

Background

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Changing Today's Law Enforcement Culture to Face 21st-Century Threats

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Abstract: *Many aspects of the terror threat—from communication between terrorist groups to recruitment of new members—has been changing, largely due to ever-developing Internet technology and new possibilities in cyberspace. One new trend is the lone-wolf terrorist—such as Army Major Nidal Hassan, who massacred his fellow soldiers at Fort Hood. New developments in the terror threat—and the terror threat as a whole—require a cultural shift of entrenched attitudes and approaches in law enforcement agencies across the country. Robust partnerships between the federal government and states and localities are also a crucial part of fighting 21st-century crime and terrorism. Homeland security and law enforcement experts Matt Mayer and Scott Erickson explain why a paradigm shift is needed—and how to achieve it.*

Internet technology and the proliferation of social networking sites have changed how terrorist organizations recruit and communicate with would-be acolytes. This development has rendered the collection of intelligence an issue of salience for federal, state, and local authorities. In essence, no longer can intelligence gathering remain solely the dominion of the federal government. The new face of terror requires a robust, decentralized intelligence-gathering apparatus that reaches far beyond the usual scope of the federal government and associated intelligence agencies, and brings together the expertise and manpower of the nation's 18,000 local, state, and federal law enforcement agencies.

The movement from a highly centralized process for gathering and interpreting intelligence to one that

Talking Points

- State and local law enforcement will continue to play an integral role in homeland security and counterterrorism. The federal government must recognize the importance of state and local actors and fully incorporate them into the broader national security decision-making process.
- Domestic law enforcement must adopt a culture of awareness conducive to maximizing its potential in recognizing the nascent signs of terrorism and domestic radicalization.
- Entrenched cultures often inhibit change. For a cultural shift to occur in law enforcement, significant effort and inspired leadership must be demonstrated across all strata of government.
- Uniformity of training must be a central aspect of any comprehensive shift in the domestic law enforcement culture. Maintaining a heterogeneous counterterrorism training regime across the wide spectrum of the nation's 18,000 law enforcement agencies will inhibit the adoption of consistent and uniform standards for counterterrorism recognition and awareness.

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is largely decentralized will require changes to the very culture and psychology of law enforcement. It becomes imperative that the broader state and local law enforcement community create a new generation of police officers trained in the recognition and awareness of both traditional criminal activity as well as activity that may be a nexus to terrorism. Congress and the Administration can encourage this cultural shift through

- Leadership by the Obama Administration that emphasizes the need for stronger partnerships between state and local law enforcement and the federal government on domestic counterterrorism matters;
- Promotion of best practices and adoption by the Department of Homeland Security of uniform standards for its law enforcement and training programs, including consistent and comprehensive training standards for all new officers before engaging in fieldwork;
- Dedication of federal resources to terrorism-related training to address core needs; and
- Examination of ways to give states and localities a real and sustained voice at the federal policy-making table on homeland security issues.

Changing Threats

Since 9/11, at least 39 terror plots against the United States have been foiled. There were also the 2009 shooting spree at Fort Hood, Texas, by Army Major Nidal Hassan; the 2009 shooting at the Little Rock, Arkansas, military recruiting office by Muslim convert Carlos Bledsoe; and the 2002 shooting at an El Al ticket counter at LAX airport by Hesham Mohamed Hadayet. In 2006, three terror plots targeting the Washington, D.C., and New York areas were uncovered. Targets included the respective transportation systems of each city and high-density, tourist-saturated areas such as the Capitol building.

Later that year, radicalized American Derrick Shareef was arrested for plotting to detonate grenades at a shopping center in Rockford, Illinois.¹

The case of Shareef underscores a particularly disturbing trend: the idea of a lone-wolf terrorist. Much as was the case with Nidal Hassan and Carlos Bledsoe, the advent of the lone wolf emphasizes the need for fully engaged state and local law enforcement partnerships with federal authorities. Lone-wolf activities are far smaller in size and scope and more difficult to detect than larger conspiracies.² This means that lone-wolf plots are not likely to cross the federal radar. No entity providing domestic security is better equipped to handle such threats than local law enforcement agencies—who know and understand their own communities.

Law Enforcement's Organizational Culture

An organization's culture is unique and quite often serves as a distinguishing characteristic in determining its efficacy and desirability as a place of work.³ Although perhaps motivated by different objectives, law enforcement agencies enjoy a similar organizational dynamic. What is held in high esteem within one law enforcement organization may differ markedly from what is highly regarded in another. For instance, many agencies value the strict enforcement of drunk-driving laws within their jurisdiction, while others place a high value on narcotics arrests. The respective value placed on a particular activity has a significant influence on a particular crime's proliferation in a local community.

Throughout the latter half of the 20th century, the progressive uptick in criminal activity associated with illicit drug use placed a natural emphasis on its suppression and interdiction. While the relationship between drug use and its causal influence on crime and ancillary effects on the broader

1. Jena Baker McNeill, James Jay Carafano, and Jessica Zuckerman, "30 Terrorist Plots Foiled: How the System Worked," Heritage Foundation *Background* No. 2405, April 29, 2010, at <http://www.heritage.org/Research/Reports/2010/04/30-Terrorist-Plots-Foiled-How-the-System-Worked>.

2. Michael A. Sheehan, "The Terrorist Next Door," *The New York Times*, May 3, 2010, at http://www.nytimes.com/2010/05/04/opinion/04sheehan.html?_r=1&ref=timothyjamesmcveigh (May 26, 2011).

3. Kim S. Cameron and Robert E. Quinn, *Diagnosing and Changing Organizational Culture* (San Francisco: John Wiley and Sons, 2006).

criminal justice system continue to be debated, the pervasive culture, and concomitant mindset within most law enforcement agencies, remains geared toward aggressive enforcement. This entrenched culture continues to shape how law enforcement officers view their operating landscape. Across contemporary law enforcement agencies, great emphasis is placed on traditional crime models and their suppression.

As an organization's culture often takes years to become fully entrenched, it, understandably, generally takes years to change. For instance, the federal law enforcement establishment was slow to respond to the emergent methamphetamine epidemic in part due to its initial proliferation in areas far from Washington's usual scope.⁴

This reluctance to change can be problematic in the national security context due to the ephemeral nature of the tactics and strategies employed by terrorists.⁵ Terrorist activities are largely *ad hoc* in nature, constantly evolving in terms of tactics and deterrence, uncoordinated and asymmetrical, and not necessarily fitting neatly into traditional law enforcement paradigms. This requires law enforcement to evolve its own strategies. For too long, however, the broader law enforcement community has worked under the assumption that national security matters are the domain solely of the federal government. This has inhibited the adoption of best practices necessary to combat threats in local communities.⁶

Shifting Paradigms

Shifting to a law enforcement culture with an indelible awareness of the domestic terror threat will require a tremendous commitment on the part of law enforcement leaders and administrators. However, a commitment in name constitutes only one aspect of the change process. The true mani-

festation of change begins with the training regime provided for nascent officers as well as the value placed on its content. Early and consistent training provides the foundation and values that an officer entering the workforce will incorporate into his or her daily activities.

August Vollmer, police chief in Berkeley, California, from 1905 to 1932, had a good understanding of the process of shifting entrenched cultures within an organization. He has been credited with ushering in a new paradigm of domestic law enforcement, having centralized its command structure and professionalized the previously *ad hoc* character of policing in America.⁷ This centralization of authority was important in domestic law enforcement because it helped to "rationalize the procedures of command control" and improve the efficient administration of justice. As a result, uniform training became standard and a new, consistent level of police service soon emerged—one that would help instill greater trust and faith in the enterprise of domestic policing and the rule of law itself.

Over time, the professionalization of law enforcement led to the standardization of the practices and procedures adhered to by most police departments in the United States. While he headed the FBI, J. Edgar Hoover helped to ensure that these commonalities in training and structure would be employed across the country when the FBI adopted professional standards for its own agents, including an emphasis on integrity, training, and proficiency. By the second half of the 20th century, nearly all domestic law enforcement agencies followed a curriculum of training designed to provide an even and consistent application of law enforcement practices, ingredients vital to fostering the partnerships necessary for effective law enforcement.

In California, the creation of the Commission on Peace Officers Standards and Training (POST) was

4. Richard A. Rawson, M. Douglas Anglin, and Walter Ling, "Will the Methamphetamine Problem Go Away?" *Journal of Addictive Diseases*, Vol. 2, No. 1 (2002), at <http://www.csam-sam.org/pdf/misc/MethProblemRawson.pdf> (May 26, 2011).
5. Lois M. Davis *et al.*, "When Terrorism Hits Home: How Prepared Are State and Local Law Enforcement?" The RAND Corporation, 2004, at http://www.rand.org/content/dam/rand/pubs/monographs/2004/RAND_MG104.pdf (May 26, 2011).
6. *Ibid.*
7. Gene E. Carte and Elaine H. Carte, *Police Reform in the United States: The Era of August Vollmer 1905–1932*, (Berkeley: University of California Press, 1975).

designed to inculcate successive generations of law enforcement officers with the same level of training and expertise across the profession.⁸ With more than 600 participating agencies, POST regulates academy training through the voluntary application of a series of learning objectives. These learning domains cover nearly all areas of a police officer's training regime, including arrest and control techniques, the handling of domestic disputes, sexual assaults, and narcotics recognition and intervention.

The education obtained throughout the academy, directed through POST mandates, helped to form the functioning law enforcement officer's working character. This working character is what the officer learns in the police academy, and plays a crucial role in shaping how he views situations as they arise on the street. This understanding becomes increasingly important as it is applied to the evolving domestic terror threat. Often, traditional criminal activity is a latent nexus to terrorism. A police officer must be capable of recognizing the nuances within a traditional investigation in order for law enforcement to connect the dots.

A stark example of the use of traditional criminal methods to discover terrorist inclinations surrounded the failed attempt by Jamiyyat Ul-Islam Is-Saheeh (JIS) to bomb sites around Los Angeles in 2005. Having engaged in robberies to finance their terrorist operations, mishaps by the perpetrators ultimately led police, ostensibly investigating a common string of robberies, to uncover a coordinated and systematic terror plot.⁹

Culture Eats Strategy for Breakfast

Unfortunately, as the domestic terror threat has increased, the response from state and local law enforcement has been to implement a variety of strategic endeavors designed to close the awareness gaps and intelligence gaps that have permeated the system. One example is *ad hoc* courses designed to

educate law enforcement personnel on the emergent threat of Islamist-inspired terrorism. While such initiatives have begun the process of increasing basic awareness levels among law enforcement, they have not been sufficient in altering the more fundamental issue underlying the most effective methods for policing terrorism: an organizational culture that truly values the emergent threat of domestic terror and homegrown radicalization.

As was the case during previous eras of change in law enforcement, it seems critical that there be broad changes in training to adequately inform new and experienced officers on emerging trends, paving the way for a new culture of awareness to emerge. The current training regime, however, in terms of domestic counterterrorism is too heterogeneous to sufficiently meet the need for uniform change within law enforcement. In a letter to Department of Homeland Security Secretary Janet Napolitano and Attorney General Eric Holder, for instance, Senator Joseph Lieberman (I-CT) questioned the lack of qualifications and standards among those currently dispensing counterterrorism training to state and local law enforcement: "We are concerned...the state and local law enforcement agencies are being trained by individuals who not only do not understand the ideology of violent Islamist extremism, but also cast aspersions on a wide swath of ordinary Americans merely because of their religious affiliations."¹⁰

California provides an example of how the focus on strategy, not on changing underlying culture through training, is problematic. Shortly after 9/11, the California State legislature enacted SB 1350, the Responders Emergency Act to Combat Terrorism (REACT), which was intended to provide training to first responders to ensure that they would be equipped to prevent and respond to terrorist incidents. Additionally, the legislation established the creation of an Emergency Response

8. State of California, "Homeland Security Information Center," POST Commission on Peace Officer Standards and Training, 2011, at <http://www.post.ca.gov/homeland-security-information-center.aspx> (May 26, 2011).

9. Press release, "Man who Formed Terrorist Group that Plotted Attacks on Military and Jewish Facilities Sentenced to 16 Years in Federal Prison," U.S. Department of Justice, March 6, 2009, at <http://losangeles.fbi.gov/dojpressrel/pressrel09/la030609ausa.htm> (May 26, 2011).

10. Shaun Waterman, "Anti-Terrorism Training Draws Scrutiny," *The Washington Times*, March 29, 2011, at <http://m.washingtontimes.com/news/2011/mar/29/anti-terrorism-training-draws-scrutiny/> (May 26, 2011).

Training Advisory Committee (ERTAC), its task being to recommend appropriate curricula to meet the terrorism-awareness needs of California's first responders.¹¹

The training regime emanating from REACT has been an eight-hour course named the Law Enforcement Response to Terrorism (LERT). Educating police officers on the unique variables in response to suspected terror attacks seemed like a positive step toward improving domestic counterterrorism capabilities. The problem with LERT, however, is that such training only serves to improve the responsive nature of law enforcement. Much like officers who are trained in responding to domestic violence or care accidents, LERT training is inherently reactive and focuses too much on the methods used to collect evidence and investigate cases after a crime as occurred, not on proactive measures that would help stop terror plots before the public is in danger. Such a response-oriented approach does not work within the modern terrorism paradigm. Failure by law enforcement to stop an act of terrorism could mean thousands of lives lost and could, like 9/11, drastically disrupt modern society. The psychological effects of terrorism are a significant element of the *modus operandi* of terrorists and thus require preemptive interdictions on the part of the domestic counterterrorism community.

A New Culture

The U.S. can only develop a robust domestic intelligence infrastructure—one that combines the analytical capacity of the federal government with the diverse and idiosyncratic knowledge at the local level—if state and local actors adopt a paradigm that is fully aware of the scope and scale of 21st-century domestic terror threats.

A law enforcement agency need not sacrifice its success in traditional crime-fighting activities to fight terrorism. Instead, the move toward an intelligence-led model of policing, one whose overall effectiveness at combating crime is predicated on a close working relationship with the community, can make domestic law enforcement agencies

even more effective at combating traditional crime. Intelligence-led policing relies on “a business model and managerial philosophy where data analysis and crime intelligence are pivotal to an objective, decision-making framework that facilitates crime and problem reduction...”¹²

Given the dual benefits, such policing serves as a model for how state and local law enforcement can more effectively employ their collective resources to combat the domestic terror threat—insofar as state and local law enforcement adopt an attitude toward the suppression of domestic terror threats as salient and critical to their overall mandate.

Training requirements and continued education directives are essential in changing the culture of law enforcement and increasing the awareness levels of state and local law enforcement personnel. However, these efforts must be more comprehensive and encompassing of the threats facing the nation, with uniform training standards across the country. Symmetrical and uniform training standards would benefit the broader law enforcement community as well as the public at large by ensuring a consistent understanding of the threat of terrorism.

Next Steps

The years since 9/11 have been replete with domestic terror plots, many germinated on U.S. soil, others manifested through foreign intrigue. At least 39 of these plots have failed, whether due to the incompetence of the perpetrator, or due to the development of intelligence and the application of sound investigative principles. Some, however, have been all too successful. The Fort Hood massacre served as an example of the tremendous human cost associated with Islamist extremism.

One lesson of these plots and a reality of domestic terror is that, while terrorism may often seem a by-product of foreign influence, it will always have a local nexus when perpetrated upon the American homeland. The cooperative relationship between local, state, and federal authorities that is needed to combat the domestic terror threat will only be real-

11. Responders Emergency Act to Combat Terrorism, SB 1350, California State Assembly, September 17, 2002, at http://www.leginfo.ca.gov/pub/01-02/bill/sen/sb_1301-1350/sb_1350_bill_20020917_chaptered.html (June 1, 2011).

12. Jerry Ratcliffe, *Intelligence-Led Policing* (Cullompton, Devon: Willan Publishing, 2008).

ized when state and local actors recognize that combating domestic terrorism requires a change in the operational culture of law enforcement. At the state and local levels, law enforcement and public safety officials, as well as their legislative counterparts, must move beyond thinking in purely strategic terms. The strategies employed by law enforcement in combating the domestic terror threat will only be as effective as they are valued by the broader law enforcement community. Congress and the Administration can help to facilitate this process by taking the following steps:

- **Top-Level Talks.** The Obama Administration should take the lead in articulating the necessity of full and comprehensive state and local partnerships with the federal government in combating emergent threats of domestic terror. Leadership from the federal level will help set the groundwork and frame the discussion necessary for the rapid implementation of cultural changes across a diverse spectrum of government entities.
- **DHS Leadership.** The Department of Homeland Security should adopt uniform standards for its law enforcement assistance and training programs that establish both the experiential credential and subject matter related to the terrorism training that is provided to state and local law enforcement. Consistent and comprehensive efforts should be encouraged for training new officers before they engage in fieldwork.
- **Resources to Meet Core Needs.** Federal resources marshaled through the Office of Justice Programs (OJP) to state and local law enforcement for the purpose of providing terror-related training should address core needs such as enhanced fusion center awareness and analytical capacity, fusion center support for local law enforcement, nationwide Suspicious Activity Reporting initiatives, and state and local anti-terrorism training. Fusion centers act as the local

repository for information and intelligence development, linking state and local law enforcement with their federal counterparts. Their continued development remains integral to the process of protecting the homeland.

- **A Real Voice for States and Localities.** The President should issue an executive order that gives states and localities a seat at the federal policy table on homeland security issues. This policy group should be kept small and within the executive office of the President. The group should work directly with the National Security Council and be included in appropriate Inter-agency Policy Committees.

Law enforcement has experienced many paradigm shifts throughout its existence; from a decentralized structure to one formal and centralized; from one of rigid hierarchy to one promoting greater autonomy within the ranks; from one distant to the community to one actively engaged with it, addressing shared concerns and developing interested community stakeholders. If state and local authorities are now to become equal partners in combating the emergent threat of domestic terror and homegrown extremism, it is necessary that a culture of awareness and responsibility be fully developed within the law enforcement enterprise. This can only be achieved through inspired leadership, not by legislative fiat.

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