

**STATEMENT OF**

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**BEFORE THE**

**SUBCOMMITTEE ON INTELLIGENCE, INFORMATION  
SHARING, AND TERRORISM RISK ASSESSMENT**

**COMMITTEE ON HOMELAND SECURITY  
UNITED STATES HOUSE OF REPRESENTATIVES**

**“THE FUTURE OF FUSION CENTERS:  
POTENTIAL PROMISE AND DANGERS”**

**APRIL 1, 2009**

**Statement of  
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The Association of  
Law Enforcement Intelligence Units (LEIU)**

**Before the  
Subcommittee on Intelligence,  
Information Sharing, and Terrorism Risk Assessment**

**Committee on Homeland Security  
United States House of Representatives**

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

**April 1, 2009**

Chairwoman Harman, Ranking Member McCaul, and Members of the Subcommittee, thank you for convening this hearing today to focus on the future of fusion centers – critical resources for sharing information, preventing and solving crime (including terrorism), and making our communities, our states, and our nation safer. I want to acknowledge the hard work of my many colleagues at all levels of government, but especially those at the local, tribal, and state level with whom I work. I’m also especially pleased to appear today with this distinguished panel of witnesses. I appreciate this opportunity to discuss the future of fusion centers, highlighting some of their achievements thus far, the promise they hold, and the potential dangers that exist and may lie ahead.

**INTRODUCTION**

I am presenting this statement as the Director of a state fusion center, as well as in my role as General Chairman of The Association of Law Enforcement Intelligence Units (LEIU), the oldest professional association of its kind in the U.S. Many agencies which operate or host fusion centers are members of LEIU. At the National Fusion Center Conference which convened last month in Kansas City, Missouri, fusion center directors asked LEIU to partner with them to help establish an association to represent fusion centers and the people who work in and with them. The work to build that association, as previously encouraged by the Chair of this Subcommittee, is underway now.

I am a veteran law enforcement officer who began my career as a municipal police officer in 1978. Since 1984 I have been continuously assigned full-time to the law enforcement intelligence discipline, and now hold the rank of Director at the Iowa

Department of Public Safety where I report to the Commissioner of Public Safety for the State of Iowa. While working full time, I completed all coursework and comprehensive exams for the Ph.D., and was conducting dissertation research into law enforcement intelligence units when this country was attacked on September 11, 2001. At the national and international level, I have been elected by my peers and am now serving my second two-year term as LEIU's General Chairman. I also currently serve as Chairman of the Criminal Intelligence Coordinating Council (CICC), and as Chairman of the Global Intelligence Working Group (GIWG) (part of the Global Justice Information Sharing Initiative, a Federal Advisory Committee to the Attorney General of the United States). I am a member of the Interagency Threat Assessment and Coordination Group (ITACG) Advisory Council; and of the Advisory Board for DHS's Homeland Security State and Local Intelligence Community of Interest (HS SLIC). Additionally, I currently serve on the National Fusion Center Coordination Group; the Police Investigative Operations Committee for the International Association of Chiefs of Police (IACP); the Executive Advisory Board for the International Association of Law Enforcement Intelligence Analysts (IALEIA); and the Advisory Board for Michigan State University's Criminal Justice Intelligence Program. I previously participated in the monthly meetings of the U.S. Department of Justice Intelligence Coordinating Council at FBI Headquarters, and served as a Fusion Group Subject Matter Expert for the Intelligence and Information Sharing Working Group of the U.S. Department of Homeland Security's Homeland Security Advisory Council (HSAC), and for the *LLIS* Intelligence Requirements Initiative. At the state level, I lead our state's fusion center, and serve as a member of the Executive Committee and the Operating Council for the Safeguard Iowa Partnership, a voluntary coalition of the state's business and government leaders, who share a commitment to combining their efforts to prevent, protect, respond, and recover from catastrophic events in Iowa. I assisted with drafting the IACP's *Criminal Intelligence Sharing: A National Plan for Intelligence-led Policing at the Local, State, and Federal Levels* in 2002; Global's *National Criminal Intelligence Sharing Plan* in 2003; the HSAC's *Homeland Security Intelligence and Information Fusion* report in 2005; and the jointly-issued Global – DOJ – DHS *Fusion Center Guidelines* in 2006. Since the creation of the Global Intelligence Working Group in 2002 until my appointment as CICC and GIWG Chairman in December 2007, I served as the Chairman of the GIWG's Privacy and Civil Liberties Task Team. During the past several years I have worked closely with our federal partners on the joint delivery of training and technical assistance, especially regarding privacy and civil liberties protections in fusion centers. In 2007 I was awarded the IALEIA President's Distinguished Service Award for demonstrated commitment to privacy and civil liberties protections, and in 2008 I received the IACP Civil Rights Award in the category of Individual Achievement for a "consistent and vocal presence in law enforcement stressing the importance of protecting civil rights in policy, training and ethical practice of the intelligence function." Finally, in March I served as Master of Ceremonies at the third National Fusion Center Conference in Kansas City – the second time I have served as the "emcee" for that national event.

I only highlight my experience so that members of the Subcommittee will know that this statement is based on more than thirty years of real-life experience as a law enforcement officer, with more than twenty-five of those dedicated to the field of law enforcement

intelligence – with involvement in the fusion center initiative since its inception.

Because of the responsibilities associated with each of these roles and initiatives, I work closely and regularly not only with my local and state counterparts in fusion centers, but also with our federal partners. We continue to receive support from the U.S. Department of Homeland Security (DHS), and especially the Office of Intelligence and Analysis and the Federal Emergency Management Agency's Grants Program Directorate and National Preparedness Directorate; the U.S. Department of Justice (DOJ), with strong support received from the Bureau of Justice Assistance; the Federal Bureau of Investigation through their National Security Branch; the Program Manager's Office of the Information Sharing Environment; and the Office of the Director of National Intelligence. Finally, much of the progress that has been made in establishing a national, integrated network of fusion centers is made possible by a collaboration of local, tribal, state, and federal agencies who are part of the Global Justice Information Sharing Initiative (Global), the Criminal Intelligence Coordinating Council, and the Global Intelligence Working Group. These colleagues, as a community, commit countless hours of their time each day to improve information sharing in the United States.

## **BACKGROUND**

As you know, the *Implementing Recommendations of the 9/11 Commission Act of 2007* (P.L.110-53), enacted in August 2007, endorsed and formalized the development of a national network of State and major urban area fusion centers. Similarly, the *National Strategy for Information Sharing* released by the White House in October 2007 also describes fusion centers as “a valuable information sharing resource,” and as “vital assets critical to sharing information.” The *Strategy* further states, “A sustained Federal partnership with State and major urban area fusion centers is critical to the safety of our Nation, and therefore a national priority.”<sup>1</sup> As one recent report noted:

“The potential value of fusion centers is clear: by integrating the various streams of information and intelligence from Federal, state, local, and tribal sources, as well as the private sector, a more accurate picture of risks to people, economic infrastructures and communities can be developed and translated into protective action.”<sup>2</sup>

As I have noted previously, in my experience fusion centers have emerged as what may be the most significant change in the structural landscape of criminal intelligence in at least the past twenty-five years. Much has been written in the past several years about fusion centers, and today I bring to you a practitioner's perspective.

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<sup>1</sup> The White House. 2007 (October). *National Strategy for Information Sharing*, p. A1-1, accessed September 21, 2008 at [http://www.whitehouse.gov/nsc/infosharing/NSIS\\_book.pdf](http://www.whitehouse.gov/nsc/infosharing/NSIS_book.pdf).

<sup>2</sup> U.S. House of Representatives, Report 110-752, Report to Accompany H.R.6098, Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act. Accessed September 21, 2008 at [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110\\_cong\\_reports&docid=f:hr752.110.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_reports&docid=f:hr752.110.pdf).

## **THE FUTURE OF FUSION CENTERS: POTENTIAL PROMISE AND DANGERS**

The word “promise” has been said to mean, “indication of future excellence, achievement, or success.” On the other hand, the word “danger” can be defined as “something that may cause injury, loss, or harm.” I want to highlight how fusion centers are currently realizing some of their goals, how they offer significant promise for the future, and how continuing steps are being undertaken to prevent harm.

### **Potential Promise**

**Key stakeholders, such as state homeland security directors and advisors, have said that fusion centers have become vital resources for information sharing and coordination.** Fusion centers are becoming more effective and efficient information sharing and collaboration mechanisms. Fusion centers receive information from a variety of sources, including federal, state, and local entities, and ensure timely and relevant information is provided to the right stakeholders within their geographic area of responsibility. The National Governors Association Center for Best Practices recently published the results of the 2008 Survey of State Homeland Security Directors – the fifth such survey they have conducted.<sup>3</sup> The results show that fusion centers remain as one of the top five priorities for state homeland security directors. Three-quarters of the state homeland security directors actively and regularly engage with their state fusion center.<sup>4</sup> Additionally, more than 60 percent of the directors use their fusion center as the primary method for sharing intelligence with DHS.<sup>5</sup> Finally, the federal government uses fusion centers as the primary focal points within the state and local environment for the receipt and sharing of terrorism-related information. Federal agencies provide terrorism-related information to state, local, and tribal authorities primarily through these fusion centers, which may further customize such information for dissemination to satisfy intra- or interstate needs. Thus, fusion centers are particularly important in providing information to important stakeholders (such as state homeland security directors, law enforcement, fire, public safety, emergency management, transportation, public health, and others), and to the federal-state communication and coordination effort.

***Fusion Center Guidelines and Baseline Capabilities for State and Major Urban Areas* have been published, are actively being used to guide and mature the national fusion center network, and are being implemented by fusion centers**

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<sup>3</sup> The survey targets members of the Governors Homeland Security Advisors Council (GHSAC), which is comprised of the top homeland security directors as designated by each governor in all states, territories and the District of Columbia.

<sup>4</sup> NGA Center for Best Practices *Issue Brief: 2008 State Homeland Security Directors Survey*, available at <http://www.nga.org/Files/pdf/0903HSASURVEY.PDF>, accessed March 29, 2009.

<sup>5</sup> Comparatively, according to the NGA survey, 17 percent of the state homeland security directors only engage their fusion center intermittently or when there are emergencies; only 17 percent of states use the DHS National Operations Center to share intelligence; and only 11 percent use local Federal Bureau of Investigations (FBI) or Immigration and Customs Enforcement (ICE) agents to share information with the federal government.

**during the next five years.** In recent years federal, state, local, tribal and territorial stakeholders recognized the critical need for fusion centers to adhere to the same general guidance, and to maintain the same level of baseline capabilities in order to operate as an integrated national network. This has been accomplished by publishing the *Fusion Center Guidelines* and the *Baseline Capabilities for State and Major urban Area Fusion Centers* – both of which were developed by the Global Justice Information Sharing Initiative, the U.S. Department of Justice, and the U.S. Department of Homeland Security. According to state homeland security directors, more than 80 percent of state fusion centers comply with the *Fusion Center Guidelines* developed by the Global Justice Information Sharing Initiative, the U.S. Department of Justice, and the U.S. Department of Homeland Security.<sup>6</sup> Additionally, with support from the partnership of local, state, tribal, and federal partners, fusion centers are working to achieve the fusion center baseline capabilities that were published in September 2008 in the *Baseline Capabilities for State and Major urban Area Fusion Centers*. In fact, the theme for the 2009 National Fusion Center Conference held last month was “Achieving the Baseline Capabilities.” Although information on a wide range of baseline capabilities was presented, the conference focused on those baseline capabilities dealing with protecting privacy, civil liberties, and civil rights; outreach and communications; and analysis. Fusion center leaders attending the national conference were encouraged to assess their current capabilities, and then each day plenary and breakout sessions focused on steps they can take to achieve the baselines. Since resources and priority mission areas vary from center to center, it is expected to take a period of up to five years to achieve all of the capabilities. This ongoing assessment of capabilities, and progress towards achieving them, will continue in the months ahead.

**Fusion centers have become an analytic resource that keeps communities safe and secure, helps governments prioritize resource allocations, and supports the efforts of state and local law enforcement to prevent and investigate crime in their local communities.** Jurisdictions with effective fusion center programs help citizens feel more safe and secure.<sup>7</sup> The rapid flow of information associated with fusion centers has averted panic and unnecessary resource expenditures by quickly determining that a threat does *not* exist and preventing the needless evacuation of businesses and the disruption of commerce.<sup>8</sup> This is critically important when, across the United States, state, local, and tribal law enforcement and homeland security officials are being asked to do more with less. Fusion centers offer a way to leverage financial resources and the expertise of public safety partners to more effectively protect our communities. Thoughtful analysis about risks to our communities helps elected officials and homeland security leaders better utilize limited financial resources to make effective decisions about public safety matters and threats to the

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<sup>6</sup> NGA Center for Best Practices *Issue Brief: 2008 State Homeland Security Directors Survey*, available at <http://www.nga.org/Files/pdf/0903HSASURVEY.PDF>, accessed March 29, 2009.

<sup>7</sup> Anti-terrorism center offers reassurances against potential dangers, February 19, 2009, <http://www.lvrj.com/news/39837512.html>, accessed March 29, 2009.

<sup>8</sup> Metro's Fusion Center Works to Solve Local Crimes, Threats, July 1, 2008, <http://www.lasvegasnow.com/global/story.asp?s=8588286>, accessed March 29, 2009.

homeland. Fusion centers have played a key role in assessing potential terrorism threats before massive holiday and sporting events, political conventions, and other occasions where large crowds gather,<sup>9</sup> so that resources can be properly allocated. They assist in addressing our most pressing national challenges such as gangs, border violence, narcotics, homicides, natural disasters, and terrorism. More specifically, fusion centers have proven successful in preventing terrorism and in solving other local crimes – such as when a fusion center “connects the dots” from a drive-by shooting death to solve the murder of a furniture store manager occurring three months earlier,<sup>10</sup> or identifies a series of attempted child abductions so that the community can be warned.<sup>11</sup> These are not examples of “mission creep,” as some have described; rather, these are examples of local and state governments doing what they have always done: using resources in a coordinated way to protect the public from crime. In fact, in many cases fusion centers have always been “all crimes” centers, and have never been focused solely on terrorism.

These are just a few of the examples highlighting some of the reasons that fusion centers, when provided with resources, training, technical assistance, guidelines and policy documents, and other support, are vital assets which are critical to sharing information and keeping our communities, our states, and our nation safe. Compiling additional information that demonstrates and measures the value of fusion centers and the promise they hold for the future is currently underway.

### **Potential Dangers**

While there are certain risks inherent with information gathering and sharing, ongoing efforts to proactively address these potential pitfalls actually signify a promise that best practices can become reality. What follows is a description of some of the work completed to date.

**If we fail to continue to make the protection of privacy, civil liberties, and civil rights a top priority, the fusion center network will not be sustainable.** This important work will be an ongoing challenge that requires continued refinement of training, technical assistance, and other support as we go forward. But the good news is that the state, local, tribal, and federal partners that have been leading this effort, as well as fusion centers themselves, have been making these issues a top priority. Certainly there is more to do. But as fusion centers have emerged, a coordinated – and unprecedented – effort has been initiated to provide training and technical assistance that is protecting privacy, civil liberties, and civil rights. *In fact, the delivery of this training and technical assistance is made possible precisely because*

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<sup>9</sup> Fight over, all together now against terrorism; ‘Fusion center’ puts agencies under one roof, January 22, 2008, <http://www.lasvegassun.com/news/2008/jan/22/fight-over-all-together-now-against-terrorism/>, accessed March 29, 2009.

<sup>10</sup> Metro's Fusion Center Works to Solve Local Crimes, Threats, July 1, 2008, <http://www.lasvegasnow.com/global/story.asp?s=8588286>, accessed March 29, 2009.

<sup>11</sup> Series of Attempted Child Abduction Incidents Being Investigated in Central Iowa, DPS Press Release, June 18, 2008, [http://www.dps.state.ia.us/commis/pib/Releases/2008/06-18-2008\\_AbductionRelease.htm](http://www.dps.state.ia.us/commis/pib/Releases/2008/06-18-2008_AbductionRelease.htm), accessed March 29, 2009.

*there is a national network of fusion centers, and due to the good work of the partners involved. The following provides a summary of some of the work undertaken with fusion centers thus far, to establish a solid foundation for protecting privacy, civil liberties, and civil rights:*

- **2006 Regional Fusion Center Conferences – The Importance of a Privacy Policy:** From August through October 2006, four regional fusion center conferences were conducted in the northeast, southeast, central, and western United States. The presentations at these conferences provided attendees with an overview on the need for developing, implementing, and training on policies that protect privacy, civil liberties, and civil rights.
- **2007 – Fusion Center Privacy Technical Assistance Program:** In June 2007 the Privacy Technical Assistance Providers (made up of privacy representatives from multiple government agencies, as well as training and technical assistance providers)<sup>12</sup> identified potential needs and began to develop a model privacy policy process for fusion centers. The Fusion Center Privacy Technical Assistance Program was thus initiated, which included development of resources to help centers train their personnel on privacy policies.
- **2007 Regional Fusion Center Meetings – Privacy Technical Assistance (TA) Sessions and Privacy TA Review Process:** From September through December 2007, four regional fusion center meetings were conducted in the northeast, southeast, central, and western United States. On the day prior to each of the four regional fusion center group meetings, a technical assistance session was held at which presenters and subject-matter experts (SMEs) educated fusion center personnel on the history of privacy and civil liberties in law enforcement intelligence, and on the importance of developing a privacy policy. Attendees were then provided with hands-on assistance as they were guided by SMEs through the DOJ-developed training workbook, titled *Fusion Center Privacy Policy Development: Privacy, Civil Rights, and Civil Liberties Policy Template*. At the completion of each regional privacy technical assistance session described above, fusion center personnel were offered privacy technical assistance in the form of a Privacy TA Review Team that would help them construct their policies, if needed, and review the completed draft policies to provide feedback on the policies' adherence to the provisions contained within the *Fusion Center Privacy Policy Development: Privacy, Civil Rights, and Civil Liberties Policy Template*.
- **2009 Privacy TA Session:** For those centers that were unable to attend the 2007

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<sup>12</sup> The Privacy Technical Assistance Providers included representatives from the Bureau of Justice Assistance (BJA), Office of Justice Programs (OJP); the U.S. Department of Justice (DOJ); the U.S. Department of Homeland Security (DHS); the Justice Management Institute (JMI); SEARCH, The National Consortium for Justice Information and Statistics; the Global Privacy and Information Quality Working Group (GPIQWG); and the Institute for Intergovernmental Research (IIR). For fusion center resources, additional input was provided by the Office of the Program Manager for the Information Sharing Environment (ISE), the ISE Privacy Guidelines Committee's (PGC) State, Local, and Tribal (SLT) Working Group, and the ISE PGC Training and Outreach Working Group.



Regional Privacy TA Sessions, a separate Privacy TA Session was held in February 2009 to deliver the same information: an overview of the history of privacy, the importance of developing a privacy policy, and hands-on guidance through the *Fusion Center Privacy Policy Development: Privacy, Civil Rights, and Civil Liberties Policy Template*.

- **2007, 2008, and 2009 National Fusion Center Conferences:** In March of each of these three consecutive years, sessions on protecting privacy, civil liberties, and civil rights were conducted to highlight these important issues, and to bolster the technical assistance sessions offered at the regional conferences. These included a breakout session, delivered twice, at the 2007 national conference; a plenary session delivered to all participants, as well as a breakout session, at the 2008 conference; and at the 2009 national conference a breakout session to help fusion centers integrate a privacy and civil liberties protection framework into fusion center operations; a breakout session on 28 Code of Federal Regulations (CFR) Part 23; and a “Hands-On Learning Lab, where on-site staff coached participants on how to conduct a privacy and/or civil liberties impact assessment of their fusion centers, arrange for on-site training, discuss questions or issues, advise on their privacy and civil liberties policy development, and answer questions about 28 CFR Part 23.

At all of these regional meetings, technical assistance sessions, and fusion center conferences, more than a dozen privacy-related publications and resources were discussed with and/or distributed to attendees. Most of these publications and resources are also easily accessible to fusion centers – and to the public – on the Global Justice Information Sharing Initiative website.<sup>13</sup>

A host of other efforts have been underway to ensure that the fusion center network continues to implement practices that will help ensure the protection of these constitutional rights. For example, in addition to the delivery of training and technical assistance, there have been countless conversations and numerous in-person meetings with privacy, civil liberties, and civil rights advocates to ensure that issues are well understood. (*The opportunity for much of this dialogue to occur has come from the development of the National Suspicious Activity Reporting Initiative, about which this Subcommittee has previously heard during an earlier hearing.*) To promote transparency and awareness, the 2009 National Fusion Center Conference included presentations to attendees by media representatives and privacy advocates. Significant portions of the conference were also opened to advocates and the media. Furthermore, fusion centers have opened their doors and met with media representatives and privacy, civil liberties, and civil rights advocates. Going forward, it is important to capture “lessons learned” from case studies that can help fusion centers refine their practices to ensure that potential dangers are avoided. Discussions about developing this next level of training and technical assistance are already underway so the resources necessary to deliver this support can be identified.

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<sup>13</sup> The Global Justice Information Sharing Initiative website can be found at <http://it.ojp.gov/default.aspx?area=globalJustice>.

*Finally, sustaining a national, integrated network of fusion centers will actually strengthen our collective ability to provide accountability and transparency; this is an important point that must not be understated.*

**In terms of maintaining the momentum for fusion center development and sustaining their value, funding is paramount.** The development and sustainability of intelligence fusion centers continues to be of significant concern for state homeland security officials,<sup>14</sup> as well as for the fusion centers themselves. In essence, the failure to sustain fusion centers will prevent key local, tribal, state and federal officials from receiving essential information, making communities less safe. One of the continuing primary challenges is the sustainability of fusion center operations without federal funding. Only one-quarter of state homeland security directors maintained that they will be able to subsidize their fusion center operations without federal funding. During a Fusion Center Directors' Meeting at the 2009 National Fusion Center Conference last month, the fusion center directors voiced the same concerns. Specifically, there was a strong call for predictable – even direct – funding for fusion centers so that the promise of fusion centers can be attained, and so that the dangers can be avoided.

## **CONCLUSION**

For the first time in my career, we are on the verge of building a truly national, integrated information sharing and analysis network that will make our communities and our nation safer. Fusion centers can and should build upon the success, as well as coordinate with, other effective programs, such as the Regional Information Sharing Systems (RISS) and the High Intensity Drug Trafficking Area (HIDTA) Investigative Support Centers. Leveraging the outstanding work of the Global Justice Information Sharing Initiative – especially through the Criminal Intelligence Coordinating Council – is also vital.

But much more needs to be done. Input from the people who are leading fusion centers must be considered in looking to the future. In a meeting of fusion center directors that occurred last month in conjunction with the National Fusion Center Conference, the priorities for the future that were identified by the directors included emphasizing privacy, civil liberties, and civil rights protections; performing a gap analysis of Baseline Capabilities at each fusion center; conducting outreach with the public and all stakeholders; promoting data interoperability; and identifying and asking for sustainability funding for fusion centers.

These priorities provide a solid road map for the future. But to move forward, our nation's leaders must continue to support and fund the agencies and partners mentioned herein that are involved in building the national, integrated network of fusion centers. Resources are needed for fusion centers themselves, and for the training and technical assistance programs that support them. These programs are critical to ensuring that the

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<sup>14</sup> NGA Center for Best Practices *Issue Brief: 2008 State Homeland Security Directors Survey*, available at <http://www.nga.org/Files/pdf/0903HSASURVEY.PDF>, accessed March 29, 2009.

promise of fusion centers is realized, while avoiding the pitfalls and dangers that can arise.

On behalf of the colleagues with whom I work at all levels of government, we appreciate the support for and interest in the effectiveness of fusion centers, and in the protection of privacy, civil liberties, and civil rights, that has been consistently demonstrated by this Subcommittee and by the Committee on Homeland Security.