

Testimony of
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Chairman Cardin, Ranking member Kyl, distinguished members of the Committee ...

I appreciate the invitation to be here this afternoon speaking on behalf of the Major Cities Chiefs of Police, representing the 56 largest police departments in the United States.

I am pleased to report that the relationships and information-sharing between and among federal, state local and tribal police has never been better. But the rest of the story remains that there is still a great deal more to do to fully engage the more than 18,000 law enforcement agencies in this country as full partners in the quest for homeland security.

Federal agencies, despite their ever-improving efforts, have still yet to completely leverage the vast resources of our nation's police and sheriffs.

Since 9/11, the FBI and the Department of Homeland Security--and all other agencies included in the intelligence community--have made tremendous progress in incorporating state, local and tribal LENO into the national effort to protect our homeland.

But as with any effort so monumental ... any effort that has achieved progress so quickly, we need to take a good, long look at what has been created and make certain that what we have is what we intended. Keep what is working and build on it. Eliminate duplicative efforts and fix what is not working as it should.

The areas of oversight for this subcommittee are far-reaching and critical. But because my time here is limited, I want to focus on just a limited number of topic areas. I will focus on the role of local (1) law enforcement in homeland security; (2) several systems in place to facilitate the exchange of information; (3) establishing and maintaining safeguard of everyone's privacy and civil liberties; and (4) finally some shortcomings from the perspective of local law enforcement.

Law enforcement's role in uncovering and disrupting terrorist activities is well documented. Sergeant Robert Fromme from the Iredell County (North Carolina) Sheriff's Office saw two men enter a discount tobacco shop with over \$20,000 cash in a plastic grocery bag. These men came into the shop almost daily buying many cartons of cigarettes. Fast-forward several years and the ATF and FBI indicted 26 individuals who were using proceeds from criminal activity to fund a terrorist group based in Lebanon. A suspicious activity noted by local LENO, appropriately documented and legally investigated, results in a terrorist operation being shut down.

This type of story is repeated over and over again because of the relationships and information-sharing mechanisms in place within this nation's LENO community.

I think everyone would agree that the key lesson that 9/11 taught us is that law enforcement is more effective when relationships, protocols, and information-exchange systems are established and in place before a crisis strikes.

The national Suspicious Activity Report System (or SARS) is an effort still in its infancy that needs to be invested in and allowed to grow.

The SARS process has directly enhanced the ability of local police to protect our communities from violent crime including terrorism. And most important, the SARS process can and will be done in a manner that protects the privacy, civil liberties and civil rights of all.

The two greatest values of SARS are:

- (1) the ability to connect events that in the past would never have been connected;
- (2) it is a nationwide initiative that for the first time is providing consistent criteria and consistent training to all law enforcement personnel.

We are training our first responders how to identify behaviors associated with terrorism-related crime, and providing them training they need to distinguish between behaviors that are reasonably associated with criminal activity and those that are not.

No police chief wants his officers involved in confrontational interactions with people engaged in innocent, constitutionally protected behavior.

Not every person wearing baggy pants is a gang-banger and not every person videotaping the Washington Monument is a terrorist.

Public safety is not enhanced and homeland security is not increased by filling databases with information about people, organizations and activities that have no nexus to criminal activity or terrorism.

I firmly believe that the SARS system can operate with strong protections for privacy and civil liberties while it provides the nation's best practice for information-sharing among LENO agencies. JTTFs and fusion centers can also operate effectively with these protections. From a local perspective, involvement in JTTFs and fusion centers remains the most effective way to stay on top of the latest terrorist-threat information.

Unfortunately, one of the harshest realities remains that unless a police agency is capable of assigning someone to the local JTTF, or a state or local fusion center, that agency is likely to get its most timely threat information from the media. The days when CNN had information before most police chiefs are still all too common.

The Montgomery County Police Department, like many large agencies, has the resources to assign our own personnel to FBI's JTTF and two fusion centers. We have personnel assigned to the Maryland Coordination and Analysis Center (MCAC) and the Washington, D.C., Regional

Threat and Analysis Center.

While there is some overlap in the intelligence and threat information we receive from these three operations, at any given time one center will have information that is of interest to Montgomery County that no one else has. By virtue of our proximity to the nation's capital, it is best that we be plugged in to all three sources. It is staff-intensive and highlights the importance for the federal funding of intelligence analysts that work for state and local agencies.

It should also be noted that Northern Virginia has a well-established fusion center (the R.I.C.). Some might see three separate fusion centers within 20 miles of each other and wonder about duplication of effort. It is simply a reality that each fusion center puts an emphasis on different--albeit some overlapping--geographic areas. None of these fusion centers would be as effective or focused if they were combined, in my view.

The good news is that they are talking to one another and the coordination efforts taking place at the federal level continue to expand and mature. It is important to reiterate an earlier statement. Let's identify what is working and build on it.

Another area that has been a long-term issue is the need for a nationwide system for federal security clearances.

DHS has been very accommodating for sponsorship of security clearances and the FBI has likewise sponsored clearances for police officials that have membership in the JTTF, and those in the responsible chain of command. Constant promotions, retirements, and transfers of assignment in State, Local and Tribal law enforcement can make it very difficult for the FBI to keep up.

While the Major Cities Chiefs and Major County Sheriffs applaud the FBI and DHS for their willingness to provide clearances, there has been little progress in accomplishing a process for reciprocal acceptance of those clearances to access systems and conduct briefings. Refusal by one federal agency to routinely accept the clearances issued by another is a disruptive policy that contradicts information-sharing and threatens our progress toward realizing the goals of this committee. Chiefs and Sheriffs ask for your help to resolve this issue once and for all.

Another issue involves the sharing of some information with the JTTFs. While fusion centers allow law enforcement agencies to share information generally, there is a problem when the information goes through the vetting process at the JTTF. If the FBI decides to enter the information into the Guardian system for further investigation by the JTTF, the information immediately becomes classified, thus limiting access to the information.

So if, for example, a Guardian lead is investigated involving fraudulent identifications--and it is later determined that the individuals involved have no nexus to terrorism--the lead is then closed. Local police, however, may be interested in working the case from a local-crime perspective. Unfortunately, the information gathered by the JTTF remains classified and often unavailable to local police. These issues require continued work between the FBI and local authorities.

I know I've reached the end of my time before you, so let me summarize ...

SARS is working ... let's find ways to get it fully implemented around the nation--the training, the accountability, the technology.

Fusion centers are working ... let's ensure safeguards are in place to protect our civil liberties and that all centers are equipped to combat both crime and terrorism. Done legally and done effectively, these centers have been responsible for the arrests of bank robbers, criminal street-gang members, money launderers, copper thieves, and terrorists. The cases were made because multiple jurisdictions quickly linked crimes, patterns and individuals involved in criminal wrongdoing. The value of fusion centers is the information they put out to all stakeholders.

Every local police or sheriff's department has the particular mission of protecting neighborhoods ... protecting communities from crime and terrorism. Cops on the street are uniquely positioned to receive and document information from a variety of sources that could assist the federal government maintaining our homeland security.

We have systems in place to facilitate the sharing of that information ... let's make sure all agencies are plugged in. We have systems in place to facilitate the sharing of that information ... let's ensure effective analytic capability so that we don't go down the wrong road.

We have systems in place to facilitate the sharing of that information ... let's establish safeguards so that information is used appropriately and hold people accountable.

We have systems in place to facilitate the sharing of that information ... fund these systems and allow them to mature and improve.

It will make our neighborhoods safer and homeland more secure. God bless the United States of America.

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