

I. THE GOVERNMENTS
NEAREST THE PEOPLE

1. INTRODUCTION

BUILDING HOMELAND SECURITY IN OUR CITIES AND STATES

While it is traditionally the responsibility of the federal government “to provide for the common defense,” when it comes to defending against an enemy that will attack our cities and towns, local governments will be primarily responsible for defense and response. Ultimately, all homeland defense, like politics, is local, and must start with governments nearest to the people. While many past analyses of homeland security have emphasized reordering bureaucratic boxes in Washington, the emphasis in the next five years must be at the metropolitan level.

In this part, the task force examines the role of local governments, and specifically addresses:

- ◆ the approach taken in federal funding of state and local homeland security activities both since the effort began in the mid-1990s and since the creation of the Department of Homeland Security (DHS)—and the shortfalls of this approach;
- ◆ an alternative approach based on multi-year “Metropolitan Protection and Response Plans” and “Minimum Essential Capability Goals”; and
- ◆ specific examples of priorities for metropolitan area governments.

INSUFFICIENT FUNDING AND INADEQUATE GUIDANCE

September 11, 2001, gave many Americans a sudden and terrifying sense of vulnerability. Eager to both address this apparent security shortfall and respond to rising public anxiety, federal government officials made a

number of relatively quick decisions to enhance the powers of security and law enforcement agencies, establishing the Department of Homeland Security and providing additional resources to local emergency responders. In doing so, however, they forgot to tell responders what to do with the funding to ensure that what was spent today would be valuable in the future.

At the outset, federal officials realized that state and local governments had to play a significant role in disaster response. Under a “federal” system of government, public safety is largely the responsibility of local leaders. DHS reports that there are over 1 million firefighters, 436,000 sworn officers, 186,000 sworn sheriffs, and 155,000 registered emergency medical technicians (EMTs), as well as thousands of volunteers.¹ The overwhelming number of these emergency responders work for state and local governments or will act under their direction in the event of disaster. In addition, as the officials closest to the community, they are the ones in the best position to determine how to organize local efforts to detect, prevent, mitigate, and respond to crises. Indeed, many of the things that went right on September 11 occurred as a result of strong and decisive leadership by local officials and the bravery and professionalism of emergency responders.

In the wake of September 11, the White House assumed that state and local governments would resist instruction from Washington. Rather than confronting this reality and then exercising the necessary leadership to establish baseline security capabilities, Washington ceded the issue to local leaders. At the same time, the White House could not expect these local officials to know how to deal with catastrophic threats and unfamiliar adversaries, or to voluntarily invest in expensive response capabilities that they might never need.

The White House solution to the problem was straightforward: It would provide an infusion of money to states through homeland security grants, and states would simply know what to do. Congress helped shape the initiative. It added a requirement in the Patriot Act, legislation passed shortly after September 11, stipulating that each state receive 0.75 percent of all funds appropriated. The provision was designed to ensure that every state got some help in building the post-September 11 national response system.

That was the plan. It was a plan made in haste. And it was a bad plan.

FINDING A BASELINE HOMELAND SECURITY CAPABILITY

The implementation of robust homeland security measures at the local level continues to be stymied by political leaders nationwide because there still seems to be a question of where the responsibility lies. Mayors point to the president, the president points to governors, governors point to Congress, and everyone on the committee breaks for lunch.

To provide some perspective, non-partisan groups offered to help. One such effort, the Council on Foreign Relations (CFR) Independent Task Force on Emergency Responders, asked task force members to address a simple question: “What was needed to ensure that every community in the United States had the capacity to deal with a large-scale terrorist attack?”² It was the question that Congress and the White House should have addressed before they started throwing money at the problem.

The CFR task force met with local emergency responders across the country, their professional associations, and two of the leading national budgetary analysis organizations: the Center of Strategic and Budgetary Assessments and the Concord Coalition. The CFR report, released in 2003, concluded that emergency responders across the country had neither the equipment nor the training to respond effectively to a terrorist attack.

Many of the gaps identified in the report three years ago—including the dangerous state of America’s public health infrastructure, the lack of interoperable communications systems, and the absence of an integrated strategy for agricultural and veterinary security—remain as unaddressed in 2006 as they were three years before. Furthermore, in hindsight, the task force analysts acknowledge that they underestimated the challenge. There was, for example, no accurate data on the needs of local law enforcement, so their requirements were not included.

The response to Hurricane Katrina showed municipal leaders nationwide how vital the role of local police may be in a major catastrophe, organizing and safeguarding the delivery of emergency response services, and ensuring public order for residents and businesses.

WHERE WE STAND NOW

Four years have passed, and it remains clear that the United States will never close the preparedness gap with a few billion dollars a year of federal grants, regardless of a new “National Preparedness Goal” and capability and task lists. Metropolitan areas and towns have filled the federal leadership void with their own attempts to cobble together interoperable homeland security efforts. To better assist local leaders in making use of the reams of task recommendations from DHS, there must first be a strategic accounting of tools that have been bought and deployed before more federal dollars are doled out.

Sending massive amounts of block grants to all states is not the answer. There remains no guarantee that grants will improve security unless there is a mechanism to ensure that existing metropolitan and private sector partners use the money to build the right integrated capabilities, prioritized on the basis of risk and threats.

There have been mistakes along the way. Despite DHS providing responders “approved equipment lists” of gear for which they can use grant money and “national training scenarios”³ against which state and local leaders were supposed to plan, train, and exercise, questionable purchases abound: air-conditioned garbage trucks, trailers for moving lawnmowers to local lawnmower races, and bulletproof vests for fire department dogs.⁴ Justifying these acquisitions might be possible, but only after the municipality has shown that all higher priority requirements had been met.

If distributing grants in a risk-based manner to Urban Area Security Initiative (UASI) municipal areas is to succeed, then Congress, DHS, and municipal leaders must be more deliberate in working together to prioritize the tools, training, and personnel that need to be funded. A new approach is needed to make this happen.

First, overall spending to fulfill the “national preparedness goal” needs to increase. Second, this additional funding must be distributed based on risk. This spending should be tied to specific capabilities needed in vulnerable regions and to a timeline for implementation. This is not a time for more pork-barrel, laissez-faire suggestions—these actions must be taken deliberately by DHS leaders and backed up by congressional action if necessary.

A METROPOLITAN APPROACH: INTEGRATED OPERATIONS AND PRIORITY CAPABILITY PLANS

The federal government can provide funds, set standards, establish goals, provide intelligence information, and augment local response capabilities when necessary. Local governments, however, must provide for the nearest law enforcement and medical response. Beyond these recognized roles, local governments can also collect threat intelligence under appropriate safeguards, reduce the vulnerabilities in transportation systems and other infrastructure, and conduct meaningful training exercises to discover shortcomings and raise awareness.

Since the initiation of programs to respond to terrorism in the homeland beginning in the mid-1990s, the federal government has failed to be specific about the priorities for creating new capabilities at the state and local level. There has also been a tension between state governments and their subordinate jurisdictions, cities, and counties. Both levels of local government have sought to create and manage new programs and to control the use of new federal assistance funds. While billions of dollars have been spent, the lack of explicit and detailed national goals for local governments to achieve has made it impossible to know how close we have come to the minimum defensive and responsive capabilities we need. Every city and town has wanted to have its own new homeland security assets and to decide what they should be. Every state has also sought to centralize homeland security control in the state capitol. In most states, neither of those two approaches (city-centric or state-centric) is ideal.

While the size and population of states has governed the distribution of resources and shaped notions of what the best approaches to homeland security should be, the lives of most Americans are shaped not by state boundaries, but by the metropolitan area in which they live and work. That metropolitan area may include cities and towns in several counties, often in more than one state. While disasters anywhere in the metropolitan area may not affect citizens throughout the state, they will likely affect citizens throughout the region. So a disaster in Philadelphia may not affect Pittsburgh, but it will immediately affect residents of Camden, New Jersey, New Castle County, Delaware, and Montgomery County, Pennsylvania.

The Homeland Security Department's Urban Area Security Initiative earmarks about 25 percent of block grants for 29 metropolitan areas, based on a risk assessment. Many metropolitan areas, however, have made strong cases that they should not have been excluded. For example, San Diego and Norfolk-Hampton Roads were excluded, despite the presence of large numbers of nuclear-powered and nuclear weapons-capable navy ships. Las Vegas was excluded despite al Qaeda's past presence in the city, its symbolic value, and the devastating effect that terrorism could have on its tourist economy. While risk assessment must be a part of the priority allocation of federal funds, all 150 metropolitan areas need integrated plans regardless of their UASI designation.

In metropolitan area crisis, responders of all kinds, as well as their equipment, must work together seamlessly. The creation of local homeland security capabilities must be coordinated so that there is no unnecessary duplication or unintended gaps. Rivalries among cities and suburbs, states and counties often impede the required level of cooperation. As required by DHS, State Homeland Security Strategies (SHSS) will have established statewide goals and priorities with timelines to be able to qualify for DHS grants. However, pet projects are often funded by state and local officials before more essential capabilities are achieved, regardless of the statewide strategy.

For effective cooperation to be achieved, funding should be linked to a metropolitan protection and response plan and to a minimum essential capabilities plan in each of the nation's approximately 150 metropolitan regions, and then tied back into the SHSS.

METROPOLITAN PROTECTION AND RESPONSE (MPR) PLANS. These plans should delineate the roles and missions of the relevant departments of each city, town, and county in a mutual-aid operation; the command and control arrangements for the emergency response departments and the executive officers (mayors, county executives); and the concepts of operations for several scenarios, drawing on the fifteen national planning scenarios (including attack on transit, chemical attack, radiological attack, attack at major sports venues, and highly contagious disease or biological agent). These plans should take into account state homeland security plans and goals without being beholden to them, should prevent redundancies, should maximize the usefulness of funding, and should create integrated efficiencies. To ensure that these plans are developed and used in training, federal homeland security funds should be made dependent upon the plans meeting basic requirements.

MINIMUM ESSENTIAL CAPABILITIES (MEC) PLANS. Drawing on the expertise of local governments, industry and academic experts, and federal officials, the Department of Homeland Security should specify the baseline capabilities that are required for metropolitan areas of various sizes. This would differ from the current DHS Target Capability List (TCL), which lists thirty-seven broad areas such as “intelligence analysis,” “communications,” and “volunteer management,” but provides only vague guidance. The TCL only suggests that a capability should exist, rather than designating what level must be achieved, by when, and in what order. Using the TCL, a jurisdiction could, for example, decide to buy tow trucks with federal block grants without first having achieved interoperable radio communications for emergency responders.

Our proposed minimum essential capabilities plan would divide metropolitan areas into five categories based on population size and would designate specific, detailed capabilities they must achieve in prioritized order. It would link funding to achieving those capabilities. For example, the plans would specify the percentage of the fire, police, and medical responders that should have personal protective equipment; the number of patients that mass casualty and trauma centers should be able to handle and how many respirators should be available; how many heavy rescue units there should be and what basic equipment they should have; what level of radio interoperability there should be in crises; what chemical, biological, and radiological detection capabilities should be in operation; and what level of evacuation planning and exercising should be achieved. The plans will show how each minimum capability is to be achieved over the next five years. Federal homeland security grants to jurisdictions within a metropolitan area should be spent only on capabilities stipulated by the plan, unless a waiver is granted. Requests for a waiver should demonstrate how unique regional conditions require reprioritization. Waivers should be approved by the secretary of homeland security.

SPECIFIC METROPOLITAN PROGRAMS

To improve our homeland security, we must strengthen the public safety of our metropolitan cores. Public safety pays dividends in our communities whether or not terrorists strike. Programs in community policing, public vigilance, and civic engagement all improve the safety of our

neighborhoods, regardless of the size of the city or its risk from terrorist attack. However, city budgets are stretched to the limit in providing for day-to-day public safety even without additional expenses for homeland security. While cities understand that the maintenance, recruitment, training, and coordination of our first responders is a local function—as is coordination with private sector partners, such as private security guards in large buildings and health care providers in hospital emergency rooms—more leadership is required at the federal level to ensure necessary investment in homeland security is made.

So, how do we make our metropolitan areas safer? What are the security capabilities we are actually trying to create? What will “improved security and preparedness” look like when we have achieved it? In short, what effective capacities and protections can we create that do not exist now?

RECOMMENDATIONS

Nine recommendations emerged: Vulnerability assessment, personal protective gear for responders, interoperable communications, surveillance systems, intelligence sharing programs, realistic training exercises, closed-circuit monitoring, better security for public transportation, and evacuation and shelter-in-place plans that are tested.

1.1. EVERY MAJOR METROPOLITAN AREA SHOULD HAVE COMPLETE VULNERABILITY AND MITIGATION ASSESSMENTS. Governments need to conduct thorough assessments of the vulnerabilities in critical infrastructure (such as transportation, water, and communication facilities) and potential targets controlled by the private sector (such as chemical plants, rail lines, and power plants). Some vulnerabilities can be eliminated, others can be reduced by improved security. For example, many cities will find that there are shipments and storage of lethal chlorine gas within their jurisdiction. Substituting liquid bleach for chlorine gas in the water purification process can eliminate the need for the lethal gas. If lethal gas must continue to be stored, highway barricades and checkpoints can make it difficult for a truck bomb to get close to the gas storage tank or railcar. Most cities will also find that cesium and other highly

toxic radioactive material is stored at their medical facilities or at the research reactor of the local university. Ensuring that access to the material is limited and that inventories of it are regularly conducted may reduce the possibility that such materials will be used in a “dirty bomb.”

1.2. EVERY MAJOR METROPOLITAN AREA SHOULD HAVE PERSONAL PROTECTIVE EQUIPMENT FOR ALL FIRST RESPONDERS.

Police officers, firefighters, and emergency medical providers should have ready and immediate access to breathing apparatus, protective suits, and medicines to cope with explosions involving lethal gas, radiological materials, or other toxic material. Specialist units with high-performance equipment are insufficient, because most major events or Incidents of National Significance (as outlined in the National Response Plan) will require all first responders to deploy. First responders should also be trained and equipped so that initial arriving units can diagnose whether an apparently conventional explosion actually contained toxic material. Having ready access to this equipment will also allow local responders to contain an incident while federal assets are deployed in support.

1.3. EVERY MAJOR METROPOLITAN AREA SHOULD HAVE INTEROPERABLE COMMUNICATIONS.

We saw so tragically on September 11 how many lives could have been saved if only first responders had been able to communicate with one another once it became known that the towers were going to collapse. The Hurricane Katrina response showed that the situation has not significantly improved in four years. Every metropolitan area should now have reliable and pervasive communications in buildings and tunnels, among departments and across jurisdictions. Baltimore, for \$5 million, enabled firefighters and police officers from two cities and five counties to communicate instantly on their existing radios. Despite the low cost of this technology, most metropolitan areas have not deployed it or made interoperable communications a funding priority.⁵

In the long run, more radio spectrum must be allocated for emergency use as outlined in the *9/11 Commission Report* and subsequent Report Cards. Senator John McCain’s proposed legislation would wait three years to re-allocate some of the frequencies now reserved for television, despite the fact that few people in metropolitan areas receive television over the air. It should be amended to permit metropolitan areas to

petition the Federal Communications Commission (FCC) to allocate parts of the spectrum to emergency communications sooner. Special interests cannot be allowed to block this initiative. Owners and operators of critical infrastructure should support this effort to ensure the effectiveness of responders, who will be needed to protect their facilities in a crisis.

Cities should be able to decide that it is more important to have reliable police/fire radios than to have both digital and analog television signals that provide entertainment to as little as 10 percent of viewers in their market area. Several cities have deployed encrypted wireless broadband signals for emergency responders to receive on their laptops in their vehicles as virtual emergency operation centers. Such laptop systems can provide officers a better understanding of the situation, including detailed maps and schematics, threat information, access to databases, and collaborative crisis management tools. Reliable, interoperable communications are a key component of the National Preparedness Goal and should be an initial priority in federal funding to metropolitan areas.

1.4. EVERY MAJOR METROPOLITAN AREA SHOULD HAVE A PUBLIC HEALTH AND BIOLOGICAL/CHEMICAL/RADIOLOGICAL SURVEILLANCE SYSTEM. An around-the-clock system for monitoring symptoms seen at emergency rooms and by paramedics, as well as in over-the-counter sales of pharmaceuticals, would alert local public health officials to the possible release of biological agents or outbreaks of infectious disease. Such a system could provide a forty-eight-hour edge in responding to an attack and could save tens of thousands of lives. Some cities, such as Baltimore, created such systems at no cost by analyzing data already collected. Technologies for chemical, biological, and radiological air sampling in large venues (sports arenas and train stations) and wide areas should also be deployed and research and development accelerated. (The medical system requirements are further addressed in Chapter 4.)

1.5. EVERY MAJOR METROPOLITAN AREA SHOULD HAVE AN INTELLIGENCE COLLECTION AND SHARING PROGRAM. In addition to their participation in the FBI Joint Terrorism Task Forces (JTTFs), local police departments should have their own system to collect and exchange information. It should be possible for the latest intelligence collection requirement or tip to be imparted to every patrol officer in

a metropolitan region at least as often as the next shift change. While DHS has established the Homeland Security Information Network (HSIN) to share real-time threat information, it has yet to be fully integrated into local efforts. Integration of the DHS, JTTF, and local assets in state and local intelligence fusion centers would greatly enhance preventative efforts. Supplementing work by the FBI, local police should increase size and use of intelligence units that use confidential informants and undercover officers to detect terrorist sleeper cells. Because of the potential for domestic intelligence units to abuse civil liberties, they should be subject to oversight by citizens, who should be granted security clearances for this purpose. (The issues of domestic intelligence collection and civil liberties are discussed at greater length in Part III.)

1.6. EVERY MAJOR METROPOLITAN AREA SHOULD CONDUCT REALISTIC TRAINING AND PREPAREDNESS EXERCISES. Since the mid-1990s, under the Nunn-Lugar program, cities have held terrorism exercises for training and awareness purposes. Just as we drill and train our soldiers before sending them off to war, we must train our homeland defenders to work together. Our first responders and their commanders should know each other and how to work together long before a crisis erupts. Clarity of procedure and familiarity with responsibilities and response plans will save time and lives. In addition to training personnel, however, there must be realistic exercises that stress systems in order to identify their weaknesses before those systems are tested by an actual emergency. Many exercises to date have been unrealistic or too limited. As a result, they failed to reveal “real-world” problems, especially those that would be caused by follow-on attacks against responders, or attacks that precipitate cascading effects. Similarly, mass casualty drills typically involve only a small number of “patients” and, therefore, have not introduced such issues as how to set up a mass treatment facility or deal with a shortage of respirators, medical personnel, or special pharmaceuticals.

Too often, drills and exercises have failed to take seriously the role of the media and the need to communicate with the public in crises. The difficulty of controlling the dissemination of key messages and vital directions in the age of “blogs” and twenty-four-hour news necessitates integrating this communications challenge into testing of these plans.

Members of the media and government public relations personnel have essential roles to execute in a developing crisis or implementing an evacuation. By strategically building this training and exercise capability into field and tabletop exercises, agency leaders will have the opportunities to test more accurately the procedures and capabilities the media and Web community will employ when a catastrophe strikes.

Considering the failed federal response to Hurricane Katrina, it would be worth staging a full-scale drill at the next DHS exercise involving top officials (TOPOFF 4) scheduled for May 2007. Most metropolitan areas have not tested evacuation and shelter-in-place plans realistically and would likely suffer the same fate that Houston endured in its attempted evacuation in 2005. Short of large-scale exercises, senior government officials should regularly engage in “tabletop” exercises to prepare themselves and their staff members for the kinds of decisions and obstacles they would face in various crises. In these exercises, there is no substitute for the senior operators and elected officials, who would actually be involved in a contingency. Participation in such exercises should be considered a requirement of their jobs.

1.7. EVERY MAJOR METROPOLITAN AREA SHOULD HAVE CLOSED-CIRCUIT TELEVISION (CCTV) SYSTEMS TO SECURE INFRASTRUCTURE. CCTV cameras, like those used in London to apprehend the July 21 bombers, can serve as a deterrent and can help catch terrorists and their networks before they strike again. They need not be expensive. For \$2 million, Baltimore installed an initial system.

In many cities, numerous CCTV networks exist, but are not integrated or monitored by public safety officials. Software can integrate existing networks and handle large numbers of cameras simultaneously by searching for suspicious behavior (such as leaving a package in a train station and walking away). Thus, operators do not need to watch every camera feed, but can be alerted when something specific is happening. In addition to assisting in counterterrorism, camera networks have been proven in several cities to reduce crime in neighborhoods that are monitored. Smart cameras have even been utilized in recovering stolen cars. Because the misuse of surveillance cameras could infringe on privacy rights, citizen oversight should be integrated into the program. As in London and Baltimore, having the camera system managed by a civilian department (rather than the police) may also provide a level of assurance that civil liberties are protected.

1.8. EVERY METROPOLITAN AREA SHOULD HAVE AN ENHANCED SECURITY PROGRAM FOR PUBLIC TRANSPORTATION. Terrorists have struck public transit systems in Tokyo, Moscow, Paris, London, and Madrid. It is likely that an American city will be added to that list. While terrorist attacks against transit systems can best be stopped by intelligence that reveals the plot before the attack is launched, there are additional steps that can be taken to deter, deflect, or mitigate the effects of an attack, such as the random bag searches practiced in New York. Radio repeaters, ventilation upgrades, public address system improvements, and enhanced emergency escapes can mitigate the effects of a blast. (Transportation security is discussed in greater depth in Chapter 3.)

In many American cities, security on public transit systems is carried out by small police forces operated by the transit system, rather than by the city's police force. Metropolitan areas should consider integrating transit police into the larger force, or conducting outside performance audits to identify and rectify problems or capability shortfalls that come from having a separate transit force.

1.9. METROPOLITAN AREAS SHOULD CREATE AND PERIODICALLY TEST EVACUATION AND SHELTER-IN-PLACE PLANS. The few American cities that have attempted evacuations in recent years have experienced significant command and control and public information failures. Decisions to use reverse traffic lanes were delayed. Gasoline and food ran out. Tow trucks were poorly deployed. Citizens without privately owned vehicles, the aged, the hospitalized, and the infirm were overlooked. In other cases (such as September 11 in Washington or New York in the 2003 Northeast power blackout), spontaneous evacuations jammed roads and made it difficult for emergency vehicles.

In certain chemical release or radiological exposure scenarios, shelter-in-place responses may be more appropriate. Because current evacuation and information systems are inadequate, citizens may place themselves at greater risk by evacuating. Thus, metropolitan areas need detailed and tested plans for shelter-in-place procedures. Public awareness programs are needed. Loudspeaker systems and BlackBerry/PDA or SMS text messaging alert systems should be instituted to provide emergency guidance to citizens.



Mayors and county executives are not asking for their fire and police departments to be federally funded. They are simply asking for federal help in covering the additional costs brought about by this foreign threat to America's national security. The investments we make to pursue homeland security today could well produce both an elevated standard of public safety and health and standard of living. While these efforts will not happen overnight, none of them will ever happen until we make a conscious decision to invest in America's security.