

PROTECTING YOUR COMMUNITY FROM TERRORISM:

Strategies for Local Law Enforcement

Volume 1: Local-Federal Partnerships

COPS
COMMUNITY ORIENTED POLICING SERVICES
U.S. DEPARTMENT OF JUSTICE


POLICE EXECUTIVE
RESEARCH FORUM



PROTECTING YOUR COMMUNITY FROM TERRORISM: The Strategies for Local Law Enforcement Series



VOL. 1: IMPROVING LOCAL–FEDERAL PARTNERSHIPS

Gerard R. Murphy and Martha R. Plotkin

with

Secretary Edward A. Flynn

Chief Jane Perlov

Special Agent in Charge Kevin Stafford

Chief Darrel W. Stephens



This project, conducted by the Police Executive Research Forum (PERF), was supported by Cooperative Agreement #2002-HS-WX-K001 by the U.S. Department of Justice Office of Community Oriented Policing Services. Points of views or opinions contained in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice or the members of PERF.

The opinions expressed are generally those based on the consensus of executive session attendees. However, not every view or statement presented in this report can necessarily be attributed to each individual participant.

© Police Executive Research Forum,
Office of Community Oriented Policing Services

Police Executive Research Forum
Washington, DC 20036
United States of America
March 2003

ISBN 1-878734-78-4
Library of Congress Number 2003105278

Photos courtesy of (from top to bottom):
The Arlington County (VA) Police Department (1–3)
Federal Emergency Management Agency (4)
Police Executive Research Forum (5)

Cover Design by David Edelson, PERF
Interior Design by Elliot Thomas Grant, etg Design

CONTENTS

Acknowledgments.....	v
Foreword.....	xi

Chapters

1. Introduction and Background	1
2. Major Themes and Issues.....	5
<i>A Regional Response to Terrorism for Local Law Enforcement Agencies:</i>	
<i>A Site Visit Summary</i>	15
3. Security Clearances and Information Sharing.....	19
<i>A Commentary on Security Clearances</i>	28
4. Joint Terrorism Task Forces	31
<i>Heart of America Joint Terrorism Task Force:</i>	
<i>The Counterterrorism Executive Board (Kansas City Division)</i>	39
5. FBI Strategies	41
<i>Difficult Decisions: FBI Priorities</i>	49
6. Intelligence	51
<i>Overcoming Barriers to Intelligence Sharing</i>	58
7. Multijurisdictional Information Sharing.....	61
<i>Gateway Information Sharing Project: A Site Visit Summary</i>	66
8. Training and Awareness.....	71
 Conclusion	 77
References.....	79

Appendices

A. FBI Policy and Guidelines	83
B. Edwin Delattre Speech: A Reflection on Successful Partnerships	87
C. Participants and Observers List.....	93
 About the Authors	 97
About the Office of Community Oriented Policing Services (COPS)	
U.S. Department of Justice	101
About PERF	103

ACKNOWLEDGMENTS

WE WOULD LIKE TO THANK THE MANY INDIVIDUALS WHO CONTRIBUTED to this paper. Their interest in seeing this paper finished is reflected in the tremendous time they spent providing advice, guidance and recommendations. Any value this paper has to the field is due largely to their willingness to answer endless questions and explain the many complex issues associated with local–federal partnerships.

First and foremost, we must thank those who attended and participated in the executive session. (You will find these law enforcement leaders listed in Appendix C.) Their collective knowledge and insight was truly impressive. Just as impressive was their willingness to engage in a candid discussion of sensitive issues at a forum they knew was going to be based on a contentious agenda. Each participant outlined critical issues and concerns, but that was only the beginning. They were committed to understanding each other’s perspective and developing creative solutions to long-standing problems. They demonstrated the type of leadership that we have come to hope for in all law enforcement leaders who are engaged in this fight against terrorism.

This paper and the larger project are made possible with the Office of Community Oriented Policing Services’ support and guidance, under the leadership of Director Carl Peed. Project Monitor Amy Schapiro has demonstrated patience and support as we have developed the template for this series of five executive sessions and white papers on local law enforcement and terrorism. Ellen Scrivner, who has been tasked to the FBI from the COPS office, also provided invaluable assistance on all phases of the project to date.

Deborah Daniels, Assistant Attorney General for the Office of Justice Programs, provided important insights at the executive session and a thoughtful review of the final product. Edwin Delattre, Professor of Philosophy at Boston Uni-

versity, graciously spoke to executive session participants at a special dinner and was among a select group of observers. He also took the time to conduct a detailed review of the draft report and provided critical feedback and guidance.

We want to thank those who contributed to this paper by writing commentaries or sidebar pieces: FBI Special Agent in Charge Kevin Stafford of the Kansas City, MO, Field Office; Police Chiefs Darrel Stephens of Charlotte–Mecklenburg, NC, and Jane Perlov of Raleigh, NC; and Massachusetts Secretary of Public Safety Edward Flynn. They typify the kind of true innovators in law enforcement who will ultimately make our nation a safer place to live.

Throughout the executive session planning and the writing of this paper, a number of individuals at the FBI provided essential direction and perspective. FBI Director Robert S. Mueller, who has repeatedly reached out to local law enforcement, endorsed the idea of the executive session and made it possible. Retired Executive Assistant Director Kathleen McChesney identified and recruited FBI participants for the session. We thank Charles Prouty, who took over her position, helped coordinate FBI resources and participated fully in the executive session. Assistant Director Louis F. Quijas from the FBI's Office of Law Enforcement Coordination attended much of the session and provided his important support for this effort. Special Agent Kathleen Timmons in the Office of Law Enforcement Coordination also served as our liaison during

the research and writing portions of this project and tolerated our many inquiries. Lisa Michelle Keller, an FBI Public Affairs Specialist, and Edward M. Shubert, Section Chief of the Personnel Security Section, Security Division, provided much-needed resources and verified facts for the paper that would have taken us months to chase down.

A number of law enforcement professionals in the St. Louis, Missouri, and Redondo Beach, California, areas shared with us their innovative programs. In St. Louis, FBI Special Agent in Charge Thomas Bush and Metropolitan Police Chief Joseph Mokwa allowed us to observe their facilities and interview personnel and candidly spoke about the successes and challenges of the Gateway Information Project. St. Louis Police Sergeant Robert Hiemberger arranged our visit, consented to our interviews and carefully explained complex information technologies.

In Redondo Beach, Chief Robert Luman graciously hosted our visit. Lieutenant John Skipper and City Prosecutor Michael Webb arranged all details of our visit and spent long days with us as we tried to understand their many accomplishments. FBI Supervisory Agent Linas Danilevicius of the Long Beach Resident Office explained how the JTTF functions. Special Agent Supervisor Gary Edgington of CATIC and Lieutenant Phillip Hansen and Sergeant John Sullivan of the Los Angeles County Sheriff's Office detailed their programs as well.

Several members of the PERF staff spent countless hours tracking down information,

reviewing drafts of the paper, and correcting mistakes. Executive Director Chuck Wexler was instrumental in supporting and facilitating the executive session and ensured that the no-holds-barred discussion of the issues resulted in constructive recommendations and a compelling commitment to work together in implementing them. Research Assistant Judy Lim managed the logistics of the two-day event. David Bright helped research many of the issues in the report. We owe a thanks to Elliot Grant, of etg Design, and PERF staffer David Edelson for their design work. But it is Research Associate Heather Davies who deserves special recognition (maybe a medal) for her work on this paper, especially since she

joined our staff after the executive session was held. Heather diligently learned the issues and spent many hours working with FBI personnel to verify facts and accurately portray them in the paper. She kept us on track, proofed every word and poured over reams of research materials—all with good humor.

We are sure we have left someone out unintentionally. Whoever you may be, and all those whom we list above, we thank you. To those of you in law enforcement at every level of government who work daily to make our communities safe from terrorism, we hope this paper provides you some of the resources and information you have been seeking.

TERRORISM



*There is no single, universally accepted definition of **terrorism** or agreement about whether a specific definition applies to a particular incident.*

The FBI cites the Code of Federal Regulations in defining terrorism as

[t]he 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 objectives¹ (28 C.F.R. Section 0.85).

This is the definition that will be used for the purposes of this report.

¹ The FBI further distinguishes between domestic and international terrorism and cites the legal authority for activities used to counter, investigate and prosecute terrorists. See, e.g., FBI Policy Guidelines in *Terrorism in the United States: 1999* (FBI 2000). Excerpts are provided in Appendix A to this document.

FOREWORD

SEPTEMBER 11, 2001, WAS A TURNING POINT FOR AMERICAN LAW ENFORCEMENT. Immediately following the attacks, local, state and federal law enforcement agencies faced service demands, problems and issues that they had never seen before. Within the next year, agencies witnessed how those developments affected budgets, policies, operational priorities, training and personnel. Sweeping reforms were not far behind. The passage of federal and state laws is only now being felt, and these mandates will surely continue to instigate additional changes in police organizations' missions and strategies. Pending federal grant and technical assistance programs will also drive significant restructuring, as police agencies position themselves to receive that support.

Because of these, and the likelihood of additional change agents, the law enforcement profession is repositioning itself for how it fights terrorism. Many agencies have engaged in internal discussions to determine their capabilities and responsibilities, and more organized discussions have progressed in some states. Yet, on a national level, law enforcement is just beginning to develop comprehensive and detailed strategies for preventing and responding to terrorism. Policing as a profession is working on ways that the underlying principles of community policing can contribute to strategies to prevent terrorist activities. Finally, law enforcement leaders have not yet

discussed how counterterrorism responsibilities could profoundly affect the police–citizen relationships and other positive influences of community policing on organizations and communities alike.

The Police Executive Research Forum (PERF), with funding from the Office of Community Oriented Policing Services (the COPS Office), will attempt to close those gaps. PERF has been providing local law enforcement leaders with the opportunity to examine these and other issues related to preventing and addressing terrorist acts. PERF is providing a series of forums for law enforcement chief executives, other policing professionals and government

policymakers to explore, debate and exchange information on providing community-policing services in a security-conscious world. This initiative will produce practical advice for addressing immediate problems related to terrorism, as well as a framework to guide the profession for the next three to five years.

This white paper is the first in a series of five that takes on issues of primary concern to law enforcement professionals. It is based, in large part, on an unprecedented executive session that brought together sheriffs, police chief executives, FBI Special Agents in Charge and antiterrorist experts, and other leading thinkers on how law enforcement will deal with the new terrorist threat. It was a no-holds-barred meeting in which candid debates were conducted on the practical and very real concerns of those who must make daily decisions about how their personnel and other resources will be spent to address terrorism and competing demands for service. Participants took a hard look at how local and federal agencies work together and what needs to be done to improve cooperation. The result is the agenda set out in this paper—set by consensus and an urgent desire to move our preparedness and response forward in these difficult times, without aban-

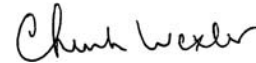
doning our promise to our communities to address crime and disorder. It is one of a number of products being developed under this COPS-supported effort.

PERF will also conduct a national survey of law enforcement leaders and a series of four additional executive sessions that will address such tentative topics as policing multicultural communities, bioterrorism, intelligence and homeland security. In addition, PERF's project team will conduct fieldwork to identify model programs and approaches that work to address terrorism in a community-policing context that others nationwide can tailor to the unique needs of their jurisdictions. The result will be four more white papers and a comprehensive written manual for police agencies.

The COPS Office and PERF are pleased to facilitate these forums and other work that will provide the profession with opportunities to share and develop effective strategies for addressing terrorism while continuing to advance community policing.



Carl Peed
Director, COPS



Chuck Wexler
Executive Director, PERF

CHAPTER ONE

INTRODUCTION AND BACKGROUND

MORE THAN A YEAR AFTER SEPTEMBER 11, 2001, AMERICAN LAW ENFORCEMENT is working diligently to prevent the next terrorist attack. Will it be enough? Leaders of every law enforcement agency in America want to do their part in the fight against terrorism, yet many local police are struggling to muster resources, reorient their personnel and carve out new relationships with their state and federal counterparts. To complicate matters, their efforts lack a strong unifying strategy and coordinated approach with other jurisdictions and with agencies at other levels of government.

Local law enforcement agencies, in the face of new and uncertain threats to their communities, struggle to identify all their responsibilities and define their exact role in the nation's fight against terrorism. The FBI and other federal agencies are also faced with new duties and priorities, such as expanding their intelligence-gathering and coordinating functions, as well as other counterterrorism efforts. So, while every law enforcement agency strives to do its part, too many of them are unsure of what their part should be. And even those 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.

The Local–Federal Partnership

Preventing and responding to terrorism is all the more complex because no agency can do it alone. The “readiness” of any one agency—whether it is the Lawrence (KS) Police Department, the Hennepin County (MN) Sheriff's Office, the D.C. Metropolitan Police Department, or the FBI—is insufficient in the face of the potential threat. For more than 125 years, American law enforcement has been organized around the principles of independence and decentralization. Some 18,000² local, state

² According to Reaves and Hickman (2002), “As of June 2000, State and local governments in the United States operated 17,784 full-time law enforcement agencies—those that employed at least one full-time sworn officer with general arrest powers or the equivalent in part-time officers.”

and federal agencies operate as autonomous entities, often unconnected to those in neighboring jurisdictions or at different levels of government. The threat of terrorism in America's cities and towns, however, has revealed the critical need for improved coordination and resource sharing—whether personnel, equipment or information—to develop a formidable strategy to counter future acts of terrorism.

Local and federal law enforcement agencies have worked together for decades to prevent and solve crimes: bank robbery investigations, kidnappings, financial crimes, cybercrime, gangs and drugs. They have coordinated resources in the area of crime reporting and forensic and laboratory services. And they have engaged joint task forces to address a variety of crimes that cross jurisdictional boundaries. But these partnerships have not fully prepared law enforcement for the unprecedented demands they face now that international terrorists have struck in the United States and threaten to do so again. Local and federal law enforcement must build on positive past relationships and address any remaining impediments to full cooperation if they are to truly succeed in carrying out their new mandates.

The Executive Session

On November 7–8, 2002, PERF³ convened a group for an unparalleled discussion among big-city police chief executives; sheriffs; FBI experts on terrorism, including several Special Agents in Charge (SACs); policymakers; and observers in Washington, D.C., to examine the local–federal partnership. (See Appendix C for a list of the principal participants.) These leaders in policing were tasked with developing practical guidelines to improve how local law enforcement and federal agencies can sustain more effective partnerships. The law enforcement executives came from jurisdictions across the country and were almost

Everybody here knows from experience that domestic tranquility and the common defense, fundamental purposes of government identified in the Preamble to the Constitution, cannot be achieved when local and federal agencies ignore obligations they can meet only by working together (Speech to Executive Session Participants⁴).

—Ed Delattre

³ PERF is a nonprofit membership organization of progressive policing professionals dedicated to advancing law enforcement services to all communities through experimentation and national leadership. Its members serve more than half the nation's population, and the organization provides training, technical assistance, research, publications and other services to its members and the profession. More information about PERF can be found at www.policeforum.org.

⁴ Delattre's speech can be found in Appendix B.

evenly divided between local chiefs and sheriffs from cities and counties and FBI SACs and Headquarters administrators. Moderated by PERF's Executive Director, the session identified problems, potential solutions and strategic outcomes focusing on public safety and what is best for the country. A number of broad topics and specific questions related to those topics were used to guide the discussions, including the following:

- Defining the Local–Federal Partnership
- Federal and Local Law Enforcement Needs and Capacities
- Information Sharing Between Local and Federal Agencies
- Models of Successful Partnerships
- A Strategy for Improving Partnerships

After a day and a half of high-level discussions, the group summarized and reviewed its findings to identify areas that required additional work and to confirm consensus. The meeting was punctuated with a briefing for FBI Director Robert Mueller, who came to thank the participants for their work on improving collaborations and to discuss ideas with participants on key issues, including the challenges of implementing the group's recommendations.

The White Paper

This paper details the first executive session participants' major findings and recommendations, which were the result of thoughtful deliberation and the collective expertise of leaders in the fight against terrorism in our communities. The *priorities* are the centerpiece of the paper and will receive the most attention. In each priority area, various perspectives and highlights from the discussions are presented, with an emphasis on understanding the true nature of the problems and obstacles to effective partnerships, as well as recommendations for improved collaborations. Additionally, the paper includes several sidebar articles that take one of two forms: One type of sidebar is authored by one of the session participants and elaborates on a subject that draws on his or her perspectives and experiences. The other type of sidebar, written by project staff, describes programs that have been identified as potentially promising for addressing a vital element of a counterterrorism strategy. It is hoped that the paper will advance cooperation and coordination among law enforcement agencies at all levels.

CHAPTER TWO

MAJOR THEMES AND ISSUES

FOR NEARLY TWO DAYS, LOCAL AND FEDERAL LAW ENFORCEMENT EXECUTIVES engaged in a forum to dissect their collaboration efforts—identifying how to build on successes and address remaining challenges that will advance how they can prevent, investigate and respond to terrorist activity. The executive session was unprecedented, in both content and style. None of the participants could recall a similar national-level gathering of local and federal leaders in a candid exchange of ideas on joint law enforcement strategies. Nor could any recall a meeting where defensive postures and turf battles were put aside in an honest attempt to strengthen this essential partnership. Participants' criticisms, explanations, descriptions and recommendations were introduced, discussed and debated. Ultimately, the group reached consensus on many seemingly intractable issues.

By the end of the first day, the participants identified more than 100 critical issues that could be divided into two categories: those that hindered an effective local-federal partnership and those that could improve that partnership. By the end of the second day, the list had been grouped into 12 priority topic areas, which PERF staff were able to refine and aggregate further after the session to the seven key priorities detailed in this paper. Many timely and

important issues were beyond the parameters of this first executive session, and some issues received only a cursory review. Many of these topics, however, will be addressed in the five additional executive sessions that PERF will be facilitating.⁵

The first priority area addresses the importance of effective partnerships as well as the manner in which participants should work to strengthen them. The remaining six priority

⁵ Though the topics have not been finalized, it is expected that four sessions will cover such issues as policing multicultural communities, bioterrorism, intelligence and homeland security systems. In addition, a final session will be held with support from the U.S. Justice Department's National Institute of Justice to examine critical incident management systems in local law enforcement.

“I agree that this is an unprecedented meeting. I have never attended a meeting with such a candid and productive dialogue on how we can work together.”

— FBI SAC

areas address specific programs or functions of the local–federal partnership. The seven priorities are

- Promoting Effective Local–Federal Partnerships,
- Security Clearances and Information Sharing,
- Joint Terrorism Task Forces,
- FBI Strategies,
- Intelligence,
- Multijurisdictional Information Sharing, and
- Training and Awareness.

The participants’ discussions about each of these priority issues also revealed a number of recurring and unifying themes that are listed below. These themes provide insight into the causes of some of the problems and challenges that law enforcement partners face. They also provide a context in which the discussions and recommendations can be more fully understood. These themes include concerns with the following:

- Accountability
- Awareness

- Communication
- Coordination
- Credibility
- Focus
- Honesty
- Integrity
- Openness
- Proactivity
- Respect
- Trust
- Unified Public Voice

The next section of this chapter is devoted to the first priority, as it provides the framework for examining the six more specific programmatic and issue-specific areas, which are detailed in subsequent chapters. Readers will observe how the themes listed above are woven through many of these discussions and the related recommendations for change.

Priority One: Promoting Effective Local–Federal Partnerships

Throughout the first executive session, all participants emphasized that the need for a truly effective local–federal partnership is stronger today than ever before. This partnership has been productive many times in the past and remains vital today; however, it is not without its problems and requires additional work to realize its full potential. Both the local and federal participants admitted that confusion over roles, uncertainty about responsibilities, breakdowns in communication and even a

lack of trust have historically been among the factors that have plagued partnership efforts and recently have placed new strains on it.⁶ However, the participants expressed a strong resolve to work together to enhance their collective ability to protect our communities from terrorism.

Information Exchange and Access

Perhaps the cornerstone of this partnership is information exchange. Participants acknowledged that barriers to information exchange exist in all law enforcement agencies, and at every level. Barriers may be technological, organizational or territorial. They prevail in and among local police agencies as well as their state and federal counterparts. These barriers prevent agencies from sharing with other agencies and, just as importantly, from sharing information within agencies. There are many reasons why so many law enforcement personnel are protective of their information. They may be reluctant to share information with others to ensure protection of their sources or the integrity of an investigation, for example. Though it is common for individuals and organizations to hold information to retain control or to obtain a position of power in a collaboration, law enforcement must strive to overcome

the barriers to information exchange—barriers that ultimately limit law enforcement effectiveness.

All participants agreed that better information exchange is critically needed and suggested a number of ideas for improving flow. The greatest complaint from all participants—local and federal—was that they received important terrorist alert information from CNN before their own partners or headquarters (respectively). CNN was seemingly picking up information in real time, disseminating it faster than even federal agencies could. (For more on the media, see page 11.) All participants also agreed that there may be a misperception that the FBI has more detailed, accurate or confirmed information than it actually has. FBI representatives discussed the overwhelming volume of raw data and information that is being analyzed and examined at the federal level that has not yet yielded the kind of detailed direction that local law enforcement is seeking. Clearly, greater mutual trust would help answer the question about whether valuable information is being withheld (and for what reason) or whether it simply does not exist.

Participants from the local agencies spoke of the need to improve communication and information exchange so that they have a bet-

⁶ Certainly local and federal partnerships vary from jurisdiction to jurisdiction. Collaborations may be shaped by available local law enforcement resources to conduct investigations on crimes for which there is concurrent jurisdiction. Other factors include the length of a working relationship between the current police chief executive and SAC, budget issues, size of a jurisdiction and potential targets, personalities, organizational culture, history and myriad other features of a particular area. While many of these factors were discussed, the group's focus was on developing strategies for resolving problems and challenges that could be tailored to a jurisdiction's specific needs.

ter understanding of when and why federal officials are operating in their jurisdictions. They seek timely information that will support proactive and preventive measures. Local executives expressed a need for more information on investigations in their own backyards, including whom the federal agencies are examining. They expressed concerns about operational coordination and officer safety. Chiefs and sheriffs believe that early notification and information sharing would allow local police⁷ to act as a force multiplier for the federal officers, in which they could offer help, coordinate undercover efforts, not open a parallel operation, or back off, if that was required.

“Let’s be honest. The FBI just may not have the terrorism intelligence we are looking for.”

—Local Law Enforcement Executive

While many participants extolled the positive working relationships in their own jurisdictions, there was a sense within the group that issues of trust, organizational culture, history of leaks or misuse of information and other matters continued to undermine some efforts across the country. There was consensus that local and federal leaders need to better address instances in which information was misused in the past and to ensure the integrity of the ex-

change in the future. FBI and local executives emphasized the importance of developing relationships during times of non-stress—before the crisis strikes. This relationship building must include developing *processes and protocols* for information sharing that can prevail if there are future personality conflicts. By their own admission, the executives believed relationships were largely dependent on personalities and agreed that how SACs and local police officials get along with one another will always be a part of the equation. They stressed, however, that partnerships must be established in ways that can survive executive or other key personnel turnover. The information must continue to flow regardless of who is in charge. The participants agreed that federal and local partners need to alert one another to perceived problems, obstacles and failures in a spirit of cooperation so they can be discussed and resolved. The partnerships must be based on openness, honesty and trust.

When trust and openness are tenets of information exchange, chiefs believe progress will be made in ameliorating local law enforcement’s perceptions that the information flow is unilateral. One chief, in stressing the importance of information exchange, described a partnership “as a coordinated effort on a continuous basis.” Unfortunately, the local police participants generally felt information is not always shared continuously, nor exchanged

⁷ Unless referring to a particular agency, the term “police” is used in the broadest sense and includes both police and sheriff organizations. Likewise, the term “chiefs” refers to all local law enforcement executives.

in a coordinated fashion. Without hearing an explanation for these inconsistencies, local executives may perceive the failure to share information as deliberate.

A number of executives said that the flow of information is primarily one-way: Locals give more to the federal agencies than they get in return. Local officials provide investigative information and even intelligence to FBI field offices but do not receive similar information. That frustration is aggravated by the perception that the FBI does not provide feedback on how they use the information that locals provide, and indeed may classify the information that may stymie local police follow-up or parallel efforts. Chiefs and sheriffs also indicated that the FBI does not always pass along new information it develops or receives from other law enforcement or national security agencies. It should be noted, however, that several local law enforcement executives recognized that the information exchange between their local agencies and the FBI has improved since September 11.

The FBI officials, however, countered that they work under several constraints, including the post-Hanssen culture and the concerns among agents that they do not inadvertently violate nondisclosure agreements, agency policies or otherwise endanger a source or investigation. They also noted that there may again be a misperception that they have better and more information than they actually have.

A number of local executives expressed concern that federal agencies were using local

law enforcement's lack of security clearances as an excuse not to share investigative and operational information in a timely manner. These concerns are addressed in sections on Clearances and Intelligence in more detail below and also were raised in the context of assessing the Joint Terrorism Task Force (JTTF) forums as mechanisms for sharing information. As discussed more fully in later sections, chiefs are concerned about accountability and effectiveness when the JTTF member from his or her department cannot share information with the chief because the JTTF officer has a higher clearance or the police chief executive, as yet, has none at all.

There was agreement among the local law enforcement and federal agency representatives that much of the substantive information that chief executives need at the local level can be made available through alternative mechanisms without needing to invoke the highest security clearance protocols.

Building Partnerships Early

The proactive partnerships that participants referenced above regarding non-crisis planning included suggestions for joint field training exercises, Memoranda of Understanding (MOUs), media policies and other efforts to determine more formally the scope and nature of the partnership. Building a strong partnership before a critical incident improves the chances that federal and local officials will work together effectively to manage the incident. If nothing else, the participants will at least know one another

and have a sense of counterparts' operations. These proactive steps can take place between SACs and individual chiefs/sheriffs or through local, regional and statewide law enforcement associations. Partnership building also requires guidelines for how to address "offers of assistance"—setting parameters for those that are accepted and explaining the reasons why some offers will not be accepted.

Participants also felt strongly that both sides of the partnership need a better understanding of the other's resources and how they may be used to complement partner's efforts. Local officials stated that they would like to have a better understanding of the FBI's capabilities—both at the organizational and field office level. This understanding would enhance the potential for federal and local resources to be used in a complementary, rather than competitive, fashion.

To be effective, local law enforcement needs a realistic awareness and understanding of FBI capabilities. The FBI SACs provided the local police participants with new information about the limits to resources they have in their field offices and the budgetary requirements they must follow that hamper SAC discretion about how resources can be allocated among their mandates. Too often, they felt, local law enforcement perceived that the FBI had unlimited resources, such as equipment, personnel, computers, funding and information. Specifically, SACs said that local executives accuse them of "holding out," which in reality is a lack of communication and education about their

parameters for sharing information and legal mandates on their level of involvement in terrorism versus other types of joint jurisdictional coordination.

Both federal and local executives expressed the need for honesty and accountability in operations. Local executives said that when an officer screws up or there is a perceived problem, the FBI needs to notify local executives right away so the problems can be corrected and not fester. The SACs said that chiefs and sheriffs should do the same thing when agents "screw up," and even when SACs get it wrong.

Accountability for Chiefs

The executive session provided an opportunity for both sides to explain some of the constraints under which they operate and to clarify the checks and balances inherent in their respective positions. For example, the police chiefs were mindful of their responsibilities to their citizens and their political accountability, as well as the effect of their decisions on local government operations.

Local law enforcement executives detailed what is necessary to protect local infrastructure. In addition to their routine threat assessments, local officials will also take action based on information from federal officials. There are tremendous costs and consequences for large deployments and resource commitments based on others' information (even the FBI's), so they need to base requests for city resources on reliable federal information. Chiefs discussed the need to explain to politi-

cal and budget leaders why they must allocate the requested resources. A strong partnership that is based on open discussions provides the clear and timely information needed to make proper decisions. At the same time, local executives acknowledged that their colleagues must not demand too much information—information that would be *nice* to know versus the information they *need* to know. As one chief stated, “I know what it is like to babysit those [individuals in my own jurisdiction] who did not need to know information, but wanted to.”

Failure to base decisions on reliable and timely information has consequences for all involved. As one chief said, “SACs will find themselves working with a new chief if elected officials don’t have information that ultimately could have prevented a crisis.” The key, again, seems to be one of trust. Another chief spoke about shutting down a large tourist attraction based on information from a SAC on whose word he felt he could rely, and he indicated he would do it again.

“You can’t ask for information that is nice to know. We need to only request what we need to know.”

—Local Law Enforcement Executive

Armed with timely and reliable information, chiefs felt they would be better able to meet their own accountability mandates. Chiefs believed they needed to try to build part-

nerships with their own city managers, mayors or other oversight authority to ensure that any early notice of a potential threat would be secure and understood. By explaining how they build relationships with political leaders that are based on trust and timing, the chiefs were able to identify with the demands that the SACs must balance.

Media Relations

Complicating issues related to information exchange among law enforcement agencies is the role of the media. Because this executive session convened in the shadow of the “Beltway Sniper Investigation,” there were heightened sensitivities about information leaked to the media—information that ultimately reached the public before all involved law enforcement agencies—which held the potential to derail the investigation.

All the participants stressed the hazards of not receiving threat or investigative information from knowledgeable colleagues before the media do. The SACs startled some of the local officials when they said they too have received critical information from CNN before it could be communicated through official channels.

Media leaks are a critical problem for both federal and local law enforcement and are not limited to any one rank. Chiefs and SACs spoke about the need to train agents and officers about the importance of preventing leaks. The group believed that too many law enforcement personnel talk too freely, sometimes violating disclosure agreements that come

with security clearances. The media and other organizations are using ex-officers to tap old friends for information. One chief discussed plans to work on securing information through training and policy to ensure that sensitive investigation issues are not discussed at home and with friends.

When the time has come to share information with the media, federal and local joint operations should rely on pre-established media strategies and media relation policies that inform the public and retain control over information that could damage coordinated efforts. Spokespersons and other details should be determined to minimize any tensions among the partners and so law enforcement can be seen as speaking with one voice.

Partnerships' Effects on Community Policing

"Creating a safe nation starts with safe streets," began one chief as he spoke about the importance and centrality of community policing to antiterrorism efforts. Local police are partners with the community in addressing crime, and now in collecting information that might prevent the next terrorist attack. Local chief participants voiced their concern that the FBI does not always understand the extent to which communities hold local chiefs and sheriffs accountable for federal agencies' actions in the community and the importance of local police relations with their constituencies.

The local officials believed that community policing has provided valuable lessons, relation-

ships and approaches that can be applied to "counterterrorism policing." However, many of the local participants were concerned that federal officials are not aware of community issues when they sweep into a jurisdiction to search for an individual or engage in other investigatory practices and leave just as quickly. The unintended consequence is damage to police-citizen relations, particularly in minority communities, that took tremendous effort to build through community policing.

Citizen engagement and collaborative problem solving yield tremendous resources that allow local law enforcement to gather information. Several ideas were discussed about how local law enforcement might assist the FBI with engaging and disengaging when in their communities. For example, some local participants believed the FBI could work with the local agencies to have area police officers or deputies perform some operations or be counseled by local agencies on what has worked within their communities that might influence federal agency tactics. For example, local law enforcement suggested it can provide valuable street-level information and employ different methods, such as using citizen informants instead of paid informants. Planning for how federal and local agencies will engage area citizens may also involve arrangements for when SACs' offices are not staffed for action. Arrangements may need to be made so that the FBI schedule is expanded or it agrees to support local investigators if they act on time-sensitive information in the middle of the night.

Federal-level investigative tactics should be examined, according to local enforcement officials, in the light of community-policing principles to ensure they will not create problems for local law enforcement when an investigation is finished. Whether it is the INS, ATF, FBI or other federal agency involved in an investigation, it is the local chief executive who is held accountable by the local community.

“Locals need to live and work in that community long after the investigation and sometimes need to repair damaged relationships caused by federal investigators.”

—Local Law Enforcement Executive

The FBI has recognized these concerns, and FBI participants expressed their commitment to improving community relationships in much the same way that local police have done through community policing efforts. The FBI is trying to work with minority communities and hopes to partner closely with local law enforcement to show a unified commitment. The FBI’s Office of Law Enforcement Coordination hopes to facilitate this effort by promoting the concepts of community-oriented policing in the FBI.

Recommendations and Concerns

- A strong local–federal partnership is essential to our nation’s fight against terrorism. This partnership should be multifaceted, and law enforcement

must continue to identify ways to work together to advance common interests. This first executive session is a step in the right direction, but similar and complementary efforts are continually needed, particularly parallel work at the local–regional level.

- Information exchange and access can only be achieved through pre-crisis planning, which may involve formal mechanisms (MOUs, joint media and information dissemination policies for joint task forces, and more) to ensure that working relationships and roles are defined and that they survive changes in leadership or personality conflicts.
- Local police and federal officials must address any tensions, trust issues and misperceptions at the local level. Each should inform the other of their respective resources, legal mandates, limitations and accountability concerns. Guidelines for the nature and scope of the information that can be shared should be detailed as well. Each partner must also identify and redress barriers to interagency (among same-level agencies and between agencies at other levels of government) and intra-agency information sharing.
- Local and federal partners can be more supportive of one another’s efforts to ensure appropriate resources and flexibility are given SACs, local law enforcement chief executives and others coordinating

the response to terrorism. For example, local law enforcement executives (chiefs and sheriffs) volunteered to speak to their elected representatives about the need for strengthening the local–federal partnership. The FBI can provide assistance to chiefs in developing protocols for sharing information with political leaders. Local law enforcement executive participants also offered to testify before Congress and other policymakers on behalf of, and with, the FBI to address obstacles to coordination and to ensure resources can be effectively deployed where they are most needed.

- Federal law enforcement (FBI, INS, DEA, ATF and others), the Department of Homeland Security and local agencies must work more closely to ensure that federal engagement and disengagement of area residents does not damage existing local police–citizen relations or otherwise undermine community-policing principles. Local and federal partners must work to realize community policing’s potential to provide all of law enforcement with valuable information and strategies for fighting terrorism.

A REGIONAL RESPONSE TO TERRORISM FOR LOCAL LAW ENFORCEMENT AGENCIES: A Site Visit Summary⁸

By their own admission, officials in the Redondo Beach Police Department (RBPd) recognize that the odds of international terrorists striking their community are slim. Yet even slim chances require enhancing agency preparedness. Situated midway between Los Angeles International Airport (LAX) and the Port of Los Angeles (POLA), and home to a number of potential terrorist targets such as an oil refinery, electricity power plant, regional shopping mall, defense contractors and beachfront tourist attractions, this agency of 105 personnel in southwest Los Angeles County has fashioned a comprehensive program that other midsize local law enforcement agencies across the nation may want to study and replicate.

The RBPd counterterrorism program is predicated on two approaches: developing internal resources and participating in four terrorism task forces,⁹ each organized at a different level of government. By fully developing its internal resources, RBPd officers believe they are better prepared to prevent and respond to a terrorist attack. RBPd's participation in—and in some cases leadership of—task forces has enabled its officers to develop a network of intelligence and investigative resources that culminated with the assignment of a detective to GITMO (the Camp X-Ray prison for al Qaeda operatives at the Guantanamo Bay Naval Station) to interrogate prisoners.

The attacks of September 11 caused local law enforcement agencies to ask, "What can we do?" RBPd personnel believed they had a place to look, if not an outright answer—The South Bay Police Chiefs Advisory Group.¹⁰ This group has a history of close cooperation. In fact, prior to September 11, 2001, one of the South Bay agencies was developing a plan to convene an advisory group to examine transnational crime. After the attacks, the focus of the proposed advisory group shifted to terrorism (one of the previously recognized transnational crimes). The Chiefs Group agreed with the plan for an advisory group and formed the South Bay Police Chiefs' Terrorism Advisory Group chaired by RBPd Lieutenant John Skipper.

The advisory group adopted the following two goals as the foundation for its deliberations and recommendations:

- Integrate with and complement existing or emerging efforts at the federal, state and local levels—avoiding duplicating efforts.
- Examine and develop a response to the unique needs of the South Bay.

The advisory group then identified 10 categories of issues¹¹ and appointed working groups

⁸ This description was compiled by PERF project staff after conducting a January 2003 site visit; interviewing personnel from local, state and federal law enforcement agencies; and reviewing available literature on the programs.

⁹ The task forces are the South Bay Police Chiefs Terrorism Advisory Group, the FBI Long Beach JTTF, the LA County Sheriff's Terrorism Early Warning Group and the California Anti-Terrorism Information Center.

¹⁰ Members of the group include police departments from Redondo Beach, El Segundo, Gardena, Hawthorne, Hermosa Beach, Inglewood, Manhattan Beach, Rancho Palos Verdes and Torrance. Combined, they have nearly 900 sworn officers.

¹¹ The 10 issue categories are Terrorism Task Forces, Training, Threat Assessment, Information Sharing and Analysis, Contingency Planning, Explosive Device Detection, SWAT Capabilities, Communications, Cyber-Terrorism and Resources.

of subject-matter experts from the participating departments to examine each issue. Within 45 days of receiving its charge, the advisory group had submitted nearly 100 recommendations to the chiefs, and within 90 days many of them were being implemented. Many of the recommendations have resulted in improved capabilities and new initiatives, while work continues on others. Recommendations in two of the categories—Terrorism Task Forces and Information Sharing and Analysis—have been especially successful and could be replicated or tailored by other agencies.

Terrorism Task Forces

One of the first and most successful efforts of the South Bay Group was integrating with other terrorism task forces in the Los Angeles area, especially the Long Beach JTTF. Prior to September 11, the FBI Long Beach Resident Office did not have a JTTF, but a more limited National Security Squad with 8 Special Agents. However, because RBPd wanted to work with other agencies, it contacted the Long Beach Office and offered to detail an officer who would act as a liaison to all South Bay agencies. That offer was accepted on October 5, 2001, and later that month, a Torrance officer became the second South Bay member on the Squad.

Both South Bay detectives became fully credentialed, cross-designated federal officers with Top Secret clearances. The detectives work in the JTTF office and are treated like FBI Agents in virtually all aspects of case assignment and management. Although the local officers have Top Secret clearance, they do not always have the same level of access to information that Agents do. Several JTTF members stated that lifting this restriction would improve investigative effectiveness without compromising security.

The Squad was designated a JTTF when the Bureau implemented plans to increase the number of JTTFs. The Task Force now includes participants from the LAPD, the LASO and the Long Beach PD, as well as investigators from the U.S. Navy, U.S. Customs, INS and the EPA to work with the officers and Agents.

The South Bay personnel on the JTTF have participated in more than 150 terrorism investigations, ranging from visa violations to financial support for terrorism, to surveillance and the arrest of individuals of known terrorist organizations. In addition to the two assigned officers, South Bay departments provide the JTTF with other needed resources. In particular, the local agencies routinely provide surveillance teams to the JTTF and on other occasions have provided SWAT teams and overtime pay to facilitate investigations. The South Bay involvement included the six-week assignment of a RBPd detective to GITMO to interview imprisoned terrorist suspects. The FBI and RBPd shared the overtime costs associated with detailing the detective.

In addition to the JTTF, South Bay departments are working closely with two other task forces. One of these is the Los Angeles County Terrorism Early Warning Group (TEW). The TEW is the intake center for information on terrorism, public order and dignitary security issues for LA County. Housed in the LA Sheriff's state-of-the-art Emergency Operations Center, its mission is to monitor trends and forecasts indicating terrorist threats or attacks. Unlike the JTTF, the TEW's staffing fluctuates according to need. Since October 5, 2001 officers from five South Bay departments, including the RBPd, have provided assistance to the TEW on a rotating basis.

A third task force in which South Bay participates is the California Anti-Terrorism Information Center (CATIC). CATIC was created after September 11 by the Governor. It serves as the central point for law enforcement terrorism intelligence. CATIC provides timely collection, coordination, analysis, investigation and dissemination of criminal intelligence information regarding terrorist activity to federal, state and local law enforcement agencies. The El Segundo PD assigned a sergeant to CATIC who serves as a representative for the nine South Bay departments.

Information Sharing and Analysis

To facilitate South Bay departments' coordination, each agency has appointed a Terrorism Liaison Officer (TLO). The goal is to have every agency identify one person who will receive information regarding terrorism and transnational crime, effectively interpret and assess that information and appropriately forward or handle that information. To help the TLOs develop and improve their skills, officers from several South Bay departments have developed and provided a three-day TLO training course. TLOs are expected to possess the following knowledge and abilities:

- Knowledge of types of criminal activity that provide financial support for transnational criminal organizations and terrorism
- Knowledge of community, regional, county, state and federal resources dedicated to combating transnational crime and terrorism and how those resources can best be used to investigate and deter them
- Knowledge of the structure and current activities of significant transnational criminal and terrorist organizations
- Knowledge of foreign prosecution/extradition procedures
- Ability to recognize activity indicative of terrorism and transnational crime
- Ability to access international investigative resources such as INTERPOL, FBI LEGATS, international law enforcement liaisons, etc.
- Ability to conduct threat assessments regarding evaluating and interpreting terrorism and transnational criminal activity information

Because of the sheer size of Los Angeles County and the number of law enforcement agencies,¹² the LA County Sheriff's Office has adopted the South Bay Chiefs' recommendation that each Sheriff's station appoint a TLO. The Sheriff's Office also is helping other police agencies in the county appoint TLOs. To maximize effective information sharing and analysis, the Sheriffs' Office and the South Bay Chiefs' Group are working to appoint a TLO Area Representative (AR) for each of the seven mutual aid areas in the county. Each AR would represent several departments and would serve at the TEW in a full-time capacity.

Other Successes

Recall that the South Bay Terrorism Advisory Group adopted nearly 100 recommendations. In addition to the successes described above, other noteworthy achievements follow. In keeping with its two goals, each of these successes either integrated South Bay resources with other federal, state and local efforts or improved the capabilities of the South Bay departments.

- Worked with the California POST to create training courses that address identified law enforcement needs. To date, the South Bay agencies have developed and delivered courses for law enforcement executives throughout the state and have developed train-the-trainer curricula for first-responder courses.
- Used an existing Serious Crime Reduction Fund to help support threat assessments, training, overtime and equipment.

¹² Los Angeles County is 4,084 square miles and has a population of 9,902,700 and more than 50 local law enforcement agencies.

- Working with State Assemblyman to pass legislation that would create a Terrorism Crime Reduction Fund to further support training and first-responder resources.
- With members of the business community, established the Foundation for Combating Terrorism and Transnational Crime, a nonprofit 501(c)3 organization that will collect tax-exempt donations to purchase terrorism-related resources. More than \$60,000 has been donated to the Foundation at the time of this writing, and it has purchased an explosive detecting dog for the L.A. Sheriff and Level C protective equipment for the South Bay WMD Response Platoon. It also has sponsored officer exchanges with Spain and Northern Ireland.
- Worked with the FBI and U.S. Attorney's office to develop protocols for handling off cases related to terrorism, but that are more traditionally criminal in nature (e.g., identity theft, narcotics).
- Identified and arranged for threat assessment training from Texas A&M University in Torrance for multidisciplinary teams from all of the South Bay cities.
- Organized a training course in Weapons of Mass Destruction that was held in Redondo Beach. This was the first of six training courses provided state-wide (includes train-the-trainer component).
- Developed local multidisciplinary terrorism critical-incident plans.

Lessons Learned

At the heart of RBPB's success is a philosophy of service to communities and the profession. RBPB has built an extensive informational and operational network with local, county, state and federal agencies. Several RBPB staff spoke about the principles they follow—so fundamental as to risk being labeled platitudes. Yet they seem to explain much of RBPB's success in building partnerships with other law enforcement agencies.

Have a Plan—RBPB studied the issues and developed a written plan with its partners in the South Bay Police Chiefs Group. This group of nine agencies first examined their own resources and needs and then expanded it to the FBI, the LA County TEW, the State POST and the CATIC.

Focus on Resource Building—No single agency has the resources to prevent the next terrorist attack. But by recognizing the value that each agency brings, these task forces—especially the JTTF—have been able to overcome many impediments to a successful partnership.

Commitment and Direction from the Top—The South Bay Chiefs' Group formed a Terrorism Advisory Group and gave it a clear mandate. When the group's recommendations were developed, the chiefs provided resources for implementation. In particular, the RBPB has provided resources for an officer to be detailed to GITMO and to allow other staff to develop and deliver training programs for the State of California.

Keep the Mission First—With four task forces at four different levels of government operating within 25 miles, failure is a distinct possibility. Egos, disputes and battles over turf and resources could easily undermine the success of any one task force or diminish cooperation. Some of these obstacles arise at times, and as these task forces grow in size there are greater opportunities for barriers to emerge. Yet, the ability of most participants to focus on the mission—preventing the next terrorist attack—has kept these task forces on track.

CHAPTER THREE

SECURITY CLEARANCES AND INFORMATION SHARING

Introduction

ISSUES RELATED TO SECURITY CLEARANCES AND NONDISCLOSURE AGREEMENTS are hot-button concerns for federal and local authorities alike—though often for very different reasons. Throughout the executive session, problems associated with security clearances were the subject of lively debate and discussion. Problems included those involving the process of receiving various clearances and how they affect the exchange of information. Generally, local law enforcement needs to know more about security clearances—the types of clearances, what they mean, and how they will affect law enforcement operations. They also need to understand nondisclosure agreements when they receive clearances, as well as similar limitations on federal officials’ information sharing.

FBI personnel need a more detailed understanding of what information and materials can be shared as unclassified materials and which can be disseminated to those with Secret clearance levels. Both sides need to determine how to format, package or translate national-level information into a form that is more readily available and useful for local law enforcement investigators and officers.

“I thought I understood security clearances, but today’s exchange really opened my eyes as to how they work.”

—Local Law Enforcement Executive

A Brief History of Security Clearances/Executive Orders

Clearance levels—"Secret" or "Top Secret"—are based on the "need-to-know" doctrine, which requires an FBI background check be conducted for those officials who *need* to have access to national security information that has been classified as "Confidential" or "Secret."¹³ As stated in the FBI brochure (2002) on the *Security Clearance Process for State and Local Law Enforcement*,

- "A *Secret* security clearance may be granted to those persons who have a "need-to-know" national security information, classified at the Confidential or Secret level."
- "A *Top Secret* clearance may be granted to those persons who have a "need-to-know" national security information, classified up to the Top Secret level, and who need unescorted access in FBI facilities, when necessary [emphasis added]."

The background investigation process for Secret and Top Secret clearances are mandated

by Presidential Executive Order. The FBI does not have the ability to waive these requirements. Any reforms that local law enforcement might like to see made to the procedures for obtaining a clearance would require changing the Executive Order. (Indeed, later sections detail suggestions that local chiefs would like to see made to the process.)

The categories of, and processes for, security clearances were developed years ago during the Cold War for a very different type of threat than what we face today. The executive session participants spoke about how the new threats to national security and domestic tranquility require rethinking the process by which security clearances are granted. While local law enforcement recognizes and respects the critical need to protect intelligence sources, every effort should be made to find innovative and more expansive efforts to provide local law enforcement with the information they need to confront terrorist threats in their own communities. The challenge for the country is to find some mechanism for conveying the information in a declassified format or bringing local law enforcement more rapidly within the classified arena, which will help protect our

¹³ An individual applying for employment or for a clearance must fill out a Standard Form 86 (Questionnaire for National Security Position). After a successful background check, the candidate will be required to sign the Standard Form 312 (Nondisclosure Agreement). The SF 312 form signifies that the individual is responsible as a holder of the particular clearance approved to protect national security. These forms are available from the Office of Personnel Management. However, each federal agency has supplemental forms that may need to be completed in addition to the SF 86 and SF 312. At this writing, these forms are not available online. In the near future, these forms will be available for individuals to complete online at the website for each federal agency and will be available on the OPM website. At this time, law enforcement personnel should obtain a form from their SAC, Security Officer, or the Senior Resident Agent from their locale. These individuals will assist law enforcement personnel through the process (FBI Office of Law Enforcement Coordination 2003).

counties, cities and towns across the country without compromising intelligence sources.

“More than a year after 9–11, I still don’t feel like I’m in the game. And I need to be in the game.”

—Local Law Enforcement Executive

The Sticking Points

The Office (now Department) of Homeland Security has been collecting information on challenges that must be addressed to ensure that all law enforcement resources are focused and coordinated in our fight against terrorism. The executive session participants encourage the Department of Homeland Security and other federal agencies to review the Executive Order that currently prevents a more expedited clearance process for local law enforcement officials and is a barrier to bringing state and local law enforcement resources to bear effectively on the task before us all.

The Long and Cumbersome Road to Clearance

This call for a review was the result of extensive executive session discussions about how security clearance issues exacerbate local–federal tensions and create frustration among local law enforcement leaders who perceive the process as confusing and impeding critical communication. Specifically, chiefs and sheriffs expressed frustration about the time required to receive a

clearance. Several of the executives at the session did not yet have clearances. Among those were a few chiefs who did not know if their applications would yield results of value to justify the investment in the process.

The position of local law enforcement around the table was that they are trustworthy and already engaged in collecting sensitive intelligence. As one chief said, “Why should we have to jump through hoops to prove our integrity?” There was consensus that chiefs and sheriffs want to receive security clearances without the usual waiting times to process paperwork. Local executives need to know what is happening in their jurisdictions regarding threats and investigations *now* and do not want to have to rely on a JTTF detective to determine what the local law enforcement executive should know.

The session participants suggested the following reforms to the Executive Order, FBI Guidelines and policies to eliminate the backlog and expedite future applications. These include shortening the forms, streamlining the process, using more retired officers to conduct investigations, working with local law enforcement to determine who needs a clearance, and using existing military or federal agency clearances, among others. A number of executives questioned whether the entire clearance process should be changed, or at least use some type of abbreviated approach for police.

FBI personnel spoke about the security clearance problem from their perspective. Local law enforcement personnel do not always complete and return the paperwork, or if they

do complete it, there are delays in returning it. Forms are not always fully or accurately completed. And too often local officials apply for Top Secret clearances when all they really need is a Secret clearance. There is a misperception that the FBI has control over the process—and local law enforcement sometimes believes that the process is an affront to their professionalism, when it is really just about following mandatory authorities.

FBI Follow-Up

Efforts are already underway to address the participants' recommendations. Executive Order 12968, which mandates that the FBI follow a long and arduous process for granting security clearances, has been further scrutinized. Following the executive session, the FBI arranged for an advisory group of state and local law enforcement executives to meet with the Intelligence Community Security Directors Forum on February 24, 2003, to discuss policies and procedures related to the Executive Order governing access to classified information and the security clearance processes. Representatives from the Department of Homeland Security

and the Associate Director of Central Intelligence for Homeland Security were also present. The meeting was complemented by a site visit to the Central Intelligence Agency. The forum was very productive—with discussions of law enforcement's concerns about the security clearance process. The FBI will be discussing how best to address them, including possibly recommending a change to policies governing the security clearance process.¹⁴

Different Federal Agencies, Different Clearances

Different federal agencies can require a local official to obtain a security clearance through that particular agency. For example, one local executive had two federal security clearances, but not one from the FBI. Consequently, the FBI would not share classified information with him. Another executive had a Top Secret clearance for the National Guard, but only a Secret clearance from the FBI.

Session participants learned that it is possible to have one federal agency transfer its security clearance to another federal agency immediately if the applicant makes a request.¹⁵

¹⁴ The participants also discussed how they could work together to address the special training needs of state and local law enforcement in the counterterrorism/intelligence arena (Timmons 2003).

¹⁵ As an example, the following procedures need to be completed if a police chief has a Department of Defense clearance and needs to transfer this clearance to the FBI to work on a task force. The police chief must contact the Department of Defense security office and request their clearance paperwork to be transferred to the FBI Clearance Access and Data Management Unit. The FBI practices reciprocity; therefore, a background check would not be required. An entry is made by the FBI Clearance Access and Data Management Unit into the FBI system to recognize that the police chief has an active clearance with another agency. The transfer of clearance can take place immediately, usually within that same day (Shubert 2003).

The same process is used to transfer a clearance from other federal agencies besides the Department of Defense to the FBI. The police chief must contact the security office of the federal agency to begin the

Knowing Sources Versus Acquiring Information

Significant portions of FBI investigations into terrorist activity may focus on criminal code violations. These investigations are not classified, and participation in (and knowledge of) them does not require a security clearance. Conversely, other portions of terrorism investigations focus on national security issues and are classified. In counterterrorism investigations, the sources of information and the information-collection methods can determine a classification. For example, the information source—mechanical intercept versus human source—can determine the classification. Human source-generated information is given higher classification to protect his or her identity. Human sources require tremendous security. Local law enforcement participants also understood that the FBI cannot share National Security Agency and other certain federal information by law. Even without source information, some information will still be classified.

Chiefs and sheriffs agreed: They need to know that a source is credible and reliable when receiving information. They do not al-

ways need to know the individual or specifics of how the information was obtained. This can mean the difference between needing a Secret (less source information available) and Top Secret clearance. Secret clearances can provide access to key information and escorted access to FBI facilities, which should be sufficient for any official not doing regular business at the FBI as part of a task force. The discussions revealed these important perspectives:

- Chiefs do not always need, and should not demand the source of, classified information. Information can be shared to a greater extent if sources are not disclosed. It is the information that is critical and need only be put in a context that characterizes the source. As one local executive said, chiefs and sheriffs need to distinguish between “need to know” and “want to know.” It is important to “trust the information broker.” He compared receiving source information from the FBI to his days as a narcotics officer, when he would not give up a source but could still share important information. He said that it was more

transfer process. In order to expedite a security clearance process of a local law enforcement official with a security clearance from another federal agency, the local official should request that the clearance be transferred from one federal agency to another, rather than initiating a new application. If a local law enforcement chief has the same level of security clearance from another federal agency, transferring the security clearance from the other agency is quicker than filling out the paperwork for a new security clearance.

A security clearance that is more than five years old must be renewed through a background reinvestigation of those past five years. The process would be quicker for the local law enforcement official to renew his or her clearance from the other agency before transferring to the FBI, instead of starting a security clearance process from the beginning through the FBI (Shubert 2003).

important to know the level of credibility of information from someone qualified to assess that. The important issue for him is to know whether the source was reliable, unreliable or untested.

- Some local law enforcement participants emphasized that they would want to know if the source was in their own jurisdiction or a neighboring jurisdiction. Such information would allow a local law enforcement agency the opportunity to link information and contacts simply because of their intimate knowledge of their local communities. Another executive concluded by saying that if we know the FBI is operating in an area or looking for an individual, the local executive can then direct officers to track the person without giving them the source information.

However, those local antiterrorism specialists that require more information on sources and more extensive access to detailed information will require the higher clearance level. Local police officers and investigators assigned to a JTTF require a Top Secret clearance, which

allows them to sit in front of an FBI terminal, work on an FBI computer and have access to certain federal databases. They may be privy to more specifics about sources of intelligence, if they *need to know*. The time required to obtain this clearance is six to nine months.

Most chiefs, by their own admission, substantively need only a Secret clearance and not a Top Secret. The Secret clearance can be awarded in 45 days. FBI SACs can also obtain an expedited clearance, if necessary. The chief may obtain “needed” information but will *not* obtain the source or methods of the information. The SF 86 and SF 312 forms will need to be completed, even after the fact, to obtain the appropriate clearance.¹⁶

Yet local law enforcement felt that a greater education effort must be made to ensure chiefs, sheriffs, mayors, city managers and others in municipal and state government understand the nuances of which clearance should be sought. Too often, policymakers, politicians and even law enforcement within their own agencies attach significance to the clearance level afforded a chief law enforcement executive.

¹⁶ A law enforcement chief executive who meets the appropriate criteria may obtain an expedited security clearance if “exceptional circumstances” exist for the granting of an interim Top Secret security clearance as part of the FBI’s Law Enforcement Executives and Elected Officials Security Clearance Initiative (LEO Initiative). Because the United States is at war against terrorism, the FBI’s top priority is counterterrorism. Executive law enforcement officials who have a legitimate “need-to-know” to protect the citizens of their respective jurisdictions are fulfilling an essential part of the FBI’s counterterrorism strategy. There is a national security interest in rapidly providing classified information to executive law enforcement officials. Additionally, the issuance of an interim Top Secret security clearance will only apply to LEO Initiative candidates requiring that clearance. In most cases, law enforcement chief executives will not need a Top

Perceptions Associated with Different Clearance Levels

So the fact that an investigator assigned to a JTTF has a Top Secret clearance while the chief has only a Secret clearance should not concern the chief . . . unless you are the chief.

Elected and appointed local government leaders and law enforcement personnel attach significance, even status, to the higher of the two clearance levels. They might wonder why the chief could not get the higher clearance, while others in the agency have it. The concern that chiefs have relates to their credibility and leadership abilities within their community. It also has implications for supervising lower-ranking personnel's work on JTTFs and other similar assignments. One recommendation from a session participant was to tie a clearance level to a rank, as it is done in the military. Others also advocated a comprehensive education effort. All those in governance and

policing must understand that Top Secret and Secret clearances allow access to much of the same information. Both Secret and Top Secret clearance will ultimately be determined by the "need-to-know" information doctrine.

Nondisclosure Concerns

Another concern with different clearance levels is the extent to which information can be shared or released among persons with different security clearances or with a person lacking a security clearance, such as a mayor or city or county manager, or even key commanders in the law enforcement agency. No one wanted to put a commander or JTTF representative on the spot, having them try to decide whether the information can be shared with their bosses. They should not be encouraged to violate a nondisclosure agreement (punishable by criminal charges and/or termination of clearance),¹⁷ nor do they want to undermine accountability.

Secret security clearance, as a Secret security clearance will suffice to meet their need to protect citizens (Shubert 2003).

However, in the event that an interim Top Secret security clearance is required, the applicant must complete a SF 86, Questionnaire for National Security Positions, and two applicant fingerprint cards. The applicant must undergo a Single Scope Background Investigation covering a 10-year period. The requirement for completing a background investigation has been established by Executive Order 12968 and is mandatory for all candidates requiring access to National Security Information. The candidate will be interviewed and checks conducted regarding the information provided on the SF 86, local agency checks to include internal affairs, verification of birth, credit checks and national agency checks (IE OPM, DCII and FBI records). After favorable results are received from these checks, an interim Top Secret security clearance will usually be granted within 30 days while the remainder of the background investigation is completed. The FBI has established a 180-day requirement to complete the full background investigation. The final Top Secret security clearance adjudication will be completed by the FBI's Security Division. Once favorably adjudicated for a Top Secret security clearance, the candidate will be briefed and execute an SF 312 Non-Disclosure Agreement (Shubert 2003).

¹⁷ The punishment for unauthorized disclosure is detailed on the nondisclosure form. Also, when obtaining a security clearance, the individual is briefed on the sensitivity of the issues. Intentionally disclosing information to others not holding security clearances can lead to termination of the individual's security clearance and criminal charges by the U.S. Attorney's Office (Shubert 2003).

Agency personnel at all levels must be briefed about the scope and nature of what can be disclosed once clearance is obtained.

The FBI will accommodate agencies that want their senior administrators to have clearances, with the caution that it will take time. Chiefs and sheriffs need to say for whom they want clearances. Nonetheless, the Nondisclosure Agreement is legally binding. Executives must also be aware of the impact of nondisclosure agreements on individuals with clearances: Some FBI agents who wanted to share information with local law enforcement and others they felt should have the information are under scrutiny to determine if that sharing was in violation of that agreement.

Conclusion

The conversations on security clearances proved enlightening on many fronts but also demonstrated that all parties have significant frustrations with the issue. Despite this, all session participants see security clearances as a “winnable issue” and in that light developed the following recommendations.

“If the FBI gets intelligence about a specific threat in your backyard, I guarantee you will know about it.”

—FBI SAC

Recommendations and Concerns

- Local, state and federal law enforcement, at all levels, must be better educated on the types of clearances, what they mean and where to go from here. They must then share that information with those in state and local governance. FBI and other federal personnel need more education on what and how things can be shared as unclassified materials. Federal agency personnel also need more extensive guidance about how to format information for local law enforcement and information for line officers. Then local law enforcement must be educated on what is available.
- The Executive Order governing security clearances should be reviewed and changed. Local law enforcement also want other administrative and legislative actions explored to facilitate the clearance process. Specifically, changes are needed to expedite the clearance process for law enforcement officials.
- It is possible to transfer security clearances from one federal agency to another if the applicant makes a request. Law enforcement officials with a security clearance from a federal agency should request that the clearance be transferred to another federal agency, rather than initiating a new application, by contacting the Security Office of the federal agency for which they currently have a clearance.

- Local chiefs and sheriffs request that the FBI make every effort to reduce the time required for Secret clearance from 45 days to 30 days.
- Local law enforcement personnel should also commit to expediting the process. First, locals have to complete and return the necessary paperwork. They should return the forms as quickly as possible. Forms must be filled out completely and accurately.
- Because most chiefs need only a Secret clearance, rather than Top Secret, chiefs and sheriffs should apply for the Secret clearance. The Secret clearance can be awarded in 45 days, whereas the Top Secret clearance can require nine months. The FBI can expedite a chief's clearance if there are exigent circumstances, but the background check process will then still need to be completed.
- Chiefs should refrain from requesting the source of classified information when it is not needed. And federal agencies, to the extent possible, should inform state and local authorities when there is information being generated from their local communities.
- Local law enforcement officers must adhere to nondisclosure agreements.
- Local agencies need to determine who in their police departments most need clearances and what levels of clearance are really needed.
- Local, state and federal partners should meet and discuss issues of trust and determine the best ways to share information through reformatting and other methods so that security clearances are not a barrier.

A COMMENTARY ON SECURITY CLEARANCES

by Edward A. Flynn, Secretary of Public Safety for Massachusetts and former Chief of the Arlington County (VA) Police Department¹⁸

When the Pentagon calls 911, it is the Arlington County Police Department that responds.¹⁹ And that is what we did on September 11, 2001, when my officers and I became first responders to the terrorist attack. Since that time, my agency has been immersed in dealing with the domestic terrorism threat. Many issues of concern have emerged through that work, and our labors on the Joint Terrorism Task Force, that have yet to be resolved. And while much has to be done on improving coordination, intelligence-gathering functions, interoperability and other aspects of a comprehensive antiterrorist response, we seem continually to come back to the core issues related to security clearances for local law enforcement and information sharing among federal, state and local authorities.

To be fair, I think the security clearance issue is something of a red herring. If you listen to any local police chief, sheriff, director of public safety or other chief executive, you will learn that their real concern is that local police perceive that they are not getting information from federal agencies, in particular, that might be useful in identifying potential terrorist threats. Security clearances are just one symptom of that problem and act as a lightning rod for law enforcement's ire.

One reason for this state of affairs is that many local police professionals believe that security clearance restrictions are sometimes used as an excuse by members of federal agencies not to share information with local law enforcement. Chief executives report that they are told they cannot be given information because they lack the necessary clearances, but that they are unable to gain that clearance in a timely manner. They also report that some members of their own agency, particularly officers assigned to terrorism task forces, are unable to report information to the chief because the officer has clearance, but the chief does not. As you might imagine, this does not sit well with most chief executives. We need to fix the problems associated with police chiefs not receiving their necessary clearances, which frankly should not be that hard. Then we can build on the real work that is being done to remove remaining obstacles to information sharing among law enforcement agencies.

There were several issues raised at the executive session regarding clearances that seemed to resonate with all participants. To put these comments in proper context, I should acknowledge that I have been guilty of holding up my own security clearance by not filling out the forms as Chief of the Arlington County Police Department,²⁰ though there is plenty of blame to go around.

To be fair, I think the security clearance issue is something of a red herring. If you listen to any local police chief, sheriff, director of public safety or other chief executive, you will learn that their real concern is that local police perceive that they are not getting information from federal agencies.

¹⁸ At the time of the executive session, Flynn was the police chief in Arlington County, Virginia.

¹⁹ Interestingly, the media and others have misperceived that the Pentagon is in Washington, D.C., when it is really located in Arlington County, Virginia.

²⁰ The writer has since left Arlington County and is now the Secretary of Public Safety for the Commonwealth of Massachusetts.

I was, admittedly, petulant about the need to fill out a lengthy form and undergo a detailed process. I had already had a tremendous terrorist attack in my jurisdiction; having responded and worked intensely on the issues in the months that followed, I felt a bit put out that I now had to jump through hoops to get a security clearance. After participating in PERF's executive session, I am now penitent and better informed about why the federal agencies must operate as they do. In that spirit, I believe efforts should be focused on addressing these three primary concerns:

First, local law enforcement often presumes that federal agencies are withholding detailed, relevant and important information, for any number of reasons.²¹ I am not convinced that this is the case. The FBI is learning to get back into the intelligence-gathering game just as we are, and we must acknowledge that the information just may not be there sometimes. Then, we need to work on issues of mutual trust so that we can share what information there is, while retaining necessary security and integrity. There have been instances we can all recall when we got information from CNN before the FBI. This can only be resolved through improved coordination, cooperation and accountability. There are old relationships and agency cultures that must be overcome to make this happen. And we must ensure that federal agents are not hiding behind clearances as the reason for not sharing information that could be properly given to local law enforcement if packaged correctly. We need to share information, whether through executive committees of JTTFs or other means, by presenting the information in ways that may not require clearances at the highest levels.

Second, I never fully realized that you could get the same substantive information with a Secret clearance that you can with a Top Secret clearance. We don't all need computer terminal access at the FBI. We don't need to know the precise source of significant information, only whether the source is credible, reliable and other more basic characterizations of the source. We also need to educate our own officers, city and county leaders, and others who attach importance to the security levels one has so that chief executives will be more comfortable seeking a Secret clearance (which can be granted much more expeditiously than a Top Secret clearance). If, in time, a chief executive feels he or she needs a higher-level clearance, it could be pursued at a later time.

Third, we need to work with the federal agencies to make the process less painful for police chief executives. This would acknowledge that federal agencies find the chief executives' input and involvement valuable to our joint efforts and want to share information with them. We need to request changes to legal authorities and regulations, whether White House Executive Orders or agency mandates, that place unnecessary burdens on the process for providing law enforcement professionals with clearances. Then we must identify who really needs the clearances and fill out the paperwork accurately and completely to expedite the process further. This can only happen in an atmosphere of mutual trust and respect.

We are more than a year past the terrorist attacks, and I'm not alone when I say that local law enforcement executives do not feel like they are in the game. If we fix the clearance issue, we will be one step closer to using local law enforcement as they should be used—full partners in the fight against terrorism.

²¹ We should not underestimate how fear of disciplinary or legal action can affect officers'/agents' decision to share information. Nondisclosure agreements; the threat of losing a job, or worse, in the wake of the Hanssen investigation; and confusion around exactly what level of information can be shared are all factors in that decision.

CHAPTER FOUR

JOINT TERRORISM TASK FORCES

Introduction

THE FIRST JOINT TERRORISM TASK FORCE (JTTF) BEGAN IN 1980 IN New York City with 11 NYPD officers and 11 FBI special agents. The concept behind the JTTF was to combine the efforts and resources of federal and local law enforcement to focus on persistent or nefarious criminal activity. By September 11, 2001, there were 35 JTTFs in operation. Since that date, the number has grown to 66 (Mueller 2003a, 2003b).

A Force Multiplier, But Too Limited

While the JTTFs can be an effective “force multiplier,” the executive session participants were concerned that they have been inadequate for sharing information and conducting investigations related to terrorist threats. This consensus resulted in two alternative recommendations: First, the local law enforcement agencies could advocate for a complementary, but different, forum in which they would get the level and type of information they are seeking. Or second, they could advocate for reforms to the JTTFs that would bring them closer to their intended purpose.

A JTTF Alternative?

Some participants suggested that while JTTFs are beneficial, law enforcement needs complementary mechanisms for handling terrorism investigations. The FBI does not have unlimited resources and cannot provide all the support local law enforcement needs. They contend that JTTFs are not the panacea to local–federal information sharing and cannot effectively deal with the comprehensive information-gathering and analysis required to address terrorism, even with every local or state agency giving another 10 command-level law enforcement officers to the effort. They are simply too limited by the

number of personnel and resources they have. The typical JTTF model dictates that only a small number of local investigators are involved, which constrains the information flow within local departments.²² Local members on JTTFs also cannot always debrief their own commanders because of the security clearance restrictions described in the previous chapter. Accordingly, this group of participants felt that these task forces are not the answer to local law enforcement's need for additional information on strategy, tactics and counsel on a wide range of issues. They proposed that chiefs need a complementary or additional forum to be effective decisionmakers and leaders on threats to their communities. Without an alternative forum, the limited nature of the JTTFs will continue to keep local law enforcement from being completely "in the game."

JTTF Reforms: Fixing What's Broken

Alternatively, some participants said that a different or complementary forum was not needed, but rather the focus should be on strengthening the existing JTTFs, including securing additional resources. Both these FBI officials and chiefs agreed that they need to make a stronger commitment to the JTTFs.

They involve too few law enforcement officers and do not draw on the full capabilities that local law enforcement can bring to the table. These participants posit that the FBI should work more closely with local law enforcement to identify local investigators who can be pulled into investigations on an as-needed basis. Other federal agencies, such as INS and ATF, should also participate more. Local chiefs need to commit more qualified and committed personnel as well. The effectiveness of JTTFs depends on local executives assigning and leaving officers on JTTFs, which FBI officials have said has been a problem in the past. Given the strain on resources, local agencies are finding it difficult to assign personnel solely to JTTFs, particularly when there are other task forces in the same jurisdiction that require staffing as well. This local police commitment has also been derailed at times by a cyclical problem in which local executives are unwilling to commit more than minimal resources because they perceive they will get little back from their investment. But their investment cannot pay off until they commit resources to a JTTF that will, in turn, ensure valuable and practical information will flow back to the local police executive.

²² There are 56 FBI field offices, each of which chairs a Joint Terrorism Task Force. Each JTTF includes members of such other federal agencies as INS, Customs, CIA and ATF, as well as state and local law enforcement. There are an additional 10 satellite JTTFs that are affiliated with the 56 field office JTTFs. Homeland Security is included as well. The mission of the JTTFs is to identify and target for prosecution terrorists and terrorist organizations planning or carrying out terrorist acts occurring in or affecting a geographic region and to apprehend individuals committing such acts. These task forces substantially increase the resources and scope of the effort to prevent terrorist attacks but also substantially enhance collecting and sharing real-time information, fundamental to effective intelligence support (Mueller 2003a, 2003b; Timmons 2003).

Information that the JTTFs provide to local law enforcement must be as timely as possible to make certain local agencies will stay involved. Another effort that would promote long-term local agency involvement would include developing a formal mechanism for providing regular briefings to, and ensuring accountability by, participating agencies. Several local executives suggested developing a briefing format similar to Compstat meetings used by local agencies. (See also, the Intelligence chapter for an in-depth discussion of the executive-briefing issue.) All can agree on one point: The JTTFs generally lack the structure, appropriate number of analysts and administrative personnel to support investigators and other critical resources.

“If one of our officers doesn’t carry his weight, the SAC should let us know so we can address it.”

—Local Law Enforcement Executive

While there are varying degrees to which participants believed their JTTFs have been effective, JTTF reformers are driven by their commitment to these task forces and to improving them to meet the needs of local agencies. These participants believe that JTTFs provide the proper venue for international terrorism investigations. They advocate for a centralized structure and believe the JTTF is the best current mechanism. Information needs to rest in a single place, and the JTTF provides

that forum. They are concerned that a different or complementary forum might undermine the JTTFs, provide confusion and redundancy, and further drain limited resources. One local chief said that he depended on his JTTF representative and trusted him to share information that the chief needed to know. “I feel he has enough law enforcement expertise to make those decisions,” said the chief.

Their bottom line: The focus should be on using the JTTF as the primary investigative mechanism, but with an eye toward improving it. For example, a resident agent teamed with local officers (some on a part-time basis) can be an ancillary part of a JTTF. Smaller local agencies should at least establish a point of contact for JTTFs.

How JTTFs Can Use Local Resources

Though the issue of supporting the current JTTFs—versus a complementary forum to JTTFs—was not fully resolved, the executive session participants went on to discuss reforms that would make the current JTTFs more effective. The first proposed change involved improving federal agencies’ understanding of how local enforcement resources could be used in a mutually beneficial manner. In return, local agencies would make the greatest commitment possible.

“Local law enforcement is still not being used by the FBI after September 11,” a chief insisted. Others agreed, citing examples of how their offers to provide investigators to the federal agency and/or the JTTF were turned down.

(Executives from large local agencies described how they could make dozens and even hundreds of investigators available to the JTTF, though other chiefs said they could not afford to deploy additional investigators.) And some of the SACs mentioned that they have struggled with how to incorporate the resources they were offered. All agreed that there should be better communication to local agencies that included the reasons why offers of assistance are being refused.

Ultimately each JTTF, individually, will need to determine how best to use local resources. The proper determination will probably depend on local agency size. Generally, larger agencies should be more involved in JTTFs. Medium-size agencies may be able to provide additional investigators on an ad hoc basis. Expanding a JTTF beyond a metropolitan area could include relying upon an ancillary group of local officers who are cleared and briefed as needed. They might attend big briefings or address specific issues or tasks but are not committed to the task force. This may also be a good approach to share information with smaller cities. At minimum, however, session participants suggested that local agencies should be prepared to make a short-term commitment to assigning an investigator to see how JTTF investigators work the cases. Some liaison between JTTFs and local agencies may be needed to help JTTF investigators remain effective.

Briefing Chiefs

Local executives expressed frustration about not knowing about JTTF investigations, especially those that occur in their own jurisdiction. They said that in some cases they could not get full briefings because they lacked the proper security clearance. Other local law enforcement participants said that they have to rely on the investigators they assign to the JTTF for updates because they were not getting direct briefings from the SAC. In response, several SACs said they now can brief local executives on the number of individuals in the executive's city that are under scrutiny.

“I don’t want a PowerPoint presentation after the fact, I want to know what is going on in my own city.”

—Local Law Enforcement Executive

Several SACs and chiefs spoke about using an executive committee to their JTTF. With this model, the executive committee might include the SAC, chiefs and sheriffs who contribute officers to the JTTF, and possibly others. All members of the executive committee would have at least Secret security clearances. The executive committee would serve as a governing board, assessing JTTF activities and conducting planning on terrorism issues. They would receive fewer operational details than their investigators assigned to the task force but would still get useful information from meeting on

a regular basis. Several session participants employ such a model and believe it effectively provides more comprehensive and regular briefings to local and state law enforcement, while maintaining the integrity of sources and investigations.²³

One area that an executive committee needs to emphasize is succession planning for its JTTF. Turnover among SACs and local executives, as well as the addition of new members, requires developing protocols for bringing in and orienting new members. Such long-term planning would help to formalize relationships that can survive turnover and personality conflicts.

Apart from an executive committee, the participants spoke about the need for more regular communication among law enforcement agencies in a region. For example, the FBI could regularly brief an identifiable and specific group of local police officials. In addition, investigators and officers should receive overview information about the role of the JTTF, perhaps through roll call training. Again, there appeared to be consensus that significant information could be shared if properly formatted or presented in such a way that security clearances would not be necessary. Valuable information can be conveyed, if properly packaged by federal agencies, to local law enforcement personnel who do not have security clearances.

Task Force Redundancy

While discussing the JTTFs, several participants cautioned that law enforcement runs the risk of having too many task forces. The existence of terrorism task forces at the local, county, state and federal levels could lead to less coordination and loss of information. One participant said, “I would prefer to have one single task force with the FBI coordinating it.” Local executives also emphasized their resource limitations, especially in light of redundant federal task forces (i.e., FBI, ATF, SS, HIDTA, INS) addressing the same crime problems (i.e., cybercrime, drugs, gangs and other issues). Local law enforcement warned that they may not be able to continue to contribute resources to all these task forces.

U.S. Attorney Task Forces

The U.S. Attorneys’ Anti-Terrorism Task Forces (ATTFs) also were the focus of executive session participants’ concern. ATTFs were initiated after September 11. Careful consideration is needed to ensure that the ATTFs do not duplicate the work of JTTFs and pull critical resources, such as analysts and equipment, from the JTTFs. Indeed, some participants suggested that the ATTFs should be working closely with the JTTFs, with the U.S. Attorney becoming part of the executive committee.

²³ The executive committees that some JTTFs have at this time do not follow a single model but are tailored to meet the unique needs of a jurisdiction, as participants stated they should be.

Coordinating JTTF

The FBI has created a national-level JTTF (NJTTTF) that operates out of Washington, D.C., and is available to help resolve problems a local JTTF may experience. The NJTTTF is staffed by officers from 30 different federal, state and local agencies and operates out of the FBI's Strategic Information Operations Center. The NJTTTF brings a needed national perspective and focus to the local task forces. It acts as a "point of fusion" for terrorism information by coordinating the flow of information between FBI Headquarters and the other JTTFs located across the country, as well as among the agencies represented on the NJTTTF and other government agencies, such as the Department of Homeland Security (Mueller 2003a, 2003b).

Participants cautioned against overcentralizing information in this coordinating task force. It is important that the NJTTTF send important information to the field offices and then provide them the latitude to make decisions about personnel, investigative focus and priorities that are consistent with local crimes and issues. Local executives spoke of the lessons that community policing has provided about moving decision-making and operational activities to lower levels.

Federal Inconsistency

Local law enforcement agencies are also concerned that federal resources must be better

used by local authorities. One concern they mentioned was that at a time of stretched federal resources from which they can draw, some are duplicative. For example, some training programs on specific topics (e.g., hazardous materials response, weapons of mass destruction) are offered by more than one federal agency in the same area (such as FEMA, ODP), while in other areas, training is not offered. A better needs assessment for local law enforcement should be conducted, and federal agency training and technical assistance should be assessed to minimize duplication. The problem is less critical than the duplication of task forces but should still be addressed, especially in light of plans to increase training by federal agencies, including the FBI.

Conclusion

The JTTFs have been effective (though the extent varies among jurisdictions) but can be improved significantly if they are made a higher priority, receive additional resources and have better direction and governance.²⁴ Local law enforcement's resources should be used to their full potential, and every effort should be made to eliminate redundancy and other drains on personnel. In return, local law enforcement should attempt to make a stronger commitment to JTTFs and work with others to create an executive committee or other means

²⁴ A strong cautionary note is needed, however. When developing criteria and guidelines for what information should be collected and shared among law enforcement agencies, every effort must be made to protect those guidelines because they provide a roadmap to intelligence collection efforts and could help those trying to infiltrate law enforcement.

to expedite information sharing among law enforcement partners.

Recommendations and Concerns

- JTTFs can be an effective “force multiplier,” but the primary concern is that they are currently inadequate for sharing information and conducting investigations related to terrorist threats. While some participants recommended complementary mechanisms to better share information and coordinate investigations with local law enforcement, many pushed for reforms that would make the current JTTFs more effective.
- Additional resources should be provided to the JTTFs, and both the FBI and chiefs need to make a stronger commitment to make the JTTFs more successful.
- Additional investigators, analysts and administrative staff are needed, either through direct assignment by local police and the FBI or supported through federal grant funds.
- The JTTFs need to consider alternative approaches to using the investigative resources that local law enforcement can provide on an as-needed basis.
- The JTTFs should establish a governing board in the form of an executive committee composed of the Field Office SAC (or Assistant Director in Charge) and local chiefs, sheriffs, directors of public safety and other key law enforcement personnel. This forum would ensure proper information sharing, commitment, accountability and coordination.
- The executive committees should develop a succession plan for their respective JTTFs that considers turnover in the chief executive positions, reassignment of officers and agents, and other local issues.
- Information produced by the JTTFs should be prepared and presented so that it has the greatest local relevance and is “user friendly” for local law enforcement.
- JTTFs should design and implement a Compstat-like process that would be the centerpiece for regular briefings and for ensuring accountability by participating agencies. Local agencies should designate a liaison to the appropriate JTTF if they do not have a permanent member on it. Likewise, FBI officials should encourage and accept these liaisons. These liaisons will facilitate the development of relationships among local agencies and JTTF personnel and provide a point of contact when needed by the JTTF.
- Federal law enforcement agencies should limit the number of redundant task forces (e.g., drugs, financial crimes, cybercrimes) or realize that the effectiveness of these task forces could be harmed by the inability of local law enforcement to keep supplying personnel and resources.

- The U.S Attorneys Anti-Terrorism Task Forces (ATTFs) should work closely with the JTTFs to reduce duplication of efforts, reduce the omission of necessary steps, ensure that resources are not drawn away from the JTTF, and coordinate effective strategies. The U.S. Attorney should be a key member on the proposed JTTF executive committee.
- In many regions, federal resources (task forces, specific training) are abundant and sometimes redundant, while in other regions they are lacking altogether. Chiefs, sheriffs and SACs all stressed the need for strategic planning to achieve greater consistency and coordination.

***HEART OF AMERICA JOINT TERRORISM TASK FORCE:
The Counterterrorism Executive Board (Kansas City Division)***

by Kevin Stafford, Kansas City Special Agent in Charge (SAC)

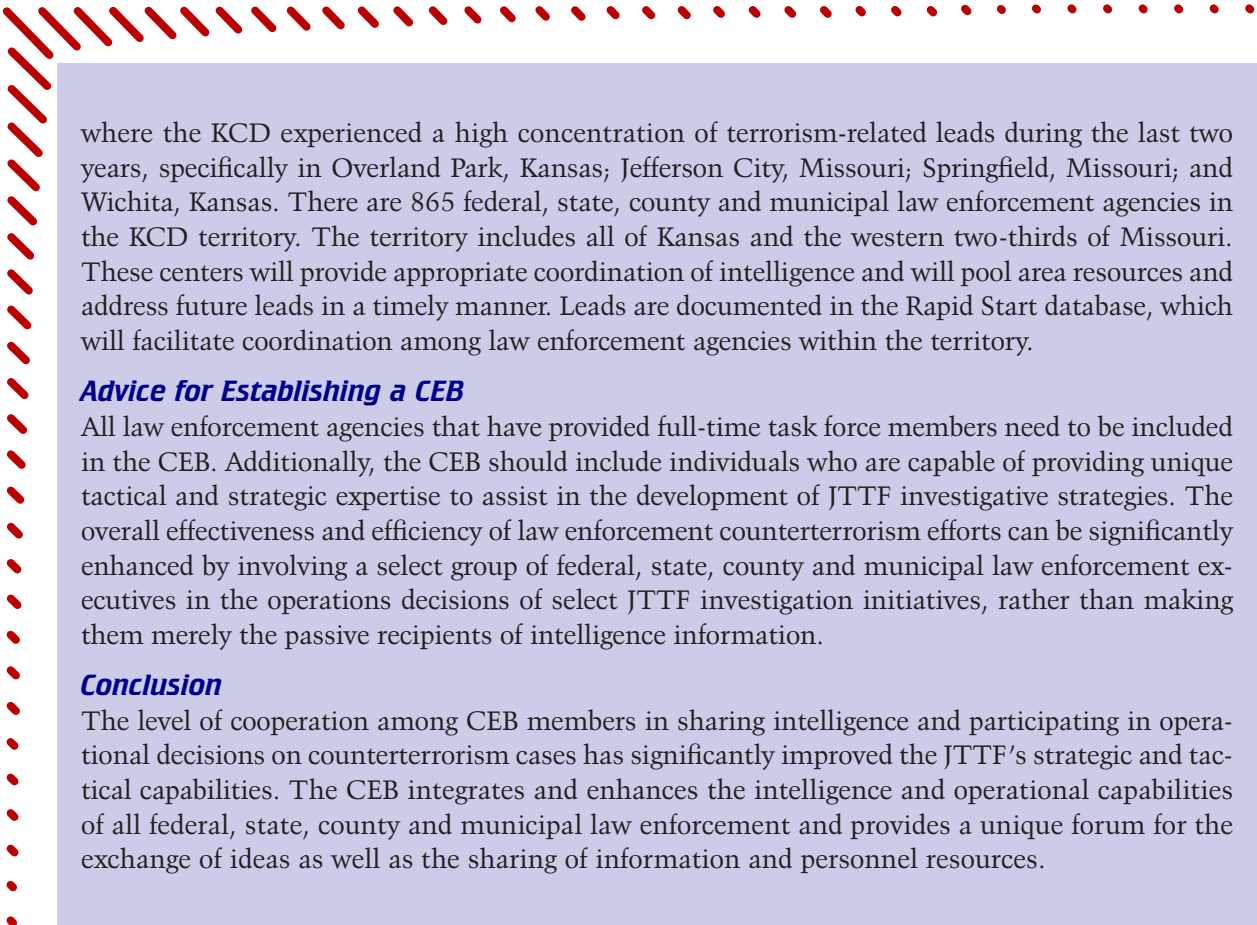
On December 16, 2001, the FBI's Kansas City Division (KCD) officially created the Heart of America Joint Terrorism Task Force (HOA JTTF). The task force was created to effectively and efficiently develop, analyze and disseminate intelligence and to work cases involving international and domestic terrorism matters in Kansas and western Missouri. Consistent with FBI national priorities, the primary mission of the HOA JTTF is to prevent acts of terrorism and to respond to, investigate and prosecute individuals or groups involved in acts of terrorism. The HOA JTTF comprises FBI Special Agents and full-time task force officers from 19 different federal, state, county and municipal law enforcement/intelligence agencies. HOA JTTF personnel are located in the Kansas City headquarters office, as well as in several resident agencies.

On February 4, 2002, the SAC established the Counterterrorism Executive Board (CEB). Initially, the CEB was composed of agency heads from 19 federal, state, county and municipal law enforcement organizations—with each assigning a full-time investigator to the HOA JTTF. As it has evolved, membership in the CEB has been modified to include individuals who bring unique subject-matter expertise that enhances the tactical and strategic capabilities of the CEB. Currently, representatives from eight federal agencies; five state agencies, including the Directors of Homeland Security for both Kansas and Missouri; and 10 local agencies constitute the CEB. Also included on the Board is Dr. Joseph Waeckerle, a nationally recognized medical expert on weapons of mass destruction and emergency medicine.

The CEB was created to ensure that federal, state, county and municipal law enforcement officials receive critical terrorism threat intelligence concerning their territorial responsibilities in the most thorough and expeditious manner and, most important, are given the opportunity to provide operational input on how those threats could be addressed. The CEB meets on an as-needed basis, but no less than quarterly. As of January 2002, the CEB has formally met six times. Classified information is disseminated personally by the SAC or through agency investigators assigned to the JTTF, who then brief their agency head. All members of the CEB maintain a Secret or Top Secret security clearance. The CEB addresses the concerns that many PERF executive session participants voiced—that local law enforcement chief executives wanted more direct, substantive briefings and effective mechanisms to contribute to the work of their JTTF and coordinate their efforts with federal and state agencies.

To address investigative matters that will arise in the event of hostilities, the CEB recently developed (and is in the process of implementing) satellite command posts to handle unclassified investigative leads that the KCD receives or develops. These command posts, referred to as Intelligence Integration and Regional Operation Centers (IIROICs), will support the KCD's Crisis Management Center (CMC) by providing more human resources, including staffing additional telephone banks, and handling unclassified leads. As this paper goes to press, the FBI anticipates that all investigative activities conducted by the IIROICs will be assigned and coordinated through Rapid Start,²⁵ operated at the KCD's CMC. The IIROCs are based in locations

²⁵ Rapid Start is a computer database designed to organize a large volume of case information to include tracking leads, subjects, victims and witnesses. Reports can be obtained through Rapid Start such as how many leads are assigned or unassigned, how many leads are outstanding, and to whom the leads are assigned. Rapid Start also has full-text search capability. Searching in the database assists in preventing the duplication of leads.



where the KCD experienced a high concentration of terrorism-related leads during the last two years, specifically in Overland Park, Kansas; Jefferson City, Missouri; Springfield, Missouri; and Wichita, Kansas. There are 865 federal, state, county and municipal law enforcement agencies in the KCD territory. The territory includes all of Kansas and the western two-thirds of Missouri. These centers will provide appropriate coordination of intelligence and will pool area resources and address future leads in a timely manner. Leads are documented in the Rapid Start database, which will facilitate coordination among law enforcement agencies within the territory.

Advice for Establishing a CEB

All law enforcement agencies that have provided full-time task force members need to be included in the CEB. Additionally, the CEB should include individuals who are capable of providing unique tactical and strategic expertise to assist in the development of JTTF investigative strategies. The overall effectiveness and efficiency of law enforcement counterterrorism efforts can be significantly enhanced by involving a select group of federal, state, county and municipal law enforcement executives in the operations decisions of select JTTF investigation initiatives, rather than making them merely the passive recipients of intelligence information.

Conclusion

The level of cooperation among CEB members in sharing intelligence and participating in operational decisions on counterterrorism cases has significantly improved the JTTF's strategic and tactical capabilities. The CEB integrates and enhances the intelligence and operational capabilities of all federal, state, county and municipal law enforcement and provides a unique forum for the exchange of ideas as well as the sharing of information and personnel resources.