THE COUNCIL OF STATE GOVERNMENTS
EASTERN KENTUCKY UNIVERSITY

-- JOINING THE FIGHT – TERRORISM IMPLICATIONS FOR STATE LAW
ENFORCEMENT AND CRIMINAL JUSTICE SYSTEMS --

Radisson Plaza Hotel, Lexington, Kentucky
December 12-13, 2003

ADVISORY GROUP – MEETING HIGHLIGHTS

Attendees:

- Rep. Sandra Adams - Vice Chair, House Public Safety & Crime Prevention Committee, Florida
- Rhea Arledge - Policy Attorney, National District Attorneys Association
- Gary Cox - Captain, West Jordan Police Department, Utah
- Charles Jackson - Director, Department of Public Safety, Missouri
- James Cooke - Captain, San Diego Sheriff’s Department, California
- Ray Nelson - Executive Director, Office of Security Coordination, Kentucky
- Thomas O’Reilly - Administrator, Office of the Attorney General, New Jersey
- John Ort - Director, State Emergency Management Division, Michigan State Police, Michigan
- Martin Ryan - Chief, Bureau of Investigation, California
- Chad Foster - Public Safety & Justice Policy Analyst, The Council of State Governments
- John Mountjoy - Associate Director of Policy, The Council of State Governments
- Chad Kinsella - Public Safety & Justice Policy Analyst, The Council of State Governments
- Gary Cordner - Professor, Criminal Justice & Police Studies, Eastern Kentucky University
- Kathryn Scarborough - Associate Professor, Criminal Justice & Police Studies, Eastern Kentucky University
- Tim Hazlette - Colonel, Kentucky State Police
- Bill Sullivan - Lieutenant, Counter-Terrorism Coordinator, Kentucky State Police
- Pam Collins - Director, Justice and Safety Center, Eastern Kentucky University
- AnnMarie Cordner - Senior Research Associate, Justice and Safety Center, Eastern Kentucky University
- Tod Depp - Research Assistance, Eastern Kentucky University
- Linda Mayberry - Deputy Director for Projects, Justice and Safety Center, Eastern Kentucky University
- Fahy Mullaney - Charlottesville, Virginia (Facilitator)

Day 1 – December 12

Project Overview and Background

- Chad Foster provided a description of the project (background, project objectives, methodology, surveys, case studies, Workgroup, Advisory Group, and timeline)
Thomas O’Reilly spoke about a recent project effort by the National Criminal Justice Association entitled *Serving and Protecting in the Shadow of Terrorism*. The objectives of the policy forum were to: discuss how public safety agencies are attempting to balance delivery of conventional law enforcement services with domestic and international terrorism; identify issues that impede multi-agency and multi-jurisdictional cooperation in counterterrorism strategies; identify best practices and approaches that integrate counterterrorism measures within the existing law enforcement infrastructure; and facilitate the exchange of information and suggest improved protocols to expand multi-jurisdictional partnerships.

Rhea Arledge discussed a project effort by the American Prosecutors Research Institute entitled *Local Prosecutors Respond to Terrorism: Responsibilities, Priorities, and Challenges*. The project will identify: the new or changed responsibilities given to prosecutors under new anti-terrorism legislation; legislation that has addressed intelligence gathering in support of prosecution; implementation of new responsibilities; changing local priorities; the challenges of integrating local, state, and federal prosecution of terrorists; and the additional challenges local prosecutors face in responding to terrorism threats.

**Issue Discussion: What is the impact of terrorism on the states?**

Fahy Mullaney led a brainstorming discussion of the following questions:

1. What are the emerging roles of state law enforcement agencies in terrorism preparedness?
2. What are the critical policy implications of these new roles?
3. What do you want to get out of this project?

**50-State Survey**

Gary Cordner described the survey mechanism to include target audience, methods, and components. The Advisory Group then provided comments and feedback on each of the sections:

**Section A:** In the period since September 11, 2001, our agency’s allocation of time and resources to various responsibilities has been affected as follows…

**Section B:** The following items pertain to your agency’s relationships with various federal agencies since September 11, 2001…

**Section C:** The following items pertain to your agency’s relationships with local law enforcement agencies since September 11, 2001…

**Section D:** In the period since September 11, 2001, our agency’s interactions with various federal agencies have been affected as follows…

**Section E:** Over the past two years, what has been your agency’s level of involvement in your state’s homeland security initiatives…

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Section F: Please describe your agency’s involvement in each of the following aspects of homeland security in your state…

Section G: Please indicate how the individual trooper’s/officer’s duties and responsibilities have been affected by the homeland security mission…

Section H: Please indicate the degree of impact that homeland security has had on various organizational functions…

Case Studies
Fahy Mullaney facilitated discussion and conducted a consensus building exercise around the following question: What criteria do we use to pick case study states?

Advisory Group Suggestions
Qualitative criteria:
1. Those with best practices per the survey
2. Amount of experience with terrorism
3. Those state with high priority targets
4. States with most comprehensive plans
5. Effective federal - state relations
6. States that represent effective partnerships from Section F of the survey: planning, prevention, detection, response, and investigation.

Once the qualitative criteria are applied, the following quantitative criteria will be applied:
1. Department size
2. Law enforcement structure is combined / separate
3. State size (geographic and population size)
4. Regional diversity (East, Midwest, South, West)

Fahy Mullaney solicited suggestions from the Advisory Group into the following question: What information are we seeking from the case study states?

Advisory Group Suggestions
- What is the state’s best practice(s)? Why and how did they accomplish it (them)?
  (strategies, processes, partnerships)
- What laws did they have to change and what laws need to be changed?
- How do they work with their federal counterparts?
- Gather copies of any comprehensive plans, memorandum of understanding between the state and federal government, etc.
- What obstacles have they overcome?
- What are the budget / economic factors facing the agency?
- What are the homeland security roles in the state?
- For investigative agencies, how have they improved investigations?
- How many people do they have dedicated to homeland security issues / what resources are available?
Where have they been less successful…what unfinished business do they have?
What are the negative aspects of giving up people and resources to homeland security?
What improvements within terrorism preparedness also improve other functions or relations (duality question….public safety, public-private relations, etc.)?
What sort of problems have they encountered dealing with federal agencies?

Lastly, Fahy Mullaney solicited ideas from the Advisory Group on who to interview in each of the case study states: attorney general; agency and program heads; mid-level management and line staff; identify similar people in each state to have a basis of comparison; contact the governors and allow them to pass the request along; and use the Advisory Group and Workgroup members as contacts.

Workgroups: Purpose and Flowchart
Chad Foster provided background information into the Workgroup including a review of its purpose and tasks. Chad described the Workgroup model and outlined the tasks for each of the breakout groups:

- What are the critical functional areas for state agencies toward terrorism preparedness? (No more than 4)
- What are the primary policy implications? (No more than 4)
- How can we address/incorporate the parallel issues/tracks?
- What other models may we want to consider?

Breakout Session: Workgroups
Breakout Group Leaders led discussions around the previous four questions.

Group #1: Rep. Sandra Adams
       Captain James Cooke
       Thomas O’Reilly – Group Leader
       John Ort
       Martin Ryan
       Staff: Chad Foster & Kay Scarborough

Functional areas: Intelligence, investigation/prosecution, prevention, and response
Policy implications: Communications, planning, governance, and resources

Group #2: Rhea Arledge
       Gary Cox
       Charles Jackson
       Ray Nelson – Group Leader
       Staff: Gary Cordner & John Mountjoy

Functional areas: Prevention, protection, response, and recovery
Policy implications: Communications/information sharing, resources, legal, and training

Day 2 – December 13

Breakout Reports and Workgroup Consensus
Breakout Group Leaders reported their group’s findings from Day 1. Fahy Mullaney facilitated a discussion of each group’s findings and led the group to consensus on the following functional areas and policy implications:

Functional Areas: (1) Intelligence/Information, (2) Investigation/Prosecution, (3) Prevention/Protection, & (4) Response/Recovery

Policy Implications: (1) Communication, (2) Resources, (3) Governance, & (4) Training

Workgroup Meetings - Agenda Discussion
Fahy Mullaney led a brief discussion about the agenda for the first Workgroup meeting and solicited suggestions from the Advisory Group.

Resources and Next Steps
Chad Foster reviewed the project resources and next steps for the Advisory Group.

Resources:
- Please send any supporting literature and/or external project efforts to Chad Foster.
- Website (Pre-Workgroup Meeting): A project Web site will be developed in Jan. ’04. The Web site will likely include:
  - Project description
  - Background information
  - Related literature (clearinghouse)
  - Innovation spotlight - monthly
  - Notice and summaries of case studies examinations
  - Links to related Websites and organizations

Next steps:
- Advisory Group members are asked to submit any final survey suggestions to Gary Cordner by January 7th
- Bi-monthly conference calls will be held for the Advisory Group during the following months: February, April, June, August
- Conference calls will include the following activities: project update, review survey results, decisions on case studies, Workgroup development, and agenda setting for the Workgroup meetings
- Workgroup Meetings #1 and #2 will be held during the Sept. – Nov. ’04 time frame