# Work Group Recommendations

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*Numbers in parentheses correspond to Work Group recommendations.

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Where should states focus future efforts?

The Work Group examined a broad range of alternatives to improve terrorism prevention and response at the state level. In doing so, the group recognizes the importance of integrating new terrorism-related demands into the existing criminal justice framework, taking into account other law enforcement priorities, infrastructure and systems. Likewise, these other resources and assets should be mobilized to aid in the fight against terrorism. Furthermore, cooperation among the entire law enforcement community is imperative for progress.¹

The following list provides suggestions for states, ranked by urgency and potential impact for addressing critical counterterrorism issues and needs.² As states develop strategies concerning terrorism prevention and to a lesser extent, emergency response, they should consider the following recommendations.

**Intelligence and Protection**

1. Establish an intelligence fusion center to improve the collection, analysis and dissemination of information and intelligence for purposes of terrorism and crime prevention and control.

*Discussion:* Consensus among law enforcement experts suggests that improved intelligence sharing and analysis at the state level benefits national efforts for terrorism prevention as well as local crime prevention strategies. To this end, state and local law enforcement agencies must identify means to gather and analyze disparate networks of information more effectively and efficiently.³ The centralization of intelligence sharing and analysis at the state level, through one physical center or network of facilities, provides such a means. Among other benefits, intelligence fusion centers:

- enable and promote the sharing of information and intelligence among state agencies, between states and across intergovernmental boundaries;
- promote the development and implementation of uniform intelligence policies, practices, information systems and networks;
- foster terrorism and crime prevention strategies by centralizing analysis functions and responsibilities, thus incorporating the “all crimes” approach;
- serve as a “one-stop shop” in the state for the referral of suspicious activity and clarification of intelligence information; and
- build trust and relationships among key intelligence stakeholders.

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¹ The term “law enforcement community” refers to state, local, tribal and federal law enforcement entities as well as private security and enforcement organizations.
² The term “counterterrorism” refers to the states’ defensive measures used to reduce the vulnerability of individuals and property to terrorist acts (anti-terrorism) in addition to offensive measures taken to prevent, deter and respond to terrorism.
³ The term “agency” is loosely defined to include other organizational units such as departments, directorates, divisions and offices.
When developing and implementing intelligence or fusion centers, states should consider the following recommendations developed by the Fusion Center Focus Group, a subgroup of the Global Intelligence Working Group:

- **Governance and Oversight.** States should establish a fusion center governance structure that adequately represents all participating agencies. At a minimum, this governance structure should develop governance bylaws, a mission statement that reflects the specific goals and objectives of the fusion center and memorandums of agreements for all participating agencies and stakeholders.

- **Collaboration and Partnership.** States should integrate state, regional (intra- and inter-state), local (urban and rural), tribal and federal law enforcement agencies into the fusion center framework. To this end, states should locate all participants together to improve communications and overcome technological, cultural and jurisdictional barriers. This integrated approach should include other criminal justice stakeholders and systems such as probation and parole information networks. Additionally, states should consider consolidating or closely integrating new intelligence centers with the FBI-led Joint Terrorism Task Forces.

- **Funding.** States should consider a broad range of fusion center funding options, including, but not limited to: federal grant programs; forfeiture-related funds and resources; inter-governmental cost-sharing methods; and public-private partnerships.

- **Policies and Procedures.** Fusion centers should follow the guidelines and tenets outlined in the *National Criminal Intelligence Sharing Plan*. In addition, fusion centers should utilize formalized policies and procedures to clarify roles and responsibilities, ensure consistency and accountability and reduce liability. Privacy policies should be established in order to balance law enforcement’s need to share information with the privacy rights of citizens.

- **Security.** States should consider a broad range of security-related issues when developing fusion centers such as authentication, access control and confidentiality. Security clearances should be obtained for all participating fusion center personnel.

- **Personnel and Staff.** States should consider a balanced fusion center work force, including sworn and non-sworn personnel to conduct all necessary intelligence, investigations and analytical functions. Intelligence analysts are a critical fusion center component, providing support to investigators and customers that lack analytical tools and resources. Additionally, fusion centers should adhere to the training objectives outlined in the *National Criminal Intelligence Sharing Plan*.

- **Connectivity.** In developing the information network for new fusion centers, states should consider leveraging existing systems and those currently under development. Moreover, states should ensure that new information systems or databases are XML-compliant and meet existing standards.
- **Databases and Tools.** States should examine the needs for analytical services and intelligences products. This needs assessment will determine critical data sets and data gathering techniques. In doing so, states should leverage existing databases and information systems when appropriate and practical.

(2) **Pursue and invest in specialized intelligence analysts and analytical tools to provide a sustained counterterrorism capability, expertise and focus.**

**Discussion:** Consensus among experts suggests that improved intelligence analysis at all levels of government will greatly contribute to the terrorism and general crime prevention mission. According to the National Criminal Intelligence Sharing Plan, “Analysis is the portion of the intelligence process that transforms the raw data into products that are useful…without this portion of the process, we are left with disjointed pieces of information to which no meaning has been attached.” Traditionally, the function of intelligence gathering, analysis and sharing in state government falls under the investigative arm of the state law enforcement agency and has been extremely reactive to crimes. Today, terrorism and crime prevention missions require a much more proactive approach to identify terrorists before they act and deter or interdict acts before they occur. To meet this new need, states should pursue specialized intelligence analysts and improved analytical tools.

(3) **Identify a lead entity (e.g., department, agency, office) to coordinate the state’s critical infrastructure and key asset protection responsibilities.**

**Discussion:** According to a recent 50-state survey, 20 percent of state law enforcement agencies serve as their state’s lead agency for conducting critical infrastructure and vulnerability assessments. Seventy-one percent of state law enforcement agencies have a moderate or great amount of involvement in these activities. State officials, however, are generally unclear about state and local level responsibilities for conducting vulnerability assessments, determining critical infrastructure and key assets and monitoring the implementation of protective measures. Therefore, states should identify a lead entity to help establish clear lines of responsibility and provide coordination, including:

- identifying critical infrastructure and key assets;
- standardizing and conducting vulnerability and risk assessments;
- determining adequate protective and control measures and responsibilities;
- monitoring compliance with established protective and control measures; and
- serving as liaison with Protective Security Advisors (DHS) as well as other levels and agencies of government.

**Intergovernmental and Public-Private Cooperation**

(4) **Draft and implement a statewide counterterrorism program for the law enforcement community that supports the state’s homeland security strategy.**
Discussion: The Work Group recognizes the important roles played by the entire law enforcement community in terms of terrorism prevention and response. These new demands require unprecedented cooperation among all law enforcement entities concerning the sharing of information and intelligence and coordinated training. However, law enforcement relationships and responsibilities continue to be assessed and redefined, and will evolve due to the changing nature of terrorist threats, prevention needs and transforming operations and tactics. To effectively adjust to these changing conditions and provide clarity of purpose for the different levels of law enforcement, states should develop and implement a statewide counterterrorism program with the following objectives:

- to establish statewide terrorism-prevention objectives (e.g., establish standards and performance measures, identify critical infrastructure and key assets, conduct risk and vulnerability assessments, share and analyze information and intelligence);
- to establish priorities, roles and specific tasks under each objective and for all levels of law enforcement (sworn and civilian) and appropriate private sector organizations;
- to identify and plan for threats, risks and vulnerabilities in each state;
- to facilitate communication among the law enforcement community; \(^4\)
- to improve the allocation of resources by linking them to required tasks that support the counterterrorism program; and
- to mutually design exercises and training scenarios involving multiple agencies and homeland security disciplines.

Furthermore, the workgroup recommends that states take a lead and convening role in the development and implementation of this program and involve all appropriate state, local and federal law enforcement stakeholders in the process. The development and implementation of this program should be sanctioned by the appropriate legislative or executive authority in each state (e.g., statute, executive order, proclamation).

Develop standardized training programs and tools for state and local law enforcement agencies to improve terrorism prevention and response capabilities.

Discussion: According to a Homeland Security Presidential Directive issued in December 2003, preparedness is defined as “the existence of plans, policies, procedures, training and equipment necessary at the Federal, State and Local level to maximize the ability to prevent, respond to, and recover from major events.” Today, each state conducts in-service training for law enforcement officers, but training standards and activities vary among states. National training standards should be developed for state and local law enforcement personnel to achieve a baseline level of preparedness. Furthermore, states should consider computer-based programs and tools, utilizing CD-ROM and web-based methods. States should also consider “train-the-trainer” and other distributed learning methods and tools to achieve widespread application.

\(^4\) “Communication” refers to a broad spectrum of purposes and methods for transmitting information including the distribution of bulletins, instructions and protective measures.
Implement “regional” approaches for homeland security planning and operational purposes.

Discussion: Creating regions or zones helps to remove or reduce local jurisdictional barriers for operational purposes and may enhance homeland security planning efforts and distribution of federal grants. Regions typically consist of multiple counties and municipalities that follow pre-existing health, law enforcement or emergency management structures or share common resources and geographic characteristics. Among other benefits, regional approaches help:

- unite local planning efforts;
- identify local communities of interest and regional needs;
- identify state roles (e.g., assets, resources, capabilities) depending on regional needs;
- foster intra- and inter-state assistance agreements and compacts;
- foster regional cooperation and the acquisition and integration of interoperable of equipment and communications systems;
- promote cost-sharing to maximize states’ use of funds;
- capitalize on economies of scale (e.g., states may purchase higher quantities and more sophisticated equipment if it will be used by multiple jurisdictions/users);
- promote information and intelligence sharing and critical infrastructure protection;
- create a network for regional knowledge sharing; and
- facilitate state management of homeland security strategies, activities and grant programs.

States should consider aligning regions with an interest in homeland security (e.g., health, emergency management, fire, police) to facilitate homeland security planning, administration and coordination.

Build partnerships with key residential, commercial property owners and security personnel and provide them with resources and tools to identify and report suspicious activities.

Discussion: Providing communities with the resources and tools to report suspicious activities and other “information of interest” is a critical component to preventing acts of terrorism. Landlords, retail owners and security personnel typically know their properties, residents and employees much better than law enforcement agencies. Therefore, partnerships between law enforcement and these groups and associations provide the necessary means to disseminate information and build mutual understanding and trust.

Develop and implement a public education and outreach plan that establishes and formalizes public information policies and procedures that relate to terrorism prevention and response.

Discussion: Public education and outreach is a critical component of each state’s terrorism prevention and response strategies. However, many states lack formal plans and procedures that address risk communication, issuance of warnings and instructions and
guidance for businesses and community leaders. A public education and outreach plan, at a minimum, should:

- issue warnings, watchlists, bulletins and other instructions to state and local government entities;
- provide guidance and instructions to businesses and the public at large on identifying and reporting suspicious activities;
- delineate the homeland security advisory system and provide recommended responses for local governments, businesses and the public;
- update local governments, businesses and the public on homeland security activities; and
- inform local governments, businesses and the public about volunteer and community service opportunities and additional sources of information.

(9) **Provide technical assistance and training to local governments on the application and administration of homeland security grants.**

*Discussion:* Generally speaking, federal grant programs and processes are not fully understood by local law enforcement agencies. Furthermore, many local agencies are overwhelmed with stringent planning and processing deadlines. They may lack the administrative and planning resources and support to fully engage and participate in homeland security grant programs. In response, states should examine existing outreach strategies and collaborate with local agencies to develop improved means of assistance and support. Regional grant planning is one solution. States should also explore ways they can use visiting technical assistance teams comprised of state-level planners and administrators to respond to requests for assistance.

(10) **Explore methods to improve communication and collaboration among state law enforcement agencies on national and regional levels.**

*Discussion:* State agencies are playing critical roles in terrorism preparedness. They are assuming many new responsibilities, in addition to providing critical assistance to local police departments and sheriffs’ offices. Most often, they are the critical link between local and federal law enforcement efforts and are leading new statewide intelligence sharing and analysis efforts. Despite these demands, however, few mechanisms exist to bring these agencies together to foster the sharing of practices. Informal partnerships have surfaced among states and also within given regions. However, little organizational knowledge and support for these efforts exists. State and federal leaders should examine current mechanisms to assist state law enforcement agencies (e.g., partnerships and professional organizations), target shortcomings and gaps, and identify solutions to improve communication and collaboration across state lines.

(11) **Identify rural law enforcement challenges and solutions, particularly those surrounding agricultural security.**
State officials face unique challenges in rural areas. First, there is a general lack of urgency by many in rural areas because of a perceived lack of threat and risk from terrorism. Second, local police departments lack personnel and resources to participate in state-level activities including homeland security planning and operations. In general, rural areas tend to rely highly on state agencies for general law enforcement support. As a consequence, new demands are placed on state agencies in conducting homeland security education, outreach and operations in rural areas. Agricultural security should be given high priority by law enforcement agencies in rural areas. Due diligence requires that state and local law enforcement officials understand responsibilities and procedures for responding to cases of foreign animal and plant diseases.

Support and participate in Joint Terrorism Task Force (JTTF) structures and activities.

Consensus among law enforcement experts suggests that FBI-led Joint Terrorism Task Forces foster improved cooperation among law enforcement partners toward terrorism preparedness. Although each of the 66 local JTTFs rely on a common intergovernmental approach, each Task Force is managed and structured differently, with varying levels of participation by state and local law enforcement officials. This flexibility helps the FBI adapt to and address state and local characteristics and nuances. In return, states should continue to support and promote JTTF activities with local governments and agencies. Additionally, some states are co-locating new state-level intelligence centers with their resident JTTF. States should ensure that intelligence centers are closely linked to JTTFs, regardless of location.

Integration with the Criminal Justice System

Recognize and embrace the “All Crimes” approach for terrorism prevention.

Consensus among law enforcement officials suggests that a nexus exists among types of criminal activity, including illegal drug operations, money laundering, fraud, identity theft and terrorism. Therefore, an “All Crimes” approach to terrorism prevention should be embraced by the states. This strategy ensures that possible “precursor” crimes are screened and analyzed for linkages to larger-scale terrorist activities. Furthermore, experts believe that terrorists will behave like fugitives if pressured by law enforcement from many different levels and angles. Thus, terrorists will become vulnerable by resorting to criminal activity to support terrorist-related operations. Emergency management professionals utilize a similar approach (“All Hazards”) for emergency response and preparedness.

Develop and implement protocols to leverage all criminal justice and regulatory personnel, resources and systems in identifying and reporting “precursor” crimes.

States would benefit from improved communications and connectivity to the criminal justice system at large. State and local law enforcement agencies are taking lead roles in building states’ intelligence sharing and analysis capabilities. It is widely
accepted that terrorists are often involved in other criminal activities or “precursor” crimes to help finance operations, gather equipment and goods and prevent detection. Identifying terrorists who enter the criminal justice system is one critical method of detection. Therefore, improved connectivity between criminal justice information and resources and states’ counterterrorism operations would assist in the identification of terrorists. To this end, states should:

- Develop and promote training programs for state and local law enforcement agencies and prosecutors in identifying and reporting suspicious activities and “precursor” crimes. According to the Bureau of Justice Statistics, there were roughly 700,000 full-time, sworn state and local law enforcement personnel in 2000. These personnel work closely with approximately 3,000 prosecutors’ offices nationwide on gathering and processing criminal evidence. New training programs should be developed and implemented to assist these agencies and offices in reporting suspicious activities and identifying “precursor” crimes.

- Develop methods and systems to scan court-related cases and documents for “precursor” crimes and other security-related information. Probation officials are generally responsible for preparing pre-sentence investigations (PSI) for the courts. These documents typically provide judges with a criminal history of the accused, circumstances surrounding a crime and other information relevant to sentencing or bail decisions. PSIs, bail determination forms and other court documents could be modified to assist prosecutors and other law enforcement officials in identifying homeland security-related information.

- Identify reporting indicators and procedures for probation and parole officers and explore partnerships among the law enforcement and probation and parole communities. Roughly 80,000 probation and parole officers nationwide must work closely with neighborhood groups, including those in ethnically diverse communities. Correctional officers generally maintain excellent situational awareness due to these partnerships and regular home visits. With proper training, probation and parole officers could serve as an extra set of “eyes and ears” in communities to report suspicious activities and possible signs of terrorist activity.

- Identify reporting indicators and procedures for state and local regulatory agencies (e.g., health and human services, social services, licensing agencies, housing authorities) on identifying and reporting suspicious activities. Like corrections officials, many state and local regulatory agencies and personnel work in urban and rural communities. With training and resources, these government officials could also provide valuable information to law enforcement and security officials regarding suspicious activities.

(15) Pursue a balanced state law enforcement work force, assigning personnel with specialized skills and expertise for terrorism prevention to general or all-purpose law enforcement efforts.
Discussion: This recommendation is grounded on two premises. First, a clear need to educate and train specialized analysts for the counterterrorism mission exists. The risks and stakes associated with acts of terrorism are very high and a dedicated work force prevents “mission creep” into other crime-fighting efforts. Second, law enforcement officials believe there is a nexus among types of criminal activity, including illegal drug operations, money laundering, fraud, identity theft and terrorism. These relationships are unclear. However, criminal activity and cases need to be analyzed for linkages to possible terrorist organizations, persons and activities. Therefore, states should strive to meet a baseline prevention capacity, and otherwise capitalize on general crime-fighting resources.

Governance and Legal Issues

(16) Examine and update state laws to aid in terrorism prevention and response efforts.

Discussion: State and local law enforcement agencies will prevent future terrorist attacks only by identifying and investigating suspicious activities and persons, analyzing “precursor” crimes for their association to larger terrorism efforts and sharing critical information among agencies. Statutory provisions and their associated authorities (or lack thereof) may hinder or enhance these efforts. States have enacted and continue to explore statutory provisions that strengthen their state and local law enforcement’s capabilities to fight terrorism without overstepping constitutional boundaries. To further enhance these efforts, states should review and refine terrorism- and security-related statutes and seek promising models from other states, including:

- freedom of information/public record laws for intelligence files and critical infrastructure information;
- access to vital records such as birth and death certificates;
- search, seizure and privacy laws;
- investigations of suspicious activity;
- isolation and quarantine laws;
- sharing of information and intelligence among law enforcement and non-law enforcement entities;
- use-of-force laws for the protection of critical infrastructure and key assets; and
- financial incentives to stimulate security reforms among private-sector partners (e.g., insurance and tax incentives).

(17) Establish a principal point of oversight and review for homeland security through legislative committee or multi-branch commissions.

Discussion: In many states, legislative oversight is provided through individual disciplines and policy areas such as agriculture, military affairs, public health and public safety. Like the 9/11 Commission’s recommendation for consolidated oversight at the federal level, states should examine and restructure legislative committees where necessary to enhance awareness and oversight of homeland security activities. Furthermore, states should consider holding periodic informative meetings of top
executive and legislative leaders, and forming multi-branch commissions to evaluate and assess homeland security progress. In establishing these committees and commissions, states should consider instances to convene closed meetings as well as the confidentiality of sensitive information.

(18) **Codify the state’s strategic homeland security planning structures, processes and responsibilities into law.**

*Discussion:* Relationships and responsibilities among homeland security stakeholders continue to evolve due to the changing nature of terrorist threats, prevention and response needs, and transforming operations and tactics. State-level roles continue to be assessed and redefined. Exacerbating these challenges is a general lack of clarity among states’ overall homeland security mission. To effectively adjust to these changing conditions and provide clarity of purpose for homeland security stakeholders, states should codify certain aspects of the homeland security mission into law. Example sections include: key terms and definitions; roles and responsibilities of the homeland security director/coordinator; strategic planning processes and stakeholders; regional structures, functions and processes; and general duties and responsibilities for the primary state-level stakeholders such as agriculture, emergency medical care, emergency management, fire service, law enforcement, military, public health, public utilities and rescue.

(19) **Examine and update public record laws to ensure the adequate protection of private-sector information and documents gathered or sent for homeland security purposes.**

*Discussion:* Private companies own and operate more than 85 percent of the nation’s critical infrastructure and key assets. Developing partnerships with the private sector is critical to identifying vulnerabilities and mitigating risks. To help foster this partnership for homeland security, states should ensure that industry-sensitive information is held in confidence.

(20) **Draft a comprehensive volume of Model State Terrorism Laws to provide states with a benchmark for measuring the effectiveness of existing counterterrorism statutes.**

*Discussion:* States have enacted and are exploring statutory provisions that strengthen their state and local law enforcement’s capabilities to fight terrorism. According to a survey by the American Prosecutors Research Institute, 45 states have passed 67 new statutes concerning terrorism since 2001, creating an aggregated total of 143 new offenses at the state level. New statutes address precursor crimes; threats, hoaxes, and false reports; actual incidents; and investigations and prosecutions. However, a collection and comprehensive evaluation of these new law enforcement and prosecutorial tools and authorities is lacking. An expert group of state policy-makers, practitioners and academic experts should be convened to identify promising statutory provisions and make recommendations of model state terrorism laws to the states. Model state laws provide policy-makers with a research-based benchmark of promising statutes to evaluate existing
counterterrorism laws. Not only do they provide states with meaningful ideas; they also promote vast implementation by translating good ideas into usable language consistent among the states.

**Other Homeland Security Priorities**

(21) **Ensure the sustainability of homeland security initiatives.**

*Discussion:* As a condition of accepting funds, states should ensure that state and local agencies have plans in place to sustain newly acquired equipment and capabilities for the long term. Future homeland security grant proposals and initiatives, therefore, should sufficiently demonstrate these long-term obligations, strategies and plans.

(22) **Adopt and support the National Incident Management System (NIMS) and Incident Command System (ICS), as mandated.**

*Discussion:* According to the 9/11 Commission Report, “emergency response agencies nationwide should adopt the Incident Command System.” Established through Homeland Security Presidential Directive/HSPD-5 (Management of Domestic Incidents), the National Incident Management System and Incident Command System provide a “combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, designed to aid in domestic incident management activities.” States should adopt and integrate NIMS and ICS into all response planning, training and exercises.

(23) **Enhance the integrity of driver’s license documents and systems by supporting national standards for physical security features and state-level issuance requirements.**

*Discussion:* The 9/11 Commission recommends that standards be developed for “the issuance of birth certificates and sources of identification, such as driver’s licenses.” Many public documents of identification such as driver’s licenses, birth and death certificates are managed at the state level. Today, states are feverishly working to improve security features on these documents and refine issuance requirements. Additionally, states are developing and implementing new technologies and training for police officers to better identify fraudulent driver’s licenses. States should continue these improvements and pursue national standards for physical security features and state-level issuance requirements. Security features on the driver’s license document should include nationally accepted biometrics and standards.

(24) **Adhere to the “dual-use” rule of thumb for the purchase and procurement of homeland security equipment.**

*Discussion:* Equipment purchases at the state and local levels should serve a “dual-use” or provide value to homeland security and other more general public safety functions. States must take innovative approaches to the procurement of equipment in an era of
general scarcity of resources and high demands for public safety. Furthermore, homeland security equipment purchases should provide optimal use and value to the law enforcement community.

(25) **Promote and advance the U.S. Department of Homeland Security’s Lessons Learned Information Sharing (LLIS) network to state and local stakeholders.**

*Discussion:* The Lessons Learned Information Sharing (LLIS) system is a national network of lessons learned and best practices for homeland security officials at all levels of government including law enforcement. Managed by the National Memorial Institute for the Prevention of Terrorism, LLIS contains secure and restricted-access information designed to facilitate efforts to prevent and respond to acts of terrorism across all disciplines. Additional efforts should be made to expand and promote LLIS to include all criminal justice stakeholders and resources.
What issues and needs require an intergovernmental approach?

Cooperation among state, local, tribal and federal law enforcement agencies and the private sector is critical to the progress and success in thwarting and responding to future acts of terrorism. Since 2001, law enforcement agencies have generally enjoyed unprecedented levels of cooperation. For example, the FBI-led Joint Terrorism Task Forces build key partnerships and foster the sharing of information and intelligence across intergovernmental and jurisdictional boundaries. Many issues exist in states that require a national law enforcement effort, led by the federal government or the states collectively, such as the need for uniform standards. To address these issues, the Work Group recommends the following intergovernmental actions.

**Intelligence Sharing and Analysis**

1. **Implement the new-generation Joint Regional Information Exchange System (JRIES) as the primary system of exchange for intelligence and tactical information.**

   **Discussion:** The Joint Regional Information Exchange System (JRIES) allows multiple jurisdictions and disciplines to receive and share intelligence and tactical information. The new-generation JRIES, entitled the Homeland Security Information Network (HSIN), provides a platform for state, local and federal partners to share sensitive but unclassified and secret information. This new system supports the law enforcement and counterterrorism missions, while providing connectivity to other partners including state homeland security advisors, adjutants general, and emergency operations centers. Key state and federal law enforcement agencies including the FBI should adopt and implement JRIES/HSIN through the national Joint Terrorism Task Force and state intelligence center structures.

2. **Develop standards for information classification and security clearance systems.**

   **Discussion:** State and local officials are concerned by the lack of a uniform information classification system among federal agencies (e.g., top secret, secret) and related security clearance systems. Many state and local officials require, but lack, security clearances, and the classification received on federal documents and information often varies from agency to agency. In 1995, the President signed Executive Order 12968 (Access to Classified Information). This Order established that “background investigations and eligibility determinations conducted under this Order shall be mutually and reciprocally accepted by all agencies.” However, the interpretation and implementation of this Order varies widely among federal departments and agencies, affecting the handling of information among state and local agencies. An examination of this Order and improvements to the information classification and security clearance systems in general is needed with input from federal intelligence agencies as well as state and local governments. Ultimately, standards will ensure that stakeholders and decision-makers at all levels of government receive and disseminate information and intelligence in an effective, consistent and timely manner.
(3) Develop a National Intelligence Strategy and Plan that incorporates state and local assets.

*Discussion:* States are generally unclear about their specific roles and responsibilities in the national intelligence framework. Despite this lack of clarity and direction, states are developing innovative policies and procedures to address the intelligence shortfalls and gaps. A National Intelligence Strategy and Plan should be developed to prevent stovepipe systems among the states and to clarify the intelligence roles and relationships among federal agencies (e.g., CIA, DHS, DOD, and DOJ). Additionally, this Strategy and Plan should address the spectrum of intergovernmental and public-private relationships and information sharing, especially those that exist among state-level systems.

(4) Develop information and intelligence gathering, as well as analysis and dissemination standards for the state and local law enforcement communities.

*Discussion:* The Global Justice Information Sharing Initiative produced and disseminated the *National Criminal Intelligence Sharing Plan* in April 2004, providing a national framework for intelligence-sharing standards. The Criminal Intelligence Coordinating Council and Global Intelligence Working Group continue work on identifying barriers and solutions to improving national intelligence operations. Additional efforts should be made to promote and advance this work across the states.

(5) Develop national training and education standards for intelligence analysts.

*Discussion:* The Global Intelligence Working Group is pursuing efforts to develop intelligence training standards for intelligence analysts, intelligence managers, law enforcement executives and general law enforcement officers. Additional efforts should be made to promote and advance this work across the states. Furthermore, a lack of educational standards and programs for intelligence analysts exists. An educational needs assessment should be conducted that includes an examination of existing academic programs across the country.

(6) Expand the pool of qualified state-level intelligence analysts.

*Discussion:* A current shortage of resources, knowledge and experience of intelligence analysts at the state and local levels exists. Therefore, a national education and training program should be developed that highlights and utilizes existing intelligence-related schools, academies and curriculums. This national program should provide general and specialized training opportunities for intelligence analysts at all levels of government. Furthermore, a program that cross-trains and cross-places federal intelligence analysts with state and local governments and vice versa for a determined period of time would foster knowledge sharing among federal, state and local partners and build mutual understanding.

(7) Establish a State and Local Intelligence Advisory Council to advise the new Director of National Intelligence.
Discussion: A State and Local Intelligence Advisory Council, equivalent to the Homeland Security Advisory Council, should be established with several key purposes: advance and promote the work of the Global Intelligence Working Group; advise national leaders on state and local intelligence matters; and represent the interests of state and local governments in the development and implementation of national intelligence policies and practices. Like the Homeland Security Advisory Council, which provides advice and recommendations to the Secretary of Homeland Security on state and local matters, this Council should be comprised of leaders from state and local governments and the private sector. Ultimately, this Council should be responsible for making specific recommendations to federal leaders on improving domestic intelligence operations at the state and local levels.

(8) Develop an accreditation program for state and local terrorism prevention, intelligence sharing and analysis programs.

Discussion: An accreditation program should be developed based on compliance with national standards for terrorism prevention, intelligence sharing and analysis. Compliance should be demonstrated through self-assessment, documentation, and an on-site assessment by an independent team of assessors. Such a program would allow state and local governments to demonstrate compliance with prevention and intelligence sharing and analysis standards, and also encourage the examination of strengths and weaknesses. The Emergency Management Accreditation Program and Commission on Accreditation for Law Enforcement Agencies should be examined as possible models. Ultimately, the accreditation program would strengthen the states’ capabilities to prevent future acts of terrorism.

Other Intergovernmental Issues and Needs

(9) Restore support for state and local law enforcement and criminal justice programs that support drug enforcement and community policing initiatives.

Discussion: Today, state and local law enforcement agencies are required to address many new terrorism-related demands in addition to fulfilling traditional law enforcement duties. These agencies are allocating personnel and resources toward FBI-led Joint Terrorism Task Forces, intelligence sharing and analysis, border and port security operations, commercial vehicle enforcement and security of critical infrastructure and dignitaries. These new demands and needed resources, however, should not compete with other national public safety priorities. National drug enforcement and community policing initiatives, for example, continue to be high priorities for states. Two key programs, the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant and Community Oriented Policing Services program, provided critical support for these national priorities and should be restored.

(10) Provide adequate law enforcement staffing at state and local levels to handle expanded homeland security responsibilities and shifts from the federal level.
Discussion: New intelligence-related demands, activities associated with FBI-led Joint Terrorism Task Forces, and increasing roles in combating counterterrorism have strained state personnel. In addition, shifting federal law enforcement priorities have forced state and local agencies to assume greater responsibilities for other previously held federal responsibilities (e.g., financial crimes, bank robberies, gangs). To adequately address these new demands and shifts from the federal level to states, funding should be provided to states for hiring criminal intelligence professionals such as analysts, researchers and crime-mappers.

(11) Provide flexibility to states concerning the planning and administration of homeland security grant programs.

Discussion: The Homeland Security Advisory Council’s Task Force on State and Local Homeland Security Funding published a report in June 2004, outlining a series of recommendations for all levels of government on improving the planning and administration of grant programs. In the spirit of these recommendations, homeland security grant programs should provide states with flexibility to apply funds pursuant to goals and objectives spelled out in each state’s homeland security strategy. In addition, this Task Force or some other mechanism should be utilized for ongoing and timely review and feedback concerning problems or issues with grant planning and processing.

(12) Develop a uniform vulnerability assessment model and tool.

Discussion: A Homeland Security Presidential Directive was issued in December 2003, stating that “the Secretary shall produce a National Plan for Critical Infrastructure and Key Resources Protection….which shall include a strategy to identify, prioritize, and coordinate the protection of critical infrastructure and key resources.” Many state and local law enforcement officials believe that the federal vulnerability assessment tool required and used in the Fall 2003 homeland security assessment process was flawed and created false expectations of funding for state and local partners. An improved model and tool should be developed in consultation with state and local law enforcement agencies, which takes into account the following factors: the unique makeup of each state; the dynamic nature of threats; and the outcome and data needs for all levels of government. Outcome and data needs include quantitative and qualitative outputs that inform state and local decision-makers about their allocation of resources and specific target-hardening measures (e.g., thresholds for damage/destruction and likelihood of attack). Once the new tool is developed, a national training and support structure should be created to provide consistent training and technical assistance.

(13) Develop a national database or information system that identifies, describes and assigns responsibility for the protection of critical infrastructure and key assets.

Discussion: State and local officials have a responsibility to identify critical infrastructure and key assets, conduct vulnerability assessments, determine protective measures and monitor compliance with protective measure plans. Assessments must now be completed
on a regular basis by officials at all levels of government. This new demand, along with the need to frequently track and monitor critical infrastructure activities, requires a new interactive tool that identifies, describes and assigns responsibility for the protection of critical infrastructure and key assets.

(14) Consider state homeland security strategies and plans for future grant programs.

Discussion: Every state has developed a comprehensive strategy, associated plans that identify goals to address terrorism prevention and response, and action plans to meet these objectives. Many national programs are being developed and implemented with little regard for these state-level strategies and plans. As a result, important state-level work and partnerships within and among states have been undermined. Future programs should give greater credence to state homeland security strategies and planning structures.