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Optimizing Law Enforcement Resources in Support of a National Homeland Security Strategy: The Roles of Tribal, Campus, Private Security, and Port Security Police Organizations

By Gwen A. Holden

Introduction

In the post 9/11 environment, law enforcement agencies across the country are struggling to define their respective roles in a national homeland security strategy and to leverage resources to support their efforts to develop and implement counterterrorism plans. Virtually without exception, and regardless of size, mission, or jurisdiction, these agencies are pressing for increases in manpower, better and more sophisticated equipment, specialized training in counterterrorism measures, and improvements in the sharing of information and intelligence concerning terrorist threats--actual and suspected.

Tribal law enforcement, campus police, private security organizations, and public port security authorities number prominently among the vast array of public and private sector policing resources operating in this country today. The rapid push to improve communication and cooperation among public safety agencies in support of a national homeland security strategy focused initially on building partnerships among local, state, and federal law enforcement organizations. As this country's efforts to marshal its resources to counter terrorism evolve, increased attention is being directed to the role of specialized law enforcement in preventing, and responding to the threat of, terrorism within U.S. borders.

The Challenge

There is a growing consensus within the broader law enforcement community in this country that tribal law enforcement, campus police, private security organizations, and public port security authorities must be engaged as full partners in building and carrying out counterterrorism strategies. Nevertheless, with respect to each of these entities, there are unique jurisdictional, political, organizational, and operational considerations that must be addressed in helping them to build collaborative relationships with public sector law enforcement agencies.

Indian Country and the National Homeland Security Strategy

Resource, geographical, and jurisdictional issues come into sharp focus when addressing the role of tribal law enforcement agencies in a national homeland security strategy. Like their municipal and state counterparts--public sector state and local police departments--the 171 Tribal police agencies in the United States are general purpose law enforcement agencies that provide a wide range of services to more than one million Indian Country residents. Research cited in the International Association of Chiefs of Police (IACP) report on that organization's February 2001 national policy summit on improving public safety in Indian Country found that many tribal law enforcement agencies are delivering these services with 20 to 45 percent fewer resources than comparable state and local police agencies.

Moreover, as the Bureau of Justice Statistics (BJS) of the U. S. Department of Justice's Office of Justice Programs reports, in *Tribal Law Enforcement, 2000*, the 2,300 full-time sworn officers employed by Indian Country police agencies deliver services over vaster and more remote geographical areas than do many of their state and local counterparts. The BJS notes that the Navajo National Department of Law Enforcement, with 321 full-time sworn officers, covers a geographic area of approximately 22,000 square miles in three states. In contrast, the Reno, Nevada Police Department, with 320 full-time sworn officers covers an area of approximately 57.5 square miles.

According to the National Congress of American Indians (NCAI), a tribal government advocacy group, the 500,000 square miles of tribal lands include more than 260 miles that border Canada, Mexico, and waters that provide direct access to the United States by boat. In addition, tribal law enforcement agencies provide protection for dams, power plants, sanitation systems, missile silos, and other assets that could become targets of interest to terrorists.

The development of effective partnerships between federal, state, local, and tribal authorities in support of homeland security objectives is complicated by Indian tribes' sovereign powers and nation-to-nation relationship with the federal government. Congress has modified the federal-tribal relationship over the years, permitting some states to share criminal and/or civil jurisdiction with tribal authorities, and requiring states to assume responsibilities with respect to child custody cases and the regulation of gaming on Indian reservations. However neither state nor local governments generally may exercise authority within Indian reservations.

The Federal Emergency Management Agency's 2002 survey of tribal participation in emergency management found that legal issues arising from tribes' status as sovereign nations have been a major source of frustration for both tribal and state officials in their efforts to work together and with federal officials on emergency preparedness plans. The NCAI reports that these frustrations likewise are factors in current efforts to improve communications, cooperation, and collaboration among tribal governments and federal, state, and local authorities in developing and securing adequate resources to support counterterrorism planning.

Preserving Safe and Open Campuses

For college and university administrators in the U.S., preserving an open campus environment is a central challenge in an era of concern about terrorism. Highlighting the proceedings of an April 23, 2003, Higher Education Summit on Homeland Security, the National Association of State Universities and Land Grant Colleges (NASULGC), observed in the May 2003 issue of its monthly newsletter, *Newsline*, that implementing counterterrorism strategies on college and university campuses will require a delicate balancing of safety and security interests with the core mission and traditional values of institutions of higher learning. One participant in that summit observed that heightening interest in, and seriousness about, security on college and university campuses will require a fundamental culture shift.

Openness, access, and freedom of movement are hallmarks of college and university campuses in this country. College and university administrators may view actions that are integral components of a homeland security strategy as contrary to the culture, mission, and traditions of their institutions. They strongly believe that they should not be asked to conduct background checks on students and employees on behalf of the government. They may be resistant to restricting freedom of movement on campuses and uncomfortable with monitoring the activities of students and faculty whose work provides access to dangerous chemicals or sensitive materials or information.

Moreover, college and university officials may not possess the resources or know-how to develop strategies to prevent, deter, and respond to acts of terrorism. They may not appreciate fully the presence on their campuses of security risks and vulnerabilities that may be attractive targets for terrorist organizations. These risks and vulnerabilities may include research laboratories containing dangerous, toxic chemicals; classified documents; high-speed computer networks; nuclear reactors, airports, and athletic stadiums.

Balancing Economic and Security Objectives in the Private Sector

More than 10,000 private security companies employ nearly 2 million private security officers across this country, according to materials assembled for a February 2004 IACP national policy summit on building private security/public policing partnerships for homeland security. With the number of private security officers outnumbering their public sector counterparts by three to one, the importance of drawing on private security professionals in developing and implementing a national homeland strategy is apparent.

In contrast to their public sector counterparts, private security officials are part of larger corporate enterprises that have as their primary focus the economic bottom-line. As is evident from the 9/11 attacks, terrorism can have enormous economic consequences. Yet, corporate executives in the first instance may view security as an expense rather than a wise investment. Overcoming any corporate executive-level reluctance to invest more resources in security functions will be critical to improving private security personnel's ability to work cooperatively with public sector police agencies in preventing and responding to terrorism.

Moreover, the missions and qualifications of private security officers differ from those established for most public sector law enforcement agencies in ways that will come into

play in building public/private partnerships in support of homeland security objectives. In June 2002, the Michigan State University's School of Criminal Justice, in cooperation with the IACP's Private Sector Liaison Committee and General Dynamics and Land Systems, convened a group of 30 police, security, industry, fire, and government officials to engage in a dialogue concerning how public/private partnerships can improve this country's preparedness to respond to critical incidents, such as terrorist attacks. That gathering focused on addressing questions related to meeting equipment, training, and information needs. As a report on the proceedings observes, this country's law enforcement structure has produced a lack of standardization in equipment, training, and information exchange that undermines efforts to delineate the roles and responsibilities of, and improve collaboration and communication among, private and public sector law enforcement organizations.

Securing U. S. Seaports

Each year, thousands of large sea-going vessels enter the 361 public ports located along this country's 95,000 miles of navigable waterways. Some ports are attractive targets for terrorists because they are accessible by both land and water, frequently host dangerous cargoes, and are located near large metropolitan areas.

As reported in a recent Associated Press article, many vessels that enter U. S. ports carry cargoes that originate in countries that are home to terrorist organizations. Moreover, the AP reported, 95 percent of 16 million cargo containers that enter this country each year are unloaded without being inspected. According to the American Association of Port Authorities, (AAPA), a terrorist attack resulting in a one-month closure of a major U. S. port could produce as much as a \$60 million loss to this country's economy.

The operation of the nation's ports is the shared responsibility of numerous public and private sector authorities. Federal, state, and local law enforcement officials, vessel owners, merchants, dock workers' unions, and other public and private organizations and authorities all have a vested interest in protecting U. S. ports. The U. S. General Accounting Office, in a September 2003 report to the U. S. Senate Committee on Commerce, Science, and Transportation on implementation of the Maritime Transportation Security Act of 2002 (MTSA), observed that efforts to upgrade port safety and security are made more difficult by the involvement of many stakeholder agencies and organizations in port operations.

The MTSA, which became law in November 2002, has spurred efforts to address the safety and security of U. S. ports. Many MTSA provisions are focused on formalizing and strengthening public/private partnerships to advance the development and implementation of port security strategies. The MTSA expands the role of the U. S. Coast Guard in interacting with public and private sector port authorities to develop, implement, and enforce port security regulations. In addition, MTSA mandates the creation of Area Maritime Security Committees comprised of federal, state, and local government officials and private sector representatives to assess the vulnerabilities of each port, and develop and implement security plans.

The State of Play

The current impetus for, and momentum behind, initiatives to help Tribal, campus, private security, and public port policing organizations define their roles in preventing and responding to terrorism, appear to be focused in large part on identifying ways in which public/private partnerships can advance efforts to meet homeland security objectives. Summits, symposia, and a number of national research initiatives have focused on assessing the adequacy of existing security systems; examining risks and vulnerabilities; identifying best practices; and addressing critical leadership, organizational, and resource issues associated with developing and implementing homeland security strategies.

In January 2004, the IACP, in collaboration with the U. S. Department of Justice, Office of Community Oriented Policing Services (COPS Office), convened a national summit to explore opportunities for enhancing partnerships between public law enforcement agencies and private security organizations in developing and implementing counterterrorism strategies. That gathering drew more than 100 law enforcement officials and private security executives to discuss strategies for developing sustainable public/private partnerships in support of homeland security objectives. The IACP's University/College Police Section plans to hold a parallel summit on campus policing and homeland security later this year.

Forging partnerships in support of combating terrorism was a central focus of the April 23, 2003, Higher Education Summit on Homeland Security. That session was co-sponsored by the National Association of State Universities and Land Grant Colleges (NASULGC), U. S. Department of Homeland Security (DHS) Office of Domestic Preparedness, the International Association of Campus Law Enforcement Administrators and the IACP's University Policing Section.

Similar sessions are being convened at the local level. For example, the Suffolk County, N.Y., District Attorney's Office sponsored a county-wide public policing/private security partnerships symposium in February 2004 to begin identifying and addressing issues related to anti-terrorism preparedness in that jurisdiction. A key focus of that symposium, held in cooperation with the Suffolk County Police Commissioner's Office and the Long Island Chapter of ASIS International, an organization representing private security professionals, was to work toward improving communication and information sharing among law enforcement agencies and private security organizations within that county.

Johns Hopkins University researchers are engaged in a COPS Office-funded project to apply the principles of community policing and problem solving to addressing homeland security issues on college and university campuses. The Police Executive Research Forum has received funds from the International Center of the Justice Department's National Institute of Justice (NIJ) to study collaboration between public sector law enforcement agencies and port security authorities in developing and implementing counter terrorism strategies. PERF, which represents police executives from the largest city, county, and state law enforcement agencies, will examine existing port security systems and explore the role and operation of public/private partnerships in improving

port security. The Police Foundation is overseeing an NIJ-funded project to assess the preparedness of private security in shopping malls to prevent and respond to terrorism.

What has been the federal government's role?

The federal government – notably the Department of Homeland Security and Justice Department offices and bureaus – has been the principal source of resources to support cash-strapped state and local governments' development and implementation of counterterrorism strategies. Likewise, grant-in-aid resources managed by federal agencies have played a vital role in helping Tribal, campus, private security, and public port authorities to meet resource demands associated with developing and implementing homeland security strategies.

The federal government has provided impetus, direction, and funding to support the efforts of Tribal, campus, private security, and public port authorities to begin defining their respective roles in a national homeland security strategy and to enter into partnerships with public sector law enforcement agencies to meet homeland security objectives. The IACP's February 2004 national summit on public/private sector partnerships for homeland security received financial support from the Justice Department's COPS Office. The DHS's Office of Domestic Preparedness participated as co-sponsor in the NASULGC's summit on homeland security and higher education institutions.

The COPS Office and the NIJ have been key sources of funds to support research initiatives aiding Tribal, campus, private security, and public port authorities' development of homeland security strategies. Federal funding also has been directed to assisting Tribal, campus, private security, and public port authorities in operationalizing security upgrades. The COPS Office allotted \$35 million of its fiscal year 2003 appropriation to Tribal governments to expand their application of community policing strategies to homeland security.

In December 2003, DHS Secretary Tom Ridge announced \$179 million in port security improvement grants to 442 projects in 326 local areas of the United States. The DHS's Port Security Grant Program has been an important source of support for such activities as vulnerability assessments, security planning, improvement of perimeter security, patrol-related and surveillance equipment upgrades, and construction of command and control facilities. The Port Security Grant Program was initiated in the spring of 2003, with the DHS' distribution of \$245 million in grants funds.

Participants in the NSULGC homeland security summit were told by a DHS official that \$2 million in federal funding would be made available for updating campus emergency operations plans. That official indicated that the DHS campus grant-in-aid initiative is only part of a broader effort to help college and university officials develop and implement homeland security strategies. DHS-administered funds also have been awarded to Texas A & M University to develop a campus security training program.

Concerns and future directions

Tribal, campus, private security, and public port authorities say that they will need more help from the federal government and their state and local counterparts if they are to become full partners in preventing and responding to terrorism. The National Congress of American Indians is pressing for passage of federal legislation (S.578, H.R. 2242) that would amend existing law to designate tribal governments as “local governments,” thereby providing tribal law enforcement agencies access to funding for anti-terrorism infrastructure development, training, and equipment from the U. S. Department of Homeland Security (DHS).

Participants in the NASULGC’s Higher Education Summit on Homeland Security asserted that funds are needed to support their efforts to upgrade campus safety and security, and indicated that, to date, they have had little access to federal homeland security funds. Private security executives say that they must have access to intelligence and other information produced by federal, state, and local law enforcement agencies. Port security authorities assert that dollars that have been allotted for port security to date constitute only a small fraction of the funding that is needed to support these efforts. According to the American Association of Port Authorities, U. S. ports already are spending more than \$3 billion a year for operations and capital improvements just to keep apace with trade growth. More money is needed for port security upgrades and to help port authorities comply with new security regulations imposed under the MTSA.

Fiscal constraints at all levels of government mean that it is unlikely that there will be more dollars to pass on for homeland security; the total may actually decline. Public/private partnerships are likely to become vitally important in leveraging scarce resources in support of homeland security objectives.

To Learn More: Available Resources

- “AAPA Concerned ‘05 Budget Lacks Funds for Port Facility Security.” American Association of Port Authorities (Feb. 2, 2004). www.aapa-ports.org/pressroom/feb0204.htm
- “Dialogue on Public/Private Sector Critical Incident Issues.” Michigan State University School of Criminal Justice (June 7, 2002).
- Federal Emergency Management Agency. Report on Participation and Cost-Share Capability of Indian Tribes in Emergency Management Programs. Washington (October 2002). www.fema.gov/pdf/tribal/tribal_survey.pdf
- Hall, T. Letter to Select Committee on Homeland Security, U. S. House of Representatives. National Congress of American Indians: Washington (Oct. 16, 2003). Online Vers.: www.ncai.org/main/pages/issues/governance/documents/hs_letter_10-16-2003.pdf
- Hickman, M J., “Tribal Law Enforcement, 2000.” Fact Sheet. U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Washington: January 2003, Revised, April 29, 2003 (NCJ 197936). [www.ojp.usdoj.gov/bjs/pub/pdf/1e\).pdf](http://www.ojp.usdoj.gov/bjs/pub/pdf/1e).pdf)
- National Institute of Justice International Center. U. S. Department of Justice, Office of Justice Programs at www.ojp.usdoj.gov/nij/international/welcome.html See “International Research Grants and Opportunities” for link to overview of Police

Executive Research Forum project, “Protecting America’s Ports: Assessing Coordination between Law Enforcement and Industrial Security.”

- Randall, R. “Port Security: Coast Guard’s effort to protect ports from terrorists encounters obstacles.” Associated Press as published in Cape Cod Times Feb. 15, 2004.
- “Prevention Strategies Highlighted at Campus Security Summit.” National Association of State Universities and Land Grant Colleges. Newsline 12 (May 2003). www.nasulgc.org/Whatsnew/Newsline/2003/Newsline_May03.pdf
- U. S. Department of Homeland Security. Protecting America’s Ports: Maritime Transportation Security Act of 2002. Washington (July 2003). www.dhs.gov/interweb/assetlibrary/MTSA_Presskit.doc
- U.S. General Accounting Office. “Maritime Security: Progress Made in Implementing Maritime Transportation Security Act, but Concerns Remain.” Statement of Margaret Wrightson, Director, Homeland Security and Justice Issues, GAO, before the Senate Comm. on Commerce, Science, and Transportation. Washington (Sept. 9, 2003). www.gao.gov/new.items/d031155t.pdf

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