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The Impact of **Terrorism** on State Law Enforcement

Adjusting to New Roles and Changing Conditions



Final Report

June 2005



*The Council of State Governments and Eastern Kentucky University
Through support from the National Institute of Justice*

EKU

The Council of State Governments

The Council of State Governments is the premier multibranch organization forecasting policy trends for the community of states, commonwealths, and territories on a national and regional basis. CSG alerts state elected and appointed officials to emerging social, economic, and political trends; offers innovative state policy responses to rapidly changing conditions; and, advocates multistate problem-solving to maximize resources and competitiveness. CSG promotes excellence in decision-making and leadership skills and champions state sovereignty.

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Executive Summary

The catastrophic events of Sept. 11, 2001, served as a wake-up call to the nation regarding the threat of terrorism. Preventing future acts of terrorism and preparing for massive response operations became a national priority overnight for law enforcement at all levels, creating new responsibilities and new paradigms for federal, state and local law enforcement agencies.

Changes quickly took place in the federal government, including the creation of the new Department of Homeland Security and shifting priorities within the Federal Bureau of Investigation and other federal law enforcement agencies. At the state level, anecdotal evidence gathered soon after Sept. 11 indicated state police were engaging in many new homeland security roles, such as:

- coordinating homeland security at the state level;
- collecting, analyzing and sharing critical information and intelligence;
- protecting critical infrastructure and key assets;
- securing the nation's borders, air and sea ports;
- collaborating with federal and local law enforcement on task forces; and
- preparing for new response equipment, tactics, systems and training.

In 2003, The Council of State Governments and Eastern Kentucky University set out to explore these new roles and changing conditions. Among other components of this 18-month effort, researchers conducted a 50-state survey of state and local law enforcement agencies, conducted a series of case studies, and convened an expert work group of public officials.

According to the survey results, state law enforcement agencies are very involved in their states' homeland security initiatives. Combined with new demands for collaboration with other branches of government and the private sector, state police personnel and resources are stressed in many ways today. The following summarizes a number of key survey findings:

- Approximately three-quarters of state law enforcement agencies report a great amount of involvement in or serve as their state's leader for gathering, analyzing and sharing terrorism-related intelligence. Overall, state police are much more involved today than before Sept. 11 in building their states' intelligence capabilities, conducting terrorism-related investigations and coordinating and planning for homeland security.
- More than 70 percent of state agencies agree that their individual officers and investigators have significant new responsibilities in terrorism-related intelligence gathering, investigations and emergency response. These new requirements are having a substantial impact on state police intelligence, planning and grants-management efforts.
- Local law enforcement agencies are requesting more operational assistance and support from state police today than before Sept. 11, particularly training, technical assistance, forensic science, specialized services and help with computer crimes. State agencies have provided additional training and technical assistance to local agencies.
- More than 75 percent of state agencies report that their assignment of personnel to federal task forces has increased or significantly increased since Sept. 11. While state police interaction with federal immigration officials has increased, federal support for drug and traditional crime investigations has decreased across the states.
- Among many federal agencies, state and local law enforcement most commonly report increased levels of interaction since Sept. 11 with the FBI, Office for Domestic Preparedness and Immigration and Naturalization Service.¹
- More than 60 percent of state police agencies report an increase in their interactions with corporate security representatives and private companies concerning facility security and worker background checks. Relationships with the private sector have generally increased, likely resulting in more state agency time and resources required for these public-private activities.

This document is a research report submitted to the U.S. Department of Justice. This report has not been published by the Department. Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

Key project finding

The information collected for this project indicates an expanding role for state law enforcement since 2001, partly due to new roles and responsibilities associated with homeland security, and partly because state police are filling gaps and vacuums created by shifts in federal law enforcement priorities. While it is true that all types of police agencies have been significantly affected post-Sept. 11, it seems that state law enforcement agencies have been affected the most.

In addition to the survey, project staff conducted five case studies during the summer of 2004. The purpose of the state visits was to document several different structures and models to address terrorism at the state level, focusing on the different roles played by state law enforcement agencies. Although states have many unique conditions and needs, several common themes surfaced during the visits:

- States are developing new intelligence fusion centers, analysts and tools.
- The popularity of regional and statewide planning is growing.
- Although homeland security requires an unprecedented level of cooperation among the different state-level disciplines, state law enforcement agencies are playing a lead role in preventing terrorism.
- Terrorism prevention requires an “all crimes” approach; integration with the criminal justice system is critical.
- State police are playing critical roles on the nation’s borders and highways.
- State and local law enforcement agencies share many concerns about shifting federal law enforcement priorities.

Once compiled, the survey and case study information was presented to a 30-member work group of state, local and federal officials for in-depth analysis. This group met twice in 2004 to interpret the research results, identify intergovernmental issues and needs, and form recommendations for state policy-makers. Chapter Four summarizes the work group’s recommendations.

The group recognized the importance of improved intelligence gathering, analysis and sharing. The integration of new terrorism-related demands into the existing criminal justice framework is likewise critical. Furthermore, cooperation among the entire law enforcement community, including local and federal law enforcement and private sector players, is imperative for progress. Finally, the work group addressed a number of state-level governance, planning and legal issues affecting state law enforcement and general terrorism-prevention duties.

The authors hope that, as state officials seek to improve homeland security, results from this project will provide them with a clearer understanding of current conditions and strategic directions for the future.

Chapter One

Introduction



Chapter One: Introduction

This report examines the impact of terrorism on state police agencies. It is well known that new homeland security and terrorism-related demands are affecting many disciplines at all levels of government. So what is the purpose of focusing on state police? The answer is threefold.

First, historical data and literature about states' operational roles and activities related to terrorism are simply absent. Second, there is a need to examine how new terrorism-related activities may be affecting more traditional and emerging state police priorities. And third, state police agencies have historically been neglected, relatively speaking, as the subjects of research and policy work.

States' historical role in homeland security

Although there is a lack of historical data and literature about states' counterterrorism activities, state police probably had some knowledge and expertise related to terrorism in the years leading up to Sept. 11.² However, if asked about terrorism prevention and homeland security, most state officials would likely have directed responsibility to the federal government. Today, state and local law enforcement agencies nationwide are playing a primary role in these activities.

Before Sept. 11, terrorism was likely a higher priority for state officials in Georgia, Oklahoma and New York than for those in other states because of their firsthand experiences with terrorism in the 1990s. In 1993, a bomb exploded in the parking garage of one of the World Trade Center towers in New York City, killing six people and injuring approximately 1,000. Two years later, the Murrah Federal Building in Oklahoma City was destroyed by a bomb blast that killed 168 people and injured more than 500. And in 1996, a pipe bomb exploded in Atlanta's Centennial Olympic Park, killing one woman and injuring 112 people.

In 1997, select cities began receiving funding for domestic preparedness related to weapons of mass destruction through the federal Nunn-Lugar-Domenici Domestic Preparedness Program. The states represented by these cities were likely more prepared for massive response operations than others. Nevertheless, terrorism prevention never appeared to be a high priority for state and local law enforcement agencies before Sept. 11.

Today, state police are pursuing unprecedented homeland security and terrorism-related activities. For example, the development of state intelligence fusion centers is a post-Sept. 11 phenomenon. This research project aims to explore the recent proliferation of terrorism-related roles and responsibilities among the state police community.

Homeland security's effect on other police priorities

Along with the need to understand how states' roles have changed over time, there is a need to examine how new terrorism-related activities may be affecting traditional state police priorities, along with other emerging challenges.

For example, before Sept. 11, the Federal Bureau of Investigation, along with state and local law enforcement, played important roles in fighting financial crimes, bank robberies, organized crime and drug trafficking. One might assume that, by default, state and local law enforcement would become more involved in these efforts, given the FBI's new priority: "Protecting the United States from terrorist attacks."³ However, federal grant programs to support these efforts at the state and local levels, including the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant and Community Oriented Policing Services program, have been diminished or dissolved since Sept. 11.⁴

State police appear to be in a “tug of war” among many different expanding responsibilities. On top of new homeland security roles, many state police agencies are also responsible for:

- fighting new synthetic drug epidemics like methamphetamines;
- managing and helping to enforce new sex offender registries;
- fighting identity theft and computer crimes; and
- assisting federal officials with immigration enforcement and investigation.

At the same time, many police officers serve in the reserves and National Guard and continue to be activated for service in Afghanistan and Iraq, placing a huge personnel strain on the states.⁵

A closer examination of these emerging conditions will provide evidence about which responsibilities appear to be losing ground to new terrorism-related duties. Armed with this information, policy-makers and practitioners can reassess resources and responsibilities among state, local and federal law enforcement to ensure all public safety needs are met.

Lack of research on state police

State police agencies have historically been neglected, relatively speaking, as the subjects of research and policy work. Therefore, little is known about state police structures, practices, needs and promises for the future. State law enforcement agencies are often part of larger studies looking at the community of state and local police. Unfortunately, they frequently take a subsidiary role to local law enforcement agencies, especially large city police departments. Gaining a better understanding of state law enforcement agencies is important for many reasons today. Not only are state agencies actively involved in terrorism preparedness, but many play a critical role in other public safety priorities by enforcing laws related to new and emerging crimes such as Internet fraud and identity theft.

These emerging conditions require a closer examination of state police structures and roles, as well as their relationships to other law enforcement stakeholders. Understanding these changing conditions can help improve policies and practices at the national and state levels.

State law enforcement—yesterday and today

About 10 percent of police in the United States are employed by the states.⁶ State law enforcement has traditionally played an important, but relatively small role in the overall picture of policing in America. One of the oldest and best-known state police organizations is the Texas Rangers, established in 1835.⁷ Most state agencies, however, are relatively new. The growth of the interstate highway system during the mid-20th century and the need for traffic safety and enforcement forced most states to establish or expand their state law enforcement agency.

In addition to highway safety and criminal investigations, general-purpose agencies play many other lead and supporting roles in the states. For example, these agencies often provide states with special weapons and tactics teams; search and rescue units; marine and aviation assets; crime labs; criminal history repositories; uniform crime reporting; statewide information systems; training for local law enforcement; and statewide communication, intelligence and analysis.

According to the Bureau of Justice Statistics, there were roughly 700,000 full-time, sworn state and local law enforcement personnel in 2000, including approximately 56,000 officers employed by general-purpose state law enforcement agencies.⁸ The Federal Bureau of Investigation, by comparison, employed just 11,523 special agents in 2000.⁹ The number of law enforcement officials substantially increases at all levels of government, especially at the state and federal levels, when special jurisdictions with arrest and firearm authorities are considered, such as the alcoholic beverage control, fish and wildlife and state park services.

Local police departments and sheriffs' offices provide the bulk of law enforcement services to rural communities. As with many other services, however, rural areas are severely constrained by the lack of law enforcement resources. In 1999, for example, 52.4 percent of all local law enforcement agencies employed fewer than 10 sworn officers while 5.7 percent employed just one sworn officer.¹⁰ For this reason, state police departments often play enhanced roles in rural areas by providing critical support services to smaller local agencies.

States have adopted two basic law enforcement structures: a unified structure—usually with the label state police, state patrol or department of public safety—and a bifurcated structure, with a highway patrol and a separate bureau of criminal investigation. Hawaii is the only state that does not have a general-purpose state-level law enforcement agency. In a unified system, the same state agency performs patrol, traffic and criminal investigation responsibilities. Examples include the Illinois State Police, the Nebraska State Patrol and the Arizona Department of Public Safety. In a bifurcated system, one agency typically provides traffic enforcement and limited patrol services, while a separate agency investigates specified types of crimes. Florida, for example, has the Florida Highway Patrol and the Florida Department of Law Enforcement. California has the California Highway Patrol and the California Bureau of Investigation.

While practices vary substantially around the country, state law enforcement agencies typically provide extensive police services in rural areas of states with a unified structure. On the other hand, sheriffs' departments usually fill the law enforcement gaps in rural areas of states with a bifurcated system.

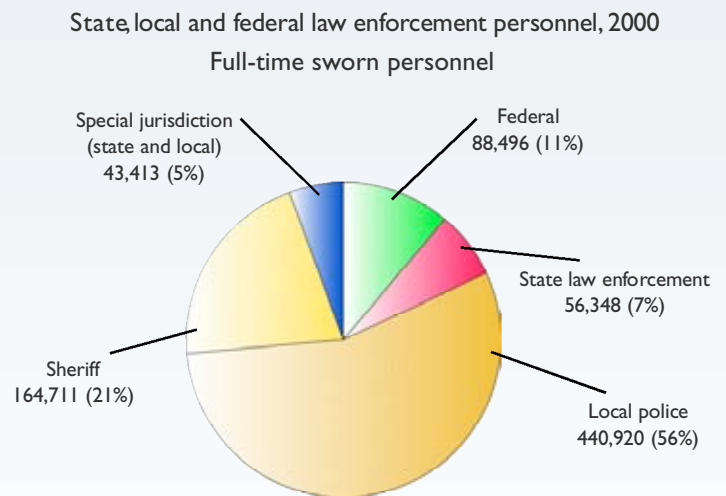
Supporting literature since 2001

Although the concept of homeland security is relatively new to state and local law enforcement agencies, recent literature suggests the need for heightened state and local police roles in the fight against terrorism. For example, a 2003 report by the National Criminal Justice Association declared, "State and local law enforcement officials are the front lines of defense by collecting intelligence/criminal information, developing strategies to protect our communities and our critical infrastructures, hardening vulnerable targets, and preparing for aggressive responses to acts of terrorism."¹¹

Similarly, a report by the RAND Corporation in 2004 emphasized, "Current trends suggest that law enforcement may play an increasingly important role in the investigation of terrorism-related incidents ... The large

Figure 1: State Police in the United States—2000

- State police agencies range in size from 126 sworn officers in North Dakota to 6,678 sworn officers in California.
- The average size of state police agencies is more than 1,000 sworn officers, compared with an average of approximately 40 sworn officers for local police and sheriffs' agencies.
- State police agencies represent about seven percent of all the nonmilitary sworn law enforcement personnel in the United States. After factoring in other special-jurisdiction agencies at the state level, such as bureaus of investigation and alcoholic beverage control agencies, the states likely account for about 10 percent of all the sworn police in the United States.
- The states with the most sworn state police officers per resident are Delaware with 74 officers per 10,000 residents, Vermont, 50, and West Virginia, 38. These states also have the largest percentage of state police when compared with the entire law enforcement presence in the state. State police account for 33 percent of all sworn officers in Delaware and 29 percent in Vermont.
- The states with the fewest sworn state police officers per resident are Wisconsin with nine officers per 10,000 residents, Georgia, 10, Florida, 10, and Minnesota, 11. Georgia has the smallest percentage of state police when compared with the entire law enforcement presence statewide—four percent of all sworn officers.



Source: Matthew J. Hickman and Brian A. Reaves, *Law Enforcement Management and Administrative Statistics, 2000: Data for Individual State and Local Agencies with 100 or More Officers*, (Bureau of Justice Statistics, 2004), 241; Bureau of Justice Statistics, "Law Enforcement Statistics," <<http://www.ojp.usdoj.gov/bjs/lawenf.htm>> (28 February 2005); Matthew J. Hickman and Brian A. Reaves, "Federal Law Enforcement Officers, 2000," (Bureau of Justice Statistics, 2001), 2.

number of leads coming in from a variety of sources suggest that follow-up investigations may increasingly be conducted by local law enforcement agencies at the request of the FBI.”¹² The report also mentioned that state and local law enforcement “may be called upon to act more broadly now to fill the gap between what federal agencies, such as the FBI, are restricted in doing versus what local law enforcement can contribute in terms of intelligence collections.”¹³

The National Commission on Terrorist Attacks upon the United States, commonly known as the 9/11 Commission, also recognized the need for heightened intergovernmental cooperation in efforts to prevent terrorism. Despite progress with Joint Terrorism Task Forces, the *9/11 Commission Report* acknowledged that state and local law enforcement agencies “need more training and work with federal agencies so that they can cooperate more effectively with those federal authorities in identifying terrorist suspects.”¹⁴

In addition, the commission noted that, “some terrorist operations do not rely on outside sources of money and may now be self-funding, either through legitimate employment or low-level criminal activity.”¹⁵ Furthermore, “counterterrorism investigations often overlap or are cued by other criminal investigations, such as money laundering or the smuggling of contraband. In the field, the close connection to criminal work has many benefits.”¹⁶

For this connection to occur, state and local agencies must be able to gather, analyze and share criminal information and suspicious activity with each other and the FBI. “The intersection of traditional crime and terrorism is leading to new roles and relationships among federal, state, and local governments,” said the report by NCJA.¹⁷

Not only are states faced with new homeland security roles, they are also affected by shifting federal law enforcement priorities. “The concern with the FBI is that it has long favored its criminal justice mission over its national security mission,” the 9/11 Commission said.¹⁸ In 2002, the FBI announced a reshaping of priorities to guide future activities, with the new priority being “protecting the United States from terrorist attacks.”¹⁹

Not only does a review of relevant literature suggest a theoretical need for increased use of state police, actual changes taking place nationwide show that these changes are occurring. For example, New York Gov. George E. Pataki announced in March 2003 the hiring of 120 new state troopers for additional security on the state’s northern border.²⁰ That same month, New Jersey Gov. James McGreevey signed an executive order to increase the presence of state police on transit trains, major rail stations, bridges and ports.²¹ Arizona Gov. Janet Napolitano and New Mexico Gov. Bill Richardson signed an agreement in February 2004 to better enable the sharing of intelligence information for homeland security purposes.²²

State police agencies are not only fulfilling important operational roles, many are being required to help coordinate statewide homeland security planning. A 2004 report by the National Emergency Management Association shows that the number of public safety or law enforcement personnel serving as their state’s appointed homeland security designee rose from 11 in 2002 to 15 in 2003. The report also states that 49 states have created a terrorism committee, task force or council.²³ Whether serving as the state’s homeland security director or coordinator, or participating on new committees and task forces, state police are affected by these new planning and coordination roles.

Chapter Two

Survey Methodology, Results and Impacts



Chapter Two: Survey Methodology, Results and Impacts

To explore these changing conditions, the research team designed and implemented a three-stage project. The first stage was a survey of state and local law enforcement agencies nationwide. This chapter describes the survey results, along with the methodology used to gather, analyze and interpret information from all 50 states.

Research methodology

Instrumentation—The survey instrument was developed by a research team with state and local law enforcement experience. Survey items were developed from scratch since the project's focus was to explore new developments. Staff did review and utilize several existing surveys related to homeland security, however, to gather ideas about survey structure and wording. The project advisory group reviewed the draft survey in December 2003, and their suggestions were incorporated into the draft survey before implementation in 2004.

Survey Framework—The Council of State Governments and Eastern Kentucky University administered the survey to state and local law enforcement agencies during the spring of 2004. The survey was administered to all state police and highway patrol agencies, as well as general-purpose state bureaus of investigation, for a total of 73 agencies. Each agency received a survey that contained quantitative and qualitative items. Survey responses were obtained from 21 state police and state patrol agencies, 16 highway patrol agencies and 24 state bureaus of investigation, or a total of 61 agencies.

The survey was also sent to a sample population of local agencies. The sampling frame for the local survey included a total of 400 police and sheriff agencies. The 200 largest local agencies were included as well as a sample of 200 other agencies randomly selected from the National Public Safety Information Bureau's directory of law enforcement administrators. Initially, the District of Columbia's Metropolitan Police Department was included in the local law enforcement survey. However, the research team omitted their survey response while conducting comparative analysis due to the District of Columbia's unique government structure.

The final response rates were 83.6 percent for state agencies and 46.6 percent for local agencies.²⁴ For the two subsets of the local survey, the response rates were 58.5 percent for the 200 largest agencies and 35 percent for the 200 randomly selected agencies. To arrive at these response rates, the research team administered a multimodal survey, using mailings and the Internet. Each targeted agency received a mailed questionnaire in January 2004. A Web-based instrument was also developed using Quask software. Respondents had the choice of completing the questionnaire online or by mailing in answers. Four weeks later, the research team mailed a reminder to all agencies with outstanding responses and followed the mailing with phone calls to meet the desired response rates.

Data Analysis—The data were analyzed using the Statistical Package for the Social Sciences (SPSS), version 12.0 for the personal computer. Most of the data collected were measured on a comparative scale using categories such as *fewer resources*, *no change* and *more resources*. Therefore, most of the statistical analyses involved generating frequencies and percentage distributions.

Analysis of survey results used two subsets of responding agencies: state and local agencies. State agencies were categorized as state police, highway patrols or bureaus of criminal investigation. State police are those state agencies that have general jurisdiction throughout the state for crime and traffic matters, and that generally provide both patrol and criminal investigation services. By contrast, highway patrol agencies are largely restricted to patrolling state and interstate highways, and primarily concern themselves with traffic safety.

Bureaus of criminal investigation typically provide criminal investigation services but do not engage in patrol or focus much on traffic safety. Usually, these bureaus of criminal investigation are found in states that also have highway patrols. On the other hand, states that have state police agencies do not ordinarily have separate general-purpose investigative bureaus, because the state police themselves engage in criminal investigations. Most states also have several special-purpose law enforcement and investigative agencies focusing on such matters as fraud, drug investigations, and fishing and hunting. These specific-purpose state agencies were not included in the survey.

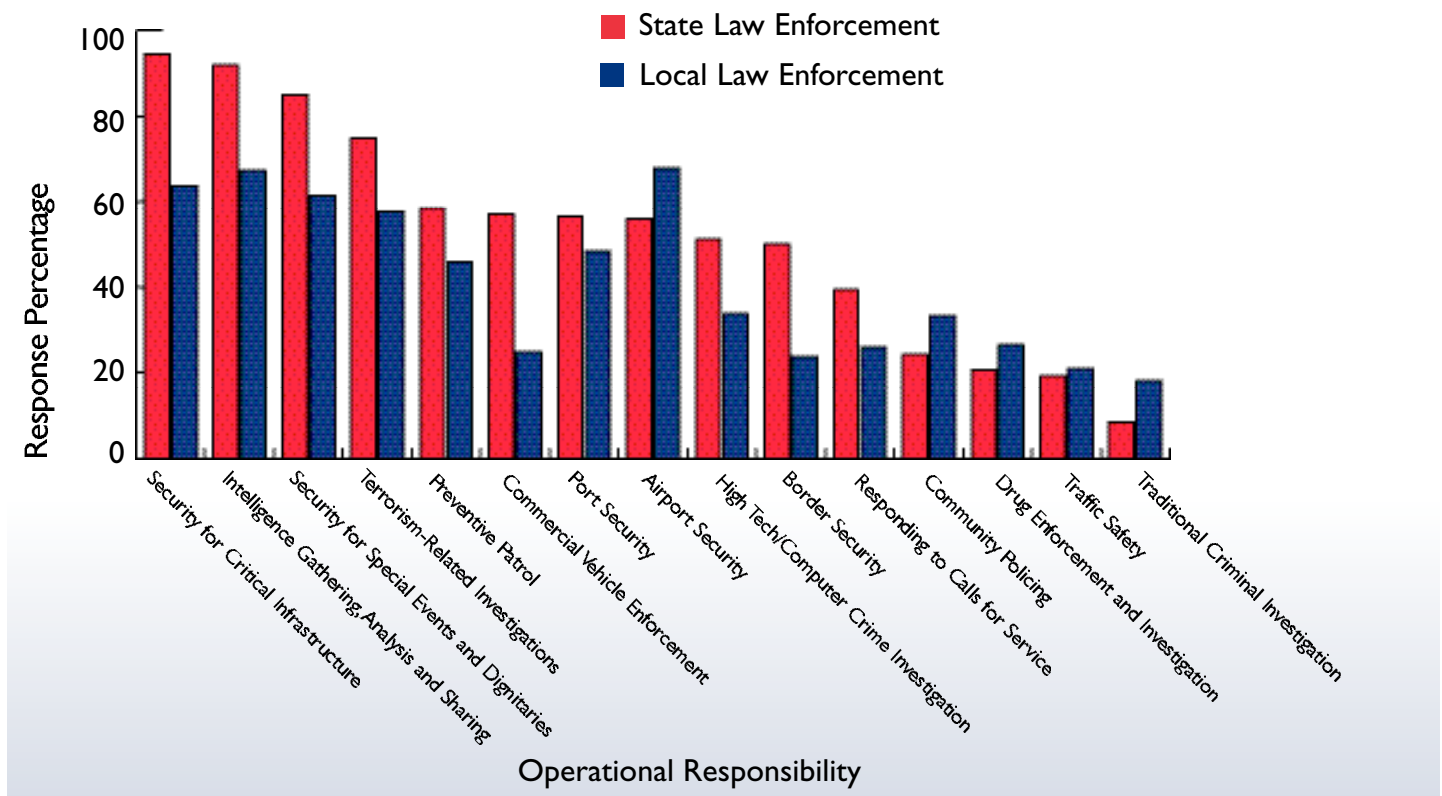
Local agency respondents were categorized as small, medium or large in the survey analysis. A small agency is defined as having one to 25 sworn officers, medium agencies have 26 to 299 sworn officers, and large agencies include those with 300 or more sworn officers. (See Appendix C for copies of the state and local survey instruments and percent distributions.)

Allocation of resources

Summary: State law enforcement agencies reported allocating more resources since 2001 to responsibilities related to homeland security and terrorism prevention, as well as operational assistance to help local agencies with more traditional and terrorism-related needs. This allocation or reallocation of resources has been more prominent for state agencies than for all three types of local agencies.

Figure 2: State versus local law enforcement’s allocation of resources

The following percentages of state and local law enforcement agencies say they have allocated more or many more resources toward certain operational responsibilities since Sept. 11.



Source: CSG and EKU National Survey of State and Local Law Enforcement Agencies, 2004 (State Law Enforcement Population = 73, Collected Surveys = 61; Local Law Enforcement Sample Size = 399; Collected Surveys = 186).

The first survey category asked agencies about their allocation of resources for various operational law enforcement responsibilities since Sept. 11. Figure 2 compares state and local agencies' allocation of resources and, specifically, those responsibilities that have received *more* or *many more* resources. Agencies are omitted from each calculation if respondents reported that an operational responsibility was *not applicable*.

As indicated by the red bars, three-quarters or more of all state-level respondents indicated they allocated *more* resources to security for critical infrastructure, special events and dignitaries; intelligence gathering, analysis and sharing; and terrorism-related investigations. Not reflected in this figure, state agencies were most likely to report allocating *fewer* resources to drug enforcement and traditional criminal investigation. A majority of states, however, reported *no change* in allocation of resources for these two operational responsibilities.

State agencies were more likely than local ones to report allocating *more* resources for most operational responsibilities, except for airport security, community policing, drug enforcement and investigation, traffic safety and traditional criminal investigation. Fewer than 22 percent of state and local agencies reported allocating *additional* resources to traffic safety and traditional criminal investigation.

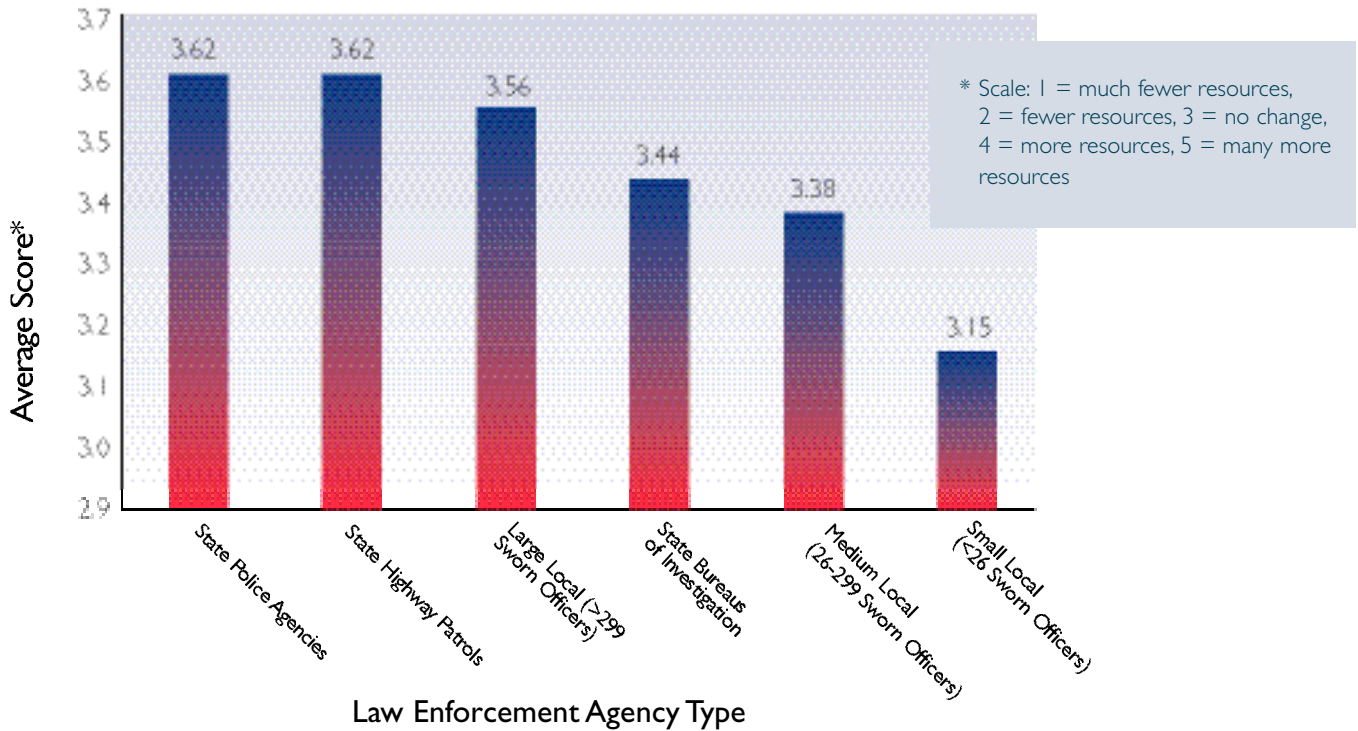
Although the patterns of resource allocation or reallocation since Sept. 11 were similar among state and local agencies, there were some notable differences.

- A greater percentage of state agencies reported allocating *more* resources to 10 of 15 comparable responsibilities, suggesting that these concerns have had a larger impact (as measured by allocation of more resources) on state agencies than on local ones.
- State agencies were substantially more likely than local agencies to report devoting *more* resources to border security; commercial vehicle enforcement; security for critical infrastructure; security for special events and dignitaries; intelligence gathering, analysis and sharing; and terrorism-related investigations.
- Unlike state agencies, local ones did not report allocating *substantially more* resources for any operational responsibility since Sept. 11.

After analyzing responses by the type of state agencies and size of local agencies, the most striking differences are found in responses of small and large local agencies. As with state agencies, a relatively high percent of large local agencies reported allocating *more* resources to security for critical infrastructure, events and dignitaries; intelligence gathering, analysis and sharing; and terrorism-related investigations. Small local agencies were consistently less likely to report allocating *more* resources for the various operational responsibilities.

The research team used a scaling method to compare the average score for each type of agency. Average responses were generated using the following scale: 1 = much fewer resources; 2 = fewer resources; 3 = no change; 4 = more resources; and 5 = much more resources. The average score for state agencies over all 18 operational responsibilities was 3.55, compared with 3.46 for local ones. Figure 3 shows the average score for each type of agency, using only applicable responsibilities.

Figure 3: Average impact on type of agency



While the average score for large local agencies is nearly as high as those for state police and highway patrol agencies, their resource allocation patterns differ to some extent. Large local agencies reported devoting *more* resources to airport and port security. State agencies, on the other hand, reported the largest resource increases for border security, commercial vehicle enforcement, high-tech investigations, and security for critical infrastructure, events and dignitaries. In addition, state police and highway patrol agencies indicated allocating *many more* resources to operational assistance for local agencies, an item not included on the local survey.

Relationships with other law enforcement agencies

Summary: State law enforcement agencies today are participating in more federal task forces and immigration-related investigations and interacting much more frequently with a wide variety of federal agencies. The same is largely true for local law enforcement agencies, but these changes have been more dramatic at the state level.

Local agencies are requesting more operational assistance and support from state law enforcement agencies, particularly training, technical assistance, forensic science, specialized services (e.g., aviation, marine, bomb squad, SWAT), and help with high-tech/computer crimes. Since 2001, state agencies have been able to respond with additional training and technical assistance, but have not increased their assistance for other types of requests.

Several federal agencies have changed their priorities since Sept. 11 to better focus on domestic security. These federal agencies seem to be giving *less* attention today to traditional criminal investigations in terms of their own operational activities and in the form of assistance to local agencies. Anecdotal evidence indicates that these shifts may be creating voids or vacuums, placing additional burdens on state law enforcement agencies. Also, federal agencies have *increased* their requests for state and local participation in investigations related to terrorism and immigration.

Figure 4: Working with federal agencies

State law enforcement agencies report the following changes since Sept. 11.

	Decreased	No Change	Increased
The participation of federal agencies in drug investigations in our state has:	23.7%	55.9%	20.3%
The participation of federal agencies in high-tech/computer crime investigation in our state has:	10.3%	50.0%	39.6%
The participation of federal agencies in traditional criminal investigation (bank robberies) in our state has:	27.6%	65.5%	6.9%
The involvement of federal agencies in providing support services to state and local police (training, TA) in our state has:	6.7%	41.7%	51.6%
Our own agency's assignment of personnel to federal task forces (JTTFs) has:	4.9%	18.0%	77.0%
Our own agency's involvement in immigration-related investigations and enforcement has:	1.7%	55.0%	43.3%

Figure 4 summarizes responses from state law enforcement agencies regarding their relationship to federal agencies. The first four items pertain specifically to changes in federal agency activity. They indicate some degree of *decreased* federal involvement in traditional criminal investigation such as bank robberies, although the most popular response was *no change*. By contrast, state agencies report that federal participation in high-tech investigations and provision of support services to state and local agencies have *increased* since Sept. 11.

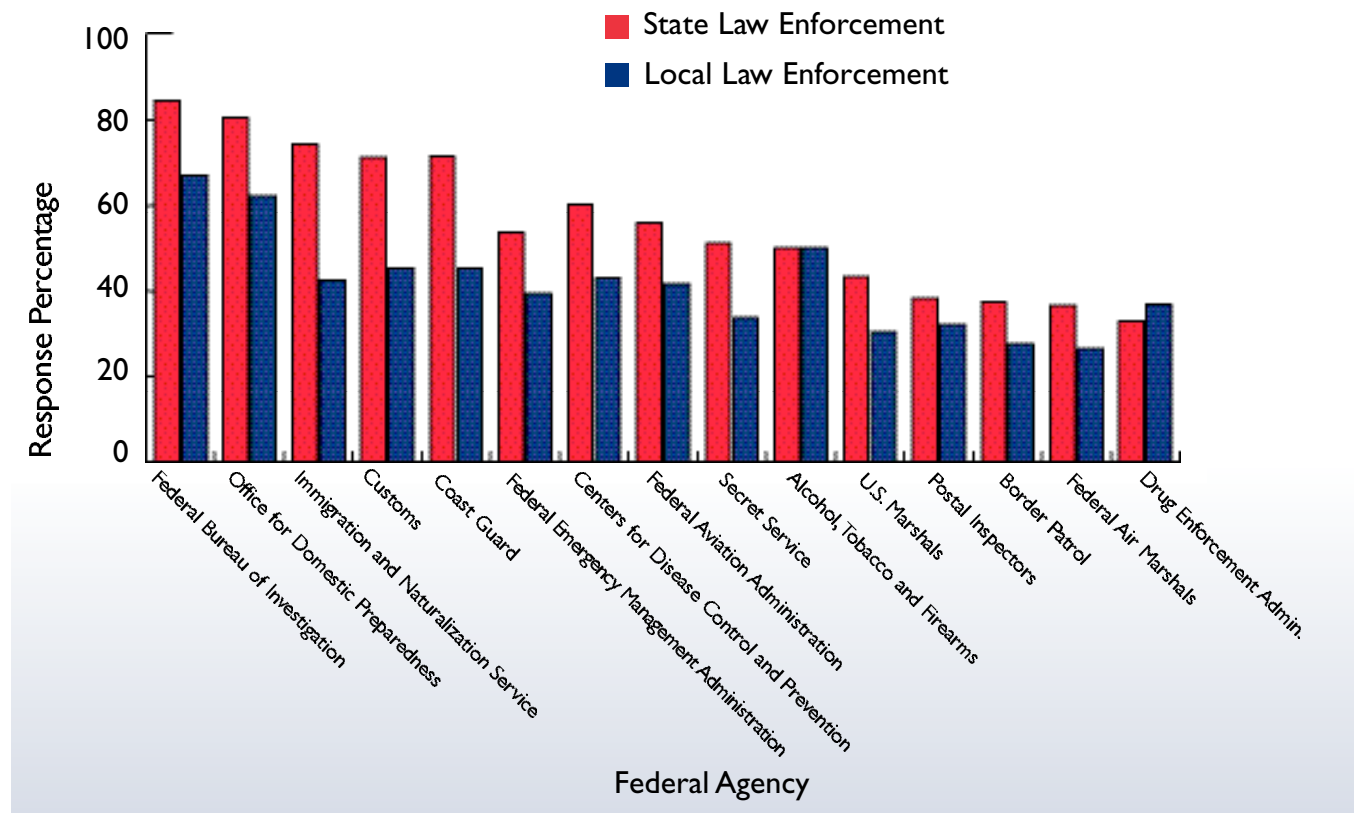
The last two items in Figure 4 pertain to changes in the state agency's involvement in federal task forces and immigration-related investigations. The trend in each case is toward *more* involvement by state agencies, especially on federal task forces such as Joint Terrorism Task Forces. Three-quarters of state agencies indicated *increased* or *significantly increased* assignment of personnel to such task forces, while 43 percent indicated increased involvement in immigration-related investigations and enforcement.

When comparing responses from state and local law enforcement agencies, answers to the first four items are similar, indicating that state and local agencies have common perceptions about changes in federal support and participation in investigations. Local agencies were somewhat less likely, though, to indicate *increased* assignment of personnel to federal task forces and increased involvement in immigration-related investigations and enforcement. Large local agencies are most similar to state agencies in their involvement in federal task forces and immigration-related activities.

The survey also asked respondents about their interactions with specific federal agencies since Sept. 11. As Figure 5 shows, state law enforcement agencies are interacting *more frequently* with a variety of federal agencies in the post-Sept. 11 era. Most notably, a high proportion of agencies reported *more frequent* interaction with the FBI, Office for Domestic Preparedness and Immigration and Naturalization Service. Although not depicted in this figure, the federal agencies with the most *no change* responses are the Internal Revenue Service, Drug Enforcement Administration and Postal Inspectors. State agencies most frequently listed the Central Intelligence Agency and National Security Agency as *not applicable for my agency*.

Figure 5: Interaction with federal agencies

The following percentage of state and local law enforcement agencies say their interaction with federal agencies has increased or significantly increased since Sept. 11.



A greater percentage of state police reported *more* interaction with 14 out of 15 federal agencies than their local counterparts reported having with those same agencies. Although many of the differences between state and local law enforcement responses are fairly small, state agencies seem to have particularly increased their contacts with the INS, Customs and Coast Guard, in contrast to local agency responses.

Like their relationship with federal agencies, state police agencies' relationships with local law enforcement agencies have also changed since Sept. 11. Very few responses indicated any reduction in requests for assistance from local law enforcement. In three traditional areas—traffic safety, criminal investigation and drug enforcement—more than 65 percent of respondents indicated *no change* in requests from local agencies since Sept. 11. The two areas with the largest *increases* in reported requests from local agencies were training and technical assistance and high-tech/computer crimes. The survey did not elicit information about particular types of training or technical assistance that local agencies might request.

Figure 6 shows the average scores for state and local responses to similar questions about requested and provided assistance. The red bars indicate state agency responses to questions about requests for assistance from local agencies. The blue bars reflect local agency responses about the availability of state agency assistance. The one item in which a sizeable number of local law enforcement agencies indicated *increased* state-level activity was training and technical assistance. Further analysis of this figure and comparison of state and local agency responses leads to the following conclusions:

- Local agencies are requesting *more* assistance from state law enforcement agencies than these agencies are providing; and
- Local agencies report a modest *increase* in state-provided training and technical assistance since Sept. 11, which is one of the most common types of requests state agencies receive.

Relationships with the private sector

Summary: State law enforcement agencies have more interactions with private companies and private security, particularly regarding facility security, personnel security and corporate security. These increased contacts with the private sector since Sept. 11 exceed those experienced by small- and medium-sized local law enforcement agencies, and generally match those experienced by large local agencies.

Not only are state police interacting differently with other public entities, their relationships with private companies and private security have also changed since Sept. 11. Figure 7 shows state police responses to questions about the private sector. The absence of any *decreased* interaction with the private sector is notable; state law enforcement agencies reported *no change* or *increased* interactions with the private sector across the board. Specifically, state police have *significantly increased* their interactions with private companies related to the security of their facilities and workers (e.g., background checks) and their interactions with representatives of corporate security, firms that provide security services.

Figure 6: Assistance to local agencies—requested versus provided

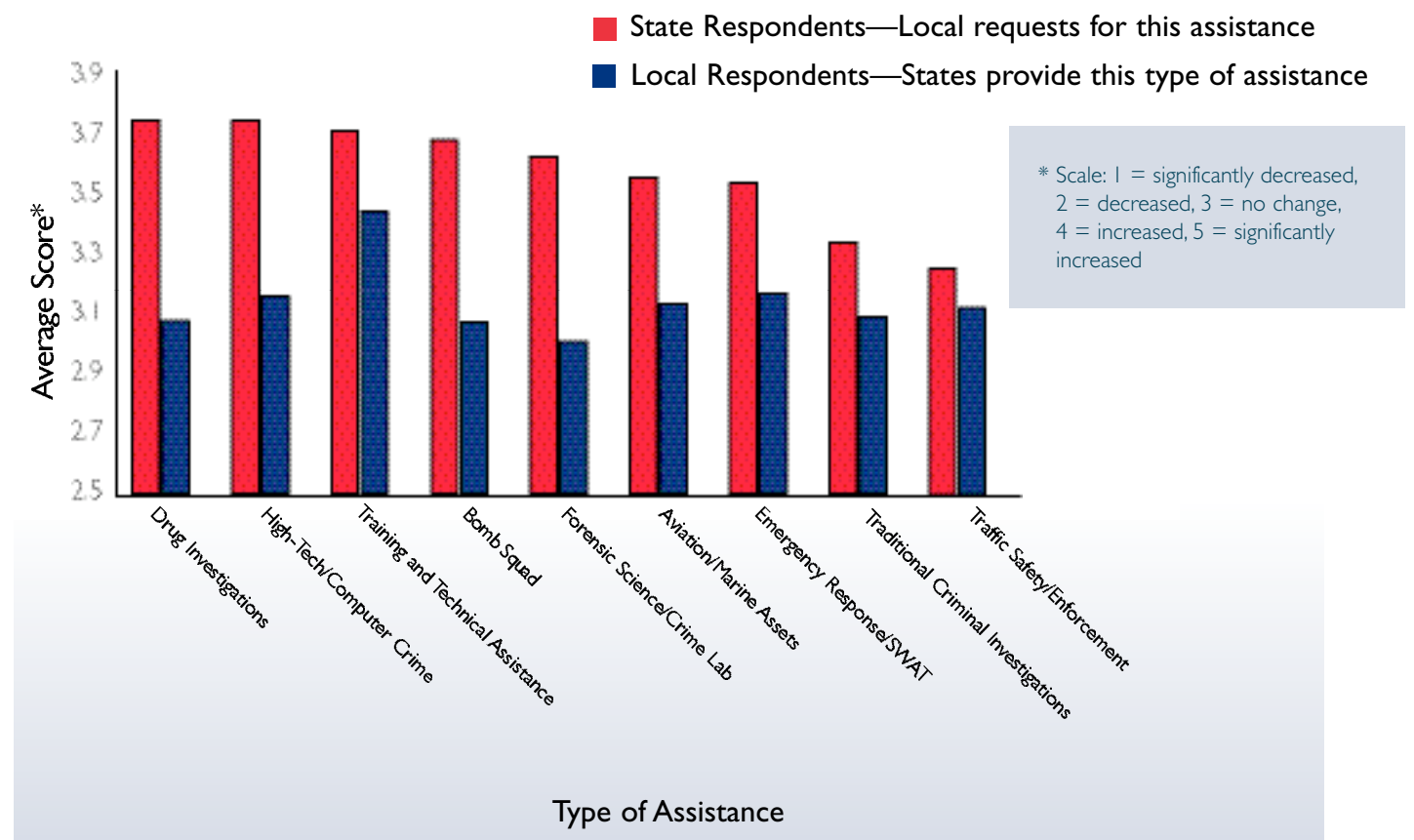


Figure 7: Relationships with the private sector

State agencies report the following changes in relationships with the private sector since Sept. 11.

	No Change	Increased	Significantly Increased
Interactions with contract security guard companies have:	60.7%	34.4%	4.9%
Interactions with representatives of corporate security have:	31.1%	55.7%	13.1%
Interactions with security services companies (alarms, armored cars) have:	65.6%	32.8%	1.6%
Interactions with private companies about the security of their facilities have:	27.9%	44.3%	27.9%
Interactions with private companies about their workers (background checks, security concerns) have:	35.0%	61.7%	3.3%

Compared with local law enforcement responses, state police indicated *more* interaction with the private sector in general. Although the differences are modest, they are greatest with respect to facility security, personnel security and corporate security. Compared only to large local agencies, state agencies reported *slightly more* interaction with private companies regarding workers. State police agencies typically house criminal records and serve as the primary liaison to other states and the federal government in sharing criminal records. This may explain why state agencies appear to be interacting more with private companies about workers than local agencies.

Involvement in homeland security

Summary: State law enforcement agencies report a great deal of involvement in a number of new homeland security initiatives. They also indicate that these homeland security initiatives are having a significant impact on several organizational functions, especially intelligence, grants management and planning.

The duties and responsibilities of individual state law enforcement officers and investigators have changed since Sept. 11. The largest changes have been increased responsibilities for investigating terrorist acts, responding to terrorist events, terrorism-related intelligence gathering and conducting vulnerability assessments. Changes among state-level officers' and investigators' duties and responsibilities appear to be more substantial than those experienced by their local counterparts.

The final category of survey questions asked about law enforcement agencies' role in their state's homeland security initiatives and the impact on individual officers' duties and responsibilities. As Figure 8 indicates, more than 50 percent of state law enforcement agencies reported that their level of involvement was a *great amount* or *our agency is the leader* for seven of the 12 activities listed in the survey. State law enforcement agencies seem to be playing only a small role in distributing homeland security funds and in educating and training the public about homeland security.

Differences among state police, highway patrols and bureaus of investigation regarding their homeland security roles are relatively small. Compared with their other state law enforcement agencies, state police are most likely to be involved in distributing homeland security funds.

Highway patrols are more likely to be involved in protecting dignitaries and critical infrastruc-

ture. Bureaus of investigation, on the other hand, reported *more* involvement in homeland security education and training for law enforcement and the public than either state police or highway patrols. The overall picture indicates a slightly higher level of involvement in homeland security initiatives for state police and bureaus of investigation than for highway patrols.

Respondents were asked about the impact of the new homeland security mission on various organizational functions within their agencies. The greatest impact for state agencies seems to be within the intelligence, grants management and planning functions. Crime prevention, analysis and lab functions, on the other hand, have been affected the least. These findings are not surprising, especially given state law enforcements' heightened counterterrorism roles and workload associated with the administration of federal homeland security funds.

Homeland security's effects on organizational functions were analyzed separately for state patrol agencies, highway patrols and bureaus of investigation. Respondents were omitted from this analysis if they indicated that a function was *not applicable* for their agency. In general, highway patrols indicated a larger impact on field services such as patrol than their counterparts. State police and bureaus of investigation indicated larger effects on the investigations, intelligence and crime analysis functions. The overall impact on organizational functions is somewhat greater for state police agencies and bureaus of investigation than it has for highway patrols.

Finally, respondents answered questions about the homeland security mission's effect on the duties and responsibilities of individual officers and investigators. State agency respondents said that individual officers' duties and responsibilities have *substantially* changed since Sept. 11. A majority of state respondents reported *significant* new responsibilities for officers and investigators in investigating terrorist acts, responding to terrorist events, gathering intelligence and conducting vulnerability assessments.

Figure 8: Homeland security roles for state law enforcement

State law enforcement agencies reporting substantial levels of involvement in their state's homeland security initiatives.

Homeland Security Initiative	Great Amount or Our Agency is the Leader
Terrorism-related intelligence gathering, analysis and dissemination	75.4%
Homeland security planning for the state	61.3%
Protection of dignitaries	58.1%
Conducting critical infrastructure, key asset and vulnerability assessments	56.5%
Emergency response to terrorism-related incidents	55.7%
Protection of critical infrastructure	53.2%
Coordinates homeland security activities in the state	53.2%
Homeland security training for law enforcement	45.2%
Serves as state's primary contact to DHS and other federal agencies for homeland security	39.3%
Source of homeland security announcements for the public	33.9%
Distribution of the state's federal homeland security funding	29.0%
Homeland security education/training for the public	22.6%

Comparing the average responses for state and local law enforcement agencies reveals several differences. First, local agencies were slightly more likely to agree that individuals' duties and responsibilities have not dramatically changed. Local agencies were also more likely to say that their officers have *significant* new responsibilities in educating and mobilizing the community for homeland security. State respondents, however, felt more strongly that officers and investigators had significant new responsibilities in investigating terrorist acts and terrorism-related intelligence gathering.

In summary, state police report many new or heightened responsibilities in the realm of terrorism prevention, as indicated by their allocation of resources since Sept. 11 and lead roles for prevention-related activities like intelligence gathering and the protection of critical infrastructure. These tasks, in addition to new homeland security duties such as statewide planning, are requiring state police to collaborate much more today with a wide range of state, local and federal officials, as well as the private sector. Although all state police are affected by these duties, the specific areas, functions and responsibilities most affected vary across the states.

Chapter Three

Case Study Themes



Chapter Three: Case Study Themes

Project staff conducted five case studies to document several different structures and models to address terrorism at the state level, with a particular focus on the different roles played by state law enforcement agencies and other criminal justice stakeholders. Specifically, case studies allowed the research team to examine innovative practices, clarify survey responses and gather additional information about the impact of changes since Sept. 11 on state law enforcement agencies. Although the survey results help to describe the changes taking place with respect to state police agencies, they provide only a modest indication of cause and effect relationships. Among other, more subjective findings, the case studies allowed the researchers to explore reasons for terrorism-driven change as well as the impact of new law enforcement priorities and intergovernmental relationships on the states.

One site visit was made to each of the five selected states: Arizona, Florida, Nebraska, New York and Washington. These states were chosen using a number of qualitative and quantitative criteria developed by the project advisory group.

Qualitative criteria:

- Innovative solutions from the survey results.
- Experience in responding to acts of terrorism or dealing with terrorist-related threats.
- Presence of critical infrastructure or high-priority targets.
- Comprehensiveness of state-level planning.
- Initiatives to improve intergovernmental relationships.

Quantitative criteria (case study states should represent diversity in terms of...):

- State police department size and structure.
- Homeland security structure.
- State size (e.g., land area, population size).
- Regional diversity with states from the East, Midwest, South and West.

Using this criteria, project staff selected the following case study states.

- *Arizona*—A southern border state, Arizona faces many unique challenges because of its vast land area (sixth largest in the nation), low population density (38th overall), high concentration of citizens in a single city (Phoenix), border location, and the high level of trafficking of legal and illegal people and goods. Although responsibility for homeland security is spread across many state agencies, the lead coordinator or director operates within the state Department of Emergency and Military Affairs. The Department of Public Safety is chiefly responsible for coordinating the state's counterterrorism efforts including intelligence gathering, analysis and dissemination.
- *Florida*—Florida was selected as a case study site because of its law enforcement-led homeland security structure and many information technology solutions. Soon after the Sept. 11 attacks, the governor created a Regional Domestic Security Task Force in each of Florida's seven Department of Law Enforcement regions. These task forces, co-chaired by a sheriff or police chief and a FDLE regional director, are comprised of police chiefs, fire chiefs, emergency management directors, health and medical officials, federal and state officials and private industry executives. The commissioner of the Florida Department of Law Enforcement serves as the state's chief of domestic security initiatives.
- *Nebraska*—A Midwestern and predominantly rural state, Nebraska is known nationally for its bioterrorism and agroterrorism strategies. The state's economy is highly reliant on agricultural processes and goods. Therefore, protecting agricultural interests is a high priority for the state, including the State Patrol. Unlike other states, the lieutenant governor serves as the homeland security director. In addition, the state's vast

rural areas present many unique challenges to the Nebraska State Patrol in helping to coordinate homeland security planning and activities and responding to emergencies.

- *New York*—New York was selected as a case study site because of its regional homeland security structure and innovative approaches to intelligence gathering, analysis and sharing. In addition, New York state has a large population (third largest in the nation); relatively high population density (ninth overall); the largest city in the country (New York City); a northern border with large lake and river systems; the New York City region, which contains critical infrastructure and key commercial entry points; and a highly diverse ethnic population. Furthermore, New York was the site of the nation’s deadliest terrorist attack.
- *Washington*—Washington is a unique case study state given its land border with Canada and water border with the Pacific Ocean, its relatively large population (15th largest in the nation), one highly populated city (Seattle), a large corporate presence (Boeing and Microsoft), its ferry system, and a host of sea ports that handle cargo and people. The state adjutant general serves as the state’s homeland security director and advisor to the governor on security matters. The Washington State Patrol plays many important roles in terrorism prevention and response, and it helps to coordinate activities among local and federal law enforcement agencies in the state.

Interviews were conducted with state, local and federal officials, including the state police, homeland security officials, local police chiefs and sheriffs and special agents from the FBI and Immigration and Customs Enforcement. Project staff explored many different topics related to terrorism and homeland security, searching for common themes. Although states have many unique characteristics, similar issues and needs surfaced in a majority of the states. For example, all states were pursuing intelligence fusion centers and improved intelligence analysis capabilities. The following six sections describe these common case study themes.

States pursuing intelligence fusion centers and analysts

“Fusion centers are an integral part of a state’s strategy regarding the prevention of terrorism,” said Lt. Col. Bart Johnson of the New York State Police. The centralization of intelligence sharing and analysis at the state level, through one physical center or network of facilities, provides a means to gather and analyze disparate networks of information more effectively and efficiently.

Generally speaking, the purpose of creating a new center is to improve the collection, analysis and dissemination of information and intelligence in order to prevent crime and terrorism. Common characteristics include a computerized tool or system; new intelligence analysts; and the presence of state, local and federal law enforcement officials. Also, most intelligence fusion centers are managed by the state law enforcement agency. A few of the striking differences among states’ fusion centers include the following:

- Some states have located their center with the FBI’s Joint Terrorism Task Force while others have not.
- Some local law enforcement officials view these new centers as a “state police” tool while others view them as a “statewide” law enforcement tool. This slight distinction seems to affect the level of local law enforcement participation.
- State centers include, in varying capacities, the following state-level stakeholders: state transportation and motor vehicles departments; the National Guard; and corrections officials, including probation and parole.
- In addition to the FBI, state centers include various federal-level stakeholders, such as the Central Intelligence Agency, Department of Defense, Department of Homeland Security, Drug Enforcement Administration, Social Security Administration and U.S. attorneys.

Common challenges in developing and implementing new centers include: funding; overcoming organizational norms regarding investigation and the use of intelligence; overcoming document/information classification barriers among federal, state and local law enforcement personnel; incorporating new intelligence analysts; determining the roles and allocation of uniformed personnel for fusion center duty; and integrating and linking disparate computer systems.

Nevertheless, states are developing fusion centers to help address their intelligence needs. Among others, Arizona, New York and Washington have implemented or are currently developing intelligence fusion centers.

- *Arizona Counter Terrorism Information Center (ACTIC)*—Arizona was one of a handful of states to establish an information fusion center soon after Sept. 11. ACTIC is nationally recognized for providing tactical and strategic intelligence support to law enforcement officials across the state and for being uniquely located with the FBI's Joint Terrorism Task Force. Managed by the Arizona Department of Public Safety, the center fulfills many roles for the state, including maintaining and disseminating ongoing threat analysis and providing statewide training on intelligence.
- *Upstate New York Regional Intelligence Center (UNYRIC)*—The UNYRIC is a multi-agency center responsible for the collection, analysis and dissemination of intelligence information across the state. Located in the Albany area, UNYRIC provides timely and accurate criminal intelligence to law enforcement agencies in the 54 counties outside of New York City. This center is comprised of representatives from various federal and state departments, including the departments of Corrections and Parole; Department of Motor Vehicles; New York National Guard; Office of Homeland Security; and State Police. Although the Vermont State Police is the only out-of-state law enforcement participant in UNYRIC, New York officials plan to consider agreements with other states.
- *Washington State Joint Analytical Center (WAJAC)*—Like the ACTIC and UNYRIC, WAJAC provides a centralized intelligence/analytical capability for the state. This center is located with and integrated into the Seattle FBI. This close proximity to federal partners enhances the state's ability to network, solve problems, achieve cooperation and enhance information sharing. The WAJAC gathers information from local agencies and nine regional intelligence groups and shares that information statewide. In addition, it disseminates analytical products to law enforcement stakeholders across the state and provides investigative support to the JTTF.

State and local law enforcement agencies also face increasing needs for new intelligence-related analysts and investigators, in addition to the variety of analytical tools to support them in mining data and translating it into usable intelligence. These demands are likely due to a number of converging factors, including new terrorism-related requirements, shrinking budgets, growing demands for service and the larger movement in the law enforcement community toward information-led or intelligence-led policing.

According to CSG's 50-state survey results, 92 percent of state law enforcement agencies said they have allocated more or many more resources for intelligence gathering, analysis and sharing since Sept. 11. Faced with an exorbitant amount of information and demand for valuable outputs and products, police organizations are searching for methods to gather data from many sources; assimilate that data and look for patterns and points of interest; and transform that information into usable products for top-level decision makers and field investigators. To accomplish these tasks, agencies are seeking human and technology assets. Simultaneously, the notion of intelligence-led policing is becoming more prevalent as law enforcement agencies nationwide aim to become more proactive at preventing all types of serious crime.

Where are resources coming from?

Since 2001, state police agencies report allocating many more resources for new homeland security duties. Where are these resources coming from? The survey results and interviews suggest three possible sources.

- *Shifting priorities.* More than 10 percent of state agencies report allocating fewer resources for traditional criminal investigation and drug enforcement following Sept. 11. Therefore, it is likely that some resources have been shifted internally among competing public safety problems and priorities. This may be especially troublesome for states experiencing problems with other types of crime, such as synthetic drugs, new violent gang activities, identity theft and cybercrimes.
- *Federal programs.* State police organizations are receiving funds and resources through federal grant programs such as the State Homeland Security Program and Law Enforcement Terrorism Prevention Program. Although state law enforcement agencies will likely see a small portion of these funds, roughly \$1.5 billion was allocated to states for these two programs in 2005.
- *Doing more with less.* Interviews with state officials suggest they are simply doing more with less. For example, much of the overtime pay incurred during heightened levels of alert, participation on multijurisdictional task forces and working groups, and exhaustive planning and coordination have been absorbed internally. And, these new responsibilities come at a time when state police organizations, like local agencies across the country, face personnel shortfalls because of national guard and reserve activations.

Sources: CSG and ECU National Survey of State and Local Law Enforcement Agencies, 2004 <<http://www.ssg.org>, keyword: protect>; U.S. Department of Homeland Security, Fiscal Year 2005 Homeland Security Grant Program: Program Guidelines and Application Kit, 2.

How are states responding to the convergence of these needs? The Florida Legislature, for example, authorized more than 30 new intelligence analyst positions for the Florida Department of Law Enforcement following Sept. 11. New York hired 15 analysts, 10 line analysts and five intelligence supervisors. Washington is seeking funding for four intelligence-related positions for the new Washington Joint Analytical Center and one intelligence analyst for each of its nine regional intelligence units.

In addition to funding, states are struggling with many associated questions and concerns. First, few standards exist for these analytical processes and products. Second, there is little guidance for state and local agencies by way of professional standards for analysts, including a desired set of skills, education and training. Third, states find themselves in fierce competition with federal agencies, especially the FBI, to recruit talented intelligence analysts. Finally, many questions about the integration of new analysts into the work force remain. For example, should new intelligence analysts be civilian or uniform and what career path should they follow?

Despite these challenges, there is consensus among the states that a huge need exists for intelligence analysts and improved analytical tools.

How much do state homeland security structures matter?

The demands of Sept. 11 have forced many states to establish a principal point of contact to coordinate homeland security planning, serve as a liaison with the new U.S. Department of Homeland Security and advise the governor on security matters. A report by the National Emergency Management Association in 2004 notes that states have chosen different homeland security models. In 2003, for example, the following state-level stakeholders served as their state's homeland security coordinator:

- public safety secretary/chief law enforcement officer—15 states
- new homeland security director—11 states
- adjutant general/director of military department—10 states
- emergency management director—nine states
- special advisor to the governor—four states
- lieutenant governor—one state²⁵

Project staff examined five unique homeland security set-ups in 2004 to determine if one particular structure appeared more conducive to the missions and roles of law enforcement than others. Two of the five states that were visited had established a new office and director to coordinate homeland security activities. The other three states relied on the chief law enforcement officer, adjutant general and lieutenant governor respectively.

Surprisingly, the structures themselves had no apparent impact on the levels of cooperation achieved or on new roles and responsibilities. Rather than structure, the credibility and personality of the homeland security director seems to have a greater impact on cooperation. Also, given the multidisciplinary nature of homeland security, it seems to be important that the lead agency, whatever it is, be perceived as playing coordinating and facilitating roles, as opposed to command and control functions.

How is the state law enforcement agency viewed within the context of these larger planning and operational structures? State officials generally agreed that:

- the state law enforcement agency plays a lead role in terrorism prevention;
- the agriculture and public health sectors also play very important roles in terrorism prevention; and
- planning and preparation for terrorism response is a shared responsibility among all state-level disciplines.

Homeland security requires an unprecedented level of cooperation among the different disciplines. For example, it is not uncommon today to have one agency or discipline place personnel with others. New homeland security offices and planning committees are typically comprised of representatives from the agriculture, emergency medical care, emergency management, fire service, law enforcement, military, public health and public utilities sectors.

Although the actual structures do not appear to have great significance, the survey and case study results suggest that homeland security planning and coordination is having a large impact on the states.

A premium on regional and statewide planning

Historically, local jurisdictions have joined into substate regions for many reasons related to planning and the delivery of public services. For example, it is not uncommon for states to be segmented into public health districts, each providing services to a number of counties and municipalities within their jurisdiction. Many states today have smart growth planning and governance structures, comprised of public officials from multiple local jurisdictions. Similarly, new homeland security responsibilities are requiring states to consider the development of regions for planning and operational reasons.

Given the multidisciplinary nature of homeland security, new regional planning entities are being formed to assess the needs of all local stakeholders, including law enforcement, fire and public health providers. Many local jurisdictions in rural areas lack the resources and expertise needed to conduct comprehensive planning. Furthermore, there are simply not enough resources to supply every local jurisdiction with a full array of prevention and response equipment. For these and other reasons, states are turning to regions or zones as an alternative. Among other benefits, regional approaches help:

- unite local planning efforts;
- identify local communities of interest and regional needs;
- foster intrastate and interstate assistance agreements and compacts;
- foster regional cooperation and the acquisition and integration of inter-operable equipment and communications systems;
- promote cost-sharing to maximize states' use of funds;
- promote information and intelligence sharing and critical infrastructure protection;
- create a network for regional knowledge sharing; and
- facilitate state management of homeland security strategies, activities and grant programs.

States pursuing regional structures are adapting them to their unique needs and characteristics. For example, many states are aligning existing regions to make planning and coordination easier and to minimize administrative costs. In addition, states are implementing regional structures through top-down and bottom-up methods, using different mixes of mandates, incentives and disincentives.

Nebraska taking unique steps to integrate public health

The new U.S. Department of Homeland Security grant program combines many individual programs into one application process, including specific grants for urban areas, emergency management and law enforcement agencies. Public health preparedness grants, however, continue to be administered through the federal Centers for Disease Control and Prevention. As a result, many states have disparate planning and governance structures for these respective programs.

Nebraska, on the other hand, recognizes the importance of incorporating public health planning into the state's overall homeland security efforts, and their actions since Sept. 11 illustrate extraordinary steps toward integration.

- *Governance and planning.* The Nebraska governor established a top-level policy group soon after Sept. 11—the Homeland Security Policy Group. Responsible for the overall coordination of security-related activities between state departments and agencies, the policy group is comprised of representatives from many departments such as the Nebraska State Patrol, Health and Human Services System and the University of Nebraska Medical Center. Unlike other states, members of the Policy Group collaborate on all homeland security grants, including those from CDC.
- *Systems and structures.* Public health improvements underway in Nebraska further illustrate the state's recognition that the public health infrastructure is a terrorism prevention tool. The state provided incentives to counties across the state to form regional health districts. In the summer of 2004, 92 of the state's 93 counties were participating in a regional health district. Nebraska has also established a new health alert network to link public health officials with health practitioners and facilities across the state.

Although states are working toward improved public health capabilities, Nebraska is a national leader in homeland security-public health integration.

Source: CSG and ECU Case Study Examinations of State Law Enforcement Agencies, 2004 <<http://www.csg.org>, keyword: protect>.

Regionalization is taking place in many states, including Florida and Washington.

- *Florida's Regional Domestic Security Task Forces.* Soon after the Sept. 11 attacks, Gov. Jeb Bush created a Regional Domestic Security Task Force in each of the Florida Department of Law Enforcement's seven regions. These task forces, co-chaired by a sheriff or local police chief and an FDLE regional director, are comprised of police chiefs, fire chiefs, emergency management directors, health and medical officials, federal and state officials and private industry executives. Florida's regional structure serves operational and planning purposes for terrorism prevention and response.
- *Washington's Regional Homeland Security Coordination Districts.* Washington's nine districts are comprised of counties that include cities, towns and tribal nations within regional geographical boundaries. The purpose of this regional structure is to distribute federal grant funds, develop emergency responder equipment priority lists, plan and execute training exercises, create regionally based mutual aid plans and develop a volunteer infrastructure to support citizens' involvement in homeland security initiatives. Although operations and physical resources are maintained at the local level, coordination and planning are facilitated at the regional level. The Washington State Patrol is a participant in each of the nine districts.

The criminal justice system and "all crimes" approach

State police have many competing public safety and law enforcement priorities today. As is often the case when new crimes surface, these agencies are struggling with incorporating new terrorism-related demands into the existing crime-fighting framework. To this end, two views or approaches are embraced—dedicating personnel for terrorism-related duties, or fully integrating terrorism into other crime prevention duties, the "all crimes" approach.

The dedicated-personnel model is partly predicated on the assumption that terrorists and terrorist-related activities are not closely linked to other more traditional criminal activity such as financial crimes and drug smuggling. Proponents argue that the requirements for fighting terrorism are unlike those for dealing with other crimes. Advocates of this model also argue for a separate, specialized approach because the risks and stakes associated with terrorism are extremely high, and this approach prevents "mission creep" into other law enforcement priorities. This is a valid concern, especially given how agencies today measure performance through quantitative factors such as number of arrests and prosecutions. Unlike other crimes, three years could pass before one state-level arrest is made related to terrorism.

A majority of states and experts believe that a nexus does exist among types of criminal activity, including illegal drug operations, money laundering, fraud, identity theft and terrorism. It is well known that some of the Sept. 11 terrorists were cited for traffic violations prior to the attacks while others obtained and used fraudulent driver's licenses.²⁶ Many experts believe there is a high probability of identifying terrorists through their involvement in precursor or lower-level criminal activity, as was possible with the Sept. 11 terrorists. Proponents of this model argue that states should embrace an "all crimes" approach to terrorism prevention. This strategy ensures that possible precursor crimes are screened and analyzed for linkages to larger-scale terrorist activities. Emergency management professionals use a similar approach, known as "all hazards," for emergency response and preparedness.

Although possible, making these linkages appears to be extremely difficult. First, there is a shortage of research about the precursor crimes-terrorism nexus. Evidence is needed suggesting how certain types of crimes are more or less likely to be used to support terrorism-related activities. Otherwise, law enforcement analysts and investigators have to scan very broadly for linkages, wasting precious time and resources. More concrete evidence would help law enforcement home in on those crimes that have the greatest chance for supporting terrorist-related activities.

Second, these precursor indicators could show up in many different places throughout the criminal justice system. Therefore, states are struggling to develop and implement protocols to leverage all criminal justice and regulatory personnel, resources and systems in identifying and reporting precursor crimes. For example, the nation's approximately 80,000 probation and parole officers work closely with neighborhood groups and are very aware of what's going on in their communities. With proper training, probation and parole officers could serve as an extra set of "eyes and ears" for law enforcement.

Third, state law enforcement work forces are struggling to balance new terrorism-related demands and duties with existing priorities. A clear need exists to educate and train specialized analysts for the counterterrorism mission.

Highway and border functions

Ensuring safety and security on interstate and state highways as well as critical border locations is largely a state police function. Likewise, state patrols are closely associated with or responsible for state departments of motor vehicle operations, including commercial vehicle enforcement and the issuance of standard driver's licenses.

Massive emergency response and evacuation operations require the traffic management and expertise of the state police. No state highway patrol knows these challenges better than the Florida Highway Patrol. Within a two-month span in 2004, four Category 3 and 4 hurricanes struck the state and caused massive damage. Planning and preparations for mass evacuation operations required tremendous cooperation within and around Florida, especially for those in rural areas.

"Approximately 2.8 million people were ordered to evacuate for Hurricane Frances—the largest evacuation in Florida's history," said Maj. Leroy Smith, homeland security administrator for the Florida Highway Patrol.

Florida relied on redundant means of communication to ensure that all citizens received evacuation orders, timelines and instructions. After the hurricanes had passed, state and local officials continued to face many challenges across the state, including search and rescue operations, providing care to victims, and establishing security and safety. Reentry plans included roving security patrols and traffic control assistance to manage the flow of assistance and citizens back into their communities.

Another large part of state law enforcement's highway function is managing and enforcing compliance with commercial vehicle rules and regulations, such as conducting background checks for potential drivers and vehicle inspections. Commercial vehicles daily crisscross the nation's approximately 3.9 million miles of roads and 600,000 bridges.²⁷ These vehicles often carry hazardous materials that, if used for terrorist-related purposes, present extraordinary risks to states and localities.

Similarly, states are feverishly working to improve the security features on standard issued driver's licenses and refine their issuance requirements. State police, in particular, are developing and implementing new technologies and training for police officers to better identify fraudulent driver's licenses.

As with the highway systems, the nation's points of entry present many unique challenges for state and local police organizations. According to CSG's survey, 50 percent or more of state police with responsibilities related to airport, land border and seaport security reported allocating more or many more resources for these duties since Sept. 11. Among others, New York and Washington are affected by new border-related duties.

- *New York's northern border.* Soon after Sept. 11, the governor authorized the New York State Police to hire 120 new troopers for additional security on its northern border. Working closely with their federal counterparts, these troopers are assigned to various duties including ports of entry and interstate patrol duties near border cross-

The law enforcement linchpin

What value do state police provide from an intergovernmental perspective? An examination of pure numbers is a start. According to the Bureau of Justice Statistics, there were roughly 18,000 local law enforcement agencies in 2000. It is a management nightmare to think that federal agencies such as the Federal Bureau of Investigation, Drug Enforcement Administration and Bureau of Alcohol, Tobacco and Firearms can work directly with all 18,000 local agencies from a top-down and bottom-up manner. It's only reasonable that the federal government work through state agencies to conduct business like disseminating information, requesting assistance and sharing resources. Among other important roles, state police serve as a critical intergovernmental linchpin.

Source: Bureau of Justice Statistics, "Census of State and Local Law Enforcement Agencies, 2000," <<http://www.ojp.usdoj.gov/bjs/abstract/csllea00.htm>> (25 February 2005).

ing sites. Others are assigned to specialized commercial vehicle enforcement, K-9 and hazardous material units.

- *Washington's ferry system.* The Washington State Ferry system is the largest ferry system in the United States, serving eight counties within Washington and the Canadian province of British Columbia. The Washington State Patrol has primary responsibility for the ferry system's security, including the implementation of an expansive explosive-detection canine program. In response to the events of Sept. 11 and new federal maritime regulations, the Washington Legislature allocated new resources to the State Patrol for these and other security measures at the terminals.

Shifting federal priorities and intergovernmental concerns

According to the 9/11 Commission Report, "the concern with the FBI is that it has long favored its criminal justice mission over its national security mission."²⁸ In 2002, the FBI announced a reshaping of priorities to guide future activities, with the new number one priority being "protecting the United States from terrorist attacks."²⁹

Shifting federal law enforcement priorities since Sept. 11 have forced state and local agencies to assume greater roles for responsibilities previously held by federal agencies, such as financial crimes, bank robberies, organized crime and drug trafficking. These issues have not disappeared since Sept. 11, and state and local law enforcement agencies are obligated to address changing federal priorities by assigning new personnel and shifting resources. Although the FBI may still be involved in these cases, it is much more selective today than before 2001.

In addition to the strain on state resources, state officials are concerned that the FBI's shift away from traditional crimes will cascade down to the state and local levels, thus hindering efforts to screen and analyze possible precursor crimes for linkages to larger-scale terrorist activities.

State officials are also concerned about other federal changes, policies and programs. The following list includes some of the most frequently raised issues.

- State officials believe that the federal vulnerability assessment tool required and used in the fall 2003 homeland security assessment process was flawed and created false expectations of funding for state and local partners.
- State and local officials are concerned by the lack of a uniform information classification system among federal agencies, such as the secret and top secret designations, and related security clearance protocols. Many state and local officials lack the required security clearances, and the classification of federal documents and information often varies from agency to agency.
- Since 2001, federal sources of information and types of information have increased, overwhelming state law enforcement agencies. For example, states are receiving tips, warnings and watch-lists from multiple federal agencies such as the FBI and Departments of Defense and Homeland Security. This influx of information is challenging states to discern valuable information.
- States are concerned about various aspects of the federal homeland security grant program, including their inability to use federal money for personnel costs; stringent planning deadlines that do not provide states with sufficient time to collaborate with state, regional and local partners; and the Urban Areas Security Initiative (UASI) program's undermining of state and regional planning efforts.
- Although there is consensus that participating on Joint Terrorism Task Forces is extremely positive, two prevalent concerns among states include the resource demands, such as personnel and time, and the lack of valuable or usable information from federal partners.

- States are faced with a growing need for intelligence analysts and investigators. At the same time, it appears they are losing strong candidates and trained law enforcement personnel to the federal government, exacerbating the void of skilled analysts and investigators at the state and local levels.

Project staff also met with local law enforcement officials in each of the case study locations to hear their perspectives about state and federal policies and practices. Interviews were conducted with sheriffs, municipal police chiefs, homeland security staff and local sheriff and police associations.

From the perspective of local police officers and their day-to-day work, the post-Sept. 11 era has brought about two primary changes. First, they appear to have a heightened awareness of suspicious activities and are more apt today than before 2001 to investigate and report these activities. Second, training has increased for most police officers in preparation for new emergency response situations such as conventional, chemical, biological and radiological attacks.

Many concerns with federal policies and programs are common among state and local law enforcement officials. Two unique issues surfaced, however, during interviews with local officials.

- *Homeland security grant programs and procurement.* A few states are experiencing friction with local units of government in the planning and distribution of federal grants. Local agencies cite grant distribution delays and a lack of transparency with the state's planning and governance processes as contributing factors. The procurement of homeland security equipment is a concern among some, but not all local agencies. Many local agencies are pursuing joint contracts with the state and other local agencies to leverage their purchasing power to obtain uniform equipment at discounted prices. Other police departments view their needs as unique or wish to buy more locally produced equipment.
- *Shifting federal grant programs.* New terrorism-related demands and resources are now competing with other national public safety priorities, placing a strain on local law enforcement agencies. Local officials cite drug enforcement and community policing initiatives as two local priorities that are being affected by shifting federal programs. For example, drastic cuts have been made to the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant and Community Oriented Policing Services programs, which once provided critical support to local and state community policing initiatives and drug enforcement and treatment efforts.

State-local paradigms generate unique conditions across states

Helping to coordinate homeland security activities among disparate state agencies is one challenge. Helping to foster cooperation statewide is another. State police today find themselves assisting in grant planning, management and coordination among many different players at the state and local levels. The state-local law enforcement paradigms appear to influence the roles that the state police play in different parts of their state. Project staff observed the following three paradigms while conducting their research.

- *The "big city" paradigm.* States with one or more highly-populated cities have unique conditions and issues when compared to states with multiple mid-sized cities and those without any large urban areas. In those states with a "big city," the competition for resources and status between the state agency and city police department is more prevalent, as is the "us-them" attitude toward terrorism preparedness.
- *The rural paradigm.* Similarly, state officials face many unique challenges in working with local agencies in rural areas. The two most prevalent issues raised by state officials include a lack of immediate concern by local law enforcement ("it can't happen here") and a lack of personnel and resources to participate in state-level efforts.
- *The county-city paradigm.* In many states, there is friction and competition between county and municipal police departments for homeland security funding, leadership roles in state and regional planning structures and interoperability. This friction may affect the implementation of the state's homeland security strategy and regional structures. Although this seems to be a historical problem, terrorism preparedness may present unique needs for cooperation that calls for new state-level strategies.

Source: CSG and ECU Case Study Examinations of State Law Enforcement Agencies, 2004 <<http://www.csg.org>, keyword: protect>.

Chapter Four

Where Should States Focus Future Efforts?



Chapter Four: Where Should States Focus Future Efforts?

CSG and EKU convened two meetings of an expert work group of state, local and federal officials in October and December 2004. This 30-person group examined the survey and case study results, identified intergovernmental issues and needs, and formed recommendations for state policy-makers and law enforcement officials. The work group drafted and formed consensus on 39 recommendations to improve terrorism prevention and response capabilities at the state level and to provide long-term direction for policy-makers. Twenty-five recommendations provide guidance for state officials, while the other 14 suggest future action for intergovernmental issues and needs.

The work group examined a broad range of alternatives to improve terrorism prevention and response at the state level. In doing so, the group recognized the importance of integrating new terrorism-related demands into the existing criminal justice framework, taking into account other law enforcement priorities, infrastructure and systems. Likewise, these other resources and assets should be mobilized to aid in the fight against terrorism. Furthermore, cooperation among the entire law enforcement community is imperative for progress.³⁰

The following suggestions for states are ranked by urgency and potential impact for addressing critical counterterrorism issues and needs. As states develop strategies concerning terrorism prevention and to a lesser extent, emergency response, they should consider the following recommendations.

Intelligence and Protection

(1) Establish an intelligence fusion center to improve the collection, analysis and dissemination of information and intelligence for purposes of terrorism and crime prevention and control.

Discussion: Consensus among law enforcement experts suggests that improved intelligence sharing and analysis at the state level benefits national terrorism prevention efforts as well as local crime prevention strategies. To this end, state and local law enforcement agencies must identify means to gather and analyze disparate networks of information more effectively and efficiently.³¹ The centralization of intelligence sharing and analysis at the state level, through one physical center or network of facilities, provides such a means. Among other benefits, intelligence fusion centers:

- enable and promote the sharing of information and intelligence among state agencies, between states and across intergovernmental boundaries;
- promote the development and implementation of uniform intelligence policies, practices, information systems and networks;
- foster terrorism and crime prevention strategies by centralizing analysis functions and responsibilities, thus incorporating the “all crimes” approach;
- serve as a “one-stop shop” in the state for the referral of suspicious activity and clarification of intelligence information; and
- build trust and relationships among key intelligence stakeholders.

When developing and implementing intelligence or fusion centers, states should consider the following recommendations developed by the Fusion Center Focus Group, a sub-group of the Global Intelligence Working Group:

- *Governance and Oversight.* States should establish a fusion center governance structure that adequately represents all participating agencies. At a minimum, this governance structure should develop governance bylaws, a mission statement that reflects the specific goals and objectives of the fusion center and memorandums of agreement for all participating agencies and stakeholders.

- *Collaboration and Partnership.* States should integrate state, regional (intra- and inter-state), local (urban and rural), tribal and federal law enforcement agencies into the fusion center framework. To this end, states should locate all participants together to improve communication and overcome technological, cultural and jurisdictional barriers. This integrated approach should include other criminal justice stakeholders and systems such as probation and parole information networks. Additionally, states should consider consolidating or closely integrating new intelligence centers with the FBI-led Joint Terrorism Task Forces.
- *Funding.* States should consider a broad range of fusion center funding options, including, but not limited to federal grant programs, forfeiture-related funds and resources, intergovernmental cost-sharing methods and public-private partnerships.
- *Policies and Procedures.* Fusion centers should follow the guidelines and tenets outlined in the *National Criminal Intelligence Sharing Plan*. In addition, they should use formalized policies and procedures to clarify roles and responsibilities, ensure consistency and accountability and reduce liability. Privacy policies should be established in order to balance law enforcement's need to share information with the privacy rights of citizens.
- *Security.* States should consider a broad range of security-related issues when developing fusion centers such as authentication, access control and confidentiality. Security clearances should be obtained for all participating fusion center personnel.
- *Personnel and Staff.* States should consider a balanced fusion center work force, including sworn and non-sworn personnel to conduct all necessary intelligence, investigations and analytical functions. Intelligence analysts are a critical fusion center component, providing support to investigators and customers that lack analytical tools and resources. Additionally, fusion centers should adhere to the training objectives outlined in the *National Criminal Intelligence Sharing Plan*.
- *Connectivity.* In developing the information network for new fusion centers, states should consider leveraging existing systems and those currently under development. Moreover, states should ensure that new information systems or databases are XML-compliant and meet existing standards.
- *Databases and Tools.* States should examine the needs for analytical services and intelligence products. This needs assessment will determine critical data sets and data gathering techniques. In doing so, states should leverage existing databases and information systems when appropriate and practical.

(2) Pursue and invest in specialized intelligence analysts and analytical tools to provide a sustained counterterrorism capability, expertise and focus.

Discussion: Consensus among experts suggests that improved intelligence analysis at all levels of government will greatly contribute to the terrorism and general crime prevention mission. According to the *National Criminal Intelligence Sharing Plan*, "Analysis is the portion of the intelligence process that transforms the raw data into products that are useful ... without this portion of the process, we are left with disjointed pieces of information to which no meaning has been attached."³² Traditionally, the function of gathering, analyzing and sharing intelligence in state government falls under the investigative arm of the state law enforcement agency and has been extremely reactive to crimes. Today, terrorism and crime prevention missions require a much more proactive approach to identify terrorists before they act and to deter or interdict acts before they occur. To meet this new need, states should pursue specialized intelligence analysts and improved analytical tools.

(3) Identify a lead entity (e.g., department, agency, office) to coordinate the state's critical infrastructure and key asset protection responsibilities.

Discussion: According to CSG's 50-state survey, more than 55 percent of state law enforcement agencies have a great amount of involvement or serve as their state's lead agency for conducting critical infrastructure and vulnerability assessments. State officials, however, are generally unclear about state and local level responsibilities for conducting vulnerability assessments, determining critical infrastructure and key assets, and monitoring the implementation of protective measures. Therefore, states should identify a lead entity to help establish clear lines of responsibility and provide coordination, including:

- identifying critical infrastructure and key assets;
- standardizing and conducting vulnerability and risk assessments;
- determining adequate protective and control measures and responsibilities;
- monitoring compliance with established protective and control measures; and
- serving as liaison with the Department of Homeland Security's Protective Security Advisors as well as other levels and agencies of government.

Intergovernmental and Public-Private Cooperation

(4) Draft and implement a statewide counterterrorism program for the law enforcement community that supports the state's homeland security strategy.

Discussion: The work group recognizes the important roles played by the entire law enforcement community in terms of terrorism prevention and response. These new demands require unprecedented cooperation among all law enforcement entities concerning the sharing of information and intelligence and coordinated training. However, law enforcement relationships and responsibilities continue to be assessed and redefined, and will evolve due to the changing nature of terrorist threats, prevention needs and transforming operations and tactics. To effectively adjust to these changing conditions and provide clarity of purpose for the different levels of law enforcement, states should develop and implement a statewide counterterrorism program with the following objectives:

- to establish statewide terrorism-prevention objectives (e.g., establish standards and performance measures, identify critical infrastructure and key assets, conduct risk and vulnerability assessments, share and analyze information and intelligence);
- to establish priorities, roles and specific tasks under each objective and for all levels of law enforcement and appropriate private sector organizations;
- to identify and plan for threats, risks and vulnerabilities in each state;
- to facilitate communication within the law enforcement community;³³
- to improve the allocation of resources by linking them to required tasks that support the counterterrorism program; and
- to mutually design exercises and training scenarios involving multiple agencies and homeland security disciplines.

Furthermore, the work group recommends that states take a lead and convening role in the development and implementation of this program and involve all appropriate state, local and federal law enforcement stakeholders in the process. The development and implementation of this program should be sanctioned by the appropriate legislative or executive authority in each state (e.g., statute, executive order, proclamation).

(5) Develop standardized training programs and tools for state and local law enforcement agencies to improve terrorism prevention and response capabilities.

Discussion: According to a homeland security presidential directive issued in December 2003, preparedness is defined as “the existence of plans, policies, procedures, training and equipment necessary at the federal, state and local level to maximize the ability to prevent, respond to, and recover from major events.”³⁴ Today, each state conducts in-service training for law enforcement officers, but training standards and activities vary among states. National training standards should be developed for state and local law enforcement personnel to achieve a baseline level of preparedness. Furthermore, states should consider computer-based programs and tools, using CD-ROM and Web-based methods. States should also consider train-the-trainer and other distributed learning methods and tools to achieve widespread application.

(6) Implement regional approaches for homeland security planning and operational purposes.

Discussion: Creating regions or zones helps to remove or reduce local jurisdictional barriers for operational purposes and may enhance homeland security planning efforts and the distribution of federal grants. Regions typically consist of multiple counties and municipalities that follow pre-existing health, law enforcement or emergency management structures or share common resources and geographic characteristics. Among other benefits, regional approaches help:

- unite local planning efforts;
- identify local communities of interest and regional needs;
- identify state roles (e.g., assets, resources, capabilities) depending on regional needs;
- foster intrastate and interstate assistance agreements and compacts;
- foster regional cooperation and the acquisition and integration of interoperable equipment and communications systems;
- promote cost-sharing to maximize states’ use of funds;
- capitalize on economies of scale (e.g., states may purchase higher quantities and more sophisticated equipment if it will be used by multiple jurisdictions/users);
- promote information and intelligence sharing and critical infrastructure protection;
- create a network for regional knowledge sharing; and
- facilitate state management of homeland security strategies, activities and grant programs.

States should consider aligning regions with an interest in homeland security such as health, emergency management, fire and police, to facilitate homeland security planning, administration and coordination.

(7) Build partnerships with key residential, commercial property owners and security personnel and provide them with resources and tools to identify and report suspicious activities.

Discussion: Providing communities with the resources and tools to report suspicious activities and other information of interest is a critical component to preventing acts of terrorism. Landlords, retail owners and security personnel typically know their properties, residents and employees much better than law enforcement agencies. Therefore, partnerships between law enforcement and these groups and associations provide the necessary means to disseminate information and build mutual understanding and trust.

(8) Develop and implement a public education and outreach plan that establishes and formalizes public information policies and procedures that relate to terrorism prevention and response.

Discussion: Public education and outreach is a critical component of each state's terrorism prevention and response strategies. However, many states lack formal plans and procedures that address risk communication, issuance of warnings and instructions, and guidance for businesses and community leaders. A public education and outreach plan, at a minimum, should:

- issue warnings, watchlists, bulletins and other instructions to state and local government entities;
- provide guidance and instructions to businesses and the public at large on identifying and reporting suspicious activities;
- delineate the homeland security advisory system and provide recommended responses for local governments, businesses and the public;
- update local governments, businesses and the public on homeland security activities; and
- inform local governments, businesses and the public about volunteer and community service opportunities and additional sources of information.

(9) Provide technical assistance and training to local governments on the application and administration of homeland security grants.

Discussion: Generally, federal grant programs and processes are not fully understood by local law enforcement agencies. Furthermore, many local agencies are overwhelmed with stringent planning and processing deadlines. They may lack the administrative and planning resources and support to fully engage and participate in homeland security grant programs. In response, states should examine existing outreach strategies and collaborate with local agencies to develop improved means of assistance and support. Regional grant planning is one solution. States should also consider ways they can use visiting technical assistance teams comprised of state-level planners and administrators to respond to requests for assistance.

(10) Explore methods to improve communication and collaboration among state law enforcement agencies on national and regional levels.

Discussion: State agencies are playing critical roles in terrorism preparedness. They are assuming many new responsibilities, in addition to providing critical assistance to local police departments and sheriffs' offices. Most often, they are the critical link between local and federal law enforcement efforts and are leading new statewide intelligence sharing and analysis efforts. Despite these demands, however, few mechanisms exist to bring these agencies together to foster the sharing of practices. Informal partnerships have surfaced among states and also within given regions. However, little organizational knowledge and support for these efforts exists. State and federal leaders should examine current mechanisms to assist state law enforcement agencies such as partnerships and professional organizations, target shortcomings and gaps, and identify solutions to improve communication and collaboration across state lines.

(11) Identify rural law enforcement challenges and solutions, particularly those surrounding agricultural security.

Discussion: State officials face unique challenges in rural areas. First, there is a general lack of urgency among many people in rural areas because of a perceived lack of threat and risk from terrorism. Second, local police departments lack personnel and resources to participate in state-level activities including homeland security planning and operations. In general, rural areas tend to rely heavily on state agencies for general law enforcement support. As a consequence, new demands are placed on state agencies in conducting homeland security education, outreach and operations in rural areas. Agricultural security should be given high priority by law enforcement agencies in rural areas. Due diligence requires that state and local law enforcement officials understand responsibilities and procedures for responding to cases of foreign animal and plant diseases.

(12) Support and participate in Joint Terrorism Task Force (JTTF) structures and activities.

Discussion: Consensus among law enforcement experts suggests that FBI-led Joint Terrorism Task Forces foster improved cooperation among law enforcement partners toward terrorism preparedness. Although each of the 66 local JTTFs rely on a common intergovernmental approach, each task force is managed and structured differently, with varying levels of participation by state and local law enforcement officials. This flexibility helps the FBI adapt to and address state and local characteristics and nuances. In return, states should continue to support and promote JTTF activities with local governments and agencies. Additionally, some states are locating new state-level intelligence centers with their resident JTTF. States should ensure that intelligence centers are closely linked to JTTFs, regardless of location.

Integration with the Criminal Justice System

(13) Recognize and embrace the “all crimes” approach for terrorism prevention.

Discussion: Consensus among law enforcement officials suggests that a nexus exists among types of criminal activity, including illegal drug operations, money laundering, fraud, identity theft and terrorism. Therefore, states should embrace an “all crimes” approach to terrorism prevention. This strategy ensures that possible precursor crimes are screened and analyzed for linkages to larger-scale terrorist activities. Furthermore, experts believe that terrorists will behave like fugitives if pressured by law enforcement from many different levels and angles. Thus, terrorists will become vulnerable by resorting to criminal activity to support terrorist-related operations. Emergency management professionals utilize a similar approach (“all hazards”) for emergency response and preparedness.

(14) Develop and implement protocols to leverage all criminal justice and regulatory personnel, resources and systems in identifying and reporting precursor crimes.

Discussion: States would benefit from improved communications and connectivity to the criminal justice system at large. State and local law enforcement agencies are taking lead roles in building states’ intelligence sharing and analysis capabilities. It is widely accepted that terrorists are often involved in other criminal activities or precursor crimes to help finance operations, gather equipment and goods and prevent detection. Identifying terrorists who enter the criminal justice system is one critical method of detection. Therefore, improved connectivity between criminal justice information and resources and states’ counterterrorism operations would assist in identifying terrorists. To this end, states should:

- **Develop and promote training programs for state and local law enforcement agencies and prosecutors in identifying and reporting suspicious activities and precursor crimes.** According to the Bureau of Justice Statistics, there were roughly 700,000 full-time, sworn state and local law enforcement personnel in 2000. These personnel work closely with approximately 3,000 prosecutors’ offices nationwide on gathering and processing criminal evidence. New training programs should be developed and implemented to assist these agencies and offices in reporting suspicious activities and identifying precursor crimes.
- **Develop methods and systems to scan court-related cases and documents for precursor crimes and other security-related information.** Probation officials are generally responsible for preparing pre-sentence investigations (PSI) for the courts. These documents typically provide judges with a criminal history of the accused, circumstances surrounding a crime and other information relevant to sentencing or bail decisions. PSIs, bail determination forms and other court documents could be modified to assist prosecutors and other law enforcement officials in identifying homeland security-related information.
- **Identify reporting indicators and procedures for probation and parole officers and explore partnerships among the law enforcement and probation and parole communities.** About 80,000 probation and parole officers nationwide must work closely with neighborhood

groups, including those in ethnically diverse communities. Correctional officers generally maintain excellent situational awareness due to these partnerships and regular home visits. With proper training, probation and parole officers could serve as an extra set of “eyes and ears” in communities to report suspicious activities and possible signs of terrorist activity.

- Identify reporting indicators and procedures for state and local regulatory agencies such as health and human services, social services, licensing agencies and housing authorities, on identifying and reporting suspicious activities. Like corrections officials, many state and local regulatory agencies and personnel work in urban and rural communities. With training and resources, these government officials could also provide valuable information to law enforcement and security officials regarding suspicious activities.

(15) Pursue a balanced state law enforcement work force, assigning personnel with specialized skills and expertise for terrorism prevention to general or all-purpose law enforcement efforts.

Discussion: This recommendation is grounded on two premises. First, there is a clear need to educate and train specialized analysts for the counterterrorism mission. The risks and stakes associated with acts of terrorism are very high and a dedicated work force prevents “mission creep” into other crime-fighting efforts. Second, law enforcement officials believe there is a nexus among types of criminal activity, including illegal drug operations, money laundering, fraud, identity theft and terrorism. These relationships are unclear. However, criminal activity and cases need to be analyzed for linkages to possible terrorist organizations, persons and activities. Therefore, states should strive to meet a baseline prevention capacity, and otherwise capitalize on general crime-fighting resources.

Governance and Legal Issues

(16) Examine and update state laws to aid in terrorism prevention and response efforts.

Discussion: State and local law enforcement agencies will prevent future terrorist attacks only by identifying and investigating suspicious activities and persons, analyzing precursor crimes for their association to larger terrorism efforts and sharing critical information among agencies. Statutory provisions and their associated authorities (or lack thereof) may hinder or enhance these efforts. States have enacted and continue to explore statutory provisions that strengthen their state and local law enforcement’s capabilities to fight terrorism without overstepping constitutional boundaries. To further enhance these efforts, states should review and refine statutes related to terrorism and security, and they should seek promising models from other states, including:

- freedom of information and public record laws for intelligence files and critical infrastructure information;
- access to vital records such as birth and death certificates;
- search, seizure and privacy laws;
- investigations of suspicious activity;
- isolation and quarantine laws;
- sharing of information and intelligence among law enforcement and non-law enforcement entities;
- use-of-force laws for the protection of critical infrastructure and key assets; and
- financial incentives to stimulate security reforms among private-sector partners such as tax incentives.

(17) Establish a principal point of oversight and review for homeland security through legislative committee or multibranch commissions.

Discussion: In many states, legislative oversight is provided through individual disciplines and policy areas such as agriculture, military affairs, public health and public safety. Like the 9/11 Commission's recommendation for consolidated oversight at the federal level, states should examine and restructure legislative committees where necessary to enhance awareness and oversight of homeland security activities. Furthermore, states should consider holding periodic informative meetings of top executive and legislative leaders, and forming multibranch commissions to evaluate and assess homeland security progress. In establishing these committees and commissions, states should consider instances to convene closed meetings as well as the confidentiality of sensitive information.

(18) Codify the state's strategic homeland security planning structures, processes and responsibilities into law.

Discussion: Relationships and responsibilities among homeland security stakeholders continue to evolve due to the changing nature of terrorist threats, prevention and response needs, and transforming operations and tactics. State-level roles continue to be assessed and redefined. Exacerbating these challenges is a general lack of clarity regarding states' overall homeland security mission. To effectively adjust to these changing conditions and provide clarity of purpose for homeland security stakeholders, states should codify certain aspects of the homeland security mission into law. Example sections include: key terms and definitions; roles and responsibilities of the homeland security director/coordinator; strategic planning processes and stakeholders; regional structures, functions and processes; and general duties and responsibilities for the primary state-level stakeholders such as agriculture, emergency medical care, emergency management, fire service, law enforcement, military, public health, public utilities and rescue.

(19) Examine and update public records laws to ensure the adequate protection of private-sector information and documents gathered or sent for homeland security purposes.

Discussion: Private companies own and operate more than 85 percent of the nation's critical infrastructure and key assets. Developing partnerships with the private sector is critical to identifying vulnerabilities and mitigating risks. To help foster this partnership for homeland security, states should ensure that industry sensitive information is held in confidence.

(20) Draft a comprehensive volume of Model State Terrorism Laws to provide states with a benchmark for measuring the effectiveness of existing counterterrorism statutes.

Discussion: States have enacted and are considering statutory provisions that strengthen their state and local law enforcement's capabilities to fight terrorism. According to a survey by the American Prosecutors Research Institute in 2003, 45 states had passed 67 new statutes concerning terrorism since 2001, creating an aggregated total of 143 new offenses at the state level. New statutes address precursor crimes; threats, hoaxes and false reports; actual incidents; and investigations and prosecutions. However, a collection and comprehensive evaluation of these new law enforcement and prosecutorial tools and authorities is lacking. An expert group of state policy-makers, practitioners and academic experts should be convened to identify promising statutory provisions and make recommendations of model state terrorism laws to the states. Model state laws provide policy-makers with a research-based benchmark of promising statutes to evaluate existing counterterrorism laws. Not only do they provide states with meaningful ideas; they also promote wide-spread implementation by translating good ideas into usable language consistent among the states.

Other Homeland Security Priorities

(21) Ensure the sustainability of homeland security initiatives.

Discussion: As a condition of accepting funds, states should ensure that state and local agencies have plans in place to sustain newly acquired equipment and capabilities for the long term. Future homeland security grant proposals and initiatives, therefore, should sufficiently demonstrate these long-term obligations, strategies and plans.

(22) Adopt and support the National Incident Management System (NIMS) and Incident Command System (ICS).

Discussion: According to the *9/11 Commission Report*, “emergency response agencies nationwide should adopt the Incident Command System.”³⁵ Established through *Homeland Security Presidential Directive/HSPD-5* (Management of Domestic Incidents), the National Incident Management System enables “responders at all levels to work together more effectively and efficiently to manage domestic incidents no matter what the cause, size or complexity, including catastrophic acts of terrorism and disasters.”³⁶ States should adopt and integrate NIMS and ICS into all response planning, training and exercises.

(23) Enhance the integrity of driver’s license documents and systems by supporting national standards for physical security features and state-level issuance requirements.

Discussion: The 9/11 Commission recommends that standards be developed for “the issuance of birth certificates and sources of identification, such as driver’s licenses.”³⁷ Many public documents of identification such as driver’s licenses, birth and death certificates are managed at the state level. Today, states are feverishly working to improve security features on these documents and refine issuance requirements. Additionally, states are developing and implementing new technologies and training for police officers to better identify fraudulent driver’s licenses. States should continue these improvements and pursue national standards for physical security features and state-level issuance requirements. Security features on the driver’s license document should include nationally accepted biometrics and standards.

(24) Adhere to the “dual-use” rule of thumb for the purchase and procurement of homeland security equipment.

Discussion: Equipment purchases at the state and local levels should serve a “dual-use” or provide value to homeland security and other more general public safety functions. States must take innovative approaches to the procurement of equipment in an era of general scarcity of resources and high demands for public safety. Furthermore, homeland security equipment purchases should provide optimal use and value to the law enforcement community.

(25) Promote and advance the U.S. Department of Homeland Security’s Lessons Learned Information Sharing (LLIS) network to state and local stakeholders.

Discussion: The Lessons Learned Information Sharing (LLIS) system is a national network of lessons learned and best practices for homeland security officials at all levels of government including law enforcement. Managed by the National Memorial Institute for the Prevention of Terrorism, LLIS contains secure and restricted-access information designed to facilitate efforts to prevent and respond to acts of terrorism across all disciplines. Additional efforts should be made to expand and promote LLIS to include all criminal justice stakeholders and resources.

What issues and needs require an intergovernmental approach?

Cooperation among state, local, tribal and federal law enforcement agencies and the private sector is critical to the progress and success in thwarting and responding to future acts of terrorism. Since 2001, law enforcement agencies have generally enjoyed unprecedented levels of cooperation. For example, the FBI-led Joint Terrorism Task Forces build key partnerships and foster the sharing of information and intelligence across intergovernmental and jurisdictional boundaries. Many issues exist in states that require a national law enforcement effort, led by the federal government or the states collectively, such as the need for uniform standards. To address these issues, the work group recommends the following intergovernmental actions.

Intelligence Sharing and Analysis

(1) Implement the new-generation Joint Regional Information Exchange System (JRIES) as the primary system of exchange for intelligence and tactical information.

Discussion: The Joint Regional Information Exchange System (JRIES) allows multiple jurisdictions and disciplines to receive and share intelligence information and tactical information. The new-generation JRIES, entitled the Homeland Security Information Network (HSIN), provides a platform for state, local and federal partners to share sensitive but unclassified and secret information. This new system supports the law enforcement and counterterrorism missions, while providing connectivity to other partners including state homeland security advisors, adjutants general, and emergency operations centers. Key state and federal law enforcement agencies including the FBI should adopt and implement JRIES/HSIN through the national Joint Terrorism Task Force and state intelligence center structures.

(2) Develop standards for information classification and security clearance systems.

Discussion: State and local officials are concerned about the lack of a uniform information classification system among federal agencies (e.g., top secret, secret) and related security clearance systems. Many state and local officials need, but lack, security clearances, and the classification of federal documents and information often varies from agency to agency. In 1995, the president signed *Executive Order 12968* (Access to Classified Information), which stated that “background investigations and eligibility determinations conducted under this order shall be mutually and reciprocally accepted by all agencies.”³⁸ However, the interpretation and implementation of this order varies widely among federal departments and agencies, affecting the handling of information among state and local agencies. An examination of this order and improvements to the information classification and security clearance systems in general is needed with input from federal intelligence agencies as well as state and local governments. Ultimately, standards will ensure that stakeholders and decision-makers at all levels of government receive and disseminate information and intelligence in an effective, consistent and timely manner.

(3) Develop a National Intelligence Strategy and Plan that incorporates state and local assets.

Discussion: States are generally unclear about their specific roles and responsibilities in the national intelligence framework. Despite this lack of clarity and direction, states are developing innovative policies and procedures to address the intelligence shortfalls and gaps. A National Intelligence Strategy and Plan should be developed to prevent stovepipe systems among the states and to clarify the intelligence roles and relationships among federal agencies (e.g., CIA, DHS, DOD, DOJ). Additionally, this strategy and plan should address the spectrum of intergovernmental and public-private relationships and information sharing, especially those that exist among state-level systems.

(4) Develop information and intelligence gathering, as well as analysis and dissemination standards for the state and local law enforcement communities.

Discussion: The Global Justice Information Sharing Initiative produced and disseminated the *National Criminal Intelligence Sharing Plan* in April 2004, providing a national framework for intelligence-sharing standards. The Criminal Intelligence Coordinating Council and Global Intelligence Working Group continue work on identifying barriers and solutions to improving national intelligence operations. Additional efforts should be made to promote and advance this work across the states.

(5) Develop national training and education standards for intelligence analysts.

Discussion: The Global Intelligence Working Group is pursuing efforts to develop intelligence training standards for intelligence analysts, intelligence managers, law enforcement executives and general law enforcement officers. Additional efforts should be made to promote and advance this work across the states. Furthermore, a lack of educational standards and programs for intelligence analysts exists. An educational needs assessment should be conducted that includes an examination of existing academic programs across the country.

(6) Expand the pool of qualified state-level intelligence analysts.

Discussion: A current shortage of resources, knowledge and experience of intelligence analysts at the state and local levels exists. Therefore, a national education and training program should be developed that highlights and utilizes existing intelligence-related schools, academies and curriculums. This national program should provide general and specialized training opportunities for intelligence analysts at all levels of government. Furthermore, a program that cross-trains and cross-places federal intelligence analysts with state and local governments and vice versa for a determined period of time would foster knowledge sharing among federal, state and local partners and build mutual understanding.

(7) Establish a State and Local Intelligence Advisory Council to advise the new Director of National Intelligence.

Discussion: A State and Local Intelligence Advisory Council, equivalent to the Homeland Security Advisory Council, should be established with several key purposes: advance and promote the work of the Global Intelligence Working Group; advise national leaders on state and local intelligence matters; and represent the interests of state and local governments in the development and implementation of national intelligence policies and practices. Similar to the Homeland Security Advisory Council, which provides advice and recommendations to the Secretary of Homeland Security on state and local matters, this council should be comprised of leaders from state and local governments and the private sector. Ultimately, this council should be responsible for making specific recommendations to federal leaders on improving domestic intelligence operations at the state and local levels.

(8) Develop an accreditation program for state and local terrorism prevention, intelligence sharing and analysis programs.

Discussion: An accreditation program should be developed based on compliance with national standards for terrorism prevention, intelligence sharing and analysis. Compliance should be demonstrated through self-assessment, documentation, and an on-site assessment by an independent team of assessors. Such a program would allow state and local governments to demonstrate compliance with prevention and intelligence sharing and analysis standards, and also encourage the examination of strengths and weaknesses. The Emergency Management Accreditation Program and Commission on Accreditation for Law Enforcement Agencies should be examined as possible models. Ultimately, the accreditation program would strengthen the states' capabilities to prevent future acts of terrorism.

Other Intergovernmental Issues and Needs

(9) Restore support for state and local law enforcement and criminal justice programs that support drug enforcement and community policing initiatives.

Discussion: Today, state and local law enforcement agencies are required to address many new terrorism-related demands in addition to fulfilling traditional law enforcement duties. These agencies are allocating personnel and resources toward FBI-led Joint Terrorism Task Forces, intelligence sharing and analysis, border and port security operations, commercial vehicle enforcement, and security of critical infrastructure and dignitaries. These new demands and needed resources, however, should not compete with other national public safety priorities. National drug enforcement and community policing initiatives, for example, continue to be high priorities for states. Two key programs, the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant and Community Oriented Policing Services program, provided critical support for these national priorities and should be restored.

(10) Provide adequate law enforcement staffing at the state and local levels to handle expanded homeland security responsibilities and shifts from the federal level.

Discussion: New intelligence-related demands, activities associated with FBI-led Joint Terrorism Task Forces, and increasing roles in combating counterterrorism have strained state personnel. In addition, shifting federal law enforcement priorities have forced state and local agencies to assume greater responsibilities for other previously held federal responsibilities such as financial crimes, bank robberies and gangs. To adequately address these new demands and shifts from the federal level to states, funding should be provided to states for hiring criminal intelligence professionals such as analysts, researchers and crime-mappers.

(11) Provide flexibility to states concerning the planning and administration of homeland security grant programs.

Discussion: The Homeland Security Advisory Council's Task Force on State and Local Homeland Security Funding published a report in June 2004, outlining a series of recommendations for all levels of government on improving the planning and administration of grant programs. In the spirit of these recommendations, homeland security grant programs should provide states with flexibility to apply funds pursuant to goals and objectives spelled out in each state's homeland security strategy. In addition, this task force or some other mechanism should be utilized for ongoing and timely review and feedback concerning problems or issues with grant planning and processing.

(12) Develop a uniform vulnerability assessment model and tool.

Discussion: A homeland security presidential directive was issued in December 2003, stating that "the secretary shall produce a National Plan for Critical Infrastructure and Key Resources Protection ... which shall include a strategy to identify, prioritize, and coordinate the protection of critical infrastructure and key resources."³⁹ Many state and local law enforcement officials believe that the federal vulnerability assessment tool required and used in the fall 2003 homeland security assessment process was flawed and created false expectations of funding for state and local partners. An improved model and tool should be developed in consultation with state and local law enforcement agencies, which takes into account the following factors: the unique makeup of each state; the dynamic nature of threats; and the outcome and data needs for all levels of government. Outcome and data needs include quantitative and qualitative outputs that inform state and local decision-makers about their allocation of resources and specific target-hardening measures such as thresholds for damage and likelihood of attack. Once the new tool is developed, a national training and support structure should be created to provide consistent training and technical assistance.

(13) Develop a national database or information system that identifies, describes and assigns responsibility for the protection of critical infrastructure and key assets.

Discussion: State and local officials have a responsibility to identify critical infrastructure and key assets, conduct vulnerability assessments, determine protective measures and monitor compliance with protective measure plans. Assessments must now be completed on a regular basis by officials at all levels of government. This new demand, along with the need to frequently track and monitor critical infrastructure activities, requires a new interactive tool that identifies, describes and assigns responsibility for the protection of critical infrastructure and key assets.

(14) Consider state homeland security strategies and plans for future grant programs.

Discussion: Every state has developed a comprehensive strategy, associated plans that identify goals to address terrorism prevention and response, and action plans to meet these objectives. Many national programs are being developed and implemented with little regard for these state-level strategies and plans. As a result, important state-level work and partnerships within and among states have been undermined. Future programs should give greater credence to state homeland security strategies and planning structures.

Chapter Five

Conclusions



Chapter Five: Conclusions

Limitations and constraints

The breadth of this research project was extensive, using quantitative and qualitative techniques to gather information from the states. In addition to the survey that sought quantitative data from state and local officials, a number of interviews were conducted with law enforcement and homeland security officials during each case study examination. The qualitative segment of the project also included a group of 30 public officials, which convened twice to help interpret and translate survey and case study findings into tangible policy recommendations for state officials. Altogether, these components helped to piece together a view of conditions facing state police organizations in the post-Sept. 11 era.

Despite the use of these diverse methods, limitations are inherent with any research project, and this study was no exception. First, it is important to recognize the differences among states and the different roles and structures of state law enforcement agencies, especially when comparing data from all 50 states. For example, border states with large tourism industries have different homeland security needs than non-border states that are predominantly rural and oriented toward agriculture. Similarly, states with large urban areas are unique compared with those with only mid- to small-sized cities. State police organizations may play lead roles in some states and only supporting ones in others.

For the purposes of this study, the research team assumed that states and their police organizations were sufficiently similar and, therefore, comparable. There was one exception—the principal investigators did make a distinction among state police, highway patrols and bureaus of investigation for some analyses. The selection and implementation of the case studies did account for many of these differences.

Second, there were a number of limitations or unknowns with the 50-state survey of state and local police agencies.

- The entire population of general-purpose state police organizations numbered 73. Surveys were mailed to the directors of state bureaus of investigation and highway patrol departments. Only one survey was mailed, however, to states with one general-purpose agency that unified these functions. Recognizing these differences, project staff included the response option of “not applicable” on survey questions.
- Accuracy of responses is always an issue with survey work. For example, respondents may have felt inclined to respond to the allocation of resource questions without considering actual budget figures or number of personnel and hours.
- The aim of the survey questions was to gather a description of the new terrorism-related roles and changing conditions. The survey did not attempt to gather information on causal relationships or factors driving the noted changes.
- The primary method used in the survey to gauge the impact of terrorism on state law enforcement is a comparison of conditions before and after Sept. 11. The research team recognizes that other factors may be affecting a state police agency’s allocation of resources other than new terrorism-related demands, such as new drug problems, identity theft, shifting federal priorities or limited state budgets.

Third, the interviews with law enforcement and homeland security officials during the five case study examinations provided the project team with valuable qualitative information not gleaned from the survey. Participants included state and local law enforcement and homeland security executives, many of whom are political appointees. A number of interviews were also conducted with non-executives and lower-level decision-makers. The interviews with lower-level personnel sometimes surfaced many more issues and problems than those with the executives, suggesting that the lower-level personnel had different experiences and perspectives, the executives were less candid, or a combination of both. Nevertheless, project staff conducted many interviews in each state, thus helping to piece together a better picture of changing conditions.

Finally, CSG convened a work group of experts to help interpret the research results and translate identified issues and needs into tangible recommendations for state policy-makers. The work of this group was constrained by resources and time. The project allowed for two meetings of a 30-person work group, with some additional communication between meetings. This group of public officials represented nearly half of the states, including perspectives from state, local and federal law enforcement, state and local prosecutors, homeland security officials and the private sector. Although productive, two meetings provided the work group with relatively little time to analyze the survey and case study results and to deliberate on each issue and recommendation.

Needs for further research and policy work

This project surfaced many needs for further research and policy work that, if pursued, would assist state law enforcement agencies and other homeland security stakeholders in their efforts to better prepare for, prevent and respond to acts of terrorism. The following provides a description of the most notable research needs.

Need #1: An examination of the “terrorism prevention” responsibility, including an analysis of state and federal definitions, commonly accepted activities and “terrorism prevention” standards.

Most states list “terrorism prevention” and “intelligence analysis and sharing” among their top homeland security priorities. However, a clear understanding of terrorism prevention activities does not exist. For example, many states classify the following activities under the rubric of “prevention”: intelligence analysis and sharing; vulnerability assessments; target hardening; the protection of public and private assets and infrastructures; and interdiction activities. Others do not use the term “prevention” and develop unique classifications for these important activities. In order to evaluate state and local “prevention” programs, it is first necessary to help states define the term “prevention”; identify common and generally accepted activities toward “terrorism prevention”; determine how “terrorism prevention” relates to law enforcement’s understanding of “crime prevention” and where activities overlap; and develop minimum standards for “terrorism prevention.”

Although it is generally accepted that preventing future acts of terrorism is an important responsibility for state and local law enforcement, states vary on definitions, interpretations and activities. Furthermore, states are seeking ways to integrate “terrorism prevention” into other “crime prevention” activities. This research would assist them in finding those relationships or linkages.

Need #2: The development of standards and training programs for intelligence analysts.

As mentioned in Chapter Three, state and local law enforcement agencies face increasing needs for new intelligence-related analysts and investigators, in addition to a variety of analytical tools to support them in mining data and translating it into usable intelligence. Faced with an exorbitant amount of information and demand for valuable outputs and products, police organizations are searching for methods to gather data from many sources; assimilate that data and look for patterns and points of interest; and transform that information into usable products for top-level decision makers and field investigators. States are struggling, however, to define standards for these analytical processes and products as well as the requisite skills, education and training for new analysts. Current efforts to develop intelligence-related standards should be expanded and further promoted to address these needs.

Need #3: An examination of the nexus among terrorism and other criminal activity, including illegal drug operations, money laundering, fraud and identity theft.

States are taking an “all crimes” approach to terrorism prevention, incorporating it within the general crime prevention framework. Making the linkages among more traditional crimes and terrorism, however, appears to be extremely difficult. There is a shortage of research about the precursor crimes-terrorism nexus. Evidence is needed suggesting how certain types of crimes are more or less prone to supporting terrorism-related activities. Otherwise, law enforce-

ment analysts and investigators are likely scanning very broadly for linkages, wasting precious time and resources. More concrete evidence would help law enforcement home in on those crimes that have the greatest chance for supporting terrorist-related activities.

Need #4: An examination of state regional structures, requirements and innovative solutions.

It is generally accepted that states should pursue regions or zones to remove or reduce local jurisdictional barriers for operational purposes and to enhance homeland security planning efforts and distribution of federal grants (See work group recommendation six). Many states today are struggling, however, to form these regions and foster local cooperation. Also, it is believed that some federal grant programs such as the Urban Areas Security Initiative undermine regional planning efforts by supporting local jurisdictions directly. Additional research into the development of regions and the roles they play across the states would benefit those looking to start a regional effort or improve an existing structure. Such an effort would provide the federal government with a better understanding of state-level planning requirements to improve future homeland security grant programs. Furthermore, the FBI and other federal law enforcement agencies would gain a better understanding of new regional operational structures and how they may be used to help support counterterrorism activities.

Need #5: An examination of interstate and international agreements to improve terrorism prevention and response capabilities.

Many states are pursuing agreements with neighboring states or bordering provinces in neighboring countries for terrorism-related purposes. These agreements and compacts authorize and promote mutual aid and resource sharing, the sharing of intelligence and information, out-of-state investigations and partnerships for training and exercises. These efforts point to a larger need to study the jurisdictional obstacles that appear to exist among states within the counterterrorism framework, and suggest solutions by way of model memorandums of agreement and interstate compacts. The development of model agreements would assist states that are seeking to collaborate with neighboring states but are struggling to overcome legal barriers. Intelligence sharing and the use of out-of-state law enforcement resources for terrorism-related purposes are two areas that would benefit from such a study.

Final considerations

Today, state police organizations are taking many lead and supporting roles in the realm of terrorism prevention. They provide a critical information sharing and analysis capability at the state level and a link between local and federal authorities. Their role is especially important in rural areas of states where resources are scarce. Thus, they provide a critical link among large and small local agencies.

In addition, state troopers patrol the interstate and state highways and serve as “eyes and ears” for suspicious activities, and would play a critical role in managing mass evacuations and aid for disaster areas. State police continue to play important roles guarding border crossings, seaports, airports and critical infrastructure. Furthermore, their specialized services such as SWAT, K-9 units and air and marine assets are often requested at the local level and are important assets to deter, interdict and respond to acts of terrorism.

Besides these new terrorism-related responsibilities, evidence indicates that state law enforcement agencies are also being asked to fill vacuums created by the shifting priorities of federal law enforcement agencies. State patrol and investigative agencies are playing a larger role in relation to drug enforcement, bank robberies, major crime investigation, high tech/computer crime and other traditional law enforcement activities.

This study also revealed the growing complexity of the state police operating environment in the post-Sept. 11 era. Not only do state police remain the linchpin between federal law enforcement agencies and many local agencies, they report substantially increased interactions with a long list of federal agencies, from the military to the Federal Aviation Administration

and Secret Service. They are also working ever more closely with other state agencies, such as agriculture, public health and National Guard, in addition to private security and the private sector. Plus, they are invariably heavily involved in their state's homeland security planning and coordination apparatus.

In short, the world of state law enforcement has become incredibly more complex and demanding during the past several years. Not long ago, it would have been commonplace to regard the state police as perhaps the last bastion of old-style, traditional law enforcement. Those days are now gone.

State policy-makers should be informed about these changing conditions, as well as the risks that accompany them. For example, should drug enforcement resources be sacrificed at the expense of terrorism prevention? What new structures, capabilities and resources benefit both responsibilities? Police organizations are becoming more proactive through new information-led policing initiatives and tools such as crime mapping. Can state-level fusion centers support these new general crime fighting initiatives?

Today, a tremendous opportunity exists for states to leverage their law enforcement resources to prevent future acts of terrorism and to improve overall public safety.

For additional information about this project, please visit: www.csg.org (keyword: protect).

Appendices

Appendix A: Homeland Security Update

Appendix B: Glossary of Common Terms

Appendix C: Survey Instruments and Percent Distributions

Appendix D: State Law Enforcement Agencies, 2000



Appendix A: Homeland Security Update

This 20-month research project took place between October 2003 and June 2005. CSG's survey was conducted during the early months of 2004, followed by five case study examinations that summer. Meanwhile, much has changed at the federal and state levels regarding homeland security, the nation's response to terrorism and new public safety needs. The research team recognizes the likely influence of these changes on the project findings, conclusions and recommendations. Nevertheless, this report accurately reflects the analysis and conclusions drawn from the data and information gathered in 2004. The following provides examples of recent policy efforts that may help address a number of state police needs identified in this report.

December 2003—National preparedness directive. Homeland Security Presidential Directive—8 required the development of a national domestic preparedness goal that “will establish measurable readiness priorities and targets that appropriately balance the potential threat and magnitude of terrorist attacks, major disasters, and other emergencies with the resources required to prevent, respond to, and recover from them.”⁴⁰ Readiness or preparedness is defined by the capabilities in place to prevent and respond to a host of critical threats and hazards. An Interim National Preparedness Goal was issued in March 2005.

February 2004—Expansion of JRIES. DHS announced the expansion of its computer-based counterterrorism communications system to all states and major urban areas to strengthen its flow of threat information.⁴¹ Using the Joint Regional Information Exchange System or JRIES, each state and major urban area will have access to DHS' Homeland Security Operations Center and the information it regularly disseminates. During this study, a common concern among state officials was the lack of a single source of terrorism-related information from the federal government. Once fully integrated into the Homeland Security Information Network, JRIES may offer this needed source of information for state and local law enforcement agencies.

March 2004—National Incident Management System. In 2003, HSPD-5 required the development of a comprehensive national framework for incident management, otherwise known as the National Incident Management System or NIMS. This new system or approach to emergency management enables “responders at all levels to work together more effectively and efficiently to manage domestic incidents no matter what the cause, size or complexity, including catastrophic acts of terrorism and disasters.”⁴² Beginning in FY 2005, state and local governments were required to adopt NIMS as a prerequisite for receiving federal preparedness funds.

June 2004—Funding Task Force issues recommendations. Established in March 2004 by the Homeland Security Advisory Council, the Homeland Security Funding Task Force released a series of recommendations for expediting the flow of homeland security funds to state and local governments. According to the report, the task force focused its efforts on three areas: examining the funding process to understand why there have been delays; examining and cataloging best practices; and providing specific recommendations to eliminate “choke points” that impede the timely distribution of funds.⁴³ State police are much more involved today in planning for and managing the flow of federal homeland security grants, consuming time and resources. If implemented, these recommendations may help to alleviate many of the grant-related concerns among state officials.

July 2004—9/11 Commission Report. *The 9/11 Commission Report* set forth broad policy recommendations for the nation in preventing and preparing for future terrorist attacks.⁴⁴ Many of the commission's key findings impact the states, including recommendations involving state and local law enforcement; driver's licenses and identification cards; formulas for homeland security funding; emergency management structures; and standards, technology and the private sector. Specifically, the report acknowledges the need for heightened intergovernmental cooperation in terrorism prevention efforts. Today, Congress appears to be acting on many of these recommendations.

October 2004—FY 2005 Homeland Security Appropriations Act. The act provides \$28.9 billion in net discretionary spending for the Department of Homeland Security, and state and local law enforcement agencies are eligible for grants authorized under this appropriation.⁴⁵ Among other grant opportunities, state police applied for and began receiving funds in 2005 through the State Homeland Security Program and Law Enforcement Terrorism Prevention Program. Although state law enforcement agencies will likely see just a small portion of these funds, roughly \$1.5 billion was allocated to states for these two programs in 2005.⁴⁶

December 2004—National Response Plan. The secretary of homeland security released a new National Response Plan in December 2004 as directed through HSPD-5.⁴⁷ The plan aims to unify the federal government's response structures and mechanisms for improving coordination with and the provision of assistance to state and local officials during emergency situations.

March 2005—Interim National Preparedness Goal. As required through HSPD-8, DHS released the Interim National Preparedness Goal, establishing readiness priorities, targets and metrics for the country.⁴⁸ The goal includes seven national priorities, including the implementation of the National Incident Management System and National Response Plan; expansion of regional collaboration; and implementation of the Interim National Infrastructure Protection Plan. The interim goal is the policy vehicle for establishing required capabilities at all layers of government and among the disparate homeland security disciplines.

Appendix B: Glossary of Common Terms

Agroterrorism—Infiltration and destruction of a society’s food source through the contamination of livestock or the sabotage of grains.—Studies in Conflict and Terrorism

Analysis—The review of information and its comparison to other information to determine the meaning of the data in reference to a criminal investigation or assessment.—National Criminal Intelligence Sharing Plan, 2005

Bioterrorism—The intentional or threatened use of viruses, bacteria, fungi, or toxins from living organizations to produce death or disease in humans, animals, or plants.—Centers for Disease Control and Prevention

Border Security—Preventing terrorists and potentially destructive equipment and substances from entering the country through all ports of entry to include land, air and sea.

Community Policing—A collaborate effort between the police and the community that identifies problems of crime and disorder and involves all elements of the community in the search for solutions to these problems.—Community Policing Consortium

Computer Crimes (Cybercrimes)—Any crime perpetrated through the use of a computer technology. Also, any violation of a federal or state computer-crime statute.—Criminal Justice Today

Counterterrorism—In this report, the term “counterterrorism” is defined broadly to mean states’ defensive measures used to reduce the vulnerability of individuals and property to terrorist acts in addition to offensive measures taken to prevent, deter and respond to terrorism.

Critical Asset—An asset that supports national security, national economic security and/or crucial public health and safety activities.

Critical Infrastructure—Systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.—USA Patriot Act

Dissemination—The release of information, usually under certain protocols.—National Criminal Intelligence Sharing Plan, 2005

Forensic Science—The search for and examination of physical traces which might be useful for establishing or excluding an association between someone suspected of committing a crime and the scene of the crime or victim.—The Forensic Science Society

Infrastructure Protection—Proactive risk management actions intended to prevent a threat from attempting to or succeeding at destroying or incapacitating critical infrastructure, the physical and virtual systems that support and house critical services.

Intelligence—Information that has been analyzed to determine its meaning and relevance. Information is compiled, analyzed and/or disseminated in an effort to anticipate, prevent, or monitor criminal activity.—National Criminal Intelligence Sharing Plan, 2005

Internet Fraud—Any type of fraud scheme that uses one or more components of the Internet - such as chat rooms, e-mail, message boards or Web sites—to present fraudulent solicitations to prospective victims, to conduct fraudulent transactions, or to transmit the proceeds of fraud to financial institutions or to others connected with the scheme.—U.S. Department of Justice

Identity Theft—A crime in which an imposter obtains key pieces of information, such as Social Security and driver’s license numbers, to obtain credit, merchandise and services in the name of the victim.—The Identity Theft Resource Center

Interstate Compacts—Legal agreements and contracts among states.

Joint Terrorism Task Forces—Teams of state and local law enforcement officers, FBI Agents and other federal agents and personnel who collaborate to investigate and prevent acts of terrorism. Led by the FBI, there are 66 JTTFs across the country today.—Federal Bureau of Investigation

Model Legislation—State legislation developed to effect uniformity of law between states.

Organized Crime—The unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including gambling, prostitution, loan-sharking, narcotics and labor racketeering, and in other unlawful activities.—The Organized Crime Control Act of 1970

Physical Security—Actions taken for the purpose of restricting and limiting unauthorized access and reducing the probability that a threat will succeed in exploiting critical infrastructure vulnerabilities including protection against direct physical attacks.

Precursor Crimes—Offenses that may be precursors to terrorist offenses such as identity theft, money laundering and counterfeit identification.—American Prosecutors Research Institute

Public Health—The ability to medically respond to acts of terrorism to include biological, radiological and chemical exposure as well as incendiary and explosive acts against the civilian population.

Terrorism—The unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.—Code of Federal Regulations

Threat—Any circumstance or event with the potential to harm a system through unauthorized access, destruction and/or denial of service.

Threat Assessment —A strategic document, which looks at a group's propensity for violence or criminality, or the possible occurrence of a criminal activity in a certain time or place.—National Criminal Intelligence Sharing Plan, 2005

Vulnerability—A characteristic of a critical infrastructure's design, implementation or operation that renders it susceptible to destruction or incapacitation by a threat.

Vulnerability Assessment—An examination of the ability of a system or application, including current security procedures and controls, to withstand assault. Also, a strategic document which views the weaknesses in a system that might be exploited by a criminal endeavor. —National Criminal Intelligence Sharing Plan, 2005

Appendix C: Survey Instruments and Percent Distributions

Note: In addition to the choices below, respondents were provided with the option of “not applicable.” The following percent distributions only reflect the responsibilities or functions applicable to the state and local agency respondent. Also, many similar responses are combined below. For example, the choice of “much fewer resources” and “fewer resources” are combined into “fewer or much fewer resources.”

State Law Enforcement Survey

Part A. (Please place an “X” in the appropriate box in each row.)

In response to the threat of terrorism since September 11, 2001, our agency’s allocation of resources to various operational law enforcement responsibilities (listed below in alphabetical order) has been affected as follows:

	Fewer or Many Fewer Resources	No Change	More or Many More Resources
Airport Security	0.0%	44.1%	55.9%
Border Security	0.0%	50.0%	50.0%
Commercial Vehicle Enforcement	0.0%	43.1%	56.9%
Community Policing	0.0%	75.6%	24.4%
Drug Enforcement and Investigation	20.7%	58.6%	20.7%
Forensic Science/Crime Lab Services	8.2%	57.1%	34.7%
High Tech/Computer Crime Investigation	7.8%	41.2%	51.0%
Intelligence Gathering, Analysis and Sharing	3.2%	4.8%	91.9%
Investigation of Local Agencies	3.9%	88.2%	7.8%
Local Agency Operational Assistance	8.3%	38.3%	53.3%
Port Security	0.0%	43.8%	56.3%
Preventive Patrol	3.8%	37.7%	58.5%
Responding to Calls for Service	7.1%	53.6%	39.3%
Security for Critical Infrastructure	1.9%	3.7%	94.4%
Security for Special Events and Dignitaries	1.7%	13.6%	84.8%
Terrorism-Related Investigations	1.7%	23.3%	75.0%
Traditional Criminal Investigation	13.3%	78.3%	8.3%
Traffic Safety	7.7%	73.1%	19.2%

State Law Enforcement Survey (Continued)

Part B. (Please place an “X” in the appropriate box in each row.)

The following items pertain to your agency’s relationships with federal agencies today, as compared with the period before September 11, 2001.

	Decreased or Significantly Decreased	No Change	Increased or Significantly Increased
The participation of federal agencies in drug investigations in our state has:	23.7%	55.9%	20.3%
The participation of federal agencies in high-tech/ computer crime investigation in our state has:	10.3%	50.0%	39.7%
The participation of federal agencies in traditional criminal investigation (e.g., bank robberies) in our state has:	27.6%	65.5%	6.9%
The involvement of federal agencies in providing support services to state and local police (e.g., training, technical assistance) in our state has:	6.7%	41.7%	51.7%
Our own agency’s assignment of personnel to federal task forces (e.g., JTTFs) has:	4.9%	18.0%	77.1%
Our own agency’s involvement in immigration-related investigations and enforcement has:	1.7%	55.0%	43.3%

7. Please describe the most significant post-9/11 changes in federal law enforcement activity in your state:
8. What is the most important thing that federal agencies should do, or do more of, or do better in order to improve your state’s terrorism preparedness?
9. What impact do orange and red advisory levels have on your agency?

Part C. (Please place an "X" in the appropriate box in each row.)

The following items pertain to your agency's relationships with local law enforcement agencies today, as compared to the period before September 11, 2001.

	Decreased or Significantly Decreased	No Change	Increased or Significantly Increased
Local agency requests for assistance from our agency in drug investigations have:	0.0%	65.6%	34.4%
Local agency requests for assistance from our agency in high-tech/computer crime investigations have:	1.6%	34.4%	63.9%
Local agency requests for assistance from our agency in traditional criminal investigations have:	0.0%	65.6%	34.4%
Local agency requests for our agency to provide training and technical assistance have:	0.0%	37.1%	62.9%
Local agency requests for assistance from our agency with traffic safety and traffic enforcement have:	0.0%	75.4%	24.6%
Local agency requests for our agency to provide forensic science/crime lab assistance have:	0.0%	46.6%	53.5%
Local agency requests for our agency to provide emergency response/SWAT assistance have:	1.7%	48.3%	50.0%
Local agency requests for our agency to provide aviation or marine assistance have:	1.8%	47.4%	50.9%
Local agency requests for our agency to provide bomb squad assistance have:	0.0%	45.6%	54.4%

10. Please describe the most significant post-9/11 changes in local law enforcement requests for state-agency assistance in your state:
11. What is the most important thing that local agencies should do, or do more of, or do better in order to improve your state's terrorism preparedness?

State Law Enforcement Survey (Continued)

Part D. (Please place an "X" in the appropriate box in each row.)

Today, as contrasted with the period before September 11, 2001, our agency's interactions with specific federal agencies (listed below in alphabetical order) are:

	Less Frequent or Much Less Frequent	No Change	More Frequent or Much More Frequent
Alcohol, Tobacco and Firearms	1.6%	48.4%	50.0%
Border Patrol	2.0%	58.0%	40.0%
Centers for Disease Control and Prevention	0.0%	37.9%	62.1%
Central Intelligence Agency	0.0%	75.0%	25.0%
Coast Guard	0.0%	30.8%	69.2%
Customs	0.0%	30.5%	69.5%
Drug Enforcement Administration	1.8%	66.1%	32.1%
Federal Air Marshals	0.0%	62.5%	37.5%
Federal Aviation Administration	0.0%	42.1%	57.9%
Federal Bureau of Investigation	0.0%	14.8%	85.3%
Federal Emergency Management Administration	0.0%	33.3%	66.7%
Immigration and Naturalization Service	1.7%	25.0%	73.3%
Internal Revenue Services	0.0%	77.1%	23.0%
National Guard	0.0%	11.7%	88.3%
National Security Agency	0.0%	73.3%	26.7%
Office for Domestic Preparedness	0.0%	18.0%	82.0%
Postal Inspectors	0.0%	59.7%	40.3%
Secret Service	0.0%	43.6%	56.5%
U.S. Marshals	1.7%	52.5%	45.8%

Part E. (Please place an “X” in the appropriate box in each row.)

Over the past two years, what has been your agency’s level of involvement in your state’s homeland security initiatives?

	No Involvement or Very Little Involvement	Great Amount or Moderate Involvement	Our Agency is the Leader
Source of homeland security announcements for the public	30.7%	35.5%	33.9%
Distribution of the state’s homeland security funding (federal)	48.4%	22.6%	29.0%
Coordinates homeland security activities in the state	16.1%	30.7%	53.2%
Serves as the state’s primary contact to DHS and other federal agencies for homeland security	32.8%	27.9%	39.3%
Conducting critical infrastructure, key asset and vulnerability assessments	9.7%	33.9%	56.5%
Homeland security training for law enforcement	16.1%	38.7%	45.2%
Homeland security education/training for the public	51.6%	25.8%	22.6%
Homeland security planning for the state	11.3%	27.4%	61.3%
Terrorism-related intelligence gathering, analysis and dissemination	4.9%	19.7%	75.4%
Emergency response to terrorism-related incidents	16.4%	27.9%	55.7%
Protection of dignitaries	12.9%	29.0%	58.1%
Protection of critical infrastructure	22.6%	24.2%	53.2%

Each state has organized homeland security differently. What is the role of these agencies in your state’s homeland security structure?

	No Role at All or Minor Role	Playing a Major Role	This is Our State’s Lead Agency
State Police/Highway Patrol	9.8%	65.6%	24.6%
State Investigative Agency/Bureau	14.3%	67.9%	17.9%
National Guard/Military Affairs	11.3%	83.9%	4.8%
State Emergency Services Agency	4.9%	75.4%	19.7%
New Homeland Security Office/Agency	24.6%	24.6%	50.9%

State Law Enforcement Survey (Continued)

Part F. (Please place an "X" in the appropriate box in each row.)

Please indicate how the individual state officer's or investigator's duties and responsibilities have been affected by the homeland security mission:

	Disagree or Strongly Disagree	Unsure	Agree or Strongly Agree
The individual officer's/investigator's duties and responsibilities have changed very little	66.1%	3.2%	30.7%
Officers/investigators have significant new responsibilities in responding to terrorist events	21.3%	4.9%	73.8%
Officers/investigators have significant new responsibilities in terrorism-related intelligence gathering	17.7%	3.2%	79.0%
Officers/investigators have significant new responsibilities in conducting vulnerability assessment in their assigned areas	29.5%	6.6%	63.9%
Officers/investigators have significant new responsibilities in educating and mobilizing the community for homeland security	37.9%	20.7%	41.4%
Officers/investigators have significant new responsibilities in investigating terrorist acts	14.5%	6.5%	79.0%

Part G. (Please place an "X" in the appropriate box in each row.)

Please indicate the degree of impact that homeland security has had on various organizational functions in your agency.

	No Impact	Some Impact	Substantial Impact
Field Services (patrol)	5.9%	49.0%	45.1%
Investigations	13.3%	60.0%	26.7%
Intelligence	1.6%	14.5%	83.9%
Crime Prevention	26.3%	61.4%	12.3%
Crime Analysis	17.5%	45.6%	36.8%
Planning	3.3%	34.4%	62.3%
Grants Management	5.0%	21.7%	73.3%
Crime Lab	12.5%	62.5%	25.0%
Criminal Records/Criminal Histories	12.3%	52.6%	35.1%

Part H. Please describe (briefly) your agency's top priority in each of the following aspects of homeland security in your state:

1. Planning (state strategies, vulnerability assessment, contingency planning, distribution of funding, etc.)
2. Training
3. Equipment (HAZMAT, decontamination, etc.)
4. Communications (interoperability, data, command and control, etc.)
5. Prevention/Protection (infrastructure protection, community mobilization, etc.)
6. Intelligence/Information (intelligence gathering and analysis, sensor monitoring, etc.)
7. Response/Recovery (primary and secondary response to incidents and disasters)
8. Investigation/Prosecution (proactive and reactive investigation of incidents and crimes)

Part I. Overall Assessments

1. What legal issues hinder your agency's progress in homeland security?
2. What has your agency sacrificed in order to address terrorism preparedness?
3. What is your agency's biggest contribution to your state's terrorism preparedness?
4. What is the most important thing that your agency should do, or do more of, or do better in order to improve your state's terrorism preparedness?
5. What are the biggest obstacles to improving homeland security in your state?
6. What innovative technologies, practices, and/or programs have you developed and implemented to improve homeland security in your state?
7. What other homeland security "lessons learned" or "best practices" would you like to share with others, based on your state's experience?

Part J. (Please place an "X" in the appropriate box in each row.)

The following items pertain to your agency's relationships with the private sector today, as compared to the period before September 11, 2001.

	Decreased or Significantly Decreased	No Change	Increased or Significantly Increased
Interactions with contract security guard companies have:	0.0%	60.7%	39.3%
Interactions with representatives of corporate security have:	0.0%	31.1%	68.9%
Interactions with security services companies (alarms, armored cars) have:	0.0%	65.6%	34.4%
Interactions with private companies about the security of their facilities have:	0.0%	27.9%	72.1%
Interactions with private companies about their workers (background checks, security concerns) have:	0.0%	35.0%	65.0%

Local Law Enforcement Survey

Part A. (Please place an "X" in the appropriate box in each row.)

In response to the threat of terrorism since September 11, 2001, our agency's allocation of resources to various operational law enforcement responsibilities (listed below in alphabetical order) has been affected as follows:

	Fewer or Many Fewer Resources	No Change	More or Many More Resources
Airport Security	3.5%	28.7%	67.8%
Border Security	4.8%	71.4%	23.8%
Commercial Vehicle Enforcement	2.1%	72.9%	25.0%
Community Policing	9.4%	57.5%	33.2%
Drug Enforcement and Investigation	8.3%	65.2%	26.5%
High Tech/Computer Crime Investigation	4.2%	62.1%	33.7%
Intelligence Gathering, Analysis and Sharing	2.3%	30.5%	67.2%
Port Security	0.0%	51.8%	48.2%
Preventive Patrol	5.5%	48.6%	45.9%
Responding to Calls for Service	8.9%	65.0%	26.1%
Security for Critical Infrastructure	2.9%	33.3%	63.8%
Security for Special Events and Dignitaries	4.7%	33.9%	61.4%
Terrorism-Related Investigations	1.2%	41.3%	57.5%
Traditional Criminal Investigation	7.2%	74.6%	18.2%
Traffic Safety	7.7%	71.3%	21.0%

Part B. (Please place an “X” in the appropriate box in each row.)

The following items pertain to your agency’s relationships with federal agencies today, as compared with the period before September 11, 2001.

	Decreased or Significantly Decreased	No Change	Increased or Significantly Increased
The participation of federal agencies in drug investigations in our state has:	12.1%	68.1%	19.8%
The participation of federal agencies in high-tech/ computer crime investigation in our state has:	6.0%	64.8%	29.1%
The participation of federal agencies in traditional criminal investigation (e.g., bank robberies) in our state has:	18.6%	73.2%	8.2%
The involvement of federal agencies in providing support services to state and local police (e.g., training, technical assistance) in our state has:	6.6%	41.4%	51.9%
Our own agency’s assignment of personnel to federal task forces (e.g., JTTFs) has:	4.4%	40.7%	55.0%
Our own agency’s involvement in immigration-related investigations and enforcement has:	1.7%	73.6%	24.7%

7. Please describe the most significant post-9/11 changes in federal law enforcement activity in your jurisdiction:
8. What is the most important thing that federal agencies should do, or do more of, or do better in order to improve your state’s terrorism preparedness?
9. What impact do orange and red advisory levels have on your agency?

Local Law Enforcement Survey (Continued)

Part C. (Please place an "X" in the appropriate box in each row.)

The following items pertain to your agency's relationships with state law enforcement agencies today, as compared to the period before September 11, 2001.

	Decreased or Significantly Decreased	No Change	Increased or Significantly Increased
State agency assistance in drug investigations has:	8.2%	78.0%	13.7%
State agency assistance in high-tech/computer crime investigations has:	2.8%	78.0%	19.2%
State agency assistance in traditional criminal investigations has:	3.3%	85.2%	11.5%
State agency provision of training and technical assistance has:	3.9%	53.0%	43.1%
State agency assistance with traffic safety and traffic enforcement has:	8.2%	73.1%	18.7%
State agency provision of forensic science/crime lab assistance has:	8.3%	77.2%	14.4%
State agency provision of emergency response/SWAT assistance has:	1.7%	81.3%	17.0%
State agency provision of aviation or marine assistance has:	2.8%	82.7%	14.5%
State agency provision of bomb squad assistance has:	2.8%	79.6%	17.7%

10. Please describe the most significant post-9/11 changes in state-level law enforcement assistance to your agency:
11. What is the most important thing that state law enforcement agencies should do, or do more of, or do better in order to improve your agency's terrorism preparedness?

Part D. (Please place an “X” in the appropriate box in each row.)

Today, as contrasted with the period before September 11, 2001, our agency’s interactions with specific federal agencies (listed below in alphabetical order) are:

	Less Frequent or Much Less Frequent	No Change	More Frequent or Much More Frequent
Alcohol, Tobacco and Firearms	1.7%	48.6%	49.7%
Border Patrol	2.1%	70.2%	27.7%
Centers for Disease Control and Prevention	0.7%	56.6%	42.8%
Central Intelligence Agency	0.8%	91.1%	8.1%
Coast Guard	0.0%	50.0%	50.0%
Customs	0.0%	50.4%	49.7%
Drug Enforcement Administration	2.5%	60.7%	36.9%
Federal Air Marshals	0.0%	73.7%	26.3%
Federal Aviation Administration	0.0%	53.8%	46.2%
Federal Bureau of Investigation	1.7%	27.0%	71.4%
Federal Emergency Management Administration	1.7%	53.1%	45.2%
Immigration and Naturalization Service	3.0%	54.2%	42.8%
Internal Revenue Services	0.6%	87.3%	12.1%
National Guard	0.6%	59.0%	40.4%
National Security Agency	0.0%	89.0%	11.0%
Office for Domestic Preparedness	0.0%	34.0%	66.1%
Postal Inspectors	0.0%	66.7%	33.3%
Secret Service	0.6%	57.6%	41.9%
U.S. Marshals	1.2%	67.1%	31.7%

Local Law Enforcement Survey (Continued)

Part E. (Please place an "X" in the appropriate box in each row.)

Please indicate how the individual state officer's or investigator's duties and responsibilities have been affected by the homeland security mission:

	Disagree or Strongly Disagree	Unsure	Agree or Strongly Agree
The individual officer's/investigator's duties and responsibilities have changed very little	55.4%	1.1%	43.5%
Officers/investigators have significant new responsibilities in responding to terrorist events	27.1%	2.8%	70.2%
Officers/investigators have significant new responsibilities in terrorism-related intelligence gathering	25.4%	5.5%	69.1%
Officers/investigators have significant new responsibilities in conducting vulnerability assessment in their assigned areas	23.6%	5.6%	70.8%
Officers/investigators have significant new responsibilities in educating and mobilizing the community for homeland security	34.4%	7.8%	57.8%
Officers/investigators have significant new responsibilities in investigating terrorist acts	34.8%	7.3%	57.9%

Part F. (Please place an "X" in the appropriate box in each row.)

The following items pertain to your agency's relationships with the private sector today, as compared to the period before September 11, 2001.

	Decreased or Significantly Decreased	No Change	Increased or Significantly Increased
Interactions with contract security guard companies have:	0.0%	64.3%	35.7%
Interactions with representatives of corporate security have:	0.0%	45.4%	54.6%
Interactions with security services companies (alarms, armored cars) have:	0.0%	69.7%	30.3%
Interactions with private companies about the security of their facilities have:	0.5%	37.3%	62.2%
Interactions with private companies about their workers (background checks, security concerns) have:	0.6%	54.1%	45.4%



Part G. Please describe (briefly) your agency's top priority in each of the following aspects of homeland security:

1. Planning (strategies, vulnerability assessment, contingency planning, etc.)
2. Training
3. Equipment (HAZMAT, decontamination, etc.)
4. Communications (interoperability, data, command and control, etc.)
5. Prevention/Protection (infrastructure protection, community mobilization, etc.)
6. Intelligence/Information (intelligence gathering and analysis, sensor monitoring, etc.)
7. Response/Recovery (primary and secondary response to incidents and disasters)
8. Investigation/Prosecution (proactive and reactive investigation of incidents and crimes)

Part H. Overall Assessments

1. What legal issues hinder your agency's progress in homeland security?
2. What has your agency sacrificed in order to address terrorism preparedness?
3. What is the most important thing that your agency should do, or do more of, or do better in order to improve your jurisdiction's terrorism preparedness?
4. What are the biggest obstacles to improving homeland security in your jurisdiction?
5. What innovative technologies, practices, and/or programs have you developed and implemented to improve homeland security in your jurisdiction?
6. What other homeland security "lessons learned" or "best practices" would you like to share with others, based on your jurisdiction's experience?

Appendix D: State Law Enforcement Agencies, 2000

State Law Enforcement Agencies, 2000

Name of state agency	Total	Full-Time, Sworn Officers		State Population	Officers Per 10,000 Residents
		Number	Percent of Total		
Alabama Department of Public Safety	1,201	628	52	4,447,100	14
Alaska State Troopers	409	232	57	626,932	37
Arizona Department of Public Safety	1,872	1,050	56	5,130,632	20
Arkansas State Police	913	559	61	2,673,400	21
California Highway Patrol	9,706	6,678	69	33,871,648	20
Colorado State Patrol	909	654	72	4,301,261	15
Connecticut State Police	1,692	1,135	67	3,405,565	33
Delaware State Police	827	580	70	783,600	74
Florida Highway Patrol	2,138	1,658	78	15,982,378	10
Georgia State Patrol	1,785	786	44	8,186,453	10
Hawaii (a)					
Idaho State Police	510	292	57	1,293,953	23
Illinois State Police	3,792	2,089	55	12,419,293	17
Indiana State Police	1,941	1,278	66	6,080,485	21
Iowa State Patrol	599	455	76	2,926,324	16
Kansas Highway Patrol	694	457	66	2,688,418	17
Kentucky State Police	1,670	937	56	4,041,769	23
Louisiana State Police	1,438	934	65	4,468,976	21
Maine State Police	495	325	66	1,274,923	25
Maryland State Police	2,328	1,575	68	5,296,486	30
Massachusetts State Police	2,590	2,221	86	6,349,097	35
Michigan State Police	3,189	2,102	66	9,938,444	21
Minnesota State Patrol	791	548	69	4,919,479	11
Mississippi Highway Safety Patrol	1,031	532	52	2,844,658	19
Missouri State Highway Patrol	2,170	1,080	50	5,595,211	21
Montana Highway Patrol	280	205	73	902,195	23
Nebraska State Patrol	640	462	72	1,711,263	27
Nevada Highway Patrol	597	414	69	1,998,257	21
New Hampshire State Police	389	315	81	1,235,786	25
New Jersey State Police	3,682	2,569	70	8,414,350	21
New Mexico State Police	649	525	81	1,819,046	29
New York State Police	4,948	4,112	83	18,976,457	22
North Carolina State Highway Patrol	1,810	1,416	78	8,049,313	18
North Dakota Highway Patrol	193	126	65	642,200	20
Ohio State Highway Patrol	2,552	1,382	54	11,353,140	12

State Law Enforcement Agencies, 2000—Continued

Name of state agency	Total	Full-Time, Sworn Officers		State Population	Officers Per 10,000 Residents
		Number	Percent of Total		
Oklahoma Highway Patrol	1,420	782	55	3,450,654	23
Oregon State Police	1,409	826	59	3,421,399	24
Pennsylvania State Police	5,694	4,152	73	12,281,054	34
Rhode Island State Police	268	221	82	1,048,319	21
South Carolina Highway Patrol	1,220	977	80	4,012,012	24
South Dakota Highway Patrol	233	153	66	754,844	20
Tennessee Department of Safety	1,715	899	52	5,689,283	16
Texas Department of Public Safety	7,025	3,119	44	20,851,820	15
Utah Highway Patrol	441	397	90	2,233,169	18
Vermont State Police	513	304	59	608,827	50
Virginia State Police	2,511	1,883	75	7,078,515	27
Washington State Patrol	2,145	987	46	5,894,121	17
West Virginia State Police	1,044	681	65	1,808,344	38
Wisconsin State Patrol	665	508	76	5,363,675	9
Wyoming Highway Patrol	295	148	50	493,782	30

Source: Bureau of Justice Statistics, *Law Enforcement Management and Administrative Statistics, 2000: Data for Individual State and Local Agencies with 100 or More Officers*. NCJ 203350, 2000 LEMAS survey, March 2, 2004

Note: Personnel data are for full-time employees during the pay period that included June 30, 2000. Population data are Bureau of the Census figures for April 1, 2000. Number of officers per 10,000 residents excludes part-time employees.

(a) Hawaii has no statewide law enforcement agency.

Endnotes

¹The survey aimed to assess the change in interaction with federal agencies before and after Sept. 11. Therefore, the former Immigration and Naturalization Service was used during the survey rather than the new Immigration and Customs Enforcement agency within the U.S. Department of Homeland Security.

²The term "counterterrorism" refers to the states' defensive measures used to reduce the vulnerability of individuals and property to terrorist acts (antiterrorism) in addition to offensive measures taken to prevent, deter and respond to terrorism.

³The Federal Bureau of Investigation, "Facts and Figures 2003," <<http://www.fbi.gov/priorities/priorities.htm>> (27 January 2005).

⁴Gene Voegtlin and Jennifer Boyter, "Legislative Alert - State and Local Law Enforcement Assistance Programs Face Cuts," International Association of Chiefs of Police. <http://policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=233&issue_id=32004> (1 March 2005).

⁵The Council of State Governments and Eastern Kentucky University, National Study - The Impact of Terrorism on State Law Enforcement, 2004 (Through support from the National Institute of Justice). <<http://www.csg.org>, keyword: protect>.

⁶Bureau of Justice Statistics, "Law Enforcement Statistics," <<http://www.ojp.usdoj.gov/bjs/lawenf.htm>> (28 February 2005).

⁷Texas Department of Public Safety, "Historical Developments," <http://www.txdps.state.tx.us/director_staff/texas_rangers> (1 March 2005).

⁸Matthew J. Hickman and Brian A. Reaves, *Law Enforcement Management and Administrative Statistics, 2000: Data for Individual State and Local Agencies with 100 or More Officers*, (Washington, D.C.: Bureau of Justice Statistics, 2004), xiii.

⁹Matthew J. Hickman and Brian A. Reaves, *Federal Law Enforcement Officers, 2000*, (Washington, D.C.: Bureau of Justice Statistics, 2001), 2.

¹⁰Matthew J. Hickman and Brian A. Reaves, *Law Enforcement Management and Administrative Statistics: Local Police Departments, 1999* (Washington, D.C.: Bureau of Justice Statistics, 2001), 2.

¹¹The National Criminal Justice Association, *Serving and Protecting in the Shadow of Terrorism*, (Washington, DC: 2003), 2.

¹²Lois M. Davis et al. *When Terrorism Hits Home: How Prepared Are State and Local Law Enforcement?*, (RAND Corporation, 2004), 124.

¹³Ibid.

¹⁴National Commission on Terrorist Attacks, *The 9/11 Commission Report*, (New York: W.W. Norton & Company, Inc., 2004), 390.

¹⁵Ibid., 383.

¹⁶Ibid., 424.

¹⁷The National Criminal Justice Association, 2.

¹⁸National Commission on Terrorist Attacks, 423.

¹⁹The Federal Bureau of Investigation, "Facts and Figures 2003," <<http://www.fbi.gov/priorities/priorities.htm>> (27 January 2005).

²⁰Office of the Governor—Governor George E. Pataki, "Governor Highlights Enhance Border Security Efforts," <http://www.state.ny.us/governor/press/year03/march23_03.htm> (25 March 2005).

²¹State of New Jersey Governor's Office—News Release, "Governor has taken action to ensure New Jersey's preparedness," <http://www.state.nj.us/cgi-bin/governor/njnewsline/view_article_archives.pl?id=1098> (25 March 2005).

²²State of Arizona Executive Office—News Release, "Governor Napolitano Signs Homeland Security Agreement With New Mexico," <<http://www.homelandsecurity.az.gov/documents/HOME>-

LAND%20SECURITY%20AGREEMENT.pdf> (25 March 2005).

²³National Emergency Management Association, *2004 NEMA Biennial Report—Organizations Operations & Funding for State Emergency Management & Homeland Security*, (Lexington, KY: 2004), 5.

²⁴The local law enforcement responses are used as a reference to judge and compare the meaning of the responses from state agencies. This study does not present authoritative estimates, therefore, for the entire population of roughly 18,000 local law enforcement agencies in the United States.

²⁵National Emergency Management Association, 5.

²⁶National Commission on Terrorist Attacks, 390.

²⁷Governmental Accounting Office, *Transportation Security: Federal Action Needed to Help Address Security Challenges*, GAO-03-843, 30 June, 2003, 2.

²⁸National Commission on Terrorist Attacks, 423.

²⁹The Federal Bureau of Investigation, "Facts and Figures 2003," <<http://www.fbi.gov/priorities/priorities.htm>> (27 January 2005).

³⁰The term "law enforcement community" refers to state, local, tribal and federal law enforcement entities as well as private security and enforcement organizations.

³¹The term "agency" is loosely defined to include other organizational units such as departments, directorates, divisions and offices.

³²Global Intelligence Working Group, *The National Criminal Intelligence Sharing Plan, 2004*, Global Justice Information Sharing Initiative (Washington, D.C.: Office of Justice Programs), 7.

³³"Communication" refers to a broad spectrum of purposes and methods for transmitting information including the distribution of bulletins, instructions and protective measures.

³⁴The White House, "December 17, 2003 Homeland Security Presidential Directive/Hspd-8," <<http://www.whitehouse.gov/news/releases/2003/12/20031217-6.html>> (19 May 2005).

³⁵National Commission on Terrorist Attacks, 397.

³⁶NIMSONline.com, "Frequently Asked Questions," <http://www.nimsonline.com/nims_faq.htm#0> (29 May 2005).

³⁷National Commission on Terrorist Attacks, 390.

³⁸Office of Personnel Management, "Executive Order No. 12968, Access To Classified Information," <<http://www.opm.gov/extra/investigate/eo12968.asp>> (1 June 2005).

³⁹The White House, "December 17, 2003 Homeland Security Presidential Directive/Hspd-7," <<http://www.whitehouse.gov/news/releases/2003/12/20031217-5.html>> (1 June 2005).

⁴⁰The White House, "December 17, 2003 Homeland Security Presidential Directive/Hspd-8," <<http://www.whitehouse.gov/news/releases/2003/12/20031217-6.html>> (19 May 2005).

⁴¹U.S. Department of Homeland Security, "Press Release—Homeland Security Launches Expansion of Information Exchange System to States and Major Cities," <<http://www.dhs.gov/dhspublic/display?content=3212>> (21 May 2005).

⁴²NIMSONline.com, "Frequently Asked Questions," <http://www.nimsonline.com/nims_faq.htm#0> (29 May 2005).

⁴³Homeland Security Advisory Council, *A Report from the Task Force on State and Local Homeland Security Funding*, June 2004.

⁴⁴National Commission on Terrorist Attacks.

⁴⁵U.S. Department of Homeland Security, "Press Release—Providing the Resources Necessary to Protect America," <<http://www.dhs.gov/dhspublic/display?content=4068>> (18 October 2004).

⁴⁶U.S. Department of Homeland Security, *Fiscal Year 2005 Homeland Security Grant Program: Program Guidelines and Application Kit*, 2.

⁴⁷U.S. Department of Homeland Security, *National Response Plan*, December 2004.



Notes



Notes

“This report and its well developed recommendations will be a blueprint for the states and federal government to guide them through the difficult process of enhancing their overall homeland security effort. If followed, these recommendations will ensure a safe and secure environment for their citizens.”

—Norman Beasley, assistant director,
Criminal Investigations Division, Arizona Department of Public Safety

“The federal government has recognized the importance of involving state, local and tribal law enforcement in the nation’s strategy to prevent terrorism. The dedicated deputies, officers and troopers are the front line to our nation’s defense and add a significant contribution to intelligence collection.”

—Bart Johnson, lieutenant colonel,
Office of Counter Terrorism, New York State Police

“It’s now more important than ever to incorporate terrorism prevention into law enforcement’s toolbox of crime fighting programs... This integration is now a requirement for all law enforcement.”

—Rep. John Millner,
Illinois

“Terrorism prevention and response requires law enforcement agencies at all levels to work together, exchange information, train and coordinate efforts to a much greater extent than has ever occurred.”

—Al Cannon, sheriff,
Charleston County, South Carolina

“Policy makers are fortunate to have this comprehensive CSG report to rely on to ensure that the best decisions will be made concerning terrorism prevention. The multi-disciplinary approach utilized in its development is a template for others to follow. The time to act upon these recommendations is now.”

—Mark Couey, captain,
Investigative Assistance Division, Washington State Patrol

“The 9/11 Commission Report deals mainly with the federal strategy and the processing of information external to the United States. This report, however, deals with the further development of state and local resources... to help elevate and illustrate the important roles played by state and local agencies in the collection, dissemination and analysis of information critical to our national public safety.”

—Thomas O’Reilly, administrator,
Office of the Attorney General, New Jersey

“We continue to face the domestic threat of terrorism. This project highlights the needs for new partnerships among state legislators, law enforcement executives and other security officials to achieve long-term progress in thwarting future acts of terrorism. Florida is taking such steps.”

—Rep. Sandra Adams,
Florida

“This project highlights the new roles played by state and local law enforcement within the general terrorism-preparedness framework. Understanding these changes is critical for states – to prevent future acts of terrorism while ensuring that other important public safety needs are met.”

—Rep. Stephen Dargan,
Connecticut

