

Testimony of

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Commissioner
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April 14, 2004

The USA PATRIOT Act

Comments from Commissioner Robert Flowers, Utah Department of Public Safety

It has been interesting to watch the debate concerning the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act). As a public safety official, I have become increasingly concerned with the continual attacks on an effective and much needed law enforcement tool. It seems to me the critics of the Act may not have an understanding of the challenges law enforcement faces on a daily basis.

The Utah Department of Public Safety is tasked with the responsibility of addressing issues of prevention, response, and mitigation in fighting the war on terrorism. These three terms when spoken in bureaucratic sentences seem to lose power. I translate those three terms into PROTECT, PROTECT, AND PROTECT. This becomes a very powerful charge from the citizens I serve.

I have been charged with the responsibility to protect the citizens of the State of Utah, a role I am honored to accept. However, with that responsibility must come the ABILITY. The PATRIOT Act takes a major step towards giving law enforcement the tools it needs to protect the public. The ability to gather, analyze, and share information so critical to our charge is essential. Our success at prevention, response, and mitigation will largely depend on our ability to gather, analyze, and share information.

Our enemies have moved among us, using our very laws to hide, gather resources, and then turn those resources upon us in an effort to destroy us. They use asymmetrical tactics that will require extraordinary efforts previously unknown inside the United States. While some merely want to debate the efficacy of the PATRIOT Act, law enforcement does not have the luxury to sit and wait while discussions rage on. We need the tools provided in the PATRIOT Act today to enable us to address the critical issues of public safety.

The Act has provided additional tools that can be used by law enforcement to fight terrorism. One of the major benefits to state and local law enforcement has been the elimination of barriers to information sharing that existed between federal and state law enforcement. Barriers that prevented state and local law enforcement from accessing information from federal agencies have been greatly reduced. The PATRIOT Act has facilitated communication between police officers, emergency service personnel and federal intelligence officers. For example, § 701 of the Act is an expansion of a regional information sharing system to facilitate federal, state and local law enforcement response to terrorist activity. Section 903 states the intent of Congress that officers and employees of the federal intelligence community should be encouraged to establish intelligence relationships with "any person, entity or group" to acquire or maintain information on terrorist activity. National task forces have been established as a result of the PATRIOT Act that aid state and local law enforcement. In Utah, the Anti-Terrorism Task Force meets to share and coordinate intelligence information. I now meet on a regular basis with federal officials to share information related to infrastructure protection, emergency response and criminal activity.

Increased communication of intelligence information with federal law enforcement and prosecutors has provided an incentive for the Department of Public Safety to increase our intelligence gathering efforts. I have established a full time intelligence unit that acts as a fusion center for criminal intelligence between state, local and federal agencies. We have organized this intelligence center, staffed it and supported it with existing resources. We continually emphasize this center and the improved information sharing we now enjoy with our federal partners to city and county law enforcement in an effort to make law enforcement throughout the state aware of available resources. The PATRIOT Act has also benefited our ability to protect critical state infrastructure. The Critical Infrastructure Protection Act, part of the PATRIOT Act, has enhanced our ability to coordinate with federal officials and private business interests in a joint effort to protect state infrastructure. We have created a Critical Infrastructure Committee that includes representatives from major industry groups, including all major utilities, and local, state and federal officials. Title VI of the PATRIOT Act provides for expedited payment of benefits to state public safety officers injured or disabled in the line of duty while preventing, investigating or rescuing persons from terrorist activity. The law also increases benefits for the public safety officers benefit program. These are examples of funding benefits that have

been made available to local law enforcement under the provisions of the Act and evidence the intent of Congress to help state and local governments. Other benefits provided under the PATRIOT Act that will greatly aid local efforts in the fight against terrorism include the First Responders Assistance Grants. These grants to state and local law enforcement, fire protection and first responders will strengthen a state's ability to not only respond, but also prevent acts of terrorism.

Many of the provisions of the PATRIOT Act are directed at federal law enforcement officials and prosecutors rather than state. For example, several tools used by federal law enforcement to fight organized crime and drug trafficking are now applied to the war on terrorism. Such tools as roving wiretaps, delayed notification search warrants and other enhanced surveillance procedures will assist federal law enforcement officials doing terrorism investigations.

Although not directly applicable to state law enforcement, these provisions in the PATRIOT Act that remove many of the obstacles to investigating terrorism that existed prior to September 11th will have a concomitant positive impact on the State of Utah. By broadening the definition of domestic terrorism to include activities that "involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any state;" (emphasis added), the PATRIOT Act makes the fight against domestic terrorism a common objective of federal and state law enforcement. Additionally, the Act provides incentives to federal, state and local law enforcement to pool resources in a united effort.

In conclusion, please accept my personal thanks for what you do on our behalf. I also need to acknowledge the many great people here in Utah that are committed to the charge of fighting terrorism and supporting this national effort. I am proud to serve with them.

Thank you.