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JSOU Report 10-6 Convergence: SOF and Civilian Law Enforcement Alexander

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Convergence: Special Operations Forces and Civilian Law Enforcement

John B. Alexander
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On the cover. The commonalities between the Special Forces soldier in training and the Las Vegas Special Weapons and Tactics (SWAT) officer engaged in executing a high-risk search warrant are remarkable. The equipment is nearly identical.

JOINT SPECIAL OPERATIONS
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Convergence: Special Operations Forces and Civilian Law Enforcement

John B. Alexander

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Foreword

John B. Alexander's monograph about the convergence of Special Operations Forces (SOF) and civilian law enforcement activities is timely considering the U.S. Government's revamped strategies to promote more capable and effective governments and improve security in southwest Asia. The strategic concept includes fully resourcing security training for military and police forces.[1] U.S. strategic objectives envision two outcomes: a) governments that can provide effective internal security with limited international support and b) military and police security forces that can lead the counterinsurgency and counterterrorism fight with reduced U.S. assistance.[2]

If Dr. Alexander's thesis is correct—that adequate training is needed for SOF to conduct missions involving police-like activities—other nations' security forces also will require much the same training in order to effectively provide for their countries' internal security and deal effectively with the challenges of combating terrorism and insurgency. Dr. Alexander asserts that success in southwest Asia will hinge, in part, upon U.S. and host-nation military operations that effectively incorporate some police-type tasks (e.g., gathering and securing evidence) and law enforcement operations by police units that require military-like support (e.g., armored protection and heavy weapons).

This monograph invites us to consider another dimension of the convergence of police and military activities. Because SOF typically supports host-nation internal defense and development activities, it seems likely that they will be more involved in assisting with police training—an activity that falls principally to the civilian police (CIVPOL) programs of other U.S. and international agencies such as the U.S. Department of State Office of Civilian Police and Rule of Law, the United Nations Office of Rule of Law and Security Institutions, and the CIVPOL program of the Organization for Security and Cooperation in Europe. Sound law enforcement procedures during counterterrorism actions on the objective can demonstrate U.S. commitment to the rule of law and propel military information support operations in directions that enhance the legitimacy of host-nation governments. If the U.S. policy continues to identify terrorism as a criminal act, unlawful violence, or a

violation of the criminal laws of a country, Dr. Alexander's argument for appropriate police training for SOF seems unassailable.

Beyond the nuances of a revised strategy for the region, the United States will remain committed to the "core goal to disrupt, dismantle, and … destroy extremists and their safe havens" in southwest Asia and the world.[3] In this regard, the convergence of SOF and civilian law enforcement techniques, training, and operations will be an important factor.

Kenneth H. Poole
Director, JSOU Strategic Studies Department

About the Author

Dr. John Alexander has been a leading advocate for the development of nonlethal weapons since he created renewed interest in the field in 1989. In 2003 he served as a mentor to Afghan Ministry of Defense senior officials through the Office of Military Cooperation Afghanistan, (Coalition Forces) Kabul. He now serves as a senior fellow with the JSOU Strategic Studies Department.

Entering the U.S. Army as a private in 1956, he rose through the ranks to sergeant first class, attended Officer Candidate School (OCS), and was an infantry colonel in 1988 when he retired. During his varied career, Dr. Alexander held many key positions in special operations, intelligence, and research and development. From 1966 through early 1969 he commanded Special Forces "A" teams in Vietnam and Thailand. His last military assignment was as director, Advanced System Concepts Office, U.S. Army Laboratory Command. After retiring from the Army, Dr. Alexander joined Los Alamos National Laboratory where he was instrumental in developing the concept of nonlethal defense. As a program manager, he conducted nonlethal warfare briefings at the highest levels of government including the White House staff, National Security Council, members of Congress, director of Central Intelligence, and senior defense officials. He has met with heads of industry and presented at academic institutions, including Columbia, Harvard, and the Massachusetts Institute of Technology (MIT). Dr. Alexander has spoken on all continents, including to the German Bundestag and members of the Chemical Weapons Convention in The Hague.

Dr. Alexander organized and chaired six major conferences on nonlethal warfare and served as a U.S. delegate to four NATO studies on the topic. As a member of the first Council on Foreign Relations nonlethal warfare study, he was instrumental in influencing the report that is credited with causing the Department of Defense (DoD) to create a formal nonlethal weapons policy in July 1996. He was a distinguished guest lecturer at the U.S. Air Force Air University and has advised the Central Intelligence Agency, United States Special Operations Command (USSOCOM), and the National Intelligence Council.

Dr. Alexander wrote the seminal material on nonlethal warfare. He has published articles in *Harvard International Review*, *Jane's International*

Defense Review, T*he Boston Globe*, T*he Futurist*, *The Washington Post*, and several other journals.

Dr. Alexander received a B.GS. in Sociology from the University of Nebraska at Omaha, an M.A. in Education from Pepperdine University, and a Ph.D. in Education from Walden University. He later attended the Anderson School of Management at University of California, Los Angeles (UCLA), the Sloan School of Management at MIT, and the Kennedy School of Government general officer program "National and International Security for Senior Executives" at Harvard University. In addition to many military awards for valor and service, Aviation Week & Space Technology selected him as a 1993 Aerospace Laureate and in 1997 inducted him into the Hall of Fame at the National Air and Space Museum in Washington. He received a Department of Energy Award of Excellence for the Nuclear Weapons Program in 1994 and is listed in *Who's Who in America*, *Who's Who in Science and Engineering*, and *American Men and Women of Science*. In 2001 he was named to the *OCS Hall of Fame* at Fort Benning, Georgia. During 2001 and 2002 he was a member of the National Research Council Committee for Assessment of Nonlethal Weapons Science and Technology, and he was recently with the Army Science Board.

Currently Dr. Alexander is a private consultant. His books include *The Warrior's Edge* (William Morrow & Co, 1990), *Future War* with foreword by Tom Clancy (St. Martin's Press, 1999), and the sequel *Winning the War* (2003). His other JSOU Press monographs are *The Changing Nature of Warfare, the Factors Mediating Future Conflict, and Implications for SOF* (April 2006) and *Africa: Irregular Warfare on the Dark Continent* (May 2009).

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Many people from both USSOCOM and civilian law enforcement agencies participated in the study. The members of various Special Forces and SEAL teams, as well as Special Boat teams, who provided information based on personal experiences, chose to remain anonymous. Their contributions are greatly appreciated as are those of the USSOCOM Headquarters staff. Identified is Mr. Mike Bottoms of the USSOCOM Public Affairs (PA) Office, who assisted in providing SOF photos.

Extensive assistance was provided by the Las Vegas Metropolitan Police Department (LVMPD) including Sheriff Doug Gillespie, Assistant Sheriff Mike McClary, Deputy Chief Greg McCurdy, the Homeland Security Division, Captain Kirk Primas and all members of the Gang Crimes Bureau, and Senior Crime Scene Analyst Monte Spoor of the Crime Scene Investigation Section. Special thanks go to Lieutenant Mike McCrimon, tactical commander of Special Weapons and Tactics (SWAT), and his entire unit for providing detailed information and allowing me to accompany them on operations. In addition, Lieutenant Larry Burns, the former LVMPD SWAT commander, provided a great deal of background and conceptual data. He currently serves as the executive officer to Sheriff Gillespie.

Several members of the Los Angeles Sheriff's Department (LASD) also contributed. Considerable assistance was provided by my long-time friend, retired Commander Charles "Sid" Heal, who was the former head of the LASD Special Enforcement Bureau (SEB). Sid is also a retired CW5 of the United States Marine Corps (USMC) Reserve with extensive combat experience with ANGLICO units. Great effort in providing photos was afforded Captain Mike Parker. Also assisting in that effort was Captain Marv Washington, commander of SEB, and Sergeant Baudino.

Thanks also go to Detective Ralph Morton, now retired from the Los Angeles Police Department, who spent considerable time training members of the USMC both in the U.S. and Iraq. Morton graciously allowed me access to his material and briefed our study group of the Army Science Board. In addition, Lieutenant Mike Kirschner (also a major in the U.S. Army Reserve) and Lieutenant Mark Alexander of the Palm Beach County Sheriff's Department (West Palm Beach, Florida) assisted in the preparation and review of this monograph.

Convergence: Special Operations Forces and Civilian Law Enforcement

1. Introduction

In recent years there has been an apparent convergence of the operations conducted by Special Operations Forces (SOF) and those of civilian law enforcement agencies (LEAs), especially Special Weapons and Tactics (SWAT) units, in what were formerly separate and distinct missions. The requirements to obtain warrants prior to execution of raids for high-value targets, collect and preserve evidence for criminal prosecution, and on occasion present testimony in courts of law are new missions for SOF. They are not relatively simple changes in the rules of engagement or comparable techniques. As far as can be determined, previously no U.S. military combat arms unit has ever been tasked with such a mission during combat operations. The thesis is straightforward; if such missions are to continue, then consideration must be given to adequate training for them.

In addition, the dangers faced by civilian LEAs in the U.S. have been constantly escalating. Many criminals are equipped with fully automatic weapons and in some areas conducting small-unit operations. The response to these threats requires additional SOF-like civilian units within LEAs. As such, SOF and LEAs will be competing for personnel from a limited subset of the American population.

The purpose of this monograph is to examine the elements precipitating this circumstance, provide SOF with a better understanding of changing domestic threats and operational capabilities of LEAs, and draw insights from the similarities and challenges imposed by transnational gangs and terrorists both domestically and abroad. The monograph will argue that SOF need new skills and training to assume the law-enforcement-like missions they are being assigned. In addition, it will provide leaders of major LEAs a better understanding of special operations and potentially facilitate a basis

for future cooperation and mutual support. The monograph is written as a forward-looking document and a harbinger of emerging trends; some are quite clear, and others more subtle, but all worth contemplating, especially by those engaged in planning for the future of SOF. It is also argued that the public attitude toward conflict is changing and perhaps the legal underpinnings on use of force as well.

An important issue surfaced while conducting interviews with special operations personnel from various elements concerning assigned missions. That topic was how many of them reported being asked to conduct functions in Iraq that were very similar to those found in U.S. civilian law enforcement. These assignments were found at various operational levels from those involved in direct action and capture of high-value targets to liaison with Iraqi law enforcement at varying levels of headquarters. It is noted some officers believe such tasks and constraints to be inappropriate for SOF; however, that discussion is not relevant to this monograph. The missions have occurred, are ongoing, and likely to represent a trend for the future.

Those SOF having been assigned law enforcement-like missions were asked about any police techniques training they had received prior to arrival in country; they usually responded that they had none. A few, mostly from the reserve components, were civilian law enforcement officers recalled to active duty and had been trained through police academies. The majority of respondents, however, indicated they had learned on the job. It is only because SOF are inherently adaptive and innovative that they were able to perform as well as they did.

The military aspect of this trend was also noted in a U.S. Marine Corps War College student paper in 2008. Both authors—Alan Ivy, a supervisory special agent in the FBI, and COL Ken Hurst, a Special Forces commander—had extensive experience in Iraq and encountered these situations. In their paper they correctly asserted:

> The merging of law enforcement and combat operations is producing a fundamental change in how the Department of Defense (DoD) is conducting combat operations. The global war on terrorism (GWOT) is forcing combat soldiers to collect evidence and preserve combat objectives as crime scenes in order to prevent captured enemy forces from returning to the field of battle. The military has been slow to codify the doctrinal and equipment changes that support the

> incorporation of law enforcement techniques and procedures into military operations.[4]

The problem of integrating law enforcement activities into stability operations has been identified at the most senior levels. It is noted in a *The Guardian* published by The Joint Chiefs of Staff (JCS). The authors assigned to the JCS J3 stated:

> Although not the federal lead for LE, DoD must integrate and support LE as a critical plank in the U.S. effort to combat terrorism and as a growing enabler for combat operations in Iraq and Afghanistan. The problem, however, is that DoD has not designated a 'top cop' with the vested authority to establish LE policy, to integrate and synchronize dispersed DoD LE operations, and to improve DoD's interagency coordination and cooperation within the federal LE enterprise.

However, they approach the issue from the perspective of established military police organizations. Nowhere do they address the issues facing SOF who often execute these operations.[5]

Training is an essential ingredient for both SOF and LEAs, and a significant amount of time is devoted to those activities. There are, however, some subtle differences in the objectives of training programs. The emphasis of police academies many years ago was on providing recruits the skills necessary to perform their assigned duties.[6] That instruction focused on the operational techniques required and was very similar to training conducted by SOF elements. LEA training has shifted to a focus on protecting the agency from civil liability. While the basic skills are taught, the students are required to validate every aspect of the training process. In that process each student acknowledges that they have been formally taught the subject matter. A change in personal liability for SOF will be addressed as an emerging trend, and training supervisors may need to learn how LEAs document their processes. Skills are transmitted, and the shift in emphasis is subtle. However, based on the missions being assigned in fighting terrorism, and propensity for institutions to protect themselves, additional training documentation may be an emerging trend.

The key factors creating the convergence of missions appear to be the increasingly dangerous threats faced by civilian law enforcement personnel and the U.S. Government's propensity to address terrorism, perpetrated in

combat zones, as criminal activities that are to be brought before courts of law. The implications for SOF include the following:

a. More competition for high quality personnel from a limited resource pool
b. Forecasting the need for additional operational skills
c. Establishing new training requirements
d. The potential for dramatic changes in legal constraints, especially within the territorial boundaries of the United States
e. Increased personal liability for SOF operators.

Traditionally the roles and missions assigned to LEAs versus SOF are distinctly different. Police agencies are usually constituted from the local population; their mission statement often reads, *To Protect and to Serve*.[7] In other words, they are domestic in nature and inwardly focused while arduously striving to be viewed as an integral part of that community. The vast majority of the nearly 18,000 LEAs are small departments; 80 percent have fewer than 25 personnel. With a few exceptions they tend to have limited jurisdiction based on prescribed geographic boundaries at the city, county (or parish), and state level. Less than 5 percent of the nearly 105,000 sworn officers have national jurisdiction.[8]

By contrast, most U.S. military organizations are large, externally focused and designed to deter potential threats to the country or to defeat any adversary that attacks our citizens or national interests. Historically the functions of the military and LEAs have been legally different. Based on concerns about the misuse of the overwhelming power that military elements wield, the Posse Comitatus Act was passed. Specifically, this act prohibits the use of federal military forces inside the domestic boundaries of the U.S. except for certain exigent circumstances, and it requires Presidential authority to invoke the provisions set forth. However, events of the past decade have brought increased dangers to all Americans and a near blurring of the lines between law enforcement and military operations.

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On the side of LEAs, threats to local police have escalated with more sophisticated weapons having been introduced on the streets of our cities.

Local and international gangs have precipitated a level of violence in some precincts that is unparalleled in our nation's history, even dating to the notorious crime syndicates of the early 20th century. The response by many LEAs has been to organize and train specialized units, commonly called SWAT teams, which often have capabilities to perform operations that bear striking resemblance to small unit military operations.

Figure 1. Los Angeles Sheriff's Department SWAT team members training for small-unit tactics in the Mojave Desert. LASD photo.

Conversely, many SOF units, especially those functioning in Iraq, now operate in a combat environment under unprecedented constraints. Only a few years ago, who would have thought that military units would be required to obtain warrants before apprehending high-value targets, or involved in securing and documenting forensic evidence, let alone testifying in foreign civilian courts. Yet the time has come—that is, legal requirements are the new norm, and the convergence of SOF and LEAs is easily observable.

Among the driving forces that inspire this similitude is the penchant to define terrorism as an extension of criminal activities. For example, the FBI defines a terrorist incident as follows:

> … a violent act or an act dangerous to human life, in violation of the criminal laws of the United States or of any state, to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social goals.[9]

The DoD also offers a similar definition; it states that terrorism is "the calculated use of unlawful violence or threat of unlawful violence to inculcate fear;

intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological."[10] Thus when the United States Special Operations Command (USSOCOM) was designated the lead agency for combating what was termed the *global war on terrorism (GWOT)*, the propensity for labeling terrorist acts in criminal legal language actually perpetuated an operational environment more akin to law enforcement than traditional military operations. However, a crucial element that did not change with the advent of GWOT—now termed *overseas contingency operations*—was the training and preparation of special operations units. To assume and perform the new roles and missions aimed at capturing suspects, collecting evidence, and then presenting testimony in court, SOF personnel must receive specific training that does not happen now.

Obviously this monograph on convergence of SOF and LEA activities is based upon the structure of these organizations in the United States where the use of the military within the borders is prohibited except under explicit circumstances. As previously noted, the governing rule for U.S. DoD officials is called the Posse Comitatus Act.[11] While the use of military force has restrictions, often they have been misconstrued and are probably not as ominous as many officers believe. A lengthy discussion of the current ramifications can be found in an article by Commander Gary Felicetti and Lieutenant John Luce in *Military Law Review*.[12]

Other structures are employed by foreign countries to organize the forces for the purpose of internal security and maintenance of social order. As an example, Brazil has a large Military Police organization (*Policia Militar*) that is responsible for internal security and works with the regular civilian police. Among the subelements of this large organization is the Police Special Operations Battalion (BOPE).[13] This organization trains to most of the SOF skills found in the Brazilian Army. This organizational strategy is one of many used in other countries. The point is that foreign readers must extrapolate the concepts in this monograph and apply them to the organizational structure that exists in their country.

2. Escalation of Threats to Law Enforcement

Unless directly involved in the U.S. criminal justice system, most people, including SOF, have only a vague notion of what has been transpiring in communities across the nation. Over the past few decades the level of threats confronting law enforcement officers, especially those performing patrol duties, has steadily increased. A few signal events stand out as punctuation points in the escalation of criminal resistance. They include the 1997 shootout in North Hollywood, an assassination in June 2008 in Phoenix, and the international incident during December of that year in Mumbai, India.

American citizens are extremely well armed. The long held affinity for possession of firearms was considered so important that the right of ownership was protected by the Bill of Rights to the U.S. Constitution. Records show over 200 million guns are in private hands, including 70 million handguns. These weapons are not evenly distributed and in one state, Texas, there is an average of four guns for every man, woman, and child.[14] While gun violence tends to be concentrated in major urban areas, this proclivity has been spreading across the country.[15] Currently even small towns may be subject to violent acts that were previously almost unheard of in those domains.

Also of concern are the types of weapons that are now found on the streets of many cities. For example, in Palm Beach County, Florida, a suspect bailed out of his car after a high-speed chase and successfully evaded capture. The trunk contained full body armor and several weapons, including a customized .50-caliber sniper rifle capable of penetrating the engine block of an automobile. The driver was later determined to be a known assassin wanted by Interpol. The officer's 9-mm handgun would have been no match should a shootout have occurred.[16] Unfortunately, this event can no longer be considered unique. Similarly, fully automatic weapons, though illegal in most jurisdictions, are increasingly getting into the hands of gang members and experienced criminals.

North Hollywood, February 1997

The execution of a bank robbery on 28 February 1997 in North Hollywood, California stands out as a punctuation point in the annals of law enforcement history. On that day Larry Eugene Phillips and Emil Matasareanu were spotted emerging from the Bank of America branch office on Laurel Canyon

Boulevard they had just robbed. Wearing full body armor reinforced with metal plates, they then blatantly engaged the police in a shootout that would leave ten police officers and seven civilians wounded, some severely. While most shootings involving law enforcement officers end quickly, this firefight went on for 44 minutes. It ended only when Phillips died of a self-inflicted gunshot and Matasareanu was wounded in an unprotected area in his lower legs. He died at the scene, a point that led to legal action concerning why he had been allowed to bleed out. In fact, medical attention was withheld as police were uncertain about the security of the area.

The unique aspect of this case was the body armor worn by the robbers, including coverings for their heads. This body armor was of sufficient strength to be nearly impervious to any of the traditional weapons, including 12-gauge shotguns, carried by the responding Los Angeles Police Department (LAPD) and their SWAT team. Reinforced with internal metal plates protecting vital organs, the robbers were able to stand in the street and take hit after hit with near impunity.

Phillips and Matasareanu had come to the bank carrying their own arsenal that included three fully automatic Romanian AK-47 copies, an illegally modified AR-15 fitted with a drum magazine that held 100 rounds, plus assorted handguns. Having robbed several armored cars in previous years, they were known to police for the heavy armament they carried. Anticipating a potential armed confrontation at the bank, they brought along over 3,300 rounds of ammo. Unlike the LAPD ammunition, the perpetrators had some rounds containing steel cores that could penetrate the relatively light body armor worn by the various responding agencies.

Supported by helicopters that provided critical information about the tactical situation, over 300 police officers from several agencies responded. During the fight Phillips and Matasareanu had fired over 1,100 rounds. In return, the police had fired in excess of 650 rounds, some of which did manage to penetrate the perpetrators body armor. However, much of the impact was degraded and they had both taken drugs to mitigate pain and anxiety prior to the robbery.

Television news helicopters also came to the area and braved the possibility of being shot. Therefore, there was considerable film footage taken of the incident following the 9:17 a.m. robbery as the criminals were outside the bank and attempting to maneuver to get away. The fighting was not restricted to the immediate bank area, but covered several blocks. What is

clearly observable in that film is the puffs emanating from the bullets striking these individuals yet having almost no visible effects.[17]

In the review that followed this incident, serious attention was given to the differential in firepower available to the criminals and that afforded to LAPD and other LEAs. As a result the DoD sent 600 surplus M-16s to that department. In addition, LEAs across the United States followed suit and added heavier sniper rifles and automatic weapons to their inventories.

This incident sent shockwaves throughout LEAs across America. Not only did LAPD increase the armament available to patrols but every major department scrambled to get heavier weapons. Many small departments authorized additional rifles, even if the officers had to purchase them out of their own pocket.

Phoenix, June 2008

Violence in drug-related crime is hardly unusual. However, some of the aspects of such an assault that took place on 22 June 2008 in Phoenix are worth examining. The attack involved a squad of six to eight shooters in two vehicles, at least one of which resembled a dark-colored SWAT SUV. All attackers were dressed in black boots, black uniforms and were wearing body armor that reportedly bore Phoenix Police markings. In addition, they wore ballistic helmets, an article rarely found in street crime.

Just before 11 p.m., armed with fully automatic AR-15s with Aimpoint sights, the raiders attacked the house at 8330 West Cypress employing fire and maneuver tactics. Over 100 rounds were fired in the assault; one occupant of the building, Andrew Williams, was killed.[18] According to police reports, the house was sprayed with bullets.[19] Being a residential area, the Phoenix Police Department was quickly notified of the shooting. Coincidentally, Special Assignment Unit officers were patrolling in the area; hearing the commotion, they hastily responded to the scene of the shooting. While en route they were successful in locating one of the fleeing vehicles and initiated pursuit.

The suspect's vehicle stopped, and the shooters rapidly disembarked. However, rather than leaving the area immediately on foot, they set up firing positions and were prepared to ambush the local police. Fortunately, an air unit equipped with infrared sensors was in the vicinity and was able to warn the officers on the ground of the impending danger. Other units in the area quickly established an outer perimeter, thus surrounding

the criminals. As a result, three suspects were taken into custody. One of the assailants, Daniel Garcia-Saenz, was found to be an American citizen; the other two, Manuel Garcia-Trejom and Rodolfo Madrigal Lopez, were Mexican nationals illegally in this country.

The use of military-style assault tactics clearly indicates that these criminals had received considerable training. Although it was initially claimed that they were, or had been, members of the Mexican Army, that was not substantiated. This type of organized assault occurs in drug-related robberies in Mexico, but previously had not been witnessed north of the border. The willingness of the criminals to ambush pursuing police, rather than running off, is a further indication of preparedness and training. While such actions are seen in Hollywood movies, they are extremely rare in real law enforcement chases. Prosecutors, who are seeking the death penalty in this case, noted that the fact they masqueraded as police officers was another complicating factor as such behavior undermines the ability of both civilians and law enforcement officers to accurately determine the legitimacy of responding units.

The willingness of the criminals to ambush pursuing police, rather than running off, is a further indication of preparedness and training.

Previously U.S.-trained Mexican military personnel have switched loyalties to support drug cartel operations. The most significant case was when a Mexican Special Forces unit formed Los Zetas, defected en mass, and became the enforcement arm of the Gulf Cartel.[20] They have since expanded their organization substantially and even risen up to challenge their previous employers in an attempt to become drug lords themselves.

The objective of the attack in Phoenix was to secure drugs believed to be held by Williams. Across the country drug dealers ripping off each other is not uncommon. However, those actions are usually taken one-on-one or small groups gaining access to the person or area rather than forcibly taking the drugs. In numerous cases the victims, other drug dealers themselves, have been found shot execution style—a bullet in the back of the head. However, shooting up a neighborhood and use of fire and maneuver is new and different.

In this case the type of relative sophisticated, paramilitary-style, criminal activity represents another incremental increase in the similarities of

threats between civilian law enforcement activities and some of the military operations executed by SOF in combat missions.

Mumbai, November 2008

Well before 2008 U.S. law enforcement officials described multiple attacks in public areas, such as shopping malls and schools, to be their *nightmare scenario*.[21] However, even their wildest planning exercises did not envision the events that took place in Mumbai, India from 26 to 29 November 2008.

Beginning on 26 November 2008, at least ten near simultaneous attacks occurred in Mumbai, India's largest city with approximately 14 million inhabitants.[22] The financial district in South Mumbai experienced eight of the attacks. The targets were quite varied and included the Chhatrapati Shivaji Rail Terminal, Cama Hospital, the Metro Cinema, St. Xavier's College, the Orthodox Jewish-own Nariman House, the Leopold Café, and two hotels: the Taj Mahal Palace and the Oberoi Trident. Well away from these South Mumbai sites, there was also an explosion in a taxi at Vile Parle near the airport.[23]

Just as the locations varied, so did the means of attack. While the majority of the casualties were produced by gunfire at fixed targets, the attackers also employed placing time-delayed bombs in taxis. Worth noting is the reported timeline of the initial attacks.[24]

9:15 p.m.	Five terrorists attack the Leopold Café with AK 47s and grenades.
9:20	Two men on a motor scooter throw a grenade at a gas station, then run into the Nariman House, killing two people and taking hostages (including a rabbi).
9:24	Gunmen open fire at the CST (Chhatrapati Shivaji Terminus) railway station, killing a number of people. The terrorists then run out of the station.
9:30	Several terrorists walk into the Taj Mahal Palace through a service entrance, fire on the crowd, and throw grenades. They are specifically looking for European and Americans. They take more than 100 hostages.
9:35	The terrorists attacked the Oberoi Trident in the same manner as the Taj Mahal attack.
9:55	The taxi in the Vile Parle suburb explodes from a previously placed bomb.
10:15	Terrorists in a stolen car drive up to Cama Hospital and fire both inside and outside the building. Several people are killed including a police inspector and two constables.
10:45	Another taxi is blown up in Wadi Bundar, killing the occupants and wounding bystanders.
10:50	At the Girgaum port, police confront and kill gunmen confronted there. There they discover two rib-type boats filled with more explosives.

Two of the attacks were not simple hit-and-run events. At both targeted hotels, the Oberoi Trident and the Taj Mahal Palace, the terrorists came prepared to take hostages and fight for several days. In fact, order was not restored for 3 days and ended only when all but one of the remaining terrorists had been killed. The total number of terrorists who took part in this operation is not known, but estimates range from 12 to 25 attackers. There were probably other personnel involved in training, planning, and logistics that have not been identified. It is highly likely that on-site reconnaissance had been made by some of the attackers during the months of preparation required to execute such a complex mission.[25]

As it turned out, several members of the European Parliament Committee on International Trade and other officials from foreign and domestic governments were in the Taj Mahal Palace at the time of the attack, raising the political significance of the event even higher. Following several initial explosions, and the acknowledged killing of some terrorists, it was incorrectly assumed that the event had been terminated. Unbeknownst to police and military, three or more terrorists remained holed up in the hotels with a number of hostages. In addition to those held captive, a substantial number of hotel guests and staff were hiding throughout the buildings.

The terrorists turned out to be from Pakistan and had infiltrated by sea. Indications were that they had received local support, but proof of collusion by Indian nationals was hard to come by. In addition to weapons and explosives, their preparation included bringing high energy food and a compliment of drugs, such as cocaine and steroids, to sustain their strength for several days. Although contacted early on by Indian officials who were prepared to negotiate, the terrorists showed no interest in establishing a dialogue.

Using modern technology, they had used Google Earth as an additional means of familiarization and had a GPS map and satellite phone.[26] During the first few hours the terrorists monitored the Indian reaction via television coverage. When that was discovered, the transmissions in the area were blocked. Conversely, as the attacks unfolded, some of the victims inside the buildings managed to get messages out to friends using text messaging.[27]

The terrorists were identified as Pakistani nationals and attributed to a proscribed group known as Laski-e-Toiba. The direct connection to Pakistan, though immediately suspected by Indian authorities, was initially denied, but later confirmed as the evidence supporting that conclusion became over-

whelming. A complicating factor, the nationality of the attackers brought additional tension to a historically difficult political relationship.[28]

In an additional twist, in December 2009 the FBI arrested an American of Pakistani heritage on charges that he materially assisted Lashkar-e-Taiba in planning this attack. While the defendant, David Headley, pled not guilty, the indictment indicated that he had scouted the targets in Mumbai for as much as 2 years before the incident. It was also claimed that he had searched the local ports in order to locate the landing site for the terrorists. It was noted that his Caucasian physical appearance helped him hide his Pakistani background and assisted in his freedom of movement in India. This turn of events points to the length, complexity, and international aspects of the planning for this attack and notes that terrorists cannot be spotted definitively based on their physical characteristics.[29]

Although the local police conducted the initial response to these attacks, the Government of Maharashtra recognized that the problems were larger than could be contained by local forces. Therefore they quickly requested support from the National Government for a contingent of the National Security Guards (NSG), which is specifically trained for counterterrorism operations. It was the actions by the NSG that ended the 3-day attack.[30]

By about 8:30 a.m. on 29 November, hostilities were over. A total of 173 people died during the 3 days of these events. That included nine of the ten known terrorists, with the remaining one in custody. Of the civilians killed, 26 were foreigners from ten different countries including Australia, Germany, Japan, Italy, and the U.K. Of the hostages killed, a number bore marks of torture that preceded their death. In addition to those fatalities, 308 people were injured in the attacks.[31] Throughout the entire ordeal, some of the hostages managed to escape. At least 500 people were rescued, primarily from the two large hotels.

Of course, India is no stranger to terrorist attacks. Of particular note was the sophisticated incident that took place on 11 July 2006, also in Mumbai. That action saw seven bombs detonated within 11 minutes along the Suburban Railway system. Timed to hit rush hour, the terrorists of the same radical Islamic, Pakistani-based organization, Lashkar-e-Taiba, managed to kill 209 people and injure over 700 others. Because of the constant threat of terrorist attacks, Indian officials have worked to ensure that coordination is accomplished by a variety of responding units. Specifically, the civilian police can be reinforced with Indian SOF elements on relatively short order.

Those Who Come to Die

Most hostage negotiation strategies are based on the premise that the hostage-taker wants to remain alive and receive something in exchange for the people he or she is holding. Therefore, in general, terrorists who enter planned hostage situations make allowances for an escape route or guarantees of safe passage when they finally relinquish hold of their captives. Note that criminals who take hostages unexpectedly when they become trapped are a different category. In general, they have not thought through escape mechanisms and make up their plans for a next step on the spur of the moment. Still, for the most part they choose to live rather than killing their hostages and when offered a way to surrender, will take it.

An exception to accepting a survival option is the person who is intent on committing suicide, but does not want to perpetrate the final act themselves. Instead they place law enforcement officers in an untenable position that will likely end in their demise. Known as *suicide by cop*, it is not rare, and an estimated 10 percent of all police shootings are premeditated by the victim.[32, 33]

In the 1960s a spate of aircraft hijacking occurred around the world. There were 82 aviation hijackings in 1969 alone. For the years following there were an average of 41 such events per year, leading to significant changes in how passengers were screened prior to entering an aircraft. Many of them ended with either the terrorists arrested or being allowed to leave the country. Rarely were there concerns that the hijacker was suicidal and prepared to kill himself along with the passengers and crew.[34] Thus the strategy was to get the plane safely on the ground and then negotiate.

In previous fairly large-scale terrorist events, negotiations were conducted; part of the proposed deal usually was that the attackers be allowed safe passage out of the country. The kidnapping of the Israeli athletes by Palestinian *fedayeen* (self-sacrificer) members of Black September, at the 1972 Olympic Games in Munich, is one such example. Although in the end, hostages and terrorists died in a failed rescue attempt, the stated goal of Black September was to obtain the release of 234 Palestinians and non-Arabs that were imprisoned in Israel. In addition, they wanted Andreas Baader and Ulrike Meinhof, the creators of the infamous terrorist group that bore their names, to be let out of jails in Germany.[35, 36] An indication that the attackers were not suicidal was that they asked for their safe passage to Egypt.

A rescue attempt failed, most likely due to the inexperience of the German team involved. All of the hostages and terrorists ended up dead or wounded. While a few of the wounded terrorists were captured and imprisoned, they were subsequently traded in another hijacking of a Lufthansa passenger plane just a few months later. However, most importantly, dying or capture was not the initial intent of the operation. They wanted to leave the operation alive.

Other lessons for SOF came out of the botched rescue attempt. Foremost was that such an operation required highly skilled counterterrorism specialists. You cannot kluge together an ad hoc team that has never trained together for such an operation and expect to safely negate a determined adversary.

Another example of negotiating with terrorists was the hijacking of Trans World Airlines (TWA) Flight 847, a Boeing 727 aircraft, taken on the morning of 14 June 1985 by Lebanese Shia Islamists. The initial act was perpetrated by only two terrorists who had smuggled weapons aboard the plane. The terrorists took control of the plane over Greece and first directed it to Beirut, Lebanon. There passengers were exchanged for fuel and more than ten additional terrorists joined the original hijackers.[37] The plane was allowed to leave and went to Algiers, Algeria, but returned to Beirut. At that stop, U.S. Navy diver Petty Officer Robert Stethem was severely tortured, shot, and dumped on the tarmac. He was the only fatality in this hijacking and was singled out because he was an American serviceman.

The primary purpose of the hijacking of TWA 847 was to attempt to negotiate the release of 766 Lebanese Shia being held in Israel. The incident lasted 4 days, from 14 to 17 June 1985, and the aircraft made several flights during that period. During periods on the ground, groups of hostages were released, though some remained in captivity in war-torn Beirut. Eventually all were released, and Petty Officer Stethem was the only casualty.

The hijackers survived and were later arrested on other charges. Although found guilty of Stethem's murder in German courts and sentenced to life in prison, they were released in 2005. In addition, over the weeks following the hijacking, Israel did release over 700 of those prisoners demanded by the terrorists. Israel claims that the release of the prisoners was not influenced by the hijacking rings hollow.[38] Like many other hijackings, this incident provided the lesson that the best way to deal with the situation was to get the plane on the ground and negotiate—even with the most despicable terrorists, as they continued to be motivated by self-preservation.

Later in 1985 another critical incident occurred, but this time on the high seas. On 7 October terrorists from the Palestine Liberation Front (PLF) seized the cruise ship Achille Lauro as it was sailing from Alexandria, Egypt to Port Said. As with the airline hijackings, the terrorists had a list of demands, among them the release of 50 Palestinians being held in Israeli prisons. When they were denied entry into another port, the terrorists executed a disabled American, Leon Klinghoffer, and dumped his body overboard. For the following 2 days negotiations were held. Finally the hijackers agreed to leave the ship and be flown to Tunisia on a commercial Egyptian airliner.

Those familiar with SOF history know what followed. The plane carrying the hijackers was intercepted by U.S. Navy aircraft operating from the USS *Saratoga*. They escorted the Egyptian airliner to Sicily where it was forced to land. Although the hijackers were arrested, and later convicted, the incident led to tense relations between the United States and Italy over jurisdiction. Leading the American SOF during the standoff was General Carl Stiner, who would later become the second commander of USSOCOM.[39] The mastermind of the incident was Abu Abbas, and it is possible that he left on the same Egyptian aircraft once it was released by Italian authorities.

Prior to 11 September 2001 the methods for handling airplane hijacking were derived due to a spate of such events in the late 1960s. Again, the lesson learned in dealing with hijackings was to negotiate an immediate solution to the situation and gain safe passage for the victims. This strategy, it was thought, would preserve the maximum number of noncombatant lives and was based on the assumption that the terrorists wanted to survive. Hunting down the terrorists could come later. In the post-9/11 world, the old strategies were no longer acceptable. In fact, under the most extreme circumstances, there is consideration of shooting down a passenger plane to minimize potential loss of life on the ground. Previously almost unthinkable, the willingness of hijackers to die for a cause changed the game forever.

The Moscow Siege

On the evening of 23 October 2002, in a theater in the Dubrovka section of Moscow, another game-changing criminal incident began. On that night during a performance of "Nord-Ost," a group of about 40-50 Chechen terrorists stormed the House of Culture of State Ball-Bearing Factory No. 1 and took about 850 people hostage. The band of terrorists, comprised of both

men and women dressed in either black or camouflaged attire, entered the hall and began firing assault rifles into the ceiling. They were led by Movsar Barayev, the 23-year old nephew of a recently slain rebel leader, Arbi Barayev.[40]

Many in the audience thought that the intrusion was part of the performance. However, it was soon clear that the actual situation was extremely grave. A few performers who were backstage realized what was happening and escaped through an open window in an area that was not yet secured by the terrorists. About 90 people made it to safety, and they notified the police who surrounded the theater. At that point, a siege was on.

All of the hostages were moved to the auditorium where they could be watched. Cell phones remained in the possession of many hostages, and they were able to notify relatives who provided the police with critical information about the number of terrorists and the weapons they possessed.[41] They noted that in addition to the readily visible assault rifles, the invaders had grenades, mines, and improvised explosive devices (IEDs).[42] Some of these were strapped to their bodies, while others were dispersed throughout the theater. Only later would it be learned that some of the bombs, including those worn by the females, were either dummies or did not have detonators attached.[43]

The terrorists did release between 150 and 200 of the hostages including Muslims, pregnant women, and foreigners with health problems. The rest were kept under conditions that would rapidly deteriorate as they chose to use the orchestra pit as the only latrine facilities.

The terrorists began listing their demands. They had arranged for a videotape-carrying commentary on their grievances to be delivered to the Russian news media. Their threats included the willingness to kill the hostages if their demands were not met. The primary one was to have all Russian forces withdrawn from Chechnya immediately and unconditionally. Uncharacteristically for terrorists, they gave the Russian government a week to meet their demands.[44] Normally, terrorists—especially those under siege—act on a relative short timeline. In this instance, they were already prepared for a long haul, even though they probably knew that there would be increasing pressure to resolve the situation as quickly as possible.

Knowing the motivation of these terrorists is a key element to understanding the response made by the Russian forces. In part, the message released to the media stated:

> This approach is for the freedom of the Chechen people and there is no difference in where we die, and therefore we have decided to die here in Moscow. And we will take with us the lives of hundreds of sinners.[45]

The contents of this missive set forth the terrorist's intent and acceptance of probable death. Other Chechen rebels in general, and Barayev's group in particular, had already established a proclivity for employing helpless people as shields regardless of their safety. In 1995, Shamil Barayev had led a raid against the town of Budyonnovsk and had taken over a hospital with between 1,500 and 1,800 patients and staff members. This siege lasted about 6 days and ended with a negotiated settlement, but only after 129 civilians were killed and another 415 people wounded.[46] From this experience the Russians understood that the Moscow terrorists would not hesitate to kill large numbers of hostages.

During the night of 25 to 26 October, two hostages were executed, leading Russian officials to initiate a rescue operation.[47] At about 5 a.m. on 26 October, the fourth day of the siege, Russian Spetsnaz (Special Forces) undertook an assault on the theater. This began with introduction of a chemical-incapacitating agent through the ventilation system of the building. The agent, called M-99, is believed to have been a fentanyl-based gas that the Russians had secretly weaponized. Fentanyl, an opiate, is known as a respiratory inhibitor. It was recognized, therefore, that many of the kidnapped victims in the affected area might have difficulty breathing on their own.[48] Reports vary about the length of time it took to render the people inside the theater unconscious. In most cases it was less than 10 seconds, but a few others continued to be mobile for several minutes. Once convinced that the terrorists were likely incapacitated, the Spetsnaz unit stormed the theater and dispatched all of the terrorists before allowing assistance to be rendered to the unconscious hostages.

In the end, about 122 of the hostages and all of the terrorists died. Of the hostages who died during the assault, most were due to inhalation of the M-99. Many of the victims were left unattended in positions that did not facilitate breathing. Elsewhere I have discussed the lessons learned and possible remediation of the effects of an incapacitating agent.[49] Fatalities could have been reduced about an order of magnitude if some simple operational steps had been taken.

What is worth taking away from this incident is the necessity for development of a relatively safe incapacitating agent. Inconveniently, that is most likely to be in the form of chemical gas. We will need to rethink treaties. Personal experience suggests that possibly addressing legal and ethical issues will be more difficult than developing a viable agent.[50] Future counterterrorism operations will likely encounter situations in which the terrorists are comingled with hostages, as also happened in Mumbai. Also it is unlikely that any perfect incapacitating agent will be developed—that infers that some level of fatalities will have to be considered as acceptable.

Beslan School Hostage Crisis

Two years after the "Nord-Ost" theater crisis in Moscow, on 1 September 2004, another Chechen terrorist group led by Shamil Basayev took over School No. 1 in the town of Beslan in the north Caucus region of the Russian Federation. Being the first day of the new school year, and in anticipation of special ceremonies, many parents had accompanied the young children to their classes. As a result of the influx of parents, this unit of the Riyadus-Salikhin Reconnaissance and Sabotage Battalion of Chechen Martyrs was able to take over 1,100 people hostage, including about 777 children.[51]

The attack had been well-planned, including the placement of weapons and explosives inside the school in July during the summer recess when repairs were being made. In fact, on the day of the takeover, the terrorists arrived dressed as repairmen and did not raise any suspicions. At about 9:10 a.m., another group of terrorists arrived in a stolen military van. This group of terrorists was wearing black balaclava masks and camouflaged uniforms. Some were reported to be wearing belts with explosives. They began firing into the air and herded all of the hostages into the school gym.

About 20 of the strongest adults were taken to another room. An explosion followed. Those who survived the blast were ordered to lie on the floor where they were summarily executed. A few other adults who gave the appearance of resistance were also shot. To demonstrate their resolve, the terrorists had some of the captives carry the bodies of those executed to a window and then threw them outside.

While a few people did escape in the initial melee, the terrorists announced they would kill 50 hostages for every member of their unit who was killed in rescue attempts. They then laid trip wires and explosive charges throughout the building. Bombs containing shrapnel were placed above the hostages in

the gym. This time, all cell phones were immediately confiscated. The terrorists quickly broke as many windows as they could; it was deemed necessary to curtail rapidly raising heat in the building and to prevent assault forces from using a gaseous agent as they had done in Moscow.

The siege went on for 3 days, during which the hostages were denied food and water.[52] Because of heat, thirst, hunger, and stress, many of the hostages became unconscious, especially the younger children. They were simply watered down and returned to the gym to continue suffering. Negotiations occurred and a few hostages released, but even attempts to move the bodies lying outside the school building were refused. During the first 2 days the terrorists would periodically fire their weapons, but the forces surrounding the school were under orders not to shoot back.

It was obvious from the very beginning that local police units could not handle the situation. Therefore, the military under direction of the Federal Security Service (FSB) was charged with finding a solution to the situation. However, the terrorist's demands were clearly unacceptable to Russian authorities. They included a requirement for formal recognition of Chechen independence.[53] The terrorists made a videotape during the siege, and it was sent out with a few hostages. What was on that tape is unknown.

Complaints occurred about the reporting of the incident by the Russian authorities as they greatly reduced the number of hostages and fatalities during the early news releases. Even the number of terrorists involved in the takeover was marginalized.

On day 3 of the crisis, shortly after 1 p.m. an explosion inside the school led to a disastrous series of events. There are many versions about what happened that initiated the ensuing chaos. Most of the reports indicate that it was accidental, but the point is moot. There was extensive gunfire and more explosions and storming of the building. In the end at least 334 hostages lay dead, many of them children. This count did not include members of the military who also died in the ensuing fight. Officially 31 terrorists were killed, and it is unknown if any escaped. At least another 783 people were wounded in the attack.[54]

The reason for including the Beslan crisis in this monograph on law enforcement and SOF is to point out the issues associated with terrorists who come prepared to die for their cause. It demonstrates a need for closer coordination between civilian law enforcement and professional counterterrorism forces prior to a crisis. In the Beslan incident no previously established plan

existed to counter a mass hostage situation; they were not prepared when the terrorists initiated the explosive action either intentionally or accidentally.

Columbine High, the Active Shooter

On 20 April 1999, two iconoclastic teenage students of Columbine High School in Littleton, Colorado entered the building intent on mass murder of the students who had rejected or bullied them. This incident was to change police tactics when confronted with what became known as an *active shooter*.[55, 56] Eric Harris and Dylan Klebold each brought multiple weapons to the school including both small arms and IEDs. On their rampage, which lasted nearly an hour, they managed to kill 12 students and a teacher. In addition there were 21 students wounded in what was the fourth deadliest attack in American schools.

Harris and Klebold began shooting students they encountered as they entered the building. The reports were that they wandered the halls shooting randomly and taunting some of the victims. They began shooting at 11:19 a.m., initiating their actions after the pipe bombs they had previously planted failed to detonate at the prescribed time. Within 5 minutes the first deputy sheriff arrived on the scene and a gunfight ensued with Harris. As other officers arrived, the area was cordoned off and the SWAT team called. However, it was not until 1:09 p.m. that the SWAT teams entered the building, long after the shooting had stopped. It was later learned that the young terrorists had committed suicide shortly after 12 noon. Due to the slow response by law enforcement in entering the building, the wounded continued to bleed. Widely dispersed victims were found over the next couple of hours, and the students killed in the library were not discovered until about 3:30 p.m.

The common factors between this case and the two previous ones from Russia are the desire to inflict as many casualties as possible on innocent victims and the intent of the perpetrators to die in the process. It was later learned that considerable thought and planning had gone into the massacre. In fact, Harris and Klebold had fantasized about killing 500 people.[57]

What attracted much attention was the overly cautious response of the first responding law enforcement officers. While routine patrol cars arrived on the scene quickly, they were very slow to engage the shooters. Prior training in hostage situations was to secure the surrounding area and attempt to make contact with the kidnappers and negotiate a solution. In this case,

there was nothing to negotiate. These young terrorists had come to kill indiscriminately. There were reports of them talking to some students, then leaving without explanation. Conversely, some were simply executed for no apparent reason. During that time the police remained outside, waiting on SWAT while a hasty command center was established. They did assist many people who fled from the building. This restraint was despite knowing from cell phone calls that a teacher was critically wounded and sequestered in one of the science classrooms. The teacher was not evacuated until nearly 3 hours after he was shot. Although students tried their best to help him, by the time the police arrived he had bled to death.

Columbine was not the last school to experience an active shooter, one bent on killing as many as possible. On 16 April 2007, a mentally unstable student at Virginia Tech went on a similar rampage. Over a period of about 3 hours, Seung Hui Cho murdered 32 people, wounded 17 others at the university, and then committed suicide.[58] This killing was the worst at a school in America. Like Columbine, he had planned this event and even recorded himself acting out with his guns. Two people were shot in a dormitory, but the majority of the victims were killed in Norris Hall, a science and engineering building. The gunman had entered that building, then chained several of the doors to inhibit either escape or rescue. The bodies were found in various locations, indicating that he had intentionally hunted down specific individuals. Some victims had been lined up against the wall and executed.

The police may have been distracted from the second, more deadly confrontation due to the earlier discovery of two dormitory victims. Students with cell phones initiated 911 emergency calls beginning at about 9:15 a.m. As the university sprawls over 2,600 acres, by the time police arrived at Norris Hall, the shooting was over.[59]

It is proposed that the active shooter scenario has five stages:

a. It often begins with a *fantasy* phase—that is, the perpetrator using conjecture about what he or she might do, often for retribution for a perceived grievance. As they cogitate, the potential outcome is expanded, quite possibly beyond anything achievable. Evidence of this stage of fanaticizing was found in the records of both the Columbine and Virginia Tech perpetrators. Possibly the best way to stop future active shooters is making the public aware of the dangers of these

obsessions. When such proclivities are noted, those observers should notify authorities immediately.

b. The next step involves *planning for the event*. This phase includes the logistics of weapons procurement as well as determination of who, what, when, where, and how he will attack.
c. During the preparation stage the suspect acquires weapons and conducts initial reconnaissance of his target area. At times they have been known to warn people they do not wish to harm. It may be as simple as a message that tells the person not to go to school on a certain date.
d. The active shooter then must *approach the target*. By this time they usually have been psychologically committed to carrying out the act. Here trained observers may spot suspicious activity. The clues for both active shooters in civilian schools and suicide bombers are quite similar. Note that similar situations occur in combat situations as well. The absence of normal traffic—for example, children not playing as usual and doors that are normally open are shut. All of these may be signs that an attack is eminent. Most experienced SOF operators know how to sense such situations and prepare to respond as necessary.
e. The final stage is *execution*. At this point it is imperative that the shooter be neutralized as quickly as possible. What has been demonstrated is that once they commence firing, the assailants are not likely to stop until they run out of ammunition. As with military ambushes, aggressive immediate action is required.[60]

As a result of the experience at Columbine High School, police across the country developed new tactics and trained officers in the active shooter scenario. No longer did doctrine call for containing the area and waiting for specialized units to arrive. The new concept is for the first responding officers to enter as quickly as possible and shoot it out with the assailant if necessary. Speed and aggressive action has become the new norm.[61]

Subsequent studies of school shootings found that most of the routine defensive measures, such as zero tolerance and metal detectors, were cosmetic in nature and added little to the safety of the school.[62] While most school shootings have ended prior to police arriving on the scene, some—such as Columbine and Virginia Tech—last a considerable length of time. Tactically,

Figure 2. LASD SWAT team responds quickly to active shooter. LASD photo.

it is important to engage the shooter as rapidly as possible. As on combat missions, it may be necessary to bypass wounded victims in order to minimize casualties of innocent bystanders. This consideration represents a substantial change in thinking for law enforcement and is an example of the convergence of the operations. Because of the LEA experiences with multiple shooters and substantial numbers of casualties, the need for area security now preempts immediate care for victims.

As with many combat operations, planning responses to active shooter situations in the civilian sector requires considerable preparation and training. It cannot be successfully managed on an ad hoc basis. The response must be thoroughly integrated with all of the agencies who may be involved in the situation. Under circumstances such as a school shooting with multiple casualties, that probably includes the following:

a. Law enforcement, (possibly from multiple jurisdictions)
b. School personnel (both administrators and teachers)
c. Medical first responders
d. Fire department units (especially if explosives have been used or are anticipated)

e. News media (both on the ground and in the air—and worse, broadcasting in real time)
f. Plans to handle distraught parents who will quickly converge on the scene.

While these events are still rare, such multiple casualty scenarios were almost unheard of a few decades ago. They are still low probability, but extremely high impact in nature. There are direct parallels to SOF urban combat operations. The incidents will likely begin unexpectedly, involve many innocent civilians, attract media attention, and can involve organizations similar to the nongovernmental type that military units frequently encounter in support operations.

This writing is not the first to note the parallels between the school incidents in Russia and those in the United States.[63] Of course schools are not the only soft targets that terrorists may choose. Virtually every place that people congregate holds the potential for a terrorist attack. While law enforcement officials have planned responses to a wide variety of incidents, in recent years they have become even more vigilant and sensitive even to low probability/high impact events.

3. Comparison of Military and Law Enforcement Operations

Due largely to their training protocols, then reinforced by operational experience, most police see their surroundings quite differently from what military members observe. In general, this comes from observations in environments with lower personal threats. Retired from the LAPD, Detective Ralph Morton served as an advisor to the U.S. Marine Corps both before and during deployments to Iraq. Accompanying units on patrol, he was able to transfer his police skills to the military. The bottom line was he saw things that the Marines missed. While Community-Oriented Policing (COPS) will be addressed in chapter 4, the premise—stopping small incidents pays big dividends—is important. For instance, he noted that one in seven people who evaded fare in the New York Transit System was found to be carrying a concealed weapon or wanted on outstanding warrants. Many of these small acts are precursors to serious crimes, a belief that has direct applicability in combating terrorism as well.[64]

Both the military and LEAs engage in operations that are initiated in a variety of, but somewhat similar, ways. All of the agencies have offensive missions in which the planning and execution are at their volition. For SOF these are direct action missions such as raids designed to capture high-value targets. For LEAs their SWAT teams perform or support execution of high-risk warrants. These are outstanding warrants issued by a judge for the arrest of known suspects, or searches of specific locations at which criminal activity, or evidence thereof, is believed to be located.

Most LEAs have a graded system for determining risk. The highest risk category goes to felons with a prior record of resisting arrest or who are known to be armed, dangerous, and likely to engage the police rather than cooperate. Another tier includes individuals who may be dangerous and for whom caution is advised due to the severity of the crime involved. SWAT elements rarely get involved in low-risk categories in which service of the warrant is viewed as routine and the probability of violence is unlikely.[65]

As previously mentioned, one of the biggest surprises in researching this monograph was when SOF respondents, during interviews pertaining to recent operations in Iraq, indicated that they were functioning much like civilian LEAs. The similarity to SWAT elements immediately became

apparent, but in ways unanticipated. It was the SOF involvement in the legal aspects of mission execution followed by criminal prosecution that was totally unexpected. In most incidents, they were serving as advisors to Iraqi officials who were technically in command of the operations. Still, the SOF personnel found themselves integrally involved in the Iraqi legal system.

Figure 3. SOF conducts dynamic entry in search of high-value target in Iraq. USSOCOM PA Office photo.

Figure 4. LASD SWAT practicing dynamic entry for service of high-risk warrants. LASD photo.

Warrants

Normally the execution of warrants allows for considerable planning. The information leading up to the issuance of the warrant is done by detectives who are working the case. To obtain a criminal warrant they must prove to a judge *probable cause* to believe that the targeted person committed a crime or the premises to be searched contain evidence of a crime. The identity of the person or location must be clearly articulated so that there is no possibility another person or location fits that description. Of course LEAs must work within the limits of the Fourth Amendment to the U.S. Constitution, which protects citizens from unreasonable searches.[66]

What constitutes probable cause is not defined in the Constitution but has been worked out in case law. There is an intent to place an unbiased, neutral third party (a judge or magistrate) between the suspect and the police and to prevent arbitrary actions by law enforcement.[67] If items are to be searched for and seized, *particularity* applies.[68] That means that a relatively precise description of those items must be declared in the warrant and the area searched be reasonably believed to be capable of holding the described material. As an example, in lay terms the police cannot look for a firearm in a small envelope and then use the material found against the suspect as the weapon described could not physically fit in an envelope. There may also be limitations placed on the time at which the operation can take place and the method of entry. Often the service of search warrants is restricted to daylight hours. This restriction was derived from an abhorrence of dreaded midnight raids common under authoritarian rule.

In general in the United States, officers must announce their arrival, authority, and ask for permission to enter. If entry is denied, the person executing the warrant can then force their way in. Common law provides for the requirement to "knock and announce," which is held to be reasonable. However, such announcement is not required under all circumstances. There are obvious situations in which announcing the presence of law enforcement officers presents a clear danger to those executing the warrant. It could provide armed suspects warning or allow destruction of key evidence (e.g., flushing drugs down the toilet). Therefore, there are cases in which "no-knock warrants" are issued. Normally these warrants have very specific restrictions regarding their execution. That includes the times at which the

warrant would expire. If not executed within those timelines, new evidence must be presented in order to obtain another warrant.[69]

From the perspective of law enforcement officials, the process of preparation of a warrant will be useful in the execution phase of the operation. It causes the officers to focus on details of the location or person. If a specific site is denoted, the location is described in rather exacting terms. The reconnaissance necessary to obtain the warrant directly benefits the detectives involved as well as SWAT officers assigned to the operation.

As alluded to earlier, the necessity to obtain warrants issued prior to conducting operations to detain high-value targets came as a surprise. This requirement for having warrants for the execution of SOF combat operations appears to be unique in American military history. Searches for historical legal precedence in multiple sources failed to identify any instances in which they have been required in prior circumstances. Those sources include, but were not limited to, the USSOCOM Staff Judge Advocates Office and the DoD Council General's Office.[70, 71]

This requirement for having warrants for the execution of SOF combat operations appears to be unique in American military history.

In police academies across the country, recruits receive extensive instruction on civil and criminal law regarding the necessity for, and process of, obtaining warrants. Likewise they are carefully schooled on the preparation and delivery of testimony in courts of law. They learn in excruciating detail all of the pressures that may be brought in cross examination by defense attorneys.

Unfortunately, SOF operators receive no such training and education. When asked how they learned about the conduct of raids that were bound by warrants and other legal constraints, or how they learned to give testimony in court, all stated they had none. Everyone interviewed for this project, who was involved in these operations, indicated they learned the process by trial and error after they were engaged in the process.[72] Fortunately these operators are smart enough to be able to innovate responses in real time. By all accounts, they have done a magnificent job, albeit learning under fire. This shortfall is significant in the pre-mission preparation of teams being deployed in areas that required legal constraints on operations. While Iraq currently represents a special case, the process is likely to set precedence for future SOF missions in other countries.

Evidence

As a result of a search, material directly relating to a specific crime may be located and is subject to the rules of evidence.[73] To be admissible in U.S. courts, the evidence must be relevant, material, and competent. Relevant material means that the evidence has a tendency to prove or disprove some fact.

Once evidence has been obtained, it is the responsibility of law enforcement officers to establish a chain of custody.[74] This means that every person who handles the evidence from the time it is obtained until it appears in court must document under whose control it has been and what methods were employed to maintain its condition. This practice is to ensure that the evidence obtained at the crime scene remains the same and unadulterated (i.e., does not change from when it was obtained). In U.S. courts, documenting evidence is absolutely essential to obtaining convictions. In fact, if the chain of custody is not maintained, the evidence seized may be ruled inadmissible in court, even if it proves the crime was committed.

Forensic Science and Biometrics

Courts in the U.S. place extremely high value on the veracity of forensic evidence. However, a recent study by the National Academy of Sciences raised serious questions about credibility of the work of America's crime labs.[75] The report called into question much of our vaunted scientifically based evidence. However, deoxyribonucleic acid (DNA) was an exception. The burgeoning of DNA evidence, which has freed many people from lengthy prison terms and even Death Row, has done much to influence American juries about the lack of reliability that eye-witness testimony used to carry.[76] In addition to providing exculpatory evidence, the accuracy of DNA evidence has assured American juries that it clearly identifies suspects and eliminates ambiguity. This technology has led to increased convictions because jurors are more confident in their findings.

The experience of SOF personnel appearing in Iraqi courts is quite different. Despite overwhelming research and evidence *against* the accuracy of eye-witness testimony, it is reported to carry far more weight in those courts than does physical evidence and forensic science. The main testimony by these American troops is to place the suspect at the scene and to confirm the existence of weapons, explosives, or other contraband found at the site of the apprehension. This witnessing is often accomplished by having photographs

of the SOF personnel and suspects at the scene with the material that was taken into evidence.

The advances in biometrics in recent years have had profound impact on both law enforcement and SOF. Where fingerprints were once the gold standard for individual identification, now DNA reigns supreme. DNA is a nucleic acid that contains the genetic instructions used in the development and functioning of all known living organisms. With the possible exception of identical offspring (created from the same embryo), DNA tests can identify every individual, living or dead. Even a small sample from a suspect will allow a forensic scientist to scan 13 regions of DNA that vary from person to person. The statistical margin of error is extremely small.[77]

The applications of DNA testing go far beyond prosecuting criminals, exonerating innocent suspects, determining paternity, of even testing humans for other purposes. In wildlife the techniques are used to establish pedigrees, identify endangered or protected species, or even authenticate gourmet foods or wines. Of more interest to LEAs or SOF operatives, however, might be detection of bacteria or other organisms that indicate a biological attack.[78]

The DNA evidence can be collected from a variety of sources, even after the person has left the scene. These could include blood, sweat, saliva, semen, mucus, hair, urine, or body tissue. Only a relatively small amount is required for identification purposes. Of course, given the sensitivity of such samples to contamination, the collection and storage processes must be meticulously observed.[79]

Forensic science plays an important role outside the legal system. When any threat materiel is located, forensic investigation is helpful. Unexploded IEDs offer a wealth of information. In addition to determining the origin of the physical materials involved, it may yield biometric evidence about the bomb maker. This evidence may be in the form of latent fingerprints or DNA left on the components. How the IED was constructed may indicate a signature technique of the bomb maker or more generally where, or by whom, he was trained. Even after suicide bombers have detonated their device, much can be learned. Residual body parts yield clues about the carrier. The small pieces that are left of the detonator, housing, or other material will contribute to the investigation.

Other biometric advances have taken place in the fields of iris recognition, facial geometry, voice recognition, as well as fingerprinting.[80] Each of these advances has implications for future SOF operations. A note about iris

recognition is that it has mostly replaced retinal scan for positive identification. The pattern of each person's iris is unique. It is formed at about the eighth month of pregnancy and, barring injury to the eye, remains constant for life. Typically about 173 distinctive characteristics are used to form the template for recognition. Unlike the retinal scan, that pattern does not require the subject to look into a scanning device. Rather, the observation can be made from some distance from the sensor—a small, unobtrusive camera. The system can handle large numbers of people very quickly.[81]

Of concern to SOF operatives is the possibility that their iris template has been recorded and is stored in a threat database. It is possible to obtain the scan without the individual's knowledge. Thus entering a country via a public conveyance that includes screening could be problematic. It was reported that the UAE had employed this technology and by 2004 used it to intercept 6,220 people attempting to reenter the country after they had been expelled. It was also reported that with over 1,600,000 searches, there were zero false positives. That is an extremely accurate system.[82]

Facial recognition technology is also advancing. The system acquires and stores data on specific facial features, such as outlines of eye sockets, corners of the mouth, and other characteristics that are not likely to change. Analysis consists of comparing the suspect's face against existing templates. The technology has the advantage of being used covertly, but has experienced an error rate that is not acceptable for positive identification. However, as a queuing mechanism to sort people for further questioning, it works quite well.

Similarly, voice recognition has progressed and has been used to identify suspects who have changed their facial features through radical plastic surgery. All that is required is to gain access to a known individual speaking, preferably on several occasions. The captured speech characteristics are converted to a digital format and a template developed. While far from perfect, the use of voice recognition allows agents to ensure that the person they are talking to on a telephone is in fact that person. It is very difficult for an identity to be faked, even in people who appear to sound alike.[83]

A textbook case for use of voice recognition was the capture of Juan Carlos Ramirez Abadia, a wanted Colombian drug kingpin. A member of Colombia's Norte del Valle Cartel, Abadia was suspected of smuggling 500 tons of cocaine, worth an estimated $10 billion, into the U.S. between 1990 and 2003. Later he underwent extensive plastic surgery to alter his physical characteristics, then fled to Brazil. Once the suspect was located, it was the

voiceprint that confirmed his identity and allowed the Brazilian judges to issue a warrant for his arrest. Agents captured him in Sao Paolo where he was involved in money laundering for other Colombians. After an attempt was made to free him via an armed attack on the remote prison location where Abadia was being held, Brazil agreed to send him out of the country. Again the digital voice identification was sufficient to gain Abidia's extradition to the U.S.[84]

Television programs portray specialized forensic units indigenous to major LEAs that engage exclusively in collecting evidence and scientific sleuthing. Reality is a bit different. At all stages in their career, starting from the academy, officers learn how to isolate and protect evidence at a crime scene. Crime scene specialists then follow up, often under relatively controlled circumstances. Collection of evidence on the battlefield usually is more difficult. While specialists are available on some occasions, most often it will be SOF personnel engaged in the collection. For instance, teams have been sent in to attempt to confirm the identities of high-value targets who have been attacked and killed by bombs or rockets.

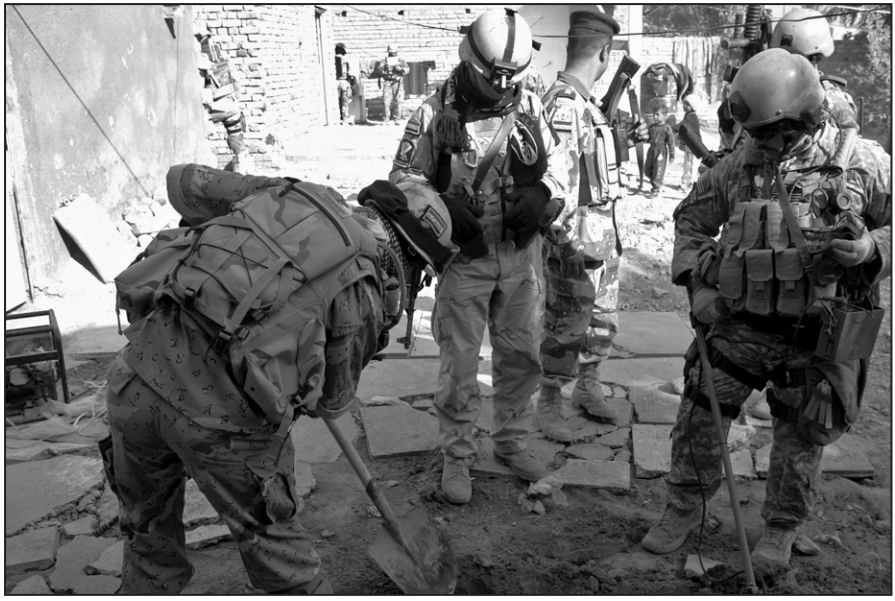

Figure 5. SOF with Iraqi counterparts search for evidence following explosion of an IED. USSOCOM PA Office photo.

In other areas in which stability operations are in effect, efforts are often made to obtain information about as many people who are in the area as possible. That data is used to assist in determining who belongs there and who may be an outsider. It is possible through use of DNA to determine the geographical location from which specific patterns originate. The more comprehensive the databases are, the easier it is for local authorities to maintain order.

When IEDs are encountered, even after *boom*, minute details remain and individuals have been identified from the scraps of evidence collected. Thousands of latent fingerprints have been taken off of bomb components such as circuit boards, batteries, and remote control devices.[85] Much of the forensic investigation is conducted by FBI scientists with whom many USSOCOM units have been collaborating for the past few years.[86] What seems certain is that SOF personnel will continue to be involved in obtaining and protecting vital evidence. Defensive issues are also to be addressed so that forensic science does not threaten the identity of SOF operators. Both sides of this coin lead to the conclusion that more intensive training is dictated.

Figure 6. Crime scene investigators search for evidence in a bombing that killed a federal witness in Las Vegas. LVMPD photo.

Role of Organized Crime

As organized crime is increasingly transnational in scope, many of the activities have risen to the level that threatens national and even regional stability. The activities of these criminal enterprises are getting more complex and the nexus between crime, terrorism, and insurgencies has become inextricably enmeshed. The resources of criminal organizations are increasingly posing direct threats to stability, and studies have proven that illegal drug trafficking is the leading funding source for terrorism. However, rather than concentrating on a single vice, transnational organized crime elements span many different facets of activities.

Of particular concern is the relationship between drugs and weapons smuggling.[87] While prevalent in Western Europe, this practice is now spanning the globe. The sources of the arms are diverse, but Eastern Europe and Russia contribute heavily. While the majority of weapons trafficked are small arms, some heavier weapons are also provided. A Library of Congress report on the topic noted, "The structure of arms and narcotics transactions are increasingly variable, flexible, and multinational, as are the relations between terrorist and international crime groups." [88] It is also noted that weapons tend to migrate from the original user to other areas based on the amount of conflict currently experienced. As conflict dies down in one area, the weapons are transshipped to the area that has emerging discord. Distance is not a barrier. A few examples follow:

a. Both the Basque Fatherland and Liberty (ETA) in Spain and the IRA of Northern Ireland have been involved with supporting FARC in Latin America.[89]
b. Russian crime syndicates now have a global reach. They are very active in Central Asia and the Caucasus; while in Georgia, Chechen guerilla forces gained the upper hand in narcotics transactions that in turn helped support their efforts against Russia.[90]
c. Colombian cartels, somewhat suppressed in their country, are active throughout Central America and an integral part of the drug trafficking in West African countries and into Europe.

As China's economic power has increased around the world, so have their organized crime elements, which have retained the structures of old triad and tongs.[91] Their influence can be found in most population centers in

every major country. Their activities usually begin with intimidation of the Chinese diasporas who fall prey through protection rackets and extortion. The gangs then move from localized crime into the general population of the country. Given the breadth of the expansion of all Chinese activities, their infiltration of international criminal activities is a major concern.

Human trafficking has become a major criminal effort in many areas of the world. While traffickers have established some foothold in the United States and Canada, Australia considers this to be a serious law enforcement problem. In fact, human trafficking has risen dramatically in the last decade and is the fastest growing sector of organized crime. It is believed that this practice now ranks third, behind drugs and arms smuggling, in income illegally produced. Annually an estimated 2.7 million people are trafficked and $32 billion raised.[92] This modern day slavery exists primarily in two market areas. One, the sex trade, includes not only women but also boys and young girls. The second trend is in providing cheap labor to meet the global market demands for inexpensive products. Some countries, including Nepal and Bangladesh, report an increase in the flow of workers to the rest of the world and estimate the remittances coming back to be 15 percent of their gross domestic product. The world-wide economic downturn is undoubtedly exacerbating these problems. The UN Secretary-General Ban Ki-moon states that this exploitation is the "antithesis of development."[93] Human trafficking currently exists in the U.S.; between 1 January 2007 and 30 September 2008, more than 1,200 incidents were reported to the Justice Department, and this crime is known to be vastly under reported.[94]

… human trafficking … now ranks third, behind drugs and arms smuggling, in income illegally produced.

In many areas of the world there is a direct link between human trafficking and armed conflict. In Africa, for example, guerilla elements frequently use impressed labor for logistical support, and they gain fighters. Of special concern has been the number of children who have been forced into combat.[95] In a 2007 study of the problem in Congo, 55 percent of the respondents indicated they had been forced to work for militias or had been enslaved by them. At least 34 percent reported they had been abducted for over a week.[96]

Because of our involvement in Afghanistan, its opium production is of direct consequence to SOF operations there. The world has an estimated 15 million opiate users and about 90 percent of the supply comes from

Afghanistan. Each year an estimated 3,700 tons of opium moves from that country to the rest of the world. Even allowing that about one third of the crop is confiscated at some point, the rest gets through to the markets that eagerly purchase the product. The belief is that 40 percent of the drug supply goes through Iran, 30 percent through Pakistan, and the rest through Central Asia.[97]

The Taliban benefits greatly from the drug production in Afghanistan. United Nations estimates are that this faction receives between $90 million and $160 million a year from taxes they impose on the farmers. There is an additional $1 billion generated from illegal trade in Pakistan, much of it available to support terrorist activities both locally and abroad.[98]

Crime, Drugs, and Insurgencies

It is not just the Taliban that has benefited by the incorporation of drugs, organized crime, and the weapons trade. Within the Western Hemisphere, similar changes have occurred. The U.S. special operations community has played a comprehensive role in attempting to stabilize Colombia. Although small in numbers, their advisory capacity was instrumental in reducing the influence of FARC, a left-wing guerilla movement that once had an estimated 16,000 to 19,000 fighters, but boasted many more supporters among the poor people of the country. However, America has incurred significant costs and limited success. Since 2000, the U.S. has invested over $20 billion in Plan Colombia, most of that going to the military effort.[99]

In the past few years FARC suffered several major setbacks, including the loss of several key leaders and members accepting amnesty. In 2009 their fighting strength was believed to be about 9,000. While they once had a strong ideological base, FARC has turned increasingly into a criminal organization that depends heavily on narcotics to support their activities.[100] To fund current operations, FARC profits from kidnapping, extortions, and protection schemes. In addition, they take in an estimated $500 million to $600 million a year from drug trafficking.

While the U.S. generally considers FARC a problem inside Colombia, reality is that they transcend borders as necessary. They have a tenuous relationship with President Chavez of Venezuela, and FARC members have been caught with weapons provided by him. Most embarrassing was the identification of Swedish-made AT-4 antitank weapons.[101] In addition, captured records indicate that Chavez provided $250 million to this internationally

recognized terrorist organization. It is not only FARC that operates inside Colombia, however. The National Liberation Army, better known by its Spanish acronym ELN, engages in many of the same areas of criminal activity as does FARC. They too are active in both narcotics and kidnapping for ransom.

The resurgence of Sendero Luminoso—or the Shining Path, in Peru—should be of concern. Several SOF training missions have occurred in the country in recent years, and the Drug Enforcement Agency maintains a considerable effort too, especially in the Amazon region. The Shining Path began in the 1960s as a Marxist ideological-based revolutionary element, which rose to have tens of thousands in its ranks. In the 1990s President Alberto Fujimori conducted a harsh campaign that led to the imprisonment of the leader, Abimael Guzman, and general destruction of the movement. Of note were the estimated 70,000 people who died in the fighting between the Shining Path and the Peruvian Government. Unfortunately, many of those who died were innocent, trapped between the two forces.[102]

Times have changed—that is, today the former president is incarcerated, sentenced to life imprisonment, and Sendero is making a resurgence in the Andean regions of the country.[103] They are again heavily involved in narcotics as a means to finance their activities, which is aimed at two targets. One is the overthrow of the current Peruvian Government, and the other is the policies of the United States. While damage to Peru's military has been slight, it was claimed that, "Even without pulling a trigger Sendero Luminoso continues to contribute to the multibillion dollar drain on the U.S. economy."[104]

Importance of the Relationship between Illegal Drugs and Mission Convergence

While the preceding discussion of the nexus of narcotics and terrorism may seem tangential to issues of mission convergence, there is a direct relationship, especially for those activities in the Western Hemisphere. For several decades U.S. Special Forces, and other SOF elements have been active in the Northern Andean Region and throughout Central America. They have also supported the operations of Joint Interagency Task Force South (previously JTF 6) operating in the Caribbean to curtail drug trafficking.[105] Focusing on intelligence concerning the maritime shipment of illegal narcotics, they were successful in intercepting and confiscating over 200 metric tons of cocaine in 2008 (with an estimated worth of $5 billion).[106]

The immense profitability of the drug trade merely forced the traffickers to develop alternative routes. Therefore, in response to high losses on the high seas, drug lords simply created new overland networks through Central America. Their competition for control of the lucrative transportation avenues has brought about increased destabilization of most of the countries in the area and Mexico in particular.[107] The conflict in Mexico constantly spills over across their northern border. Operating coast to coast in the U.S., Latin American gangs pose a significant threat to local, state, and federal LEAs. The law enforcement operations required to counter these narcoterrorist threats increasingly take on the appearance of military SOF missions.

Among concerns in the U.S. is the omnipresent temptation of bribery. Contrary to popular wisdom, corruption is not just a problem for foreign governments. Increasingly, the integrity of American officials along the border is being questioned. Between 2004 and 2006 more than 200 American public employees were arrested on bribery charges. Included in the mix were Border Patrol agents, an FBI supervisor, a county sheriff, local police, uniformed personnel from all branches of the military, immigration examiners, and others. What is disconcerting is that the FBI believes these arrests represent the tip of an iceberg.[108]

New reports confirm the fears of increased corruption. More than 80 convictions of law enforcement officials have occurred since the 2006 report was released.[109] One, former FBI agent John Shipley, was convicted of illegally selling weapons to Mexican drug lords. Some of these weapons were recovered from shootouts in Chihuahua between the drug traffickers and the Mexican Army that the U.S. Government is supporting.[110] In a 2008 sting operation in Zapata County, Texas, the deputy commander of a narcotics task force was arrested for protecting what he believed to be a drug shipment. Then in August 2009, in Starr County, Sheriff Reymundo Guerra pleaded guilty to drug trafficking charges for which he faces life imprisonment.[111]

In Mexico, local law enforcement officers often are given a choice, known as *plata o plomo* (silver or lead). In practical terms that means *take the money or die*. The reality is far more insidious. Not only are police officers threatened, their entire family is placed at risk. That lesson was brought home to Carlos Reyes Lopez. When he failed to comply with the instructions of local drug lords, he was killed along with ten other family members, including a 2-year old nephew and five other children.[112]

Threats of cross-border murders of law enforcement officials have occurred and seem to be increasing in the U.S.[113] However, as of this publication, no family members of U.S. officials residing in the country are known to have been directly threatened by narcoterrorists. When discussing this topic with members of the Las Vegas Metropolitan Police Department Gang Unit, they would consider such a threat to indicate another threshold has been crossed. Threats to family members, they stated, would signal a serious escalation in the drug wars.[114] They noted that the Mexican, and other Latin American, gangs are already operating in at least 35 cities, including Las Vegas, across the U.S.

Of concern to law enforcement is the sophistication of many of these gangs. The old motorcycle gangs, such as the Outlaws and Hells Angels, are alive and well, but have learned to stay below the radar of police agencies. Instead they are entering the business world in both white and gray enterprises. Working in white collar crime is less conspicuous, and members who cross the line and attract attention may face severe penalties. The rule is, "Do not irritate law enforcement."[115] However, as the cartel gangs become more active, it is highly likely that friction will occur between them and the older, more established gangs.

Since drugs are the primary funding source for terrorism, eruptions of violence are increasingly likely to take place in American cities. Currently, much of the competition for drug markets produces intergang violence, which does occasionally involve injury or deaths of innocent bystanders. While undesirable, such situations are manageable by existing LEAs. However, if significant escalation occurs and/or the advent of terrorist attacks in which the actors strike multiple targets with the intent on holding buildings of other facilities, then it may be necessary to consider employing SOF elements domestically. Posse Comitatus Act, acknowledged, it would be better to contemplate these options now rather than being called in after the event has unfolded. It is the expansion of the drug cartels that could easily force such a scenario.[116]

Kidnapping

One crime that has risen dramatically, both in the U.S. and abroad, is kidnapping. This increase has direct relationships with organized crime, terrorism, and drugs. In many countries, and especially in Latin America, kidnapping for ransom has become a huge source of income for criminal elements. For

local residents, even the perception of having money (or access to it) can cause them to become a victim. For instance, a couple from El Salvador, working for minimum wages as domestic help in Palm Beach, Florida was targeted just because they were employed in the U.S. Their young daughter, who had been staying with her grandparents in San Salvador, was taken and a ransom of over $100,000 demanded—an amount far beyond their reach. Through international cooperation between LEAs at various levels, the girl was recovered alive.[117]

The number of kidnappings for ransom is unknown as only a small percent are reported. The kidnappers often demand that authorities not be notified as a condition of returning the victim. It is not unusual to have severed body parts (often fingers or ears) accompany the demands as proof that they are holding the individual.[118] In addition, a high correlation exists between kidnappings and illegal drug activity. Once rampant in Colombia, the practices have exploded in Mexico. However, what is really of concern is the increase of these cases in the U.S.; Phoenix has become known as a kidnapping center and in 2008 had more incidents than any urban area except for Mexico City.[119] Unfortunately, the kidnappers often use torture, either to learn about money and drugs stashes or simply to intimidate the competition.[120]

Phoenix has become known as a kidnapping center and in 2008 had more incidents than any urban area except for Mexico City.

The problem of kidnapping for ransom has become sufficiently prevalent for insurance companies to have made provisions for it. Known as *kidnap and ransom* (or simply K&R) *insurance*, executives operating in risky areas often have it provided by their companies. However, in recent years it has become increasingly difficult to obtain. The insurers note that most kidnappings do not result in death, but do cause large sums of money to be paid out.[121] It is interesting to note that in addition to payments to the terrorists and a crisis response team, the policies usually cover cosmetic or plastic surgery.

In many ways these domestic kidnappings have parallels to those that took place in Iraq. Many SOF personnel have witnessed the effects of the sectarian violence that has taken place there. Reports in 2009 indicate that since 2003 there have been nearly 20,000 murders of civilians and a majority of those were executions after being kidnapped.[122] A larger number of those killed were first tortured. However, as sectarian violence has diminished,

organized crime has increased in Iraq and kidnapping for ransom is rising at an alarming rate.[123] Like their civilian law enforcement counterparts, SOF elements are likely to be involved in rescue operations and arrests of high-value targets as they engage in supporting security improvements in that country.

4. Comparison between SOF and Law Enforcement Agencies

While the missions of SOF are far broader than the responsibilities of their counterparts in civilian SWAT units, when it comes to personnel, training, equipment, and execution, they look amazingly similar. Over the past three decades, this convergence has become increasingly noticeable.

Missions

Special Operations Forces are globally oriented, diverse, and focused on supporting the national interests of the United States. Their background and missions are officially described by the DoD as follows:[124]

> SOF have a dual heritage. They are the nation's preeminent surgical penetration and strike force, able to respond to specialized contingencies across the conflict spectrum with stealth, speed, and precision. They are also warrior-diplomats capable of influencing, advising, training, and conducting operations with foreign forces, officials, and populations. One of these two SOF roles is at the heart of each of the special operations activities.

a. Direct action short-duration strikes and other small-scale offensive actions taken to seize, destroy, capture, or recover in denied areas
b. Special reconnaissance (SR) acquiring information concerning the capabilities, intentions, and activities of an enemy
c. Unconventional warfare (UW) operations conducted by, through, and with surrogate forces that are organized, trained, equipped, supported, and directed by external forces
d. Foreign internal defense (FID) providing training and other assistance to foreign governments and their militaries to enable the foreign government to provide for its county's national security
e. Civil Affairs (CA) activities that establish, maintain, or influence relations between U.S. forces and foreign civil authorities and civilian populations to facilitate U.S. military operations
f. Counterterrorism measures taken to prevent, deter, and respond to terrorism

g. Psychological Operations (PSYOP) operations that provide truthful information to foreign audiences that influence behavior in support of U.S. military operations
h. Information operations (IO) designed to achieve information superiority by adversely affecting enemy information and systems while protecting U.S. information and systems
i. Counterproliferation of weapons of mass destruction actions taken to locate, seize, destroy, capture, or otherwise recover and render such weapons safe
j. Security Force assistance (SFA) unified action by joint, interagency, intergovernmental, and multinational community to sustain and assist host-nation or regional security forces in support of legitimate authority
k. Counterinsurgency operations (COIN) of those military, paramilitary, political, economic, psychological, and civic actions taken by a government to defeat and insurgency
l. Activities specified by the President or Secretary of Defense.[125, 126]

State and local LEAs operate within specific jurisdictions and under very strict legal constraints. Their primary focus is to *protect* and to *serve* the people residing in that territory. Actual mission statements are as simple as the one adopted by Phoenix, Arizona: "To ensure the safety and security of every person in the community."[127] Other cities include more specific language, such as to protect life and property, prevent crime, reduce fear of crime, and conduct impartial application of justice.

SWAT units offer specialized skills that are applied in the most dangerous situations and designed to apprehend potentially violent criminals. Their mission is to support their agencies. The following examples are situations requiring SWAT team mobilization:[128]

a. Armed suspect(s) with hostages
b. Rescue of hostages(s), trapped, or isolated officers
c. Sniper or suspected sniper
d. Barricaded gunman or suspected barricaded gunman
e. Use of chemical agents
f. Service of search warrants on violent or potentially violent suspect(s)
g. Arrest of violent or potentially violent suspect(s)

h. Protection of police and firefighter personnel or equipment involved in the suppression of civil disorder
i. Riot or potential riot
j. Civil disorder
k. VIP security
l. Any situation that requires or potentially requires the use of the SWAT teams, specialized training, tactics, and equipment.

Knowledge of Terrain

While SOF elements often have designated geographical areas of responsibility, the operational reality is they are assigned to new areas that are outside those boundaries, often on different continents. Cross-cultural issues are difficult, yet they are common experiences for SOF personnel. In the interviews conducted in support of this study, operators consistently indicated that each deployment was to a new area, even if within the same country. They begin learning about territorial realities when they arrive and are still learning about them when they leave. Even within a similar geographical area, there are differences between the groups, and situations are frequently personality dependent and change over time. Paraphrasing a well-known political truism, it has been said that *all wars are local*.[129]

General McChrystal, speaking as the commander, International Security Assistance Forces, Afghanistan addressed the delicate balance of power that often exists. In an address in the U.K., he noted:

> I have spent a part of every year since then involved in the effort. I have learned a tremendous amount about it, and every day I realize how little about Afghanistan I actually understand. I discount immediately anyone who simplifies the problem or offers a solution because they have absolutely no idea of the complexity of what we are dealing with. In Afghanistan, things are rarely as they seem, and the outcomes of actions we take, however well-intended, are often different from what we expect.[130]

Understanding the operational area is a major advantage to LEAs. In general, they live within their area of jurisdiction or at least close by. Frequently they grew up in the environment. With some exceptions they speak the language and understand the issues attendant to that area. Most

SWAT personnel were required to spend several years on the road patrol before transitioning to the specialized units.

Given their career in an LEA, they get to know individuals and develop networks that can support their activities. Most major metropolitan areas employ the program known as COPS. Those Community-Oriented Policing programs assure that officers are assigned to a specific small geographic area. It is designed to have officers know the community leaders and businessmen. Ideally, they actively participate in local activities, work to gain the trust of the population, and listen to their problems and concerns.[131] It was found that fixing small problems and grievances greatly reduced larger ones. Again, the LEAs have the home court advantage.

Figure 7. SWAT sniper in overwatch as team members take down a suspect in a vehicle on a Los Angeles freeway. LASD photo.

Training

SOF elements undoubtedly have the best training in the world. It takes at least 2 years of training before individuals will be deployed on missions. In addition, their training and education will continue throughout their entire career. They have a plethora of excellent schools to choose from, and cross-training with other services and the civilian sector is a norm. Training of personnel provides a major advantage to SOF. One estimate provided

was that SOF units spend ten times the amount of time training as they do in mission execution. Of course the reality of operational tempo is cutting into that figure.[132]

All law enforcement officers begin by attending some form of a police academy. This normally lasts several weeks and provides the basic skills necessary. Much of the training is conducted to minimize the legal vulnerability of the department. In a risk-avoidance move, extensive personnel records are kept to prove that each student receives specific training and can be testified to when the department experiences lawsuits, usually in civilian court. Following graduation, each recruit will ride with a senior officer until they are certified as fit and fully competent. Even then, they normally are on probation for at least a year.

Personnel joining SWAT units are required to have several years of patrol experience before applying. Once accepted, SWAT recruits will undergo a few weeks of training and join an active unit. Team training is constantly continued, and some members are offered specialized schools. Some estimates are that about a quarter of a SWAT officer's time is spent on training. That may be on individual skills or as a team. In all SWAT units, physical conditioning is a high priority, as are shooting skills with a variety of weapons.

As the U.S. is too frequently a litigious society, training is often driven by potential lawsuits and is focused on a matrix based on the operations that are most conducted and those imposing greatest risk. Among the heavily trained subjects are serving of high-risk warrants, hostage rescue, barricade situations, dignitary protection, and counterassault. Since dynamic entries require precision, and explosive-breaching is a science, this takes on special attention.[133]

Many of the specialties are closely aligned with SOF units. Communications specialists concentrate on sensor systems and ensuring data can be pushed forward to team leaders. Skilled paramedics are assigned on missions. These are often supported by medical doctors who volunteer their services to the department. Sniper skills are highly valued, and training is extensive. These specialized individuals actually fire far less frequently than the public is likely to believe. The only incidents reported by the news media are when a person is shot, thus leading to a false perception of propensity for engagement. Most SWAT teams consider shooting a suspect as a failure, even though it is on occasion both necessary and justified.

Exchanges happen occasionally between SOF elements and civilian LEAs. These sometimes include cross-training with elements of foreign LEAs with similar missions. Members of several departments specifically mentioned training with Israeli specialists.

Support

Access to earmarked funding and Major Funding Program (MFP) 11 funds provides SOF units a huge advantage over the civilian counterparts. When necessary, they have access to national systems that provide unparalleled capability. Functioning under USSOCOM ensures that assets required for missions from another service can be made available. As a joint command, interservice cooperation by SOF elements is a norm, one that is practiced daily. However, even with dedicated funding, USSOCOM never has enough to allow acquisition of everything that would be desirable, and there is still competition for resources.

Normally SWAT teams have access to specialized equipment not usually available to conventional patrol divisions. However, the decisions on what to buy are determined by the local commander. In addition, there are fiscal limitations when requisitioning expensive equipment. Because SWAT teams are expensive to organize and maintain, only the largest departments have them. Even in large LEAs the finances of each department are constantly stressed, thus the departments are frequently attempting to acquire grants from federal coffers. It is up to each of those sheriffs and police chiefs to determine how they will allocate resources that are primarily designed to respond to high-risk, low-probability events.

Equipment

Most SOF materiel is supplied by the armed services. However, with additional support from Program 11 funds in the DoD budget, SOF elements tend to be better equipped than conventional forces. That funding also allows for limited research and development and provides some units to purchase specialized off-the-shelf items. The centralized procurement system and volume of acquisitions of the DoD allows them significant advantages in purchasing power not afforded state and local agencies.

The equipment available to civilian LEAs will vary considerably. As noted (page 4), there are over 18,000 separate agencies in the U.S. and about 80

percent of them are very small, often with less than 25 personnel. That also means their budgets are quite restrictive, so the ability to acquire specialized equipment, especially if probability of use is low, is limited. While the Department of Justice has a small element that evaluates equipment, they can at best put out advisories based on their testing. Purchase is up to each department and often under the direct consent of an elected or administrative body. Recent federal grants for counterterrorism have helped many departments.

Only large departments can afford to buy the specialized equipment used in low-probability high-impact situations such as are likely to arise in terrorist incidents. Due to escalating threat from criminals that appear to be ever-increasing in weaponry, SWAT units have invested heavily in personal protective gear. Most big cities have some form of armored vehicles and are supported by aerial units. Still, these are big-budget items and must be acquired judiciously. Bottom line for civilian SWAT is that they will have better equipment than most patrol units, but not quite comparable to federal LEAs or SOF.

Personnel

In general, SOF units can afford to be very selective in recruiting and retention of highly motivated people who possess exceptional skills. Many of the new personnel come from traditional units and have the requisite understanding of what is expected of service members. Further, they fully comprehend the nature of the organizations and missions they are volunteering for and that the units are extremely selective in whom they will take.

The ability to expand these forces without jeopardizing the quality of the unit is limited. The SOF truths directly apply to the personnel system:[134]

a. Humans are more important than hardware.
b. Special Operations Forces cannot be mass produced.
c. Quality is better than quantity.
d. Competent SOF cannot be created after emergencies occur.

Recently Admiral Olson added a fifth SOF truth as a reminder that they do not operate in a vacuum.

e. Most special operations require non-SOF assistance.[135]

To retain skilled operators, some competition has occurred with civilian contractors. In response to the perceived concern, retention bonuses were paid to entice the best talent to remain on active duty.

Given the current economic situation, most LEAs do not have trouble attracting recruits. The biggest discriminator between agencies is pay. Today larger departments offer compensation packages that are quite competitive with other civilian employment opportunities. In addition, many of the same motivational factors that are found in military volunteers are found in law enforcement applicants.

A major factor in choosing law enforcement over the military is that their career will be spent in one area without repetitive assignments to faraway and dangerous places. The perceived key benefit is minimal disruption for married personnel, when compared with military deployments.

Use of Force

Use of lethal force when involved in direct action missions is reasonably anticipated. Most SOF operators who have engaged in combat operations have fired their respective weapons at specific targets or as suppressive fire against an entrenched enemy. While operators are legally accountable when using deadly force, it is considered a normal part of the mission. In the event that a specific individual is likely to be shot, it is not uncommon to obtain a legal review before initiating the operation. That review will determine under what circumstances the person may be shot and when they may not. For example, if the targeted individual surrenders, he would then be afforded prisoner status.

In open combat, decisions to shoot are made instantaneously when an enemy force fires upon a unit. There are times when the decisions to shoot are deliberated on beforehand. Execution of ambushes might be an example. Combat additionally has acceptable levels of noncombatant casualties. While it is desirable, and even legally required, to minimize such casualties, the conduct of war acknowledges that innocent people may become victims. The unintended consequences of noncombatant casualties have come to the fore in thinking about COIN operations. Excessive or indiscriminant use of force is known to turn the local population against those involved.

For most U.S. law enforcement officers, the only time they will fire their weapon in an entire career will be on the shooting range. That even applies

to officers engaged in SWAT units, though their exposure to violent situations may be higher. Given the LEA mission to protect the public, acceptance of collateral casualties approaches zero. There are circumstances where the death of an innocent victim may be deemed necessary, but they would be extraordinarily rare. One example might be an individual being forced by another to commit a terrorist act that would endanger many others.

For SWAT operations that are planned, rules of engagement are thought through in exquisite detail. In situations such as rescuing hostages in an evolving situation (e.g., a bank robbery gone bad) planning time is usually limited. Lieutenant Larry Burns commanded the Las Vegas SWAT unit for 7 years and has extensive experience in use of force decision-making. He developed a *Five–Five Rule* for such situations—that is, a means for determining whether or not an anticipated course of action makes sense. This rule says the team leader must consider actions in 5 seconds, which must stand up to 5 years of legal scrutiny.[136] If the decision-maker can answer yes to two quick questions, then the decision is probably correct. Those questions are: "Does this action make sense?" and "If this were my family members in this situation, would I take this action?"[137]

In some ways SWAT units have more reflective time regarding use of force. That comes as they either initiate operations, such as serving a high-risk warrant, or respond to a situation that has developed over a period of time. However, the patrol officer that encounters trouble often must make a similar decision in less than 2 seconds.[138] When things go bad on the road, they usually happen very quickly and without prior warning. Such situations are similar to what SOF operators may encounter if ambushed, but on such an extremely low frequency that the mental processes are different.

Whenever civilian LEAs engage in use of force, they can count on being sued, even if the circumstances fully justify the amount of force employed. As an egregious example, the family of one of the robbers in the North Hollywood bank robbery (previously covered) actually sued the LAPD.[139]

Lieutenant Burns noted that advanced technology has helped significantly and actually reduced the necessity for use of force. This technology specifically relates to improved sensor systems that allow better observation, often from inside the target site. Knowing what the suspect is doing allows SWAT commanders to make better judgments about when it is necessary to initiate actions and when it is safe to wait out the situation.[140]

Plans and Operations

The extensive planning that goes into SOF missions is well known. Because manuals are written on the topic, it is deemed unnecessary to explain the processes here.

The planning processes for SWAT and other LEA units are less well known to military readers. In fact, the way police and military plan and execute operations is very similar. When executing a legal warrant, great emphasis is placed on observation of the site so that it can be described in detail to obtain the warrant and ensure the proper location is served. The legal consequences for executing a warrant at the wrong location can be considerable. Not only are reparations in order to the innocent victim but evidence will be excluded at the trial of the real criminal.

In planning for police raids, the reconnaissance activities are very much akin to combat operations. Direct observation is supported by photographs. For large sites—such as office buildings, malls, or factories—architectural drawings may be obtained. An example of the level of detail is found in Commander Sid Heal's book, *An Illustrated Guide to Tactical Diagramming.* Heal, now retired, was the former commander of the Los Angeles County Sheriff's Department Special Enforcement Bureau and has extensive personal experience on some of their most dangerous missions.[141]

While observing Las Vegas Metropolitan Police Department (LVMPD) SWAT operations, I noticed the high degree of similarity in planning for tactical operations compared to that experienced in military service.[142] At a staging area close to the target, photos of the building and the suspect were posted for the entire unit to see. Aerial photos are often taken to provide information on areas not easily visible from the ground. The officers had considerable knowledge of the suspect and his prior behavior. They knew all of the people who might be in the building and their relationship to the suspect. All exits and points from which observation could be made were known. Presence of dogs was always important. Each man was given his assignment with note to which weapons or pieces of special equipment they were to carry. A drawing of the target and plan of attack was posted. In preparation for the execution of the operation, a detective was in a location to observe the target location and provide up-to-the-minute information as the team approached.

The planning process is repeated in great detail, even when the unit is executing several warrants in a single day. Like with military missions, while operations may be similar, no two are identical.[143]

Figure 8. Las Vegas SWAT team prepares to execute a high-risk warrant. Every team member is briefed on assignments and confirms equipment to be carried. Author's photo.

One Example of SWAT Operations

What follows is an example of the detailed planning and innovative operations that can be conducted by civilian law enforcement. The target of the operation was Lieutenant Raul Lopez Alvarez, a Mexican police officer who was believed to be involved in the kidnapping, torture, and execution of U.S. Drug Enforcement Agency (DEA) agent, Enrique "KiKi" Camarena. The killing had taken place in Guadalajara, Mexico in February 1985. Coincidentally, Alvarez was both a prime suspect in Camarena's torture and assigned to investigate the crime. From multiple sources, the DEA knew that Camarena's death had been extremely horrific.[144]

Undercover agents learned Alvarez was coming to the U.S. to conduct another murder and that torture would be involved. Alvarez believed the

target was to be a U.S. Customs officer, but in reality, he was another DEA undercover agent. Alvarez was concerned that he might use excessive force and kill the person before they obtained the information. Therefore, he subcontracted the torture to two torture "experts." The situation was extremely sensitive with many things that could go wrong and cause innocent deaths. However, the DEA wanted to capture Alvarez in the U.S. as that avoided complicated extradition procedures.

The operation was conducted under the leadership of then Sergeant Sid Heal of the Los Angeles Sheriff's Department (LASD) SWAT unit. The location was the Vagabond Inn, located in Rosemead, California. The tactical dilemma was whether to take Alvarez and his accomplices in the hotel, thus risking a firefight with hotel guests in close proximity, or to evacuate the guests and risk alerting the suspects. The hotel was located close to Interstate 10, and there were multiple avenues of escape if the option to flee was taken.[145]

A week before the operation, Heal went to the hotel under the guise of reserving rooms for a conference attended by naval personnel. That was chosen to account for many sea bags that the SWAT team would use to transport weapons and equipment. These bags could cover the bulletproof shields. Because the hotel staff members were not privy to the operation, Heal had to be careful about how he acquired the information about the specific rooms involved. The method used to obtain exact dimensions was unique. He and an assistant memorized the kind of furniture in the room and its location. They completed a CADD (computer-assisted drafting and design) drawing, then located a Sears and Roebuck catalogue for exact dimensions of each piece. That drawing was then used to recreate the design of the entire building. Of course aerial photos were obtained.

The operational security would match any military mission; and until the operation was about to proceed, only a very limited number of people were aware of the details. A full-scale dress rehearsal, conducted in another building in Los Angeles, had been designed to replicate the hotel room. This rehearsal included the actual undercover agent who would be meeting with Alvarez.

Heal had opted to take Alvarez without evacuating the hotel, which meant great precautions would be needed to protect the unsuspecting guests. They arranged to rent the rooms on both sides of the target room (No. 129) and those above as well. It took 10 hours for the teams to infiltrate the hotel. Long before the initiation of the operation, countersurveillance procedures were

put in place inside the hotel. During this period SWAT members moved a great quantity of bullet-resistant materials into the adjacent rooms. They then silently covered the walls that were next to room 129 to prevent accidental injuries. Advanced sensors were used to allow observation of activities inside the room.

Extreme emphasis was placed on capturing these criminals alive, which is one reason why LASD SWAT versus DEA agents was chosen to execute the operation.[146] When the undercover agent signaled the takedown, the door was blown and the team entered. Although they had a routine procedure for entering rooms, this entry was measured down to the number of steps each man would take, when and where turns would occur, and exact responsibilities for taking each of the three criminals into custody.

Flash-bang grenades were used to temporarily stun the suspects. The first team through the door secured the area. One of the *torture-for-hire* suspects reached for his waistband. Instead of shooting him, Heal kicked him with sufficient force to break his nose. Immediately behind the assault team the Red team conducted a *passage of lines*. They were armed with pistols and handcuffs. This action was to ensure that the suspects had no chance of grabbing one of the automatic weapons carried in the initial assault. In addition, the second team lessened the possibility that excessive force would be used. Even the appearance of unnecessary or excessive force could provide future defense attorneys grounds for a motion to exclude the evidence gathered in the raid.[147] The entire execution phase was conducted in less than 10 minutes, including DEA's evacuation of the suspects.

This case was deemed extremely high profile. It is reported that Ed Meese, the Attorney General at the time, was being updated in near-real time. The DEA agents who observed the operation equated it to the sophistication of the German GSG-9. The case is an example of a civilian LEA operation that was as complex as those conducted by SOF units.[148] In some cases, LEAs of major metropolitan areas have conducted joint training with various SOF elements. Among those agencies are both the LASD and the LAPD.

Costs

The capabilities that DoD SOF elements possess are known for being expensive to develop and maintain. As noted, a considerable amount of time is devoted to training, and new troops may take 2 years to acquire the basic skills for some units. The specialized equipment needed to counter low-probability/

high-impact terrorist events is deemed acceptable, as is the extensive training time necessary to develop and maintain these uncommon capabilities.

Examples might include infiltration techniques such as military free fall, high/altitude-high opening (HAHO) or high-altitude/low-opening (HALO) parachute techniques. Numerous Special Forces, pararescue personnel, and SEALs have undergone this training that begins with a 4-week course. Then they must continue to practice to maintain proficiency. However, the techniques have rarely been used on actual missions.

Civilian LEAs are hard pressed to cover the cost of full-time SWAT teams. A few larger agencies have multiple teams for those duties at all times. They are the exception. Most LEAs that have SWAT-trained personnel have them assigned on a part-time basis. The individual is trained and works with an assigned team. However, their day-to-day duties are on assignments to regular patrol duties. They carry the additional SWAT gear with them and respond when called upon.

The reality is that most LEAs cannot afford to have personnel involved in extensive training, then relegate them exclusively to SWAT positions on a full-time basis. Even those larger departments that employ full-time SWAT teams usually have them engage in support activities. As previously mentioned, service of high-risk warrants is an example of such common tasks.

The bottom line for both military and civilian agencies is that specialized organizations are expensive. The institutional cost-benefit analysis regarding viability of development and maintenance of such units includes matrices of risk factors, resource requirements, alternative solutions (such as availability of external support), and costs. In addition, it is common practice in both SOF and SWAT to have bonus pay for obtaining and maintaining additional specialized skills.

Common Skills

There are a few skills of both SOF and SWAT that are already totally congruent. Among those are *manhunting*, *snipers*, and *physical fitness*.

Manhunting. Both SOF and law enforcement have interests in finding people. More importantly, they want to find the right people. There are certain fundamentals that apply when it comes to the business of tracking down individuals. What becomes of them after they are located is a matter for each operation to determine. In general, in both cases capturing the suspects alive

has more advantages than killing them. While dead men do tell tales, live ones can provide much better information and more of it.[149]

In traditional warfare, the ability to mass firepower and eliminate the enemy's ability to return fire is a critical element. In that situation, killing as many enemy combatants as possible is a desired outcome. Decapitation of threat leadership was always a good thing, but the fight was carried to the soldiers. In SOF missions, it is often more desirable to focus on the capture or elimination of specific individuals. Thus the notion of manhunting has considerable merit.

The SOF perspective of this topic was recently covered in detail via George Crawford's JSOU monograph, *Manhunting: Counter-Network Organization for Irregular Warfare*.[150] Therefore, the intent here is only to direct interested readers to that publication. My only disagreement with Crawford's definition is that it is too narrow—that is, it addresses only national resources as concentrated against a target. From a law enforcement perspective, the desired outcome is identical; however, they will probably not have access to national systems.

Crawford outlined several key aspects to the manhunting process.[151] These include the following:

a. There is no substitute for knowledge of the target.
b. Persistence is required and pays off.
c. Size matters—the most effective results are usually via small teams.
d. This is a people- and process-oriented endeavor—operations center on people.
e. Assistance from other operations can be helpful.
f. Nonlethal or indirect approaches are useful.

LEAs use much the same techniques in their manhunting operations. Once a target has been identified, the hunters begin acquiring as much knowledge as possible about him. While the social networks are not necessarily national in scope, identifying and locating family, friends and associates is a primary task. Of particular interest is determining the suspect's social networks, the cross-reference aspects of prior travel, public transportation, financial support, and communications. Modern America has a substantial amount of routine surveillance that is incorporated in most public places for security purposes. Video cameras are everywhere, especially in malls and any transportation facility such as airports, train and bus terminals.[152]

Unless the suspect has planned an escape well in advance, obtaining immediate financial support is critical for them. However, credit card use can be traced very quickly and will often indicate the intentions or directions the individual is moving. While most sophisticated suspects know that cell phones provide a definitive location, they are still used by many of them.

As social animals, suspects have a great tendency to move toward known and familiar situations. The lone wolf on the run without any ties may work well in the movies, but is quite rare in reality. Males almost always attempt to contact significant females in their lives, be that a wife, mother, or girlfriend. Frequently it is easiest to track the female, even if they avoid phone contact with the suspect or switch phones frequently. Placing a GPS system on the significant female's car has led to the arrest of many fugitives.

One aid in dealing with cross-jurisdictional manhunts is that sheriff's deputies also can be sworn as U.S. Marshals. This capability may allow the suspect to be arrested by officials from the original jurisdiction of the crime and expedite extradition. International cases are considerably more difficult. Even if the suspect's whereabouts is known, the time and expense required for international extradition makes such processes reserved for only the most egregious crimes.[153]

Figure 9. SOF sniper training in desert environment. USSOCOM PA Office photo.

The bottom line for both SOF and LEAs is that the characteristics of manhunting are basically the same. Work in small, well-coordinated teams with the best intelligence possible about the target. Be persistent, flexible, and think outside the box. While the selection process for personnel includes looking for people with prior investigative experience, the best at the trade are *naturals* who just have a knack for finding people, no matter how hard the suspect is trying to hide.

Snipers. Both SOF and SWAT personnel emphasize shooting skills. At the top of the pyramid is the sniper. Here too there are similarities in application, but training is often identical. Lieutenant Larry Burns, former head of the Las Vegas SWAT team, noted that he "never missed a chance to attend a sniper symposium."[154]

In many situations the sniper is employed to save lives. While that might sound counterintuitive, in both SOF and law enforcement, the sniper is often used to protect others. SWAT units resort to use of deadly force as a last resort. Unfortunately, movies and television have contributed quite negatively and produce an image of trigger-happy marksmen. The reality is far different; it is only in rare instances that SWAT snipers actually

Figure 10. LASD sniper engaged in counterterrorism training exercise involving protection of shipping. LASD photo.

shot someone. They have a life priority hierarchy, with life of an innocent being more important than a criminal perpetrating a crime that puts the victim at risk. The vast majority of their time is spent in overwatch of the other SWAT team members or in close observation of a suspect engaged in hostage-barricade situations.

Military applications of sniper skills include offensive operations to take out specifically named threats or those engaged in activities designated as a threat. An individual seen implanting an IED, or establishing an ambush position, would be applicable examples of suitable targets.

Both organizations have increased legal risks as well. For LEAs, an inquest will always follow the deliberate use of lethal force. This procedure ensures citizenry safety in the long run, but is also protection for the officer involved as it officially clears him of wrongdoing and concerns about future criminal action. This issue no longer solely belongs to a civilian LEA, however. As an example, in September 2007, Master Sergeant Troy Anderson and Captain Dave Staffel of the 3rd Battalion, 3rd Special Forces Group were brought up on charges related to a sniper incident near the village of Ster Kalay, Afghanistan.[155] Despite the fact that the target, Nawab Buntangyar, had been designated as an enemy combatant and investigations had indicated this killing was legal, the soldiers had to endure months of worry and the necessity of obtaining legal counsel. The trend toward very restrictive, post hoc review suggests that future training will necessarily include legal considerations as well as shooting skills.

Physical Fitness. All SOF and SWAT units place a high value on physical conditioning. Many of the operations of all such elements are physically demanding. Many people recognize that military body armor has grown to be quite heavy. They probably would be surprised to learn that SWAT personnel also start at about 55 pounds of armor, and that does not include the weapons and other special equipment they carry on a raid. While most operations are relatively short in duration, standoffs may dictate that the team members remain in gear for hours. One example of how difficult that may be was when the Las Vegas SWAT team engaged in an 11-hour standoff with temperatures well into triple digits.[156] While the military in Iraq has experienced such conditions, few of them are aware of the circumstances encountered by civilian LEAs. To meet these demands, all SOF and SWAT elements engage in physical training.

Law Enforcement and COIN Operations

Security of the population is a key factor in COIN. In most countries it is local law enforcement that maintains civil tranquility, not the military. During active insurgencies the military and law enforcement should be cooperating. A good understanding of this process is found in Joe Celeski's JSOU monograph, *Policing and Law Enforcement in COIN—the Thick Blue Line*.[157] SOF elements engaged in COIN missions are likely to have experience in the development of indigenous LEAs. That makes them excellent candidates in understanding how those skills might be transferred to other situations.

In many ways, the advances in policing in the United States have a direct relationship to COIN operations in foreign countries. It was after the civil rights problems of the 1960s that major changes took effect. For many minority-concentrated communities, local police forces were viewed as similar to occupying powers. Extensive recruitment efforts brought in members from the community that helped ameliorate the situation. One significant advance was the development and implementation of the COPS program.[158]

As in COIN, effective policing is impossible without trust between the citizens and the officers. Community policing required significant changes in both structure and attitude of law enforcement organizations. The similarities with COIN included assigning police to specific neighborhoods and having them mix with the people and especially community leaders. They were to listen to the concerns of citizens and ensure they had a voice in the actions of their communities. In return, preventing crime was clearly not solely the responsibility of police, but rather the people of that community played an integral part in the process.[159] As in COIN, quality-of-life issues were found to have a direct bearing on prevention of crime; fixing broken windows, and other seemingly unrelated tasks, may be important to gaining trust. Once trust is accomplished and the community becomes actively involved in the policing process, information/intelligence follows.

5. Factors Forging Future Convergence

There are several emerging factors that portend the continued convergence between military SOF and civilians LEAs, especially their SWAT elements. Transnational in origin, expansion of international gangs, organized crime organizations, and terrorism that has no boundaries and is relegated to criminal status require a coordinated response. Leaving these actions to federal LEAs—such as the FBI, DEA, Secret Service, Alcohol, Tobacco, and Firearms, and others—to solve is insufficient. Rather, area fusion centers that incorporate investigative and response entities at the federal, state, and local levels are already emerging. These amorphous threats have no regard for geographic limitations. Therefore, our defense mechanisms call for agile, cooperative, and capable confederations that are not hampered by self-imposed limitations.[160]

Transnational Gangs

Within the past two decades a dramatic influx of international gangs has occurred. Many of these, such as Mara Salvatrucha 13 (otherwise known as MS-13) have proliferated. This El Salvadorian gang actually began on the streets of Los Angeles, fighting for territory against the established gangs such as the Bloods and the Crips. The members of MS-13 are mostly illegal immigrants from Central America. As they became involved in criminal activity, many were caught and sent to prison, followed by extradition to the home country.

The prison-to-extradition process resulted in two major unintended consequences. The first was to provide the suspect with a graduate level education in crime. Those who went in as simple street thugs came out as hardened career criminals. Then through the deportation process those advanced criminal skills were exported to the streets of Central America where the drug-trafficking trade was burgeoning.[161] Worse, the trademark of MS-13 was the use of extreme violence, often employed to keep members from defecting. Joining the gang was a lifetime commitment. The gang members returning to the U.S. did not stay in Southern California. In 2005, MS-13 had already spread to at least 33 states across the country.[162] In fact, their presence was felt along the East Coast and as far north as Boston.[163]

The activities of MS-13, with an estimated 10,000 members, are not to be taken lightly. They are known to the local LEAs as being well organized and

having established aggressive countersurveillance programs. When serving search warrants, police have found videotapes and digital photographs taken of them by gang members. This activity is a concerted effort, not a haphazard one. Their organizational activities are on par with those of the well-established mafia.

Rivaling MS-13 is Calle Dieciocho, otherwise known as the 18th Street Gang to LEAs. Initially this gang was only open to Mexican-Americans; they have expanded allowing other Hispanics to join. With an estimated 30,000 or more members nationwide, the 18th Street Gang is believed to be the largest in the Southern California area. They are involved in many types of criminal activities, including auto theft, carjacking, drive-by shootings, drug sales, arms trafficking, extortion, rape, murder for hire, and murder. They specialize in recruiting the very young. Once in, departure is a potential death sentence for the suspect and other family members.[164]

The members of the 18th Street Gang are often well armed and are known to have access to automatic weapons, including Tech 9s, Mac 10s, Mac 11s, and AK-47s. Much like MS-13, they have a reputation for use of extreme violence. They are deeply involved in the drug trade and have established working relationships with Mexican importers. Territorial in nature, they employ protection rackets extensively and apply a taxation system to both legal and illegal enterprises operating in their area. Failure to pay brings visits from gang enforcers and sometimes murder. With expansion of their drug markets, gang membership will grow and their pension for violence will increase.[165]

Note that the criminal activities of MS-13 and the 18th Street Gang have risen to the level to attract Congressional attention. The revolving-door aspects of these repeat offenders in narcotrafficking are of great concern.[166] Part of scoping this problem is understanding that 20,000 violent street, motorcycle, and prison gangs are operating in the U.S. today.[167] According to FBI statistics, that number equates to at least one million gang members; and they engage in a wide range of crimes including robbery, home invasions, identity theft, extortion, and illegal narcotics.[168]

Listed by the FBI, the largest gangs are as follows:

a. 18th Street Gang—30,000 to 50,000 members in the U.S.
b. Almighty Latin King and Queen Nation
c. Asian Boyz—2,000 members, mostly Vietnamese and Cambodian

d. Black P. Stone Nation—6000 to 8,000 members, mostly African-American
e. Bloods—30,000 members in 123 cities
f. Crips—30,000 to 35,000 members in 221 cities
g. Florencia 13—3,000 members, a Mexican gang in Southern California
h. Fresno Bulldogs—5,000 to 6,000 members in Central California
i. Gangster Disciples—25,000 to 50,000 members in 31 states
j. Latin Disciples—2,000 members
k. Mara Salvatrucha (MS-13)—50,000 members worldwide, 10,000 in the U.S.
l. Sureños and Norteños—a Latino prison confederation
m. Tango Blast—14,000 member in Texas prisons
n. Tiny Rascal Gangsters—5,000 to 10,000 members, considered the most violent Asian gang
o. United Blood Nation—7,000 to 15,000, started in Rikers prison in New York
p. Vice Lord Nation—30,000 to 35,000 members.

All of these gangs have members who have been in the military.[169] When they return to their gangs on the street, their knowledge of weapons and tactics poses a significant threat to LEAs. While having gang members in the military is not new, according to the FBI, the trend is increasing and the population density is above what is found in the civilian sector.[170] An estimated 2 percent of military members have gang affiliation. Despite background security checks, it must be assumed that some number of these members are attracted to, and have become members of, SOF units.

The influence of gangs in urban areas is a considerable concern. As previously noted there are similarities between gang functions and insurgencies. In COIN, local security is a first step. When gangs have control of geographic areas, the residents often live in fear and understand that their security depends on the goodwill of the dominant gang.

One particularly disturbing phenomenon is the code of silence being instilled in many of America's youth. *Don't snitch* is the byword and epitomized in popular rap culture.[171] The intent of this movement is to isolate the citizens, making the isolation more heinous than to commit a crime. Of course, this trend has had devastating consequences in poor black communities as youngsters are killed and witnesses are too intimidated to report what they know. A classic example was the beating death of Derrion Albert

in a gang fight at school. Despite many witnesses, none voluntarily would talk to police, even though the event was caught on camera.[172]

The reasons for joining gangs and joining insurgencies are similar. Many join for social versus ideological reasons. Frequently disenfranchised in one form or another, both gangs and insurgencies provide a sense of belonging as well as a degree of security or protection from other groups operating in the area. These organizations provide identity and often financial rewards, especially when economic times are tough.[173]

In areas controlled by either gangs or insurgents, sanctuary is provided. It ranges from physical protection and hiding to the local culture providing support through the code of silence. On a larger scale, this sanctuary may also include training areas for future operations. Such support is one reason why gangs and insurgents may send members into military organizations for advanced skills that can then be transferred to others.

As noted, countering either gangs or insurgents is very similar. Both require specialized units, ones that understand the current cultural environment and can function there. In both situations, language skills may be required. In addition, interagency cooperation is needed. That will include working with civic groups or nongovernmental organizations with which the objectives may not be a perfect match. The most important ingredient for countering gangs or insurgents will be gaining support of the local citizenry. Trust can only be achieved if long-term security is ensured.

Mexican Gangs

Due to proximity, the gangs in Mexico are a particular concern. Previously mentioned were many of the problems that have arisen south of the U.S. border as they related to narcotrafficking. In looking to the future, further examination of the situation is needed. The official position is that President Calderon is facing a difficult situation, but domestic stability can be maintained. However, this author's concern and that of other observers is that the official position is overly optimistic and represents a clear and present danger to the U.S.[174, 175, 176] Comments by respected experts support this conclusion as well. David Shirk of the Wilson Center noted that the militarization of the drug war has failed to reduce the violence. John Mill Ackerman of the National Autonomous University of Mexico said he did not see any evidence that Mexico is winning the drug war, but merely applying more of the same tactics.[177] Even local confidence seems to have

reached historic lows. In Ciudad Juarez, businessmen have asked for UN peacekeepers to intervene.[178]

What most Americans do not understand is the true extent of violence that occurs on a daily basis. While the U.S. news media provides some discussion of violence, they continually shield the public from the extremely graphic material that is seen in official channels. They do not see piles of torsos and limbs that have been disassembled by power saws and machetes, such that the police must reconstruct whole bodies much like a picture puzzle. Nor do they show rows of decapitated heads that are left intentionally to intimidate adversaries. Then there are videos that appear on the Internet in which victims are tortured and killed so that the Mexican public is exposed to the gruesome details.[179]

Even the statistics are sobering. Between December 2006—when President Caldron began intensive response to the drug gangs—and November 2009, more than 14,000 people were reported killed. That includes over 700 state and local police officers who have been assassinated.[180] For perspective, the United States, with a population about three times that of Mexico, lost only 73 officers due to violence in 2008. Death can come quickly to those assuming a leadership role. Retired Mexican Army General Juan Arturo Esparaza was killed only 5 days after taking over a police force near Monterrey. Of those arrested for his murder were 16 police officers.[181] Unfortunately, this is far from a lone example. It was learned later that the number of fatalities was significantly under-reported. As of June 2010 the Mexican drug-related murders were over 23,000 since inception of Calderon's anti-drug campaign.[182]

President Calderon ordered the military into the drug war in order to enhance security. In some areas their presence was successful in temporarily reducing violence. That was not true in all areas. Ciudad Juarez has experienced increased criminal activity. In 2009, through mid-October, that city alone had over 2,000 murders related to drug activity.[183] Periodic announcements of key cartel figures being arrested means little in the overall scheme of things. In fact, one of the unintended consequences of the military intervention has been to upset the existing balance of power between various cartels. As one organization senses a weakness in another (caused by arrests or killings), they frequently make an attempt to take over that territory. From the State of Michoacán, *La Familia* has become extremely aggressive in expanding their area.

Individual drug lords can attract surprising international attention. As an example, Joaquin Guzman, known widely as *El Chapo* and leader of the Sinaloa Cartel, was listed by *Forbes* as No. 41 of the *World Most Powerful People*. He was only slightly behind Osama bin Laden (No. 37), while President Calderon, who is directing the counternarcotics in the country effort, did not make the list at all. Guzman has amassed a personal fortune estimated to be in excess of $1 billion. In his home territory he is seen as a Robin Hood figure.

In supporting President Calderon's counternarcotics endeavors, the U.S. has been providing financial, materiel, and training support. If police and military units are better trained and equipped, the belief is they will improve their ability to fight the drug lords. In addition, as professionalism increases, a concomitant reduction in corruption is anticipated.

While success has occurred in individual programs, there have also been catastrophic failures. Corruption with the government at all levels is epidemic. In 2008 it was learned that the Mexican Attorney General's Office had been infiltrated by a drug lord's intelligence agents. Five were arrested for spying for the Beltran-Leyva (Sinaloa) Cartel. Of those, two were top agents in the organized crime unit and were allowed access to DEA information in the U.S. Embassy. Their monthly pay for these activities was reported to be between $150,000 and $450,000.[184]

As previously mentioned, these organizations have very effective counterintelligence operations. One example is the assassination of 12 members of the counterdrug unit trained by DEA and the U.S. Border Patrol who were targeted against Guzman's operation. In July 2009, the unit had barely arrived in the area when cartel members rolled up all of them, then tortured and left them strung upside down like animals in a slaughter house. Their severed heads were placed in a row against the wall.[185]

Also of concern should be the weapons available to narcotics traffickers. They have acquired and are using military-grade armament. Included are AK-47s, AR-15s, M203 40-mm grenade launchers, and various grenades. A weapon of choice appears to be the .50-caliber Barrett sniper rifle that can be easily obtained from the U.S. They have also obtained bullet-resistant body armor. It has been reported that some gangs have actually ambushed Mexican military units and were prepared to fight it out with them.[186]

These gangs have already initiated cross-border raids and even targeted law enforcement agents. That was exemplified by the 2007 home invasion of

a U.S. Border Patrol agent in Tucson, Arizona. Four gang members forcibly entered the officer's home, but were driven back when he was able to return fire.[187] Other officers in the El Paso area have been reported to be on death lists. They have also killed at least one U.S. military person in Mexico. Air Force Staff Sergeant David Booher was one of several people shot while visiting a bar in Juarez in November 2009.[188]

The Merida Initiative, signed by President George W. Bush and President Calderon in 2007, promised that the U.S. would provide $1.5 billion to Mexico. In 2008 Congress allocated $400 million aimed at purchasing equipment, expanding the infrastructure, and professionalizing the police. Only $40 million was allocated to counternarcotics operations.[189] While it may be too soon to assess the results, the prospects do not seem as rosy as they once did. In October 2009 LEAs across the country conducted extensive raids against narcotics traffickers and arrested 1,785 suspects. These raids were part of Operation Community Shield, which culminated 6 months of investigations.[190] When checked in early November, availability and the street price of drugs had remained nearly constant.

Congress has taken an interest in "spillover violence." While federal officials deny any recent increase in violence, they do express concern about the issue. It is important to note that the statistics exclude the trafficker in trafficker violence. The analysts acknowledged that accurate data does not exist, but a perception of increased danger is certainly present.[191]

In July 2010 Pinal County, Arizona Sheriff Paul Babeu said that Mexican drug smugglers were operating with armed squad-level protection inside his county located south of Phoenix. For his public statements, those groups have personally targeted him. During mid-2010, threats against several American law enforcement officials have been made. These are taken more seriously following the killing in Juarez of Lesley Enriquez, a U.S. consular, and her husband, Arthur Redelfs, a law enforcement officer in El Paso, Texas.

Critical events during 2010 include an assassination attempt on Minerva Bautista Gomez, the chief of security for the State of Michoacán, and the 14 June ambush of police officers in which at least 10 were killed and many others wounded. Reportedly, at least 35 La Familia gang members participated in the 30-minute gun battle. Arrested for participation in both attacks was a former police commander. Also of concern was the killing of 21 opposing gang members in a 2 July shootout just 12 miles from the U.S. border near Nogales. On 17 July 2010 a car bombing in Juarez signaled another dramatic

escalation in threats to LEAs on both sides of the border. That vehicle-borne IED was comparable to the most sophisticated improvised weapons that have been encountered anywhere in the world and previously has not been seen in the region. These are a few examples of Mexican instability and that the incidents are bleeding over the border.

Why is instability in Mexico of concern to SOF as well as law enforcement? The answer is *propinquity*. Across our southwestern border states and towns, LEAs have faced this problem for many years, albeit not as bad as the situations are becoming. Of concern is potential for further degradation of stability. This is a contingency that demands extensive planning and should not be ignored due to political correctness. If cross-border violence increases to a point that it stresses the existing LEAs beyond their capability to cope, then introduction of SOF elements is a logical national response.

Criminalization of Terrorism

The issue of how to deal with terrorism is not new, nor is the debate concerning whether terrorist acts constitute war or a crime.[192] The lines are certainly blurred when terrorist actions are embedded in a war zone and constitute a basic tactic employed by the adversary. Since 9/11 and the inception of the GWOT, the debate has intensified with serious concerns about how to deal with perpetrators. A review of terrorists' prosecutions by Michael Hoffman in *Parameters* noted, "Terrorists are gaining an astonishing legal edge over the U.S." The rights and privileges they are now afforded exceed those of enemy soldiers or even insurgents in civil conflicts.[193] The implications for SOF are significant as they, like law enforcement officers, are often the people who are executing operations that bring them into direct contact with the terrorists and must then meet legal challenges. Hoffman indicated that this trend would increase. More problematic may be the jurisdictional differences in rules of evidence, which vary from country to country. That means that the SOF operators must know the jurisdiction in which the terrorist will be prosecuted and ensure they follow that set of rules. Terrorists brought into the United States court system will likely have the most rights and strictest rules of evidence applied.[194]

In previous wars an enemy was fixed and when possible destroyed. In the event of their capture, laws of land warfare dictated how they were to be treated. In general, they were held until the end of hostilities and then repatriated. On a few occasions, prisoners were granted amnesty and released,

usually with a guarantee that they would not return to the battlefield. Only those who were deemed to have committed *war* crimes were placed on trial, usually in public. At the end of World War II, the worst of those criminals were executed by hanging. For perspective, and remembering the magnitude of World War II, of 21 Germans tried at Nuernberg, only 11 were sentenced to death. Of the 25 Japanese tried, 7 later had the death sentence carried out.

The wide range of circumstances under which suspects came under the control of American or allied forces deepened the problem. Legal debates were held at the highest levels of the U.S. Government and even engaged the U.S. Supreme Court ruling on the use of military tribunals for detainees. Among the topics discussed were the rights of detainees and the rules of evidence that would be applied.

Beginning with Operation Enduring Freedom, selected personnel that were captured in Afghanistan fell into ambiguous categories. As volumes have been written on the ensuing debate over their status, no attempt is made to synopsize it here. The reality is that the debate about how to deal with terrorists continues to this day and will probably go on for years to come. However, the trend toward treating terrorists as criminals, and the desire for some form of legal trial, is clearly set. The importance of this vector is very significant to SOF as it will influence operations for many years.

Formal authorization for criminalization of terrorists came with the establishment of military courts to hear these cases. However, the U.S. Supreme Court ruled in Hamdan vs. Rumsfeld that parts of the attempt to try detainees in military courts were unconstitutional, as the U.S. Government was bound by the Geneva Convention in dealing with *enemy combatants*.[195] Therefore, legal justification to continue was required. That came with the enactment of the Military Commissions Act of 2006.[196] This act provided for establishment of military commissions to place on trial those defined as "unlawful enemy combatants." The act also revised the War Crimes Act and amended the provisions of habeas corpus of the United States Code. After the election in 2008, the act was updated with the Military Commissions Act of 2009, when the U.S. Senate altered the original concept. Among the changes was renaming the defendants as *unprivileged enemy belligerents*.[197] While the rules of evidence established for these courts are different, and not as strict as in the U.S. criminal justice system, rules do apply.

From a law enforcement perspective, the FBI has undergone the most change. Following 9/11, terrorism rose to the top of their priority list.

Hundreds of agents were diverted from other tasks and more than 2,000 intelligence analysts hired. They have created and joined Joint Terrorism Task Forces across the country and have agents embedded with every combatant command. They have 59 Legal Attaché offices and have become actively involved in investigating terrorist incidents abroad. Clearly the relationship and coordination between the FBI and DoD in general, and USSOCOM in particular, has increased substantially.[198]

These legal improvisions against personnel involved in the war on terror have not been all one-sided. Americans have come under scrutiny for actions in countries not directly engaged in ground combat. In November 2009, 23 U.S. intelligence personnel were convicted in absentia in Italy for their part in capturing and deporting suspected terrorists. Seven Italian intelligence personnel were also convicted of the same crime.[199]

Among the crimes for concern is the dramatic increase in piracy that has occurred over the past few years, especially near the Horn of Africa. Despite concerted efforts by multinational forces, the incidents of piracy continued to increase in 2009.[200] When the *Maersk Alabama* was seized by pirates in April 2009, it was the U.S. Navy that intervened. Negotiations were ongoing between the pirates and the captain of the *Bainbridge*, who was under the direction of FBI hostage negotiators. While it was Navy SEALs who were parachuted in to end the hijacking, the FBI was still involved and eventually designated the ship as a crime scene. While three pirates were shot and killed in a brilliant move by the SEALS, the remaining young pirate was arrested and brought back for trial.[201] Even the killing of three of the pirates was insufficient to deter future attacks on this ship. On 18 November 2009 another set of pirates attempted to again hijack the *Maersk Alabama* off of Somali. This time they were repelled by private guards with guns and use of nonlethal weapons including an acoustic device.[202] So much for the concept of deterrence.

By March 2010 piracy on the high seas had not abated, even with the presence of more international warships. On 1 March 2010 the Danish destroyer *Absolon* sank a mothership used by pirates to support their operations in the Gulf of Aden.[203] At that time 11 ships and over 100 crew members were being held captive, and a multimillion dollar ransom had recently been parachuted to Somali pirates.

Meanwhile, in Iraq another set of circumstances was developing. Initially, allied forces were picking up suspects and incarcerating them. Over time the

responsibility for these detainees was transferred to the Iraqi government. Accountability was difficult, and many of those detained were subsequently released, often for lack of evidence.

A similar situation emerged in Afghanistan. In August 2009, three Afghan civilians were picked up by American units based on substantial evidence that they had been involved in a bombing incident in which a U.S. soldier was killed and a CBS reporter badly injured. The evidence included fingerprints and explosive residue on a suspect's hands. Still, an Afghan Ministry of Defense official attempted to get them released.[204] Working with officials in host countries can be exasperating, even when forensic evidence supports the identity of terrorists. There are complaints about the revolving door, in which terrorists are caught and then almost immediately released by counterterrorism officials. In Afghanistan, tribal affiliations will likely trump evidence. One man spotted planting a bomb in a culvert but quickly let go because he had "a brick of money in his pocket." [205] Such actions have demoralizing effects, and corruption is epidemic.[206]

Of course many suspects have been released because of insufficient evidence tying them to terrorism. When they were picked up it was deemed more important to get them out of circulation than to build cases. In some instances they have languished in prison for years, only to have their cases not brought before federal magistrates. In court hearings for some of the Guantanamo detainees, judges have been releasing them on those grounds. For many when they were captured, sometimes on a battlefield, it was never envisioned that legal proceedings would follow.[207]

What appears evident is a clear trend toward even the most egregious terrorist acts being treated as crimes. Even actual combat is being subjected to scrutiny as never before. Therefore, as the tool of choice for difficult missions, SOF operators must reorient its personnel to thinking more like law enforcement officials.

Adverse Consequences

With the criminalization of terrorism has come a movement that deserves attention and must be viewed with grave concern. It is the investigation into the actions of CIA agents regarding prisoner interrogation under past administrations. The inquiry was initiated in retrospect by the Justice Department at the direction of U.S. Attorney General Eric Holder. This inquiry was so offensive that it drew the unprecedented response of a letter signed by

seven former CIA directors, all decrying this investigation. The letter stated, "Those men and women who undertake difficult intelligence assignments in the aftermath of an attack such as September 11 must believe there is permanence in the legal rules that govern their actions." They further noted that the intelligence agencies of foreign governments would be reluctant to trust state secrets to the U.S.[208]

This action, though directed against the CIA, has implication for SOF as well. These organizations often work closely together, as was demonstrated in the early invasion of Afghanistan in 2001. What occurred can be equated to changing the rules after the game has been played. It is highly unlikely that similar actions would be taken had the GWOT remained categorized as a war. Those rules are already spelled out. It is the dramatic change in orientation, one that views actions through a legalistic prism that has altered the realities of conflict. It is imperative SOF operators firmly understand that the firmament they stand on is rock solid and there will be no unwarranted retrospective second guessing of their efforts. Failing to provide such a foundation will lead to inaction or hesitation at critical moments. That is inexcusable and will eventually get operators killed.

Another downside to litigation of terrorists captured in clandestine missions could be revelation of classified tactics, techniques, and procedures (TTP) when pressed by defense lawyers. While some legal procedures are in place to protect such material, there is no guarantee of that remaining true. Maintaining secure TTP is critical to future mission accomplishment and safety of SOF operators. With ever increasing emphasis on transparency, it is not assured that sensitive procedures will remain protected into perpetuity.

6. Implications of Convergence

Mission convergence between SOF and civilian law enforcement, including a changing attitude toward execution of counterterror operations, manifests several areas that warrant consideration:

a. Competition for a limited source of personnel
b. Acquisition of new operational skills
c. New training requirements
d. Changing legal constraints, sometimes applied retroactively
e. Increased personal liability.

More competition for high quality personnel from a limited resource pool. The hallmark of all SOF elements is people. Due to extremely strenuous physical, mental, emotional, and motivational requirements, the talent pool from which high quality personnel can be drawn is limited. Since those recruits choosing to join special operations units are self-selected, internal and external forces influence their decisions to accept the rigors of SOF. Among the internal positive factors are perceived prestige, personal challenges, and the value they place on importance of service. Economic factors, however, include the availability of jobs that influence the decision whether or not to join. When the job market is tight, enlistments increase. Relative danger cuts both ways, attracting some people but raising caution for others. The status of public support for ongoing conflicts will influence both potential service members and their families.

A number of agencies and organizations are in direct competition for these innately talented people. In prosperous periods, traditional occupations will have a strong appeal. Even for those who are specifically drawn to challenge themselves, the options available are increasing. At the national level, positions in the CIA, FBI, DEA, Secret Service, and similar organizations will siphon off some people. The reality is that they are likely to attract SOF operators who are already trained, but will impact the recruit base as well. However, the group of people joining those agencies will be small compared to the number of qualified people recruited by LEAs across the country. While immediate tax-related budget cuts are hurting many LEAs, the problem is probably temporary. Even in the face of fiscal constraints, most major departments are actively seeking new members. While they

rarely actively take from the military, potential applicants with SOF skills are deemed highly desirable.

As indicated in this monograph, the need for special operations qualified law enforcement officers will continue to increase for the foreseeable future. In general, law enforcement officers in major metropolitan areas are more highly paid than comparable military positions. Unlike SOF, police officers usually receive a base pay for a specified period of time on a weekly or monthly basis. Overtime, which is a norm, is compensated separately and can raise overall pay by a considerable amount. Further, at some point they go home every day. This factor is not hypothetical and already has influenced some former SOF personnel to join LEAs.[209]

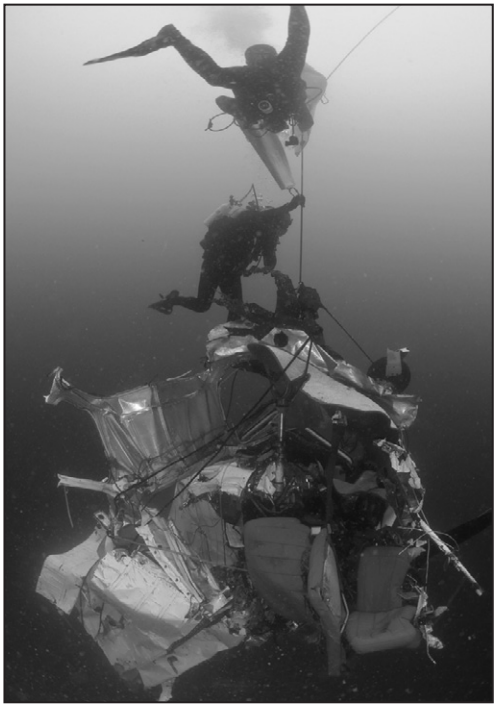

Figure 11. Experienced divers from the LASD recover wreckage from the Pacific Ocean. LASD photo.

The attraction of private security contractors is another issue that draws from the same set of capable people. While industrial competition is a separate issue unrelated to the convergence topic, several other alternatives for employment impact recruiting and retention.

For SOF leadership and force development planners it is important to understand that the competition for skilled people will likely increase. Concurrently, studies into physical fitness of American youth show a general decline, suggesting the existing talent pool will shrink. Those involved in recruiting and retention will have to increase their understanding of the internal motivational factors leading to SOF enlistment and vigorously engage in both recruiting and retention matters. While considerable effort has occurred in these areas, the completion is likely to get tougher.

Forecasting the need for additional operational skills. Recent history depicts a clear trend toward having SOF engage in activities more akin to law enforcement than combat. The purpose of this monograph is not to debate whether or not that shift is appropriate. Bottom line is that the trend toward criminalization of terrorism is real as are additional constraints on acceptable activities. Therefore SOF needs to prepare for this emerging and future environment.

Evidence collection techniques should be at the top of the list. A considerable amount of intelligence has been derived from captured materiel. Processing of IEDs has yielded critical data on the origin of parts, the sophistication of bomb makers, and in some cases the actual identity of that person. Placing both the prisoner and the SOF operator at a specific location along with weapons caches has been useful in prosecution.[210] This evidence is usually a simple photograph with date/time stamp.

Increased use of biometrics, both offensively and defensively will impact SOF. Operators will need the skills to use new technologies for identification of targeted individuals. Biometric databases need to be better integrated. Terrorists may be fairly mobile and engage in various conflicts. A few of them have been arrested in multiple jurisdictions, sometimes continents apart. Several of them have actually entered the U.S. undetected. Therefore, improving biometric data collection and integration of that material into a common database file is essential.

Such systems also pose a threat to some SOF personnel. Those operators involved in missions requiring discreet entry must be aware of these techniques. They may be employed by foreign powers to search for infiltrators as they come through commercial points of entry. It is already possible for foreign governments to catalogue people making repeated entries and cross-reference biometric measurements with previous identities. Given that organized crime and narcotics networks quickly employ the latest technologies, it is likely that they will adopt biometric tools as a countersurveillance mechanism, making infiltration by undercover agents even more difficult.

Documenting the actions of crime scenes is an art form that has been increasingly meticulous in recent decades. Similarly, when actions can be anticipated—such as serving high-risk warrants—the documentation process is used before, during, and after the event. Incorporation of small, lightweight recording devices makes data recording possible in ways never before possible. Police have also learned that they are not the only ones capable

of capturing the event. While similar techniques have been employed by some specialized units, they have yet to become pervasive. If trends towards increased accountability continue, which is likely, then advanced skills in data collection will be necessary.

Establishing new training requirements. Because terrorism will be treated as crime and SOF elements will be involved in missions that eventually necessitate collection and preservation of evidence, with the possibility of court testimony, adequate training should be provided. There are two distinct domains in which these operations are likely to occur. The first has been experienced in Iraq and will probably follow in Afghanistan and other areas in which the U.S. establishes long-term commitments for stability operations. The second area will be in support of homeland security operations in which SOF units function in connection with civilian law enforcement. Such missions are likely to expand on America's southwest border.[211] Meeting engagements with drug smugglers that have resulted in armed interventions have occurred. The training implications of this continuing trend are extremely significant. While civilian police academies vary, the minimum requirements for teaching a patrolman to conduct the tasks now asked of some SOF units is over 700 hours in an academy followed by 13 weeks of supervised field training. They are then given additional courses as their in-service training.[212] Other major organizations, such as the LASD, start at 1,100 hours of training with a complete cycle that runs 11 months before an officer is allowed on the street alone.[213]

Obviously for each of the new technologies that are incorporated, adequate training will be required. Given the probability of increasing limitations on the handling of prisoners and detainees, it appears that training in interview and noninvasive interrogation techniques should be expanded. Emphasis on detection of deception will be useful, not only for interrogation of hostile witnesses but in better comprehending the actions and intentions of allies when training foreign troops. While some SOF personnel acquire these skills, they need to be expanded and are often found in LEA courses.

There may be a need to increase the documentation of individual training, similar to the manner in which LEAs keep records on their officers. As burden of liability is shifting towards individuals, having all aspects of

their education and training thoroughly chronicled could become essential in supporting their decisions and actions.

Acknowledged is that the military has added some advisors with extensive LEA experience. The new Advise and Assist Brigades have incorporated a few of them. Given the pervasiveness of these missions, the addition of a minimal number of former LEA personnel as advisors would be insufficient to meet the requirements of SOF.

The potential for dramatic changes in legal constraints. As indicated earlier, Posse Comitatus may not be as restrictive as most officers believe. Further, current laws regarding use of force may change, especially if the public perceives an increase in risk to their personal safety. In the aftermath of 9/11, sweeping changes to laws were quickly enacted, namely the Patriot Act. It is reasonable to postulate that in the event of one or more major terrorist attacks occurring within the United States, especially where weapons of mass destruction were employed causing large-scale casualties, major legal changes could occur rather rapidly. The internal use of military forces, beyond those contemplated in Posse Comitatus, are foreseeable. Groups concerned with stemming illegal immigration have already called, sending troops to the border. The impact of international gangs, along with instability along the Mexican border, and known infiltration of that zone by terrorists from the Middle East could precipitate a necessity to act. The key factors will be the capabilities of domestic law enforcement and perceived threat to security by the American public. If LEA capabilities to resolve critical situations are exceeded, and Americans feel personally threatened, the Government may approve use of the military in ways rarely thought about. Should such a situation arise, SOF elements would likely be engaged. However, any supporting operations in the U.S. would require minimum use of force and have all of the characteristics of law enforcement activities.

Since the end of World War II, a dramatic shift in public thinking has occurred regarding the use of lethal force, even during combat. In short, American's tolerance for casualties has changed, though it does fluctuate based on recent activities and perceived personal threat. This situation is true for both the military and civilian law enforcement. The landmark legal case for LEAs was Tennessee vs. Garner when in 1985 the U.S. Supreme Court held that a fleeing felon could not be shot unless they posed an immediate

and serious threat to police or others in the vicinity.[214] This case was a substantial departure from prior law in which police could use deadly force to prevent escape.

While the laws of war have not changed that much in recent years, the applications have changed. Tolerance for collateral casualties is ever decreasing, and even cases involving authorized targeting are questioned in retrospect. The future of legal constraints in authorizing the use of force is not clear. What is evident is that change is highly probable and will impact SOF missions.

Increased personal liability for SOF operators. While enforcement officials are afforded some protection from unwarranted lawsuits, each police officer is still held accountable for his or her actions. Known as qualified immunity, officers are protected from prosecution provided they are operating in good faith based on the information reasonably available at the time.[215] The agencies and communities to which they belong are aware of both individual and institutional responsibilities. The potential for liability is great, and LEAs have developed extensive mechanisms to protect themselves. This focus does not stop with formal training as updates are regularly transmitted. Some systems include sending all policy updates to each officer; to retrieve them, they must acknowledge receipt of the information. To protect themselves from civil liability, most LEAs take extreme measures to document training and whenever feasible, incidents such as dynamic entries and collection of evidence. Cameras mounted on patrol cars and aerial units are standard in many areas. Even some individual systems, such as Taser, offer small cameras that record the incident each time the weapon is activated.

The law-of-land warfare clearly holds individuals accountable for their actions. That aspect is not in question. However, it does appear that new standards are being invoked, often retroactively, that are incongruous with the violent nature of warfare. Many members of the SOF community are deeply concerned about legal actions taken against individuals, even after criminal investigations had cleared the incident. An example is a case in which three U.S. Navy SEALs requested court martial in lieu of nonjudicial punishment.[216] The complaint was made against Petty Officers Matthew McCabe, Jonathan Keefe, and Julio Huertas by Ahmed Hashim Abedm, who was involved in the murder and mutilation of four Blackwater contractors in

Fallujah in 2004. While all were later acquitted, the fact they were brought to trial was a tremendous personal imposition.[217]

Our adversaries have already learned from our propensity for using the legal system and low tolerance for physical abuse of detainees. They advise their members to antagonize their captors to the point that may precipitate a beating, then to make allegations of misconduct. Any injury, including those self-induced, is suspect. Of course in the civilian domain, claims of police brutality often accompany any use of force or as it is now known, use of control. In response LEAs have developed comprehensive guidelines for chronicling of events. On-site and procedural recording accompanied by extensive documentation of investigation in any case in which use of control is exercised, followed by application of pattern analysis, identifies emerging trends. Using such techniques, progressive LEAs are able to obtain early warning of problems that can be fixed by altering the rules of engagement or additional training.[218] The necessary tools now exist and could be applied to SOF missions as well.

The concerns about individual responsibility do not stop with actions by the U.S. Government but may include civil lawsuits and interventions by foreign governments. Civilian firms operating in Iraq have already experienced lawsuits claiming excessive use of force and wrongful death.[219] Americans from the intelligence community have been prosecuted for their actions supporting U.S. Government efforts in combating terrorism abroad. The use of court cases against individuals for activities prosecuted by governments is rare. In the past, formal complaints may have been raised through diplomatic channels, and that would have been the end of it. Times are changing. As an example in 2009, an Italian judge convicted 23 CIA agents for their participation in the rendition of Hassan Osama Nasr, an Egyptian cleric who was also known as Abu Omar. He had been picked up from the streets of Milan in a coordinated operation between both U.S. and Italian operatives. In a trial lasting 2 years, the Americans were tried in absentia. While the U.S. Government refused to cooperate, these individuals now have outstanding arrest warrants that can be executed by many countries.[220] All of these people now will be very limited in their travel as the warrants can remain active indefinitely.

Another foreign example of personal liability involves the agents that allegedly assassinated a Hamas military commander, Mahmoud al-Mabhouh,

in a hotel in Dubai on 19 January 2010. While there was some international diplomatic furor, especially since third country passports were used to gain entry into the UAE, Interpol issued an alert for the perpetrators listing each individual.[221] Their days of foreign travel have probably ended, and they have created immense problems for the people whose identity they stole.

When you cross-reference advances in biometric measurements, with greater propensity for individual liability, the personal risks for SOF personnel surreptitiously entering foreign countries are going to increase significantly. Similarly, these techniques are likely to be employed by sophisticated elements of organized crime, making infiltration by LEA undercover agents more perilous.

While SOF personnel have individual training records, they are not as detailed as those found in the larger LEAs. The detail in recordkeeping does appear to vary from element to element. Some are more intensive than others. Also individuals are not required to acknowledge receipt of rules of engagement or other administrative restrictions. While it can be argued that these actions place additional, and possibly unnecessary, burdens on commanders at all levels, the trend is worth noting and alternatives prepared.

Today many units engage in multimedia recording of preplanned operations. Of course our forces are less likely to record chance encounters. Terrorists, however, have routinely filmed their attacks and made them available for propaganda purposes. They have also published very distorted versions of the events. Given that recording devices are now near-ubiquitous, it must be assumed that the actions will be captured by someone. Increased use of planned recording, similar to what is found in LEAs, will be prudent. On the positive side, recording often leads to enhanced performance as well as protecting the innocent.

From a SOF planning perspective, it should not be assumed that laws shielding military personnel will remain constant. As public attitudes shift, so too may both legal protection and the rules of engagement. The SOF leaders need to anticipate various options the community may face and be aware of the potential for retrospective application of more stringent constraints than apply at the time a mission is executed. There is some contraindication of this assertion. Some lawyers involved within the military legal system believe the benefit of the doubt usually has gone to military personnel who have engaged in breaches of protocol. They hold that to be true even when there was serious concern the individual had acted well beyond established

limits.[224] Consideration of how LEAs address similar problems would be useful for planning purposes.

7. Summary

Many of the missions performed by SOF elements are converging with those of LEAs and especially the SWAT units. One focus of this monograph was to provide SOF personnel with a better understanding of the escalation of threats faced by civilian law enforcement that have already occurred in the United States. Because of emerging threats, especially from terrorist activities, in some areas, a direct overlap in mission alignment already exists. If the threats posed to local and state LEAs continue to increase, the operational capabilities these departments will require to provide security to the civilian population will rise concomitantly.

Threats posed by international terrorists are of major concern to national LEAs that function primarily under the jurisdiction of the Department of Justice. Recognizing that they constitute only about 5 percent of the law enforcement personnel in the U.S., they are now engaging with state and local officials as never before. Area fusion centers have sprung up across the country, and information sharing is improving—but has a long way to go. As noted in *The 9/11 Commission Report*, interagency cooperation was severely lacking prior to that attack. Constant attention and improvement is

Figure 12. SOF engaged in counterterrorism operation approaching the target. USSOCOM PA Office photo.

imperative. Local authorities will most likely be the first responders to the next big incident. If that is a diverse event with multiple locations, it may take some time before the extent of terrorist coordination is recognized. Preparation must occur before that event takes place, and specialized units will be involved very early in the process.

Such an attack will be a low-probability, high-consequence event. The terrorists will have the advantage in choosing the time, and more importantly the location(s), of the attack. Experience has shown they have a planning cycle that can be measured in years and the patience to wait when tension builds and additional security measures enacted. Countering these threats requires diligence at all levels. It has already been shown that alert police on routine patrol can intercept terrorists. What is not known is how many opportunities have been missed.

Whether all areas of the country will have adequate response capability remains to be seen. Mentioned was the expense associated with developing and maintaining specialized units. National-level funding to accomplish that task could be provided, even though we are in a zero-sum environment when it comes to spending. While regional cooperation is improving, much more could be done. For local jurisdictions, having specialized units on a full-time basis is resource constrained based on the current tax situation. For departments in large metropolitan areas, maintaining SWAT teams is

Figure 13. LASD SWAT team member executing a fast rope insertion onto a ship in a counterterrorism exercise. LASD photo.

relatively easy. Small towns cannot afford them, and mid-sized cities must make hard choices. Much of the decision-making regarding the amount of effort to apply to specialized units will be based on availability of mutual support from jurisdictions in close proximity.

A question arises as to the point at which support is needed from national agencies in general and the DoD in particular. The emerging threats on our southern borders and from internal gang activities were addressed. Presently, LEAs seem capable of handling those problems, though illegal immigration has stressed many of the agencies involved. Planning for contingency events that exceed existing capabilities is essential.

From a personnel perspective, it must be assumed that all of the special unit agencies are drawing from the same pool of bodies. Given the physical and mental requirements to participate in those organizations, that talent pool is limited. Yet the need for personnel with the acumen and skills necessary for both SOF and SWAT elements is ever increasing. In addition, civilian security contractors often are willing to pay substantially higher wages for experienced people with special skills, thus are part of the competition.

Of direct concern to USSOCOM should be the effect of criminalization of terrorism and prosecution of overseas contingency operations. The experience of SOF units in recent years in Iraq, as well as other counterterrorism missions, clearly indicates that the U.S. strategy will be to capture terrorists whenever possible, then bring them before a court of law. In so doing, there is an urgent need to provide the training necessary for collection and preservation of evidence, and even preparation for testifying in courts of law. Relying on secondhand experience and improvisation is insufficient preparation for these missions. The training and educational systems of major civilian LEAs already address these problems. While SOF and LEAs have experienced a moderate level of cooperation for many years, a dramatic increase in these efforts is needed. Both SOF and LEAs will benefit.

Some aspects of SOF COIN operations have applicability in maintaining control and providing security in urban areas infested with violent gangs. Conversely, experienced law enforcement officers have learned how to see the local environment from a different perspective than do most military personnel. We are in for a very tough fight that will last a long time. There is no room for adversarial relationships. Cooperation between all specialized elements, military and civilian, is imperative.

Endnotes

1. "What's New in the Strategy for Afghanistan and Pakistan"; available from www.whitehouse.gov/the_press_office/Whats-New-in-the-Strategy-for-Afghanistan-and-Pakistan/, accessed July 2010.
2. "White Paper of the Interagency Policy Group's Report on U.S. Policy toward Afghanistan and Pakistan"; available from www.whitehouse.gov/assets/documents/afghanistan_pakistan_white_paper_final.pdf, accessed July 2010.
3. Ibid.
4. Alan T. Ivy and Kenneth Hurst, "Formalizing Law Enforcement Procedures for DoD Units Conducting Combat Operations (Soldiers: The Street Cops of the 21st Century)" student paper, U.S. Marine Corp War College, May 2008; available at www.mcu.usmc.mil/Student%20Research/DepSecDef%20Initiative%20Award%20Winner.pdf, accessed June 2010.
5. Shannon W. Caudill and Bryan Keeling (lieutenant colonels), "Transform DoD Law Enforcement," The Guardian, Joint Chiefs of Staff, Vol. 10, No. 2, 2008.
6. The author went through Dade County Sheriff's Department police academy in 1961 and can compare that experience to current courses in departments across the country.
7. This phrase, or a derivation thereof, is found on many police cars across the county. According to the International Association of Chiefs of Police (IACP) Law Enforcement Education, "Our motto 'to protect and to serve' is not just a slogan; it is our way of life."
8. Law Enforcement Statistics, U.S. Department of Justice, Bureau of Statistics; available at www.ojp.usdoj.gov/bjs/lawenf.htm, accessed July 2010.
9. "Terrorism in the United States," Federal Bureau of Investigation, 1993, p. 28.
10. Definition of Terrorism, Department of Defense; available at http://terrorism.about.com/od/whatisterroris1/ss/DefineTerrorism_4.htm, accessed June 2010.
11. Posse Comitatus Act, 18 U.S.C. § 1835, enacted 18 June 1878.
12. Commander Gary Felicetti and Lieutenant John Luce, "The Posse Comitatus Act: Setting the Record Straight on 124 Years of Mischief and Misunderstanding Before Any More Damage is Done," *Military Law Review*, Vol. 175, 2003, pages 86-183.
13. The author has been involved in several training programs that included the Policia Militar in general and BOPE in particular from 2002 until the present.
14. Steven Riczo, "Guns, America, and the 21st Century–laws evaluation," USA Today, March 2001; available at http://findarticles.com/p/articles/mi_m1272/is_2670_129/ai_72272561, accessed June 2010.
15. National Institute of Justice; available at www.ojp.usdoj.gov/nij/topics/crime/gun-violence/youths-gangs-guns/welcome.htm, accessed July 2010.
16. Mark Alexander, Palm Beach County Sheriff's Department (West Palm Beach, Florida), is now a lieutenant in charge of special investigations. Private communications.

17. Jim Nally, producer, "North Hollywood Shootout," *National Geographic*; available at http://channel.nationalgeographic.com/series/critical-situation/2947/Overview, accessed July 2010.
18. Deborah Stocks, "PD: Man dead after up to 100 rounds fired at Phoenix home," *ABC15.com*, 23 June 2008.
19. "3 Accused in 'Latin American-style' Killing Could face Death Penalty," *Phoenix News*, 8 September 2008; available at www.kpho.com/news/17421783/detail.html, accessed June 2010.
20. John B. Alexander, "Intelligence Scotomas in Central and South America," *The Proteus Management Series*, Vol. 1, Issue 4 March 2008.
21. While participating in the Army Science Board study on Countering Asymmetric Threats in 2006 and 2007, I had a chance to interview officials of various police agencies. The multiple attack scenario was universally considered to be the most difficult to handle, yet highly likely to occur.
22. Mumbai is the second largest city in the world. If the surrounding metropolitan areas are taken into account, the total population is about 19 million people.
23. "Wave of Terror Attacks Strikes India's Mumbai, Killing at Least 182," *Fox News*, 26 November 2008; available at http://foxnews.com/story/0,2933,457885,00.html, accessed June 2010.
24. "Mumbai Attack: Timeline of how the terror unfolded," *U.K. Mirror*, 27 November 2008.
25. Bill Roggio, "Analysis: Mumbai attack differs from past terror strikes," *The Long War Journal*, 28 November 2008; available at www.longwarjournal.org/archives/2008/11/analysis_mumbai_atta.php, accessed June 2010.
26. Rahul Bedi, "Mumbai attacks: Indian suit against Google Earth over image use by terrorists," *The Daily Telegraph* (U.K.) 9 December 2008; available at www.telegraph.co.uk/news/worldnews/asia/india/3691723/Mumbai-attacks-Indian-suit-against-Google-Earth-over-image-use-by-terrorists.html, accessed July 2010.
27. Noah Shachtman, "Mumbai Attack Aftermath Detailed Tweet by Tweet," *Wired*, 26 November 2008; available at www.wired.com/dangerroom/2008/11/first-hand-acco/, accessed July 2010.
28. "HN announces measures to enhance security," Press Information Bureau, Government of India; available at http://pib.nic.in/release/release.asp?relid=45446, accessed July 2010.
29. Ginger Thompson, "American Pleads Not Guilty to Aiding Attack on Mumbai," *The New York Times*, 10 December 2009; available at www.nytimes.com/2009/12/10/us/10terror.html, accessed June 2010.
30. Ibid.
31. Ibid.
32. Bernard Faber, "Suicide by Cop," *AELE Monthly Law Journal*, August 2007.

33. Commander Charles "Sid" Heal, Los Angeles Sheriff's Department, Private communication.
34. B. Raman, "Plane Hijacking: In Perspective," *South Asia Analysis Group*, 1 January 2000; available at www.southasiaanalysis.org/%5Cpapers2%5Cpaper103.html, accessed June 2010.
35. Francie Grace, "Munich Massacre Remembered," *CBS News*, 5 September 2002; available at www.cbsnews.com/stories/2002/09/05/world/main520865.shtml, accessed June 2010.
36. Alexander Wolff, "When the Terror Began," *Time Magazine*, 25 August 2002; available at www.time.com/time/europe/magazine/2002/0902/munich/, accessed July 2010.
37. William E. Smith, "Terror Aboard Flight 847," *Time*, 24 June 2001; available at www.time.com/time/magazine/article/0,9171,959466,00.html, accessed July 2010.
38. "Lebanon: The Hostage Crisis," *Country Listings,* The U.S. Federal Research Division of the Library of Congress; available at www.country-data.com/cgi-bin/query/r-8105.html, accessed June 2010.
39. For a complete account of this operation, see Tom Clancy with General (Ret.) Carl Stiner and Tony Koltz, *Shadow Warriors: Inside Special Forces* (New York: Putnam, 2002).
40. "Hostage-takers 'ready to die,'" *BBC News*, 25 October 2002; available at http://news.bbc.co.uk/2/hi/europe/2360735.stm, accessed June 2010.
41. "Chechen gunmen storm Moscow theater, *The Guardian*, 24 October 2002; available at www.guardian.co.uk/world/2002/oct/24/russia.chechnya, accessed June 2010.
42. "Hostage Drama in Moscow: Hostage Voices; Cellphones let Families Hear Ordeal of Captives," *The New York Times*, 25 October 2002; available at http://travel2.nytimes.com/top/reference/timestopics/subjects/t/terrorism/index.html?offset=100&field=geo&match=exact&query=MOSCOW%20(RUSSIA), accessed July 2010.
43. John Dunlap, "The October 2002 Moscow Hostage-Taking Incident," *Radio Free Europe*, 18 December 2003; available at www.rferl.org/content/article/134 2392.html, accessed June 2010.
44. "Hostage-takers 'ready to die,'" *BBC News*, 25 October 2002.
45. "Gunmen release chilling video," *CNN*, 25 October 2002; available at http://archives.cnn.com/2002/WORLD/europe/10/24/moscow.siege.video/, accessed June 2010.
46. Michael Specter, "Chechen Rebels Said to Kill at Russian Hospital," *The New York Times*, 16 June 1995; available at www.nytimes.com/1995/06/16/world/chechen-rebels-said-to-kill-hostages-at-russian-hospital.html?sec=&spon=&pagewanted=allHostages, accessed June 2010.
47. "Moscow hostage relatives await news," *BBC News*, 27 October 2002; available at http://news.bbc.co.uk/2/hi/europe/2364873.stm, accessed June 2010.

48. John B. Alexander, *Winning The War: Advanced Weapons, Strategies, and Concepts for the Post-9/11 World* (New York: St. Martin's Press, August 2003), p. 269.
49. John B. Alexander, "When Precision is not Enough," *Proceedings of the 4th European Symposium on Nonlethal Weapons* (Ettlingen, Germany, May 2007), p. 0-6-0-8.
50. The author has appeared before the German Bundestag, representatives to the UN Chemical Warfare Convention in The Hague, and several other venues to debate the topic of nonlethal weapons. It was found that the Europeans are more likely than others to demand strict adherence to established rules, even when they are no longer prudent or pragmatic.
51. There are various figures reported for the number of hostages. The numbers provided here are the most conservative available. Near chaos during and after the crisis prevented accurate reporting.
52. Nick Walsh and Peter Beaumont, "When hell came calling at Beslan School No. 1," *The Guardian*, 5 September 2004; available at www.guardian.co.uk/world/2004/sep/05/russia.chechnya, accessed June 2010.
53. David Satter, "The Truth About Beslan: What Putin's government is covering up," *The Weekly Standard*, 13 November 2006, Vol. 12, Issue 9; available at www.weeklystandard.com/Content/Public/Articles/000/000/012/907jbmkm.asp?pg=1, accessed June 2010.
54. These are the official numbers provided by the Russian Government. Many people in Beslan, as well as researchers, believe the numbers to be higher.
55. P. Solomon Banda, "Columbine Changed How Police React to Rampages," *The Washington Post*, 19 April 2009; available at www.washingtonpost.com/wp-dyn/content/article/2009/04/18/AR2009041802277_pf.html, accessed June 2010.
56. Dan Marcou (lieutenant), "5 Phases of the Active Shooter Incident," *Police One*, 1 October 2007; available at www.policeone.com/active-shooter/articles/1672491-5-Phases-of-the-Active-Shooter-Incident/, accessed July 2010.
57. "World: Americas Columbine Killer planned to kill 500," *BBC News*, 27 April 1999; available at http://news.bbc.co.uk/2/hi/americas/329303.stm, accessed July 2010.
58. Christine Hauser, "Virginia Tech Shooting Leave 33 Dead," *The Washington Post*, 16 April 2007; available at www.nytimes.com/2007/04/16/us/16cnd-shooting.html, accessed June 2010.
59. "Report of Virginia Tech Review Panel," to the Office of the Governor of the Commonwealth of Virginia, August 2007.
60. Marcou, "5 Phases of the Active Shooter Incident."
61. Banda, "Columbine Changed How Police React to Rampages."
62. Bryan Vossekull, et al., "The Final Report and Findings of the Safe School Initiative: Implications for the Prevention of School Attacks in the United States," U.S. Secret Service and U.S. Department of Education, May 2002; available at www.secretservice.gov/ntac/ssi_final_report.pdf, accessed July 2010.

63. Bob Lewis, "Columbine, Beslan and Beyond: Preparing for the No Win Scenario"; available at www.fdle.state.fl.us/Content/getdoc/797d915f-ca0b-4a66-b08d-e91520a6d7a9/lewis,-bob-paper-pdf.aspx, accessed June 2010.
64. The author had several conversations and meetings with Detective Ralph Morton of the LAPD. I invited him to give a presentation to the Army Science Board Summer Study in 2006. His presentation, "Operation Metro," prepared for the U.S. Marine Corps elements deploying to Iraq, is highly recommended. It is not available online, but responsible agencies may personally contact Morton.
65. As part of the research for this monograph, the author was allowed to ride along with the Las Vegas Metropolitan Police Department SWAT team and observe the execution of high-risk warrants.
66. The Fourth Amendment to the U.S. Constitution provides the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
67. "U.S. Constitution: Fourth Amendment: Searches and Seizures Pursuant to Warrant," *FindLaw for Legal Professionals*; available at http://caselaw.lp.findlaw.com/data/constitution/amen dment04/02.html#3, accessed June 2010.
68. Ibid.
69. Ibid.
70. Contact was made with LTC Jackson at the USSOCOM Staff Judge Advocate's Office. He provided minimal input, but indicated there were no known cases. Meeting was at MacDill AFB, 24 September 2009.
71. Hayes Parks assisted in reviewing this matter. Parks is a renowned military legal scholar and currently working in the Office of the General Council in the Office of the Secretary of Defense. Parks indicated that his office could find no precedence for the warrant requirement.
72. During 2009 the author conducted extensive interviews with both Special Forces team members and SEAL units who had been assigned recently in Iraq. The responses were uniformly the same. There was no prior training, and they learned the lessons on the fly.
73. "Evidence: The concept of 'Admissibility,'" *FindLaw for Legal Professionals*; available at http://criminal.findlaw.com/crimes/more-criminal-topics/evidence-witnesses/evidence-admissibility.html, accessed June 2010.
74. "Documentary Evidence," *FindLaw for Legal Professionals*; available at http://criminal.findlaw.com/crimes/more-criminal-topics/evidence-witnesses/documentary-evidence.html, accessed June 2010.
75. "'Badly Fragmented' Forensic Science System Needs Overhaul; Evidence to Support Reliability of Many Techniques is Lacking," Office of News and Public Information, National Academy of Sciences, 18 February 2009; available at www8.

nationalacademies.org/onpinews/newsitem.aspx?RecordID=12589, accessed June 2010.

76. Michael Dorf, "How Reliable is Eyewitness Testimony?" *FindLaw for Legal Professionals*, 16 March 2001; available at http://writ.news.findlaw.com/dorf/20010516.html, accessed June 2010.
77. "DNA Forensics," The Human Genome Project Information, Oak Ridge National Laboratory; available at www.ornl.gov/sci/techresources/Human_Genome/elsi/forensics.shtml, accessed June 2010.
78. Ibid.
79. National Institute of Justice, "What Every Law Enforcement Officer Should Know about DNA Evidence"; available at www.ncjrs.gov/pdffiles1/nij/bc000614.pdf, accessed June 2010.
80. Paul Rosenzweig et al., "Biometric Technologies: Security, Legal, and Policy Implications," The Heritage Foundation, 21 June 2004; available at www.heritage.org/Research/Reports/2004/06/Biometric-Technologies-Security-Legal-and-Policy-Implications, accessed July 2010.
81. Ibid.
82. Ibid.
83. Ibid.
84. Stan Lehman, "Brazil allows U.S. to extradite Colombian drug lord," *USA Today*, 22 August 2008; available at www.usatoday.com/news/topstories/2008-08-22-2213349638_x.htm, accessed June 2010.
85. Noah Shachtman, CSI vs. IEDs: Inside Baghdad's Forensic Bomb Squad," *Wired*, 17 September 2007; available at www.wired.com/dangerroom/2007/09/post-11/, accessed June 2010.
86. Robert Mueller, FBI director's address to National Defense University, 28 March 2007; available at www.fbi.gov/pressrel/speeches/mueller032807.htm, accessed June 2010.
87. Glenn Curtis, "The Nexus Among Terrorists, Narcotics Traffickers, Weapons Proliferators, and Organized Crime Networks in Western Europe," The Library of Congress, December 2002; available at www.loc.gov/rr/frd/pdf-files/WestEurope_NEXUS.pdf, accessed June 2010.
88. Ibid.
89. Ibid.
90. Glenn Curtis, "Involvement of Russian Organized Crime Syndicates, Criminal Elements in the Russian Military, and Regional Terrorist Groups in Narcotics Trafficking in Central Asia, the Caucasus, and Chechnya," Library of Congress, October 2002; available at www.loc.gov/rr/frd/pdf-files/RussianOrgCrime.pdf, accessed June 2010.

91. Glenn Curtis, et al., "Transnational Activities of Chinese Crime Organizations," Library of Congress, April 2003; available at www.loc.gov/rr/frd/pdf-files/ChineseOrgCrime.pdf, accessed July 2010.
92. "UN reports human trafficking as serious under-detected crime worldwide," *The Philadelphia Star*, 18 October 2009; available at www.philstar.com/Article.aspx?articleId=515495&publicationSubCategoryId=200, accessed June 2010.
93. "Financial Crisis and Human Trafficking," Trafficking in Persons Report 2009, U.S. State Department, 2009; available at www.state.gov/g/tip/rls/tiprpt/2009/124798.htm, accessed June 2010.
94. "More than 1,200 Alleged Incidents of Human Trafficking Reported in the U.S." Bureau of Statistics, U.S. Department of Justice, 15 January 2009; available at http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=364, accessed July 2010.
95. John B. Alexander, *Africa: Irregular Warfare on the Dark Continent* (Hurlburt Field, FL: JSOU, May 2009).
96. Patrick Vinck, et al. "Living With Fear: A Population-Based Survey on Attitudes About Peace, Justice, and Social Reconstruction in Eastern Democratic Republic of Congo," International Center for Transitional Justice, August 2008; available at www.wilsoncenter.org/index.cfm?topic_id=1417&fuseaction=topics.event_summary&event_id=467451, accessed July 2010.
97. "Addiction, Crime, and Insurgency: The Transnational Threat of Afghan Opium," United Nations Office of Drugs and Crime, October 2009; available at www.unodc.org/documents/data-and-analysis/Afghanistan/Afghan_Opium_Trade_2009_web.pdf, accessed July 2010.
98. Ibid.
99. Andrea Dominguez, Plan Colombia re-examined, facts and figures," Comunidade Segura, 7 October 2009; available at www.comunidadesegura.org/en/STORY-plan-colombia-re-examined-facts-and-figures, accessed June 2010.
100. Stephanie Hanson, "FARC, ELN: Colombia's Left-Wing Guerillas," Council on Foreign Relations, 19 August 2009; available at www.cfr.org/publication/9272/, accessed June 2010.
101. Ibid.
102. John B. Alexander, "Intelligence Scotomas in Central and South America," *Proteus Monograph Series*, Vol. 1, Issue 4, March 2008.
103. Kathryn Gregory, "Shining Path, Tupac Amaru (Peru, leftists)" Council on Foreign Relations, 27 August 2009; available at www.cfr.org/publication/9276/shining_path_tupac_amaru_peru_leftists.html, accessed June 2010.
104. Frank Hyland, "Peru's Sendero Luminoso: From Maoism to Narcoterrorism," *Terrorism Monitor*, Vol. 6, Issue 23, 8 December 2008; available at www.jamestown.org/programs/gta/single/?tx_ttnews%5Btt_news%5D=34237&tx_ttnews%5BbackPid%5D=26&cHash=dec2e4e0f8, accessed June 2010.
105. Joint Interagency Task Force South Command Mission Statement; available at www.jiatfs.southcom.mil/, accessed June 2010.

106. "Counter Drug/Counter Narcoterrorism," U.S. Southern Command, 29 May 2009; available at www.southcom.mil/appssc/pages/counterNarco.php, accessed June 2010.
107. Alexander, "Intelligence Scotomas." As stated in that publication, "It is American drug policies that have destabilized countries, the region, and possibly the hemisphere."
108. Ralph Vartabedian et al., "Rise in Bribery Test Integrity of U.S. Border," *Los Angeles Ti*mes, 23 October 2006; available at http://articles.latimes.com/2006/oct/23/nation/na-border23, accessed July 2010.
109. "AP: Border Corruption Reaches Unprecedented Levels," The Associated Press, 10 August 2009; available at http://thecrimereport.org/2009/08/10/ap-border-corruption-reaches-unprecedented-levels/, accessed July 2010.
110. "FBI agent's guns went to Mexico," *The New York Times*, 9 July 2009.
111. "Arrests of corrupt border police rise," The Associated Press, 9 August 2009; available at www.msnbc.msn.com/id/32349677/ns/us_news-crime_and_courts/, accessed July 2010.
112. Tracy Wilkinson, "Police officer, 10 relative killed in Tobasco," *Los Angeles Times*, 16 February 2009; available at www.latimes.com/news/nationworld/world/la-fg-mexico-violence16-2009feb16,0,2922749.story, accessed June 2010.
113. "Cartels Threaten Cross Border Hits" *American Intelligence*, 25 June 2008.
114. John B. Alexander, personal interview with several members of the Las Vegas Metropolitan Gang Unit, 17 August 2009. The unit is headed by Captain Kirk Primas, but the unit members declined to be specifically identified in quotes.
115. Lieutenant Mark Alexander, Special Enforcement Bureau, Palm Beach County Sheriff's Department, West Palm Beach, Florida. Private communication.
116. During the Branch Davidian siege at their compound near Waco, Texas in 1999, SOF advisers were asked for assistance. The legal limitations caused great concern about what role was appropriate. This concern needs to be resolved before a more comprehensive incident occurs. Existing law may not be adequate.
117. Lieutenant Mark Alexander oversaw this case. He noted the crime is so common in El Salvador that the national police have a unit detailed specifically to recover kidnap victims.
118. "Severed Fingers of Kidnapped Westerns Sent to U.S. Officials," *Fox News*, 13 March 2008; available at www.foxnews.com/story/0,2933,337430,00.html, accessed June 2010.
119. Brian Ross, et al., "Kidnapping Capital of the U.S.A.," *ABC News*, 11 February 2009; available at http://abcnews.go.com/Blotter/story?id=6848672&page=1, accessed June 2010.
120. Eliott McLaughlin, "Torture a hallmark of Phoenix's drug kidnappings," *CNN*, 19 May 2009; available at www.cnn.com/2009/CRIME/05/19/phoenix.drug.kidnappings/index.html, accessed June 2010.

121. Joshua Gold and Brian Giehl, "The Near Impossibility of Kidnap/Ransom Insurance," *Forbes*, 6 November 2009; available at www.forbes.com/2009/06/11/kidnap-ransom-insurance-leadership-ceonetwork-ceos.html, accessed June 2010.
122. "Most civilian deaths in Iraq from executions: report," AFP, 15 April 2009; available at www.newssafety.org/index.php?option=com_content&view=article&id=12816%3Amost-civilian-deaths-in-iraq-from-executions-report&catid=84%3Airaq-security&Itemid=100378, accessed June 2010.
123. "Iraq sees increase in organized crime," *Euronews*, 10 November 2009.
124. "Special Operations Forces," Department of Defense; available at www.dod.mil/execsec/adr95/sof_5.html, accessed June 2010.
125. Act Book, USSOCOM, Public Affairs Office, as of December 2009.
126. In June 2010 the term *Psychological Operations* was officially changed to *Military Information Support Operations* with the acronym *MISO*.
127. Scott Ranzau, "Law Enforcement Mission Statements," *Associated Content*, 25 March 2009; available at www.associatedcontent.com/article/1580200/law_enforcement_mission_statements.html?cat=17, accessed June 2010.
128. The list is taken from the Fresno County, California Sheriff's Department site on Special Weapons and Tactics (SWAT), www.fresnosheriff.org/patrol/SWAT.htm; accessed June 2010.
129. Otto J. Rutt (Col, USMC), "Doing Windows in Wanlaweyn? Youth Bulges, Culture, and Governance in the U.S. Central Command States," Proteus Management Group Conference (Carlisle Barracks, PA, 17 September 2008).
130. General Stanley McChrystal, Special Address to the International Institute of Strategic Studies, U.K., 1 October 2009.
131. Jeffrey Patterson, "Community Policing: Learning Lessons from History," *FBI Law Enforcement Bulletin*, November 1995; available at www.lectlaw.com/files/cjs07.htm, accessed June 2010.
132. This information was provided in one of the many interviews conducted for this study. The respondent was a senior Special Forces NCO with multiple combat tours.
133. Lieutenant Larry Burns, Las Vegas Metropolitan Police Department (LVMPD), personal interview 29 April 2009. LT Burns is now assigned as the executive lieutenant to the sheriff.
134. Command briefing, USSOCOM.
135. Sean Naylor, "Adm Olson adds 'lost' 5th SOF Truth to doctrine," *Army Times*, 16 September 2009; available at www.sofcoast.com/weblog/2009/09/adm-olsen-adds-lost-5th-sof-truth-to-doctrine.html, accessed June 2010.
136. Lieutenant Larry Burns, LVMPD, personal interview 29 April 2009.
137. In reviewing the draft monograph, Lieutenant Burns wrote an expanded version. He states:

What I have taught and use as a general guideline is the *5-5* rule divided by the *familial* guideline during the hostage/barricade resolution process—that is, Does the action about to be taken make immediate sense (5 seconds) and will it make that same sense when being explained to a civil jury well after the action (about 5 years in most cases). The latter checks the logic and removes the emotion from the decision-making process. As a function of check and balance to the decision-making model (e.g., Do we enter? Wait? Negotiate further?) I always used the familial rule.

Simply stated, the familial rule suggests that the course of action would not change if the actors were the decision-makers within the family. It ensures that every reasonable option has been considered/employed in the decision-making process. Frankly, this may well mean that lethal force is used at the first available opportunity in a life-threatening hostage situation and that negotiations continue for lengthy periods of time when the suspect is contained and not an immediate threat to himself/others.

In law enforcement we have a duty to protect property and restore essential services but not at the unnecessary cost of life. The lifesaving mission is the first priority and must be treated as such. General guidelines such as the 5-5 rule and familial transposition assist the tactical commander in that priority. Tactical review of LE uses of force seldom find issue with an officer's actions in the moment a force option is used (Graham vs. Connor). The issues are more likely to be held in the decisions that led to the officer being placed in the position to use that force (again, "enter or wait?").

138. Lieutenant Mark Alexander, many private discussions of this topic.

139. "Family of Robber killed in L.A. shootout sues," *CNN*, 12 April 1997; available at www.cnn.com/US/9704/12/bank.shootout.lawsuit/index.html, accessed June 2010.

140. Lieutenant Larry Burns, LVMPD, personal interview 29 April 2009.

141. Sid Heal, *An Illustrated Guide to Tactical Diagramming* (New York: Lantern Books, 2006). Heal is also a retired CW5, USMCR.

142. The LVMPD SWAT unit, under the command of Lieutenant Mike McCrimon, allowed me to accompany them as they executed high-risk warrants on 25 June 2009.

143. Lieutenant Larry Burns, LVMPD, personal interview 29 April 2009.

144. Philip Shenon, "U.S. Charges 9 in Mexico Death of a Drug Agent," *The New York Times*, 7 January 1988; available at www.nytimes.com/1988/01/07/world/us-charges-9-in-mexico-death-of-a-drug-agent.html, accessed June 2010.

145. Commander Charles "Sid" Heal, LASD (Ret.), was the leader of the SWAT operation in 1987; he provided most of the information. This action has been detailed on several occasions, both orally and in writing. A description of the operation,

complete with photos and drawings, were provided via e-mail on 12 November 2009.

146. DEA agents were aware of the cruelty that Alvarez had bestowed on KiKi Camarena over days of captivity, and there was concern that they might beat Alvarez to death before they had a chance to interrogate him.

147. Mapp vs. Ohio, 367 U.S. 643 (1961), U.S. Supreme Court.

148. When riding with the LVMPD SWAT unit, I saw a plaque on the wall that had been presented to them for cooperative training with the 7th Special Forces Group. Many other departments have engaged in training exchanges. One notable award was to LASD from the Israelis for assistance supporting the *Sayeret Matkal* on the Entebbe Raid

149. Forensic information can be derived from a corpse—for example, who are they; age; where they come from (local or foreign), tribe, or other ethnic identity; what chemicals are present on their body; what the calluses show. Thus a dead person may be of value for information/intelligence purposes.

150. George A. Crawford, *Manhunting: Counter-Network Organization for Irregular Warfare* (Hurlburt Field, Florida: JSOU, September 2009).

151. Ibid., pp. 3-6.

152. Sergeant Thomas Fresneda, Tactical Unit, Palm Beach County Sheriff's Department, telephone interview, 28 November 2009.

153. Ibid.

154. Lieutenant Larry Burns, LVMPD, personal interview, 29 April 2009.

155. Paul von Zielbauer, "Green Berets Face Hearing on Killing of Suspect in Afghan Village," *The New York Times*, 18 September 2007; available at www.nytimes.com/2007/09/18/us/18hearing.html, accessed June 2010.

156. This information was relayed during the observation list in cite 120.

157. Joseph D. Celeski, *Policing and Law Enforcement in COIN—the Thick Blue Line* (Hurlburt Field, Florida: JSOU, February 2009).

158. Bureau of Justice Assistance, "Understanding Community Policing," U.S. Department of Justice, August 1994; available at www.ncjrs.gov/pdffiles/commp.pdf, accessed June 2010.

159. Ibid.

160. John B. Alexander, *The Changing Nature of Warfare, the Factors Mediating Conflict, and Implications for SOF* (Hurlburt Field, Florida: JSOU, November 2005). In this monograph I addressed the notion that the nation state is a failing concept and the artificiality of borders. Both will impact future operations even though devolution of the current national system is far from complete.

161. John B. Alexander, "Proteus Implications of Intelligence Scotomas in Central and South America," Proteus Management Group, Center for Strategic Leadership, U.S. Army War College, March 2008.

162. Pierre Thomas, "International Gang Brings Violence to U.S. Suburbs," *ABC News*, 4 August, 2005; available at http://abcnews.go.com/Nightline/US/story?id=1025750&page=1, accessed July 2010.

163. In 2006, while working with the Army Science Board on a study, "Countering Asymmetric Threats," I visited the Boston Police Department and discussed gang activity. They conferred the presence of MS-13.

164. Investigator Al Valdez, "California's Most Violent Export," Orange County District Attorney's Office; available at www.streetgangs.com/topics/2002/18thexport.html, accessed June 2010.

165. Ibid.

166. Celinda France, "The MS-13 and 18th Street Gangs: Emerging Transnational Gang Threats?" *Congressional Research Service Report for Congress, RLS34233*, 30 January 2008.

167. "Violent Gangs," Federal Bureau of Investigation; available at www.fbi.gov/hq/cid/ngic/violent_gangs.htm, accessed June 2010.

168. "The Gang Threat," *National Gang Assessment 2009*, Federal Bureau of Investigation, 6 February 2009; available at www.fbi.gov/page2/feb09/ngta_020609.html, accessed June 2010.

169. "Gang Members in the Military," *National Gang Assessment 2009*, U.S. Department of Justice; available at www.justice.gov/ndic/pubs32/32146/military.htm, accessed June 2010.

170. "Gangs Increasing in Military, FBI Says," *Military*, 30 June 2008; available at www.military.com/news/article/gangs-increasing-in-military-fbi-says.html, accessed June 2010.

171. Mac Dre, "*Don't Snitch*," released 20 July 2004; lyrics include: "Don't Tattle Tale the Number One Rule."

172. Ryan Smith, "Derrion Albert Beating Death: Jackson, Farrakhan Attend Funeral," *CBS News*, 5 October 2009; available at www.cbsnews.com/blogs/2009/10/05/crimesider/entry5363830.shtml, accessed June 2010.

173. "Try to Understand Why Your Children Might Join Gangs," Violence Prevention Institute, undated; available at www.docstoc.com/docs/27835374/Try-to-Understand-Why-Your-Children-Might-Join-Gangs, accessed July 2010.

174. Tom Bowman, "CIA and Pentagon Wonder: Could Mexico Implode?" *National Public Radio*, 27 February 2009; available at www.npr.org/templates/story/story.php?storyId=101215537, accessed June 2010.

175. Joel Kurtzman, "Mexico's Instability Is A Real Problem," *The Wall Street Journal*, 18 January 2009; available at http://online.wsj.com/article/SB123206674721488169.html, accessed July 2010.

176. Todd Miller, "Mexico's Emerging Narco-State," North American Congress on Latin America, 1 July 2009; available at https://nacla.org/node/5963, accessed June 2010.

177. Arthur Brice, "Is Mexico Winning the War on Drugs?" *CNN*, 22 October 2009.
178. Mark Stevenson, "Mexico border city groups call for UN peacekeepers," The Associated Press, 11 November 2009; available at http://abcnews.go.com/International/wireStory?id=9060685, accessed July 2010.
179. Matt Zucker is a training officer; the LVMPD teaches a course to his department that incorporates all of these graphic details. I attended the program 2 to 3 November 2009. Material is available to appropriate authorities upon request.
180. Dudley Althaus, "Mexican officers accused of role in police commander's death," *Houston Chronicle*, 12 November 2009; available at www.chron.com/disp/story.mpl/world/6712233.html, accessed June 2010.
181. Ibid.
182. Dudley Althaus, "Estimated drug violence toll raised," *Houston Chronicle*, 14 April 2010; available at www.chron.com/disp/story.mpl/world/6957771.html, accessed July 2010.
183. "Increasing Violence in Greater Juarez," Mexico Security Memo, 12 October 2009, *STRATFOR.com*.
184. "U.S. embassy agent: I gave DEA info," The Associated Press, 27 October 2008.
185. Zucker presentation, op cit. Video available.
186. "Mexican drug gangs' weaponry fit for war," *The Los Angeles Times*, 16 March 2009; available at www.azcentral.com/news/articles/2009/03/16/20090316mexico-weapons0316-ON.html, accessed June 2010.
187. "U.S.: Targeted Officer Killings Cross the Border?" *STRATFOR.com*, 14 December 2007.
188. "Gunmen kill US airman in attack on bar in Mexico," Associated Press, 5 November 2009; available at www.themonitor.com/articles/mexico-32296-juarez-airman.html, accessed July 2010.
189. Stephanie Hanson, "Mexico's Drug War," Council on Foreign Relations, 29 November 2008; available at www.cfr.org/publication/13689/, accessed June 2010.
190. My-Thuan Tran, "Nearly 300 L.A. area gang members, associates arrested in nationwide crackdown," *The Los Angeles Times*, 16 October 2009; available at www.latimes.com/news/local/la-me-gangs16-2009oct16,0,4038974.story, accessed June 2010.
191. Jennifer Lake, et al., "Southwest Border Violence: Issues in Identifying and Measuring Spillover Violence," *Congressional Research Service, R41075*, 16 February 2010; available at www.fas.org/sgp/crs/homesec/R41075.pdf, accessed June 1010.
192. J. M. Brusitus, "Terrorism, Crime versus War," student paper, U.S. Army War College, 23 March 1987.
193. Michael Hoffman, "Rescuing the Law of War: A Way Forward in an Era of Global Terrorism," *Parameters*, U.S. Army War College, Summer 2005.
194. Alan Ivy, Supervisory Special Agent, FBI, telephone communication on 4 March 2010.

195. Hamdan vs. Rumsfeld, 548 U.S. 557 (2006), U.S. Supreme Court.

196. S303, Military Commissions Act of 2006, U.S. Senate, 28 September 2006; available at http://democrats.senate.gov/dpc/dpc-new.cfm?doc_name=lb-109-2-145, accessed June 2010.

197. Military Commissions Act of 2009, U.S. Senate, 14 July 2009; available at http://rpc.senate.gov/public/_files/L19Section1031MilitaryCommissionsActofS1390DefenseAuth071409ms.pdf, accessed June 2010.

198. Robert Mueller, FBI director's address to National Defense University, 28 March 2007.

199. Rachel Donadio, "Italy Convicts 23 Americans for C.I.A. Renditions," *The New York Times*, 4 November 2009; available at www.nytimes.com/2009/11/05/world/europe/05italy.html, accessed June 2010.

200. "World Pirate Attacks Surge in 2009 Due to Somalia," *ABC News*, 21 October 2009; available at http://abcnews.go.com/International/wireStory?id=8877017, accessed July 2010.

201. Stephanie McCrummen and Ann Scott Tyson, "Navy Kill 3 Pirates, Rescues Ship Captain," *The Washington Post*, 13 April 2009; available at www.washingtonpost.com/wp-dyn/content/article/2009/04/12/AR2009041200467.html, accessed June 2010.

202. Jason Straziuso, "Maersk Alabama repels 2nd Pirate Attack with Guns," The Associated Press, 18 November 2009; available at http://abcnews.go.com/International/wireStory?id=9112456, accessed July 2010.

203. Slobodan Lekic, "NATO Warship Sinks Somali Pirate Mothership," The Associated Press, 1 March 2010; available at www.rttnews.com/ArticleView.aspx?Id=1227541, accessed July 2010.

204. "Suspects Detained in Deadly Afghan Bombing, *CBS News*, 31 August 2009; available at www.cbsnews.com/stories/2009/08/31/world/main5277419.shtml?tag=mncol;lst;1, accessed July 2010.

205. Dianna Cahn, U.S. forces struggle with Washington's perceptions and reality in Afghanistan," *Stars and Stripes*, 23 October 2009; available at www.stripes.com/article.asp?section=104&article=65579, accessed June 2010.

206. "Afghanistan, Iraq Rated Among Most Corrupt Nations," *VOA News*, 17 November 2009; available at www.voanews.com/english/2009-11-17-voa23.cfm, accessed June 2010.

207. Pete Yost, "Judges Say Evidence Scant, Order 30 at Gitmo Freed," The Associated Press, 16 November 2009.

208. Peter Baker, "C.I.A. Chiefs Ask Obama to Stop Abuse Inquiry," *The New York Times*, 19 September 2009; available at www.nytimes.com/2009/09/19/world/19intel.html, accessed June 2010.

209. Commander Sid Heal (LASD, Ret.) was formerly the head of their Special Enforcement Bureau, which included their six SWAT teams. He confirmed that a number of his people came to them when they became tired of frequent deployments.

210. This technique was mentioned by several SOF personnel who eventually were called upon to testify against an accused terrorist and prove the circumstance of the arrest.

211. Spencer Hsu, "Agencies Clash on Military's Border Role," *The Washington Post*, 28 June 2009; available at www.washingtonpost.com/wp-dyn/content/article/2009/06/27/AR2009062700956.html, accessed June 2010.

212. Lieutenant Mike Kirschner (Palm Beach County Sheriff's Department) is also a Military Police major in the Army Reserves. In support of the global war on terror, he has been deployed to both Iraq and Afghanistan and previously was deployed in stability operations in Kosovo.

213. Commander Sid Heal, private communication.

214. Tennessee vs. Garner, 471 U.S. 1, United States Supreme Court, 1985.

215. Qualified immunity is granted to officials under 42 U.S. Code Section 1983.

216. Ryan Smith, "Navy SEALs Face Court Martial for Alleged Terrorist Bloody Lip?" *CBS News*, 25 November 2009; available at www.cbsnews.com/blogs/2009/11/25/crimesider/entry5773734.shtml, accessed June 2010.

217. Laurie Ure, "Navy SEAL acquitted of assaulting Iraqi detainee," *CNN*, 6 May 2010; available at www.cnn.com/2010/CRIME/05/06/virginia.navy.seal.trial/index.html, accessed July 2010.

218. Lieutenant Mike Kirschner, op cit.

219. David Zucchino, "Iraqis settle lawsuits over Blackwater shootings," *The Los Angeles Times*, 10 January 2010; available at http://articles.latimes.com/2010/jan/08/nation/la-na-blackwater8-2010jan08, accessed June 2010.

220. Maria De Cristofaro and Sebastian Rotella, "Judge in Italy convicts 23 Americans in 2003 CIA kidnapping of Egyptian cleric," *The Los Angeles Times*, 5 November 2009; available at http://articles.latimes.com/2009/nov/05/world/fg-italy-verdict5, accessed June 2010.

221. Borzou Daragahi, "A bumbling Mossad hand suspected in Dubai assassination," *The Los Angeles Times*, 19 February 2010; available at http://articles.latimes.com/2010/feb/19/world/la-fg-dubai-mabhouh19-2010feb19, accessed June 1010.

222. Lt Col Tom Wagoner (USMC), a Staff Judge Advocate at USSOCOM, private telephone conversation on 26 February 2010. His experience indicated that troops he supported could operate within the established limits and had no problem doing it. He also indicated courts had extended reasonable doubt, sometimes excessively.