

# promising approaches to addressing crime

University of Pennsylvania  
Jerry Lee Center of Criminology  
Forum on Crime & Justice  
1015 - 18th St. NW, Wash. DC 20036  
Laurie Robinson, Director



October 2003

## **Building a Homeland Security Strategy: State and Local Law Enforcement on the Line**

*By Gwen A. Holden*

### **Introduction**

The precept that state and local governments are primarily responsible for law enforcement and public safety has received no greater reinforcement in recent years than in the wake of the September 11, 2001 terrorist attacks. While Americans look to the federal government for leadership in developing and implementing a broad national strategy to protect the nation from the threat of terrorism, state and local law enforcement agencies will play a pivotal role on the ground in preventing and responding to any future incidents within the borders of the United States.

In support of homeland security objectives, the nation has embarked on a restructuring of the traditional division of labor among federal, state, and local law enforcement agencies in which intergovernmental collaboration, cooperation, and communication is of paramount importance. Indeed, many law enforcement agencies have broken new ground in addressing obstacles to interagency coordination, cooperation, and communication; enhancing intelligence and information collection and exchange; augmenting the capacities of first responders; and adapting existing crime prevention and control strategies, such as community policing, to the demands of a post-9/11 environment. As these agencies seek to build intergovernmental partnerships and sort out their respective roles and responsibilities for homeland security, they will have to work through historical conflicts concerning authority, jurisdiction, the distribution of federal aid, and the sharing of intelligence and other resources.

### **The Challenge**

In a recent address to governors, U. S. Department of Homeland Security Secretary Tom Ridge asserted that collaboration and communication among federal, state, and local governments are essential "if we are to maximize our ability as a country to prevent a terrorist attack, to reduce our vulnerability to an attack, or to be in the best position to respond to an attack if one comes . . .

.” (White House news releases Aug. 18, 2003). This belief is shared widely by legislators, public policymakers, and agency administrators at all levels of government. However, the roles and responsibilities of state and local governments as partners in building, implementing, and sustaining a national homeland security strategy have not been defined fully. A recent report of the Rockefeller Institute of Government’s Homeland Security Program observed that “[w]hile much attention has been focused on the national government’s efforts to address these [Homeland Security] problems, there has been less consideration of the role of state and local governments, which play a critical role in preventing and responding to terrorist attack.”

Many state and local law enforcement administrators remain uncertain about what role their agencies should play in preventing and responding to terrorism and how their agencies’ counterterrorism plans will fit into the broader national Homeland Security strategy. The Police Executive Research Forum (PERF), reporting on a November 2002 meeting of federal and local law enforcement officials that was funded by the U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office), observed that “. . . on a national level, law enforcement is just beginning to develop comprehensive and detailed strategies for prevention and responding to terrorism” and is searching for direction and guidance to inform their development of homeland security plans. PERF says “too many” of these agencies “are unsure of what their part should be” in preventing and responding to terrorism, and local homeland security planning efforts to date consequently have been characterized by a “lack [of] a strong unifying strategy and coordinated approach with other jurisdictions and with agencies at other levels of government.” Moreover, PERF said, “even those [agencies] that feel certain of their charges must make significant changes to their structure, policies, procedures, personnel expertise, training and budgets – all with only their own guidelines or standards to ensure success.”

### **Highlighting State and Local Initiatives**

As homeland security strategy evolves, state and local law enforcement officials are developing terrorism prevention and response plans. Across the country, state and local law enforcement agencies are engaged in initiatives to equip, train, and provide “interoperable” communication to support first responders; identify and develop plans to protect critical infrastructure; develop intelligence to inform assessments of threats and vulnerabilities; assist in the investigation of terrorists and terrorist organizations; and implement protocols and procedures for controlling and mitigating damage resulting from terrorist attacks.

- The Louisville-Jefferson County (KY.) Metro Government is aggressively pursuing funding to implement an “interoperable” communications system that will link police, fire, and emergency services personnel. So far, Louisville Metro has raised \$18 million; it recently received an additional \$6 million from the COPS Office to help finance the system.
- The Chicago Police Department’s Web-based data management system, Community Law Enforcement Analysis and Reporting (CLEAR), will contribute to anti-terrorism operational readiness by facilitating intelligence gathering and analysis and the identification and protection of possible terrorist targets. [The summary of a 2001 Forum on Crime & Justice program on CLEAR can be seen at this Web site: [http://www.sas.upenn.edu/jerrylee/fcj\\_fes.htm](http://www.sas.upenn.edu/jerrylee/fcj_fes.htm).]

- In Maryland, the state police agency has created a Homeland Security and Intelligence Bureau to collect and evaluate information pertaining to terrorism; assist in investigations of possible terrorist activities; and advise the public of potential terrorist threats.
- The Broward County, FL., Sheriff has installed mobile data computers in police vehicles to improve officers' ability to coordinate and communicate with first responders in the event of a future terrorist attack.
- The Rochester, NY, Police Department has expanded the capacity of its 311 non-emergency call system to manage the dissemination of information to, and receipt of calls from, citizens about terrorism-related events and concerns.
- The Exeter, PA., San Jose, CA., and St. Petersburg, FL., police departments are among many local police agencies that use their Web sites to publish information on national terrorism threat alerts, and to educate the community about terrorism preparedness planning.

### **Community Policing and Homeland Security**

Many law enforcement agencies have broken new ground to enhance interagency coordination and cooperation in a post-9/11 environment. Many of these efforts have been influenced by nearly two decades of experience with community policing.

With its focus on crime prevention, community partnerships, and problem solving, community policing has become integral to routine law enforcement across this country. Critical aspects of community policing are equally important elements of preventing and responding to terrorism. The partnerships formed under community policing in support of public safety problem solving will provide a framework for engaging citizens in helping the police identify threats and implement preparedness plans. Interagency and intergovernmental collaborations that have evolved under community policing strategies will be essential in the collection and exchange of intelligence; the identification of threats and vulnerabilities; and in the sharing of resources in the event of an attack.

Moreover, tools and techniques developed at the prompting of community policing proponents may lend themselves to adaptation for use in preventing and responding to terrorism. For example, crime mapping and other crime data collection and analysis protocols and technologies may be used as platforms for gathering intelligence to inform terrorism risk and vulnerability assessments.

### **What Has Been the Federal Government's Role?**

The federal government is and will continue to be a critical source of funding and other resources to guide state and local law enforcement efforts in meeting homeland security objectives. Since the 9/11 attacks, Congress has provided states and local governments some \$16 billion in funding to support vulnerability assessments, the identification of critical infrastructure, security planning, and to beef up equipment and other resources available to "first responders" – police, fire, and emergency medical services. Congress is providing an additional \$4.2 billion in fiscal year 2004 appropriations, through the federal Department of Homeland Security's Office of Domestic Preparedness, to support state and local first responders.

In addition, federal agencies have made adjustments to program plans and scheduled spending to prioritize homeland security-related initiatives and increase assistance available to state and local law enforcement agencies for these purposes. The Chicago Police Department's CLEAR and the

Broward County Sheriff's Department's mobile data system initiatives are among many state and local counterterrorism initiatives that have received aid from the COPS Office. The COPS Office has directed its network of Regional Community Policing Institutes to use part of their fiscal year 2003 funding to support homeland security-related technical assistance and training. Also in fiscal 2003, the COPS Office allotted \$59.6 million to state and local law enforcement agencies to help defray the costs of overtime associated with expanding community policing and homeland security efforts. The COPS Office awarded \$66.5 million in fiscal 2003 to 14 communities to develop integrated communications networks among emergency response agencies within the city's metropolitan area. These grants will cover the purchase of communications equipment, enhancements to communications infrastructure, and project management expenses. The grants were awarded under a program jointly administered by the COPS Office and the Department of Homeland Security's Federal Emergency Management Administration (FEMA).

Likewise, the Justice Department's Office of Justice Programs (OJP) has been a critical source of support for state and local law enforcement agencies' efforts to build data collection and exchange capacities that will be essential to achieving homeland security objectives. The OJP's Bureau of Justice Assistance supports state and local justice information systems integration initiatives that aim to improve the sharing of information across agencies, disciplines, and levels of government. The secure databases and network of the OJP's Regional Information Sharing Systems (RISS) program are being adapted for use as a platform for enhancing the sharing of intelligence and other information concerning suspected terrorists and their activities and organizations.

The COPS office also sponsors resources that are available on a national basis, including publications that highlight innovations and best practices, regional training institutes, and meetings of experts to discuss strategies for addressing homeland security issues.

### **Concerns and Future Directions**

The September 11, 2001 terrorist attacks "have added a new dimension to American policing," the COPS Office observed in its 2002 publication, *Local Law Enforcement Responds to Terrorism: Lessons in Prevention and Preparedness*. The roles and responsibilities that state and local law enforcement agencies assume in this nation's homeland security strategy will not diminish over time. And, they will be costly.

In the near term, an infusion of federal aid has helped state and local governments to defray some of the initial costs of responding to, and recovering from, the 9/11 attacks. In addition, these resources have provided support for state and local efforts to initiate and advance preparedness plans. However, maintenance of these efforts inevitably will fall to state and local governments and the citizens that they serve.

In the current economic climate, most states, counties, and municipalities already are struggling to maintain adequate levels of financing for routine government operations, including those of police agencies. Oregon's \$2.6 billion deficit, for example, has forced that state to lay off 100 state troopers – nearly one-fifth of the Oregon State Police's force (*Government Technology* online August 2003). The add-on of homeland security costs promises to exacerbate fiscal conditions in these jurisdictions. Police overtime costs associated with heightened readiness in

response to elevation of the national terrorism threat level are taking a huge toll on law enforcement agencies' budgets. A week at an orange ("high") alert level costs the New York City Police Department an estimated \$5 million. A high alert level state of readiness costs San Francisco \$2.6 million a week.

Over the long-term, law enforcement agencies will need sustained levels of funding for manpower, training, equipment, and to keep a pace with advances in technology. Determining what funding and other resources will be required to support anti-terrorism initiatives and where these resources will come from must be a critical focus of state and local law enforcement agencies' homeland security strategies.

In addition, federal, state, and local government officials will need to collaborate in addressing long-standing issues related to the distribution of federal aid. The efficacy of a national homeland security strategy easily can be undermined if governors, mayors, and county executives cannot come to terms with, and at minimum set aside, historical conflicts over how federal aid is allotted among state and local governments. The vital need for coordination of homeland security within states, as well as at the national level, underscores the importance of cooperation among state and local officials to ensure that spending on counterterrorism is guided by assessments of risk and vulnerability, and that these resources are directed where they are most needed. Moreover, federal officials responsible for administering homeland security dollars will need to work closely with Congress to devise funds distribution strategies that will allow these funds to be moved into the states expeditiously, while maintaining adequate accountability measures.

Finally, federal, state, and local officials must continue to identify and overcome issues of jurisdiction and other barriers to the sharing of intelligence and information. As the U.S. General Accounting Office observed in a recent report to Homeland Security Secretary Ridge, state and local governments must become an integral part of the "national policy-making process for information sharing" in support of homeland security objectives. To date, concerns related to providing security clearances to state and local officials have been a central focus of many deliberations concerning intelligence and information sharing in support of homeland security objectives. More critically in need of resolution are issues relating to what information should be shared among federal, state, and local law enforcement agencies. In addressing these issues, federal officials will have to revisit their traditional stand that intelligence functions concerning terrorist organizations and activities are the provenance of the federal government alone. At the same time, state and local officials, in arguing their case for a greater role in intelligence functions under a national homeland security strategy, must come to terms with a well-established principle of intelligence sharing – that "need to know" should drive distribution and access.

#### **To Learn More: Available Resources**

- "Budget Cuts, Anti-Terrorism Duties Strain Policing." *Government Technology*. (August 2003) <http://www.govtech.net/news/news.phtml?docid=2003.04.14-47062>
- Address of Secretary Tom Ridge, U. S. Department of Homeland Security, to the National Governors Association. Indianapolis, IN. (August 18, 2003). <http://www.whitehouse.gov/news/releases/2003/08/20030818-4.html>

- International Association of Chiefs of Police. *Homeland Security Preparedness Survey* (2003). <http://www.theiacp.org/documents/pdfs/WhatsNew/ACF187C.pdf>
- Major Cities Chiefs Association. *Major Cities Chiefs Association Intelligence Commanders Conference Report* (June 2002). <http://www.neiassociates.org/mccintelligencereport.pdf>
- Matthew C. Scheider and Robert Chapman. Community Policing and Terrorism. *Journal of Homeland Security*. Washington, D.C. (April 2003). <http://www.homelandsecurity.org/journal/Articles/Scheider-Chapman.html>
- National Governors Association Center for Best Practices. *A Governor's Guide to Emergency Management Volume Two: Homeland Security*. Wash., D.C. (2002). [http://www.nga.org/center/divisions/1,1188,C\\_ISSUE\\_BRIEF^D\\_4362,00.html](http://www.nga.org/center/divisions/1,1188,C_ISSUE_BRIEF^D_4362,00.html)
- National Governors Association Center for Best Practices. *Issue Brief: States' Homeland Security Priorities*. Washington, D.C. (Aug. 19, 2002). [http://www.nga.org/center/divisions/1,1188,C\\_ISSUE\\_BRIEF^D\\_4303,00.html](http://www.nga.org/center/divisions/1,1188,C_ISSUE_BRIEF^D_4303,00.html)
- Office of Community Oriented Policing Services. "Local Law Enforcement Responds to Terrorism: Lessons in Prevention and Preparedness." *COPS Innovations: A Closer Look*. U. S. Department of Justice: Washington, D. C. (2002).
- Police Executive Research Forum & U. S. Department of Justice, Office of Community Oriented Policing Services. *Protecting Your Community from Terrorism: Strategies for Local Law Enforcement; Volume I: Local-Federal Partnerships*. Washington, D. C. (March 2003).
- The Rockefeller Institute of Government. *The Federalism Challenge: The Challenge for State and Local Government*. The Role of "Home" in Homeland Security: Symposium Series Number 2. Albany, N.Y. (March 24, 2003). [http://www.rockinst.org/publications/homeland\\_security/2ndHomeSecSympTranscript.pdf](http://www.rockinst.org/publications/homeland_security/2ndHomeSecSympTranscript.pdf)
- *Homeland Security: Efforts to Improve Information Sharing Need to be Strengthened*. Report to the Secretary of Homeland Security. Washington, D. C. (August 2003). U.S. General Accounting Office. <http://www.gao.gov/new.items/d03760.pdf>

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Gwen A. Holden is a consultant specializing in legislative, policy, and administrative issues in criminal and juvenile justice. She served for 12 years, until December 1996, as executive vice president of the National Criminal Justice Association, a Washington, D.C.-based group representing states on crime control and public safety issues.

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