

**POLICE ANALYSIS AND PLANNING  
FOR CHEMICAL, BIOLOGICAL  
AND RADIOLOGICAL ATTACKS**

## ABOUT THE AUTHOR

**John W. Ellis** is an enlisted veteran of Vietnam who has both bachelor's and master's degrees in administration of justice. He has seven years active military duty, seven years of law enforcement duty as a local police officer and Deputy U.S. Marshal, seven years as a private security officer, and four years as a licensed private detective. He is certified as a firearms instructor and currently serves as the secretary for the Kansas Association of Private Investigators ([www.kapi.org](http://www.kapi.org)).

In 1991, he was activated as an Army Reserve officer and deployed to Saudi Arabia for the cease-fire phase of Desert Storm. During the one-year tour, he served as the Provost Marshal, Khobar Towers and as an Operations Officer for Headquarters, Army Forces Central Command (Forward).

# **POLICE ANALYSIS AND PLANNING FOR CHEMICAL, BIOLOGICAL AND RADIOLOGICAL ATTACKS**

Prevention, Defense and Response

*By*

**JOHN W. ELLIS**



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## PREFACE

This text is oriented toward planning police operations in the public sector, but will be usable by other public officials as well as some private sector police operations. It addresses police threat assessment of, vulnerability assessment to, defense against and response to attacks by special weapons of mass destruction in a civilian setting. These include chemical, biological and radiological attacks. It begins with a review of the policy and legal issues pertaining to special weapons and of the pertinent counter terrorist response considerations discussed in *Police Analysis and Planning for Vehicular Bombings*.<sup>\*</sup> It continues with assessment of the various types of special weapons of mass destruction and the terrorist's ability to make and use them, a historical review of significant incidents for each of the major subcategories of weapons, the limitations of police response operations in the United States, and defensive response to this form of attack. It concludes with commentary on actions that may be needed if this threat continues to develop in the United States.

In preparing this text I am attempting to provide the local police official the basic considerations in these areas, to supplement the decreasing military skills found in both the general population and the police departments they form, and to counter the increasing threat of terrorist use inside the United States. The necessity for such training was clearly imprinted on me as a young non-commissioned officer in the U. S. Army in Germany who had been trained as a unit Chemical, Biological and Radiological defense NCO.

In the spring of 1968, I was pulling night duty in the unit orderly room when the Armed Forces Radio in Frankfurt announced that the Warsaw Pact Forces were reported to be invading Czechoslovakia. Over the next three days I had the unusual experience of watching the superpowers line each other up in their nuclear gunsights from the viewpoint of a front-line nuclear-capable unit at one of the key points in Europe in the middle of a crisis. I saw things occur in those three days that I had never seen occur before and haven't seen occur since then. It was a remarkably "focusing" experience.

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<sup>\*</sup>Ellis, John W.: *Police Analysis and Planning for Vehicular Bombings: Prevention, Defense and Response*. Springfield, IL: Charles C Thomas • Publisher, Ltd., 1999.

The reality of the chemical, biological and radiological defense training was driven home rather clearly.

Over the years, I maintained an interest in this area of study picking up additional related military training: emergency medical technician training; fire department rescue methods, procedures, and techniques; and an OSHA hazard communications standards seminar from a typical loss prevention program in a corporate industrial setting. None of this training is unusual; what is somewhat unusual is the particular blend that I have. The advantage I have is the ability to blend the varied background and apply it to the varied requirements of emergency response by the military, the public sector and the private sector. I understand the problems, limitations, and resources of all three to address attacks by special weapons, recently defined in the United States Code as “weapons of mass destruction.” Hopefully, this text will be of benefit to those officers and officials that have never had to confront this type of problem, and will help build the skill and psychological preparation for battle that prevents the attack and enables effective response.

J.W.E.

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# Chapter 1

## POLICY, LEGAL AND OPERATIONAL BACKGROUND

### POLICY REVIEW

The counterterrorism policy of the United States has been structured by a combination of three spheres of influence, the United Nations, various international agreements, and the Constitutional structure of the United States as discussed in *Police Analysis and Planning for Vehicular Bombings*.<sup>\*</sup> This viewpoint of terrorism as crime rather than a form of warfare affects the prevention, defense and response to such actions. This is particularly true when the actions themselves are of the type which are so near to the boundary between crime and war that the difference is not immediately obvious. While the policy of the United States, as applied to chemical, biological and radiological attacks by terrorists, reflects this official viewpoint of terrorism as crime, its structure is not particularly suited to applying its internal organization in this fashion. This will become more obvious as the basics of the policy development are reviewed.

The United Nations asserts certain purposes and principles which recognize equal rights and self-determination among nations, and uses voluntary agreement to place certain limitations on its member nations concerning the use of force. These purpose, principles and limitations appear in the Charter<sup>1</sup> and are expanded or restated in certain resolutions.<sup>2</sup> The critical portion for counter terrorism policy are the seven actions which constitute aggression even if war has not been declared. These are:<sup>3</sup>

- The invasion or attack ... of the territory of another State ...
- Bombardment ... or the use of weapons ... against the territory...
- The blockade of ports or coasts ...
- An attack ... on the land, sea or air forces, or marine and air fleets...
- The use of armed forces ... within the territory of another ... in contravention of the conditions provided for ...

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<sup>\*</sup>Ellis, John W.: *Police Analysis and Planning for Vehicular Bombings: Prevention, Defense and Response*. Springfield, IL: Charles C Thomas • Publisher, Ltd., 1999.

The action of a State in allowing its territory...to be used...for perpetrating an act of aggression...

The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force..."

These tests will apply without regard to the form or manner of the attack and will, therefore, include chemical, biological and radiological attacks. The United Nations Charter does not specifically address this form of warfare, but certain of its resolutions and other international agreements which predated its existence do.

Chemical and biological warfare has been in existence in various forms for much longer than the United Nations has existed. Incidents of usage in warfare can be found several centuries ago when you look for it. To date, four international agreements have been produced on chemical and biological warfare and two United Nations resolutions on nuclear warfare (disarmament treaties not included). The topic was first addressed at the Hague in 1899.<sup>4</sup> The content was simple; the signers were to abstain from using projectiles with poison gases. After World War I, which had considerable usage of chemical warfare, a second, more extensive, protocol was signed in Geneva.<sup>5</sup> Unfortunately, the agreement was not extensive enough to prevent disputes concerning its meaning and applicability. It was generally accepted as a renunciation of first use of chemical and biological agents, but many nations maintained stockpiles for defensive use. There were also interpretation problems on the applicability to some agents, with non-casualty (riot control) chemical agents, and health vaccinations, such as live serums, being the primary areas of contention. These disputes continued for several decades until two more agreements were reached.

Biological warfare agents were renounced by simultaneous agreement<sup>6</sup> in London, Moscow, and Washington in 1972. Very broad ranging, it renounces hostile use, but preserves use for prophylactic (preventive medical), protective, and peaceful purposes. This continues part of the risk and does not completely resolve the interpretation problems pertaining to non-casualty agents. Basically, it intended that there was no planned first use and that existing stocks would be destroyed. The same concept was applied to chemical agents in the next agreement at Paris.<sup>7</sup> Very detailed on its procedures, including inspection provisions, the agreement requires identification of all chemical agents, storage sites, and production facilities. It also establishes procedures for the destruction of existing stocks while prohibiting future production. It does not resolve the disagreement over non-casualty agents and does not remove the existence of similar deadly chemicals in use for various routine civilian manufacturing processes.

The General Assembly has addressed the use of nuclear weapons with two resolutions. Both are short and prohibit actions by member nations.

Declaration on the Prohibition of the Use of Nuclear and Thermo-Nuclear Weapons.<sup>8</sup>

The General Assembly,

1. Declares that:

(a) The use of nuclear and thermo-nuclear weapons is contrary to the spirit, letter and aims of the United Nations and, as such, a direct violation of the Charter of the United Nations;

(b) The use of nuclear and thermo-nuclear weapons would exceed even the scope of war and cause indiscriminate suffering and destruction to mankind and civilization and, as such, is contrary to the rules of international law and to the laws of humanity;

(c) The use of nuclear and thermo-nuclear weapons is a war directed not against an enemy or enemies alone but also against mankind in general, since the peoples of the world not involved in such a war will be subjected to all the evils generated by the use of such weapons;

(d) Any State using nuclear and thermo-nuclear weapons is to be considered as violating the Charter of the United Nations, as acting contrary to the laws of humanity and as committing a crime against mankind and civilization; ...

Non-Use of Force in International Relations and Permanent Prohibition of the Use of Nuclear Weapons”<sup>9</sup>

The General Assembly,

1. Solemnly declares, on behalf of the States Members of the Organization, their renunciation of the use or threat of force in all its forms and manifestations in international relations, in accordance with the Charter of the United Nations, and the permanent prohibition of the use of nuclear weapons.

As can be seen from the text, the resolutions orient on prohibiting the use and the threat of use of nuclear weapons. It is worded so that the resolutions only apply to member nations which are bound by the Charter. Consequently, individuals and small groups are not included in the prohibition. If they chose to assert the doctrine of self-determination, these individuals and groups can engage in warfare and are not voluntarily limited in their use of chemical, biological and radiological agents doing so. Using these and similar agreements as guidelines, the counterterrorism policy of the United States was formed based on a trilevel concept of organization.

The three basic organizational components were formed out of existing agencies with recognition of the authority and responsibilities tasked to each agency by the Constitution and various executive orders, statutes or regula-

tions. At the first level, a special coordination committee was formed in the National Security Agency dealing with national policy and command in regard to terrorist incidents. At the second level, existing federal agencies were tasked to perform certain functions in response to possible terrorist actions. An executive committee of major federal agencies was formed and interagency coordination and operational responsibilities were sorted out. The scope of each possible agency involvement resulted in the Lead Agency Concept based on whether the terrorist action was geographically internal or external to the territory of the United States. This led to the designation of the Federal Bureau of Investigation as the lead agency for internal actions and the Department of State as the lead agency for external actions. These agencies serve as the coordinating and control point for all counter-terrorist actions taken by the various agencies with some role in combating terrorism. This approach developed the third level of the organizational response which focused on the operations. A working group on terrorism was identified and responsibilities tasked to individual agencies in four general operational areas that focused on four goals: diplomacy (prevention goal), protection and security (deterrence goal), incident response (reaction goal), and intelligence (prediction goal). This basic structure has remained in place with some redesignations and reassignment of responsibilities since its formalization in the 1970s.

The primary policy guidance for dealing with terrorism was established by the Department of State in these seven statements of policy:<sup>10</sup>

All terrorist actions, regardless of their motivation, are condemned as criminal.

All lawful measures are to be taken to prevent terrorist acts and to bring to justice those who commit them.

The United States will not accede to terrorist blackmail; to grant concessions only invites further demands.

When Americans are abducted overseas, host governments are expected to exercise their responsibility under international law to protect all persons within their territories, and to ensure the safe release of hostages.

During terrorist incidents, the United States will maintain close and continuous contact with the host government and support the host government with all practical intelligence and technical services.

The United States understands the extreme difficulty of the decisions governments are often called upon to make. For example, how to reconcile objectives of saving lives of hostages with making sure that terrorists can gain no benefit from their lawless action.

The importance of international cooperation to combat terrorism is recognized. The United States intends to pursue all avenues to strengthen such cooperation.