

GAO

Report to the Chairman, Committee on
Homeland Security, House of
Representatives

December 2009

INFORMATION SHARING

Federal Agencies Are
Sharing Border and
Terrorism Information
with Local and Tribal
Law Enforcement
Agencies, but
Additional Efforts Are
Needed



GAO

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Highlights of [GAO-10-41](#), a report to the Chairman, Committee on Homeland Security, House of Representatives

Why GAO Did This Study

Information is a crucial tool in securing the nation's borders against crimes and potential terrorist threats, with the Department of Homeland Security's (DHS) Border Patrol and Immigration and Customs Enforcement (ICE), and the FBI, having key information sharing roles. GAO was asked to assess the extent to which (1) local and tribal officials in border communities received useful information from their federal partners, (2) federal agencies supported state fusion centers'—where states collaborate with federal agencies to improve information sharing—efforts to develop border intelligence products, and (3) local and tribal agencies were aware of the suspicious activities they are to report. To conduct this work, GAO analyzed relevant laws, directives, policies, and procedures; contacted a nongeneralizable sample of 20 agencies in border communities and five fusion centers (based on geographic location and size); and interviewed DHS and FBI officials.

What GAO Recommends

GAO recommends that DHS and the FBI more fully identify the information needs of and establish partnerships with local and tribal officials along the borders; identify promising practices in developing border intelligence products within fusion centers and obtain feedback on the products; and define the suspicious activities that local and tribal officials in border communities are to report and how to report them. DHS agreed and the FBI did not comment.

[View GAO-10-41 or key components.](#)

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INFORMATION SHARING

Federal Agencies Are Sharing Border and Terrorism Information with Local and Tribal Law Enforcement Agencies, but Additional Efforts Are Needed

What GAO Found

Officials from 15 of the 20 local and tribal law enforcement agencies in the border communities GAO contacted said they received information directly from at least one federal agency in the vicinity (Border Patrol, ICE, or the FBI) that was useful in enhancing their situational awareness of border crimes and potential terrorist threats. Nine of the 20 agencies reported receiving information from all three federal agencies. Overall, where federal officials had discussed local and tribal officials' information needs and had established information sharing partnerships and related mechanisms to share information with them—consistent with the *National Strategy for Information Sharing* and best practices—the majority of the local and tribal officials reported receiving useful information. However, most local and tribal officials that reported federal agencies had not discussed information needs and had not established partnerships with them also said they had not received useful information. By more fully identifying the information needs of local and tribal agencies along the borders and establishing information sharing partnerships, federal agencies could be better positioned to provide local and tribal agencies with information that enhances their situational awareness of border crimes and potential terrorist threats.

Federal officials at two of the five state fusion centers we visited were supporting fusion center efforts to develop border intelligence products or reports that contained information on border crimes and potential terrorist threats, as discussed in the Implementing Recommendations of the 9/11 Commission Act of 2007. DHS recognizes that it needs to add personnel to other fusion centers in border states to, among other things, support the creation of such products, and is developing plans to do so, but cited funding issues and competing priorities as barriers. The creation of border intelligence products—such as those developed by two of the fusion centers we visited—represent potential approaches that DHS and the FBI could use to identify promising practices that other fusion centers could adopt. Identifying such practices is important because of the central role the federal government places on fusion centers to facilitate the sharing of information. Also, DHS had not obtained feedback from local and tribal officials on the utility and quality of the border intelligence products that its analysts in fusion centers have helped to develop. Additional efforts to obtain such feedback would support DHS and FBI efforts to improve the utility and quality of future products.

Officials from 13 of the 20 local and tribal agencies in the border communities we contacted said that federal agencies had not defined what suspicious activities or indicators rise to the level of potential terrorist threats and should be reported to federal agencies or fusion centers. Recognizing this problem, federal agencies are participating in national efforts to standardize suspicious activity reporting. Until such efforts are implemented, defining suspicious activity indicators and current reporting processes would help better position local and tribal officials along the borders to identify and report incidents indicative of criminal activity associated with terrorist threats.

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Abbreviations

CBP	U.S. Customs and Border Protection
DHS	Department of Homeland Security
DOJ	Department of Justice
FBI	Federal Bureau of Investigation
I&A	DHS Office of Intelligence and Analysis
ICE	U.S. Immigration and Customs Enforcement
OMB	Office of Management and Budget

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United States Government Accountability Office
Washington, DC 20548

December 18, 2009

The Honorable Bennie G. Thompson
Chairman
Committee on Homeland Security
House of Representatives

Dear Mr. Chairman:

The Department of Homeland Security (DHS) has identified terrorism as one of the primary threats the United States faces on the northern and southwest international land borders, along with illegal immigration and drug trafficking, among others. In many border communities, the individuals who are best positioned to observe suspicious activities that may be related to these threats and report the activities to the federal government are local and tribal law enforcement officers, particularly in communities with a minimal federal presence. Therefore, it is critical that federal agencies with key responsibilities for securing the nation's borders—including DHS's U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE), and the Department of Justice's (DOJ) Federal Bureau of Investigation (FBI)—share information with local and tribal officials in border communities that enhances their situational awareness of border crimes and potential terrorist threats.¹

Since information sharing weaknesses were a major contributing factor to the nation's lack of preparedness for the terrorist attacks of September 11, 2001, the federal government has called for a number of information sharing initiatives. One theme common to many of these efforts is for federal agencies to share information on terrorism-related matters with local and tribal law enforcement agencies—including those in border communities—to enhance their situational awareness of potential terrorist threats.² The initiatives also recognize that an improved information sharing environment is to be constructed on a foundation of trusted partnerships at all levels of government based on a shared commitment to

¹This report focuses on the border information sharing efforts of CBP's Border Patrol, ICE, and the FBI and is not intended to assess or compare the overall efforts of DHS and DOJ, which include many other component agencies.

²Terrorism-related information includes homeland security, terrorism, and weapons of mass destruction information.

detect, prevent, disrupt, preempt, and mitigate the effects of terrorism. Further, most states and some local governments have established fusion centers that address gaps in terrorism-related information sharing that the federal government cannot address alone and provide a conduit for information sharing within the state.³ Finally, since late 2007, the federal government has been working with state and local law enforcement agencies to establish a nationwide process for reporting suspicious activities that may be related to terrorism.

Our prior work on the importance of including state, local, and tribal entities in information sharing has shown that this sharing continues to be a significant challenge for the federal government. In January 2005, we designated information sharing for homeland security a high-risk area because the government had continued to face formidable challenges in analyzing and disseminating this information in a timely, accurate, and useful manner. We reported that information is a crucial tool in fighting terrorism and that its timely dissemination is critical to maintaining the security of our nation. This area remained on the high-risk list for our January 2009 update.⁴ As a result of this designation, we continuously monitor federal information sharing efforts.

Recognizing that local and tribal law enforcement agencies in border communities are important partners in our first line of defense against criminals and terrorists entering the United States, you asked us to assess information sharing between federal agencies and local and tribal law enforcement agencies in border communities. Specifically, our work addressed to what extent

- local and tribal law enforcement agencies in border communities are receiving information from their federal partners that enhances the agencies' situational awareness of border crimes and potential terrorist threats;
- federal agencies are assisting fusion centers' efforts to develop border intelligence products that enhance local and tribal agencies' situational awareness of border crimes and potential terrorist threats; and

³In general, fusion centers are collaborative efforts of two or more agencies that provide resources, expertise, and information to the center with the goal of maximizing their ability to detect, prevent, investigate, and respond to criminal and terrorist activity.

⁴GAO, *High-Risk Series: An Update*, [GAO-09-271](#) (Washington D.C.: January 2009).

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- local and tribal law enforcement agencies in border communities are aware of the specific types of suspicious activities related to terrorism they are to report and to whom, and the process through which they should report this information.

To identify criteria for answering these questions, we analyzed relevant laws, directives, policies, and procedures related to information sharing, such as the October 2007 National Strategy for Information Sharing and the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Commission Act).⁵ The 9/11 Commission Act provides for the establishment of a State, Local, and Regional Fusion Center Initiative at DHS and contains numerous provisions that address the federal government's information sharing responsibilities to state and local fusion centers, including those that serve border communities.

To examine the information sharing that occurs between local and tribal law enforcement agencies in border communities and federal agencies that have a local presence in these communities (CBP's Border Patrol, ICE, and the FBI), we conducted site visits to five states that are geographically dispersed along the northern and southwest borders (Arizona, Montana, New York, Texas, and Washington). Within these states, we met with county sheriffs, local police chiefs, and tribal police chiefs from a total of 23 law enforcement agencies and asked them about the information they received from federal agencies in their localities.⁶ We also asked them about whether federal officials had discussed local and tribal officials' information needs and had established information sharing partnerships and related mechanisms to share information with them—consistent with the National Strategy for Information Sharing and best practices described in GAO reports.⁷ After our visits, we sent follow-up questions to all 23 local and tribal agencies we visited in order to obtain consistency in how we requested and obtained information for reporting purposes. Three agencies did not respond to our follow-up efforts and were excluded from our analysis. Thus, our analysis and reporting is based on our visits and subsequent activities with the 20 local and tribal agencies that responded to our follow-up questions. We also met with local

⁵See generally Pub. L. No. 110-53, tit. V, 121 Stat. 266, 306-35 (2007).

⁶App. I contains additional information on our criteria for selecting the local and tribal agencies we visited.

⁷See, for example, GAO, *Information Sharing: Practices That Can Benefit Critical Infrastructure Protection*, GAO-02-24 (Washington, D.C.: Oct. 15, 2001).

representatives of Border Patrol, ICE, and the FBI to discuss their perspectives on the information sharing that occurred, and compared this information to that provided by local and tribal agencies in order to identify barriers to sharing.

To assess the extent to which federal agencies assisted fusion centers in developing border intelligence products, as discussed in the 9/11 Commission Act, we reviewed products developed by fusion centers to determine the extent to which they provided border security–relevant information.⁸ We also met with and conducted subsequent follow-up conversations with fusion center directors and other senior fusion center officials in the five states we visited to obtain their views on the importance of developing such products and about the level of support federal agencies were providing in developing these products. We asked each of the 20 local and tribal law enforcement agencies we contacted whether they received border intelligence products from their state’s primary fusion center and, if so, we discussed their views on the usefulness of such products. We also interviewed senior officials from DHS’s Office of Intelligence and Analysis (I&A)—the office responsible for coordinating the federal government’s support to fusion centers—and headquarters components of Border Patrol, ICE, and the FBI to discuss their efforts to support fusion centers’ development of border intelligence products, identify promising practices for developing such products, and obtain feedback from local and tribal officials on the usefulness of the products.

Finally, to determine the extent to which local and tribal agencies in border communities were aware of the suspicious activities they are to report, we asked officials from the 20 agencies what, if any, information federal agencies or fusion centers had provided them on the kinds of suspicious activities that could be indicators of or precursors to terrorism and what processes they had in place for reporting information on these activities.⁹ We also reviewed the *Findings and Recommendations of the Suspicious Activity Report (SAR) Support and Implementation Project* to determine the extent to which the federal government recognizes the

⁸In general, border security–relevant information includes information on border crimes—such as illegal immigration and drug trafficking—and potential terrorist threats.

⁹In general, suspicious activity is defined as observed behavior or incidents that may be indicative of intelligence gathering or preoperational planning related to terrorism, crime, espionage, or other illicit intentions.

role of suspicious activity reporting for detecting and mitigating potential terrorist threats.¹⁰ We also examined indicators of various suspicious activities the FBI and fusion centers developed to determine if they contained border-specific content. We interviewed DOJ officials who were leading the national initiative to standardize suspicious activity reporting—as well as those from headquarters components of DHS and the FBI—to discuss the status of the national initiative and whether border-specific indicators were needed and are being considered as part of this initiative.

Because we selected a nonprobability sample of agencies in border communities to contact, the information we obtained at these locations may not be generalized across the wider population of law enforcement agencies in border communities. However, because we selected these border communities based on the variety of their geographic location, proximity to federal agencies, and other factors, the information we gathered from these locations provided us with a general understanding of information sharing between federal agencies and state, local, and tribal law enforcement agencies along the border. Appendix I provides more details about our objectives, scope, and methodology.

We conducted this performance audit from October 2007 through December 2009 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Information Sharing Roles of Key Federal and State Entities

The Homeland Security Act of 2002 and subsequently enacted laws—including the Intelligence Reform and Terrorism Prevention Act of 2004 and the 9/11 Commission Act—assigned DHS responsibility for sharing information related to terrorism and homeland security with its state,

¹⁰DOJ, Global Justice Information Sharing Initiative, Major Cities Chiefs Association, and DHS, *Findings and Recommendations of the Suspicious Activity Report (SAR) Support and Implementation Project* (October 2008).

local, and tribal partners, and authorized additional measures and funding in support of carrying out this mandate.¹¹ DHS designated I&A as having responsibility for coordinating efforts to share information that pertains to the safety and security of the U.S. homeland across all levels of government, including federal, state, local, and tribal government agencies. In June 2006, DHS tasked I&A with the responsibility for managing DHS's support to fusion centers. I&A established a State and Local Fusion Center Joint Program Management Office as the focal point for supporting fusion center operations and to maximize state and local capabilities to detect, prevent, and respond to terrorist and homeland security threats. The office was also established to improve the information flow between DHS and the fusion centers, as well as provide fusion centers with access to the federal intelligence community.

Two DHS components—CBP and ICE—have responsibilities for securing the nation's land borders against terrorism and other threats to homeland security. Specifically, CBP's Border Patrol agents are responsible for preventing the illegal entry of people and contraband into the United States between ports of entry. This includes preventing terrorists, their weapons, and other related materials from entering the country. Border Patrol's national strategy calls for it to improve and expand coordination and partnerships with state, local, and tribal law enforcement agencies to gain control of the nation's borders. ICE is charged with preventing terrorist and criminal activity by targeting the people, money, and materials that support terrorist and criminal organizations. According to the agency's 2008 annual report, ICE recognizes the need for strong partnerships with other law enforcement agencies, including those on the local level, in order to combat criminal and terrorist threats.

The FBI serves as the nation's principal counterterrorism investigative agency, and its mission includes protecting and defending the United States against terrorist threats.¹² The FBI conducts counterterrorism

¹¹See Pub. L. No. 108-458, 118 Stat. 3638 (2004); Pub. L. No. 107-296, 116 Stat. 2135 (2002).

¹²In addition to the FBI, several other DOJ component agencies are involved in sharing information related to the border, including the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, Firearms and Explosives; and the United States Marshals Service. This report focuses on the FBI's role in sharing terrorism-related information and does not include the activities of other DOJ component agencies.

investigations through its field offices and Joint Terrorism Task Forces.¹³ In addition, each FBI field office has established a Field Intelligence Group, which consists of intelligence analysts and special agents who gather and analyze information related to identified threats and criminal activity, including terrorism. Each group is to share information with other Field Intelligence Groups across the country, FBI headquarters, and other federal, state, and local law enforcement and intelligence agencies to fill gaps in intelligence.

Fusion centers serve as the primary focal points within the state and local environment for the receipt and sharing of information related to terrorist and homeland security threats. In March 2006, DHS released its Support and Implementation Plan for State and Local Fusion Centers. In this plan, DHS describes its responsibility to effectively collaborate with its federal, state, and local partners to share information regarding these threats. To facilitate the effective flow of information among fusion centers, DHS, other federal partners, and the national intelligence community, the plan calls for DHS to assign trained and experienced operational and intelligence personnel to fusion centers and includes the department's methodology for prioritizing the assignments. The plan also notes that identifying, reviewing, and sharing fusion center best practices and lessons learned is vital to the success of DHS's overall efforts. Accordingly, it recommends that DHS develop rigorous processes to identify, review, and share these best practices and lessons learned. In December 2008, DHS issued a document entitled Interaction with State and Local Fusion Centers Concept of Operations. According to the document, each DHS component field office whose mission aligns with the priorities of the fusion center is to establish a relationship with that center. This relationship should include but not be limited to routine meetings and consistent information sharing among DHS and state and local personnel assigned to each center.

The FBI's role in and support of individual fusion centers varies depending on the level of functionality of the fusion center and the interaction between the particular center and the local FBI field office. FBI efforts to support fusion centers include assigning special agents and intelligence analysts to fusion centers, sharing information, providing space or rent for

¹³ Joint Terrorism Task Forces are investigative units consisting of law enforcement and other specialists from federal, state, and local law enforcement and intelligence agencies, led by DOJ and the FBI. There is a Joint Terrorism Task Force in each of the FBI's 56 main field offices, and additional task forces are located in smaller FBI offices.

fusion center facilities in some locations, and ensuring that state and local personnel have appropriate security clearances as well as access to FBI personnel.

Statutory Provisions and National Strategies Governing Information Sharing

Since September 11, 2001, several statutes have been enacted into law designed to enhance the sharing of terrorism-related information among federal, state, local, and tribal agencies, and the federal government has developed related strategies, policies, and guidelines to meet its statutory obligations.¹⁴ Regarding border threats, the 9/11 Commission Act contains several provisions that address the federal government's efforts to share information with state and local fusion centers that serve border communities.¹⁵ For example, the act provides for the Secretary of DHS to assign, to the maximum extent practicable, officers and intelligence analysts from DHS components—including CBP and ICE—to state and local fusion centers participating in DHS's State, Local, and Regional Fusion Center Initiative, with priority given to fusion centers located along borders of the United States.¹⁶ The act provides that federal officers and analysts assigned to fusion centers in general are to assist law enforcement agencies in developing a comprehensive and accurate threat picture, and to create intelligence and other information products for dissemination to law enforcement agencies.¹⁷ In addition, federal officers and analysts assigned to fusion centers along the borders are to have, as a primary responsibility, the creation of border intelligence products that (1) assist state, local, and tribal law enforcement agencies in efficiently helping to detect terrorists and related contraband at U.S. borders; (2) promote consistent and timely sharing of border security-relevant information among jurisdictions along the nation's borders; and (3) enhance DHS's situational awareness of terrorist threats in border areas.¹⁸ The act further directed the Secretary of DHS to create a

¹⁴These initiatives are included in the *National Strategy for Homeland Security* and the *National Strategy for Information Sharing*; the President's December 16, 2005, Memorandum to Heads of Executive Departments and Agencies, including Information Sharing Guidelines, calling for the establishment of an Information Sharing Environment to facilitate the sharing of terrorism and homeland security information; and statutes, such as the Implementing Recommendations of the 9/11 Commission Act, the Intelligence Reform and Terrorism Prevention Act of 2004, and the Homeland Security Act of 2002.

¹⁵Pub. L. No. 110-53, § 511, 121 Stat. at 317 (codified at 6 U.S.C. § 124h).

¹⁶6 U.S.C. § 124h(c), (e)(1).

¹⁷*Id.* § 124(d).

mechanism for state, local, and tribal law enforcement officers to provide voluntary feedback to DHS on the quality and utility of the intelligence products developed under these provisions.¹⁹

Also, in October 2007, the President issued the National Strategy for Information Sharing. According to the strategy, an improved information sharing environment is to be constructed on a foundation of trusted partnerships at all levels of government, based on a shared commitment to detect, prevent, disrupt, preempt, and mitigate the effects of terrorism. The strategy identifies the federal government's information sharing responsibilities to include gathering and documenting the information that state, local, and tribal agencies need to enhance their situational awareness of terrorist threats and calls for authorities at all levels of government to work together to obtain a common understanding of the information needed to prevent, deter, and respond to terrorist attacks. Specifically, the strategy requires that state, local, and tribal law enforcement agencies have access to timely, credible, and actionable information and intelligence about individuals and organizations intending to carry out attacks within the United States; their organizations and their financing; potential targets; activities that could have a nexus to terrorism; and major events or circumstances that might influence state, local, and tribal actions. The strategy also recognizes that fusion centers are vital assets that are critical to sharing information related to terrorism, and will serve as primary focal points within the state and local environment for the receipt and sharing of terrorism-related information.

Past GAO Work on Terrorism-Related Information Sharing Efforts

In October 2001, we reported on the importance of sharing information about terrorist threats, vulnerabilities, incidents, and lessons learned.²⁰ Specifically, we identified best practices in building successful information sharing partnerships that could be applied to entities trying to develop the means of appropriately sharing information. Among the best practices we identified were (1) establishing trusted relationships with a wide variety of federal and nonfederal entities that may be in a position to provide potentially useful information and advice; (2) agreeing to mechanisms for sharing information, such as outreach meetings and task forces; and (3)

¹⁸ *Id.* § 124(e)(2).

¹⁹ *Id.* § 124(g)(1).

²⁰ [GAO-02-24](#).

institutionalizing roles to help ensure continuity and diminish reliance on a single individual.

Since we designated terrorism-related information sharing a high-risk area in January 2005, we have continued to monitor federal information sharing efforts.²¹ Also, as part of this monitoring, in April 2008, we reported on our assessment of the status of fusion centers and how the federal government is supporting them. Our fusion center report and subsequent testimony highlighted continuing challenges—such as the centers’ ability to access information and obtain funding—that DHS and DOJ needed to address to support the fusion centers’ role in facilitating information sharing among federal, state, and local governments.²² We also recognized the need for the federal government to determine and articulate its long-term fusion center role and whether it expects to provide resources to help ensure their sustainability, and we made a recommendation to that effect to which DHS agreed. At the time of this review, DHS was in the process of implementing the recommendation.

²¹GAO, *Information Sharing: The Federal Government Needs to Establish Policies and Processes for Sharing Terrorism-Related and Sensitive but Unclassified Information*, [GAO-06-385](#) (Washington, D.C.: Mar. 17, 2006) and GAO, *Information Sharing Environment: Definition of the Results to Be Achieved in Improving Terrorism-Related Information Sharing Is Needed to Guide Implementation and Assess Progress*, [GAO-08-492](#) (Washington, D.C.: June 25, 2008).

²²GAO, *Homeland Security: Federal Efforts Are Helping to Alleviate Some Challenges Encountered by State and Local Information Fusion Centers*, [GAO-08-35](#) (Washington, D.C.: Oct. 30, 2007) and GAO, *Homeland Security: Federal Efforts Are Helping to Address Some Challenges Faced by State and Local Fusion Centers*, [GAO-08-636T](#) (Washington, D.C.: Apr. 17, 2008).

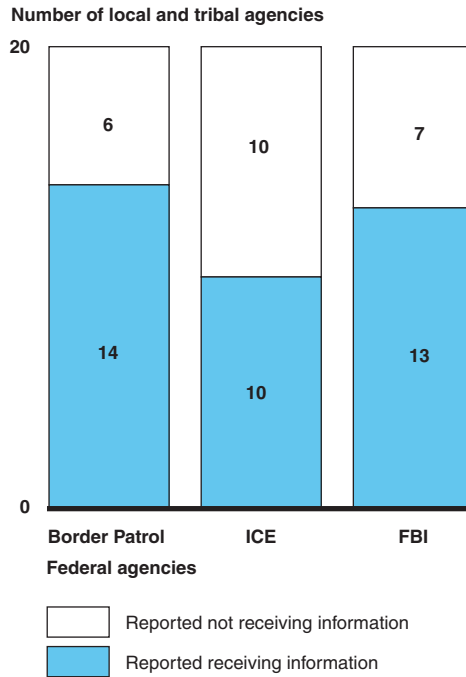
Most Local and Tribal Agencies in Border Communities We Contacted Found Information from Federal Partners Useful for Situational Awareness, but Adopting Further Measures Could Close Other Information Sharing Gaps

In general, local and tribal officials in the border communities we contacted who reported to us that they received information directly from the local office of Border Patrol, ICE, or the FBI said it was useful for enhancing their situational awareness of crimes along the border and potential terrorist threats. Overall, where information sharing among federal, local, and tribal agencies along the borders occurred, local and tribal officials generally said they had discussed their information needs with federal agencies in the vicinity and had established information sharing partnerships with related mechanisms to share information with federal officials—consistent with the National Strategy for Information Sharing—while the agencies that reported not receiving information from federal agencies generally said they had not discussed their needs and had not established partnerships.

Local and Tribal Agencies We Contacted That Received Information from Their Federal Partners Found It Useful in Enhancing Their Situational Awareness of Border Crimes and Potential Terrorist Threats

Officials from three-quarters (15 of 20) of the local and tribal law enforcement agencies in the border communities we contacted said they received information directly from the local office of at least one federal agency (Border Patrol, ICE, or the FBI), and 9 of the 20 reported receiving information from the local office of all three of these federal agencies. However, 5 of the 20 reported that they did not receive information from any of these three agencies, in part because information sharing partnerships and related mechanisms to share information did not exist. We discuss information sharing partnerships and other factors that affect information sharing between federal agencies and local and tribal agencies in border communities later in this report. Figure 1 shows the number of local and tribal agencies that reported receiving information directly from the local office of Border Patrol, ICE, and the FBI.

Figure 1: Number of Local and Tribal Agencies We Contacted That Reported Receiving Information from Federal Agencies in Their Vicinity



Source: GAO analysis of interviews and other contacts with officials from local and tribal law enforcement agencies.

Overall, the local and tribal law enforcement agencies we contacted that received information from federal agencies in the vicinity found it useful in enhancing their situational awareness of border crimes and potential terrorist threats.

Border Patrol

Local and tribal law enforcement officials in 14 of 20 border communities we contacted said they received a range of information directly from local Border Patrol officials, including incident reports and alerts regarding specific individuals with potential links to criminal activity—such as illegal immigration and drug trafficking—as well as border-related threat assessments and reports of suspicious activity. According to the local and tribal officials, they received this information through direct outreach or visits, phone calls, and e-mails, as well as through issued alerts and bulletins. Of the 14 local and tribal officials that reported receiving information from Border Patrol officials in the vicinity, 12 said it was useful and enhanced their situational awareness of criminal activities and potential terrorist threats along the border and 2 did not take a position

when asked about the information's usefulness. For example, one tribal police department official reported that Border Patrol provides an area assessment that specifically targets the illicit smuggling of humans and contraband in and around the tribal lands, and depicted the threat posed by illegal activity occurring in the area. The official said that this assessment helped the department identify and emphasize those areas on which to focus. Local and tribal officials from the remaining 6 border communities we contacted said they did not receive any information directly from Border Patrol officials in the vicinity, in part because information sharing partnerships and related mechanisms to share information did not exist.

Border Patrol officials in the communities we visited said they shared information related to various types of crimes with their local and tribal partners, including information related to illegal immigration and drug trafficking. The officials said this information is shared primarily through established information sharing partnerships and related mechanisms, including joint border operations and task forces, such as Integrated Border Enforcement Teams.²³ The officials noted that they generally did not have specific terrorism-related information to share with local and tribal agencies, but that the information they share is intended to enhance situational awareness of border crimes that terrorists could potentially exploit, such as illegal immigration.

ICE

Local and tribal law enforcement officials in 10 of 20 border communities we contacted said they received information from ICE officials in the vicinity, including specific persons of interest they should be on the lookout for, as well as information on drug smuggling and drug cartel activities, human smuggling, and other crimes. The officials said such information is important because it provides information that is pertinent to their immediate area. These agencies reported receiving information by e-mail or in person, as well as through participation in task forces, such as

²³For example, Border Patrol participates in Integrated Border Enforcement Teams at 24 locations along the northern border, which are comprised of both Canadian and U.S. law enforcement agencies and can include state, local, and tribal agencies. These intelligence-led teams were developed to enhance border security by identifying, investigating, and interdicting persons and organizations that pose a threat to national security or are engaged in other organized criminal activity.

Border Enforcement Security Task Forces.²⁴ For example, in one southwest border location, law enforcement officials said that the department receives information about potential criminal activities in their jurisdiction from ICE based on joint investigations it has conducted with the agency.

Of the 10 local and tribal officials that reported receiving information from local ICE officials, 8 said it was useful and enhanced their situational awareness of criminal activities and potential terrorist threats along the border and 2 did not take a position when asked about the information's usefulness. Officials from the remaining 10 local and tribal agencies we contacted said they did not receive any information from local ICE officials, in part because information sharing partnerships and related mechanisms to share information did not exist.

According to ICE headquarters officials, in addition to sharing information at the local level, ICE has significantly expanded its interaction with state, local, and tribal law enforcement officials through automated systems that allow these officials to access and search certain DHS and ICE law enforcement and investigative information.²⁵

The FBI

Local and tribal law enforcement officials in 13 of 20 border locations we contacted said they received a range of information directly from local FBI officials, including intelligence assessments and bulletins, threat assessments and terrorism-related alerts, and information on criminal activity. Of the 13 local and tribal officials that reported receiving information from local FBI officials, 12 said it was useful and enhanced their situational awareness of potential terrorist threats along the border and 1 did not take a position when asked about the information's

²⁴ICE has partnered with federal, state, local, and foreign law enforcement counterparts to create the Border Enforcement Security Task Force initiative, a series of multiagency task forces that were developed to identify, disrupt, and dismantle criminal organizations posing significant threats to border security. The task forces are designed to increase information sharing and collaboration among the agencies combating these threats.

²⁵ICE is making certain law enforcement information available through the DHS Law Enforcement Information Sharing Service. This service establishes bidirectional connectivity between DHS and federal, state, local, and tribal law enforcement entities. The service shares subject records related to valid law enforcement needs. DHS began deploying the system in 2008 to DOJ and law enforcement information sharing systems in San Diego, Los Angeles, and the Puget Sound region of Washington state. In fiscal year 2009, DHS anticipates expanding the service to systems in Arizona, New Mexico, Texas, and the Washington, D.C., area.

usefulness. Local and tribal officials in 7 of the 20 border locations we contacted said they did not receive any information directly from local FBI officials, in part because information sharing partnerships and related mechanisms to share information did not exist.

FBI officials in the border communities we visited said that they understood the desire of local and tribal law enforcement agencies to receive terrorism-related information that is specific to the border or to their geographic area in particular. However, the officials explained that in many cases, such information is classified, so the FBI can only share it with officials that have a need to know the information and have the requisite security clearances, as well as secure systems, networks, or facilities to safeguard the information. FBI officials also said that information related to ongoing investigations is generally only shared with local officials that participate in an FBI Joint Terrorism Task Force, since sharing the information outside the task force could jeopardize the investigations. Finally, the officials said that at times, terrorism-related information that is specific to the border simply may not exist. Local and tribal law enforcement officials we met with recognized that the FBI has limits on what it can share—including information that is classified—and said they had no intention of interfering with ongoing investigations. However, they also thought the FBI could better communicate when these limits were in effect and when the agency simply had no information to share. We discuss the importance of establishing information sharing partnerships to facilitate discussions between the parties and minimize expectation gaps later in this report.

According to FBI officials at the locations we contacted, information that is not related to ongoing investigations is shared with local and tribal agencies through a variety of mechanisms, including task forces (e.g., Safe Trails Task Forces) and working groups; periodic outreach meetings the FBI conducts with local and tribal agencies to both share and solicit information; and through ongoing information sharing partnerships.²⁶ FBI headquarters officials noted that each FBI field office—through its Field

²⁶The Safe Trails Task Force program is designed to unite the FBI with other federal, state, and local law enforcement agencies in a collaborative effort to combat the continuing growth of violent crime on Indian reservations, including areas along the borders. Task force participating agencies include the FBI, the Drug Enforcement Administration, the Bureau of Indian Affairs, tribal police departments, and state and local law enforcement agencies. The FBI supports 15 Safe Trails Task Forces, 10 of which are in states along the northern and southwest borders of the United States.

Intelligence Group—is to routinely assess the terrorism and criminal threats and risks in its geographic area of responsibility and report the results to FBI headquarters.

The officials said that the assessments incorporate border-specific issues when appropriate, such as the illegal entry of possible terrorists, identification of human smuggling organizations, and the smuggling of weapons and other material which could be employed in terrorist attacks. However, the officials said that the results of the assessments are classified and are generally not shared with local and tribal officials, although in some cases selected information is declassified and distributed through alerts and bulletins.

Further, according to FBI headquarters, much of the FBI's information sharing with other law enforcement entities occurs at the officer or investigator level, often without the specific knowledge of the state and local personnel we interviewed for this report. The FBI also emphasized that most Indian Reservations and tribal law enforcement agencies are located in remote areas of the United States—100 miles or more away from an FBI office—where information sharing between FBI agents and tribal law enforcement occurs on an ad hoc basis usually focused on investigations of crimes occurring on Indian reservations. We recognize that information sharing can occur at the officer or investigator level and on an ad hoc basis. However, as discussed later in this report, limiting information sharing to the officer and investigator level will not ensure that information sharing partnerships are established between agencies. Rather, discussions at senior levels—including the county sheriffs, local police chiefs, and tribal police chiefs we met with—could help ensure continuity in information sharing and diminish reliance on any one individual, which is a best practice in building successful information sharing partnerships.²⁷

FBI headquarters also noted that in addition to sharing information directly with local and tribal officials in border communities, the FBI disseminates information to these officials through information systems—

²⁷ [GAO-02-24](#).

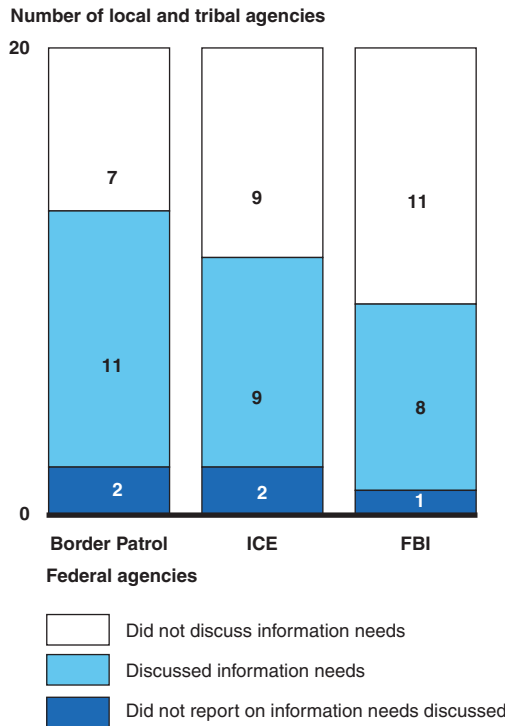
such as the FBI's Law Enforcement Online and eGuardian system²⁸—and the FBI's participation in state and local fusion centers and other interagency task forces and intelligence centers throughout the country (e.g., High Intensity Drug Trafficking Area Investigative Support Centers). The FBI noted that it is through these venues that the FBI also accomplishes its information sharing responsibilities to other federal, state, and local partners.

More Fully Identifying Information Needs Could Help Federal Agencies in Border Communities Ensure That Local and Tribal Agencies Receive Useful Information

The National Strategy for Information Sharing identifies the federal government's information sharing responsibilities to include gathering and documenting the information that state, local, and tribal agencies need to enhance their situational awareness of terrorist threats. Figure 2 shows the number of the local and tribal agencies in the border communities we contacted that reported discussing their information needs with federal officials in the vicinity.

²⁸The FBI's Law Enforcement Online serves as a real-time, online controlled-access communications and information sharing data repository for sensitive but unclassified information about antiterrorism, intelligence, law enforcement, and criminal justice efforts, among other things. Law Enforcement Online is available to more than 18,000 law enforcement agencies nationwide. The FBI's eGuardian system is an unclassified counterterrorism tool that allows state, local, and tribal law enforcement partners to share threat information directly with the FBI.

Figure 2: Number of Local and Tribal Agencies We Contacted That Reported Discussing Their Information Needs with Federal Agencies in the Vicinity



Source: GAO analysis of interviews and other contacts with officials from local and tribal law enforcement agencies.

Overall, where local and tribal law enforcement officials in border communities had discussed their information needs with federal officials in the vicinity, they also reported receiving useful information from the federal agencies that enhanced their situational awareness of border crimes and potential terrorist threats. Specifically:

- Officials from 7 of the 11 localities that had discussed their information needs with Border Patrol officials in the vicinity also reported receiving useful information from them.²⁹

²⁹Of the remaining 4 localities that had discussed their information needs with Border Patrol officials, 2 reported receiving information from the agency but did not take a position on its usefulness and 2 reported that they had not received information from the agency.

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- Officials from each of the 9 localities that had discussed their information needs with ICE officials in the vicinity reported receiving useful information from them.
 - Officials from each of the 8 localities that had discussed their information needs with FBI officials in the vicinity reported receiving useful information from them.³⁰

Local and tribal officials in the border communities we contacted said they shared their information needs with federal officials through a variety of methods, including regularly scheduled meetings, periodic outreach performed by federal agencies, ad hoc meetings, and established working relationships. For example, one police chief along the southwest border said that he discussed his need for real-time information about border crimes that could affect his area with local federal agency officials. He noted that after he held these discussions, the federal officials took steps to provide his department with this type of information.

Nevertheless, as shown in figure 2 above, officials from about one-half of the local and tribal agencies in the border communities we contacted reported that federal officials had not discussed information needs with them, as called for in the National Strategy for Information Sharing. Our discussions with local and tribal officials revealed that where the needs were not discussed, local and tribal agencies also were less likely to have received information from federal agencies than in the localities where needs were discussed. Specifically:

- Officials from 4 of the 7 localities that had not discussed their information needs with Border Patrol officials in the vicinity also reported not receiving information from them, while the other 3 had received information from Border Patrol.
- Officials from each of the 9 localities that had not discussed their information needs with ICE officials in the vicinity also reported not receiving information from them.
- Officials from 7 of the 11 localities that had not discussed their information needs with FBI officials in the vicinity also reported not

³⁰Two localities did not report if they had discussed their information needs with Border Patrol, 2 did not report if they had discussed information needs with ICE, and 1 did not report if it had discussed information needs with the FBI.

receiving information from them, while the other 4 reported receiving information from the FBI.

While the data above show that federal agencies shared information with local and tribal officials in several cases where information needs had not been discussed, identifying these needs could better support federal agency efforts to provide local and tribal agencies with useful information that is relevant to their jurisdiction.

A primary reason why federal agencies had not identified the information needs of local and tribal agencies in many of the border communities we visited was because the methods federal agencies used to solicit the needs, while effective for some localities, were not effective for others. Specifically, Border Patrol and ICE officials said that the information needs of these agencies were generally identified through outreach meetings or through working relationships with local and tribal law enforcement officers. Where these interactions did not exist, the federal agencies generally had not identified the information needs of local and tribal agencies. Also, according to a local police chief, while information needs may be discussed between local officers and federal agents on an ad hoc basis, his department cannot rely on these interactions to ensure that federal agencies have identified the overall information needs of the department.

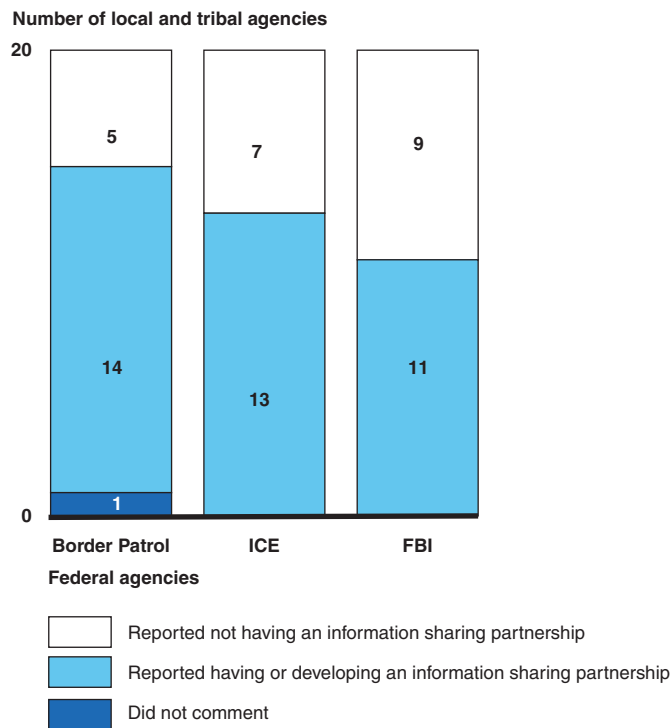
According to FBI headquarters officials, in developing field office area assessments, Field Intelligence Group personnel are required to gather information on terrorism and criminal threats and risks from local and tribal law enforcement agency officials, wherein the information needs of these agencies would be identified. FBI headquarters also noted that through outreach meetings and participation in task forces and working groups, FBI field offices continually evaluate the information needs of their local and tribal partners, as well as their own, and take actions to identify and fill any information gaps. Despite these efforts, less than one-half of the local and tribal agencies we contacted reported discussing their information needs with FBI officials in the vicinity.

By more consistently and more fully identifying the information needs of local and tribal agencies in border communities, as called for in the National Strategy for Information Sharing, federal agencies could be better positioned to provide these local and tribal agencies with useful information that enhances their situational awareness of border crimes and potential terrorist threats.

Most Local and Tribal Agencies We Contacted That Received Information from Federal Agencies in Their Localities Had Established or Were Developing Partnerships and Related Mechanisms That Facilitated Information Sharing

The National Strategy for Information Sharing recognizes that effective information sharing comes through strong partnerships among federal, local, and tribal partners. In addition, the current strategic plans of DHS and the FBI both acknowledge the need to establish information sharing partnerships with state, local, and tribal law enforcement agencies to help the agencies fulfill their missions, roles, and responsibilities. Figure 3 shows the number of local and tribal agency officials in the border communities we contacted that reported having established or were developing an information sharing partnership with Border Patrol, ICE, and the FBI officials in the vicinity.

Figure 3: Number of Local and Tribal Agencies We Contacted That Reported Having or Were Developing an Information Sharing Partnership with Federal Agencies in the Vicinity



Source: GAO analysis of interviews and other contacts with officials from local and tribal law enforcement agencies.

Overall, where local and tribal law enforcement officials in border communities had established or were developing information sharing partnerships with federal officials in the vicinity, they also reported receiving information from the federal agencies that enhanced their

situational awareness of border crimes and potential terrorist threats. Specifically:

- Officials from 13 of the 14 localities that had or were developing an information sharing partnership with Border Patrol officials in the vicinity also reported receiving information from them.³¹
- Officials from 10 of 13 localities that had an information sharing partnership with ICE officials in the vicinity also reported receiving information from them, while the other 3 were not receiving information from ICE.³²
- Officials from each of the 11 localities that had an information sharing partnership with FBI officials in the vicinity also reported receiving information from them.

The local and tribal agencies that had developed partnerships with federal agencies in the vicinity had established a variety of mechanisms to share information, including regularly scheduled meetings, periodic outreach performed by federal agencies, ad hoc meetings, task forces and working groups, established working relationships, phone calls, e-mails, and issued alerts and bulletins. In some locations, Border Patrol and local law enforcement officials worked together in operational efforts that provided opportunities for federal and local officials to develop information sharing partnerships. For example, Operation Border Star in Texas—a state-led, multiagency effort focused on reducing crime, such as illegal immigration and drug trafficking, in targeted regions along the Texas–Mexico border—draws resources from local law enforcement agencies, the Texas Department of Public Safety, and others to support Border Patrol. Also, in upstate New York, a county sheriff’s department conducted joint patrols with Border Patrol, which extended into Canada. The patrols are designed to prevent the illegal entry of individuals into the United States and the smuggling of contraband. These operations provide an opportunity for officers from all of the agencies to work together and facilitate information sharing.

³¹Officials from 1 of the 14 localities said they were in the process of developing an information sharing partnership with Border Patrol officials in the vicinity. One of the 20 localities did not report if it had established an information sharing partnership with Border Patrol officials in the vicinity.

³²Officials from 3 of the 13 localities said they had an information sharing partnership with ICE officials in the vicinity but had not received any information.

Most of the local and tribal officials that had developed information sharing partnerships with ICE officials reported establishing them through personal contacts made either while working on various task forces alongside ICE personnel or between agents and officers in both agencies. For example, one tribal police chief said that his department has a memorandum of understanding with ICE, which allows the tribal police to perform certain ICE duties in the enforcement of customs laws and facilitates information sharing between the agencies.

Nevertheless, as shown in figure 3 above, officials from several local and tribal agencies in the border communities we contacted reported that they had not established information sharing partnerships with Border Patrol, ICE, or FBI officials in the vicinity. Where partnerships were not established, local and tribal agencies also were less likely to have received information from federal agencies than in the localities where partnerships were established. Specifically:

- Officials from each of the 5 localities that did not have an information sharing partnership with local Border Patrol officials in the vicinity also reported they had not received information from them.
- Officials from each of the 7 localities that did not have an information sharing partnership with ICE officials in the vicinity also reported they had not received information from them.
- Officials from 7 of the 9 localities that said they did not have an information sharing partnership with FBI officials also reported they had not received information from them FBI.

The local and tribal officials that did not have a partnership with federal officials and were not receiving information said that effective mechanisms for sharing information—a best practice in building successful information sharing partnerships—had not been established. One reason why the officials said established mechanisms were not effective was because they did not have enough resources or funding to participate in the regular meetings or forums that Border Patrol, ICE, and FBI officials in the vicinity used to share information, establish face-to-face contact, and build trusting relationships. For example, an official from one local police department said he was aware of Border Patrol’s efforts to share information through such meetings, but the department did not have the resources needed to participate, since doing so would leave the office short one out of eight patrol officers. Officials at another location said they no longer received invitations to Border Patrol meetings.

Similarly, local and tribal officials in other localities said they did not have enough resources to send individuals to participate in outreach meetings that FBI officials said were used to share information, because in some cases the meetings were held more than 100 miles away. A local county sheriff also said that the FBI's meetings were initially productive but interest faded because of the lack of useful information that was shared during the meetings. An FBI official from another locality noted that FBI officials are sometimes limited in what they can discuss during these meetings if the local and tribal representatives in attendance do not have the appropriate security clearances or do not have a need to know about the information. These examples illustrate the importance of establishing partnerships to facilitate discussions between the parties and minimize expectation gaps regarding the availability of and limits in sharing information.

Border Patrol, ICE, and FBI officials also said that information is shared with local and tribal agencies through multiagency task forces, such as ICE Border Enforcement Security Task Forces and FBI Joint Terrorism Task Forces. However, local and tribal officials—especially those in small departments in rural border communities—said these mechanisms to share information were not effective for them, because they did not have enough resources to dedicate personnel to the task forces.

Police chiefs and other senior local and tribal officials recognized that ad hoc discussions between officers and investigators are also mechanisms federal agencies in the vicinity use to share information with local and tribal agencies. The officials noted, however, that limiting information sharing to the officer and investigator level is not sufficient to ensure that senior-level department officials are aware of the information, which in turn could be disseminated to other personnel within the department. For example, a police chief in a local community along the southwest border said that he does not need the FBI to brief his entire department, but the FBI should at least brief the police chief. Best practices in building information sharing partnerships call for institutionalizing information sharing through discussions at senior levels to ensure continuity in sharing and diminishing the reliance on single individuals.

We recognize that developing and maintaining information sharing partnerships with the numerous local and tribal law enforcement agencies along the borders is a significant challenge, and that Border Patrol, ICE, and the FBI have made progress in this area. However, additional efforts by these federal agencies to periodically assess the extent to which partnerships and related mechanisms to share information exist, fill gaps,

and address barriers to establishing such partnerships and mechanisms, could help ensure that information is shared with local and tribal law enforcement agencies that enhances their situational awareness of border crimes and potential terrorist threats.

Federal Agencies Are Supporting Some Fusion Center Efforts to Develop Border Intelligence Products, but Additional DHS Personnel and Other Measures Could Strengthen Future Efforts

Federal agencies at two of the five fusion centers we visited were supporting fusion center efforts to develop border intelligence products that enhanced local and tribal agencies' situational awareness of border crimes and potential terrorist threats. DHS recognizes that it needs to add personnel to fusion centers in border states to support the creation of such products, and is developing related plans, but cited funding issues and competing priorities as barriers to deploying such personnel. Further, additional DHS and FBI actions to (1) identify and market promising practices from fusion centers that develop border intelligence products and (2) obtain feedback from local and tribal officials on the utility and quality of the products and use the feedback to improve those products would strengthen future fusion center efforts to develop such products.

DHS and FBI Personnel at Two of the Five Fusion Centers We Visited Were Supporting Efforts to Develop Border Intelligence Products to Enhance Local and Tribal Agencies' Situational Awareness of Border Crimes and Potential Terrorist Threats

Federal personnel at two of the five fusion centers we visited—the Arizona Counterterrorism Information Center and the New York State Intelligence Center—were routinely contributing to border intelligence products that were designed to enhance local and tribal law enforcement agencies' situational awareness of border crimes and potential terrorist threats. Fusion center officials in these states emphasized that the physical presence of federal personnel at the fusion center—including intelligence analysts from I&A, Border Patrol, ICE, and the FBI—was critical to developing the border products, in part because their presence facilitated regular meetings with center personnel and access to federal information systems.

According to local and tribal officials in the border communities we contacted in Arizona and New York, the border intelligence products they received generally enhanced their situational awareness of border-related crimes that could have a nexus to terrorism, such as drug trafficking and illegal immigration. However, the border products usually did not contain terrorism-related information that was specific to the border because such information did not exist or a link between a border crime and terrorism had not been established, according to fusion center officials. The two fusion centers also routinely generated terrorism information products

that were provided to local and tribal agencies throughout the state to enhance their situational awareness of terrorist threats. Officials from the two fusion centers said that any terrorism-related information that is specific to the border would be included in both the border product and terrorism product. Below is additional information about the border intelligence products developed by the two fusion centers:

- **Arizona Counterterrorism Information Center:** The center issues a border-specific product (the “Situational Awareness Bulletin”) twice a week with input from the state’s Department of Public Safety and numerous federal agencies, including DHS’s I&A, Border Patrol, and ICE, and the FBI. The center initiated the bulletin in 2008 to enhance the situational awareness of local law enforcement officials along the Arizona border as drug-related violence on the Mexican side of the border increased. The bulletin now provides information about all types of crimes occurring in the vicinity of the border, as well as incidents from around the country and around the world. Topics have included immigration issues, burglaries at public safety offices, suspicious activities around critical infrastructure, stolen military uniforms, and stolen blank vehicle certificates of title.
- **New York State Intelligence Center:** The center’s Border Intelligence Unit issues a border-specific report quarterly with input from the New York State Police and numerous federal agencies, including DHS’s I&A, Border Patrol, and ICE, and the FBI. The report is intended to compile information on all types of crimes along the entire border between New York and Canada into one product for the convenience of local and tribal law enforcement agencies. This report covers crimes—such as illegal immigration and drug trafficking—and includes the results of joint federal and state operations conducted along the border. The report also contains news and updates on policies related to border security. According to center officials, the report grew out of recognition that various federal component agencies have offices that cover the border territory and could, therefore, collectively provide consistent intelligence information that would be helpful in enhancing the situational awareness of law enforcement agencies in border communities throughout the state. The Border Intelligence Unit also issues bulletins with actionable information on border-related crimes on an as-needed basis.

In addition to the benefits that officials from the two fusion centers cited from having on-site input and collaboration from representatives of three DHS components, the FBI, and other agencies, the majority of local and tribal agencies in the border communities we contacted found the border intelligence products to be useful. Specifically, six of the seven local and tribal law enforcement agencies we contacted in Arizona and New York

were receiving border intelligence products from the fusion center in their state and all six found that the products were useful or met their information needs. For example, one local law enforcement official said that his agency receives the quarterly border report developed by the New York fusion center and that he finds it useful as it sometimes contains issues directly related to his jurisdiction. The remaining locality did not comment on why the products were not received.

According to officials from the other three fusion centers we visited, the presence of additional federal personnel would support their efforts to develop border intelligence products that help to provide local and tribal law enforcement agencies along the borders with situational awareness of potential terrorist threats. For example:

- **Washington Fusion Center:** The Washington state fusion center is colocated with the local Joint Terrorism Task Force, which facilitates access to FBI information, and has representatives from DHS's I&A and ICE. According to Border Patrol headquarters officials, as of August 2009, the agency was in the process of assigning a full-time representative to the fusion center. The fusion center director noted that this official, once integrated into the center's report development process, would contribute greatly towards producing a border intelligence product. The fusion center director added that the border intelligence product would focus on all border crime issues, including any suspected terrorist activity.
- **Montana All Threat Intelligence Center:** The Montana All Threat Intelligence Center is colocated with the local Joint Terrorism Task Force, which facilitates access to FBI information. According to the fusion center director, a CBP analyst has supported the center part-time, though most of the time that person is working at the CBP office located 90 miles away. In August 2009, Border Patrol headquarters officials said that a full-time representative had been assigned to the fusion center. The fusion center director said that he expected an analyst from I&A to be assigned to the fusion center, but was unsure when that would happen. According to the director, additional federal personnel and their ability to analyze border-related information would enhance the fusion center's efforts to routinely produce a border intelligence product.
- **Texas Intelligence Center:** The Texas Intelligence Center is located within the Texas Department of Public Safety, and currently has representatives from I&A, ICE, and the FBI. Although the center prepares and disseminates a number of products, including a daily brief covering, among other issues, significant arrests, seizures and homeland security, it does not prepare an intelligence product that focuses on border issues.

Officials at the center said that the state's Border Security Operations Teams located along the border distribute information on border security issues to local and tribal agencies. According to the officials, the center will consider developing a border intelligence product once personnel from other appropriate agencies, such as Border Patrol, are in place at the fusion center.

DHS Plans to Deploy Additional DHS Personnel to Support Fusion Center Efforts to Develop Border Intelligence Products, but Cited Funding Issues and Competing Priorities as Barriers

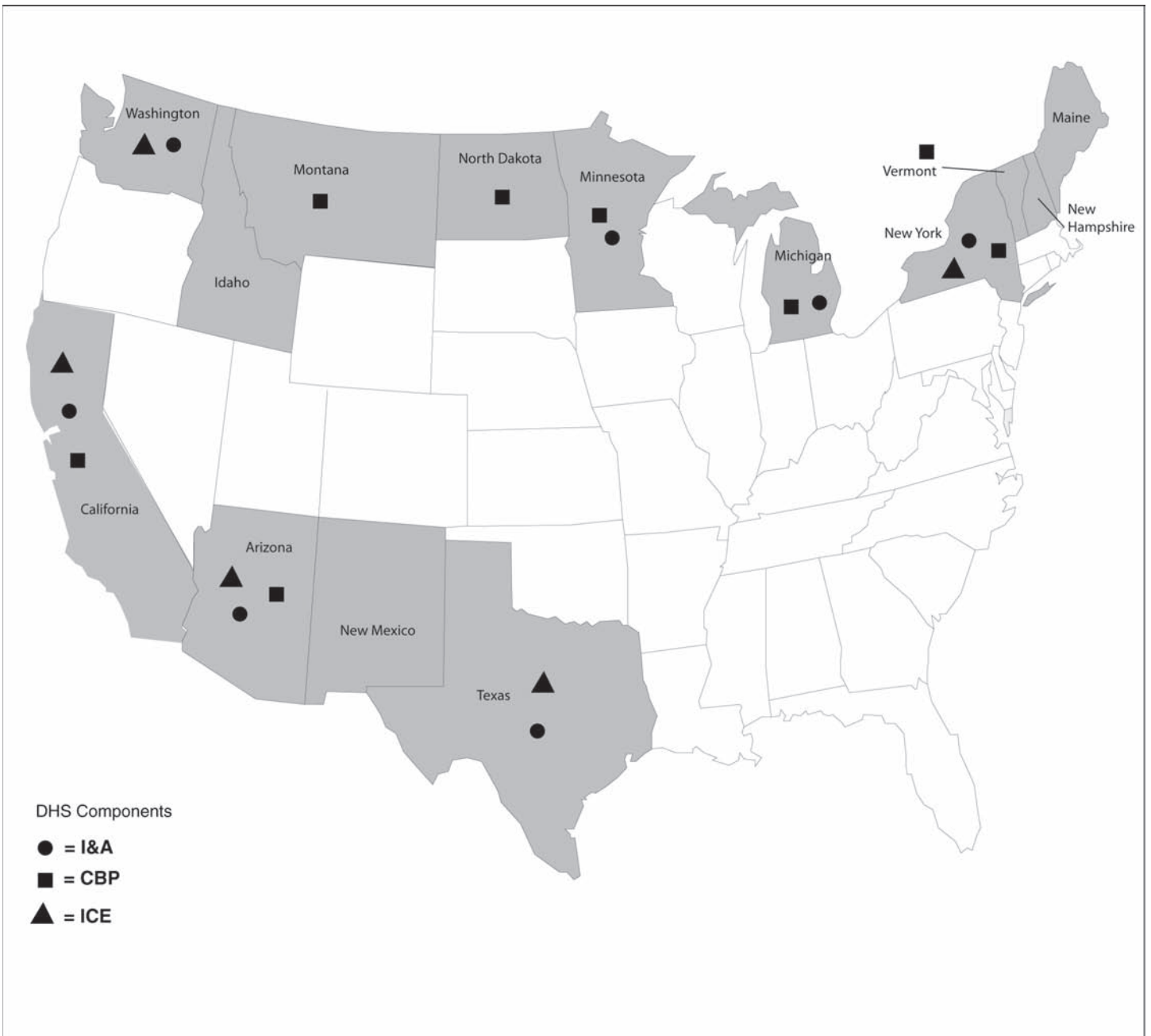
The director of I&A's State and Local Fusion Center Program Management Office—the office responsible for managing the relationship between I&A and fusion centers—acknowledged the value of having personnel from DHS components physically present at fusion centers, not only for state and local law enforcement but for federal agencies as well. The director noted that deploying DHS analysts to fusion centers is critical to developing trusted partnerships, which in turn will facilitate collaboration and information sharing among federal, state, local, and tribal officials. But to date, the director explained that the office has not received the funding needed to deploy the personnel to other centers and has other competing priorities.

DHS has had a plan for deploying personnel from its component agencies to fusion centers since June 2006, when the DHS Secretary signed the Support Implementation Plan for State and Local Fusion Centers. The plan calls for embedding DHS personnel with access to information, technology, and training in fusion centers to form the basis of a nationwide homeland security information network for collaboration and information sharing. According to the director of I&A's State and Local Fusion Center Program Management Office, in part because of limited resources, the department is taking a risk-based approach to determining where to deploy officers and analysts. As such, the department considers several factors in addition to available funding, including population density, the number of critical infrastructure facilities, and the results of fusion center assessments the office conducts to determine the readiness of the center to use the department's resources. Senior I&A officials noted that the department places some priority on deploying DHS personnel to state and local fusion centers located in border states, but that other factors also have to be considered under the department's risk-based approach.

According to DHS, as of September 2009, I&A had deployed 41 intelligence analysts to state, local, and regional fusion centers. DHS plans to have a total of about 70 I&A analysts at fusion centers by the end of fiscal year 2010 and an equal number of officers and analysts from DHS component

agencies (e.g., Border Patrol and ICE). Figure 4 shows DHS personnel that were assigned to fusion centers in the 14 land border states as of August 2009.

Figure 4: DHS Personnel Assigned to Land Border State Fusion Centers, August 2009



Source: GAO analysis of DHS data and Art Explosion.

According to CBP headquarters officials, the agency has only a limited number of Border Patrol intelligence analysts, and is currently working with I&A to identify priority fusion centers. Officials from ICE's Office of Intelligence also said that the agency is working with I&A to develop a strategy to enhance ICE participation at state and local fusion centers. Further, although the 9/11 Commission Act included an authorization for \$10 million for each of the fiscal years 2008 through 2012 for DHS to carry out the State, Local, and Regional Fusion Center Initiative—including the assignment of CBP, ICE, and other DHS stakeholder personnel to fusion centers—DHS did not specifically request funding for the initiative and no funds were appropriated for fiscal years 2008 or 2009 for this specific purpose. Rather, for fiscal years 2008 and 2009, DHS reprogrammed funds from other activities to support the fusion center initiative. According to the director of I&A's State and Local Fusion Center Program Management Office, DHS requested funding for the initiative in its fiscal year 2010 budget.

Although the 9/11 Commission Act did not address FBI participation at fusion centers, FBI intelligence analysts and special agents were dedicated to fusion centers in 8 of the 14 land border states as of September 2009, in addition to FBI personnel at Joint Terrorism Task Forces or Field Intelligence Groups that were colocated with these fusion centers. The FBI noted that it has committed millions of dollars over the years to ensure that its classified computer system and other databases and equipment were deployed to support FBI personnel assigned on a full- or part-time basis to fusion centers. According to the FBI, the bureau has worked with DHS to develop uniform construction standards and security protocols specifically designed to facilitate the introduction of federal classified computer systems in fusion centers. Further, the FBI noted that it has deployed the eGuardian system—an unclassified counterterrorism tool—to fusion centers and other entities.

Identifying and Sharing Promising Practices from Fusion Centers That Develop Border Intelligence Products and Soliciting Feedback on Their Usefulness Would Support Other Fusion Center Efforts to Develop Such Products

The creation of border intelligence products—such as those developed by the Arizona and New York fusion centers—represent potential approaches that other border state fusion centers could use to target products for local and tribal law enforcement agencies in border communities. I&A has a framework in place to identify and collect promising practices at fusion centers nationwide, as called for in the department’s March 2006 Support Implementation Plan for State and Local Fusion Centers and the December 2008 Interaction with State and Local Fusion Center Concept of Operations. Specifically, the implementation plan for fusion centers recommended that rigorous processes be used to identify, review, and share information regarding promising practices and lessons learned. Consistent with that recommendation, the concept of operations identifies leveraging promising practices for information sharing and revising existing processes when necessary and advisable as one of the guiding principles of interaction with fusion centers.

However, as of July 2009, I&A had not yet identified or explored promising practices related to fusion center efforts to develop border intelligence products. According to the director of I&A’s Border Security Division, such analysis has potential value but has not yet occurred because the division has been focusing on developing its own products and providing other support to fusion centers.³³ While it is understandable that I&A would focus on its own activities, DHS could benefit from identifying promising practices related to fusion center border intelligence products because of the importance the federal government places on fusion centers to facilitate the sharing of information. By identifying such practices, DHS would be better positioned to leverage existing resources and help ensure that local and tribal agencies in border communities receive information that enhances their situational awareness of potential terrorist threats.

Also, DHS had not obtained feedback on the utility and quality of the border intelligence products that its analysts in fusion centers have helped to develop. The 9/11 Commission Act requires DHS to (1) create a voluntary feedback mechanism for state, local, and tribal law enforcement officers and other consumers of the intelligence and information products

³³ According to the director of I&A’s Border Security Division, the division’s products are designed to provide information about border threats and other information that is applicable to border communities throughout the country. In contrast, fusion center products are generally designed to provide information that is specific to a geographic location.

developed by DHS personnel assigned to fusion centers under the act and (2) provide annual reports to committees of Congress describing the consumer feedback obtained and, if applicable, how the department has adjusted its own production of intelligence products in response to that consumer feedback.³⁴ However, DHS's December 2008 and August 2009 reports to Congress did not describe the feedback obtained on the intelligence products that its analysts in fusion centers helped to produce—including border intelligence products—or adjustments made in response to the feedback.

DHS recognizes that it needs to take additional actions to obtain feedback from local and tribal law enforcement officers who are consumers of the intelligence products that I&A produces. For example, in mid-2009, I&A hired a contractor to initiate feedback pilot projects, including one currently underway to evaluate and implement processes for gathering and evaluating feedback responses. However, these projects are designed to solicit feedback on products developed by I&A and do not specifically include products that DHS personnel in fusion centers help to develop, including border intelligence products. Therefore, these projects may not support I&A efforts to obtain feedback under the 9/11 Commission Act on products that DHS personnel in fusion centers help to develop.

DHS's August 2009 report to Congress generally illustrates the value in obtaining feedback on intelligence products. For example, in one instance, the report notes that a state fusion center expressed concerns that the perspectives of three southwest border state fusion centers were not included in an assessment that I&A headquarters produced on border violence. The feedback resulted in teleconferences and other I&A actions to ensure that state and local perspectives are included in future assessments of border violence. Similarly, obtaining feedback on the border intelligence products that DHS analysts in fusion centers help to produce would support other fusion center efforts to develop such products and the department's efforts to adjust its own production of intelligence products in response to that consumer feedback.

The two fusion centers we contacted that were creating border intelligence products with the support of DHS personnel (Arizona and

³⁴DHS is to submit its annual reports to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives. See 6 U.S.C. §124h(g)(2).

New York) had established their own mechanisms for obtaining feedback from local and tribal consumers of the products. Specifically, the fusion centers attached feedback forms to the border products, but have received low response rates, according to center officials. As a result, the fusion centers took other actions to solicit feedback on the border products, such as through direct outreach with local and tribal consumers of the information. Officials from both fusion centers said that the feedback has generally been positive and that the border products have been modified in response to this feedback. According to the officials, since these products are developed by the fusion centers, the centers do not routinely provide related feedback to DHS on the value of the contributions of its staff and intelligence input. However, the fusion centers' efforts to obtain feedback on the border intelligence products—in addition to using feedback forms—demonstrate the feasibility of DHS taking additional actions to collect feedback on the products and report its findings to congressional committees under the 9/11 Commission Act. DHS agrees that it could take additional actions to collect this feedback, which could be done as part of the department's ongoing feedback pilot projects.

By working with fusion centers to obtain feedback on the border intelligence products developed, DHS could better support fusion center efforts to maintain and improve the utility and quality of information provided to local and tribal law enforcement agencies along the borders. This information could also be useful to I&A in modifying its own border intelligence products to better meet the needs of fusion centers, assist the department in making decisions on how to best utilize its limited resources at fusion centers, and be responsive to its statutory reporting requirements.

Local and Tribal Agencies in Border Communities We Contacted Could Better Support National Counterterrorism Efforts If They Were More Aware of the Suspicious Activities They Are to Report

Detecting the warning signs of potential terrorist activities and sharing the information with the proper agencies provides an opportunity to prevent a terrorist attack. However, most of the local and tribal officials in the border communities we contacted did not clearly know what suspicious activities federal agencies and fusion centers wanted them to report, how to report them, or to whom. The federal government is working with state and local entities to develop a standardized suspicious activity reporting process that, when implemented, could help address these issues. In the meantime, providing local and tribal officials with suspicious activity indicators that are associated with criminal activity along the borders could assist the officials in identifying potential terrorist threats.

Most Local and Tribal Agencies in Border Communities We Contacted Did Not Know What Suspicious Activities Federal Agencies and Fusion Centers Wanted Them to Report or How to Report Them

According to an October 2008 intergovernmental report on suspicious activities, fundamental to local and tribal law enforcement agencies' efforts to detect and mitigate potential terrorist threats is ensuring that front-line personnel recognize and have the ability to document behaviors and incidents indicative of criminal activity associated with international terrorism.³⁵ Unlike behaviors, activities, or situations that are clearly criminal in nature—such as car thefts, burglaries, or assaults—suspicious activity reporting involves suspicious behaviors that have been associated with terrorist activities in the past and may be predictive of future threats to public safety. Examples include surveillance, photographing of facilities, site breaches or physical intrusion, cyber attacks, and the probing of security.

To varying degrees, federal agencies and fusion centers provided local and tribal agencies in the border communities we contacted with alerts, warnings, and other information that enhanced the local and tribal agencies' situational awareness of potential terrorist threats. As an additional tool, the FBI and fusion centers in two of the five states we contacted had developed lists of suspicious activities—in the form of reference cards or brochures—to help local and tribal agencies determine

³⁵DOJ, Global Justice Information Sharing Initiative, Major Cities Chiefs Association, and DHS, *Findings and Recommendations of the Suspicious Activity Report (SAR) Support and Implementation Project*.

what behaviors, activities, or situations are indicators of potential terrorist activities and should be reported for further analysis. However, officials from 13 of the 20 local and tribal agencies we contacted said they did not recall being provided with a list of the suspicious activities or indicators that rise to the level of potential terrorist threats and should be reported, while officials from 7 of the 20 agencies said they had received such indicators from either the FBI, the state fusion center, or another entity. According to the October 2008 intergovernmental report on suspicious activities, local law enforcement agencies are critical to efforts to protect local communities from another terrorist attack. The report also notes that to effectively conduct these duties, it is critical that the federal government ensure that local law enforcement personnel can recognize and have the ability to document behaviors and incidents indicative of criminal activity associated with domestic and international terrorism.

While federal agencies and fusion centers had taken steps to disseminate or discuss terrorism-related indicators with local and tribal officials—such as through mass mailings and during outreach meetings and law enforcement conferences—these actions did not ensure that local and tribal agencies were aware of them, in part because the mechanisms used to share information were not always effective, as discussed earlier in this report. As a result of not being aware of the suspicious activity indicators, local officials in three border communities we contacted said they did not clearly know what information federal agencies and fusion centers wanted them to collect and report. Increased awareness of these indicators would better position local and tribal agencies along the border to identify and report behaviors and incidents indicative of criminal activity associated with terrorism.

Also, in about half of the border communities we contacted, local and tribal agency officials were not aware of the specific processes they were to use to report terrorism-related suspicious activities or to whom this information should be reported because federal agencies had not yet defined such processes. Absent defined processes, the local and tribal officials had independently developed policies and procedures for gathering and reporting suspicious activities and they provided varying responses regarding how and to whom they would submit suspicious activities that may have a nexus to terrorism. Responses included reporting suspicious activities to a fusion center, the FBI, or another federal agency. Several local and tribal officials we contacted said they would report this information to the local federal official—e.g., Border Patrol, ICE, or the FBI—with whom they had developed a relationship. By defining reporting processes, federal, local, and tribal agencies would be in

a better position to conduct more efficient collection and analysis of suspicious activities and share the results on a regional or national basis. Also, internal control standards call for management to ensure that there are adequate processes for communicating with and obtaining information from external stakeholders that may have a significant effect on the agency achieving its goals and that information should be recorded and communicated to the entities who need it in a form and within a time frame that enables them to carry out their responsibilities.³⁶

At the national level, the federal government is working with state and local law enforcement entities on the National Suspicious Activity Reporting Initiative to standardize the reporting of suspicious activities that may be related to terrorism.³⁷ The long-term goal of the initiative is to develop and implement consistent national policies, processes, and best practices by employing a standardized, integrated approach to gathering, documenting, processing, analyzing, and sharing information about suspicious activity that is potentially related to terrorism. One of the immediate goals of the initiative is to help ensure that suspicious activity reports with a potential connection to terrorism are expeditiously provided by local and tribal law enforcement agencies to the FBI. As of September 2009, related pilot projects were ongoing at fusion centers in 12 major cities. According to the DOJ official who is overseeing the initiative, an evaluation of the pilots will be completed by late 2009, but fully implementing the initiative across the country could take up to 2 years.

Until the National Suspicious Activity Reporting Initiative is fully implemented, additional federal agency efforts to establish defined processes for local and tribal officials in border communities to report

³⁶GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: November 1999). These standards, issued pursuant to the requirements of the Federal Managers' Financial Integrity Act of 1982, provide the overall framework for establishing and maintaining internal control in the federal government. Also pursuant to the 1982 act, the Office of Management and Budget (OMB) issued circular A-123, revised December 21, 2004, to provide the specific requirements for assessing the reporting on internal controls. Internal control standards and the definition of internal control in OMB Circular A-123 are based on GAO's *Standards for Internal Control in the Federal Government*.

³⁷Entities participating in the National Suspicious Activity Reporting Initiative include the Program Manager-Information Sharing Environment, DHS, the FBI, the Office of the Director of National Intelligence, state and local fusion centers, the Major Cities Chiefs' Association, the International Association of Chiefs of Police, the Major County Sheriffs' Association, and the National Sheriffs' Association.

suspicious activities could help ensure that information is collected and shared with the most appropriate entity.

Suspicious Activity Indicators That Are Associated with Criminal Activity along the Borders Could Assist Local and Tribal Officials in Identifying Potential Terrorist Threats

According to the director of I&A's Border Security Division, senior intelligence officials at fusion centers in two of the five border states we contacted, and other subject matter experts—including federal and state officials who were involved in developing suspicious activity indicators for local and tribal agencies in border communities—the suspicious activity indicators could be more useful if they also contained terrorism-related behaviors, activities, or situations that were more applicable to the border or border crimes and were periodically updated to reflect current threats. Officials from three of the local law enforcement agencies we contacted also suggested that border-specific indicators would help them link potential terrorism-related activities to crimes they are more likely to encounter along the border, such as illegal immigration and currency smuggling. However, our review of the suspicious activity indicators being utilized by the National Suspicious Activity Reporting Initiative and those that were developed by the FBI and fusion centers generally did not include indicators that were specific to the border.

According to the DOJ official who was overseeing the implementation of the national initiative, the primary suspicious activity indicators that were validated by the law enforcement and intelligence community for use in the major city pilot projects were designed to be general and applicable to local and tribal officials located anywhere in the country. The official noted that the automated system that is being used by law enforcement agencies to record the suspicious activities during the pilot projects was designed to accommodate “sub-lists” that contain indicators that are applicable to specific sectors, such as the critical infrastructure sector. The official said that there was not a sub-list for border-specific indicators, but that he saw the potential for developing such a list. The official said that I&A would be the entity with the requisite expertise for developing such a list.

In April 2009, I&A deployed an intelligence analyst from its Border Security Division to DHS's Homeland Security Intelligence Support Team to develop terrorism indicators that are specific to the southwest border.³⁸

³⁸In 2007, DHS created the Homeland Security Intelligence Support Team at the El Paso Intelligence Center to improve information sharing among federal agencies and with state, local, and tribal partners.

According to the director of the Border Security Division, the analyst is looking for trends and patterns in terrorism-related incident reports that are generated by local and tribal law enforcement officials along the southwest border. The director said that I&A has not yet determined a final date for developing the suspicious activity indicators since there is a lot of information that has to be analyzed. The official noted that I&A is considering deploying another intelligence analyst to the northern border to perform similar analyses.

According to the director of I&A's Border Security Division, in his former position as a border analyst in the intelligence community, he worked with CBP and ICE to develop border-related indicators that were potential precursors to terrorist activities. The official noted the importance of periodically updating and consistently disseminating these indicators of terrorism-related behaviors, activities, or situations that reflect current border threats. According to Border Patrol and ICE headquarters and field personnel, neither agency had developed suspicious activity indicators that were specific to the borders.

Additional DHS and FBI actions to develop, periodically update, and consistently disseminate indicators of terrorism-related activities that focus on border threats could help to maximize the utility of suspicious activity indicators as a counterterrorism tool in border communities.

Conclusions

As discussed in the National Strategy for Information Sharing, state, local, and tribal government officials are critical to our nation's efforts to prevent future terrorist attacks. Because these officials are often in the best position to identify potential threats that exist within their jurisdictions, they must be partners in information sharing that enhances situational awareness of border crimes and potential terrorist threats. In border communities, this partnership is particularly important because of the vulnerability to a range of criminal activity that exists along our nation's borders. Therefore, a more robust effort by federal agencies to identify the information needs of local and tribal law enforcement agencies along the borders and periodically assess the extent to which partnerships exist and related mechanisms to share information are working—and fill gaps and address barriers where needed—could better enable federal agencies to provide useful information to their local and tribal partners that enhances situational awareness.

The work of state-run fusion centers is also critical to the nation's efforts to prevent terrorist attacks. Fusion centers in the border states we visited

demonstrated a range of practices related to developing border intelligence products that could serve as a model for other fusion centers. By identifying and sharing these promising practices, DHS and the FBI could help strengthen the work of fusion centers nationally in addition to enhancing situational awareness of local and tribal law enforcement. Also, by working with the centers to obtain feedback on border intelligence products, DHS and the FBI could enhance the utility of those products that fusion centers share with local and tribal law enforcement agencies.

Finally, until a national suspicious activity reporting process is in place, more consistently providing local and tribal officials in border communities with information on the suspicious terrorism-related activities they should report—including those related to border threats—and establishing processes for reporting this information could help ensure that critical information is reported and reaches the most appropriate agency to take action.

Recommendations for Executive Action

To help ensure that local and tribal law enforcement agencies in border communities receive information from local federal agencies that enhances their situational awareness of border crimes and potential terrorist threats, we recommend that the Secretary of Homeland Security and Director of the FBI, as applicable, require Border Patrol, ICE, and FBI offices in border communities to take the following two actions: (1) more consistently and fully identify the local and tribal agencies' information needs and (2) periodically assess the extent to which partnerships and related mechanisms to share information exist, fill gaps as appropriate, and address barriers to establishing such partnerships and mechanisms.

To promote future efforts to develop border intelligence products within fusion centers, we recommend that the Secretary of Homeland Security and the Director of the FBI collaborate with fusion centers to take the following two actions: (1) identify and market promising practices used to prepare these products and (2) take additional actions to solicit feedback from local and tribal officials in border communities on the utility and quality of the products generated.

To maximize the utility of suspicious activity indicators as a counterterrorism tool, we recommend that the Secretary of Homeland Security and the Director of the FBI collaborate with fusion centers to take the following two actions: (1) take steps to ensure that local and tribal law enforcement agencies in border communities are aware of the specific types of suspicious activities related to terrorism that they are to

report and the process through which they should report this information and (2) consider developing, periodically updating, and consistently disseminating indicators of terrorism-related activities that focus on border threats.

Agency Comments and Our Evaluation

On November 10, 2009, we provided a draft of this report to DHS and DOJ for comment. In its written response, DHS noted that CBP, ICE, and I&A are continuing and expanding efforts to share information. DHS agreed with all of our recommendations in this report.

Specifically, DHS agreed with our recommendation related to the need for Border Patrol and ICE to (1) more fully identify the information needs of local and tribal agencies along the borders and (2) periodically assess the extent to which partnerships and related mechanisms to share information exist. For example, CBP agreed that a systematic and standardized process to disseminate information and receive feedback is vital to situational awareness for local and tribal law enforcement partners who are within the immediate areas adjacent to the border. CBP noted that Border Patrol plans to develop a list of individuals who will serve as liaisons to local and tribal agencies and also develop a list of local and tribal contacts. According to CBP, the Border Patrol liaisons will then make initial efforts to assess the information needs of the law enforcement partners and take other actions to determine and publish guidance on information sharing. To ensure that information shared is useful, Border Patrol plans to conduct annual surveys of its partners. Border Patrol envisions that this standardized process will be in place by the end of fiscal year 2010. When implemented, the Border Patrol's actions should meet the intent of our recommendation. ICE also agreed with the recommendation and plans to work with CBP and the FBI to enhance local and tribal law enforcement agencies' situational awareness, but ICE did not provide details on the specific actions it will take. I&A provided, or otherwise highlighted, additional information on the current status of information sharing among federal, state, and local agencies as it pertains to border security.

DHS also agreed with our recommendation related to the need for DHS and the FBI to collaborate to (1) identify and market promising practices used to prepare border intelligence products within fusion centers and (2) take additional actions to solicit feedback from local and tribal officials on the utility and quality of the products generated. According to I&A—the DHS component that has the lead in addressing this recommendation—the department has initiated the creation of a broad Joint Fusion Center

Program Management Office, which represents a departmentwide effort that seeks to more closely coordinate support to fusion centers with department component agencies, including CBP and ICE. I&A also noted that its intelligence specialists that are in fusion centers also act as conveyers of information about promising practices to develop border intelligence products. Finally, I&A noted that the department hosts the Lessons Learned and Best Practices Web site that can be utilized to promote future efforts to develop border intelligence products within fusion centers. While these actions could potentially support DHS efforts to identify and market promising practices used to prepare border intelligence products within fusion centers, I&A did not provide any specific information on the extent to which such practices have been identified and marketed. I&A's comments also did not address what actions, if any, are ongoing or planned to solicit feedback from local and tribal officials on the utility and quality of the products generated. ICE also agreed with the recommendation and noted that it will work with the FBI to implement it, but ICE did not provide details on the specific actions it will take.

Finally, DHS agreed with our recommendation related to the need for DHS and the FBI to collaborate to (1) ensure that local and tribal law enforcement agencies in border communities are aware of the suspicious activities related to terrorism they are to report and the process for reporting this information and (2) consider developing and disseminating indicators of terrorism-related activities that focus on border threats. ICE agreed with the recommendation but deferred to I&A on the implementation specifics. I&A provided additional information on the status of the National Suspicious Activity Reporting Initiative and efforts to test and evaluate related policies, procedures, and technology. According to I&A, the evaluation phase of the initiative at participating sites concluded at the end of September 2009 and a final report will be issued that will document lessons learned and best practices. I&A noted that the initiative will then be transitioned from a preoperational environment to a broader nationwide implementation. However, as discussed in our report, the DOJ official who is overseeing the initiative noted that the nationwide implementation could take up to 2 years. Therefore, our recommendation is intended for DHS and the FBI to take interim actions until the national initiative is fully implemented, such as more consistently providing local and tribal officials in border communities with information on the suspicious terrorism-related activities they should report—including those related to border threats—and establishing processes for reporting this information.

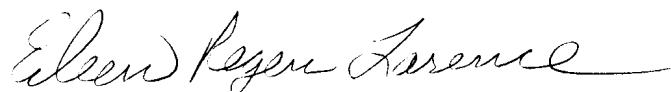
The full text of DHS's written comments is reprinted in appendix II. DHS also provided technical comments, which we incorporated in this report where appropriate.

On December 8, 2009, DOJ's Audit Liaison Office, within the Justice Management Division, stated by e-mail that the department will not be submitting technical or formal comments on the draft report.

As agreed with your office, we plan no further distribution of this report until 30 days from its date, unless you publicly announce its contents earlier. At that time, we will send copies to the Secretary of Homeland Security, the Attorney General, and other interested parties. In addition, this report will be available at no charge on GAO's Web site at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-8777 or larencee@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff that made major contributions to this report are listed in appendix III.

Sincerely yours,



Eileen R. Larence
Director, Homeland Security and Justice Issues

Appendix I: Objectives, Scope, and Methodology

The objectives of our review were to determine the extent to which (1) local and tribal law enforcement agencies in border communities are receiving information from their federal partners that enhances the agencies' situational awareness of border crimes and potential terrorist threats; (2) federal agencies are assisting fusion centers' efforts to develop border intelligence products that enhance local and tribal agencies' situational awareness of border crimes and potential terrorist threats; and (3) local and tribal law enforcement agencies in border communities are aware of the specific types of suspicious activities related to terrorism they are to report and to whom, and the process through which they should report this information.

To identify criteria for answering these questions, we analyzed relevant laws, directives, policies, and procedures related to information sharing, such as the October 2007 National Strategy for Information Sharing and the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Commission Act).¹ The 9/11 Commission Act provides for the establishment of a State, Local, and Regional Fusion Center Initiative at the Department of Homeland Security (DHS) and contains numerous provisions that address the federal government's information sharing responsibilities to state and local fusion centers, including those that serve border communities.

To examine the information sharing that occurs between local and tribal law enforcement agencies in border communities and federal agencies that have a local presence in these communities—U.S. Customs and Border Protection's Border Patrol and U.S. Immigration and Customs Enforcement (ICE), and the Federal Bureau of Investigation (FBI)—we conducted site visits to five states that are geographically dispersed along the northern and southwest borders (Arizona, Montana, New York, Texas, and Washington). Within these states, we selected a nonprobability sample of 23 local and tribal law enforcement agencies to visit based on one or more of the following characteristics:²

¹See generally Pub. L. No. 110-53, tit. V, 121 Stat. 266, 306-35 (2007).

²Nonprobability sampling is a method of sampling where observations are selected in a manner that is not completely random, generally using specific characteristics of the population as criteria. Results from a nonprobability sample cannot be used to make inferences about an entire population because some elements of the population being studied had no chance or an unknown chance of being selected as part of the sample.

- locations known to be or suspected of being particularly vulnerable to illegal entry or criminal activity;
- land ports of entry with heavy inbound passenger traffic;
- locations in proximity to areas at the border where there is little or no continuous federal border enforcement presence;
- locations that include Native American tribal communities with lands that abut the border;
- locations where federal, state, and local communities have in the past, or are currently working with federal agencies to support border security either informally or through pilot programs for sharing information;
- locations in proximity to federal agencies at the border; and
- geographically dispersed locations along the northern and southwest land borders.

We met with county sheriffs, local police chiefs, and tribal police chiefs from the 23 law enforcement agencies and asked them about the information they received from federal agencies in their localities. We also asked whether federal officials had discussed local and tribal officials' information needs and had established information sharing partnerships and related mechanisms to share information with them—consistent with the National Strategy for Information Sharing and best practices described in GAO reports.³

After our visits, we sent follow-up questions to all 23 local and tribal agencies we visited in order to obtain consistency in how we requested and obtained information for reporting purposes. Three agencies did not respond to our follow-up efforts and were excluded from our analysis. Thus, our analysis and reporting is based on our visits and subsequent activities with the 20 local and tribal agencies that responded to our follow-up questions. We also met with local representatives of Border Patrol, ICE, and the FBI to discuss their perspectives on the information sharing that occurred, and compared this information to that provided by local and tribal agencies in order to identify barriers to sharing and related causes.

Because we selected a nonprobability sample of agencies in border communities to contact, the information we obtained at these locations may not be generalized across the wider population of law enforcement agencies in border communities. However, because we selected these

³See, for example, GAO, *Information Sharing: Practices That Can Benefit Critical Infrastructure Protection*, [GAO-02-24](#) (Washington, D.C.: Oct. 15, 2001).

border communities based on the variety of their geographic location, proximity to federal agencies, and other factors, the information we gathered from these locations provided us with a general understanding of information sharing between federal agencies and state, local, and tribal law enforcement agencies along the border.

To assess the extent to which federal agencies assisted fusion centers in developing border intelligence products, as discussed in the 9/11 Commission Act, we reviewed products developed by fusion centers to determine the extent to which they provided border security–relevant information.⁴ We also met with and conducted subsequent follow-up conversations with fusion center directors and other senior fusion center officials in the five states we visited (Arizona, Montana, New York, Texas and Washington) and obtained their views on the importance of developing such products and about the level of support federal agencies were providing in developing these products. We asked each of the 20 local and tribal law enforcement agencies we contacted whether they received border intelligence products from their state’s primary fusion center and, if so, we discussed their views on the usefulness of such products.

We also interviewed senior officials from DHS’s Office of Intelligence and Analysis—the office responsible for coordinating the federal government’s support to fusion centers—and headquarters and field components of Border Patrol, ICE, and the FBI to discuss their efforts to support fusion centers’ development of border intelligence products, identify promising practices for developing such products, and obtain feedback from local and tribal officials on the usefulness of the products. We also reviewed applicable documents that address fusion centers, including the 9/11 Commission Act, the National Strategy for Information Sharing, fusion center guidelines, and DHS planning documents and reports.

Finally, to determine the extent to which local and tribal agencies in border communities were aware of the suspicious activities they are to report, we asked officials from the 20 agencies what, if any, information federal agencies or fusion centers had provided them on the kinds of suspicious activities that could be indicators or precursors to terrorism

⁴In general, border security–relevant information includes information on border crimes—such as illegal immigration, drug trafficking, and border violence—and potential terrorist threats.

and what processes they had in place for reporting information on these activities. In general, suspicious activity is defined as observed behavior or incidents that may be indicative of intelligence gathering or preoperational planning related to terrorism, criminal, espionage, or other illicit intentions. We also reviewed the *Findings and Recommendations of the Suspicious Activity Report (SAR) Support and Implementation Project* to determine the extent to which the federal government recognizes the role of suspicious activity reporting for detecting and mitigating potential terrorist threats.⁵ We compared the processes for reporting suspicious activities with GAO's Standards for Internal Control in the Federal Government.⁶

We also examined indicators of various suspicious activities the FBI and fusion centers developed to determine if they contained border-specific content. We interviewed Department of Justice officials who were leading the national initiative to standardize suspicious activity reporting—as well as those from headquarters components of DHS and the FBI—to discuss the status of the national initiative and whether border-specific indicators were needed and are being considered as part of this initiative.

We conducted this performance audit from October 2007 through December 2009 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

⁵DOJ, Global Justice Information Sharing Initiative, Major Cities Chiefs Association, and DHS, *Findings and Recommendations of the Suspicious Activity Report (SAR) Support and Implementation Project* (October 2008).

⁶GAO, Standards for Internal Control in the Federal Government, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: November 1999). These standards, issued pursuant to the requirements of the Federal Managers' Financial Integrity Act of 1982, provide the overall framework for establishing and maintaining internal control in the federal government. Also pursuant to the 1982 act, the Office of Management and Budget (OMB) issued circular A-123, revised December 21, 2004, to provide the specific requirements for assessing the reporting on internal controls. Internal control standards and the definition of internal control in OMB Circular A-123 are based on GAO's *Standards for Internal Control in the Federal Government*.

Appendix II: Comments from the Department of Homeland Security

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

December 10, 2009

Ms. Eileen R. Larence
Director
Homeland Security and Justice Issues
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Larence:

Re: Draft Report GAO-10-41, Information Sharing: Federal Agencies Are Sharing Border and Terrorism Information with Local and Tribal Law Enforcement Agencies, but Additional Efforts Are Needed
(GAO Job Code 440632)

The Department of Homeland Security (Department) appreciates the opportunity to review and comment on the U.S. Government Accountability Office's (GAO's) draft report referenced above.

GAO determined that most contacted local and tribal law enforcement agencies in the border communities found information from federal partners useful for situational awareness but adopting further measures could close other information sharing gaps. GAO also found that federal agencies are supporting some fusion center efforts to develop border intelligence products but additional Department personnel and other measures could strengthen efforts. In addition, GAO noted that local and tribal agencies in border communities could better support national counterterrorism efforts if they were more aware of the suspicious activity report.

The draft GAO report includes three recommendations directed to the Department and the Federal Bureau of Investigation (FBI). U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and the Office of Intelligence and Analysis (I&A) commented on the draft report. These Department entities, as described below, are continuing and expanding efforts to share information, thereby meeting the intent of the recommendations.

Recommendation 1

The Secretary of Homeland Security and the Director of the FBI require Border Patrol, ICE, and FBI offices in border communities to take the following two actions to help ensure that local and tribal law enforcement agencies receive information that enhances their situational awareness of border crimes and potential terrorist threats: (1) more consistently and fully identify the local and tribal agencies' information needs and (2) periodically assess the extent

to which partnerships and related mechanisms to share information exist, fill gaps as appropriate, and address barriers to establishing such partnerships and mechanisms.

Response

The Department agrees with the recommendation. Specifically, CBP agreed that a systematic and standardized process to disseminate information and receive feedback is vital to situational awareness for local and tribal law enforcement partners who are within the immediate areas adjacent to the border. Toward this endeavor, the Office of Border Patrol (OBP) will develop a list of contacts at Headquarters Border Patrol, sectors, and stations who will serve as the local and tribal liaisons. Further, each sector and station will have a list of local and tribal contacts. Once this contact list is established, either the sector or station will make initial contact to assess the information needs of the law enforcement partners. The sectors, in concert with Headquarters, will determine and publish guidance on information sharing above the "For Official Use Only" designation to ensure that only partners with a "need-to-know" requirement receive this additional secure information. This guidance will also cover the "Third Agency Rule;" derogatory information on participating partner agencies; and the security requirements for partner agencies, such as obtaining and maintaining security clearance levels of the participants and the need to possibly acquire secure equipment such as computers, faxes, and telephones. One possible means of disseminating information that may be studied is the use of fusion centers. Any information sharing liaison program at the fusion center will require either a memorandum of agreement or standard operating procedure. Lastly, to ensure that information shared is useful to partners, the sectors or stations will conduct an annual survey. The results of the survey will be reviewed and originals maintained at the local level with copies sent to OBP Headquarters. OBP envisions this standardized process to be in place by end of fiscal year 2010.

CBP is moving forward on several fronts and making an effort to ensure that information sharing with federal, state, local and tribal partners is maintained at the highest possible level. Examples of these efforts are:

- Establishment of Intelligence and Operations Coordination Centers;
- Expansion of Intelligence Coordination Teams at strategic CBP locations nationwide;
- Working as a team with the Department's Office of Intelligence and Analysis in a coordinated effort to support State and Local Fusion Centers (SLFCs) with needed border security information and expertise; and
- Embedding CBP personnel, as needed, in SLFCs.

CBP is working in conjunction with I&A and other Department components to support and provide information sharing opportunities with SLFCs. Additionally, the Field Coordination Division within CBP's Office of Intelligence Operations and Coordination will work closely with the other CBP offices to identify the SLFCs to which federal intelligence or liaison personnel could be assigned to ensure state and local law enforcement information and intelligence is exchanged between all stakeholders operating near the borders.

ICE also agreed with the recommendation and will work with CBP and the FBI to enhance local and tribal law enforcement agencies situational awareness.

In responding to the draft report, the Department's Office of Intelligence and Analysis provided, or otherwise highlighted, additional information on the current state of information sharing among federal, state, and local agencies as it pertains to border security. On-going and planned I&A actions discussed below are consistent with meeting the intent of the recommendation.

I&A information sharing with state and local agencies and law enforcement organizations on the border and throughout the United States is conducted primarily through the 72 designated state and urban area fusion centers. In order to effectively share homeland security information with the 18,000 law enforcement organizations and myriad of other crucial state and local agencies, the Department, through several components and offices, has made a conscious effort to focus its information sharing efforts on the fusion centers. These efforts include, but are not limited to, the deployment of Intelligence Operations Specialists and the Homeland Secure Data Network (HSDN) to fusion centers, the build-out of secure space required for HSDN installation in fusion centers, granting security clearances to state, local, and tribal partners, and providing training and Technical Assistance.

I&A deploys Intelligence Operations Specialists to fusion centers in order to build relationships and information sharing partnerships with state, local, and tribal partners. These officers also assess the information needs of the fusion centers and the needs of partners engaged in the fusion centers. They relate that information back to the Department and serve as the conduit for information flow between the states and I&A. As I&A expands its deployment of these officers to each of the 72 designated fusion centers, these information sharing relationships and awareness of information needs will only increase.

To facilitate the development of a national fusion center capability, the Department's National Protection and Programs Directorate and the U.S. Department of Justice's Bureau of Justice Assistance partnered in 2007 to develop the Fusion Process Technical Assistance Program. This program has been developed in support of I&A and in coordination with the Office of the Director of National Intelligence; the Office of the Program Manager, Information Sharing Environment (PM-ISE); the FBI; and experts from the state and local community—including the Global Justice Information Sharing Initiative, the Criminal Intelligence Coordinating Council, and the Global Intelligence Working Group.

Two of these offerings assist fusion centers with the development of Terrorism Liaison Officer Programs. The Fusion Liaison Officer Program Development institutionalizes multi-disciplinary fusion center participation via the replication of the Fusion Liaison Officer (FLO) Program. The FLO Program Implementation executes the foundational plan developed during the FLO Program Development technical assistance service, bringing together fusion center management and identified fusion liaison officers. These programs, through the building of far-reaching networks of law enforcement officers, enable the communication of information needs as well as create new information sharing partnerships and are instrumental in addressing the recommendation.

The Fusion Process Technical Assistance Program has also developed the Information and Intelligence Sharing Fellowship Pilot Program (Fellowship Program) to further strengthen relations with state and local personnel. Through the program, selected fusion center or law enforcement officers will serve three to four month fellowships within various Department

offices. The formal inclusion of state/local representatives in information and intelligence offices will increase transparency and partnership on critical information sharing issues.

In addition to the Fellowship Program, several state and local law enforcement agencies maintain a rotation presence in the Department's National Operations Center. This type of exposure forges lasting partnerships between state and federal entities and facilitates an ongoing two-way exchange of relevant information and intelligence.

Recommendation 2

To promote future efforts to develop border intelligence products within fusion centers, the Secretary and FBI Director [should] collaborate with fusion centers to take the following two actions: (1) identify and market promising practices used to prepare these products and (2) take additional actions to solicit feedback from local and tribal officials in border communities on the utility and quality of the products generated.

Response

The Department agrees with the recommendation. I&A has the lead on taking action to address the recommendation and their comments follow. ICE independently agreed with the recommendation and will work with the FBI to implement it.

In order to best meet the needs of state, local, tribal, and territorial partners, the Department has initiated the creation of a broad Joint Fusion Center Program Management Office (JFC-PMO). This office represents a Department-wide effort that seeks to more closely coordinate support to fusion centers with Department component agencies, including ICE and CBP.

The Intelligence Operations Specialists in fusion centers also act as conveyors of information about promising practices to develop border information products. In addition, the Department, through the Federal Emergency Management Agency, hosts the Lessons Learned Information Sharing (*LLIS.gov*) Web site, the national network of Lessons Learned and Best Practices for emergency response providers and homeland security officials. *LLIS.gov's* secure, restricted-access information is designed to facilitate efforts to prevent, prepare for and respond to acts of terrorism and other incidents across all disciplines and communities throughout the United States. This resource can be utilized to promote future efforts to develop border intelligence products within fusion centers.

Recommendation 3

The Secretary and the FBI Director collaborate with fusion centers by taking two actions to maximize the utility of suspicious activity indicators as a counterterrorism tool: (1) ensure that local and tribal law enforcement agencies in border communities are aware of the specific types of suspicious activities related to terrorism that they are to report and the process through which they should report this information, and (2) consider developing, periodically updating, and consistently disseminating indicators of terrorism-related activities that focus on border threats.

Response

The Department agrees with the recommendation. ICE specifically agreed but deferred to I&A on the implementation specifics. The Department's I&A noted that the Nationwide Suspicious Activity Reporting (SAR) Initiative (NSI) is an outgrowth of 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). For the last two years, the Program Manager for the Information Sharing Environment (PM-ISE), working with a number of federal, state, and local partner organizations, has been "conducting an evaluation environment (EE)" at state and major urban area fusion centers and local law enforcement organizations across the country to test and evaluate policies, procedures, and technology needed to implement a unified process that fosters a broader sharing of SARs that are reasonably indicative of potential intelligence gathering or pre-operational planning related to terrorism or other criminal activity.

The major objective of the EE is to establish, at each of the participating sites, policies and business processes that support the gathering, documenting, processing, analyzing, and sharing of SARs while ensuring that privacy and civil liberties are adequately protected in accordance with federal, state, and local laws and regulations. A residual benefit of the NSI is that state and local partners now have access to "eGuardian" data which the FBI downloads into the NSI shared environment. In addition, eGuardian is now integrated with the PM-ISE Shared Space environment. This integration is two-way. First, all incidents that are referred from eGuardian become visible to PM-ISE Shared Space users. Second, PM-ISE Shared Space users can send incidents into eGuardian, where they can be referred to the Joint Terrorism Task Force and made visible to the entire eGuardian community. These are major advancements in sharing of information.

The ISE-SAR EE concluded at the end of September 2009 and a final report will be issued that will document "Lessons Learned" and "Best Practices." Based on informal assessments of progress to date, the NSI will then be transitioned from a pre-operational environment to a broader nationwide implementation. When the NSI rollout is complete, a unified SAR process and supporting policies and standards will be in place nationwide. To support this unified process, a common set of capabilities will have been institutionalized at approximately 72 locations nationwide. These locations have been selected to provide broad nationwide geographic coverage and in recognition of the fact that individual states and localities are governed by unique privacy and civil liberties laws and regulations.

Sincerely,



Jerald E. Levine

Director
Departmental GAO/OIG Liaison Office

Appendix III: GAO Contact and Staff Acknowledgments

GAO Contact

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Staff Acknowledgments

In addition to the person named above, Eric Erdman, Assistant Director; Frances Cook; Cindy Gilbert; Kristen Hughes; Christopher Jones; Thomas Lombardi; Ronald Salo; Edith Sohna; Adam Vogt; and Maria Wallace made key contributions to this report.

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