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POSTGRADUATE  
SCHOOL**

**MONTEREY, CALIFORNIA**

**THESIS**

**ALTERING THE MISSION STATEMENT:  
THE TRAINING OF FIREFIGHTERS AS INTELLIGENCE  
GATHERERS**

by

Richard J. Blatus

September 2008

Thesis Advisor:

Robert Bach

Second Reader:

Robert Simeral

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**ALTERING THE MISSION STATEMENT:  
THE TRAINING OF FIREFIGHTERS AS INTELLIGENCE GATHERERS**

Richard J. Blatus  
Battalion Chief, Fire Department of New York  
B.S., State University of New York, 1993

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**NAVAL POSTGRADUATE SCHOOL  
September 2008**

Author: Richard J. Blatus

Approved by: Robert Bach, PhD  
Thesis Advisor

Capt. Robert Simeral  
Second Reader

Harold A. Trinkunas, PhD  
Chairman, Department of National Security Affairs

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## **ABSTRACT**

The fire service is one of the premier emergency response agencies in the United States. As our nation strives to expand and enhance its homeland security efforts, firefighters have been recognized as an underutilized asset. The opportunity for firefighters to act as “first preventers” in the war on terrorism is unmatched by any other emergency response agency. This, coupled with the warrantless search provisions afforded firefighters by the Constitution, makes firefighters the logical choice for training and inclusion into an expanded terrorism awareness initiative.

Expansion of the intelligence-gathering capabilities of first responders, specifically firefighters, will not be without difficulty. The lack of training and educational opportunities afforded firefighters in this area, the changes in firefighting culture, the status of firefighters as an integral part of the community, are all obstacles that must be addressed. Firefighters respond to homes and businesses with unprecedented frequency. A multi-faceted approach involving training, community involvement, and operational awareness will streamline the utilization of firefighters in the area of threat recognition. Trained firefighters will help shoulder some of the burden placed on law enforcement while the utilization of a current asset will put forth a new best practice for the safety of our communities.

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## I. INTRODUCTION

Since 9/11, the law enforcement community, state, local, and federal police officers, have been overwhelmed with the additional burden of the war on terror. In testimony before Congress, Maureen A. Baginski (2005), Executive Assistant Director for Intelligence, Federal Bureau of Investigation, outlined plans to enhance intelligence gathering operations through the implementation of an aggressive broad-based recruitment program. This coincides with an effort to integrate the investigative and intelligence operations in an attempt to more effectively process and disseminate information.

Following a recommendation by the 9/11 Commission, President George W. Bush directed the Central Intelligence Agency to increase the number of intelligence gatherers and field operatives by 50 percent in an immediate effort to increase intelligence gathering and analytical abilities (U.S. Dept of State, 2004). The directive recognized the shortfalls present in the intelligence community and mandated the substantive and permanent fixes to increase the analytic capabilities within the agency. This mandate has also transferred to the entire intelligence community.

In late 2001, Congress established the Assistance to Firefighters Grant Program with the goal of enhancing fire departments ability to protect the public and the fire service personnel from fire and fire-related disasters. While commendable, this program was designed to enhance firefighting, physical infrastructure, and suppression equipment, not to supplement personnel or training. By 2006, the Department of Homeland Security recognized that firefighters were left out of a wide range of activities involving planning and intelligence. Homeland Security Secretary Michael Chertoff, in a speech to the International Association of Fire Chiefs, emphasized how firefighters are critical to a wide range of activities associated with his agency. The Secretary stressed that DHS will strive to incorporate firefighters into homeland security mandating that a firefighter will meet with interagency committees on a regular basis (Ware, 2007).

In November 2007, Secretary Chertoff unveiled a plan to integrate firefighters into statewide fusion centers. In addition, DHS mandated firefighters work alongside law enforcement and intelligence collection entities at the National Operations Center. The Department of Homeland Security is leading the effort to assign firefighters to fusion centers as they bring unique experiences and observations that contribute toward the response to outbreaks and disasters (Ware, 2007).

In a further expansion of their mission, the Department of Homeland Security unveiled a program in December 2007 that was an attempt to train firefighters to identify material or behavior that may indicate terrorist activities (Associated Press, 2007). The goal is to attempt to train firefighters to incorporate intelligence-gathering techniques into their everyday activities; to see things that may be useful to law enforcement during inspections and routine operations.

This thesis will examine the possibilities to train and utilize firefighters as an additional asset to the intelligence community. The primary research question is:

**Can we effectively train firefighters in basic intelligence-gathering methods so as to utilize the substantial opportunities present to recognize and report on potential terrorist threats?**

While attempting to answer the primary research question, this paper will also strive to address the following additional consideration:

**How would the integration of firefighters as part of the intelligence-gathering discipline enhance or damage their standing as caretakers of the community?**

The literature supporting the inclusion of firefighters as intelligence gatherers can be broken down into two categories: 1) recognition of the need to increase the intelligence-gathering workforce; and 2) the illustration of the opportunities present for firefighters to gather intelligence and evaluation of some of the existing training which is presently available to the law enforcement community. The purpose of the evaluation is to determine if the content of current law enforcement intelligence-related training programs contain information that would enhance and compliment the training of firefighters.

In the investigation that followed the 9/11 attacks, the National Commission on Terrorist Attacks Upon the United States (2004), also known as the 9/11 Commission, issued a report that identified the failure of the intelligence community to gather and share information with the applicable state and local agencies as a contributing factor in the success of the attacks. A recommendation highlighted in the report was that state and local law enforcement and firefighters must receive more training and develop working relationships that enhance communication and information sharing (p. 391). As a follow-up to this recommendation, a pilot program has recently been proposed by the Department of Homeland Security for firefighters in New York City. This program suggests firefighters be trained in basic intelligence-gathering practices so as to capitalize on the everyday opportunities to gather information when performing their everyday duties.

As part of a statement issued before the House Permanent Select Committee on Intelligence by Maureen A. Baginski (2004), Executive Assistant Director for Intelligence, the Federal Bureau of Investigation outlined plans to dramatically increase the number of intelligence gatherers and analysts as a result of the increased workload. The FBI's College of Analytic Studies based in Quantico was tasked with the training and certification of over 900 students at the College's six-week basic intelligence course. This, coupled with the President's directive to the Central Intelligence Agency to increase both the gathering and analytical side of the agency by 50 percent, illustrates the shortage of personnel available to gather intelligence information (U.S. Department of State, 2004). This is an intelligence community-wide issue and firefighters are now asked by the Department of Homeland Security to assist in the role of intelligence gathering.

Across the nation, firefighters enter residential and commercial dwellings over 1.6 million times per year (Karter, 2007). In addition, in cities such as New York, firefighters also perform more than 232,000 fire inspections throughout the course of a year—232,000 inspections performed in a single city! (New York City Fire Department, n.d.) In addition, firefighters visit schools, hospitals, and municipal facilities on a daily basis. The statistics contained in both national and agency specific reports strongly support the opportunities that are present for firefighters to gather intelligence in the performance of

their duties. During routine building inspections or in the course of emergency operations, firefighters should be familiar with terrorist-related materials that may be present in residential or commercial occupancies. These include materials related to bomb construction, the presence of plans or information related to public or high profile buildings, jihadist-related reading material, or the accumulation of hazardous chemicals.

The U.S. Department of Homeland Security's Federal Law Enforcement Training Center offers a one-day program which trains law enforcement officers to recognize forms of terrorist-related intelligence during the normal course of their duties. The course, called Anti-Terrorism Intelligence Awareness Training Program: Resources for the Law Enforcement Officer, describes the type of training that the fire service requires.

The Anti-Terrorism Intelligence Awareness Training Program (AIATP) is an introductory awareness program designed to provide line officers and first-line supervisors with a working knowledge of the criminal intelligence process and applicable laws, guidelines, policies, tools and techniques. Knowledge gained in this course will aid in the detection of pre-incident indicators related to terrorist activity in the community that may be encountered during the course of their law enforcement duties.

This program reviews types of potential terrorist-related materials that may be present in commercial and residential occupancies.

Emergency Response to Terrorism Self Study is a curriculum offered by the Federal Emergency Management Agency and the Department of Justice (1999) to law enforcement officers. This online, eight-hour self-study course is an opportunity for first responders to enhance their knowledge of terrorist-related awareness and response training.

Intelligence gathering in the United States is in critical demand. Fusion Centers are up and running. Law Enforcement agencies nationwide are deeply immersed in areas of intelligence gathering and analysis and have become overwhelmed with the additional responsibilities. From October 2003 to April 2004, the FBI participated in more than ten recruitment events and planned to add at least five additional events through September 2004. The Department of Homeland Security has been urged to fund the movement to increase the numbers of police officers. Nationally, there are approximately 850,000

police officers employed in the United States (International Association of Chiefs of Police, n.d.). Without question, this is a large and formidable group of intelligence gatherers. Even so, intelligence is scarce and the information that is obtained often stalls in the analytical phase as skilled analysts are in short supply.

In the past, solutions have ranged from an increase in intelligence sharing opportunities, the fusion center, to an increase in law enforcement training. These initiatives have resulted in an increase in the discovery of what could be labeled as “traditional” crimes—drug trafficking, gang activity, and white-collar crimes such as internet fraud (Lipowicz, 2007). Many law enforcement agencies are reassigning senior street-wise detectives from traditional street-level gathering positions to an assignment inside of intelligence bureaus. Officers assigned as analysts review information obtained internationally by personnel stationed abroad along with information obtained by local law enforcement coupled with various other federal and state agencies.

Currently, according to information on the National Fire Protection Administration Web site (n.d.), there are 1.1 million firefighters present across the United States, and all 1.1 million are potential “non-traditional” intelligence gatherers. Of course, the law enforcement community objects to the inclusion of any other aspect of the emergency response personnel into the intelligence sector. Why? The most common complaint is that firefighters, emergency medical technicians, and other non-law-enforcement first responders lack the training and experience necessary to recognize items that potentially may be part of a planned illegal activity. While true in the past, the formation of the Department of Homeland Security has raised the opportunities for Terrorism Awareness Training to an all-time high. Under the New York Citywide Emergency Management Response Matrix, intelligence gathering is listed as both a core and secondary competency of the NYC Police Department. It is not mentioned as a competency or skill of the fire department. As such, no municipal funding is available to educate firefighters in this area.

Unlike police, firefighters and emergency medical personnel are not required to obtain a warrant to enter a building. And now they are being asked to keep an eye out for suspicious items such as building blueprints or bomb-making materials that could be a

sign of terrorist activity or planning (Sullivan, November 23, 2007). The word “privacy” is found nowhere in the Constitution of the United States. The most commonly utilized provision in the privacy area is the Fourth Amendment, which states:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. (p.1)

In layman’s terms, the government may not enter your dwelling or residence to search without the issuance of a warrant that states probable cause and specifically defines what areas are to be searched. This provision applies to any activity that is related to public safety; emergency operations, investigation of complaints, building inspections, and fire cause and origin investigations.

A major exception to the warrant requirement with regard to the fourth Amendment is the “exigent circumstances” declaration by the Supreme Court. This provision maintain warrantless searches are legal and proper in situations where a threat to public safety exists and a delay in the investigation of this threat may cause undue harm or endanger the lives of the inhabitants or the public at large.

The training of firefighters to recognize items linked to potential terrorist activity is an important step in the expansion of the war on terror in the United States. Some may argue the view of firefighters in the community will change when they are utilized in this capacity. Research will indicate this is not accurate. Firefighters have always been seen a one of, if not the strongest asset to a community. If explained properly, community members will understand firefighters are not investigating their behavior but simply applying the training and information given to them in order to enhance the safety of the public through early recognition and prevention.

Firefighters routinely report illegal activity as part of existing standard operating procedures but are not trained in what type of information may be encountered related to terrorist planning and operations. The discovery and reporting of any suspicious activity potentially linked to terrorism is simply an expansion of these procedures.

A cohesive effort is needed to change the perception that firefighters are not capable of recognizing a potential terrorist threat while performing regularly assigned duties. This research effort seeks to highlight the opportunities present for the expansion of intelligence gathering through the training and utilization of firefighters. It will contribute to security of our nation by assisting in the early discovery of terrorist-related operations.

The primary beneficiaries of this information will be local, state, and federal law enforcement agencies. Firefighters will be restricted to the gathering phase of intelligence. The information will be immediately passed onto the proper law enforcement agencies for their analysis and evaluation through mechanisms which remain to be established by policy-makers once the case for the inclusion of firefighters in the intelligence-gathering process is established.

In order to lay the foundation and basis for this argument, this study surveyed training officers from several fire departments to determine what type of training they currently utilize to train their firefighters in the basic skills required for intelligence gathering. If they do not currently employ any terrorist-related training, what would they prefer to do if they had the opportunity?

As part of this thesis, a limited focus group of policy-level chief officers was held to discuss their reasoning, their concerns, and their ideas for opportunities to train.

In both phases, input was solicited in areas such as the method to deliver this type of training and the percentage of firefighting force that would receive the curriculum once developed.

Firefighters are the nation's front-line, community-based defense against terrorism. The nature of their daily activities places firefighters in the homes and places of business of individuals who would plan and execute activities that are harmful to the population of the United States. This thesis researches the opportunities present and the rationale for the training and utilization of the nation's most underutilized resource in the war on terror.

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## II REVIEW OF RELEVANT LITERATURE

The inspiration for this thesis and the formation of an enhanced mission statement for the fire service is motivated by several source documents and mandates that are specifically focused on the firefighter's role in homeland security. Commission reports, national strategies, and existing law enforcement-based curriculum are all specifically tailored toward the early recognition of activities related to terrorism. This, coupled with the tremendous intelligence-gathering opportunities firefighters experience as part of their everyday operations, led to the realization by Secretary Chertoff that the fire service is an essential part of the nation's homeland security efforts.

On November 27, 2002, the Congress and the President of the United States created the National Commission on Terrorist Attacks Upon the United States. This commission was tasked with the responsibility to not only investigate facts and circumstances relating to the terrorist attacks of September 11, 2001, but also to make recommendations concerning lapses in our nation's preparedness. The final report issued by the commission, *The 9/11 Commission Report. Final Report of the National Commission on Terrorist Attacks upon the United States*, recommends reorganization of the intelligence-gathering system that was in place prior to the attacks and encourages the enhancement of intelligence-gathering methods that failed to detect the impending incident. The report stresses the need not only for sharing information among various agencies, but also for a change in the traditional methods used to gather information.

The *National Strategy for Homeland Security* expanded on the 9/11 Commission Report and states the "first priority of homeland security is to prevent terrorist attacks." (p.2) The *National Strategy* further defines the role of homeland security as one which is not solely based on the federal level. State, local, and the public at large are all tasked with the responsibility to take part in homeland security efforts.

In a continuance of this objective, the Department of Homeland Security's Office of Domestic Preparedness issued the *Guidelines for Homeland Security: Prevention and Deterrence* document. This report issues recommendations that may be utilized by local

jurisdictions to identify and counter specific terrorist-related threats and risks. The guide recognizes the ability of each jurisdiction to adapt and apply local resources in the area of terrorist prevention and encourages the utilization community based agencies.

A report issued by the New York Police Department, *Radicalization in the West-The Homegrown Threat*, argues for increased intelligence-gathering inside the United States. This, coupled with the mandate by Homeland Security Director Chertoff incorporating firefighters into the homeland security realm, increases the importance of training firefighters in the gathering phase of prevention. In keeping with this theme, research indicates firefighters possess unmatched opportunities to recognize potential threats. On a national level, *Fire Loss in the United States-2006* published by the National Fire Protection Association (Karter, 2007) reports that firefighters enter residential and commercial dwellings over 1.6 million times per year. Regionally, the *Fire Department City of New York 2006 Annual Report* lists the opportunities that firefighters have to gather intelligence in a major metropolitan area. Opportunities such as routine operational and inspectional entries into buildings provide an excellent venue to recognize and report on terrorist-related activities and number in the hundreds of thousands annually.

Extensive legal challenges to the legality of firefighters entering dwellings and reporting on items noted as a result of these entries exist. The *United States Supreme Court, Michigan v. Tyler* affirmed that legal right of entry is afforded firefighters both by the existence of exigent circumstances (incidents that affect the safety and greater good of the public at large) and during the course of their normally assigned duties.

In *Colonade Catering Corp. v. United States U.S. 72 [1970]*, the court affirmed the right of firefighters to observe and report materials of interest as a result of duties mandated by a municipality or regulatory authority. The *United States of America v. James Buckmaster* clarified the right of firefighters to search area not involved in fire while they are operating inside of a structure. In all cases, the legal rights of firefighters to act in the best interests of the public at large was affirmed and reinforced.

Additional support for the utilization of firefighters as supplemental intelligence-gatherers comes from the *United States Patriot Act*. This legislation enhances the ability of law enforcement to investigate and obtain knowledge concerning activities thought to be related to terrorism by loosening the Constitutional restrictions placed on them. The Act adds to the ability to conduct surveillance and to conduct financial or background investigations previously prohibited under the Constitution. Constitutionally, firefighters bare no responsibility to obtain a search warrant or to outline probable cause before searching a premises during the course of their duties. The signing into law of the Patriot Act removes any objections that parties may have to the use of firefighters in this capacity as its passage has enhanced the ability of all agencies to gather the intelligence necessary to protect its citizens.

The *National Strategy for the Fire Service Intelligence Enterprise* (U.S. Department of Homeland Security, 2008) defines the next step in the security and well-being of our nation. The document puts forth a strategy of intelligence sharing between the fire service, federal, state, local, tribal, and public sector organizations. The strategy recognizes the fire service as a credible agency in the areas of prevention and response toward terrorism and notes firefighters will be a full partner in the nation's homeland security efforts. The efforts outlined in the fire service intelligence enterprise focus on the primary goal of all homeland security intelligence-based information: the deterrence of terrorist attacks.

The *Terrorist Recognition Handbook: A Manual for Predicting and Identifying Terrorist Activity* (Nance, 2003) outlines activities and behaviors exhibited by terrorists. Behavioral patterns, religious ideologies, tactical training, and preparation techniques are all listed and discussed. Items such as these will be integrated into the training of firefighters in the recognition of non-traditional items and information which may be found in both residences and places of business. Once educated in these areas, firefighters will be well equipped to be used as a supplement to law enforcement in the area of intelligence recognition and reporting.

The *Journal of Homeland Security and Emergency Management* contains articles that assist in the collaboration and preparation for terrorist threats. Highlights have

included a synopsis of actions that a community can review in order to respond to a terrorist event and explanations why a strategic level of preparedness is also necessary. Cycles of preparedness are outlined to assist responding agencies in their efforts toward effective prevention, recognition, deterrence, and recovery in the areas of homeland security.

Curriculum related to the training of law enforcement first responders in the recognition of terrorist related behaviors exists on several levels. The Federal Center for Law Enforcement Training, state and regional law enforcement academies, and municipal training centers all offer courses to more effectively prepare law enforcement officers to recognize and report terrorist-related behavior. In addition, the Department of Homeland Security and various police departments publish daily intelligence briefs (see Appendix I) to prepare and update their street-level responders. DHS publishes reference cards such as the *Suicide Bombing Warning Indicators* (see Appendix II) that cover tips in all areas of identification, mitigation, and response. In the city of New York, written briefs such as the *Counterterrorism Awareness Bulletin*, and the *Counterterrorism Tactical Briefs* (see Appendix III) alert patrol officers on the latest information concerning terrorist-related activities present in their area of operations.

Once educated and trained, firefighters will become an important addition to the intelligence gathering and reporting of terrorist-related activities.

In the next chapter, the problem statement will be researched through the use of survey's and focus group discussions to determine the existence of common patters or goals which may presently exist among senior level Fire Service policymakers in the area of firefighter training and non-traditional intelligence gathering.

### **III. METHODOLOGY**

#### **A. PROBLEM STATEMENT**

Can we effectively train firefighters in basic intelligence-gathering methods so as to utilize the substantial opportunities present to recognize and report on potential terrorist threats?

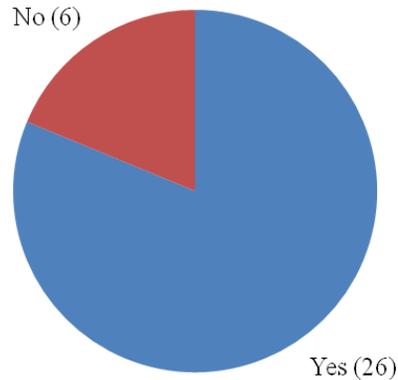
#### **B. SURVEY ONE**

To research the problem statement, surveys were sent to 50 chief officers active in the United States Fire Service. The initial survey included only the following question:

Do you feel the additional training of firefighters to recognize non-conventional, potential terrorist threats during the performance of their duties would enhance the homeland security of the United States?

Of the 50 surveys mailed, 32 were returned, a response rate of 64 percent. Of these 32 returned surveys, 26 respondents (81%) answered Question 1 in the affirmative and 6 (19%) answered “no” (see Figure 1). In other words, 26 of the chief officers who returned the surveys do believe firefighters should receive additional terrorist-related training and that such training would enhance the capabilities of the fire service to enhance homeland security efforts in the United States.

Figure 1. Responses to Survey One question, “Do you feel the additional training of firefighters to recognize nonconventional potential terrorist threats during the performance of their duties would enhance the homeland security of the United States?”



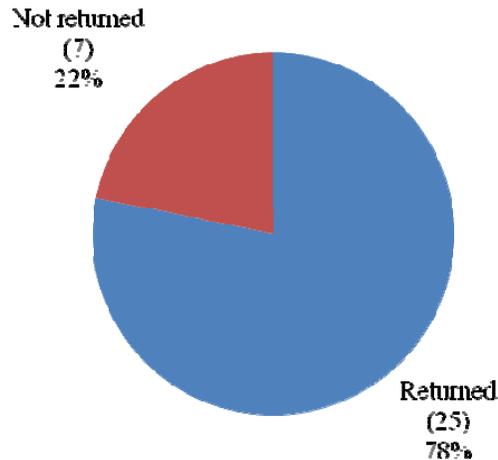
### C. SURVEY TWO

A second survey was mailed to the 32 respondents who had both returned the first surveys and answered “yes” to the single initial question. The second survey contained the following five follow-up questions:

1. What method would you employ to train your firefighters to recognize potential terrorist threats? Lectures/classes at your own facility, computer based/on-line learning, via teleconference or local broadcast? Is there any other non-conventional method utilized in your department which would be preferable?
2. Would you train all of your present firefighting workforce or just a select portion? If a select group, state which group and why.
3. In your opinion, is the training of your officers or supervisors necessary? Why or why not?
4. Do you feel the training of firefighters to recognize non-traditional forms of terrorist threats will enhance or diminish their standing in the community?
5. If no funding were available for this type of enhanced, homeland security related training, would you be willing to utilize your own resources to initialize and complete the process?

Of the 32 follow-up surveys sent, 25 were returned; a 78 percent response rate (see Figure 2).

Figure 2. Response Rate for Survey Two

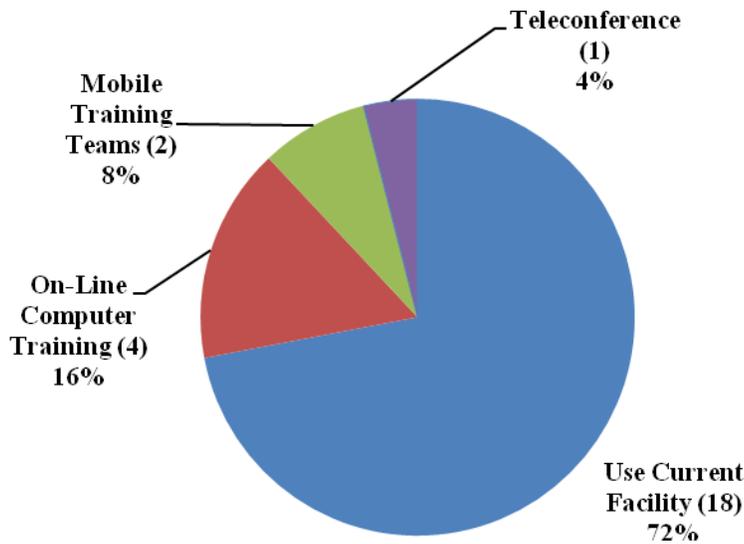


#### 1. Responses to Survey Two, Question 1

**Question 1: What method would you employ to train your firefighters to recognize potential terrorist threats? Lectures/classes at your own facility, computer-based/on-line learning, via teleconference or local broadcast? Is there any other non-conventional method utilized in your department which would be preferable?**

Eighteen of the 25 chief officers who responded to Question 1 said they would utilize a current facility to facilitate the additional training with the preferred choice being lecture. Four would utilize computer on-line-based training. Two supervisors would send teams of two instructors to each firehouse to lecture students while they were on duty. One officer said he has the ability to teleconference from his training academy and would prefer this method over all others.

Figure 3. Answers to Survey Two, Question 1, “What method would you employ to train your firefighters to recognize potential terrorist threats?”



## 2. Responses to Survey Two, Question 2

**Question 2: Would you train all of your present firefighting workforce or just a select portion? If a select group, state which group and why.**

As shown in Figure 4, 12 (48%) of the 25 respondents, stated they would only train company officers with the rationale being the supervisor was always on scene and in the structure, making them the most viable candidates for the training.

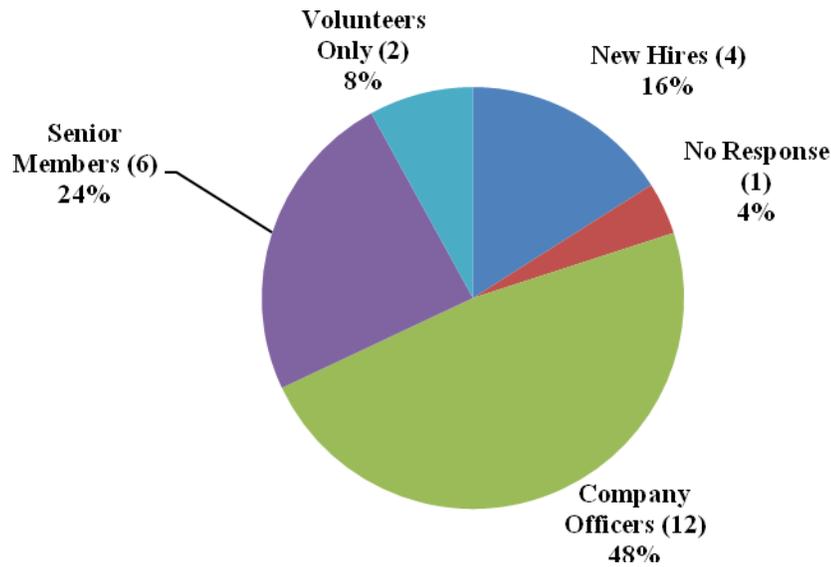
Two officers (8%) would train the workforce on a voluntary basis, stating only firefighters who volunteered for the training would receive it.

Four officers (16%) would only train probationary firefighters (new hires) while they were in the academy undergoing their initial training.

Six chief officers (24%) stated they would send train senior members of their workforce.

One response was left blank.

Figure 4. Answers to Survey Two, Question 2, “Who would you train?”

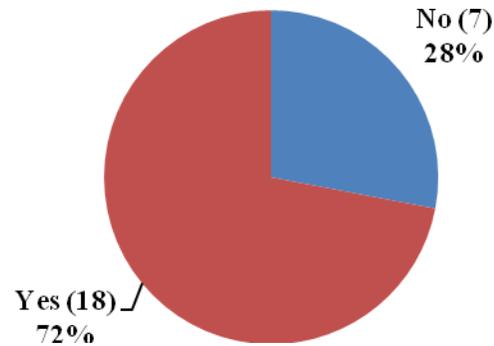


### 3. Responses to Survey Two, Question 3

#### **Question 3: In your opinion, is the training of your officers or supervisors necessary? Why or why not?**

In the responses to Question 3, 72 percent or 18 of the respondents stated this type of enhanced training would be beneficial to firefighters (see Figure 5). The most common reason for the affirmative answer was a strong feeling that the additional education of firefighters would greatly contribute to the safety and well being of the community.

Figure 5. Answers to Survey Two, Question 3, “Is the training of your officers or supervisors necessary?”

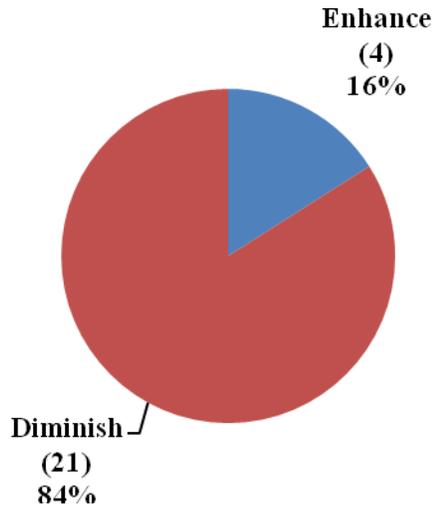


#### 4. Responses to Survey Two, Question 4

**Question 4: Do you feel the training of firefighters to recognize non-traditional forms of terrorist threats will enhance or diminish their standing in the community?**

Question 4 (see Figure 6) involves the relationship firefighters have with the members of the communities they serve. When asked if the use of firefighters as additional intelligence gatherers would enhance or diminish their standing in the community, a surprisingly high number, 84 percent, stated that this type of activity would adversely impact on the high level of trust that firefighters currently have with the communities they serve.

Figure 6. Answers to Survey Two, Question 4, “Will this type of training enhance or diminish the stature of the firefighters in the community?”

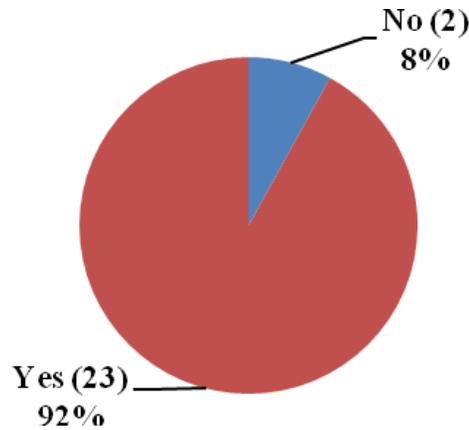


#### 5. Responses to Survey Two, Question 5

**Question 5. If no funding were available for this type of enhanced, homeland security related training, would you be willing to utilize your own resources to initialize and complete the process?**

Question 5 addressed the issue of funding. While the majority of respondents are in favor of the utilization of firefighters in this capacity, 98 percent of survey respondents said funding was a major issue when considering whether to participate in such training (see Figure 7). Most if not all would depend on the availability of grant funding from either the state or federal government before the decision to move forward with any additional training or curriculum development could proceed. The remaining 2 percent would consider additional training if not funded by outside sources.

Figure 7. Answers to Survey Two, Question 5, “If no funding were available for this type of enhanced, homeland security related training, would you be willing to utilize your own resources to initialize and complete the process?”



#### **D. SENIOR OFFICER FOCUS GROUP**

To expand on the information gathered via the surveys, a focus group was conducted at a major fire conference held on the East Coast of the United States. The discussion focused on several areas that directly impact firefighters:

- the addition of this new responsibility to the core mission of the fire service,
- the firefighters’ ability to recognize and gather information,
- the daily interaction with the citizens within the communities they serve, and
- the various methods available to equip firefighters with the skills required to recognize subtle terrorist

Participating in the focus group were five senior fire policymaking chief officers who have a direct impact on budgeting and the operational directives in their respective departments.

## **1. Focus Group Participants**

Chief A is a senior chief officer responsible for training in a large, municipal east coast fire department (FC-A).

Chief B is the Chief of Department representing an all-volunteer city fire department (FC-B).

Chief C is the Chief of Department in charge of a countywide fire department in the southern part of the United States (FC-C).

Chief D is the Chief of Department representing a paid municipal department in a south-central part of the nation (FC-D).

Chief E is the Chief of Department in charge of a small, combination department in the central part of the United States (FC-E). (A combination fire department includes members who are both paid/career and volunteers in nature).

## **2. Focus Group Questions and Discussion**

The first question presented to the focus group was:

1. Is it the responsibility of the fire service to assist in the protection of the nation by recognizing potential terrorist threats during the performance of their duties?

FC-A said firefighters already perform this action while on duty 24 hours a day. FC-D agreed, stating firefighters not only routinely look for potential signs of terrorist activity, but members of his department also serve in the city's fusion center and are routinely updated on current threat information. Fire Chief's C and E disagreed. FC-C stated firefighters do not regularly look for signs of terrorist activity; they do, however, look for items that may be harmful to the public at large such as hazardous materials or structural deficiencies in a building. FC-E echoed the sentiments of FC-C and added that his department was involved in many hazardous material situations due to the proliferation of methamphetamine labs (meth labs), in his operational area. FC-A commented that the meth lab situation was just another, more traditional form of criminal activity. He asked how the members of FC-E's department were trained to handle

methamphetamine laboratories. FC-E responded that they were trained by the local and state law enforcement authorities at the county's police academy. FC-A said that type of non-traditional training and the expansion of firefighter operational duties was exactly what we were talking about. Training firefighters to assist in the detection of homeland security-related criminal issues is similar to the way in which the fire service reacted to the threat of drug labs to the fire service several years ago. Firefighter training programs were expanded and adapted to include this new area of concern which is what should occur today with regard to homeland security related issues.

FC-D had a totally independent point of view. FC-D stated the fire service had enough on its plate and its members were already overwhelmed with current training and operational demands. He said homeland security is the responsibility of law enforcement, not fire. The other participants of the group disagreed with FC-D. All felt that while the current demands on the fire service were great, it is the responsibility of all to participate in our nation's security.

What is in question is to what extent the fire service should participate and to what level its members should be trained.

The moderator next posed Question 2 to the group:

2. If the fire service routinely recognizes threats to the general public in various forms, would you be agreeable to an expansion of firefighter training that would include training in the ability to recognize non-traditional types of threats? This might include training that would enable firefighters to recognize anti-American slogans or materials written in a language other than English or jihadist materials that would indicate a propensity for violence against Americans.

All participants expressed an interest in this question. FC-D answered that his workforce would be very interested in learning about the "enemy" and ways to recognize a potential terrorist. FC-A, B, and E agreed, stating that many brothers, sisters, and relatives of firefighters are serving in the military and this would be an excellent contribution to that cause at home. FC-C commented that the concept was "interesting," but he was skeptical whether such training would be effective. FC-C further stated that

the funding for training was limited, and as the department head, no monies would be expended for a new initiative when existing programs were in jeopardy of being cut due to fiscal constraints. At this point, FC-A asked about the availability of homeland security funds to assist in this type of training. At this point, the moderator posed Question 3 to the group:

- 3: Would you be agreeable to the addition of non-traditional firefighter training to existing curriculum if the initiative were funded from outside sources?

FC's A, B, D, and E were all very agreeable to the addition of nontraditional firefighter training if the funds were generated from outside their current budget. FC-C was not in favor, reiterating that firefighters have enough to worry about without adding to their current duties. FC-C further stated it was not the mission of the firefighters to intrude into the domain of law enforcement. FC-D asked if it was the mission of the fire service to report illegal or potentially illegal activity. FC-C stated that it is the mission of the fire service to report an obviously illegal condition to law enforcement. He said it is not, however, the duty of the fire service to "just look for things that may be of interest to law enforcement."

FC-A asked why is it so difficult to recognize that while in the performance of their duties, firefighters may come upon an item that may be of interest to law enforcement. He said it would not only be prudent to train firefighters to recognize these types of threats, but negligent if the fire service backed away from it. FC's B and D agreed with FC-A, adding that this seems to be an uncharted area that may be of great interest to the fire service. FC-A continued to state that firefighter funding may actually increase if this type of training could be proven to be an effective addition to homeland security measures already in place. FC-C dissented, maintaining firefighters have no business venturing into this area.

The moderator next posed Question 4 to the group:

- 4: Do you have a concern that the reporting of an item of interest to law enforcement discovered and reported to the authorities by firefighters would impact on their relationship with the community at large?

FC-C immediately answered that firefighters would be tagged as “informants” and civilians would be reluctant to call on firefighters for assistance. FC-A pointed out that firefighters regularly report illegal activity, such as the discovery of drug labs, firearms, fireworks, and many other related items. FC-C countered members of his department do not report what they consider to be small violations of law. When questioned by FC-A, FC-C explained while performing activities such as first aid in a home, paramedics will not report the presence of marijuana in the home as that is not their purpose for entering. FC’s A, B, D, and E all expressed disbelief in such a policy. FC-E said firefighters are peace officers, and it is a violation of their sworn oath to ignore illegal activity. FC-C countered claiming the right to privacy of the individual. FC-D stated criminals are not guaranteed to be protected under the Constitution and the courts have already affirmed firefighters may pass on information gathered while in the performance of their duties. FC-C again disagreed, stating the integrity of the fire service is paramount in the minds of the public and reporting minor criminal offenses destroys this trust. The balance of the panel disagreed with the sentiment put forth by FC-C. They said that firefighters, as a matter of practice, report illegal or suspicious activity to law enforcement on a daily basis.

Question 5 addressed the specific issue of department policy with regard to the gathering of non-traditional terrorist related information by firefighters.

- 5: If your firefighters were trained in this area, what would be the next action firefighters would employ when an item is discovered which they believe to be possibly related to terrorist activity?

Chief A immediately began the discussion by declaring firefighters should not be utilized in any capacity that would vary from established policies. He said, “Firefighters routinely report suspicious materials to law enforcement and they should continue to do

so in any area related to homeland security. If briefed and instructed to be more cognizant of anti-American slogans or written materials promoting violence against civilians or the military, this information should be passed on to the appropriate party.” Chief E stated that firefighters should not confiscate or remove any type of suspect materials just as they are instructed to do with anything that may be of interest to law enforcement. Chief C again voiced opposition to this type of training and this type of mindset in general. Chiefs B and D stated their agreement with Chief A, and they also said they would not permit firefighters to remove any types of materials because it is not their job.

### **3. Senior Fire Officer Focus Group Summary**

The focus group exhibited patterns in a number of areas with regard to this concept. As discussed by the group, the idea of training firefighters to be “on the lookout” for possible signs of terrorism are not new. Four of the five policymakers agreed that members of the fire service have an active role in assisting law enforcement by passing on information that may be of interest. In addition, a majority of the group would be in favor of training for firefighters to equip them to recognize material that may indicate terrorist-related activity when such training was funded by an independent funding source.

When the discussion focused on possible damage to the reputation of firefighters within the communities they serve, the initial reaction seemed to be laced with reluctance and concern over potential harm to the reputation of firefighters as trusted friends of the community. Firefighters presently enjoy universal trust and respect from the people they serve. If trained to report suspicious items discovered during the course of their duty, the trust and openness civilians afford firefighters may be damaged. As the discussion continued, four of the five focus group members concentrated on the fact that firefighters routinely report materials deemed to be potentially dangerous to the community. In conclusion, the group theorized that this new activity is merely an extension of existing practice brought upon by the new threat of terrorism that has been thrust on our communities. As a whole, the group would be in favor of this new initiative as a “no-cost” item.

The group raised new questions that could be topics for further research:

- Could the Department of Homeland Security mandate inclusion in an initiative where firefighters were trained to recognize and report potential terrorist-related material if the initiative were federally funded?
- Would there be an imposition of sanctions or funding reductions if a department refused to participate in a mandated initiative?

These concerns raised by the policymakers require legal interpretation and further study.

The following chapter includes a discussion about the issue of legality when firefighters are utilized to recognize and report potential terrorist-related materials and the opportunities firefighters have for this type of discovery during the routine performance of their duties.

#### IV. OPPORTUNITY AND LEGALITY

In August 2007, the New York City Police Department released a report citing the dangers of homegrown terrorism. This report, *Radicalization in the West—The Homegrown Threat* (Silber & Bhatt, 2007), makes a case for increased intelligence gathering inside the United States. The document includes analyses of five terrorist events that occurred overseas and, in turn, applies the conclusions and rationale drawn from these incidents to three events that took place domestically (p. 15). Michael Silver, a senior New York City Police Department intelligence analyst and coauthor of the report, stated, “the (terrorist) threat has evolved since 9/11 and that many of these plots and cases that we perceived as being sort of an outside threat, really actually are more of an inside threat in the sense that radicalization drove them” (Baker & Holusha, 2007) (p.1).

In an attempt to alert as many officers in the field as possible to the conclusions in the report and to continue expanding current surveillance and investigatory practices, Police Commissioner Kelly ordered widespread distribution of the report to department members. Commissioner Kelly stated, “We are doing everything we possibly can do, as a city, to protect the city.”

While the NY City Police Department has been successful in designing a framework for dissemination of intelligence material to its own workforce, it has failed to share vital information with the 11,000-member New York City Fire Department, (FDNY). The FDNY is a uniformed, paramilitary fire service organization and its members enter structures, perform inspections, and interact with the civilian population of the city daily. The opportunities for firefighters to recognize potential threats as part of everyday operational activity are unprecedented.

Annually, according to the 2006 FDNY Annual Report, the FDNY responds to over 2.3 million calls for assistance—and virtually every operation provides an opportunity to glean information from civilians either on the street or in a residential or commercial occupancy. Of these responses, approximately 1.7 million involve entry into

a structure by department personnel. Each entry and every interaction with an individual is a potential opportunity for fire service personnel to recognize and gather information that may pertain to a terrorist operation.

Activity for non-law enforcement personnel has risen dramatically since 2001. The U.S. Fire Administration (n.d.) reports that across the nation, firefighters and emergency medical service technicians respond to 13 million calls for assistance annually, with the majority of the calls requiring entry into a structure or private living area.

On the administrative side, firefighters in major cities such as New York perform upwards of 300,000 building inspections each year (New York City Fire Department, n.d.). And there are more than a quarter of a million additional intelligence-gathering opportunities as teams of firefighters freely access every part of the structures they enter. In total, non-law enforcement personnel routinely enter dwellings and places of business almost 13 million times a year. In this new age of terrorism, we can ill afford to ignore 13 million intelligence-gathering opportunities!

What types of information should firefighters be looking for? In addition to the obvious (an abundance of hazardous materials present, bomb-making materials, strange or evasive behavior), firefighters must be trained to recognize the mundane, the not so obvious. Anti-American slogans written in various languages, the presence of Jihadist materials, maps or blueprints of high-profile buildings or sensitive locations such as fuel storage terminals or cargo transfer areas would all be of interest.

Additionally, firefighters must be trained to recognize things that are incongruent with the general surroundings. For example, discolored plants or shrubbery in or around a location when similar vegetation a short distance away appears normal could indicate the presence of large concentrations of hydrogen peroxide. Every emergency response must be viewed as an opportunity to gather information that could help protect the public.

When operating in this capacity, credence must be given to the fact that firefighters will not seize any items of interest discovered while in commission in the performance of their mandated duties. Firefighters will simply note the existence of

materials they have been briefed about or instructed to be on the alert for, and report the discovery to the appropriate fire or law enforcement liaison.

In conducting interviews with high-ranking chief officers of the fire service, one major concern has been the legality of firefighters passing on information discovered during routine operations. Several U.S. court cases have addressed this issue. The most famous, *United States Supreme Court, Michigan v. Tyler* (436 U.S. 499; 1978), involved the discovery by firefighters of illegal fireworks while they were searching for evidence relating to the cause of a fire. In this case, local firefighters entered a commercial building to investigate the presence of smoke. Finding a small fire, the firefighters searched the entire structure and discovered several plastic containers containing a flammable liquid. (These containers were determined to contain the same liquid used to start the fire.) Subsequent to the conclusion of the firefighting operations, representatives from the arson bureau re-entered the structure the next day to continue their investigation. The store owners were charged and subsequently convicted of arson.

Because evidence secured from the building and the testimony of the arson specialist was used at the respondents' trial, the Supreme Court ruled on the nature and procedures used to discover the evidence that had been presented at the initial trial. The Court ruled that warrantless searches are legal and not in violation of the Fourth Amendment when "exigent circumstances" are present. *Exigent circumstances* are any incident that affects the safety and greater good of the population at large.

The Court commented that

A burning building clearly presents an exigency of sufficient proportions to render a warrantless entry reasonable. Indeed it would defy reason to suppose that firemen must secure a warrant or consent to enter a burning building to put out a blaze. And once in the building, firefighters may seize evidence of arson in plain view. And if warrantless entry to extinguish a fire and determine its cause is constitutional, the Court ruled that warrantless seizure of evidence while inspecting the premises for these purposes also is constitutional (p. 8).

On an additional note, the defendants in this case also sought to overturn their conviction, stating that firefighters again violated their Fourth Amendment right to privacy when they conducted a second search seizing additional evidence the next morning.

Citing the Court:

Of the facts of this case, we do not believe that a warrant was necessary for the early morning re-entries on January 22. As the fire was being extinguished, Chief See and his assistants began their investigation but were severely hindered by darkness, steam, and smoke. Thus they departed at 4 a.m. and returned shortly after daylight to continue their investigation. Little purpose would have been served by their remaining in the building, except to remove any doubt about the legality of the warrantless search and seizure later that same morning. Under these circumstances, we find the morning entries were no more than an actual continuation of the first, and the lack of a warrant did not invalidate the resulting seizure of evidence. (p. 9)

The U.S. Supreme Court affirmed that firefighters have the right to enter any type of premise when a threat to the public exists requiring such entry. And, during the course of their duties, firefighters may note and report the existence of suspect materials viewed in plain sight to the appropriate authority. It is reasonable to infer that because the U.S. Supreme Court affirmed firefighters have a constitutional right to either report on, or seize, illegal material discovered during the performance of routine duties, that it is then permissible to report the existence of material of interest to law enforcement while operating within the same parameters. The plain view doctrine is not limiting in that the discovery of items of interest and potential follow-up actions are not restricted to the detection of purely illegal material. Law enforcement officers are briefed on a daily basis to look out for persons, items, and activity of interest while on patrol. Firefighters who are similarly briefed will perform the same duties in a different venue as they are permitted constitutional access to areas not readily accessible to local, state and federal law enforcement officers.

## A. SEARCHES AND INSPECTION IN NONCRIMINAL CASES

In 1970, the Supreme Court ruled on a case involving the seizure of illegal materials during a routine premises inspection by the regulatory authority. During the inspection, illegal firearms were discovered, resulting in the arrest and conviction of the occupant. The Court determined that material discovered as a result of inspections required by “statute” is legal and within the scope of the warrantless search provision of the Fourth Amendment. (*Colonade Catering Corp. v. United States*, 397 U.S. 72 [1970])

We cannot agree that the Fourth Amendment interests at stake are merely put at end ‘peripheral.’ It is surely anomalous to say that the individual and his private property are fully protected only when the individual is suspected of criminal behavior. Certain administrative inspections utilized to enforce regulatory schemes with regard to such items as alcohol and firearms are, however, exempt from the Fourth Amendment warrant requirement and may be authorized simply by statute. (p. 530)

The ruling upheld was widely interpreted to affirm the right of a municipality or regulatory authority to mandate inspections in order to ensure and reinforce public safety, and in conducting such inspections, illegal evidence discovered could be seized and turned over to the proper authorities for arrest and/or further investigation. As with the case of *U.S. Supreme Court v. Tyler*, the evidence must be in plain view and discovered as part of the designated reason for operating inside of the structure or premises. In addition, the Court concluded it is not reasonable to infer individuals are only protected under the Constitution when they are suspected of criminal behavior. To the contrary, the Court clearly stated the discovery of any material of interest found during the firefighter’s performance of routine duties is permissible.

A third relevant case was brought before the Sixth Circuit United States Court of Appeals on April 20, 2007. In *United States of America v. James Buckmaster*, firefighters entered a home to investigate a report of smoke. The investigation revealed a small fire involving the headboard of a waterbed located on the second floor of the dwelling. As part of the firefighting efforts, a mirror was broken, slicing open the waterbed, and this caused a good deal of water seepage onto the floor below. While

searching the residence, firefighters discovered the presence of explosives in the basement. The appellate, Mr. Buckmaster, argued firefighters overstepped their bounds by searching the basement, and as such, that the seizure of the fireworks and his subsequent arrest were unconstitutional. In ruling, the Court stated:

Oxymoronic and unfortunate as it may seem, Buckmaster appears to have been done in by a burning waterbed. The fire on the waterbed led to the bed being punctured, which in turn led to the potential electrical dangers throughout most of the house due to seepage of excess water into the rooms below. This exigency justified local fire official's warrantless search of many of the rooms of the house—including the furnace room in which the explosives were found to be in plain view—to ensure that the water was cleaned up and no such damage occurred. We therefore AFFIRM the district court's denial of Buckmaster's motion to suppress the explosives. (p. 6)

In all three of the cases discussed here, the courts affirmed the rights of firefighters to:

- enter premises without a search warrant to investigate conditions that may pose a threat to the public at large under the “exigent circumstances” doctrine;
- search premises to ascertain if the threat has been mitigated and to determine the presence of trapped or unconscious occupants;
- report any evidence or materials discovered to be in “plain sight” as part of the completion of their routine tasks; and
- pass on any information discovered to the appropriate authority to assist the appropriate authority in obtaining a search warrant when necessary.

The U.S. Supreme Court has left no doubt as to the legality of search and seizure with respect to firefighters during the performance of their duties. Firefighters require no warrant to enter, and illegal items seized during the course of normal duties are admissible in a court of law. The case law is indisputable that further strengthens the argument to train and utilize firefighters as intelligence gatherers.

## **B. THE PATRIOT ACT**

In 2001, the U.S. Patriot Act was signed into law by President George W. Bush. The description and purpose of the legislation is “To deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and

for other purposes in the enhancement of domestic security.” (p.1) This legislation enhances the ability of law enforcement to investigate and obtain knowledge concerning activities thought to be related to terrorism by loosening the Constitutional restrictions placed on them. The Act enhances the ability to conduct surveillance, to conduct financial or background investigations, and to monitor computer and telephone communications previously prohibited under the Constitution.

“While the results have been important, in passing the Patriot Act, Congress provided for only modest, incremental changes in the law. Congress simply took existing legal principles and retrofitted them to preserve the lives and liberty of the American people from the challenges posed by a global terrorist network.” This is the intent of the training of firefighters and the utilization of this untapped resource. Congressional leaders have successfully made progress toward easing, not eliminating, the Constitutional restrictions placed on law enforcement. Firefighters are not bound by such restrictions and have daily access to the homes, businesses, and recreational areas frequented by all levels of the population.

### **C. THE RIGHT TO PRIVACY**

In New York City, the Police Department issues information bulletins to its patrol officers each day at roll call. These bulletins highlight items of interest to law enforcement that are related to possible terrorist activity. The documents, titled *Terrorism Intelligence Update*, list the following that should be recognized by patrol officers while on duty and subsequently reported to the Intelligence Division:

- behavior exhibited by individuals that would demonstrate a lack of future plans (for example, the discovery of martyrdom audiotapes, letters, or videos);
- an individual speaking excessively about death and a promising afterlife; and
- individuals exhibiting a strong hatred of a perceived enemy either through the display of written materials, highlighting of religious articles, or display of reading materials that implore the taking of revenge.

The bulletins urge the patrol officers and all first responders to be alert to these types of behavioral patterns and to report them immediately to the appropriate law enforcement bureau for follow-up investigation. These items are not illegal, nor do they

pose an immediate threat to the public at large. Despite this, law enforcement as a practice focuses on items that may indicate possible terrorist-related activity in an attempt to protect the public at large. While there is no legal ruling that specifically addresses this issue, there are decisions that emphasize that the safety of the population as a whole is paramount to the rights of the individual.

### **1. Wilcher v. The City of Wilmington**

In this case heard in the U.S. Court of Appeals (1998), a firefighter objected to the imposition of a random drug testing program subsequent to being hired. The Court ruled:

The defendant city's significant interest in preserving the integrity of plaintiff firefighters' drug tests outweighed plaintiff firefighters' expectations of privacy. The court held that an employee's expectation of privacy depends in part on the nature of his or her employment and whether it poses an attendant threat to public safety. The court examined the individual's privacy interest upon which the search at issue allegedly intrudes. This expectation of privacy must be legitimate as measured by objective standards. The Constitution does not protect all subjective expectations of privacy, but only those that society recognizes as legitimate. (p. 1)

### **2. Anonymous Firefighter V. The City of Willoughby (1991)**

This case involved a firefighter who sued the municipality of Willoughby, Ohio, when it mandated AIDS blood testing. The court held that the testing was not an unreasonable search and seizure but was justified by the compelling government interest in protecting its employees and the public from the spread of contagious disease. The city was not required to obtain a warrant or show any individualized suspicion to conduct the testing as part of an annual medical. This is an additional case where the legal system held that the safety and greater good of the public is paramount to the rights of the individual.

The Court decreed that an expectation of privacy does not exist where the actions an individual takes may harm or adversely impact the people the employee will interact with while performing his/her duties. Conversely, one can argue that a firefighter, or any other first responder, is entitled to the same protections when entering a dwelling or place

of business in performance of their duties. In applying logic that parallels the Court's ruling, firefighters would be compelled to report any actual or perceived threat discovered while in performance of their duties. The right of the individual to expect a right to privacy or to exercise free speech is negated when the exercise of such freedoms can adversely impact the public at large.

The newness of this issue inside the boundaries of the United States indicates that the matter will be brought into the nation's court system at a later date. Prior judicial intervention indicates that the nation is justified in affording leeway to emergency responders in the area of search and seizure with regard to terrorist related activities. By permitting firefighters to observe and report materials that may indicate the presence of an individual who may be plotting to, or be associated with, a group intended to inflict harm on the general public, the greater good of the population is served. This is a prudent and wise action pending an unfavorable decision and the cessation of such action by a court of law.

Chapter V will outline how firefighters may be utilized to enhance and strengthen the homeland security strategy which presently exists inside of the United States.

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## V. VISION FOR A NEW STRATEGY

The purpose of this thesis is clearly to justify expansion of the current duties performed by firefighters and the training afforded to firefighters with the addition of the skills necessary to recognize indicators of possible terrorist-related crimes. In addition to the well-known tasks of fighting fires and responding to emergencies, fire service personnel perform ancillary jobs that are related to criminal violations of law. Firefighters are trained to observe and report any obvious criminal activity during routine performance of their duties while operating both inside and outside of structures. The Bureau of Fire Investigation (the law enforcement arm of the fire service), routinely operates in the criminal world when dealing with arson and other related crimes.

In March 2008, the U.S. Department of Homeland Security published the *National Strategy for the Fire Service Intelligence Enterprise*. This document begins at “step two” of the intelligence process and puts forth a network strategy for sharing intelligence between the fire service and several federal, state, local, tribal, and private sector organizations. The vision described in the National Strategy states:

The fire service will be universally recognized for its flexible and credible prevention, preparation, response, and recovery abilities in relation to current and future threats by working individually and with partner organizations in maintaining a safe and secure environment: Our First Responders will also become First Preventers. (p. 2)

The Department of Homeland Security has recognized that firefighters are an integral part of the nation’s homeland security efforts. However, the National Strategy for the Fire Service Intelligence Enterprise fails to recognize and utilize the opportunities available for firefighters to be part of the first step in the process—recognition and gathering of intelligence. Instead, the Strategy’s focus lies in development of an information-sharing network among the largest fire departments in the United States. This is an admirable goal that should be a supplement to, not a substitute for, the employment of firefighters as part of the intelligence-gathering force.

Currently, 1.1 million firefighters work in the United States, (National Fire Protection Administration, n.d.) and all 1.1 million are potential “non-traditional” intelligence gatherers. If fire service personnel are trained to recognize potential terrorist activity, the number of searching eyes will increase by 2.2 million. These eyes will see places not normally visible to law enforcement agencies. Due to the nature of the need for firefighters to enter buildings, warrants are not required, in contrast to law enforcement agencies, the established data gatherers of information related to terrorist activity, who are bound by law to acquire a warrant and state the cause.

**A. EXISTING STRATEGY—STREET-LEVEL GATHERING BY LAW ENFORCEMENT**

The present method to gather information on potential terrorist activities is through street-level police officers employed by federal, state, and law enforcement agencies. These agencies regularly train their officers on intelligence collection methods, and they often brief personnel daily to keep them armed with the most recent information on terrorists. Law enforcement agencies are very competitive. They share a good understanding of the boundaries that operate for each department. These boundaries help minimize overlap, but they also tend to suppress sharing and cross-analysis of information. Statistically, law enforcement can demonstrate their capabilities and successes, but in a world where terrorists are extremely adaptable, the ownership of data is a tremendous deterrent to greater success in the war on terrorism.

Firefighters are currently used to gather information when traditional types of crime are discovered in the performance of administrative and operational duties. The following statistics were published by the National Fire Protection Association (n.d.) for 2006:

- A fire department responded to a fire every 19 seconds.
- One structure fire was reported every 60 seconds.
- One home structure fire was reported every 80 seconds.

The opportunities abound, and there is no doubt that firefighters presently report criminal activity on a daily basis. The Fire Department of New York City’s Battalion 15

has recently seen the emergence of illegal marijuana farms operating out of residential apartments in their administrative area. In May and June of 2008, four such operations were discovered and reported to the New York City Police Department. Similarly, firefighters often discover illegal occupancies and non-permitted building construction and document them as part of routine building inspections. These discoveries result in eviction of the occupants along with the imposition of large fines by the courts for building owners. With such reporting taking place routinely, why is the immediate reaction to the training and utilization of firefighters to report the presence of terrorist related activity so strong? Firefighters, emergency medical technicians, and other emergency responders discover and report criminal activity without hesitation. The presence of terrorist-related behavior presents a new type of activity for which firefighters must be trained. Firefighters are capable and possess the tools required to discover and pass on information when traditional criminal activity is found. The next logical step is to equip firefighters with the skills necessary to discover and handle all aspects of any type of non-traditional criminal activity.

**B. ADDING TO THE MISSION STATEMENT—THE USE OF NON-TRADITIONAL GATHERERS**

Currently, street-level intelligence gathering is restricted to information obtained by law enforcement through traditional means or the officer on patrol, just as it has been for centuries. The events of 2001 have thrust our nation and its citizens into new and uncharted territory. Every individual has been tasked with the responsibility to remain aware of the conditions around them and to report anything they deem suspicious. Increased awareness is a vital first step in the war against terrorism. As we have progressed in our efforts, it is time to utilize our untapped resources to continue our efforts to keep the country safe from harm. The utilization of our nation's firefighters to assist in the security of our homeland is the logical next step.

**C. TRAINING AND INTEGRATION OF FIREFIGHTERS INTO THE INTEL-GATHERING NETWORK**

Operations only inside the confines of existing practices are no longer the most effective strategies. New ways of thinking are necessary to enhance and expand our homeland security capabilities. What changes can be made to effectively and economically utilize our current resources? In order to define the basis for this theory of adding non-traditional intelligence gatherers to the ranks of personnel who now actively work to prevent the spread of terrorism, I propose a framework of containing these mission-critical elements to focus on the value of this program. The framework consists of four principles: eliminate reduce, raise, and create standards. The table below defines the principles using the proposed statements as the foundation for the strategy.

Table 1. Action Table/Mission Critical Elements

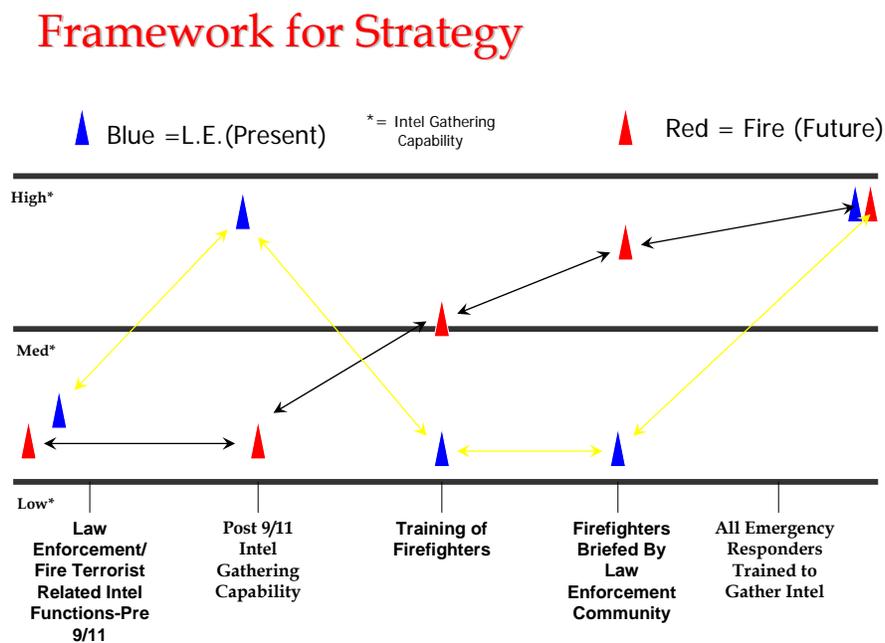
<p><i><b>Eliminate</b></i></p> <ul style="list-style-type: none"> <li>• <b>Belief Firefighters Are Not Capable of Intelligence Gathering</b></li> <li>• <b>Opposition to Program Based on False Information</b></li> </ul>	<p><i><b>Raise</b></i></p> <ul style="list-style-type: none"> <li>• <b>Community Involvement and Awareness</b></li> <li>• <b>Firefighter Preparedness</b></li> </ul>
<p><i><b>Reduce</b></i></p> <ul style="list-style-type: none"> <li>• <b>Law Enforcement Monopoly on Intel Gathering by Presenting Alternative Options</b></li> <li>• <b>Opposition Based on Erroneous Information</b></li> </ul>	<p><i><b>Create</b></i></p> <ul style="list-style-type: none"> <li>• <b>A Workforce to Supplement the Intel Gathering Abilities of Law Enforcement</b></li> <li>• <b>Trust and Unity of Vision Between Law Enforcement and the Fire Service</b></li> </ul>

Source: Table 1 is developed from concepts developed by Kim and Mauborgne (2005). *Blue Ocean Strategy*.

In order to successfully realize the benefits from this strategy, the concerns and beliefs that firefighters are not capable of intelligence related tasks must be eliminated. As discussed, firefighters routinely recognize and report illegal situations as part of their daily activities. Once trained to recognize common indicators of terrorism, (the presence of jihadist materials, anti-American slogans, propaganda promoting violence and assertive behavior, etc.), firefighters will have the tools necessary to perform this task. Training is only one facet of the job. Community leaders must be briefed about the additional help that can now be provided to their constituency. It should be made clear that firefighters are merely expanding their awareness and readiness to recognize and report suspicious and potentially dangerous situations to law enforcement. An expansion and enhancement to responsibilities already in place and used by firefighters on a daily basis.

The framework for illustrating the achieved outcome of the training and inclusion of firefighters in the intelligence-gathering process is outlined in Figure 8.

Figure 8. Framework for Strategy



Source: Figure 8 is developed from concepts developed by Kim and Mauborgne (2005) in *Blue Ocean Strategy*.

Success hinges on the clear involvement of law enforcement in both the planning and training phases of this strategy. With the advent of terrorism, law enforcement has been stretched thin, and crime has been increasing in small communities throughout the United States. "Since 9/11, police obligations have increased substantially above and beyond decreasing street crime," said Jens Ludwig, a criminal justice expert at Georgetown University. "So even if police resources were held constant, there is this growing obligation on their part, so the resources available to fight street crime have gone down" (National Nine News, 2007) (p.1).

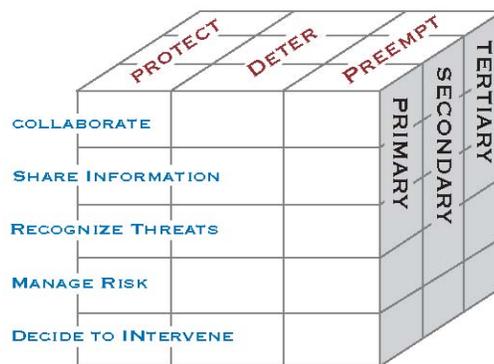
The traditional answer to shrinking resources has been to request additional funds to increase the number of law enforcement personnel. In essence, the solution has always been to simplify the answer by limiting the solutions to a financial issue. An analysis of fire service resources and capabilities concludes this is neither the single nor the best solution to the problem at hand.

The strengthening and reinforcement of trust between law enforcement and the fire service is a pivotal ingredient in the creation of this strategy. In order to effectively operate in the field of homeland security, agencies and individuals must have faith and trust one another. Faith is a mixture of confidence in the ability of the personnel you are dealing with and trust that the goals and objective of those you are consulting with are similar to those of your own department. Mutual understanding must be present in order to have a successful and efficient strategy to address the everyday situations that will arise. While training and preparedness drills will help acquaint various personnel, a partnership and appreciation for the abilities of all involved must be formed and cultivated.

The fundamental nature of this strategy is one of prevention; but prevention as an overall, not limiting, best practice. As expressed in the *Prevention Primer* published by the Institute for Preventive Strategies at the Center for Rural Development (n.d.) "Preventing terrorism is a massive technical and organizational job. Doing the job depends on police, fire, health and safety, emergency workers, and America's democratic institutions." (p. 1) While striving full speed ahead in an attempt to solidify homeland security, the fire service has been absent from the equation. Only recently has the

Department of Homeland Security recognized this fact and mandated the inclusion of the fire service as part of all federally funded fusion centers. Prevention of terrorism is a massive technical and organizational job. Doing the job depends on police, fire, health and safety, and emergency workers and America’s democratic institutions. Utilization of the prevention cube is one way of understanding this strategy (Institute for Preventive Strategies at the Center for Rural Development, n.d.).

Figure 9. Homeland Security Prevention Cube



Source: Institute For Preventive Strategies at The Center For Rural Development. *Prevention Primer*. Accessed July 27, 2008, from [https://www.preventivestrategies.net/public/spd.cfm?spi=acad\\_primer](https://www.preventivestrategies.net/public/spd.cfm?spi=acad_primer)

The prevention cube is a visual display to assist in understanding the principles required to combat terrorism. While the cube is layered in several dimensions, firefighters are concerned only with the primary or initial stages of terrorism for this argument. As stated in the *Prevention Primer*:

Emergency professionals rely on a combination of rule sets and ‘gut instinct.’ Both of these come into play when people need to act quickly. Professionals learn rules sets and develop instincts. Rule sets come from training and from understood roles and procedures. Our instincts are influenced by the life we lead when we are not in crisis. We talk about instinct in terms of doing what we have to do, or doing the best we can. Gut instinct is part of being human. It also develops through experience and the school of hard knocks. The prevention cube is a way to combine the rules of prevention with our professional experience in facing to the terrorist threat. (p. 3)

Our nation's security is the responsibility of all facets of our emergency services workforce: police, fire, and health care responders in all levels of government. Prevention activities and training are the responsibility of all, not simply law enforcement. Homeland security depends on successful collaboration between the fire service and law enforcement to effectively accomplish this goal. The implementation of this strategy will enhance and streamline these objectives. Firefighters are not, and will never be, trained as law enforcement officials. The fire service does, however, have a responsibility to protect the citizens they are sworn to serve. This responsibility now extends to the new world in which we live, a world in which terrorists operate. Increased training for firefighters and the training to contribute in the area of threat recognition will help firefighters shoulder the burdens placed on law enforcement. And this will utilize a current asset to put forth a new best practice for the safety of our country.

## **VI. RECOMMENDATIONS AND CONCLUSIONS**

The United States Fire Service has always been recognized for its ingenuity and hands-on approach when working within the emergency services area. The ability to prepare, respond, and react to varying conditions during times of extreme difficulty has fostered wide recognition of the Fire Service as one of the nation's premier emergency response agencies. This flexibility, coupled with the opportunities realized during the course of everyday operations, reinforces the directive of Homeland Security Secretary Chertoff, which states "firefighters bring unique experiences and observations that contribute toward the response to outbreaks and disasters" (Ware 2007). In keeping with this strategy, the final recommendations of this thesis are to 1) establish and distribute a curriculum that will expand firefighters' training to include the abilities necessary to recognize non-traditional terrorist threats during the course of everyday operations; 2) educate the community in the expanded role firefighters will have in the safety and security of the population; and 3) refine and strengthen the role of firefighters as an integral part of the United States homeland security effort.

### **A. FIREFIGHTER TRAINING**

On a national level, several training programs exist which educate law enforcement personnel. The Department of Homeland Security's Federal Law Enforcement Training Center offers a one-day program which trains law enforcement first responders to recognize forms of terrorist-related intelligence during the normal course of their duties. The course which is titled, *Anti-Terrorism Intelligence Awareness Training Program: Resources for the Law Enforcement Officer*, describes the type of training which the fire service requires.

The Anti-Terrorism Intelligence Awareness Training Program (AIATP) is an introductory awareness program designed to provide line officers and first-line supervisors with a working knowledge of the criminal intelligence process and applicable laws, guidelines, policies, tools and techniques. Knowledge gained in this course will aid in the detection of pre-incident indicators related to terrorist activity in the community that may be encountered during the course of their law enforcement duties.

This program reviews types of potential terrorist related materials that may be present in commercial and residential occupancies.

*Emergency Response to Terrorism Self Study* is a curriculum offered by the Federal Emergency Management Agency and the Department of Justice (1999) to law enforcement officers. This online, eight-hour self-study course is an opportunity for first responders to enhance their knowledge of terrorist-related awareness and response training.

On the state and local level, courses have been developed that capitalize on the opportunities encountered by law enforcement during the course of their everyday interactions with the public. Courses such as *Weapons of Mass Destruction and Lab Awareness* (Connecticut State Police, n.d.) are offered to law enforcement personnel by regional training councils. This training assists patrol officers in the recognition of the presence of specialized materials connected with a myriad of illegal, terrorist-related activities. Programs such as this four-hour seminar may be easily tailored and delivered to members of the fire service.

A review of the survey results and focus group discussion indicates senior policy level chief officers on the fire side of emergency response would prefer to utilize current training programs and facilities to instruct and equip firefighters with the educational tools required to become proficient in this area of homeland security. Several fire departments in the United States utilize a program known as Periodic or Annual Education Day to instruct fire service members in new programs or initiatives that impact their operational readiness. The programs referenced above are four and eight seminars which can be included as part of an annual or semi-annual day of training. This training may be conducted either in the field or at a department's training academy. The development of a curriculum for delivery in this forum would permit a department to train its members to recognize terrorist-related materials while performing routine duties inside of a twelve-month period. In addition, once the program is developed, it could be added to the existing curriculum of a department's probationary fire school so as to educate new members of the workforce on an as-hired basis.

As a supplement to the formalized curriculum and training, several informational programs are utilized by law enforcement to keep first responders armed with up to the minute information concerning terrorist activities. The New York Police Department publishes several daily briefs which are read and distributed to its patrol officers at the beginning of each shift. Briefs such as *Terrorism Intelligence Update*, and the *Counterterrorism Tactical Brief* (see Appendix I), outline conditions associated with unusual or suspicious materials that may be linked with terrorism. On the federal level, the Department of Homeland Security issues pocket-size reference cards to be carried and used as quick reference and preparation guides on a variety of topics. For example, the *Suicide Bomber Warning Indicators* reference card (see Appendix II) lists the following categories: Opportunities to ID terrorist activity, Pre-Imminent Attack Phases, (Sample Indicators), Imminent Attack Phase Indicators, and Immediate Action Considerations. Quick reference guides similar to this readily supplied and utilized law tool can easily be adjusted and revised to reflect indicators that may be of interest of and discovered by firefighters during the routine performance of their duties.

The tools, information, and opportunities necessary for the effective training of firefighters as non-traditional intelligence gathers are available and utilized by law enforcement. Research indicates the fire service is willing and capable to participate in an expanded homeland security role as directed by Homeland Security Secretary Chertoff. The next action should be for Secretary Chertoff to task the National Fire Academy, the primary educator of the nation's fire service, to evaluate current law enforcement educational curriculum and practices related to terrorism awareness. Once this is accomplished, the Academy can develop a formalized curriculum that will be specifically focused on the training of firefighters as non-traditional intelligence gatherers. This deliverable should be designed to be accessible in both a formal, academy type venue and via an on-line or internet setting as indicated by the surveys performed as part of this research.

## **B. COMMUNITY INTERACTION**

With any new initiative it is imperative that the customers, (in this case, the civilian population served by firefighters), are informed and educated as to the goals and intent of the program. Firefighters are viewed as a trusted asset, a part of the fabric that holds together a community. While the survey results strongly indicate that the respondents believe the reputation and trust of firefighters would be damaged when this new training and task is added to their existing responsibilities (86% of respondents answered this would diminish firefighters standing in the communities they serve), the senior officer focus group highlighted several existing practices that parallel the expanded role suggested by this thesis. While interacting with the population during the routine performance of their duties, firefighters discover and report instances of suspicious activity. Activity ranging from but not limited to the illegal (narcotics, theft, and vandalism), to actions affecting health and safety violations, (non-documented structural alterations, illegal occupancies, and theft of services). In each case, the observation made by firefighters is documented and reported to the proper authorities for follow-up investigation or action. The use of firefighters as non-traditional intelligence gatherers is simply an extension of existing practices into the new and ever developing area of homeland security.

The effectiveness of this initiative largely depends on the support of the local community. In order to properly convey the purpose and goal of this program, senior chief officers must reach out to educate both the community leaders and the population they represent. In the City of New York, senior battalion chiefs regularly meet with elected community leaders to exchange information relating to fire and building safety. This forum, held monthly at a local community center, is the perfect venue to discuss and clarify the goal of firefighters when operating in this capacity. Chief officers will outline existing practices of the fire service while describing firefighters will enhance and strengthen current homeland security practices with the early discovery and reporting of terrorist related activities.

As a supplement to the existing practices used to communicate with the public, New York City has developed and implemented an electronic informational system called *Inform New York*. This system can broadcast a short but concise public service information announcement via its network which could be used to describe this new firefighter-based initiative. This information network distributes information via computer e-mail, telephone messaging, and printed announcements to those who register for the free service. The Inform New York service is utilized for both emergent and non-emergent situations and is an excellent venue for communication with the public.

Community interaction, effective communication, and public education will provide to reinforce the confidence community members have in the firefighters who serve them. When properly outlined, this initiative will further enhance, not damage, the standing of firefighters as caretakers of the communities they watch serve.

### **C. THE FIREFIGHTERS ROLE IN HOMELAND SECURITY**

Subsequent to September 11, 2001, the United States expended a tremendous amount of monetary assets in the development of new agencies, the reorganization of existing departments, and the implementation of national goals and strategies to prevent additional terrorist attacks on American soil. In its rush to secure the nation, the Department of Homeland Security focused on initiatives which primarily applied to the military and law enforcement. Only recently has the role of the fire service and the unique opportunities available for firefighters to view and report homeland security related items of interest been recognized. The statement issued by Secretary Chertoff is clear: firefighters will be part of the country's first line efforts in the battle against terrorism.

As experts in criminal activities related to weapons of mass destruction and arson, firefighters are now being recognized for the unique interactions they have with the communities they serve. On a federal level, the Department of Homeland Security together with the Federal Bureau of Investigation (n.d.) jointly developed the *Terrorist Threats to the United States Homeland Reporting Guide*. This guide highlights the importance of the prompt reporting of information in the effort to identify and disrupt

terrorist operations. The goal of this thesis is to urge the training of firefighters in the recognition and reporting of non-traditional, terrorist-related information which they may discover as part of their routine operations. Once trained, firefighters will enhance their role to not only be protectors of the communities they serve, but to be protectors of the nation as well.

The conclusions of this thesis clearly outline the opportunities for the use of trained first responders from the nation's fire service as additional intelligence gatherers in the war against terror. The everyday responsibilities of the firefighter, the exposure to the residential and commercial areas of the community coupled with the sheer volume of annual responses, illustrate the value of the fire service as an additional asset to law enforcement in this area. In order to effectively further this concept, additional study is needed on the capability of the Department of Homeland Security to mandate such an initiative. The recognition by the Homeland Security Director on the value of firefighters is a solid first step. This concept requires funding which must be provided on the federal level if the utilization of this asset will ever be realized—funding which must be solely dedicated to the training of firefighters in this area of intelligence recognition and reporting. If funded, guidelines must be issued that outline the initiative, the specific type of training required, and limits placed on how the money will be spent.

Past practice has indicated the Department of Homeland Security lacks the legal mandate to dictate intelligence-based programs. Initiatives are outlined and suggested, but not always funded or mandated. In this instance, the utilization of a non-law enforcement entity to gather intelligence is contrary to law enforcement practice. To ensure success, the mandate to implement such a program must be not only clear, but enforceable.

## **APPENDIX**

**APPENDICES** - have a separate **Restricted** file.

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