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THE EFFECT THE INTELLIGENCE TOOLBOX TRAINING
PROGRAM HAS ON STATE, LOCAL, AND TRIBAL LAW
ENFORCEMENT AGENCY'S ABILITY TO DEVELOP OR RE-
ENGINEER AN INTELLIGENCE CAPACITY AND THE EFFECT
AGENCY SIZE HAS ON THE ADEQUACY OF AN AGENCY'S
INTELLIGENCE CAPACITY

presented by

Jeremy Gibson Carter

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M.S. degree in Criminal Justice



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CAPACITY**

By

Jeremy Gibson Carter

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ABSTRACT

THE EFFECT THE INTELLIGENCE TOOLBOX TRAINING PROGRAM HAS ON STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT AGENCY'S ABILITY TO DEVELOP OR RE-ENGINEER AN INTELLIGENCE CAPACITY AND THE EFFECT AGENCY SIZE HAS ON THE ADEQUACY OF AN AGENCY'S INTELLIGENCE CAPACITY

By

Jeremy Gibson Carter

The purpose of this research study is to determine the effectiveness that the Intelligence Toolbox training program has in regard to helping state, local, and tribal law enforcement agencies to develop or re-engineer an intelligence capacity that is not only operational, but is consistent with federal regulations and policies. Also, the need exists to assess the impact agency size and population of the agency's responsibility has on the adequacy of a law enforcement agency's intelligence capacity. It has been made apparent by the National Commission on Terrorist Attacks Upon the United States, the President of the United States, and law enforcement administrators on all levels that the initiative for intelligence capacities is present, however, the knowledge and resources are not. With this in mind, Dr. David L. Carter and Michigan State University were awarded a three million dollar competitive training grant from the Office of Grants & Training division of the Department of Homeland Security to develop and deliver a training course to provide the tools and resources necessary to help guide state, local, and tribal agencies into the intelligence arena. The researcher hypothesizes that the results of this study will show that the knowledge, resources, and networking participants have gained at the Intelligence Toolbox training program will result in a positive relationship with an agency's ability to develop or re-engineer an intelligence capacity.

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CHAPTER I: INTRODUCTION

In this post September 11th era, the roles and responsibilities of state, local and tribal law enforcement (SLTLE) have become more important than ever. Along with trying to meet these new responsibilities, SLTLE agencies find themselves dealing with new challenges and addressing new needs for their agencies. One of the greatest responsibilities being placed on SLTLE agencies is the requirement for an effective and efficient intelligence capacity to be incorporated within their agency. Within the arena of law enforcement, intelligence can be defined as the end product of an analytic process which provides an integrated perspective to disparate information about crime, crime trends, crime and security threats, and conditions associated with criminality (Counterterrorism, 2004). In an effort to help these agencies meet their needs, Michigan State University was awarded a competitive training grant by the Department of Homeland Security (DHS) Office of Grants & Training to develop and deliver an “Intelligence Toolbox Training Program” to be offered to SLTLE agencies. The intent of this program¹ is to provide a training program for SLTLE personnel that will give them the knowledge and tools to develop a law enforcement intelligence capacity in their agency as guided by the National Criminal Intelligence Sharing Plan (NCISP) and in accordance to constitutional guarantees. An intelligence capacity can be defined as the capability of a law enforcement agency to gather, retain, and disseminate criminal intelligence.

The intent of this research study is to determine the effectiveness that the Intelligence Toolbox training program has on the ability for state, local and tribal law

¹ The Principal Investigator is Dr. David L. Carter, School of Criminal Justice, Michigan State University

enforcement agencies to develop or re-engineer their intelligence capacity as well as to assess the impact of agency size on an intelligence capacity. A more focused and driven effort shall be put forth in an effort to bring agencies, of all sizes, to a common level of standards and practices for law enforcement intelligence. A similar yet more enforcing effort would be the recommendations outlined by the National Advisory Commission on Criminal Justice Standards and Goals in 1971, which presented a set of standards and recommendations for law enforcement that was driven by intelligence (National Advisory Commission, 1971). The author will argue that the Intelligence Toolbox training program has provided SLTLE agencies with the tools and knowledge that will aid their ability to develop or re-engineer their intelligence capacities.

Purpose of the Study

The need for SLTLE agencies to have an effective intelligence capacity within their agency has stemmed from the intense criticism brought about from the National Commission on Terrorist Attacks Upon the United States when they concluded that the attacks of September 11th could have possibly been avoided if the intelligence community had been able to “connect the dots”. The federal government decided that this problem could be addressed by demanding that every law enforcement agency, regardless of size, would have to have an intelligence capacity. This idea, along with the guidelines to carry out the idea, is outlined in the NCISP. However, SLTLE agencies are still approaching hurdles that they must overcome in order to meet these new demands.

It is the intent of the Intelligence Toolbox training program to aid SLTLE agencies in their effort to overcome these hurdles. The findings of this study are

important to the initiative of the Intelligence Toolbox program. The training program exists for one reason: to help SLTLE develop or re-engineer their intelligence function. If the training program is not achieving its purpose, then adjustments must be made to the program.

Delimitations

This research study is limited by the following factors:

1. The agencies that participate in the Intelligence Toolbox training program are self-selected which means they might not be representative of all agencies at their government level.
2. The attendees of the Intelligence Toolbox training program all had different levels of knowledge and experience related to law enforcement intelligence prior to attending the training. This being an antecedent variable may cause the results to be skewed.
3. External factors unrelated to the Intelligence Toolbox training program may influence the development of re-engineering of an agency's intelligence capacity (i.e. Funding, chief's decisions, politics).
4. If an individual who attended the Intelligence Toolbox training program had participated in a similar training program prior to attending the Intelligence Toolbox training program, the study would be unable to distinguish which training had effects on the participant's perceptions.

Basic Assumptions

This research study was conducted assuming the following factors to be true:

- 1. All of the individuals responding to the survey will answer the questions truthfully and accurately.**
- 2. All of the individuals responding to the survey attended the Intelligence Toolbox training program.**

CHAPTER II: REVIEW OF LITERATURE

The Influence of History

Controversies have surrounded the use of law enforcement intelligence because of instances in the past where the police have kept files on citizens who were exercising their constitutional rights, not committing crimes. This, of course, is in contradiction to the U.S. Constitution and violates our fundamental precepts of justice and fairness in a democratic society. Unfortunately, the line is not clear with respect to the types of information the police can collect and maintain. Early law enforcement intelligence units, notably going back to the 1920s, borrowed an old method from the military known as the “dossier system”. Essentially, intelligence files were nothing more than dossiers, files with a collection of diverse raw information, about people who were thought to be criminals, thought to be involved with criminals, or persons who were thought to be a threat to safety and order within a community. Bootleggers during Prohibition and many of the high profile criminals of the early 20th Century – Bonnie and Clyde, the Barker Gang, Machine Gun Kelly, and Al Capone were the typical kinds of persons of whom police agencies kept dossiers. This method of intelligence was not widely used until a new threat emerged in the form of Communism (Carter, 2004).

In 1937, Representative Martin Dies (D-Texas) became the first Chairman of the House Committee on Un-American Activities. Dies, a supporter of the Ku Klux Klan, fueled the fire of concern about Communism in the United States, including labeling people as Communists, which often resulted in their loss of jobs and general displacement from society (Carter, 2004, p. 22). Concern about Communists was

pervasive, but increased significantly in 1950 by Senator Joseph McCarthy (R-Wisconsin) who was using this national concern as the foundation for his re-election to the Senate. McCarthy rallied against the American Communist Party and called for expulsion from government, education, and the entertainment industry for anyone who was an avowed Communist or Communist sympathizer. Due to fear of the Soviet Union among the American public, this war on Communism resonated well. Responding to expressions of public and governmental concern, local police began creating intelligence dossiers on persons who were “suspected Communists” and “Communist sympathizers”; these became known as “Red Files”. Thus, police agencies were keeping records about people who were expressing political beliefs and people who were known to sympathize with these individuals. The fact that these people were exercising their Constitutional rights and had not committed crimes was not considered an issue because it was felt that the presence of and support for Communism within the country was a threat to the national security of the United States.

The dossier system had become an accepted tool for law enforcement intelligence; hence when new over-arching challenges emerged, it was natural for the police to rely on this well-established mechanism for keeping information. In the 1960s law enforcement met two challenges where intelligence dossiers appeared to be an important tool: the Civil Rights Movement and the Anti-Vietnam War Movement (Best, 1996). In both cases, participants appeared to be “on the fringe” of mainstream society. They were vocal in their views and both their exhortations and actions appeared to many people as being “un-American”. This was aggravated by other social trends: World War II “baby boomers” were in their teens and twenties and were exploring their own newly

defined world of “sex, drugs, and rock n’ roll”, contributing to the stereotype of the “pot-smoking hippies” (Intelligence Program Pre-Training Reading, 2005).

There was an overlap between these social movements, which were viewed by many as being conspiratorial. Moreover, the rapidly changing values stratified in large part along generational and racial lines, created a sense of instability that appeared threatening. Rather than being culturally instable, as we have learned on hindsight, it was simply social evolution. Because of the dissonance in the 1960s and the conclusion that many of the activists and protestors “might” commit crimes or “might” be threats to our national security, police agencies began developing dossiers on these individuals, “just in case” (Carter, 2004). The dossier information was typically not related to specific crimes, rather, it was kept as a contingency should the information be needed in an investigation or prosecution. There was additional concern about the dossier system during this time because of the activist nature of the U.S. Supreme Court during the era of Chief Justice Earl Warren (1953-1969).

It was rationalized that such activities were warranted on the grounds of a “compelling state interest”. However, this argument did not meet political or Constitutional scrutiny. This was particularly true given the activist nature of many of the liberal decisions of the Warren Court were met with disfavor in the often expressed belief that the Court’s decisions² were “handcuffing the police” (Carter, 2004, p. 24). With regard to the current discussion, perhaps most important issue was that the Warren Court led a generation of judicial activism and expanded interpretations of the Constitution.

² Among the most common cited are *Miranda v. Arizona*, police must advise arrestees of their Fifth and Sixth Amendment rights prior to a custodial interrogation; *Mapp v. Ohio*, applying the exclusionary rule to the states; *Gideon v. Wainwright*, the right to applied council; and *Escobedo v. Illinois*, the right to counsel when the process shifts from investigatory to accusatory (Carter, 2004).

Moreover, it symbolically motivated activist attorneys from the 1960s to try new strategies for the protection of Constitutional rights (Carter, 2004). Among the most successful was reliance on a little-used provision of the Civil Rights Act of 1871, codified as Title 42 of the U.S. Code, Section 1983, Civil Action for Deprivation of Civil Rights. Commonly referred to as “1983 suits”, this provision essentially provides that anyone who, under color of state or local law, causes a person to be deprived of rights guaranteed by the U.S. Constitution or federal law, is liable.

The initial lawsuits focused on whether a city, police department, and officers could be sued for depriving a person of their Constitutional rights, and the Supreme Court held that they could. A significant aspect of the case was that the police could be sued if there was "misuse of power possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law" (*Monroe v. Pape*, 1961). This opened the proverbial floodgates for lawsuits against the police (and correctional institutions) (Carter, 2004).

These initial lawsuits also focused on various patterns of police misconduct, such as excessive force and due process violations (Carter, 2004). The reach of lawsuits against the police grew more broadly with decisions holding that the police chain of command could be held vicariously liable for the actions of those under their authority. Moving into the late 1960s and early 1970s, this movement of lawsuits reached toward law enforcement intelligence units. It was increasingly discovered that police agencies were keeping intelligence files on people for whom there was no evidence of criminality. The practice of keeping intelligence dossiers on a contingency basis was found to be improper, serving no compelling state interest and depriving those citizens of their

constitutional rights (Carter, 2004). As a result, the courts repeatedly ordered intelligence files to be purged from police records and in many cases police agencies had to pay damage awards to plaintiffs. The decisions also permitted citizens to gain access to their own records. Many activists publicized their intelligence files as a badge of honor, often to the embarrassment of the police. Law enforcement intelligence operations were significantly cut back or eliminated as a result of the embarrassment and costs associated with these lost lawsuits (Carter, 2004).

Lessons Learned From History

The lessons learned from this era suggest caution in the development of intelligence files. Information must be collected, maintained, and disseminated in a manner that is consistent with legal and ethical standards. This lesson is reinforced by the findings of the United States Senate Select Committee to Study Government Operations (U.S. Senate Select Committee, 1976), the so-called Church Commission, which held extensive hearings on domestic intelligence, most notable of these hearings is the FBI's COINTELPRO (Counter Intelligence Program) which spanned the years of 1959-1971 (the last portion of the Hoover Era). The Senate committee concluded that domestic intelligence activity has threatened and undermined the Constitutional rights of Americans to free speech, association, and privacy (US Senate Select Committee, 1976).

It has done so primarily because the Constitutional system for checking abuse of power has not been applied. COINTELPRO was designed to monitor, investigate, and apprehend, or in some cases neutralize, persons identified as foreign agents, international criminals, and in many cases, political dissidents. Although covert operations have been

employed throughout FBI history, the formalized character of COINTELPRO's operations in the years of its existence was directed at espionage activities, mostly from the Soviet Bloc (Carter, 2004, p. 26). However, the program also generally targeted radical organizations and people, notably those related to the American Communist Party (generally in the 1950s) and eventually the Civil Rights movement and Vietnam War protestors (1960s and 1970s).

There were unquestioned abuses of authority by COINTELPRO and the operation clearly violated the rights of many U.S. citizens. The Church Commission further found that the FBI's activities of the time included a wide range of tactics targeted at citizens based largely on the citizens' expressions of political ideology (U.S. Senate Select Committee, 1976). While COINTELPRO is typically the focal point of criticism during this era, the hearings identified abuses in other elements of government - most notably domestic spying by the CIA. A facet often overlooked, however, was the "spirit of the times" in the U.S. That is, many of the questions and fears expressed by the FBI and CIA were reflected in the attitudes of "middle America" who did not understand "what was going on" with regard to the demonstrations, protests, and cultural upheaval (U.S. Senate Select Committee to Study Governmental Operations, 1976). This is not a defense for the FBI and CIA; rather it is a commentary on American society during this period. Both "middle America" and the intelligence community have evolved, gaining greater respect for diverse opinions and citizens' rights.

Lessons learned from this period are important as we address the fears and uncertainty associated with terrorism today. Having suffered a setback from the lawsuits of the era and the fallout from the Church Commission's findings, which radically

changed attitudes about domestic intelligence gathering, intelligence units in many police agencies were small operations, if they existed at all, and largely concerned with processing requests related to criminal histories of people. The most active intelligence initiatives typically dealt with organized crime, but these were often limited (Johnson, 1985).

Moving into the 1980s a new challenge would prompt the re-emergence of intelligence units: multi-national drug cartels and money laundering. Illegal drugs flooded the streets of America, hitting an apex in the 1980s (Carter, 2004). They were being produced by international drug cartels in Colombia, Mexico, Southeast Asia, and the Caribbean. These organizations were massive, reaching into virtually every community in America and generating billions of dollars in the underground economy, much of which was leaving the United States. Recognizing the complexity of investigating and prosecuting these multi-jurisdictional criminal enterprises, police agencies began developing multi-jurisdictional drug task forces and re-building their intelligence units to feed information into the task forces for more effective investigations (Carter, 2004, p. 31).

Beyond these developments, a new factor was added. Due to the impact of drugs on American society and the vast underground economy being fueled by drug trafficking, in 1986 President Reagan issued a National Security Decision Directive (NSDD) declaring drugs to be a national security threat. This was a significant action because now the intelligence community, all federal intelligence agencies including the Central Intelligence Agency (CIA), National Security Agency (NSA), and the Defense Intelligence Agency (DIA), would have responsibilities for identifying and eradicating

drugs at their source (outside of the United States) and interdicting shipments of drugs coming into the U.S. Moreover, this heightened the responsibility of federal law enforcement organizations, notably the Drug Enforcement Administration (DEA) and the Federal Bureau of Investigation (FBI), to perform work that was both in the domestic law enforcement arena and the global national security arena.

In pursuing the “war on drugs”, the U.S. Department of Justice created the Organized Crime Drug Enforcement Task Forces (OCDETF), which were located around the United States and included members from federal, state, and local law enforcement agencies. Much like the initiative outlined by the President’s Commission on Law Enforcement and Justice, this task force has the same responsibility as local agencies, and were given in order to combat the emergence of organized crime cartels (President’s Commission, 1967). This brought about the necessity for information sharing at all levels of government. The prospect of cross-jurisdictional intelligence sharing became somewhat problematic since state and local officers who were members of the OCDETF task forces would have access to classified national security information (Carter, 2004). The need to share this information was further complicated, not only because it was classified, but also because constitutional protections did not apply to the gathering of information for national security purposes. Important questions arose:

- Could national security information be shared with state and local law enforcement officers (Carter, 2004)?
- What if that information was shared and domestic law enforcement action was taken (i.e., an arrest and search) based on that information which was gathered in a manner not meeting constitutional standards, would the evidence be excluded from trial (Carter, 2004)?
- If the case went forward, what would be the result if the defendant wanted to be faced by his/her accuser who was either an undercover intelligence agent or a criminal informant from a drug cartel (Carter, 2004)?

Unknowingly, similar questions would arise two decades later as a result of terrorism. There are two important points to note for the current discussion: First, the “war on drugs” stimulated the redevelopment of law enforcement intelligence units at all levels of government. This time, there was a greater emphasis on analysis of information, not just gathering it, as well as a significant emphasis on ensuring the Civil Rights of citizens remained intact. Second, for the first time there was a significant relationship between federal, state, and local law enforcement agencies with respect to conducting joint investigations and sharing intelligence. While some complications existed, both logistically and legally, new avenues were being explored both in intelligence and in joint law enforcement initiatives. Crime experiences of the 1990s brought new challenges to the revitalized intelligence efforts of the previous decade.

Driven by rapidly developing technology, easier global communications and travel, and profits made and divested from the drug trade, international organized crime exploded into diverse new areas. Computer crime, more aggressive terrorism, and all forms of entrepreneurial crime emerged. As in the case of international drug trafficking, these crimes involved complex criminal organizations, were transnational in nature, and were well-financed. Consequently, intelligence activities were expanding into more diverse areas requiring new substantive knowledge about crimes and criminals as well as new skills for information gathering and evidence collection. Once again, the need for critical analysis and sharing of that information was essential. Law enforcement intelligence was expanding further.

During this era, the quality of analysis was significantly increasing and there was greater care taken to ensure Civil Rights were protected, and yet problems still remained.

Intelligence was routinely shared among those working on task forces representing different law enforcement agencies. However, intelligence sharing in many other venues was much less forthcoming. Federal agencies, most notably the FBI, developed a reputation for collecting information from state and local police, but not reciprocating. FBI officials responded by saying that much of their information was either classified or of a national security nature, hence it could not be shared. In other cases, there was poor intelligence sharing between federal agencies. Despite the arguments of conspiracy theorists, the lack of shared intelligence stems from several points:

- Computerized information systems that are outdated and incompatible thereby reducing the ability to effectively share electronic information.
- A lack of comprehensive policies and procedures controlling effective information sharing.
- A lack of coordination between agencies – and sometimes within agencies – to communicate about common investigations.
- Inconsistent face-to-face communications which permit the establishment of relationships for joint operations.
- Concerns by agencies for the validity and reliability of information on which analyses are based as well as an overall concern about the accuracy of analytic reports.
- Personnel simply “not getting around to sharing” the intelligence (Carter, 2004).

This lack of sharing would come back to haunt the intelligence community of the 2000s, the decade of terrorism. Once again, law enforcement would find itself entwined in national security. While there had been terror attacks on the United States and U.S. interests³, including the 1993 attack on the World Trade Center in New York, the character and magnitude of the September 11th attacks was the most horrendous the world had seen. Having the attack occur on U.S. soil elevated the passion of the nation to respond at an even higher level. Many concerns were raised about the U.S. intelligence community, mainly, “Why didn’t the intelligence community ‘connect the dots’ and take

action to prevent the attacks?” In this case, “Connecting the dots” refers to effecting information gathering, sharing and analysis.

The attacks spurred passage of the anti-terrorism USA PATRIOT Act, which includes a greater intelligence capacity and joint efforts with state and local law enforcement agencies to keep our homeland secure through preventing terrorism and identifying and apprehending potential terrorists (Steel, 1999). The Homeland Security Act, also stimulated by 9/11, created the Department of Homeland Security which has as one of its four major divisions Information Analysis and Infrastructure Protection, which functions with a significant emphasis on intelligence.

Police agencies at all levels of government have been urged to develop their local intelligence capacity and share information, particularly through the Joint Terrorism Task Forces. Federal funds have also been made available to develop intelligence expertise at state and local levels. However, it is not without its critics. There are concerns among civil rights activists that the “Red Files” will once again emerge in police department records, only this time directed toward terror suspects. Indeed, the example often cited occurred shortly after the 9/11 attacks when the FBI questioned middle-eastern males in the U.S. on nonimmigrant visas. One of the questions on a standard list used was, “Do you sympathize with the hijackers (Colb, 2001)?” Critics argue that this rings back to the 1950s when people were asked if they were Communist sympathizers. “What is the difference?” they ask.⁴

³See: Federal Bureau of Investigation. (1999). *Thirty Years of Terrorism in the United States*. Washington, DC: FBI.

⁴ The legal difference is that the immigrants were detained on civil grounds related to their visa and that the questioning was “voluntary”. Critics argue that these reasons were a charade for the true intent of the questioning. On the matter of being voluntary, consider the language of the U.S. Supreme Court in *Miranda v. Arizona* 38 US 436 (1966) in referring to the psychological coercion associated with the police-dominated atmosphere.

Similarly, the new legislation broadens aspects of intelligence operations through the implementation of roving wiretaps, monitoring of e-mail and Internet activity, execution of secret search warrants, information sharing between different levels of government, all which many fear would dilute Civil Rights. In an analysis of the USA PATRIOT Act, the Electronic Frontier Foundation observed that the legislation:

“...directly breaks down many of the barriers that had previously prevented sharing of foreign and domestic surveillance information. It also adds a new category of information that may be shared, called Foreign Intelligence Information. But there is no provision for the intelligence agencies or domestic law enforcement to report to Congress about how much and what type of information sharing is actually done under this new law. Without this information, Congress will be unable to rationally decide whether the wall between domestic and international surveillance built after the scandals of the McCarthy and civil rights eras should remain torn down or be rebuilt” (Electronic Frontier Foundation, 2006)

Beyond the issue of protecting citizens Civil Rights, state and local law enforcement must maintain the pragmatic concern of their liability. Section 1983 lawsuits do not apply to Federal authorities who also have additional protections when actions are taken under their role of national security, as opposed to a law enforcement role. State and local law enforcement personnel have no such protections (Carter, 2004).

The Need for the Intelligence Toolbox Program

The driving force behind the post-September 11th intelligence era are the recommendations set forth by the National Commission on Terrorist Attacks Upon the United States, or as it is more commonly known, the 9/11 Commission. The ten members of this independent, bipartisan commission established in 2002 under the signature of President George W. Bush found, in short, that there was a significant lack of information sharing and cooperation amongst agencies within the intelligence

community. Of course the commission was called in order to respond to questions arising from the attacks of 9/11 and their conclusions are primarily focused at the federal level. However, the implications of the commission not only built the foundation for a more effective intelligence community, but began to spawn a whole new cadre of issues and implications that would affect the intelligence functions at the state, local, and tribal levels. Along with the 9/11 Commission addressing the need for state, local and tribal agencies to be a part of the intelligence community, the Department of Homeland Security (DHS) reinforced this message within the mission statement from their Chief Intelligence Officer Charles Allen. Within this mission statement, Allen pointed out that the goal of DHS' intelligence function is to provide accurate and actionable intelligence related information from all components of the intelligence community, including state, local, and tribal law enforcement agencies (Allen, 2006).

The commission identified the need to restructure the intelligence community as stemming from six problems that became apparent before and after September 11th. As stated in the 9/11 Commission Report in the "How to Do It?" section, the six problems are:

- Structural barriers to performing joint intelligence work. National intelligence is still organized around the collection disciplines of the home agencies, not the joint mission. The importance of integrated, all-source analysis cannot be overstated. Without it, it is not possible to "connect the dots". No one component holds all the relevant information (9/11 Commission Report, 200, p. 408-410).
- Lack of common standards and practices across the foreign-domestic divide. The leaderships of the intelligence community should be able to pool information gathered overseas with information gathered in the United States, hold the work – wherever it's done – to a common standard of quality in how it is collected, processed, reported, shared, and analyzed. A common set of personnel standards for intelligence can create a group of professionals better able to operate in joint activities, transcending their

own service-specific mind-sets (9/11 Commission Report, 2004, p. 408-410).

- Divided management of national intelligence capabilities. While the CIA was one “central” to our national intelligence capabilities, following the end of the Cold War it has been less able to influence the use of the nation’s imagery and signals intelligence capabilities in three national agencies housed within the Department of Defense: the National Security Agency, the National Geospatial-Intelligence Agency, and the National Reconnaissance Office (9/11 Commission Report, 2004, p. 408-410).
- Weak capacity to set priorities and move resources. The agencies are mainly organized around what they collect or the way they collect it. But the priorities for collection are national. As the Director of Central Intelligence (DCI) makes hard choices about moving resources, he or she must have the power to reach across agencies and reallocate effort (9/11 Commission Report, 2004, p. 408-410).
- Too many jobs. The DCI has at least three jobs. He or she is expected to run a particular agency, the CIA. He or she is expected to manage the loose confederation of agencies that is the intelligence community. He or she is expected to be the analyst in chief for the government, sifting evidence and directly briefing the President as his principle intelligence adviser. No recent DCI has been able to do all three effectively. Usually what loses out is the management of the intelligence community, a difficult task even in the best case because the DCI’s current authorities are weak. With so much to do, the DCI often has not used the authority he or she has (9/11 Commission Report, 2004, p. 408-410).
- Too complex and secret. Over the decades, the agencies and the rules surrounding the intelligence community have accumulated to a depth that practically defies public comprehension. The amount of money and even the most basic information regarding the intelligence community, including most of its key components, is shrouded from public view (9/11 Commission Report, 2004, p. 408-410).

Addressing these six problems has not only generated a more sufficient and effective intelligence community, but it has also brought these same issues into view for law enforcement administrators across the country.

The Lack of Information Sharing: Systematic and Human

While the previously mentioned problems were just scraping the surface of issues facing the intelligence community, the author believes that there is no greater challenge

than the actual resistance to sharing information, which can be attributed to two factors; human and systematic. The same assessment is illustrated in the 9/11 Commission Report. This lack of information sharing is perhaps the most significant problem facing state, local, and tribal agencies. The humanistic factors can vary as widely as the agencies themselves. Due to the standard rule of meeting the “need to know” threshold of sharing information, agencies find themselves debating amongst one another if the information is actually pertinent to the situation. It is important for an agency to establish the need for the information to help aid the protection from a potential threat to the community in that the agency serves.

Other humanistic problems arise within this realm of information sharing. Often times federal agencies will not share information with a state, local, or tribal agency due to either a lack of trust with the particular agency or because the information is classified. An example of the lack of trust with an agency is the unwillingness of the FBI to share information with the Detroit Metro Police Department because of a long history of corruption within the agency. Classification of information still proves to be a tremendous hurdle for state, local, and tribal agencies. With the FBI and other federal intelligence agencies classifying information as either secret or top secret, they eliminate the possibility for the vast majority of intelligence officers to access the information due to their lack of security clearances.

The systematic factors causing problems in the information sharing arena are centered on the type of sharing system capabilities an agency has. The two information sharing systems that are most widely used are the Regional Information Sharing System (RISS) and the FBI’s Law Enforcement Online (LEO). RISS provides secure

connectivity and electronic access to law enforcement sensitive information, encrypted e-mail, electronic collaboration, and databases of criminal intelligence information. Using a secure network, law enforcement professionals can access data remotely, twenty four hours a day, seven days a week. RISS has been in place for over a decade and has been linked with the FBI LEO system since September 2002. This system also provides a visual illustration of the information using i2 Analyst's Notebook to those who access it. The visualization of this type of information often times makes it easier to identify trends or patterns with the information as opposed to reading the information from a written text source. LEO is a national interactive computer communications system and information service, an Intranet exclusively for the law enforcement community. It can be accessed by any pre-approved employee of a duly constituted local, state, or federal law enforcement agency, or approved member of an authorized law enforcement special interest group. In order to be approved for access, a registrant must fill out an application and submit it to the FBI's LEO division. Once approved, the user will be granted a username and password to access the system. LEO is intended to provide a state-of-the-art communication mechanism to link all levels of law enforcement throughout the United States.

Recommendations for Improved Information Sharing

The eagerness of law enforcement decision-makers, while helpful, is not enough to transfer the initiative of developing an intelligence capacity into an actual functioning intelligence capacity. The 9/11 Commission and the NCISP identify recommendations that provide guidance for those who are responsible for developing or re-engineering an

agency's intelligence capacity. The recommendations that the author feels are the most significant to state, local, and tribal agencies are illustrated in this portion of the paper.

The 9/11 Commission discusses multiple recommendations for law enforcement agencies to follow in an effort to increase information sharing. One recommendation is that information procedures should provide incentives for sharing, to restore a better balance between security and shared knowledge (9/11 Commission Report, 2004, p. 417). The implication of this recommendation is that all intelligence, regardless of where it is collected, stored or disseminated, will meet the same quality standards. The highest quality pertains to the information being in the most shareable, useful, and efficient form possible. This quality standard will ensure maximum use of the information by the maximum number of recipients. The final recommendation of the report is that the President should lead a government-wide effort to bring the major national security institutions into the information revolution. He/she should coordinate the resolution of the legal, policy and technical issues across agencies to create a "trusted-information network" (9/11 Commission Report, 2004, p. 418).

In essence, this recommendation asserts that no one agency can accomplish this alone and decision makers are under constant scrutiny to update information systems, provide accurate intelligence, and subscribe to standardized concepts of information sharing. The FBI and other federal law enforcement agencies are just a small fraction of the intelligence community in the United States, a community comprised mainly of state, local, and tribal law enforcement agencies. The networks designed for sharing information, and the work of the FBI through Joint Terrorism Task Forces, should build reciprocal relationships in which state, local, and tribal agents understand what

information they are looking for and, in return, receive some of the information being developed about what is happening, or may happen, in their communities (9/11 Commission Report, 2004, p. 427).

Recommendations, regulations, and guidelines are the essential tools in regards to developing or re-engineering an intelligence capacity. The NCISP outlines the guidelines and procedures necessary for an agency, regardless of size, to develop an intelligence capacity. This capacity will be an effective law enforcement tool while adhering to the civil liberties and rights to privacy of the American people. The guidelines of the plan focus primarily on the ability of the intelligence capacity to operate efficiently and legally. It stipulates that an agency must have an individual that is the point of contact for that agency's intelligence unit. This individual, or individuals, is responsible for communicating, sharing, and collecting information from other points of contact. In essence, this is the backbone to a properly functioning intelligence capacity. Without communication amongst identified members of a specialized intelligence unit, the sharing of information would be impossible.

It is imperative that an agency follow the NCISP guidelines for information retention, review, dissemination, and purging as outlined in 28 Code of Federal Regulation Part 23. An agency must adhere to this code of federal regulation as it is that custodian of criminal intelligence. An agency's record system must be 28 CFR Part 23 compliant in order to operate not only efficiently, but more important, legally. Following strictly to these guidelines will provide agency immunity to any civil suits that could be brought against them from members of society for invasion of their civil liberties and rights to privacy. Another important aspect of the NCISP is the training standards that

must be met by all individuals having intelligence related responsibilities. The standards outlined in the plan are the minimum requirements that must be met in order to be compliant. The requirements include training missions, objectives, the number of training hours, and the frequency of training.

Within the NCISP are thirty recommendations that are put forth for police chief executives to take into consideration when implementing or re-engineering their agency's intelligence capacity. Of these thirty recommendations presented, six apply directly to the purpose of the Intelligence Toolbox training program, as well as the being the fundamental building blocks for a successful intelligence capacity. Recommendation one of the NCISP states that:

In order to attain the goals outlined in this Plan, law enforcement agencies, regardless of size, shall adopt the minimum standards for intelligence policing and utilization and/or management of an intelligence function as contained in the National Criminal Intelligence Sharing Plan. The standards focus on the intelligence process and include elements such as mission of the function, management and supervision, personnel selection, training, security, privacy rights, development and dissemination of intelligence products and accountability measures (NCISP, 2003, p. 8-9).

The agency chief executive officer and the manager of intelligence functions should:

- Seek ways to enhance intelligence sharing efforts and foster information sharing by participating in task forces and state, regional and federal information sharing initiatives (NCISP, 2003, p. 8-9).
- Implement a mission statement for the intelligence process within the agency (NCISP, 2003, p. 8-9).
- Define management and supervision for the function (NCISP, 2003, p. 8-9).

- Select qualified personnel for assignment to the function (NCISP, 2003, p. 8-9).
- Ensure that standards are developed concerning background investigations of staff/system users to ensure security (of the system, facilities, etc.) and access to the system/network (NCISP, 2003, p. 8-9).
- Ensure that individuals' privacy and constitutional rights are considered at all times (NCISP, 2003, p. 8-9).
- Support the development of sound, professional analytic products (NCISP, 2003, p. 8-9).
- Implement a method/system for dissemination of information to appropriate components/entities (NCISP, 2003, p. 8-9).
- Implement policies and procedures manual. The intent of the manual is to establish, in writing, agency accountability for the intelligence function. The manual should include policies and procedures covering all aspects of the intelligence process (NCISP, 2003, p. 8-9).
- Implement an appropriate audit or review process to ensure compliance with policies and procedures (NCISP, 2003, p. 8-9).
- Promote a policy of openness when communicating with the public and all interested parties regarding the criminal intelligence process, when it does not affect the security and integrity of the process (NCISP, 2003, p. 8-9).

This recommendation puts in place the foundation for implementing an agency's intelligence process. The MSU Intelligence Program is designed with these factors in place within the curriculum to provide answers to those individuals who attend the training and are responsible for either developing or re-engineering their agency's intelligence capacity. These factors produce hurdles that agencies will face in order to have NCISP compliant intelligence function.

The sixth recommendation on the list asserts a reminder that the intelligence capacity within an agency must uphold an individual's civil rights. The recommendation states that "All parties involved with implementing and promoting the National Criminal Intelligence Sharing Plan should take steps to ensure that the law enforcement community protects individuals' privacy and constitutional rights within the intelligence process" (NCISP, 2003, p. 10). It is important that law enforcement officers understand what types of information they can gather in regards to people on whom they collect

information and the locations from which they are collecting information. Agencies must establish a criminal predicate in order to justify the collection of information.

Criminal predicate is established when information exists which establishes sufficient facts to give a trained law enforcement or criminal investigative agency officer, investigator, or employee the appropriate basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal activity or enterprise. In an inter-jurisdictional intelligence system, the project is responsible for establishing the existence of reasonable suspicion of criminal activity either through examination of supporting information submitted by a participating agency or by delegation of this responsibility to a properly trained participating agency which is subject to routine inspection and audit procedures established by the project (Carter, 2004, p. 252). It is imperative for law enforcement agencies to establish the criminal predicate of an individual not only to provide more effective information in the effort to combat crime, but also to ensure that the civil liberty and privacy issues of the individuals are upheld.

The importance of upholding individuals' civil rights is once again stressed in the ninth recommendation within the NCISP. This recommendation asserts that "In order to ensure that the collection/submission, access, storage, and dissemination of criminal intelligence information conforms to the privacy and constitutional rights of individuals, groups and organizations, law enforcement agencies shall adopt, at a minimum, the standards required by the Criminal Intelligence Systems Operating Policies federal regulation (28 CFR Part 23), regardless of whether or not an intelligence system is federally funded" (NCISP, 2003, p. 11). As illustrated within the 28 CFR Part 23, a

project shall not collect or maintain criminal intelligence information about the political, religious or social views, associations, or activities or any individual or any group, association, corporation, business, partnership, or other organization unless such information directly related to criminal conduct or activity and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity (Carter, 2004, p. 252).

The NCISP addresses the needs for a minimum standard of training to be maintained by law enforcement agencies developing or re-engineering their intelligence capacity. The Intelligence Toolbox is just one of a few intelligence training programs available for law enforcement. The eighteenth recommendation of the NCISP specifically indicates that training is necessary at all levels of law enforcement so that those individuals who are involved with the intelligence function are not only up to date with the latest standards and issues, but are also provided accreditation in order to have the adequate ability to perform their tasks. This recommendation asserts, "Training should be provided to all levels of law enforcement personnel involved in the criminal intelligence process. The training standards, as contained within the National Criminal Intelligence Sharing Plan, shall be considered the minimum training standards for all affected personnel. Additionally, recipients of criminal intelligence training, as recommended in the National Criminal Intelligence Sharing Plan, should be recognized and awarded certificates for successful completion of training" (NCISP, 2003, p. 12).

The twentieth and twenty-first recommendations illustrate implementation issues and their relevance to the information provided by the Intelligence Program. These recommendations address the need for law enforcement agencies to have access to record

management systems in which information can be stored and shared with other agencies. The twentieth recommendation asserts that “In order to support agency tactical, operational, and strategic needs, law enforcement agencies are encouraged to consider an automated, incident-based criminal records tracking capability, in addition to traditional case management and intelligence systems. These systems should be Web-based and configured to meet the internal reporting and record-keeping needs of the component, in order to facilitate the exportation of desired data elements – without the need for duplicate data entry or reporting – to relevant statewide and federal criminal information programs” (NCISP, 2003, p. 12-13). The twenty-first recommendation builds upon the preceding recommendation in which specific systems are identified that law enforcement agencies should be implementing in their intelligence function.

This twenty-first recommendation says that “The Regional Information Sharing System (RISS) and the Federal Bureau of Investigation (FBI) Law Enforcement Online (LEO) systems, which interconnected September 1, 2002, as a virtual single system, shall provide the initial sensitive but unclassified secure communications backbone for implementation of a nationwide criminal intelligence sharing capability. This nationwide sensitive but unclassified communications backbone shall support fully functional, bidirectional information sharing capabilities that maximize the reuse of existing local, state, tribal, regional, and federal infrastructure investments (Bureau of Justice Assistance, 1998).

Further configuration of the nationwide sensitive but unclassified communications capability will continue to evolve in conjunction with industry and the development of additional standards, and the connections of other existing sensitive but unclassified

networks” (NCISP, 2003, p. 13). During the Intelligence Toolbox course the participants receive an entire section of training that lasts approximately an hour and a half that focuses on these types of intelligence related resources. As an addition to the information the participants receive from the instructors, members from the RISS.net and LEO are invited to the training sessions to speak first hand with the participants as well as assisting them in gaining access to the systems.

Recommendations for improved intelligence functions have also been offered from the academic community. Elaine Kamarck, a member of the John F. Kennedy School of Government at Harvard University, wrote several recommendations for transforming the intelligence community. Of the recommendations Kamarck offers, her first two present the most effective in terms of law enforcement intelligence. Her first recommendation states that there is a need for a national intelligence university (Kamarck, 2005). This institution would provide for a continuous education within the intelligence arena as well as reinforcing the same methods for a more consistent intelligence function. The second recommendation asserts that the Central Intelligence Agency (CIA) should focus on the gathering of secrets and developing intelligence that creates a clear picture of the information (Kamarck, 2005). While the author does not agree with Kamarck’s terminology in regards to “secrets” being gathered, the right idea is embedded within the recommendation.

Initiatives for Information Sharing

The Intelligence Toolbox training program not only provides aid to state, local and tribal law enforcement (SLTLE) agencies in their effort to develop or re-engineer an

intelligence capacity, but to bring them up to speed on the contemporary initiatives facing the intelligence community. Carter (2004) asserts that such initiatives are:

- Development of the FBI Intelligence Program with its new emphasis on intelligence requirements, new intelligence products and creation of the Field Intelligence Group in every FBI field office as the primary intelligence contact point among state, local and tribal law enforcement and the FBI (Carter, 2004, p. x).
- Development of the new FBI counterterrorism initiatives and programs (Carter, 2004, p. x).
- New intelligence products from the Department of Homeland Security (DHS) as well as a substantive input role of raw information into the DHS intelligence cycle by state, local and tribal law enforcement agencies (Carter, 2004, p. x).
- Expansion and articulation of the Intelligence-Led Policing concept.
- Implementation of the National Criminal Intelligence Sharing Plan (Carter, 2004, p. x).
- Creation of a wide variety of initiatives and standards as a result of the Global Intelligence Working Group of the Global Justice Information Sharing Initiative (Carter, 2004, p. x).
- Renewed vigor toward the adoption of 28 CFR Part 23, *Guidelines for Criminal Intelligence Records Systems*, by law enforcement agencies that are not required to adhere to the regulation (Carter, 2004, p. x).
- Secure connections for e-mail exchange, access to advisories, reports, and information exchange, as well as integration and streamlining the use of Law Enforcement Online, Regional Information Sharing Systems' RISS.net, and creation of the Anti-Terrorism Information Exchange (Carter, 2004, p. x).
- New operational exceptions and training opportunities for intelligence analysts, law enforcement executives, managers and line officers (Carter, 2004, p. x).

Challenges Facing State, Local and Tribal Law Enforcement

In this post September 11th contemporary intelligence era, many changes face law enforcement administrators. With the increase of responsibility handed down by the federal government comes a variety of challenges and issues that must be addressed and adhered to at the same time. Carter (2004) illustrates that the following are just a few of the new challenges facing SLTLE agencies:

- Recognize that every law enforcement agency – regardless of size – has a stake in this global law enforcement intelligence initiative and, as such, must develop some form of an intelligence capacity in order to be an effective consumer of intelligence products (Carter, 2004, p. xi).
- Develop a culture of collection among officers to most effectively gather information for use in the intelligence cycle (Carter, 2004, p. xi).
- Operationally integrate Intelligence-Led Policing into the police organization (Carter, 2004, p. xi).
- Recognize that increased information sharing at and between law enforcement at all levels of government requires new commitments by law enforcement executives and managers (Carter, 2004, p. xi).
- Increase information sharing, as appropriate, with the broader public safety and private security sectors (Carter, 2004, p. xi).
- Protect data and records along with rigid accountability of the intelligence function (Carter, 2004, p. xi).
- Keep law enforcement intelligence and national security intelligence separate, particularly with respect to state and local officers on Joint Terrorism Task Forces (Carter, 2004, p. xi).
- Broader scrutiny of intelligence records and practices by civil rights groups (Carter, 2004, p. xi).
- Routinely use intelligence to make better tactical and strategic decisions (Carter, 2004, p. xi).
- Increase regionalization in all aspects of the intelligence function as an ongoing initiative of law enforcement agencies at all levels of government (Carter, 2004, p. xi).
- Ensure that non-law enforcement government officials and the community understand what law enforcement intelligence is and the importance of their role in the intelligence function (Carter, 2004, p. xi).

Civil Rights Issues

Perhaps the most difficult challenge facing SLTLE agencies with regards to having an intelligence capacity is the potential for legal ramifications that can arise from the misuse of power or information that is collected. Civil rights is a matter that law enforcement agencies must take into consideration when developing policies for their intelligence capacities. A reality that law enforcement must face on matters related to law enforcement intelligence is a discussion of citizens' civil rights. Different groups of citizens, some more vocal than others, have expressed concerns at the national level

concerning the USA PATRIOT Act and at the local level concerning the types of personal information that are being collected and retained in files at the local law enforcement agency (Herman, 2002).

As part of a public education effort, law enforcement officers should be informed about civil rights issues and the agency's policies and responses to those issues. Among the more common concerns expressed are the types of records a law enforcement agency can keep on citizens; whether a citizen may see the information, if any, is being kept about him or her; the types of electronic surveillance that may be used; whether the FBI can view library records and monitor both email and Internet sites visited; and the intelligence process in general (Martens, 1987). While a law enforcement officer may not be able to answer all citizens' questions, providing some information is more useful than not responding at all. Similarly, line officers must have a broad understanding of the criminal intelligence file guidelines (28 CFR Part 23) as well as an understanding of how civil rights litigation, most specifically 42 U.S.C. 1983, Civil Action for Violation of Civil Rights, applies to law enforcement intelligence activities.

The protection of individuals' privacy and constitutional rights is an obligation of government officials and is crucial to the long-term success of criminal intelligence sharing. Protecting the privacy and constitutional rights of individuals, while at the same time providing for homeland security and public safety, will require a commitment from everyone in the system, from line officers to top management (Carter, 2004). Constitutional rights refer to those rights that an individual derives from the Constitution of the United States. Constitutional rights are the strongest protection from improper government conduct against an individual. Unlike other legal rights, constitutional rights

cannot be changed by a statute. They can only be altered by amending the Constitution (Chang, 2001).

The term civil liberties refers to fundamental individual rights such as freedom of speech, press or religion, due process of law, and other limitations on the power of the government to restrain or dictate the actions of individuals. They are the freedoms that are guaranteed by the Bill of Rights, the first ten Amendments, to the Constitution of the United States. Civil liberties offer protection to individuals from improper government action and arbitrary governmental interference in relation to the specific freedoms enumerated in the Bill of Rights. The term civil rights is used to imply that the state has a role in ensuring all citizens have equal protection under the law and equal opportunity to exercise the privileges of citizenship regardless of race, religion, sex, or other characteristics unrelated to the worth of the individual. Civil rights are, therefore, obligations imposed upon government to promote equality (Chang, 2001). More specifically, they are the rights to personal liberty guaranteed to all United States citizens by the Thirteenth and Fourteenth Amendments and by acts of Congress. Generally, the term civil rights involves positive government action, while the term civil liberties involves restrictions on government.

The term privacy refers to individuals' interests in preventing the inappropriate collection, use, and release of personally identifiable information (Carter, 2004). Privacy interests include privacy of personal behavior, privacy of personal communications, and privacy of personal data. The U.S. Constitution does not explicitly use the word privacy, but several of its provisions protect different aspects of this fundamental right. Although explicit federal constitutional right to an individual's privacy does not exist, privacy

rights have been articulated in limited contexts by the U.S. Supreme Court. Privacy protections are numerous and include protection from unnecessary or unauthorized collection of personal information (e.g., eavesdropping), public disclosure of private facts, and shame or humiliation caused by release of personal information (Harris, 2001).

The National Criminal Intelligence Sharing Plan supports policies that will protect privacy and constitutional rights while not hindering the intelligence process. When agencies are reviewing or formulating their policies, it may be helpful to view the intelligence process as a series of discretionary decisions. At each step, a decision must be made, usually involving a choice from among several possible alternatives. Consider, for example, how a criminal intelligence unit might respond to an unsolicited, anonymous tip alleging that a particular individual is engaged in criminal activity (Kris, 2002). Should the unit query various police records systems in an effort to learn more about the “suspect”? Should they query commercial or other public record databases? Should they conduct surveillance of the “suspect”? Or should they disseminate the information to other law enforcement agencies in an effort to learn more about the person? What kinds of additional records are created when these actions are taken (Klockars, 2000)?

And then, after those actions are taken, additional decisions must be made regarding what information and how much, if any, to store about the “suspect” in the criminal intelligence files. Violations of privacy and constitutional rights may potentially occur when choices are selected from these various alternatives. In order to be effective, a policy that addresses the protection of individual privacy and constitutional rights should attempt to eliminate the unnecessary discretion in the decision-making process,

guide the necessary discretion, and continually audit the process to ensure conformance to policy goals (Reporter's Committee, 2002).

It is imperative that a privacy policy have legitimacy; therefore, when an agency is developing a new policy or reviewing existing ones, interested parties and competing viewpoints should be represented. Legitimate parties include not only a wide selection of law enforcement agencies but also representatives from privacy and constitutional rights advocacy groups. Input from all interested parties is a vital step towards establishing legitimacy of the policy and achieving its widespread acceptance. It is also essential that the parameters of a privacy policy be clearly defined. This includes, for example, identifying the particular aspects of the intelligence process to which it applies, as well as defining the scope and meaning of the phrase "individuals' privacy and constitutional rights" (Lynch, 2002). The extent to which information and activities that have been held to be private or constitutionally protected under the law is, in all likelihood, much narrower than what the general public believes to be private and protected. This phenomenon must be understood and acknowledged when developing and conducting outreach in regards to these issues.

It is impossible for a policy to conceive of every imaginable situation or set of circumstances. An agency's privacy policy should acknowledge and address important issues that currently are not included in some existing criminal intelligence policies. For example, the policy should acknowledge the existence of information that is received or possessed by law enforcement agencies that does not rise to the level of "reasonable suspicion of criminal activity" (i.e., the criminal predicate) and provide guidance on how to process that information. Often this information, of the type that would be contained in

a “temporary” or “working” file, is received unsolicited by law enforcement agencies and cannot simply be dismissed (Commission on Accreditation, 1998) .

Finally, an agency’s privacy policy should identify the decision points within the intelligence process and provide appropriate guidance and structure for each point. This should be the heart of the policy – to map out clearly, for law enforcement personnel, the parameters of the decisions they must make throughout the intelligence process, educate them on permissible options, and provide guidance on appropriate choices. For example, the policy should stress the need for and importance of planning and direction (the first stage of the intelligence process) (Carter, 2004). Although it is only one phase of the intelligence cycle, planning and direction guides the overall activities of the criminal intelligence function. Some of the most egregious violations of sound criminal intelligence practice can be prevented by developing a clear statement of the mission and goals of the criminal intelligence unit (usually in terms of crimes it seeks to prevent or investigate), establishing clear policies and procedures, appropriately tasking personnel and performing ongoing checks to ensure that the criminal intelligence function is being carried out in accordance with this guidance (Carter, 2004).

Upholding Civil Rights

A law enforcement agency can prevent the deprivation of an individual’s rights by adhering to the 28 CFR Part 23 guidelines. The focal points of Civil Rights concerns about law enforcement intelligence rests on how law enforcement agencies collect, retain, and disseminate information about individuals. As a result, this federal guideline has become a very important issue permeating virtually every aspect of law enforcement

intelligence. This federal regulation specifically applies to state and local law enforcement agencies that manage a multi-jurisdictional criminal intelligence system that was funded by the federal government. Hence, it does not apply to every law enforcement agency that has an intelligence capacity. In light of the estimated 18,000 agencies in the U.S. the regulation only applies to a comparatively small number (Carter, 2004). Despite this fact, the regulation has become the de facto guideline for most agencies. Indeed, the NCISP recommends that every agency develop intelligence records system policies that are 28 CFR Part 23 compliant. As discussed earlier:

Recommendation 9: In order to ensure that the collection/submission, access, storage and dissemination of criminal intelligence information conforms to the privacy and constitutional rights of individuals, groups and organizations, law enforcement agencies shall adopt, at a minimum, the standards required by the Criminal Intelligence Systems Operating Policies federal regulation (28 CFR Part 23), regardless of whether or not an intelligence system is federally funded. (NCISP, 2003, p. 28)

This is a significant development because the adoption has become a national standard that is endorsed by the major professional law enforcement associations, the Attorney General, Secretary of Homeland Security and the Director of the FBI. The federal regulation does not actually prescribe policy, but establishes guidelines for intelligence records systems for which policy should be consistent. In order to maximize the consistency of law enforcement agency policies on intelligence records, the Law Enforcement Intelligence Unit (LEIU) prepared model policies, entitled “Criminal Intelligence File Guidelines” that are comprehensive and have withstood the test of court scrutiny.

Summary: Intelligence “Quick Start Toolbox” Program

The purpose of the Intelligence Toolbox training program is to provide state, local, and tribal law enforcement agencies with the tools and information necessary to aid the development or re-engineering of an intelligence capacity. This training program is funded by the Office of Grants & Training within the Department of Homeland Security. The program is developed and presented by the School of Criminal Justice at Michigan State University in partnership with the Intelligence Directorate of the Federal Bureau of Investigation and the Intelligence Division of the Drug Enforcement Administration.⁵

The training sessions for this program are held in various cities across the country that have high concentrations of law enforcement agencies in the surrounding area. This is to ensure and allow for the largest number of agencies possible to attend the training. The program provides two nights of accommodations while attending the training, under the provisions that they are not a federal employee, and that they travel 45 miles or more to the training site. Most agencies lack the appropriate funds to attend the training. The Intelligence Program allows for many agencies to attend training in their area at virtually no cost to the agency. All of the individuals attending the entire program earn 20 training hours that they can apply to their annual training requirements. Participants may receive an additional four training hours for completing and submitting a post-training exercise

⁵ The principal investigator of the project is Dr. David L. Carter. Dr. Carter authored the grant that was awarded to provide this training program, developed a large amount of the curriculum, and is the author of the main textbook for the program, the Law Enforcement Intelligence: A Guide for State, Local and Tribal Law Enforcement. The other staff members for the program include the director of the School of Criminal Justice, Dr. Edmund McGarrell; the director of the Regional Community Policing Institute at Wichita State University, Dr. Andra Bannister; a Senior Intelligence Instructor for the Drug Enforcement Administration, Hal Wilson; a retired special agent from the Florida Department of Law Enforcement, Merle Manzi; a criminal justice research specialist, Natalie Hipple and three program specialists; Jeremy Carter, Erin Mead, and Christopher Michelsen.

which consists of submitting a report to the Intelligence Program's office describing a proposed plan to implement a change to develop or re-engineer their agency's intelligence capacity. In order to receive the training hours, the participants are required to sign-in four different times throughout the training to provide an accurate account of their attendance.

Each participant receives a student handbook which contains all of the slides and information presented during the lecture with room throughout to supplement with their own notes. In addition to the training content, the student handbook contains a list with all of the major acronyms used by the government and law enforcement as well as a glossary of commonly used terms within the intelligence arena. Also, the participants receive a compact disc containing over four hundred intelligence-related resources comprised of websites and documents and laminated "quick guides" that help the participants identify the most common terms in the intelligence arena as well as the collection of information for use of intelligence.

The two-day training program is broken down into seven areas of training and one breakout group session where the participants work cooperatively with minimal guidance from the staff. Each session is instructed by the staff member that is the most qualified to teach the particular material of the session. The first day consists of registering, introductions, and administrative issues, followed by sessions one through four. The first session is "Law Enforcement Intelligence: An Overview". In this session the participants will learn what law enforcement intelligence is and what it is not, the history of intelligence in our country, the initiatives that have been declared by the federal

government, the intelligence process, and the direction in which the intelligence arena is headed.

The second session is “Community Partnerships”. The purpose of the community partnerships session is to acknowledge the need for law enforcement agencies to become involved with their community for the intelligence function to be completely efficient and effective. Participants learn that the community must be educated on the issues facing their law enforcement agency, aware of the potential targets within the community, included in the goals of the law enforcement agency, apprised of any special considerations within the community (i.e. a large Islamic population) and finally they must be able to communicate to the community what it is they can do to help the law enforcement agency with their intelligence function.

The third session is “Intelligence Products and Resources”. During this session the participants will begin to understand the meaning and role of intelligence products, become familiar with different intelligence data networks available for access by state, local, and tribal law enforcement, develop an understanding of federal intelligence products most frequently available to SLTLE, and become familiar with different intelligence resources for SLTLE.

The fourth and final session of day one is “Developing a Mission, Objectives and Management Infrastructure”. Within this session the participants will learn how to identify the components of an operational intelligence plan, define a mission, goals and objectives as they relate to an operational intelligence plan, describe the process utilized to develop an operational intelligence plan, and identify the individual roles and responsibilities associated with an agencies intelligence function.

The second day of the training includes sessions five through seven and small breakout groups that meet later in the afternoon. The first part of the day begins with the fifth session which is “Special Issues for Intelligence Capacity Building”. During this session the participants will learn the intricacies of developing an intelligence capacity, understanding critical information management issues for an intelligence records system, issues of civil rights and privacy, adhering to 28 CFR Part 23, liability and intelligence records, auditing and intelligence functions, and where to start in regards to handling this large amount of information in a useful and productive manner.

The sixth session is “Intelligence Led Policing”. Within this session the participants will place law enforcement intelligence in the broader context of intelligence led policing and the best practices in law enforcement. Also, they will learn to provide concrete examples of use of analysis to reduce other forms of crime, understand that law enforcement intelligence is critical for both community and national security, and view law enforcement intelligence as the newly evolving era of policing.

The seventh and final session of instructor training is “External Funding”. This session is important to demonstrate to the participants the availability of external financial sources. The session focuses on the role external funding should play in the intelligence function (i.e. it should supplement, not be the regular budget), where to find these external resources, tips on grant proposal preparation, information on how to maximize the chance of receiving a grant award and stressing the difficulty of and amount of work in applying for and receiving a grant.

The final piece of the training program is a two hour small group breakout session. During this period all of the participants will meet in small groups consisting of

approximately 12 people. Participants assign themselves to a group topic they feel is best suited to the needs of their agency. The group topics are: “Developing a Strategic Plan to Create an Intelligence Capability”, “The Intelligence Function in Small Law Enforcement Agencies”, “Developing Relationships for Regional Intelligence Operations”, and “Re-Engineering/Refining an Agency’s Current Intelligence Capability”. The role of the staff during the small breakout groups is as minimal as possible in order to promote creative thinking among the group members, yet still be available as resources.

The objective of the small groups is for interaction amongst participants to work together to identify what things have/have not worked for certain people, what obstacles some agencies have faced and others have not and so forth. The staff provides insight when a group is confused, offer ideas to get the group started, and is available to answer questions when a group has them. The small group session ends with all of the groups coming together in the main classroom. Each group is allowed approximately ten minutes to present the issues they discussed and how they would address these issues and problems. The training session concludes with the staff answering any addition questions, comments or concerns that the participants may have, and at the conclusion of this session, each individual is awarded a certificate of completion.

CHAPTER III: DATA AND METHODS

Data

The variables used for this study were gathered using an online-based survey which was e-mailed to every person who attended the Intelligence Program training sessions. The survey was open online for participation for 35 days and was responded to by 175 persons, which is a response rate of 33 percent ($n=175/527$). There were two types of variables used in this study. First the dichotomous nominal level variables and second the ordinal variables, which are made up of scales. There are three scales in this study. The first is a Gallup scale that is used to assess the size of population in the area that a law enforcement agency has responsibility. The scales are “Central City, 50,000 persons or more”, “Suburbs, 2,500-49,999 persons”, and “Rural, less than 2,499 persons”. The second scale is used to assess the size of the law enforcement agency by the number of its sworn officers. The ranges are “25 or less sworn officers”, “26-100 sworn officers”, and “101 or more sworn officers”.

It should be recognized for purposes of this study that the variables of agency size in regard to the number of sworn officers employed and the population of the area the agency is responsible for are closely related. Given this, the results of the third and fourth research question are likely to be similar. The reason for assessing agency size in these two different ways is to make sure the study encompasses the entire aspect of agency size as it relates to the adequacy of the agency’s intelligence capacity. The final scale is a variable called “adequacy”. It is an additive scale variable and it will be discussed in detail later in this section.

The Likert scale variables are produced by a respondent identifying to which extent he/she agrees to a statement on the survey. There are six of these Likert scale questions on the survey and the possible responses are “strongly agree”, “agree”, “disagree”, and “strongly disagree”. Of the six Likert scale questions, only two will be used for analysis purposes in this study; the extent to which a participant agreed or disagreed that the Intelligence Program helped their agency develop or re-engineer the agency’s intelligence capacity and the extent to which a participant agreed or disagreed that the resources obtained at the Intelligence Program were useful in the development of re-engineering of the agency’s intelligence capacity. These were chosen to directly assess the participants’ opinion of the effectiveness of the Intelligence Program.

The adequacy variable is an additive scale produced from a group of nominal level agency characteristics. For the purpose of this study, adequacy is defined as an agency’s cumulative level of positive intelligence capacity characteristics. In order to create this additive scale, factor analysis was used to reduce the number of variables used to explain the relationship between an agency’s characteristics and the effectiveness of the Intelligence Program of the agencies in the study.⁶ A summary of the key factor analysis findings are provided in Table 1.

The variables used to create the adequacy scale were:

1. If the agency’s intelligence capacity was in place before September 11th, 2001
2. If the agency had intelligence analysts on their staff
3. If the agency had a specific intelligence records system

⁶ The researcher does acknowledge that there is some dissention about the use of dichotomous nominal level variables in factor analysis due to the possibility of the analysis yielding uncorrelated factors that result in a wrongly specified structure or underlying relationship (Walker, 1999). However, the researcher feels that the underlying relationships of the variables chosen for the factor analysis to be included in the additive scale had a pre-existing relationship, which is also illustrated by the reliability alpha score.

4. If the agency had policies and procedures for their intelligence capacity in place
5. If the agency's intelligence capacity was compliant with 28 CFR Part 23
6. If the agency's intelligence capacity was compliant with the NCISP
7. If the agency worked with the community in an intelligence related manner
8. If the agency worked with the private companies in its area
9. If the agency had allocated funds specifically for an intelligence capacity
10. If the agency had been sued for matters relating to intelligence records systems
11. If the agency had been sharing information with federal agencies before attending the training; and
12. If the agency has been sharing information with federal agencies after attending the training

The respondents answered either "yes", "no", or "don't know" for all of the questions discussed above. The responses to these questions were recoded into a score of one or a score of zero. Those respondents who answered "yes" to the questions were given a score of one. Those respondents who answered "no" or "don't know" to the questions were given a score of zero. The question regarding whether an agency had been sued for intelligence related records systems was recoded with those who responded "no" given a score of one and those who responded "yes" or "don't know" given a score of zero. This is because that the scores of "one" illustrates a positive characteristic of an intelligence capacity and not being sued would be the positive aspect.

For each respondent's answers to the above questions, a total is calculated from which the "adequacy" variable is derived. The "adequacy" variable is on a scale of zero to 12. The lowest score possible is zero with a respondent answering "no" to all of the questions above and "yes" to the being sued question. The highest score possible is twelve which is achieved by a respondent answering "yes" to all of the questions above and "no" to the being sued question. As it is illustrated in Table 3, the scores are categorized as either "low", "medium", or "high" scores. All of the agencies receiving a

total score of zero to four are categorized as “low”, a total score of five to eight is a “medium” score, and finally a score of nine to twelve is a “high” score.

Table 1: Summary of Factor Analysis

| Variable | Reliability Alpha | Bartlett's Test of Sphericity | Initial Eigenvalues | % of Variance |
|----------|-------------------|-------------------------------|---------------------|---------------|
| Adequacy | .888 | .000 | 6.49 | 76.44 |

Methods

The analyses for this study will be the result of using univariate and bivariate analysis of the variables previously mentioned. Table 4 provides a summary of the univariate analysis for the nominal level variables of the study while Table 5 provides the summary of the univariate analysis of the ordinal level variables.

Once again, the intent of this study is to assess the effectiveness of the Intelligence Program on state, local, and tribal law enforcement agencies' ability to develop or re-engineer an intelligence capacity and the effect the agency's size has on the adequacy of their intelligence capacity. Four research questions were identified that will be the focus of the study. Given the nature of the data, the vast majority being dichotomous, nominal level variables and the fact that the entire population was surveyed, cross tabulations and chi square analyses will be employed. The chi square test is the primary method of establishing a significant relationship between two nominal level variables (Walker, 1999, p. 143). When the chi square value (χ^2) exceeds the critical value of significance at the designated degrees of freedom for the tabulation, the relationship is considered significant at the designated alpha level.

Dependent Variables

There were three dependent variables used in this study, with one of them being used twice in order to test the hypotheses. Table 2 provides a list of the dependent variables used for analyses as well as the level of measurement for each variable.

Table 2: Dependent Variables Used for Analyses

| Dependent Variable | Level of Measurement |
|---|--|
| Agency Developed or in the Process of Developing an Intelligence Capacity After Attending Training | Dichotomous (Yes/No) |
| Agency Modified Any Aspect of Their Intelligence Capacity After Attending Training | Dichotomous (Yes/No) |
| Adequacy of Agency's Intelligence Capacity | Ordinal Large (Additive score of 9-12) Medium (Additive score of 5-8) Small (Additive score of 0-4) |

Independent Variable

Table 3: Independent Variables Used for Analyses

| Independent Variable | Level of Measurement |
|---|--|
| Did the Agency Have an Intelligence Capacity Before Attending Training | Dichotomous (Yes/No) |
| Agency Size | Ordinal Large (101 or more sworn officers) Medium (26-100 sworn officers) Small (25 or less sworn officers) |
| Agency's Constituent Population Size | Ordinal Large (50,000 or more persons) Medium (2,500-49,999 persons) Small (2,499 or less persons) |

Research Questions

1. Is there a significant relationship between a law enforcement agency not having an intelligence capacity prior to attending the Intelligence Toolbox training program and the same agency having either developed an intelligence capacity or being in the process of developing an intelligence capacity after attending the Intelligence Toolbox training program?

- 2. Is there a significant relationship between a law enforcement agency having had an intelligence capacity in place prior to attending the Intelligence Toolbox training program and the same agency changing and/or modifying their intelligence capacity after attending the Intelligence Toolbox training program?**
- 3. Is there a significant relationship between the size of the law enforcement agency and the adequacy of a law enforcement agency's intelligence capacity?**
- 4. Is there a significant relationship between the population the law enforcement agency is responsible for and the adequacy of a law enforcement agency's intelligence capacity?**

CHAPTER IV: RESULTS

Univariate Statistics

For questions two, four, six and eight on the survey, 54 of the respondents did not answer the question. This is not counted as a “missing” variable because the survey instructed the respondent to skip these questions if they had indicated in the first question that their agency did not have an intelligence capacity. The purpose of this was to gauge the characteristics of an existing intelligence capacity in order to give a ground work on which modifications could occur.

As Table 4 and Table 5 illustrate, the findings from the items that comprised the adequacy scale generally indicated a basic intelligence capacity in the agencies attending the Intelligence Program training. For example, 64 percent of the agencies reported having an intelligence capacity before attending the training. This suggested an increase in the post-9/11 period as only 42 percent of the agencies’ intelligence capacities were in place before September 11th. Over one-half and as many as 80 percent of the agencies reported having an intelligence records system along with policies, procedures, being 28 CFR Part 23 compliant, being NCISP compliant, and sharing information with federal agencies before attending the training. In contrast, only 11 percent of agencies stated that they had been sued for intelligence related records system. In terms of the level of the agency’s adequacy of their intelligence capacity, the responses were evenly distributed across low, medium, and high categories.

In contrast to the variables related to some intelligence capacities, the variables indicating a commitment of personnel, relationship with the community or private sector, and sharing of information were less positive in terms of the development of law

enforcement intelligence capacities. For example, although 80 percent of the agencies reported having intelligence analysts on their staff and sharing information with federal agencies, less than half reported working with the community in any aspect relating to intelligence, working with private companies in their area in any aspect relating to intelligence, and allocating funds specifically for an intelligence capacity.

Table 4: Univariate Analysis for Nominal Variables (n= 175)

| Variable | Yes | No | Missing |
|--|--------------|--------------|-------------|
| Had Intelligence Capacity Before Attending Training | 112 (64%) | 54 (31%) | 9 (5%) |
| Modified Any Aspect of Intelligence Capacity After Attending Training | 80 (46%) | 86 (49%) | 9 (5%) |
| Had Intelligence Capacity Before September 11, 2001* | 74 (42%) | 37 (21%) | 10 (37%) |
| Have Intelligence Analysts on Staff | 78 (45%) | 88 (50%) | 9 (5%) |
| Have Intelligence Records System* | 62 (51%) | 58 (47%) | 1 (2%) |
| Have Intelligence Policies and Procedures* | 87 (71%) | 33 (27%) | 1 (2%) |
| Compliant With 28 CFR Part 23 | 98 (56%) | 68 (39%) | 9 (5%) |
| Compliant With the NCISP* | 98 (80%) | 23 (20%) | 0 (0%) |
| Developed or Developing Intelligence Capacity After Attending Training | 96 (55%) | 71 (41%) | 8 (4%) |
| Worked With the Community | 77 (44%) | 87 (49%) | 11 (7%) |
| Worked With Private Companies | 67 (38%) | 97 (55%) | 11 (7%) |
| Allocated Funds For Intelligence Capacity | 76 (43%) | 89 (51%) | 10 (6%) |
| Shared Information With Federal Agencies Before Training | 142 (81%) | 23 (13%) | 10 (6%) |
| Shared Information With Federal Agencies After Training | 140 (80%) | 21 (12%) | 14 (8%) |
| Agency Has Been Sued for Intelligence Related Records Systems | 20 (11%) | 114 (65%) | 9 (24%) |

*These were questions on the survey that participants who indicated they did not have an intelligence capacity before attending the Intelligence Program were instructed to skip. There were 54 participants who did not respond to these questions.

Table 5: Univariate Analysis of Ordinal Variables (n= 175)

| | Low | Medium | High | Missing | |
|---|----------------|-------------|--------------|-------------------|-------------|
| Agency Size | 38 (22%) | 40 (23%) | 88 (50%) | 9 (5%) | |
| Population of Agency's Area | 7 (4%) | 45 (26%) | 112 (64%) | 11 (6%) | |
| Adequacy | 60 (34%) | 53 (31%) | 62 (35%) | 0 (0%) | |
| | Strongly Agree | Agree | Disagree | Strongly Disagree | Missing |
| The Resources Gathered at the Training Greatly Helped | 72 (41%) | 70 (40%) | 13 (7%) | 1 (1%) | 19 (11%) |
| The Training Program Helped to Develop or Re-engineer Intelligence Capacity | 42 (24%) | 72 (42%) | 32 (18%) | 5 (3%) | 22 (13%) |

Bivariate Statistics

As mentioned previously, the focal point of this study will be the four research questions related to the impact of the Intelligence Program training and the impact of agency size on the adequacy of an agency's intelligence capacity. The bivariate analysis will consist of analyzing each individual research question through the use of chi square tables and cross-tabulation tables.

Research Question One: Intelligence Capacity Before and After Training

The first research question asks whether there is a significant relationship between a law enforcement agency not having an intelligence capacity prior to attending the Intelligence Toolbox training program and the same agency having either developed an intelligence capacity or being in the process of developing an intelligence capacity after attending the Intelligence Toolbox training program. Table 6 provides a summary of the relationship between an agency not having an intelligence capacity prior to attending the Intelligence Program and the same agency either having developed or being in the

process of developing an intelligence capacity after attending the training program by using cross tabulation and the chi square analysis.

Table 6: Relationship Between an Agency With No Intelligence Capacity Before Training and Either Having an Intelligence Capacity or Developing an Intelligence Capacity After Training

| | Developed or Developing Intelligence Capacity After Training | Did Not Develop or Not Developing Intelligence Capacity After Training | Missing | Total | Chi Square (x ²) |
|---|---|--|------------|---------------|------------------------------------|
| Had Intelligence Capacity Before Training | 62 (55%) | 50 (45%) | 0 (0%) | 112 (100%) | 155.23* |
| Did Not Have Intelligence Capacity Before Training | 33 (61%) | 21 (39%) | 0 (0%) | 54 (100%) | |
| Missing | 1 (11%) | 0 (0%) | 8 (89%) | 9 (100%) | |
| Total | 96 (55%) | 71 (41%) | 8 (4%) | 175 (100%) | |

*Significant at Alpha .001 with 4 Degrees of Freedom

The cross tabulations in Table 4 illustrate that 61 percent (n=33) of the agencies that did not have an intelligence capacity before attending the Intelligence Program training had either developed an intelligence capacity or were in the process of developing an intelligence capacity following the training. This compared to 55 percent (n=62) of the agencies that had an intelligence capacity before the training. The high chi square value well exceeds the critical value for statistical significance at the alpha .001 level. The significance of the results of this relationship may be magnified due to the fast turn around time of this study. The respondents had a very limited amount of time to implement a change within their agency after attending the training program. The participants who had the most time were those who attended the Lansing, MI training in August 2005. The Lansing participants had approximately six months to implement any changes related to an intelligence capacity.

In contrast, the participants who attended the training in Columbia, SC had only approximately two weeks to implement any changes. It follows that if this same study were to be conducted one year after the final training program, the number of agencies that did not have an intelligence capacity before attending the Intelligence Program and were developing an intelligence capacity after attending would increase. This effect would be due to the agencies having enough time necessary to start the bureaucratic process of implementing change within a law enforcement organization.

Other factors, besides time, can be attributed to the lack of change within an agency. Those are factors such as funding, political views, administrators' views, and a lack of personnel. Given the time needed to produce organizational change, the result of this relationship may be even more significant. In summary, the research indicates that there is a significant relationship between a law enforcement agency not having an intelligence capacity before attending the Intelligence Toolbox training program and having developed or being in the process of developing an intelligence capacity after attending the Intelligence Toolbox training.

Research Question Two: Intelligence Capacity and Modifications After Training

The second research question of the study is whether there is a significant relationship between a law enforcement agency that had an intelligence capacity in place prior to attending the Intelligence Toolbox training program and the same agency changing and/or modifying their intelligence capacity after attending the Intelligence Toolbox training program. By the operational definition for this study, modifying is any change made to existing policies, procedures, records systems, staff assignments, or any other aspect of an intelligence capacity. Table 7 illustrates the results from the cross

tabulation and chi square analysis of the relationship between a law enforcement agency having an intelligence capacity before attending the training program and whether that same agency made any modifications to its intelligence capacity after attending the training program.

Table 7: Relationship Between an Agency's Intelligence Capacity Before Attending the Training and If the Same Agency Made Any Modifications to the Existing Intelligence Capacity

| | Did Make Modifications to the Intelligence Capacity After Attending Training | Did Not Make Any Modifications to the Intelligence Capacity After Attending Training | Missing | Total | Chi Square (χ^2) |
|---|---|---|-------------|---------------|-------------------------------|
| Had Intelligence Capacity Before Training | 77 (69%) | 35 (31%) | 0 (0%) | 112 (100%) | 236.44* |
| Did Not Have Intelligence Capacity Before Training | 3 (6%) | 51 (94%) | 0 (0%) | 54 (100%) | |
| Missing | 0 (0%) | 0 (0%) | 9 (100%) | 9 (100%) | |
| Total | 80 (46%) | 86 (49%) | 9 (5%) | 175 (100%) | |

*Significant at Alpha .001 Level with 4 Degrees of Freedom

Of the 112 agencies that had an intelligence capacity before attending the Intelligence Program, 77, or 69 percent, had made some type of modification to their intelligence capacity after attending the Intelligence Program training. In contrast, and as would be expected, only six percent of the agencies reporting no intelligence capacity before the training indicated that they made modifications to their intelligence capacity. The chi square value for this relationship is statistically significant at an alpha level of .001. It can be inferred that the information, resources, and tools obtained by the participants at the training program have had a significantly positive effect on a state, local, and tribal law enforcement agencies' intelligence functions. It can be argued that some degree of organizational change can also affect the results between these two variables. The amount of change needed to modify an existing function of policing is

vastly different than the amount of change involved in implementing an entirely new aspect of policing, however it can be argued that the relationship would be even stronger if the respondents were given more time to implement modifications. Based on the statistical results of the chi square analysis, which had a value of 236.44, the research suggests that there is a significant relationship between the law enforcement agencies who attended the Intelligence Program training and the same agencies implementing some form of modification to their existing intelligence capacity.

Research Question Three: Agency Size and Adequacy of Intelligence Capacity

The other aspect of this study is to determine the impact that the size of a law enforcement agency has on the adequacy of its intelligence capacity. With this in mind, the third research question of this study is that there is a significant relationship between the size of the law enforcement agency and the adequacy of a law enforcement agency's intelligence capacity. The implication of agency size plays a large role in the arena of law enforcement intelligence due to the findings of the 9/11 Commission, which were previously stated. The intent of the Intelligence Program is to bring the necessary information and tools to the state, local, and tribal levels, regardless of agency size. Approximately 58 percent of the participants in the training program were from agencies that were comprised of 101 or more sworn officers. The remainder of the participants were evenly distributed among agencies ranging from 25 or less sworn officers and 26-100 sworn officers. Table 8 provides a summary of the analysis between the relationship of an agency's size and the adequacy of its intelligence capacity.

Table 8: Relationship Between the Size of an Agency and the Adequacy of It's Intelligence Capacity

| Adequacy of Intelligence Capacity | Agency Size | | | Missing | Total | Chi Square (x ²) |
|-----------------------------------|-----------------------------|-----------------------|----------------------------|-------------|---------------|------------------------------|
| | Less than 25 Sworn Officers | 26-100 Sworn Officers | 101 or More Sworn Officers | | | |
| High | 7 (18%) | 5 (13%) | 50 (57%) | 0 (0%) | 62 (35%) | 57.88* |
| Medium | 14 (37%) | 12 (30%) | 27 (31%) | 0 (0%) | 53 (31%) | |
| Low | 17 (45%) | 23 (57%) | 11 (12%) | 9 (100%) | 60 (34%) | |
| Missing | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | |
| Total | 38 (100%) | 40 (100%) | 88 (100%) | 9 (100%) | 175 (100%) | |

*Significant at the Alpha .001 Level with 9 Degrees of Freedom

Intuitively, a person would assume that the larger the agency, the more likely that agency is to have a more adequate intelligence capacity. In this case, intuition is correct. As table 8 illustrates, the more sworn officers the agency has, then the agency will have a more adequate intelligence capacity. For example, over half of the large agencies were found to have a high level of intelligence capacity adequacy. In comparison, only 18 percent of small agencies have a high level of intelligence capacity adequacy. There is an even distribution of low adequacy scores to high adequacy scores as the agency sizes go from small to large. The association between the size of an agency and the adequacy of the agency's intelligence capacity is significant at the alpha .001 level with a chi square value of 57.88, which indicates a significant relationship between agency size and the adequacy of that agency's intelligence capacity.

Research Question Four: Agency's Population and Adequacy of Intelligence Capacity

The fourth and final research question that will be assessed in this study is that there is a significant relationship between the population of persons the law enforcement

agency is responsible for and the adequacy of a law enforcement agency's intelligence capacity. Once again, it is intuitive to assume that the larger the population a law enforcement agency is responsible for, the more adequate its intelligence capacity will be. This assumption is based on the fact that larger agencies often have access to more resources, whether those resources are personnel, financial, or equipment. As it is true with the size of the actual agency, the higher the population of persons that an agency is responsible for, the more the agency's intelligence capacity will be adequate.

Approximately 64 percent of the participants responded that they served a constituency of 50,000 persons or more while approximately 26 percent serve 2,500-49,999 persons and only about four percent serve less than 2,499 persons. While it is almost blatantly obvious, it should be noted that there is also a statistically significant relationship between an agency's size and the population of persons it serves. Table 9 provides a summary of the analysis of the relationship between the size of population an agency is responsible for and the adequacy of the agency's intelligence capacity.

Table 9: Relationship Between the Size of the Population an Agency is Responsible for and the Adequacy of the Agency's Intelligence Capacity

| Adequacy of Intelligence Capacity | Agency Population Responsibility Size | | | | | Chi Square (x ²) |
|--------------------------------------|---------------------------------------|-------------------------|--------------------------|--------------|---------------|------------------------------------|
| | 50,000 or More Persons | 2,500-49,999 Persons | 2,499 or Less Persons | Missing | Total | |
| High | 54 (48%) | 6 (14%) | 0 (0%) | 2 (18%) | 62 (35%) | 34.59* |
| Medium | 32 (29%) | 18 (40%) | 0 (0%) | 3 (27%) | 53 (31%) | |
| Low | 26 (23%) | 21 (46%) | 7 (100%) | 6 (55%) | 60 (34%) | |
| Missing | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | 0 (0%) | |
| Total | 112 (100%) | 45 (100%) | 7 (100%) | 11 (100%) | 175 (100%) | |

*Significant at the .001 Alpha Level at 9 Degrees of Freedom

Similar to the agency size variable, when the size of the population that agency is responsible for is crossed with the adequacy variable, the results indicate that the larger the population for the agency, then the more likely it is for the agency to have an adequate intelligence capacity. The agencies having the highest adequacy scores are the agencies with the larger constituent population. Table 9 shows that 48 percent (n=54) of the large population agencies had a high adequacy score, another 29 percent (n=32) had a medium adequacy score, and only 23 percent (n=26) had a low adequacy score. In comparison, 14 percent (n=6) of the medium agencies had a high adequacy score, another 40 percent (n=18) had a medium adequacy level, and 46 percent (n=21) had a low adequacy level. Lastly, there were zero small agencies that had either a high or medium adequacy level while all seven of the small agencies in the study had a low adequacy level for their intelligence capacity.

In summary, the more people a law enforcement agency is responsible for, the more likely the agency's intelligence capacity will be adequate. The strength of the relationship between these variables is indicated with a chi square value of 34.59, which is significant at an alpha level of .001 with nine degrees of freedom.

Ordinal Measures of Intelligence Program's Effectiveness

The two previous research questions have illustrated that the size of a law enforcement agency has an effect on the adequacy, or the effectiveness, of that agency's intelligence capacity. With this effect in mind, the intent of the Intelligence Program is to provide the resources and tools necessary to either develop or re-engineer an intelligence capacity for those agencies at the state, local, and tribal levels that either do not have an intelligence capacity or are in need of re-engineering an existing capacity. The aspect of

agency size comes to play a role due largely to the lack of resources and, prior to the 9/11 Commission Report, a notion that the smaller agencies need not play that large of role in the overall scheme of law enforcement intelligence. Table 10 and Table 11 provide summaries of the relationship between an agency's size and their opinions on the degree to which they believe the Intelligence Program helped their intelligence capacity.

Table 10: Relationship Between the Size of an Agency and the Agency's Opinion That the Intelligence Program Helped Their Intelligence Capacity

| Agency's Opinion That the Intelligence Program Helped Their Intelligence Capacity | Agency Size | | | Missing | Total | Chi Square (x ²) |
|---|-----------------------------|-----------------------|----------------------------|-------------|---------------|------------------------------|
| | Less than 25 Sworn Officers | 26-100 Sworn Officers | 101 or More Sworn Officers | | | |
| Strongly Agree | 7 (18%) | 8 (20%) | 27 (31%) | 0 (0%) | 42 (24%) | 55.10* |
| Agree | 17 (45%) | 19 (48%) | 37 (42%) | 1 (11%) | 74 (42%) | |
| Disagree | 8 (21%) | 7 (18%) | 17 (19%) | 0 (0%) | 32 (18%) | |
| Strongly Disagree | 2 (5%) | 1 (2%) | 2 (1%) | 0 (0%) | 5 (3%) | |
| Missing | 4 (11%) | 5 (12%) | 5 (6%) | 8 (89%) | 22 (13%) | |
| Total | 38 (100%) | 40 (100%) | 88 (100%) | 9 (100%) | 175 (100%) | |

*Significant at the Alpha .001 Level with 12 Degrees of Freedom

Table 11: Relationship Between the Size of an Agency and their Officers' Opinions That the Resources Obtained at the Intelligence Program Assisted Their Intelligence Capacity

| Agency's Opinion That the Resources Obtained at the Intelligence Program Assisted Their Intelligence Capacity | Agency Size | | | Missing | Total | Chi Square (x ²) |
|---|-----------------------------|-----------------------|----------------------------|-------------|---------------|------------------------------|
| | Less than 25 Sworn Officers | 26-100 Sworn Officers | 101 or More Sworn Officers | | | |
| Strongly Agree | 15 (39%) | 15 (38%) | 42 (48%) | 0 (0%) | 72 (41%) | 69.60* |
| Agree | 15 (39%) | 15 (38%) | 39 (44%) | 1 (11%) | 70 (40%) | |
| Disagree | 3 (8%) | 5 (13%) | 5 (6%) | 0 (0%) | 13 (7%) | |
| Strongly Disagree | 0 (0%) | 1 (1%) | 0 (0%) | 0 (0%) | 1 (1%) | |
| Missing | 5 (14%) | 4 (10%) | 2 (2%) | 8 (89%) | 19 (11%) | |
| Total | 38 (100%) | 40 (100%) | 88 (100%) | 9 (100%) | 175 (100%) | |

*Significant at the Alpha .001 Level with 12 Degrees of Freedom

As the tables illustrate, the majority of participants, regardless of size, felt that the Intelligence Program had a positive effect on their intelligence capacities. Overall, 116

of the 175 participants, or 66 percent (22 missing cases in this variable) either strongly agreed or agreed that the program did in fact help their agency's intelligence capacity needs. The relationship between an agency's size and whether the resources obtained while attending the Intelligence Program assisted their intelligence capacity yielded even stronger results. Of the 175 participants, with 19 missing cases, 142 agencies, or 81 percent, regardless of size, either strongly agreed or agreed that the resources obtained while attending the Intelligence Program assisted their agency's intelligence capacity. Table 11 illustrates that 92 percent of the large agencies, 76 percent of the medium agencies, and 78 percent of the small agencies responded that the resources obtained while attending the Intelligence Program greatly helped their intelligence capacity.

Improved information Sharing with Federal Agencies

While the intent of the Intelligence Program is to provide the knowledge and tools necessary to develop or re-engineer an intelligence capacity, it is also designed to aid the improvement of information sharing as a whole. The participants were asked if their agency was involved or not involved with sharing information with agencies at the federal level before the training, and after the training. As Table 12 illustrates, there were a total of 23 participants who responded that their agency was not sharing information with agencies at the federal level before attending the Intelligence Program training. A total of 21 participants indicated that their agency was not sharing information with agencies at the federal level after attending the Intelligence Program training.

Given this information, there is a slight improvement of information sharing. The difference of two participants indicating their agency is involved with sharing

information after attending the Intelligence Program training as opposed to not sharing information with federal agencies before attending the training is minimal, it is still an improvement. However it should be noted that this increase of information sharing could be attributed to other factors not related to the Intelligence Program such as improved equipment, new hiring of personnel, or an administrator's decision.

Table 12: Relationship Between Agencies Sharing Information With Federal Agencies Before Training and Agencies Sharing Information With Federal Agencies After Training

| | Sharing Information With Federal Agencies After Training | Not Sharing Information With Federal Agencies After Training | Missing | Total | Chi Square (χ^2) |
|--|---|---|--------------|---------------|-------------------------------|
| Sharing Information With Federal Agencies Before Training | 137 (98%) | 1 (5%) | 4 (29%) | 142 (81%) | 262.10* |
| Not Sharing Information With Federal Agencies Before Training | 3 (2%) | 20 (95%) | 0 (0%) | 23 (13%) | |
| Missing | 0 (0%) | 0 (0%) | 10 (71%) | 10 (6%) | |
| Total | 140 (100%) | 21 (100%) | 14 (100%) | 175 (100%) | |

*Significant at Alpha .001 Level with 4 Degrees of Freedom

CHAPTER V: DISCUSSION

Law enforcement in the United States today is enduring a re-birth of a controversial practice. The use of intelligence in the law enforcement arena practically vanished after the 1970s, leaving a misconception about its use and value. Sadly, events such as the Oklahoma City bombing and the attacks on the world trade towers on September 11th, 2001 have demanded the use of intelligence to be a part of law enforcement in the present and the future. With the emergence of organized crime and terrorism at all time highs, law enforcement has looked to the use of intelligence in an attempt to disrupt and intervene in such criminal activity. The essential ingredient to the success of law enforcement intelligence is the cooperation among agencies at every level, regardless of size, location, and resources. It was this idea that led Michigan State University and the Department of Homeland Security, Office of Grants & Training to help “bridge the gap” between law enforcement agencies.

The Intelligence Program is designed to help assist law enforcement agencies at the state, local, and tribal levels to either develop an intelligence capacity if they do not currently have one or re-engineer an existing intelligence capacity to ensure the effectiveness of that capacity. This research study was designed to assess the effectiveness of the Intelligence Program and to determine the impact agency size has on the adequacy of that agency’s intelligence capacity on the most basic level. In this section the discussion will focus on the findings of the study, explanations of uncertainty, the implications of the findings, ideas for future improvement of the study, and the advantages that the Intelligence Program provides.

As mentioned before, this study provides an assessment of the Intelligence Program at the most basic level of scientific analysis. The data gathered by the online survey yielded a straightforward set of data that could only be used in bivariate analysis. The research can be separated into two different aspects; the effectiveness of the Intelligence Program and the impact of agency size on the adequacy of the agency's intelligence capacity. The aspect that determines the effectiveness of the Intelligence Program will be addressed first.

Summary of the Results

Initially, the data indicate that there is a statistically significant level of positive effect that the Intelligence Program has on state, local, and tribal law enforcement agencies' ability to either develop or re-engineer an intelligence capacity. These findings are illustrated by the information provided in the analysis section of this paper. The findings of this portion of the study also indicate that the agencies that benefited the most from the training were the large agencies. Table 10 illustrates that a larger percentage of the participants from large agencies (73 percent strongly agree or agree) felt that the Intelligence Program helped them to either develop or re-engineer an intelligence capacity as opposed to the percentage of smaller agencies (63 percent strongly agree or agree). As Table 11 illustrates, a larger percentage of large agencies (81 percent strongly agree or agree) responded that they felt the resources obtained while attending the Intelligence Program assisted them in the development or the re-engineering of their agency's intelligence capacity as compared to a smaller percentage of small agencies (78 percent strongly agree or agree) that felt the same way.

Intuitively it would seem that larger agencies would already have knowledge of, and access to, the types of information and resources the Intelligence Program provides while most small agencies would not. With this in mind, it would also seem that since the Intelligence Program was providing the type of information and resources necessary to enhance an agency's intelligence capacity, that the small agencies would benefit more from the program. Although the majority of respondents from small agencies reported that the training was beneficial, it was a bit lower than for medium agencies. In considering these results, however, it is important to keep in mind that different factors besides information and resources are necessary to implement change within an agency. These factors are the same ones involved with the issues of organizational change. It may be that the small agencies which attended the Intelligence Program were unable to have the same levels of success as the larger agencies due to resource restrictions within their agencies. The types of restrictions that would hinder small agencies attempts at the development or re-engineering of their intelligence capacities are financial and personnel related. Law enforcement agencies are being asked to either add an additional unit to their agencies or "remodel" an existing unit without, in most cases, additional funding or personnel. These types of situations put law enforcement decision makers in difficult positions where they must decide where resources will be allocated to.

Unfortunately, intelligence capacities are a difficult aspect to implement given that they require a minimal financial and personnel investment. When faced with the obstacle of taking on such a task, often time's law enforcement administrators are reluctant to change, especially when faced with the re-allocation of already scarce resources. As is the case with many small-town police agencies, the person in charge of

making decisions has run the agency “his/her way” for years and feels the operational methods currently in place are working well enough and there is no need for change. The Intelligence Program attempts to address issues such as these with the different sections of the training program. The sections which specifically address these issues are the “external funding” and “special issues” sections.

Within the “external funding” section, the training focuses on ways in which law enforcement agencies can submit a proposal for external funding such as federal grants. External funding allows for agencies to supplement the development of, or the improvement of, an intelligence capacity. It is important to note that intelligence capacities should not be reliant on external funding due to the uncertainty of funds being awarded. Any external funds should be used on items such as equipment and part time personnel. The “special issues” section addresses aspects of intelligence capacities such as records systems and legal ramifications as related to law enforcement intelligence. Law enforcement administrators must keep this information in mind when deciding when and how to implement the use of a federally compliant intelligence capacity. In order to comply with NCISP policies and 28 CFR Part 23, an investment must be made in a records system that meets such standards. While the issues raised here are not all encompassing in regard to the reasons agencies do not develop or re-engineer an intelligence capacity, they tend to be the most significant.

Limitations of the Study

Within the arena of social science research, no research design is perfect and this study is no exception. When attempting to measure the effectiveness of the Intelligence Program, there are ways for the study to be enhanced. There are two aspects that could improve the validity of this study. The first aspect would include a representative sample of state, local, and tribal law enforcement agencies that did not attend the Intelligence Program training. Given that the entire population that was surveyed for this study was comprised of agencies who had attended the Intelligence Program, it is impossible to assess the improvements a law enforcement agency that did not attend the Intelligence Program would make in their efforts to develop or re-engineer an intelligence capacity.

Therefore, this lack of a control or comparison group inhibits the study's ability to compare the improvements made by agencies who attended the Intelligence Program to the improvements made by agencies that did not attend the Intelligence Program. For example, it may be that small agencies benefited the most from the training when compared to small agencies that did not attend the training. Despite these limitations, this study goes beyond most training program evaluations. Often times participants are asked to provide feedback immediately after the training program convenes. However, given the design of the study, the participants were asked to provide feedback months following the training session. This time period allowed for the agencies who attended the training to have some time to implement some of the initiatives and tools that were gained as a result of the Intelligence Program.

The second aspect in which the study could be enhanced is by gathering a sample of public opinions as they relate to the initiative of the Intelligence Program. As

mentioned within the review of literature, the use of intelligence and information sharing by law enforcement agencies is a controversial issue. For example, the people in a community such as Ann Arbor, Michigan would be more apprehensive to having their law enforcement agency attending an intelligence training program as compared to a city such as Columbia, South Carolina. The difference between the two cities are the political views of the community. Ann Arbor has very liberal political views and would more than likely have members of the community who would be opposed to having law enforcement intelligence training in their community (Carter, 2006, Discussion). On the other end of the spectrum, Columbia's community consists of largely conservative political views among the community and would more than likely be welcoming to law enforcement intelligence training in their community.

Implications from the Study

The results of this study and the Intelligence Program in general, will have a rippling effect on policy and procedures of law enforcement agencies across the country. In order for law enforcement agencies to effectively and efficiently share information with other agencies, they must have policies and procedures in place to guide the practices of law enforcement intelligence. Agencies must make sure that their intelligence capacities are 28 CFR Part 23 compliant. As mentioned previously, the failure to do so can have significantly negative impacts that would cripple most intelligence capacities. Agencies must also take into consideration the recommendations outlined within the National Criminal Intelligence Sharing Plan. These recommendations help to ensure the proper use of intelligence functions, from the developmental stage to a

fully functioning capacity. Once again, the financial aspect possibly plays the largest role in the intelligence function arena. With the vast majority of law enforcement agencies already suffocated by decreasing budgets, the notion of implementing a change to the current policing system, which involves the expenditure of resources, is not an easy issue for police administrators to deal with.

The Need to Acknowledge Intelligence Analysts as Professionals

One of the main objectives of research is to provide current information that will facilitate future study. An aspect of law enforcement intelligence that will need to be addressed in the future is the certification of intelligence analysts as a professional career. The Intelligence Program is designed to support the basic intelligence capacity at the state, local, and tribal levels, however, the next step a law enforcement agency must do is to develop law enforcement intelligence analysts. There are two reasons for intelligence analysts to be recognized as professionals. The first is that there is a strong demand for intelligence analysts within the law enforcement community. Trained and qualified analysts do not come directly out of college, on-the-job work experience is necessary in order for intelligence analysts to fully be able to comprehend the expectations that are placed on them.

The second reason is that there must be standards by which intelligence analysts are held to ensure quality intelligence products and similar practices.⁷ The similar practices refer to a standardized means of being an intelligence analyst where methods are consistent across the range of agencies and jurisdictional levels. These types of consistencies will allow for analysts to coordinate with one another more effectively.

Creating a recognized law enforcement intelligence analyst profession would also create a more attractive way to recruit new analysts to fill the positions in demand. One aspect of the intelligence arena that may help law enforcement administrators implement an intelligence capacity is the transformation of intelligence analysts from a “regular job” to a profession.

During the “Big Bend Intelligence Conference” held in Tallahassee, Florida on April 12, 2006, Ritchie Martinez spoke about the issue of transforming law enforcement intelligence analysts’ jobs into a recognized profession. Martinez, the prior International President of the International Association of Law Enforcement Intelligence Analysts, illustrated eight key characteristics that would distinguish an intelligence analyst as a professional. The eight characteristics were (Martinez, 2006):

1. Unique knowledge or expertise
2. Systematic study of a good practice
3. Vocational training
4. Vocational qualifications
5. Certification authority
6. Code of ethics and conduct
7. Decision-making autonomy
8. Recognized status and prestige

These eight characteristics provide a basis of standards by which most professions are held. Within the arena of law enforcement intelligence these characteristics would create the effective and efficient profession of a standardized career in law enforcement. The key characteristics are that intelligence analysts require a unique expertise within their job description and by receiving vocational training (or work experience) that would allow them to be able to interpret analyzed information and draw a potential conclusion from that information. The importance of being able to recognize intelligence analysts as

⁷ The NCISP has recognized needs for standards for education and training of intelligence analysts.

professionals is to further the efficiency and effectiveness of the intelligence cycle. A set of unified standards by which intelligence is analyzed will help law enforcement “connect the dots”.

Academic Advantages of the Intelligence Program

The Intelligence Program reaches farther than just the law enforcement intelligence arena. One of the advantages of having the Intelligence Program developed and delivered by Michigan State University (MSU) is the opportunity for enhancing the education of those participants who are interested in doing so. During the first day of training participants are given the opportunity to engage with resource providers from various agencies, task forces, and organizations. During this time the participants are able to learn more about the educational programs that MSU has to offer. The programs that are most commonly discussed are the online master’s degree, the homeland security certificate, and the intelligence certificate.

The program that receives the most attention is the online master’s degree. The attractiveness of the program is that it is offered completely online. The flexible accessibility to the class is designed for law enforcement personnel who often times have schedules which prohibit them from attending classes as well as being located all over the United States. In addition to having access to information regarding continued education, the participants are able to learn about other training programs that MSU offers to the law enforcement community. The Department of Homeland Security has given MSU grants to develop and deliver programs related to Weapons of Mass Destruction, Critical Incident Protocol, and Campus Emergency Response Teams. Additionally, a joint DHS/EPA Center for Advancing Microbial Risk Assessment is being housed at MSU for

the next five years. During the resources provider session, information on all of the programs MSU has to offer is available to the participants.

In closing, the Intelligence Program appears to have had an overall positive effect on the law enforcement intelligence community. The analyses of the data used in this study have all yielded statistically significant results. The Intelligence Program has not only met the expectations set forth by the Department of Homeland Security, demanded by law enforcement administrators, and required by Michigan State University, but greatly exceeded those expectations. The advantages of the Intelligence Program are not only gained by those participants who attend the training, but the entire nation. The knowledge and resources obtained through the attendance of the Intelligence Program are just one step toward a unified goal of creating the most effective law enforcement community possible.

APPENDIX A

OPERATIONAL DEFINITIONS

28 CFR Part 23. The code of Federal Regulation that outlines the operating policies, based on executive order 12291, for criminal intelligence systems (Counterterrorism, 2004).

Adequacy. A law enforcement agency's positive attributes of an intelligence capacity that allow the intelligence capacity to be the most effective.

Anti-Terrorism Information Exchange (ATIX). Operated by the Regional Information Sharing Systems, ATIX is a secure means to disseminate a national security or terrorist threat information to law enforcement and other first responders via the ATIX electronic bulletin board, secure website, and secure e-mail (Counterterrorism, 2004).

Counterintelligence. A National Security intelligence activity that involves blocking or developing a strategic response to other groups, governments, or individuals through the identification, neutralization, and manipulation of their intelligence services (Counterterrorism, 2004).

Criminal History Record Information. Information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges, and any disposition arising there from, sentencing, correctional supervision, and/or release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system (Counterterrorism, 2004).

Criminal Predicate. Information about an individual of their behavior that may only be collected and stored in law enforcement intelligence records system when 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 (Counterterrorism, 2004).

Dissemination (of Intelligence). The process of effectively distributing analyzed intelligence in the most appropriate format to those in need of the information to facilitate their accomplishment of organized goals (Counterterrorism, 2004).

Field Intelligence Group (FIG). The centralized intelligence component in an FBI Field Office that is responsible for the management, execution, and coordination of intelligence functions within the Field Office region (Counterterrorism, 2004).

Fusion Center. An organizational entity that integrates and analyzes intelligence produced by different organization and submitted to the center in order to produce a comprehensive intelligence picture of the crime issue (Counterterrorism, 2004).

Information. Pieces of raw, unanalyzed data that identifies persons, evidence, events, or illustrates processes that indicate the incidence of a criminal event or witnesses or evidence of a criminal event (Counterterrorism, 2004).

Information System. An organized means, whether manual or electronic, or collecting, processing, storing, and retrieving information on individual entities for purposes of record and reference (Counterterrorism, 2004).

Information Sharing System. An integrated and secure methodology, whether computerized or manual, designed to efficiently and effectively distribute critical information about offenders, crimes, and/or events in order to enhance prevention and apprehension activities by law enforcement (Counterterrorism, 2004).

Intelligence (Criminal). The product of the analysis of raw information related to crimes or crime patterns to ascertain offenders and trends (Counterterrorism, 2004).

Intelligence Community. Those agencies of the United States Government, including the military, which have the responsibility of preventing breeches to U.S. national security and responding to national security threats (Counterterrorism, 2004).

Intelligence Function. The activity within a law enforcement agency responsible for some aspect of law enforcement intelligence, whether collection, analysis, and/or dissemination (Counterterrorism, 2004).

Intelligence-Led Policing. The dynamic use of intelligence to guide operational law enforcement activities to targets, commodities, or threats for both tactical responses and strategic decision-making for resource allocation and/or strategic responses (Counterterrorism, 2004).

Intelligence Records (Files). Stored information on the activities and associations of individuals, organizations, businesses, and groups who are suspected of being or having been involved in the actual or attempted planning, organizing, financing, or commission of criminal acts; or are suspected of being or having been involved in criminal activities with known or suspected crime figures. (Peterson, Morehouse, and Wright, 2001)

Intelligence Records Guidelines. Derived from the federal regulation 28 C.F.R. Part 23, these are guidelines/standards for the development of records management policies and procedures used by law enforcement agencies that have federally funded multi-jurisdictional criminal intelligence systems (Counterterrorism, 2004).

Intelligence Products. Reports or documents that contain assessments, forecasts, associations, links, and other outputs from the analytic process that may be disseminated for use by law enforcement agencies for prevention of crimes, target hardening, apprehension of offenders, and prosecution (Counterterrorism, 2004).

Joint Regional Information Exchange Systems (JRIES). A subscriber-supported analytical and resource system for tribal, local, state, and federal law enforcement with an interface to the Department of Defense which provides secure sensitive but unclassified real-time information with databases, e-mail, media studies, threat reporting, analytic tools, and mapping and imagery tools (Counterterrorism, 2004).

Law Enforcement Intelligence. The end product (output) of an analytical process which collects and assesses information about crimes and/or criminal enterprises with the purpose of making judgments and inferences about community conditions, potential problems, and criminal activity with the intent to pursue criminal prosecution of project crime trends (Counterterrorism, 2004).

Modify. Any change(s) made to existing policies, procedures, records systems, staff assignments or any other aspect of an intelligence capacity.

National Criminal Intelligence Sharing Plan. A formal intelligence sharing initiative, supported by the U.S. Department of Justice, Office of Justice Programs, that securely links state, local, tribal and federal law enforcement agencies, facilitating that exchange of critical intelligence information. The plan contains model policies and standards and is a blueprint for law enforcement administrators to follow when enhancing or building an intelligence function. It describes a nationwide communications capability that will link all levels of law enforcement personnel, including officers on the street, intelligence analysts, unit commanders and police executives (Counterterrorism, 2004).

Open Source Information (or Intelligence). Individual data, records, reports, and assessments which may shed light on an investigatory target or event which does not require any legal process of any type of clandestine collection techniques for a law enforcement agency to obtain, rather it is obtained through means that meet copyright and commercial requirements of vendors as well as being free of legal restrictions to access by anyone who seeks that information (Counterterrorism, 2004).

Operational Intelligence. Information is evaluated and systematically organized on an active or potential target. This process is developmental in nature wherein there are sufficient articulated reasons to suspect criminal activity. Intelligence activities explore the basis of those reasons and newly developed information in order to develop a case for arrest (Counterterrorism, 2004).

Policy. The principles and values that guide the performance of a duty. A policy is not a statement of what must be done in a particular situation. Rather, it is a statement of guiding principles that should be followed in activities that are directed toward the attainment of goals (Counterterrorism, 2004).

Privacy (Information). The assurance that legal and Constitutional restrictions on the collection, maintenance, use and disclosure of personally identifiable information will be adhered to by criminal justice agencies with use of such information to be strictly limited to circumstances where lawful legal process permits use of the personally identifiable information (Counterterrorism, 2004).

Privacy (Personal). The assurance that legal and Constitutional restrictions on the collection, maintenance, use and disclosure of behaviors of an individual, including their communications, associations, and transactions, will be adhered to by criminal justice agencies with use of such information to be strictly limited to circumstances where lawful legal process authorizes surveillance and investigation (Counterterrorism, 2004).

Privacy Act. Legislation that allows an individual to review almost all Federal files (and state files under the auspices of the respective state privacy acts) pertaining to him/herself; places restrictions on the disclosure of personally identifiable information; specifies that there be no secret records systems on individuals and compels the government to reveal information sources (Counterterrorism, 2004).

Purging (Records). The removal and/or destruction of records because they are deemed to be no further value or further access to the records would serve no legitimate government interest (Counterterrorism, 2004).

Recommendations. Suggestions for actions to be taken based on the findings of an analysis (Counterterrorism, 2004).

Records System. A group of records from which information is retrieved by reference to a name or other personal identifier such as a social security number (Counterterrorism, 2004).

Regional Information Sharing System (RISS). RISS projects consist of six regionally grouped states from which state, local and tribal law enforcement agencies can become members to share intelligence information and have a clearinghouse for information and resources for targeted crimes. A member-based intelligence sharing network and clearinghouse for information and resources for targeted crimes. Tribal, local and state law enforcement agencies can become members of one of six regional centers (Counterterrorism, 2004).

Regional Intelligence Center. Multi-jurisdictional centers cooperatively developed within a logical geographic area that coordinates federal, state, local and tribal law enforcement information, with other information sources to track and assess criminal and terrorist threats that are operating in or interacting with the region (Counterterrorism, 2004).

Requirements (Intelligence). The types of intelligence operational law enforcement elements need from the intelligence function within an agency or other intelligence-producing organizations in order for law enforcement officers to maximize protection and preventive efforts as well as identify and arrest persons who are criminally liable (Counterterrorism, 2004).

Responsibility. Reflects how the authority of a unit or individual is used and determining if goals have been accomplished and the mission fulfilled in a manner that is consistent with the defined limits of authority (Counterterrorism, 2004).

Sensitive But Unclassified (SBU) Information. Information that has not been classified by a federal law enforcement agency that pertain to significant law enforcement cases under investigation and criminal intelligence reports that require dissemination criteria to only those persons necessary to further the investigation or to prevent a crime or terrorist act (Counterterrorism, 2004).

Strategic Intelligence. An assessment of targeted crime patterns, crime trends, criminal organizations, and/or unlawful commodity transactions for purposes of planning, decision-making and resource allocations; and the focused examination of unique, pervasive, and/or complex crime problems (Counterterrorism, 2004).

Surveillance. The observation of activities, behaviors, and associations of a target (individual or group) with the intent to gather incriminating information or “lead” information which is used for the furtherance of a criminal investigation (Counterterrorism, 2004).

Tactical Intelligence. Evaluated information on which immediate enforcement actions can be based; intelligence activity focused specifically on developing an active case.

Third Agency Rule. An agreement wherein a source agency releases information under the condition that the receiving agency does not release the information to any other agency (Counterterrorism, 2004).

Threat Assessment. An assessment of the criminal or terrorist presence within a jurisdiction integrated with an assessment of potential targets of that presence and a statement of probability that the criminal or terrorist will commit an unlawful act. The assessment focuses on the group’s opportunity, capability, and willingness to fulfill the threat (Counterterrorism, 2004).

APPENDIX B

Intelligence Toolbox Training Survey

Please answer the following questions to the best of your ability.

This survey is completely voluntary on behalf of the participant.

1. Did your agency have an intelligence capacity prior to your attendance of the Intelligence Toolbox training?

☐ Yes
☐ No
☐ Don't know

*If you answered yes, then go on to questions 2 – 7

*If you answered no, then go on to question 8

2. Was the intelligence capacity in place before September 11th?

☐ Yes
☐ No
☐ Don't know

3. Do you have intelligence analysts on your staff?

☐ Yes
☐ No
☐ Don't know

4. Do you have a dedicated intelligence records unit?

☐ Yes
☐ No
☐ Don't know

5. Has any aspect of the intelligence capacity been modified or changed as a result of attending the Intelligence Toolbox training?

☐ Yes
☐ No
☐ Don't know

6. Do you have separate policies and procedures for an intelligence capacity

☐ Yes
☐ No
☐ Don't know

7. Is your intelligence capacity consistent with:

28 CFR Part 23

☐ Yes
☐ No
☐ Don't know

National Criminal Intelligence Sharing Plan (NCISP)

☐ Yes
☐ No

☐ Don't know

8. Have you developed, or are you in the process of developing, an intelligence capacity since attending the Intelligence Toolbox training?

☐ Yes

☐ No

☐ Don't know

9. Is your agency a member of the Regional Information Sharing System (RISS)?

☐ Yes

☐ No

☐ Don't know

10. Is anyone in your agency connected to the following information sharing systems:
Regional Information Sharing System Network (RISS.net)

☐ Yes

☐ No

☐ Don't know

Law Enforcement Online (LEO)

☐ Yes

☐ No

☐ Don't know

Automated Trusted Information Exchange (ATIX)

☐ Yes

☐ No

☐ Don't know

Joint Regional Information Exchange System (JRIES)

☐ Yes

☐ No

☐ Don't know

Homeland Security Information Network (HSIN)

☐ Yes

☐ No

☐ Don't know

11. Was your attendance at the Intelligence Toolbox training:

Your personal decision

☐ Yes

☐ No

Your agency's decision

☐ Yes

☐ No

12. Did you have any intelligence training **prior** to attending the Intelligence Toolbox training?

☐ Yes

☐ No

*If you answered yes, please indicate which training(s) you attended.

State and Local Anti-Terrorism Training Program (SLATT)

☐ Yes

☐ No

International Association of Law Enforcement Intelligence Analysts

☐ Yes

☐ No

Federal Law Enforcement Training Center

☐ Yes

☐ No

Drug Enforcement Administration Federal Law Enforcement Analyst Training

☐ Yes

☐ No

Other

☐ Yes

Please specify: _____.

☐ No

13. Did you have any intelligence training **after** attending the Intelligence Toolbox training?

☐ Yes

☐ No

*If you answered yes, please indicate which training(s) you attended.

State and Local Anti-Terrorism Training Program (SLATT)

☐ Yes

☐ No

International Association of Law Enforcement Intelligence Analysts

☐ Yes

☐ No

Federal Law Enforcement Training Center

☐ Yes

☐ No

Drug Enforcement Administration Federal Law Enforcement Analyst Training

☐ Yes

☐ No

Other

☐ Yes

Please specify:_____.

☐ No

14. The size of your agency is:

☐ Less than 25 sworn officers

☐ 26-100 sworn officers

☐ 101 or more sworn officers

15. Your agency is responsible for an area that is:

☐ Urban – 2,500 or more persons

☐ Rural – Less than 2,500 persons

☐ Suburban - ?

16. Has your agency ever been sued for issues specifically related to intelligence records?

☐ Yes

☐ No

☐ Don't know

17. Are any members of your agency assigned to:

Joint Terrorism Task Force (JTTF)

☐ Yes

☐ No

☐ Don't know

Organized Crime Drug Enforcement Task Force (OCDEFT)

☐ Yes

☐ No

☐ Don't know

State Fusion / Intelligence Center

☐ Yes

☐ No

☐ Don't know

Regional Fusion / Intelligence Center

☐ Yes

☐ No

☐ Don't know

18. Have you worked with the community in any form as related to your intelligence responsibility?

☐ Yes

☐ No

☐ Don't know

19. Have you worked with the private companies within your geographical area as related to your intelligence responsibility?

- ☐ Yes
- ☐ No
- ☐ Don't know

20. Has your agency allocated funds specifically for an intelligence capacity?

- ☐ Yes
- ☐ No
- ☐ Don't know

21. Would you have attended the Intelligence Toolbox program if the course had a cost associated with it? *Please note, the course will remain free of charge regardless of the responses gathered

- ☐ Yes
- ☐ No

22. Was your agency involved with receiving/providing information with federal agencies **prior** to attending the Intelligence Toolbox?

- ☐ Yes
- ☐ No

23. Was your agency involved with receiving/providing information with federal agencies **after** attending the Intelligence Toolbox?

- ☐ Yes
- ☐ No

Please indicate the extent to which you agree or disagree with the following statements:

24. An intelligence capacity is important for your law enforcement agency?

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly Agree

25. Your law enforcement agency is aware of threats posed in your region by terrorists and extremists?

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly Agree

26. Your law enforcement agency is aware of threats posed in your region by organized crime?

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly Agree

27. Your agency is well protected from civil rights law suits with respect to intelligence in your records systems?

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly Agree

28. The Intelligence Toolbox program helped your agency develop/re-engineer an intelligence capacity.

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly Agree

29. The resources you received from the Intelligence Toolbox program have assisted greatly since attending the training.

- ☐ Strongly Disagree
- ☐ Disagree
- ☐ Agree
- ☐ Strongly Agree

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