

Delaware State Police report to;

Hearing of the Senate Committee on the Judiciary: “Building Safer Communities: the Importance of Effective Federal-Local Collaboration in Law Enforcement”

Senator Patrick Leahy (D-Vt.), Chairman of Senate Judiciary Committee

Senator Chris Coons (D-Del.), Member of Senate Judiciary Committee

Senator Coons will preside over this hearing.

Monday, June 20, 2011 at 11 a.m.

Carvel State Office Building

820 North French Street

2nd Floor Auditorium

Wilmington, DE

Witnesses:

James Burch, Principal Deputy Director of the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice

Colonel Robert Coupe, Superintendent, Delaware State Police

Drewry Fennell, Executive Director, Delaware Criminal Justice Council

Chief James Hosfelt, Dover Police Department

Special Agent in Charge Richard McFeely, Baltimore Division, Federal Bureau of Investigation

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Pre-9/11 Information/Intelligence Sharing Among Delaware Law Enforcement

Prior to the current, increased emphasis on information and intelligence sharing following the events of 9/11, such coordination between state and local law enforcement agencies in Delaware was limited at best. While departments would occasionally share case data, it would not be a regular practice, particularly for more routine cases such as burglary trends or robberies. Such information or intelligence was considered proprietary of whatever agency had collected it, and it was not disseminated to neighboring or requesting jurisdictions on a regular or consistent basis. These practices were considered normal prior to the rise of “intelligence-led policing”, which has evolved post-9/11. Generally speaking, law enforcement agencies did not consistently have access to critical intelligence necessary to investigate criminal cases across jurisdictional lines or between the Federal, state, or local levels.

Current Federal-State-Local Law-Enforcement Information/Intelligence Sharing

General

The flow of information between Federal, state, and local agencies has greatly improved with the establishment of formal inter-agency relationships between the JTTF and fusion centers (specifically the DIAC). This provides a formal structure for the sharing of investigative details for criminal investigations or for threat streams under the umbrella of counter-terrorism. State and local law enforcement officers are now provided with timely information from a variety of sources, including Federal, state, and local partner agencies, to facilitate both day-to-day operations and long-term investigations.

Delaware Information and Analysis Center (DIAC)

The Delaware Information and Analysis Center (DIAC) is the state fusion center for Delaware, utilizing sworn officers, intelligence analysts, and liaisons from Federal partner agencies to develop intelligence products for a variety of law enforcement and civilian agencies. The DIAC was created in the Spring of 2005. It serves as a conduit and filter for intelligence and other information for the Delaware State Police as well as its Federal, state, and local partner agencies, both law enforcement and civilian. DIAC is proactive in reaching out to partner

agencies and in disseminating intelligence in a fast, efficient manner, using a variety of products, which include, but are not limited to:

- Daily Roll-Call Bulletin (BOLOs, Requests for Information, Officer Safety Bulletins, et al. for Federal, state, and local law enforcement officers);
- Subject Matter-Specific Bulletins (for example: Daily Infrastructure Bulletin, Delaware Drug Bulletin);
- Threat Assessments;
- On-site analytic support during specific operations, such as Special Operations Response Team (SORT) operations; and
- Long-term analytic projects, such as analytic support for Operation Pressure Point a joint operation between the DSP and the Wilmington City Police Department, an on-going money laundering investigation with Federal partner agencies, and support for the Delaware State Police's Maritime Unit.

The Role of the Joint Terrorism Task Force (JTTF)

The Delaware Joint Terrorism Task Force (JTTF) was created in 2004 and has always had a relationship with the Delaware Information and Analysis Center (DIAC).

Presently, the Delaware JTTF, led by the FBI from the Wilmington Resident Agency, consists of over two dozen Delaware law enforcement agencies. The Delaware State Police (DSP) Task Force Officer (TFO) assigned to the Delaware JTTF is based out of the DIAC and is primarily responsible for Terrorism Threat assessments that are generated from the 1-800-Force-12 tip line. These leads are collected at the DIAC, reviewed, and entered into the FBI Guardian system. The DIAC has access to classified FBI information at the SECRET level via several FBI computers installed in a SECRET level secure room within the DIAC.

Additionally, the DSP TFO is the program manager for the new Delaware Threat Group, which was formed in 2011 and consists of the DSP, Delaware Capitol Police, Delaware Alcohol and Tobacco Enforcement, and Georgetown Police. The Threat Group also coordinates coverage of all Delaware-based Guardian leads. The Threat Group also serves as support resources to JTTF case agents. Each TFO is deputized as Federal Officer and can assist in all Federal investigations.

The DIAC Homeland Security analysts are briefed on all pending Delaware JTTF investigations on a monthly basis or as needed depending on the threat level.

Other Federal Agencies at DIAC

DHS: There is one Department of Homeland Security (DHS) intelligence officer working at the DIAC. His primary responsibility is to serve as a liaison between the DIAC and Federal agencies, as well as to assist in providing real-time situational awareness.

FPS: There is one Federal Protective Service (FPS) special agent working part time at the DIAC. Her primary responsibility is to facilitate the flow of information between DIAC and FPS regarding crime, First Amendment protests, and other activities occurring in proximity to Federal facilities, as well as to send any pertinent Federal information to the DIAC.

ATF: There is one Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) analyst working at the DIAC. His primary task is to assist with iTrafficking, a crime-gun intelligence sharing pilot program, undertaken by the International Association of Chiefs of Police (ICAP), ATF, and the Bureau of Justice Assistance, currently being tested in Delaware, New York, Maryland, and Pennsylvania.

FBI: The Federal Bureau of Investigation (FBI) provides information and analytical support to the DIAC via the JTTF. The JTTF also provides Secret-level monthly briefings to law enforcement executive personnel.

In addition, DSP and local police departments have officers assigned to work with the Drug Enforcement Administration (DEA), US Marshals Service, and ATF Task Forces to facilitate operational coordination and information sharing across jurisdictional lines

Networks and Databases

Post-9/11, several online networks and databases have been developed which have proved useful for the purpose of sharing intelligence and other information between law enforcement agencies. These include, but are not limited to:

- Statewide Intelligence System (Memex Patriarch) – A private sector-developed intelligence software product that serves as Delaware’s statewide intelligence database, providing a searchable database for both intelligence reports and suspicious activity reports (SARs);
- Law Enforcement Online (LEO) – A website accredited and approved by the FBI for sensitive but unclassified information. LEO is intended to be used to support investigative operations, send notifications and alerts, and provide an avenue for Federal, state, and local personnel to remotely access other law enforcement and intelligence systems and resources;
- Homeland Security State & Local Intelligence Community of Interest (HS-SLIC) – An information sharing website for Federal, state, and local intelligence agencies and fusion centers;
- Regional Information Sharing Systems (RISS) - a Federally funded nationwide program consisting of six regional centers and a technical support center that provides flexible and locally based services to Federal, state, local, and tribal law enforcement and criminal justice agencies nationwide, as well as Australia, Canada, the United Kingdom, and New Zealand. RISS maintains the RISS Secure Intranet (RISSNET), which allows for the sharing of information and intelligence between members; and
- Guardian/E-Guardian – A centralized nationwide database for SARs.
- Law Enforcement National Data Exchange (N-DEx) – A website, operated by the FBI under the auspices of the Criminal Justice Information Services (CJIS), that brings together data from law enforcement agencies nationwide, including incident and case reports, booking and incarceration data, and parole/probation information. N-DEx then detects relationships between people, vehicles/property, locations, and/or crime characteristics. The site also assists in information sharing between law enforcement agencies, fusion centers, and multi-jurisdictional task forces by notifying the organizations involved when links are found following a query on N-DEx. All law enforcement personnel and analysts who have attended N-DEx training have access to N-DEx;

The Statewide Intelligence System (Memex Patriarch) is available to all law enforcement officers and personnel. HS-SLIC and Guardian/E-Guardian is accessible by those with a need and right to know.

Other means of information sharing between Federal, state, and local agencies include, but are not limited to:

- Weekly HS-SLIC conference calls;
- Coordination through the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLLEN), which is one of the six RISS regional centers and which facilitates information sharing between fusion centers in the Midwest and Mid-Atlantic region as well as portions of Canada;
- Monthly Fusion Center Director Teleconferences;
- Monthly “Delaware Policy Makers” meetings hosted by the FBI at the United States Air Force base in Dover, DE. All law enforcement agency heads with proper security clearance are invited.
- Virtual Command Centers (VCCs) set up by the FBI on LEO for special events (such as the Delaware State Fair and NASCAR races at Dover Downs);
- Federal Intelligence Officers deployed to fusion centers (e.g. the DHS Intelligence Officer working at the DIAC); and
- The Baseline Capability Assessment.

Success Stories

On September 29, 2006, DIAC included in its Weekly Intelligence Bulletin a situational awareness article about the recent arrests of two Delaware residents in Oklahoma on drug trafficking charges. The Drug Enforcement Administration (DEA) Wilmington Office, after reading the article, contacted authorities in Oklahoma and were able to gain the cooperation of the suspects. This led the DEA to a drug source in Delaware on whom they had been trying for years to develop a successful case. With the cooperation of the defendants in the Oklahoma case, the DEA was able to arrest and convict the drug source in July 2008.

On January 7, 2009, DIAC released a Special information Bulletin regarding an unidentified bank robbery suspect. The Dover (Delaware) Police Department contacted DSP later that morning with a possible name of the suspect, and his identity was confirmed several hours later by the State Bureau of Identification (SBI) using finger prints found on a bank note.

On May 18, 2011, the Delaware State Police Homicide Unit was investigating a murder that occurred at a motel located on the outskirts of Wilmington. Having identified the suspects, the investigators recognized the obvious priority of locating the suspects and alerting area jurisdictions to the incident. They contacted the DIAC to request a multi-jurisdictional alert to be sent to law enforcement agencies within the region as well as fusion centers in neighboring states. The resulting "Special Information Bulletin" was quickly disseminated to the targeted law enforcement agencies, and within 24 hours of the bulletin's issuance, Wilmington Department of Police patrol officers apprehended both suspects, having recognized them from the bulletin, and recovered a knife that may possibly be the murder weapon.

Secure Communities Program

Secure Communities is a comprehensive ICE initiative that focuses on the identification and removal of aliens who are convicted of a serious criminal offense and are subject to removal, including the utilization of advanced biometric and communications technology to share information among law enforcement agencies to identify, detain, and remove from the US aliens who have been convicted of a serious criminal offense and are subject to removal. Beginning on April 20, 2010, fingerprints collected by the State Bureau of Identification (SBI) via the Integrated Automated Fingerprint Identification System (IAFIS) are now crosschecked between the FBI and ICE databases. In its first month of operation, the Secure Communities program identified 56 foreign nationals who had been convicted of serious criminal offenses using the methods described above.

Future Information/Intelligence Sharing

Areas for Improvement for Collaboration Between Federal, State, and Local Law Enforcement

There are several areas for improvement that would improve the process of exchanging timely information between Federal, state, and local law enforcement agencies.

- Increase the utilization of the Statewide Intelligence System (Memex Patriarch), which would increase the amount of positive intelligence available to investigators and patrol officers;
- Increased briefings and training on homeland security topics for law enforcement personnel, such as possible 8-hour annual training courses covering homeland security topics; and
- Addition of New Castle County to the Philadelphia-Camden High Intensity Drug Trafficking Area (HIDTA). This would provide additional financial and intelligence support to Delaware counter-drug operations. The HIDTA would not be a duplication of the DIAC's mission and capabilities, but would instead assist and supplement the organization.

Other Suggested Improvements

There is a large amount of redundancy regarding the suspicious activity report (SAR) data that is contained in both e-Guardian and NSI Shared Space. Since the information included in both systems is virtually the same but maintained as separate entities, some means of combining them would be more efficient.

Another area for improvement would be a general promotion of the concept of intelligence-led policing. The culture of reactive police work is still prevalent in law enforcement, and intelligence-led policing would be helpful not only to counter homeland security threats, but also future street crime violence and organized crime. This can be facilitated possibly through annual homeland security-relevant training for law enforcement personnel.

For state and local intelligence entities and fusion centers, a mentorship or training program through one of the Federal agencies or training institutes can help personnel in such units to understand emerging threats and to foster the flow of communication and information between Federal, state, and local organizations.