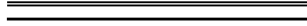
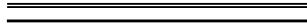


**The Bill Blackwood  
Law Enforcement Management Institute of Texas**



**First Responders and Terrorism**



**A Leadership White Paper  
Submitted in Partial Fulfillment  
Required for Graduation from the  
Leadership Command College**



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## **ABSTRACT**

There is a belief that addressing terrorism is the federal government's responsibility. The federal government, as large as it is, cannot be everywhere. Law enforcement can and should supplement where the federal government is lacking. The purpose of this research paper is determining whether local law enforcement is prepared to deal with terrorism in this nascent form. Addressing this matter and preparing accordingly has become a crucial component of law enforcement training due to the reality that at any given moment a catastrophic event can and will occur. Through research and analysis of previous terrorist events that have occurred in the United States, it is apparent that there exists a significant disconnection between federal and local law enforcement agencies to provide safety and security. It is recommended that local law enforcement agencies get back to the basic 'grass roots' of community policing by developing operational strategies, philosophical strategies, and resource deployment strategies to combat attacks of terrorism.

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## INTRODUCTION

It is commonly wondered how physical beings such as government agents or police officers can combat a concept like terrorism. Terrorism, though conceptually intangible, manifests physically during terrorist attacks. Prior to this manifestation there are other physical forms, such as attack planners, weapons stockpiles, etc. that will be used to facilitate these attacks. Of concern in this research paper is whether local law enforcement is prepared to deal with terrorism in this nascent form.

Terrorist attacks have the potential to affect hundreds to thousands of lives in a single event. For example, according to Shariat, Mallonee, and Stephens-Stidham (1998), the Oklahoma City bombing affected 1,259 people and harmed or killed 851 people. It is because of this potential that confronting terrorism is as important a topic as it currently is.

It is the responsibility of law enforcement officers around the globe to protect lives, to protect property, and to maintain order. These fundamental responsibilities have not changed. In the aftermath of the terrorist attacks of September 11, 2001, the government changed the focus of federal law enforcement agencies, and the Department of Homeland Security, and its child agency Immigration and Custom Enforcement (ICE) were formed. Although this augmented federal response, it did nothing to enhance local response.

Associated Press reporter Matt Apuzzo stated about the NYPD Intelligence Division, "the lesson of 9/11 to the NYPD was, "We can't sit back and just let the federal government tell us how to keep us safe or what intelligence we need to know or who might be after us" (Green, 2011, para 3). Apuzzo further added that "we have to take

responsibility for this ourselves, and we're going to go to wherever we need to go to get this information" (Green, 2011, para. 3). Local law enforcement must respond to attacks as they come and after they are executed, while it currently remains the role of federal agencies to address the planning stages of these attacks. It is then the goal of this research to address why the deficiencies that local law enforcement has, vis-à-vis terrorist attacks, must be addressed. Local law enforcement should develop the ability to recognize and properly handle nascent/present terrorist threats. Law enforcement can and should supplement where the federal government is lacking.

For purposes of this research paper, terrorism will be defined as the systematic use of violence attacking civilian targets, local/federal buildings, public gathering places and any other venue to send a message or achieve some goal. The use of violence may target a school, movie theater, marathon event or any physical structure, still the purpose and intent of the terrorist is to cause fear, harm, and, ultimately, serving a purpose. This research paper will explore and propose recommendations for the responses of varying acts of terrorism.

## **POSITION**

As stated above, terrorism has the potential to affect lives at a large scale. Since the public is not confronted with terrorism daily, their perception of police protection is confined to small-scale threats such as personal property and personal injury at most a bar room brawl, family fight, or traffic related incident. Mass casualty events are rare, and the public is normally surprised when they think of beat cops taking on Al-Qaeda. However, when a terrorist attacks, it affects every day citizens: it is not confined to government buildings, agents, or soldiers. Those citizens are under the protections of

local law enforcement as well as the federal government. This is why preventing these attacks should be the responsibility of both groups.

In a report released by the House Committee on Homeland Security on the Boston Marathon bombings on April 2013, it pinpointed failures of state, local, and federal authorities to communicate and share information that could have prevented this attack. The report further stated that there was simply a failure to “connect the dots”, an all-purpose disclaimer used to avoid serious accounting for previous unexplained failures of government agencies to prevent terror attacks, from the September 11, 2001 attacks on New York and Washington, DC, to the attempted 2009 Christmas Day bombing over Detroit Metro airport (Barrickman, 2014, para. 22).

The protection of the lives that fall under local or federal law enforcement jurisdiction is of the highest priority. Whether dealing with a small town or a large city, law enforcement must understand their responsibility to ensure the appropriate tools are utilized to prevent an attack and to quickly respond if one should occur. Though terrorist attacks are usually intended to cause mass casualties in large cities, as a message to be sent, recent school shootings, such as the Sandy Hook School and the Boston Marathon bombings demonstrate that sometimes there is no message to be sent and attacks can happen anywhere. Both acts required an effective response from law enforcement that is prepared to handle such a catastrophic event. This has become a crucial component of law enforcement training due to the reality that at any given moment another school shooting or an act of terrorism can and will occur. This is not to say that message-less terrorism is akin to a random unplanned attack. These school shootings

could have been prevented had certain leads been explored. These leads however are likely hard to find and require special investigative teams.

Berry (2012) expressed, "Government at all levels is recognizing the need for change in law enforcement ability to respond and adapt to changes as new threats emerge" (p.13). Local law enforcement traditionally is designated in a first responder role. This means, for terrorist attacks, their first engagement is during an attack or most likely after casualties have occurred. This highlights how reactive local law enforcement has become and perhaps shows that engagement at earlier point of the whole timeline of the attack, including planning, may have saved lives. According to J.D. Lightfoot, an instructor for a Midwestern police department, "During an active shooter incident, you are dealing with a very brutal equation: Time taken by first responders equals casualties" (Pirro, 2013, p. 3).

Proactivity, when dealing with terrorism, means more than just 'being ready to handle a crisis at any given moment.' This sort of readiness is a hallmark of any good police department. Terrorist attacks call for a proactivity that has been conventionally reserved for federal agencies. The aim of this research would be to augment the local police agencies with a new section, devoted solely to counter terrorism. This squad's main focus would be intelligence gathering, leaving crisis response (the reactive element of counter-terrorism) to already trained SWAT teams.

The federal government, admittedly in all aspects (training, resources, personnel, etc.), is leagues ahead of any local team that can be formed. The agencies that deal with counter-terrorism at the federal level have been growing steadily since the 9/11 attacks. Their widespread training in dealing with large national threats requires them to

be on the leading edge of intelligence gathering, interception of plans, and all manner of stopping attacks before they occur. It is then unfortunate that this data historically has not been shared with localities where these attacks may occur.

Local authorities are made aware of the attacks sometimes only after they have occurred. Federal surveillance sometimes skips over home-grown terrorists whose plans are not broadcast but still betray their intent through less monitored channels like behavioral changes at school, large purchases of explosive intermediaries, or other non-descript “flags”. It is precisely these gaps that local enforcement can, and should, fill in (“National Commission,” 2004).

This counter-terrorism unit also can be proactive in other ways. Identification of potentially unsecured targets, community awareness programs, informant programs, and many other means can be used to protect all fronts. High profile targets (energy/chemical plants, military buildings) within cities must be identified and, whether unsecured or not, should be fortified against easy access or simple critical attack. Community outreach can augment the senses of the counter-terrorist squads by enlisting the aid of citizens and teaching them what to look for. Police departments will not be effective at counter-terrorism unless an earnest effort is made.

The concepts outlined above should be acted upon to fulfill both the duty of local law enforcement agencies to protect the lives under their charge and for these agencies to take a more active role in dealing with a threat that faces us all. The adage goes “an ounce of prevention is worth a pound of cure.” At the International Organizations Security Council meeting held in Africa on January 15, 2013, Ron Prosor, the Israeli ambassador to the United Nations, stated “It takes a network to beat a network. The



challenge we face is growing as a result of an increasingly linked network of smuggling rings, transnational criminals, and terrorists” (Prosor, 2013, para. 97). Prevention in the case of terrorism requires a unified front of all agencies working together.

When normal crimes are committed, police step in and investigate the crime from what is known at the end and work backward, following the evidence to a suspect or group of suspects. Terrorism needs to be confronted pre-emptively from potential suspects to crimes on the verge of commission. According to Riley, Trevor, Wilson, and Davis (2005) “counter-terrorism investigation especially aimed at prevention, must look at a number of paths – assembling enough information about each to know when patterns are changing or something suspicious is afoot” (p. xv). For these paths to be followed, a far reach is required, along with more ‘boots on the ground’. These ‘boots’, should be both federal and local to create the widest network possible.

## **COUNTER POSITION**

Adoption of a unified front of federal, state, and local law enforcement against terrorism is bound to have detractors. Some believe that it should be the sole purview of the federal government. Others think that local departments do not have or should not spend the resources on extra-ordinary squads and units. Still others would protest that this already exists in the form of Special Weapons and Tactics (SWAT) teams. This section will detail those points of view and attempt to rebut them.

Terrorism, generally, is a message to a state. Whether in the Middle East, Europe, Russia, or in the United States, the message is intended to be sent to the leaders. Examples include the Oklahoma City Bombing, the Moscow Theatre crisis, and the Madrid train bombings. These attacks were directed at a government, and

because of this, many see terrorism as not a criminal act, but a matter of national security. In 2005, Terwilliger, Cooperstein, Gunnarson, Blumenthal and Parker, posited that: "The Constitution confers on the federal government an "independent substantive power" with respect to national security, and specifically with respect to the "persons or property of [an] enemy found, at the time, within the territory" of the United States" (Terwilliger, et al, 2005, para. 10).

The federal government is better trained, they are better equipped, and it is their duty to protect the nation from external threats. Theirs, at least superficially, looks to be the better claim concerning stopping acts of war from terrorists. However, the acts of terror committed, while they sometimes are well organized and executed, are not committed by armies or States. These acts are still carried out by individuals, like normal crimes. They are not carried out on a field of battle, rather they are done in the heart of cities or industrial centers that fall under the jurisdiction of local law enforcement agencies. These attacks are not directed, by and large, at military targets.

To truly 'terrorize' and incite fear, the attacks are directed at the citizenry. While it would be easy to answer this counter-argument by using "protection of life" as an answer, there are lesser answers. This paper deals with attacks within the homeland; these attacks are rarely planned elsewhere and then committed here. Because these attacks must be planned here, and planning takes much time, the terrorists will likely encounter local law enforcement far before they alert the federal government of their presence and intent, barring of course their initial entry into the country if they are foreign. Home-grown terrorists will be deeply ingrained in the local communities, where the federal government oversight may be lacking. Resources required for these attacks, be they

explosive materials, transport, etc., will have to be acquired locally (within the United States). For these reasons, local law enforcement, when as deeply ingrained as the perpetrators, through community policing and other efforts, stand a much higher chance of intercepting and stopping attacks. With proper counter-terrorist training, or a counter-terrorist unit, the chances only get higher. According to Riley, Trevor, Wilson and Davis (2005), "It is increasingly said that federal agencies such as the Federal Bureau of Investigation (FBI) and US Secret Service can no longer work alone in protecting the United States from further attack. Rather they must work in partnership with other public, and private agencies and most important with local police" (p. xv).

In 2012, the federal government appropriated 716 billion dollars to national defense. The government also appropriated 60.5 billion to the Department of Homeland Security. While not all of this was spent solely for counter terrorism, this does not include money spent on the Central Intelligence Agency (CIA), FBI, or any other agencies involved with counter terrorism. With such large amounts involved, some argue that funding counter terrorism at the local level would be cost-prohibitive.

Realistically, terrorist threats are directed at high profile targets in large cities. Small cities and counties, rural locations, would likely not have to worry, e.g. would not have to spend much on simple training. Large cities would have to bear the brunt of the cost. Communication and cooperation would be extremely important. The costs incurred by the local departments would be much smaller and much more focused than those of the federal government as local departments have less ground to cover. Whether the agency is small, serving less than 50,000 residents, or a larger agency, serving over 800,000 residents, the cost is relative to the size of the department,

resources available, and the ability to incorporate this training on a yearly basis. This is not to say the cost will not be significant, rather that it will not be prohibitive. For example the costs associated to the response of the Sandy Hook School shooting were significant. However, no response is not an option and agencies should be prepared financially.

Finally, many people associate police counter operations with SWAT. SWAT has military weaponry, and is trained in how to use it. It is inevitable that some will say that SWAT already fulfills a counter-terrorist role. With their military style-training and experience dealing with hostage/standoff situations, it seems that they would be the perfect group, already in place, to deal with terrorist threats in their cities.

SWAT, however, is suited toward a reactionary role. SWAT, by its very nature, is there to counter threats that have already presented themselves. For this counter-terrorism unit, their "aim would be to supplement SWAT response or immediately react and terminate a possible attack in the event that waiting for a SWAT response would result in a further loss of life" (Mannix, 2005, p. 10). These units could also augment and coordinate the response to an attack that would involve multiple attacks set to happen simultaneously.

The law enforcement community together with the community must be creative, resourceful and strategic in the methods they design to prevent terrorist to take root in their neighborhoods. The idea of counter-terrorist units at a local police level might not garner much support initially. However consider what the New York Police Department did after the attacks of 9/11. They hired David Cohen CIA, and Michael Sheehan formerly Department of State to help them form counter-terrorism measures in the

department. The Transportation Safety Agency, DHS, and other agencies that evolved in the wake of the 2001 terrorist attacks have inured people to the idea that more government is the answer. Some of the reactions of the government post 9/11 were mistakes; others brought tighter security to the United States. It is hard to measure the efficacy of these programs, as the metric of “no further terrorist attacks” could be because of sheer luck, or it could be that the programs enacted are working. This lack of a measure for efficacy, as well as decline in public support for measures such as these should not prevent their adoption.

## **RECOMMENDATION**

For the reasons stated and the research quoted, local law enforcement should develop a means of handling terrorist threats to their communities. Preferably, these threats should be dealt with before they become outright attacks with the potential for a mass casualty event. It is suggested that a full unit be created, a counter-terrorism department, separate from any other unit. For the police to perform their duty, that of protecting the citizens under their charge, threats should be assessed and prevented. While many threats have been accounted for, lethal and otherwise, terrorist attack is still something that local police respond to rather than investigate. While the government has already initiated the creation of agencies to combat terrorism, there are gaps where the government cannot reach. Local law enforcement fills these gaps in other roles, and should in this role as well.

The arguments shown against creating local counter-terrorism units are many, and this research has focused on three specific areas: Whether it is the role of local police to fight terrorism, whether the expense is too excessive and whether SWAT

teams already fulfill this role. These arguments were rebutted. It is the role of local police to protect the lives under their jurisdiction, and terrorist attacks affect these citizens, so the connection is clear. The expense is likely overstated based on current funding numbers, inefficiencies, and other bloat. As well, the funding will be distributed across multiple localities. SWAT teams are reactive, and the crux of this research is to promote pro-activity.

It is then recommended that a counter terrorist unit within local departments be formed. Intelligence training from federal agencies would be necessary. Civil liberties must be maintained, and this unit cannot overreach its boundaries. Police powers are granted to law enforcement by the constitution; however, the community has to be part of this equation because a core function is to serve as a public servant. Maintaining public trust is executed through community policing efforts. It takes a community to prevent crime. As with other governmental agencies, caution must be exercised, and it is better to err on the side of the citizen, rather than the side of security.

Some of these steps have already been taken. NYPD has taken a Community Policing-Based approach to counter-terrorism. In 2005, Skolnick reported on the NYPD's efforts in implementing this sort of strategy. Deputy Commissioner James Fyfe stated, "terrorists don't like to live in corners, they prefer the middle of the block, they keep windows covered, they have little furniture, they come and go, they pay in cash, they don't have checking accounts, [and] they don't have credit cards" (Skolnick, 2005, p. 55). Fyfe explained different characteristics of terrorists, and further stated, "Any one of these is not a crime, but taken together, they might constitute a pattern suggesting terrorist activities" (Skolnick, 2005, p. 56). He also continues to clarify that if a police

officer can build relationships within a community, “that's valuable for enforcing the criminal law, and for preventing terror” (Skolnick, 2005, p. 56) With foundations already in place, strategies proposed can be refined, implemented, and ultimately, successful.

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