

# Public Safety Struggles: Interstate Compacts to the Rescue

Opportunities exist for states to cooperate on current and emerging public safety trends.

By John J. Mountjoy

During the 2004 Democratic National Convention in Boston, New Jersey state troopers were absent. Given that Boston is in Massachusetts, not New Jersey, this may not seem peculiar, but from a security standpoint, it was an issue.

Several months prior to the convention, officials from both states had discussed allowing New Jersey state troopers to supplement Massachusetts' state and local security at the high profile, multi-day event. However, because concerns of liability and reimbursement clouded the issues of safety and security, no agreement was reached, and an available resource to help maintain order and respond to emergency events went untapped.

While this example may seem benign, it highlights the struggles states and localities experience when it comes to sharing public safety and homeland security resources. In a new age where the need exists—but structures, agreements and



## Terrorism's Impact on State Law Enforcement

The Council of State Governments, in partnership with Eastern Kentucky University, has conducted research and case study analysis on the implications of terrorism for state law enforcement agencies. Working with local, state and federal officials, through support from the National Institute of Justice, the project seeks to inform state leaders about the new roles and responsibilities of state-level agencies and the critical issues of their operation, including communication, governance, resources and training.

Specific recommendations include:

- establishing intelligence fusion centers to improve information sharing among states;
- implementing regional approaches for homeland security planning and operations;
- exploring methods to improve communication and collaboration among state law enforcement on regional and national levels; and
- developing "dual use" procurement systems.

The final report will be released in May 2005. For more information, visit [www.csg.org](http://www.csg.org) (keyword: protect).

guidelines to facilitate these crucial exchanges of resources, intelligence and communications do not—states are entering uncharted territory.

"In the New Jersey/Massachusetts example, an interstate compact or even some less formal agreement could have helped," said Tom O'Reilly, Administrator of New Jersey's Office of the Attorney General. Unlike many states, New Jersey's Attorney General oversees state level law enforcement, including state police, traffic safety and counter-terrorism activities. "But as it turned out, we were unable to make it happen."

New Jersey has since successfully shared its security resources. The New Jersey Rapid Deployment Team, an urban area security initiative consisting of New Jersey State troopers and local police officers, did go to Washington, D.C., to assist with the Presidential Inauguration activities earlier this year.

Following the Sept. 11 terror attacks, New Jersey, like many states and cities, anxiously awaited guidance from the federal government—guidance that was long in coming and is still, from many states' perspectives, incomplete. "While NIMS and NRP seek to address the coordination issues from a national level, they do not overcome some of the narrow issues like jurisdiction, liability and law enforcement authority between cities and between states," said O'Reilly, speaking of the National Incident Management System and the National Response Plan.

Globalization has made the world smaller in terms of economic opportunity and reliance. When it comes to effectively handling cooperation on issues of public safety, globalization can be a model for the evolving interrelationships between states. It is incumbent upon neighboring jurisdictions (bi- and tri-state metropolitan areas, bordering states and regions composed of both) to explore and develop lasting agreements that will facilitate the sharing of public safety resources to prevent and appropriately

respond to events, in addition to strengthening traditional law enforcement and public safety activities.

## Intelligence/Criminal Justice Information Sharing

While Sept. 11 raised the issue of widespread intelligence and information sharing needs to the public, the problems states face in allowing multi-jurisdictional access to criminal justice information continue. Efforts such as the Global Justice Information Sharing Initiative (GJISI) sponsored by the U.S. Department of Justice seek to establish standards and a mutual understanding of the information sharing process. GJISI is composed of key policy players from federal, state and local governments, as well as critical stakeholder groups, and fostered the development of the National Criminal Intelligence Sharing Plan (NCISP). NCISP is a set of 28 recommendations to strengthen the intelligence gathering and information sharing structures critical to successful counter-terrorism and to regional cooperation as related to modern public safety activities.

NCISP identifies the key structures and processes necessary for the development of a national intelligence and information sharing system. To be successful, NCISP's recommendations are reliant upon voluntary adoption by local, state and federal agencies.

One example of formal, yet unmandated, collaborative information sharing is the I-95 Initiative sponsored by Rutgers University's Police Institute. State and local police agencies along the Interstate 95 corridor—originally from Massachusetts to Maryland, now extending to Miami, Florida—periodically assemble to share terrorism-related intelligence and to develop better day-to-day communications methods between agencies. The effort, like so many similar forums, is a voluntary cooperative endeavor to generally strengthen law enforcement activities and to share best practices and information unique to the region.

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Another example of effective state cooperation on intelligence and information sharing is the Memorandum of Understanding on Cooperative Efforts in Unclassified Intelligence signed between Arizona and New Mexico in 2004. This agreement permits the development of information sharing protocols for both routine activities and special circumstances. While on the rise, the use of such mechanisms might be more widespread with the adoption of formal agreements on bi-state or regional levels.

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### Communications

Public safety agencies need the capacity to speak to each other over wireless radio networks, or interoperability. Although the public perceives that these networks are established and operational, some public safety officers, in fact, cannot speak directly to their own agencies, much less to another jurisdiction. The lack of communications interoperability—long a problem for law enforcement and other public safety agencies—has become an issue of epic proportions.

Emergency personnel responding to the Columbine High School shootings suffered from a lack of interoperability, delaying crucial medical and police response; the Oklahoma City bombing highlighted interoperability problems when agencies on the scene relied on hand-carried notes rather than radios to exchange information; and fireman and police officers lost their lives in the Sept. 11 World Trade Center attack due in part to a lack of interoperability—they did not receive instructions to quickly evacuate the buildings.

While standards and recommendations continue to evolve in cooperation with state, local and stakeholder organizations—such as with the U.S. Department of Homeland Security’s SAFECOM program and the National Institute of Justice’s CommTech (Communications Technology) program, formerly known as the AGILE program—adoption and implementation remains voluntary. Interstate compacts and other interstate and intrastate agreements remain an attractive tool for establishing metropolitan and regional governance over interoperable communications in cross-jurisdictional instances.

### Procurement

With increased homeland security responsibilities, state and local public safety agencies have found themselves lacking essential new equipment and training to prevent and respond not only to terror attacks, but also to everyday events in their jurisdictions. Each agency typically maintains its own standards for proving equipment with individualized procurement procedures. However, while originally designed to prevent fraud, waste and abuse in purchasing, modern procurement systems are often lengthy and not as responsive as necessary to obtain essential equipment in a timely manner.

As many neighboring states and localities undertake the enormous task of properly outfitting themselves with communications and emergency response equipment, most are fortunate enough to have received at least subsidy support, if not full funding for some or all of their activities.

However, with this increased need, a growing menu of options and choices for agencies has appeared. Redundancy of capacity to meet public safety needs, while certainly not negative, has been cited by many—including the U.S. Department of Homeland Security—as fiscally inefficient. Avoiding duplication while maintaining a high state of readiness is, however, a difficult balance to

achieve. As demands for new tools increase—information technology systems, specialized hazardous materials response equipment and specially trained counter-terrorism teams, for example—states and local jurisdictions may be able to enter into shared support and cost-saving procurement agreements to reduce individual financial obligations.

Such agreements will streamline the speed and efficiency by which specialized equipment and training is obtained. Like the existing *Emergency Management Assistance Compact*, which allows rapid response to man-made and natural disasters with pre-arranged agreements and procedures, formal procurement compacts between states or across an entire region might be one solution to help curb enormous costs without sacrificing readiness.

### Interstate Compacts: Metropolitan and Regional Examples

Since their inception, the use of interstate compacts to address a wide variety of interstate issues has made them an attractive mechanism not only to solve problems, but also to allow states to exert their collective strength in maintaining control over issues belonging under their purview.

Compacts have also been embraced as useful tools for both large and small metropolitan areas. Steady urban growth in the last several decades now requires states to work together, as never before, on behalf of cities, sprawling bi- or tri-state metropolitan areas and interconnected regions. Issues such as education, economic development and tourism have fostered interstate agreements such as the *Bi-State Development Agency Compact* serving the St. Louis metro area and the *New Hampshire-Vermont Interstate School Compact* that creates a joint education district for adjoining communities in the two states.

Likewise, metropolitan and regional compacts have been applied to public safety issues beyond state borders, such as the *New England State Police Compact*, that allows cooperation among six northeastern states in controlling riots and other emergencies. The *Colorado River Crime Enforcement Compact* and the *California-Nevada Compact for Jurisdiction on Interstate Waters* allow concurrent jurisdiction on mutual waterways. Emerging and changing policy trends may require states to increase their work on behalf of cities and interstate regions in the creation of new or expanded interstate agreements.

The examination and possible development of regional and national interstate compacts—as well as other agreements such as memoranda of understanding and multi-jurisdictional mutual aid agreements across state lines—exist as potential solutions to complex administrative and legal authority questions.

While these types of agreements cannot remedy each of a growing list of jurisdictional problems encountered by local and state public safety agencies, the community of interest to explore these arrangements is increasing. Such agreements may serve as a proactive remedy to problems long held in an area of public governance that, of late, seems too often to be playing catch-up.

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