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**Committee on Homeland Security, Subcommittee on Intelligence,
Information Sharing and Terrorism Risk Assessment
United States House of Representatives**

**Regarding a Hearing on:
“State and Local Fusion Centers and the Role of DHS”**

September 7, 2006

**Statement of Kenneth Bouche, Colonel
Illinois State Police
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Chairman Simmons, Ranking Member Lofgren, Members of the Subcommittee, I sincerely appreciate the opportunity to appear before you today to discuss local and state law enforcement’s involvement with nationwide implementation of fusion centers and related issues impacting local, state, and tribal law enforcement.

I have served with the Illinois State Police for over 22 years in a variety of roles ranging from a trooper and a supervisor to a commander with patrol and investigative assignments. Presently, I serve as the Deputy Director of the Information and Technology Command, with responsibility for leading the technology, information, research, criminal history, and strategic management functions of the Illinois State Police. In this capacity and as the chair of the U.S. Department of Justice’s (DOJ) Global Justice Information Sharing Initiative (Global), and past chair of both the Global Intelligence Working Group and the National Criminal Intelligence Coordinating Council (CICC), I have been fortunate to actively participate in the ongoing discussion regarding intelligence reform and I have been privy to an intimate view of our national technological strengths and deficiencies in the area of justice information sharing.

Global, a Federal Advisory Committee to U. S. Attorney General Alberto Gonzales, supported by the Bureau of Justice Assistance, Office of Justice Programs, is recognized nationwide as a “group of groups” whose membership represents the entire justice community. When implementing the National Information Sharing Environment, of which fusion centers are an integral part, it is crucial that the federal government leverage the capabilities and systems that local, state, and tribal law enforcement agencies have available to support our nation’s information sharing and antiterrorism efforts. Global and all of its related associations have been working very patiently over the past four years to support, encourage, and recommend positive change in the information sharing environment, while trying to build partnerships with the federal government. Many substantive products, tools, and resources have been produced by Global and its partners to improve information sharing across the country. Examples of these products include:

The *National Criminal Intelligence Sharing Plan* (NCISP)—The NCISP represents law enforcement's commitment to take it upon itself to ensure that the dots are connected, be it in crime or terrorism. The Plan supports collaboration and fosters an environment in which all levels of law enforcement can work together to improve the safety of the nation. The Plan is the outcome of an unprecedented effort by local, state, tribal, and federal law enforcement officials

at all levels, with the strong support of the DOJ, to strengthen the nation's security through better intelligence analysis and sharing.

The Global Justice XML Data Model (GJXDM) and the National Information Exchange Model (NIEM)—The GJXDM is a data exchange standard which makes it possible for courts to talk to law enforcement, to talk to probation/parole, and to talk to victims' advocates, all without having to build new systems and negotiate new business rules. NIEM will extend the information sharing capability in GJXDM to other integral justice-related partners like emergency management, immigration, and intelligence. NIEM not only represents the best-and-brightest technical solutions to information sharing challenges but also a solid partnership between DOJ and the U.S. Department of Homeland Security (DHS).

The *Fusion Center Guidelines*—The Guidelines were developed collaboratively between DOJ and DHS. The document provides a comprehensive set of guidelines to utilize when establishing and operating a fusion center. The guidelines include integration of law enforcement, public safety, and the private sector into fusion centers and utilize the intelligence and fusion processes to develop and exchange information and intelligence among all applicable entities.

Even with these considerable accomplishments, there are many critical issues that still require resolution, especially if fusion centers and the intelligence-led policing effort are to be successful. Issues such as development of a common national policy for local, state, and federal users of sensitive but unclassified (SBU) information, security clearances and over classification of information, identification of a primary federal agency responsible for receipt and dissemination of terrorism-related information to and from local and state fusion centers, and leveraging existing systems and networks instead of creating new, duplicative capabilities.

It truly dismays me to think that five years after the September 11th attacks, we are still not where we should be regarding the exchange of the information needed to prevent and respond to attacks and possible threats against our communities. We can no longer comfort ourselves with the notion that these attacks will occur on some distant foreign soil. They will undoubtedly occur here in the U.S. quite possibly in Chicago, Peoria, Springfield, or any of our Nation's communities.

Fusion centers are a key component for ensuring the flow of threat- and crime-related information among local, state, regional, and federal partners. The principal role of the fusion center is to compile, analyze, and disseminate criminal and terrorist information and intelligence, as well as other information to support efforts to anticipate, identify, prevent, and/or monitor criminal and terrorist activity. Fusion centers provide a mechanism through which law enforcement, public safety, and private sector partners can come together with a common purpose and improve the ability to safeguard our homeland and prevent criminal activity.

In order for local and state fusion centers to effectively identify emerging threats and trends, it is important for the federal government to identify and communicate the national threat status to local, state, and tribal agencies. Local, state, and tribal agencies and fusion centers desire clearly defined intelligence and information requirements from the federal government that prioritize and guide planning, collection, analysis, and dissemination efforts.

Currently, local, state, and tribal agencies and fusion centers forward information concerning suspicious incidents to multiple federal agencies with seemingly conflicting or duplicate missions. For example, should terrorism-related information be sent to the Federal Bureau of Investigation's (FBI) Joint Terrorism Task Force, the FBI's Field Intelligence Group, the National Counterterrorism Center (NCTC) or the U.S. Department of Homeland Security's Headquarters? The federal government must, in close collaboration with local and state agencies, support the development of a national strategy for local, state, and tribal agencies and fusion centers to use when transmitting information to the federal government. The plan should clearly describe the flow of information—the "lanes in the road"—beginning at the local level, routing through the regional and/or state fusion center, and ending at the appropriate federal entity. Additionally, a single point of contact at the federal level should be identified for routing information that is received at the local and state level. Developing a plan to address the bi-directional sharing of information will assist with minimizing duplication and possible contradiction of information, while enabling relevant entities to maintain situational awareness.

A significant problem that local, state, and tribal agencies face is the lack of substantive information needed to prevent terrorism. Much of the needed intelligence information is locked away from those who need it in the field or on the scene because of outdated cold war mentalities regarding classification of intelligence information. Critical information must be unclassified and disseminated appropriately if it is to be of any use in preventing domestic terrorism. We must develop a common national policy for local, state, and federal users of SBU information. The policy should clearly define appropriate uses and dissemination protocols, while respecting originator authority and facilitating the broadest possible dissemination to those with a need to know, including our non-law enforcement public safety partners such as fire departments and public health officials. By sharing timely and appropriate intelligence information with the first responders, law enforcement will be better able to assess danger and respond more quickly, potentially saving and protecting many lives. The federal government must work towards a goal of declassifying information to the maximum extent possible.

The fact that some information needs to be classified is not disputed, however, the current process regarding the issuance and use of security clearances needs to be revised. The present system is archaic and designed to keep information secret, and this system does not work in the current information sharing environment. Additionally, federal security clearances are not recognized between agencies, and the process for local, state, and tribal officials to receive a clearance is cumbersome and frequently takes multiple months or years to complete.

Having a trusted sharing environment for communicating information and intelligence is a priority issue. There are a number of national systems and networks that local, state, and tribal law enforcement agencies utilize for information sharing efforts, including the Regional Information Sharing Systems (RISS), Law Enforcement Online (LEO), the Homeland Security Information System (HSIN), and Nlets—The International Justice and Public Safety Information Sharing Network. Currently, users must sign on to multiple systems in order to access information. Rather than develop new systems, it is recommended that the existing networks and systems be modified and augmented based on continuing information needs. The federal government should leverage existing information sharing systems and expand intelligence sharing by executing interoperability between operating systems at the local, state, tribal, regional, and federal levels using a federated identification methodology. Local, state, and tribal

users should be able to access all pertinent information from disparate systems with a single sign-on, based on the user's classification level and need to know.

There are over 800,000 law enforcement officers and over 19,000 police agencies in this country to assist in domestic security. Important intelligence/information that may forewarn of a future attack is collected by local and state government personnel through crime control and other routine activities and by people living and working in our local communities. The critical importance of intelligence for frontline police officers cannot be overstated. Very real examples of the impact of law enforcement's important role in the intelligence collection and sharing process have been experienced by police officers across the country. Without the benefit of intelligence, local and state law enforcement cannot be expected to be active partners in protecting our communities from terrorism. In Oklahoma, a vigilant state trooper was the one who stopped and arrested Timothy McVeigh after the Oklahoma City bombing, for charges unrelated to the terrorist act. In an incident in Maryland, the lack of shared intelligence information prevented a state trooper from holding an individual who two days later became one of the 19 hijackers on September 11, 2001.

In order to succeed, bridges must be built among local, state, and federal intelligence agencies and homeland security information consumers. Federal agencies must declassify information at the source with a "need to know" standard for dissemination. Local and state agencies that could contribute toward prevention strategies should be empowered with the information they need to do their job. Homeland security partners at all levels must recognize that terrorism is a criminal activity, is funded through criminal activity, and will be best prevented in an "all crimes" approach. This is not a federal war against terror, nor is it a war in some foreign land. This is the fundamental protection of our citizens from a domestic act of terrorism. If we are to continue to do our best in the prevention of these attacks, we must work as one united force.

It appears that we have the capacity to do the job, however; we need clear policies and processes to assist with implementing our national information sharing initiatives. I feel there should be recognition of the value that local, state, and tribal officials can bring to the table—not an assumption that this is a federal problem or that the threat will be mitigated by the federal government. This administration has a limited time to accomplish its goals and we have much work to do. Local and state officials have serious issues to resolve and want to be active, ongoing partners and participants with the federal government in the process.

Mr. Chairman, I thank you and your colleagues for giving me the opportunity to speak to you today and I hope my comments have been of some use to you in your deliberations.

