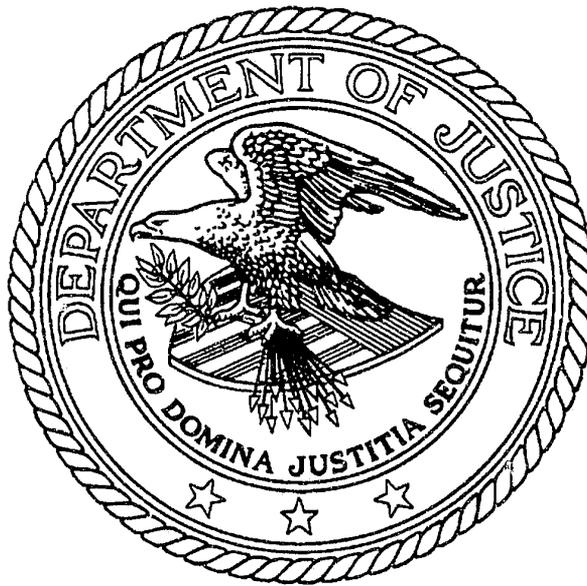




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Lessons of Waco: Proposed Changes in Federal Law Enforcement

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LESSONS OF WACO: PROPOSED CHANGES IN FEDERAL LAW ENFORCEMENT

by

PHILIP B. HEYMANN
DEPUTY ATTORNEY GENERAL

INTRODUCTION

The studies by the Department of Justice and the Department of the Treasury of the confrontation with the Branch Davidians at Waco have raised many questions about our capacity to handle similar situations. In order to identify potential improvements in federal law enforcement, Assistant Secretary of the Treasury for Enforcement Ronald K. Noble and I asked ten experts in law enforcement and the behavioral sciences to review our ability to handle hostage/barricade incidents and recommend improvements. We assembled a very distinguished and varied group of experts from three nations to help us learn from the experience at Waco, and we have learned a great deal.

The experts were given broad access to law enforcement officials and received briefings about the events in Waco, although our detailed factual findings were not yet completed. I am grateful to them for taking the time to assist us in this effort. I am also grateful to the many law enforcement professionals who cooperated with the experts during their review.

The experts' reports, which will be published as a supplement to this paper, provide a useful source of constructive suggestions as well as a further explanation of the reasons for my proposals. I have not adopted all of the experts' recommendations but I propose that a significant number of them

be put into effect.¹ Some of the others are consistent with practices already in place in federal law enforcement.

1. Complex Hostage/Barricade Incidents

The type of situation about which we are concerned occurs when an unusually large number of well-armed individuals, often accompanied by others whose relationship to the armed persons may range from hostage to willing supporter, have committed or are threatening to commit a serious crime and are likely to resist arrest violently. These crises in which suspects barricade themselves, often along with hostages, are referred to as "complex hostage/barricade" incidents or situations. Complex hostage/barricade situations may involve a broad range of underlying motivations. They could involve a radical religious group, a terrorist group, or a large-scale extortion or threat to life or property.

It is worth exploring the nature of these incidents. We focus on situations involving a significant number of well-armed individuals because a number of federal law enforcement agencies are especially trained and highly capable in dealing with the far more familiar situation of one or a few individuals -- perhaps

¹ The experts who provided recommendations are Dr. Nancy Ammerman, Mr. Colin Birt, Dr. Robert Cancro, Mr. Richard Davis, Mr. Robert Loudon, Mr. Ronald McCarthy, Dr. Ariel Merari, Dr. Lawrence Sullivan, and Mr. William Webster. One expert, Dr. Alan Stone, felt that his recommendations would benefit from a far fuller account of what happened at Waco. We have therefore agreed that his recommendations will follow, and thus can draw upon, the release of the other reports today.

bank robbers -- who have been trapped and are holding a small number of hostages. There are a well established set of procedures and very skillful and highly capable people prepared to deal with such situations when they involve Americans in foreign countries; our concern here is with domestic situations.

Hostage/barricade situations are sometimes resolved by negotiated surrenders, sometimes by the use of tear gas or other non-lethal force to incapacitate the suspects or force them to leave their stronghold, and sometimes by dynamic, high-risk entries by law enforcement officers. In dynamic entry operations, developed by counterterrorist teams, law enforcement officers enter the area in which the suspects are located through an overpowering assault and try to take them into custody; the officers must be prepared to shoot anyone who threatens them with a weapon.

The Branch Davidian confrontation is an example of the tremendous firepower that may be amassed by private citizens to engage in small-scale warfare with law enforcement personnel. Recent events such as the bombing of the World Trade Center teach us that terrorism may indeed strike within our borders. Now is the time for us to take stock of our resources and prepare for the broad range of threats that may confront us.

2. The Unique Aspects of Waco

The confrontation with the Branch Davidians was an unusually difficult form of hostage/barricade situation in several

respects. Most important, the number of inhabitants who were armed and prepared to shoot federal law enforcement officers was very large, making a dynamic entry extraordinarily dangerous.

Second, the rules of engagement were complicated by the fact that many of the inhabitants were not suspects but also were not traditional hostages because they had no desire to leave. This category includes the children and any of those adults who shared Koresh's beliefs but did not take up weapons. The rules of engagement for freeing hostages where innocent civilians are at imminent risk of harm are different from the rules of engagement in situations where there is no imminent threat to life. If an innocent person's life is in immediate danger at the hands of the suspects, then immediate action using deadly force against the suspects may be justified. This urgency characterizes many hostage situations, especially terrorist incidents. In other situations, like the one at Waco, the absence of an imminent threat means there is time to develop a plan and carefully review it. It also complicates decisions about the use of deadly force.

Finally, the Waco situation was shaped by the fact that the FBI became involved only after agents of the Bureau of Alcohol, Tobacco and Firearms ("ATF") had been killed. Responding to a crisis in which people have already died is substantially different from planning an operation in which bloodshed may be avoided. Certain peaceful negotiated outcomes, such as holding out the hope that some suspects might escape prosecution for serious offenses, were necessarily foreclosed. For David Koresh,

surrender meant giving up everything, and possibly facing a death sentence. There was little for negotiators to offer him. This was of great significance.

My recommendations should not be taken as an assessment of either fault or praise. Their purpose is different: to improve the likelihood that future complex hostage/barricade incidents will be resolved by arrests without loss of life.

RECOMMENDATIONS

1. An Overview

The crises about which we are concerned pose great dangers and require skills that are not routinely available to law enforcement agencies, including those that have teams with advanced training in Special Weapons and Tactics ("SWAT"). When faced with complex hostage/barricade incidents, law enforcement must respond with four critical elements and an organization that provides additional support functions. The critical elements are (1) a well-equipped and highly skilled tactical team to contain the suspects and bring the incident to a close, using, if necessary, appropriate force; (2) trained and experienced negotiators, supported by pertinent research on successful techniques in similar situations, who can attempt to achieve a peaceful resolution; (3) behavioral science experts who can advise the tacticians and the negotiators about the suspects and assist them in developing strategies; and (4) a command structure that integrates the other elements and develops a coherent

overall strategy.

The last two require further explanation. Because the reactions of the armed individuals depend upon their beliefs and personalities and are likely to vary in ways that are important to negotiators and rescuers, it is important to have and be able to use a behavioral science component that can advise the tactical and negotiation groups about what to anticipate. The behavioral science, negotiation, and tactical capacities must be integrated in a way that allows the components to work together, and they must be directed by individuals skilled in handling these situations in the field under policy guidance from the political levels of government. My recommendations follow the suggestions of our experts about ways to improve this core structure.

To support the critical elements, there must be a tactical team to maintain an "outer perimeter" to keep others away from the scene; the ability to call upon the military for any necessary support with tactical and transportation equipment; the capacity to gather intelligence from inside and outside the barricades; liaison with other law enforcement agencies and prosecutors; and the ability to handle demands for information for the public.

2. The Responsibility of the FBI

These capacities are expensive to create and maintain; the necessary skills are scarce. The United States government should

have one such structure available to serve wherever a major threat of the sort I have described calls for federal law enforcement. With its Hostage Rescue Team, Critical Incident Negotiation Team, Behavioral Science Unit, other relevant components and large number of personnel, the FBI, according to the experts, is the obvious choice.

Although this review has not focused on the capacity of other federal agencies to conduct high-risk dynamic entries, it is clear that only a very highly trained and extraordinarily well-equipped unit could conduct a dynamic entry operation against a target that contains the volume of firepower and number of persons present at the Mt. Carmel compound. We cannot ask part-time special operations personnel to conduct such dangerous law enforcement operations.

Just as we turn to the military for equipment that it is uniquely able to provide, so should we be able to turn to the FBI to perform the tactical operations that it is uniquely situated to conduct. The substantial investment that we make in it already, and the increased investment that I propose, will enable the FBI to deal with potential terrorist incidents and to conduct other high-risk operations.

While I have no perfect set of numbers or characteristics to define a complex hostage/barricade situation as described on page 2, I do think that we should promptly arrive at a definition and require any federal agency confronting such a situation to refer

the matter to the FBI. The FBI would then assume responsibility.²

3. The Size and Location of the Hostage Rescue Team

Our experts agree that the FBI Hostage Rescue Team is as good as any in the world, a remarkable compliment. But they also agree that it is, at fifty persons, too small to deal with the variety of situations that may arise. I will propose to the Director of the FBI and the Attorney General that the size of the team be doubled, a figure within the range of acceptability according to most of our experts.

Although some of our experts recommended splitting the team into two parts -- basing one on the west coast to complement the present headquarters at Quantico, Virginia -- on balance I believe that it is better to maintain a central location so that the entire team can train together on a daily basis. We intend

² The FBI has no authority to respond to complex hostage/barricade situations stemming from investigations which are purely local in nature. In the absence of a violation of federal law, the FBI is without legal authority to intervene in an operational capacity. This seems clear from the applicable statutes and has been the conclusion of the Department of Justice since at least 1978.

Many local incidents will, however, involve violations of federal law as well as state law. In these situations the FBI team could be invited to assist local authorities. Moreover, pursuant to 28 U.S.C. § 540, the FBI is specifically authorized, at the invitation of local authorities, to investigate any killing of a state or local official, including a law enforcement officer, where the killing took place in the course of the officer's official duties. This would permit the use of federal resources in any case in which local officers were killed while attempting to execute an arrest or search warrant and the event led to a major hostage/barricade situation.

that most FBI SWAT teams include one former HRT member who can bring to bear that unit's specialized experience and training. The FBI and SWAT teams from the various federal law enforcement agencies should be able to maintain the situation until the arrival of the rescue/negotiation force which can at any time be in the air within a very reasonable period.

Finally, while we increase the number of tactical personnel, we should also promote research to develop non-lethal technology to expand the number of options available to subdue suspects.

4. Negotiations Capacity

The field commander is going to need not only a remarkably able tactical rescue team but also very talented negotiators. Negotiation in this situation is a specialty. If the FBI is given the responsibility for dealing with these events, it must supplement its present, largely dispersed negotiating capacity with an increased central component at Quantico.

Because negotiations and rescue assaults are alternative courses in many of the situations we are discussing, the negotiators should be familiar with the capacities of the HRT operations, and the HRT should be familiar with the strategies of the negotiating team. What is necessary in many circumstances is a highly coordinated effort using both sets of capacities, sometimes simultaneously and sometimes in sequence. The special demands on each group to understand the other require joint training operations at Quantico.

5. Behavioral Science Capacity

There is a third set of capacities necessary for these operations. The prospects of negotiations and the prospects of an assault both depend upon how the individuals or groups resisting law enforcement perceive their situation and, particularly, how they perceive their relationship to the government and its law enforcement forces. The type of situation we are describing often involves a group with a view of the government and of the group's obligations to the law that are very different from those of the ordinary citizen and even the ordinary criminal. Several of our experts suggested that David Koresh and his Branch Davidian followers believed that the unfolding events were part of a script that had been foretold in the Bible as interpreted by David Koresh. These experts suggested that relating the combined negotiation/assault tactics to that script would have been helpful. The question is how to develop the institutional capacity to take advantage of the wealth of information that might be brought to bear.

Federal law enforcement cannot and should not collect and study the writings of groups characterized only by views very different from the mainstream in the United States. This would be an undertaking far more dangerous to civil liberties and far more unstructured in its reach than collecting information, under traditional carefully written Attorney General guidelines, about violent organizations. What the experts suggest is that our training of law enforcement agents include material designed to

alert agents to the potential importance of differences in views among Americans on such subjects as religion and political ideology. Those who provide this training should themselves become expert in the range and diversity of beliefs held by Americans -- including the more unconventional beliefs -- and should be available for advice when events like this occur.

As to particular groups, like the Branch Davidians, we should consult with academic scholars for detailed information that may be useful to negotiators or others. But this requires us to be able to identify, in advance of the event, reputable experts who are willing to help, so that we may quickly turn to them for advice. For this, federal law enforcement must, our experts urge, begin to make contact with a wide range of experts in the social sciences -- from religion to sociology to psychiatry -- so that we can very promptly enlist their assistance when needed.

6. Crisis Management

We must have a fourth capacity in place to deal with complex hostage/barricade situations. We need field managers with the training, experience, and leadership qualities to orchestrate rescue and negotiation efforts in light of social science knowledge. That means that the FBI, if it is to be in charge of this national responsibility, will have to depart from its strong tradition of placing responsibility in the hands of the Special Agent in Charge ("SAC") of the local division.

The FBI has plans underway to select fifteen of its most senior field commanders to receive special training with the Hostage Rescue Team and with negotiators and to learn to call upon the social science capacity that we will be building. On any major occasion three or four of these specially chosen SACs will be called into action so that fatigue is not a factor in their operations any more than it will be in the operations of the newly expanded Hostage Rescue Team.

The local SAC will continue to play a highly central role as deputy to the field commander, responsible for coordinating relations with the variety of local authorities, state and federal, who continue to have significant responsibilities. The SAC should also assume responsibility for whatever criminal investigation is behind the confrontation. As in the case at Waco, dealing with the human risks will necessarily take precedence over gathering and protecting evidence for trial. However, the latter responsibility should be integrated as a consideration.

To the extent that time allows, the major policy decisions recommended by the field commander should be reviewed by the Director of the FBI and the Attorney General or their immediate deputies. The structure for this phase of the operation is generally well in place. An Assistant Director of the FBI should have the full-time responsibility in Washington -- regardless of whether the event involves international terrorists or a domestic group. The Assistant Director should and does have a

representative of the Hostage Rescue Team and of the negotiating team in Washington to advise him. The Assistant Director should also have available a representative of the social science unit, one who has some experience and some academic knowledge about groups that are out of the political and religious mainstream.

The Attorney General and Deputy Attorney General will be well advised to have available to them a senior career official whose responsibilities, over an extended period of time, include assisting in these events and maintaining a familiarity with the resources available to the FBI. Officials of the Department of Justice should be included in crisis planning exercises so that the entire chain of command will be prepared for emergencies.

7. The Responsibility of Other Federal Law Enforcement Agencies

Finally, while it is important to define a category of tactical situations in which the FBI should take control, other agencies will and should continue to conduct operations that may on occasion develop into hostage/barricade situations. Some of these will be below the threshold for assignment to the FBI. Others may start below that level even though they later escalate into complex hostage/barricade crises. Other agencies may also have to deal with a complex hostage/barricade crisis until the FBI team arrives. For these reasons, other law enforcement agencies must also be prepared to deal with hostage/barricade situations.

The Department of the Treasury's Federal Law Enforcement

Training Center has a "First Response Training Program" that teaches law enforcement officers the basics of handling a hostage/barricade situation, including setting up a command post, establishing an inner and outer perimeter, engaging in preliminary negotiations, and dealing with the media. Basic training of this sort should be provided to all federal agencies. We will also continue to need the more specialized capacities of the SWAT teams of several federal agencies for handling more familiar but still dangerous confrontations.

An orderly transition from ATF responsibility to FBI responsibility took place at Waco. This important transition stage could be facilitated by efforts to have SWAT teams from other agencies participate in training exercises with the HRT and the FBI negotiators. Such joint exercises may also make it possible to use agents from outside the FBI in handling a complex hostage/barricade crisis without losing the advantage of carefully coordinated responses.³

* * * * *

I am confident that when this structure is fully implemented, we will have substantially improved our ability to deal successfully with complex hostage/barricade situations with a reduced risk of losing innocent lives.

³ The Departments of Justice and the Treasury should also consider whether agents of law enforcement agencies outside of the FBI might be included in the HRT complement, on detail from their original agencies. This would be consistent with the HRT's function as a national special response unit, and when these agents left the HRT, they would transfer their new skills back to their home agencies.

APPENDIX

I. JURISDICTION

- A. Make the FBI the lead federal agency in complex hostage/barricade situations and domestic terrorist operations, and offer the assistance of the Department of Justice in reviewing plans for high-risk and sensitive raids

II. OPERATIONS

- A. Select and train FBI "Crisis Managers" to serve as on-scene commanders during hostage/barricade situations
- B. Double the size of the FBI's Hostage Rescue Team
- C. Increase the number of negotiators based at the FBI Headquarters in Quantico, Virginia
- D. Integrate behavioral science experts as part of the training process and dispatch them as part of the Crisis Management Team
- E. Conduct training exercises that include Department of Justice decisionmakers
- F. Standardize training and equipment of SWAT teams
- G. Do not invite the media to participate in law enforcement operations or give advance notice of such operations

III. RESEARCH

- A. Establish a pool of behavioral science experts who will be available to consult with federal law enforcement officials
- B. Establish a database of information about hostage/barricade situations worldwide
- C. Continue to promote research into non-lethal and less-than-lethal technologies

I. JURISDICTION

- A. MAKE THE FBI THE LEAD FEDERAL AGENCY IN COMPLEX HOSTAGE/BARRICADE SITUATIONS AND DOMESTIC TERRORIST OPERATIONS, AND OFFER THE ASSISTANCE OF THE DEPARTMENT OF JUSTICE IN REVIEWING PLANS FOR HIGH-RISK AND SENSITIVE RAIDS

The FBI currently has jurisdiction over an event either if it has jurisdiction over crimes that have been committed or if the Attorney General directs the FBI to take control because the event has national significance. We should clarify the FBI's role as the primary law enforcement special response unit for major crises, and direct our resources towards reinforcing its capabilities rather than creating other units with similar responsibilities. When a hostage/barricade crisis develops during an operation conducted by another federal law enforcement agency, the FBI should be called in to take control of the situation with the assistance of the other agency.¹

The FBI already has dedicated substantial resources to the process of preparing for and resolving hostage/barricade incidents. In addition to the 50 member Hostage Rescue Team ("HRT") which played a large role at Waco, the FBI has approximately 1000 employees who are trained as members of Special Weapons and Tactics ("SWAT") teams. In terms of organization, each field office of the FBI has at least one team of 6 SWAT agents. In addition, the FBI has divided the nation

¹ When the FBI takes over an ongoing operation, the original agency should remain involved, with its local commander serving as a liaison to ensure that the FBI obtains intelligence and cooperation. The FBI also should be able to rely on trained units of the original agency to provide tactical or other assistance at the scene.

into 8 districts each of which has an "enhanced" SWAT team that receives additional training and specialized equipment.

Approximately 300 FBI agents are trained as negotiators, and each field office has at least 3 negotiators. Thirty five of these agents receive specialized training as members of the Critical Incident Negotiations Team ("CINT"). All of the CINT members have extensive hands-on experience and receive advanced training, including working with the HRT and SWAT.

The FBI Training Facility at Quantico is the home base for the HRT and for the Special Operations and Research Unit ("SOARU"). SOARU is responsible for all aspects of crisis management planning and training -- including command and control, negotiations and SWAT -- and provides operational support during crisis incidents. Two CINT members currently are attached to SOARU at Quantico, and the others are spread throughout the nation.

Two additional units based at Quantico contain agents with behavioral science expertise: the Behavioral Sciences Services Unit ("BSSU") and the Investigative Support Unit ("ISU"). During the Waco standoff, members of the these units prepared insightful analyses of David Koresh and the Branch Davidians, and members of the units were present with the negotiators in the rear command post. These substantial resources of the FBI leave it well situated to deal with hostage/barricade incidents.

Once a major crisis situation develops within federal jurisdiction, there should be no debate about calling in the FBI

as the lead agency to take operational control of the situation. Concentrating our efforts on further enhancing the FBI's crisis management skills and making the HRT the premier special response unit will constitute a more efficient use of law enforcement resources and is likely to yield better results than would the development of a number of units that lack similar equipment and training.²

This recommendation, which involves expanding the responsibilities of the FBI, has budgetary implications that must be addressed by the Office of Management and Budget. For example, the deployment of the HRT requires one and sometimes two C-141 military aircraft. A Memorandum of Understanding between the FBI and the U.S. Air Force Reserve at Andrews Air Force Base provides one C-141 for emergency transportation of the HRT on an unlimited basis at a maximum fixed rate per year. However, any additional planes -- the use of which becomes more likely with an increase in the size of the HRT -- are billed at the non-Department of Defense rate of \$6,000 per hour. The costs of aircraft and other military equipment such as that used at Waco

² The FBI is now the primary investigative agency in areas such as organized crime and terrorism. In matters such as the confrontation with the Branch Davidians, the FBI is called in only at the discretion of another agency. Among the recommendations of the Vice President's recent National Performance Review was that the Attorney General be recognized officially as the Director of Law Enforcement and that she chair an Executive Law Enforcement Council. This would enable the Attorney General to provide for the most effective and efficient federal response to different types of crises, without the need to rely upon jurisdictional guidelines that relate to underlying criminal conduct.

can have a significant impact on the FBI budget.

When other federal agencies face high-risk situations that do not fall into the category of hostage/barricade situations in which the FBI will have primary jurisdiction, the FBI should be available to provide any needed assistance. FBI assistance should be available to state and local law enforcement agencies as well, in the form of advance and on-the-scene training.³

Before any federal law enforcement agency undertakes a high-risk raid with a significant danger of loss of life of innocent parties or agents, raid plans should be carefully scrutinized by high-ranking officials who will be accountable for the results. All agencies should adopt guidelines that will ensure that raid plans are thoroughly reviewed before they are executed and that

³ The FBI has no authority to respond to hostage/barricade incidents stemming from investigations or operations which are purely local in nature. Absent a violation of federal law, the FBI is without legal authority to intervene in these matters in an operational capacity.

The jurisdiction of the FBI is established by statute, Title 18, United States Code (USC), §§ 3052 and 3107 and Title 28, USC, § 533, and its powers to investigate, arrest, and search and seize are limited to those circumstances which involve actual or suspected "violation of the laws of the United States." See Title 28, Code of Federal Regulations (CFR), § 0.85(a) ("Investigate violations of the laws ... of the United States and collect evidence in cases in which the United States is or may be a party in interest"). In addition, the FBI is authorized to "conduct law enforcement training programs ... for State and local law enforcement personnel." Title 28, CFR, § 0.85(e).

However, many local incidents will involve violations of federal law, even when the initial investigation was made by local law enforcement. Moreover, pursuant to Title 28, USC, § 540, the FBI is specifically authorized, at the invitation of state or local authorities, to investigate any killings of state or local officials (including law enforcement officers) in the course of their official duties.

standards are enforced to ensure the safety of law enforcement personnel, innocent persons and targets of law enforcement operations. To assure that this happens and to provide additional guidance where appropriate, we will ask any federal prosecutor who approves an application for a search or arrest warrant in a high-risk situation to consult with the Terrorism and Violent Crime Section of the Criminal Division of the Department of Justice.

II. OPERATIONS

A. SELECT AND TRAIN FBI "CRISIS MANAGERS" TO SERVE AS ON-SCENE COMMANDERS DURING HOSTAGE/BARRICADE SITUATIONS

It is essential that the FBI have well-trained, experienced crisis managers to serve as on-scene commanders and coordinate complex operations such as Waco. The crisis manager chosen for an incident should be a person who is well versed in the particular type of incident and familiar with the FBI's capabilities to handle the situation. Consistent with the observations of some of our experts, the FBI has proposed, and I recommend, that 15 Special Agents in Charge ("SACs") be selected and trained as a cadre of crisis managers who may be deployed to handle major crisis incidents such as Waco. These SACs will receive extensive advanced crisis management training, including participation in major exercises with other federal agencies and the military, both domestically and internationally, as on-scene commanders.

Training of the crisis managers must take account of the

need to integrate the assault unit, negotiation, and intelligence functions that are essential to the effective resolution of a crisis. The crisis managers will be familiar with available resources from tactical, behavioral, and scientific areas. Emphasis will be placed on training them with members of the HRT, SWAT, SOARU, CINT, and behavioral scientists, all of whom will be under their command during a crisis.

The training of crisis managers should include some familiarization with the range of beliefs of non-mainstream religious and political groups and emphasis on the importance of taking these into account when making tactical or negotiating decisions. In this context training should include the considerations involved in deciding whether to make use of a third-party intermediary.⁴

The crisis managers will be available for deployment to a specific crisis site at the direction of the FBI Director and then will take command over all federal law enforcement forces on the scene. The SAC for the jurisdiction in which a crisis occurs will work with the crisis manager and serve as the liaison with local law enforcement officials and the press.

B. DOUBLE THE SIZE OF THE FBI'S HOSTAGE RESCUE TEAM

In order more effectively to carry out its current mission

⁴ The crisis managers will also work with members of the FBI's Technical Services Division and the Rapid Start Team of the Information Management Division regarding technical capabilities and investigative information management. The Training Division will provide instruction on the use of less-than-lethal force.

and to fulfill the expanded role that we envisage for it in the future, the FBI's Hostage Rescue Team ("HRT") should be increased from 50 members to 100 members. Expanding the size of the HRT will enable it to handle larger incidents, to handle multiple contemporaneous incidents, and to handle protracted incidents while allowing adequate rest and training.

In the decade since it was created, the HRT has fulfilled an important role in federal law enforcement by resolving dangerous tactical situations. The constant training, advanced equipment, tactical expertise, and teamwork of the HRT are unprecedented in domestic law enforcement. The ability of groups such as the Branch Davidians to build substantial private arsenals and the possibility of terrorist incidents within the United States leave little doubt about the need for this specialization.

Given the current hiring freeze and budgetary constraints, transferring agents and resources to the HRT will detract from the FBI's primary mission of investigating violations of federal law. Nonetheless, the FBI is already considering expanding the HRT by 25 positions. I recommend that these 25 positions be added immediately, and an additional 25 positions be added without undue delay.

Several experts suggested basing the HRT in multiple locations in order to reduce its average response time. Although it would increase our preparedness, the costs counsel against adopting this suggestion at this time. The expense of dividing the HRT would be enormous, including the duplication of training

facilities, transportation vehicles, and support functions. Operationally, dividing the HRT would deprive it of its unique and important ability to function as an integrated unit, a critical element during a tactical situation.

Creating multiple bases for the HRT would not generate a sufficient improvement in response time to justify the expense and tactical drawbacks. Until the HRT arrives, we must rely upon local law enforcement personnel and area SWAT teams to establish an outer perimeter and control the scene. The HRT takes about 4 hours to assemble, and the maximum gain in response time within the continental United States would be about 5 hours, the flying time from the east coast to the west coast. Whether the cost of another HRT base is justified depends upon the likelihood that a critical tactical opportunity will pass within the few hours that could be gained after the HRT is called to an incident. If an HRT unit were based in Los Angeles, it could respond to an incident in that city in 4 hours rather than the current 9 hours. The further an incident was from the western base, such as Los Angeles, the smaller would be the lost window of opportunity. For example, the HRT can now respond to Seattle in about 9 hours; whereas an HRT unit based in Los Angeles could only reduce the response time to 6 hours. The incremental benefit in response time would not justify the tremendous costs that a separate HRT unit would entail.

C. INCREASE THE NUMBER OF NEGOTIATORS BASED AT THE FBI HEADQUARTERS IN QUANTICO, VIRGINIA

The FBI's Special Operations and Research Unit ("SOARU"), which is based at Quantico along with the HRT, is responsible for the training and deployment of FBI negotiators. The Critical Incident Negotiations Team ("CINT"), established by SOARU, is composed of 35 of the most experienced senior negotiators throughout the FBI, many of whom have language capabilities and experience in working with international situations. CINT members receive extensive advanced training, including work with the HRT, SWAT, and the military. They will also receive training with the 15 SACs who will be specially trained as crisis managers.

Only 2 of the 35 CINT personnel are based at Quantico and attached to the SOARU. Several times that number of negotiators should be based at Quantico to assist with training and operations and to concentrate on studying the types of suspects they may confront. These negotiators should train with and build rapport with the crisis managers, behavioral scientists, and HRT personnel with whom they will work during hostage/barricade incidents. The use of these Quantico-based negotiators during crises should facilitate the ability of the different aspects of the crisis management team to function as an integrated unit during siege incidents.

D. INTEGRATE BEHAVIORAL SCIENCE EXPERTS AS PART OF THE TRAINING PROCESS AND DISPATCH THEM AS PART OF THE CRISIS MANAGEMENT TEAM

Often in a hostage/barricade situation we will be dealing with people whose reactions will be difficult to predict. In considering both assault and negotiation options in a complex hostage/barricade situation, it is important to know the likely reaction of the suspects. For this, we must have the input of experts in the behavioral sciences.

Behavioral scientists should be included as part of the crisis management team, training with the components of the team, traveling to the scene with them, and helping to develop negotiating strategies. Coordinating with colleagues at Quantico, the behavioral science expert on the scene will be able to gather information about the suspects and talk to experts, including persons in the academic community, who have information about them.

We must also expect crisis managers to give full consideration to behavioral science input in developing an overall strategy and in evaluating the likely consequences of particular negotiation techniques or tactical decisions. Inevitably there will be disagreements about strategies -- indeed, disagreement is evidence of a healthy internal debate. But the crisis management structure must ensure that the on-site commander will be aware of the full range of strategic options and the likely consequences of each.

Our religious studies experts point out that law enforcement

can easily undervalue the strength and sincerity of the convictions of people whose beliefs are not familiar. Often religious and political motivations and their likely effect on behavior are crucial factors in law enforcement decisions. The FBI Academy gives new agents 17 hours of instruction in the behavioral sciences, as well as instruction about the first amendment rights of political and religious groups. It is neither necessary nor feasible to make every agent an expert in behavioral science. However, they must be alert to the different views of the people with whom they deal. I recommend a careful review of the adequacy of training in light of the recommendations of our religious studies experts.

E. CONDUCT TRAINING EXERCISES THAT INCLUDE DEPARTMENT OF JUSTICE DECISIONMAKERS

In order for a crisis response mechanism to improve and remain sharp, it must be tested regularly. The FBI conducts regular exercises to test its crisis management plan and train operators and decisionmakers. Future exercises should include officials of the Department of Justice, including the Attorney General, so that the entire decisionmaking structure will be prepared to deal with an actual crisis.

Within the Department of Justice, the first line of contact will be the Chief of the Terrorism and Violent Crime Section of the Criminal Division, who is responsible for handling domestic counter-terrorism and violent groups. The responsibilities of this official should include contingency planning and developing

cooperation among agencies, including state and local governments, that may be involved in a major hostage/barricade crisis.

F. STANDARDIZE TRAINING AND EQUIPMENT OF SWAT TEAMS

The FBI's SOARU is currently working to standardize training and equipment of area SWAT teams. SWAT teams often are among the first law enforcement agents to respond to a crisis site, and they must maintain the scene at hostage/barricade standoffs until the HRT arrives. SWAT teams also maintain an outer perimeter during crises and can assist the HRT with tactical operations. The standardization of SWAT teams should enable the FBI to use them in place of the HRT during protracted crises if no tactical operation is planned and the HRT therefore is not needed.

Current and former HRT members are working with SOARU to provide recommendations about how to standardize SWAT training and equipment. The FBI has instituted new selection procedures that are to be used in all field offices to ensure that all SWAT team members meet the same standards of selection and training, and the FBI routinely conducts regional SWAT team training sessions that are attended by HRT members. This interaction insures that the various SWAT teams and the HRT work closely and that experience and techniques acquired by the HRT are passed on to the SWAT teams. Furthermore, many former HRT members have been transferred from the team to field offices where they serve as SWAT team coordinators.

We should also promote uniformity and coordination with the SWAT teams of other agencies. This can be accomplished by developing a uniform curriculum at the Department of the Treasury's Federal Law Enforcement Training Center ("FLETC"), which trains most federal law enforcement agencies. FBI HRT and SWAT agents should do some training at FLETC.

Finally, the Departments of Justice and the Treasury should consider including agents of law enforcement agencies outside of the FBI in the newly expanded HRT. When these agents left the HRT, they would transfer their new skills back to their home agencies, where they could participate in SWAT operations and training.

G. DO NOT INVITE THE MEDIA TO ACCOMPANY AGENTS ON RAIDS OR GIVE ADVANCE NOTICE OF SUCH OPERATIONS

Current FBI policy, which should be the policy for all law enforcement agencies, is that the news media may not accompany agents during raids and will not be given advance notice of such operations. Operations which depend upon surprise should never be disclosed in advance to anyone without both a legitimate law enforcement need to know about the operation and a commensurate obligation not to disclose the information.

There may be rare circumstances in which a member of the media learns about a planned raid through independent sources, and the appropriate law enforcement official determines that it is necessary to give that person unusual access in return for his or her promise not to reveal any information to the targets of

the raid. However, for the safety of law enforcement personnel, innocent persons at the site, the targets, and members of the news media themselves, no member of the news media should accompany agents conducting a raid without approval at the highest levels, which should be given only in exceptional circumstances.

III. RESEARCH

A. ESTABLISH A POOL OF BEHAVIORAL SCIENCE EXPERTS WHO WILL BE AVAILABLE TO CONSULT WITH FEDERAL LAW ENFORCEMENT OFFICIALS

Law enforcement agents are often confronted with individuals and groups whose beliefs are unfamiliar to them. In training and during operations, law enforcement personnel should be able to call upon the services of specialists both inside and outside the government who have insight about behavioral issues. This requires that we consider in advance what sort of expertise may be required in a crisis, and that we build a network of contacts between law enforcement behavioral scientists and behavioral science experts in the private sector.

During the Waco siege, the FBI made substantial use of behavioral science information. In the future, the FBI should broaden its available pool of resources for outside consultation. It will maintain the names of behavioral scientists and academicians who may be consulted in the course of training and for information and advice about particular events. This inventory will be maintained by the FBI's Behavioral Sciences

Services Unit at Quantico, which is available for consultation by other law enforcement agencies.

B. ESTABLISH A DATABASE OF INFORMATION ABOUT HOSTAGE/BARRICADE SITUATIONS WORLDWIDE

In order to maximize our effectiveness in dealing with crises involving confrontations with armed groups, we must have a storehouse of information about how past incidents have been resolved and about the characteristics of the groups that we may confront in the future. Such a database would assist crisis managers in planning for and resolving hostage/barricade situations. It would include details pertaining to previous situations and the most current research available about techniques of hostage negotiation and crisis resolution. This database also should facilitate the analysis of past incidents and the use of the results in planning and operations. The database should include details of siege incidents in the United States and abroad. The characteristics of potential perpetrators of siege incidents, including particular terrorist groups, and their conduct during hostage incidents should be available for use by crisis managers.

C. CONTINUE TO PROMOTE RESEARCH INTO NON-LETHAL AND LESS-THAN-LETHAL TECHNOLOGIES

Research into "less-than-lethal" or "non-lethal" technology holds great promise for the future of law enforcement. The objective of such research is to identify technologies that will

permit the use of non-injurious means to resolve tactical situations without the use of deadly force. The National Institute of Justice ("NIJ") created a new Science and Technology office in September 1992 to address research and development into technologies to support law enforcement. In cooperation with the National Laboratories of the Department of Energy, this office has been conducting such research for domestic law enforcement purposes. Several new laboratory prototypes of non-lethal weapons have already been developed and are being refined into practical devices.

In response to a request from the Attorney General earlier this year for assistance in identifying and transferring promising technologies to law enforcement, both the Department of Defense and the Central Intelligence Agency have established liaisons with NIJ and are working to identify promising military and intelligence community technologies for law enforcement use.

At the same time, the FY 1994 budget authorization bill has directed the Secretary of Defense, through the Advanced Research Projects Agency ("ARPA"), to form an interagency health and justice working group consisting of the NIJ, FBI, Centers for Disease Control, National Institutes of Health, National Academy of Science, and National Governors Association. This working group is charged with developing an inventory of ARPA resources, conducting an analysis of issues with criminal justice and health implications, and recommending ARPA funding.

I recommend that the Department of Justice, through NIJ,

consider expanding these efforts with the Department of Defense, members of the intelligence community, the Department of Energy, including the National Laboratories, and private industry to develop non-lethal technology for use in law enforcement. By working together, these organizations can develop new methods of bringing armed confrontations to peaceful resolutions by neutralizing hostile suspects without using deadly force.