

# **Criminal Intelligence Sharing: A National Plan for Intelligence-Led Policing At the Local, State and Federal Levels**



**Recommendations from the IACP Intelligence Summit**



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**COPS**  
COMMUNITY ORIENTED POLICING SERVICES  
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Throughout the project, but particularly during the conceptualization and planning stages, the summit benefited from the collaboration and contributions of the Advisory Board, whose members are recognized individually at the end of this report.

We are indebted most to the participants who worked so diligently and productively to fashion the recommendations that appear in this report. We hope that we have synthesized and conveyed their contributions faithfully and accurately. Each participant is also acknowledged at the end of the report.

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## **Executive Summary**

Motivated by the tragic events of September 11 and resulting revelations that underscore the importance of improved intelligence exchange between national agencies, President Bush has recently called for the creation of a Cabinet-level Department of Homeland Security. Among other things, the proposal emphasizes that improved criminal intelligence data sharing is critical to enhancing law enforcement and other emergency agencies' capacities to protect the American public against terrorism and all other criminal acts that threaten its safety. Significantly, the President's proposal does not focus exclusively on improved intelligence sharing between national-level agencies – it recognizes that non-federal protective services agencies must be brought into the process.

Law enforcement executives and intelligence experts from across the country who met at the International Association of Chiefs of Police (IACP) *Criminal Intelligence Sharing Summit* held in Alexandria, Virginia, March 7-8, 2002 came to a similar conclusion, and their proposal aligns itself well with the President's initiative. Participants engaged the issues through discussions on the capacities for and barriers to intelligence sharing, the standards and guidelines that direct intelligence sharing, technology and training related to intelligence sharing, and important legal and civil rights that must guide all criminal intelligence gathering and sharing processes. Discussions also focused on the unique potential for community oriented policing initiatives to aid in the gathering of locally driven intelligence. Summit participants articulated a vision in which non-federal agencies are more than adjuncts to a national strategy for improved intelligence communication, but founding partners of any organization – and leading participants in any process – that helps coordinate the collection, analysis, dissemination and use of criminal intelligence data in the U.S.

This summary provides an overview of the details of their proposal.

## **The Necessity of a National Intelligence Plan**

### **The Call for a Plan**

While September 11 highlighted the urgency in improving the capacity of protective services agencies to share terrorism-relevant intelligence data, participants in the *Criminal Intelligence Sharing Summit* stressed that the real need is to share *all* – not just terrorism-related – criminal intelligence. Better sharing of this broader body of crime-related intelligence could significantly improve agencies' capacity to protect public safety.

To meet this vital need, Summit participants called upon federal leaders to affirm the need for *all* law enforcement (local, state, Tribal and Federal) to join in the creation of a National Intelligence Plan. Such a Plan will:

1. Create a coordinating council comprised of local, state, Tribal and Federal law enforcement executives (The Criminal Intelligence Coordinating Council) to oversee and implement the National Intelligence Plan.

2. Address the legal impediments to the effective transfer of criminal intelligence between authorized enforcement agencies. Specifically,
  - The Plan will mandate a review by the FBI, the President’s National Security Advisor and the National Security Council (NSC) of all federal policies and legislation that restrict the flow of classified information.
  - The Plan will direct the FBI, the President’s National Security Advisor and NSC to revise security clearance categories and classifications, with an eye to increasing the information available to local law enforcement departments for the prevention and investigation of crime in their jurisdictions.
  - The Plan will create a task force comprised of justice system professionals to assess existing regulations and statutes to ensure a balance between the needs of law enforcement and individuals’ rights to privacy.
  - The Plan will recommend legislation to allow for the changes necessary for improved information collection and intelligence sharing (while protecting civil rights).

### **Overcoming Barriers**

In issuing their call for a National Intelligence Plan, participants noted that the details of the Plan and the mandate of the Criminal Intelligence Coordinating Council must be sufficient to overcome the substantial and, in some cases, longstanding barriers that hinder intelligence sharing. Some of the most significant barriers stressed by Summit participants include the absence of a nationally coordinated process for intelligence generation and sharing; the “hierarchy” within the law enforcement and intelligence communities; federal, state, local and tribal laws and policies that prevent sharing; the inaccessibility and/or disaggregation of technologies to support intelligence sharing; and deficits in intelligence analysis.

## **The Criminal Intelligence Coordinating Council**

The most central and enduring element of the Plan advocated by Summit participants is the call for a Criminal Intelligence Coordinating Council. This Council provides an ongoing solution to the identified need for a nationally coordinated, but locally driven, criminal intelligence generation and sharing process for the promotion of public safety.

### **The Council’s Mandate**

In general terms, the Council’s mandate is to promote, ensure and establish effective intelligence sharing and to address and solve, in an ongoing fashion, the problems that inhibit it. In order to accomplish these tasks, the mandate must be central, permanent, powerful and inclusive. In specific, the Criminal Intelligence Coordinating Council shall:

- Be chaired by a representative of local law enforcement and staffed fulltime by local, state, Tribal and Federal law enforcement personnel detailed from their respective agencies.

- Be structured in a way that allows representation from all types of law enforcement agencies, while limiting the total number to create a workable organizational unit.
- Ensure compatible policy standards, guidelines and operating procedures in the further development and integration of existing intelligence sharing systems (including standards for the collection, analysis, dissemination, storage and purging of information); create standards for participation in the Council and coordinated intelligence network; promulgate standards and guidelines; publicize and enforce sanctions for the misuse of information from the coordinated network.
- Create a “marketing strategy” to increase stakeholder participation in the intelligence sharing process and conduct public education to promote public acceptance of the system overall.
- Create a funding plan to ensure that the National Intelligence Plan is adequately funded.
- Establish national level criminal intelligence analytical operation standards, methods and training to complement local, state, regional and Federal efforts and aid in the assessment of threats and supporting law enforcement courses of actions against community crimes and national security concerns.
- Work with local, state, Tribal and Federal training academies and other training providers to make curriculum changes in support of the new intelligence-sharing goals.
- Work with states, localities and Tribes in eliminating barriers in their laws and policies that limit intelligence sharing.

### **Participants in the Coordinating Council**

A variety of law enforcement and protective services organizations already engage in substantial intelligence sharing. Rather than replicating such efforts, the Council should seek to connect them, strengthen them, support their expansion as necessary and then fill *other* gaps in the current system. A selection of possible founding participant organizations includes:

- The Regional Information Sharing Systems (RISS) and its technical assistance provider, the Institute for Intergovernmental Research (IIR).
- The High Intensity Drug Trafficking Area (HIDTA) Investigative Support Centers (ISCs).
- The Law Enforcement Intelligence Unit (LEIU).
- State Law Enforcement Intelligence Networks (LEINs).
- The International Association of Law Enforcement Intelligence Analysts (IALEIA).
- International bodies that track criminals and share information about trans-border crime problems.



- States' and major cities' law enforcement intelligence divisions.
- Networks (existing and new) of local law enforcement agencies. While smaller local agencies are unlikely to have dedicated intelligence staff, they constitute the majority of the departments in the U.S. It is vital that they, like larger departments, participate in intelligence sharing and practice intelligence-led policing.

Given the number of potential Council participants, decisions will need to be made on limiting the total number of council members to ensure that the organization can be effective in its work.

### **Organizational Considerations for the Coordinating Council**

While Summit participants did not make specific organizational recommendations for the Criminal Intelligence Coordinating Council, they did raise several general organizational considerations.

*First*, they stressed the importance of creating an organization in which relevant data can flow appropriately to all parties that need it. Participants offered several images of this flow. One image is that of a ladder, but rather than imagining intelligence transmission “up” and “down” its steps, the ladder should be turned on its side, so that all law enforcement and protective services entities have access to and equal status with respect to the flow of intelligence information. Another image is that of the hub, spokes and rim of a wheel, in which intelligence information flows “up,” “down,” and “between” nodes in the network. The graphic on the following page shows the types of law enforcement agencies that must be included in the intelligence sharing continuum.

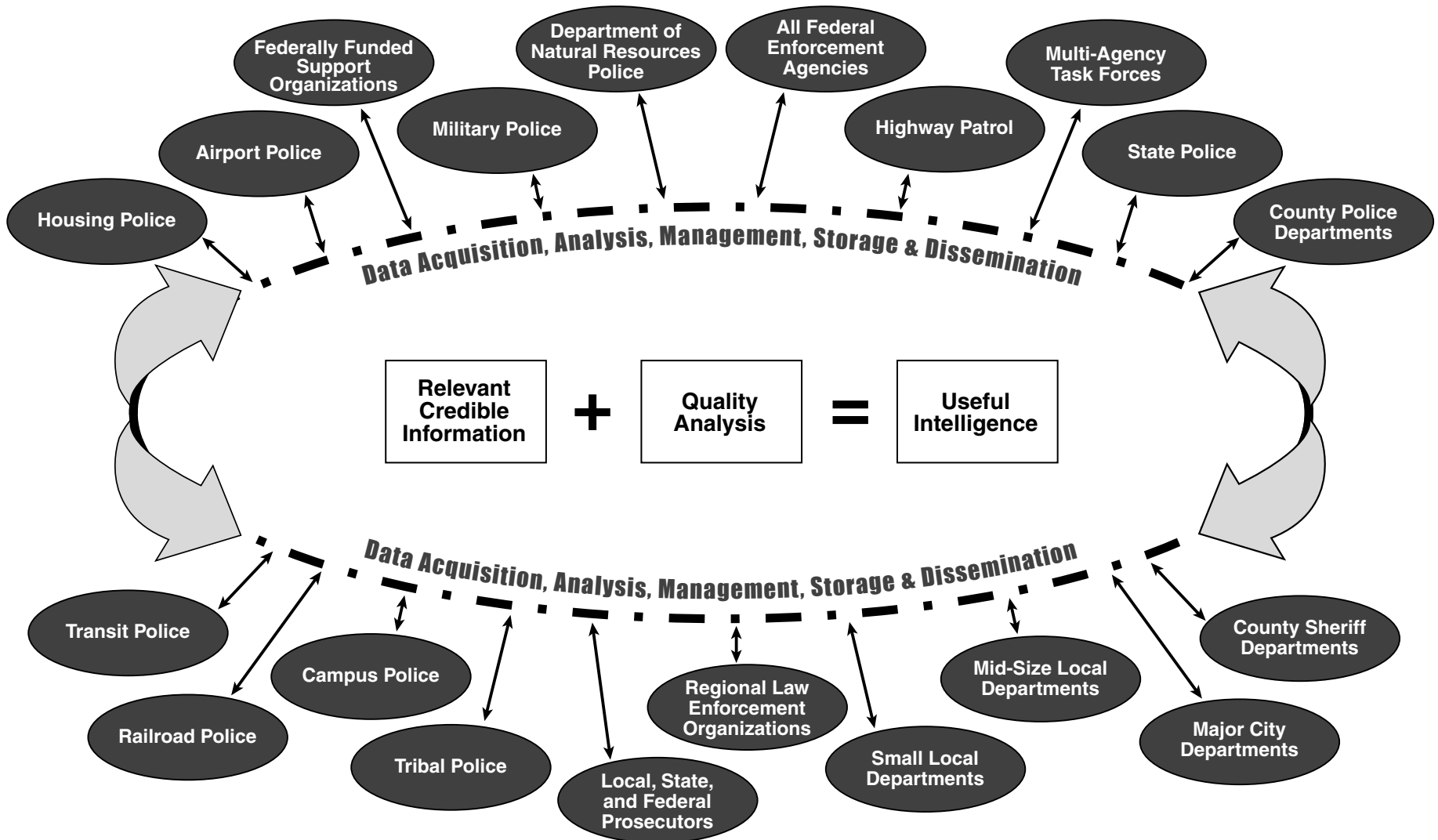
*Second*, Summit participants emphasized the necessity of a broad-based effort for improving criminal intelligence generation and sharing. That is, participants stressed that local (non-federal) law enforcement should be a driving force in the implementation of a National Intelligence Plan. The reasons for this emphasis are practical. Public safety in the United States does not depend primarily on federal agencies – it depends primarily on the action and activities of local, state and Tribal law enforcement agencies, particularly in the current community policing environment.

*Third*, Summit participants stressed the necessity of connecting federal agencies to the proposed Coordinating Council. They observed that federal agencies' connections with state and local intelligence networks are often weak, and that at least part of this problem stems from federal laws and policies that expressly prohibit intelligence sharing (which should be addressed through legislative efforts under the Plan). However, the difficulty of promoting intelligence sharing between federal and non-federal law enforcement agencies also arises from the different agencies' cultures, and the Council, through its work, outreach and operations, must find ways to combat these attitudinal barriers to intelligence coordination.

*Fourth*, Summit participants stressed that not only law enforcement personnel, but also other justice system agencies have an important role in the promotion of public safety. Summit participants cited a need to inform, for example, corrections personnel, probation and parole officers, emergency management personnel and specialized security forces of particular



# Intelligence Sharing Continuum



situation-relevant intelligence. Thus, the Council's organization ought to promote the involvement of such players.

## **Core Recommendations for Achieving the Plan**

The Summit participants supported their recommendations for a National Intelligence Plan and Criminal Intelligence Coordinating Council with a series of additional, more detailed recommendations. They are specifically intended to help the Council and its component agencies achieve the goals of the National Intelligence Plan. The participants' additional proposals are:

### **Promote Intelligence-Led Policing through a Common Understanding of Criminal Intelligence and its Usefulness**

It is difficult to enhance intelligence sharing without also having a shared understanding of what "criminal intelligence" is. Summit participants' definitions placed emphasis on the various ways that intelligence supports the policing mission. In particular, they noted that "information" is not the same thing as "intelligence." Rather, intelligence is the combination of credible information with quality analysis – information that has been evaluated and from which conclusions have been drawn. Criminal intelligence is data that can be used proactively for strategic and tactical purposes. Even fairly restrictive definitions, such as those found in the *U.S. Code of Federal Regulations*: 28 CFR Part 23 focus attention on the practical, pre-emptive uses of intelligence for improved policing.

As emphasized further in the next section, Summit participants also noted that appropriate definitions of criminal intelligence implicitly stress the protection of civil rights. Criminal intelligence is premised on circumstances that provide a reasonable suspicion that a crime has been committed or is being planned or that criminal conspiratorial activity is underway.

### **Provide the Critical Counterbalance of Civil Rights**

In any criminal intelligence gathering and sharing effort – and certainly in any *expanded* effort such as that advocated by Summit participants – the need to protect individuals' civil rights cannot be overstressed. Changes in law enforcement officers' training, internal audit capacities, periodic external reviews and statutory protections are several important means of monitoring the protection of citizens civil rights, and Summit participants recommended that they be part of the National Intelligence Plan and of the work of the Criminal Intelligence Coordinating Council.

### **Increase Opportunities for Trust Building**

Intelligence sharing cannot occur without trust between the parties sharing information. Thus, one of the central tasks of the Coordinating Council is to increase communication, strengthen relationships and help build trust between agencies and individuals in the intelligence network. Participants paid special attention to the difficulty of building trust as networks for sharing intelligence grow larger, and they suggested two strategies for overcoming this challenge. They suggested that the Council work to develop policies and procedures (such as improved security clearance methods) that could create *institutional* trust and they suggested that the Council consider creating smaller, linked intelligence sharing networks (rather than larger fully inclusive networks). Participants also cautioned against strategies that are *not* useful for trust building.

They noted that technology supports the storage and transfer of information, but it cannot stand in for trust. Similarly, they noted that funding alone (for example, for improved technology or for the Council's activities) does not result in trust building; funds must be combined with or targeted at specific activities that promote relationship building.

### **Remedy Analytic Deficits**

Some participants expressed a desire for less uncollated, non-strategic information and more targeted, evaluative summary data. Other participants noted that information retrieval too often takes the place of information sharing and, worse that some analysts operate more as information retrievers than intelligence generators. The Council and its constituent agencies (with the cooperation of organizations like the International Association of Law Enforcement Intelligence Analysts) must place a higher value on true analysis, support analyst positions and provide the opportunity for analysts to effectively engage in the intelligence mission.

### **Remedy Information Deficits**

While some Summit participants cited an overload of unanalyzed information, others despaired that they did not receive even the most basic information that would improve their capacity to promote public safety. One participant suggested that perhaps the real problem is that large agencies and known organizations are receiving all the data. The goal of the improved intelligence sharing system should be to assist both large agencies and new parties in receiving the intelligence information that will be most useful to them.

### **Address Training Issues**

There are multiple roles for training as U.S. law enforcement entities move toward a National Intelligence Plan and the development of a Criminal Intelligence Coordinating Council. Without appropriate training, *of both current and entering law enforcement personnel*, it is possible that change may be to the superstructure of the system only – and not result in changed action and behavior or the development of a new intelligence culture. Academy training and continuing education must teach about the new intelligence sharing system; emphasize that all personnel have a role in intelligence generation and sharing; serve as a means of trust building for intelligence sharing; equip relevant personnel to use new technologies for intelligence sharing; constantly underscore the importance of civil rights; and prepare intelligence managers to make sound situational decisions about when, how, what and with whom to share.

### **Address Technology Issues**

Where appropriate levels of interpersonal trust exist, technology can facilitate the exchange of intelligence data. Unfortunately, the current system is greatly disaggregated and somewhat limited in capacity by comparison to the information systems used outside law enforcement. Summit participants expressed a desire for the integration of (or the capacity to make a single query to) commonly used databases; these might include the National Law Enforcement Telecommunications System (NLETS), the Regional Information Sharing Systems (RISS), Law Enforcement Online (LEO), the Anti-Drug Network (ADNET) and the Financial Crimes Enforcement Network (FinCEN). Desirable technological updates include the capacity to employ data visualization methods and geographic information systems (GIS) for easier information analysis and communication.

Improving technology is necessary, but it comes with a host of caveats. First, careful attention must be paid to civil rights issues in all technological improvements; there are risks to keeping a large quantity of information about individuals in a single place. Fortunately, technology upgrades also offer an opportunity for improved security and better audit trails. Participants' second caveat to technology improvement is that the process is costly. Because of this, it may be appropriate for a variety of federal, regional and state agencies to have a role in the development and funding of improved or new technological capacities for intelligence gathering and sharing.

## **Next Steps**

Local, state, Tribal and Federal law enforcement agencies and the affinity organizations that serve them must move aggressively toward the implementation of intelligence-led policing. Possibilities for each type of agency and organization are listed below.

### **Local, State and Tribal Law Enforcement**

Local, state and Tribal law enforcement chief executives have one of the most pressing tasks. They must ask, "What do I do to begin to work toward the vision and strategy suggested in the Summit report? What can our agency do to capture and produce intelligence within our department and work to share that information with other departments?"

- Local, state, and Tribal law enforcement chief executives should adopt standards for managing intelligence data.
- In larger departments, the law enforcement chief executive should designate a highly trusted staff member as the agency's intelligence manager or chief intelligence officer. This individual should be responsible for the production of strategic intelligence information, sharing this intelligence with appropriate staff and other agencies, and "tasking" information gathering on topics when questions arise.
- The chief executive officers of smaller departments must work with their staffs to provide for the cross-training of all or select personnel in the intelligence mission; they must also seek ways to share intelligence resources and products with other departments, so that it is truly possible for them to practice intelligence-led policing.
- Each law enforcement chief executive should assess his or her network or connections and organizational memberships and, as necessary, improve them; agencies whose resource constraints make such networking difficult should seek support from state, regional and Federal sources.

### **Congress and Federal Agencies**

- Congress must recognize the importance of the proposed National Intelligence Plan and create legislation (including adequate appropriations) to implement the Plan in its entirety.
- Federal law enforcement agencies, bureaus and policy centers must improve their communication with local, state, Tribal and regional, agencies, through improved

participation in current systems and through cooperation in the development of the Criminal Intelligence Coordinating Council.

**Affinity Organizations, including the International Association of Chiefs of Police**

The IACP and other support organizations should:

- Work with Congress and the Executive Branch on the creation and implementation of the proposed National Intelligence Plan.
- Work with the Criminal Intelligence Coordinating Council, once it is established, to promulgate standards and guidelines for the development of intelligence functions within federal, state, local and tribal law enforcement agencies, and on the development of standards and guidelines for intelligence sharing within an improved intelligence network.
- Work with state law enforcement academies on the development of intelligence curriculum and encourage state legislatures to pass statutes requiring such training at the academies and other ongoing training opportunities.

## **I. Introduction**

On June 18, 2002, President Bush called for the creation of a Cabinet-level Department of Homeland Security, which would consolidate a variety of protective and emergency response services within one administrative structure. Motivated by the tragic events of September 11 and by revelations in the events' aftermath that underscore the importance of improved intelligence exchange between national agencies, the proposal emphasizes the United States' need of a better system for the analysis, dissemination and use of criminal intelligence data. Such improvements are critical to law enforcement and other emergency agencies' capacities to better protect the American public not only against acts of terrorism, but also against *any* criminal acts that threaten its safety.

While many recent discussions have placed the responsibility for better intelligence analysis and sharing on federal agencies, the President's proposal does not focus exclusively on the national level. In its discussion of the bill that would establish the Department, the White House stated, "The Department of Homeland Security would coordinate, simplify and, where appropriate, consolidate government relations on issues for America's state and local agencies. It would coordinate federal homeland security programs and information with state and local officials."<sup>1</sup>

This element of the President's plan is significant: non-federal agencies (local law enforcement, state police and regional law enforcement task forces) have both a great need for intelligence data and a great capacity to contribute to the process of intelligence generation. Indeed, these agencies have a need and obligation to participate in the process of intelligence gathering and sharing that is at least equal to that of national law enforcement and security agencies – as poignantly demonstrated by the fact that the September 11 perpetrators lived and trained in cities and towns across the United States long before their actions drew national and international attention.

Such observations underlay much of the discussion at the International Association of Chiefs of Police (IACP) *Criminal Intelligence Sharing Summit* held in Alexandria, Virginia, March 7-8, 2002. Law enforcement executives and intelligence experts from across the country met at the Summit to discuss issues related to the collection, analysis and dissemination of criminal intelligence. This governing statement was crafted by Summit participants and guided all policy developments at the event.

*The United States law enforcement community is universally committed to the timely and seamless exchange of terrorist and criminal information and intelligence. In light of the tragedy of September 11, it is absolutely critical that all law enforcement personnel work together to protect the nation, and we are committed to doing so.*

Discussion topics included the capacities for and barriers to intelligence sharing, the standards and guidelines that direct intelligence sharing, technology and training related to intelligence sharing, and important legal and civil rights that must guide all criminal intelligence gathering and sharing processes.

Participants concluded that there must be a focused, nationally coordinated effort that provides incentives and means for local, state, regional and federal law enforcement bodies to:

- Gather information on criminals and criminal activity within the U.S.
- Think about the information that is gathered, analyze it and turn it into useful criminal intelligence.
- Proactively look to see when, where, how and to whom this criminal intelligence can be shared and used effectively.
- Conduct this work in accordance with the rights afforded to all people by the United States Constitution.

Summit participants reached a conclusion that is complementary to and aligns itself well with the President's proposal. They advocated a criminal intelligence gathering and sharing process that focuses on better methods for sharing among non-federal agencies and includes a method for passing critical data to national entities and receiving it from them. The vision is one in which state and local agencies are not merely adjuncts to a national strategy for improved intelligence communication, but founding partners of and driving participants in any organization that helps coordinate the collection, analysis, dissemination and use of criminal intelligence data in the U.S.

Participant findings and recommendations also relied on, and aligned well with current community oriented policing (COP) efforts across the U.S. In fact, the advent, and now continuous expansion of community oriented policing in the U.S. served as an underpinning to the policy discussion and recommendations from the Summit. Over the past decade, simultaneous to federally led initiatives to improve intelligence gathering, thousands of community policing officers have been building close and productive relationships with the citizens they serve. The benefits of these relationships are directly related to information and intelligence sharing:

- COP officers have immediate and unfettered access to local, neighborhood information as it develops.
- Citizens are aware of, and seek out COP officers to provide them with new information that may be useful to criminal interdiction or long term problem solving.
- The positive nature of COP/citizen relationships promotes a continuous and reliable transfer of information from one to the other.
- Terrorism and other criminal activity by its nature (cell structure) is locally based, making neighborhoods a prime source of potentially useful information.

Participants called for a strengthening of the local component of the continuum so that information flows along a flattened continuum of all types of law enforcement agencies, versus the traditional hierarchical flow (from federal to state/local) that has proven unwieldy and at times ineffective. It is time to maximize the potential for community policing efforts to serve as a gateway of locally based information to prevent terrorism, and all other crimes, through the



timely transfer of critical information from citizens to their local police agency and then across the intelligence continuum.

This report, which is based on discussions at the *IACP Criminal Intelligence Sharing Summit*, expands upon the participants' recommendations. It begins with a background section on the Summit purpose and process, details the need for a National Intelligence Plan, defines the purpose of the Criminal Intelligence Coordinating Council, proceeds to the core recommendations that are aimed at helping the Council achieve the Plan and concludes with a list of possible next steps for local, state, and Tribal law enforcement agencies, the federal government and the IACP.

## **II. Summit Background and Purpose**

Since 1994, the IACP has held annual summits on critical issues facing law enforcement agencies and the communities they serve. Each has brought together law enforcement and community leaders, justice system decision-makers, scholars and others with diverse expertise to share information, deliberate on issues and craft recommendations and action plans. Summit themes over the years have included: *Violence in the United States, Murder in America, Youth Violence in America, Family Violence in America: Breaking the Cycle for Children Who Witness, Hate Crime in America, What Do Victims Want?, Juvenile Crime and Victimization, Improving Safety in Indian Country* and *Child Protection: Building Partnerships That Protect Our Children*.

The tragic events of September 11, 2001 were, in many senses, a stark reminder of the central role of criminal intelligence gathering and sharing to the provision of public safety. In recognition of this fact, the IACP leadership chose "Criminal Intelligence Sharing: Overcoming Barriers to Enhance Domestic Security" as the Summit topic for 2002.

### ***Summit Planning and Participation***

In collaboration with the Summit's federal funding partner, the office of Community Oriented Policing Services (COPS) within the U.S. Department of Justice, the Summit Advisory Board and 124 criminal intelligence experts from local, state, Tribal and Federal law enforcement agencies, international law enforcement bodies, national and regional intelligence gathering and analysis organizations and academia that were identified by IACP staff and invited to participate in the *Criminal Intelligence Sharing Summit*. In addition to a focus on intelligence, many participants brought additional perspectives and experience to the Summit, including, for example, investigation, community policing and technological expertise.

### ***Summit Proceedings***

The Summit approach – designed, tested and applied to all IACP summits since 1995 – created a forum for candid information exchange among participants and provided an opportunity to synthesize differing viewpoints about the ways to better generate and share criminal intelligence. The Summit began with a panel discussion during which issues related to criminal intelligence were discussed. Summit attendees were briefed on three projects that were initiated in recent years to address the problems and overcome the barriers related to the exchange of criminal intelligence. The successes and failures of these projects from the United Kingdom, the City of

New York and federal agencies involved in the counter drug effort were analyzed. Participants then separated into six breakout groups, consistent with the necessary action and policymaking areas identified by the Summit's advisors:

- *Capacities for and barriers to intelligence sharing*
- *Standards and guidelines that direct intelligence sharing*
- *Technology related to intelligence sharing*
- *Necessary training to support intelligence sharing*
- *Intersection between legal and civil rights issues*

The groups reconvened the next morning to summarize their discussions and present recommendations to the assembly. Following each presentation, summit participants were offered the opportunity to comment on, critique and refine the recommended actions. This participatory approach generated a set of consensus recommendations from leading practitioners, policymakers, researchers and scholars on how best to improve the processes of criminal intelligence sharing in the United States.

### **III. The Necessity of a National Intelligence Plan**

#### ***The Call for a Plan***

While September 11 highlighted urgency in improving the capacity of law enforcement agencies (and their partners in emergency response) to share terrorism-relevant intelligence data, participants in the *Criminal Intelligence Sharing Summit* stressed that the real need is to share *all* – not just terrorism-related – criminal intelligence. They noted that while it is a critical task, terrorism-related law enforcement is only a portion of their day-to-day public safety mission. The sharing of a broader body of crime-related intelligence could significantly improve the capacity of all law enforcement agencies to protect the public.

To meet the vital need of better criminal intelligence sharing, Summit participants called upon federal leaders to affirm the need for *all* law enforcement (local, state, federal and tribal) to join in the creation of a National Intelligence Plan. Such a Plan will:

1. Create a coordinating council comprised of local, state, Tribal and Federal law enforcement executives (The Criminal Intelligence Coordinating Council) to oversee and implement the National Intelligence Plan.
2. Address the legal impediments to the effective transfer of criminal intelligence between authorized enforcement agencies. In specific,
  - The Plan will mandate a review by the FBI, the President's National Security Advisor and the National Security Council (NSC) of all federal policies and legislation that restrict the flow of classified information.

- The Plan will direct the FBI, the President’s National Security Advisor and NSC to revise security clearance categories and classifications, with an eye to increasing the information available to local law enforcement departments for the prevention and investigation of crime in their jurisdictions.
- The Plan will create a task force comprised of justice system professionals (including representatives from the American Bar Association, American Civil Liberties Union, and other interested parties, especially other public defense and civil rights associations) to assess existing regulations and statutes to ensure a balance between the needs of law enforcement and individuals’ rights to privacy.
- The Plan will recommend legislation to allow for changes in the intelligence classification and security clearance procedures, and changes to any other statutory, regulatory, or case law impediments to improved information collection and intelligence sharing (such as those extant in the Patriot Act and *Oliphant vs. Suquamish Indian Tribe*).

### **Overcoming Barriers**

The details of the Plan and the mandate of the Council must be sufficient to overcome the substantial and, in some cases, longstanding barriers that hinder intelligence sharing. Some of the most significant obstacles stressed by Summit participants include:

- *The absence of a nationally coordinated process for intelligence generation and sharing.* While substantial information sharing is occurring in some localities (for example, in some metro areas, states and regions, and may even include strong federal connections), there is no coordinated national process, and potentially useful intelligence is never developed or is not shared. Critically, there is no recognition of the line or field officer’s role in intelligence generation and sharing, nor is there any training to help that officer to be part of the intelligence sharing systems. Thus much of the nation’s capacity for an improved intelligence generation and sharing system goes unutilized.
- *The “hierarchy” within the law enforcement and intelligence communities.* In some cases real and in others only perceived, the hierarchical organization of law enforcement and intelligence agencies (with federal agencies being at the “top” of the pyramid and local, state, county, and Tribal agencies further down) leads to organizational incentives against intelligence sharing and even anti-sharing cultures. At best, the disaggregation of activity means that managers in one agency might not imagine that others would find their intelligence data useful. At worst, the structure creates an “us” versus “them” mentality that stands in the way of productive collaboration.
- *Local, state, Tribal and Federal laws and policies that prevent sharing.* By specifying who may have access to certain kinds of information these policies and laws restrict the access of some of the very institutions and individuals who might be best able to use intelligence for the promotion of public safety. The current laws and policies that guide the classification of intelligence information and

individuals' clearance to view data are one example. Others include the elements of financial privacy acts, electronic communication policies, and fraud laws that relate to intelligence sharing. Given the important public safety outcomes that can emerge from strategic intelligence sharing, such policies can become, and often are, self-defeating.

- *The inaccessibility and/or disaggregation of technologies to support intelligence sharing.* While a variety of systems support intelligence sharing (or at least information sharing), not all relevant law enforcement agencies have access to these systems. Most operate on a membership basis, which means some agencies may find them unaffordable (a problem more evident at the local level), while others may not see the value to their organization in joining (a problem more evident at the federal level). In addition, the systems that do exist, such as the Regional Information Sharing Systems (RISS), the National Law Enforcement Telecommunications System (NLETS), the Anti-Drug Network (ADNET), and the Financial Crimes Enforcement Network (FinCEN) are not well-integrated and relatively modest in terms of their capacities and capabilities.
- *Deficits in analysis.* For a variety of reasons – including cost and budget considerations, a de-emphasis on intelligence generation at the local level, demands of the “now” that redirect analysts away from the production of strategic intelligence, and misunderstandings about the difference between intelligence and information – a lot of intelligence-relevant information is never transformed into actual intelligence data.

#### **IV. The Criminal Intelligence Coordinating Council**

The most central and enduring element of the National Intelligence Plan advocated by Summit participants is the call for a Criminal Intelligence Coordinating Council. This Council provides an ongoing solution to the identified need for a nationally coordinated, locally driven criminal intelligence generation and sharing process. Regardless of the coordination that high-profile federal agencies work out among themselves, the Council supports and develops the capacity of all agencies, federal and non-federal alike, to generate and share criminal intelligence data. With a concentration on not only terrorism-related intelligence, but also all criminal intelligence, it improves the ability of local law enforcement agencies, state police, regional law enforcement task forces, other protective agencies and federal partners to practice intelligence-based public safety protection.

##### ***The Council's Mandate***

In general terms, the Council's mandate is to promote, ensure and establish effective intelligence sharing and to address and solve, in an ongoing fashion, the problems that inhibit this sharing. In order to accomplish these tasks, the Council must be central, permanent, powerful and inclusive. The concept is similar to a precursor organization, the Counterdrug Intelligence Coordinating Group, but broader in scope and mission. In specific, the Criminal Intelligence Coordinating Council shall:

- Be chaired by a representative of local law enforcement and staffed fulltime by local, state, Tribal and Federal law enforcement personnel detailed from their respective agencies.
- Be structured in a way that allows representation from all types of law enforcement agencies, while limiting the total number to create a workable organizational unit.
- Take a lead role in developing compatible policy standards, guidelines and operating procedures for the further development and integration of existing intelligence sharing systems (including standards for the collection, analysis, dissemination, storage and purging of information); create standards for participation in the Council and coordinated system; promulgate standards and guidelines; publicize (and enforce) sanctions for the misuse of information from the coordinated system.
- Create a marketing strategy to increase stakeholder participation in the intelligence sharing process and conduct public education to promote acceptance of the system overall.
- Create a funding plan to ensure that the National Intelligence Plan is adequately funded.
- Establish national level criminal intelligence analytical operation standards, methods and training to complement local, regional and federal efforts and aid in the assessment of threats and supporting law enforcement courses of actions against community crimes and national security concerns.
- Work with local, state, Tribal and Federal training academies and other training providers to make curriculum changes in support of the new intelligence sharing goals; utilize available resources, and where necessary, seek new resources for the delivery of this training.
- Work with states, localities and Tribes in eliminating barriers in laws and policies that limit intelligence sharing.

### ***Participants in the Coordinating Council***

A variety of law enforcement and protective services organizations already engage in substantial information sharing. These organizations and agencies are critical founding participants in the national Coordinating Council. In other words, the Council will work best if it can engage the best efforts already underway. Rather than replicating such efforts, the Council should seek to connect them, strengthen them (which might include helping the various organizations focus on their comparative advantages<sup>2</sup> and promoting the exchange of intelligence), support their expansion as necessary and then fill *other* gaps in the current system. Possible founding participant organizations may include<sup>3</sup>:

- *The Regional Information Sharing Systems (RISS) and its technical assistance provider, the Institute for Intergovernmental Research (IIR).* RISS is composed of six regional centers that share intelligence and coordinate efforts against criminal networks that operate across jurisdictional lines. Each of the centers

determines a range of services to offer members and selects its own target crimes (drug trafficking, terrorism, violent crime, cybercrime, gang activity and organized criminal activities are typical targets). RISS serves almost 6,000 member law enforcement agencies in 50 states, the District of Columbia, Guam, Puerto Rico, the U.S. Virgin Islands, 9 Canadian provinces, Australia, and England; the vast majority of member agencies are at the municipal and county levels, but the membership also includes more than 300 state agencies and over 700 federal agencies (for example, the Drug Enforcement Administration, Federal Bureau of Investigation, Internal Revenue Service, Secret Service, Customs Service and Bureau of Alcohol, Tobacco and Firearms). RISS is funded by the U.S. Department of Justice, Bureau of Justice Assistance.<sup>4</sup>

The Institute for Intergovernmental Research is a research and training organization specializing in law enforcement, juvenile justice and criminal justice issues. The Institute provides local, state and federal law enforcement agencies with the hands-on help needed to implement changes that promote greater governmental effectiveness. IIR offers extensive project experience and staff capabilities in assessing the performance of operational, management and administrative systems and procedures of governmental agencies, and in providing policy research and technical training. The organization provides technical assistance and training support to the six RISS centers under a federal grant.<sup>5</sup>

- *The High Intensity Drug Trafficking Area (HIDTA) Investigative Support Centers (ISCs)*. Information gleaned from the collection, evaluation, analysis and synthesis of intelligence must be shared in order to reduce the production, transportation, distribution and use of drugs. Thus, the HIDTA ISCs create a communication infrastructure, facilitating information collection and analysis, intelligence dissemination and sharing between federal, state and local law enforcement agencies engaged in drug crime interdiction. Technical and strategic support to HIDTA initiatives, are the centerpieces of the ISC program. The ISCs services help promote officer safety, improve the operation of drug task forces and target drug organizations and operations. A state or local and a federal law enforcement agency jointly manage the ISCs.<sup>6</sup>
- *The Law Enforcement Intelligence Unit (LEIU)*. LEIU is a network of intelligence specialists from non-federal law enforcement agencies nationwide that promotes the gathering, recording and exchange of criminal intelligence. Originally focused on organized crime, LEIU has expanded its mission to include a broader range of criminal activity that crosses jurisdictional boundaries. Its aim is to be a national network of law enforcement personnel that remains small enough to instill trust between members but large enough to combat multi-jurisdictional crime problems.<sup>7</sup>
- *State Law Enforcement Intelligence Networks (LEINs)*. LEINs are similar to LEIU, but operate at the state level (although they do not exist in every state). The networks connect relevant intelligence, law enforcement and other protective services officers in a trust-based group who can rely on each other for the

transmission of critical strategic intelligence for a region, state, or locality. For example, one state LEIN cites criminal mobility as a primary reason for its existence: “Because those engaged in illegal activities enjoy a high degree of mobility, it has become virtually impossible for individual local, county or state agencies to monitor them without the resources provided by LEIN. This intelligence network offers the best prospect for early detection and prevention.”<sup>8</sup> Another state LEIN describes its operations as follows: “LEIN serves as a mechanism for the statewide collection and exchange of criminal intelligence information. LEIN members submit information reports to the Department’s Intelligence Bureau, which in turn disseminates the information to participating agencies throughout the state. These agencies then use the information to identify and evaluate criminal activity in their area.”<sup>9</sup>

- *The International Association of Law Enforcement Intelligence Analysts (IALEIA)*. IALEIA’s “aim is to enhance general understanding of the role of intelligence analysis, encourage the recognition of intelligence analysis as a professional endeavor, develop international qualification and competence standards, reinforce professional concepts, devise training standards and curricula, furnish advisory and related services on intelligence analysis matters, conduct analytic-related research studies and provide the ability to disseminate information regarding analytical techniques and methods.”<sup>10</sup>
- *International bodies that track criminals and share information about trans-border crime problems*. Although there are others, the best example is Interpol and its Analytical Criminal Intelligence Unit. Interpol is an intergovernmental organization that facilitates and develops international law enforcement cooperation. Focusing on sectors such as offenses against persons and property, offenses involving cultural property, economic and financial fraud, and drug-trafficking and related offenses, Interpol collects and disseminates criminal and crime-related information to its 179 member countries via a highly secure system. The agency adds value to the extensive amount of criminal information it collects through the work of the Analytical Criminal Intelligence Unit, which produces criminal intelligence analysis reports and products for distribution to member countries.<sup>11</sup> Because of America’s standing as a world power, there are many connections between the country’s domestic crime problems and international concerns – which makes such international connections vital. (The IACP’s International Policy Committee may be instrumental in drawing additional international agencies and organizations into the work of the Coordinating Council.)
- *States’ and Major Cities’ Law Enforcement Intelligence Divisions*. While not all law enforcement agencies serving states and major urban areas have designated intelligence units, those that do are crucial founding partners in the Council. Their experience and operation provide useful templates and linkages for other agencies. Where such units do not exist, the Council should to encourage their development.

- *Smaller Law Enforcement Agencies.* In addition to engaging existing networks and intelligence sharing organizations, the Criminal Intelligence Coordinating Council must find a way to include the many smaller local departments across the U.S. Nearly 10,500, or 77%, of the 13,500 law enforcement agencies serving U.S. states, counties, cities and towns have 24 or fewer sworn officers<sup>12</sup>, these agencies do not have staff dedicated to intelligence functions. Despite their limited resources, it is no less critical that such departments – which constitute the *majority* of the police departments in the United States – participate in intelligence generation and sharing and practice intelligence-led policing. The Council must create models for their involvement and provide resources as necessary for their participation. One possibility is for the Council to help fund and then engage statewide networks of local law enforcement agencies, so that each state network can act as a focal point and support center for intelligence sharing at the local level. As noted immediately below, securing and facilitating the involvement of local agencies in the intelligence mission is one of the most important organizational considerations for the Council as it moves forward. Local agencies of all sizes and types must have a viable role in both developing and accessing intelligence data.

Given the number of potential Council participants, decisions will need to be made on limiting the total number of council members to ensure that the organization can be effective in its work.

### ***Organizational Considerations for the Coordinating Council***

While Summit participants did not make specific organizational recommendations for the Criminal Intelligence Coordinating Council, they did raise several general organizational considerations.

*First*, they stressed the importance of creating an organization in which relevant data can flow appropriately to all parties that need it. Participants offered several images of this flow. For example, they suggested that rather than seeing intelligence transmission as occurring “up” and “down” a ladder, the ladder should be turned on its side, so that all law enforcement and protective services entities have access to and equal status with respect to the flow of intelligence information. Another image is that of the hub, spokes and rim of a wheel, in which intelligence information flows among and between nodes in the network. A well-developed network would link many hubs, allowing intelligence data to flow from hub to hub, and from there, along the spokes to the appropriate local nodes. In this image, managers of intelligence data have a pivotal role: they must ensure that individuals without direct links to each other are still able to appropriately share intelligence and support each other.

*Second*, Summit participants emphasized the necessity of a broad-based effort for improving criminal intelligence generation and sharing. Apart from the reference to state and local entities in the President’s proposal for a Department of Homeland Security, much of the current national focus is on improving federal coordination mechanisms. While such improvements are welcome, that progress probably cannot be (and should not be) the centerpiece of improved intelligence communication. Instead, Summit participants stressed that local law enforcement



(non-federal officers) should be a driving force in the implementation of a National Intelligence Plan.

The reasons for this emphasis are practical. Public safety in the United States does not depend primarily on federal agencies – it depends primarily on the action and activities of local, state and tribal protective services agencies. To the extent that non-federal law enforcement officers are engaged in problem-oriented, intelligence-led policing, they have a vital need for intelligence and a crucial opportunity to contribute to the intelligence generation process. Indeed, given the 436,000-plus<sup>13</sup> patrol and investigative officers at the local level, there is a capacity advantage in engaging them in the intelligence mission – community police are an underutilized resource when it comes to the collection, analysis and use of intelligence-relevant information. In sum, if “officers on the street” are the first focus of a strategy to improve intelligence sharing, and that strategy stresses line officers’ roles with respect to other stakeholders and in “the big picture” (they are reporters of intelligence-relevant information, critical links in the information analysis chain and important consumers of intelligence data), it should be possible to substantially increase intelligence sharing and improve public safety.

*Third*, while Summit participants downplayed the role of federal agencies as the exclusive leaders in the process of improving criminal intelligence sharing, they nonetheless stressed the necessity of connecting federal agencies to the proposed Coordinating Council. They observed that, already, federal agencies do not plug into current systems on a consistent basis, and many of the connections that do exist are sporadic and non-institutionalized. For instance, one locally based FBI agent may encourage his office to join RISS or have a positive experience working with local officers that leads to broader intelligence sharing while another officer in another city may have the opposite view.

Part of this problem stems from federal laws and policies that expressly prohibit intelligence sharing – which justifies the legislative mandates of the National Intelligence Plan detailed above. Without compromising the reasons for such laws and policies, it should still be possible for non-federal agencies to receive information relevant to *their* missions that emerges from federal intelligence gathering efforts. For example, federal parties ought (to be able) to pass criminal intelligence information that surfaces during counter-intelligence activities or counter-terrorism investigations to state, local and tribal police as appropriate.

The difficulty of promoting intelligence sharing between federal and non-federal law enforcement agencies also arises from what might be called the culture of the institutions. Local law enforcement officers have expressed dissatisfaction with the way they are viewed by federal officers, a view that only seems to find support in recent, public statements by federal agency representatives calling for traditionally federally led anti-terrorism and intelligence approaches. From the other perspective, federal officers may be dissatisfied with the way they and their mission are viewed by local officers. For example, they may sense that local officers have not been trained to think about the broader implications of locally generated intelligence information or that local agencies begrudge the involvement of federal agencies. The Council, through its work, outreach and operations, must find ways to combat these attitudinal and cultural barriers to intelligence coordination.

*Fourth*, Summit participants stressed that not only law enforcement personnel, but also other protective services agencies have an important role in the promotion of public safety. An improved intelligence sharing system must allow for appropriate flexibility in these actors' access to intelligence. That is, law enforcement-based repositories of intelligence must have the flexibility to share (in a situation-appropriate manner) with other players. For instance, a state's emergency management director may not be cleared for access to certain intelligence that affects his ability to do the job; knowledgeable local enforcement personnel should be allowed to share with that director on a situation-to-situation basis. In addition to emergency management personnel, Summit participants cited a need to inform corrections personnel, probation and parole officers and specialized security forces (such as the Utah security force created for the 2002 Winter Olympics) of particular situation-relevant intelligence. Thus, the Council's organization and membership ought to reflect a commitment to public safety-relevant intelligence sharing and, through its work, promote the involvement of all relevant parties (the development of model policies is one possibility).

## **V. Core Recommendations to Achieving the Plan**

The Summit participants supported their recommendations for a National Intelligence Plan and Criminal Intelligence Coordinating Council with a series of additional recommendations, which are specifically intended to help the Council and its component agencies achieve the goals of the National Intelligence Plan. This section lists the participants' critical suggestions and proposals.

### ***Promote Intelligence-Led Policing through a Common Understanding of Criminal Intelligence and its Usefulness***

It is difficult to enhance intelligence sharing without also having a shared understanding of what "criminal intelligence" is. Summit participants stressed the following definitions:

- The IACP National Law Enforcement Policy Center defines criminal intelligence as "information compiled, analyzed and/or disseminated in an effort to anticipate, prevent or monitor criminal activity."<sup>14</sup> It may be "strategic" (provide general guidance on emerging patterns and trends) or "tactical" (focused on a specific criminal event). Notably, it is distinct from "counterintelligence" (which is not motivated by the occurrence of criminal activity but, rather, by the need to investigate espionage, sedition, subversion, etc., related to national security concerns).<sup>15</sup>
- The CIA's Sherman Kent School for Intelligence Analysis stresses a slightly different categorical breakdown. "Background intelligence" describes the general "lay of the land," for instance, it might describe a population and recent changes in its demographics; "current reportorial intelligence" describes important current events, or what has happened to a particular person or in terms of a particular problem in the last few days; "evaluative intelligence" is an analyst's informed guess about what might soon happen and what the users of intelligence should be looking for.
- "Information" is not the same thing as "intelligence." Rather, intelligence is the combination of credible information with quality analysis. As one expert has

argued, “Information (consists of) scattered bits of data,” whereas intelligence is “information that has been filtered, distilled and analyzed ... (it is) something that can be acted upon ... (it is) what managers need to make decisions.”<sup>16</sup> By implication, intelligence sharing requires law enforcement agencies to first conduct and then share *analysis*. Indeed, the process of intelligence generation and sharing has multiple stages: law enforcement and other collaborating agencies must be able to plan, gather, collate, analyze, manage, disseminate and then use intelligence data.

- Intelligence is not equivalent to arrest-driven investigation, which is by nature reactive and focused more on incidents than problem or threat assessments. In other words, the concept of proactive, intelligence-led policing defines intelligence by stressing that intelligence is “a guide to operations rather than the reverse.”<sup>17</sup>
- Some state and federal laws provide legal definitions of intelligence. One of the most common legal citations is to the *U.S. Code of Federal Regulations*: 28 CFR 23.3(b)(3) states that criminal intelligence information that can be put into a criminal intelligence sharing system is “information relevant to the identification of and the criminal activity engaged in by an individual who or organization which is reasonably suspected of involvement in criminal activity, and ... (m)eets criminal intelligence system submission criteria.” Further, 28 CFR 23.20(a) states that a system shall only collect information on an individual if “there is reasonable suspicion that the individual is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity.” Significantly, these legal notions of intelligence information are relatively narrow and not always commensurate with the practice-oriented definitions above, a fact that can be confounding to intelligence analysts and law enforcement officials.

While the forgoing definitions are not entirely equivalent, they overlap in two important respects, both of which result in improved policing and the better protection of public safety.

*First*, all of the definitions cited by Summit participants place emphasis on the various ways that criminal intelligence supports the policing mission; implicitly and explicitly, they all embrace the practice of intelligence-led policing. Notably, it is precisely those approaches to policing that rely on intelligence to guide operations (including, for example, “pro-active policing,” “problem-oriented policing,” “zero tolerance policing,” and “target-driven policing”) that have proven highly successful in addressing communities’ crime and public safety concerns,<sup>18</sup> a finding which underlines the importance of intelligence sharing.

*Second*, the definitions all highlight the fact that the creation of criminal intelligence is premised on circumstances that provide a reasonable suspicion that a crime has been committed or is being planned. A sound guiding principle in the collection of criminal intelligence is: “to ensure civil rights, investigative techniques shall be lawful and only as intrusive as necessary to gather sufficient information to prevent the criminal act and/or identify and prosecute violators.”<sup>19</sup>

### ***Provide the Critical Counterbalance of Civil Rights***

In any criminal intelligence gathering and sharing effort – and certainly in any *expanded* effort such as that advocated by Summit participants – the need to protect individuals’ civil rights cannot be overstressed. The fairly recent accusations of civil rights violations by the law enforcement agencies of several major U.S. cities<sup>20</sup> underscore the necessity of paying ongoing and vigilant attention to individual Constitutional rights (such as the right to privacy) as efforts to gather and share criminal intelligence intensify. Dangers abound when law enforcement agencies collect information in a targeted way, and the Plan and Council must create ways to be ever mindful of this.

Changes in law enforcement officers’ training, internal audit capacities, periodic reviews, etc., are important means of monitoring the protection of citizens civil rights, and Summit participants recommended that the changes be part of the National Intelligence Plan and of the work of the Criminal Intelligence Coordinating Council. In particular, they recommend that the Plan include the creation of a task force comprised of justice system professionals (including representatives from the American Bar Association, American Civil Liberties Union and other interested parties, especially other public defense and civil rights associations) to assess existing regulations and statutes to ensure a balance between the needs of law enforcement and individuals’ civil rights.

### ***Increase Opportunities for Trust Building***

Intelligence sharing cannot occur without trust between the parties sharing information. Indeed, this maxim is a foundation of many of the existing networks for intelligence sharing, such as the state LEINs and the LEIU. Trust eases the natural communication barriers that exist between the members of different departments, different disciplines (for example, between investigators and patrol officers or between technology experts and department administrators) and different protective services agencies (for example, between federal investigators and county sheriffs). Trust building can be an important part of the cultural change that must occur in order to achieve improved intelligence sharing. One of the central tasks of the Coordinating Council is to find ways to increase interpersonal communication, strengthen relationships and, thus, help build trust between agencies and individuals in the system.

Summit participants acknowledged the inherent contradiction in this goal – that improved intelligence sharing increases the size of networks, and as networks grow, it is harder for individuals in the network to develop personal trust and share information. Two strategies were suggested to overcome this challenge. First, participants suggested that the Council work to develop policies and procedures (such as improved security clearance methods) that could create *institutional* trust and second, that the Council consider creating smaller, linked networks rather than larger fully inclusive networks for intelligence sharing (again, the idea of hub-to-hub and hub-to-spoke communication).

At the same time, Summit participants cautioned that certain other strategies were *not* useful for trust building. In particular, they noted that technology supports the storage and transfer of information, but it cannot stand in for trust. That is, even highly technologically capable systems for intelligence sharing require the trust of those holding intelligence data. Individuals with information must be able to trust the system (that it cannot be inappropriately breached) and the system’s users (that they will not inappropriately share data) before they will use it as a sharing

tool for the data they hold. Similarly, funding alone (for example, for improved technology or for the Council's activities generally) does not result in the trust building necessary for intelligence data sharing; such funds must be combined with or targeted at specific activities that promote relationship building. Alongside trust building, participants supported strengthening security practices to protect law enforcement sensitive intelligence data as it becomes more widely shared.

### **Remedy Analytic Deficits**

Two criticisms of the current systems for intelligence sharing signaled that too little intelligence analysis may be occurring. Some participants noted that they feel deluged by "information" but that they receive very little "intelligence." In other words, they receive far too much uncollated, unanalyzed information and not enough well-specified, strategic and action-oriented intelligence data. Their desire is for concise, targeted, evaluative summary data, and they expressed a particular interest in intelligence-based assessments of threats to and vulnerabilities in their jurisdictions. In a related vein, other participants noted that information retrieval too often takes the place of intelligence sharing and, worse, that some analysts in the system are merely serving as information retrievers rather than intelligence generators. Summit participants stressed that not only the Council, but all law enforcement agencies must place a higher value on true analysis, support analyst positions and provide the opportunity for analysts to truly engage in the intelligence mission. Certainly, there is a critical training and outreach role for organizations like the International Association of Law Enforcement Intelligence Analysts in this effort.

### **Remedy Information Deficits**

At the same time that some Summit participants cited an overload of information, others despaired that they did not receive even the most basic information from other agencies that would improve their capacity to promote public safety. Examples of the kinds of information that some state, county, city and tribal Summit participants expressed a need to include are: identities of terrorists, suspected terrorists and those engaged in activities in support of terrorism; names, locations and other significant information about terrorist groups operating in a given jurisdiction; and methods of operations of major terrorists and terrorist organizations.

Clearly, any system improvement must be capable of increasing not only intelligence sharing, but also information sharing for those agencies that need it. As one participant suggested, perhaps the real problem is that the large agencies and known organizations are receiving all the data, and that the goal of the improved system directed by the Coordinating Council should be to assist both these larger agencies and new parties in receiving the intelligence data and information that will be most useful to them.

### **Address Training Issues**

There are multiple roles for training as U.S. law enforcement entities move toward a National Intelligence Plan and the development of a Criminal Intelligence Coordinating Council. Without appropriate training, *for both current and entering law enforcement personnel*, it is possible that change may be to the superstructure of the system only – and not result in changed action and behavior or the development of a new "culture."

Participants in the IACP Criminal Intelligence Sharing Summit stressed that law enforcement officers' academy training and continuing education must:

- Inform officers on common definitions of intelligence and proper use of analysis.
- Teach about the new intelligence sharing system.
- Emphasize that all personnel (regardless of exact job description) have a role in intelligence generation and sharing.
- Serve as a means of trust building for intelligence sharing.
- Equip relevant personnel to use new technologies that complement or facilitate intelligence sharing.
- Constantly and consistently underscore the importance of civil rights and Constitutional protections in a world where more people may be authorized to know private things about others.
- Prepare intelligence sharers, especially intelligence managers, to make sound situational decisions about when, how, what and with whom to share. (Improved intelligence sharing makes more and more appropriate information available to more people, but in a manner that respects individual privacy, security standards and law enforcement providers' need to know. Responsibility for these difficult tasks rests predominantly with intelligence managers at the hubs of the system, and thus, their training deserves particular attention).

Notably, the latter two training goals promote the notion of training as monitoring. That is, by including these ideas in academy and continuing education curricula, law enforcement personnel have the opportunity and knowledge to evaluate their agencies' decision making and actions, and hold themselves and their colleagues more accountable.

To improve intelligence training in a fast, effective manner and reach beyond academy resources, it will be important to take advantage of existing executive police training mechanisms as well. The Regional Community Policing Institutes (RCPIs) created by the COPS Office to promote community policing training regionally across the U.S. are an excellent example.

The national network of RCPIs across the U.S. has provided community policing training to over 175,000 officers and citizens across the country. Each RCPI represents a partnership among a local law enforcement agency, an education institution, and a community group. A next step in training on intelligence sharing is to have RCPIs build the fundamental recommendations of the summit report into their training curriculum. IACP plans to work closely with the COPS Office and RCPIs to bring this to fruition, translating summit recommendations into training curriculum elements.

### ***Address Technology Issues***

While heeding the warning that technology cannot substitute for intelligence sharing, where appropriate levels of interpersonal trust exist, technology can facilitate the exchange of intelligence data. Unfortunately, the current system is greatly disaggregated and somewhat

limited by comparison to the information management technologies used outside law enforcement.

System elements that would be useful to better integrate include:<sup>21</sup>

- *The National Crime Information Center (NCIC) and the National Law Enforcement Telecommunications System (NLETS)*. NLETS is a communication backbone that provides access to state government agency databases. Together, NCIC and NLETS provide information on wanted and missing persons, lost and stolen property, motor vehicle information, etc.<sup>22</sup>
- *The Regional Information Sharing Systems (RISS)*. The six regional RISS databases and five other intelligence systems are accessible from a single query through each RISS database. Additionally, many HIDTAs, State Intelligence Databases, LEIU and the nationwide Clandestine Laboratory Seizure System (housed at the El Paso Intelligence Center) are available on the riss.net secure Intranet. RISS also has a cadre of trained analysts available to assist member agencies on a request basis.
- *Law Enforcement Online (LEO)*. LEO is a generalized source of law enforcement intelligence compiled from many sources and can be subscribed to by law enforcement personnel at no cost. It functions as an information repository, but also features interactive chat groups, electronic calendars and e-mail options, all of which additionally support intelligence exchange.<sup>23</sup>
- *The Anti-Drug Network (ADNETU)*. ADNETU supports collaboration among individuals and organizations operating in the counternarcotics arena. It allows these organizations to link drug-related pieces of information using real-time secure communications, data sharing and data analysis.<sup>24</sup>
- *The Financial Crimes Enforcement Network (FinCEN)*. FinCEN controls more than 150 million reports filed under the Bank Secrecy Act and similar laws and provides these reports to federal, state and local law enforcement via an electronic gateway. Access to this information supports the detection, investigation and prosecution of domestic and international money laundering and other financial crimes.<sup>25</sup>

In addition to – or part of – the integration of these databases, desirable technological updates include the capacity for single query access to multiple databases and the capacity to employ data visualization methods and geographic information systems (GIS) for easier information analysis and communication.

Improving technology is necessary, but it comes with a host of caveats. First, careful attention must be paid to civil rights issues in all technological improvements. In particular, there are risks to keeping a large quantity of information about individuals in a single place. From a civil rights perspective, there may be an advantage in avoiding substantial integration of intelligence databases and, instead, making it easier for authorized individuals to search multiple data sources. Similarly, the process of database integration is closely linked to the process of revising data classifications and expanding security clearances. When combining the information from

multiple databases, careful attention must be paid to the clearance level of the individual accessing data; the integration technology must be capable of stripping data of certain characteristics, if necessary. In other words, privacy, security and technological improvements are related problems. Given software improvements, however, Summit participants stressed that technology upgrades also offer an opportunity for improved security. Upgrades can incorporate capacities to audit a trail of inquiries, so that the technology can help monitor the use of intelligence.

The Summit participants' second caveat to technology improvement is that the process is costly. Means must be found to integrate existing systems or transfer data from those systems to new data management programs. Methods and programs must be developed that aid in the use of data visualization and GIS, and train officers and analysts to use these programs. All relevant agencies must also be provided with access to these systems. Participants cited the Office of Justice Programs, the Counter Drug Technology Assessment Center within the Office of National Drug Control Policy and National Law Enforcement and Corrections Technology Centers, among others, as agencies having potential roles in the development and funding of improved or new capacities for intelligence gathering and sharing.

## **VI. Next Steps**

Local, state, Tribal and Federal law enforcement agencies and the affinity organizations that serve them must move aggressively toward the implementation of intelligence-led policing. This section begins to answer the action question that law enforcement chief executives and potential participant organizations in the Criminal Intelligence Coordinating Council should be asking: "What should our department or organization do *today* to begin working toward the goals of the proposed National Intelligence Plan?"

### ***Local, State, and Tribal Law Enforcement***

Local, state and Tribal law enforcement chief executives have one of the most pressing tasks. They must ask, "What should I do to begin to work toward the vision and strategy suggested in the Summit report? What can our agency do to capture and produce intelligence within our department and work to share that information with other departments?" The recommendations and findings of the IACP Criminal Intelligence Sharing Summit suggest these actions:<sup>26</sup>

1. In large enough departments, the law enforcement chief executive should designate a highly trusted staff member as the agency's intelligence manager or "Chief Intelligence Officer" (CIO), who can take responsibility for the intelligence function within the agency. The CIO and his staff should be responsible for:
  - The production of evaluative, strategic and tactical intelligence information, which answers the question, "What does this tell us we might need to do?" This output ought to include the creation of a specific evaluative/strategic/tactical intelligence product for the agency. For example, some large cities' police departments create weekly "homeland security reports," which contain information about current happenings; incidents,



events and trends about which law enforcement personnel should be concerned; FBI alerts; and a paragraph suggesting “the way ahead,” or the kinds of things the departments’ intelligence analysts anticipate happening. Such documents force local law enforcement to be forward thinking and engage in intelligence-led policing.

- Communicating or sharing this intelligence with appropriate staff and other agencies.
  - “Tasking” information gathering when there are uncertainties about “what’s going on” or what certain unfiltered pieces of information might really mean.
2. The chief executive officers of smaller departments must work with their staffs to provide for the cross-training of all or select personnel in the intelligence mission. In some departments, this may mean cross-training a crime analyst to additionally serve as an intelligence analyst. These departments must also seek ways to collaborate with larger departments that have a formal intelligence function or with nearby departments of similar size, to share intelligence resources and products, so that it is truly possible for them to practice intelligence-led policing.
  3. Each law enforcement chief executive should assess his or her network of connections and organizational memberships and, as necessary, improve them. For some agencies, this means gaining access to NLETS; for others, it might mean joining RISS, participating in a state LEIN or linking up with another state-level law enforcement network. Agencies whose resource constraints make such networking difficult should seek support from state, regional and federal sources.
  4. State and local law enforcement chief executives should adopt standards for managing an intelligence unit and, more basically, intelligence data. Prior to the promulgation of model standards and guidelines by the Criminal Intelligence Coordinating Council, agencies might rely on standards such as those promoted by LEIU and IACP.

### ***Congress and Federal Agencies***

Congress must recognize the importance of the proposed National Intelligence Plan and create legislation to implement the Plan in its entirety. This particularly includes expanding the vision for non-federal agencies’ participation in an improved criminal intelligence data sharing system. Funding should be provided to increase local, state and Tribal agencies’ resources for the collection, analysis, dissemination and use of intelligence data; to state law enforcement and related academies for curricular changes; and to federal agencies, bureaus and policy centers that can play a critical role in enhancing the participation of non-federal agencies in intelligence sharing.

Federal law enforcement agencies, bureaus and policy centers must themselves take steps to improve their communication with the local, state, Tribal and regional agencies, through improved participation in current systems and through cooperation in the development of the Criminal Intelligence Coordinating Council. For example, individual officers in regional or state

bureaus should increase their efforts to reach out to state, local and tribal agencies, and perhaps especially to those without strong internal intelligence analysis and dissemination capacities.

***Affinity Organizations, including the International Association of Chiefs of Police***

Organizations such as the IACP, given the breadth of their interests and capabilities, have a variety of important roles in the improvement of criminal intelligence sharing and the promotion of the National Intelligence Plan. For example, the IACP (and like entities) should:

- Work with Congress and the Executive Branch on the creation and implementation of the proposed National Intelligence Plan.
- Work with the Criminal Intelligence Coordinating Council, once it is established, to promulgate standards and guidelines for the development of intelligence functions within state, local and tribal law enforcement agencies, and on the development of standards and guidelines for intelligence sharing within the improved system.
- Work with state law enforcement academies on the development of intelligence curricula and encourage state legislatures to pass statutes requiring such training at the academies.
- Work with larger, major city police departments to support their ongoing intelligence efforts, and provide opportunities for these agencies to share intelligence gathering and analysis techniques with one another.
- Work with smaller police agencies (particularly those with fewer than 25 officers) to help them create intelligence gathering and analysis opportunities within their departments relying on existing resources rather than unrealistic staff additions.

## Endnotes

<sup>1</sup> [www.whitehouse.gov/deptofhomeland/sect7.html](http://www.whitehouse.gov/deptofhomeland/sect7.html)

<sup>2</sup> For example, RISS's comparative advantage (strength) may be as a database manager, whereas LEIU's comparative advantage (strength) may be as a personnel "vetting" organization.

<sup>3</sup> This list is not intended to be comprehensive, as there are many agencies and organizations committed to the collection and dissemination of criminal intelligence information. Additions to the list might include the four national High Intensity Financial Crime Areas (HIFCAs), the National Drug Intelligence Center (NDIC), the El Paso Intelligence Center (EPIC) and the Financial Crimes Enforcement Network (FinCEN). Brief descriptions of these organizations can be found in Marilyn Peterson, "Networks, Organizations and Resources," Chapter 14 in Marilyn Peterson, Bob Morehouse and Richard Wright (eds.), *Intelligence 2000: Revising the Basic Elements* (Sacramento, CA: Law Enforcement Intelligence Unit and Lawrenceville, NJ: International Association of Law Enforcement Intelligence Analysts, 2000), pp. 193-199.

<sup>4</sup> See [www.iir.com/RISS/](http://www.iir.com/RISS/)

<sup>5</sup> See [www.iir.com/missions.htm](http://www.iir.com/missions.htm)

<sup>6</sup> See [www.whitehousedrugpolicy.gov/hidta/overview.html](http://www.whitehousedrugpolicy.gov/hidta/overview.html)

<sup>7</sup> See Marilyn Peterson, "Networks, Organizations and Resource," op cit., p. 197.

<sup>8</sup> [www.geocities.com/Heartland/Meadows/6906/](http://www.geocities.com/Heartland/Meadows/6906/)

<sup>9</sup> [www.state.ia.us/government/dps/intell/lein/main.htm](http://www.state.ia.us/government/dps/intell/lein/main.htm)

<sup>10</sup> [www.ialeia.org/about.html](http://www.ialeia.org/about.html)

<sup>11</sup> See [www.interpol.int/Public/cia/default.asp](http://www.interpol.int/Public/cia/default.asp)

<sup>12</sup> Matthew Hickman and Brian Reaves, "Local Police Departments 1999," Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, Washington, DC, May 1999, p. 2.

<sup>13</sup> Ibid.

<sup>14</sup> IACP National Law Enforcement Policy Center, "Criminal Intelligence: Concepts and Issues Paper," International Association of Chiefs of Police, Alexandria, VA, October 1998, p. 3.

<sup>15</sup> Ibid, paraphrased. This paper also provides further explanation and examples of these terms.

<sup>16</sup> Larry Kahaner, *Competitive Intelligence: How to Gather, Analyze and Use Information to Move Your Business to the Top* (New York, NY: Simon and Schuster, Touchstone, 1997), pp. 20-21.

<sup>17</sup> R. Anderson, "Intelligence-Led Policing: A British Perspective," in *Intelligence-Led Policing* (Lawrenceville, NJ: International Association of Law Enforcement Intelligence Analysts, 1997), p. 1.

<sup>18</sup> Further discussion of intelligence-led policing can be found in Howard N. Atkin, "Intelligence-Led Policing," in Chapter 2, "Applications of Intelligence," in Marilyn Peterson, Bob Morehouse and Richard Wright (eds.), *Intelligence 2000*, op cit., pp. 13-21.

<sup>19</sup> Legal, Privacy and Civil Rights Issues Breakout Group, "Final Presentation Slides," IACP Criminal Intelligence Sharing Summit, Alexandria, VA, March 7-8, 2002.

<sup>20</sup> For example, in the wake of protests against the World Trade Organization in Seattle in 1999, many police departments moved aggressively against protest groups *before* planned protest in their own cities. (John Barry, "Have the Police Been Cracking Down Too Hard on Political Protestors?" *Speakout.com*, June 15, 2000. [speakout.com/activism/issue\\_briefs/1368b-1.html](http://speakout.com/activism/issue_briefs/1368b-1.html))

<sup>21</sup> Like the list of proposed founding participants in the Criminal Intelligence Coordinating Council, this is not intended to be a comprehensive list, although it perhaps includes the most important data systems on which technological integration should concentrate. A variety of additional federal and non-federal systems might be included (such as Immigration and Naturalization data, Customs Service data, etc.) at the outset or as the integration proceeds.

<sup>22</sup> “Training Key #448,” International Association of Chiefs of Police, Alexandria, VA, 1994, p. 19.

<sup>23</sup> John King, “Collection,” in *Intelligence 2000* (op cit.), p. 82.

<sup>24</sup> [www.fas.org/irp/program/disseminate/adnet.htm](http://www.fas.org/irp/program/disseminate/adnet.htm)

<sup>25</sup> [www.ustreas.gov/fincen/](http://www.ustreas.gov/fincen/)

<sup>26</sup> These suggestions are a subset of a larger set of possible sets such agencies might take. See, for example, Richard Wright, “10 Steps to Establishing A Successful Criminal Intelligence Program,” in Chapter 4, “Management of the Intelligence Unit,” in Marilyn Peterson, Bob Morehouse and Richard Wright (eds.), *Intelligence 2000*, op cit., pp. 76-77.

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