

COUNTER-TERROR INVESTIGATION AND LAW ENFORCEMENT

Capability Description

Counter-Terror Investigation and Law Enforcement is the capability that includes the broad range of activities undertaken by law enforcement and related entities to detect, examine, probe, investigate, and conduct operations related to potential terrorist activities. Current and emerging investigative techniques are used with an emphasis on training, legal frameworks, recognition of indications and warnings, source development, interdiction, and related issues specific to antiterrorism activities.

Outcome

Suspects involved in criminal activities related to homeland security are successfully deterred, detected, disrupted, investigated, and apprehended. All counterterrorism-related cases are aggressively prosecuted.

Relationship to National Response Plan Emergency Support Function (ESF)/Annex

This capability supports:

Terrorism Incident Law Enforcement and Investigation Annex

ESF #8: Public Health and Medical Services

ESF #9: Urban Search and Rescue

Preparedness Tasks and Measures/Metrics

Activity: <i>Develop and Maintain Plans, Procedures, Programs, and Systems</i>	
Critical Tasks	
PreC1a 1.1	Establish an infrastructure by which States and local governments can exchange terrorism and crime information
Pre.C1a 1.3	Develop, implement, and maintain an interagency or multi-jurisdictional training plan that ensures commonality in terrorism investigation subject matter being presented to law enforcement (State, local, tribal) and non-law enforcement (e.g., Department of Motor Vehicles, public health and safety) personnel
Pre.C1a 1.6	Develop, implement, and maintain a plan for using Federal specialized units or personnel in conjunction with an active investigation of a critical event
Pre.C1a 1.5	Develop a government-wide program to ensure that the armed services (e.g., maritime forces) and appropriate law enforcement agencies have the capability to operate together in a mutually supportive and complementary role
Pre.C1a 1.7	Develop procedures for conducting appropriate background investigations on personnel applying for sensitive positions in government, law enforcement, and the private sector

Preparedness Measures	Metrics
All Federal, State, local, and tribal law enforcement entities have established connections with appropriate Joint Terrorism Task Force (JTTF) field offices to establish routine and appropriate communications for all personnel	Yes/No
Larger jurisdictions or entities have identified a designated liaison with the JTTF	Yes/No
Smaller jurisdictions have a procedure in place to communicate with the JTTF, as needed	Yes/No
All Federal and tribal entities have established appropriate relationships (e.g., designated liaison, part-time liaison) with all JTTF offices	Yes/No
State and local law enforcement know how to contact the JTTF for any potential terrorism threat or activity	Yes/No
Processes and procedures for law enforcement at all levels to identify and respond to suspicious activities and persons through the appropriate channels are in place	Yes/No
Processes and procedures for law enforcement at all levels to identify individuals planning and coordinating terrorist-related activities are in place	Yes/No
Processes and procedures for law enforcement at all levels to apprehend and interdict terrorist suspects are in place	Yes/No
Processes and procedures for law enforcement at all levels to gather, catalogue, and preserve evidence for prosecutorial purposes and attribution are in place	Yes/No
Federal entities have established standard procedures and processes for conducting terrorism-related investigations	Yes/No
Law enforcement at all levels use memoranda of understanding (MOU) to facilitate the conduct of an ongoing investigation	Yes/No
Investigative policies, procedures, and processes are reviewed on a periodic basis	Yes/No
The U.S. Department of Homeland Security (DHS) and Department of Justice/Federal Bureau of Investigation (DOJ/FBI) provide a comprehensive list of Federal, State, local, and tribal resources available to all law enforcement entities and provide updates as appropriate	Yes/No
An investigative liaison or mechanism to communicate targeted information needs/requirements to information collectors is in place	Yes/No
Notification processes and procedures to share information to/from Federal, State, local, and tribal officials regarding an on-going investigation are in place	Yes/No
A mechanism for tracking leads from Federal, State, local, and tribal officials has been developed and is maintained so that all entities can view where the information is being taken for action	Yes/No
State, local, and tribal plans have been revised to include all required changes from the National Incident Management System (NIMS) and National Response Plan (NRP)	Yes/No
Investigative personnel are familiar with the Terrorist Incident Annex to the NRP	Yes/No
Plans and protocols for sharing incident-specific information from Federal partners with State, local, and tribal authorities, Emergency Operations Centers (EOCs), and other pertinent entities are in place	Yes/No
A mechanism for conveying among entities the prevention efforts taken by Federal, State, local, and tribal officials is in place	Yes/No

State, local, and tribal law enforcement either possess or have access to special operations teams (e.g., SWAT teams)	Yes/No
Standard policies and procedures for deploying special operations teams are in place	Yes/No
Sufficient specialized units or personnel exist within the State, local, and/or tribal jurisdictions to ensure coverage of at least two simultaneous contingencies	Yes/No
State, local, and/or tribal jurisdictions develop and maintain formal MOUs, policies, or procedures for accessing specialized units or personnel in an emergency	Yes/No
Formal MOUs, policies, or procedures that clearly define the duties and responsibilities of Federal specialized units/personnel are in place	Yes/No
Appropriate agencies conduct background investigations on individuals applying for sensitive positions in government, law enforcement, and the private sector	Yes/No
A mechanism for State, local, and tribal law enforcement entities to request/authorize that specific Federal specialized units or personnel be assigned to conduct joint operations is in place	Yes/No
DHS/DOJ/DOD develop and maintain a U.S. Government (USG) plan to attain and maintain USG counterterrorism capabilities in a maritime environment	Yes/No
DHS/DOJ/DOD identify and implement common doctrine and equipment for the maritime environment	Yes/No
Designated personnel have an identified source for and access to basic personal protection equipment (e.g., Chem/Bio protective mask, protective over-garments)	Yes/No
Appropriate processes, procedures, and plans for notifying proper authorities in the event of chemical, biological, radiological, nuclear, and explosive (CBRNE) hazards/threats are in place	Yes/No
Procedures/protocols are in place for relaying CBRNE-related lab analysis (e.g., type, quantity, lethality) to FBI laboratory entities are in place	Yes/No
Information flow plans/process for onsite personnel and detection capabilities are developed for rapidly relaying investigative information	Yes/No

Activity: <i>Develop and Maintain Training and Exercise Programs</i>	
Critical Tasks	
Pre.C1a 2.1.1	Train appropriate investigative personnel in the proper use of personal protective equipment (PPE)
Pre.C1a 2.1.2	Provide training in general safety procedures for a variety of potentially hazardous environments
Pre.C1a 2.1.3	Develop and implement interagency terrorism-investigation training plan that ensures commonality in terrorism investigation
Pre.C1a 2.2.2	Design and conduct exercises to test Counter-Terror Investigation and Law Enforcement tasks within a single unit and jointly with other jurisdictions and levels of government
Preparedness Measures	Metric
Federal entities identify and/or develop training and education courses that they will make available for all State, local, and tribal entities in the areas of interviewing techniques and	Yes/No

cultural awareness training	
Appropriate law enforcement personnel are trained in the FBI 12-step process of evidence collection/preservation	Yes/No
State, local, and tribal personnel are trained and educated regarding the Federal assets that are available to them	Yes/No
State, local, and tribal personnel are trained in appropriate Federal responsibilities in prevention and investigation matters	Yes/No
Training is tailored to address regional trends/issues by State, local, and tribal officials	Yes/No
Training is repeated/updated at least on a periodic basis	Yes/No
Appropriate personnel are trained in cultural awareness as it relates to terrorism	Yes/No
Appropriate personnel were trained to recognize criminal activity (e.g., money laundering) that could be exploited by terrorists and/or related to terrorism investigations	Yes/No
Appropriate personnel are trained in source recruitment and development	Yes/No
All law enforcement personnel are educated and trained to recognize terrorist techniques and procedures, including suspicious criminal and non-criminal activity and indicators	Yes/No
Designated personnel are trained to recognize indicators of a hazardous or contaminated environment	Yes/No
Designated personnel are trained in the proper use of personal protective equipment (PPE)	Yes/No
All relevant personnel receive safety awareness training from appropriate agencies or units (e.g., HazMat, bomb squad, military EOD unit)	Yes/No
Appropriate personnel are trained and educated on the NIMS	Yes/No
Communication mechanisms are routinely tested via discussion-based and operations-based exercises, tabletop exercises (TTX), and functional exercises (FX) to ensure they are operating effectively	Yes/No
DHS/DOJ/DOD develop and test interoperability capabilities through joint training and exercises	Yes/No
Training plans are developed independently or in cooperation with other jurisdictions, per Federally defined guidelines	Yes/No
All jurisdictional training plans designate a centralized training facility and/or lead agency responsible for joint training programs	Yes/No
All jurisdictional training plans establish a mechanism for notifying/updating participating agencies of training opportunities and scheduling	Yes/No
Federally sponsored training programs utilize train-the-trainer methods as appropriate to enable the broadest possible reach to all levels of government	Yes/No
Federally developed awareness training programs relating to legal responsibilities and limitations, preservation of potential or suspected crime scenes, and control/custody of evidence (videotapes, documents, etc.) are offered to non-law enforcement (public safety, code enforcement, public health, and private sector security)	Yes/No
Agencies adhere to established policies regarding training intervals and requirements	Yes/No
All State, local, and tribal jurisdictions provide DHS with a list of their cultural awareness training needs, in order of priority	Yes/No

Performance Tasks and Measures/Metrics

Activity: Conduct Investigations	
Definition: Carry out effective investigations of criminal/suspicious activities potentially related to terrorism	
Critical Tasks	
Pre.C1a 3.5	Recognize terrorism indications and warnings that arise during the course of investigations
Pre.C1a 3.6	Conduct targeted outreach with private businesses related to an investigation
Pre.C1a 3.7	Engage in effective source development activities, including maintaining source confidentiality
Pre.C1a 3.9	Implement proper procedures and processes when conducting terrorism-related investigations
Pre.C1a 3.9.1	Follow standard crime-scene procedures
Pre.C1a 3.5.2	Maintain ability to address CBRNE hazards that may be encountered during the course of an investigation
Pre.C1a 3.9.2	Gather, catalogue, and preserve evidence for prosecutorial purposes and attribution
Pre.C1a 3.2.1.2	Coordinate with officials from critical infrastructure, key resources, and the private-sector to facilitate an investigation
Pre.C1a 3.5.1	Recognize indicators and warnings of potential terrorist-related activity during criminal investigations
Performance Measures	Metrics
Intelligence related to high-risk infrastructure or an acute threat is prioritized and reported as soon as it is observed during the course of an investigation	Yes/No
Percent of law enforcement investigators who are able to recognize and address onsite CBRNE hazards encountered during the course of an investigation	100%
FBI Hazardous Materials Response Unit (HMRU) collects evidence, processes material/evidence, and identifies the source or precursors of CBRNE	Yes/No
Law enforcement notifies industry/facilities of the process to identify and report suspicious material, activity, or personnel related to the ongoing investigation	Yes/No
Law enforcement personnel coordinate with critical resource infrastructure, key resource, and private-sector officials to facilitate an investigation	Yes/No
Law enforcement personnel follow-up with a reporting organization if more information is necessary	Yes/No
Law enforcement investigators receive timely threat and intelligence information	Yes/No
Law enforcement contacts the local Joint Terrorism Task Force (JTTF) when a connection to terrorism is discovered during a criminal investigation	Yes/No
Law enforcement uses investigative information to identify potential vulnerabilities/target lists	Yes/No
Law enforcement notifies Federal, State, local, and tribal governments how to identify and report suspicious material, activity, or personnel related to the ongoing investigation	Yes/No
All appropriate entities ensure that sources and methods remain confidential throughout the investigative process	Yes/No

Activity: <i>Share Information Related to Investigations</i>	
Definition: Receive, develop, and share information to aid in an investigation	
Critical Tasks	
Pre.C1a 4.1	Identify and maintain liaisons with appropriate lead Federal terrorism investigation entities. (i.e., JTTF)
Pre.C1a 4.2	Conduct targeted outreach with private businesses, industries, and facilities to assist an investigation
Pre.C1a 4.2.1	Conduct targeted outreach with Federal, State, local, and tribal governments to assist an investigation
Pre.C1a 4.3	Establish, use, and maintain clear lines of reporting for information related to ongoing investigations
Pre.C1a 4.1.1	Contact JTTF in a timely fashion when any nexus to terrorism is discovered
Pre.C1a 4.3.1	Share investigation-related information across jurisdictions and among law enforcement and other agencies as appropriate
Pre.C1a 4.3.2	Deliver investigation-related information through pre-established channels appropriate for the originating source
Pre.C1a 4.3.3	Follow-up with reporting entity if more information is necessary
Pre.C1a 4.4	Provide investigators with timely threat and intelligence information
Pre.C1a 4.5	Follow legal protocols on handling and disseminating information related to an ongoing investigation
Performance Measures	
	Metrics
Information provided by all sources is delivered through pre-established channels appropriate for the originating source	Yes/No
Information provided by all sources meets predefined standards for accuracy, completeness, and consistency	Yes/No
All appropriate entities follow legal protocols on handling and disseminating information related to an ongoing investigation	Yes/No

Activity: <i>Deploy Specially Trained Personnel</i>	
Definition: Deploy and use specialized units/duly authorized and specially trained personnel for search, seizure, and/or intervention/interdiction operations	
Critical Tasks	
Pre.C1a 5.1	Maintain access to special operations teams (e.g., SWAT teams)
Pre.C1a 5.1.2	Maintain access to personnel with specialized skills (e.g., foreign language fluency)
Pre.C1a 5.1.1	Dispatch special operations teams according to standard policies and procedures
Pre.C1a 5.2	Conduct tactical deployment

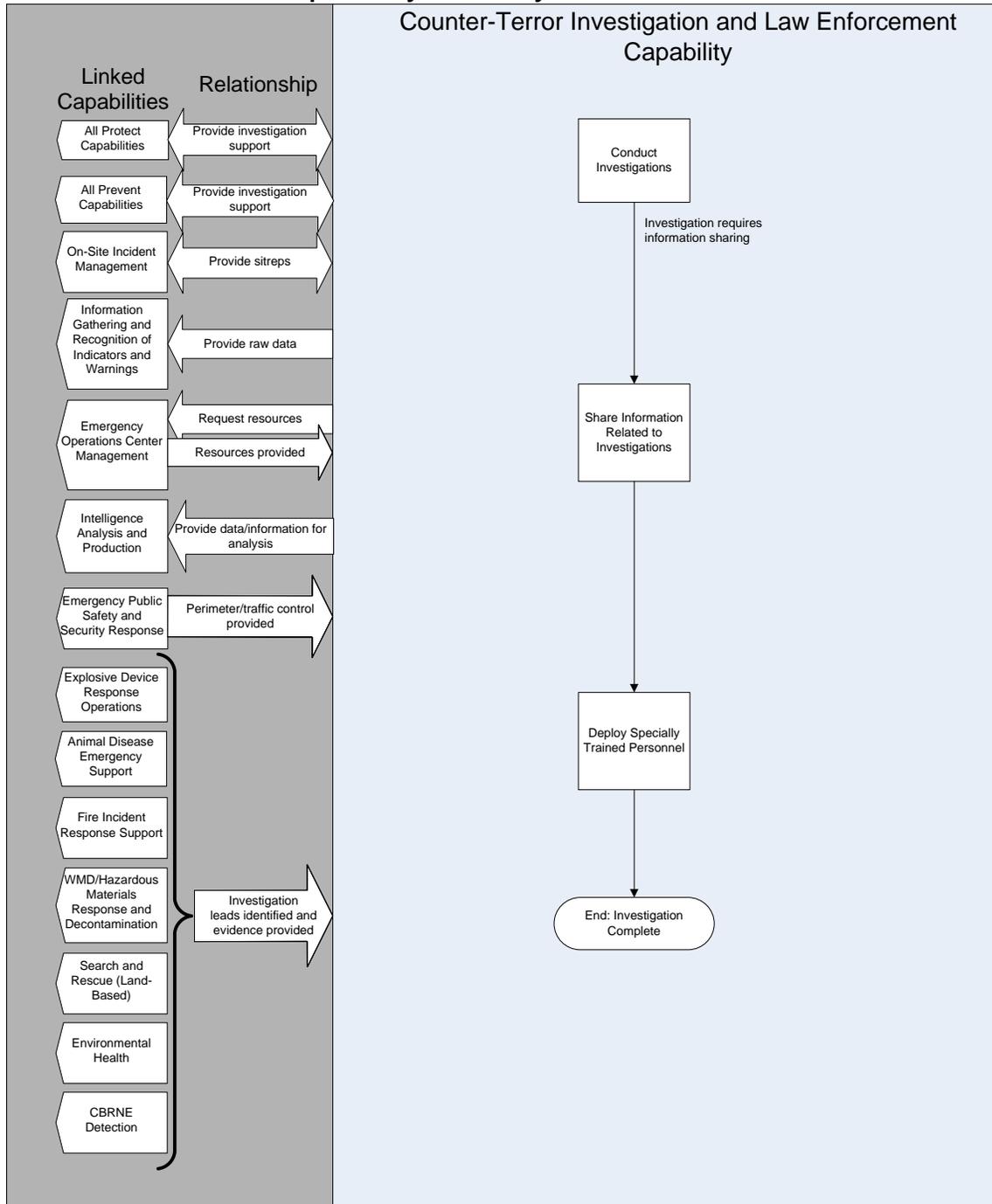
Pre.C1a 5.3	Conduct surveillance of suspects	
Pre.C1a 5.4	Secure incident scene	
Pre.C1a 5.5	Assess incident and develop action plan	
Pre.C1a 5.6	Conduct hostage negotiations	
Pre.C1a 5.7	Determine and don appropriate PPE	
Pre.C1a 5.8	Conduct tactical entry to disarm, detain, or otherwise render harmless the suspects in accordance with the use of force policy/rules of engagement	
Pre.C1a 5.9	Execute search and seizure procedures	
Pre.C1a 5.9.1	Apprehend suspects	
Pre.C1a 5.11	Conduct mission debrief	
Pre.C1a 5.9.2.1	Translate documents and discourse and conduct interviews in languages other than English when appropriate	
Pre.C1a 5.10	Immediately share intelligence information from an operation and archive all data in appropriate formats to allow for quick retrieval for subsequent analysis and investigation	
Performance Measures		Metrics
Percent of personnel who demonstrate basic knowledge of minimum safe distances and how to establish adequate perimeter, containment and decontamination procedures		100%
State, local, and tribal law enforcement deploy special operations teams		Yes/No
Law enforcement agencies access personnel with advanced foreign language capabilities		Yes/No

Linked Capabilities

Linked Capability	Relationship to Capability
All Protect Capabilities	Counter-Terror Investigation and Law Enforcement and the Protect Capabilities provide each other with investigative support dependent on the nature of the investigation
All Prevent Capabilities	Counter-Terror Investigation and Law Enforcement and the remaining Prevent Capabilities provide each other with investigative support dependent on the nature of the investigation
On-Site Incident Management	Counter-Terror Investigation and Law Enforcement and On-Site Incident Management provide each other with situation reports
Information Gathering and Recognition of Indicators and Warnings	Counter-Terror Investigation and Law Enforcement provides raw data to Information Gathering and Recognition
Emergency Operations Center Management	Counter-Terror Investigation and Law Enforcement requests resources from Emergency Operations Center Management. Emergency Operations Center Management provides Counter-Terror Investigation and Law Enforcement with resources.
Intelligence Analysis and Production	Counter-Terror Investigation and Law Enforcement provides information for analysis

Linked Capability	Relationship to Capability
Emergency Public Safety and Security Response	Emergency Public Safety and Security Response provides Counter-Terror Investigation and Law Enforcement s with crowd and traffic control
Explosive Device Response Operations	Explosive Device Response Operations provides Counter-Terror Investigation and Law Enforcement with investigation leads and evidence
Animal Disease Emergency Support	Animal Disease Emergency Support provides Counter-Terror Investigation and Law Enforcement with investigation leads and evidence
Fire Incident Response Support	Fire Incident Response Support provides Counter-Terror Investigation and Law Enforcement with investigation leads and evidence
WMD and Hazardous Materials Response and Decontamination	WMD and Hazardous Materials Response and Decontamination provides Counter-Terror Investigation and Law Enforcement with investigation leads and evidence
Search and Rescue (Land-Based)	Search and Rescue (Land-Based) provides Counter-Terror Investigation and Law Enforcement with investigation leads and evidence
Environmental Health	Environmental Health provides Counter-Terror Investigation and Law Enforcement with investigation leads and evidence
CBRNE Detection	CBNRE Detection provides raw data for Counter-Terror Investigation and Law Enforcement

Capability Activity Process Flow



Resource Element Description

Resource Elements	Components and Description
Investigative personnel	Law enforcement personnel involved in the conduct of investigations of criminal/suspicious activities
JTTFs	Task forces formed at the local level and composed of persons from various government and private elements (e.g., law enforcement, public health, local businesses, key infrastructure representatives, emergency management and other first responders)
Liaisons to JTTFs	A government person, designated by larger jurisdictions, to liaise with the community's JTTF
Evidence collection personnel and equipment	Law enforcement personnel trained in the FBI 12-step process of evidence collection/preservation.
Forensic analysis personnel and equipment	Personnel and equipment at all levels of government involved in the analysis of evidence collected from a crime scene or elsewhere
“Train the trainer” programs	Programs to train on Federal assets and roles and responsibilities, terrorism indications and warning in criminal investigations, and recognition of hazardous materials/threats

Planning Assumptions

- Prevention consists of those activities that serve to detect, deter, and disrupt terrorist threats or actions against the United States and its interests. These activities decrease the perpetrators’ chance of success, mitigate attack impact, minimize attack visibility, increase the chance of apprehension or detection, and obstruct perpetrators’ access to resources. Tasks in this area are important regardless of a single type of threat, adversary capability, time, or location of incident. Similarly, these capabilities reflect many tasks routinely undertaken by law enforcement and related organizations as they conduct traditional all-hazards, all-crimes activities.
- This capability applies to all potential terrorist incidents and is applicable to all 12 terrorism-related National Planning Scenarios. Initial planning, however, has been focused on bombing using improvised explosives device, chlorine tank explosion, aerosol anthrax, improvised nuclear device, and a radiological dispersal.
- Effective prevention depends on timely, accurate, and actionable information about the adversary, their operations, their support, potential targets, and methods of attack. Homeland security intelligence/information fusion is the overarching process of managing the development and flow of information and intelligence across all levels and sectors of government and the private sector on a continual basis. Although the primary emphasis of fusion is to identify, deter, and respond to emerging terrorism-related threats and risks, a collateral benefit to Federal, State, local, and tribal entities is that it will support ongoing efforts to address non-terrorism-related, all-hazards, all-crimes issues.
- Both the Planning Factors for a Single Incident section and the Approaches for Large-Scale Events section have been omitted because there is no incident or large-scale event that necessarily occurs before these capabilities come in to play.

Planning Factor Assumptions

- Intelligence/information fusion is an ongoing, cyclical process that incorporates three primary capabilities: Information Gathering and Recognition of Indicators and Warnings; Intelligence Analysis and Production; and Intelligence and Information Sharing and Dissemination.
- All appropriate objectives and critical tasks will be exercised regularly at all levels in order to measure performance and demonstrate capability.

Planning Factors for a Single Incident

Not Applicable

Approaches for Large-Scale Events

Not Applicable

Target Capability Preparedness Level

Resource Element Unit	Type of Element	Number of Units	Unit Measure (number per x)	Lead	Capability Activity supported by Element
Investigative personnel	Personnel	As Needed (to be determined by Agency)		Federal/State/Local	Conduct investigation Share Information Related to Investigations
JTTFs	Personnel	As Needed (to be determined by Agency)		Federal (DOJ/FBI)	Conduct investigation Share Information Related to Investigations Deploy Specially Trained Personnel
Liaisons to JTTFs	Personnel	As Needed (to be determined by Agency)		Federal/State/Local	Conduct investigation Share Information Related to Investigations Deploy Specially Trained Personnel
Evidence collection personnel	Personnel	As Needed (to be determined by Agency)		Federal/State/Local	Conduct Investigation
Forensic analysis personnel	Personnel	As Needed (to be determined by Agency)		Federal/State/Local	Conduct investigation

Resource Element Unit	Type of Element	Number of Units	Unit Measure (number per x)	Lead	Capability Activity supported by Element
“Train the trainer” programs	Training	As Needed		Federal	Conduct investigation Share Information Related to Investigations Deploy Specially Trained Personnel

References

1. *The Office for Domestic Preparedness Guidelines for Homeland Security: Prevention and Deterrence*. U.S. Department of Homeland Security, Office for Domestic Preparedness. June 2003. <http://www.ojp.usdoj.gov/odp/docs/ODPPrev1.pdf>.
2. Homeland Security Presidential Directive/HSPD–8: National Preparedness. December 2003. <http://www.whitehouse.gov/news/releases/2003/12/20031217-6.html>.
3. *National Response Plan*. U.S. Department of Homeland Security. December 2004.
4. *National Incident Management System*. U.S. Department of Homeland Security. March 2004. <http://www.dhs.gov/interweb/assetlibrary/NIMS-90-web.pdf>.
5. *Crime Scene Investigation: A Guide for Law Enforcement*. U.S. Department of Justice, Office of Justice Programs. 1999. <http://www.ncjrs.org/pdffiles1/nij/178280.pdf>.
6. *Handbook of Forensic Services*. U.S. Department of Justice, Federal Bureau of Investigations Laboratory Division. 2003. <http://www.fbi.gov/hq/lab/handbook/forensics.pdf>.
7. *ODP WMD Training Program: Enhancing State and Local Capabilities to Respond to Incidents of Terrorism*. U.S. Department of Homeland Security, Office for Domestic Preparedness. 2001. <http://www.ojp.usdoj.gov/odp/docs/coursecatalog.pdf>.
8. *NFPA 921: Guide for Fire and Explosion Investigations*. National Fire Protection Association. 2004. <http://www.nfpa.org/aboutthecodes/AboutTheCodes.asp?DocNum=921>
9. *NFPA 1033: Standard for Professional Qualifications for Fire Investigator*. National Fire Protection Association. 2003. <http://www.nfpa.org/aboutthecodes/AboutTheCodes.asp?DocNum=1033>