

**TESTIMONY OF  
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LOS ANGELES COUNTY**

**BEFORE THE  
COMMITTEE ON HOMELAND SECURITY  
SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING, AND  
TERRORISM RISK ASSESSMENT**

**UNITED STATES HOUSE OF REPRESENTATIVES**

**“The Future of Fusion Centers: Potential Promise and Dangers”**

**APRIL 1, 2009**

The vision for the Los Angeles Joint Regional Intelligence Center (JRIC) emerged after the events of 9/11. Its purpose was to engage local law enforcement as a national resource to detect and prevent a future terrorist attack within the Los Angeles – Southern California Region. The Los Angeles JRIC governance board recognized that the JRIC's success required a fused working relationship with the Joint Terrorism Task Force managed by the Federal Bureau of Investigation.

The Los Angeles JRIC began quickly because Los Angeles County was already ahead of much of the country where a long standing Joint Terrorism Task Force, leveraging the skills and abilities of local, state and federal law enforcement officers to combat terrorism already existed. Additionally, the Los Angeles Terrorism Early Warning (TEW) group had been active since 1996, sharing information among members of law enforcement, the fire service, public health, the military and academia from local, state and Federal agencies. Each participant of the TEW had an equal voice in the development of tactics, techniques, procedures and protocols.

**PROMISE AND DANGERS**

**The JRIC is the model**

More than five years ago, leaders from the FBI, Los Angeles Police Department, and Los Angeles County Sheriff's Department decided to expand the TEW concept and join together to create a model for intelligence fusion and sharing centers. The vision became a reality in July of 2006 with the grand opening of the Los Angeles Joint Regional Intelligence Center (JRIC). Using the unique analytical processes pioneered by the TEW, that combines the efforts of law

enforcement, fire service and public health personnel, analysts from a variety of agencies and disciplines provided an expansive view of trends and potentials which could indicate a pending terrorist attack. I believe that the JRIC is the model for the fusion center concept. It has been recognized on many occasions for its pioneering efforts in exploring prison and jail radicalization where the efforts of correctional services experts assigned to the JRIC has led to a statewide, networked, group who routinely share information on the radicalization issue. The JRIC was also the first to include personnel from the fire service, public health, emergency medical, hazardous materials and bomb squads as full partners who provide subject matter expertise for the intelligence products delivered to the JRIC clientele.

The JRIC has also served as an example for the Terrorism Liaison Officer (TLO) outreach program. The JRIC was the first center to gain state Peace Officer Standards and Training (POST) approval for its TLO basic certification course. More than 500 TLO's have been trained by the JRIC staff and are certified by the State of California.

The JRIC has a bright future and together with our Federal, state and local partners, we are aggressively pursuing new ways to integrate our disparate agencies into a seamless network of information sharing cooperatives. I believe that the future belongs to a networked fusion center concept and its promise of local, state, tribal and Federal integration.

### **Private Sector Outreach**

Outreach from the JRIC is not limited to public safety personnel. Shortly after 9/11, I developed the Homeland Security Advisory Council (HSAC) in an effort to network corporate leaders with the work of the JRIC. HSAC is comprised of senior corporate leaders from Los Angeles and Orange Counties. Members of the HSAC provide technical, political and financial support to our counter-terrorism mission. Through their large sphere of influence they also provide thousands of eyes and ears via corporate security departments who have shared dozens of incidents of investigative interest to the JRIC.

### **Local Law Enforcement must have input into National Fusion Center policy**

The major impediment to more functional fusion center operations is the lack of equal representation and participation in the development and implementation of standard policy for fusion centers and homeland security matters. In many instances across the country, fusion centers evolved from TEW groups. TEWs were developed locally with representation and participation from law enforcement, the fire service, public health, the military and academia. The TEW concept was scalable to the needs of the local participants and sensitive to the local population. With the growth in the number of fusion centers nationally, there is an effort to standardize the operations of these centers. It is in this standardization effort that local leaders must have significant input to policy development and authority over implementation. I am not confident that policy

makers at the Federal level have a clear understanding of the information needs of local law, fire and health departments. Additionally, each fusion center exists in a local area and must be sensitive to differences in demographics, population size and political climate. One size does not fit all and any attempt to constrain local input into national policy development is a mistake. We recommend that Department of Homeland Security Intelligence & Analysis (DHS I&A) establish an Advisory Panel from the major cities and counties. This group would provide guidance through direct input on new products and services to be provided by DHS, including threat advisories and other intelligence products. The Under Secretary for Intelligence and Analysis I&A would receive support and technical assistance across a wide range of issues, including fusion centers, infrastructure protection and threat assessments. Furthermore, we ask for your support to build an integrated national intelligence capability to counter terrorism and protect our communities from crime through the Major Cities Chiefs Intelligence Commanders Group. This group strengthens and coordinates the intelligence capabilities and operations of law enforcement agencies in major metropolitan areas. To date, this vital network of intelligence resources has been ignored and not funded by Federal agencies. We ask the Committee to support this effort so that your objectives may be realized.

#### **Lack of information sharing from Federal agencies**

With all the positive things that have occurred in the past several years, there are still lingering obstructions to information sharing between the Federal government and local police agencies. A major impediment to the success of the fusion center concept is the bifurcated information flow from Federal agencies that collect intelligence. The FBI has an analysis component that provides intelligence to their agents through the Joint Terrorism Task Force (JTTF). The JTTF is an investigative body and is not responsible for the dissemination of intelligence to local authority. The JRIC is fortunate in that a JTTF Counter-Terrorism squad is physically located within JRIC workspace. This has mitigated many of the information sharing problems experienced by other fusion centers. However, a local Task Force Officer (TFO) may not share information with his or her home agency without demonstrating the receiving entity's specific "need and right to know." In this regard, I endorse the recent comments made in front of this committee by my colleague, Sheriff Gillespie regarding the Interagency Threat Assessment and Coordination Group (ITACG). Although its core mission is to improve the information sharing from classified sources between the Intelligence Community and front line "first preventers," the ITACG is limited to editing intelligence and returning those products to originating agencies where the information may or may not reach state and local law enforcement personnel. Policies and procedures must be developed to fully brief an Incident Commander in the field about information that may be crucial in planning the response to a significant event.

Additionally, "Federally coordinated intelligence products" coming out of the NCTC have not met the needs of local law enforcement in either subject matter

or timely distribution. Fusion centers with responsibility for large geographic areas (like the JRIC) require meaningful and expedient national information to “Fuse” with locally generated collection in order to provide clear situational awareness to those who will be responsible for sending first responders to the after-effects of a terrorist attack. The safety of the citizens of our jurisdictions and the wise expenditure of scarce resources depends in a large part on timely, accurate and actionable information from the Federal Government. This is especially true during an event that occurs overseas. Local leaders should not have to rely on media outlets for information when agents from our own government are on-scene and reporting to their home agencies. This type of information is critical to local situational awareness and potential response and therefore, must be shared immediately. To help remedy this situation, we ask that ITACG expand and empower its outreach components to include access to training and use of intelligence systems and databases. The ITACG should be authorized as an approved dissemination point for state and local fusion centers nationwide. IATCG liaison personnel and desk officers are necessary to maintain a flow of current intelligence and must have authority to release information to state and local agencies.

#### **Fusion Centers must have sustainable funding from Federal Government**

The JRIC (as well as many other fusion centers) suffers from a lack of sustainable funding. The FBI and local law enforcement have been extremely generous in providing much of the funding and personnel necessary to cover the start up and maintenance costs of the JRIC. To sustain these personnel, technological and logistical requirements in good times and bad are a significant drain on local budgets. Each year the JRIC struggles with accumulating enough funding from the local participants and various UASI and SHSGP grants just to remain functional. In the past, funds from the Law Enforcement Terrorism Prevention Program (LETPP) were also available as a separate funding source for this purpose at a minimum of \$500 million. However, with the existing grant restrictions relative to personnel and operational needs, and the elimination of LETPP as a separate funding source, the future sustainment of the JRIC is uncertain. I believe that only sustainable funding through the Department of Homeland Security will ensure the critical efforts of the JRIC, and fusion centers across the Nation are not in danger of curtailment. Therefore, I am recommending to Congress that the LETPP grant be reestablished under the authority and administration of the Department of Homeland Security’s Assistant Secretary for State and Local Law Enforcement. This will ensure that vital funding for our prevention efforts are no longer diluted within the existing grant structure, and the future of fusion center operations to perform their role in National Security will be secure.

#### **Terrorism Liaison Officer Program**

One endeavor operating out of the JRIC that has national relevance is the Terrorism Liaison Officer (TLO) program. Originated shortly after 9/11, this effort seeks to create a network of trusted agents within each law enforcement, fire and

health agency in Los Angeles County. These TLOs are committed to passing critical information from the JRIC to their field assets as well as answering requests for information. Numerous leads of investigative interest have been generated by local police officers, firefighters and health professionals as a result of this program. This level of intelligence based connectivity between field personnel is unprecedented and has enabled the JRIC to have the highest levels of situational awareness possible. Information provided by the TLO network contributes to the development of intelligence that is disseminated weekly to the executive staff of participating agencies, field operators and line personnel. The TLO network also serves as the foundation for the implementation of the recently developed national Suspicious Activity Reporting (SAR) program, which the Major Cities Chiefs supports. Without the consistent messaging and training provided by the TLO coordinators, critical information, including SARs, from the field may go unreported. Currently, there are only two full-time personnel assigned to the TLO program. These two individuals are responsible for the coordination of information flow from seven counties comprised of 89 independent agencies in an area of 8000 square miles. Other than these two individuals, each TLO in the JRIC area of responsibility is handling these duties collateral to a regular, full-time, assignment.

Another example of the need for sustainable funding is the critical assistance provided by contract analysts. These analysts arrive at the JRIC already trained and possessing the requisite security clearances to begin working immediately. Without the help of these highly trained professionals, JRIC products would lack the sophistication that results in more actionable information being disseminated to the field. I propose that with refunding of LETPP commensurate with lessened restrictions on expenditures, such as the ability to hire personnel; these additional TLO and Analyst positions can be authorized to ensure that critical information from the field does not go unreported or unanalyzed.

#### **Civil Liability and Transparency**

Civil Liability and operational transparency is another major challenge faced by fusion centers. The public will not accept intelligence collection that does not adhere to privacy requirements demanded by the Constitution. Information collection and intelligence dissemination must be conducted under specific guidelines and rules. Those rules exist primarily in the Code of Federal Regulation 28 Part 23. That code has been recently updated to include investigations of terrorism and is the recommended course of action for intelligence units / agencies. Additionally, each fusion center has been tasked with creating a "privacy policy" for those that participate in the Suspicious Activity Reporting (SAR) project. This policy must not be in conflict with 28CFR Part 23 while providing the public with the privacy rights established under law. DHS should allocate sufficient resources to ensure proper training is provided to each fusion center employee and those that contribute to its efforts.

**The Committee should mandate the provisions of LEAP**

The Department of Homeland Security has embraced the fusion center concept and is leading the charge for standardization of operations. Local law enforcement has been a loyal partner and is the originator of the fusion center structure (TEW). The impediments I have discussed in my testimony are solvable. DHS has the opportunity to make local law enforcement an equal partner in the development of policy, provide sustainable funding, and share information more equitably while protecting the rights of our citizens. We support all seven of the initiatives articulated in the LEAP report published by the House Committee on Homeland Security and we urge Congress to provide appropriations to carry out those critical law enforcement programs. Until your report is fully adopted, our intelligence efforts will have limited success.

**THE FUTURE OF FUSION CENTERS**

**Fusion Centers should be the gateway for all local Police and Sheriff's Departments Nationwide**

Under a national standard, fusion centers should serve all cities and counties as a lateral network of intelligence products, which through the JTTF and DHS I&A programs will vertically be shared with the National Counter Terrorism Center (NCTC). This network will improve our search for terrorists and their supporters and leverage the skills found in the JRICs serving major urban areas to rural communities.

I believe that all available means, whether technological, social, political or operational must be examined to ensure that the events of 9/11 are not repeated. As the elected leader of the Los Angeles County Sheriff's Department, I am committed to expanding cooperation with all Federal, state and local agencies in our efforts to combat terrorism. The citizens of Los Angeles County and the nation deserve a secure homeland. No one agency can provide that security. Only by working together in a collaborative, mutually supportive environment can we provide the security we all felt prior to September 11<sup>th</sup>. I look forward to answering any questions you may have.

## ***Los Angeles JRIC Successes***

- The JRIC is involved in numerous working groups unlike most fusion centers, some of those working groups are listed below (not all inclusive)
  - MTA/AMTRAK meetings (monthly)
  - Aviation Security Group (bi-weekly)
  - Port Intelligence Group (monthly)
  - Domestic Terrorism Working Group (monthly)
  - FBI/Public Health Exercise Design Working Group (monthly)
  - WMD/HAZMAT Working Group (monthly)
  - Area Maritime Security Council Meetings (quarterly)
  - Terrorist Screening Center Outreach (ad hoc)
- The JRIC produces more strategic, tactical and informational bulletins than most fusion centers and our outreach has received nationwide attention.
- Within the past calendar year the JRIC has produced over 364 intelligence type products which has been disseminated within our 7 county AoR as well as to NY, Chicago, and Washington D.C.
- The JRIC is unique in that it simulates a “smaller D.C. beltway” ....the JRIC has all the components in the center like Washington D.C.: JRIC Executive Director is a FBI GS-15, State, Local, Fire, Health, Private Sector, DHS, FBI-JTTF, FBI Field Intelligence Group, contract/civilian analysts and a TSC rep, ....we have demonstrated the value of leveraging all these resources to accomplish the mission.
- The fusion center concept works in LA and we are the role model for true information sharing and collaboration. It is quite simple. Everyone places their agency hats at the door, is dedicated to the mission and has passion for protecting our homeland.

# *JRIC Structure*

