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A LOCAL APPROACH:

HOMELAND SECURITY OFFICERS

BY

ERIK GRUTZNER

SUBMITTED IN PARTIAL FULFILLMENT OF

REQUIREMENTS FOR THE DEGREE OF MASTER OF

ARTS IN MANAGEMENT FOR PUBLIC SAFETY

AND HOMELAND SECURITY

DYSON COLLEGE OF ARTS AND SCIENCES

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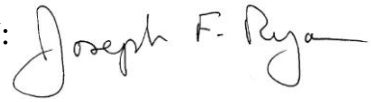
APPROVED BY: 

Abstract

It has become apparent that true preparedness for a catastrophic event requires a strong local component. However, the patchwork of full and part time operators in a range of disciplines preparing for a variety of responsibilities creates the risk of an inexact or inefficient response. As a result, this document will support the idea that in order to improve the level of preparedness of municipalities, one full time police officer should be assigned to the newly created position of Homeland Security Officer (HSO), and be tasked with all manner of responsibilities for the most effective example of homeland security.

This Project will introduce the Homeland Security Officer position; its responsibilities and justifications. Various chapters will examine the position through the prisms of Management, Public Sector Policy Analysis, Multi-disciplinary Collaboration, and Public Health Emergencies. Two Strategic Plans are included: one for the Police Department of Pleasantville, New York, and a second for Terrorist Threats associated with living and / or working as an American in Germany. Specific threats to Pleasantville are also considered. A Threat Assessment of an attack similar to the one on Mumbai in 2008; and a Model Based Vulnerability Analysis (MBVA) of the Critical Infrastructure of the Drinking Water supply. Finally, there are some larger issues considered: Constitutional Issues in Homeland Security and International Human Rights Concerns for America.

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Chapter 1

A New Strategy

Introduction

This paper will advance the idea that in Westchester County, New York, and similar suburban communities, the demands of various and complex tasks associated with effective homeland security should be the responsibility of one person in each municipal police department, a newly created position of Homeland Security Officer (HSO). HSO's should have no other responsibilities. By creating the new position of Homeland Security Officer, and staffing and training one officer to handle its requirements, municipalities will be best prepared to meet their homeland security and public safety requirements.

Recent terrorist and catastrophic disasters have altered the national security landscape. These events have fundamentally changed the way police and public safety agencies conduct business. The terrorist events of September 11, 2001, the Columbine school shootings, hurricane Katrina, and other events, have resonated on the local level. Every municipality is ultimately responsible, and therefore must actively prepare, for the worst case scenario. As a result, the expectations of citizens toward their local law enforcement agencies have changed. Pre-planning and preparedness are expected for unforeseen occurrences. The current responsibilities of local law enforcement agencies now include an "all hazards" model of duties. The days of a local police agency being unprepared to respond to an emergency, or deal with the aftermath, are over. Currently, responsible municipalities are working toward achieving baseline homeland security capabilities.

The 2010 Quadrennial Homeland Security Review offers a vision for Homeland Security: "A homeland that is safe, secure and resilient against terrorism and other hazards where

American interests, aspirations and way of life can thrive" (Napolitano, 2010, p. 4). The specific duties that encompass achieving that vision are almost limitless. A prepared municipality would "prevent and disrupt terrorist attacks; protect the American people, our critical infrastructure and key resources; and respond to and recover from incidents that do occur, and continue to strengthen the foundation to ensure our long-term success" (HSC, 2007, p. 1). Additionally, local law enforcement agencies are still required to provide basic police services in their geographic area of responsibility. Currently, communities are served by a variety of officers performing a multitude of tasks in furtherance of homeland security. This model is less efficient, and less effective, than incorporating the HSO position.

Proposed Duties of a Homeland Security Officer (HSO)

- The HSO would serve as a homeland security practitioner for his municipality.
- The HSO would build a foundation for response and recovery.
- The HSO would ensure that his municipality has done everything possible in advance of possible acts of terror or other mass casualty incidents.
- The HSO would be cognizant of and apply for state and federal grants to offset the costs associated with effective homeland security.
- The HSO would ably represent the department to the public. Any resilient municipality needs a thoroughly trained and committed manager to draw stakeholders together and guide them through complex preparations.
- HSO's would have the responsibility of building and maintaining strong professional networks; both inside Westchester County, as well as with state and federal agencies, (via collaborations, meetings and fusion centers), providing information and receiving intelligence.

- The HSO would conduct threat assessments and site hardening studies to identify and address vulnerabilities.
- The HSO would work with the other first responders in his municipality to prepare a seamless response when incidents do occur.
- HSO's would interact with business and community leaders to answer their questions and provide information, as well as assess resource availability that would be needed in case of a disaster.
- In the absence of a designated Public Information Officer (PIO), the HSO would serve as such to facilitate emergency operations via information exchanges.

Westchester County Demographics

The specific geography of Westchester County is a contributing factor to the necessity of the position of Homeland Security Officer. Westchester is immediately to the north of New York City, a previous and recognized future target for foreign and domestic terrorists. Many of the nearly one million Westchester residents work and play in New York City on a regular basis. Westchester contains critical infrastructure, including reservoirs, water supply lines and power plants, as well as busy highways and public transportation routes over water and rail. Westchester County Airport and the Indian Point nuclear facility in Buchanan, on the Hudson River, are both within its borders.

Within Westchester's 450 square miles, there are 22 individual villages, 11 towns and six cities with their own police departments. Politically, towns may consist of multiple villages and/or unincorporated areas, and villages can and exist in multiple towns. Most villages are small, with the largest, Briarcliff Manor, less than six square miles (Westchester County, 2010). Additionally, police agencies such as the Westchester County Department of Public Safety

Services, the New York State Police and the Department of Environmental Protection have jurisdiction in multiple municipalities. Municipal boundaries are often unclear to residents, as fire, EMS, school and postal and districts overlap and blend together. Effectively monitoring and preparing such a politically subdivided and strategically critical location presents unique challenges.

Need for Cooperation and Collaboration

The need for cooperation over jurisdictional boundaries is critical. Westchester's municipalities cannot afford to allow terrorists unfettered access throughout the County. Vulnerabilities exist when private citizens are unclear on who provides police services to a specific location, or when geographic areas of jurisdiction are small. Multiple officers conducting operations in close proximity mean issues that require attention may be overlooked. Best practices are defined by the DHS as "Exemplary, peer-validated techniques, procedures, good ideas or solutions that work and are solidly grounded in actual operations, training, and exercise experience" (Department of Homeland Security, 2010). Eugene Bardach further refined the idea by developing the concept of "smart practices," which reflects the inherent inability to label anything "best" while still recognizing the clever or unique nature of ideas developed in other locales to solve problems common to all (Bardach, 2006). Local networks, both vertical and horizontal in nature, represent the best way to disseminate information, share smart practices and assist colleagues with preparation and response.

A prime vulnerability for terror activity in Westchester lies in the compiling, constructing and storing of hazardous materials and the harboring of terrorists. There is a high likelihood that terror agents would live in one jurisdiction, acquire their materials in another and store them in a third. Al-Qaeda operatives followed such a plan in the build-up to the London underground

bombings of July 7, 2005, planning the attacks and building their devices in Leeds, a far less recognizable terror target three hours away. The ability of HSO's to share information regarding activity in their jurisdiction is essential to recognizing patterns that may otherwise go undetected. Regular interaction between HSO's increases the chance that suspicious activities are recognized and the dots are connected. Additionally, homeland security practitioners must have a forum to raise questions and receive answers. By sharing experiences, tactics and smart practices each member will contribute to the success of the others in accomplishing the mission of a secure homeland. Additionally, tapping into the experience of dozens of law enforcement officers makes it more likely to discover solutions to the problems all members might face. The similarities in challenges and issues that Westchester HSO's will experience is a natural precursor to mutually beneficial networking. A strong local network is critical for long term success.

Westchester County has a history of police officers from various departments coming together for different purposes. The Westchester County Detectives Association and the Westchester County Youth Officers are organizations that arose from the recognized need of members to network beyond their jurisdictions to serve their own residents. The Fraternal Order of Police (FOP), the Police Benevolent Association (PBA) of Westchester County, and the Affiliated Police Association (APA) of Westchester County all provide various services to their members, representing various police departments throughout Westchester. These police associations and fraternal organizations are examples of ways in which officers come together, formally or informally, to work and network together. Homeland Security Officers will have the opportunity to harness this collective spirit for the purpose of securing their jurisdictions. A

formal countywide HSO association would reduce redundancy and further enhance networking capabilities.

The 2002 Office of Homeland Security's State and Local Actions for Homeland Security outlines the magnitude of issues that local municipalities face. It recognizes that "partnerships at every level of government, and with the private sector, are key to the success of the homeland security effort." Dr. Christopher Bellavita argues that "Most people in homeland security know that the way things really get done is through personal networks" (Bellavita, 2005, p. 8). Bellavita advocates for changing the prevailing mindset from a hierarchical system (with the federal government at the top, dictating and directing local state and local municipalities) to a more networked one (with various members coming together to contribute what they can). However, networks are made of people, not entities. It is essential in a successful network that all involved stakeholders be able to identify the individual in an organization with whom they must interact. In recognition of this fact, many municipalities across the United States have created a Terrorism Liaison Officer position in their police departments.

Terrorism Liaison Officer (TLO) has different meanings in different municipalities. In Colorado, for instance, private citizens whose occupations bring them into close contact with the public may be trained as TLO's. They learn how to recognize suspicious behavior that can be reported to the police for follow-up investigation. In California, the term Terrorism Liaison Officer is limited to law enforcement and first responders. They are trained to ensure that intelligence and information flows freely between federal and local agencies. California's TLO program can serve as a "smart practice" that might be tailored and scaled to the unique needs of Westchester County.

This definition can serve as a model for the information management portion of the HSO position: preventing the flow of information from being slowed down by bureaucracy or confusion. For example, DHS routinely releases bulletins and alerts to local jurisdictions regarding terror intelligence. Unless one officer is recognized as the repository for such information, it can be lost or underutilized. The reverse is also true. Without one officer responsible for forwarding information to fusion centers or other entities responsible for assessing its relevance, there is less chance that the issue will be addressed.

In addition to terrorism, the HSO's duties should include preparation for other situations, a true "all hazards" approach. While emergency plans and mutual aid plans are commonplace, they require consistent review and updating. Natural disasters, accidents and other large scale incidents require similar approaches and response. In order to be truly prepared, the HSO will have coordinated drills and table-top exercises with other first responders in his own and surrounding jurisdictions. Rivalries with other disciplines can be overcome through interaction, and questions regarding command structure at scenes will be answered in advance. Additionally, school and business campus security, as well as active shooter scenarios, require planning and a multi-discipline response that would strain the resources of small municipalities. Assistance from other agencies and jurisdictions will be a necessary facet of a disaster in Westchester. The HSO would be a natural fit to ensure a measured, unified and seamless response to all of the above situations.

In order to accomplish all that is expected, Homeland Security Officers will require wide-ranging and standardized training. Police officers currently attend in-service training to learn new skills or perform new duties. The Homeland Security Officer Course would provide information to newly appointed HSO's as to their responsibilities and how best to meet them.

The HSO course curriculum would optimally be created by the Department of Homeland Security to engender a national HSO standard. While the subject matter should be reviewed periodically for appropriateness, timeliness and accuracy, certain core courses should always be included. The curriculum should provide training in threat assessments and risk and vulnerability issues. It should also include a section on leadership and management theory, as well as instruction in how to work outside their silos and become "meta-leaders" (Marcus, Dorn, & Henderson, 2005). Marcus et al. define a meta-leader as a homeland security practitioner who commands sufficient respect to lead those not only in his own discipline, but in other disciplines as well, with or without the official authority to do so. Meta-leadership skills are necessary in the new paradigm of preparedness and cooperation in which Homeland Security Officers will operate.

A section on grant writing would make the HSO position more attractive to administrators and elected officials. Familiarity with tactical operations and fire and EMS protocols, as well as the intricacies of the National Incident Management System (NIMS) and the Incident Command System (ICS) would facilitate understanding when interacting with operators from other disciplines. There should be a section on the responsibilities associated with the requisite security clearance. As an added bonus, this training would be the newly appointed HSO's first opportunity to meet and interact with others in his/her position, as well as officials at the state and federal level whose information and expertise he/she would depend on. The networking opportunities would begin here.

In small jurisdictions, each officer routinely has multiple responsibilities. However, certain positions, such as that of detective, are assigned on a full-time basis. Likewise, Homeland Security Officers should be assigned to their position full-time, without other responsibilities, for

a multitude of reasons. This assignment brings expectations that cannot be met when an officer is also responsible to complete other duties. A critical nature and specialized skills are required to complete their assignments. Most importantly, the creation of a full time position demonstrates a conviction, to both members of the department and to the community at large, that homeland security is a matter worthy of undivided attention.

Currently, at least among police officers working in Westchester, "homeland security' is a nebulous term that everyone seems to have an understanding of but few associate with specific actions on the part of their departments.[1] When one officer works to receive and coordinate all information, everyone knows who to go to with questions or concerns. Second, we must

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[1] This writer contacted 19 of the 22 full time Village Police Departments in Westchester County on November 7, 2010. The calls were answered by the desk officer that day; in most cases a sergeant or a police officer, however one was answered by a lieutenant (Mount Kisco). The three questions that were asked were: "Who in your department handles homeland security issues? Do you have an officer trained or a team to handle tactical/ESU operations? Who in your department is responsible for disaster preparedness and planning?" Only two responses Irvington and Tuckahoe, were decisively given; all the others were usually prefaced with "That's a good question" or a long pause. In only three instances, Larchmont, Ossining and Tuckahoe, were the answers to questions One and Three the same without being "the Chief." This is significant because the Chief is ultimately responsible for everything and is often a default answer when the actual answer is unknown. Additionally, the chief of the department is responsible for the administration of the entire department and would be hard pressed to give his full attention to homeland security issues or disaster preparation on a regular basis.

encourage a networking mindset, both inside law enforcement and within the community, and that cannot be done a few days a month. Any network that is not tended to regularly will begin to atrophy, and the nature of this position requires timely and constant networking. Were the HSO able to address his issues only when he found the time in a busy schedule, the network might be the first element to suffer. Additionally, the number of tasks that need addressing are numerous and constantly changing. Under the current anti-terrorism protocols in Westchester, agencies attend numerous meetings and conferences, but police administrations are forced to prioritize when faced with scheduling conflicts. An HSO would face no such conflict.

Every municipality will have its own long list of duties and responsibilities. For instance, the National Infrastructure Protection Plan (NIPP) and the Universal Task List (UTL) were both issued by the Department of Homeland Security to provide guidance to local municipalities on recognizing vulnerabilities and preparing for emergencies. The former is 188 pages, and the latter is comprised of approximately 1600 individual tasks. While neither document is designed to be followed strictly by any municipality, the breadth of tasks requiring action and review is extensive, and informed decisions must be made on which issues need priority attention. With the support of police management, the HSO will be uniquely situated to know what to do and how to do it, and succeed in getting it done.

Of course, in economic times like these, municipal governments are looking for savings and cost cutting. The addition of personnel needed to adequately staff the Homeland Security Officer position incurs salary, health benefits and pension costs to the municipality. However, a number of possible options could be created to offset costs to local municipalities. In the early 1990's, many in law enforcement recognized the benefits of community policing. Those benefits could not be realized, however, by officers in a traditional law enforcement capacity. Personnel

assigned to community policing had to work separately from a traditional duty schedule. In order to work effectively, the officer needed to be assigned to his area full-time and become a part of the community, working with the residents and businesses to solve their problems. The federal government instituted the COPS program in 1994 to assist local municipalities in funding for this new and revolutionary approach. Local constituents must lobby the federal government to see the wisdom of similar grants for HSO's providing for personnel costs. Until that time, the ability of an HSO to successfully apply for grants from state and federal sources will offset some of the costs. Were the community to truly embrace the position, an outside agency modeled on the New York City Police Foundation could receive private donations from citizens and use the money for expenses associated with the program. Local municipalities must realize and accept that they will be required to absorb some of the costs associated with initiating the HSO position. However, the number of stakeholders who benefit from improved homeland security means it is not unrealistic for them to anticipate assistance from various sources, including public-private partnerships and state and federal grant awards, to help meet them.

Recommendations

The Department of Homeland Security should use its resources and experience of the last nine years to create a training program to prepare officers to assume the duties of an HSO. The Terrorism Liaison Officer (TLO) program in California provides training in advancing the flow of information from local to federal government via fusion centers, as well as across first responder disciplines. HSO training would differ by expanding the topics covered, including: critical infrastructure protection, site hardening, threat assessments, management and leadership. The Department of Homeland Security must recognize this unique opportunity to meet its directive to assist local municipalities via this training.

In addition, the Department of Homeland Security can utilize its unique position to assist local municipalities with the financial responsibilities of the HSO position via the creation of grant programs. While funding for the program will undoubtedly be a collaborative effort of organizations on the federal, state and local level, the best way to guarantee success is to secure a commitment for federal money.

Thirdly, the DHS must create a position to liaison with local Homeland Security Officers. The HSO program is based on personal networking, and without a similar commitment of personnel by DHS, the network is doomed to fail. There must be a pipeline of intelligence from local to federal authorities for the exchange of ideas, information and intelligence. While fusion centers were created to handle the information that is gathered, less formal avenues for communication must also be open. Newly appointed HSO's will need a resource for advice and inspiration. Along with his experience, the federal liaison provides both.

The International Association of Chiefs of Police must support and recommend to its members creation of the HSO position in their departments. Local associations and individual police chiefs look to the IACP for guidance on the feasibility of new initiatives. The approval by IACP of the HSO position would go a long way to furthering its acceptance among individual jurisdictions.

The Westchester County Police should incorporate the newly created homeland security in-service training into the Police Academy curriculum. As the lead agency in New York's Academy Zone 3, preparing officers to assume their duties as HSO's will fall to the County Police. The length of the training, as well as the need to replace and re-staff the positions over time, will require a serious commitment.

Most importantly, police chiefs and municipal administrators must accept the reality of local responsibility and embrace the Homeland Security Officer position. There are and will continue to be issues that will require commitment to maintaining such a position. Every budget cycle will bring questions about feasibility and necessity of the HSO position. When preparation and prevention are the ultimate goal, success is measured by what does not happen. That fact makes the HSO position vulnerable when budgets must be trimmed. Only the recognition of the importance of the position by municipal leaders will allow the position to survive.

Conclusion

Ultimately, all disasters are local. We have recently come to understand that preparation, response and recovery carry a strong local component as well. In the case of terror attacks, the state and federal governments have a responsibility to provide actionable intelligence when possible and assist with preparedness and response. The local municipalities, however, are best suited to know what needs to be done, and how to do it. The HSO position represents the essence of what people hope and expect their local departments are doing in regards to homeland security. The HSO represents the face of a modern, prepared department by learning from the mistakes of the past and bringing all possible methods and resources to bear on the problem of homeland security.

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Chapter 2

Management Perspectives of the Homeland Security Officer Program

Introduction

As municipal governments move into the 21st century, they must face challenging new realities. The world is a very different place from what it was only a few years ago, and much of the responsibility of keeping up falls to local governments. September 11, hurricane Katrina and other events, as well as the current financial crisis and ensuing legislation, have put the focus on local law enforcement to do more with less. New services are required and new standards must be met, while still providing the services that have been delivered in the past. The increased need for government efficiency means budgets must be constantly reevaluated. The key to successfully meeting all these diverse goals is the incorporation of classic managerial techniques and methods with modern sensibilities to maximize the efficient use of our most valuable resource, our employees. It is critical that managers of police services realize the potential of their people, and strive to maximize the results of their efforts.

History

The Village of Pleasantville was incorporated in 1789. What began as a small agricultural area in central Westchester County, NY expanded after the arrival of the Hudson Rail Line in 1846. With the railroad came a rise in both residents and businesses. The growing population and light industrial commerce of the region required a local government. (Pleasantville, New York). Central to the idea of local government is a local police force, and the Pleasantville Police Department came into existence shortly thereafter. Since incorporation, Pleasantville has grown, but the mandate for the existence of the police department remains the same. Today, we still

exist to serve our residents and visitors and maintain safety, tranquility and a high quality of life. How we provide those services, however, has changed dramatically.

The Pleasantville Police Department is organized similarly to other small, suburban police departments. At the apex is the Police Chief, commanding a total of twenty-one officers in two divisions. The Patrol Division is headed by a lieutenant, who directly supervises four sergeants. The Detective Division consists of a lieutenant and two detectives. One of the detectives is assigned as the Youth Officer tasked with interacting and building relationships with the younger members of the community. On a typical patrol shift, a sergeant or police officer-in-charge (OIC) commands two or three patrol officers. The daily operations of the Pleasantville Police Department consist of any number of local law enforcement functions.

Also like other police departments, the Pleasantville Police Department does not fit comfortably into any one of the classic models of organizational structure. Common to other para-military organizations, there is a strong and deliberate hierarchy, as there can be no question as to who is in charge during emergencies. The actual structure, however, borrows from many of Mintzberg's organizational models, but most heavily from the simple structure and the professional bureaucracy (Mintzberg, 1979). As in the simple structure, the Chief is the ultimate authority and ultimately responsible for the actions of organization members. However, there is also a powerful middle line of management, and officers exercise considerable discretion on how to handle certain calls. The organization is dissimilar in that training and planning are essential to the day-to-day operations.

The role of policing as a profession creates a number of similarities with the professional bureaucracy. Most notably, statutory and case law provide the basis for law enforcement efforts. However, the difference lies in the fact that local authority and the chain of command trump

professional standards. While every department attempts to follow protocols and utilize the best practices of the profession, in the end, each is left to decide on their specific policies and procedures for issues that arise.

> The Mission Statement of the Pleasantville Police Department states, in part:
>
> The principal Mission of the Police Department is to preserve the rights of citizens and reduce fear in the community through the prevention of crime, arresting of violators, protection of persons and property, and the maintenance of order in public place; and to anticipate and respond to events that threaten public order, and to threats to life and property. (Pleasantville Police Department, 1996)

The members of the Police Department perform specific functions in order to achieve these lofty goals. In addition to enforcing the New York State Penal and Vehicle and Traffic Laws, the department and its members:

- Respond to calls for service
- Interact with the community and foster positive relations
- Prevent lawlessness and breaches of the peace and maintain public order
- Conduct traffic and crowd control
- Maintain official records of events
- Uphold the Constitutions of both the United States and New York State.

A New Position in a New Paradigm

With the number and complexity of tasks involved in homeland security, it is unreasonable to expect a complete undertaking from an officer in a conventional assignment. At

the local level, officers often have multiple responsibilities they must accomplish in addition to their job descriptions. Currently, homeland security preparation in local departments falls to one or more officers in this patchwork fashion. By creating the position of Homeland Security Officer and assigning one officer to that position full-time, local municipalities have a better chance of doing everything they can to mitigate the effects of a critical incident. Each department's decision to staff an HSO represents a proactive approach to "anticipate and respond to events that threaten public order, and to threats to life and property" (Pleasantville Police Department, 1996).

The United States Constitution grants the federal government jurisdiction for national defense. The federal government has traditionally assumed the lead role for much of the effort against terrorism and possesses greater information-gathering ability, more resources, and more experience analyzing data into actionable intelligence. However, the greater the national security threat, the more important local policies become (Clarke & Chenoweth, 2006). The federal government and local agencies have complementary strengths that require coordination as the National Commission on Terrorist Attacks upon the United States (2004, pp. 425–427) has recommended; "cross-fertilization between the criminal justice and national security disciplines is vital to the success of both missions" (Inamete, 2006, p. 4).

Since it is unrealistic and illogical for federal authorities to dictate local operational policies, local agencies must dedicate themselves to preparation, prevention and recovery from a major incident, and allocate necessary resources to do the job. We have had the benefit of time to examine our immediate responses to various types of disasters: what works, and what needs to be done differently in the future. Clarke and Chenoweth (2006) discuss how important local knowledge is in terms of domestic preparedness but recognize that local officials have other

pressing issues to deal with. A paradox exists when local concerns are centrally dictated. The need for a new type of manager is evident: one with a local focus but with the assistance, intelligence and resources of the federal government at his disposal.

As the ability to launch major attacks against key metropolitan areas becomes more difficult, smaller municipalities may become more attractive targets. Additionally, attacks in Times Square, Mumbai, India and Oslo, Norway have demonstrated that so-called "soft targets" are also considered high value and may be attractive alternatives for small, self-contained cells. Smaller departments face significant risks of terrorism, but without the traditional resources, funding and specialized units for response. Kettl notes:

> The U.S. political tradition has long celebrated local self-government and individual choice. However, is there a national interest in ensuring at least a minimum level of local preparedness to ensure that some citizens are not exposed to unacceptable risks because of where they happen to live? (Kettl, 2003, p. 351)

The need for a strong local commitment is apparent. Municipalities have local knowledge and directly interact with their citizens. The first law enforcement responders to any incident will be the local police department, and they will coordinate response with local fire and EMS departments. "Emergency management remains the responsibility of local and state governments, with the federal government serving as a source of support for local effort" (Birkland, 2009, p. 425). Our federal system means local agencies retain jurisdiction throughout the course of the event.

Clarke and Chenoweth point out the difference between risk (the likelihood of attack) vs. vulnerability (the damage that can be done versus the location's ability to bounce back), and argue that there must be new way to organize homeland security responsibilities. The local focus

on terror must be enhanced and new methods established to effectively reduce vulnerability. The authors suggest addressing these issues as collective action problems, with performance regimes comprised of both the public and private sector to address security issues. Critical tasks these regimes must accomplish include:

- Rally everyone together despite different perceptions of immediacy.
- Keep participants focused as other demands arise.
- Keep people together as they try to solve problems over time (2006, p. 95)

Currently, no position exists whose fundamental responsibility is interacting, coordinating or motivating various agencies toward homeland security preparedness. It is apparent that the diverse needs of local municipalities before, during and after a major event require someone whose responsibilities are limited to those duties. The creation of the position of Homeland Security Officers in local police departments serves to meet the requirements of true preparation, while recognizing the diversity, complexity and intricacy of such an assignment. Thus, the creation of a Homeland Security position within local jurisdictions is justified and necessary.

Homeland Security Officers as Managers

The creation of a new position of Homeland Security Officer will require many changes. Most importantly, the position of HSO will require a new position in the organization, which is classically divided into patrol and investigative functions. The HSO will fall somewhere in between. The position requires networking and interaction with a number of atypical sources, including partners on the federal and state level, as well as the local business community and

leaders. Building and maintaining mutually beneficial relationships is usually accomplished by members of both divisions, and the HSO's duties reflects the hybrid nature of the position.

A newly appointed Homeland Security Officer will face a number of challenges, both from the nature of the duties and within the organization. Lagadec (2009) posits that the risks of the 21st century will require a complete break from the responses of the past, that a manager, here the HSO, must develop an entirely new set of criteria for preparedness, including a new way of thinking. The HSO will face a hidden threat and always be preparing for the unexpected. He/she may need to recognize when to make critically important decisions based on few proven facts and will be successful when measured against what does not happen. He/she must introduce himself and his position to all involved stakeholders, and the HSO program will require ongoing justification to maintain support from the public and policy-makers. Perhaps most critically, the HSO will need to display an abundance of skill in managing his position and the people with whom he will interact in furtherance of his objectives.

The HSO will need to possess exceptional management skills due to the fact that he will be the person responsible for preparing people and the organization for critical incidents. He/she will need to perform classic management functions, such as making difficult decisions regarding personnel, time management for themselves and co-workers to meet the agency's goals, resource allotment, and supervision of personnel and training. The HSO will need to ensure constant vigilance and prevent complacency from members of the department, even during long periods of calm. He/she must be flexible in the management of his own people and especially consider the effect of the novelty of what he is trying to accomplish on those around him. While continually planning, the HSO should also consider what to do when the environment starts to

change, as ". . . the ability to respond to such events is both a function of planning and of improvisation" (Birkland, citing others, p.424).

Additionally, there will be a need for the newly assigned HSO to possess other non-traditional interpersonal skills in order to maximize the potential of the position. The need to interact with personnel from other disciplines and agencies will provide a unique opportunity to overcome animosity, suspicion, territorialism, skepticism and jealousy. The HSO must be able to reach out to other professions where long-standing rivalries may exist, deflating turf battles and establishing connectivity beyond their original sphere of influence (Marcus, Ashkenazi, Dorn, & Henderson, 2007). He/she must possess a personality that encourages others to work and network with him or her, be they law enforcement from other departments or other levels of government or private citizens in positions within business or non-profit or charitable organizations. In order to solve the problem that is homeland security preparedness, officers need to be given the flexibility, freedom and authority to recognize deficiencies and address problems. Most importantly, the HSO must display leadership qualities, not only to those within his department despite rank, but on all levels.

Additionally, the view that public government be run with an eye to the bottom line is gaining traction amongst politicians and citizens alike. The development and implementation of Compstat, and the expanded use of Zero-Based Budgeting (ZBB) are effects of accountability and budgetary constraints trickling down to law enforcement at the local level. In order to gain widespread acceptance amongst various involved stakeholders, and therefore be implemented and survive, the HSO position must provide an acceptable return for the resources required.

One of the ways organizations become more efficient is by encouraging creative problem solving in their members and giving them the authority to make decisions based on their

observations. By reducing the role of the bureaucracy and recognizing the strengths and capabilities of individuals, departments can be more effective at getting specific tasks accomplished (Osborne & Gaebler, 1993). A core tenet of the Community Policing Program allows decisions to be made at the lower level. Officer's responsibilities are elevated from merely fighting crime to solving problems. This process builds organizational credibility, fostering trust and cooperation between employees and their supervisors, as well as between civilians and their police department. The authority granted to HSO's has the potential to do the same.

The Role of Management in a Disaster

The role of the HSO will be critical in all phases of critical incident management: preparedness, prevention, response and recovery. The focus of many small suburban and rural departments is on service and the equipment and expertise to truly mitigate a disaster is not always immediately available. Homeland security officers will need to complete various management functions before an incident occurs. It will fall to the HSO to ensure employees are trained and prepared to carry out their duties. The significant need exists to prepare officers, especially those in smaller departments, for being first responders on scene at mass casualty/critical incident. Training is needed to ensure that the response is focused and effective. Officers cannot be expected to remember everything in the midst of chaos, so knowledge of whom to call for assistance must be readily available to supervisors and dispatchers. Due to the rarity of such incidents, many officers may never be the first on scene throughout their careers. However, in order to be truly prepared, officers in local departments require training that includes:

- The duties and responsibilities of being the first officer on scene, including but not limited to activation of the NIMS protocols
- How to secure the scene, including recognizing secondary devices and other hazards, make it safe and preserve critical evidence, either for criminal investigation or protracted response.
- Who to contact in order to receive what is needed.

As stated previously, the core functions performed by a police department are more extensive than merely the preservation of life and property. Many other functions are critical during and in the aftermath of a disaster to ensure a complete response. The major activities undertaken by police officers on a day-to-day basis: responding to calls and handling them, community interaction, crowd and traffic control, maintaining official records, are necessary and critical functions to be performed during a critical incident. However, the unusual nature and stress of the incident will make it necessary to train for them in new ways. The HSO will have the responsibility of ensuring that officers and departments are as prepared as possible for an emergency. In many ways, preparation means doing what you always do, just a little better or a little differently. Such areas to redirect focus include:

- Vigilance in patrol
- An intimate knowledge of the jurisdiction and surrounding area
- Recognition of hot spots and areas of interest
- Location, operations and hazards of critical infrastructure

- Knowledge of people and their relationships to the community and each other, including residents, business leaders, and other community members
- Other departments, inside and outside government

Interpersonal Skills

Relating to Individuals

The Homeland Security Officer position requires leadership in a number of areas. One of the most significant involves bringing together people from various backgrounds and perspectives and facilitating their cooperation. This will be necessary to receive stakeholder support, successfully network with members of other departments, disciplines and agencies, and create and maintain public/private partnerships. The HSO will constantly be working with people, and many, if not all, of the duties involved will require some level of coordinating groups to achieve success. In order to be successful, therefore, the HSO must have a strong working knowledge of individual and group dynamics. The HSO will need to understand people, both as individuals and as members of groups. He will need to secure buy-in from people of various backgrounds in order to accomplish his mission.

At the core of the HSO's duties will be interacting with and engaging other people. Putting people in the right place is the critical first step to helping employees to reach the goals and objectives set for them in the workplace. Good managers realize that to have the best chance at success, tasks should be suited to employees, not employees to tasks.

First and foremost, the HSO will need to develop new relationships with the members of his department. In the best case scenario, the HSO will be regarded by all as a valuable resource amongst his co-workers. However, the HSO may also face resentment, misunderstanding and

criticism. The newly appointed HSO should not expect other officers to be happy about the new position, but if managed correctly, the HSO can satisfy his mission despite these obstacles. Dedication to achieving common goals does not rely on employee contentment, but by demonstrating the utility of the position. HSO's will need to focus on relationships with other employees and demonstrating the benefits of the position to win the support of doubters. Only then can contributions be expected from all.

A proven asset in creating those successful relationships involves recognizing personality types and how they affect an individual's way of thinking. Personality testing is a tool to quantify and measure things about a person they might not even know about themselves. Personality testing and emotional intelligence testing should be undertaken by HSO candidates in order to assess their own mental processes, as well as prepare them for coordinating individual and group efforts. Knowing how people think and operate will make the job easier and results more tangible. By knowing and recognizing personality types, a truly gifted manager can recognize the personality traits of an individual. By doing so, a person's motivations and actions can be recognized, understood and predicted (Huitt, 1992). However, doing so requires listening skills, high emotional intelligence and a strong desire to help others succeed. The benefits of doing so will substantially increase other employees' desire to assist the HSO on a day-to-day basis.

Additionally, since the HSO will be required to seek the assistance of other members of his agency to fully accomplish his goals, he will need to be familiar with techniques to motivate employees. Since these duties represent a new focus for local agencies, associated tasks to be accomplished will be in addition to the currently responsibilities of officers. Perry, Mesch and Paarlberg (2006) conducted a meta-analysis of studies regarding employee motivation techniques

and their applicability in the public sector. Four programs, financial incentives, job design, goal setting and participation, were reviewed, and each was deemed to have some effect on job performance. Each represents an opportunity for the HSO to reach other officers, but also comes with significant caveats.

In his role as HSO, he will have little authority over the issues that managers would classically utilize to create employee behavior. For example, financial incentives and alternative work schedules will typically be beyond the control of an HSO, and they represent potential logistical, practical and ethical concerns in a collectively bargained relationship. However, the ability of the HSO to convey the importance of tasks to fellow employees and maintain their commitment will be critical to success. Actively seeking engagement and feedback will further maintain necessary involvement. It will be up to the HSO to tailor the approach to the individuals and situations of the agency.

Group Dynamics

As managers, the HSO's will be tasked with one over-arching objective: to manage people and motivate their efforts for a common goal. HSO's should expect to create, facilitate and mange group work between various people. In homeland security, where decisions must be made quickly and problems must be solved correctly or else risk loss of life, groups are a powerful tool. The power of the group can achieve results individuals cannot, but also represents an easy way to get off topic or lose focus. Efficient groups speed problem solving and can improve results. Groups, at the local level, have the potential to recognize unusual opportunities and address the failure of imagination that was cited as a key contributing factor by the 9/11

Commission. In order to be efficient and successful, the HSO must recognize the strength of collaboration.

To maximize the efforts of diverse stakeholders, the HSO must build trust amongst the group and confidence in the individuals. The free flow of thoughts and ideas can easily be reduced when people do not trust that their ideas will be respected. Confident officers are more willing to welcome different points of view as a valuable asset, as opposed to a challenge to their own ideas. Huitt (1992, p. 4) states: "The challenge for using the problem solving process described by experts is to utilize the techniques and procedures that acknowledge individual differences and provide for alternative perspectives to be considered." In short, when managed correctly, people's differences are a benefit, not an obstacle, to problem solving. We must strive to create a culture of acceptance at all levels and attempt to encourage and harness the power of a positive professional rivalry. Such a situation occurs when, like elite teammates, members of the group push each other to new levels of creativity and success.

It is critical for managers to get the most out of those working together, despite differences, and recognize that different styles of problem solvers might be forced to work together. When this occurs, we have to be ready with the tools to maximize the productivity of all employees, no matter their personality type or individual processes. Brainstorming, for instance, represents an opportunity to maximize results based on the various experiences, opinions and perspectives of group members. Recognizing personality types and how they will approach problem solving and decision making is crucial HSO's to achieve success. Huitt (1992) recognizes the power of brainstorming especially to be used at many steps along the problem solving continuum, particularly during the input and processing phases The job of the HSO in these group situations includes utilizing various techniques, encouraging different people

through various means, and ensuring that the right people are focused on the right problem at the right time.

Marcus et al. describe the qualities of a meta-leader: "leaders whose scope of thinking, influence and accomplishment extends far beyond their formal or expected bounds of authority" (Marcus, Ashkenazi, Dorn, & Henderson, 2007, p.1). Such leadership is critical when the goals are beyond the reach of one agency or organization. The five dimensions of meta-leadership including knowing one's self and the organization to which he belongs, the situation, and how to influence people over whom he has no formal control, i.e., superiors and members of other organizations. The HSO must possess the qualities of a meta-leader because of the responsibilities of a position devoid of rank, the need to influence superior officers and elected officials, as well as the mandate to coordinate and gain the cooperation of other agencies and civilians.

In the end, the seeds that HSO's will sow by bringing people together successfully will bear fruit during critical incidents. The Arlington Fire Department's response on 9/11, for instance, has been cited as a model for emergency services in the aftermath of a disaster. Critical to the success was "an emergency response plan built on an integrated command structure, mutual aid agreements with surrounding communities, a solid emergency team, an assistance program to back up employees amid the incredible stress of their work, and constant drilling in the years leading up to the terrorist attack" (Kettl, 349). In short, the trust based on preparation and years of collaboration and cooperation saved lives. While we have learned that disasters tend to bring out the best in people, we should leave nothing to chance. Regular collaboration under stress free conditions will minimize mistakes and oversights during a critical incident. Officers and civilians that have previously collaborated have developed trust and confidence in each

other, and are more prepared to work together. It will be the duty of the HSO to create those opportunities for collaboration.

Communication

In the simplest terms, the need for communication during a critical incident is crucial. History is rife with stories of the failure of communication leading to the failure of an objective. Decision makers need to make informed decisions, and operators need information to know how best to handle a scene, for the safety of themselves and the victims they are trying to reach. The failure of communications on September 11, for example, has been cited as a contributing factor to the tragically high loss of life amongst first responders and the Fire Department of New York in particular (Kettl, 2003).

Part of the HSO's duties of preparation for a critical incident includes considering communication issues and possible solutions. Various agencies will be attempting to respond seamlessly under insecure, stressful situations, all the while needing to exchange information. On-site communication equipment and protocol will be a major concern preparing for a major incident. Portable radio inter-operability, the use of clear speech and the availability of backup systems are only some of the many concerns that must be addressed.

Interpersonal communication is another critical component of the Homeland Security Officer's duties. HSO's will prepare for communication at critical incidents daily by interacting with department members, other agencies and the public. The HSO will need to be an active listener. Officers must be confident their ideas and concerns will be heard. Civilians must know their observations, opinions and ideas will not be dismissed. Open communication will maintain the positive environment for the collaboration the HSO will constantly be seeking to create.

During critical incidents, when communication is at a premium, the groundwork must have already been laid for open, honest, successful communication.

Employee Relations

We have been forced to learn over the past few years that critical incidents tend to bring out the best in people. The importance of the task at hand pushes less important concerns and rivalries from the fore. Idle time is often filled with gossip, jealousy and conjecture, and lack of activity is a threat to peaceful coexistence both between members of the same agency and those of different agencies. The immediacy of response to a critical incident provides an opportunity to see the best in each other and improve relationships. However, it is unrealistic to expect that differences of opinion, conflicting personalities and established rivalries will be completely forgotten, especially as the incident progresses and the immediate threat recedes. Having previously laid the foundation for effective management will ensure the HSO can overcome these challenges during an incident.

The role of manager requires an interaction with subordinates and coworkers, many times in negative or perceived negative settings. The position of HSO will grant the holder certain authority despite rank. They are responsible to inform, educate, train and monitor other officers to ensure they are maximizing their potential and conforming to the expectations of the organization. Especially in this economic climate, when municipal governments are expected to do more with less, the role of front-line management personnel is critical. HSO's, by the nature of the position, must recognize the need for strong interpersonal skills and the importance of positive employee relations.

Police departments utilize a para-military structure to provide clarity of responsibility in times of crisis. Personality conflicts and rivalries are removed from the equation as long as officers respect the structure and follow orders. Failure to do so is potentially punishable by termination and criminal charges. However, the HSO position would fall outside the typical chain of command. Similar to a detective being in charge of a crime scene, it is possible that at the scene of an emergency, the HSO would be responsible for resources and personnel during the immediate response, despite the presence of higher-ranking department members. Lacking command authority, his expertise would and should place the HSO inside the Command Post, providing valuable information and insight. While the potential for confusion and rivalry exists, providing for the HSO to be in charge of the scene reflects a progressive mindset and recognition that the most knowledgeable people should be making decisions during critical incidents.

Conclusion

With the creation of the Homeland Security Officer position comes the question of the necessary criteria for success. The managerial skills of the officer(s) assigned must be a central consideration, as many of the duties involved will require the HSO to act as a manager. During the critical preparation phase, the HSO will need to use communication and interpersonal skills and knowledge of group and individual behavior to facilitate understanding, collaboration and cooperation. He will need to motivate and inspire. During incidents and amid chaos, the credibility and trust he has developed among his fellow officers, members of other departments and disciplines, as well as the public, will be crucial. In the aftermath, recovery and resiliency will be determined by the abilities of a prepared and knowledgeable facilitator. During each phase, strong managerial abilities of the Homeland Security Officer are critical.

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Chapter 3

Strategic Plan and Budget: Police Department of Pleasantville, New York

Executive Summary

This is a proposed Strategic Plan for the Village of Pleasantville Police Department. After an analysis of the internal strengths and weaknesses of the Department, as well as external threats and opportunities that exist, the plan proposes a number of strategies to guide our actions over the next five to ten years. Foremost in the mind of the author was the need to maximize our results with little or no expense to the taxpayer.

The past few years have brought unprecedented changes to the department. Amid sweeping personnel changes, mandates from various stakeholders and an ever-increasing need for fiscal responsibility, the department must constantly incorporate new ideas to maximize the quality of the product. Results are expected with a fundamental understanding of the bottom line. As we enter a new era, we have the opportunity to use the lessons learned, incorporate smart practices and provide a higher level of service for our community. The purpose of this plan is to give direction and focus to all of our stakeholders in accomplishing that mission.

Critically importantly is the maximization of our greatest resource, our employees. We must recognize that employee buy-in is critical for long-term success in any organization, especially in the context of local policing. In the Pleasantville Police Department each member represents approximately 5% of our workforce. Convincing our police officers, detectives and sergeants that they are critical to the future of the department will result in higher morale, greater productivity and the full realization of the department's potential. Any effort spent in pursuit of that goal will have tangible results in the level and quality of service we provide.

At its most basic level, local policing represents the fundamental relationship between citizens and their government. This relationship must be foremost in our thoughts and actions. As we move forward, we must constantly consider how we are represented to the public. Increased and improved interaction between members of the department and citizens increases the public value of the organization. A key ingredient to this plan is reporting. It is essential that village officials and the public be advised of our efforts. The goals we seek, the methods we incorporate, the resources we expend and the results we realize should be easily accessible to our citizens. Public trust accompanies the revenue with which to do our work. As such, a timetable for reports is attached, and specifies what measures will be reported on and when reports are due to make the information timely and actionable.

Purpose, Scope and Methodology

This Strategic Plan for the Village of Pleasantville Police Department was created to focus participant efforts, anticipate change and plan for the future. The plan's ultimate goals are to assist the Department in its mission to:

- Provide police services to residents and visitors in the community.
- Maintain fiscal responsibility.
- Utilize material and personnel assets to their utmost potential.
- Recognize and exploit unique opportunities and strengths.
- Prepare for threats and weaknesses.
- Build the department's public value.

This plan was produced as a real-world exercise in the process of preparing an accurate strategic plan for implementation. The process used is described in detail in Strategic Planning for Public

and Nonprofit Organizations by John M. Bryson. The major divergence between this plan and the process described by Bryson is the lack of stakeholder input. While it was not realistic, in this exercise, to receive direct input from stakeholders as Bryson describes, due diligence and care was taken to anticipate the concerns and reactions of non-participant stakeholders. To the best of the author's ability, they have been addressed throughout the plan's formulation.

This Strategic Plan was produced by Sergeant Erik Grutzner, with collaboration and cooperation from:

- Anthony Chiarlitti, Chief of Police
- Patricia Dwyer, Village Administrator
- Judy Weintraub, Village Clerk
- Mary Schwartz, Village Treasurer
- Pam Hoffman, Assistant Treasurer

Additionally, the author received feedback and assistance from individuals participating in the executive Master's Program in Management for Public Safety and Homeland Security at Pace University.

Mandates

The Village of Pleasantville Police Department's relationship with civilians, public employees, and other governmental agencies are mandated through a variety of laws, codes and constitutions. They include:

- The United States and New York State Constitutions, as well as judicial opinions regarding and interpreting the same.

- Federal and state legislation, most importantly the New York Code classifying New York as a Home Rule state.
- Funded and unfunded mandates, as well as executive orders of the legislature and governor.
- New York State Village Law and General Municipal Law.
- New York State Civil Service Law, including sect 200-214, known as the Taylor Law.
- New York State Penal Law.
- The United States Code (USC).
- The Westchester County Code.
- The Pleasantville Village Code.
- The current collective bargaining agreement between the Village of Pleasantville and the Pleasantville Police Benevolent Association, Inc. as well as all previous grievance settlements.

Analysis: The Village of Pleasantville does not operate under a charter. The New York State Village Law sets the conditions under which a village can operate.

Citation:

"[T]welve villages still operate under their original charters. These are Alexander, Carthage, Catskill, Cooperstown, Deposit, Fredonia, Ilion, Mohawk, Ossining, Owego, Port Chester and Waterford. Other villages may have historical charters, but they do not currently operate under them and are subject to Village Law" (Purcell, 2007).

> "Mandates are not a new phenomenon. During the 1960s and 1970s, more than a few municipalities were enticed—with the promise of federal assistance—into carrying out any number of mandated services. Most did so willingly. That experience led to a set of

> expectations with respect to funding which is now being ignored. As the 'New Federalism' has shifted the responsibility for more services to the local level, mandates are viewed as a burden, an extraordinary cost, a menace, or as a useful tool with which federal and state governments achieve their goals without increasing their budgets. Increasingly, mandates are unfunded by higher levels of government. What is also new is the growth in volume of regulations and the prospect of more to come. The costs of implementation are becoming more burdensome in the light of communities' inability to comply with mandates through property tax increases." (Sofranko & Meuller, 2001)

Shareholders

The shareholders most impacted by a Strategic Plan for the Village of Pleasantville include:

- Citizens, including the sub-groups of residents, members of the business community, and special interest and community organizations.
- Employees, both individually and as members of their union, the Pleasantville PBA.
- Supervisors.
- Police management.
- The civilian administration and elected officials of the village.
- Other governments, including those for the Towns of Mount Pleasant and New Castle, as well as Westchester County.

Analysis: The Stakeholder Map for a Government (Bryson, 2004) includes:

- Citizens
- The financial community

- Taxpayers
- Service recipients
- Governing body
- Employees
- Unions
- Interest groups
- Political parties
- Financial community
- Other businesses
- Other governments
- Future generations
- Media
- Competitors
- Suppliers

In a public setting, government entities need the assistance and approval, tacit or otherwise, of citizens, supervisors, and subordinates. However, to accomplish meaningful change that will survive in a turbulent world, we need the buy-in and participation of all stakeholders. Deciding who to include and under what circumstances is only part of the story. Building a coalition among them, finding consensus on fundamental tasks and limitations, and leading and managing the coalition through the long process of execution of any strategy are all duties required to take a strategic plan from realization to implementation.

Leadership is vital, as many opportunities will arise for such a varied group of people to get bogged down, distracted or lost over the long periods of time before results can be expected. Additionally, every situation is different, and there can and will be times when strong leadership is necessary so the principles for strategic planning are applied in the most beneficial manner. The plan may need to be revised or new stakeholders may become apparent. As is required when working with people, fears will need to be allayed, and egos will need massaging. The wrong decisions made while navigating significant change can have far-reaching impact, especially in a time when trust amongst stakeholders is lacking (Rideout & Rewers, 2009).

Citations:

- "The support and he commitment of key decision makers are vital if strategic planning and change in an organization are to succeed. But the importance of these decision makers' early involvement goes beyond the need for their support and commitment. They supply information vital to the planning effort: who should be involved, when key decision points will occur, and what arguments are likely to be persuasive at various points in the process. They can also provide critical resources: legitimacy, staff assignments, a budget, and meeting space" (Bryson, 2004, p. 65).
- "If an organization does not know who its stakeholders are, what criteria they use to judge the organization and how the organization is performing against those criteria, there is little likelihood that the organization (or community) will know what it should do to satisfy those stakeholders. (Bryson, 2004, p. 107).
- "But change management in any form sends powerful messages to key stakeholders, including customers, employees, business partners and investors in terms of whom and what an organization believes are most important. (Rideout & Rewers, 2009, para. 1).

Mission Statement

The principle mission of the Police Department is to preserve the rights of citizens and reduce fear in the community through the prevention of crime, arresting of violators, protection of persons and property, and the maintenance of order in public places; and to anticipate and respond to events that threaten the public order, and to threats to life and property.

It is essential all members remember that in the execution of their duties they act not for themselves but for the good of the public as their oath requires. They shall respect and protect the legal rights of individuals and perform their services with honesty, zeal, courage, discretion, fidelity and sound judgment.

Police Officers must seek and preserve public confidence by demonstrating impartial service to law, and by offering service and trust to all members of the public.

It is the expressed policy of this department that Police Officers will use force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public cooperation to an extent necessary to secure observance of law or to restore order, and to use only the minimum degree of physical force which is necessary upon any particular occasion for achieving a police objective.

Analysis: The mission statement of any organization serves to explain the core of its work. By clearly and concisely explaining why an organization exists, the mission statement describes to stakeholders what the organization believes it is responsible to accomplish and to be held accountable for if it is not done.

The above mission statement is printed in the *Rules and Regulations Manual of the Pleasantville Police Department.* It is Chapter 1.1: the first item that readers encounter. However, the Mission Statement could be edited to be more efficient. A new version, such as the

one proposed below, should focus more on our core business: our interactions with people. It is easy to get caught up in numbers and statistics while assessing a police agency, but the true sense of its public value comes from the service it provides.

The mission of the Pleasantville Police Department is to provide for the welfare of our citizens and improve their quality of life through crime prevention and response, protection of life and property, the arresting of violators, maintenance of public order, service to the community and interaction with the public. We must maintain the guaranteed constitutional protections of persons under arrest or investigation and respect the dignity of the individual. We will treat all persons, be they residents, visitors, or employees, with the highest level of respect. We will conduct ourselves ethically in all situations, and display with every interaction that we are honest, dependable, courageous, resourceful, tenacious and discrete. We seek to honor ourselves and our profession every day.

Citation: "A good mission statement should accurately explain why your organization exists and what it hopes to achieve in the future. It articulates the organization's essential nature, its values, and its work (Radtke, 1998).

Vision Statement

The vision of the Pleasantville Police Department is to be a department that successfully and continually preserves the public trust we have been granted and be the model department for other municipalities of similar size throughout New York State.

Analysis: The Pleasantville Police Department does not currently have a vision statement. However, James C. Collins and Jerry I. Porras describe a vision as a combination of core ideology and purpose, combined with an audaciously envisioned future. The vision will serve to inform various stakeholders of the past and the future of the organization, as well as focusing

members on setting appropriate priorities and inspiring them to reach them. By enunciating its vision, an organization can make progress towards realizing its greatest potential and building public value. Fueling the fire of stakeholders to work toward and accomplish goals is the major component of a vision statement.

Citations:

- "A well-conceived vision consists of two major components: *core ideology* and envisioned future. Core ideology, the yin in our scheme, defines what we stand for and why we exist. Yin is unchanging and complements yang, the envisioned future. The envisioned future is what we aspire to become, to achieve, to create--something that will require significant change and progress to attain" (Collins & Porras, p. 66).
- "The vision helps organizational members and key stakeholders understand why and how things should be done" (Bryson, 2004, p. 226).
- "Mission, in other words, clarifies an organization's purpose, or *why* it should be doing what it does; vision clarifies *what* it should look like and *how* it should behave as it fulfills its mission" (Bryson, 2004, p. 102).

SWOT Analysis

Strengths:

- Officers: the Department is comprised of a young, energetic and intelligent group of police officers. All are between 32 and 43 years old, but only one has less than six years police experience.

- Experienced leadership: each sergeant has a minimum of 17 years of service. The management staff consists of a chief (28 years experience), and two lieutenants (23 and 30 years experience, respectively).
- Relations with the community: the Department has enjoyed a long history of community service and a strong reputation among its residents. While there will always be detractors and those unhappy with an agency's performance, there is ample anecdotal evidence that the Department is well-liked, respected and appreciated by the majority of the people it serves.
- Market: As a middle to upper-middle class suburb of New York City, the village of Pleasantville is economically stable. Responsible spending by previous administrations has resulted in a large fund balance. While an independent police force is being seen as more of a luxury item than it has in the recent past, the Village is currently not experiencing the financial problems of many other villages in Westchester.
- Exclusivity: New York's Municipal Home Rule provides that, short of a major undertaking, we have exclusive rights to serve the residents of Pleasantville.
- Community service: the Department has a strong reputation for community service. Members have responded to many calls that would not be considered police matters in other jurisdictions, and the variety of experience of our officers ensures we can help those residents when needed. Additionally, an officer certified in child car seat installation is a direct way of providing a useful service to the community.
- Specialized units: the Department provides bicycle patrols, a motorcycle unit and until very recently, a K9 officer, to serve the public in different and productive ways.

- License Plate Readers (LPR's): the acquisition and use of an LPR represents an effective merger of technology and policing.

Weaknesses:

- Financial: the Department is completely dependent on the budget passed by local elected officials.
- Uncertainty of the future: despite the financial strength of the community and a long and positive history with residents, these are unprecedented fiscal times. Uncontrollable costs such as health insurance and pensions cloud the future. Any responsible local government would be remiss if it did not consider mergers and consolidations as an alternative to tackling these costs alone. A separate police department for a municipality of less than 8,000 people is a luxury item, and the days of affording such a luxury may be numbered.
- Equipment: much of the equipment in use, including IT and communications, is old, out of date or in some state of disrepair. Police vehicles are routinely kept in service long beyond what would have been acceptable even just a few years ago. The cost for maintenance on new technology, i.e., in-vehicle cameras, is high.
- Headquarters: occupying the basement and a portion of the first floor of a four-story building in the center of our Village's business district, the current Police Headquarters facility is inadequate for the Department's need. Its location makes parking for employees and visitors extremely difficult, and the building is showing signs of having been built in the 1920's. There is flooding and mold in the basement, and the elevator that provides compliance with the Americans with Disabilities Act is often out of service.
- Change: the past six years have seen significant promotions and the hiring of a large percentage of the workforce. Additionally, there have been some sudden, unexpected

departures. As such, many new opinions have been expressed and acted on, in an organization that relies on an established culture and past practice.

- Inefficiency: with such an experienced management team, there has been a slow transition to new systems, most noticeably to handle time and accrual records. The resulting poor tracking has resulted in confusion and frustration.
- Lack of diversity: since the departure of two female officers to neighboring jurisdictions, the Department has no female members. The only minority officer in the Department is a Hispanic male. While the department has made minority hires in the past, including one of the first black lieutenants in Westchester, it would be remiss not to list the lack of diversity as a weakness.
- Lack of supervision on every shift: until recently, the Chief mandated a supervisor, sergeant or above, on every shift. Due to budgetary and manpower concerns, this is no longer the case.
- Current labor/management relationship: for a number of reasons, there is currently an antagonistic relationship between the police officer's Union and Village management. Issues that were previously resolved via conversation and mutual understanding are now the subject of grievances and Public Employees Relations Board (PERB) charges.

Opportunities:

- Financial: grants from state and federal sources and outside funding by private citizens and corporations are available, or can be explored.
- Communities: although currently enjoying a strong reputation among residents, the Department can realize additional public value by recognizing and acting on new opportunities to meet the needs and expectations of the public. There are a number of

special interest communities such as immigrant populations, business owners and operators, school communities and the Pace University community, upon whose support the Department could work to secure more specifically.

- Coalitions within the law enforcement community: by exploring new opportunities to share services and/or consolidate with neighboring jurisdictions and the Westchester County Police, the Department may find ways to provide a greater range of services.
- Hot Spots: in Pleasantville, hot spots include the local bar scene, numerous youth hangouts, the Metro North railroad station, the 7-11 store and the American gas station.
- Technology: advances in communication, including the advent of social media, information sharing, data processing, video technology and crime detection technology, (i.e. license plate readers) have the possibility to enhance the Department's level of service to constituents.

Threats:

- Crime/Terror: the raison d'etre for any police department. As criminals become more sophisticated, and the world becomes a smaller place, the Department must constantly remain vigilant to reduce fear and prevent loss of life and property to ever-emerging threats.
- Financial turmoil: the global economy and its effect on the Village's financial position increases mandated employee costs, including arbitration awards, health benefits and pension costs, and decreasing Village revenues all impact the Department's ability to secure funding to accomplish its mission.
- Lawsuits: society has become more litigious, and difficult economic times create an appealing environment for get rich quick schemes. Additionally, police work in general

creates interactions with the public that may result in litigation. Were the Department to find itself in a multitude of litigation, its position in the community would become more tenuous.

- Failing public trust/support: a police department's clientele does not always understand the reasons for the department's actions. This can and does have unforeseen consequences. A lack of support from the public or elected officials could create a situation from which the Department would not survive.
- Legal requirements: in a perfect world, legal mandates on police actions would be noticed, easily defined and perfectly followed. However, standards often change, presenting challenges for compliance and forecasting.

Citations:

- As described in Blue Ocean Strategy (Kim & Mauborgne, 2005), hot spots are the areas where we can focus our resources that will provide the greatest return on investment.

Strategic Issue: Maintaining the highest level of service to our residents in a fiscally responsible manner.

Strategy: Discover and incorporate smart practices in policing and administration.

Goals:

- Acquire feedback from stakeholders, including citizens, elected officials and other involved agencies, to assess level of service and areas for improvement.
- Conduct research and benchmark with departments who practice the models we wish to employ.

- Design and implement a training program, via roll call training, role playing and videos and technology, that delivers maximum training at minimum expense.

Key Performance Indicators:

- Increase in number of arrests, number of cases closed
- Number of programs which empower private citizens to prepare, prevent and recover from criminal and terror acts successfully initiated.
- Number of training hours completed by officers in these areas.
- Increase in level of satisfaction by stakeholders.

Time Table:

- February 1/July 1, yearly: the Division Commanders will prepare and release the Division Commander Report for administrative purposes and public review which will include: number of arrests and open and closed cases, as well as detailing public outreach and programs to remain secure through their own action.

- February 1, yearly: the Department Training Sergeant will release the Departmental Training Report, detailing training programs and certifying officer completion for the previous calendar year.

- July 15, 2011: the Department will release the results of a survey of public satisfaction.

Budget/Resource: estimated Budget of $4,000. Resources requested to achieve this goal.

Analysis:

- The bi-annual reporting of arrests, cases and public programs will provide for timely analysis and comparison and will allow management to recognize the need for necessary remedial training via workload review. By doing so, contractual training days can be scheduled addressing areas of immediate need in a timely manner.

- A survey of the Pleasantville business community was conducted in 2008 with little expenditure of resources ($60.00 for printing of questionnaire). At the time, however, one officer was assigned to the Community Problem Oriented Policing (CPOP) position on a full time basis. That position represented the manpower necessary to complete the study. Since that position is currently vacant, the estimated budget represents the cost of a survey comprised of on-line and traditional feedback.

Strategy: explore options for sharing services to maintain fiscal responsibility. Seek to maintain or increase service to our residents, while deferring costs.

Goals:

- The Village should commission a study to determine the reasonableness and feasibility of different merger options.
- Enter into Memorandums of Agreement (M.O.A.) regarding shared services that are appropriate, (i.e. Animal Control, Tactical Unit, etc.).

Key Performance Indicators:

- Successful commissioning of a consolidation study.
- Number of M.O.A.'s entered and maintained.

- Number of calls for service where response was enhanced via the sharing of services.

Time Table:

- June 1, 2011: a consolidation study is commissioned via the International City/County Management Association (ICMA).
- February 15 yearly: the Chief of Police will issue the Departmental Report, detailing M.O.A.'s entered and maintained.

  February 1/July 1, yearly: the Division Commanders will issue their Division Commander reports detailing calls for service and criminal investigations that were jointly handled with other police agencies in compliance with previously signed M.O.A.'s.

Budget/Resources:

- Estimated cost of a consolidation study is $23,000. Resources requested to achieve this goal. However, a merger would not proceed unless significant savings were expected.
- Memoranda of Agreement represent a potential decrease in costs to the Village.

Analysis: Obviously, the decision whether or not to merge or consolidate the Department lies solely with the community and its elected representatives. The results of such a study, however, would go a long way to clarifying the Department's future.

The cost of the consolidation study between the Town of Ossining and the Villages of Briarcliff Manor and Ossining was $23,000. The current political climate of Westchester County and New York State recognizes and supports such proposals. State grant money may be available to defer these costs.

Citation: http://www.dos.state.ny.us/pres/pr2010/8-20grantspr.html

Strategy: increase revenues and income to the Department, while reducing waste and inefficiency throughout the fiscal year.

Goals:

- Training officers in grant writing will allow the department to apply for and be awarded more federal and state grants.
- Joining a Buying Consortium with other local police departments to increase buying power for common items and services, through improved negotiating position and volume discounts.
- Implementation of more entrepreneurial methods of budgeting and expenditure to allow for more creativity and autonomy.

Key Performance Indicators:

- Number of officers trained as grant-writers, number of grants applied for and awarded, and dollars received via federal, state, county and private grants.
- Money saved from purchases of regularly purchased items.
- Creation of new budgeting and expenditure methods that rewards creative and responsible purchasing.

Time Table:

- Prior to March 1, yearly: the Police Chief and Village administration, (Mayor, Board of Trustees, Village Administrator, and Treasurer's Department), will conference to decide on budget tactics that reward efficiency in both funding and expenditure. The higher priority will be given to programs and items that comply with such standards.

- February 15, yearly: the Police Chief will issue the Departmental Report, detailing the number of officers as grant writers; grants applied for and awarded, and grant dollars received by the Department.
- February 15, yearly: the Police Chief will issue the Departmental Report, detailing consortia entered and savings realized from buying consortia.

Budget / Resources: Estimated budget of $2400.00. Resources requested to achieve this goal. Savings are to be determined.

Analysis:

- Estimated budget reflects the cost of three officers to become grant writers. However, on-line and lower cost alternatives, while not advisable, are available if necessary.
- In addition to the current system of Zero Based Budgeting, (ZBB), the Village can realize fiscal responsibility with the addition of entrepreneurial budgeting. This system allows for flexibility and creativity, and rewards department heads who tailor their expenditures to meet organizational needs.
- Under a buying consortium, departments will realize savings that will grow over time as departments purchase similar equipment. Additionally, interdepartmental interoperability will result, a critical issue when conducting multi-agency operations and at scenes of emergencies.
- Section 5-500 of the NYS Village Law sets the timetable for budget submissions and acceptance.

Citations:

- Information regarding budget dates and responsibilities (Purcell, 2007, p. 128)
- (Osborne & Gaebler, 1992)

Strategic Issue: Recruiting and maintaining exceptional employees, and creating a positive and fulfilling work environment.

Strategy: Improve the Labor/Management relationship.

Goals:

- Introduction of Labor/Management meetings.
- Practice open and fair discipline and promotion practices that follow established industry norms.

Key Performance Indicator:

- Reduction in the number of issues that need to be resolved via an outside agent (i.e. PERB, arbitration or via lawsuits); including but not limited to grievances, improper labor practices and job-related injury claims.

Time Table:

- April 1, 2011: the Village administration and the PBA President will meet to agree on format, invited participants and issues to be discussed for quarterly Labor/Management meetings.
- March 1, 2011: the Chief of Police will detail and present for negotiation a formula for discipline and promotions, with management prerogatives recognized as valuable criteria.

Budget / Resource: There is no cost incurred for this strategy.

Analysis: The workforce must be respected and recognized as the essential component of the Department. By creating a forum to foster understanding and cooperation, officers are empowered and are convinced that they have a stake in the future of the organization. Increased productivity and attendance can be expected from the ensuing increase in morale.

With increased responsibility and accountability being placed on first-line officers, they must be confident that promotions and discipline (i.e. the carrot and the stick), will be meted out fairly and following accepted professional standards.

Citation:

- "Unless specifically abridged, delegated, granted or modified by this Agreement, nothing in this Agreement shall limit the Village in the exercise of its function of management. Such functions and rights as enumerated by State, local law, resolution, order or rule, remain exclusively and without limitation within the rights of the Village.

  "The Village and Association recognize the need to maintain the dignity of the labor of the individual, and to administer their respective responsibilities so as to be impartial and fair to all employees." (Current CBA: Article III Reciprocal Rights).

Strategy: Recruit less-experienced officers to positions where they can be a part of recognizing problems and realizing solutions.

Goals:

- Create more positions of responsibility to involve more officers in the decision making process.
- Create work groups of officers to solve departmental problems and offer creative solutions.

- Conduct feedback meetings between officers and administrators to freely express concerns and have questions answered.

Key Performance Indicators:

- Number of positions for officers to make decisions and exercise control.
- Number of work groups.
- Number of meetings held between department management and officers, allowing for the respectful free flow of ideas without repercussions.

Time Table:

- May 1, 2011: the Division Commanders will report on what tasks are appropriate for delegation, and to whom to delegate, within their divisions.
- February 1/July 1, yearly: the Division Commanders will issue their Division Commander Report, detailing duties delegated and to whom within their divisions.
- February 15, yearly: the Chief will issue the Departmental Report, detailing the creation of work groups, their focus and members participating.
- March, 2011: the Pleasantville PBA and the Village Administrator will meet to decide on feedback meeting guidelines.
- Quarterly: feedback meetings will proceed.

Budget/Resources: Since any time spent on these issues will be during regular work hours or on a volunteer basis, there are no costs involved with realizing these goals.

Analysis: As officers become more experienced, they recognize areas in the department that could be improved. Delegating officers to address such issues improves the quality of the workplace, empowers the officers and reduces the workload of management. However, these

additional responsibilities must be handed out judiciously to avoid a negative push-back or frustration on the part of the officers.

Strategy: Create a more culturally sensitive workforce. Prepare officers to deal respectfully with parties of multiple races, ethnicities, orientations and languages.

Goals:

- Implementation of cultural sensitivity training.
- Implementation of language training.

Key Performance Indicator:

- Number of officers who receive diversity and language training.

Time Table:

- April 1: with the assistance of the Training Sergeant, the Chief of Police will decide on appropriate cultural sensitivity training to be completed by members of the Department.
- February 1, yearly: the Training Sergeant will release the Departmental Training Report, detailing number of hours officers received diversity and language training, and how the training was delivered.

Budget / Resource: There are no costs realized with achieving these goals. The training can be completed piecemeal and during regular work shifts.

Analysis: The opportunities for training of this nature are wide-ranging and limited only by the imagination. For example, the Department of Justice has an on-line Spanish for Law Enforcement course available, free of charge. Members of minority groups can be invited to

speak to Department members on issues that may arise from interactions with them. Films and online resources may expose members to cultures with which they are unfamiliar.

Citation: http://www.ojp.usdoj.gov/nij/pubs-sum/201801.htm

Strategic Issue: Increasing efficiency in the execution of services, programs, mandates and policies for the betterment of service and employee well-being.

Strategy: A more open and participatory system for tracking time and accrual records

Goal: Establishment of a simple computerized method for review of records and correction of errors.

Key Performance Indicator:

- Reduction of reported errors in the tracking of overtime and contractual leave accrued and used.

Time Table:

- May 1, 2011: the Chief of Police, Pleasantville PBA and the Treasurer's office will release the results of a study conducted to determine a manner of tracking and approving time and accrual records easily and accurately.
- Prior to the tenth day of each month: the Chief will complete and release the department's accrual records for the previous month, as per a prior grievance settlement. Members of the department and Division Commanders will review and approve the previous month's figures at their first mutual convenience after the release.

Budget / Resource: There is no cost to achieve this goal.

Analysis: By utilizing computer software currently in the Village's possession, management can track contractual leave time and overtime more quickly and accurately. This will reduce confusion and improve morale. Management can also detect possible patterns of abuse and act swiftly to correct them.

Strategy: Increased competency in first-line supervision.

Goals:

- Mandating supervision on every shift.
- Additional training for all patrol officers regarding duties and responsibilities of supervisors for the rare but inevitable occurrences when a supervisor is not available or becomes incapacitated.

Key Performance Indicator:

- A full complement of Patrol supervisors.
- Number of officers who receive supervisory training.

Time Table:

- May 1, 2011: the Chief will announce the two promotions needed to achieve a full complement of sergeants in the Patrol Division.
- June 1, 2011: the Patrol Division Commander, with assistance from the Training Sergeant, will complete a curriculum for all patrol officers to prepare them for the duties of Supervision

- February 1, yearly: the Training Sergeant will issue the Departmental Training Report, detailing the officers who have completed the training and certifying compliance that all officers are so trained.

Budget/Resource: Estimated budget of $32,500. Resources requested to achieve this goal.
Analysis: The current differential between police officer 1 and patrol sergeant is $12,928. The estimated budget reflects the increase in the base salaries of the two new sergeants. Much of the cost, however will be offset by the reduction of Out of Title Pay for the Officer in Charge (OIC). The remainder of the requested amount relates to preparing and administering necessary training.
Citation: Current CBA, Article IV Annual Salaries

Strategy: Protect the Department from litigation and mitigate the claims that do arise. Ensure that employees constantly represent the Department in the best possible light.

Goals:

- Increased training in areas where lawsuits are likely (false arrest and detainment, brutality claims, etc.).
- Training in legal updates, rules and regulations policies and procedures, acceptable standards and smart practices.

Key Performance Indicators:

- All officers trained in federal, state and local laws, rules and regulations and policies and procedures, including limits on use of force, search and seizure.
- Number of training hours conducted on above topics.

Time Table:

- March 1, 2011: the Chief of Police will mandate training, and with assistance from the Division Commanders, the Training Sergeant, village counsel and the District Attorney's Office, approve a curriculum for the above items.
- February 1, yearly: the Training Sergeant will release the Departmental Training Report, detailing topics covered and certifying officer completion.

Budget / Resource: Estimated budget of $5,000. Resources requested to achieve this goal.

Analysis: Due to its complexity and importance, as well as the cooperative nature of this training, it is unrealistic to expect that it can be conducted at roll call or during work shifts. The estimated budget represents the preparation and delivery of the training. However, the litigious nature of our society and our public's expectations of their officers require high standards for training and compliance.

Strategy: Improve public perception of the Department and its individual members.

Goals:

- Increase direct communication between officers and members of the public.
- Conduct Town Hall meetings between citizens and police for the purpose of direct interaction and addressing relevant issues.
- Encourage first-line officers (police officers and detectives) to represent the Department and speak publicly.

Key Performance Indicators:

- Number of Town Hall meetings organized and conducted.
- Number of hours spent by patrol officers and detectives in direct contact with the community, most importantly in community policing type activities, or providing information and public speaking.

Time Table:

- March 1, 2011: the Division Commanders will release a report detailing arenas in which members of their respective Divisions can interact with the public.
- February 15, yearly: the Chief of Police will release the Departmental Report: detailing number of officers participating in outreach and Community Policing and hours spent.

Budget / Resource: Estimated Budget of $6,000. Resources requested to achieve this goal.

Analysis: The Department currently participates in numerous public outreach programs, including: safety lectures, Department tours, ChildSafe packet dispersal, Parents University, and the Officer Phil Program, among others. However, more positive feedback can be realized if such interactions become routine and occur at a variety of locations and in front of a wide range of audiences. The estimated budget includes overtime and handout materials.

Appendix A

Departmental Reporting Requirements

Departmental Report:

Issued annually on February 15 by the Chief of Police, includes:

- Memoranda of Agreement (MOA) entered and maintained.
- Number of grant writers, grants applied for and awarded, monies received.
- Number of officers participating in outreach/community policing, hours spent.
- Creation of work groups, their focus and membership.

Division Commander Report:

Issued semi-annually on February 1 and July 1, by the Patrol and Detective Division Commanders, respectively, includes:

- Arrests, cases, prevention programs.
- Calls for service and/or criminal investigations handled jointly or as per M.O.A.'s.
- Delegation reports/duties assigned to officers.

Departmental Training Report:

Issued annually on February 1, by the department Training Sergeant, includes the previous year's training programs and certification of officer completion in:

- Supervisory training.
- Rules and regulations.
- Policies and procedures.
- Use of force.
- Search and seizure.
- Diversity and language training, including how training was delivered.

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Chapter 4

Constitutional Issues in Homeland Security

Abstract

The inalienability of the freedom of men is the basic principle that has defined this country and its relationship with its citizens from 1776. Once our independence from Great Britain was secured, the difficult work of creating a system of government faced the former colonists. They responded with the seminal template for an understanding between the people and their government. For more than 230 years, our nation has expanded and changed, as has our Constitution in response. Our Constitution has survived where others have failed and is a model of strength and durability. We as Americans are the beneficiaries of the wisdom of the framers. Nowhere is this wisdom more evident than in the compromises of the Constitution.

The compromises range from formal agreements forged at the Constitutional Convention in Philadelphia, to the both obvious and subtle ways in which power was divided amongst various parties to avoid tyranny. By taking from the writings of such philosophers as Locke and Montesquieu, as well as the individual American experiences of the Colonial period and the Articles of Confederation, the framers created a government in which both the rights of the citizens and the needs of the state are respected (Smith).

Today, fundamental issues are debated, legislated and reviewed. We must continue to balance the security of the state and the protection of its people against the unalterable rights of citizens.

The Bill of Rights

The Constitution's status as the highest law of the land is undeniable. The Constitution's preeminence in this country has been established by its ratification (the Supremacy clause in Art. VI) and through case law (McCullough v. Maryland among them). While this fact is undeniable, it is also inherently wise. The genius of the Constitution is so readily apparent that in a debate between the freedoms it guarantees and any laws passed that contradict them, the Constitution must be upheld on principle, even without our long legal history.

However, the debate rages regarding personal privacy versus public safety. Central to the belief of the framers was the idea of the social contract: that people gave up certain natural rights and freedoms to prevent lawlessness and protect society. In addition, they believed that the people and their government enjoy a symbiotic relationship. As the rights of the individual grow, the state becomes stronger and more legitimate. In turn, with a strong central authority to protect them, individuals are in a unique position to prosper and succeed without fear of crime or lawlessness (Smith).

In any number of scenarios over our history, an imminent threat to public safety arises and must be dealt with. In response, laws are passed and how they impact our freedoms, (and by extension, our rightful place as the beacon of freedom for the world), comes into question. And while the threats are serious enough to our national well-being that individuals are required to sacrifice their liberties for the security of the state, the laws do not always expire with the threat.

In some cases, the Supreme Court has ruled that the extension of governmental authority is justified to reasonably provide for the safety of the public. Terry v. Ohio, for example, expanded the rules under which a police officer can detain and question a person suspected of participating in a criminal act. It is inherently within the jurisdiction of the government to create

laws for the protections of its citizens, even if those laws represent a limiting of personal freedoms.

We are currently facing an unconventional enemy whose battlefield is our homeland. The transparency of our government and its actions, while in compliance with the social contract and reasonable expectation of legitimacy, provide safety to our enemies. Law-makers and practitioners must always be aware of their constitutional responsibilities and limitations, but finding new ways to protect us from an unconventional enemy is vital to our national interest.

In the end, deciding on a proper balance between the need for security and the rights of the individual is left to the Supreme Court. The wisdom of the founders extends to Article III, which provides for terms of service for Supreme Court justices. By removing the justices from the political process once they are confirmed, justices can decide on the merits of a case without emotion or fear of political reprisal. The power of judicial review continues to be the final arbiter of a law's constitutionality, and the Supreme Court decides on the reasonableness of the burdens government places on the people.

U.S. v. Ghailani

In 1998, long before most Americans recognized the threat to the United States from international terrorists, al-Qaeda launched operations against the United States embassies in east Africa. In Nairobi, Kenya and Dar es Salaam, Tanzania, powerful bombs exploded nearly simultaneously, killing hundreds, including American citizens. Four of the bombers were convicted in 2001 and received life sentences (News Hour). However, one accomplice, Ahmed Ghailani, was not convicted of his role in the bombings until November 17, 2010. Ghailani's trial and its outcome are of particular note because his was the first civilian trial of a Guantanamo prisoner in federal court in New York under the Obama administration's policy.

Ghailani was originally charged with 285 counts of conspiracy and murder for his role in the bombings. The government's key witness, Hussein Abebe, would have testified that he sold Ghailani the explosives used in the Tanzania bombing. Abebe came to be known to the government through enhanced interrogation techniques used on Ghailani. However, Abebe's testimony was excluded when Ghailani's lawyer successfully argued that the witness was "fruit of the poisonous tree" (Weiser, 2010).

The guilty verdict on only one count of conspiracy to destroy government buildings and property brings a sentence of twenty years to life. The particular circumstances of the case mean that despite being the first civilian trial of a Guantanamo detainee, the case's role as a precedent is unclear. In all, the verdict in the Ahmed Ghailani case was "a blow to both sides of the debate; neither side comes away with a clean argument for its case," said Robert Chesney, a University of Texas law professor and who served on a Obama Justice Department detainee task force." (Jones, 2010). On one hand, he was acquitted of 285 of 286 counts against him. On the other, he may spend life in prison for what he did. Even if he is paroled, his release is not certain.

As a test case for the Obama policy, this trial raised a number of issues. Most importantly, what rights and protections are foreign nationals fighting for a terrorist organization entitled to; is a federal criminal trial the appropriate venue for these cases? What message does it send when the government can only secure one guilty verdict on 285 charges? And what should we, as the U.S. beacon of freedom for the rest of the world, realistically expect for Guantanamo's future?

The Constitution is the supreme law of the land. We cannot expect the protections it provides for ourselves if we deny them for others. The terms for handling prisoners from foreign

countries is outlined in the Geneva Convention. However, no protections are automatic, and certain requirements must be met by persons expecting them.

Constitutional protections were not intended for all people in every situation, nor should they be. The rise of al-Qaeda and worldwide jihad has complicated issues regarding foreign nationals committing acts of violence in foreign countries. These embassy bombings were committed on the African continent. Acts that were carried out on U.S. soil, no matter the nationality of the perpetrator or the motive for the act, fall to the jurisdiction of law enforcement, and we have handled them in those venues (Oklahoma City, the first World Trade Center attack, Najibullah Zazi and the Times Square Bomber, for example). The perpetrators of all those crimes were prosecuted in criminal courts. The protections that the Constitution provides have been respected when appropriate.

Additionally, terrorists are not afforded protections under the Geneva Convention, as they are not soldiers fighting under colors of a national army. In order to receive those protections, an individual must be a soldier in a national army of a signatory. The purpose of the Geneva Convention was to set the rules for international armed conflict between party states (International Committee of the Red Cross). In order to receive the benefits, a country would also have to guarantee those benefits to others.

Al-Qaeda is not a state; it is a multi-national terror organization. Additionally, if it were a state, the "country of Al-Qaeda" would never agree to the terms of the Geneva Convention. It is their mission to act in ways that violate it, including the murder of civilians and prisoners. If Al-Qaeda were a country, those operators would not have been tried in federal court in New York City. In fact, a civilian trial for soldiers of foreign nations would result in an international outcry.

The granting of legal rights should be done only to protect against false incrimination. A truly innocent man, kept under mistaken identity, must know that his release will be actively pursued. However, once a person's involvement in a plot against America is assured, his fate is determined not by the United States, but by his own actions. Ghailani, and others like him, acted without thought to the rights of others and therefore cannot claim protections. These are not American citizens or foreign nationals on American soil, or soldiers in a foreign army. They do not have standing to claim Constitutional rights or protections afforded by the Geneva Convention. They should not expect any rights above humane treatment. We do what we do to assuage our own fear of false imprisonment, not to protect the morality of our actions. The point is not to ensure that a guilty man gets a fair trial, as it would be in a criminal case. Our only responsibility as Americans is that an innocent man is not kept longer than need be.

The second question of why he was convicted of so few of the charges brought against him reflects the changing nature of our dealings with terrorists. Additionally, it concerns the difference between legal guilt and actual responsibility. Even Ghailani's lawyer admits his client committed the acts of which he was accused. There is no doubt he actively participated in these plots, and that those actions contributed to the deaths of hundreds of people. However, a review of the particular circumstances surrounding Ghailani's arrest and subsequent interrogation sheds light on the verdict.

Ghailani was not captured until 2004. At that time, he was entered into a CIA program to promote the Bush administration's campaign against terrorism. He was detained and interrogated, including the alleged application of torture (Jeralyn, 2010). As a result of information gathered from those sessions, the CIA came to know about Abebe, whose information was critical to the prosecution of the case against Ghailani. As President Obama has

worked to fulfill his campaign promise to close the prison at Guantanamo Bay, Ghailani became the first prisoner there to be tried in civilian court.

Prior to 2009, this was not a law enforcement matter; it was a national security matter. The people involved in gathering evidence did so not in order to build a criminal case, but to save lives. The rules were yet to be written, and the focus during Ghailani's interrogation was not on the admissibility of evidence. Under President Bush, it would have been laughable to consider him standing trial in New York City. As such, he was interrogated under one set of rules, and tried under another. The prosecution was handed a fundamentally damaged case. Despite the recognized exceptions to constitutional protections, especially in cases involving safety issues, the method of questioning was deemed unacceptable, and the witness testimony was excluded. The prosecution moved forward, but critical evidence never appeared in the trial.

In the end, the number of charges against Ghailani was irrelevant. The government did not claim that he committed 286 individual acts. They charged that he conspired to kill people and destroy property, and as a result, people died. In the end, the jury agreed with the prosecution that he participated in the plot, but could not find him guilty for the deaths. We understand that under our legal system, "responsible for" and "guilty" are not the same things. Under this particular set of circumstances, finding Ghailani responsible is enough.

Lastly, as yet there is no easy answer to the question of the fate of the prison camp at Guantanamo Bay. President Obama pledged to close the camp within one year of his inauguration, but that has proven to be an elusive goal. In a legal sense, the camp remains a way station between suspected terrorism and a civilian trial, military tribunal or release. Concerns about the possibility of a return to the battlefield, issues regarding refoulement and repatriation to

one's home country, and an aversion to transferring dangerous prisoners inside the United States have clouded the process (Golden, 2006).

Even though it does not apply, the Geneva Convention recognizes the danger of releasing prisoners and does not mandate a combatant's return until the end of hostilities. It is within the rights of a state to protect itself by denying the release of dangerous enemies. In a conventional conflict, the end of hostilities would mark an end to the threat soldiers of a foreign army posed. However, each al-Qaeda operative represents a risk to the security of the United States. Only their confinement will protect American citizens.

The issue of released prisoners facing strict government oversight, lest they carry out more actions that endanger innocent victims, is not unprecedented. Sex Offender registries serve a similar purpose. The judge in the Ghailani case stated that he expected such control to be the fate for Ghailani after he has finished his prison sentence. "The judge himself recognized the significance of excluding the witness when he said in his ruling that Mr. Ghailani's status of enemy combatant probably would permit his detention as something akin to a prisoner of war, until hostilities between the United States and Al Qaeda and the Taliban end, even if he were found not guilty" (Weiser, 2010, p. A1).

Omar

The story of Hady Hassan Omar is similar to that of Ahmed Ghailani. Both men were suspected terrorists captured by the United States government and held. The government acted in unconventional and unprecedented ways in the belief the new methods were necessary to protect American lives. At first glance, it appeared that both men's treatment violated a number of the constitutional protections we recognize as fundamental to liberty. A significant difference, however, lies in the fact that by all accounts, Hady Hassan Omar is innocent.

Although he was eventually released, Omar was detained for 73 days amidst treatment designed to break the most dangerous and highly trained of our enemies. He was invasively searched, routinely questioned and constantly monitored. He was denied a lawyer or the ability to contact his family (Brzezinski, 2002). While it appears he is not a terrorist, the coincidence that brought him to the attention of authorities is amazing.

Mr. Omar was identified as a suspect in the 9/11 attacks because he bought a plane ticket from the same computer terminal in a Florida Kinko's, and around the same time, as Mohammad Atta, the lead hijacker in the 9/11 plot. Additionally, he fit the profile of the hijackers: young middle-Eastern men from well-off families. None of this would be enough for a conviction, but it more than met the standard to allow for further investigation. The question is whether or not the treatment Mr. Omar received at the hands of the government was a reasonable exercise in holding him and attempting to find out what he knew. In order to determine whether or not the actions of our government in the treatment of Mr. Omar are appropriate and reasonable, the specifics of the case must be examined.

When incidents happen, law enforcement is always a few steps behind. In the immediate aftermath of 9/11, law enforcement was not only behind but completely unprepared. In order to catch up, they followed leads, and time was the ultimate enemy. The threat of another attack on the horizon was very real, and it was impossible not to believe that lives literally hung in the balance. Much like the case of Brandon Mayfield, an Oregon attorney implicated in the Madrid train bombing because his fingerprint was (mistakenly) found on a detonator, strong circumstantial evidence alerted law enforcement to an individual who became the target of an investigation, although in Mr. Mayfield's case, his fingerprint at the scene would usually be considered proof beyond a reasonable doubt. In the case of Omar, the government had a great

deal of reasonable suspicion, if not probable cause. As part of that investigation and under laws enacted in the wake of September 11 regarding the handling of person's suspected of terrorism, Omar's life was turned upside down.

Omar's version of his detention is uncomfortable and depressing. It is terrible when an innocent man is subjected to methods designed to break the worst of the worst. If his account is accurate, he deserves to be compensated. Our legal system is dependent on redress, and Mr. Mayfield is getting $2 million from the United States, as well as a written apology, for his incarceration that resulted from errors in processing a crime scene (Eggen, 2006). The point at issue is whether laws that allow for these kinds of detainment should exist in the first place. Unfortunately, we need them. With strict controls and proper review, they can be a proper exercise of government.

One of the great strengths of our Constitution is its flexibility. The Founding Fathers recognized that over time, the people and its government would face new challenges, and the process must be in place to handle situations that were previously never considered. After 9/11, we realized that the power of the government had to expand in order to fulfill some of its greatest responsibilities, i.e., "provide for the common defence, promote the general welfare," of its citizens. This is the essence of the American constitutional law: the flexibility of the Constitution means that similar actions taken at different times result in divergent findings of legality. Legality is a product of a number of factors, most importantly the interpretations of the Constitution via judicial review. Laws are constantly being challenged and interpreted.

A number of critics have cited procedures used in the handling of Omar that would have been illegal on September 10, 2001. That may be accurate, but the world changed on 9/11. It changed not only for the people around the world who may become a victim of the next plot, but

also for the thousands of Arab American men who came to be held and questioned by the U.S. government. It changed because we realized we were vulnerable, and that our system was ill-equipped to protect us.

Among the new laws that impacted Mr. Omar's detention was the right to hold a person suspected of an immigration violation for a "reasonable period" of time in emergency circumstances. Any law that allows for a person to be held indefinitely "under special circumstances" may seem draconian on the surface. It may appear to violate what we stand for as a nation. But while inherently vague, such laws are necessary in uncertain times.

Under such incredible and unprecedented threats, it is only logical to believe that law enforcement must be given the opportunity to respond in unprecedented ways. They must venture into gray and uncharted areas. The burden of an open society is that those plotting against us know our responses: what our government will and will not do, based on what we have done in the past. Our enemies have studied our previous responses.

The law enforcement and intelligence communities had been, and would continue to be, routinely criticized for the "failure of imagination" that was cited as a major factor in failing to discover or prevent 9/11. If a terrorist were to realize that his release was merely a matter of time, there would be no chance of getting useful, actionable intelligence from interrogating him. What if law enforcement had been aware of Omar, held him for 24 hrs, questioned him and let him go, only to find out he was involved in this or a future attack?

The pretext stop, a procedure by which a vehicle is stopped for a simple violation in order to further an investigation into a more serious crime, has been found to be constitutional. The use of immigration law to detain Mr. Omar and ensure he was not involved represents a similar

exercise of government authority. We must be authorized to use the tools at our disposal to meet our needs.

Mr. Omar's detainment in the wake of the September 11th attacks is a terribly unfortunate situation. His handling and interrogations were the result of heavy-handed techniques applied to the wrong person. This is not an example of the best of America shining through in the wake of a terrible tragedy, but it was necessary. Unfortunately, all persons living in the United States at that time had the right to believe that their government was doing everything it legally could to protect them from a hidden and unknown enemy. The result was that Mr. Omar and thousands of other Arab men like him suffered at the hands of our government. While this is unfortunate, it should not be illegal, for when the next plot is discovered, law enforcement must be confident that they have the ability to legally protect us.

Immigration

The United States has been, and always should remain, a place where we welcome legal immigrants and their cultures. Illegal immigration, however, is a national security threat that requires active and aggressive control. Currently, there are few issues that this country must face bigger than immigration. It has ramifications politically, economically and in the realm of national defense and security. For some locales, it is their number one concern.

The past few years have seen immigrant advocacy groups pushing forward with legislation to make the path to citizenship easier for new arrivals. The Dream Act, which would grant citizenship to the children of illegal aliens once they attend college or join the military, received a great deal of national media attention before falling short of passage in the Senate in 2010. However, the 2010 census revealed that Hispanics are an expanding minority, and they will continue to have a growing voice in national politics in the years ahead.

The cost of illegal immigration is a critical concern. The benefits to the local and national economy of a cheap source of labor must be weighed against the immigrant population's need for services. The huge debts of states like California are, in part, blamed on illegal immigrants and the costs incurred for social programs and medical treatment. Debate on the affordability of a national healthcare plan has focused on those people who will receive treatment but are not taxed to support it.

On a security front, immigration is too large an issue to be the responsibility of only one agency. Currently, the Immigrations and Customs Enforcement (ICE) Agency, formed in the federal restructuring of the executive branch in the wake of 9/11, is responsible for a number of divergent tasks, many of which have little or nothing to do with illegal immigration into the United States. While centralization is a necessary characteristic of a cohesive agency, a larger agency is at risk for missing things a smaller agency would focus on. To assume that ICE will be sufficiently funded and staffed to meet the challenges in all its forms and locations, both now and in the future, is unrealistic. Because immigration and issues relating to illegals entering and living in this country affect all of us, it is only logical that other government entities, even at the state and local level, be allowed to participate in this endeavor. Currently we have a porous southern border, which has led to dramatic violence both here and in Mexico and resulted in the deaths of American citizens.

The response to illegal immigration must be a combination of state and federal agencies working together. If municipalities decide that illegal immigration is an issue that is serious enough to justify resources, they should have clear guidance from ICE to ensure they act within legal guidelines. Currently, ICE has made itself far more responsive to local law enforcement, so

an illegal immigrant who is arrested can be reported to ICE with a simple phone call. However, we should be careful not to make immigration enforcement a local responsibility.

A number of municipalities in Westchester and Putnam counties in New York have learned that rushing to force illegal immigrants from living, working or seeking work in their towns is not the answer. For example, the Village of Brewster is much different now from twenty years ago. Illegal immigrants began building a demographic base, which has caused more immigrants to come and a number of long-time residents to leave. The residents who have stayed, along with a number of new residents who came for the deflated home market, have loudly campaigned for a change to the way things used to be. A number of local politicians have vocally supported that agenda; however, to this day, large numbers of immigrants live in Brewster, wait on the sidewalks for work, and impact the community. In communities such as Mamaroneck, NY and Glendale, CA lawsuits have been filed in response to local policies intended to control the movements of immigrants looking for work and shepherd day laborers away from busy downtown areas. The ensuing decisions in favor of the right of people to assemble and look for work has made smart communities rethink writing laws aimed at this population (Santos, 2006).

Local law enforcement should not be expected to enforce immigration law. First, such a requirement of local police and sheriff's departments would tax their resources and detract from their most important mandate: protecting the lives and property of those in their community. Second, to detect and prosecute illegal immigration at the local level would fundamentally change the relationship between police and the illegal immigrant community. Should local police investigating serious crimes be authorized or required to inquire about their immigration status, victims and witnesses would be far less forthcoming. When people are afraid to cooperate with

police to pursue violent felony offenders, those offenders have free reign to continue their activities. We should not require people to choose between being robbed or being deported. Criminals would know that they had a class of victims that would never cooperate with law enforcement. No one should have to live in fear of the police not coming help them when they need it. I believe our country would be making a terrible mistake allowing that to happen to anyone, legally here or not.

WikiLeaks

The leaking of hundreds of thousands of documents to an internet whistleblower site has raised questions in a number of areas. Julian Assange, the founder of WikiLeaks and the man at the center of the controversy, is facing unrelated criminal prosecution in Sweden and continues to fight his extradition from Great Britain. He believes that publication of secret documents will shine a light on corrupt government practices around the world. In this case specifically, he believes the First Amendment will protect him from prosecution in the United States. Additionally, he has threatened the release of more damning documents should he go missing or die. Around the world, the U.S. government attempts to control or repair the damage the massive leak of secret information has caused. Questions as to how this happened, and what to do about it, linger and challenge the Obama administration as the United States continues diplomacy and military action in Iraq, Afghanistan and Libya. Here at home, the rise of the secret society in the U.S. government is actually having the opposite effect. More people have access to secret documents than ever before. Additionally, Pvt. Bradley Manning, the U.S. serviceman accused of being the source of the leaked documents, sits in Fort Leavenworth, KS under 24 hour suicide watch as he awaits trial on capital crimes. His treatment has raised the attention of human rights activists who see his treatment as cruel in response to the crimes he is accused of. The debate

rages about freedom of the press and what protections are appropriate for the various individuals in this case.

Mr. Assange has been variously described as a people's hero and a terrorist (Anderson, 2010). His actions are the manifestation of his philosophical beliefs: that the only way to control the abuses the world's governments is to expose their secrets to their citizens. He believes that as a publisher, he has the power and the responsibility to receive and disclose secret documents that are provided to him by whistleblowers. While his philosophical beliefs and many of his actions are protected and important to a free society, his belief that anything done in the name of freedom of the press is inherently positive is short-sighted and dangerous. If Assange could reasonably understand that his actions would risk the lives of other people, his actions should fall outside the protection of the First Amendment.

For instance, amongst the released documents are the names of 300 Afghanis who have cooperated with American forces, in direct opposition to the Taliban (Rosenberg & Simon, 2011). As a result of the leak, those people have already had their lives threatened. It is reasonable to think that they will be tortured or killed if America withdraws from Afghanistan. Their assistance only became known because WikiLeaks published their names as they worked to bring democracy to the region. To expose them as part of a philosophical exercise can and should be considered criminal.

Assange is not a journalist; he describes himself as a publisher. And while First Amendment protections are not reserved for journalists, journalists have a standard of ethics to guide them. Included in those ethics are protection of innocents and anonymity of sources. Even people whose livelihood is based on investigation and revealing secrets realize that full disclosure is not always best.

Defense Secretary Robert Gates has stated that so far, the revelations from the documents' release have been embarrassing, but the actual fallout for the U.S. government has been minor (Calabresi, 2010). That does not diminish the necessity of secrecy in conducting affairs of state. While governments can and do abuse their power and cover the proof under the cloak of national security, there are still numerous instances where secrecy is essential. For instance, a diplomat working overseas who is required to keep Washington informed needs to be able to express his thoughts and perceptions clearly. If the possibility exists that those communications will be released, a dangerous precedent could be set that limits how accurate or complete the information may be. In short, sometimes the world needs secrets for valid reasons. No one person should decide what secrets governments are allowed to keep.

With so many documents being labeled secret, and so many people with clearance to see them, the so-called "secret society" has grown to overwhelming numbers. Approximately 850,000 people hold top secret security clearance, and the oversight of the systems and people are lagging (Priest & Arkin, 2010). As a result, a U.S. Army private working in Iraq was able to download to a removable device cables that embarrass and expose the U.S. government apparatus. Apparently, when the ban on removable media devices was lifted, no one considered the possibility of such a simple yet devastating breach, a true "black swan" type of event. For an institution that demands security, such a lapse seems inexcusable.

By indiscriminately downloading government documents and passing them on to be posted on the internet, Pvt. Bradley Manning has become a pariah to some and a political prisoner to others. Pvt. Manning is charged with violation of the Uniform Code of Military Justice and the United States Federal Code. Pvt. Manning is not the publisher; he is not the press, and his actions are not protected by the First Amendment. Assange concedes that Pvt. Manning's

actions were criminal. And while concerns have been raised regarding his treatment at the hands of the federal government, he is on a suicide watch. The government must do whatever is necessary to protect Pvt. Manning from himself. This set of events would go from troubling to tragic should Pvt. Manning manage to kill himself while in federal custody.

Much can be learned about this case by looking back forty years. In the Pentagon Papers case, the documents in question were a classified study of U.S. involvement in Vietnam, including escalating involvement before and during the Vietnam War. In that case (NY Times Corporation v. U.S., 1971), the Supreme Court ruled that publishing the report did not represent a "great and irreparable harm to the security of the United States." However, both sides agreed that should such documents exist, they should be prevented from being published (National Archives Staff). In the end, there can be no blanket statement as to whether or not documents should be published. "Embarrassing" does not equal "threat to national security," but there are recognized concerns about what our government can and should keep secret.

Sovereign Citizens

The United States faces enemies from within as well as without. In addition to outside agents and groups, the list of those who wish harm on America includes people within our borders. We face the threat of violence at the hands of radicalized citizens, homegrown militias and single-issue terror groups. Each group has proved that they will use terror tactics to attack us and further their own agenda. Currently, a new movement is growing, and with it a new breed of outlaw. Sovereign Citizens is a group that believes the relationship between the federal government and the people of the United States is a sham: as a result, they do not abide by it in any form.

The Sovereign Citizens movement is “a loosely organized collection of groups and individuals who have adopted a right-wing anarchist ideology originating in the theories of a group called the Posse Comitatus in the 1970s. Its adherents believe that virtually all existing government in the United States is illegitimate and they seek to "restore" an idealized, minimalist government that never actually existed. To this end, Sovereign Citizens wage war against the government and other forms of authority using "paper terrorism" harassment and intimidation tactics, and occasionally resorting to violence” (ADL Staff, 2005). Since they believe that the federal government does not have a legitimate claim over its citizens, they attempt to challenge our fundamental understanding of the citizen’s place in the government. They question many of the assumptions people have regarding their government, and the legitimacy of what we as citizens believe.

In America, however, it is not beliefs but actions that are illegal. Although they believe that our government is illegitimate and the rules do not apply to them, it is the manifestation of those beliefs that is cause for concern. Illegal business practices and forgery are common crimes for Sovereign Citizens because they do not recognize the system of currency and the rule of law. However, they also can be exceptionally dangerous to law enforcement. Since they believe police operate as the enforcement arm of a tyrannical state, they believe they can resist that tyranny, by force if necessary (HSNW Staff, 2010).

While they espouse the belief that the government has no control over them, they exercise the rights protected by the Constitution. The Sovereign Citizen movement is another case of freedom’s enemies using those freedoms as a weapon. While they defy the government and advocate its overthrow, their theories on the illegal nature of the U.S. government are

protected speech under the First Amendment. Statements that attempt to advocate the overthrow of the government, however, are seditious.

Like radical Islam, they have taken sacred documents, in this case, the United States Constitution and the Declaration of Independence, perverted them, and now believe they have justification for actions, despite the fact that their actions fly in the face of the document's basic premises. They refer to themselves as "Preamble Citizens," invoking the Preamble to the Constitution, where the American ideal of a citizen's inherent freedom from government was first expressed. However, by committing their acts of "sovereignty," including the murder of police officers and intimidation of government officials, they deprive others of the other inalienable rights enumerated therein.

The internet has been a valuable tool for the expansion of the Sovereign Citizen movement. It operates like many underground groups: the free and mostly anonymous web is a safe haven for those whose ideas and beliefs would be subject to law enforcement scrutiny. Their numbers grow because difficult economic times and distrust of the government makes it an appealing option for people who feel alienated or exploited. As their numbers grow, so too does the risk to the law enforcement and the public at large. Their ideas are an appealing approach to handling debt which only grows as the economic recovery drags on. While they lack a direction for the future, they survive by providing an attractive conspiracy to an audience already suspicious of the reach of government in their daily lives.

In the end, we are still learning about how best to deal with the Sovereign Citizens movement. Because they are not an organization, but a belief system, it is difficult to imagine a scenario by which they could be completely stamped out. Within that sub-culture, however, should the more dangerous elements come together to move forward the agenda through violent

means, they become a critically dangerous group. They commit crimes and run scams to make money, gain power and further separate themselves and their organizations from normal society. When they run afoul of the law and face lengthy prison terms, the belief in the legitimacy of the government may be replaced with the desire to plea bargain their sentences.

Loughner

The attempted assassination of Representative Gabrielle Giffords of Arizona in January 2011 raised a number of constitutional questions. Gaining much of the attention was the First Amendment's right to free speech and the role of political discourse and rhetoric as factors involved. In the aftermath of the shooting, leaders on both sides of the political spectrum have called for an end to the political vitriol. Have we tolerated too many angry words for too long? Even if words were not the cause of this tragedy, do we need to police ourselves and our representatives to protect against future violence?

Arizona is known to have some of the nation's most relaxed laws regarding the purchasing and carrying of firearms. Jared Lee Loughner was, by most accounts, an obviously disturbed young man (Barry, 2011). Many of those who knew him saw that he was visibly mentally ill, yet he was legally able to purchase a firearm with extended magazine clips, as well as enough ammunition to kill scores more innocent civilians. Are Arizona's loose interpretations of the Second Amendment a factor in the scope of this tragedy? What more could or should have been done?

The use of strong political rhetoric and negative campaigning has been a product of United States political activity since George Washington finished his second term in 1800 (Cummins, 2007). Freedom is not free, and citizens of the United States pay for various freedoms in different ways. The cost of the right to free speech includes tolerating speech we

find offensive and defending the rights of those with whom we disagree. We cannot legislate away the use of lies, innuendo and misleading advertisements. Voters who wish to remain informed are powerless to stop a candidate who decides to run a negative campaign. On Election Day, however, we can denounce such tactics with the power of the vote and teach those who would use it in the future that it will not be rewarded.

It is patently offensive when people cite political rhetoric as a possible contributing factor to the actions of a madman. Freedom of speech means that we have to accept speech we don't agree with. People have been committing horrible acts that people would call crazy since the beginning of time. However, whether or not it contributed to this tragedy, the rhetoric has to be turned down. First, it creates an air of incivility. More importantly, however, the people who use these types of vitriolic arguments do so, not to fuel debate, but to end it. The discussion must be civil to be productive, and while we can't pass laws to enforce that ideal, we can discount and marginalize the people who fail to recognize that.

When lives are lost in senseless tragedy, we must seek to discover areas for improvement by re-examining the laws and ourselves. This situation demands a review of the procedures for purchasing a gun in Arizona and elsewhere. However, changes to the current system would create other problems (Nagourney & Steinhauer, 2011). We cannot expect the government to locate and disarm mentally disturbed people arbitrarily; such actions will lead to unwanted government intrusion in our lives. The process requires the initiation by people around them who know them best. Optimally, follow-up on Loughner from someone who dealt with him and recognized his problem might have stopped this tragedy from occurring. It would be up to his family and friends to recognize the danger he represented and take action.

This situation represents another example of the risks inherent in freedom. We must be aware that mentally ill persons will have the same rights as sane people until they are recognized as dangerous. Even a basic background check would undoubtedly have revealed that something was wrong. It is reasonable that strict controls exist for the purchase of guns, magazines and ammunition.

The Second Amendment

The history of this country is intricately interwoven with the right of private citizens to carry guns (Grunwald, 2011). However, guns and gun ownership represent a serious safety issue and a homeland security issue. The essence of any constitutional question is weighing personal freedoms against public safety. Regulations that make a firearm more difficult to purchase or carry are a reasonable concession to prevent dangerous individuals from legally carrying guns.

However, citizens looking for guidance from the decisions of the Supreme Court must read into a verdict that may not completely address the problem. The Court can rule only on the merits of the cases it hears (Barnes & Eggen, 2010). In many decisions, the Court spells out exactly which issues it is not addressing. Also, issues that may seem minor become incredibly germane to the decisions that are handed down. For example, the District of Columbia case, (D.C. v. Heller) which ultimately struck down some of the most restrictive gun laws in the country, almost was not heard because a lower court ruled five of the six plaintiffs lacked standing (Greenhouse, 2007). Many of these issues are tried again years later in front of a different Court, which may lead to a reversal. In response to the Heller case, Brady Center VP Dennis A. Hennigan touched on these issues when he stated, ‘"When you look at all these categories of presumptively legal gun laws, it's actually hard to find any regulation that doesn't fit into one of those categories other than the handgun bans that are now off the table. Over the

long run, this apparent victory for gun rights may be more symbol than substance. It's actually a very narrow holding" (NYT Staff, 2011).

While the task of limiting legal purchases and possession of firearms constitutes an ongoing constitutional question, the more dangerous issue involves guns secured outside legal means. The criminal use of stolen guns is a serious concern that must be addressed. Far more crimes are committed with illegal handguns, and municipalities are using new strategies to combat the black market. Too often, guns that are used to commit crimes were originally legally purchased, then stolen from their owners and resold. Cracking down on gun dealers does not address that circumstance. The use of task forces to maximize the strengths of federal, state and local agencies in the fight against illegal guns is an effective smart practice. Additionally, a zero-tolerance policy on the illegal possession of a gun is an effective deterrent. The penalties for carrying an illegal gun in New York, for example, are some of the strictest in the nation. Because people know they will not be able to receive a reduced sentence, they must think twice before they act. The case of Plaxico Burress, a star wide receiver for the New York Giants and Super Bowl hero, served as an example for others. When a sports star automatically goes to prison for three years, people may decide to forgo carrying an illegal handgun in New York.

Law enforcement officials face a number of difficulties when cracking down on the proliferation of guns on the street. Gun dealers in some states are able to make quick sales to out-of-state residents. This system is dangerous and fundamentally flawed. New approaches for making sure gun dealers, regardless of their location, carry some of the burden of keeping guns out of the hands of dangerous people seem reasonable. We hold bartenders liable when they serve alcohol to people who are visibly too drunk to drive and an accident happens; should gun dealers be similarly liable when they make a sale to someone who they know they should not?

The increased availability and expanded use of gun locks, serial numbers that are difficult to erase and biometric safety devices on firearms are designed to curtail this phenomenon, but cannot hope to eliminate it (Kristof, 2011).

While the current system for gun laws (with each state interpreting the Constitution and applying laws as it deems necessary) may seem archaic and confusing, it is the right way. The laws to possess a gun in New York City should be very different from the laws in Texas or other rural areas. Hunting is a legitimate excuse to carry a rifle in the Dakotas, for example, but not in Los Angeles. Every state and locality has to make decisions what laws it will make and how it will enforce them. A "one-size-fits-all" mandate from the federal government won't really fit anyone.

The Constitution

The place of the Constitution in our daily lives is sometimes questioned. Can it still be relevant as our government's seminal document, or has it suffered too greatly over the passage of time? Should it be overhauled or replaced? Children all around the world are brought up believing that their country is the best. We see national pride on display whenever people from around the world come together. In America, this is as true as anywhere, but how can we be sure? Is it possible that America is not the greatest country in the world? To gain a sense of clarity, we can apply the "Gates Test".

In a parallel universe just like ours, all the borders to immigration between nations are stripped away. People are free to move from country to country without restrictions. The question is: in such a world where would people go to live? Obviously, overwhelmingly, people would come to the United States because they know they have the best chance to build a better

life for themselves and their children here. It is proof that we are the greatest nation: not because we say so, but because everyone else does. People literally risk their lives to enjoy our freedoms.

The Constitution is the guarantee that that those freedoms are applicable to everyone, be they citizen, immigrant or visitor. Usually laws prohibit actions. The Constitution's great genius lies in that it is where we as citizens are told what we can do, not only what we are prohibited from doing (McDaniel). Those freedoms are not legally won for the citizenry. They are a part of our humanity, and as such they cannot be taken away.

Amendments

My strategy involves creating a new position in local law enforcement to handle the various tasks associated with homeland security. The wide range of issues (management and leadership, preparation, response, and recovery, building partnerships, trust and communication), as well as numerous specific tasks that need to be accomplished, (most importantly, the need to build and maintain networks both vertically and horizontally), is beyond the scope of a part-time assignment. True homeland security could be only achieved by one dedicated, well-trained professional applying all his/her talents to the effort without other distractions.

Since my strategy revolves around local law enforcement and the interaction with the public, a number of constitutional amendments come into play. The First, Fourth and Fifth Amendments are most obviously connected to law enforcement. However, the job description focuses on service and cooperation, far more than enforcement, so the impact of these Amendments is limited.

The Tenth Amendment, which reserves all powers not specifically given to the federal government to the states, is important as it relates to who has authority and control over

preparation and response to incidents. One of the lessons learned in the wake of hurricane Katrina was that federal, state and local agencies must all recognize what their responsibilities and limitations are before an incident occurs, so that nothing falls through the cracks. Jurisdictional and procedural issues prevented and confused the response, and thus may have cost lives.

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Chapter 5

Evaluation of the Homeland Security Officer Program

Abstract

In the realm of public and non-profit organizations, there is a renewed interest in accountability, cost reduction and tangible results. The current financial crisis has decreased revenue and increased costs, affecting these organizations' bottom line. For government programs, waste and inefficiency mean wasted taxpayer money and an inefficient bureaucracy. In order to survive the increased scrutiny of their constituents and the public and remain effective, public and non-profit organizations need to demonstrate that they are efficient in their use of funds. In the field of homeland security, failures can be tallied in the billions of dollars and lives lost. As such, program evaluation is critical both prior to implementation and during the life of the program. It is critical that the Homeland Security Officer program be evaluated to ensure its continued relevance and effectiveness. However, the process will be challenging and many important decisions must be made to ensure success.

The proposed format and style of evaluation came from a number of sources. The author has followed the process and procedures for deciding upon the proper methodology for his needs as presented in the Handbook of Practical Program Evaluation (Wholey, Hatry & Newcomer, 2010) Faculty and students participating in the Management for Public Safety and Homeland Security Program at Pace University were essential in providing direction and feedback.

Introduction

After September 11, the federal government underwent the largest restructuring since the end of World War II (Bush, 2002). In both instances, the changing nature of the threat to the United States (the Cold War in the former and the emerging threat from Islamic fundamentalist terrorism in the latter) mandated wholesale changes. In the years since 2001, various catastrophes such as hurricane Katrina and the BP oil spill have provided further insight into our strengths and weaknesses. We constantly learn from one disaster ways to improve the response to the next. We have been warned that, be it via natural or man-made disasters, accidental or intentional, preparation is required for a modern, effective response (Bellavita, 2005).

The essence of the Homeland Security Officer program is the consolidation of the responsibility for various homeland security tasks into one full-time position in local law enforcement. The tasks and resources for effectively preparing to respond and recover from a critical incident are wide ranging, diverse and complex. Additionally, they are often interconnected and associated. Central to the need for the program is the idea that the current patchwork system, with limited emphasis on networking and multiple officers working on separate but related tasks is ripe for missed critical opportunities.

Critical to the success of the program is the individual selected for this position. He or she must demonstrate a long list of competencies and dedicate themselves to ensuring a well-prepared response. The HSO must manage multiple relationships, both internally and externally, and horizontally and vertically. It is essential that one person be the “go-to” contact inside and outside the department. General tasks include management and leadership, building partnerships,

and establishing trust and communication with a number of associates in multiple disciplines. Additionally, the homeland security practitioner must be familiar with specific tasks that need to be accomplished, and most importantly, build and maintain vertical and horizontal networks. As this is too much to expect from a part-time assignment, effective homeland security can only be achieved by dedicating one well-trained professional without other responsibilities to the effort.

In the Homeland Security Officer Program, the process of evaluation presents varied opportunities and achieves varied goals. Careful evaluation planning and design is critical to maintaining participant focus and keeping them actively engaged, as well as ensuring that the evaluation and the program are achieving the overall goals. In the public sector, municipalities will expect to realize ways to use public funds more efficiently and effectively. Department heads will also want to create a learning organization, where experience is valued and lesson learned are retained (Hatry & Wholey, 2010, p. 5). Additionally, the many contributors and stakeholders have varied expectations. The evaluation process will provide clarity to various participants and stakeholders, especially due to varying criteria and visions of success those people may have.

Stakeholders

The buy-in from numerous individuals and agencies will be critical to successfully launching this program. Collaboration is the main goal of the program. Without critical mass of agencies participating, fundamental opportunities will be lost. As such, program evaluation would be critical to securing buy-in from individual chiefs and administrators in Westchester County, as well as various professional organizations and the federal government. All partners will have their own expectations of what the program might provide for them and their constituencies. This position requires the allocation of resources to an area that, some might

argue, is already receiving sufficient attention. Once the program is established, the networking aspect alone requires multiple agencies to participate. It will be critical to provide information to decision makers at many levels in order to secure a commitment to manpower and resources.

The pre-implementation evaluation will be necessary to secure buy-in from stakeholders. Besides networking and cooperation, stakeholders will contribute expertise and opportunities for training, coordination and implementation of one or more facets of the program. While the program and its required resources will eventually answer to taxpayers in participating municipalities, approvals from the necessary stakeholders for implementation include:

- Local police chiefs and/or department management
- Local politicians and administrators or managers
- Emergency management and homeland security practitioners and law enforcement agencies at the county and state level
- Federal contributors, facilitators and coordinators; especially DHS and FEMA

When to Evaluate

The question of when to conduct an evaluation is important, as both the pre- and post-implementation timelines present opportunities and obstacles. Pre-implementation evaluation is critical for buy-in, but leaves unanswered numerous questions. Continued evaluation over the life of the program seems less critical, as some of the main goals of an evaluation: increased efficiency and the revelation and sharing of smart practices, for example, are key components to be incorporated in the program. However, evaluation during the program is simpler to envision and implement.

The critical evaluation will be conducted prior to the program's inception to ensure stakeholder buy-in. It is critical to anticipate concerns and skepticism to gain acceptance of the

goals of both the program and the evaluation. There are a number of methods to ensure that the evaluation and its findings reach the intended audience and have an impact (Newcomer, Hatry & Wholey, 2010, p. 27). Many relate to knowing the audience for the evaluation and speaking to them directly, a critical element for the HSO program.

Questions Prior to Evaluation

Knowing the stakeholders' goals for the program is critical to moving forward. There are a number of different options for a less expensive exploratory evaluation to assess if a full evaluation is reasonable (Wholey, Hatry, & Newcomer, 2010, p. 81). For the HSO program, evaluation synthesis is a logical option. Other programs exist in other states with a similar focus, but lack the diversity of assignments. California, for instance, has a Terrorism Liaison officer program which facilitates the flow of information between state and local law enforcement, one of the key responsibilities of HSO's (Grossman, 2003). The evaluation synthesis model provides an opportunity to utilize the lessons learned by others.

There are five questions that should be answered prior to an evaluation (Wholey, Hatry & Newcomer, 2010, p. 7). The answers to these questions help potential administrators determine if a program can be expected to benefit from the time and effort expended on the evaluation. When considered in the context of the HSO program, the questions reveal the direction, format and focus of the evaluation.

- Can the results of the evaluation influence decisions about the program? The results of the evaluation are critical. Without a commitment from stakeholders, the program will not get off the ground. Also, due to the collaborative nature of the program and the importance of networking, the program's success is partially based on the number of

agencies that participate. The results will more than influence decisions about the program; they may decide whether there is a program at all.

- Can the evaluation be done in time to be useful? The critical nature of the evaluation makes it difficult to believe that the program will start without it.
- Is the program significant enough to merit evaluation? In local law enforcement, assigning one officer outside the regular patrol duties can have a significant impact on staffing. Many departments have a complement of fewer than twenty patrol officers. In a department that size, reassigning one officer represents a 5% decrease of staffing. These figures indicate a significance that would justify evaluation.
- Is program performance viewed as problematic? The major criticism expected from the public will be the costs associated with reassigning one officer. When budgets come due, the public needs to have relevant information regarding the critical nature of the work the HSO's are doing. It is a program that, without an evaluation, civilians and politicians may believe to be expendable.
- Where is the program in its development? A critical time for evaluation comes prior to a full program evaluation, when municipalities must decide if they will invest the manpower to the cause.

Other concerns regard the type of evaluation that will be carried out. The authors list five decisions about the evaluation that the evaluator must make. They are:

- Formative vs. Summative*:* the critical evaluation needs to take place prior to program implementation to ensure stakeholder buy-in and commitment.

- Ongoing vs. One-time: The original formative evaluation would have a one-time approach. To a lesser degree, an on-going evaluation might assist collaborators to maximize their efforts as the program progressed.
- Objective Observers vs. Participatory*:* While strictly objective observations make for the most credible evaluations, the diverse nature of the duties involved and multiple expected results means operators must participate in the evaluation.
- Goal-based vs. Goal-free*:* The criteria for success of this program will vary depending on the municipality's size, risk factors and perspective. As a result, there will be minimum guidance regarding the obvious goals the program seeks to achieve.
- Quantitative vs. Qualitative*:* The majority of the evaluation will be based on qualitative data. Once there is broad implementation of the program, with accepted performance objectives and reasonable standards of measurement, quantitative data may be incorporated.
- Problem Orientation vs. Non-problem*:* The evaluation should be non-problematic.

Contextual Elements

Evaluators of the Homeland Security Officer program will face a number of issues during the process that will determine the success of their effort. The type and amount of evidence needed to accurately reflect on the program is important. The qualitative nature of the data and the novelty of the program invite skepticism. Additionally, the difficulty in establishing causal links between the program and tangible results will provide a challenge. Lastly, while organizations such as the International Chiefs of Police may embrace the program, acceptance from individual department administrators may be more difficult to achieve. It is those

administrators who must find the necessary funding for staffing in tight budgets. The evaluation must be comprehensive and detailed in order to overcome these inherent obstacles to acceptance.

A critical issue is determining the performance measures. There are six common performance measures used during evaluations (Poister, 2010). While the concepts are important as many are to realizing the potential of the program, each presents challenges when used as a performance measurement..

- Outcomes are the "kinds of results the program is likely to produce" (Poister 2010, p. 101). The critical intended outcome of the HSO program is preventative in nature, i.e., what does not happen. As a result, the measurable effects are difficult to determine.
- Cost-effectiveness relates to the cost to the agency per outcome. The program may be able to itemize costs, but will be difficult to compare them to elusive outcomes.
- Outputs represent a possible performance measure that can be valid. Defined as "the immediate products or services provided by public and non-profit organizations. . .output measures typically indicate the amount of work performed or units of services produced" (Poister, 2010, p. 102). However, tallying the number of meetings attended, seminars given or contacts generated may serve to justify the position, but will not measure its effectiveness.
- Efficiency, like cost-effectiveness, attempts to measure the cost per recognized service, in this case, outputs. As public and non-profit organizations fight to justify their expenditures, this is an important measure. It may provide a background to compare one department's effectiveness with that of another.
- Service quality is a critical aspect of any public organization. The major complaint about bureaucracy in general and government employees in particular rests with the commonly

held belief that they are unmotivated and uncaring. This perception must be eliminated for the HSO program to be successful. It will be critical to individual HSO's to provide quality service to the people they come in contact with. "The most common dimensions of the quality of public services are timeliness, turnaround time, accuracy, thoroughness, accessibility, convenience, courtesy and safety" (Poister, 2010, p. 103).

- Customer satisfaction is another key component that should be considered by HSO's as they perform their tasks. No position can continue to operate without the knowledge of and interaction with management, administrators, elected officials and the public. It will be incumbent on the officers assigned to consider those stakeholders and the effect of their actions for continued funding and support.

Challenges to Evaluation of the Homeland Security Officer Program

A number of issues prevent a simple evaluation process from proceeding. The program has diverse goals and objectives. Homeland security means different things in different municipalities and in different parts of the country. Urban areas that are obvious terrorist targets may judge the program by the thwarting or prevention of an attack. New York City, for example, has been the target of numerous plots since 9/11. The plots of Faisal Shazad, Shahawar Siraj and Najibullah Zazi, for example, were each thwarted at different stages of their planning and execution. This provides the NYPD a tangible result for their significant efforts at protecting their citizens from terror. Agencies in the Midwest, however, may view the need to address natural disasters, such as flooding or wildfires, as homeland security and under the purview of the assigned officer. As each agency has different needs, the various tasks to be performed by the HSO make it difficult to state when the program is achieving its goals. The criteria for success will be determined by each municipality for itself.

For smaller, less visible municipalities, a significant difficulty lies in measuring the success of a program whose goal is to prevent something from happening. A challenge lies in measuring the effect of a preventative strategy. The program has numerous other factors aside from the prevention of terrorist attacks. For smaller departments, the benefits may come from preparation for natural disasters, resource availability, enhanced public confidence, and good will.

It is impractical to expect a quantitative analysis of a municipality's homeland security for number of reasons. Disasters and critical incidents happen too infrequently to lend themselves to quantitative measures. There can be no definitive consensus on statistical measures, as there are too many variables that affect the end results of an incident. In addition to preparedness, the final impact is a factor of the observations, reactions and decisions of those affected. Chance and luck often play an important role. Of course, by preparing, training and considering critical incidents prior to their occurring, we increase the likelihood of mitigating its effects. As a result of these two issues, samples sizes are small, therefore for the purpose of evaluation, reflecting on the raw data of an emergency can be misleading.

In the end, the evaluation of this program will be almost completely qualitative in nature. Although we might tally such statistics as the number of meetings and seminars held, or the site hardening studies performed, such numerical information does not directly equate to effective homeland security.

Validity and Reliability

"Credible evaluation work requires clear valid measures that are collected in a reliable, consistent fashion." (Newcomer, Hatry & Wholey, 2010, p. 12). These parameters are instrumental in making causal inferences about the program and enabling generalizations for

multiple sites. The lack of universal performance measures for the program, as well as the qualitative and subjective nature of the data collected make that extremely difficult. Methodological rigor is the key to credible findings. However, the reliability and validity of the evaluation can be enhanced if the evaluation provides universally accepted realities. If a variety of potential users can see their own experiences and concerns reflected in the experiences and concerns of others, the usefulness of the program is reinforced. In order to find acceptance for the evaluation across a broad range of stakeholders, the evaluation must be universal in its ability to speak to its readers. The importance of the use of storytelling in this evaluation will be discussed further.

Much of the discussion to this point has been in regards to the pre-implementation evaluation that will be necessary to anticipate problems, especially in the area of receiving stakeholder buy-in. However, another critical evaluation will occur after a period of time the program has been established. "The most desirable window of opportunity for evaluation planning opens when new programs are being designed" (Newcomer, Hatry & Wholey, 2010, p. 17). By anticipating the need for future evaluations the necessary measures can be introduced to accomplish it.

Once approved, however, the HSO program will be implemented, not administered. The continued success of the program is based on the actions and involvement of the HSO's with their communities, with partners at multiple levels and with each other. HSO's will be encouraged to incorporate smart practices and reevaluate the need for change. While continued evaluation of the program is required, HSO will be given the authority and expertise to recognize the need to make changes and execute those changes. The evaluation process can and should be incorporated into usual practice. Improvements that would come to light via an evaluation will

be recognized and incorporated at the first line level. Of lesser importance, therefore, is the need for continued evaluations. Since municipalities will need to decide what they expect from the officer and participation in the program, it may unwise to project a set of standards.

Performance Measures

Finding appropriate performance measures is a critical issue. It is crucial to secure stakeholder involvement before final decisions are made on performance measures, allowing interested parties the ability to report on what is important to them. For example, DHS input would be critical because of how important the training program would be. This would preferably be designed by DHS to ensure continuity across the country. Were the developers of the training able to have input on how the program was reviewed, the most likely case of creating a learning organization is realized.

As stated previously, there are serious concerns with determining accurate performance measures. Quantitative data remains elusive, as it directly relates to the field of homeland security. The ones listed, including outcomes, outputs and service quality, are mostly quantitative in nature As such, customer satisfaction may be the measure most reflective of the success of the program (Poister, 2010, p. 103).

Secondly, a number of classic performance measurement models assess the cost to the organization against the returns realized (Poister, 2010). The benefits of the HSO program come from increased productivity and a better return on investment, despite the fact that there will almost certainly be up-front costs. While the program attempts to find a way to do things more efficiently and effectively, there is no guarantee of savings. The cost of removing an officer from other duties may never be completely recouped. However, the return on the investment, as well

as the satisfaction of knowing we are doing everything expected of US by the public to prepare our municipalities for a critical incident, make the expense reasonable.

Logic Modeling

The decrease in available funding and the necessity for tangible results have put increased pressure on government officials. They are expected to clearly and concisely justify the resources that are being used to meet program goals. The use of logic models has grown with the need for greater understanding and transparency in government.

It is a basic goal of the pre-implementation evaluation of the HSO program to convey a clear understanding of the program to necessary stakeholders to ensure their participation. The resources required and how they will be utilized, as well as the short-term and long-term benefits, can be graphically expressed. The use of a logic model is a simple and effective way to demonstrate the inputs and activities the program will utilize and the results it expects to achieve. "The logic model also helps evaluators frame evaluation reports so that findings from the evaluation and measurement can tell a performance 'story' and results can be linked to program elements and assumptions about them" (McLaughlin & Jordan, 2010, p. 55).

In addition to the insight the model can provide prior to the program's initiation, the model can serve as a touchstone to maintain focus and direction throughout the life of the program. It is to be expected that operators attempting to facilitate a program with so many separate but inter-related responsibilities, tasks and goals may require assistance in maintaining clarity of purpose.

Evaluating the Program

Two types of evaluations will give the best insight into the program and participants' perception of it. Multi-site evaluations involve examining a program or policy in two or more

sites". (Rog, 2010, p. 209). The critical issue of the evaluation after implementation will best be served as a multi-site evaluation. Such evaluations conducted at different levels, (county, state and federal, for example), will give municipalities the ability to formally compare their experiences with those of other agencies. Participants will be able to judge themselves against other municipalities for cost effectiveness and expected outputs. The program is designed to encourage refinement in application, and the process of conducting the multisite evaluation will make it more efficient and effective.

During the evaluation, a major challenge concerns itself with whether the data that is being collected is accurate. Without accurate data, the reliability and validity of the evaluation are in jeopardy. For example, the Hawthorne Effect stipulates that during an experiment, people behave differently simply because they are the subjects of the experiment (Shuttleworth, 2009). In a profession where evaluations are a new phenomenon, there is a risk of embellishment and exaggeration as respondents attempt to give the answers the interviewer wants to hear. Evaluators must be prepared to listen intently and ask follow-up questions to ensure accuracy.

What questions am I asking? What are the parameters of success? The position has a number of responsibilities. Which are most important? While the lack of a successful attack may seem to be a good indicator, the lack of an incident may be due to factors that have nothing to do with the HSO program.

Surveys must be considered a necessary and effective method of evaluation for the HSO program. From individual HSO's to local administrators and other governmental partners, participants should have the ability to speak directly to the question: "Is the program doing what I believe it was designed to do?"

Storytelling

As we attempt to reach out to people, some outside of our profession and with whom we lack common experiences, the importance of getting the reader's attention cannot be overlooked. Storytelling serves to connect people to goals and ideas, either by making them easier to relate to or by using an example to clarify a point. There are four significant benefits that stories can provide for evaluations. They include:

- To illustrate other data
- To augment quantitative methods
- To identify patterns and trends
- To offer insight on rare experiences (Krueger, 2010, p. 407)

Prior to implementation, stories of people doing what we are trying to accomplish will illuminate the possibilities of what can be accomplished when efforts are focused and resources and support are granted. For the evaluation during the life of the program, stories will be especially useful to illustrate how the program works and how it can be improved. The interpersonal nature of the position will create numerous opportunities for HSO's to capture the essence of the program worthy of dissemination for continued success. We must endeavor to find and share stories of success: how the position succeeded in its goals, methods and ideas to make it more cost efficient and ways in which it saved lives

Conclusion

The evaluation of the Homeland Security Officer program will not be easy. Even for experienced evaluators, this program presents a number of challenges, and critical decisions must be made throughout the process. However, in a world where the public is more aware than ever of how their tax dollars are being spent, the process is critical for continued success. Without an evaluation for the program, it risks losing funding and popular support.

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Chapter 6

Strategic Plan for Terrorist Threats: Germany

Executive Summary

For Americans in general and law enforcement officers in particular, the threat of terrorism is a serious concern. While extensive training and equipment for the protection of officers may be available to them, travel abroad presents challenges specific to the destination country. It is critical to prepare for unique threats officers from the Pleasantville Police Department may face as they prepare to move abroad for interactive training and networking. To accomplish this, this Strategic Plan was developed to accurately assess the threat and provide reasonable tactics to mitigate it. It includes steps that should be taken in order to prepare for the physical safety of our officers as they live and work abroad in the face of an unconventional enemy whose mission it is to cause death and confusion.

Purpose, Scope and Methodology

This Strategic Plan is intended to assist in the preparations for officers from the Pleasantville Police Department to live and work in Germany. Germany is an ally and a strong, committed partner in the United States effort against terrorism. While it has managed to avoid being the victim of a major attack, the threat from Islamic fundamentalists is high. Additionally, other groups use violence to attempt to promote their agenda and influence the public. As a result, special care must be taken by this organization and its members to ensure maximum safety.

In order to achieve a broad perspective on the issues that affect the security and safety of individuals living and working in Germany, a brief introduction is included. It includes a history of terrorism in Germany, along with lessons learned and actions taken, the current philosophy of

the German government in regards to the terror environment and significant legal measures taken in response.

Mandates

The German experience has resulted in legislation that determines how threats to safety and security are resolved. An understanding of other various ideals, decisions and commitments are critical to assessing the German perspective on the balance between personal freedoms and security.

- Freedoms and individual rights are highly valued: German society is tolerant, open, and protective of minorities. This is recognized as a reaction to its history (F. Miko & C. Froelich, 2004). Government officials have been criticized or ousted for making societal observations that are not in line with this philosophy (Karnitschnig, 2010)
- Reunification: In order to facilitate international acceptance of the reunification of East and West Germany in 1990, the German government pledged to use its military only in accordance with the UN Charter (F. Miko & C. Froelich, 2004).
- Commitments regarding the War on Terror in the wake of September 11: In the immediate aftermath of 9/11, the German government committed to assisting the United States in its fight against al-Qaeda. While the current government may change course at any time, the German military and intelligence community have been committed to assisting the coalition in Afghanistan since the beginning of the campaign, and their 15,000 troops represent the third largest contingent in the coalition.
- European Union / European Court of Human Rights (ECHR): As a member of the EU, Germany is expected and required to follow certain guidelines. Most notably, the

Schengen Convention, of which Germany is a signatory, has removed the bureaucratic impediments to travel between countries. As a result, dangerous individuals can travel into Germany from EU countries as easily as New Yorkers can travel into Connecticut. Additionally, in addition to the Federal Constitutional Court, the ECHR issues decisions regarding human rights abuses. These decisions would include the violation of due process and handling of those in custody. (United States, 2010) [needs specific reference]

- German Laws:

  Basic Law: The German Constitution is the supreme law of Germany and provides the authority and legitimacy to the German government. Like our Constitution, it provides for both the security of the state and the freedom of the people. It is the duty of the Federal Constitutional Court to strike the balance between those two ideals in a constant, ongoing process (S. Bukow, 2005).

  Security Packages: Much like the PATRIOT Act in the United States, the German government passed legislation in the wake of 9/11 to address the concerns regarding terrorists using freedoms against the German people (Miko & Froelich, 2004)

Stakeholder Analysis

The stakeholders involved with officers of the Pleasantville Police Department working and living in the Federal Republic of Germany and potentially being exposed to personal danger are:

- The officers themselves

- Department management, including the Chief of Police and his lieutenants and the Village Administrator
- Village of Pleasantville elected officials; including the Mayor and the Board of Trustees.
- United States State Department
- Our German counterparts
- Civilians, including the residents of Germany.

Vision

It is the vision of this Strategic Plan that all officers of the Pleasantville Police Department are prepared to live and work abroad in safety.

Mission

The mission of this Strategic Plan is to provide officers of the Pleasantville Police Department with the information and expertise to realize our vision regarding the safe execution of their duties while in the Federal Republic of Germany: to provide knowledge of the past and current climate for terror in Germany, thereby preparing them to act and react in critical situations; to provide adequate information so officers will remain vigilant to threats aimed at them and others, think independently and improvise when appropriate; to provide the equipment necessary to make officers safe, thereby being prepared to survive and assist others in case of a catastrophic event.

The freedom from fear that a prepared workforce enjoys will lead to employee well-being, greater productivity, and a favorable reflection on themselves and the department. From this foundation, the employees will continue to engender goodwill and understanding between

them and our German counterparts, improving relations and the possibility of successful future collaborations.

Introduction

German History

German society has faced significant challenges regarding terrorism since the early 1970's. The issue of security vs. freedom has been debated, with violence and death providing the impetus to expand government protections to the people. The "basic right to security" has been codified in the German Constitution (Basic Law), and holds an equal, if not even a higher constitutional justification, than individual freedom (Lepsius, 2004). The understanding of what that means and how to provide for it are constantly changing.

The death of 11 Israeli athletes at the hands of Palestinian terrorists at the Munich Olympic Games in 1972 had a profound effect on Germany and the world. The attack on the sporting world's grandest stage revealed the PLO as a bloodthirsty political actor, a reputation it would earn countless times over the next two decades. It exposed a startling lack of security planning: both prior to the attack that allowed it to happen and during the botched rescue operation where the hostages were killed (Callahan). As an anti-Semitic attack on German soil, it reopened painful wounds that the German people had been trying to heal for almost thirty years (Bard, 2011).

Its experience with internal terror groups had changed the perception of terrorism by German citizens. Most notably, the activities of the Red Army Faction (RAF) in the 1970's and 80's forced people to reflect on becoming victims of terror, as civilians became targets (Miko & Froelich, 2004). The RAF emerged from the revolutionary culture of the 1960's, and they committed arson, bombings, robberies, kidnapping and murder in an attempt to expose the

government's policies in its response (Elkins, 2007). The group was active through 1970's and into the 80's, but their activity reached its peak in 1977. The German Autumn *(Deutscher Herbst*) of that year held the entire country hostage, and reinforced the German people's desire for security (Miko & Froelich, 2004).

Another watershed event in the German security timeline was the reunification of East and West Germany in 1990. It required a rewriting of the Basic Law, as well as the merger of two very different philosophies on governance and security. It also opened the former West Germany to the crime, corruption and terrorism that was rampant in the East (Bukow, 2005).

It was in this milieu that Germany experienced September 11, 2001. Once again, the perception of terrorism changed significantly. German society came to recognize a different kind of threat, one that worked from inside the state for goals that were supportive of destroying Western culture (Lepsius, 2004). As Lepsius further points out: "The terrorist attacks of the RAF during the 1970s were regarded as qualitatively different from the new form of terrorism: responsibility for the old attacks could be assigned to a limited circle of people. The dangers arose from specific, known perpetrators and their limited surroundings. It was possible to individualize terrorism; this was deemed no longer possible after September 11" (Lepsius, 2004). The realization that key terrorists, including Mohammad Atta, lived and plotted in Hamburg served as a strong wake-up call (Miko & Froelich, 2004).

The horror of the attacks of that day prompted a number of reactions. In the realm of foreign policy, Germany immediately professed support and pledged troops to the U.S. effort in Afghanistan. Internally, the German government passed legislation aimed at closing the loopholes the terrorists exploited to shield themselves from investigators might have used to discover the plot as they planned the attacks. (Miko & Froelich, 2004)

Current Terror Landscape

Germany has been a strong and committed partner to the United States against international terrorism, but differences remain. Germany has limited its operations in Iraq due to strong differences with U.S. policy there (Miko & Froelich, 2004). The German model for responding to terrorism includes assistance to economically under-developed areas, unilateral diplomacy and mediating disputes in world-wide "hotspots" that grow terrorism. Preventing the proliferation of WMD's and utilizing the power of international bodies, such as the United Nations, are also seen as critical. While Germany recognizes that threats to its homeland by Islamic fundamentalists is its most pressing internal security threat, "it understands that it protects itself by actions far away, such as in Afghanistan" (Miko & Froelich, 2004, p. CRS-3).

Despite its divergence with the U.S. over Iraq, Germany's role in the implementation of U.S. policies does not come without risk. The PRG has committed forces to aid and support U.S. efforts in Afghanistan, Iraq and Somalia. As a result, "Germany's military engagement in Afghanistan and support for U.S.-led antiterrorism initiatives have made the country a target" (Crawford, 2011). Among Islamic fundamentalists, Germany's support for the United States, and by extension Israel, has made them "crusaders" (Boukhars, 2007).

Legal and Political Climate

Germany has faced numerous challenges regarding terrorism in its past. As a result, laws have been enacted and challenged regarding the correct balance between public safety and personal freedoms. The German system for protecting its citizens is the result of an open society which still desires security from hostile forces. Critics are wary that Germany's strong belief in the sanctity of civil liberties may make them less effective at finding and dismantling sleeper cells (Miko & Froelich, 2004).

The German government is characterized by its broad diffusion of power. This is an understandable reaction to their past, when a strong central government represented a threat to their citizens and the rest of the world (Bukow, 2005). However, it is counterproductive to effective terrorist monitoring and apprehension. While the United States restructured its federal bureaucracy and agencies to close gaps which may cause information to be missed, the German system has not. It lacks a central monitoring agency for coordination of anti-terrorism efforts, which are spread out between Berlin and the 16 Lander (state) governments. Additionally, intelligence and police authorities remain separate (Miko & Froelich, 2004).

Two Security Packages which recognize the new threats facing Germany were passed in response to 9/11. Among the changes:

- Laws regarding foreigners, immigration, and asylum have been revised.
- The process of initiating criminal investigations at the federal level has been simplified.
- Enhanced procedures for screening security personnel and those involved in the airline industry have been adopted.
- Religious organizations are no longer protected from criminal investigations, and associations that harbor violent ideologies are outlawed.
- Interface capabilities of tracking networks have been improved (Miko & Froelich, 2004).

Lastly, laws have been passed that reflect the German sentiment regarding its fascist past. For instance, despicable groups and writings that would be protected under the First Amendment in the United States are illegal in Germany. It is illegal to incite racial hatred or deny the Holocaust, and laws have been passed outlawing right-wing neo-Nazi groups and their propaganda (United States Department of State, 2011).

Threats to Security of Pleasantville Police Officers

Americans are targets: As citizens of the United States, Americans are attractive terrorist targets, even those in non-military and non-governmental positions. Civilian contractors have been kidnapped and killed in Iraq, Afghanistan and other countries by terrorists and insurgent actors. The threat to Officers is very real, even if their profession in law enforcement is unknown, simply because they are Americans.

American military installations: Germany is home to Ramstein Air Force Base, a central way station for U.S. military operations in the Middle and Far East, as well as numerous other military installations. These facilities, and the service personnel who live and work there, represent a target for terrorists interested in bring the fight to the United States, but are unable to travel to our homeland. Merely being in the area of a military installation, or an area where personnel are found, increases the risk of becoming the victim of an attack. For example, two U.S. servicemen were killed and two others wounded during an attack at Frankfurt Airport on a bus en route to Ramstein. The shooter, Arid Uka, a Muslim immigrant from Kosovo, allegedly shouted “jihad” as he opened fire (Graham, 2011)

Islamic Fundamentalists: Terrorist actors, some with direct links to al-Qaeda, are active in planning and attempting attacks against civilians in Germany. While Madrid, London and Mumbai are among the cities around the world that have been targeted, Germany has escaped an al-Qaeda–inspired terrorist attack, but just barely. German authorities have foiled three major terrorism plots in recent years. In July 2006, homemade bombs were placed on commuter trains leaving Cologne, but were discovered before they were detonated. In September 2007, a cell in Sauerland was broken up as they finalized plans for a series of car bombings (Moore, 2010).

Most recently, German law enforcement concluded an extended operation to prevent a major attack in Dusseldorf with arrests in April of 2011. The plan included the use of readily available chemicals to create explosives. Authorities believed the plotters were beginning dry runs; electronic surveillance captured conversations in which they complained about the smell of the chemicals they were mixing. Three arrests were made immediately, with another seven expected shortly thereafter. Officials believe the nature of the threat of the Dusseldorf cell, with agents working independently, is the next phase in the evolution of al-Qaeda. It reflects their limited ability to directly oversee foreign operations (Ewing, 2011).

Radicalization: As with all countries in the West, the threat is not merely from outside the borders (Boukhars, 2007). German officials are working to protect their citizens from radicalized Germans who can move throughout Germany and the EU without raising suspicion. Many have travelled to the lawless region which straddles Afghanistan and Pakistan to train at al-Qaeda camps. The leader of the Dusseldorf cell is believed to be one of these al-Qaeda trained militants, and two of the first three arrested from that cell have dual German citizenship (D. Crawford, 2011).

Death of Osama bin Laden: The death of Osama bin Laden represents an opportunity for the West to make significant strides against al-Qaeda. First, the United States acquired information during the May 1 raid that could be profoundly actionable. Second, the loss of bin Laden as both an operational planner and organizational figurehead is significant. Lastly, it is not unreasonable to believe there may be a transitional period where al-Qaeda is less efficient at running its operations.

However, there is a strong possibility that there may be an uptick in violence in the immediate aftermath of his death (Dick, 2011). Reasons for this include:

- Retaliation against the West for the U.S. operation that killed him
- Organizational instability during a resulting power struggle
- The activation of sleeper cells

Single Issue Terror Groups: Both left-wing and right-wing groups are active inside the PRG. Left-wing groups, such as the old RAF, seek to expose the evils of capitalism and move Germany to a more utopian ideal. Right wing, neo-Nazi and skinhead groups target racial and sexual minorities and others they deem unfit for German society. Left-wing groups usually commit property crimes and are more active in the urban north, whereas right-wing violence is most often aimed at people and more prevalent in the rural south. (United States Department of State, 2011). Both represent a security risk for foreigners working in Germany (Zuvela, 2010).

CBRN: Although the majority of terror attacks that have been carried out or disrupted have utilized traditional explosives, the risk of chemical, biological, radiological and nuclear (CBRN) agents must not be taken lightly. EU laws and treaties make the transport of Weapons of Mass Destruction (WMD) far simpler than in the past. It has been a stated goal of al-Qaeda to acquire WMD's to use against the West.

Nuclear Energy: Currently there is a concern in Germany regarding its use of nuclear energy. The Fukushima Reactor disaster in Japan has reignited geological concerns about the safety of the reactors. Both the age of reactors in use and the threat of terror attacks, including both physical and cyber-breaches, have energized the debate regarding the continued use of nuclear power (*Spiegel* Staff, 2011).

Opportunities

Societal: The great majority of German citizens respect the United States, our values and our way of life. Due to the large numbers of service personnel in Germany, the German people are accustomed to Americans and welcome our presence there. Additionally, a large percentage of Germans speak English.

Successful Strategies

On its website, the government of Australia makes recommendations regarding the dangers for foreign nationals in the PRG (Government of Australia, 2011). Most importantly is extreme vigilance. We have learned from both successful and failed previous attempts at terrorism that the best weapon is an alert and informed citizenry. The many eyes of intended victims can see and react to threats far more quickly than law enforcement alone. When civilians are knowledgeable, they can remain calm to assist in mitigation efforts.

Australia's advice goes further, reminding its citizens to be especially wary in public transportation areas. Airports, train stations and other transportation hubs provide a unique target for terrorists. The large numbers of people in an enclosed area, many of whom are carrying heavy luggage, makes blending in simple. People may be too busy to notice unusual behavior. Targeting tourists enhances the confusion that will ensue and complicates recovery efforts as language barriers may exist.

Strategies for the Safety of Officers

Awareness of their Surroundings: It is incumbent upon our officers that they remain vigilant and take stock of their surroundings at all times. This will be constantly impressed upon them, both before they leave the U.S. and while they are stationed there. A significant

component of this ideal is the maintenance of close ties to other officers stationed with them, other expat Americans, foreign counterparts and German contacts.

Language: Each officer will be required to complete a German language course, the focus of which will be communicating during a critical incident. While a large percentage of Germans speak English, it is irresponsible to expect that during a crisis. Additionally, emergency information and announcements will almost certainly be in German. Individuals who are unable to communicate are unable to follow directions or assist others in an emergency.

Equipment: All officers will depart the United States with appropriate equipment for a terrorist attack. This will include:

- Gas mask
- Personal Protective Equipment (PPE)
- "Go" bags
- Potassium Iodine (PI) treatment

Training: In addition to the language requirement, Officers will receive training in various areas to enhance their safety while in the PRG. Training that will be administered prior to departure includes:

- German history and the current terror threat.
- PPE refresher and maintenance
- Potassium iodine and its effects
- The Role of the employee in a foreign country, and consular services available

Additionally, training regarding local safeguards, evacuation routes and post-incident procedures will be administered within the first week in country.

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Chapter 7

Threat Assessment: A Mumbai-type Attack on Pleasantville, New York

Executive Summary

On 26 November 2008, ten terrorists armed with automatic weapons and explosives hijacked a fishing trawler in the Arabian Sea, killed its crew and sailed to Mumbai, India. The terrorists split into small teams and moved out into the city. The attack that followed lasted 60 hours, leaving 170 people dead and 300 wounded.

The purpose of this Threat Assessment is to review what is known about the attack, including the attackers and the response of Indian authorities, as well as the intelligence environment before and since. In addition, the ease of recreating such an attack must be a crucial concern for law enforcement and political leaders of municipalities of all sizes. This Threat Assessment will also attempt to identify how and why the Village of Pleasantville could be a target for a similar act, and what can be done to mitigate the threat.

The Attack

On November 26, 2008 ten Pakistani men aged 20 to 23 years old set sail from Karachi, Pakistan. They hijacked a fishing boat of Indian origin in the Arabian Sea to avoid suspicion on the 500 mile journey into Mumbai, India. They landed in Mumbai via inflatable dinghies and fanned out in small teams to their attack points. Each man carried an assault rifle, handguns and ammunition, as well as grenades and improvised explosive devices (IED's). They were extremely familiar with the city and their specific targets and carried satellite phones to communicate during the attack. Two teams left IED's in the taxis upon their exit, which detonated in other parts of the city. Their main targets included:

- The Victoria Terminus (VT) railway terminal, Mumbai's central train station. After 90 minutes and 56 people dead, the gunmen hijacked a police van and indiscriminately shot at civilians and police throughout the city streets.
- The Trident-Oberoi Hotel, a hotel popular with foreigners. 30 people died during the 17 hour siege there.
- The Taj Mahal Palace Hotel, an Indian icon and landmark. The terrorists had intimate knowledge of the hotel and may have prepositioned supplies there. After shooting up the lobby and first floor area, the gunman moved to the upper floors, collecting hostages and starting fires to create confusion and chaos. Scenes of the burning Taj Hotel became the iconic images of the attack.
- Nariman House, the home of the Hasidic Chabad Lubivich Jewish center, where six people, including Rabbi Gavril Holtzberg and his wife Rivka, were killed (J. Binnie & C. Le Miere, 2008).

In addition to taking over the hotels and Jewish Center, the terrorists attempted to remain mobile, thereby avoiding engagement with responding authorities and disguising the number of attackers. Explosives were used as force multipliers. The plan of attack was devoid of military tactics, but was ultimately successful based on the attacker's mobility and superior firepower, the element of surprise, pre-planning and coordination.

The brutality of the attack made it news-worthy, and the protracted length made it a media event. Live images from Mumbai were broadcast around the globe via international news sources. In Pakistan, their handlers were watching the media coverage and communicating real-time information to the gunmen.

The Attackers

The attackers were members of Lashkar-e-Taiba (LeT), or "Army of the Righteous". The organization is a separate but ideologically complementary organization to al-Qaeda. LeT remains a fixture on the State Department's list of Foreign Terrorist Organizations (State Department Foreign Terrorist Organizations, 2011). Created in the 1990's by the Pakistani Inter-Services Intelligence (ISI) as a proxy army to battle India for control of the disputed area of Kashmir, they have since expanded their fight to one of global jihad. The lone surviving terrorist of the Mumbai attack, Ajmal Kasab, stated that the ultimate goal of the attack was to create worldwide recognition for the group. He named senior members of LeT as having been involved in the planning.

Mumbai has been and remains a target for terrorists wishing to strike India, the world's largest democracy. Mumbai is India's cultural center and most prosperous city, "its Wall Street, its Hollywood, its Milan" (A. Rabasa et al., 2009). India's relationship with the West puts it at odds with its neighbors and numerous non-state extremist groups. Additionally, the sustained rivalry with Pakistan, especially over Kashmir, has resulted in numerous attacks against the city from extremists based there.

LeT is suspected in other high-profile attacks, including the suicide attack on the Indian Parliament in New Delhi on 13 December 2001 that killed seven, and an attack on a Hyderabad amusement park in 2007 (NY *Times* Staff, "Times Topics: Lashkar-eTaiba", 2010). Elements of LeT are suspected in multiple attacks on Mumbai. Among the most deadly:

- July 2006: 187 people were killed when a series of bombs exploded on Mumbai's crowded rail system at rush hour.

- August 2003: 52 people were killed when synchronized car bombs exploded at two locations – one a popular tourist spot near a Hindu temple, the other a crowded market (National Consortium, "Global Terrorism Database", 2011).

The Response

Intelligence failure, inadequate counterterrorist training and equipment of local police, delays in the response of NSG commandos, flawed hostage rescue plans, and poor strategic communications and information management all contributed to a less-than-optimal response." (Rand Corporation, "The Lessons of Mumbai", 2009).

The immediate response of Indian authorities to the attack of 26/11 was woefully insufficient. Responding officers were unprepared for attacks at multiple locations or the weapons and explosives with which the attacks were carried out. By placing IED's in the taxis upon their departure, the attackers gave the impression that there were far more attackers involved than there actually were. By attacking multiple locations simultaneously, the attackers created confusion and stretched resources. The mobility of the attackers meant that they had often moved on prior to responding officer's arrival. Even when the attackers were kept within locations, there was little ability to actively engage them (Sengupta & Bradsher, 2008). Information was difficult to come by, and coordination between police officers in different locations was imprecise at best. The eventual arrival of Indian commandoes, the only forces equipped to handle attacks of this type, came too late to prevent much of the killing.

Following the attack, Indian authorities promised new rules to protect the citizens. Officers are better equipped and trained, and commandoes are evident in the VT rail station and other public places. The city is still vulnerable. Although there are more police and they are better prepared, the expansive coastline is still unsecure.

While the Pakistani government has been separating itself from the militaristic LeT, the attacks may or may not have had the support of elements inside the Pakistani intelligence apparatus (Kronstadt, 2008). In the immediate aftermath of the attack, the Pakistani government in Islamabad pledged its support in the prosecution of those responsible. However, the response from Islamabad has been more reserved than many in India and the West hoped for. The group's leader, Hafiz Saeed, operates openly in Pakistan to raise funds and gather followers to his cause under the banner of Jamaat-ud-Dawah (JuD), a social-service organization which has been declared the front organization for LeT by the United Nations ("Press Trust of India," 2011).

The Intelligence Environment

> The 9/11 Commission used this term ("foreign-domestic divide") for the divide that it found not only within the Intelligence Community (IC), but also between the agencies of the IC dedicated to the traditional foreign intelligence mission, and those agencies responsible for the homeland security intelligence (HSINT) and law enforcement missions (M. Randol, 2009).

Since the attacks of September 11, 2001, the relationships within the United States Intelligence Community (IC), and between the IC and other agencies, have changed. Where intelligence was once segregated by its method of collection or intended consumers, the current methodology invites information sharing and cooperation between agencies at different levels of government. Today, the homeland security stakeholder community is comprised of diverse federal, state, local and tribal law enforcement agencies with various missions but a shared counter-terrorist component.

Homeland Security Intelligence (HSINT) represents a new classification of intelligence, and the evolution of our knowledge. Many non-federal actors are potential and necessary consumers of HSINT, and state, local and private sector entities have new needs for intelligence, as well as experience in collecting it (Randol, 2009). HSINT is not classified by how or where it is received, but by its usefulness in protecting the U.S. homeland.

The Homeland Security Act of 2002 defines homeland security information as "information possessed by a federal, state, or local agency that:

A. relates to the threat of terrorist activity;
B. relates to the ability to prevent, interdict, or disrupt terrorist activity;
C. would improve the identification or investigation of a suspected terrorist or terrorist organization;
D. would improve the response to a terrorist act."

Information gathered is often only useful when it is put into context and applied to real world scenarios. Similar to other disciplines, homeland security information becomes HSINT via processing and analysis (Lahneman, 2008).

Locally, the Pleasantville Police Department has and continues to collect information from various sources and turn it into actionable intelligence. In addition to supporting criminal investigations, such practices were referred to as "knowing the neighborhood," "being available to the public" or more recently, "community policing." All of these endeavors put the police officer in direct contact and interaction with civilians to recognize problem areas and prevent problems or find solutions. In the new paradigm of homeland security, the focus is shifted to terror prevention and risk mitigation.

Local Responsibilities

> Since attacks against high-profile soft targets are relatively easy and cheap to mount, such institutions will remain targets of future attacks. The protection of those targets presents particularly difficult challenges (A. Rabasa et al., 2009).

Factors exist about the length of the siege and the death of civilians that deserve special mention. First is the need for a forceful and immediate response on the part of local law enforcement. In Mumbai, the local police forces were inadequately prepared and ill-equipped for an attack of this sort. As a result, best efforts of responding locals failed to control or even contain the attacks. The delay in seriously engaging the terrorists, especially at the Taj and Trident-Oberoi hotels, allowed the gunmen to round up hostages, start fires and secure their position.

It is critical to respond to active shooter attacks immediately. The first officers to effectively engage the terrorists, India's famed Black Cat Commandoes, had to be transported from New Delhi. The gunman in the July 2011 Utoya, Norway attack, Anders Behring Breivik, was arrested without incident upon the arrival of responding police, who were delayed getting to the island by transportation issues (Hutchison, 2011). In both cases, the gunmen utilized the delay to inflict far more casualties.

An event of this nature will paralyze a small municipality. If the attack includes a school or day care center as a target, we can expect the streets to be flooded with parents responding to the scene. Civilian vehicles may be abandoned as people proceed on foot when roads become impassable. The additional vehicular traffic will make forming a perimeter for containment or having additional resources respond to the scene an uneven possibility.

An additional concern is the incorporation of official vehicles or uniforms into the plans of attackers. While the Mumbai attackers were undisguised, they did enter Mumbai via a hijacked fishing trawler to overcome possible detection (Pinglay, 2008). A gunman wearing a police uniform will confuse victims and responding officers alike. In Norway, Breivik wore a police uniform and gathered his victims together under the auspices of a security check (Ross, Schone, Haskell & Respaut, 2011). The additional threat from secondary explosive devices planted in emergency vehicles, designed to kill and injure first responders and civilians congregating at the scene, is a serious concern. The attacks of August 18, 2011 on multiple targets in southern Israel represent the exportation of elements from 26/11 consisting of multiple teams of gunmen and use of IED's, as well as assailants disguised as security forces (Guardian staff & agencies, 2011). German authorities raised terror alert levels in 2010 based on reports regarding a similar attack against the Reichstag (Bartsch, Musharbash & Stark, 2010).

Lastly, the use of technology to enhance and prolong the attack must be considered. In Mumbai, during the protracted length of the event, the terrorists were able to communicate via satellite phones with handlers in Pakistan who were following media coverage of the event. As such, they could receive tactical information on civilian positions and police response. Additionally, the handlers were able to exhort them to continue when tired or injured, keep them focused and even give the order to kill hostages (Cybersurg, "Terror in Mumbai – intercepted conversations between terrorists", 2010).

Pleasantville's Local Vulnerabilities and Recommendations

Vulnerabilities

A Mumbai-type attack must be considered a risk to the Village of Pleasantville. Pleasantville is uniquely attractive as a terror target because of its proximity to New York City, its reputation

as a prosperous and well-to-do community, and its multiple and diverse attractions. Some of those include:

- The Jacob Burns Film Center, a high-profile movie theater that features wealthy patrons and regular appearances by some of Hollywood's biggest celebrities.
- Pace University, a private liberal arts college with an ethnically and economically diverse student body.
- The Pleasantville Community Synagogue. The attackers at Nariman House were reminded by their handlers in Pakistan that "killing one there was like killing 50 elsewhere" (Reed, 2009).
- The Pleasantville Music Festival, the weekly Farmer's Market, Pleasantville Day, and other community social events.

It is safe to assume that a Mumbai-style attack will gain world-wide media attention wherever it happens. However, terrorists looking to generate international interest and inflict widespread suffering would be attracted to a culturally diverse and financially prosperous community such as Pleasantville.

Recommendations

As such, the Village of Pleasantville has and continues to prepare for such an eventuality. In the wake of attacks on Columbine and Beslan, Russia, patrol officers have learned that they must immediately engage active shooters. Training on how to do that, especially with officers from other jurisdictions, has been provided. Patrol vehicles are outfitted with rifles so first responders can effectively engage heavily armed attackers from a distance. Officers train twice a year to become familiar with these weapons and combat tactics.

However, training has been limited for lower-ranking officers regarding the importance of managing critical incidents. While it is a regular part of the training of police supervisors, we have previously discussed how outside factors such as a multi-pronged attack or traffic congestion might limit the availability of supervisors at a location. Patrol officers will be required to take control of a scene and deploy available resources, and they currently are not receiving training for such an eventuality.

The policy for deployment of resources to active shooter scenarios is a management level-decision that must be made in advance. Currently, were an incident of this type occur, the full weight of resources and personnel would be deployed to the first location. The 26/11 attack revealed the wisdom of considering the possibility of multiple locations, especially for smaller municipalities, and of coordinating between sites. The Westchester County Mutual Aid Plan will need to be revamped to prepare for simultaneous activation of the Incident Command System in more than one jurisdiction.

In the event of a prolonged event, an effort must be made to control the flow of information that the attackers may access. While social media sites present a difficult problem, the greatest threat still comes from the traditional news media. A two-pronged attack to counter this includes liaising with media outlets prior to an incident to devise a plan in the event of an incident. Media members must be made aware how important their cooperation is, and may accept restrictions if they receive access to other information or sources. Failing that, police department senior management needs training on the legal ramifications of prohibiting media outlets from transmitting tactically sensitive information.

The Pleasantville Police Department should also consider developing a program for regularly liaising with local businesses and civic organizations to conduct site hardening and

raise awareness (NYPD, “Active Shooter”, 2010). The National Intelligence Strategy of 2009 looks to “strengthen existing and establish new partnerships with foreign and domestic, public and private entities to improve access to sources of information and intelligence, and ensure appropriate dissemination of Intelligence Community products and services” (Office of the Director of National Intelligence, 2009). A liaison program between the police department and the community would provide an opportunity to meet those goals and increase institutional goodwill. A program of this sort is a critical component of the Homeland Security Officer (HSO) program.

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Chapter 8

International Human Rights Concerns for America

Executive Summary

Today's world is a difficult place for large groups of people. Living below the poverty line, disenfranchised and routinely victimized, the poorest among us are often denied even basic human rights. Current human rights regimes are unable to completely guarantee the freedoms and sovereignty to which every human being is entitled. We as citizens of the world are morally bound to protect the least amongst us, without concern for ethnicity, religion or nationality. Despite the best efforts of well-meaning governments and individuals, however, abuses continue. Is the system broken? What can be done?

There is no easy answer, and the best way to achieve the goal of universal human rights protection is complex. The current regimes are based on decades of international relations and the supremacy of state sovereignty. History has shown that the international community's response to human rights violations is improving. Now that the protection of human rights has become a priority of nations around the world, finding ways to ensure those rights while operating in a framework that recognizes international realities will remain the challenge for the next generation. Since it is unrealistic to expect those standards to change, any new paradigm must fit within these parameters or be relegated to the realm of academic hypothesis.

In a shrinking and ever more complex world, with known and unknown threats, nations must balance the need for security against the desire for the fullest expression of human rights. All governments, even those with strong records on human rights, face a future with new

challenges to the commitment to principles they have supported. The United States' reputation must be constantly upheld. Its current hegemony on the world stage means that we have the power and a duty to responsibly exercise our influence for the betterment of disadvantaged people.

Introduction

Human rights are those rights that each person is entitled to by the simple fact of their humanity. Human rights are not qualified or limited: they must protect from threats by person, organization, or nation. Intrinsic to any true expression of human rights is the concept of equality (Donnelly, 2003, p.9). Without equality amongst citizens, the strong will continue to marginalize the weak. In order to prevent victimization, we must work to ensure people have the means to protect themselves.

It is apparent that human rights, especially those adopted in the Universal Declaration of Human Rights and elsewhere, do not reflect the current state of affairs in the world. Instead, they represent an ideal to which the international community can aspire. "Human rights are less about the way people 'are' than about what they might become" (Donnelly, 2003, p.15). Such a model serves to guide our actions and measure our progress. It is in the details of how we apply human rights that we act in the best interest of ourselves and future generations. Critically, state, and to a growing extent, non-state, actors must realize that their legitimacy is determined in the international community by the extent to which they respect and protect human rights (Donnelly, 2003, p. 12).

Human Rights vs. Security

"We reject as false the choice between our safety and our ideals. Our Founding Fathers, faced with perils we can scarcely imagine, drafted a charter to assure the rule of law and the rights of man, a charter expanded by the blood of generations. Those ideals still light the world, and we will not give them up for expedience's sake." President Barack Obama, Inaugural Address, January 20, 2009

In the United States, the debate rages between the respect for human rights and homeland security concerns. As we respond to threats both at home and abroad, the place of human rights, and the morality and legality of our actions to protect this country and its citizens, are constantly evolving. Our ideals, developed by the Founding Fathers and codified in our Declaration of Independence and Constitution, introduced the limited relationship between a government and the people it governs. The protection of those ideals is paramount, even as we face new and unforeseen threats to our security. If we hope to export our ideals to new outposts around the shrinking world we live in, we must maintain them and offer their proper execution as an example to others. We can and must remain a beacon for oppressed people throughout the world.

A central concept in our foreign policy initiatives is that the United States is more secure at home when democracy and freedom find root in different parts of the world (Office of the President of the United States, "National Security Strategy of the United States of America", 2002). In the ten-year battle that has been the war on terror, however, the rallying cry against our policies often comes from our tactics in securing and interrogating the most dangerous of our enemies, most notably, the designation of enemy combatants and the rights to which they are entitled.

The government of the United States operates under the terms of our Constitution, maintaining the standard that we are a rule of law not a rule of man. The United States continues to abide by its international responsibilities, even as the international community criticizes our actions. The threat of international terrorism endangers our country if we fail to consider and respond to the threat.

Critics believe the United States has sacrificed its moral standing in an attempt to gain security (Sanuwaert, 2004). While many may believe we are depriving these people of their human rights, the legal process has been respected. The preservation of human rights for one must not be allowed to infringe upon the right to life of others. No right is absolute, and those committed to terrorism, while they have not surrendered their humanity, have put themselves at risk for legal redress. Whether such legal processes are morally sound is subject to debate, but the legality of our actions is not. Although some believe we are violating our own principles, we have upheld our legal process in creating and enforcing the standards against which our actions must be judged.

One of Barack Obama's key campaign promises was the closing of the detention facility at Guantanamo Bay, Cuba. President Obama, however, has been unwilling or unable to fulfill that promise. Those men who have been designated as enemy combatants have argued for a change in their status which would provide them with Constitutional protections or rights under unilateral conventions. The American legal process has decided that those fighters who wage unconventional war on foreign soil under no national banner have placed themselves in legal limbo: because they have acted without the national affiliation that the Geneva Conventions require, they cannot expect to enjoy the protection they provide (W. Haynes, 2002). While the

President has had to answer difficult questions about not fulfilling a campaign promise, in this issue, he has successfully balanced security and the rule of law.

The International Community and Human Rights

In our shrinking global environment, the role of the international community has expanded. The decline of nationalism, coupled with international immigration, has resulted in increased familiarity, connections and affiliations with distant populations (Imade, 2003). Additionally, governments are reluctant to act unilaterally: the risks of appearing imperialistic, as well as the cost in resources and political capital, are too high. The most viable option for the sustained protection of human rights in the future lies in multinational cooperation.

While there are still terrorists and dictators, warlords and human rights abusers, we have seen in Iran, throughout the "Arab Spring" and elsewhere, the shrinking globe bringing people together, making distant and remote struggles more important (Andersen, 2011). Human rights abuses no longer take place "over there;" when a violation occurs, proximity is no longer an issue. Immigrant populations are a key impetus to generating concern and action for the disadvantaged back home. Local coverage of protests in support of distant struggles for human rights bring a pressing need for action, and public support must be garnered in order to begin the process of bringing the full weight of the international community to bear. Once there is concern, the question of how to send and receive information becomes important.

Modern technology provides the answer. Previously, traditional media served as the single real-time outlet for updates on what was happening. In oppressive governments, state-run media outlets could be counted on to broadcast propaganda and misinformation as news. In the Information Age, individuals can transmit an uncensored version of events as they transpire.

Immigrant populations, via social media and the power of the internet, broadcast their message and bring the struggles of oppressed people more sharply into focus. Expatriates living abroad receive and forward the evidence of oppression and violence, or media outlets contrast the statements of the oppressors with evidence of the truth. As the information spreads, the truth becomes a powerful weapon.

There are many effects of bringing these struggles to the consciousness of the international community. Internally, the resolve of the oppressed may be strengthened. Once they know that their message is being heard, they may find new strength to continue their struggle. The pressure on oppressive regimes from diplomatic sources may increase, leading to condemnations and sanctions should the oppression continue. In the most severe of cases, military support may be provided.

Genocide

People persecuted for their membership in an ethnic or other minority are more easily made "less than human," thereby increasing their chances of being victimized (Hagan & Rymond-Richmond, 2008). Left unchecked, these attitudes can lead to genocide. The current groundswell for human rights protection around the world developed from instances of genocide (Donnelly, 2007). The governments of the world watched in horror as the atrocities of the Nazis at places like Auschwitz and Dachau became iconic images of hatred, intolerance and state-sponsored murder. In response, the Convention on the Prevention and Punishment of the Crime of Genocide was written and ratified to ensure the full weight of international pressure could respond in the future. Genocide is defined in Article 2 of the Convention as acts committed with the "intent to destroy, in whole or in part, a national, ethnic, racial or religious group" (1951)

A myriad of factors influence the international community's actions and reactions in regards to genocide. When true genocide is occurring, or about to occur, international pressure can have significant impact (Donnelly, 2007). The question of "why" is no longer an issue in the international community; it is the question of "how" that confounds even well-meaning governments. How far countries are willing to go to protect foreign nationals is still balanced with self-interest and the intricacies of international relationships. Military assistance may be delayed in the face of internal political and economic obstacles. The need to avoid a quagmire from which there may be no easy escape often prevents nations from adequately responding, despite their good intentions. The desire to avoid being involved in a bloody civil war often confounds the desire to prevent genocide.

Still, the worldwide response to genocide over the last twenty years shows that the international community has learned lessons and is adapting its methods to bring the most significant tactics to bear in a timely fashion. Fein states, "The costs a nation or nations are willing to pay depend not only on how they evaluate threats to them but on their values and ties with the people at risk as well as their interests" (p. 230). Such actions, through bilateral agreements or unilateral condemnation or the intervention of international coalitions, show that the current regimes have a place in the protection of human rights.

The history of international responses to genocide dates back to the end of World War 2, when foreign policy was viewed through the prism of Cold War relations. The world was not divided between those who would tolerate genocide and those who would condemn it. Instead, lines were drawn purely in the context of American vs. Soviet spheres of influence. As such, in

places like Guatemala, the government of the United States often supported governments without concern to their commitment to human rights (Donnelly, 2007).

After the fall of the Soviet Union, the international community needed to develop appropriate responses to threats of genocide, as well as assess the ramifications of action and the consequences of inaction. In Rwanda, for example, the lack of action and humanitarian intervention allowed the intertribal rivalries that simmered during colonial control to spread and explode into international violence and genocide (Fein, 2007). Despite prior warnings about Rwandan Hutus, international forces were reduced and no mechanism was in place to protect the Tutsi minority. Each of the members of the United Nations Security Council, whose votes are necessary for action, had their own reasons, internal, geo-political or philosophical, to want to stay out of Rwanda, and later Darfur (Fein, 2007, p. 228).

In Bosnia, the international community recognized the danger of genocide from the Serb majority and did not ignore it. The United Nations Protective Force (UNPROFOR), compromised of Dutch peacekeepers, was tasked with monitoring the situation and providing assistance to the Muslim minority. The lack of military strength and Western resolve, however, prevented success. "The reality, obvious to all, was that the safe areas would be safe only as long as the Serbs chose to leave them so" (Power, 2002, p. 393). The presence of UNPROFOR allowed the Serbs to target their Muslim victims more effectively. Only after the fall of UN safe areas and incontrovertible confirmation that genocide was occurring, and under extreme pressure at home and from the international NGO's, did the United States rally NATO to act.

In Kosovo, the failures in Rwanda and Bosnia weighed heavily on Western leaders. In the wake of the NATO's prior dealings with Slobodan Milosevic, governments of the West wasted

no time protecting ethnic Albanians from persecution and murder. The commencement of air operations against Yugoslav National Army forces represented the first time in the history of the United States or its European allies that military force was used to prevent genocide (Power, 2002, p. 448). Despite the lack of ground troops, NATO forces were seen as contributing to the safety of the victims and limiting the effect of ethnic cleansing.

Even with recent success in Libya, NATO may not always be a viable option for geographic and/or political reasons. The lessons of Kosovo and Libya are not limited to the use of NATO as a military option; it is that interested actors must take aggressive creative steps to utilize the knowledge that pre-emptive action against genocide is the best alternative. While this may not be possible for all human rights violations, it is necessary and possible in cases of genocide.

Terrorism

Many have argued that the greater threat to human rights is the government's reaction to acts of terrorism and the desire to prevent future attacks, than the attacks themselves. The risks to the rights of individuals in the name of national security exist every day. Agents of the government and law enforcement cannot always be sure their actions will be deemed legal or constitutional until after the fact (Mazetti & Shane, 2009). In today's world, the even the term "terrorist" evokes a visceral reaction that can lead to well-meaning people and governments to violate human rights protections.

Such a powerful label as "terrorist" is ripe for misuse, especially for political purposes. By labeling someone a terrorist, governments are able to institute measures and responses that might be extralegal. That is the crux of the argument against the United States' War on Terror:

that by labeling someone a terrorist, the rule of law is removed and individuals lose their rights to due process (Bovard, 2010).

Russia and Israel have used the term to describe Chechnyan separatists and Palestinians seeking a new state. (Donnelly, 2007). Examples of actions those groups have claimed responsibility for include the 2002 school siege at Beslan, and the Second Intifada. This supports the idea that it is not the ends but the means that make someone a terrorist. The Chinese government has cracked down on dissidents and Tibetan freedom seekers as a chance to root out "terrorists." Objectively, however, the Chinese government lacks legitimacy in regard to these claims due to their inability to recognize human rights for their own citizens.

Foreign Policy Initiatives

Donnelly also criticizes the United States for coining the term "Axis of Evil" to describe Iraq, Iran and North Korea in the immediate aftermath of 9/11. The classic definition of an axis would have the countries collaborating in some way, and there is little to no evidence that such was the case between these countries, despite a mutual distrust and dislike of the United States. In fact, no evidence exists that these countries had anything to do with the September 11th attacks (Donnelly, 2007, p. 218).

Critical similarities, however, lay in the fact that all three countries were, or still are, run by despots who ignore the concerns of the international community. Each of these countries represents a distinct threat in a world where the theory of "mutually assured destruction" has been removed. Each poses a risk to the United States or its allies to create another attack similar to 9/11 against the United States or one of its allies, or support a group that might. The fact that

each possessed weapons of mass destruction, or had actively sought to create them, heightens the risk.

Another criticism of the United States after 9/11 was the United States invasion of Iraq. The use of faulty intelligence to justify this garnered international support for that action is rightly considered a failure. While the search for Iraqi WMD's ultimately proved fruitless, it is important to consider the history of the international community's relation with Saddam Hussein. The fear of those weapons in the hands of a man who had a history of deploying them was not a creation of the United States government, or any agents working for it (Cole, 2003). The September 11th attacks awakened the American people to the risks of WMD's anywhere in the world. The risk of al-Qaeda using such weapons gave new urgency to securing them from our enemies.

At the end of the first Gulf Conflict, Saddam Hussein was subjected to UN Resolution 687, which mandated he not produce, acquire or stockpile weapons of mass destruction, as well as permit the international inspections necessary to ensure he complied with those terms (United Nations, "UN Resolution 687", 1991). He then made it more difficult for inspectors to have freedom over where they would go and what they could access. By 2002, he had completely closed Iraq to the outside world. His actions were his undoing. Had inspectors been allowed to confirm to the international community that Iraq did not possess weapons of mass destruction, there would have been no grounds to commence a second Gulf War.

The place of preemptive intervention in the current international order is complex. In the aftermath of 9/11, the American people were ready to do whatever was deemed necessary to secure our homeland, including supporting preemptive action into countries that harbored the

necessary ingredients for a terror attack: WMD's, terrorist training camps, and/or a government that was unable or unwilling to address the situation internally. However, as time has moved on, the actual application of that has been limited.

Iran, for example, has defied sanctions from the international community and expanded its plan for its nuclear future. It has a fundamental Islamic government, and a president that despises America and who continually threatens to wipe Israel off the map. They have been the most consistent enemy of the United States for the past thirty years. There have been ample opportunities to address the issue with military force, especially during the George W. Bush administration. However, there have been no overt actions by the United States against Iran. In fact, Israel took steps in 2007 to limit Iran's nuclear program when the U.S. was unwilling or unable to do so (Cheney, 2011). Leaders have come to recognize that "preemptive intervention" sounds good, but waging war in multiple theaters is prohibitively difficult and dangerous for political careers.

Human rights have been established as a primary foreign policy concern for America and its people. While we are unwilling and unable to intervene in every situation around the world, and the United States response will not always be fair or uniform, our actions are critical to the well-being of disenfranchised people. Although United States foreign policy draws the ire and condemnation of many people around the world, the United States should not and cannot reconsider its policies. Responsible governments will always consider the effect their actions will have on the human rights of those involved. The protection and preservation of human rights is at risk should the United States become an isolationist nation.

Unfortunately, as important as human rights are, the near future will still be dominated by security concerns, and the risk to human rights is serious. In areas of the world where terrorism is not an issue, the United States will maintain its high standards of compassion and aid. However, in any situation where the government has to decide between security and human rights, security will remain for the immediate future the primary concern. Responses must be tempered, however, to avoid violating human rights in the name of national security.

Democratization and Education

The spread of democracy is the best way to protect human rights for the future. Fein (2007) states "there are many reasons for expecting life integrity violations to diminish or disappear in liberal democracies. . . " (p. 162). The road to democratization can be bumpy, but the greatest obstacles are often placed by the segments of society that wish to maintain the status quo. The insurgent groups in Iraq and Afghanistan have put keeping people from freedom first on their agenda, and they will continue to wage war for as long as it takes to accomplish that goal. The far greater risk to human rights exists should those people succeed.

While democracy is the most direct course to the long-standing protection of human rights, there is no absolute correlation between democracies and human rights. Whenever a small percentage constitutes the decision-making body for a larger population, the possibility exists that actions taken will not be transparent or truly representative. Human rights are far too often seen as a secondary or tertiary concern, even when the public is well informed. The legitimacy granted by elections is not foolproof protection against human rights violations.

Secondly, nothing within a democracy prohibits the majority from oppressing a minority. Many despots and human rights abusers have been elected by a majority of the population.

Slobodan Milosevic in the former Yugoslavia, Zimbabwe's Robert Mugabe and Adolf Hitler are all examples of dictators and human rights abusers who were popularly elected, and then focused their attention on minorities in their country. Fein lists numerous reasons why a majority might repress or debase a minority, including "ideology, religion, nation (and national liberation), security and group protection (p. 211). These factors can cause a population to ignore human rights violations, or even encourage them.

However, in its most basic sense, democracy represents a basic understanding of equality, one person, one vote, that is a critical element to long term respecting of human rights. Democracy philosophically shares more basic commonalities with those respecting human rights than with any other form of government. A free people are less likely to permit their duly-elected government to commit violations that do not respect these values at home or abroad. While the application of principles can be uneven in the best of circumstances, democracy does provide limited protection against human rights abuse.

The difficulty lies in bringing democracy to a country that has never enjoyed it before. Indigenous people have their own cultures, rivalries and allegiances that are unevenly respected in a representative democracy. The world's recent history is littered with conflicts that have begun over nation building and the demarcation of boundaries ill-suited to the history of an area, especially in Africa (Ashton, 2011), and the Middle East (Mansfield & Pelham, 2003). More recently, the United States has spent the previous nine years in two wars trying to bring democracy to regions that are unfamiliar with it. The question of whether this is worth the cost in lives and capital demands an answer.

Unfortunately, there is no hard and fast rule. If we are committed to bringing freedom to people in the world who do not currently enjoy it and thereby help to ensure our own safety, we may need to act in distant countries to facilitate the process. Each case must be judged on its own merits, with serious consideration given to the receptiveness of the people there and the level of resistance that can be expected. In considering our role for the future, we must acknowledge the potential for a quagmire in regions of the world that require our assistance but do not realize the stabilizing force of democracy.

Globalization

In almost any economic system, the weak are exploited by the powerful. In tribal cultures who know nothing of capitalism, those who conquer rule those who have been conquered. What makes someone weak or powerful may change, but the exploitation has been constant since the beginning of civilizations. Today, power comes not from physical strength but economic ability. The place of the protection of human rights in our shrinking world is a critical question.

Creating a regime that is protective of human rights means that first and foremost, the majority must become aware of the dangers of oppressing the minority. International intercession for oppressed and marginalized people has become a more powerful and effective weapon. The effect of globalization in this instance is positive.

Relieving the tensions between the majority and minority communities would help to prevent the violation of human rights. In the past, ethnic, religious and tribal differences have been the precursors to genocide, ethnic cleansing and other human rights violations. A multilateral effort to support responsible political changes might assist people who do not historically get along to co-exist.

While it is critical to recognize the mistakes of the past, we must also recognize where the gains have been made, the lessons learned, and the attitudes have been corrected. Despite missteps and mistakes, the United States and other Western governments can be proud of their actions on human rights. The United States has signed the Convention on the Prevention and Punishment of the Crime of Genocide, although it took nearly forty years and required stipulations, one of which is that United States cannot be prosecuted for acts of genocide without its specific consent. The Lugar, Helms, Hatch Sovereignty Package protected the United States from charges by Native Americans and blacks during the slave trade.

It may seem ironic that a nation that bills itself as the beacon of freedom for the world would blatantly protect itself from answering for genocide. However, the benefit of a partner as powerful and committed to human rights as the United States should be obvious. Were previous actions a ban on participation, we could not expect the human rights agenda to continue to expand. The United States has made terrible mistakes over its 240-year history in the arena of human rights, including slavery, imperialism and Manifest Destiny. Mistakes have been acknowledged as such, and often apologized for, in various venues (Thompson, 2009). Prior mistakes should not deter well-intentioned people from trying to assist others, or the disadvantaged from welcoming such help. In many respects, we are a rehabilitated nation.

Applying American ideals to the rest of the world continues to be a risky proposition. However, "[H]uman rights are centrally linked to modernity and have been (and remain) specially connected to the political rise and practices of the West" (J. Donnelly, 2003, p. 57). Western ideals and the freedoms and protections they represent are the most stable path to

freedom and human rights for the most people. As a result, they are ideals worth assisting other countries to institute for themselves.

Changing International Law

The current international system, and the enforcement of human rights, requires voluntary participation. Any treaty or accord is only as binding as the signatories' desire it to be (Donnelly, 2007). However, there are major problems with changing the system to make human rights laws more enforceable. The current international system assumes that governments are accountable to their citizens. As a result, decisions are made for their benefit, and power rests close to home. Any decision between what is good for its citizens and what is in the best interest of the international community should be decided in favor of the citizens. Even proponents of the expansion of human rights must recognize the risks to sovereignty and the rule of their people if their government answers to anyone but its own citizens.

While this may seem pessimistic, it does have advantages. While the current system lacks direct means for enforcement, it maintains the support of the international community. Human rights norms can be postulated in a vacuum, but their application is confused by varying ideas of appropriate human rights, as well as divergent national interests and histories. As such, incentives for changing the international system may be unnecessary and unwarranted, as well as unattainable.

Despite the United States' hegemony as the world's superpower, the need for international cooperation reveals complications were these ideals codified. First, their current vagueness might be an advantage to the one nation that can enforce its own principles unilaterally anywhere in the world. Second, codification would require a commitment to enforce

the rules in far-flung places around the world. Lastly, codifying human rights might hamper our efforts bring security to our country and other regions of the world. Would the Bush Doctrine that led to the weakening of al-Qaeda have been legal in a world where we had to answer only to ivory tower ideals? Would Qaddafi still be in power in Libya without NATO's air support to the rebels?

This country was founded on the idea that the government is not a separate entity, but is of the people themselves. A national government is recognized as the most powerful entity in most areas, and the American experience has shown the ability to balance human rights with great strength. If we ignore the past, we run the risk of being hypocrites or apologists. The only answer, however, is to look to the future and attempts to make positive changes for those in this country, as well as abroad.

We seem to be left in a position where we can either accept that the international system under which we operate is viable, or eliminate international system and start from scratch. Attempting to create a hybrid system, under which the state is preeminent for the majority of functions, but subservient to a supra-national organization or code in the realm of human rights, is unrealistic. Far too many instances can be imagined in which the function of government will come into conflict with the preservation of human rights.

Conclusion

We often think that human rights practices have suffered from the patchwork nature of their genesis. Watershed events in the progress of human rights rightly stand as beacons of hope for our future. We recognize the majority of international human rights were created through multiple consensual interactions between state and non-state actors. Were we able to start again

on a consideration of human rights, issues like freedom and sovereignty would be put at risk. It may seem counter-intuitive, but perhaps the best process for recognizing and protecting human rights is the process we undertook, one that allows actors to recognize the moral imperative of human rights and agree that they deserve respect. While this does not guarantee immediate protection from violations, for the future it may serve as the most stable and dependable source of protection. Like the spread of democracy, respect for human rights must be achieved through the will of the people to make the world a better place.

The concern for the future of human rights comes from their relationship to security concerns. At first glance, these two ideals may seem diametrically opposed. The most obvious conflict comes as rights are limited by the needs to maintain the safety of civilians. However, human rights can only flourish in an area where the people are secure enough to enjoy them. It is incumbent on policy makers to legally react to threats and preserve the rights of suspects and citizens alike.

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Chapter 9

Protection of the Drinking Water Supply of Pleasantville, New York

Introduction

The water supply for the village of Pleasantville, NY provides drinking water to approximately 9500 people via almost 2500 connections, with an average annual usage per residence rate of approximately 90,000 gallons. Model-Based Vulnerability Analysis (MBVA) is a five step process for critical infrastructure protection. In short, the process reveals the most important assets of the infrastructure network, considers the possibility of various threats and provides a scientific methodology for determining appropriate funding to mitigate those threats. What follows is a Model-Based Vulnerability Assessment for the Village of Pleasantville drinking water supply.

Key Findings and Judgments

- The overall threat to the water supply network in Pleasantville, NY is unknown.
- The threat level could be considered low based on the visibility and attractiveness of other targets available through similar means of attack, and the difficulty in acquiring sufficient amounts of material to pollute a water source.
- The threat level could be considered moderate due to the availability of targets, the ease in affecting SCADA operations and the potential for creating a back-flow situation. Additionally, al Qaeda members have expressed a desire to attack critical infrastructure and drinking water supplies.

- The threat level is mitigated by natural factors, countermeasures in place, redundancy in operations and modern filtration.
- No current known threats exist to water supplies in general or the Pleasantville Water System specifically.
- Terrorists are more likely to target other, more visible infrastructure, but inadequately hardened facilities remain targets of convenience.
- The Pleasantville water network is dispersed over a large geographic area that is the jurisdiction of multiple law enforcement agencies.
- Areas of concern remain equipment failure and sabotage, finished water supplies and SCADA system operations.
- The need for continued physical and information protection, as well as backup maintenance, is apparent.

Overview and Security Environment

Natural and man-made disasters have repeatedly shown the criticality of fresh water. The water supply and its preservation are essential to life. Even with the growth of bottled water for drinking in the United States, we depend on the ready delivery of clean water necessary for drinking, bathing, washing and firefighting operations.

The recognition of clean water as a public health issue has spurred legislation since the early 1900's. Originally the U.S. Public Health Service, and now the Environmental Protection Agency (EPA) have been charged with enforcing clean water standards. The Safe Drinking Water Act of 1974 is the bedrock of modern clean water legislation, and lists the acceptable level

of contaminants (biological and environmental) that can exist in municipal drinking water. In 2002, the Public Health Security and Bioterrorism Preparedness and Response Act listed denial of water service as a threat to public health. The evolution of legislation reflects our growing recognition of what provides a hazard to water purity (Lewis, 2006).

The threat to municipal water supplies is very real. Natural and manmade disasters have shown the dangers of unsafe drinking water. An unintentional *Cryptosporidium* outbreak in Milwaukee, Wisconsin in 1993 killed over 100 people and affected 400,000 more. It remains the most deadly water-borne incident in U.S. history. It also raised concerns about the vulnerability of modern water delivery systems to intentional acts of contamination (Gleick, 2006). In 1998, Presidential Decision Directive 63 (PPD-63), signed by then-President Clinton, identified drinking water as a critical infrastructure for America (T. Lewis, 2006, p. 195).

In the wake of the attacks of September 11, the federal government was mobilized to protect our national water supplies. The National Strategy for Homeland Security listed "protecting critical infrastructure and key assets" as one of six Homeland Security Key Mission Areas (The White House, 2002). The National Strategy for the Physical Protection of Critical Infrastructure and Key Assets lists water as a "Critical Infrastructure Sector" (The White House, 2003). Among its many goals and directions, Homeland Security Presidential Directive 7 (HSPD-7) recognizes the need for local governments and the private sector to cooperate with the federal government in protecting critical infrastructure to prevent disruption of essential services, reduce fear and economic loss and maintain our way of life (The White House, 2003).

Al Qaeda and its affiliates have expressed the desire to kill Americans by targeting drinking water supplies both here and abroad. A spokesman for the terror group has stated that the United States could not "rule out" the poisoning of water supplies (Wang, 2005). Some of the more serious threats include:

- In February of 2002, authorities uncovered what they believed to be a plot to introduce cyanide into the water that supplies the United States Embassy in Rome, Italy (Johnson, 2005).
- A Yemeni national and Seattle resident with ties to Al Qaeda was in possession of information regarding poisoning drinking water supplies when he was arrested in July of that year (FOXNews, 2002).
- A 36 year old Moroccan man with affiliations to al Qaeda was arrested in August 2011 after seeking information on jihadist websites regarding poisons and toxins. Authorities believe he was planning to target tourist locations in Spain to avenge the death of Osama bin Laden (Associated Foreign Press, 2011).
- The raid that killed Osama bin Laden in May of 2011 resulted in the acquisition of documents federal authorities described as a "playbook" for future operations, including plans for attacks on infrastructure in general and water supplies specifically (Thomas & R. Esposito, 2011).

In addition to the physical damage and danger to public health that a successful attack represents, there would be considerable psychological damage to the people of the United States. A successful attack on a municipal water supply would have economic impacts and result in a

loss of public confidence (Paull, Raynis, Landahl & Butters, 2003). "The best defenses against such threats are public confidence in water management systems, rapid and effective water quality monitoring, and strong and effective information dissemination" (Gleick, 2006, p. 3).

The Pleasantville system is a terminal node in the New York City water supply network. Source water originates in either the Catskill or Croton Watershed and travels through aqueducts to the Millwood Water Treatment Plant, whose location was strategically chosen to access reservoirs from either watershed. In the past, natural phenomena, such as increased turbidity or low water levels, have determined when the switch was made.

After treatment, the water is pumped to the Village of Pleasantville Water Tank (located at the highest point of elevation in the village), as well as an auxiliary tank in Mount Pleasant. From there it is delivered by gravity to customer homes and businesses via water mains. A Supervisory Control and Data Acquisition (SCADA) system monitors the supply infrastructure, regulating the flow to the tanks, detecting water main breaks and compensating when levels are too low or too high.

Identification of Critical Assets

The Model-Based Vulnerability Assessment (MBVA) process has five steps:

- Listing of Assets
- Network Analysis
- Model the Hubs as a Fault Tree
- Analyze the Fault Tree using an Event Tree
- Budget Analysis (T. Lewis, 2006, p. 110)

The first step of the MBVA is to create a list of assets in the system. Water purification and delivery for Pleasantville, New York requires significant resources over a vast geographic area. The list of assets includes:

- Reservoirs serve as the raw water sources.
- Aqueducts transport the water for treatment.
- The Millwood Water Filtration Plant (MWTP) purifies the raw water into potable tap water.
- The Main Water Tank, and an Auxiliary Water Tank, retain a reserve of water and provide pressure that is necessary to deliver water to customers.
- Water mains transport the finished water to customers.
- The Supervisory Control and Data Acquisition (SCADA) system monitors the water levels and controls flow into the water tanks.

In step two, Network Analysis, the critical nodes in the network are revealed. By determining the number of links each node has, we determine which assets are essential to maintaining the integrity of the network and preventing failure. For the purposes of this analysis, aqueducts and water mains, while critical, will serve as the links between the other assets, which are the nodes. The decision not to focus on aqueducts will be explained further below. Network analysis provides the following totals:

- Catskill Watershed / Reservoirs: 1 link
- Croton Watershed / Reservoirs: 1 link
- MWTP: 3 links

- SCADA system: 3 links
- Main Water Tank: 2 links
- Auxiliary Water Tank: 2 links

Infrastructure Threats and Probability of Occurrence

Once network analysis has revealed the critical nodes in the network, the next step is to determine how to protect them from various threats. A fault is defined as a "failure or failure mode caused by malfunction, natural or manmade event." Vulnerability is "a measure of the likelihood that a fault will occur" (Lewis, 2006, p. 112). The next two steps in the MBVA process address these issues.

In order to prevent a denial of service, the critical nodes must be protected. Since we now know where the nodes are, the threats to them can be considered.

- The water sources (reservoirs) are subject to natural change in water quality and turbidity, as well as the introduction of a hazardous substance, including microbial and inorganic contaminants, pesticide runoff or radioactive material (Pleasantville, 2011).
- The filtration plant will be affected by a physical attack, such as a bomb or sabotage, backflow[2], equipment breakdown, cyber attack and a loss of electrical power.

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[2] Backflow is a process in which by using simple physics, the flow of the water can be reversed, making the pipes that bring water into homes the beginning of the system instead of the end. When intentionally created, backflow can be used to introduce hazardous chemicals to the drinking water supply. The risk has been reduced, but not eliminated, as modern homes are required to be equipped with backflow prevention devices. (News Wire Staff, 2011).

- The water tanks are at risk from a physical attack.
- The aqueducts are at risk from a physical attack.
- The SCADA system is at risk from a physical attack, the loss of electrical power, and a cyber-attack.

A fault tree lists the nodes and what will incapacitate them. Figure 1 represents the fault tree for the Pleasantville Water System.

Since maintaining the purity of drinking water is accomplished at the filtration plant, and that process will have been defeated in the case of such an event, we will consider backflow a threat to the filtration plant.

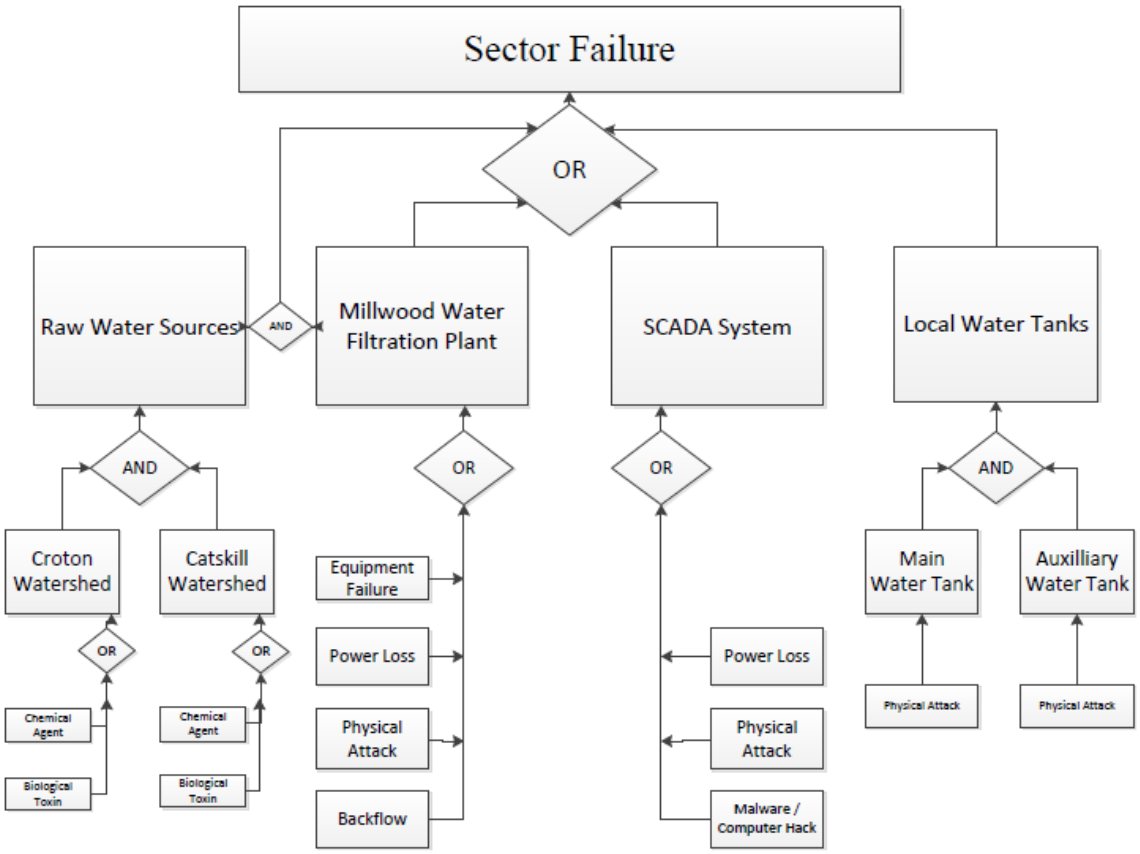

Figure 1. Fault Tree for the Village of Pleasantville Water Supply System.

Countermeasures

Network analysis as well as the creation of a fault tree and an event tree have exposed the system for its vulnerabilities and have calculated the likelihood of attacks. The need for appropriate countermeasures is apparent. However, this network already exists over a large geographical area and under the jurisdiction of multiple agencies. In reality, a number of

appropriate countermeasures have been instituted by various agencies, and certain natural protections exist, thereby limiting or eliminating the need for new budget resources to address them.

The New York City Department of Environmental Protection (DEP) is charged with maintaining the integrity of the water supply by protecting the watershed. As such, DEP Police have a large geographic area of responsibility and duties that include protecting the reservoirs and aqueducts. The water that has yet to reach the filtration plant is the responsibility of DEP and outside of our purview. Since the filtration plant was constructed to access either the Catskill or Croton Aqueduct, the redundancy of raw water sources provides a natural protection against contamination.

While security of raw water sources was a concern in the immediate aftermath of 9/11, and led to the closing of the road over the Kensico Dam, for example, the reservoirs represent a low risk for successful terrorist activity for two reasons. The first is dilution. Large amounts of toxins are necessary to affect the water supply at the source, making contamination that results in danger to our residents difficult to achieve. Secondly, the treatment process eliminates toxins and pathogens in the water. The use of ozone and chlorine eliminates the threat from significant amounts of biological hazards, and the water quality is monitored and tested regularly during its time at the treatment plant (Town of New Castle, 2009). In 2010 the Pleasantville Water system had no contamination-related shutdowns.

The most critical node by virtue of its links is the Millwood Water Treatment plant. Although it lies outside of our physical jurisdiction, the Village enjoys partial (15.83%)

ownership in the plant with the Town of New Castle. As a result, we are responsible for a portion of the cost of maintaining and protecting the facility. The Village paid $498,067 for fixed contractual services (maintenance, supplies and upgrades) in FY 2011 (Village of Pleasantville, 2012). The filtration plant is susceptible to a physical attack such as a bomb or sabotage, the failure of equipment, a cyber attack, and a loss of electrical power.

The protection of the plant from physical attack continues to be a serious concern. Asset specific countermeasures and security procedures and initiatives currently in place at the filtration plant include:

- A New Castle Police Department substation on site; law enforcement patrols visit a minimum of three times per day.
- Continuous perimeter fencing with intrusion preventing top. Security gates at all entrances and exits.
- Closed circuit television (CCTV) with adequate lighting of the facility interior and exterior.
- Automated access control system with alarmed doors at all interior entry and exit points.
- Public awareness via conspicuous signage.

The threat of a cyber attack has been considered as well. The following protections are in place:

- Computer systems utilize 128-bit encryption and firewall protection.
- SCADA systems have been kept offline.

The third threat to the plant comes from the loss of electrical power. The following

initiatives have been introduced to mitigate those threats:

- Installation, regular maintenance and testing of backup generators.
- The installation of solar cells by the New York State Power Authority (NYSPA) in 1998 to reduce the need for outside energy sources.

Additionally, a confidential vulnerability analysis was filed with the federal government in compliance with the 2002 Bioterror Act, according to Gerry Moerschell, Town of New Castle Deputy Commissioner of Public Works (personal communication of December 15, 2011).

The water tanks represent another critical node in the network. The redundancy of multiple tanks increases the available water on hand, enhances the ability to regulate water pressure and serves as a protection against denial of service attacks. Both locations are at risk from physical attack, although both would need to be affected for an attack to succeed. Existing asset specific countermeasures include:

- Random patrols by members of the Pleasantville Police Department.
- Perimeter fencing with locked entry gates and anti-personnel top.

The final critical node is the SCADA system that monitors pressure and water flow between the water tanks. It has been described as the single most important piece of equipment in the network under the direct control of the Village of Pleasantville Water Department. A failure of the SCADA system will result in water outage to residents and put hydrants out of service as well, creating a serious impediment to firefighting operations, according to John Lynch, Village of Pleasantville DPW Water Foreman (personal communication, February 2, 2012).

SCADA systems in general are at risk from multiple areas. The use of SCADA to attack the water sector has been widely considered, and has already occurred overseas. A hacker infiltrated the SCADA system controlling a municipal wastewater process in Queensland Australia and interfered with pumps, alarms and communications. The hacker, who had previously worked for the company, contracted to manage the network and was attempting to be rehired to address the issues, launched 46 separate incidents before the actions were recognized as malicious and shut down (Tsang, 2010). Additionally, the Stuxnet worm, malware which takes control of plant operations, has been discovered in a number of facilities around the world (McMillan, 2010).

The Pleasantville network allows for remote access by employees and vendors. It is a network based on convenience and access, not security. Lewis has created a "General fault tree of possible vulnerabilities of a typical SCADA system" (p. 232). Possible areas of concern can be categorized as "Human Error" and "Equipment Failure". Human error reflects accidental or intentional acts that lead to vulnerability, whereas equipment failure represents the end result of damage to software, components, and the power supply, as well as directed physical attacks. Within each of these categories are threats of varying concern, including possible damage done, time to detection and time to repair. For example, threats from disgruntled employees must be treated differently than threats from hackers or vandals. The remainder of this analysis will concern the budgetary resources necessary to close these avenues for disruption of service. The SCADA system currently has numerous countermeasures. They include:

- Perimeter fencing with locked gates and anti-personnel barbed wire topper.

- Intrusion alarmed doors.
- Backup generator with regular maintenance schedule.

Unlike the filtration plant, the SCADA location is not regularly manned. Information and access are relayed via internet protocols. Therefore, it is necessary to secure the equipment with firewall and encryption programs to prevent intrusion from malicious agents. Additionally, employee practices must be adapted to ensure security. Vendors must be trained on and abide by security protocols. Logging programs to detect usage and trace misconduct must be installed and maintained. Damage estimates vary depending on the time of discovery and permanence of effect.

Budget Allocation

Capital for SCADA improvements might be available from multiple sources. The Bioterror Act of 2002 provided federal grants to update and harden SCADA operations. The 2012 – 2013 New York State Executive Budget outlines $15 billion in New York Works critical infrastructure improvements, including $3 billion in state and federal capital. The plan includes updating municipal water utilities (New York State, 2012). The final step in the MBVA process allows us to decide the best way to spend an available budget to reduce vulnerability or risk. Vulnerability refers to the probability of a fault. Risk reflects the financial impact of the fault occurrence. The goal is to minimize the likelihood of faults by addressing the threats that will create them (Lewis, 2006).

There are a number of allocation strategies that are available. However, there is no one answer of how best to address limited budgets and the prohibitive cost of protecting everything.

The ranked allocation strategy spends available resources on the greatest threat first, then the next greatest threat, and so on until the funds are depleted. It is the most common allocation strategy utilized in critical infrastructure protection. Apportioned allocation spends a small amount of money to counter all the threats, making the total network more secure by strengthening each component. The optimal or minimal allocation strategy guarantees the minimal risk. Each strategy has its advantages and disadvantages, and as Lewis states the strategies "are convincing because they are rigorous, but not very satisfying because they disagree with one another. This observation underscores the immaturity of this field" (p. 187).

Using Lewis' model of a possible the general fault tree of possible vulnerabilities of a typical SCADA system (p. 232), we can determine the effect of various allocation strategies. With a small but realistic budget of $100K, the numbers can be processed through the event tree to reduce vulnerability and risk. The results on vulnerability through the various strategies are summarized below:

- Ranked allocation method: $75K for Physical Attack and $25K for Insider.
- Apportioned allocation method: $29.5K for Hacker, $17.5K for Physical Attack, $32K for Component and $21K for Insider.
- Minimal / Optimal Allocation method: $25K Component, $25K Insider, $50K Hacker.

To reduce risk, the Ranked Strategy recommends spending all $100K on Physical Attack.

Conclusion

As shown above, with an increase of $100K to the budget, significant improvements can be made to reduce both the vulnerability and risk of the SCADA system. Although various

methods reveal different ways to allocate the funds, the need to maintain current security levels, as well as expand our initiatives and anticipate threats will not change.

We can never be sure we have addressed the correct issues, and the threat matrix evolves and expands over time. It has been estimated that $1 billion is necessary to sufficiently secure the water infrastructure. Programs such as the Water Infrastructure Security Enhancements (WISE) Program and the Open SCADA Security Project are working to close the access points to SCADA systems that could be exploited (McNabb, 2010). The Village's participation in organizations such as Water Information Sharing and Analysis Center (Water ISAC) will provide current threat information and smart practice sharing. Cooperation amongst water professionals, law enforcement, elected officials and state and federal partners are the surest way to maintain public health, safety, and confidence in the water they drink.

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Chapter 10

Multi-disciplinary Collaboration and Homeland Security Officers

Introduction

"We will support the development of prepared, vigilant, and engaged communities and underscore that our citizens are the heart of a resilient country. And we must tap the ingenuity outside government through strategic partnerships with the private sector, nongovernmental organizations, foundations, and community based organizations."

President Barack Obama

National Security Strategy, May 2010

Homeland Security Officers (HSO's) are full time members of local law enforcement agencies that are tasked with preparing their municipality to respond to and recover from critical incidents. The National Preparedness Goal (NPG) defines core capabilities of preparedness for an all hazards approach to catastrophic events, as required by Presidential Policy Directive 8 (PPD-8). The NPG defines success in achieving this goal as "A secure and resilient Nation with the capabilities required across the whole community to prevent, protect against, mitigate, respond to and recover from the threats and hazards that pose the greatest risk" (p. 1). Be they terrorist attacks, man-made or natural disasters, or any other mass casualty incident that would normally overwhelm a local police jurisdiction, the HSO must consider and address the issues that will mitigate the damage. The need for cooperation amongst other sectors is apparent in the responsibilities they will be tasked to accomplish. To that end, HSO's will need to organize and participate in megacommunities, as well as utilize the tenets of megacommunities in other, more generic cooperative settings.

One of the keys to success for HSO's will be the ability to recognize innovative methods and incorporate them into regular operations. Progressive leaders in government, the private sector and non-profit groups are cooperating with each other in order to accomplish large tasks that are beyond their individual capabilities. Megacommunities are defined as "communities of organizations whose leaders and members have deliberately come together across national, organizational, and sectoral boundaries to reach goals they cannot achieve alone" (Gerencser, Van Lee, Napolitano, & Kelly, 2008, p. 28). These historical rivals have come to recognize the power of the megacommunity as a way to move their own agendas forward without sacrificing their core beliefs. This approach has repeatedly shown that groups and sectors working together can accomplish goals that they could not accomplish alone.

HSO Responsibilities

Similar to megacommunities, the Federal Emergency Management Agency (FEMA) promotes the "whole community" approach to emergency management. It incorporates not just the government, but the private sector, as well as community and faith-based organizations, as active, ongoing partners in the field of preparation and resilience. The federal government, even working with state and local partners, will not have the capability to address the needs of everyone affected by a true disaster. It will take resources and coordination the government does not possess when a catastrophe occurs that overwhelms available response (FEMA, "a 'Whole Community' Approach to Emergency Management, n.d.).

It will be the responsibility of the assigned HSO's to establish new relationships and expand existing ones, as well as find new and effective ways to regularly include partners. This will be a "whole community" approach between multiple sectors and other first responder colleagues from fire and EMS services, law enforcement at the county, state and federal levels,

the private sector, and community and faith-based organizations. When a truly vexing problem presents itself, a megacommunity approach will be warranted, focused on overcoming obstacles, with each of the sectors and participating agencies contributing. Building strong relationships, managing collaboration, and utilizing smart practices represent the paths to successfully accomplishing these interactions.

For instance, one of the HSO's primary responsibilities is building resilience in his / her municipality. The RAND Corporation recognizes five core components of community resilience as it relates to national health. They include:

- Social and economic well-being of the community
- Physical and psychological health of the community
- Effective risk communication information for all populations
- Social connectedness for resource exchange, cohesion, response and recovery
- Integration and involvement of organizations (government, NGO's) in planning response and recovery (Chandra et al., 2011).

To truly achieve these goals, expertise from various sources on how to recognize deficiencies, address them and quantify improvements is required. Obviously, none of these can be accomplished in a community by a local officer working alone. This will require significant cooperation across multiple sectors. Efforts to create a truly resilient community will position the HSO to lead various sectors in these areas.

For the Homeland Security Officer program, the megacommunity approach will be both critical and mundane. It is critical by virtue of the essential tasks the HSO will be assigned, (preparing for critical incidents and creating resilience, for example) which are impossible without the cooperation of members of both corporate and non-governmental partners. It will

become mundane when an effective HSO has established the partnerships and utilizes them frequently for all manner of tasks.

Managing the Collaboration

Managing interaction

Creating a successful megacommunity, or any cooperative work environment, is a difficult proposition. The first challenge will be getting buy in from the individual members. "They are kept apart by their own constituencies, by the aspects of their goals that are at cross purposes, and by their perceptions of each other" (Gerencser, et al., 2008, p. 70). Participants must reconcile that they are no longer competing with organization they have historically opposed. This conflict can be described as "maximizing vs. optimizing." Maximizing entails attempting to secure one's own success without consideration for the effect it may have on the total environment. Often, maximizing comes at the expense of others. Optimizing refers to enhancing the environment in such a way that everyone enjoys the benefits. In short, optimizing is the recognition that the fates of all the participants are interconnected. "In many ways, 'optimize not maximize' is the Golden Rule of megacommunities" (Gerencser, et al., 2008, p. 83).

The central theme of megacommunities is that groups can accomplish more than individuals, not just by reaching lofty goals, but by removing obstacles that groups in opposition would normally place in each other's way. Participants must realize that their interaction with past rivals is no longer a zero-sum game; when facing large challenges and problems that require the use of a megacommunity, everyone must succeed for anyone to succeed. One sector's gains at the expense of others will destroy the megacommunity.

To that end, a key component to realizing the potential of a megacommunity involves recognizing institutional rivalries and overcoming them. The public and private sector are often at odds, and non-governmental organizations have historically been created to counter one or both of the others. Rivalries exist between law enforcement agencies, as well as with other practitioners, such as fire, EMS and emergency management. Agencies at various levels (local, tribal, state and federal) with similar missions are also prone to conflict. However, in the megacommunity setting, each organization will need to put past differences aside for the good of achieving the goal.

In this era of increased emphasis on cutting costs, many agencies are exploring sharing services, memoranda of understanding (MOU) and consolidation. As these forums of collaboration increase in popularity, there is a basic need for people from the various organizations involved to speak to one another. Formal agreements mean little without the individual participation of members. Information that flows freely between friends can easily be stalled between agencies. It is up to individuals to communicate, and those who know each other and feel comfortable will do so.

Communication

Even when members of the various sectors are motivated to communicate, they still think and react to specific terms and ideas differently (Gerencser, et al., 2008, p. 172). When working with participants from various backgrounds, it is often easier to remember the differences than the similarities. However, communication is the key in these situations above preconceived notions and prejudices. Whereas we may feel like avoiding the conflict, facing it head on, respectfully, is the only way to resolve it, and the only path to meaningful progress and

understanding. When other participants say or act in ways contrary to the collaboration, opposing viewpoints must be aired in a respectful fashion.

In order to maximize the power of the megacommunity, HSO's must ensure they are reaching out to as many people as possible, and that the interactions foster comfort and reveal the benefits of involvement. Understanding the perspectives of different stakeholders and what specialized knowledge they bring to the collaboration will enhance the experience and increase the benefits (Aslin & Brown, 2005).

Relationships

The single most important component of a successful multidisciplinary approach is relationships. Relationships make redundant tasks seem enjoyable, and make everyone better at their jobs. Personal relationships provide a comfort level that encourages collaboration and contributions, especially when ideas are unusual. When problems are large, and the need for a megacommunity is evident, participants should embrace the unusual, which may trigger a leap forward. The key for HSO's is developing and maintaining strong relationships, especially across varied disciplines and levels of government. These are areas where long standing rivalries and institutional suspicion are often the norm.

Attitude

It is critically important that HSO's maintain an optimistic and upbeat attitude while managing the collaboration (Gerencser, et al., 2008). Especially in the early stages, the discussions must be courteous and cordial to overcome initial skepticism of both the process and the other participants. Then, with the right attitude, even setbacks can be beneficial. As the

process continues, participants will often decide how much time and effort to commit to the collaboration based on the enjoyment and productivity they have achieved to this point.

However, these lofty goals are not easily achieved. They require hard work, patience and understanding. For instance, the role of cooperation between practitioners in homeland security and emergency management is a key to effective response to terrorism. However, different terminology and perspectives exist within these fields, and there is often a lack of consensus on basic issues, perspectives and the definitions of terms. Those concerns can cause confusion and unnecessary friction while planning for or responding to an incident (Gordon, 2007).

Leadership and Ownership

It will take an individual with strong interpersonal and delegation skills, as well as management abilities and a lack of ego, to make the team truly successful. People who honestly enjoy building bridges and working with people from other disciplines and different backgrounds must be recruited for the HSO position, even if they have less experience or expertise than someone else in the organization. Seniority, or other factors that often determine assignments, should be put aside.

A megacommunity with a level of autonomy has a better chance to survive internal issues. The liaison must be trusted to work within both the collaboration and their organization towards the intended goals. “This liaison has the authority to interact with the megacommunity, as well as the responsibility to carry the plans and lessons of the megacommunity back to its base organization” (Gerencser, et al., 2008, p. 192) If the people who look forward to collaboration are given autonomy, the organization and the megacommunity can prosper.

Additionally, each participant should believe that he / she has a claim to "own" the program. In fact, it is critical that each participant should feel the pull of ownership as it motivates people and keeps them focused on positive outcomes. "With no central decision making entity and no explicit single leader of the megacommunity, everyone within the megacommunity has some influence" (Gerencser, et al., 2008, p. 75). There may come a time that budgets tighten and public urgency fades, so support for direct participation in collaborations suffers. However, when the right people have formed the right relationships, the gains that have been made are not lost when the formal process is abandoned. Members may still "carry the torch" based on previous success and relationships.

Efforts to diversify responsibility and ownership of the plan are beneficial, but in the end, every vehicle needs a driver, the participant who will lead and focus the others. In the current makeup of disciplines at the local level, the police department is the most logical choice. In many locations, police are the only full time operators. HSO's will have access to privileged or sensitive information. In numerous situations, the preservation of evidence must be a concern that is the responsibility of the police. Collaborative efforts will be a major part of their job description.

Dialogue

Dialogue is defined as "shared exploration toward greater understanding, connection or possibility" (T. Atlee, 2003). It represents the essence of megacommunity thinking. Dialogue makes current interaction more useful and creates the desire for continued and extended interaction between people who might not normally have an interest in collaboration. Dialogue must become second nature and pervade the relationships.

Dialogue is not without its problems. Dialogue can be time-consuming and easily falls off track. Without a leader and a direction, dialogue can become muddled and lack relevance for the participants. As we try to build relationships with people of various backgrounds, the critical need for open dialogue must be balanced with the risks of inefficiency. Once the conversation devolves into something that is not productive for the participants, they may decide the effort is no longer worth it. The core ideas of dialogue: suspension of judgment, identifying the assumptions we make, active listening and asking questions, are critical to the task (Center for Whole Communities, 2006).

Dialogue, both internally within organizations and externally amongst different sector participants leads to successful collaboration. Internally, members of participating agencies must be made aware of the purpose of the megacommunity, and why it is the best way forward. Skepticism may be deflected by surveying others within the organization to determine what the megacommunity should accomplish and the limits on its involvement. Externally, dialogue allows concerns to be expressed among the participants as early in the process as possible, to alleviate confusion and overcome potential obstacles. It will be the duty of participants to liaison with people in their own sector and rally them around the ideas and findings of the megacommunity.

Organizational Culture

Culture determines a great deal about how an organization incorporates new ideas. Organizations develop a culture that assesses the validity of new ideas. In successful organizations, culture can be unspoken and is extremely powerful. “For any given group or organization that has had a substantial history, culture is the pattern of basic assumptions that the

group has invented, discovered or developed in learning to cope with its problems of external adaptation and internal integration, and that has worked well enough to be considered valid, and, therefore, to be taught to new members as the correct way to perceive, think and feel in relation to those problems" (Schein, 1986, p. 30). There is an inherent tension between what is culturally established and the introduction of new ideas. However, "the tenets of 'megacommunity thinking' do not necessarily replace the assumptions and attitudes that are prevalent within any single organization. These new forms of thinking can coexist with, even build on top of, existing organizational cultures – and connect them to the outside world" (Gerencser, et al., 2008, p. 82).

Dispute resolution

Disputes will arise in collaborative settings so conflict must be recognized and respected for parties to move forward. "Conflicts should be seen as part of the glue that holds the community together" (Gerencser, et al., 2008, p. 157). It is how the issues are resolved that enable collaborations to move forward and improve. Resolution lies in the professionalism of participants and their desire to continue the process. However, it is not enough to for participants to merely win the argument, parties must keep the desire to collaborate alive in the other members as well. To this end, the traits of an organization's representative in the megacommunity should be based on willingness to overcome rivalries and engage in meaningful dialogue.

Smart Practices

The federal government, in its role as overseers and administrators of the HSO program, can contribute uniformity of training and expertise. Much of this expertise is evident in various

documents and guidelines that have been published, either by the federal government or as the result of existing partnerships. HSO's will need to be exposed to these documents as a means to share smart practices and eliminate duplication of effort. These experiences should provide the bedrock of the HSO program.

The Comprehensive Preparedness Guide (CPG) 101: Developing and Maintaining Emergency Operations Plans relates techniques and practices for state, local and tribal municipalities to follow in establishing EOPs. The preparedness cycle is described as the six essential activities for responding to an incident: plan, organize, train, equip, exercise and evaluate and improve. While the term "preparedness cycle" implies that each step is critical and the process does not have a beginning or an end, insufficient or ill-prepared planning will result in reduced results throughout the process. Planning is a dedicated effort that should not be given short shrift. With effective planning a municipality will have considered many possible issues to face during an incident, making response and recovery more efficient. Especially for smaller municipalities that have not experienced a major incident that requires a multi-layered, protracted response, the preparedness cycle represents the path to recovery that constituents expect. The CPG also highlights the need for exercises and other training to maintain relevance and proficiency of practitioners. (FEMA, 2010)

The *National Response Framework* is the federal government's attempt to create guidelines for preparing and dealing with a catastrophic incident. It recognizes the unique role the federal government plays in large-scale emergency management, but also emphasizes the responsibilities of local government entities. "Even when a community is overwhelmed by an incident, there is still a core, sovereign responsibility to be exercised at this local level, with unique response obligations to coordinate with State, Federal, and private-sector support teams.

Each organization or level of government therefore has an imperative to fund and execute its own core emergency management responsibilities" (Department of Homeland Security, 2008, p. 5). Among the responsibilities are coordination and planning with the private sector, NGO's and private citizens; the framework delineates key principles, participants roles and structures across sectors that guide operations.

The Community and Regional Resilience Initiative (CARRI) is a Department of Energy program to enhance community resilience. *The Roadmap to Enhanced Resilience: Communication and Collaboration Across Sectors* report is the result of a study to "help develop and share the essential benchmarks, tools and techniques that any community should utilize to enhance its resilience" (CARRI, 2009, p. 1). In the wake of hurricane Katrina, the Advisory Group selected six priority areas to address:

- Communication and collaboration across sectors
- Individual and family resilience and preparedness
- Availability of housing that is affordable
- Expeditious return of business
- Preservation of the fabric, culture, history, and environmental quality of the community
- Mental health

Additionally, the *Roadmap* divided tasks by timetable after an incident: actions designed to be accomplished immediately, destinations for long term recovery, and initiatives for bridging the gap between them.

Various FEMA Public Private Partnership models share smart practices from across the country. They serve as a record of someone's "a ha!" moment when realization struck that a looming problem could be simply solved with cooperation. The models are not limited by

geography, size or task and represent a large cross-section of entities and purposes. Some, like the Citizen Corps, are designed to be replicated in multiple jurisdictions and for multiple purposes. Others, such as the cooperation between Florida's DEM and Outdoor Advertising Association provides specificity about the exact nature of the relationship and what it entails. They are all simple and effective, as well as scalable and repeatable for other jurisdictions (FEMA, 2011).

A number of the partnerships listed would be applicable to the HSO program in Westchester County. The following partnerships have ideas or processes that could be adapted by a Homeland Security Officer in a local jurisdiction in his/ her effort to fulfill the duty of preparing for an event. Some of the relevant collaborations include:

- All Hazards Consortium (www.ahcusa.org), which provides member Mid-Atlantic states with leadership and guidance regarding collaboration issues between sectors
- DFW First (www.dfwfirst.org), a regional partnership which brings together members of the North Texas public and private sectors to facilitate understanding that will be useful during a catastrophe.
- NEDRIX (www.nedrix.com), a non-profit which has established lines of bi-directional communication for use between business and public entities for use during a crisis as its mission.
- The Fairfax County, Virginia pre-Disaster Recovery plan which addresses many of the issues that Westchester County, a similar jurisdiction, would face.

Conclusion

We have come to recognize that sectors historically at odds often share common goals in various circumstances. The markers for success are changing; the future lies in collaboration. As

our perspectives evolve, members of different groups realize that they have more to gain from collaborating than maintaining rivalries.

Putting aside history, animosity and mistrust to work toward those goals is the first step in doing something previously thought impossible. HSO's must be ready to create relationships towards those goals, as well as facilitate and encourage in new ways. Integrating and maintaining a collaborative mindset and a megacommunity approach can bring results that are not possible when people and organizations work independently.

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Chapter 11

Homeland Security Officers and Public Health Emergencies

Introduction

Public health and homeland security are inexorably intertwined. Every threat to homeland security involves issues regarding public health. Response to terrorist attacks, natural or man-made disasters and pandemic outbreaks includes cooperation between local law enforcement, other first responders and medical professionals. Additionally, local law enforcement's role in a public health emergency is a critical example of the need for collaboration between government at all levels and the private sector. In a true public health crisis these groups have complimentary expertise that mandates they work together. Members of local law enforcement agencies must prepare to respond in creative ways to novel and evolving threats to public health. Homeland Security Officers (HSO's) can play a vital role in preparing and responding to issues from a variety of threats.

While there are some precautions and actions that must be taken in response to any mass casualty incident, various methods of attack require specialized knowledge, planning and response. The response to a terrorist explosion differs from that of an explosion or pandemic, and is different still from nuclear detonation or radiological incident. In addition, the HSO program has at its core a strong management component. It will be the job of the HSO to plan and coordinate the response to various emergencies in their municipality.

General Disaster Preparation

In order to adequately prepare for any type of emergency, a number of issues must be addressed. FEMA's website (ready.gov) lists a number of essential tasks to be completed to be prepared for an emergency of any type. It includes building a preparedness kit with food, water and medicine; organizing important personal and financial records, having a method for receiving information; planning and practicing a response (Federal Emergency Management Agency, 2012). Homeland Security Officers are positioned as local contacts for citizens who have questions or need assistance completing these preparedness tasks.

Communication remains an essential question: communication between those who need and those who render aid, communication among members of the same agency, among various agencies and among members of various sectors. Additionally, the mode and manner of communication must be addressed. The push for radio interoperability and clear talk communications continues, but in the event of a true emergency, agencies may need to address a complete lack of communication options.

It was reported that during the response to Hurricane Katrina, communication in some areas was reduced to writing a note, placing it in a bottle and lowering it from a helicopter. (Fragos Townsend, 2006). Despite the great advances in communication that technology has provided, the more sophisticated communications become, the better chance they have to fail. The greater the magnitude of the crisis, the greater the need for communication that is simple and effective. Consideration must be given to situations of widespread power outages and inoperable cell phones. Expanding the use of a method of communication that closely resembles the note-in-

a-bottle style should be a priority, and responders and the public should be familiarized with it. HSO's provide the critical link between the government and the public accomplish this.

Training

It is a core belief in law enforcement that "Without fail, officers will revert to their training and experience when faced with high stress situations" (Hollowell, 2011). When the crisis is unfolding, people will be the least likely to learn and retain new information. The crisis, by definition, will be an unusual occurrence: in most cases on-scene personnel will likely deal with a situation this dangerous, confusing and chaotic only once in their careers. Issues such as protocols and responsibilities cannot be devised and imparted to people who need them on the fly. They must be developed ahead of time to be presented to the people who will need them. Optimally, responders will be given the opportunity to train on these new protocols to ensure they know what to do.

HSO's will have the time and the knowledge to devise realistic responses, share them with members of multiple agencies who need them and coordinate training to give each person a working understanding of their responsibilities. It will be the duty of the HSO to have considered as many possible scenarios and variables, leaving the people working on scene the ability to focus only on getting their job done to the best of their ability.

Incident Command

Incident Command is the universal system by which public, nongovernmental and private organizations can effectively respond to occurrences. For instance, one central location should be responsible for gathering information and deciding where patients are transported for care based

on the nature and severity of injury and services available. The National Incident Management System is designed to "prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, in order to reduce the loss of life and property and harm to the environment" (Federal Emergency Management Agency, About the national incident management system). Because it is scalable and universal, it is the perfect bridge between pre-hospital and hospital care and between first responders and the medical profession. The situation will be chaotic and dynamic, and the NIMS structure is the best method to overcome those challenges.

Federal Preparation for a Public Health Emergency

HSPD-21 (Public Health and Medical Preparedness), released by President Bush on October 18, 2007, recognizes the need for a national, not federal, "all-hazards" approach to public health. It addressed two significant issues: the use of a bio attack by terrorists, and the level of preparedness of medical facilities in the case of a "catastrophic health incident," something that would overwhelm our resources. HSPD-21 tasks the Secretary of Health and Human Services, with assistance from the Departments of Defense, Veterans Affairs and Homeland Security to review mass casualty care and community resilience at the local level. (Bush, 2007b). HSO's will be charged with coordinating with federal partners in both these areas.

In the area of mass casualty care, the federal government will review, along with state and local partners, academia and the private sector, to improve the National Disaster Medical System and the national medical surge capacity as provided by the Pandemic and All-Hazards

Preparedness Act (PAHPA). HSO's will be uniquely positioned to interact with federal partners in ongoing reviews and updates, and to take the initiative to maintain surge protective measures in their municipality.

To improve community resilience, the federal government will attempt to inform, involve and incorporate members of the community to prepare for a catastrophic medical event. "A resilient community is characterized by interconnectivity" (Allenby & Fink, 2005, p. 1034). Interconnectivity is a byproduct of the work HSO's will be doing every day. Reich expands on the best way to promote resilience in a society when he states, "[O]ptimally, it should have parallel as well as hierarchical relationships, and formal AND informal relationships." (2006, p. 795). These types of relationships are precisely the type HSO's will be creating and cultivating.

Medical Surge

The critical universal factor in any mass casualty incident will be injuries, and the influx of patients who seek treatment. The challenge in a true catastrophe is "how to provide care to thousands or tens of thousands of individuals through a health system that will go beyond capacity" (IOM, 2010, p. 1). Issues regarding triage, standards of care and the ability to provide specialty services are issues that must be addressed well in advance. Additionally, there will be issues regarding the "worried well," people who will present at emergency rooms and other facilities who do not require treatment but believe they might, and the need for quarantine and/or decontamination (National Center for Injury Prevention and Control, 2010b, p. 8). While these

issues are only a small percentage of those that will arise, they represent a cross section of the diversity of ones HSO's could be expected to address.

There is a need for all first responders and HSO's to be familiar with EMS and medical protocols involved: to understand surge capacity, and how hospitals will respond. In Westchester County, New York, there is a STAT Flight equipped Level 1 trauma hospital and numerous local facilities with different specialties. In the chaos of the scene, medical personnel (EMS, paramedics) who have the knowledge of resources available at different facilities may be too busy treating patients to coordinate the same.

The cooperation and collaboration that will be the hallmarks of the HSO program will also pay dividends in response to a medical surge. At the Institute of Medicine's Medical Surge Capacity workshop in 2010, the final report reflected the participants' remarks on the benefits of familiarity built through personal interaction. "The challenge is to make sure the broader relationships are maintained through frequent contact and training" (IOM, 2010, p. 16). Prior to an incident, during the planning stage, these relationships are important as well. "The key is to build coordinated plans on the back of existing relationships and processes" (IOM, 2010, p. 16).

A final consideration is the establishment of a call center to address the "worried well" and prevent overwhelming the resources. In most jurisdictions, the receiving of 911 calls is a local police agency function. Officers and dispatchers need training in handling diverse calls on an emergency line and how best to address the issues they will face. Any increase in call volume will affect the ability of a local department to perform its most critical functions. HSO's can serve to ensure their agencies are prepared for these new responsibilities. Considerations for a

call center that can be activated immediately for non-emergency medical related issues have proven to reduce some of the burden on emergency operations and hospitals (IOM, 2010, p. 26)

Pandemic

Pandemic outbreaks represent another serious public health threat. The threat from the spread of deadly diseases is a critical challenge. Incubation periods mask the diseases as they travel around the globe. Factors such as symptoms, modes of transmission and routes of entry can remain a mystery. Developing and mass producing treatments and vaccines take an unknown amount of time. All the while, civilians are concerned for their health and the health of their families.

Ontario, Canada was a victim of the global outbreak of severe acute respiratory syndrome (SARS) in 2003. During the crisis, schools were closed and mandatory quarantines were imposed. Travel was restricted and the total cost to the Canadian economy was estimated to be in the billions of dollars (CBC Staff, 2003).

The actions of the Toronto Police Service (TPS) serve as an example of how local law enforcement can impact the overall response to a public health emergency. Throughout the event, the Toronto Police Service was tasked with numerous responsibilities, many of which had been considered previously. Former Chief Julian Fantino recognized the criticality of preparing his officers. “Local emergency responders will be the first on the scene of any major catastrophe. It is imperative that they be given the training, resources, and support they need to react appropriately when disaster strikes” (Fantino, 2005).

Early on, the TPS identified the health and productivity of officers as a critical priority, but recognized the importance, more than ever, of fulfilling its mandate to provide the highest level of service to their citizens. Additionally, police authority was necessary to assist public health officials in completing their mission, including serving an order upon an individual suspected of exposure to comply with quarantine orders. Among the other lessons learned:

- The need for training in communicable diseases and the Incident Management system.
- The need for coordination and collaboration among police agencies, first responders and the private sector
- The importance of accurate and timely departmental communication with officers and the public (Fantino, 2005).

The local police response to the SARS epidemic of 2003 could be a template for future pandemic outbreaks, and should serve as proof that local law enforcement must consider these issues on a regular basis. Pandemics can spread to all corners of the world, from rural villages to urban centers. These diseases will occur in police jurisdictions of various sizes, despite the lack or presence of planning on the part of administrators.

Nuclear Events

"A potential game-changer would be a nuclear weapon in the hands of terrorists, blowing up a major American city." – President Barack Obama, in an interview with Bob Woodward, 2010

The threat to the United States from a nuclear event is considered very real. Large amounts of fissionable material remain unaccounted for (U.S. GAO, 2011), and al-Qaeda has

consistently attempted to create a device capable of producing a nuclear yield in an effort to shock the West with a mushroom cloud over a major United States city (Mowatt-Larsen, 2010). However, the most likely radiological threats to public health include an improvised nuclear device (IND) or so-called "dirty bomb," or an accident at a nuclear facility which results in a radiological release, such as Chernobyl or Fukushima-Daiichi.

Although many preparation initiatives are universal, radiological occurrence will be unlike a natural disaster or biological epidemic. The estimates are subjective and based on a wide array of variables, but a 10kt detonation in a major United States city would produce fatalities in excess of one-hundred thousand (IOM, 2009). A number of risks exist from a nuclear detonation, including blast, thermal, radiation, and fallout. As a result, the effects of the explosion on any one person or area will vary widely based on location of the device, protection and exposure, prevailing winds, and the actions of the victims. Survivors would need treatment for blast injury, burns, blindness and/or acute radiation syndrome (ARS). Despite the devastation, however some of the most notable difference, however, will be in the minds of every American. "The management of acute psychological and behavioral responses is likely to be as important and challenging as the treatment of RDD-related injuries and illnesses" (Medical Preparedness and Response Subgroup, 2003).

While civilians can expect instructions from government experts regarding the best course of action, many will need to make critical decisions on whether to shelter in place or evacuate prior to the information being available. Buildings prevent exposure, but the level of protection varies widely within the building, and the risk of collapse and fire remains. "Any one-size-fits-all policy would result in increases in risk for some individuals. Each individual would

have to decide what to do, and the focus should be on improving that decision making" (IOM, 2009, p. 23). There is no consensus amongst the scientific community about the best response strategy. A core component to adequately training people is local input and information. There will need to be planning and coordination amongst hospitals, municipal officials and transportation agencies to ensure an effective evacuation of the injured as well as those who are not. HSO's, however, can provide necessary information to the public to aid them in making good decisions in the immediate aftermath.

The fact that a nuclear device was detonated will affect people and their decision making in their response: panic is a very real concern. There will be those who believe that everything they touch could kill them from radiation poison. The safety of food and water will be suspect. Baby boomers were raised with the threat of nuclear Armageddon. While the fall of the Soviet Union and the end of the Cold War has removed our most visible threat, if a nuclear bomb were detonated on our soil, many long-forgotten fears would return. "Because it is such an unknown, then, radiation stimulates worst-case fantasies" (Medical Preparedness and Response Group, 2003, p. 33)

The detonation of a nuclear device brings new challenges for local law enforcement in the affected area and surrounding communities. Were an incident to take place in New York City, the diverse training and knowledge of HSO's in Westchester County will be critical to the effective response necessary. Prior to the incident, civilians must be adequately trained and advised as to the information that determines their risk factors. Individuals will need to make informed decisions for themselves and their families. HSO's provide a local aspect to this area

that can assist people become aware and make the decisions that may help to save their lives and keep people from negatively impacting response.

Public education is critical. It is not unreasonable to assume that our society's importance or convenience will adversely affect preparedness. Independence, awareness and self-sustainability will be necessary for people to care for themselves by making the best decisions must be nurtured and supported. The preparedness of the general population must be a serious concern: to eliminate "worried well" crowding emergency medical facilities, to keep from wasting valuable resources, to prevent the overcrowding of communication networks and to keep people off the roads. Individuals need to be prepared to help themselves at home. Personal protective and decontamination procedures can be widely distributed, with local follow-up. It will be the challenge of future leaders to discover ways to present the necessary information to the people who may need it.

It is probably unrealistic to return to the "duck and cover" drills of the Cold War era, but training of that kind would improve the likelihood of survival for those who participate. Since the Fukushima-Daiichi power plant breach in March 2011, Japanese schoolchildren have had radiation awareness added to their curriculum (Center for Biosecurity, 2012). HSO's can serve as major conduits for training of the general population, serving as outreach coordinators and addressing concerns of the public.

Explosives

The history of terrorist use of explosives (TUE) incidents against Americans is varied and extensive. Attacks in Beirut in 1983, the first World Trade Center attack, the Oklahoma City Bombing, the Centennial Olympic Park bombing, and the attack on the USS Cole are just some of the occasions on which Americans have been killed by terrorists using explosives. Although the spread of a biological threat or the detonation of a nuclear device may result in a higher casualty count and more widespread effects, the ease of acquiring and using explosives makes their use far more likely. The targets, attackers and motives vary, but it is clear that everyone is at risk in some way from explosives being used as weapons.

It is important to consider such events in the world of local law enforcement. At its core, HSPD-19 "Combating Terrorist Use of Explosives in the United States" is a roadmap to cooperation for federal, state, local and tribal partners, and the private sector. It directs various cabinet-level officers to coordination and share information between federal, state, local and tribal partners to enhance prevention plan and response, via a secure web portal and information sharing systems (Bush, 2007a). However, merely creating a platform to share information does not ensure that the local agencies that need the information will access it. HSO's will have been trained on the use of this or any other web-sharing tool that can be useful in protecting civilians, and will have contacts to enhance and refresh knowledge. This will provide the necessary proficiency and comfort with the technology to truly get the most out of it.

The CDC states that only 20% of hospitals have conducted drills regarding the use of explosives (National Center for Injury Prevention and Control, 2010a). An opportunity exists to create a mass casualty drill and incorporate EMS, pre-hospital and inpatient care. Among the

considerations during the drill should be the disruption of communication and transportation routes and the need to triage and care for patients outside traditional facilities. Unconventional means to respond should be considered and practiced. The necessary groundwork should be laid and practiced ahead of time. For instance, the availability of a large tent (along with sufficient knowledgeable staff to erect it) in the immediate aftermath of a mass casualty incident might address some of the need for shelter. HSO's will be tasked with those duties.

Meta-leaders are defined as those individuals, who despite rank or organizational position, are able to not only lead within their own organization, but those in other organizations, or "silos", as well (Marcus, Dorn, & Henderson, 2005). HSPD 19 speaks to the need for "clarifying specific roles and responsibilities of agencies and heads of agencies through all phases of incident management from prevention and protection through response and recovery." The CDC recognizes the role of leadership, and meta-leadership, including the need for people to have authority above their position and out of their discipline to create change and adequately prepare. Additionally, the guide considers the need for community and faith based organizations, local businesses and the media to be coordinated and mobilized. These relationships need to be created and nurtured before a bombing ever occurs. At the local level, this presents an opportunity for an officer who is dedicated to these tasks.

One of the challenges in disaster response is the idea that as bad as things get, they can get worse. The scene of destruction, death and chaos created by the use of explosives is the perfect scenario in which to launch a second attack. Multiple attacks in different locations have previously been used by terrorists, notably in the Mumbai attacks of 2008 (Rabasa et al., 2009).

HSPD 19 recognizes that the use of secondary devices, designed to target first responders and medical staff, are a serious threat. Ambulances can be used as cover for transporting more explosives or attackers. Security concerns must be addressed to protect victims and responders from further injury, and to ensure that fear in the community is reduced.

Natural Disasters

Undoubtedly, the attacks of September 11th were the genesis of the field of Homeland Security. However, the effects of Hurricane Katrina in 2004 expanded the notion of homeland security to include an "all-hazards" approach that prepares for events other than terrorist attacks that threaten our homeland. Despite all of our best efforts, nature will continue to pose threats that our enemies could only dream about.

While there is some debate about who was directly responsible for providing relief, there is no doubt that the response to Hurricane Katrina was inadequate (Select Bipartisan Committee, 2006). A significant issue was our federal system, which put the responsibility for preparation and response squarely with local governments, who did not have the resources to provide it. Additionally, poor communication and coordination between the levels of government made response and recovery ineffective (Fragos Townsend, 2006).

Hurricane Katrina exposed a number of issues and weaknesses in the current state of preparation that remain. First, the emergency plans of the majority of municipalities contain mutual aid agreements to secure enough personnel and equipment to secure the scene. However, in the case of severe weather, other jurisdictions will be unable to assist each other, as they will be handling their own emergencies. "However, Hurricane Katrina's impact across the Gulf Coast

region limited the use of normal mutual aid agreements, which rely on neighboring cities and counties for assistance. In this case, the neighboring jurisdictions were overwhelmed themselves and unable to provide assistance elsewhere. Assistance had to come from States outside the region and from the Federal government" (Fragos Townsend, 2006, p. 41). During these vulnerable times, only the federal has significant resources to be brought to bear, and tempering local response plans to this reality will be necessary. "When local and State governments are overwhelmed or incapacitated by an event that has reached catastrophic proportions, only the Federal government has the resources and capabilities to respond. The Federal government must therefore plan, train, and equip to meet the requirements for responding to a catastrophic event" (Fragos Townsend, 2006, p. 52). However, the lag time and coordination required means the local and federal governments need to be working together beforehand. A situation in which the federal government responds after the fact is a failure.

Another issue is a lack of familiarity with existing response plans on the part of leaders who would be called upon to coordinate and lead rescue efforts. Agencies do not always make the time to maintain proficiency with their plans. Additionally, planning for an event of this magnitude remains an issue, despite the fact that time after time, after action reports cite under-utilized plans as a contributing factor to an ineffective response (Fragos Townsend, 2006).

Psychological Factors

It is easy to imagine a community, after facing a critical incident of the nature described, turning on itself and devolving into anarchy. However, past tragedies have shown the inherent goodness in people, and that even at the risk to their own lives people will help each other in the

face of a major crisis. “The remarkable displays of civic virtue and cooperation in the aftermath of September 11 serve as strong proof of the effectiveness of leadership and the willingness of individual citizens to cooperate on behalf of the community” (Reich, 2003, p. 379). It is critical that first responders provide a model for the rest of society with their response: they must show up for work and display the best characteristics of their professions. The first break down in the fabric of a society may be the result of a lack of authority figures. Citizens must know that their public servants are willing to help them, even as they are unable to.

In New Orleans, the job status of 200 sworn officers was reviewed after they were not available for duty during Hurricane Katrina. Many needed to care for sick or disabled family members, and when forced to choose between duty and family, many of them chose family (Johnson, 2006). Suffolk County’s Emergency response plan provides for a First Responder shelter for the families of critical employees, such as law enforcement, firefighters, EMT’s and bus drivers, with the Suffolk County Sheriff’s Office responsible for security and essentials (Suffolk County OEM, 2007). Removing such concerns for first responders represents a smart practice that can be transferred to other municipalities. By sharing such smart practices, and tailoring and incorporating them into their own municipality’s response, HSO’s will address the needs of the department, the community and to their fellow officers to ensure a complete and appropriate response.

Conclusion

Public health emergencies of all types require the partnerships and collaboration. While local law enforcement has provided appropriate services during times of crisis in the past, Homeland Security Officers provide a knowledgeable and valuable link for the future. For questions regarding general emergency preparedness, communication and various critical incidents, a local law enforcement official, trained and networked with members of the fire and EMS disciplines, will prove invaluable. The response to public health crises can be enhanced by the actions and knowledge of an HSO.

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