

TESTIMONY

OF

**COLONEL RICK FUENTES, SUPERINTENDENT
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BEFORE THE

**UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING AND
TERRORISM RISK ASSESSMENT**

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Good morning Madame Chair Harman, ranking member McCaul and distinguished members of this Subcommittee. My name is Rick Fuentes and I serve as the Colonel and Superintendent of the New Jersey State Police (NJSP). I also serve as the Chair of the International Association of Chiefs of Police (IACP) Homeland Security Committee and am a member of the Global Intelligence Working Group and Global's Criminal Intelligence Coordinating Council. Global includes over 30 law enforcement and criminal justice professional associations that have developed data standards, privacy policy, identity management and the National Information Exchange Model (NIEM) which has allowed the Program Manager for the Information Sharing Environment (PM-ISE) and the U.S. Department of Homeland Security (DHS) to move faster in the state local and federal information sharing effort focused on terrorism and all crimes.

I am grateful to this Subcommittee for their strong advocacy for and pursuit of more effective and efficient means of information sharing between all levels of law enforcement in the interest of public safety. I want to thank you, Madame Chair, for including a representative of state and local law enforcement in your hearing today. That sends a very positive message to the more than 18,000 agencies represented by IACP as this nation's largest constituency of law enforcement and of this Subcommittee's willingness and eagerness to solicit that viewpoint and perspective.

First, I would like to thank and congratulate my distinguished fellow panelist, Ambassador McNamara. Much of what I am about to say relates to a robust information sharing environment that is largely an attribute to the Ambassador's talent and strong sense of collaboration as Program Manager of the ISE. He has effectively and successfully navigated the PM-ISE through a watershed of national information sharing initiatives that will continue to have a profound impact on improving our nation's homeland and hometown security. In many ways, he established within the PS-ISE office the integrity and reputation of a neutral third party, creating and refereeing a mutually-beneficial information sharing environment across the spectrum of intelligence and first responder agencies. I wish him well.

I would like to frame the remainder of my testimony around the issue of fusion centers and their critical link to effective federal, state, tribal and local information sharing in this country. First off, the success of information sharing will hinge on the adherence to privacy interests and civil liberties. I have attended numerous information sharing summits and stakeholder meetings sponsored by IACP, U.S. Department of Justice (DOJ) and DHS and the issues of policy and privacy are closely linked in those discussions. Each fusion center is required to submit a privacy policy guided by a federal matrix to DOJ/DHS for approval.

Since 2007, the Bureau of Justice Assistance (BJA) and DHS have developed privacy policy templates and provided training and technical assistance to the fusion centers. In conjunction with the National Suspicious Activity Report Initiative (referred to as SAR), BJA and other partners have opened up the training and data formats to the privacy community and privacy advocacy groups. BJA, in conjunction with the PM-ISE, the Washington, D.C.,

Metropolitan Police Department and others introduced the SAR effort to support the security of the Inaugural Day activities in January 2009. More than four thousand police officers from the National Capital Region were trained on behaviors and privacy issues. This training was also shared with the American Civil Liberties Union (ACLU) and recommendations on their part were incorporated into the training.

Presently, there are 72 recognized fusion centers in this country, 50 of which are state-designated fusion centers and 22 are Urban Area Security Initiative (UASI) fusion centers either located in the major cities or densely populated regions. They are at varying levels of maturity, but are guided in their evolution by a set of baseline capabilities formulated in collaboration with their federal partners.

I am impressed by this Administration's commitment to fusion centers, as evident in both the words and actions of Secretary Napolitano. Besides DHS and DOJ support for the fusion centers, I'd like to highlight the work of BJA. BJA has been a leading partner in providing training and technical assistance to the fusion centers in helping them to achieve baseline capabilities. Each year, BJA manages the National Fusion Center conference attended by more than a thousand law enforcement executives, federal authorities, fusion center directors and analysts. BJA has been able to harness the great work of Global to support and jump start many initiatives needed to support the fusion centers, such as governance, intelligence commander training and the use of fusion center liaison officers. It is important to note that this assistance is provided free of charge to the states and cities. To date, more than 160 individual technical assistance services have been delivered.

Fusion centers bring all the relevant partners together to maximize the ability to prevent and respond to terrorism and criminal acts using an all hazards, all crimes approach. By embracing this concept, these entities will be able to effectively and efficiently safeguard our homeland and maximize anticrime efforts.

The National Strategy for Information Sharing calls for the fusion centers to be the backbone of information sharing involving state and local governments. The fusion centers help to organize and channel the information flow from the numerous federal partners so that it is useable and actionable to the states and locals. The fusion centers also aim to harness the 18,000 state, local and tribal law enforcement agencies into an effective collection process so that the eyes and ears in the community of one million police officers can collect the dots of information that arise in the routine course of their duties and be assured that there is a place that will connect the dots, if warranted, and produce lead value information that will reduce the threat of crime and terrorism.

Although guided by a federal blueprint to achieve a baseline operational competency, the fusion centers are functions of state and local governments. In order to achieve sustainability, fusion centers will need to go beyond the baseline in responding to the needs and priorities in

their respective states. Those needs will vary and may include criminal street gangs, drugs, guns, or cross border illegal immigration.

In 2006, New Jersey's Homeland Security Adviser, Richard Canas, came before this Subcommittee and spoke of the upcoming opening of the Regional Operations and Intelligence Center (ROIC), pronounced "Rock," New Jersey's state-designated fusion center. The New Jersey State Police has executive agency responsibility in the ROIC. The ROIC houses New Jersey's Office of Emergency Management, the State Emergency Operations Center (EOC), the mobile 9-1-1 Call Center, an Analysis Element and a Watch Operations Center.

Watch Operations is where the statewide deployment of State Police hazardous material and emergency management specialists, tactical entry personnel, canine, aviation, marine, bomb and arson assets are coordinated and where there is constant situational awareness of statewide traffic and road conditions, weather events, toxic spills, school evacuations, bomb threats, national and international terrorist events and general law enforcement operations. Information on these events are packaged in concise summaries and disseminated to pertinent customers through more than 70 email notification groups. The New Jersey State Police, New Jersey Office of Homeland Security and Preparedness, New Jersey Transit Police and the Port Authority of New York and New Jersey Police Department all occupy seats in Watch Operations. The Office of Homeland Security also manages and staffs the state's terrorism tip line.

The anecdote to the siloing of information takes place in the ROIC's Analysis Element, a vibrant and collaborative information sharing environment comprised of representatives and analysts from State Police, DHS, FBI, ATF, Federal Air Marshals, Immigration and Customs Enforcement, Coast Guard, N.J. Division of Fire Safety, Philadelphia Police Department and Newark Police Department. There are no shoulder patches or egos there. At 10:00 a.m. every weekday morning, these agencies gather in what we call "the huddle" to brief each other on the current threat environment and to set priorities, particularly those that require imminent analysis and dissemination.

Operating with an "all hazards, all crimes" approach and a customer philosophy of "give us a quarter's worth of information and we'll provide you with a dollar's worth of analysis and lead value intelligence information," the Analysis Element is the tip of the spear in Governor Corzine's Statewide Anti-Crime Plan to reduce violence and promote safe neighborhoods. Information-sharing initiatives that carry acronyms such as NJ Crime Track, NJ POP Collective, NJ TAG, NJDEX and NJ-Trace are connecting police records management systems around the state through federated search inquiries, targeting criminal street gangs, providing hotspot analysis, trending on statewide violent crime and tracking the illegal spread of firearms. Addressing the latter, I'd like to provide you with information on NJ-Trace, an effective federal and state anti-crime initiative.

In order to maximize the lead value of a firearm recovered in a crime, the ATF has a program called e-Trace that tracks the history of a firearm back to its source purchase. This

program allows ATF to discern patterns in firearms sales that have a short “time to crime;” in other words, the span of time from original purchase to its use and recovery in a crime. This statistic can effectively identify firearms traffickers and gun dealers engaged in illicit sales practices.

Unfortunately, to submit a firearm to e-Trace required a voluntary effort on the part of a busy police officer to navigate several computer screens beyond the routine stolen weapons inquiry or put together a handwritten sheet to be faxed to ATF. Until recently, only one-quarter of all firearms recovered in a crime in New Jersey were submitted to ATF for e-Trace.

Working with ATF, we interposed the ROIC Analysis Element in the exchange of information between the police officer and ATF, so that e-Trace requests to ATF and responses back to the police officer were captured and analyzed by the ROIC crime analysts. In this manner, we could share information on the spread of illicit firearms across local, county and state boundaries. We named this fusion center initiative NJ-Trace and established a Gun Crime Center within the ROIC Analysis Element.

New Jersey State Attorney General Anne Milgram issued a directive to all county prosecutors and law enforcement agencies in New Jersey mandating the reporting of all crime-recovered firearms through NJ-Trace. Every time a police officer runs an NCIC computer inquiry to see if a recovered firearm is stolen, a message pops up in the center of the screen reminding the officer that they will not receive a response without first conducting a gun trace through ATF. That trace entry is transmitted to the ROIC’s Gun Crime Center and entered into the ATF e-Trace program by a ROIC analyst. ATF responses are sent back to the requesting officer’s agency and to the Gun Crime Center in the ROIC.

Less than a year after the implementation of NJ-Trace, police submissions to trace crime-recovered firearms have increased from 25% to almost 90%. The Gun Crime Center analyzes results and looks for statewide patterns and trends for recovered firearms used in violent crimes and to seek out those individuals who traffic in those firearms. Last week, as a result of NJ-Trace, State Attorney General Milgram announced eleven separate state indictments against twelve individuals for trafficking firearms.

What I have just described in the ROIC is an all-hazards, all crimes approach to information sharing and intelligence-led policing. All information is first filtered for a nexus to terrorism, as terrorism is a crime often facilitated by more overt criminal behaviors. The purchase or theft of firearms, the purchase or manufacture of fraudulent identity documents, funding streams through narcotics sales or transporting contraband such as explosives all provide police with many more opportunities to preempt or interdict actions that may be precursors to or actual terrorist activities. Those opportunities might be lost if police departments did not pursue aggressive criminal and traffic enforcement policies. And that enforcement could not achieve a greater law enforcement and public safety objective if the means and processes to collect, connect and analyze disparate events did not reside in a statewide, regional or local fusion center.

With much accomplished, and the need to continue the progress of the PM-ISE, the path ahead in information sharing is not clear of obstacles. Challenges to information sharing include the following:

1. A commonly recognized and accepted security clearance across federal agencies.
2. Fusion centers are confronted with the need to query dozens of information systems. The solution is the adoption of a migration to a common data standard, such as NIEM, that would standardize search terms to enhance data interoperability between fusion centers and those systems at all levels.
3. Use of fusion centers as broadcast outlets for elevations in the DHS Homeland Security Advisory System and other alerts, warnings and notifications.
4. Funding the continued deployment of federal analysts to the fusion centers.
5. Funding the training and accreditation of analysts to promote uniform best practices in the fusion centers.
6. Going beyond the baseline to help fusion centers achieve customer satisfaction at all levels of law enforcement.
7. Nationwide rollout of the SAR initiative.
8. The establishment of a research and development function within DOJ or DHS to explore social networking and communication technologies that could, with appropriate security safeguards, enhance analytical capabilities and facilitate information sharing.

There are many success stories that demonstrate the progress we are making in the area of information sharing. There are still many issues to solve but the good work that has been demonstrated in the use of NIEM, the development of fusion centers, the roll out of the SAR initiative and the move to establish statewide or regional intelligence academies bodes well for the future and our ability to sustain sound levels of homeland and hometown security.

I thank you for your attention and would be happy to answer any questions you may have.