

THE ROLE OF POLICE IN COUNTERTERRORISM

УЛОГАТА НА ПОЛИЦИЈАТА ВО БОРБА ПРОТИВ ТЕРОРИЗМОТ

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Abstract: Today's police face a range of tactical challenges that, while not necessarily new, require an evolved operational response.

In the new millennium, policing throughout the world has gradually more taken on contemporary security role, such that it might be expected that policing should be rapidly changing to meet its new challenges and to deal with contemporary security threats.

This paper seeks to answer the question "What are police doing to counter terrorism?" Certain density in the roles, functions, strategies, and structures of the police, modern-day policing has become even more multifaceted, being concurrently focused on preventing and responding to "ordinary crime," and now to responding to domestic and international terrorism.

Counterterrorism refers to proactive policies that specifically seek to eliminate terrorist environments and groups. Domestic operations involve coercive use of military, police, and other security forces against domestic threats. Many nations have special units within their police forces that participate in counterterrorist operations.

Knowledge about nature and police counterterrorism strategies is an essential and currently missing component in a contemporary security agenda.

Key words: police, counter-terrorism, special operation forces, contemporary security concepts.

Апстракт: Полицијата денес се соочува со голем број на тактички предизвици кои, иако не се нови, бараат еволуирање на операционен одговор.

Во новиот милениум, полицијата низ целиот свет постепено сè повеќе презема современа безбедносна улога, преку која би можело да се очекува дека полицијата треба

да брзо да се менува за да одговори на новите предизвици и да се справи со современите безбедносни закани.

Овој труд се обидува да одговори на прашањето “Која е улогата на полицијата за борба против тероризмот?” Преку многубројните улоги, функции, стратегии и структури, полицијата во современи услови стана уште повеќеслојна, истовремено фокусирана и на превенција и на одговор на лесните кривични дела, и истовремено одговорна за спротивставување на внатрешниот и на меѓународниот тероризам.

Борбата против тероризмот се однесува на проактивни политики кои конкретно се обидуваат да се ликвидира терористичкото опкружување и терористичките групи. Домашните операции вклучуваат употреба на сила од војската, полицијата, и другите безбедносни сили против внатрешните закани. Многу нации имаат посебни единици во рамките на полициските сили кои учествуваат во антитерористички операции.

Сознанието за природата на полициските стратегии за борба против тероризмот е суштинска компонента која недостасува во современата безбедносна агенда.

Клучни зборови: полиција, борба против тероризмот, сили за специјални операции, современи безбедносни концепти.

INTRODUCTION

While it is not necessary to define terrorism, it is necessary to state what we mean by counterterrorism. Counterterrorism will be used as a synonym for high policing, that is, it will refer to the covert activities of intelligence gathering and disruption directed against people considered to be terrorists. Counter-terrorism is a complex and multifaceted subject that encompasses a host of different strategies for dealing with violent extremism. Its central purpose can be described as devising methods and policies to cause non state groups that employ [terrorism] to stop using violence to achieve their political objectives (Art and Richardson, 2007).

Counterterrorism can be criminological analyzed as a matter of social control, including various mechanisms and institutions that define and respond to terrorism (Costanza and Associates, 2009: 91-115). The most formal component of social control is represented by the criminal justice system, including its agents and organizations, such as the police. In the realm of social control and criminal justice, the counterterrorism activities of police have been of growing importance (Brandl, 2007).

When we speak of police, we will be referring to agencies of law enforcement that operate exclusively within a country. This stipulation is necessary in order to distinguish police from the military whose unique responsibility is to protect countries from external threats. We will also confine our examination of terrorism's impact only to the public police, that is, to agencies of law enforcement that are authorized and maintained by government (Bayley, 1985).

Although there is debate that the police should not be involved in counterterrorism, their precise role is unclear and indeed controversial. Some are concerned that expanding the police role in counterterrorism will change the character of policing in democratic states. In particular, that police will emphasize covert prevention of terrorism to the neglect of publicly visible policing of individual criminal victimization (Kempa and Associates, 2004: 562-581). Policing of this kind has been called "high policing" (Brodeur, 1985).

High policing has two distinguishing features – its substantive focus and its methods. High policing targets what might be called macro-crimes, that is, crimes that are considered threats to society in general, such as drug trafficking and an illegal immigration, as opposed to micro-crimes that affect only individuals (Bayley, 2006). In high policing, prevention is the key objective, utilizing the tactics of covert intelligence gathering, surveillance, and disruption.

"Low-policing," by contrast, emphasizes prevention through visible patrolling and deterrence through the application of criminal law.

High policing differs sharply from the standard practices of normal or "low" policing because it is less transparent, less accountable, and less careful with respect to human rights (Thacher, 2005: 635-676). In general, high policing encourages a top-down command structure and changes the orientation of police from servicing to controlling the population.

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

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

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

There is impression is that general policing has been affected most in Israel and least in the United States. Great Britain seems to have adapted its policing more to the requirements of counterterrorism due largely to the terrorism associated with the “troubles” in Northern Ireland during the last 35 years. Australia, Canada, and New Zealand, cluster toward the American end of and India tends more to the intermediate position. Countries in Western Europe range somewhere in the middle of this continuum.

The critical question is whether a shift to high policing, especially by general-duties police agencies, in Western democracies should be applauded or prevented. As we have pointed out, there are reasons why uniformed, general-duties police should take on a greater role in the prevention and control of terrorism, in addition to their inevitable role in responding to terrorist events and ameliorating their impacts. Local police can be enormously helpful in detecting terrorist-related activity, building bridges to informants in critical communities, and in coordinating security responses between public and private agencies. At the same time, acting as high police may come at a cost that policy makers and the public should be aware of. It may lead to a decline in crime-prevention services to the general public and undermine the investigation of ordinary crime, thereby separating itself from the population in general and reducing the possibility of obtaining useful information about terrorist activities (Weisburd and Associates, 2002: 80-109).

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

EVOLUTION OF POLICE TACTICS AND THE BEGINNINGS OF AN OPERATIONAL APPROACH

Terrorism and counterterrorism have historically evolved in various ways. Terrorism has increasingly diversified in terms of the objectives that are pursued and the means that are used. Counterterrorism efforts have likewise proliferated across a range of institutions. Criminologists contribute to the study of terrorism and terrorism-related phenomena by focusing on terrorism as crime or deviance and counterterrorism as social control. Studying counterterrorism as a form of social control, criminological research can reveal important elements of counterterrorism that are not of a military, legal, or political character. Much of the contemporary public discourse typically focuses on counterterrorism in the world of politics and in relation to military interventions and war. Yet, every dimension of counterterrorism has to be researched carefully before any general pronouncements can be made.

The role of most police activities is not “operational” in the military sense. Police forces are small, and with the exception of large metropolitan regions, barely comprise the strength of a tactical military unit. Their role, however, is just as complex. Police have the responsibility to keep the peace in complex and diverse multi-ethnic urban environments, carry out counter-gang operations, and protect a broad array of targets from terrorists. Yet for most police doctrine has remained tactical in orientation. Additionally, the decentralized nature of American policing—in marked contrast to many European police services—limits the conceptual development of synchronized, operational responses.

A long-term police campaign against a gang, organized crime family, or terrorist group, can compromise many different tactical operations nested together. In adapting the operational language to police purposes, we argue that the level of command is not what determines whether something is tactical or operational per se, rather the purpose of the action or mission(s) determines the echelons needed for successful engagement.

As recounted by Lindsay Clutterbuck, the first shift in the expansion of policing outlook was the 19th century anarchist challenge, which created a pre-modern network of police forces. The elimination of the pre-modern “anarchist wave” of terrorism is a relevant (and hopeful) sign that today’s terrorism challenge is not insurmountable. This, however, would be the first of many advances in police doctrine and functions in response to the challenges of the industrial era (Clutterbuck, 2006: 33-51).

Police tactical doctrine changed again during the 1970s, when paramilitary terrorist attacks exposed weaknesses in command and control and tactical response. Police, in addition,

can utilize organic “combined arms” abilities through the combination of foot (dismounted) intervention, helicopters, and tactical response teams (special weapons teams, bomb squads), including the use of armored rescue vehicles (Sullivan and Elkus, 2010).

The purpose of violent responses is to attack and degrade the operational capabilities of terrorist. This can be done by directly confronting terrorists or destabilizing their organization.

Creating an operational concept for police counterterrorism response is a worthy project. Indeed to be effective, it needs to go beyond counterterrorism to address the whole range of complex police responses. This includes emergency and disaster response, counter-gang and counter-violence activities, organized crime suppression, public order (civil disturbance and riot response), and wide-area crime control efforts (pattern and series crimes). The need to mobilize and synchronized distributed police operations across and among metropolitan regions, and across jurisdictional and disciplinary boundaries are essential to addressing complex disasters, complex criminal networks, and terrorist attacks.

Table 1. Counterterrorist Options: The Use of Force (Gus, 2011: 272).

| Counterterrorist Option | Activity Profile | | |
|----------------------------|--|---|--|
| | Rationale | Practical Objectives | Typical Resources Used |
| Suppression campaigns | -Symbolic strength -Punitive measures -Preemption | -Destructions of the terrorists -Disruption of the terrorist | Military assets Paramilitary assets |
| Coercive covert operations | -Symbolic strength -Destabilization -Preemption | -Disruption of the terrorist -Deterrent effect on potential terrorists | Military assets Paramilitary assets |
| Coercive covert operations | -Coercive covert operations -Destabilization -Preemption | -Disruption of the terrorist -Deterrent effect on potential terrorists | Military and Police assets |

A wide range of counterterrorism strategies have been developed to deal with the causes and consequences of terrorist activities. Politically, counter- terrorism involves measures taken by the governments of national states and by international governing bodies (INTERPOL and EUROPOL). Such (inter) governmental responses to terrorism are historically most developed, dating back to at least the second half of the nineteenth century, when governments in Europe sought to disrupt political activities aimed at overthrowing established regimes (Deflem, 2002).

There is a strong preference among police to engage in international counterterrorism missions in a unilateral manner or to engage in cooperation with only a limited number of counterparts from other nations. Larger international partnerships occur in a collaborative form, thereby affirming the contributions and perceptions of participating police agencies in the individual states. Though affording advantages in terms of the preservation of national sovereignty, this national persistence can also produce rifts in the global order of counterterrorism as the strongest participating agencies are the ones most likely to go about it alone in fulfilling stated counterterrorism objectives. Such unilaterally conceived counterterrorism strategies can produce unintended consequences, inasmuch as the security and police forces of otherwise friendly nations may turn against their more powerful counterparts, such as the law enforcement institutions in the United States, only because a more egalitarian cooperative spirit was missing.

NATIONAL MODELS OF COUNTERTERRORISM

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

Most countries have specialized agencies entirely separate from the police that engage in counterterrorism abroad-collecting information, penetrating potential terrorist and/or criminal groups, and taking preventive action. In several studies, the responsibility for counterterrorism - clandestine intelligence collection and disruption - is distributed domestically in three ways:

- (1) To a national agency specializing in counterterrorism,

- (2) to one or more national police services, and
- (3) To all police agencies at any governmental level.

These modes of organization are not exclusive but may coexist in the same country.

All the countries in our review have created an agency that specializes in collecting domestic intelligence about potentially violent subversion - Australia (ASIO), France (DST), Israel (Shin Bet), Japan (PSIA), the United States (FBI), Serbia (VBA), and Macedonia (SAIS) (One of structural elements of the (sub) System of internal security of R. Macedonia includes Ministry of Interior (Police, Special Police and Special Forces, Crime Police and Security and Counter-intelligence Administration).

At the same time, they vary in their powers to take preventive action. Some national counterterrorism agencies do have full police powers and can detain, arrest, and submit for prosecution - India's Central Bureau of Investigation (CBI), Italy's Intelligence and Democratic Security Service (SISDE), Japan's Public Security Investigation Agency (PSIA), Spain's National Intelligence Center (CNI), Sweden's National Security Service (SAPO). For this reason, they should be regarded as police forces that specialize in counter-espionage.

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

In sum, police in all democratic countries, centralized and non-centralized, are authorized to engage in high as well as low policing and the extent to which they actually do so varies widely.

CATEGORIES OF POLICE ACTIVITY

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

those with longer histories of dealing with terrorist threats.

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

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

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

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

Full-service police agencies can make essential contributions to the war on terrorism in terms of preparedness planning, threat analysis of critical infrastructure, target protection, first-responding, order-maintenance, and post-event criminal investigation. Although not all frontline police agencies can do all of these things unassisted, their expertise and resources must be used because they are the first line of defense with respect to these tasks.

FACTORS AFFECTING THE IMPACT OF COUNTERTERRORISM ON POLICE

Turning to the global dimensions of counterterrorism policing, variable legal and political contexts are seen to bring about differences and similarities in the policing of terrorism worldwide. In autocratic and highly centralized states, counterterrorism policing is generally subsumed under a national security regime, whereas more autonomy is accorded to police in democratic states. The institutional independence that modern police agencies can acquire across national boundaries also enables international police organizations with multilateral membership to address terrorism issues through enhanced means of communication and information exchange. As is the case with other crimes of a distinctly international nature, international cooperation is a central concern in the policing of terrorism. In the context of the persistent globalization of terrorism and related security concerns, counterterrorism functions transcend the jurisdictional boundaries of single national states and their institutions.

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

(1) Local incidents of terrorism. In countries where terrorist threats are serious and where the attacks are common, high policing is likely to have a much larger place in police operations.¹ Furthermore, after a dramatic terror attack police responses will be affected by perceptions of local vulnerabilities. The greater the number of likely targets for terrorism, the greater will be preparations made by local police (Davis and Associates, 2004).

(2) The structure of police organization. The higher the governmental level at which police are organized, the more likely it is that preventive counterterrorism will be undertaken. Police agencies that are organized at a national level, such as the Israeli or the French, appear to take on high policing tasks with greater ease than police organized in a decentralized way. As a corollary to this, it seems likely that local police who are decentralized units within a national organization are more likely to undertake high police functions than those which are independent.

3) The size of the police unit. Specialization of function can only take place in organizations of scale.

(4) Time under threat. Terrorism will have a greater impact on policing the longer a country has experienced it.

(5) Intolerance of political dissent. Acceptance of "high policing" occurs more

¹ This is clearly the reason why Israel and the UK have a long history of police involvement in homeland security and counterterrorism functions.

frequently in countries where dissent is not tolerated, whether for ideological, cultural, or political reasons (McCauley, 2007: 55-65). Authoritarian governments, notably, view dissent as a threat, and therefore treat it with the tactics of high policing.

(6) In countries which allow sub-national levels of government to develop autonomous police forces, such as federal systems (Brazil, India, Australia, Germany, the United States), local police may be required to do modify their operations by national laws, administrative directive, or inducements of money.

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

DIFFERENCES IN APPROACHES IN COUNTERTERRORISM-POLICE VERSUS ARMY

In matters of terrorism, there is today arguably no dimension more relevant and more discussed, next to the policing of terrorism, than the military involvement in counterterrorism and the conception of counterterrorism in terms of war. However, the ambitions that are connected to the war on terrorism from the political and legal viewpoint—to coordinate and centralize all aspects of counterterrorism—have not been accomplished at the level of the various institutions involved with counterterrorism. In the case of police, most distinctly, terrorism is not pursued in terms of a war but on the basis of acquired professional standards of crime control.

The purpose of legalistic responses is to provide protection to the general public, protect the interests of the state, and criminalize the behavior of the terrorist.

Table 2. Counterterrorist Options: Legalistic Responses (Gus, 2011: 291).

| Counterterrorist Option | Activity Profile | | |
|-------------------------|--|---|--|
| | Rationale | Practical Objectives | Typical Resources Used |
| Law enforcement | <ul style="list-style-type: none"> -Enhancement of security apparatus -Demilitarization of counterterrorist campaign | <ul style="list-style-type: none"> -Day-to-day counterterrorist operations -Bringing terrorist into the criminal justice system | <ul style="list-style-type: none"> -Police personnel -Specialized personnel |
| Domestic laws | <ul style="list-style-type: none"> Criminalization of terrorist behavior | <ul style="list-style-type: none"> -Enhancement of criminal penalties for terrorist behavior -Bringing terrorist into the criminal justice system | <ul style="list-style-type: none"> -Criminal justice system -Legislative involvement |
| Domestic laws | <ul style="list-style-type: none"> International consensus and cooperation | <ul style="list-style-type: none"> Coalitional response to terrorism | <ul style="list-style-type: none"> -International organizations -State resources |

The confrontation of the policing of terrorism with the war-related dimensions of counterterrorism is of considerable importance as the differences between the policing of terrorism and terrorism-related military actions are profound (McCauley, 2007:55-65). From the policing point of view, the targets of counterterrorism are treated as suspects who are accorded certain rights of due process on the basis of publicly presented evidence in courts and who, upon a determination of guilt, can receive punishment. Military counterterrorism operations, by contrast, are oriented at enemies who can be killed in combat or who can be temporarily detained to be released when a cessation of hostilities has been declared. The respective logics of criminal justice policy and military counterterrorism operations, then, are very different, although they coexist in the wider constellation of counterterrorism, which is essentially multi-dimensional in nature (Deflem, 2010).

The aims of this paper should not be misunderstood to imply a defense of the policing approach to terrorism against the military model. The normative debate on counterterrorism has in this respect again been less than useful in occasionally assuming that a policing response and, more generally, a criminal justice model are better suited in terrorism cases. It is, therefore, typically assumed that a police response would not bring about the problems associated with military counterterrorism operations, such as the enormous loss of innocent

lives in large-scale military operations (e.g., those in Iraq and Afghanistan). However, problematic consequences can also be involved in the criminal justice and police approach to terrorism. A large body of criminological research that exists has exposed many potential and real concerns in policing, such as the lack of democratic oversight that marks the actions of highly bureaucratized police agencies and the differential enforcement of criminal justice along the lines of existing disparities in race, gender, age, and class. If a sound normative debate is to take place in the case of counterterrorism, such problems cannot simply be ignored.

CONCLUSION

This paper shows whichever policy models that are suggested at the national and international levels of law and politics to more effectively detect and deter terrorism must also take into account the manner in which counterterrorism operations are undertaken by various institutions. From the viewpoint of the policing of terrorism, counterterrorism does not involve a war on terror but is instead viewed as a permanent function of crime control. Counterterrorism police strategies, therefore, adopt an approach that may very well be realistic in being based on the notion of terrorism as a permanent risk. In contrast, the war on terror is failing, not only because it has not been able to effectively coordinate and centralize all counterterrorism functions but, also because it offers an unwarranted optimistic sense of the possibility of a victory and a lasting peace without terrorism.

Counterterrorism police strategies can be developed on the basis of an explicit awareness that the world today is highly interconnected. Rather than trying to build a security order exclusively modeled after the experiences of the United States (or any other nation) in matters of security and law enforcement, a collaborative model of cooperation that can be elaborated takes into account the concerns faced by nations across the world. In this respect, it makes sense to contemplate further strengthening the global security order that has already developed, even among countries that can be very different in political, legal, and cultural respects.

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