

STATEMENT OF

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BEFORE THE

**UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON HOMELAND SECURITY'S
SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING,
AND TERRORISM RISK ASSESSMENT**

REGARDING

**BUILDING A PARTNERSHIP STRATEGY: IMPROVING INFORMATION
SHARING WITH STATE & LOCAL LAW ENFORCEMENT
AND THE PRIVATE SECTOR**

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Committee Chair Harmon, Congressman Dicks and Congressman Reichert, thank you for inviting me to share my observations with you on the important topic of information sharing between the public and private sectors as it relates to homeland security.

To address the central question of this hearing – How do we build a partnership between the public and private sectors to share information relevant to homeland security? – requires an analysis, first, of the status of homeland security intelligence efforts and systems to date. This is because we cannot share information and intelligence that we don't have. Moreover, it would be premature to undertake an expansion of information sharing if the infrastructure of intelligence fusion is inadequate or incomplete.

In the brief time I have today, then, I will attempt to sketch for you the state of intelligence fusion in support of homeland security, from the vantage point of a local police chief, by addressing the following:

- the nature of current obstacles to the creation of integrated systems of intelligence fusion, including private sector participation; and
- proposed solutions for removing these impediments and improving the information sharing environment, in particular, some of the promising initiatives contained in the "Law Enforcement Assistance and Partnership Strategy", or LEAP report.

I will conclude my testimony with some observations aimed at reinforcing the importance of public private partnerships, and why I am optimistic that we will achieve success to meet that priority.

Obstacles to creating integrated intelligence fusion.

The essential concept of intelligence fusion – as defined by DHS in both National Criminal Justice Information Sharing Plan (NCISP) and the NIJ-Global Justice Initiative "Fusion Center Guidelines" document they adopted– involves the systematic collection, analysis and dissemination of information through an inclusive process, involving the full engagement of all relevant stakeholders. Without the participation of the private sector, which holds, manages and controls over 85% of the critical information infrastructure of the nation, it is hard to contemplate achievement of this objective.

Realization of such a private/public sector partnership, however, is predicated upon having a system or process within which to participate. This is the dilemma which has vexed my colleagues in the Major City Chiefs organization, which comprises the 56 largest metropolitan police agencies in the US and Canada, and where I currently serve as vice-president. We consider the increased engagement and participation by the private sector in homeland security to be among our highest priorities. Unfortunately, our individual and

collective progress to create intelligence fusion systems or centers that have the capacity to integrate private sector participation has been limited, at best.

Two major impediments have contributed to this reality:

First, we remain tethered to the federally centered vision of intelligence information management. Developed during the Cold War, this vision remains stubbornly resistant to change. For all the stated commitment to derive intelligence requirements and priorities from the “bottom up” - which I interpret to mean from the front lines of local law enforcement – many decisions still originate from somewhere inside the beltway, and specifically within DHS and the FBI. This reality finds confirmation in many ways.

- Security clearances are difficult for many in law enforcement to obtain in a timely fashion.
- Procedures for obtaining access, equipment or support are often convoluted, tortuous and unnecessary.
- The sharing of vast categories of information is prohibited unless brokered by the FBI, in particular as relates to foreign counter-intelligence. (As a police chief of the 19th largest city in the nation, and in possession of a top secret clearance, by law I cannot set foot unescorted in the NCTC, let alone have direct access to even the most benign information)
- And while there are some noteworthy and commendable fusion centers and systems around the country (I am thinking here of Los Angeles-Los Angeles County, Arizona and Massachusetts, to name a few), the vast majority of intelligence management remains centered in the traditional JTTF-FIG structure, almost six years after 9/11.

Second, the restrictions on the use of funds to support homeland security initiatives virtually assure that our progress will be limited. In particular, the UASI prohibitions concerning the hiring of sworn law enforcement personnel contradict an order of priority that every chief of police knows by heart: It is people who solve crimes and prevent terrorism, not buildings and equipment.

Potential solutions for improving the information-sharing environment.

My purpose in making the above observations is not to itemize grievances, but rather to join with you in finding solutions. Just as it is fair to say that many of us in the local law enforcement community have been frustrated by certain unnecessary, and sometimes mysterious, impediments to our progress relating to homeland security, it is equally fair to say that we have come a long way since 9/11, and that the nation is, on balance, safer and more prepared than we have been in the past. And we are all keenly interested in continuing the progress that we have jointly achieved. This brings me to comment on certain of the promising initiatives contained in the LEAP report. Specifically, I wish to lend my

voice in support of the following initiatives outlined in this laudable, strategic document:

First, the proposal to establish a “center” for intelligence-led policing. This, to me, makes a lot of sense. From my vantage, there does not appear to be sufficient attention paid to creating a unified approach to the overall concept of intelligence-driven policing on an all-crimes basis, nor is there sufficient focus upon the strategic or civil liberties implications of police deployment based upon actionable information. The opportunity to evaluate successful models and develop standards and guidelines on a national level would meet a great need. This being said, the concept of a national center must be more than just about building another big box, of course, and must be designed based upon the concepts I discussed earlier. Fundamentally, the full participation of local law enforcement is critical to the success of such an initiative. Perhaps there would be a place in such a center or system for the private sector, as well.

Second, the “Foreign Liaison Officers Against Terrorism (FLOAT) Grant Program” would go a long way toward expanding both the knowledge base and the preparedness capacity of local, state and tribal law enforcement. In a real sense, a program of this kind directly confronts the preclusion of local law enforcement involvement in the categories of intelligence that I spoke of earlier. This program would open the eyes of local law enforcement to understanding this issue and create a knowledge base around terrorism and international crime that is presently lacking. Remember that most police agencies have trouble talking to their next-door neighbors, let alone communicating across international borders. This is an extremely worthwhile component of LEAP.

Third, the proposal to establish and fund a “Vertical Intelligence Terrorism Analysis Link (VITAL)” is directly on point to confront the current restrictions on local law enforcement access to relevant foreign intelligence data. This proposal strikes an appropriate middle ground between the integration of local law enforcement in foreign counterintelligence missions – which, except in extreme cases, I do not advocate – and allowing appropriate access to information that links to threats directed at the communities we police. Like the FLOAT program, this proposal is based upon a mature recognition that for 99% of the populous, their homeland is not inside the beltway, but is instead the city, town or unincorporated county where they reside; and their homeland defenders are the local police officers and sheriff’s deputies who live and work in those same cities and towns.

Fourth, the proposal to reform and streamline the process of obtaining security clearances will find few – if any – detractors among law enforcement executives. Both the goal of the initiative and recognition of the priority of this need are long overdue.

There are many other laudable proposals described in the LEAP strategy document, including the need to strengthen border intelligence capacity through the creation of a specific focus on US border intelligence fusion, and I do not want my failure to mention them to suggest a lack of support.

In my time remaining, though, I want to return to the issue of creating greater opportunities for public-private information sharing.

As I stated earlier, the need to understand the challenges that inhere in our commitment to create systems of intelligence fusion is a prerequisite to any meaningful discussion of public-private information sharing. I have spent some time describing both the limitations and promising alternatives to the current picture of intelligence fusion confronting local law enforcement, for the reason that meaningful partnerships are founded upon meaningful systems that provide timely and relevant information. In other words, we must build a strong house if we intend to invite our private sector partners to share floor space. With that, I turn now to the issue of creating greater opportunities for public-private information sharing.

When I consider the current status of intelligence sharing between local law enforcement and the private sector, I must first observe that the quality and frequency of the exchange of information remains more a matter of personal relationships and individual initiatives than a well-organized, reliable system of intelligence fusion that includes private sector representatives as full partners. As happens frequently in this profession, whom we know and have worked with in the past defines the boundaries of engagement, particularly as concerns sensitive or classified information. And while public-private partnerships remain a priority in the design and implementation of intelligence fusion, there remain few examples of the kind of fully-integrated, systematic collaboration with the private sector that state and local public safety leaders acknowledge as a vital component of comprehensive intelligence management. The need for this cooperation is evidenced in the Pulitzer Prize winning book, *Looming Tower*.

This is not to suggest that the model of personal, relationship-based engagement and collaboration cannot meet our objectives for intelligence sharing in the short term. At the local level, relationships between police and community have been a force multiplier, and have been shown in many cases to prevent or reduce crime. In a real sense, it is precisely these relationships which make a system of public-private collaboration even possible.

In Seattle, for example, we have a convergence of both circumstances and initiatives that create an ideal environment for information sharing. Our business, minority and neighborhood communities have a long and proud

tradition of civic participation and contribution. Almost twenty years ago, the Seattle Police Department established a structure of precinct level advisory councils, which were so successful that they were expanded to include specific councils representing communities of color, sexual minorities, private security companies and human service providers.

Some examples of how this information environment has been of value in the context of homeland security are, as follows:

- Immediately after 9/11, our outreach to the local Muslim community addressed practical fears and concerns, and at the same time showed the world that humanity has many diverse faces and beliefs.
- The City elected to participate in TOPOFF 2, the first national terrorism exercise after 9/11, which created new partnerships and brought many diverse people and interests together in a real time exercise to test our preparedness.
- We were able to create a Seattle Police Foundation, comprised of many of the city's most important and civic-minded business and community leaders.
- Under the leadership and commendable commitment of US Attorney John McKay, the Puget Sound region was the first to operationalize the "LinX" (Law Enforcement Information Exchange) data coordination system.
- And we are in the process of designing and implementing a regional fusion center which seeks to integrate, to the greatest extent possible, private sector participation.

The City of Seattle and the Puget Sound region – like many communities across the nation – has the capacity to transform our time-tested, profound personal relationships within the private sector into a system and structure of regular information sharing. So in thinking about the potential for public-private intelligence sharing, I believe it is not so much a matter of will as a matter of structure and design, and of overcoming impediments that frustrate our shared commitment to collaborate. The real key to this transformation, however, consists of law enforcement consciously and purposefully broadening its engagement with the private sector, much in the same way we have asked DHS to expand the scope of their engagement and partnership with local law enforcement.

One area where our interests converge and create substantial opportunities for expanded collaboration is in the analysis of critical infrastructure. No one knows the strengths and vulnerabilities of the critical facilities we seek to protect better than their owners and staff. Another is in the area of integrated communications, to include the possibility of interoperability.

What I suggest we seek is the kind of enduring, dependable relationship we in Seattle have with leaders like Al Clise and Richard Stevenson of Clise Properties.

You will hear testimony today from Richard about how our longstanding professional friendship has been the basis for sharing information about critical infrastructure strengths and vulnerabilities, and has enhanced the capabilities of both the Seattle Police Department and Clise Properties to prevent, detect and respond to threats to those private sector holdings. For obvious reasons, neither Richard nor the Seattle Police Department will disclose any details about this instance of collaboration. The point is that these types of candid, inclusive partnerships are eminently possible. They are founded upon trust, confidence, and mutual respect. They can, and should be, the rule, rather than the exception.

While much work remains, not the least of which involves further development of the infrastructure of intelligence fusion at the local, state and tribal level, it is clear that the potential for public and private sector collaboration and information sharing is significant. We've seen it in Seattle. It is possible in every community in this nation. And it is on this note of optimism that I will close and take any questions you may have.