

**Testimony of  
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**“Local Law Enforcement’s Role in the  
Prevention of Weapons of Mass Destruction Proliferation”**

**Commission on the Prevention of Weapons of Mass Destruction  
Proliferation and Terrorism**

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Chairman Graham and Commission members, thank you all for inviting me to speak to you today during your inaugural public hearing.

Law enforcement recognizes the proliferation of chemical, biological, radiological and nuclear weapons as *the* most serious threat to national security. We all agree that a nuclear weapon in the hands of a terrorist organization would create the nightmare scenario that would change our world forever. The more than 750,000 members of state and local law enforcement in the U.S. are engaged in this effort – but not to the degree I believe they should be.

We are at war with al-Qa’ida and its morphing affiliates. Al-Qa’ida has the intent to use a Weapon of Mass Destruction (WMD) against the United States, our interests overseas and our allies. This assertion is bolstered by the most current National Intelligence Estimate from 2007, which assessed that al-Qa’ida “will continue to try to acquire and employ chemical, biological, radiological, or nuclear material in attacks and would not hesitate to use them” on “political, economic and infrastructure targets.”<sup>1</sup>

As a nation, we must be relentless in our efforts to prevent that from ever happening. While many agencies share this responsibility, local law enforcement has a substantial role to play, which is often unstated. We must develop local and regional strategies to prevent a WMD attack. We must also properly equip and train public safety workers to detect precursors of weapons. The Los Angeles Police Department and its regional partners have made significant strides in this area but we still have great distance left to cover.

To date, terrorists have used WMD to attack cities and local targets as well as individuals. Whether it’s the use of a biological agent to contaminate food in Oregon; the release of sarin gas in a Tokyo subway; the burial of radioactive cesium by Chechen terrorists in a Moscow park; or the mailing of anthrax letters following 9/11, each attack had the potential to cause mass panic and regional disruption.

These scenarios are not like hurricanes with science-based predictions and forewarning. Rather, the success of prevention and response can be highly dependent on time-sensitive deployments. National assets can take many hours to be on the ground and operational. Alternative options are needed, including shifting more of the burden of prevention and response into the wheelhouse of state and local police.

Policing has come a long way since the 9/11 attacks. We better understand the global implications of terrorism and the threats to our homeland. We better understand how to leverage policing strategies to counter those threats. LAPD investigations have convinced us that there is a continuing effort to place operational cells in our homeland to conduct attacks. Whether they come from overseas to “hide in plain sight” in American communities or they become radicalized here, it is far more likely that local, rather than federal, law enforcement will detect terrorists’ presence.

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<sup>1</sup> National Intelligence Council, 2007. *National Intelligence Estimate: The Terrorist Threat to the U.S. Homeland* (online). July 2007, Office of the Director of National Intelligence, p. 6. [http://www.dni.gov/press\\_releases/20070717\\_release.pdf](http://www.dni.gov/press_releases/20070717_release.pdf) [Accessed 3 Sept. 2008]

In the course of daily operations, local police detect varying threats, some analogous to WMD. Recently, police officers from the Las Vegas Metropolitan Police Department encountered ricin during a routine service call to a local motel. This case, while not terrorism-related, illustrates a simple but critical reality: local law enforcement officers are most likely to be the first to encounter WMD materials in our homeland. It also shows the magnitude of the problem, that this type of information and material is widely disseminated and available and can be exploited by many different groups and individuals – not all of whom will have a nexus to terrorism.

Any successful national counter-proliferation strategy must include robust local counter-proliferation strategies. The materials for a WMD can be smuggled into the United States or, perhaps more simply, they can be obtained here – either legally or illegally. Therefore, local law enforcement has an important role to play in protecting as well as detecting these materials.

Local non-proliferation strategies require that public safety agencies know the locations of these dangerous materials and be in a position to educate the guardians of these materials about effective security. This requires an understanding of the government regulatory process that dictates who handles these materials, how they are transported and how breaches in security are reported and handled.<sup>2</sup> Reporting processes must be in place so that police are immediately notified of security breaches, thefts and surveillance activities.

Much of this prevention strategy involves building strong relationships with the private sector, which oversees about 85 percent of our nation's critical infrastructure. This network includes research laboratories, hospitals and pharmacies. The people who handle sensitive materials must be trained to report anomalies such the purchase of large amount of chemicals like ammonium nitrate or the treatment of suspicious injuries that may involve chemicals or biological agents. Choking off unauthorized access to sensitive material at the local level is critical to disrupting terrorist operations. In the words of Tim Connors of the Center for Policing Terrorism at the Manhattan Institute, "State and local governments that leave these problems entirely to the regulators are substituting hope for security."<sup>3</sup>

Detection technology alone cannot substitute for a robust local non-proliferation strategy. I emphasize the ability to properly detect because technology alone has the potential to generate too many false positives. It requires a trained investigator to interpret and detect the proper signatures for WMD. We must combine the ever-popular investment in technology with the training of competent human operators to ensure successful prevention programs.

Terrorists face technical challenges to operationalize their desires to use WMD. Police must familiarize themselves with the potential sources of this technical expertise, whether it resides on the Internet, in the universities or in the research centers.

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<sup>2</sup> Center for Policing Terrorism, 2005. *Hard Won Lessons: Policing Terrorism in the United States* (online). July 2005, Manhattan Institute, p. 16. [http://cpt-mi.org/pdf/scr\\_03.pdf](http://cpt-mi.org/pdf/scr_03.pdf) [Accessed 3 Sept. 2008]

<sup>3</sup> Ibid, p. 16. [http://cpt-mi.org/pdf/scr\\_03.pdf](http://cpt-mi.org/pdf/scr_03.pdf) [Accessed 3 Sept. 2008]

Counter-surveillance, information and intelligence collection efforts are all central to prevention plans. Local programs to detect surveillance at our critical sites are essential. Information about suspicious behaviors must be collected and fed into the threat assessment stream to detect warning signs and pre-attack indicators. Intelligence systems must be in place for rapid analysis and investigation. Only through the blending of these elements will the warning signs and pre-indicators of attacks be detected.

Los Angeles and its regional partners have been recognized as being at the forefront of implementing preventative programs. Let me discuss some of the specifics of these initiatives.

### Current Capabilities

- Information sharing is central to the Los Angeles Police Department's WMD prevention strategy. The department has several avenues through which it regularly coordinates with its federal state and local partners. These are the Joint Terrorism Task Force (JTTF), the Federal Bureau of Investigation's Threat Assessment and Response squad and the WMD coordinator; and the Los Angeles Joint Regional Intelligence Center (JRIC), the region's fusion center. The LAPD is a founding member of this center and one of the three principle agencies that governs it – the others being the FBI and the Los Angeles County Sheriff's Department. The center also houses personnel from the Department of Homeland Security, the Los Angeles County Department of Public Health, the Los Angeles City Fire Department, and Los Angeles County Fire Department. Together, they assess and respond to WMD threats to the region. Through the JRIC, the LAPD also has access to the DHS's Domestic Nuclear Detection Office and the FBI's WMD Directorate.
- The *Preventative Radiological Nuclear Detection Program* (PRND) is a state-wide effort and is co-chaired by the LAPD's Hazardous Materials Unit. The goal is to include all of the cities and regions of California in the effort to prevent, detect and deter incidents involving the illicit use of radiation. Through the program, plans are being developed that include response protocols that can be tailored to the specific threats and vulnerabilities of any region. The state of California is using the "lessons learned" in Los Angeles as the template for these plans. This is an example of a program that combines strategic thinking at the regional level with a state-wide network.
- The *Consortium of Technical Responders* (CTR) is regional in scope. It was created by the LAPD's Hazardous Materials Unit more than three years ago in order to bolster the readiness capabilities of all emergency response personnel in the Los Angeles region. Participating agencies include the county and city fire departments, other state and local law enforcement agencies and the Los Angeles County Department of Health Services. This group meets monthly to discuss issues and recent incidents involving hazardous materials and new technologies and has grown to be an essential part of the emergency response community.

- A *Joint Hazard Assessment Team* (JHAT) was formed by the LAPD and the Los Angeles City Fire Department with the understanding that the most effective prevention of and response to any threat is one that combines multiple agencies and disciplines. The team leverages the strengths of units with specialized knowledge of special weapons and tactics, hazardous materials, explosives and urban search and rescue.
- The LAPD has helped pioneer the creation of the *Los Angeles Regional Common Operational Picture Program* (LARCOPP), a vehicle-based system that enables incident commanders to share information and plans in real-time with those in off-site emergency operations centers.
- The LAPD acquired the *PATRIOT Land Based Hybrid Life Support System*, which will provide our hazardous materials and tactical units with increased protection when they respond to chemically, biologically or radiologically contaminated environments. With its advanced filtration and air delivery systems, the PATRIOT offers up to eight hours of protection in a CBRN environment before the operator needs to service the bottles, batteries or filter.
- In partnership with the Department of Homeland Security, the LAPD implemented *Operation Archangel*, which has become a national model for critical infrastructure protection. This program includes the Protective Security Task Force (PSTF), a team of plain-clothes officers who specialize in protection and conducting counter-surveillance activities at critical sites.
- The LAPD developed and implemented the *Suspicious Activity Reporting* (SAR) process for reporting suspected terror-related behaviors and tying them firmly into information collection procedures, tracking systems and intelligence analysis. This is considered the first program in the U.S. to create a national standard for terrorism-related modus operandi codes. The SAR program is an example of the convergence of skills that police have used for decades to observe traditional criminal behavior with the new behavioral indices of those associated with terrorist recruitment and the planning and execution of operations. In the context of WMD, the SAR process serves as a way for police on the streets to immediately report behaviors such as pre-attack surveillance. This initiative is in the process of being rolled out nationally. Once SAR is institutionalized throughout the nation, local, state, and federal agencies will have a common standard for collecting, measuring, and sharing information about suspected terror-related incidents. This will also serve as a mechanism to involve the community in counter-terrorism prevention efforts.
- Awareness of WMD starts when recruits are still in the police academy and continues once the officers are in the field. The LAPD has more than 30 trainers who deliver instruction on the WMD threat and prevention, response and emergency actions. Since the WMD training program was started in 2005, nearly 6,000 first responders from agencies throughout the Los Angeles region have received the instruction and Personal Protection Equipment (PPE). We also acquired four trailers to store this protective equipment.

- This year, the LAPD piloted the National Counter Terrorism Academy (NCTA) – the first such academy created by local law enforcement for local law enforcement. To date, we have provided police, fire and private security personnel from 25 agencies with a comprehensive overview of international and domestic terrorist threats and knowledge of Intelligence-Led Policing (ILP) strategies to counter those threats in their jurisdictions. It is anticipated that future iterations of the NCTA will include training on WMD. The LAPD has also formally proposed the creation of a National Consortium on Intelligence-Led Policing (NCILP) that would serve as an ILP training and education resource for state and local police departments nationwide. The NCILP would design five separate curricula to teach state, local, and tribal law enforcement agencies how to apply ILP strategies and fuse intelligence to counter terrorism, narcotics trafficking, gangs, organized crime and human trafficking.
- The LAPD, with its public safety partners in the Southland, has also played host to aerial radiation detection and surveillance training by the U.S. Department of Energy. This training provided tactical pilots and technicians with knowledge of how to best conduct airborne surveillance to detect the presence of radiation, whether searching covertly or verifying the presence of a tell-tale plume in the air.

#### Future Capabilities

- In partnership with the DHS, the LAPD has developed the Archangel Interoperability Communication Project (AICP), which is the organizational umbrella for 11 initiatives aimed at enabling the fluid interaction of data collection, analysis and dissemination processes. These 11 initiatives, some of which have been implemented and some of which are in development, will better prepare our region to detect and prevent WMD attacks.
- As part of this project, the LAPD is developing a *Sensor Tactical Array Toolkit* (STAT) system that will link together a portable system of cameras, weather detectors, thermal and infrared imagers, radiological and chemical detection equipment, electronic tripwires and acoustic devices. The result will be a virtual perimeter that can cover the equivalent of two city blocks. For example, if the police are called to a foreign consulate where there is a suspected radiological, biological or chemical attack pending, they would set up this system of sensors and cameras that would let them know about anything moving in and out of or within the established perimeter. This information would be viewable by any police or fire responder with an L.A. Shield device. The device's user would immediately have visual, aural and electronic data regarding the event and would be able to access that information from anywhere in the world. This system is one of roughly 10 in progress that would cut across any interoperability issues on many levels and ensure a cohesive response to such a call.

- Central to the STAT system will be a device called *L.A. Shield* that integrates novel software with image, voice and text capabilities in a Personal Digital Assistant, or PDA. This device, which is in the conceptual phase, will aid in aerial and ground patrols of critical infrastructure and ensure interoperability during response to a WMD and other threats. The device will also be able to assess the impact of a detonated WMD.
- A third example of the AICP initiatives is the *Automated Critical Asset Management System* (ACAMS), a database developed by the LAPD and the DHS that is used nationwide to identify infrastructures that are critical to the nation's economy and physically vulnerable to attack, collect information about these assets and prioritize their protection needs. ACAMS, coupled with initiatives such as *L.A. Shield*, will enable the LAPD and its public safety partners to better understand how to prevent and respond to attacks to these infrastructures in an all-hazards environment.

### Gaps/Recommendations

These initiatives are but a starting point to make us more capable of preventing and responding to a Weapons of Mass Destruction attack. On the response side, our level of training of responders is not consistent. Federal training standards of hazardous material technicians are different than state training standards. This creates a variance in the levels of competence across states and regions. A national standardization of the training would eliminate these differences.

Currently, the national WMD strategy emerges from and is framed in Washington, D.C. The national strategy is rolled out to the states for implementation often without consideration of the local perspective. The local and statewide perspective needs to be infused early into the process. Only through this inclusion will a national program be able to integrate with local programs and assets.

Local WMD strategies should be tailored to the unique operational environments of each city and region. For example, in Los Angeles we have the port through which roughly 40 percent of our nation's goods travel. History shows that the most likely WMD scenario involves an attack that is not as physically devastating but heavily impacts a region. We must have solid strategies that are designed at our level to attack these sorts of problems.

Our efforts to safeguard WMD materials and prevent attacks will succeed or fail based on two things – the quality of information that is available and the capability of the technology at our disposal. On the local level, we must equip our First Preventers of terrorism with the knowledge and the means to detect the signatures of WMD. This is largely a training and technological challenge. But it also involves building solid networks with all our partners that enable the rapid sharing of information.

This information-sharing must be improved at the regional, state and federal levels. The bottom line is that state and local police need direct access to intelligence. The Interagency Threat Assessment and Coordination Group (ITACG) is the conduit at the National Counter-Terrorism Center through which WMD threat information is passed from the FBI and the DHS to state and local law enforcement.

This is an improvement over past practices, but the control over the flow of intelligence still resides exclusively with the federal agencies. This indicates that local police are less likely to get the information they need. The goal is to create a two-way dialogue so that state and local agencies have a say in the information-sharing process and a direct link to entities that disperse threat information.

This concept of intelligence partnerships extends to our relationships with police departments overseas. The value of policing terrorism is acknowledged nationally and internationally. A recent Rand study stated “policing and intelligence should be the backbone of U.S. efforts” to defeat al Qaeda because its network of individuals needs to be tracked and arrested.<sup>4</sup>

Local police need to have first-hand knowledge of overseas events that may affect their own jurisdictions. They must also have established relationships with their counterparts abroad so that information about specific threats is shared rapidly and directly. I have long been an advocate of this concept and the proposed Foreign Liaison Officers Against Terrorism (FLOAT) program. This concept was created with the understanding that many municipal police departments lack the resources to station an officer overseas for an extended period of time. In FLOAT, police departments would pool their resources to post officers overseas and share the intelligence that was gathered.

This is critical because local law enforcement in the U.S. must assume that an attack that occurs in a remote location may be part of a global strategy. The attack may be replicated locally, be supported or advanced by local operators, or be exploited by local extremists. Therefore, it is essential that local law enforcement agencies reverse their optics and look beyond U.S. shores for the harbingers of future regional issues and, in the case of WMD, activities overseas that indicate potential attacks in our regions. In this regard, I urge Congress to be aware of and support an effort by R.P. Eddy, Senior Fellow for Counterterrorism at the Manhattan Institute, to start the FLOAT program. Mr. Eddy proposes to match federal money, coordinate police participation and house the FLOAT program at the Institute.

I have been calling for the need for these last two initiatives for some time now – most recently at the 2008 National Fusion Center Conference in March and at the Major Cities Chiefs Association meeting in July. However, I have certainly not been alone in my efforts.

I would like to take a moment to recognize some of the people who have heard and responded to the calls of local law enforcers.

Ambassador Ted McNamara, the program manager for the Information Sharing Environment, has been a staunch ally and has supported both of the initiatives I just mentioned. I appreciate all of his efforts. I would also like to thank the members of Congress who have sponsored legislation that would enable progress in these important areas.

This concludes my remarks and I am now prepared to answer your questions.

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<sup>4</sup> Jones, S.G., Libicki, M.C. 2008, *How Terrorist Groups End: Implications for Countering al Qaeda* (online). RAND Corporation, Santa Monica, p. xvi. [http://www.rand.org/pubs/monographs/2008/RAND\\_MG741-1.pdf](http://www.rand.org/pubs/monographs/2008/RAND_MG741-1.pdf) [Accessed 3 Sept. 2008]