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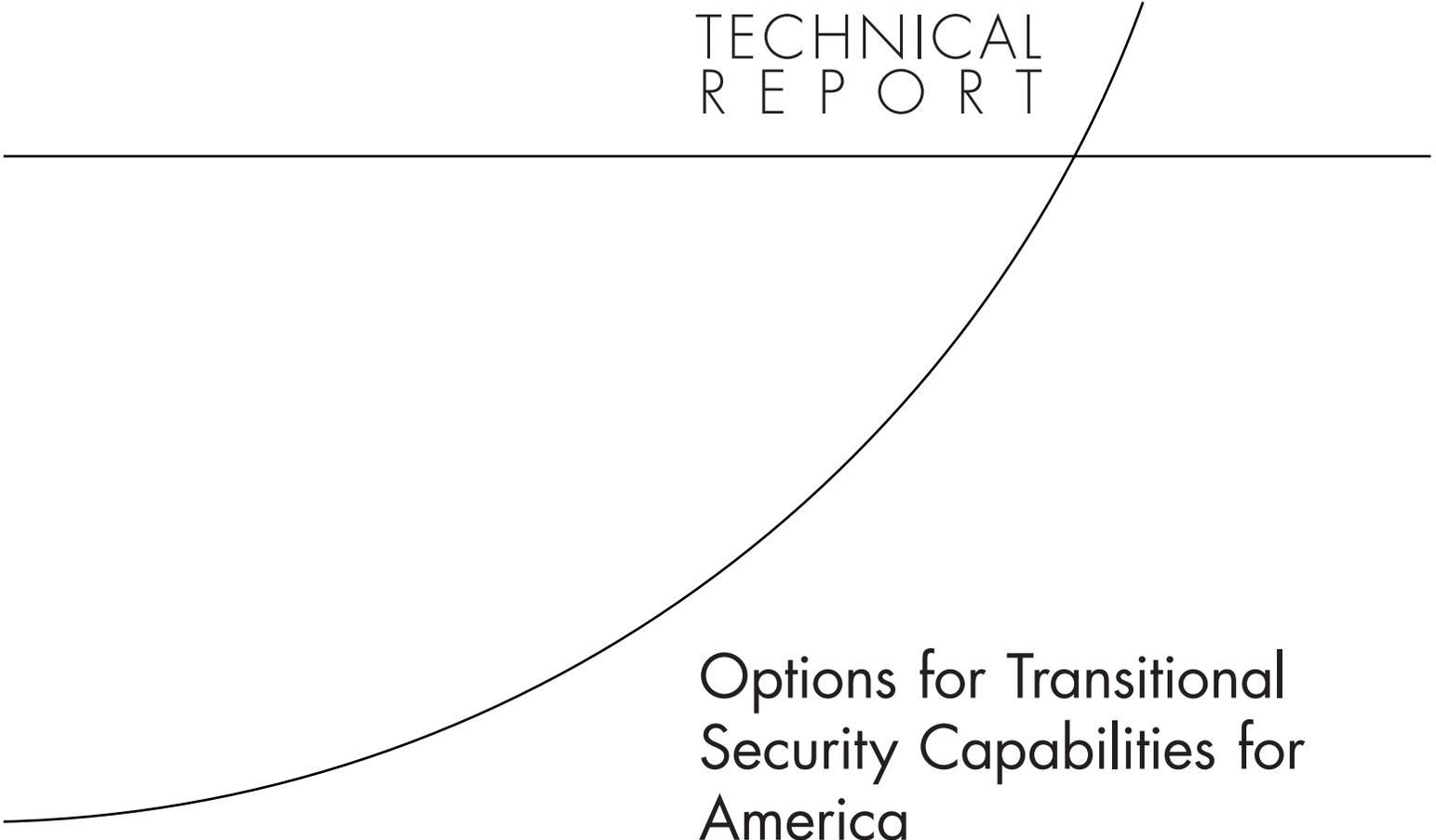
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# Options for Transitional Security Capabilities for America

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## Summary

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Since the end of the Cold War, the United States and other Western powers, freed from the threat of Soviet intervention, have found themselves involved in an increasing number of operations requiring them to establish stability and the rule of law as part of nation-building efforts, and peace enforcement and stability operations. These stability operations often initially require the exercise of executive police powers and efforts to retrain—and in some cases build from scratch—indigenous police forces. Such efforts are typically needed during an interim period, up to the point at which overall conditions are sufficiently stable and the new indigenous police forces are sufficiently prepared to take over full responsibility for police efforts. In other words, stability operations require the United States and its coalition partners to provide transitional law enforcement (TLE) capabilities.

The United States faces certain challenges in determining how best to provide a TLE capability. The U.S. federal structure does not naturally provide for such a lead (as found in the national police forces of many other countries). Moreover, the prospect of military forces taking on this mission is politically sensitive because of the unfortunate U.S. experience during the Cold War in training security forces in South and Central America. As a result, American participation in TLE efforts has generally been as part of an international effort, usually slow in getting into the country and initially lacking in capability because policing responsibilities are contracted out to officers who come as individuals rather than as police units with a common culture, doctrine, and capabilities.

Given the post–Cold War change in security requirements, the United States can expect to see a continued need for TLE forces as part of stability operations. This report attempts to provide insight into options the United States might consider in creating TLE forces and evaluates where these forces would best be located within the federal government.

### **Need for Stability Police Units**

This study focuses in particular on how the United States might establish some form of stability police unit (SPU), a term that refers to a type of TLE capability designed to provide police capabilities in the short term that can quickly fill the public security gap that so often exists at the beginning of a stability operation. SPUs are meant to deter normal and organized crime, control unrest, and prevent “spoilers” from hindering a country or region from moving toward

self-government and stability in the immediate aftermath of an intervention. We will refer to these TLE SPUs as TLE forces.

This report is primarily concerned with TLE functions during the early and middle stages of a transitional period, as shown in Figure S.1. The transitional period refers to the time during which the United States, or some coalition in which it is a partner, transfers control of security to the indigenous government as combat or some lesser form of intervention winds down.

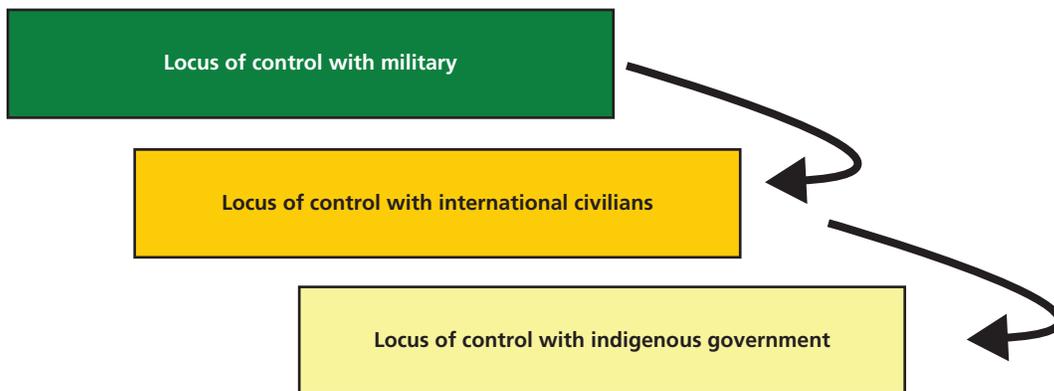
The first box indicates the way in which, during many operations, the locus of authority for security operations will initially rest with the military commander. Following the defeat of an enemy force or some other operation designed to establish security and permit stability and reconstruction, two major transitions may take place, as indicated by the arrows leading to the lower two boxes in the figure. The first transition occurs when control of and responsibility for security passes to the civilian authorities of the intervening power. The second transition occurs when control and responsibility pass to indigenous authorities and the international intervention shifts to a supporting posture. TLE capabilities are especially important during early stages of the transition.

### Criteria Used to Assess TLE Options

To assess different options for the United States to consider in providing a TLE capacity, we developed a set of nine criteria:

- Does the option provide for the real police skills required of a competent TLE force?
- Does the option provide entities capable of filling the SPU role, rather than individual police officers?

**Figure S.1**  
Transition of Security Responsibility and Control



- Does the option provide for unity of effort and the ability to work within a management structure that will ensure that TLE forces are integrated with the other rule-of-law components (especially judicial and correctional reform and development) and with other law enforcement missions (institutional development, training, and operations)?
- How well would the option work with the agency leading the U.S. element of a stability operation (e.g., military command, embassy, NATO, UN)?
- Do the proposed parent and supporting agencies have, or are they likely to have, the resources to accomplish the mission?
- What would be the option's impact on the other missions of the organization in which TLE capabilities are created—would it add to or detract from these other missions?
- What do these units do when not deployed?
- What statutory and institutional changes are necessary for implementing the option?
- How would TLE forces be supported when deployed?

These criteria were used to evaluate four options for TLE units, two of which contain sub-options. Under the Military Option, the Department of Defense (DoD) would create specialized TLE units within the U.S. military (either the Marine Corps or the Army) or provide pre-deployment training for an active-duty Army military police (MP) brigade. Under the Civilian Federal Law Enforcement Agency Option, the government would create TLE units within a federal law enforcement agency (the U.S. Marshals Service, or USMS). Under the State and Metropolitan Police Option, the federal government would fund additional positions within state and selected metropolitan police departments with the understanding that these officers will be available for deployment as part of a federal effort (which would be the responsibility of either the Army or the USMS). These officers would work in areas of their home police forces directly related to their positions in their deployment units (which would be different from the organizations to which they belong when not deployed). Finally, under the Contractor Option, the U.S. government would contract out the mission as needed (the status quo plus additional missions). Each of these four options assumes the use of contracted manpower to fill out or augment the force.

## Key Findings

We assumed one year as the duration of the TLE force deployment to a given area for planning purposes. Because this report does not make a detailed analysis of all parts of each option, we do not make firm recommendations about which option the United States should pursue. However, we do present the following considerations about the options evaluated.

### Military Option

Our evaluation of the Army and Marine options found that the Marine Corps fares no better with respect to any criteria than does the Army options, and worse in some. We therefore focus the discussion here on the Army suboptions. Under the Army options, success in providing needed police skills would depend on the Army's ability to recruit police officers into reserve

component TLE units or to rapidly provide predeployment training to non-specialized active MP units. An Army MP-based TLE force would have some organic capability to supply police skills but not at the level required for successful TLE operations. The U.S. Army MP School would be the center for doctrinal development, training, and professional development, while the Department of Justice (DoJ) would lead other elements of rule-of-law sector in which these forces would work (e.g., judiciary and corrections). The Army option should work well with the DoJ structure through the transition, although any long-term effort led by DoJ would require significant effort on the part of both the TLE unit leaders and their higher-level commanders in the field to ensure that priorities in both military and domestic agency efforts remain focused on the goals and objectives appropriate for maintaining unity of effort in the rule-of-law sector.

This option would work well in interventions in which the locus of control for stability is with the military commander and the skills and resources exist within DoD to take on this mission. However, current limits on force structure represent a major impediment to implementing this option. The creation of an Army TLE capability would necessarily expand the responsibilities of not just that service, but also of the joint force and the entire DoD into the realm of civilian law enforcement. If the active MP brigade option were chosen, it would take one-quarter of the Army's active component MP line-brigades (based on the Army's plans for 2011) as well as approximately one-eighth of its overall deployable MP soldiers and leave an Army corps or field army without its MP brigade.

As all military forces do, Army TLE units would train while not deployed and would perform other MP functions. When under military control, the Army option would also have the most robust logistics support because it would not rely on contract assistance (other than that normally provided to the military) for essential services, and military force would be available to ensure its support.

### **Civilian Law Enforcement Agency Option**

The USMS is the federal law enforcement agency chosen as the parent organization for this option and could provide all the skills needed for TLE functions because its officers would be involved in daily, relevant policing. Although the USMS lacks all of the organic training facilities needed for this mission, it would be capable of providing SPU-like units if given the resources to do so, and, as an operational element of DoJ, the USMS provides good assurance of understanding the demands and contributing to the unity of this effort. Although the USMS lacks significant operational experience in overseas interventions, it does have advisors in the headquarters of several such operations and is well positioned to work with a military commander when he or she is responsible for and controls security in a stability operation.

However, the addition of 6,000 TLE officers and the substantive, logistical, and administrative overhead to support them would represent a significant additional challenge for the USMS that would require substantial financial resources as well as the development of new special skills of the kind needed to conduct large operational headquarters tasks. Moreover, the potential impact on the current mission of the USMS could be significant. This apparent drawback would be offset by the significant expansion of the current size of the USMS, which would provide an increase in available personnel for domestic missions. New statutes would be

needed to create a TLE force within the USMS and to permit that force to act as a component of the Army when under military control (similar to the way the Coast Guard operates as part of the Navy when under DoD control). Organic or, more likely, contracted sources would need to be created to support the force.

### **State and Metropolitan Police Option**

This option has two suboptions in which the parent federal agency would be either the U.S. Army Reserve (USAR) or the USMS. This option, along with the USMS option, has the greatest potential to supply fully qualified and capable police officers. This is because personnel would be involved in relevant policing on a daily basis. This option could also create needed SPU-like units. However, to do so would require planning, coordination, and exercises. The USAR variant of this option would require significantly more effort than would the USMS variant to ensure that it is linked into the larger DoJ rule-of-law effort. Exercises would also be needed to ensure that a TLE force of either kind was prepared to work effectively with the agency leading the stability operation. In terms of resources, the USAR variant would have most of the same benefits and shortcomings as the military option. However, it would be better off with respect to individual training than the purely military option. As in the previous option, the USMS variant here would require substantial additional resources to establish a new 6,000-person element.

The addition of TLE forces to state and local police departments would require additional support functions but would increase the number of federally supported police officers, who would provide a significant benefit to the communities in which they work when not deployed. In other words, these officers would be contributing to national and homeland security full time, whether deployed or not.

Statutes would be needed to authorize and appropriate funds to create such a program and to permit the USMS variant to operate as a component of the military when DoD controls stability operations, as in the USMS option described above. The two variants would be supported in the same way as options using their federal parent organizations (the Army and the USMS).

### **Contractor Option**

This option does not generally provide the requisite police skills for a competent TLE force. Unless strict contract requirements so stipulate, contractors cannot be expected to have the level of skills honed through daily training and use that active law enforcement officers would bring. Neither would these units be capable of functioning as a cohesive force unless constantly maintained as such. It would furthermore be difficult for this option to provide unity of effort with other law enforcement capabilities. Solving these problems could require the continued existence of this contract force, even when not deployed, at considerable expense.

The status of contractors would make the relationship with a military command or embassy less smooth, and the implication of a contracted force operating in conjunction with military forces also raises significant questions about the ability of a contract TLE force to operate effectively. Supporting agencies would require increases in both manpower and financial resources to meet the additional requirements of this option. Moreover, the option would

create a significant new operational responsibility in the Department of State’s Bureau for International Narcotics and Law Enforcement Affairs (INL), under which the current contracts for overseas civilian law enforcement fall. In addition, standing contract TLE units would not have any domestic function when not deployed. Legislation might also be required to add a significant operational component to the INL bureau.

Figure S.2 contains an evaluation of the discussion presented above using red-yellow-green color coding. Red implies that the option has significant difficulties with respect to the criteria listed in the associated column; yellow implies some difficulty; and green implies little or no difficulties, or real benefits.

Although this figure presents the results of the analysis contained within this technical report, this analysis does not include detailed cost-benefit evaluations or in-depth looks at the elements of what the military calls DOTMLPF (doctrinal, organizational, training, materiel, leadership and education, personnel, and facilities) implications. However, Figure S.1 makes clear that the contractor option fails to provide the capabilities needed, fails with respect to several of the nine criteria, and ranks significantly worse than all other options. The first figure also points out that, to be viable, a military option would need to emphasize the development and maintenance of appropriate police skills and unity of effort with the other elements of the justice system (i.e., the judicial system, corrections, and other elements of police training and institution building), primarily through close cooperation with DoJ. However, all of the non-contractor options are viable, and a more complete analysis could conceivably indicate that one of them is preferred.

**Figure S.2**  
**Summary of Options: Strengths and Weaknesses**

		TLE officers with appropriate skills?	Police units?	Unity of effort and management?	Works well with lead agencies?	Parent organization capabilities and resources	Impact on parent organization?	Mission when not deployed?	Statutes needed/ institutional changes?	Support when deployed?
Military	ARNG	Yellow	Green	Yellow	Green	Yellow	Yellow	Red	Yellow	Yellow
	Active	Yellow	Green	Yellow	Green	Yellow	Yellow	Red	Yellow	Yellow
U.S. Marshals Service		Green	Green	Green	Green	Yellow	Yellow	Green	Yellow	Yellow
State and metro police	USAR	Green	Green	Yellow	Green	Yellow	Yellow	Green	Yellow	Yellow
	USMS	Green	Green	Green	Green	Yellow	Yellow	Green	Yellow	Yellow
Contractor		Red	Yellow	Red	Yellow	Red	Red	White	Red	Yellow