

THE TEXAS LAW ENFORCEMENT RESOURCE CENTER:

AN EXPLORATORY STUDY OF FUSION

CENTER DATABASES

by

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ABSTRACT

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This research is a qualitative study examining fusion center databases, their value to the field of criminal justice, and their potential for shared information/education in the future. The research examines the growing trend of information sharing and analysis and describes a fusion center database created by the Center of Criminal Justice Research and Training within the Department of Criminology and Criminal Justice at the University of Texas at Arlington. Secondary data is reviewed and analyzed on current fusion centers to examine their methods of information gathering, analysis, program implementation, and overall mission.

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## CHAPTER ONE

### INTRODUCTION

The concept of a fusion center database is not new; they have existed for years under different names, but with a common purpose. That purpose is information sharing and analysis of data between different law enforcement agencies and under certain circumstances, with the national intelligence community. Originally, fusion center databases were considered academic in nature and only necessary under circumstances that required expansive information sharing. With the events of 9/11, fusion centers immediately became an endeavor for national intelligence sharing and placed local police departments on the frontlines of the War on Terror. A significant lack of information sharing between the intelligence community and law enforcement agencies is mentioned in the 9/11 Commission report as a possible reason for the World Trade Center and Pentagon attacks (National Commission, 2004).

The events of September 11<sup>th</sup> forced many people to rethink how this country shares intelligence and how it disseminates information. Fusion centers needed to shift their purpose and practices, as many in the intelligence community believed they could do more; “After the events of September 11, 2001, President Bush stressed the need for military, intelligence, law enforcement, and first responder efforts to focus on the prevention of future terrorist acts” (Duarte, p. 1, 2007). Fusion centers’ missions have evolved from primarily crime prevention to include terrorist prevention, which is the focus of this research.

The purpose of this thesis is to examine the development of a fusion center database by the Center for Criminal Justice Research and Training in the Department of Criminology and Criminal Justice at the University of Texas at Arlington. The name of the fusion center is the Texas Law Enforcement Resource Center (TLERC). The Resource Center is a password protected electronic repository within the University of Texas at Arlington domain for incident driven lessons learned and best practices papers

created within the Department of Criminology and Criminal Justice. Distribution of analysis papers based on actual incidents is provided upon request to Texas police chiefs and other leaders in the law enforcement and criminal justice community. The Resource Center also serves as a repository for city ordinances of interest to law enforcement. In addition, the Resource Center provides access to linked electronic resource sites.

By exploring TLERC, the purpose is to show the design and implementation of a fusion center from the ground up and to show that all fusion centers have something to offer in the areas of crime and even terrorism prevention. This research is an exploratory study of fusion centers in general and a specific study of TLERC to show the benefits and potential for future information sharing, education, and research. This study will examine the history of law enforcement intelligence, the intelligence fusion process in conjunction with TLERC, and analyze the potential benefits of two concepts; the fusion process and fusion centers.



## CHAPTER TWO

### LITERATURE REVIEW

Relevant literature was gathered to explore the concepts of the fusion process and fusion centers but was also gathered to aid in the discussion of TLERC. The literature review consists of three sections: 1) Use of force; 2) Intelligence gathering; and 3) use of force and the fusion model. The first initiative for TLERC was to create lessons learned/best practices papers on use of force reports, the relevant literature was gathered to examine the potential for future education in the field of use of force research. The intelligence gathering section focuses on the current practices of law enforcement to expand their intelligence gathering apparatus and on law enforcements efforts to shift from reactive to proactive policing. The third section highlights relevant literature on the application of the fusion model in use of force research to examine the benefits of collecting and analyzing use of force data from multiple law enforcement agencies. The third section concludes by highlighting the relevant literature on the fusion process and fusion centers.

#### *2.1 Use of Force*

An examination of the literature on use of force will focus on: 1) the current initiative in criminal justice research is on use of force; and 2) the first objective of TLERC is the creation of lessons learned/best practices papers from police use of force reports. It is essential to examine current literature on use of force to highlight the limitations and the benefit that fusion centers can bring to this field of research.

Sunshine and Tyler (2003) explored two issues that pertain to police legitimacy. The first issue is “the relative importance of police legitimacy in shaping public support of the police and policing activities, compared to the importance of instrumental judgments about (1) the risk that people will be caught and

sanctioned for wrongdoing, (2) the performance of the police in fighting crime, and/or (3) the fairness of the distribution of police services” (Sunshine & Tyler, p. 513, 2003). The second issue is determining which judgments about police activity will influence people’s decisions regarding the legitimacy of the police. Sunshine and Tyler (2003) used two surveys of groups of New Yorkers and deduced two points: 1) They discovered legitimacy has a strong influence on the public’s reaction to law enforcement; and 2) that a key element of legitimacy is the fairness of the procedures used by the police. Essentially, people’s reactions to police and police procedures are influenced by their belief in police legitimacy which itself is influenced by the actions of the police. Sunshine and Tyler (2003) note that the results are relatable to whites and minorities.

Lee and Vaughn (2010) argue that the concern for police liability in a deadly force scenario is a result of managerial inadequacy. They describe how police agencies are civilly liable under Section 1983 for use of force that is not objectively reasonable. This includes failure to train, and for policies, customs, and practices to cause constitutional harm. With this liability in mind, Lee and Vaughn (2010) examined eighty-six cases from U.S. District Courts and the U.S. Court of Appeals on Section 1983 liability issues related to police use of force. All the cases examined involved police firearm use in a deadly force situation. After examining the cases, the authors concluded that several factors related to police management can result in civil liability from a deadly force situation. The article states that managerial disorganization and administrative breakdowns have consequential impacts on department policies and decision making. Lee and Vaughn (2010) also note division of labor, hierarchy of authority, span of control, unity of command, and communication can all be used to explain controversial police shootings which may be civilly liable.

Bayley (1986) conducted a study which attempted to describe the tactics chosen by police patrol officers when handling highly problematic situations. The situations chosen for this study were domestic disturbances and motor vehicle stops. Based on systematic observations of police patrol officers in Denver, Bayley’s (1986) study identified four factors; 1) that the tactical choices of police officers are more extensive than previous research has suggested; 2) that in order to describe the tactical choices made by police officers, the passage of time in an encounter must be taken into consideration; 3) that

choices made at a stage of the encounter will affect subsequent decisions; and 4) that when actions taken by police officers terminate an encounter, they seem to respond to the morality of the situation. Essentially, the study shows that the tactical choices made by police patrol officers are more exhaustively extensive than has been believed, and it appears that people without on the job training do not adequately understand the decision making process of police officers.

Bayley and Garofalo (1989) conducted a study to examine the dynamics of potentially violent encounters between the police and the public. They systematically observed approximately 350 eight hour tours of duty by patrol officers in three different police precincts in New York City in 1986. Bayley and Garofalo (1989) observed police officers who were considered by their peers to be especially skilled at de-escalating potentially violent situations and interviewed them with other police officers. The study described three critical areas; "1) violence, even verbal aggression, is relatively rare in police work; 2) most conflict is dampened by the arrival of the police, leaving little scope for the use of defusing tactics; and 3) the behavior of officers judged by colleagues to be skilled in minimizing violence is measurably different from the behavior of average patrol officers" (Bayley & Garofalo, p. 1, 1989). Two implications of this study are that violence between police and the public does not happen as often as believed and that colleagues may be good judges of the performance of patrol officers on the streets.

Langworthy (1986) examined the temporal relationship between police shootings and criminal homicide to determine if there was any relationship between the two. Langworthy (1986) used data from the New York City Police Department between 1971 and 1975 and determined that there is no temporal relationship between police shootings and criminal homicides which is contrary to prior beliefs and ideas.

Sorensen, Marquart, and Brock (1993) tested two theories of police related to the use of deadly force, community violence and the conflict hypothesis. Data was collected from supplemental homicide reports found in the FBI Uniform Crime Reports regarding the killing of felons by police officers in large cities from 1976 to 1988. During that time period, there were 4,419 felons killed by police officers. Results from the study reveal a strong relationship between the killing of felons and the act or threatened act of violence on the part of the suspect. A strong relationship was found between levels of economic inequality and the rate of killing of felons by police officers. Also found was a weaker yet consistent

finding of the percent of black felons killed overall. Sorensen, et al (1993) concluded the study by suggesting that economic inequality should be included in any macro level examination of police caused homicides.

Alpert and MacDonald (2001) using a national probability sample of 265 police departments wanted to determine how a law enforcement agency influences and manages its officers use of force. The results of the study found that agencies that require supervisors and other personnel to complete use of force reports had significantly lower rates of use of force than agencies that allow officers to complete their own forms. The authors note that there is a contrast in the finding between agencies that collect use of force data for a specific purpose report have significantly higher rates of force. The authors conclude that the rate of violence in a jurisdiction has the most impact on reported use of force rates.

White (2006) using bivariate and multivariate analysis of non-injurious, injurious, and fatal police shootings in Philadelphia from 1987-1992 attempt to ascertain the factors that might affect shooting accuracy. The study revealed several predictors of shooting accuracy which include distance, suspect actions, and officer approach and preparedness. Certain factors which appear unrelated to shooting accuracy are lighting conditions, use of cover, and gun type. The study has one notable finding, that officer's defending their life or someone else's, during an immediate attack, shoot more accurately.

Garner, Buchanan, Schade, and Hepburn (1996) working in conjunction with the Phoenix Police Department, Rutgers University, and Arizona State University designed and implemented a study on use of force by and against the Phoenix Police Department. The purpose of the study was to generate systematic information on the role and amount of force used in arrest tactics policy, training, and practice. The results of the study show that the "Phoenix Police employed some degree of physical force in 22 percent of adult custody arrests and that suspect use of physical force was even less frequent" (Garner, et al, p. 1, 1996). The results also show that despite police policy requiring use of restraints in arrests of felons and belligerent suspects that officers did not restrain suspects in one-fifth of all arrests involving adults. A final result of the study described that suspect use of force was found to predict police use of force.

Garner, Maxwell, and Heraux (2002) using a diverse source of samples and measures of force determined that prevalence of police use of force ranges from 0.8% to 58.1% in police suspect encounters. The study showed that there are few characteristics of officers, suspects, and police departments that are associated consistently with the amount of force used in a situation. The only factors that are dependent on the amount of severity used are the suspect's resistance and the measure of force used.

Hickman and Piquero (2009) used data from the 2003 Law Enforcement Management and Administrative Statistics survey of 496 large municipal police departments to determine if minority representation among police personnel relative to the communities they serve is an explanatory factor in negative police/public interactions along with police agency responsiveness to public concerns. The results of the study found that rates of force complaints were higher among agencies having "greater spatial differentiation, internal affairs units, and higher violent crime rates" (Hickman & Piquero, p. 3, 2009). The study also showed that complaints were higher where the agencies had greater formalization, and lower where collective bargaining was authorized for officers. A final conclusion of the study was that minority representation was unrelated to complaint rates and to the percentage of complaints sustained.

Hoffman and Hickey (2005) conducted a study to determine if female police officers use force at the same rate as male police officers. Using use of force reports from a large suburban police department over a seven year period (1993-1999) the authors defined rate of force as the number of use of force incidents per one hundred arrests. Hoffman and Hickey (2005) studied 1,836 use of force reports and also used data on arrests (n= 31,778) to examine female police officers use of force. The results from the study show that force was used in only a small percentage of arrests, 5.9 percent of the time. Concurrently it was found that in only 1.6 percent of arrests was there any injury to the suspect and that in only 0.7 percent of arrests was there injury to the suspects which required treatment at a hospital. With regards to gender, the research conducted by Hoffman and Hickey (2005) showed that there was no statistically significant difference between female and male officers in the rate of force used or in the rate of unarmed physical force. Female police officers had a lower rate of weapon use when all weapons were included but not when different types of weapons were considered individually. Finally, the results

showed that female police officers had a lower rate of suspect injury and there was no statistical difference in the rate of suspect injury requiring hospitalization.

Klinger and Brunson (2009) explain the determinations set by the U.S. Supreme Court for the Constitutional appropriateness for police use of force, including use of deadly force. The ruling of *Graham v. Connor* (1989) states that use of force must be judged from the perspective of a reasonable police officer on the scene rather than 20/20 hindsight. The authors note that this is the cornerstone of the reasonableness standard associated with police of force. Klinger and Brunson (2009) conducted a study to test what reasonableness means and what sort of factors may frame the perspective of a reasonable officer at the scene. The study examined the detailed accounts of eighty police officers and what they perceived to have happened during 113 incidents where they shot citizens. The results of the study showed that respondents experienced a wide range of sensory distortions, with the vast majority of officers reporting two or more distinct types of sensory distortion. Klinger and Brunson (2009) argue that this study enhances the understanding of the reasonableness and helps further define what officers go through when they have to shoot citizens. The implications of this study are that police officers go through a wide range of sensory distortions and that this may help the public become more aware of what police officers go through when they have to use their weapons, the hope is that this will instill more public trust and understanding of police officers.

Engel and Smith (2009) examined the research conducted by Klinger and Brunson (2009) in order to highlight several areas which the research impacted use of force procedures. The areas considered from Klinger and Brunson's (2009) research over litigation situations and police legitimacy. Engel and Smith (2009) contend that perceived notions of what happened during a shooting and the sensory distortions that take place could have serious implications for civil and criminal litigation and also to the relevance of expert testimony during trial. They also stress that more communication and understanding between the police and the community need to take place before use of deadly force is applied and undermines the legitimacy of the police. Engel and Smith (2009) conclude that more simulation research needs to be conducted in order to further understand the impact that clusters of

sensory distortions have on the perception of a deadly shooting, and how it impacts what took place, and what the officer believes to have taken place.

White and Ready (2007) examined all Taser deployments in a large metropolitan police department over a three year period to investigate the conducted, energy devices use and effectiveness. Data was collected from 243 use of force reports from 2002-2004. Findings from the study show that the Taser was almost exclusively used on violent suspects who had been labeled as emotionally disturbed by emergency medical services and supervisors on the scene. Further findings from the study indicate that the deployment of the Taser resulted in 85% of the suspects being incapacitated and taken into custody without further incidence. White and Ready (2007) conclude that the results do shed some light on the effectiveness of the Taser but that more empirical research is definitely needed. They also point out that not all police departments release their Taser use of force records publicly. In order to get a clearer picture of the effectiveness of Tasers, more research needs to be done to determine on a national level the conditions and number of times that Tasers are deployed by police departments.

White and Ready (2008) questioned the physiological effects of the Taser on a human being and noted that while tests on animals and humans have taken place in a laboratory, there was virtually no empirical research conducted on the fatal and nonfatal effects in a real world setting. In an attempt to answer this question White and Ready (2008) examined all media reports of Taser deployments from 2002-2006. The purpose was to use a multivariate analysis and compare Taser incidents when a fatality occurred or not to determine the predictors of when a Taser situation would be reported by the news media. The study observed that the single largest predictor of the media predicting a Taser fatality was the use of drugs by the suspect. According to White and Ready (2008) there is a linkage between drug use, Taser deployment, and fatality. It is noted that the drug linkage is also linked to suspect's amount of resistance since one variable may be related to the other. White and Ready (2008) conclude that more empirical research is needed on the subject and that a national use of force database, including fatal and nonfatal use, needs to be developed in order to study use of force by law enforcement.

DeLone and Thompson (2009) replicated the study conducted by White and Ready (2007) by examining the deployment of Tasers by a medium sized Midwestern police department. DeLone and

Thompson (2009) collected all reports of Taser deployments from this particular police department over a three and a half year period, January 2004 to August 2007. Findings from the study showed that Taser usage was primarily confined to physically resistant white male suspects who had a history of contact with the police department. They also noted that a majority of the Taser deployments were at a private residence or apartment as opposed to a public setting. DeLone and Thompson (2009) stated that the Taser was effective during these situations, and in regards to officer safety, that in the few occasions where an officer was injured, it was not due to the Taser.

Lee, Jang, Yun, Lim, and Tushaus (2010) conducted a content analysis to examine police use of force by using individual, contextual, and police training to determine the factors associated with use of force. Lee, et al (2010) expanded on their earlier research and included multiple police agencies. Findings from the study note, accounting for individual variables, that age and the arrestee's resistance were significant factors of force being used. Violent crime rates and rates of unemployment were significant factors on a neighborhood contextual level. Further findings show that in-service use of force training is a significant organizational factor, including the continuum of force levels used by law enforcement.

Terrill and Reisig (2003) argue that research on police use of force practices is limited when it comes to accounting for neighborhood contexts. Conducting a systematic field observation of police-citizen encounters in Indianapolis, Indiana and St. Petersburg, Florida, Terrill and Reisig (2003) attempted to account for this little researched phenomenon. Results from the study found that police officers are more likely to use higher levels of force when suspects are encountered in disadvantaged neighborhoods with higher homicide rates. Other results from the study indicate that the amount of suspect's resistance was a significant factor, and that officer based factors such as age and years of experience on the job, played a significant factor in the amount of force used. The implications of this study are that police officers acted differently in certain neighborhoods which have higher crime rates or a bad reputation.

Lersch, Bazley, Mieczkowski, and Childs (2008) conducted a study similar to Terrill and Reisig (2003) in order to examine police use of force and the characteristics of the neighborhoods where these events occurred. The data from this study was obtained from one southern police department's official



use of force reports in the year 2000. The use of force reports were used concurrently with census block data and crime tract data to determine if any relationship existed between the amount of police use of force and neighborhood characteristics. Results from the study reveal that the only two consistent predictors of the amount of police use of force were active physical resistance and the racial composition of the neighborhood. Lersch, et al (2008) argues that neighborhoods that are perceived to be a greater threat often have increased levels of force used against their residence. They also note that the neighborhoods in the study were also neighborhoods with a high rate of minorities, with the implication that larger numbers of disadvantaged citizens often bring about more force because of a perceived threat.

Research on the amount of police use of force and neighborhood characteristics often show that neighborhoods which are perceived to be greater threats have more cases of use of force (Terrill & Reisig, 2003; Lersch, Bazley, Mieczkowski, and Childs, 2008). When measuring use of force and neighborhood characteristics, it is often the perception of a threatening neighborhood rather than the actual crime rate of a neighborhood which prompts officers to act differently. The only limitations to studies such as these is that they are measuring data from one or two police departments at most, for more reliable data it would be necessary to use multiple police agencies in a specific geographic area.

McElvain and Kposowa (2004) studied the relationship between officer's characteristics and internal affairs investigations for allegations of use of force. The authors examined the personnel records of officers with the Riverside County Sheriff's Department from 1996-2000. The study examined 409 reports of use of force allegations (reports stemmed from either civilian complaints or because of departmental review) with a case study of 512 officers. Results of the study showed that the officers who were most likely to be investigated for use of force were young males with less than ten years of experience on the job and who had a past history of being investigated. Implications from the study are that younger officers may not be socialized enough to know how to protect their careers like older officers, or that older officers may not be spending as much time on the streets so contact with citizens is limited and the chance of force being used is diminished (McElvain & Kposowa, p. 265, 2004). The authors are quick to note that of officers being investigated, only 25 percent of them had sustained allegations of use

of force with the rest receiving leniency or no punishment, which means that the officers may feel justified in what they do and would continue with their normal actions.

This study appears to be similar to other use of force research articles in that it points out that use of force allegations are usually aimed at young males with a history of use of force allegations. One of the obvious limitations of this study is that it involved officers from a single sheriff's department in California. It was noted earlier that while these studies are important because they study a research question within their respective parameters, it must also be noted that the potential for increased research on use of force could benefit from studies using more than one department. There is no guarantee that the results would be significantly different, however, we will not know till further research is replicated using multiple police departments.

Smith (2004) studied the killings of felons by police officers and at the same time testing threat hypothesis, community violence, and organizational hypothesis. Data was collected between 1994-1998 from the UCR and Supplemental Homicide Reports (SHR) collected from the FBI, census information, and the Law Enforcement Management and Administrative Statistics (LEMAS) study to better understand the killing of felons by police officers in major American cities. Results from the study show that racial threat and community violence were factors related to police killings and that organizational factors were unrelated to the number of police killings.

Alpert and Smith (1994) drafted a policy essay on the issues that are related to police use of physical force. They argue that there is an unrealistic expectation for police officers to be fully aware of reasonableness when the concept itself is usually vague. The authors sought to further define use of force in more specific terms and in this specific situation, excessive use of force. Alpert and Smith (1994) associate excessive force with factors such as motive, intent, and control. Was the motive of the officer to hurt someone? Was their intent to hurt someone? Finally, was the officer in control? While it is easier to define excessive force and reasonableness, it is another to identify and measure it (Alpert & Smith, 1994).

A further purpose of this research is to ask a very basic question, what is a reasonable man? It is noted that people expect the police to use force on a serious offender but not on themselves personally. The idea of reasonableness in police use of force is necessary but it is difficult to determine what it is and

more importantly how to measure it? Alpert and Smith (1994) conclude their policy essay by stating that as long as reasonable guidelines are vague, incidents may happen where a police officer is legally justified in his actions but does not seem that way to private citizens. In essence, what the authors want to point out is that an officer on the scene knows how and when to use force, that perception is not always what it is, guidelines are vague, and that totality of circumstances for the entire situation (not just the ending when force is used) must be taken into consideration in order to determine what led to force being used and to what extreme. Alpert and Smith (1994) note that police officers are people too and they behave towards citizens the way citizens respond to them. Therefore, it seems that the suspect's actions and amount of resistance influence how much force will be used.

Referring to the work of Alpert and Smith (1994), Terrill (2009) argues that use of force according to *Graham v. Connor* (1989) must be judged by a reasonably objective standard, and that it must be judged from the reasonable perspective of an officer on the scene rather than 20/20 hindsight, and in "light of the facts and circumstances confronting them, without regard to their underlying intent or motivation" (Terrill, p. 163, 2009). Terrill (2009) is also quick to note that reasonableness is difficult to define and even more difficult to measure. Part of the problem is that there are simply too many perspectives on how the world works for there to be one narrow idea of reasonableness that everyone agrees upon. This is further given credence by the fact that most police departments have different policies on use of force and what is reasonable for their officers for a variety of reasons (tradition, history, etc.).

Terrill (2009) also points out that part of the problem in establishing a standard for reasonableness is because most police departments establish policy not based on good police practices but on avoiding lawsuits. Essentially, what will cost less later and not get the officers or the department sued. Terrill (2009) argues for more steps to bridge understanding between the public and the police for several different reasons. One reason is because law enforcement and citizens view use of force situations differently, but both sides need to be understood. Ultimately the public gives legitimacy to policing as a whole, and ultimately it is citizens who sit on juries when excessive use of force cases are brought to court. Terrill (2009) concludes by stating that since use of force scenarios happen so

infrequently to begin with, that a systematic national collection of use of force data should be considered to further the study of such incidents to contribute more to the general understanding and knowledge. Terrill (2009) also notes that departments should move towards recording the perceptions and experiences of officers during use of force situations to determine what they were going through at the time, thus adding another layer to the idea of reasonableness.

Novak (2009) also comments on the reasonableness of police officers in use of force situations. Novak (2009) uses the same concept of reasonableness as other researchers but extensively comments on the idea of reasonableness and public perception. Novak (2009) notes that public opinion is overtly negative when a use of force situation appears to have been excessive. Part of the reason for this is that the public in general is probably not aware of the *Graham* decision, and if they are, then more than likely they do not understand what the decision really means. The public usually views use of force situations through the lens of 20/20 hindsight and almost always focuses on the end result and not on the totality of circumstances. Novak (2009) argues that citizens will always view these situations on a case by case basis and it is imperative for policy makers to understand that. Novak (2009) concluded that enlightening the public on use of force policy may help address legitimacy problems during a crisis.

Klinger and Brunson (2009) added to the research on the reasonableness standard for police officers by studying the experiences of police officers during a use of force situation. Their research studied 113 actions of 80 use of force situations in which the police shot citizens. Respondents from the study reported that they had experienced a wide range of sensory distortions during the encounter, with the vast majority of officers reporting that they experienced one or more distortions (Klinger & Brunson, 2009). This research furthers the idea of what is a reasonable officer's perspective during a situation when they have to use deadly force. It is pointed out that this research does not show that officers are mentally unstable during these situations or acted inappropriately. What it does reveal is that their perspective during a highly stressful situation show that these situations are not as clear-cut as thought.

Klinger and Brunson (2009) also point out that their research shows that officers, when remembering a stressful situation, will not always remember the situation correctly but the situation itself prompts them to remember it in a certain way. This does not mean they are lying, but that extremely

stressful circumstances make it difficult to know what to do in a situation and that an officer's training and instinct should trump any arm chair decision. The purpose of their research was to try and explain what police officers go through when they have to use deadly force, and hopefully shed light on the extremely complex and difficult situation of trying to evaluate an officer's actions after the fact. Klinger and Brunson (2009) conclude that they hoped to provide more information on what is considered reasonable and enhance citizen appreciation and trust of law enforcement.

The purpose of this section was to emphasize the validity of the research but then to ask what the potential benefit could be if these studies were replicated on a larger scale? The research gathered on use of force (Hoffman and Hickey, 2005; Garner, Buchanan, Schade, and Hepburn, 1996; et cetera) all utilize data from a few police departments at the most, but what if multiple police departments in one geographic region were to be used? The analysis of the data may be different or it may be similar when accounting for multiple police departments but it could also go a long way towards validating and increasing the knowledge of police use of force. This highlights the potential for a regional fusion center comprised of several police departments to create a use of force database with the potential for examining use of force statistics and data to provide a much broader picture of the nature of police use of force in the United States and allowing chiefs of police the ability to review department policies and procedures.

Relevant literature on specific use of force situations was collected to further the argument for TLERC. The first initiative of TLERC is to create lessons learned/best practices papers from use of force reports and use of force can include firearms, hand to hand techniques, and Tasers. Gathering literature on Taser research is important because of the research that can be generated by analyzing use of force reports throughout North Central Texas and can allow chiefs of police to review their department policies on Tasers to further evaluate their effectiveness.

The concluding part of this section discusses the ideas of reasonableness. The reason being for this is that it highlights how there are multiple factors involved when police officers use force. The research on reasonableness (Klinger and Brunson, 2009; Novak, 2009; and Terrill, 2009) indicates that police officers experience a plethora of emotions and sensory perceptions. The research on these

experiences is necessary if a standard for reasonableness is to be crafted that everyone can agree on. This research is of interest to TLERC because it, in order for the lessons learned papers to provide a proper analysis of department policies on use of force, is necessary to understand all of the factors and experiences that are involved in these situations. The next section focuses on intelligence gathering apparatuses in policing today.

## *2.2 Intelligence Gathering*

Community policing reformers argued for more bureaucratic style police departments during the community policing era. The goal was to “de-layerize” them and have them focus on their organizational goals rather than on the organization itself. This included a push to de-formalize, eliminate unnecessary rules and policies, encourage department wide problem solving, to enhance communications and decision making by flattening out organizational hierarchy, to civilianize certain tasks, and to use department resources more efficiently. Maguire (1997) wanted to test the difference between departments that had brought about a community policing change and those that had not. Using a quasi-experimental study, Maguire (1997) examined large municipal police departments from 1987-1993 to see if the community policing movement had succeeded in changing the organizational structure of police departments in the United States. The results of the study showed that only minimal changes in organizational structure had occurred over the period of study and that there were no significant differences between departments that claimed to practice community policing and those that did not practice community policing.

Engel and Worden (2003) collected and analyzed data from Project on Policing Neighborhoods to examine the influence of officers and supervisors priorities and attitudes in regards to community policing and problem solving. Using a multi-method study of patrol officers from two police officers, the results of the study show that officers perceptions of their supervisor’s priorities for problem solving affect the amount of time they will spend conducting these activities. The study also showed that officer’s own opinions about community policing was unrelated to their behavior. Two final results of the study determined that officer’s attitudes toward problem solving are weakly correlated with their supervisor’s attitudes and that their perceptions of their supervisor’s attitudes are often incorrect.

Marks and Sun (2007) in an attempt to determine any organizational changes to state and local police departments because of 9/11, conducted a content analysis of police discourse from 1999 to 2004. Marks and Sun (2007) conclude that changes in the organizational structures and processes of police departments are changing and will continue to change over time. It is noted that changes in internal structures are most likely to be the formation of a counter terrorism unit but this only occurs in larger metropolitan and state police agencies. The final implication the authors make is that organizational process or operations are changing among most police departments with greater emphasis on collaboration and specifically a greater openness toward information sharing.

Lipsey (2006) describes how to better evaluate anti-crime programs and attempts to explain which programs should be evaluated and what methods should be used to evaluate them. The recommendations for how to better evaluate anti-crime programs note “that (a) evaluation is needed for the programs, practices, and policies in actual use, not only those developed by criminologists; (b) programs developed and tested by criminologists are more likely to be used if they build on existing programs and give as much attention” to bi-implementability as to theory; and (c) evaluation of practices, policies, and area-wide programs will be limited unless credible applications of observational and quasi-experimental methods can be developed” (Lipsey, p. 517, 2006).

Chappell and Gibson (2009) argue that over the last few decades community policing has been the current policing philosophy, but since 9/11 there has been some argument as to whether it has been replaced by Homeland Security policing, and if the two are somehow compatible? A study was conducted on the perceptions of police chiefs in Virginia to determine what they believe to be the dominant model and if both models are somehow compatible. Results from the study show that police chiefs with four year degrees, chiefs from smaller departments, and chiefs with a history of implementing community policing do not believe that the philosophy of community policing is waning. A further result from the study shows that police chiefs with four year degrees and chiefs from departments with a greater emphasize on community policing believe that the two strategies are inter-relatable. Implications from the study are that both strategies are inter-relatable because both studies require greater input and assistance from the community in order to be effective, and since both have the same goal of preventing

crime (in the case of homeland security policing it is the prevention of terrorist attacks), they are compatible. Essentially, the argument is that since both require more human intelligence and assistance from the community in order to protect them from crime and terrorism, than both of these models are compatible and do not require the dominance of one over the other.

Taylor, Kowalyk, and Boba (2007) conducted exploratory research to determine how crime/intelligence analysts perceive police patrol officers, patrol officers attitudes towards the crime analysis function and its organizational fit, and the attitudes of analysts towards police patrol officers. Data was collected from an online survey of 238 crime/intelligence analysts. The results of the study show that analysts believe that management personnel were pretty supportive of them and their mission, but less than half agreed that patrol officers were supportive or fully utilized the analysis they produced. On the other hand, analysts responded that they were overwhelmingly supportive of patrol officers. Taylor, Kowalyk, and Boba (2007) argue that these results raise concerns that analysts are not being accepted into the policing culture and it raises doubts as to whether or not patrol officers understand what analysts really do. A final concern from this study raises the question of whether or not the skills and training of analysts are being used to their full advantage.

Cope (2004) explored the integration of volume crime analysis within policing to gain a better understanding of the nature of intelligence led policing. She stresses the importance of intelligence led policing, but based on qualitative research from two police departments, she theorizes that the rhetoric of using analysis to coordinate police resources is a well thought of idea but the reality is much different. Cope (2004) claims that the problem is the lack of understanding by police officers of analysis and a lack of understanding by analysts about policing. The implication is that the theory of intelligence led policing is a good practice, but greater understanding and collaboration among officers and analysts needs to be accomplished in order for the system to function better.

Carter and Carter (2009) laid out the principle factors which define the Intelligence Led Policing (ILP) model and compare them to an American founded program named Compstat, in order to compare and contrast the two, and show that ILP can be integrated into American policing if some policy shifts are



made. Carter and Carter (2009) compare ILP and Compstat by showing how both are preventive in nature, and support of the chief executive is essential. They also note that a constant flow of information and analysis is necessary, community support is required for the reporting of suspicious activities, flexibility on the part of the administration and the organization is required, research and lessons learned are important for creative intervention, and managers and supervisors are publicly held accountable (Carter and Carter, 2009). After explaining the similarities between ILP and Compstat, Carter and Carter (2009) compare the differences which highlight how intelligence policing in the United States differs with the United Kingdom.

Carter and Carter (2009) explain the many differences between the two intelligence policing programs. Several large differences focus on the fact that ILP is designed to be multijurisdictional, whereas Compstat is intra-jurisdiction. Intelligence Led Policing is driven by the issuance of threats; its analysis is based on threats, tips of suspicious activities, and focuses on the root causes of serious crimes and terrorism. Compstat is driven by single incidences, analysis is based on known facts and reported crime data, and it focuses on crime sprees with the intent to apprehend a specific offender. Intelligence Led Policing focuses on the long term and on criminal enterprises, whereas Compstat's focus is on short term crime sprees such as burglaries, robberies, homicides, etc. A final major difference between the two is that with ILP intelligence requirements drive the collection of information and sets the analytical parameters, whereas, Compstat relies on reported criminal incidents and sets the analytical parameters. Carter and Carter (2009) compared and contrasted ILP and Compstat to show the benefit that Intelligence Led Policing can bring to American policing but also to showcase the policies which might be holding American policing from its implementation on a broader scale. Carter and Carter (2009) note that many policy problems lie in American policing traditions and attitudes, such as the focus on crime sprees and trends as opposed to long term events.

McGarrell, Freilich, and Chermak (2007) presented a model of Intelligence Led Policing (ILP) that builds on community policing, problem solving, and continuous improvement business models which have been incorporated in police departments. The authors emphasize that ILP will eventually play a prominent role in American policing. They base this on the work of other ILP researchers such as Carter

and Carter (2009) and Keane and Kleiven (2009). McGarrel, et al (2007) note that ILP can have the greatest benefit and fit American policing if it adopts an all crime perspective, which is one of the main tenets of ILP as explained by Carter and Carter (2009). Their research explain how ILP utility can greatly help in the prevention of domestic and international terrorism and how it would be more beneficial to law enforcement managers because it takes into account all crime over extended time.

Keane and Kleiven (2009) examined the model known as Intelligence Led Policing (ILP) and argue that the idea is sound but currently needs some revisions. The authors argue that there are several omissions related to this model that it results in faulty decision making. By charting the rise of ILP in the United Kingdom, Keane and Kleiven (2009) suggest the concept of intelligence has become equated with information leading to detection and this leads to certain intelligence being excluded which impacts police services. The central argument of the authors is that the overconcentration of the detection of offenses has redrawn the map and has excluded other geographic areas that need policing. The final argument is that ILP should not be abandoned but that it should be reformed, since it appears to be steeped more in traditional policing rather than modern policing, and that detection should not be its only function.

Pozen (2005) defines mosaic theory as “a basic precept of intelligence gathering: disparate items of information, though individually of limited or no utility to their possessor, can take on added significance when combined with other items of information” (Pozen, p. 630, 2005). The general idea is that little pieces of information which seem inconsequential, but when put together and collated, can actually have meaning and give an idea of what the larger picture is. Pozen (2005) defines mosaic theory and presents it as a national security concept involved with the freedom of information act, but the theory also holds possibilities for the fusion center database concept. By collecting and analyzing all data it becomes easier to see trends and patterns which can become important to law enforcement for crime and terrorism prevention.

Slobogin (2008) explores the practice of government data mining for obtaining information on people (American citizens and non-citizens) and how the Fourth Amendment to the U.S. Constitution fits

into the concept. Slobogin (2008) argues that government data mining used to be confined to searching and ferreting out fraud against the government or to evaluate the effectiveness of various programs. With the events of 9/11, government data mining shifted to gathering and analyzing intelligence on people. Data mining post 9/11 involves gathering information on people, their patterns and attitudes, to determine if they are possible threats. An analysis of data mining and how the Fourth Amendment applies, according to Slobogin, reveals that the government has to prove that the person who is being data mined has to have criminal or terrorist ties. There has to be reasonable suspicion as to why the government is gathering information on a particular person, but Slobogin (2008) argues that in the Homeland Security Era reasonable suspicion does not always have to be proven and that national security protection can be invoked whenever felt necessary.

Weisburd, Mastrofski, McNally, Greenspan, and Willis (2003) provide a national description of Compstat programs in the United States. Compstat is considered to be the framework of strategic problem solving for policing in America. Weisburd, et al, (2003) issued a survey to American police departments to examine the diffusion of Compstat programs and other models. The findings from the study reveal that a diffusion of innovation of Compstat and other "Compstat like" programs were developed or are developing at a rapid pace in police departments throughout the country. Strategic problem solving is becoming more of an organizational entity than ever before and police departments may be shifting from a reactive mind set.

Ratcliffe (2004) sought to determine what an acceptable minimum geocoding hit rate for crime data would be in a real world setting. It is noted that the real world practice of dealing with data means that hitting a 100% success rate is very rare among crime analysts and finding a minimum hit rate is necessary. Ratcliffe (2004) used data on different crime patterns and a Monte Carlo Simulation to replicate a declining geocoding hit rate represented by reduced crime rates on mapped points. Ratcliffe (2004) concluded that 85% is an acceptable estimate of a minimum reliable geocoding rate.

Skogan and Hartnett (2005) conducted a study to explore a concept known as diffusion of innovation. Essentially it is the spreading of an idea or a system to areas that require but do not have or

practice it. They examined the diffusion of innovation among municipal police departments in northeastern Illinois. The study examined the experiences of Chicago Police Department giving access to certain elements of its centralized data warehouse to other criminal justice agencies. The purpose was to reinforce the idea that crime is universal and that the sharing of information among police departments is beneficial to them and to society as well since increased information sharing leads to more efficient crime fighting. The study stresses the importance of the fact that even though the data warehouse was open to other agencies, it did not change the overall mission and structure of departments. Keeping with the original structure and mission is implied to be the key to successful diffusion (Skogan and Hartnett, 2005).

The literature gathered for this section highlights the intelligence gathering initiatives being undertaken in American policing. Relevant literature on community policing was undertaken because the main tenets of this model are proactive policing, problem solving, and crime prevention. For crime prevention and proactive policing to work requires information sharing. Information sharing between different law enforcement agencies, the community, and the private sector is necessary for it to be effective. In order to understand information sharing (i.e. fusion process) it is important to gain a basic understanding of community policing and other initiatives. It also shows that in this era of homeland security community policing is still a dominant ideology and that it does have a place in current policing.

The literature also highlights other intelligent policing initiatives such as ILP, Compstat, and the concept known as the diffusion of innovation. Examining the literature on ILP describes the ideas behind the concept such as focusing on the root causes of crime, being multi-jurisdictional, and that the intelligence requirements drive the collection of information (Carter and Carter, 2009; McGarrel, Freilich, and Chermak, 2007). The tenets of ILP are also the tenets of the fusion center concept (Fusion Center Guidelines, 2006; NCISP, 2004) and both are centered on the concept of community policing which emphasizes problem solving and proactive policing. All of these concepts and initiatives listed in this section denote the concept of diffusion of innovation, which emphasizes the spreading of an idea or program to areas that do not have it or practice it (Skogan and Hartnett, 2005). It emphasizes that crime is universal and that multiple agencies opening up their databases for analysis and sharing with other

departments is not only necessary to combat crime across different jurisdictions but also that it does not change the overall structure and mission of individual agencies.

### *2.3 Use of Force and the Fusion Model*

Kane (2007) argues that to ask questions such as how many times did police officers use deadly force in 2006 or how many times police officers use their batons or chemical spray during public contact in any given community always has the same answer, we do not know. Kane (2007) argues that while law enforcement agencies have policies for use of force and the severity of force allowed, most are not required to collect or distribute data on coercive processes. It is further argued that all police departments should adopt as a professional standard the practice of “(1) collecting comprehensive data on all coercive activities, including disciplinary actions, and (2) making those data available with minimal filtering and justification to members of the polity” (Kane, p. 773, 2007). Kane (2007) concludes by stating that this type of national collection is necessary because it fulfills the idea of policing while allowing the public to audit them and fill important gaps in research on use of force.

Hickman, Piquero, and Garner (2008) explain that despite numerous calls for a national database on use of force, most research reflects underrepresented data from a small number of urban police departments, and the definition of force is constantly changing. In an attempt to improve the estimate of the amount of non-lethal force in the United States, Hickman, Piquero, and Garner (2008), collected data from the Police Public Contact Survey (PPCS) and the Survey of Inmates in Local Jails (SILJ). The PPCS accounted for about 87% of all the survey's analyzed in the study. From the surveys, the authors estimated that the police use or threaten to use force in 1.7% of contacts and in 20% of all arrests. Findings also show that male youths, and racial minorities report greater rates of police use of force, however, the authors are quick to highlight that the role of provoking behaviors is most likely the determinate of use of force and its severity.

Hickman, Piquero, and Garner (2008) argue that research indicates that police use force infrequently and usually on the lower end of the severity scale. It is also noted that certain groups claim to have higher rates of force used against them but the data shows that suspect behavior is the most likely predictor of the use and severity of force. Hickman, et al (2008) note that this research is promising

and that it highlights the importance of increasing the collection and dissemination of state and local data on use of force, lethal and nonlethal.

Smith (2008) in response to the study conducted by Hickman, Piquero, and Garner (2008), outlines certain factors for designing and implementing a national use of force database, the potential pitfalls of such a database, and what should be the most beneficial goal for a database. Smith (2008) establishes that implementing a national database is difficult since the federal government cannot force local police departments to release their use of force data, but with some creative funding ideas, it could be possible. He also discusses the results of the Hickman, et al (2008) study and concludes that its results would not be greatly improved, or benefit from a national database, because it would not be able to really tell us more than what is already known. Smith (2008) states that the main goal of any national database should be strategies and policies for harm reduction towards officers and citizens. He notes that research on reducing and preventing harm during police/citizen encounters would help create new policies for reducing resistive and violent encounters. He concludes that new research on harm reduction strategies involving new technologies (Tasers, et cetera) would help determine which technologies are more beneficial, or which ones are more harmful to police officers or citizens.

Klinger (2008) addresses the concerns that other researchers have expressed over creating a national use of force database, Hickman, Piquero, and Garner (2008); Kane (2007). Klinger (2008) argues that a national database is beneficial but stresses that sound and comprehensive data collection must be guaranteed. He cautions that unsound data collection leads to unsound analysis and results that are misleading (Klinger, 2008). Essentially, he calls for determining the true validity of information.

Carter and Carter (2009B) comment on how state, local, and tribal law enforcement agencies have turned to fusion centers for the best way to share information related to crimes and terrorism. There is support for fusion centers and the benefit they can bring but there are critics who suggest that there are not enough protections for privacy and civil rights issues. Carter and Carter (2009B) argue that the guidelines and procedures established by the Department of Justice and Homeland Security are adequate enough to protect citizens privacy and civil rights, since information cannot be gathered unless

the person has or has conspired to commit a crime. Carter and Carter (2009B) also note that since fusion centers are such a new phenomenon, that measuring effectiveness or success is premature at this point. It is noted that the three greatest challenges facing fusion centers right now are “first, to develop a cooperative and committed relationship among all stakeholders; second, to establish policies and processes that support efficient, effective, and lawful intelligence operations; and, third, for fusion centers to stay on message as an analytic center” (Carter & Carter, p. 1337, 2009B). Carter and Carter (2009B) conclude that this process will not develop over night but will keep evolving as per the needs of law enforcement to protect this country, protect the rights of citizens during this process, and that the potential for fusion centers is gigantic if given time and resources to succeed.

Harper (2009) explored privacy issues associated with fusion centers, and federal guidance and civil liberty advocate statements on privacy. Her research focus was on civil liberty infringement and the sharing of information in and outside of fusion centers. The purpose of this study was to present recommendations for the New Hampshire Information and Analysis Center in order to create a privacy and civil liberty framework to protect the information gathered, the rights of citizens, and achieve the mission of the center. Harper (2009) observes that the gathering of information for fusion centers for crime prevention may include a person’s values, behavior, health, and communication and transportation methods. The problem according to Harper (2009) is that these values are broad in scope and that these are the types of areas that give concern to privacy advocates. Every state has its own policies regarding privacy and Harper (2009) notes that it would be nearly impossible to find a policy on which every state agrees. Recommendations by Harper (2009) to ensure the protection of privacy and civil rights includes knowing exactly what each state’s policy is and to follow it to the letter, and making sure that it is adequately explained in the manuals of that particular fusion center. Harper (2009) argues that if privacy policies are to be followed then every fusion center manual should have crystal clear guidelines for defining and addressing violations. She also stresses that in situations where possible privacy policy violations have taken place, that the Department of Homeland Securities Office of Information and Analysis offer its assistance. In sum, the author maintains that the stakeholders in the fusion center

should have every reason to ensure that guidelines are followed since any privacy and civil rights violations would harm not only the center, but also the credibility of the agencies involved.

Knight (2009) conducted a qualitative study of the Tampa Fusion Center in order to address two issues: “the complexity in managing the unique intergovernmental collaborative process employed in fusion centers that are executing homeland security operations and the insufficient level of study of fusion centers” (Knight, p. iii, 2009). Knight (2009) notes that there is scholarly research dedicated to public management networks and governmental networking methodologies but none that is dedicated to the analysis of fusion center practices. Knight (2009) addresses these two issues by explaining that one of the problems is that fusion centers are relatively new, that research will not be forthcoming any time soon; however, he noted that since the fusion center concept was developed under federal guidelines designed by the Department of Homeland Security and the Department of Justice, fusion centers designed under these guidelines do appear to promote collaboration and standardization. It was also noted that this study established best practice recommendations for staffing, organization, and communications. Knight (2009) concludes that the discussion over fusion centers encourages additional research of networking and the effectiveness of public management networks.

Graphia (2010) used a case study design with other qualitative methods to measure the perceived efficiency of fusion center databases. Interviewed participants were involved or affiliated with four separate state fusion centers. Findings from the study show that fusion centers are partially fulfilling their goals but that there are still several challenges. Graphia (2010) notes that while fusion centers have greatly improved law enforcement information collection and sharing capabilities, but they have yet to develop robust analytical capabilities. Graphia’s (2010) study concludes that fusion centers do not find the threat of terrorism to be paramount, but they also do not find it to be trivial. In relation to this finding it is also suggested that fusion centers be considered powerful aides in addressing other criminal threats.

Duarte (2007) explored ways to leverage state and local human intelligence to increase the gathering of data and to expand the overall collection of domestic intelligence. Reviewing efforts by the Federal Bureau of Investigation and the Department of Homeland Security to expand the collection of domestic human intelligence, Duarte (2007) comments that it is still not adequate enough and that there



are several impediments to these efforts, including organizational traditions, budget constraints, technology, and agency cultural roadblocks. Duarte (2007) argues that the domestic intelligence mission in the United States is uncoordinated and inefficient for supporting terrorism prevention efforts and argues that better data technology might be the answer for attempting to correct this problem.

Duarte (2007) makes several recommendations for coordinating the vast amounts of domestic human intelligence gathered from numerous networks. Some of Duarte's (2007) recommendations include: 1) adopt Global Justice XML Data Standard for intelligence collaboration; 2) use national collaborate platforms such as NDex, HSIN, RISS, and LEO in conjunction with LinX to help extract stove piped data from state and local collection points; 3) create new collection requirements and standards for domestic intelligence to ensure protection; 4) expand fusion center guidelines to allow the networking of human intelligence from outside urban areas; 5) develop grants to help provide for the expansion of collection practices; and 6) expand all public and private sectors that are involved in overt collection of human intelligence (Duarte, 2007). It is argued that better data technology would help with the collection and processing of human intelligence through a more coordinated and efficient national effort. What Duarte (2007) is arguing for is one collection and dissemination hub for human and other open source intelligence in order to utilize effectively the intelligence already gathered and to ensure that it gets to the right people for proper use.

Nenneman (2008) conducted research to explain the roles that local fusion centers have in regards to the national effort. The purpose of his research was to determine what value local fusion centers have, and what their goals should be in order to be effective. Nenneman (2008) documents how information should be collected and analyzed, and also what type of information specifically should be collected. He stresses that the participation of emergency/first responders is critical because the information they bring is vitally important for detection and prevention of terrorist and or criminal acts. Nenneman (2008) outlines all the guidelines prepared by government and private sector organizations regarding implementation of a fusion center and its operationalization. He emphasizes that a fusion center should know its customers (community, organizations involved, state it resides in, et cetera) and

provide them with the information they need to help them in their duties. He mentions that each state has different needs and interests for a fusion center.

One of the biggest factors limiting the growth of the fusion center movement is the lack of funding (Nenneman, 2008). Nenneman (2008) calls for greater federal funding because terrorism (by and large) is a local phenomenon, and fusion centers are the first line of defense. He concluded that a local fusion center can be effective both locally and nationally by producing a “timely, locally actionable, and relevant product to its customers in the form of strategic analysis to policy makers, tactical analysis to counter terrorism, tactical analysis to major criminal investigations, and situational awareness and reporting mechanisms to the emergency responder community then they will have established their value” (Nenneman, p. v, 2008).

According to France (2006) there are still several states that lack a fusion center for information sharing, which deters their ability to prevent a terrorist attack from occurring in that respective state. Wisconsin is one such state that lacks a central hub for information exchange and has no common database (France, 2006). France (2006) proposed the creation of a statewide fusion center designed under DHS and DOJ Fusion Center Guidelines and the Urban Area Security Initiative within the state of Wisconsin. Learning from other states that already have implemented a fusion center is what France (2006) suggests.

This final section focused on the fusion model being integrated into use of force research. It highlights the interests that many researchers have for the creation of a national use of force database or simply just the greater collection of use of force statistics to fill the gap in current research. Learning what the statistics are on use of force nationally would allow researchers and law enforcement executives to know how often and what level of force is being employed nationally. The purpose would also allow civilians to understand just how often force is employed in America and to what groups of people. The current research describes how the number one predictor of the amount of force used on a suspect is the amount of suspects resistance, however, without national data this theory is difficult to prove.

Examining the integration of the fusion model with use of force was also necessary because it mirrors the objectives of TLERC. As stated above, the first initiative of TLERC is to provide use of force

reports analyzing the policies and procedures of police departments in North Central Texas. Fusing the data on use of force from multiple police departments from one geographic region analyzing practices and procedures is the focus of the above mentioned research, but is also the purpose of TLERC.

The literature gathered on fusion centers examines the areas of interest to the concept such as development, mission, and areas of concern (privacy policies and civil liberties). It also examines how fusion centers have a replicable structure that can be designed based on the needs of states and regions. The literature also shows TLERC can fit into the overall fusion concept because it shares the same tenets; information sharing, analysis of data, holding law enforcement management accountable, and focusing on long term rather than short term goals.

## CHAPTER THREE

### LAW ENFORCEMENT INTELLIGENCE PRACTICES

In order to adequately describe TLERC, it is necessary to understand the history of law enforcement intelligence. Next, it is necessary to examine the Intelligence Fusion Process including the fusion of intelligence and other examples of fusion center databases. The examination of TLERC will follow to explain the purpose, mission, creation, and implementation of this fusion center.

Advances in intelligence are not always new, but usually are a product of earlier programs and policies. The practice of intelligence gathering in law enforcement is not a new phenomenon, but is constantly evolving to address current ideas and what is considered to be the biggest threat at the time. Intelligence gathering in American policing has not always been adequately operationalized, which helps explain the value of the fusion center database development. In sum, a brief history of intelligence gathering in law enforcement is needed to show how it has progressed, and hopefully its role in the future.

#### *3.1 Brief History of Law Enforcement Intelligence*

The first notable intelligence units in American policing date back to the 1920's. Units like these operated out of police departments and employed a system called the "Dossier System" (Carter, 2005). This system involved keeping dossiers on criminals which was nothing more than raw, random, information that was kept in a folder. Two notable things about this system are that the information kept was usually only pertinent to the city/county of the law enforcement agency. What this means is that if a criminal committed a crime in a city with an intelligence unit, that would go into its file, but if that same criminal committed a crime in another town, then the first city most likely would not record that instance since it did not pertain to them or simply they would not know about it. The information was raw, uncoordinated, mostly biographical, and there was no means of sharing that information with other departments. The other notable thing about the dossier system was the type of criminals included in the

system. Criminals that were recorded in the dossier system were VIP law breakers of their time, including Al Capone, the Barker Gang, Machine Gun Kelly, and et cetera (Carter, 2005). Only famous criminals made up this system which means that statistics and data on other criminals or on crime in general were not kept. Policing intelligence in its early days was relegated to keeping information on famous criminals to try and track them but was not dedicated to crime in general (Carter, 2005).

The dossier system was the dominant intelligence practice in law enforcement for decades. Over time the targets changed according to what was considered to be the biggest threat of the time. In the 1940's and 1950's, information was kept on people who were suspected of having ties to the Communist Party and these types of dossiers were known as Red Dossiers (Carter, 2005). During the 1960's intelligence was gathered on people who were involved in the anti-Vietnam War and the Civil Rights movements. The dossier system kept intelligence on people who were Communist or their sympathizers, members of the anti-Vietnam War movement, and participants of the Civil Rights movement because it was thought they would prove essential to an investigation or a prosecution if necessary. Dossiers were kept on people who had committed no crimes. They were kept simply because of individuals' affiliations, political persuasion, and even religious beliefs. Carter (2005) emphasizes that law enforcement was keeping this information in good faith because it was thought that it would help protect their communities from activities that were perceived as threats, but that not does make un-Constitutional practices acceptable. This would change during the era of Chief Justice Earl Warren because of an increased desire to protect civil rights and the use of U.S. Code, Section 1983, Civil Action for Deprivation of Civil Rights (Carter, 2005).

Referred to as 1983 suits, this law means that anyone operating "under color of state or local law, causes a person to be deprived of rights guaranteed by the U.S. Constitution or federal law may be civilly liable" (Carter, p. 53, 2005). Initially, these law suits were aimed at police misconduct (excessive force, due process violations, etc.). In the 1970's these law suits were aimed primarily at law enforcement intelligence units, because it was increasingly discovered that police departments were keeping intelligence on people who had not committed any crimes. It was ruled that keeping intelligence dossiers on a contingency basis was improper, served no compelling state interest, and deprived citizens of their

constitutional rights. As a result, the courts were continuously ordering policing departments to destroy intelligence files on people where there was no evidence of criminality and in many cases forcing the departments to pay damage awards to the plaintiffs. Many law enforcement intelligence units were disbanded because of the embarrassment, and law enforcement was reluctant to entertain any ideas for such units for decades to come. Domestic intelligence gathering during this time violated the civil rights of many Americans “because the Constitutional system for checking abuse of power has not been applied” (Carter, p. 54, 2005). Numerous government reports and commissions outlined recommendations for re-organizing the practices of law enforcement intelligence in response to the controversy.

Law enforcement is reactive in nature and correcting the abuses of its intelligence gathering apparatuses required a lot of work, but it also came about in the wake of a national tragedy. In response to the assassination of President Kennedy, the Warren Commission Report of 1964 attempted to address local law enforcement intelligence gathering. Most of the recommendations pertained to federal agencies, like the Secret Service and the FBI, but many of the recommendations stated that these agencies should work more closely with local law enforcement (Lance, 2009). “Specifically, the commission called for increased information sharing and stronger liaison between local and federal agencies” (Carter, p. 56, 2005).

One of the most important reports on law enforcement in the last half of the twentieth century was the 1967 President’s Commission on Law Enforcement and the Administration of Justice. This commission recommended that every major police department in the country have an intelligence unit that would focus on gathering and analyzing information on organized crime cartels (Carter, 2005; President’s Commission, 1967.). During this time, there was increasing concern about organized crime and domestic terrorism because of their national reach and changing nature which made them difficult for law enforcement agencies to track and arrest. The recommendations for these intelligence units also stated that they should be adequately funded and evaluated to ensure their effectiveness (President’s Commission, 1967).

The National Criminal Justice Advisory Commission on Criminal Justice Standards and Goals was founded in 1971 with the purpose of making recommendations for the effectiveness of the entire criminal justice system (Carter, 2005). The commission made numerous recommendations to help with the establishing and operating intelligence functions for state and local law enforcement agencies. Many of the recommendations for establishing an intelligence function recommended that each state create a centralized law enforcement intelligence apparatus with each state agency participating. It also recommended that states should establish regional intelligence networks across contiguous states which would enhance the criminal information sharing process (Carter, 2005). A final recommendation was that each state should establish its own intelligence function in accordance with that state's respective intelligence function.

The commission also made recommendations on the operating of these intelligence functions. Operational functions in each state and local community should support federal agencies. Policies and procedures need to be developed for each local, state, and regional intelligence function to ensure efficiency and effectiveness (Carter, 2005). Each agency should be required to have a designated official who reports directly to the chief and would oversee all intelligence operations. Finally, agencies should develop procedures to ensure proper screening, securing, and analyzing of intelligence related information (Carter, 2005).

These establishing and operating procedures were designed to strengthen law enforcement capabilities to fight organized crime, but by the middle of the 1980's organized crime had evolved into much larger international groups involved in a diverse array of crimes from drug trafficking to counterfeiting goods (Carter, 2005; President's Commission, 1987). Investigators and intelligence officers did not have the people or the expertise to follow the trends, and the problem was further compounded by the fact that law enforcement did not fully understand the problem along with poor information sharing among agencies. Organized crime advanced at an extremely rapid pace, and increasingly, local and state police viewed it as a federal responsibility (Carter, 2005). Shifting responsibility to the federal government turned many intelligence units into nothing more than information warehouses, or at best they were considered a failed initiative. Intelligence functions suffered from a

number of limitations which included police executives who did not recognize the value or understand how to use the information to its full benefit. Another issue was that these intelligence units were often reactive in nature and used for information storage rather than being more proactive. Major milestones in law enforcement intelligence gathering have been the creation of the Intelligence Led Policing (ILP) model and the National Criminal Intelligence Sharing Plan.

The development of ILP and the National Criminal Intelligence Sharing plan evolved from an intelligence philosophy and a standard for operations to help state, local, and tribal law enforcement agencies to become more professional. Law enforcement agencies were “embracing more sophisticated tools, developing greater collaboration for one voice from the law enforcement intelligence community, and moving with a greater sense of urgency because of 9/11” (Carter, p.59, 2005). The 9/11 Commission commented on the effectiveness of information sharing by the FBI with state and local law enforcement agencies. Part of the problem was that the FBI would not provide much information, or send diluted information simply because they did not know what information was important enough to share with local agencies.

The 9/11 Commission issued recommendations to help increase the volume and type of information being shared among agencies and commented on the increasing role of intelligence among local, state, and tribal law enforcement agencies. The Commission noted that “there is a growing role for state and local law enforcement agencies. They need more training and work with federal agencies so that they can cooperate more effectively with those authorities in identifying terrorist suspects” (National Commission, 2004). The Commission also recognized that terrorism is a local matter in some cases and requires state and local involvement for prevention and deterring.

This brief history of law enforcement intelligence highlights some critical elements. While most examples highlight the shortcomings of law enforcement intelligence, what it also reveals are innovations in this field that have great potential benefit and that problems of intelligence gathering and sharing can be solved. The major themes of this section include the fact that creating and housing dossiers with raw information only is not very helpful unless you have analysis which brings meaning to the information. In order to be effective, intelligence units need to be proactive in their dissemination methods so that they



can give the most useful information on a timely basis. A full-time intelligence unit should be organized professionally and staffed with analysts who know what they are doing and are trained in intelligence product packaging. It is also necessary to have regular evaluations of intelligence units to ensure functional utility and operational propriety (Carter, 2005; NCISP, 2005).

The mistakes of the past must also be understood to show what is acceptable in law enforcement intelligence targeting and what is not acceptable. It is not beneficial and it is illegal to target people without evidence of criminality. This includes targeting people because of their views or political opinions and based on any other factor such as religion, race, creed, ethnicity, or any other characteristic that would be inherently unlawful. The unlawful targeting of people and organizations must be avoided for two reasons: 1) targeting people without justification can result in civil suits or federal civil rights suits which can cost untold sums of money and can cause a huge embarrassment to the law enforcement agency(s); and 2) targeting people or groups destroys any good will for the intelligence unit and law enforcement legitimacy in the eyes of the public; it also raises the issue of the right to freedom of speech into serious debate. The history of law enforcement intelligence may have a checkered past, but its flaws provide guidance on how not to operate and how to maximize the benefits of an intelligence unit to its fullest. Intelligence gathering has always been a hotly debated topic, but with modern practices embracing Constitutional standards, it can be a successful tool for law enforcement.

### *3.2 Intelligence Fusion Process*

The history of law enforcement intelligence is a story of change from simply being reactive to including preventive measures. Crime prevention sounds good in theory, but in practice it has never been easy. Lack of information flow, lack of cooperation, lack of purpose and mission, and lack of meaning for targeting certain people has led to the criticisms of intelligence gathering in policing, but the idea itself is sound. The fusion center concept has been around since the 1980's but its mission and purpose have evolved. Originally, they were not seen as very effective and were limited in scope (example, targeting drug crimes only). The expansion of fusion centers was not given serious consideration outside its regional and crime specific operations, but that changed with the events of September 11<sup>th</sup>. While the purpose of this research is not to dwell on terrorism or portray TLERC as a

terrorist prevention program, however, it would be a grave mistake to overlook the events of that day and what it accomplished by making fusion center databases the forefront of law enforcement intelligence.

“The intelligence fusion process represents a new chapter in the evolution of law enforcement intelligence” (Carter, p. 1, 2008). The fusion process and fusion centers represent a new intelligence structure for local, state, and tribal law enforcement agencies. The fusion process is described as the development of intelligence from diverse resources and a fusion center is the physical plant (Carter, 2008). The concept of a fusion center is not an easy concept to implement. There are several organizational and human factors that need to be modified in order for it to be implemented and for it to be effective. The largest change involves the restructuring of the entire conceptual framework of the intelligence function in an agency or the creation of a completely new entity. The fusion process requires a diverse group of people and organizations to be contributors and consumers of the intelligence while at the same time it requires the changing of attitudes of personnel as well as their actions within the new entity. It is necessary to establish new functional and information sharing processes among state, county, municipal, tribal, and federal law enforcement agencies (Carter, 2008). Finally, it requires the development of new policies and processes as well as the inclusion of the Intelligence Led Policing philosophy (Carter, 2008). If this sounds extremely difficult and complicated, it is. There are many challenges to adopting the fusion center concept, not the least of which is the organizational change required of people and organizations who are traditionally resistant and suspicious of change. Personnel and organizational shortcomings must be put aside or the likelihood of failure is all but guaranteed.

Historically, fusion centers were referred to as Regional Intelligence Centers (RIC). They took different shapes and had different missions throughout the United States depending on the needs of the region and the agency. There is no single model for how to design a fusion center or how it should be organized. Generally, they have been created based on local initiatives as a response to perceived threats related to crime, drug trafficking, and/or terrorism within a geographic region. Their intent is to pool the resources and expertise of multiple agencies within that region to deal with crime on a multi-jurisdictional level. These intelligence centers did not always have the same geographic parameters as other centers. Regions could be defined as a county (example, Rockland County, New York Intelligence

Center). A major urban area (example, Los Angeles, Joint Regional Intelligence Center). It could define portions of a state (example, North Central Texas Fusion Center) or it may encompass an entire state (example, Minnesota Joint Analysis Center) (Carter, 2008).

Counterdrug initiatives in the 1980's contributed to the first RIC's. They were called High Intensity Drug Trafficking Area (HIDTA) intelligence centers. These centers were located in areas that experienced high amounts of drug trafficking such as Los Angeles, San Diego, El Paso, Columbus, NM, and et cetera. Aside from their general purpose, these intelligence centers also served as the earliest models for "successful structures and initiatives as well as identifying systematic issues that had to be overcome to the make the intelligence center functional" (Carter, p. 2, 2008). Another example of early intelligence centers were programs initiated by the Bureau of Alcohol, Tobacco, and Firearms (ATF) in the late 1990's.

At the time, the ATF had developed a number of programs to reduce gun violence. What emerged from these initiatives were called ATF Regional Crime Gun Centers. In some cases, these gun centers were co-located with the HIDTA RIC in a number of intelligence related roles. These roles included "analyzing trace data to indentify gun traffickers, disseminate investigative leads, and coordinate with the HIDTA RIC to identify drug traffickers and their sources of guns" (Carter, p. 2, 2008). HIDTA and ATF intelligence centers involved active interaction with state, local, and tribal law enforcement agencies with the intent of integrating or fusing information from diverse sources to better understand and prevent multi-jurisdictional crime problems (Carter, 2008).

HIDTA and the ATF intelligence centers laid the groundwork for future intelligence centers by showing not only the structure and development of an intelligence center, but also the potential benefits of multiple agencies sharing and fusing information into actionable knowledge. Beyond combating local crime issues, there was very little incentive for these centers to expand (both in size and scope) until the events of 9/11. A general lack of information sharing between local, state, and federal agencies is often cited as a major vulnerability after 9/11. After these events, information began to appear showing that terrorists had minor encounters with state and local law enforcement in the weeks and months before the attacks (Carter, 2008). It became painfully obvious that current information systems and processes were

too inadequate for threats of this nature (National Commission, 2004). In light of these intelligence shortcomings, many programs and initiatives have been created which provide support and understanding to intelligence sharing among diverse groups and organizations. It was also obvious that even if multiple agencies were collecting raw data, that it would become necessary to have a mechanism to provide integration and analysis so that the information would be valuable to law enforcement (Carter, 2008). Examples of these programs and initiatives are the Global Justice Information Sharing Initiative, The National Criminal Intelligence Sharing Plan, "Fusion Center Guidelines" developed by DHS, U.S. Government Accountability Office report to Congressional Committees on Homeland Security, the Information Sharing Environment Sharing Plan, and CRS reports to Congress on Issues and Options of Fusion Centers.

It was after this time, and based on the examples set forth by earlier RIC's, that many state and local entities embraced the concept and started creating their own centers. Initially these centers were funded by state and local governments, but in time the Department of Homeland Security (DHS) saw the promise in these initiatives and began to provide funding and other support. Fusion centers were given an expanded role. A Congressional report stated:

recognizing that state and local fusion centers represent a critical source of local information about potential threats and a mechanism for providing terrorism-related information and intelligence from federal sources, the Program Manager for the Information Sharing Environment (PM-ISE), the Department of Homeland Security (DHS), and the Department of Justice (DOJ) are taking steps to partner with and leverage fusion centers as part of the overall information sharing environment. (GAO, p. 2, 2007)

Continuing with this observation, a report by the U.S. General Accountability Office (GAO) listed a number of federal efforts currently underway which supported fusion centers and addressed challenges or obstacles addressed by fusion center directors themselves. These included:

- DHS, FBI, and the PM-ISE have taken actions to assist fusion centers of gaining access to and managing multiple federal information systems, including classified systems.

- Both the DHS and FBI committed themselves to providing security clearances to state, local and tribal fusion center personnel and reduce the time needed for a clearance to be processed.
- DHS and FBI assisted fusion centers in obtaining and retaining qualified personnel, both through assignments of federal employees to state fusion centers and through some DHS funding support.
- Federal funds in support of fusion centers became more readily available and streamlined in the process to make grant awards faster and easier.
- Both DOJ and DHS have provided training and technical assistance in support of fusion center development and maturation (GAO, 2007).

The focus of many of the newer fusion centers was terrorism, for obvious reasons, however, most fusion centers broadened their horizons to focus on all crimes and all threats. There were two reasons for this shift. "First, it was recognized that most terrorist acts had a nexus with other crimes" (Carter, p. 4, 2008). Focusing exclusively on terrorism could cause fusion centers to potentially become stagnant due to the lack of activity and usage which would lead to reduced funds and support, but also the sole focus on terrorism might miss other critical criminal indicators contributing to a terrorist plot. The second reason involves a variety of crime, including criminal enterprises that are multi-jurisdictional indicating that the fusion process could be beneficial in dealing with these types of crimes.

Realizing that fusion centers would be an invaluable tool for liaison purposes between law enforcement and the intelligence community, the FBI, DHS, and the Department of Defense sought to expand their cooperation to include local and private sector fusion centers to bridge the gap between intelligence activities. Fusion centers had come to represent a vital part of the nation's homeland security, but there were some who quickly pointed out that this assumption relies on four presumptions:

1. Intelligence, and the intelligence process, plays a vital role in preventing terrorist attacks.
2. It is essential to fuse a broader range of data, including nontraditional source data, to create a more comprehensive threat picture.

3. State, local, and tribal law enforcement and public sector agencies are in a unique position to make observations and collect information that may be central to the type of threat assessment referenced above.
4. Having fusion activities take place at the sub-federal level can benefit state and local communities, and possibly have national benefits as well. (Todd & Rollins, p. 3, 2007).

Based on these presumptions, fusion centers have shown benefit to crime and terrorist prevention.

There is no single model for a fusion center because of the variety of different needs of regions and states and what the biggest concern is to those respective areas. For example, California and Texas with their large land mass, population, and international border have different structure and process needs for a fusion center as opposed to rural land locked states like Wyoming or Nebraska. A Congressional Research Service (CRS) report stated that there is no one model for the development of a fusion center and that this is a potential flaw, however, this perspective is hotly debated from a state and local perspective. Not having rigid and demanding structures for a fusion center, allows state and local agencies to mold a fusion center into something that best suites the needs and challenges of that respective jurisdiction (Carter, 2008). This allows them to design a fusion center according to their needs but it still relies on certain transferable principles (information sharing, data warehousing, et cetera) which makes them effective not just locally but also to the national effort.

Fusion centers can also be structured based upon legislative or executive mandates. There are a variety of fusion centers in the United States with each of them designed based on the standards of the DHS and DOJ Fusion Center Guidelines, but each one is unique to its jurisdictions and mission. For example, the Montana All Threat Intelligence Center has a mandate to focus on all threats; the New Jersey Regional Operations Intelligence Center is centered on the fusion process but also includes emergency operations (Carter, 2008). The Massachusetts Commonwealth Fusion Center focuses on all crimes, whereas, the Oregon Terrorism Intelligence Threat Assessment Networks has its focus solely on terrorism. Many states have more than one fusion center operating at the same time.

The GAO compiled a summarized list of fusion centers currently operating in the United States. At the time of its compilation, GAO accounted for over forty fusion centers. The State Terrorism Threat

Assessment Center in California has a mission to “collect, fuse, and analyze information related to terrorism from local law enforcement, fire departments, and public health and private sector entities” (GAO, p. 56, 2007). To accomplish this mission, the Center established four regional fusion centers known as Regional Terrorism Threat Analysis Centers (RTTAC) located in San Diego, Los Angeles, San Francisco, and Sacramento. While each RRTAC is under the umbrella of the state center, each one is structured differently. The Los Angeles Joint Regional Intelligence Center (JRIC) is comprised of the Los Angeles Police Department, Los Angeles Sheriff’s Department, and FBI Los Angeles along with various units within those agencies, such as the Sheriff Departments Terrorism Early Warning Group. The JRIC has an all crimes and counterterrorism scope of operations and converts information into operational and strategic intelligence to prevent terrorist attacks and combat crime in the Central District of California (GAO, 2007). Similarly, the Sacramento Regional Terrorism Threat Assessment Center (RTTAC) was established to bring analysts from different state, local, and federal agencies to combat terrorism. The Sacramento RTTAC which includes the National Guard, FBI, Immigrations and Customs Enforcement (ICE), and various fire and public health related agencies is tasked with counterterrorism options as well response to an attack. The Los Angeles JRIC and the Sacramento RTTAC are structured differently but both work under the same guiding principles of fusion.

A more relevant example of a fusion center is the statewide Texas Fusion Center. Created in the aftermath of September 11<sup>th</sup> the Texas Fusion Center was initially designed as a communications center to serve as the focal point for planning, coordinating, and integrating government communications involving the state’s homeland defense strategy (GAO, 2007). The center was expanded in 2005 and now acts as a tactical intelligence center for law enforcement and also helps coordinate multi-agency border control activities. The Texas Fusion Center has an all crimes and all hazards scope of operations with a mission to disrupt organizations that are using criminal activities to further terrorist activities. The fusion center also focuses on border security, narco-terrorism, and criminal gangs. The center adopted the all hazards scope of operations in the aftermath of Hurricane Katrina. The Texas Fusion Center is under dual oversight by the Criminal Law Enforcement Division and the Governor’s Office of Homeland Security at the Texas Department of Public Safety and it is staffed by Department of Public Safety officers

and analysts as well as a part time analyst from the FBI. In addition to this statewide fusion center, there are also regional fusion centers including the North Central Texas Fusion Center (NTFC).

The NTFC became operational in 2006 and also adopts an all crime and all hazards focus. The planners of this fusion center were determined for it to be different from earlier fusion and regional intelligence centers, so the NTFC specifically works to prevent or minimize the impacts of natural, intentional, and accidental hazards/disasters (GAO, 2007; NTFC, 2006). The center also supports emergency response, field personnel, and investigations. Organizations involved with the fusion center include law enforcement, public health, fire, emergency management, the Texas National Guard, and a DHS assigned analyst from their Office of Intelligence and Analysis (GAO, 2007). The NTFC provides intelligence support to regional task forces and local police department's homicide and criminal investigations (NTFC, 2006). NTFC reports cover all hazards and criminal activities outlining trends and patterns with the primary purpose of prevention and support.

The Texas Fusion Center was designed to be a tactical intelligence center for law enforcement and NTFC was created to prevent or minimize the impacts of natural, intentional, and accidental hazards/disasters. In comparison, TLERC was designed as an analytical support center for the creation of lessons learned/best practices papers for law enforcement management. TLERC is a policy analysis driven center, whereas, the Texas Fusion Center and NTFC provide coordinating efforts for responding and preventing natural or man-made hazards/disasters.

"Despite some criticisms, the fact that fusion centers are structured differently is not a weakness, but a strength" (Carter, p. 6, 2008). This strength results from designs which meet local and regional needs as well the best way to integrate and fuse information. It is important to note that there are different functional models of law enforcement throughout the United States and that fusion centers should be no different because they are extensions of state and local government.

After describing the idea and creation of fusion centers, it has become necessary to answer some very important questions, what exactly is the intelligence fusion process? What is a fusion center? A fusion is "defined as a collaborative effort of two or more agencies that provide resources, expertise, and/or information to the center with the goal of maximizing the ability to detect, prevent, apprehend, and



respond to criminal and terrorist activity. The intelligence component of a fusion center focuses on the intelligence process where information is collected, integrated, evaluated, analyzed, and disseminated. Nontraditional collectors of intelligence, such as public safety entities and private sector organizations, possess important information that can be “fused” with law enforcement data to provide meaningful information and intelligence about threats and criminal activity” (GIWG, p. 8, 2005).

The fusion process is an overlapping methodology for the managing of the flow of information and intelligence across levels and sectors of government in order to integrate information for analysis (Carter, 2008). What this process relies on is the active involvement of local, state, federal, and tribal law enforcement as well as private sector entities to provide raw information for analysis. In order for fusion centers to be effective and for the analytical work to be pertinent, it is necessary for an array of diverse material to be collected over time. A point of confusion which must be addressed is that the fusion center is the physical location where the fusion process occurs. This at first must be cleared because there are some misconceptions to what a fusion center looks like and how it operates. A common misperception of a fusion center envisions a large building filled with workstations manned by staff members responding to inquiries from officers and investigators. This perception is more akin to a watch center or an investigative support center, but not a fusion center. Another misperception is that a fusion center is minimally staffed until there is a crisis and then representatives from different public safety agencies converge to manage the crisis. Yet again, this is not a fusion center but more like an emergency operations center.

The ideal fusion center is a support center which is analysis driven (Carter, 2008). The fusion process is proactively seeking to identify criminal and homeland security threats and stop them from occurring; prevention is the key word. Typically a fusion center is organized by having representatives from each agency and organization into one physical location and each representative is intended to be the conduit of raw information from their respective agency, for collective analysis (Carter, 2008). Conversely, the representatives are required to be the conduit back to their respective agency to communicate, monitor, and process the new information needs. The representative is responsible for sending the analyzed data to their respective agency for dissemination. Ideally this is how it should work,

but a more common arrangement is for the Terrorism Liaison Officer or the Intelligence Liaison Officer to perform their fusion center duties along with their other assignments at their home agency. "In short, an intelligence fusion center must be able to: 1) access and explore all government databases, including intelligence, regulatory, and law enforcement; 2) integrate the information found in those databases; 3) make independent judgments about that information; and 4) provide warning" (Carter, p. 9, 2008). It should be noted that not every law enforcement agency can contribute a person to work in the fusion center so there have to be mechanisms in place for two-way information sharing. Many agencies have developed technological electronic two way sharing mechanisms for this very reason. Secure electronic information systems include RISS.NET, ATIX, and Lexus-Nexus (Carter, 2008). The point is that regardless of the how the information is shared, what is important is that there must be diverse raw input, it has to be analyzed, and actionable intelligence output must be shared with appropriate consumers (Carter, 2008).

One of the main questions surrounding this new era of intelligence gathering and analysis is why are fusion centers at the forefront? One of the problems with law enforcement and national security intelligence that has been brought to light recently is referred to as the "stovepipe" of information. The basis for this claim is that agencies have large bodies of data and analytical practices but all of it is retained within the agency and not shared with anyone else. What this means is that agencies gather information and disseminate the data, but stack and store it in isolation, or metaphorically speaking, in a stove pipe (Carter, 2008). The current belief is that more value can come from information that is widely shared for analysis among agencies. That is the reason for the fusion of as much information as possible. It is also important to outline the position that fusion center generally have in the current intelligence environment and what programs and initiatives have been implemented in support of fusion centers.

After 9/11, it was quickly realized that changes were needed to create an environment designed to improve the legal, policy, cultural, organizational, and technological conditions of information sharing. In response to this, the U.S. Congress passed and the President signed the *Intelligence Reform and Terrorism Prevention Act of 2004* (IRPTA). This act required the President to establish an Information

Sharing Environment (ISE) for the “sharing of terrorism information in a manner consistent with national security and with applicable legal standards relating to privacy and civil liberties” (ISE, p. xiii, 2006). What this plan hoped to accomplish is a set of requirements that the federal government, in conjunction with state, local, tribal, and private sector entities, could use to promote a coordinated national sharing environment. The vision for the ISE is a sharing environment which is designed to serve five communities: intelligence, law enforcement, defense, homeland security, and foreign affairs (ISE, 2006).

The reason for this coordinated sharing environment is that historically, each entity implemented their own policies, rules, and standards to channel information based on their requirements. Before 9/11, the need for coordinated and trusted interagency partnerships was universally recognized, but gaps emerged in the sharing of information across all levels of government (ISE, 2006). The Program Manager for ISE proclaims that its purpose is to create a trusted partnership among all levels of government in the U.S. The vision for the ISE included a list of potential achievements over a three year period. The Program Manager claims that six major goals have been accomplished. Among these accomplishments, the most mentionable is number four. What this accomplishment claims is that “states and localities have created and invested in fusion centers and charged those centers with collecting, analyzing, and sharing terrorism information. The collaboration between fusion centers and with the federal government marks a tremendous increase in the nation’s overall analytic capacity that can be used to counter terrorism” (ISE, p. xvi, 2006).

The Information Sharing Environment has developed a number of operational concepts to facilitate a coordinated sharing environment. Two of these operational concepts deal specifically with state, local, and tribal agencies and with the fusion center concept. ISE operational concept 3.4 deals with state, local, and tribal level elements and functions. The concept aims to build on current efforts to incorporate the functions of gathering, processing, analyzing, and disseminating information into the core missions of state, local, and tribal agencies. Fusion centers will serve as the primary contact between state and local efforts which is consistent with DHS fusion center guidelines. Noting that there are operational centers in more than forty states and major urban areas across the nation, this spirit of

information integration and sharing will encourage the federal government to continue leveraging these initiatives to facilitate continued effective information sharing (ISE, 2006).

Information Sharing Environment operational concept number 3.4.1 builds on the earlier concept by providing initiatives for state and major urban area fusion centers. The concept states that the federal government will “promote the establishment of a nationwide and integrated network of state and major urban area fusion centers to facilitate effective terrorism information sharing” (ISE, p. 30, 2006). This operational concept also notes that these fusion centers may further customize federally supplied information for analysis to meet intra or interstate needs (ISE, 2006). What the ISE envisions is for locally generated information that is not threat or incident related to be gathered and analyzed in coordination with federal officials. This operational concept aims to have state and major urban area fusion centers become part of the national effort for homeland security while at the same time meet its own intelligence requirements by gathering and analyzing non terrorism oriented data. The idea is to develop a national sharing environment that is beneficial to the nation and the individual states and major urban areas.

The Global Justice Information Sharing Initiative, working in conjunction with the Department of Homeland Security and the Department of Justice, has developed fusion center guidelines for the purpose of developing and sharing information and intelligence in a new era. The fusion center guidelines outline reasons for the need to have an intelligence sharing network. The guidelines also define the fusion process as the “overarching process of managing the flow information and intelligence across all levels and sectors of government and private industry” (Executive Summary, 2006). The fusion center guidelines also outline the key guidelines and elements that are necessary for implementing and operationalizing a state or local fusion center database. The guidelines are composed of eighteen elements.

The first element requires adherence to the tenets contained in the National Criminal Intelligence Sharing Plan and perform all the steps in the intelligence gathering and fusion process. Element two requires agencies to collaborate, develop, and embrace a mission statement that identifies goals for the fusion center (Executive summary, 2006). Element three recommends the creation of a representative governance structure that includes law enforcement, public safety, and the private sector to ensure each

representative has an equal voice in the operation of the fusion center. Element four calls for creating a collaborative environment for the sharing of intelligence and information among local, state, tribal, and federal law enforcement agencies, public safety agencies, and the private sector (Executive Summary, 2006).

Element five stresses the importance of utilizing memoranda of understanding and non-disclosure agreements when they are appropriate to ensure the safe guarding of information and that all members remain in compliance with the goals and mission of the center. Element six encourages leveraging the databases, systems, and networks available via participating entities to maximize information sharing (Executive Summary, 2006). This would provide access to an array of databases and secure information sharing networks in order to maximize effective information sharing. Element seven calls for establishing formal communication protocols to ensure secure and redundant communication access policies with standards for non compliance. Element eight stresses the need for developing, publishing, and adhering to a privacy and civil liberties policy (Executive Summary, 2006).

Element nine stresses the need for ensuring that there are proper security measures for the facility, data, and personnel. Element ten calls for the integration of technology, systems and people. Element eleven requires a diverse representation of personnel based on the needs and functions of the center. What this element calls for is not only representatives from the agencies involved, but also support personnel who are dedicated to the mission and goals of the center. Ensuring that the people involved in the fusion center are properly trained is element twelve. Element thirteen stresses the importance for a multi layered awareness and educational program to implement intelligence led policing and the development and sharing of information (Executive Summary, 2006). Element fourteen recommends that the fusion center offer a variety of intelligence services and products to its customers and stakeholders.

Element fifteen calls for the development, publishing, and adherence to a policy and procedure manual so that center personnel know what is expected. This element also recommends that there be annual reviews of policies and evaluations for center efficiency. Defining expectations, measuring performance, and determining effectiveness of the fusion center are the key guidelines for element

sixteen. Element seventeen stresses the importance of establishing and maintaining the fusion center based on funding availability and sustainability. Finally, element 18 promotes the development and implementation of a “communications plan among the fusion center personnel; all law enforcement, public safety, and private sector agencies and entities involved; and the general public” (Executive Summary, p. 7, 2006). This final element also stresses the need for a mechanism to alert fusion center participants of new information and intelligence. These are the guidelines for developing and implementing a fusion center database based on recommendations from various entities within the federal government. These guidelines provide standards for implementing a fusion center, but also allowing various fusion centers to grow in conjunction with their own missions and goals. The above historical research provides the foundation and theoretical basis for the development of a specific fusion center and its implementation.

### *3.3 Texas Law Enforcement Resource Center*

The idea of designing and implementing a fusion center first came to this author from the Director of the Center for Criminal Justice Research and Training. The Center is a part of the Department of Criminology and Criminal Justice at the University of Texas at Arlington. The Center conducts research evaluating criminal justice programs, provides law enforcement executive seminars and oversees the academic training of law enforcement personnel. The center has an Advisory Board which consists of the executive managers for the criminal justice and law enforcement community of North Central Texas. The Advisory Board includes management personnel of private companies, chiefs of police departments, the Tarrant County Sheriff, criminal justice agencies, and university criminal justice departments. Private companies represented on the Advisory Board are the Bass Companies and Office Depot, Inc. Loss Prevention and Safety. Chairs and heads of criminal justice university programs include such universities as University of Texas at Arlington, Tarleton State University, and Sam Houston State University. Police chiefs and sheriffs who are not on the Advisory Board can apply for access to TLERC in order to benefit from its’ services. On the main web page for TLERC, is a link that they can click on to apply for access. The form asks for name, department, title in department, and contact information (phone numbers and email) and once it is filled out it will be sent to the director of the Center who will verify the information.

The mission (Appendix A) of TLERC is to provide lessons learned/best practices papers created from incident reports, and provide a repository of city ordinances of interest to law enforcement. The purpose of the center is to analyze incident reports from law enforcement agencies to create lessons learned/best practices papers which can be shared with the entire membership of the fusion center. These incident driven papers are created to provide chiefs and sheriffs the opportunity to review department policies and actions. The goal is to promote a learning environment and open dialog on matters of mutual interest and concern. City ordinances of potential interest to law enforcement are also available in the database. TLERC was designed for the leadership of the law enforcement community, so confidentiality is protected. TLERC is a secured password database maintained within the university's domain.

The idea for TLERC had been discussed for a couple of years, but the actual planning for designing and implementing the fusion center did not really begin until May, 2010. It was at that time that a graduate student was hired to be a Graduate Research Assistant (GRA) for the Center of Criminal Justice Research and Training. This GRA (the author) was hired to be a liaison between the Center and the Office of Information Technology (OIT) and University Communications at the University of Texas at Arlington. The job of the GRA was to convey the requirements and needs for the fusion center to the entities that were designing the web access, design content, server space, and secure accesses for the proposed center.

The GRA was also tasked with working with a representative of OIT to design example web pages so that OIT and University Communications would be able to understand how the pages were to appear and their contents. This required the GRA to learn basic web page design and how to write source codes in order to create a web page. The purpose for having the GRA learn web page design and writing source codes was done to show the limitations of web page design, a grounding in reality if you will, and to emphasize one of the main tenets of TLERC, which is, the simpler the better. Ease and readability of the reports and navigation through the website was created with the intent of providing ready access to Center members.

The GRA working with the OIT representative created web page examples for how the website should look. The example web pages that were designed included the main page containing the mission

statement and purpose, a table of contents page which includes a link to various types of incident based reports and ordinances, four example use of force reports were designed in addition to four example ordinance pages. The example web pages were designed to illustrate what the pages were to contain, but they were also designed to show how the content would look, i.e. color scheme, font type and size, et cetera. The example pages were forwarded to University Communications for final web page development.

The design of the use of force reports follows a very basic, easy to use format and each report is relegated to being between one and two pages. The analysis reports are kept to these page lengths in order to accommodate law enforcement executive's time constraints. The reports contain only the pertinent facts and analysis. The use of force report template requires the date of the incident, department involved, background, incident, aftermath, and lessons learned/analysis. The background section is to describe what lead to the police being on the scene. The incident section describes the use of force that was used and how the situation ended. The aftermath section describes what immediately happened after the incident was resolved. This includes what the suspect was charged with, was hospitalization required for the suspect and/or police officer(s), and is the department and/or officer(s) facing any civil litigation over the incident, et cetera. The lessons learned/best practices is the last section and provides the analysis of the entire incident. The analysis describes if the actions of the officer were in policy and whether proper procedures were followed. It also describes what went right or wrong during the incident and provides suggestions for similar situations and policy reviews. This section is also used to describe any other actions that were taken that allowed the officer to affect the arrest, including the officer's attitude and state of mind at the time. The use of force report template and an example of a use of force report are found in Appendices B and C.

The first initiative of TLERC is to create lessons learned/best practices papers from incident reports, but specifically at this time, use of force reports. The reason why use of force reports are of primary concern is because this is what the field of criminal justice research is currently most focused. Police use of force is a current hot topic and providing lessons learned/best practices papers to help law



enforcement executives review policy and procedures is paramount, and the initial reason for the creation of TLERC.

The ordinance section of the fusion center is an electronic repository for gathering and storing ordinances that are of interest to law enforcement. Access to ordinances will assist law enforcement executives who want to see what other communities are doing to combat a specific crime and model similar laws. The first ordinance that was uploaded and stored criminalized the practice of drive-offs enacted in Burleson, TX. Essentially, a drive off occurs when a person drives up to a gas pump, fills up their tank, and then drives off without paying for the gas. A series of example ordinance web pages have been created. In addition to drive offs, Texas ordinances banning the sale and consumption of a synthetic cannabinoid (chemically altered drug to simulate the experiences of consuming marijuana), have also been uploaded into the database.

The design for TLERC was completed by the first of April, 2011 and was ready for uploading of reports onto the university server to make the website public and ready to use. The website uses a CMS/ Cascade Server as its design server. To create reports and change the website, a person needs CMS access. Creating reports for uploading is a very simple process involving opening up a private folder and clicking on the subject title, which opens essentially a format box similar to an email box. The next step is to fill out the criteria as described earlier (background, incident, et cetera.) and selecting a category(s) for describing the situation in the incident report or ordinance. By selecting a category(s) a person sets definable parameters which make the reports easier to find while allowing users to utilize a search engine built into the website making specific reports or ordinances only a click away. The subcategories for ordinances at present are:

- Drugs-visible
- Theft-visible
- Zoning
- Vacant & Dangerous Buildings
- Building & Fire Code Violations
- Truancy

- Illegal Dumping
- Graffiti
- Vandalism

The subcategories accessible under reports include:

- Wrongful Death
- Pursuit Policies
- Killed in the Line of Duty
- Domestic Violence
- Vehicular Crimes
- Active Shooter
- Gang Violence
- Homicide
- Home Invasion
- Human Trafficking
- Stalking & Harassment
- Economic & Property Crimes
- Homeless Victims

An Advisory Board Meeting was held sometime shortly after the example web pages were created in order to present to the Board members what the Center had envisioned for the fusion center and to show the progress of the project. The Board was overwhelmingly supportive of the concept in general and with the progress to date. The Board members also suggested that once the fusion center was up to speed and had stored a number of reports and ordinances, that the Center should expand to include lessons learned papers comprised of emergency responder reports and situations. This would include expanding from a law enforcement and criminal justice parameter to an all hazards parameter including emergency responders, fire, and public health.

Beyond expanding the parameters of TLERC, the goal is for the fusion center to expand its service statewide within five years of becoming operational. TLERC is currently engaged in a Criminal

Justice Programs Solicitation for a North Texas Council of Governments (COG) grant for service support and service enhancements, with additional funds for support personnel, so the centers service could be expanded beyond the boundaries of Texas (Appendix D).

A brief history of law enforcement intelligence, the intelligence fusion process, and the specific case examples of design and implementation of the Texas Law Enforcement Resource Center has been provided to highlight the benefits of information sharing in law enforcement and the benefit of TLERC.

## CHAPTER FOUR

### CREATING USE OF FORCE REPORTS AND GATHERING OF MUNICIPAL ORDINANCES

This section focuses on how the participants of the fusion center will gather the use of force reports and ordinances for analysis, and will also outline how the center (currently) will measure its level of success and growth.

#### *4.1 Collection*

The use of force reports will be furnished by police departments whose police chiefs are members of the Advisory Board, working in conjunction with the Center for Criminal Justice Research and Training. Police officers who are in charge of the reports section of their respective department (or a comparable officer) under the direction of the chief would securely send PDF copies of the use of force reports to the Director of the Center for Criminal Justice Research and Training, who will then forward it to the GRA who is running the day to day operations of the fusion center. The GRA, using the use of force template, will complete all of the pertinent background information (department, background, incident, et cetera) and make the report between one and two pages long ensuring that the most important information for making an analysis is kept.

The GRA will complete all parts of the report with the exception of the lessons learned section and send it back to the director of the Center. The reason for this is to ensure that the director and the GRA are in agreement about the amount of pertinent background information. Another reason for this is because a GRA may not have substantial, or any, law enforcement experience so for that person to write the lessons learned section would be unwise. The person writing the lessons learned section will be someone who has a background in law enforcement or has vast experience with dealing with use of force policies in law enforcement.

The collection of city ordinances will be done by the GRA at the request of the department which is asking for a specific city/county ordinance. The ordinances are usually found through the official city

website. Each official city website has an ordinances section and it is just a matter of searching through the municipal codes until the specific ordinance is found. This is usually easy because the ordinances requested are fairly new so searching is usually confined to recently passed ordinances. The ordinances are usually filed in PDF format and transferring the ordinance to the database an easy task. The ordinances are also usually confined to between one and two pages, however, some of the ordinances are several pages long, so at this stage, the GRA will list the title, ordinance code, give a brief summary of the ordinance (enforcement methods, punishment, fines, defense, et cetera), and then provide a link that will take the user to the city website and the whole ordinance should they wish to read it in its entirety.

#### *4.2 Analysis*

The use of force reports will be examined and the pertinent information gathered and summarized (background, incident, aftermath, et cetera) into the fusion center reporting structure. The lessons learned/best practices section will be examined and drawn up by the director of the Center to ensure that someone with a working knowledge of police procedures, policies, and law enforcement insight into other factors which brought the situation to a conclusion are properly placed in the lessons learned/best practices section. The analysis of the ordinance section is something that will not be currently happening since the initial focus is the gathering and warehousing of ordinances which are of interest to law enforcement. It is the hope of this author that an analytical section for the ordinances can be realized in the future after several similar ordinances from different cities are gathered and a proper analysis of the similarities and differences is conducted.

A proper analysis into the effectiveness of TLERC cannot be conducted for several years after it becomes fully operational because it will take time for a high number of use of force reports and ordinances to be collected and analyzed, so attempting to give a full evaluation of the Center before then

would be premature. In the mean time, three measurable factors of success will be used. The first measure of success will be recruiting new members to the fusion center. If the membership/participation of the fusion center expands then that will be a measure of success. The second measurable factor of success will be the number of page hits that the fusion center receives from its members. If the members of the fusion center are using the Center and are using it on a regular basis then that is a small measure of success which means that the fusion center is relevant and needs to keep growing to accommodate its stakeholders. The third measure of success is if the Center accomplishes its first major hurdle which will be the fusion center going statewide within five years. TLERC has a goal of going statewide within five years of it becoming operational and applying for a North Texas Council of Governments (COG) grant for further growth and research so it is accomplishing this first major hurdle that will be a measure of success.

## CHAPTER FIVE

### CONCLUSION

Significant gaps between the intelligence community and law enforcement were painfully exposed in the aftermath of 9/11. It became obvious that in order to prevent future tragedies, it would be necessary for a new intelligence era to begin. Fusion centers and the intelligence fusion process are the defining methodologies in this new era of policing and homeland security. A process has been developed by different groups within the federal government for the proper dissemination and sharing of intelligence between different agencies and organizations. Several studies and initiatives have described plans for the intelligence fusion process (GIWG, 2006; NCISP, 2005; Carter, 2008; CRS, 2007) and how best to utilize the intelligence already at our disposal. The restructuring of fusion centers and practices after September 11<sup>th</sup> has shown the potential benefit of this type of intelligence sharing. The guidelines for establishing an effective fusion center are rigid enough so that similar standards and practices can be replicated, but they are also flexible enough so that fusion centers can be developed whose goals and mission for counter-terrorism and crime prevention in particular states and regions can also be met.

This exploratory examination of fusion centers and TLERC specifically emphasizes the necessity and benefit that fusion centers can bring to law enforcement in terms of crime prevention. As stated earlier, the purpose of TLERC is to provide lessons learned/ best practices papers for the benefit of law enforcement executives in North Central Texas so that they can review use of force policies and procedures within their departments. Creating policy analysis papers provides law enforcement executives with the ability to examine their policies and procedures to determine what is the best course of action for them, their officers, and what steps need to be taken to ensure that they are following proper practices which will provide for enhanced citizen/police encounters. The reason for enhancing citizen/police encounters is because police legitimacy ultimately comes from the people, and

understanding between the two groups is necessary so that misunderstandings and public violence can be avoided; as well civil litigations against officers and police departments.

With the inclusion of TLERC, fusion has taken another step towards diverse intelligence sharing and analysis. The potential benefits for future education and research is potentially great. As noted earlier, not only are policy papers crafted which benefit the leaders of the law enforcement and the criminal justice community in North Central Texas, but the Center provides an excellent academic environment to promote research. The fusion center designed at UTA is the only one at the moment dedicated to collecting information on the use of force and other types of incidents in North Central Texas. The fact that chiefs of police are supporting this project is a significant measure of the support needed for TLERC to succeed. In summary, the potential for future education and research via TLERC is great, but as the old saying goes, "we've only just begun".



APPENDIX A

TEXAS LAW ENFORCEMENT RESOURCE CENTER  
MISSION STATEMENT

# Texas Law Enforcement Resource Center

The University of Texas at Arlington

Home

Request an Account

Login

The Center for Criminal Justice  
Research and Training

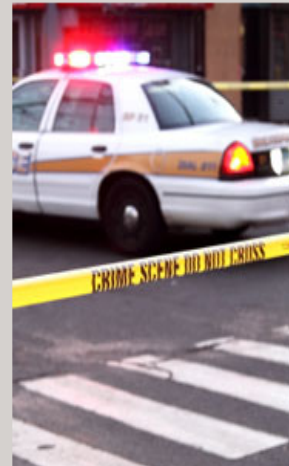


University of Texas at Arlington  
Department of Criminology  
and Criminal Justice

## About Us

The Texas Law Enforcement Resource Center is a secured repository where Law Enforcement personnel can share departmental reports, as well as lessons learned and best practices papers.

If you are a Texas Law Enforcement Officer, and would like access to participate in this website, please fill out the [Request an Account form](#).



## Mission Statement

The Texas Law Enforcement Resource Center is sponsored by the Center for Criminal Justice Research and Training housed within the [Department of Criminology and Criminal Justice](#) at UT Arlington. The Resource Center is a password protected electronic repository within the University of Texas at Arlington domain for incident driven Lessons Learned and Best Practices papers created within the Department of Criminology and Criminal Justice. Distribution of analysis papers based on actual incidents is provided upon request to Texas police chiefs and other leaders in the law enforcement and criminal justice community. The Resource Center also serves as a repository for city ordinances of interest to law enforcement. In addition, the Resource Center provides access to linked electronic resource sites. Confidentiality of information shall be protected.

APPENDIX B

USE OF FORCE REPORT TEMPLATE

## **Use of Force Report**

**Date of Incident:**

**Department:**

**Background:**

**Incident:**

**Aftermath:**

**Analysis:**

APPENDIX C

EXAMPLE USE OF FORCE REPORT

## Use of Force Report

**Force Employed:** Drawn Service Firearms

**Department:** Acworth (GA.) Police Department

**Date of Incident:** March 21, 2007

**Background:** Officer A had his patrol unit detailed by a group of station inmates and noticing the patrol car number one of the inmates inquired if he was a particular officer. Officer A said yes he was the officer in question and asked why? The inmate replied, "They're fixing to shoot you up on Baker Road". The officer considered it just a rumor and ignored it until another inmate spoke up and said the exact same thing. Suspicious at this point, Officer A asked him for more information and was told by the second inmate that people were talking about how he was interrupting their business and that they were talking about taking him out. Officer A is a narcotics interdiction officer and had shut down more than a few illegal operations in his time. At this time he went into the station and composed an email warning other officers to be cautious if they drove his vehicle and especially if anyone approached them on Baker Road. After sending the email he went home to get some sleep and would be back on duty later that night.

Around 3 a.m. Officer A was monitoring traffic on Baker Road/Baker Grove area of his patrol jurisdiction of his patrol area when he noticed a Honda accord with the high beam headlights on. Officer A pulled onto the road and activated his rotators to effect a traffic stop. The car did not immediately stop and pulled off the service road stopping in front a CVS. Officer A called for backup at this point because the car did not pull over immediately and because he had heard about the rumors earlier. Officer A recognized the driver as someone he had previously arrested for marijuana charges and he noted at the time that he could smell the odor of marijuana coming from the car and that the driver had bloodshot, watery eyes. At this point he asked the driver and his passenger for identification and the driver was the only one who claimed to have any. After asking the passenger if he had any kind of identification on him the passenger then swung open the door on his side and ran away.

**Incident:** Officer A's backup had arrived at this point and in an attempt to pull in front of the suspect to block his path he noticed that the suspect had a gun. Officer B shouted over the car radio that the suspect had a gun and opened his car door to hit the suspect as he was driving past him. The suspect hit the ground and rolled a couple times before getting back on his knees. Officer A outstretched his arms to try and tackle the suspect before he could regain his footing. Instead of trying to resume flight the suspect spun around, extended his right arm toward the

officer and shot Officer A. Officer A felt a tremendous amount of pain on his neck and head but was still conscious and still wanted to fight for his life. Officer A decided that it was not a good idea to draw his firearm and attempt a shot so he decided to run towards the suspect and tackle him. The idea was to close the distance and force a rushed (missed) shot. Officer A tackled the suspect and a desperate struggle for the gun ensued. During the struggle the suspect was able to free his gun arm and place the gun behind Officer A's left ear. He then reflexively reached out with his left and grabbed the barrel just as the suspect squeezed the trigger. The gun did not go off either because it was a malfunction or the officer was successful in knocking the gun out of battery. Officer A decided to at this time to pull his Glock 22 sidearm from his holster and shoved the gun into the suspect's right eye and told him one last time to drop the gun. The suspect continued to try and gain leverage and twist his gun towards Officer A's head instead of complying. Officer A then backed his Glock a half inch away off the suspect's head to prevent his own weapon from going out of battery, activated his tactical light, and squeezed the trigger. The bullet entered the suspect's forehead just above the left eye and he immediately collapsed to the ground. Officer B ran up to the scene at this time, kicked the gun away from the suspect, and at this time helped lay Officer A down to assess his injuries. It was at this time that Officer A passed out from shock.

**Aftermath:** Officer A awoke in the hospital where he was treated for blunt force trauma for the bullet that had struck him. The bullet proof vest and trauma plate he was wearing had stopped the bullet and in fact it had come to rest underneath his pectoral muscle. Officer A was released from the hospital a mere six hours after admittance. The suspect died at the scene as it was later discovered that he had an active warrant for violating his probation from a drive by shooting.

**Lessons Learned:** The incident earlier in the day where Officer A was warned that people on Baker Road were looking to kill him had not scared the officer but merely made him more aware of his surroundings and was evident when he called for backup when trying to make the traffic stop after noticing that the driver was acting suspicious. The vest and trauma plate that he was wearing saved his life and this further emphasizes the wearing of bullet proof vests at all times. Officer A also showed extraordinary courage and a burning desire to stay alive. Officer A notes that after he was shot and before he acted he remembered a mantra from his days in the academy, "Fight until you have nothing left to fight with! Don't give up!" Following SOP for a stop, carrying the proper equipment, and a strong survivalist attitude is what should be taken away from this.

APPENDIX D

CRIMINAL JUSTIC PROGRAMS SOLICITATION



## CRIMINAL JUSTICE PROGRAMS SOLICITATION

The Criminal Justice Division (CJD) of the Governor's Office is soliciting applications for projects that reduce crime and improve the criminal justice system during the state fiscal year 2012 grant cycle.

**Purpose:** The purpose of this solicitation is to reduce crime and improve the criminal justice system.

**Available Funding:** This solicitation is funded from authorized state and federal sources and will be administered in accordance with regulations required by these sources.

(1) State funds are authorized under Section 102.056 of the Texas Code of Criminal Procedure; and, Section 772.006 of the Texas Government Code designates CJD as the administering agency. The source of funding is a biennial appropriation by the Texas Legislature from funds collected through court costs and fees.

(2) Federal funds are authorized under the Edward Byrne Memorial Justice Assistance Grant Program (JAG) (42 U.S.C. 3751(a)). JAG funds are made available through a Congressional appropriation to the United States Department of Justice. Congress has not finalized federal appropriations for federal fiscal year 2011. All awards are subject to the availability of appropriated federal funds and any modifications or additional requirements that may be imposed by law.

**Funding Levels:**

Minimum amount is \$10,000

Maximum: None

Match Requirement: None

**Standards:** Grantees must comply with the standards applicable to this funding source cited

in the Texas Administrative Code (1 TAC Chapter 3), and all statutes, requirements, and guidelines applicable to this funding.

Prohibitions: Grant funds may not be used to support the following services, activities, and costs:

- (1) supplanting or use of grant funds to replace any other existing federal, state or local funds;
- (2) proselytizing or sectarian worship;
- (3) lobbying;
- (4) any portion of the salary of, or any other compensation for, an elected or appointed government official;
- (5) vehicles or equipment for government agencies that are for general agency use;
- (6) weapons, ammunition, explosives or military vehicles;
- (7) admission fees or tickets to any amusement park, recreational activity or sporting event;
- (8) promotional gifts;
- (9) food, meals, beverages, or other refreshments unless the expense is for a working event where full participation by participants mandates the provision of food and beverages and the event is not related to amusement and/or social activities in any way;
- (10) membership dues for individuals;
- (11) fundraising;
- (12) construction, renovation or remodeling;
- (13) medical services;
- (14) transportation, lodging, per diem or any related costs for participants, when grant funds are used to develop and conduct training; and
- (15) legal services for adult offenders.

Eligible Applicants:

- (1) State agencies;
- (2) Units of local government;
- (3) Independent school districts;
- (4) Native American tribes;
- (5) Crime control and prevention districts;
- (6) Public universities;
- (7) Public colleges;
- (8) Hospital districts;
- (9) Community supervision and corrections departments; and
- (10) Councils of government.

Eligibility Requirements:

- (1) Projects must focus on reducing crime and improving the criminal justice system;
- (2) Eligible applicants must provide law enforcement, corrections, or judicial services;
- (3) Eligible applicants operating a law enforcement agency must be current on reporting Part I violent crime data to the Texas Department of Public Safety for inclusion in the annual Uniform Crime Report (UCR) and must have been current for the three previous years;
- (4) Eligible applicants must have a DUNS (Data Universal Numbering System) number assigned to its agency, to request a DUNS number, go to <http://fedgov.dnb.com/webform/displayHomePage.do>; and
- (5) Eligible applicants must be registered in the federal Central Contractor Registration (CCR) database located at <http://www.ccr.gov> and maintain an active registration throughout the grant period.

Project Period: Grant-funded projects must begin on or after September 1, 2011 and expire on or before August 31, 2012.

Application Process: Applicants can access CJD's eGrants website at <https://egrants.governor.state.tx.us> to register and apply for funding.

Preferences: Preference will be given to applicants who demonstrate cost effective programs focused on a comprehensive and effective approach to services that compliment the criminal justice system.

Closing Date for Receipt of Applications: All applications must be submitted via CJD's eGrants website on or before February 28, 2011.

Selection Process:

(1) For eligible local and regional projects:

(a) Applications will be forwarded by CJD to the appropriate regional council of governments (COG).

(b) The COG's criminal justice advisory committee prioritizes all eligible applications based on identified community and/or comprehensive planning, cost and program effectiveness.

(c) CJD will accept priority listings that are approved by the COG's executive committee.

(d) CJD will make all final funding decisions based on COG priorities, reasonableness, availability of funding, and cost-effectiveness.

(2) For state discretionary projects, applications will be reviewed by CJD staff members or a review group selected by the executive director. CJD will make all final funding decisions based on eligibility, reasonableness, availability of funding, and cost-effectiveness.

Contact Information: If additional information is needed, contact the eGrants Help Desk at [eGrants@governor.state.tx.us](mailto:eGrants@governor.state.tx.us) or (512) 463-1919.

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