

Statement for the Record
United States Department of Homeland Security

**Deputy Under Secretary for the State and Local Program Office Scott
McAllister**

Office of Intelligence and Analysis

Assistant Secretary Louis F. Quijas
Office for State and Local Law Enforcement

Testimony on

**“Federal Government Intelligence Sharing with State, Local, and Tribal Law
Enforcement: An Assessment 10 Years After 9/11”**

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Thank you, Chairman Meehan, Ranking Member Higgins, and members of the Committee. We appreciate the opportunity to testify today on the Department of Homeland Security's (DHS) efforts to keep our nation safe from evolving threats through information sharing activities with our state and local partners.

Over the past three years, one of the Department's top priorities has been to establish a domestic information sharing capability that facilitates our efforts to fully integrate state, local, tribal and territorial (SLTT) officials into our terrorism prevention capacity.

DHS is working with the Department of Justice (DOJ), the Federal Bureau of Investigations (FBI), and National Counterterrorism Center (NCTC), as well as with our SLTT partners on four key priorities:

- Improve production and dissemination of classified and unclassified information regarding threats to the Homeland;
- Establish grassroots analytic capabilities through the development of a national network of state and major urban area fusion centers so that national intelligence can be incorporated into a local context;
- Standardize how we train SLTT law enforcement to recognize indicators of terrorism related criminal activity and report those suspicious activity reports (SARs) to Joint Terrorism Task Forces (JTTFs) for investigation and fusion centers for analysis; and
- Increase community awareness and encourage the public to report suspicious activity to law enforcement.

As part of these efforts, DHS, including the Office of Civil Rights and Civil Liberties and Office of Privacy, works to ensure appropriate civil liberty and privacy protections are integrated into all of our information sharing and terrorism prevention activities.

Production and Dissemination

- The Department has developed tailored product lines to meet the needs of our SLTT partners, and expanded our dissemination to include the diverse range of homeland security stakeholders (law enforcement, emergency management, public health, and private sector).

Specifically, I&A produces a variety of timely, tailored, and actionable intelligence products for SLTT partners, to include: Daily Intelligence Highlights (DIH), Roll Call Releases (RCR), Homeland Security Notes (HSN), Homeland Security Reference Aids (HSRA), Homeland Security Assessments (HSA), Homeland Security Monitors (HSM) Intelligence Notifications and Homeland Security State and Local Intelligence Community of Interest (HS-SLIC) messages, and Suspicious Activity Reports (SAR) trend analysis. Additionally, I&A coordinates the development of tearline reporting with the larger Intelligence Community (IC) during times of imminent threat to ensure that SLTT partners remain fully apprised of the evolving threat environment in the Homeland. I&A also works closely with the FBI on the development of Joint Information Bulletins (JIB), both classified and unclassified, that are disseminated to SLTT and law enforcement officials, which provide situational awareness and information on potential threats.

- I&A uses feedback provided by state and local customers to adjust its analytic and current intelligence products to better meet their needs. As a result of feedback received over the last two years, I&A initiated new products including the Snapshot, which identifies tactics, techniques, and procedures of an emerging event which may have Homeland implications, and provides potential indicators and recommended preventive and protective actions. Analysis of survey data provided by SLTT partners on I&A products reveals that 98 percent of SLTT customers rated the relevance of I&A products they reviewed as Important to Critical. Likewise, 96 percent rated their satisfaction with the usefulness, timeliness, and responsiveness of I&A products as Somewhat to Very Satisfied.

The Department has increased its coordination and collaboration with DOJ and the FBI through joint production and dissemination of intelligence and information to our SLTT and law enforcement partners. For example:

- DHS and FBI provide joint Secure Video Teleconferences (SVTC) to SLTT and law enforcement officials, as well as the private sector to provide intelligence information regarding emerging threats. Specifically, we provided joint SVTC to stakeholders during the 10th Anniversary of 9/11 and leading up to the 2011 holiday season;

- The Department’s National Terrorism Advisory System, or NTAS, replaces the color-coded Homeland Security Advisory System (HSAS). This new system more effectively communicates information about terrorist threats by providing timely, detailed information to SLTT and law enforcement partners.

Fusion Centers

As part of the Implementing Recommendations of the 9/11 Commission Act of 2007, DHS was charged with leading the effort to support and coordinate with a network of state or local-led information sharing and analytic centers in states and major cities throughout the country. Through I&A’s State and Local Program Office (SLPO), DHS has included these fusion centers in the intelligence cycle by building their capabilities to receive, analyze, disseminate, and gather information at the local level. I&A facilitates unified Federal support to fusion centers that yields the highest possible degree of two-way information sharing. This not only helps build a robust national intelligence infrastructure, it also simultaneously enhances state and local law enforcement capabilities. The result is an increasingly robust, dynamic flow of information with the states that results in joint intelligence products, reporting of information of intelligence value, and building of an analytic and information sharing capacity. DHS has made considerable progress in building fusion centers’ information sharing capabilities, including the following:

- There are now 93 I&A intelligence personnel deployed in support of fusion centers throughout the country. These intelligence personnel coordinate with DHS Component intelligence and law enforcement personnel who support fusion centers in various capacities. For example, I&A Intelligence Officers (IOs) coordinate with TSA field IOs to understand threats to the transportation sector and collaborate on intelligence products
- Homeland Secure Data Network (HSDN) systems are deployed to fusion centers to permit access to Secret information and intelligence at the local level. I&A has developed and deployed a collaboration tool on HSDN to connect analysts from across the Homeland Security Enterprise to focus on counterterrorism related issues.
- Through I&A-led training, non-federal analysts at fusion centers are rapidly increasing their analytic capacity and producing products—routinely exchanged throughout fusion

centers—that fuse intelligence and information from the Intelligence Community with local/regional context.

- DHS has the first statutorily required privacy office of any federal agency, and the Department builds privacy and civil rights and civil liberties protections into its operations, policies, and programs. All fusion centers have appointed a privacy officer and have a written privacy policy that conforms to the requirements of the Information Sharing Environment established under the Intelligence Reform and Terrorism Prevention Act. In addition, state and local personnel participate in regional workshops and on-site privacy and civil liberties training.

Almost every process or system in the fusion centers is designed to facilitate *two-way* information sharing. For example, I&A has deployed reports officers who work with state and local law enforcement to gather and report information of intelligence value to the Department and the intelligence community that has not traditionally contributed to intelligence community analysis. In FY2011, I&A reports officers submitted 332 Intelligence Information Reports based on information provided by state and local partners.

Training

The Nationwide Suspicious Activity Reporting (SAR) Initiative (NSI), which is led by the Department of Justice, responds to the mandate to establish a “unified process for reporting, tracking, and accessing [SARs]” in a manner that rigorously protects the privacy and civil liberties of Americans, as called for in the National Strategy for Information Sharing. The NSI establishes standardized processes and policies for gathering, documenting, processing, analyzing, and sharing information about terrorism-related suspicious activities. The NSI allows state, local, tribal, territorial, and federal law enforcement organizations, as well as private sector entities, to share information about suspicious activity that is potentially terrorism-related.

This initiative is training all law enforcement across the Nation to recognize behaviors and indicators related to terrorism, crime and other threats; standardize how those observations are documented and analyzed; and ensure the sharing of those reports with the Federal Bureau of Investigation for further investigation. This training emphasizes privacy, civil rights and civil

liberties considerations in assessing and documenting observed suspicious activities. Beginning in December 2010, the NSI has trained over 196,000 frontline officers, with the goal that virtually all frontline law enforcement personnel in the United States—hundreds of thousands of officers—will eventually receive the training.

DHS has also worked closely with SLTT law enforcement and community organizations to support the Administration's countering violent extremism (CVE) approach as outlined in *Empowering Local Partners to Prevent Violent Extremism in the United States*. Likewise, the Administration's *Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States (SIP)* was heavily informed by state and local law enforcement and underscores the strength of community-based problem solving, local partnerships, and community-oriented policing.

DHS, in partnership with the Los Angeles Police Department and the National Consortium for Advanced Policing, is in the process of developing a CVE training curriculum for state, local, and tribal law enforcement. This CVE curriculum was test-piloted in San Diego in January 2012 and the Major Cities Chiefs Association has passed a motion to implement this curriculum across the country once it is finalized. The curriculum includes an analysis of the common behaviors and indicators associated with violent extremism and guidance and best practices for community partnerships, to include an understanding of the privacy, civil rights and civil liberties considerations in this arena.. This curriculum is a key example of the Department's efforts to partner with state and locals on countering violent extremism. The Federal Law Enforcement Training Center (FLETC) is also currently working to develop a CVE curriculum that will be integrated into its federal law enforcement training programs.

In addition to the Department's training efforts, DHS and FBI field personnel, on a regular basis, provide briefings and workshops to State and local jurisdictions to help them to prepare for, protect against, and respond to coordinated terrorist attacks against multiple targets. For example, DHS has worked closely with NCTC and FBI to present the Joint Counterterrorism Awareness Workshop Series (JCTAWS) to cities nationwide. This initiative is designed to improve the ability of local jurisdictions to prepare for, protect against, and respond to potential

coordinated terrorist attacks against multiple targets. The JCTAWS workshops, held in cities across the U.S., include Federal, State, and local participants from across the law enforcement, emergency response and private sector communities.

“If You See Something, Say Something™”

We continue to coordinate with the NSI on the rollout of the “If You See Something, Say Something™” public awareness campaign. Originally used by the New York Metropolitan Transportation Authority, DHS received permission to use the MTA-trademarked phrase and to expand “If You See Something, Say Something™” to a nationwide effort to increase public awareness and encourage the reporting of suspicious activity to local law enforcement authorities. This campaign is being expanded in locations that are part of the NSI in order to ensure appropriate training, safeguards and reporting mechanisms are in place prior to any launch. Engaging the public and capturing SARs is increasingly important given the ongoing threat of homegrown violent extremists. In addition, DHS and the FBI have co-branded briefing and educational materials provided to stakeholders and have announced major partnerships with the state, local, and private sector.

Additional Departmental Information Sharing Efforts

Other Departmental information sharing initiatives include outreach to elected and appointed officials including governors, homeland security advisors (HSA), mayors, and tribal officials and state and local law enforcement entities.

DHS’s Office of Intergovernmental Affairs (IGA) leads interaction with elected and appointed officials and works closely with I&A and the Office of State and Local Law Enforcement (OSLLE) to ensure they are kept abreast of threat information. Interactions between HSAs and local officials and I&A Intelligence Officers in the field is routine, providing state leadership with up-to-date threat information on a regular basis at multiple classification levels. DHS also has expanded its work with tribal governments and law enforcement entities across the Nation. DHS has tribal liaisons in every operational component to work directly with tribal communities.

This continuous collaboration is evidence of the interagency determination to ensure State leadership is an integral part of the homeland security enterprise.

In addition, the DHS' OSLLE, working in a coordinated approach with IGA, helps ensure the broadest possible reach to the Nation's law enforcement community. The Office is staffed by a combination of second-career law enforcement professionals and current DHS Component personnel that are in law enforcement career series (GS-1800) who build and maintain relationships with non-Federal law enforcement partners.

The day-to-day interactions between fusion centers and the non-Federal law enforcement community vary throughout the Nation. In order to address the diverse nature of these relationships, the OSLLE utilizes its role as the DHS principal liaison with non-Federal law enforcement partners to ensure that those law enforcement agencies that are not integrated with a fusion center receive the same level of information as their fusion center counterparts. The OSLLE works to ensure that these law enforcement agencies receive not only threat and response information, but also information regarding national and departmental initiatives and programs. To better serve our partners and ensure that they receive the latest information on Department activities, the OSLLE has formed an intra-agency group, the DHS Component Law Enforcement Outreach Committee (CLEOC), comprised of DHS personnel whose duties include outreach to our non-Federal law enforcement partners.

Furthermore, the Office of Operations Coordination and Planning (OPS) utilize the expertise and viewpoint of active law enforcement in its mission to maintain situational awareness. DHS OPS has sworn law enforcement personnel from across the nation within the National Operations Center (NOC) who are included at every level of the watch functions, including reviewing the information sent from OPS to its stakeholders and partners. In particular, the law enforcement personnel in the NOC are active participants in the dissemination of products from I&A's Intelligence Watch, which is co-located with OPS in the NOC.

Conclusion

While America is stronger and more resilient as a result of these efforts to strengthen the Homeland Security Enterprise, threats from terrorism persist and continue to evolve. Today's threats do not come from any one individual or group. They may originate in distant lands or local neighborhoods. They may be as simple as a homemade bomb or as sophisticated as a biological threat or coordinated cyber attack.

The Federal government realizes that state, local, tribal, and territorial law enforcement, as well as citizens, businesses, and communities are on the frontlines of detection and prevention. Protecting the nation is a shared responsibility and everyone can contribute by staying informed and aware of the threats the nation faces.

The Federal Government benefits from a robust information sharing infrastructure with its SLTT partners. SLTT partners similarly benefit from the collaborative environment established within the fusion centers through their analysis of the national threat picture and the provision of products that are developed and tailored using local context to support the implementation of information-driven community-based solutions by local officials. SLTT partners also benefit from the National Network of Fusion Centers' support of the implementation of the NSI and fusion center participation in the "If You See Something, Say SomethingTM" public awareness campaign. These important initiatives, combined with other coordinated outreach efforts of the Department, underscore the concept that homeland security begins with hometown security, where an alert public plays a critical role in keeping our Nation safe.

DHS thanks this Subcommittee for your continued support of our efforts, and your invaluable guidance and oversight as we continue to work to create a stronger and safer country. We look forward to any questions you may have.