

**TESTIMONY
OF
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BEFORE THE
HOUSE JUDICIARY COMMITTEE
FEDERAL GOVERNMENT INTELLIGENCE SHARING WITH STATE,
LOCAL AND TRIBAL LAW ENFORCEMENT: AN ASSESSMENT TEN
YEARS AFTER 9-11**

SUBCOMMITTEE ON COUNTERTERRORISM AND INTELLIGENCE

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**BY
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FIRST NATIONAL VICE PRESIDENT**

Chairman Meehan, Ranking Member Higgins, Ranking and members of the Committee: I am Maurita J. Bryant, first national vice president of the National Organization of Black Law Enforcement Executives. Thank you for the opportunity to testify and submit testimony for the record regarding intelligence sharing and the importance of information gathered in fusion centers to stop and prevent crime. The National Organization of Black Law Enforcement Executives, better known as NOBLE, was founded in September 1976, during a three-day symposium to address crime in urban low-income areas. The symposium was co-sponsored by the Police Foundation and the Law Enforcement Assistance Administration (LEAA). The mission of NOBLE is to ensure equity in the administration of justice in the provision of public service to all communities, and to serve as the conscience of law enforcement by being committed to justice by action. NOBLE strives to be recognized as a highly competent, public service organization that is at the forefront of providing solutions to law enforcement issues and concerns, as well as to the ever-changing needs of our communities.

As the first national vice president, I am here representing a membership body of over 2,500 predominantly African American law enforcement executives from six regions across the United States and abroad. NOBLE has been a leading national voice on hate crimes, community policing, racial and religious tolerance, and law enforcement accreditation standards as a founding association of the Commission on Accreditation for Law Enforcement Agencies (CALEA), along with International Association of Chiefs of Police (IACP), Police Executive Research Forum (PERF), and the National Sheriffs' Association (NSA).

As you are aware since 2001, all 50 states and some local governments have established fusion centers where homeland security, terrorism, and other intelligence information are shared. It should be noted that while the Department of Homeland Security (DHS) and Department of Justice (DOJ) have been engaged in addressing the challenges fusion center officials have identified, we are of the opinion that overall fusion centers are moving in the right direction but there are some disconnects. In today's climate of shrinking budgets,

manpower shortages, global networks supporting foreign and domestic terrorism, organized crime and drug trafficking; all levels of local, state and federal law enforcement realize we must enter into the information sharing process. Fusion Centers provide the avenue for the exchange of information. While fusion centers initially focused their efforts on terrorism centric matters, we are pleased that they have taken on an “all hazards” approach and continuous development of these capabilities is important. Fusion centers can provide an ideal venue and an effective and efficient way to exchange information and intelligence to improve the ability to fight crime and terrorism and to respond to disasters. State and major urban area fusion centers are owned and operated by state and local entities. The federal government recognizes these designations and has a shared responsibility with state and local agencies to support the national network of fusion centers. Law enforcement at all levels of government has grown to utilize fusion centers to provide expertise and situational awareness to inform decision-making for the allocation of valuable resources. Approximately 18-months ago DHS came out with a self-assessment process and later developed a more structured process that involved internal and external fusion center partners. Most important to law enforcement at all levels is the critical operational capabilities that primary and recognized fusion centers provide, such as:

- Ability to receive classified and unclassified information from federal partners.
- Ability to access, analyze and assess the implications of local threat information.
- Ability to disseminate threat information to other local, state, tribal and territorial law enforcement agencies and private sector entities.
- Ability to gather and share locally generated information.

Continued funding to fusion centers will permit these entities to advance beyond the policy development associated with the critical operating capabilities. This will allow them to enter into a sound implementation phase with business practices consistent throughout the national network of fusion centers. Some fusion centers across the nation in cities such as Tennessee, Los Angeles, Boston, Chicago, and Arizona, to name a few, are more operational than others and can be modeled for their performance. At the current time the Pittsburgh Region Fusion Center has not been stood up to its full operational capacity. It does routinely produce and disseminate to all Sectors an open source document that is well

received by the appropriate personnel. The current and projected projects of the All Hazards Fusion Center per Federal Guidance, is specifically designed to expand beyond the terrorism nexus. Some of the systems in place such as, NSI and the FBI's eGuardian, are designed to generate "day to day" information that has a possible nexus to terrorism, which is sometimes routed to the appropriate Law Enforcement Agency. This can be a challenge depending upon the geographical location, personalities and existing cultural barriers; such as sharing information among public safety disciplines. Pittsburgh is in the early stages of their Fusion effort and project that it can have a substantial impact based on experience to date with a limited deployment. The biggest issue currently is funding in the out years. Recently the Pittsburgh UASI has been removed from the list of Urban Areas that will be funded in the 2012 budget. Without an active and funded "All Hazards Fusion Center" Pittsburgh will not be able to fully understand the threat, let alone react to prevent, protect, defend, deter and respond to acts of terrorism.

One of the key capabilities of a fusion center is access to intelligence and threat information. In order to effectively support fusion center priorities the process for direct fusion center funding must be explored. Pittsburgh has recently had its threat profile downgraded from 27th in the nation to 33rd which has cut the funding. Pittsburgh maintains that it cannot develop a full understanding of the threat without an All Hazards Fusion Center, which leaves them in a "catch-22" situation. Another issue that has impacted the success of those working hard to develop fusion center capabilities is the federal grant approval process which oftentimes causes significant delays in the roll out. However, DHS has recently removed a number of the impediments, which will make it easier to "fast track" fusion centers and other projects. Unfortunately for Pittsburgh, it will not have the funding after 2011 dollars are exhausted. In response to the question, does DHS provide sufficient guidance and structure to state and local responders and their missions? Depending upon who is asked the question, the response would be at times there is far too much guidance and structure. In places where fusion centers are more mature they can pretty much go on auto pilot with little or no guidance because they have

processes and relationships in place. Fusion centers that are less mature need more structure and guidance. For some that has been the ongoing issue in moving Fusion and other Homeland Security projects forward within acceptable time frames based upon the fact that the priorities of the fusion center and the state and local environment are not always consistent with the priorities promulgated by DHS.

When asked is there anything more that the federal government should be doing in order to make this intelligence-sharing process more efficient and reliable? A recommendation would be to put in a process to qualify larger numbers of people to ensure better dissemination of information. The disconnect is that there are not many people in local or state law enforcement who have secret, not alone top secret clearances, so the classified information is not disseminated. Although clearances play a major role, we recognize this issue is under revision. Information sharing must be a two way street, local level information is not always communicated because personnel may not think it is worth communicating on a national level. This is where education and awareness must continue at the state and local level and within the fusion center. Any information sharing process must better determine access and minimize exclusivity – there still remains a tendency to hoard knowledge. It will be a waste of time for everyone if the information (beyond data) available is not being shared.

Information sharing is vital in law enforcement and it is important that appropriate intelligence coupled with analysis is continually provided if we are to achieve success in this area. DHS has been somewhat effective in getting past the old model of information “silos” that has impaired the ability of local officials to react to the ever changing threat landscape. The capabilities of the various fusion centers must continually be evaluated on a holistic basis to ensure that across the country information is provided to state and local partners so that all gaps in identifying emerging threats to our communities are closed. As fusion centers receive intelligence that is pertinent, it is critical for that information to be shared in an expeditious manner. When information is shared it should be one message without

circular reporting. Information overload is a casualty that comes from receiving the same information coming from multiple sources. It should also be recognized that large states such as Texas, California, Virginia and Florida with multiple fusion centers allow for a greater population base to be served. One fusion center per state does not always answer the needs for the entire state. In looking towards the future, it is anticipated that collaboration efforts between state and local authorities and federal agencies will progress and jurisdictional boundaries will become less significant over time. Information must be as highly mobile as the population in order to solve crime and thwart terrorism. While the existence of fusion centers has allowed information sharing to increase in a post 9-11 environment there is still a tremendous amount of ground to be covered if we are to fully realize a positive information sharing environment at all levels of government.