STATEMENT FOR THE RECORD

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Representing the National Fusion Center Association

United States Senate Committee on Homeland Security and Governmental Affairs

"Ten Years After 9/11: A Status Report on Information Sharing"

October 12, 2011

Chairman Lieberman, Senator Collins, members of the committee, thank you for holding this important hearing and for inviting the National Fusion Center Association (NFCA) to provide observations on the state of information sharing ten years after 9/11.

I am Ron Brooks, Director of the Northern California Regional Intelligence Center (NCRIC), one of our nation's seventy-two designated fusion centers, and Director of the Northern California High Intensity Drug Trafficking Area (HIDTA). I am a charter member of

the National Fusion Center Association (NFCA). I am a founding member and current Chair of the Criminal Intelligence Coordinating Council (CICC), and the Global Intelligence Working Group (GIWG), components of the Global Justice Information Sharing Initiative, a Federal Advisory Committee (FACA) established to advise the U.S. Attorney General on matters involving criminal intelligence and information sharing. I serve as the Chair of the State and Local Homeland Security and Law Enforcement Advisory Board for the Director of National Intelligence (DNI). I represent the CICC on the White House Interagency Policy Committee (IPC) on the Subcommittees on Fusion Centers and The Suspicious Activity Reporting Initiative. I also serve as the President of the National Narcotic Officers' Associations' Coalition (NNOAC), which represents 44 state narcotic officers' associations and more than 60,000 law enforcement officers.

Prior to my current assignment, I retired from the California Department of Justice as an Assistant Chief with the Bureau of Narcotic Enforcement. I have a total of thirty-seven years of service as a law enforcement officer with more than 30 of those years spent in narcotic enforcement and criminal intelligence assignments. Over the course of my career I have seen dramatic improvements in the ability and willingness of public safety agencies to share information. From the Regional Information Sharing Systems (RISS) that first enabled nationwide sharing of information among law enforcement 37 years ago and continue to be a cornerstone today, to the development of fusion centers after 9/11, we have come a long way.

The pace of information sharing progress has accelerated since 9/11, and sharing has improved even more rapidly in the last few years. Certainly there are challenges that remain, but there is good reason for optimism. The foundation has been laid, the path ahead is clear, and the commitment of a diverse set of stakeholders is encouraging. We must continue our commitment to a true nationwide information sharing enterprise with the National Network of Fusion Centers as a centerpiece and build on the success we have achieved to date.

Consider that just last month, less than 24 hours after high-level national intelligence regarding a 9/11-inspired threat was reported from a federal intelligence agency overseas, detailed threat information was sent through DHS and the FBI to the fusion centers and was put into the hands of local law enforcement. Fusion center analysts at the NCRIC, like those in many other centers were working around the clock, worked alongside FBI personnel to review suspicious activity reports and leads associated with the New York and Washington, DC threats, and to share actionable information with state and local public safety and private sector partners.

I think the average American assumes that this is the norm in all cases – and they ought to assume that. But those of us in law enforcement know how remarkable this example is, and how symbolic it is of the progress in information sharing that we have made in this nation since 9/11. The event demonstrated that the National Network of Fusion Centers plays a critical role in protecting the homeland and should be considered a national asset.

The combination of revolutionary innovations in analytical and networking technologies, the lowering of cultural barriers to sharing, and the creation of trusted programs such as fusion centers has resulted in great progress. We must continue down the path we have created and remain tightly focused on reducing barriers and increasing trust.

Central to the continued improvement of information sharing is enhancement of the National Network of Fusion Centers, specifically the 72 state and major urban area fusion centers recognized by DHS. Fusion centers bring together law enforcement, public safety, fire service, emergency response, public health, protection of critical infrastructure and key resources (CIKR), and private sector security personnel to understand local implications of national intelligence, thus enabling local officials to better protect their communities.

Fusion centers provide actionable intelligence to local, state, and federal decision makers who have the authority to allocate operational resources in terrorism and other investigations. I believe this is a key component of what fusion centers provide to our stakeholders. With public safety budgets and personnel stretched thin across the nation, actionable intelligence is even more essential to ensure diminished local and state resources are utilized as effectively as possible.

Fusion centers are owned and operated by state and local governments – not by the federal government – and yet they are national assets that are key to the nation's terrorism prevention strategy. This ownership and support structure enables fusion centers to be responsive to state and local needs as well as federal homeland security priorities. Mutual benefit is derived from the partnership between federal, state, local, and tribal stakeholders.

Federal support to fusion centers includes grant funding, assignment of intelligence analysts, technical assistance, training and exercises, linkage to key information systems, and security clearances. This federal support adds essential value to the resources committed by state and local governments to make the National Network a foundation of homeland security information sharing.

Consider these recent quotes and findings that indicate how important fusion centers have become in homeland security information sharing.

- **9/11 Commission Co-Chair Lee Hamilton** before the House Homeland Security Committee (September, 2011): "We have 72 fusion centers around the country […]. They're of mixed, varied capacities, but they do bring together the right people in an area: state, local, and federal. They represent probably the best hope for giving you the kind of response you want on unity of effort in any given crisis."
- **Intelligence and National Security Alliance** (INSA) report (September, 2011): "In close cooperation with FIGs and JTTFs, fusion centers represent a foundation upon which to build a strong Homeland Security Intelligence Enterprise. Fusion centers are well-positioned to gather and share such information from state and local partners

across the Enterprise, particularly with JTTFs and FIGs. This type of information is necessary to pursue and disrupt activities that may be indicators of, or potential precursors to, terrorist activity. Likewise the FIGs are equally well-positioned to share transnational terrorist threat information with fusion centers. This example of connectedness facilitates a whole-of-government approach to protecting the public against terrorism."

- **Director of National Intelligence James Clapper** addressing the CSIS/INSA Domestic Intelligence event (September, 2011): "[Fusion centers] are the local nexus for imparting intelligence that we collect at the national level and [they convey upwards] street intelligence, which only state and local officials, I think, have good insight into. I have found [the State and Local Homeland Security and Law Enforcement Partners Board] to be a gold mine of wisdom and insight in an area I'm personally not as well-grounded on. And they made a very articulate, eloquent case for improving the intelligence enterprise domestically, and I think they are right on the money. And I intend to take that on."
- **The Homeland Security Policy Institute at the George Washington University**: Issue Brief on Leveraging Local Capabilities for National Counterterrorism Purposes (August, 2011): "Fusion Centers are the key to increased involvement by the local police. Not only do they have the resources desperately needed by local law enforcement, they have access to the traditional members of the intelligence community. The Fusion Centers should be the repository for each [local] agency's intelligence domains."
- **Secretary Janet Napolitano** addressing the National Fusion Center Conference (March, 2011): "[Fusion centers] allow frontline personnel to understand local implications of national intelligence, thus enabling local officials to better protect their communities."
- **2010 National Security Strategy of the United States**: "We will continue to integrate and leverage state and major urban area fusion centers that have the capability to share classified information; establish a nationwide framework for reporting suspicious activity; and implement an integrated approach to our counterterrorism information systems to ensure that the analysts, agents, and officers who protect us have access to all relevant intelligence throughout the government. We are improving information sharing and cooperation by linking networks to facilitate Federal, state, and local capabilities to seamlessly exchange messages and information, conduct searches, and collaborate."

Fusion Center Contributions to Enhanced Information Sharing

The intent of public safety is to detect, disrupt, and prevent acts of crime and terrorism *before* they happen, and *if* they happen, to quickly identify and apprehend suspects and prevent further attacks.

To do this we need to constantly share appropriate information across jurisdictional and functional boundaries. In other words, we need to find the dots and then make sure barriers are lowered so they can be connected, even when one of us has a piece of information that no one knows is relevant.

Clear signs of progress in homeland security information are everywhere. Before 9/11, state, local, and tribal partners had little understanding of indicators and warnings of terrorism-related activity, and we rarely received warnings or threat information from the federal intelligence community. Today we are keyed into indicators, warnings, and threat information through a range of both FOUO and classified intelligence products in a timely manner.

Before 9/11, the intelligence community had no good way to receive pertinent information from state and local public safety, and there was very little direct communication with our federal partners regarding threat information. Today we routinely are sharing Homeland Intelligence Reports (HIRs) and Suspicious Activity Report (SAR) data with our federal partners and having direct dialogue via secure teleconferences with them to discuss specific threat information.

Before 9/11 at the state and local level we shared relatively few intelligence products among ourselves or with our federal partners, in part because we had no access to classified systems or information. Today more than 3,000 state, local, and tribal officers have security clearances that enable them to directly access to HSDN systems. These are remarkable changes in the past ten years; a true paradigm shift has occurred that has made our nation safer.

The information sharing environment has matured because partners have rolled up their sleeves and created solutions that are crossing boundaries efficiently. Strong leadership from the DHS Office of Intelligence and Analysis, the Office of the Program Manager of the Information Sharing Environment, the Bureau of Justice Assistance at the Department of Justice, the Nationwide Suspicious Activity Reporting Initiative's Program Management Office (NSI-PMO) and the Federal Bureau of Investigation has resulted in the strengthening of governance structures that are intended to lower barriers between Federal, state, and local organizations.

The National Network of Fusion Centers is critical in the facilitation of homeland security information sharing. Fusion centers receive, analyze, disseminate, and gather threat information with law enforcement and intelligence partners to help *prevent* attacks.

The concept is simple: when we can rapidly share threat intelligence among federal, state, local, and private partners and emergency operations centers, we are much better able to protect the public.

Fusion centers have been key to achieving a "new normal" in homeland security cooperation after diligent efforts by countless federal, state, local, and tribal stakeholders. From where I stand, the difference between September 11, 2001 and September 11, 2011 is like night and day. Fusion centers are a major reason for the improvement, and it is critical to understand why.

Fusion centers have institutionalized collaboration against crime and terrorism among law enforcement, intelligence agencies, and other first responders. They enable more comprehensive analysis of information from a large number of sources for identification of patterns, trends, and anomalies. Technology and sharing agreements have made it easier to connect public safety partners. A fusion center analyst with single sign-on capability can search appropriate data housed in systems of other agencies. With these capabilities, fusion centers ensure that relevant information flows to agencies in a position to act, whether that is an FBI Joint Terrorism Task Force (JTTF), the Bridgeport Police Department, or the Maine State Police.

But fusion centers are more than information hubs. They embody a process – the *fusion process* – that has fundamentally changed how information is gathered, shared and transformed into useful intelligence at the local, state, and federal levels. It is about connecting the dots *and* putting national threat information in a local context. Fusion centers have taken steps to become "centers of analytical excellence" in order to ensure threat information is rapidly and accurately translated up or down the chain to public safety and intelligence partners for action. Training for analysts and direct contributions of analytical personnel from DHS have led to significant improvements in intelligence analysis capabilities across the National Network.

With this enhanced capability, a national intelligence enterprise is being created by connecting fusion centers, their information sharing and analysis partners, JTTFs, the HIDTA Investigative Support Centers, the RISS centers, major city and major county intelligence centers, the Nationwide SAR Initiative, and the Field Intelligence Groups (FIGs). This enterprise has been woven into a protective fabric for our nation, much the same way that the tightly woven threads of Kevlar form the ballistic vests that have protected my colleagues and me while we served to protect our communities.

This intelligence enterprise embraces the idea described in the White House Information Sharing Strategy of 2007 – that our nation's first responders are now our "first preventers." The International Association of Chiefs of Police (IACP) was spot-on when it said, "homeland security begins with hometown security." At the center of this new enterprise is the National Network of Fusion Centers' capacity to collaborate, connect, analyze, and share information.

There are significant efforts underway to address standardization of certain fusion center capabilities. Fusion center directors and the federal government have jointly worked to identify critical operational capabilities (COCs) for all fusion centers. The COCs relate to the ability to carry out four key activities: receive, analyze, disseminate, and gather information, all while

carefully adhering to privacy, civil liberties, and civil rights protections. Fusion centers have been successfully working to meet those capabilities, and the DHS Office of Intelligence & Analysis deserves great credit for proactively helping the centers in this effort.

Given the number of equities involved, the process is challenging, but tremendous progress has been made thanks to greatly enhanced collaboration between federal, state, and local stakeholders.

The Importance of Integrating State and Local Capabilities into Homeland Security Information Sharing

Prior to the terrorist attacks of 9/11, most of my colleagues in state, local and tribal law enforcement believed that the investigation of terrorism was the responsibility of the FBI and other Federal law enforcement and intelligence agencies. But as I watched the twin towers and the Pentagon burn while firefighters, police officers, and health workers ran toward the danger, and as I watched first responders race to a field in Shanksville, Pennsylvania, I realized that terrorism is a criminal act that threatens not only our way of life, but the communities that we have taken an oath to protect.

It became clear to many of us, whether at the International Association of Chiefs of Police, the National Sheriffs' Association, or the many other associations that represent the law enforcement profession that we needed to step up and do more to proactively prevent harm from being done to our fellow citizens. We were vividly reminded that *we* – state and local law enforcement along with other public safety and private sector partners – would be responsible for not only responding to these events and that we must take steps to prevent them.

It was not a matter of wholesale reorganization at the state and local levels. It was a matter of figuring out how we could use what we do every day – policing our communities and investigating crimes – to contribute to the larger homeland security mission. We are the front lines in our communities. Consider a few examples of local authorities encountering terror threats in the course of ordinary law enforcement:

- On the morning of December 14, 2007, three men pled guilty to federal terrorism charges. The Prosecutor described them as U.S. Citizens who had formed a radical Islamic terrorist cell while in prison and who planned to attack U.S. military installations, Israeli government offices, and synagogues in LA. Who uncovered the plot? It wasn't covert operatives in Afghanistan or federal agents conducting an investigation of Al Qaeda. It was local police officers investigating a gas station robbery in the Los Angeles suburb of Torrance, CA. During the investigation, officers found papers detailing the terrorist plot and shared them with the FBI. These terrorists were using money obtained from the robberies to purchase guns and other materials for their planned attacks.

- In early 2006, the Duka brothers went to their local Circuit City store in Cherry Hill New Jersey to duplicate a video tape. The employee duplicating the tape saw that it depicted men in camouflage clothing firing guns and speaking in a foreign language. The store clerk notified local New Jersey police who brought in the FBI. Using an FBI informant, investigators uncovered a plot to attack and kill American soldiers at Fort Dix, New Jersey.
- Eric Rudolph, the Olympic Park bomber, who was also wanted for bombings of abortion clinics and the murder of a police officer, was arrested by a Murphy North Carolina police officer. That arrest resulted in the seizure of Rudolph's cache of weapons and 250 pounds of dynamite.
- On April 19, 1995, Oklahoma State Trooper Charles Hanger stopped Timothy McVeigh for no rear license plate. His arrest of McVeigh for an illegal firearm led to identifying him as the person responsible for bombing the Murrah Federal Building in Oklahoma City earlier that day. An attack that killed 168 persons including 8 federal law enforcement officers.
- A 2002 investigation by California Bureau of Narcotic Enforcement of a Canadian-based organization that was selling pseudoephedrine to Mexico-based methamphetamine producers was found to be a major source of funding for Hezbollah.

These examples demonstrate how state and local participation is central to a robust homeland security effort.

The increased focus on Countering Violent Extremism (CVE) recognizes the threat from individuals and small groups of people within United States borders. The national security enterprise must reach beyond the capabilities of the federal government and national intelligence community to identify and warn about impending plots that could impact the homeland, particularly when the individuals responsible for those threats operate within the United States and do not travel or communicate with others overseas. Effectively countering this threat from a public safety perspective requires the broadest possible integration of law enforcement resources and deep community engagement by state and local public safety agencies.

The new White House Plan for Empowering Local Partners to Prevent Violent Extremism in the United States recognizes this reality: "Government and law enforcement at the local level have well-established relationships with communities, developed through years of consistent engagement, and therefore can effectively build partnerships and take action on the ground." Local law enforcement has developed a good understanding of local norms through the community partnerships they have developed over time. They are more likely to identify anomalies and take action to prevent crime including a terrorism event from Homegrown Violent Extremists (HVE). Integration of this knowledge and with local and national threat intelligence is how those anomalies can come to light. Fusion centers are where that integration can and should take place. This does not mean that fusion centers should be the hub for community

engagement efforts, but rather that fusion centers are well-positioned to inform law enforcement about the HVE threat and to disseminate information to frontline personnel.

Many fusion centers have adopted an all-crimes approach. While the federal interest in fusion centers relates primarily to their ability to contribute to counterterrorism efforts, the reality is that the fusion process is effective for any public safety effort. Whether the crime is terrorism, child abduction, gang violence, or auto theft, the fusion process maximizes efforts to prevent, deter, or investigate the crime. Institutionalized collaboration through information sharing and co-location is effective no matter the nature of the crime.

Since more than 95% of crime in America is state and local, and since strained state and local budgets have meant significant reductions in public safety manpower, doing more with less is a must. One of the best ways we can accomplish this is by enhanced collaboration and information sharing through an all-crimes approach by fusion centers. The federal government benefits from the all-crimes approach because it amounts to "drilling" on real-world scenarios using the fusion center critical operational capabilities every day. When a terrorism threat emerges, fusion center participants and customers "know the drill."

"Tips and leads" has long been a familiar term in law enforcement. People call the authorities all the time to report activity they think is suspicious. Whether it is an unattended backpack in a shopping mall, suspected domestic violence in a neighbor's house, or an unfamiliar person hanging around a playground, citizens report tips and leads with the expectation that law enforcement will respond and investigate the suspicious activity. The Nationwide Suspicious Activity Reporting (SAR) Initiative (NSI) is an effective way to gather and analyze "tips and leads" on a broad scale for analysis of suspicious activity that might be linked to terrorism.

NSI is a key to linking state and local public safety and the federal homeland security enterprise. A study recently conducted by RTI International and released by the Institute for Homeland Security Solutions found that nearly a quarter of terrorist plots were uncovered during investigations of crimes not related to terrorism. NSI recognizes this reality and ensures that we are better trained and connected to recognize and share possible threat information.

The NSI facilitates the appropriate sharing of observed suspicious activity between state and local public safety and federal counterterrorism authorities. The SAR system has been greatly enhanced by the work of the fusion centers through the Terrorism Liaison Officer (TLO) and Fusion Liaison Officer (FLO) networks that fusion centers have established. It is the National SAR Front Line Officer Training and constant interaction between the fusion centers and their liaison officers, along with the indicators, warnings and bulletins passed to them by the fusion centers that has greatly enhanced our national capacity for reporting suspicious activity.

In just the past three years, California's fusion centers have provided beginning, intermediate, and/or advanced TLO training to more than 32,000 law enforcement officers and

other first responders at more than 700 fusion center sponsored classroom trainings. California's fusion centers have a current cadre of more than 7,000 TLOs but we have trained many more officers and first responders in TLO concepts and in the indicators and warnings of terrorism, since all first responders who interact with the community may be in positions to observe suspicious activity. My own fusion center, the NCRIC, reaches more than 8,000 public safety professionals throughout our fifteen county region each time we send out a bulletin, officer safety alert or request for information.

Equally important is identifying the infrastructure, key resources and other vulnerable targets including those in the eighteen DHS designated sectors and those that may not fit within the DHS sectors but that may be important or vulnerable. In my fusion center we have identified and geospatially mapped all of the DHS-designated critical infrastructure and other locations such as military recruiting stations, schools, general aviation facilities, firearms and chemical dealers that have been deemed valuable or vulnerable to attack. This was a major effort by our fusion center and has led to the cataloging of more than 7,000 sites. This is critically important because the key to preventing or disrupting an act of terrorism is to understand the threat, know what infrastructure may be targeted and identifying when a threat or suspicious activity intersects critical or vulnerable infrastructure. I know that California's experience is similar to that of most fusion centers throughout the nation in this regard.

Without the National Network of Fusion Centers, there would not be an organized hub to request or share information regarding terrorism, trans-national criminals, violent gangs, drug trafficking organizations and other organized crime. More importantly, there would not be a portal to the SAR process or a system to promote the sharing of information or requests for information (RFI) between the FBI, DHS I&A, and local public safety entities.

The concept of "Intelligence Led Policing" has been developed to ensure state, local, and tribal authorities are fully leveraged to contribute to the homeland security mission. This concept is not meant to turn police officers into Jack Bauer. It does not suggest that cops should spy on our fellow citizens. It describes the obvious: that law enforcement officers should continue to do what they have always been trained to do – identify suspicious activity, report that activity, and prevent crime – while at the same time respecting the privacy rights and civil liberties of fellow citizens.

Fusion centers have enhanced state and local operational coordination with the FBI. For example, every fusion center gives the FBI – via existing linkages with Joint Terrorism Task Forces – a first look at every suspicious activity report (SAR). The FBI can decide to pursue the SAR under their authorities; in most cases they decline and the fusion center can validate the SAR as worthy of pushing to the Information Sharing Environment, determine that the SAR is not terrorism (i.e., narcotics related), is constitutionally protected activity, or is not valid for some other reason.

Thanks to fusion centers we are sharing *more* information *more effectively* than ever before. This is happening despite the fact that no single entity has the authority to enforce effective information sharing practices. Because of the decentralized nature of public safety, policies on sharing information cannot be dictated by any one organization. Common policies and practices must be developed by consensus and continually reinforced through real engagement. As you might imagine, this is extraordinarily difficult to achieve in practice. Yet, the public expects that we do it, and from my vantage point the public has reason to be proud of what we've done. Fusion centers have institutionalized information sharing among a broad range of local, state, and federal stakeholders.

Whether the information handled by a fusion center is criminal or terrorist in nature does not matter. It certainly doesn't matter from a citizen's perspective. There was no fusion process in place to tie a Maryland State Trooper's routine I-95 traffic stop of 9/11 hijacker Ziad Jarrah on September 8, 2001 with information in federal databases about Jarrah's previous suspicious activity related to terrorism.

Since fusion centers are owned and operated by state and local entities, there is wide variation among the centers in terms of budget and capabilities. Fusion center priorities in Tennessee are different from priorities in New York State and from our center in the San Francisco Bay area. The interests are different because their populations are different, and the fact that they are free to address the issues they feel need addressing is a strength of the national network of fusion centers.

The common thread through all the centers – and the key federal interest – is a link to federal partners and to each other through information sharing mechanisms. The critical operational capabilities of each center will ensure the centers are ready and able to support homeland security missions regardless of their local priorities.

This year, fusion center directors have worked with DHS Intelligence and Analysis to develop and implement cost and operational assessments. Fusion centers are in the process of reporting through this assessment detailed budget data including the mix of federal, state, and local resources contributed to the centers. While fusion center directors understand the imperative to measure effectiveness of the centers, Congress should understand that the federal government cannot unilaterally impose a performance management program upon fusion centers because they are owned and operated by state and local governments. The NFCA is in full agreement with the 2010 GAO report recommendation that the value fusion centers provide to the Information Sharing Environment must be demonstrated as part of sustainment funding justification. We are working together and with our federal partners to develop performance measures which demonstrate that value.

Budget support for fusion centers varies widely. To give you a sense of the diversity, some centers are almost entirely funded with federal grant dollars while some are almost entirely

funded with state dollars. Yet in all cases, state and local agencies contribute full-time personnel to their centers, and those contributions are generally not accounted for in the centers' budgets.

It is important to understand that if federal support for fusion centers declines in coming years, many fusion centers that are mostly supported with federal resources could shrink or disappear. The impact on national homeland security information sharing would be serious: if nodes in the national network shut down there is no clear way to integrate the decentralized information and local knowledge into the federal homeland security enterprise. The NSI, among other initiatives, would become much more difficult to implement on a wide scale.

In other words, the nation's counterterrorism capabilities would be eroded, and forward progress would be reversed.

While each center is unique, they are making progress toward the achievement of certain critical operational capabilities that are standardized across the national network. For example,

- Privacy policies have been established across all 50 States and all operational fusion centers at least as comprehensive as the 2006 Information Sharing Environment (ISE) Privacy Guidelines.
- Training has occurred for more than 200,000 local, tribal, state, and federal front line officers to identify and report suspicious activity in accord with the ISE SAR Functional Standard v1.5, and several thousand analysts have been trained in accord with vetting guidelines to ensure that ISE SARs are demonstrably behavior-based and their handling (retention, redress, and other related considerations) are fully compliant with privacy policies.

There is a specific and unique space for the information and sources "owned" by state, local, and tribal public safety agencies. Federal, state, and local policies should therefore ensure that this space is supported with the most professional and effective criminal and homeland security intelligence operations possible. That is how we ensure that state and local capabilities are fully leveraged to protect the homeland.

It is widely recognized that whole-of-government counterterrorism efforts require a decentralized, distributed system, as called outlined in the Markle Foundation report and the 2004 Intelligence Reform and Terrorism Prevention Act (IRTPA). This system allows for local control within a national policy and mission context. The National Network of Fusion Centers – owned and operated by state and local governments with deep support and partnership from federal agencies – is a stark embodiment of this model.

This decentralized, distributed system is effective as long as appropriate information is widely shared or made available for others to analyze. At the core of agencies' willingness to share information is *trust*. With more than 18,000 law enforcement agencies staffed by more than 840,000 law enforcement officers, more than 30,000 fire departments staffed by more than

1,000,000 career and volunteer firefighters, 50 state governors, countless critical infrastructure security professionals, public health workers, and emergency medicine workers, and the dozens of federal law enforcement and intelligence agencies in the United States, we need trusted mechanisms where institutionalized collaboration can take place on a regular basis.

Building that trust requires time, financial investment, commitment, and repetition. The National Network of Fusion Centers is the connective tissue that creates a trusted bond and fosters effective working relationships among tens of thousands of agencies and organizations with millions of public safety employees.

Several developments have been responsible for many of the major improvements in information sharing from the state and local perspective:

- The Criminal Intelligence Coordinating Council (CICC) and Global Intelligence Working Group (GIWG) are where much of the hard work has been done over the past decade to develop and create consensus around key information sharing principles among local, state, and federal public safety.

- Global and the CICC are critical because they focus on the development of documents that have the force of national policy and are widely adhered to. Global and the CICC have facilitated the development of the National Criminal Intelligence Sharing Plan, Law Enforcement Analytic Standards, technical data exchange standards, Fusion Center Privacy Policies, Fusion Center Guidelines, Baseline Capabilities for Fusion Centers, and have contributed to the National Strategy for Information Sharing, among other important initiatives.

- This institutionalized collaboration is what we need to ensure the continued commitment and building of trust among the greatest possible number of stakeholders.

I cannot overstate the importance of having the Attorney General's core advisory groups - Global and the CICC - represented within the White House's capstone governance body for information sharing. In addition to advising the AG, they have become primary engagement points with the Secretary of DHS, the Director of National Intelligence, and the White House national security apparatus. This type of access deepens and strengthens connectivity to the larger enterprise and ensures solutions are truly whole-of-government.

The many individuals involved in these efforts go unnoticed and unappreciated, but they deserve a lot of credit for leading us to where we are today.

Recommendations for Improvement

Homeland security partnerships through DHS state and local assistance programs need to be preserved and strengthened *with a focus on prevention*. After 9/11 much of the federal assistance to state and local partners was on supporting enhancements to *response* capabilities. It is time to invest those resources in enhancements to *prevention* capabilities in a more focused way. This is even more critical in a time of declining budgets at every level of government. The number one responsibility of government at all levels is to protect citizens. We must vigilantly guard against the loss of prevention and deterrence capabilities, including fusion center capabilities. In fact, to appropriately reflect the role fusion centers play in prevention, the National Network of Fusion Centers ought to be included in the Prevention Framework called for in Presidential Policy Directive 8 (PPD-8).

Information gathering, analysis, and sharing to protect the homeland cannot improve if resources are not there to support the bodies, technology, and training. The State Homeland Security Grant Program (SHSP) and Urban Area Security Initiative (UASI) provide critical support to enable fusion center operations. The Implementing the 9/11 Commission Recommendations Act of 2007 required that 25% of SHSP and UASI funds be used for law enforcement terrorism prevention (LETP) activities. Congress should take steps to ensure that funds directed toward LETP activities are truly applied to *prevention* activities such as fusion centers.

Severe reductions in funding for the UASI and SHSP over the past year and the additional deep anticipated next year will threaten the existence of some fusion centers. Without that support, the strong federal-state-local partnerships that have been carefully built over the past 10 years would begin to be dismantled.

State and local public safety budgets have been severely cut back across the country in recent years. The top priority of these agencies is always hometown security, and reduced budgets mean that without federal support, the ability to contribute to the larger homeland security mission is significantly reduced. If Congress, DHS, DOJ, and our other federal partners expect to continue to benefit from full participation of state and local public safety, then federal investment through these programs must continue to be robust.

Long-term sustainment of the National Network of Fusion Centers is a shared responsibility among all levels of government and is critical to ensure advances in information sharing are preserved and expanded. Sustainment means a long-term commitment of targeted federal support through effective legislative authorization and adequate annual appropriations for programs that contribute value to fusion centers and allow them to serve as the foundation for a strong Homeland Security Intelligence Enterprise. Sustainment includes not only financial support, but also the contribution of intelligence analysts, providing training for fusion center personnel, and ensuring secure access to appropriate federal information systems.

State and local commitment to sustainment is also essential. This includes enhanced collaboration between fusion centers and state homeland security advisors (HSAs) as well as local, tribal, county, and regional authorities. It also means the commitment of state and local agency personnel to fusion centers. A commitment to long-term sustainment will allow fusion centers to achieve and maintain the critical operational capabilities, which ensures both state and local jurisdictions and the federal government derive benefit from the investment made in building and strengthening the National Network of Fusion Centers.

Certain types of information and intelligence developed at the federal level are still not being shared effectively with state and local entities. To ensure state and local public safety is best able to contribute to homeland security, trusted forums for development of information sharing policies and practices must be supported. This includes at a minimum the support of fusion centers, the GIWG, CICC, the Nationwide SAR Initiative at the Department of Justice, and the DHS Office of Intelligence and Analysis.

With President Obama's release last week of an Executive Order regarding the security of classified information, the scope of the Information Sharing Environment has expanded to include sharing and safeguarding of this information. State and local stakeholders are just as concerned about the shared vulnerabilities exposed through the Wikileaks incident, and we welcome participation in efforts to ensure responsible sharing of classified information. It is gratifying to see the focus on strengthening governance and common solutions, and I believe the leverage of the Program Manager for the ISE is a core part of the way forward.

Joint Terrorism Task Forces (JTTFs) play the lead role in counterterrorism investigations. Owned and operated by the FBI with close cooperation and participation by state and local partners, JTTFs are key "customers" of fusion center analytical products. The National Network of Fusion Centers also supports the dissemination of information from JTTFs to the broader public safety community. Fusion centers do not duplicate the functions of JTTFs, and JTTFs are not organized to achieve the missions of fusion centers. The two programs are complementary and both are essential to effective homeland security information sharing and investigations. Congress should ensure both efforts are fully supported.

JTTFs deal primarily with terrorism and other criminal matters related to various aspects of the counterterrorism mission. Fusion centers generally take an all-crimes approach and deal with criminal, terrorism, and other public safety matters across multiple disciplines. JTTFs primarily conduct terrorism investigations and share intelligence with law enforcement and homeland security agencies as appropriate. Fusion centers analyze and assess local implications of national threat information and produce actionable intelligence for dissemination to public safety stakeholders in their area of responsibility and beyond. In short, the missions are complementary and essential, and they do not overlap.

Conclusion

The rapid stand-up of a National Network of Fusion Centers with such an important mission and so many stakeholders means that growing pains are inevitable. Tough lessons have been – and will continue to be – learned. It is easy to focus on mistakes when they are made, and we will unfortunately not be able to stop 100% of the threats to our country. Yet the organic grass-roots development of this decentralized National Network is a tremendous accomplishment. It was born from the dedication of the hundreds of thousands of public safety personnel across this nation and has become a true national asset.

We are sworn to protect the public. Yet the public – and Congress – will never know about the majority of the successes we have on a daily basis. The information and intelligence sharing mechanisms we have developed since 9/11 – including fusion centers – have helped immensely. They must be nurtured and have the full support of Congress so that homeland security information sharing can be continuously improved.

On behalf of the National Fusion Center Association, we commend your long-standing commitment to effective information sharing and respectfully ask for your continued support. Thank you for the opportunity to provide our views on this important issue.

APPENDIX: Examples of Fusion Center Effectiveness

(Source: http://www.dhs.gov/files/programs/gc_1296488620700.shtm)

1) Fusion Center is Instrumental in the Arrest of an Attempted Bombing Suspect

Colorado Information Analysis Center, June 2011

In June 2011, the Lakewood, Colo. Police Department received information that an individual had placed two improvised explosive devices at a Borders book store at the Colorado Mills Mall. Due to the nature of the crime, the Lakewood Police Department notified the Federal Bureau of Investigations (FBI) of the incident, who in turn activated the Joint Terrorism Task Force (JTTF). The JTTF and Alcohol, Tobacco, and Firearms Agents responded to the scene and began collecting information which they passed to the Colorado Information Analysis Center (CIAC). A few hours later, the Colorado Information Analysis Center (CIAC) sent information to fusion centers nationwide and Terrorism Liaison Officers (TLO) statewide, requesting information that may relate to the incident. Less than 15 minutes after this information was sent to Colorado TLOs, the CIAC received vital information from a State Trooper. About 24 hours earlier the suspect had crashed his vehicle and was taken into custody for Felony Menacing and Driving Under the Influence of Alcohol. After receiving the information from the CIAC, the arresting officer believed the suspect he arrested was also the suspect in the book store bombing attempt. Concurrently, and while the investigation was still active, the CIAC received another lead from a different TLO which linked the suspect to yet another device that partially detonated near a hotel a short distance from the book store. The CIAC in turn passed this information to the FBI JTTF to further support the investigation. The suspect is being held on charges stemming from the incident.

2) Intercepting a Suspicious Trailer Headed to Times Square

Multiple Fusion Centers, October 2010

On October 8, 2010, an advisory was sent out by the New York Police Department concerning a suspicious tractor trailer whose driver reportedly diverted its route to Times Square in New York City in exchange for $10,000. The deployed Department of Homeland Security (DHS) Intelligence Officer (IO) in New York informed several fusion centers in the affected area. Subsequently, the Rhode Island Fusion Center discovered that the original owner of the truck was a California native and asked the Northern California Regional Intelligence Center to run a background check based on the owner's information. Within two hours of the advisory's release, information from these two fusion centers was used to coordinate with the Connecticut Intelligence Center, which enabled Connecticut State Police to locate the tractor trailer before it reached its reported target in New York City. The Connecticut State Police searched the vehicle and questioned the driver and passenger.

Ultimately, officials concluded that the vehicle was not a threat, but the fact that these fusion centers, supported by Department of Homeland Security IOs, were able to turn this incident from a Suspicious Activity Report (SAR) to resolution in a matter of three hours shows the value of the National Network of Fusion Centers.

3) Fusion Center Provides Critical Information in Arrest of Suspect on Kidnapping and Rape Charges

Multiple Fusion Centers, August 2010

The Pennsylvania Criminal Intelligence Center (PaCIC) provided information regarding the abduction and rape of a woman in Mead Township, Pennsylvania, in its August 3, 2010, daily intelligence summary, which included a description of the suspect as well as his Maine license plate number. Because the suspect had an out-of-state license plate, a fusion center analyst at the PaCIC provided the product to the Maine Intelligence Analysis Center (MIAC) along with details on the case. Based on this coordination, the Maine State Police determined the suspect had fled the United States for Canada. Working with the Royal Canadian Mounted Police in New Brunswick, Canada, the suspect was found and arrested on charges of kidnapping and rape.

4) Fusion Centers Provide Critical Information to Faisal Shahzad Case

Multiple Fusion Centers, May 2010

After the attempted bombing of Times Square by Faisal Shahzad, fusion centers across the country shared tips and leads directly pertaining to Shahzad with the Federal Government. Florida Fusion Center analysts discovered Shahzad was associated with two subjects that had previously resided in Florida. Pertinent information was passed to the Federal Bureau of Investigation (FBI) Joint Terrorism Task Force (JTTF) to further pursue leads. The JTTF provided the information to the National Counterterrorism Center, which used the information in a subsequent intelligence product.

In New York, an alert AAA employee filed a SAR with the New York State Intelligence Center regarding a call on May 2, 2010 – when Shahzad called for assistance because he had locked his keys inside the vehicle. This was the same vehicle later recovered at the airport with a firearm inside on the day Shahzad was arrested. This information was forwarded to the FBI to support investigation and corroboration.

5) Fusion Center Supports Tribal Drug Investigation

Arizona Counter Terrorism Information Center, May 2010

The Arizona Counter Terrorism Information Center supported a five-month investigation led by a tribal partner, the Tohono O'odham Nation (TON) Police Department and the Bureau of Indian

Affairs (BIA) Division of Drug Enforcement. This investigation led to the arrest of 10 suspects and the apprehension of weapons, cash, vehicles, cocaine, marijuana, and ecstasy – the largest drug enforcement operation in TON history. The investigation marked a key opportunity to collaborate with tribal partners and opened information sharing initiatives between several other agencies, including the FBI, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and other police departments in the area.

6) Fusion Center in Colorado Supports Investigation of Woman Arrested on Terrorism Charges

Colorado Information Analysis Center, March 2010

In September 2009, the Colorado Information Analysis Center (CIAC) supported an investigation of a local missing woman whose mother indicated that her daughter had converted to Islam through the Internet and had been communicating with a man from Pakistan. The CIAC was alerted that the missing woman, Jamie Paulin-Ramirez, was possibly traveling to New York to meet the man. Upon analysis of this report, the CIAC provided this information to the local JTTF. The information supplemented an open FBI investigation on the woman.

Paulin-Ramirez was later linked to Colleen R. LaRose (Jihad Jane), who was charged in March 2010 with terrorism-related crimes, including conspiracy to commit murder and providing material support to terrorists. Subsequent news reports indicated that suspected terrorist Najibullah Zazi, who pleaded guilty in February 2010 of planning to bomb the New York subway system, may have also been in contact with Paulin-Ramirez via the Internet.

In March 2010, Paulin-Ramirez was detained in Ireland with five others in connection with a terrorist conspiracy to kill a Swedish cartoonist who had portrayed the prophet Muhammad as a dog in a cartoon. The CIAC cooperated with the FBI to provide further information from their prior analysis of information pertaining to Paulin-Ramirez.

7) Fusion Center Supports Zazi Investigation

Colorado Information Analysis Center, September 2009

In the Najibullah Zazi case, the CIAC provided analytic support to the Denver FBI and the Department of Homeland Security regarding the suspicious activity reported to the CIAC through the public website and 1-800 number. In support of this effort, the CIAC provided personnel to assist the Denver FBI in the investigation and support the field operations. CIAC analysts also assisted in the review and analysis of the evidence obtained during the execution of the search and arrest warrants. CIAC leadership addressed media inquiries regarding the investigation, the threat to Colorado residents, and the threat to national security.

8) Fusion Centers Support the G-20 Summit

Multiple Fusion Centers, September 2009

The Department of Homeland Security worked with federal, state, local, and private sector partners, including the five surrounding fusion centers, in support of the G-20 Summit held in Pittsburgh September 24-25, 2009. The Department leveraged open source materials and information received from fusion centers to support federal, state, and local partners in making informed decisions and understanding the threat environment. The Department also deployed six analysts from headquarters to provide intelligence support to the three G-20 Pittsburgh Summit Command Centers. Participation by partners at all levels of government enabled leadership to maintain situational awareness of the event and receive timely, relevant information.

9) Fusion Centers Coordinate Security for 2008 Republican and Democratic National Conventions

Multiple Fusion Centers, July 2008

Two fusion centers, the Minnesota Joint Analysis Center (MNJAC) and the CIAC, supported information sharing with state and local entities for the 2008 political conventions. For the Republican National Convention, the MNJAC provided 24/7 support to facilitate information and intelligence sharing to the Principal Federal Official's support cell. For the Democratic National Convention (DNC), the CIAC coordinated state and local input to the Special Events Working Group and developed a Joint DNC Threat Assessment. As part of this effort, the CIAC and the FBI jointly managed the Intelligence Operations Center (IOC), which was responsible for collecting, fusing, analyzing, de-conflicting and disseminating all information in support of DNC security operations. The CIAC also served as the primary conduit for sharing DNC information with state and local entities.

10) Fusion Center Supports Bomb Threat Case

Central California Intelligence Center, May 2008

The Central California Intelligence Center (CCIC) coordinated with its co-located JTTF in a case that resulted in the May 2008 federal grand jury indictment of two men charged with making bomb threats to Delta Airlines and the U.S. Embassy in Italy. Intelligence analysts at the CCIC provided relevant background to enable JTTF agents to interview the subjects. Both men were charged with one count of making a hoax threat under Section 1038(a) of Title 18. One defendant was also charged with threatening to destroy an aircraft, and the other was charged with making a threat to destroy a building with explosives. The former pled guilty in May 2009 and was sentenced to 36 months probation; the prosecution of the latter defendant was deferred in March 2009 for 18 months while he participates in a program of psychiatric treatment.

11) Fusion Center Support Prevents an International Kidnapping

Central California Intelligence Center, May 2008

In May 2008, the CCIC played a key role in disrupting the attempted kidnapping of a three year-old child. The Department of Homeland Security deployed IO in Sacramento coordinated with the CCIC Director and a Sacramento County Sheriff's Office Task Force Commander on an Amber Alert for the child, noting the suspect was wanted for rape and murder and had intentions to leave the country. Coordinating with the Department of Homeland Security National Operations Center (NOC), local law enforcement, and Interpol, the CICC and the Department IO were able to track the suspect and the kidnapped child to a flight bound for the Netherlands. With only hours to spare, the Department deployed IO coordinated with authorities to ensure law enforcement in Amsterdam detained the subject. As a result of this effort, the child was found unharmed.

12) Fusion Center Aids in Preventing "Virginia Tech Style" Attack

Multiple Fusion Centers, January 2008

In January 2008, the Illinois Statewide Terrorism and Intelligence Center (STIC) received information that a Virginia man had claimed to be traveling to the University of Illinois to kill a female subject and her boyfriend and carry out a "Virginia Tech style" shooting on the university campus. The STIC, in cooperation with the Virginia Fusion Center, produced and disseminated an Intelligence Alert to hundreds of state and local law enforcement officers nationwide within two hours of the initial notification. The Virginia State Police, working with local law enforcement, located and detained the suspect the next day. The FBI subsequently adopted the case, and the subject pled guilty to five counts of transmitting in interstate commerce and communications threatening to injure the person of another. The subject was sentenced to 48 months in prison and will serve three years supervised parole.

13) Fusion Center Supports Goose Creek Case

Florida Fusion Center, August 2007

On August 4, 2007, the Department of Homeland Security deployed IO assigned to the Florida Fusion Center (FFC) received a call from the Florida Homeland Security Adviser (HSA) regarding an on-going traffic stop of two University of South Florida students in Goose Creek, South Carolina. The HSA didn't have specifics other than it involved a bomb squad and a Florida registered vehicle. The Department of Homeland Security NOC had no visibility of the traffic stop, but began to query North Carolina and South Carolina. The Department deployed IO received further information regarding the incident from an FFC representative with specific information he received from a colleague at Operation SeaHawk in South Carolina. The FFC was able to provide the tag number of the vehicle and conducted full database checks on the vehicle's history and owner information.

All of the results were provided to the NOC, South Carolina, and Tampa-JTTF within minutes for their situational awareness. The FFC was able to provide full database checks on the subjects to South Carolina and Tampa-JTTFs.

An indictment was unsealed August 31, 2007, against the two students, Ahmed Abdellatif Sherif Mohamed and Youssef Samir Megahed, both Egyptian nationals, charging them with transporting explosives in interstate commerce without permits. Mohamed was also charged with distributing information about building and using an explosive device. Mohamed pled guilty to providing material support to terrorists on June 18, 2008, and was sentenced to 15 years in prison December 18, 2008. Megahed was acquitted of explosives charges in April 2009. Immigration and Customs Enforcement later took custody of him and launched removal proceedings against him. An immigration judge declined to find Megahed removable and granted his Motion to Terminate on October 9, 2009. The Department decided not to appeal the judge's order.

If it were not for the fusion centers and an Operation SeaHawk representative, Florida and the Department would not have gained situational awareness regarding the incident. Florida was able to provide relevant information regarding the subjects and associates to South Carolina law enforcement officials and the JTTF within minutes to aid in their investigation.