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**THESIS**

**STATE LEVEL INTELLIGENCE DOCTRINE:  
BRIDGING THE GAP**

by

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December 2013

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**STATE LEVEL INTELLIGENCE DOCTRINE: BRIDGING THE GAP**

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## **ABSTRACT**

Current intelligence activities conducted by law enforcement agencies in the United States are primarily limited to criminal investigations. This is a problem because as the 9/11 commission recognized, the fight against terrorism requires a greater focus on domestic intelligence and greater coordination between national, local, state and tribal agencies. Existing guidance and laws create an environment in which state and local law enforcement agencies have limited knowledge on how to navigate and participate in the broader national intelligence and homeland security effort. The research question posed is, How can state police agencies, in conjunction with Department of Homeland Security recognized state level fusion centers, establish field intelligence operational doctrine to develop or enhance existing police intelligence operations while bridging the gap between federal intelligence community partners and local stakeholders? Establishing a formal doctrine on domestic law enforcement intelligence will bridge the gap of information and intelligence flow in the intelligence cycle by defining methods, strategies, field craft and ethos. Case studies were reviewed, and it was determined that blending practices from the U.S. military, the United Kingdom and current law enforcement strategies, will begin the establishment of doctrine and dismantle barriers between the formal intelligence community and the domestic law enforcement agencies.

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## LIST OF ACRONYMS AND ABBREVIATIONS

ACLU	American Civil Liberties Union
AG	Attorney General
AKA	Also Known As
BJA	Bureau of Justice Assistance
CIA	Central Intelligence Agency
COIN	Counter Insurgency
CONTEST	Counter Terror Strategy
COP	Community Oriented Policing
COPS	Community Oriented Police Services
CPOP	Center for Problem Oriented Policing
CTC	Counter Terror Command
DEA	Drug Enforcement Administration
DHS	Department of Homeland Security
DOD	Department of Defense
DOJ	Department of Justice
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
FISA	Foreign Intelligence Surveillance Act
GCHQ	Government Communications Headquarters
HIDTA	High Intensity Drug Trafficking Area
HLS	Homeland Security
HSDN	Homeland Security Data Network
HUMINT	Human Intelligence
IACP	International Association of Chiefs of Police
IC	Intelligence Community
ICD	Intelligence Community Directive
ILP	Intelligence-Led Policing
JFC	Joint Force Commanders

JP	Joint Publication
JTTF	Joint Terrorism Task Force
LE	Law Enforcement
LEA	Law Enforcement Agency
LEO	Law Enforcement Online
MI-5	Military Intelligence 5-UK Security Service
MI-6	Military Intelligence 6-UK Intelligence Service
MOU	Memorandum of Understanding
NDEX	National Data Exchange
NIMS	National Incident management System
NSA	National Security Agency
ODNI	Office of the Director of National Intelligence
OIF	Operation Iraqi Freedom
PD	Police Department
POP	Problem Oriented Policing
SAFE	Safe Streets
SARA	Scanning-Analysis-Response-Assessment
SIT	Social Identity Theory
SMART	Specific-Measurable-Attainable-Relevant-Time Bound
TF	Task Force
UCR	Uniform Crime Report
UK	United Kingdom
XML	Extensible Markup Language

## EXECUTIVE SUMMARY

### PROBLEM

Although the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), Department of Homeland Security (DHS) and other national intelligence community (IC) agencies have some domestic intelligence responsibilities, intelligence activities conducted by law enforcement agencies in the United States are primarily limited to criminal investigations.<sup>1</sup> This is a problem because as the 9/11 commission recognized, the fight against terrorism requires a greater focus on domestic intelligence and greater coordination between national and local agencies.<sup>2</sup> Existing guidance, including the U.S. Attorney General's (A.G.) Guidelines/Opinions,<sup>3</sup> as well as federal law guiding intelligence collection, such as 28CFR Part 23, create an environment in which state and local law enforcement agencies have limited knowledge on how to navigate and participate in the broader national intelligence and homeland security effort.<sup>4</sup>

Domestic intelligence activities have been criticized based upon past abuse and a lack of transparency on what is collected and why.<sup>5</sup> As a result, many police departments appear to be reluctant to formulate intelligence doctrine, and instead have established only a basic intelligence collection process that emphasizes liaison with other agencies and information sharing. Developing a doctrine that not only defines and clarifies domestic intelligence, but also lays a road map to sound steps of success, could begin the

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<sup>1</sup> M. A. Randol, *Homeland Security Intelligence: Perceptions, Statutory Definitions, and Approaches* DIANE Publishing, 2010.

<sup>2</sup> *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks upon the United States* (Washington, D.C.: Government Printing Office, 2011).

<sup>3</sup> United States Attorney General, *The Attorney General's Guidelines For Domestic FBI Operations* (Washington, D.C.: Department Of Justice, 2005).

<sup>4</sup> David L. Carter, *Implement Intelligence-Led Policing in State, Local and Tribal Law Enforcement Agencies: Considerations and Processes* (East Lansing, Michigan: Michigan State University, 2007).

<sup>5</sup> Respect To Intelligence Activities, "Intelligence Activities and the Rights of Americans," *Book II, U.S.*

momentum forward to bridging a gap in information flow that the state police and fusion centers will be able to use in order to be proactive in identifying threats.

This thesis argues that state police agencies tasked with fusion center operations should establish a domestic intelligence doctrine that leverages the established policing models of intelligence-led policing, community oriented policing and problem oriented policing to most effectively conduct domestic intelligence operations. Currently, most state and local fusion centers operate as a collection, filter and analyzing entity, and they do not have enforcement or direct field collection requirements.<sup>6</sup> The need to establish field domestic intelligence doctrines that are in line with fusion center strategy, as prescribed by DHS,<sup>7</sup> could bridge the gap of intelligence cycle failures. The field intelligence operations working on a common doctrinal platform could create an intelligence collection cycle that will become more efficient and effective as guidance and direction is clearly defined and prescribed.

## **RESEARCH QUESTION**

How can state police agencies, in conjunction with DHS recognized state level fusion centers, establish field intelligence operational doctrine to develop or enhance existing police intelligence operations while bridging the gap between federal intelligence community partners and local stakeholders? Secondary questions at a micro level are: What barriers exist between state level fusion centers, the local police stakeholders, and the federal intelligence community? How can these barriers be reduced or eliminated?

## **METHOD**

The unit of study will be the comparisons of doctrines from the United States (U.S.) government (Federal Emergency Management Agency, DHS, DoD, U.S. Forest Service), the United Kingdom's domestic intelligence strategy/doctrine of CONTEST (acronym used meaning Counter Terrorism Strategy), and current domestic law enforcement criminal intelligence/police strategies. The analysis will be to define the

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<sup>6</sup> John Rollins, *Fusion Centers: Issues and Options for Congress*, CRS Report RL34070 (Washington, D.C.: Library of Congress, Research Service, July 6, 2008).

<sup>7</sup> Law Enforcement Intelligence. "Fusion Center Guidelines."

types of doctrine, compare the doctrines and see if current LE strategies and models could or should be enhanced with a blended doctrine from the case studies. By seeing what is successful in each doctrine (currently success in LE is on crime reduction) and conducting a synthesized approach to comparison, **the thesis will explore the idea that parts of each doctrine could be adopted into state and local law enforcement models.** Analysis will show a need for the law enforcement community in the U.S. to begin the dialogue of the need to codify established/existing policy, methodology, strategies and themes and fusing those as a working doctrine.

## **LITERATURE REVIEW**

An abundance of literature is available on the topic of intelligence-led policing. The literature ranges from theoretical models to practical recommendations for how local agencies can implement intelligence programs. But, while the literature was clear on the history, methodology, model policies and case studies, there was a lack of literature examining how state police organizations in the United States have conducted intelligence operations and served as the conduit between the federal government and the local law enforcement departments.

The subcomponents of the literature on this topic can be identified as: Model Policy, Theoretical Perspectives, Case Studies, Intelligence Collection Cycle, Community Perspectives and other similar but slightly different angles. One important finding is that intelligence-led policing (ILP) has different definitions and different levels of inclusion depending on the agency involved. A note should also be presented that current literature reviews on problem oriented and community oriented policing, as a domestic intelligence strategy was very limited. The thesis topic of state police entities with fusion center responsibility conducting domestic intelligence operations under a specific doctrine is under represented in the literature. The thesis will look specifically for state police-led domestic intelligence operations that transcend the local/federal membrane and perceived glass ceilings.

Currently, articles specifically give New York state police, New Jersey state police, and state regional centers the majority of review specifically to how state police agencies are using ILP for day-to-day operations. The literature does not appear to include specific information to state lead domestic intelligence collection initiatives, except for examples like the Massachusetts state police using Uniform Crime Reporting (UCR) data and field groups to reduce gun violence and other similar case studies on UCR data and response to that information to shift police deployment. There is also very little data conducting a comparison analysis on the three law enforcement strategies and which one is better for domestic intelligence doctrine development.

The literature on doctrine was sparse and singular in nature (DoD/U.S. government), while that on intelligence-led policing is very factual, peer reviewed, accepted and abundant. There is a specific gap of literature that explains the state police role in intelligence operations for federal agencies and back down to the local LEA's operations to reduce crime. The gap remains on how to bridge federal intelligence needs and local needs while maintaining public support, and legal requirements. The research focuses on this gap and establishes a means to incorporate the academia framework with field relevant operations to establish a smart practice using doctrine as the guiding principle. This framework, blended with defined output/outcome measures, should allow a reader to establish a scale of success in the intelligence cycle. Establishing a doctrine without dogmatic restrictions of fear of change or lack of change with pure authoritative unchallengeable principles, and embracing pragmatic qualities that are dictated by practical consequences and lessons learned from actual occurrences, will be further reviewed by fusing of the case studies presented.

## **CASE STUDIES**

Chapter III will begin the case studies using U.S. law enforcement strategies, the U.K. Counter Terror Strategy of CONTEST, as well as a third case study of U.S. government doctrines in use. As the case studies are presented, a historical context will be presented. As the case studies are from foreign governments, as well as the DoD, legal aspects will be presented, as the need to make example cases fit into the U.S. system of



government for domestic police work will be important. Each case study will be analyzed on how it fits into a law enforcement domestic intelligence doctrine. The first case study has three strategies and after the three are explained, the legal aspects and analysis for that study will be explored. The second case study will be defined as a single unit, and then the legal aspects, as well as how or where it fits will be presented. The third case study has three examples of doctrine in use, and as they are legally operating in the current systems, an analysis of how it fits will be the main points of the case study.

## **U.S. LAW ENFORCEMENT DOMESTIC STRATEGIES**

Current United States law enforcement policies, methods, strategies and guidelines that are used by each individual police department are usually dependent upon the chief executive (Chief, Director, etc.) of the individual agency. This autonomous nature of policing in the U.S. is geographically jurisdictional in nature and each community usually demands and drives the political climate in order to influence the type of policing strategy that may be implemented. These same agencies need to conduct research to develop appropriate tactics, which is based upon a needs assessment, usually in the form of an analysis of crime rates specifically to Part 1 Uniform Crime Report categories. The Federal Bureau of Investigation (FBI) has the following definitions in Appendix II of their crime reporting manual.

The UCR Program collects data about **Part I** offenses in order to measure the level and scope of crime occurring throughout the Nation. The Program's founders chose these offenses because they are serious crimes, they occur with regularity in all areas of the country, and they are likely to be reported to police. The **Part I** offenses are:

**Criminal homicide —Forcible rape —Robbery —Aggravated assault —Burglary (breaking or entering) —Larceny-theft (except motor vehicle theft) —Motor vehicle theft —Arson —**

The goals of law enforcement agencies are to reduce the crime rate, protect citizens and property, and engage the community to reduce fear. Literature, publications and academia recognize the top three strategies in U.S. law enforcement (LE) as problem

oriented policing (POP),<sup>8</sup> intelligence-led policing (ILP)<sup>9</sup>, and community oriented policing (COP).<sup>10</sup> With the exception of POP, most U.S. strategies have actually been retooled from the British policing models over the years. A sampling of agencies across the U.S. would likely show a hybrid approach using parts of all three, as a single set strategy does not always have the exact answer to a diverse communities' crime problem. A blend of POP and COP has been a dominant fixture in U.S. law enforcement culture. Recently, an upswing in the strategy of ILP has been renewed. This section will give a brief history and methodology to the three types of strategies in order to begin the discourse on the LE domestic intelligence enterprise. Without understanding the culture of LE methods and history, the current ILP strategy and future ILP doctrine would not be scoped properly. An analysis on the missing doctrine in the current LE enterprise will begin the gap analysis for further review and research.

### **UNITED KINGDOM COUNTER TERROR DOCTRINE**

The United Kingdom has created a program called CONTEST,<sup>11</sup> which is their main counter terror strategy. CONTEST will be explored in this case study to be a comparative model from another country with a long history of combating terrorism domestically. We will explore the basic tenants of CONTEST, look at legal aspects on how the British use this concept, and how it may or may not fit in the U.S. with our legal restrictions and then do a comparison of strategies under an analysis section.

The four methods of implementing the CONTEST strategy rely upon the ability to pursue, prevent, protect and prepare. According to the CONTEST publication, pursue is defined by stopping terror attacks, prevent is anti-radicalization efforts, protect is to strengthen targets and prepare is to mitigate the impact. Pursue is defined specifically as

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<sup>8</sup> Center for Problem Oriented Policing. University of Wisconsin, accessed July 29, 2013, [www.popcenter.org](http://www.popcenter.org).

<sup>9</sup> D. L. Carter, and J. G. Carter, "Intelligence-Led Policing Conceptual and Functional Considerations for Public Policy." *Criminal Justice Policy Review*. 20, no. 3. 2009: 310–325.

<sup>10</sup> Lorie Fridell, and Ann Wycoff, *Community Policing: The Past, Present, and Future* (Washington, D.C.: Police Executive Research Forum, 2004).

<sup>11</sup> Home Office, *CONTEST: The United Kingdom's Strategy for Countering Terrorism* (England: Great Britain, 2011).

“stop terrorist attacks...by detecting and investigating threats at the earliest possible stage, disrupting terrorist activity before it can endanger the public and whenever possible, prosecuting those responsible.” Prevent is defined as “not just arresting and prosecuting terrorist.... but addressing radicalization to all forms of terrorism.” Protect is defined as “strengthen protection against a terrorist attack...and reduce vulnerability.” The protect strategy includes Border Security. Prepare is defined as “work to mitigate the impact of a terror attack....including bringing a terror attack to an end as well as being more resilient.”<sup>12</sup>

## **MULTIDISCIPLINARY PERSPECTIVES OF DOCTRINE**

### **Introduction to General Doctrine**

DoD Joint Publication 1-2, Dictionary of Military and Associated Terms:<sup>13</sup>

Fundamental principles by which the military forces or elements thereof guide their actions in support of national objectives. It is authoritative but requires judgment in application.

#### **Merriam-Webster Dictionary:**

Something that is taught, a principle or position or the body of principles in a branch of knowledge or system of belief, a statement of fundamental government policy especially in international relations, a military principle or set of strategies.

When defining doctrine, the pre-eminent source of reading and modeling is from the armed forces. In the current DoD framework, they have established joint publications<sup>14</sup> as a formal doctrine that each service will be guided by when working in nonsingular tactical operations. FEMA has also published Publication 1<sup>15</sup> in 2010 that serves as “*a capstone doctrine.... that defines our principals and culture, describes our*

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<sup>12</sup> Home Office, *CONTEST: The United Kingdom's Strategy for Countering Terrorism* (England: Great Britain, 2011).

<sup>13</sup> U.S. Department of Defense, *Joint Publication 1-02, DoD Dictionary of Military and Associated Terms*.

<sup>14</sup> U.S. Department of Defense, *Joint Publication 1: Doctrine for the Armed Forces of the United States*.

<sup>15</sup> FEMA, *Federal Emergency Management Agency Publication 1, 2010*.

*history, mission, purpose, and ethos.*” The Fire Service under the leadership of the U.S. Forest Service has a core doctrine in its publication “*Wildland Fire Suppression: Foundational Doctrine.*”<sup>16</sup> There are other examples of doctrine based upon court or case precedence known as legal doctrine, principles that are given a name of the author such as the Monroe Doctrine, Bush Doctrine etc., and religious doctrine depending upon the faith. There is a glaring example of doctrine when we look at the U.S. Constitution in the definitional framework as above and believe it is the core set of beliefs that lay a principle to guide our decisions in how we operate a complex adaptive system called the United States.

### **SO WHAT? WHY DO WE NEED A DOCTRINE?**

The current components of law enforcement (LE) intelligence gathering rely on standards of LE established through the lens of the criminal justice framework.<sup>17</sup> The basis for the current components of the collection of criminal intelligence lay in the legality, privacy of information, citizen protections (court orders) and general acceptance of the tradecraft. The current model used is an ad-hoc collection of proposed guidelines, strategies and methods that are not codified in a formal document.<sup>18</sup> This ad-hoc approach to leveraging the strategy of intelligence-led policing creates a lack of comprehensive, clear and repeatable metrics across the U.S. police enterprise. Currently in LE, departments are conducting a mash up of intelligence-led, community oriented and problem oriented policing<sup>19</sup> with the only accountable metric being UCR data reduction primarily in the Part I crime index. Codifying a formal template with multiple strategies can and would create the doctrine needed to begin the baseline achievements of information and intelligence sharing. By establishing the doctrine, organizations can evaluate where they are and how this will affect their individual operations. It will also

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<sup>16</sup> Edward D. Hollenshead et al., *Fire Suppression: Foundational Doctrine* (U.S. Department of Agriculture, Forest Service, 2005).

<sup>17</sup> Jerry H. Ratcliffe, “Integrated Intelligence and Crime Analysis: Enhanced Information Management for Law Enforcement Leaders.” (2007).

<sup>18</sup> Ratcliffe, *Intelligence-Led Policing and the Problems of Turning Rhetoric into Practice*: 53–66.

<sup>19</sup> Carter and Carter, *Intelligence-Led Policing Conceptual and Functional Considerations for Public Policy*: 310–325.

allow agencies to identify common platforms, such as N-DEX and the Global Justice Exchange system in order to develop true sharing capability that is more efficient and effective in actual exchanges.<sup>20</sup>

Having common language, common platforms and common tradecraft would allow transparency and public relations to increase. In summation, a *Domestic Intelligence Doctrine would have and create new organizational implications, create new collection and sharing platforms, create commonality, and put the public at ease.*

The doctrine of domestic intelligence should do the following in order to be accepted and successful in a new paradigm shift.

1. Eliminate
  - a. Fear among the populace of a “big brother” being all knowing
  - b. Misunderstandings of why intelligence is needed and what it is
2. Reduce
  - a. Failures/weak signal interpretations
  - b. Concerns about privacy rights by having transparent methodologies
3. Raise
  - a. Awareness of privacy processes and protections that will be in place
  - b. Protections in the forms of law and policy concerning LE actions
4. Create
  - a. A baseline doctrine of Domestic Intelligence
  - b. Comprehensive model of intelligence thinking versus case specific
  - c. Community input (methods/practices) for acceptance

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<sup>20</sup> U.S. Department of Justice, Global Justice Information Sharing Initiative, *Navigating Your Agency’s Path to Intelligence-Led Policing*.

## **CONCLUSION**

Doctrine has merits in some institutions and in others there may be debate on the effectiveness of detailed doctrine (dogma-v-innovation). The research presented showed that a foreign strategy, current LE strategy, as well as military strategy, all have common threads to be successful. Those threads are built upon a foundation that can be trusted, transparent, and sound. A government by the people for the people should not be against the people. The people however trust that their government knows how to handle tough situations, as well as how to handle the constitutionally protected rights we were founded upon. Policies, methods and strategies should always be shifting based upon educated and processed informational decisions by leadership of this country all the way down to the local first responder on the watch. Doctrinal philosophy of doing what is right when no one is looking should never change.

## I. PROBLEM SPACE

Although the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), Department of Homeland Security (DHS) and other national intelligence community (IC) agencies have some domestic intelligence responsibilities, intelligence activities conducted by law enforcement agencies in the United States are primarily limited to criminal investigations.<sup>1</sup> This is a problem because as the 9/11 commission recognized, the fight against terrorism requires a greater focus on domestic intelligence and greater coordination between national and local agencies.<sup>2</sup> Existing guidance, including the U.S. Attorney General's (A.G.) Guidelines/Opinions,<sup>3</sup> as well as federal law guiding intelligence collection, such as 28CFR Part 23, create an environment in which state and local law enforcement agencies have limited knowledge on how to navigate and participate in the broader national intelligence and homeland security effort.<sup>4</sup>

There is guidance available for state and local agencies concerning intelligence and counterterrorism, but it is insufficient. Currently, the Department of Justice has publications in the form of guidelines for law enforcement intelligence, model policies<sup>5</sup> for criminal intelligence operations, and information sharing plans;<sup>6</sup> the apparent missing piece is a basic domestic intelligence doctrine outlining what is and is not domestic

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<sup>1</sup> M. A. Randol, *Homeland Security Intelligence: Perceptions, Statutory Definitions, and Approaches* (DIANE Publishing, 2010).

<sup>2</sup> Thomas Kean, *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks upon the United States* (Washington, D.C.: Government Printing Office, 2011).

<sup>3</sup> United States Attorney General, *The Attorney General's Guidelines For Domestic FBI Operations* (Washington, D.C.: Department Of Justice, 2005).

<sup>4</sup> David L. Carter, *Implement Intelligence-Led Policing in State, Local and Tribal Law Enforcement Agencies: Considerations and Processes* (East Lansing, Michigan: Michigan State University, 2007).

<sup>5</sup> David L. Carter, *Law Enforcement Intelligence: A Guide for State, Local, and Tribal Law Enforcement Agencies*, (U.S. Department of Justice, Office of Community Oriented Policing Services Washington, D.C., 2004).

<sup>6</sup> Department of Homeland Security, *DHS Information Sharing and Safeguarding Strategy* (Washington, D.C.: Department of Homeland Security, 2013).

intelligence and how to establish a sound domestic intelligence operational capability that bridges the gaps between local law enforcement and the federal government.

Domestic intelligence activities have been criticized based upon past abuse and a lack of transparency on what is collected and why.<sup>7</sup> As a result, many police departments appear to be reluctant to formulate intelligence doctrine, and instead have established only a basic intelligence collection process that emphasizes liaison with other agencies and information sharing. Developing a doctrine that not only defines and clarifies domestic intelligence, but also lays a road map to sound steps of success, could begin the momentum forward to bridging a gap in information flow that the state police and fusion centers will be able to use in order to be proactive in identifying threats.

This thesis argues that state police agencies tasked with fusion center operations should establish a domestic intelligence doctrine that leverages the established policing models of intelligence-led policing, community oriented policing and problem oriented policing to most effectively conduct domestic intelligence operations. Currently, most state and local fusion centers operate as a collection, filter and analyzing entity, and they do not have enforcement or direct field collection requirements.<sup>8</sup> The need to establish field domestic intelligence doctrines that are in line with fusion center strategy, as prescribed by DHS,<sup>9</sup> could bridge the gap of intelligence cycle failures. The field intelligence operations working on a common doctrinal platform could create an intelligence collection cycle that will become more efficient and effective as guidance and direction is clearly defined and prescribed.

State and local police officers are the ground level sensors and collectors in the intelligence cycle. Leveraging the intelligence collectors of many agencies produces a crowd source of information across a wide spectrum of the population. Developing a state level domestic intelligence doctrine, which allows the flow of information regionally,

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<sup>7</sup> Respect To Intelligence Activities, “Intelligence Activities and the Rights of Americans,” *Book II, U.S.*

<sup>8</sup> Rollins, *Fusion Centers: Issues and Options for Congress.*

<sup>9</sup> Law Enforcement Intelligence, “Fusion Center Guidelines.”



could begin the filtering of information in the intelligence cycle as a national movement, one that is grass roots at the local level, versus a federalist top down directive from the U.S. government. Timely information exchange to the analysis and flow back to the collector is key in the disruption cycle of terrorist and organized threat elements. This begins the foundational motto of “Homeland Security starts with Hometown Security,” as is memorialized in the DHS intelligence enterprise and the International Association of Chiefs of Police.<sup>10</sup>

Prevention and mitigation of terror and criminal events are the primary goals of state and local police in their communities. Creating a bridge between the formal federal intelligence community and local law enforcement is worthy of great introspection by citizens and law enforcement. Developing key models, strategies, and doctrine with appropriate safeguards requires a review of history, the blending of smart practices from across the world, modeling from the military along with federal law enforcement, and mapping the awareness of law enforcements knowledge of intelligence and the intelligence cycle. Accomplishing that task is the goal of this thesis.

#### **A. RESEARCH QUESTION**

How can state police agencies, in conjunction with Department of Homeland Security recognized state level fusion centers, establish field intelligence operational doctrine to develop or enhance existing police intelligence operations while bridging the gap between federal intelligence community partners and local stakeholders? Secondary questions at a micro level are: What barriers exist between state level fusion centers, the local police stakeholders, and the federal intelligence community? How can these barriers be reduced or eliminated?

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<sup>10</sup> International Association of Chiefs of Police, “From Hometown Security to Homeland Security: IACP’S Principals for a Locally Designed and Nationally Coordinated Homeland Security Strategy,” (2004):1–9.

## **B. METHOD**

The unit of study will be the comparisons of doctrines from the United States (U.S.) government (Federal Emergency Management Agency, DHS, DoD, U.S. Forest Service), the United Kingdom's domestic intelligence strategy/doctrine of CONTEST (acronym used meaning **C**ounter **T**errorism **S**trategy), and current domestic law enforcement criminal intelligence/police strategies.

The case studies will be derived from a comparative analysis between a foreign agency domestic intelligence strategy, U.S. government established doctrines and U.S. law enforcement strategies. By establishing a baseline comparison, as well as a needs assessment, the gap should begin to come into focus. Literature reviews show policy, strategies and some comparative analysis, but there is no formal law enforcement intelligence doctrine outlining the ability to have a flow of needed information and intelligence.

Additional research collection is from government reports and private entity analysis from companies such as RAND. The authors experience with more than six years in the U.S. military with combat service in OIF III conducting Counter Insurgency (COIN) operations in Al Anbar, Iraq and twenty years of law enforcement experience at the state police level with command experience in organized crime intelligence and investigative operations; gives the author first hand knowledge on interactions, operations, strategy development, criminal intelligence and experience within the joint operations.

By conducting a case study analysis comparing Britain's domestic intelligence doctrine of CONTEST (Currently listed as a U.K. strategy) with a sampling of U.S. government doctrines and U.S. law enforcement strategy models of criminal intelligence collection, a picture of established doctrines could be used as a baseline comparison model. This will determine if a state police agency and the state fusion center could adopt the fundamental processes, policies and operations of the case study examples to expand the role and fill the intelligence gap at the local and state level.

The first case study defines and explains the current law enforcement (LE) strategies/models in order to fully explain the gaps associated with criminal justice specific crime reduction strategies that are not in line with pure domestic intelligence requirements and needs. The second study will be a review of Great Britain's domestic intelligence operations using their strategy CONTEST. CONTEST gives an example from a pure government domestic intelligence operational guideline that establishes priorities and explanations. The third case study will be a brief history and explanation of U.S. government doctrines in use. A final recommendation will be presented to enhance the established LE models with an intelligence doctrine to supplement the proactive nature of the LE models.

The analysis will be to define the types of doctrine, compare the doctrines and see if current LE strategies and models could or should be enhanced with a blended doctrine from the case studies. By seeing what is successful in each doctrine (currently success in LE is on crime reduction) and conducting a synthesized approach to comparison, the thesis will explore the idea that parts of each doctrine could be adopted into state and local law enforcement models. Analysis will show a need for the law enforcement community in the U.S. to begin the dialogue of the need to codify established/existing policy, methodology, strategies and themes and fusing those as a working doctrine.

Foreign domestic intelligence doctrine is important to study and review, as it is directly opposite of what the U.S. currently has. A dedicated intelligence agency that is not dual purposed as law enforcement and intelligence may give in-sight to the importance of principled approaches to create synergistic exchanges of information and intelligence. United States government doctrine will show how many different departments and agencies (each branch of DoD for example) can operate independent of each other to accomplish the assigned tasks, but operate on a single doctrine in which all components are clearly lined out and interchangeable.

The current U.S. law enforcement models of intelligence-led policing, community oriented policing and problem oriented policing will be important to show the disparate

models, lack of interchange with the U.S. federal intelligence model and establish what the gaps are from the largest group of collectors of information.

The differences in doctrine, strategies, methodology and models will be explained in terms of hierarchy. An example of hierarchy definitions and guidance could be shown as—an operation is made of techniques to accomplish a mission, which is part of a method of implementation that is part of a larger strategy guided by a doctrine.

The doctrines/strategies are similar in that they have a definition, scope, authorizations, limitations and history. The differences are specifically related to level of intrusion, privacy laws, role assignments (collector versus analyst) and mission requirements. Law enforcement intelligence is designed to establish links for prosecution. Military intelligence is to give information for decision makers, domestic intelligence is to find and monitor activities looking for potential threats.

## II. LITERATURE REVIEW

An abundance of literature is available on the topic of intelligence-led policing. The literature ranges from theoretical models to practical recommendations for how local agencies can implement intelligence programs. But, while the literature was clear on the history, methodology, model policies and case studies, there was a lack of literature examining how state police organizations in the United States have conducted domestic intelligence operations and served as the conduit between the federal government intelligence community and the local law enforcement departments.

The subcomponents of the literature on this topic can be identified as: Model Policy, Theoretical Perspectives, Case Studies, Intelligence Collection Cycle, Community Perspectives and other similar but slightly different angles. One important finding is that intelligence-led policing (ILP) has different definitions and different levels of inclusion depending on the agency involved. A note should also be presented that current literature reviews on problem oriented and community oriented policing as a domestic intelligence strategy was very limited.

### A. MODEL POLICY REVIEW

Scholars, such as David Carter of Michigan State University, have developed model policies for intelligence-led policing. With cooperation from the Department of Justice Bureau of Justice Assistance, Carter developed a 300-plus-page guide to instruct law enforcement agencies in the art of intelligence in a post-9/11 era.<sup>11</sup> Model policies were also discussed from Australian and British perspectives in the early days of ILP implementation. J. Ratcliffe brings in examples from Australia and England to show that “local factors and recent history may hinder the adoption of some strategies and that arrogation of rhetoric may be easier than adopting the practices.”<sup>12</sup> The model policies

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<sup>11</sup> Carter, *Law Enforcement Intelligence: A Guide for State, Local, and Tribal Law Enforcement Agencies*.

<sup>12</sup> Jerry Ratcliffe, “Intelligence-Led Policing and the Problems of Turning Rhetoric into Practice,” *Policing & Society* 12, no. 1 (2002): 53–66.

describe how or why an agency would use the ILP method of police work. In an article published by the International Association of Law Enforcement Intelligence Analysts, Ratcliffe points out that ILP is about “anticipating risks and improving public policy.”<sup>13</sup> Model policy development has also been examined by the Center for Problem Oriented Policing,<sup>14</sup> whose work lays the groundwork for further research as well as provides guidelines to assist local agencies.

## **B. DOCTRINE**

The literature review for definitions of doctrine was predominantly focused on: religious doctrine with an emphasis on dogmatism,<sup>15</sup> and military doctrine<sup>16</sup> focused on direct publications that define military doctrine in correlation to specific operations such as Joint Intelligence Doctrine, Maneuver Warfare Doctrine, Counter Insurgency<sup>17</sup> and Military Training doctrine; and recently some examples of U.S. government response agency doctrine<sup>18</sup>. The literature on doctrine and key word searches did not yield a specific study of the macro meaning and implementation of doctrine. Theory of doctrine should be pursued as a totality of examples that would be listed as “foundational documents” or guiding documents. The DoD publications on joint doctrine and joint intelligence specifically gave the most definitional significance. The DoD actually produced a military dictionary with three definitions for doctrine and subsets of doctrine.<sup>19</sup> It could be argued that the literature regarding the U.K. Counter Terror Strategy called “CONTEST” reads more like a doctrine than a strategy. The U.S.

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<sup>13</sup> Jerry Ratcliffe, “Intelligence-Led Policing: Anticipating Risk and Influencing Action,” *Intelligence* (2010).

<sup>14</sup> Center for Problem Oriented Policing, University of Wisconsin, accessed July 29, 2013, [www.popcenter.org](http://www.popcenter.org).

<sup>15</sup> Milton Rokeach, “The Nature and Meaning of Dogmatism,” *Psychological Review* 61, no. 3 (1954).194–204.

<sup>16</sup> U.S. Department of Defense, *Joint Publication 1: Doctrine for the Armed Forces of the United States*, (2013).

<sup>17</sup> Austin Long, *Doctrine of Eternal Recurrence—The U.S. Military and Counterinsurgency Doctrine, 1960–1970 and 2003–2006: (RAND Counterinsurgency Study--Paper 6*, Vol. 200Rand Corporation, 2008).

<sup>18</sup> FEMA, *Federal Emergency Management Agency Publication 1*, 2010.

<sup>19</sup> U.S. Department of Defense, *DoD Dictionary of Military and Associated Terms*, 2013.

government doctrines from FEMA, and U.S. Forest were the few codified documents published that could be found under the direct search for “Doctrine.” Dictionary word searches gave general definitions, but the searches directly for the word “Doctrine” gave word associations in titles, and there were few sources outside of military doctrine to review. The word “Doctrine” was found in some publications to be associated with a particular person such as The Monroe Doctrine, The Jefferson Doctrine and The Bush Doctrine.

### C. THEORETICAL PERSPECTIVES

From a theoretical framework perspective, the literature had numerous sources of information. The intelligence doctrine can be used to validate business models as Beck and McCue have shown that using advanced analytics in conjunction with established models (Community and Problem Oriented Policing) could make a smaller unit more productive.<sup>20</sup> There were examples of police intelligence perspectives based on quantitative and historical review as shown by Heaton.<sup>21</sup> The review from a theory standpoint is rich in reviews and other documentation from respected authors within the criminal justice field. Using an example of theory, one could hypothesize the arrest data on a given night in a given town over time, and therefore could predict possible trends. This theory based on historical perspective is one subset of the theory that allows intelligence to help guide predictive analysis.<sup>22</sup> Ratcliffe points out, “The most reliable indication of future criminal activity is current criminal activity.” Also pointed out is the fact the criminal element uses tactics based on weaknesses in a system they can exploit until mitigating factors are introduced to defend against the known weakness.<sup>23</sup> Theory in the literature continues to differentiate in the term crime analysis and criminal intelligence. As the blending of the two theories continues, Ratcliffe believes the term

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<sup>20</sup> C. Beck and C. McCue, “Predictive Policing: What Can We Learn from Wal-Mart and Amazon about Fighting Crime in a Recession?” *Police Chief* 76, no. 11 (2009): 6.

<sup>21</sup> R. Heaton, “The Prospects for Intelligence-led Policing: Some Historical and Quantitative Considerations,” *Policing and Society: An International Journal* 9, no. 4 (2000): 337–355.

<sup>22</sup> Ratcliffe, *Intelligence-Led Policing: Anticipating Risk and Influencing Action*.

<sup>23</sup> *Ibid.*, 2.

crime intelligence may be a better name. Ratcliffe points that crime analysis state what has happened, criminal intelligence states why it happened and crime intelligence is knowledge designed for action.<sup>24</sup>

#### **D. CASE STUDIES**

The literature review on case studies of police strategies were vast with baseline examples showing an agency using intelligence to make informed decisions usually on police officer deployment locations and deciding which enforcement philosophy/strategy should be used.<sup>25</sup> The primary state police guide that was found is from the New Jersey state police and its work on bringing line level intelligence to all officers. Other documents showed the need for a paradigm shift to intelligence-led policing. The British National Intelligence Model<sup>26</sup> was reviewed, and it shows a program that is built around the four main categories of Analytical Products, Intelligence Products, Knowledge Products, and System Products.<sup>27</sup> The British National Intelligence Model gives distinct insight to doctrine and police intelligence operations and the importance of having a guiding document.

The Model provides the picture that drives effective strategy, not just about crime and criminals, but for all law enforcement needs from organised crime to road safety. It is capable of use in relation to new or emerging problems within a force or operational command unit; to provide the strategic and operational focus to force, organisation or local command unit business planning. For Police Forces it has particular current application as it delivers the intelligence and analysis which is the basis of the Crime and Disorder Act audits and can serve the community intelligence requirements of ‘ Winning the Race. This work is the outcome of a desire to professionalise the intelligence discipline within law enforcement. Intelligence has lagged behind investigation in the

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<sup>24</sup> Ratcliffe, *Intelligence-Led Policing: Anticipating Risk and Influencing Action*: 3.

<sup>25</sup> Joseph R. Fuentes, *New Jersey State Police: Practical Guide to Intelligence-Led Policing*, ed. Center for Policing Terrorism (Manhattan: New Jersey State Police, 2006): 46.

<sup>26</sup> T. John, M. Maguire, and G. Britain, *The National Intelligence Model: Key Lessons from Early Research* (Home Office London, 2004).

<sup>27</sup> *Ibid.*



codification of best practice, professional knowledge and in the identification of selection and training requirements of staff.<sup>28</sup>

Other case studies were examples from police agencies and also a model policy giving the frameworks as Carter does with the DOJ guide for law enforcement.<sup>29</sup> Additional case examples located were from Israel and France,<sup>30</sup> as well as examples from England's Home Office.<sup>31</sup> The British model of CONTEST was chosen for review over the French and Israel cases as the British model is closer to our system and has more relevance to the thesis topic. In the Home Office framework, Tilley points out the convergence of problem oriented policing model and intelligence-led policing model and asks the question "can they coexist?" In this context of coexisting, the differences in problem oriented policing and intelligence-led policing define the different focus areas. We will address each of these in the case study chapter on police strategies. Tilley points out framework comparisons and asks hard questions as to the need to modify the ILP framework to be equal to problem oriented policing. The modification Tilley asks is under a guideline of intelligence-led policing to target the greatest threat, how does a police agency deal with other long-term policing problems, if the source of the problem is something other than a specific offender? Tilley points out under the POP model, if the problem is identified and an intelligence operation is determined to be the best course of action, then POP allows for that to take place. Under the National Intelligence Model with a sole emphasis on targeting groups and people, Tilley argues police miss the opportunity to dig deeper into cause. The case study analysis will explore these issues deeper.

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<sup>28</sup> Ibid.

<sup>29</sup> Carter, *Law Enforcement Intelligence: A Guide for State, Local, and Tribal Law Enforcement Agencies*.

<sup>30</sup> A. C. Kirchheimer, "A Comparative Study of Humint in Counterterrorism: Israel and France, 1970–1990." (2012).

<sup>31</sup> N. Tilley, "Problem-Oriented Policing, Intelligence-Led Policing and the National Intelligence Model." *London: Jill Dando Institute of Crime Science, University College London* (2003a).

## **E. INTELLIGENCE COLLECTION CYCLE**

As it relates to the actual cycle of intelligence and what actually goes into the product, the literature had examples of frameworks, as well as theory previously discussed primarily by Carter from Michigan State University.<sup>32</sup> The intelligence cycle is well documented and discussed by Carter, Clapper, and Fuentes et al. Examples of the cycle found were specific to intelligence functions, guides to intelligence, problems associated with intelligence and the like. A difference in definitions from the national level of intelligence,<sup>33</sup> as M. Lowenthal might frame versus what the New Jersey state police and Fuentes believes, are a result of the disparate needs of the intelligence community they serve. Collection requirements in law enforcement are different than the requirements in intelligence only agencies because of the need for prosecution. Lowenthal frames intelligence as information that has value for policy makers and decision makers primarily in and for the intelligence community to be delivered to those policy makers.

## **F. CHARACTERIZATIONS OF GROUPS**

Most of the literature fell into what would be considered modern and recent time frames and ranged from broad to specifically narrow with step-by-step guidelines, such as those by Carter and produced by the Department of Justice. Source material for this topic is from Criminal Justice peer reviewed journals, (Criminal Justice Policy Review, Journal of Contemporary Criminal Justice) federal government documents (FBI, DOJ and Rand) and guides (DOJ), respected associations, such as the International Association of Chiefs of Police and Universities with criminal justice programs.

Most of the literature is positive on the need to use intelligence-led policing. In the current review, there were a few dissensions in reference to the use of intelligence-led police. The only negative slant on the use of ILP was concerns on privacy,<sup>34</sup> and most

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<sup>32</sup> Carter, *Law Enforcement Intelligence: A Guide for State, Local, and Tribal Law Enforcement Agencies*.

<sup>33</sup> Mark M. Lowenthal, *Intelligence: From Secrets to Policy* (Thousand Oaks, CA: CQ press, 2011).

<sup>34</sup> Ratcliffe, *Intelligence-Led Policing: Anticipating Risk and Influencing Action*.

articles and readings were either a history of past abuse<sup>35</sup> or cautions on dealing with privacy.<sup>36</sup> Tilley questions the need to abandon other valuable methodologies such as problem oriented policing. The case study chapters will explore legal aspects, history and gaps in order to better understand the two sides of the ILP strategy and dissenting opinions on abandoning other types of law enforcement strategies.

## **G. UNKNOWN/UNEXPLORED AREAS**

The thesis topic of state police entities with fusion center responsibility conducting domestic intelligence operations under a specific doctrine is under represented in the literature. The thesis will look specifically for state police-led domestic intelligence operations that transcend the local/federal membrane and perceived glass ceilings. Currently, articles specifically give New York state police, New Jersey state police, and state regional centers the majority of review specifically to how state police agencies are using ILP for day-to-day operations. The literature does not appear to include specific information to state lead domestic intelligence collection initiatives, except for examples like the Massachusetts state police using Uniform Crime Reporting (UCR) data and field groups to reduce gun violence and other similar case studies on UCR data and response to that information to shift police deployment. There is also very little data conducting a comparison analysis on the three law enforcement strategies and which one is better for domestic intelligence doctrine development.

## **H. CONCLUSION**

The literature on doctrine was sparse and singular in nature specifically to military/government or religion while that on intelligence-led policing is very factual, peer reviewed, accepted and abundant. There is a specific gap of literature that explains the state police role in intelligence operations for federal agencies and back down to the local LEA's operations to reduce crime. The source material is useful to establish a

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<sup>35</sup> Heaton, *The Prospects for Intelligence-Led Policing: Some Historical and Quantitative Considerations*, 337–355.

<sup>36</sup> Carter, *Implement Intelligence-Led Policing in State, Local and Tribal Law Enforcement Agencies: Considerations and Processes*, 1–19.

framework for review and an acceptable model for implementation. The gap remains on how to bridge federal intelligence needs and local needs while maintaining public support, and legal requirements. The research focuses on this gap and establishes a means to incorporate the academia framework with field relevant operations to establish a smart practice using doctrine as the guiding principle. This framework, blended with defined output/outcome measures, should allow a reader to establish a scale of success in the intelligence cycle. Establishing a doctrine without dogmatic restrictions of fear of change or lack of change with pure authoritative unchallengeable principles, and embracing pragmatic qualities that are dictated by practical consequences and lessons learned from actual occurrences, will be further reviewed by fusing of the case studies presented.

### **III. CASE STUDIES**

Chapter III will begin the case studies using U.S. law enforcement strategies, the U.K. Counter Terror Strategy of CONTEST, as well as a third case study of U.S. government doctrines in use. As the case studies are presented, a historical context will be presented. As the case studies are from foreign governments, as well as the DoD, legal aspects will be presented, as the need to make example cases fit into the U.S. system of government for domestic police work will be important. Each case study will be analyzed on how it fits into a law enforcement domestic intelligence doctrine. The first case study has three strategies and after the three are explained, the legal aspects and analysis for that study will be explored. The second case study will be defined as a single unit, and then the legal aspects, as well as how or where it fits will be presented. The third case study has three examples of doctrine in use, and as they are legally operating in the current systems, an analysis of how it fits will be the main points of the case study.

#### **A. CASE STUDY 1**

##### **1. Introduction—U.S. Law Enforcement Domestic Strategies**

Current United States law enforcement policies, methods, strategies and guidelines that are used by each individual police department are usually dependent upon the chief executive (Chief, Director, etc.) of the individual agency. This autonomous nature of policing in the U.S. is geographically jurisdictional in nature and each community usually drives the political climate in order to influence the type of policing strategy that may be implemented. These same agencies need to conduct research to develop appropriate tactics based upon a needs assessment usually in the form of an analysis of crime rates specifically to Part 1 Uniform Crime Report categories. The Federal Bureau of Investigation (FBI) has the following definitions in Appendix II of their crime-reporting manual.

The UCR Program collects data about **Part I** offenses in order to measure the level and scope of crime occurring throughout the Nation. The Program's founders chose these offenses because they are serious crimes,

they occur with regularity in all areas of the country, and they are likely to be reported to police. The **Part I** offenses are:

**Criminal homicide —Forcible rape —Robbery —Aggravated assault —Burglary (breaking or entering) —Larceny-theft (except motor vehicle theft) —Motor vehicle theft —Arson —**

The goals of law enforcement agencies are to reduce the crime rate, protect citizens and property, and engage the community to reduce fear. Literature, publications and academia recognize the top three strategies in U.S. law enforcement (LE) as problem oriented policing (POP)<sup>37</sup>, intelligence-led policing (ILP)<sup>38</sup>, and community oriented policing (COP).<sup>39</sup> With the exception of POP, most U.S. strategies have actually been retooled from the British policing models over the years. A sampling of agencies across the U.S. would likely show a hybrid approach using parts of all three, as a single set strategy does not always have the exact answer to a diverse communities' crime problem. A blend of POP and COP has been a dominant fixture in U.S. law enforcement culture. Recently, an upswing in the strategy of ILP has been renewed. This section will give a brief history and methodology to the three types of strategies in order to begin the discourse on the LE domestic intelligence enterprise. Without understanding the culture of LE methods and history, the current ILP strategy and future ILP doctrine would not be scoped properly. An analysis on the missing doctrine in the current LE enterprise will begin the gap analysis for further review and research.

*a. Strategy 1: Intelligence-Led Policing*

Intelligence-led policing traces its history to the United Kingdom Home Office. Current definitions of ILP include an array of definitions based upon local police use and needs, as well as different government organizations; however, Carter with

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<sup>37</sup> Center for Problem Oriented Policing.

<sup>38</sup> D. L. Carter and J. G. Carter, "Intelligence-Led Policing Conceptual and Functional Considerations for Public Policy," *Criminal Justice Policy Review* 20, no. 3 (2009b): 310–325.

<sup>39</sup> Lorie Fridell, and Ann Wycoff. *Community Policing: The Past, Present, and Future* (Washington, D.C.: Police Executive Research Forum, 2004).

Michigan State University uses the following philosophical definition from the U.S. National Criminal Intelligence Sharing Plan to express the idea:

...an underlying philosophy of how intelligence fits into the operations of a law enforcement organization. Rather than being simply an information-clearing house that has been appended to the organization, ILP provides strategic integration of intelligence into the overall mission of the organization.<sup>40</sup>

According to the U.S. DOJ Global Justice Information Sharing Initiatives strategy document titled, “Navigating Your Agencies Path to Intelligence-Led Policing,” the definition of ILP is:<sup>41</sup>

A collaborative law enforcement approach combining problem-solving policing, information sharing, and police accountability, with enhanced intelligence operations.

The definition was also stated in the same document as:

ILP is executive implementation of the intelligence cycle to support decision making for resource allocation and crime prevention. In order to successfully implement this business process, police executives must have clearly defined priorities as part of their policing strategy.

Ratcliffe in his book *Intelligence-Led Policing* defines ILP<sup>42</sup> as:

...a business model and managerial philosophy where data analysis and crime intelligence are pivotal to an objective, decision-making framework that facilitates crime and problem reduction, disruption and prevention through both strategic management and effective enforcement strategies that target prolific and serious offenders.

Intelligence-led policing is thought of as a top down analysis of major crime targets identified through crime analysis, as well as developing criminal intelligence. Supervisory decision makers often decide this top threat focus, and then the

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<sup>40</sup> Carter, *Law Enforcement Intelligence: A Guide for State, Local, and Tribal Law Enforcement Agencies*: 41.

<sup>41</sup> U.S. Department of Justice, Global Justice Information Sharing Initiative, “Navigating Your Agency’s Path to Intelligence-Led Policing,” 2009.

<sup>42</sup> Jerry H. Ratcliffe. “What is Intelligence-Led Policing?” J. Ratcliffe, <http://jratcliffe.net/research/ilp.htm> (accessed July 21, 2013).

organization works off the directives based upon a decision maker's review of the total threat assessment.<sup>43</sup>

According to Ratcliffe, the U.K. police recognized they were spending a vast amount of time responding reactively to crime and not enough time targeting specific offenders.<sup>44</sup> The basic philosophy in ILP is proactive use of criminal intelligence, crime analysis, as well as HUMINT source recruiting of informants with access to the targeted individuals.

James Clapper, Director of National Intelligence, states that the post-9/11 intelligence needs of national security require not only horizontal integration among the members of the formal intelligence community, but also vertical integration that includes domestic state-local-tribal law enforcement agencies.<sup>45</sup> Clapper states that he has kept his Homeland Security and Law Enforcement Partners advisory board consisting of state and local police to advise him on the capabilities those domestic law enforcement agencies bring to the table with intelligence in the police community.

Tilley points out that ILP is “focused on information collection and analysis...on offenders and networks of offenders, to inform smart enforcement focused on serious and prolific offending patterns.”<sup>46</sup> Tilley also emphasizes the strategic business model of ILP is used as targeted enforcement of people to reduce serious crime and not specifically addressing the root of crime.

Intelligence-Led Policing is a new approach to conceptualize the need of targeted enforcement using threat analysis to make smart informed decisions on resource deployment. This concept of ILP, as previously stated, is more along the lines of a

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<sup>43</sup> Ibid.

<sup>44</sup> Jerry H. Ratcliffe, “What is Intelligence-Led Policing?” J. Ratcliffe, <http://jratcliffe.net/research/ilp.htm> (accessed July 21, 2013).

<sup>45</sup> James R. Clapper Jr., “Effective Intelligence Must Remain a Top Priority,” *The Police Chief* 79, no. 3 (Mar 2012): 12.

<sup>46</sup> Nick Tilley, “Problem-Oriented Policing, Intelligence-Led Policing and the National Intelligence Model,” *London: Jill Dando Institute of Crime Science, University College London* (2003b):2.



centrally regulated and disseminated tasking utilizing a mixing of law enforcement strategies.

The New Jersey state police released a formal document<sup>47</sup> outlining the goals and laying a road map to ILP. In it, they define ILP as “a collaborative philosophy that starts with information gathered at all levels of the organization that is analyzed to create useful intelligence and an improved understanding of the operational environment.”<sup>48</sup>

***b. Strategy 2: Problem-Oriented Policing***

Problem oriented policing began out of research to determine the root cause or problems that created a crime. This approach is credited as being a research-based initiative created by Prof. Herman Goldstein University of Wisconsin School of Law. The Center for Problem Oriented Policing (CPOP) currently defines POP as:<sup>49</sup>

...an approach to policing in which discrete pieces of police business are subject to microscopic examination in hopes that what is freshly learned about each problem will lead to discovering a new and more effective strategy for dealing with it.

At the heart of the POP model is the method called SARA—Scanning, Analysis, Response, and Assessment. This clearly defined model asks police at every level of the organization to always be looking for problems in the community that may help facilitate the connection of time, space, victim and offender issues and understandings of correlations. Scanning, Analysis, Response, and Assessment are more importantly a way to organize how to approach problems in a community or a crime in a community that is consistent or at least reoccurring. The following is taken directly from the Center for Problem Oriented Policing housed at the University of Wisconsin School of Law:<sup>50</sup>

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<sup>47</sup> Fuentes, *New Jersey State Police: Practical Guide to Intelligence-Led Policing*: 46.

<sup>48</sup> Fuentes, *New Jersey State Police: Practical Guide to Intelligence-Led Policing*: 46.

<sup>49</sup> Center for Problem Oriented Policing.

<sup>50</sup> Ibid.

**Scanning:**

- Identifying recurring problems of concern to the public and the police.
- Identifying the consequences of the problem for the community and the police.
- Prioritizing those problems.
- Developing broad goals.
- Confirming that the problems exist.
- Determining how frequently the problem occurs and how long it has been taking place.
- Selecting problems for closer examination.

**Analysis:**

- Identifying and understanding the events and conditions that precede and accompany the problem.
- Identifying relevant data to be collected.
- Researching what is known about the problem type.
- Taking inventory of how the problem is currently addressed and the strengths and limitations of the current response.
- Narrowing the scope of the problem as specifically as possible.
- Identifying a variety of resources that may be of assistance in developing a deeper understanding of the problem.
- Developing a working hypothesis about why the problem is occurring.

**Response:**

- Brainstorming for new interventions.
- Searching for what other communities with similar problems have done.
- Choosing among the alternative interventions.
- Outlining a response plan and identifying responsible parties.
- Stating the specific objectives for the response plan.
- Carrying out the planned activities.

**Assessment:**

- Determining whether the plan was implemented (a process evaluation).
- Collecting pre- and post-response qualitative and quantitative data.
- Determining whether broad goals and specific objectives were attained.
- Identifying any new strategies needed to augment the original plan.
- Conducting ongoing assessment to ensure continued effectiveness.

At the core of POP is the conceptual idea and what has been coined as the Crime Triangle.<sup>51</sup> In theory, a crime or problem can only occur when a victim of the crime/problem comes in contact with an offender at some defined space without guardians in place to prevent the interaction.



The POP model theory of the crime triangle also has a ring of protectors that should be present at all three sides of the triangle. The offenders have some sort of handlers, the victims have guardians, and each place has a manager. The thought is that there are many factors and possible interrupters before a crime or problem is facilitated. According to the CPOP,

Effective problem-solving requires understanding how offenders and their targets/victims come together in places, and understanding how those offenders, targets/victims, and places are or are not effectively controlled. Understanding the weaknesses in the problem analysis triangle in the context of a particular problem will point the way to new interventions.<sup>52</sup>

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<sup>51</sup> Center for Problem Oriented Policing.

<sup>52</sup> Ibid.

The triangle theory argues that for a crime to take place, there has to be a suitable target, a lack of a guardian to prevent the action and a motivated offender present in a specific time and space.



An example of this could be demonstrated that a high number of assaults, vehicle burglary, and robberies occur on a beat with a high number of incidents on Friday and Saturday nights between 0100 and 0400 hours. SARA would dictate the need to evaluate not just the offender but also the other two sides of the triangle. Arresting alone will not stop the crime, if the situation is such that it facilitates a “perfect storm.” If the analysis shows the area is dark with little to no light and between public parking and an entertainment district, street lighting and sidewalks could be a place enabler in which the managers of those places did not correct issues. Adding lights, directing police foot/bike patrols and educating the public; have addressed all three sides of the triangle. Simply arresting offenders, who committed crimes of opportunity, will never reduce opportunity crimes. Creating an environment that reduces vulnerabilities and reduces opportunity, on the other hand, can be an effective crime prevention measure.

**c. Strategy 3: Community-Oriented Policing**

According to the Community Police Consortium, community policing is defined as “a collaborative effort between police and the community that identifies problems of crime and disorder and involves all elements of the community in the search for solutions to these problems.”<sup>53</sup> Community oriented policing (COP) advocates

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<sup>53</sup> Fridell, and Wycoff, *Community Policing: The Past, Present, and Future*: 3.

establish that the goal of the COP is not reactive law enforcement methodology from the so called “police professional era,” but as a broader approach to crime control with major work in crime prevention through maintaining order and improving living conditions.<sup>54</sup> The strategy behind COP is to reduce crime and disorder, promote citizens quality of life in communities, reduce fear of crime, and improve police-citizen relations.<sup>55</sup> In the report from the Department of Justice by Maguire and Wells,<sup>56</sup> they point out the ambiguity in definitions when they studied 12 police agencies to determine what COP meant. In their study, with a host of other contributor’s, they decided on a scoped description of COP as “multidimensional policing reform movement.” The study had elements of that movement that were described further as characteristics of the COP and included: problem solving, community engagement and organizational adaptation.<sup>57</sup> Community policing has as one of its core elements the principals of problem solving and borrow the POP model for that aspect. Community policing tends to want the police and the communities to not only identify the problems but also implement joint solutions.<sup>58</sup> This principal is touted as having what would be considered stakeholder buy-in.<sup>59</sup> Another example of COP is borrowed from Dr. Morabito and stated, as COP requires a proactive approach using technology and community resources to find new solutions to old problems.<sup>60</sup>

Community policing is often used in the context of agencies getting away from a stand-alone philosophy of they know best and embracing a more community and private partnership collaboration in order to develop solutions.

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<sup>54</sup> Ibid: 4.

<sup>55</sup> Ibid.

<sup>56</sup> Edward Maguire, and William Wells, *Implementing Community Policing: Lessons from 12 Agencies*. (Washington, D.C.: Department of Justice, Community Oriented Policing Services, 2009).

<sup>57</sup>Edward Maguire, and William Wells, *Implementing Community Policing: Lessons from 12 Agencies* (Washington, D.C.: Department of Justice, Community Oriented Policing Services, 2009): 18.

<sup>58</sup> Fridell, and Wycoff, *Community Policing: The Past, Present, and Future*.

<sup>59</sup> Maguire and Wells, *Implementing Community Policing: Lessons from 12 Agencies*.

<sup>60</sup> Melissa Schaefer Morabito, “Understanding Community Policing as an Innovation: Patterns of Adoption,” *Crime & Delinquency* 56, no. 4 (2010): 564–587.

## **2. Legal Aspects of LE Methods/Strategies**

The established predominant methods of policing as discussed (POP,ILP,COP) are well versed and established in current law both at the local and state level, as well as the federal level. The legality of methods of LE work is established by laws giving specific rights to agencies and jurisdiction based on either geographic area in the case of state and local LE, or by program as with the federal level. The use of doctrine as a guiding document will have no legal bearing as long as the doctrine is grounded at each level according to the laws that establish that agency.

According to the 10th Amendment, the states have the ability to regulate items in their state not done by the federal rule of law. With the 10th Amendment, states have a well-established set of laws to deal with the requirements of society. Most states will have several codes written that guide the agency forward in how they will police. Most criminal laws are in a penal code, and guidelines on how to enforce those laws are usually codified in a code of criminal procedure.

Doctrine at the state and local level will have to abide by each jurisdictional rule regarding penal law, code of criminal procedure, rules of evidence and open records, as well as some civil statutes. The established rules regarding day-to-day law enforcement should have no effect on an agency establishing or codifying a set of standards, ethics and principals, if grounded in existing law and regulations.

## **3. Analysis**

While there remains a difference in all three U.S. LE strategies, there remain many clear similarities as explained. A majority of LE agencies have a hybrid approach, as the definition of each individual strategy has a distinct bias and an approach similar to the thought of “do we engage the public or do we engage the threat?” Understanding the definitional issues, impediments to implementation, goals and outcome or output measures, would require a fundamental question to be asked: What is the goal of the police in a given community? If we are to believe that communities have their own distinct needs and should be allowed to determine how they will be addressed by LE,

then we should also have an ability to set out a basic foundation of expectations that allows implementation as needed.

**The concept of descriptive and directive guidance could be explored in a doctrine that clearly establishes foundational descriptive guidance without being directive in methods or protocols.** In other words, doctrine could establish a core foundation and describe the core philosophy, ethics, ethos, and explain “why” there is a need for intelligence in today’s criminal world. It then can allow each agency to establish “how” to do it, or “be directive” in orders and procedures.

Funding for a particular method of implementation seems to drive the current labeling of a police agency.<sup>61</sup> When the 1994 Violent Crime Control Act created COPS, five billion dollars was funded to establish COP. After 9/11, the “Intelligence Sharing Enterprise” became the buzzword/phrase and intelligence sharing became the new funding mechanism and agencies wanted to share information as well as obtain funding.

While the IACP and others are trying to establish hometown security, each strategy has some place in that mission. However, the debate on funding, and which combination of strategies and methods of implementation are beyond the scope of this paper, it should be recognized that the impact of public perception, funding and transparency will continue to be a dominant factor in police strategy development. The further discussion and further research needed is an evaluation of a nationalistic approach versus a federalist approach to hometown security. As the national perspective is a baseline evaluation, then a nationalistic approach to solving problems could emerge as a possible method of solution oriented innovation. The innovation of local agencies to solve local problems should not be overlooked on the national stage. A top down push to solving local problems is not usually well received by a portion of the states. This top down push for local problems is often viewed as a federalist model where the federal government decides what is best for a particular state. Debates on health care, abortion,

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<sup>61</sup> Melissa Schaefer Morabito, “Understanding Community Policing as an Innovation: Patterns of Adoption,” *Crime & Delinquency* 56, no. 4 (2010): 567–568.

marriage, guns and other socially viewed issues are a particularly decent litmus tests on how states receive federalist pushed agenda items.

Doctrine will allow each state the ability to express its own view on local problems with a method to solve those problems at a very macro level. As states develop and learn ways to solve social problems, smart practices are developed and shared through a host of organizations up to and including FEMA. As many states establish preparedness plans, and response plans, the federal government has learned from these local plans and shared among the states particularly through FEMA lessons learned portals. The same could be true for LE doctrines at each level of local, county and state. With common language and common operating guidance, we have seen an increase in inter-operability with the National Incident Management System (NIMS). Doctrine is the same, as it will put LE on a similar playing field with commonality but at local and state levels assuring inter-operability. Investing in a singular police strategy is a risk and similar to the analogy of putting all the eggs in a single basket. Directives from any level of government as a top down push bring criticisms from the lowest level practitioners who are the implementers of most strategy. Hybrid blending of strategies usually happens in law enforcement and is more ad-hoc than formal. Guiding principals of most law enforcement agencies in the U.S. hope for engagement in the community, while focusing on problems and trying to gather criminal intelligence to address strategic problems of crime.

Leveraging formal doctrine as a descriptive recipe and allowing agencies the directive over-site to implementation, allows the very hybrid and innovative approaches that could bring real flexibility and engagement to law enforcement in the community while keeping the trust of the public with openness.



## **B. CASE STUDY 2**

### **1. Introduction—United Kingdom Counter Terror Doctrine**

The United Kingdom has created a program called CONTEST,<sup>62</sup> which is their main counter terror strategy. CONTEST will be explored in this case study to be a comparative model from another country with a long history of combating terrorism domestically. We will explore the basic tenants of CONTEST, look at legal aspects on how the British use this concept, and how it may or may not fit in the U.S. with our legal restrictions and then do a comparison of strategies under an analysis section.

### **2. Background**

The four methods of implementing the CONTEST strategy rely upon the ability to pursue, prevent, protect and prepare. According to the CONTEST publication, pursue is defined by stopping terror attacks, prevent is anti-radicalization efforts, protect is to strengthen targets and prepare is to mitigate the impact. Pursue is defined specifically as “stop terrorist attacks...by detecting and investigating threats at the earliest possible stage, disrupting terrorist activity before it can endanger the public and whenever possible, prosecuting those responsible.” Prevent is defined as “not just arresting and prosecuting terrorist.... but addressing radicalization to all forms of terrorism.” Protect is defined as “strengthen protection against a terrorist attack...and reduce vulnerability.” The protect strategy includes Border Security. Prepare is defined as “work to mitigate the impact of a terror attack....including bringing a terror attack to an end as well as being more resilient.”<sup>63</sup>

In order to implement the U.K. strategy, which could be argued is a doctrine; the U.K. has a system of layers for intelligence collection, as well as cooperation that transcends foreign and domestic intelligence collection and enforcement requirements. The U.K.’s intelligence services break down with foreign intelligence handled by the Secret Intelligence Service (AKA MI-6, Similar to our CIA), the Government

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<sup>62</sup> Home Office, *CONTEST: The United Kingdom’s Strategy for Countering Terrorism*.

<sup>63</sup> Ibid.

Communications Headquarters (GCHQ-Similar to our NSA) and the Domestic Security Service (AKA MI-5).<sup>64</sup> Though there are distinct differences in the U.S. model and the British models due to government make up, legislation, culture of trust in the government and the like; the Security Service (MI-5) has a close relationship with the U.K.'s fifty-six (56) main police departments,<sup>65</sup> which could be a goal to emulate for U.S. federal intelligence agencies and U.S. state police agencies. The direct communications of the MI-5 Agents in the regions with the law enforcement units, create a model of trust and cooperation.<sup>66</sup> Though the U.K. does not have the tiered levels of police departments as we do, a proposal we could look at would be a structure in the framework that MI-5 could be equated to the FBI's role and the 56 Police Departments could be related to our state police agencies in the U.S.

Within each of the fifty-six (56) U.K. police departments, there is a group of vetted officers that work directly with the community, other police departments and MI-5 Agents. These are known as the special branches. The special branches are mirrored in each of the police departments and all have a common operating platform.<sup>67</sup> According to the Hampshire Constabulary (police department), the following is their definition of role and mission:

The role of Special Branch is essentially to gather intelligence to meet national security requirements in line with the National Intelligence Model, as well as to support other policing priorities such as prevention of disorder, serious crime and organised crime. In the context of national security, Special Branch works closely with and in support of the Security Service, as well as with other national agencies.

A key aspect of Special Branch intelligence gathering is that it **extends the reach of the national agencies by utilizing the close links between local police and the communities they serve**, (emphasis added) as well

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<sup>64</sup> Todd Masse, *Domestic Intelligence in the United Kingdom: Applicability of the MI-5 Model to the United States*. 2003.

<sup>65</sup> Home Office, *Guidelines on Special Branch Work in the United Kingdom* (U.K.: Home Office Communications Directorate, 2004).

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

as the contacts and access, which Special Branches maintain nationally and internationally. This linkage is a major strength of the U.K.'s national security structure and the envy of many countries.

Much of the intelligence gathering work of Special Branch, whether undertaken solely by the branch or jointly with agencies such as the Security Service, involves sensitive information, equipment and techniques.

The special branches could be equivalent to our U.S. LE models having a homeland security unit within a police department. The CONTEST model establishes that the Security Service is responsible for the intelligence collection operations and the special branch police responsible for the disruption and response portions of the overall strategy. As Peter Chalk states, “The Special Branch structure is the primary instrument through which intelligence is translated into operational activity and prosecutions.”<sup>68</sup> This split but equal representation allows for a coordinated response. The police will not be burdened by having collection requirements but will do what they are efficient at; respond and use the law to stop, and prosecute any threats discovered.

In 2006, the U.K.'s Metropolitan Police Service merged their Anti-Terrorism Branch and their Special Branch to form the Counter Terror Command (CTC).<sup>69</sup> This merge of services brings the previous expertise of intelligence, police operations, and investigations. The CTC has created four distinct strands: Intelligence, Investigations, Partnerships and Business. As with the above listed definition, the key role is to bridge community policing and national collection requirements.

### **3. Political and Legal Aspects**

Legality of how MI-5 or MI-6 operates in England versus the United States is a separate issue and further research and discussion on legality is beyond this paper. The use of domestic agencies in the U.S. for the sole purpose of gathering intelligence on U.S.

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<sup>68</sup> Peter Chalk and William Rosenau, “Confronting the Enemy Within: Security Intelligence, the Police, and Counterterrorism in Four Democracies (Santa Monica, CA: RAND, 2004), 12; Hanah, A.O’Brien, and Rathmell, *Intelligence and Security Legislation for Security Sector Reform*: 14–15.

<sup>69</sup> Metropolitan Police United Kingdom. “Total Policing CTC,” Home Office, accessed July 11, 2013, <http://content.met.police.U.K./Article/Counter-Terrorism-Command/1400006569170/1400006569170>.

citizens would have to be very thoroughly reviewed for consistency with following and preserving the U.S. constitutional rights of each U.S. citizen. Aspects of actual intelligence gathering comparisons are not explored in this research; however, the challenges may be assumed to be quite hefty, and therefore, not likely to be replicated within the scope of legal intrusions that the U.K. system allows.

Politically, the challenges of a federal government gathering information about U.S. citizens have hit a high in recent history with the NSA Prism leak, the Wiki-Leaks information, as well as federal government use of drones, wire taps and FISA court searches. The U.S. citizenry appear to be in a mode of distrust, and politically the decision to support intrusive spying on people is yet to be fully determined.

The U.S. citizen is afforded expected protections under the U.S. constitution and every attempt to side step those protections may bring unwanted scrutiny on agencies. Comparing the doctrine of CONTEST with citizen protections and relating that to the U.S., we would have to decide how and where the concepts of CONTEST would fit in U.S. LE models. Using CONTEST as a model or doctrine would be acceptable as long as the strategies and methods of implementation were grounded in U.S. law and specifically the U.S. constitution. The guiding philosophy of CONTEST is not at odds with U.S. law enforcement ability to adopt the descriptive guidelines. The issue is how MI-5 and MI-6 **implement** the guidance by the very nature of their laws, which allow for a different level of accepted intrusion by the government into the populace.

CONTEST clearly lays out problems and offers guidance and directions in handling the established problem of terrorism. Establishing the same concept from a U.S. model would likely have to be pushed to state and local levels for methods and strategy to implementation; however, the use of the doctrine could be used to begin a way for federal agencies and states to discuss the areas presented in CONTEST to see if we have similar thoughts and means to counter the established threat of terrorism.

#### 4. Analysis of CONTEST

A listing approach will be used with the major themes of Information Sharing, Joint Investigations Ability, Secure Communications and Information Exchange being explored and compared. The comparisons of how U.S. LE currently uses the theme and how the U.K. implements the theme will be examined. The scope of this will be both theoretical and philosophical as the exact output measures and outcome measures are not conducive to conduct a quantitative comparison—as such, we will use a subtle qualitative comparison that may be open to further discourse.

##### a. *Information Sharing*

In the current U.S. policing model, information sharing is a voluntary methodology that is most often controlled at the local levels. The U.S. federal intelligence and law enforcement enterprise have had some legislation that addresses information sharing in the intelligence enterprise between the U.S. federal government and local stakeholders.<sup>70</sup> This is a slow and sometimes not adhered to directional movement that could be criticized and characterized metaphorically as “moving a cargo ship with a dingy.” As a result of the attacks in 2001 and more currently the Boston bombing, we have seen a repeated conundrum of information analysis, sharing and distribution based on perceived need to know. This intelligence cycle continues to break down in the U.S. law enforcement models.

The British strategy of having domestic intelligence agents in the communities working directly with cleared and vetted special branch police officers, appear to have broken down any fear, mistrust, silo’s, and roadblocks relating to talking, sharing and collaboration.<sup>71</sup> The missing connection of face-to-face contact and continuous operational cohesiveness we have in the U.S. LE model does not appear to be prevalent in the U.K. The major police departments in the U.K., due to not being in

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<sup>70</sup> Randol, *Homeland Security Intelligence: Perceptions, Statutory Definitions, and Approaches*, 2010.

<sup>71</sup> Chalk and Rosenau, *Confronting the Enemy within: Security Intelligence, the Police, and Counterterrorism in Four Democracies* (Santa Monica, CA: RAND Corporation, 2004), 14–15.

competition within the same region with other LE departments, as well as working on a common strategy clearly defined by a federal cabinet (Home Office), have a cross flow of information sharing in addition to a vertical flow of information. The U.S. model is vertical flow, usually following an ad-hoc policy program of transferring information rather than sharing intelligence. There is a movement to use XML data protocols and to share information in the U.S. but most agencies have little incentive to invest money in infrastructure to get up to standards. The use of a data-encoding platform accessible to all LE agencies in a region would enhance flow of information. The U.K. system example has a web-based system as copied from the CONTEST Strategy:<sup>72</sup>

Communications between emergency responders have improved, but there is still more work to do. Two-thirds of eligible emergency responders have protected access to mobile networks during emergencies. Around 500 organisations can now share classified information with each other, using the National Resilience Extranet which also enables web-based planning and crisis management.

***b. Joint Investigation Ability-Local to National***

The U.S. LE community does have a formal model to conduct joint investigations between U.S. federal agencies and those agencies regulated by states (State Police, County Sheriff, and Local PD's). The joint operations are most often controlled by and run by federal agencies. The largest and most well known task forces (TF) include: High Intensity Drug Trafficking Area Task Force (HIDTA-DEA), Joint Terrorism Task Force (JTTF-FBI), Safe Streets Task Force (SAFE-FBI), Regional Fugitive Task Force (U.S. Marshals), and Cyber Investigations (U.S. Secret Service). Within a region, multiple agencies will usually detach an officer under a memorandum of understanding (MOU) to these TF's. The missing connection is standards of mission sets, formal standing requirements for operations, cross talk and data sharing. The U.K. model also has a regional approach to their policing models with each regional police department having an independent impartial nonpolitical role. This adheres to what is known as the Peel theory named after Robert Peel in the 1840s during the founding of the

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<sup>72</sup> Home Office, *CONTEST: The United Kingdom's Strategy for Countering Terrorism*, 2011.

professional police officer. Though the Crown gives the authority, the local nature of the region direct and run the operations.<sup>73</sup> The difference in the U.S. model is that each level of government has a police force based on the government jurisdiction that is directed by a chief executive officer. The state has oversight on standards; however, the state does not give direction, coordination or oversight to each level of the police services that the U.K. model<sup>74</sup> has through the Home Office. The U.K. model gives regional police and national level intelligence assets<sup>75</sup> the ability to work jointly through a common model and platform, which is foundationally the same across the U.K.<sup>76</sup> The ability of the U.K. model to mobilize nationwide assets under a common operating picture on common communication platforms, allows for seamless joint operations or response.<sup>77</sup>

*c. Secure Communications-Sensitive Information Exchange*

The common complaint from U.S. law enforcement at the local and state level is the restricted access of classified information. Though the environment has greatly improved since 9/11, the lack of sharing a domestic threat intelligence piece is still common. The U.S. DHS has taken great strides in giving Secret level clearance to state and local LE and access to their secure communications net. The issue though is the dual purposed homeland mission by both the FBI and DHS, and then who will share what information with whom? As the FBI is considered the lead domestic intelligence agency, DHS is considered the face of interaction with state and local law enforcement. To date, the FBI has not usually given clearances to state and local police unless they are actively apart of a formal task force office in an FBI building. The thought of insider threats continue to haunt the FBI and the U.S. IC, and that is often used as an excuse for the lack of access. The U.K. special branches are local officers with the belief they have the

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<sup>73</sup> Association of Chief Police Officers, *Policing in the U.K.: A Brief Guide* (London: Association of Chief Police Officers, 2012).

<sup>74</sup> Home Office, *Guidelines on Special Branch Work in the United Kingdom*, 2011.

<sup>75</sup> Home Office, *CONTEST: The United Kingdom's Strategy for Countering Terrorism*, 2011.

<sup>76</sup> National Criminal Intelligence Service. *The National Intelligence Model*. (United Kingdom: National Criminal Intelligence Service, 2000).

<sup>77</sup> United Kingdom, *Total Policing CTC*.

greatest amount of knowledge on the ground.<sup>78</sup> The vetting process and exchange of information is regulated to protect methods, sources and the likes; however, the information on targets is greatly shared. The U.K. model using special branches is an example of having cleared knowledgeable people at the ready to be used as a force multiplier of MI-5 when needed. The special branch officers are dedicated intelligence officers who take direction from the police chief and the domestic security MI-5 in information requests, intelligence products and assessments.<sup>79</sup> In order to effectively maintain communications in the event of an emergency, the U.K. has established a secure communications network (linking police, ministries of government and key stakeholders) known as the National Resilient Extranet, the High Integrity Telecommunications System, and Privileged Access Schemes (<https://www.gov.U.K./resilient-communications>). This communication network is rated to send and receive at the restricted communications level and allows for a rapid sharing of information.

Currently, similar systems the U.S. LE has are Law Enforcement Online (LEO) and at the secure communications level the Homeland Security Data Network (HSDN). Though both of these are secure, very little buy in to daily logging on in LEO has occurred in the LE enterprise, as most information is scattered, non-relevant and cumbersome. The HSDN network requires a secret level certified facility and those are near nonexistent to LE personnel outside of specific units at a handful of fusion centers in each state.

The U.K. Model codified in CONTEST shows a serious doctrinal concept outlying a plan that is authoritative but not specific in strategic deployment or methods to implement. This guiding document has a level of direction that most of the police and security service personnel could use when a leadership or question arises as to the mission and goals of the counter terror effort in the U.K.

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<sup>78</sup> Home Office, *Guidelines on Special Branch Work in the United Kingdom. 2009.*

<sup>79</sup> Home Office, *Guidelines on Special Branch Work in the United Kingdom. 2009.*



## C. CASE STUDY 3

### 1. Multidisciplinary Perspectives of Doctrine

#### a. *Introduction to General Doctrine*

DoD Joint Publication 1-2, *Dictionary of Military and Associated Terms*:<sup>80</sup>

Fundamental principles by which the military forces or elements there of guide their actions in support of national objectives. It is authoritative but requires judgment in application.

*Merriam-Webster's Dictionary*:

Something that is taught, a principle or position or the body of principles in a branch of knowledge or system of belief, a statement of fundamental government policy especially in international relations, a military principle or set of strategies.

When defining doctrine, the pre-eminent source of reading and modeling is from the armed forces. In the current DoD framework, they have established joint publications<sup>81</sup> as a formal doctrine that each service will be guided by when working in nonsingular tactical operations. FEMA has also published Publication 1<sup>82</sup> in 2010 that serves as “*a capstone doctrine.... that defines our principals and culture, describes our history, mission, purpose, and ethos.*” The fire service under the leadership of the U.S. Forest Service has a core doctrine in its publication *Wildland Fire Suppression: Foundational Doctrine*.<sup>83</sup> There are other examples of doctrine based upon court or case precedence known as legal doctrine, principles that are given a name of the author such as the Monroe Doctrine, Bush Doctrine etc., and religious doctrine depending upon the faith. There is a glaring example of doctrine when we look at the U.S. Constitution in the definitional framework as above and believe it is the core set of beliefs that lay a

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<sup>80</sup> U.S. Department of Defense, *Joint Publication 1-02. DoD Dictionary of Military and Associated Terms*.

<sup>81</sup> U.S. Department of Defense, *Joint Publication 1: Doctrine for the Armed Forces of the United States*.

<sup>82</sup> FEMA, *Federal Emergency Management Agency Publication 1. 2010*.

<sup>83</sup> Edward D. Hollenshead et al., *Fire Suppression: Foundational Doctrine* (U.S. Department of Agriculture, Forest Service, 2005).

principle to guide our decisions in how we operate a complex adaptive system called the United States.

Doctrine is often and more commonly thought of as the philosophical foundation that is authoritative but not specifically directive. Practitioners, managers and executives often miss this key component of nondirective. Strategies often give the path to take off the doctrine road map and begin to give guidance and direction. If doctrine is the foundation; then strategies, methods, and policies should be capacity. Most LE and homeland security (HLS) practicing professionals are often caught in the capacity cycle (the ability to do the job), and that is where they should be. An analogy could be framed as practitioners do the process, managers supervise the process's of a strategy and leaders are thinking of how we do it better (innovative organizational change) while staying true to a core belief (Doctrine) and smart practices (Strategy). Everyone can be a leader and doctrine gives everyone the ability to lead in the framework of a common picture, philosophy, and ethic. Adaptation of a doctrine is often thought of as an impossible task but is it really?

In order to see how this term “Doctrine” is used in practical scenarios or operations, we will discuss a few U.S. Government Doctrines. Some will be Federalist and some will be more Nationalist in nature.

## **2. Example 1: Department of Defense**

The DoD currently has the best model of comparison, as it has published manuals titled “Doctrine.” These publications clearly set out definitions, expectations, guiding principles and are endorsed by the DoD leadership. DoD Joint Publication 1-02, *Department of Defense Dictionary of Military and Associated Terms*, sets out in its second page, the scope, purpose, application and update schedule. In the very beginning of the document, it states that the purpose is to improve communication and understanding of terms used, and it is to be the primary terminology source when creating correspondence, including policy, planning documents, strategy and doctrine. This document gives definitive guidance at the level of the Joint Chief of Staff without

directing what word to use to accomplish a task. The established document also creates an update cycle with directions on how to modify, replace or edit terminology as needed. This creates a pragmatic document that does not become non-relevant archaic shelfware.

The DoD created Joint Publication 1: Doctrine for the Armed Forces of the United States. (JP-1)<sup>84</sup> According to JP-1, it is the “capstone publication for all joint doctrine, presenting fundamental principles and overarching guidance for the employment of the Armed Forces of the United States.” Additionally, JP-1 “ties joint doctrine to the national security strategy and national military strategy and describes the role in the development of national policy and strategy.” Another important piece we could learn from DoD doctrine is the statement that can sum up the importance of the DoD’s belief in a well written guiding principal.

With the exception of Joint Publication (JP) 1, joint doctrine will not establish policy. However, the use of joint doctrine standardizes terminology, training, relationships, responsibilities, and processes among all U.S. forces to free joint force commanders (JFCs) and their staffs to focus their efforts on solving strategic, operational, and tactical problems. Using historical analysis of the employment of the military instrument of national power.

Joint Publication 2-0: *Joint Intelligence* is the doctrine on Intelligence. As a guiding principled document, the publication states:

This vital keystone publication forms the core of joint intelligence doctrine and lays the foundation for our forces’ ability to fully integrate operations, plans, and intelligence into a cohesive team.

The argument of needing discretion, needing to be innovative, needing the ability to be flexible and creative to shifting environments or other complaints is often cited as a reason not to have a doctrine. In JP-2-0, there is also a clearly defined applicability clause that allows the discretion of commanders. The following is taken directly from JP-2-0:

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<sup>84</sup> U.S. Department of Defense, *Joint Publication 1: Doctrine for the Armed Forces of the United States*. 2013.

### 3. Application

a. Joint doctrine established in this publication applies to the joint staff, commanders of combatant commands, sub-unified commands, joint task forces, subordinate components of these commands, and the Services.

b. The guidance in this publication is authoritative; as such, this doctrine will be followed except when, in the judgment of the commander, exceptional circumstances dictate otherwise. If conflicts arise between the contents of this publication and the contents of Service publications, this publication will take precedence unless the Chairman of the Joint Chiefs of Staff, normally in coordination with the other members of the Joint Chiefs of Staff, has provided more current and specific guidance. Commanders of forces operating as part of a multinational (alliance or coalition) military command should follow multinational doctrine and procedures ratified by the United States. For doctrine and procedures not ratified by the United States, commanders should evaluate and follow the multinational command's doctrine and procedures, where applicable and consistent with U.S. law, regulations, and doctrine.

### 3. Example 2: U.S. Forest Service

Wildland Fire Suppression Foundational Doctrine opens with a quote from Visa Founder Dee Hock, *“Simple clear purpose and principals give rise to complex intelligent behavior. Complex rules and regulations give rise to simple stupid behavior.”* (Emphasis added) Tom Harbour furthers the quote by saying, *“We are focused on defining those simple clear principles that will encourage complex intelligence behavior.”* (Emphasis added)<sup>85</sup>

According to the U.S. Forest Service, the organizational change needed for Wildland fire fighting needed a revamping of foundational ideas. According to the doctrine introduction on the needs of a doctrine, the authors point out over the years, the response to major wildland fires have been under extreme scrutiny. The responses were thought of as tactical in nature, and as a result more prescriptive policies were implemented in order to correct perceived shortcomings. The result, according to the doctrine, was simply confusion and frustration in trying to accomplish a dynamic and ever changing threat environment.

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<sup>85</sup> Hollenshead et al., *Fire Suppression: Foundational Doctrine*, 1.

The Forest Service clearly states in its doctrine that the increase in hard rules and lack of ability to think critically by imposing additional check lists rules have actually increased the likelihood of failure. The doctrine states that the tradition of measuring success was not based upon appropriate decisions and behaviors, but more about having a lack of bad outcomes.<sup>86</sup>

A key component of the doctrine that relates most to this thesis is stated as an objective of establishing a doctrine. It states *“The ability to develop and instill our firefighters and leaders with an understanding of how to think and not what to think.”*(*Emphasis added*)<sup>87</sup> The publication is an example of documenting not only the reasons why we do a task, but also show the reader the past mistakes or past failures in a hope not to repeat them. This doctrine on firefighting gives as it states, the ability to make a decision with the best interests in mind at the lowest level. The philosophy is driven from a perspective of empowerment and not one of constraint. As doctrines are explored, commonalities are principles, morals and ethics. This fire fighting doctrine goes beyond the mantra of fire fighting being a “manual labor put the water on the fire”, and into a critical thinking strategic life and property saving mantra. By establishing the ethical priorities in a document, the firefighters can read and memorialize the basic concepts of their mission more readily.

#### **4. Example 3: Federal Emergency Management Agency**

Pub 1 as part of its introduction states “Pub 1 communicates who and what FEMA is, what we do, and how we can better accomplish our missions. Pub 1 defines our principles and culture, and describes our history, mission, purpose and ethos.”<sup>88</sup> It also states specifically:

The capstone doctrine should help to advance the practice of consistent decision-making by those with the authority to act. While the guidance is authoritative, it is not directive, and when applied with judgment, it can be

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<sup>86</sup> Hollenshead et al., *Fire Suppression: Foundational Doctrine*, 3.

<sup>87</sup> *Ibid*, 1.

<sup>88</sup> FEMA, *Federal Emergency Management Agency Publication 1*, 2.

adapted to pertain to a broad range of situations. The guidance is intended to promote thoughtful innovation, flexibility, and proactive performance in achieving FEMA's complex mission. This document provides managers, supervisors, and employees with the set of values and principles to which they can all expect to be held accountable.

FEMA Pub 1 is broken into chapters covering: History, Roles and Mission, Ethos and Core Values, Guiding Principals, and Authority. The doctrine established allows a new employee to get a sense of where the agency was in the past, how it got to where it is now, what is expected and on what authority it stands. This foundational core is an example of basic doctrine not being prescriptive in a response sense; however, it is prescriptive in ethos, principals and guidance. A prescriptive guiding principal listed is innovation. This very item of innovation is counter to the previously held notions that doctrine is dogmatic and inflexible. **FEMA Pub 1 establishes innovation as a requirement of its very foundation.**<sup>89</sup>

The FEMA Pub is long and reads like a new employee handbook. The critical aspects may be nestled in an attempt to create an identity. The idea of creating or establishing an identity is grounded in social identity theory and has a place in the discourse on doctrine. FEMA does a good job on establishing how it started from major fires and was slowly granted more responsibility including bringing many disparate preparedness agencies under one roof. It also explains the post-9/11 era and how it was sliced up in DHS and again put back together. This history lesson is important as external stakeholders who may be influenced by biased reporting, can get a sense of the identity of the FEMA worker, as well as any new hire. An ability to know why and how we get to a position in a dynamic world and chaotic response organization may just be the glue that holds order in chaos.

## 5. Analysis of Government Examples

Government agencies from DoD to fire to preparedness agencies see the need to establish foundational thinking to establish their place in society. The doctrines presented

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<sup>89</sup> Ibid.

were a cross section of different types of organizations working on different levels of response or mitigation or even as a deterrent. The commonalities among all the examples were that of: ethics, morality, principals, core beliefs, innovation, history and the question with the answer of who are we.

Intelligence communities, as well as domestic law enforcement agencies, are lacking in the doctrine aspect. Government documents establishing a set standard in a single codified document are lacking in most state, local and federal organizations that have intelligence and law enforcement response requirements. Attempting to broach turf wars, budget allocations and mission creep is outside the scope of this paper; however, an inside look at the microcosms of these “battle” areas could be a focus of further research. As doctrine establishes some principals, could we have a lack of established principals in the intelligence-sharing environment? Could the competitive nature of intelligence rewards in budget allocation mean knowledge is power, and therefore, sharing is obsolete? Do we have an environment of common definitions, common goals, common platforms, common sharing requirements or common collection requirements codified and published for domestic agencies working intelligence operations in and for the United States?

Richard Immerman in his writing, *Transforming Analysis: The Intelligence Communities Best Kept Secret*,<sup>90</sup> argues some of these points as roadblocks to the intelligence community development and further explains how the Office of the Director of National Intelligence (ODNI) leadership and transformation has gone slightly unnoticed in the organizational change of the IC. Immerman also points out that academia fails to look at progress in the positive light and uses past failures to conduct analysis. In his piece, there is an argument that could be made that the ODNI is actually establishing doctrine piece meal, by making people and agencies work together by establishing specific philosophical organizational change. Codifying this change and

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<sup>90</sup> Richard H. Immerman, “Transforming Analysis: The Intelligence Community’s Best Kept Secret.” *Intelligence and National Security* 26, no. 2–3 (2011): 159–181.

requirement in writing other than executive orders (12333 to be exact) or Intelligence Community Directives (ICD 203 and ICD 206 for example) may be the biggest challenge to the IC.



#### IV. SO WHAT? WHY DO WE NEED A DOCTRINE?

The current components of law enforcement (LE) intelligence gathering rely on standards of LE established through the lens of the criminal justice framework.<sup>91</sup> The basis for the current components of the collection of criminal intelligence lay in the legality, privacy of information, citizen protections (court orders) and general acceptance of the tradecraft. The current model used is an ad-hoc collection of proposed guidelines, strategies and methods that are not codified in a formal document.<sup>92</sup> This ad-hoc approach to leveraging the strategy of intelligence-led policing creates a lack of comprehensive, clear and repeatable metrics across the U.S. police enterprise. Currently in LE, departments are conducting a mash up of intelligence-led, community oriented and problem oriented policing<sup>93</sup> with the only accountable metric being UCR data reduction primarily in the Part I crime index. Codifying a formal template with multiple strategies can and would create the doctrine needed to begin the baseline achievements of information and intelligence sharing. By establishing the doctrine, organizations can evaluate where they are and how this will affect their individual operations. It will also allow agencies to identify common platforms, such as N-DEX and the Global Justice Exchange system in order to develop true sharing capability that is more efficient and effective in actual exchanges.<sup>94</sup>

Having common language, common platforms and common tradecraft would allow transparency and public relations to increase. In summation, a ***Domestic Intelligence Doctrine would have and create new organizational implications, create new collection and sharing platforms, create commonality, and put the public at ease.***

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<sup>91</sup> Jerry H. Ratcliffe, “Integrated Intelligence and Crime Analysis: Enhanced Information Management for Law Enforcement Leaders.” (2007).

<sup>92</sup> Ratcliffe, *Intelligence-Led Policing and the Problems of Turning Rhetoric into Practice*,: 53–66.

<sup>93</sup> Carter and Carter, *Intelligence-Led Policing Conceptual and Functional Considerations for Public Policy*: 310–325.

<sup>94</sup> U.S. Department of Justice, Global Justice Information Sharing Initiative, *Navigating Your Agency’s Path to Intelligence-Led Policing*.

There becomes the dogmatic approach that causes groupthink, stagnation, organizational “closing in” (which nothing from the outside is allowed in) and the like. A more pragmatic approach would be along the lines of allowing creativity (thinking of new things) as well as innovation (doing new things.) Could doctrine survive a pragmatic approach to review while keeping dogmatic core belief? It could be argued that the U.S. Constitution is a dogmatic doctrine established as a solid core philosophy that is very rarely treaded upon, and in those times it was, there were significant changes due to societal needs. Does this document with its amendments show us the ability to change, be interpreted and stand for something? A metaphor on doctrine could be explained as: a solid foundation (doctrine) on shifting soil (day to day problems) establishes refuge for a structure during rain or drought. The building materials (strategies) attached to the foundation could be different depending on an agencies climate or location in the country. This combination of foundation and materials establish **a way** to protect and serve a community (methodology) while keeping with the faith of the premise the foundation is the most important aspect of any house. Those managers in each clime would have better baseline definitional background and could manage the process as needed with little further guidance while grounded in policy. How we build a house and what materials we need in the dessert southwest, may not be suitable to the pacific northwest. New policy should be a result of a shifting methodology to fulfill a strategy based upon doctrine at the lowest level.

By establishing additional metrics to grade the value in changing the dynamics of LE work toward establishing an intelligence doctrine, a baseline needs assessment would more than likely indicate that the doctrine should establish new focus areas. LE agencies in the United States are primarily made up of small agencies that do not have dedicated intelligence units, dedicated crime analyst or criminal intelligence analyst; they rarely have direct appointments to the FBI-JTTF, are unsure of the DHS fusion center call for Intelligence Liaison Officers and Terrorism Liaison Officers and usually are answering call-to-call with the leadership often graded by UCR crime data reports for the

community.<sup>95</sup> So while federal and state government agencies have well-established intelligence components, most local police agencies do not. Those that do, usually have liaison officers of a hybrid unit that does gang, drug, and crime statistical analysis.

Understanding the intelligence function begins with/by establishing macro level goals, based upon macro level definitions with macro strategies. As each agency establishes its baseline to the macro understanding, methodologies are placed based upon capacity. In order to accomplish this, the doctrine should list and prioritize goals of the program to better understand what intelligence is, shift to a philosophical/comprehensive/holistic based thinking rather than a case specific model, and establish community buy-in to secure the needed support of why and how this doctrine is a good thing for the U.S. citizen.<sup>96</sup> Exploring the difference between holistic and case specific needs to be addressed in context. Most intelligence functions in law enforcement serve to produce a specific product usually for specific cases. The exception to this is crime statistics analysis compilation for command review. In the context of strategic documents, the crime statistical reports could be argued is information not intelligence. The debate on products is further blurred as how information, even with value, is used and could change the definition to an intelligence product. Again, we have micro definitions of information versus intelligence based upon the needs of different police agencies. There is no definitive widely accepted definition of crime statistic analysis being more information or more intelligence. Doctrine could establish that the crime statistics report for a time period is simply information. The same report—fused with data sets not open to the public in which decision makers put forth a tactical plan or strategic plan—could be argued is an intelligence product because the decisions to modify or change approaches or operations were a result of new information that had value.

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<sup>95</sup> D. L. Carter, and J. G. Carter, “The Intelligence Fusion Process for State, Local, and Tribal Law Enforcement.” *Criminal Justice and Behavior* 36, no. 12 (2009a): 1323–1339.

<sup>96</sup> Carter and Carter, *Intelligence-Led Policing Conceptual and Functional Considerations for Public Policy*:310–325.

The doctrine of domestic intelligence should do the following in order to be accepted and successful in a new paradigm shift.

5. Eliminate
  - a. Fear among the populace of a “big brother” being all knowing
  - b. Misunderstandings of why intelligence is needed and what it is
6. Reduce
  - a. Failures/weak signal interpretations
  - b. Concerns about privacy rights by having transparent methodologies
7. Raise
  - a. Awareness of privacy processes and protections that will be in place
  - b. Protections in the forms of law and policy concerning LE actions
8. Create
  - a. A baseline doctrine of Domestic Intelligence
  - b. Comprehensive model of intelligence thinking versus case specific
  - c. Community input (methods/practices) for acceptance

## A. HURDLES OF IMPLEMENTATION

Organizational change comes slow. Out of crisis comes what could be called “action imperative syndrome.”<sup>97</sup> If action imperatives are: strict commands and verbs, people tasked with immediate following of orders, the environment is blind to unintended consequences; then we have set up an environment of ready fire aim. This thought process that we need to act right here right now, can be estimated to have caused what is often phrased as “knee jerk” reactions and waste in government. The establishment of doctrine could give a balanced approach to crisis. The current roadblock of implementation is the lack of some academia, as well as the portions of federal intelligence community to recognize the community perception and importance of the motto coined by the IACP and then DHS, “Hometown Security is Homeland Security.”<sup>98</sup> While definitional issues continue to plague government, a simple definition of intelligence<sup>99</sup> is an often-heated debate based on practitioners and executives giving their roles in the greater strategy and not the macro definition we should be talking about. The confusion on Intelligence Doctrine versus Intelligence Strategy versus Methodology versus Policy is not in the the scope of this paper; however, the current discourse on intelligence continues to be comparative grand standing based on practitioners and supervisors giving their current roles in intelligence as **the way** instead of saying it is **a way**. The ability to get a room full of LE executives to agree on a doctrine is no easier than getting a group of politicians to agree on a matter. The underlying problems of definitions, ethics, morality, concession and humility will need to be worked on one meeting at a time.

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<sup>97</sup> Captain Franklin uses this statement in teaching SWAT and Organized Crime classes to show humans have a need to do something right here and right now. Captain Franklin states we have a need to do actions and believe our decisions and actions are imperative to resolve an issue. This imperative to do something, if done haphazardly creates additional risks in any operation and many LE and HLS professionals do snap judgments versus cost benefit analysis decisions.

<sup>98</sup> International Association of Chiefs of Police, *From Hometown Security to Homeland Security: IACP'S Principals for a Locally Designed and Nationally Coordinated Homeland Security Strategy*:1–9.

<sup>99</sup> M. M. Lowenthal, *From Secrets to Policy*, ed. Belinda Josey, 5th ed. (Los Angeles: Sage, 2012): 417.

The International Association of Chiefs of Police (IACP) did just that in a meeting in late 2004. The IACP developed a project they titled “Taking Command Initiative.”<sup>100</sup> This initiative was a discourse in what was working and what was not working at the federal, state, local and tribal levels in homeland security. During the discourse, the participants established “the current homeland security strategy is flawed... It was developed without sufficiently seeking or incorporating the advice, expertise or consent of public safety organizations at the state, local and tribal levels.”<sup>101</sup> In the meeting, the IACP “established five key principles that must form the basis for, and be incorporated into, the development and implementation of a national homeland security strategy, if it is to be successful in protecting our communities from the menace of terrorism.”<sup>102</sup>

The five principles are:

1. All Terrorism is Local
2. Prevention is Paramount
3. Hometown Security is Homeland Security
4. Homeland Security Strategies Must Be Coordinated Nationally not Federally
5. The Importance of Bottom Up Engineering, The Diversity of the State, Tribal and Local Public Safety Community & Noncompetitive Collaboration

These five basic principles in homeland security are doctrine-based philosophy used to establish a strategy. The hurdles again come from federal partners and not

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<sup>100</sup> International Association of Chiefs of Police, *From Hometown Security to Homeland Security: IACP’S Principals for a Locally Designed and Nationally Coordinated Homeland Security Strategy*:1–9.

<sup>101</sup> Ibid.

<sup>102</sup> International Association of Chiefs of Police, *From Hometown Security to Homeland Security: IACP’S Principals for a Locally Designed and Nationally Coordinated Homeland Security Strategy*,:1–9.

necessarily the other LE partners. The 9/11 Commission established the presence of federal IC turf wars, and it is still an issue today. Doctrine can begin the process of dismantling a wall and building a coalition foundation to further the strategies needed.

## **B. MULTI-DISCIPLINE RELATIONS AND COOPERATION**

Within the goals of establishing a State-Level Intelligence Doctrine, the cooperation and relationship of several stakeholders are paramount if we are to garner acceptance and legitimacy. The groups associated with a successful doctrine would include law enforcement, the public, formal organizations outside of LE, such as the American Civil Liberties Union (ACLU) and academia, courts, and formal criminal justice members, such as the county and district attorney offices.

Doctrine should be a foundational document<sup>103</sup> that is based in philosophical truths that are accepted and engineered from the ground up. In creating a collaborative document, the IACP uses a quote that states that “Homeland Security Strategies Must Be Coordinated Nationally Not Federally.”<sup>104</sup> This quote shows the need for formal doctrine for each state and the bottom up engineering of policy, strategy and methods to fulfill the doctrine. The IACP believes that the above approach, if done from the locals up, as a national perspective, gives each agency and state equal partnerships in developing a national strategy. The thoughts of so-called federalism and federal directives tend to separate the discourse into a Social Identity Theory of Us versus Them (SIT). SIT continues to show us that group conflict is a hurdle to group cohesion. In the light of establishing my way as the only correct way (my in-group), then I will demean or otherwise reduce the status of other groups to bolster my claims and status in the community. Could it be said that turf wars are an example of group conflict, status challenges and impediments to intelligence community cohesion? Eliminating fear, misunderstandings, turf wars etc., requires local stakeholder buy in that is only developed

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<sup>103</sup> U.S. Department of Defense, *Joint Publication 1: Doctrine for the Armed Forces of the United States, 2013*.

<sup>104</sup> International Association of Chiefs of Police, *From Hometown Security to Homeland Security: IACP'S Principals for a Locally Designed and Nationally Coordinated Homeland Security Strategy:1-9*.

with cohesive partnerships. If the states had a state doctrine on what that state believed the homeland security enterprise would look like, they would be better prepared to fulfill a national directive as the definitions, philosophy, guidelines and buy-in would be well established and would take in all the local concerns. An overriding example would be along the southwest border. For states in the mid-west or on the east coast, having police chases that the criminals throw out tire deflation devices (Caltrops) to make a run back to the border and “Splash-Down” in the Rio Grande river seems far-fetched and not a strategic concern. Texas, however, believed the situation to be extremely important and made a law outlawing the mere possession of the devices (Caltrops). This individual state perspective to a broader national strategy would also leverage the crowd sourcing of problems across the country. By examining the different regions, a pattern analysis could readily be seen and handled.

Establishing a State Level Intelligence Doctrine gives many disciplines the ability to conduct a needs assessment of man-made potential incidents from an unbiased and professional approach. When looking at risk, the often-misused data set is the threat information. ( $Risk=Threat \times Vulnerability \times Consequence$ ). This lack of good threat analysis and data could be argued has cost many more dollars than was needed. The “Black Swan” events were addressed even though risk of them happening were very low. Multi-disciplined intelligence reporting, analyzing and disseminations create a standard operating picture for all homeland security disciplines to use to develop their individual operating picture. Currently identifying the term surveillance means different things to different HLS professionals. An example would be the cop versus public health worker. Cops believe surveillance is the covert act of watching a place or person to gather information for further review in an ongoing criminal case or the electronic tracking of a suspect’s movement or other similar versions. In the public health world, surveillance is thought as either passive or active surveillance.<sup>105</sup> Passive surveillance could be the digital tracking of medical cases reported, over the counter non-prescription drugs sold in

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<sup>105</sup> Ruth L. Berkelman et al., “Public Health Surveillance.” *Oxford Textbook of Public Health, Volume 2: The Methods of Public Health*, no. 5 (2009), 699–715.



a region to determine potential flu or other information collected that gives an epidemic or pandemic warning. Active surveillance in public health then becomes asking for and getting lab results, doctor diagnosis reports or case definition filtering (If you have symptoms 1, 2, 3 then you got Disease A.) The doctrine would require some definitions and also allow for broader scoping as needed or concentration of scope as needed. The doctrine could identify a broad definition of surveillance and allow for a more detailed version in a strategy to define the types and breadth of surveillance and the meanings of each within each discipline. Lack of public transparency, trust and involvement could make people think the local health department is now doing homeland security intrusive surveillance when they are really just trying to prepare for a pandemic flu. Establishing macro definitions and scoping them down to specific strategy and policies, would give each discipline an opportunity to explain their individual definitions, as well as allowing the public the ability to feel more at ease.

The intelligence doctrine should be listed in the states homeland security initiative and not specifically in a fusion center or state police entity. Cooperation among stakeholders would mean a doctrine level document should be at the highest level of influence usually by the governor's office. This guiding principal doctrine would allow strategy development, as well as public review in order to gain further compliance or gain better insight into the methodology and reasoning behind the concept we call homeland security.

Currently, the term homeland security is still not well defined,<sup>106</sup> there is little more than ad-hoc policy directives or grant requirements, and there is a public distrust on what is the mission of the intelligence community versus law enforcement versus emergency management. Privacy policy statements appear in some publications and not in others, there is little guidance on the privacy of information held and how it is to be

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<sup>106</sup> Christopher Bellavita and Ellen M. Gordon, "Changing Homeland Security: Teaching the Core," *Homeland Security Affairs* 2, no. 1 (2006). <http://www.hsaj.org/?article=2.1.1>.

used.<sup>107</sup> The NSA Prism project is an example of a debate in FISA court authorizations and what exactly is meta-data and how is it to be used in a conspiracy investigation.

### C. BLENDING

Looking at the military and federal government's doctrines, the U.K.'s domestic doctrine' specifically to counter terror and LE methods in the U.S., a pattern of gaps has begun to emerge.

Though U.S. LE efforts have reduced major crime in many jurisdictions, the intelligence collection in the U.S. is still predominantly a state and federal aspect that many local LE agencies do not participate in.<sup>108</sup> The overall engagement from many local LE agencies (minus the largest Major City Initiatives such as New York, Los Angeles etc.) conducting dedicated intelligence gathering is low<sup>109</sup>. Wanting to have a nationalistic approach to problem solving at the lowest levels, as the IACP wants, will require greater participation in the collection, dissemination and re-evaluation of information these smaller agencies have. The gap appears to be tied with a perception of funding, manpower, understanding of tradecraft, and overall buy-in to crime reduction in the community of the respective agency. Looking at the U.K. model specifically, the Special Branches are dedicated positions and interactive with the federal version MI-5. States are particularly prepared to follow the U.K. model and establish special branches to bridge the gap between the U.S. federalist agencies doing intelligence collection (FBI and DHS) with the local LE partners. State police agencies are the primary fusion center operators, as well as having a long history of JTTF participation. State police agencies also currently have the greatest geographic footprint outside the federal government with jurisdictional issue minimized. The missing piece for state police domestic intelligence

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<sup>107</sup> Global Intelligence Working Group, "National Criminal Intelligence Sharing Plan," *U.S. Department of Justice*. 2011.

<sup>108</sup> Carter and Carter, *Intelligence-Led Policing Conceptual and Functional Considerations for Public Policy*: 310--325.

<sup>109</sup> D. L. Carter, "The Law Enforcement Intelligence Function," *FBI Law Enforcement Bulletin* 74, no. 6 (2005).

collection is a codified doctrine in line with federal definitions and philosophy while still grounded in local issues.

The IACP in coordination with the DOJ-BJA published a report on the “New Intelligence Architecture” in which they have framed an analytical capability for law enforcement units. In it they have established levels of intelligence operations from Level 1-4. In the Level 1 operational units, agencies “produce tactical and strategic intelligence products that benefit their own department as well as other law enforcement agencies...they employ an intelligence manager, intelligence officers, and professional intelligence analysts.”<sup>110</sup> Many state police agencies are also on track to be established as Level I Intelligence agencies over many police departments across the U.S. based on size, scope and full time employees dedicated to criminal intelligence analysis versus specific crime analysis as is the case with most municipal police agencies or smaller agencies at any level.

Having a doctrine like CONTEST, that is accepted by all stakeholders, and implemented by state police agencies, is at least a chance at getting bridges over the many failed streams of communication between the federal government IC and U.S. based LE to counter the terroristic threat. Having a large footprint of community-involved states ensuring the protections of people begins the transparency needed to have a populace feel as if they are safe as well as protected on the liberty front. The state police agencies in most states are well respected and have been very much integrated in federal taskforces for long periods of time. Allowing cleared state police special branch intelligence agents, working with local LE agencies, having access to classified federal information and then turning it into actionable local intelligence, gives the U.S. a better feel for local terrorism threats, functions and interdictions.

Using a doctrine to blend the smart aspects of community oriented police strategies of community involvement, with problem oriented police strategies of getting to the root problems of the crime triangle, and the interaction of intelligence-led policing

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<sup>110</sup> Marilyn B. Peterson, *New Realities: The New Intelligence Architecture. Intelligence-Led Policing* (U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, 2005).

with human intelligence, requires some level of commitment from an agency to fully embrace. The doctrine would allow for specific aspects that are the highlights of each method to shine forward based on a states particular need. Some states may need a heavier influence of community policing if there was or is a history of past abuse. Getting the cops on the street to interact with local communities, especially ethnic minority communities, begins to break the ice and hopefully begins a trust in order for citizens to feel they can bring tips or information to the police as needed. Some states may need a more problem oriented policing doctrine to fully get communities to understand the problems at the root of the cause. The problem-oriented doctrine would show, as CONTEST does, that prevention through some investment could reduce the interaction of the crime triangle and prevent or mitigate the results of an interaction.

Federal agencies as well as state agencies could have mutual doctrines with an overlap for a joint operation such as the DoD does in its joint publications listed. The DoD model shows us how a doctrine gives subordinate commands a guide but not specific directives and allows for discretion at all levels. Current in-fighting and turf wars in the federal IC, as well as between federal LE agencies, are well documented. The not so well-documented cases are between federal and state LE as competition for case prosecution is no different then competition for money in the IC based on intelligence reporting output measures. Joint doctrine on operations is on a minor scale handled through some type of memorandum of understanding or some other type of document, with the basis primarily being that of asset sharing and covering of expenses. A DoD model in which both federal and state LE agencies establish a section on joint operations with intelligence sharing and inter-operability guidance, would go a long way in creating a cultural shift from hoarding to sharing. Doctrine could spell out those nuances that are often brought up, such as clearances, storage and sharing agreements and other sticking issues that seem to be a common place of concern.

Utilizing a hybrid approach of smart practices across domains could lay a roadmap to some success in getting the first major bridge built. Working with diverse sections of homeland security professionals, learning from multiple perspectives, and

establishing basic principals, are basic tenants of communication and social networking for problem solving and crowd sourcing. Without opening our lenses to a broader field of view with an open mind on courses of actions, we begin to fall into the very dogmatic groupthink that created words like “silo, internal only, not for others, competition, Intel stagnation.” Having courage to set a philosophy, set guidance, set ethos, and establish ethical priorities is doctrine 101.

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## V. NOW WHAT?

Doctrine is in many aspects of institutions and seems to have merit in bringing together individuals in large organizations to create or change a culture.

### A. POLICY IMPLICATIONS

Establishing statewide doctrine would cause a ripple effect in most strategies and methodology, as well as micro-policy as the defining guide would change some approaches to problem solving. These changes would be different for every agency depending upon culture, leadership and severity of any shifts in operational directive or cultural shift of operational management. Some leading questions to be addressed need to be reviewed and crowd sourced in order to get a feel for the level of knowledge, commitment and buy in from agencies. In this section, questions that may be asked will be addressed with a pragmatic recommendation. It is recognized that through crowd sourcing and meaningful discourse, other options could be developed.

Who should develop THE doctrine? All agencies could develop a basic doctrine for their agencies. Most guides currently being published, such as those from DOJ-BJA, seek to get all agencies regardless of size to participate in the Nation Sharing Plan. Developing a basic doctrine is imperative in the face of shifting priorities for local manpower. Having a range of doctrines to codify into a larger document can assist with local perceptions and allow further discussions and clarifications in terms of definitions and other context. The state level doctrines foundational basis could be based on national strategies as written by the BJA, IACP and other committees, as well as local perspectives, while preserving the fundamental requirement of protecting civil rights.

Who could tackle this issue and bring people to the table? State police agencies are poised to be able to establish a committee to draft a doctrine and conduct regional or singular located project management style building of the basic foundation. Having a centralized repository for local agencies to submit ideas, suggestions, and develop SMART (Specific-Measurable-Attainable-Relevant-Time Bound) practices and drafts

should be examined. The state fusion centers have already established much of the groundwork needed to bring all levels to a table. Having a regional command across each state, can bridge outreach and establish regional meetings important for that regional consortium of partners and develop those relationships in each region of a state.

Should we make every agency in a state participate in a sharing environment? Compelling an agency to participate is unlikely to produce positive results. Developing good products with all local concerns addressed should bring those agencies not participating into the group. Leadership by example tends to bring people together versus having micro-dictatorships. Incentives to participation would be gained from the rapid exchange of information, trusted relationships, security of information and intelligence, common operating platforms and pictures, equal partnerships based on legal, ethical, philosophical foundations. As legal matters continue to be brought up in formal meetings and especially in the public forum, the State Attorney General's office would be best suited to have oversight for legal matters effecting an intelligence doctrine philosophy. The local district attorney would guide actual policy and procedures of each department based upon methods of implementation in those jurisdictions.

What if we want to change a doctrine or update it? As doctrine is descriptive and not directive, there will be no penalty or recourse for shifting doctrine. This continues the debate that intelligence can drive policy as well as policy can drive intelligence. There would be an advantage of allowing continuous reviews of policy as well as tradecraft to make sure the basic tenants of intelligence collection ethics are upheld.

## **B. QUESTIONS AND ISSUES REMAINING**

Should the IACP or other another national group take the lead? The IACP, as well as the Major City Chiefs association, have been at the forefront of this initiative. The states should decide how and when to present their ideas or working documents as needed. Established groups as previously stated have a working knowledge very few agencies have and should be directed to participate in the larger intelligence summits help by the IACP et al. Would a national group take away from the ground up prospect of



forming doctrine locally? The national groups are direct representatives of the local police and state police agencies and should not impede a grass roots national approach.

Does doctrine always lead to dogma? How can doctrine stay pragmatic and are there additional resources to make sure it does? Having strategy and methodology, as well as policies being circular and cyclic; the doctrine will never stop innovation of strategy, methodology or policy refinement. Dogmatic doctrine usually has no review process, is directive versus descriptive, and usually set by religion or other institutions. In-line, yearly, peer, academic and other reviews would keep doctrine pragmatic, creative as well as innovative.

Does doctrine drive policy or policy drive doctrine? Do we establish doctrine before strategy, methods or policy? The debate on what comes first is important in the ad-hoc nature of LE operations; LE tends to do a little in each category of policy, strategy and methodology but not quite enough in specific areas of doctrine. The guiding definitional philosophy merely gets everyone more center and in-line. Using policy, methods and working strategy actually helps develop doctrine as the history and strides we have made in professional policing are not thrown out. The basic tenant is to get more people on board and in line with a common platform to work off.

### **C. FURTHER RESEARCH**

Doctrine is a very hard topic to define and further research on LE and IC strategy and methodology would benefit the discourse to determine where or how doctrine would fit in on operational aspects of LE and IC implementation. Using additional genres and fields of study in academia to conduct comparative analysis would also give practitioners as well as academia, an ability to fuse strategies and allow better innovation of existing policies, methods and strategies. Some questions that need further specific research are:

1. What are the historical trends analyses of doctrines ability to bridge gaps in an organization or institution?

2. Do business models allow for a doctrine approach as a basis for a model of excellence; or does creativity and innovation with loose controls have a place in domestic intelligence to deter stagnation?
3. How would nationalistic bottom up solutions affect the status of the federalist intelligence community?

#### **D. CONCLUSION**

Doctrine has merits in some institutions and in others there may be debate on the effectiveness of detailed doctrine (dogma-v-innovation). The research presented showed that foreign strategy, current LE strategy, as well as military strategy, all have common threads to be successful. Those threads are built upon a foundation that can be trusted, transparent, and sound. A government by the people for the people should not be against the people. The people however trust that their government knows how to handle tough situations, as well as how to handle the constitutionally protected rights we were founded upon. Policies, methods and strategies should always be shifting based upon educated and processed informational decisions by leadership of this country all the way down to the local first responder on the watch. Doctrinal philosophy of doing what is right when no one is looking should never change.

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