

The Role of the Police in Counterterrorism*

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ABSTRACT

This essay examines the impact of the 9/11 attack on policing, with particular attention to whether the counterterrorism activities of covert intelligence gathering and disruption are playing a larger role in the activities of regular, general-duties police agencies. The essay provides a comparison of national structures for conducting counterterrorism in leading democracies. Then, drawing largely on information from the United States, it explores the impact of counterterrorism post 9/11 on policing. It specifies factors that affect the strength of its impact. Finally, the essay discusses arguments for and against the involvement of police in covert terrorism prevention.

EXECUTIVE SUMMARY

(1) Most countries have specialized agencies separate from the police to engage in counterterrorism abroad.

(2) All democratic countries have created specialized agencies for the collection of domestic intelligence about potentially violent subversion.

(3) In our sample of countries, all national, that is, centralized, police services, engage in counterterrorism except Sweden.

(4) All countries with non-centralized police systems authorize regular, multi-purpose police agencies to undertake counterterrorism operations. There are no examples of specialized counterterrorism agencies at sub-national levels.

(5) Because of a lack of systematic information, it is impossible to say whether terrorism since 9/11 has changed the character of policing, especially with respect to terrorism prevention and intelligence gathering. Although counterterrorism intelligence gathering and analysis has increased generally, it is unclear whether traditional police activities have been redirected or deemphacized.

(6) Counterterrorism by police involves more than covert intelligence gathering and prevention. It can take ten distinct forms of activity: covert detection, disruption/dismantling of plots, risk analysis, target hardening, community mobilization, protection of persons and infrastructure, emergency assistance after attacks, order-maintenance during and after attacks, mitigation of damage, and criminal investigation of incidents.

(7) Whether general police agencies undertaken covert counterterrorism is a function of six factors: whether terrorism has occurred locally, governmental level at which policing is organized, size of police agencies, duration of exposure to terrorism, cultural tolerance of political dissent, and availability of new resources.

(8) Uninformed, general-duties police can contribute to covert counterterrorism in several ways: observation and contact during routine patrolling and law-enforcement, analysis of crime patterns indicative of terrorism

preparation, forming partnerships with local businesses and communities of interest, using local knowledge to assess the validity of intelligence produced by specialized counterterrorism agencies, contributing local expertise in covert surveillance and penetration, and developing informers through leverage over local criminals.

(9) At the same time, there are distinct disadvantages to using general police in covert counterterrorism: drawing scarce resources from traditional activities of serving and protecting, diverting local police talent and expertise from normal duties, undermining the legitimacy of local police by associating them with covert operations, and changing the mind-set of policing from viewing the public as clients to be helped to suspects to be watched.

(10) On balance, police agencies with general responsibilities for order-maintenance and crime prevention can contribute more to counterterrorism by focusing on their standard operations than developing specialized, particularly covert, counterterrorism capabilities.

CHAPTER TEXT

The catastrophic events of September 11, 2001, in the United States dramatically focused the attention of the world on the threat of terrorism. In fact, it launched what has been called the "global war on terrorism." This war is being fought by many agencies of government, military and civil, as well as by private security agencies and businesses. Its impact has been felt especially by the police, who, in most countries, bear primary responsibility for maintaining public safety. The impact has been especially strong in the United States where, as the International Association of Chiefs of Police (IACP) observed, homeland security "towers above" all other agendas (International Association of Chiefs of Police 2005). Even countries that had organized to fight terrorism much earlier than 9/11, such as Great Britain, Germany, and Israel, raised their alert levels and reappraised their preparedness.

Although few people would argue that the police should not be involved in counterterrorism, their precise role is unclear and indeed controversial. Some are concerned that expanding the police role in counterterrorism will change the character of policing in democratic states. In

particular, that police will emphasize covert prevention of terrorism to the neglect of publicly visible policing of individual criminal victimization (Kempa, Stenning and Wood 2004, O'Reilly and Ellison 2005). Policing of this kind has been called "high policing" (Brodeur 1983, Brodeur and Depeyron 1993).

High policing has two distinguishing features - its substantive focus and its methods. High policing targets what might be called macro-crimes, that is, crimes that are considered threats to society in general, such as drug trafficking and an illegal immigration, as opposed to micro-crimes that affect only individuals (Bayley 2006). In high policing, prevention is the key objective, utilizing the tactics of covert intelligence gathering, surveillance, and disruption. "Low-policing," by contrast, emphasizes prevention through visible patrolling and deterrence through the application of criminal law. High policing differs sharply from the standard practices of normal or "low" policing because it is less transparent, less accountable, and less careful with respect to human rights ((Crelistene 1998; Loader 2002; Sidel 2004; Thacher 2005; Wilkinson 2001). In general, high policing encourages a top-down command structure and changes the orientation of police from servicing to controlling the population.

At the same time, other people argue that full-service or general-duties policing should play a large role in counterterrorism, indeed, that it has unique advantages in a war on terror that should be exploited (Henry 2002; Innes 2006; Kelling 2004; Kelling and Bratton 2006). For example, general-duties policing provides unprecedented access to communities. Properly focused, it can obtain information about activities that are the precursors of terrorism. Furthermore, by being responsive to the mundane concerns of individuals, it raises the likelihood that the public will assist the police by providing information or accepting direction in the event of disasters. More particularly, routine policing can build bridges to communities that may shelter or give rise to terrorists. In short, the activities of low policing are not a distraction from counterterrorism but an essential "force multiplier."

So two questions about the future of policing arise out of the new emphasis on counterterrorism post 9/11. First: what has happened to policing since 9/11? In particular, has high policing replaced low policing? Second: what is the appropriate role for uniformed, full-service policing in counterterrorism? Should it undertake high policing? What are the advantages and disadvantages of doing so?

We cannot answer these questions fully in this essay. That would require a large-scale comparative assessment in many countries. We will, however, begin to explore answers to them by (1) describing national structures for conducting counterterrorism in leading democracies; (2) exploring the current impact of counterterrorism on policing; (3) specifying factors that affect the strength of this impact, especially the impingement of high policing on low policing; and (4) examine arguments for and against the involvement of normal police in terrorism prevention.

While we don't think it is necessary to define terrorism, it is necessary to state what we mean by counterterrorism. Counterterrorism will be used as a synonym for high policing, that is, it will refer to the covert activities of intelligence gathering and disruption directed against people considered to be terrorists. When we speak of police, we will be referring to agencies of law enforcement that operate exclusively within a country. This stipulation is necessary in order to distinguish police from the military whose unique responsibility is to protect countries from external threats. We will also confine our examination of terrorism's impact only to the public police, that is, to agencies of law enforcement that are authorized and maintained by government (Bayley 1985). The

impact of counterterrorism on private agencies is an important topic in its own right because they have a growing role in counterterrorism from intelligence gathering to prevention, damage mitigation, and post-event investigation (O'Reilly and Ellison, 2005). Indeed, there are even private companies that specialize in "high policing" (ArmorGroup, Control Risks Group, Kroll, and Risk Advisory Group).

NATIONAL MODELS OF COUNTERTERRORISM

We begin by asking who has responsibility for counterterrorism in Western democracies. In particular, is counterterrorism assigned to specialized agencies or to the police? If counterterrorism is a responsibility of the police, how are they organized to carry it out? Is it assigned to a dedicated unit or carried out by all personnel along with their other responsibilities? Finally, in large police organizations is counterterrorism concentrated at central levels of the organization or delegated to subordinate commands, especially dispersed geographical commands?

Most countries have specialized agencies entirely separate from the police that engage in counterterrorism abroad - collecting information, penetrating potential

terrorist and/or criminal groups, and taking preventive action. Such agencies rarely have exclusive jurisdiction for intelligence gathering abroad, but are supplemented by military as well as other civil agencies. Some of the specialized foreign intelligence agencies are actually run by the military, as in Italy (SISMI) and Sweden (MUST).

Although these agencies are important in the global war on terrorism, they are outside our purview because they are not police agencies. They do not have authority, by and large, to operate within the boundaries of their country.

<< Table 1 about here >>

What, then, is the division of labor with respect to counterterrorism within countries and, especially, is it a responsibility of police? In our review of democracies, the responsibility for counterterrorism - clandestine intelligence collection and disruption - is distributed domestically in four ways: (1) to a national agency specializing in counterterrorism, (2) to one or more national police services, and (3) to all police agencies at any governmental level. These modes of organization are not exclusive but may coexist in the same country.

<< Table 2 about here >>

All the countries in our review have created an agency that specializes in collecting domestic intelligence about potentially violent subversion - Australia (ASIO), France (DST), Israel (Shin Bet), Japan (PSIA), the United States (FBI). At the same time, they vary in their powers to take preventive action. Some do intelligence gathering only, such as the Canadian Security Intelligence Service (CSIS), Israel's Shin Bet, and Britain's MI5. They would not, then, fit common definitions of a police organization, which involves the application of constraint to individuals, as in arresting. Undoubtedly many of these services also undertake clandestine action to disrupt potentially violent subversion without invoking the power of arrest or detention. Information about these activities, and their legal status, is limited. A crucial topic for future research into comparative counterterrorism is the degree of visibility required under law with respect to proactive counterterrorism actions.

Some national counterterrorism agencies do have full police powers and can detain, arrest, and submit for prosecution - India's Central Bureau of Investigation (CBI), Italy's Intelligence and Democratic Security Service

(SISDE), Japan's Public Security Investigation Agency (PSIA), Spain's National Intelligence Center (CNI), Sweden's National Security Service (SAPO). For this reason, they should be regarded as police forces that specialize in counter-espionage. As is the case with foreign intelligence, domestic intelligence gathering is often supplemented by non-police agencies. These agencies tend, for the most part, to be associated with defense establishments.

In our review, all national, that is, centralized, police services engage in counterterrorism with the exception of Sweden. Counterterrorism in Sweden is the exclusive responsibility of the National Security Service (Sakerhetspolisen - SAPO). In other words, with one exception, centralized agencies of national government created expressly to be police, in the sense of being responsible for enforcing the law, also engage in counterterrorism. Their activities may be supplemented by specialized militarized counterterrorism "strike forces," such as the UK's Security Air Service (SAS), America's Delta Force, Canada's Task Force 2, France's Groupe d'intervention de Gendarmerie Nationale (GIGN), Germany's Grenzschutzgruppe 9 (GSG-9), and Spain's Grupo Especial de Operaciones (CEO).

All countries that authorize the creation of police at sub-national, decentralized levels require them to undertake counterterrorism operations. Indeed, all sub-national counterterrorism is carried out by police. There are no cases of agencies specializing in counterterrorism at sub-national levels. Thus, the police in all federal systems have counterterrorism responsibilities. The police in centralized systems may also delegate counterterrorism functions to subordinate levels of command for reasons of operational effectiveness. This occurs, for example, in France, Japan, and Israel. The UK is a special case. It doesn't have a federal system of government, nor does it have a national police force, but all of its 43 police forces have a dedicated intelligence capability (Special Branch) and, since 2004, a "Counter Terrorist Security Advisor."

In the United States, most of its 17,000 state and local police do not have specialized counterterrorism units. All police, however, undertake covert surveillance of some sort, generally as a part of crime control. Since 9/11, state and local police have been encouraged to participate in "Joint Terrorism Task Forces" led by the FBI. There are now approximately 100 of these, 65

established after 9/11 (Maguire and King 2006). Several of the larger American police forces collect their own foreign intelligence through liaison officers posted abroad. New York City, for example, has officers permanently assigned to London, Lyon, Tel Aviv, Hamburg, Madrid, and Toronto (Skolnick 2005).

In sum, police in all democratic countries, centralized and non-centralized, are authorized to engage in high as well as low policing. The extent to which they actually do so varies widely and, as we shall now see, is not well researched.

THE IMPACT OF COUNTERTERRORISM ON POLICE

There is universal agreement among police officials, academics, and other observers that terrorism has sharply impacted the activities of full-service police departments since 9/11. This is true not only in the United States but for police agencies around the world, even those with longer histories of dealing with terrorist threats.

Unfortunately, these assessments are for the most part unsystematic both in terms of the activities examined or the range of cases studied. As one would expect, most of the writing available in English about impact comes from the United States (Marks and Sun 2006, Anonymous 2006,

Kaplan 2006, Kerlikowske 2006, Skolnick 2005). Even that, however, is limited. As the International Association of Chiefs of Police observed, there is "very little information, suggesting that the areas of inquiry had not been addressed for scholarly study, or even popular treatment in print" (2005). It also noted that funding agencies of the U.S. government, which are the most likely sponsors of such research, appear not to be planning studies of counterterrorism's impact on police.

The IACP's own survey of changes in policing as a result of terrorism showed that 86% of forces reported operational or policy changes since 9/11 (2005). Most of these (48%) were in strategic planning with respect to national alerts, WMD response, risk assessment, and first-responding procedures. The other major areas of impact were in training, equipment, reorganization, redeployment, and interagency collaboration.

According to other observers, counterterrorism in the sense of high policing is still not a high priority in local American law-enforcement agencies. For example, few have created specialized counterterrorism units (O'Hanlon, 2005). This is not surprising, considering that the average size of an American police department is 42 sworn officers (Sourcebook of Criminal Justice Statistics 2003). By and

large, local law enforcement does not have the capacity to undertake intelligence gathering focusing on terrorism, nor could it analyze the information that might be collected (Riley et al. 2005). Most intelligence about terrorism comes from federal sources, apart from a few large cities like New York and Los Angeles.

The impact of terrorism on policing, however, involves more than high policing. Besides collecting intelligence and undertaking preventive actions, counterterrorism involves limiting the damage from terrorism and investigating, arresting, and prosecuting those who have done it (Bradley and Lyman 2006). It's important to remember that all terrorist attacks are local. This means that although some counterterrorism functions can be made the responsibility of dedicated units deployed at centralized levels of organization, police on the ground will necessarily become involved wherever terrorism strikes or is likely to strike. Counterterrorism impacts, then, almost all levels of policing to some degree.

If the police are to be effective in the war on terrorism, there are at least ten categories of police activity that could properly be considered counterterrorism.

- (1) Covert detection

- (2) Disruption/dismantling of terrorist plots
- (3) Risk analysis
- (4) Target hardening
- (5) Community mobilization for prevention
- (6) Protection of important persons and infrastructure
- (7) Emergency assistance at terrorist incidents
- (8) Order-maintenance when terrorism occurs
- (9) Mitigation of terrorist damage
- (10) Criminal investigation of terrorist incidents

Because the ways in which police may become involved in meeting the threat of terrorism are so varied and complex, a complete checklist of information required for determining the impact of the war on terror on policing would be very long. In order to make the job of comparing terrorism's impact on policing manageable, we propose the following select list of critical indicators, based on reports of the major adaptations made following 911.

<< Table 3 about here >>

Because changes enacted in response to terrorism are usually labeled as such, information about most of these items can be collected from either documents or interviews. We think that systematic data collection of this sort is

essential to understand the changes that have emerged in policing in democracies as a result of terrorism.

FACTORS AFFECTING THE IMPACT OF COUNTERTERRORISM ON POLICE

Terrorism does not impact the status and prominence of high policing in all police forces equally. We suggest that there are six factors that determine whether a police force alters its activities to include a greater number of high policing functions.

(1) Local incidents of terrorism. Because terrorist violence is frightening and traumatic, it requires visible response from government, the police, and other emergency services. In countries where terrorist threats are serious and where the attacks are common, high policing is likely to have a much larger place in police operations. This is clearly the reason why Israel and the UK have a long history of police involvement in homeland security and counterterrorism functions. In Israel for example, the police received their official mandate of responsibility for homeland security in 1974 following a particularly horrific terror attack at an Israeli school in Ma'alot and the more general rise of Palestinian terror. In the UK, the rise of Irish Republican terrorism played a major role

in pushing the police into high policing practices in the late 19th century(Critchley 1967).

After a dramatic terror attack the public will not accept business-as-usual, even if the probability of attack locally is low. This explains why there was a sudden growth of high policing practices after 9/11. The IACP's survey of changes in policing as a result of terrorism showed that 86% of forces reported operational or policy changes after 9/11 (International Association of Chiefs of Police 2005).

Furthermore, after a dramatic terror attack police responses will be affected by perceptions of local vulnerabilities. The greater the number of likely targets for terrorism, the greater will be preparations made by local police. Three-fourths of American police departments conducted risk assessments after 9/11, compared with only one-fourth that did so before (Davis et al. 2004). This variable probably correlates with size of jurisdiction, although not perfectly. Some very small jurisdictions may contain critical infrastructure such as nuclear plants or transportation hubs.

(2) The structure of police organization. The higher the governmental level at which police are organized, the more likely it is that preventive counterterrorism will be undertaken. Police agencies that are organized at a

national level, such as the Israeli or the French, appear to take on high policing tasks with greater ease than police organized in a decentralized way. As a corollary to this, it seems likely that local police which are decentralized units within a national organization are more likely to undertake high police functions than those which are independent..

This principle is clearly illustrated in the United States. The IACP survey found that ninety-five percent of state agencies reported change after 9/11, 85% of municipalities, and 77% of county sheriffs (International Association of Chiefs of Police 2005). Another American study found that 75% of state law enforcement agencies had specialized counterterrorism units versus only 15% at local levels (Riley et al. 2005).

3) The size of the police unit. Specialization of function can only take place in organizations of scale. This would explain in part why national police agencies in our survey are more likely to have specialized units that deal with high policing functions. One American study found that participation in joint federal/state/local terrorism task forces increased with the size of the local police agency (Riley et al. 2005). This is not surprising, considering that the average size of an American police

department is 42 sworn officers (Sourcebook of Criminal Justice Statistics 2003).

(4) Time under threat. Terrorism will have a greater impact on policing the longer a country has experienced it. Looking only at the period since World War II, Great Britain passed anti-terror legislation in 1974, amending it in 1989, 2000, 2001; France, 1986; Germany, 1976, 1978; Israel, 1945, 1977, 1980, 2002, 2003, 2005; Italy, 1975, 1980; Spain 1980. The United States, however, only recently faced the prospect of major terrorism at home, which is reflected in anti-terrorist legislation in 2001 and 2006. Before that, terrorism affected the police episodically in well-documented cycles of mobilization, alleged abuses of power, critical public reaction, and return to the status quo ante (Halperin, Berman, Borosage and Marwick 1976; International Association of Chiefs of Police 1976; Wilson 1978). When two American presidents were killed by Anarchists in the late 19th century (Garfield and McKinley), American police intensified their surveillance of European immigrants. Attorney General Palmer arrested hundreds of alleged subversives during the "Red Scare," 1919-1920, following the Russian revolution. And the FBI's COINTELPRO operations 1956-1968 attempted to destroy the Communist party and other "subversive" organizations, among

them the civil rights movement, the United Farmworkers Party, and the Committee to Abolish the HUAC following widespread violence in American cities in the mid-1960s and the growing anti-Vietnam War demonstrations and occasional bombings.

(5) Intolerance of political dissent. Acceptance of "high policing" occurs more frequently in countries where dissent is not tolerated, whether for ideological, cultural, or political reasons (Bayley 1985). Authoritarian governments, notably, view dissent as a threat, and therefore treat it with the tactics of high policing.

This principle is clearly complex and is mitigated by the other pressures that we have identified earlier. In England, which has longer experience with democracy than any modern nation, high policing in the form of Special Branch has been a part of local policing since the 1880s. In Israel, in turn, where significant dissent is tolerated in the political realm, often by groups challenging the legitimacy of the government, high policing is perhaps more prominent at the local level than in any other democratic regime. In both the UK and Israel, responses to terrorism have often led to strong criticism of violations of human rights and democratic principals undertaken in the name of national security (Amnesty International 2006; Ganor 2002;

Great Britain Home Office 2006; Haubrich 2003; Michaelson 2005).

(6) In countries which allow sub-national levels of government to develop autonomous police forces, such as federal systems (Brazil, India, Australia, Germany, the United States), local police may be required to do modify their operations by national laws, administrative directive, or inducements of money. For example, governments may enact new requirements for port security, protection of chemical and nuclear plants, or standards for participating in joint law-enforcement programs (Rockefeller Institute 2003). Similarly, local police agencies may emphasize counterterrorism because resources have been made available to do so (Howitt and Pangi 2003). Davis and colleagues report a positive correlation in the United States between counterterrorism preparedness and the availability of federal funding (2004).

Financial encouragement may, however, have limits. A study by the Urban Institute, Washington, DC, found that grants made by the Office of Community Oriented Police Services (COPS) did not cause police departments to establish community policing unless local police had already decided that they wanted to do so (Moore et al. 1999). A begrudging response may be true as well for

counterterrorism funding, although it seems reasonable to expect that counterterrorism funding will more powerfully alter the shape of policing because failure to do adapt could be so catastrophic.

In sum, the threat of terrorism impacts almost all police agencies in one way or another. Centralized and higher level police agencies will engage more in specialized counterterrorism intelligence gathering and surveillance (high policing) than local ones. But most will be affected by the need to analyze risk and to respond to terrorist attacks, to maintain order, to relieve distress, and to investigate incidents. The extent to which they do so is only partly under their control. Subordinate police in decentralized systems will have greater control over their adaptations than police in centralized systems. But even the police in decentralized systems may find themselves powerless in the face of directives, mandates, and events.

ADVANTAGES TO USING GENERAL-DUTIES POLICE FOR HIGH POLICING

It is obvious that full-service police agencies can make essential contributions to the war on terrorism in terms of preparedness planning, threat analysis of critical

infrastructure, target protection, first-responding, order-maintenance, and post-event criminal investigation.

Although not all frontline police agencies can do all of these things unassisted, their expertise and resources must be used. They are the first line of defense with respect to these tasks.

The more difficult question is whether general-duties police can contribute usefully to the distinctive actions of high policing, namely, intelligence collection, disruption, and apprehension. In this and the next section, we will examine the advantages and disadvantages of their doing so.

Low policing can contribute to high policing in six distinct and important ways.

(1) Uniformed police have more opportunities to observe activities that may be associated with terrorism than specialists, especially specialists not deployed routinely in local areas. In the United States, for example, there are approximately 708,022 full-time sworn police officers compared with 11,633 FBI Special Agents only about 2,200 of whom work directly on terrorism (Maguire and King 2006). In order to utilize these additional eyes and ears helpfully in the war on terrorism, police officers need to be trained to recognize likely

terrorists or precursor terrorist activities (Howard 2004; Posen 2001).

It has been estimated, for example, that 1 out of 5 Americans sixteen-years of age and older have one face-to-face contact with police each year. (Hickman and Reaves 2002). This amounts to almost 44 million contacts, 20 million of them in traffic stops. Timothy McVeigh, for example, was arrested and subsequently tried for the Oklahoma City bombing after being stopped by a Michigan State Trooper for having an invalid license plate (Runge 2003). Mohammad Atta was given a ticket by Broward County, Florida, sheriff's deputies for driving without a license four months before the attack on the World Trade Towers. Because he skipped his court appearance, a warrant was issued for his arrest (Maguire and King 2006). Two days before 9/11, a Maryland State Trooper stopped Ziad S. Jarra, who was on a CIA "watch" list, for speeding in Pikesville, Maryland. Although hindsight is always wiser than foresight, these examples show the remarkable extent of routine contact that police have with criminals, including potential terrorists (Finley 2006). Traffic stops can also uncover other activity associated with terrorism, such as the transportation of explosives. We now know that several of the 9/11 hijackers had previous contact with

local police. In May 2001, Nawaf al-Hazmi reported an attempted robbery in Fairfax, Virginia, but declined to press charges.

The same is true in Israel. In 2006 a young Palestinian raised the suspicion of two Israeli patrol officers near the old city in Jerusalem. He was stopped, questioned, and an explosive device was found in the bag he was carrying (Ranodi 2006).

(2) Police have access to information within communities that cannot be obtained by more remote, specialized intelligence agents (Clutterbuck 1994; Loyka et al. 2005; Lyons 2002; Wardlaw 1982). For example, they have more detailed knowledge of facilities that provide resources to terrorists, such as flight-training schools, explosives manufacturers, and providers of nitrogenous fertilizers (Rees 2006). Even more important, their routine activities put them in a position to observe activism among radical groups, the distribution of inflammatory literature, the movements of radical leaders, and people acting suspiciously near critical infrastructure (Davies and Plotkin 2005). Finally, criminal investigation into ordinary crimes, such as stolen vehicle or identify theft, may lead to terrorist networks (see Herzog 2003; Weisburd et al. In Press).

Local police are especially useful in cultivating informative relations with marginalized communities that may harbor, often unwittingly, potential terrorists (Lyons 2002). Because the usefulness of the police contacts depends on the trust they have engendered with local populations, their access is likely to be greater with relatively well-to-do communities than with others. This can be a serious handicap for counterterrorism intelligence-gathering. The implication, however, is not that local police shouldn't try, but that the "soft" strategies associated with community policing may play a critical, even unique, role in terrorism prevention, especially in disadvantaged communities.

This insight is being acted on by the London Metropolitan Police which has developed a program of local reassurance and contact the terror attack on London transport on July 7, 2005. Called "Safer Neighborhoods," it deploys approximately 4,000 police and civilian Police-Community Service Officers teams in all of London's 624 wards. Each team consists of one sergeant, two police officers, and from three to six PCSOs. Although the MET has also upgraded its high policing capability, it has notably enhanced its contact with communities rather than allowing

uniformed operations to be reduced. In the words of its Commissioner, Sir Ian Blair, national security requires neighborhood security.

(3) Analysis of ordinary crime patterns may reveal activities associated with terrorism, such as the theft of explosives, biological cultures, or protective clothing; the fraudulent use of personal identification; trafficking in drugs and people; and money-laundering (O'Hanlon 2005; Loyka et al. 2005) In Israel, for example, the police often work with the Military Police in investigating thefts of army equipment in part because of possible links to terrorism (Hare'1 2006; Rofe'-Ofir 2007; Shikler 2007; Yamin-Volbowitz 2007). As George Kelling observes, once terrorists are inside the country, "police - not the FBI or CIA - have the best tools for detecting and prosecuting these crimes" (Howard 2004).

(4) Local police are best positioned to develop partnerships in terrorism detection and protection with businesses and the growing private security industry (Howard 2004). These can be mobilized to protect important facilities and also to provide information about the purchase of chemicals and protective clothing as well as short-term rentals, especially for cash, of apartments, storage facilities, and motor vehicles. The potential for

a strong police/private security link in combating terrorism is especially apparent in Israel where the police are heavily involved in approving security measures and supervising security agencies responsible for protecting malls, entertainment venues, and other public spaces (Weisburd et al. forthcoming).

(5) By drawing on local knowledge, intelligence specialists can narrow their surveillance, interrogations, and penetration more quickly on likely suspects. As the FBI has found in the United States, they often have more leads than they can adequately investigate. Local knowledge as well as the investigatory manpower available to local police can quickly reduce these to the most promising.

(6) Local police may also be better able to work undercover without detection, perhaps off a federal watchlist, than agents brought in from afar (Hart and Rudman 2002; Travis 1999). This depends, of course, on the size of the jurisdiction because officers in small jurisdictions may be too well known to work effectively undercover.

(7) Because of their leverage over criminals, local police can recruit and monitor informants better than outside agents (Clutterbuck 1994). As Richman observes, "Every felony arrest is an intelligence opportunity and should be recognized as such" (2004-05). Kelling and

Bratton observe that when Israeli police officers come into contact with criminal suspects, their first priority is gathering intelligence while the prosecution of the case is secondary, and no incident is considered too minor for this (2006).

DISADVANTAGES TO USING GENERAL-DUTIES POLICE IN HIGH POLICING

Although there are some advantages to using local police for high policing, there are also distinct disadvantages both for policing generally and for counterterrorism in particular.

(1) Because police resources are limited, enhancing intelligence gathering capability by general-duties police through surveillance, covert penetration, and the use of informers may lead to the neglect of other important police responsibilities. In other words, there may be significant opportunity costs. This downside of high policing is particularly evident in Israel, where the impact of high policing on the ability of police to respond to crime problems has become a commonly voiced concern among police managers (Fishman 2004,

Weisburd, Jonathan, and Perry, forthcoming). Indeed, high policing has come to be seen by some as supplanting low policing activities.

Whatever the short term gain of high policing for police agencies, there can be an eventual public backlash to a growing emphasis on high policing. If local police begin to withdraw resources from activities that provide perceptible services to the public, such as uniformed patrolling, responding to calls-for-service, school liaison programs, and traffic regulation, public regard and support for the police may decline. This in turn can undermine the public's willingness to think of themselves as partners in preventing terrorism. Paradoxically, then, diversion of resources to high policing can jeopardize the comparative advantage that local police have in counterterrorism. This can be particularly damaging with respect to the very communities that "high policing" needs to focus on, such as transients, disadvantaged people, minority groups, and recent immigrants.

At the same time, it is important to bear in mind that the public in all public-safety emergencies looks for easily understandable solutions, something it can grasp that seems uniquely fitted to the task. In the war on terrorism, high policing is that solution, the "silver

bullet" in the war on terror. In the short-run, therefore, the public may applaud the development of local high policing and fail to notice a diversion of resources away from normal police service.

(2) Although high policing is undoubtedly needed in the war on terror, its injection into local policing can produce tunnel vision that undermines creativity in traditional areas of policing. For example, by opening up a "sexy" new career track, counterterrorism can lure ambitious officers away from the core activities that have connected policing to the communities they serve. Specialization in anti-terrorism and homeland security conveys status inside the police and may become a promising promotion-track. It is instructive that when community policing was promoted in the 1980s and 1990s, many officers thought its community-engaging activities were not "real police work," preferring to work more high-profile rapid response vehicles and to become detectives ((Weisburd and McElroy 1988, Weisburd, Shalev and Amir 2002, Braga and Weisburd 2006). Similarly, we believe that may be a tendency for officers to choose high policing over traditional low policing

(3) As previous campaigns of counter-espionage have shown, high policing is difficult to control. Because

protection from terrorism is so obviously a righteous cause, high policing can lead to the infringement of human rights, particularly the procedural protections of due process, and to the overzealous and sometimes illegal monitoring of speech, thought, and association. Big Brother replaces "serve and protect." The Israeli police have been the subject of repeated investigation and criticism (B'Tselem, 1990, 2001). The New York City Police Department is still under a consent decree with respect to civil liberty violations that pre-date 9/11. And the Denver Police Department has recently negotiated an agreement with the American Civil Liberties Union about the actions of its intelligence bureau (Richman 2004-05).

The problem is that a single episode of thoughtlessness or overreaching may undermine public trust. Perception is everything. The loss of public confidence is especially costly for the success of counterterrorism itself if it increases the alienation of minority and immigrant communities.

(4) High policing changes the mind-set of officers from service to suspicion, where people are viewed as suspects to be watched rather than individuals to be helped. George Kelling and Mark Moore (1989) have argued that American police evolved during the 20th century

through three distinct periods of reform - professionalism, constitutionalism, and community-involvement. By implication, if covert counterterrorism by local police is not handled very carefully, it could push the clock back, undoing decades of community consultation and involvement, collaborative problem-solving, and adherence to the rule of law.

The general point is that legitimacy is the bedrock of successful policing, whether in the control of ordinary crime or of terrorism. It can be lost by acts of omission as well as commission on the part of police. Using frontline police as high police can, ironically, jeopardize the very advantages that local policing has in the war on terror.

CONCLUSION

It is impossible to say with confidence whether the war on terrorism has changed the character of policing in developed democracies, in particular whether high policing has significantly impacted low policing. The evidence is fragmentary and impressionistic. It appears that specialized capabilities, especially for intelligence gathering and analysis, have been augmented in all countries. It is not at all clear how much traditional

frontline policing in the form of uniformed patrol, response to calls-for-service, and criminal investigation has been.

If we ranked the countries of our sample along a continuum from transformative impact to no impact at all, our impression is that general policing has been affected most in Israel and least in the United States. Despite 9/11, American police seem still be to searching for their role in counterterrorism. After convening three executive roundtables, the IACP observed that they had "failed to identify a body of promising practice information that even began to approach what was needed...or, more important, to supply the field with hoped for response to post 9/11 change and conditions" (2005:4).

Among the other English-speaking democracies, Great Britain seems to have adapted its policing more to the requirements of counterterrorism due largely to the terrorism associated with the "troubles" in Northern Ireland during the last 35 years. Australia, Canada, and New Zealand, cluster toward the American end of and India tends more to the intermediate position. Countries in Western Europe range somewhere in the middle of this continuum.

The critical question is whether a shift to high policing, especially by general-duties police agencies, in Western democracies should be applauded or prevented. As we have pointed out, there are reasons why uniformed, general-duties police should take on a greater role in the prevention and control of terrorism, in addition to their inevitable role in responding to terrorist events and ameliorating their impacts. Local police can be enormously helpful in detecting terrorist-related activity, building bridges to informants in critical communities, and in coordinating security responses between public and private agencies. At the same time, acting as high police may come at a cost that policy makers and the public should be aware of. It may lead to a decline in crime-prevention services to the general public and undermine the investigation of ordinary crime, thereby separating itself from the population in general and reducing the possibility of obtaining useful information about terrorist activities (Weisburd and McElroy 1988; Weisburd, Shalev and Amir 2002).

Taking stock of the advantages as well as the disadvantages of using general-duties police in counterterrorism, we believe that they can contribute more by focusing and fine-tuning their standard operations than

by creating specialized high policing capabilities. Customary activities by regular police represent a unique capacity for intelligence gathering while, at the same time, serving as the frontline for risk assessment and first-responding. But to do all this, the police will have to be cautious. There is no free lunch, and significant involvement by local police in high policing can come at a significant cost. This suggests that low policing and high policing should be conducted by separate personnel and perhaps by different levels of police. Such an approach would prevent high policing from overwhelming the low police functions that are crucial for the development of police legitimacy, thus serving the objectives of public safety against all threats, ordinary crime and disorder as well as terrorism.

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Table 1: National Models for Foreign Intelligence in Western Style Democracies

National Models: Foreign Intelligence

Australia (ASIS)	Australian Secret Intelligence Service
France	The General Directorate for External Security (DGSE) (Replaced the Direction de Documentation Exterieur et de Contre Espionnage (SDECE) in 1984)
Germany	Federal Intelligence Service (BND) Bundesnachrichtendienst
India	Research and Intelligence Wing (RAW)
Israel	Mossad
Italy	Intelligence and Military Security Service (SISMI)
Japan	Public Security Investigation Agency (PSIA) (Koan Chosa Koancha).
Sweden	Militära Underättelse- och SäkerhetsTjänste (MUST)
United Kingdom	MI6
United States	Central Intelligence Agency (CIA)

Table 2: National Models for Counterterrorism: Domestic Organizations

National Models: Domestic Organization		Intelligence	Disruption	Arrest/ Detention
1) Specialized National				
Australia	Australian Security Intelligence Organization (ASIO)	+	+	Limited
Canada	Communications Security Establishment (CSE)	+	-	-
	Canadian Security Intelligence Service	+	?	-
France	Direction de la Surveillance due Territoire (DST)	+	?	?
Germany	Federal Office for the Protection of the Constitution	+	-	-
	(Bundesamt für Verfassungsschutz - BfV)	+	?	?
India	Intelligence Bureau (IB)	+	-	-
Israel	Shin Bet	+	?	?
Italy	Intelligence and Military Security Service (SISMI)	+	-	-
	The Intelligence and Democratic Security Service (SISDE)	+	+	+
Japan	Public Security Investigation Agency (PSIA) (Koan Chosa Koancha)	+	+	+
	Binnelandse Veiligheidsdienst (BVS)	+	?	?
Netherlands	National Intelligence Center	+	+	+
Spain	Centro Nacional de Inteligencia	+	+	+

	(CNI)			
Sweden	Natioanl Security Service (Sakerhetspolisen) (SAPO)	+	+	+
United Kingdom	MI5	+	+	-

2) Specialized Stratified

There are no cases of countries creating specialized counterterrorism agencies at sub-national levels separate from the police

3) National Police

a) Single Agency

Australia: Australian Federal Police	+	+	+	+
Canada: RCMP	+	+	+	+
Germany: Federal Criminal Investigation Office (Bundeskriminalamt) (BKA)	+	+	+	+
Israel: National Police	+	+	+	+
India: Central Bureau of Investigation (CBI)	+	+	+	+
Japan: National Police Agency	+	+	+	+
Sweden: Swedish Police Services	-	-	-	-
United States: FBI	+	+	+	+

b) Multiple Agencies

France: Police Nationale Gendarmerie	+	+	+	+
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Italy: Guardia de Pubblica Sicurezza	+	+	+
Carabinieri			
Spain: Natioanl Police Corps (Cuerpo National de Policia)	+	+	+
Civil Guard (Cuerpo de la Guardia)			

4) Police: Stratified

Australia	7 State/Territory Police Forces	+	+	+
Canada	REMP on contract to provinces and municipalities	+	+	+
	Two provincial Police (Ontario, Quebec)	+	+	+
	200 Municipal Police			
Germany	State Police (Landerpolizei)	+	+	+
India	State Police			
	Municipal Police in several large cities	+	+	+
Japan	49 Prefectural Police	+	+	+
United Kingdom	43 Local police forces	+	+	+
United States	17,000 state and local police forces	+	+	+

Table 3: Data Categories for Assessing Police Involvement
in High Policing Functions

- (1) Creation of new organizational units.
- (2) Enhancement of existing functions to deal with terrorism (intelligence, protection, first responding, criminal investigation).
- (3) Increased funding explicitly for counterterrorism.
- (4) Reallocation of internal resources (money and people) to new counterterrorism duties.
- (5) Reorientation of traditional operations to counterterrorism requirements (crime analysis, patrol, use of informants, community crime-prevention).
- (6) Changes in crime-intelligence targeting, especially to new groups (Muslims, illegal immigrants).
- (7) Increased inter-agency planning and coordination.
- (8) Acquisition of specialized equipment for counterterrorism (personal hazmat protection gear, bomb-sniffing dogs, command-control technology).
- (9) Changes in the legal authorizations of the police with respect to human rights and procedural guarantees.
- (10) Unplanned expenses, in particular, overtime, sick leave, injuries, stress management, and line-of-duty deaths attributable directly to terrorism.