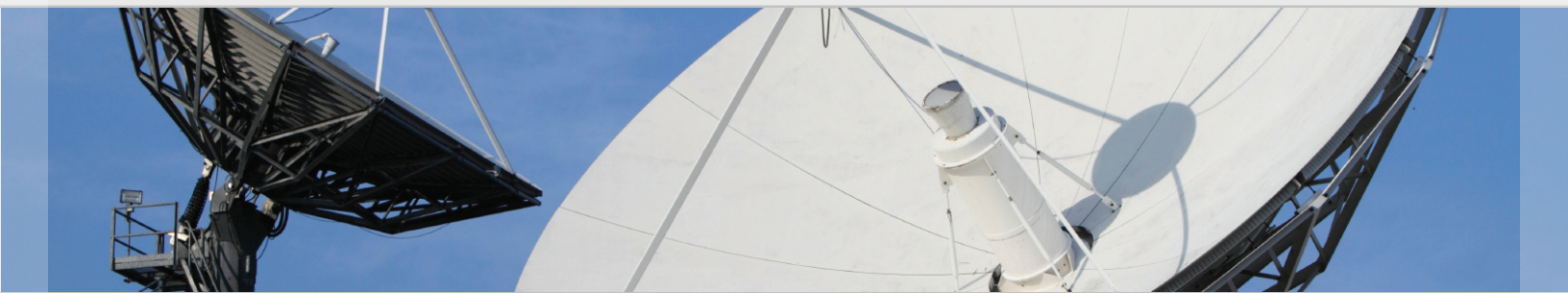


CONFRONTATION OR COLLABORATION?
CONGRESS AND THE INTELLIGENCE COMMUNITY



STATE AND LOCAL FUSION CENTERS

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STATE AND LOCAL FUSION CENTERS

The 9/11 Commission Report emphasized the importance of information sharing between local law enforcement and federal intelligence agencies in order to prevent future terrorist attacks. In an effort to address these concerns, “fusion centers” were created that would facilitate the transfer of information among local, state and federal officials.

This memo provides members of Congress with an overview of fusion centers, explains the role these centers play in information sharing and addresses some challenges that they face today.

What are Fusion Centers?

The Department of Justice (DOJ) defines a fusion center as a:

...Collaborative effort of two or more agencies that provide resources, expertise, and information to the center with the goal of maximizing their ability to detect, prevent, investigate, and respond to criminal and terrorist activity.

Centers may include federal, state, and local law enforcement representatives, as well as federal intelligence officers.

- As of February 2009, 58 fusion centers operated nationwide, 43 of which were fully functioning and 15 were still under development. In at least 34 of these centers, federal officers from intelligence and law enforcement agencies collaborate with their local-level counterparts.
- Many fusion centers are now expanding beyond counterterrorism efforts to serve as “all-hazards” centers that address criminal and emergency response needs.

Importance of Information Sharing

Fusion centers may be useful conduits for information, as state and local law enforcement officers are often the last line of defense against terrorist activity and attacks:

- Timothy McVeigh was arrested for the bombing of the Alfred P. Murrah Federal Building when an Oklahoma state trooper pulled him over for driving a vehicle without a license plate.
- The so-called Olympic Park Bomber, Eric Robert Rudolph, was only apprehended after a local police officer in North Carolina arrested him on an unrelated charge.

- *Missed opportunity:* Ziad Jarrah, one of the 9/11 hijackers, was pulled over by a Maryland state trooper two days before the attacks. The trooper was unable to identify the CIA-watchlisted Jarrah because he and the FBI did not have access to the CIA list.

Relationship to the Federal Government

Fusion centers are entities run by state and local governments. However, the federal government provides funding and expertise to these centers, largely through the Department of Homeland Security's (DHS) State Homeland Security Grant Program (SHSGP) and Urban Area Security Initiative (UASI).

- Federal funding requirements often require that fusion centers have dual reporting relationships to both state and federal officials.

In order to create basic standards across fusion centers nationwide, DHS and DOJ crafted the Fusion Center Guidelines (FCG). The voluntary guidelines were developed to help define the centers' relationship with the federal government as well as to protect civil liberties.

- To encourage fusion centers to adopt the FCG, the federal government offers additional funding to those centers that adopt them. So far however, only 16 of the 58 fusion centers have received this additional federal funding.

Challenges Facing Fusion Centers

Fusion centers face several challenges including sustained funding, privacy concerns and information sharing issues.

Funding Concerns

- DHS does not guarantee consistent funding streams to fusion centers, calling into question each center's long-term viability. Centers unable to find alternative means of funding if they lose DHS grant money may be unable to continue operating or be only able to fulfill part of its mission.
- Some argue that federal funding should only be used for fighting terrorism, and not for other purposes such as local crime prevention and disaster relief.

Privacy Issues

The 9/11 Commission stated information sharing with local enforcement is vital for national security, but balance must be maintained to ensure this information does not violate federal civil liberty protections.

- Collecting information on U.S. citizens who have not committed a crime may violate the Federal Privacy Act of 1974.

Information Sharing Issues

Additional problems with fusion centers include:

- *Information dissemination:* Accessing federal networks and information databases often proves difficult to center employees, as information is often available only to federal employees and not all private sector, state and local fusion center employees.
 - DHS recognizes this problem and is currently working to provide access to classified data networks and portals for terrorist-related threat information to all fusion center staff.
- *Clearance issues:* Fusion center personnel receive security clearances from DHS and DOJ, but sometimes clearance issues preclude certain individuals from accessing specific compartmentalized data. Furthermore, over-classification of data complicates information sharing.
- *Standard Operating Procedures:* Though guidelines exist, no standardized procedures for all centers guide the type of information is collected, the methods utilized for collection, the manner in which it is analyzed or the form which it is reported.

Issues for the 111th Congress

With more than 50 fusion centers nationwide, Congress should consider several factors for the future:

- How fusion centers should be defined, including how they figure into the larger intelligence and law enforcement communities.
- Identifying metrics for gauging the efficacy, relevancy and impact of fusion centers on local, state and federal partners.
- Defining requirements for centers, and level of compulsion for these requirements.

- Sustaining fusion centers financially, including determining the level of federal funding and support for each center.
- Preventing infringements on civil liberties while enhancing overall national security through information sharing and analysis.

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