

**SIXTEEN YEARS AFTER 9/11: ASSESSING  
SUSPICIOUS ACTIVITY REPORTING EFFORTS**

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**HEARING**

BEFORE THE

**SUBCOMMITTEE ON  
COUNTERTERRORISM  
AND INTELLIGENCE**

OF THE

**COMMITTEE ON HOMELAND SECURITY  
HOUSE OF REPRESENTATIVES**

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## **SIXTEEN YEARS AFTER 9/11: ASSESSING SUSPICIOUS ACTIVITY REPORTING EFFORTS**

**Wednesday, September 13, 2017**

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
SUBCOMMITTEE ON COUNTERTERRORISM AND INTELLIGENCE,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 10:06 a.m., in room HVC-210, Capitol Visitor Center, Hon. Peter T. King (Chairman of the subcommittee) presiding.

Present: Representatives King, Perry, Hurd, Rice, Jackson Lee, and Keating.

Mr. KING. Good morning. The Committee on Homeland Security, Subcommittee on Counterterrorism and Intelligence will come to order. The subcommittee is meeting today to hear testimony from four experts on assessing suspicious activity reporting efforts—I would like to welcome the Members of the subcommittee and—to the witnesses who have travelled to be here today.

I now recognize myself for an opening statement.

In the wake of the terrorist attacks of September 11, 2001, a series of new words and phrases entered the American vernacular. “Ground Zero,” “al-Qaeda,” “connect the dots,” and others became commonplace practically overnight.

In the years that followed, one new phrase dominated advertising space and the public’s attention at train stations, airports, sporting venues, and more. It reflected the commitment Americans made in the hours and days after the attack to work together to prevent the next major attack, a mutual pledge to remain vigilant for threats to the homeland: “If you see something, say something.”

No phrase better captures the critical role that the American public plays in reporting suspicious activity to law enforcement. “See something, say something” underscores the value of efficient and effective information sharing. The public shares information with the authorities, who subsequently analyze, collaborate, and respond to potential terrorist threats.

This valuable phrase was created by the New York Metropolitan Transportation Authority, the MTA, and they continue to dedicate resources to promote this campaign and share the trademark with DHS and other entities.

Today, just over 16 years after the terrorist attacks of 9/11, this subcommittee is meeting to review the progress made in ensuring DHS and other law enforcement agencies are working together to evaluate tips and leads provided by the public.

The National Suspicious Activity Reporting Initiative, NSI, is a joint effort by DHS and FBI which allows State and local partners to share information that they receive from the public and send to our Federal partners for further investigation. It is an integral part of the Homeland Security landscape. But, of course, it is reliant on an engaged public and sustained cooperation and support between all levels of law enforcement.

The witness appearing with us today represent each level of this partnership. Each will speak to the value of the programs like the NSI provide to Federal, State, and local level, as well as the challenges in educating the public about the threats we face as a Nation and how best to effectively work together.

These issues are often in the background of our busy lives and they are frequently overlooked. However, nearly all terrorists incidents, from attacks such as 9/11 to the more recent attacks such as the San Bernardino shooting to the Boston Marathon bombing, among many more in between, highlight issues of public reporting or on-going challenges with interagency cooperation.

If you see something, say something has not only been a clever reminder for travelers to keep their eyes open, but it truly reflects some of the most important lessons learned after the 2001 attacks. The public must remain vigilant and determined to report possible threats to our Nation.

Federal, State, and local departments and agencies responsible for keeping people safe must work together. I am, therefore, pleased to welcome our witnesses to today's hearing, look forward to their testimony. Now I acknowledge, recognize the gentlelady from New York, the Ranking Member of the subcommittee, Miss Rice.

[The statement of Chairman King follows:]

STATEMENT OF CHAIRMAN PETER T. KING

SEPTEMBER 13, 2017

In the wake of the terrorist attacks of September 11, 2001, a series of new words and phrases entered the American vernacular "Ground Zero," "al-Qaeda," "connect the dots," and others, became commonplace practically overnight. In the years that followed, one new phrase dominated advertising space and the public's attention at train stations, airports, sporting venues, and more. It reflected the commitment Americans made in the hours and days after the attack to work together to prevent the next major attack—a mutual pledge to remain vigilant for threats to the homeland: "If You See Something, Say Something."

No phrase better captures the critical role that the American public plays in reporting suspicious activity to law enforcement. See Something, Say Something underscores the value of efficient and effective information sharing: The public shares information with the authorities who subsequently analyze, collaborate, and respond to potential terrorist threats. This valuable phrase was created by the New York Metropolitan Transportation Authority (MTA) and they continue to dedicate resources to promote this campaign and share the trademark with DHS and other entities.

Today, just over 16 years after the terrorist attacks of 9/11, this subcommittee is meeting to review the progress made in ensuring DHS and other law enforcement agencies are working together to evaluate tips and leads provided by the public. The National Suspicious Activity Reporting Initiative (NSI) is a joint effort by DHS and FBI which allows State and local partners to share information that they receive from the public and send to our Federal partners for further investigation. It is an integral part of the homeland security landscape—but of course it is reliant on an engaged public and sustained cooperation and support between all levels of law enforcement.

The witnesses appearing with us today represent each level of this partnership. Each will speak to the value that programs like the NSI provide at the Federal, State, and local level, as well as the challenges of educating the public about the threats we face as a Nation and how best to effectively work together.

These issues are often in the background of our busy lives and they are frequently overlooked. However, nearly all terrorist incidents, from attacks such as 9/11, to the more recent attacks such as the San Bernardino shooting to the Boston Marathon bombing—among many more in between—highlight issues with public reporting or on-going challenges with interagency cooperation.

Ensuring programs like the Nation-wide SAR Initiative and corresponding public awareness campaigns continue is vital and a major priority for this subcommittee. “If You See Something, Say Something” has not only been a clever reminder for travelers to keep their eyes open, but it truly reflects some of the most important lessons learned after the 2001 attacks.

The public must remain vigilant and determined to report possible threats to our Nation. Federal, State, and local departments and agencies responsible for keeping people safe must work together.

I am therefore pleased to welcome our witnesses to today’s hearing and look forward to their testimony.

Miss RICE. Thank you, Mr. Chairman, for holding this hearing. Thank you to the witnesses for coming to testify today. I would also like to take a moment to extend our thoughts and prayers to everyone in Texas and Florida and everywhere that were affected by Hurricanes Harvey and Irma.

Chairman King and I know all too well that these communities—what they are going through right now and the long road to recovery that lies ahead. I think I can speak for the Chairman when I say that we will support those efforts in any way that we can.

As we all know, Monday marked 16 years since the terrorist attacks on 9/11. We often say that we cannot and will not allow terrorists to change our way of life, or change who we are. That is true, we will never allow terrorists to make us betray the values that bind us together as Americans. We won’t allow terrorism to make us live in fear.

But I think we all recognize that the 9/11 attacks did change us in a lot of ways. Our Government has changed, it has become more centralized and more interconnected in order to prepare for, prevent, and respond to acts of terrorism. We have changed, all of us.

We have become more aware of the threat. We don’t live in fear. We don’t let the threat keep us from living our lives. But we know to be alert. We know suspicious activity when we see it. This hearing is an opportunity to look at some of those changes in Government and in the public, and have a conversation about the evolution and the current state of suspicious activity reporting, or SARs.

Our SAR programs were established to help facilitate the process of sharing terrorism-related suspicious activity reporting with the State and local law enforcement. These programs require education and training. They require us to strike the right balance.

Suspicious activity reporting efforts, including DHS’s “If You See Something, Say Something” campaign and the Nation-wide suspicious activity reporting initiative help to raise public awareness and they are necessary tools to detect, deter, and combat terrorism in the homeland.

The success of each of these programs requires continuous promotion and active participation by all of our homeland security partners, not only law enforcement at all levels, but also educators,

spiritual leaders, neighbors, and our Nation-wide community as a whole.

Unfortunately, within next year's budget for NSI funding for SARs is said to be approximately \$400,000, down from an approximately \$2 million annual budget at the time of its creation in 2007. It is important that we maintain an adequate level of funding, resources, and personnel dedicated to SAR efforts in order to limit the risk that terrorism poses to U.S. interests at home and abroad.

As new, emerging, and evolving threats continue to test our resolve, we must also continue relying on the public to play an important role by notifying law enforcement when someone or something poses a potential threat. We must also acknowledge that many civil liberties and privacy advocates have expressed discontent with SARs over the years as some reporting has been improperly used to help fuel fear and paranoia.

Consequently, some have advocated for greater measures of accountability over law enforcement activity, which I support. I sincerely hope that with this hearing we can gain a better understanding of all the resources necessary for us to continue protecting the homeland through suspicious activity reporting.

We must remain vigilant. We must continue to work together and implement strong security measures and guidelines to continue quality real-time information-sharing environments. Our committee welcomes the opportunity to engage in that process. I look forward to hearing our witnesses' priorities and recommendations as we look to the future of our information sharing and counterterrorism efforts.

With that, I yield back.

Mr. KING. Thank you, Kathleen. We are pleased to have a very distinguished panel of witnesses before us today on this vital topic. All the witnesses are reminded their written testimony will be submitted for the record. Our first witness is Mr. Robin Taylor, the acting deputy secretary of intelligence operations at DHS.

Mr. Taylor joined the DHS Office of Intelligence and Analysis after more than 25 years with the Maryland State Police, retiring at the rank of captain. This included time spent leading MSP's criminal intelligence division in the Maryland Coordination and Analysis Center.

During his service with I&A, he served as the senior adviser for law enforcement and as the director for I&A's field operations division. He was named acting deputy under secretary for intelligence operations in May 2017. He holds a Bachelor's degree in political science and Master's degrees in management and public administration and business administration.

He is a graduate of the FBI National Academy and the Harvard University National Preparedness Leadership Initiative. He is currently working on his third master's degree in strategic intelligence at the National Intelligence University in Washington, DC. I think he left us all behind with that educational background.

Certainly for me and Kathleen, you are way ahead of us; anyway, I recognize Mr. Taylor for his testimony.



**STATEMENT OF ROBIN TAYLOR, ACTING DEPUTY SECRETARY,  
INTELLIGENCE OPERATIONS, U.S. DEPARTMENT OF HOME-  
LAND SECURITY**

Mr. TAYLOR. Good morning, Chairman King, Ranking Member Rice and Members of the committee. Thank you very much for the invitation today to speak before you. With regard to this important subject, the National Suspicious Activity Reporting Initiative, or NSI, alongside of my esteemed colleagues from State and local law enforcement. It is truly an honor to be here.

The Department of Homeland Security and Office of Intelligence and Analysis, is proud to serve as the executive agent for the NSI program and oversee the program management office since 2012. Over the last 5 years, we have worked diligently alongside of our Federal, State, and local partners to enhance information sharing in order to protect our communities.

NSI recognizes the vital role law enforcement plays in keeping our communities safe. To that effect, we at DHS have strived to provide our partners with the tools they need to ensure great information sharing regarding threats within and to our communities. It is a core mission of the Department, and it is rooted in I&A's mission statement, to equip the homeland security enterprise with timely intelligence and information it needs to keep the homeland safe, secure, and resilient.

As you know, NSI was created to fill a void in criminal intelligence information sharing with a method or platform that would enhance efficiency, effectiveness, and accuracy, while respecting the critical need to protect privacy, civil rights, and civil liberties of the American people.

With this in mind, the program must balance the need for public safety with the need to safeguard our integrity and our way of life, while maintaining public confidence in our law enforcement officers and their institutions. We have worked hard to collaborate with our partners across the public safety spectrum to do just that.

We endeavor to continue to make improvements to the system and the network that forms the NSI framework. Over the past 5 years, we have learned a great deal as we work across the country with both large and small law enforcement agencies and the National network of fusion centers. We continue to improve strategic messaging and marketing through initiatives, such as the "See Something, Say Something" campaign.

We have also learned a great deal by participating in a wide variety of independent State, local, private industry, and nonprofit organizations' initiatives, all of which add local emphasis to our National effort.

Moving forward, we continue to look for ways to improve our approach, not just for information sharing related to criminal intelligence threat information, but also to the overall process for gathering, vetting, and validating the information against a set of approved and established NSI functional standards.

To date, we have seen more than 100,000 SARs submissions since 2010, which have led to the initiation or enhancement of approximately 1,200 Federal investigations. In addition to these SARs, we have helped to establish more than 1,100 enhancements

to the terrorism watch list, again demonstrating the value this program brings to our efforts to enhance security at the homeland.

However, I think the more significant return on investment is seen through the lens of our State and local partners with me today and the value that they place on the information that is collected and shared throughout the NSI. While there is more work to be done, I look forward to hearing their comments related to how it impacts their communities.

In conclusion, let me highlight that no one agency or organization can accomplish the mission of keeping America safe alone. It is a shared responsibility. No one can, no one person, no one organization or program, can do everything necessary to prevent a terrorist attack or other crimes of violence.

But when we work together, we share information and utilize common tools and collaborative programs, such as the NSI, we can and we do make a difference.

Thank you again for the opportunity to be here today. I will submit the remainder of my comments for the record. Thank you very much.

[The prepared statement of Mr. Taylor follows:]

PREPARED STATEMENT OF ROBIN TAYLOR

SEPTEMBER 13, 2017

Chairman King, Ranking Member Rice, and Members of the subcommittee, thank you for the invitation to be here and to represent the men and women who serve in the Department of Homeland Security's (DHS) Office of Intelligence and Analysis (I&A) and the Nation-wide Suspicious Activity Reporting (SAR) Initiative (NSI).

Today's hearing addresses a topic critical to the security of our Nation, as we have seen time and time again the vital role that law enforcement and a vigilant public play in keeping our communities safe. In the years since the terrorist attacks on September 11, 2001, the NSI program has become a critical facet in our overall counterterrorism posture. Further, in the 5 years since the Department took over the reins of the NSI, the NSI Program Management Office has continued its work to advance the program and provide the tools, training, expertise, and assistance called for by our partners, the law enforcement officers, fusion center analysts, and community stakeholders who all perform critical roles within the NSI information-sharing framework.

ASSESSING THE NEED

As we all know, the threat to our Nation, our citizens, and our communities has not diminished since the attacks of 9/11. Our major cities remain attractive terrorist targets, as reflected in the Boston bombing attacks and the repeated attempts to perpetrate terrorist attacks in New York City. We have also seen terrorist attacks carried out in our mid-size cities and smaller communities. Attacks such as those in San Bernardino, Orlando, and recently in Charlottesville all reflect the evolving threat landscape we now face.

As we continue to adapt our efforts to meet the changing nature of this threat picture, the infrastructure we have built to further our counterterrorism efforts remains critical. The Nation-wide Suspicious Activity Reporting (SAR) Initiative (NSI) was developed in response to a number of separate drivers, to include the 9/11 commission report, the Intelligence Reform and Terrorism Prevention Act (IRTPA), and a number of separate but related activities that respond directly to the mandate to establish a "unified process for reporting, tracking, and accessing [SARs]" as called for in the National Strategy for Information Sharing (October 2007). In 2009, the Program Manager for the Information Sharing Environment (PM-ISE), working with a number of Federal, State, and local partner organizations, conducted an "evaluation environment" at 5 State fusion centers and 7 DHS-recognized major urban area fusion centers, in coordination with DHS and the FBI's eGuardian system, to test and evaluate policies, procedures, and technology needed for a unified process for the gathering, documenting, processing, analyzing, and sharing of sus-

picious activity determined as being observed behaviors reasonably indicative of preoperational planning related to terrorism or other criminal activity.

Those early efforts by PM-ISE and others led to the creation of the NSI and the NSI PMO. Subsequently, in 2012, the Under Secretary of I&A sent a notice to Congress of our intent to take responsibility for the management and support of the NSI Program Management Office (PMO). The FBI co-manages the NSI and is primarily responsible for the technical aspects of the NSI. Since the FBI is also recognized as the lead for counterterrorism investigations, they are not only a partner in the advancement of the NSI, but also a key consumer and benefactor of the information gathered and shared within the NSI framework.

Law enforcement professionals cannot protect their communities effectively without the help of a vigilant public, who in turn must be able to identify and report suspicious behavior and incidents. This creates a need for an effective, standardized methodology for sharing information that is both meaningful and actionable in the face of an imminent threat. Since 2010, over 100,000 Suspicious Activity Reports have generated over 2,300 Information-Sharing Environment (ISE) SARs that initiated or enhanced an FBI investigation and/or were connected to the Terrorism Screening Center (TSC) Watchlist. Further, ISE-SAR information was included in over 2,000 intelligence products.

While addressing terrorism and other violent crimes, we must also be sure to safeguard the protection of civil rights, civil liberties, and privacy. As such, this program is subject to extensive scrutiny and oversight.

Although terrorist attacks on our communities have Federal jurisdictional impact, pre-incident activities carried out by terrorists prior to conducting attacks may be unknown to Federal law enforcement. In February 2015, the National Consortium for the Study of Terrorism and Responses to Terrorism (START), published a report titled *Validation of the Nationwide Suspicious Activity Reporting (SAR) Initiative: Identifying Suspicious Activities from the Extremist Crime Database (ECDB) and the American Terrorism Study (ATS)*. The START study looked at SAR reporting in two open-source projects, the ECDB and the ATS, referencing the 16 indicators and behaviors utilized to determine if a tip or lead was reasonably indicative of a potential link to terrorism. The START study verifies the utility of the NSI, which provides law enforcement and homeland security agencies with a uniform method for gathering and reporting raw tips, leads, and reports of suspicious activity. This data is reviewed and vetted by trained fusion center personnel using established standards. From an analytical perspective, the study supports how the vetting efforts of trained analysts may ultimately lead to the enhancement of terrorist investigations. Furthermore, analysts' reliance upon the established 16 ISE-SAR behaviors is validated by this study and will ultimately assist them in the potential reporting of SAR and the development of products that use and evaluate SAR.

#### THE FUNCTIONS OF THE NSI PMO

The NSI is not a single monolithic program; rather it is a coordinated, distributed effort that leverages and integrates all ISE-SAR-related activities into a National unified process. The overarching strategy is to implement common processes, policies, and technical solutions for gathering, documenting, processing, analyzing, and sharing information about terrorism-related suspicious activities. The ultimate objective is for NSI participants at all levels of government to adopt consistent policies, standards, and procedures that foster broader sharing of SARs while ensuring that privacy and civil liberties are appropriately protected in accordance with Federal, State, and local laws and regulations.

The NSI is a shared responsibility, and consists of a decentralized structure that relies on every stakeholder to do its part. The NSI Enterprise as a whole cannot function and will not serve its mandate without each person and partner organization doing its part.

Specifically, the NSI PMO is responsible for overall planning and coordination of the NSI, to include development of top-level policies, processes, and standards, but defers to respective Federal, State, and local agencies to implement and deploy system solutions that are consistent with that direction and are tailored to their local business process and system environments. The PMO coordinates the Nation-wide implementation of the SAR process. In this role, it advises and assists participating agencies in implementing NSI solutions and adjudicating conflicts where necessary to achieve a smooth implementation across the Information-Sharing Enterprise (ISE).

The PMO is also responsible for maintaining and updating the NSI operating procedures, including publication of updates to the Concept of Operations (CONOPS) as required to reflect operational improvements. The NSI provides guidance to par-

ticipating agencies on the operating procedures associated with the individual steps in the NSI cycle, but relies heavily on participating agency expertise in key areas such as tactical risk assessment and information analysis. Further, the PMO is responsible for working to ensure that all NSI activities are carried out in a manner consistent with the ISE Privacy Guidelines, the ISE-SAR Functional Standard, and other Federal, State, and local laws and regulations.

A comprehensive training program for NSI participants is a vital component of an effective NSI process. This training program addresses the needs of all levels of law enforcement personnel so that they can recognize the behaviors and incidents that represent terrorism-related suspicious activity, while ensuring that privacy and civil liberties are protected. DHS I&A, in coordination with DHS Office of Operations Coordination (OPS), leads the NSI's efforts related to policy, training, and outreach, while the FBI leads the deployment, maintenance, and access efforts surrounding the NSI technology platform, eGuardian.

The NSI PMO is responsible for maintaining and updating the ISE-SAR Functional Standard and its associated technical artifacts. Finally, although neither an acquisition nor an implementing organization, the NSI PMO is responsible for providing implementation guidance and operational support to NSI participants. This support includes presentations at conferences, workshops, and similar forums as well as direct interaction with sites where required. The PMO and FBI eGuardian managers provide day-to-day operational support capabilities such as 24-7 help-desks, on-call support, etc., but typically rely on partners and contracted support to actually provide these services.

By design, the NSI PMO is a relatively small operation, working as part of a multi-agency, interagency process. The NSI PMO prioritizes focusing resources on the program to the greatest extent possible, and minimizing overhead costs to ensure available resources are dedicated to the efforts of law enforcement officers and the Enterprise partners. The NSI PMO operates on a small budget relative to the impact the office has demonstrated, and continues to expand on the program.

#### THE ROLE OF OUR STRATEGIC PARTNERS

The Department of Justice (DOJ), through the Bureau of Justice Assistance (BJA), provided initial stand-up funding for the NSI and managed the program from its inception until the program was transitioned out of BJA. DOJ also provides legal and policy expertise on historic policy and implementation decisions associated with the NSI, as well as facilitating input from its Global Advisory Committee (GAC),<sup>1</sup> and the Criminal Intelligence Coordinating Council (CICC).<sup>2</sup>

Crime Stoppers USA (CSUSA) is the National Crime Stoppers organization that spans the United States to create a network of local programs that work together to prevent and solve crimes in communities and schools across the Nation. Its mission is to develop innovative resources and partnerships that promote Crime Stoppers throughout the United States. The NSI and CSUSA have a Memorandum of Understanding establishing a partnership that has directly increased the amount of quality reporting through their unique anonymous tips programs. The NSI and CSUSA are committed to advancing our respective missions through enhanced training, strategic partnerships, and support in many areas where mutual interest is identified.

#### KEY METRICS

Through June 2017, the NSI has received over 100,000 SAR submissions, of which over 35,000 contained a potential nexus to terrorism and were submitted to eGuardian as ISE-SARs. Of those reports, over 2,300 have been identified as being either associated with an FBI investigation and/or associated with a subject known to the Terrorism Screening Center (TSC). These numbers represent both a testament to the good work being done in vetting, validating, and assessing these reports, and to the work being done by our State, local, Tribal, and territorial (SLTT)

<sup>1</sup>The GAC consists of organizations appointed by the U.S. Attorney General or his/her designee. The GAC acts as the focal point for justice information-sharing activities and works to provide the U.S. Attorney General and the U.S. Department of Justice (DOJ) with appropriate input from local, State, Tribal, and Federal agencies/associations in the on-going pursuit of interjurisdictional and multidisciplinary justice information sharing.

<sup>2</sup>The Criminal Intelligence Coordinating Council (CICC) is sponsored and supported by DOJ and works across the full spectrum of law enforcement and intelligence agencies to establish priorities, National best practices, and support for Federal, State, local, and Tribal law enforcement and homeland security agencies in their ability to develop and share criminal intelligence and information Nation-wide.

partners to distill a limited number of reports from the millions of tips and leads received throughout the country annually.

Over 2,000 intelligence products have been produced that incorporate some aspect of an ISE-SAR into the product itself. These products include the Roll Call Release, the Field Analysis Report, and Joint Special Event Threat Assessments. The products exemplify the value being placed on ISE-SAR reporting when coupled with additional information at the Federal and SLTT levels.

The quality reporting being provided through the NSI is evident by the examples provided above; however, those numbers are directly associated with the level of effort that has been focused on training and outreach. The NSI conducted 181 technical assistance deliveries in support of our SLTT partners from 2010 to June 2017. The NSI's hometown security partners' video series, which focuses on specific sector outreach, such as private-sector security, point-of-sale retailers, and line officers, was viewed over 480,000 times. Within that same time period, over 3,000 Federal, State, and local criminal intelligence personnel have received more in-depth training through our SAR in-residence training. This course focuses on the ISE-SAR vetting process, the use of technology for reporting, and the importance of protecting the privacy and civil rights/civil liberties of our citizens.

More recently, from January 2016 through June 2017, the NSI conducted 21 technical assistance deliveries, the hometown security partner videos were viewed over 56,000 times, and over 400 partner criminal intelligence personnel went through our SAR in-residence training.

In addition to its intended benefits, the NSI has also allowed for numerous tips and leads to reach law enforcement. As just one example of many being reviewed, the State of Texas Fusion Center alone reported over 2,300 non-terrorism-related criminal SARs that came in through the NSI established SAR framework but were not shared through the FBI eGuardian platform because they did not meet the ISE-SAR threshold outlined in the Functional Standard. Still, those suspicious activity reports resulted in significant investigations into a wide range of felony cases including murder, robbery, sexual assaults, high-risk threats to children, human trafficking, drug trafficking, violent gangs, and many others. We continue to work with State and local law enforcement partners across the country to begin capturing more information on the broader hometown security and public safety impacts of the NSI framework.

#### MOVING FORWARD

The NSI PMO will continue to focus on the core mission of keeping our communities safe and protecting our critical infrastructure and key resources. It will do this by continuing to focus on ensuring a standardized process for conducting stakeholder outreach; ensuring civil rights and privacy protections continue to be the cornerstone of the program; delivering training, and facilitating continued improvements in program support; and advancing technology to simplify and expand sharing of critical information and reporting.

The NSI PMO and our partners across Government and the private sector will continue to identify new opportunities and build strategic partnerships to advance the NSI and encourage our partners and our stakeholders to increase reporting and strengthen the NSI Enterprise. With your support, the NSI PMO will continue to improve its systems, and expand training support to our law enforcement partners and key stakeholders.

Ultimately, the NSI relies on the public to report what they see, and to know that if they "See Something, Say Something". The NSI does not only need individuals to do their part, it also needs organizations, associations, corporations, and industries to do their part. Congress can add great value here by creating meaningful incentives for private industry and corporations to train their workforce on what to look for and how to report what they see. Most private-sector organizations do not think a major event will affect them, so they weigh the cost of devoting personnel time to NSI training against the improbability they will see something major occurring, and thus forgo what we see as a critical need. The NSI would like the opportunity to discuss further with Congress and this committee innovative ways to increase participation by the private sector.

Thank you for the opportunity to testify, and I look forward to your questions.

Mr. KING. Thank you, Mr. Taylor, for your testimony.

Our second witness is Rick Fuentes, superintendent of the New Jersey State Police. Superintendent Fuentes enlisted in the State police in January 1978. He was a supervisor of the Joint Terrorism Task Force narcotics unit and the street gang unit.

Prior to being named acting superintendent, he was assigned as the chief of the Intelligence Bureau. He earned a Bachelor of Science from Kean College in New Jersey in 1977, a Master of Arts in criminal justice from John Jay College of Criminal Justice, New York, in 1992 and a Doctorate of Philosophy in Criminal Justice from City University of New York in 1998.

In 2006, Colonel Fuentes was appointed to a 3-year term as general chair of the State and Provincial Division of the International Association of Chiefs of Police. He is a member of the U.S. Attorney General's global advisory committee, a member of the Homeland Security and Law Enforcement Partners group of the Office of the DNI, and an appointed member of Harvard University's Executive Session on Policing and Public Safety.

Superintendent Fuentes, thank you for being here today, and you are recognized for your testimony. Thank you.

**STATEMENT OF RICK FUENTES, SUPERINTENDENT, OFFICE OF THE SUPERINTENDENT, STATE POLICE, STATE OF NEW JERSEY**

Mr. FUENTES. Thank you, Chairman, for reading that testimony exactly as my mother wrote it. I appreciate it.

Chairman King, Ranking Member Rice, and the subcommittee, I thank you for the invitation to testify on this important topic. In addition to speaking about New Jersey's participation in DHS's NSI program, I understand that this committee may be interested in some examples of information-sharing initiatives in the State.

I have submitted written testimony, and will summarize that testimony now. We receive upwards of 1,400 SARs each year, of which approximately 30 percent are accepted for further investigation by the FBI. All SARs are received at our State fusion center, the Regional Operations and Intelligence Center, called the ROIC, which operates with significant financial support from the North Jersey Urban Area of Security Initiative or UASI and DHS.

The SARs are received at a desk that is staffed 24/7 by personnel from the Office of Homeland Security and Preparedness. The FBI has a right to first refusal on all SARs. The SARs that are not accepted by the FBI are investigated either by OHS&P or a local police department.

None of them go unanswered. Sometimes SARs disclose other criminal activities such as drug trafficking, fraud, or illegal weapons possession. Given the emerging pattern that we see today that radicalized individuals may take as much as 3 to 5 years to act out, it is in the interest of public safety to leverage information in State databases as it pertains to security officer registrations and firearms, IDs, and permits, by those individuals who are subjects of an FBI guard and investigation.

This is particularly important when it viewed the incidents involving Omar Mateen, down in Atlanta, and Ahmad Khan Rahami who stands accused of the bombings in New York and New Jersey last year. Other databases to vet include bounty hunters, private detectives, railroad police, et cetera.

The Office of Homeland Security and Preparedness checks those databases upon receiving every SAR. In an effort to remain vigilant in cases where those individuals may seek to obtain a weapon, we

are looking now toward engaging in a project, with the FBI, that allows the State to keep looking at those databases for a period of 3 to 5 years, because when the FBI accepts a SAR it has risen to the level of reasonable articulable suspicion, which allows us to maintain an intelligence report for a period of 5 years after which it must be expunged and we can continue to monitor those databases. I think that covers the period, that I just mentioned, for what we see in radicalized individuals acting out and over what period of time that occurs.

As I pointed out, just as a SAR can disclose information indicative of terrorist behavior in preoperational actions, it can also reveal criminal activity that affects public safety. To facilitate the disclosure and elimination of that criminal activity, the ROIC hosts weekly phone calls and monthly meetings of police chiefs from more than two dozen departments in the area encompassing Newark, Patterson, and Jersey City.

The emphasis is on solving violent crime in those meetings. That is a relatively small surface area of the State of New Jersey that is host to more than half of the homicides and shootings in the State of New Jersey. Through the creation of the ROIC Real-Time Crime Centers, which service both north and south Jersey, we absorb some of the fact-finding work that consumes a detective's post-shooting or homicide investigation and keeps them on the street.

So, instead of the detective having to go back to the police department to run these checks, the Real-Time Crime Center does it for them and it keeps them pointed forward on the cases that they are involved in.

Every weapon that is seized in a crime, every crime gun, is as soon as it is submitted to our lab, it goes through a very quick process over a period of 24 to 48 hours. That so many guns are used in multiple crimes it is important to get the lead value out of every single one of those weapons and to get that back to the police department.

Leveraging information from both the New Jersey health community and law enforcement we can now analyze and report dangerous trends in the spread of heroin, fentanyl, and other illicit drugs through our drug monitoring program.

This program has enormous potential Nation-wide to the use of the National Fusion Center Network.

Finally, through New Jersey Cybersecurity and Communications Integrations Cell, which is also located in the ROIC and supervised by the Office of Homeland Security and Preparedness, we can respond to the growing threat of cyber terrorism or cyber attacks to State or local government systems as well as assisting the private sector in this regard. We can also make those entities continually aware of potential cyber vulnerabilities in their systems.

So I want to thank you, Chairman King, and your subcommittee, for your attention to this subject of great importance to the continued public safety and welfare of the country and I look forward to answering any of your questions.

[The prepared statement of Mr. Fuentes follows:]

## PREPARED STATEMENT OF RICK FUENTES

SEPTEMBER 13, 2017

Chairman King, Ranking Member Rice, and the Members of the Subcommittee on Counterterrorism and Intelligence. Thank you for your kind invitation and the opportunity to speak before this distinguished subcommittee on the topic of “Sixteen Years after 9/11: Assessing Suspicious Activity Reporting Efforts.” In addition to speaking about the Department of Homeland Security, Office of Intelligence and Analysis, Nation-wide Suspicious Activity (SAR) Reporting Initiative (NSI), I understand that this subcommittee is also interested in broader information-sharing initiatives on-going in the States. I will address both topics in this testimony.

In the aftermath of the terror attacks of September 11, 2001, the *9/11 Commission Report* highlighted the inability of the public safety and intelligence communities to identify events and behaviors that could have been scrutinized in order to identify precursor activity leading to acts of terrorism. Our Nation demanded answers as to how this information was overlooked and what “dots” needed to be connected to prevent future acts from occurring. This same set of circumstances has also frustrated law enforcement agencies, who, in their efforts to adopt intelligence-led policing strategies have been often constrained by technological, political, or other policy issues that prevented their ability to maximize potential information-sharing practices.

New Jersey, by leveraging Federal, State, local, government agencies and other partners has laid the groundwork and further demonstrated through practice that information sharing can create efficiencies that enhance public safety. This testimony examines New Jersey’s solution to this dilemma—the New Jersey Information-Sharing Environment (NJ-ISE)—and details its operational components and way forward in enhancing today’s information-sharing capacity within the homeland security enterprise.

The office for promoting an information-sharing environment (ISE) at the National level, was established by the Intelligence Reform and Terrorism Prevention Act of 2004. The goal was to ensure closer coordination and integration of the 16 agencies that make up the Nation’s intelligence community. Through Executive Order 13356, in 2005 President Bush enhanced information sharing between Federal agencies and appropriate authorities of State and local governments. In recognition of New Jersey’s consistent efforts to improve State-wide information sharing, grant funding was secured from the Office of the Director of National Intelligence, program manager of the information-sharing environment (PM-ISE) and administered through the Department of Justice’s Bureau of Justice Assistance (BJA) to develop the NJ-ISE.

Underlying the concept of the NJ-ISE is the understanding that terrorism and criminal activity is not deterred by a jurisdictional or geographical boundary. To the contrary, these activities recognize no boundaries; therefore, successful crime and terrorism prevention initiatives must invest in strong partnerships across these lines. The development and enhancement of robust collaborative partnerships between law enforcement, public safety, and private-sector agencies is a foundational aspect of the NJ-ISE.

There are 565 municipalities in the State of New Jersey, which equates to 565 silos of information stored on municipal databases and records management systems. Through the use of technology, the NJ-ISE has worked toward enabling information pathways to connect these disparate legacy systems into one information-sharing environment. Through the work of the NJ-ISE, the virtual barriers preventing the sharing of this information are being dismantled through an overall enterprise strategy.

As a means of sustaining this strategy, a governance structure has been formed to include senior leadership from the New Jersey State Police (NJSP), New Jersey Office of Homeland Security and Preparedness (OHSP), Office of Information Technology (OIT), Office of the Attorney General (OAG), and New Jersey’s Urban Area Security Initiative (UASI). Their collective guidance has driven the overall priorities of the NJ-ISE, to include the evolution of policy and strategy.

A key strategy of the National PM-ISE is to apply information technologies to facilitate the exchange of information. Extensible Markup Language (XML) is the technology that was created for this purpose, and it serves as the “glue” that promotes interoperability and expanded collaborations between agencies.

From a technology perspective, NJ-ISE promotes the free flow of information through secure access to an internet-based federation, in conformance with National standards and safeguards. Optimal investment through the use and reuse of tech-



nology that currently exists on a local, county, and State level is critical to the mission and sustainment of this initiative.

Since its inception, this initiative has been supported by the National PM-ISE through initial research funding. This funding allocation has permitted the involvement of subject-matter experts to assist in developing the conceptual framework for the NJ-ISE. Specifically, the Integrated Justice Information Systems Institute (IJIS), a 501(c)(3) non-profit corporation working on behalf of the technology needs of the U.S. Department of Justice, has also been supporting the NJ-ISE by providing input on the development of guiding documents, to include the NJ-ISE Privacy Policy and Concept of Operations. With their support and through a collaboration of public and private-sector partners, the NJ-ISE has promulgated a Nationally-recognized information-sharing architecture. The components underlying the NJ-ISE are provided, as follows:

#### SUSPICIOUS ACTIVITY REPORTING PROGRAM IN NEW JERSEY (NJSAR)

New Jersey receives over 1,400 SARs annually, of which approximately 30 percent are selected by the FBI for further investigation. SARs are shared with law enforcement partners throughout the State, and are linked to the FBI's National SAR system, eGuardian. The eGuardian system partners with the Nation-wide SAR Initiative (NSI) to form a single repository accessible to thousands of law enforcement personnel and analysts Nation-wide.

NJSAR uses the end-to-end process of the intelligence cycle, specifically in the collection, processing, reporting, analyzing, and sharing of SARs. NJSAR disseminates suspicious activity information to the New Jersey Office of Homeland Security and Preparedness (OHSP), New Jersey State Police (NJSP), FBI Joint Terrorism Task Force (JTTF), County Counterterrorism Coordinators (CTCs), Municipal Counterterrorism Coordinators (MCTCs), and our local law enforcement partners. This State-wide information-sharing network was instituted to ensure that there is a seamless line of communication and coordination among all levels of law enforcement in New Jersey for all terrorism and homeland security-related issues.

The NJSAR program is seated in New Jersey's fusion center, the Regional Operations and Intelligence Center (ROIC) and is staffed and managed by members of OHSP. OHSP is responsible for the collection, analysis, and dissemination of SARs. NJSAR enables authorized law enforcement users to retrieve and analyze reports on incidents in New Jersey. It has adopted best practices and National standards for SAR sharing throughout Federal, State, county, and local law enforcement agencies. Access to NJSAR is through NCIC 2000, and is only available to law enforcement users who have completed the required training.

In New Jersey, SARs are received at OHSP's Counterterrorism (CTWatch) Unit, which is the 24/7 operation housed at the ROIC that manages all incoming suspicious activity reports. CTWatch operates in collaboration with the ROIC to monitor terrorism-related events of significance or relevance to the State. SARs are gathered from a variety of sources, including law enforcement, private-sector security officials, and the public. Reporting generally takes place through the State's SAR tipline and email, with access to language specialists to assist in translation, as may be needed. The goal of the SAR system is to enable authorized law enforcement users to retrieve, share, analyze, and disseminate SARs in New Jersey in a timely manner. The system connects all 21 counties in New Jersey with the FBI's eGuardian system.

Once a SAR is entered into NJSAR, an automatic and immediate alert notice is sent to key law enforcement partners in the State, to include the FBI, NJSP, OHSP, and the CTCs. In New Jersey, the FBI has first right of refusal for all SARs in the State. If the FBI pursues the SAR, it is maintained in the FBI's databases. If the SAR is relinquished to the State, OHSP assumes the investigation in coordination with the county prosecutor's office or a local police department.

All SARs received in New Jersey must meet the State and Federal SAR thresholds of the NSI Information-Sharing Environment Functional Standards for Suspicious Activity Reporting [https://nsi.ncirc.gov/documents/SAR\\_FS\\_1.5.5-PMISE.pdf](https://nsi.ncirc.gov/documents/SAR_FS_1.5.5-PMISE.pdf). New Jersey also adheres to a State-wide Privacy SAR Policy. Pursuant to the NJ policy, all SARs are reviewed after 5 years to ensure privacy and retention compliance. SARs must be based on observed behaviors reasonably indicative of pre-operational planning related to terrorism or other criminal activity. Race, ethnicity, gender, national origin, religion, and sexual orientation are not factors creating suspicion, but these attributes may be documented to support suspect description for identification purposes.

In 2016, a directive was issued by the New Jersey Office of the Attorney General to guide law enforcement on the proper reporting of suspicious activity. This direc-

tive outlined the procedures and guidelines within the State of New Jersey for the reporting of SARs.

The collection, analysis, sharing, and investigation of SAR information remains a critical component of the State's counterterrorism strategy. Across the Nation, we continue to see terrorism plots thwarted as a result of suspicious activity passed along to the FBI JTTFs.

In 2005, New Jersey thwarted a potential terrorist attack that later became known as the "Fort Dix Six." The Newark Division JTTF became aware of these subjects as a result of a suspicious activity report.

Another notable NJSAR success story occurred in May 2017, when an individual from Point Pleasant, New Jersey, was charged with plotting to build a pressure-cooker bomb and detonate it in New York City in support of ISIS. Prior to this individual's arrest, Point Pleasant police submitted a suspicious activity report after a family member notified police that this individual was in possession of a weapon and indicated an intention to kill the family dog. During the ensuing investigation, police discovered a copy of *Inspire* magazine, a publication affiliated with the group, al-Qaeda in the Arabian Peninsula. Police disclosed that this individual had been conducting research on how to make a pressure-cooker bomb, as revealed in the *Inspire* article, "How to Make a Bomb in the Kitchen of Your Mom."

It is important to note that the ROIC and OHSP are currently engaged in a pilot project with the FBI to enhance State and local integration with the FBI on SARs that are accepted for a preliminary or full field investigation. This project recognizes that databases in the possession and oversight of State law enforcement have significant value in determining if an individual who either is, or has been, the subject of an FBI eGuardian investigation may be legitimately seeking to purchase a weapon or applying to become a security guard. As in the case of Omar Mateen, who attacked the Pulse Night Club in Orlando in June 2016, or, Ahmad Khan Rahimi, who is accused of setting off explosive devices in New Jersey and New York in September 2016, both of these individuals made legal purchases of weapons in their roles as security guards. Individuals who are the subjects of SARs of sufficient interest and heightened suspicion to warrant an investigation by the FBI can continue to be monitored for any weapons purchase or a security guard employment application. Given that the path to overt terrorist action can take several years, any information disclosing the purchase of a weapon during that period can be immediately forwarded to the FBI as a means to determine whether an investigation should be continued or re-opened.

Aside from the NJSAR process to reveal possible terrorism activity, the NJ-ISE also includes several crime-fighting initiatives, with the understanding that terrorism is often rooted in criminal activity that can be disclosed in law enforcement's day-to-day investigative routines. Here are some of successful and collaborative crime-fighting initiatives:

#### ROUTE 21 CORRIDOR STATUS (CORRSTAT)

A key NJ-ISE initiative has been the development of a cross-jurisdictional collaboration platform focused upon a New Jersey crime-fighting and information-sharing initiative referred to as CorrStat. This initiative was established in 2009 by the ROIC and UASI as a cross-jurisdictional, crime-fighting and information-sharing experiment primarily focused upon the cities of Paterson, Passaic, and Newark, all located along New Jersey's Route 21 highway. This geographical area, although comprising less than 5 percent of the State, is host to more than half of the State's homicides and gun crimes. Spillover of this criminal activity also affected the public safety of more than 20 smaller municipalities co-located along this corridor.

The CorrStat Initiative remains the ROIC's cornerstone initiative to promote information sharing, intelligence-led policing and the sharing of resources amongst the law enforcement agencies located in or near the Route 21 Corridor. CorrStat participants conduct face-to-face meetings on a monthly basis and the ROIC prepares for these meetings with daily and weekly calls to thoroughly assess crime in those jurisdictions. The program has grown from 16 jurisdictions and 3 County Prosecutor offices to 28 municipalities, 4 County Prosecutor offices, the Port Authority of NY/NJ, NJ Parole, NJ Probation, NJ Alcohol Beverage Control (ABC), and various units of the NJSP.

The CorrStat Initiative continues to receive high marks from the police chiefs and directors that participate in the initiative. Chiefs and directors commend the timely information sharing that allows for investigative concentration on the worst criminal offenders, as well as updates on emerging crime trends. Investigators and analysts working in the CorrStat region participate in interactive, audiovisual conference calls hosted three times a week by the ROIC, utilizing Federal Homeland

Security Information Network (HSIN) Connect technology in order to create situational awareness among all call participants. Additionally, both scheduled and ad hoc, multi-layered intelligence products have assisted law enforcement executives in making informed decisions regarding the allocation of resources. Importantly, the CorrStat Initiative has been instrumental in promoting the value and need of intelligence-led policing concepts to the participant law enforcement executives.

#### CORRSTAT REGION REAL-TIME CRIME CENTER (RTCC–NORTH)

Created as a satellite of the ROIC and located at the headquarters of the Newark Police Department, the RTCC–North was established in the CorrStat region to address the imminent need for tactical information and intelligence in the aftermath of a violent crime. It is important to note that State and local fusion centers follow a strict template for analysis, refining information to produce concise intelligence products thoroughly vetted for privacy concerns. From start to finish, this process can take 24 hours. Unfortunately, serious and violent crime requires more imminent services.

The value of the RTCC–North lies in its ability to satisfy the immediate needs of detectives and investigators in their pursuit of violent criminal offenders. Detectives and investigators who must interrupt their street investigation to conduct records checks, query criminal and intelligence databases and contact other agencies lose precious time that can give advantage to criminals attempting to flee their criminal activities. The RTCC–North assumes that responsibility, keeping detectives on the street and making the investigation of violent crimes more effective and improving solution rates. For its part as the flagship of information-sharing in NJ, the ROIC provides leadership, direction, and guidance to the RTCC–North and facilitates access to advanced analytics and additional personnel. RTCC–North has had an immediate and positive impact on crime-fighting efforts in the CorrStat region. This has resulted in greater efficiency of effort and increased information sharing.

#### REAL-TIME CRIME CENTER (RTCC–SOUTH)

Operating in similar fashion to the RTCC–North, the RTCC–South was established in March 2017 as the second satellite of the ROIC to service the Camden to Atlantic City corridor, as well as to the more populated communities of Bridgeton, Millville, and Vineland. RTCC–South provides actionable and timely intelligence, focusing on inter-jurisdictional offenders and emerging crime trends in Cumberland County. Similar to the CorrStat Initiative in the northern part of the State, the ROIC hosts monthly meetings in South Jersey that are referred to as South Jersey Status (SJ–Stat). Like CorrStat, SJ–Stat operates on the core value, “command-driven, intelligence-led, cross-jurisdictional information sharing and collaboration.” In the short time since its inception, both SJ–Stat and RTCC–South has proven to be a valuable asset to the law enforcement agencies operating in south Jersey.

#### DRUG MONITORING INITIATIVE (DMI)

In 2014, the ROIC implemented the Drug Monitoring Initiative (DMI) to assess drug activity in New Jersey and the surrounding region. The DMI establishes a multi-jurisdictional, multi-State drug incident information-sharing environment through the robust collection and analysis of drug seizures, overdoses, related criminal behavior and health care-related services. The DMI concept bolsters the development of policies and practices that enable interdisciplinary collaboration between public safety and public health agencies to address drug-related issues. This innovative approach enables the gathering and analysis of investigative and administrative data to develop a 360-degree view of the drug environment. A positive impact of the DMI has been its ability to interpret New Jersey’s drug environment through diverse data sets. This has led to direct support of law enforcement investigations through the collection and analysis of drug seizures, the creation of a heroin stamp database and increased awareness through law enforcement training. The capabilities of the DMI have also supported county prosecutor’s offices as they seek to charge suspects in strict liability cases from fatal drug overdoses. Furthermore, the DMI has enabled public health entities to target their outreach and addiction services efforts in a highly-focused manner, directly where drug overdoses are most frequently occurring. Lastly, the DMI has fostered the environment for law enforcement and public health to collaborate, resulting in a holistic and comprehensive approach to combating the State’s illegal drug problem.

The DMI initiative in New Jersey presents a template and opportunity for a similar Federal effort. By leveraging the National network of 78 State and local fusion centers across the country, the U.S. Department of Health and Department of Justice through the Drug Enforcement Administration can more closely monitor the

spread of illicit drugs, such as heroin and fentanyl across the United States. Information on State and local patterns of drug distribution and use could be transmitted to DEA on a daily or weekly basis to enable intelligence assessments. Those assessments might guide the tactical deployment of Federal resources in a manner similar to a FEMA response to a local or State emergency.

NEW JERSEY CYBERSECURITY AND COMMUNICATIONS INTEGRATION CELL (NJCCIC)

In early 2013, in response to the growing threat of cyber terrorism or cyber attacks, the ROIC was tasked with engaging with State partners from the New Jersey Office of Information Technology (OIT) and OHSP to develop a cyber mitigation and analysis function for New Jersey. The outgrowth of this tasking was the creation of the New Jersey Cybersecurity and Communications Integration Cell (NJCCIC). Located in the ROIC, the NJCCIC is New Jersey's "one-stop-shop" for sharing cyber threat information between and amongst local, State, and Federal authorities, as well as the private-sector and non-profit information sharing and analysis centers (ISACs). Its multidisciplinary analysis supports State-wide cyber risk management, incident response, and investigations. The NJCCIC is uniquely positioned at the intersection of local and Federal Government, with close proximity to New Jersey's critical infrastructure owners and operators. As such, the NJCCIC bridges the digital divide between the local cyber threat landscape and a diverse suite of operational assets across the public and private sectors.

Since the inception of the NJCCIC, law enforcement and homeland security agencies, as well as private-sector entities, have benefited from increased awareness of potential cyber vulnerabilities. The NJCCIC has leveraged its cyber subject-matter experts to analyze Nationally-generated cyber threat information and derive the specific implications for the State. Through partnerships and information sharing with the FBI and DHS, the NJCCIC is well-positioned to detect and mitigate cyber threats from nation-state actors. Furthermore, the NJCCIC has been instrumental in assisting law enforcement in New Jersey to understand the potential threats posed to them by their on-line presence and conduct.

CRIME GUN INTELLIGENCE CENTER (CGIC)

Over the last 30 months, the New Jersey State Police has processed over 5,000 crime guns under a revised Crime Gun Protocol. The protocol calls for a thorough forensic review of each crime gun allowing for the collection of fingerprints, DNA, and other biological and trace evidence. Data from the crime guns, defined as those weapons which have been used in a crime, illegally possessed/owned, or discarded, is then entered through the National Integrated Ballistics Information Network (NIBIN) and compared to other shooting incidents throughout the Nation. Results are generated and shared within 48 hours of submission to the forensic laboratory.

Thus far, the NJSP Crime Gun protocol has produced over 1,000 NIBIN hits which have assisted in over 3,000 investigations. Forty-three percent of the NIBIN hits generated through the program are cross-jurisdictional. This alarming statistic highlights the need for a regional approach to the proper investigation of gun crimes. Central to an effective strategy to address gun crime is a robust information-sharing environment where jurisdictions impacted by the same gun, criminal, or groups of criminals, can quickly develop, share, and act upon intelligence.

The goal of an effective crime gun intelligence program is prevention. Departing from the traditional application of firearm forensics which is aimed at prosecution, crime gun intelligence is driven by the belief that this information can be used to identify and apprehend shooters before they shoot again. Timely intelligence allows investigators to disrupt the cycle of gun violence much faster than ever before, thereby saving future gun crime victims.

The New Jersey model of crime gun intelligence also allows for the distribution of investigative leads through a cloud-based program which puts the power of crime gun intelligence into the hands of the detectives. Empowering the investigators with this information, sharing it across jurisdictional boundaries, and leveraging regional partnerships has proven to be critical components in the recipe for success.

Thank you, Chairman King, and your subcommittee, for your attention to this subject of great importance to the continued public safety and welfare of our country. I look forward to answering any of your questions.

Mr. KING. Thank you, Superintendent, and even if your mother hadn't initiated, we still would have said good things about you.

Mr. FUENTES. Thank you, sir.

Mr. KING. Maybe not as good, but you know, a serious thank you for your testimony. Our next witness is Boston Police Commissioner, Bill Evans. I had the pleasure of meeting and working with Commissioner Evans in the aftermath of the Boston Marathon bombing, where he and his predecessor, Commissioner Davis, they did a truly outstanding job and it is really a privilege to have you here today.

In the interest, not just of bipartisanship, but also of New Yorkers showing unusual love for Boston and Massachusetts, I will ask Mr. Keating to formally introduce you.

Representative Keating.

Mr. KEATING. Thank you, Mr. Chairman. I am sure that extends to the American League as well. I want to thank all of our witnesses for being here and for their leadership working with front-line responders who, as we sit here today, have mobilized to help meet the disaster needs in Texas and Florida, among other areas. Our prayers are with them and the people they are trying to assist.

It is my pleasure to introduce Commissioner William Evans, and someone I have known and worked with before, even dating back to when I was a district attorney. Commissioner Evans was appointed as the city of Boston's 41st Police Commissioner, by Mayor Walsh, on January 17, 2014.

Following in the footsteps of his oldest brother, former Commissioner Paul Evans, Commissioner Bill Evans has risen through the ranks of the Boston Police Department as one of its most capable officers.

After joining the department as a patrol officer in 1982, he rose and held the position of Civil Service Captain, the highest civil service position in the department, commanded two districts, has been superintendent in charge of the Bureau of Field Services overseeing 1,800 patrol officers across the whole city, and has been responsible for strengthening community relationships. Something that we saw recently with the Free Speech Rally and the success and congratulations on the way your department handled that.

Having received a Bachelors of Science Degree, among other degrees, he has an extensive background as an MPA from Anna Maria College, he is a graduate of the FBI National Academy, the Police Executive Research Forum Senior Management Institute for Police, the Center for Homeland Defense and Security, Naval Post Grad School, among many others.

Over his 37 years with the police department, Commissioner Evans has been witness to some of the city's best and worst days, from a peaceful decampment of the Occupy Boston movement after 70 days of protest in Dewey Square in Boston, to the marathon bombing and the capture of Dzhokhar Tsarnaev.

He has overseen the Department as it has brought crime rates to a 10-year low, in 2015, and has helped planned security for special events and partnered with State and Federal law enforcement successfully. A pillar of the commissioner's strategy that has made him so successful he is also a core part of suspicious activity reporting. That is, community engagement.

Through open dialog, transparency, and ensuring that there is a constant interaction between his department and the people of Boston, Commissioner Evans has created the trust that is truly nec-

essary for every police force to work effectively. I look forward, as my colleagues are, to hearing your testimony here today, and I thank you and your fellow witnesses for being here.

I yield back.

Mr. EVANS. Thank you, Chairman.

Mr. KING. Mr. Evans, you are recognized.

**STATEMENT OF WILLIAM B. EVANS, POLICE COMMISSIONER,  
CITY OF BOSTON, COMMONWEALTH OF MASSACHUSETTS**

Mr. EVANS. OK. Chairman King, Ranking Member Rice, and Members of the committee, on behalf of Mayor Walsh and myself, I want to thank you for allowing me to participate in the hearing today. My full testimony has been submitted to you for the record, and with your permission, I would like to make a few opening remarks.

As I reflect on the incidents of September 11, 2001, the importance of partnerships with law enforcement agencies, both public and private, in the public is only reaffirmed. In my 37 years with the Boston Police Department, I have seen policing strategies evolve and can state with certainty that, given recent world events, police community relations have never been more important than they are today.

As the police commissioner for the city, I continue to focus in on strengthening our relationship with the communities through the expansion of community policing efforts. Only with continued and persistent community engagement can we build trust, leading to the increased cooperation from the community, as an officer's role as a relation builder must be ingrained from the start.

For a Boston police officer, community engagement and dialog starts in the academy. While historically police training was focused on military-style training, times have changed and so has policing curriculum. Knowing appropriately policing tactics is important today, but so is learning to positively and reflectively engage and interact with the community we serve.

While in the academy, recruit officers interact with the community partners panel and perform a week of community service and they really do come out as community problem solvers. In addition to community interaction, the recruit curriculum focuses on procedural justice, bias-free policing, and de-escalation training. We have had many instances where we could have used deadly force, but the training has resulted in our officers not using that.

After completing the academy, community engagement continues and encourages the community to see something and say something. Members of the department and community leaders participate in peace walks in the neighborhood most impacted by violence. During the summer months, the department deploys our Operation Hoodsie Cup to interact with the youth of the community and the children, again, to foster interaction with officers in the community.

The department's relationship with the community is further enhanced by our strong social media presence. In the days following the Boston Marathon bombing in 2013, the department used social media to inform the public without inciting fear. Not only does the department coordinate with the community to solve crime, but co-

ordination with our law enforcement and private partners is an integral part of our success.

The department participates in Urban-Shield Boston, which is a multi-agency training exercise funded by the Department of Homeland Security, designed to enhance the skills and abilities of our region's first responders, as well as those responsible for coordinating and managing large events. I think we have seen after the Boston Marathon how effective that was in getting people to the hospital and decreasing the amounts of death. That was all a result of the training.

All Boston police officers also receive training on suspicious activity and characteristics reporting, led by the members of the Boston Regional Intelligence Center, with materials provided for the National Suspicious Activity Reporting Initiative, the NSI. They are in this training, officers are given examples of suspicious activities and reminded of behaviors to look for major, look for suspicious activity at major public events.

Department of Homeland Security analysis assigned to our BRIC are able to track suspicious activity reports, which allows them to identify trends and patterns, as well as share ideas with other offices.

Because of this, we were able to break up two major operations on this sharing where we had two individuals travel cross-country who wanted to shoot up the World Pokémon Championship. Through our partnerships with private and public, we were able to catch them and get two high-powered rifles before they shot that up.

Just recently we were able to intercept an MS-13 gang and take out a homicide suspect through the sharing of information with our partners. The success of the partners is directly attributed to the increased trust with the community through relationship building, information sharing, and increased awareness in training.

As Congressman Keating says, we have been able to reduce crime in our city by 38 percent over the last 10 years and we decreased the amount of arrests by 51 percent. So, we are not doing it by locking people up, we are doing it by lifting people up.

In closing, from Occupy Boston to our Boston sports team's victories parades to our free speech rally a few weeks back, without the community support and assistance we would not have been able to keep each of these events controlled and violence free.

Police need the trust and faith of the community they serve to effectively prevent, respond, and solve crimes. That trust is built through the tireless efforts of each officer, from the recruit officer to the police commissioner, to engage people in the community one conversation at a time.

Thank you again for the opportunity to speak today. I am happy to answer any questions the committee may have.

[The prepared statement of Mr. Evans follows:]

PREPARED STATEMENT OF WILLIAM B. EVANS

SEPTEMBER 13, 2017

On behalf of Mayor Martin Walsh and myself, I want to thank the committee for asking me to participate in this hearing today. As I reflect on the incidents of Sep-

tember 11, 2001, the importance of partnerships, with law enforcement agencies, public and private partners, and the public, is only reaffirmed.

In my 37 years with the Boston Police Department, I have seen policing strategies evolve significantly and can state with certainty given recent world events that police-community relations have never been more important than they are today. To that end, as the police commissioner for the City of Boston, I continue to focus on strengthening our relationship with the community through the expansion of community policing efforts, including proactive prevention and diversion for at-risk youth and their families, partnerships and collaborations with service providers, non-profits, and community-based programs, and expansive participation in neighborhood activities. Only through continued and persistent engagement with our community can police build trust, leading to increased cooperation from the community.

It is imperative that an officer's role as a relationship-builder be ingrained from the start. For a Boston police officer, community engagement and dialogue starts in the Boston Police Academy. While historically police training was focused on military-style training, times have changed and so has the policing curriculum. Knowing appropriate policing tactics is an important part of police training, but so is learning to positively and respectfully engage and interact with the community we serve. To that end, while in the Academy, recruit officers interact with a community partners' panel, perform a full week of community service projects, and complete community policing case studies. As part of the community service project, recruit officers are sent out into the community to identify and address a current community concern. At the conclusion of the project, recruit officers report out to the Command Staff on the problem-solving process, including a description of the problem, their recommended solution, and their overall experience with the community. I am a firm believer that officers are community problem-solvers at all levels, and these types of interactions serve as the foundation for a well-rounded and effective police officer.

In addition to the community interaction, the recruit curriculum now includes significant procedural justice and bias-free policing training. Ensuring that officers are aware of their inherent biases, and how those biases may affect their ability to do their job only further enhances their relationship with the community. In addition to the recruit training, bias-free policing has been stressed to all members of the Department. In July 2015, the Department issued its Bias-Free Policing policy and required all officers to complete an e-learning course as part of in-service training. The policy was issued to clarify the circumstances in which officers can consider personal characteristics, such as race and gender, when making enforcement decisions and to identify on-going efforts to ensure that biased policing does not occur within the Department. In addition to stressing community engagement and non-biased policing, Departmental training also focuses on de-escalation tactics. I could give countless examples of times when a Boston police officer would have been justified in using deadly force, but given the situation determined deadly force was not necessary. Boston police officers are instead trained to use de-escalation techniques and less lethal, or non lethal, force when confronted with the most difficult scenarios. The Department's focus on de-escalation has only served to increase the public's trust in the Department, and has been a key component to building confidence with our community.

After completing the Academy, Boston police officers continue to engage the community once out on the street, which encourages the community to "See Something, Say Something." Members of the Department participate in neighborhood Peace Walks in the neighborhoods most impacted by violence. In addition to police officers, these walks include members of the clergy and community partners, and provide an opportunity for citizens to personally interact with the officers assigned to their community. Similarly, each of the Department's 11 neighborhood stations run community outreach and youth activities through their community service offices including the Thanksgiving Turkey Giveaway, the Senior Citizens Ball, sports leagues, arts programs, youth/police dialogues, community service projects, neighborhood block parties, junior police academy, neighborhood "flashlight" walks, "Coffee with a Cop," safety briefings, neighborhood watch, and collaborations with local non-profit and faith-based partners. During the summer months, the Department deploys "Operation Hoodsie Cup" into our neighborhoods. Through the use of an ice cream truck, officers deliver free ice cream to children and community residents, again fostering one-on-one interaction with officers and the community.

Additionally, the Department has many programs focused on youth engagement. The Boston Police Teen Academy helps students connect with officers in their community, while also building character and learning life skills, all with a major focus on conflict resolution. Participants earn minimum wages for their program attendance and receive gift cards provided by local businesses to help with the purchase



of back-to-school clothes and supplies. Through Operation Homefront, a collaboration with the School Police Unit, the Massachusetts Bay Transportation Authority (MBTA) Police, School Safety, Social Service Agencies, and Faith-Based Organizations, the Department is able to further the idea that family is the first line of defense against gang activity and truancy. With information provided by our local schools regarding concerning behaviors that may affect school safety, officers and clergy members work together to conduct home visits for at risk youth. This collaboration provides a crucial link to parents in our neighborhoods and offers various resources for parents, students, and teachers to utilize when preventing problems for students in the public school system. Officers also participate in P.A.L. to PALS, a monthly visit to local Boys and Girls Clubs in Boston. The visits include a dialogue on the officers' assignment followed by a physical activity, such as officers playing basketball with the children. Similarly, the Department partners with the Boy Scouts of America to provide young men and women who have an interest in the field of law enforcement with career orientation experiences, leadership opportunities, and community service activities. The Boston Police Academy also hosts an annual "Big for a Day" in partnership with the Big Sister's Association. The program matches "little sisters" between the ages of 7 and 15 with women in the Department. Over the course of the day, Department personnel and the "little sisters" participate in a variety of police-related activities. Earlier this year the Department unveiled the "Bigs in Blue" program, which connects Boston youth with current police officers (Bigs) to build strong, trusting, lasting relationships between law enforcement, the city's youth, and their families. Also, in 2014, Mayor Walsh established Operation Exit—a program which places at-risk residents, including those with a criminal background, into a trade apprenticeship program. Through career readiness and occupational skills training, the program provides hands-on learning experiences with peer-to-peer mentorship to prepare participants for successful careers. This program has proven to be enormously successful, as the vast majority of those who have completed the program have left their criminal pasts behind, and are now thriving, productive members of our community. The Department's participation in these youth-focused events, as well as others throughout the city, further helps to break down walls between youth and police, support our community policing efforts and foster an on-going dialogue with our officers.

In addition to the extensive interactive community engagement, in August 2015, I created the Social Justice Task Force. The Task Force is comprised of command staff members and various community leaders, advocates, educators, and members of the clergy, all of whom meet on a periodic basis to discuss current issues facing the Department and the community. The goal of the Task Force is to engage community leaders and receive feedback on various Department initiatives and plans, develop solutions to current concerns, and ensure the right information is getting out to the community. The Task Force has provided feedback on recruitment efforts and the hiring and promotion process, re-instituting the Cadet program, and the Body-Worn Camera Pilot Program, to name just a few topics. Members of the Task Force have assisted with summer violence prevention efforts, encouraged the community to participate in Peace Walks, and participated in meetings in our neighborhoods to discuss the public's concerns and further improve our relationships with the community. Outside of the periodic meetings, I personally call on these trusted partners to seek guidance and feedback on emerging issues and concerns.

The Department's relationship with the community is further strengthened by our strong social media presence. In the days following the Boston Marathon Bombing in 2013, the Department used social media to inform the public without inciting fear, to instruct the residents on what to do, and to instill a feeling of safety within the community. This method of communication proved invaluable during such a difficult time in Boston. Since 2014 the Department has seen a steady increase in the number of social media followers, and currently has 496,000 Twitter followers, 190,000 Facebook followers (and has received 200,000 "likes"), 21,500 Instagram followers and receives an average of 2.46 million page views per year on the Department's website, BPDNews.com. Social media has allowed me to increase transparency and information sharing by posting the results of internal affairs investigations, seeking the identity of persons of interest and suspects in criminal activity, and seeking the community's assistance in locating missing persons.

While calling 9-1-1 remains the most commonly-used means to share information with the Department, our constant physical presence in the community, as well as our on-line presence, affords members of the public with additional avenues to share information with police officers. To that end, the Department also operates an anonymous tip line that allows people to confidentially send information, either by phone or text, directly to the Department if they observe a crime or other suspicious activity.

Not only does the Department coordinate with the community to solve crime, but coordination with our law enforcement and private partners is an integral part of our success. The Department participates in Urban Shield Boston—a multi-agency training exercise funded by the Department of Homeland Security designed to enhance the skills and abilities of our region’s first responders, as well as those responsible for coordinating and managing large-scale incidents, and other members of the community. This exercise identifies and stretches regional resources to their limits and strengthens incident command systems, while expanding regional collaboration and building relationships. Similarly, in June 2016, the Department, in collaboration with the Boston Red Sox, the Department of Homeland Security, and the United States Army Armament Research, Development, and Engineering Center, conducted a multijurisdictional counterterrorism exercise at Fenway Park. The objective of the training exercise was to prepare law enforcement officials, first responders, and Fenway Park personnel in emergency procedures and protocols in the event of a mass emergency. This exercise was the first of its kind across the Nation and included various threats (i.e., suicide vests, drones, and active shooters), as well as including a test of various security technologies (i.e., vapor dogs, anti-drone technology, and remote precision robotics).

All officers also receive training on suspicious activity and characteristics reporting, led by members of the Boston Regional Intelligence Center (BRIC), the 2013 Fusion Center of the Year recipient. During this training, officers are given examples of suspicious activities, including weapons collection, surveillance, recruiting and testing or probing of security, and are reminded of behaviors to look for during major public events. Officers have multiple options for reporting suspicious activity, including in a police report or by contacting the BRIC directly. Analysts assigned to the BRIC can provide additional information when such a report is received, through open-source research and information sharing with other law enforcement agencies. Additionally, Homeland Security Analysts assigned to the BRIC are able to track the event as a Suspicious Activity Report, which enables them to identify trends and patterns, as well as sharing information with other law enforcement agencies.

In addition to training with our partners, the Department has developed a comprehensive information-sharing partnership with our public and private-sector stakeholders called BRIC Shield, based in part on the NYPD Shield program. There are more than 1,000 stakeholders from the private sector and non-governmental organizations across the Metro Boston Region registered to receive and share information through BRIC Shield for public safety and homeland security purposes. The information shared includes the latest crime bulletins, pattern and trend analysis of criminal activity in the region, international, National, and regional analysis of homeland security incidents and threats as they relate to the region, real-time alerts and situational awareness updates. The BRIC also houses the Department’s Real-Time Crime Center, which allows analysts to monitor events in real time and provide officers with timely information, often as the incident is unfolding.

To further ensure the continuous flow of information, the Department has officers assigned to the National Network of Fusion Centers, the Joint Terrorism Task Force, the International Association of Chiefs of Police Committee on Terrorism, the Major City Chiefs Intelligence Commanders Group, and the National Operations Center. The Department’s representation within these organizations and committees further supports the continuous flow of information among our law enforcement partners. The Department also works with its local, National, and international partners to provide training and ensure the safety of those in these communities. For example, the Department partners with local hospitals in the “Run, Hide, Fight” training exercise to prepare employees in the event of an active-shooter situation, and has provided active-shooter training to countless schools, businesses, and agencies.

Information sharing with public and private partners has served as an invaluable tool in combating crime in our city. For example, in August 2015 the BRIC received an email from security personnel at a local convention center regarding a possible threat made on social media to the Pokémon World Championship. The information was evaluated by the BRIC and analysts were able to identify the suspects and send out a request for information to Boston area hotels. Upon the suspects’ arrival at the convention, the two individuals were stopped at the door by law enforcement and a search warrant was later executed on their vehicle. The men were taken into custody after officers found assault weapons and ammunition in the trunk of their car. Both men ultimately plead guilty and were sentenced to 2 years in prison.

Similarly, through collaboration with multiple agencies across the country to understand the dynamics of MS-13, a BRIC analyst identified a possible connection between a MS-13 member wanted in a series of assaults and an individual wanted

for questioning in a New Jersey homicide investigation. Working with its network of partners across the United States to share criminal intelligence, along with an investigation by Boston Police Youth Violence Strike Force officers, the Department confirmed that these suspects were in fact the same person and coordinated with representatives from the New Jersey Prosecutors Office to conduct a series of interviews with the suspect in Boston. This information and investigation ultimately resulted in the arrest of the suspect following his admitted involvement in the New Jersey homicide.

The success of the Department is directly attributable to increased trust with the community through relationship building, information sharing, and increased awareness and training. The on-going dialogue with our community and law enforcement partners, coupled with the targeted and strategic deployment of resources and an increase in training, has led to a steady decrease in Part 1 Crime over the last 10 years, with a 38% decrease from 2007 to 2016. Similarly, arrests have seen a 51% decrease during the same time period. This reduction clearly demonstrates that we are not arresting our way out of a problem, but instead focusing our efforts where they need to be—community engagement and strategic deployment. Our positive relationship with the community has also helped the Department handle our many large-scale events of the recent past. From Occupy Boston to our Boston sports teams' victory parades to the Free Speech Rally a few weeks back—without the community's support and assistance we would not have been able to keep each of these events controlled and violence-free. Police need the trust and faith of the community they serve to effectively prevent, respond to, and solve crimes. That trust is built through the tireless efforts of each officer, from the recruit officer to the Police Commissioner, to engage people in the community: One conversation at a time.

Mr. KING. Thank you, Commissioner. Obviously we are all proud that you are able to secure those victory parades. We just wish you didn't have as many victory parades, but maybe we will take care of that in the future. Thank you, Commissioner Evans, for your testimony.

Our final witness is, Mr. Joseph M. Flynn, the deputy director of Northern Virginia Regional Intelligence Center and lieutenant with the Fairfax County Police Department as well as the assistant commander of the Criminal Intelligence Division of the Fairfax County Police Department.

Lieutenant Flynn has a background in incident command management and currently assists as an instructor for crisis intervention training for first responders, interacting with individuals in mental health crisis and de-escalation techniques.

He has served in the U.S. Army Military Police Corp for the military district of Washington where he was awarded Soldier of the Year for 1989. Lieutenant Flynn has received numerous awards from the Fairfax County government and from Prince William County as he served as a volunteer paramedic.

Lieutenant Flynn regularly volunteers at local youth sports groups and community boards. Lieutenant Flynn, thank you for being here today and you are recognized for your testimony.

**STATEMENT OF JOSEPH M. FLYNN, DEPUTY DIRECTOR,  
NORTHERN VIRGINIA REGIONAL INTELLIGENCE CENTER**

Mr. FLYNN. Chairman King, Ranking Member Rice, and Members of the subcommittee, I am honored that I have been asked to represent the Northern Virginia Regional Intelligence Center as the NVRIC. I thank you for the opportunity to discuss the role and challenges faced by my regional fusion center and the remaining 78 Department of Homeland Security-recognized fusion centers in the United States and territories.

The See Something, Send Something is a mobile application that has been used by the public as well as professionals to photograph and text criminal activity, or suspicious activity, to the nearest fusion centers.

Once received, fusion center analysts must review and vet the information since activities reported by the public don't always rise to the level of criminality or the SAR standards. If the reported activity rises to the level of an SAR or crime, the analyst works it up as much as possible and then sends it to a field agent to investigate for investigative follow-up.

The agents then report their findings back to the centers for analytical reporting. In Virginia, the Suspicious Activity Reports, or SARs, come in a variety of sources such as the public, a terrorism hotline, cold fusion via the Virginia Fusion Center's website, See Something Send Something mobile application, law enforcement sources such as a State, local, Federal, and military police, as well as first responders from across Virginia who have attended the Fusion Liaison Officer or Suspicious Activity Reporting training.

The reporting has assisted law enforcement to identify subjects that have begun to support terrorist activities in the Commonwealth of Virginia, or individuals in criminal activities that law enforcement hadn't known about.

The NVRIC unfortunately doesn't have the same technological abilities to interact with first responder groups and establish easy SAR reporting methods as those at the Virginia Fusion Center. The majority of SARs sent to NVRIC are received through e-mail or telephone calls by partner agencies.

Through the dedicated work of the analysts of the NVRIC, they have provided on-site SAR training to local, Federal, and military police patrol officers in Northern Virginia and soon will expand that training to the fire and EMS professionals that serve Northern Virginia.

We have also provided training to the local school resource officers of Northern Virginia, specifically Fairfax County and Arlington County. During the tracking period of SARs by the NVRIC from October 2015 to September 2016, we have, on record, 292 SARs submitted.

As the NVRIC began to advance their SAR training and Fusion Liaison Officer Training Program aggressively, from October 2016 to just this July 2017, there have been over 300 SARs reported, showing an increase of 13 percent of reporting compared to last year.

Statements by first responders of the training have been common-themed. They didn't know the indicators that could be used in a SAR. They didn't know who to contact. They don't receive feedback from Fusion Centers of their Federal Government on the information they submit, hence they have stopped submitting SARs.

The analysts can attest that, because of the training that they are starting to provide, they are receiving SARs from agencies and first responders that have never been in contact with them in the past.

I am convinced that the on-site SAR training and developing a relationship between the Fusion Center analysts and the first re-

sponders will only enhance the SAR system and should produce an increase in SAR reporting.

Analysts have expressed that the diverse and simple methods of SAR reporting are well-received. Improvements are still needed in many areas of SAR reporting. Timeliness of reporting by first responders or having the report sent to the NVRIC can be days or even weeks after the initial contact where the observation has been observed.

Technology varies from center to center. DHS and other Federal law enforcement groups are constantly developing new applications that have a minimal cost or easy available training for first responders, but the private sector provides incredible applications that draw upon multiple data sources that can be molded into the center's work flows and record management systems.

But many of these programs have costs that are not attainable except by the largest of agencies. Grant funding and State and local government financial investments are getting reduced, if not completely eliminated, making it difficult to maintain or support the best technology available to help manage SAR reports and secure the data.

Investing funds into uniform Fusion Center technology allows for that technology and intelligence to be accessible by numerous law enforcement agencies. Smaller agencies will be able to invest their budgets into operational materials needed and the Fusion Center could be the regional or State-wide data management and intelligence provider.

The Suspicious Activity Reporting system will only be successful when the first responder community commits to the success of the program. Just attending training for the sake of meeting a training requirement will not produce successful results and strong partnerships.

This spans from the officer or the firefighter working the street to the executives and our political leaders that see the value in trusted information sharing and the Suspicious Activity Reporting program.

With your support, you will properly help fund DHS and the NSI program. State and local first responders need uniform training, data systems, and documented best practices. With DHS and fusion centers, such as the Northern Virginia Regional Intelligence Center, partnering to train first responders, executives, political leaders and our citizens will continually progress forward, finding new and better ways to keep America safe.

I would like to take a moment to recognize and say thank you to all of the law enforcement, firefighters, EMTs, emergency managers, hospital staff, and our military, who not only serve in Virginia in Fairfax County, but throughout our country and the world. I am blessed to work with the most dedicated analysts and law enforcement personnel in Fairfax County, Northern Virginia, and the National Capitol Region. I thank you for allowing me this opportunity to testify, and I look forward to your questions.

[The prepared statement of Mr. Flynn follows:]

## PREPARED STATEMENT OF JOSEPH M. FLYNN

SEPTEMBER 13, 2017

Chairman King, Ranking Member Rice, and Members of the subcommittee, I am honored that I have been asked to represent the Northern Virginia Regional Intelligence Center (NVRIC). I thank you for the opportunity to discuss the role and challenges faced by my regional fusion center and in a way represent the remaining 78 Department of Homeland Security (DHS) recognized fusion centers in the United States and territories.

Since assuming my position 13 months ago, I have charged directly into the world of law enforcement intelligence and have used my leadership and interpersonal skills to advance the role of the fusion centers in the National Capital Region in securing our communities. The key to valuable, timely, and relevant intelligence is based on information sharing and ensuring it is properly processed. The National Situation Awareness Reporting (SAR) Initiative (NSI), led by the Department of Homeland Security, has provided the framework needed by first responders, not just law enforcement, throughout the country. What I hope to impress upon you today is a comparison of my initial impression of the NSI program and what I have learned the 1 year since I have been in my current position.

The Northern Virginia Regional Intelligence Center has been in existence since 2004. In 2010, the Department of Homeland Security (DHS) officially recognized the NVRIC as a regional fusion center within the Commonwealth of Virginia. The NVRIC supports the jurisdictions of Fairfax County, Arlington County, Alexandria City, Prince William County, Loudoun County, every smaller city or town, Federal facility and military installation within those geographic borders. Strengthening our relationships with our National Capital Region fusion centers, Maryland Coordination Analysis Center (MCAC), Washington Regional Threat Analysis Center (WRTAC), and the Virginia Fusion Center (VFC) has been a priority. Fostering strong relationships among the numerous law enforcement agencies, fire/EMS services, private-sector businesses, transportation leaders, emergency managers, and our political leaders have led in a relatively short time period to improving our relevance in the area while still protecting the civil liberties of our citizens. Another unique feature of the NVRIC is that we have detectives assigned to the center that have security clearances. They have the ability to work with numerous Federal law enforcement groups, to include the Joint Terrorism Task Force.

Early on in my assignment, I recognized that our center had been lacking in some programs, to include participation in the Homeland Security Information Network (HSIN) and in SAR reporting. As of January 1, 2017, we are now leading members in the HSIN system and have championed the SAR program in Northern Virginia. We conduct monthly in-person meetings for analysts, detectives, and commanders where all participants are instructed to bring something to the table. That all agencies, no matter how small or isolated they feel in Northern Virginia, have value to help prevent crime and terrorism in Northern Virginia. The outreach of NVRIC leadership and staff has resulted in dramatic increase of participation by Northern Virginia law enforcement. For example, military police detectives now talk about criminal cases involving military personnel as victims and the regional meetings with local law enforcement have led to identifying the suspects from other States. Trust and open communication has been the key to the continuing success of the NVRIC and bringing multiple disciplines together to ensure our community remains safe from terrorism.

The strongest relationship the NVRIC shares is with our State fusion center partner, the Virginia Fusion Center (VFC). The VFC is managed by the Virginia State Police in Richmond, VA. The VFC and NVRIC communicate on a regular basis to improve information sharing and to ensure the centers complement each other. We cannot compete with each other or the result could be a loss of trust by our first responder community and each other. We have established clear roles of responsibilities for each center's area of responsibility. Should a center need assistance with an event or a request for information, the VFC and NVRIC can rely on each other to accomplish the mission. The relationship is so strong that the VFC has placed a lead analyst in the NVRIC to improve and coordinate information sharing.

The VFC has the primary role of managing the "See Something-Send Something" program. See Something-Send Something is a mobile application that can be used by the public as well as professionals to photograph and text criminal activity or suspicious activity to the nearest fusion centers (assuming the geolocation services are enabled on the user's device). In Virginia, that is managed by the VFC. Once received, VFC staff must review and vet the information since activities reported by the public don't always rise to the level of criminality or the SAR standards. If the

reported activity rises to the level of a SAR or crime, the analysts work it up as much as possible and then send to the VFC's field agents for investigative follow-up. The agents then report their findings back to the VFC for analytical reporting. If the See Something-Send Something report is identified coming from Northern Virginia, the VFC forwards the report to the NVRIC to begin the investigative process. The VFC manages a web page that allows citizens to report See Something-Send Something. The NVRIC does not maintain a stand-alone web page.

Suspicious Activity Reports (SARs) come in from a variety of sources such as the public, terrorism hotline, "cold fusion" via the VFC website, See Something-Send Something Mobile App, law enforcement sources such as State, local, Federal, and military police as well as first responders from across Virginia who have attended Fusion Liaison Officer or Suspicious Activity Reporting training. The reporting has assisted law enforcement to identify subjects that have begun to support terrorist activities in the Commonwealth of Virginia or individuals in criminal activities that law enforcement hadn't known about.

The key to the success of these programs is the analyst working closely with their law enforcement counterpart. A highly-trained analyst can process the limited information provided and quickly assess how the information is made actionable or not. Citizens filing anonymous reports of each other does occur, but the trained analyst must quickly assess if the claim made is real or without grounds. Information that does not reach a level of reasonable suspicion is purged. From the training received annually from the Bureau of Justice on protecting the civil rights of citizens and 28 CFR, fusion centers adhere to the guidelines set not to retain that information.

The NVRIC unfortunately doesn't have the same technological abilities to interact with first responder groups and establish easy SAR reporting methods as those of the VFC. The majority of SARs sent to the NVRIC are received through email or telephone calls from partner agencies. Through the dedicated work of analysts of the NVRIC, 3 to 4 days a week and occasionally 2 or 3 times a day, they have provided on-site SAR training to local, Federal, and military police patrol officers in Northern Virginia. The analysts have met with school resource officers prior to the opening of the 2017 school year and taught the fundamentals of SARs and how to send the information to the center. The fire analyst at the NVRIC is developing a SAR presentation for fire departments in Northern Virginia to help fire and EMS personnel understand how important they are to the fight against terrorism and how to report observed suspicious events.

Up until a week ago, SAR training provided by the NSI had not been present in the Washington, DC. area for a few years. The NVRIC staff assessed quickly the need to train first responders and provide examples to them of law enforcement field contacts made in the past of subjects that may have been identified as terrorist sympathizers. But now the NSI, the four National Capital Region fusion centers and the Joint Base Ft. Myer-Henderson Hall Police will be hosting a 3-day course to agencies throughout the region and country on Suspicious Activity Reporting. The leadership of the NSI have indicated they are more committed now to building the partnerships between DHS and State and local law enforcement.

During the tracking period of SARs by the NVRIC from October 2015 to September 2016, there were 292 SARs submitted. As the NVRIC began to advance the SAR training and Fusion Liaison Officer training program, from October 2016 to July 2017, there have been 331 SARs submitted, a 13 percent increase of SAR reporting compared to last year. It is difficult to assess if the increase in SAR reporting over the time period can be attributed to the on-site training provided by NVRIC analysts. Statements made by first responders at the training have been common theme. They didn't know the indicators that can be used in a SAR. They didn't know who to contact. They don't receive feedback from fusion centers or the Federal Government on the information they submit, hence they have stopped submitting SARs. The analysts can attest that because of the training, they are receiving SARs from agencies and first responders they have never been in contact with in the past. I am convinced that on-site SAR training and developing a relationship between the fusion center analysts and first responders will only enhance the SAR system and should produce an increase in SAR reporting.

Analysts have expressed that the diverse and simple methods of SAR reporting are well-received. Improvements are still needed in many areas of SAR reporting. Timeliness of reporting by first responders or having the report sent to the NVRIC can be days or even weeks after the initial contact or observation had been observed. Technology varies from center to center or State to State. DHS and other Federal law enforcement groups, including the Law Enforcement Enterprise Portal (LEEP), are constantly developing new programs or listening to their consumers as to what they need to function successfully with programs that have a minimal cost or easy available training. The private sector (commercial market) provides incred-

ible applications that draw upon multiple data sources that can be molded into the center's workflows and record management systems. Many of these programs have costs that are not attainable except by the largest of agencies. Grant funding and State and local government financial investments are getting reduced, if not completely terminated, yearly making it difficult to maintain or support the best technology available to help manage SAR reports and secure the data. Investing funds into a fusion center allows for that technology to be accessible by numerous law enforcement agencies submitting requests for information (RFI). Smaller agencies will be able to invest their budgets into operational materials needed and the fusion center could be the regional or State-wide data management and intelligence provider.

Post-September 11, 2001, the National Fusion Center system was developed to improve information sharing. Since I have assumed my position as deputy director, I have spoken with anyone and everyone that is willing to listen and learn. I have met with police chiefs that didn't know there was a regional intelligence center or find no value in the fusion center system. Fire chiefs claiming no one wants to share with them important information. Emergency managers stating they need intelligence, but don't receive anything from their law enforcement partners to help them prepare for possible activation. School system administrators advise they are receiving unconfirmed social media reports from their students or parents of imminent unsubstantiated school attacks and need assistance assessing the threat.

The role of the fusion center is incredibly important in a time when electronic messaging can be the difference between an evacuation or someone losing their life. The fusion center has to operate in a secure environment. The fusion center has to be able to process multitudes of data and information, usually in a short period of time. The fusion center can then provide verifiable, relevant, and timely intelligence to our leaders so they can make a well-informed decision. The fusion center should be considered the primary communication point to the Federal Bureau of Investigation (FBI) and Department of Homeland Security for State and local law enforcement, especially regarding Suspicious Activity Reporting.

The Suspicious Activity Reporting system will only be successful when the first responder community commits to the success of the program. Just attending training for the sake of meeting a training requirement will not produce successful results and strong partnerships. This spans from the officer or fire fighter working the street to the executives and political leaders that see the value in trusted information sharing and the Suspicious Activity Reporting program. With your support, you will help properly fund DHS and NSI program. State and local first responders need uniformed training and best practices. With DHS and fusion centers, such as the Northern Virginia Regional Intelligence Center, partnering to train first responders, executives, political leaders and our citizens, we will continually progress forward finding new and better ways to keep America safe.

I would like to take a moment to recognize and say thank you to all of the law enforcement, fire fighters, EMT's, emergency managers, hospital staff, and our military that not only serve in Virginia, but throughout our country. I have worked those long drawn-out overnight shifts. Received the ridicule or praise for doing a job I love. Since September 11, 2001 and every day after that as I flew over the Pentagon as a crew member of Fairfax 1, I saw and smelled the destruction, I have remained determined to keep my community, and now as a member of the NVRIC, my country as safe as possible. Thank you committee for allowing me the opportunity to testify.

Mr. KING. Thank you very much, Mr. Flynn. One thing, you know, a constant theme through your testimony is for this system to work, of reporting something, you know, when the average citizen sees something that requires cooperation with all levels of government.

Not to open up an old wound, but I remember after the Boston Marathon bombing, we had a hearing, Commissioner Davis was here, and there were questions about the extent of cooperation between the FBI and the Boston police. Has that situation improved and been rectified?

Mr. EVANS. Again, Congressman, I have been here almost 4 years, and I have had nothing but outstanding cooperation between the FBI, State, and all our agencies. To our Boston Regional Intelligence we all, we have daily calls with them. Hank Shaw, who is the SAC in the Boston area, anytime there is a major event, the



dialog is great. Whether it was recently the Free Speech, or we had tall ships come to Boston, you know, the cooperation has been excellent.

So, you know, I don't know how it was before that, Congressman, but since I have been in this position, you know, the information sharing, the partnership, there has been no issues whatsoever.

Mr. KING. Mr. Fuentes, Mr. Flynn, is that your—

Mr. FUENTES. Sure, I think most recently, or at least in the last few years, I think the appointment of Kerry Sleeper, at a very high-ranking level of the FBI, he was a State and local. He was a State police superintendent up in New England. I can tell you, having listened to all the events occurring around the world over the last 4 years, I mean, last several years, domestically and internationally, that dialog opens up almost immediately with the FBI with briefings.

There are very few of us at the State and local level who have access to those telephone conversations, who aren't aware of the information almost as it is occurring, and what the FBI is doing about it. That naturally feeds through the National Fusion Center Network, and a network of 78 fusion centers, to be able to push that information out to all levels of law enforcement within their States.

So, I couldn't be happier with the ability of the FBI to reach out to State and local now and get that information out.

Mr. KING. Mr. Flynn.

Mr. FLYNN. Sir, I have been in my position for 13 months, and in that time we have developed a very strong relationship with the Washington Field Office here in the District of Columbia. As they rotate and move personnel, we are always in contact with the next person. They are helping bridge those gaps for us, so we can continue our working relationships.

They have helped us with our security clearance issues. So now, I can have detectives, and so forth, actually help with the JTTF group, and I have more of them as a resource to help them on this side of the river, should anything happen in the Northern Virginia area.

The best example I can tell you, sir, is during the shooting in Alexandria, in regards to Representative Scalise was, it was the JTTF that actually called us to say, "Here is information that may be helpful to you, if you could start working it on your end." So we didn't have to get in the way, or bother anybody. They were actually trusting us, to come to us, and we fulfilled that obligation for them.

So, to me, that is as an example that they are actually wanting to work with us. They now believe in what we do and that we are here to work together for a common cause.

Mr. KING. Mr. Evans, in your testimony, you mentioned an incident where an MS-13 accused killer was apprehended because of this system. In my own district, we have had 17 murders in roughly the last year-and-a-half, committed by MS-13. In fact, today is the 1-year anniversary of two young girls who were actually butchered to death with machetes by MS-13.

So, obviously, this serves a real purpose, as far as going beyond terrorism. The only concern I have, the question I would have to

you is, does this in any way deter you for your anti-terrorist activities, or your anti-terrorism programs, by going off into, you know, day-to-day crime, as violent as it may be?

Mr. EVANS. It doesn't. It doesn't. I mean, they work together. You know, every day we do daily calls with all our partners, both all the local regional departments, as well as State and Federal. But, you know, to us, last year we had five murders related to the MS-13, 18th Street. But it coexists, for the most part, Congressman. It doesn't take us from our mission.

Mr. KING. Right.

Mr. EVANS. You know, we have an officer in the NARC here in Washington, permanently assigned here. So, we continually focus on local crime, as well as international events. So, you know, it really hasn't taken us away from the focus.

Like I said, recently, you know, we were able to get two July 4th events, the Free Speech, the tall ships. We have had quite a lot. We had the Super Bowl parade in February. You know, we have had a lot of major events. We have had a focus on that threat of terrorism. But focus on the local crime, it hasn't taken away one bit of our mission to keep not only the city safe, but the region safe.

Mr. KING. Thank you. My final question is to Mr. Taylor. You said in your testimony, you would like NSI to do more to engage the private sector. Do you have any thoughts or ideas as to how that can be done, to get the private sector more involved?

Mr. TAYLOR. Thank you, Chairman. I believe you start with a lot of this starts at the grass-root level and the local level, with the State and local partners that are there. They know the communities that are present that have access to certain data. They are in certain areas that, potentially could yield reporting of suspicious activity. So starting at the local level, I think, is invaluable.

Next, moving up to the State-wide level of a National network of fusion centers, leveraging outreach efforts that are done at that level, whether it is through the FBI system that they have, with outreach to State and local partners and private sector, which is really bringing together the State and local law enforcement and the private-sector communities.

From a DHS perspective, we have moved forward on corporate security symposiums throughout the country, throughout 12 regions, having one at least in every region over the past year, where we bring together private-sector security officers, brief them on threat, bring up the National Suspicious Activity Reporting, and make them aware of where we stand in the country today with regard to the counterterrorism threat.

That is a on-going process, but I think the private-sector piece is a vast task that all of us collectively will have to work to engage, to be accomplished.

Mr. KING. Thank you.

The Ranking Member, Miss Rice.

Miss RICE. Thank you, Mr. Chairman.

Mr. FLYNN. you were talking about the need to keep, not only get people, first responders and other people trained, but to keep them engaged in the fusion center and the sharing of information. How do you, how would you propose that you, you know, not just make

it about training, and then you get the training, and you do nothing with it, but you actually stay engaged, and are very proactive?

Mr. FLYNN. Yes, ma'am. I can really only speak for my center. What we have. What my marching orders have been for my analysts is we are staying very aggressive for developing our fusion liaison officer program.

We are training specific officers, whether it is in certain districts within our county alone, but all of our neighboring counties, such as Arlington, Alexandria. We are helping them stand up their programs because some of them have slightly fell behind.

Once we do that and we get them trained, we meet on a monthly basis face-to-face. There is no e-mail, there is no on-line meetings. We find a location and we bring everyone together. I ensure that they know that they have value to bring to the table.

We have done a lot of outreach, a lot of partnering where I have gone out and actually knocked on the doors of agencies and said, "I am here to talk to you. I would like to let you know what we can do for you, that we should be considered a force multiplier on your benefit."

What that has done is brought more and more agencies from different disciplines, whether it is military, Federal, State, and local law enforcement, and then all of the analysts, and now some of the private-sector companies that are involved in the analytics are starting to hear about what we are doing in Northern Virginia.

They are starting, now, to bring some of their resources to us, so that way we can expand our communication gap. What we are always trying to do is ensure that people understand that they are getting something from us, but we have value for what they are telling us.

The luxury for me is that I only have 1,000 square miles to cover, and I can drive from anywhere in Loudoun County to Alexandria in a short amount of time. We can host these meetings.

The issue will probably be for the larger fusion centers, such as the Virginia Fusion Center, which is in Richmond, how do they make that all happened between Bristol and Colonial Beach? Or how do you go to North Carolina and have one State center that is going to be able to meet with everybody on a regular basis?

It is a challenge for them that they have to find a way to identify. I have the luxury of being regional and small and having direct, one-on-one contact, and I have a multitude of analysts that maintain those relationships for me and are directed to maintain it.

So the other part of the program is that I find ways to bring training into the region to build those partnerships also. So I have had the Department of Homeland Security come in and give Intelligence Commanders courses. We are soon partnering with the NSI to put on a regional SAR class here in October, but I have the military sponsoring it for us, to put up the facility so we can have the whole National capital region engaged.

How—and I take that also because I chair the COG committee on intelligence, also. I have taken that same philosophy where we are trying to ensure that people understand they have value in what they are doing, and we need their information just as much as they need mine.

So we try to provide the feedback on a regular basis. We try to engage one-on-one on a regular basis. A lot of the time, now, we are getting the smaller agencies to call us first, saying, "I have something, can you help me with this?" We usually do provide that for them.

So as long as my analysts maintain that one-on-one contact and that partnership and that level of trust and those people understand that there is a level of value to what they are doing for all of us here in this room, even, it keeps them engaged. That is how I keep this program going. I keep investing in people's value.

Miss RICE. This is—my final question would be, to all of you, asking you to discuss the importance of maintaining robust funding for SAR. How important is that?

Mr. TAYLOR. I will start, ma'am.

I think, from a DHS perspective, as you mentioned earlier, the funding has, due to physical constraints, the funding has decreased over the years of the program. I think we can always do more with more funding.

What we have seen over the years that I have been here is a, while the number of SARs themselves have maybe stayed consistent as far as being reported, due to tightening of budgets and personnel, et cetera, that are allocated to the program, it does impact training. It does impact that level of being able to work, whether it is through on-line sources or in-person training with our State and local partners, to keep them up-to-date and refreshed.

The physical constraints actually definitely plays a part in that effort. I think it is probably more so done from a State and local effort, as far as what impact they can have because they are really the you know, the cops on the beat, out on the ground.

From us, it is more that corporate, how are we refreshing training programs, trying to make them relevant and usable for the front-line officers. But it is, it certainly has had an impact, I think, over the years. We would look forward to having dialog with your staff on how to fix that going forward.

Mr. EVANS. I think, I agree 100 percent. I think that, as local police agencies, we rely quite a bit on the whole idea of people, see—you know, "See Something, Say Something."

We carry on major events in our cities, and to be able to train the public to look for suspicious activity, and to train our officers, which has become key, to look when they are at these major events, whether they are at Fenway Park, where we recently did a training exercise on how to respond to an active-shooter event. But we train our officers, whether it is at any of these major events, to look at anyone approaching with the whole idea of recognizing the characteristics of someone who might be carrying a bomb or who might be carrying a gun.

So it is imperative that we keep this, the budget at the way it is, because we need the resources not only to train the public, who are our eyes and ears, but more importantly, for our officers to recognize the characteristics that might intercept what happened, you know, on April 15, 2013, which was a tragedy.

But we do work very closely with all our both private and non-government agencies. We have what is called the BRIC Shield, where, every day, a thousand of those agencies receive up-to-date,

real crime-time information on crime trends, as well as suspicious activity surrounding homeland security.

So, you know, they also receive the benefit, all the agencies out there, from the training they receive from us. So not only is it the police, the public, but it is also all our private and non-Government agencies who get it. So it is key in our battle to fight, you know, the terrorist threat right now.

Mr. FUENTES. So the success of the SAR initiative is apparent from the number of really successful and effective investigations that it has produced, as was pointed out by Mr. Taylor.

But, however, there is an infrastructure to this that requires training, technology, the hiring of analysts. All of that feeds into a system that makes these processes more effective, and particularly as it pertains to individuals we can send out to train these Fusion Center liaison officers who report back the things that see in their police departments.

In the case of New Jersey, that is 479 full-time police departments in the States. In the other States, there is many more than that. That is time-consuming, and it takes personnel to do that.

So I think the return on investment for the funding that is provided for this program is apparent. I hope it continues to include the funding of the UASI regions, from which at least the Fusion Center in New Jersey derives great benefits. So I would encourage that that funding level stay up or enlarge.

Mr. FLYNN. It is always hard to talk about finances, ma'am. I apologize. It is every day it is something in my head about the money. The reporting and receiving is very easy. Like I said, we get most of our information of our SARs through e-mail, a PDF file, a copy of a report, because I can't access other agencies' record management systems. So I have to rely on the FLOs to send me this data.

The hard part is, then taking it and putting in to a secure system that will hold on to it and meet the guidelines of the C28 CFR and so forth, and are we able to afford those systems to secure that data. That is one of the challenges that we have right now is, what can I affordably pay for and then maintain on a yearly basis with that subscription?

So, a lot of these software programs, I am sure you are aware, can start from anywhere from \$40,000 into my budget all the way up to well over \$100,000, if not millions for what we have. Again, I am sure you are aware from the New York issues going on. So, I am trying to constantly find new ways to leverage. How do we effectively spend the money and get the best value of it?

I have to get rid of other programs that may work well, but we are not using them. So we no longer pay for that software so I can go and get something else that is either a little cheaper or get something that we actually can show to our elected officials, we are getting value of what you are investing into.

As the superintendent stated, you know, one of the challenges for us, at least as Fairfax County, we were lucky, years ago, that our board of supervisors decided that there is value in hosting the Northern Virginia Regional Intelligence Center. They put up all the money for the county budget, pretty much, they pay for us to be there, but we still have to receive UASI grant funding. So as that

money comes and goes or they decide what we get, I have to go through the Metropolitan-Washington Council of Governments to get a determination. Am I going to be awarded that money?

This is the first year we have been told, you are starting with zero. You have to prove to us why you are going to get that money for next year. So it is a change in because they have to, and I understand where the executives are coming from. Are they getting value for what they are investing money into?

We do provide that investment, every day, to every agency in Northern Virginia, if not the State of Virginia, if not in the Capitol region. But are the executives getting the products that we are giving? Are they seeing our relationship building up and how the success stories that you are seeking, are they actually being told that that is what is happening?

So, there are success stories happening through the SAR program. We have been able to identify, recently, several things and it is actually firefighters who are giving this information to us now. There is other people the citizens are sending in stuff to the State of Virginia and they send it back up to Northern Virginia and it leads into a re-identification of an individual that maybe we weren't looking at, that we stopped looking at years ago.

So there are success stories. It is just a matter of, and I am sure the panel would agree, is affordably having technology that secures it and manages it for us safely and properly, and then, how do we give you a product that you could easily understand?

Miss RICE. Thank you.

Mr. KING. Thank you.

Gentleman from Texas, Mr. Hurd.

Mr. HURD. Thank you, Mr. Chairman.

Gentlemen, thank you all for being here. I just have one question and I will ask it of each one of you and, Mr. Taylor, have you start. But before I get to the question I am going to give you some context. I spent 9½ years as an undercover officer in the CIA, primarily overseas, I was in the agency before 9/11. It has been pretty amazing how information sharing has improved across the Federal Government and I would call that lateral sharing.

The area that we have improvement in is what I would call vertical sharing and that is getting information into you-all's hands and to local law enforcement. Because I think you have the most difficult challenge and that is the lone-wolf problem. My question is in the Orlando killer, he cased five locations.

I believe three of those locations had private security. My question is, in that scenario, are we training the private security or are the private security folks able to get and participate in the National, Nation-wide Suspicious Activity Reporting Initiative? Is their information getting into eGuardian? Who is looking at that?

So, I know we are talking a lot about what the public is providing, but when you talk about private security that we have at malls and places that are highly trafficked. Places that are, most likely, to have somebody in a car run through the public. How, what, talk to me, help me understand the kind of interaction we are having with private security. Mr. Taylor, I will start with you and then gentlemen if you all can talk about this problem unique to your area of operations that would be helpful.

Mr. Taylor.

Mr. TAYLOR. Thank you, sir, for the question. Let me start with the training. The training is the most valuable aspect here in making sure we reach out to a whole host of people who have access, for example, the private sector, the security officers. One of the two methods that we at DHS and our colleagues with the FBI pursue as far as training, one is in-person training, where physically experts—

Mr. HURD. So, let me ask you this Mr. Taylor. Is G4, are they, do they include when they on-board a new class of officials? Is somebody from your office or is someone talking to them about the NSI program or eGuardian?

Mr. TAYLOR. So, it could. It depends. A lot of this we will leverage to State and locals for some of that training. The National Suspicious Activity, NSI system has a pretty robust on-line system for training, where there are nine hometown security modulars in there for people to go on to.

It is an open website. One of those is focused on security guards, and I know Colonel Fuentes will comment on this in a second. As, in order to get a security guard license in the State of New Jersey, they are required to pass that training and present that. So that is something we have done in order to try to encourage and effect change and receive that reporting from those types of individuals.

Mr. HURD. That is really helpful with New Jersey as an example. Are there other States that follow this Jersey model that you know of, Mr. Taylor?

Mr. TAYLOR. I would have to go back and look into that.

Mr. HURD. Thank you.

Mr. Fuentes.

Mr. FUENTES. So we have a unit that is dedicated in the ROIC for exactly this reason. It is called the Private Sector Outreach Unit, and as Mr. Taylor pointed out, it does involve the training of private security guards, but it extends out to infrastructure like malls, airports, general aviation airports.

To emphasize what Mr. Flynn said, fire departments and emergency medical responders often see things because of the nature of the responses that they make. So it is very, very important for those individuals to be trained up. Also of some concern and I had alluded to this in my opening comments, is that some of these very industries have been used by people such as Omar Mateen and I know that is the case that you referenced.

In terms of becoming a security guard, and some of these professions that allow people to more normally access weapons as part of their profession, a lot of the holdings of those databases lie in the States. To go back to my comments, it is important for the States, who maintain those databases, to work in an enhanced integration model with the FBI and with DHS to make sure that nobody is falling through the cracks.

When an investigation may cease on an individual, if a State, from the outset of sending that guardian over to the FBI, also makes note of that individual, we could actually trip a wire in those databases to make sure that, over the course of 5 years, that we can maintain such reports. That person will not purchase a weapon.

Mr. HURD. Yes, and, look, I think the follow-up is all good, you know. I think we have so many examples. But it is that initial, you know, the initial contact with a potential lone wolf that has never come across the law enforcement's radar.

Colonel Fuentes, let me make sure I am clear. In the State of New Jersey, if you want to get licensed to be a security guard, part of your training is on the NSI program?

Mr. FUENTES. Yes, sir. They are instructed how to utilize that program.

Mr. HURD. Good copy, thank you. Mr. Evans.

Mr. EVANS. As far as, again, like I said, we have the BRIC Shield program, where we work with about a thousand private and non-Government agencies on these issues, on you know, the constant threat of, you know, terrorism and what not. We train up quite a bit with them.

You know, we trained at Fenway Park, we trained at the T.D. Knotts center on suspicious activity, as well as what should happen should we have an active-shooter training. We do it with all our hospitals in the area. We have constant training.

All our colleges, whether it is B.C., Boston University, Harvard, you know, we are always in constant dialog. So the sharing of information, suspicious activity and what to look out for, that is very much an on-going dialog.

Every day there is a call, and every day there is a bulletin that go out to all of these 1,000 partners in our BRIC Shield program to let them know, to train them, but also to be a partner. As far as the night clubs go, again, we are in constant contact, constant active-shooter training with them.

So the training that goes between all our private and non-government is constant. The sharing of suspicious activity is constant, and I think, you know, that is something I think that we take a lot of pride in on the partnerships we have, not only with all our Government agencies, but with all the private clubs, colleges, hospitals, as well as our sports facilities.

Mr. HURD. Thank you.

Mr. FLYNN. Yes, sir. I am not fully up to speed on everything, because I am just a regional center. What I can tell you about the State of Virginia, though, is if you are, there are levels of training that the Department of Criminal Justice Services provide to certify security officers in the State of Virginia.

Depending on the level, if they are going to be armed or not, can change what they have, and what are their main hours or how many hours they have to meet for accreditation, I am not really sure, sir. I do not believe that the SAR program is one of their topics that they spend, especially when it is difficult for me just to get to a police academy and explain to them what the SAR program is, so I don't think it is something a security guard—the other challenge is obviously, you have is you do have the private-sector, large, corporate security groups that are involved with the private with the fusion centers and ours.

We do provide them FOUO information and so forth that they can use at, let's say, Springfield Town Center or Tysons Corner. But it is the smaller ones that, you know, if they don't have to meet the DCGS standards, we may never even know who they are.



So as we work with, let's say, InfraGard and so forth, and try to build up that relationship with them, we are going to try to use them as an outlet of outreach to get to those other large, private-sector security guard programs and so forth.

Mr. HURD. Copy.

Mr. Chairman, I yield back the time I do not have.

Mr. KING. Thank you. Typical Texan.

Gentleman from Massachusetts, Mr. Keating.

Mr. KEATING. Thank you, Mr. Chairman.

Couple of major points that we got after the review we did in this committee on the Boston Marathon bombing and some of the red flags, it is encouraging to hear the information sharing consistently going forward and improving. That was one of them.

The other is, the multiplier affect that is there as a result of the information sharing, but also getting down to the first responders at the local and regional levels. Taking advantage of the numbers that are there and with Deputy Director Flynn's comments, one of the areas that I think we should really be gearing in on, is his comments regarding technology. The fact that it is not uniform, the fact that it is not available, because for the cost effectiveness, that, to me, is a great multiplier because you are giving those tools to directly go to the front-line level and I will just coordinate this with one other question.

Even though lone wolves remain our greatest fear, I am very concerned when you see attacks like the ones that occurred in Spain, the more coordinated, simultaneous attacks. I think the training, the communication, but also that technology and making it uniform could be very effective in dealing with that. What do you see for the ability to deal with these simultaneous attacks and the need for technological investment?

Mr. FLYNN. Sure, I will start off on the technology side of things. There has been a complete shift and change in the use of the technology and the ability to get information probably even within the last 12 months if not less.

With the changes of the protocols of social media companies, let's for say, we basically, it is almost turning off or killing companies that used to do that kind of work where you could buy an application, set your filters up, and boom, you could walk away and come back 2 hours later and see who has just made the latest threat to a school or a shopping center or a law enforcement agency or the Government.

That is no longer there anymore. The, all of you at this committee and myself and the people of this panel have the same skills and abilities now as my analysts do. It is just they do it more often and are used to the common terminology on how to do the open-source research, I would say.

I don't like to use the word monitor, we don't use the word monitor because we don't monitor our citizens. We are not going to violate their civil rights. We are in compliance with the training from the Bureau of Justice. So we are adhering to those standards. So, all we can do is, when there is a request for a threat assessment, we just do an open source whether it is through Google or anything else to say, hey, what is out there, what is a common term, what

is going on? That is the only way we can find this information that is out there on the world.

The other part of it now is the development of new applications that are encrypted, that the groups and the organizations, as they learn about what we can do in law enforcement and as we come out and we testify in the open setting or in court, they take that information and turn it into their intelligence.

So, for example, Charlottesville, when the Virginia Fusion Center thought there was only going to be a couple hundred people show up and all of a sudden 4,000 people show up, we are highly convinced now that they were using secured applications to communicate between each other and we have no way of finding out what they are saying, what they are doing.

So they will put something on social media saying, hey, please show up here and you might get five people that like it and then these executives that are sitting with me today have to make a decision based on either history or what the Fusion Center is going to tell them and say, hey, only five people liked this or said they are coming.

They may stand up a whole agency or just set up a whole CDU deployment of 20 guys and now they have to roll the dice of, do I get 5,000 protesters or are we still going to get those 10 or do I get nothing. That is the latest challenge that we have right now in law enforcement. So we try not, anymore to say, we don't know of any threats because we are not going to know because they are securely communicating with each other.

Mr. KEATING. What about the possibility of the simultaneous attacks? It presents greater challenges, too, because you just don't know logistically how far away they will be. But, being able to instantly coordinate information could be so critical there. Is there, are there any gaps or challenges you have that, resource-wise, we could be helpful with?

Mr. EVANS. I think the Homeland Security like, when we talk about Urban Shield, that is the whole idea. How do you respond to several incidents happening at the same time? I think, you know, we have, I think we have done at least three of those, multi-agency.

I want to go back to the Boston Marathon bombing. I think, you know, the ability for everyone to respond the way they did, and the ability of everyone knowing each other's capabilities, that is why we were able to take about 267 injured from the different trauma centers, and every one of them survived. That doesn't happen by accident. That happens by training between multi-jurisdictional agencies on several attacks in several areas.

That is why it is important to keep programs going, funded by Homeland Security, to carry on these type of operations. So if there is and we practice it. If there is an incident—

Mr. KEATING. So the UASI grants, for instance.

Mr. EVANS. Right.

Mr. KEATING. A great example, and you would be happy to know, even though they are cut 25 percent by the administration, their budget, House appropriations is actually increasing.

Mr. EVANS. Well, I appreciate it. But we practice. What if there is a bomb going off at the train station while we have something

going off at Fenway Park, and then you have an incident on a boat? That is what Urban Shield has been able to say. So we will say, "We will cover this, the State will cover this."

So, you know, we do train up on that, and we are always worried about that, but—

Mr. KEATING. We are seeing more and more in Europe and other areas—

Mr. EVANS. I agree.

Mr. KEATING. So there is no question someday, you know, we are going to be countering some of those challenges.

If I could, Mr. Chairman, one question. I am over my time. If I could have just one question, that I think should be addressed, that is in the minds of many with the SAR Program and things, and that is that there are active training and policies to make sure privacy rights and civil rights are protected in this.

I wanted to give you a chance, publicly, to explain how those things are implemented, and indeed, there are there, so the people that should be aware of that. Anyway, you want to—

Mr. TAYLOR. Sir, I think from a DHS perspective, privacy, civil rights, civil liberties, really for the NSI program, has been a cornerstone of the program since it began. It is something that is under periodic review, as far as the program, the data that is submitted into the NSI, proper review of the functional standards, the review of those indicators, et cetera, that are indicative, reasonably indicative, of terrorist operation preoperational planning. Those are constantly reviewed from a DHS perspective, and I would say, along with my colleagues from the FBI, it is something of utmost importance.

Mr. FUENTES. So, sir, I can tell you, before the lights go on on any of these initiatives, they are subject to legal review. I did mention this pilot we are looking to engage in with the FBI, which focuses upon enhanced integration at the front end of Guardian, and of investigations involving the State. Right now, that is under legal review.

So, we subject everything, to include every single report that comes out of the Fusion Center and that is thousands upon thousands of reports every year are subject to a privacy review. There is actually a component within the Fusion Center that DHS mandates, that takes a look. It is part of the intelligence cycle, before we put information out, that we make sure that it does not violate privacy interests or Constitutional liberties.

Mr. KEATING. All right, thank you very much. I yield back.

Mr. KING. Thank you, Bill.

I just have one question, and it is to Superintendent Fuentes. In your statement, you mentioned about an incident in Point Pleasant, New Jersey, which seemed to start from pretty, not-so-serious matter of some person threatening to kill his dog, and how that led all the way to a terrorist indictment. Can you just discuss that? Again, I think that is an example of how effective this program can be, and how something that may not seem that critical turns out to be very important.

Mr. FUENTES. Right, so that began in Point Pleasant, involved the Point Pleasant Police Department, and really involved a domestic disturbance, a domestic situation. The police did immediate fol-

low-up, and a very diligent investigation, and during the course of that investigation, they found a copy of *Inspire* magazine and particularly, an article that involved the construction of a device that could be, that we are seeing are common now, a pressure cooker device, in some of these instances, such as, even, I think, the Rahami incident.

So, I think it was the great work of that police department. It was the great work of the person who queued up the police department, which was essentially a SAR that was transmitted to the police department, and ended up with, actually, a case being picked up by the FBI to target this individual, who had plans to carry out an attack.

Mr. KING. Similar to the device used in the Boston Marathon bombing, I believe. Right? Thank you.

Listen, I am going to thank and, Kathleen, you have any, OK, I want to thank all of the witnesses for your testimony today. I found this extremely enlightening, extremely educational, especially coming on the first anniversary of September 11, I mean, the 16th anniversary of September 11, same week. To me, it, again, shows how we have to stay committed. We have to stay aware of what is happening, and this is a really vital, integral part of that. Also, the level of cooperation between the different levels of government, I think, is really, you know, very encouraging.

So, I thank all of you for your service, and I guess the best thing we can say is that the fact that the public may become complacent is because of the outstanding work that you are doing. So the job is to keep doing the outstanding work, at the same time, though, keep the public aware of what is happening. That you know, that is the challenge we face today.

But thank you for the great job you do, and I just advise you, the Members of the subcommittee may have some additional questions for the witnesses, and we will ask you to respond to those in writing. But pursuant to committee rule VII(D), the hearing record will be held open for 10 days.

Without objection, the subcommittee stands adjourned. Thank you very much.

[Whereupon, at 11:19 a.m., the subcommittee was adjourned.]

