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Homeland security is an ever-changing discipline, the subject of conferences, books, and government reports. This month, the *Police Chief* features several articles designed to help law enforcement executives make their jurisdictions more secure.

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Do Your Elected Officials Know Your Agency's Concerns?

Throughout our history, the mission of the IACP has required the association to be actively involved in deliberations over criminal justice policies. It is our responsibility as police executives to ensure that policy makers in all nations and at all levels of government are provided with the insight of law enforcement professionals when they consider policies that affect how we protect the public we serve.

At no time has it been more important for the voice of law enforcement to be heard than today. The U.S. Congress and the administration are searching for new approaches to safeguard the public and protect our communities from the specter of terrorism. In the past two years, they have developed, considered, and in many cases enacted legislation that has significantly altered the responsibilities and authority of U.S. law enforcement agencies. In addition, at a time when many of us are confronting tremendous budgetary pressures as we attempt to simultaneously fulfill our traditional law enforcement roles and adapt to our new homeland security responsibilities, the federal government is considering significant changes to the levels and allocation procedures of critical federal assistance funds.

This year will be no different.

Because of the upcoming November elections, it is likely that our elected leaders will be actively working on critical homeland security and public safety issues. For these reasons, it is vitally important for the IACP to continue its efforts to ensure that the voice of the state and local law enforcement executives are heard.

The IACP occupies a unique position in Washington, D.C., the United States, and the world, representing the professional voice of law enforcement. The IACP does not endorse political candidates or get involved in political campaigns. Instead, it stays above the political fray and focuses its energies on advancing legislative initiatives that provide law enforcement with the tools necessary to fulfill its mission. This abstention from politics allows the IACP to do what is right without regard to how popular its position may be. Over the past several years, in part because of this philosophy, the IACP's influence has continued to grow. We bring a professional, not a political, perspective to public policy debates.

Yet let us make no mistake. IACP's success in its legislative efforts depends upon the actions of our membership. There is no more effective public safety advocate than a police chief talking to his or her representative, since the chief possesses the expertise on law enforcement issues the representatives lack. We have the ability to serve as a resource for our political leaders, to let them know which proposals would help us and which would hinder our ability to fulfill our mission.

But your knowledge and experience can only be put to good use when your representatives know who you are. In order to be truly effective advocates for the needs of the law enforcement community, it is vital that you establish a relationship with your elected representatives. As police chiefs, we are responsible for protecting public safety. Thus, it is our duty to ensure that the laws that are enacted are sensible and will allow our agencies to successfully overcome the challenges confronting us and to effectively protect the citizens and communities we serve.



Chief Joseph M. Polisar
Garden Grove, California

I urge you to act today and contact your representatives. Visit with them when they are back in your district. Call them, write them, send them an e-mail message, send them a fax, but make every effort to ensure that they are aware of your concerns and those of the law enforcement community. The IACP Legislative Agenda, which is available at the IACP Web site, www.theiacp.org, provides an overview of the issues confronting our profession. Use this document as a starting point with your representatives, but also take the opportunity to discuss your local needs and concerns. The important task is to establish a relationship with your representative so that they, and you, can communicate frequently on the issues facing your community and your profession.

Another opportunity to establish this relationship is join with other IACP members on March 3 to participate in IACP's Day on the Hill. The Day on the Hill gives IACP members the opportunity to meet with their representative and express their views on the needs of the law enforcement community and to advance the IACP's legislative agenda. This year's Day on the Hill is scheduled to coincide with the midyear meetings of the IACP Division of State Associations of Chiefs of Police, the IACP Division of State and Provincial Police, and the IACP Legislative Committee. If you are interested in joining us in this important endeavor, please call the IACP legislative staff or visit the IACP Web site for more information.

Whether you can join us on March 3, it is imperative that you get involved. There is too much at stake for law enforcement executives to remain on the sidelines as our elected leaders consider legislation that has the potential to dramatically alter the way our agencies operate. If we do not speak up and make our voices heard, our agencies could be asked to undertake a mission for which we lack the proper resources and confronted by new laws and regulations that will hinder the ability of our officers to effectively police our communities.

The entire law enforcement community, officer and executive alike, has had to accept new responsibilities and adapt to meet the new reality we all share. But we must do more. We must ensure that our elected leaders have the benefit of our wisdom and experience as they develop and debate public safety policy.

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Circle no. 26 on Reader Response Card

2003: Year in Review

**By Jennifer Boyter,
IACP Legislative Analyst**

As Congress prepares for the second session of the 108th Congress, it is time to look back to see what lawmakers did and did not do in 2003.

Appropriations

Only six of the 13 regular spending bills were sent to President Bush. The remaining seven appropriations bills were instead combined into a massive omnibus bill (H.R. 2673), which was passed by the House at the end of the year. The Senate has not yet acted on the measure, postponing action until Congress reconvenes on January 20. The government is currently operating under a continuing resolution (CR) that expires on January 31.

The Commerce, Justice, State, and Judiciary appropriations bill (CJS), which provides most of the funding for federal law enforcement agencies as well as the state and local law enforcement assistance programs, was included in the omnibus. The CJS bill was adopted by the House (H.R. 2799) and the Senate Appropriations Committee (S. 1585) but was never voted on by the full Senate.

Ballistic Vests

In July, the Senate approved a bill (S. 764) to reauthorize the Bulletproof Vest Partnership Grant Program through fiscal year 2007. The matching grant program helps local police and sheriff's departments buy bulletproof vests. The bill would authorize up to \$50 million each fiscal year. Without the legislation, the grant program will expire in September 2004.

DNA Evidence

In November, the House overwhelmingly passed a bill (H.R. 3214) that will provide over

\$1 billion in funding and assistance for DNA evidence analysis and training. The bill is the result of months of negotiations between congressional Republicans and Democrats. The measure, which is known as the Advancing Justice through DNA Technology Act, is endorsed by congressional leaders of both parties.

The bill combines President Bush's initiative to spend \$1 billion to reduce the backlog of evidence awaiting DNA testing with proposals that will assist state and local law enforcement expand the collection of DNA samples and evidence. Specifically, the bill would authorize \$755 million over five years (\$151 million per year) to eliminate the current backlog of more than 300,000 rape kits and other crime scene evidence awaiting DNA analysis in crime labs.

The bill also expands the DNA database system (CODIS) to allow states to include in the DNA index the DNA profiles of all felons convicted of federal crimes and all people required to submit DNA samples, including those authorized by state law.

The bill also contains portions of the Innocence Protection Act, which aims to ensure that defendants in state capital punishment cases have access to adequate legal counsel and that death row inmates could use sophisticated new DNA testing to assert their innocence. It would also give selected federal inmates access to DNA testing that could lead to reversal of their convictions if they assert under penalty of perjury that they are not guilty.

The measure now heads to the Senate, where companion legislation (S. 1700) faces significant opposition, despite the support of Judiciary Chairman Orrin Hatch (R-Utah).

Firearms

The omnibus appropriations bill passed by the House and awaiting action by the Senate includes several firearms-related provisions. Under one such provision, federal law enforcement officials would have to destroy records related to background checks of gun buyers

within 24 hours after buyers are cleared to purchase a weapon. Currently, the Justice Department retains such records for up to 90 days to guard against errors and to audit the system.

The omnibus contains several other provisions that reduce law enforcement oversight of gun dealers. One provision would prevent the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) from publicly disclosing information submitted by licensed gun dealers. Another would bar the bureau from requiring gun dealers to inventory their stock. Another provision mandates disclaimers for firearms trace studies by the bureau, to the effect that such studies cannot be used to reach "broad conclusions" about crimes related to firearms.

Assault Weapons: Congress did not take any action on legislation to reauthorize the assault weapons ban, which is set to expire in September. Senators Dianne Feinstein (D-California) and Charles Schumer (D-New York) have introduced legislation (S. 1034) that would extend the current ban with only minor modifications. The IACP supports this legislation. In addition, Representatives John Conyers (D-Michigan) and Carolyn McCarthy (D-New York) have introduced a tougher bill (H.R. 2038) that would ban a larger number of guns. Senator Frank Lautenberg (D-New Jersey) has introduced a similar bill (S. 1431) in the Senate.

Concealed Weapons: In March, the Senate Judiciary Committee approved a bill (S.B. 253), known as the Law Enforcement Officers Safety Act of 2003. The bill would exempt qualified active and retired law enforcement officers from state and local prohibitions on the carrying of concealed firearms, allowing off-duty and retired officers to carry concealed weapons throughout the country. The House version (H.R. 218) was not considered by the House Judiciary Committee. That committee's chair, Representative James Sensenbrenner (R-Wisconsin) is opposed to the bill. The IACP remains strongly opposed to the bill.

Highway Reauthorization

Several House and Senate committees have finally begun working on the measure (S.B. 1072), but it is likely that Congress will have to pass another extension of existing law. The current extension expires February 29.

Homeland Security Funding

Members of Congress continue to reexamine the formulas under which first responder funds are distributed. Homeland Security Secretary Tom Ridge has repeatedly urged Congress to change the formula, which currently has mandatory minimums for each state and distributes money based largely on population. He testified that the formula should be changed to give greater weight to the threat that each state faces, as well as to the presence of critical infrastructure and national icons.

A House Homeland Security Subcommittee endorsed a bill (H.B. 3266) that would create a new grant program, but not authorize additional funding, to distribute money to first responders based solely on the terrorist threat facing each state and community. It would not affect existing grant programs that fund traditional police department needs, such as the Local Law Enforcement Block Grant or Byrne grants.

Two Senate Committees passed legislation that would also overhaul the formula for distributing grants to first responders. A bill (S. 1245) passed by the Senate Governmental Affairs Committee, would provide a bigger share of grants to high-threat urban areas and make it simpler to apply for grants. It would restructure the Department of Homeland Security's state and local homeland security grant programs, make it easier to apply for federal funds, and coordinate the many grant programs that provide homeland security funding.

Victims' Rights

In September, the Senate Judiciary Committee approved a proposal to amend the Constitution to specify certain rights for crime victims. The so-called victims' rights amendment (S.J. Res. 1) would require that crime victims or their representatives receive advance notification of judicial proceedings and parole hearings. The amendment would also give victims or their representatives the right to be heard at public release, plea sentencing and other proceedings and would require judicial officials to consider victims' safety when deciding the fate of defendants.

Proposed constitutional amendments require a two-thirds vote of approval by each chamber. If cleared by Congress and ratified by at least 38 states, the proposal would be the 28th amendment to the Constitution and the first since 1992.

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U.S. Supreme Court Sharpens Police Drug-Fighting Tools

By Rob Cerullo and Randy Means

Two new U.S. Supreme Court decisions provide guidance and insight for drug enforcement. Both are winners for police. One deals with what is a reasonable amount of time to wait before forcing entry into a private residence with a search warrant. The other deals with a traffic stop that turns out to involve narcotics and multiple suspects.

United States v. Banks

A cornerstone of Fourth Amendment law is the concept of "reasonableness." Naturally, this is true in the execution of search warrants. The manner of execution must be reasonable under the totality of the circumstances at the time of service. Normally, this requires officers serving the warrant to knock and announce their presence and purpose and give the occupants a reasonable amount of time to open the door before entry is forced. The Supreme Court had not said how long a reasonable amount of time is, leaving lower courts to make this determination. This lack of guidance has been great fodder for suppression hearings and has caused much anxiety and confusion among the rank-and-file officers who serve search warrants each day. This is particularly true in the world of narcotics search warrants, where an officer executing a warrant must balance legal concerns with officer safety issues and the possible destruction of evidence. Any officer who has stood on a drug dealer's front doorstep with a battering ram in one hand and a search warrant in the other has struggled with how long to wait before going in.

Recognizing the difficulty of this balancing act, the U.S. Supreme Court has now weighed in. In *United States v. Banks*, decided December 2, 2003, police officers executed a search warrant for cocaine at the defendant's small two-

bedroom apartment. After knocking and announcing with no response from the occupant, the officers waited approximately 15-20 seconds before forcing entry. On appeal the defendant claimed that the forced entry violated his Fourth Amendment rights because the officers did not wait a reasonable amount of time before entering. The Ninth Circuit U. S. Court of Appeals agreed and ordered the evidence suppressed.

The Circuit Court justified this ruling based in part on the small size of the defendant's apartment, the time of day, and the nature of the offense. The Court reasoned that because there were no specific exigent circumstances requiring immediate entry and because forcing entry required the destruction of property, the officers should have waited for the defendant to refuse them admittance. The appeals court found that because there was no response from inside the residence, the officers should have waited longer than 15-20 seconds to enter to "satisfy constitutional safeguards."

The U.S. Supreme Court reversed the Ninth Circuit and found that "the issue comes down to whether it was reasonable to suspect imminent loss of evidence after the 15-20 seconds the officers waited prior to forcing their way. . . . We think that after 15 or 20 seconds without a response, police could fairly suspect that cocaine would be gone if they were reticent any longer." The Court was not swayed by the lower courts' emphasis on the size of the residence and instead focused on the defendant's opportunity to destroy evidence. The Court reasoned that "it is imminent disposal, not travel time to the entrance, that governs when police may reasonably enter . . . and no reliable basis [exists] for giving the proprietor of a mansion a longer wait than the resident of a bungalow or apartment."

After *Banks*, an officer executing a search warrant must still balance the knock, announce, and wait requirements against both

officer safety and evidence destruction concerns, and the entry must still conform to a reasonableness standard. But *Banks* makes it clear that in most cases involving search warrants for small quantities of easily disposable narcotics such as cocaine and heroin, 15-20 seconds is a reasonable amount of time to wait before forcing entry.

Maryland v. Pringle

Another recent U.S. Supreme Court case that will be helpful to narcotics investigators is *Maryland v. Pringle*, decided December 15, 2003. In *Pringle*, an officer on a traffic stop was given consent to search a vehicle with three occupants. Pringle was sitting in the right front passenger seat, directly in front of the glove box in which the officer found a roll of \$763.00 in cash. The officer also found five individually packaged baggies of cocaine hidden in the back seat armrest, accessible to all three occupants. All three occupants denied knowledge of the drugs and the officer arrested them all. After being booked, Pringle gave a full confession and the other two suspects were released.

Pringle appealed his conviction, claiming that his confession should have been suppressed because the officer lacked probable cause to arrest him. The state appeals court found that "the mere finding of cocaine in the back armrest when Pringle was a front seat passenger . . . is insufficient to establish probable cause for an arrest for possession." The state court ruled that in order to establish probable cause to arrest, the officer needed some other evidence to show Pringle had knowledge of the drugs.

Upon review the U.S. Supreme Court reversed and found that the officer did in fact have probable cause to arrest all three suspects. The Court reasoned that the mere finding of the drugs undisputedly established probable cause to believe that one of the three

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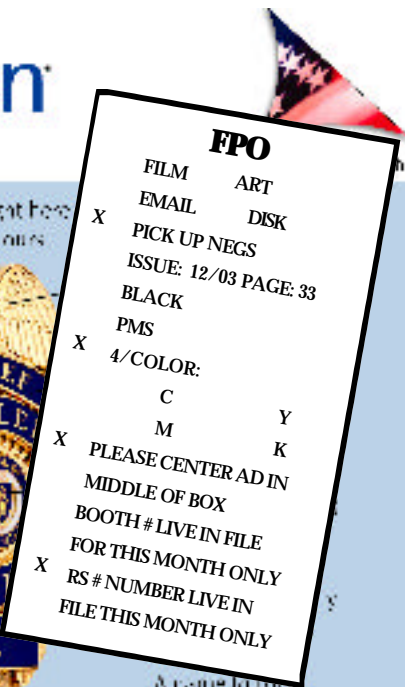
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suspects was in possession of cocaine, and that the only question was which one. The Court went on to say, "We think it is an entirely reasonable inference from these facts that any or all three of the occupants had knowledge of, and exercised dominion and control over, the cocaine." The Court based this finding on the belief that a "car passenger will often be engaged in a common enterprise with the driver, and have the same interest in concealing the fruits or the evidence of their wrongdoing."

The Court went on (in dicta) to make some interesting and helpful observations about the nature of probable cause. In discussing it, the Court referred to it as simply "a reasonable grounds for belief of guilt" and said that a preponderance of the evidence requirement has "no place in the probable cause decision." While the Court refused to quantify probable cause in terms of a numerical percentage of likelihood, its statement that the preponderance of evidence standard "has no place" in the probable cause decision could easily mean that probable cause is not as demanding a standard as the preponderance of the evidence. The "preponderance" or "greater weight" of the evidence presumably is represented (at its lowest point) by a roughly 51 percent likelihood. If that's so, and if probable cause is less demanding than "preponderance," one concludes that the probable cause requirement may be satisfied by evidence that makes guilt less than mathematically likely. In other words, probable cause (at its lowest levels) could be represented by mathematical likelihood in the 40 to 50 percent range, for example. Such analysis adds fuel to the argument, already made by a number of legal scholars and lower courts, that probable cause does not require nearly as much as many in the past have thought.

In both *Banks* and *Pringle* we see a Supreme Court cognizant of the difficult decisions officers must make, particularly in the fight against illegal drugs. Both decisions indicate that the Court will provide officers with some latitude in making those hard choices. The Fourth Amendment "balancing test" will not always yield victory for criminal defendants.

Editor's note: Rob Cerullo, a former narcotics detective with the Chesterfield County Police Department in Chesterfield, Virginia, is a part-time police officer with the department, a full-time law student at the University of Richmond, and a legal intern for his prosecutor's office. Randy Means is a career police legal advisor.

This column is prepared monthly by members of IACP's Legal Officers Section. Interested section members should coordinate their contributions with Randy Means at rbmeans@aol.com.



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Circle no. 8 on Reader Response Card

IACP Leadership in Technology Awards Program

**By G. Matthew Snyder, Manager,
IACP Technology Center**

The IACP, with the support of iXP Technologies, has established the Leadership in Technology Award Program to recognize a law enforcement agency's superior achievement and innovation in the field of communication and information technology. The program is an international competition that is open to local, tribal, state, provincial, federal, and multijurisdictional law enforcement agencies.

The award program was developed under the guidance of IACP First Vice President Joseph G. Estey, chief of the Hartford, Vermont, Police Department. The program is managed and coordinated by the IACP Technology Center. Nominations may be made by any law enforcement agency through a Web-based application on the IACP Technology Clearinghouse Web site (www.IACPtechnology.org). Four awards (small, medium, large, and multijurisdictional law enforcement agencies) will be made annually for each of the three achievement areas:

- **Innovation in Information Technology:**

This category highlights the achievement of an agency in implementing an innovative information technology that enhances the effectiveness of law enforcement.

- **Response to Computer Related Crime:**

This category recognizes an agency's, an organization's, or a collaborative effort's innovative or highly effective approach to computer-related crime, including programs and case-specific achievements.

- **Excellence in Law Enforcement Communications and Interoperability:** This category recognizes an agency's implementation of wireless technology to improve mission critical voice communications, interoperability, or information or data sharing.

The agency size competitive categories are defined as follows:

- **Small:** 50 or fewer sworn officers
- **Medium:** 51 to 200 sworn officers
- **Large:** 200 or more sworn officers
- **Multijurisdictional:** Any size

Applications will be judged by members of the IACP Technology Coordination Panel. The panel is composed of information technology committee and section representatives, select IACP staff, and a vice president of the IACP. Awards will be presented to the chief executive officer of each winning agency or multijurisdictional organization during the awards banquet at the midyear meeting of the IACP Law Enforcement Information Management Section.

The deadline for applications is February 27, 2004. Winners will be notified of their selection on April 10, 2004. The winning agency for each category will receive a plaque and two complimentary registrations to the IACP Law Enforcement Information Management (LEIM) Section technology conference and exhibition. In addition, winning agencies will be asked to present their project at the annual IACP conference during a Technology Institute workshop and will receive an annual IACP conference registration waiver for each presenter. Travel and related expenses for both conferences are the responsibility of the winner. All members and nonmembers are encouraged to nominate leading technology oriented agencies for this distinguished award.

IACP LEIM Technology Conference

The International Association of Chiefs of Police Law Enforcement Information Management (LEIM) Section welcomes law enforcement representatives to participate in the 28th Annual LEIM Training Conference and Exhibition in Sacramento, California. The conference will be held May 3-7, 2004, at the Sacramento Convention Center. A block of rooms has been reserved for LEIM attendees at the Hyatt Regency Sacramento.

The LEIM conference will provide attendees with an opportunity to learn about the latest information management technologies and initiatives, as well as provide hands-on demonstrations of cutting-edge solutions. The agenda will address mobile computing, information security, justice IT standards, interoperability, handheld computers and wireless communications. In addition, attendees may participate in an evaluation of information

technology; consider strategic planning methods for law enforcement information systems; and receive information on technology funding and grant management.

This international law enforcement technology professional conference is designed for practitioners by practitioners. IACP member agency attendance, participation, and support play a critical role in LEIM's mission to advance the law enforcement profession through technology.

A number of preconference activities are planned to enhance the value of the conference for law enforcement and corporate delegates:

- The IACP's Private Sector Liaison Committee (PSLC) will meet April 28 and 29 before the conference. The PSLC meeting is open to all IACP members.

- The IACP's Criminal Justice Information Systems (CJIS) Committee and Communications and Technology (C&T) Committee will meet in conjunction with the conference on May 1 and 2. Committee meetings are open to all IACP members.

- The National Institute of Justice (NIJ) Office of Science and Technology will hold a seminar on May 3. This seminar will feature a series of presentations that highlight NIJ's latest information and communications technology projects. Delegates will be encouraged to participate in these presentations by offering end-user and IT manager feedback to these significant federal endeavors that have national implications.

- The Law Enforcement Technology Tutorial for public safety agency personnel will be held on May 3. The tutorial is designed to provide public safety employees with an orientation to the key terms and concepts associated with Law Enforcement IT. Seats are limited.

Registration forms are available through the IACP Technology Clearinghouse Web site. Attendance is limited to the first 450 registrants, and LEIM Section members will be given priority. Details concerning the LEIM conference will be posted to the IACP Technology Clearinghouse Web site at www.IACPtechnology.org.

Please call Tom Robey, Juanita Ward, or Jennifer Hicks at IACP headquarters at 800-THE-IACP for more information.



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Circle no. 41 on Reader Response Card

Where do the good ideas come from?

In this column, we offer our readers the opportunity to learn about — and benefit from — some of the cutting-edge technologies being implemented by law enforcement colleagues around the world.



Ohio Agencies Implement Information Sharing System

The Armada Group Inc. announces that seven central Ohio law enforcement agencies recently joined forces to implement new crime-fighting technology designed to improve the way their police departments enter, access, and share information across jurisdictional lines. Each agency in the consortium has implemented Armada's iLincs, a Web-based system that enables officers in the field to identify subjects, issue missing person alerts and wanted notifications, and enhance field interview reports with photos and fingerprints.

Participants in the Ohio consortium project include police departments from Dublin, Grandview Heights, Powell, Westerville, Worthington, Upper Arlington, and Ohio State University.

"The equation of success for central Ohio law enforcement is simple," said Michael

Clancey, chief of the Westerville Police Department. "Effective technology plus timely information equals officer safety. This real-time informational exchange between agencies also translates into safer communities in central Ohio."

The iLincs technology can be used with existing in-cruiser and in-station PC-based systems and with other mobile technology such as a cell phone or handheld computer. It is also designed to give officers access to local, state, and national data repositories.

Project funding for six city police agencies was made possible through grants administered by the Ohio Office of Criminal Justice Services and funded by the U.S. Department of Justice. The OSU Police Department used its own funding to participate in the consortium.

According to Detective Rick Amweg of the OSU Police Department, increasing information sharing with neighboring police agencies such as Upper Arlington and Grandview Heights helps OSU police solve campus crimes.

"The university has several officers on foot or bicycles who require or need to enter critical information but are not close to the station," said Amweg. "This project will enable us to put state-of-the-art mobile technology in the hands of every officer so they can enter, access, and share real-time information from the field, helping us to become more efficient, improve officer safety, and resolve cases faster."

For more information, circle no. 100 on Reader Service Card

Two State Public Safety Departments Acquire New Driver's License Systems

The Digimarc Corporation announces that it has won a contract to supply the Alabama De-

partment of Public Safety (DPS) with a tamper-resistant driver's license issuance system. The company also announces that the Massachusetts Registry of Motor Vehicles has adopted a package of upgrades to its driver's license system.

In Alabama, Digimarc will develop new software to control systems integration, the delivery and implementation of image capture hardware, the central production of driver's licenses, and the design of a new card that incorporates advanced overt and covert security features. Alabama will adopt Digimarc IDMarc digital watermarking security features as a machine-readable, cross-jurisdictional authentication capability and Digimarc's photo identity verification solution as a means to detect identity fraud in the application process.

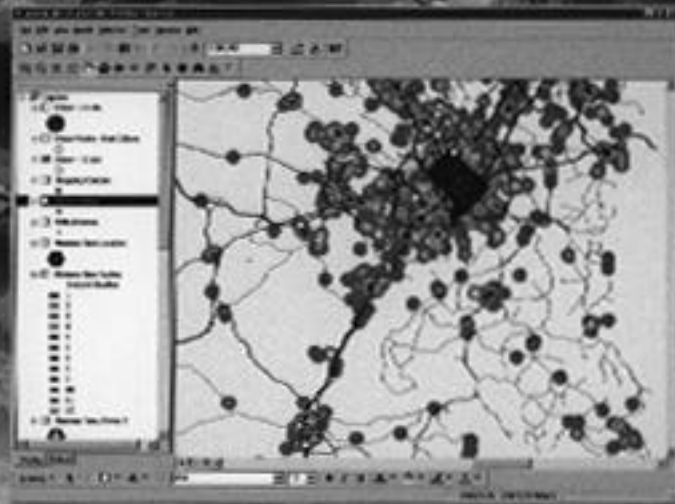
"Alabama has much to gain by working with an experienced supplier of secure driver license systems such as Digimarc," said Colonel Mike Coppage, director of the Alabama Department of Public Safety. "The proposed system will benefit the residents of our state through better customer service, more secure identity documents, and reduced fraud."

The Massachusetts Registry of Motor Vehicles (RMV) has adopted a package of security enhancements and upgrades for its driver's license, which Digimarc has been producing for the state since 1999. As part of the security upgrade, Massachusetts will implement a range of state-of-the-art ID security features, becoming one of the first states to incorporate a two-dimensional Kinegram on its license and a digital watermarking security feature. A Kinegram is an optically variable graphic that moves when viewed from different angles.

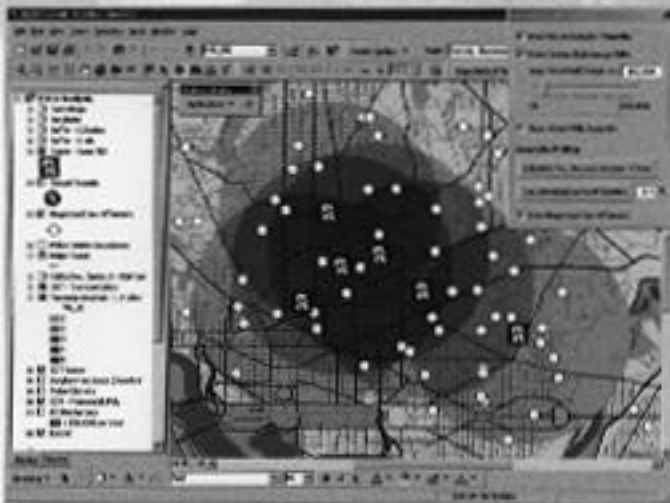
"Massachusetts is committed to continually enhancing the security of our driver's license. Thus, we are pleased to be partnering with Digimarc to incorporate the most sophisticated security technologies available," said Kimberly Hinden, registrar of the Massachusetts RMV. "These enhancements will help further defend our driver's license against the threat of counterfeiting and fraud."

For more information, circle no. 101 on Reader Service Card

Mapping the Future of Law Enforcement With GIS



Analysis of serial shooting events relative to specific types of businesses



Analysis of rapes and proximity to home addresses of registered sex offenders



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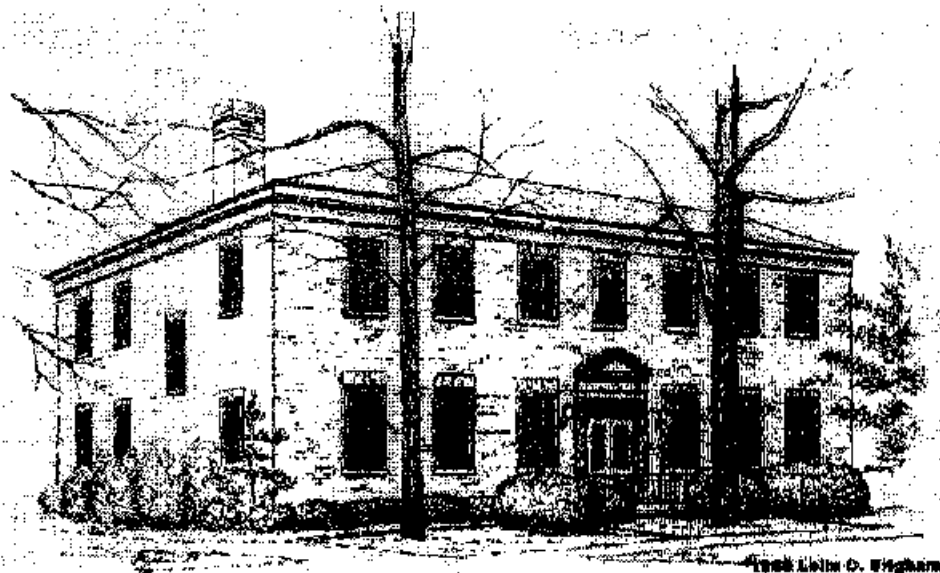


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Initial National Response Plan



On October 10, 2003, U.S. Homeland Security Secretary Tom Ridge approved the Initial National Response Plan (INRP), an interim plan designed to help develop a unified approach to domestic incident management across the nation.

The INRP represents a significant first step toward the overall goal of integrating the current family of federal domestic prevention, preparedness, response, and recovery plans into a single all-hazards national response plan.

The initial plan was developed in conjunction with state and local governments, law enforcement, and the fire and emergency management communities, tribal associations, the private sector, and other nongovernmental organizations. The objective was for the United States to be better prepared by integrating emergency response plans that cover terrorist attacks, major disasters, and other emergencies.

Presidential Directive 5

In the Homeland Security Presidential Directive 5 (HSPD-5)¹ the purpose of the INRP was to enhance the ability of the United States to manage domestic incidents by establishing a single, comprehensive national incident management system. HSPD-5 outlines the policy as follows:

To prevent, prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies, the United States shall establish a single, comprehensive approach to domestic incident management. The objective of the United States government is to ensure that all levels of gov-

ernment across the nation have the capability to work efficiently and effectively together, using a national approach to domestic incident management. In these efforts, with regard to domestic incidents, the United States government treats crisis management and consequence management as a single, integrated function, rather than as two separate functions.²

The presidential directive designates the secretary of homeland security as the principal federal official for domestic incident management. Pursuant to the Homeland Security Act of 2002, the secretary is responsible for coordinating federal operations in the United States to prepare for and respond to terrorist attacks and to coordinate the use of the federal government's resources during recovery from terrorist attacks, major disasters, and other emergencies. For this action to take place one of four conditions must apply:

- A federal department or agency acting under its own authority has requested the assistance of the secretary of homeland security
- The resources of state and local authorities have been overwhelmed and the appropriate state and local authorities have requested federal assistance
- More than one federal department or agency has become substantially involved in responding to the incident
- The secretary of homeland security has been directed to assume responsibility for managing the domestic incident by the president of the United States

As this effort evolves, the U.S. homeland security effort will be guided by the concept of one plan.

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State and Local Authorities

Presidential Directive 5 clearly recognizes the roles and responsibilities of state and local authorities in domestic incident management. The directive recognizes that the initial responsibility for managing domestic incidents generally falls on state and local authorities. The federal government's role is to assist state and local authorities when their resources are overwhelmed, or when federal interests are involved.

The Department of Homeland Security is tasked with coordinating with state and local governments on planning, equipment, training, and exercise activities. The Homeland Security Department provides assistance to state and local governments to develop all-hazards plans and capabilities and ensure compatibility with federal plans.

Elements of INRP

The Initial National Response Plan strengthens the U.S. emergency response process by harmonizing existing federal response plan activities with incident management leadership responsibilities assigned to Homeland Security. As a result, the nation's responders will now be supported with new incident management capability including the following:

National Homeland Security Operations Center: The INRP provides for the establishment of the permanent Homeland Security Operations Center (HSOC) to serve as the primary national-level hub for domestic incident management operational communications and information pertaining to domestic incident management. The HSOC is located at Department of Homeland Security headquarters; the HSOC provides threat monitoring and situational awareness for domestic incident management 24 hours a day, seven days a week.

Interagency Incident Management Group: The Interagency Incident Management Group (IIMG) is to facilitate national-level situation awareness, policy coordination, and incident coordination during domestic incidents. The IIMG is made up of senior representatives from federal departments and agencies, non-governmental organizations, as well as Department of Homeland Security components to facilitate national-level situation awareness, policy coordination, and incident coordination.

Principal Federal Official: The secretary of homeland security may designate a principal federal official (PFO) during a domestic incident to serve as the personal representative of Department of Homeland Security locally during an incident. The PFO will oversee and coordinate federal incident activities and work with local authorities to determine requirements and provide timely federal assistance.

Joint Field Office: Federal activities at a local incident site will be integrated during domestic incidents to better facilitate coordination between federal, state, and local authorities through a Joint Field Office (JFO). The JFO is expected to incorporate existing entities such as the Joint Operations Center, the Disaster Field Office, and other federal offices and teams that provide support on the scene.

National Incident Management System

In addition to the new emergency planning measures established by the INRP, the Department of Homeland Security and responders from around the United States continue the development of a national incident management system (NIMS) that will create additional standardized coordination procedures for incident managers.

The INRP represents a significant first step toward an overall goal of integrating the current family of federal domestic prevention, preparedness, response, and recovery plans into a single all-disciplines, all-hazards plan. When the INRP is supported by the NIMS, a national system will exist that creates standardized incident management processes, protocols, and procedures.

First Homeland Security Center of Excellence

The U.S. Department of Homeland Security chose the University of Southern California (USC) as the first Homeland Security Center of Excellence (HS-Center). The department anticipates providing the university with \$12 million in the next three years for the study of risk analysis related to the economic consequences of terrorist threats and events.

The first HS-Center at USC, known as the Homeland Security Center for Risk and Economic Analysis of Terrorism Events, will address both the targets and means of terrorism, with emphasis on protecting the nation's critical infrastructure systems, such as electrical power, transportation, and telecommunications. In addition, the HS-Center will develop tools for planning responses to emergencies, to minimize the threat to human lives, and to reduce the economic impact in the event of an attack.

The HS-Center will be headed by Dr. Randolph Hall of USC's School of Engineering, an expert in transportation, logistics, engineering, and mathematical modeling, and Dr. Detlof von Winterfeldt of the USC's School of Policy, Planning, and Development, an expert in risk and decision analysis, with particular interest in the application of these fields to the environment, technology, and weapons of mass destruction. They have assembled a team of experts across the country, to include partnerships with other universities such as New York University, the University of Wisconsin at Madison, and the University of California at Berkeley.

The HS-Center will leverage USC's expertise in natural disasters, system safety, and nuclear threats. Two existing centers within USC's School of Engineering, the Integrated Media Systems Center (a National Science Foundation Engineering Research Center) and the Information Sciences Institute, will also contribute research in advanced computer modeling and cybersecurity.

The HS-Center intends to deliver a strong integrated program of research, education, and technology transfer that uses risk-based economic analysis to advance the nation's security. Courses and a certificate program in risk and decision analysis offered to their distant learning engineering students, development of professional workshops, fellowships, and outreach to local and regional communities are just some of the examples of how USC will integrate education into the HS-Center's research activities.

The Department of Homeland Security and outside advisors reviewed more than 70 proposals to establish the first HS-Center. The department plans to establish a number of additional HS-Centers across a spectrum of short- and long-range research and development areas, such as agroterrorism countermeasures and behavioral research on terrorism.

The HS-Centers program, which is operated by the Department's Science and Technology Division, will establish university-based centers of multidisciplinary research where areas critical to homeland security can be analyzed, debated, and shared. Through this program, the Department of Homeland Security and partner universities will bring together the nation's best experts and focus its most talented researchers on a variety of threats that include chemical, biological, nuclear and radiological, explosive, and cyberterrorism.

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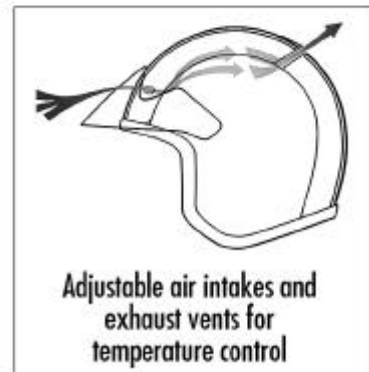
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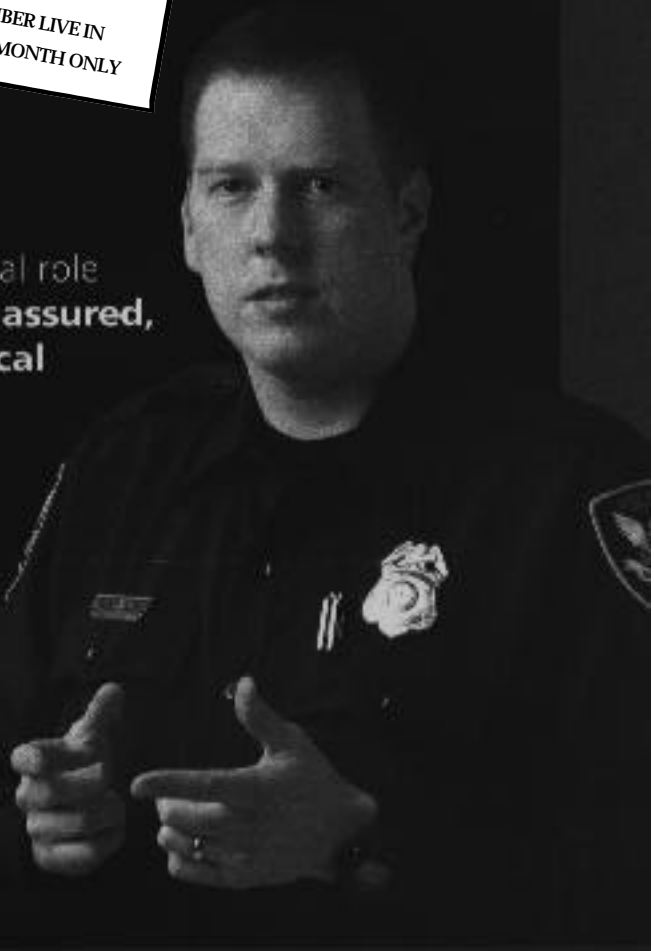
Roanoke, Virginia – As September 11 has proven, the effects of terrorism can be devastating. Today, threats are taken seriously, regardless of scale. Officer Marc Chandler from the Roanoke Police Department participates in the Training Academy's Homeland Defense School. The goal? Preparedness – by streamlining frontline responses to disasters and agencies and terrorist attacks.

Police officers and federal agents undergo a week-long series of classroom instruction and field training in Chemical and Biological Terrorism, Command and Control situations, among others.

ITT night vision field training, in particular, is a class Officer Chandler looks forward to teaching. When properly utilized, the equipment can make a tremendous impact in the effectiveness of Search and Rescue operations and Perimeter Control. Such knowledge should be passed on.

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Homeland Security Funding Sources

On October 1, 2003, President Bush signed the fiscal year 2004 Homeland Security Appropriations Act. Over all, the Homeland Security Department's 2004 funding total is \$37.4 billion. Of that total, more than \$3.7 billion will be made available, through the Office for Domestic Preparedness (ODP), for grants to state and local public safety agencies.

These assistance funds have been allocated as follows:

- \$1.7 billion for formula-based grants to support state homeland security programs
- \$750 million for firefighters assistance grants
- \$675 million for discretionary grants for high-threat, high-density urban areas
- \$500 million for law enforcement terrorism prevention grants
- \$50 million for metropolitan area transit authorities
- \$40 million for Citizen Corps grants

A key feature of these new programs is the ability of the state administrative agencies to apply with one online application form as part of the Homeland Security Grant Program, streamlining the process by which DHS distributes the funds through the state governments. In addition to the single application, DHS has launched an interagency grants and training Web site on the DHS Web site at www.dhs.gov/grants. The Web site provides information on homeland security and public safety grant opportunities offered by the Department of Homeland Security and other federal departments and agencies, including the Department of Justice, the Department of Health and Human Services, and the Environmental Protection Agency, and a link to the Compendium of Federal Terrorism Training for State and Local Audiences, an interagency site for training opportunities available to state and local emergency personnel.

It is important to note, however, that only the designated state administrative

Useful Department of Homeland Security Sites

- **DHS Home Page**
www.dhs.gov/dhspublic/
- **Homeland Security Grants and Training**
www.dhs.gov/dhpublic/interapp/editorial/editorial_0355.xml
- **Compendium of Federal Terrorism Training for State and Local Audiences**
www.fema.gov/compendium/index.jsp

agencies may apply for these grants. In addition, the application period for the fiscal 2004 grants has passed. But it is likely that these programs will once again be funded in fiscal year 2005.

State Homeland Security Programs

These funds will be made available to states for use in training officers, buying equipment, and conducting exercises. These funds may also be used to cover the cost of overtime associated with homeland security-related training. These funds must be expended in accordance with the state's homeland security strategy, which must be approved by the U.S. Department of Homeland Security. The funds distributed under this plan will be sent to the state government; but the state must transfer at least 80 percent of these funds to local government within 60 days of receiving the funds.

Urban Areas

The Urban Area Grants will be allocated through the states to urban areas selected by the Department of Homeland Security to enhance their overall security and preparedness level to prevent, respond to, and recover from acts of terrorism. The urban areas are chosen based on a formula that takes into account factors including critical infrastructure, popula-

tion density, and credible threat information.

Funding allocations among the cities, contiguous counties, and mutual aid partners will be based on an urban area assessment and strategic plan. Eighty percent of the funds allocated to the state under this program must be awarded to the designated cities and contiguous counties within the urban area based on the strategic plan. The state may use the remaining 20 percent for further security enhancements within the urban area.

Law Enforcement Terrorism Prevention

The Law Enforcement Terrorism Prevention Program (LETPP) will provide law enforcement communities with funds to enhance their capabilities to share information to preempt terrorist attacks, reduce vulnerability of certain high-value targets, recognize the potential development of a threat, provide intervention activities before a threat could be executed, enhance interoperability communications, and assist in management and administration. The funds can be used for these activities within the areas of planning, organization, training, exercises, and equipment from an authorized equipment list that includes an expanded category for law enforcement equipment related to threat intervention, such as SWAT gear. This program also allows for overtime costs specifically related to homeland security efforts.

Grant funds will be made available to the states through their state administrative agencies, and the states are required to provide no less than 80 percent of LETPP funds to local law enforcement agencies for terrorism prevention activities. States must use their state homeland security strategies as the basis for the allocation of their funds to meet the prioritized needs established for their state.



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 Do you currently subscribe to Police Chief magazine? Yes No

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PC 2/04

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- Police chiefs of private colleges and universities who are qualified as law enforcement officers within their respective states/provinces.
- Officers who command a division, district or bureau within the department. Command must be specified on the application.
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- Prosecuting attorneys, their deputies and deputy sheriffs.
- Professors and technical staffs of colleges and universities engaged in teaching or research in criminal law, police administration and other phases of criminal justice.
- Staffs of crime institutes, research bureaus, coordinating councils, law enforcement associations.
- Chief executive officers of industrial or commercial security police agencies and private police or detective agencies.

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**U.S. Department of Homeland Security's
State Counterterrorism Grants**

Fiscal Year 2004 Allocations

<u>State/Territory</u>	<u>State Grant Allocation</u>	<u>LETPP Program</u>	<u>Citizen Corps</u>	<u>TOTAL</u>
Alabama	28,138,000	8,350,000	584,000	37,072,000
Alaska	14,862,000	4,410,000	309,000	19,581,000
Arizona	31,490,000	9,344,000	654,000	41,488,000
Arkansas	22,001,000	6,529,000	457,000	28,987,000
California	133,964,000	39,752,000	2,783,000	176,499,000
Colorado	28,208,000	8,370,000	586,000	37,164,000
Connecticut	24,594,000	7,298,000	511,000	32,403,000
Delaware	15,427,000	4,578,000	320,000	20,325,000
District of Columbia	14,610,000	4,335,000	303,000	19,248,000
Florida	70,382,000	20,885,000	1,462,000	92,729,000
Georgia	42,214,000	12,526,000	877,000	55,617,000
Hawaii	16,939,000	5,026,000	352,000	22,317,000
Idaho	17,271,000	5,125,000	359,000	22,755,000
Illinois	56,173,000	16,669,000	1,167,000	74,009,000
Indiana	33,917,000	10,065,000	704,000	44,686,000
Iowa	22,784,000	6,761,000	473,000	30,018,000
Kansas	22,021,000	6,534,000	457,000	29,012,000
Kentucky	26,779,000	7,946,000	556,000	35,281,000
Louisiana	28,125,000	8,346,000	584,000	37,055,000
Maine	17,110,000	5,077,000	355,000	22,542,000
Maryland	31,495,000	9,346,000	654,000	41,495,000
Massachusetts	34,846,000	10,340,000	724,000	45,910,000
Michigan	47,362,000	14,054,000	984,000	62,400,000
Minnesota	29,981,000	8,896,000	623,000	39,500,000
Mississippi	22,560,000	6,694,000	469,000	29,723,000
Missouri	32,236,000	9,556,000	670,000	42,472,000
Montana	15,780,000	4,682,000	328,000	20,790,000
Nebraska	18,612,000	5,523,000	387,000	24,522,000
Nevada	20,147,000	5,978,000	418,000	26,543,000
New Hampshire	17,043,000	5,057,000	354,000	22,454,000
New Jersey	42,317,000	12,557,000	879,000	55,753,000
New Mexico	19,047,000	5,652,000	396,000	25,095,000
New York	78,827,000	23,391,000	1,637,000	103,855,000
North Carolina	41,384,000	12,280,000	860,000	54,524,000
North Dakota	14,828,000	4,400,000	308,000	19,536,000
Ohio	52,098,000	15,459,000	1,082,000	68,639,000
Oklahoma	24,708,000	7,332,000	513,000	32,553,000
Oregon	24,804,000	7,360,000	515,000	32,679,000
Pennsylvania	55,255,000	16,396,000	1,148,000	72,799,000
Rhode Island	16,333,000	4,847,000	339,000	21,519,000
South Carolina	26,828,000	7,961,000	557,000	35,346,000
South Dakota	15,267,000	4,530,000	317,000	20,114,000
Tennessee	32,667,000	9,694,000	679,000	43,040,000
Texas	87,888,000	26,079,000	1,826,000	115,793,000
Utah	20,640,000	6,125,000	429,000	27,194,000
Vermont	14,768,000	4,382,000	307,000	19,457,000
Virginia	37,837,000	11,228,000	786,000	49,851,000
Washington	33,606,000	9,972,000	698,000	44,276,000
West Virginia	18,863,000	5,597,000	392,000	24,852,000
Wisconsin	31,437,000	9,329,000	653,000	41,419,000
Wyoming	14,360,000	4,261,000	298,000	18,919,000
Puerto Rico	25,970,000	7,706,000	539,000	34,215,000
Virgin Islands	4,588,000	1,361,000	95,000	6,044,000
American Samoa	4,410,000	1,309,000	92,000	5,811,000
Guam	4,747,000	1,409,000	99,000	6,255,000
N. Mariana Islands	4,452,000	1,321,000	92,000	5,865,000
TOTALS	1,685,000,000	500,000,000	35,000,000	2,220,000,000

Metropolitan Rail Transit Authorities

The Department of Homeland Security has provided \$50 million to the various states for mass transit security agencies across the country to help the agencies enhance the security of its assets and passengers. These transit systems were determined based upon the number of annual riders and overall track mileage. Allowable uses of funds would include installation of physical barricades; area monitoring systems such as video surveillance, motion detectors, thermal and infrared imagery, and chemical and radiological material detection systems; integrated communications systems; and prevention planning, training, and exercises. If not already completed, each transit system is required to conduct an assessment and preparedness plan on which to base resource allocations.

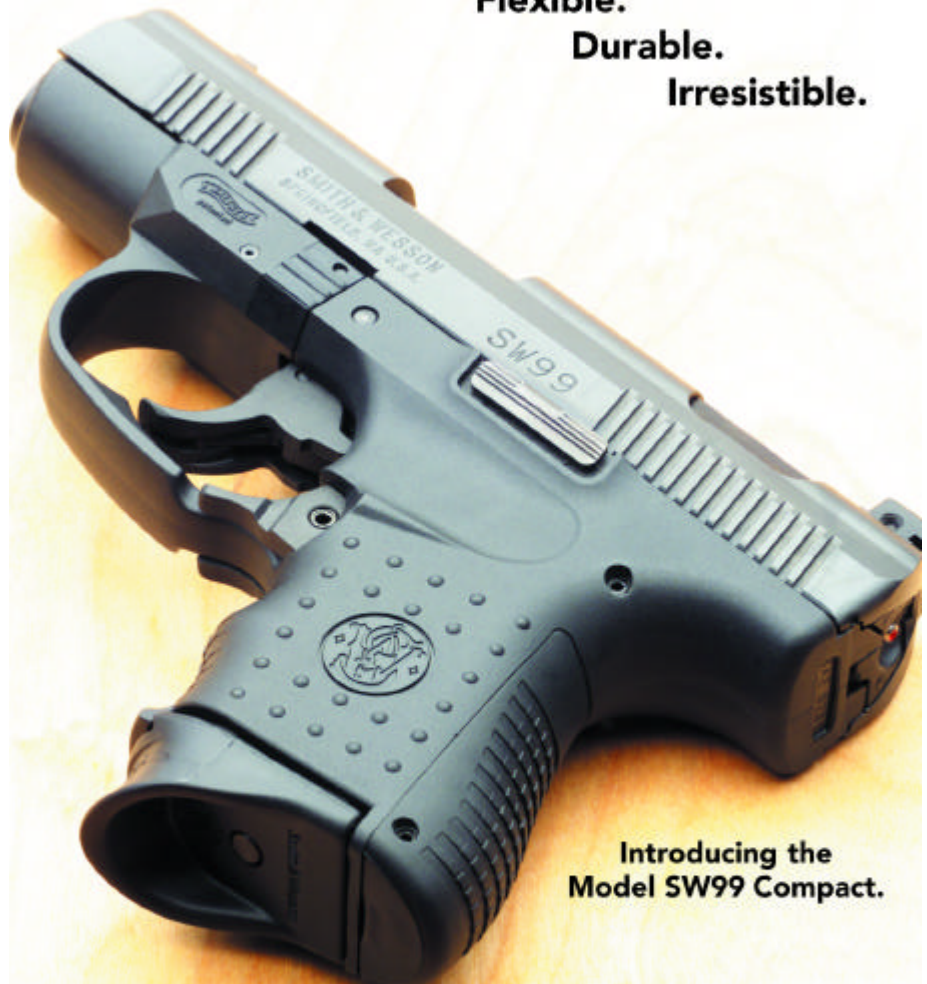
Citizen Corps

Coordinated by the Federal Emergency Management Agency, Citizen Corps is the component of the USA Freedom Corps that focuses on opportunities for people across the country to participate in a range of measures to make their families, homes, and communities safer from the threats of terrorism, crime, and disasters of all kinds. Citizen Corps also brings together a community's first responders, firefighters, emergency health care providers, law enforcement, and emergency managers with its volunteer resources.

The Citizen Corps funds will be used to support Citizen Corps councils with the planning, outreach, and management of Citizen Corps programs and activities. This program will provide the necessary resources for states and local communities to develop and sustain a local Citizen Corps council.

The 2004 Citizen Corps funds were distributed based on a formula that provided a base amount for all states and territories and the remainder of funds based on population. The funds provide resources necessary for states and local communities to bring together the appropriate leadership to form and sustain a Citizen Corps Council and develop and implement a plan for the community to engage all citizens in homeland security, community preparedness, and family safety. In addition, the funds should be used to conduct public education to inform citizens about their role in crime prevention, mitigation, emergency preparedness for all hazards, public health measures, including bioterrorism, and develop and implement Citizen Corps programs offering training and volunteer opportunities to support first responders, disaster relief groups, and community safety efforts

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Organizational Leadership & Communication
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March 15-17, 2004 / KY

Personal Leadership & Communication
March 4-6, 2004 / KS
March 18-20, 2004 / KY

Organizational & Individual Performance Evaluation
April 12-14, 2004 / KY
June 21-23, 2004 / KS

Strategic Planning
April 15-17, 2004 / KY
June 24-26, 2004 / KS

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Program Budgeting & Grant Writing
September 8-10, 2004 / KY
September 20-22, 2004 / KS

The Media, Community Relations & Responding to Crises
September 13-15, 2004 / KY
September 23-25, 2004 / KS

Constituting An Organization
September 27-29, 2004 / KY
December 6-8, 2004 / KS

Administrative Law
September 30-October 2, 2004 / KY
December 9-11, 2004 / KS

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UNIVERSITY OF LOUISVILLE

U.S. Department of Homeland Security's Urban Area Security Initiative

Fiscal Year 2004 Allocations

\$675 Million for Urban Areas

New York, New York	\$47,007,064
Chicago, Illinois	\$34,142,222
Washington/National Capital Region	\$29,301,502
Los Angeles, California	\$28,268,504
San Francisco, California	\$26,481,275
Philadelphia, Pennsylvania	\$23,078,759
Houston, Texas	\$19,955,485
Miami, Florida	\$19,146,642
Boston, Massachusetts	\$19,131,723
Jersey City, New Jersey	\$17,112,311
Seattle, Washington	\$16,516,007
Baltimore, Maryland	\$15,918,745
Santa Ana, California	\$15,058,528
Newark, New Jersey	\$15,054,101
Detroit, Michigan	\$13,754,597
Kansas City, Missouri	\$13,295,646
Cincinnati, Ohio	\$12,751,270
Minneapolis, Minnesota	\$12,280,337
Phoenix, Arizona	\$12,200,204
Dallas, Texas	\$12,198,661
Long Beach, California	\$12,136,091
Pittsburgh, Pennsylvania	\$11,978,479
Saint Louis, Missouri	\$10,785,053
Atlanta, Georgia	\$10,744,248
Las Vegas, Nevada	\$10,531,025
San Diego, California	\$10,479,947
Cleveland, Ohio	\$10,460,465
Anaheim, California	\$10,345,691
Milwaukee, Wisconsin	\$10,177,999
Indianapolis, Indianapolis	\$10,151,880
Buffalo, New York	\$10,095,856
Memphis, Tennessee	\$10,067,477
San Jose, California	\$9,982,442
New Haven, Connecticut	\$9,632,961
Tampa, Florida	\$9,275,359
Louisville, Kentucky	\$8,987,662
Orlando, Florida	\$8,765,211
Columbus, Ohio	\$8,707,544
Denver, Colorado	\$8,646,361
Portland, Oregon	\$8,161,143
Sacramento, California	\$8,024,926
Oakland, California	\$7,854,691
Saint Paul, Minnesota	\$7,827,910
Charlotte, North Carolina	\$7,404,955
Baton Rouge, Louisiana	\$7,193,806
New Orleans, Louisiana	\$7,152,827


Fresno, California	\$7,076,396
Albany, New York	\$6,853,481
Richmond, Virginia	\$6,543,378
San Antonio, Texas	\$6,301,153

\$50 Million for Metro Rail Transit Grants

New York - MTA - NYC Transit	\$10,000,000.00
Chicago - METRA	\$3,034,969.91
Washington - WMATA	\$2,809,312.95
New York - LIRR	\$2,732,103.14
New York - Metro-North	\$2,695,327.39
Chicago - CTA	\$2,484,059.46
Boston - MBTA	\$2,122,121.24
Los Angeles - Metrolink	\$1,982,809.18
San Francisco - BART	\$1,622,456.51
Boston - Mass. Transportation Bay Authority	\$1,604,437.27
Philadelphia - SEPTA	\$1,594,967.82
Philadelphia - SEPTA Subway	\$1,530,683.33
Atlanta - MART	\$1,491,848.08
New York - PANY/NJ	\$1,257,150.82
Maryland - MARC	\$1,037,752.88
Northern Indiana Commuter Trans District	\$800,000.00
San Francisco - Caltrain	\$800,000.00
Virginia - VRE	\$800,000.00
San Jose, California - ACE	\$800,000.00
Los Angeles - LACMT	\$800,000.00
Miami - Tri-Rail	\$800,000.00
Miami - Miami-Dade Transit Agency	\$800,000.00
New Haven - Shoreline East	\$800,000.00
Maryland - DOT-MTA	\$800,000.00
San Diego - Coaster	\$800,000.00
Seattle - Sound Transit	\$800,000.00
Philadelphia - New Jersey - PATCO	\$800,000.00
Cleveland - GCRT	\$800,000.00
Dallas - TRE	\$800,000.00
New York - MTA - SIR	\$800,000.00

Source: U.S. Department of Homeland Security, "Securing the Homeland: Helping Our State and Local First Responders and First Preventers," November 13, 2003

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- 8-19 Supervision of Police Personnel (\$1000)
- 8-9 Managing the Small Law Enforcement Agency (\$300)
- 15-19 Administrative Issues of Internal Affairs and Civil Liability (\$650)
- 15-26 Accident Investigation 2 (\$1050)
- 22-24 Commander's Course on Hostage Negotiations (\$575)
- 29-4/2 Basic Physics and Mathematics Workshop (\$775)
- 29-30 Managing Police Training (\$350)
- 29-6/4 School of Police Staff and Command (\$2875)

April 2004

- 5-9 Basic Hostage Negotiations (\$725)
- 5-9 Vehicle Dynamics (\$775)
- 12-26 Basic Financial Crime Investigations (\$675)
- 12-23 Traffic Accident Reconstruction 1 (\$1150)
- 19-23 Shooting and Police-Involved Shooting Incident Reconstruction (\$650)
- 26-30 Crime Scene Technology Workshop 1 (\$850)
- 26-30 Traffic Accident Reconstruction 2 (\$875)
- 19-5/7 Police Motorcycle Instructor Training, MA (\$1595)
- 26-5/7 Police Motorcycle Operator Training, MA (\$1295)

May 2004

- 3-7 Death Investigation (\$725)
- 3-7 Crime Scene Technology Workshop 2 (\$900)
- 3-7 Public Information Officer (\$650)
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- 12-14 Critical Incident Management & Response (\$475)
- 17-21 CAD with Map Scenes (\$900)
- 17-21 Crime Scene Technology Workshop 2 (\$900)
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Impacts of Domestic Security on Law Enforcement Agencies

By Deputy Chief John Van Etten, Panama City, Florida, Police Department

The terrorist attacks of September 11, 2001, thrust local law enforcement in the United States into a new age of domestic security. The nation was stunned and shocked at the loss of life and the devastation caused by these horrific terrorist acts. One of the responses to this trauma was the creation of the U.S. Department of Homeland Security. The newly formed department uses all available resources in a national effort to prevent terrorist attacks. The national effort to ensure homeland security encompasses state, county, and municipal governments that have to address the security concerns in their communities. The cost of security will take the form of ensuring that police have adequate personnel and equipment, planning, training, and holding exercises to improve response to domestic terrorist attacks. It will be important for law enforcement agencies to be able to measure and assess their capabilities for dealing with these new security concerns.

The National Strategy for Homeland Security defines "homeland security" as "a concerted effort to prevent terrorist attacks within the United States, reduce America's vulnerability to terrorism, and minimize the damage and recover from attacks that do occur."¹ Homeland security is domestic security and to meet these objectives it will take a cooperative effort from all law enforcement agencies.

Editor's note: The author sent 187 surveys by e-mail to Florida county and municipal law enforcement agencies. Twenty of the surveys were returned due to expired e-mail addresses. Of the remaining 167, respondents completed and returned 17 to the researcher. These 17 surveys represent a 10 percent return rate.

Modern Terrorism

The modern era of terrorism—that is, terrorism as we know it today—began in the late 1960s, according to the U.S. Department of Justice.² Worldwide there were 14,000 terrorist attacks from 1968 through 1999, and they resulted in more than 10,000 deaths.³ From 1980 through 1999, 327 terrorist incidents were carried out in the United States, and the deadliest attacks in that period occurred between 1990 and 1999.⁴ During this 19-year span, law enforcement officials were able to prevent 83 terrorist acts, of which international terrorists planned 47.⁵ It is difficult to measure or document the number of incidents that may have been prevented due to the casual interceptions by law enforcement officials. A casual interception could be as simple as a suspect's committing a nonterrorist crime, being detained by law enforcement, and thereby missing out on the opportunity to commit the terrorist act.

Funding for Local Agencies

Funding for law enforcement agencies is a growing concern for county and municipal governments that have to allocate adequate funding for the domestic security issues facing local communities. Local governments continue to struggle with the faltering economy, which has further depleted their funding. This funding is crucial to providing the general or basic services to its citizens. These funding issues are of concern for the federal and state governments as well. In "Securing the Homeland, Strengthening the Nation," President Bush proposes a budget request of \$3.5 billion "to enhance first responders' response capabilities in communities across the nation. The funds will support states and communities as they conduct exercises, purchase equipment, and train personnel."⁶ Funding is the critical element for agencies in formulating a successful campaign to fight terrorism and to adequately attend to the domestic security issues facing their communities.

To assess domestic security's impact on local law enforcement agencies in Florida, the author designed and distributed an online survey instrument consisting of nine questions, constructed using hypertext markup language (HTML), and placed into electronic mail (e-mail) for dissemination. The HTML allowed the survey to be drafted into an easy-to-use answer sheet designed to allow the user to read each question, checked a box or enter a response in the corresponding space provided on the e-mail survey, and send the completed survey instrument to the author's e-mail account by pressing the send button at the bottom of the e-mail survey. The author sent the e-mail survey instrument to each recipient only once, did not send a reminder message, and gave recipients two weeks to return completed survey instruments. This type of data collection process was used in order to encourage a greater participation from the recipients of the survey and for ease of collecting and compiling the results for analysis.⁷

Responses

The following nine-question survey was mailed electronically to the participating agencies.

Question 1: Number of sworn officer currently employed full time at your department?

1-49 50-99 100+

Response: Thirty-five percent of respondent agencies employ one to 49 sworn officers; 29 percent had 50 to 99 sworn officers; and 35 percent had 100 or more sworn officers.

Question 2: Number of sworn officer activated for military service after September 11, 2001?

Check this box if none, or insert number _____.

Response: The respondent law enforcement agencies had an average of two officers activated for military service since September 11, 2001.



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Question 3: Approximately how much in federal and state funding has your department received for domestic security issues since September 11, 2001?

None \$1-5,000 \$5,001-15,000
\$15,001-25,000 over \$25,000

Response: Seventy-five percent of the respondent agencies had not received any financial assistance from the state or federal government. Six percent received more than \$25,000 in financial support from the state or federal government.

Question 4: How would you describe the impact of domestic security issues since September 11, 2001, on your budget?

Not affected Moderately affected
Severely affected

Response: Eighty-two percent of the agencies had moderate to severe impacts on their budgets, while 18 percent of the agencies reported no financial impact.

Question 5: Has your department hired additional personnel (sworn or nonsworn) to handle domestic security issues since September 11, 2001?

Yes No

Response: Ninety-four percent of respondent agencies had not hired any additional personnel to handle domestic security issues.

Question 6: Has your department reassigned personnel to handle domestic security issues since September 11, 2001?

Yes No

Response: Forty-seven percent of respondent agencies had reassigned personnel to compensate for the demand of domestic security issues.

Question 7: Approximately how many overtime hours have been used for domestic security issues for the past 12 months?

None 1-50 hours 51-100 hours
101-500 hours 500+ hours

Response: Fifty-seven percent of respondent agencies had encountered more than 101 hours of overtime to compensate for security needs in the 12 months before June 2003.

Question 8: How many hours of training has your department implemented per officer per year for domestic security-related issues?

None 1-10 hours
11-20 hours 21+ hours

Response: One hundred percent of respondent agencies had obtained at least one to 10 hours of training per officer per year on domestic security issues.

Question 9: Is your department better prepared to handle domestic security issues since September 11, 2001?

Yes No

The Era of Terrorism: Selected Terrorist Events against the United States, 1980-1999

September 11, 2001, attack on World Trade Center, New York City; Pentagon, Arlington, Virginia; and airplane crash in Pennsylvania, more than 2,800 deaths

August 7, 1998, bombing of U.S. embassies in Kenya and Tanzania, 12 Americans killed, seven injured

June 27, 1996, bombing of Centennial Olympic Park, Atlanta, Georgia, two killed, 112 injured

April 19, 1995, bombing of a federal building in Oklahoma City, 168 killed, 642 injured

February 26, 1993, bombing of the World Trade Center in New York City, 6 killed, more than 1,000 injured

November 5, 1990, assassination of Rabbi Meir Kahane, founder of the Jewish Defense League, in New York City

December 21, 1988, bombing of Pan Am 103 over Lockerbie, Scotland, 217 Americans killed

April 16, 1987, first recorded Animal Liberation Front Attack in the United States, Davis, California

September 14, 1985, TWA 847 hijacked, one U.S. Navy diver killed

September 20, 1984, bombing of the U.S. embassy annex in Beirut, Lebanon, 14 killed

October 23, 1983, bombing of the U.S. Marine Corps barracks in Beirut, Lebanon, 241 killed

September 16, 1983, Wells-Fargo armored car robbery by Los Macheteros, \$7.2 million stolen

April 18, 1983, bombing of the U.S. embassy in Beirut, Lebanon, 63 killed

February 13, 1983, the first recorded attack of right-wing antigovernment group, the Sheriff's Posse Comitatus, Medina, North Dakota

January 29, 1975, bombing of the U.S. State Department building, Washington, D.C., no deaths or injuries

January 24, 1975, the bombing of Fraunces Tavern on Wall Street, New York City, four killed, 53 injured

Source: U.S. Department of Justice, Federal Bureau of Investigation, "Terrorism in the United States" (Washington, D.C.: U.S. Government Printing Office, 1999), www.fbi.gov/publications/terror/terroris.htm.

Response: Ninety-four percent of all law enforcement agencies believed that their agency was better prepared to deal with domestic security issues since September 11, 2001.

Financial Impact of Homeland Security

Domestic security issues have had a moderate to significant impact on law enforcement agencies in the state of Florida. One hundred percent of the agencies responding to this survey had received some type of domestic security training. Training officers on how to deal with terrorism has obviously been a priority for these agencies. One organization that supports training for domestic security is the Florida Office of State and Local Domestic Preparedness Support (OSLDPS). According to the U.S. Department of Justice, "Since the inception of the OSLDPS, it has trained over 60,000 emergency re-

sponders, including firefighters, law enforcement, EMS, HAZMAT, and emergency management personnel.¹⁸

Almost 50 percent of respondent agencies responding to the survey have reassigned personnel to handle domestic security issues, which could mean that agencies are reevaluating their allocation of manpower and reprioritizing their resources and assessing what crimes will receive priority status. The reassignments led to additional overtime hours for more than half of the agencies.

These costs would appear to be the norm instead of the exception, considering that 82 percent of respondent agencies showed that their budgets were moderately to severely affected by domestic security issues. With only 25 percent of respondent agencies receiving some funding, there appears to be a greater need for financial assistance.

Electronic Law Enforcement Survey
Panama City Police Department Law Enforcement Survey

Greetings.

I am **Deputy Chief John Van Etten** of the Panama City Police Department. I am doing research on how law enforcement agencies have been affected by domestic security issues. Please complete this short survey and return it to me by simply clicking the "Submit Form" button below. This action will send the completed survey to my email account.

The following is a list of questions that relate to domestic security and the impact it has had on law enforcement agencies since September 11, 2001. Please select the appropriate box after each question. If you wish to receive the results of the survey, please enter your email address into the appropriate comment box below before submitting your completed survey.

Note: If you have any problems reading this survey form, you can use the Web-based version by clicking [HERE](#) or by copying and pasting the following URL into the Web address window on your browser: <http://www.panamacitypolice.com/DC/Survey.htm>.

Agency Name: _____

Completed By: _____

1. Number of sworn officers currently employed full time at your department?
1 - 49 50 - 99 100 +
2. Number of sworn officers activated for military service after September 11, 2001?
Check this box if none Or insert number here _____
3. Approximately how much in federal and or state funding has your department received for domestic security-related activities since September 11, 2001?
Check this box if none \$1 - \$5,000 \$5,001 - \$15,000
\$15,001 - \$25,000 More than \$25,000
4. How would you describe the impact of domestic security issues since September 11, 2001, on your budget?
Not affected Moderately affected Severely affected
5. Has your department hired additional personnel (sworn or nonsworn) to handle domestic security issues since September 11, 2001?
Yes No
6. Has your department reassigned personnel to handle domestic security issues since September 11, 2001?
Yes No
7. Approximately how many overtime hours have been used for domestic security issues for the past 12 months?
Check this box if none 1-50 hours 51-100 hours
101-500 hours 500+ hours
8. How many hours of training has your department implemented per officer per year for domestic security issues?
Check this box if none 1-10 hours 11-20 hours 21+ hours
9. Is your department better prepared to handle domestic security issues since September 11, 2001?
Yes No

If you would like to receive a copy of the survey results, please enter your email address in the space below:

E-mail: _____ (*Optional)

-or- Clicking the "Submit Form" button will send your survey responses to the requester.

Submit Form

In order for law enforcement agencies to respond to these new areas of responsibility, funding must be forthcoming. Without it, there will continue to be understaffed agencies lacking the training to handle domestic security issues. Law enforcement agencies will continue their search for funding while tending to the most pressing issues that face their community. The effects of this new age of domestic security have been pretty revealing as to what some of the needs are for these agencies. Additional funding for equipment, overtime, personnel, and training would serve these law enforcement agencies well and help ensure that they will be able to adequately respond to the domestic security needs of their communities.

Next Budget Cycle

At left is the survey instrument sent by the author to county and municipal law enforcement agencies in Florida. Agencies and organizations are encouraged to replicate this survey in the various states to assess the impact of domestic security on local law enforcement. The results of this survey were very similar to the results of a survey conducted by the IACP Patrol and Tactical Operations Committee.⁹ Only 10 percent of the 4,500 agencies responding to the committee's survey had received additional funding for homeland security, while 80 percent of the agencies had increased their preparedness by actions such as purchasing new equipment, increasing training, increasing manpower, enhancing preparedness plans, and creating partnerships.

One of the early results of these surveys show that the federal government will not carry the financial burden for homeland security alone. Reassignment of personnel within the department from current duties to homeland security duties and absorbing the increased costs within the current budget is how local law enforcement is now coping with this additional responsibility.

Local governments will need to make some hard decisions in the future. Funding from the federal government will flow to states and certain key cities to implement the national preparedness plan, but this will not be sufficient to completely finance homeland security efforts locally. A wide array of critical infrastructure and key resources that are potential terrorist targets are owned and operated by local and state governments as well as the private sector located in the local communities. Many of these local communities will not receive adequate financial assistance from either the federal or state government to implement the needed strategic security plan for local critical infrastructures and resources. Although these infra-

structures and resources are local, they span all sectors of the economy and provide the essential safety, health, and other services to all citizens. As shown by the 2003 power failure from Ohio through the mid-Atlantic and northeastern states and into Canada, these infrastructures are interconnected. Strategic improvements by local governments and law enforcement, working with the community's private sector, are essential to make it more difficult for terrorists attacks to succeed and then, if an attack occurs, to provide the appropriate response to lessen the impact. This need is new to local law enforcement, and planning for funding of this need is new to the local communities.

Local law enforcement executives should collect factual information regarding personnel, training, and equipment costs associated with homeland security and establish a case for this funding in their local budgets to augment funding received through the national homeland security support effort. Two years of financial need history is now available to draw upon during the development of local preparedness plans. Each community should ensure that strategic security enhancement of the critical infrastructures and resources is in place to deter, mitigate, or neutralize potential attacks.

Law enforcement executives are encouraged to replicate the survey to establish their financial baseline for domestic security in the community.

¹ White House Office of Homeland Security, "The National Strategy for Homeland Security" (Washington, D.C.: U.S. Government Printing Office, July 2002), www.whitehouse.gov/homeland/book/nat_strat_hls.pdf.

² U.S. Department of Justice, Federal Bureau of Investigation, "Terrorism in the United States" (Washington, D.C.: U.S. Government Printing Office, 1999), www.fbi.gov/publications/terror/terroris.htm.

³ U.S. Department of Justice, Federal Bureau of Investigation, "Terrorism in the United States."

⁴ U.S. Department of Justice, Federal Bureau of Investigation, "Terrorism in the United States."

⁵ U.S. Department of Justice, Federal Bureau of Investigation, "Terrorism in the United States."

⁶ President George W. Bush, "Securing the Homeland, Strengthening the Nation" (Washington, D.C.: U.S. Government Printing Office, n.d.), www.whitehouse.gov/homeland/homeland_security_book.html.

⁷ Dean John Champion, *Research Methods for Criminal Justice and Criminology*, 2nd ed. (Saddle River, New Jersey: Prentice Hall, 1999).


⁸ U.S. Department of Justice, Office of Justice Programs, "Countering Terrorism and Ensuring Domestic Preparedness," Office of Justice Programs Annual Report: Fiscal Year 2000 (Washington, D.C.: U.S. Government Printing Office): 100-107, www.ojp.gov/annualreport/fy00pdf.pdf.

⁹ To view a report on the results of the IACP Patrol and Tactical Operations Committee's survey, go to www.theiacp.org, select Divisions/Sections/Committees, select Committees, select Patrol and Tactical Operations Committee, and then select Homeland Security Preparedness Survey.



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Preferred Qualifications: Graduation from an accredited four-year college or university with a bachelor's degree in criminal justice, public administration, business administration, or related field. Formal non-police-related management and leadership training. Extensive, broad management experience, at the senior command level or above, directing a major division (patrol, investigations, administration) in an urban or suburban police department of comparable size to the Fairfax County Police Department. Experience with community policing. Police management experience in a rapidly growing, increasingly diverse and multicultural community. Familiarity with the operations of public safety communication centers (911). Experience in managing emergency management policies and practices.

Note: Salary is open within an established range. Appointment of the chief of police is recommended by the county executive and must be approved by the board of supervisors. This position is assigned to the county's exempt service and serves at the pleasure of the board of supervisors and the county executive.

Note: To apply, submit a chronological résumé and résumé attachment form no later than February 27, 2004, to Chief of Police Search, Fairfax County Government, Department of Human Resources, 12000 Government Center Parkway, Suite 170, Fairfax, VA 22035-0034; www.fairfaxcounty.gov/jobs

Note: Reasonable accommodation upon request.

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Immigration Enforcement: Is It a Local Issue?

By Craig E. Ferrell Jr., Deputy Director and Administration General Counsel, Chief's Command Legal Services, Houston Police Department

After the horrendous terror attacks against the United States on September 11, 2001, U.S. federal agencies scrambled to identify and find the thousands of absconders and other persons who had overstayed visas or remained in the United States without legal sanction. The federal agencies attempted to enlist the help of local law enforcement by placing civil absconder warrants in the NCIC system that had been used previously only to notify law enforcement of criminal warrants. The move sparked renewed debate about what role state and local police should play in enforcing immigration laws has grown. In a Chief's Counsel column for the October 2002 issue of the *Police Chief*, I addressed the federal government's so-called absconder initiative and outlined the reasons why the enforcement of immigration laws by local police agencies would undermine their efforts to fight crime in their communities.

In the January 2004 President's Message, IACP President Joseph M. Polisar called upon the IACP Division of State Associations of Chiefs of Police and the Division of State and Provincial Police to work with their constituents in developing IACP's response.¹ President Polisar made clear that a consensus on this issue would be difficult.

Argument: Local Police Should Enforce Immigration Laws

Those who want state and local police to play an active role in immigration en-

forcement recognize the limits on the federal government's ability to address the immigration enforcement. The federal government has struggled to secure the borders, deter illegal immigration, or track down those who overstay temporary visas. With an estimated 7-10 million undocumented immigrants in the country and only a few thousand federal immigration officers assigned to police the interior of the country, the federal government appears ill equipped to tackle illegal immigration. Some see it as only logical that the hundreds of thousands of local law enforcement officers be recruited to address the problem.

Many local law enforcement executives can support this position because persons who are in the country illegally have violated the law and should be treated in the same fashion as other criminals.

Argument: Local Police Shouldn't Enforce Immigration Laws

There are a number of compelling reasons why local law enforcement executives should resist the temptation to make state and local police agencies the front-line enforcers of federal immigration laws. These reasons take into the account the primary responsibility of local law enforcement, which is to fight crime at the local level. They also reflect the reality that immigrants both legal and undocumented have become a large part of our communities.

State and local police should enforce criminal law because it is what police do best and what the local communities expect of the officers first and foremost. The taxpayers in their respective communities expect the local police department to use the community's resources to address burglaries, robberies, assaults, rapes, murders, and even traffic violations occurring in the communities rather than spend those resources addressing the massive national problem of illegal immi-

gration. The local citizen is concerned about his or her immediate safety and quality of life.

Immigration Laws

Immigration laws differ from the criminal laws local police officers deal with most regularly in that immigration laws contain both civil and criminal aspects. An illegal entrant into the United States has committed a federal felony violation, and state and local law enforcement officers are legally empowered to arrest and detain the individual. But legally admitted aliens overstaying their visas have committed a civil violation, and state and local police have no authority to arrest and detain them. Some observers fear that immigration enforcement by state and local police could lead the government to burden state and local agencies with enforcement of still other federal civil violations.

Applicable Court Decisions

Fourth Amendment: The U.S. Supreme Court has said in *U.S. v. Brignoni-Ponce* that the protections of the Fourth Amendment still apply to situations where police detain an individual for investigation of immigration violations.² The Court stated,

Although we may assume for purposes of this case that the broad congressional power over immigration [citation omitted] authorizes Congress to admit aliens on condition that they will submit to reasonable questioning about their right to be and remain in the country, this power cannot diminish the Fourth Amendment rights of citizens who may be mistaken for aliens. For the same reasons that the Fourth Amendment forbids stopping vehicles at random to inquire if they are carrying aliens who are illegally in the country, it also forbids stopping or detaining persons for questions about their citizenship on less than reasonable suspicion that they may be aliens.³

In other words, the Fourth Amendment prohibits police officers from stop-

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ping or detaining a person on less than reasonable suspicion even when the suspected violation relates to illegal immigration.

Immigration Regulation Is a Federal

Power: State and local police are not required to enforce federal immigration laws. The federal government and its agencies are the authorities responsible for enforcement of immigration law. "The power to regulate immigration is unquestionably a federal power."⁴ With such power, the federal government has enacted laws, such as the Immigration and Naturalization Act (INA), that regulate a person's entry into the United States, his or her ability to remain in the country, and numerous other aspects of immigration. But these federal laws do not contain any provisions that "require state law enforcement agencies to assist in enforcing the INA." This was the conclusion of a memorandum of opinion by the U.S. attorney for the Southern District of California dated February 5, 1996. Even where Congress has the authority under the Constitution to pass laws requiring or prohibiting certain acts, it lacks the power directly to compel the state to require or prohibit those acts.⁵ Congress "may not directly force states to assume enforcement of administrative responsibilities constitution-

ally vested in the federal government."⁶ Therefore, federal law does not require state agencies to assist the federal government in enforcement of immigration laws.

There are approximately 96 proposed changes to the immigration code that are still pending in Congress for 2003

Immigration Law Changing

Federal immigration laws are complicated, and they are not static but are subject to change. According to Westlaw, a computer-assisted legal research service, approximately 96 proposed changes to the immigration code are still pending in Congress for 2003.

Federal laws and regulations concerning immigration include both criminal

and civil aspects. This mixing of civil with criminal violations is a major issue for local law enforcement. Under federal immigration laws, a person who enters the country illegally can be charged and prosecuted by the U.S. attorney for a misdemeanor in the first illegal entry and a felony for subsequent entries under Article 8, Sections 1325 or 1326 of the *United States Code*. But most persons who are detained for illegal entry do not face criminal sanctions but instead go through a civil deportation process.⁷ This civil process allows the illegal immigrant to assert that he or she should be admitted to the country.⁸ The civil deportation process even allows them to avoid formal deportation by agreeing to leave voluntarily under certain circumstances.⁹ This civil deportation process highlights the fact that the primary method of addressing illegal immigration is to return the illegal immigrant to their country rather than by criminal conviction for illegal entry.

Division of Responsibilities

Currently, state and local police do not have the training or expertise to enforce immigration laws, and in this time of shrinking local budgets many executives feel they do not have the resources to tack-

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le this additional federal issue. There are federal agencies specifically charged with the enforcement and application of the complex immigration laws and regulations. These agents do not handle street disorder, robberies, murders, traffic problems, and a host of other issues facing state and local officers. These federal agencies are designed, and their agents are specifically trained, to enforce these immigration laws.

Addressing immigration violations such as illegal entry or remaining in the country without legal sanction would require specialized knowledge of the suspect's status and visa history and the complex civil and criminal aspects of the federal immigration law and their administration. This is different from identifying someone suspected of the type of criminal behavior that local officers are trained to detect. Whether or not a person is in fact remaining in the country in violation of federal civil regulations or criminal provisions is a determination best left to these agencies and the courts designed specifically to apply these laws and make such determinations after appropriate hearings and procedures. The local patrol officer is not in the best position to make these complex legal determinations.

When local police have waded into immigration enforcement, it has often come with disastrous and expensive consequences. In 1994 the police in Katy, Texas, conducted raids in search of illegal immigrants. More than 80 of those persons temporarily detained were Hispanics who were either U. S. citizens or foreign nationals who were in the country legally. The Katy Police Department faced a hailstorm of lawsuits and quickly realized civil immigration law enforcement is best left to the federal agencies who are better able to navigate and apply these complicated laws.

Limitations on Arrest without a Warrant

Local police agencies must also comply with the laws of their own states. These laws may limit their ability and authority to detain and arrest persons on suspicion of being in the country in violation of federal laws. These limitations may have little to do with immigration specifically but more general police powers, such as the power to arrest without a warrant. For example, Texas peace officers are limited in their ability to arrest persons without a warrant and can only do so under certain circumstances, such

as when the alleged crime is a felony or the crime occurs in the officer's presence.¹⁰

A July 1977 opinion issued by the Texas attorney general interpreted these statutes to prohibit a Texas peace officer from arresting "an individual solely upon suspicion that he has previously entered the country illegally."¹¹ The fact that state law may not authorize local police to detain persons for illegal immigration is recognized by the federal agencies as shown by the language of some of the civil detention notices currently being placed on the NCIC system. These notices to detain include the qualifiers "If permitted by state and local law" and "If permitted in your jurisdiction." Federal immigration officers do not face such restrictions, because the federal immigration laws allow them to detain and interrogate a person as to their right to be or remain in the United States without a warrant.¹²

Chilling Effects on Immigrant Cooperation

Immigration enforcement by state and local police could have a chilling effect in immigrant communities and could limit cooperation with police by members of those communities. Local police agencies depend on the cooperation of immigrants,

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legal and illegal, in solving all sorts of crimes and in the maintenance of public order. Without assurances that they will not be subject to an immigration investigation and possible deportation, many immigrants with critical information would not come forward, even when heinous crimes are committed against them or their families. Because many families with undocumented family members also include legal immigrant members, this would drive a potential wedge between police and huge portions of the legal immigrant community as well.

This will be felt most immediately in situations of domestic violence. In Houston, for example, the police department has been addressing the difficult issues related to domestic abuse and the reluctance of some victims to contact the police. This barrier is heightened when the victim is an immigrant and rightly or wrongly perceives her tormentor to wield the power to control her ability to stay in the country. The word will get out quickly that contacting the local police can lead to deportation or being separated by a border from one's children. Should local police begin enforcing immigration laws, more women and children struggling with domestic violence will avoid police intervention and help.

Continue Local Cooperation with Federal Agencies

State and local police agencies should continue to focus on their primary responsibility to their jurisdictions while also continuing to cooperate with the federal government. If the immigration service wants local assistance in picking up a specific suspect who is the subject of a criminal warrant, the local police should and now do assist in such efforts. If there is a criminal warrant out for a suspect local police come across in the course of normal law enforcement duties, the local officers should and now do detain that suspect for their federal colleagues. If the federal agencies have decided to deport someone and that person fails to leave, the federal government should charge that person with a crime and issue a criminal warrant that local agencies can easily and gladly enforce.

Local law enforcement faces the same budgetary and resource constraints that face cities, states, and the federal government in the current economic climate. If the federal government wants to increase the manpower and resources of the federal immigration services, that is another solution to the illegal immigration problem. But adding the federal responsibility

of enforcing immigration laws to the job duties of local police officers would be imprudent and hinder their crime fighting at the local level. The federal government should address the real threats the nation faces and the issue of illegal immigration without making the job of state and local police more difficult.

¹ Joseph M. Polisar, "President's Message: State and Local Law Enforcement's Role in Immigration Enforcement," *The Police Chief* 71 (January 2004): 8.

² *U.S. v. Brignoni-Ponce*, 422 U.S. 873, 844(1975).

³ *Id.*

⁴ *DeCannas v. Bica*, 424 U.S. 351, 96 S. Ct. 933 (1976).

⁵ *City of New York v. The United States of America*, 179 F.3d 29, 2nd Cir. N.Y. (1999).

⁶ *Id.* at 34.

⁷ 8 U.S.C. 1229.

⁸ 8 U.S.C. 1229(a).

⁹ 8 U.S.C. 1229(c).

¹⁰ Tex. Code Crim. Proc. 14.01, 14.03, 14.04.

¹¹ A.G. Opinion No. H-1029.

¹² 8 U.S.C. 1357.

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Contamination of Evidence Seized at Chemical Agent Crime Scenes

By Elizabeth Aton, Principal Investigator, and Bradley Evanoff, M.D., M.P.H., Washington University School of Medicine, Saint Louis, Missouri, and Sergeant Vincent R. Stehlin, Emergency Planning Specialist, Saint Louis Metropolitan Police Department

The potential exists for a chemical agent to be used as a weapon against the civilian population of the United States. An element of the response to such an event involves protection of life by decontamination of victims in the field prior to emergency medical care. While it is generally accepted that decontamination reduces the dose of contaminant received by victims, there is little available documentation of the effectiveness of decontamination under field conditions. Important too in the resolution of such an event is the handling of evidence seized at the scene. Knowing whether a contaminant remains on victims' clothing and personal effects is important for the safety of those persons and agencies handling such evidence at the scene and in the laboratory.

To assess the contamination potential of evidence from seized clothing, the Saint Louis Metropolitan Police Department,

Authors' note: This work was undertaken with the endorsement of the Saint Louis Metropolitan Police Department, the Saint Louis Fire Department, and the Saint Louis City Local Emergency Response Commission.

the Saint Louis Fire Department, and the Saint Louis City Local Emergency Response Commission undertook a study using a chemical surrogate to mimic contamination of victims undergoing decontamination in a field setting. A surrogate contaminant was applied to victim volunteers and their clothing, and assessment was made after the exercise as to whether contaminant remained on their persons or effects. The major finding was that although most contamination was removed from victims' skin and hair, the clothing worn by victims remained contaminated. Persons who handle such evidence must be aware that the potential remains for hazard associated with secondary and tertiary exposure to such materials. This sends the new message that law enforcement agencies must establish procedures appropriate for protecting those who handle evidence from these cases.

Although this article reports the study on decontamination, the study was performed as a part of a large-scale field training exercise that simulates deployment of a chemical agent against a civilian population in which many other valuable lessons were learned.

Materials and Methods

Setting: This study took place during the conduct of a field training exercise for

response to deployment of a chemical weapon against a civilian population, in Saint Louis, Missouri, in May 2002. The weather was warm, with temperatures in the range of 80 degrees Fahrenheit.

Contamination Methods: Sodium fluorescein was selected as a chemical surrogate for this investigation. Fluorescein has a number of properties that make it a desirable test agent for this assessment. It is soluble in water, so it mimics many of the caustic or corrosive agents that may be used in an actual event. It is only poorly visible in natural or room lighting, so victims are not aware of specific locations on their person where contamination may remain, but it fluoresces readily in the presence of black ultraviolet light. The chemical surrogate remaining after decontamination was assessed with ultraviolet light.

Ten victim volunteers from the Saint Louis Metropolitan Police (SLMPD) Academy class were issued used SLMPD uniform shirts and pants for this exercise. A water solution of the sodium fluorescein was applied to victims and their clothing with a spray bottle before they took their places at the scene of the purported release. Emergency response personnel gathered at the scene of the field training exercise and were organized under a unified command structure.

Fire department hazardous materials specialists set up an outdoor chemical decontamination corridor, according to generally recognized methodologies (SBC-COMM 1998). This was a two-step process, with a first step of gross decontamination in a high-volume water spray. Although in a real event the victims would remain in gross decontamination until secondary decontamination is set up to receive them or as long as they can be instructed to do so, in this study we were able to instruct victims to remain in gross decontamination for at least 10 minutes. Victims were then

*The new era of terrorism
requires law enforcement
to reconsider evidence-
handling procedures.*

Spillman
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sent through secondary decontamination. In secondary decontamination, victims remove clothing and personal effects and then walk or are carried through a shower and scrubbing process. As clothing and other personal effects were removed, they were seized and bagged as evidence by the evidence technicians.

The evidence collection process (SLMPD Code 1200/Terrorism Annex) involves several steps. As victims enter secondary decontamination areas they are instructed to stand on a plastic trash bag. They remove clothing and other personal effects and drop it all into the bag. Evidence technicians then close the bag and place it inside two more bags. Tracking labels are placed on the external bag.

Data Collection: After decontamination, victims and their effects were examined with ultraviolet light. Any visible contamination remaining was noted.

Results

Scanning of clothing collected as evidence showed that residual contamination remained on the pants from each of the 10 victims. No contamination was identified on the skin of victims at the scene, following the gross decontamination procedure. Water leakage was noted from the evi-

dence bags collected at the scene. Outer bags in which evidence was collected were free of contamination in all cases.

Handling evidence even after decontamination poses a significant hazard potential for forensic investigators.

Preserving Evidence and Protecting Life

The purpose of field decontamination is to protect life and health in a victim population, and the process is set up to maximize that protection. While it is inevitable that some contaminant may be removed from the clothing of a victim who completes the gross decontamination process, particularly if the contami-

nant is water-soluble, this is not the primary objective of decontamination.

Many factors may contribute to the retention of contaminant in clothing and personal effects, including the clothing weave, how long the victim remains in decontamination, how vigorously the individual is able to scrub at their person while in decontamination, and the physical and chemical properties of the contaminating agent. It is important to note that in this study the surrogate contaminant was water-soluble and therefore more likely to have been removed by water shower in the gross decontamination process. Contaminant was not observed on the shirts surveyed, which we believe reflects the nature of gross decontamination with its large volumes of overhead water deluge. Removing contaminant from other clothing is much more difficult in that setting.

The process of triple bagging appears to reduce the potential for external contamination on the collection bags, since no contamination was noted on examination of the outer bags. Because victim clothing remained contaminated in this study, handling it poses significant potential for hazard to persons conducting forensic investigation of such items after an event.

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Table 1. Biological Agents

AGENT	INCUBATION	LETHALITY	PERSISTENCE	DISSEMINATION
Bacteria				
Anthrax	1-5 days	3-5 days fatal	Very stable	Aerosol
Cholera	12 hours-6 days	Low with treatment; high without treatment	Unstable; stable in saltwater	Aerosol sabotage of water
Plague	1-3 days	1-6 days fatal	Extremely stable	Aerosol
Tularemia	1-10 days	14 days moderate	Very stable	Aerosol
Q fever	14-26 days	Weeks	Stable	Aerosol sabotage
Viruses				
Smallpox	10-12 days	High	Very stable	Aerosol
Venezuelan equine encephalitis	1-6 days	Low	Unstable	Aerosol vectors
Ebola	4-6 days	7-16 days fatal	Unstable	Aerosol direct contact
Biological Toxins				
Botulinum toxins	Hours to days	High without treatment	Stable	Aerosol sabotage
Staphylococcal enterotoxin B	1-6 days	Low	Stable	Aerosol sabotage
Ricin	Hours to days	10-12 days fatal	Stable	Aerosol sabotage
Tricothecene	2-4 hours	Moderate	Extremely stable	Aerosol sabotage mycotoxins (T2)

For more detailed information on biological agents, see www.usamriid.army.mil/education/bluebook.html.

Source: U.S. Army Medical Research Institute of Infectious Diseases, Edgewood Chemical Biological Center, "Information Products: Biological and Chemical Agent Quick Reference Tables," www.ecbc.army.mil/hld/ip/bca_qr.htm, January 20, 2004.

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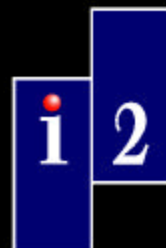
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It is prudent for each jurisdiction to assess their procedures for victim decontamination and evidence collection, and consider evidence seized from victims in a chemical event to be contaminated until definitively proven otherwise. Given that leakage was observed from the bags in this study it is possible that water-soluble chemical agents could be carried off in this water, although it was beyond the scope of this study to confirm this. Jurisdictions should plan for secondary containment of evidence bags, and to work with response staff from the FBI for managing the collection and storage of these items in an event.

Compile Provisions to Safely Handle Chemical Evidence

The goal of field decontamination in an event involving deployment of a chemical agent in a civilian population is to reduce the dose of the agent received by the victims. While some contamination may be removed from clothing and personal effects as victims undergo gross decontamination with large volumes of water, the primary objective of the process is to begin to remove the agent from the individuals. This study confirms that clothing collected from victims after gross

decontamination remains contaminated. Individuals who prepare response plans for law enforcement agencies must compile these plans to address this reality, and include provisions appropriate to protect the life and health of those individuals who may handle such evidence.

References

- ¹ Saint Louis Metropolitan Police Department Code 1200/Terrorism Annex.
- ² U.S. Army Soldier and Biological Chemical Command (SBCCOM), "Guidelines for Mass Casualty Decontamination During a Terrorist Chemical Agent Incident," January 2000.

Table 2. Chemical Agents

AGENT	SIGNS AND SYMPTOMS	DECONTAMINATION	PERSISTENCE	
<u>Nerve Agents</u>				
Tabun (GA)	Salivation	Remove contaminated clothing Flush with a soap and water solution for patients Flush with large amounts of a 5% bleach and water solution for objects	1-2 days if heavy concentration	
Sarin (GB)	Lacrimation		1-2 days will evaporate with water	
Soman (GD)	Urination		Moderate, 1-2 days	
V Agents (VX)	Defecation Gastric disturbances Emesis		High, 1 week if heavy concentration As volatile as motor oil	
<u>Vesicants (Blister Agents)</u>				
Sulfur Mustard (H)	Acts first as a cell irritant, then as a cell poison. Conjunctivitis, reddened skin, blisters, nasal irritation, inflammation of throat and lungs.	Remove contaminated clothing Flush with soap and water solution for patients. Flush with large amounts of a 5% bleach and water solution for objects.	Very high, days to weeks	
Distilled Mustard (HD)			Moderate	
Nitrogen Mustard (HN 1,3)				Days, rapid hydrolysis with humidity
Mustargen (HN2)				
Lewisite (L)				Immediate pain with blisters later.
Phosgene Oxime (CX)	Immediate pain with blisters later-necrosis equivalent to second and third degree burns			
<u>Chemical Asphyxiants (Blood agents)</u>				
Hydrogen Cyanide (AC)	Cherry red skin or ~ 30% cyanosis.	Remove contaminated clothing. Flush with a soap and water solution for patients. Flush with large amounts of 5% bleach and water solution for objects.	Extremely volatile, 1-2 days	
Cyanogen Chloride (CK)	Patients may appear to be gasping for air. Seizures prior to death. Effect is similar to asphyxiation, but is more sudden.		Rapidly evaporates and disperses	
Arsine (SA)			Low	
<u>Personal Protective Equipment Levels:</u>		<u>Contact Phone Numbers:</u>		
<ul style="list-style-type: none"> • Level A: Fully encapsulated suit with SCBA • Level B: Nonencapsulated suit with SCBA • Level C: Splash suit (tyvex coveralls) with an air purifying respirator (APR) 		<ul style="list-style-type: none"> • Chemtrec: 800-424-9300 • National Response Center: 800-424-8802 • Center for Disease Control: 888-232-3228 • U.S. Public Health Service: 800-USA-NDMS 		
For more detailed information on chemical agents, see www.sbccom.apgea.army.mil/RDA/msds/index.htm .				
Source: U.S. Army Medical Research Institute of Infectious Diseases, Edgewood Chemical Biological Center, "Information Products: Biological and Chemical Agent Quick Reference Tables," www.ecbc.army.mil/hld/ip/bca_qr.htm , January 20, 2004.				

Visteon

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Illicit Cigarette Trafficking and the Funding of Terrorism

**By William Billingslea,
Senior Intelligence Analyst,
Office of Strategic Intelligence and Information,
Bureau of Alcohol, Tobacco,
Firearms, and Explosives,
Washington, D.C.**

Since the dawn of terrorism, procuring finances sufficient to sustain terror operations has been a priority for terrorists. The illicit sale of cigarettes and other commodities by terrorist groups and their supporters has become a crucial part of their funding activities.

Raising the tax on cigarettes widens the difference between the wholesale price and the retail price of the product and inadvertently creates opportunity for traffickers, who evade the tax and gain the profits. Today cigarette traffickers can make as much as \$60 per carton of cigarettes sold illicitly.

Because of the immense profits in the illicit cigarette trade, as well as the potentially low penalties for getting caught, illicit cigarette trafficking now rivals drug trafficking as the method of choice to fill the bank accounts of terrorists and terrorist groups. Investigators have discovered that traffickers in the United States and the United Kingdom are providing material support to the Hezbollah and the Real IRA (RIRA), among other terrorist groups. In addition, law enforcement research indicates that groups tied to al Qaeda, Hamas, PKK (the Kurdish Workers Party), and Islamic Jihad (both Egyptian and Palestinian) are involved in the illicit trafficking of cigarettes.

Background and History

The trafficking of cigarettes by terrorists and their sympathizers has been going on worldwide since the mid-1990s, and the last four years have seen a sudden increase in trafficking. The trafficking schemes provide the terrorist groups with millions of dollars annually, which fund the purchasing of firearms and explosives to use against the United States, its allies, and other targets.

Investigations have revealed that the terrorist groups work with organized crime groups as well as with the international drug trafficking organizations. Organized crime and drug trafficking organizations already have established trafficking routes, as well as business contacts for the transfer of the commodity for profit. The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) have found that Russian, Armenian, Ukrainian, Chinese, Taiwanese, and Middle Eastern (mainly Pakistani, Lebanese, and Syrian) organized crime groups are highly involved in the trafficking of contraband and counterfeit cigarettes and counterfeit tax stamps for profit.

Known and suspected Hezbollah and Hamas members have established front companies and legitimate businesses in the cigarette trade in Central and South America. Indications from law enforcement sources are that these companies traffic in contraband and counterfeit cigarettes and tax stamps for profit and then use the proceeds to purchase arms and ammunition.

Using consumables, specifically cigarettes and gasoline, groups that are funding terrorism not only place a legal com-



Photo courtesy ATF Archives

Authentic Michigan Cigarette Tax Stamps intercepted en route between Beirut, Lebanon, and Ciudad del Este, Paraguay. Stamps were being sent to Paraguay to be counterfeited. Both the sender of the stamps and the receiver are believed to have Hezbollah connections.



Photo courtesy ATF Archives

Counterfeit Marlboro cigarettes purchased from www.smokemcheap.com, a Web site operated out of New York State, during an ATF undercover buy.

modity into an illegal market system but also commit money laundering, fraud (both consumer and business), and tax evasion. The key is that these traffickers are not using the illicitly obtained funds for personal gain but are actually providing the funds as direct support to specific groups that espouse their political or ideological agenda.

Terrorist Group Involvement

The involvement of terrorist groups and their support personnel in the illicit movement of consumables began in the 1980s. The activities of the business people in the Middle East and Asia became a model in how to succeed in making money when most normal government or civil operations in these regions had become impotent or nonexistent. Terrorist groups and terrorist support networks observed how in uncertain or extreme times business people were still making money and had adapted to the cultural changes and hardships.

This was evident in the gold souks in Beirut, Lebanon, and the ad hoc gasoline service stations established along major lines of communication by entrepreneurs. These ad hoc businesses operated out of the back of vehicles and houses, and these business people were flourishing and expanding their hastily established operations. The primary reason they were so successful was that they were providing needed and luxury items to the average consumer after the economic system in the region had basically collapsed due to conflict or natural disaster. These business people were so resourceful it has been reported they were actually tunneling under the Israeli defense lines into the Gaza Strip bringing in gold and cigarettes from Egypt.¹

Selling their goods, these businessmen were evading import duties and sales and use taxes. In addition to the tax evasion, the business people were committing fraud by offering counterfeit products and providing products that had been obtained illegally for sale at cheaper prices, as well as doctoring products.

This type of system was easily adaptable to most regions of the world. It became a more important method of obtaining funds as countries began to raise the taxes levied on consumables to overcome

budget deficits of the late 1980s and early 1990s. At the same time, governments in Europe and North America raised the taxes levied against tobacco products and alcohol in hopes of reducing their use. Although initially this did lower the demand for these items, it also made illicit trafficking more profitable. Entrepreneurs began to establish front companies and offshore businesses in Cyprus, Gibraltar, the Isle of Man and the Isle of Wight in the United Kingdom, and Bermuda and the Bahamas in the Caribbean. These businesses were established for the sole purpose of moving normally legal commodities (cigarettes, alcohol, and gasoline) through illicit channels to avoid the taxes and import duties associated with them.

Illicit Cigarette Trafficking around the World

In Europe: The IRA was one of the first groups to begin using cigarettes to fund their activities. Investigations by the Gardai (Irish National Police), the Royal Ulster Constabulary (RUC), Scotland Yard, and U.K. Customs have led to seizures of cigarettes worth millions of dollars, as well as arms and explosives associated with the cigarette trafficking schemes. The IRA involvement in the illicit cigarette

trade was due to the rise in taxes on cigarettes in the United Kingdom, Ireland, and most of northern Europe. By illicitly trafficking in cigarettes, and thereby avoiding the taxes and import duties, the IRA would be able to make an enormous profit. Current estimates place the amount of money made from the trafficking of illicit cigarettes by the three primary factions of the IRA, the Provisional IRA, Real IRA, and the Continuity IRA, at more than \$100 million in just the past five years. According to police figures, the Provisional IRA is the biggest fundraiser generating \$8.3 million to \$13.2 million annually. This is compared to the Real IRA, which raises \$8.3 million annually, as well as the Loyalist Volunteer Force, which raises \$3.3 million and the Ulster Volunteer Force (UVF), which raises \$2.5 million annually. A senior police officer in Northern Ireland stated that the Real IRA now resembles a criminal organization that sometimes carries out acts of terrorism rather than a terrorist group that has to dabble in crime.²

In keeping with a current trend in terrorist financing, dissident Irish republicans have joined forces with criminals in Britain to raise millions of dollars through cigarette trafficking and the sale of illegal fuel. According to British police information, the Real IRA has crossed the Irish Sea

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to Great Britain to expand their illicit operations. A report from a British House of Commons select committee stated that approximately \$30 million was raised annually by paramilitaries on both sides of the sectarian violence in Northern Ireland.

A British Minister of Parliament was reported as claiming that an Irish charity worker, employed to distribute aid in war-ravaged Croatia, was secretly setting up contacts with weapons smugglers in the Balkans.³ The charity worker had been known to Garda intelligence for 10 years prior to his post with the charity Irish Aid. The Minister of Parliament went on to state that the charity worker's employment in the Balkans occurred some 10 years after Garda intelligence had identified him as the leader of the Continuity IRA. The deals established in Croatia were an exchange of funds acquired from trafficking in illicit cigarettes for arms and ammunition.

In the Middle East: The Kurdish Workers Party (PKK) is involved in the trafficking of contraband cigarettes and tax stamps. In one particular instance in 2000, the Turkish military and Turkish federal police conducted a raid at a PKK safe house, which was suspected of actually being one of the PKK headquarters for eastern Turkey. Initially, the Turkish au-



Photo courtesy Canadian Customs

Counterfeit Marlboro cigarettes, with affixed counterfeit California cigarette tax stamp. The cigarettes were part of shipment traveling from China to Los Angeles and were intercepted in Vancouver, Canada, by Canadian Customs.

thorities were expecting to find caches of arms, ammunition, and explosives. But the authorities actually found a gravure printing press for producing counterfeit tax stamps and other forged documentation.

The European Union commission on cigarette smuggling named the PKK as a "Kurdish Terror Network" regarding the group's involvement in the illicit trafficking of cigarettes.⁴ The EU Commission report states the PKK made large sums of money marketing smuggled U.S. cigarettes into Iraq across the Turkish border. The EU also alleges that the PKK has been smuggling American brand cigarettes

into Iraq, where Saddam Hussein's son Uday would then control the cigarettes. Reports indicate that Saddam Hussein made as much as \$2.7 billion annually after 1991 on the cigarette and oil smuggling business.

Other terrorist organizations that have turned to illicit cigarette trafficking to provide funding are Hezbollah, Hamas, Islamic Jihad, and al Qaeda. Law enforcement research indicates that people connected to al Qaeda are involved in moving contraband cigarettes and counterfeit tax stamps throughout the United States and Europe. Al Qaeda sleeper cells establish legitimate businesses and move the illicit product through the normal domestic market, effectively hiding their operations in plain sight.

In the United States: An ATF investigation initiated in 1996 with the Iredell Sheriff's Department in North Carolina illustrates the illicit cigarette trafficking in the United States. This case involved a cigarette trafficking scheme in North Carolina, a low tax state, from which millions of dollars' worth of cigarettes were smuggled to Michigan, a high tax state. The defendants, 25 in all, were moving cigarettes by rental vehicles from Charlotte to Detroit to sell on the streets. Proceeds were then transferred by wire and by courier to bank

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accounts in Beirut, Lebanon. Portions of the proceeds were used to provide material support to the Hezbollah international terrorist organization in Lebanon. In 2001, a federal grand jury in Charlotte indicted the 25 persons for money laundering, cigarette trafficking, conspiracy, and immigration violations. To date, 20 defendants have been convicted for violations of the Contraband Cigarette Trafficking Act (CCTA), conspiracy, money laundering, and immigration violations. In addition, three of those defendants were found guilty of providing material support to a terrorist organization (Hezbollah). Five defendants remain fugitives. This investigation resulted in seizures of cigarettes, real property, and currency worth close to \$2 million dollars.

In another investigation into the trafficking of contraband cigarettes prior to the traumatic events of September 11, 2001, ATF discovered that a convicted cigarette trafficker was tied directly to Hamas. During the execution of search and arrest warrants, the suspect stated, when asked about the identity of a person in his residence, that the man was his cousin and that he was in Hamas, and that he had come to the United States to escape from the Israelis.

On the Internet: In addition to the interstate and international trafficking of illicit cigarettes for profit, research indicates that the terrorist groups are beginning to get involved in the Internet sales of cigarettes. The Internet is a busy marketplace, and operating an Internet site doesn't require sellers to establish a business within the United States or Europe. People or groups that operate Internet-based cigarette sales can set up operations in places such as Gibraltar or the Colon Free Trade Zone and sell their contraband cigarettes in any state within the United States or any country in the world without actually having to be present in the state or country. Internet sales of cigarettes are robbing states of millions of dollars annually. Current laws are not designed specifically to regulate the Internet sales of cigarettes. The violation of the current law (known as the Jenkins Act) is a misdemeanor and is difficult to prosecute in a federal court when other criminal charges are not viable.

Economics of Illicit Cigarette Trafficking

Just what are the economics associated with terrorist involvement in the trafficking of illicit cigarettes? First, of course, are the funds that are lost by the states and

the federal government due to the trafficking. It is estimated by state and federal tax authorities that by the year 2005, the combined state losses due to illicit cigarette trafficking could reach into the billions of dollars. This is critical in today's economy, when the majority of states are experiencing record deficits and are looking to raise the taxes on cigarettes to supplement their budget shortfalls.

Second, the monetary support gained by the terrorist groups from the trafficking can cause much more than fiscal harm to the United States and its allies. With the funds received from the trafficking of illicit cigarettes, terrorist groups can purchase more arms, ammunition and explosives and use them against the United States and its interests, putting U.S. citizens at risk, as well as providing for a climate of fear around the world. Law enforcement intelligence, as well as credible open source information points to a definite benefit to terrorist groups from the illicit sale of tobacco.

To fully understand how terrorist funding is being supported by illicit cigarette trafficking it is necessary to fully understand the methodologies involved, as well as the various schemes used to traffic the illicit cigarettes. In addition, to fully combat the growing problem of illicit cigarette trafficking, law enforcement must be

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proactive in its investigations, including recognizing the current and future trends regarding illicit cigarette trafficking.

Methodology

A key to the current methodology of the terrorist groups and people that provide them with material support is provided in the earlier reported statement by a senior police officer from Northern Ireland. He said the Real IRA is "looking more and more like an organized crime group that also conducts terrorist acts, rather than a terrorist group that conducts criminal acts." This statement is key because it reveals the new face of terrorism.

Terrorist groups, on the whole, have changed their face within the past decade. With the integration of world markets and the push for a more equal global trading system, terrorist groups have also shifted their focus to infiltrate the ever expanding global trade and world markets. The new face of terrorism does not include the traditional organizations or enterprises of the past. The new face is totally different. It is more goal-oriented, and it has no problem integrating perfectly legal enterprises with criminal or illicit enterprises.

T. R. Young stated that organized crime is a growth industry in the United

States. His view is that organized crime constitutes between 10 percent and 25 percent of the gross national product.⁵ With these figures, it is easy to understand why terrorist groups are beginning to act and operate in ways that are strikingly similar to organized crime. Organized crime's influence in world politics, world trade, and arms proliferation has grown tenfold since the opening up of Eastern Europe. It is no wonder many terrorist groups are working practically hand-in-hand with organized crime in order to obtain material and financial support for their organizations.

In many aspects the material support to terrorist organizations is based upon ethnic or cultural connections. With this in mind, both Europe and North America have seen a rise in immigrant involvement in criminal acts, including money laundering and fraud. Europe is having an extremely difficult time combating the amount of crime perpetrated by Albanian, Asian, and Russian organized criminal groups. The United States, although experiencing a decline in traditional organized crime groups such as the La Cosa Nostra, has seen a large rise in the amount of organized criminal groups ethnically tied to the Middle East and North Africa.

Establishment of Illicit Operations

How then do these "businesspersons" establish themselves in the United States? What allows them not only to succeed but also to expand their operations?

The general order of establishment is for the "family" to emigrate from their homeland singly but as part of a line of emigrants. They eventually become immigrants in Europe and North America and establish themselves and their family in retail and wholesale business ventures. In order to establish the business operations in the United States, the head of the family will usually immigrate to establish a retail sales or import-export trade business. The one uncompromising rule in the initial establishment is that it must be a male, which is the cultural norm for populations residing in southeast and southwest Asia and the Middle East. While there may be members who are not directly tied to the family, the norm is for family members to actually operate the business. In the case of the Middle Eastern criminal enterprises, the family will generally include fathers, sons, male cousins, uncles, and brothers.

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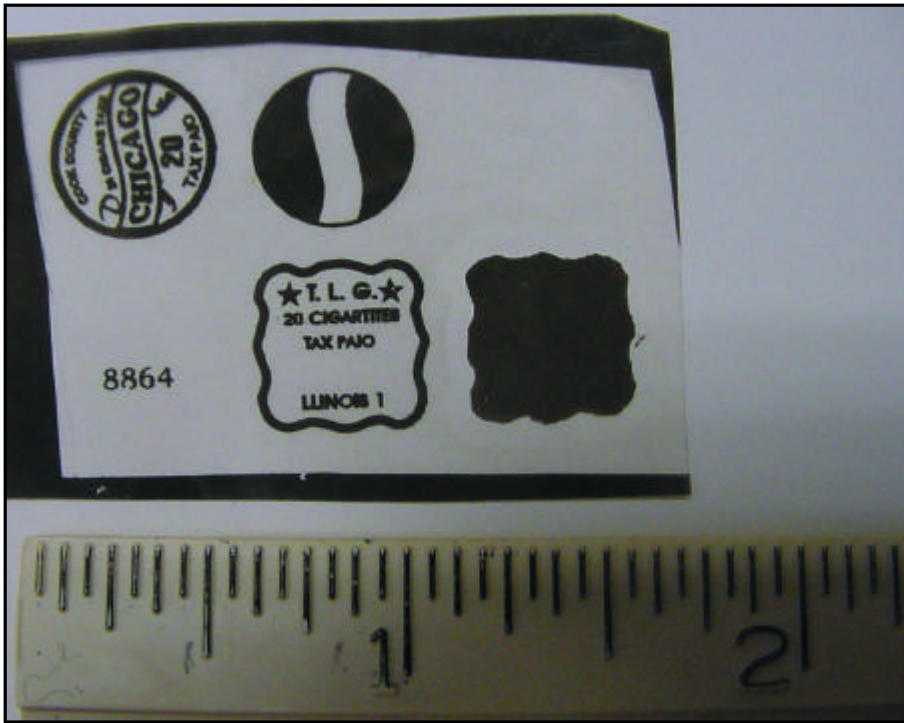


Photo ATF Archives

Templates for printing counterfeit Chicago/Cook County and Illinois State cigarette tax stamps. The templates were recovered from a suspect who traveled from the West Bank in Israel to Amman, Jordan, and then flew to Chicago. Had the stamps been used, Chicago/Cook County and Illinois State would have been defrauded out of nearly \$5 million in uncollected tobacco tax revenue.

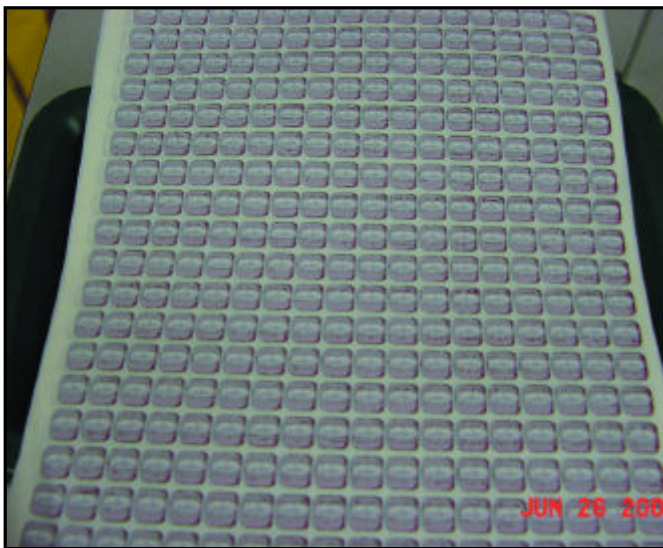


Photo ATF Archives

Counterfeit Michigan cigarette tax stamps. This sheet is one of hundreds, each representing thousands of counterfeit tax stamps, obtained during a raid conducted in the Dearborn, Michigan area. In addition to the thousands of counterfeit Michigan tax stamps located during the raid, investigators found counterfeit tax stamps for the state and city of New York as well as a notebook containing sales listings and photos for each of the other states in the United States that issue cigarette tax stamps.

The Schemes

There are various schemes used to traffic in illicit cigarettes. Some of the more obvious or most common schemes are trafficking from a low-tax state to a high-tax state, Internet and mail order sales, theft

and hijacking, import-export operations, and counterfeiting cigarettes and tax stamps. Many of these schemes are used domestically and internationally and are often used in conjunction with other schemes. It's also not unusual for criminals to switch back and forth among schemes in an attempt to evade law enforcement scrutiny.

These are the trafficking schemes of choice among terrorist groups and the people that support them. The groups know it is important to be flexible. More than one scheme can be used depending on

several factors including market forces and law enforcement scrutiny. Under pressure or scrutiny, it is common for the groups to turn to other crime or go underground. Once they come under scrutiny for cigarette trafficking, they will change to something else, such as gasoline fraud, food

stamp fraud, and pseudoephedrine trafficking.

The sources of the illicit cigarettes come from several areas. They come from low-tax states, from a foreign free trade zone, from a customs bonded warehouse, from certain Native American reservations, from stolen or hijacked shipments, and from manufacturers of counterfeit cigarettes overseas.

Trends

Estimates from the various state tax officials show a decline of approximately \$1.4 billion in revenue collection due to illicit cigarette trafficking. This figure, which is a 2001 estimate, shows just how lucrative cigarettes have become. Many states are reporting revenue losses; in 2001 nine states' combined loss was approximately \$850 million. An IRS study has shown that, combined, states show over \$1 billion in losses to non-taxed sales of cigarettes. To compound the problem, states continue to raise cigarette taxes as an easy way to raise needed revenue.

Just as with the organized crime groups of the past, terrorist organizations are drawn to illicit cigarette trafficking due to the possibility of large profits for little work. With the variations in state taxes levied on a pack of cigarettes nationwide, the illicit trafficker can make millions of dollars a year.

Indications are that terrorist involvement in illicit cigarette trafficking will grow. Each state that raises its cigarette taxes is a new prospect for illicit profits gained by trafficking in cigarettes.

In addition, the current relationship between terrorist groups and criminal groups will continue to grow. With the amount of profits obtained through illicit cigarette trafficking both types of organizations can benefit. This problem will not simply go away. The organizations and support mechanisms are fully entrenched in illicit cigarette trafficking operations. In some instances, the trafficking of illicit cigarettes are their only known means of support.

¹ Stephen Farrell, "Smugglers' Tunnels Undermine the Israeli Security Cordon," *The Times* (London), May 20, 2002.

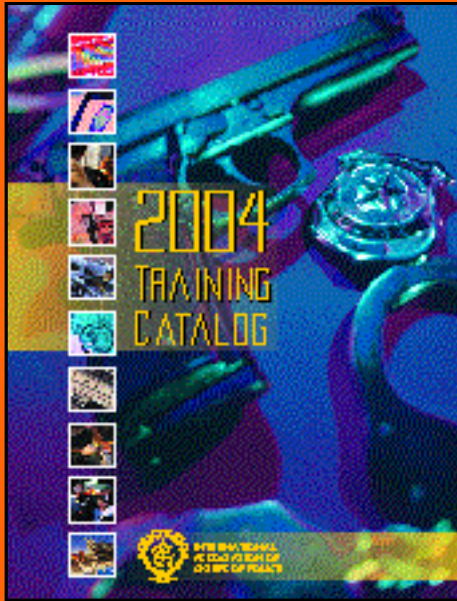
² "Ulster Cigarette Smuggling Shock," *Belfast Telegraph* (Belfast, Northern Ireland), December 21, 2000.

³ Donna Carton, "Aid Worker Used Balkan UP Weapons Pipeline for Mercy Mission to Set Rebel IRA Terrorists," *Sunday Mirror* (London), December 17, 2000.

⁴ "The PKK Is a Terrorist Organization," *Turkish Press Summary*, March 27, 2002.

⁵ T. R. Young, Socgrad Mini-lectures, The Red Feather Institute, September 1999, <http://www.tryoung.com/lectures/047techrm3.htm>.

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Civilian and Military Law Enforcement Cooperation



By John F. Awtrey, Director, Office of Law Enforcement Policy and Support, Department of Defense, and Jeffery Porter, Office of the Provost Marshal General, Department of the Army, Pentagon, Arlington, Virginia



Criminal activity and increased threats to public safety are the concerns of both civilian and military law enforcement agencies. Resources such as money and people are strained in both environments. And both civilian and military agencies seek innovative ways to meet increasing demand for services.

Working together can help civilian and military police agencies make the most of available resources and provide the expected level of services to their communities. This article focuses on the differences and similarities of civilian and military law enforcement and describes ways to improve cooperation.

Key Differences

The Department of Defense and its component military services maintain installations and facilities across the country. Each has a population of active duty personnel, family members, and civilian employees who depend upon their civilian neighbors and businesses. Military communities have many of the same infrastructure elements and services as their civilian counterparts. But although the provision of law enforcement services appears similar, there are some key differences.

Military Law Enforcement Culture: The first cultural element is jurisdiction.

Military law enforcement agencies can have exclusive, concurrent, or proprietary jurisdiction for police and criminal investigative activities involving the following:

- Criminal activities on domestic and foreign military bases
- All military personnel regardless of location
- Security and terrorism interests worldwide
- Fraudulent activities involving military procurement worldwide
- Other special interests unique to the military environment

This means that although military law enforcement's jurisdiction is generally limited to military installations and facilities, its interest may also follow military personnel and Department of Defense special interests wherever they are found.

Military Authority: The second key element is authority that is governed by Title 10 and Title 18 of the *United States Code*, which establishes the law enforcement authority and responsibility for the military.

Under Title 10 of the *United States Code*, military police, security forces, and Department of Defense criminal investigative organizations enforce the provisions of the Uniform Code of Military Justice (UCMJ). The UCMJ is the military's criminal code. Frequently, civilian agencies regard the UCMJ as applying only to "military offenses"

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es" such as absent without leave or desertion. The UCMJ is essentially a complete set of criminal laws. It includes crimes punished under civilian law, such as murder, rape, drug use, larceny, drunk driving, and writing bad checks, but it goes beyond that to punish other conduct that affects good order and discipline in the military. To help civilian agencies understand the UCMJ, it is available on the World Wide



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Under Title 18 of the *United States Code*, the Assimilative Crimes Act provides that many local and state criminal codes may be assimilated for law enforcement and criminal investigation purposes. For example, Department of Defense policy authorizes the assimilation of state traffic codes for enforcement on military facilities, thereby reducing the need to enforce and learn two different codes that affect both communities.

Military Operations: Military police, security forces, and Department of Defense criminal investigators perform duties that are common among all law enforcement personnel. But they may have the additional responsibility of being the warriors who attend the national defense mission of the U.S. government. That defense mission is an "additional duty" of military law enforcement, but one that makes them different from their civilian counterparts. These military law enforcement cultural elements should be kept in mind as you read this article.

Similar Characteristics

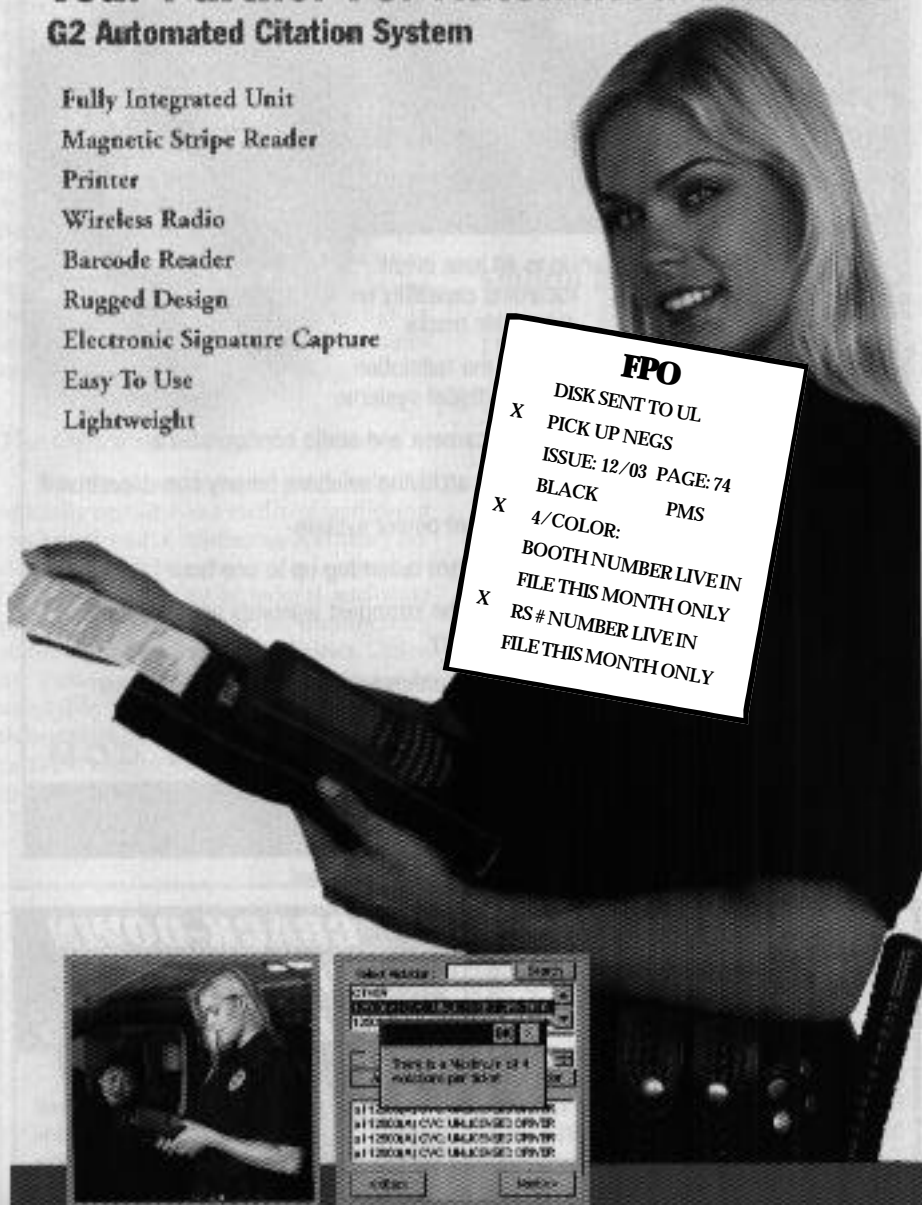
Although there are differences, military and civilian law enforcement agencies are similar in many respects. The similarities enable cooperation between military and civilian law enforcement agencies.

Law Enforcement Culture: The provost marshal, the chief of security forces, and the director of public safety are the chiefs of police on their respective military installations. Personnel assigned to these chiefs may be active-duty military members, Department of Defense civilian police officers, or contract employees, but they are, by and large, organized to provide community-based police services to the military installation. Patrol operations, special operations (tactical, canine, and so on), and administration and support operations (fleet, property, and records management) are just as you would find them in the surrounding civilian community agencies. Community policing, crime prevention, traffic control and management, and domestic violence response are but a few of the ongoing programs that mirror their civilian counterparts.

In addition, the Department of Defense law enforcement community includes discrete criminal investigative organizations in the Army, the Navy, and the Air Force and at the Department of Defense level. These organizations are collectively known as the Defense criminal investigative organizations, or DCIOs. The DCIOs most closely resemble state bureaus of investigation in form and function but have a span of interest and jurisdiction akin to those of federal investigative organizations. They also mirror the role of the detective cadre of a typical police or sheriff's department. In this way, a 911 call to the scene of a homicide on a mili-

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tary installation would elicit a first response from base police, with subsequent referral to the appropriate DCIO, which would also likely have a local presence.

Of note, the Department of Defense has made a great effort to civilianize its business policies and practices. This trend enjoys great support from the military law enforcement community and is strengthening its ties to the common goals, values, and practices of civilian law enforcement agencies in the United States and around the world.

How to Start Cooperation

Having examined some of the differences and similarities between military and civilian law enforcement, and understanding that military bases do not exist in a vacuum but rather as a part of civilian communities—it becomes apparent that the two parallel structures can build and enhance their cooperation efforts to better serve their total local community and address common concerns.

Whether in a civilian jurisdiction or on a military installation, each day will bring new challenges. In order to start the cooperation process between the local law enforcement agency and military counterpart, it is necessary to reach out and get to know and understand each other.

Find out who your counterpart is. This first step seems simple and obvious, but it is not always done. The IACP can help identify civilian and military law enforcement executives. American Military Law Enforcement Links, a Web site available at <http://home.satx.rr.com/mplinks/index.htm>, is another good starting point.

Meet your counterpart. Make an appointment to introduce yourself and meet them for coffee. Get comfortable on a first-name basis. Take the other to lunch. Spend a little time together. Discuss and identify what each of your roles is professionally. How do they overlap and how can you help each other? Where do they diverge and how can that be accommodated?

Working Together

Once you have met with your military counterpart and established a professional relationship, focus on the major common areas of policy, planning, communication, exchange of information, and training. Although this list of common areas is far from all-inclusive, experience has shown that they are the basis of building and maintaining organizational bridges between your respective agencies. Among the issue to consider are the following:

- Memorandums of understanding: Do the agencies have in place the MOUs or memorandums of agreement (MOAs)? If there are none, should an agreement developed?

- Incident planning and response: Is there a value in sharing policies or operational plans?

- Define any legal process that affects jurisdictional issues between your agencies. If a legal process divides the agencies and affects both communities, what can be done to amend the situation?

- Create and share a phone listing of important joint contacts within your respective agencies.

- Discuss how you should handle information and coordination on military dependents and dependent juveniles who live off base.

- Are there special handling rules if military members are arrested off base or civilians are arrested on the base?

- Clarify what forms of identification for law enforcement personnel are acceptable to each agency, if common access is needed.

- How and when do your staffs communicate with each other? Who should call whom and when?

- Establish information exchange mechanisms. Both formal (blotters, reports, councils, meetings, and so on) and informal (contacts, networking). Would regular meetings be of value? If so, set it up to rotate hosting the meetings between your agencies. If your area has a metropolitan or regional chiefs council, is your counterpart a member?

- Identify and know the process for mutual aid.

- Address issues of specific common Interest. The need to identify common issues among law enforcement agencies is of paramount importance.

Immediate, at the top of the list, is to exchange information on specific crimes or police intelligence that protect law enforcement personnel and the citizens they serve. Persons serving in the military and residing on or off military facilities have the same potential for becoming victims of crime. A small group of this same population also has the potential for becoming the offender. It is especially vital to the military to be informed when military members are involved in incidents of driving while intoxicated, domestic violence, and other serious offenses. The exchange of information is an empowering tool for law enforcement agencies, and all Department of Defense components have programs to facilitate the exchange of information with their civilian law enforcement counterparts.

Department of Defense components have the same reporting requirements as civilian agencies for persons disqualified from possessing arms and ammunition under the Brady Handgun Violence Protection Act, sex offenders required to register under the Jacob Wetterling Act and state registration laws, and the suspension or revocation of driving permits. Other areas of mutual concern are identifying trends in criminal activity that oc-


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curs on the military facility and surrounding communities. Early information on such activity as increased juvenile offenses, introduction of new drugs or methods for their illicit delivery, or disruptions to normal activity that could signal criminal activity, are all examples of police intelligence information that should be exchanged. The military community understands and safeguards the information received from their civilian peers.

Many military members return to cities and counties where they resided while serving on active duty. These indi-

viduals are full private citizens who now have even greater dependency on living and working in their new civilian community. The military interest in reporting offenses by this portion of the population no longer exists. Nevertheless, in the event that the retired or former military population does come into contact with civilian law enforcement agencies, the Department of Defense law enforcement components have the ability to retrieve historical records on serious misdemeanors and all felonies. Contacting the local military law enforcement office and

maintaining liaison will facilitate retrieval of information that can be useful in law enforcement activity.

Cementing Partnerships

Once personal and organizational ties have been established, here are things to consider that can enhance a positive working relationship.

- Become involved in each other's communities. Seek support and ideas from each other. Attend military and civilian activities together, and join groups that serve both agencies' interests.

- Conduct joint training. If you are having training, consider opening it up to your civilian or military counterpart and their staffs, when laws and regulations allow.

- Discover the capabilities and resources that each other can offer locally. For example, at the Department of Defense level, the Defense Logistics Agency's Law Enforcement Support Office (LESO) manages a program that transfers excess Department of Defense personal property to federal, state, and local law enforcement agencies, with special emphasis given to counterdrug and counterterrorism efforts. More than 17,000 local law enforcement agencies have taken advantage of this program.

- What are the limitations and process for offering each other local assistance?
- Understand and be involved in civilian and military command changes.

The Key to Cooperation and Building Relationships

The key to improving your civilian and military law enforcement relationship is understanding and taking the initiative: understanding the difference in cultures and how and why each agency operates, and then taking the initiative to make contact with your counterpart and develop a working relationship that will benefit public safety for both the civilian and military communities. If initiated at the local level, this important work will spread to the national level and will help ensure success in protecting our communities and the varied population of those communities.

The IACP

The IACP and its committees are available to provide you assistance. The IACP Civil Law Enforcement and Military Cooperation Committee, for instance, has a broad range of resources available to aid you in enhancing your partnership with your nearby civilian and military law enforcement agency. The committee's IACP staff liaison is Larry Haynes, 800-THE-IACP, extension 234, or haynesl@theiacp.org.

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MAKING THE MOST OF General Orders

**By Ryken Grattet, Ph.D.,
Associate Professor of
Sociology, University of
California, Davis, California**

Viewed from a distance, it was not a terribly serious incident. The victim, an African American graduate student, awoke to find "N-r" scrawled in spray paint across the pavement in front of his house. The police arrived, took a report, and discovered that a rowdy party involving underage drinking had occurred at a neighboring home the night before. Once the detectives arrived and interviewed the victim and the host of the party, they quickly dismissed the incident as a juvenile prank. Perhaps the officers miscalculated the victim's degree of trauma, his doggedness in pursuing his case, or the subsequent tempest that the event, and the police department's handling of it, would cause in the community. But one thing is clear: the officers did not follow their own general order for dealing with hate crime incidents. Their failure to do so became a sticking point in the ensuing debacle, as did the quality of the general order itself, once it was made public.

Getting General Orders to Work

General orders represent a central mechanism available to law enforcement leadership who confront recurring and potentially problematic enforcement issues, and nearly every American department relies on them to some degree. The implicit hope is that by formalizing a department policy on a particular issue, officer conduct will be consistent and appropriate. But that doesn't always happen.

All organizations, even law enforcement agencies, face discrepancies between their formal policies and informal practices. Sociologists even have a technical word for the phenomenon: "decoupling." Decoupling occurs when an organization adopts a splashy new policy but

then never really implements it to change how the work gets done. Some degree of decoupling actually helps organizations function more effectively; but in law enforcement decoupling can come with a price. If officers do not follow an order they may fail to deliver quality service to the crime victim and they may embarrass themselves and the department. They may also expose themselves and their department to legal liability.

So the question is, how do you get your general orders to work?

Negative Reinforcement Model

One strategy is to focus on developing a punishment system for officers who don't abide by the policies. Many agencies have such a system in place and it probably works to some degree. But such a system has some undesirable aspects. By definition it is reactive, which means that it does little to actually prevent deviations from policy in the first place. It also involves administrators in determinations about whether the deviation was accidental or intentional, in order to determine the appropriate type and level of punishment. It is also a paternalistic approach that may be perceived by officers and leadership alike as inconsistent with a department culture that emphasizes professionalism among the rank-and-file officers. In other words, if what you want are officers who can operate responsibly and with autonomy, then punishing them for not following the rules may be a bad way to go. Part of preparing officers in the contemporary world of policing means educating them to actively implement the new policies and policing strategies that the department is trying to institute.

Contemporary Model

Although a punitive system may be necessary for egregious violations, it does little to facilitate the desired learning process that lies behind most general or-

ders. An alternative approach is to concentrate on the content of the general orders themselves and the system in place to develop and disseminate them. Northwestern University sociologist Arthur L. Stinchcombe has recently identified some basic principles that underlie successful implementation of formal policies in organizations. His model, which applies well to law enforcement agencies, contains three components: cognitive adequacy, communicability, and a trajectory of improvement.¹

Cognitive Adequacy

- Accuracy
- Simplicity
- Clarity
- Inclusiveness

General orders are cognitively adequate to the extent that they are based upon a simple and accurate depiction of the situations to which they are to be applied. As all rules do, a general order presumes a set of circumstances within which its procedures will be invoked. If such presumptions are invalid (if, for example, there are lots of other circumstances that should have been incorporated into the order, or if it presumes circumstances that should not have been included) it will likely function poorly in governing action in the field. The officers will perceive incongruence between the order and the incidents they confront. In other words, the order won't fit the circumstances. Moreover, if a general order is unnecessarily complicated, if it gives officers too much detail, or if it is difficult for ordinary users to apply, it will likely also fail to govern officer behavior.

Let's take a concrete example. General orders regarding hate crime have two realities with which they must be aligned: relevant criminal law and hate crime incidents. If the depiction of hate crime law or hate crime incidents contained within the order is wrong or (as is more often the case) unclear, it will likely fail in shaping

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action. If an officer's training or prior experience has led him or her to interpret the law or the incidents confronted on the job in a way that is inconsistent with the general order, the officer may see little utility in deferring to its directions, relying instead on his or her own tacit knowledge of the subject. Thus, in order to be cognitively adequate, a hate crime general order has to coordinate an alignment between what officers think the law is (that is, what their training and experience has led them to think the law is) and what the law actually says. An order that simply restates the law and does not bridge the gap between the officer's understanding and the legal rules that define hate crime will be seen by the officer as confusing and may require the officer to reconcile the difference, a time-consuming activity in the context of handling a crime incident. They may refuse to bother with it.

Cognitive adequacy requires accuracy, simplicity, and clarity in the crafting of general orders and can be improved by taking a number of steps. The process of creating orders must be an inclusive communal activity involving both those who do the work and management who oversees the work. In order to reduce ambiguity and enhance clarity, commentary from employees from several levels and ranks should help guide revision of the orders. Because orders need to align with both the law and the officers' prior knowledge, the language of the order needs to be familiar and resonate with the training and experience they already possess. Relying on the phrasing used in academy and state-level training curriculum is encouraged for this reason. Use of model general orders, such as those provided by the IACP, can increase cognitive adequacy to the extent that they represent a common vocabulary for discussing an issue.² Review by an attorney or someone familiar with the statutory and case law on a particular subject can be useful for making sure the law is characterized accurately; however, relying too much on lawyers or other experts to draft the order entails the risk that what is cognitively adequate for the expert may not be for a police officer. Following from this, it is a bad idea to outsource the activity of writing orders by having an expert write the order for the department, for instance, or purchasing a boilerplate.

Although some agencies already engage in some or all of these activities without really reflecting on their contribution to the cognitive adequacy of their orders, others do not. For example, in the case described at the outset, the order had been recently revised and was written largely from scratch. As a result, the order did not rely on the common vocabulary for hate crime and did not resemble orders used

elsewhere in the state. It included some additional information on the subject but left other pieces of information out. Whether or not the responding officers were actually aware of its contents is another matter, and that brings the issue to the second requirement for general orders: communicability.

Communicability

- Credible
- Durable
- Cognizable

A second requirement for general orders is that they be communicable. Again, this has implications both for the content of the order and the system designed to produce and disseminate the order. General orders are more communicable when they are credible, resistant to degradation of their meaning over time (durable), and when a suitable system exists to transmit the order to all relevant officers through a cognizant learning process.

The credibility of an order is enhanced when it is perceived as coming from a legitimate source. For example, a hate crime order might refer to a set of FBI criteria for identifying hate crime incidents. This provides authority for the order and makes it more credible. Conversely, the credibility of hate crime orders is frequently undermined when officers view the new policies as red tape, as deriving from political pressures, or as irrelevant to the real crime problems they face. Officers are frequently suspicious of abstracted directions written by people not in tune with how things work on the street. Such circumstances render the order less credible and make officers less inclined to rely on them.

In addition, orders need to be resistant to degradation of their meaning over time. That is, if new meanings or interpretations get attached to the rule, or if the phenomena to be governed by the rule changes in some way, the rule will become less relevant and less influential over behavior. To continue with the hate crime example, hate crime orders designed in late 1980s appear to contemporary users as an old-fashioned way of conceiving of the issue. Older orders referred to the phenomena as RRE (race, religion, ethnicity) crimes rather than bias crimes or hate crimes, and they seldom accord with current standards of how officers are to respond.

The durability of an order can also be threatened by the fallible human beings who function as links in the chain of communication. Hate crimes are relatively rare events and, since these incidents are not handled in the normal course of work, the protocols for dealing with them may become dimmer and dimmer in the



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minds of officers over time. At this point the officer is left with vague impressions of what he or she is supposed to do. Overcoming the problem of degradation requires that orders be revised on a regular basis and that orders be periodically retransmitted via roll calls, e-mails, or the issuing of training bulletins.

To enhance communicability some thought must also be given to the design of a dissemination system. Simply instituting a new general order and distributing it throughout the ranks fails to set in motion the desired cognitive activity and learning process among officers. The new orders are likely to be filed away and forgotten, perhaps without being read at all. Orders must be communicated in multiple ways. In addition to roll calls, training bulletins, and e-mail messages, orders should be carried around with officers. Many departments require that officers carry a three-ring binder in their squad cars containing updated general orders. Even if officers can't remember its contents or don't bother reading it in the first place, they may use it as a reference tool. Furthermore, commanding officers can support the emphasis on following general orders by reminding officers to check the order when writing up a crime incident report and they can institute a system of periodic peer review of specific cases in which officers discuss how well a case was handled and how well the responding officer conformed to departmental guidelines. Orders could be revised on the basis of these kinds of discussions. Moreover, the orders themselves could include checklists of the required procedures that the officers have to submit along with their incident reports. All of these steps serve to embed the orders in the daily practices of officers and deepen the communication process.

Trajectory of Improvement

- Systematically review orders
- Revise orders to remain contemporary
- Involve the officers

The final requirement for general orders is that they be improvable. It must be emphasized that a flexible system is necessary. General orders can work in many situations even when they possess some of the imperfections described above. Cognitive adequacy and communicability may be improved over time. However, a rigid system that does not permit timely revision and updating will come to be seen as dated and irrelevant to current conditions. A related problem occurs when general orders are too monopolized by a particular group of officials (e.g., high ranking administrators). People get invested in particular ways of conceiving of an issue and, quite naturally, they are

reluctant to relinquish their view. General orders need to be freshened periodically by a new perspective.

Three Considerations

Three concluding points are necessary to make sure the general orders work. First, it should be clear that the variables cognitive adequacy and communicability work in conjunction. If an order is cognitively adequate but not communicable it probably will not work. Thus, cognitive adequacy, communicability, and improvability require attention simultaneously.

Second, it should also be clear that formal rules like general orders presuppose a set of informal processes to be effective. For example, a departmental culture that is suspicious of administrative policy-making is likely to experience difficulty in obtaining compliance with its general orders. In the terms introduced above, the orders will lack the requisite credibility. This suggests that general orders are much less likely to work when they are associated with a broader reform agenda that wants to reverse some aspects of officer behavior. Orders work best when they align closely with officers' sensibilities and normal work routines.

The third and final point is the importance of recognizing that there are limits on what can be formalized. Some subjects, arguably the hate crime topic that has been discussed throughout this essay is one example, may not lend themselves to formulation as a general order. A phenomenon may be impossible to define in a cognitively adequate way or it may be so complex as to defy simple expression. It may be that an issue is too new and not enough discussion has occurred to settle major debates about the proper approach and streamline the vocabulary for describing it.

As any administrator intuitively knows, there are a number of reasons to create general orders. Orders may provide some legal protection; they can serve to educate officers; and they can communicate the commitments of the agency to the wider community. But these benefits are undercut when officers get into trouble by not following them. While there is no panacea for getting officers to follow orders the intelligent design of a system for developing and communicating departmental orders can help.

¹ Arthur L. Stinchcombe, *When Formality Works: Authority and Abstraction in Law and Organizations* (Chicago: University of Chicago Press, 2001).

² More than 90 model policies and supporting documentation are available from the IACP National Law Enforcement Policy Center, 515 North Washington Street, Alexandria, VA 22314; 800-THE-IACP; king@theiacp.org.

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This posting of new member applications is published pursuant to the provisions of the IACP Constitution & Rules, Article II, Section 2(c). If any active member in good standing objects to any application, written notice of the objection must be submitted to the executive director within 60 days of publication. The application in question shall then be submitted to the Executive Committee and shall require the affirmative vote of two-thirds of the members of that committee for admission of the applicant.

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The IACP notes the passing of the following
association members with deepest regret and ex-
tends its sympathy to the families and coworkers
left to carry on without them.

Charles J. Coughlin, Lieutenant Colonel (ret.),
Kansas City, MO (life member)

Gerald J. Devries, Assistant Chief of Police (ret.),
Allentown, PA Police Dept.; Schnecksville, PA
(life member)

Anthony L. Guardino, Chief of Police (ret.),
Redwood City, CA; Mountain View, CA
(life member)

Robert L. Huffman, Chief of Police (ret.), Hillside
IL; Elk Grove Village, IL (life member)

Samuel Johns, Chief of Police (ret.), Crystal Lake,
IL; Lake Zurich, IL (life member)

Robert C. Keller, Chief of Security, Safety & Plant
Protection (ret.), Northrop Corp., Kingman, AZ
(life member)

O. C. Lincoln, Chief of Police (ret.), Kennewick,
WA (life member)

Donald E. Rogers, Chief of Police Ret, St Charles,
IL; Batavia, IL (life member)

Norman O. Schneider, Director of Police (ret.),
Washington University, St. Louis, MO; Fenton,
MO (life member)

Joseph E. Schuler, Chief of Police (ret.), East
Hanover, NJ (life member)

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The Important Crime Prevention Issues

The IACP Crime Prevention Committee is using a survey instrument to seek input from the membership on what crime prevention issues are the most important. The primary intent is to support the membership on direct feedback about problems and issues police leaders are facing in the area of crime prevention.

The survey is an easy-to-complete electronic instrument. By entering the IACP Web site the member can simply check a box or enter a more detailed text explanation into the appropriate space provided. After completing the survey, clicking the Send Answers button at the bottom of the electronic survey transmits the results.

The survey will be active through the end of February 2004. To reach the survey, go directly to <http://spss.trc.eku.edu/IACP/index.htm>, or go to www.theiacp.org, select Committees/Divisions/Sections, then click Crime Prevention Committee. This will carry you to the survey. For more information, call Beth Currier at IACP headquarters, 800-THE-IACP, extension 390, or send an e-mail message to currierb@theiacp.org.

IACP Day on the Hill to Coincide with Division Meetings

The 2004 midyear conferences of the IACP Division of State Associations of Chiefs of Police (February 29–March 3) and the State and Provincial Police Division (March 4–6) are being held in Alexandria, Virginia, to make it easier for members of these divisions to participate in the IACP Day on the Hill on March 3. The IACP Legislative Committee, which organizes the Day on the Hill, will hold its midyear meeting at the same time.

The Day on the Hill provides IACP members with the opportunity to meet with their representative in Congress, express their views on the needs of the law enforcement community, and advance the IACP's legislative agenda. On the afternoon of Tuesday, March 2, IACP legislative staff will brief participants to help them prepare for the next day's congressional visits. On Wednesday, IACP members spend the day on Capitol Hill, meeting with members of Congress and their staffs. The IACP legislative staff schedules congressional visits for participants throughout the day.

Contact the following IACP staff members to learn more about these activities:

Day on the Hill: Jennifer Boyter, 800-THE-IACP, extension 226; boyterj@theiacp.org

SACOP Conference: Beth Currier, 800-THE-IACP, extension 390; currierb@theiacp.org

S&P Conference: Dave Tollet, 800-THE-IACP, extension 219; tolletd@theiacp.org

Legislative Committee Meeting: Jennifer Boyter, 800-THE-IACP, extension 226; boyterj@theiacp.org

State Association Meetings

Members interested in the different state associations' meetings have an easy reference source—the IACP Web site. The Division of State Associations of Chiefs of Police maintains a listing of state conferences, providing the dates, location, and contact person for the various state meetings.

To view the state association meetings, go to www.theiacp.org, click Divisions/Sections/Committees, select Divisions, choose the Division of State Associations of Chiefs of Police, and then scroll down to Meetings for 2004. For more information, call Beth Currier at 800-THE-IACP, extension 390, or send an e-mail message to her at currierb@theiacp.org.

IACP Executive Committee Member Named U.S. Army's First Provost Marshal General in More Than 30 Years

U.S. Army Major General Donald J. Ryder, an IACP Executive Committee member for the past two years, was recently named the Department of the Army's provost marshal general (PMG). He is only the 11th general officer in the Army's long history, and the first in almost 30 years, to hold the position.

The PMG establishes policy and provides management and technical oversight of law enforcement, corrections, physical security, criminal investigations, and criminal intelligence for the Department of the Army. Additionally, the PMG serves as the Department of Defense executive agent for the Enemy Prisoner of War/Detainee and Corrections program; monitors and reports on worldwide antiterrorism, force protection, and criminal intelligence; and provides domestic threat information to senior Army leaders and major commands.

The office is another step in the U.S. Army's transformation that began in 2001. The plan is designed to restructure major subordinate commands and functions in the service to streamline decision making and achieve efficiencies as the Army adapts to meet rapidly changing institutional and operational challenges in the 21st century.

Ryder, who has commanded the U.S. Army Criminal Investigation Command, commonly known as CID, for the past two years, will now be both the PMG and the commander of CID.

The Army's Military Police and Criminal Investigation Command spans the globe with more than 40,000 active duty, guard, and reserve personnel worldwide and includes personnel participating in operations in Iraq, Afghanistan, Bosnia, and Kosovo. The office provides the Army's senior leadership with a comprehensive, single-source responsibility and capability for law enforcement, security, corrections, and criminal investigative-type requirements.

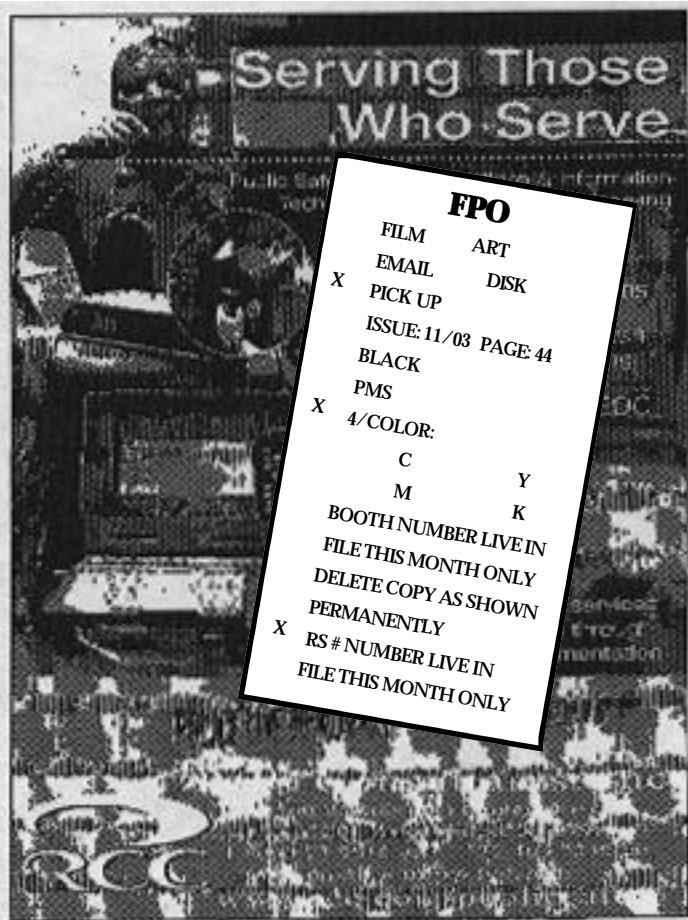
Ryder's duty in Iraq kept him from last year's IACP conference in Philadelphia. "I was really looking forward to [the] IACP [conference] and heard it was a tremendous and productive event," said Ryder. "But as the PMG, or 'police chief' for an army at war, Iraq was where I needed to be."

Ryder expressed his deep appreciation to all the law enforcement agencies across the country who are supporting the war on terrorism and appreciates that many of the Army reservists and National Guard soldiers serving in Afghanistan and Iraq come from civilian and federal law enforcement agencies and have had to leave their loved ones to do what has to be done.

"As we sit here today, a military police team of brave young soldiers is getting in an armored vehicle to go on patrol in Iraq, or a CID special agent is in the desert

looking at mass graves to see if an atrocity was committed by the former regime. It's a dangerous business in a dangerous environment, and we will never forget that," said Ryder.





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National Crime Victims' Rights Week—April 18-24

This April, law enforcement agencies will have the opportunity to participate in a nationwide effort to promote victims' rights and victim assistance and raise public awareness during the 2004 National Crime Victims' Rights Week, schedule for April 18-24, 2004. The theme for this year's observance is "Victims' Rights: America's Values."

Based upon input from the field, the Office for Victims of Crime (OVC) is disseminating a resource guide to help departments plan victim and community awareness events and activities. Components of the guide are designed to make it easy to replicate materials for the local activities. Included in the guide is camera-ready artwork, a DVD that includes compelling video footage that highlights the theme (for use in local awareness events), guidelines for sponsoring poster and essay contests in schools, and new documents that describe the rich history and leadership of OVC and commemorate the 20th anniversary of the passage of the Crime Victims Fund. The 2004 resource guide is also filled with theme-oriented ideas, concepts, and strategies.

To obtain a copy of the resource guide, contact Justice Solutions, 720 Seventh Street NW, Suite 300, Washington, D.C., 202-448-1710; fax: 202-628-0080; mailbox@justicesolutions.org. The resource guide is also available in electronic format on the OVC Web site, www.ojp.usdoj.gov/ovc/ncvrvw/2004/welcome.html.



Line of Duty Deaths

*"They will be remembered —
 not for the way they died, but for how they lived."*

The IACP wishes to acknowledge the following officers, who made the ultimate sacrifice for their communities and the people they served. We extend our prayers and deepest sympathies to their families, friends and colleagues.

Deputy Sheriff Hubert Dean Yancey
 Scott County, Tenn., Sheriff's Office
 Date of death: November 28, 2003
 Years of service: 6

Deputy Sheriff Glenn M. Searles
 Onondaga County, N.Y., Sheriff's
 Dept.
 Date of death: November 29, 2003
 Years of service: 8

Deputy Sheriff Christopher John
 Hensley
 Lewis County, Idaho, Sheriff's
 Dept.
 Date of death: November 30, 2003
 Years of service: 1

Trooper Tony Michael Lumley
 Georgia State Patrol
 Date death: December 2, 2003
 Years of service: 1

Sergeant Danny Wilson
 Abbeville County, S.C., Sheriffs'
 Office
 Date of death: December 8, 2003
 Years of service: 7

Corporal Thomas Roberts
 Mishawaka, Ind., Police Dept.
 Date of death: December 13, 2003
 Years of service: 14

Patrol Officer Bryan Verkler
 Mishawaka, Ind., Police Dept.
 Date of death: December 13, 2003
 Years of service: 2

Trooper Scott A. Patrick
 Indiana State Police
 Date of death: December 22, 2003
 Years of service: 3

Reserve Police Officer Russell
 Hayden Simpson
 Bandon, Ore., Police Dept.
 Date of death: December 22, 2003
 Years of service: 5

Senior Patrol Officer John P. Watson
 Kenai, Alaska Police Dept.
 Date of death: December 25, 2003
 Years of service: 18

Deputy Sheriff Jesus "Jessie" A. Garza Jr.
 Bexar County, Tex., Sheriff's Office
 Date of death: December 26, 2003
 Years of service: 11

Trooper Nikky J. Green
 Oklahoma Highway Patrol
 Date of death: December 26, 2003
 Years of service: 6

Officer Matthew Michael Pavelka
 Burbank, Calif., Police Dept.
 Date of death: November 15, 2003
 Years of service: 9 months

Deputy Sheriff Ruby A. Rainault
 Essex County, Vt., Sheriff's Office
 Date of death: November 24, 2003
 Years of service: Not Reported



IACP

National Law Enforcement Policy Center

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The **Police Chief** keeps you on the cutting edge of law enforcement technology with monthly product announcements. For **free** in-depth information, visit us at <http://www.theiacp.org/freeinfo>, or circle the appropriate Reader Service Numbers on the Reader Response Card (adjacent to the index of advertisers in this issue), and fax or mail the postage-paid card today. Items about new or improved products are based on news releases supplied by manufacturers and distributors; IACP endorsement is in no way implied.

Helmet communications system

The ClearCommand HCS Helmet Communications System from MSA is designed to simplify radio communications so workers can focus on the task at hand while getting the critical information they need. The system snaps over the ratchet of any MSA fire helmet, with no tools or batteries required. Because the system uses a noise-reducing bone-conduction microphone, the wearer's voice is transmitted loudly and clearly, even in noisy environments. A flexible boom ear speaker provides clear audio directly to the wearer's ear, allowing the wear-



Personal protective systems

The DTAPS (disposable toxicological agent protective system) personal protective ensembles from Geomet Technologies LLC are designed to protect wearers in WMD environments. The DTAPS systems include protective suits, boots, gloves, and NIOSH-approved breathing apparatus and have been tested by independent laboratories against chemical and biological warfare agents and toxic industrial chemicals, according to Geomet. DTAPS ensembles are packaged for police, fire, and EMS responders in OSHA protection levels A, B, and C.

For more information, circle no. 200 on the Reader Response Card

er to maintain almost hands-free communications. The ClearCommand HCS is compatible with most two-way radios. During any application, radio interface is invaluable during the operation or maintenance of complex equipment. Fewer distractions and less radio fumbling enhance workers' efficiency and safety.

For more information, circle no. 201 on the Reader Response Card

Personal protective systems

Homeland Security PPE Direct announces the distribution of a line of chemical, biological, ra-

diological, and nuclear (CBRN) personal protective equipment for use by fire, EMS, law enforcement, and governmental first responders as well as civilian protection. The law enforcement protection kit is designed to be donned in less than a minute and provide sufficient protection to allow for safe and orderly evacuation. These kits include a suit, mask, filter, detection ticket, decontamination powder and carrying bag. The design of the law enforcement hood allows the officer to access his or her service personal weapon, if needed.

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Spotlights

The Seattle Sports Company introduces the LEDHedz collection of super-bright headlamps. Four styles of clip-on lamps provide a versatile, hands-free light source for law enforcement, fire and rescue, and safety personnel as well. LEDHedz MicroLamps are lightweight, waterproof LEDs designed to



be clipped onto any visor or clipboard to create an instant headlamp. The MicroTorch features a twist-action LED and an anodized aluminum body with easy-to-use grip ridges. The HighBeam offers full headlamp-equivalent lighting. With a four-action switch, the HighBeam offers versatile lighting options from one to three bulbs. Constructed with a heavy-duty

impact-resistant casing system and reversible clip.

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Fingerprint scanner

Zvetco Biometrics announces the arrival of fingerprint scanning technology available to help computer owners fight identity theft by preventing unauthorized use of home PCs or laptops on the go. The new Verifi one-touch password replacement system delivers unsurpassed fingerprint authentication security through a small USB-connected device that quickly scans the user's fingerprint and compares it to that of the authorized user, making the authorized user's finger his or her single pass-key. The one-touch retail package includes a Verifi VP 2101 fingerprint reader, software compatible with most Windows operating systems (98/ME/2000/XP), and a quick-start guide for fast setup.

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Safety products

SETO Holdings Inc. introduces a line of safety products designed for use by law enforcement,

fire, safety, emergency management, and other professionals. Key components of the line include a high-impact safety helmet with front and rear illumination, a professional handheld light, and a portable power station. The Knight Eagle PSH high-impact safety helmet is designed to provide wearers with a full and clear view of the

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operating area in emergency situations. The Knight Owl PSL professional safety handheld light incorporates LED technology with patent-pending circuitry. The PowerMax PS-1220 portable power station is equipped with two 12-volt 10A cigarette sockets and a DC power supply with six-, nine-, and 12-volt sockets.

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eration under extreme conditions along with its weapon recoil resistance. As with Pelican's other LED lights, the nonslip gripped M6 LED is identified by its red button switch. The M6 LED is constructed from CNC machined aluminum designed to provide durability that can withstand high-impact situations. Available in both silver and black, the M6 LED is packaged on a colored hang card or full color box. Holster and batteries are included.

For more information, circle no. 206 on the Reader Response Card



Police vehicles

Decatur Electronics Inc., an international manufacturer of radar speed measurement products, in-car video systems and

Flashlight

Pelican introduces the latest addition to its LED series, the M6 LED. It houses a one-watt Luxeon LED that is designed to endure 10,000 hours of lamp life and provide 41 lumens of intense light output. Users activate the light by clicking the rear button tail-cap switch to turn it on, turn it off, or activate the momentary action feature. Other significant features include continuous op-

traffic safety products, announces the purchase of ThunderWorks Mobile Engineering. ThunderWorks specializes in professional integration, design, and installation of high-tech components in a wide range of vehicles, including police squad cars, SUVs, motorcycles, surveillance vehicles, and mobile command centers.

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The Branford, Connecticut, Police Department was researching ways to reduce traffic accidents on two heavily used highways. They wanted to improve safety for their citizens and needed proven, practical approaches to highway policing.



Many of the ideas Branford is now implementing came from the experience of other IACP Net members with similar offender statistics, demographics and population. "IACP Net is one of the best uses of the Internet and its associated technologies that I can think of for law enforcement," says Deputy Chief John DeCarlo. "...the kind of information you get from IACP Net can't be bought anywhere else."

When you look at your return on investment, the service is well worth its price, says Deputy Chief DeCarlo.

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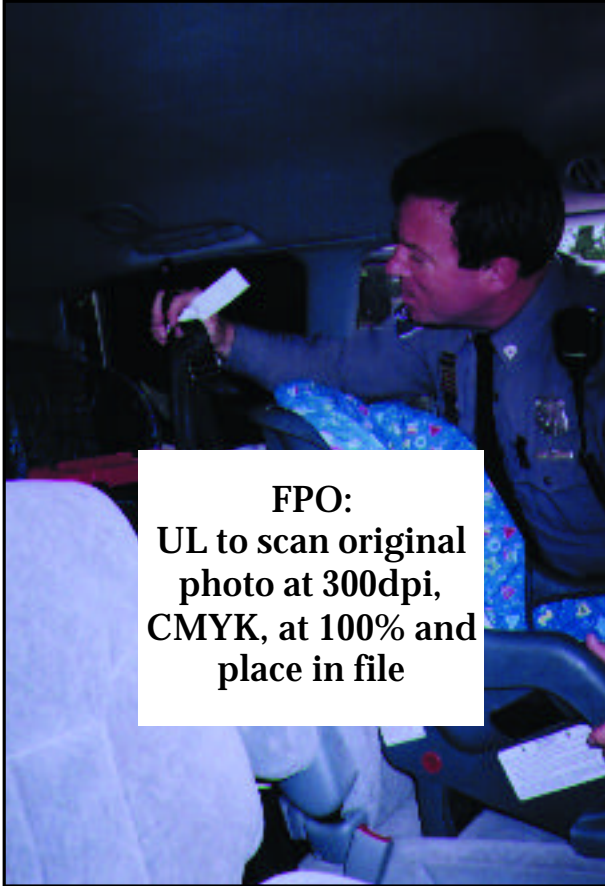
- Access to over 28,000 searchable documents on policies, procedures, programs and best practices.
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Visit the IACP Net web site at www.iacpnet.com and take a tour, or call 800.227.9640 for more information.

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Photograph by Patricia Goven

To Protect and Serve the Smallest Citizens

February is National Child Passenger Safety (CPS) Month. Is your agency ready to educate and enforce? An effective and comprehensive traffic safety plan is not complete without a component that addresses child passenger safety. Although this month is dedicated to focusing on CPS, enforcement of child seat laws should be a daily part of an officer's patrol. Just as an officer or trooper is trained to observe license tag, inspection sticker, and seat belt violations, it should be a part of standard patrol practice to notice if children are properly restrained inside vehicles.

Four Critical Questions

What do your officers need to look for when they initiate a CPS-related traffic stop or simply encounter a CPS issue in a nonviolation situation?

1. What is the law? Ensure that your officers know the laws that govern child restraint in your state; they may be related to the child's age, weight, or a combination of the two. Some

states even permit loopholes in CPS laws such as exemptions for children riding in taxis, children riding in the rear cargo areas of passenger vehicles, for children riding in out-of-state vehicles, and even mothers nursing babies. For an excellent reference on state laws, visit www.safekids.org.

2. Is the child in an appropriate restraint system? Most infant seats accommodate children up to 20-25 pounds, most forward-facing child seats accommodate children up to 40 pounds, and most booster

seats accommodate children up to 80 pounds. The forgotten child is the child over 40 pounds who should be in a booster seat but is more likely to wear a seat belt designed for adult bodies. Children one year of age and under, and less than 20 pounds, must always be secured in rear-facing seats in the back seat. Never place a rear-facing seat in the front seat where a front-mounted air bag is present.

3. Is the child seat installed correctly? Although it takes an experienced technician to spot many of the less-common mistakes in child seat installation, any officer can check for obvious errors or omissions. Look for the following common errors: the child is not buckled into the harness but is merely sitting in the seat; the seat is not secured to the vehicle using the seat belt; the seat is obviously unstable and propped up on pillows or other material.

4. Where did the parent get the seat? Experts caution against using secondhand child seats. Seats bought at garage sales or thrift shops could have been recalled or damaged, could be missing parts, or could have been in a

previous crash. Any child seat that has been involved in a crash has done its job and should be immediately replaced; it is impossible to assess the stress it has endured and any undetectable damage it may have suffered.

For more information related to CPS, visit www.nhtsa.dot.gov/people and click Child Passenger Safety.

The Trained Eye

The most effective officer for this type of enforcement is one who has completed the official National Standardized Child Passenger Safety Training course. This course is certified by the National Highway Traffic Safety Administration, is 32 hours long, and is taught by a nationally certified instructor. The course includes classroom instruction followed by hands-on practice in installing several different seats in a variety of vehicles. Once a candidate successfully completes this training, he or she is considered a certified CPS technician and must be recertified every two years.

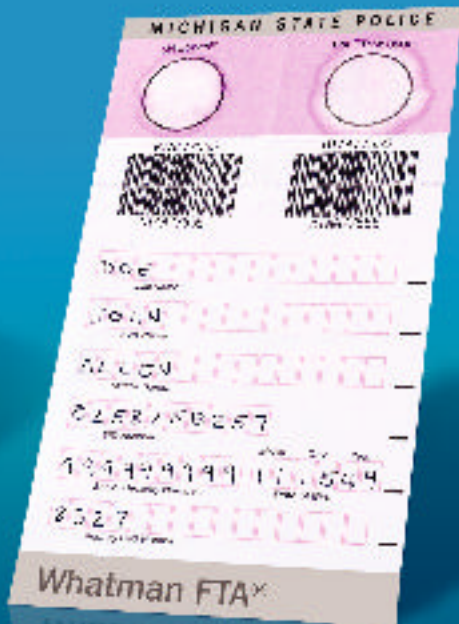
In addition to being an enhanced traffic safety asset, having a certified technician on your force can be an invaluable community policing tool. The positive, proactive officer will enhance the profile of the department by fostering an affirmative, helpful image of law enforcement. By educating parents and caregivers, whether during a traffic stop or at a community event such as a child seat check, officers are able to both enforce the law and immediately and directly affect the safety of the public. In particular, if your officers encounter a family with no child seat at all, and they advise they are unable to afford one, make sure you are able to direct that family to a resource where they can obtain a free or low-cost seat.

For more information on the availability of training classes in your area, visit www.nhtsa.dot.gov/people and select Child Passenger Safety.

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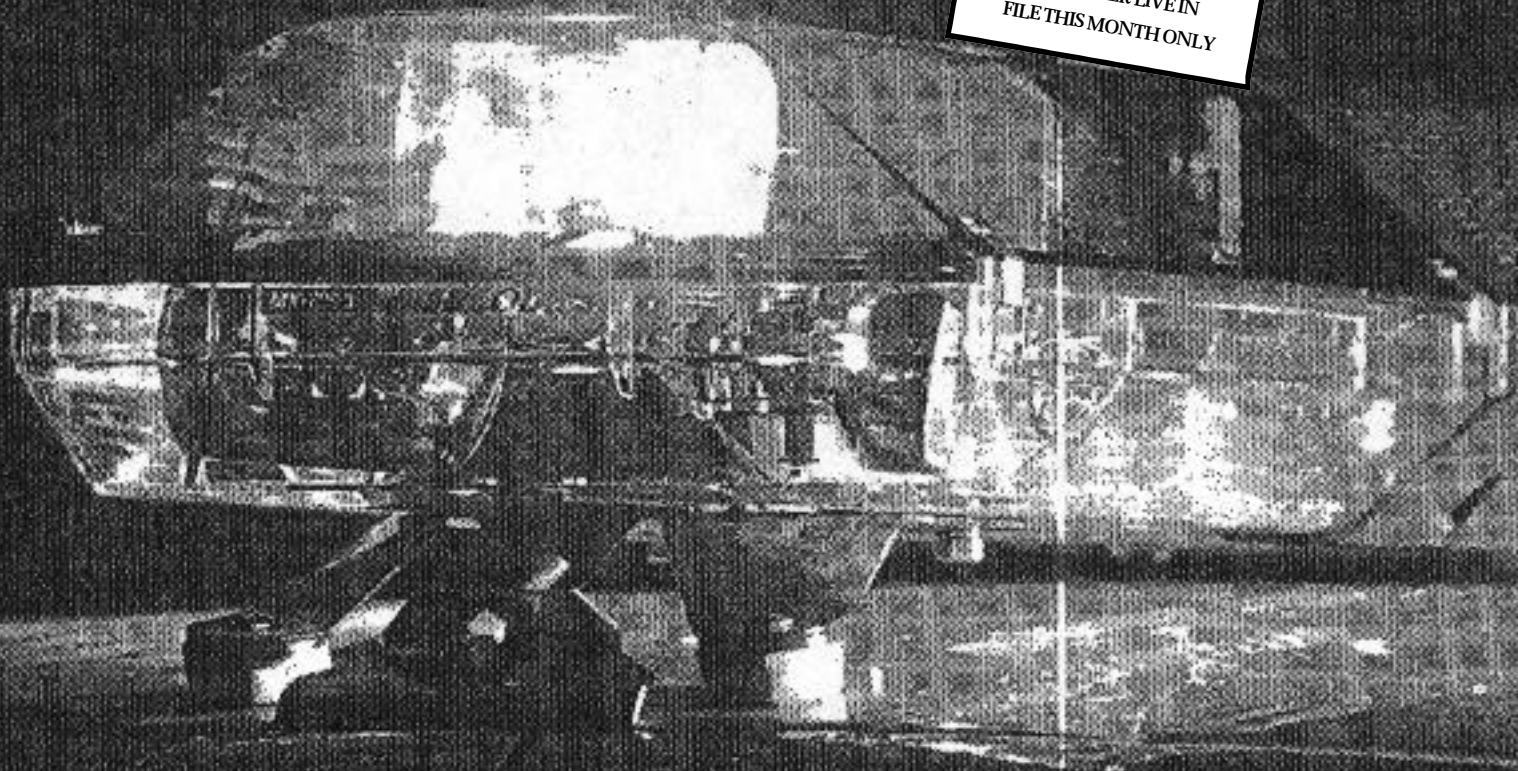
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