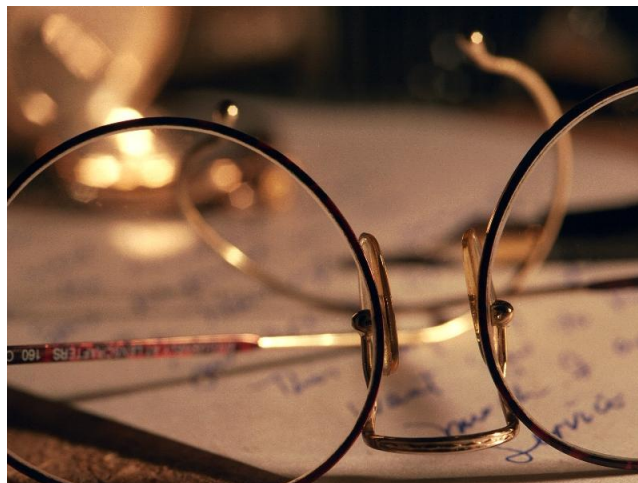


Legal Implications





Legal Implications Topics

- Federal laws
- State laws
- Constitutional issues
 - First Amendment
 - Fourth Amendment
- Other legal considerations
 - Surveillance and electronic intercept
 - Identification of subjects



The USA Patriot Act of 2001

- Acronym for Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism of 2001
- Extensively amends federal law and improves the terrorism investigation tools available to federal law enforcement officers

The USA Patriot Act of 2001 *(continued)*

- Title I – Enhancing Domestic Security Against Terrorism
- Title II – Enhanced Surveillance Procedures
- Title III – International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001
- Title IV – Protecting the Border
- Title V – Removing Obstacles to Investigating Terrorism

The USA Patriot Act of 2001 (continued)

- Title VI – Providing for Victims of Terrorism, Public Safety Officers, and their Families
- Title VII – Increased Information Sharing for Critical Infrastructure Protection
- Title VIII – Strengthening the Criminal Laws Against Terrorism
- Title IX – Improved Intelligence
- Title X – Miscellaneous

The USA Patriot Act of 2001 (continued)

- Many provisions are explained in and implemented through U.S. Department of Justice guidelines that will be continually revised
- Information about the Patriot Act and the U.S. Department of Justice guidelines is available on the Internet
 - <http://www.aele.org>
 - <http://www.usdoj.gov>

The USA Patriot Act of 2001 (continued)

- Using Patriot Act provisions
 - The appropriate federal law enforcement agency must be involved
 - Check to see if there are comparable state law provisions
- Some provisions may be useful to state and local law enforcement

The USA Patriot Act of 2001—Selected Provisions

- Terrorism has been added to the list of crimes prosecuted for money laundering
- DNA testing is authorized in the identification of terrorists
- Terrorist attacks and other acts of violence against mass transportation systems are criminalized
- Domestic terrorism is defined
- Harboring or concealing terrorists is prohibited
- Providing material support to terrorists is prohibited

The USA Patriot Act of 2001—Selected Provisions *(continued)*

- Assets of terrorist organizations can be forfeited
- Acts of terrorism are included as racketeering activity
- Provisions for the prevention of cyberterrorism
- Coverage of the biological weapons statute is expanded
- Provisions making grant money available to state and local emergency services
- Provisions regarding electronic communications
- Provisions regarding pen registers and trap and trace

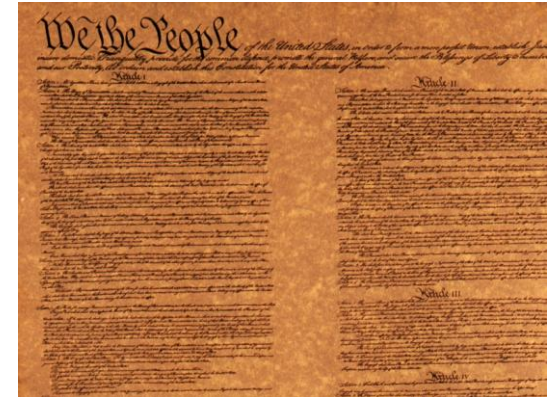
State Laws

- Existing laws
- Proposed laws



First Amendment Issues

- Can you conduct surveillance of a religious establishment?
- Is it a crime for an anarchist at a political rally to carry a placard suggesting all courthouses be bombed?
- Is believing in a particular ideology that is not a mainstream belief a crime?



Fourth Amendment Issues

- During a traffic stop, a suspicious map is located on the passenger seat
 - Can a further search of the vehicle be conducted?
 - Does it require a warrant?
- During the execution of a search warrant for narcotics, several “indicators” of possible terrorist activity are observed
 - Can those indicators be seized?
 - Should your local prosecutor or JTTF be consulted before taking action in regard to this discovery?



Surveillance and Electronic Intercept

- A concerned citizen provides information about an upcoming antigovernment rally—one of the speakers is known for advocating violence
 - Can surveillance of the rally be conducted?
- As a matter of policy, a local company routinely monitors employee use of the Internet and company e-mail
 - The company provides law enforcement with a copy of an e-mail that was sent from its place of business
 - The e-mail message inquires about the best places to buy ABC fertilizer (known to be an ingredient in homemade bombs) and makes veiled references to Armageddon
 - What can law enforcement do?

Identification

- Is a person required to carry identification?
- A person tries to gain access to an area that requires identification (i.e., public building, airport, etc.), but does not have proper identification
 - Can the individual be held for further questioning?



Suspected Illegal Alien

- An individual is suspected of being an illegal alien
 - Can he/she be held until the U.S. Immigration and Naturalization Service (INS) is called?
 - If INS wants to question the individual, does this establish reasonable suspicion to detain that person?
 - If INS cannot question the individual at that time, does the person have to be released?
- What is a “reasonable time” for an officer to hold the person in question while waiting for a return call from INS or other inquiry?

Legal Implications Recap

- Federal laws
- State laws
- Constitutional issues
 - First Amendment
 - Fourth Amendment
- Other legal considerations
 - Surveillance and electronic intercept
 - Identification of subjects



Terrorism Training

for Law Enforcement



Questions

