



Law Enforcement Intelligence 101

AN OVERVIEW OF TERMINOLOGY, PROCESSES, CRITICAL PRACTICES, AND NATIONAL STANDARDS



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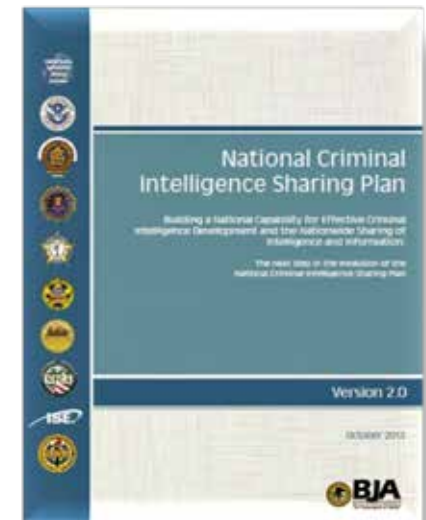
Learning Objectives

- | National professional standards and related initiatives for intelligence as a foundation
- | An overview of terminology
- | A description of Law Enforcement Intelligence processes
- | Current structure of law enforcement intelligence in the U.S.
- | Targeted information collection
- | Intelligence Led Policing (ILP)
- | Roles and responsibilities of individuals in the intelligence process
- | Constitutional guarantees and protections associated with the law enforcement intelligence process
- | Technology and intelligence
- | Issues and challenges for the near future



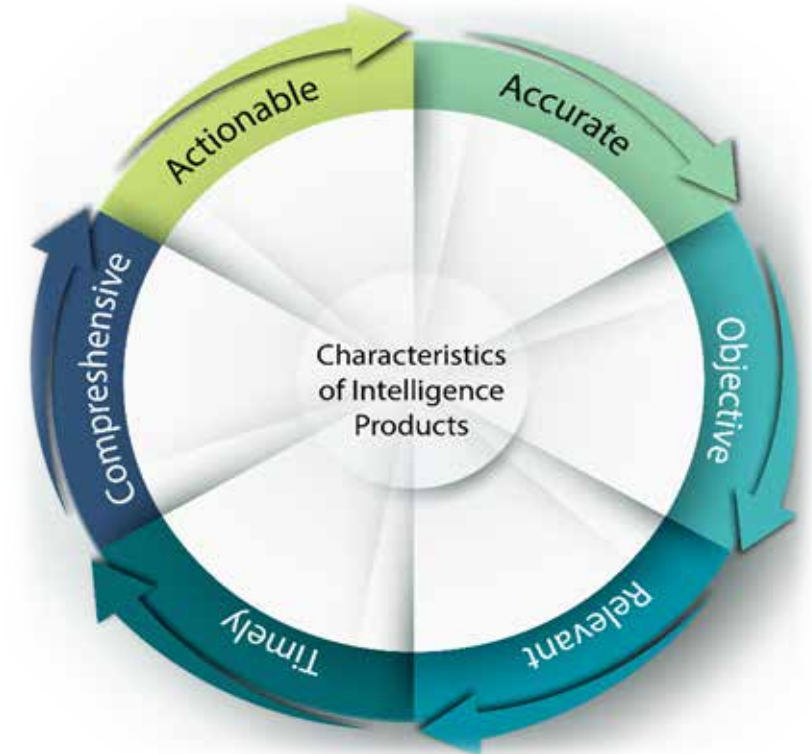
National Professional Standards

- | The Criminal Intelligence Coordinating Council (CICC) standards
 - | *National Criminal Intelligence Sharing Plan (Version 2.0)*
 - | *Minimum Criminal Intelligence Training Standards*
 - | *Fusion Center Guidelines*
 - | *Law Enforcement Analytic Standards (2nd ed.)*
 - | *Information Quality Program Guide*
 - | *Privacy, Civil Rights, and Civil Liberties Policy Development Guide for State, Local, and Tribal Justice Entities*
 - | *Developing a Policy on the Use of Social Media in Intelligence and Investigative Activities*
 - | *Checklist for the Development, Review, and Dissemination of Analytic Products and Resources*



Definitions

- Intelligence – the output of the analytic process
 - We do not collect intelligence – we collect information to be analyzed in the *intelligence process (intelligence cycle)*
- Effective analysis requires a solid foundation of *valid* and *reliable* information
 - This is an important role of line officers and investigators
- The analysis is disseminated to the field and administrators via *intelligence products*



Definitions

- | Types of intelligence
 - | *Case/Investigative Intelligence.* Actionable intelligence in support of an *immediate* or *ongoing* criminal investigation
 - | *Tactical Intelligence.* Actionable intelligence about *imminent* or *near-term threats* that is disseminated to the line functions of a law enforcement agency for purposes of developing and implementing preventive and/or mitigating response plans and activities
 - | *Strategic Intelligence.* Actionable intelligence about *long-term threats* that are used to develop and implement preventive responses. Most commonly, operational intelligence is used for long-term inquiries related to suspected criminal enterprises and complex multijurisdictional criminality

Investigation Versus Intelligence



Intelligence requires a different thought process than we typically learn in our law enforcement careers

| *Investigation*

- | Crime-driven
- | Primary goal of arrest and prosecution
- | Narrow perpetrator-specific information collection
- | Information deals with facts and evidence to support burden of proof

| *Intelligence*

- | Threat-driven
- | Primary goal of prevention, or at least mitigation
- | Broad threat-specific information collection
- | Information deals with facts and probabilities

To Identify Threats, Intelligence Seeks to Understand ...

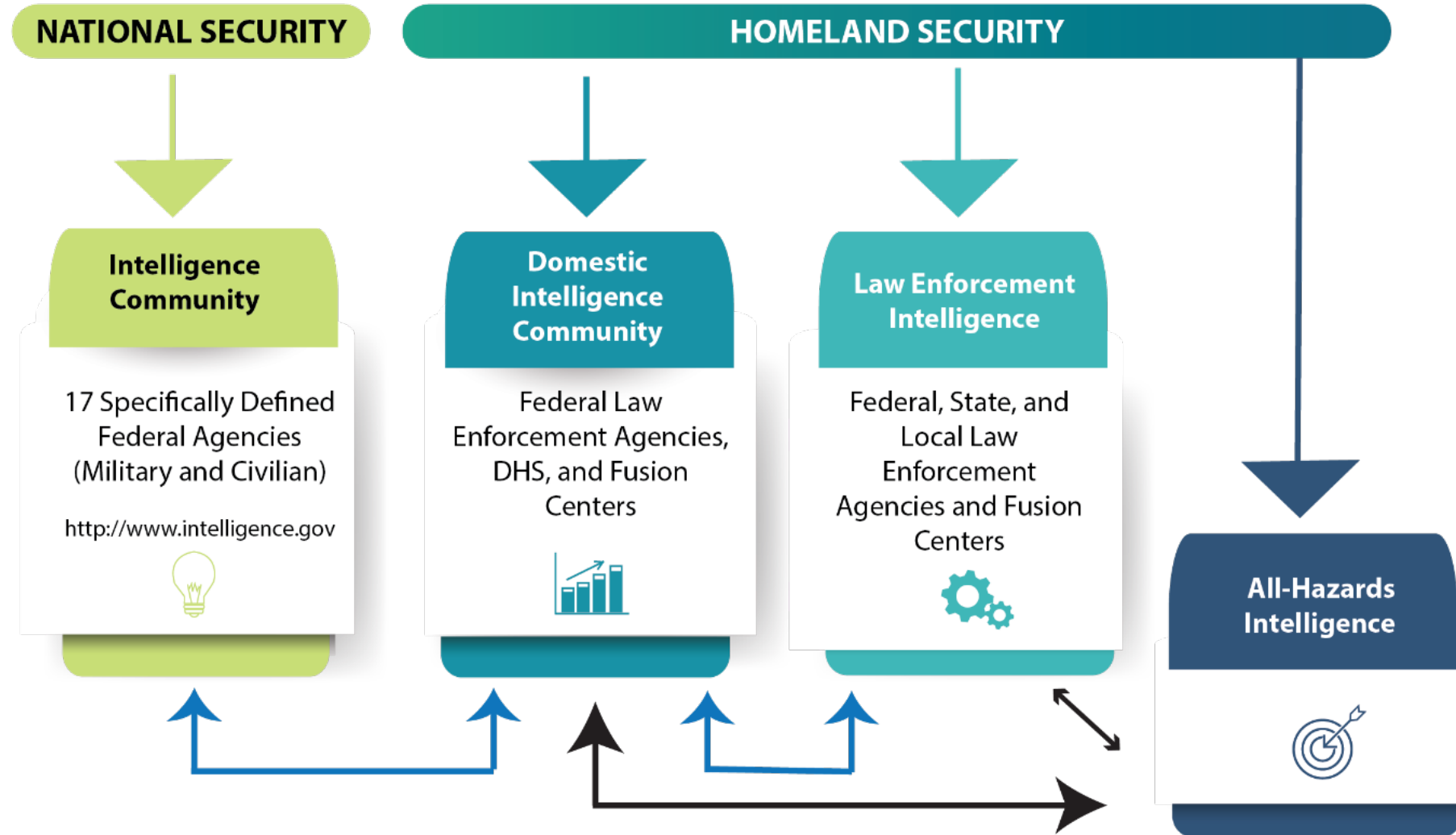
Motives

Methods

Targets

*We want to understand these factors so analysts can more definitively
Identify Threats and Reduce Risks*

U.S. Intelligence Structure



Targeted Information Collection



- | Information collection for the intelligence process must have a directed focus to learn about threats, not a general exploration or dragnet
 - | When doing analysis of information the analyst may be missing information – *intelligence gap*
 - | Or the analyst needs more information to establish validity and reliability of other information
- | In those cases, the analyst will identify *intelligence requirements*
 - | This is the specific types of information that is needed to *fill the gaps*
 - | In some instances, officers and investigators may receive requests for certain specific types of information
- | Essentially, the analyst is asking you to help fill the requirements

Intelligence Led Policing

- Intelligence-led policing will be most successful if it is built on a community policing foundation integrated with proven data analysis
- Builds on the integration of community policing, smart policing and CompStat
- Requires
 - Raw Information
 - Analysis
 - Strategic
 - Tactical
 - Crime
 - Actionable Policy and Practice
 - Community Partnerships



Intelligence and the Suppression of Violence

Targeting Violence Crime Initiative (TVCI)

- ┆ Gangs as criminal enterprises
- ┆ Identifying repeat offenders
- ┆ Identify trans-jurisdictional criminality

Real-Time Crime Centers

- ┆ Crime Gun Intelligence increasingly developing
 - ┆ National Integrated Ballistics Integration Network
 - ┆ Shot Spotter
- ┆ Surveillance cameras
- ┆ License Plate Readers
- ┆ Crime Analysis – to know the offenses to monitor
- ┆ Intelligence Analysis – to know the people and behaviors to monitor



Intelligence and the Suppression of Violence

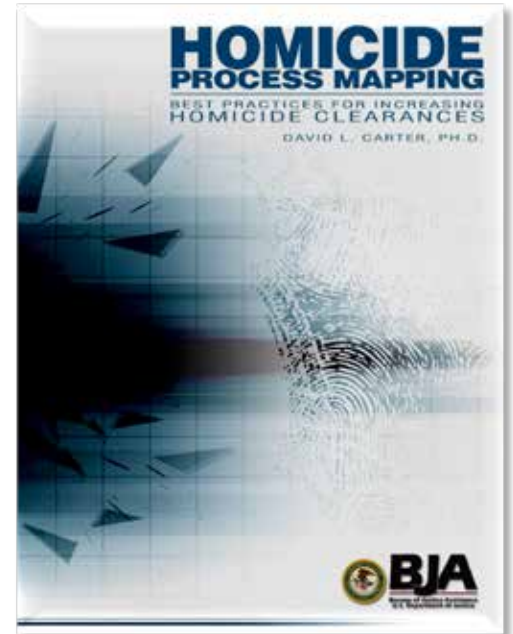
- | **Support for task forces**
 - | Violent crime task forces
 - | Illicit drug trafficking
 - | Human trafficking
 - | Gang investigations
 - | Public corruption
 - | Illicit arts and antiquities trafficking
 - | Illicit wildlife trafficking
- | **Homicide process mapping**
 - | Help identify offenders
 - | Retaliation abatement
 - | Increase clearances



Intelligence & Homicide Clearances



- Analysis helps understand the character of homicides in a jurisdiction
 - Crime analysis – Distribution, geography, time, and crimes associated with homicides
 - Intelligence analysis – Behaviors, probable offenders, potential co-offenders and witnesses, linkages to gangs or criminal enterprises
- Aid in maximizing leads, tips and evidence in the “First 48”
- Intervene in gang retaliation
- Support fugitive squads in tracking down offenders and witnesses
- Aid in developing criminal enterprise cases
- Communication and data exchange with other jurisdictions to deal with cross-jurisdictional offenders



P/CRCL

¡ **In the intelligence process, applying First Amendment protections for expressive activity and Fourth Amendment privacy protections must be mastered**

¡ First Amendment

¡ Right to assemble

¡ Freedom of speech (expressive activity) and association

¡ Fourth Amendment

¡ Right to privacy

¡ Fourth Amendment

¡ Protection from unreasonable search and seizure

¡ Requirement of particularity

¡ Fifth Amendment

¡ Freedom from self-incrimination

¡ Due process

¡ Sixth Amendment

¡ Right to counsel

Historical Milestones

~1920s – ~1970s

- Dossier building, not analysis

1950s

- Communists and “Red Files”

1960s

- Civil Rights Movement

- Anti-Vietnam War

1959–1971

- COINTELPRO

- See <http://foia.fbi.gov>

1970s

- §1983 lawsuits

- Vicarious liability

- National Advisory Committee

1980s

- War on Drugs

- OCDETF

- HIDTA

1990s

- Entrepreneurial crime

- Computer crime

2000s

- Terrorism

2010+

- Violence reduction

- Domestic criminal extremism

- Gangs

- Drug trafficking

- Entrepreneurial criminal enterprises



Critical Factors to Understand

- | Law of criminal procedure and evidence
 - | Reasonable expectation of privacy
- | SARs—establish a criminal nexus
- | 28 CFR Part 23
 - | Rules of collection
 - | Rules of retention
 - | Criminal predicate—There must be reasonable suspicion to link a person or organization to a crime before the records can be retained
- | 42 USC Section 1983
 - | Was the agency negligent in its responsibility to protect civil rights?
 - | Due diligence to prevent negligence
 - | Particular concerns
 - | Failure to train
 - | Failure to direct
 - | Failure to supervise



Emerging Technologies and Challenges



Technology w/Privacy Implications

- | Facial recognition (and challenges from anti-surveillance clothing)
- | Bio-metric technology
- | Drones
- | Technology to monitor social media
- | Body cameras as an information source for the intelligence process
- | License Plate Readers
- | DNA

Technological Tools

- | Artificial Intelligence
- | Commercial satellite imagery
- | Shot-Spotter

Issues

- | Each can provide valuable new information for the intelligence process
- | They may also provide challenges for protecting privacy
 - | Would routinely collected information – such as from LPRs – be subjected in whole or in part to 28 CFR Part 23 if used as part of the intelligence process?
- | Overcoming the temptation to “over use” the technology
 - | A crutch to critical thinking
 - | Could lead to abuse of the technology

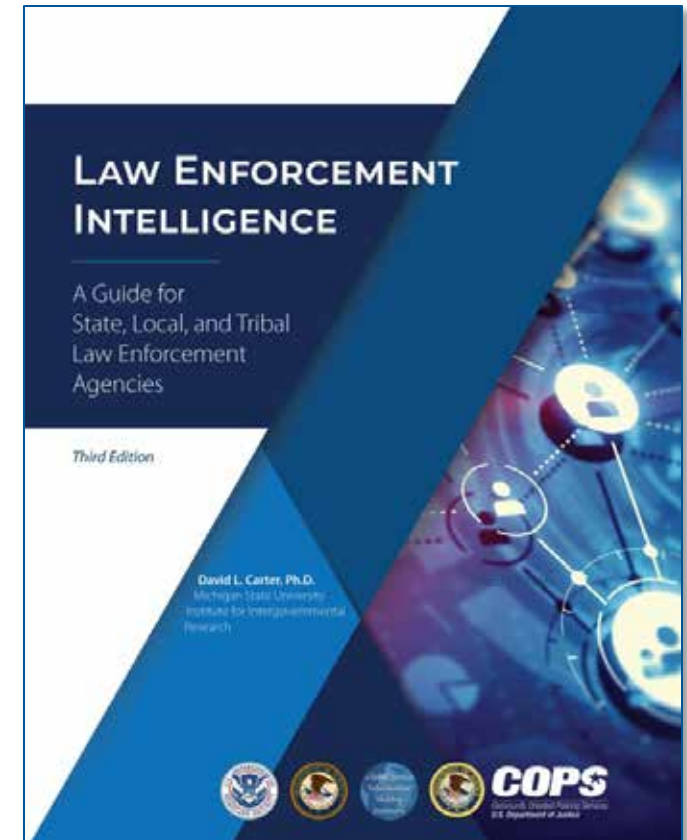
Challenges on the Horizon



- | Intelligence in the environment of the social justice movement
- | The importance of information collection for ...
 - | The changing nature of demonstrations and protests
 - | The potential for prolonged and violent demonstrations following the election regardless of who wins
 - | Ideological extremism has expanded (both left and right) and is less about groups and more about "movements"
 - | This leads to more "lone wolf" attacks

Resources

- | Law Enforcement Intelligence: A Guide for State, Local and Tribal Law Enforcement Agencies, 3rd Edition
 - | [Will be posted on the PSP web site when available this fall](#)
- | National Criminal Intelligence Resource Center (NCIRC)
 - | <https://www.ncirc.gov/>
- | Global Justice Information Sharing Initiative (Includes CICC documents)
 - | <https://it.ojp.gov/>
- | Regional Information Sharing Systems (RISS)
 - | <https://www.riss.net/>
- | Nationwide Suspicious Activity Reporting Initiative (NSI)
 - | <https://nsi.ncirc.gov/>
- | International Association of Law Enforcement Intelligence Analysis (IALEIA)
 - | <http://www.ialeia.org/>
- | Association of Law Enforcement Intelligence Units (LEIU)
 - | <http://leiu.org/>
- | National Fusion Center Association (NFCA)
 - | <https://nfcausa.org/>



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Thank You!



Strategic Solutions • Focused Action • Reduced Violence