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When Terrorism Hits Home

How Prepared Are State and Local Law Enforcement?

Lois M. Davis, K. Jack Riley, Greg Ridgeway,
Jennifer Pace, Sarah K. Cotton, Paul S. Steinberg,
Kelly Damphousse, Brent L. Smith

Prepared for the National Memorial Institute for the Prevention of Terrorism



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1776 Main Street, P.O. Box 2138, Santa Monica, CA 90407-2138

1200 South Hayes Street, Arlington, VA 22202-5050

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Summary

Introduction

In 1995, on behalf of the U.S. Department of Justice (DOJ), RAND conducted a study to assess domestic preparedness for terrorism within the United States. That study, which included a nationwide survey, found that state and local law enforcement agencies were lacking in preparedness to respond to domestic terrorism. In particular, it found that there was poor liaison and communication with federal and state officials, little or no training related to terrorism preparedness, little or no intelligence and strategic threat-assessment capability, and minimal expert review of plans and training exercises.

Nearly a decade has passed since the first study was conducted, and a great deal has happened since then in terms of terrorist events occurring on U.S. soil—most prominently the 1995 terrorist attack in Oklahoma City and the September 11, 2001, terrorist attacks on the World Trade Center, the Pentagon, and eastern Pennsylvania.

One consequence of these events was the creation of the Department of Homeland Security (DHS) on November 21, 2002, in legislation signed by President Bush. The concept behind DHS was to unify federal forces and protect our country from a new host of terrorist threats on American soil. Within DHS, the Office for Domestic Preparedness (ODP) is charged with coordinating first-responder terrorism preparedness efforts and working with state and local first responders to improve terrorism preparedness, including training, exercises, and equipment support. ODP is also responsible for directing terrorism preparedness grant programs at the federal level for all emergency response provid-

ers and for measuring programmatic performance and improvements in domestic preparedness.

To meet its charge, DHS needs to collect information on first responders and other emergency response providers; such information includes, for example, the challenges first responders have confronted and how they have addressed them. A survey of first and other responders is one of the better ways to help gather such information. As a result, the National Memorial Institute for the Prevention of Terrorism (MIPT, located in Oklahoma City) commissioned the University of Alabama at Birmingham and Oklahoma University to ask RAND to replicate its 1995 study and to reassess and reevaluate current U.S. preparedness for terrorism.

This report presents the results of a 2002 survey conducted one year after the 9/11 attacks and just prior to the formation of DHS, with the goal of assessing how prepared state and local law enforcement agencies currently are for terrorism.¹ In this report, we address five key issues of interest to ODP and DHS: (1) the response experience of law enforcement and threat perceptions; (2) the steps law enforcement has undertaken to counter the threat and to shore up vulnerabilities; (3) law enforcement's support needs; (4) how law enforcement is resourcing preparedness activities; and (5) the relationship between perception of risk, funding, and preparedness.

Law Enforcement's Prior Response Experience and Threat Perceptions

What has been the actual terrorism response experience of law enforcement agencies in the United States? Prior to the 9/11 attacks, few local law enforcement agencies had experience with responding to or investigating a terrorist-related incident. In contrast, state law enforcement agencies before 9/11 had far greater experience, and the ways they had

¹ The RAND 2002 nationwide survey was conducted as part of a subcontract to a larger study undertaken by the University of Alabama at Birmingham (and, more recently, by the University of Arkansas) and the University of Oklahoma to create a national database of American terrorism. The larger study is being conducted for MIPT by Dr. Brent Smith and Dr. Kelly Dampousse.

been involved with terrorist-related incidents were more numerous (e.g., assisting with evidence collection, surveillance, and investigations). The 9/11 attacks served to increase the terrorism response experience of both state and local law enforcement agencies. For example, most state law enforcement agencies and about half of local agencies were involved in responding to terrorist-related hoaxes or incidents (primarily anthrax-related) after 9/11. The burden of responding to these incidents was relatively high, particularly for law enforcement agencies located in the large metropolitan counties and for state law enforcement agencies.

What is law enforcement's assessment of the threat to their jurisdiction or state? Half of local law enforcement agencies assessed the chance of a major terrorist incident occurring within their jurisdiction within the next five years as being very low, suggesting that many agencies tend to view preparedness for terrorism as a relatively low priority. Still, one out of five local law enforcement agencies assessed the chance of an attack occurring within their jurisdiction as being somewhat likely or very likely. The types of threats that local law enforcement was most concerned about were those involving the use of chemical or biological agents, conventional explosives, and cyberterrorism. State law enforcement agencies and local law enforcement within large counties, in particular, assessed the chance of such attacks occurring as being relatively high.

What Law Enforcement Is Doing to Counter the Threat and to Shore Up Vulnerabilities

Law Enforcement's Response to 9/11

In response to 9/11, state law enforcement agencies and local law enforcement (particularly those agencies located in large counties) undertook a number of steps to improve their preparedness for terrorism, including

- increasing the number of personnel doing emergency response planning
- updating response plans (for incidents related to chemical, biological, or radiological [CBR] attacks) and, to a lesser degree, mutual aid agreements

- internally reallocating resources or increasing departmental spending to focus on terrorism preparedness.

In addition, most state law enforcement agencies and many local agencies (especially those within large counties) received guidance from the Federal Bureau of Investigation (FBI) about what type of information they should collect and pass on about suspected terrorist activities.

The 9/11 terrorist attacks, along with U.S. domestic preparedness programs, help served as catalysts for increasing assessment activities, particularly at the local level. Before 9/11, state law enforcement agencies and local agencies in large counties had been proactive in conducting risk or threat assessments. Following 9/11, those agencies that had not done so worked to catch up. For example, whereas only a quarter of law enforcement agencies within smaller counties had conducted an assessment before 9/11, nearly three-quarters did so in the year following the 9/11 terrorist attacks.

The majority of state law enforcement agencies and a quarter of local law enforcement had specialized terrorism units. Those agencies with such units were proactive in conducting joint training exercises after 9/11. Law enforcement agencies that lacked specialized terrorism units, in general, were less actively engaged in training activities, suggesting that special attention may be needed toward engaging them more in training.

Variation in Law Enforcement's Approach to Preparedness

The survey results showed variation in law enforcement's approach to preparedness. In general, state law enforcement agencies and local law enforcement agencies in large counties were more proactively engaged in terrorism preparedness activities along its different dimensions (planning, training, etc.) than were law enforcement agencies in smaller counties. This finding is consistent with the higher threat perceptions of these agencies and the higher priority that they assigned to investing departmental resources on terrorism preparedness.

In smaller counties, interagency task forces appear to play a more central role in terms of planning, assessment, and training activities. For example, responsibility for developing contingency plans for terrorism at the state level and in large counties rested primarily with law

enforcement, whereas in smaller counties, interagency task forces also shared this responsibility. In terms of assessment activities, even before 9/11, many state law enforcement agencies and local law enforcement agencies within large counties had been proactive in doing risk or threat assessments, with assessment activities at the state level and within large counties being more comprehensive and primarily the responsibility of law enforcement. In comparison, only a quarter of law enforcement agencies in smaller counties had conducted an assessment before 9/11. In smaller counties, assessments tended to be narrow in scope (focusing mostly on public buildings and key infrastructure) and the responsibility of an interagency task force in a number of instances.

In terms of training, in 2002 the Joint Terrorism Task Forces (JTTFs) were an oft-cited source of counterterrorism-awareness training at the local level, particularly for those law enforcement agencies located within large counties. Most law enforcement agencies in large counties and a quarter of those in smaller counties have interacted with the JTTFs, primarily to receive counterterrorism training. Our survey results also indicated relatively modest levels of participation in federally sponsored training programs by local law enforcement. Then again, few state law enforcement agencies reported receiving counterterrorism training from the JTTFs, and these agencies participated more in federally sponsored training programs, suggesting that the JTTFs were not an important source of training for state-level organizations. Given the increased number of training courses being offered since 9/11, the degree of reliance on the JTTFs for counterterrorism training may lessen over time as more and more local law enforcement agencies participate in other training opportunities.

Variation by Size of County

What is typical of the response experience of law enforcement agencies in large counties versus smaller counties, and in what ways do they differ? In general, law enforcement agencies within large counties were more proactive in addressing terrorism preparedness than those located in smaller counties. Consistent with their higher threat perceptions, law enforcement agencies in large counties, for example, were more likely to have

- increased the number of personnel assigned to do emergency response planning following 9/11

- created specialized terrorism units and had those units participate in joint training after 9/11
- conducted risk or threat assessments before 9/11
- had more prior experience in responding to and assisting with terrorist-related investigations and in coordinating with the FBI and other federal agencies.

Law enforcement agencies in large counties were also more likely to be responsible for developing contingency plans and conducting assessments for their jurisdictions.

In contrast, law enforcement agencies in smaller counties were less proactive in improving their preparedness. Consistent with their lower threat perceptions, these agencies were less likely to have

- had experience in coordinating with the JTTFs, the FBI, or with other federal agencies
- received guidance from the FBI following 9/11 as to what information to collect and pass on about the terrorist threat
- made organizational changes to improve their terrorism response capabilities.

Law enforcement agencies in smaller counties also had fewer support needs and were less likely to view improving communications interoperability as an important need.

Law Enforcement's Support Needs

To Improve Assessment Capabilities

Although many state and local law enforcement agencies conducted risk or threat assessments between 2000 and 2002 (either as part of U.S. domestic preparedness programs or in response to 9/11), most expressed a desire for some type of support to help them conduct future assessments. However, what they considered to be their most important support need in this area differed.

Nearly half of state law enforcement agencies and a third of local law enforcement agencies in large counties desired better intelli-

gence information about the terrorist threat or capability, consistent with their higher threat perceptions. In comparison, few law enforcement agencies located in smaller counties desired this type of support. Instead, many agencies in smaller counties considered protocols for conducting or evaluating assessments as being their most important support need, as did a third of state law enforcement agencies.

Training on how to conduct assessments was the most important support need for a third of local law enforcement agencies (in both large and small counties). However, none of the state law enforcement agencies listed training in doing assessments as an important support need, perhaps reflecting the fact that responsibility for doing such assessments tends to fall primarily on localities, with state government's role being more to "roll up" local assessment results into a statewide assessment.

To Strengthen Response Capabilities

The type of support needed to strengthen response capabilities fell into three broad categories: training needs, equipment needs, and other types of support needs. In general, state law enforcement agencies and local law enforcement agencies in large counties tended to have a greater number of support needs, consistent with their higher threat perceptions and their more proactive engagement in preparedness activities. In comparison, law enforcement agencies in smaller counties tended to have fewer support needs, again consistent with their lower threat perceptions and less-active engagement in preparedness activities.

To improve response capabilities, training was a particularly important support need for state law enforcement agencies and local law enforcement located within large counties. Two-thirds of state law enforcement agencies desired more training on conducting joint operations and tabletop or field exercises. Half also desired training on how to operate in a hazardous environment, and a third desired training on evidence collection and the use of the incident command system.

At the local level, nearly half of local law enforcement agencies wanted more joint operational training in preparing for and responding to terrorist-related incidents. Local law enforcement agencies also desired training on evidence collection, how to conduct tabletop or field exercises, and how to operate in hazardous environments. One out

of five local law enforcement agencies also desired training on the use of the incident command system. Law enforcement agencies in large counties, in particular, indicated a greater need for training in each of these areas than did law enforcement agencies in smaller counties.

With respect to equipment needs, about half of state and local law enforcement agencies desired support to purchase Level A or B personal protective equipment (PPE) for their response personnel and training on its usage. Consistent with their desire for training on how to operate in hazardous environments and for more and better PPE, a third of local law enforcement and two-thirds of state law enforcement agencies also wanted better sensor technology to rapidly identify hazards that their response personnel may encounter.

Manpower shortfalls appeared to be more acute at the state level. The majority of state law enforcement agencies indicated a need for more manpower to enable them to dedicate personnel to response planning and counterterrorism activities, compared to only a third of local law enforcement agencies.

Within each of the three categories of training, equipment, and other types of support, between two and three times more law enforcement agencies in large counties expressed a need for support than did agencies within smaller counties. Given their higher threat perceptions and their more active engagement in preparedness activities at the local level, this result is not surprising. In addition, law enforcement agencies in large counties were similar to state law enforcement agencies with respect to the proportion of departments that desired more and better intelligence information, support to improve communications interoperability, and training on how to conduct lessons learned and on the use of the incident command system. In other areas, local law enforcement in large counties indicated an even greater need for training and equipment support than state law enforcement, particularly with respect to joint operational training, training on evidence collection and how to operate in hazardous environments, and desire for more and better PPE.

As was true in earlier terrorist incidents, the 9/11 attacks highlighted a number of interoperability problems between first responders involved in multiagency response. RAND's 2002 survey results indi-

cate that many state and local law enforcement agencies continue to have interoperability problems, with two factors—lack of funding and aging communications systems and hardware—being important obstacles to improving interoperability. The majority of state law enforcement agencies and local law enforcement agencies within large counties, in particular, indicated a need to replace aging communications systems and improve communications interoperability. In addition, some state law enforcement agencies and local law enforcement agencies in large counties—that is, those agencies that assess the threat to be greater—cited differences in resource priorities between emergency response agencies as hindering progress in improving interoperability.

Resourcing Preparedness Activities

For many local law enforcement agencies, investing departmental resources on terrorism preparedness was a low priority compared to other agency needs. Although investing such resources was not a high priority, after 9/11, about a quarter of local law enforcement agencies overall (particularly those located in large counties) increased agency spending or internally reallocated resources to focus on terrorism preparedness. They did so for a variety of reasons, including support for planning activities (development of response plans, participation in interagency planning activities) and conducting training and tabletop or field exercises.

We also found a positive correlation between receipt of funding and preparedness activities. Those local law enforcement agencies that received an increase in external funding or resources following 9/11 were more likely than other agencies to have (1) increased spending or internally reallocated resources to focus on terrorism preparedness, (2) updated response plans or standard operating procedures (SOPs) to address terrorist-related incidents (particularly CBR-related), (3) established new mutual aid agreements after 9/11 to address terrorist-related incidents, and (4) conducted joint training exercises after 9/11. These law enforcement agencies were also more likely to have specialized terrorism units and to assign a higher priority to expending departmental resources on terrorism preparedness. Still, only one out of five local law enforcement

agencies (regardless of county size) reported receiving external funding (or resources) *from any source* following 9/11 to support their terrorism preparedness activities. The primary sources of support were the federal government or their state's office of emergency management (OEM).

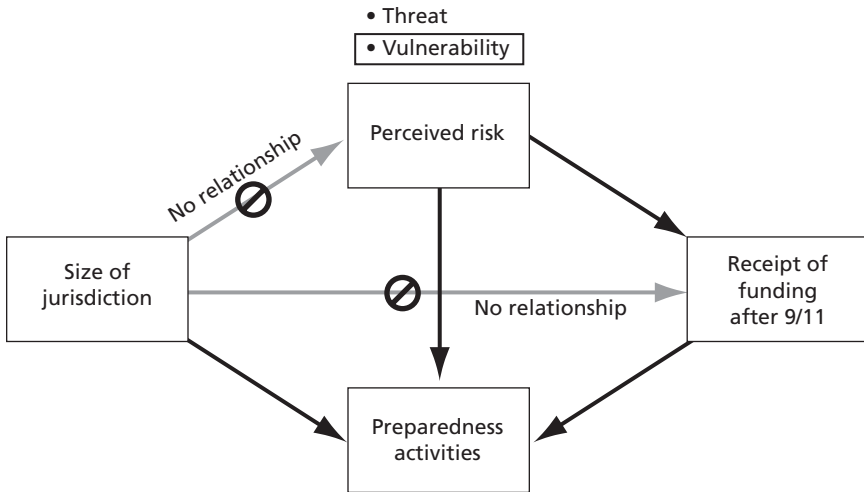
For state law enforcement agencies, investing departmental resources on terrorism preparedness was a higher priority. Following 9/11, half of state law enforcement agencies increased departmental spending, and two-thirds internally reallocated resources to focus on terrorism preparedness. They also did so for a wider variety of reasons than did local law enforcement, including support for interagency planning and coordination activities, developing or modifying response plans, training personnel, establishing specialized terrorism units, and purchasing equipment. Unlike local law enforcement agencies, the majority of state law enforcement agencies received external funding following 9/11, primarily from the federal government. The higher percentage of state law enforcement agencies that received funding after 9/11, as compared to local law enforcement, may partly reflect the shift that occurred from federal grants being distributed directly to the local level now going through the state governments. In addition, some of this funding may have been used by state law enforcement agencies to provide training or to support the planning activities of local law enforcement.

Relationship Between Perception of Risk, Funding, and Preparedness

To better understand the relationship between level of risk, size of jurisdiction, receipt of funding, and preparedness activities, we developed a measure of perceived risk utilizing information from the survey on threat perceptions and on physical vulnerabilities. The results of our analyses are shown in Figure S.1.

Law enforcement agencies that perceived the risk of a future terrorist attack to be higher for their jurisdiction were more likely than other agencies to have (1) updated their response plans or SOPs and mutual aid agreements to address terrorism-related incidents, (2) conducted or participated in joint training exercises with terrorism-related task forces,

Figure S.1.
Identified Relationships Between Perceived Risk, Size of Jurisdiction, Receipt of Funding, and Preparedness Activities



RAND MG104-S.1

and (3) internally reallocated departmental resources to focus on improving response capabilities and preparedness for terrorism-related incidents following 9/11. These agencies also tended to assign a higher priority to investing departmental resources on terrorism preparedness and to be proactive in conducting assessments even before 9/11. What appears to be driving our measure of perceived risk was primarily the vulnerability component versus the threat component of risk.²

Although size of jurisdiction was predictive of law enforcement undertaking steps to improve their level of preparedness, risk was the better predictor of funding (Figure S.1).³ That is, law enforcement agencies that assessed the risk to be higher for their jurisdiction were

² We focused on the vulnerability component versus the threat component of risk because we found no relationship between size of jurisdiction and level of perceived risk (although size of jurisdiction was positively correlated with perception of threat).

³ That is, law enforcement agencies in large counties tended to be more proactive in addressing terrorism preparedness than were agencies in smaller counties. Law enforcement agencies in large counties also were more likely to assess the threat of future terrorist attacks to be relatively high for their jurisdiction and to assign a higher priority to investing departmental resources on preparedness.

more likely to receive external funding following 9/11 than those that assessed the risk of terrorism to be lower. Size of jurisdiction, on the other hand, was not significantly correlated with receipt of funding. However, the identified associations between level of risk and receipt of funding (and receipt of funding and preparedness activities) do not necessarily imply causal relationships. It may be that law enforcement agencies that perceived the risk of terrorism to be higher for their jurisdiction were, in general, more proactive in seeking funding and more successful at obtaining it. Similarly, law enforcement agencies that were more actively engaged in preparedness activities to begin with may have been more likely to apply for funding following 9/11.

Homeland-security experts and first responders have cautioned against an overemphasis on improving the preparedness of large cities to the exclusion of smaller communities or rural areas, noting that much of our critical infrastructure and some potential high-value targets (nuclear power plants, military installations, agricultural facilities, etc.) are located in less-populated areas. Importantly, we found that perception of risk was not correlated with size of jurisdiction. That is, even law enforcement agencies in smaller counties, if they assessed the risk to be higher for their jurisdiction, were proactive in improving their level of preparedness. The fact that both perceived risk and size of jurisdiction were predictive of undertaking preparedness activities but were not strongly correlated with one another suggests that law enforcement agencies are taking both factors into account.

Conclusions and Future Directions

Law enforcement has played and will continue to play a critical role in responding to, preventing, and deterring terrorist attacks in the United States. As our nation moves forward with efforts to improve U.S. preparedness for terrorism, it is worthwhile to consider the early experiences of law enforcement to see what insights may be gained with respect to their threat perceptions, approach to terrorism preparedness,

and what they view as being their critical support needs to inform future programmatic efforts at the local, state, and federal levels.

Conclusions

The survey results have a number of implications for improving programmatic support to the law enforcement community. Consistent with their higher threat perceptions, a majority of state law enforcement agencies and local law enforcement agencies within large counties desired better intelligence information from DHS and DOJ about the threat facing their region or jurisdiction to help strengthen their response capabilities and to inform assessment activities.

Given that law enforcement agencies with specialized terrorism units were more proactive in conducting joint training, DHS may want to direct training funds to these specialized units and support the formation of these units at the local level. Given that law enforcement agencies that lacked specialized terrorism units, in general, tended to be less actively engaged in training activities, ODP and DHS also may want to give special attention toward engaging more of these law enforcement agencies in training activities.

With respect to counterterrorism training, ODP and DHS will want to further consider how to encourage local law enforcement's greater participation in counterterrorism training. One option may be to provide more training resources to the JTTFs. Then again, given the increased demands placed on these task forces since 9/11, it may be difficult for them to take on additional training responsibilities.

Variation in law enforcement's approach to preparedness suggests that future programmatic support at the federal, state, and local levels will need to be tailored to take into account these differences. In addition, any initiative to model or develop objective measures of overall U.S. preparedness for terrorism also will need to take this variation into account. The finding that interagency task forces in smaller counties appear to play a more important role in terms of planning, assessment, coordination, and training activities suggests that these task forces are candidates toward which to direct preparedness funding and training resources.

Variation in law enforcement's support needs to conduct future risk or threat assessments and to strengthen response capabilities suggests that ODP and DHS will want to tailor their programmatic approach to providing support in these areas to take into account this variability in support requirements.

We also identified three areas where there is a need for greater awareness training that DHS may want to address. The first area is the use of PPE.⁴ The survey results suggested an incomplete understanding by law enforcement about the purpose of the different levels of PPE and how they relate to the mission(s) of law enforcement when operating in a hazardous-environment situation. The second area is awareness of what counterterrorism training is being offered at the local and state levels. Local law enforcement agencies varied in their awareness of what counterterrorism training was being offered by their police academy or by their state government. The third area of concern is responsibility for developing terrorism contingency plans for a jurisdiction or state. A minority of local law enforcement agencies and state agencies were uncertain who had this responsibility.

Problems with communications interoperability remain a concern. These results suggest that coordinating system planning and acquisition initiatives between multiple response organizations, particularly within the large counties and at the state level, will be important for DHS to focus on. Also, as states and local jurisdictions move forward with replacing aging communications systems and addressing barriers to interoperability, DHS needs to monitor how much such states and jurisdiction are adhering to the detailed guidance on the future technology requirements for public safety communications systems and for interoperability recently put forth by DHS.

In terms of resourcing preparedness activities, the survey results raise the question of what sort of public safety activities may have been sacrificed as a result of shifting resources or personnel to focus on terrorism

⁴ ODP, as an entity of DOJ under the Office of Justice Programs (OJP) prior to the creation of DHS, administered the 2001 equipment grant program. These were direct grants (not reimbursement) for planning, training, equipment, and exercises. Many of the initial orders for PPE occurred as part of the Fiscal Year 2001 equipment grant program process.

preparedness and response. One can make the argument that emergency preparedness for terrorism may go hand in hand with law enforcement's other public safety duties. Thus, it may be that nothing in the system gave. Yet these results suggest that in taking on these additional demands, some local departments may have been stretched thin during that first year after 9/11. And given economic conditions at the local and state levels and delays in the distribution and spending of federal first-responder grant funds, the question remains a valid concern. DHS will want to monitor and assess the degree to which this may be the case as first-responder funding begins to reach more and more localities.

We were able to show that perceived risk is predictive of law enforcement undertaking steps to improve their preparedness and is a predictor of receipt of funding. Importantly, we found that perception of risk was not correlated with size of jurisdiction, and that law enforcement agencies appear to be taking both factors into account.

A criticism of the statewide assessment process has been that in the past, the formula for distributing first-responder grant funds has not taken into account differences in threat levels between localities. The 2003 statewide assessment process conducted by DHS was intended to gather information on differences in threat levels to help guide future resource-allocation decisions. However, the timeline for completing the assessments was compressed, and there were reported inconsistencies across the states in how the assessments were conducted. Our measures of perceived risk and perceived threat could be used to help validate those assessments.

Finally, future trends in law enforcement's evolving intelligence function suggest that overcoming impediments to information sharing and coordination is important to achieve. Also, the role and function of these specialized terrorism or criminal intelligence units and the intelligence training law enforcement personnel receive will be important for DHS and DOJ to monitor.

Future Directions

Given the timing of the survey, these results provide important baseline information about where the law enforcement community stood on the eve of the formation of DHS and prior to the receipt of substantial

federal preparedness funding since 9/11. Extending the survey would provide DHS and other federal departments with a unique opportunity to gauge the progress of their programs in improving terrorism preparedness and in meeting programmatic goals for supporting state and local responders, and to assess how current federal preparedness grant programs are making a difference and where there is room for improvement. In addition, making the survey longitudinal and expanding its focus to include all first-responder organizations (e.g., fire service, emergency medical services, emergency management) would enable DHS to gain a comprehensive picture of how first responders are addressing terrorism preparedness at the state and local levels and, collectively, what that means in terms of overall U.S. preparedness for terrorism.