

Federal Funds Reduction for Criminal Intelligence Information

ISSUE

Federal funding made available to the State of Iowa as part of the Homeland Security Grant Program (HSGP) has been significantly reduced in recent years and, with the 2013 federal sequester, may be reduced further and possibly eliminated in the future. No decisions at the federal level for FFY 2014 funding have been made to date. This *Issue Review* addresses what those funds currently cover and if no longer available, the potential impact to state and local governments.

AFFECTED AGENCIES

Department of Public Safety; Homeland Security and Emergency Management; local Regional Information Offices; and federal, state, and local law enforcement

CODE AUTHORITY

Chapter [80](#)

BACKGROUND

History of the Iowa Law Enforcement Intelligence Network

In 1984, the Iowa Law Enforcement Intelligence Network (LEIN) was established by the Division of Criminal Investigation (DCI) in the Department of Public Safety (DPS) to help address farm chemical thefts occurring by the same criminal groups, across multiple jurisdictions. Today, the LEIN serves as a network for the statewide collection, sharing, and exchange of criminal intelligence information as provided by state, county, and local law enforcement agencies. The DPS Division of Intelligence (DOI) serves as the central coordinating agency for the LEIN program and disseminates information to participating law enforcement agencies for use in identifying and evaluating criminal activity in their area.

There are six LEIN Regions in Iowa. Each region elects a law enforcement member to serve on the LEIN Executive Board. The Chairman of the Board is the Commissioner of Public Safety, or his designee, and the administrative responsibilities for LEIN are assigned to the DOI. There are no direct costs associated with LEIN (aside from the two-week criminal intelligence training course); however, some indirect costs (DPS personnel serving as instructors during the course) do arise and are paid from the DPS operating budget. To be a member of LEIN, an officer is required to attend a two-week criminal intelligence course offered by the DPS and paid for by the local law enforcement entity. (Many agencies obtain Homeland Security Grant funding via their regional office to attend the training.) Once trained, officers become local points of contact for information sharing in their region, however; any criminal justice agency employee can submit information to and receive information from LEIN in accordance with state law and federal regulation.¹ The following map shows the six LEIN Regions.

¹ Iowa Code sections [692.8](#), [692.8A](#), [692.9](#), and [28CFR Part 23](#)

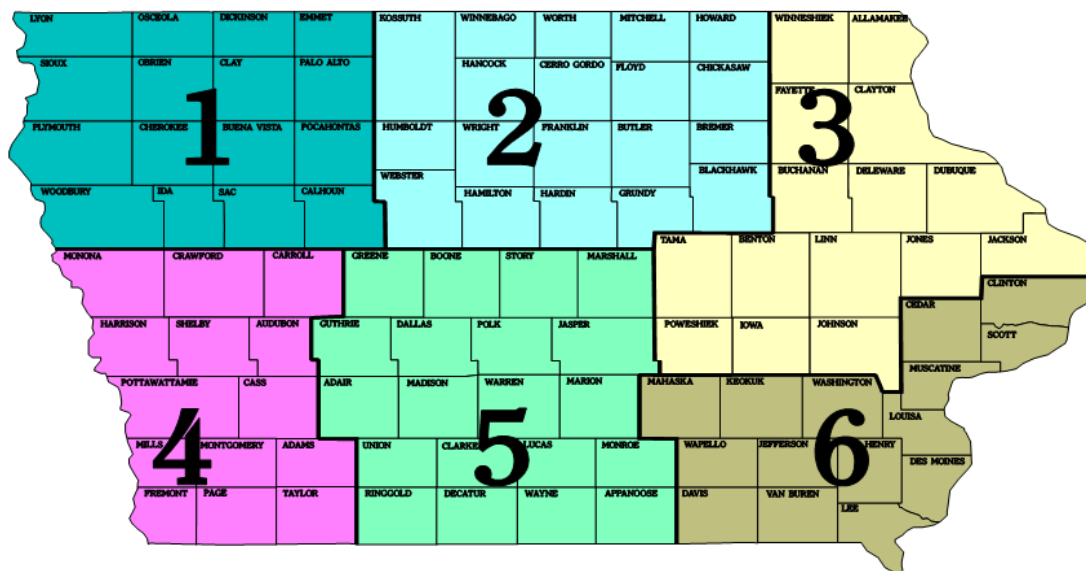


Chart 1 shows the number of LEIN officers trained and the number of incidents reported from LEIN.

Chart 1
LEIN Statistics

Fiscal Year	LEIN Officers Trained	Incidents Reported From LEIN
2013	229	3,871
2012	216	4,924
2011	240	5,298
2010	250	5,913

History of the State Fusion Center

The U.S. Department of Homeland Security defines a fusion center as a “collaborative effort of two or more agencies that provide resources, expertise, and information to the center with the goal of maximizing their ability to detect, deter, prevent, investigate, and respond to criminal and terrorist activity.” After the September 11, 2001, attacks, the federal government expressed a need to develop and share information and intelligence across all levels of federal, state, and local government. The federal government provided funding to develop and implement the Fusion Center concept but allowed states to maintain the day-to-day operations of the program. There are currently 77 fusion centers across the nation.²

The original HSGP grant provided the DPS with one-time funding for six Division of Intelligence special agents, one assigned in each LEIN Region, for one year and start-up costs to create fusion center capabilities within the already established DPS intelligence unit. The FTE positions in the LEIN Regions were subsequently included in the DPS General Fund appropriation.³

In 2005, the Department of Public Safety and the Homeland Security and Emergency Management Division, at the direction of Governor Vilsack, partnered together to create the State Fusion Center within the already established DPS intelligence unit. The center serves as a centralized clearinghouse for all potentially relevant homeland security data and information for all 99 County Sheriff’s offices, 450 municipal law enforcement agencies, as well as County

² <http://www.dhs.gov/state-and-major-urban-area-fusion-centers>

³ [House File 811](#) (FY 2006 Justice System Appropriations Act) appropriated \$771,052 for a criminal information database to track gangs and terrorists. The funding was to cover a nine-month lapse in federal funding (October 2005 through June 2006) to pay the salaries of seven sworn and nine civilian staff. [Senate File 2558](#) (FY 2007 Justice System Appropriations Act) appropriated an additional \$336,777 to annualize the costs of the Fusion Center.

Attorneys, the Department of Homeland Security and Emergency Management, and DPS.

History of Regional Information Sharing Offices

There are six Regional Information Sharing Offices in Iowa; one located in each of the six LEIN Regions. They were established in 2004 when the HSGP funding of approximately \$6.7 million first became available. At that time, the grant rules required 80.0% of the funding to be passed through to local agency subgrantees. It was decided by the LEIN Executive Board and other Iowa law enforcement organizations to leverage HSGP funds for information sharing to enhance the already established LEIN in Iowa. Six subgrantees were identified, one in each LEIN Region, to receive HSGP funding and establish what were once called Regional Fusion Offices (currently called Regional Information Sharing Offices).

The six regional data integration centers are intended to increase coordination and communication across federal, state, and local agencies utilizing combined criminal intelligence gathering, analysis, and dissemination of information to all levels of government as well as the private sector. The Homeland Security portion also incorporates information regarding natural and manmade hazards into the program.

Regional Information Sharing Offices are not under the control of the DPS nor does the DPS have any oversight over their operation. However, the DOI and the DPS Division of Intelligence and Fusion Center do work closely with the Regional Information Sharing Offices to help facilitate information sharing and serve as a data dissemination and collection points between the designated State Fusion Center in the DPS and the Regional Information Sharing Offices at the local level.

CURRENT SITUATION

Regional Information Sharing Offices

The location of the offices and grant recipients within the six LEIN Regions includes:

- **Region 1** – Sioux City; Woodbury County Board of Supervisors is the sub-grantee.
- **Region 2** – Waterloo; Waterloo Police Department is the sub-grantee.
- **Region 3** – Independence; Oelwein Police Department is the sub-grantee.
- **Region 4** – As a result of a special investigation of the Region 4 Fusion Office in Atlantic, Iowa issued by the State Auditor's Office on December 8, 2010, Region 4 does not have a dedicated, staffed office; the Pottawattamie County Sheriff's Office is the sub-grantee and dedicates a deputy to facilitate operations in Region 4 in coordination with the DPS Division of Intelligence Special Agent assigned to that area. The two personnel assume these responsibilities as part of their normal duties.⁴
- **Region 5** – Des Moines; Des Moines Police Department is the sub-grantee.
- **Region 6** – Bluegrass; Scott County Sheriff's Office is the sub-grantee.

Division of Intelligence

Although the DOI is not defined in Iowa Code chapter [80](#), the Intelligence Bureau in the Public Safety Commissioner's Office was changed to the Division of Intelligence (DOI) in 2010.⁵ The DOI supports all divisions within the DPS, as well as local, state, and federal law enforcement and homeland security partners in Iowa. The Division is made up of two functional areas:

⁴ [Report on Special Investigation of the Region 4 Fusion Office Atlantic, Iowa](#) for the period of March 1, 2006, through August 31, 2009, by the State Auditor's Office discovered \$66,839.61 of improper and unsupported disbursements and undeposited collections.

⁵ Iowa Code section [80.17](#) lists the divisions in the DPS.

- Field Operations Unit** – This unit is comprised of nine sworn Special Agent positions (funded from the General Fund) and is responsible for the overall coordination of LEIN. Personnel assigned to this unit engage in law enforcement planning and criminal intelligence operational activities to prevent crime and terrorism, including information sharing, recognition of potential or developing threats, and intervention activities. Special Agents in Field Operations also provide field support to all divisions of the DPS and to Sheriff’s offices, police departments, and federal agencies in Iowa needing investigative and technical equipment support.
- Homeland Security and Analysis** – This unit is comprised of 13 Criminal Intelligence Analysts (eight funded by the State General Fund, three funded from federal HSGP funds, two funded by the federal Community Orientated Policing Services (COPS) grant), and two critical infrastructure specialists working in the State Fusion Center under a Memorandum of Understanding with the Iowa Department of Homeland Security and Emergency Management. Personnel assigned to this unit are responsible for providing information to law enforcement agencies as well as private sector contacts in an effort to make Iowa a safer place. Criminal Analysts use the intelligence cycle to develop security strategies to anticipate, monitor, and prevent criminal activity. The analysts also support the Iowa HSEMD partners who conduct assessments of State critical infrastructure to identify potential vulnerabilities and to develop strategies to mitigate those vulnerabilities. Finally, all personnel of the Division provide support in response to any significant disaster, whether man-made or natural, in cooperation with HSEMD.

Chart 2 contains information on recent case examples where Division of Intelligence (DOI) personnel and resources were used.

**Chart 2
Division of Criminal Intelligence Incident Report**

Date	Lead Agency	Results
December 2012	Division of Narcotics Enforcement	Requested to provide assistance with a large scale narcotics operation including the execution of 17 search warrants in multiple locations by several city, county, State, and federal law enforcement agencies that were part of the overall agencies.
February 2013	5th Community-Based Corrections Staff and Indianola Police Department	Requested to assist in locating a wanted felon who absconded from the Fort Des Moines Correctional Facility. The escapee claimed that he was going to kill his ex-wife and it was known that he had access to guns. As a result, was apprehended after he jumped from a second story window and broke his leg.
May 2013	Sac County Sheriff's Office	Requested to provide assistance in an ongoing extortion investigation and as a result, charges were filed against two individuals who were subsequently arrested.
July 2013	Urbandale Police Department	Requested to assist in locating two suspects that had committed a robbery in their city. A phone was recovered that contained pictures from other crime scenes implicating the suspects in several other burglaries.

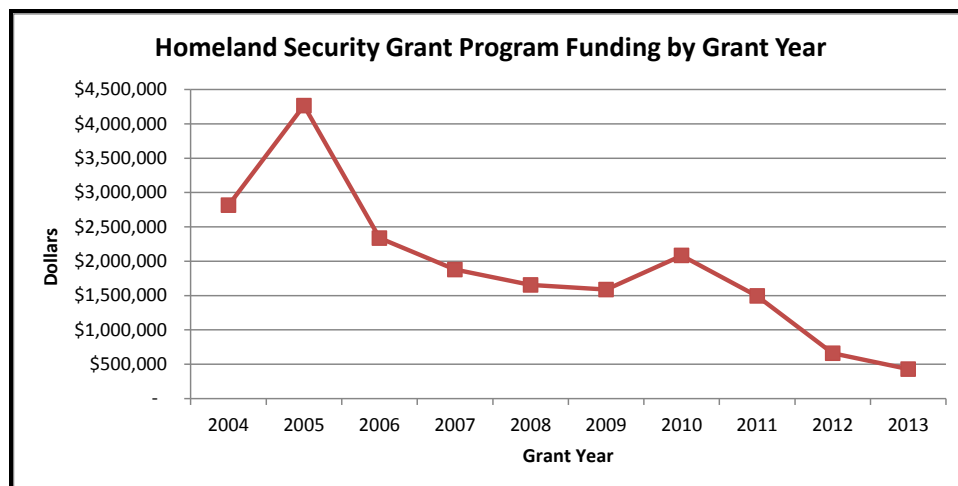
BUDGET IMPACT

The Regional Information Sharing Offices are funded 100.0% by federal HSGP money. The amount of funding has varied over the years, but initial funding was significant and the federal government emphasized that the funding should be considered “seed money” not likely to last beyond four years. The HSGP funding provided to local agencies is used to facilitate information sharing, training on intelligence-related matters, and to provide some technical equipment used by local agencies in their area to aid in ongoing investigations. Due to steadily declining grant funding over the past few years and most recently the federal sequester, the Director of Iowa Homeland Security and Emergency Management decided to end funding to the regional offices in January 2012. **Chart 3** and the following graph show the historical funding received through the HSGP Grant.

The current grant guidelines require HSGP funding to be used to directly support fusion center operations. However, these same guidelines do not allow fusion centers to obtain direct funding under the program. The DPS entered into an agreement with the Jefferson County Sheriff’s Office that continues to serve as a seventh sub-grantee to obtain Homeland Security grant funds for the DOI under a memorandum of understanding. This permits the DOI to leverage Homeland Security Grant funds to meet the U.S. Department of Homeland Security’s mandated fusion center baseline capabilities, as required through the grant guidelines that would otherwise not be possible under current General Fund allocations.

**Chart 3
Homeland Security Grant Program (HSGP) Funding**

Grant Year	DPS Fusion Center	LEIN R1 Info Sharing	LEIN R2 Info Sharing	LEIN R3 Info Sharing	LEIN R4 Info Sharing	LEIN R5 Info Sharing	LEIN R6 Info Sharing	Totals
2004	-	\$ 460,909	\$ 371,109	\$ 701,696	\$ 399,831	\$ 431,035	\$ 449,272	\$ 2,813,852
2005	1,902,650	358,665	349,386	456,382	386,092	422,306	389,180	4,264,661
2006	138,538	366,305	366,305	366,305	366,305	366,305	366,305	2,336,368
2007	27,211	316,667	316,616	316,662	315,938	268,588	316,667	1,878,349
2008	20,891	297,352	297,352	312,352	128,715	300,352	297,352	1,654,366
2009	435,000	195,385	194,194	196,215	155,092	203,755	207,736	1,587,377
2010	693,500	305,400	237,250	344,000	-	257,433	244,035	2,081,618
2011	460,016	184,820	201,790	260,592	-	193,693	192,026	1,492,937
2012	-	143,500	48,353	156,723	51,634	147,882	112,195	660,287
2013	429,000	-	-	-	-	-	-	429,000
Total:	\$ 4,106,806	\$ 2,629,003	\$ 2,382,355	\$ 3,110,927	\$ 1,803,607	\$ 2,591,349	\$ 2,574,768	\$ 19,198,815



The following shows the average amount of federal funding and FTEs by region and the current situation as of September 20, 2013:

- **Region 1** – \$263,000 and 3.0 FTE positions; there is currently 1.0 FTE position and existing funding is being used through June 2014.
- **Region 2** – \$238,000 and 1.5 FTE positions; there are currently 2.0 part-time FTE positions and the office will close September 30, 2013.
- **Region 3** – \$311,000 and 4.0 FTE positions; there are currently 3.0 FTE positions and existing funding is being used through June 2014.
- **Region 4** – \$180,000 and 0.50 FTE position; no staff are currently working but existing funds are being used for equipment and training through June 2014.
- **Region 5** – \$259,000 and 4.0 FTE positions; this office has closed and the personnel have returned to their respective police department operations.
- **Region 6** – \$257,000 and 3.0 FTE positions; staffing remains at 3.0 FTE positions and will remain until December 31, 2013. This office then intends to operate with 2.0 FTE positions through June 2014.

State Fusion Center

The General Fund appropriation for the DOI and the State Fusion Center are currently located in two cost centers as part of the Division of Narcotics Enforcement’s (DNE) budget in the DPS. Total resources available to the DOI consist of \$2.4 million with approximately \$2.0 million and 16.0 FTE positions from the General Fund (not including salary costs for those positions funded by other DPS divisions). There are a total of 28.0 FTE positions, 12.0 sworn and 16.0 civilian FTE positions, including 13.0 intelligence analysts. This includes all FTE positions, including those funded from other budgets within the DPS and through federal funds. **Chart 4** shows the five-year history of General Fund appropriations and FTE positions.

**Chart 4
General Fund Appropriations and FTE Position History**

Department of Public Safety Intelligence Bureau Funding Fiscal Years 2010 Actual through 2014 Estimated					
	Actual FY 2010	Actual FY2011	Actual FY 2012	Actual FY 2013	Estimated FY 2014
Intelligence Bureau	\$ 791,867	\$ 1,063,903	\$ 1,106,647	\$ 1,150,657	\$ 1,337,451
Fusion Center	1,094,388	847,652	841,115	658,013	703,235
Total	\$ 1,886,255	\$ 1,911,555	\$ 1,947,762	\$ 1,808,670	\$ 2,040,686
FTE Positions	21.53	20.77	18.55	17.28	16.00

In addition to the chart above, there are 4.0 DPS personnel assigned to the DOI but paid from other DPS division General Fund budgets include:

- 1.0 Special Agent in Charge (DNE budget)
- 1.0 Lieutenant (Iowa State Patrol budget)
- 1.0 Special Agent (Division of Criminal Investigation (DCI) budget)
- 1.0 Criminal Analyst (DCI Gaming Budget)

The current HSGP grant provides funding to the DOI for three Criminal Analysts and one Data Entry position as well as equipment, training, and travel associated with training. The current grant funding (with the 2013 HSGP award) is projected to fund these positions through the fall of 2015. The Office of Drug Control Policy Pseudoephedrine COPS grant provides funding for two

Criminal Analyst positions paid through Merit Resources. Current funding will cover expenses for these positions until July 2015. The High Intensity Drug Trafficking Area (HIDTA) grant pays for one Criminal Analyst position in DOI. There is also one Criminal Analyst assigned to the Internet Crimes Against Children (ICAC) Task Force. This FTE position is housed at the Des Moines Area Community College (DMACC) campus and is assigned to the DCI and funded through the ICAC grant awarded to DCI. **Chart 5** shows the FTE positions funded through federal funds.

Chart 5
FTE Positions Paid Through Federal Funds

Federal Grant	FTE Positions	Total
Homeland Security Grant Program	Three Criminal Analysts and one Data Entry position	4.0
Office of Drug Control Policy	Two Criminal Analysts	2.0
High Intensity Drug Trafficking Area	One Criminal Analyst	1.0
Internet Crimes Against Children	One Criminal Analyst	1.0
	Total	<u>8.0</u>

SUMMARY

The General Assembly may wish to discuss the priority of funding and the continuation of criminal intelligence gathering and information dissemination in light of the reduction or elimination of federal funds. To maintain the regional offices and the State Fusion Center at the current funding levels will require approximately \$1.5 to \$1.75 million. This funding includes personnel, office support costs, travel, etc.

Because the original federal money was to be considered “seed money” and was not intended to last beyond four years, the General Assembly may wish to address the following questions to the DPS and the Regional Information Sharing Offices:

- Are the LEIN Regions and the DPS seeking alternative funding sources to help offset the cost?
- Can these functions be absorbed within the current operating budgets at both the state and local levels?
- If no funding source can be identified, will these services be eliminated and what impact would that have on law enforcement?

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