REPORT BY THE

Comptroller General

OF THE UNITED STATES

The Multi-State Regional Intelligence Projects--Who Will Oversee These Federally Funded Networks?

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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-199370

The Honorable Richardson Preyer
Chairman, Subcommittee on Government
Information and Individual Rights,
Committee on Government Operations
House of Representatives

Dear Mr. Chairman:

As you requested in your March 24, 1980, letter and in subsequent meetings with your staff, we have reviewed the Department of Justice grant award program for multi-State regional intelligence projects. This program includes seven regional intelligence information networks. At your request we did not take additional time to obtain agency comments on the matters discussed in this report.

Unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from its issue date. At that time we will send copies to the Attorney General and other interested parties. Copies will be made available to others upon request.

Sincerely yours,

Elmer B. Staats

Comptroller General
of the United States

COMPTROLLER GENERAL'S REPORT
TO THE SUBCOMMITTEE ON GOVERNMENT
INFORMATION AND INDIVIDUAL RIGHTS,
COMMITTEE ON GOVERNMENT OPERATIONS
HOUSE OF REPRESENTATIVES

THE MULTI-STATE REGIONAL INTELLIGENCE PROJECTS--WHO WILL OVERSEE THESE FEDERALLY FUNDED NETWORKS?

D I G E S T

The Law Enforcement Assistance Administration, which monitors seven regional intelligence projects, will be phased out in 1981. It is uncertain which agency or bureau in the Department of Justice will provide administrative oversight of these networks in the future.

When fully operational, the seven projects will provide State and local member agencies in all 50 States with a broad range of intelligence and investigative support services. A clearly defined role for these projects will be needed to enhance their relationship with Federal law enforcement agencies.

Funding for the projects originated with the LEAA discretionary grant program. For fiscal year 1980, Congress authorized and appropriated $5 million for the Department of Justice to continue Federal funding for those projects which had been established. Funding will continue in 1981.

LEAA OVERSIGHT OF INTELLIGENCE PROJECTS

Prior to 1977, no comprehensive policy existed concerning the funding of criminal intelligence projects. With the emergence of the intelligence networks LEAA recognized the need for Federal oversight policies to

--protect individual privacy,

--purge irrelevant information, and

--ensure the physical safety of intelligence data.

In April 1978, LEAA established an Intelligence Systems and Policy Review Board to recommend action on the funding of interjurisdictional intelligence systems. This Board adopted policy standards which provide operating principles, funding guidelines, and monitoring and auditing criteria. The "Criminal Intelligence Systems Operating Policies" appear in the report as Appendix I.

In reviewing grant applications the LEAA Board imposed "special conditions" relating to areas of concern to the Board. The grant awards were subject to the grantees' acceptance of these conditions. Some conditions were imposed on all grantees. For example, the Board required each grantee to fund only investigations taking place within the U.S. borders unless a cognizant Federal agency such as U.S. Customs Service or the Drug Enforcement Administration was involved.

Day-to-day monitoring of the grants is the responsibility of LEAA's Criminal Conspiracies Program Division. Each grantee is required to submit quarterly financial and progress reports to LEAA. The grants are also subject to interim and final audit by LEAA. In addition, the State or local government sponsor for each project has authority to oversee the project's operations. Two grantees are using outside evaluators to analyze their projects' impact. LEAA recently awarded a grant to a nonprofit research organization to make a comprehensive evaluation of the multi-State regional intelligence projects. When completed in January 1982, this study should provide standardized measures which may be used to assess program accomplishments.

NEED FOR NEW OVERSIGHT BODY

With the elimination of LEAA's discretionary grant program in fiscal year 1981, both the Intelligence Systems and Policy Review Board and the LEAA division which provides day-to-day administration of the grants will be phased out. Successors to both will be needed since continued Federal funding has been appropriated.

Representation on the new board may need to be expanded. The prior board had only two representatives outside of LEAA--the Drug Enforcement Administration (DEA) for drugs and Justice's Criminal Division for organized crime. Yet the emerging regional networks work or intend to work with a number of other Federal law enforcement agencies including the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco and Firearms and the Customs Service. A clearly defined role for the networks is needed to enhance their relationship with Federal law enforcement agencies.

As for day-to-day grant administration, DEA is making contingency plans to assume this responsibility. However, some regional project officials are concerned because DEA is drug oriented and some of the networks focus on other types of crime. The concern would be heightened if DEA had sole responsibility for setting policy and approving and administering grants. The concern should be lessened if the Intelligence Systems and Policy Review Board is reestablished because DEA's role, in that event, would be largely administrative.

RECOMMENDATIONS

GAO recommends that the Attorney General:

--Define a role for the multi-State regional intelligence projects which will

enhance their relationship with Federal law enforcement agencies.

--Reestablish the Intelligence Systems and Policy Review Board at the department level with representation from appropriate Federal law enforcement agencies. The Board, subject to the Attorney General's approval, should set and review regional networks' compliance with criminal intelligence system operating policies.

--Assign only the administrative responsibility for grant funding and project monitoring to a Justice agency such as DEA and reserve for the Board all policy decisions.

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GAO performed this review at the request of the Chairman, Subcommittee on Government Information and Individual Rights. At the Subcommittee's request, GAO did not take the additional time to obtain agency comments on the matters discussed in this report.

Contents

ABBREVIATIONS

ADCD	Arizona Drug Control District
ATF	Alcohol, Tobacco and Firearms
CNIN	California Narcotics Information Network
DEA	Drug Enforcement Administration
EPIC	El Paso Intelligence Center
FAA	Federal Aviation Administration
FBI	Federal Bureau of Investigation
INS	Immigration and Naturalization Service
IRS	Internal Revenue Service
LEAA	Law Enforcement Assistance Administration
MAGLOCLEN	Mid-Atlantic-Great Lakes Organized Crime Law Enforcement Network
MOCIC	Mid-States Organized Crime Information Center
NESPAC	New England State Police Administrators Conference
NIN	Narcotics Intelligence Network
NINA	Narcotics Information Network of Arizona
OJARS	Office of Justice Assistance, Research, and Statistics
RMIN	Rocky Mountain Information Network
ROCIC	Regional Organized Crime Information Center
WSIN	Western States Information Network

CHAPTER 1

INTELLIGENCE PROJECTS FUNDING HISTORY

In response to a March 24, 1980, request from the Chairman, Subcommittee on Government Information and Individual Rights, House Committee on Government Operations, we reviewed the background and objectives of the federally funded multi-State regional intelligence projects. We concentrated on reviewing the funding and oversight process for the seven projects which received funding during fiscal year 1980.

All federally funded multi-State regional intelligence projects have received funding from one of two sources--the Law Enforcement Assistance Administration (LEAA) discretionary grant program or Department of Justice appropriations for fiscal year 1980.

LEAA DISCRETIONARY FUNDING

Since its creation in 1968, LEAA has provided financial, technical, and research support to improve State and local criminal justice administration. Through its grant programs, LEAA provided the seed money to fund new and innovative programs at the State and local level. Through discretionary funding LEAA, either under the 1968 Omnibus Crime Control and Safe Streets Act or the 1979 Justice Systems Improvement Act, set up six of the seven multi-State regional intelligence projects

Omnibus Crime Control and Safe Streets Act, 1968

The Congress enacted the Omnibus Crime Control and Safe Streets Act of 1968 at a time when serious crime was accelerating and threatening the peace, security, and general welfare of the Nation and its citizens. In creating LEAA, the act charged it with assisting States and municipalities in preventing and reducing crime and in improving the performance of the criminal justice system.

The Congress provided that the bulk of LEAA funds be distributed as block grants, on the basis of population, to States which had LEAA-approved comprehensive plans identifying needs and program priorities. Many State governments used LEAA block grants to establish or upgrade intelligence information units within local jurisdictions.

To allow LEAA to provide direction, place emphasis in specific program areas, and test innovative strategies to resolve continuing problems, a percentage of LEAA funds was used for discretionary grant programs. The cost of projects funded with discretionary funds under this act is shared, with LEAA providing up to 90 percent and the grantee providing the remainder.

In fiscal year 1980 only one of the regional projects is being funded under the 1968 act. This project--the New England State Police Administrators Council (NESPAC)--represents the six New England States and received its initial grant of $500,000 on January 30, 1980. But three of the projects currently receiving funding from newly authorized monies discussed later in this chapter received discretionary grants during prior years. (For a description of the seven projects see chapter 4.)

Justice Systems Improvement Act, 1979

The Justice Systems Improvement Act of 1979 amended the 1968 act by restructuring LEAA and establishing an Office of Justice Assistance, Research, and Statistics (OJARS) to provide staff support to and coordinate the activities of LEAA, the National Institute of Justice and the Bureau of Justice Statistics. Projects established under this act with discretionary grants can receive funding for up to three years. Unlike the prior act, funding could cover 100 percent of the project's costs without State or local matching funds.

Discretionary grants authorized under the 1979 act were used to fund two multi-State regional intelligence projects. Both projects were newly proposed and received Federal funds for the first time. The Mid-States Organized Crime Information Center (MOCIC) was granted $1.2 million for the

period October 1980 to April 1982 to establish its network over a nine State area. This project, still in its infancy, was developing an operating structure, constitution, by-laws and membership as of October, 1980.

The second grant was for the LEVITICUS project which operates out of the New York County District Attorney's Office and covers a seven State area. The grant provides funds to continue cooperative, complex fraud investigations of mining and investments in and around the Appalachian coal region. Grants for this project totaled $1.3 million through June 1981.

DEPARTMENT OF JUSTICE ASSUMES GRANTING FUNCTION

LEAA discretionary grants for innovative law enforcement programs were restricted to no more than three years of funding. Consequently two of the multi-State regional intelligence projects, which had received LEAA discretionary grant funding during prior years reached the end of the normal grant cycle yet required Federal financing to continue operations. These two projects--the Regional Organized Crime Information Center (ROCIC) and the Rocky Mountain Information Network (RMIN)--developed into sophisticated operations during their early years of funding.

ROCIC operates in 14 Southeastern States to assist member agencies in tracking and apprehending traveling criminals and narcotics traffickers. Likewise, RMIN provides a network for law enforcement agencies in the Rocky Mountain area to exchange intelligence information and assist each other in pursuing primarily narcotics criminals.

Because RMIN and ROCIC required additional federal funding, the Senate Judiciary Committee added $5 million in the Department of Justice fiscal year 1980 authorization to be used to fund State and local drug enforcement efforts. (These funds were made available in the fiscal year 1980 appropriations act for the Department of Justice.) The Senate Judiciary Committee defined joint State and local drug law enforcment agencies as "cooperative organizations formed among existing State and local law enforcement agencies to which officers are detailed on a continuing basis." The Committee intended to fund only those projects

which were "permanent, ongoing cooperative efforts whose primary function is enforcement of the Controlled Substances Act."

Two examples specifically mentioned by the Judiciary Committee were the Quad State Project (now part of RMIN) and ROCIC. The Committee did not intend to create new programs but rather to fund ongoing cooperative regional law enforcement projects whose operations can more efficiently use resources.

The House-Senate Conference modified the Senate authorization bill to allow funding of regional projects engaged in cooperative enforcement efforts not only in the area of drug-related offenses, but also in the area of organized criminal activity, and all related support activities. The Conference report stated that joint enforcement efforts had, in prior years, received startup funds from LEAA and it was not the intent of the Conferees to authorize new funds as a substitute to LEAA funding. Instead, the funds were intended primarily to provide funding to only those projects which had completed the LEAA funding cycle. However, the Department of Justice was not precluded from assisting emerging projects, such as NESPAC, the California Narcotics Information Network which is now the Western States Information Network (WSIN), or MOCIC, once the ongoing projects had been funded. No State matching funds are required of projects funded from these monies.

The Attorney General was charged with promulgating regulations and establishing criteria under which cooperative projects could qualify for financial assistance. As of February 1980, the Attorney General had not funded any projects. On February 11, 1980, members of the Senate Judiciary Committee questioned Justice regarding the status of the $5 million line item as one project, ROCIC, needed immediate funds to continue operations.

In responding to the Judiciary Committee, Justice expressed concern over the ROCIC project because its funding request lacked State or local government sponsorship. The Department's position was that important protections, such as active oversight and accountability by a State or local agency as well as laws and standards applicable to

public employees of these intelligence networks, were essential.

Because the intelligence pooling of these networks is sensitive, the Department recognized that controls were necessary to insure that stored information was verified and updated for accuracy, and irrelevent or improper information was removed. In addition, proper controls over access and dissemination were required.

On April 17, 1980, the Attorney General delegated authority to administer the $5 million grant program to the OJARS Director. A triumvirate consisting of the Director, OJARS; Assistant Attorney General, Criminal Division; and the Administrator, DEA were given responsibility for policy decisions and award authority. The OJARS Director delegated day-to-day administration of the grant program to LEAA on May 1, 1980.

All fiscal year 1980 funds have been granted, including funds for an emerging project covering eight middle Atlantic States--Mid-Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLEN).

Continuing funding in fiscal year 1981

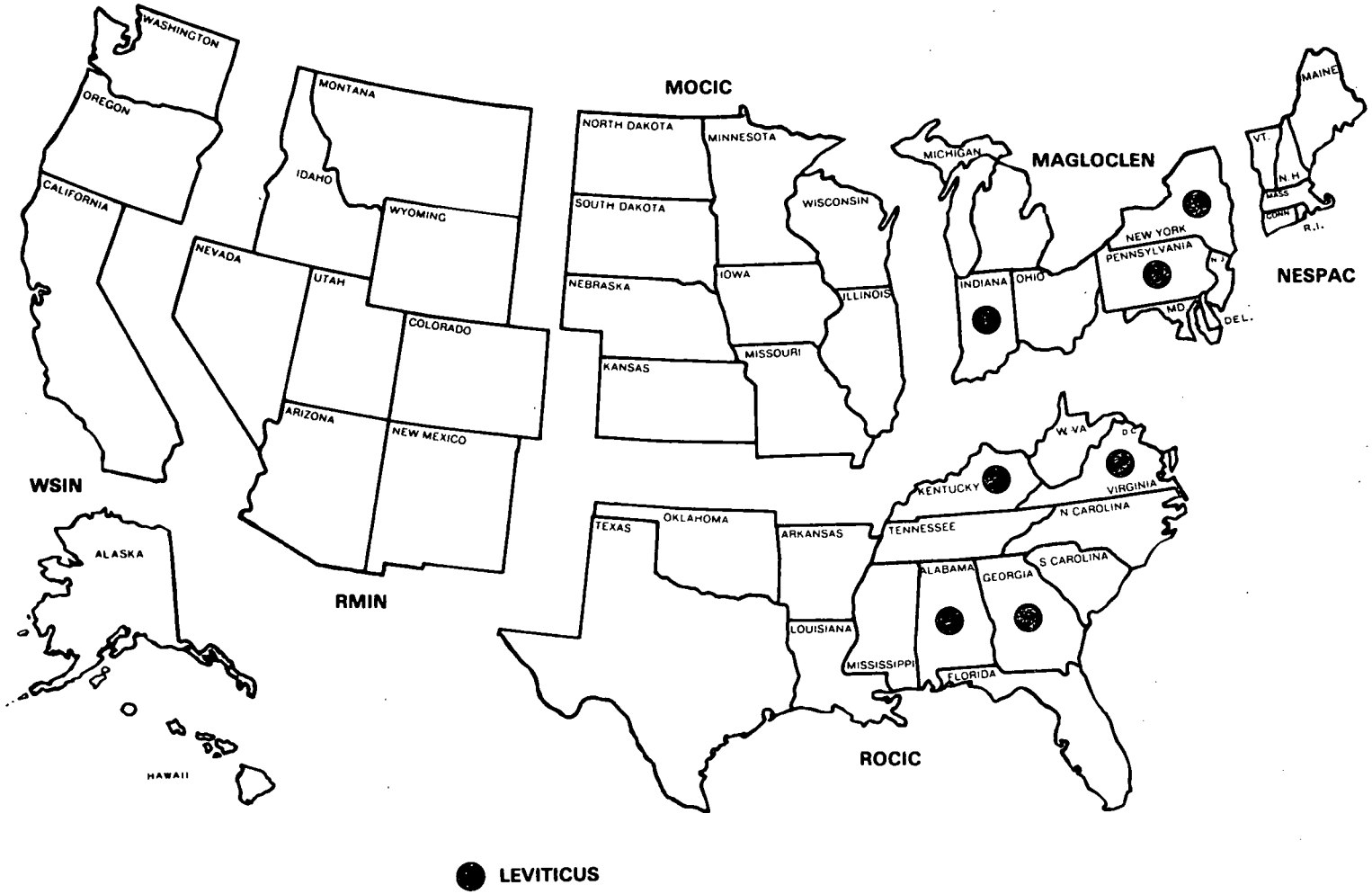
The Congress appropriated $9.5 million in the fiscal year 1981 Continuing Resolution for financial assistance for joint State and joint State and local law enforcement agencies engaged in cooperative enforcement efforts with respect to drug-related offenses, organized criminal activity, and all related support activities. With the exception of ROCIC and MOCIC which have funding through fiscal year 1981, the five remaining multi-State projects will require funding in fiscal year 1981 to maintain and expand their operations.

A complete listing of current Federal funds awarded to each project and the geographical area each project covers follows.

FEDERAL DISCRETIONARY GRANT FUNDING AWARDED
TO THE MULTI-STATE REGIONAL INTELLIGENCE PROJECTS

Project name	Grant Number	Budget Period	Funding Awarded Source	Funding Awarded Amount
Regional Organized Crime Information Center (ROCIC)	80-CJ-AX-0045	5/01/80 to 10/31/81	Justice	$2,330,783
Rocky Mountain Information Network (RMIN)	80-CJ-AX-0055	6/06/80 to 1/05/81	Justice	1,656,886
Western States Information Network (WSIN)	80-CJ-AX-0057	7/01/80 to 12/31/80	Justice	711,136
New England State Police Administrators Conference (NESPAC)	80-CJ-AX-0021	12/15/79 to 12/14/80	LEAA	500,000
LEVITICUS Project	80-CJ-AX-0032	2/18/80 to 2/17/81	LEAA	1,000,382
	(Supplement I)	6/08/80 to 6/07/81	LEAA	252,971
Mid-States Organized Crime Information Center (MOCIC)	81-CJ-AX-0001	10/15/80 to 4/14/82	LEAA	1,209,912
Mid-Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLEN)	80-CJ-AX-0056	7/01/80 to 12/31/80	Justice	230,239

THE SEVEN MULTI-STATE REGIONAL INTELLIGENCE PROJECTS



OBJECTIVES, SCOPE, AND METHODOLOGY

Our review was performed at the request of the Chairman, Subcommittee on Government Information and Individual Rights, House Committee on Government Operations. We were requested to develop information on those multi-State regional intelligence projects which received Federal funding in fiscal year 1980. As agreed with the Subcommittee, we developed information on four areas including a section on the LEAA and Justice granting process, the guidelines and operating policies imposed upon grants for intelligence systems, the scope and costs of each of the projects being funded, and the performance and accountability requirements imposed on each of the grantees as part of the grant conditions.

Our work involved reviewing the funding process and existing Federal oversight and reporting guidelines, reviewing contract grants and files, and conducting interviews with officials at the headquarters offices of LEAA, Department of Justice and DEA. In addition, we visited the headquarters of five projects which were operational. They were located in Sacramento, Tucson, Memphis, Boston and New York. At each location, policies and procedures for complying with LEAA grant conditions and reporting requirements were discussed with project officials and staff, and we toured the facilities. The remaining two projects were new and operations had not progressed enough to warrant a field visit. However, we spoke with project personnel to obtain information regarding proposed operations and reviewed organizational documents.

The seven regional intelligence projects--their structure, sponsorships and objectives--are discussed in chapter 4. As agreed with the Subcommittee, we did not audit financial records nor evaluate project compliance with Department of Justice operating policies for criminal intelligence systems.

CHAPTER 2

INTELLIGENCE SYSTEMS OPERATING POLICIES

LEAA had no comprehensive policy for the funding of criminal intelligence systems until June 1978. Because of the potential privacy violations surrounding the collection of criminal intelligence information, LEAA recognized that the development and adoption of a standard policy covering all discretionary grant projects for multi-State regional intelligence projects was critical. A study undertaken in 1977 resulted in the establishment of the LEAA Intelligence Systems and Policy Review Board.

DEVELOPMENT OF LEAA POLICY ON FUNDING INTELLIGENCE SYSTEMS

The Omnibus Crime Control and Safe Streets Act made no direct reference to the collection, maintenance, and dissemination of intelligence information by grantees operating multi-jurisdictional projects. Section 301 (b) (5) of the act states that "grants may be made for the development of systems for collecting, sorting, and disseminating information relating to the control of organized crime." LEAA used this section as statutory authority for assisting States in upgrading and improving their intelligence functions.

As the act required, LEAA issued extensive guidelines to grantees on how to obtain, control and account for discretionary grant funds. These guidelines contain sections dealing with organized crime and drug enforcement programs and mentioned the use of intelligence gathering activities within such programs. However, the guidelines do not set forth specific policies concerning the operation of intelligence information networks.

For example, LEAA promulgated regulations concerning the privacy and security of criminal history information collected, stored, or disseminated with LEAA's funds. These regulations, however, have little impact on the operation of criminal intelligence systems because intelligence data may be based upon unverified reports

and would not necessarily come within the category of criminal history information to which the regulations apply.

Concerned about the absence of guidelines for funding interjurisdictional intelligence networks the LEAA Administrator, in August 1977, requested LEAA's National Criminal Justice Information and Statistics Service, in coordination with LEAA's Office of General Counsel and Office of Regional Operations, to study the matter.

The study noted that the dangers to individual privacy posed by the collection of intelligence must be weighed against the advantages of maintaining an intelligence network. Because organized crime transcends State boundaries, so must intelligence systems which collect and analyze information concerning the activities and associations of people thought likely to engage in criminal activities. However, safeguards must be established to assure that no undue invasions of privacy result.

Another concern expressed in the study was whether or not adequate oversight existed for such systems. The study recognized that an interface between regional systems may be viewed as a defacto national intelligence system without specific congressional authorization. And the interfacing regional systems would have potential for interfacing with existing federal systems. Also, interjurisdictional systems operate across political boundaries and are therefore not subject to continued review, funding and control by a State legislature. Such systems could operate outside the scope of normal channels of legislative control and oversight. LEAA foresaw criticism of such systems by the Congress, the media, and the public if adequate policy standards and Federal monitoring were not imposed.

The study recommended that LEAA establish a formalized review procedure for discretionary grant applications for interjurisdictional intelligence systems. This review would be performed by a board. As envisioned, the board would review and then make recommendations on all specific grant applications and develop standards and conditions applicable to each grantee. In addition the board would develop

and implement oversight procedures to insure compliance with operating policies and procedures.

The study report proposed that standards be developed for criminal intelligence systems. These standards would address such basic concerns as requiring that information maintained in a system be relevant to criminal activity; that no information be collected or stored in violation of First Amendment rights or applicable Federal or State laws; that information be disseminated only for law enforcement purposes; that procedures be adopted to insure physical security of the information; and that a periodic review and purge take place to insure that only relevant information was maintained.

In April 1978, LEAA established an Intelligence Systems and Policy Review Board to recommend action on discretionary grant applications for interjurisdictional intelligence systems. In June 1978, this Board adopted final policy standards entitled "Criminal Intelligence Systems Operating Policies" which provided operating principles, funding guidelines, and monitoring and audit criteria applicable to all interjurisdictional intelligence projects receiving LEAA discretionary grant funding. A copy of the current policies as reissued and published in the Federal Register in September 1980 appears as appendix I.

RESPONSIBILITY OF THE LEAA INTELLIGENCE SYSTEMS AND POLICY REVIEW BOARD

The functions of the Intelligence Systems and Policy Review Board are:

--establishing application review standards,

--reviewing and making recommendations on discretionary grant applications for interjurisdictional intelligence systems,

--developing and implementing oversight procedures for the grantees' compliance with the Standards for Criminal Intelligence Systems Operations, and

--considering issues regarding LEAA intelligence information and systems policy.

The Board's membership as of May 1980 was composed of the following LEAA representatives:

--The Assistant Administrator, Office of Criminal Justice Programs, Chairman;

--The Assistant Administrator, Office of Planning and Management;

--The Assistant Administrator, National Criminal Justice Information and Statistics Service;

--The Assistant Administrator, Office of Operations Support; and

--The General Counsel.

The Board also included representatives from the following agencies:

--The Criminal Division, Department of Justice;

--Office of Privacy and Information Appeals, Department of Justice; and

--The Drug Enforcement Administration.

The Board developed procedures for reviewing grant applications. Pertinent documentation is bound in a Redbook. A completed Redbook includes the grant award document along with the special conditions imposed by the Board, supporting documentation regarding program objectives and financial status, a federally required statement concerning such issues as employment and contracting practices, and the application for the grant with both a project and budget narrative. All the materials are kept together in a red binder as they move from one office to another during the approval process.

The grant application process

Once a grant application is filed, it is sent to offices within LEAA which deal with the specific issue

areas covered in the grant. The issue area offices review the application, provide feedback, and can request additional information. In the case of the multi-State projects, the issue area offices send their comment to the Office of Criminal Justice Programs, which compiles the Redbook for final processing. A project manager from the Criminal Conspiracies Program Division is assigned to monitor the grant within LEAA. The manager prepares a grant manager memorandum to the Administrator summarizing the grant and recommending action. The Office of Criminal Justice Programs staff confirms that funds are available and that the Redbook is administratively correct. Once everything is complete the Assistant Administrator signs the "Office Head Certification," signifying the program requirements of the Office were met.

From the Office of Criminal Justice Programs the Redbook goes to the Comptroller's Office for a review of financial matters. The Comptroller certifies that the financial matters have been correctly handled before the Redbook is passed to the Intelligence Systems and Policy Review Board.

The Intelligence Systems and Policy Review Board meets on an as needed basis to certify the grant for compliance with the Intelligence Policy Guidelines. Special conditions are added if necessary. Once the Board is satisfied, the Redbook goes to the Grant Contract Action Board for a final agency review.

As noted in chapter 1, the Attorney General delegated final award authority to a triumvirate composed of the Assistant Attorney General, Criminal Division; Administrator, DEA; and the Director, OJARS; which has the final decision on funding of the intelligence system grants. If any one of the three members objects to a grant, it will not be awarded.

The seventh working day after the signing becomes the award date and the Office of Congressional Liaison makes the public announcement. If the grantee agrees to special conditions, which the Intelligence Board may impose, a signed copy of the grant award document is returned to LEAA.

Once a grant is approved, the Intelligence Systems and Policy Review Board is authorized, as a condition of the

grant, to make onsite visits to each of the regional intelligence networks. As of June 1980, two onsite visits had been made--one to ROCIC and one to RMIN. The inspection team was composed of representatives from OJARS, the Office of Criminal Justice Programs and the National Criminal Justice Information and Statistics Services. Both of these inspections related to prior year LEAA discretionary grants.

The Intelligence Board is primarily concerned during onsite visits with whether the intelligence network in question is in compliance with the objectives of the grant, how well the objectives are being achieved, and whether the network is in compliance with the Criminal Intelligence System Operating Policies. No major discrepancies with these policies were found in the two inspections.

Special conditions

Special conditions may be imposed on grantees by the Intelligence Systems and Policy Review Board to insure compliance with LEAA's established standards and to address any areas of concern to the Board. Certain conditions are imposed on all of the multi-State regional intelligence program grantees. Conditions applicable to all networks require the grantee to:

--Adhere to (1) the general and specific requirements established in the Guideline Manual for Discretionary Grant Programs, (2) financial and administrative requirements outlined in the Guideline Manual for Planning and Action Grants (also in this guideline are conditions dealing with confidential fund expenditures), (3) property management requirements in Guideline Standards for Property Acquired with LEAA Grant Funds, and (4) travel requirements set forth in Principles for Determining Travel Costs Applicable to LEAA Grants.

--Agree not to purchase, rent or use, electronic, mechanical, or other devices for surveillance purposes which violate Federal and applicable State statutes related to wire-tapping and surveillance.

--Agree to spend funds only for investigations which take place within the territorial boundaries/waters of the United States with the following exception. Any expenditures of funds for investigations or activities outside the U.S. concerning the importation of drugs or contraband must be coordinated and in concert with the cognizant Federal agency(ies), such as the Bureau of Alcohol, Tobacco and Firearms (ATF), the Drug Enforcement Administration (DEA), U.S. Customs Service, Immigration and Naturalization Service (INS), FBI, and/or U.S. Coast Guard.

--Allow the LEAA Criminal Intelligence Systems and Policy Review Board to visit the project site in order to determine compliance with their operating policies.

Examples of special conditions for individual networks follow. ROCIC is unique since it is an incorporated nonprofit organization with headquarters in Memphis while the State grantee sponsor is in North Carolina. One special condition deals with the division of responsibility for the gathering and maintenance of information and management of funds between ROCIC and the North Carolina Attorney General's office. Another is that any intelligence records maintained or compiled under the grant are the property of both the State of North Carolina and ROCIC. This special condition leaves the Attorney General of North Carolina responsible for the secure disposition of the records. The selection of employees, aside from clerical and switchboard personnel, is subject to approval of both the Executive Committee of ROCIC and the Attorney General of North Carolina. The quarterly status reports on project performance, required by LEAA, are to be submitted jointly by the Attorney General of North Carolina and ROCIC.

RMIN and ROCIC both plan to use funds for the rental of aircraft and boats. The Intelligence Board imposed a special condition requiring that the grantees develop and submit guidelines on who qualifies for use of the funds for aircraft and boat rentals. The grantees also had to agree that the rental of aircraft and boats would be used only for surveillance and not transportation of personnel and/or equipment, and the grantees had to develop and maintain at

their headquarters, aircraft and ship logs subject to inspection.

The Intelligence Board, concerned with the use of nongovernmental personnel employed by ROCIC, MAGLOCLEN and WSIN, required the grantees to abide by all restrictions of State and local laws concerning access to investigative and intelligence information by nongovernmental personnel. In addition, the status of these employees must be made known to all member and cooperating law enforcement agencies.

The duties of nongovernmental employees who are not sworn officers of an enforcement agency, must be limited to liaison with and support of member agencies, and then must not be permitted to participate in investigative functions, including:

--handling of informants (including paying, briefing, or debriefing informants),

--participating in any fixed or mobile surveillance (including providing fixed or mobile radio coordination), or

--participating in any other investigative activity (including collection of new intelligence from overt or covert sources, purchase of evidence, and undercover operations, such as drug purchases or "sting" operations).

Most of the intelligence networks will be computerized during this grant period. To secure intelligence files, the Intelligence Board required that the systems not have access to the central computer from outside their headquarters location.

CHAPTER 3

PROGRAM ACCOUNTABILITY--WHO WILL PROVIDE OVERSIGHT?

The multi-State regional intelligence projects, when fully operational, will provide member agencies with various intelligence and investigative support services. However, with the elimination of LEAA in fiscal year 1981, both its Intelligence Systems and Policy Review Board and the Criminal Conspiracies Program Division, which monitor the multi-State regional intelligence projects, will be phased out. Consequently, a new review board and monitoring agency will be needed to review grant applications, award funds, and monitor operations of the regional networks receiving Federal assistance.

CONTINUING NEED EXISTS FOR FEDERAL OVERSIGHT AND POLICY GUIDANCE

The Department of Justice received additional appropriations in the fiscal year 1981 Continuing Resolution to continue funding the regional intelligence projects because of congresssional interest. But with the demise of LEAA, five of the eight member organizations of the Intelligence Systems and Policy Review Board will be defunct. Also the LEAA Criminal Conspiracies Program Division which administers the projects will be gone. For the very reasons the policy board was established it should continue to function. And a Justice agency such as DEA or the FBI will need to replace the Criminal Conspiracies Program Division.

A policy review board, as noted in chapter 2, is needed to continue to ensure that the regional intelligence networks collect only relevant data, safeguard it thoroughly and purge it periodically.

Representation on the new board may need to be expanded. The prior board had representatives from only two groups outside of LEAA--DEA for drugs and the Criminal Division for organized crime. Yet, as shown in chapter 4, the regional networks work or intend to work with a number of other Federal law enforcement agencies including the FBI, ATF and U.S. Customs

Service. Many of the Federal agencies operate intelligence networks.

The roles which the regional networks play in the area of narcotics intelligence as well as other areas of organized crime need to be clearly defined. DEA, for example, operates a national narcotics intelligence information system--the El Paso Intelligence Center (EPIC)--with participation from other Federal and State law enforcement agencies. EPIC provides Federal, State and local drug law enforcement agencies with various intelligence services and acts as a focal point for national narcotics intelligence activities. What EPIC provides in narcotics intelligence services on a national level, the networks may provide on a regional level.

For day-to-day operations of the regional networks operations, any Justice agency with appropriate support service personnel could administer the network grants. DEA is currently makng contingency plans to assume administrative responsibility for this program. Having DEA assume responsibility has caused some concern among the regional projects. Those networks which are not exclusively drug oriented feel that total DEA oversight could tend to influence and direct the nature and extent of the networks operations towards drug law enforcement and away from other areas of organized crime. But, a policy board with wide law enforcement representation to oversee operations would mitigate against DEA or any Federal administering agency from asserting undue influence on the networks operations.

FISCAL AND PROGRAM EVALUATION

In awarding funding to each of the seven multi-State regional intelligence projects, LEAA as part of its normal granting procedures required specific fiscal and program reports. In addition to requirements spelled out in LEAA manuals such as the "Guide For Discretionary Grant Programs," the grant's special conditions may impose additional reporting requirements. For example, budget data justification and spending guidelines may be needed to satisfy the Intelligence Board's concerns--a condition of grant funding. Also, an impact evaluation reporting system is being developed through a separate grant to the Institute for Intergovernmental Research.

Grantee's fiscal reporting obligations

Each grantee is required to submit periodic financial reports in accordance with guidelines provided in LEAA's manual for "Financial Management for Planning and Action Grants." Usually the grantee requests funding on a monthly basis by submitting a "Request for Advance or Reimbursement" report to LEAA. Each grant has a project manager who approves the drawdown on the grant for payment. In addition, the grantee must submit a quarterly "Financial Status Report" which provides a summary of the projects' financial activities from its initial authorization through the current quarter.

Each discretionary grant is subject to interim and final audits by LEAA. The audits tend to concentrate on the financial aspects of the grantee, such as the adequacy of the accounting systems, cash disbursement procedures, and the allowability of expenditures. LEAA officials told us that for the most part, these audits do not attempt to evaluate the impact a project has had in achieving its stated goals.

Project evaluation

Each grant application includes a statement on how the grantee intends to review project progress and evaluate effectiveness. Whatever effort is done to review progress and evaluate effectiveness is usually performed by the project director or staff as part of their normal duties. However, two of the projects have contracted or intend to let contracts with outside evaluators for independent evaluation. Further, LEAA has awarded a grant to establish the prerequisites for collection of information and standardized criteria to be used in assessing the overall performance of the networks.

The multi-State regional intelligence projects indicated in their program narrative that they would develop evaluation criteria to monitor the projects' progress and development. In the past, the type of information developed and included in quarterly reports submitted to LEAA included:

--Number of law enforcement agencies recruited for membership.

--Number of intelligence index files created on targeted subjects.

--Number of inquiries by member agencies.

--Number and type of member agency investigations started by the project.

--Arrests, convictions and incarceration statistics on cases aided by project intelligence and investigation assistance.

--Numbers of member agency personnel receiving training by project.

--Use made of intelligence analysts to assist member agency investigations.

--Participation in regional conferences.

These items of information are representative of the types of statistical data which the grantees currently collect and propose to use. However, while quarterly project reports may show increased statistics in terms of use of project equipment and intelligence services, the actual goal related impacts are more difficult to assess. Since the regional projects, by design, are to be used as needed by member agencies, the effect which the regional projects have on the success of any single case is extremely difficult to measure.

Two of the oldest projects--ROCIC and RMIN--have provisions in their grants for the hiring of independent contract evaluators to provide more objective analyses of projects. However, the quantitative measurement techniques to be used are probably unlikely to provide better information about overall project impact on stated goals than those performed in-house.

In addition, ROCIC member agencies have been asked to submit comments to the evaluator on the quantity and quality of services rendered and the value these services

have had. Despite the enthusiasm members have for services provided, both the evaluator and members noted difficulty in evaluating this project in terms of achieving its stated goal of reducing criminal activity within its geographical area.

In September 1980, LEAA approved a grant of about $400,000 for a comprehensive evaluation of the multi-State regional intelligence projects by a private nonprofit research organization--The Institute for Intergovernmental Research. This grant, which runs through January 1982, will focus on the implementation and development of the multi-state regional intelligence projects by intensively monitoring six regional networks. The LEVITICUS Project was excluded from this evaluation grant. The grant will also provide both an impact and a process evaluation of the six regional networks.

The Institute has identified the networks' eight major activities and will be observing and analyzing these activities in terms of their overall effect on the intelligence systems efforts. These activities include: multiagency coordination, information processing, data processing, communications network, operational support (including specialized equipment, investigative support, and information and evidence funds), technical assistance, training and interagency liaison.

The Institute is to develop descriptive and uniform definitions of project activities and functions. These definitions will enable the development of a set of performance measures for the networks. The Institute hopes to develop a framework for collecting impact data which will allow uniform analysis about overall program impact. In addition, it hopes to provide program and project managers with impact evaluations of the systems which are comparable and provide measures on desired effectiveness to be achieved through the projects.

Government sponsor's audit authority

In addition to the LEAA oversight responsibilities, each State grantee has the authority to conduct fiscal and/or program audits. By requiring a governmental sponsor for each

project, the Department of Justice intended to improve project oversight by having the sponsor review and evaluate the usefulness of the projects.

For the seven networks which make up the multi-State regional intelligence projects, the following governmental agencies have accepted grant responsibility and are accountable for the grant programs:

--WSIN--State of California, Department of Justice

--RMIN--Arizona Drug Control District

--MOCIC--The City of Springfield, Missouri, and the State of Missouri Attorney General's Office

--ROCIC--Office of the Attorney General, Department of Justice, State of North Carolina

--NESPAC--Department of Public Safety, Massachusetts State Police

--MAGLOCLEN--Commonwealth of Pennsylvania Crime Commission

--LEVITICUS--Commonwealth of Virginia, Division of Justice and Crime Prevention

CONCLUSIONS

The multi-State regional intelligence projects are evolving into a unique network of support systems which when fully operational will provide their State and local member agencies with a criminal intelligence data bank and intelligence information processing and analysis capabilities. As long as the regional networks require Federal funding to continue operations, the Department of Justice needs to provide guidance for and monitor the collection and exchange of intelligence information to protect individual privacy and constitutional rights. Also, the Department of Justice needs to define the networks' role in the intergovernmental law enforcement community to enhance their relationship with Federal agencies pursuing similar criminal offenders.

RECOMMENDATIONS

With the phasing out of LEAA and the continuing Federal funding of the multi-State regional intelligence projects by Congress, we recommend that the Attorney General:

--Define a role for the multi-State regional intelligence projects which will enhance their relationship with Federal law enforcement agencies.

--Reestablish the Intelligence Systems and Policy Review Board at the department level with representation from appropriate Federal law enforcement agencies. The Board, subject to the Attorney General's approval, should set and review regional networks' compliance with criminal intelligence system operating policies.

--Assign only the administrative responsibility for grant funding and project monitoring to a Justice agency such as DEA and reserve for the Board all policy decisions.

CHAPTER 4

THE SEVEN REGIONAL NETWORKS--

THEIR STRUCTURE AND OBJECTIVES

Some of the seven regional intelligence projects are ongoing, others are still emerging. Hence, the full range of their differences and similarities in operations has not been established. A general description of each of the projects, its structure, objectives and operations, follow.

REGIONAL ORGANIZED CRIME INFORMATION CENTER

Membership and structure

The Regional Organized Crime Information Center presently covers 15 states: Florida, Georgia, North Carolina, South Carolina, West Virginia, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Missouri, and Virginia. It is anticipated, however, that members from Missouri will leave ROCIC to join the new Mid-States Organized Crime Information Center network. ROCIC has 67 member agencies and plans to add about 20 more members in the next 18 months. ROCIC officials believe the network can handle up to 100 member agencies, and they are very selective in accepting new members because of concern with security of their information.

After an agency applies for membership, the agency is evaluated by a review team which reports back to a Review Board composed of a police officer from each member state. All member agencies vote on whether the new agency should be accepted into ROCIC. Any member can reject an applicant.

In November 1973, ROCIC became an incorporated non-profit organization in the state of Mississippi. The first LEAA funding for ROCIC was granted to the State of Mississippi Attorney General's Office in September 1974. In January 1975, ROCIC moved its headquarters to Jefferson Parish, Louisiana, with the Sheriff of the Parish as the

grantee. In July 1978, it moved to its present location, Memphis, Tennessee, with the city of Memphis as the grantee.

Over the years ROCIC's 3-member Executive Board has felt the need to expand the system's capabilities and add new member agencies. Now they are increasing the number of ROCIC field agents hired to one agent per state. These agents perform liaison work between ROCIC and the State and local agencies. The agents concern themselves with the impact of services provided by ROCIC and with the question of what services the agencies feel they need. The criterion for hiring agents is that they must have had at least 10 years law enforcement experience with 5 of those years in the area of organized crime.

Government grantee and funding level

The government grantee is the State of North Carolina, Department of Justice. For the 1980 grant, ROCIC wanted to operate without a governmental sponsor, and sought to have LEAA approve its funding without a governmental sponsor. However, the Department of Justice required a governmental grantee to provide accountability. The North Carolina Department of Justice agreed to become the grantee in March 1980 and accepted accountability for the Federal funding of ROCIC. The Special Assistant to the Attorney General is the grant's coordinator. He is responsible for overseeing the grant, including all fiscal matters. The Special Assistant to the Attorney General makes monthly supervisory visits to ROCIC and handles monthly draw downs from grant funds. The Memphis staff has an in-house fiscal officer and handles the payroll for ROCIC.

ROCIC has a membership fee, based on the size of the member agency. Membership fees range from $410 to $750. The membership fees are kept separate from grant funds and are used at the direction of the Executive Committee.

The Attorney General's office will arrange for a year end audit, probably by North Carolina State auditors and paid for out of grant funds.

The grant is for $2,080,783 plus an interim grant of $250,000 awarded April 20, 1980, for a total of $2,330,783. The project period runs from May 1980 through October 1981. The breakdown of financial expenditures is:

Personnel and fringe benefits	$ 991,756
Travel	288,790
Equipment, supplies and contractual	228,204
Other (office space, telephone systems (WATS), informant fees, aircraft and vehicle rental costs, etc.)	736,200
Indirect charges	85,833
TOTAL	$2,330,783

The prior funding history for ROCIC is as follows:

Grant No.	Award date	No. of months	Amount
75-DF-06-0010	5/15/74	27	$256,625
76-DF-06-0027	8/27/76	24	353,112
78-DF-AX-0136	8/31/78	18	832,373

Objectives and ongoing operations

The current grant will continue and expand ROCIC's operation. ROCIC's goal is to identify for apprehension professional traveling criminals and narcotics traffickers by the means of an intelligence and communications network. ROCIC has about 550 targeted criminals belonging to the Dixie Mafia and La Cosa Nostra. The Dixie Mafia is a loosely knit group of criminals in the southeast who have known one another and sometimes work together. To be a "targeted criminal" on the ROCIC list, a person must be a convicted felon, have been arrested in three or more jurisdictions and have associated with three or more convicted felons.

In 1976, more than one-third of the "targeted criminals" were involved in narcotics. ROCIC estimates that

presently about 40 percent of the "targeted criminals" are involved in narcotics; most of these are involved in multicrimes.

The expansion of ROCIC will include placing new field agents to coordinate ROCIC services with the participating agencies. ROCIC services will continue to include collection, storage, analysis, and dissemination of information on traveling and narcotics criminals. ROCIC will also provide surveillance equipment and confidential expenditures (buy money, informant payments and other investigative expenses) to member agencies. In addition, ROCIC publishes a monthly bulletin of intelligence information for its members, and member agencies participate in tri-annual ROCIC conferences.

ROCIC has moved from a manual file system to a computerized system. The in-house computer system has no outside access. The system will continue to work as an index or pointer system but will be more flexible and have a faster retrieval capability than the manual card file system. Also, with the computer system, ROCIC will be able to do criminal organization link analysis and telephone toll analysis. The computer system has a built-in audit trail which keeps track of who accesses the terminal. In addition the computer is programmed to purge the file of old references without losing new information.

ROCIC maintains an equipment pool member agencies can use if legal in the State where it is to be used. All equipment is checked before it goes out and again when it is returned. The policy is first come, first serve, except in extenuating circumstances in which case ROCIC uses a priority system. In addition to fostering liaison between its member agencies, ROCIC plans to continue its efforts to expand liaison between the new multi-State projects, the FBI, DEA, and ATF.

ROCKY MOUNTAIN INFORMATION NETWORK

Membership and structure

Rocky Mountain Information Network covers five states: Arizona, Colorado, New Mexico, Utah and Nevada.

Membership is pending from agencies in 3 other States (Montana, Idaho and Wyoming). This network was formerly known as the Quad State project.

The Quad State Project was an outgrowth of the Narcotics Strike Force, composed of the 4 Arizona border counties: Yuma, Pima, Santa Cruz, and Cochise. The counties share a common border with Mexico, and their law enforcement officers had a common problem with narcotics traffic through Mexico. The Narcotics Strike Force grew to become the Arizona Drug Control District (ADCD) in 1975.

In December 1976, the Governors of Arizona, Colorado, New Mexico and Utah met and discussed how to deal with the narcotics problem confronting them. In January 1977, they went to LEAA and worked out the details of a regional intelligence network. The objective was to form a unified intelligence and enforcement effort to increase law enforcement effectiveness in identifying and reducing organized crime and increasing the effectiveness in interdiction of narcotics smuggling in the Southwest region of the U.S. LEAA awarded a $1.2 million grant in June 1977 to ADCD, the host agency for the Quad State Project.

The Narcotics Information Network of Arizona (NINA) was the analytical component of the Quad State Project and now of RMIN. NINA had a manual system until 1978 at which time it computerized. The computer system was financed with State funds, rather than Federal grant money. ADCD is the umbrella organization for both NINA and RMIN. Both ADCD and NINA are State funded operations, while RMIN is funded by Federal grants.

Government grantee and funding level

The government grantee for RMIN is ADCD and the current award is in the amount of $1,656,886 for the period June 1980 to January 1981. The amount of $2,434,585 for the period January 1981 to December 1981 is pending future availability of funds. RMIN does not have a membership fee; it is run strictly on grant money.

The financial breakdown for the grant is:

Personnel and fringe benefits	$1,115,344
Travel	46,566
Equipment, supplies and contractual	155,299
Other (office space, informant fund, aircraft and vehicle rental and maintenance, telephone system)	339,677
TOTAL	$1,656,886

The budget includes 25 positions for intelligence collectors--7 positions assigned to New Mexico, 6 in Utah, 2 in Colorado, 6 in Nevada, and 4 in Arizona. These 25 positions represent an increase of 11 new positions over the old grant. RMIN claims the intelligence collector is the single most important element of this grant because the lack of organized crime and narcotics smuggling intelligence has been the major obstacle to developing complex criminal conspiracy cases.

Objectives and ongoing operations

The major objectives of RMIN are the interdiction of narcotics and disruption of organized crime. RMIN seeks to achieve these objectives by providing members a means to gather intelligence and maintain it in a central location. Also it provides a means to analyze and disseminate information to member agencies. Most of RMIN's intelligence data comes from member agencies and federal inquiries. NINA's computer system gives RMIN the capability to do link analysis so that it can develop cases involving conspiracies. NINA also has telephone toll analysis capabilities which makes it possible to evaluate telephone toll call billing records. Analysis of calls made to certain numbers at certain times establishes patterns which aid in conspiracy investigations.

RMIN provides its members a "Weekly Intelligence Capsule." It sponsors seminars, including some in the area of electronics surveillance equipment, clandestine labs, and auto theft.

RMIN provides State and local law enforcement groups with equipment from the RMIN equipment pool of vehicles, tape recorders, night scopes, and wiretap and surveillance equipment. RMIN also helps State and local agencies by supplying financial aid in the form of buy money, informant funds and travel expenses.

Through NINA, RMIN provides analytical assistance to members working on multi-State investigation projects. In addition, NINA provides these services to ADCD for intrastate investigations.

RMIN can tap several Federal agencies for information through liaisons with representatives of ATF, Customs, U.S. Marshalls, Bureau of Indian Affairs, Internal Revenue Service (IRS), Federal Aviation Administration (FAA), DEA, and Secret Service. Through these representatives RMIN can request assistance on its investigations. RMIN also has access to information from State auto and boat registrations, the National Auto Theft Bureau (a private insurance organization), and State Game and Fish Commissions. RMIN has formal membership in WSIN and ROCIC, and plans to work closely with MAGLOCLEN, NESPAC, and MOCIC as they become operational.

WESTERN STATES INFORMATION NETWORK

Membership and structure

Western States Information Network is composed of five states: California, Alaska, Hawaii, Oregon, and Washington. WSIN is an outgrowth of the California Narcotics Information Network (CNIN), founded in 1973. CNIN was composed of California law enforcement agencies interested in narcotics traffic in California. CNIN has 35 to 40 State and local members. CNIN was an outgrowth of the Narcotics Intelligence Network (NIN) which operated in the Los Angeles area. NIN included the Los Angeles Police Department, Los Angeles Sheriff's Office, State Narcotics

agents and DEA. NIN proved to be successful in combating narcotics activities by pooling resources and information. Because of its success it evolved, with LEAA funding, into a state wide operation known as CNIN. At its peak, CNIN had over 300 member agencies in California and neighboring states.

To be eligible for membership in WSIN, a local agency must have a full-time narcotics intelligence or enforcement person and a secure file system. Also, the member must agree to abide by the WSIN bylaws which are currently being drafted and which will include the Department of Justice policies for intelligence systems.

Government grantee and funding level

The grantee for WSIN is the California Department of Justice. The current grant is for $711,136 and runs from July 1980 through December 1980. The second year's funding is for $1,862,166 to run from January 1981 through December 1981, but is conditional on future appropriations. The total for the 18 months of this grant is expected to be $2,573,302.

The budget summary for the 18-month period is:

Personnel and fringe benefits	$1,009,583
Travel	133,900
Equipment and supplies	145,390
Contractual (WSIN Director and Assistant Director's salaries, non-California-based employees of WSIN and data processing services)	605,869
Other (imprest fund, office rental, telephone system and training)	367,000
Indirect	311,560
TOTAL	$2,573,302

The fund will be administered through the California Department of Justice fiscal office. The grant program will be audited once a year by State auditors.

In 1977 CNIN prepared a new application for funding a CNIN/AMEN (Air Marine Enforcement Network) grant designed to expand CNIN's operations into the area of air and marine efforts of narcotics intelligence and law enforcement operations. However, the Board of Directors of CNIN/AMEN could not accept all the grant conditions imposed by LEAA. The grant was declined and the funds turned back to LEAA.

Under the present grant WSIN officials do not intend to charge membership fees because many agencies would not be able to afford a membership fee.

Objectives and ongoing operations

WSIN is a unified narcotic intelligence effort of the States of California, Oregon, Washington, Alaska and Hawaii. Its purpose is to increase law enforcement's effectiveness in identifying and reducing narcotics-related crime by collecting, analyzing, automating, and disseminating information related to narcotic and drug-related organized criminal activity.

WSIN plans to establish a central narcotics and drug related information unit in California with field representatives located in each member state. WSIN plans to provide an automated central repository for the storage of intelligence information, and to maintain a dedicated WATS telecommunications system to service the needs of member agencies. WSIN will also have the capacity to provide analytical and equipment resources to investigative agencies. WSIN will aid only State and local law enforcement personnel who are sworn officers. The imprest fund will have funds available for confidential expenditures, but the WSIN policy is to encourage member agencies to try to use State or local funding sources first.

CNIN originally had a manual index and retrieval system using the pointer method of locating who had information regarding an individual. WSIN is presently being automated

and there will be no outside access to the computer system. WSIN is tied into the California Department of Justice (CDOJ) system. The office space reserved for WSIN is dedicated solely to the project to insure maximum security and privacy. WSIN will have a 2-year review and purging of outdated information built into the system.

WSIN plans to work strictly in the area of narcotics intelligence and not move into the area of organized crime, although it is not precluded from expanding into organized crime at a future date. WSIN hopes to have a full-time liaison with DEA and also hopes to do liaison work with Customs, EPIC, IRS, FBI, INS, FAA, and the U.S. Coast Guard. WSIN will also be a member of ROCIC and RMIN.

The WSIN Board of Directors will meet quarterly to establish policy and intends to publish a quarterly intelligence report or newsletter for its member agencies.

An internal evaluator will be hired to assure that the required progress reports are filed under the grant regulations. The grant is also subject to California legislative audits, and the legislature is very concerned with intelligence systems.

NEW ENGLAND STATE POLICE ADMINISTRATORS CONFERENCE

Membership and structure

The New England State Police Administrators Conference was set up to identify major criminal conspiracies and apprehend and prosecute these conspirators. Its intelligence component was established by the New England State Police forces in January 1978, but it did not request federal funding for the intelligence component until 1979. The conference consists solely of State police from Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and Massachusetts.

The project is run by six Commissioners, one from each State in the conference. Local agencies can obtain needed information via the State police. The NESPAC project is headquartered in Boston, Massachusetts.

Government grantee and funding

The government grantee is the Massachusetts State Police. NESPAC received a grant in the amount of $500,000 for the project period December 1979 to December 1980. There is a $55,555 matching requirement for the grant shared equally by the six States.

The 12-month budget for NESPAC is:

Personnel and fringe benefits	$ 69,165
Travel	20,000
Equipment and supplies	44,630
Other (imprest fund, telephone and surveillance expenses)	421,760
TOTAL	$555,555

Objectives and ongoing operations

The objective of the NESPAC Project is to increase the effectiveness of law enforcement in combating criminal conspiracies. The project plans to do this by

--continuing support for the collection of information and data by the established network,

--maintaining a qualified staff to coordinate the six State effort,

--improving communications among the six States and with other networks,

--making investigative equipment available to smaller jurisdications, and

--providing funds for surveillance and investigative expenses.

NESPAC will be the centralized system for the collection and dissemination of intelligence information. To provide assistance when needed, NESPAC has working relationships with DEA, Customs, ATF and Secret Service.

To date, NESPAC has funded five investigations which had been submitted to and approved by the commissioners. Four of these investigations are ongoing. The fifth resulted in the arrest of nine suspects and the seizure of eight tons of marijuana. Drug trafficking is of major concern because the long New England coastal line facilitates drug smuggling.

The project has a manual pointer system as its information system. NESPAC plans to obtain a mini-computer. The information system will be used to collect, evaluate, analyze, and disseminate intelligence data dealing with organized criminal activity in New England. NESPAC has a WATS telephone system for the exchange of information.

LEVITICUS PROJECT

Membership and structure

The LEVITICUS Project was funded in February 1980, and consists of 14 member agencies from seven States: Alabama, Georgia, Indiana, Kentucky, New York, Pennsylvania, and Virginia. The current project existed for a 2-year period prior to federal funding.

The LEVITICUS Project is headquartered in the New York District Attorney's Office. Each state has a project representative on the executive committee that decides which jurisdiction has the best position in a given case and gives them the responsibility for pursuing it.

Government grantee and funding level

The Commonwealth of Virginia Division of Justice and Crime Prevention in Richmond, Virginia, is the grantee for the LEVITICUS Project. The original grant was awarded on February 20, 1980, in the amount of $1,000,382 for the period February 1980 to February 1981. On June 26, 1980,

LEVITICUS was awarded a supplemental grant of $252,971 to run to June 1981. The total LEVITICUS grant is $1,253,353.

The budget for LEVITICUS including the supplemental grant is:

Personnel and fringe benefits	$ 801,519
Travel	161,444
Equipment, supplies, contractual (data encoders)	148,209
Other	142,181
TOTAL	$1,253,353

The supplemental grant award was for the establishment of a management information system within the LEVITICUS project.

Objectives and ongoing operation

The objective of LEVITICUS is the establishment of an interstate strike force to investigate and prosecute people involved in complex economic and property crimes in the Appalachian coal industry. The issue of coal mining fraud grew dramatically prior to tax code revisions made in the 1976 Tax Reform Act. Investors were seeking tax shelters and fraudulent corporations and syndicates developed to take advantage of the situation. The seven states comprising LEVITICUS had the most problem in this area and sought ways to investigate these frauds. The fraud uncovered involved the areas of coal acquisition, mining, transportation, and distribution. LEVITICUS plans to meet its objective by:

--increasing the criminal investigation of organized crime elements involved in the Appalachian coal industry through cooperation among States,

--coordinating the efforts of all agencies responsible for detection, identification, apprehension, and prosecution of coal related criminals,

--increasing the number of criminal cases filed regarding crimes in the coal industry,

--reducing the impact of organized criminal activity in the heavy equipment business in the Appalachian coal area, and

--establishing and maintaining a central investigative file on organized crime figures in the Appalachian area, and making this information available to member agencies to assist them in investigating and prosecuting coal related crimes.

LEVITICUS is presently involved in 30 cases of coal related crimes. There have been two convictions to date.

The information system is being increased through the continued input of information by member agencies. The system is essentially an index system utilizing information from member agencies. The information system is housed in the New York County District Attorney's Office. Currently, over 300,000 pieces of information from member agencies are coded and entered into the computer data base.

The project uses a telefax system to transmit information to other member agencies. Member agencies own the information and can decide not to disseminate it. LEVITICUS has no formal relationship with other regional networks. The project has done work with the Internal Revenue Service and the Securities and Exchange Commission.

MID-STATES ORGANIZED CRIME INFORMATION CENTER

Membership and structure

The Mid-States Organized Crime Information Center was awarded an LEAA grant on April 25, 1980. At the time of the award the project was located in the Kansas City, Missouri, Police Department.

On July 1, 1980, the MOCIC Executive Committee voted to find another host agency. On August 19, 1980, the Executive Committee voted to accept a joint proposal by the State of Missouri Attorney General's Office and the City of Springfield, Missouri. The City of Springfield will implement the transition. The Executive Committee has also voted to organize MOCIC as a nonprofit corporation.

The States covered by MOCIC are: North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Nebraska, Iowa, Kansas and Missouri. To date MOCIC has no member agencies because it is still in the startup phase and has not established guidelines for membership.

Government grantee and funding level

The present grantee of MOCIC is the City of Springfield, Missouri. The current grant is for $1,209,912, and became effective on October 15, 1980.

The project and budget period runs from October 1980 to April 1982. The 18-month budget is:

Personnel and fringe benefits	$ 417,527
Travel	30,113
Equipment, supplies, and contractual	274,192
Other (leases, telephone system, insurance, confidential expenditures)	430,465
Indirect charges	57,615
TOTAL	$1,209,912

MOCIC is funded strictly by grant money. MOCIC will not be charging membership fees.

Objectives and ongoing operations

The principle objective of MOCIC is to improve communications between local law enforcement agencies in the

mid-state region so that they may be able to successfully detect and investigate organized crime committed by traveling criminals and apprehend the perpetrators. MOCIC hopes to significantly reduce the crimes committed by traveling criminals by eliminating the information and investigative barriers to their apprehension and prosecution. According to MOCIC's Operations Manager, one of the primary concerns of MOCIC is the theft of farm equipment and crops.

The specific targets of MOCIC will be: "the traveling criminal whose illegal activities traverse jurisdictional boundaries; organized crime elements whose activities traverse jurisdictional boundaries, and narcotics trafficking between jurisdictions."

MOCIC does not have a computer system. The project will use a manual system until it can determine its need for a computer. MOCIC will be using a WATS telephone system which will cover all of the continental United States.

The Board of Directors do not plan to operate field agents. All intelligence analysis will be done in-house by analysts and disseminated to members upon request. MOCIC intends to be strictly a support agency and does not plan to be involved in any investigative activities. Informants will not be worked by MOCIC analysts, but the project does have money budgeted for informant fees and buy money for member agencies. The Board of Directors has not established guidelines for the use of this money yet.

MID-ATLANTIC-GREAT LAKES ORGANIZED CRIME LAW ENFORCEMENT NETWORK

Membership and structure

The Mid-Atlantic-Great Lakes Organized Crime Law Enforcement Network is a newly formed network composed of the following eight states: Delaware, Indiana, Maryland, Michigan, New Jersey, New York, Pennsylvania, and Ohio. MAGLOCLEN has no agency members at the present time, but several have expressed an interest in joining the network. MAGLOCLEN is a nonprofit corporation under the

requirements of the Commonwealth of Pennsylvania Department of State Corporation Bureau.

Government grantee and funding level

The grantee for MAGLOCLEN is the Commonwealth of Pennsylvania Crime Commission in St. Davids, Pennsylvania. The Acting Director of the program is presently located in Philadelphia, Pennsylvania.

MAGLOCLEN was awarded a grant for $230,239, to run from July 1980 through December 1980, on June 3, 1980. The grant has a requested funding level of $1,733,381 for the second year, covering the period January 1981 through December 1981, contingent on future Department of Justice funding, a continuation funding application, and the successful fulfillment of the current grant's special conditions. The total grant budget is for $1,963,620.

The 18-month budget is:

Personnel and fringe benefits	$ 869,190
Travel	181,025
Equipment, supplies and contractual	657,285
Other (lease, telephone service insurance, etc.)	256,120
TOTAL	$1,963,620

MAGLOCLEN has no formal or informal membership in any other regional system at this time though it plans to work in conjunction with the other multi-State projects, EPIC and other State, regional and Federal information systems.

Objectives and ongoing operations

MAGLOCLEN's objective is to create a formal organization to promote cooperation and information exchange between law enforcement agencies so they are better able to

combat interjurisdictional criminal activity. MAGLOCLEN encourages cooperation and information exchange between State and local law enforcement agencies in the eight-state region. The project plans to provide a central organized crime and narcotics investigative information unit to analyze, maintain, and disseminate data collected by member agencies and to assist in communicating this data to other law enforcement agencies. Technical assistance, loans of equipment, investigative funding, and training for local law enforcement agencies are also part of MAGLOCLEN's purpose.

Since the project is not yet operational, there are no ongoing investigations. The policy board for MAGLOCLEN has not made any decisions on whether or not they will work informants or if MAGLOCLEN personnel will be involved in investigations. To date MOGLOCLEN has not purchased or leased a computer system or a telecommunications system. When the computer system is implemented there will be no remote terminal access to the system. The computer terminals will be in a secure location in the main office. The system is supposed to be modeled after RMIN.

The member agencies will own the information they put into the system. They will have the right to control and restrict access to the information. MAGLOCLEN staff will be the only people with direct access to the files and will maintain records of who requests and receives the information. The project does not plan to use any electronic or mechanical devices for surveillance.

The project staff will monitor the program and perform evaluations. The project is also subject to evaluation by the Institute for Intergovernmental Research, the Commonwealth of Pennsylvania, and LEAA.

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DEPARTMENT OF JUSTICE

Office of Justice Assistance, Research, and Statistics

28 CFR Part 23

Criminal Intelligence Systems Operating Policies

AGENCY: Department of Justice/Office of Justice Assistance, Research, and Statistics.

ACTION: Final rule.

SUMMARY: These Criminal Intelligence Systems Operating Policies are added to Part 23 of 28 CFR. The purpose of the reissuance is to make these standards applicable to intelligence systems funded under the formula grant program, the $5,000,000 State and Local Drug Strike-Force Grant Program as well as categorical grant programs administered by the Law Enforcement Assistance Administration. Two modifications to the Criminal Intelligence Systems Operating Policies are also announced. The first modifies the mandatory two-year review period. The second clarifies the procedure for certification of compliance with the standards.

EFFECTIVE DATE: September 12, 1980.

FOR FURTHER INFORMATION CONTACT: Charles A. Lauer, Acting General Counsel, Office of Justice Assistance, Research, and Statistics, U.S. Department of Justice, Washington, D.C. 20531 (202) 724-7792.

SUPPLEMENTARY INFORMATION: On June 13, 1980, OJARS proposed to add several sections to Part 23 of 28 CFR to comply with its statutory mandate to promulgate policy standards for criminal intelligence systems operated through support under the JSIA. Interested persons were invited to submit comments on the proposed rulemaking to OJARS. The comments received expressed no objection. Accordingly, this final rule is the same as the proposed rule.

Policies for the funding and operation of the Law Enforcement Assistance Administration (LEAA) Discretionary Funded Intelligence Systems were adopted June 30, 1978 (43 FR 28572). The LEAA was reorganized by the Justice System Improvement Act of 1979 (JSIA), Pub. L. 96-157, 93 Stat. 1167, 42 U.S.C. 3701 et seq. Section 818(c) of that Act requires that the Office of Justice Assistance, Research, and Statistics prescribe policy standards for all criminal intelligence systems operated through support under the JSIA. The policies must assure that the funding and operation of intelligence systems further the purposes of the Act and not in violation of the privacy and constitutional rights of individuals.

Accordingly the 1978 guidelines have been revised to cover formula (those funds allocated to the states which are thereafter awarded by the states and local governments) as well as categorical (discretionary) grants funded under the JSIA. They also cover systems funded under the State and Local Drug Strike Force Grant Program. 28 CFR Ch. 1 (28 CFR Ch. 1, 45 FR 28321 dated April 29, 1980) delegated authority to administer the State and Local Drug Strike Force Grant Program to the Director of the Office of Justice Assistance, Research, and Statistics. The Director was authorized to promulgate regulations as are necessary and appropriate for the effective administration of that program. The program is authorized under a $5,000,000 fund for "joint state and local law enforcement agencies engaged in cooperative enforcement efforts with respect to drug related offenses, organized criminal activity and all support activities related thereto" (Pub. L. 96-132, November 30, 1979). A program announcement setting forth the criteria for awards under the State and Local Drug Strike Force Grant Program has been promulgated and may be found in the June 13, 1980 issue of the **Federal Register.**

Two substantive amendments to the guidelines are now in effect:

(1) A modification of the mandatory two-year review period; and

(2) A clarification of the procedures for certification of compliance with the standards.

At the time the operating guidelines were originally published in the **Federal Register,** a number of comments were received which indicated that the two year period of review would be an undue burden. However, we believed at that time that we should at least attempt a two-year review period. Further consultation with the criminal justice agencies, Federal, State, and local, having intelligence operations indicates that a two-year periodic review of all retained information within intelligence files may be an ideal goal to work towards, but would require additional personnel far in excess of available resources.

The length of time needed to review intelligence file information to determine if it is obsolete, misleading or otherwise unreliable is directly related to the amount of information to be reviewed and the manpower available to do the job. The review of intelligence files involves these steps: (1) Intelligence analysts or a file maintenance person must first identify information to be reviewed, (2) As most of the intelligence information contained in an interjurisdictional intelligence operation has been submitted by individual member agency intelligence units, a formal request must then be made of the member agency to validate the information on file, (3) The member agency must then perform its own review and often additional investigation to reach a decision on the retention of the information under review, and (4) The member agency must then re-submit the information or the reasons for recommending destruction, to the intelligence operation where it must then be re-examined before final action is taken.

The modification provides the same degree of insuring the integrity of the files. The change will delete the required two year review on all information and require a periodic review of all information on a time schedule developed by the individual agency. However, the modification retains the two-year period by providing that where the information to be disseminated or utilized has been retained within the system but has not been reviewed for a period of two years, it must be reviewed and validated before it can be utilized or disseminated.

The second modification deals with the interpretation given (by operating agencies) that every agency submitting or receiving information from the intelligence operation must sign a compliance form. Agencies have also interpreted this provision as extending to every other agency which subsequently deals with an agency that submits and receives information from the covered intelligence system. Thus, § 23.30(a)(3) is being clarified to show the extent to which written compliance is necessary.

Part 23 is added to Title 28 CFR to read as follows:

PART 23—CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES

Authority: Pursuant to the authority vested in the Office of Justice Assistance, Research, and Statistics by sections 818(c) and 802(a) of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, *et seq.*, as amended by the Omnibus Crime Control Act of 1970, Pub. L. 91-644, 84 Stat., 1880 (Jan. 2, 1971), the Crime Control Act of 1973, Pub. L. 93-83, 87 Stat. 197 (Aug. 6, 1973), the Juvenile Justice and Delinquency Prevention Act of

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1974, Pub. L. 93–415, 88 Stat. 1109 (Sept. 7, 1974), the Public Safety Officers' Benefits Act of 1976, Pub. L. 94–430, 90 Stat. 1346 (Sept. 29, 1976), the Crime Control Act of 1976, Pub. L. 94–503, 90 Stat. 2407 (Oct. 15, 1976), the Juvenile Justice Amendments of 1977, Pub. L. 95–155, 91 Stat. 1048 (Oct. 3, 1977), and the Justice System Improvement Act of 1979, Pub. L. 96–157, 93 Stat. 1167.

§ 23.1 Purpose.

The purpose of these regulations is to assure all criminal intelligence systems operating through support under the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, *et seq.*, as amended (Pub. L. 90–351, as amended by Pub. L. 93–83, Pub. L. 93–415, Pub. L. 94–430, Pub. L. 94–503, Pub. L. 95–115, and Pub. L. 96–157), are utilized to conformance with the privacy and constitutional rights of individuals.

§ 23.2 Background.

It is recognized that certain criminal activities including but not limited to loan sharking, narcotics, trafficking in stolen property, gambling, extortion, smuggling, bribery, and corruption of public officials often involve some degree of regular coordination and permanent organization involving a large number of participants over a broad geographical area. The exposure of such ongoing networks of criminal activity can be aided by the pooling of information about such activities. However, the collection and exchange of intelligence data necessary to support control of serious criminal activity may represent potential threats to the privacy of individuals to whom such data relates. Policy Guidelines for Federally funded projects are required.

§ 23.3 Applicability.

(a) These standards are applicable to all criminal intelligence systems operating through support under the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, *et seq.*, as amended (Pub. L. 90–351, as amended by Pub. L. 93–83, Pub. L. 93–415, Pub. L. 94–430, Pub. L. 94–503, Pub. L. 95–115, and Pub. L. 96–157) or under the State and Local Drug Strike Force Grant Program (Pub. L. 96–68 and Pub. L. 96–132).

(b) As used in these policies, "Intelligence Systems" means the arrangements equipment, facilities, and procedures used for the continuing storage, exchange and analysis of criminal intelligence data, however, the term does not include modus operandi files; "interjurisdictional Intelligence Systems" means those systems for the continuing exchange of criminal intelligence data between local, county, or larger political subdivisions, including the exchange of data between State or local agencies and units of the Federal Government.

§ 23.20 Operating Principles.

(a) Criminal intelligence information concerning an individual shall be collected and maintained only if it is reasonably suspected that the individual is involved in criminal activity and that the information is relevant to that criminal activity.

(b) No records shall be maintained or collected about political, religious or social views, association or activities of any individual group, association, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.

(c) No information which has been obtained in violation of any applicable Federal, State, or local law or ordinance shall be included in any criminal intelligence system.

(d) Intelligence information shall be disseminated only where there is a need to know/right to know the data in the performance of a law enforcement activity.

(e)(1) Except as noted in (2) below, intelligence information shall be disseminated only to other law enforcement authorities who shall agree to follow procedures regarding data entry, maintenance, security, and dissemination which are consistent with these standards.

(2) Paragraph (1) above shall not limit the dissemination of an assessment of criminal intelligence information to a Government official or to any other individual, when necessary, to avoid imminent danger to life or property.

(f) Agencies maintaining criminal intelligence data shall adopt administrative, technical, and physical safeguards (including audit trails) to insure against unauthorized access and against intentional or unintentional damage. A written record indicating who has been given data, reason for release and date of each dissemination outside the agency is to be kept. Information shall be labeled to indicate levels of sensitivity, levels of confidence, and the identity of control agencies and officials. Each agency must establish written standards for need to know/right to know under subsection (d).

(g) Procedures shall be adopted to assure that all information which is retained has relevancy and importance. Such procedures shall provide for the periodic review of data and the destruction of any information which is misleading, obsolete or otherwise unreliable and shall require that any recipient agencies be advised of such changes. All information retained as a result of this review must reflect the name of the reviewer, date of review and explanation of decision to retain. Any information that has been retained in the system but has not been reviewed for a period of two (2) years must be reviewed and validated before it can be utilized or disseminated.

(h) If automated equipment for use in connection with a criminal intelligence system is to be obtained with funds under the grant, then:

(1) Direct remote terminal access to data shall not be made available to system users; and

(2) No modifications to system design shall be undertaken without prior LEAA approval.

(i) LEAA shall be notified prior to initiation of formal information exchange procedures with any Federal, State, regional, or other information systems not indicated in the grant documents as initially approved at time of award.

(j) Assurances shall be made that there will be no purchase or use in the course of the project of any electronic, mechanical, or other device for surveillance purposes that is in violation of the provisions of Title III of Pub. L. 9–351, as amended, or any applicable state statute related to wiretapping and surveillance.

(k) Assurances shall be made that there shall be no harassment or interference with any lawful political activities as part of the intelligence operation.

(l) Sanctions shall be adopted to control unauthorized access, utilization, or disclosure of information contained in the system.

§ 23.30 Funding Guidelines.

(a) LEAA and state criminal justice agencies shall apply the following funding guidelines to all categorical grant applications, and formula grant applications the principal purpose of which is the funding of intelligence systems. Systems shall only be funded where a grantee agrees to adhere to the principles set forth above and the project meets the following criteria:

(1) The proposed collection and exchange of data has been coordinated with and will support ongoing or proposed investigatory or prosecutorial activities relating to specific areas of criminal activity.

(2) The areas of criminal activity in connection with which intelligence data are to be utilized represents a significant and recognized threat to the population and: (i) Is either undertaken for the

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purpose of seeking illegal power or profits or poses a threat to the life and property of citizens; (ii) Involves a significant degree of permanent criminal organization; and (iii) Is not limited to one jurisdiction.

(3) Control and supervision of information collection and dissemination for the intelligence system will be retained by the head of a government agency or by an individual with general policy making authority who has been expressly delegated such control and supervision by the head of the agency. This official shall certify in writing that he takes full responsibility and will be accountable for the information maintained by and disseminated from the system and that the operation of the system will be in compliance with the standards set forth in § 23.20.

(4) Where the system is an interjurisdictional system the governmental agency which exercises control and supervision over the operation of the system shall have the head of that agency or an individual with general policymaking authority who has been expressly delegated such control and supervision by the head of the agency, (i) officially responsible and accountable for actions taken in the name of the joint entity and (ii) certify in writing that he takes full responsibility and will be accountable for insuring that the information transmitted to the interjurisdictional system or to other agencies will be in compliance with the standards set forth in § 23.20. The standards set forth in § 23.20 shall be made part of the By-laws or operating procedures for that system. Each member agency, as a condition of membership, must accept in writing these standards which govern the collection, maintenance and dissemination of information included as part of the interjurisdictional system.

(5) Intelligence data will be collected primarily for State and local law enforcement efforts—exceptions being made only for cases involving joint State-Federal efforts.

§ 23.40 Monitoring and audit of grants for the funding of intelligence systems.

(a) Grants for the funding of intelligence systems will receive specialized monitoring and audit in accordance with a plan designed to insure compliance with operating principles as set forth in § 23.20. Such plan shall be approved prior to award of funds.

(b) All such grants shall be awarded subject to a Special Condition requiring compliance with standards set forth in § 23.20.

(c) An annual notice will be published by OJARS which will indicate the existence and objective of all systems for the continuing interjurisdictional exchange of intelligence data which are funded under the Act.

These amendments become effective September 12, 1980.

Robert F. Diegelman,

Acting Director, Office of Justice Assistance, Research, and Statistics.

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