

Homeland Security Advisory Council

Intelligence and Information Sharing Initiative

Final Report

December 2004



Homeland
Security

Contents and Organization

- **General Findings**
 - The Project Objectives
 - The Methodology of the Work
 - Findings and Recommendations
 - Working Group Members
 - Subject Matter Experts
 - Association Representatives



General Findings

- Effective defense of the homeland depends on timely and accurate intelligence/information about those who want to attack us and the targets they intend to attack.
- The events of 9/11 taught us that today our enemy may not always be overseas -- he or she may live in our local communities – and engaged in criminal and/or other suspicious activity as they plan attacks on targets within the United States and its territories.
- Intelligence/information regarding possible attacks – whether collected at home or abroad -- must be provided to state, tribal, local and key private sector entities to support intelligence/information-driven efforts to protect our communities.
- Important intelligence/information that may forewarn of a future attack may be collected by state, tribal, and local government personnel through crime control and other routine activities and by people living and working in our local communities.



General Findings

- As both collectors and consumers of intelligence/information, it is critical that state, tribal, local and private sector efforts be coordinated with those of the Federal Government – specifically the Intelligence Community.
- The manner in which our modern day Intelligence Community operates was established during the Cold War and designed to confront foreign-based, state-sponsored adversaries.
- But the world has changed since the end of the Cold War and within both the Executive Branch and Congress, there is ongoing debate over how best to restructure the Intelligence Community so that it can better meet the challenges of the post 9/11 world.



General Findings

- A part of this debate must focus on defining the appropriate roles for state, tribal, local, and private sector entities in the collection, analysis, dissemination and use of this intelligence/information – and how those efforts should be coordinated with those of the Federal Intelligence Community.
- This debate represents an historic opportunity to enhance existing intelligence/information sharing between all levels of government – and -- the threat to the nation demands that we proceed expeditiously.
- But -- we must also proceed thoughtfully and consider all of the implications before asking already heavily burdened state, tribal, local and private sector entities to take on new responsibilities.



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Project Objective

- Define the
 - Roles
 - Responsibilities, and
 - Requirements
- of state, tribal, local and key private sector entities
- as it relates to
 - Collection
 - Analysis
 - Dissemination, and
 - Use
- of terrorism-related intelligence/information.



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Methodology of the Work

- **Project was divided into two phases.**
 - **Phase I** - Determining the “as-is” environment of intelligence and information sharing
 - **Phase II** - Defining roles, responsibilities and key requirements of State, tribal, and local entities for effective intelligence and information sharing
- **Phase One – The “as is” environment**
 - Conducted numerous interviews of federal, state, tribal, local and private sector officials;
 - Met with representatives from TTIC, IAIP, DOJ, HSOC;
 - Reviewed studies and reports (NGA, GAO, IACP);
 - Conducted survey of State Homeland Security Advisors



Methodology of the Work

- **Phase II – Roles, Responsibilities and Requirements of State, Tribal, and Local entities.**
 - Expanded working group.
 - Federal, state, tribal, local and private sector representatives.
 - Representatives from the multiple efforts already underway.
 - Subject matter experts from various disciplines.
 - Received input from key stakeholders.
 - Working Group Meetings.
 - I-95 Corridor Domestic Preparedness Conference.
 - Annual IACP Meeting.
 - Connecticut Intelligence and Information Sharing Forum.
 - Meeting with key Association Representatives.



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Finding 1: Effective Prevention Efforts Must be Information-Driven and Risk-Based

The “As-is” Environment

- State, tribal, and local entities play a key role in preventing terrorist attacks.
- Federal efforts must leverage state, tribal, and local resources.
 - 18,000+ state, tribal and local communities > 800,000 sworn law enforcement officers.
 - Represents 95% of counter-terrorism capability (law enforcement) in US.
 - Moreover, there is tremendous capacity outside of the law enforcement community that supports our efforts to prevent attacks.
 - Local communities are the front lines – public looks to state, tribal and local personnel for help.
- State, tribal, and local officials do not have the resources to protect every potential target from every potential method of attack.



Finding 1: Effective Prevention Efforts Must be Information-Driven and Risk-Based

The “As-is” Environment

- State, tribal, and local governments must still provide effective day-to-day, non-terrorism related emergency and non-emergency service.
- There must be a system of prioritization.
- This prioritization comes from working with the private sector (which owns and operates 85% of our Nation’s critical infrastructure) to effectively assess threat, vulnerability, risk, and consequence.



Recommendation 1: Federal, state, tribal, and local authorities must work together with the private sector to assess threat, vulnerability, risk and consequence.

- Local governments working with federal, state, tribal and private sector entities should identify locations, sectors (transportation, communication, power, etc...) and special events that represent potential targets.
- States, working with federal, tribal, local and private sector entities, must consolidate these locally derived target lists, evaluate them using timely intelligence from federal sources - and develop comprehensive statewide threat, vulnerability and risk assessments.
 - Statewide and regional priorities should be established and updated regularly.
- The Federal Government should gather and consolidate each statewide assessment into a national assessment of threat, vulnerability, risk, and consequence. This assessment should be continually updated.



Recommendation 1: Federal, state, tribal, and local authorities must work together with the private sector to assess threat, vulnerability, risk and consequence.

- The Federal Government should establish a continuity-based, assessment methodology to keep assessment reviews consistent and appoint a single point of contact.
- The needs and the capabilities of private sector entities must be taken into account – particularly those of “key” private sector entities which own and operate that which is determined by the Department of Homeland Security part of the nation’s “critical infrastructure.”
 - Legal and regulatory obstacles to public/private information sharing should be identified and resolved.



Finding 2: State, Tribal, Local and Private Entities are now “Consumers” of Accurate, Timely, and Actionable Intelligence

“As-is” Environment:

- Our “first line of defense,” state, tribal, local and private sector entities are now “consumers” of intelligence/information.
- To support effective protective and response planning they need current and accurate intelligence/information about those who wish to attack us, what they want to attack and how they want to carry out the these attacks.
- Today -- a majority of state, tribal, local and private sector officials are only “somewhat satisfied” with the timeliness and detail of intelligence/information received from federal sources.
- There is no formal process in place to define the intelligence/information requirements of state, tribal, local and private sector entities.



Finding 2: State, Tribal, Local and Private Entities are now “Consumers” of Accurate, Timely, and Actionable Intelligence

“As-is” Environment:

- There is a lack of clarity within the federal government as to how to provide intelligence/information that state, tribal, local and key private sector entities can use effectively.
- State, tribal, and local authorities and private sector officials receive intelligence/information from multiple sources which at times provide conflicting intelligence/information.
- Today there is no single system that provides access to all of the federal repositories of terrorism-related intelligence/information.



Finding 2: State, Tribal, Local and Private Entities are now “Consumers” of Accurate, Timely, and Actionable Intelligence

“As-is” Environment:

- There exists multiple “*mechanisms*” to share terrorism-related information to state, tribal and local entities including:
 - HSIN/Joint Regional Information Exchange System (DHS);
 - Law Enforcement Online (FBI);
 - SIPRNET (DOD);
 - Regional Information Sharing System Network (DOJ);
 - High Intensity Drug Traffic Area (ONDCP); and
 - Information Sharing and Analysis Centers (ISACs – industry sector specific).
- Currently the processes and the information systems within these Federal “mechanisms” are not fully integrated.



Finding 2: State, Tribal, Local and Private Entities are now “Consumers” of Accurate, Timely, and Actionable Intelligence

“As-is” Environment:

- Use of these systems vary from state to state and city to city.
- Current environment viewed by many as “stove piped.”
- Some states use all systems and try to integrate the intelligence/information into a “whole picture” themselves.
- Others receive intelligence/information from only one or a few of the networks and thus get only a partial picture.
- Sharing intelligence/information with state, tribal, local and private sector officials is a difficult and complex issue.



Finding 2: State, Tribal, Local and Private Entities are now “Consumers” of Accurate, Timely, and Actionable Intelligence

“As-is” Environment:

- Efforts to share are often impeded by institutional bureaucracies and restrictive protocols:
 - National security information classification;
 - Case sensitive law enforcement;
 - Proprietary and business sensitive information; and
 - Medical information controlled by patient privacy protections.
 - State and local open record or “sunshine” laws.



Recommendation 2a: The Federal government needs to develop a reliable and organized conduit for providing information to states, tribes, and localities.

- There should be a single pipeline that integrates intelligence/information provided by multiple federal sources.
 - Intelligence/information should be provided based on the needs of the user (state, tribal and local governments) -- not the those of the provider.
- Intelligence/information should be validated as to credibility, delivered rapidly, concise, in an actionable format and updated regularly.
- Intelligence/information should “paint a picture” of the problem state, tribal, and local entities need to address.



Recommendation 2a: The Federal government needs to develop a reliable and organized conduit for providing information to states, tribes, and localities.

- The audience is more than law enforcement – intelligence/information needs to be shared with other disciplines (Fire, EMS, Public Health, transportation, public works, private sector, etc...)
 - But -- each discipline may not need the same level of detail (i.e. fire officials and emergency management officials may not need specific suspect information law enforcement requires).
- Feedback is critical.
 - State and locals must provide to Federal authorities feedback on prevention and protection planning and intelligence/information collection efforts to support the continuous evaluation of the national threat environment.



Recommendation 2a: The Federal government needs to develop a reliable and organized conduit for providing information to states, tribes, and localities..

- The needs and the capabilities of private sector entities must be taken into account – particularly those of entities which own and operate that which is determined by the Department of Homeland Security as “critical infrastructure.”
 - Legal and regulatory obstacles to public/private information sharing should be identified and resolved.
- At a minimum, Federal authorities need to provide a strategic threat assessment and specific intelligence/information regarding:
 - Threats to specific locations, events, and specific infrastructure sectors (transportation, energy, water, etc);
 - Methods used by terrorist to plan, support and carry out attacks; and
 - Individuals and/or organizations involved in terrorism related activity.
- State, tribal, local and private sector entities need to use threat-related intelligence/information to:
 - Guide efforts to prevent and/or interdict an attack;
 - Develop protective and continuity measures and emergency response plans;
 - Design training programs and exercises;
 - Select equipment/technology to be acquired; and
 - Develop budget and staffing plans.



Recommendation 2b: The Federal Government should emphasize providing current and actionable unclassified information.

- It should be a priority for all Federal entities to declassify all threat related intelligence/information.
- To the greatest extent possible, the Federal Government should provide unclassified intelligence/information that can be used to develop intelligence/information-driven prevention and response plans.
- The emphasis should not be on providing security clearances and forcing related security costs on state and local governments and officials.
- The Federal Government should not expand the legal definition of the Federal Intelligence Community to include state, tribal, and local entities.
- The emphasis should be on establishing the processes, protocols and systems to facilitate the sharing of intelligence/information between those who collect it and those who need it.



Finding 3: As Collectors of Intelligence State, Tribal, and Local Entities are Now Partners with the Federal Intelligence Community

“As-is” Environment

- In carrying out their core missions each day, state, tribal, and local entities provide a wide array of emergency and non-emergency services.
- In the course of these activities, state, tribal and local personnel observe activity and conditions that may be indicators of an emerging terrorist threat.
 - For example terrorist often commit crimes as they plan and/or prepare to carry out an attack. Local law enforcement personnel may come in contact with terrorist as they conduct traditional criminal investigations.



Finding 3: As Collectors of Intelligence State, Tribal, and Local Entities are Now Partners with the Federal Intelligence Community

“As-is” Environment

- Each day, state, tribal, and local authorities collect, analyze, disseminate, and take action on a great deal of *information* from various sources within their communities (law enforcement, Fire Services, EMS, public works, healthcare, private companies, etc).
- Currently, there is difficulty in identifying linkages between that which is “routine” and that which is terrorism-related.
- This information could be vital to Federal efforts to update the national threat picture.
- Today, the Federal Government receives limited intelligence/information from state, tribal, and local authorities.



Finding 3: As Collectors of Intelligence State, Tribal, and Local Entities are Now Partners with the Federal Intelligence Community

“As-is” Environment

- While DHS has recently defined the types of intelligence/information it wants from state and local authorities it is still unclear how best to collect and forward that intelligence/information to Federal authorities.
 - DHS Priority Information Requirements (August 9, 2004).
 - DHS Terrorist Threats to the US Homeland Reporting Guide (October 21, 2004).
- State, tribal, local and private entities do not generally provide “feedback” regarding intelligence/information and threat bulletins.



Finding 3: As Collectors of Intelligence State, Tribal, and Local Entities are Now Partners with the Federal Intelligence Community

“As-is” Environment

- It is perceived that federal entities do not recognize the value of locally generated intelligence/information.
- It is unclear to what degree that intelligence/information is shared with other localities, state governments, private entities and Federal authorities – or how best to do so.
- Some debate amongst state and local officials whether state, tribal, and local personnel should be involved in the analysis of “raw intelligence/information” collected abroad through intelligence/information operations.
 - A limited number believe it is appropriate to assign personnel abroad.



Finding 3: As Collectors of Intelligence State, Tribal, and Local Entities are Now Partners with the Federal Intelligence Community

“As-is” Environment

- There is no multi-disciplinary, national plan that defines how state, tribal, local and private sector entities should be working with the Intelligence Community to better collect, analyze, and disseminate “all-source” intelligence/information.
- Capabilities and activities vary from state to state.
- Intelligence/information sharing is often based on “*personal relationships.*”
- No shared lexicon.
- Some established JTTFs & ATACs are effective hubs for sharing of case-specific intelligence/information.



Finding 3: As Collectors of Intelligence State, Tribal, and Local Entities are Now Partners with the Federal Intelligence Community

“As-is” Environment

- Multiple efforts underway to define both the roles and responsibilities as well as the requirements of state and local governments in the collection, analysis, dissemination and use of terrorism-related intelligence/information including:
 - Criminal Intelligence Coordinating Council/Global intelligence Working Group;
 - Major City Chiefs of Police Terrorist Threat Guidelines;
 - DHS-DOJ Network Interoperability Project;
 - Implementation of HSPD-8;
 - Executive Order 13356 Implementation Plan;
 - Congressional restructuring of intelligence/information Community; and
 - DHS Information Sharing and Collaboration Program.



Finding 3: As Collectors of Intelligence State, Tribal, and Local Entities are Now Partners with the Federal Intelligence Community

“As-is” Environment

- To date, these efforts have not been fully integrated – nor are they linked to some intra-state efforts examining the same issues.
- Some believe that current structure of Congressional oversight contributes to “stove-piped” structure.



Recommendation 3a: The Federal Government should take steps to ensure domestic intelligence/information activities are carried out in a consistent fashion.

- While each level of government has specific roles and responsibilities, each level of government is interdependent.
 - Those with responsibility for protecting our communities must be given the intelligence/information they need to be successful.
 - Those holding the intelligence/information should be thinking about who needs it and how to share it with them.
- There needs to be easily understood, **minimum national standards** that govern all levels of the intelligence/information process: planning, collection, processing, analysis, dissemination, and re-evaluation.
- Federal, state, tribal, and local personnel need to avoid the use of “jargon” and should adopt the use of **common terminology and definitions.**



Recommendation 3a: The Federal Government should take steps to ensure domestic intelligence/information activities are carried out in a consistent fashion.

- Federal, state, tribal, and local officials need to use a **common methodology** for critical tasks such as identifying potential targets and evaluating vulnerability and risk.
- With guidance from the Federal Government, state, tribal, local, and private sector entities need to **train key personnel** and **put in place processes** to ensure that relevant circumstances and suspicious activities are recognized and rapidly reported to appropriate authorities.
- Collection efforts involve more than law enforcement – need to take into account intelligence/information gathered by other disciplines.
- The private sector must be included – and therefore -- business-sensitive information must be protected from inappropriate disclosure.



Recommendation 3a: The Federal Government should take steps to ensure domestic intelligence and information activities are carried out in a consistent fashion.

- The Federal Government must provide state, tribal and local entities clearly defined intelligence/information needs based on the current threat environment.
- However – the Federal Government should avoid forcing state, tribal, and local entities to operate using the processes and protocols that govern the Intelligence Community.
 - A direct tasking by the Director of Central Intelligence, Director of National Intelligence, or other member of the Intelligence Community and/or tasking state, tribal, and local entities to collect information through an Intelligence Community “National Collection Plan” would impose a serious financial burden on these entities and may result in their having to comply with the same restrictions placed upon intelligence entities, and may be precluded by some state and local laws.



Recommendation 3a: The Federal Government should take steps to ensure domestic intelligence and information activities are carried out in a consistent fashion.

- Collection efforts should be leveraged – but must not compromise the ability to carry out day-to-day responsibilities.
- Emphasis should be on ensuring that terrorism-related information collected as part of crime control and other activities is identified and forwarded to appropriate parties.
- Federal entities should develop a mechanism for gathering intelligence/information collected by state, tribal and local entities to support efforts to evaluate and update domestic threat environment.
- 28CFR part 23 should be reviewed so as to identify any issues that could impede information/intelligence sharing.



Recommendation 3a: The Federal Government should take steps to ensure domestic intelligence and information activities are carried out in a consistent fashion.

- Intelligence/information sharing is not just a technology issue, it involves policy, process, and trust issues.
- Efforts to design communication and information technology (IT) architecture should be driven by operational requirements and national guidelines and standards.
- Should build upon existing efforts – the National Criminal Intelligence Sharing Plan provides solid foundation and should be built upon to provide for an “all source,” multi-disciplinary national effort.



Recommendation 3a: The Federal Government should take steps to ensure domestic intelligence and information activities are carried out in a consistent fashion.

- The National Criminal Intelligence Sharing Plan added clarity to the voice of state, tribal, and local law enforcement by creating the Criminal Intelligence Coordinating Council. This Council could be expanded or replicated to provide the same voice for other key disciplines involved in homeland security-related activities.



Recommendation 3b: State, tribal, and local governments need to collect, analyze, disseminate and use intelligence and information as part of their day-to-day operations.

- Homeland security is now part of the core public safety mission of state, tribal, and local governments.
- Intelligence/information collected during law enforcement, healthcare, and other day-to-day activities that has a nexus with terrorism needs to be identified, acted upon and forwarded to federal authorities.
- Efforts should be a part of an “all-crimes” and/or “all-hazards” approach to homeland security.



Recommendation 3b: State, tribal, and local governments need to collect, analyze, disseminate and use intelligence and information as part of their day-to-day operations.

- Feedback is critical.
 - Federal entities must provide feedback to state, tribal, local and private sector providers of intelligence/information so they can update their efforts.
- There are significant concerns over potential costs associated with expanded and new responsibilities.
 - Federal grant funds should be able to be used to off-set costs of intelligence/information analysts involved in terrorism-related intelligence/information activities.
 - Smaller communities may need to rely on regional collaboration and/or state assistance to carry out analytical activities.



Recommendation 3c: The Department of Homeland Security should gather and share best practices.”

- Best practices exist.
- Intelligence/information sharing is most effective when:
 - Personnel from different agencies are collocated;
 - Efforts are organized around a shared focus on a defined topic (organization, special event, activity, etc);
 - Roles and responsibilities are clearly defined;
 - Requirements of each level of government are clearly defined; and
 - Emphasis placed on results – not process maintenance and protecting turf.



Finding 4: Statewide Intelligence/Information Fusion Centers Should be an Important Part of National Intelligence/Information Sharing Efforts.

“As-is” Environment

- Most states have recognized the importance of being able to identify statewide trends, conditions and threats.
- These states have determined that there is a need to develop the capacity to take unclassified “all-source” intelligence/information generated by localities and blend it with relevant intelligence/information generated through state and federal efforts.
- Multiple states and urban areas have or are in the process of establishing “*fusion centers.*”
- Millions of dollars being spent.



Finding 4: Statewide Intelligence/Information Fusion Centers Should be an Important Part of National Intelligence/Information Sharing Efforts.

“As-is” Environment

- Focus and capacity of these centers vary from state to state.
- There is a lack of protocols regarding connectivity between centers and different levels of government.



Recommendation 4a: Each State should establish an information center that serves as a 24/7 “all-source,” multi-disciplinary, information fusion center

- Strongly recommend that: large urban areas; UASI regions, intrastate regions, and/or inter-state regions establish similar capabilities.
- The operation of fusion centers should be based on statewide plans that clearly define how each level of government will work together.
 - These initiatives should also take into account role and needs of the private sector.
- Terrorism-related activities should be but a part of the portfolio. States should adopt an “all-hazards” and “all-crimes” approach.



Recommendation 4a: Each State should establish an information center that serves as a 24/7 “all-source,” multi-disciplinary, information fusion center

- The Department of Homeland Security, working with all stakeholders, should establish minimum guidelines for establishing and operating “statewide (or major urban area) fusion centers.”



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Working Group Members

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Association Representatives

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Chad Foster – The Council of State Governments

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