

The Future of Law Enforcement Intelligence
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In the wake of the September 11, 2001 terror attacks there has been a call for more and better intelligence to preserve domestic security. Much of the focus has been on improving and expanding existing federal mechanisms for ensuring national security. Equally important, however, is the need for more and better intelligence for and by state, local, and tribal law enforcement agencies. The National Criminal Intelligence Sharing Plan (2004) has articulated the philosophy of Intelligence-Led Policing (ILP) to enhance when and how information and intelligence are used by all levels of law enforcement agencies. ILP calls for the development of an intelligence function in agencies where it is absent, and may redefine the intelligence function as it exists in other departments. In this article, we consider the future of law enforcement intelligence (LEI) and discuss the changes that need to occur to enhance the use of intelligence in American law enforcement.

A Brief Primer in Law Enforcement Intelligence

The intricacies of LEI, intelligence analysis, the intelligence cycle, and the legal, ethical, and management issues arising from an intelligence function have been discussed in a number of venues (see Carter, 2004). For many people, including those working in policing, intelligence is a concept and tool that is ill-defined, misunderstood, and mistrusted. Two primary points must be clarified in order to discuss LEI: the distinction

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between information and intelligence, and the difference between national security intelligence and law enforcement intelligence. In the language of intelligence, *information* is raw data that is the input for the intelligence analysis cycle; this can include data from open sources (the media or the internet), government sources (motor vehicle or drivers license records), suspect and informants, police records, and private, but lawfully accessed databases (cellular phone records). When this raw information is subjected to an analytic process that produces actionable knowledge, the end result is *intelligence*. Historically, law enforcement agencies have done a tremendous job warehousing information and a poor job producing intelligence.

Intelligence can support both national security and law enforcement purposes. National security intelligence is primarily used to support executive level decision making at the federal level. It is concerned with social, political, economic, and military issues relating with our nation's stability and safety. Because it supports decisions made in the political realm, it is not typically subject to strict legal standards. In contrast, law enforcement intelligence supports the development of evidence for prosecution of criminal cases, the identification and seizure of illegal commodities, and the allocation and deployment of law enforcement resources. Because it is used to inform police operations and decisions, LEI is subject to strict constitutional standards.

The Value of LEI

The current discussion of LEI has tended to focus on the value of intelligence as a tool for preventing terrorism and ensuring homeland security. Although intelligence supports these functions (and much of the push for expanded LEI is because of concerns

with these problems), it also contributes to improved investigations and responses to crime and criminal enterprises, and local responses to natural disasters. The intelligence function can serve two broad purposes within law enforcement agencies:

Prevention (Tactical Intelligence): This includes gaining or developing information related to threats of terrorism or crime and using this information to apprehend offenders, harden targets, and/or employ strategies that will eliminate or mitigate the threat

Planning and Resource Allocation (Strategic Intelligence): This includes generating information to decision-makers about the changing nature of threats, the characteristics and methodologies of threats, and emerging threat idiosyncrasies for the purpose of developing response strategies and reallocating resources, as necessary, to accomplish effective prevention.

The tragedies of 9/11 do not change the fact that LEI has the capacity to support many functions within a police organization. In many communities, LEI that supports local criminal investigations and improved management decision making may be as valuable as LEI that supports matters of homeland security.

Having an intelligence function within an agency does not necessarily mean that there will be an established intelligence unit with full-time personnel serving in an analyst capacity. Most agencies are too small to have either a dedicated intelligence unit or a full-time intelligence analyst. The intelligence function does not, however, require such allocations of personnel or resources. In medium sized agencies, it may be possible to train a specific employee to conduct intelligence activities as a part of their other

duties. Smaller agencies may find that the size and complexity of their jurisdiction does not require having someone trained to conduct intelligence analysis; officers may know the community and its problems in such depth that an intelligence function would be redundant. Even in these latter situations, a basic intelligence function is important.

Having an intelligence function in the majority of law enforcement agencies may relate more with intelligence as a tool for homeland security. The National Criminal Intelligence Sharing Plan (2004) calls for the establishment of modes for sharing information and disseminating intelligence reports among America's federal, state, local, and tribal law enforcement agencies. What this means is that even in agencies that do not have the need or the resources to support an intelligence unit and/or designated intelligence personnel, there needs to be an intelligence function. This function would include the capacity to recognize information that may be of value to other agencies and the ability to share that information with appropriate agencies; even if agencies do not conduct their own analysis, local authorities play a vital role in generate valuable information. Additionally, every agency must have the ability to receive and understand the results of intelligence analysis. At least one person in each agency needs to understand the intelligence process enough to receive an intelligence report and make an informed assessment of what that report means for their agency and jurisdiction.

Challenges and Opportunities

To meet these goals of seamless, reliable, secure electronic data exchanges as well as the creation of a knowledge base of LEI among personnel at all levels of American law enforcement agencies, there are several challenges that must be faced. The most

fundamental and critical challenges to the expansion and improvement of the intelligence function is the failure to recognize the need and value of an intelligence capacity. An agency that does not perceive a value in LEI is unlikely to perceive the potential benefits of program development and training, regardless of national recommendations and standards. As more attention is given to both national security and law enforcement intelligence, it is likely that additional resources will emerge to enable a greater utilization of intelligence in agencies of all sizes. In this process, even medium and small agencies need to appreciate their role in contributing to national intelligence networks aimed at enhancing domestic security. Agencies that enjoy the resources to establish a broader LEI function may also realize more efficient and effective responses to community problems.

Once agencies are committed to the notion of intelligence, resource and technical challenges must be addressed. Although steps have been taken to standardize computer databases to support information sharing, intelligence analysis, and the dissemination of work products, much work remains to be done. This work requires the achievement of consensus among a wide range of constituent groups (never an easy process), as well as the allocation of considerable resources. Checks need to be designed to minimize abuse and protect computer networks and data from unlawful access. Training standards must be developed and administered so officers in communities across the country understand when and how to access and use networked resources.

The expansion of intelligence functions and networks do face significant obstacles on a number of fronts. The very term “intelligence” arouses suspicion, confusion, fear, curiosity, and resistance; given our nation’s rich history of abuses on the part of users of

intelligence, such responses are not unwarranted. Politicians and civil rights groups have good reason to call for caution in developing new and faster ways of developing and sharing information and intelligence work products. It remains to be seen whether these concerns and checks can be implemented to maximize the efficacy of LEI, while minimizing abuse.

References

- Carter, David L. 2004. *Law Enforcement Intelligence: A Guide for State, Local and Tribal Law Enforcement Agencies*. Washington, DC: Office of Community Oriented Policing Services.
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