



APRI

American
Prosecutors
Research Institute

*Local Prosecutors'
Response to
Terrorism*

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Local Prosecutors' Response to Terrorism

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TABLE OF CONTENTS

1	<i>Introduction</i>
3	<i>Overview of the Project Methodology</i>
5	<i>Involvement in Homeland Security</i>
7	<i>Prosecutors' Use of Anti-Terrorism Legislation</i>
15	<i>Coordination With Other Agencies</i>
19	<i>Challenges Facing Local Prosecutors</i>
23	<i>Conclusion</i>

INTRODUCTION

Since September 11, 2001, 45 states and the District of Columbia have enacted anti-terrorism legislation. The various laws cover a wide range of activities and motivations and in some instances, create new classes of offenses or overlap federal legislation. The enactment of anti-terrorism legislation at the local level has implications for prosecutors' role in homeland security; however, exactly what this role will be, is unclear.

In fact, this raises four key questions:

1. What are the new or changed responsibilities given to prosecutors under their states' anti-terrorism legislation?¹
2. How are these responsibilities implemented at the local level, and to what extent have these new responsibilities changed local priorities?
3. What are the challenges associated with integrating local, state, and federal prosecution of terrorism-related acts, and how are these challenges overcome?
4. What are the challenges associated with responding to homeland security threats and the strategies used to overcome these challenges?

To answer these questions, the American Prosecutors Research Institute (APRI) conducted an exploratory study to examine how prosecutors can best respond to terrorism in a post-911 legislative environment. The study consisted of a statutory review of the new/amended state anti-terrorism legislation, a survey of the 112 largest jurisdictions in the country, and case studies of five local prosecutors' offices. The goal of the study is to ensure that prosecutors have the most current information about the enforcement of anti-terrorism statutes in order to ensure that the local efforts complement and not conflict with federal efforts.

¹ Anti-terrorism legislation was defined as legislation aimed at preventing and punishing acts of terrorism or providing support for terrorism, supporting intelligence gathering, and ensuring homeland security.

OVERVIEW OF THE PROJECT METHODOLOGY

Following the legislative sessions of early 2002, the National District Attorneys Association conducted a preliminary review of state anti-terrorism legislation codified after September 11, 2001. APRI used this review to conduct a comprehensive statutory analysis of new or amended legislation enacted from September 2001–October 2003. Content analyses of the state statutes yielded four major types of legislation:

1. Newly created criminal offenses,
2. Enhancements/amendments to existing offenses,
3. Added responsibilities for local prosecutors, and
4. Enhancement/changes to intelligence gathering responsibilities and capabilities.

The passage of anti-terrorism legislation at the state level has the potential to impact local prosecutors, who are responsible for enforcing state laws. As such, APRI designed a survey to examine local prosecutors' involvement in homeland security and the ways in which their offices' organizational structure has changed to facilitate their involvement. Other issues explored in the survey include how prosecutors are using new/amended anti-terrorism laws, specific challenges in applying new and amended laws and training needs related to homeland security. The survey was administered to the 112 largest jurisdictions in the country.²

APRI used the survey results to define criteria to measure the level of prosecutorial involvement in homeland security in order to identify five sites for more intensive case study. APRI selected the following five local prosecutors' offices, which, according to their survey results, were actively engaged in homeland security efforts:

- Monmouth County, New Jersey Prosecutor's Office;
- Los Angeles County, California District Attorney's Office;
- Queens County, New York District Attorney's Office;
- Franklin County, Ohio Prosecuting Attorney's Office; and
- Bucks County, Pennsylvania District Attorney's Office.

² APRI received 70 completed surveys for an overall response rate of 62.5 percent.

INVOLVEMENT IN HOMELAND SECURITY

Shortly after 9/11, policymakers began reviewing existing laws to ensure punishment of terrorist acts and to deter potential terrorists from carrying out their criminal acts. The result was an assortment of new and amended legislation. From September 2001–October 2003, 45 states created a total of 144 new offenses and amended 167 existing statutes. State statutes that address terrorism are critical for helping prosecutors' offices understand what, if any, role they play in responding to homeland security. Hence, it is important that prosecutors become aware of the available statutes. Among the prosecutors' offices surveyed, 71 percent indicated they were aware of their state's new legislation and 48 percent were aware of the amended legislation.

An essential component in the war on terrorism for local prosecutors is involvement in homeland security issues. Of the 70 local prosecutors' offices that responded to the survey, 71 percent reported being involved with homeland security at the local, state, and/or federal level. At the local level, prosecutors' offices are actively involved in prevention of terrorism and responding to terrorist threats. At the state and federal level, local prosecutors are more involved with detection, planning, and investigation.

Some prosecutors' offices, recognizing that they had a role to play in homeland security issues, made changes within their offices in order to implement their new or changed responsibilities. The most frequent change made by local prosecutors was the participation on an anti-terrorism task force (59 percent), followed by coordinating efforts with the U.S. attorney's office (57 percent). Creating a specialized unit or designating prosecutors to handle terrorism-related cases is a significant change that few local prosecutors' offices have yet to make—only 15 percent of the surveyed offices. This may be due in part to the fact that most prosecutors do not view their responsibilities as having been significantly affected. In fact, 52 percent of the prosecutors' offices that responded to APRI's survey indicated that their ability to respond to terrorism has not changed, as compared with 11 percent who felt it was

now easier (the remainder were unsure). Moreover, many of the prosecutors' offices, as evidenced by the case studies, already have specialized units (such as organized crime, economic crime, etc.) that are uniquely situated to handle terrorism crimes as a result of their familiarity with complex cases and the fact that many of the "precursor crimes" (e.g., offenses that may be precursors to terrorist offenses such as identity theft, money laundering, counterfeit identification, etc.) are already handled by specialized units.

Each jurisdiction studied by APRI had implemented some type of specialized terrorism unit or had designated personnel to specifically handle terrorism-related cases. Three of the jurisdictions also instituted policy/practice changes. In particular, Los Angeles and Queens County both have designated staff to work exclusively on terrorism issues. The Los Angeles County District Attorney's Office has detailed several investigators to work full-time on task forces. Several Queens County and Bucks County investigators have been assigned to various task forces and some are cross-deputized as U.S. customs agents. In addition, there are specialized attorneys who prosecute precursor crimes in Queens County. Monmouth County initiated an innovative organizational change when the county prosecutor established an Office of Homeland Security, Research, and Planning within the investigative division of the office in 2002. The mission of the new office is "to develop and implement strategies which will help recognize, prepare for, protect against, prevent, respond to, and recover from terrorist attacks within the County of Monmouth or in other areas affecting Monmouth County."³ Monmouth County has also instituted a four-hour mandatory training program on terrorism for all employees.

³ Monmouth County Prosecutor's Division of Investigation General Order establishing the Office of Homeland Security, Research, and Planning. June 27, 2002. Number GO-09-2002.

PROSECUTORS' USE OF ANTI-TERRORISM LEGISLATION

Emphasis on Precursor Crimes

Prompted by the 9/11 terrorist attacks, some states amended their legislation to explicitly link previous criminal offenses to terrorism. As a result of these legislative changes, the most common role of the local prosecutor in the nation's effort to fight terrorism seems to be the investigation, enforcement, and prosecution of precursor crimes. Four of the five prosecutors' offices studied by APRI have made concerted efforts to use their state's new/amended anti-terrorism legislation to connect precursor crimes to terrorism. In particular, the strategies that have been adopted by the various prosecutors' offices studied focus on disrupting potential terrorism plans through criminal prosecution of state offenses (e.g., identity theft, fraudulent documents, and money laundering) and by using state legislation to help build intelligence for federal investigative and prosecutorial efforts.

Of the jurisdictions that reported prosecuting terrorism-related precursor crimes prior to 9/11, 60 percent have prosecuted more of these crimes, while 40 percent have prosecuted the same amount since 9/11. Specifically, among prosecutors who are involved in homeland security, many report an increased emphasis on the following crimes:

- Identity theft (36 percent),
- Counterfeit driver's license (23 percent),
- Money laundering (16 percent),
- High tech/computer crimes (14 percent), and
- Security offenses (10 percent).

One pattern that quickly emerges from the investigative and enforcement efforts of precursor crimes suggests that there may be a continuum of intensity in the prosecutor's level of involvement in enforcing, investigating, and prosecuting these offenses. In other words, some offices have adopted a support role; others have taken a dual support and action role, whereas others have implemented an action role (see Exhibit 1). Interestingly, this pattern seems to coincide with the prosecutors' offices'

perceptions about the “target richness” of their respective jurisdictions. Those offices that have chosen a support role perceive their jurisdiction to have no or few possible targets, those in a dual support/action role believe there are some medium to high profile targets, and those who have taken an active role view their jurisdiction as target rich, with many high profile targets.

Exhibit I
Intensity of Prosecutor Involvement in the Enforcement, Investigation, and Prosecution of Pre-Cursor Crimes



Intensity Level		
Support Role:	Support & Action Role:	Action Role:
<ul style="list-style-type: none"> - Member of and/or participates in task force meetings - Offers assistance as needed - Reviews intelligence information and/or passes along information 	<ul style="list-style-type: none"> - Member w/clearance & participates in task force meetings - Coordinates information between local and federal law enforcement - Prosecutes cases as requested by state or federal prosecutors - Some policy/organizational changes for case processing 	<ul style="list-style-type: none"> - Active task force member w/security clearance - Coordinates information - Active involvement in intelligence gathering & case development - Prosecution of precursor crimes - Prosecution of terrorism related offenses - Special policies for processing precursor crimes

Support Role

In response to the 9/11 attacks, the Bucks County, Pennsylvania District Attorney's Office has put in place mechanisms that allow them to support the enforcement, investigation, and prosecution of precursor crimes and terrorism-related offenses, particularly in terms of their involvement with enforcement and investigative task forces. All 16 investigators in the office have been cross-designated as U.S. marshals to help support enforcement and investigation efforts. Prosecutors attend the state attorney general's monthly task force meeting and consult with the U.S. attorney's office on terrorism prosecution but to date have not been called upon to handle any precursor crimes. In addition, the district attorney's office has assigned three of its investigators to help the FBI with its watch list.

Dual Support & Action Role

The Franklin County Prosecuting Attorney, through its gang unit, provides support to the U.S. attorney in his efforts to respond to terrorism. The gang unit was selected because members of the unit are specially trained for intensive intelligence gathering and investigation, which the prosecutor believes can help bolster the efforts of federal law enforcement. In addition, the gang unit screens its own cases, and the prosecutors have been instructed to review cases for information that may indicate the offenses are precursor crimes related to terrorism.

Two examples of how the Franklin County Prosecuting Attorney's Office has played a dual support and action role are 1) their involvement with the U.S. attorney's office in the investigation and arrest of a trucker who threatened to blow up the Brooklyn Bridge in New York, and 2) the prosecution of a local resident who threatened to bomb a local shopping mall. The prosecuting attorney's office also identified an emerging trend in burglaries that they believed could be related to terrorism, namely an increase in the number of burglaries and theft of night vision binoculars and guns with telescopes. This information was provided to the U.S. attorney's office, and the prosecutor's office is working with local and federal law enforcement to continue to develop intelligence on this trend to determine if it is indeed related to terrorism.

The county prosecutor's office in Monmouth County, New Jersey, has adopted a different approach to its dual support/action role. As the chief law enforcement officer in the county, the county prosecutor's office determined that one of its major contributions to enforcement and investigation would be to serve as a conduit of information between various agencies. The county has established municipal counter terrorism coordinators who coordinate leads that come from residents and law enforcement in the various municipalities. This information is passed to the county's terrorism coordinator, who is a member of the county prosecutor's staff.

As information comes in from the municipal coordinators, the county coordinator reviews it, makes follow-up inquiries (as needed), and then sends the information to the state and federal task forces for review. Leads returned by the state or federal task forces may be investigated by the local police department or the county prosecutor's office. In addition, information is entered into a statewide database that can be cross-referenced against similar information from other sources. The database contains information on terrorism, gangs, and organized crime. Much of the information entered related to terrorism as a result of the county prosecutor's office investigations focus on precursor crimes such as fraudulent documents. This allows the county prosecutor to identify any patterns, gather intelligence, and provide information to the state and federal task forces. The county prosecutor's office has also been involved in hundreds of investigations of anthrax scares and other terrorism-related hoaxes.

Action Role

The investigative and prosecutorial aspect of the Queens County, New York District Attorney's Office response to terrorism is intensely focused on fraudulent identification documents and identity theft. In the first five months after the 9/11 attacks, the governor of New York created the Fraudulent Identification Task Force (FIDTF) to target the illegal manufacture, sale, and distribution of forged or fraudulent identification documents such as passports, drivers' licenses, non-driver photo identification cards, and other identification documents. The Queens County District Attorney's Office participated in two FIDTF operations. The first

focused on Department of Motor Vehicle (DMV) operations and the second focused on the Taxi and Limousine Commission (TLC).

As a result of the FIDTF operations at the DMV, the district attorney's office and its partners screened 450 cases, made 420 arrests, seized 2,000 documents, and confiscated equipment used to make fraudulent documents during the four-month investigation. In addition, the district attorney's office worked with the DMV to change its policies regarding the replacement of out-of-state drivers' licenses to require a more rigorous review of identification documents. The TLC operation yielded 500 arrests of persons suspected of falsifying their identification in order to obtain taxi/limousine licenses.

Another initiative by the Queens County District Attorney's Office involved the review of airport personnel security badges. The airport task force conducted criminal history background checks on all 40,000 employees at JFK and La Guardia international airports. The checks revealed that 127 persons had used falsified or fraudulent identification documents to obtain their security badges. Criminal charges were filed in 97 of the cases. Using a newly amended statute that made the offering of a false instrument for identification a Class E felony, carrying a penalty of up to four years in prison, the Queens County District Attorney's Office successfully prosecuted 35 of the cases as of the time of this study. In addition, immigration violations were filed in 22 of the cases. Since the concentrated effort began, precursor crimes such as identity theft and falsification of identification documents has become a significant part of the prosecutor's office caseload—growing from around one percent to 11-13 percent of the total cases filed.

The Los Angeles County District Attorney's Office has also taken an active role in local and federal investigation and prosecution of precursor crimes and terrorist-related activities. An investigator from the organized crime division and three prosecutors were originally assigned to work on precursor crimes exclusively.⁴ The investigator is assigned to the FBI

⁴ At the time of the study, the Los Angeles County Board of Supervisors had just approved funding for the district attorney's office to hire 10 additional investigators, who will work exclusively on terrorism and terrorism-related cases.

Joint Terrorism Task Force (JTTF) and is involved in intelligence gathering and case development. This coordinated investigative effort maximizes the benefits of local and federal legislation. For example, for many cases, it is easier and quicker to obtain search warrants through the state rather than the federal courts.

In addition, from the investigator's work on the task force, which includes surveillance, interviewing suspects through consensual encounters, and arrests for involvement in precursor or lesser crimes, criminal cases are identified and screened locally and federally. The prosecutors in the organized crime division may evaluate cases and discuss prosecution with the U.S. attorney's office. Most of the precursor crimes, such as selling counterfeit merchandise, money laundering, credit card fraud, and fraudulent documents, are prosecuted by the district attorney's office. Overall, approximately 75 percent of the terrorism-related cases have resulted in either state or federal prosecution.

Increased Penalties and Criminalization of Offenses

One specific purpose for amending state legislation was to increase penalties for some terrorism-related offenses. Even with these enhanced penalties, only five percent of responding jurisdictions indicated that they have used new and/or amended legislation to enhance sentencing in terrorism-related convictions. In addition, 15 percent of the responding offices indicated that the legislative changes have not changed their pre-existing sentencing structure and 61 percent have yet to have the opportunity to use the statutes.

Legislators also responded to the 9/11 attacks by criminalizing certain behaviors that had not been deemed criminal prior to 9/11. For example, many states had pre-existing statutes that dealt with threats, hoaxes, and false reports. Nevertheless, 33 states enacted new laws and 40 states amended an existing law to deal with these activities. Even though prosecutors applaud the efforts of legislators to criminalize certain behaviors, 77 percent of local prosecutors' offices have yet to encounter a situation in which they could take advantage of the new and/or amended statutes. In fact, only 15 percent of responding jurisdictions claimed that the new

anti-terrorism statutes adequately addressed their needs such as improving intelligence gathering abilities. When considering only those jurisdictions that had an opportunity to use their state's new or amended statutes, 67 percent claimed that the statutes adequately addressed the needs of prosecutors. Overall, prosecutors are unsure about the effectiveness and utility of the new/amended legislation. Of those prosecutors' offices that have experience using their state's new/amended legislation and were able to comment on the effectiveness, most stated that the legislation gave them more options (in the form of available charges and penalties) and has improved their evidence/intelligence gathering resources. Prosecutors who felt the statutes were ineffective indicated that the statutes are too limited in scope to receive regular use by prosecutors.

COORDINATION WITH OTHER AGENCIES

Involvement on Anti-Terrorism Task Forces

A key element of a comprehensive response to homeland security is coordination between local, state, and federal law enforcement agencies and prosecutors' offices. Participation on anti-terrorism task forces (ATTF) and/or joint terrorism task forces (JTTF) is the primary means of coordination with other agencies for prosecutors' offices.⁵ APRI's survey revealed that 59 percent of the offices surveyed reported serving on some type of anti-terrorism task force in response to the new legislation. The prosecutor's level of involvement on these task forces varies from attending meetings to involvement in joint investigations to co-location of staff. For some offices, participation on task forces falls on the prosecutor's investigative staff, whereas for others, an assistant prosecutor or the chief prosecutor handles this responsibility.

The Los Angeles County District Attorney's Office assigned one investigator to work full-time with the JTTF. The investigator works with the JTTF to help obtain state search warrants when needed, helps review cases to make recommendations as to who should prosecute the case (i.e., the U.S. attorney's office or the district attorney's office), and works closely with the prosecutors on all cases to be prosecuted. At the time of APRI's study, the district attorney's office had received funding from the county board of supervisors to place 10 additional investigators on the JTTF.

The Queens County District Attorney's Office has also participated in many different local, state, and federal task forces. These task forces include:

- **Fraudulent Identification Task Force:** created by the governor to target the manufacture, sale, and distribution of fraudulent identity documents and consisting of representatives from local, state, and federal

⁵The ATTF is headed by the U.S. attorney's office and focuses on investigation and prosecution, whereas the JTTF is headed by the FBI and focuses primarily on investigation.

law enforcement, state Office of Public Security, Department of Motor Vehicles, Port Authority of New York, the New York Inspector General's Office, ICES, U.S. Department of Transportation, U.S. Secret Service, U.S. Postal Inspection, and the Social Security Administration Inspector General's Office.

- Airport Security Identification Display Area Task Force: to conduct identity and criminal background checks on all airport personnel who have access to secure and restricted areas; task force members included many of the same from the FIDTF as well as the Immigration and Customs Enforcement, the TSA, and the U.S. attorney's office.
- El Dorado Task Force: focused on locating criminal offenders scheduled for deportation.
- JTTF: assignment of three prosecutors⁶ to screen and charge fraudulent identity document cases and intelligence gathering.
- Anti-Terrorism Working Group: created and run by the U.S. attorney's offices in the Eastern and Southern Districts of New York to coordinate the efforts of local law enforcement agencies and prosecutors in the New York City metropolitan area with regard to fraudulent identification and money laundering.

Information Sharing

The ability to have access to timely and accurate information is another instrument used by local prosecutors to coordinate their efforts with other agencies. In general, information sharing at the local level between local justice officials has been considered sufficient, even though improvements can be made. In contrast, information sharing between federal law enforcement agencies and local agencies has been more limited. A recent Homeland Security Advisory Council report finds that considerable work needs to be done to ensure that proper information is exchanged between federal and local enforcement agencies.⁷

⁶ As a result of limited resources, the Queens County District Attorney's Office has been forced to reduce the number of full-time prosecutors assigned to the JTTF from three to one, who is on-call 24 hours a day, 7 days a week.

⁷ Fiorill, Joe. "U.S. Panel Seeks Broad Information-Sharing Changes to Improve Anti-terrorism Efforts." Available http://www.nti.org/d_newswire/issues/2004_12_13.html#6C00626D. Retrieved December 14, 2004.

All of the jurisdictions studied receive terrorism alerts and regular communication through electronic mail servers and facsimiles. A large percentage of survey respondents (70 percent) reported being involved in intelligence sharing with local, state, and federal agencies. Of those jurisdictions, 46 percent report information to state or federal agencies on investigative targets and 44 percent report on potential threats. Only 17 percent of the jurisdictions report security alerts, this may be due to the fact that terrorism is heavily monitored at the federal level and most information about security alerts received by local prosecutors may have come from the federal government.

The Monmouth County Prosecutor's Office has focused much of its efforts on information sharing through the creation of municipal counter-terrorism coordinators who serve on the frontline of information gathering. The municipal coordinators provide information to the county coordinator, in the county prosecutor's office, who in turns acts as the liaison with the state office of counter-terrorism and the FBI. The county prosecutor's office operates as a clearinghouse of information, filtering intelligence data through local, state, and federal levels.

CHALLENGES FACING LOCAL PROSECUTORS

Intelligence Gathering and Information Sharing

One goal of APRI's study was to gather information about the challenges facing local prosecutors as they begin to prosecute terrorism cases under new state laws. The most frequently cited challenges involved investigative issues, such as intelligence gathering and information sharing with federal agencies, and case processing issues, such as obtaining resources to conduct more intense screening and investigative work, as well as the volume of work involved with terrorism-related cases. Additionally, loopholes in the legislation, discovery issues, legal challenges, and judicial interpretation of the statutes were listed as challenges by nearly a third of the prosecutors.

Many of the legislative changes were designed to make it easier for investigators to gather intelligence. However, according to the survey results, only 8 percent of responding offices reported that the new and/or amended statutes adequately addressed the needs of investigators. Among those offices that had used the new/amended statutes, the number of prosecutors who thought the statutes adequately addressed the needs of their investigators increased from 10 percent to nearly 44 percent. More than three-quarters of the jurisdictions that reported using the new and/or amended statutes experienced no change when it came to their ability to perform most investigative activities such as intelligence gathering, conducting wiretaps, accessing mobile phone or pager records, using public space for videotaping, or issuing search warrants on bank records.

Investigations

Legislative changes in response to the war on terror have had an impact on how law enforcement agencies conduct their investigations. APRI asked local prosecutors' offices if the changes within law enforcement (such as increased participation in anti-terrorism task forces or fewer investigative resources for certain types of offenses) have placed more

demands on their investigators or prosecutors. More than half (56 percent) of the jurisdictions did not see changes in law enforcement as placing more demands on their prosecutors or investigators. Among the jurisdictions that did see an increase in demand on their prosecutors or investigators, the most frequently identified demand was an increased caseload and strained resources. Other demands include allocating more resources to investigations and screening of cases, following up on the increased number of violations, and an increase in pre-charge work.

As a result of their increased involvement in terrorism-related investigations, prosecutors' offices report that they have encountered the following challenges:

- Multi-jurisdictional issues: information exchange/coordination with local, state, and federal enforcement agencies and intra-/interstate issues.
- Case processing issues: volume of work involved, proving the crime, identifying the perpetrator, security clearance, and witness cooperation.
- Investigative issues: evidence collection, intelligence gathering, obtaining multi-jurisdictional search warrants, information sharing with federal agencies, contaminated evidence, and finding witnesses.
- Legal issues: elements of the statute, discovery issues, legal challenges, judicial interpretation of the statute, and loopholes in legislation.
- Other issues: lack of law enforcement training, media/publicity limiting the jury pool, and other challenges.

Training

Seventy-two percent of the responding offices believe that prosecutors in their office have not received adequate training to handle terrorism cases. However, since so few jurisdictions have actually had the opportunity to investigate or prosecute a terrorist incident under their state's new or amended statutes, this finding must be interpreted with care. Some jurisdictions treat terrorism the same as other cases and therefore do not see a need for additional training. Others attribute their lack of training to insufficient funding or limited opportunities.

Methods for Overcoming Challenges

To overcome the investigative and multi-jurisdictional challenges, most prosecutors became involved in task forces and increased their efforts to share and obtain information. In the case study sites, the prosecutors report instituting regular meetings with the U.S. attorneys' offices to discuss cases and make decisions about prosecution. More than half also indicated that they had used training for law enforcement to help overcome problems with investigations as well as the multi-jurisdictional issues they faced.

Another tool in the fight against terrorism is the participation in joint investigations with state or federal agencies. APRI's survey revealed that slightly more than 38 percent of respondents have participated in joint investigations or prosecutions of terrorist crimes/incidents with state and/or federal agencies.

CONCLUSION

Local prosecutors have made concerted efforts to play a vital role in the war on terrorism. New and amended state anti-terrorism legislation has both increased and changed prosecutors' responsibilities for investigating and prosecuting terrorism cases. These changes, particularly an increased focus on precursor crimes, have presented many challenges for local prosecutors as they have attempted to implement their new responsibilities.

States' enactment of anti-terrorism legislation in response to 9/11 undoubtedly has implications for local prosecutors who are charged with enforcing state laws. What are the new or changed responsibilities given to prosecutors under this new or amended legislation? Overall, prosecutors' primary responsibilities have not been affected by the legislation, but in 45 states, prosecutors now have additional criminal offenses to prosecute or investigate. Many of these new offenses focus on threats, hoaxes, and false reports as well as actual incidents of terrorism.

The second question that arises from the study is how prosecutors have implemented their new or changed responsibilities at the local level and the extent to which the responsibilities have affected local priorities. Most prosecutors (71%) report that they are involved with homeland security at the local, state, and/or federal level. At the state and local levels, prosecutors have changed their process for screening, investigating, and prosecuting certain criminal offenses (i.e., precursor crimes) and have placed more emphasis on intelligence gathering. Additionally, prosecutors have implemented information sharing networks or become part of federal information sharing networks.

The third question to be answered focuses on the challenges local prosecutors face with regards to integrating local, state, and federal prosecution of terrorism-related acts and how these challenges are overcome. APRI's study found that very few prosecutors had experience in this area. In fact, only 16 percent of the offices surveyed had prosecuted a terrorism-related case. Among those offices that did have experience, the most significant challenge faced was in the area of investigations. Other

challenges included multi-jurisdictional investigations, evidence collection, intelligence gathering, and information sharing with federal agencies as the most significant.

In general, the most significant finding of the study was that only a few prosecutors had developed a well-defined role for their office in responding to terrorism. This may be due in part to the fact that many prosecutors had not used the new or amended legislation as of one year ago when the survey was administered. Until prosecutors have had the opportunity to gain experience with the new/amended legislation, it would be premature to draw conclusions about the utility of the new or amended legislation. However, as more prosecutors use the legislation it will be important to further study whether or not the various statutes are lacking elements deemed critical by prosecutors to help them respond to terrorism.

Another recurring theme throughout the findings deals with information sharing. Although the majority of prosecutors view this as a critical element of a terrorism response, most also felt that information sharing was more of a “one-way” street and a significant challenge to be addressed. Clearly, the information generated at the local level is vital for federal anti-terrorism efforts, but as prosecutors have more opportunity to use their statutes, particularly for precursor crimes, information at the federal level will be vital to local prosecutors in helping to establish links. Further research is needed to fully explore the challenges of information sharing and strategies for its improvement.

Finally, the survey findings and the case study results seem to indicate that defining the local prosecutor's role in responding to terrorism will be evolutionary. The largest prosecutors' offices in the country—those offices generally found in target-rich environments and most likely to have the resources to dedicate to homeland security—vary dramatically in the extent to which they are working to address terrorism. A few, as highlighted in this study, have initiated comprehensive and innovative anti-terrorism strategies with limited resources and very little access to specialized training. As these experiences are shared, and as more prosecutors have an opportunity to use their new/amended statutes, it is believed that more prosecutors will begin to define their roles.



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