

Preventing Domestic Terrorism: Local Law Enforcements Role in the Homeland Security  
Mission, and the Shortcomings in the Fight Against Terrorism

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Preventing Domestic Terrorism: Local Law Enforcements Role in the Homeland Security  
Mission, and the Shortcomings in the Fight Against Terrorism

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## **Abstract**

### **Preventing Domestic Terrorism: Local Law Enforcements Role in the Homeland Security Mission, and the Shortcomings in the Fight Against Terrorism**

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Under the Supervision of Dr. Cheryl Banachowski-Fuller

No one incident has changed the way that law enforcement conducts their business since the terrorist attacks that occurred on the morning of September 11, 2001. Prior to that day law enforcement concentrated their efforts on dealing with local crimes and community issues, hut with the terrorist attacks, and the ever-increasing threat of another large-scale attack has put homeland security a priority mission, and local law enforcement on the front lines in this new mission. With this new mission and the creation of the Department of Homeland security, changes needed to be made, especially when it came to communication between all levels of law enforcement. This paper will look at how law enforcement agencies adapted to meet this new mission, including the theories that are being used to help identify threats to the homeland security, which also look directly at the individual levels. This paper will also look at methods that law enforcement is using to identify threats, how terrorists commit street crimes, and can be an indicator of terrorist activities, and how community policing and intelligence policing can not only identify issues within the communities that they protect, but also fit into the guidelines of the homeland security mission. Also, recommendations will be made on how law enforcement agencies can be better prepared for the next large-scale terrorist attack, because it is not a matter of if, but when.

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## **I. Introduction**

### **Statement of the Problem:**

Since the terrorist attacks on 9/11, there have been many thoughts on the role of local law enforcement and the war on terror, specifically domestic terrorism. Terrorist threats are constantly evolving, and to keep up with these ever-changing tactics of the terrorists, Law Enforcement must adapt as well. These police and sheriff departments across the country are now on the front line, and first responders to terrorist attacks in the United States, but are they prepared? The Department of Homeland Security was created to help prevent future attacks on US soil, and to develop policies and strategies to pass down to local law enforcement agencies so that there is a universal response to dealing with domestic terrorism. This increased responsibility includes intelligence gathering, mutual aid agreements, and joint training between local law enforcement agencies, Federal agencies, and the military. However, these are not happening, and only one half of the agencies that were looked at even had any policy addressing terrorist activities (Burruss et al 2010). Terrorism is a threat that the United States faces daily, and the Government is always trying to find new ways to prevent another major terrorist attack. While they plan, and gather intelligence, they fail to incorporate, or if they do at a small scale, local law enforcement agencies, who are the first responders to these incidents. If there was more cooperation between federal agencies, there is a better chance at not only preventing a major attack, but also limiting the collateral damage if there is an attack. It can be difficult to gather information about impending attacks, but using a psychological approach when dealing with terrorists, it may give a better insight into the mind of these terrorists, and thinking like them is another tool in combating terrorism. On the night of June 11, 2016 an American citizen

claiming to be a supporter of ISIS entered the Pulse nightclub in Orlando and began a shooting spree that left 49 people dead, and many more wounded. What came up during the investigation was that the FBI had been looking at the individual since 2013, almost three years before the massacre, for statements that he made about his family's ties to al-Qaeda and Hezbollah (Scherer et al 2016.) The Orlando police had no idea that they had an individual that was living in their community that was being watched as being a potential terrorist. If the Orlando police had known this could, the shooting have been prevented? This is the problem that needs to be addressed, and the Department of Homeland Security needs to make sure that all law enforcement agencies have the policies and programs in place, and that the intelligence gets down to the lowest levels of law enforcement because they are the ones on the street, and are the most likely to prevent an attack before it happens. This research will identify the lack of communication between the Federal Government and Local Law Enforcement Agencies when it comes to dealing with terrorism, and preventative measures that are being currently used.

### **Purpose of Study**

Knowing what resources are available, and identifying information that needs to be shared could have an impact in preventing another terrorist's attack that could cost hundreds or even thousands of lives. It will also showcase the lack of preparedness to not only deal with a terrorist attack by local law enforcement, but also that there are programs and training available to local law enforcement to not only help with a future terrorist attack, but steps that can be done to prevent them. With approximately 17,000 law enforcement agencies in the country, this is a daunting task, as agencies vary in size, bureaucratic connections in the local government, and how state laws impact what they can and cannot do. This is an important topic to address because attacks in the United States are continuing to get more frequent and even deadlier, which

is evident by the attack that happened in Las Vegas on October 1<sup>st</sup>, 2017. To date is the deadliest mass shooting in US history, surpassing the shooting at the Pulse night club which was only just over a year before, and somewhere someone is probably planning one that will be bigger and even deadlier, which may be prevented with better intelligence between federal and local agencies.

## **II. Literature Review**

### **Domestic Terrorism Defined**

To combat the problem of domestic terrorism, law enforcement agencies must address what exactly they are dealing with, so what is exactly domestic terrorism? The Oxford English Dictionary defines terrorism as: “The unlawful use of violence and intimidation, especially against civilians, in the pursuit of political aims.” This definition is one that has been around since the early 1970’s, and while part of this definition holds true, it is hard to view modern terrorism as having political aims. Using this definition, there are basically two kinds of attacks that are used by terrorists, the lone wolf attack and the conspiracy attack (Etter 2015). Lone Wolf attacks are usually carried out by one or two people who are motivated by political or other strong ideologies to commit attacks. The modern-day terrorists are shaped by not only political concepts, but also cultural and religious ideologies which drive their actions. They can also be driven by actions of government organizations. One example of this can be Ted Kaczynski, or the Unabomber, who acted alone during his almost twenty-year spree of killing and maiming people with his homemade bombs. Another terrorist attack that is considered a lone wolf attack was the one committed in San Bernardino in 2015 that took the lives of 14 people, committed by a married couple that were never were instructed by anyone to commit the attacks, they were just

sympathetic towards the ISIS movement and felt that they had to commit the attacks. When it comes to conspiracy attacks, those usually involve a group of people and takes years of planning, which can be seen in both the Oklahoma City bombing and the 9/11 attacks in New York and Washington DC. What this has done has caused their attacks to be less about who can see them, and more about the body counts.

In earlier attacks, terrorist groups wanted attention brought to their cause, and didn't want to kill or maim large groups of people, such as the attack on the Israeli Olympic team at the 1972 game in Munich. Instead they wanted their agenda brought to the world's attention, and then wanted certain demands met, like in the case of the 1972 Olympics, the release of Palestinian prisoners. Fast forward to today, the terrorists want high body counts, and a lot of people witnessing their actions, and consequences (Jenkins 2001). As terrorist groups continue to find new ways to finance their operations, and become less dependent of others for money and resources, they will become even more difficult to locate and stop. Also with the financing, the biggest tool available to terrorists is technology, specifically the internet and social media. Not only is this easy to use, and cost effective, it allows them to reach a global audience to spread their message, and their influence to others that may be sympathetic to their cause, spawning "lone wolf" attacks, which are extremely difficult to predict and stop. Incidents such as those in Europe involving large trucks running into groups of people, those are almost impossible to predict, especially if the perpetrator is acting on their own. While it is impossible to predict every possible scenario and method for committing these terrorist attacks, it is up to law enforcement at all levels to communicate with one another and share information to prevent the large-scale attacks, and limit the damage caused by small ones from happening. Also, when it comes to preventing terrorism, law enforcement needs to take a more proactive approach in its

prevention, and less reactive, which can not only save lives, but prevent the terrorists from being effective in spreading their messages through hate and violence.

Terrorists threats don't always come from radical Islamic groups, and one of the largest growing threats in the United States is that from sovereign citizens, individuals who feel that governments operate illegally and is not best for the American people, therefore they follow their own set of laws and rules (FBI 2011). This movement continues to get bigger and more violent towards law enforcement and government which poses a serious threat to the United States.

### **Prevention of Terrorist Attacks**

Preventing terrorist attacks is one of the main missions of the FBI, but local and state law enforcement are the ones on the front lines, and usually the ones that are first on the scene of these attacks. They are the ones that patrol the communities and contact people, and they provide intelligence that are essential to preventing terrorist attacks (McCormack 2009). Local law enforcement investigations into what appeared to be suspicious activities, or minor law infractions have uncovered large scale terrorist plots throughout the country, such as the Portland Seven case in Oregon or the Operation Smokescreen in North Carolina, these terrorists and their plots to kill and disrupt targets in the United States were stopped by good police work (McCormack 2009). These cases, along with some other cases let the FBI to create Joint Terrorism Task Forces (JTTF) in every field office within the United States, which serves as a liaison between the FBI and local law enforcement, ensuring that all information related to terrorist threats are disseminated to the local agencies that are directly related to the threat. In some instances, police, may have even thwarted attacks just with their presence or contacts with potential attackers. These encounters may make the attacker to either re-think is strategy, or abandon their plans all together, but either way it is a prevention method (McCormack 2009).

One of the ways that seems to be the most prevalent way to come into contact with these potential terrorists is through a traffic stop. Prior to the 9/11 attacks, all but 1 of the hijackers were stopped for various traffic violations, and because there was not network available to stopping officers, they had no idea who they had stopped (McCormack 2009). Also, a routine traffic stop conducted on Timothy McVeigh after the Oklahoma City bombing which led to his arrest. Since 9/11 officers who conduct traffic stops and run a name associated with the stop, it will tell the officer if the party is on the terrorist watch list. If this was available prior to 9/11 there may have been a better tracking system to monitor the terrorist's movements and maybe even prevent the attack. While this information is mostly to advise officers who they are dealing with, it is good intelligence on who they are dealing with. This information network is the result of the 9/11 attacks and is called the Terrorism Screening Center (TSC) and is a database for storing the information of those on the terrorist watch list (McCormack 2009). Local law enforcement is crucial in the war against terrorism, and they are on the front lines against those that want to citizens in their communities. Since 9/11 the resources available to these agencies has grown tremendously and play a pivotal role in the future prevention of terrorist attacks in the United States, however they are just one tool that must be used in conjunction with good old-fashioned police work and investigation by those in the communities and neighborhoods. The tools are only as good as those that use them, and like most items when it comes to preventing terrorism, it is not fool proof, and is not the end-all be-all at stopping terrorism, which is impossible, it is there to limit the collateral damage of those attacks that do occur, or possibly stop large scale attacks from happening.

### **Large Scale Domestic Terrorist Incidents**

On April 19, 1995 Timothy McVeigh parked a rental truck packed with over 4000 pounds of fertilizer and fuel oil in front of the Federal building in Oklahoma City, and at 9:02 am the bomb detonating destroying 1/3 of the building completely and killing 168 people. Up until that date, most of the terrorist attacks were toward the United States were directed at those located in other countries around the world, and in New York City at the World Trade Center. Immediately fingers started pointing at radical Islamic Terrorists, but the terrorist that committed this horrific act was a white, US Army Veteran, and an American born citizen. This attack struck in the mid-west part of the country, far from the east and west coasts where most people believed terrorists would target. The Oklahoma City bombing was the first major terrorist attack in the United States and put first responders to the test do deal with the devastation brought on by the bomb, along with investigation and recovery efforts (Donnemeyer 2002). Studies done after the attack showed the lack of coordination between responding agencies, and even a reluctance between different agencies to work together and share information. This attack showed that multi-agency training would be beneficial to help in case of large scale events such as the one in Oklahoma City. This includes not only first responders, but those from the civilian community, and the media. These other entities have valuable expertise that can be beneficial to responders and for recovery efforts (Salmon 2010). Public opinion about domestic terrorism after the bombing in Oklahoma City continued to be weak, as most people did not believe that they were at risk to become victims of a terrorist attack, nor did they believe one could happen in their communities. Those thoughts would be put to the test on September 11, 2001 with the terrorist attacks in New York, Washington DC, and Pennsylvania.

This attack was a wake-up call to authorities that not all terrorists that will attack this country will be foreigners, and in fact those anti-government American radicals could be even

more of a threat to the country This really caused local law enforcement and federal authorities to look at these militia and anti-government groups, and in fact this led to the stopping of one group from blowing up a natural gas refinery in Texas that would have killed thousands (Potok 2015). Since the 9/11 attacks in New York, there have been more people killed in the United States by individuals that are politically motivated by something other than radical Islam such as al-Qaeda and ISIS, but these groups continue to grab headlines in the United States, and this does not even count the shooting in Las Vegas because the motives in that shooting still are not known yet (Potok 2015). What this tell us is that while terrorists that are radicalized by extremist Islamic ideologies are a threat to this country, those that are based domestically are just as dangerous, and in some instances even more dangerous because of their ability to acquire materials to make chemical or biological weapons, which they have used against targets within the United States (Potok 2015).

While there were other minor attacks, there wouldn't be another large-scale attack until September 11, 2001 with the attacks on the World Trade Center and the Pentagon. On that morning police officers across the country were going about their business, carrying out their duties as normal, but that all changed after 9:00 am when the first hijacked plane struck the first tower of the World Trade Center. In total, four planes were hijacked by a total of 19 members of al-Qaeda, with two of the planes crashing into the World Trade Center Towers, one crashing into the Pentagon in Washington DC, and the last plane crashed in a field in Pennsylvania, caused by the heroic passengers trying to get control of the airplane back from the hijackers. Overall just over 2975 people were killed in the initial attack, including first responders trying to get people to safety, with many more dying later-on from illnesses brought on by the recovery efforts (Etter 2015). While the first responders acted bravely, the sheer size of the attacks put a

serious strain on resources, and on the first responders themselves, and because such a large number of first responders were killed in the attacks, many agencies were left in shock wondering how can this tragedy be prevented. Out of that horrific tragedy, a new era of security evolved, and included local law enforcement playing a pivotal role in terrorist prevention and response. Immediately after the 9/11 attacks the Federal Government immediately began to change the structures of the agencies that would handle preventing future attacks against the United States, specifically the Department of Homeland Security. This reorganization led to local law enforcement agencies being brought to the forefront on war on terror. While this did not stop their current mission of protecting the citizens of the communities that they serve, but rather increasing their mission to investigate and intervene in terrorist activities in their jurisdictions, which used to be strictly a federal law enforcement mission prior to 9/11(Etter 2015). Some of the areas that would be a major concern for local law enforcement would be large scale major events, such as the Super Bowl, and threats that involved nuclear, biological, or chemical (CBRN) attacks, as local law enforcement were not equipped to handle those specific kinds of attacks. The Department of Homeland Security recognized that as well, and identified that if local law enforcement would be involved in the nation's security they would need additional funding to train and equip them to be first responders to large scale attacks (Etter 2015).

This would be put to the test on April 15, 2013 when two bombs detonated near the finish line for the Boston Marathon, killing 3 and wounding several hundred. This immediately triggered rapid and coordinated responses from first responders, which may have saved numerous lives, but more importantly it led the investigators to identify the bombing suspects, and apprehending them within four days of the bombing, which demonstrated local law

enforcements role in terrorist prevention and response (Randol 2013). But could have the Boston attack been prevented? During the investigation, it was learned that the FBI had interviewed one of the suspects because they believed that he had ties to a terrorist organization (Randol 2013). He was then released without any of that information given to the Boston Police Department, which showed the lack of communication between federal and local law enforcement agencies when it comes to intelligence sharing. Would the information have prevented the attack? That is a question that has been tossed around with every major attack that has happened on United States soil. There is no solid answer, and with local police built to be more reactive than proactive, it is a question that may never be answered. However, law enforcement agencies can better themselves when it comes to preventing terrorist attacks with help from state and federal agencies with regards to sharing of intelligence, funding, and training. With local law enforcement on the front lines of the war against terrorism in this country, it is vital that all levels of government work together to safeguard the citizens of this country from those that want to harm us.

### **Terrorist Tactics**

Even after the attacks on 9/11, the United States is still vulnerable to terrorist attacks because terrorists are very skilled at adapting their strategies to the reactions of those that they are targeting (O'Brien 2011). Terrorists know that the chances of using a plane to crash into a building is very slim because of the measures put into place because of 9/11. Therefore, they have to adapt their strategies to stay one step ahead of those trying to stop them. Knowing this, their method is to use homegrown violent extremists (HVE) to conduct attacks on targets in the United States (O'Brien 2011), which are evident in the attacks in San Bernardino and Orlando. The use of HVE's in carrying out attacks is a serious threat to the United States because these

individuals come from all different backgrounds, including different races, religions, and socioeconomic statuses, and they are mostly American Citizens, making them even harder to locate and stop because of their understanding of Western Culture. These HVE have traveled to countries sympathetic to the causes of Islamic Radicalization, and there they receive training, some joining the fighting in those countries for experience before returning to the United States (Obrien 2011). This has resulted in a threat environment that is more diverse and complex than anything that has been seen in the past, and to make it even harder to stop is the ever-changing tactics that are used to commit attacks, but how are these HVE being radicalized to commit attacks? The radicalization process has three components; grievance, which are the issues driving the person; ideology/narrative which is the taking the grievances and guiding it towards a defined direction; mobilization, which is the socialization of the ideologies which can lead to the psychological need to please, thus committing an attack (Hunter 2011).

These individuals represent a very broad representation of the population, and are both male and female. They are not all Muslim, nor do they all come from the Middle East, but they are a very diverse group, and while their reasons for becoming radicalized are different, but they all have the same end state, which is to conduct an attack against Western way of life (Hunter 2011). Another thing that they all have in coming is discontent, which can come in many forms, but it is mostly about their view on how Muslims and other minority groups are treated by the Western Powers throughout the world. This radicalization is made easier using the internet and with social media, as they can connect with others that share their beliefs or they can communicate with members of the radical organization without traveling across the globe to do so.

### **Issues with Synchronization Within Agencies**

The Security Presidential Directive 8 defines terrorism prevention as “capabilities necessary to avoid, prevent, or stop a threatened or actual act of terrorism”, and his same directive directs local law enforcement to use collaboration, information sharing, threat recognition, risk management, and intervention to prevent terrorist attacks (Randol 2013). While the federal government has placed a tremendous responsibility on local law enforcement in the prevention of terrorist attacks, they gave very little guidance on how they are to meet the obligatory guidelines set forth by the Department of Homeland Security. This is where the issues lie when it comes to terrorist prevention and response, there is no structured guidance on how to prepare, and while some larger departments have the resources to better ready themselves, smaller departments are left out, and that is a problem because a terrorist attack can happen anywhere and anytime, and they are good at attacking our weaknesses. Not only that, the departments that are preparing and actively taking counterterrorism measures are not all on the same sheet of music because of the lack of direction from the federal government, which does not allow for good communication, and collaboration between agencies.

### **III. Theoretical Framework**

#### **Organizational Theory**

While the prevention of terrorist attacks sounds great, how can local police be of assistance in this task? One way is to look at the organization itself, or Organizational Theory (Randol 2102). Most law enforcement agencies are built and accustomed to the reactive model of policing, that is they wait for something to happen and then respond. Also, most law enforcement agencies are hesitant to share information with other organizations, and even if they were willing to share, they are not built to commit to long term surveillance that is required in

terrorism prevention. For law enforcement to be meet the demands of Homeland Security, law enforcement needs to get better at not only intelligence sharing, but gathering as well. Intelligence led policing will not only help with helping prevent domestic terrorist efforts, but will also help reduce crime by showing the shortcomings that other police models exhibit (Randol 2013). Studies of law enforcement agencies show that certain factors within the organization, including the administration, can either help or hinder the agency in changing its policing model, and its implementation of these new programs. Numerous studies have been conducted to determine how organization and administrative factors affect how the organization implements new and innovative policing strategies, and that these same factors can be an effective tool to determine how prepared an organization is in terrorism response (Randol 2012). These studies view law enforcement organizations as having about the same roles and functions, but differing greatly in all other aspects, including size, administrative duties, and policies and procedures. This structural control is how the organization is controlled and managed. First is whether the organization has a centralized command structure, and uses a formal structure to administer policies and procedures. These two ways tell exactly who is responsible for what, and how those responsibilities are to be managed. Structural control also looks at administrative density, which is the size of the administrative body regarding the rest of the organization, which leaves more tasks to be done by less people (Randol 2012). By tying organizational theory to a department's terrorism preparedness, it can help determine if the organization is able to implement new and innovative techniques in counter terrorism, or if they need to make organizational changes to accept the new concepts. Organization size, funding, and jurisdiction can also be predetermined factors within an organization that are also predictors of terrorism preparedness (Randol 2012). Another way to look at law enforcement agencies is by

institutional theory. This theory states that because law enforcement agencies are relying on traditions and “what works”, they tend to fight change and new innovations in policing. This leads organizations to react to both internal and external pressures instead of rational considerations, specifically when it comes to homeland security. And in cases where these agencies have introduced the change to the agency, members would try to revert to the old ways whenever possible, and officers prefer traditional roles (Kim 2012). After the 9/11 attacks, the traditional policing model has moved to the forefront of policing reformation, and that the image of police as strictly crime fighters has gone away and a new era of community orientated policing has begun, specifically with an emphasis on terrorism prevention.

### **Institutional Theory**

When looking at institutional theory and homeland security, the institutional environment supports preparedness within the organization themselves, which include the resources necessary to develop their own terrorism response plan (Burruss et al 2010). Institutional theory also states that law enforcement organizations will develop their plans by reviewing publications and attending conferences on the subject matter, and incorporating this newfound knowledge not only into their terrorism response plan, but incorporate into a plan that also includes natural catastrophic events, such as natural disasters, and then sharing this knowledge and planning with other agencies. (Burruss et al 2010).

### **Contingency Theory**

Another way that law enforcement is getting better prepared is by using the contingency theory. This theory states that homeland security and counterterrorism is a logical response to terrorist threats, and that it is the driving force behind how law enforcement organizations utilize

their resources to combat terrorism. Basically, organization decisions are influenced by the environment that they operate in, and because of this there is not one way that they can do something; each attack provides different aspects to which a law enforcement organization must consider (Kim 2012). Studies of counter-terrorism policing has shown that it is more successful in nations that have a centralized police force, such as the Bundespolizei federal police in Germany. Nations, such as the United States, that have a more decentralized policing system tend to contradict one another and make counter-terrorism policing difficult, even though in the United States over 80% of the police departments have changed their focus to counter-terrorism (Kim 2012). However, to be successful, agencies must work together, and have the proper training and equipment to fight this ongoing threat. This means that law enforcement must change, be flexible, and be ready for the ever-changing threat within its environment. That means that not all approaches to counter-terrorism work the same for all departments. The size of each department is one of the many contingencies that affect how the individual departments must look at when implementing counterterrorism practices. Larger departments have more resources, therefore are more willing to divert some of them to terrorism prevention and other homeland security related tasks (Burruss et al 2010).

When it comes to understanding local law enforcement agencies, and their implementation of homeland security and counterterrorism practices, the resource dependence theory is one that all law enforcement and government agencies must deal with, and is the leading cause on whether changes have been made. Simply put, agencies need resources to operate, equip, and train its personnel on new equipment and tactics. Law Enforcement agencies depend on external support from law makers and governments to fund their operations, and because of this they must adhere to the pressures put onto them, or risk losing critical resources

(Burruss et al 2010). This external constraint and control allows the agency to satisfy the demands of the resource providers, or government entities. The attraction of additional funding would also lead some agencies to hire additional staff for specialty units, not because there was a need for them, but because they risked losing out of the available funding. This also holds true for federal funding for the homeland security mission as well. Since 2001, the federal government has paid local law enforcement agencies over \$2 billion to facilitate the transition to counterterrorism preparedness at the local and state level (Burruss et al 2010). For these agencies to get the funds, mostly all they must do is meet the extremely broad goals set forth in the funding guidance, including certain training implementation. This increased funding for counterterrorism was not a direct correlation between the agency's ability to implement the mandated programs and the agencies willing to do so.

### **Psychological Theories**

While the theories of homeland security focus on the organization themselves, there is a new theoretical approach gaining ground with developing strategies for preventing domestic terrorism, and that is a psychological view of the terrorists themselves. Since the attacks on 9/11, many have asked, why? Why would someone fly a plane into a building in the name of a religion? Do the terrorists really believe that if they kill in the name of Islam they will be granted entrance into paradise and be greeted by 72 virgins? Or are they simply weak-minded individuals manipulated into committing a horrible act by someone, or a group, that has strong ideologies against the Western way of life? There is no simple answer to this question, as evident by the constant evil doings in the name of religions for centuries, but to develop a profile, one must dive beyond the simple questions of why, but more into the development of the terrorist, the how (Lachkar 2005). Islam itself has very strong cultural beliefs that are handed

down from generation to generation, which stem from the Qur'an, which develops the ideology, religion, how children are raised, and how women are treated. This view on the world, coupled with an organization that is led by a strong central figure, can lead to the development of borderline personality disorder, which is shaped by the culture for which they are raised (Lachkar 2005). With the border line disorder, one of the biggest tendencies is to distort reality and to manipulate it into their own personal reality to fit their needs. When they do something bad they manipulate reality stating that something was done to them and that it was a retaliatory attack. They lie constantly and so much that they believe that their lies are the truth, which would make them in a constant state of victimization, and because they are constantly are projecting blame on others, they remain in the state of victim. They also project their needs, that are forbidden in their culture, onto others so that they have a reason to want to hurt them (Lachkar 2005). This envy is one of the most dominant features of someone with a borderline personality, and coupled with shame of the culture, is one reason that these individuals act out in the way that they do. They are envious of those that have certain things, but are shamed if they want the same, so they must destroy them because if the object of envy is gone, then the feelings will go away, and they can continue to belong to the group. This cycle then leads them to never having a sense of identity, which leads them to turn to anything that gives them a sense of belonging, which in this case is radical Islamic extremism. They project their hatred and rage on to those that they feel are the reason that they are this way, and use this fear as a replacement for normal human relationships (Lachkar 2005).

While there is some correlation between mental illness and terrorism, it is not the root cause of the issue, just one part. There have been many attempts to develop the ideal terrorist profile using psychological characteristics, but they have been largely unsuccessful because there

are vast differences between the terrorists and terrorist groups (Borum 2014). That is why the new way to look at terrorists is to see why they become involved in organizations and evolve within the organization from a personality standpoint, that is what is it about the persons character make them get involved in extremist organizations in the first place (Borum 2014).

The common thought is that these mindsets develop during childhood, usually which involve parents that are critical, and strict disciplinarians. This is true in societies dominated by the Islamic religion. Also, women's primary role is to raise the children, with the father being the primary source of income, therefore they are usually absent, and when they are home, they tend to not have any contact with the children (Lachkar 2005). The men dominate the society and women are regarded as second-class citizens, and have very little or no rights, and under the ruse of religion, women are usually the victims of crimes that are not punishable under Islamic law. Women subjected to this violence, in turn then retaliate against the children, perpetuating a circle of violence that appears to be never ending (Lachkar 2005). This can lead to authoritarianism, which is a personality disorder that is characterized by nine traits. Some of these traits are displaced anger, inability to trust others, need for powerful leaders and groups, over-simplified thinking, and belief that one is pure and good, while everyone else is evil, which is like the borderline personality disorder. Individuals who have this personality seek protection and need direction when faced with uncertainty and when given direction will follow, and will eliminate a perceived threat by trying to eliminate any way possible (Borum 2014). But how do people end up this way, but others do not? One way to look at that is to look at their vulnerabilities, or factors that increase a person's willingness and openness to be involved with extremist groups. While some of these traits talk about Islamic extremists, not all terrorists fall into this group. Some of the worst terror attacks in this country were done by American citizens,

but how do they get radicalized? Extremist groups fulfill three common vulnerabilities: a need for personal meaning and identity, a need for belonging, and perceived injustice or humiliation. These areas create openings that can be exploited by the extremist groups to influence and impose their views on vulnerable people (Borum 2014).

The need for meaning has a deep psychological need across all cultures and all humans desire to have this need met. Those that struggle with this have a hard time developing an identity because of the complexity that the world presents, and because of that they gravitate towards the extremist ideologies that are more of a straight forward and take some of the anxiety away from those that are struggling (Borum 2014). The fundamental need of belonging is basis for human social interactions, and any rejections of this can lead an individual towards anybody that will let them in and make them feel like they belong, and gives them a sense of meaning. It is this belonging is the core of what drives terrorists, not necessary the ideologies. (Borum 2014). This is how street gangs in the United States are able to recruit and operate their agendas, by giving a sense of belonging to those that do not have one.

Finally, there is the perceptions of injustice and humiliation. Individuals that feel that they are a victim of some injustice feel that there is someone responsible for it, therefore they must pay, and get what they deserve in retribution. In the view of Islamic extremists, the United States operating in the Middle East is a grave violation of all Muslims, and the fact that they are killing “innocent” brothers and sisters need to be dealt with. By putting the blame on someone, or something, the group can use that view of injustice to elicit powerful emotions, which in turn can lead to a powerful response. This occupation of the Holy Land by the infidels is not acceptable and has to be dealt with (Lanning 2002).

## **Staircase Theory**

To look at the psychological perspective in more depth, it is broken down in comparison to a staircase. While most people that are deprived and feel despair remain grounded, there are those that move up the staircase to different levels of vulnerability until they reach the top of the staircase and commit a terrorist act. This staircase has a ground floor, with five additional floors, with the top floor being the one where a terrorist attack is committed. While focusing on those already at the top will prevent some attacks in the short term, it is getting to those that are still on the bottom level that will be more productive in terrorism prevention for the future (Moghaddam 2005). Most of the people occupy the ground floor, and it is here where they feel the perceived injustice and lack of belonging. These perceptions of being treated poorly are what matter most regarding how people react to their situations, not necessarily how they are actually living (Moghaddam 2005). For those individuals who move on to the next level are looking for ways to improve their situation, therefore they are trying different solutions to fix their perceptions. Those that leave level one and move to level two are those that place their blame and anger onto others for their current situation, which leads them to support organizations that encourage the separation and the us vs. them mentality. Those that leave this level and move up to level three are ready to not only displace their anger, but now seek to actively seek out opportunities to act. On the third level, terrorist organizations begin to show themselves to these individuals to achieve the perfect society by using any means necessary (Moghaddam 2005). Once individuals leave the third floor and enter the fourth floor, and world of the organization, there is usually no turning back. The individuals are showered with attention and a sense of belonging, which strengthens the hatred towards the threats that led them up the staircase in the first place. The individual is socialized into the organization at this point and conform to the organizations traditions and methods, and nonconformity is punished harshly and their options are greatly

diminished and the only way to leave at this point is to commit an act against the perceived threat (Moghaddam 2005). This leads to the top floor, where the individual distances himself from the civilian population, and places them in the group that is part of the problem. By the time they reach this point they are ready psychologically to commit acts of terrorism, and while this is only a small portion of those that start of the ground floor, it is there that true terrorism prevention lies (Moghaddam 2005). Preventing terrorism is a very complex undertaking, and cannot be combated by police and technology alone, as there are some psychological and social undertones that also must be addressed. For that to happen law enforcement agencies have developed a variety of ways to prevent terrorism.

#### **IV. Assessment**

##### **Homeland Security Mission**

Since the terrorist attacks in New York on 9/11, policing in the United States has changed. Law Enforcement now realized that the war on terror was not taking place in some far away country by the military, it was now being fought on United States soil, and law enforcement was going to be on the front line. Almost immediately agencies began to change and update policies to reflect the new era of policing which went away from the traditional police model of responding to crimes and crime analysis, to more intelligence based and proactive police responses (Johnson 2017). Law Enforcement agencies were overwhelmed with the shift in policing, and there was no standard on how to conduct homeland security operations. Some were hesitant to changes, especially without guidance from the Federal Government, who up to 9/11 were solely responsible for counter-terrorism in the United States. Government saw this and created the Department of Homeland Security, which oversees all aspects of homeland

security, including organizing law enforcement and other agencies into one systematic approach to terrorism and other major incidents that could occur.

The National Strategy for Homeland Security recommended numerous activities for law enforcement agencies to focus on, which created a base for law enforcement to begin to shift their approach to counter terrorism (Johnson 2017). The first thing that the federal government did was to create the National Incident Management System (NIMS) which is: “a systematic, proactive approach to guide departments and agencies at all levels of government, nongovernmental organizations, and the private sector to work together seamlessly and manage incidents involving all threats and hazards—regardless of cause, size, location” (FEMA 2017.) This system put into place a standardized way to manage all major incidents, and allowed agencies regardless of where they are from to assimilate and assist without any issues. This system put agencies in the best position to contain incidents and minimize life loss and property damage by concentrating resources. It also relies on agencies communicating on the prevention, deterring, and responding to terrorist threats against the United States. The also suggested that agencies have what’s called an All-Hazards Plan, which allows the Federal Emergency Management Agency (FEMA) to work directly with local agencies to develop plans during emergency operations, and allows for federal assistance in the case of terrorism events or natural disasters. The National Strategy for Homeland Security also recommended that law enforcement agencies change their mission statements to reflect the added responsibilities of the Homeland Security mission to show that the new initiatives are important to them and that it allows for the allocation of resources from government agencies (Johnson 2017).

The National Strategy for Homeland Security also wanted local law enforcement to develop a better system for intelligence gathering because they are more attuned to what is going

on in their communities than the State and Federal agencies. It is known that some terrorists have used methods to obtain money and weapons that are used in similar crimes that are seen on the streets of communities, so it can serve as both a counterterrorism function, and a method to reduce crime. Along with this is information sharing. The failure to share information among local and federal agencies was cited as one of the problems that was found during the investigation after the 9/11 attacks, and those investigators believed that the attack could have been prevented (Johnson 2017). It is this reason that better record and information sharing needs to be done, and there needs to be a standard for how it is done, one of which are fusion centers which will be talked about later. Prior to 2013, mutual aid agreements between states and agencies that cross state lines were non-existent because of jurisdictional issues, but that all changed after Hurricane Andrew, and the passing of the Emergency Management Assistance Compact in 2013 (Johnson 2017). This allows states to form mutual aid agreements with other states, and with that resources to assist in a time of need. This is beneficial to smaller agencies where resources are scarce and the ability to respond to a large-scale event is non-existent. Finally, after the 9/11 attacks the US Attorney General directed all the US Attorneys across the country to develop an anti-terrorism task force that will serve several purposes. First, they should be the primary in information sharing between the local and federal law enforcement agencies, and second, they should be assisting agencies develop and implement terrorism prevention plans, which also would allow them to serve as the coordinating agency for terrorism response in the case of an attack. Some agencies formed these task forces of their own, and some, such as in New York City, continue to thrive, while others have faded away over time because local governments do not feel that they will be a target of any terrorist threat soon (Johnson 2017).

It is not a matter of if another terrorist attack will take place in the United States, but it is a matter of when and where. When you look at the goals of terrorist groups, creating fear through violence which reduces the public's sense of security, a large-scale attack in either a large city or a smaller city in the Midwest would have a profound effect on the country knowing that these terrorists can attack anywhere at any time (Henry 2002). The issues that police face fall into while conducting counterterrorism operations can be extremely complex but there are several that all agencies will most likely encounter. The first is that communities will expect that the law enforcement agencies that serve them will be able to detect and prevent any terrorist act that would threaten their citizens. Second, is that if there would be a terrorist event in their communities, law enforcement would be able to respond and deal with whatever issues arise by coordinating a task force using a multitude of different agencies and resources. Third, local law enforcement must be able to identify and, and with the help of prosecutors, bring those responsible for any terrorist activities to justice. While these seem like they can be daunting they require law enforcement to have better capabilities to handle these tasks required of them by both governments and the citizens in the communities that they serve (Henry 2002). The best way to accomplish this is to have better and a more effective means of intelligence gathering, and a better way of sharing the information with other agencies at the federal, state and local levels of law enforcement, which can be difficult as there are over 18,000 police agencies in the United States, and the thought of all of them coordinating at the same level is a daunting task that the new homeland security model of policing hopes to accomplish (Henry 2002).

### **Homeland Security Policing**

Policing in the United States is a very fluid operation, and is reactive to the communities that they serve. This means that law enforcement agencies are constantly shifting so that that

they mirror the wants and needs of society which can be done over long periods of time, however with a major incident such as 9/11, that change comes sudden and leaves law enforcement agencies scrambling to change quickly, something they are not built to do very well. Suddenly communities across the nation are concerned about terrorist activities and the threat of attacks, and it is not the big cities that are impacted by this new threat. This caused law enforcement to fundamentally shift from the traditional model of policing that they were currently using to a new method of policing, homeland security policing (Ortiz et al 2007). This new model of policing allows law enforcement to be more engaged in counterterrorism, and allows them to identify, prevent, and respond to terrorist activities. This is done by more intelligence gathering, and more advanced training. The gathering of intelligence is done by a process containing six steps. They are planning the gathering of information, the gathering of the information, processing the information, analyzing the information, disseminating the product to someone that requires it, and then evaluating how useful that product was (COPS 2008). While not every law enforcement agency has the ability or resources to carry out all of the steps, all agencies have at least developed an intelligence capability for their specific department and the community that they serve. One model to look at is the NYPD, who have included intelligence gathering into their curriculum at their police academy, and have stated an Intelligence Bureau, which comprises of 700 police officers and detectives that are specially trained in intelligence gathering (Ortiz et al 2007). One of the big ways that NYPD has been training its officers on more advanced techniques in the way of getting better in identifying forged documents. While this is not necessarily mean that an individual with forged documents is a terrorist, those with terrorist ties need these forged documents to operate, such as the case with several of the hijackers from 9/11. This more advanced intelligence is one method of advanced intelligence

techniques, and couple that with better investigations, will increase the likelihood that they will be able to not only detect terrorist activities, but also some harder to detect white collar crimes (Henry 2002).

With the ever-increasing threat of terrorism in the United States, there needs to be a greater emphasis on collecting and analyzing intelligence by local law enforcement agencies, and the only way that this will get done is to have local governments support their local agencies develop their own intelligence capabilities. This also includes training and educating law enforcement officers about the methods and practices of terrorist organizations, which in turn will make officers better at obtaining better intelligence, even if it seems small, it could have a huge impact on terrorism investigations. With the threat of terrorism, there is no specific place where the next attack will occur, it could be in a big city like New York and Los Angeles or in a small rural community somewhere in the Midwest, and because of this uncertainty it is up to the local law enforcement agencies to not only respond and deal with the threat, but to also be the main sources of information for other agencies (Ortiz et al 2007).

### **Intelligence Gathering and Sharing**

Intelligence gathering for law enforcement is something that is done daily, whether it is regular interactions with citizens while on patrol, or more advanced investigations into more serious crime, but this intelligence is geared to crime prevention, not preventing terrorism in their communities, even though some of those activities overlap. These same officers share this intelligence with others, and are constantly obtaining information about the community that they work in to better understand where the issues are where to distribute their resources. For the most part law enforcement officers are not formally trained in intelligence gathering and

analysis, which why the reporting system is basic in nature and not the sophisticated system required to conduct the homeland security mission of preventing terrorism (Henry 2002).

For there to be better intelligence, one of the first things that needs to be changed is the structure in which law enforcement agencies communicate with each other. Intelligence sharing is the exchange of information between agencies that help prevent, respond, investigate, and solve crimes (COPS 2008). If one agency has specific hard intelligence of specific threats or terrorist activities, it is useless unless that information can be disseminated and investigated, and only then is it good intelligence. One way to breakthrough this barrier is to develop better policies to create methods that increase information sharing among all levels of law enforcement. Under these new information policies, six critical mission areas were identified as the focal point of homeland security. They were: intelligence and warning, border and transportation security, domestic counterterrorism, protecting critical infrastructures, defending against catastrophic threats, and emergency preparedness and response (Unlu et al 2012). This new policy shifts help facilitate the sharing of information between all levels of the federal government, all the way down to the smallest law enforcement agencies, and also creates a centralized data base where anyone that is looking for specific information, or wants to share information can go. The aim of the new policies is also to allow state and local agencies better access to federal government information systems, especially when it comes to information related to the Homeland Security Act as it relates to terrorist threats or activities (Unlu et al 2012).

To access some of this information from federal agencies, local law enforcement agencies had to jump through hoops and were subject to protocols and put in requests in advance, making the information sometimes not current, and in the continually changing game against terrorist groups the information could be of no use. It wasn't that the federal government

didn't want to share information, it was that they would rather give it agencies directly, rather than letting them access their databases.

## **Fusion Centers**

To facilitate the better sharing of information and access to real time intelligence the federal government, along with the Department of Homeland Security began to create fusion centers, along with other task forces involving a variety of federal and local agencies (Unlu et al 2012). Fusion centers were created bridge the gap between local governments and the federal government through information sharing (Johnson, B 2011). The creation of the fusion centers was developed in the *National Strategy for Information Sharing: Successes and Challenges in Improving Terrorism-Related Information Sharing*, which was issued by the President in 2007, which called for funding, training, and technical assistance to develop and run the fusion centers across the country and in large urban areas (COPS 2008). These fusion centers then would support the homeland security mission by gathering information from law enforcement agencies, processing it, and then disseminating it to agencies that that would need it. These fusion centers combine all information from all the Joint Terrorism Task Forces, plus all the other agencies in the jurisdiction that they serve and help develop strategies and identify emerging threats to law enforcement, which includes current terrorist tactics used in other parts of the country and the world.

To gage the success of these fusion centers, the government set up baseline standards that all fusion centers must meet to be successful, and to make sure that they can operate within their limits. This baseline is broken down into four Critical Operational Capabilities (COCs) that are used to build not only a successful fusion center, but a fully integrated connected system between all the fusion centers and law enforcement. These four COCs are: receive, the ability to obtain

all levels of classified information from government agencies; analyze, the ability to take obtained information and put it through different matrixes to determine threat level; disseminate, the ability to take the information that has been obtained and analyzed and given to the agencies that need it; gather, the ability to take information from local agencies and share with the federal government (Johnson, B 2011).

### **Fusion Center Problems**

While fusion centers are key to combating terrorism, intelligence sharing, and the homeland security mission, there are others that feel that they violate people's rights, and are acting as a "big brother" for governments spying on its citizens. Fusion centers not only share information with local and federal law enforcement agencies, but also with other government entities and private companies and contractors but to what extent is not known because of classification levels (Monahan 2009). There are also three areas of concern about fusion centers that have been looked at recently; effectiveness given the amount of resources that it takes to run them; mission creep, which where the fusion centers expand their authority and scope from their initial purpose; violation of civil liberties and racial profiling (Monahan 2009).

The purpose of fusion centers is to obtain a variety of information from numerous different sources and then disseminate that information to other agencies in a timely manner in support of the homeland security mission of counterterrorism. However, these fusion centers, over 15 years since they have been started, are still having problems accessing the different databases that it uses according to the Government Accountability Office (GAO), and the fusion centers lack collaboration between agencies, the foundation for the fusion centers creation (Taylor 2012). Most of that issue comes from the distrust between federal and local law enforcement agencies, especially if they have shared interests in specific investigations. The

federal agencies feel that they cannot share information with local agencies for the fear that those agencies would compromise the investigation. This lack of collaboration stems from the fact that these multijurisdictional task-force operations are great, they lack one central authority to eliminate the infighting. Also, personnel within these agencies are pressured from their own agencies and feel that they are more committed to the needs of their agency than the whole (Taylor 2012). To have effective communication and the ability to obtain and share information among different agencies, there must be one common operating picture and computer system that all agencies have and can access. To address this issue the federal government developed the Counter Collaboration Interoperability Project (CCIP) to help fix these issues, however they still were encountering pushback from agencies that only wanted some information released, and still wanted limited access to the information (Taylor 2012). To compound this issue is that computer and technological advances continue to put limitations on who can access databases and slows down the process because personnel have to stop what they are doing and get trained on the new products and systems, slowing down the disseminating of information to those in the field that need the information for ongoing investigations.

Ultimately the effectiveness of the fusion centers is measured by how much they do for how much it costs to run them. In 2008 the Department of Homeland Security gave states \$380 million to establish and run fusion centers dedicated for counterterrorism missions, and while that money was used to fund the fusion centers, it didn't necessarily go towards counterterrorism, but rather in fighting normal street crimes and to fund other agencies, such as fire and police departments with new equipment (Monahan 2009). Agencies defended this by saying that terrorists use regular crimes to help them ultimately commit larger terrorist attacks, therefore

stopping them before they commit the large attacks is what they believe to be the homeland security mission.

Fusion centers have also been directed to spend the funds on certain training and equipment for local agencies, even though there is no intelligence pointing to a threat in that area. These federally mandated directives, while help prepare for large scale emergency preparedness, local officials don't feel that they get to the real reason for the fusion centers, terrorism prevention (Monahan 2009). Money could be better used, and eventually be saved if the fusion centers and the federal government were more concerned with prevention, rather than responding to after an attack. As more and more responsibility falls on the states to pay more into the costs of the fusion centers, the states then feel obligated to fund them, but they do not get any more money, so funding must be directed from other agencies budgets, or is they feel that they will only pay some of the money, the fusion centers will run only at a limited capacity, therefore limiting their effectiveness in the intelligence sharing for counterterrorism (Monahan 2009).

Even communication between fusion centers is difficult because of the size of the centers and their missions, and because these fusion centers act independently from one another, and are partially run by the different states, they use different systems and methods to complete their missions. This lack of uniformity makes sharing data between the federal and local levels extremely difficult, even so that the Department of Homeland security sees this network as ineffective, and there is a distrust among the users because lack of use and that the system is outdated (Monahan 2009). While there is some issues with the system, the fusion centers are granted leeway when it comes to the matter of national security, which leads to mission creep and abuse of power.

With the creation of fusion centers, personnel from law enforcement were granted powers and technologies that were never available to them in the past. This new-found freedom and lack of oversight led some of them to exceed the policies and rules that were put in place to prevent them from racial profiling, illegal data mining and collection, and spending money for things other than their intended purpose (Monahan 2010). While the initial intent of the fusion centers was strictly counterterrorism, more and more they are leaning away from that as their lone mission, and are now are focused on all crimes in the areas that they monitor, mostly because there is not enough work in terrorism to justify their personnel levels and resources to operate (Taylor 2012). This shift in mission was not done by policy or directive from the Department of Homeland Security, but rather because that work in the fusion centers would put their communities first to help solve crimes, which may or not be connected to terrorist activities. To conduct these additional missions, the fusion center use the money given to them by the federal government for counterterrorism investigations and redistributes it to help fund community based crime fighting and other activities that are not related to the fusion center mission. The fusion centers, that are run at the state and local level, argue that this all crime mission captures the spirit of the original mission because some of the crimes such as: frauds, gang activities, racketeering, and computer hacking transcend state borders, and are used to fund terrorist activities, thus making the terrorist mission local (Monahan 2009).

After the 9/11 attacks, the government inquiry into the event showed that there were too many barriers present between agencies to be effective in preventing another terrorist attack. Some of those barriers were protecting individual rights, while others were protecting national security, while others were just bureaucratic nonsense used to protect private interests. In order to break down those barriers, the Patriot Act was passed just 45 days after 9/11, and while it was

a good thing it broke down barriers without considering what they were for, or who they were protecting. It also gave law enforcement tools and information that they never had access to, provided by fusion centers (Berman 2003). While the fusion centers have gained favoritism among law enforcement agencies, there are some civil rights activists who feel that the way that the fusion centers gather intelligence is a violation of people's civil right and liberties. One way that they do this is by what is called data mining. This procedure allows the fusion centers to scan billions of information parts collected by third parties, to check for patterns and hints of terrorist activities (Berman 2003). This information is not protected by the fourth amendment, but it does stretch the protection by the fourth amendment for blanket searches, because data mining is not looking for specific information for a specific crime, it is looking at everyone's activity to try to pick out anything illegal. This technique allows law enforcement to identify previously unknown terrorist patterns to help predict and prevent a future attack, and while there are guidelines set forth by US Department of Justice on how this intelligence is gathered, they are not closely monitored (Taylor 2012).

In 2013, Edward Snowden, and intelligence analyst for the National Security Administration (NSA) revealed that the NSA had a program that allowed federal agencies direct access to the data servers for some of the country's largest businesses, such as Google, Microsoft, Apple, Facebook, and Yahoo (Lowe 2016). This data mining of these vast resources allows the government to obtain information from millions of Americans who are not suspected of being involved in terrorist organizations or activities, yet there are no guidelines on how to control the collection of the information, or limits placed on agencies for what they can collect and share, so is violating individual rights in the best interest of national security? That is an age-old question which doesn't have a clear and concise answer, and changes depending on who

you ask. There have been numerous news stories on how fusion centers, and their intelligence gathering methods have been involved in racial profiling and disseminating of people's personal information, and who has access to it because of the fusion centers.

There are over 6000 people working at the fusion centers that now have federal security clearances, giving people have access to information that they previously didn't have access to, especially those at the state and local level, and that leads people to believe that it can lead to abuse and privacy violations by those agencies because of the close relations of terrorist activities and regular criminal activities (Monahan 2009). This collaboration of law enforcement at all levels has allowed the fusion centers to compile files, and start investigations on individuals who are viewed as terrorist threats based on information collected while data mining. This can lead to targeting individuals who are not doing anything wrong, but have high terrorist "risk factor scores", which are compiled by the fusion centers using information gathered from databases and then put into a matrix developed by the Department of Homeland Security. (Monahan 2009). There are also concerns about private contractors and third parties having access to personnel information. They are not held to the higher standards of law enforcement, and they are also not subject to the same privacy laws that limit law enforcement, therefore law enforcement may get around the laws that limit them by using these private organizations, which then can lead to misuse of the information (Taylor 2012).

The challenge moving forward is how can the interests of National Security be balanced with individual rights under the fourth amendment? Prior to the Edward Snowden case, people were protected from illegal surveillance with an expectation of privacy in *Katz v. US (1967)*. In that case the court ruled that a person in a phone booth had an expectation of privacy, therefore an external listening device attached to the outside of the phonebooth is a violation of the fourth

amendment. The court also said that” the Fourth Amendment protects peoples, not places” and when one exposes their activities to others, they are no under protection of the Fourth Amendment (Weinreb 2014). This was bypassed by the Federal Government when the Foreign Intelligence Surveillance Act (FISA) of the Patriot Act was amended and wording was changed allowing intelligence to be gathered from a larger pool of sources, and allowed agencies to bypass the Fourth Amendment (Lowe 2016). The whole purpose of this intelligence gathering is to identify and prevent individuals from committing terrorist attacks against the United States. With the current legislation, this is accomplished by diving into the lives of citizens, which allows some of the potential terrorists come to light where they may have stayed hidden in the past. While protecting the rights of citizens is important, it is equally important to protect them from being victims of terrorist attacks, and most citizens would rather have their rights infringed upon if it means that they will be protected from terrorist activities, which is evident when traveling by commercial air (Lowe 2016). Even with the issues that plague the fusion center operations, they do serve a beneficial purpose, and with the everchanging terrorist threat of obtaining weapons of mass destruction, they are needed now more than ever to help prevent a large-scale attack using a chemical, biological, or nuclear weapon.

### **Chemical, Biological, and Nuclear Threats**

With ever presence terrorist threat ever looming, local law enforcement is better prepared than they were before 9/11, but that is with conventual weapons. As terrorists become more advanced, they are looking to develop more devastating weapons, and nothing fits that more than a nuclear or biological attack. While leaders of terrorist groups speak about their intentions to detonate a nuclear weapon against western powers, they are not close to acquiring that technology, and is more a propaganda tactic (Mauroni 2013). While biological weapons also are

considered a major threat if used because of the anthrax scares in 2001, realistically they are readily available to terrorist groups, and it takes considerable amount of knowledge to deploy such a weapon, but due to technological advances, it is not a matter if a biological attack will occur, but when (Mauroni 2013). Finally, chemical weapons are more readily available and deploy, and with stockpiles readily available in countries like Syria, who has used them, against their own population, it is more likely that it will be a chemical weapon attack would be the next major terrorist attack in the United States, when compared to biological or nuclear threats. To combat the changing terrorist threat, one of the first things that must be done is to develop risk management, looking ahead to attacks that might happen, and not only try to prevent them, but also how to respond if one occurs (Mauroni 2013). Terrorist organizations no longer focus on highly visible mass casualty events, but rather small single perpetrator attacks, until the moment presents itself for a large-scale attack, which is how the organizations and sleeper cells are operating. With the freedom to do as they please without contacting the leadership cells, it is harder for them to be tracked, and allows the autonomy to move about and plan attacks for what works best for the environment that there are in (Foxell 2009).

## **V. Recommendations**

### **Community Orientated Policing**

Community orientated policing is the most logical step for local law enforcement to conduct their homeland security mission of preventing terrorist attacks. Community policing, while not a new concept, is exactly what is needed for terrorism prevention, and is a more effective way in promoting community involvement, while forging stronger relationships with

law enforcement (Ortiz et al 2007). There is no question that the role of law enforcement in homeland security has changed drastically since 9/11, and with more emphasis put onto preventing terrorist attacks, the question is how can police departments do that, and still participate on crime prevention in their communities. Being more aggressive can alienate communities, so a shift towards community based policing is needed. This policing model has a process with in it that can help called SARA, which stands for scanning, analysis, response, and assessment, which makes for a highly productive model for problem solving within terrorism prevention (Weaver 2014). Community oriented policing, while still concentrating on issues within a certain jurisdiction, it also looks to expand beyond jurisdictional boundaries to gather community input into possible threats. This information flows through one of the 72 fusion centers operating in the United States, which increases an agencies counterterrorism abilities and meets the federal governments guidelines (Chermak et al 2013). Local law enforcement agencies are familiar with the communities that they serve because they are out there within them day after day, getting to know residents, neighborhoods, and regular daily activities within a normal day. In most cases if there is something that is unusual, or not normal, the citizens of the community would then contact the agency to deal with the issue, if there are positive relationships in place, which is what community oriented policing does (Weaver 2014). This enhanced relationship can build better communication and teamwork to build a better community, and this policing method plays an integral part in local law enforcement participating in homeland security, and preventing a terrorist attack in their communities.

### **Criminal Intelligence Capability**

It is also recommended that all law enforcement agencies have a criminal intelligence capability that have at least one sworn personnel have formal training in intelligence awareness

so that they can train all other personnel in behaviors and other criminal actions associated with terrorist activities. It is also recommended that law enforcement agencies have policies and procedures for working with the fusion centers in their areas, which will dictate how that agency sends and receives information from the fusion center. Terrorist threats affect all agencies, from the largest urban agency, all the way down to the smallest rural agency, that is why it is imperative for all agencies to participate in intelligence sharing (COPS 2008). Some agencies may fail to participate because they feel that they do not have the money to commit to intelligence sharing, and some may not know that they even exist, but there are resources available to help agencies get the training they need to participate, and has been around for some time now, it's just getting the information out there and networking so that it becomes knowledge for those that need it.

### **Standard Security Clearances and Classifications**

To help alleviate some of the issues at the fusion centers, and within agencies that utilize intelligence sharing, there needs to be more of a standardized method for obtaining security clearances and classifications by the federal government. These clearances that are granted do not work between agencies, as each one has their own procedure, which makes agencies gain multiple clearances depending on what federal agency they are working with and that delays them getting information for something that is happening now. Each computer database requires separate log-ins and security classifications, which is also time consuming and wastes valuable resources. This information needs to be in one single database that agencies can deposit information into or to retrieve information for an ongoing investigation (COPS 2008).

Local politicians and policy makers need to work with local law enforcement to ensure that their citizens civil rights are not being violated and that ensure that community leaders are

working hand in hand with law enforcement to ensure that their neighborhoods are safe from both terrorist threats, and criminal activity, including having a privacy officer within the fusion center to ensure that they are not violating any rights, and they are following fusion center policies (COPS 2008).

And finally, law enforcement agencies need to make sure that everything is documented including how the intelligence sharing assisted in the prevention of criminal activity. This also will show the strengths and weakness of the program and where there can be improvement.

## **VI. Conclusion**

The 9/11 Terrorist Attacks changed the philosophies and culture of law enforcement in the United States. The attack showed how unprepared law enforcement was to handle the prevention of terrorism, not to take anything away from the brave men and women who responded and did their duty honorably, but had there been a better communication system in place, maybe the attack never happens. At least three of the terrorists were stopped by local police for traffic violations in the days leading up to 9/11, and had the police knew that those individuals had been on the FBI Terror watch list, they could have detained them, which could have prevented the attack (Weaver 2014). Since the attacks, law enforcement has changed their approach to terrorism prevention, largely to new initiatives set forth by the Department of Homeland Security recognizing that local law enforcement is an integral part in terrorism prevention in the United States. Immediately after the attacks, law enforcement was having a difficult time fitting in to the new homeland security mission, and those that did were not using a single standard operating system, and they lacked guidance on how they were to not only

operate, but communicate with other agencies at state and federal levels. As the years moved on, roles were more defined and fusion centers were opened to breach the communication gaps between agencies, all run by the Department of Homeland Security, which placed an umbrella over all of the activities in terrorism prevention in the United States. In recent years, law enforcement has lost their sense of urgency in the fight against terrorism, mostly in areas that haven't been affected. Homeland security is an expensive mission, and in the world with shrinking budgets, local law enforcement agencies not in the immediate threat of terrorism have been shifting their priorities back to their communities and their constituents, and have placed the terrorism prevention back onto federal agencies, who have more resources, equipment, and training to handle the homeland security mission (Morreale 2009). Law Enforcement officers on the street are not properly trained to identify indicators and individual behaviors of terrorist activities, and without funding and training from the Department of Homeland Security, this will continue to be an issue, especially as law enforcement budgets shrink, and funding is being used to just keep enough personnel to fill positions. With their an ever-increasing threat of a chemical, biological, or nuclear threat in the future, law enforcement are ill equipped to handle a response to such threat, which also hinders their ability to meet the homeland security mission, and with agencies shift towards this new mission, officers on the street have seen very little change on their end in regards to the collection of intelligence, sharing information, conducting threat assessments, and emergency response related to counterterrorism. Instead these responsibilities are geared towards local crime patterns, and protecting the community from street crimes, not terrorist attacks (Morreale 2009).

As the 9/11 attacks continue to grow into the distant past, so too does the support of local law enforcement agencies willingness to participate in the continuing homeland security mission.

As budgets continue to shrink agencies, outside of the large cities, continue to lose support and funding from the community and local governments, and moving forward it is impossible to sustain any sort of counterterrorism activities, especially as resources continue to dwindle. The problem with this thinking is that it is not a matter of if there will be another large-scale terrorist attack in the United States, but it is a matter of when, and if it is a chemical, biological, or nuclear attack, how prepared will law enforcement be to prevent or respond to an attack of that nature? Hopefully we never have to find out.

## **VII.           References**

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