In this presentation, you will learn about terrorist training and law enforcement awareness. Following the 9/11 attacks, the U.S. Congress facilitated several additional investigative tools and expanded authority to monitor and search suspects in terrorism-related and other investigations. Many of these tools and authorities were contained in the USA Patriot Act signed by President George W. Bush in October 2001. The Act amended several existing statutes including the Foreign Intelligence Surveillance Act of 1978 and the Electronic Communications Privacy Act of 1986. These additional tools and authorities and others may be used to obtain information related to terrorist training and increase overall law enforcement awareness of terrorist-related activities.

There have always been differences between the electronic surveillance conducted for intelligence purposes and those performed for law enforcement purposes. For example, the Foreign Intelligence Surveillance Act required the government to certify that the purpose of surveillance was to gather foreign intelligence information. Prior to the USA Patriot Act, the U.S. Department of Justice converted the FISA primary purpose standard into a formal operating policy that limited coordination between intelligence and criminal investigators. This policy came to be known as “the wall” between intelligence and law enforcement and the unfortunate consequences of this policy barrier to information sharing were noted in the 9/11 Commission report on the 9/11 attacks. The so-called pre-9/11 Wall that inhibited the exchange of information about terrorism or other national security threats between intelligence and law enforcement personnel has now been dismantled.

Moreover, a roving wiretap allows law enforcement officers to electronically surveil a subject and lawfully intercept communications with a single court order even if the target attempts to evade surveillance by changing telephones or other communications devices. Prior to the USA Patriot Act, the concept behind roving wiretaps did not apply to the Foreign Intelligence Surveillance Act. The USA Patriot Act amended the electronic surveillance portion of the Foreign Intelligence Surveillance Act.

Further, a trap and trace device identifies all incoming phone numbers to a particular telephone device. Conversely, a pen register is used to identify all outgoing phone numbers called from a particular telephone. Before 2001, the Foreign Intelligence Surveillance Act allowed law enforcement officers to collect incoming and outgoing numbers. The USA Patriot Act expanded the law to permit the capture of comparable information related to the Internet, electronic mail, web surfing, and all other forms of electronic communications.

Generally, law enforcement officers serving a warrant must knock and announce. In other words, they must give the subject notice that they are law enforcement officers and are serving a warrant to search. Officers may also enter and search even if the subject is not present at the premises to be searched, but a copy of the warrant and an inventory of what was seized must be left, thus giving notice that the premises was searched. The USA Patriot Act amended Title 18 of the U.S. Code to allow federal law enforcement officers to request from the courts a delayed-notice search warrant or the so-called sneak and peek warrant that allow officers to enter and search a premises without immediately notifying the subject of the premises when such notice may tip off a suspect or co-conspirators.

The USA Patriot Act amended the Foreign Intelligence Surveillance Act to authorize the Federal Bureau of Investigation to seek orders from the Foreign Intelligence Surveillance Act Court for the production of tangible things, such as books, records, papers, documents, and other items in a terrorism or counterintelligence investigation.