

**End-time Trends  
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# A Stability Police Force for the United States

Justification and Options for Creating  
U.S. Capabilities

Prepared for the United States Army

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*This project investigates the need for a U.S. Stability Police Force, the major capabilities it would need if created, where in the federal government it would best be headquartered, and how it should be staffed. In doing so, it considers options based in the Departments of Defense, Homeland Security, Justice, and State. The project was conducted for the U.S. Army's Peacekeeping and Stability Operations Institute (PKSOI). Its purpose was to make recommendations to PKSOI, the Army, and the community of rule-of-law researchers, practitioners, and policymakers on the need for (and characteristics of) a U.S. Stability Police Force.*

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This study asks several questions. First, is a Stability Police Force (SPF) necessary? An SPF is a high-end police force that engages in a range of tasks such as crowd and riot control, special weapons and tactics (SWAT), and investigations of organized criminal groups. In its ability to operate in stability operations, it is similar to such European forces as the Italian Carabinieri and French Gendarmerie. Its focus on high-end tasks makes it fundamentally different from UN or other civilian police, who deal with more routine law and order functions. It is also different from most military forces, which are generally not trained and experienced to conduct policing tasks in a civilian environment.

Second, if an SPF is necessary, what should it look like? This includes considering such issues as: its objectives, tasks, and size; its speed of deployment; its institutional capabilities; where it should be headquartered in the U.S. government and how it should be staffed (standing force, reserve force, and hybrid force); and its cost.

Our conclusions are based on several facts and assumptions. First, it would be optimal to have SPF personnel with civilian police skills, orientation, and perspective do high-end policing. This is because civilian police have more experience working with the civilian population than do military personnel under normal circumstances. Additionally, police skills are created and maintained only by constant use, and only police forces that work daily with civilians can exercise the maximum number of SPF policing functions among the civilian population.

Second, we assume that a new agency would be difficult to establish. It would be politically challenging and face resistance from a range of organizations in the Departments of Justice, Homeland Security, and State currently engaged in policing. It would need some additional overhead, and would take significant time to establish. All personnel and all additional administrative overhead personnel would have to be recruited. Training facilities and programs would have to be created and established, rather than modified or expanded, as they would have to be if an SPF becomes part of an existing agency.



Third, we assumed that stability operations are feasible only when the intervening authorities care a great deal about the outcome, and even then, only in relatively small countries or regions. We limited our SPF size estimates to countries under 20 million for reasons of cost and staffing. Specifically, we assumed that an SPF that cost more than \$1 billion per year would be politically unpopular and would be difficult to get funded. If U.S. policymakers wanted to deploy an SPF to large countries with a hostile security environment, there are several options to deal with the shortfall:

(a) an SPF size could be increased by augmenting it with additional federal, state, or local police from the United States; (b) an SPF could only be deployed to specific regions or cities in the country; (c) an SPF could be supplemented with high-end police from other countries; (d) an SPF could be supplemented with military police (MPs); or (e) an SPF could be supplemented by local police forces from the host country. If a significantly larger force was feasible, this would make the military option more attractive, as the management challenge for civilian agencies would be larger, which already call for significant expansion of management capabilities.

### The Need for a Stability Force

Our analysis clearly indicates that the United States needs an SPF or some other way to accomplish the SPF mission. Stability operations have become an inescapable reality of U.S. foreign policy. Establishing security with soldiers and police is critical because it is difficult to achieve other objectives—such as rebuilding political and economic systems—without it.

The cost of not fixing this gap is significant. The United States will continue to experience major challenges in stability operations if it does not have this policing capacity

These challenges include creating the ability to establish basic law and order, as well as defeat or deter criminal organizations, terrorists, and insurgents. In some cases, allied countries may be able to fill this gap. Allies did this effectively in Bosnia and Kosovo, both of which were successful in establishing security. In other cases, the United States may not be able to count on allied support. The United States should not depend on allies to supply these capabilities, because doing so would limit U.S. freedom of action on the international stage. Consequently, the United States should seriously consider building a high-end police capacity.

## Objectives and Tasks

Analysis of stability operations over the past two decades indicates that an SPF should have two major objectives. The first is to help establish a secure environment in which people and goods can circulate safely, and where licit political and economic activity can take place free from intimidation. Recent history clearly indicates that external assistance is often needed to achieve this goal. The second is to help build a high-end indigenous policing capacity so that the host government can establish security on its own. An SPF's tasks logically flow from these objectives. It should perform high-end policing tasks—identifying and deterring high-end threats, criminal investigations, SWAT, crowd control, and intelligence collection and analysis—and build the capacity of local high-end forces. An SPF will not solve all of the gaps that exist across the rule-of-law sector—or even the police forces—of the host nation, and should not try to; it is only one of several important players.

### Deployment Speed

In order to deploy alongside military forces and be prepared to fill the public security gap in a timely manner, an SPF should be able to position a battalion-sized unit for deployment in 30 days. Quick deployments provide an opportunity for high-end police forces to gain positional advantage against current or potential adversaries, such as criminal groups or insurgents. In the immediate aftermath of an intervention there is often a period of several weeks to several months during which the external interveners may enjoy some popular support and international legitimacy, while potential spoilers may have insufficient time to organize.

During this period, efforts by the interveners can prevent a spiral of conflict that becomes an insurgency. By employing a simple crisis-evolution framework, we conclude that in most situations an SPF will have significant time to prepare for deployment—over five months on average. Overall, however, we concluded that a rapid reaction capability of 30 days should be sufficient under virtually all scenarios. In practice, this would involve moving up to a battalion-sized unit to the port of embarkation within 30 days from notification of the decision to deploy. This timeline is consistent with the calculations of other international police forces.

## Headquarters in the U.S. Government

Of the options considered, this research indicates that the U.S. Marshals Service (USMS) would be the most likely to successfully field an SPF, under the assumptions that an MP option would not be permitted to conduct policing missions in the United States outside of military installations except under extraordinary circumstances, and that doing so is essential to maintaining required skills. While the USMS would have significant challenges in building up to the needed size, it has many of the needed policing skills and could develop the remaining through the hybrid staffing options discussed below.

*under the assumptions that an MP option would not be permitted to conduct policing missions in the United States outside of military installations except under extraordinary circumstances*



The MP Corps has the opposite problem: it has the capacity to take on the task, and arguably it has the skills due to its efforts in Iraq and Afghanistan. However, its ability to maintain these skills during periods when it is not engaged in large-scale stability operations is constrained by the limits placed on its ability to perform civilian policing functions by the Posse Comitatus Act. Without relief from this constraint, it could not take advantage of the opportunities provided by the hybrid staffing option to develop and maintain the needed skills.

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Furthermore, its focus is contingent on the priorities of the Army leadership, and were the Army to revert to the major combat focus it had held from the Vietnam era until very recently, it could put the SPF's functionality in danger.

To make this determination, we identified three civilian options and one military option that were assessable using a method based on each option's tactical and institutional suitability. These were the U.S. Marshals Service in the Department of Justice, the U.S. Secret Service in the Department of Homeland Security, the Bureau of International Narcotics and Law Enforcement Affairs (INL) in the Department of State, and the U.S. Army's Military Police. In addition, we considered using an existing MP unit and creating a new agency to house an SPF.

In deciding which agencies to evaluate, we looked for congruence between (a) an SPF's tasks and (b) the tasks and missions of a range of agencies in the Departments of Justice, State, Homeland Security, Defense, and other organizations. This ruled out some agencies—such as the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and State Department's Bureau of Diplomatic Service—because they do not perform most of an SPF's policing tasks as discussed in Chapter Two.

It also ruled out other Department of Defense options, such as the Marine Corps, as its policing capabilities are much smaller than the Army's. Our process resulted in the set of options consisting of agencies that were the best suited to take on the SPF missions in their respective departments (e.g., the U.S. Marshals Service as the best fit in the Department of Justice).

To assess these four options, we focused on tactical and institutional suitability. To assess what each of the options could do in the future, we started with each agency's inherent capacity to perform SPF tasks today and over the long term, and then we looked at whether its institutional capabilities would be likely to improve its tactical performance to predict how it would most likely perform. Since a relative ranking of options is all that is required to determine which is best, this method provides adequate results.

Based on this methodology, we concluded that the U.S. Marshals Service and the MP options dominate all others, but that neither dominates the other. However, there are other important distinctions between civilian and military options that remained to be considered, the principal of which is considered under the staffing discussion below.

Creating a new agency in the Department of Justice would have few benefits over the USMS option, would likely be difficult to do, and would take additional time. This was not viewed as preferable to the USMS option. However, creating a new civilian agency within the Department of the Army would have one major advantage over the MP option: it would not be a military organization and so would probably be able to maintain a policing focus regardless of the emphasis in the larger Army. However, it might still not be able to perform policing functions domestically and, if so, would not have the same skills as a civilian police-based SPF—that is, the USMS option.

*However, it might still not be able to perform policing functions domestically*



The hybrid option (USMS variant) does best at providing personnel with the diverse, real-world policing skills needed for the SPF function. It also allows for ample training time to build nonpolicing skills and unit cohesion. Certain law enforcement skills can only be gained through experience, so trying to develop them through training alone may not be advisable. In particular, under the USMS hybrid option, administrators would have the ability to influence SPF personnel assignments in the police organization where they would work when not deployed.

*administrators would have the ability to influence SPF personnel assignments in the police organization where they would work when not deployed.*

The USMS hybrid option also provides an important nondeployed mission for the force: augmenting state and local agencies, many of which currently suffer from severe personnel shortages.

While the Army hybrid option shares many desirable characteristics with the USMS hybrid option, and is logistically superior to it, the legal difficulties inherent in it are probably too great to overcome.

*the legal difficulties inherent in it are probably too great to overcome.*

Despite some occasions when military troops have been used in a civilian law enforcement capacity, embedding military personnel in civilian police agencies would be seen by the federal government, and by the military in particular, as an encroachment on powers historically and constitutionally afforded to the states and, by the Posse Comitatus Act, to civilians.

*an encroachment on powers historically and constitutionally afforded to the states and, by the Posse Comitatus Act, to civilians.*

## Conclusions

In summarizing, we examined both the downsides and upsides of an SPF. There are several possible downsides. First, building a competent SPF would cost money, and would require taking money from elsewhere in the U.S. government. Second, establishing an SPF would likely trigger bureaucratic resistance. Creating the SPF in any agency will create competition for authorities and funding. Third, staffing an SPF using the hybrid option outlined in Chapter Six could pose challenges. For example, local police agencies might resist losing key police officers and units, such as SWAT teams.

In addition, the arrangements between organizations to loan SPF personnel to federal, state, and local agencies could get complicated the greater the number of agencies involved. Nonetheless, we believe the downsides are outweighed by the upsides discussed below.

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Given that it is unlikely that MPs would be permitted to perform civilian policing tasks in the United States, the USMS, despite its capacity and management shortfalls, is the agency best suited to take on the SPF mission under the assumptions of this study. Placing the SPF in the USMS would place it where its members can develop the needed skills under the hybrid staffing option. Furthermore, the USMS has the broadest law enforcement mandate of any U.S. law enforcement agency and many of the required skills, though it would need to increase its capacity significantly. Furthermore, the Department of Justice stands at the center of the rule-of-law effort, with lead roles in policing, judiciary, and corrections efforts.

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Meet Department of Justice Head Eric Holder:

- \* As a Federal Prosecutor, Holder refused to prosecute FBI sniper Lon Horiuchi or any of his superiors for the murder of Vicky Weaver at Ruby Ridge.

- \* As Deputy Attorney General under Janet Reno, Holder was in charge of defending and covering up for the government in the Waco Massacre.

- \* Holder was the official in charge of the Elian Gonzales affair and ordered the pre-dawn SWAT raid to seize the 6-year old Cuban refugee from the home of relatives who had legal custody of the boy.

- \* After the terrorist attacks of 9-11, in which the terrorists used box-knives and airplanes as their weapons, Holder called for new restrictions on firearms sales and transfers.

- \* In the Heller case, Holder signed on to an amicus brief arguing in support of the DC gun ban and the "collective right" theory of the Second Amendment.
- \* Holder has called for federal investigation of every firearm transfer -- even between relatives -- and the registration and licensing of all firearm and firearm owners.
- \* Holder has called for federal restrictions and controls on the internet and limits on internet speech and privacy as well.
- \* Holder has been an outspoken advocate of stricter gun control, greater government control, and more police powers.



U.S. Attorney General Eric Holder's understanding of how First Amendment free speech rights apply online has come into question after various sources have posted his call for "regulation" of Internet content. In the wake of 1999's school shooting massacre in Columbine, Colo., Holder told CBS that the court system ought to look at regulating Internet speech, since the two boys who executed the massacre learned how to build bombs online.

Eric Holder, Obama's nominee for attorney general, is hostile to civil liberties. He has previously expressed veiled support for using the misnamed "Fairness Doctrine" to squelch "conservative critiques" and "conservative media," such as Fox News (which Holder believes is anything but "Fair and Balanced," contrary to its slogan). The "Fairness Doctrine" is designed to shut down conservative Talk Radio.

Holder also has advocated hate-crimes legislation to prosecute people whom state prosecutors refuse to prosecute because of a lack of evidence. To justify broadening federal hate-crimes law, he cited three examples where state prosecutors refused to prosecute, citing a lack of evidence. In each, a federal jury acquitted the accused, finding them not guilty.

Attorney General Eric Holder is considering cooperating with a Spanish court wanting to try the U.S. military and U.S. officials for torture at Guantanamo. This is not the "World Court." The Spanish judge, Baltasar Garzon, reportedly made his decision to take us to court AFTER the Obama administration released the so-called "torture" memos. Mistakes were made" in the creation of the Guantánamo programme, Holder said. "Obviously, we would look at any request that would come from a court in any country and see how and whether we should comply with it.

For more than three years, a diverse coalition from all quarters of the legal community has been pushing Congress to help restore Americans' Sixth Amendment guarantee to assistance of counsel in all criminal prosecutions. This right has been steadily eroded since a Deputy Attorney General issued a memo in 1999 outlining how the Department of Justice should make prosecutorial decisions when investigating possible wrongdoing by companies and their employees. That attorney ... President-elect Barack Obama's Attorney General appointee Eric Holder.

**Back to the Rand Report:**

These findings do not minimize the role that other U.S. agencies, especially the Department of Defense, must play in stability operations. The Army should continue to play a significant role in establishing security. U.S. military police will continue to be an essential player in the entire spectrum of policing tasks, especially in situations in which very large efforts and high levels of violence make their unique contribution invaluable.

A civilian SPF must be deeply interlinked with other rule-of-law and law enforcement efforts and the U.S. military, especially military police, to effectively establish security. Furthermore, a USMS-based SPF would act as a force provider in critical situations.

Indeed, we assess that it would be in the Army's long-term interest to support the establishment of such a police force in the Department of Justice that can supplement its activities overseas.

**Main Report:**

This study examines the need for and options for creating a U.S. Stability Police Force (SPF) to help establish security during stability operations. An SPF is a high-end, rapidly deployable police force that engages in a range of tasks such as crowd and riot control, special weapons and tactics, and the investigation of organized criminal groups (see Chapter Two for more detail). In its ability to operate in stability operations, it is similar to such organizations as the Italian Carabinieri, the French Gendarmerie, and the Spanish Guardia Civil.

These are police forces with military status that have been used overseas to conduct a range of high-end law enforcement tasks as well as to train and mentor indigenous police forces. The SPF's focus on high-end tasks makes it fundamentally different from civilian police (CIVPOL), who generally deal with more routine law-and-order functions such as traffic control and investigations of common criminals. SPF is not a full-spectrum police force.



The police forces we examine here are one part of the police and larger rule-of-law efforts that are essential to stability and reconstruction efforts. They target the “high-end” policing functions discussed in more detail in Chapter Two. This is depicted in Figure 1.1.

Consequently, this study asks three sets of questions. First, is an SPF necessary? Second, if so, what should it look like? This includes answering the following questions:

- What should its essential objectives and tasks be?
- What should its capabilities be?
- How should it be sized?
- How quickly should it be able to deploy?
- How should it be staffed (e.g., active, reserve)?
- Where should it be headquartered in the U.S. government?
- How much will it cost?

### Need for a High-End Policing Capacity

What are high-end police? High-end police fill a critical gap between military forces and civilian police. They are trained to deal with higher levels of crime and violence than regular civilian police, and are able to perform such tasks as high-end criminality identification, criminal investigation, special weapons and tactics (SWAT), crowd and riot control, and intelligence collection and analysis. Importantly, they are often the only police force able to counter organized criminal groups embedded in the emerging power structures.

Stability operations have become an inescapable reality of U.S. foreign policy. As the Defense Science Board's study *Transition to and from Hostilities* argued: "U.S. military expeditions to Afghanistan and Iraq are unlikely to be the last such excursions. America's armed forces are extremely capable of projecting force and achieving conventional military victory." Nevertheless, it concluded that "success in achieving U.S. political goals involves not only military success but also success in the stabilization and reconstruction operations that follow hostilities."

The cost of failing to deal with major internal security threats is high. It can undermine the stability and strength of the government; undercut efforts to reconstruct the political, social, and economic framework necessary for future stability; provide the precursors for insurgencies to gain a foothold; and ultimately undermine U.S. interests. Indeed, failing to curb major threats may trigger the same problems that led to outside intervention in the first place. Since security conditions can vary within cities, provinces, and regions, stabilization will be much more difficult in those areas where crime rates are high, insurgent attacks are frequent, and the public's perception of security is low.

It should be noted that some countries that have successfully participated in stability operations (e.g., the United Kingdom, Sweden, and Finland) do not possess SPF-like forces. However, there are two major, though related, differences between their requirements and those of the United States. First, it is unlikely that any of these countries would conduct unilateral stability operations. This means that they could depend on other countries to supply police forces.... The same cannot be said for the United States.

In addition, these forces perform civilian functions when they are not deployed abroad. For instance, Carabinieri officers perform a range of civilian tasks in Italy, such as countering organized crime and conducting crowd and riot control. Gendarmerie officers are deployed under the Ministry of Interior in France, and routinely perform such tasks as criminal investigations and highway patrol. We concluded that this practice of engaging in civilian tasks on a routine basis was extremely useful preparation for when the organizations deployed abroad during stability operations.

International police forces serve a critical role in stability operations. Unlike military forces, they routinely perform a range of law-and-order tasks among the civilian population. Examples include criminal investigations, crowd and riot control, identifying and deterring high-end threats, and SWAT. As mentioned, Italian Carabinieri crowd and riot control units deployed to Kosovo also performed crowd and riot patrol back in Italy. This was critical to their success. Not only were they trained to do this task in a civilian environment, but they had extensive experience doing it on a routine basis. Policing tasks are best performed by police that are specially trained for them.

In sum, stability operations have become an inescapable reality of U.S. foreign policy. Establishing security with soldiers and police is critical because it is difficult to achieve other objectives—such as rebuilding political and economic systems—without security. But the United States has a mixed track record in establishing security. One reason is its federal structure of law enforcement: the United States has no federal high-end policing capacity that can help establish law and order by going on patrols, conducting criminal investigations, engaging in crowd and riot control, and performing other policing tasks.



In the United States, policing functions are generally carried out at the state and local levels, with only limited law enforcement powers granted to the federal government. For example, agencies such as the Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA) investigate suspected violations of federal law and lack jurisdiction over state and local matters. Limits to federal power are constitutionally rooted in the Tenth Amendment and have been recognized, especially in the policing arena, since the earliest days of the country.

### How Would an SPF Be Used?

The answer to this question depends on the situation into which an SPF might be inserted. The SPF could be used for missions such as: shaping an environment before a conflict; law enforcement duties in an active conflict environment; or security, stability, transition and reconstruction (SSTR) operations after a conflict. It could operate as an independent entity under a U.S. ambassador or a UN Senior Representative to the Secretary General (SRSG), or as a force element reporting to a Joint Task Force (JTF) commander.

*It could operate as an independent entity under a U.S. ambassador or a UN Senior Representative to the Secretary General*

The first set of tasks is for high-end policing. An SPF, as part of the larger law enforcement effort or alone if civilian police are not in the area of operations, may need to assume general law enforcement responsibilities when indigenous police have disintegrated during the conflict or have been discredited because of their abusive behavior. Key policing tasks include:

Identifying and deterring high-end threats (IDHET)

Investigations

Special weapons and tactics

Crowd and riot control

Intelligence collection and analysis.

Identifying and deterring high-end threats is a critical task to establish law and order. It includes a range of functions that include searches and seizures, rescues, crime scene protection, and community relations.

An SPF might concentrate on such things as identifying when and where organized crime, militias, or insurgents move into an area and put down roots. This could include what we normally think of as criminal organizations, as well as political parties and government organizations that have been criminalized.

### Criminal association (link) analysis.

It is a type of analysis in which multiple sources of data are studied to discover associations between individuals, groups, and/or organizations. This type of analysis is especially valuable in generating investigative leads and gaining a better understanding of sophisticated organizations or complex conspiracies.

Surveillance and reconnaissance may be employed to determine the disposition, activities, and intentions of civilian populations (hostile and neutral) and uniformed or irregular threats. Reconnaissance for information collection and security should continue throughout the operation. Success requires integrating all available information from civilian and other sources.

## Insert at Posse Commitatus

It is important at this point to reiterate one point and make another. First, recall that the SPF is intended to perform high-end policing tasks; it is not a complete police force. It would be one element in a larger policing and rule-of-law effort that would require several other players. For example, the U.S. Army MP Corps has deployed tens of thousands of MPs to Iraq to train Iraqi police, run large-scale detention facilities, and perform a host of other policing and soldier tasks. (Page 43)

### Enabling legal authorities

There are three that primarily concern us: the authority to require SPF personnel to deploy, to train indigenous police officers, and to permit SPF personnel to act as domestic police officers when not deployed.



### Requirement to deploy.

When notified to deploy, soldiers have no choice but to do so or they are subject to arrest and prosecution under the Uniform Code of Military Justice (UCMJ). This is not the case for civilians. In most cases, the federal government does not have the authority to require civilians to deploy to a dangerous area of operations. In those where it does (e.g., Foreign Service Officers), civilians can resign their positions if they choose not to go.

Any arrangement that did not provide for a high probability that all would deploy would handicap the SPF.

If SPF personnel could resign rather than deploy under a given option, then that option would be less attractive. To ensure against this, there must be significant penalties for an SPF member who chooses not to deploy when ordered.

Two primary options exist for doing this. The first pertains to SPF options that place members in military status under the UCMJ; in this case, failure to deploy when called is a criminal offense.

The second is for civilian SPF options; significant financial disincentives could be built into employment contracts to preclude such behavior. Note that SPF options that employ civilian police officers rather than military ones could also place these members under the UCMJ. Also note that military reserve personnel are subject to military discipline despite the fact that they live most of their lives in civilian settings.

This would require that each SPF member be inducted into the SPF in a way similar to military personnel into military services, and that the rank and command structures of the SPF be set up so that the distinctions required by the UCMJ are in place (e.g., the distinction between commissioned officers and other military personnel, command positions clearly noted). This is easily done.

ISenator Obama was nearly 17 minutes into his July 2 speech in Colorado Springs, Colorado when he deviated from his pre-released script and performed without the teleprompter net saying,

"We cannot continue to rely on our military in order to achieve the national security objectives that we've set. We've got to have a civilian national security force that's just as powerful, just as strong, just as well-funded."

The ability of SPF personnel to act in a law enforcement capacity while in the United States. One important aspect of the return on investment from an SPF option is what SPF personnel do when not deployed. Given that an SPF will be deployed one out of every three years at most for active duty options and one out of six for reserve options, whether its members can perform law enforcement functions and so contribute to domestic tranquility and homeland defense when not deployed will have a major impact on whether an option is cost-effective.

Two categories of options—military units and contractors—cannot do so under current statutes and regulations. In particular, for the MP option to be as cost-effective as possible, relief from the Posse Comitatus Act would be required to permit its members to perform domestic law enforcement functions.

*relief from the Posse Comitatus Act would be required to permit its members to perform domestic law enforcement functions*

The ability to protect SPF personnel and hold them accountable. The option of a U.S. Coast Guard–like statute that would place a civilian-based SPF under military auspices has other distinct advantages. Most importantly, military service members are protected under laws (e.g., the Geneva Conventions, Status of Forces Agreements) that do not necessarily apply to civilians.



## Chapter FIVE

### Which Agency Should Create and Maintain an SPF?

Where in the U.S. government could an SPF be headquartered? This chapter begins by outlining a methodology to assess headquarters options. It then examines four options:

the U.S. Marshals Service,

the U.S. Secret Service,

the U.S. State Department's Bureau of International Narcotics and Law Enforcement Affairs,

and the U.S. Army's Military Police.

These options were chosen because they represent the best candidates in their respective departments—Justice, Homeland Security, State, and Defense. Three of these play the lead roles in providing security during stability operations, and the fourth, the Department of Homeland Security, plays the lead role in protecting the nation at home, a task an SPF could do when not deployed.

A complete answer on structuring an SPF requires an examination of staffing needs (whether the force should be standing, reserve, or a hybrid) and costs, which will be conducted in Chapters Six and Seven respectively.

It is important to note that institutional suitability is important only insofar as it makes tactical suitability possible— whether or not an SPF option can perform the needed tactical function is the real measure of its worth.

### Tactical Suitability

The most important measure of effectiveness for a prospective headquartering organization is whether or not it can field a tactically proficient SPF—that is, one that can do the tasks outlined in Chapter Two.

Most of our candidate options perform some of these missions, or similar missions, but none performs all of them in the manner required of the SPF. As such, each will have to develop some capabilities, and so the ability of a prospective parent agency to field an SPF cannot be measured directly. We call the degree to which an option could currently perform the SPF mission its tactical suitability.

The assessment for tactical suitability builds on the SPF tactical requirements developed in Chapter Two. Our assessment concluded that an SPF's primary tasks could include IDHET, investigations, SWAT, crowd and riot control, intelligence collection and analysis, and building indigenous capacity (training, mentoring, and identifying equipment needs). In addition, an SPF would need to function as part of a larger security effort, and so be able to operate with military forces and other high-end police forces.

Do the candidate agencies currently perform all of these tasks? No, none do. However, some perform some of these, or similar, tasks as part of their core missions, and this provides an indication of the tactical skill sets and culture of each agency.

In this regard, it is important to focus specifically on what could reasonably be expected of an agency if given the SPF requirement, based on its core mission and tasks.

### Overall Suitability

Combining our assessments of tactical suitability, which tells us what capabilities a department or agency has today, with institutional suitability, which tells us whether a candidate agency could create or maintain the needed capability and capacity, yields an assessment of how well each agency is likely to perform. In particular, institutional suitability tells us whether or not a particular candidate agency is able to improve the expected tactical suitability and expand to meet the needed capacity of an SPF headquartered there.

Finally, it is important to note in the discussions that follow that we are trying to determine which of these options would provide the best home for an SPF. This means that relative rankings are all that is required. A quantitative assessment is not needed, nor is it possible, as there are no good quantitative indicators.



### Headquarters Options

A basic challenge in examining headquarters options is that policing in the United States is principally a local and state function. There is no U.S. federal police agency such as the Bundespolizei in Germany, the Australian Federal Police, or the Royal Canadian Mounted Police in which to house an SPF.

Most existing federal law enforcement agencies have specialized functions that do not suit them well for providing a competent SPF.

Nor is there a national gendarmerie-type force that has both military and civilian police characteristics, such as the Italian Carabinieri, French Gendarmerie, or Spanish Guardia Civil, that could serve as the natural home for an SPF.

Indeed, replicating many of the characteristics of such a force was one of the design objectives in the hybrid staffing option, to be considered in the next chapter.

Our initial research investigated several options for the SPF's parent organization. These included the four previously mentioned: the U.S. Marshals Service in the Department of Justice; the U.S. Secret Service in the Department of Homeland Security; the Bureau of International Narcotics and Law Enforcement Affairs (INL) in the Department of State; and the U.S. Army's Military Police. It also included the U.S. Coast Guard (USCG), the U.S. Marine Corps (USMC), the Central Intelligence Agency (CIA), as well as several smaller agencies within the departments of Justice, State, and Homeland Security.

## U.S. Marshals Service

The U.S. Marshals Service is the oldest federal law enforcement agency in the United States, created by the Judiciary Act of 1789. It also has the broadest jurisdiction and authority of any federal law enforcement agency, as well as the authority to deputize. The Judiciary Act of 1789 empowered it to “execute throughout the district, all lawful precepts directed to him, and issued under the authority of the United States.”

## Background

Best known for the key role it played in maintaining law and order in the Old West, the Marshals Service has been used by all three branches of government as an instrument of civil authority. In the early days of the republic, the Marshals Service was responsible for taking the census and carried out executions ordered by the federal courts. It played a role in suppressing the Whiskey Rebellion in 1794 and enforced the Sedition Act of 1798. During the 1850s, the Marshals Service was given the responsibility of arresting fugitive slaves.

Years later, the Service worked to promote civil rights by helping to integrate the University of Mississippi and public schools in New Orleans. The modern Marshals Service consists of approximately 3,700 deputy marshals, 1,400 support staff, and 4,500 contract employees who operate from 427 office locations throughout the United States. Marshals are appointed for each of the 94 federal judicial districts in the United States, and they work under the direction of the U.S. attorneys in each district.

General Duties. Marshals are the chief law officers of the federal courts. The Marshals Service is responsible for providing support and protection for more than 2,000 judges, as well as attorneys and witnesses at 400 facilities nationwide. The service also operates the Federal Witness Security Program, ensuring the safety of more than 17,000 endangered government witnesses and their family members since its inception in 1970. In addition to protecting court facilities and related staff, deputy marshals also are called on at times to perform such duties as protecting government officials or missile convoys.

The Marshals Service assumes custody of prisoners arrested by all federal agencies. It is responsible for the custody and transportation of prisoners through court disposition. The Marshals Service works with state and local authorities to provide detention space and medical services for the federal prisoners in its custody.

The Service also seizes, manages, and sells property forfeited to the government by drug traffickers and other criminals in cooperation with the Justice Department's Asset Forfeiture Program.



### Special Operations Group (SOG).

The SOG falls under the operations support division.8 It consists of about 100 deputies who respond to emergencies such as natural disasters, civil disturbances, and terrorist incidents and restores order during riots and mob violence. The SOG conducts missions in fugitive apprehension, high-profile prisoner movements, witness security operations, national emergencies, and civil disorders. SOG deputies receive specialized tactical training, including crowd control and quelling civil disorder.

The SOG has also frequently been called upon to assist with disaster recovery and maintenance of domestic order. The Marshals Service's broad mandate to enforce any federal laws and its special deputy powers give it great flexibility in emergency situations. For example, in the aftermath of Hurricane Katrina, SOG waterborne teams were on the scene early, aiding in evacuating high-risk stranded residents (i.e., emotionally disturbed persons and criminals) from homes and delivering humanitarian relief. With the only working radio system early on, SOG deputies played an essential role in directing helicopters and ambulances to rendezvous points during rescue operations. Later, SOG teams worked with local police and National Guard units to conduct routine patrol operations in the city's most dangerous neighborhoods.

The SOG has performed an order-maintenance function in many other types of emergency situations as well. Post-9/11, SOG deputies were on the scene providing security at the site of the attack at the Pentagon and later searching for remains among the debris. SOG teams were also called upon to aid in security at Dulles, National, and Kennedy airports. During the Los Angeles riots, SOG teams assisted the Los Angeles Police Department in patrolling affected neighborhoods and enforcing curfews. And during the beltway sniper shootings in Maryland and Virginia in October 2002, the SOG aided FBI investigators with their specialized knowledge of sniper tactics.

The SOG has also had extensive experience quelling domestic civil disturbances. During the 2000 World Trade Organization protests in the nation's capitol, SOG teams played a key role in crowd control. They also took responsibility for protecting dignitaries going to and from the conference. During the protests over the U.S. Navy bombing range in Vieques, Puerto Rico, the SOG was asked by the Navy on six separate occasions to quell disturbances. In calling upon the Marshals Service, the Navy was able to avoid concerns about the Posse Comitatus Act that might have arisen had it undertaken an armed mission in Puerto Rico.

able to avoid concerns about the Posse Comitatus Act

### Legal Considerations.

The Marshals Service has broad jurisdiction to engage in enforcement actions for any crime against the United States. When not deployed abroad, the members of a Marshals Service based SPF could perform a wide variety of executive policing tasks for federal, state, and local governments. The Marshals Service's power to deputize could be used to expand an SPF in times of need. In addition, some policing experts assert that an SPF should be placed in a Department of Justice because it has the most experience in rule-of-law activities.

As David Bayley argues:

[T]he Department of Justice should assume responsibility for recruiting and training a ready reserve of police and other justice advisors that can be deployed abroad on short notice in failed and conflicted states to provide instant and meaningful public safety and access to justice.

## Conclusion

Law enforcement in the United States is not a federal responsibility. Since the skills needed by an SPF are similar to those of high-end state and local law enforcement, no federal law enforcement or military candidate is a perfect fit. Implementing innovative staffing approaches can create some of the needed characteristics. These are discussed in Chapter Six.

They [the comparison tables] suggest that the U.S. Marshals Service and the MP options are the only credible ones.

Given that it is unlikely that MPs would be permitted to perform civilian policing tasks in the United States, the Marshals Service, despite its capacity and management shortfalls, is the agency best suited to take on the SPF mission under the assumptions of this study. Placing the SPF in the Marshals Service would place it where its members can develop the needed skills under the hybrid staffing option. Furthermore, the Marshals Service has the broadest law enforcement mandate of any U.S. law enforcement agency and many of the required skills, though it would need to increase its capacity significantly. Furthermore, the Department of Justice stands at the center of the rule-of-law effort, with lead roles in policing, judiciary, and corrections efforts.



Washington, DC (LifeNews.com) -- President Barack Obama's nominee to head the agency charged with keeping American travelers safe from terrorism thinks pro-life advocates are terrorists. A new video shows Transportation Security Administration nominee Erroll Southers including pro-life advocates in a list of terrorist groups.

The new video from 2008 shows Southers responding to a documentary-style interview question about terrorist organizations.

The documentary asked Southers, "Which home-grown terrorist groups pose the greatest danger to the U.S."

Southers explained, "Most of the domestic groups that we pay attention to here are white supremacist groups.

They're anti-government, in most cases anti-abortion, they are usually survivalist type in nature, identity oriented."

And, remember, the Homeland Security Memo from last April:

(U//FOUO) This product is one of a series of intelligence assessments published by the Extremism and Radicalization Branch to facilitate a greater understanding of the phenomenon of violent radicalization in the United States. The information is provided to federal, state, local, and tribal counterterrorism and law enforcement officials so they may effectively deter, prevent, preempt, or respond to terrorist attacks against the United States. Federal efforts to influence domestic public opinion must be conducted in an overt and transparent manner, clearly identifying United States Government sponsorship.

(U//LES) The DHS/Office of Intelligence and Analysis (I&A) has no specific information that domestic rightwing\* terrorists are currently planning acts of violence, but rightwing extremists may be gaining new recruits by playing on their fears about several emergent issues. The economic downturn and the election of the first African American president present unique drivers for rightwing radicalization and recruitment.

— (U//LES) Threats from white supremacist and violent antigovernment groups during 2009 have been largely rhetorical and have not indicated plans to carry out violent acts. Nevertheless, the consequences of a prolonged economic downturn—including real estate foreclosures, unemployment, and an inability to obtain credit—could create a fertile recruiting environment for rightwing extremists and even result in confrontations between such groups and government authorities similar to those in the past.

(U//LES) Rightwing extremists have capitalized on the election of the first African American president, and are focusing their efforts to recruit new members, mobilize existing supporters, and broaden their scope and appeal through propaganda, but they have not yet turned to attack planning.

(U//FOUO) The current economic and political climate has some similarities to the 1990s when rightwing extremism experienced a resurgence fueled largely by an economic recession, criticism about the outsourcing of jobs, and the perceived threat to U.S. power and sovereignty by other foreign powers.

(U//LES) Rightwing extremists are harnessing this historical election as a recruitment tool. Many rightwing extremists are antagonistic toward the new presidential administration and its perceived stance on a range of issues, including immigration and citizenship, the expansion of social programs to minorities, and restrictions on firearms ownership and use. Rightwing extremists are increasingly galvanized by these concerns and leverage them as drivers for recruitment. From the 2008 election timeframe to the present, rightwing extremists have capitalized on related racial and political prejudices in expanded propaganda campaigns, thereby reaching out to a wider audience of potential sympathizers.

(U//FOUO) Historically, domestic rightwing extremists have feared, predicted, and anticipated a cataclysmic economic collapse in the United States. Prominent antigovernment conspiracy theorists have incorporated aspects of an impending economic collapse to intensify fear and paranoia among like-minded individuals and to attract recruits during times of economic uncertainty. Conspiracy theories involving declarations of martial law, impending civil strife or racial conflict, suspension of the U.S. Constitution, and the creation of citizen detention camps often incorporate aspects of a failed economy.

Antigovernment conspiracy theories and “end times” prophecies could motivate extremist individuals and groups to stockpile food, ammunition, and weapons. These teachings also have been linked with the radicalization of domestic extremist individuals and groups in the past, such as violent Christian Identity organizations and extremist members of the militia movement.