Twelve Tenets to Prevent Crime and Terrorism

Major Cities Chiefs Association

A White Paper by the Homeland Security Committee

May 2008

“We have to build a network to beat a network.”

Secretary Michael Chertoff, U.S. Department of Homeland Security
Major Cities Chiefs Association
Chief Gil Kerlikowske, Seattle, WA; President
Chief Robert Davis, San Jose, CA; Vice President

Founded in 1966 with only eight police departments, the Major Cities Chiefs Association today represents every major city in the United States and seven Canadian jurisdictions. Established to address the unique needs and priorities of law enforcement in our Nation’s largest metropolitan areas, the Association focuses solely on policy issues of critical concern to Chiefs of Police and Sheriffs. A key feature of Association meetings is the “Chiefs Roundtable,” a forum for exchanging lessons learned by law enforcement executives.

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Executive Summary

In the years since the catastrophic events of September 11, 2001, the United States has made significant investments to improve the security of the country and prevent the recurrence of a terrorist attack. While this paper acknowledges these advances, it argues that the relationship between federal and local authorities responsible for homeland security functions should be fundamentally altered, to include – specifically – a more prominent role for the law enforcement executives in the largest metropolitan agencies. It also makes recommendations for changes to the priorities, processes and funding mechanisms involved in preparing for, preventing, responding to and recovering from terrorism threats and activities.

The purpose of this report is to identify issues for collaboration and opportunities to strengthen homeland security policies, priorities and operational protocols. Major Cities Chiefs recognizes the commitment and accomplishments of federal partners including the Department of Homeland Security, the Department of Justice, the National Counterterrorism Center and the Program Manager, Information Sharing Environment. Chiefs and sheriffs applaud the progress to date by federal agencies and pledge to work with federal officials toward the common objectives set forth in this report.

Next, a purpose section of the paper describes the intent to provide a blueprint for reform in the national pursuit of homeland security. This blueprint is founded on the core principle that the processes for identifying homeland security priorities, policies, plans and programs should be vested in local and regional leadership.

Next, the paper lays out its comprehensive plan for change in the form of twelve Essential Tenets of Homeland Security, designed to guide and inform homeland security priorities, policies, plans and programs. These tenets are divided into three groupings. The first group concerns the underlying doctrines, policies and relationships that define the federal/state/local homeland security landscape.

The second group of tenets focuses on the critical issues of intelligence fusion and information sharing. The third group of tenets relates to specific programs now in place or proposed, that are intended to prevent, prepare for and respond to acts of terrorism.

As partners in the struggle against crime and terrorism, Major Cities Chiefs wishes to commend these officials:

- Secretary Michael Chertoff, Department of Homeland Security
- Director Robert Mueller, Federal Bureau of Investigation
- Director Michael Leiter, National Counterterrorism Center
- Ambassador Ted McNamara, Program Manager for the Information Sharing Environment
- Under Secretary and Chief Intelligence Officer Charles Allen, Department of Homeland Security
- Assistant Secretary Ted Sexton, Office for State and Local Law Enforcement, Department of Homeland Security
- Director Domingo Herraiz, Bureau of Justice Assistance, Department of Justice
• Admiral Roger Rufe, Director, Office of Operations Coordination, Department of Homeland Security
• James Chaparro, Deputy Assistant Secretary for Mission Integration, Department of Homeland Security
• Director Rob Riegle, State and Local Government Program Office, Department of Homeland Security
• Bart Johnson, Director for Homeland Security and Law Enforcement Support and Outreach, Office of the Director of National Intelligence
• John Cohen, Senior Advisor, Office of the Program Manager for the Information Sharing Environment
• Rick Dinse, Law Enforcement Advisor, Federal Emergency Management Agency
• Louis Quijas, Assistant Director, Federal Bureau of Investigation
The first four tenets concern the doctrines, policies and relationships underlying homeland security. Major Cities Chiefs seeks effective distribution of funds resources for prevention of terrorism as a higher priority than the amount of funding received by any particular jurisdiction. Rather, the allocation of funds should be reflective only of the threats and priorities as discussed in this paper. In a very real sense, the over arching argument advanced in this Paper is contained in Tenet One. These four tenets are, as follows:

**Tenet One**
Local and Regional Law Enforcement Leaders, Such as the MCCA, Should be Full Partners in Homeland Security Policy and Decision-Making

The current model in which most critical decisions concerning homeland security policies, doctrine, objectives and requirements are made at the federal level and delivered to the states for implementation overlooks and minimizes the crucial roles of local and regional authorities. The public safety leaders who command the first response, intelligence, prevention and special operations in the major cities and counties are in the best position not only to define homeland security policy and priorities, but also to execute them.

**Tenet Two**
The Homeland Security Grant Processes Should Focus More on Prevention and Preparedness and Provide Direct Aid to Major Cities and Counties

Grant programs do not strike a proper balance between preparedness, prevention, response and recovery. Preparedness and prevention should receive separate funding consideration and accorded higher priority. To protect the only grant funding for terrorism prevention, Congress must ensure that the Law Enforcement Terrorism Prevention Program, (LETPP) is maintained as a separate and independent program. The process for grant funding to major urban centers should be streamlined and strengthened. Funding through the states creates inefficiencies and adds unnecessary costs, resulting in both delays and a waste of resources.

**Tenet Three**
State Centered Governance of Homeland Security Objectives and Programs Is Not Optimal and Is in Conflict with Tenet One

DHS and other federal officials need to involve major metropolitan agencies directly in the design and development of information sharing networks and not use the filter of state government if the goals of the National Strategy for Information are to be achieved. This issue is of such high priority to urban law enforcement executives that the Major Cities Chiefs Association has appointed a select group of intelligence fusion experts from member agencies to advise the Executive Board on policy, training, implementation and operation of information sharing systems.

**Tenet Four**
Congress Must Help Sustain Local Law Enforcement’s Homeland Security Efforts and Programs

Since 9/11, local law enforcement agencies have moved personnel and resources from other functions in order to protect their communities from international terrorism threats. Many of these shifts in resources have been funded through DHS grant programs, but police departments have also had to augment federal dollars with local resources in order to achieve homeland security objectives. Sustaining these expanding efforts, however, cannot continue without further depleting local resources needed to accomplish traditional policing and public safety missions. In addition, annualized grants are neither sufficient nor dependable enough to secure the kind of long-term commitment necessary to address homeland security priorities.
The four tenets that focus on the critical issues of intelligence fusion and information sharing are, as follows:

**Tenet Five**
Fusion Centers Should Address All Crimes

An all crimes approach is required to make fusion centers truly effective. Only this approach will address how terrorists are recruited, how terrorist acts are planned and executed, and how criminal markets are used to support terrorist organizations. If fusion centers are to accomplish the mission of “connecting the dots,” they should seek to include the widest range of information available and be fully integrated into the daily operations of major metropolitan police agencies.

**Tenet Six**
Databases Used at the Local, State and Federal Levels Must Be Interoperable

Homeland security professionals at the local level need tools to discern patterns and meaning from large and diverse data sets and to share their analyses in an interoperable and secure environment that is compliant with all federal, state and local laws. As the primary collector of street level information, local law enforcement is presently being asked to meet increasing federal demands with too few resources. Interoperable databases to collect, submit, access, store and disseminate criminal intelligence information would greatly facilitate the capacity of metropolitan agencies to meet these demands.

**Tenet Seven**
Systems for Classification of Homeland Security Information and for Security Clearance Processing Should Be Revised

Presently, information- and intelligence sharing activities suffer from two systems that are both slow and inefficient: the system for classification and dissemination of homeland security information and the process for obtaining security clearances. Over-classification of intelligence hampers information sharing and may actually increase risks. The shortfalls and inefficiencies related to security clearances need to be attacked at each state of the process: submission of clearance records, the background investigation itself, and the review and issuance of the clearance.

**Tenet Eight**
Recommendations of the Law Enforcement Partnership Strategy (LEAP) from the House Committee on Homeland Security Should Be Adopted

The Major Cities Chiefs Association has endorsed the LEAP proposals to establish a Foreign Liaison Officers Against Terrorism (FLOAT) program, to establish and fund a Vertical Intelligence Terrorism Analysis Link (VITAL), and to strengthen border intelligence capacity through a focus on border intelligence fusion. Prioritization of these initiatives is encouraging to local law enforcement executives who would urge adequate funding to support them.
The four tenets that relate to specific programs now in place or proposed, that are intended to prevent, prepare for and respond to acts of terrorism are, as follows:

**Tenet Nine**
Critical Infrastructure Identification and Analysis Should be Reexamined

The current tiered asset selection and review process is meant to ensure that the national inventory of critical infrastructure is accurate, current and secure, but it does not reflect the input and priorities of the Nation’s major urban centers. The process should be reformed and strengthened to ensure DHS understands this resource allocation issue and does not deplete resources unnecessarily.

**Tenet Ten**
Use of Suspicious Activity Reports (SARs) Should be Standardized and Institutionalized

Suspicious Activity Reports represent not only the means to identify and measure activities with a possible nexus to terrorism, but also the potential threat to connect fusion centers nationwide. As such, they should be standardized and institutionalized and, eventually, considered for inclusion in the Uniform Crime Reporting program, for a true information sharing environment. Undertaking this institutionalization and standardization of SARs will also support the transition of local law enforcement from their traditional role of “first responders” to the role of “first preventers” of a broad range of crimes, including terrorist acts.

**Tenet Eleven**
Reciprocal Police Authority Tied to Security Clearance Should be Established

A mechanical commitment to jurisdiction should not stand in the way of harnessing the resources and talents of local law enforcement in the fight against terrorism. Establishing transjurisdictional authorization of police officers would enhance the capacity of local law enforcement to discover and link activities occurring in different locales, thus depriving terrorists of the crucial strategic tool that jurisdictional boundaries too often represent. Tied to a federal law enforcement-approved clearance system, this authority would be subject to appropriate protocols with the express permission of the local jurisdiction.

**Tenet Twelve**
Law Enforcement Deployment Teams Should Be Developed and Implemented

The Major Cities Chiefs Association, in support of the DHS Assistant Secretary for State and Local Law Enforcement, is currently studying the feasibility of establishing Law Enforcement Deployment Teams (LEDTs). These teams would constitute a national law enforcement mutual-aid system – akin to Disaster Assistance Medical Teams - that would ensure a swift and coordinated response to any major incident. LEDTs would fill an important gap in the local public safety response to major incidents and they deserve funding support.
The Major Cities Chiefs Association

The core membership of the Major Cities Chiefs Association (MCCA) is comprised of the chief law enforcement executives of 64 of the largest urban areas in the United States. Collectively, these chiefs and sheriffs manage law enforcement agencies that protect and serve one fifth of the nation’s population.

The MCCA is one of the nation’s most credible forums for the analysis of and action on matters of urban public safety and homeland security. The association’s members are all elected or appointed, and govern organizations that employ more than 1,000 law enforcement officers and/or serve a population of at least 500,000. Collectively, they bring to the homeland security table invaluable experience, strong community relationships and time-tested knowledge of the threats, vulnerabilities and response capabilities to be found in major metropolitan areas.

The knowledge and experience of local law enforcement as well as its mission differ from those of federal law enforcement. The mission of federal law enforcement agencies, in particular, does not include policing the nation’s largest cities and metropolitan areas on a 24/7 basis. Rather, this responsibility lies with the organizations represented by the MCCA, the International Association of Chiefs of Police, the National Sheriffs’ Association, and the other distinguished governing bodies of local law enforcement.

Over the past seven years, the MCCA’s member agencies have consistently met the homeland security and intelligence goals set forth by federal law enforcement. A much more robust level of engagement with the MCCA can and should develop, if the largest police departments are going to effectively protect the nation’s dynamic and diverse communities. These communities include those target-rich locales that, if attacked, would have massive economic, political and social repercussions around the country and the world.

Local law enforcement agencies – particularly those in major metropolitan areas that are attractive terrorist targets - should be viewed as nothing less than full partners in the defense of the homeland. The MCCA’s member agencies can address homeland security matters expeditiously and effectively – provided they receive the appropriate resources. Since 9/11, these local departments have developed comprehensive homeland security strategies and created dedicated, professional staffs to execute those strategies. They have also augmented federal responsibilities and task forces with their personnel and resources, often pulling from their other assets to do so. It is safe to say that the MCCA’s affiliates are now in a position to “think globally, act locally.” This position paper posits how they can best do so.
Purpose

The purpose of this position paper is to provide a blueprint for major reform in the nation’s pursuit of homeland security. This blueprint for homeland security reform is rooted in one core principle:

The processes for identifying homeland security priorities, policies, plans and programs should be vested in local and regional leadership.

The MCCA blueprint for reform is expressed in the form of twelve Essential Tenets of Homeland Security. These tenets are divided into three groupings: four that address the underlying doctrine, policies and relationships comprising the homeland security landscape; four that focus on the critical issues of intelligence fusion and information sharing, and four that relate to specific programs in place now or proposed that are intended to prevent, prepare for and respond to acts of terrorism. Within each of these tenets, specific recommendations for reform are made. These separate but related initiatives will result, in our view, in measurable progress toward our shared goal of protecting the nation from attack, and strengthening our national prevention and preparedness capacity.
Essential Tenets for Homeland Security

The following twelve tenets for homeland security communicate a comprehensive action plan that amounts to a blueprint for substantive reform in the nation’s pursuit of homeland security. As noted above, these tenets are grouped into three areas, addressing not only doctrine and policies, but also critical issues and specific programmatic areas for reform.

While specific recommendations are made in each tenet in this position paper, the overarching goal is to argue for the inclusion of local law enforcement as a full partner in the decision-making process regarding every essential element of our nation’s homeland security strategy. Key homeland security decisions that do not include the essential perspective of local police chiefs and sheriffs are, at best, incomplete. As the collective voice of the MCCA, we seek to change not only the conversation but also the outcomes of our joint efforts to protect the nation. We will continue to communicate these tenets in Washington, D.C. as we work to further define and articulate what is needed to protect the homeland.

The following section is divided into three parts:

- Part I: Tenets Related to Doctrines, Policies and Relationships Underlying Homeland Security
- Part II: Tenets Addressing Critical Issues of Intelligence Fusion and Information Sharing
- Part III: Tenets Relating to Specific Programs Intended to Prevent, Prepare for and Respond to Acts of Terrorism
PART I: Tenets Related to Doctrines, Policies and Relationships Underlying Homeland Security

TENET ONE

Local and Regional Law Enforcement Leaders Should be Full Partners In the Defense of the Homeland

Since 9/11, a key question has been repeatedly posed: Who should be responsible for creating homeland security policies, doctrines, objectives and requirements? One default answer has emerged: The federal government should create those policies and the states should execute them.

This approach has been as much a result of the need for political expediency as thoughtful design. Despite laudable – though often fragmentary – attempts to include urban area chiefs and sheriffs in the policy-making process, the fact remains that most critical decisions are made inside the Beltway and delivered to state governments for implementation. This process inverts reality, and contradicts the premise that those best able to define homeland security policy and priorities are the public safety leaders who command the first response, intelligence, prevention and special operations entities in our major cities and counties.

Simply put, no one knows the landscape better, and we fully understand how to implement the elements of prevention, detection and response to threats and attacks, as we police the cities and counties that will be the inevitable targets of those incidents and activities. We want to be participants with authority equal to that of the policy makers of the Department of Homeland Security (DHS).

The matters we want to weigh in on are wide-ranging. They include: the structure, priorities and landscape of homeland security; the identification of Urban Area Security Initiative (UASI) regions; the authoring of grant criteria and guidelines; and the exercise of appropriate control over intelligence clearances and products. The details associated with these matters, however, are subsidiary to the main issue of who participates in the key decisions that affect the priorities, processes and allocation of resources to prepare for, prevent, protect, respond to and recover from acts of terror.
TENET TWO
The Federal Homeland Security Grant Process Should Focus More on Prevention and Preparedness and Should Provide Direct Aid to Major Cities and Counties

As they stand, federal homeland security grant programs are not adequately funded and do not strike an adequate balance between preparedness, prevention, response and recovery. In Fiscal Year 2008, the Department of Homeland Security (DHS) will award more than $3 billion in grants to states, territories, urban areas, and transportation authorities under 14 programs designed to bolster national preparedness capabilities and protect critical infrastructure. In 2008 the funding process was modified to include the 100 most populous metropolitan areas in the United States and we applaud this expansion.

The DHS uses a two-tier system that assigns 55 percent of available UASI funds to “tier one” cities (currently seven in number) and the remaining 45 percent to “tier two” urban areas, which currently total 53 cities. The variables upon which these assignments are made include risk and cost-benefit analysis. While this approach has proved to be appropriate in identifying the current list of “tier one” cities, the MCCA argues that other urban areas would likely also qualify for this status. The main point is that the formula for these awards should be developed with the full participation of the MCCA. In all likelihood, this input would result in identifying a more comprehensive and appropriate set of priorities upon which to formulate grant guidelines. This being said, the MCCA strongly asserts that this approach is in no way intended to change or diminish the grants awarded the current list of “tier one” cities. Rather, it recognizes the need for additional funding to ensure that all urban areas are adequately funded according to realistic priorities formulated with input by the MCCA.

Similarly, the Regional Catastrophic Preparedness Grant Program (RCP) enables all-hazard planning for catastrophic events. However, jurisdictions that have faced some of the nation’s largest catastrophic events – such as Miami, New Orleans and the Gulf Coast and Southeastern seaboard areas – are not eligible for funding. Instead the same seven areas receiving the majority of UASI funds are eligible.

Also in need of improvement are the grant application system and its flawed delivery system. At present, the majority of funding is routed through a State Administrative Agency (SAA) – the only government body eligible to apply for many of the grant programs. This creates delays and lessens the amount of funds available at the local level as money is held back to handle administrative costs of this SSA-brokered transaction. The MCCA member agencies are often larger and more capable of managing these funds, and should be allocated homeland security funding without a third party intermediary. This form of direct grant funding and local management has been successfully used in the past, for example, in the Nunn-Lugar-Domenici programs of the 1990s.

An additional recommendation is that homeland security grants management remain under the auspices of the Federal Emergency Management Agency (FEMA). Program management and coordination should be accomplished through the new DHS Assistant Secretary for State and Local Law Enforcement’s office.

We recommend that the Law Enforcement Terrorism Prevent Program (LETPP) be maintained as a stand-alone program, similar to that currently available to emergency managers and fire officials. In

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2008, the LETPP was removed as a stand-alone program and incorporated in the State Homeland Security Grant Program (SHSGP) with a requirement to spend at least 25 percent of each award on prevention and protection activities. Removal of the only prevention-oriented grant program and its consolidation into funding disbursed by state agencies demonstrates the lack of balance between preparedness, prevention, response and recovery. Law enforcement agencies must prevent terrorism, not just respond and recover. Response and recovery are actions that, while important, should not be the focus of homeland security funding.

To carry out the intent of Congress, we recommend that the Department of Homeland Security (DHS) prepare an annual plan that details law enforcement efforts to prevent terrorist attacks in the United States. Clearly, the coordination and preparation of this terrorism prevention plan should be assigned to the Assistant Secretary for State and Local Law Enforcement.
In seeking to improve the nation’s capacity to resist terrorist threats, the topic of information sharing merits particular attention. It is also a topic that illustrates dramatically the central argument in this paper. While this tenet explores the issue of information sharing, the central argument is applicable to virtually all homeland security programs and priorities.

The National Strategy for Information Sharing is a vital framework for action, and provides a road map for progress. It recognizes the leading role of major urban areas and calls upon the states to work with the cities as equal partners in the fusion process. Two noteworthy examples of progress include the National Counterterrorism Center (NCTC) and Suspicious Activity Reports (SARs). Federal agencies have invited local law enforcement officers to work at the NCTC with access to a wide range of classified materials. To share information between urban areas and fusion centers, Major Cities Chiefs are hosting a SARs pilot project. In cooperation with the Departments of Justice and Homeland Security, the Program Manager/ Information Sharing Environment (PM/ISE) has asked the Major Cities Chiefs to develop a national sharing process for SARs. These are examples of federal partnerships with local agencies that should be strengthened and expanded, in contrast to past over-reliance on state governments.

The term “state and local law enforcement,” has, in some respects, become a misleading part of the homeland security lexicon. While we are justifiably proud of our indispensable partnerships with state homeland security officials, the perspective and priorities of state and local law enforcement officials, especially in the major cities and counties, is often as divergent as those between federal and local leaders. To address these distinctions, the DHS and other federal officials need to include major urban jurisdictions directly in the development of information sharing networks and not use the filter of state government.

Reflecting the high priority attached to the issue of information sharing among urban law enforcement executives, the MCCA has approved a charter to formally establish the Intelligence Commanders Group (ICG). As shown in Attachment A, the ICG will be a unified voice of reason, capability, and need for local law enforcement in the following four areas:

Regional and National Policy Issues
The Group will address intelligence and information sharing issues of concern to member agencies and as assigned by the Homeland Security Committee.

Network of Intelligence Units
Serving as the foundation of a network of local intelligence personnel, the Group will extend to include international partners. This network will support the exchange of information between agencies and develop and disseminate reports to member agencies.

Training Programs
The Group will identify training needs relative to emerging trends, methods, technologies and federal requirements and convey the interests of major cities and counties to the federal government to aid in the development and delivery of intelligence-related training.

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Operational Coordination
The Group will share intelligence and information and jointly develop sources, leads, and cases in accordance with provisions of state and federal law and regulations.

The MCCA’s establishment of this intelligence fusion group demonstrates both the willingness and the capability of local law enforcement leaders to make substantive contributions to information sharing discussions and decisions. Room should be made to accommodate their participation rather than their exclusion.
Local law enforcement has been required to perform significant duties related to homeland security that were not previously considered essential. As national security became the top priority, departments across the nation moved personnel and resources from other functions in order to protect local communities from the very real threat of international terrorism.

Homeland Security Grant programs have funded most, but not all, of those shifts in resources. Police departments have augmented these federal dollars with money pulled from their own coffers. This is especially true when it comes to personnel. One of our primary objectives is to determine how local law enforcement can sustain this expanding effort without further depleting local resources.

In making budgetary decisions on homeland security issues, most local governments move law enforcement counter-terrorism and intelligence programs down on the priority list because their particular municipality has not yet been directly affected by an attack. As near-sighted as that approach may be, it is a reality and it continues to be a primary obstacle to securing or increasing funding at the local level in many parts of the country.

There is a paradox that the more efficient and effective our local efforts are, the greater our workload will be. Hence our demand for additional personnel and logistical resources will continue to grow. We believe that Congress should recognize how critical metropolitan law enforcement agencies are to national security and provide us with long-term funding to sustain our efforts. The most significant disconnect between doctrine and reality is to be found in the prohibitions on funding FTEs from UASI grants. In April 11 correspondence from Congress (Rep. Bennie Thompson, et. al.) to Secretary Chertoff, the issue of prohibitions on use of UASI fund for personnel was raised, correctly noting that “terrorism prevention activities are personnel intensive”.

Grant funding alone is neither sufficient nor dependable over the long term. Grants are annual and uncertain and do not provide the vital funding we need for sworn personnel – the first preventers who are going to do the lion’s share of the homeland security work.
PART II: Tenets Addressing Critical Issues of Intelligence Fusion and Information Sharing

TENET FIVE

Fusion Centers Should Address All Crimes

Fusion centers, which pool and analyze information from multiple jurisdictions, are the primary platform for improving law enforcement’s intelligence-sharing capabilities. Specifically, they are defined as a “collaborative effort of two or more agencies that provide resources, expertise and information to the center with the goal of maximizing their ability to detect, prevent, investigate, and respond to criminal and terrorist activity.”

With more than 17,500 separate police departments, America’s decentralized law enforcement system has both strengths and weaknesses. Ironically, both stem from the numbers. Our strength is that we are at least 750,000 strong nationwide and we are better attuned to what is happening on the ground than our partners at the federal level. We are the eyes and ears of our nation’s communities. Our weakness is that the sheer number of agencies creates obstacles to information sharing.

Fusion centers are evolving into one-stop shop organizations responsible for analyzing information on an all crimes basis – ranging from avian flu to potential terrorist attacks – reporting on threats and trends, tracking the location of assets and ensuring operational readiness. The responsibility of today’s fusion centers is to ensure that leaders at state and local levels are knowledgeable about the current and future threats to the security of their jurisdictions.

An all crimes approach is required to make fusion centers truly effective. Only this approach will address how terrorists are recruited, how terrorist acts are planned and executed, and how criminal markets are used to support terrorist organizations.

The chiefs from America’s largest cities and counties have unanimously adopted the following position on the role and operation of fusion centers: The intelligence that flows through these centers must be relevant to all crimes and fully integrated into the daily operations of a police department. In our view, intelligence should inform and shape the wide range of police services that protect the public. It is also critical that we receive timely threat intelligence from the federal government so that we can determine what measures must be taken by police and emergency service agencies.

Fusion centers, with participation by all levels of government, greatly increase the odds that we will “connect the dots” – a key element to preventing crime, including terrorism. To offer the widest range of information necessary to accomplish that mission, fusion center grant guidance should be reexamined to fully incorporate the all crimes approach.

Footnote: The National Criminal Intelligence Sharing Plan can be found at www.it.ojp.gov.
TENET SIX
Databases Used at the Local, State, and Federal Levels
Must be Interoperable

Many law enforcement and other public safety agencies have acknowledged that interoperability involves more than communications networks and equipment. With so much attention being directed on communications equipment, an essential piece of the homeland security puzzle is being missed: We need interoperable databases that are compliant with 28 CFR Part 23. Presently, there is no national process for sharing information or criminal intelligence.

Chiefs and sheriffs support the efforts of the Program Manager/Information Sharing Environment (PM/ISE) to implement the provisions of the National Information Sharing Strategy. Considerable progress has already been made to establish a process for information sharing that protects privacy. For example, PM/ISE is working with the Major Cities Chiefs to pilot a process for Suspicious Activity Reports (SARs), the focus of Tenet Ten.

Intelligence, and the data from which it is derived, play a vital role in maximizing our ability to meet homeland security challenges. While the fusion centers – and the national centers they interact with – have focused on linking law enforcement entities and the information they possess, there are still many areas that need immediate attention. Databases that seamlessly tie together information for use by local and federal law enforcement partners, for example, are a necessity if we are to successfully face homeland security threats proactively and in real-time.

Local law enforcement is not only the primary collector of information but also the warehouse for a plethora of databases. The immediate need is to develop relational links, protect civil liberties, and to share the information within the framework of 28 CFR Part 23 and state laws. Accepted data analysis tools already have a diverse array of commercial applications. For example, credit card companies use them to detect and stop fraud. Similar interoperable data tools, made available for use by law enforcement, can greatly assist in identifying terror-related behavior patterns. Timely and accurate intelligence is essential to counter the new global terrorist threat, but the nature of this threat can produce a glut of information for homeland security professionals. Adding to this challenge is the fact that terrorists rely on a series of loosely connected criminal activities to further their cause. To combat terrorism, it is critical to provide homeland security professionals at the local level with the tools they need to quickly discern patterns and meaning from large and diverse data sets. There is also a need to share the end product in an interoperable and secure environment that is compliant with all federal, state and local laws.

The principal guiding regulation that law enforcement agencies use in matters related to criminal intelligence systems is 28CFR Part 23 —Executive Order 12291. The underlying purpose of 28CFR is to ensure that interoperable data systems are utilized in conformance with the privacy and constitutional rights of individuals. Beyond the protective measures, funding that is allocated under this provision for interoperable intelligence systems will require that the systems and agencies are in full compliance with the principles set forth in the regulation.

We believe that between 28CFR, the Criminal Intelligence Coordinating Council, the Global Advisory Committee, and the National Criminal Intelligence Sharing Plan, law enforcement has to meet the demands of many with too few resources. We need interoperable databases to ensure that the collection, submission, access, storage and dissemination of criminal intelligence information at the local level is able to meet these demands.
TENET SEVEN
The Systems for Classification of Homeland Security Information and for Processing Security Clearances Needs Revision

This set of recommendations encompasses two distinct but related issues of critical importance to the Major Cities Chiefs Association - the process of determining the security classification level of homeland security information and the granting of security clearances to local public safety personnel.

I. Classification of Information
While there has been progress in getting timely information to local authorities who need to make decisions, the Major Cities Chiefs Association remains unconvinced that the criteria and processes to disseminate intelligence information have been adequately defined. The MCCA has experienced scenario after scenario in which information was withheld or delayed, only later to find that it was ultimately mis-classified or – most often – over-classified. Consistent with the overarching theme of this position paper, the Major Cities Chiefs Association proposes a comprehensive review and revision of the criteria for the classification of documents relevant to homeland security.

Some background is in order. Information released by the federal government to local law enforcement generally falls into three categories: material with “no restrictions on release,” which means that the information can be shared with the general public; “sensitive, but unclassified” information that is meant for distribution within law enforcement circles only; and “classified” information that can only be released to those with security clearances.

To address the information sharing failures cited as contributing to the calamity of 9/11, the mantra of “need to share” has replaced the previous “need to know” invocation of federal officials in releasing information to homeland security partners, including local law enforcement. Chiefs and sheriffs applaud this new commitment within the federal intelligence community. An effective flow of information and intelligence between local law enforcement and the federal government is especially vital as the personnel in our police departments and sheriffs’ offices are, arguably, most likely to be in the best position to interdict a terrorist attack. They are also best positioned to gather useful information for the intelligence community at large and are undeniably the ones who will be the primary responders to any attack.

The shift to a “need to share” mind-set has resulted in better information sharing and a myriad of new programs and projects to implement this strategy. For example, more intelligence is being produced at the sensitive-but-unclassified (SBU) level than the classified level. As a result, it can be shared more easily with local law enforcement in major cities and counties; there are also a greater number of joint task forces and the like. However, despite the commendable shift to a more fluid information sharing paradigm, the execution is lacking in some important areas and needs reform. The development of a program that would enable local law enforcement to determine and administer the classification of investigative/intelligence materials – similar to the system currently employed at the federal level – would represent major progress in this area. This proposal should not be construed as an assignment to process classification to MCCA, but instead reiterates that MCCA should be involved in determining classification criteria.

Almost seven years after the 9/11 attacks, information and intelligence sharing still suffers from a
slow and inefficient security classification process and an incoherent and uncoordinated approach to developing an information sharing network. Most importantly, we still operate using a “top-down,” federal-centric approach in which all too often the local perspective is missing from both the intelligence production cycle and information sharing process. This omission threatens homeland security.

II. Security clearance process

While federal agencies have stepped up considerably in their sponsoring of security clearances for local law enforcement officials, in all too many cases, the process can drag on for unreasonably long periods of time. These delays have prevented the assignment of personnel to critical spots - such as fusion centers - and the sharing of information with law enforcement executives by subordinates. This is an untenable situation. These shortfalls and inefficiencies need to be attacked at each stage of the process: submission of clearance records, the background investigation itself, and the review and issuance of the clearance.

We posit very specific approaches. However, these specific initiatives are secondary to the major theme of this position paper, which is that local law enforcement, and in particular, the Major Cities Chiefs Association, should have a leadership role in defining the security clearance process.

Law enforcement executives have found themselves in the awkward position of having to supervise personnel involved in terrorism-related investigations without having access to information because they lacked the required security clearance. We specifically recommend the following:

- A priority system needs to be established so that clearances are processed according to operational needs. For example, personnel assigned to task forces—and their agency executives and key personnel—should have precedence.
- A program should be developed that will allow local law enforcement to have trained and dedicated “security officers” who can work with federal counterparts and verify clearances.
- The electronic submission of fingerprints should also be permitted, thereby eliminating processing and mailing delays and the chance that submissions will be lost and mishandled. The recent enabling of electronic submission of forms should be a model in this regard.
- The review and issuance portion of the process would be markedly improved through decentralization, which would also provide for greater accountability.

Clearly, the background investigation process could be greatly enhanced by using the MCCA’s member agencies to augment the pool of background investigators. Currently, retired federal investigators most often conduct background investigations. Major cities and counties possess well-trained and tenured investigators who routinely perform background investigations equal to, and usually more in-depth, than that required for a federal security clearance. For example, even at the Top-Secret level, a polygraph is rarely required, though it is routine in major cities and counties.

Another improvement would result from establishing a certification program for local law enforcement to have specially designated personnel certified to perform security clearance backgrounds under federal auspices for Secret level clearances. This would free up the federal background investigator pool to focus on relieving the backlog of Top-Secret clearance applications.

It is inefficient to require a centralized office in Washington, D.C. to process all aspects of the review and issuance of security clearances. This process can, and should, be more decentralized.
For example, the major FBI offices all have security managers who handle the initial security clearance application. These managers are then forced to sit by helplessly, as all further review and processing is done by headquarters personnel in Washington, D.C. These local FBI agents should be entrusted to review completed background investigations according to standards developed by headquarters. At a minimum, all Secret level clearance packets should be reviewed by local offices, with consideration for Top Secret clearance packets to be similarly processed.

Major Cities Chiefs hosted several intensive workshops with DHS officials to examine opportunities for sharing information and intelligence. These productive sessions resulted in a series of aggressive efforts and corrective actions by DHS that produced immediate and comprehensive changes in the security clearance process. DHS policies and procedures were strengthened and expedited, with backlog eliminated and appropriate clearances granted for local law enforcement personnel assigned to the National Operations Center (NOC). While chiefs and sheriffs applaud the openness of DHS officials and their willingness to change policies, these reforms have not been reflected throughout the rest of the federal intelligence community. Reciprocity issues and restrictions placed on law enforcement personnel continue to hamper the sharing of intelligence with local officials responsible for public safety in American cities and counties.
The Major Cities Chiefs Association has previously endorsed a number of the specific proposals contained in the Law Enforcement Assistance and Partnership Strategy (LEAP) that emerged from the House Committee on Homeland Security chaired by Rep. Bennie Thompson. Chiefs and sheriffs approach all good ideas in the spirit of non-partisanship and the MCCA reiterates its endorsement of the entire report and in particular, the following proposals:

First, the proposal to establish a Foreign Liaison Officers Against Terrorism (FLOAT) program would serve the purpose of contributing to the national intelligence picture, and increase the preparedness capacity of local and regional law enforcement. FLOAT is modeled after the NYPD deployment that sends department liaisons to their foreign counterparts to obtain “on-the-scene” situational awareness of how terrorists are operating internationally. The federal government has virtual hegemony on matters of foreign intelligence. This is evidenced by the current statutes that bar local law enforcement from having direct access to foreign counter-intelligence information. This program would be a positive step in bridging the chasm between local law enforcement and the international intelligence community.

Second, the proposal for a Vertical Intelligence Analysis Link (VITAL) would formally establish local law enforcement an equal partner for sharing intelligence with federal agencies. To accomplish this purpose, the Major Cities Chiefs requested full participation in the Interagency Threat Assessment Coordination Group at the National Counterterrorism Center (NCTC). Substantial progress has been made and local intelligence personnel are now assigned to NCTC for rotating tours of one year. In particular, the pending plan to grant access by local agencies to NCTC Online would be a significant improvement over current conditions. While implementation delays and the lengthy assignment period have been obstacles to full implementation, the Major Cities Chiefs will continue to work with the PM/ISE, DHS and the FBI to accomplish the objectives of VITAL.

Third, the proposal to strengthen border intelligence capacity through the creation of a specific focus on U.S. border intelligence fusion is timely and appropriate, but is possible only with more support. This proposal has been on the agenda of the Major Cities Chiefs for some time, and it is gratifying to see on the list of priorities in both the LEAP report and in the offices of DHS.

Other specific programs described in the LEAP report are discussed elsewhere in this position paper, including the discussion in Tenet Seven on intelligence classification and security clearances.
PART III: Tenets Relating to Specific Programs Intended to Prevent, Prepare for and Respond to Acts of Terrorism

TENET NINE

Critical Infrastructure Identification and Analysis Should be Reexamined

The DHS has identified up to as many as 18 critical infrastructure sectors ranging from information technology to nuclear power plants that form the backbone of a state or city’s economy, governance, and security. Protecting these infrastructures and key resources is tremendously challenging due to two major dynamics: each one is complex and requires a unique approach; and terrorism and other man-made and natural disasters are, by their very nature, uncertain. On a national level, the DHS approach to this dilemma hinges on mitigating risk in a focused way and developing strategies such as the deployment of a Protective Security Task Force and the use of predictive analysis.

Infrastructure protection efforts are based on the principles of risk management. Ideally, key assets are identified in close collaboration with state and city governments, taking into account consequence management, vulnerability and available threat information. Those systems, networks and functions identified as the most critical to the basic functioning of society require focused risk mitigation measures.

It is our position that the national infrastructure inventory and buffer zone protection programs are not meeting these objectives. The DHS and Sector Specific Agencies (SSAs)—in accordance with the National Infrastructure Protection Plan (NIPP)—are meant to coordinate with state, local, and tribal governments, and private sector security partners, to ensure that the inventory of critical infrastructure sites is “accurate, current, and secure.” However, while the policy of DHS is to foster a collaborative process with the private sector, the reality is that this “collaboration” doesn’t stand up to public scrutiny.

In reality, key players in the major cities have little say in the tiered asset selection and review process. Our participation in this process would better inform, for example, where resources, such as protection programs, are allocated; how much should be invested in those programs; and which protection measures offer the greatest return on the investment.

Because protection resources are limited, what the cities bring to the risk analysis equation in the form of empirical information is critical. Cities often have access to sector-specific information maintained by state regulatory agencies that could be used in an inventory of critical infrastructure and key resources. Cities also may have developed their own inventories as a result of other responsibilities, such as incident management or emergency response.

The process for identification of critical infrastructure should be reexamined to reflect input and analysis by major urban areas that have jurisdiction over the majority of targets. Not consistently including major cities and counties as partners in this important process in the past has lead to the misapplication of scarce resources. Decisions on the national inventory should be made with local input. Priority should be given to the local jurisdictions with a proven capability to properly administer their infrastructure programs. The local jurisdictions can then work in concert with the states.
The counter-terrorism philosophy of the local law enforcement community embraces the concept that America’s 750,000 police officers and sheriffs’ deputies play an important role as “first preventers” of terrorism. This newer role of “first preventer” is necessarily added to the core mission of providing services to prevent crime, violence, and disorder. An enhanced capacity to gather, analyze and disseminate information supports not only the traditional mission, but also the newer one, as we are woven into the fabric of national security. The observation and reporting of local activities that are of a criminal or suspicious nature, will prove critical to the intelligence yield at both the local and federal levels.

Suspicious Activity Reports (SARs) represent the potential thread to firmly connect fusion centers nationwide and move them even further toward an “all crimes-all hazards” model. SARs should therefore be institutionalized and standardized as a means to identify and measure activities with a possible nexus to terrorism.

Major Cities Chiefs has been actively engaged with the PM/ISE, DOJ and DHS to establish a national process for sharing SARs information. The Intelligence Commanders Group (ICG) has developed a pilot project and work is underway to test and implement a national roll out of lessons learned. Working with the Bureau of Justice Assistance, Major Cities Chiefs will devise a plan for implementation in urban areas. With local law enforcement personnel as the first step in this process, the roll out of SARs represents an unprecedented effort level of cooperation between urban areas and a stronger partnership between federal, state and local agencies.

To achieve the needed level of standardization, SARs can build upon traditional crime measurement models and enhance the analytical capabilities within counter-terrorism circles, leading to the recognition of patterns, spikes and trends as they emerge. The reports can establish, for the first time, uniform terror-related Modus Operandi codes that enable the measurement of terror-related incidents and crimes. This lays the foundation for unified nationwide reporting of such activities, potential inclusion into the Uniform Crime Reporting (UCR) program and a true information sharing environment. The result of these efforts will be, quite simply, safer American cities.

Local law enforcers must move beyond the traditional role of “first responders,” and accept our responsibility as “first preventers” – and we must do this by improving our ability to predict crime. The reporting of potential terror-related, suspicious activities on a national level will bolster our efforts to protect America. While it will be challenging to share these new “dots” horizontally with regional fusion centers and vertically with the intelligence community, it is an obligation we must fulfill.
TENET ELEVEN

Reciprocal Police Authority Tied to Security Clearance Should be Established

The terrorist threat fundamentally ignores conventional notions of jurisdiction. Terrorists freely cross city, state, and even national boundaries in pursuit of their deadly objectives. To terrorists, boundaries are strategic assets, increasing their ability to evade detection and enjoy operational freedom in the county or state or country next door to the one they are targeting for attack. Recent history bears this out. Consider the 1993 World Trade Center Bombing, the 9/11 attacks and the July 7, 2005, suicide bombings in London.

We must not let a mechanical commitment to jurisdiction stand in the way of harnessing the resources of local law enforcement in the fight against terrorism. In doing so, we deprive our enemies of a crucial strategic tool.

A key principle should be trans-jurisdictional authorization of first-prevention activity. As there is no provision in our system of government for a national police force, American policing operates under the sole authority of the States and local jurisdictions. While federal agencies have investigatory and other special powers granted by Congress, policing and public safety activities are the sole responsibility of individual units of state and local government. While the FBI JTTFs and other federal programs are fully supported by the chiefs and sheriffs, these investigative efforts fall short of what is required to prevent terrorism and protect the public. Nationwide authority for police and sheriffs to fight crime and terrorism must be established through stronger and more comprehensive reciprocal agreements.

Tying this nationwide authorization to a federal law enforcement-approved clearance (SECRET or above) makes sense. Sworn law enforcement officers with such clearance have been vetted through a rigorous national process and are sensitive to the use of intelligence as a key counter-terrorism tool. Professional standards inevitably diverge from one local police department to another. The federal clearance process offers a homogenous standard that all must abide by. If officers are to be authorized to conduct intelligence activities nationwide, it is logical that they be subject to a nationwide benchmark.

Historically, when the terrorist (or criminal) threat crossed state lines, the federal government took responsibility for interdicting it. The logic of federalism dictated that local police departments operated within their home jurisdictions and that federal agencies became involved where an investigation became regional or national in scope. But reliance only on federal law enforcement authorities is not the answer. An effective counter-terrorism strategy requires the sustained engagement of local law enforcement agencies that possess the robustness, the necessary tools, and the sustained commitment to protect the homeland against future attacks.

Nationwide authority must be understood within the context of a network of information sharing between local police departments, another key strut of an effective, from-the-ground-up strategy for countering terrorism. It is neither anticipated nor proposed that local officers be permitted to cross-jurisdictional lines pell-mell. Indeed, MCCA would emphasize that the operations of law enforcement working under this national authority system would be conditional upon having the express permission of that jurisdiction. Nationwide authority will supply another tool to local law enforcement – a tool that ought to be used judiciously and made subject to protocols that are yet to be worked out. Only in that way will the boundaries that mark the beginning of one city or county or state, become assets to us and not our foes.
Law Enforcement Deployment Teams Should be Developed and Implemented

The Major Cities Chiefs Association, in support of the newly appointed Department of Homeland Security's Assistant Secretary for State and Local Law Enforcement, is studying the feasibility of establishing Law Enforcement Deployment Teams (LEDT).

This follows recent questions raised by Congress exploring why law enforcement doesn't have rapid response teams like the Urban Search and Rescue (US&R) and Disaster Assistance Medical Teams (DMAT). These teams provide near-immediate support during a catastrophic event, regardless of what caused it. Specifically, the U.S. Senate noted in a special report that after Hurricane Katrina, government at all levels showed a “failure to act on the lessons of past catastrophes, both man-made and natural that demonstrated the need for a large, well-equipped, and coordinated law enforcement response to maintain or restore civil order after catastrophic events.”

A national law enforcement mutual-aid system would ensure a swift and coordinated response to any major incident. Our intent is also to reduce, or even eliminate, self-deployed police agencies or individual officers from surging into an impacted area without the necessary direction, support, organization, equipment or authority. The mission of the Deployment Teams is: “To provide professional and coordinated law enforcement resources to ensure the nation’s civil wellbeing in an all-hazards environment.”

The Major City Chiefs Association is leading the effort to bring the key law enforcement organizations and agencies together to establish the national LEDT system. The Association is also working closely with the responsible federal agencies, such as the Department of Homeland Security (DHS), the Federal Emergency Management Agency (FEMA) and the Department of Justice (DOJ). Although still in the early stages of development, the concept is to create at least one team of up to 500 officers for each of the 10 FEMA regions. These teams would provide general law enforcement services and specialized capabilities and be self-sustaining for a minimum of 14 days.

While a significant portion of personnel and equipment will be provided directly by the participating local agencies, we will need funding for additional equipment, training and reimbursement for deployment costs. The Major Cities Chiefs Association urges Congress to provide us with the funding – separate from the existing Homeland Security Grant programs – needed to make these Law Enforcement Deployment Teams a reality.

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6 This includes the National Sheriff’s Association (NSA), International Association of Police Chiefs (IACP), Fraternal Order of Police (FOP) and others.
Conclusion

Our concepts and understanding of terrorism have come a long way since the days of the Red Brigades. Al Qaeda, FARC, Hezbollah, Hamas and homegrown extremist groups in the United States have been successful at exploiting the vulnerabilities of their enemies. In our case, they attacked the arrogance and turf battles that were at the heart of a failure to communicate within and between government levels and between public and private sectors.

As Secretary Chertoff noted last year: “We have to build a network to beat a network.” This Paper has argued that an important element – major city and county law enforcement – has been assigned inappropriate priority within the nation’s homeland security policy- and decision-making networks; and it has sought to provide a blueprint for reversing this omission.

Federal and local authorities working together have the ideas and the technology to create counter-networks and win the new kind of threats we face. But, we also need the flexibility, adaptability, and transparency to collaborate with one another. We must develop more meaningful partnerships, more robust trust networks, and we must create policy that leverages law enforcement resources in the United States. This will constitute our front line prevention and defense of the homeland.

This position paper is the result of such collaboration and meaningful partnership. It is our earnest effort to effect change in our nation’s homeland security approach so that we may better protect and serve the populace. An increased investment by our government at the local level will yield dividends in the years to come. As metropolitan law enforcers and our country’s “first preventers,” we are willing and we are able.

Finally, we should not leave readers with the impression that there have been no successes. Clearly, we are better and stronger today. However, the danger we face from groups employing fourth generation warfare is limited only by our imaginations. It will be up to us to get inside their minds and win this battle. In all practicality, we may again find ourselves the victims of another terrorist attack on our soil, but it is through robust and engaging collaborative efforts, resilience and a thorough-going understanding of our enemies and ourselves that we will prevail.
Appendix A: Major Cities Intelligence Commanders Charter

CHARTER

MAJOR CITIES INTELLIGENCE COMMANDERS

To meet the current priority requirements and emerging needs of the Nation’s major metropolitan areas, Major Cities Chiefs hereby establishes the Major Cities Intelligence Commanders Group (herein referred to as “Group”)

Purpose
The purpose of the Group is to assist the Major Cities Chiefs to strengthen and coordinate the intelligence capabilities and operations of law enforcement agencies in the major metropolitan areas of the United States. The Major Cities Intelligence Commanders shall:

- Serve as a national forum for discussion and analysis of intelligence issues faced by the major cities of the United States, including traditional criminal and counterterrorism intelligence related activities;
- Consider proposed policies and legislation to be recommended to the Major Cities Chiefs;
- Identify and examine common information sharing issues and proposes common solutions for intelligence collection, analysis and investigations;
- Develop and maintain a network of major city intelligence commanders;
- Identify intelligence training needs and coordinate intelligence training opportunities or major cities;
- Collaborate on threats, leads and investigations as provided by State and federal law; and
- Interface with federal and International agencies to convey common intelligence policies and procedures.
Leadership
The Major Cities Intelligence Commanders will report to the Homeland Security Committee, which will provide guidance and oversight.

The Homeland Security Committee will select one department to coordinate Group activities for a two-year term. This department shall be responsible for providing leadership and logistical support for a period of two years.

Membership
All member agencies of the Major Cities Chiefs Association are eligible to participate. Representatives to the Group must command intelligence operations. In the event where a department has multiple intelligence units, one representative for the department will be identified.

Meetings
The Group will meet at least annually with additional meetings determined by the President of Major Cities Chiefs. When the Group meets jointly with Major Cities Chiefs, a formal report will be presented to both the Homeland Security Committee and the full membership.

Reporting
The Group shall submit a written report to the Homeland Security Committee no later than thirty (30) days after each meeting. Each report shall describe Group activities and provide recommendations as appropriate. The Group shall also submit an annual report to the Homeland Security Committee.

Responsibilities
The Group shall be responsible for providing Major Cities Chiefs with guidance and recommendations regarding all aspects of law enforcement intelligence operations. Three general areas of focus for the Group include:

- **Regional and National Policy Issues:** The Group will report on regional and national issues and recommend actions that represent a coordinated position or response by the major cities of the Nation. The Group will address intelligence and information sharing issues of concern to member agencies and as assigned by the Homeland Security Committee.

- **Network of Intelligence Units:** The Group will form the foundation of a network of local intelligence personnel, including international partners. This network will support the exchange of information between agencies. Reports will be developed as appropriate and disseminated to member agencies. The Group will collect and maintain contact information from each intelligence unit.
• **Training Program.** To keep pace with emerging issues, methods, technologies and federal requirements, the group will identify training needs and propose training programs. Member agencies may agree to host and conduct training as appropriate. The Group will also represent the interests of major cities and counties with the federal government in the development and delivery of intelligence related training.

• **Operational Coordination:** Members will share intelligence and information and jointly develop sources, leads and cases in accordance with provisions of state and federal law and regulations.