

Summary of Forum Held on October 3, 2003: The Roles of State and Local Law Enforcement in Homeland Security

Summary's Highlights

Note: Hosted by the University of Pennsylvania's Jerry Lee Center of Criminology, this Forum was one in a series highlighting promising and pioneering state and local efforts to address crime.

Especially since the attacks on 9/11, no one can rationally dispute that state and local law enforcement must play important roles in homeland security. But, given the complexities of our system of multilayered government, how should those roles be defined, implemented, and meshed with federal efforts?

Addressing that question, Forum panelists presented key insights. Among them: the major components of community policing—problem solving, crime prevention, and community partnerships—are critical to enhancing homeland security; smaller police departments, which comprise the overwhelming majority of law enforcement agencies in the United States, must coordinate their antiterrorism efforts and collaborate on a regional basis, with mutual aid agreements being of crucial importance; the perception that a small community is not vulnerable to terrorism or is safe because police officers are likely to know everyone is false; police agencies should alert appropriate sectors of the community about crimes terrorists typically commit, such as passport fraud and use of fake driver's licenses and Social Security numbers.

Carl Peed—Director, Office of Community Oriented Policing Services, U.S. Department of Justice—emphasized that community policing strategies are even more important today than before 9/11.

Providing practitioner perspectives were Edward A. Flynn, Secretary of Public Safety, Commonwealth of Massachusetts; James Burack, Chief, Milliken (CO) Police Department; and Colonel Tom Manger, Chief, Fairfax County (VA) Police Department.

Forum Executive Director Laurie Robinson commented that no one would dispute the importance of state and local roles in homeland security after September 11. The numbers alone are compelling, she noted: about 11,000 FBI agents but 700,000 state and local sworn law enforcement personnel. But, she continued, defining those roles and implementing the associated responsibilities are complex matters, especially in the context of competing demands and tight budgets. The complexity is exacerbated by our multilayered system of government, which, cherished as it is, may mean we will be always asking—Who is in charge? How do we coordinate? Who is going to pay the bill? An encouraging development, she noted, is that the

¹The Forum summarized here was one in a series to afford Capitol Hill and Executive Branch staff, selected representatives from the practitioner and research communities, and key interest-group leaders an opportunity to hear perspectives of state and local frontline criminal justice practitioners and researchers. The Forum was held in Washington, D.C. University of Pennsylvania Distinguished Senior Scholar Laurie Robinson serves as Executive Director of the Forum on Crime & Justice and moderated this Forum. Ted Gest is Associate Executive Director. Participants' comments are paraphrased unless placed between quotation marks.

framework of community policing—which emphasizes problem solving, crime prevention, and partnerships with the community—has provided key tools for dealing with homeland security challenges.

Community Policing and Homeland Security: Remarks by Carl Peed, Director, Office of Community Oriented Policing Services (COPS), U.S. Department of Justice

Many community policing strategies used prior to 9/11 are being applied successfully to protect the homeland today. Major law enforcement associations attest that community policing is more important now than before 9/11. That opinion was echoed by a ranking national security official who stated that the future outcome of protecting America post-9/11 is going to depend on state and local law enforcement officers. Very recently, the FBI announced that it would pursue community policing strategies of problem solving, prevention, and partnerships. During the past year, the COPS Office, for the first time, initiated two specific programs targeting homeland security. One funded 294 agencies to help defray overtime costs associated with homeland security. The other, in cooperation with other federal agencies, provided interoperability communications funds to many agencies to enhance communities' responses to critical incidents.

A Regional Approach Essential: Edward A. Flynn, Secretary of Public Safety, Commonwealth of Massachusetts

His experience as Arlington, Virginia, police chief in responding to the September 11 attack on the Pentagon, drove home the “absolute centrality of mutual aid,” without which local agencies would lack the capability to deal with critical incidents effectively. In the Washington, DC, metro area, a tradition of close interagency collaboration exists—but that is not the national norm. In Massachusetts, the challenge was to form cross-jurisdictional partnerships and to help achieve that by leveraging federal homeland security funding, of which the equipment portion was mandated by law to be disbursed to local agencies within 45 days of the legislation's enactment. To avoid likely waste and duplication if funds were distributed before agencies planned how to deploy the equipment effectively, Secretary Flynn informed local agencies in jurisdictions of less than 100,000 population that the state would consider their applications for homeland security funding only if they reflected a mutual aid plan, identified regional partners, identified vulnerabilities to terrorism, and indicated how equipment to be purchased would support the agencies' proposed plans. In spelling out vulnerabilities and sensible ways to share equipment, some interjurisdictional plans covered 20 and 30 police departments of 10 to 50 officers each.

Enormous pressure is being put on decisionmakers to produce funding mechanisms to somehow protect the entire country equally against any conceivable threat. An old military dictum, however, is that he who defends everything, in fact defends nothing. Antiterrorism strategy and tactics should focus on specific threats by specific groups identified as espousing specific ideologies and motives and as targeting the United States as a symbolic and actual enemy. Another concern is that homeland security becomes “the monster that ate criminal justice,” with resource allocation becoming a zero-sum game as funds normally spent on criminal justice programming are used for antiterrorism purposes. Community policing, for example, should not be weakened. The social infrastructure—bolstered by community policing strategies of

collaborative problem solving and partnerships with the community—is just as important as the physical infrastructure. If police were unduly channeled into becoming guards and SWAT teams, that would be a disservice to the continued peace and order of our democracy.

A Small Agency's Perspective: James Burack, Chief, Milliken (CO) Police Department

Operating within just 13 square miles, the 10-officer Milliken Police Department is subject to two misconceptions related to homeland security. The first is that small jurisdictions do not face terrorist threats. Yet substantial vulnerabilities and security concerns exist around Milliken, such as dozens of unattended Minuteman missile silos adjacent to public roads, a feed lot for 100,000 cattle, and a nuclear fuel storage depot. Another possible misconception is that small communities automatically deter bad actors and sleeper cells because police officers know everyone. Milliken's current population of 4,000 has increased by 36 percent over the past 2 years and is more diverse than ever. So a community, not just houses, is being built from the ground up, and community policing is a key element in the process. Knowing everyone is impossible given the growth rate. But the active style of community policing, with its emphasis on engaging the public, keeps lines of communication open. This relationship generates information, deters crime, produces confidence in the security of the community, and places community policing at the top of the list of essential elements of a successful local homeland security strategy.

Partnering With Other Agencies and the Public: Colonel Tom Manger, Chief, Fairfax County (VA), Police Department

The best police departments have become full partners in the fight against terrorism. The public expects this. Techniques of community policing are directly applicable to combating terrorism. Community policing stresses the importance of partnering with the community and becoming aware of the public's concerns, including establishing communication links with residents who normally do not want to contact the police. Local police departments possess much information of value to their local and federal colleagues. For example, in metropolitan Washington, D.C., at least 24 agencies participate in a weekly conference call to inform one another about what is going on in their respective jurisdictions. Local D.C.-area agencies also participate in an effective joint terrorism task force. Perhaps 90 percent of police agencies in the United States, however, cannot afford to assign someone full time to such a task force; a way should be found to remedy that situation.

Part of the antiterrorism effort involves informing the public to remain vigilant. But have agencies explained to residents what they should do? Fairfax County police have started doing that, such as meetings with hotel, car rental, and public storage businesses to alert them to typical terrorist behavioral patterns and criminal activity. Crimes often committed by terrorists include identity theft, passport fraud/theft (Pakistani passports top the list, followed by those of Ghana and Peru), student visa fraud, bank fraud, mortgage and investment schemes, money laundering, credit card theft, and use of false driver's licenses and Social Security numbers. Given terrorist threats, law enforcement agencies must get back into the intelligence business (shut down by many departments in the 1970s and 1980s) with trained analysts, adequate equipment, access to the right places, and oversight exercised at the highest levels. Shared intelligence will benefit all concerned.

Questions and Answers

Given the constant presence of crime and the low odds of experiencing terrorism in any given jurisdiction, how does an agency balance allocation of resources? **Manger**: All former responsibilities remain—and now is added one involving antiterrorism. Assistance from the FBI in investigating bank robberies, white-collar crime, drug activity, etc., has declined since 9/11. We are trying to obtain additional resources but are struggling. **Flynn**: Agencies must maintain focus on traditional basic missions and on new ones. That is particularly problematic whenever the homeland security alert level increases. That encourages state and local governments to spend more money and police agencies—in due diligence—to ramp up deployment even though one realizes that every single part of the country cannot be equally vulnerable at exactly the same time and that overruns in police overtime budgets will result. One hopes for reimbursement somewhere down the line. The alert level procedure should be rethought.

Other than money, what is the one thing you are not receiving from the federal level but would like? **Flynn**: Every level of government has an intelligence analysis lack. Lots of information can come to local police, but even at the state level, such information cannot necessarily be turned into actionable intelligence to alert us, for example, that the threat is to those bridges but not these tunnels or to ports but not airports. **Burack**: We are planning yet do not know exactly for what. The development of a coherent national strategy of what it is we are planning for would be valuable. **Manger**: What we need is for the federal level to take a leadership role in coordinating a regional approach to the problems facing us.

What is the homeland security message to small police departments, which constitute the vast majority of law enforcement agencies in the United States? **Flynn**: States should use whatever dollars are available to leverage partnerships and regionalism. The country is not well served by encouraging 5- and 10-officer police departments to go it alone, which would likely result in 15 uncoordinated, unsuccessful approaches to a specific incident. What is needed is one approach encompassing many agencies, which, though they are small, could collectively address a critical incident effectively. **Burack**: We are doing that—trying to bring together many agencies to collaborate on addressing key vulnerabilities, such as missile silos. A pressing current concern—as it is everywhere—is to collaborate on addressing interoperability issues.

What about creating a separate intelligence function to operate nationwide, such as the U.K.'s MI5? **Burack**: That would raise concern about duplication of effort and reinvention of the wheel inasmuch as the agency would have to go back to the grassroots to obtain information. **Manger**: An MI5-like agency would not work because of how law enforcement is set up in this country.

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