resources that might be made available to them. Local and federal law agencies should share model policies, training programs, procedures and investigative protocols.

### 3. METHODS AND MAIN FINDINGS

Section three describes the research methods used in this study for each project data source: Secondary analysis of national survey data, content analyses of the transcript from the project TAG meeting, key informant interviews, and case scenario analyses. This section also describes the key findings from these four project data sources. The reader is referred to the individual reports in Appendix B for all of our analyses connected with each of these four data sources. The results presented in this section are presented to help the reader get a flavor for the data sources and the type of results presented in the full individual reports.

Limitations of research: Our data is based completely on the expert opinions and experiences of law enforcement professionals. We took a best practice approach to disseminate what is currently known among the most knowledgeable members of the law enforcement community. This method was adopted as a quick, efficient and low-cost approach to get much needed information out to the field. We did not conduct empirical evaluations of the various best practices identified by our sample of participants, a strategy that could be considered in a future research project.

Next, aside from our use of the NIJ/Abt national survey data, all of our data sources are qualitative. With this qualitative approach we did not obtain (nor did we strive to obtain) a representative sample. Instead, this type of qualitative approach targets just a small number of information rich cases from which we can obtain depth and detail. Instead of sampling for quantity – we chose study participants to represent a broad cross-section of law enforcement experts. Our study participants included law enforcement officials from local, state, federal and international jurisdictions, including both line, supervisory, managerial and executive levels, as well as street and office level positions. On average, participants had over 20 years of experience while representing all aspects of the law enforcement community including: Police

and sheriff departments, prosecutors, trainers, and researchers. Having all types of careers, including both researchers and practitioners, helped bridge a gap in moving research to practice and allowed for a diversity of opinions to be considered. Study participants included individuals from the Northeastern, Midwestern, Southern, and Western regions of the U.S. along with Canada that helped in ensuring a range of opinions and experiences. We believe that our methodological approach has led to results that represent an important segment of the typical state and local law enforcement experience with transnational crime. While this does not represent the experience of all police departments in the U.S., it does reflect a large enough group to be highly meaningful.

In a textbook fashion, it might appear desirable to get a representative sample of all law enforcement personnel or perhaps all expert law enforcement professionals that have knowledge of best practices. That is, to assure that our results represent the full range of responses of law enforcement or all knowledgeable expert law enforcement professionals. This strategy was not adopted because it is largely impractical and it would be very expensive to use such a strategy. Also, given the exploratory nature of our study questions, there is little need for extremely high levels of precision. We adopted a more cost efficient approach of using snowball sampling. Known police professionals with extensive experience and knowledge of the participants nominated all of our study participants. While our data does not represent the average experience of all police officers nor just the most knowledgeable officers, our sample was more than adequate to identify the best practices and strategies currently being used in the field.

Next, while our qualitative approach can stand alone, in a number of ways it is complementary to the NIJ/Abt national survey data, which offers breadth but not depth. Our qualitative data builds on the results of the NIJ/Abt national survey and probes for the meaning and context of some of those results. While our qualitative results are not generalizable to some narrow well-defined population as what is sometimes achieved with quantitative data, they do represent the considerable experiences of the expert participants in our study and a variety of police departments across the nation. While our qualitative approach does not have the exactitude of a purely quantitative hypothesis confirming approach – it allowed us to explore the topic and pursue interesting findings as they emerged from the data. With much of our qualitative data collection overlapping, we were able to make midstream adjustments and allow for a more iterative process of collection with each method building on the other. Given the infancy of this area of research, the lack of strong pre-existing theoretical models to guide our work and the opportunity to anchor our results to NIJ/Abt’s national survey data, we felt that a qualitative approach had the most benefits to offer.

### **3.1 Secondary analysis of NIJ national survey of law enforcement**

Prior to the current project, NIJ contracted with Abt Associates to conduct a national survey of law enforcement practitioners about the extent of and resources for transnational crime at the local level. In order to capitalize on this resource, NIJ tasked Caliber Associates with

doing a secondary analysis of the data to determine if any of this existing data would be beneficial when thinking about how to practically and realistically improve state and local law enforcement identification and response to transnational crime.

In order to ensure that a relatively small number of responding agencies would provide representation of large cities, Abt Associates collected data from three sub-samples of agencies:

- 152 local law enforcement agencies, randomly sampled from among all those in the U.S. with 50 or more sworn officers
- 12 of the primary police departments purposively sampled from the core cities of the 25 largest U.S. metropolitan areas.
- 20 State police departments

The full secondary analysis report in Appendix B reviews the fairly solid response/participation rates (overall 74 percent response rate) achieved for each of the three sub-samples, which compare favorably with most other surveys of police command staff. Abt completed interviews with at least one agency (either state or local) from 43 of the 50 states. All regions of the country are represented, including all coastal and border areas considered at high risk as points of entry for illicit international trafficking and terrorism. Interview participants within each responding agency were upper-level command staff from city, county, and state law enforcement departments. In some cases, more than one person contributed to completion of the questionnaire since one person was not always equipped with information about all parts of the questionnaire, especially in agencies that had staffs large enough to be highly specialized.

Summary of key findings for secondary analysis data source: The NIJ/Abt survey of law enforcement data were analyzed to determine how state and local law enforcement identify and respond to transnational crime. One of the main questions explored in Caliber's secondary analysis of the NIJ/Abt national survey data was whether there were regional differences in the type and extent of transnational crime occurring. It was felt that regional differences in the type and extent of transnational crime were important to investigate to determine if there were different types of needs for training across the regions. As it was shown, there were no meaningful geographical differences when investigating both regional and border state status. Another question explored in these secondary analyses was the perceptions about transnational crime and the actual levels of transnational crime to help determine the extent to which there needs to be education and training not only to learn transnational crime facts but to also learn to identify transnational crime as it exists in the community. Based on our analyses, the Caliber research team concluded that training that is focused on decreasing the gap between perception and reality may greatly help state and local law enforcement improve identification and response to transnational crime.

### 3.2 Content analyses of transcript from TAG meeting

The National Institute of Justice (NIJ) convened a Technical Advisory Group (TAG) meeting of researchers and practitioners (meeting participants or participants) in 2004 to review available research on transnational crime, to discuss practitioner needs, and to recommend appropriate responses for how to address transnational crime. The TAG meeting was a targeted discussion that was less theoretical and more application oriented and covered the following questions:

- What is the current state of knowledge and practical understanding of transnational crime?
- Where are the gaps in knowledge and practical understanding of transnational crime and the law enforcement response to transnational crime?
- What are the “next steps” to providing state and local law enforcement with tools to *identify* and *respond* to transnational crime?

Throughout the meeting, two primary methods of recording data were conducted: Transcriptionist documentation and comprehensive notes were taken by Caliber Associates staff and NIJ staff. Each staff member compared the transcript to his/her own notes and approved the transcript. The transcript was then sent to all members of the Project Consultant Group, a formal consulting group hired by Caliber Associates to help inform the direction of the overarching NIJ study on state and local law enforcement response to transnational crime. The consultant group provided comments on the transcript and gave final approval of the TAG meeting transcript.

During the afternoon of March 4, 2004, meeting participants were divided into small working groups to discuss a transnational crime case study. Prior to the two-day TAG meeting, each participant was asked to submit a case study of transnational crime for use during the small working groups. The Caliber research team selected four case studies to be used during the breakout group sessions and the individuals who prepared those case studies were asked to serve as a breakout group leader and facilitator. Each breakout group leader was provided with a tailored case study discussion guide to use in facilitating the small group conversation. Each group presented their small group discussion to the general TAG and the small group work was included in the TAG transcript and content analysis report.

To analyze the TAG transcript data, our research team used the Qualitative Data Interpretation and Analysis (QDIA) software developed by Caliber Associates, Inc. for the thematic analysis of these data. After reviewing the data, a primary coder independently developed a separate coding scheme for the data. The two coders then reconciled the coding scheme with a supervisor to arrive at a consensus-coding scheme. Both a primary and secondary coder thematically coded each section using the agreed upon coding scheme. The QDIA

software allowed a single comment to be coded to multiple themes while not double counting the same participant.

Data were coded based on processes borrowed from inductive analyses. Using this methodology, primary patterns and themes in the data are allowed to emerge from the data rather than being imposed on them (Miles & Huberman, 1994; Patton, 1990). There are three components to our analytic approach: data reduction, display, and conclusion drawing/verification. Data reduction involves the selection and condensation of data in accordance with the study's main aims and questions, and involves theme finding, clustering, data summaries and coding. We describe the findings by summarizing each issue, concept or set of ideas provided by the TAG members. Data display is the reproduction of cleaned data in compressed and organized form allowing cross-referencing and constant comparative analysis. Conclusion drawing and verification is the final stage of the process, in which data are analyzed for their thematic properties, patterns and comparisons. It is from this final stage that interpretations and meanings are drawn.

Once each section had been coded, the data were examined as a whole for summary points. The characteristics of the meeting participants were then used as a way to further explore the data for interesting differences. The QDIA software allowed for a printout of responses to a given theme divided by participant characteristics. For example, the printout enabled an illustration of the differences in response to a given theme between participants of differing career types (e.g., prosecutors and researchers). Other than career types, examining the data by participant characteristics yielded little useful information because of the relatively small sample size.

Summary of key findings for TAG meeting data source: The TAG meeting to discuss state and local law enforcement response to transnational crime was unique in that it brought together experts from police departments, prosecutors, trainers, researchers and federal agencies. This was the first time that collection of this level of field understanding was extracted from experts in a systematic method, and analyzed.

Highlighted were identification practices that are working well such as an increased recognition of the relevance of transnational crime by state and local law enforcement, and increased gathering and sharing of intelligence on transnational crime matters. Also, to emerge from the discussion was the need for increased collaboration between state/local and federal law enforcement, and between United States and international law enforcement communities, and expanded measures of defining successful police work. It was asserted that law enforcement is moving away from defining success in terms of high arrest and conviction rates and including within the definition of successful policing practices the prevention of criminal enterprises or proactive police work.

We also learned about the challenges associated with identifying and responding to transnational crime practices, including: Mission disparity between state/local and federal law enforcement, the lack of effective communication between law enforcement at all levels (e.g., no clear protocols, ineffective sharing of information, and technological barriers), and scarce resources (e.g., staff transfers and time constraints). Response challenges included: Ineffective collaboration (e.g., political issues, lack of clear protocols and over-burdened limited resources), lack of feedback (e.g., Federal authorities are too busy, values of providing feedback and the consequences of failing to provide feedback), and victim issues.

Another main area addressed by the TAG group was suggested strategies for improving state and local law enforcement's response to transnational crime including improvement strategies centered around two main themes: improving collaborative activities, and addressing training needs. To improve collaborative activities meeting participants recommended that the law enforcement community needed to include the right people in collaborative efforts to respond to transnational crime. The suggested people to include in these collaboratives are prosecutors, Federal authorities, crime analysts, community representatives and state and local law enforcement. Another suggested way to improve collaborative activities was to improve communication mechanisms by increasing feedback and follow up, addressing trust/expectation issues, and by establishing protocols and procedures for how entities can or should all work together. The last suggestion presented on how to improve collaborative activities including using data effectively by improving technological systems and increasing the use of crime statistics to inform response approaches.

In addition to collaborative activities, a key strategy for improving identification and response to transnational crime was addressing training needs. Participants suggested that the law enforcement community should pay closer attention to training methods, levels of training, training subjects (e.g., awareness of identification of transnational crime, working with victims, cultural awareness/language, and a collaborative response), and going beyond training to include education to foster a broader understanding of the transnational crime issue.

### **3.3 Key informant interviews**

Following the TAG meeting, the Caliber research team conducted interviews with law enforcement officers, prosecutors and experts in the field of policing to expand on conclusions reached by the TAG meeting participants. Thus, the TAG summary report (see Appendix B) was used as a guide to direct the focus and scope of the follow-up interviews. Caliber used a qualitative approach to collect data through key informant interviews. Key informants are people selected for their first-hand knowledge of a topic of interest. The interviews are qualitative, loosely structured, and rely on a list of open-ended items to be discussed. These types of data are very useful when data collected through other methods need to be interpreted (Creswell, 1998). Key informant interviews can provide the how and why of what happened. Moreover, this

methodology is cost effective and flexible allowing researchers to explore new ideas as they emerge.

Caliber conducted most of these interviews over the telephone and supplemented the telephone interviews with a limited number of face-to-face interviews.<sup>1</sup> In this key informant interview report (see Appendix B) we use percentages to summarize some of our findings and serve as an organizing tool. These percentages should not be interpreted to mean that some proportion of a probability-based sample would answer our interview questions in some specified manner. Our use of percentages is done for the practical purpose of identifying patterns within our self-selected sample in a user-friendly manner for the reader. Data were coded based on processes borrowed from inductive analyses, as described in the above section on content analysis. As described earlier, we used a similar three component analytic approach: data reduction, display, and conclusion drawing/verification.

The Caliber research team drew on several resources to develop and operationalize the interview protocol. First, we began by reviewing the professional literature on identifying and responding to transnational crime. Next, we solicited input from experts in the field during our TAG meeting and conversations with other experts. Finally, we pilot tested a set of questions to assess their feasibility, relevance and ease of administration. Attached in Appendix B are copies of our interview protocols.

In order to get more of the state and local law enforcement officer's perspective on the transnational crime issue, efforts were made to interview front-line and supervisory law enforcement officers, prosecutors and experts in the field of policing not represented at the TAG meeting. Also, efforts were made to conduct interviews in jurisdictions not represented at the TAG meeting. Using the TAG participants as a springboard, a snowball sampling technique was employed. Telephone interviews were conducted with 21 respondents. Almost all of the respondents have been in law enforcement for over twelve years, with a fairly even distribution of experience in their current positions (current job experience ranged from 1 month to 12 years). Also, there was a fairly even distribution of respondents representing police departments in different levels of government: city (35%), county (25%), municipality (5%), state (25%), and federal (10%). Most of these departments are located in urban areas. There was also diversity in positions held by the respondents: trainer (20%), task force member (5%), line officer (5%), supervising officer (50%), and federal officer (10%). The respondents described significant experience working on the frontlines, thus were relevant for this follow-up study.

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<sup>1</sup> The researchers conducted both telephone interviews with law enforcement personnel who were located either outside of the Washington, D.C. area, or who were not available for face-to-face interviews. The in-person interviews were conducted with federal agency representatives located in Washington, D.C. who were asked similar questions as asked in the telephone interview guide, but they were also asked additional questions because of their unique perspective on the topic. Comparisons were made between the phone interview cases and the face-to-face interview cases and no discernable patterns emerged.



Additionally, two group face-to-face interviews, each group consisting of three people, were conducted with law enforcement policing experts and with federal prosecutors. Thus, insight into the role of state and local law enforcement's role in transnational crime identification and response is gained from interviews with a total of 27 experts representing various levels of experience and regions of the United States (we actually contacted a total of 30 law enforcement experts and 27 completed interviews for a response rate of 90%).

Summary of key findings for key informant interview data source: Overall, respondents felt that state and local law enforcement officers are aware of transnational crime on some level; they have an idea regarding what it is all about. How much involvement and experience they have with these cases seems to depend largely on the police department's geographical location (urban vs. rural, border vs. inland), and their level of involvement with federal and international counterparts. Respondents agreed that the majority of state and local law enforcement officers are genuinely concerned about fighting transnational crime by working jointly with officers at the state, local, federal and international levels. Local law enforcement is especially committed to working on transnational crime cases when they have significant and consistent involvement in the investigation of cases and are kept informed on what subsequently happens in a case.

To gain a deeper understanding of the level of knowledge and experience police officers have working transnational crime cases, respondents were asked about the type of education and training the officers in their departments received. Moreover, they were asked about the level of preparedness for both patrol/line officers and supervisor/manager/chief officers in dealing with transnational crime cases in their jurisdictions. Respondents were asked to rate the level of preparedness of patrol/line officers and supervisors in handling transnational crime cases using a scale of unprepared, somewhat unprepared, somewhat prepared, prepared, and very prepared. Thirty-seven percent of the respondents reported that patrol/line officers were, at best, somewhat prepared to handle transnational crime cases, while 50 percent thought supervisors were somewhat prepared, and 17 percent thought supervisors were prepared to handle transnational crime cases. To help these officers get prepared, respondents suggested that patrol/line officers needed the necessary information to work a case, to rely on a checklist of common features of transnational crime cases, innovative investigative techniques, and information on security laws.

Patrol/line officers need information from federal and international counterparts on aspects of cases that show up as low-level street crimes in their jurisdictions. With this information, local officers would be better equipped to make connections between cases that might signify their transnational nature. This form of link analysis is what is needed at the state/local level. Additionally, patrol/line officers would greatly benefit from standard protocols on transnational crime so that they could familiarize themselves with checklists or red flags and have a better idea of what to be suspicious of, or what questions to ask in specific situations. Also, technological advances in policing should be on the forefront of database management

systems that could be utilized to share information among local, state, federal and international crime fighting entities. Crime analysts would also use these technological advances to conduct link analysis and make the necessary connections between cases. The following is a list of suggested ways respondents thought law enforcement could improve identification and response to transnational crime cases.

- Increase opportunities for networking and cross-training
- Increase awareness in the field on the transnational crime issue
- Emphasize information sharing
- Establish points of contact in different offices
- Increase language capacity among officers
- Promote intelligence-led policing with the help of crime analysts (link analysis)
- Develop standard protocols/procedures
- Give departments additional resources so they can do more
- Shift philosophies to a more global approach to law enforcement
- Recognize the need for state/local enforcement's involvement in these type of cases

### **3.4 Case scenario analyses**

The purpose of the case scenario analyses was to identify best practices in responding to transnational crime from actual cases handled by local and state law enforcement. Also, these case scenarios (see Appendix B) were designed to supplement our training outline (see Appendix C) by serving as examples that trainers could use to enrich the instruction and bring real case experiences to the classroom environment. The purpose of a case study is to place trainees in the role of decision makers, asking them to distinguish pertinent from peripheral facts, to identify central alternatives among several issues competing for attention, and to formulate strategies and policy recommendations. Case scenario analysis will allow officers to learn their roles and responsibilities as they walk through a case. It will also enable a mapping out of how realistic and effective collaboration might occur. Officers will address the challenges that tend to occur and find a way to most effectively respond to the situation. These case scenarios would also help educate officers about the mechanisms that are available to them as they deal with cases other than transnational crime.

Caliber conducted two cases scenario analyses: (1) the Lackawana Buffalo material support for terrorism case and the (2) North Carolina Hezbollah tobacco smuggling case.<sup>2</sup> From these case scenario analyses we gleaned general lessons learned from the handling of the cases that can be applied to a broad range of jurisdictions on issues such as model practices for collecting information and processing clues, examples of successful collaboration and problem solving, and management issues related to the sharing of information. To assemble these cases we interviewed the FBI agents that led these investigations and their local law enforcement counterparts, reviewed open source materials (news reports and other journalistic accounts of these cases) and reviewed criminal justice records (e.g., indictment reports).

Summary of key findings for case scenario data source: A review of these two prominent transnational crime cases illustrated how state and local law enforcement are involved in transnational crime cases. Of particular interest in the Lackawanna and the Hezbollah cases are the strengths and concerns of how state/local law enforcement are involved in joint task forces.

Local law enforcement were involved in these transnational crime cases because of their involvement on joint task forces. The task force in the Lackawanna case is an exceptional example of a task force that was ego/status free, where you could not distinguish the rank of the officers. In this case, the task force had officers from different units (primarily drug units) based on their capabilities to work the core elements of a transnational crime case (e.g., conspiracy, forfeiture, money laundering, witness protection, covert/overt operations, corruption, wire tapping/communication monitoring, extradition).

However, the cases revealed that there are also some common concerns with state/local law enforcement participating in joint task forces. Local police chiefs have problems with officers participating in task forces because of: (1) loss of manpower to work local crime issues, (2) political pressure to solve community crimes, (3) loss of control over officer because officer cannot share information learned at task force with non-task force officers, and (4) local police chiefs are not always informed of what is going on; the task force information is classified. While there are some valid concerns to involvement on joint task forces, discussions with law enforcement involved in these cases revealed that if local police chiefs commit their officers to

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<sup>2</sup> These two case studies were selected based on the research team's ability to gain detailed knowledge about these transnational crime cases. The necessary information to assemble case studies of this type is highly protected and confidential material. The team was under a short-timeline and these were the best of the cases available for analysis. Efforts were made to obtain other types of transnational crime cases (e.g., we spoke at length with federal prosecutors and NIJ), and the cases selected best represented some of the themes of what could constitute a best practice or approach to identifying and responding to a transnational crime case. The cases were selected primarily for their law enforcement approaches to identification and responding and less for the actual type of transnational criminal activity involved in the case.

joint task forces it can yield many positive benefits for both the department and the officer such as shared knowledge; inclusion, on some level, in federal investigations taking place in the local community; access to additional training and experience; career enhancing experiences; opportunities to build relationships across departments; and increases in interagency resources that lead to success.

#### **4. DISCUSSION**

Identifying and responding to transnational crime is a difficult task for law enforcement due to the diverse, highly mobile, and adaptable nature of transnational crime. Transnational crime is both organizationally and technologically complex to investigate and prosecute, characteristics that do not lend themselves to being uncovered and effectively responded to by law enforcement. Some have even characterized transnational crime groups as a new breed of criminal organizations whose high tech methods outstrip the capabilities of law enforcement (Raine and Cilluffo, 1994).

Unfortunately, as identified in the earlier literature review, the research community has not had much to offer law enforcement to combat transnational crime. Prior to the NIJ/Abt survey, little research existed on the impact of transnational crime on state and local law enforcement. Not much research has been done on the general capabilities of state and local law enforcement to respond and identify transnational crimes. We are unaware of any research comparing different investigative techniques for uncovering transnational crime nor the specific capabilities of special investigative units or task forces to respond to transnational crimes. The main goal of this project was to identify the “next steps” to providing local and state law enforcement with tools to *identify* and *respond* to transnational crime. The apparent growth of transnational crime, the vast array of crimes committed by transnational organized crime groups, the general lack of empirical data on this topic, and the deficiency of theoretical analysis and understanding when compared to other forms of criminal activity (Minogue, 2000) makes this an important project.

Further complicating matters is that local law enforcement is not well structured to tackle crimes with a transnational component. Local law enforcement is organized to respond to complaints of individual citizens or small groups in the community that have been directly harmed by a criminal act. Local law enforcement is not well suited to handling cases of people who are not aware they have been victimized nor investigations that require specialized training/education or arcane knowledge to uncover sophisticated offenses (e.g., computer crimes). Traditionally, local law enforcement deals with protecting the rights of particular victims not in tracking down international smugglers or tracing evidence to money launderers in other countries. Schlegel (2000) argues that the very nature of transnational crimes demands an interorganizational response from law enforcement, and that local law enforcement agencies will

never have the capacity to adequately respond to these crimes alone. At the same time, local law enforcement patrol city streets and towns daily and, as a result, have an intimate knowledge of those communities they serve. They have developed strong and close relationships in those communities and can offer vital ‘street-level’ intelligence to federal agencies in investigating transnational crimes (Berger, 2001). Although local law enforcement is not designed in its interest, training or mission to address transnational crime, it is well positioned; indeed, it plays a critical role in the investigation and prosecution of transnational crime. Local law enforcement agencies need to be prepared to collaborate with federal agencies to respond to these crimes as well as move proactively to prevent and deter crimes.

In this section we review each of the main study questions in relation to our study results and prior literature (where it exists). Our major research questions for this project revolved around identification practices and response strategies for law enforcement (see earlier outline in Section 1.1).

#### **4.1 Identification practices**

For this report, identification of transnational crime is defined as those steps taken by law enforcement to determine that a criminal activity is transnational in nature. Transnational in nature implies that the local crime that is discovered has criminal connections outside of the United States.

One of the first issues we tackled in this project was whether state and local law enforcement felt that transnational crime matters, is a relevant concern, and within their mandate to combat. The Caliber team felt that if state and local law enforcement did not feel it was a relevant issue for them to tackle it would greatly hamper our ability to conduct research on this topic. Indeed the NIJ/Abt survey confirmed the role of state and local law enforcement in combating transnational crime and its relevancy. Also, the Caliber TAG group explored this issue of relevancy based on their extensive experience and knowledge of state and local law enforcement. The TAG members pointed out that local police officers’ primary focus is on protecting their community. Officers are doing their job successfully if people in the community feel safe. TAG participants agreed that because officers are in the business of preventing and solving crime, and because they have an understanding of the global nature of the world, officers and administrators are now more inclined to look at the broader crime picture, and tackle transnational crime. The TAG felt that despite its transnational nature these crimes are having a local impact with local victims and state and local police are in the business of solving crime. For reasons of efficiency, the TAG also felt that most state and local law enforcement would prefer to deal with the source of the problem (even if the sources comes from outside the U.S.) rather than the symptoms.

Next we explore the extent to which our data and related literature can help address our three project questions related to identifying transnational crime.

#### **4.1a Are there effective methods to identify transnational crime and distinguish it from non-transnational crime?**

Based on our research we learned that there are at least two important issues to consider in identifying transnational crime. First, there are transnational crimes that might mask themselves as “regular” crimes. These are crimes that the police can use traditional investigative techniques to uncover. For example, cases of human trafficking may appear to be simply cases of prostitution, as opposed to victimization of human slaves. The police generally know where to go to find cases of prostitution. However, they may be less likely to realize that a transnational syndicate might be secretly operating the brothels and using the profits to fund terrorist training camps. Second, there are cases of transnational crime that are technologically and spatially complex which are not easy for the police to identify. The North Carolina Hezbollah case (see Appendix B for the case study) was uncovered through the good fortune of a local sheriff deputy happening to work as a part-time security person in a tobacco outlet store. However, the North Carolina Hezbollah cell had operated largely undetected for years committing crimes costing millions of dollars including smuggling cigarettes, tax evasion, bank fraud and credit card fraud. Transnational crimes that involve complicated forms of economic criminality can avoid detection because they often require arcane knowledge to investigate (National Research Council, 1999: 36), skills that often are not found in local law enforcement departments. We are unaware of any prior research that has assessed the capabilities of local and state law enforcement to identify transnational crimes that mask themselves as “regular” crimes nor the more complex transnational crimes that require special knowledge, skills and technology to detect.

Based on our key informant data, law enforcement experts felt that intelligence-led policing could be useful in identifying transnational crime. Many of the informants reported their departments becoming more proactive in identifying transnational crime cases by engaging in crime or link analysis, by sharing information with federal/local counterparts, and from participating on joint task forces. Additionally, the informants reported learning that a case was transnational in nature from people such as criminal informants, victims, crime analysts, legal attaches, consulates, and liaisons in foreign countries, and from traditional police activity such as vehicle stops and surveillance. In our case study of the North Carolina Hezbollah cell, the law enforcement team was successful in using a traditional criminal insider/informant strategy. For years, experts have lamented about the difficulty of penetrating terrorist groups. But the Charlotte case seems to offer a how-to clinic on “flipping” transnational criminals. The FBI succeeded in infiltrating the group using more than 10 informants and cooperating witnesses.

One of the problems reported in the Abt/NIJ survey was that even when local and state law enforcement believes that a transnational crime has occurred within their jurisdiction, often little is known or recorded about the other countries or international criminal organizations involved. The reasons most often cited by the national survey respondents for not knowing the international connections are that once such cases are referred to federal authorities, local agencies seldom receive any follow-up information or further communication about cases. Shively et al. (2003) pointed out that since crimes known to local authorities are usually promptly referred to federal agencies once international connections are suspected, and since they have few resources or immediate need for further investigation once they refer cases, local agencies often learn little about their crime's international connections. While the Abt/NIJ survey data do not support estimates of prevalence or incidence regarding foreign origins or connections, it provides enough anecdotal evidence to suggest that transnational crime can originate virtually anywhere and reach nearly everywhere in the U.S. Shively et al. (2003) argue that given the high rates of transnational crime reported by the local respondents in their survey, and the high level of involvement of local agencies in detecting and providing initial intelligence about such crime, it is likely that the dearth of information about international connections of locally manifested crime is problematic. Shively et al. (2003) feel that local agencies need to know more about the countries and organizations connected to their local crimes, so they can do a better job of detecting patterns and providing intelligence about transnational crime.

#### **4.1b Are there common indicators and links between transnational crimes and other crimes faced by state and local police?**

In our key informant interviews several “clues” and indicators about the existence of transnational crime emerged. First, in general officers should be thinking about the possibility of transnational crime when there are a variety of atypical characteristics added to a variety of criminal offenses. For example, the atypical nature of a case might be the use of certain counterfeit identification. Unusual characteristics could be uncovered through profiling techniques based on probable cause (as opposed to illegal profiling based on race and other illegal factors). The immigration status of a suspect and use of a foreign language might indicate transnational activity, as well as their ethnicity combined with other indications of criminal activity.

Second, transnational criminals need vulnerable targets to exploit. Anecdotal data suggests that transnational victims often share the same ethnicity and national origin as the transnational criminals. With this in mind, the police should be especially careful for transnational crime in certain places that are vulnerable targets (e.g., small-business merchants in immigrant communities). Transnational crime might be uncovered through evidence of organized activity and the involvement of multiple offenders working together.

A third factor for local law enforcement to look for includes money-laundering activities. According to our key informants, for many “small-time” criminals no elaborate money-laundering activities are required. They deal in cash and avoid financial institutions as much as possible. Their criminal associates and suppliers expect cash and they pay cash for most living expenses. If they do have bank accounts, they make small deposits so that larger expenses can be handled without arousing suspicion. Much criminal activity, whether drug related or not, is of this type. The criminals engaged in such low-level ventures provide most of the cases processed by criminal justice systems around the world (Evans, 1997). Organized criminals (including transnational organized criminals) on the other hand often engage in money laundering to thwart investigation and make prosecution impossible (Evans, 1997). These criminals have learned to manipulate and use financial systems and standard business practices to disguise the illegal origin of their money (Evans, 1997). They have learned to operate internationally, use professional advisers and develop complex structures that make detection unlikely and the collection of evidence particularly onerous (Evans, 1997). If local police find complex financial records along with evidence of criminal activity this could be an indication of transnational crime. Local police departments might be able to investigate these records, but they should know that this is a possible sign of transnational crime and they might need assistance from federal law enforcement.

Our key informants next pointed out that all transnational crime organizations have to have a method of communicating. A fourth factor for local law enforcement to look for includes sophisticated electronic communications. Our key informants felt that at least some officers in a small to medium sized police department need training on the recognition of electronic devices, their component parts, and the types of evidence they might hold; how to search and seize electronic data; how to secure, evaluate and document a scene; how to handle and collect electronic evidence; how to decode electronic data; and legal issues related to electronic data. It is important for law enforcement to know, that in some cases, they can get access to the programming keys from the software developers to decrypt messages related to criminal investigations.

On a somewhat related issue to clues of the commission of a transnational criminal act, is the hope of preventing transnational crime from occurring in the first place. For example, the FBI and other national security agencies have closely examined previous terrorist attacks that have revealed a pattern of pre-incident activities that may prove useful in detecting and preventing future attacks. Our key informants felt that local law enforcement agencies can strongly benefit by examining the training of police in countries that have had long histories of terrorist activity. For example, in Israel and the United Kingdom, most police officers are trained to be aware of abandoned objects in public places and vehicles parked in no-parking zones. In Northern Ireland, police are warned to be aware of trucks or vans with fresh rust around the base or the bumper (a potential indicator of a bomb employing ammonia or urea nitrate explosives).



These are all examples of the types of items that police may encounter in the course of their ordinary activities.

Also, individual states (e.g., the Texas Department of Public Safety, Counterterrorism Intelligence Unit and the NYPD) have assembled brochures providing warning signs for terrorist activity (see [http://www.txdps.state.tx.us/director\\_staff/public\\_information/PIinfo.pdf](http://www.txdps.state.tx.us/director_staff/public_information/PIinfo.pdf); <http://cert1nyc.org/News/CounterTerrorismAwareness.doc>). Most of these indicators relate to the terrorist's gathering of target intelligence, the acquisition of materials necessary for an attack, preparation of bombs or chemical/biological weapons, and the first steps of executing an attack (bomb delivery, gaining access to a plane, etc.).

The Department of Homeland Security (DHS) has a document ([http://nsi.org/Library/Terrorism/Vehicle\\_Bombs.doc](http://nsi.org/Library/Terrorism/Vehicle_Bombs.doc)) that provides a series of indicators of possible vehicle bombings by terrorists. DHS's indicator list includes:

- Theft of explosives, blasting caps, or fuses, or certain chemicals used in the manufacture of explosives.
- People renting self-storage space for the purpose of storing chemicals.
- The delivery of chemicals directly from the manufacturer to a self-storage facility or unusual deliveries of chemicals to residential or rural addresses can be an indicator of bomb planning.
- The discovery of chemical fires, toxic odors, brightly colored stains, or rusted metal fixtures in apartments, hotel/motel rooms, or self-storage units also could indicate bomb-making preparations.
- Treatment of or lack of treatment for chemical burns or missing hands/fingers.
- Modification of trucks or vans with heavy-duty springs to handle heavier loads.

From the perspective of the TAG participants they felt that police officers should have the capability to put together the facts of a case and figure out whether or not there could be a transnational connection. They felt that it is not necessary that police readily define a crime as transnational, but that if the police officer sees something out the ordinary (e.g., illegal immigrants and a language problem) while in the course of investigating a crime, the officer should be able to make initial considerations that the crime could be transnational in nature. The TAG meeting participants also felt that the sharing of intelligence among law enforcement agencies would help with the identification of transnational criminal activity. Intelligence is gathered and shared through a variety of different types of networks and mechanism. The TAG felt that crime analysts could be very helpful in uncovering transnational crime and working with intelligence data. Crime analysts study trends of criminal activity such as high-end vehicle thefts with no recoveries. Analysts will inquire where these cars are being shipped, helping to make

initial identifications of possible transnational crime activity. Their analytical work is then turned over to special units for follow-up and further investigation of possible transnational criminal activity.

Finally, one of the more controversial issues associated with transnational crime investigations is racial profiling. In both of our case studies the media and some local residents criticized law enforcement for focusing on people of Middle-Eastern descent and charges of racial profiling were also lodged. To balance the needs of community safety and the suppression of racial prejudice, it is important that the public distinguishes the difference between perpetrator profiling and racial profiling in these and other cases (Gundry and Poulin, 2002). Racial profiling assumes that people of a specific race are prone to specific types of behavior and is a form of racial prejudice, for it creates a generalization of all people of a certain ethnicity. Perpetrator profiling, on the other hand, examines the common characteristics of perpetrators to generate a useful and accurate picture of a typical perpetrator (Gundry and Poulin, 2002). In perpetrator profiling, recognition of common ethnic characteristics provides a very useful tool for investigating crimes or suspicious activity—especially if the variation in ethnicity is very low (Gundry and Poulin, 2002). For example, the FBI's National Center for the Analysis of Violent Crime (NCAVC) has identified that over 90% of malevolent criminal bombers in the United States are white males, many with specific personality traits. This does not mean that all white males are prone to being bombers. However, recognizing this characteristic is a tremendous aid to police in identifying probable suspects in the early stages of a bomb investigation. Likewise, recognizing that members of Al-Qaida are motivated by Islamist ideology and that most Al-Qaida members are of Middle-Eastern descent provides a useful tool in the early stages of investigating suspicious activity (Gundry and Poulin, 2002). This fact by no means suggests that all Muslims or people of Middle-Eastern origin are potential terrorists. As demonstrated throughout history, terrorism transcends all races. It is equally important to recognize the limits of ethnic identification in perpetrator profiling (Gundry and Poulin, 2002). Though many Al-Qaida members are of Middle-Eastern origin, there are many that are not (Gundry and Poulin, 2002). Al-Qaida has also recruited members from Africa, Asia, and many other parts of the world (Gundry and Poulin, 2002). Considering this, it is very dangerous for the public or law enforcement to assume that all Al-Qaida members have a Middle-Eastern appearance. Apparent ethnicity may contribute to the probability of suspicions, but should never be regarded as a final means of qualifying a threat (Gundry and Poulin, 2002).

One of the ideas to emerge from our key informant interviews was the need for state and local law enforcement to be more proactive in identifying common indicators and links between transnational crimes and other crimes by “looking beneath the surface” as opposed to simply at the person using racial profiling. For example, one key informant said that if called in to investigate a possible crime involving, say, migrant laborers, local law enforcement should use this opportunity to determine who these individuals are, how they happen to be in the country,

what documents they have, are these documents suspicious in any way, etc. In other words, without profiling, take advantage of otherwise legal contacts to uncover possible transnational crime connections.

#### **4.1c What are the barriers to identifying transnational crime?**

Based on our key informant data, law enforcement experts felt that there are a number of barriers to identifying transnational crime cases in their jurisdiction. Informants reported difficulty with communication between state/local and federal agencies, and that there was ineffective communication among state and local agencies. This finding stands in opposition to the finding from the NIJ/Abt national survey data that found collaboration to be generally good across agencies. Many of our informants also initially expressed positive sentiments to collaboration in general. However, when questioned more specifically (e.g., on areas such as communication and sharing of information) they started to point out some of the problems. This finding highlights the importance of the more detailed qualitative approach. While not offering the generalizability of the probability-based survey approach, it does highlight what some well-informed law enforcement experts have observed. The key informant experts felt that barriers to collaboration, an important ingredient in identifying transnational crime, still exist because of turf issues, varying priorities, lack of adequate training on all levels, and that some officers are resistant to change. Respondents in the key informant interviews have serious concerns about how some task forces still leave state/local officers out of the information loop, and more importantly drain limited state/local resources.

To overcome these barriers, the key informants reported that law enforcement officers at all levels need more training on what transnational crime is, using and improving data/recording systems, and increasing communication between state/local and federal law enforcement officers. Respondents from one of the group interviews suggested that state law enforcement could serve as the intermediary between local law enforcement and federal law enforcement. In their opinion federal law enforcement has more respect for state law enforcement and are more likely to share information with state officials; they believe that federal officers view state law enforcement as being more professional than local law enforcement. Furthermore, the key informants felt that local law enforcement was more apt to take guidance and direction from state law enforcement rather than from federal law enforcement. Thus, a suggested way to remedy the lack or ineffective sharing of information between the state/local and federal level is to have the federal and state level work very closely together, then have the state work very closely with the local level.

#### **4.2 Response strategies**

Once a case has been identified as transnational in nature, attention then must turn to how the transnational crime case is navigated through the criminal justice process. Thus, for this

report, response practices are defined as procedures or practices that those in the criminal justice or intelligence community employ to handle or manage a transnational crime cases after an initial identification is made. Next we explore the extent to which our data and related literature can help address our three project questions related to responding to transnational crime.

#### **4.2a How are law enforcement agencies organizing their responses to transnational crimes?**

First, based on the NIJ/Abt national survey data, law enforcement consider transnational crime to be a substantial and growing problem in most jurisdictions. At the minimum law enforcement has begun to recognize transnational crime as a problem, which is a prerequisite to organizing a response. Shively et al. (2003) reported that essentially all local law enforcement agencies in the national survey were aware of transnational crimes and attempt to address them locally or report them “out” to appropriate federal agencies, regional task forces, and foreign agencies.

Overall, the key informants from Caliber’s qualitative study also felt that state and local law enforcement officers are aware of transnational crime on some level, and have a basic understanding of transnational crime. How much involvement and experience officers have with these cases, based on the key informants, seem to depend largely on the police department’s geographical location (urban vs. rural, border vs. inland), and their level of involvement with federal and international counterparts. Each informant expressed the sentiment that the majority of state and local law enforcement officers are genuinely concerned about fighting transnational crime, especially when they have a significant, consistent role in the investigation of the case.

In the national survey, in most locales, one or two types of transnational crime stand out as causing concern and generating law enforcement activity. Shively et al. (2003) found that local law enforcement considered computer crime to be widespread and rapidly increasing, and keeping up with the technology and training necessary to prevent and investigate such crimes a pressing need. Which when overlaid with our data from our key informant experts, who reported little experience in their departments with computer crime, raises concerns. Our key informant experts reported having much more knowledge and response experience with automobile theft and drug trafficking transnational crime cases, and the least knowledge and response experience with computer crime and trafficking in art/animals/products cases.

The NIJ/Abt national survey findings indicate that local and state agencies make substantial investments of resources in addressing transnational crime. Shively et al. (2003) reported that all of the respondents from the sample of the 25 largest cities said their department has at least one full-time equivalent (FTE) devoted to transnational crime, and more than 50 percent have six or more FTEs so deployed. More than half of the random sample of local agencies has no staff devoted to transnational crime, and about 40 percent have five or fewer

FTEs similarly deployed. Most state police agencies have at least one FTE focused on transnational crime, and 50 percent have six or more. The vast majority of large cities (over 80 percent) and state police (95 percent) departments have at least one special in-house units addressing transnational crime.

Shively et al. (2003) found that referral of transnational crime cases from local and state law enforcement to federal agencies and task forces is generally good, with most local agencies usually referring their international cases to at least one agency outside of the state. Shively et al. (2003) reported that nearly all state and local agencies provided information to federal agencies about drug trafficking, three fourths provided information about illegal immigration and computer crime, most shared information about drug trafficking and computer crime with other local and state agencies, and close to half shared information about illegal immigration, weapons trafficking, or crimes related to homeland security. However, Shively et al. (2003) found that relatively few agencies shared information laterally about illicit trafficking in humans, art, animal products, or intellectual property, or about computer crimes and that cooperation with foreign organizations is rare. According to Shively et al. (2003), most respondents said that they had acceptable or good communication flow with the federal agencies and task forces addressing their priority crime issues, while the quality of cooperation is less consistent with agencies with which they communicate less frequently or when addressing lower priority crimes.

Shively et al. (2003) highlighted the importance of the personalities and working relationships between the individuals involved in these cooperative relationships (an issue also identified by the experts in the Caliber TAG meeting). Both the NIJ/Abt survey and Caliber's TAG traced these poor communication to key people within each agency and past events and how patterns of interactions can become institutionalized as de facto procedures. The TAG also pointed to the problem of staff transfers. TAG participants reported difficulties establishing long-standing relationships with other law enforcement staff because of the common practice of staff transfers. After efforts have been made to establish a rapport with another staff person, that staff person is frequently transferred out of the office, breaking down the lines of communication and trust that were developed. Knowing that this is a common practice, TAG participants described how some staff are not willing to invest too much time and energy into building relationships they know will not last. Thus, a challenge to the identification of transnational crime is that with high staff transfers people will not readily know whom they can contact or trust to share their information. The TAG felt that agreements need to be reached (e.g., a memorandum of understanding) that call for information sharing protocols to be tied to the position not the individual person (e.g. the NYPD's COMPSTAT process is tied to the position of police precinct commanders and whomever holds that position not a particular person).

The NIJ/Abt national survey identified equipment, training, and personnel as the most pressing resource needs to adequately respond to transnational crime. In particular, local law enforcement is very concerned about "Unfunded Mandates" to do more for homeland security,

while resource cuts are affecting essential local law enforcement functions. Some large city police departments report getting so frustrated by perceived federal inaction and have started their own units to deal with at least one form of transnational crime (terrorism). The NIJ/Abt national survey also had useful information on the state of preparedness of state and local law enforcement to respond to transnational crime. Most of the national survey respondents felt their agency was at least adequately prepared to deal with transnational crime — perhaps because these agencies also reported a significant level of communication and cooperation among law enforcement agencies across different levels of government. While this type of cooperation and communication among agencies may have been driven primarily by local crime issues and by personal and historic relationships with agencies this can also be the basis for forming multi-jurisdictional task forces. Many of the experts the Caliber team talked to advocated the use of special units and multi-jurisdictional task forces to investigate transnational crime.

The establishment of combined federal, state, and local task forces increased tremendously in the late 20<sup>th</sup> Century to address the threat of specific forms of transnational crime like terrorism and drug trafficking. The task force concept increases the effectiveness and productivity of limited personnel and logistical resources, minimizes jurisdictional disputes, helps avoid duplication of investigations and consequent wasteful expenditure of resources in matters of concurrent jurisdiction, and expands the cooperation and communication among federal, state and local law enforcement agencies. Task forces allow the application of sophisticated investigative techniques normally associated with complex organized crime and racketeering investigations. Such techniques are frequently not available to local police agencies.

In our two case studies, local law enforcement were involved in these transnational crime cases because of their involvement on joint task forces. The task force in the Lackawanna case is an excellent example of an effective task force. In this case, the task force had officers from different units (primarily drug units) based on their capabilities to work the core elements of a transnational crime case (e.g., conspiracy, forfeiture, money laundering, witness protection, covert/overt operations, corruption, wire tapping/communication monitoring, extradition). Multi-agency task forces do, however, raise a number of challenges for state and local law enforcement that we discuss in question 4.2c.

#### **4.2b Are there practical methods to help link local investigations of theft, forgery, smuggling, and similar crimes to potential larger conspiracies with transnational terrorist objectives?**

Based on our case scenario analyses we also learned of the utility of the Enterprise Theory of Investigation (ETI) as a way to respond to local criminal activity and link it with larger conspiracies with transnational terrorist objectives. ETI formed the backbone of both of the Hezbollah and the Lackawanna prosecutions discussed in our two case studies (see Appendix B). ETI has become the standard investigative model that the FBI employs in conducting

investigations against major criminal organizations (Mcfeely, 2001), including transnational crime organizations. Unlike traditional investigative theory, which generally only attempt to identify individuals and the crimes they commit, ETI requires that investigators broaden evidence collection to show that an individual conducted the criminal activity to benefit the enterprise as a whole and ETI encourages a proactive attack on the structure of the criminal enterprise itself (Mcfeely, 2001). Rather than viewing criminal acts as isolated crimes, ETI attempts to show that individuals commit crimes in furtherance of the criminal enterprise itself. ETI supports not only the prosecution of the criminal enterprise, but also the seizure of the enterprise's assets and is intended to disrupt or dismantle entire criminal organizations. To recognize the value of the ETI, investigators must accept several main premises (Mcfeely, 2001). First, while some major organized criminal groups commit crimes to support idealistic views, financial profit remains the underlying motive for most criminal enterprises (Mcfeely, 2001). Next, major criminal enterprises historically rely on numerous criminal acts to support their existence and often divide the responsibility for committing these acts among their members and crews (Mcfeely, 2001). The ETI capitalizes on this diversity by analyzing the enterprise's full range of criminal activities, determining which components allow the criminal enterprise to operate and exploiting identified vulnerable areas within each component (Mcfeely, 2001). Oftentimes, larger criminal enterprises prove problematic for agencies to dissolve using traditional investigative methods. However, with ETI, the larger the enterprise and the more diverse its illegal activities, the more investigative opportunities it provides for law enforcement. A final premise of the ETI maintains that major organized criminal groups have a pyramidal hierarchy structure where the lower levels, consisting of more people, conduct the majority of the enterprise's criminal activities (Mcfeely, 2001). Therefore, working a case "up the chain" proves beneficial because it starts the investigation at the level where most investigative opportunities exist.

In one of our case studies, the scope of the North Carolina Hezbollah cell's criminal activity led the prosecution team to try a new tactic in the war on terrorism. Namely, the prosecutor obtained indictments against the terrorist cell under the Racketeering Influenced Corrupt Organizations (RICO) Act, the antiracketeering law that has helped break up Mafia families. ETI is ideally suited for assembling a RICO case, and the prosecutor's success in that case has encouraged prosecutors across the country to employ the tough statute against alleged terrorists. Through the use of ETI and the RICO Act what appeared at first to local officials as a domestic smuggling scheme turned out to be simply one of many moneymaking schemes that the Hezbollah terrorist cell was employing. The North Carolina Hezbollah cell members were sending their smuggling profits to Lebanon to support Hezbollah terrorist operations and purchase equipment for Hezbollah (including night vision equipment, global positioning devices, mine detection equipment, nitrogen cutters, laser range finders, stun guns, naval equipment, cellular phones and blasting equipment).

Local law enforcement was involved in this case through the early efforts of a Deputy Sheriff alertly piecing suspicious activities into a pattern of smuggling. Also, the FBI had its own independent national security investigation of the some of the North Carolina cell members. While the case started out as separate investigations, it later came together through the forming of a Joint Terrorism Task Force (JTTF). This JTTF was one of the first task forces for terrorism, which now exist in every state. The task force had officers from 22 different agencies (e.g., local law enforcement agencies in North Carolina and Michigan and surrounding states, and federal agencies - such as the FBI, ATF, Immigration and Naturalization Service, and Diplomatic Security Service). According to one of the task force members, this task force was successful because there good agreement on the objectives and goals of the investigation and what rules the task force would follow. Also, task force management was able to match assignments based on the individual capabilities of the task force members and the specific elements of the case (e.g., conspiracy, forfeiture, money laundering, witness protection, covert/overt operations, corruption, wire tapping/communication monitoring, extradition). The local and state police departments did much of the leg work connected with this case, including surveillance activities, traffic stops and road blocks for cigarette smuggling, and providing an overwhelming force for executing the arrests and search and seizure activities. More generally, local enforcement was able to provide context for the investigation on local customs and the existence of things looking out of place. The ATF handled the cigarette smuggling component of the investigation. The Immigration and Naturalization Service handled the immigration fraud elements. The FBI handled the terrorism component of the investigation, building the “material support” and RICO violation parts of the case, and working the trans-jurisdictional (across states and countries) aspects of the case.

The Caliber TAG group also identified collaboration among law enforcement agencies as a key element of a successful response to linking local crimes with crimes having a larger transnational component. The TAG felt that in the current post-9/11 environment, there are increased opportunities for collaboration to occur which is allowing for state, local and Federal agencies to develop relationships and establish trust. TAG participants stated that thirty years ago, state/local officials accused federal representatives of not collaborating on cases. Moreover, TAG participants stated that when responding to transnational crime cases, state/local law enforcement would document what they could, then pass the information along to Federal agency representatives leaving it up to the Federal authorities to decide whether or not to further investigate the case. This was the common practice of sending information "up and out." Now, they are continuously expanding this issue of working together and sharing and taking the lessons learned from thirty years ago and applying them to new areas. The TAG felt that growth is occurring and collaboration has gotten better over the years. Today, police officers are not just involved in conducting initial identifications and investigations. Their federal counterparts recognize the value of state/local continued involvement in the processing of complex cases such as a transnational crime case. Federal agency TAG representatives stated that each FBI field office now has an intelligence group whose job it is to work with their counterparts in state/local



authorities to provide feedback and follow-up on case matters. TAG participants agreed that individuals at the state/local and Federal levels are in the process of building relationships. Developing relationships is a long process, but great efforts are being made. As local/state law enforcement participate in more task forces, individuals will get feedback and see how transnational crime cases are being followed-up or navigated through the criminal justice system by their Federal counterparts.

Also, the TAG participants expressed positive experiences with foreign countries. Our federal TAG representatives reported being able to work with good intermediaries of trusted contacts through programs such as the FBI Legal Attaché program. These TAG representatives have found that when their foreign counterparts know you care about a case, they will care and ensure that their work is done properly. Even if there is some element of corruption in the foreign society, federal TAG representatives have received excellent cooperation from various countries on a range of cases.

#### **4.2c What are some of the greatest barriers to responding to transnational crime cases and what are some possible solutions to these problems?**

Our TAG group had a number of insights on the barriers to responding to transnational crime cases, including (1) ineffective collaboration, (2) technological barriers, (3) lack of feedback, and (4) lack of skills to handle the type of victims involved in transnational crime cases.

Ineffective collaboration: TAG participants acknowledged that policy and/or legislation might require departments to share intelligence and to form task forces or working groups to handle transnational crime cases. However, even with these directives, participants found that some people will refuse to contribute to the collaboration effort in a meaningful way as a result of political issues, lack of clear protocols, and over-burdened limited resources. The TAG felt that it was important to recognize the political challenges involved in belonging to a task force and/or a collaborative. The first obstacle cited by the TAG participants is departmental concerns about who will be in charge of the group. A second concern is where will the group meet or within whose department the group will reside. Participants agreed that these turf issues are representative of genuine concern within the current political climate. Participants agreed that politics or “political egos” are a reality of their work that cannot be avoided, just managed better to foster an environment where those who need to be involved in a transnational crime case will want to participate. To improve collaborative activities meeting participants recommended that the law enforcement community needed to include the right people in collaborative efforts to respond to transnational crime. The suggested people to include in these collaboratives are prosecutors, Federal authorities, crime analysts, community representatives and state/local law enforcement.

Ineffective collaborative efforts are also tied to the lack of clear protocols. TAG participants expressed concern over a lack of clearly knowing or understanding how they should work with each other and what to do with the wealth of intelligence information being collected. For example, some participants stated that often they saw crimes being solved by coincidence and almost even by happenstance. Even though there may have been a task force or collaborative group in place there was not a clear system for how the different departments within the group should or could best work together. Related to this issue is the problem of limited resources. Task forces and/or collaborative groups take staff out of the office for extended periods of time. Departments cannot afford to lose limited staff committed to doing the day-to-day work of policing. Thus, TAG participants identified two primary down-sides to task forces: 1) Opportunity cost - if a person spends their time on a task force, they are precluded from work they would otherwise have done during that time; 2) Some people like working on task forces so much that they might not return to their original departments or positions. Both of these concerns will inevitably over-burden limited resources and this is a major concern for departments when considering whether or not to commit their staff to task forces or collaborative groups. Also, state and local law enforcement by their nature tend to be autonomous, self-contained organizational cultures with differing mission orientation and investigative philosophies that make it difficult to share information and actively participate in multi-agency task forces.

Technological barriers: The TAG also pointed out the technological barriers that exist to sharing information. Once intelligence is gathered, the challenge becomes how to make information available to all those who will need it in order to make the necessary linkages of criminal acts to larger criminal enterprises. Participants found that the burden is on departments to put their information into a database, with hopes that the database is compatible with other department databases (which they generally are not). What commonly happens it that state/local departments have a backlog of information that need to be entered into their system, and if asked to double-key all of that information into a Federal database the sheer amount of work would be overwhelming; therefore the data is likely to not be entered into the second system. Participants agreed that information sharing between state/locals and Federals is lacking for numerous technology related reasons, 1) there are inconsistent and mutually exclusive databases, 2) inferior equipment that is outdated, and 3) departments need better systems to aggregate information. Participants found that departments are gathering good information, but the information is being kept in “silos of secrecy” that many in law enforcement would willingly agree to share if it could be done in an efficient, user-friendly manner.

Lack of Feedback: TAG participants agreed that there was a lack of feedback especially from Federal agency representatives to state/local law enforcement. State and local law enforcement find that after they share their intelligence about identification of transnational crime with their Federal counterparts, the Federal agencies tend to be non-responsive, or keep

local law enforcement out of the response loop. A common sentiment is that if a state/local department sends information to a Federal agency you will never hear back from the Federal agency, leaving the local representative to ask, “where does this information go, and what's being done with it?” TAG participants suggested explanations for this lack of feedback, discussed the value of providing feedback, and outlined the consequences for failing to provide feedback. TAG participants agreed that state and local law enforcement are not adequately kept informed on the progression of transnational crime cases once they leave the state/local jurisdiction. The TAG felt that is not an issue of mal-intent, but more an issue of forgetting the value in taking the extra step to include state/local law enforcement after the information is passed to the federal agency.

The TAG felt that federal agencies need to be educated on the value of providing feedback such as utilizing the skills and knowledge of state/local law enforcement in connecting criminal activities (link analysis), and the building of relationships with state/local counterparts. Involving state/local law enforcement in the response to a transnational crime case is crucial for link analysis because locals can provide needed information to help make necessary connections of varied criminal activities in complex transnational crime cases. Keeping state/local officers in the loop will give them more incentive to pay attention to indicators of transnational crime and to then pass that information along to their Federal counterparts. Both of these skills were evident in our case studies of the Buffalo Lackawanna case and the North Carolina Hezbollah smuggling case. The TAG further felt that federal law enforcement often do not understand the consequences of failing to provide feedback, including: State/local law enforcement run the risk of getting “blind-sided” by the local press if they do not know what happened with a case; and state/local law enforcement can be viewed as unknowledgeable to their chiefs and the local prosecutors. To promote positive collaborative environments, providing feedback to state/local law enforcement is a necessary component of Federal agency representative work.

Based on Caliber’s key informant interviews, additional information was gained on information sharing in transnational crime cases that sheds some light on this issue of lack of feedback. That is, in some cases the federal agents are not allowed to provide feedback. A few of the key informants felt that it was important to distinguish between criminal intelligence needed for criminal investigations and national security intelligence used in, for example, investigating terrorists. Because the latter intelligence comes to federal law enforcement from national security agencies (e.g., the CIA) those latter agencies are extremely reluctant (indeed unwilling) to share this information with state and local law enforcement. Federal law enforcement does not even share intelligence information with their national security partners and vice versa, despite a directive to do so. This distinction is an important one in thinking about bringing in the state and locals to more effectively combat transnational crime. It means possibly separating out terrorism from other transnational crimes for information sharing purposes. These informants recommend something like an expanded National Crime

Information Center that would be a repository for information useful in investigating possible transnational crime connections.

Victim issues: TAG participants explained that another challenge in responding is that law enforcement is often insufficiently equipped to handle the type of victims involved in transnational crime cases. For example, officers expressed inadequate competencies in foreign languages (e.g., need for translators and language banks), foreign cultures (e.g., risk of retaliation to family members back home; victim not identifying themselves as a victim), and victim assistance (e.g., working with community organization to provide victim services). Moreover, TAG participants expressed concern over competing interests of whether to solve the surface case quickly to bring a faster resolution of sorts for victims, or to allow cases to remain outstanding so the underlying transnational crime connections can be explored. TAG participants stated that it is difficult to wait and build a case when you know that by doing so you increase the chance that victims will continue to be victimized.

Based on our key informant interviews we also identified a number of other barriers to responding to transnational crime cases. First, our key informants indicated that the most common response to transnational crime cases was working within a network of state, local and federal representation, and working within a network of federal and international agencies. One informant mentioned a number of difficulties that arise when state/local law enforcement work with international law enforcement agencies, including: (1) often foreign law enforcement do not understand the organization of the United States law enforcement (e.g., the federal system); if approached by a state police department on a matter, foreign law enforcement often conclude that the state police speak for the United States on a particular matter, (2) local law enforcement agencies can inadvertently impede ongoing investigations involving federal agencies, (3) U.S. embassies and ambassadors are charged with coordinating all U.S. activities – including law enforcement – in their respective countries; often local law enforcement entities fail to notify the embassies about cases they are working on which causes much confusion and then results in case impairment. Only a few informants reported responding to transnational crime cases like any other case, just utilizing the resources found within their own jurisdictions, or immediately handing the case off to federal agencies. Thus, task forces seem to use institutionalized responses to how law enforcement responds to transnational crime cases.

Based on our key informant interviews, the greatest barriers to responding to transnational crime cases seem to be the lack of adequate resources such as manpower, funding and crime analysts; lack of expertise/training, this is mainly the type of general information officers need to know about transnational cases; political agendas involving differing priorities and expectations of each other's role; and information sharing primarily between state/local and federal entities. To overcome these barriers, respondents suggested that law enforcement officials consider additional training opportunities, and additional resources. A number of the

key informants in our study strongly recommend not training per se, but rather the imparting of information; they recommend a kind of consciousness raising exercise using a variety of forums – speakers, videos, brochures, etc. For example, the development of roll call training videos of five to seven minutes (that are specific to some different types of transnational crime types) could be developed. While these videos might be somewhat expensive to make (perhaps close to \$50,000), some of the informants felt that they are the best way to reach local police across the country.

## **5. RECOMMENDATIONS AND CONCLUDING COMMENTS**

In this section we provide a set of recommendations for operational practice/guidelines, a review of police training needs in transnational crime identification and responses, and conclude with some future directions for research in this area.

### **5.1 Recommendations for operational practice/guidelines**

Although state and local law enforcement are not designed in their interest, training or mission to address transnational crime, they are nonetheless well positioned and indeed must play a critical role if the United States is going to have any success combating transnational crime. While transnational crime is both organizationally and technologically complex to investigate and prosecute and does require the full resources of federal law enforcement to combat, much of it is perpetrated at the local level. State and local police departments can be very helpful in providing context for a transnational crime investigation on local customs and the existence of things “looking out of place.” As in the North Carolina Hezbollah case study (see Appendix B), the local police departments proved to be very effective in conducting local surveillance activities, traffic stops and road blocks for cigarette smuggling, and providing an overwhelming force for executing the arrests and search and seizure activities. Next, we present a set of recommendations for operational practice/guidelines for state and local law enforcement to go about this difficult task of *identifying* and *responding* to transnational crime.

This project went right to the source of knowledge on best practices and talked with recognized experts to uncover methods of identifying and responding to transnational crime. The following set of recommendations are based on the expertise of law enforcement officials from across the country representing local, state, federal and international jurisdictions; line, supervisory, managerial and executive levels; street and office level positions; representing all aspects of the law enforcement community including: Police and sheriff departments, prosecutors, trainers, and researchers. We believe that our methodological approach is an efficient approach and we believe our results represent an important segment of the typical state and local law enforcement experience with transnational crime. While this does not represent the experience of all police departments in the U.S., it does reflect a large enough group to be highly meaningful.

## Identification practices

First, traditional policing strategies can be effective in identifying transnational crime and that much of what law enforcement already knows about identifying “regular” crime can be applied to transnational crime. The use of criminal informants, talking with victims, having crime analysts explore patterns of activity, use of vehicle stops and surveillance can all play a role in identifying transnational crime. However, there are some additional sources of information to consider in transnational crime cases such as legal attaches, consulates, and liaisons in foreign countries. According to our research, federal law enforcement can help state and local departments make use of these other resources because they have a long track record of working with these other groups. However, state and local law enforcement need to be made aware of these other sources and how best to use them, an issue we take up in the training part of this final section.

Second, officers should be thinking about the possibility of transnational crime when there are a variety of atypical characteristics added to a variety of criminal offenses. For example, the atypical nature of a case might be the use of certain counterfeit identification. The immigration status of a suspect and use of a foreign language might indicate transnational activity, as well as their ethnicity combined with other indications of criminal activity. The experts we talked with felt that police officers should have the capability to put together the facts of a case and figure out whether or not there could be a transnational connection. They felt that it is not necessary that police readily define a crime as transnational, but that if the police officer sees something out the ordinary while in the course of investigating a crime, the officer should be able to make take a number of preliminary steps to assess the transnational nature of the case. Next, if necessary, they should have a federal contact to reach to request assistance.

Third, transnational criminals need vulnerable targets to exploit. Anecdotal data suggests that transnational victims often share the same ethnicity and national origin as the transnational criminals. With this in mind, the police should be especially careful for transnational crime in certain places that are vulnerable targets (e.g., small-business merchants in immigrant communities).

A fourth factor for local law enforcement to look for includes money-laundering activities that are generally not a part of “regular” criminal activity. Transnational organized criminals on the other hand often engage in money laundering to thwart investigation and make prosecution impossible (Evans, 1997). If state and local police find complex financial records along with evidence of criminal activity this could be an indication of transnational crime. Local police departments might be able to investigate these records, but they should know that this is a possible sign of transnational crime and they might need assistance from federal law enforcement.

A fifth factor for local law enforcement to look for includes sophisticated electronic communications. Officers need training on the recognition of electronic devices, their component parts, and the types of evidence they might hold. More advanced training might include how to search and seize electronic data; how to secure, evaluate and document a scene; how to handle and collect electronic evidence; how to decode electronic data; legal issues related to electronic data, and working with software developers and confidential programming keys to decrypt messages related to criminal investigations. The key is for state and local law enforcement to have an awareness of the relevance of communication and what steps to take, including where to ask for assistance (e.g., the FBI), when they come across electronic communications.

Another identification issue relates to clues of the commission of a future transnational criminal act(s). This type of information, if recognized and tracked by law enforcement, could help prevent at least some transnational crime from occurring. Most of these clues relate to terrorism and the gathering of target intelligence, the acquisition of materials necessary for an attack, preparation of bombs or chemical/biological weapons, and the first steps of executing an attack (bomb delivery, gaining access to a plane, etc.). The reader is referred to DHS documents ([http://nsi.org/Library/Terrorism/Vehicle\\_Bombs.doc](http://nsi.org/Library/Terrorism/Vehicle_Bombs.doc)) and materials assembled by individual states (see [http://www.txdps.state.tx.us/director\\_staff/public\\_information/PIinfo.pdf](http://www.txdps.state.tx.us/director_staff/public_information/PIinfo.pdf); <http://cert1nyc.org/News/CounterTerrorismAwareness.doc>) on warning signs for terrorist activity. This information is based on the analysis of previous terrorist attacks that have revealed a pattern of pre-incident activities that may prove useful in detecting and preventing future attacks. This same information could be developed for other transnational crimes in future research projects. In addition, law enforcement and community members could undertake a variety of target hardening and crime prevention approaches developed from the security industry to help prevent transnational crime.

Next, improved sharing of intelligence among law enforcement agencies would help with the identification of transnational criminal activity. Intelligence is gathered and shared through a variety of different types of networks and mechanism and better use could be made of crime analysts to uncover patterns of different types of transnational crime activities. Crime analyst should also not shy away from using perpetrator profiling to examine the common characteristics of perpetrators and generate a useful and accurate picture of a typical perpetrator. As described earlier, this different from illegal racial profiling. Unusual characteristics could be uncovered through perpetrator profiling, which could be used to better focus a transnational crime investigation. Given the potential for abuse in this area, appropriate safeguards and supervision would need to be established in using perpetrator profiling.

## **Response strategies**

First, once transnational crime is identified there needs to be a clear articulation of the state and local department's policies regarding the handling of transnational cases, including: Goals, responsibilities, and the tasks appropriate for officers to take on in their jurisdiction and which to refer to federal law enforcement, and a broad review of existing investigative efforts covering transnational crime. State and local level law enforcement officers need to be told by their supervisors whom they should send information to, why they should share the information, and what to expect in terms of collaboration and feedback.

Second, most of the experts the Caliber team talked to advocated the use of special units and multi-jurisdictional task forces to respond to transnational crime. Task forces allow the application of sophisticated investigative techniques normally not generally available to local police agencies.

Third, a very promising method to help link local investigations of theft, forgery, smuggling, and similar crimes to potential larger conspiracies with transnational terrorist objectives is through the use of the Enterprise Theory of Investigation (ETI). As the standard investigative model that the FBI employs in organized crime cases, ETI broadens evidence collection to show that an individual conducted the criminal activity to benefit the enterprise as a whole and proactively attacks the structure of the criminal enterprise itself (Mcfeely, 2001). The FBI offers training on ETI at the FBI Academy and regularly incorporates its use in the operation of the Joint Terrorism Task Forces (JTTF) located in every state. There are numerous successful applications of ETI (see case studies in Appendix B) and when connected with RICO charges or provisions of the new PATRIOT Act is a formidable weapon. While many police departments will not be able to fully apply ETI they can benefit from its use through involvement in their state JTTF.

Fourth, the next key element of a successful response to linking local crimes with crimes having a larger transnational component is through collaboration among law enforcement agencies. In the post-9/11 environment, there are increased opportunities for collaboration to occur which is allowing for state, local and Federal agencies to develop relationships and establish trust. Each FBI field office now has an intelligence group whose job it is to work with their counterparts in state/local authorities to provide feedback and follow-up on case matters. It is important for state and local law enforcement to participate in task forces, which will facilitate their getting feedback and seeing how their federal counterparts are navigating their transnational crime cases through the justice system.

Fifth, there is the application of collaborative problem solving techniques to transnational crime cases. Collaborative problem solving is an integral part of community policing and can be done with community stakeholders to identify transnational crime problems, analyze why (and



where) they occurred, develop tailored responses based on the analysis, and assess the impact of the responses.

Finally, there are a host of non-traditional agencies that can be brought to respond to a transnational crime case (Schneider, et al., 2000). While some of these organizations might not be helpful in the prosecution of the case they might be very helpful in disrupting the transnational crime organization. Schneider and colleagues (2000) provided a number of possibilities:

- Federal and state regulatory agencies might be able to intervene to disrupt transnational crime by uncovering regulatory violations (e.g., shipping and marine port violations).
- Financial transaction monitoring and reporting system in place for the private sector can be tapped to detect money laundering.
- Tax fraud investigations can effectively deprive criminals of unreported funds.
- Civil actions (e.g., injunctions) will often have a lesser standard of proof.
- Foreign policy tools, such as aid, trade, military support and law enforcement support can be used to motivate other countries to prosecute transnational criminals.
- Security intelligence agencies are given a mandate to gather intelligence on transnational crime groups and activities that threaten national security and with the passage of the PATRIOT Act can share much of that information with law enforcement.

### **Addressing the barriers to identifying and responding to transnational crime**

In implementing some of the above strategies and principles, we are also mindful of the barriers that exist to identifying and responding to transnational crime. Nearly all of the barriers we pointed out in the discussion section for identifying and responding apply equally to both, including the following three areas: (1) resource and infrastructure issues, (2) communication problems, and (3) the problem of ineffective collaborations.

First, there are resource and infrastructure issues. State and local law enforcement need more resources to provide adequate manpower levels and hire the appropriate specialists (e.g., crime analysts). Law enforcement needs to invest in a stronger IT infrastructure to support an effective response (e.g., reliable integrated databases that avoid duplication, are user-friendly, and address the multiple IT compatibility problems that currently impede information sharing across agencies). State and local law enforcement need to develop or get better access to effective training programs on transnational crime to get officers the knowledge they need to combat transnational crime. In addition, to the usual call for more training there is a need for simply imparting information through a type of consciousness raising exercise using a variety of forums – speakers, videos, brochures, etc. An infrastructure to work with transnational crime victims is also needed. Law enforcement is often insufficiently equipped to handle the type of

victims involved in transnational crime case and often struggle with issues such as foreign languages, foreign cultures, and dealing with victim assistance issues.

Second, there are communication problems between state/local and federal agencies. Local, state and federal partners need to resolve through agreements a number of problem areas, including: Turf issues; absence of a consistent information feedback loop to state and local officers; the perception that collaboration drains limited state/local resources; different political agendas involving differing priorities and expectations of each other's role among the local, state and federal entities; and once again technical problems with data/recording systems. One possible remedy to this communication problem between local, state and federal entities is to have the state law enforcement agency serve as the intermediary between local law enforcement and federal law enforcement.

Third, there is the problem of ineffective collaborations. This is a major problem and perhaps the key to improving our ability to identify and respond to transnational crime. To improve collaborative activities, such as task forces, the appropriate people must be included in the collaborative efforts to respond to transnational crime. The suggested people to include in these collaborative activities are prosecutors, federal authorities, crime analysts, community representatives and state/local law enforcement. Ineffective collaborative efforts are also tied to the need to establish clear protocols for how the different departments within the group should work together. The protocols should also establish an agreeable feedback loop that allows for the appropriate sharing of information on the outcome of the case to all local, state and federal partners.

## **5.2 Training recommendations:**

Based on the results from the four project data sources (secondary analysis of national survey data, content analyses of the transcript from the project TAG meeting, key informant interviews, and case scenario analyses), we identified a number of training issues and these have been incorporated into a training outline in Appendix C. Appendix C contains three training outlines: (1) An outline for new police recruits that can be covered in a 60 to 90 minute presentation in a police basic training academy, (2) A training outline for line/patrol officers with at least one year of patrol experience that can be covered in a six to eight-hour presentation as part of an in-service training, and (3) A training outline for police managers/supervisors that can be covered in a two-day presentation as part of an extended in-service training. After the presentation of the three training outlines is an annotated guide. The annotated guide is designed to provide instructors with necessary background material to fill out the actual content of the training. Given the varying needs of law enforcement across jurisdictions no attempt was made to provide a definitive guide for the actual content of the training (this is a decision best made by a training director or curriculum developer for individual law enforcement agencies). However, sufficient detail is provided in the annotated guide to assure that this is a straightforward task.

Below are the key training issues that the TAG identified that need to be addressed. First, there is the need to use specific tailored training methods for different levels including separate training for line officers and supervising officers (covering subjects such as the indicators of transnational crime). The TAG pointed out the need for training at different levels of law enforcement including both management and Federal agents. While it is important for the street-level cop to have awareness of transnational crime and how to respond, it is equally important that police managers have a working knowledge of and buy-in to the appropriate collaboration mechanisms in place. Training a street level officer about how to respond to transnational crime will not work unless the officer is operating in an organizational culture that is focused on encouraging/rewarding collaboration and disapproving of non-collaborative operations. Additionally, management level officers need to have a working knowledge of the indicators of transnational crime, the challenges in responding, appropriate interrogation practices, the need for language skills and cultural awareness, and the appropriate non-governmental organizations that can assist in better responding to different types of crime. They need to know how to respectfully manage networks of community service providers in order to ensure ongoing cooperation so that all needs, including those of the victims, investigators and prosecutors, are consistently met.

The primary need for training for line officers, discussed by TAG participants, was in the areas of learning about transnational crime and its indicators, dealing with victims of transnational crime, culture and language awareness, and appropriately responding to transnational crime. The TAG felt that that law enforcement officers need a greater understanding of what transnational crime is and how it manifests itself in order to identify transnational crime as it occurs and appropriately be a part of an effective response. Each officer should have a basic understanding of transnational crime; it's potential to occur in the local area, and what a transnational crime might look like in their area (e.g. Canadian border versus the Mexican border). TAG representatives mentioned that officers need to know how to effectively identify and work with victims of transnational crime so that victims might play a greater role in prosecution and investigation, thereby leading to criminal charges and addressing the crime at its roots. There was a recognition that street level officers tend to be the first responders and that they need to know what steps to take to alleviate fear and distrust, get victims the services needed, and help victims become allies of the investigation. The TAG felt that the number of languages and dialects within each ethnic culture makes training on language skills particularly difficult, if not impossible, and language skills for interviewing victims can generally be accessed through community based organizations. Instead the TAG felt there was a need for officers to receive training in cultural awareness and need to be culturally competent and understand the different customs they face in order to be effective. Cultural competence for police officers involves a set of attitudes, skills, and levels of awareness that will allow an officer

to interact with the public (including witnesses, victims and suspects) in ways that are appropriate, respectful, and relevant to those being served.

One of the most important topics that TAG participants indicated all levels of officers should be trained on is how to most effectively respond to transnational crime. Meeting participants agreed that a collaborative response is the most effective and efficient use of time and resources, however they also agreed that state and local law enforcement need to know what to do with information when they get it. There needs to be established protocols for moving information ‘up and out’ to the appropriate people with jurisdiction and resources to conduct an effective investigation. State and local level law enforcement need to know whom the information should go to, why they should share the information, and what to expect in terms of collaboration and feedback. Law enforcement representatives at the TAG meeting emphasized the need to find a way to help local officers understand that the passing of information to the right people might highlight links to a larger international problem and effectively addressing that issue will work towards preventing local crime.

The TAG felt that the training should be interactive and focused on helping officers identify and effectively respond to this type of crime. The TAG saw the benefits of scenario-based learning. The TAG felt that studying very concrete and realistic hypothetical cases or case studies would allow trainees to learn how each other thinks and works. Incorporating decision trees would help officers learn how to make decisions about next steps including whom to involve and with whom they need to collaborate. The idea is to assist officers in learning the most appropriate actions to take to effectively solve a problem. One key to maximizing the reality and effectiveness of scenario-based learning would be to ensure that victim service providers, prosecutors, attorneys, investigators, analysts, and officers all are included in the problem-solving process. This would allow stakeholders as well as criminal justice professionals to learn each other’s roles and responsibilities as they walk through a case together. Multi-disciplinary training would also enable a mapping out of how realistic and effective collaboration might occur. Each stakeholder would need to address the challenges that tend to occur and find a way to most effectively respond to the situation. Hypothetically walking through a response with most of the primary stakeholders present may also help educate officers about the mechanisms that are available to them as they deal with cases other than transnational crime.

Another area that the TAG members (and some of the key informants) identified is the application of collaborative problem solving techniques in combating transnational crime. Collaborative problem solving is an integral part of community policing. For departments practicing community policing they will need training on its application to handling problems that are larger than the more common traditional crimes that require a narrow focus on particular neighborhoods.

### 5.3 Next steps for research

This project has gathered data to provide immediate assistance to law enforcement. Building on the NIJ/Abt national survey that demonstrated that transnational crime is a serious problem for state and local law enforcement and having an impact on local communities, this project provides practical information for law enforcement to develop effective strategies to identify and respond to transnational crime. Our data is based completely on the expert opinions and experiences of law enforcement professionals. We took a best practice approach to disseminate what is currently known among some of the most knowledgeable members of the law enforcement community. This method was adopted as a quick, efficient and low-cost approach to get much needed information out to the field. Adopting a more long-term perspective, there is a need for empirical evaluations of the various best practices identified by the law enforcement community.

First, there are a number of empirical evaluations that should be done of the various best practices identified by the law enforcement community in this study. A good way to confirm some of the best practices recommended in this study is to subject them to intensive quantitative evaluation. In examining responses to transnational crime, it is important to recognize the general lack of rigorous research of police interventions into all types of non-transnational illicit markets. Little convincing research exists on the results of law enforcement efforts to disrupt and decrease a whole variety of other illicit criminal markets (e.g., drug and firearm markets) (National Research Council, 1999). An area of future research is to empirically evaluate the effectiveness of task forces in combating transnational crime.

Second, to effectively attack a social problem, policy makers need reliable epidemiological data on the prevalence and incidence of the problem. While the NIJ/Abt survey was a good first step in attempting to estimate the level of transnational crime activity in this country, it was limited by the knowledge of the respondents and the accuracy of their own official information sources, as acknowledged by the study authors (Shively et al., 2003). As pointed out by Shively et al. (2003), one of the problems with most law enforcement arrest/crime incident data recording systems is that they do not adequately distinguish transnational crimes from local variations of the same activity. Data systems should be developed that better represent the level of local transnational crime and investigation activity, and training should be provided to help law enforcement officers and agencies identify when local incidents of crime have transnational connections and to record them in a way allowing them to be separated from strictly local crimes (Shively et al., 2003).

One problem with relying on arrest data is that it only captures known offenses. One potential project would be to add transnational crime questions to the National Crime Victimization Survey (NCVS) conducted by the Bureau of Justice Statistics. Alternatively, given that some people who have been harmed by transnational crimes are unaware of the

transnational nature of their victimization, other estimation approaches need to be considered. Known transnational criminals serving prisons sentences could be interviewed about the extent of transnational crime. Alternatively, researchers could attempt to anonymously interview a national sample of residents about perpetrating transnational crime (however, this would be very expensive and fraught with under-reporting problems, and refusals to participate). In any event, these auxiliary data collection efforts would not have to be done every year (perhaps once every three to five years). When combined with good official arrest and incident data on transnational crime, these auxiliary data could provide a fuller picture of the prevalence and incidence of transnational crime.

In an effort to improve identification of transnational crime a few research projects might need to be launched. Researchers working with crime analysts and field agents could analyze previous known transnational crimes to reveal patterns of pre-incident activities that may prove useful in detecting and preventing future attacks. These intensive case studies could be done through content analysis and statistical modeling software. Another promising area of research is the use of statistical models and risk assessment tools to forecast the occurrence of transnational crime. Phil Williams and Roy Godson propose that concepts and models of organized crime can be used to anticipate transnational criminal activity and inform law enforcement at the intelligence, strategic planning, and operational levels (Williams and Godson, 2002). Similarly, Jay Albanese (2002) submits that systematic efforts to measure crime risk can improve law enforcement endeavors to anticipate and intervene in transnational criminal activities. Albanese applies criminological prediction models to organized crime to determine the level of risk of specific illicit activities in a particular locality.

Other research could be done to assess the effectiveness of the Patriot Act and related legislation. Has the Act resulted in increased communication and sharing among law enforcement at the state/local and federal levels? An interesting time-series analysis could be potentially embarked to see the effects of the PATRIOT Act on levels of transnational crime before and after the Act (assuming one could develop such measures with participating police departments).

Finally, we could assess the effectiveness of the suggested training outline (see Appendix C). If the main recommendations of this study were implemented into an actual training program a research team could assess its effectiveness. Measures to be examined might include: Increasing knowledge about the impact of transnational crime, changing attitudes about the seriousness of transnational crime, number of identified cases of transnational crime, and levels of response to transnational crime.

Final thoughts: In the current post-9/11 environment there is obviously a lot of interest in identifying and responding to terrorism cases. This presents an opportunity for law enforcement to not only improve their capacities in combating terrorism, but also transnational crime more

generally. A fair amount of what is being developed in terms of infrastructure to combat terrorism by our local, state and federal law enforcement agencies (e.g., task forces, data systems, cooperative agreements) can probably be applied to the more general problem of transnational crime. It is hoped that in this post 9/11 environment our operational practice recommendations will be examined closely by law enforcement and, in at least some cases, implemented. We have similar hopes for the development of a research agenda for transnational crime that builds on some of the ideas outlined above.

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## APPENDIX A:

### TASK ACTIVITY SUMMARY

# **STATE AND LOCAL LAW ENFORCEMENT RESPONSE TO TRANSNATIONAL CRIME**

## **NIJ TASK ORDER T-046**

### **TASK ACTIVITY SUMMARY**

This task activity summary provides a description the activities undertaken to achieve completion of this project from the task award date to the submission of the final report.

#### **1. GOAL FOR TRANSNATIONAL CRIME PROJECT:**

Our main goal was to help strengthen state and local law enforcement responses to transnational crime. Prior to this project, NIJ sponsored a national survey of law enforcement practitioners. Using the results of this survey and new research, this project has identified some “next steps” to providing local and State law enforcement with tools to identify and respond to transnational crime. This project was designed to help improve local law enforcement’s response to transnational crime, and begin to move the field from research data and constructs to policy-making and practice.

#### **2. OBJECTIVES FOR TRANSNATIONAL CRIME PROJECT:**

To identify and provide guidance on the development of tools and strategies to help advance the capacities of state and local law enforcement to identify and respond to transnational crime.

#### **3. ACTIVITIES FOR TRANSNATIONAL CRIME PROJECT:**

- For state and local law enforcement, develop approaches to identify transnational crime, analyze problems it presents, and consider array of responses to transnational crime and its associated problems at the state/local-level. We will accomplish this by examining existing NIJ (and other) research, and conducting new data collection (e.g., interviews and focus groups) and secondary data analysis.
- Operationalize lessons learned on identifying and responding to transnational crime in the form of an outline for a police-training manual. Our interpretation of existing research and new data collection will lay the groundwork for developing sound operational guidelines, training policies, and educational tools.

- Provide an agenda/direction to the field for future program development work and research in the area of transnational crime. Our project report will augment current studies and serve as a precursor to further research and program development work

#### **4. PROJECT TASKS/DELIVERABLES**

##### **4.1 Task 1: Convene a meeting of transnational crime/policing researchers and practitioners**

- Kick-off meeting with NIJ project manager/COTR
  - Discuss study requirements
  - PI will develop a detailed work plan. The PI will monitor progress against the work plan weekly, with a monthly review by the program director. The PI will maintain regular/open communication with NIJ and seek guidance and input as required.
  - Begin identification of attendees for the daylong meeting of researchers/practitioners.
  - Agree on preliminary working definition for *transnational crime* (will consult definition used in NIJ transnational crime survey and will work with TAG to refine it).
- Literature review
  - Perform an extensive literature review as a starting point for our research.
  - With guidance from our expert consultant group, we will perform a literature review of prior work on the capabilities of the police to identify and respond to transnational crime for distribution at one-day meeting. A key question to be examined is how state and local law enforcement agencies currently organize their response to transnational crimes.
- Examination of NIJ's national survey data and report
  - Caliber staff will synthesize key findings for consumption by meeting attendees.
  - Caliber will identify opportunities for interesting secondary analyses (e.g, various sub-group analyses or tests of interaction effects) that might be useful.
  - If NIJ requires additional data analytic work, Caliber staff will conduct such analyses.
- Convene consultant group
  - During the first month of the project, we will convene our project consultants for a series of conference calls (Dr. James Finckenauer, Dr. Ellen Scrivner; Dr. Dennis Kenney; and Drew Diamond). Topics to be covered during these tele-meetings:
    - o Discuss the structure of the consultant group (e.g., monthly advisory conference calls) and how the group will be used.

- o Assessment of Caliber’s synthesis of prior literature
- o Intensive review of prior NIJ national survey on transnational crime
- o Identification of additional practitioner attendees for the meeting
- o Discuss tentative recommendations regarding follow-up research methods.
- o Develop preliminary ideas for identifying and responding to transnational crime. Prior to the daylong TAG meeting, we will devise a set of approaches for the meeting attendees to consider, including:
  - Conduct pilot work
    - Prior to the meeting, a set of pilot case studies will be conducted with a few local law enforcement agencies within Maryland/DC Metro area to assess the general adequacy of case records connected with known cases of transnational crime. Our team will assess whether indicators of transnational crime (e.g., degree of structure, organization and complexity of crime, and use of technology) can be readily constructed from local records and talk with investigators about past cases and whether signs of cross-country activity emerged in their investigations. At the meeting, we will report on our pilot work and whether the attendees consider approaches such as case flagging/network analysis as a viable strategy for State and local law enforcement agencies (e.g., the extent to which such analysis is already being done, whether the expertise generally exists to do such work, and what training will be needed). During this pilot work we will also assess the use of special units to investigate transnational crime and multi-jurisdictional task forces, and the informational needs of patrol and other line officers.
  - Convene a meeting of transnational crime/policing researchers and practitioners as a Technical Advisory Group (TAG)
    - Convene a daylong meeting of about a dozen researchers and practitioners within the first four months of the project (the meeting actually lasted two days).
    - Review available research (guided by the project literature review) and the NIJ survey to discuss law enforcement needs and possible responses.
  - Summary report and plan for follow up interviews/revised research strategy (within 45 days of the TAG meeting):
    - Provide a summary report of the meeting
    - Develop a formal plan for follow up interviews
    - Develop a revised research strategy derived from TAG recommendations

## 4.2 Task 2: Conduct follow up research

- Conduct follow-up interviews and research to develop a strategy to help state and local law enforcement. The purpose of the follow-up research is to serve as a type of needs assessment. We will clarify and synthesize practitioner needs in *identifying* and *responding* to transnational crime and approaches to meet those needs. What are the needs of practitioners and how can we develop tools/strategies to meet those needs?
  - Caliber could conduct a small number of interviews over the phone, supplemented with a limited number of face-to-face interviews with state and local officials in the DC Metro area.
  - Different levels of police officials will be included in these interviews to explore the varying needs of police managers (e.g., assistance in jurisdiction and extradition issues) and line officers (e.g., basic information on the nature of transnational crime or the role of Federal agencies).

## 4.3 Task 3: Final report and task activity summary

- The final report will include recommendations for operational practice and guidelines, police training, and future directions for research and educational tools. This report will present policy implications of the research and provides relevant information for policy makers to understand the implications of the various policy options. At the discretion of NIJ, the report will be disseminated as deemed appropriate (e.g., as a PDF file on a Web site). Caliber will also submit a task activity summary. The task activity summary shall address activities undertaken to achieve completion of this project from the task award date to the submission of the final report.

## 4.4 Task 4: Police training curriculum outline

- Our interpretation of existing research and new data collection will lay the groundwork for developing sound operational practice/guidelines/protocols, training policies and educational tools. Along with the final project report, we will develop an outline for a police-training manual dealing with identifying and responding to transnational crime.

## 4.5 Task 5: Case scenario analyses

- This task was not part of the original contract. The purpose of the case scenario analysis is to identify best practices in responding to transnational crime from actual cases handled by local and state law enforcement. Caliber conducted two cases scenario analyses: (1) the Lackawana Buffalo material support for terrorist case and the (2) North Carolina Hezbollah tobacco smuggling case. From these case scenario analyses we gleaned general lessons learned from the handling of the cases that can be applied to a broad range of jurisdictions on issues such as model practices for collecting information and processing clues, examples of successful collaboration and problem solving, and management issues related to the sharing of information.



- The case scenario analysis will begin with a detailed case description that does not include analysis or conclusions but only the facts of the story arranged in a chronological sequence. The description needs to address the types of questions that law enforcement investigators would like answered in a typical investigation.
- A detailed discussion of lessons learned in the case (including what worked well in the investigation and what did not and why). Here we provide best practices in law enforcement that emerged from the cases. Best practices are logical and supportable variations on standard practice that improve law enforcements capacity to identify and respond to transnational crime cases. Some practices that work well in some police departments may not work when extended to other departments.

#### **4.6 Deliverables**

- Summary Report of TAG meeting, within 45 days of the meeting.
- Formal Plan for Follow-up Research (per TAG recommendations), within 45 days of meeting.
- Final Report (plus Task Activity Summary)
- Police Training Curriculum Outline
- Case Scenario Analysis Report

## APPENDIX B: FOUR REPORTS

- B1. Secondary analysis of national survey data
- B2. Content analyses of the transcript from the project TAG meeting
- B3. Key informant interviews
- B4. Two case scenario analyses

## APPENDIX B1

### Secondary analysis of national survey data

## **SECONDARY ANALYSIS OF THE *SURVEY OF PRACTITIONERS TO ASSESS THE LOCAL IMPACT OF TRANSNATIONAL CRIME (ABT ASSOCIATES, 2003)***

Prior to the current project on Improving State and Local Law Enforcement Response to Transnational Crime, the National Institute of Justice (NIJ) contracted with Abt Associates to conduct a survey of law enforcement practitioners about the extent of and resources for transnational crime at the local level. As one of few such surveys to exist, these data are an important and unique resource. In order to capitalize on this resource, NIJ tasked Caliber Associates with doing a secondary analysis of the data to determine if any of this existing data would be beneficial when thinking about how to practically and realistically improve State and local law enforcement response to transnational crime. This chapter will discuss the Abt Associates study including their purpose, methodology, and key findings. It will then focus on Caliber's effort to conduct secondary analysis on the data with sections focused on the primary research questions used and the results found.

### **1. Abt Associates study**

NIJ tasked Abt Associates with conducting an exploratory, national survey that would be able to obtain data from local law enforcement about the level of transnational crime activity, perceptions of the problems these activities pose for local law enforcement and the resources needed to address these problems, and interagency communication and collaboration. Abt associates developed, piloted, and revised a survey for high-level local law enforcement. They then, in order to address the time and resource constraints of the population, conducted the survey through individual telephone interviews with 184 local and state law enforcement officers. This section will describe the survey and then the sample of respondents.

#### **1.1 Terrorism and Transnational Crime law enforcement survey**

The Terrorism and Transnational Crime Law Enforcement survey addressed the following main topics with multiple questions about each:

- (1) Perceptions of trends and severity of local transnational crime;
- (2) Level of criminal activity;
- (3) Local resources devoted to such crimes;
- (4) Cooperation among agencies; and
- (5) Perceived resources needs.

While opportunities were provided to discuss any type of transnational crime within the context of these topics, the survey featured examination of four major categories: (1) illicit trafficking in humans and goods; (2) illegal immigration, (3) computer crimes, and (4) terrorism (referred to as crimes related to homeland security for reasons explained in the report). Specifically, the following working definition was presented and used throughout:

- Crimes related to homeland security, e.g., foreign organizations attempting to disrupt or destroy domestic infrastructure; threatening or killing American citizens and residents.

- Illicit international trafficking, including trade in humans (for forced labor or sexual exploitation); weapons (biological weapons, firearms, munitions, or components of weapons); drugs; stolen art or artifacts; endangered animals or animal parts and products; or stolen intellectual property (e.g., pirated CDs, counterfeit clothing, or trademarked materials).
- Illegal immigration
- Computer crimes reaching across international boundaries, such as money laundering; identity and information theft; unauthorized access; sabotage; viruses (“hacking”); internet commerce in child pornography; or theft and illicit transmission of intellectual property (music, books, patented materials).

Opportunities were also provided for respondents to address any other transnational crimes of local concern that they wished to discuss.

## **1.2 Sample description**

In order to ensure that a relatively small number of responding agencies would provide representation of large cities, Abt Associates collected data from three sub-samples of agencies:

- 152 local law enforcement agencies, randomly sampled from among all those in the U.S. with 50 or more sworn officers
- 12 of the primary police departments purposively sampled from the core cities of the 25 largest U.S. metropolitan areas.
- 20 State police departments

Across all three sub-samples Abt achieved a 74 percent response rate. Their greatest success was with the sub sample for which a good response rate is most critical. Abt completed 152 interviews out of the random sample of 175 agencies, for a response rate of 87 percent. They had less success completing interviews with the state police and the largest police departments. While significantly lower than the rates achieved in the random sample, the 40 and 48 percent response rates for the state police and the largest cities (respectively) compare favorably with most other surveys of police command staff.

In addition to achieving a high response rate, Abt completed interviews with at least one agency (either state or local) from 43 of the 50 states. All regions of the country are represented, including all coastal and border areas considered at high risk as points of entry for illicit international trafficking and terrorism.

Interview participants within each responding agency were upper-level command staff from city, county, and state law enforcement departments. In some cases, more than one person contributed to completion of the questionnaire since one person was not always equipped with information about all parts of the

questionnaire, especially in agencies that had staffs large enough to be highly specialized. In relatively small agencies, it was much more likely that one person in the central command staff would have sufficient knowledge of all agency activity that they could have provided all of the different kinds of information requested. To streamline the remainder of this presentation, we refer to those providing us with information within an agency as the respondent, acknowledging that anywhere from one to five people may have contributed to completing a single questionnaire.

### **1.3 Key findings**

Original descriptive analysis of the data resulted in the following key findings presented throughout the Abt Associates report and summarized in the Executive Summary:

- Law enforcement considered transnational crime to be a substantial and growing problem in most jurisdictions.
- In most locales, one or two types of transnational crime stand out as causing concern and generating law enforcement activity.
- Local law enforcement considered computer crime to be widespread and rapidly increasing, and keeping up with the technology and training necessary to prevent and investigate such crimes a pressing need.
- There is a significant level of communication and cooperation among law enforcement agencies across different levels of government; cooperation and communication among agencies are driven primarily by local crime issues, and by personal and historic relationships with agencies.
- Most respondents felt their agency was at least adequately prepared to deal with transnational crime.
- The most pressing resource needs are equipment, training, and personnel, while only modest increases in cooperation and collaboration are considered necessary to adequately address transnational crime.
- There was widespread unrest over “unfunded mandates” to do more for homeland security, while resource cuts are affecting essential local law enforcement functions.
- Some large city police departments are frustrated by perceived federal inaction and have started their own antiterrorism units.

## **2. State and Local Law Enforcement Response to Transnational Crime**

As one of the few surveys that exist regarding transnational crime, it was important for the Caliber team to look at the data for anything that might be helpful in determining how to help improve response by local and state law enforcement. Given the differing purpose of the survey,

there were few specific questions that directly relate to improving response to transnational crime. The one specific question directly related asked about the need for increased resources (e.g. training, staff, and collaboration) and this information is presented in the Abt report and summarized in the key findings above. Therefore, it was important to look for other opportunities to learn and explore the existence of various patterns within the data. Most specifically Caliber intended to investigate the following:

- Are there systematic regional differences in the type and extent of transnational crime?
- Do those agencies with a perception that crime is increasing have increased citizen and law enforcement concern about transnational crime?

These questions were of paramount importance for the current investigation as they have geographic implications for resource and training needs including the extent to which there should be information about transnational crime and how to identify it as an issue within the community.

## **2.1 Are there systematic regional differences in the type and extent of transnational crime?**

In order to determine if there were systematic regional differences in the type and extent of transnational crime occurring, jurisdictions were split into one of the following four U.S. regions used by the U.S. Census Bureau:

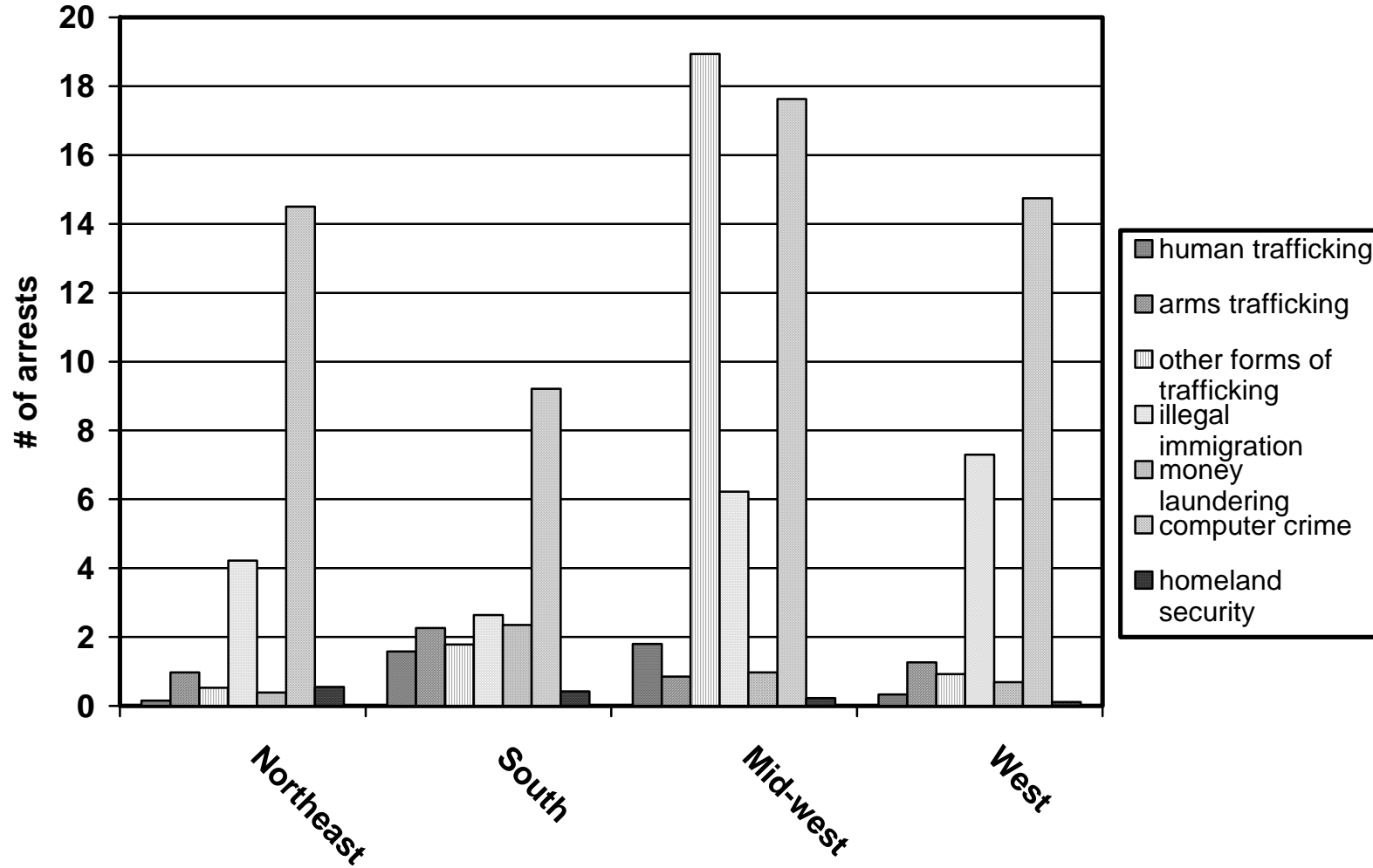
- Northeast – included jurisdictions from Connecticut, Rhode Island, New Hampshire, Massachusetts, Vermont, Pennsylvania, New Jersey, New York and Maine (N=40)
- South – included jurisdictions from Tennessee, Mississippi, Georgia, Delaware, Maryland, Arkansas, Louisiana, Florida, Alabama, North Carolina, Virginia, Texas, Oklahoma, and South Carolina (N=69)
- Mid-West – included jurisdictions from Nebraska, Missouri, Wisconsin, Illinois, Iowa, Minnesota, Ohio, Indiana, Kansas, and Michigan (N=40)
- West – included jurisdictions from Alaska, California, Nevada, Utah, Colorado, Washington, Idaho, Arizona, and Wyoming (N=35)

State police departments were excluded from the analysis due to the difference in level of jurisdiction and mission. The number of reported arrests for each of the eight types of transnational crime investigated by the survey was graphed by region. It is clear that drug trafficking and computer crime tended to be high across regions. Generally any clear difference across regions could be accounted for by one or two jurisdictions with a particular issue regarding that type of crime and were not systematic. These graphs are presented below. The

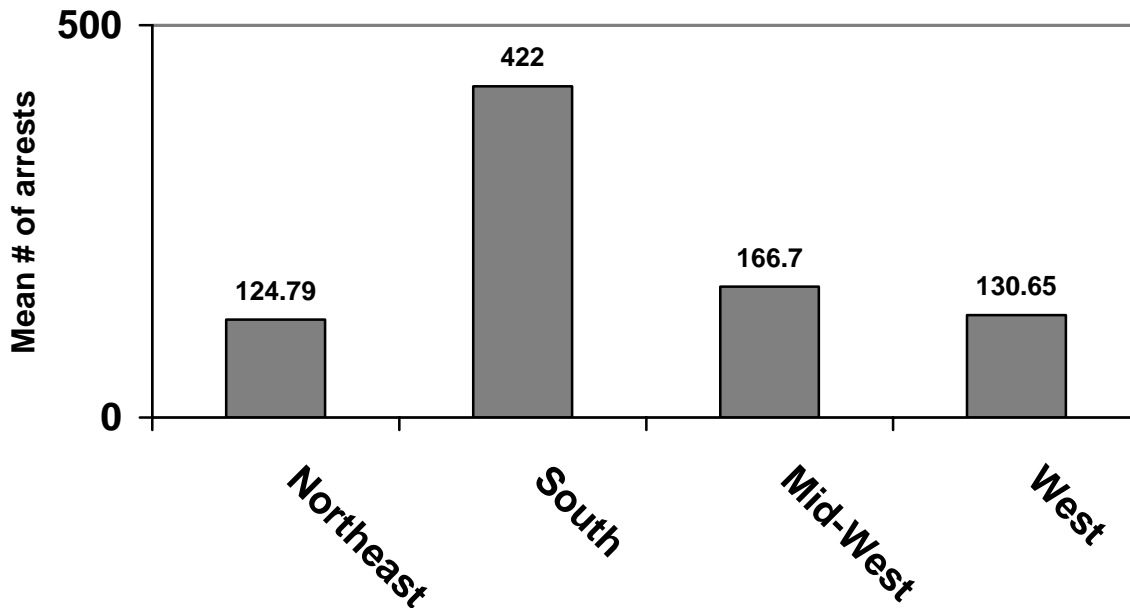
first graph shows the variation by region for each type of crime except for drug trafficking. The second graph presents drug trafficking arrests by region separately due to the high numbers.



### EXHIBIT 1: TRANSNATIONAL CRIME ARRESTS BY TYPE AND REGION



## EXHIBIT 2: MEAN # OF ARRESTS FOR DRUG TRAFFICKING BY REGION



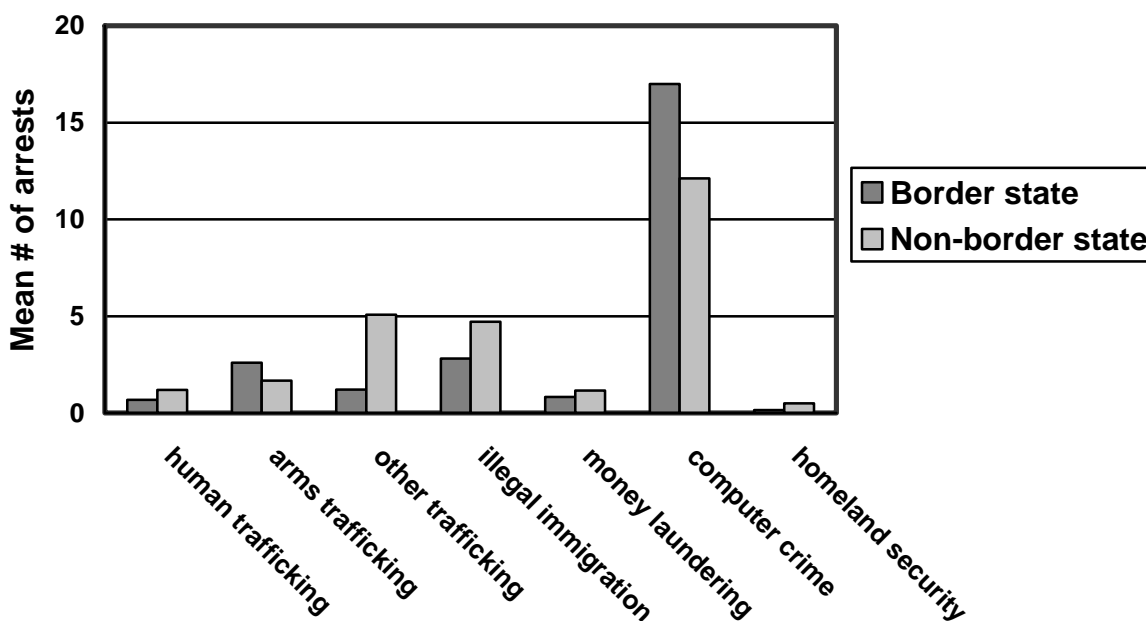
As seen in the bar charts, drug trafficking arrests are significantly higher than any other type of crime. Additionally, arrests for computer crimes are also higher than any other type of crime. The Northeast appears to have the least amount of transnational crime overall with the South and Southwest appearing to have more transnational crime as a whole. There are some extreme numbers of arrests included in this data that account for some of the largest differences. For example, while there seems to be a high number of arrests for other types of trafficking in the Midwest, this is due to one jurisdiction that reported an unusually large number of arrests for art, animal, and other forms of trafficking. The same holds true for the unusually large number of drug trafficking cases in the Southwest, there is one jurisdiction reported an extremely high number. In order to ensure valid results, the extreme value examples above were eliminated from this inferential statistic as well as all subsequent tests conducted. While these raw numbers look interesting, it is important to remember that Abt Associates indicated that these numbers at times may be guesstimates of the exact amount of arrests and are not always reliable. Additionally, while the drug trafficking and computer crimes are clearly more of a problem than other types of crime across all the regions, the regional differences do not seem to be systemic. A repeated measures ANOVA was conducted to examine this effect using the type of crime as a within subjects factor and U.S. region as a between subjects factor and the number of arrests as the dependent variable. As expected a there was a significant within subjects effect  $F(7) = 35.81, p < .01$  of type of crime on number of arrests, meaning that the number of arrests varied significantly based upon the type of transnational crime. The interaction effect between type of crime and U.S. region was not significant  $F(3) = .07, p > .05$  indicating that the number and type of transnational crime arrests did not vary by region.

In addition to looking at mean difference, Caliber wanted to determine if there were systematic relationships within and across regions. Therefore, an exploratory cluster analysis was conducted on the arrest data for each type of crime. Due to extremes in the data (e.g. the scale for drug trafficking vs. the scale for homeland security) the cluster analysis was

conducted with both the raw data as well as standardized data using z-scores. For both analyses, the resulting clusters did not have any meaningful differences and illustrated that there seems to be no systematic relationship between the regions of the country and arrests for transnational crime.

In addition to looking at regional differences in transnational crime arrests, jurisdictions that were located in a state bordering another country were compared with those who do not border another country. A repeated measures ANOVA was conducted again with crime type as a within subjects factor and border state status as a between subject factor. There was no significant interaction between border state status and crime type  $F(1) = 1.302, p > .05$ . Drug trafficking is not included in the table due to the high number of arrests for border States (224.41) and non-border states (228.57).

**EXHIBIT 3: MEAN # OF ARRESTS BY TRANSNATIONAL CRIME TYPE AND BORDER STATE STATUS**



## 2.2 Do those agencies with a perception that crime is increasing have increased citizen and law enforcement concern about transnational crime?

The Law enforcement survey asked agencies to rate whether they thought the crime level was increasing (1), decreasing (-1), or staying the same (0) for each type of transnational crime discussed. An average value across all types of crime (except for drug trafficking) was calculated for each jurisdiction. This rating of the extent to which transnational crime is increasing was correlated with the law enforcement perception of the extent to which law enforcement and citizens consider transnational crime (except for drug trafficking) to be a problem within their jurisdiction using a range of '1-not a problem' to '4-a critical problem.' It appears that the extent to which law enforcement see transnational crime as increasing in their jurisdiction is highly related to whether law enforcement and citizens consider transnational crime to be a problem (Exhibit 3).

In order to further investigate this phenomenon, the average number of arrests for transnational crime across all crime types was correlated with concern about transnational crime and the perception that transnational crime was increasing. This was to determine if higher rates of transnational crime correlated with the perception of transnational crime as increasing and concern about transnational crime as a problem. These did not correlate. This indicates that while the perception by law enforcement that transnational crime is increasing is related to their concern about that crime, this perception across jurisdictions is not based on the actual number of transnational crime arrests and jurisdictions that have higher levels of transnational crime do not necessarily have higher levels of concern or a perception that the Transnational crime is increasing.

<b>EXHIBIT 4: RELATIONSHIP BETWEEN LAW ENFORCEMENT PERCEPTION OF THE INCREASE IN TRANSNATIONAL CRIME OVERALL, CONCERN ABOUT TRANSNATIONAL CRIME, AND AVERAGE # OF ARRESTS FOR TRANSNATIONAL CRIME USING PEARSON'S CORRELATION COEFFICIENT</b>		
	Perception of increase in Transnational Crime	Average # of arrests across transnational crime types
Citizen Concern	.21**	.10
Law Enforcement Concern	.28**	.02
Perception of Increase in Transnational Crime		.13

\*\* p < .01

This finding illustrates the need for training at both the officer and command level about transnational crime, identifiers of transnational crime, and response to transnational crime. It is important for jurisdictions to have a realistic understanding of the extent of the problem within their community and be able to address that problem in a way that will alleviate citizen and law enforcement concern. A discussion of transnational crime during the COMPSTAT process may help law enforcement understand where their jurisdiction falls in relation to other jurisdictions. This will heighten their awareness of their need to prioritize and address transnational crime.

This finding led to the consideration that the perception of the increase in transnational crime might also be related to the amount of training, personnel, and equipment resources that law enforcement agencies report that they need to fully address transnational crime in the community as well as to the amount of federal cooperation needed.

There were no relationships between the perception of transnational crime increasing and resources needed except in the amount of personnel needed to fully address transnational crime. There was no relationships at all between the average # of arrests across transnational crime types and the resources needed to address transnational crime.

<b>EXHIBIT 5: RELATIONSHIP BETWEEN LAW ENFORCEMENT PERCEPTION OF THE INCREASE IN TRANSNATIONAL CRIME OVERALL, AVERAGE # OF ARRESTS FOR TRANSNATIONAL CRIME, AND PERCENTAGE OF RESOURCES NECESSARY TO EFFECTIVELY RESPOND TO TRANSNATIONAL CRIME USING PEARSON’S CORRELATION COEFFICIENT</b>		
	Perception of increase in Transnational Crime	Average # of arrests across transnational crime types
% Increase in personnel	.16*	.00
% Increase in training	.11	-.07
% Increase in equipment	.09	-.06
% Increase in federal cooperation	.15	-.02

\* p < .05

### 3. Conclusion

This secondary analysis was primarily focused on items of interest to the work at hand focused on improving state and local law enforcement response to transnational crime. Regional differences were important to investigate to determine if there were different types of needs for training across the regions. As it was shown, there were no meaningful geographical differences when investigating both regional and border state status. The perceptions about transnational crime and the actual levels of transnational crime were important to investigate to help determine the extent to which there needs to be education and training not only to learn transnational crime facts but to also learn to identify transnational crime as it exists in the community. Training that is focused on decreasing the gap between perception and reality may go a long way towards helping state and local law enforcement improve identification and response to transnational crime.

## APPENDIX B2

Content analyses of the transcript from the project TAG meeting



**STATE AND LOCAL LAW ENFORCEMENT RESPONSE  
TO TRANSNATIONAL CRIME: TECHNICAL ADVISORY  
GROUP MEETING SUMMARY REPORT**

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Office Of Research and Evaluation  
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March 2, 2005

# STATE AND LOCAL LAW ENFORCEMENT RESPONSE TO TRANSNATIONAL CRIME TECHNICAL ADVISORY GROUP MEETING SUMMARY REPORT

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## I. INTRODUCTION

Transnational crime is not a modern-day criminal justice problem. These crimes have plagued our societies for as long as borders have separated neighboring countries. However, what is new about transnational crime, particularly during the last several decades, is the scope and magnitude of activity and the increasing impact that it is having on the United States. As such, the National Institute of Justice is actively working to determine the prevalence of transnational crime at the State and local level, and to pinpoint concrete strategies for assisting law enforcement in tackling this issue.

The National Institute of Justice (NIJ) convened a Technical Advisory Group meeting of researchers and practitioners (meeting participants or participants) on March 4-5, 2004 in Fairfax, Virginia to review available research on transnational crime to discuss practitioner needs and to recommend appropriate responses for how to address transnational crime. The objectives of the meeting included the following:

- To assess the current state of knowledge and practical understanding of transnational crime and identify best practices and gaps
- To provide guidance on the development of tools and strategies to help advance the capacities of State and local law enforcement to identify and respond to transnational crime.
- To help NIJ move from research data/constructs to recommendations for sound operational practice and guidelines.

Though meeting participants expressed a multitude of opinions for what constitutes transnational crime, the United Nations definition published in 1995 served as the working definition used throughout the Technical Advisory Group meeting. The United Nations defines transnational crime as “*offenses whose inception, prevention and/or direct effect or indirect effects involved more than one country*” (United Nations, 1995). This definition included those crimes associated with various forms of illicit trafficking (e.g., humans, drugs, stolen goods, endangered species), computer based crimes (e.g., transfer of stolen intellectual property, money laundering), and international terrorism.

This Technical Advisory Group meeting summary report is divided into three main sections. Section one first lays out a description of the meeting including the characteristics of participants and meeting agenda. Section two then describes the methodology used to gather useful data throughout the meeting and conduct thematic analysis of the data for key summary

points and strategies. Section three of the report lays out the key findings from the Technical Advisory Group meeting with a focus on strengths and challenges in identification and response to transnational crime at the State and local law enforcement level. Section three concludes with a summary of key strategies and ideas developed by meeting participants for improving identification and response practices.

## **1. CHARACTERISTICS OF TECHNICAL ADVISORY GROUP MEMBERS**

Approximately 24 meeting participants attended the two-day meeting along with a professional facilitator, 3 representatives from the National Institute of Justice, and 7 representatives from Caliber Associates. NIJ wanted to ensure that the meeting participants possessed a diversity of experiences and expertise and therefore careful consideration was given to each participant. As a result, the meeting participants represented all types of careers, jurisdictions, position levels, and geographical regions.

### **1.1 Career, Jurisdiction, and Position Level**

Participants possessed an average of 21 years of experience while representing all aspects of the law enforcement community including:

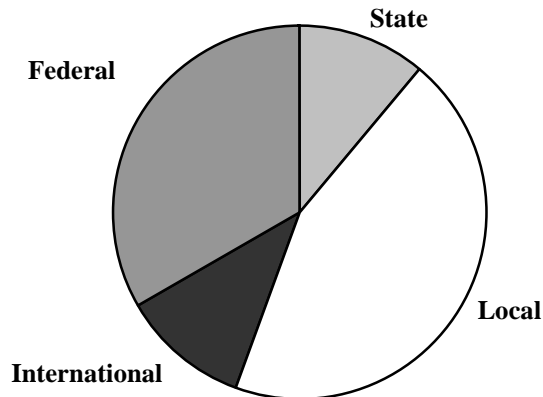
- Federal Agency representatives (e.g., FBI, U.S. Marshalls)
- Law Enforcement representatives (e.g., Chiefs, Sergeants, Deputy Commissioners, Colonels, and Consultants)
- Researchers (primarily criminal justice, and law, with one victim services researcher)
- Prosecutors (e.g., Trial Attorney, Chief, and retired U.S. Attorney)
- Trainers (e.g., Asst. Chief Director, Director, consultant).

Having all types of careers, including both researchers and practitioners, helped bridge a gap in moving research to practice and allowed for a diversity of opinions to be heard and considered. In addition to having diverse career types, participants included representatives of Federal, State, local and international jurisdictions as well as street and office level positions (see Exhibits 1 and 2).

<b>EXHIBIT 1: CHARACTERISTICS OF TECHNICAL ADVISORY GROUP MEMBERS: CAREER TYPE AND POSITION LEVEL</b>			
Career Type	Position Level		Total
	Street	Office	
Federal Agency Representative	2	2	4
Law Enforcement Representative	3	6	9
Prosecutor	1	2	3
Researcher	N/A	N/A	5
<u>Trainer</u>	<u>0</u>	<u>3</u>	<u>3</u>
Total	6	13	24

Having participants from various jurisdictions and position levels helped focus the discussion on improving all aspects of an effective response to transnational crime. Participants could consider the reasons for certain realities while also being open to critical thinking about those realities.

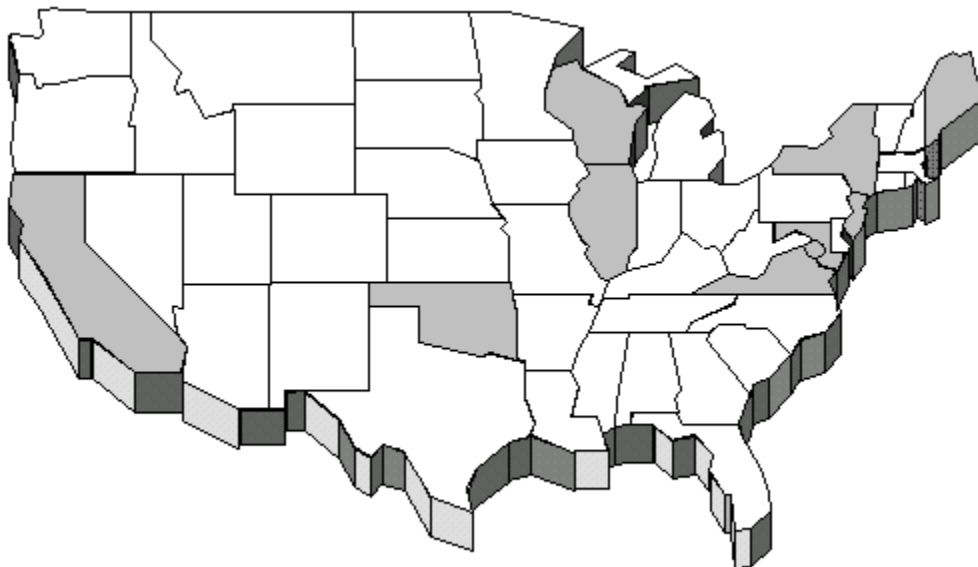
**EXHIBIT 2: CHARACTERISTICS OF TECHNICAL ADVISORY GROUP MEMBERS: JURISDICTIONAL TYPE**



**1.2 Geographic Representation**

Exhibit 3 illustrates that meeting participants included individuals from the northeastern, midwestern, southern, and western areas of the U.S. along with Canada that helped in ensuring a range of opinions and experiences. The shaded States in Exhibit 3 reflect participant representation from that State.

### **EXHIBIT 3: CHARACTERISTICS OF TECHNICAL ADVISORY GROUP MEMBERS: GEOGRAPHICAL REPRESENTATION**



Participants from differing areas of the U.S. deal with varying challenges and frustrations; however, they also have a diversity of strengths, ideas, and solutions to share. By ensuring representation from across the U.S. and internationally, participants had the opportunity to hear about innovative strategies and strengths that represented a truly comprehensive perspective.

## **2. MEETING AGENDA**

The TAG meeting lasted for approximately 1.5 days with the goal being to discuss the following key questions in a targeted discussion envisioned to be less theoretical and more application oriented (see Meeting Agenda in Appendix A).

- What is the current State of knowledge and practical understanding of transnational crime?
  - The nature of transnational crime
  - The capabilities of law enforcement to identify its occurrence
  - The State-of-the-art when it comes to responding to transnational crime.
- Where are the gaps in knowledge and practical understanding of transnational crime and the law enforcement response to transnational crime?
- What are the “next steps” to providing State and local law enforcement with tools to *identify* and *respond* to transnational crime?

In order to accomplish this goal and address these questions, the meeting started with a welcome from NIJ's Acting Assistant Director of the Office of Research and Evaluation, a presentation of previous NIJ work on the prevalence of transnational crime as an issue at the State and local law enforcement level, and a brief summary presentation of the most current literature on the issue. Participants then had the opportunity to comment on those presentations while having general discussion about the nature of transnational crime as a reality for State and local law enforcement.

NIJ felt that it was important to ensure the conversation was focused on concrete ideas, realities, and strategies so that it might be useful to the hosting agency as well as the participants. To accomplish this goal, four participants prepared a transnational crime case study for discussion at the meeting. During the afternoon of Day 1, participants broke into small working groups and used one of the transnational crime case studies as a mechanism to discuss in detail the challenges of identifying and responding to transnational crime, as well as to spark ideas on strategies for more effectively addressing the problem. Each small working group then brought their conversation back to the larger group for reaction and discussion. A detailed description of the methodology for the break-out discussions is presented in Section 2: Methodology and copies of each case study and discussion guide are included in Appendix B.

On Day 2, participants were presented with a summary of key points from the Day 1 discussion (Appendix C) and given the opportunity to confirm, refute, and edit those points. A discussion then ensued on best practices, gaps, and strategies for improving identification and response (e.g. training mechanisms) to transnational crime. The meeting concluded with the facilitator recapping the key points raised at the meeting.

Participants concluded that the meeting was productive in developing useful data on identification and response practices of addressing transnational crime. The next section discusses the methodology for gathering and analyzing meeting data followed by a discussion of the key meeting findings.

## **II. METHODOLOGY**

Section two describes the methodology used to collect and analyze the qualitative data collected from the Technical Advisory Group meeting.

### **1. DATA COLLECTION**

Throughout the meeting, two primary methods of recording data were conducted:

- Transcriptionist documentation during the main discussion, and
- Comprehensive notes taken by Caliber Associates staff members during the breakout group discussions.

#### **1.1 Main Discussion**

A Caliber staff member with transcription skills chronicled the conversation in a Microsoft Word document throughout the course of the meeting, including a track of each participant's comments. After the meeting, the transcript was cleaned and sent to each Caliber staff member for review. Each staff member compared the transcript to his/her own notes and approved the transcript. The transcript was then sent to all members of the Project Consultant Group, a formal consulting group hired by Caliber Associates to help inform the direction of the overarching NIJ study on State and local law enforcement response to transnational crime. The consultant group and NIJ provided comments on the transcript and gave final approval of the TAG meeting transcript in a conference call meeting on March 19, 2004.

#### **1.2 Break-out Group Discussions**

During the afternoon of March 4, 2004, meeting participants were divided into small working groups to discuss a transnational crime case study and used the case study as a mechanism for discussing concrete realities, strengths, challenges, and strategies of addressing transnational crime. Participants were divided into groups in a manner that would ensure a diversity of career types within each group while capitalizing on each individual's own expertise (e.g. those who were experts in trafficking were placed in the group which used a case about trafficking). Prior to the two-day TAG meeting, each participant was asked to submit a case study of transnational crime for use during the small working groups. The Caliber research team selected four case studies to be used during the breakout group sessions and the individuals who prepared those case studies were asked to serve as a breakout group leader and facilitator. Each breakout group leader was provided with a tailored case study discussion guide to use in facilitating the small group conversation. The discussion guide was developed to enable the

leader to utilize the case study as way to talk more broadly about the key meeting questions while keeping the conversation grounded in practical considerations. The discussion guides (Appendix B) included questions about:

- Current common methods of identifying a case as transnational crime including the specific indicators used
- Current common methods of handling transnational crime cases including the collaborative activities appropriate and resources/expertise available
- Current common methods of identifying victims, what roles they tend to play in investigation and prosecution, and what assistance is important for their participation in the criminal justice process
- Current common challenges that State/local law enforcement encounter in responding to transnational crime cases
- Current common challenges in coordinating a multi-agency investigation and prosecution
- Strategies for handling cases better or more effectively
- Tools, resources, and expertise necessary to handle cases better or more effectively

While each group leader facilitated the discussion, another member of the small group took notes about the conversation in order to report out a summary of the discussion to the main group. A Caliber staff member sat in on each breakout group discussion and took notes as well. The transcript of the breakout group reports, the ensuing large group discussion about the reports, and the Caliber staff notes taken during the discussion, all served as data for the breakout group discussions.

## **2. DATA ANALYSIS**

In order to conduct the most rigorous analysis of the data collected, all data were analyzed using the Qualitative Data Interpretation and Analysis (QDIA) software developed by Caliber Associates, Inc. for the thematic analysis of qualitative data. The data analysis effort was comprised of several activities (e.g., data review and input and data analysis) detailed below.

### **2.1 Data Review and Input**



Data from both the main discussion and the breakout group discussions were reviewed by the project consultant group before use and then imported into the QDIA software. The data were then divided into two sections, the main discussion and the breakout discussion (including report outs and subsequent conversation) and thematically coded.

## **2.2 Thematic Analysis**

After reviewing the data, a primary coder independently developed a separate coding scheme for each of the two discussion sections. The two coders then reconciled the coding scheme with a supervisor to arrive at a consensus coding scheme (see examples of codes in Appendix D). Both a primary and secondary coder thematically coded each section using the agreed upon a coding scheme. The QDIA software allowed a single comment to be coded to multiple themes while not double counting the same participant.

Data were coded based on processes borrowed from inductive analyses. Using this methodology, primary patterns and themes in the data are allowed to emerge from the data rather than being imposed on them (Miles & Huberman, 1994; Patton, 1990). There are three components to our analytic approach: data reduction, display, and conclusion drawing/verification. Data reduction involves the selection and condensation of data in accordance with the study's main aims and questions, and involves theme finding, clustering, data summaries and coding. We describe the findings by summarizing each issue, concept or set of ideas provided by the TAG members. Data display is the reproduction of cleaned data in compressed and organized form allowing cross-referencing and constant comparative analysis (Glaser & Strauss 1967). Conclusion drawing and verification is the final stage of the process, in which data are analyzed for their thematic properties, patterns and comparisons (Glaser & Strauss 1967). It is from this final stage that interpretations and meanings are drawn.

Once each section had been coded, the data were examined as a whole for summary points. The characteristics of the meeting participants were then used as a way to further explore the data for interesting differences. The characteristics of the participants that were initially considered included:

- Career type (prosecutor, trainer, researcher, law enforcement, Federal agency representative, victim service provider)
- Member of the project consultant group (yes, no)
- Type of police department represented, if applicable (local, State, Federal)
- State represented

- Minority status (yes, no)
  
- Position level, if applicable (street level, office level)

The QDIA software allowed for a printout of responses to a given theme divided by participant characteristics. For example, the printout enabled an illustration of the differences in response to a given theme between participants of differing career types (e.g., prosecutors and researchers). Other than career types, examining the data by participant characteristics yielded little useful information because of the relatively small sample size. Participants overwhelmingly agreed on summary points and strategies though there is minor discussion in section three about the differences in responses by types of career. The results of the analyses of the information collected at the meeting are discussed in Section 3: Key Meeting Findings. There are no percentages or response counts presented in the discussion of key findings as there were variations across groups in terms of comfort level in sharing information during TAG meeting.

### **III. KEY MEETING FINDINGS**

Section three presents the key findings from the State and Law Enforcement Response to Transnational Crime, Technical Advisory Group meeting. These findings are based on the responses of the meeting participants and are not meant to be representative of the criminal justice field or a particular discipline at-large. Instead, these findings are offered as a means of shedding light on what some in the criminal justice field, with experience on transnational crime cases, believe are current strengths and challenges for how law enforcement identify and respond to transnational crime. Thus, these findings provide a snap shot of the current efforts in addressing transnational crime. Information learned is reported in the aggregate and where feasible, we provide which participant type (e.g., Federal agency representative, law enforcement representative, prosecutor, researcher, and trainer) most expressed that viewpoint. This section is divided into two main parts. First, there is a discussion of the current efforts in addressing transnational crime, including strengths and challenges of both identification and response practices. Then attention turns to strategies for improving how transnational crime can be addressed.

#### **1. CURRENT EFFORTS IN ADDRESSING TRANSNATIONAL CRIME**

Transnational crime has been seen in police work for decades. Only recently has there been a movement towards wanting a better understanding of what transnational crime is and how it should be addressed. With the globalization of the world, comes the need to address global crime issues and efforts are currently underway to not only understand why this type of crime occurs, but how best to deal with it. The goal for this section is to present key findings learned from experts in the field of transnational crime, but not to claim that these findings are representative of the field at-large. What follows are the current strengths and challenges for identifying and responding to transnational crime as expressed by the meeting participants.

##### **1.1 Current Procedures and Strengths: Identification Practices**

For this summary report, identification of transnational crime is defined as those steps taken by law enforcement to determine that a criminal activity is transnational in nature. Transnational in nature implies that the local crime that is discovered has criminal connections outside of the United States. What follows are key findings about the current strengths (e.g., recognition of the relevance of investigating transnational crime cases and increased gathering and sharing of intelligence) in identification practices.

## **Increased Recognition of the Relevance of Transnational Crime**

Both law enforcement and Federal agency representatives agreed that local police officers' primary focus is on protecting their community. Officers are doing their job successfully if people in the community feel safe. The question is whether the usual accompaniment of long-term investigations involved in transnational crime cases lends itself to the test of success of making the community safer. Participants agreed that because officers are in the business of preventing and solving crime, and because they have an understanding of the global nature of the world, officers and administrators are now more inclined to look at the broader crime picture, and not focus on solely solving the readily identifiable or local concern. This shift in mindset, fueled by the tragedy of September 11, 2001 (9/11), is being met with a push for more intelligence gathering and sharing as discussed below.

## **Increased Gathering and Sharing of Intelligence**

Along with the shift in philosophy or willingness to look at the broader crime picture, officers realize the need for increased gathering and sharing of intelligence to help with the identification of possible transnational criminal activity. Intelligence is gathered and shared through different types of networks and mechanisms, though it was noted that some networks have higher degrees of trust than others. An example of a mechanism currently being effectively used for gathering and sharing intelligence is the work of crime analysts. Crime analysts study trends of criminal activity such as high-end vehicle thefts with no recoveries. Analysts will inquire where these cars are going, helping to make initial identifications of possible transnational crime activity. Their analytical work is then turned over to special units for follow-up and further investigation of possible transnational criminal activity. Trainers identified that after 9/11 there has been a marked increase in communication among those involved the criminal justice system. For example, in the major cities like New York City, Chicago, Miami, and Los Angeles there is good information/intelligence sharing between agencies intelligence as told by meeting participants.

With increased intelligence gathering and sharing, the indicators of what could signify a transnational crime are clearer to local law enforcement. These indicators include red flags such as: the existence of a brothel; "load houses"; forced prostitution; crimes across borders; smuggling; intersection with drugs; involuntary servitude; and money laundering. Generally, participants felt that police officers should have the capability to put together the facts of a case and figure out whether or not there could be a transnational connection. They felt that it is not necessary that police readily define a crime as transnational, but that if the police officer sees something out the ordinary (e.g., illegal immigrants and a language problem) while in the course of investigating a crime, the officer should be able to make initial considerations that the crime

could be transnational in nature.

## **1.2 Current Procedures and Strengths: Response Practices**

Once a case has been identified as transnational in nature, attention then must turn to how the transnational crime case is navigated through the criminal justice process. Thus, for this summary report, response practices are defined as procedures or practices that those in the criminal justice system employ to handle or manage a transnational crime case after an initial identification is made. What follows are key findings on current strengths (e.g., increased collaborative opportunities, and expanded measures of success) of responding to cases of transnational crime.

### **Increased Collaborative Opportunities**

Law enforcement is improving their collaboration skills with other local, Federal, and foreign entities. They are realizing that collaboration at all levels can lead to the efficient and effective use of scarce resources (e.g., staff, time, funds). In the current post-9/11 environment, there are increased opportunities for collaboration to occur which is allowing for State, local and Federal agencies to develop relationships and establish trust.

**State/local and Federal.** Participants stated that thirty years ago, State/local officials accused Federal representatives of not collaborating on cases. Moreover, participants stated that when responding to transnational crime cases, State/local law enforcement would document what they could, then pass the information along to Federal agency representatives leaving it up to the Federal authorities to decide whether or not to further investigate the case. This was the common practice of sending information "up and out." Now, they are continuously expanding this issue of working together and sharing and taking the lessons learned from thirty years ago and applying them to new areas. Growth is occurring and collaboration has gotten better over the years. Today, police officers are not just involved in conducting initial identifications and investigations. Their Federal counterparts recognize the value of State/local continued involvement in the processing of complex cases such as a transnational crime case. Federal agency representatives stated that each field office now has an intelligence group whose job it is to work with their counterparts in State/local authorities to provide feedback and follow-up on case matters. Participants agreed that individuals at the State/local and Federal levels are in the process of building relationships. Developing relationships is a long process, but great efforts are being made. As local/State law enforcement participate in more task forces, individuals will get feedback and see how transnational crime cases are being followed-up or navigated through the criminal justice system by their Federal counterparts.

**U.S. and foreign countries.** Participants expressed positive experiences with foreign countries. U.S. Federal representatives have been able to work with good intermediaries of trusted contacts through programs such as the Legal Attaché program. These representatives have found that when their foreign counterparts know you care about a case, they will care. If you show them that you care and that their work is important, they will ensure that their work is done properly. Even if there is some element of corruption in the foreign society, U.S. representatives have received excellent cooperation from various countries on a range of cases. The willingness of the foreign counterparts to take the additional steps and expend resources is necessary for successful international collaboration activities.

### **Expanded Measures of Success**

Traditional measures of criminal justice success involved the counting of arrests and convictions. The push for performance measures made those in the criminal justice system focus on the bottom line – raw numbers - to define success. Today, there is awareness that success cannot solely be defined in the counting of raw numbers. Some participants stated that law enforcement is beginning to move away from defining success only in terms of high arrest/conviction rates, and instead is moving toward notions of outcomes and well being. There is an emerging belief that a lower number of incidents and a stable number of arrests are also indicative of good policing. With this expansion in measures of success there is room for police work on complex cases such as transnational crime cases that generally involve long-term investigation periods and low numbers of arrests and convictions.

### **1.3 Current Challenges: Identification Practices**

The discussion now shifts from the current strengths to challenges faced in identification and response to transnational crime. Current identification challenges include mission disparity (i.e., proactive versus reactive focus), lack of effective communication (e.g., no clear protocols, ineffective sharing of information, technological barriers), and scarce resources (e.g., staff transfers, and time constraints). What follows are the key findings from the discussion on current challenges of identifying transnational crime.

#### **Mission Disparity: Proactive versus Reactive Focus**

Participants agreed that the role of Federal law enforcement has changed since 9/11 to a primary role of prevention, not reaction. Because Federal agency representatives now focus on prevention first, and the local law enforcement are still reactive, there is a growing disparity of focus. While Federal agencies try to conduct long-term enterprise investigations, such as identifying the flow of money and criminal leaders, State/local law enforcement are more focused on the short-term arrests. Thus, participants wanted to know how to create incentives

for law enforcement to engage in the kind of proactive police work that is necessary for transnational crime cases. Participants believed that a shift to the type of proactive policing that is necessary for transnational crime cases would have to be led by local law enforcement managers such as the police chief or others in leadership/political roles.

One law enforcement representative had this to say about incentives to engage in proactive policing necessary for transnational crime cases:

If you ask a beat officer in my jurisdiction about transnational crime, they would have no clue what you were talking about. I believe that my department is typical of most smaller police departments. If a beat officer comes across a house with fifty people living in it and there is one stabbing, the officer's concern will not be, "is this transnational crime?" Instead, the concern will be, "Who put the knife in this guy?" My main point is that local officers are most concerned with responding to the local crime. Locals are not interested in this type of prevention. We have spent years hammering away at the message to do community policing at the local level. Community policing has been a consistent focus of training for quite some time. With such a focus, we may have trained ourselves out of a transnational crime problem solving approach. There is clearly no template or protocol in terms of transnational crimes for officers to understand how to handle the complex nature of a transnational crime case. I have sat with local police chiefs and sheriffs. Terrorism is not the problem of the day to them. To them, the problem of the day is the pressure of crime on their communities, like gun crime, drug crime, and violence. Local officers just see the weeded garden, not all of the roots. Locals would say "catch the bad guy" and do not think to follow-up with investigating transnational links.

This comment illustrates the perspective of the local and State law enforcement to first consider the crime at hand instead of the origins of the crime.

### **Lack of Effective Communication**

A key challenge faced in identification of transnational crime is the lack of effective communication mechanisms. It is difficult to focus on collaboration and communication when there are no clear protocols, ineffective sharing of information, and significant technological barriers.

**No clear protocols.** Participants agreed that there is a wealth of intelligence, but that officers and Federal agency representatives are not given clear direction on who needs this information or where this information should go. A common question heard in the field is, "even if we do identify transnational crime, whom do I need to call? Who is my point of contact?" Participants agreed that there are no set guidelines on how information should be communicated to local and Federal departments.

**Ineffective sharing of information.** Intelligence is gathered at varying levels within law enforcement. State and local law enforcement find that after they share their intelligence about identification of transnational crime with their Federal counterparts, the Federal agencies tend to

be non-responsive, or keep local law enforcement out of the response loop. A common sentiment is that if a State/local department sends information to a Federal agency you will never hear back from the Federal agency, leaving the local representative to ask, “where does this information go, and what's being done with it?” Participants agreed that a lot is missed by not having State/local officers linked into the intelligence process.

A result of not including State/local officers in the sharing of information is that they will not fully appreciate the connection of criminal acts; they will not have a full understanding of the linkages that are being made between criminal occurrences. It is necessary to find a way to help State/local officers understand that the passing of information to the right people might highlight links to a larger international problem. Keeping State/local officers in the loop will give them more incentive to pay attention to indicators of transnational crime and to then pass that information along to their Federal counterparts.

**Technological barriers.** Once intelligence is gathered, the challenge becomes how to make information available to all those who will need it in order to make the necessary linkages of criminal acts to larger criminal enterprises. Participants found that the burden is on departments to put their information into a database, with hopes that the database is compatible with other department databases (which they generally are not). What commonly happens it that State/local departments have a backlog of information that need to be entered into their system, and if asked to double-key all of that information into a Federal database the sheer amount of work would be overwhelming; therefore the data is likely to not be entered into the second system. Participants agreed that information sharing between State/local and Federal representatives is lacking for numerous reasons, 1) there are inconsistent and mutually exclusive databases, 2) inferior equipment that is outdated, and 3) departments need better systems to aggregate information. Participants found that departments are gathering good information, but the information is being kept in “silos of secrecy” that many in law enforcement would willingly agree to share if it could be done in an efficient, user-friendly manner.

### **Scarce Resources**

Another identification challenge is that of scarce resources. Because departments are operating with limited resources (e.g., staff, time), Participants agreed that some departments may find it too overwhelming or taxing on their departments to devote the staff and time that is necessary to pay attention to complex transnational crime cases.

**Staff transfers.** Participants find it difficult to establish long-standing relationships with other law enforcement or agency staff because of the common practice of staff transfers. After efforts have been made to establish a rapport with another staff person, that staff person is frequently transferred out of the office, breaking down the lines of communication and trust that



were developed. Knowing that this is a common practice, participants described how some staff are not willing to invest too much time and energy into building relationships they know will not last. Thus, a challenge to the identification of transnational crime is that with high staff transfers people will not readily know whom they can contact or trust to share their information.

**Time constraints.** Participants explained that every agent does not have the time to learn what they need to know about transnational crime problems. Unless time and resources are dedicated to giving law enforcement the necessary time it takes to identify and investigate these complex cases, law enforcement will often not give transnational crime cases higher priority.

#### 1.4 Current Challenges: Response Practices

The key findings discussion concludes with the challenges faced by those who respond to cases of transnational crime. The primary challenges in responding included ineffective collaboration (e.g., political issues, lack of clear protocols, over-burdened limited resources), lack of feedback (e.g., Federal agency representatives are too busy, value of providing feedback, consequences of failing to provide feedback) and victim issues. What follows are the key findings of challenges of responding to transnational crime cases.

##### **Ineffective Collaboration**

Participants acknowledged that policy and/or legislation might require departments to share intelligence and to form task forces or working groups to handle transnational crime cases. However, even with these directives, participants found that some people will refuse to contribute to the collaboration effort in a meaningful way as a result of political issues, lack of clear protocols, and over-burdened limited resources.

**Political issues.** There are political challenges involved in belonging to a task force and/or a collaborative. The first obstacle cited by participants is departmental concerns about who will be in charge of the group. A second concern is where will the group meet or within whose department the group will reside. Participants agreed that these turf issues are representative of genuine concern within the current political climate. Participants agreed that politics or “political egos” are a reality of their work that cannot be avoided, just managed better to foster an environment where those who need to be involved in a transnational crime case will want to participate.

**Lack of clear protocols.** Participants expressed concern over a lack of clearly knowing or understanding how they should work with each other. For example, some participants stated that often they saw crimes being solved by coincidence and almost even by happenstance. Even though there may have been a task force or collaborative group in place there was not a clear

system for how the different departments within the group should or could best work together.

**Over-burdened limited resources.** Task forces and/or collaborative groups take staff out of the office for extended periods of time. Departments cannot afford to lose limited staff committed to doing the day-to-day work of policing. Thus, participants identified two primary down-sides to task forces: 1) Opportunity cost - if a person spends their time on a task force, they are precluded from work they would otherwise have done during that time; 2) Some people like working on task forces so much that they might not return to their original departments or positions. Both of these concerns will inevitably over-burden limited resources and this is a major concern for departments when considering whether or not to commit their staff to task forces or collaborative groups.

### **Lack of Feedback**

Participants agreed that there is a lack of feedback especially from Federal agency representatives to State/local law enforcement. Participants suggested explanations for this lack of feedback, discussed the value of providing feedback, and outlined the consequences for failing to provide feedback. The following are the main findings from that discussion.

**Federal agency representatives are too busy.** Participants, especially law enforcement, agreed that State and local law enforcement are not adequately kept informed on the progression of transnational crime cases once they leave the State/local jurisdiction. Participants all agreed that the follow-up and feedback of information to State/local officers should happen, but they acknowledged that the primary reason for the lack of feedback from the Federal agency representatives to the State/local law enforcement is that Federal representatives get too busy working a transnational crime case and they simply forget to follow-up with their State/local counterparts. It is not an issue of mal-intent, but more an issue of forgetting the value in taking the extra step to include State/local law enforcement.

**Value of providing feedback.** The value of providing feedback includes utilizing the skills and knowledge of State/local law enforcement in connecting criminal activities (link analysis), and the building of relationships with State/local counterparts. Involving State/local law enforcement in the response to a transnational crime case is crucial for link analysis because locals can provide needed information to help make necessary connections of varied criminal activities in complex transnational crime cases. Furthermore, continued involvement of State and local officers is beneficial for future work on transnational crime cases because bonds of trust and open lines of communications are necessary for effective collaboration on an ongoing basis. Developing these relationships takes time and much is to be gained from making sure that

all who are involved in a transnational crime case (whether it is at the early stages of identification, or at the response phase of prosecution) remain vested in that case.

**Consequences of failing to provide feedback.** Participants identified some consequences of failing to provide feedback to State/local law enforcement including: State/local law enforcement run the risk of getting “blind-sided” by the local press if they do not know what happened with a case; and State/local law enforcement can be viewed as unknowledgeable to their chiefs and the local prosecutors. Law enforcement participants believed that there are legitimate functional reasons why locals need to be kept informed. There is a sense of indignity (i.e., ego, politics) in not being informed. Law enforcement participants described hearing at the local level, "we're not going to work with the Feds because the last time we did we didn't get anything back." To promote positive collaborative environments, providing feedback to State/local law enforcement is a necessary component of Federal agency representative work.

### **Victim Issues**

Participants explained that another challenge in responding is that they are often insufficiently equipped to handle the type of victims involved in transnational crime cases. For example, officers expressed inadequate competencies in foreign languages (e.g., need for translators and language banks), foreign cultures (e.g., risk of retaliation to family members back home; victim not identifying themselves as a victim), and victim assistance (e.g., working with community organization to provide victim services). Moreover, participants expressed concern over competing interests of whether to solve the surface case quickly to bring a faster resolution of sorts for victims, or to allow cases to remain outstanding so the underlying transnational crime connections can be explored. Participants stated that it is difficult to wait and build a case when you know that by doing so you increase the chance that victims will continue to be victimized. Participants stated that there is a challenge in wanting to rescue victims as quickly as possible, but often at the expense of fully investigating and responding to a transnational crime case.

Overall, participants concluded that there is value in promoting police work in the transnational crime context, especially in light of the post-9/11 world in which we live. Participants clearly identified some strengths and challenges of the current state of identifying and responding to transnational crimes, and part two of this section suggests strategies, as identified by meeting participants, for improving the expressed challenges of responding to transnational crime. These suggested strategies are intended to spark ideas of how law enforcement can work with the challenges they face, while supporting those practices they currently are doing well. Moreover, it is our hope that these strategies for improvement will help to foster the paradigm shift of seeing value in working on transnational crime cases.

## **2. STRATEGIES FOR IMPROVING RESPONSE**

A primary conclusion of the Technical Advisory Group meeting was that while sometimes transnational crime is not of significant importance to State and local law enforcement, it ultimately should be given greater consideration. Given that transnational crime should be given greater prominence at the State and local level, it follows that State and local law enforcement need strategies for addressing some of the challenges associated with identifying and responding to transnational crime, as well as continued opportunities to build upon the strengths and relationships of practices that currently exist.

Of note was the opportunity to learn from problems of the past such as gang issues and hate crimes. Participants explained that with gang problems, there were definitional issues, communication and collaboration problems, and a need for information sharing. Hate crime emerged as a local crime problem just as transnational crime does today. The beginning of the process of addressing hate crimes looks parallel to where the field is with transnational crime. Historically, most jurisdictions did not report hate crimes as a problem and did not devote resources to it. As legislation was passed, statistics were kept, and data on hate crimes promoted training and awareness, jurisdictions became more adept at recognizing and responding to hate crimes. Participants strongly suggested taking lessons learned from past efforts to develop key strategies for improving identification of and response to transnational crime such as improving collaborative activities and addressing training needs. Each of these major strategies for improvement is discussed below.

### **2.1 Improving Collaborative Activities**

All meeting participants agreed that collaboration is one of the most important strategies for improving response to transnational crime. Individual law enforcement departments, no matter whether they are State, local, or Federal, do not tend to have the resources or jurisdiction necessary to fully address transnational crimes. As mentioned by several law enforcement representatives, Federal departments need State and local law enforcement for information and assistance, while State and local law enforcement departments need Federal departments for jurisdiction and resources. In order to address the roots of transnational crime, collaboration is the key to success.

When discussing collaboration, participants talked about the use of more formalized networks and task forces. However, they also argued that the use of informal relationships and contacts is vital to addressing transnational crime. Both formal and informal collaboration efforts are helpful in addressing transnational crime and many of the same strategies for improvement can be applied to both efforts. The most prevalent strategies discussed for

improving collaboration included involving the right people, improving communication mechanisms, and effectively using data.

### **Involving the right people**

One of the most important parts of successful collaboration, especially with formal collaboration efforts, is ensuring that all of the appropriate people are represented within the collaboration and have sufficient buy-in to the goals of the collaborative effort. In addition to general conversation about who to include in a collaborative effort, each breakout group specifically discussed the parties who should be involved. Not only did participants mention smaller collaborative efforts to address a particular crime at hand, but they also strategized about an overarching working group focused on the goal of improving all responses to transnational crime. Prosecutors, Federal agencies, crime/data analysts, community service providers, and local law enforcement all were recommended for inclusion in both smaller level crime response, as well as an overarching working group to address transnational crime.

**Prosecutors.** Prosecutors at the meeting indicated that they can offer significant contributions to a collaborative effort and can assist in the investigative process. Prosecutors, including foreign prosecution unit district attorneys, have information to share about strategies for getting the case charged with the most appropriate crime as well as contacts for finding information to help build a strong case. For example, utilizing the international legal investigator within every U.S. Attorney's office can yield more information within a quicker time frame than making cold calls to an international affairs office. Meeting participants agreed that an effective collaborative response should include the appropriate U.S. Attorney as well as State and local prosecutors.

**Federal agencies.** According to meeting participants, a number of Federal agencies are also important to a comprehensive collaborative response:

- Customs/Border Patrol
- Commerce
- INS/ICE
- IRS
- DOJ civil rights division and organized crime division
- FBI (civil rights unit, organized crime section, violent crimes unit, crimes against children, victim witness)

- Foreign county law enforcement/consulate
- ATF
- DEA

Each of these agencies can play a vital role in effectively responding to transnational crime though the appropriateness of their involvement may depend upon the crime at hand. When considering a comprehensive working group on transnational crime, as many of the agencies as possible should be included.

**Analysts.** Crime and data analysts play an important role in identifying and investigating transnational crime. An analyst will pick up indicators/red flags for transnational crime and notice patterns from which to expand the investigation (e.g. look at arrests in the area and interrogation records). According to Federal agency representatives, the FBI is currently in the process of hiring 900 more analysts who will support the field offices, which will in turn help bolster local agencies. Participants note the critical role that crime analysts can have in a collaborative effort to address transnational crime not only at level of responding to a particular crime, but also at the higher level of a comprehensive working group.

**Community.** In addition to including various players within the criminal justice arena, participants felt it was clear that collaboration with the community would be a great asset to any response to transnational crime. Within local jurisdictions, there should be networks of non-governmental organizations and community service providers that officers can tap into to get resources needed for victim services (e.g., housing, life skills, counseling), language professionals/ translators/interpreters (e.g. partner with local colleges/universities), crime analysts, and trained interrogators for both victims and criminals. Participants mentioned the following community agencies that may be a resource to law enforcement when working on transnational crime:

- Victim witness coordinators
- Health Services (STD's, forensic interviewing)
- INS (help with securing T-visas)
- Parole Boards
- Immigration attorneys – pro bono
- Human rights advocates

- Legal attaché
- Shelters
- Victim advocacy groups
- Universities/colleges
- Cultural groups
- Retired officers

It is important that law enforcement conduct pre-planning to set up these networks ahead of time, build relationships with service providers, establish protocols, and create an environment where each collaborative member knows what to expect. This pre-planning will not only avoid potentially dangerous situations (e.g., making sure the translator being used is not a trafficker), but also increase the effectiveness and efficiency of response. Collaborating with the community can help departments do more with limited resources while more effectively serving the community.

**State and local law enforcement officers.** It is important to include State and local officers at both the management and street level in any collaborative effort to respond to transnational crime. A lot of ingenious investigation and casework occurs ‘off the management radar’ through personal cellular telephones, contacts, and electronic-mail. Street officers have a lot of creativity that can be channeled to improve identification and response to transnational crime. Management and leadership can also have a large impact on cooperation and availability of local officers. It is important to get leadership buy-in and commitment to a collaborative response. Working together, prosecutors, Federal agencies, analysts, community organizations, and State/local officers would be in a position to provide ideas, learn from each other, gain skills, and effectively utilize expertise and resources to better identify and respond to transnational crime.

### **Improving Communication Mechanisms**

A key part of improving a collaborative response is not only involving the right people but also ensuring that those individuals have the tools and skills necessary to maximize the collaboration. Effective communication mechanisms such as feedback and follow-up, trust and realistic expectations, and established protocols and procedures are important to ensure success.

**Increase feedback and follow up.** A widely agreed upon strategy to improve all law enforcement collaboration efforts within and across law enforcement levels, including internationally, is to increase the amount of feedback and follow up between criminal justice professionals. Federal agency representatives, prosecutors, and trainers discussed a need to “close the loop.” Providing follow-up information and feedback is more than just a professional courtesy or feeding an ego. Both Federal and local law enforcement need to know what the other did in order to complete the picture of what happened in the case. There are professional implications including ongoing linkages to impending crimes as well as lessons learned about replicability, what worked, why it worked, and how it should be done in the future. Follow-up also helps State and local law enforcement operate within their reality of political pressure and media. While officers and agents usually do not purposely withhold feedback and follow up, the lapse breeds distrust when people do not continue lines of communication. One Federal agency representative had an idea for including a checkbox on the bottom of the investigative worksheet checklist that says “notify the original source of information on the progress/outcome of the case.” This would help institutionalize a feedback loop, especially if also done in the prosecutor’s office.

**Address trust/expectation issues.** The essence of good intelligence systems and collaboration is trust and confidence. People need to have contact, including face-to-face contact, and they need to be able to have a way to establish trust with foreign law enforcement and governments. Right now, some in law enforcement use the reality or perception of corruption as an excuse for not moving forward and doing things necessary for effective collaboration. Connections with the foreign consulate, law enforcement, or through the legal attaché can help develop trust and confidence. It is important to address low expectations not only of other countries but also of other agencies within the United States as many countries and internal agencies are focused on addressing problems and improving collaborative efforts. One prosecutor brought up the example of the DEA being surprised at how helpful and accommodating the Albanians were when working on a transnational crime case. Other participants mentioned the collaborative efforts of Georgia, Bosnia, and Europe. Sometimes it is worth taking risks as it may result in building relationships and receiving great cooperation. In the U.S., there tends to be a focus on asking a foreign country or other agency to help us without extending trust or considering how the U.S. can provide assistance. U.S. law enforcement must also be willing to collaborate and give up information to meet the interests of others within this country and abroad in order to be effective.

**Establish protocols and procedures.** A primary theme emerging from the meeting focused on the importance of establishing protocols and Memorandums of Understanding (MOUs) so varying organizations can work together. Officers not only need to know the importance of getting information to the right people but they also need to know who those right



people are. When coordinating any multi-agency response to transnational crime, it is important to establish procedures, roles, and responsibilities, preferably before a case breaks. The more formal the collaborative effort, the more extensive and formal the protocols should be. The officer on the street and all collaborative partners, including community agencies, need to know how to identify and respond to a transnational situation before the crime actually occurs.

Participants also had ideas for effectively using networks and task forces. They believed that there are effective task force models and lessons to be learned from those that failed. Some of the keys to a successful task force that were mentioned include:

- Spend sufficient time generating buy-in
- Establish clear roles, responsibilities, and MOU's ensuring no overlap
- Resolve turf issues and tensions up-front
- Address the lack of resources and have a plan to deal with this reality
- Ensure task forces and networks are representative of and linked to local law enforcement
- Focus on all appropriate cases not just the interesting ones or those attracting media attention
- Ensure networks and task forces communicate with each other and do not operate independently
- Coordinate the logistics so that everything is in place before implementing the task force or network.

It is also important to establish clear leadership and repercussions for those who will not cooperate. Without these, the participants felt that a formal task force or network may eventually break down.

It is important to note that meeting participants specifically indicated that setting up formal collaboration and task forces is not always the right answer. People are strained for time and utilizing relationships and collaborative activities that already exist may be at times more appropriate. It is important to consider the issue at hand, including the extent of the problem, the type of crimes involved, resources available, and the level at which it is necessary to address the crimes (e.g. pursuing individuals in a foreign country). Collaboration is a great opportunity to more effectively use resources, however it is imperative to anticipate challenges in order to conduct the most appropriate investigation for the crime.

## Using Data Effectively

Prosecutors, Federal agency representatives, and law enforcement focused on the need to improve technological systems for data management and sharing. They also discussed how increased use of statistics could lead to improved identification and response to transnational crime.

**Improved technological systems.** Currently information sharing between and among State, local, and Federal law enforcement is difficult due to exclusive and inconsistent databases that do not allow for effective aggregation of data or movement of data from one agency to another. There is a lot of information that exists but the question lies in how to integrate it so that it can be useful. Participants were interested in seeing clear consideration of the architecture of the problem, which has both a human element and a computer-based element. They proposed having a team, knowledgeable in information management, do a needs assessment of the law enforcement communication and technology infrastructure in order to develop a structure of a comprehensive solution utilizing the latest technology for interconnecting data management systems. This team should consider the capabilities that the solution needs to have such as screening, shuddering, lateral movement, vertical movement, linkages, and creating a flow of information. They should involve a technical advisory group to inform the solution and ensure that it falls within the statutes that currently exist for sharing information. Law enforcement, Federal agency representatives, and prosecutors all espoused the need for some creative thinking and dedication of resources to the issue.

In addition to suggesting that there be a dedication of resources to addressing this issue, participants had ideas about how a more integrated database might be helpful and provided examples of current systems that are instructive. Law enforcement mentioned the need for officers on the road to be linked to the intelligence process. When conducting a traffic check, the officer should be able to identify that the individual stopped is being sought after by other intelligence agencies so that the individual can be held for questioning. Participants also recognized the need for some decentralization of information. Given the volume of information that is involved, there needs to be a mechanism to bypass the central system and still share information between local agencies in case the central system is interrupted or breaks down. Any system should be searchable, user-friendly, secure, law abiding, and reduce paperwork. Information, including photo evidence, should be able to be digitized, while some information commonly collected could be standardized to make the database more useful. Examples of current systems that can be learned from include:

- Winforce – designed to get agents and prosecutors to work on the same platforms
- Europol – the European version of Interpol that is a structured regime for protecting information. They attach a handling code to every document that comes in and there are protocols based upon how the information is to be used. The codes can be generalized but it does provide a mechanism for some level of security
- Australia – a comprehensive information system that allows for timely reports of information that would take days in the U.S. to gather
- Cufflink – A search engine that can link up disparate databases including those that are antiquated. The engine can conduct link analysis and probabilities while not actually possessing any of the information within the servers, thereby sidestepping confidentiality issues and expense.
- VICTALK – An officer safety and intelligence mechanism that could run crosschecks of those wanted in various agencies. Data entry is dependent upon the department, which creates a resource and time issue.
- Risk-Net/SYSEC – a regional information sharing system with link analysis and reporting capability that is currently being used for law enforcement purposes
- VISA – the credit card system uses a chaotic organization that might be appropriate for handling the volume and security of law enforcement data.
- New Jersey call center – a 24/7-watch center to which a street officer can call at 2am and someone will be there with the all available intelligence.

Each of these systems has their own strengths and weakness as well as lessons learned from development and implementation. The key is finding something comprehensive and useful that will meet the needs of the law enforcement community.

**Increased use of statistics.** Law enforcement representatives recognized the value of statistics for improving identification and response to transnational crime. While they felt that a sense of outcomes and well being should ideally drive law enforcement, they recognized that when you count a new piece of information it shows interest and operational activity on a daily basis. This would communicate that transnational crime is an issue, which will allow for easier sharing of information and bringing in resources. One suggestion for generating statistics was to add to each crime report a checkbox for whether the crime involved a foreign national or whether it fit certain criteria for inclusion as transnational crime. Some thought the New York Police Department's COMPSTAT process would be a useful vehicle for generating a focus on

transnational crime and emphasizing collaboration. While law enforcement emphasized that they did not want to further move the field to counting, they recognized it as a mechanism for improving identification and response to transnational crime.

Improving the collaborative response as a whole was recognized as the primary mechanism for addressing transnational crime especially at the level of State and local law enforcement. It allows for a more efficient use of resources while simultaneously easing the load on individual staff and addressing broader issues and prevention.

## **2.2 Addressing Training Needs**

One of the keys to improving response to transnational crime for State and local law enforcement is the provision of training. While participants made it clear that training is not a 'one-size-fits-all' solution, raising awareness and increasing knowledge about appropriate identification and response was considered very important to adequately address transnational crime. This reflects a need to provide not just training on response but also education on the issue of transnational crime. Prosecutors, trainers, Federal agency representatives, researchers, and law enforcement all discussed the most effective current training practices and the need to capitalize on those practices to better serve officers who come into contact with transnational crime. They believe that it would be appropriate to integrate into the current structure of law enforcement training to best utilize available resources. Participants recognized the need to use specific tailored training methods and indicated that there needs to be training at different levels and about various subjects such as the indicators of transnational crime, dealing with victims of transnational crime, culture and language awareness, and the appropriate responses available for transnational crime cases. Each of these topics is discussed in detail below.

### **Training Methods**

Participants indicated that some education and raising of awareness about the nature of transnational crime is important, however training should be interactive and focused on helping officers identify and effectively respond to this type of crime. Primarily, law enforcement and prosecutors focused on the need for scenario-based learning. They believed that studying very concrete and realistic hypothetical cases or case studies would allow trainees to learn how each other thinks and works. Incorporating decision trees would help officers learn how to make decisions about next steps including who to involve and with whom they need to collaborate. The idea was to assist officers in learning the most appropriate actions to take to effectively problem solve in a realistic transnational crime situation where collaboration may be the key to success.

## **Levels of Training**

Both researchers and practitioners understood the need for both multi-disciplinary training and training for different levels of law enforcement. One key to maximizing the reality and effectiveness of scenario-based learning would be to ensure that victim service providers, prosecutors, attorneys, investigators, analysts, and officers all are included in the problem-solving process. This would allow stakeholders as well as criminal justice professionals to learn each other's roles and responsibilities as they walk through a case together. Multi-disciplinary training would also enable a mapping out of how realistic and effective collaboration might occur. Each stakeholder would need to address the challenges that tend to occur and find a way to most effectively respond to the situation. Hypothetically walking through a response with most of the primary stakeholders present may also help educate officers about the mechanisms that are available to them as they deal with cases other than transnational crime.

Both law enforcement representatives and trainers understood the need for training at different levels of law enforcement including both management and Federal agents. While it is important for the street level cop to have awareness of transnational crime and how to respond, it is almost more important that the police managers have a working knowledge of and buy-in to the appropriate collaboration mechanisms in place. Training a street level officer about how to respond to transnational crime will not work unless the officer is operating in an organizational culture that is focused on encouraging/rewarding collaboration and disapproving of non-collaborative operations. Additionally, management level officers need to have a working knowledge of the indicators of transnational crime, the challenges in responding, appropriate interrogation practices, the need for language skills and cultural awareness, and the appropriate non-governmental organizations that can assist in better responding to different types of crime. They need to know how to respectfully manage networks of community service providers in order to ensure ongoing cooperation so that all needs, including those of the victims, investigators and prosecutors, are consistently met. In addition to training for police managers, it was recognized that while State and local law enforcement have been trained in collaboration, Federal agencies are just beginning to get that kind of training and information on collaboration. Increased training for Federal agents on how to collaborate and the value to the effort would be useful for all law enforcement representatives.

## **Training Subjects**

The primary need for training discussed by participants tended to be in the areas of learning about transnational crime and its indicators, dealing with victims of transnational crime, culture and language awareness, and appropriately responding to transnational crime.

**Awareness and identification of transnational crime.** Law enforcement officers need a greater understanding of what transnational crime is and how it manifests itself in order to identify transnational crime as it occurs and appropriately be a part of an effective response. Federal agency representatives highlighted that the globalization of the world and its connectivity has illustrated a need for officers to understand the reality that transnational crime may manifest itself through lower priority crimes such as counterfeit baby formula instead of high profile crimes such as violence and murder. Each officer should have a basic understanding of transnational crime, its potential to occur in the local area, and what a transnational crime might look like in their area (e.g. Canadian border versus the Mexican border). For example, when an officer walks into a house of prostitution where sex workers seem afraid and do not speak English, it is important that an officer be able to know what to look for and identify what might be human trafficking versus prostitution in order to treat the crime and the victims correctly. Federal agency representatives need street level officers to gather intelligence and strategically help problem solve; however, training would help them understand what types of things to look for. An awareness of transnational crime in the local area and knowledge about its indicators will assist street level officers in playing a greater role in an effective collaborative response to transnational crime.

**Working with victims.** Researchers, trainers, and some law enforcement representatives mentioned that officers need to know how to effectively identify and work with victims of transnational crime so that victims might play a greater role in prosecution and investigation, thereby leading to criminal charges and addressing the crime at its roots. There was a recognition that street level officers tend to be the first responders and that they need to know what steps to take to alleviate fear and distrust, get victims the services needed, and help victims become allies of the investigation. For example, trafficking victims may have been told to fear the police or to fear retaliation against their family for anything revealed. Officers should understand the importance of having working relationships with the service providers in the community, learn how to gain a victim's trust, learn how to treat victims so as not to re-victimize the individual, learn about why victims of transnational crime may react differently than other victims, and learn about how to get details during investigation that may prevent future transnational crime from occurring (e.g. learn smuggling routes).

**Cultural awareness/language.** Most participants believed all officers should have training in cultural awareness, though instead of teaching language skills it may be a better use of resources to partner with local community service providers and universities. Law enforcement representatives at the meeting stated that street-level officers need to be culturally competent and understand the different customs they face in order to be effective. Training on cultural competence should be specific to the localities and ethnicities for which the officers will serve to

make it most useful. The number of languages and dialects within each ethnic culture makes training on language skills particularly difficult, if not impossible, thus language skills for interviewing victims can generally be accessed through community based organizations. While partnering with the community may be more difficult when interviewing criminals, creative thinking about how language can be provided utilizing existing resources in the community or in the law enforcement field (e.g. setting up a language services center in DOJ modeled after the FBI center) and how State and local law enforcement can tap into those resources may be a better use of time and money than training law enforcement officers on varying languages.

**Collaborative response.** One of the most important topics that participants indicated all levels of officers should be trained on is how to most effectively respond to transnational crime. Meeting participants agreed that a collaborative response is the most effective and efficient use of time and resources, however they also agreed that State and local law enforcement need to know what to do with information when they get it. There needs to be established protocols for moving information ‘up and out’ to the appropriate people with jurisdiction and resources to conduct an effective investigation. State and local level law enforcement need to know whom the information should go to, why they should share the information, and what to expect in terms of collaboration and feedback. Law enforcement representatives at the meeting emphasized the need to find a way to help local officers understand that the passing of information to the right people might highlight links to a larger international problem and effectively addressing that issue will work towards preventing local crime.

These strategies are all concrete ideas developed by meeting participants in the effort to assist State and local law enforcement in identifying and responding to transnational crime. These ideas come from those with experience and expertise in the field who are invested in the effort to improve criminal justice response while easing the burden on individual officers when responding to transnational crime.

## IV. CONCLUSION

The National Institute of Justice convened a Technical Advisory Group of researchers and practitioners to provide guidance on the development of tools and strategies to help advance the capacities of State and local law enforcement to identify and respond to transnational crime, and to help NIJ move from research data/constructs to recommendations for sound operational practice and guidelines. This Technical Advisory Group meeting summary report presented a description of the meeting, meeting participants, the methodology used to collect and analyze data, key meeting findings, and suggested strategies for improving State and local law enforcement's current response to transnational crime. At the conclusion of the meeting, realizing that the level and volume of information that were produced exceeded expectations, a simple summary of the meeting would be inadequate. To ensure a rigorous analysis of the ideas discussed at the meeting, a detailed content analysis, borrowing methods from inductive approaches, was conducted.

This TAG meeting on State and local law enforcement responses to transnational crime was unique in that it brought together experts from police departments, prosecutors, trainers, researchers and Federal agencies. This was the first time that collection of this level of field understanding was extracted from experts in a systematic method, and analyzed. The meeting achieved its goals by helping the law enforcement community to figure out where it is now, where it wants to be, and a method of how to get there using an evidence-based approach.

The key findings to emerge from our analyses included information on current efforts and strengths in addressing transnational crime. In some cases, the TAG participants were able to confirm results from earlier research, but they were also able to provide greater context and understanding of how to interpret and make use of the results. Highlighted were identification practices that are working well such as an increased recognition of the relevance of transnational crime by State and local law enforcement, and increased gathering and sharing of intelligence on transnational crime matters. Also, to emerge from the discussion was the need for increased collaboration between State/local and Federal law enforcement, and between United States and international law enforcement communities, and expanded measures of defining successful police work. It was asserted that law enforcement is moving away from defining success in terms of high arrest and conviction rates and including within the definition of successful policing practices the prevention of criminal enterprises or proactive police work.

The next pattern to emerge from the data relates to the challenges associated with identifying and responding to transnational crime practices, including: Mission disparity between



State/local and Federal law enforcement, the lack of effective communication between law enforcement at all levels (e.g., no clear protocols, ineffective sharing of information, and technological barriers), and scarce resources (e.g., staff transfers and time constraints). Response challenges included: Ineffective collaboration (e.g., political issues, lack of clear protocols and over-burdened limited resources), lack of feedback (e.g., Federal authorities are too busy, values of providing feedback and the consequences of failing to provide feedback), and victim issues.

Another main area addressed by the TAG group was suggested strategies for improving State and local law enforcement's response to transnational crime including improvement strategies centered around two main themes: improving collaborative activities, and addressing training needs. To improve collaborative activities meeting participants recommended that the law enforcement community needed to include the right people in collaborative efforts to respond to transnational crime. The suggested people to include in these collaboratives are prosecutors, Federal authorities, crime analysts, community representatives and State/local law enforcement. Another suggested way to improve collaborative activities was to improve communication mechanisms by increasing feedback and follow up, addressing trust/expectation issues, and by establishing protocols and procedures for how entities can or should all work together. The last suggestion presented on how to improve collaborative activities including using data effectively by improving technological systems and increasing the use of crime statistics to inform response approaches.

In addition to collaborative activities, a key strategy for improving identification and response to transnational crime was addressing training needs. Participants suggested that the law enforcement community should pay closer attention to training methods, levels of training, training subjects (e.g., awareness of identification of transnational crime, working with victims, cultural awareness/language, and a collaborative response), and going beyond training to include education to foster a broader understanding of the transnational crime issue.

## APPENDIX B3

### Key informant interviews

# **STATE AND LOCAL LAW ENFORCEMENT RESPONSE TO TRANSNATIONAL CRIME: KEY INFORMANT INTERVIEWS SUMMARY REPORT**

**March 2, 2005 (Revised Final)**

## **1. OVERVIEW**

Following the Technical Advisory Group meeting (see *TAG Summary Report*), the Caliber Associates research team, with the guidance of the client and the project consultant group, conducted interviews with law enforcement officers, prosecutors and experts in the field of policing to expand on conclusions reached by the TAG meeting participants. Thus, the TAG summary report was used as a guide to direct the focus and scope of the follow-up interviews.

## **2. METHODS**

Caliber used a qualitative approach to collect data through key informant interviews. Key informant interviews are qualitative, in-depth interviews of a small number of people selected for their first-hand knowledge of a topic of interest. The interviews are loosely structured, relying on a list of open-ended items to be discussed. These types of data are very useful when data collected through other methods (in this case the National Institute of Justice's national survey conduct by Abt Associates, and the TAG meeting) need to be interpreted (Creswell, 1998). Key informant interviews can provide the how and why of what happened. Moreover, this methodology is cost effective and flexible allowing researchers to explore new ideas as they emerge.

Caliber conducted most of these interviews over the telephone and supplemented the telephone interviews with a limited number of face-to-face interviews.<sup>1</sup> With this approach we did not obtain (nor did we strive to obtain) a representative sample. Instead, this type of qualitative approach targets just a small number of information rich cases from which we can obtain depth and detail (and is thus often seen as complementary to survey research, which offers breadth but not depth, although this methodology can stand alone). The key informant

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<sup>1</sup> The researchers conducted both telephone interviews with law enforcement personnel who were located either outside of the Washington, D.C. area, or who were not available for face-to-face interviews. The in-person interviews were conducted with federal agency representatives located in Washington, D.C. who were asked similar questions as asked in the telephone interview guide, but they were also asked additional questions because of their unique perspective on the topic. Comparisons were made between the phone interview cases and the face-to-face interview cases and no discernable patterns emerged.

interviews were meant to complement the earlier NIJ/Abt survey component of the study. Additionally, in this report we use percentages to summarize some of our findings and serve as an organizing tool. These percentages should not be interpreted to mean that some proportion of a probability-based sample would answer our interview questions in some specified manner. Our use of percentages is done for the practical purpose of identifying patterns within our self-selected sample in a user-friendly manner for the reader.

Data were coded based on processes borrowed from inductive analyses. Using this methodology, primary patterns and themes in the data are allowed to emerge from the data rather than being imposed on them (Miles & Huberman, 1994; Patton, 1990). There are three components to our analytic approach: data reduction, display, and conclusion drawing/verification. Data reduction involves the selection and condensation of data in accordance with the study's main aims and questions, and involves theme finding, clustering, data summaries and coding. We describe the findings by summarizing each issue, concept or set of ideas provided by the interviewees. Data display is the reproduction of cleaned data in compressed and organized form allowing cross-referencing and constant comparative analysis (Glaser & Strauss, 1967). Conclusion drawing and verification is the final stage of the process, in which data are analyzed for their thematic properties, patterns and comparisons (Glaser & Strauss 1967). It is from this final stage that interpretations and meanings are drawn. Once each section had been coded, the data were examined as a whole for summary points. The characteristics of the organizations connected to each study participant were also used as a way to further explore the data for interesting differences.

The Caliber research team drew on several resources to develop and operationalize the interview protocol. First, we began by reviewing the professional literature on identifying and responding to transnational crime. Examining the literature is an important step for selecting items (Jaeger, 1984). In addition to the prior NIJ/Abt survey (Shively, Hunt, Kuck and Kellis, 2003), only a few relevant prior studies and literature reviews appear to exist in this area (Schlegel, 2000; Minogue, 2001; National Research Council, 1999). Next, we solicited input from experts in the field during our TAG meeting and conversations with other experts. Finally, we pilot tested a set of questions to assess their feasibility, relevance and ease of administration. Attached are copies of our interview protocols.

### **3. KEY INFORMANTS**

In order to get more of the state and local law enforcement officer's perspective on the transnational crime issue, efforts were made to interview front-line and supervisory law enforcement officers, prosecutors and experts in the field of policing not represented at the TAG

meeting. Also, efforts were made to conduct interviews in jurisdictions not represented at the TAG meeting.

### **3.1 Sample**

Using the TAG participants as a springboard, a snowball sampling technique was employed. Telephone interviews were conducted with 21 respondents. Almost all of the respondents have been in law enforcement for over twelve years, with a fairly even distribution of experience in their current positions (current job experience ranged from 1 month to 12 years). Also, there was a fairly even distribution of respondents representing police departments in different levels of government: city (35%), county (25%), municipality (5%), state (25%), and federal (10%). Most of these departments are located in urban areas.

There was also diversity in positions held by the respondents: trainer (20%), task force member (5%), line officer (5%), supervising officer (50%), and federal officer (10%). Some respondents reported that they did not fall within one of these set position types, and instead described their positions as being an acting supervisor in charge of a criminal intelligence unit; detective; in the anti-terrorism unit that consists of crime analysts and investigators; international case coordinator providing assistance to investigators and prosecutors in regional offices; or respondents held multiple positions. The respondents described significant experience working on the frontlines, thus were relevant for this follow-up study.

Additionally, two group face-to-face interviews were conducted with law enforcement policing experts and with federal prosecutors. Each group consisted of three people and these findings are incorporated throughout this report and highlighted when relevant. Thus, insight into the role of state and local law enforcement's role in transnational crime identification and response is gained from interviews with a total of 27 experts representing various levels of experience and regions of the United States (we actually contacted a total of 30 law enforcement experts and 27 completed interviews for a response rate of 90%).

### **3.2 Knowledge and Experience**

Respondents were asked questions about their knowledge and experience with eight common transnational crimes. These crimes included automobile theft, computer crime, drug

trafficking, human trafficking, money laundering, terrorism, trafficking in art/animals/products, and trafficking in weapons. Overall, respondents reported having the most knowledge and experience with automobile theft and drug trafficking transnational crime cases, and the least knowledge and experience with computer crime and trafficking in art/animals/products cases.

In addition to these common transnational crimes, respondents also reported having moderate to a lot of knowledge and experience in document fraud, illegal documents, illegitimate passports, trafficking in stolen jewelry, child sex tourism, and kidnapping. Involvement with these crimes are through respondents' work on multi-jurisdictional task forces, their involvement in the community, assignments to special units, working with their federal and/or international counterparts, and networking opportunities at training events.

When separated by region, respondents from the North East reported having most experience with drug trafficking and terrorism cases. Respondents from the Mid-West were most experienced with terrorism cases. Southern respondents were most experienced with automobile theft, drug trafficking, and money laundering. Respondents representing the West reported having most experience with crimes involving human trafficking and drug trafficking. We offer this breakdown not to say that one particular type of transnational crime is more prevalent in a specific region, but rather to begin discussion around the type of cases our respondents have worked in their respective regions.

#### **4. IDENTIFICATION PRACTICES**

Respondents agreed that the push is for intelligence-led policing. Officers are trying to become more proactive in identifying transnational crime cases by engaging in crime or link analysis, by sharing information with federal/local counterparts, and from participating on joint task forces. Additionally, respondents reported learning that a case was transnational in nature from people such as informants, victims, crime analysts, legal attaches, consulates, and liaisons in foreign countries, and from events such as vehicle stops, surveillance, and media attention to certain issues such as human trafficking.

Half of the respondents said that they could identify a case as transnational in nature almost immediately from the red flags that signify a common transnational crime case, while the other half reported that the length of the identification period largely depends on the case. For example, one respondent said, “[you] don’t know where a case will lead you sometimes. It may start off as one thing and end up transnational in nature.”

When asked what the primary barriers are to identifying transnational crime cases in their jurisdiction, respondents reported difficulty with communication between state/local and federal agencies, and that there was ineffective communication among state and local agencies. More than half of the respondents reported that sharing of information was not systematic or policy driven. They believe these barriers exist because of turf issues, varying priorities, lack of adequate training on all levels, and that some officers are resistant to change. It was further interesting to note that some respondents in the group interviews found task forces to not be the ideal way to share information between state/local and federal entities. They believed that task forces still leave state/local officers out of the information loop, and more importantly drain limited state/local resources. However, other group respondents felt that multi-jurisdictional task forces were the best way to share information with all relevant parties in a transnational crime case.

To overcome these barriers, respondents reported that law enforcement officers at all levels need more training on what transnational crime is, using and improving data/recording systems, and increasing communication between state/local and federal law enforcement officers. Respondents from one of the group interviews suggested that state law enforcement could serve as the intermediary between local law enforcement and federal law enforcement. In their opinion federal law enforcement has more respect for state law enforcement and are more apt to share information with state officials; they believe that federal officers view state law enforcement as being more professional than local law enforcement. Furthermore, respondents believed that local law enforcement was more apt to take guidance and direction from state law enforcement rather than from federal law enforcement. Thus, a suggested way to remedy the lack or ineffective sharing of information between the state/local and federal level is to have the federal and state level work very closely together, then have the state work very closely with the local level.

## **5. RESPONSE PRACTICES**

When respondents were asked how they generally respond to transnational crime cases, the responses most often cited were working within a network of state, local and federal representation, and working within a network of United States and international agencies. One group respondent mentioned the difficulties that arise when state/local law enforcement work with international law enforcement agencies: (1) often foreign law enforcement does not understand the organization of the United States law enforcement (e.g., the federal system); if approached by a state police department on a matter, foreign law enforcement is often likely to conclude that the state police speak for the United States on a particular matter, (2) local law enforcement agencies can inadvertently impede ongoing investigations involving federal

agencies, (3) U.S. embassies and ambassadors are charged with coordinating all U.S. activities – including law enforcement – in their respective countries; often local law enforcement entities fail to notify the embassies about cases they are working on which causes much confusion and then results in case impairment. Only a few respondents reported responding to transnational crime cases like any other case, just utilizing the resources found within their own jurisdictions, or immediately handing the case off to federal agencies. Thus, task forces seem to use institutionalized responses to how law enforcement responds to transnational crime cases.

The greatest barriers to responding to transnational crime cases seem to be the lack of adequate resources such as manpower, funding and crime analysts; lack of expertise/training, this is mainly the type of general information officers need to know about transnational cases; political agendas involving differing priorities and expectations of each other's role; and information sharing primarily between state/local and federal entities. To overcome these barriers, respondents suggested that law enforcement officials consider additional training opportunities, and additional resources. For example, a respondent from a group interview suggested showing videos during roll call. These roll-call videos would not be training videos per se, but rather the imparting of information officers need to raise their consciousness or alert them to a particular crime category.

## **6. EDUCATION AND TRAINING**

To gain a deeper understanding of the level of knowledge and experience police officers have working transnational crime cases, respondents were asked about the type of education and training they received. Moreover, they were asked about the level of preparedness for both patrol/line officers and supervisor/manager/chief officers in dealing with transnational crime cases in their jurisdictions.

Respondents were asked to rate the level of preparedness of patrol/line officers and supervisors in handling transnational crime cases using a scale of unprepared, somewhat unprepared, somewhat prepared, prepared, and very prepared. Thirty-seven percent of the respondents reported that patrol/line officers were, at best, somewhat prepared to handle transnational crime cases, while 50 percent thought supervisors were somewhat prepared, and 17 percent thought supervisors were prepared to handle transnational crime cases. To help these officers get prepared, respondents suggested that patrol/line officers needed the necessary information to work a case, to rely on a checklist of common features of transnational crime cases, innovative investigative techniques, and information on security laws.



Patrol/line officers need information from federal and international counterparts on aspects of cases that show up as low-level street crimes in their jurisdictions. With this information, local officers would be better equipped to make connections between cases that might signify their transnational nature. This form of link analysis is what is needed at the state/local level. Additionally, patrol/line officers would greatly benefit from standard protocols on transnational crime so that they could familiarize themselves with checklists or red flags and have a better idea of what to be suspicious of, or what questions to ask in specific situations. Also, technological advances in policing should be on the forefront of database management systems that could be utilized to share information among local, state, federal and international crime fighting entities. Crime analysts would also use these technological advances to conduct link analysis and make the necessary connections between cases. The following is a list of suggested ways respondents thought law enforcement could improve identification and response to transnational crime cases.

- Increase opportunities for networking and cross-training
- Increase awareness in the field on the transnational crime issue
- Emphasize information sharing
- Establish points of contact in different offices
- Increase language capacity among officers
- Promote intelligence-led policing with the help of crime analysts (link analysis)
- Develop standard protocols/procedures
- Give departments additional resources so they can do more
- Shift philosophies to a more global approach to law enforcement
- Recognize the need for state/local enforcement's involvement in these type of cases

These are the recommendations respondents made for ways to improve policing in an era where transnational crime cases will touch local, state, federal and international communities.

## **7. CONCLUSION**

Overall, respondents felt that state and local law enforcement officers are aware of transnational crime on some level; they have an idea regarding what it is all about. How much involvement and experience they have with these cases seems to depend largely on the police department's geographical location (urban vs. rural, border vs. inland), and their level of involvement with federal and international counterparts. Each respondent expressed the sentiment that the majority of state and local law enforcement officers are genuinely concerned about fighting transnational crime by working with officers at the state, local, federal and international level. Local law enforcement is especially committed to working on transnational crime cases when they have significant, consistent involvement in investigation of the case. As we move into the 21<sup>st</sup> century with the effects of globalization constantly becoming more and more realized, intelligence-led policing and collaborative policing will be vital to the success of crime fighting whether its on a local street or between nations.

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## APPENDIX

### INTERVIEW PROTOCOL

#### STATE AND LOCAL LAW ENFORCEMENT RESPONSE TO TRANSNATIONAL CRIME INTERVIEW GUIDE FOR TARGETED INTERVIEWS WITH LAW ENFORCEMENT

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##### INTRODUCTORY SCRIPT:

Hello, my name is <interviewer's name> with Caliber Associates. I am currently working on a project sponsored by the U.S. Department of Justice to help improve State and local law enforcement's response to transnational crime. As part of the project, we are conducting interviews with law enforcement that work with transnational crime, to obtain information about identification and response practices in their department. Feedback from you and other law enforcement practitioners is extremely important. Your participation is completely voluntary, and your answers will be kept confidential.

##### SCREENING QUESTIONS:

Have you had experience (worked on a case, working knowledge) with transnational crime?

<If yes>

This interview will last approximately 1-hour. Would you be interested in participating in this phone interview? [FAX/E-MAIL PROTOCOL and PROJECT INFORMATION SHEET TO RESPONDENT] If now is not a good time for the interview, when can I call you back? Do you have any questions?

<If no>

Do you know of other law enforcement practitioners that have experience working with transnational crime that we could contact for this interview?

---

**Scroll to next page for start of protocol. You will only need to fax/e-mail pages 2 – 10 to the respondent.**

## STATE AND LOCAL LAW ENFORCEMENT RESPONSE TO TRANSNATIONAL CRIME INTERVIEW GUIDE FOR TARGETED INTERVIEWS WITH LAW ENFORCEMENT

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Transnational crime is not an exact crime term readily used by most law enforcement personnel who work at the State and local level. Moreover, most transnational crime goes undetected at the State or local level because it may be difficult to detect or connect State/local crime occurrences to crime occurring outside of the United States. For this study we are interested in learning more about the major types of crime that occur in your area, particularly those associated with international terrorism, various forms of illicit trafficking (e.g., humans, drugs, stolen goods, endangered species), and computer based crimes (e.g., transfer of stolen intellectual property, money laundering), where the inception, prevention and/or direct effect or indirect effects involve more than one country. It is this type of crime that we refer to as transnational crime.

### **Background**

1. How many years have you been in law enforcement? [Use the following as probes and only check mark one response.]  

<input type="checkbox"/> 0 – 2	<input type="checkbox"/> 9 – 11
<input type="checkbox"/> 3 – 5	<input type="checkbox"/> 12 or more
<input type="checkbox"/> 6 - 8	
  
2. How many years have you been in your current position? [Use the following as probes and only check mark one response.]  

<input type="checkbox"/> 0 – 2	<input type="checkbox"/> 9 – 11
<input type="checkbox"/> 3 – 5	<input type="checkbox"/> 12 or more
<input type="checkbox"/> 6 - 8	
  
3. What level of government is your department in? [Checkmark only one response.]  

<input type="checkbox"/> Local
<input type="checkbox"/> City
<input type="checkbox"/> County
<input type="checkbox"/> Municipality
<input type="checkbox"/> Township
<input type="checkbox"/> State
<input type="checkbox"/> Federal
  
4. What type of jurisdiction does your Department fall under? [Checkmark only one response.]

- Rural
- Urban

- Suburban
- Tribal

5. Please describe your current title, position and primary roles. [Probe:  Trainer,  Task manager,  Line officer,  Supervising officer,  Federal officer,  prosecutor,  Crime analyst. Check mark only one response]

6. On a scale from 1 to 5 with 1 = no resources, 2 = little resources, 3 = moderate resources, 4 = resources, and 5 = a lot of resources, please rate the overall level of resources (i.e., funding, staff, time) devoted by your department to combating transnational crime: [Circle only one number.]

1	2	3	4	5
No Resources	Little Resources	Moderate Resources	Resources	A lot of Resources

7. Next, I am going to read to you a list of transnational crime types. Please rate the extent of your knowledge of that kind of crime type in the transnational crime context, and your level of experience working with that crime type in the transnational crime context. The rating scale for this question is a scale from 1 to 5 with, 1 = no contact, 2 = little contact, 3 = moderate contact, 4 = contact, and 5 = a lot of contact. [Circle only one number for knowledge, and only one number for experience for each crime type. Add additional rows if necessary.]

<b>Transnational Crime Type</b>	<b>Level of Knowledge</b>	<b>Level of Experience</b>
a. Auto theft	1 2 3 4 5	1 2 3 4 5
b. Computer crime	1 2 3 4 5	1 2 3 4 5
c. Drug trafficking	1 2 3 4 5	1 2 3 4 5
d. Human trafficking	1 2 3 4 5	1 2 3 4 5
e. Money laundering	1 2 3 4 5	1 2 3 4 5
f. Terrorism	1 2 3 4 5	1 2 3 4 5
g. Trafficking in art, animals, products	1 2 3 4 5	1 2 3 4 5
h. Trafficking in weapons	1 2 3 4 5	1 2 3 4 5
i. Other: (specify)	1 2 3 4 5	1 2 3 4 5
j. Other: (specify)	1 2 3 4 5	1 2 3 4 5

8. In question #7 above, you rated the following transnational crime types <insert crime types in cells below> with a 4 or 5 for knowledge, and the following transnational crime types <insert crime types in the cells below> with a 4 or 5 for experience. Please comment on the nature of your knowledge and/or experience for each transnational crime type. [Probe: pay attention to how information was shared at the local, State, Federal and international levels; ask about any data/recording management systems.]

<b>Knowledge 4/5:</b>	<b>Comments:</b>

<b>Experience 4/5:</b>	<b>Comments:</b>

**Identification Practices**

- 9. Now, looking back at past cases of transnational crime that you either worked on and/or had knowledge about, how did your department learn about these transnational crimes? How did they learn that what they were seeing at the State/local level had international connections? How do you learn about the crimes international connections? [Probe:  checklist of red flags,  review of past cases,  task forces,  Federal counterparts – You can checkmark any of these probes if they are mentioned by the respondent, but also ask for any others and additional detail.]
  
- 10. How were these cases identified as “transnational” in your department? How are cases initially labeled before you realize they are transnational crime cases?



11. How long does it generally take for you to realize a case is transnational in nature?
12. What are some of the biggest barriers to **identifying** transnational crime in your jurisdiction? What are the impediments to more effective gathering and sharing of information about foreign connections with State/local agencies? [Probe:  Case is too complex;  not easily detected;  inadequate case records;  ineffective communication/sharing of information among State and local agencies;  ineffective communication/sharing of information between State/local and Federal agencies;  transnational crime is not a primary concern in my area;  sharing of information is not systematic and policy driven. – You can checkmark any of these probes if they are mentioned by the respondent, but also ask for some general explanations.]
13. Why do you think these barriers exist?
14. What changes would help you better identify transnational crime in your jurisdiction? [Probe:  mandates/directives from top officials making transnational crime a priority;  increased/improved communication and sharing of information between agencies at the State/local level;  increased/improved communication and sharing of information between State/local and Federal agencies;  increased/improved training on what is transnational crime;  improved data/recording systems – You can checkmark any of these probes if they are mentioned by the respondent, but also ask for some general explanations.]

**Response Practices**

15. Referring back to your answers for question #7, you identified having the most **knowledge and experience** with <insert crime types in each cell> transnational crime types. For each transnational crime type that you identified, would you please describe how your department generally responds to that type of transnational crime? To help you with your answers, I am going to read to you a list of possible responses [check mark all responses that apply] but please feel free to give additional responses/explanations.

Crime Type	General Response:
	<ul style="list-style-type: none"> <li><input type="checkbox"/> Respond to transnational crime case like any other case, nothing is different</li> <li><input type="checkbox"/> Work within a coordinated network of State and local law enforcement set up to handle these cases</li> <li><input type="checkbox"/> Work within a coordinated network (task force, units) of State/local and Federal law enforcement set up to handle these cases</li> <li><input type="checkbox"/> Work within a coordinated network of U.S. and International agencies (Interpol, consulates, embassies, State Departments)</li> <li><input type="checkbox"/> Immediately hand-off to Federal and/or international agencies</li> <li><input type="checkbox"/> Check a data management system to learn more about the case</li> <li><input type="checkbox"/> Respond in an ad hoc fashion</li> <li><input type="checkbox"/> Other: <i>Specify and describe</i></li> </ul>
	<ul style="list-style-type: none"> <li><input type="checkbox"/> Respond to transnational crime case like any other case, nothing is different</li> <li><input type="checkbox"/> Work within a coordinated network of State and local law enforcement set up to handle these cases</li> <li><input type="checkbox"/> Work within a coordinated network (task force, units) of State/local and Federal law enforcement set up to handle these cases</li> <li><input type="checkbox"/> Work within a coordinated network of U.S. and International agencies (Interpol, consulates, embassies, State Departments)</li> <li><input type="checkbox"/> Immediately hand-off to Federal and/or international agencies</li> <li><input type="checkbox"/> Respond in an ad hoc fashion</li> <li><input type="checkbox"/> Other: <i>Specify and describe</i></li> </ul>

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**16.** What would you identify as the greatest barriers/challenges to responding to transnational crime in your department (systemic or internal problems) and/or jurisdiction (external problems)? [Probe:  collection and management of intelligence;  information sharing;  political agendas;  complexity of cases;  lack of adequate resources (i.e., staff, time to investigate case thoroughly);  inadequate preparation to handle these cases;  lack of/ineffective training (expertise) - You can checkmark any of these probes if they are mentioned by the respondent, but also ask for others and explanations.]

17. What do you think would help you to overcome these challenges/barriers?  
 [Probe:  
 additional training;  additional resources (i.e., staff, time);   
 increased/improved management information systems;  increased/improved  
 communication and information sharing at State/local level;   
 increased/improved communication and information sharing between  
 State/local and Federal level;  establishment of special units and/or task  
 forces;  political support or policy driven directives (Who should be on this  
 task force?) - You can checkmark any of these probes if they are mentioned  
 by the respondent, but also ask for others and explanations.]

**Education and Training**

18. On a scale from 1 to 5, with 1 = unprepared, 2 = somewhat unprepared, 3 = somewhat prepared, 4 = prepared, and 5 = very prepared, how would you rate the level of preparedness of a State and/or local patrol/line officer when it comes to investigating a crime that might be transnational in nature?

1	2	3	4	
5				
Unprepared prepared	Somewhat Unprepared	Somewhat Prepared	Prepared	Very

If respondent answers with a 1 – 3, ask: What things do patrol/line officers need to be more prepared?

If respondent answers with a 4 – 5, ask: What things are patrol/line officers given that makes then this prepared?

19. On a scale from 1 to 5, with 1 = unprepared, 2 = somewhat unprepared, 3 = somewhat prepared, 4 = prepared, and 5 = very prepared, how would you rate the level of preparedness of a State and/or local police manager/supervisor/chief when it comes to directing the investigation of a crime that might be transnational in nature?

1	2	3	4	
5				
Unprepared	Somewhat Prepared Unprepared	Somewhat Prepared	Prepared	Very

If respondent answers with a 1 – 3, ask: What things do police managers/supervisors/chiefs need to be more prepared?

If respondent answers with a 4 – 5, ask: What things are police manager/supervisors/chiefs given that makes them this prepared?

20. Next, I am going to read to you a list of the types of education and training you may have received to help you better identify and respond to transnational crime. Please answer “yes” or “no” to whether or not you have received a type of education or training.

Types of Education/Training:	Received (Yes/No)
Information on the various types of transnational crime that can occur	<input type="checkbox"/> Yes <input type="checkbox"/> No
Common features of transnational crime	<input type="checkbox"/> Yes <input type="checkbox"/> No
Agency priorities on combating transnational crime	<input type="checkbox"/> Yes <input type="checkbox"/> No
Effective collaboration techniques	<input type="checkbox"/> Yes <input type="checkbox"/> No
Innovative investigative techniques	<input type="checkbox"/> Yes <input type="checkbox"/> No
Statistics on the extent of transnational crime in the area	<input type="checkbox"/> Yes <input type="checkbox"/> No
Information security laws	<input type="checkbox"/> Yes <input type="checkbox"/> No

If respondent answers “yes” ask: What were the most important things you learned at these training events? How have you been able to use what you have learned at these training events in the work that you do?

If respondent answers “no” ask: Do you think any of these training events would have been helpful to attend?

21. What additional education and/or training would you need to help you better identify and respond to transnational crime?

## APPENDIX B4

### Two case scenario analyses



## **CASE STUDY #1**

### **ISSUE #1: WHAT WERE THE FACTS OF THE LACKAWANNA CASE?**

The defendants in this case were all United States citizens, between the ages of twenty-two and thirty years old. Five of the six defendants were born and raised in a Yemeni community in the city of Lackawanna, New York where they attended public schools, captained soccer teams, and had wives and children. Lackawanna is home to 3,000 Muslim-Americans whose families come from the small country of Yemen, on the Arabian Peninsula. Lackawanna, a decaying steel town by the shore of Lake Erie, is located outside of the city of Buffalo. Bethlehem Steel employed thousands of Yemenis who journeyed to Lackawanna in search of work in the steel mills. The mills closed in the 1980s leaving most residents to work multiple jobs to support themselves and their families.

In early 2001, Juma Al Dosari and Kamal Derwish, veterans of the war in Bosnia and alleged recruiters for Al Qaeda, visited Lackawanna. Derwish spoke at the Lackawanna mosque and his militant tone troubled residents in this community. However, seven friends – Yahya Goba, Shafal Mosed, Yasein Taher, Faysal Galab, Mukhtar al-Bakri, and Sahim Alwan – were drawn to these two men who told them they needed jihad training, to prepare for holy war, if they wanted to save their souls.

In April and May 2001, the defendants, convinced of their obligation as Muslims, traveled to Pakistan to train in the religious schools there. But, instead of staying in Pakistan, the defendants went to a fundamentalist guesthouse, and then to a training camp for beginning jihadists in Afghanistan (known as the, now-destroyed, Al Farooq terrorist training camp). The defendants admitted later to undergoing training and using a number of weapons, including assault rifles and rocket-propelled grenades, plastic explosives, Molotov cocktails and land mines. None of the defendants mentioned the trip to Afghanistan until Mukhtar al-Bakri was apprehended by Bahraini police and questioned by FBI agents in Bahrain on Sept. 11, 2002. During a subsequent interrogation, al-Bakri admitted he trained in the use of weapons and explosives at an Al Qaeda camp. His confession paved the way for the FBI to bring charges against the Lackawanna men.

Al-Bakri came under increased surveillance after the United States government reviewed and analyzed an e-mail he sent while traveling in Saudi Arabia months before his arrest. The e-mail referred to an upcoming "big meal" that authorities interpreted as a code for an impending terrorist attack. Al-Bakri told the FBI he had overheard a conversation about an attack but did not know any of the details. He said he had used a code because he was afraid his e-mail was being monitored.

In June 2001, while the Lackawanna group was still in Afghanistan, the FBI's Buffalo field office received an anonymous, handwritten letter from someone in Lackawanna. The letter said that a group of Yemeni men traveled to "meet bin Laden and stay in his camp for training." The author also wrote, "I cannot give you my name because I fear for my life." The letter named the defendants and stated that the men flew to Pakistan, then traveled by car to Afghanistan where they met with Osama bin Laden, were shown videos justifying suicide attacks, and were trained to fire rifles, hand-guns, rocket-propelled grenade launches, and were trained in military tactics. An investigation by law enforcement ensued. That same month, an FBI agent interviewed one of the defendants (Sahim Alwan) in the United States. The defendant insisted that he did not receive terrorist training and privately advised his friends to not give any information to United States authorities. By the end of June 2001, four of the Lackawanna men returned to the United States while Yahya Goba and Mukhtar al-Bakri finished their training and traveled in the Middle East before returning to Lackawanna in August. For more than one year, and during the aftermath of the September 11, 2001 terrorist attacks, defendants lied about training with a terrorist organization. Although they remained suspicious of the Lackawanna group's cover story, the Buffalo FBI office lacked any substantial evidence of a planned terrorist attack and therefore did not have sufficient probable cause to detain the group.

After September 11, 2001, the Buffalo FBI office began to investigate allegations that the Lackawanna suspects were involved in criminal activity. But for the next year, the case progressed slowly. In the fall of 2001, Juma Al Dosari, one of the Al Qaeda recruiters who visited Lackawanna in early 2001, was captured while fighting with the Taliban in Afghanistan. He was declared an enemy combatant and in December 2001, he was sent to the special prison camp at the United States Naval Base on Guantanamo Bay, Cuba for questioning. His interrogation confirmed that the Lackawanna suspects were the targets of an Al Qaeda recruitment operation. In light of this new information, Federal officials began to fear that the Lackawanna group was indeed a sleeper terrorist cell waiting for instructions to strike. Interestingly, the other recruiter, Kamal Derwish was killed when a United States Predator drone fired a missile at a car in Yemen in November 2002.

During the course of this investigation, about twelve FBI agents were assigned to the Lackawanna case and the Buffalo field office was required to submit two daily briefings to FBI headquarters. The briefings were sent to the FBI Director and often relayed to the White House in the president's daily threat briefings. According to Homeland Security Secretary, the Lackawanna case was a daily item on the president's briefing agenda.

A special FBI counterterrorism team was sent to Buffalo, along with reinforcements from around the country. The FBI was granted dozens of wiretaps to conduct round-the-clock

surveillance. In an electronic intercept, investigators overheard what they described as "assessment calls" between Al Qaeda and some of the Lackawanna suspects. Officials feared that Al Qaeda might be activating the recruits. However, despite the round-the-clock surveillance, there was no clear evidence that the Lackawanna group was engaged in any terrorist plot.

Around July 4, 2002 terror warnings were issued throughout the United States and the Lackawanna police were given vague information that men disguised as Arab women might set off a suicide bomb. Even though a suicide bombing never occurred, the CIA Director warned White House officials that the agency's analysts firmly believed that the Lackawanna men were a dangerous terrorist group in the United States. With strong intelligence, but not enough evidence of a crime to arrest the men, there were increasing concerns about how to resolve the case and the Justice Department engaged in secret discussions with the Pentagon about whether to classify the Lackawanna men as enemy combatants.

At the request of the CIA, on September 11, 2002, Bahraini police detained al-Bakri on his wedding night. An FBI agent of Arab ancestry was dispatched to interrogate al-Bakri and persuaded him to confess to having traveled to the Al Farooq terrorist camp. Al-Bakri confessed to attending the camp and he gave the FBI names of the remaining Lackawanna men who also attended the camp. Based on this information FBI agents back in the United States arrested Sahim Alwan, Faysal Galab, Yahya Goba, Shafal Mosed and Yasein Taher. Upon their arrest, the men were dubbed the "Lackawanna Six " by the media. The defendants were charged with providing material support to terrorist groups. Facing additional charges and a potential 30 years in prison, the Lackawanna men plead guilty to material support to terrorism. All six men cooperated with the government and each was sentenced to between 7 and 10 years in prison in December 2003. As a result of the original anonymous letter that started this investigation, law enforcement continues to pursue a variety of terrorism-related and other criminal cases in Lackawanna.

## **ISSUE 2: WHAT WAS LAW ENFORCEMENT'S RESPONSE STRATEGY IN THIS CASE?**

Law enforcement's mission in this case was to arrest and convict these six defendants for involvement in terrorist activity. Law enforcement could not simply arrest the defendants on immigration charges and deport them back to their home country. Because defendants were all United States citizens law enforcement had to treat them like a criminal enterprise and a large-scale investigation ensued.

Law enforcement banded together to form a Joint Terrorism Task Force (JTTF) in Buffalo to investigate and pursue the conviction of these defendants. Local law enforcement did

not become involved in this case until the JTTF was formed and that was not until several months after the case began in June 2001. However, once local law enforcement was included in the task force their participation was vital to the success of this case. Local law enforcement brought with them not just expertise in working criminal enterprise-type cases (e.g., drug cases), but they brought crucial contacts that the joint task force needed in order to fully investigate this case. Federal law enforcement acknowledged the input and role of local law enforcement in this case and this joint task force can be viewed as a best practice for how joint task forces should operate.

The JTTF's strategy in this case was to use the "weakest link" plan whereby they would persuade one defendant (the weakest link), with the promise of immunity, to provide testimony substantiating that the defendants attended the terrorist training camp in Afghanistan. This type of evidence was what law enforcement needed to bring a strong material support case against the defendants.

After the task force learned that the men did meet with a member of Al Qaeda, the task force swung into action with federal prosecutors leading the criminal side of the case, FBI agents managing intelligence leads, IRS agents laboring over tax records, and immigration agents leading round-the-clock surveillance of several suspects. The task force sent briefings on the case to FBI headquarters two times a day. On August 13, 2002 FBI officials met with the director of the FBI to brief him on the investigation.

The legal attaché in Bahrain secured a confession and FBI agents in the United States corroborated that confession with information provided by an informant in this case. Armed with these two testimonies, law enforcement was able to accomplish their mission of bringing a material support charge that would likely end in a conviction. According to the FBI, the success of this case is in whom these defendants led United States investigators to overseas. The U. S. was able to apprehend card-carrying members of Al Qaeda.

An interesting issue with this case is the following. What if the anonymous letter had been sent to a local police chief instead of the federal investigators? Would local law enforcement have begun investigating the claims and brought the case to the attention of the FBI when they needed assistance? Would local law enforcement have tabled the letter as outside the scope of their law enforcement duties?

### **ISSUE 3: WHAT LEGISLATION SUPPORTED LAW ENFORCEMENT EFFORTS IN THIS CASE?**

The Patriot Act allowed United States officials to more easily share information. Signed by President Bush on Oct. 26, 2001, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, or USA Patriot Act, changed how the federal government gathers intelligence. One of the most significant changes allows Foreign Intelligence Surveillance Act (FISA) warrants to be issued if "a significant" purpose for obtaining the warrant is intelligence gathering. This lowers the threshold set by FISA in 1978 that stipulated such warrants be issued only if "the" purpose was gathering intelligence. The Patriot Act breaks down the "wall," created by FISA in 1978, that separated criminal and intelligence investigations by allowing the sharing of information between law enforcement (i.e. police, prosecutors, etc.) and intelligence agencies. Under the Patriot Act and the U.S. Attorney General's new guidelines, FISA data obtained from wiretaps, trap and trace devices, pen registers, e-mail, secret grand jury information and other information in criminal cases can now be turned over to intelligence agencies if the material is deemed "foreign intelligence information."

The Patriot Act also gives more authority to law enforcement to direct intelligence gathering. Law enforcement agencies can now obtain roving wiretaps, which allow intelligence agencies to follow an individual from device to device, instead of obtaining a warrant for each phone, computer, pager, or other traditional method of communication. Broader powers were also given to use "sneak and peek" search warrants in federal criminal cases, including misdemeanors. Such warrants authorize law enforcement officers to enter and search private premises without the owner's permission or knowledge.

In this case, after the passage of the Patriot Act, prosecutors became privy to case files in the JTTF. Because the Act is relatively new and many of its regulations have not been fully interpreted, federal law enforcement have claimed that they have encountered some obstacles from sharing information. However, the problems resulting from the Act have not been damaging enough that federal law enforcement would stop sharing information with local law enforcement in the future. Federal law enforcement acknowledges that the benefit of local connections and expertise augmenting federal resources outweighs the risk of sharing information.

#### **ISSUE 4: WHAT IS THE CHARGE OF ‘MATERIAL SUPPORT’?**

Material support is defined as knowingly providing financial and/or personnel support to terrorist organizations. Material support was criminalized during the Clinton administration as part of the Anti-Terrorism and Effective Death Penalty Act of 1996. In 2001, the Patriot Act increased the penalty for providing material support from 10 years to 15 years in prison and

determined that "if the death of any person results, [violators] shall be imprisoned for any term of years or for life."

While the defendants in this case were only found to possess tapes on suicide attacks and had sent coded e-mails that sounded ominous, it was concluded that defendants constituted a so-called terrorist sleeper cell, possibly waiting for orders to carry out some future attack in the United States. Federal agents believed that defendants were loyal supporters to the men who recruited them and could have possibly followed terrorist orders in the future.

### **ISSUE 5: WHY WAS THE TASK FORCE IN THIS CASE SUCCESSFUL? WHAT ARE THE RISKS ASSOCIATED WITH COMMITTING LOCAL LAW ENFORCEMENT RESOURCES TO JOINT TASK FORCES?**

New legal tools and a top-level commitment to share information among agencies now aid prosecutors in their efforts to build successful criminal cases. The lead federal investigator in this case helped coordinate the work of 50 to 60 people from more than 10 federal, state and local agencies who all worked under the banner of the FBI's Joint Terrorism Task Force (JTTF) in Buffalo. The conviction of these defendants prevented possible future attacks, and led the investigators to other potential terrorist concerns.

Local law enforcement were involved in this case because of their involvement on the Joint Terrorism Task Force. According to one of the JTTF members, this particular task force was ego/status free where you could not distinguish the rank of the officers. The task force had officers from different units (primarily drug units) based on their capabilities to work the core elements of a transnational crime case (e.g., conspiracy, forfeiture, money laundering, witness protection, covert/overt operations, corruption, wire tapping/communication monitoring, extradition).

Local police chiefs have problems with officers participating in task forces because of: (1) loss of manpower to work local crime issues, (2) political pressure to solve community crimes, (3) loss of control over officer because officer cannot share information learned at task force with non-task force officers, (4) local police chiefs are not always informed of what is going on; the task force information is classified.

However, if local police chiefs commit their officers to joint task forces it can yield many positive benefits for both the department and the officer such as shared knowledge; inclusion, on some level, in federal investigations taking place in the local community; access to additional

training and experience; career enhancing experiences; opportunities to build relationships across departments; and increases in interagency resources that lead to success.

## **ISSUE 6: HOW WAS ETHNIC/COMMUNITY PROFILING USED IN THIS CASE?**

Terrorist activity can commonly take place in cities such as Lackawanna because residents in the city are supportive of its community members – people from similar backgrounds support each other making sure everyone in their community has the necessities for living (e.g., food and shelter) and they help each other secure needed documents for living in the United States. Communities such as this can unknowingly support extremists. These critical regions, or vulnerable communities, are ripe for organized networks to flourish. A more proactive policing approach is needed in these sensitive areas. Law enforcement must balance the needs of the community to be safe and the suppression of racial prejudice. Along these lines, it is important that the public distinguishes the difference between perpetrator profiling and racial profiling (Gundry and Poulin, 2002). Racial profiling assumes that people of a specific race are prone to specific types of behavior and is a form of racial prejudice, for it creates a generalization of all people of a certain ethnicity. Perpetrator profiling, on the other hand, examines the common characteristics of perpetrators to generate a useful and accurate picture of a typical perpetrator (Gundry and Poulin, 2002). In perpetrator profiling, recognition of common ethnic characteristics provides a very useful tool for investigating crimes or suspicious activity—especially if the variation in ethnicity is very low (Gundry and Poulin, 2002). For example, the National Center for the Analysis of Violent Crime (NCAVC) has identified that over 90% of malevolent criminal bombers in the United States are white males, many with specific personality traits. This does not mean that all white males are prone to being bombers. However, recognizing this characteristic is a tremendous aid to police in identifying probable suspects in the early stages of a bomb investigation.

Likewise, recognizing that members of Al-Qaida are motivated by Islamist ideology (as in this case study) and that most Al-Qaida members are of Middle-Eastern descent provides a useful tool in the early stages of investigating suspicious activity (Gundry and Poulin, 2002). This fact by no means suggests that all Muslims or people of Middle-Eastern origin are potential terrorists. As demonstrated throughout history, terrorism transcends all races. It is equally important to recognize the limits of ethnic identification in perpetrator profiling (Gundry and Poulin, 2002). Though many Al-Qaida members are of Middle-Eastern origin, there are many that are not. Al-Qaida has also recruited members from Africa, Asia, and many other parts of the world. Considering this, it is very dangerous for the public or law enforcement to assume that all Al-Qaida members have a Middle-Eastern appearance. Apparent ethnicity may contribute to the probability of suspicions, but should never be regarded as a final means of qualifying a threat (Gundry and Poulin, 2002).

## **ISSUE 7: WHAT HAVE CRITICS SAID ABOUT THIS CASE?**

The punishment of long-term prison sentences does not fit the crime that these men committed according to leaders in the Yemeni community where the men lived. Critics (e.g., defense attorneys, legal scholars, journalists, Muslim and Yemeni community leaders) see the

case as a sign of government's unfettered power because six United States citizens were imprisoned without definite evidence that the men were planning a terrorist attack. These defendants plead guilty because they were threatened with being sent to a secret military prison without trial, where they could languish indefinitely without access to courts or lawyers. The post-9/11 legal landscape tilts heavily toward the prosecution. Federal prosecutors acknowledge they wield a formidable legal armament with the USA Patriot Act and the 1996 Anti-Terrorism and Effective Death Penalty Act. As a result of court decisions and presidential orders, federal agents have wider latitude to conduct searches, wiretap telephones, read e-mails and examine finances.

Defense attorneys for the Lackawanna six did not view their clients as innocent, but were able to convince the press and the public that there was insufficient evidence that the men had spoken of or planned an attack. What the defense attorneys did not anticipate was the new legal climate in which they were now operating where prosecutors have a lot of power. Defense attorneys learned that the U.S. Attorney General would veto any deal that was made, and that the Defense Department stood ready to ask the President to designate the defendants as enemy combatants. Moreover, the attorneys wanted to question one of the alleged Al Qaeda recruiters to prove that their clients were duped into traveling to Afghanistan. But in November 2002 a United States Predator drone fired a missile at a car in Yemen, killing the main alleged recruiter.

### **STUDY QUESTIONS:**

1. What are the main facts of this case? Why were these defendants suspected of terrorist activity?
2. How did law enforcement (both local and federal) respond to this suspected terrorist threat? What was law enforcement's response strategy in this case?
3. What was the role of local law enforcement in this case?
4. What federal support (e.g., legislative acts, mandates/rulings, resources) did law enforcement have in the investigation and of this case?
5. What guidance does this give to law enforcement who may be faced with similar situations in the future? What guidance does this case give to prosecutors? What guidance does this case give to defense attorneys?

### **References:**

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## CASE STUDY #2

### ISSUE 1: WHAT WERE THE FACTS OF THE NORTH CAROLINA HEZBOLLAH TERRORIST CASE?

In 1995, moonlighting from his job as a deputy sheriff, Sgt. Bob Fromme of the Iredell County, N.C., Sheriff's Department was working security one day at JR Discount, a tobacco wholesaler in Statesville, N.C. On this day, he saw two young Lebanese (Arabic-speaking) men (two brothers, Mohamad and Chawki Hammoud) buying a huge stash of cigarettes--299 cartons of cigarettes each. It is not unusual for the JR Tobacco warehouse in Statesville, North Carolina, to sell cigarettes in great quantities. Federal law allows a person to buy up to 299 cartons of cigarettes at one time, and few people in North Carolina, a tobacco-growing state, object. Still, in the mid-1990s, when a group of dark-skinned men began visiting JR Tobacco, carrying shopping bags filled with cash and walking out with two hundred and ninety-nine cartons each, deputy sheriff Fromme, found it worthy of note. In the mid 1990s, Charlotte had few Muslims. "I thought they might have been Mexicans," Fromme told our research team. "There was a group of six of them who would come to the store regularly. They would go through the store, get the cigarettes, one guy would stand at the register, and each person would then get 299 cartons. The one guy would just keep paying for all of them." Fromme said he realized that these men were not speaking Spanish: "I knew soon enough that it was Arabic." The men soon became regular customers at JR, moving pallets of cigarettes into waiting vans with out-of-state license plates.

On his own time, Fromme began following the men and observed them leave North Carolina with the cigarettes, and trying to interest law-enforcement agencies in what he thought was a gang of cigarette smugglers. "I called the State Attorney General's office and told them what we had, but they didn't want the case," Fromme said. "The State Bureau of Investigation didn't want it, either." But the federal Bureau of Alcohol, Tobacco and Firearms (ATF) opened an investigation, and brought Fromme into it. " Over the next four years, Fromme worked with the ATF in tracking the men, including installing cameras at the warehouse. The case fell to Ken Bell, a veteran prosecutor in the U.S. attorney's office in Charlotte. Just as they were poised to bring charges, the investigators received an unexpected visit from two FBI agents. They insisted that Bell and the other investigators sign non-disclosure agreements before they talked. Bell's investigators, it turned out, had stumbled onto a top U.S. cell of Hezbollah, the Lebanon-based terrorist organization. The FBI already had national security wiretaps up on two of the suspects.

Working together with the FBI, the investigation (code-named Operation Smoke Screen) revealed a multimillion-dollar tobacco smuggling ring. Copying an old Mafia scam, the men ran truckloads of North Carolina cigarettes--taxed at only 50 cents a carton--to Michigan, where the tax was \$7.50 a carton, and illegally pocketed the difference. The smugglers would send carloads and truckloads of cigarettes from North Carolina to Detroit, Michigan, where they

would resell them at the higher price. Each carload of contraband cigarettes would yield between \$3,000 and \$10,000. In total, over the period of a year and a half before the men were arrested in 2000, the smuggling ring was able to generate an estimated \$7.9 million. Some of the profits were re-invested in businesses owned by Hezbollah cell members, and some of the profits were smuggled in cash to Lebanon to support Hezbollah's activities. Profits of \$360,000 were converted into cashiers' checks and transferred to Lebanon for Hezbollah operations. Hezbollah operative Ali Darwish, who had previously been involved in Al Qaeda's diamond smuggling operations in Sierra Leone, sent an additional \$1 million in profits from the operation to Lebanon. The cigarette smuggling profits were also used to purchase equipment for Hezbollah, including night vision equipment, global positioning devices, mine detection equipment, nitrogen cutters, laser range finders, stun guns, naval equipment, cellular phones and blasting equipment – also sent to Hezbollah in Lebanon.

Authorities identified Mohamad Hammoud, 28, as the ringleader. Hammoud, who received military training in Lebanon, is reported to be “close” to Hezbollah spiritual leader Fadlallah and, according to one of the FBI agents who infiltrated the group, “is well-connected to Hezbollah leaders in Lebanon. Upon returning from a trip to Lebanon in 1999...[he] bragged about going to Syria with the Hezbollah political representative to Iran and Syria.” The indictment describes Hammoud as dangerous “because he would likely assist in carrying out any action against the United States interests if he were required to do so by Hezbollah.” The group had, as well, perpetuated check fraud against several US banks, even bribing an employee of First Union National Bank to facilitate the scheme by reactivating the closed account of an individual who had left the U.S. The smugglers had also raised money for Hezbollah through credit card fraud, through solicitation during meetings at Hammoud's home, and through appeals for donations from members of the Islamic community.

According to the FBI, Members of the Charlotte cell would meet every Thursday night for “prayer meetings” at Hammoud's home, where they would discuss Hezbollah activities and operations. Said Harb, a longtime friend of a man named Mohamad Hassan Dbouk, a Canadian colleague, attended this meeting. At these meetings they would read messages containing directives for the members, which had been transmitted from a Hezbollah official in Lebanon to Dbouk. Dbouk served as a Hezbollah reconnaissance and intelligence specialist employed by Hezbollah-run al-Manar television. Dbouk was receiving instructions from Hassan Hilu Laqis, a Hezbollah official based in Lebanon, who was in charge of Hezbollah's North American procurement operation. A fax intercepted by Canadian intelligence suggested that Dbouk worked for leader Imad Mugnyiah. In the fax, Dbouk “is assuring Laqis that he is doing everything he can” for Hezbollah. “At one point, he says that he is willing to do anything—and he says, ‘I mean anything’—for someone they refer to as ‘the father.’ ‘The father’ is a reference to Mugnyiah.” These meetings also included readings from the works of terrorist Ayatollah Khomeini.”

According to the indictment, wiretaps revealed that Hezbollah members also discussed buying life-insurance policies for operatives who "might in a short period of time go for a 'walk' and 'never come back.' "

Eight of the key suspects in the Charlotte case were from the same neighborhood of Beirut, a longtime Hezbollah stronghold. The cell's leader, Mohamad Hammoud, was, by age 15, serving in the group's militia. Hammoud's entry into America was typical. Refused a visa by the U.S. Embassy in Syria, he made his way to Venezuela, bought a fake visa, and in 1992 flew to New York, where he demanded asylum, then promptly disappeared. He followed a family member to Charlotte, where he ended up delivering pizzas for Domino's. Before long, Hammoud and his colleagues got into tobacco smuggling, investigators say. What began as a side job soon turned into a huge moneymaker. Each week, they packed three to four minivans with cigarettes, each load worth some \$13,000. By the time of their arrest, the smugglers had raked in some \$8 million--nearly a quarter of that pure profit. Officials don't know how much money the group funneled to Hezbollah but believe it was more than \$100,000.

## **ISSUE 2: WHAT WAS LAW ENFORCEMENT'S RESPONSE STRATEGY IN THIS CASE?**

According to Prosecutor Bell, the government won an important round in the war on terrorism – creating a type of playbook of how to identify and disrupt these groups. The scope of the Charlotte cell's criminal activity led the prosecution team to try a new tactic in the war on terrorism: He obtained indictments against the group under the Racketeering Influenced Corrupt Organizations (RICO) Act, the antiracketeering law that has helped break up Mafia families. Bell's success has encouraged prosecutors across the country to employ the tough statute against alleged terrorists (e.g., a former University of South Florida professor, Sami al-Arian, and seven others were tied to the Islamic Jihad).

The case stands as the first successful prosecution using a 1996 antiterrorist law that bans "material support" to terrorists; it was under this law that Hammoud was convicted of funneling money to Hezbollah. Bell scored another apparent first by introducing into evidence records from a foreign intelligence agency--in this case, intercepts from the Canadian Security Intelligence Service, which provided incriminating evidence of cell members' calls to high-ranking Hezbollah officials.

Bell's team also was successful in using informants. For years, experts have lamented about the difficulty of penetrating terrorist groups. But the Charlotte case seems to offer a how-to clinic. The FBI succeeded in infiltrating the group. Agents relied on more than 10 informants

and cooperating witnesses. Investigators “flipped” not only the group's drivers and smugglers but their phony wives as well. Most important, they flipped Said Harb.

Early on, federal agents targeted Harb, described by some as a fast-talking, high-living operator who didn't quite fit in with the others. Although a Hezbollah backer from the same Beirut neighborhood as Hammoud, Harb wasn't a devout Muslim; his interests ran more to more material things like fast cars. An expert at credit card scams and identity theft, the FBI described him as "a one-man crime wave." He would adopt the identities of Middle Eastern students after graduation, expand their credit limits, and then "bust out" the account with huge charges. Harb was reported to go through a new identity this way every year. Faced with long years in prison, Harb gradually warmed to a deal with the government. In the end, his price for cooperating was refuge for 14 of Harb's relatives still in Lebanon. Hezbollah is known for taking vengeance on the relatives of those deemed treasonous. Harb provided the smoking gun. He had personally gone to Vancouver, British Columbia, met with a top Hezbollah operative, and helped fund shipments to Hezbollah of a wide range of "dual use" military gear: night-vision goggles, GPS devices, mine detectors, radar, laser range finders, blasting equipment, and sophisticated software. During this time, Hezbollah's military capability in those areas improved markedly, according to U.S. officials. Ultimately, 25 people were indicted in the Charlotte case, for crimes ranging from credit card fraud to money laundering. Five suspects are still fugitives; most of the others have pleaded guilty or were recently convicted.

### **ISSUE 3: WHAT TYPE OF TECHNOLOGICALLY ADVANCED METHODS WERE USED BY LAW ENFORCEMENT IN THIS AND SIMILAR CASES?**

In an effort to track the criminals' money, law enforcement officials used sophisticated "data mining" software to discern subtle patterns in the habits of financial scammers, and of participants in some key industries, that could indicate surreptitious money movement. Since the 9/11 terrorist attacks, the U.S. Customs Service has shifted its supercomputer program, known as the Numerically Integrated Profiling System (NIPS), away from tracking drug money to finding patterns that suggest commercial fraud undertaken to fund militants. The program, which traces commodities entering and leaving the country, can help pick up telling anomalies. For example, in another case, this technology revealed the contrast between gold imports to the United States and the amount of jewelry sold -- that led to nationwide raids on more than 70 mostly Pakistani-owned illegal jewelry shops.

#### **ISSUE 4: WHAT WERE THE RESULTS OF THIS CASE?**

On July 21, 2000, about five years after deputy sheriff Fromme uncovered this criminal enterprise, about 250 local, state and federal agents arrested 18 alleged supporters of Hezbollah in North Carolina and Michigan. Mohamad Youssef Hammoud, Mohamad Atef Darwiche, Chawki Youssef Hammoud, Ali Hussein Darwiche, Said Mohamad Harb and Angela Tsioumas were charged with violating immigration laws, conspiring to distribute contraband cigarettes and laundering money. The rest of the suspects were arrested on related charges, including weapons offenses. Some of the nine, led by Mohamad Youssef Hammoud, were further indicted for having provided material support to a terrorist organization, specifically “currency, financial services, training, false documentation and identification, communications equipment, explosives, and other physical assets to Hezbollah; in order to facilitate its violent attacks.” Eight of the arrested men plead guilty before going to trial.

The trial, which lasted five weeks, was conducted under heavy security, in a federal courthouse patrolled by U.S. marshals. At one point during the trial, Mohamad Hammoud was reported to threaten the life of prosecutor Ken Bell and blow up the courthouse. While the allegations were never proven, they did prompt police to protect Bell's home and take a number of heightened security measures. For example, the names of the jurors in the case were kept secret, and they traveled to the courthouse each day under guard. The Hammoud brothers were transported to the courthouse in an armored truck. A federal jury convicted Chawki and Mohamad Hammoud of conspiracy and aiding the Lebanese Hezbollah terrorist organization.

Mohamad Hammoud was the first person to be convicted under a 1996 law prohibiting banning material support to designated organizations. Hezbollah appears on the U.S. State Department's list of "Designated Foreign Terrorist Organization." In addition, he was found guilty of cigarette smuggling, money laundering and credit card fraud. Under the provisions of the anti-terrorism law, he was eligible to receive a life sentence. Hammoud received an extraordinary 155 years in prison for racketeering and "material support" of Hezbollah.

His brother, Chawki Hammoud, 37, was found guilty of charges including cigarette smuggling, credit card fraud, money laundering and racketeering. Because he was convicted of conspiracy and membership in a terrorist organization, rather than the more serious charge of providing material support to Hezbollah, he received a lesser sentence of 14 years in prison. The other defendants received somewhat lower sentences.

Begun before 9/11, this case helped transform the way U.S. law enforcement tackles terrorism at home. The case offers an inside look at the U.S. operations of the terrorist organization Hezbollah—a group that until 9/11 had killed more Americans than any other terrorist group. According to the FBI, the Charlotte gang is one of at least a dozen Hezbollah

cells across the United States. Those cells include a hard core of several dozen militants--a number with military training in Hezbollah camps--plus hundreds of supporters. Over the years, Hezbollah's U.S. backers are believed to have raised millions of dollars for the group; money often derived from criminal acts, such as copyright violations, cigarette tax violations, counterfeit violations.

Far-reaching probes, sparked by the Charlotte case, are underway in the Detroit and Los Angeles areas, home to the nation's largest communities of Lebanese-Americans. For example, a Middle Eastern man from Los Angeles in recent years was arrested in Asheville, N.C., carrying nearly \$300,000 in cash. He, too, was on his way to JR Discount, driving an empty tractor-trailer. Another tobacco smuggling case developed in Louisville, KY. Still other leads point to Boston, Chicago, and New York.

#### **ISSUE 5: DANGER PRESENTED BY THIS TERRORIST GROUP.**

The FBI does not think that the North Carolina Hezbollah case was linked or helped finance the Sept. 11 terrorist attacks. But the \$20 million to \$30 million officials say is raised annually through scams in this country is a substantial portion of the estimated hundreds of millions of dollars that Middle Eastern terrorists raise and spend annually. Also, there was no proof that this particular North Carolina cell was planning any particular acts of violence or terrorism. Nevertheless, according to FBI agent Schwein, "this North Carolina terrorist support cell was able to set itself up and blend into America.... with the ability to move people across borders and give them whole new identities, access to a constant flow of untraced cash, military training, and a network of criminal contacts to get weapons." Additionally, investigators in North Carolina found anti-American propaganda among the belongings of several of the cell members and felt that the structure was in place to carry out a command. Among the items investigators found when they broke up the Charlotte group was a series of photographs taken in Washington, D.C. In one of them, a member of the cell stands in front of the Washington Monument. In another, two members are posing in front of the White House.

According to the FBI, in some ways Mohamad Hammoud seems an unlikely candidate to have run such a complex criminal enterprise. In his mid-20s, he appeared soft-spoken, almost shy to investigators. Law enforcement described him as "a Dr. Jekyll-Mr. Hyde type" who came alive at weekly prayer meetings, rousing the faithful to contribute to Hezbollah. It was also reported that on weekends, he practiced the marksmanship he learned while in Lebanon. Hammoud and his followers were often ingenious. To avoid suspicion, they also were reported to have hired white women as ride-alongs and strapped bicycles to the back of the vehicles. Officials also reported that some members bought a gas station, using a fraudulently obtained

loan guarantee of \$1.6 million from the Small Business Administration and considered taking out life insurance policies for Hezbollah fighters in the Middle East.

However, it is the group's sheer range of criminal activity that most struck investigators. Tobacco smuggling was only the most lucrative of their varied scams. "They're best described as part-time terrorists and full-time criminals," says FBI agent Rick Schwein. Among their crimes, investigators say: bank scams, bribery, credit card fraud, immigration fraud, identity theft, tax evasion, and money laundering. Nearly all the key suspects had bogus marriages. Two of their "wives" were, in fact, lesbians who lived not with their paper husbands but with each other. The gang used so many identities that investigators had to dig through over 500 accounts to follow the money trail. Most of the crimes were too small to garner police attention--and that was by design, officials believe. "Is it criminal activity? Yes," says Schwein. "But it's more. It's tradecraft."

The pattern is a familiar one to investigators. Terrorist groups are, at heart, criminal organizations. They rely on smuggling and laundered money, document fraud and front companies, and traffic in illegal weapons. Al Qaeda's Ahmed Ressam, who attempted to bomb Los Angeles International Airport in 1999, was part of an Algerian crime ring partial to credit card and bank fraud. Other terrorist groups are mired in drug dealing and kidnapping.

According to official estimates, the cell in Charlotte, North Carolina, is only one of many Hezbollah cells established throughout the U.S. For example, in July 1998, a Hezbollah operative was arrested in Detroit while attempting to purchase over \$100,000 worth of thermal imaging gear for Hezbollah. In a different case, in September 2001, a Hezbollah operative was convicted in Detroit of having shipped weapons and ammunition to Hezbollah in Lebanon. In Lebanon, Hezbollah has many faces. While its military wing trains suicide bombers and threatens Israel's northern border, its political wing runs social services and fields politicians in the nation's parliament. According to numerous sources, Hezbollah, also known as the "Party or Army of God," is a dangerous terrorist group with a known track record of brutal attacks all over the world. The organization's American victims in Lebanon range from Navy diver Robert Stethem—his murdered body was thrown out the window of a TWA airliner in a 1985 hijacking in Beirut—and CIA station chief William Buckley the same year, to 19 Americans killed at the Khobar Towers in Saudi Arabia and 241 killed in a 1983 bombing of the U.S. Marine headquarters that led Ronald Reagan to withdraw U.S. forces from Lebanon. The group was also blamed for lethal 1990s bombings of Jewish targets in Argentina (28 murdered in 1992 at the Israeli Embassy in Argentina) — showing that its deadly reach extends far beyond the Mideast. Hezbollah's former operations chief, Imad Mugniyeh, remains one of America's most wanted men; like bin Laden, he has a \$25 million price on his head. Imad Mugniyeh, is listed among America's 22 most wanted terrorists and is believed to be hiding out in Lebanon. Osama bin

Laden gets the headlines, but his al Qaeda network is not the only dangerous terrorist group. "Hezbollah may be the 'A team' of terrorists, and maybe al-Qaeda is actually the 'B team,'" Deputy Secretary of State Richard Armitage said in a speech a few years ago.

For whatever reason, in recent years they've stopped killing Americans. But if they decide to start again, U.S. officials dread their professionalism, training and discipline — and their penchant for particularly deadly suicide attacks. Since the destruction of al Qaeda's Afghan camps, Hezbollah operates what is militant Islam's largest center for terrorist training, in Lebanon's Bekaa Valley. Some intelligence analysts believe the group has an informal alliance with al Qaeda, for whom Hezbollah has provided explosives training.

## **ISSUE 6: WHAT LEGISLATION SUPPORTED LAW ENFORCEMENT EFFORTS IN THIS CASE?**

The scope of the Charlotte cell's criminal activity led the prosecution team to try a new tactic in the war on terrorism: He obtained indictments against the group under the 1970 Racketeering Influenced Corrupt Organizations (RICO) Act, the antiracketeering law that has helped break up Mafia families.<sup>1</sup> A violation of RICO requires the government to prove beyond a reasonable doubt: (1) that an enterprise existed; (2) that the enterprise affected interstate commerce; (3) that the defendant was associated with or employed by the enterprise; (4) that the defendant engaged in a pattern of illegal racketeering activity; and (5) that the defendant conducted or participated in the conduct of the enterprise through that pattern of illegal racketeering activity through the commission of at least two acts of illegal racketeering activity. The government need not prove that the defendant agreed with every other conspirator, knew all of the other conspirators, or had full knowledge of all the details of the conspiracy. All that must be shown is: (1) that the defendant agreed to commit the substantive racketeering offense through agreeing to participate in two racketeering acts; (2) that he knew the general status of the conspiracy; and (3) that he knew the conspiracy extended beyond his individual role. Since 1970, RICO has been used by the U.S. to bring down La Cosa Nostra by stripping away the layers of protection insulating the mafia chieftains from culpability in the crimes committed under their leadership. But RICO doesn't just apply to mobsters—because of the similarities between mafia clans and terrorist organizations. Instead of trying to place the smoking gun in terrorist leader's hand to convict him—such as evidence that he personally participated in the planning or execution of the attacks—prosecutors would only have to show that the gun had been used, so to

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<sup>1</sup> The RICO Act made it unlawful for anyone employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.



speak, while he was a member of the group that fired it. Prosecutors essentially had to demonstrate three things: One, that the North Carolina cell was a criminal enterprise; two, that Hammoud was the leader and therefore associated with the terrorist group; and three, that the group was engaged in a pattern of crime over time.

Some of the nine, led by Mohamad Youssef Hammoud, were indicted for having provided material support to a terrorist organization, specifically “currency, financial services, training, false documentation and identification, communications equipment, explosives, and other physical assets to Hezbollah; in order to facilitate its violent attacks.” This group was the first to be convicted under a 1996 law prohibiting banning material support to designated organizations known as the Antiterrorism and Effective Death Penalty Act.<sup>2</sup> Hezbollah appears on the U.S. State Department's list of "Designated Foreign Terrorist Organization." Hammoud received the longest sentence (155 years in prison).

## **ISSUE 7: WHY WAS THE TASK FORCE IN THIS CASE SUCCESSFUL?**

Local law enforcement was involved in this case through the early efforts of Deputy Sheriff Fromme alertly piecing suspicious activities into a pattern of smuggling. Also, the FBI had its own independent national security investigation of the some of the North Carolina cell members. While the case started out as separate investigations, it later came together through the forming of a Joint Terrorism Task Force (JTTF). This JTTF was one of the first task forces for terrorism, which now exist in every state. The task force had officers from 22 different agencies (e.g., local law enforcement agencies in North Carolina and Michigan and surrounding states, and federal agencies - such as the FBI, ATF, Immigration and Naturalization Service, and Diplomatic Security Service). According to one of the task force members, this task force was successful because there good agreement on the objectives and goals of the investigation and what rules the task force would follow. Also, task force management was able to match assignments based on the individual capabilities of the task force members specific elements of the case (e.g., conspiracy, forfeiture, money laundering, witness protection, covert/overt operations, corruption, wire tapping/communication monitoring, extradition). The local and state police departments did much of the leg work connected with this case, including surveillance

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<sup>2</sup> Material support is defined as knowingly providing financial and/or personnel support to terrorist organizations. Material support was criminalized during the Clinton administration as part of the Anti-Terrorism and Effective Death Penalty Act of 1996. In 2001, the Patriot Act increased the penalty for providing material support from 10 years to 15 years in prison and determined that "if the death of any person results, [violators] shall be imprisoned for any term of years or for life."

activities, traffic stops and road blocks for cigarette smuggling, providing an overwhelming force for executing the arrests and search and seizure activities. More generally, local enforcement was able to provide context for the investigation on local customs and the existence of things looking out of place. The ATF handled the cigarette smuggling component of the investigation. The Immigration and Naturalization Service handled the immigration fraud elements. The FBI handled the terrorism component of the investigation, building the “material support” and RICO violation parts of the case, and working the trans-jurisdictional (across states and countries) aspects of the case.

More generally, the FBI was able to bring the Enterprise Theory of Investigation (ETI) to this case. ETI has become the standard investigative model that the FBI employs in conducting investigations against major criminal organizations, including transnational crime organizations. Unlike traditional investigative theory, which generally only attempt to identify individuals and the crimes they commit, ETI-based approaches broaden evidence collection to show that an individual conducted the criminal activity to benefit the enterprise as a whole and ETI encourages a proactive attack on the structure of the criminal enterprise itself. Rather than viewing criminal acts as isolated crimes, ETI attempts to show that individuals commit crimes in furtherance of the criminal enterprise itself. ETI supported not only the prosecution of this North Carolina Hezbollah criminal enterprise, but also the seizure of its assets and the approach was designed to dismantle the entire North Carolina Hezbollah organization. Oftentimes, large criminal enterprises prove problematic for agencies to dissolve using traditional investigative methods. However, with ETI, the larger the enterprise and the more diverse its illegal activities, the more investigative opportunities it provides for law enforcement. The use of a joint task force is a necessity in the successful application of the ETI. In the Carolina Hezbollah case the use of a multiagency task force provided strength through the combining of resources. Immediate benefits included additional staff, access to more technical and investigative equipment, and the pooling of financial resources.

One of the lessons learned by this case is the need for local law enforcement to have effective liaisons with federal agencies through membership in the JTTF. Local and state law enforcement can learn about the resources available to combat transnational crime through the JTTF. Line officers at the local and state level need to have knowledge of what to do when confronted with transnational crime. In this case, deputy sheriff Fromme was alert to a pattern of peculiar activity that he uncovered as criminal activity. He also knew what to do with this incriminating information and got the proper federal authorities involved in the case. This case underscores the importance of having multiple agencies involved, for it was not until the FBI got involved in the case that there was a realization that this was a transnational crime.

## **APPENDIX C:**

### **TRAINING OUTLINE**

# CALIBER

## **STATE AND LOCAL LAW ENFORCEMENT RESPONSE TO TRANSNATIONAL CRIME – Task Order T-046**

### **ANNOTATED TRAINING OUTLINE**

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## **BACKGROUND ON THE DEVELOPMENT OF THE TRAINING OUTLINE:**

To date, little attention has been paid to the problems state and local law enforcement face in identifying and responding to transnational crime. The purpose of this training manual outline is to lay out the key issues that would need to be covered in a training program for state and local law enforcement officers in responding to transnational crime. This outline will also serve as the basis for a more detailed training manual on police responses to transnational crime.

This outline was developed by Caliber Associates as part of a larger project for the National Institute of Justice (NIJ) to identify and provide guidance on the development of tools and strategies to help advance the capacities of state and local law enforcement to identify and respond to transnational crime. As part of this project, a Technical Advisory Group (TAG) of researchers and practitioners was formed to review available research on the impact of transnational crime on local and State law enforcement, discuss practitioner needs in this area and recommend appropriate responses. From the TAG meeting, consensus was reached that one important way to improve responses to transnational crime for state and local law enforcement is through the provision of training. While TAG participants made it clear that training is not a 'one-size-fits-all' solution, raising awareness and increasing knowledge about appropriate identification and responses are very important to adequately address transnational crime.

From the two day TAG meeting in March 2004 the following training issues were discussed: The need to use specific tailored training methods for different levels including separate training for line officers and supervising officers (covering subjects such as the indicators of transnational crime). The TAG meeting participants also felt that there is a need for training dealing with victims of transnational crime, culture and language awareness, and the appropriate responses available for transnational crime cases. The TAG meeting participants also felt there was a need for the training curriculum to cover issues such as increasing collaboration building for tackling transnational crime, and broadening the concept of problem solving at the local-level to include dealing with crimes that are transnational in nature. The TAG felt that the training should be interactive and focused on helping officers identify and effectively respond to this type of crime. The TAG saw the benefits of scenario-based learning. The TAG felt that studying very concrete and realistic hypothetical cases or case studies would allow trainees to learn how each other thinks and works. Incorporating decision trees would help officers learn how to make decisions about next steps including whom to involve and with whom they need to collaborate. The idea is to assist officers in learning the most appropriate actions to take to effectively problem solve in a realistic transnational crime situation where collaboration may be the key to success.

The TAG also understood the need for training police managers. While it is important for the street-level cop to have awareness of transnational crime and how to respond, it is equally important that police managers have a working knowledge of and buy-in to the appropriate collaboration mechanisms in place. Training a street level officer about how to respond to transnational crime will not work unless the officer is operating in an organizational culture that is focused on encouraging/rewarding collaboration and disapproving of non-collaborative operations. Additionally, management level officers need to have a working knowledge of the indicators of transnational crime, the challenges in responding, appropriate interrogation

practices, the need for language skills and cultural awareness, and the appropriate non-governmental organizations that can assist in better responding to different types of crime. They need to know how to respectfully manage networks of community service providers in order to ensure ongoing cooperation so that all needs, including those of the victims, investigators and prosecutors, are consistently met.

In addition to the input received by the TAG members, this training outline is also based on in-depth interviews we conducted (with law enforcement officers, prosecutors and experts in the field of policing across the country) on the needs of law enforcement in the area of transnational crime.

## **THE FORMAT FOR THIS DOCUMENT**

In this document we provide three training outlines. First is an outline for new police recruits that can be covered in a 60 to 90 minute presentation in a police basic training academy. Second, we provide a training outline for line/patrol officers with at least one year of patrol experience that can be covered in a six to eight-hour presentation as part of an in-service training. Third, we provide a training outline for police managers/supervisors that can be covered in a two-day presentation as part of an extended in-service training. The training outline for police managers/supervisors is the most comprehensive, and depending on the knowledge level of the class some of the more basic material can be dropped. In some cases similar topics are covered as with the other two training seminars, but there are also unique managerial issues covered in the supervisor/manager seminar that are not addressed in the other two. The training for police cadets is designed for a 90-minute class. However, if more time is available some of the material from the line officer in-service seminar can be incorporated into the cadet seminar.

After the presentation of the three training outlines an annotated guide is provided. The annotated guide is designed to provide instructors with necessary background material to fill out the actual content of the training. Notes (in a box after each sub-section) are provided which indicate which material is appropriate for only the managers, or managers and line officers with experience. Given the varying needs of law enforcement across jurisdictions no attempt was made to provide a definitive guide for the actual content of the training. This is a decision best made by a training director or curriculum developers for individual law enforcement agencies. However, sufficient detail is provided in the annotated guide to assure that this is a straightforward task.

## TRAINING OUTLINES

### TITLE OF TRAINING COURSE 1:

The basics of identifying and responding to transnational crime: Key issues for police cadets.

### TOTAL INSTRUCTIONAL TIME:

90 minutes.

### COURSE TYPE:

In-class lectures supplemented with a mini case scenario.

### INSTRUCTIONAL GOALS:

This course is designed for police recruits in a police basic training academy to raise awareness and increase knowledge about identifying and responding to transnational crime. More specifically, this course will provide an orientation to the phenomena of transnational crime, the factors that make transnational crime possible, the unique challenges of transnational crime for law enforcement, the basics of identifying and looking for indicators of transnational crime, and an overview of some the main law enforcement responses to transnational crime.

### LEARNING OBJECTIVES:

By the end of training, participants will be oriented to the problem of transnational crime and be in a better position to identify it, and understand the options available to respond to it.

### TARGET AUDIENCE:

Police cadets/recruits in a police basic training academy for local/state law enforcement.

### MATERIALS NEEDED:

Flipchart, markers, overhead slides or power point presentation, and handouts.

### LESSON PLAN:

1. What is transnational crime?
  - a. Definition of transnational crime
  - b. The nature of transnational crime
  - c. Factors that make transnational crime possible
  - d. The unique challenges of transnational crime for law enforcement
2. Identifying and looking for indicators of transnational crime
3. Overview of the main law enforcement responses to transnational crime
4. Bringing it together: Highlights of a case scenario exercise of an actual transnational crime case



TITLE OF TRAINING COURSE 2:

Identifying and responding to transnational crime: Key issues for non-supervisory officers.

TOTAL INSTRUCTIONAL TIME:

6 to 8 hours as part of an in-service training.

COURSE TYPE:

In-class lectures supplemented with case scenarios and role-playing.

INSTRUCTIONAL GOALS:

This course is designed for line officers that have at least one or more years of patrol experience to raise awareness and increase knowledge about identifying and responding to transnational crime. More specifically, this course will provide an exploration of the phenomena of transnational crime, the factors that make transnational crime possible, the unique challenges of transnational crime for law enforcement, strategies for identifying and looking for indicators of transnational crime, overview of various law enforcement responses to transnational crime (including collaborative problem-solving techniques), dealing with victims of transnational crime, and culture and language awareness.

LEARNING OBJECTIVES:

By the end of training, participants will have knowledge about the problem of transnational crime and be in a position to identify it, and understand the options available to respond to it.

TARGET AUDIENCE:

Non-supervising police officers from a local/state law enforcement agency that have at least one or more years of patrol experience.

MATERIALS NEEDED:

Flipchart, markers, overhead slides or power point presentation, and handouts.

LESSON PLAN:

1. What is transnational crime?
  - a. Definition of transnational crime
  - b. The nature of transnational crime
  - c. Factors that make transnational crime possible
  - d. The unique challenges of transnational crime for law enforcement
2. Identifying and looking for indicators of transnational crime
3. Overview of law enforcement responses to transnational crime
4. Working with victims of transnational crime
5. Culture and language awareness issues and their relationship to policing transnational crime
6. Bringing it together: A case scenario exercise with an actual transnational crime case

TITLE OF TRAINING COURSE 3:

Identifying and responding to transnational crime: Key issues for police managers.

TOTAL INSTRUCTIONAL TIME:

Two days as part of an in-service training.

COURSE TYPE:

In-class lectures supplemented with case scenarios and role-playing.

INSTRUCTIONAL GOALS:

This course is designed for police managers/supervisors to raise awareness and increase knowledge about identifying and responding to transnational crime. More specifically, this course will provide an exploration of the phenomena of transnational crime, the factors that make transnational crime possible, the unique challenges of transnational crime for law enforcement, supervising officers on identifying and looking for indicators of transnational crime, detailed review and discussion of various law enforcement responses to transnational crime (including collaborative problem-solving techniques) and strategies for a particular jurisdictions, working with victims of transnational crime and service providers, and culture and language awareness.

LEARNING OBJECTIVES:

By the end of training, participants will have knowledge about the problem of transnational crime and be in a position to identify it, and understand the options available to respond to it

TARGET AUDIENCE:

Police managers/supervisors from a local/state law enforcement agency.

MATERIALS NEEDED:

Flipchart, markers, overhead slides or power point presentation, and handouts.

LESSON PLAN:

1. What is transnational crime?
  - a. Definition of transnational crime
  - b. The nature of transnational crime
  - c. Factors that make transnational crime possible
  - d. The unique challenges of transnational crime for law enforcement
2. Identifying and looking for indicators of transnational crime
3. Law enforcement responses to transnational crime
  - a. Detailed review of various responses in use across the country
  - b. Discussion of current strategies in use in managers' department and possible need for new approaches
4. Working with victims of transnational crime
  - a. Appropriate strategies
  - b. Organizing a response from victim service providers
5. Culture and language awareness issues
6. Bringing it together: A case scenario exercise with an actual transnational crime case

## ANNOTATED GUIDE TO THE TRAINING OUTLINE:

### 1. What is transnational crime?

- a. **A definition of transnational crime and the different types:** The instructor here will provide some of the common definitions applied to transnational crime<sup>1</sup> and review any specific definitions being used in the locality of the training. The instructor will explain that transnational crime is not an exact legal term; it is better thought of as a working concept adopted by criminologists. The goal here will be to provide the trainees with a working definition that will prove useful for them on the job. In its most basic sense, the term has come to mean “criminal activities extending into, and violating the laws of several countries” (Mueller, 1999). Transnational crime most often involves the crossing of borders or national jurisdictions (Williams, 1999). It generally involves a diverse mix of players, and usually is driven by organized criminal groups. The line between legitimate international businesses and illicit enterprises is not always clearly defined. Often, unscrupulous business owners will shift from licit to illicit operations as new opportunities dictate. Once a stable trafficking infrastructure is established, businesses are better able to walk the line between shipping legal and illegal products. Further, many of these groups operate along strict ethnic lines, making law enforcement infiltration problematic. While definitions of transnational crime are somewhat fluid, a number of specific illicit activities fall under the guise of transnational crime. Major categories include drug trafficking, money laundering, illegal migration, trafficking in women, corruption, computer crimes, theft of intellectual property, nuclear material theft and trafficking, international terrorism, firearms trafficking. Instructors will review with trainees what is known about the different types of transnational crime present in their jurisdiction and examples of each type from actual cases in their jurisdiction. Instructors will review how transnational criminals communicate, avoid detection by the police, hide the proceeds of their criminal activity through money laundering, and select their targets/victims. Instructors will also review potential vulnerable areas for transnational criminals to exploit.

This material in section 1a would be broadly similar for all three trainings, except the cadet training would cover less detail. Also, the managerial session might involve more discussion about competing definitions of transnational crime than the other two sessions.

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<sup>1</sup> The United Nations defines transnational crime as “offenses whose inception, prevention and/or direct effect or indirect effects involved more than one country.” Most cases of transnational crime involve the cross-border transfer of illicit products or services. The flow of illicit products and services generally moves from less developed countries to more developed ones, except in arms and auto transfers. The proliferation of the Internet has also made information transfer across borders a manifestation of transnational organized crime.

- b. **Factors that make transnational crime possible:** The National Research Council<sup>2</sup> identified transnational crime as being affected by three related factors: Globalization of the economy and integration of the world's institutions, increased numbers and heterogeneity of immigrants, and improved communications technology. It is important for the trainees to understand that these factors do not necessarily "cause" transnational crime. Rather, they facilitate crime (e.g., easing of barriers to trade, travel and migration make it possible for criminals to enter countries that they previously could not access), or in some cases, they are criminal opportunities in themselves. It is not necessary for the trainees to think of entirely new explanations for explaining transnational crime. Most of the causes of transnational crime are not new; they are, in fact, quite similar to factors that drive crime in general: disparate socioeconomic conditions, which stimulate migration and its antecedent trafficking in persons; the desire for illegal goods and services, which moves crime into the transnational realm when the suppliers are in one country and the consumers are in another; and the universal greed for money and power (Finckenauer, 2000). The globalization of communications made possible by the Internet, the effortlessness of international travel and trade, and budding new democracies in Eastern Europe and around the world that are laboring to become established, all increase the likelihood that local organized crime problems will move internationally with the goal of exploiting new victims (Albanese, 2002). Criminal activities are being redistributed internationally, due to increased opportunities as well as lowered risks that vary from region to region (Williams and Godson, 2002).

This material in section 1b would be broadly similar for all three trainings, except the cadet training would cover less detail.

- c. **The nature of transnational crime and the unique challenges it presents for law enforcement:** It is important for the trainees to recognize that transnational crime poses a number of significant challenges for law enforcement. First, the nature of these criminal activities tends to be organized and clandestine, with the architects of the crimes well insulated behind legions of low-end operatives. Transnational criminals tend to be versed in hiding behind sophisticated electronic communications, which are sometime used to perpetrate the actual crimes (e.g., crimes such as money laundering are not bound by national borders). Criminals move freely from one place to another, but law enforcement cannot freely cross borders and have to go through multilayered processes to track transnational criminals. Also, witnesses in one country cannot be compelled to testify in another country, and more generally evidence admissible in one place may not be admissible in another. Cyber crimes are almost by definition transnational crimes, since cyberspace is not constrained within national borders. Transnational crime groups are seen as a new breed of criminal organizations whose high tech

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<sup>2</sup> Peter Reuter and Carol Petrie, eds., Commission on Behavioral and Social Sciences and Education, *Transnational Organized Crime: Summary of a Workshop*, Washington, D.C.: National Academy Press, 1999.

methods outstrip the capabilities of law enforcement (Raine and Cilluffo, 1994). As pointed out by Finckenauer (2000), the challenges in dealing with transnational crime also arise from the national orientations of laws because extradition and other procedures are outdated and designed for the needs of countries over 100 years ago. Other problems arise out of particular cultural or societal conditions and experiences that differ from one country to another; that is, behavior that is acceptable in one country (e.g., prostitution) may be illegal in another (Finckenauer, 2000).

Overall, local law enforcement is organized to respond to complaints of individual citizens or small groups in the community that have been directly harmed by a criminal act. Local law enforcement is not well suited to handling cases of people who are not aware they have been victimized or investigations that require specialized training/education or arcane knowledge to uncover sophisticated offenses (e.g., computer crimes). Traditionally, local law enforcement deals with protecting the rights of particular victims not in tracking down international smugglers or tracing evidence to money launderers in other countries.

This material in section 1c would be broadly similar for all three trainings, except the cadet training would cover less detail.
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## 2. Identifying and looking for indicators of transnational crime

Law enforcement officers need a greater understanding of what transnational crime is and how it manifests itself in order to identify transnational crime as it occurs and appropriately be a part of an effective response. Trainees will be provided case scenarios that illustrate a need for officers to understand the reality that transnational crime may manifest itself through lower priority crimes such as counterfeit baby formula instead of high profile crimes such as violence and murder. Each trainee should come away with a basic understanding of transnational crime; it's potential to occur in the local area, and what a transnational crime might look like in their area (e.g. Canadian border versus the Mexican border). For example, when an officer walks into a house of prostitution where sex workers seem afraid and do not speak English, it is important that an officer be able to know what to look for and identify what might be human trafficking versus prostitution in order to treat the crime and the victims correctly. An awareness of transnational crime in the local area and knowledge about its indicators will assist street level officers in playing a greater role in an effective collaborative response to transnational crime.

Identification methods to be reviewed include interacting with federal counterparts to learn about transnational crime, reviewing of past cases, working with multi-jurisdictional task forces, and using other traditional police investigative methods. Training will cover the utility of working with informants, victims, crime analysts, legal attaches, consulate offices, and liaisons in foreign countries to identify transnational crime. The training will also review a variety of barriers that typically emerge when trying to identify transnational crime, including: Difficulty with communication between state/local and federal agencies, ineffective communication among state and local agencies, "turf issues", varying priorities, and general resistance to addressing transnational crime. Potential problems with task forces will also be reviewed (e.g., leaving state/local officers out of the information loop, and potential for draining limited state/local

resources). The training will also cover ways to overcome these barriers (e.g., using and improving data/recording systems, and increasing communication between state/local and federal law enforcement officers).

In discussions the research team had with the FBI several “clues” about the existence of transnational crime emerged. First, in general officers should be thinking about the possibility of transnational crime when there are a variety of atypical characteristics added to a variety of criminal offenses. For example, the atypical nature of a case might be the use of certain counterfeit identification. Unusual characteristics could be uncovered through profiling techniques based on probable cause (as opposed to illegal profiling based on race and other illegal factors). The immigration status of a suspect and use of foreign language might indicate transnational activity, as well as their ethnicity combined with other indications of criminal activity. Second, transnational criminals need vulnerable targets to exploit. Anecdotal data suggests that transnational victims often share the same ethnicity and national origin as the transnational criminals. With this in mind, the police should be especially careful for transnational crime in certain places that are vulnerable targets (e.g., small-business merchants in immigrant communities). Third, transnational crime might be uncovered through evidence of organized activity and the involvement of multiple offenders working together.

A fourth factor for local law enforcement to look for includes money-laundering activities. For many small-time criminals no elaborate money-laundering activities are required. They deal in cash and avoid financial institutions as much as possible. Their criminal associates and suppliers expect cash and they pay cash for most living expenses. If they do have bank accounts, they make small deposits so that larger expenses can be handled without arousing suspicion. Much criminal activity, whether drug related or not, is of this type. The criminals engaged in such low-level ventures provide most of the cases processed by criminal justice systems around the world. Organized criminals (including transnational organized criminals) on the other hand often engage in money laundering to thwart investigation and make prosecution impossible (Evans, 1997). These criminals have learned to manipulate and use financial systems and standard business practices to disguise the illegal origin of their money. They have learned to operate internationally, use professional advisers and develop complex structures that make detection unlikely and the collection of evidence particularly onerous (Evans, 1997). If local police find complex financial records along with evidence of criminal activity this could be an indication of transnational crime. Local police departments might be able to investigate these records, but they should know that this is a possible sign of transnational crime and they might need assistance from federal law enforcement.

All transnational crime organizations have to have a method of communicating. A fifth factor for local law enforcement to look for includes sophisticated electronic communications. Officers need training on the recognition of electronic devices, their component parts, and the types of evidence they might hold; how to search and seize electronic data; how to secure, evaluate and document a scene; how to handle and collect electronic evidence; how to decode electronic data; and legal issues related to electronic data. In some cases, law enforcement can get access to the programming keys from the software developers to decrypt messages related to criminal investigations

For those departments interested in more advanced training an additional module on the Enterprise Theory of Investigation (ETI) can be implemented. ETI has become the standard investigative model that the FBI employs in conducting investigations against major criminal organizations (Mcfeely, 2001), including transnational crime organizations. Unlike traditional investigative theory, which generally only attempt to identify individuals and the crimes they commit, ETI requires that investigators broaden evidence collection to show that an individual conducted the criminal activity to benefit the enterprise as a whole and ETI encourages a proactive attack on the structure of the criminal enterprise itself (Mcfeely, 2001). Rather than viewing criminal acts as isolated crimes, ETI attempts to show that individuals commit crimes in furtherance of the criminal enterprise itself. ETI supports not only the prosecution of the criminal enterprise, but also the seizure of the enterprise's assets and is intended to disrupt or dismantle entire criminal organizations. To recognize the value of the ETI, investigators must accept several main premises (Mcfeely, 2001). First, while some major organized criminal groups commit crimes to support idealistic views, financial profit remains the underlying motive for most criminal enterprises (Mcfeely, 2001). Next, major criminal enterprises historically rely on numerous criminal acts to support their existence and often divide the responsibility for committing these acts among their members and crews (Mcfeely, 2001). The ETI capitalizes on this diversity by analyzing the enterprise's full range of criminal activities, determining which components allow the criminal enterprise to operate and exploiting identified vulnerable areas within each component (Mcfeely, 2001). Oftentimes, larger criminal enterprises prove problematic for agencies to dissolve using traditional investigative methods. However, with ETI, the larger the enterprise and the more diverse its illegal activities, the more investigative opportunities it provides for law enforcement. A final premise of the ETI maintains that major organized criminal groups have a pyramidal hierarchy structure where the lower levels, consisting of more people, conduct the majority of the enterprise's criminal activities (Mcfeely, 2001). Therefore, working a case "up the chain" proves beneficial because it starts the investigation at the level where most investigative opportunities exist.

This material in section 2 would be similar for all three trainings, except the cadet training would have less time to explore a case scenario in much detail. The line officer group with experience will spend the most time of three groups on this section. The managerial session will cover most of what is covered in the line officer session, but focus more on interacting with federal counterparts and organizing multi-jurisdictional task forces (as opposed to just participating in them). Managerial training will also deal more with the complexities of interacting with legal attaches, consulate offices, and liaisons in foreign countries. Finally, the managerial session will thoroughly review the ETI which will only be touched on briefly with the line officer group and completed skipped by the cadet group.

### 3. Various law enforcement responses to transnational crime:

The increasing scope and dynamic nature of transnational crime has led law enforcement officials to alter their traditional responses to crime. The establishment of combined Federal, State, and local task forces has proliferated to address the threat (U.S. Department of State, 1998). Agencies mounting such collective anti-transnational crime efforts include the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, and Firearms (ATF); and the Immigration and Naturalization Service (INS)

(Ward, 2000); yet there is a need for a coordinated approach at the local level and training that operationalizes local responses. Local law enforcement can play an important role in curtailing transnational crime; however, not much data exists on the types of responses available for local law enforcement. Once transnational crime is identified there needs to be a clear articulation of the local department's policies regarding the handling of transnational cases, including: Goals, responsibilities, and the tasks appropriate for officers to take on in their jurisdiction, and a broad review of existing investigative efforts covering transnational crime.

First, trainees will be provided information on the role of the federal government in handling transnational crime cases. The trainers will outline the various federal law enforcement agencies involved in handling transnational crime cases and their roles and responsibilities. Next, the roles and responsibilities of the multitude of international organizations involved in policing transnational crime will be reviewed. The laws regarding information sharing between the intelligence and law enforcement communities will be reviewed (e.g., the Patriot Act). Trainees will be told what to do and not do with information. The benefits of collaborative responses will be reviewed and examples of successful cases of collaboration will be provided. Trainers will review the responsibilities of State and local law enforcement and what they need to do with information when they get it. Model protocols, for moving information 'up and out' to the appropriate people with jurisdiction and resources to conduct an effective investigation, will be reviewed. State and local level law enforcement need to know whom the information should go to, why they should share the information, and what to expect in terms of collaboration and feedback. There is a need to help local officers understand that the passing of information to the right people might highlight links to a larger international problem and effectively addressing that issue will work towards preventing local crime. Trainees will also be provided with network training (e.g., the nature of networks, how to form networks, joining networks, operating effectively within a network).

Strategies for transnational crime to be reviewed include: Working within a network or task force of state, local and federal representation, and working within a network of United States and international agencies. The task force concept increases the effectiveness and productivity of limited personnel and logistical resources, avoids duplication of investigations and consequent wasteful expenditure of resources in matters of concurrent jurisdiction, and expands the cooperation and communication among federal, state and local law enforcement agencies. Task forces allow the application of sophisticated investigative techniques normally associated with complex organized crime and racketeering investigations. Such techniques are frequently not available to local police agencies. The training will also review some of the difficulties that arise when state/local law enforcement work with international law enforcement agencies: (1) often foreign law enforcement do not understand the organization of the United States law enforcement (e.g., the federal system); if approached by a state police department on a matter, foreign law enforcement officers often are likely to conclude that the state police speak for the United States on a particular matter, (2) local law enforcement agencies can inadvertently impede ongoing investigations involving federal agencies, (3) U.S. embassies and ambassadors are charged with coordinating all U.S. activities – including law enforcement – in their respective countries; often local law enforcement entities fail to notify the embassies about cases they are working on which causes much confusion and then results in case impairment. Some of the barriers to responding to transnational crime to be reviewed include: lack of adequate resources -



such as manpower, funding and crime analysts; lack of expertise/training; political agendas involving differing priorities and expectations of each other's role; and information sharing between state/local and federal entities.

Another supplemental training module for advanced training will be on collaborative problem solving techniques and their application to transnational crime. Collaborative problem solving is an integral part of community policing. For departments practicing community policing they will need training on its application to handling problems that are larger than the more common traditional crimes that require a narrow focus on particular neighborhoods. For departments unfamiliar with problem solving techniques they will require a more basic review before its application to transnational crime could be examined. Collaborative problem solving requires a paradigm shift for police departments from reactive, incident based policing to proactive problem solving. Problem solving is used to identify crime problems, analyze why (and where) they occurred, develop tailored responses based on the analysis, and assess the impact of the responses. Problem solving is an analytical approach to tackling crime. Problem solving is a process of looking at crime and disorder problems, understanding those problems, drawing from a range of solutions (not just criminal law and arrest) to address the problems, and assessing and reassessing over time the effectiveness of the solutions. To do problem-solving well requires training, skills and tools. Problems should be analyzed thoroughly so that solutions are specifically tailored to them. Analysis includes information from many sources, including the people affected by the problem, the police (crime analysis, survey information, calls for service), other government agencies (codes, probation, parole, city planning), neighborhood associations, municipal laws and codes, environmental laws and codes, etc. Next, the trainers will review the SARA model. SARA is a problem-solving model police officers and researchers developed in Newport News, Va., in the early to mid-1980s. Those engaged in crime control and crime reduction sometimes find it helpful to use a model that offers them a framework for approaching crime problems. Community groups and police departments in many parts of the country use SARA. The SARA model consists of scanning, analysis, response, and assessment. The training curriculum will also include an example of applying problem solving techniques to transnational crime. The example will have the following characteristics: A serious community problem was identified that was within the police jurisdiction to handle; a thorough analysis was done; customized, long-term solutions were implemented, and results were assessed (including how the solutions left the community better equipped to resist similar problems in the future). An outline of the training module for collaborative problem solving is provided below:

- I. Workshop Introduction (8:00-8:15)
    - A. Introductions
  - II. Transnational Crime Problem Solving Issues (8:15-9:30)
    - A. Current Policing Practices
    - B. Barriers to Change
  - III. Overview Collaborative Problem Solving (9:30-10:30)
    - A. Definition of "Problem"
    - B. The SARA Model
- Break (10:30 - 10:45)
- IV. Collaborative Problem Solving (10:45-12:00)

- A. Application of the SARA Model
- Lunch (12:00-1:00)
- V. Team Work - Scanning (1:00-1:30)
    - A. Participants Work in Teams to Identify and Define and Select Current Transnational Crime Problems.
    - B. Review of Problems Identified.
  - VI. Problem Solving - Analysis (1:30-2:30)
    - A. Team Problem Analysis
    - B. Problem Analysis Team Reports
  - VII. Problem Solving – Response and Assessment (2:30-3:45)
    - A. Response Development
    - B. Response - Team Reports
  - VIII. Wrap Up (3:45-4:00)

This material in section 3 would be broadly similar for all three trainings. The cadet training would cover only the main law enforcement responses to transnational crime and focus mostly on the role of the federal government in policing transnational crime and the expectations for state and local law enforcement in responding to transnational crime. The line officer group with experience will cover most of the material outlined above in this section, and if there is time might cover part of the collaborative training module. To learn the SARA model however would require an entire extra day as outline above. The managerial session will go beyond an overview of law enforcement responses in use across the country covered with the line officer training, but will include a discussion of current strategies in use in managers’ department and possible need for new approaches. The managerial session will be more oriented towards system-wide responses as opposed to responding to a single case and focus more on interacting with federal and international counterparts.

#### 4. Working with victims of transnational crime

Officers need to know how to effectively identify and work with victims of transnational crime so that victims might play a greater role in prosecution and investigation, thereby leading to criminal charges and addressing the crime at its roots. Street level officers tend to be the first responders. They need to know what steps to take to alleviate fear and distrust, get victims the services needed, and help victims become allies of the investigation. For example, trafficking victims may have been told to fear the police or to fear retaliation against their family for anything revealed. Officers should understand the importance of having working relationships with the service providers in the community, learn how to gain a victim’s trust, learn how to treat victims so as not to re-victimize the individual, learn about why victims of transnational crime may react differently than other victims, and learn about how to get details during investigation that may prevent future transnational crime from occurring (e.g. learn smuggling routes).

Due to time constraints, the material in section 4 would not be covered in the cadet training other than a brief statement about how this is an issue. The managerial and line officer sessions will both provide full coverage of the material in this section, but the managerial section will also discuss the process of organizing a response from victim service providers.

## 5. Culture and language awareness issues

The number of languages and dialects within each ethnic culture makes training on language skills particularly difficult, if not impossible, and language skills for interviewing victims can generally be accessed through community based organizations. Officers need training in cultural awareness and need to be culturally competent and understand the different customs they face in order to be effective. Cultural competence for police officers involves a set of attitudes, skills, and levels of awareness that will allow an officer to interact with the public (including witnesses, victims and suspects) in ways that are appropriate, respectful, and relevant to those being served. Items to be addressed in training include:

- Awareness of cultural diversity (racial and cultural barriers, ethnocentric reactions)
- Knowledge of cultural diversity (development of racial identity, psychosocial history of racial groups)
- Skills in cultural competence (development of trust and rapport, self-assessment of cultural competency)
- Cross-cultural encounters (role-playing, practical approaches, personal action plans).

To make it most useful, training on cultural competence needs to be specific to the localities and ethnicities for which the officers will serve.

Due to time constraints, the material in section 5 would not be covered in the cadet training other than a brief statement about how this is an issue. The managerial and line officer sessions will both provide full coverage of culture and language awareness issues and their importance in policing transnational crime.

## 6. Case scenario exercise with actual transnational crime case

As part of the transnational crime TAG meeting, TAG participants worked with Caliber to develop case scenario exercises based on actual cases. These case scenarios could be used for future training purposes or an example from the jurisdiction conducting the training could be used. These exercises will cover pertinent facts of the case, information on how the link to transnational criminal activity was made, innovative investigative strategies, the actual police response in the case, the challenges faced by law enforcement in handling this case, and how the case was concluded. Case scenario analysis will allow officers to learn their roles and responsibilities as they walk through a case. It will also enable a mapping out of how realistic and effective collaboration might occur. Officers will address the challenges that tend to occur and find a way to most effectively respond to the situation. These case scenarios would also help

educate officers about the mechanisms that are available to them as they deal with cases other than transnational crime.

Due to time constraints, the cadet training session will not be able to conduct a detailed case scenario analysis. However, the cadet training will have smaller vignettes and scenarios built into the sections that are covered in their training. The managerial and line officer sessions will conduct a detailed case scenario analysis either with the attached example provided by this research project or through their own local case example.

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## **APPENDIX A- CASE SCENARIO EXAMPLES**

**CASE STUDY #1: THE LACKAWANNA CASE (ATTACHED TO FINAL REPORT)**

**CASE STUDY #2: THE NORTH CAROLINA HEZBOLLAH TERRORIST CASE?  
(ATTACHED TO FINAL REPORT)**