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FOR POLICY REFORM

CUSTOMS INTELLIGENCE PLAN

June 2006

This publication was produced for review by the United States Agency for International Development. It was prepared by the USAID-funded TAPR II project.

CUSTOMS INTELLIGENCE PLAN

TECHNICAL ASSISTANCE FOR POLICY REFORM II

CONTRACT NUMBER: 263-C-00-05-00063-00

BEARINGPOINT, INC.

USAID/EGYPT POLICY AND PRIVATE SECTOR OFFICE

JUNE 2006

AUTHOR: PETER BENNETT

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SUMMARY

This document has been prepared to assist the ECA in understanding the requirements for the development of the intelligence function, possible impediments to this development and how intelligence is linked to the core functions of Enforcement:

- Intelligence
- Investigation
- Targeting and Analysis
- Post Clearance Audit
- Risk Management

Without clear and defined links and co-operation between the above sections of the ECA no effective enforcement strategy can be implemented. Access to information, the development of effective IT systems and communication channels, internal risk registers and management reporting procedures, and delegated authorities are all required in order complete effective reorganization in this area.

INTELLIGENCE

Intelligence is the combination of credible information with quality analysis information that has been evaluated and used to draw conclusions.

Criminal intelligence, as required by Customs Enforcement, results from a process involving planning and direction, information collection, processing / collation, analysis, dissemination and reevaluation (feedback) of information on suspected customs offenders, companies and organizations.

This sequential process is commonly referred to as the ***intelligence process*** or ***intelligence cycle***.

International standards require Customs services to move towards intelligence led controls by the collection and analysis of information to produce an intelligence end product designed to assist decision making at both *Strategic* and *Tactical* level. Intelligence led control is predicted on the production and application of intelligence information and products. For intelligence led controls to be effective, the process must be an integral part of the customs administrations philosophies, policies and strategies and must also be integral in the administrations missions and goals.

Impediments to success

Surveys of law enforcement agencies have identified 5 major impediments to successful intelligence led policing.

1. Lack of communication and information sharing – specifically the lack of a centralized analysis and dissemination function.
2. Technology issues- specifically the lack of equipment to facilitate a national intelligence data system, lack of interconnectivity between law enforcement and other government agencies, limited fiscal resources, lack of technological infrastructure, and lack of uniformity between computer systems.
3. lack of intelligence standards and policies – specifically, lack of common standards for collection retention and dissemination of intelligence data; access to classified data, and lack of standards for determining when to disseminate intelligence to other agencies.
4. Lack of intelligence analysis – specifically, lack of compatible analytical software, and lack of analytical support personnel, equipment and training.
5. Poor working relationships – specifically, unwillingness of law enforcement agencies to provide information due to parochial interests or a culture that does not foster sharing information or trust between agencies.

The need to develop minimum standards for management of the intelligence Function.

A properly managed criminal intelligence function can have a tremendous impact on a law Enforcement agency and the community it serves. As these enhanced capabilities are built, so, too, must proper management principles be implemented. Informal surveys during analytic training indicate that the primary reason agencies do not use analysis and intelligence is that the executives, managers, and supervisors of the function do not understand its capabilities and have not been given guidance in its use. It is important

therefore that managers of the Enforcement directorate must have a clear understanding of the intelligence process.

The need to develop minimum standards for all levels of the intelligence process: Planning and Direction, Information Collection, Processing/Collation, Analysis, Dissemination, and Reevaluation (feedback).

The importance of ensuring compatible policies and standards for all levels of the intelligence process is the basis of any successful policy. There are various models of the intelligence process in use; however, most models contain the following basic steps: planning and direction, information collection, processing/collation, analysis, dissemination, and reevaluation (feedback). Storage and retention are additional steps that can be included.

The intelligence process (or cycle) is the means of developing raw information into finished intelligence products for use in decision-making and formulating policies/actions.

The first step, **planning and direction**, involves identifying the need for data. Agency members should engage in a process of deciding what they want to know (or what they need to collect) before they collect it, or they may end up with indiscriminate, unfocused information.

Collection is the gathering of the raw data needed to produce intelligence products. Data may be collected from many sources, including but not limited to public records, the Internet, confidential sources, incident reports, and periodicals.

The next step, **processing and collation**, involves evaluating the information's validity and reliability. Collation entails sorting, combining, categorizing, and arranging the data collected so relationships can be determined.

Analysis is the portion of the intelligence process that transforms the raw data into products that are useful. This is also the function that separates "information" from "intelligence." It is this vital function that makes the collection effort beneficial. Without this portion of the process, we are left with disjointed pieces of information to which no meaning has been attached. The goal is to develop a report where the information has been connected in a logical and valid manner to produce an intelligence report that contains valid judgments based on information analyzed.

Dissemination is also a vital step in the process. Without disseminating the intelligence developed, it is pointless to collect it. The intelligence disseminated must be timely and credible to be useful. Dissemination must also be evaluated based on a "right-to-know" and the "need-to-know." The right-to-know means the recipient has the legal authority to obtain the information pursuant to court order, statute, or decisional law. The need-to-know means the requestor has the need to obtain information to execute official responsibilities.⁵

The final step of the intelligence process involves obtaining **feedback** on the process performed and the products produced by the intelligence function. This step allows evaluation of the performance or effectiveness of an intelligence function.

The proper completion of these steps ensures that the data used are managed appropriately and within the legal constraints regarding the privacy and rights of all citizens; however, the steps are often interconnected, and frequently, the boundaries blur. Each step of the process needs to be understood to produce accurate, timely intelligence reports.

RECOMMENDATIONS FOR IMPLEMENTATION OF THE PLAN

RECOMMENDATION 1: In order to attain the goals outlined in the restructuring plan, the ECA, shall adopt the minimum standards for intelligence-led controls and the utilization and/or management of an intelligence function. The standards focus on the intelligence process and include elements such as the mission of the function, management and supervision, personnel selection, training, security, privacy rights, development and dissemination of intelligence products, and accountability measures.

Discussion: The Commissioner and the manager of intelligence functions should:

- Seek ways to enhance intelligence sharing efforts and foster information sharing by participating in task forces and state, regional, and federal information sharing initiatives.
- Implement a mission statement for the intelligence process within the ECA.
- Define management and supervision of the function.
- Select qualified personnel for assignment to the function.
- Ensure that standards are developed concerning background investigations of staff/system users to ensure security (of the system, facilities, etc.) and access to the system/network.
- Ensure appropriate training for all personnel assigned to or impacted by the intelligence process.
- Ensure that individuals' privacy and constitutional rights are considered at all times.
- Support the development of sound, professional analytic products (intelligence).
- Implement a method/system for dissemination of information to appropriate components/entities.
- Implement a policies and procedures manual. The intent of the manual is to establish, in writing, agency accountability for the intelligence function. The manual should include policies and procedures covering all aspects of the intelligence process.
- Implement an appropriate audit or review process to ensure compliance with policies and procedures.
- Promote a policy of openness when communicating with the public and all interested parties regarding the criminal intelligence process, when it does not affect the security and integrity of the process.

Recommendation 2: The Commissioner or his designated deputy should monitor the implementation of the *Intelligence Structure and Enforcement Directorate*, in order to gauge the success of the Plan. A report on the progress of the restructuring will be submitted at intervals designated by the Commissioner with an overall assessment by 31st December 2006.

Discussion: Assessment of the various components of the Plan should occur at different phases of its implementation in order to measure the success of the project. Areas to evaluate should include community knowledge, training efforts, adoption of policies and standards, and systems participating in the nationwide communications capability. A time-interval series of surveys may be utilized and should be appropriately developed to various law enforcement levels (beginning with the implementation of the Plan, through use and benefits of the Plan). Consideration should also be given to developing performance measures to gauge the results and outcomes of the Plan.

Recommendation 3: The ECA must recognize and partner with the public and private sectors in order to detect and prevent attacks on the Customs critical infrastructures. Steps should be taken to establish regular communications and methods of information exchange.

Discussion: All elements of our society have a stake in protecting and reducing the ECA's vulnerability to organized attacks on the revenue system and enhancing protection of society through countering smuggling.

Protecting Egypt's borders requires cooperation between all levels of government and the private and public sectors. ECA is the lead agency responsible for evaluating vulnerabilities; issuing warnings and advisories; and coordinating with other local, regional and national agencies and private entities to ensure the most effective border and anti smuggling response. Information sharing is vital to the ECA security effort; law enforcement and public safety agencies must use the capabilities of the private sector to achieve a practical level of security without hindering productivity, trade, or economic growth. An important by-product of Enforcement is Trade facilitation to support legitimate trade. Cooperative efforts should expand as mechanisms for the receipt and exchange of important information are developed and fine-tuned.

The relationship between intelligence and other enforcement sections

Both *RISK* and *INTELLIGENCE* play an equal part in Customs law enforcement. To an extent, they are inter-related – one is dependant upon the other.

Risk assessment and analysis will entail the use of known Intelligence,

And

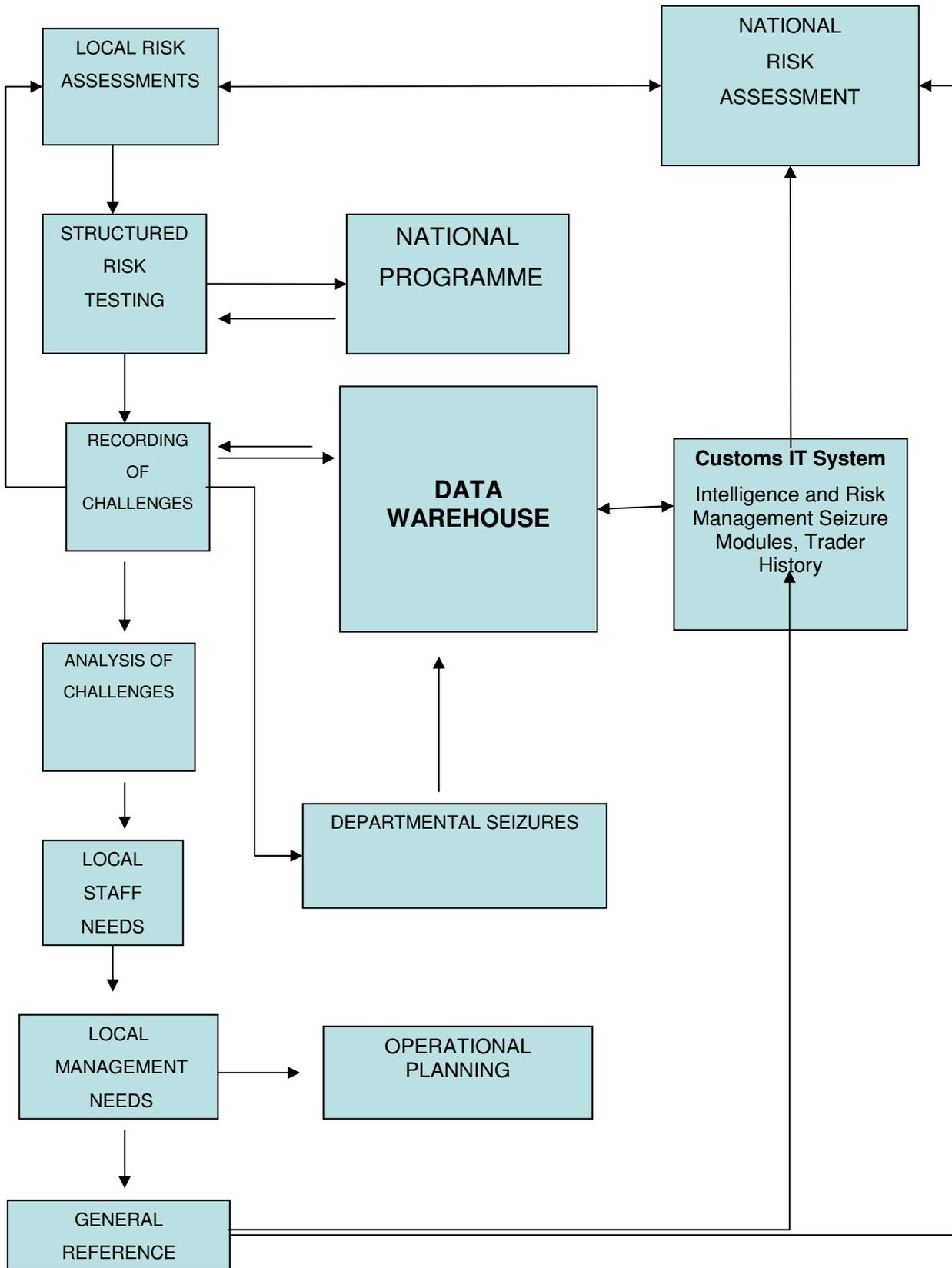
Intelligence development will take into account various Risk elements and components – quite frequently, a known 'Risk' area will provide the 'starting-point' for the development of an Intelligence product.

RISK ASSESMENT AND ANALYSIS tend to operate within the immediate term, dependant upon the perceived circumstances as they arise – it is **RE-ACTIVE**.

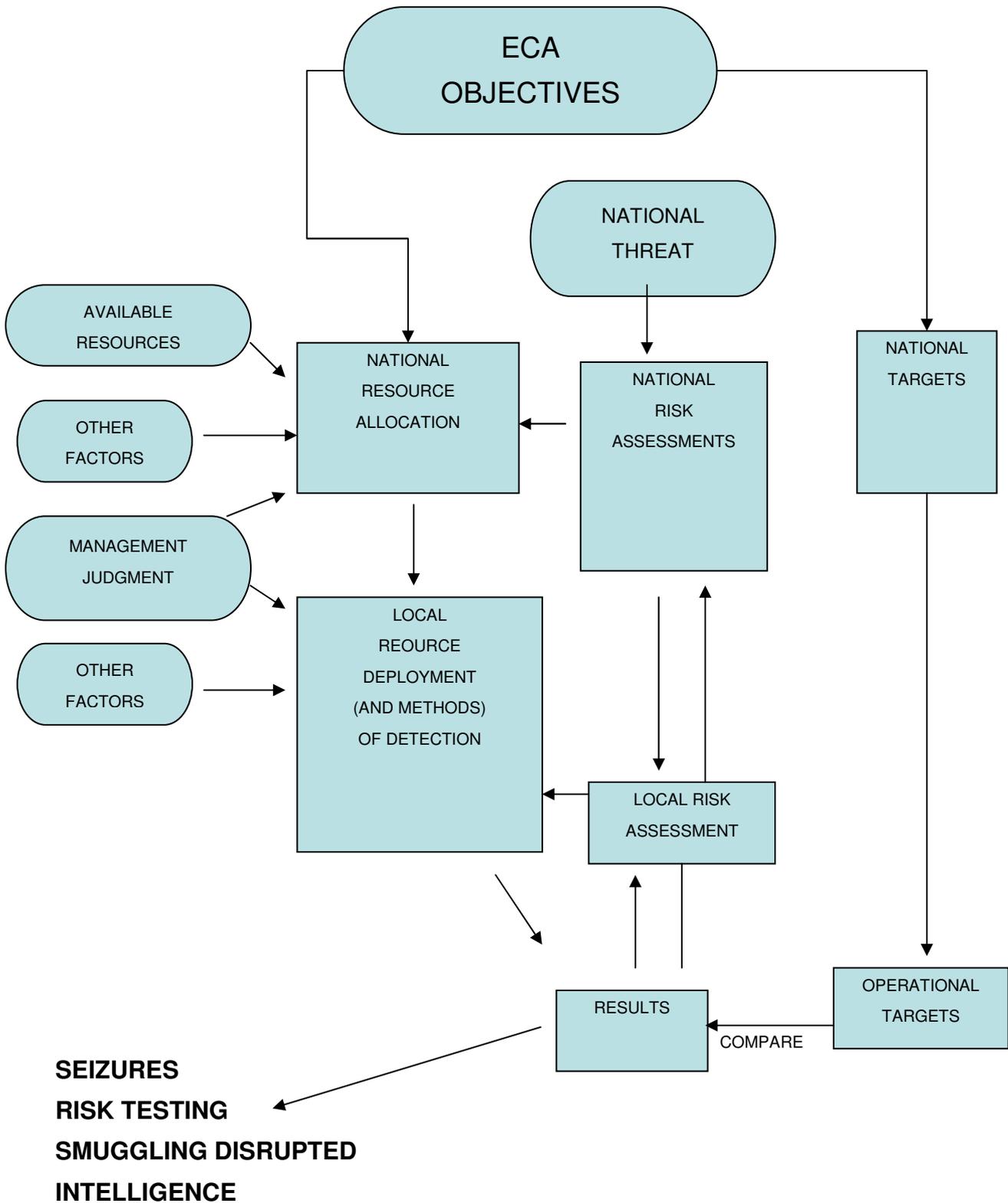
INTELLIGENCE is a more protracted and in-depth process of identifying the suspect, based on all known information – it is **PRO-ACTIVE**.

Therefore an effective enforcement policy will rely heavily on interaction between intelligence, risk management, post clearance audit and anti smuggling examination teams at local, regional and national level.

STRUCTURED RISK TESTING OVERVIEW OF LINKED SYSTEMS



OVERVIEW OF ENFORCEMENT RESOURCE MANAGEMENT AND PERFORMANCE MONITORING PROCESSES



Technical Assistance for Policy Reform II
BearingPoint, Inc,
8 El Sad El Aali Street, 18th Floor,
Dokki, Giza
Egypt
Country Code: 12311
Phone: +2 02 335 5507
Fax: +2 02 337 7684
Web address: www.usaideconomic.org.eg