

Statement for the Record of

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

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and Terrorism Risk Assessment**

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Introduction

Chairwoman Harman, Ranking Member McCaul, and Members of the Subcommittee: Thank you for the opportunity to appear before you today to discuss the Department's efforts to keep America safe through a vibrant network of fusion centers. Secretary Napolitano believes a greater level of information sharing between Federal, State, local, Tribal and territorial partners to be absolutely essential to strengthening the safety of the homeland. Thanks in large part to statute developed by this Committee, the Department's Office of Intelligence and Analysis (I&A) has lead responsibility in implementing this enormously critical, but challenging task. We are especially grateful to have the opportunity to highlight I&A's many collaborative efforts to deepen, strengthen and expand this partnership between Federal, State and local law enforcement and information sharing officials.

Secretary Napolitano reaffirmed her support for the fusion center program in her March 11 speech to close to 1,000 fusion center stakeholders convened from across the country at the National Fusion Center Conference in Kansas City. In her remarks, she stated "I believe that fusion centers will be the centerpiece of State, local, and Federal intelligence-sharing for the future and that the Department of Homeland Security will be working and aiming its programs to underlie fusion centers."

Fusion centers are the core means by which we promote Federal, State, local and Tribal information sharing. Today, the Department of Homeland Security and the Department of Justice recognize 70 fusion centers, including ones in every state and every major city of the United States. Nearly half of these centers have been stood up since 2006 and have grown rapidly in number and effectiveness. Many fusion centers are in their infancy and many infrastructure challenges remain, but the successes that the centers have realized thus far give us good reason for our continued support.

The primary mission of fusion centers is information sharing. Just as Congress and the 9/11 Commission have recognized, information sharing is vital to protect the American people and our institutions. The success of the national network of fusion centers is crucial to the Department and to the states in achieving greater situational awareness toward the threats we face.

Fusion centers are force multipliers. They leverage financial resources and the expertise of numerous public safety partners to increase information awareness and help our law enforcement agencies more effectively protect our communities. Thoughtful analysis about risks to our communities supports elected officials and homeland security leaders. This enables states and localities to better utilize limited financial resources to make effective, risk-based decisions about public safety matters and mitigate threats to the homeland.

Fusion centers focus on empowering State, local and Tribal governments, as well as feeding critical information back to Federal intelligence and law enforcement officials. Each fusion center has capabilities unique to the needs and requirements of the jurisdiction where it is located. The Federal government is pleased to partner with the States and localities that own and operate fusion centers.

I&A's relationship with the fusion centers is governed by Section 511 of Public Law 110-53, *Implementing Recommendations of the 911 Commission Act of 2007* (the 911 Commission Act) which amended the *Homeland Security Act of 2002*, the *National Strategy for Information Sharing*, as well as the Department's internal *Fusion Center Implementation Plan of 2006*.

I&A serves the fusion centers by providing infrastructure and analytical context to information. This ensures that there is a true two-way flow of information between States and localities and the Federal government, and between law enforcement and the national intelligence community. I&A goes to great lengths to make sure fusion centers have the infrastructure tools, access to all necessary information, right federal partners and training.

To ensure we effectively implement this charge, I&A established a State and Local Program Office (SLPO) to serve as the executive agent for Departmental engagement with fusion centers. As the executive agent, I&A provides support to fusion centers through personnel and system deployments, training and technical assistance, security clearance support, and intradepartmental coordination and outreach efforts on behalf of the national fusion center network.

The Department's Role in Fusion Centers

The Department is actively involved in enhancing the national network of fusion centers and is committed to accelerating the deployment of personnel and technology to fusion centers. To that end, we have deployed 34 Intelligence Operations Specialists who serve as a critical link between their fusion centers and the Department. We are hopeful that by the end of Fiscal Year 2010 we will have deployed an officer to each of the 70 designated fusion centers. Just recently, I&A shifted nearly 20 additional billets from headquarters to assignments at fusion centers.

The deployment of DHS Intelligence Operations Specialists augments the analytical capabilities of the fusion centers. We believe this contributes greatly to the goal of achieving the analytic depth and geographic breadth necessary to effectively identify, provide context to and share vital information gleaned by sworn law enforcement officers and other State and local officials during the course of their daily duties. As fusion centers continue to mature, we expect to continue to grow the pool of analysts capable of connecting the dots and conducting information sharing and analysis in the manner intended by Congress. In addition to sharing Federal information with State, local and Tribal entities, and sharing their information with Federal agencies, DHS analysts at fusion centers provide real time situational awareness to the Secretary and the Department as well as all levels of government in times of crisis.

Thanks in large part to your guidance and efforts within the Department, I&A's intelligence enterprise information management team has installed more than 30 Homeland Secure Data Network (HSDN) terminals, a SECRET-level collateral network, in fusion centers and will install HSDN terminals in all 70 fusion centers as soon as all security requirements are met. We purchase and operate the network for the fusion centers. Through these efforts, DHS ensures the protection of Federal information shared within these fusion centers.

In addition to HSDN, I&A launched the Homeland Security State and Local Community of Interest (HS SLIC) about one year ago. HS SLIC is a "virtual community" of intelligence analysts from Federal, State, and local entities. Intelligence analysts collaborate via weekly threat conference calls, biweekly secure video teleconferences, analytic conferences, and a secure Web portal for intelligence information sharing at the controlled unclassified information (CUI) level, via HS SLIC.

In January 2008, we strengthened our service relationship with fusion centers by establishing a "Single Point of Service (SPS)" program. This program brings together many DHS Intelligence and Operations elements to give local customers a 24-hour, one stop shopping resource to request support, communicate product requirements, and share critical information with DHS and its Components. The Department has consolidated tracking by standardizing all communications and queries in a single format—State and Local Support Request (SLSR)—which includes requests for information, production, administrative tasks, analysis, and a wide range of support functions. In the last quarter of 2008, the SPS team serviced 659 SLSRs from 36 states.

We are strengthening core competency training programs for fusion center operations to make interactions with State, local and Tribal entities even more effective. I&A training programs are designed to meet the intelligence training needs of our partners. We offer Critical Thinking and Analytical Methods (CTAM), Principles of Intelligence Writing and Briefing (PIWB), as well as the Analytic and Critical Thinking Skills Workshop training modules to our State and local partners. The CTAM and PIWB courses are currently available at DHS I&A, and are also being converted to a web-based format. All of the courses are tuition free; grant funds may be applied to fund travel to all of these courses.

The Department, via the FEMA National Preparedness Directorate (NPD) and in conjunction with the U.S. Department of Justice, offers services under the Fusion Process Technical Assistance Program to facilitate the development and operation of a national network of fusion centers. Part of the overall Technical Assistance Program managed by NPD, the Fusion Process technical assistance provides for 13 specific services available to fusion centers, including services to support the development and implementation of privacy policies, suspicious activity reporting, and the implementation of liaison officer programs. To date, the Fusion Process Technical Assistance Program has provided more than 145 services and more than 40 fusion center exchanges. In addition to the Technical Assistance services, the program has supported a host of national and regional workshops, fellowships, exchange opportunities, and online resources for fusion center personnel.

DHS, along with the FBI, provides support by granting security clearances for eligible State and local partners, as well as support in other areas of security, including policy development and document storage and handling resources.

Beyond this operational support, the Department is actively supporting fusion centers to form an association, as suggested by the House Homeland Security Committee last year, through which they can organize their efforts at a State-to-State level and serve as an advocacy body for the fusion center initiative. This association became a reality at the 2009 National Fusion Center

Conference and has already created a list of concerns that is addressed in the challenges section below. The national conference in Kansas City and regional conferences are among the efforts we use to bring fusion center leaders and stakeholders together. Conferences allow participants to forge relationships, exchange best practices, learn how to build partnerships with their local communities and privacy and civil liberties advocates, and gain knowledge about new trends, tools, and technologies that can help fusion centers improve their analytic capabilities.

Enhancing Federal Support

Our work toward a national, integrated network of state and major urban area fusion centers is defined by the *National Strategy for Information Sharing*. It states that “a sustained federal partnership with ... fusion centers is critical to the safety of our nation, and therefore a national priority.” Our objective is to assist state and local governments in the establishment and sustained operation of fusion centers.

The National Fusion Center Coordination Group (NFCCG) was established to coordinate the Federal government’s support to fusion centers. The NFCCG provides leadership, coordination, and guidance in the development and federal support to the national integrated network of fusion centers. Co-chaired by the Department of Homeland Security and the FBI in partnership with the Department of Justice, the Global Justice Information Sharing Initiative, the Office of the Director of National Intelligence, and the Program Manager for the Information Sharing Environment, the NFCCG is the interagency coordination mechanism used to assist Federal agencies in carrying out their responsibilities to implement effective policies related to fusion center support.

Protecting the Civil Rights and Civil Liberties of Americans

We take the commitment to respect and protect the privacy, civil rights, and civil liberties of American citizens seriously. We partner with the DHS Privacy Office, the DHS Office for Civil Rights and Civil Liberties, and the Office of General Counsel to make sure that all of our efforts are consistent with our obligations to the American people. We require all I&A staff assigned to fusion centers to receive specific training and to have subject matter expertise on all relevant privacy, civil rights, and civil liberties issues. We do this as a matter of practice and as required by Section 511 of the 9/11 Commission Act.

We are equally committed to ensuring that all those working at fusion centers are fully cognizant of their privacy and civil liberties obligations. In December of 2008, the Department conducted and published both a Privacy Impact Assessment (PIA) and a Civil Liberties Impact Assessment (CLIA) for the Initiative. The PIA made a number of specific recommendations that fusion centers can implement to enhance privacy. These include completing their written Information Sharing Environment privacy protection policies, and creating governance structures and procedures to protect privacy and to understand and implement the set of privacy protections called the Fair Information Practice Principles (FIPPs). These include protections related to data integrity, use limitation, data minimization, and others. Perhaps the most important recommendation in the PIA furthered the transparency principle; the DHS Privacy Office

recommends that each fusion center conduct a PIA evaluating its own operations, make it available to the public, and then engage with its local communities.

Once these documents and principles are in place, training becomes the centerpiece of ensuring that fusion centers adhere to their privacy and civil liberties policies. Accordingly, we provide specific training support and resources to fusion centers across the nation, along with the DHS Privacy Office and Office for Civil Rights and Civil Liberties and the Department of Justice's Bureau of Justice Assistance. As a result of this partnership, we launched a website with resources for fusion center personnel on privacy and civil liberties issues. We have proactively worked with the DHS Privacy Office and the Office for Civil Rights and Civil Liberties since the beginning of the program and consider our relationship with them to be among the closest and most productive in the Department.

Incorporating Diverse Partners

Increasingly, fusion center operators see the benefits in a multidisciplinary homeland security approach to information and intelligence sharing. Many are now seeking to include the fire, public health and private sectors in the fusion process. This includes cybersecurity concerns which cut across Federal, State, local, Tribal and private sector partners. The Department is assisting fusion centers with this outreach by serving as a coordinating body for the fire, public health, and critical infrastructure and key resources (CIKR) efforts by identifying key players, facilitating discussions, and assisting with the development of a framework for sharing information/intelligence within critical infrastructure sectors. DHS aims to increase awareness of the fusion center program and existing information and intelligence sharing tools, assist the fire service and public health sectors with identifying their intelligence requirements, facilitate relationships among agencies/offices, and provide security clearances to appropriate members of private sector leadership.

Tribal

The Department regularly encourages Tribes to participate in or establish relationships with their nearest fusion center. The Department, through I&A, is working with Tribal law enforcement and homeland security advisors to engage them in information sharing, with particular emphasis on our relationship with the Tohono O'odham Nation (TON), given its international border location. Department officials also have met individually with senior representatives of the Navajo Nation, Salt River Pima Maricopa Indian Communication, and the Chickasaw Nation, among others. In February 2009, DHS, working in conjunction with the DOJ Office of Tribal Justice, launched the Homeland Security Information Network-Tribal (HSIN-Tribal). This secure website provides Federal and tribal homeland security professionals with an online site to share information, make announcements, and obtain news that will help them in their efforts to provide for safe and secure communities.

I&A, in conjunction with the Department of the Interior (DOI), is working to create a Tribal/Terrorism Liaison Program for Law Enforcement Officials. This initiative includes a three-day training program for Tribal law enforcement on the development of information sharing practices with DHS and state and local fusion centers. To date the SLPO, with the

assistance of the Director, Office of Homeland Security and Emergency Services Indian Affairs DOI, has nominated 16 Tribal Chiefs of Police and/or Emergency Managers for SECRET clearances. These efforts are sure to increase as a result of Secretary Napolitano's decision to institute the Department's first-ever consultation policy to engage the direct and interactive involvement of Indian Tribes in developing regulatory policies, recommending grant procedures for tribes, and advising on key issues.

Critical Infrastructure/Key Resources

DHS, in coordination with the Office of Infrastructure Protection and the State, Local, Tribal and Territorial Government Coordinating Council, developed a capability appendix to the U.S. Department of Justice's Global Justice Information Sharing Initiative's (Global) Baseline Capabilities for State and Major Urban Area Fusion Centers (baseline capabilities document). This baseline capabilities document defines the capabilities and standards necessary for a fusion center to be considered capable of performing basic functions (e.g., the gathering, processing, analyzing, and disseminating of terrorism, homeland security, and law enforcement information). The CIKR appendix provides guidance for those fusion centers that have chosen to support critical infrastructure protection activities; it identifies the additional capabilities fusion centers should achieve in order to effectively integrate CIKR activities into their analysis and information/intelligence sharing processes; and identifies how the center should support risk-reduction efforts taken by Federal, State, local, and private sector partners. The appendix encourages CIKR-related capabilities in fusion centers to be centered on the development of key analytical products, such as risk and trend analyses.

In furtherance of this goal, I&A's SLPO is jointly sponsoring a workshop with the Office of Infrastructure Protection (IP) and FEMA/NPD Technical Assistance Program to bring together stakeholders from the CIKR communities. This workshop is intended to provide a forum to identify and discuss the as-is State/local CIKR protection environment and current CIKR protection capabilities, as well as strategic considerations for state and urban area officials responsible for the development, implementation, and operation of a CIKR protection program. Participants will discuss information sharing and intelligence needs and best practices, and report on existing information sharing capabilities with, and within, the CIKR community. The workshop will provide support for the integration of CIKR protection efforts with ongoing fusion center and information/intelligence sharing efforts. DHS/IP is currently developing a NIPP Implementation Guide for State and local jurisdictions. This will support the practical considerations associated with the implementation of that guide.

Emergency Management

The SLPO is jointly sponsoring a series of workshops with the FEMA/NPD Technical Assistance Program to be held in each of the 10 FEMA regions in order to discuss partnerships, roles and responsibilities, and the processes by which operational handoff and information exchange can and should occur during steady-state, forward-leaning and response activities. The focus of these workshops will vary as requirements and the strength of existing relationships dictate, but they will provide an opportunity for fusion centers to educate their federal emergency

management counterparts on existing capabilities, as well as better understand how to leverage FEMA regional resources.

Fire Service

We have developed a new Fire Service Intelligence Enterprise (FSIE) initiative to incorporate Fire Service interests (defined as fire and emergency operations, emergency medical service operations, rescue operations, hazardous materials operations, fire prevention/protection, fire investigation, incident management, and responder safety) into national standards, protocols, and mechanisms for homeland security information and intelligence sharing. The FSIE represents a collaborative initiative of several Department of Homeland Security (DHS) entities—the SLPO and the U.S. Fire Administration (USFA), with support from FEMA/NPD.

FSIE goals are being pursued by promoting fire service integration within State and Major Urban Area Fusion Centers, and by facilitating the identification and/or development of information and intelligence sharing requirements, mechanisms, technical assistance, and training. Activities performed to achieve these goals are being closely coordinated with other offices within DHS, other federal agencies, and national, state, local, tribal, and territorial fire service organizations to ensure the initiative is pursued in an effective and efficient manner. We believe the FSIE will benefit the collective homeland security effort by enhancing the preparedness level of Fire Service organizations across the country, while supporting the prevention, protection, response, and recovery efforts of all homeland security partners.

Public Health

The Health Security Intelligence Enterprise (HSIE) is an initiative to integrate Public Health and Healthcare Community (PH/HC) interests into the processes of homeland security information and intelligence exchange. The establishment of an institutionalized health security information and intelligence sharing framework will enhance the preparedness level of PH/HC practitioners across the country, while supporting the all-hazards approach to prevention, protection, response and recovery efforts of all homeland security partners.

Federal, State, local, Tribal, and private sector stakeholders are working collaboratively to develop a framework to enhance sharing of health security information. This approach allows the HSIE initiative to best meet the needs of the PH/HC community and others who benefit from the enhanced information sharing environment. These efforts will foster communication and collaboration among PH/HC organizations and between the PH/HC, the Federal homeland security and intelligence communities, and state, local, and tribal law enforcement and public health and safety stakeholders.

The integration efforts with these DHS partners provide efficiencies and allow the Department to be represented in a user friendly manner to state and local stakeholders. In many ways, the fusion center initiative, through the SLPO, has done more to integrate the Department than any other program.

Enabling Fusion Center Success

The ability of fusion centers to accomplish an all-crimes and all-hazards mission requires long-term investment. To date, there have been several fusion center success stories.

One such success occurred in May 2008, when the DHS Intelligence Operational Specialist for Northern California coordinated with Federal officials on an Amber Alert for a three-year-old child who was to be taken out of the United States by a suspect wanted for rape and murder. By coordinating with DHS officials, local law enforcement, and INTERPOL, the DHS Intelligence Operations Specialist was able to track the suspect and the kidnapped child to a flight bound for the Netherlands. With only hours to spare, the DHS Intelligence Operations Specialist coordinated with authorities to ensure law enforcement authorities in Amsterdam detained the subject. The child was recovered unharmed.

In March 2007, the Denver Fire Department responded to seven cases of SUVs being firebombed. Investigators requested the Colorado Information Analysis Center's (CIAC) assistance in developing case information. The CIAC developed a report that included a description of the suspect's vehicle. Based on this report, the suspect in the crimes was arrested shortly thereafter keeping the community safe from additional fire hazards.

These are just two examples of the difference that fusion centers are making each day in neighborhoods and communities across America. At DHS, we see the success of this network as vital to greater situational awareness of the risks facing our state, local, tribal and territorial partners across the country. We have even seen how information developed by a fusion center can inform the President's Daily Brief and open investigations related to terrorism overseas.

Challenges

Tremendous progress has been made in building the national fusion center network, but many challenges remain. Fusion center directors identified a series of challenges at the successful March National Fusion Center Conference. The following challenges were identified at this year's national conference by fusion center directors:

Dissemination

Providing timely, actionable information to the “first preventers and first responders” on the ground is critical to protecting the homeland. Many fusion centers maintain fusion center liaison programs that support their effort to more broadly disseminate Federal information to State and local law enforcement and homeland security partners. Expanding these liaison programs will facilitate even broader dissemination of critical homeland security information. The ineffective use of tear lines was a key dissemination issue highlighted by fusion center directors as an impediment to information sharing. We are committed to working with state and local partners to improve dissemination and provide the right products to the right people in a timely fashion. This would compliment tear line improvements for the private sector currently being undertaken by DHS and its Intelligence Community partners.

Sustainment

DHS recognizes that during this time of national economic austerity, fusion centers are looking to the federal government to provide increased, targeted support. Specifically, fusion center directors have requested direct funding for fusion centers.

Outreach

Fusion center directors seek more sustained and consistent outreach from Federal partners. To this end, DHS has developed and is beginning to implement a strategic communications and outreach advisory plan. In addition, the Department has begun to scope a technical assistance program to provide individual fusion centers with communications and outreach support. Through these efforts, fusion center stakeholders at all levels can speak with “one voice” about the mission, purpose and value of the fusion center program.

Data Interoperability

Use of a common fusion center backbone/platform for information sharing has been recognized as key to better information sharing and collaboration. Fusion center directors indicated that leveraging framework of the Suspicious Activity Reporting (SAR) Initiative could be beneficial in further standardizing use of technology across the fusion center network.

The Future of Fusion Centers

As noted many times by you Chairwoman Harman, and by Secretary Napolitano, fusion centers are a vibrant component of national security. We believe we are getting better at identifying and servicing fusion center needs. We take great pride in the results of the 2008 National Governors Association Center for Best Practices indicating more than 75 percent of respondents expressed satisfaction with their communication with DHS. This is a significant increase over the 42 percent satisfaction rate reported in 2007.

To continue to improve the fusion center initiative, Federal, State, local, Tribal, and territorial stakeholders have recognized the critical need for fusion centers to maintain a consistent level of baseline capabilities in order to operate as an integrated national network. In September 2008, *the Baseline Capabilities for State and Major Urban Area Fusion Centers*, an addendum to the *Fusion Center Guidelines*, was released by the Department of Homeland Security, the Department of Justice, and the Global Justice Information Sharing Initiative.

The Baseline Capabilities document defines a set of capabilities that will support Federal, State, and local agencies to conduct long term planning and identify the costs and resources necessary for the achievement and sustainment of fusion centers. It also supports the Federal Government’s efforts to identify the types of resources needed by States and localities, and ensures they are provided in a consistent and appropriate manner. The capabilities also assist in ensuring that fusion centers have the basic foundational elements for integrating into the national Information Sharing Environment.

Today, most fusion centers are in the process of achieving the capabilities. Since resources and priority mission areas vary from center to center, it is expected to take a period of up to five years for all fusion centers to years to achieve all of the capabilities. Some centers may not need to "house" all of these capabilities, but may choose instead to leverage another fusion center or other operational entity's capability.

In closing, we recall Chairwoman Harman's comments at last April's House Homeland Security Committee hearing that "it is unlikely that the next President, DHS, the FBI, or the wider Intelligence Community will prevent the next terrorist attack. Instead, a diligent police or sheriffs' officer somewhere in America - during the course of his or her daily work - will see something or someone out of place, and guided by timely, accurate and actionable information, will connect the dots that will unravel a plot in-the-making." We agree, and that is why we welcome a deeper partnership with this committee in making sure this is reality.