

BEST PRACTICES IN EVENT DECONFLICTION

Provided to CALEA by the Police Foundation

Background

Event deconfliction is defined as “the process of determining when law enforcement personnel are conducting an event in close proximity to one another at the same time. Events include law enforcement actions such as raids, undercover operations, surveillance, or executing search warrants. When certain elements (e.g., time, date, or location) are matched between two or more events, a conflict results. Immediate notification is then made to the affected agencies or personnel regarding the identified conflict.”¹ Event deconfliction is different from target, subject, or case deconfliction, which is intended to assist in coordinating investigations by more than one agency or unit into a single target so that investigative efforts are not jeopardized and opportunities to make joint cases are identified. Event deconfliction is focused on officer safety primarily and target, subject, or case deconfliction is focused on improving investigative outcomes. The remainder of this document will discuss event deconfliction only.

Traditionally, event deconfliction was conducted through our networks of contacts in adjoining agencies, through multi-agency task force operations, pre-operational planning and briefings. While these approaches can be effective in many cases and should be continued, today’s operational environment and available technologies and systems make event deconfliction easier and more effective. Agency best practices in event deconfliction revolve around well-implemented and monitored participation in electronic event deconfliction as well as through continued in-person coordination.

Of Note...

The status and interoperability of event deconfliction systems is discussed and maintained by the National Criminal Intelligence Resource Center (NCIRC), a Bureau of Justice Assistance program. Agencies can check the status of event deconfliction system interoperability efforts and obtain resources such as model policies and an interactive map of event deconfliction systems and users in a particular state via NCIRC’s website: <https://www.ncirc.gov/Deconfliction/>.

CALEA Standard

46.2.8 Event Deconfliction Systems

If the agency participates in a formal Event Deconfliction System(s), a written directive provides direction regarding its use and accountability measures, to include:

- a) *qualifying events and contact resources;*
- b) *authorized users and administrators;*
- c) *information authorized for release to system provider; and*
- d) *system contacts and internal distribution of information requirements.*

Commentary

Event Deconfliction Systems are used by public safety to identify law enforcement events occurring in close proximity, thereby promoting safety and effectiveness. This is particularly important for agencies in concurrent or contiguous jurisdictions that are involved in high-risk activities, such as undercover operations, surveillance, execution of search warrants, or fugitive apprehension. The Event Deconfliction System receives information from agencies and then provides notifications when qualifying activities are occurring in close proximity. Participation in these systems has been endorsed by the International Association of Chiefs of Police, the U.S. Department of Justice, the Federal Bureau of Investigation, the U.S. Drug Enforcement Administration, the Global Justice Information Sharing Initiative, and the Executive Office of the President of the United States. Event Deconfliction Systems can enhance officer safety, reduce risk and liability, safeguard the community, promote case integrity, enhance criminal investigations, and encourage the effective use of critical resources. Any participation should be with a recognized system that maximizes data collection and information sharing, while controlling information access. It is encouraged that a steering committee of participating agencies within designated geographic areas meet regularly to discuss participation and benchmarks and evaluate the system’s effectiveness, along with authoring a Memorandum of Understanding that clearly defines responsibilities, scope, and security protocols for the involved agencies, which is reviewed at least triennially.

Summary of Key Literature and Available Research

No significant research on event deconfliction processes or systems can be identified. However, documentation of the importance of event deconfliction and current efforts to provide electronic deconfliction capabilities to all law enforcement agencies was noted. It is important to mention that while many agencies may view or assess the need for event deconfliction within the context of their own jurisdiction, neighboring agencies, and their perspective on federal operations within their region, the extent of, or potential for conflicts may not always or consistently be known.

At the federal level, oversight agencies within the two different branches of government have noted “Unless all law enforcement agencies operating in a geographic area notify one another by telephone, radio, or through an information-sharing system of their planned events, officer safety can be put at risk.” These same oversight investigations have found that “The gaps in the task forces’ deconfliction efforts have led to incidents that put officers’ safety at risk, including three blue-on-blue incidents”². These task force operations may involve federal and local agency task force officers and may occur in any jurisdiction. While there are hundreds of federal-local task forces in operation across the U.S., they are not the only federal operations that can occur in a given jurisdiction. The DOJ oversight investigation report concluded with the following: “An FBI Supervisory Special Agent stated that, despite a local FBI policy requiring deconfliction using the HIDTA system, his task force does not use the system because of the possibility that the case will be stolen. As a result, there was one blue-on-blue incident (described on page xiv). ATF and FBI Special Agents and local officers stated that the blue-on-blue incident showed the need for improved coordination and deconfliction, and an FBI Supervisory Special Agent told us that the FBI strengthened its policy to require deconfliction and reiterated the need for deconfliction to all task force members “to avoid a similar mistake.”³ While it has been nearly 10 years since the DOJ oversight investigation was completed and substantial progress has been made at the federal level in terms of coordination⁴ and connecting deconfliction systems, the lessons learned in this report remain valuable and illustrative of the need to consistently deconflict operations even when we believe there is little chance for a conflict and have concerns about case retention or the motives of other agencies. Available literature and interviews with key agency contacts does support the notion that fear of losing a case is one of, if not the most prevalent reason for not participating.

In 2009⁵, New York Governor David A. Paterson created a task force to examine the issues and implications arising from police on police shootings. The report of the task force noted “Since 1981, some 26 police officers across the United States have been shot and killed by fellow police officers who have mistaken them for dangerous criminals.”⁶ Just fewer than 30% (6) of these fatal cases appear to have involved an undercover operation. While this task force primarily addressed police on police or blue on blue incidents that occur with off-duty officers and the role that implicit bias may play in those types of situations, the report offers an important view on the potential for blue on blue incidents to occur and provides accounts of several officers and task force members who themselves have been in near blue on blue incidents.

For several years, the Department of Justice and other federal entities worked to bring together the operators and sponsors of event deconfliction systems. Systems had been created and were operational within the Regional Information Sharing System (RISS) and two systems were operational within the High-Intensity Drug Trafficking Area (HIDTA) network. These connectivity or interoperability goals were undertaken through a federal advisory committee on information sharing, the Global Justice Information Sharing Initiative.

In July of 2015, the Global Advisory Committee issued a revised deconfliction “Call to Action” that was endorsed by many federal agencies, the Regional Information Sharing System (RISS), the High-Intensity Drug Trafficking Areas (HIDTAs), and nearly all of the major law enforcement associations. In calling for law enforcement agencies to engage in event deconfliction and marking the successful conclusion of an effort to create interoperability between existing event deconfliction systems, the Call to Action states: “The three nationally recognized event deconfliction systems—Case Explorer, RISSafe, and SAFETNet—are designed to enable law enforcement personnel to enter specific, relevant information prior to an event to determine whether there are any conflicts (e.g., the event happening at the same date/time/location as another event) with other law enforcement actions. Once the information is

submitted, personnel receive notification of a potential conflict with another operation. Based on the information returned to the submitter, a review should be conducted of potential conflicts to more precisely determine whether an actual conflict of events exists and to address the conflict accordingly. The three systems are connected using an interface solution developed in coordination with the system owners. This interconnectivity further strengthens deconfliction among agencies, enhances officer and citizen safety, and improves information sharing. The three national, interoperable systems are:

- Case Explorer—Access is provided through the Washington/Baltimore High Intensity Drug Trafficking Area (HIDTA), <http://www.caseexplorer.net>.
- RISSafe—Access is provided through the appropriate RISS Center, <http://www.riss.net>.
- SAFETNet—Access is provided by the appropriate regional HIDTA Investigative Support Center, www.whitehouse.gov/ondcp/hidta-points-of-contact. (NOTE: The New York HIDTA instance of SAFETNet is not, as of September 2016, interoperable with the three national systems described here, however efforts are underway to do so.)

Between January and June 2016, the Global Advisory Committee reports that 191,146 events have been entered in the three systems combined, and 440 potential conflicts have been identified as a result.

The Global Advisory Committee's Call to Action notes, "To ensure officer safety, it is vital for all law enforcement agencies and personnel to participate in event deconfliction."

Evidence-Based/Best Practices

Avoiding Over-Reliance on Systems-Based Deconfliction

Not all agencies participate in systems-based deconfliction efforts and those that do may not consistently participate or may participate in a local system or one that is not interoperable with any of the three national systems. For this reason, agencies should not rely solely on systems-based deconfliction to prevent blue on blue incidents. Ongoing coordination via meetings, calls and briefings will remain a best practice. Participation in systems-based deconfliction will ensure that agencies that you have not connected with directly have the opportunity to be aware of the planned operation.

Specific Systems

No best practice information was identified that mandated a specific system. All three national systems have different functionalities and therefore may provide unique advantages and disadvantages for agencies. Most importantly, using an interoperable deconfliction system that enables events to be deconflicted with many other agencies is always strongly recommended and endorsed by the previously mentioned organizations. Additionally, it is important to note that the RISSafe system – available to any agency at no cost - allows agencies to enter the details of an event but restricts the visibility of this information to other agencies while allowing the potential conflict to be known and resolved through direct communication. RISSafe is also available on mobile devices, while other systems are not yet available in this form⁷. The RISS system also allows connectivity with criminal intelligence databases to allow cross-checking of target details with intelligence shared by other agencies, if desired. This provides a useful method of overcoming agency concerns about sharing case details. Other systems may offer similar functionality.

Model Policy – Global Advisory Committee

The Global Advisory Committee has made available a model policy for agencies to use in establishing policy and procedure for participation in online event deconfliction systems.⁸ The model policy outlines the following requirements: agency participation, mandatory entry of certain events, entry of event data as soon as information becomes available or at least 2 hours prior to event if possible, information to be entered about each event,

responsibility for resolving conflicts, refraining from execution until conflicts are resolved, referring unresolved conflicts to supervisors/command staff, requiring training for all personnel that may be required to deconflict an event or having responsibility for such. This model policy has been adopted with minor modification and customization by multiple agencies and regional task forces. This model policy is slightly ambiguous as to who has the responsibility to ensure that event information is added and does not directly address the concern of many about losing cases to other agencies and sensitive target information.

Mandating a Deconfliction Number

The Georgia Bureau of Investigation mandates that all planned events and all case elements will be deconflicted. Many state, local and federal agencies require that all planned operations include a system generated deconfliction number before they will be approved and that investigative reports reflect that case elements have been deconflicted. These are best practices, designed to ensure officer safety and the most effective and efficient use of resources. Clearly, using the system routinely also provides a level of liability protection to the agencies.⁹

Factors to Keep in Mind...

Event deconfliction systems are rapidly evolving and interoperability between the three national systems is relatively recent. Additionally, some vendors may be providing deconfliction capabilities within case management systems and as these technologies evolve, they could create implications for the national systems.

Many agencies feel confident in their ability to deconflict based on relationships and networks among adjoining or adjacent agencies and officers. While this type of communication should be continued, we must all be mindful that law enforcement operations are constantly evolving and as technology and mobility allow criminals to operate outside of their local area, law enforcement agencies at the federal, state and local level from outside of the local area may also be operating in new places, including places not normally operated in.

The national systems discussed here are typically unavailable to law enforcement agencies outside of the United States.

Summarizing the Research & Key Findings

Event deconfliction systems will undoubtedly strengthen deconfliction and coordination efforts among agencies in a region or area and participation should be required for pre-planned events, particularly those involving officers in undercover roles or in plain clothes.

Agencies should implement an event deconfliction policy that clearly articulates:

- Mandatory agency participation in one of the three interoperable national systems
- Mandatory entry of certain events¹⁰, to include training events if conducted in public view
- Entry of event data as soon as information becomes available or at least 2 hours prior to event if possible
- Minimum information to be entered about each event (see Model Policy)
- The specific job role(s) that have responsibility for entering and resolving conflicts
- Direction to refrain from execution until all conflicts are resolved
- Direction on referring unresolved conflicts to specific supervisors/command staff by title and in what period of time
- Requiring training for all personnel that may be required to deconflict an event or having responsibility for such and who, within the agency, is responsible for ensuring that such officers receive the required training.
- Requiring that all planned operations include a system generated deconfliction number before they will be approved
- Requiring that investigative reports reflect that case elements have been deconflicted

The policy should specifically address sensitive cases, events and targets by identifying the use of system capabilities to restrict the sharing of sensitive information, once a specifically named supervisor has authorized doing so. The policy should make clear that these systems contain sensitive information and use of the information in the system shall be strictly confined to deconfliction purposes, discouraging any thought of initiating a case or intervening in another agency's investigation without a pre-determined investigative lead.

The policy should also address who, by specific title within the command staff, may authorize an event not being submitted to an event deconfliction system and for what specific and limited reasons this may be authorized. **It is recommended that the Global model policy be adopted and modified as described above.**

Last, in light of a number of blue on blue incidents involving undercover and plain clothes officers misidentified as suspects, we believe it is important for local agencies and agencies within their region to convene regularly to discuss identification protocols, as discussed in the New York Task Force report.

The RISS Program provides no-cost training to law enforcement officers on RISSafe. This training is available in several different ways:

- Online video tutorials – located on the RISSNET portal
- In-person training – classroom style or one-on-one training as requested
- WebEx training

For more information on this training, see <https://www.riss.net/Resources/RISSafe>

List of References and Further Reading

1. A Call to Action: Enhancing Officer Safety Through the Use of Event Deconfliction Systems. Revised July 14, 2015. Global Justice Information Sharing Advisory Committee. <https://it.ojp.gov/GIST/149/Event-Deconfliction-Unified-Message>
2. Coordination of Investigations by Department of Justice Violent Crime Task Forces. Office of Inspector General (OIG), U.S. Department of Justice. May 2007. <https://oig.justice.gov/reports/plus/e0704/final.pdf>
3. Ibid.
4. COMBATTING ILLICIT DRUGS: DEA and ICE Interagency Agreement Has Helped to Ensure Better Coordination of Drug Investigations. Government Accountability Office (GAO). July 2011. GAO 11-763. <http://www.gao.gov/assets/330/322165.pdf>
5. Baker, A. (2009, June 5). New State Panel to Study Police Shootings. The New York Times. Retrieved from <http://www.nytimes.com/2009/06/06/nyregion/06nypd.html>
6. Reducing Inherent Danger: Report of the Task Force on Police on Police Shootings. New York State Task Force on Police on Police Shootings. 2010. https://www.hks.harvard.edu/criminaljustice-backup/publications/Police-on-Police_Shootings.pdf
7. SAFETNet does provide mobile alerts only.
8. Global Advisory Committee Model Event Deconfliction Policy. July 2015. National Criminal Intelligence Resource Center (NCIRC). <https://www.ncirc.gov/Deconfliction/Resources.aspx>
9. Georgia Association of Chiefs of Police Online Quarterly News. 4th Quarter, 2013. Retrieved from http://www.gachiefs.com/wp-content/uploads/2016/04/2013_4thQtrNews.pdf
10. According to an NCIRC model policy from March 2015, events include:
 1. The service of search warrants;
 2. The service of arrest warrants;
 3. The planned arrest of a person immediately after he or she has delivered or received, or attempted to deliver or receive, contraband to or from an officer or informant (buy-busts, reverse sting operations, controlled drug deliveries, stolen or burglarized property, etc.);
 4. Taking delivery of any contraband from a suspect who is not arrested, but permitted to leave pending further investigation ("buy-walk");
 5. Informant or officer face-to-face meetings with suspects for the purpose of receiving, delivering, or negotiating the receipt or delivery of any contraband;
 6. Approaching a person at his or her place of domicile and requesting permission to search for any contraband ("knock and talk"); especially in anticipation of activities involving a felony crime or drug related crime;
 7. Predetermined surveillances, whether stationary or mobile, including those occurring in our agency's jurisdiction or the jurisdiction of a non-participating law enforcement agency;
 8. Covert activity by officers, or by informants acting under the direction of officers, that could initiate a response from citizens or local police who may reasonably believe that a crime is in progress;
 9. Fugitive operations which are operational (roundups);
 10. Long term covert operations (storefronts);
 11. Any other high-risk or specialized law enforcement activities that would benefit from event deconfliction.