

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

**“A REPORT CARD ON HOMELAND SECURITY
INFORMATION SHARING”**

**TESTIMONY OF
LEROY D. BACA, SHERIFF
LOS ANGELES COUNTY
SEPTEMBER 24, 2008**

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Although more than seven years have elapsed since the tragedy of 9/11, the Los Angeles County Sheriff's Department remains committed to institutionalizing the lessons learned that day. Together with our federal, state and local partners, we are aggressively pursuing new ways to integrate our disparate agencies into a seamless network of information sharing cooperatives. This approach creates a national police system that can be respected internationally as well as locally.

To understand where the Los Angeles County Sheriff's Department is headed as a national partner, there must be an understanding of where we have been.

Los Angeles Joint Regional Intelligence Center

Recognizing the value of cooperation between federal, state and local agencies, leaders from the FBI, United States Attorney General's Office, State Office of Homeland Security, Los Angeles Police Department, and Los Angeles County Sheriff's Department decided more than five years ago to join together and create a model for intelligence fusion and sharing. The dream became a reality in July 2006, with the grand opening of the Los Angeles Joint Regional Intelligence Center (JRIC). Using the unique analytical processes originally developed by the Terrorism Early Warning (TEW) Group, the efforts of law enforcement, fire service, public health personnel, and analysts from a variety of agencies and disciplines were combined to create an expansive view of trends and potentials which could indicate a pending terrorist attack. This information is shared with the "cop on the street" through such publications as the JRIC Daily Report and the monthly "Force Multiplier" (a monthly newsletter directed at field deputies/officers).

The United States Department of Homeland Security is also present in the JRIC and provides direct connectivity to other federal agencies within their Department. These institutions possess critical information that must be synthesized with local products to provide the clearest possible forecast of potential threats. In fact, to ensure the best possible analysis, I continue to strongly encourage the participation of any public agency involved in issues of Homeland Security with its local fusion center. The JRIC is unique in that it operates independently of its contributing agencies with oversight

provided by a steering committee of the Los Angeles County Sheriff's Department, the Los Angeles Police Department and the Federal Bureau of Investigation. This cooperative management team of local and federal partners is a concept designed to overcome the traditional bureaucratic inertia in the field of intelligence sharing.

Terrorism Liaison Officer Program (TLO)

One program operating out of the JRIC that has national relevance is the Terrorism Liaison Officer (TLO) program. Originated shortly after 9/11, this program seeks to create a network of trusted agents within each law enforcement, fire and health agency in Los Angeles County. These TLOs are committed to passing critical information from the JRIC to their field personnel as well as answering requests for information. Numerous leads of investigative interest have been generated by local police officers, firefighters and health professionals as a result of this program. This level of information sharing and connectivity between field personnel and the fusion center is unprecedented and has enabled the JRIC to achieve the highest levels of situational awareness possible. Information provided by the TLO network contributes to the development of intelligence that is disseminated weekly to the executive staff of participating agencies, field operators and line personnel.

California Regional Terrorism Threat Assessment Centers

The State of California quickly realized the value of such intelligence cooperatives and funded three additional Regional Terrorism Threat Assessment Centers (RTTACs), which are based on the Los Angeles JRIC model.

Homeland Security Advisory Committee (HSAC)

Outreach from the JRIC is not limited to public safety personnel. Shortly after 9/11, I established the Homeland Security Advisory Council (HSAC) in an effort to network corporate leaders with the work of the JRIC. HSAC is comprised of senior corporate leaders from Los Angeles and Orange Counties. Its affiliation with the Business Executives for National Security (BENS) has greatly benefitted both of our organizations. Members of the HSAC provide technical, political and financial support to our counter-terrorism and emergency management missions. Through their large sphere of influence they also provide thousands of eyes and ears via corporate security departments who have shared dozens of incidents of investigative interest to the JRIC.

Muslim-American Homeland Security Congress (MAHSC)

The world's nations will never win the war against terrorism without the diverse Muslim society's participation. To this extent, the Sheriff's Department helped form our nation's first patriotic Muslim-American, not for profit, organization composed of leaders of all

Islamic organizations within Southern California. Asians, Middle-East, African, and South Asian religious leaders and organizations are the leadership core of MAHSC's Board of Directors.

The executive director of the Shura Council is also on the Board, all mosques in Southern California are represented.

As MAHSC continues to mature, visits to Detroit, Dearborn, Dearborn Heights, Chicago, and New York have been made. MAHSC is an educational institution designed to fight extremism. As it grows, it will become a promising program to acquire organized Muslim-American participation to prevent a homegrown terrorist attack.

Public Trust Policing

A fundamental reality of intelligence is the willingness of the public to share what they perceive or factually know with those they trust. The Los Angeles County Sheriff's Department has extensive relationships, advisory councils and programs with diverse people, including Muslim-American organizations, citizens and leaders.

All leaders of these communities can easily reach the Sheriff on a 24/7 basis. This trust-based attention to details facilitates easy access to critical information that often travels through a series of people to the public safety community.

PRESENT CONCERNS

Sharing Information For Local Operational Training

With all the positive things that have occurred in the past several years, there are still lingering impediments to unobstructed information sharing between the federal government and local law enforcement agencies. I applaud the efforts of Congresswoman Harman with respect to the issue of over classification of intelligence. HR 4806 is a logical response to the federal government's tendency to keep pertinent information from deputies and officers on the beat.

The local deputy or officer is not interested in the source of the information nor the means that were utilized to obtain it. The deputy or officer does need the tactic, technique, procedure, method, or resource being reported on to ensure he or she recognizes precursors of an attack when encountered on the streets. However; a lack of operational knowledge will impact the ability to report such activity to the JRIC for analysis, and a potentially vital piece of information may be missed. Classification must protect the integrity of National Security investigations and the personal privacy guaranteed by the Constitution.

However, I submit that most classified reporting can be “scrubbed” so that crucial operational information is available for dissemination to local law enforcement.

Need for DHS Analysis In Local Fusion Centers

A second shortcoming is the lack of Department of Homeland Security analysts available to fusion centers. In the JRIC, we are fortunate to have a bright and extremely capable DHS I&A analyst. His input into the analytical process is invaluable, but he is only one person. The JRIC would benefit from having several DHS analysts. The assignment of additional personnel from DHS would be a visible sign of the Department’s commitment to local public safety while continuing the process of breaking down the barriers to information sharing. The founding members of the JRIC have committed significant numbers of personnel even during times of critical staffing shortages within our agencies. Our commitment is proven. We challenge the DHS to match that commitment.

Untimely Security Clearances

Third, the security clearance process is still not timely. Routinely, deputies, officers and analysts wait a year to receive a National Security clearance that required to have a Top Secret clearance prior to employment in the workspace. This was done to ensure that classified systems would be available to all personnel in an open environment. The lack of a timely background investigation results in un-cleared personnel (or those in the process) being excluded from access to critical information sharing. For a local agency to augment or replace personnel, the clearance process is a disincentive and has resulted in a net loss of personnel assigned to the JRIC. I suggest that the sponsoring agencies set a reasonable goal of three to six months to complete a background investigation.

Lack Of Sustained Funding For Local JRICs

One other impediment to information sharing is the lack of sustained funding for the JRIC. Each year, the JRIC struggles with accumulating enough funding from the local participants and various UASI and SHSGP grants just to remain functional. In the past, funds from the Law Enforcement Terrorism Prevention Program (LETPP) were also available as a separate funding source for this purpose. However; with the existing grant restrictions on personnel and operational needs, and the elimination of LETPP as a separate funding source, the future sustainment of the JRIC is uncertain. I believe that only sustainable funding through the Department of Homeland Security will ensure the critical efforts of the JRIC, and fusion centers across the nation are not in danger of curtailment. Therefore; I am recommending to Congress that the LETPP grant be reestablished under the authority and administration of the Department of Homeland

Security's Assistant Secretary for State and Law Enforcement. This will ensure that vital funding for our prevention efforts are no longer diluted within the existing grant structure, and the future of fusion center operations will be secure.

As an example, there is a critical need for the sustained funding of contract analysts and the Terrorism Liaison Officer program contained within the JRIC. Currently, there are only two full-time personnel assigned to the TLO program.

These two individuals are responsible for the coordination of information flow from seven counties comprised of 89 independent agencies in an area of 8000 square miles. As you can imagine, this is a near impossible task.

LETPP Funds Should Be Administered By The Assistant Secretary For State and Local Law Enforcement

I propose that with fewer restrictions on the guidelines for LETPP (ability to hire personnel), these additional positions can be filled to ensure the critical information from the beat cop does not go unreported. The Administration of LETPP funds under the Assistant Secretary for State and Local Law Enforcement's purview will facilitate the ability to formulate and implement a suitable national vision for law enforcement prevention efforts. A standardized training and education program will improve information sharing, as well as serve as an effective means to enhance the connectivity among fusion center operations across the nation. Specific funding for strategic planning for terrorism prevention for law enforcement on a national scale will, in effect, allow the nearly 19,000 police agencies to function as one in the Global War on Terrorism (GWOT).

More Local Input To Federal Policy

The common theme among all of our efforts is the sharing of information from police, fire, health, and corporate or community sources, which must be analyzed and shared. We have begun to overcome the distinction between federal, state and local priorities. However; an issue yet to be resolved is the better integration of local input into federal mandates. Currently, local leaders do not have enough influence in the development of policy that eventually we will be tasked to implement. We must ensure that policies we are asked to foster are not in conflict with local laws, ordinances, or values. Only through unified planning and policy development with direct participation by local authorities can the legitimate policy be developed. I believe that all available means whether technological, social, political or operational must be considered in order to ensure that the events of 9/11 are not repeated. I fully support Congresswoman Harman's call to replace the intelligence community's requirement of the "need to know" with the "need to share."

Our Nation's Law Enforcement Agencies Must Function As A National Police System

As the elected leader of the Los Angeles County Sheriff's Department, I am committed to expanding cooperation with all federal, state and local agencies in our efforts to combat terrorism. The citizens of Los Angeles County and the nation deserve a secure homeland. No single entity can provide that security. Only by working together in a collaborative, mutually supportive environment can we provide the security we all felt prior to September 11th. Our nation, Sheriff and police Department and federal agencies must function as a national police system when it comes to international crime such as terrorism.

International Police Diplomacy

The Sheriff's Department, the N.Y.P.D., and the L.A.P.D. have engaged in extensive international police relations activity. America has no national police. Major counties and cities are doing this work.

To further effective counter-terrorism strategies, I have met with key political and police leaders of Pakistan, Jordan, Israel, Saudi Arabia, Qatar, Turkey, Azerbaijan, Armenia, England, Italy, France, Sweden, the Netherlands, China, Taiwan, Russia, and Canada. These contacts are invaluable for best practices development, cross-country training and technology support.

The Sheriff's Department has an International Liaison Unit that interacts with more than 100 consulates in Los Angeles County. My strategy is to work closely with our foreign partners in the fight against terror. Assistant Secretary Ted Sexton traveled with me to Pakistan.

Our nation must lead in trust-based solutions with other nations and not leave local major counties and cities behind as we build a global solution with local applications of success. I thank you for the opportunity to address the Committee.