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THESIS

**CRITICAL ACCOUNTABILITY: PREVENTING AND
INTERDICTING TERRORIST ACTIVITY IN THE U.S. BY
EFFECTIVELY UTILIZING STATE AND LOCAL LAW
ENFORCEMENT**

by

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EFFECTIVELY UTILIZING STATE AND LOCAL LAW ENFORCEMENT**

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ABSTRACT

The events of 9-11 illustrated to U.S. government and law enforcement agencies the critical need for definitive, cooperative and accountable gathering and sharing of intelligence for terrorist interdiction/prevention. Despite billions spent annually for this endeavor, huge gaps in communication sharing and accountability remain. This thesis illustrates the realities of these current issues facing homeland security, and proposes a conceptual model: Homeland Security Regional Cooperation Areas (HSRCAs), based on proven, cooperative, drug-interdiction model programs that effectively utilize resources, training, and establish inter-agency cooperation and accountability. Soft Systems Methodology was used to study current realities and generate solutions for human factors, which have previously created the challenges in agency and program integration. The HSRCAs model proposes specific performance management processes, as well as governance by administrative members (responsible for daily state and local law enforcement operations throughout the country). Such administrators placed in a collaborative environment are able to implement effective programs *while* satisfying federal objectives, within budget. HSRCAs will utilize state resources and existing fusion centers for shared regional communication, critical infrastructure protection and widespread training. These activities—easily incorporated into daily activities of law enforcement officers—empowers them with critical tools and information to interdict and defeat terrorist activities.

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LIST OF ABBREVIATIONS AND ACRONYMS

DHS	Department of Homeland Security
DTO	Drug Trafficking Organizations
DUI	Driving Under the Influence
EPIC	El Paso Intelligence Center
FBI	Federal Bureau of Investigations
FEMA	Federal Emergency Management Agency
HIDTA	High Intensity Drug Trafficking Area
HLS	Homeland Security
HSRCA	Homeland Security Regional Cooperation Area
ISC	Investigative Support Center
ISE	Information Sharing Environment
ILP	Intelligence Led Policing
JTTF	Joint Terrorism Task Force
NCIC	National Crime Information Center
NDIC	National Drug Intelligence Center
ONDCP	Office of National Drug Control Policy
PMP	Performance Management Process
RMHIDTA	Rocky Mountain High Intensity Drug Trafficking Area
SE	Systems Engineering
SIAC	Statewide Information and Analysis Center
SSM	Soft System Methodology
TSC	The FBI's Terrorist Screening Center
UASI	Urban Area Security Initiatives
UCIC	Utah Criminal Information Center

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I. INTRODUCTION

A. PROBLEM

1. Is It Working? Tough Answers to Tough Questions

The question in homeland security today is not if it is needed, but is it effectively working? Despite the intention of the millions of dollars being spent, accountability is lacking and finding best practices for nationwide implementation has been grueling at best. Serious issues are currently affecting the success of homeland security. Past and current critical situations illustrate the information gaps that continue to exist and why. Some pervasive issues include brick walls of interagency mistrust; funding challenges; serious national inconsistency in the day-to-day operations of all officers and detectives; technological gaps and overall lack of effective, widespread homeland security training. This overall lack of consistency and ineffective accountability measures still leaves the nation at significant risk.

The expressed mission of state and local public safety agencies is to provide a safe and secure environment for all people within their areas of responsibility. Homeland security is supposed to work hand-in-hand with this mission. Still, the fact remains that open communication, intelligence sharing, and cooperation between all agencies to interdict and disrupt terrorist activity is below par, and accountability is haphazard. Since the attacks of September 11, 2001, an enormous amount of money, time, and other resources have been applied to enhancing the homeland security and communication capabilities of federal, state and local law enforcement agencies throughout the country.

Time and again, the question arises: Can portions of this multi-billion dollar funding be applied differently to increase the effectiveness and accountability of state and local law enforcement efforts in homeland security? As recently as March of 2008, Federal Emergency Management Agency (FEMA) Administrator David Paulison addressed the House Homeland Security Appropriations Subcommittee, which was inquiring as to how homeland security grant funding has been spent by state and local

governments since 2002. In a subsequent interview he stated, “We’ve put out \$23.7 billion worth of grants and so far nobody’s done an assessment of what kind of an impact is it having. Is it working or not?”¹ This absolute lack of an assessment clearly indicates how imperative it is to look for new ways to improve effectiveness and discover an effective form of accountability or measurement as to how this funding is utilized.

2. The Difficulty in Finding a Best Practice

With the multitude of individual police agencies throughout the United States, it is a daunting task to find ‘a best practice’ for interconnecting all law enforcement resources. Still, the threats that the nation has faced in national security illustrates that cooperation and clear communication must be effectively put into place for no less than the safety of the nation. To date, efforts from federal homeland security grant guidelines have failed to create circumstances that consistently develop into effective information sharing between federal, state and local agencies. Although regionalization has been emphasized, interagency collaboration between state and local law enforcement officers is usually limited to the Joint Terrorism Task Forces operating in mostly metropolitan areas. Accountability, for the effectiveness of federally funded state and local homeland security programs is a concern for Congress.²

An even more critical situation to address is that most state, local, and tribal agencies are *minimally* involved, as will be illustrated further. For example, when specialized homeland security units are implemented, they can be proficient in terrorist prevention and interdiction, yet it is important to note that a dangerous side-effect can occur on a department-wide level: *it can ‘relieve’ the rest of a police agency from having homeland security responsibility or interest.* The cultural attitude can develop is that national security measures are already being handled elsewhere, so that with all of the daily demands on patrol officers and detectives, homeland security may seriously fall down on a list of their priorities.

¹ Chris Strohm, “Homeland Security—House Appropriators Urge Department to see if Grants are Improving Security,” *Congress Daily* (March 12, 2008), http://www.nationaljournal.com/congressdaily/am_20080312_2.php? (accessed March, 28, 2008).

² *Ibid.*

This brings up the issue of consistent involvement across the board. While some law enforcement agencies have specialized public information and education divisions, others have patrol officers who contribute to this function as part of their regular responsibilities. The latter may help develop an appreciative sense by all officers for the value of effectively informing citizens on key public safety issues. The role and responsibility to be involved in homeland security efforts absolutely depends on a broader base of state, local and tribal law enforcement officers having an understanding and appreciation for the elements of homeland security, as well as the direction these officers are given from their leadership and how their specific agency's homeland security approach is organized. A patrol officer may be less concerned with issues of homeland security if it is felt that his or her agency's specialized unit is handling those matters. This can lead to disconnected communication on issues that would normally alert regular law enforcement to terrorist activity.

State and local law enforcement agencies must make better, more consistent efforts to be engaged in counterterrorism efforts. It is through local and state police officers that terrorist activity will be detected, interdicted and defeated. To include patrol officers and detectives in homeland security training and information sharing, along with their regular responsibilities, will dramatically improve homeland security participation in a synergistic manner. This in turn will increase opportunities to connecting, collecting and sharing critical, relevant information relating to terrorist activities. Having an effective information sharing capability between local and state agencies and with their federal partners is critical for achieving *real* success in protecting the nation at its base level communities from terrorist threats.

This thesis examines the impediments that state, local and tribal law enforcement agencies face in becoming regularly involved on a day-to-day basis in homeland security. (For the purpose of this thesis, the identification of state and local agencies shall include tribal law enforcement and any other non-federal law enforcement agencies.) It examines how some applications are applied to other local and national issues, such as drug interdiction, and explore whether the communication, collaboration and accountability concepts applied to them are suitable for similarly designing a homeland security method

with real potential for accountability and interdiction success. This thesis also proposes a set of powerful concepts and ideas of proven, best-practices that can be designed to utilize much of the state and local law enforcement resources to more effectively contribute in a coordinated national counter-terrorism effort.

Mathew Bettenhausen, the California Director of Homeland Security, gave testimony in 2008 before the House Homeland Security Committee, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment. He stated:

Prior to 9/11, State and locals were all too often an afterthought in counterterrorism efforts. This has proven to be a hard mindset to change. Many of our federal partners underestimate the unique capabilities of State and local public safety agencies. There has been progress on bringing locals into the counterterrorism effort, but we are not there yet. For this reason, I take every opportunity to remind my federal partners that, as counterterrorism efforts evolve, we must work with our first preventers to uncover the recruitment, fundraising (money-laundering), networking and operational planning of Islamic extremists in the United States.³

3. Critical Lessons, Critical Awareness, Critical Sharing

In order to examine the serious problems that interfere with successful state and local law enforcement participation in the national homeland security mission, one benefits from examining noted examples related to the critical importance that these officers play in the day-to-day duties of counter-terrorism. It is important that state and local law enforcement play a key role in countering terrorism. The Oklahoma City bombing was a wake-up call for all agencies involved in interdicting terrorist activity throughout the nation.

At 9:02 AM on April 19, 1995, a domestic terrorist named Timothy McVeigh detonated a truck bomb in front of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma killing 168 men, women and children. Trooper Charlie Hanger of the

³ Mathew Bettenhausen, "Moving Beyond the First Five Years: Evolving the Office of Intelligence and Analysis to Better Serve, State, Local, and Tribal Needs," (testimony before the House Homeland Security Committee Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment: California Office of Homeland Security, Washington, D.C., April 24, 2008), 2, Committee of Homeland Security, <http://homeland.house.gov/SiteDocuments/20080424101901-92489.pdf> (accessed March 30, 2009).

Oklahoma State Patrol subsequently arrested Timothy McVeigh during a routine traffic stop. McVeigh was tried, convicted and executed as a result.⁴ Since this event, state and local law enforcement agencies have better realized the importance of their potential in preventing acts of terrorism. A great deal of planning and preparation went into McVeigh's terrorist act. The goal must be for state and local officers to be better educated and informed so that they may detect elements of terrorist activity before such acts can be carried out.

This incident helps illustrate the realistic potential that state and local law enforcement officers can play in the pursuit of detecting and preventing terrorist acts within the United States. For example, it was not widely appreciated in law enforcement prior to the 1995 bombing that the U.S. had threats of terrorism from within its borders. Consider the hypothetical scenario that has a state trooper stop McVeigh prior to setting the bomb. What if there had been an established network of state and local police officers who aggressively pursued criminal activity and shared potential criminal and terrorist related information within their state, region and across the country in an effective and consistent manner?

There were acts and communications that could have cued officers to McVeigh's criminal and terrorist potential. Having such information readily available to a patrol-level officer or detective is vital to increasing their potential of interdicting terrorist activity on a fundamental level. However, intelligence sharing in federal databases is often kept too confidential. Programs and systems designed with a federal perspective are not as likely to effectively address a local problem as those that allow for local conception and execution. The country has not yet achieved consistent state and local levels of homeland security awareness that increases the likelihood of interdicting an actor like McVeigh prior to a terrorist event.

⁴ Oklahoma City National Memorial Institute for the Prevention of Terrorism, *Oklahoma City: Seven Years Later-Lessons for Other Communities* (Oklahoma City: Institute for the Prevention of Terrorism 2002) <http://www.terrorisminfo.mipt.org/pdf/MIPT-OKC7YearsLater.pdf> (accessed March 30, 2009).

What can be learned from this example and countless others is that information sharing *must* go both ways. There is a need for two-way counter-terrorist information sharing between agencies.

Local agencies must be able to submit information in a climate that supports interdiction, but will not interfere with sensitive cases. Despite the advent of fusion centers, vast amounts of criminal information still fails to be submitted to these facilities from local, state and federal law enforcement agencies and officers. Without this regular and all-encompassing flow of information, the likelihood of successful homeland security and criminal interdiction is greatly diminished.

State and local law enforcement agencies are effectively engaged in the day-to-day mission of responding to incidents of criminal activity, investigating the crimes and arresting the perpetrators. The job is both reactionary and proactive. The number of arrests can be a measure of success in both realms. If a specific crime rate is down, it can be reflective of aggressive, proactive law enforcement efforts. Sir Robert Peel, “the father of modern policing” stated in his nine principles of modern policing: “The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with it.”⁵

The police mission and profession have evolved over centuries of civilized human development. Modern police agencies are primarily well-equipped with highly-trained personnel who are dedicated to making their communities and geographic areas of responsibility safer. Adding equipment to protect facilities and mass gathering events must not be the most significant measure of how law enforcement agencies are addressing homeland security at the state and local levels. Since 9/11, much of the homeland security grant funding has gone towards material things. Having a homeland security component incorporated into the *everyday* duties of officers in the field *can be* and *should be* a part of the professional evolution of modern police services. It is through state and local officers having understanding of the problem and their coordinated efficiency that acts of terrorism will be thwarted. An important note: program

⁵ Magna Carta Plus, *The Nine Principles by Sir Robert Peel*, Magna Carta Plus, (November 20020) http://www.magnacartaplus.org/briefings/nine_police_principles.htm (accessed July 26, 2008).

administrators must be careful in their processes so that the law enforcement efforts applied to homeland security are not overly measured by how much equipment and personnel are deployed. Homeland security success can also be measured by how police agencies share information and cooperatively target resources for prevention and by the absence of terrorist activity that results.

4. Background of Problem

Incorporating the homeland security mission into the regular responsibilities of state and local law enforcement agencies involves several considerations that should all be deliberated on:

- **Unique Systems**—Each agency has its own unique systems based upon history, development, goals, and its reaction to and preventing local crime.
- **Behaviors**—Based upon systems in place, the behavior of officers at the lower levels have to reflect the departments' unique goals and needs.
- **Trust**—History of communication and trust (or lack thereof) with other agencies, especially federal, has a huge effect on information sharing.
- **Numbers of Personnel Assigned**—Taking into consideration the already burdensome reality of paperwork and accountability in everyday law enforcement responsibilities.
- **Related Costs**—Technology, manpower, time, coordination and training must all be considered.
- **Real and Perceived Threats in Specific Jurisdictions**—New York City, New York verses Courde'laine, Idaho verses any small, medium or large town, USA. Every area in the country has its own real and perceived threats and its unique part to play in combating terrorism. No area is more important, nor should any areas be overlooked.

To create a blanket approach that will work the same in any given area of the country is not realistic. Each local jurisdiction, state and region of the country has circumstances and professional cultures that have developed. Agencies will always have some problems and tactics in common, but administrative relationships and interactive practices may be somewhat varied. Allowing agencies to participate in the identification of local threats and designing the best method of applying their resources to a national effort may increase the level of effective homeland security participation and accountability.

Especially since the terrorist events of September 11, 2001, federal, state and local police jurisdictions have struggled to play a meaningful role in the added mission of homeland security. Despite billions of federal dollars being spent on increased police involvement in homeland security, overall only a small portion of police services are applied to the effort. *Homeland security remains a nebulous concept to most street and command-level police officers.* The majority of homeland security prevention programs and systems have been developed and directed by federal agencies. Federal agencies will always play a critical role in homeland security investigations and are very effective at gathering and coordinating national homeland security intelligence and other related information. Their emphasis in connecting domestic terrorist activity to its foreign ties is imperative to a successful intelligence database and an overall homeland security law enforcement network. The current areas of weakness involve the continued failure of providing important information to field-level law enforcement officers and vice versa. Field-level officers are not largely nor routinely feeding potential homeland security information to databases that can screen for terrorist connections to their investigations. Additionally, these officers are not routinely checking criminal suspects against such databases. Most state and local police officers have had little or no training in this area—training that must be specifically designed to help them recognize potential elements of terrorist activity and to understand the significance of shared information and intelligence in the national homeland security mission. Intelligence dots are out there, but they are simply not being connected.

B. BREAKING DOWN BRICK WALLS TO CREATE A TRUE, NATIONAL STRATEGY

On July 16, 2002, President George W. Bush wrote in his opening letter describing the National Strategy for Homeland Security: “This is a national strategy, not a federal strategy.”⁶ The truth is, however, that most state and local police officers rarely interact with the Department of Homeland Security (DHS) and the Federal Bureau of Investigation (FBI). While the existing federally-driven method of structuring homeland

⁶ Office of Homeland Security, *National Strategy for Homeland Security, Letter to the American People*, Office of Homeland Security (Washington, D.C.: Government Printing Office, 2002), 5.

security has been worthy in many ways, it has continued to fail in producing the level of interagency cooperation and information sharing that is necessary to effectively utilize the nationwide police resources that are available for homeland security purposes. In contrast, local police and sheriff agencies have learned to interact with state law enforcement services on a regular basis as part of their normal duties. State police agencies often interact with each other on regional and national projects and their coordinated efforts can be extremely effective. Creating a homeland security network model for state and local police has the potential to create an interior web of policing and information sharing throughout the United States that would greatly reduce the ability for individual terrorists and terrorist cells to operate undetected.

Recently, Representative Bennie G. Thompson of Mississippi, the Chairman of the House Homeland Security Committee stated:

The 9/11 Act was clear. Homeland security doesn't happen just in Washington, D.C. Preventing the next terrorist attack requires new and strong partnerships with state, local, and tribal leaders, especially in law enforcement. Put simply, our police and sheriffs' officers in the course of their crime-fighting duties are in the best position to stop a terrorist plot in its tracks. If we don't have a Department or an intelligence office that knows how to meet their needs, we're failing.⁷

The use of Intelligence Led Policing (ILP) is paramount to national, state and local homeland security success. ILP should be synonymous with homeland security at the state and local police levels. According to the New Jersey State Police:

The key to ILP is to answer the need for targeted resource allocation to combat crime, terrorism and other law enforcement issues through improved, situational awareness. For the trooper on the road, this requires feeding information into intelligence databases and receiving intelligence to assist patrol operations. At the detective and analysts' level, it refers to the broader understanding of issues that affect state policing throughout the state.⁸

⁷ Bennie G. Thompson, "Moving Beyond the First Five Years: Evolving the Office of Intelligence and Analysis to Better Serve, State, Local, and Tribal Needs," (testimony before the House Homeland Security Committee Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment: California Office of Homeland Security, Washington, D.C., April 24, 2008), Committee on Homeland Security, <http://homeland.house.gov/SiteDocuments/20080424102123-27335.pdf> (accessed March 30, 2009).

⁸ New Jersey State Police, *Practical Guide to Intelligence Led Policing* (New York, NY: Manhattan Institute for Policy Research, 2006), Center for Policing Terrorism, <http://www.cpt-mi.org/pdf/NJPoliceGuide.pdf> (accessed March 30, 2009).

ILP also provides for more effective policing, information sharing and improved communication and coordination of efforts within neighboring states.⁹ From a law enforcement administrative standpoint, ILP provides the senior law enforcement agency's leadership with improved awareness of events and activity that affect the broader scope of all police activities.

1. Fusion Centers Create Opportunities for Intelligence Led Policing

In examining the importance of information sharing, the proliferation of fusion centers around the country promises to provide greater opportunity for more agencies to participate. The primary function of fusion centers is to fuse together key resources from local, state, federal agencies and critical, infrastructure-related private industries. First Sergeant Lee Miller of the Virginia State Police oversees the operation of the Virginia Fusion Center. He states:

In order to be a true intelligence led policing model, local, state and federal analysts must be able to see all information and intelligence. If analysts are provided only a couple pieces of the puzzle, we will never be able to see the overall picture. Local, state, tribal and federal agencies as well as private industry have individual pieces, and we must have an information technology mechanism as well as trusted relationships to put these pieces together.¹⁰

First, Sgt. Miller also points out that local and state intelligence professionals must be given the same opportunity as their federal counterparts regarding the access to classified information systems.¹¹ Only by opening the doors to *complete two-way information and intelligence sharing* will true homeland security effectiveness take place. From an overall perspective, it makes more sense to provide a means for the nation's law

⁹ New Jersey State Police, *Practical Guide to Intelligence Led Policing*, 4.

¹⁰ Lee Miller, "Homeland Security Information Network: Moving Past the Missteps Toward Better Information Sharing: Testimony of First Sergeant Lee Miller, Virginia State Police" (testimony for the United States House of Representatives Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, Washington, D.C., May 10, 2007), 2, Committee on Homeland Security, <http://homeland.house.gov/SiteDocuments/20070510132259-40476.pdf> (accessed March 30, 2009).

¹¹ *Ibid.*, 3.

enforcement professionals to be alerted to who the terrorists are and where they are suspected to be operating, than to be overly cautious in protecting information for fear that a few might be alerted. The benefits on interdicting terrorist activity in process should truly far outweigh other consequences. Depending on federal authorities to identify and monitor every potential domestic and international terrorist threat in the U.S. is unrealistic.

2. Need for Enhancing TSC and NCIC Application—and Top-Down Trust

The FBI's Terrorist Screening Center (TSC) began operations in 2003. It was created to ensure that government investigators, screeners, agents and state and local law enforcement officers have ready access to the information and expertise they need to respond quickly when a suspected terrorist is screened or stopped. TSCs are designed to consolidate access to terrorist watch lists from multiple agencies and provide 24/7 operational support for thousands of federal, state and local law enforcement officers across the country.¹²

From a state and local perspective, this system has great potential, but could be greatly enhanced for ideal working situations. Currently, time delays in receiving information from the TSC can be deeply problematic. Officers are only legally permitted to detain individuals for a reasonable amount of time during a traffic stop. If a state or local officer encounters a subject who is on a terrorist watch list, the National Crime Information Center (NCIC) will have only a flag on an individual's information. The NCIC is given an alert for the officer to contact the TSC. Once contacted, the TSC has various steps that must be taken and separate checks that must be handed off from one individual to another. This may result in long delays. Additionally, the TSC will only provide unclassified information. The street officer may be jeopardized by unclear communications from the TSC based on what they are able to communicate.

¹² Donna A. Bucella, "Statement of Donna A. Bucella to the National Commission on Terrorist Attacks Upon the United States, January 26, 2004," National Commission on Terrorist Attacks Upon the United States, http://www.9-11commission.gov/hearings/hearing7/witness_bucella.htm (accessed March 30, 2009).

3. Clearer Communication Necessary to Facilitate Interdiction of Terrorists

A recent example illustrating the critical need for trust between federal and local agencies involved a Utah Highway Patrol trooper making a traffic stop on an individual who was traveling through the state. The trooper ran the normal law enforcement checks on the individual. Sometime after the trooper had released the subject, he was contacted by the FBI to be debriefed. The resulting information provided by the trooper led to the issuance of a federal arrest warrant for the subject on a firearm violation.¹³ No specific details of the FBI's additional interest in the subject were communicated to the trooper or his agency except for an informal mention of a possible homeland security interest. The trooper's original traffic stop led to the high-profile search of a Muslim mosque in an eastern state.¹⁴ This serves as an example of a missed opportunity to quickly and effectively communicate information back to the state and local agencies that could assist their officers in being better able to detect future subjects who may have a homeland security nexus. As discussed previously in reference to the Oklahoma City bombing by Timothy McVeigh, were there specific indicators available that would alert an officer to investigate further? It is important to clarify that this does not mean that the state and local agencies always need investigation details of a sensitive or classified nature. However, providing information to the agencies related to specific threats and potential identifiers of terrorist activity will increase the possible interdiction opportunities in future contacts. State and local officers must be informed and trained if they are going to be alert to similar situations.

4. 'Attitude Reflects Leadership'—Overcoming a Lack of Trust

A reverse example of the lack of trust in information sharing between local, state and federal agencies involves the Utah Criminal Information Center (UCIC). In 2003, command officers from the UCIC traveled throughout Utah meeting with police chiefs,

¹³ Author's personal knowledge and involvement as a commander with the Utah Department of Public Safety.

¹⁴ *Pittsburg-Post Gazette*, "Ex-Con Guilty in Gun Case," (April 3, 2004), <http://www.post-gazette.com/pg/07093/774749-53.stm> (accessed August 4, 2008).

sheriffs, commanders and other law enforcement officers. They made presentations regarding the resources available to local agencies if they would be willing to participate by providing information to the UCIC. The UCIC commanders explained that by providing criminal investigative information to the center, it would be entered into the FBI's databases. Despite the promotion of the UCIC services, local law enforcement agencies failed to participate to any significant degree. A common concern given by representatives of the local agencies involved their perception that investigative case information could be compromised, and that they would receive little information in return due to federal restrictions. The effort may have been better received if it had been presented as a multi-agency resource, designed to bring about federal state and local information sharing.

5. Transitioning from 'Us Verses Them' to Cooperative Policing

In March of 2008, the UCIC began transitioning from a unit that primarily served federal investigations to a state fusion center designed to provide services to all law enforcement agencies. Its name has been changed to the Utah Statewide Information and Analysis Center (SIAC), and it is being moved from its co-housed location at the FBI building to a Utah Department of Public Safety facility. Through this transition, most of the local police and sheriff agencies have committed to participating with the center and sharing information. The FBI will remain a great partner and supply personnel to the new center, but it is important to note that with these changes the level of interagency trust and cooperation with information sharing is greatly increasing.¹⁵

6. Funding Issues, Areas of Control and Consistency

The Domestic Counterterrorism portion of the National Strategy for Homeland Security begins:

The attacks of September 11 and the catastrophic loss of life and property that resulted have redefined the mission of federal, state, and local law enforcement authorities. While law enforcement agencies will continue to

¹⁵ Author's personal knowledge and involvement overseeing the development of the Utah Statewide Information and Analysis Center.

investigate and prosecute criminal activity, they should now assign priority to preventing and interdicting terrorist activity within the United States.¹⁶

Since that time, much of the nation's law enforcement homeland security endeavors have been hit and miss. Some of the successes seem to be related to the amount of continued funding that an area receives, but that funding has been less than consistent. In fiscal year 2006, DHS determined the urban area eligibility for funding based on a formula that assessed each area's relative risk of terrorism.¹⁷ Other state and local programs that were initiated when per capita homeland security funding was more available have been decreased. It seems to make sense to prepare for terrorist attacks that potentially target large metropolitan areas, as they provide opportunity for maximum impact and high body counts. However, equal consideration needs to be given to other law enforcement agencies that are able to commit to building unified systems and procedures allowing for better-shared information and coordinated enforcement. These agencies are often poised to detect terrorist activity that may be using less densely populated areas to live, plan and train.

Providing federal funding for homeland security to state and local agencies has been an evolving and difficult prospect. As previously mentioned, \$23.7 billion in homeland security grant funding has been provided to state and local government agencies. Currently, a House Homeland Security Appropriations Subcommittee is looking into tracking how billions of dollars in grant funding have been spent by state and local governments since 2002.¹⁸

¹⁶ Office of Homeland Security, *National Strategy for Homeland Security*, 25.

¹⁷ William O. Jenkins, *Homeland Security Grants: Application on Process DHS Used to Allocate Funds to Selected Urban Areas* (Washington, D.C.: United States Government Accountability Office, 2007), 1-2, <http://www.gao.gov/new.items/d07381r.pdf> (accessed March 30, 2009).

¹⁸ Chris, Strohm, "Appropriators Urge DHS to See if Grants are Improving Security," *Congress Daily*, (March 12, 2008), <http://www.nationaljournal.com/about/congressdaily> (accessed March, 28, 2008).

7. **Current Focus of HLS Creating Gaps in Interdiction and Protection from Threat**

The House Homeland Security Appropriations Subcommittee Chairman, Representative David Price said, “The grant funding equation depends on several variables, including our ability to measure and reduce risk, and on precisely how the requirements we place on our state and local partners are defined.”¹⁹ Funding that primarily considers threat and vulnerability-based metropolitan areas—without proper consideration of peripheral threats—may be missing the real potential that state patrols, rural sheriff’s offices and municipal police agencies have to provide critical information and interdict terrorist operators prior to an event. A balanced and coordinated effort needs to be achieved. Terrorist planning, training and preparation for urban area attacks are likely to take place in rural locales. If urban law enforcement preparedness plans do not incorporate the resources and potential connections developed by their more rural law enforcement counterparts, an island concept of increased homeland security around metropolitan areas may develop. This might serve to protect more significant targets but will provide fewer opportunities for successful terrorist identification and interdiction *prior* to an attack—precisely the prevention strategies that the nation needs.

The current practice of providing primary homeland security funding to the largest metropolitan police agencies (that are determined to be more likely an area of attack and vulnerability) is potentially missing many realistic opportunities for a substantial and effective homeland security-coordinated law enforcement effort. The Urban Area Security Initiatives (UASI’s) are primarily focused on homeland security issues within their metropolitan jurisdictional boundaries because of the specific grant funding mandates involved. The threat based rationale seems to serve well in a protective, response and mitigation role, but without connectivity and coordination with less threat-based state and local agencies, its true overall preventive measure may not be achieved. There are only 88,496 federal law enforcement agents and over 708,000 sworn state and local law enforcement officers in the U.S. Of the 12,666 municipal police

¹⁹ Strohm, “Appropriators Urge DHS to See if Grants are Improving Security.”

agencies, most have less than 24 sworn officers. There are 164,711 sheriff deputies and the 49 state police agencies have 56,348 sworn troopers and agents.²⁰ These numbers represent an incredible amount of police activity. With all of the traffic stops and criminal investigations taking place every day, there is still a limited sharing of real and potential homeland security information.

8. Funding Top-Down Instead of Bottom-Up Misses the Point

It is critical that a true, two-way flow of homeland security information, which allows state and local officers to recognize elements of a terrorist threat when it is encountered, needs to be established. Even with the billions of dollars applied to local, state and federal levels, most agencies are not there yet. A successful law enforcement network needs to be created that is fairly standardized in each state and is able to seamlessly breach jurisdictions and specifically-funded programs. Too often, homeland security efforts are hampered because one jurisdiction has specific funding and others are not included. Whether this is caused by grant restrictions or because one agency did not apply (due to a myriad of reasons such as time or budget constraints), it can result in inconsistent capabilities throughout regions and large gaps in communication and critical information sharing.

A separately funded homeland security initiative that overlays these individual programs and projects can be the interconnecting vehicle that ties information and strategic operations together. Such a system should be established with considerations for interaction between state and local law enforcement agencies and regional partners in adjacent states. This system should be further networked to tie the states and regions together in a national working web of homeland security that meshes easily with the day to day activity of *all* law enforcement. Again, what clearly gets in the way is that most of the contemporary homeland security models have specialized law enforcement units as the means to incorporate homeland security at the state and local levels. The specialized homeland security units, like the Joint Terrorism Task Forces, are generally designed for

²⁰ Bureau of Justice Statistics, "Law Enforcement Statistics," U.S. Department of Justice, www.ojp.usdoj.gov/bjs/lawenf.htm (accessed June 12, 2007).

limited numbers of specially-trained state and local officers to work directly with the federal agencies.²¹ These taskforces have sound purpose, but do not work to effectively share information with those officers outside of the unit. Specialized units often remain similarly isolated from the regular agency operations, and federal agencies are not exposed to the information available from wide scale day-to-day contact with the public. Therefore, the same issues will continue to manifest. The true, effective goal should be incorporating homeland security measures into what all street-level police officers do in their day-to-day pursuits of criminal activity.

9. Creating an Effective Web of Counter-Terrorism Must Involve All Agencies

An all-encompassing, patrol-oriented homeland security approach as part of regular operations creates a web effect that has the potential to be very effective at intercepting and disrupting terrorist activity. To give an example, a state trooper in Colorado stops a vehicle involved in smuggling migrant workers from Mexico into the interior United States. A check of the individual's names and/or fingerprints is submitted to the Colorado Fusion Center, which contacts the other fusion centers in the Rocky Mountain Region. One individual's fingerprint identifies him as a possible associate of a suspected member of a terrorist cell in Las Vegas, Nevada. This intelligence has been developed from local investigations. The trooper in Colorado is then cued to investigate additionally to determine if a possible homeland security incident might be taking place beyond the apparent immigration and human trafficking issues. Unfettered by federal classification restraints, Las Vegas police authorities could then provide immediate information that they have developed from their own investigation. This immediate insight would help the Colorado trooper assess the totality of the circumstances. Other agencies, such as the FBI, could now respond quickly with additional information and specialized resources if necessary. It is through identifying ways of developing efficiently operating networks and building interagency relationships that such relative terrorist connections will be made and interceded.

²¹ U.S. Department of Justice, "Joint Terrorism Task Force," U.S. Department of Justice, <http://www.usdoj.gov/jtjf> (accessed August 24, 2008).

10. Technology Supporting Intelligence Gathering

The technology already exists for this type of efficiency. The key will be overcoming the tendencies that individual states and police agencies have of creating their own and separate systems. The other important need is for the information pertaining to an individual who is being contacted by police to be immediately queried against relevant criminal and homeland security databases. Part of the problem exists because too much of the federal data analysis process is devoted to storing, analyzing and disseminating information. This can be a very costly and difficult procedure to manage, especially when one considers the vast amount of criminal justice information that is being processed by all of the state and local law enforcement agencies throughout the U.S. Better utilization of the state fusion centers as a networked resource for state and local agencies to share information regionally and nationally could provide more opportunity for discovery of terrorist activity.

11. Connecting the Dots and Eliminating the Waste of Duplication

There is a need for law enforcement officers to determine if the subject of their investigation is also being investigated by another agency so that the dots can be connected. Technology needs to be utilized to point to related databases so that officers can directly communicate information related to their separate investigations. There is also a great duplication of services by having many independent intelligence analysts simultaneously working at various centers and employed by individual agencies. A networked system that points to where related information may be located will promote better efficiency.

A large part of an intelligence analyst's job is to individually search for specific information from several potential databases that might contain information related to an investigation. A better use of resources would be for each state to have a similar and compatible information system. Instead of collecting and storing various criminal and homeland security information, these systems would create an index that linked to other existing databases containing related information. More analysts' work could be devoted to finding duplicate records at the index and associating them with individual suspect

information. Analysts could have more opportunities to find common patterns and trends as opposed to spending much of their valuable time doing the work of independently searching various data systems. Using the commonality of state fusion centers can serve as a platform for improved regional and national information sharing between state and local agencies with their federal partners being the benefactor of increased identification potential. Existing analysts from many independent agencies could be better networked to serve the larger good on a state and regional basis.

12. Homeland Security-Specific Training Needs

Homeland security-related training is another overlooked and greatly needed service that the individual states could develop and share with federal assistance. State and local police officers are well-trained in many facets of law enforcement specialties, but not homeland security. Training and equipment are provided to increase officer's potential for curbing specific threats that impact communities. The quality of training and access to information allows officers to successfully target various crimes. One poignant example would be asking a patrol officer to place an emphasis on driving under the influence (DUI) violations without providing him or her with related training. His or her likelihood for success in making DUI arrests would be minimal if he or she was not familiar with the indicators of impaired driving. Many state and local law enforcement agencies have been very successful in developing drug interdiction training for their officers. Such training teaches officers to look for indicators of drug smuggling while performing their regular traffic enforcement duties. Providing comprehensive and up-to-date homeland security-related training to all state and local police agencies is imperative to successful terrorist interdiction. Nothing more strongly can be said than that. The open communication that training brings allows officers the opportunity to realize and identify terrorist threats that may be encountered as part of their regular law enforcement duties. Sharing successful terrorist interdiction information among officers around the country would not only foster a greater appreciation for the threats, but underline their important role in prevention.

13. Following a Proven Model for Clear Change, Consistency and Accountability

While it is a difficult and daunting task to find a best-practice that will effectively eliminate all of the issues that have arisen with the current implementation of homeland security, it naturally makes sense to find proven, working, cooperative models that effectively address other issues that threaten the nation. Utilizing the lessons learned and the strengths of effective drug interdiction models, a new homeland security model can be created for effective counter-terrorism efforts across the United States and even internationally. Homeland Security Regional Cooperation Areas (HSRCA's) could greatly improve security efforts using a bottom-up approach that mirrors the drug interdiction models. For study and implementation purposes, using the Soft Systems Methodology allows opportunities for consideration of human factors that can interfere with integrating agencies and programs.

The HSRCA model, proposed later, includes utilizing performance management processes governed by members who are responsible for daily state and local law enforcement operations in various areas of the country. These administrators, if placed in a collaborative environment, will have innate abilities to implement programs into state and local jurisdictions that satisfy federal directives. There is a need for this to be accomplished in an evolving manner that promotes cooperation, collaboration and sustainable purpose. Local fusion centers are utilized as the basis for shared communication and training that is easily and consistently incorporated into the day-to-day activities of patrol officers. Despite significant differences in cultural norms that exist in agencies across the country; empowering them with the tools and information they need to build progressive homeland security programs will increase their ability and opportunity to interdict and defeat terrorist activities—thereby keeping the homeland safe from attack using a fiscally responsible and performance-accountable method.

C. SUMMARY

In conclusion, the Oklahoma City bombing and the 9/11 attacks established a definitive need for first responders to also be first preventers. Billions of dollars are being

spent in support of this effort and yet efficiency, open communication and accountability are seriously lacking. This thesis attempts to capture the realities of current issues facing homeland security. Such issues as interagency collaboration, communication, effectiveness and accountability are paramount to law enforcement's role in the homeland security mission. It also attempts to capture the true strengths of working drug interdiction models and proposes the use of HSRCAs to mirror effectiveness and improve implementation and costs by utilizing resources already in place. In addition, the thesis proposes that the use of HSRCAs could greatly increase national security while implementing a widespread cooperative spirit in homeland security where all agencies are integrally involved on a day-to-day basis. With such a model, accountability would increase exponentially resulting in more efficient use of limited federal resources.

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II. LITERATURE REVIEW

A. IMPROVEMENTS IN HOMELAND SECURITY

1. Research: The First Step to Change

Clearly, there has been an understandable outcry for improved state and local participation in homeland security since the 9/11 attacks. Fortunately, however, there have been significant improvements in some specific areas, including the advancement of state and regional fusion centers throughout the country that has prompted much discussion and led to some communication innovations. There are considerable amounts of research and writing related to state and local agencies' involvement in the nation's homeland security. Hundreds of government reports have been written and innumerable studies have been launched.

The importance of state and local agencies participating in national homeland security efforts has been discussed and included since the attacks, especially since local first responders have had to bear the responsibilities of immediately taking action after the terrorist attacks and have had to face all of the ramifications of such attacks. Since that time, state and local governments have taken on a shared responsibility in preparing for catastrophic terrorist attacks. However, it is important to note that out of necessity, the initial responsibility still falls upon local police, fire, emergency medical personnel and health agencies.²² Subsequently, they must take part in preventing attacks upon their citizens. Much has been written and proposed about this subject since then. In addition to all of the documents, a very considerable amount of testimony has been given before U.S. House of Representatives and the U.S. Senate Committees and subcommittees relating to issues of state and local involvement in homeland security. A minority staff report for the Senate Committee on Governmental Affairs starts out:

²² Randall A. Yim, *Integration of Federal, State, Local, and Private Sector Efforts Is Critical to an Effective National Strategy for Homeland Security* (2002), 2, General Accounting Office, <http://www.gao.gov/new.items/d02621t.pdf> (accessed March 30, 2009).

America's safety demands that state and local officials, especially law enforcement and public safety professionals -- our front line defenders—are fully engaged in the war against terrorism.²³

The United States Government Accountability Office has produced many reports that address state and local needs. There are currently 74 Naval Post Graduate theses or research papers that include state and local involvement in the titles or summary. This alone points to the dramatic and pressing need to include the state and local agencies in all degrees of homeland security planning and implementation.

In studying the plethora of information available on homeland security, it is important to note that it is not easy to identify one best practice. For example, important intelligence available from state, tribal and local government agencies may forewarn of another massive, future attack. Interdiction of these acts of terrorism can be accomplished through the regular, everyday activities and crime control services already offered. Successful counterterrorism efforts require that federal, state, tribal, local and private-sector entities have an effective information sharing and collaboration capability.²⁴ In 2004, the 9/11 Commission Report cited one significant lesson learned from the events of the previous three-and-a-half years is that state and local agencies are significant partners in homeland security: The new “grass roots” war against terrorism must include more connectivity between local, state and federal agencies; combining resources and intelligence for the good of all to provide the level of national and domestic security demanded by the people of the United States.²⁵

²³ United States Senate Committee on Governmental Affairs, *State and Local Officials: Still Kept in the Dark about Homeland Security*, 108th Cong., 1st sess., Minority Staff Report, (2003), 1, http://hsgac.senate.gov/public/_files/sprt10833min_hs_statelocal.pdf (accessed March 30, 2009).

²⁴ William A. Forsyth, “State and Local Intelligence Fusion Centers: An Evaluative Approach in Modeling a State Fusion Center,” (master’s thesis, Naval Post Graduate School, 2005), 2.

²⁵ National Commission on the Terrorist Attacks Upon the United States, *The 9/11 Commission Report: The Final Report of the National Commission on Terrorist Attacks Upon the United States* (New York: W.W. Norton & Company, Inc., 2004), 353-356.

2. Effective National Strategies Must be Outlined before Truly Effective National Action can be Taken

The importance of state and local agencies playing significant roles in the national homeland security effort is identified in the following:

- National Strategy for Information Sharing
- President's National Security Strategy
- National Strategy for Combating Terrorism
- National Strategy for Homeland Security

Without effective cooperation of state and local agencies, a national strategy is only a strategy and not a form of effective action. However, there must be a systematic approach to providing opportunities for state and local agencies to be involved in what was always previously considered a federal issue.

On December 16, 2005, in accordance with section 1016 of the *Intelligence Reform and Terrorism Prevention Act of 2004*, the President issued a Memorandum to Heads of Executive Departments and Agencies prescribing the guidelines and requirements in support of the creation and implementation of the Information Sharing Environment (ISE). In Guideline Two of that memo, the President stressed that “war on terror must be a national effort” and, therefore, one in which state, local, and tribal governments and the private sector are afforded appropriate opportunities to participate as full partners in the ISE. Accordingly, he directed that a common framework be developed to govern the roles and responsibilities of federal departments and agencies relating to the sharing of terrorism information, homeland security information and law enforcement information among federal departments and agencies, state, local and tribal governments and private sector entities.²⁶

Many studies have cited the inadequate successes of state and local agencies being incorporated into the federal efforts of homeland security. In 2003 a General Accounting Office (GAO) study found that the poor coordination of information sharing

²⁶ Executive Office of the President, *National Strategy for Information Sharing: Successes and Challenges in Improving Terrorism-Related Information Sharing* (Washington, D.C.: White House, 2007), 13, <http://handle.dtic.mil/100.2/ADA473664> (accessed March 30, 2009).

efforts could cause important clues regarding impending terrorist attacks to go unnoticed. It further reported that states and local agencies were not receiving adequate information and that many federal agency representatives believe that they are primarily responsible for gathering and maintaining homeland security information and concerned with sharing potentially sensitive national information with state and local agencies.²⁷ Despite some advances, there is still much progress to be made.

In other words, it is time for this homeland security to be truly considered national in nature and not simply a federal program with federal mandates. Therefore, it must include initiatives that fully and successfully take into consideration the resources, manpower, missions and availability to prevent future attacks on a basic, community-wide level that interacts from community-to-community, state-to-state and agency-to-agency, creating a true web of critical information that can stop terrorism in its tracks.

²⁷ United States General Accounting Office, *Homeland Security: Efforts to Improve Information Sharing Need to Be Strengthened* (2003), 4-5, <http://www.gao.gov/new.items/d03760.pdf> (accessed March 30, 2009).

III. METHODOLOGY

A. EXPLANATION

This thesis seeks to identify improved methods of utilizing existing resources of state and local law enforcement agencies as part of the integral overall national homeland security strategy. The goal is to examine alternative methods of applying state and local resources in a more involved and effective homeland security program. Using Soft Systems Methodology (SSM) instead of a hard systems methodology allows the study of the complexities of the systems, programs, behaviors, beliefs and cultures involved in collaboration, program design, data gathering and sharing procedures, accountability and training—already in place in existing programs. Too often, proposed programs seem very sound, but fail to achieve success because human factors such as pride, ego and protection of territory prevent the hard systems to function effectively. The soft systems human considerations of organizational design and lessons learned in this thesis could increase the nation’s opportunities to keep citizens safe from terrorist attack.

1. Defining, Prescribing and Utilizing State and Local Resources

Building an improved method of providing homeland security services by state and local law enforcement agencies should take advantage of demonstrated approaches to build stronger social, professional and technological networks with federal agencies and with the adjacent state and local agencies in a multi-state region. No longer can one expect that by providing pre-defined grant requirements to these agencies that it will eventually create an effective network and atmosphere of collaboration. State and local law enforcement agencies are very effective at applying resources towards fighting crime. Strategically applied, these resources could be equally effective in detecting and preventing terrorism. Former International Association of Chiefs of Police President Bill Berger pointed this out in testimony before the Senate Governmental Affairs Committee:

The role of state and local law enforcement agencies is not limited to responding to terrorist attacks. These agencies can and must also play a vital role in investigating and preventing future attacks. The 16,000 state

and local law enforcement agencies in the United States—and the 700,000 officers they employ—patrol the streets of our cities and towns daily and, as a result, have an intimate knowledge of those communities they serve. They have developed strong and close relationships in those communities. This unique relationship provides these agencies with a tremendous edge in effectively tracking down information related to terrorists. In addition, *police officers on everyday patrol, making traffic stops, answering calls for service, performing community policing activities, and interacting with citizens can, if properly trained in what to look for and what questions to ask, become a tremendous source of intelligence for their state and federal homeland security counterparts.*²⁸ [emphasis added]

B. SOFT SYSTEMS MANAGEMENT

Examination of programs within this thesis requires more than simply looking at systems of well-defined technical or structural applications to problems. Such systems are used for ensuring that agencies have both the money and equipment and that the equipment is interoperable so that agencies can work together, but often there is give little consideration given to social, political and cultural aspects that influence how people interact. This thesis will use a Soft Systems Methodology (SSM) to identify existing problems and develop a conceptual model that has potential for positively influencing the **human factors** that affect how independent organizations can come together effectively to target common problems.

1. Win-Win: SSM can Portray the Complexities of Effective Cooperation

The paper will use SSM to explore how federal, state and local law enforcement agencies may be successfully influenced to cooperate in achieving common goals of prevention and protection against terrorist attacks. Additionally, it will explore what designs might influence these agencies to participate collaboratively in an effective manner with consideration for flexibility and accountability. Too often, collaborative and cooperative agency participation has tried and failed through federal grant programs and

²⁸ International Association of Chiefs of Police, “IACP Testifies on Local Law Enforcement Role in Homeland Defense,” International Association of Chiefs of Police, http://iacp.org/documents/index.cfm?document_id=203&document_type_id=10&fuseaction=document (accessed August 5, 2008).

systems that are designed as a template with various compliance requirements—unfortunately with less consideration for the unique work environments that exist in various agencies, as well as in areas of a state, region or the nation.

In many cases, measures of accountability are determined by “experts” outside the area in which the program will be implemented. The designing individuals are often detached from the agencies that will carry out a mission and often even lack working knowledge of procedures, norms or professional cultures in the surrounding environment. Without having local information and perspective, the program designers must speculate on what is needed to achieve cooperation and produce a successful outcome. They may expect that overall conditions and circumstances will be uniform throughout the country. This is not the case, and it causes multiple implementation problems which continue to occur. This examination through SSM may provide future opportunities to consider local processes, professional relationships and unique agency needs when developing federal homeland security programs that intend to invite state and local law enforcement participation.

2. Choice of Design in Complex Human Situations—What will Really Work?

What one thinks of as ‘engineering’ begins when a need is established; and the engineer’s task is to provide something which literally meets the need, whether in the form of physical object or a procedure, or both. The best engineer is the one who provides with a minimum of resources a solution which both works and is aesthetically pleasing.²⁹ In order to use SSM, it’s important to understand what it is and appreciate the distinction between soft and hard systems thinking. First, let’s look at systems engineering (SE). Peter Checkland (a pioneer in SSM) gives this description:

Systems Engineering is a process of naming a system (assumed to be some complex object which exists or could exist in the real world), defining its objectives, and then using an array of techniques developed in the 1950s and 1960s to engineer the system to meet its objectives. This framework

²⁹ Peter Checkland, *Soft Systems Methodology: A 30-Year Retrospective* (West Sussex: John Wiley and Sons Ltd., 1999), 17.

was rapidly found to be poverty-stricken when faced with the complexity of human situations. It was too thin, not rich enough to deal with fizzing social complexity.³⁰

SE ignores worldviews and considers systems as things in the world that have very specific structure and objectives that can be engineered. SSM, on the other hand, allows acceptance of worldviews in a learning process that can define desirable and feasible actions to improve the considered problem situation. A hard system thinking views the world as interacting systems that can be engineered to achieve an objective. It does not consider the potential for conflicting worldviews that are part of social interaction.³¹ According to Peter Checkland, “In SSM the (social world) is taken to be very complex, problematical, mysterious, and characterized by clashes of worldview.”³²

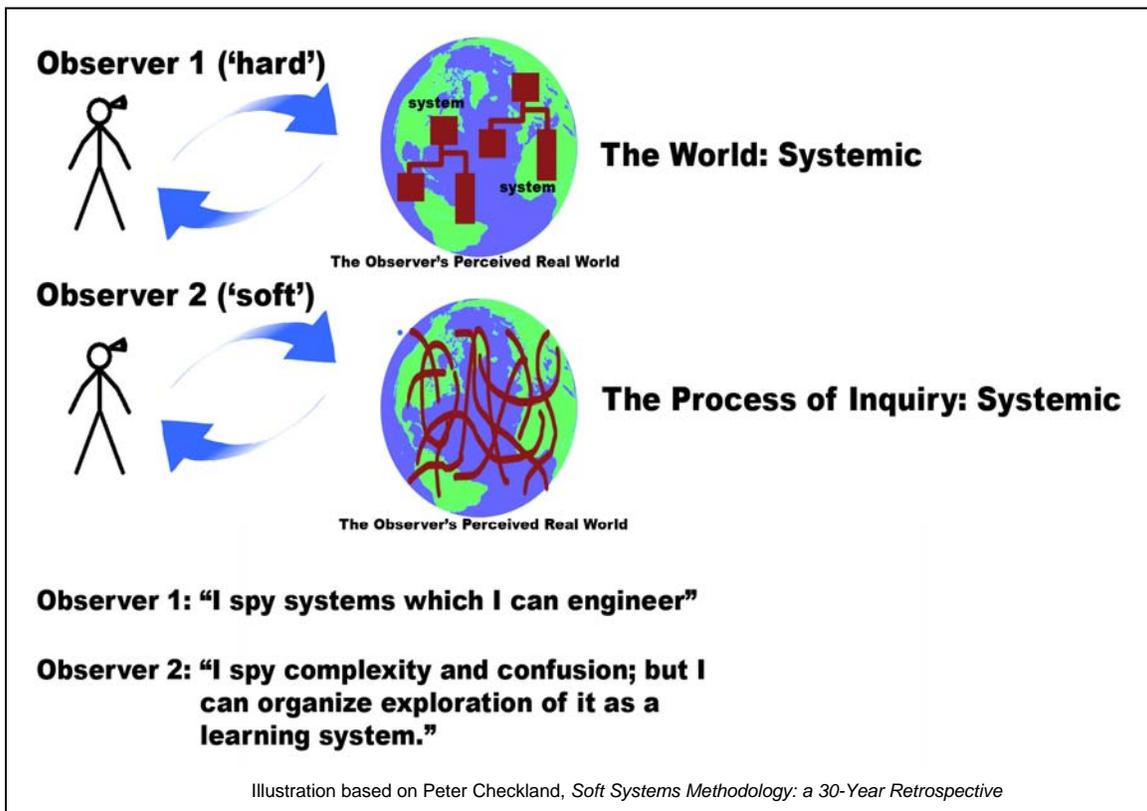


Figure 1. Soft Systems vs. Hard Systems

³⁰Peter Checkland and John Poulter, *Learning for Action: A Short Definitive Account of Soft Systems Methodology and Its Use for Practitioners, Teachers and Students* (West Sussex: John Wiley & Sons, Ltd., 2006). 17.

³¹ Ibid. 21

³² Ibid. 22.

The observer with a hard systems view of a problem will see systems that he can engineer. While an observer using a soft systems approach can look at problems that seem complex and confusing and organize its exploration as a learning system.³³

SSM looks beyond the surface and examines what may be inhibiting successful management of a project or program. As example, state and local representatives have been brought together from around the country to address the critical need to include state and local agencies in federal homeland security efforts, but an important question arises: Is including a few state and local representatives on a federal program planning committee from separated areas of the country as effective as having state and local representation from the actual areas that will be working together?³⁴ This question will be examined through evaluation of successful models that have worked for addressing similar issues.

3. Understanding the Full Nature of the Challenge: People and Practices

Achieving end goals for a specific national homeland security program should require an understanding of how agency administrators and field level officers interact within local communities, states and geographic regions of the country. Although there are common laws, policies and procedures to guide law enforcement agencies throughout the country, cultures and practices have developed that are often dissimilar. Vitaly important is the consideration of the cultures that exist within specific law enforcement communities and an understanding of how an agency's relationships have evolved. It is important to note that there is not one single organizational culture for all police. The style of policing in any community can be affected by a mixture of values and attitudes in the community.³⁵ Individual personalities of agency leaders can also influence the potential for successful interagency collaborative programs.

³³ Checkland, *Soft Systems Methodology*, A11.

³⁴ Yim, *National Preparedness*, 8-11.

³⁵ Stephen J. Harrison, "Police Organizational Culture: Using Ingrained Values to Build Positive Organizational Improvement," *Public Administration and Management: An Interactive Journal* 3, no. 2, <http://www.pamij.com/harrison.html> (accessed August 6, 2008).

With these considerations in mind, **this thesis uses SSM to identify human situations in which people can take purposeful action which is meaningful for them and apply it to well-defined objectives.**³⁶ SSM is a *qualitative* technique that can apply systems thinking to non-systemic situations. It provides a means of addressing program or situational ineffectiveness that may be influenced by social, political and human activity. This is what distinguishes SSM from other methodologies which are more suited to deal with hard problems that may often be technology oriented.³⁷ In addition, Soft Systems Methodology is ideally suited for use in situations where it is necessary to determine obstacles to a program's success. SSM is suitable for this thesis because of its potential for identifying a way of creating a paradigm shift from 'top-down' driven federal mandates to a 'bottom-up' design for state and local law enforcement homeland security applications. Peter Checkland and his colleagues at Lancaster University developed SSM in the 1960s and early on identified seven steps to the SSM process (see Figure 2):

1. Investigate the unstructured problem.
2. Express the problem through worldviews of the key stakeholders. This involves creating rich pictures with information relating to the problem situation.
3. Create and examine root definitions of relevant systems.
4. Make and test conceptual models based upon worldviews.
5. Compare conceptual models with the problem situation.
6. Identify feasible and desirable changes.
7. Take action to improve the problem situation.

³⁶ Checkland, *Soft Systems*, A7.

³⁷ Peter Weeks, "Applying Systems Thinking to Non-systemic Situations: Explanations of Soft Systems Methodology of Checkland," 12 Manage Fast Track, http://www.12manage.com/methods_checkland_soft_systems_methodology.html (accessed July 16, 2008).

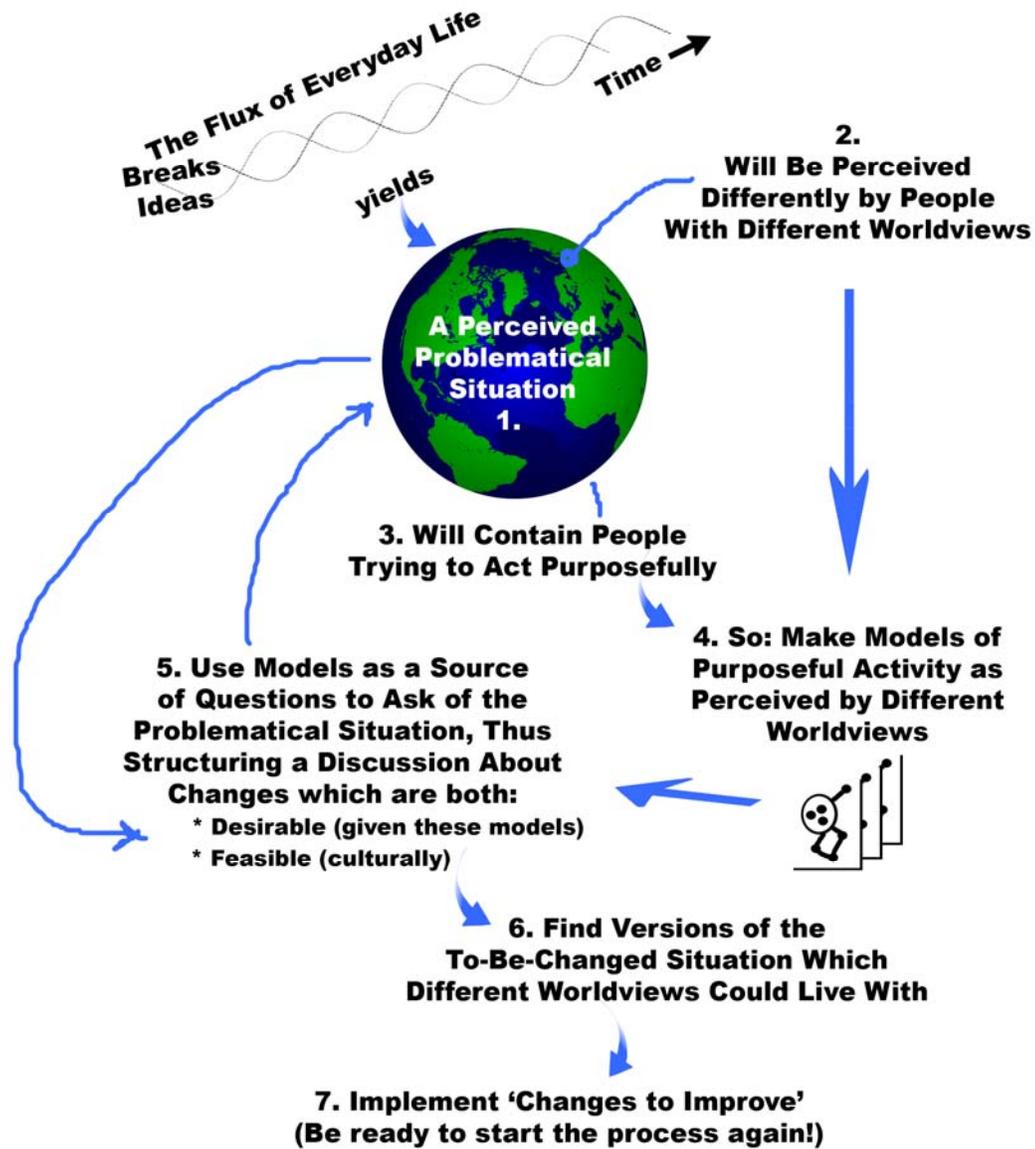


Figure 2. Soft Systems Methodology

When dealing with real-life problems involving human beings one must have flexibility. People’s decisions will be influenced by many factors including their personalities, upbringing, education, sense of pride, age, gender etc. In the human world, no situation ever plays out exactly the same. There can be many influences affecting problematical human situations. These situations can evolve and be perceived differently by the various people that are involved. According to Checkland, “SSM provides a set of

principles which can be both adopted and adapted for use in any real situation in which people are intent on taking action to improve it.”³⁸ Developing a rich picture of the problem involves looking at it from a wide range of aspects. Checkland points out, “In making a rich picture the aim is to capture, informally, the main entities, structures and viewpoints in the situation, the processes going on, the current recognized issues and any potential ones.”³⁹

In 1990, Checkland provided an updated option to use only four steps, which represented a more flexible use of SSM:

1. Find out about a problem situation, including culturally and politically.

2. Formulate some relevant purposeful activity models.

3. Debate the situation using models and seek from that debate both:

a. Changes which would improve the situation and are regarded as both desirable and culturally feasible, and

b. The accommodations between conflicting interests which will enable action-to-improve to be undertaken

4. Take action in the situation to bring about improvement⁴⁰

SSM can be very versatile and has wide application by allowing learning to take place when proceeding through examination of problematical situations towards an action to improve them. Its flexibility also allows for considerations and comparisons during research that can provide problem-solving insight that leads to defining a purposeful course of action. Instead of the classic way of doing research—in setting up a hypothesis and conducting experiments to test it—does not readily apply to the social and human situations that widely affect groups and organizations. Human situations are diverse, change through time and have conflicting world views (particularly in the case of

³⁸ Checkland and Poulter, *Learning for Action*, 6.

³⁹ *Ibid.*, 25.

⁴⁰ *Ibid.*, A-15.

homeland security: taking place across a large nation with such diverse population and geographical areas as the U.S.). SSM provides an opportunity to conduct action research by considering human situations, activity and experiences as the research object itself (see Figure 3).⁴¹

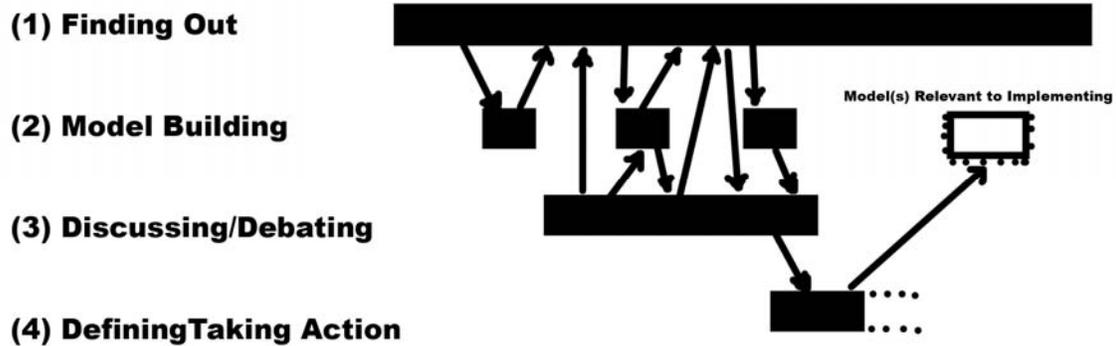


Figure 3. SSM Investigation

SSM methodology is used in this thesis to examine the current disconnects in federal, state, local and tribal homeland security efforts and seeks to identify an improved method for successfully stimulating information sharing, cooperation and collaboration among these law enforcement agencies. It examines established models that are already in effect and uses them as a basis for developing a conceptual homeland security application. The research cited here considers the human factors in **proven**, non-homeland security concepts that are used for delivering collaborative, goal-oriented federal, state and local law enforcement services.

This thesis follows the methodology described in this chapter and uses it as a tool for identifying the existing problems that fail to successfully prevent and protect and often discourages collaboration between federal, state and local law enforcement agencies. SSM allows comparison and consideration of effective models that may have application if used for homeland security purposes. Chapters IV and V provide specific insights about the strengths and weaknesses of proven, working, collaborative models that interdict another national threat: the drug trade through the Rocky Mountain corridor.

⁴¹ Checkland and Poulter, *Learning for Action*, 17.

The thesis will culminate by proposing a new, conceptual model in Chapter VI, with suggestions for improved methods for applying combined multi-agency resources towards detecting and preventing terrorism in the United States.

IV. ROCKY MOUNTAIN HIGH INTENSITY DRUG TRAFFICKING AREA MODEL (RMHIDTA)

A. THE HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) NATIONAL PROGRAM

This chapter examines the High Intensity Drug Trafficking Areas (HIDTA) and then more specifically the Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA) program. The HIDTA program was established in 1988, under the direction of the Office of National Drug Control Policy (ONDCP) through the Anti-Drug Abuse Act of 1988.⁴² This program was designed to infuse federal resources with state and local drug enforcement efforts. This targeted, cooperative and coordinated effort provides great opportunity for law enforcement teams to disrupt and dismantle drug trafficking organizations. HIDTA is credited with success because of its proven ability to break down the longstanding barriers between the state, local and federal law enforcement agencies. Each HIDTA is governed by its own executive comprised of sixteen members—eight federal members and eight state and local members. These boards facilitate interagency drug control efforts to eliminate or reduce drug threats.⁴³ The executive boards develop the specific strategies to address local and regional threats. They ensure that initiatives are developed, employed, supported and evaluated on a regular and consistent basis. These executive boards can work very well.

This cross-representation and diversification generally lends itself to a strong spirit of cooperation with less competitive distractions. In 1990, the HIDTA program received Congressional appropriation for \$25 million. It has authorized appropriations for \$260 million for fiscal year 2009.⁴⁴ The major leap in funding is due to the program

⁴² Weeks, “Applying Systems Thinking to Non-systemic Situations.

⁴³ Ibid.

⁴⁴ Office of National Drug Control Policy, “Title III-High Intensity Drug Trafficking Areas,” White House Office of National Drug Control Policy, <http://www.whitehousedrugpolicy.gov/HIDTA/statute.html> (accessed July 12, 2008).

expanding rapidly because of its *long-term, proven track record of success*. That is why this program has been selected as a model example of effective intra-agency cooperation.

HIDTAs are present in 45 states, Puerto Rico, the U.S. Virgin Islands and the District of Columbia. Each HIDTA represents a geographical region and there are 28 areas designated as HIDTAs (see Figure 4).



Figure 4. High Intensity Drug Trafficking Areas (HIDTA)

B. A MAJOR REASON FOR SUCCESS: PERFORMANCE MANAGEMENT PROCESSES

Performance management is an essential process in effectively monitoring a program such as HIDTA, and it is important to note who cultivated HIDTA’s

accountability process. In 2003, a group of HIDTA directors worked together and developed the program's Performance Management Process (PMP). The PMP documents how well each individual HIDTA annually fulfilled its commitments to ONDCP. Each of the HDTAs is required to outline certain performance goals that each intends to achieve. The PMP provides a set of standardized tables that capture key data accumulated throughout the year.⁴⁵ ONDCP cites the following performance measures as part of the HIDTA program PMP:

- The principal performance objective—disruption and dismantlement of drug trafficking organizations (DTOs)—is a reasonable proxy for reducing the supply of drugs in the United States.
- The PMP focuses on the common features of what HDTAs *actually* try to do (again, disrupt and dismantle DTOs) and not on measures the HDTAs can only *indirectly* affect; e.g., drug-related assaults.
- The PMP is flexible enough to be used for HDTAs with very different strategies, including those that attempt to disrupt smuggling operations along the southwest border, methamphetamine production in the Central Valley of California, marijuana cultivation in Appalachia or money laundering wherever it occurs.
- It is easily understood—“Tell me what you *said* you were going to achieve and then tell me what you *did achieve*.”⁴⁶

Individual HIDTA funding levels are based on their performance. Superior performance and accomplishments are recognized with continued funding at levels that support demonstrated operational needs. The HDTAs have developed in a way that has gone far beyond the benefits to the local initiatives. Information sharing and coordinated efforts have effectively tied together law enforcement and task force operations throughout states, regions and even across the country.

C. A SPECIFIC PROGRAM FOR STUDY: ROCKY MOUNTAIN HIDTA

Examining the Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA) provides an opportunity to consider facets of a multi-agency program operating in a large geographic region. Chapter VI specifically considers which aspects

⁴⁵ Office of National Drug Control Policy, “Title III-High Intensity Drug Trafficking Areas.”

⁴⁶ *Ibid.*

of RMHIDTA may have application in a homeland security mission. RMHIDTA was formed in 1996 creating a region representing law enforcement agencies from Colorado, Wyoming and Utah. Five counties from Montana were added in 2002 (see Figure 5). RMHIDTA represents the state police agencies from each of the four participating states and includes municipal and county law enforcement agencies from thirty-four counties in the region. It encompasses areas from major metropolitan cities to very rural stretches that have a sparse law enforcement presence.⁴⁷

RMHIDTA is designed to include participation in its initiatives by federal, state and local law enforcement agencies working in a fully cooperative environment. It is a program and not a government organization. All involved personnel participating in the program's initiatives remain employees of their individual agencies.

There are currently 115 different federal, state and local agencies; 495 full-time personnel; and 1,244 part-time personnel affiliated with the program and most of these are sworn, law enforcement personnel. These officers and support staff are involved in thirty-three different initiatives that are networked and supported through RMHIDTA.⁴⁸

⁴⁷ Document was provided to author by Thomas Gorman, Director of the Rocky Mountain High Intensity Drug Trafficking Area (HIDTA); Rocky Mountain HIDTA, "Rocky Mountain HIDTA On-Site Review November 1 – 5, 2004," (internal document Rocky Mountain HIDTA, Denver, Colorado, February 15, 2005), 1.

⁴⁸ *Ibid.*, 8.



Figure 5. Map of Rocky Mountain HIDTA (RMHIDTA)

1. RMHIDTA Organizational Design

a. *Strategic Mission and Objectives*

The original mission of the RMHIDTA was to enhance cooperative efforts in reducing the availability of illicit drugs within the region and nationally.

The mission has evolved and the current mission states:

The mission of the Rocky Mountain HIDTA is to support the national drug control strategy of reducing drug use. Specifically, the Rocky Mountain HIDTA's ultimate mission is to facilitate cooperation and coordination among federal, state and local drug enforcement efforts to enhance combating the drug trafficking problem locally, regionally and nationally. This mission is accomplished through intelligence-driven joint multi-agency collocated drug task forces sharing information and working cooperatively with other drug enforcement initiatives including interdiction. The aim is to reduce drug availability by eliminating or disrupting drug trafficking organizations and to improve the efficiency and effectiveness of law enforcement organizations in their efforts within HIDTA.⁴⁹

⁴⁹ Document provided to author by Thomas Gorman, Director of the Rocky Mountain HIDTA; "Rocky Mountain HIDTA 2007 Annual Report," (internal document, Rocky Mountain HIDTA, Denver, Colorado, n.d.), 6.

b. Communication Lines of Authority

(1) Executive Board: The program is then administered by an executive board that is comprised of twenty-four members and is guided by established policies and procedures. Ten members are lead federal agency administrators who are assigned within the geographic boundaries of RMHIDTA. There are fourteen state and local representatives with at least one state and one local agency representative from each state. These members are senior-level administrators from their respective agencies and the board meets at least quarterly.⁵⁰

The executive board has an elected chairperson and vice-chairperson. The chairperson serves for one year and this position alternates between a federal and state or local representative. The chairperson acts in a similar fashion as a chairperson of a corporate board of directors and the executive board the same as a corporate board.

The executive board also selects a qualified individual to serve as the director of RMHIDTA. The director reports to the executive board and also liaisons with the President's Office of National Drug Control Policy (ONDCP).

There are five standing sub-committees comprised of members of the executive board. The five sub-committees that provide oversight are:

- Intelligence
- Strategic Planning
- Budget
- Training Advisory
- Compliance

(2) State Committees: Additionally, there is a state committee for Colorado, Utah, Wyoming and Montana. The state committees are responsible for overseeing issues related to the taskforces that operate within their specific state. It is

⁵⁰ Document provided to author by Thomas Gorman, Director of the Rocky Mountain HIDTA; "Rocky Mountain HIDTA 2007 Annual Report," (internal document, Rocky Mountain HIDTA, Denver, Colorado, n.d.), 3-4.

important to note that they attempt to manage performance issues *prior* to being taken to the entire executive board, which increases accountability, responsibility and efficiency to the overall program.⁵¹

2. RMHIDTA Operational Design

THE RMHIDTA facility is located in Denver, Colorado. The office space is leased and has room for daily operations and regional coordination. The central Investigative Support Center (ISC) is located there as well and facilitates a clearinghouse of information and data from all of the cooperating agencies and other available resources.

The board travels to the RMHIDTA office to physically convene on a quarterly basis and the chairperson more often, if needed. The director handles the day-to-day operations and supervises the management team that is responsible for the administrative function of the program.

The management staff is streamlined and very efficient. For example, there is no need for a deputy director, although other HIDTAs around the country do utilize a deputy director position.⁵² There is one fiscal manager, a budget officer and an executive secretary, as well as intelligence analysts.

Having a centralized, day-to-day operation ensures that the necessary communication with all of the project and initiatives and board members takes place in a consistent manner and creates a central point for program guidance

3. Data Gathering

The RMHIDTA has developed a strategy for addressing the drug problems in the region that is based on the threats, personnel resources, fiscal resources and past performance. They have been very effective by having existing taskforces modify their

⁵¹ “Rocky Mountain HIDTA On-Site Review,” 4.

⁵² Document provided to author by Thomas Gorman, Director of the Rocky Mountain HIDTA; “Rocky Mountain HIDTA Policy and Procedure Manual,” (internal document, Rocky Mountain HIDTA, Denver, Colorado, n.d.), 3-9.

focus to meet changing threats. The executive board and director keep personnel and resources targeted at the most significant threats facing the communities in the region.⁵³

Threat assessments are produced by the National Drug Intelligence Center. It obtains information from law enforcement agency's responses to the National Drug Threat Survey and interviews with drug unit commanders and gathers information from emergency admissions and treatment programs.⁵⁴ A threat assessment was conducted when the RMHIDTA was established in 1996. Per policy, a threat assessment is conducted annually with input from all of the initiatives participating in the program. The initiatives represent the various taskforces and units that receive HIDTA funding. The threat assessments center on the drug trade and the gang violence that is associated with it.

Officers on duty from all participating multi-agency task forces report real-time not only to their own departments but also to the Investigative Support Center (ISC). Reports, notifications and electronic data transfers are also given to the analysts for a broader perspective, enabling them to observe trends and disseminate intelligence to all of the regional participants.

4. Information and Intelligence Sharing

A prime component of the RMHIDTA is its Intelligence Sub-System. This is managed and coordinated through the ISC. The RMHIDTA ISC is located in Denver, Colorado. There is a satellite ISC in Salt Lake City, Utah and a Criminal Intelligence Team in Cheyenne, Wyoming. These units are part of the overall strategy and intelligence initiative. The 2005 ONDCP On-site Review indicated, at the time, there was limited coordination between these units and recommended that RMHIDTA develop better methods of coordination.⁵⁵

⁵³ "Rocky Mountain HIDTA 2007 Annual Report," 7.

⁵⁴ Document provided to author by Thomas Gorman, Director of Rocky Mountain HIDTA; "Rocky Mountain HIDTA 2009 Strategy Report," (internal document, Rocky Mountain HIDTA, Denver, Colorado, n.d.), 3.

⁵⁵ "Rocky Mountain HIDTA On-Site Review," 32.

One model worthy of review as a super-effective intelligence sharing platform is the El Paso Intelligence Center (EPIC), which was designed to collect and disseminate information relating to drug, alien and weapon smuggling in support of field enforcement entities throughout the Southwest region. EPIC began as an entity to monitor and interdict the drug trade through Mexico, but now effectively gathers from and disseminates information to federal agencies, all 50 states, the District of Columbia, Canada, Puerto Rico, the U.S. Virgin Islands and Guam, in addition to supporting law enforcement efforts conducted by foreign counterparts throughout the world. After 9/11 in response to increased multiagency needs, EPIC developed into a fully coordinated, tactical intelligence center supported by databases and resources from member agencies.

The ISCs within RMHIDTA have sought to learn from EPIC and coordinate efforts and intelligence in a similar fashion, including budgeting. The three state units are all part of one intelligence initiative. The executive board, director and taskforce commanders have all demonstrated additional committed support for these intelligence units. There are thirteen analytical positions assigned to this initiative. The ISC has implemented an Investigative Analyst Training and Development Assessment process to ensure that personnel are able to increase their skill level and expertise.⁵⁶

The 2005 ONDCP On-site Review Report highlighted some significant findings that help describe the program and its effectiveness. It noted that the taskforces of RMHIDTA are attentive to local and regional drug trafficking patterns while being significantly involved in cases that are tied into other parts of the country. According to a 2004 ONDCP RMHIDTA On-Site Review, “Such a network of enforcement activity, along with its intelligence collection and sharing emphasis, allows RMHIDTA to state that it is progressing toward achieving its mission.”⁵⁷ This review also mentioned that historically federal resources and personnel are not particularly prevalent or welcomed in the law enforcement culture of this region. It cites this skepticism for federal presence as an even more remarkable consideration in the success that RMHIDTA has achieved in

⁵⁶ “Rocky Mountain HIDTA On-Site Review,” 25-27.

⁵⁷ *Ibid.*, 93

bringing forth interagency cooperation and coordination.⁵⁸ The RMHIDTA genuinely promotes a collegial concept among the agencies through its representation on the executive board. It has been very successful in leveraging its federal funding by having participating agencies step forward and provide personnel and resources towards the initiatives.⁵⁹

5. Accountability—Performance & Resource Management

In 2004, The HIDTA program initiated a performance measurement program to assess each HIDTA's effectiveness and efficiency in impacting illegal drugs. The strategy and goals are related to dismantling and disrupting drug trafficking organizations. The RMHIDTA Executive Board, along with the Director evaluates the threat assessments and develops the strategy, initiatives, and budgets for the program. They are also responsible for ensuring accountability throughout the initiatives and to take appropriate action if any aspect fails to perform to the established standards.

A 2005 ONDCP Review of the RMHIDTA recommended that the executive board members "institute a formalized evaluative process event/meeting in order to memorialize its decisions concerning its assessment of each initiative's projected production, current level of achievement, existing structure and mission, and attentiveness to guidelines."⁶⁰ This is accomplished through a process of reviews that include: 1) analyzing statistical reports, 2) conducting and analyzing internal review reports and 3) budget review committee assessments. On occasion, some of the taskforce commanders appear before the board to make presentations. The ONDCP Review also noted that the executive board members were very knowledgeable of the HIDTA program and concept. The executive board was also recognized for being actively involved and providing oversight and direction to the initiative's personnel. In addition,

⁵⁸ "Rocky Mountain HIDTA On-Site Review," 93.

⁵⁹ *Ibid.*, 94.

⁶⁰ "Rocky Mountain HIDTA On-Site Review," 4.

the review also credited the level of communication that exists between all participants. It is through this process that the executive board ensures that HIDTA's performance based budgeting policy is being adhered to.⁶¹

It is important to understand the value of communication within the administration of the RMHIDTA. Internal reviews are a process that facilitates efficiency and accountability. These reviews are part of the ONDCP/HIDTA program policy and budget guidance requirements. RMHIDTA internal reviews fall under two categories, fiscal and operational. The fiscal manager and budget officer make onsite visits to each initiative and its fiduciary at least once every two years. Maintaining accountability for all purchased equipment by the RMHIDTA is at the forefront of this administrative process. Property reconciliations are conducted during these visits, and each initiative is required to maintain strict accounting for all property. If assets are no longer needed, the individual initiative will make them available to other RMHIDTA partners. Additionally, equipment can be borrowed between initiatives on occasion. The intent of these internal reviews is to ensure that the director and his staff have a close relationship with each initiative commander and thorough understanding of their initiative. They help ensure that all are in compliance with HIDTA policies and are meeting the expectations of the executive board. Any deficiencies are documented in a report with the corrective action outlined and presented to the executive board by the director.⁶²

Management of the federal funds provided to RMHIDTA is a vital task. It involves taking a set amount of funding for the entire regional program and applying it where it will have the most influence and effect towards accomplishing the overall goals. It takes continuous maintenance and monitoring to ensure that the performance based budgeting is being applied appropriately. The current and only director of RMHIDTA has a great deal of experience and thorough understanding of narcotics investigations. He is very involved in the process for which each initiative submits its annual budget requests

⁶¹ "Rocky Mountain HIDTA On-Site Review," 3-5.

⁶² "Rocky Mountain HIDTA On-Site Review," 8.

and justifications. The director gives guidance to the various taskforce commanders in preparing their annual initiative draft proposals. The 2005 ONDCP On-Site Review provides information on how the process works:

There are multiple layers in the budgeting and reprogramming processes of RMHIDTA. Initiative/taskforce commanders submit their annual initiative proposal directly to the HIDTA director's office. The director and staff review each request and make comments and recommendations that are sent to the initiative/taskforce commanders for their rebuttal. The original request, director and staff recommendations, as well as the rebuttals, are then distributed to the appropriate state budget committee, which consists of board members from their respective state. The state budget committees meet and come to a final consensus on how they feel the money should be distributed to achieve their goals and address the threat in that state. The state budget committee recommendations are then passed along to the overall Executive Board Budget Sub-Committee. This committee is a compilation of the individual state budget committees. They also review all prior stages and make a final recommendation to the entire executive board. The executive board is the final approval stage prior to submission to ONDCP.⁶³

6. Training

An important subsystem of RMHIDTA is its training initiative. The training program is submitted as a separate initiative each year. In the RMHIDTA budget in the fiscal year 2005, 5.56 percent was dedicated to providing related training to officers throughout the region. This reflects the importance of providing significant training opportunities in support of the initiatives and the program. All four states have representatives on a training sub-committee. They meet annually to select and schedule the training for the next year.⁶⁴

The training program is very well-run and provides elements of expertise that officers can apply directly to their narcotics investigation and interdiction work. The training team consists of a full-time training coordinator and two assistant training coordinators. The success of this program and its cooperative approach is reflected in

⁶³ "Rocky Mountain HIDTA On-Site Review," 9-14.

⁶⁴ *Ibid.*, 91.

how it is coordinated with other training programs and participating agencies. These agencies regularly provide instructors. The training is designed to be timely and to specifically meet the needs of the participating agencies, including officers and analysts. The courses provided through RMHIDTA are well-attended. It is a very innovative program that complements the cooperative enforcement efforts of the RMHIDTA.⁶⁵

⁶⁵ “Rocky Mountain HIDTA On-Site Review,” 92.

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V. THE ROCKY MOUNTAIN HIGHWAY PATROL NETWORK

The Rocky Mountain Highway Patrol Network (RMHPN) is a joint criminal interdiction effort between the state police agencies in Utah, Montana, Wyoming and Colorado. It began in March of 2001 when the state police agencies of Utah, Wyoming and Colorado entered into a memorandum of understanding to participate in an inter-agency effort through coordinated RMHIDTA initiatives. These states each had law enforcement canine programs and similar operational needs related to criminal drug interdiction. In January of 2005, the Montana Highway Patrol joined the network.

The collaboration and effectiveness of RMHIDTA inspired the opportunity to coordinate the resources of these state law enforcement agencies to create a more efficient highway patrol network. The RMHPN has become the original model for the rest of the country, and many HIDTAs have now incorporated state police networks.

A. STRUCTURE AND DESIGN

1. RMHPN Organizational Design

a. Strategic Mission and Objectives

The RMHPN's main emphasis targets drug trafficking organizations (DTOs) that operate in and throughout the region. The cooperative agreement emphasized that the effort is intended to increase communication between the participating state police agencies; increase drug trafficking arrest rates; increase prosecution and conviction rates for drug traffickers and their organizations and has led to other opportunities to interdict criminal activity. This was the first collaborative project to link highway patrol agencies for this purpose.⁶⁶

⁶⁶ Document provided to author by Thomas Gorman, Director of Rocky Mountain HIDTA; "Rocky Mountain Highway Patrol Network Fact Sheet," (internal document, Rocky Mountain HIDTA, Denver, Colorado, January 19, 2006), 1.

2. RMHN Operational Design

The Rocky Mountain Highway Patrol Network is comprised of federal, state and local law enforcement agencies from the states of Colorado, Wyoming, Utah and Montana. On the state and local side, the executive board consists of chiefs, sheriffs and state police commissioners from all four states. The federal members of the board are U.S. attorneys and senior agency administrators from within the states and regions represented. This group has been very successful in providing guidance and funding to the various taskforces and initiatives within RMHIDTA. They have created a working environment that promotes cooperation. Regional coordination in drug crime investigations and information sharing is a primary objective. The HIDTA program as a whole expands the potential to network with law enforcement agencies throughout the country.

Each state police agency has a command-level officer that regularly communicates and coordinates with peers from the other agencies. These commanders meet quarterly as a guiding committee to coordinate information sharing, training, equipment purchases, trends, projects, tactical operations and regional intelligence. These commanders follow the overall guidance and directives of the RMHIDTA Executive Board and set subsequent RMHPN initiative goals. They are responsible for developing strategies for applying these state law enforcement agency's resources with other state and local drug taskforces, as well as working closely with federal agency partners within RMHIDTA. This is an effective way of connecting these agencies through established channels of communication and coordination.

3. Data Gathering

The RMHPN utilizes the ISC for information gathering, basically using the same system as the RMHIDTA in that officers collect information to give to their own agencies as well as the coordinating office at the ISC in Denver.

4. Information and Intelligence Sharing

Linking criminal activity related to the drug trade that takes place across adjacent borders has become very effective in the Rocky Mountain region. The state troopers also have secure websites that they have developed for sharing information related to their stops. Interdiction officers from local agencies also participate. Information is shared regarding trends, methods of concealment, officer safety alerts and considerable amounts of other information that increases the effectiveness of all interdiction officers. This increases the likelihood that national and international drug trafficking organizations will be identified and interdicted as they operate across state lines. Engaged law enforcement officers from each state individually share arrest information in real time with each other through these secure, web-based networks. Arrest and intelligence information from all four states is shared nationally through a monthly RMHPN bulletin and various national information and intelligence systems. This practice allows all federal, state, tribal and local officers and agencies to observe trends and identify possible drug-related activity when it is encountered.⁶⁷

The RMHPN uses the RMHIDTA Investigative Support Center (ISC) to support its information sharing role. Information is shared with all officers in the RMHIDTA region and throughout the country through formal and more informal networks. The ISC has a dedicated interdiction intelligence analyst that is assigned directly to support the RMHPN. The required actions of officers and analysts are established through policies and procedures. The involved highway patrol officers from the four states are regularly arresting narcotics traffickers and seizing drugs and cash. State or RMHIDTA taskforce investigators assist in the follow-up investigations and secure related evidence in the form of pocket trash, hotel and gas receipts, telephone numbers, cell phones, documents etc. This evidence can be used to establish connections to other investigations of drug trafficking organizations. These officers are then responsible for completing a detailed report and immediately sending it to the intelligence analyst at the ISC.

⁶⁷ Rocky Mountain Highway Patrol Network Fact Sheet, 1; author's personal knowledge and involvement.

The intelligence analyst assists the investigators in determining where the drug loads originated and where they are destined. When these areas are identified, contact is made with the HIDTA and local law enforcement agency or drug taskforce to share information. The ISC then sends the information to the Federal Drug Enforcement Administration (DEA) so that it can be entered into their database at the El Paso Intelligence Center (EPIC). This is done to connect the drug courier and load to investigations that may be taking place in other parts of the country. The intelligence analyst has the responsibility to ensure that the information exchange takes place, to receive related information and report back to the officers. Additionally, the ISC intelligence analyst compiles and publishes a weekly RMHPN intelligence bulletin that is available to state, local and federal officers nationwide and in Canada. This bulletin contains information from the RMHPN officers regarding activity related to significant drug and cash seizures, methods of concealment, officer safety, packaging, routing, trends and any other information that could benefit officers within the RMHPN or elsewhere. This has resulted in much information being directed back to the analysts and officers.⁶⁸

5. Accountability—Performance and Resource Management

The four state police agencies (as a whole) receive federal drug enforcement funding to enhance their effectiveness—both individually and collectively. They also leverage agency assets to ensure maximum advantage to their program.⁶⁹ Each agency is responsible for managing its individual budgets. Emphasis is placed on coordinating resources and activity to reduce costs and enhance effectiveness.

For example, when command level officers from each agency assess various equipment and training needs to determine the acquisitions most suited for their specific applications, they come together to also determine the highest good for the region as a

⁶⁸ Document provided to author by Thomas Gorman, Director of Rocky Mountain HIDTA; Thomas Gorman, 2006 National HIDTA Outstanding Interdiction Effort Award Nomination (internal document, National HIDTA Board, n.d.).

⁶⁹ Document provided to author by Thomas Gorman, Director of Rocky Mountain HIDTA; Rocky Mountain HIDTA, “Rocky Mountain Highway Patrol Network Operating Policy” (internal document, Rocky Mountain HIDTA, Denver, Colorado, n.d.).

whole, and are able to collectively gain purchasing power by combining resources. This also ensures inter-operability of the systems used between agencies.

The RMHPN, as one of the RMHIDTA initiatives, is responsible for meeting its own performance measurements. Failure to do so can result in reduced funding or redirection of resources. The implementation of these performance measurements has enhanced each department's opportunities to target drug trafficking organizations through communication and coordinated regional projects.

6. Training

In addition, the committee of command level representatives from each state police agency designs training and equipment allocation plans that complement their overall interdiction efforts. Money is spent for specialized training courses where each state is able to send its officers. This high level of training ensures that all officers have consistent instruction and operate in a fashion that allows for better coordination on joint projects. This consistent training has resulted in fewer complaints and improved case law.

B. A PROVEN PROGRAM, A PROVEN STRATEGY

It is easy to see why such a cooperative program as RMHPN will not only continue to operate but also continue to receive the level of funding needed for such effective operations.

In 2006, the RMHPN was awarded the National HIDTA Award for Outstanding Narcotics Interdiction Unit. The following information highlights the effectiveness of this four state interdiction team during that one-year award evaluation period (see Table 1).

Table 1. Narcotics Interdiction

7,600 lbs of marijuana	501 felony arrests
754 lbs of cocaine	1.7 million dollars of U.S. currency
5 lbs of tar heroin	\$900,000 worth of stolen property
200 lbs of methamphetamine	18 submachine guns, 11 handguns and numerous rifles and shotguns
17 lbs of ecstasy	145 seized vehicles with 43 containing false compartments

RMHIDTA Director Tom Gorman nominated this team for the award. In his nomination, Director Gorman states:

One of the primary goals of the RMHPN is to tie the interdiction seizures into on going investigations throughout the United States. This effort has been successful. Annually, the program averages 150 “hand off” cases for follow up to HIDTA Task Force or DEA. The follow up has resulted in information exchange with 146 agencies where significant loads originated, and 139 agencies where significant loads were destined involving 34 different states. Evidence discovered during the stops has assisted task forces and agencies throughout the country that have targeted drug trafficking organizations.⁷⁰

RMHPN and RMHIDTA were both highlighted in this thesis specifically for their design, structure, success in collaboration and overall effectiveness as best-practice examples. The strengths of these programs and suggestions for improvements have been carried forward into the conceptual homeland security model that will be discussed in part B of the following chapter.

⁷⁰ Document provided to author by Thomas Gorman, Director of Mountain HIDTA; Rocky Mountain HIDTA, “Director Thomas Gorman’s Nomination of the Rocky Mountain Highway Patrol Network for 2006 National HIDTA Drug Task Force Award” (internal document, Rocky Mountain HIDTA, Denver, Colorado, n.d.).

VI. HRSCA: CONCEPTUAL HOMELAND SECURITY MODEL

This thesis has outlined the importance of change in the way homeland security is handled. It has also illustrated some powerful examples of best-practice programs that deserve recognition for their ability to create in drug interdiction what has yet to be created for homeland security: accountability and widespread cooperation between agencies. A summit or meeting of the minds would be critical to develop consensus on change. A model program at least as strong as the one proposed in this chapter would be an ideal platform from which to launch change, which facilitates national law enforcement cooperation, enhances two-way flow of intelligence and supports the maximum use of available resources for effective terrorist suppression and interdiction.

A. NATIONAL CONSIDERATIONS

State and local law enforcement agencies have been part of the national homeland security effort since the terrorist attacks of 9/11. The National Strategy for Homeland Security has emphasized the role of law enforcement as a key element for preventing and interdicting terrorist activity throughout the United States.⁷¹ Despite progressive efforts, the primary means for directing and driving homeland security at the state and local levels have been through federal grants with specific guidance and requirements. U.S. Department of Homeland Security Undersecretary George Foresman is quoted as saying that states should not be judged by how much grant money they have spent or how fast they have expended it. Instead, success should be judged by the quality of their programs and the extent to which they have supported and improved upon interagency and intergovernmental coordination and collaboration throughout the program development and implementation process in order to achieve a safer community.⁷² This conceptual model proposes a way to accomplish this goal in a unique fashion that has a structure with proven success.

⁷¹ Office of Homeland Security, *National Strategy for Homeland Security*, 25.

⁷² James M. Thomas, "Testimony before Senate Committee on Homeland Security and Governmental Affairs," (January 9, 2007), 1, Senate Committee on Homeland Security and Government Affairs, http://hsgac.senate.gov/public/_files/010907Thomas.pdf (accessed March 30, 2009).

1. Getting Real with Funding Issues and Effective Solutions

Although federal grant requirements have emphasized interoperability and cooperation, the method of delivery may have resulted in many cases where agencies obtained funding for resources that primarily benefit uses other than collaborative counterterrorism efforts. William Jenkins, the Government Accounting Office's (GAO) Director of Homeland Security and Justice Issues stated, "We still know little about how states have used federal funds to build their capabilities or reduce risks."⁷³ There remains a need to create a method of delivering federal homeland security funding in a way that is measured and allows individual state and local law enforcement agencies to participate cooperatively in the project's design and is directed towards realistic attainable goals that can be accounted for. These agencies are best suited to develop programs and projects in a manner that is tied to their existing working environments and based on realistic circumstances that they understand best. *There are effective ways to create local, state and regional cooperative inter-agency working environments.* Such a design can lead to more accountability and measured success. Existing models used for other law enforcement missions have presented several positive features that can directly translate into homeland security applications. It is possible that hybrid variations may be viable, especially in creating a more effective information sharing network.

2. Creating Win-Win Communication Through Win-Win Programs and Nationally Consistent Priorities

All state and local law enforcement agencies will not view opportunities to contribute to the national homeland security effort in the same way. Each agency is administered by command staffs that hold varying viewpoints and historical perspectives, yet they hold in common certain interests and capabilities. There is much public safety benefit available through cooperative working environments. As example, the command staff of the Denver, Colorado Police Department (Denver P.D.) may have different homeland security priorities, considerations, approaches and perspectives than their counterparts in the Salt Lake City, Utah Police Department (SLCPD), yet both have in

⁷³ Strohm, "Appropriators Urge DHS to See if Grants are Improving Security."

common incidents and responsibilities that can benefit each through regular sharing information. Once the available federal information is included, then that shared information allows these agencies to achieve situational awareness within their state and at a regional level. It also creates opportunities for developing best practices and offering mutual aid. The SLCPD has worked and continues to work with the Utah Department of Public Safety (Utah DPS) on projects of mutual benefit, including an Urban Area Security Initiative (UASI) and the 2002 Winter Olympic Games. Denver P.D. has a similar working relationship with the divisions of the Colorado Department of Public Safety and most recently provided safety and security to the city during the 2008 Democratic National Convention.

These state public safety agencies operate their state information fusion centers for the benefit of all agencies in their state. Relationships between the state fusion centers and the local and federal agencies are generally established and ripe for further development under a collaborative construct. Additionally, the various state and local police agencies of Utah and Colorado participate with their counterparts in the Rocky Mountain States as part of a regional approach to specifically targeting drug crime reduction in the HIDTA program. These agencies are brought together in a significantly non-competitive atmosphere of cooperation. Creating *win-win* situations is prominent. The common theme becomes regional information sharing and collaborations. These commonalities between agencies from adjacent states open doors for relationship building and in developing effective ways of managing specific problems that benefit all of the involved agencies at a regional level.

Such an environment allows for improved internal and external efficiency of operation. Such collaborations are not often possible when federally funded programs are presented in a *one size fits all* manner. State and local police agencies need to be a part of the design and goal setting process. This creates buy-in and allows them to leverage their existing resources, capabilities, interagency relationships and then apply them to a homeland security mission within their geographic area of responsibility.

3. Inter-Agency Cooperation on all Levels is Paramount

Operating as part of a regional team approach with federal agency participation creates opportunities for all involved agencies to be involved in the specific design, implementation and management of the interagency program or project. This will increase opportunities for focused and long-term success. A program template that is solely designed by a federal agency without benefit of direct state and local input from the officials who are in the specific areas that it will be implemented, significantly lacks information and insight that can lead to long-term success. Having random state and local representatives on a DHS program committee has value for creating general national guidelines. To have that program fit each state and region in an effective manner requires federal, state and local representatives who reside in the region to participate collaboratively in the design and management. Each state and geographical region of the country has special circumstances and pre-existing relationships that need to be exploited when developing realistic and long-term methods of delivering homeland security services at the state and local levels.

The Federal Bureau of Investigation and U.S. Department of Homeland Security are not structured to best design a homeland security program or project for state and local law enforcement agencies to participate in. The federal agencies need to contribute to state, local and regional homeland security projects, but their main strategic contributions should come from representatives who are locally assigned and understanding of the interagency cultures, resources and capabilities that exist. The same would hold true that a state police department is not best suited to effectively design a program for addressing a specific crime problem within a city's jurisdiction.

The agency closest to the problem is best informed and positioned to understand what is needed. If placed in a collaborative and non-competitive environment, the additional resources made available from the federal, state and adjacent local agencies can be applied to addressing specific public safety issue which may carry over into other jurisdictions. This approach helps prevent the problem from simply migrating to another jurisdiction as pressure is applied by one agency independently, and it helps create a

situational awareness for all involved. There are many crimes and potential terrorist affiliations that may overlap jurisdictional boundaries or be large enough that the local agency will need other agency's assistance.

The local police department will intimately know its population, geography, resources and capabilities. Yet, in a working environment that facilitates communication and cooperation, the federal, state and other adjacent local agencies can come together and help design a project that responds to the specific problem in a manner that is not effectively possible by the local agency itself. This allows the resources and expertise available from all agencies to act as a force multiplier. The resulting product benefits each agency's missions and performance of the required tasks is achieved with higher efficiency.

The public benefits when all agencies are able to maintain more safe and secure jurisdictional environments. This cannot be accomplished through forced collaborations and broad mandates. It must be created through effective communication, evaluation of specific intelligence and the careful designing of the project by representatives of the involved agencies. The closer they are to the problem, the clearer they can see it.

The following example is used to emphasize the importance for the potential of a successful federal, state and local homeland security program that it be created in a manner that promotes cooperation in a shared power and shared responsibility way. Individual state and local resources need to be applied in a manner that focuses on common goals and that complement federal goals and efforts. As an example, the Utah Department of Public Safety participates in federal highway safety grants that are administered in a manner that allows state and local highway safety stakeholders to deliver programs in a common geographical area. These *complement* each other and are largely not competitive. Sometimes the projects are in full cooperation, such as a cooperative DUI checkpoint manned by multiple agencies, and other times they involve a coordinated effort such as a high-visibility statewide media and enforcement campaign to encourage seatbelt usage.

Homeland security must be approached in a manner that connects federal, state and local law enforcement agencies in a similar complementary method, one that provides opportunity for state and local agencies to craft a homeland security product that works in close conjunction with all allied agencies and reduces the sense of competition. It needs to be done in a manner that provides sustainable returns in the form of common equipment, training, coordinated projects, improved information sharing and trusted relationships.

4. First Things First: Coming Together

A first step towards coordination should involve a summit meeting of all of the state police commanders and state homeland security directors of the United States. It is realistic that these state agency leaders can come together with their federal partners for a meeting of the minds. This group is empowered and manageable enough in size to have the potential to enter into agreements that can result in improved information sharing and connectivity between each state's information fusion centers. Development of common information-sharing systems that serve each state's fusion centers individually and collectively, while tying into the federal systems, must be identified.

This platform is needed to develop successful regional homeland security components. Such a state-to-state interconnected system would be able to more efficiently partner with the federal agencies and complement their databases. The concept requires agreements that provide clarity in developing common data information sharing systems that allow information from field officers to reach points that have global perspective. It is envisioned that such a system would satisfy the needs of each host state, yet be networked in real-time with the other participating states regionally and nationally.

Instead of having one central repository for all homeland security information, a system can be designed to index information and direct queries to state's that have relevant information that is available. Each state continues to operate databases in compliance with its own laws and procedures, but the linked intrastate information can be shared with other legitimate law enforcement agencies throughout the country via a state to state processes. *Ideally, each state, local and tribal police agency needs to be linked to*

their state fusion center for two-way sharing of information and intelligence. Fusion centers can then be directly linked to each other and significantly increase law enforcement opportunities to identify criminal and terrorist activity that transcends jurisdictions. The end goal should be that each state has compatible systems that allow for real-time sharing of information among all state police managed fusion centers.

5. Remembering the Vital Importance of Training Consistency & Excellence

Relevant homeland security-related training for state and local law enforcement officers is another overlooked and greatly needed resource. Intelligence led police training is vital along with other homeland security strategic and tactical applications. State and local police officers are well-trained in many facets of law enforcement specialties.

One poignant example would be a patrol officer who has minimum opportunity for success in driving under the influence arrests if he is not familiar with the indicators of impaired driving. Another is drug interdiction training. As described in previous chapters, state and local law enforcement have been very successful in developing training for their officers that is reflective of circumstances that they might encounter while on duty.

Providing comprehensive and up-to-date homeland security-related training to all state and local police agencies is imperative to successful terrorist interdiction. The more intelligence that is provided, along with training, will allow more officers the opportunity to realize and identify terrorist threats that may be encountered as part of their regular law enforcement duties. Sharing successful terrorist interdiction information among officers around the country would not only foster a greater appreciation for the threats, but underline their imperative role in prevention.

B. CONCEPTUAL NATIONAL MODEL

In previous chapters, the thesis examined the following programs: National High Intensity Drug Trafficking Areas (HIDTA) and its regional sub-components, the Rocky

Mountain High Intensity Drug Trafficking Area (RMHIDTA) and Rocky Mountain Highway Patrol Network (RMHPN). From these examinations, a conceptual model can be developed for improving communication, cooperation and effectiveness of homeland security related services by federal, state and local agencies. These models, used as a guide for developing this conceptual model, will build infinitely more involved and effective state and local homeland security strategies. The emphasis will be on improving the awareness and participation of state and local law enforcement agencies while providing cooperative focus and accountability for individual projects.

This national model program, Homeland Security Regional Cooperation Areas (HSRCA's), will be designed to enhance the investigative and preventive measures that can be applied through increased state and local participation. It is not necessarily a threat-based program, although national and regional threats must be incorporated. Much of the threat-based initiatives are addressed through the current State Homeland Security Grant Program and the Urban Area Security Initiatives.

This concept involves a prevention program that will maximize the potential for protecting the public by increasing the amount of information and intelligence made available to and from state and local officers. It will increase the expertise of these officers and reap benefits from increased amounts of homeland security related information being gleaned from their contacts and investigations. The overarching goal is to create a regional approach to homeland security that can be individualized, yet duplicated in other connecting regions of the country. These regions will be tied together in a national network with their federal agency partners.

To begin the process, a foundational structure was outlined that served as the platform for building a robust state and local law enforcement homeland security capability. In emphasizing the need for more *ground-up* verses a *top down* approach to addressing the problems identified in Chapter I, elements of the National HIDTA Model, which was outlined in Chapter IV, were used to develop this concept.

Congress should establish and fund within the U.S. Department of Homeland Security (DHS), *a national program with regional components* that can be designed for

the purpose of more effectively and efficiently incorporating state and local law enforcement agencies into the national homeland security mission. This should be done in a manner that ensures the responsible use of federal funding without requiring a direct relationship with any federal agency. This means that although federal funding is used, the regional team will not simply operate to satisfy pre-determined federal mandates. The federal relationship for designing regional programs will instead come from local representatives who participate as equal members with state and local agencies as part of a collaborative team (see Figure 6).

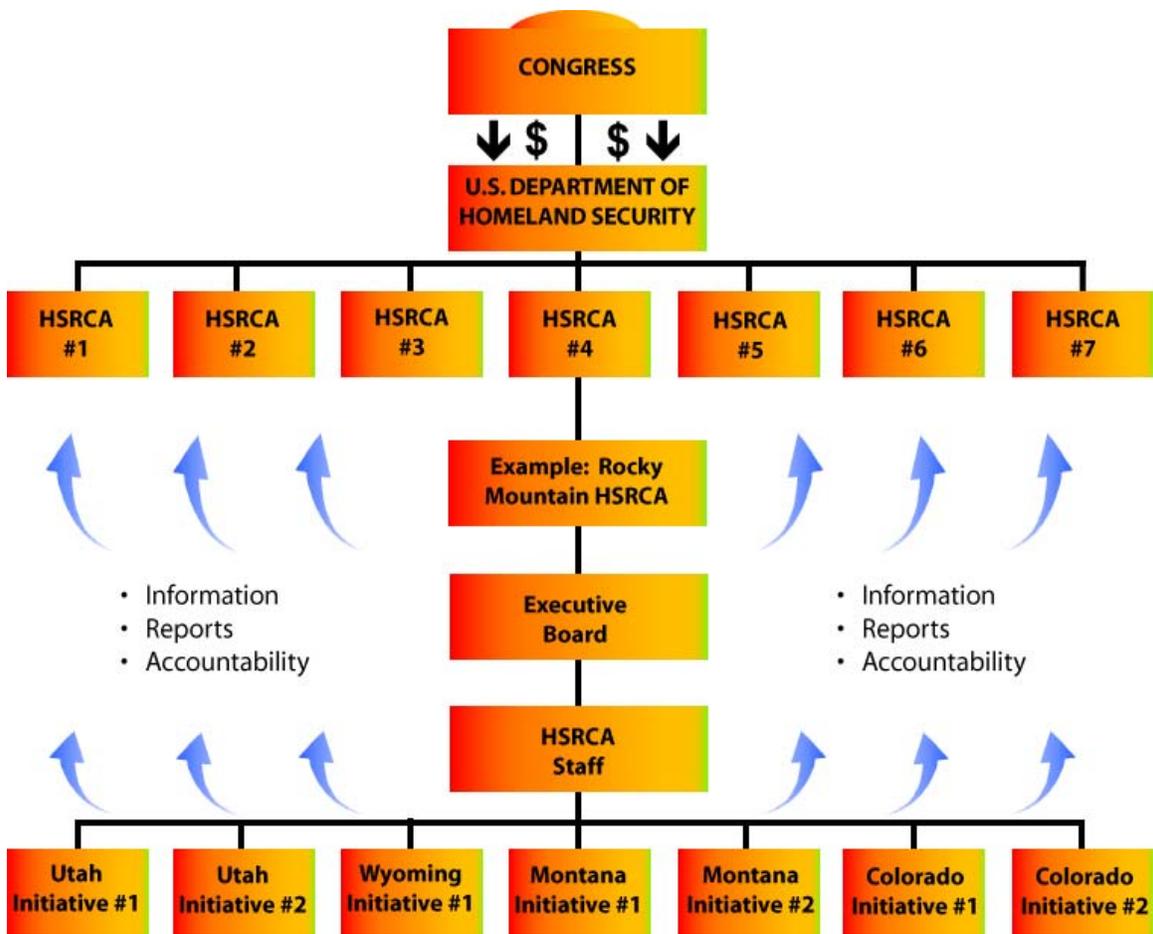


Figure 6. HSRCA Proposed Organizational Chart

The purpose of this conceptual program is to reduce the opportunities for terrorist individuals and organizations to operate undetected and unchallenged within the borders of the United States by:

1. Facilitating cooperation among federal, state and local law enforcement agencies to share information, resources and implement coordinated enforcement activities through collaborative design.
2. Enhancing the flow of homeland security related information to and from state and local law enforcement officers and increasing law enforcement intelligence sharing among federal, state and local law enforcement agencies.
3. Providing reliable law enforcement intelligence to law enforcement agencies for the purpose of designing effective collaborative enforcement strategies and operations.
4. Supporting coordinated law enforcement strategies which maximize use of available resources to detect disrupt and apprehend individuals and/or organizations that are reasonably suspected of being linked to terrorism in real-time in order to be able to make critical arrests within appropriate timeframes.

The Secretary of DHS, in consultation with the governors of each state, should implement this program by designating specific regions of the country as HSRCA's. The Secretary will appoint a director within DHS to administer the program. Once the regional HSRCA's are identified, the director shall:

1. Establish a panel of qualified experts with state and local police representation to determine national goals and objectives to guide the regional programs and ensure that they may be adequately networked.
2. Create regulations under which a coalition of law enforcement agencies from a region may prepare proposals for how their specific programs will operate.
3. Establish and maintain overall program performance measures while allowing regional enhancements.
4. Obligate specific amounts of the appropriated funding to the individual HSRCA regions based on the overall merit, creativity, viability, cooperative value of their plans and the upfront state and local contributions.

5. Ensure that federal assistance and support is made available as needed to each region.
6. Coordinate administrative, records keeping and funds management with state and local agencies.
7. Submit to Congress an annual program budget justification with explanation of each HSRCA and its performance and proposed funding level.
8. Submit to Congress an annual report that outlines the specific purposes of the individual HSRCA, its performance evaluations, long and short-term goals, nature and extent of how agencies are sharing information, technological systems being employed, and how well they are conducting enforcement in cooperation with Joint Terrorism Task Forces.

To receive funds under this program each HSRCA must be governed by an executive board. Due to the fact that the emphasis is specially placed on increasing participation by state, local and federal agencies, each executive board shall consist of an odd number of senior administrators from the law enforcement agencies that are participating from the region. One third of the board shall consist of federal agency representatives who are the senior agency official for an involved state or region. Representation should also include the head of each state police agency and the State Director of Homeland Security. Local agency composition should have representatives from metropolitan and rural areas.

Executive board responsibilities shall include:

1. Providing overall direction and oversight of the HSRCA.
2. Appointing and supervising a director who manages the HSRCA.
3. By vote, selecting an executive board chairperson and vice chair.
4. Establishing and dissolving sub-committees as needed.
5. Developing strategies, initiatives and budgets.
6. Establishing and ensuring that the goals of the HSRCA are accomplished.
7. Reviewing and approving all funding proposals consistent with the overall objectives of the HSRCA.

8. Managing the funds and financial responsibilities of the HSRCA.
9. Reviewing and approving all reports.
10. Ensuring accountability of the initiatives, and that they will accomplish what they set out to do, or identify annually why they were unsuccessful and how they plan to rectify the plan. It is critical that the executive board place on corrective action or discontinue any initiative that is not operating effectively and in compliance with all program guidance and polices.

The executive board will select a most highly qualified individual to serve as the director of the specific HSRCA. The director reports to the executive board and liaisons with DHS to ensure complete coordination. Additional responsibilities of the director include:

1. Developing and updating policy and procedures that are approved by the executive board.
2. Representing the executive board in all matters related to the programs operation.
3. Manage the staff and day-to-day operation of the HSRCA.
4. Ensure financial accountability of the program with required reports and audits.
5. Be a subject matter expert to the executive board and conduct research and make reports as necessary or required.⁷⁴

C. BUILDING A STRONG CONCEPTUAL REGIONAL MODEL

1. The Executive Board

The most important component of this conceptual national program model is that it allows at the regional level an opportunity to bring together agency administrators from federal, state and local agencies who have the shared power and responsibility to design how they will collaboratively attack the real potentials of terrorism that exist within their jurisdictional areas of responsibility. They are no longer a single agency head who receives federal funding for their department that can only be used for specific equipment

⁷⁴ Office of National Drug Control Policy, "Title III- High Intensity Drug Trafficking Areas," 1-3.

and programs or that may or may not complement what the other surrounding jurisdictions are doing. They are part of a collaborative body that shares success and failures. This is why the executive board of each HSRCA will be so powerfully able to assess the national and regional intelligence and use it to design a strategy with realistic goals and objectives that requires interagency collaboration.

A successful board can not afford to allow initiatives within its program to flounder, as ignoring poor performance will influence the success and funding levels for the overall region. The balance of federal, state and local representation on the board provides opportunities to understand and leverage existing agency resources that are available. The communication that takes place at this level prevents duplication of efforts and provides a means to establish goals that all involved can be party to. Another important aspect of the executive board is the integrity that is maintained by the group. As the board must find consensus on issues, it is much less likely to make decisions that are of questionable intent or of insincere value. This social aspect adds to the accountability of the program.

2. True, Effective Interagency Relationships and Communication

Relationship building is a key to successful interagency cooperation. The design and structure of the executive board creates an opportunity for federal, state and local agencies to agree on what needs to be done in their region and to create a strategy for how to be successful as a team. They are empowered to apply funding to initiatives within the regional program that involve cooperative participation from officers with the various agencies represented. This is not to say that every initiative must have representation from all involved agencies in the HSRCA, but each initiative must involve collaboration between some of the agencies and be designed to complement the overall regional objectives.

As one recalls the Rocky Mountain Highway Patrol Network that was examined in Chapter V, one can see an initiative that allows each participating agency to receive funding through a process of evaluation, planning and coordinating that takes place in a very non-competitive environment. A sense of camaraderie can be developed from this

bottom up approach where each agency identifies what resources and capabilities they can apply to the problem and leverage that effectiveness by adding equipment, training, information sharing and coordinated projects that are made available from the RMHIDTA.

Thomas Gorman is the director of RMHIDTA. During a recent discussion regarding limited resources, Mr. Gorman stated, “I have not seen in my career a better example of agency administrators being more concerned with the needs of the program than what they can obtain for their agency.”⁷⁵ This is a compliment to this group, but it also represents the social opportunities that are availed when people from various agencies can come together and be part of an informed process to address common, critical goals.

3. The Budget Process

It is proposed that Congress will set aside specific funding for the HSRCA Program and that DHS will be the administrator. Each region of the country will receive specific funding for law enforcement preventive purposes based on a formula that will need to be determined through consistent practices. The budget cycle will follow normal federal timelines. The regional program will receive notification of the amount of funding for its overall program. The following diagram illustrates proposed steps for the regional budget cycle (Figure 7):

⁷⁵ Thomas Gorman, Rocky Mountain HIDTA Executive Board Meeting Comments (author notes, Rocky Mountain HIDTA Executive Board Meeting, Denver, Colorado, September 9, 2008).

HSRCA Budget Cycle

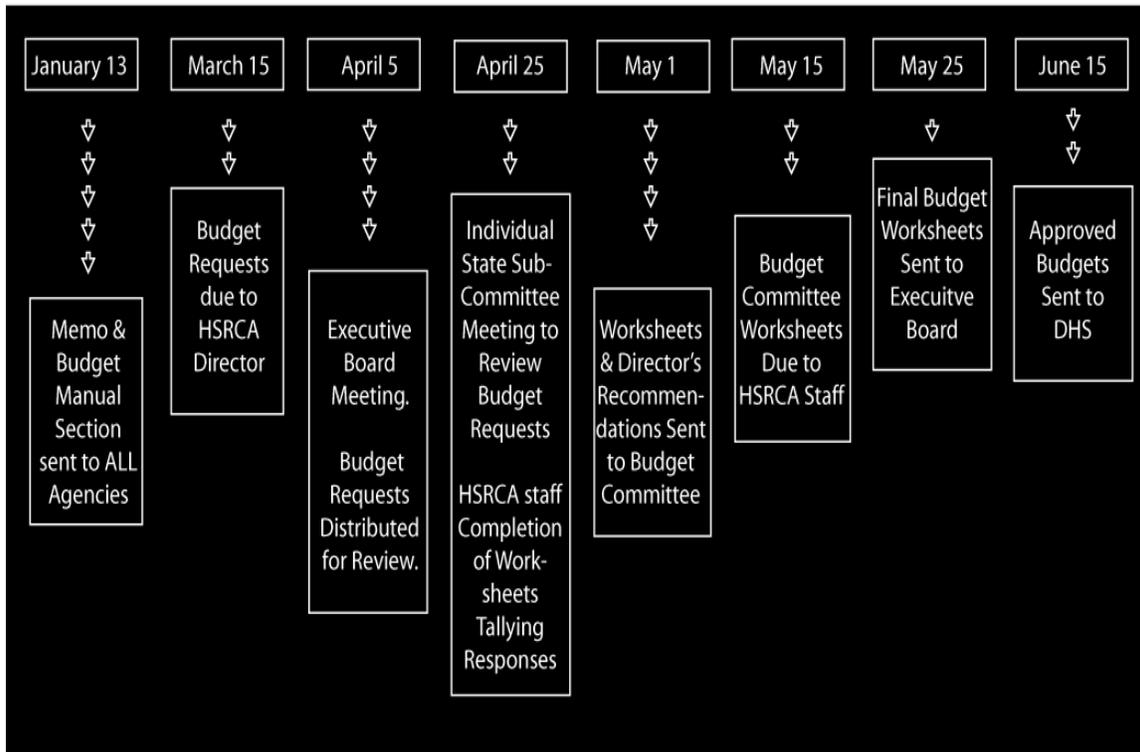


Figure 7. HSRCA Budget Cycle

The HSRCA’s will assess their initiatives to ensure that appropriate guidelines and procedures are followed. These should take place regularly to provide accountability of the initiatives and maintain the credibility of the regional and national programs. DHS will follow up with regular audits of the regional programs.

D. REGIONAL DIRECTORS

The director is another key component to having a successful regional homeland security program. The director is responsible for the day-to-day management of the program. He or she must provide the administrative guidance necessary for effective and innovative program management. The director shall develop the policy and procedures

and monitor initiatives for compliance issues. In addition, the director shall manage the HSRCA staff to ensure the efficiency and integrity of the program. The director will oversee the financial manager and ensure fiscal responsibility is maintained.

The executive board must be careful to select a director who is credible with a distinguished background and is energetic. The director must have exceptional people and communication skills and use them to keep the executive board informed and the initiatives well-coordinated. The director assists the executive board chairperson and plays a key role in facilitating effective board meetings. He or she must have the expertise necessary for providing the day-to-day leadership that keeps the program on track. Moreover, the director will be a subject matter advisor to the board and make qualified recommendations regarding the performance of individual initiatives. The director has the opportunity to identify problems before they become unmanageable. Although the director does not work for DHS, they serve as the liaison between the board and DHS officials. Effective communication at this level is essential.

E. INITIATIVES / TASK FORCES

The other critical component to this model is the individual initiatives/taskforces that are established and operate within the regional HSRCA. These initiatives should be constructed in a manner that brings federal, state and local agencies together in a focused manner. Their development will apply action towards addressing problems and meeting homeland security goals and objectives that have been established by DHS and, more specifically, by the regional executive board. This is where the true application of taking existing resources and complementing them with assets made available from the HSRCA can lead to efficiencies.

Several taskforces can be developed in a multi-state HSRCA. Two that should be paramount are initiatives that link each state's information fusion centers, state police and critical infrastructure protection units. All initiatives should be managed and coordinated by a command level staff that is set below the senior administrator level that makes up the executive board. These commanders are closer to problem and have more

understanding of what it will take to successfully address the needs that are identified in an efficient realistic way. This is the key point in the process where Intelligence Led Policing (ILP) should be applied.

The 9/11 Commission Report that examined the federal government's failure to prevent the September 11, 2001 terrorist attacks cited a "lack of imagination" as a primary reason why officials were unable to connect the data dots and take action.⁷⁶ As noted by the Commission, a secure homeland depends on the state, local, and tribal law enforcement officers in our communities. These individuals are the people best positioned, not only to observe criminal and other activity that might be the first sign of a terrorist plot, but also to help thwart attacks before they happen.⁷⁷

This conceptual regional approach to problem solving allows the initiative commanders the flexibility to understand the objectives and goals that have been set by the executive board, to have situational awareness with the other agencies and initiatives in the region, and to develop plans accordingly on how they will contribute to the overall effort. The advantage of this concept is that these units can develop their plans and have them vetted through the executive board so that specific intelligence and specialized opportunities can be incorporated into the regional and national goals and objectives.

Again, areas of the country have varied professional cultures, interagency relationships, administrative structures, and specialized capabilities that must be considered and exploited for maximum efficiency. These commanders have that opportunity for creativity with their savvy knowledge of their working environments to be able to design initiatives that satisfy the established goals and utilize the existing resources and relationships. This flexibility must be emphasized. The program has strong accountability that will ensure that each initiative is well developed and in coordination with the other initiatives. Part of the process involves annual evaluations and assessments by the HSRCA director, staff and executive board as well as from DHS. These checks

⁷⁶ National Commission on Terrorist Attacks Upon the United States, *9/11 Commission Report*, 339.

⁷⁷ Bennie Thompson, comp., "Improving Information Sharing Between the Intelligence Community and State, Local and Tribal Law Enforcement," Report prepared by request of Democratic Staff of the House Committee on Homeland Security, (2006), 1, <http://hsc-democrats.house.gov/SiteDocuments/20060927193035-23713.pdf> (accessed March 30, 2009).

and balances will be established to prevent individual initiatives from developing a “mission creep” that can take them off track from the other program’s initiatives. Statewide and regional meetings of these commanders provide the additional social interaction that contributes to their creative collaborative capacity.

F. INFORMATION SHARING AND INTELLIGENCE

1. Establishing Intelligence Priorities

Developing information and intelligence sharing networks within each region will be paramount to this conceptual homeland security program. Each state agency within the HSRCA should be united in a combined initiative called a regional intelligence network (RIN), in order to create a more effective information and intelligence sharing opportunity. The RIN’s will be created to tie each state’s fusion center together with the others in their region in a consistent and familiar fashion.

The commanders from each fusion center will form the coordinating committee and design the regional strategy, structure, plans and policies that will unite the centers and ensure efficient sharing of information between the states. Similar to the RMHPN that was examined in Chapter V; this HSRCA initiative will bring these fusion center commanders together for regular coordination meetings where relationships can be developed and in-common systems can be identified. The funding stream for this initiative can be used to develop each center’s needs individually and collectively while ensuring interoperability. As each HSRCA is established throughout the country, they will connect as regions and then each region to each other in creating a more robust national information sharing and intelligence network—the primary goal of homeland security in the first place. As regions develop, they will identify ways of overcoming technical and potential social obstacles that can interfere with information sharing. These successes will be shared with other regions in a regular team forum that brings more structure to the national effort.

Regional intelligence priorities (RIP’s) need to be established by the fusion centers for each RIN. For example, in one RIN the intelligence priorities might be to

identify and investigate suspicious activity around power plants. In a neighboring region's network there might not be a power plant; therefore, the intelligence priorities will be different. However, there will be occasions when the national mission will need every HSRCA RIN in the country to focus on the same intelligence priorities—such as illegal aliens suspected of smuggling weapons of mass destruction (WMD) across the borders and into the states.

The effort of identifying and apprehending these suspects and accompanying WMD would be a main intelligence priority throughout the country until the threat has subsided. Intelligence priorities focus the investigative efforts of the regional or entire intelligence system toward common objectives and steer the accompanying law enforcement resources through ILP. Each RIN initiative will establish intelligence priorities for their region's intelligence strategy. These priorities will change and modify as intelligence and circumstances dictate.

G. THE POWER OF CONSISTENCY AND LEVERAGE

One of the most significant advantages of the HSRCA program is that it provides a forum of regular communication that leads to more efficient use of funding and resources. Providing relevant training and equipment is an important need for agencies engaged in homeland security missions. Funding should be used to establish a training division in each HSRCA. These training divisions will identify the training needs that correlate with the national and regional HSRCA's missions and objectives and then develop training programs that deliver the highest caliber courses available to law enforcement officers and analysts throughout the region. These officers and analysts should also receive specific training together to fully integrate their investigative and analytical activity. This training can be structured to provide specific applications while creating consistencies that allow fusion centers, initiatives and participating agencies to more freely interact and coordinate operations. The training staff, with input from the executive board, initiative commander and students will be responsible for designing a program that suits the relevant needs of the regional participants.

Equipment purchases are a regular part of most grant allocations. The challenge can be the difficulty in proscribing what equipment is needed in specific areas and what equipment may already be available. By creating a collaborative environment within the HSRCA, *an opportunity presents itself for multiple agencies to leverage their purchases based on their joint developed strategies and inventories of what already exists*. This cooperative practice also creates increased buying power and interoperability. For example, if a common vendor can be identified that provides a product that allows efficient interoperability between state's fusion centers in the region, then through agreement, the coordinating committee of the RIN can make that purchase together using their allotted funding. The same holds true for the other initiatives operating within the region.

Using the HIDTA program model as a basis, a specified portion of Congressional homeland security appropriations should be identified for this regional collaboration.

H. SIDE-BY-SIDE COMPARISONS OF PROGRAM ARCHITECTURE

It can be difficult to compare one or more live, running programs currently in place versus that of a conceptual mental model, even using the Soft Systems Methodology. The following table (Table 2) was developed in an effort to provide a way to visually recognize the foundation on which the program architecture for HSRCA model would ideally be built on. The graph includes specific strengths copied from the illustrated models and improvements made for areas to be shown to be weaker than the ideal.

Table 2. Compared Programs

	RMHIDTA	Pros/Cons	RMHPN	Pros/Cons	HSRCA	Pros/Cons
Organizational Design	All levels of governments represented on executive board.	<p>Pro: Creates collaborative environment where all stakeholders focus resources on the regional problem.</p> <p>Con: Meetings are quarterly and require regional travel.</p>	Command level designs and manages multi-agency initiatives. The working group ties together each state police agency in the region through formal and less formal communication and coordination methods.	<p>Pro: Creates opportunities for multilevel information & intelligence sharing.</p> <p>Con: This is only organized for state police agencies and Limits involvement with federal and local agencies</p>	Executive Board structure regionally connects each states law enforcement agencies and fusion centers through coordinated federal, state & local structure of executive board.	<p>Pro: Federal, state, local Governance structure creates opportunities for regional collaboration.</p> <p>Lower level multi-agency command structure provides driving force for cooperation and coordination.</p>
Operational Design	Full time RMHIDTA office and staff provides streamlined core group to facilitate day to day coordination	Pro: Operations are guided by policy and mutual problem solving environment.	Operational commanders and supervisors meet quarterly.	Pro: Commanders regularly communicate and interact to ensure effective collaboration.	Has federal, state and local command level coordination that provides opportunities to meet	Pro: Creates a less competitive environment with agency participation by federal, state and local agencies engaged in cooperative initiatives.

	and operation of all initiatives.	<p>Has a superior network of agencies.</p> <p>State committees ensure extra accountability of RMHIDTA initiatives.</p>		<p>Coordination between states provides use of common interoperable equipment and facilitates increased buying power.</p>	<p>regularly.</p> <p>Agencies coordinate and design specific applications for collaborative homeland security projects.</p>	<p>Command and field level supervisors coordinate activity from a multi-agency perspective.</p>
Data Gathering	<p>RMHIDTA is connected to many relevant drug enforcement databases.</p>	<p>Pro: RMHIDTA Information is obtained from many of the participating drug taskforces.</p> <p>RMHIDTA pulls information from many regional and national data bases.</p> <p>Con: Some taskforce information is not passed on effectively to all participating</p>	<p>RMHPN is very effective at providing information to the RMHIDTA ISC in a timely manner.</p>	<p>Pro: Data is collected from all state police agencies. Policy and procedure require specific and timely reporting.</p> <p>Participating officers also regularly collect information from each other.</p>	<p>HSRCA is designed to gather information from its participating agencies.</p>	<p>Pro: HSRCA agencies and officers share information through each states fusion center. Each fusion center regularly receives relevant regional information from the other fusion centers.</p> <p>Each HSRCA (region) shares relevant information with other HSRCA's.</p> <p>The state fusion centers are the information gathering centers that tie the multi-state agencies together.</p>

		agencies. Non-HIDTA agencies are not included.				
Information & Intelligence Sharing	RMHIDTA has an Investigative Support Center (ISC) with analytic services.	<p>Pro: Information from officers and various initiatives is shared formally with the ISC.</p> <p>The ISC provides intelligence and other investigative support products back to field officers.</p> <p>Con: Information & Intelligence sharing is not consistently accomplished through all HIDTA partners, or with the non-HIDTA agencies due</p>	RMHPN uses the ISC and also has developed an impressive network of information sharing between officers.	Pro: Information is successfully shared through websites and email groups that officers have developed.	HSRCA's improve network between state and regional fusion centers.	<p>Pro: Hybrid design allows coordinated information and intelligence sharing opportunities between fusion centers, officers, and analysts.</p> <p>Interagency relationships and operational familiarity provide increased opportunities for gathering and sharing information.</p>

		to limited resources.				
Accountability Performance & Resource Mgt.	Regional interagency executive board creates relationships and operational familiarity.	<p>Pro: Interagency relationship provides regular and focused coordination of resources.</p> <p>Has an established performance management program and internal review process.</p> <p>Federal funding is managed by director and executive board in manner that requires regional collaboration.</p> <p>Provides strategic threat assessments related to</p>	RMHIDTA Board provides oversight of command level coordinating group. This structure provides check and balance to ensure that efforts remain focused.	Performance management program demands efficiency and follow through of initiative's commitments.	HSRCA Executive Board guidance and oversight is a vital level of accountability	<p>Pro: Annual reports and audits combined with performance management program will promote focused and efficient multi-agency use of federal homeland security funds.</p> <p>Regional directors administer the HSRCA with national program and internal audits.</p> <p>Coordinated multi-agency initiatives provide opportunities for much improved efficiency and less duplication of effort.</p> <p>Executive board guidance and oversight provide increased accountability and prevent unproductive programs from continuing without redirection.</p>

		<p>region.</p> <p>Con: Only involves local agencies in specifically designated counties in each state.</p>				
Training	RMHIDTA Training Unit	<p>Pro: Has a superior full time training unit that facilitates relevant training to all participating agencies in the region.</p>	<p>Utilizes RMHIDTA and external training opportunities.</p>	<p>State police agencies select and sometimes contract specific training for officers. This creates common practices and procedures.</p>	<p>Establishes a HSRCA regional training division.</p>	<p>A dedicated training division creates more opportunities for in-common training to be specifically designed and delivered to participating personnel.</p> <p>Provide a means to deliver regular and relevant training to officers and analysts of participating agencies throughout the region.</p> <p>Has potential to increase the level of expertise and homeland security awareness significantly.</p>

I. SUMMARY

In summation, the HSRC model proposes utilizing the strengths of proven, best-practice programs in other areas of national security and crime prevention that have enormous seeds of potential when placed within a structure that supports homeland security needs—across the spectrum of the entire nation. Utilizing this model program would blend the local culture, policies and resources with an accountable, federally-funded program that would be utilized in the day-to-day duties of all law enforcement agencies to provide a comprehensive web of homeland security.

VII. SUMMARY AND CONCLUSIONS

The intent of this thesis was to examine current gaps in homeland security; to identify and study possible model programs that suggest best-practice accountability and lend themselves to improved multi-jurisdictional cooperation; and to determine if similar models could be applied for use in homeland security applications. Using a Soft Systems Methodology was important in the research process as it allowed examination and consideration of the human factors that quite often interfere with attaining true collaboration between organizations. Creating environments, where agency leaders can maintain their autonomy while feeling part of a greater cause, is the key to increasing opportunities for successful cooperative efforts among federal, state, local law enforcement agencies. This research looked at the HIDTA programs to determine if a similarly coordinated allocation of federal resources could be applied to a clearly defined and cooperative homeland security program that provided improved information sharing systems, equipment and training for all law enforcement operating in a specific geographic region. Through a conceptual model, this thesis proposes that such a national-intelligence-led law enforcement program, which more significantly involves state and local agencies, can be designed to be much more efficient and economical than other applications that exist today.

An effective program can be accomplished by developing a strategy that realistically connects federal, state and local law enforcement agencies by using their in common relationships, structures and linkages at a regional level. The key is not to create a separate function of law enforcement but to incorporate homeland security into the regular day-to-day operations of law enforcement. The guiding concept should be to connect the regular police activity of all state, local and tribal police agencies throughout the country in a win-win with their federal partners. This can be accomplished by allowing key stakeholders at the state and local levels to participate in the specific design of the program for their region. By considering that there exist similar, yet unique

circumstances in various areas of the country can provide an opportunity for people in leadership positions to come together in a purposeful way and build an atmosphere of collaboration in a less competitive environment.

Consideration for the human, social and cultural aspects of team building are often overlooked when administering national programs that are established in a manner that is expected to fit every jurisdiction and region. These human interactions are critical when considering the influences that can interfere with developing cooperative outcomes. Through examination of the HIDTA related programs, this thesis identified successful structures that contributed to a more bottom-up design of regional drug enforcement programs. The models that were explored demonstrated the potential for a similar hybrid design that could be delivered to state and local agencies as part of a national homeland security program. The conceptual model that was developed in Chapter VI outlined specifics of how such a collaborative program could be implemented in multi-state regions.

Some significant factors that were presented in the conceptual model included:

- Federal, state and local agency administrators being provided with opportunities to create working groups that come together in a power-sharing and less competitive environment.
- Consideration of the human traits is beneficial when attempting to bring agencies together for the purpose of creating collaborative homeland security programs in a spirit of cooperation.
- There are alternative designs that provide realistic opportunities to greatly improve information sharing and develop actionable intelligence at the state and local levels. These proposed improvements complement federal efforts and can tie the levels of government together. It offers opportunities to better coordinate regional information sharing by connecting the activity of state fusion centers. Such regional collaboration can be expanded into a more coordinated national network where fusion center commanders can directly apply their expertise to overcoming obstacles that inhibit efficiency.
- This can be a national program with regional flexibility that provides state and local agency administrators with specific opportunities to design, manage and account for the federally funded initiatives being worked cooperatively by their law enforcement officers.
- State and local agency leaders can become more involved by setting the regional goals, standards and objectives, which are based on realistic evaluations of existing

threats and agency's capabilities. This is accomplished in partnership with the senior federal agency administrators who live and work within the region, as opposed to those who are not familiar with the local and regional circumstances and professional cultures. This contributes to effective buy-in by the multi-agency participants and promotes a spirit of efficient cooperation that is often absent under other homeland security grant distribution methods.

Distributing federal funding through this conceptual national program allows a senior-level executive board to determine strategic goals and objectives that address the specific threats that are presented within a given region and also tie into national objectives. It is through this process that a true web of homeland security can be created that detects terrorist operations through the regular course of state and local law enforcement activity. The more "boots on the ground" officers who can be trained in homeland security related matters will lead to more potential and actual interdiction of terrorist activity prior to an event. The dedicated work of these officers needs to be effectively plugged into the co-developed information-sharing network of state and regional fusion centers. This increased amount of information sharing will provide added benefit to federal investigations because of the increased potential for connecting the dots.

In the effort to solve problems, there often comes a time to step back, evaluate, and, perhaps, approach the problem from another angle. Current methods of bringing together the effective use of state and local law enforcement agencies in national homeland security efforts has considerable room for improvement. To continue down the current path places the country's main homeland security reliance on federal law enforcement agencies and military branches that lack daily interaction with the public at large. The level of state and local law enforcement homeland security awareness and participation needs to be developed in much of the country. Without that, state and local law enforcement will remain underutilized and the opportunities for success by terrorist individuals and organizations will be more likely.

A new conceptual model for state and local involvement in a national law enforcement approach to homeland security is not only necessary, but it is vital to increasing the long-term capabilities of preventing another 9/11 type event in an ever-

changing terrorism environment. It is through this proposed homeland security model that delivered programs with increased state, local and regional participation can be improved. The potential for more productive and coordinated information sharing will lead to evolving opportunities for terrorist interdiction. A collaborative and less competitive environment will provide improved public safety, operational efficiency and esprit de corps among the cooperating agencies.

A. RECOMMENDATIONS FOR IMPLEMENTATION

It would be wise for future research to delve more into the social dynamics of group leaders and attempt to identify what circumstances might explain why one group is more effective at creating a collaborative environment than another given similar circumstances. This study offered that creating a shared-power, less-competitive environment for a program's regional executive board naturally fosters collaboration. Additionally, it recommended that a strong and engaged director, with subject matter expertise, can facilitate more efficiency and cooperation among the group. Identifying ways to increase the likelihood that the executive boards will be able to operate at optimum efficiency deserves further study, but does not inhibit the potential of currently combining random groups of administrators under the proposed regional models and developing their interactive capability through the operational process.

B. PROPOSAL

There is sufficient evidence presented in this thesis to warrant consideration of a three-year pilot project on a regional basis. This amount of time allows for careful development, implementation and evaluation. This project should be adequately monitored and facilitated to ensure that problematic issues can be identified and adjustments made, so that the end product has the *greatest* potential for being expanded in an extremely useful and efficient national program. U.S. economist John Bates Clark once said, "A nearly ideal situation would be that in which, in every department or industry, there should be one great corporation working without friction and with enormous economy, and compelled to give to the public the full benefit of that

economy.”⁷⁸ It is through the careful guidance of government agencies by administrators who are deeply committed to protecting the public that homeland security can be advanced. Steps need to be taken to place these administrators together in a non-competitive environment that breeds collaboration. It is through these cooperative relationships that those who seek to harm citizens will be identified in advance and interdicted by dedicated law enforcement officers of all agencies who are sharing information and working together.

⁷⁸ John Bates Clark and John Maurice Clark, *The Control of Trusts* (New York: Macmillan Co., 1912), http://encarta.msn.com/quote_561558626/Government_A_nearly_ideal_situation_would_be_that_in_which.html (accessed September 19, 2008).

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