



*INTERNATIONAL ASSOCIATION OF CHIEFS OF  
POLICE*

# TESTIMONY

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**Statement of**

**Chief Bill Berger**

**President**

**Of the**

**International Association of Chiefs of Police**

**Before the**

**Committee on Governmental Affairs**

**United States Senate**

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Good Morning, Chairman Lieberman, Senator Thompson and members of the Committee.

I am pleased to be here today on behalf of the International Association of Chiefs of Police. As you may know, the IACP is the world's oldest and largest organization of law enforcement executives, founded in 1894, and with a current membership exceeding 19,000.

At the outset, I would like to express my thanks to this committee for soliciting the views of the IACP on the structure of the proposed Department of Homeland Security and its relationship to the state and local law enforcement community. It is my belief that the ability of the Department of Homeland Security to work effectively with law enforcement agencies around the country is crucial to the ultimate success or failure of its mission of protecting the citizens and communities of this nation. There can be no doubt that cooperation, coordination and information sharing between federal agencies and their state and local counterparts is absolutely critical to our ability to prevent future terrorist attacks.

For these reasons, the IACP does support the creation of a Department of Homeland Security. It is our belief that the proposed department, by uniting the numerous federal agencies that are tasked with protecting the safety of our nation into one organization, will significantly improve the ability of these agencies to share information and coordinate their activities with one another. However, a successful homeland security strategy cannot focus solely on the roles, capabilities, and needs of the federal agencies. It must also ensure that state and local law enforcement agencies are integral partners in its efforts.

### **ROLE OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES**

In our society, an enormous degree of responsibility and authority for public security is delegated to local government, particularly to police agencies. As the September 11th attacks demonstrated, the local police and other public safety personnel will often be the first responders to a terrorist attack. However, the role of state and local law enforcement agencies is not limited to responding to terrorist attacks. These agencies can and must play a vital role in the investigation and prevention of future terrorist attacks.

Across the United States, there are more than 16,000 state and local law enforcement agencies. These agencies, and the 700,000 officers they employ, daily patrol our state highways, the streets of our cities and towns and, as a result, have an intimate knowledge of the communities they serve and have developed close relationships with the citizens they protect. These relationships provide state and local law enforcement agencies with the ability to track down information related to terrorists effectively. Often, state and local agencies can accomplish these tasks in a more effective and timely fashion than their federal counterparts, who may be unfamiliar with the community and its citizens. In addition, police officers on everyday patrol, making traffic stops, answering calls for service, performing community policing activities, and interacting with citizens can, if properly trained in what to look for and what questions to ask, be a tremendous source of information and intelligence for local, state and federal homeland security forces.

### **INFORMATION SHARING**

However, in order to make use of this capability, it is vital that federal, state and local law enforcement agencies develop an efficient and comprehensive system for the timely sharing, analysis and dissemination of important intelligence information. The IACP believes that failure to develop such a system and the absence of guidance to law enforcement agencies on how intelligence data can be gathered, analyzed, shared and utilized is a threat to public safety and must be addressed.

Therefore as the legislation to create the Department of Homeland Security is considered and finalized

Therefore, as the legislation to create the Department of Homeland Security is considered and amended, the IACP urges Congress to take the steps necessary to promote intelligence-led policing and the information exchange between law enforcement agencies.

### **BARRIERS TO EFFECTIVE INTELLIGENCE SHARING**

For example, the IACP has identified several barriers that currently hinder the effective exchange of information between federal, state, and local law enforcement agencies. It is our belief that these critical barriers must be addressed if we are to create a truly effective intelligence gathering and intelligence sharing system. They are:

1. ***The absence of a nationally coordinated process for intelligence generation and sharing.***

While substantial information sharing is occurring in some localities there is no coordinated national process and, therefore, much potentially useful intelligence is never developed or is not shared. In addition, there is little focus on the local officer that recognizes their role in intelligence generation and sharing or which trains local officers to be part of the intelligence sharing system. As a result, much of the nation's capacity for an improved intelligence generation and sharing system goes unused.

2. ***The structure of the law enforcement and intelligence communities.***

Unfortunately, the structure and organization of law enforcement and intelligence agencies (either real or perceived) can lead to organizational incentives against intelligence sharing and even anti-sharing cultures. At best, the lack of communication between the numerous intelligence agencies means that individuals in one agency might not imagine that others would find their intelligence data useful. At worst, this diffuse intelligence gathering structure creates an "us" versus "them" mentality that stands in the way of productive collaboration.

3. ***Federal, state, local and tribal laws and policies that prevent intelligence sharing.***

By specifying who may have access to certain kinds of information these policies and laws restrict the access of some of the very institutions and individuals who might be best able to use intelligence for the promotion of public safety. The current laws and policies that guide the classification of intelligence information and individuals' clearance to view data are one example. Others include financial privacy acts, electronic communication policies, and fraud laws

4. ***The inaccessibility and/or incompatibility of technologies to support intelligence sharing.***

While a variety of systems support intelligence sharing (or at least information sharing), not all law enforcement agencies have access to these systems. Most operate on a membership basis, which means some agencies may find them too expensive to join, while others may not see the value to their organization in joining. In addition, the systems that do exist, such as the Regional Information Sharing Systems (RISS), the National Law Enforcement Telecommunications System (NLETS), the Anti Drug Network (ADNET), and the Financial Crimes Enforcement Network (FinCEN) are not well-integrated and relatively archaic in terms of their capacities and capabilities.

### **STRUCTURE OF THE DEPARTMENT OF HOMELAND SECURITY**

In addition to addressing these barriers to effective information sharing, it is critically important that the Department of Homeland Security be designed in a manner that will ensure that state and local law enforcement agencies are fully incorporated as integral partners in all aspects of the Department's operations. This means that the Department must go beyond simple notification and consultation with state and local law enforcement agencies and instead it should adopt an organizational culture that views state and local law enforcement officers and other public safety officials as critical and indispensable allies in the war against terrorism. The

Department must ensure that state and local law enforcement agencies have representatives within the department with the authority to guarantee that capabilities of local police agencies are accurately represented and that their needs are addressed.

The IACP is certainly not alone in this belief. The Department of Justice, Federal Bureau of Investigation and other federal agencies have also realized how crucial collaboration with state and local law enforcement is to the success of their efforts, and they have taken several positive actions to address this situation. For example, the FBI has recently formed a state and local law enforcement advisory committee that is designed to foster cooperation between the bureau and their local counterparts. And perhaps even more significantly, in his recent reorganization of the FBI, Director Mueller created the Office of Law Enforcement Coordination. This office is tasked specifically with ensuring that the actions of the FBI's various components are coordinated with, and communicated to, state and local law enforcement agencies throughout the nation. The IACP strongly supported this action by Director Mueller and believes that it provides an excellent model for the Department of Homeland Security to follow.

#### **OTHER AREAS OF NEED**

In addition to addressing these barriers to effective intelligence and information sharing, there are other steps that the proposed Department of Homeland Security can take to ensure that state and local governments and their law enforcement agencies are active and effective partners in homeland security efforts.

Although the primary mission of law enforcement agencies has always been to ensure public safety, the events of September 11<sup>th</sup> have dramatically and significantly changed the focus of law enforcement operations. Suddenly, agencies and officers who have been trained and equipped to deal with traditional crimes are now focused on apprehending individuals operating with different motivations, who have different objectives and who use much deadlier weapons than traditional criminals. As a result, law enforcement agencies and officers will need new training and new equipment to meet this new threat.

For example, state and local officers could greatly benefit from training on topics such as:

1. Recognizing possible threats to public safety and terrorist tactics;
2. Field interrogation techniques to better enable them to recognize and respond to terrorist threats;
3. Federal immigration law, sources and documentation; and,
4. How to respond to biological, chemical and nuclear incidents.

As for equipment needs, it has become clear that law enforcement agencies will need to obtain protective clothing and isolation equipment for first responders. In addition, the increased demands being placed on law enforcement agencies for investigations and protective responsibilities means that they will also need to obtain electronic surveillance equipment as well as security equipment for guarding public buildings and critical infrastructure installations.

Finally, the events of September 11<sup>th</sup> and its aftermath have placed an increased manpower demand on law enforcement agencies. As state and local law enforcement agencies adjust to their new duties and

responsibilities, it has become apparent that the need for additional law enforcement personnel, which in some communities existed prior to September 11<sup>th</sup>, is even more urgent. Departments around the nation are discovering that meeting the increased security needs of their communities has forced them to significantly increase the amount of overtime that their officers are working. As a result of this increase in overtime, budgets have been stretched to the limit with the result that departments do not have the resources to acquire vitally needed training and equipment.

## **CONCLUSION**

In conclusion, I would just like to state my belief that over the past few months, we have had some successes in overcoming many of the artificial walls that sometimes divided us but there is still a tremendous amount of work to be done. It is my belief that the proposed Department of Homeland Security, if designed properly and led in a fashion that emphasizes the critical role of state and local law enforcement agencies, will dramatically improve the communication and inter-agency and intergovernmental cooperation that is so crucial to the success of our mission of protecting our communities and the citizens we serve.

Thank you, I will be glad to answer any questions you may have.