

**INFORMATION SHARING AND NATIONAL SPECIAL
SECURITY EVENTS: PREPARING FOR THE 2008
PRESIDENTIAL CONVENTIONS**

FIELD HEARING

BEFORE THE

**SUBCOMMITTEE ON INTELLIGENCE,
INFORMATION SHARING, AND
TERRORISM RISK ASSESSMENT**

OF THE

**COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES**

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**FIELD HEARING ON INFORMATION SHARING
AND NATIONAL SPECIAL SECURITY EVENTS:
PREPARING FOR THE 2008 PRESIDENTIAL
CONVENTIONS**

Friday, August 10, 2007

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING,
AND TERRORISM RISK ASSESSMENT
Washington, DC.

The Subcommittee met, pursuant to call, at 10:00 a.m., in Aurora City Council Chambers, Aurora Municipal Center, 15151 East Alameda Parkway, Aurora, Colorado, Hon. Jane Harman [chairwoman of the Subcommittee] presiding.

Present: Representatives Harman and Reichert.

Also Present: Representative Perlmutter.

Ms. HARMAN. Good morning, everyone. The hearing will come to order, and I would like to welcome you all to Ed Perlmutter's Congressional District.

This is Ed Perlmutter to my left, one of the world's best members of Congress.

[Applause.]

Ever.

[Laughter.]

I hope his mother is in the crowd.

Mr. PERLMUTTER. My mother is here. No, no.

[Laughter.]

Ms. HARMAN. Now to more sober business. A year from now thousands of people from across the country will arrive in Denver right nearby, and in Minneapolis/St. Paul, Minnesota, to participate in one of our most cherished national traditions—the selection of nominees for the next President of the United States.

National political conventions offer the possibility of high political drama and are top targets for terrorists. I am not alone in this assessment. Last month the intelligence community released a national intelligence estimate which concluded that al-Qa'ida continues to focus “on prominent political, economic infrastructure targets with the goal of producing mass casualties, visually dramatic destruction, significant economic aftershocks and/or fear among the U.S. population.”

Professor Lloyd Burton, who will offer testimony on our second panel this morning, has summed up why the conventions could be at risk. He says, “Among the most vital functions democratic gov-

ernments perform is that of ensuring the public's ability to choose their leaders." He notes, "So the enemies of American democracy—so for the enemies of American democracy, an important goal is to disrupt the very processes by which we make these choices." And he says that conventions are gatherings at which our nation's most powerful political leaders, and those who may succeed them, will appear, and at which crucial decisions regarding the conveyance of that power will be made.

Peter Brooks, a senior fellow at The Heritage Foundation, and a former CIA operative, has reached the same conclusion. "A political convention," says Brooks, "has all of the elements of a terrorist target. It has got a lot of people there, it is very symbolic, and it is also very political." This is prime time for terrorists to insert themselves, not only to kill Americans but to insert themselves into our political process.

Let me be clear: when al-Qa'ida terrorists next strike, they will not care if they are killing Democrats or Republicans. They won't check our party registration first. So as Americans we must come together to create strategies to prevent them from attacking us, our institutions, and our democratic ideals.

I am proud to say that this Subcommittee has made finding ways to disrupt and prevent political attacks the centerpiece of our work, and I am very pleased that it is getting national attention. And Ed Perlmutter even talked about us on TV this morning, I hear.

I am joined today by Ranking Member Dave Reichert, the former sheriff of King County, Washington, and Colorado's own Ed Perlmutter, both of whom have worked closely with me to protect our communities by improving information-sharing between the Federal Government and its state, local, and tribal partners, and the private sector.

Simply put, we need to get a lot better at providing accurate, actionable, and timely intelligence information to America's first preventers, who are sitting right in front of us, in order to stop the terrorists in their tracks. They need this information to know which people and behaviors to look for, what facilities to harden, and how best to deploy limited resources to protect lives and property now, during next summer's conventions, and beyond.

We recognize the extraordinary demands this places on Denver, and especially right now on Minneapolis/St. Paul, which must also now contend with the tragic bridge collapse of August 1. By examining how local officials are preparing for the conventions, we can determine how best to fix any gaps or shortfalls. To mangle a popular slogan, "What happens in Denver, and what happens in Minneapolis/St. Paul, shouldn't say there. The lessons learned here, and the lessons learned in Minnesota, should hopefully be the right lessons, and they should be applied everywhere."

But establishing information-sharing best practices isn't just about keeping people safe. It is also about protecting their constitutional rights to assemble and speak freely during the conventions themselves. I am sure you have all read about some questions about how New York handled the Republican convention there a few years ago.

Those are just questions. Obviously, the intention was to protect people in that city. But since we know those questions are out

there, it is important to focus on how we can do two things at once, and those are keep us safe and protect the core values on which this country was founded.

Our first witnesses hail from the United States—our first witness is from the United States Secret Service, and other witnesses are from the Denver Police Department and the Office of Emergency Management.

Our second panel will address issues with reference to fusion centers, which I have just spoken of. That is this idea about sharing information from all levels of government and the lessons learned from other national special security events. The convention here has been designated a national special security event, such as Presidential inaugurations and other activities, major sports events. And I encourage them to listen carefully to what they hear from the first panel.

Let me welcome you all, and now ask Ranking Member Sheriff Reichert for any opening remarks he may wish to make.

Mr. REICHERT. Thank you, Madam Chair. It is a pleasure to be here this morning, and we all know—every one of us, 434 members of Congress—recognize the outstanding contribution that your Congressman has brought to the House of Representatives. And truly, you know, I am the only Republican sitting up here this morning with my two friends.

This is a Subcommittee that has been operating in a very bipartisan way, and we have been successful in passing legislation that we hope helps keep America safe. So it has been an honor to work with Chairwoman Harman, and to have Ed as a partner in this effort has really been a great advantage for this Subcommittee.

So my background is, and the Chairwoman just touched upon it briefly, I was the Sheriff in King County, Seattle, Washington, and I experienced 33 years in law enforcement there, starting out in a patrol car. So I have seen the action from the police street car, police vehicle, all the way up to working with federal agencies as the CEO of the Sheriff's Office, which had about 1,100 employees.

And it is—you know, it is a tough job to manage information sharing. It is a tough job to bring federal agencies together. It is a tough job to bring local agencies together, let alone reach out and bring in federal Secret Service agents and FBI and DEA and ATF, etcetera, to come in and share information with each other. It is a hard thing. There is a lot of turf battles that I know other people in this audience recognize takes place, but we have to overcome that, and I believe as true professionals in the law enforcement field we will.

It is also very hard for all of us to balance, really—and the Chairwoman touched on this topic, too—civil liberties and security. And after September 11, certainly that became a huge discussion across this nation as to how we are going to do that. In fact, we had a tremendous debate within the last week of Congress over that issue, and it is still going to be debated for some time to come.

But my experience in the Sheriff's Office during WTO in 1999—unfortunately, again, another topic the Chairwoman touched upon is to share information and experiences, and Washington, D.C. benefitted from the experiences that we felt in Seattle during WTO. But there is a fine balance between balancing your civil liberties

and our freedoms and security, and it is the law enforcement agencies really that are the ones who keep that balance intact.

And, you know, I would like to—someone once told me that freedom is on a sort of a continuum, and you have the freedoms to and the freedom from, and we always—you know, we take an oath to protect those freedoms to worship, to speak, those guaranteed by the Constitution, and those freedoms from—on the other side, we take an oath to protect you, to keep you secure, and during WTO we lost that ability.

People felt their freedoms were more important than others and stomped all over the freedoms of other people in the city of Seattle. The police had to crack down and put up barriers and put up curfew hours and block off certain areas of this city. We lost freedom in Seattle, lost it, couldn't go where we wanted to go, couldn't do what we wanted to do, and couldn't be where we wanted to be at a certain time.

But after the police came in, brought peace and order, they moved out and freedom came back and the balance was restored. And that on a national level, ladies and gentlemen, is what we are doing today. And we have to do that to balance our freedom, protect our freedoms. And I had a prepared written statement that I am not going to read, because I just felt like I wanted to speak to you from the heart this morning, about what you do and how much we appreciate what you do, how much we understand what you do.

And we don't want to get in your way and create legislation that makes it more difficult, and that is why we are here this morning—to listen to what you have to say, so that we can work together to build legislation that makes this country safer and makes your job easier.

So thank you very much, Madam Chair. I yield.

Ms. HARMAN. Yes. Thank you, Dave. I thought those remarks were really very important. I would just add a thought to what you said, which is that freedom and security are not a zero-sum game. It is not that you get more of one by getting less of the other. I really see it as a positive-sum or a negative-sum game. You either get more of both or less of both, and it is our job I think as members of this Subcommittee in the House, and I think your jobs, to make sure we get more of both.

And I would now ask unanimous consent to waive our Subcommittee rules and make an exception. The rules say that only the chairman and ranking member can make opening statements, but I know everybody here wants to hear some opening remarks and some local introductions from Ed Perlmutter. So I yield for opening remarks to our member, Ed Perlmutter.

Mr. PERLMUTTER. Thank you, Madam Chair. In the protocol, ordinarily I am the most junior member of this Committee, and ordinarily I don't get to say anything until the very end of a Committee hearing. But I do want to say that I feel very fortunate to have been appointed to the Intelligence Committee to serve with these two Congressmen next to me.

Jane Harman was just given an award by the Central Intelligence Agency for the work that she has done for dozens of years in connection with the intelligence community. There is nobody who understands the work that the CIA, FBI, the NSA, all of the

intelligence community, she understands it better than anybody in the Congress, having reviewed it for years and years and years.

And then, to have a gentleman like Dave Reichert, who understands the local law enforcement piece as well as he does, I just feel so fortunate to be part of this Committee. We work together in a bipartisan way. The rancor that sometimes you see between Democrats and Republicans does not exist on this Committee, all of us looking to develop the security and the safety of our country and our communities without damaging civil liberties in the process. And so I just am fortunate, and I thank you, too, for letting me be on this Committee.

Now, I do want to make some introductions, and I want to thank the city of Aurora for hosting this hearing this morning. This is our third hearing. We have had one in Los Angeles, one in Seattle, and now here in Aurora. And, quite frankly, I think this is the best place to hold a hearing of those three.

[Laughter.]

And I would like to introduce—Mayor Ed Tower is here in the audience, and three members of the Aurora City Council are our hosts, and they are—Debra Wallace is here, and Larry Beer I saw earlier, and Ryan Frazier. So to the City Council and to you, Mr. Mayor, thank you for hosting this event for us.

I also want to introduce Kathleen Beatty, who is Dean of the School of Public Affairs for the University of Colorado. They have been participating in setting up this hearing today. Major General Mason Whitney, who was our Commandant of the National Guard, is now the head of our Emergency Management Services for the state, is here as well, and the Arapahoe County Treasurer, Doug Milliken.

So thank all of you, and then I would just like to share a few comments in preparation for today's hearing. In August of 2008, the Democratic National Convention will be held in Denver, Colorado, and one week later we will have the Republican National Convention in St. Paul, Minnesota.

Presidential nominating conventions are critical parts in an American democracy, formally nominating the candidates for a President and Vice President. And for the Democratic National Convention in 2008, we expect 6,000 delegates, 15- to 25,000 guests, and more than 15,000 media in our Denver metropolitan region.

In addition, there will be an unknown number of protesters and other potential security concerns. And recognizing both the security and democratic significance of these conventions, Presidential conventions have been classified, as the Chairwoman said, national special security events. Not many of these occur in the nation, but this, because of its—it is a magnet for the media. It is also a magnet for people who might want to do us harm.

So as the lead federal agency, we have the United States Secret Service here with us today, and their experience involves working closing with local and state law enforcement for Presidential security detail. And they are given authority in planning and executing the security measures related to these events in coordination with its partners.

Colorado recently has experienced major security events, one being the World Youth Day when the Pope visited Aurora and the Denver metro area, and the G-8 Summit of 1997. Law enforcement and first responder communities received high praise for their performance on those events, but Colorado has not hosted an event of the magnitude of a Presidential convention, a national convention, since September 11, nor has it hosted a Presidential or a national convention for 100 years. Our last one was in 1908.

As we all know, that day, September 11, significantly changed our ideas of the threats we face, and the methods we use to guard against them. Simply put, this Democratic National Convention next year will be the largest security challenge for a single event in our state's history. And to successfully secure our community we must have our emergency management agencies working with their federal partners to create a thorough game plan with all stakeholders fully capable of and prepared for their respective roles.

And there will be venues for the convention throughout the Denver metropolitan area. It won't only be in Denver, so it will have to be a team approach to this. In executing this plan, our local first responders will be required to make large-scale commitments and sacrifices, and Aurora already had offered up the services of 300 of its law enforcement officers to assist the city of Denver in connection with this event.

So this is something that will take tremendous teamwork and sharing and coordination with the city of Denver and the Secret Service being in charge, but it is a partnership and one that we as a Committee, and we as a Congress, will want to see executed to the best. We hope that what will come from this is not only the creation of a security infrastructure for the Denver metropolitan region for the convention, but one that will remain with us on a permanent basis, not something that we just set aside after the convention is over.

We have two excellent panels to talk to us today about measures that are being taken and the planning that is going to go forward, and I just thank all of you for being here today. I thank the Committee for having this hearing in Colorado. And with that, I will end my remarks.

Thank you.

Ms. HARMAN. Thank you, Ed.

It is now time to welcome our first panel. Our first witness, Timothy Koerner, is the Assistant Director of the Secret Service's Office of Protective Operations, where he manages the agency's protective operations. He is responsible for overseeing security preparations both for the Democratic and Republican National Conventions next summer.

He previously served as the Deputy Assistant Director of the Office of Protective Operations where he was responsible for developing and implementing protective policy and overseeing operations for the Secret Service in this field. He was designated by the Secretary of Homeland Security to serve as the Principal Federal Official, PFO, for the 55th Presidential Inauguration and the 2005 State of the Union Address.

Our second witness, Michael Battista, is the Deputy Chief of Operations at the Denver Police Department. As the Department's second in command, Mr. Battista is responsible for coordinating the Denver Police Department's preparations for next August's convention with the Secret Service and other federal, state, and local entities.

His responsibilities will include not only the convention site and related events but also the entire city of Denver, to ensure that the normal level of police service to Denver's citizens is maintained.

Our third witness, Justin DeMello, is the Director of the Denver Office of Emergency Management. He oversees all aspects of emergency response and recovery operations—planning, logistics, training exercises, and community outreach. In addition, Mr. DeMello serves as the chair for the Department of Homeland Security's Urban Area Security Initiative, UASI, in Denver.

Mr. DeMello served as a federal coordinating officer for FEMA from 2003 to 2006, and deployed to 22 federally declared disasters, 15 of which he served as the lead federal official. I would just add, Mr. DeMello, we hope your services will not be needed next August.

Without objection, your full statements will be inserted in the record, and I now would urge each of you to summarize, in five minutes or less, your statements. And we will all be asking you questions anyway, and we do have your statements in the record, so it would be most helpful if we could have an exchange rather than use up all our time in reading prepared text.

So now we will start with our Secret Service witness, Timothy Koerner.

**STATEMENT TIM KOERNER, ASSISTANT DIRECTOR, U.S.
SECRET SERVICE**

Mr. KOERNER. Good morning, Madam Chairwoman, Ranking Member Reichert, and Congressman Perlmutter. Thank you for allowing me the opportunity to discuss the Secret Service's role in protecting the upcoming national political conventions in both Denver and St. Paul.

The President has determined that certain events, gatherings, or occasions are of such importance to the United States that the full security and incident management capability of the Federal Government should be engaged. These events, as you have noted, are declared national special security events, or NSSEs for short.

The Secret Service has been in existence for a long time, since 1985. We have been protecting Presidents since 1901, protecting major Presidential candidates since 1968, and protecting NSSEs since 1998. The Democratic and Republican National Conventions in 2000, in Los Angeles and Philadelphia, were the first political conventions to receive that status. All subsequent RNC and DNC events have been designated NSSE.

Upon designation of an event, the Secret Service becomes the federal agency with lead responsibility for security design, planning, and implementation. The FBI becomes the lead federal agency with responsibility for intelligence in counterterrorism, and FEMA, the Federal Emergency Management Agency, becomes the

federal agency with lead responsibility for coordinating an effective response to possible emergencies.

With regard to our role, the Secret Service works closely with our federal, state, and local law enforcement, and public safety partners to develop and implement a comprehensive security plan, providing 360 degrees of protection for the event and all those in attendance.

We begin this process by establishing an Executive Steering Committee typically comprised of command-level representatives from the Secret Service, FBI, and FEMA, as well as law enforcement and public safety agencies with local jurisdiction where the NSSE is taking place. The Executive Steering Committee creates a subcommittee structure that distributes responsibility for the development of various elements of the operation security plan. Information on this structure can be found in my statement for the record.

Once the NSSE's security plan has been developed, a multi-agency communications center, known as a MACC, is stood up during the hours preceding and throughout the event. The MACC is a 24-hour communications hub staffed by representatives from all law enforcement and public safety agencies as well as from public utilities, public work departments, district attorney offices, and any other entity that may impact upon event security, to provide timely dispersion of information and deployment of assets.

The MACC also shares connectivity with command posts and emergency operations centers of the individual agencies throughout the area and nationwide. Our goals are to leverage the combined resources, authorities, and expertise that we and our partners bring to the NSSE to ensure that sufficient protective assets are utilized to eliminate redundancies where they are not needed and to be responsible stewards of fiscal resources.

As with the Presidential visit to Denver, St. Paul, or any other city, the Secret Service depends upon long-standing cooperative relationships that our local field offices have forged with their state and local partners. These partners contribute their knowledge, their specialized expertise, as well as manpower and other resources to the overall mission. Over the next year, we look forward to continuing our cooperative relationship with our partners in Colorado and Minnesota to develop and implement a plan that focuses on prevention, but also ensures seamless and appropriate response and recovery preparedness.

To that end, the Secret Service has designated supervisory special agents who are here with me today to serve as event security coordinators for both the DNC in Denver and the RNC in St. Paul. These senior individuals have met with their FBI and FEMA counterparts, as well as with local law enforcement officials.

The Director of the Secret Service, Mark Sullivan, and members of his staff have met with the Chiefs of Police from both Denver and St. Paul regarding the Secret Service's NSSE role. Executive steering committees have been established, operations subcommittees are being formed, and suitable venues for the MACCs are being explored in both cities.

As the security plans for these two conventions take form, joint tabletop and field training exercises will occur. These tests—these

will serve to test security plans, clarify participant roles, and ensure interagency coordination as well as exercise command and control protocols.

Finally, while the Secret Service is indeed the lead federal agency with responsibility for the security design, planning, and implementation for the DNC and RNC, we view our role as that of coordinator and facilitator. I am confident that we have the right people, the right agencies, and the right methodology to achieve our common goal of safe and secure conventions next summer.

Thank you once again for inviting me to address the subcommittee. I welcome any questions you may have for me.

[The prepared statement of Mr. Koerner follows:]

PREPARED STATEMENT OF TIMOTHY J. KOERNER

Good morning Madam Chairwoman, Ranking Member Reichert, and members of the subcommittee. Thank you for providing me with the opportunity to discuss the U.S. Secret Service's role in protecting the upcoming national political conventions in Denver and St. Paul, including the critical relationships we share with our federal, state, and local law enforcement and public safety partners in Colorado and Minnesota.

As the Secret Service Assistant Director for Protective Operations, I am responsible for the entirety of our protective mission. This includes oversight of the Presidential and Vice Presidential protective divisions, as well as all of our tactical resources and airspace security program located within our Special Operations Division. I also oversee the Uniformed Division of the Secret Service, mail screening operations, armored vehicle programs and the protection for former Presidents and First Ladies. In addition, under the auspices of the Dignitary Protective Division, I oversee security matters for visiting foreign heads of state, major presidential and vice presidential candidates receiving Secret Service protection, and for National Special Security Events (NSSE), including national political conventions.

Since I began my Secret Service career in 1983, I have been in protection-related assignments during seven presidential campaigns. Notably, during the 2000 Democratic National Convention in Los Angeles, CA, I was the lead operational security coordinator. Most recently, at the direction of the Secretary of Homeland Security, I served as the Principal Federal Official for the Presidential Inauguration in 2005, which was one of the more recent NSSEs.

History of U.S. Secret Service Involvement

with Major Events and National Special Security Events

In May of 1998, President Clinton issued Presidential Decision Directive 62 (PDD-62), which formalized and delineated the roles and responsibilities of federal agencies in the development of security plans for major events. This document was reaffirmed, in March 2006, when President Bush issued Homeland Security Presidential Directive 15 / National Security Presidential Directive 46 (HSPD-15/NSPD-46). Clarifying responsibilities served to define more clearly the role of each agency and eliminated the duplication of efforts and resources.

The Secret Service's role in developing security plans for major events was further solidified when Congress passed into law the Presidential Protection Act of 2000, which authorized the Secret Service to plan, coordinate and implement security operations at designated events of national significance. This authority was a natural evolution for the Secret Service, as we have led security operations at large events involving the President dating back to our first protective mandate in 1901. The Secret Service has a long history and expertise at planning and implementing security at major events, and a reputation for communicating and coordinating with our local, state and federal law enforcement partners in those jurisdictions where the major events take place.

When an event is designated a National Special Security Event by the Secretary of Homeland Security, the Secret Service assumes its mandated role as the lead agency for the design and implementation of the operational security plan. The Secret Service has developed a core strategy to carry out its security operations that relies heavily on its established partnerships with law enforcement and public safety officials at the local, state and federal levels.

Collectively, the goal of the Secret Service and the cooperating agencies is to develop and implement a seamless security plan that provides a safe and secure environment for Secret Service protectees, other dignitaries, the event participants and the general public. Substantial advance planning and coordination is required to prepare for these events in connection with a multitude of subjects, such as venue and motorcade route security, communications, credentialing and training.

Beginning with the World Energy Council Meeting in Houston, Texas in 1998, there have been a total of 24 NSSEs, with the most recent being the State of the Union Address on January 23, 2007. Other notable NSSEs include the NATO 50th Anniversary Celebration in 1999, the International Naval Review in New York City in 2000, the 2002 Winter Olympic Games in Salt Lake City, the G-8 Summit in Sea Island, Georgia in 2004, the State Funeral for former President Reagan in 2004, and the State Funeral for former President Ford earlier this year.

National Special Security Event Designation Process

The NSSE designation process typically begins with a written request from the governor of the host state to the Secretary of Homeland Security. For example, the state of Minnesota began the process when Governor Pawlenty sent a letter to Secretary Chertoff on January 31, 2007. The state of Colorado began the process when Governor Ritter sent a letter to Secretary Chertoff on March 13, 2007. The letters were forwarded for review and consideration to the NSSE Working Group, which is composed of senior officials of the Secret Service, FBI, FEMA, and other federal agencies. When determining NSSE designation, some factors that are considered include the size, significance, location and duration of the event. In regards to the upcoming conventions in Denver and St. Paul, the NSSE Working Group reviewed both requests and the overall security environment, and recommended that the conventions receive NSSE designation. The 2008 Republican National Convention and the 2008 Democratic National Convention were designated as NSSEs by Secretary Chertoff on March 5, 2007, and April 23, 2007, respectively.

Upon designation of an event as an NSSE by the Secretary of Homeland Security, the Secret Service becomes the federal agency with lead responsibility for operational security design, planning, and implementation; the FBI becomes the federal agency with lead responsibility for intelligence and counter terrorism; and FEMA provides planning support and operational readiness and is the lead federal agency for coordinating an effective response to possible emergencies. In compliance with the *National Response Plan* and the National Incident Management System, the NSSE designation provides event planners with the expertise and resources of the Secret Service and other federal agencies, as well as the experience and knowledge gained from lessons learned during prior NSSEs.

Although the Secret Service is the lead federal agency for operational security, no funding source is available from which we can reimburse state and local governments for security related expenses, including overtime and other personnel-related costs.

It should be noted that the NSSE designation does not alleviate the host city's safety and security commitments or other contractual obligations to the entity hosting the convention (e.g., Republican National Convention Committee, Democratic National Convention Committee).

I would also like to emphasize that an NSSE designation does not mean that the Secret Service, or any other federal government agency, will usurp the local jurisdiction's day-to-day responsibilities related to law enforcement and public safety. The scope of the NSSE is limited to the conventions and the security perimeters that will be established in and around the convention sites, and to protectees, delegates, and other attendees.

Planning Process and Coordination

The actual planning and coordination of these events requires a detailed and sustained effort, sometimes requiring months or years.

The Secret Service's role in developing security for NSSEs enables us to work with our colleagues in law enforcement and public safety to formulate and execute a comprehensive and coordinated operational security plan. As part of our overall approach to security, the Secret Service and its partners identify potential threats, determine suitable countermeasures to mitigate vulnerabilities, and provide appropriate protection for the event and all those in attendance. In addition, the Secret Service, in cooperation with other agencies, coordinates the utilization of resources and assets.

Our objectives in NSSE planning include: effectively leveraging the combined expertise, authorities, and information that we and our partners bring to the NSSE;

ensuring that sufficient protective assets are utilized; eliminating redundancies where they are not needed; and being responsible stewards of financial resources. Similar to our planning and implementing of security of a presidential visit to Denver, St. Paul, or any other city, the Secret Service depends upon the long standing, cooperative relationships that our local field offices have forged with law enforcement and public safety partners. The local knowledge and specialized expertise, as well as the human and other resources these partners contribute, are essential to the overall security effort.

The operational security planning process begins with the establishment of an executive steering committee, typically comprised of command-level representatives from the Secret Service, FBI, FEMA, and the law enforcement and public safety agencies with local jurisdiction where the NSSE is taking place. For example, in Denver, the Democratic National Convention executive steering committee includes representatives from the Denver Police Department, Denver Fire Department, FBI, FEMA, Colorado Department of Public Safety, Denver Office of Emergency Preparedness, Colorado State Patrol, Denver Health Medical Center, United States Attorney's Office, Pepsi Center Management, and the Secret Service. Similarly, in St. Paul, the Republican National Convention executive steering committee includes representatives from the St. Paul Police Department, St. Paul Fire Department, FBI, FEMA, Hennepin County Sheriff's Office, Minneapolis Police Department, Minnesota Department of Public Safety, Minnesota State Patrol, Ramsey County Sheriff's Office, United States Attorney's Office, Xcel Center Management, and the Secret Service.

The executive steering committee establishes a subcommittee structure that distributes taskings in connection with the development of various elements of the operational security plan among a variety of subject matter experts from within the greater law enforcement and public safety community. In Denver and St. Paul, many operational subcommittees will be utilized. They will deal with specific subject areas concerning the event such as: communications, public affairs, training, and transportation.

The subcommittees meet routinely during the weeks and months leading up to the event, and report regularly to the executive steering committee to discuss and share their progress in developing their piece of the overall operational security plan. The executive steering committee also serves as the mediator and final arbiter of disputes that cannot be resolved within subcommittees. In this way, the executive steering committee and the operational subcommittees are the framework for the development and implementation of the security plan, and serve as the conduit for information sharing among the various agencies involved in this process.

Once the NSSE security plan has been developed, and prior to the event, a Multi-Agency Communications Center (MACC) is established. The MACC serves as a central 24-hour communications hub throughout the event and is staffed by representatives from all participating law enforcement and public safety agencies, as well as personnel from public utilities, public works departments, district attorney's offices, and other organizations that have unique roles in the overall security plan. The primary purpose of the MACC is to provide the timely dissemination of information to all entities participating in security operations, and to serve as the centralized coordination center for security-related activities. In addition to being an information collection and dissemination center located in close proximity to the event site, the MACC also shares connectivity with command posts and with emergency operations centers of agencies throughout the area and nationwide.

The MACC shares information and situational awareness with the following coordinated components: the Joint Information Center (JIC), Intelligence Operations Center (IOC), Airspace Security Operations Center (ASOC), Principal Federal Official's Cell (PFO) and the Emergency Operations Center (EOC). Typically, the MACC is also virtually connected to the following national operations centers: the Secret Service Joint Operations Center (JOC), FBI Strategic Information Operations Center (SIOC), DHS National Operations Center (NOC)—which includes the FEMA National Response Coordination Center (NRCC), and the DOD Northern Command (NorthCom), among others.

At the present time, significant progress has already been made toward establishing appropriate security plans for both the Democratic and Republican National Conventions. The Secret Service has designated supervisory special agents to serve as event security coordinators for both the Democratic National Convention in Denver and the Republican National Convention in St. Paul. These senior individuals have met with their FBI and FEMA counterparts, as well as with local law enforcement officials. Director Mark Sullivan and members of his senior staff have also engaged in productive discussions with the Chiefs of Police from Denver and St. Paul regarding security planning for the Democratic National Convention and Republican

National Convention. In addition, executive steering committees have been established, operational subcommittees are being formed, and suitable facilities for Multi-Agency Communications Centers are being explored in both cities.

An essential element of the operational security planning process is information sharing regarding "lessons learned" from previous National Special Security Events. Based on our experiences, we are able to provide detailed observations and recommendations regarding areas of success and areas for improvement that are invaluable to future event security planners. We have reviewed these "best practices" from prior Democratic National Conventions and Republican National Conventions with the respective host cities. Additionally, as the operational security plans for the two conventions take form, joint tabletop and field training exercises will be employed. These exercises will serve to test security plans, interagency coordination, and command-and-control protocols, in addition to lending clarity to participant roles during the NSSE.

We also believe that information sharing extends to the general public, particularly regarding security plans that may impact citizens concerned about road closures or civil aviation restrictions. Primarily through the press and media, but also through other public affairs activities, our objective is to provide timely information about how security measures will affect individuals so that no one is unnecessarily inconvenienced.

At every stage of our planning and implementation of the operational security plan, great attention is paid to respecting the public's lawful expression of their First Amendment rights. In the absence of a specific fact or observable action that would indicate a demonstration may pose a security threat to a Secret Service protected person, place or event or to public safety, it is the policy of the Secret Service to treat demonstrators as members of the general public and not segregate them from the public.

Although the Secret Service is the federal agency with lead responsibility for the NSSE designated national political convention operational security matters, we view our role as that of coordinator and facilitator. We endeavor to create and implement a comprehensive security plan that focuses on prevention, but also ensures seamless and appropriate response and recovery preparedness. I am confident that we have the right people, the right agencies and the right methodology in place to succeed in our effort. We look forward to continuing our collaborative relationship with our federal, state, and local law enforcement and public safety partners in Colorado and Minnesota to ensure our common goal of safe and secure conventions are achieved next summer.

MADAM CHAIRWOMAN, THIS CONCLUDES MY PREPARED STATEMENT. THANK YOU AGAIN FOR THE OPPORTUNITY TO APPEAR BEFORE THE SUBCOMMITTEE. I WILL BE PLEASED TO ANSWER ANY QUESTIONS YOU OR THE OTHER MEMBERS OF THE SUBCOMMITTEE MAY HAVE.

Ms. HARMAN. Thank you very much.
We will now welcome the testimony from Chief Battista.

**STATEMENT OF MICHAEL H. BATTISTA, DEPUTY CHIEF,
DENVER POLICE DEPARTMENT**

Mr. BATTISTA. Thank you. Chairwoman Harman, Ranking Member Reichert, and Congressman Perlmutter, thank you for this opportunity to discuss with you this important topic of information sharing in national special security events with a focus on the upcoming Democratic National Convention.

While the Denver metro area is still working towards optimizing the collection and sharing of information, I believe that there is a spirit of collaboration at all three levels of government, which is leading us in the right direction. Near the end of 2006, a law enforcement assistance and partnership strategy, LEAP, was sponsored by Congressman Benny Thomas. The topic of the report was improving information sharing between the intelligence community and state, local, and tribal law enforcement.

The report focused primarily on input from state and local enforcement. In that report, there were seven recommendations. I

agree for the most part with these recommendations and would like to focus on two that I believe would be beneficial to the Denver metro area.

The first point on which I would like to expect is that of actionable intelligence. When intelligence information is distributed from the federal level, the question is often asked: what does this mean for my city? The more information that is made available regarding what the threat actually is the better local law enforcement can act upon that intelligence.

Recently, the Department of Homeland Security has begun issuing special assessment bulletins. These bulletins provide greater specificity of information that allows local law enforcement the ability to take preventative steps in addressing the topic of the bulletin. Expanding on this type of actionable intelligence will be a direct benefit to local law enforcement.

The second item I would like to touch upon is that of state fusion centers. Colorado's version of the fusion center is a Colorado Information and Analysis Center, CIAC. I believe another panel member is going to go into more detail about the CIAC, but I would like to say that this is a very viable concept, and that the spirit of cooperation around enhancing the capabilities of the state CIAC is running high.

I see the Federal Government is having an opportunity to support local, state, and federal intelligence sharing by developing a funding source for FTEs to staff state fusion centers. The LEAP report provides a backdrop for my comments on how I see the sharing of intelligence during the Democratic National Convention. An intelligence operations center will be established with participants from a multitude of state, local, and federal agencies.

As the information is collected from various agencies, it can be shared in real time with all of the other represented entities. Once the information has been analyzed, it may then be forwarded to the multi-agency communications center where the decision is made as to what the appropriate response to the information will be.

By utilizing the intelligence operations center and the multi-agency communications center during the Democratic National Convention, this will act as somewhat of a super fusion center. This will be the largest number of agencies ever assembled at one time in Colorado, all agencies sharing information real-time and face to face.

Analysis of the information will be conducted to make it actionable intelligence and then forwarded for the appropriate response. An after-action report may be completed at the conclusion of the DNC to facilitate discussion on improvements for future NSSEs. The after-action report may then be utilized in the development of benchmark surveys.

The operational structure addresses four of the seven conclusions stated in the LEAP report, participating in the intelligence cycle at the local, state, and federal level, state fusion centers, actionable intelligence, and conducting a benchmark survey.

With Denver hosting the Democratic National Convention, it gives its state, along with its federal and local law enforcement partners, an exceptional opportunity. Many of the operational challenges in standing up a fusion center will be overcome during the

DNC. The framework left behind by the creation of the super fusion center should be built upon with the financial support of the Federal Government through funding for FTEs. I believe that this can be accomplished and would, in turn, leave an intelligence sharing legacy.

Thank you.

[The prepared statement of Mr. Battista follows:]

PREPARED STATEMENT OF MICHAEL H. BATTISTA

Introduction

Chairwoman Harman, Ranking Member Reichert and Congressman Perlmutter, thank you for this opportunity to discuss with you this important topic of Information Sharing and National Special Security Events with a focus on the upcoming Democratic National Convention which Denver will host August 25th through the 28th of 2008.

There are many positive programs in various stages of development in the Denver metro area, at the State level and also the Federal level. While the Denver Metro area is still working towards optimizing the collection and sharing of information, I believe that there is a spirit of collaboration at all three levels of government which is leading us in the right direction.

LEAP Report

Near the end of 2006, a Law Enforcement Assistance and Partnership Strategy (LEAP) was sponsored by Congressman Bennie Thompson. The topic of the report was Improving Information Sharing between the Intelligence Community and State, Local, and Tribal Law Enforcement. The report focused primarily on input from State and local law enforcement. In that report there were seven recommendations:

1. Participating in an Intelligence cycle at the Federal and Non-Federal level.
2. Local law enforcement sending liaisons overseas to gather intelligence first hand.
3. Border fusion centers.
4. State fusion centers.
5. Actionable intelligence.
6. A system that facilitates faster Secret and Top Secret clearances for State and local law enforcement.
7. Conducting a benchmark survey.

I agree, for the most part, with these recommendations and would like to focus on three that I believe would have the largest positive impact on the Denver metro area. The first I'd like to address is the alternative that being the concept of local law enforcement sending liaisons out of the country to gather intelligence first hand. I believe there are only a hand full of local jurisdictions that have the capability to do this and that this recommendation arose out of frustration from not obtaining timely information from Federal agencies. To me, the collection of intelligence from overseas is the role of the Federal government and solutions within the current system should be explored in lieu developing a liaison program. The Denver Police Department works very well with its local Federal partners and is a participant in the Joint Terrorism Task Force (JTTF). Where I believe there is room for improvement is in the timeliness of sharing information between the home offices of the Federal agencies and the local JTTF. Information that has not been fully vetted but is distributed to local jurisdictions in a timely manner is often times more valuable than fully vetted information given out days after an incident.

The second point on which I would like to expand is that of Actionable Intelligence. When intelligence information is distributed at the Federal level the question is often asked, "What does this mean for my city?" The more that information is made available regarding what the threat actually is, the better local law enforcement can act upon the intelligence. Recently the Department of Homeland Security has begun issuing Special Assessment Bulletins. These bulletins provide greater specificity of information that allows local law enforcement the ability to take preventative steps in addressing the topic of the bulletin. Expanding on this type of actionable intelligence will be a direct benefit to local law enforcement.

The third item I would like to touch upon is that of State Fusion Centers. Colorado's version of the fusion center is the Colorado Information and Analysis Center (CIAC). I believe another panel member is going to go into more detail about the CIAC but I would like to say, that I believe this is a very viable concept and that the spirit of cooperation around enhancing the capabilities of the State's CIAC is running high. I see the Federal government as having an opportunity to support

local, state, and federal intelligence sharing by developing a funding source for FTEs to staff state fusion centers.

Democratic National Convention

The LEAP report provides a back drop for my comments on how I see the sharing of intelligence during the Democratic National Convention will be conducted. I am basing my statements on discussions I have had with numerous Federal partners that have participated in past NSSEs.

The Federal Bureau of Investigation will be the lead agency in coordinating the collection of information for the Democratic National Convention. An Intelligence Operations Center will be established with participants from a multitude of State, Local, and Federal agencies. These agencies may include, but are not limited to, all local and State law enforcement agencies which will be participating in the security of the DNC, to include the Colorado National Guard. Some of the Federal agencies participating will be the United States Secret Service, Department of Homeland Security, Federal Air Marshals, FEMA, TSA and the Department of Energy.

As the information is collected from the various agencies it can be shared in real time with all of the other represented entities. Once the information has been analyzed it may then be forwarded to the Multi-agency Communication Center (MACC) where the decision is made as to what the appropriate response to the information will be.

Conclusion

By utilizing the Intelligence Operations Center and the Multi-agency Communication Center during the Democratic National Convention this will act as somewhat of a *super fusion center*. This will be the largest number of agencies ever assembled at one time in Colorado, all agencies sharing information real time face to face. Analysis of the information will be conducted to make it actionable intelligence and then forwarded for the appropriate response. An after-action report may be completed at the conclusion of the DNC to facilitate discussion on improvements for future NSSEs. This after action report may then be utilized in the development of benchmark surveys.

This operational structure addresses four of the seven conclusions stated in the LEAP report: (1) Participating in the intelligence cycle at the local, state and federal level (2) State Fusion Centers (3) Actionable Intelligence and (4) Conducting a benchmark survey.

With Colorado hosting the Democratic National Convention it gives the State along with its federal and local law enforcement partners an exceptional opportunity. Many of the operational challenges in standing up a fusion center will be over come during the DNC. The framework left behind by the creation of the *super fusion center* should be built upon, with the financial support of the Federal government through funding for FTEs. I believe this can be accomplished and would in turn leave an intelligence sharing legacy.

Thank you for your time, I truly appreciate you taking an interest in this important topic.

Supplemental

Summary of Comments

Michael H. Battista

By utilizing the Intelligence Operations Center and the Multi-agency Communication Center during the Democratic National Convention this will act as somewhat of a *super fusion center*. This will be the largest number of agencies ever assembled at one time in Colorado, all agencies sharing information real time face to face. Analysis of the information will be conducted to make it actionable intelligence and then forwarded for the appropriate response. An after-action report may be completed at the conclusion of the DNC to facilitate discussion on improvements for future NSSEs. This after action report will facilitate conducting benchmark surveys.

This operational structure addresses four of the seven conclusions stated in the LEAP report: (1) Participating in the intelligence cycle at the local, state and federal level (2) State Fusion Centers (3) Actionable Intelligence and (4) Conducting a benchmark survey.

With Colorado hosting the Democratic National Convention it gives the State along with its federal and local law enforcement partners an exceptional opportunity. Many of the operational challenges in standing up a fusion center will be over come during the DNC. The framework left behind by the creation of the *super fusion center* should be built upon, with the financial support of the Federal government

through funding for FTEs. I believe this can be accomplished and would in turn leave an intelligence sharing legacy.

Ms. HARMAN. Thank you very much.

I would just like our audience and our witnesses to know that our Subcommittee, the members and our staff that are here, are going to visit the CIAC immediately after this hearing. We are very interested in seeing what you have here, comparing it to what we have seen in both Seattle and Los Angeles, and also in Baltimore, Maryland. We were there as well. So thank you for that testimony.

We will now hear from Mr. DeMello.

**STATEMENT OF JUSTIN DEMELLO, DIRECTOR, DENVER
OFFICE OF EMERGENCY MANAGEMENT**

Mr. DEMELLO. Good morning, Committee members. I would like to thank all of you for inviting me here today to testify on this very important topic as our country looks for better ways to prepare ourselves from acts of terror and Mother Nature. I believe this is a great opportunity to identify and acknowledge our successes as well as the areas that potentially need improvement.

During my career as a first responder in Los Angeles and a federal coordinating officer and lead federal official, I have responded to many devastating events that have occurred in this country. My goal is to do whatever I can to be sure that we are prepared to respond and recover from such events.

The law enforcement community at the federal, state, and local levels has done a great job in identifying potential threats and preventing those threats from becoming reality. I also believe that many of our citizens in this country have contributed to the success of preventing attacks due to their vigilance and desire to protect this country from acts of terror.

I am hopeful, with the help of this Committee, that we can verify that the information related to acts of terror is consistent across all levels of government and not diluted to a need-to-know basis. In addition, I am hopeful that this Committee can help widen the definition of "need to know" to include those that would respond to an event if prevention should not be successful.

It is critical that when the intelligence community gets information of a potential or pending event, the information is shared with fire, EMS, and emergency management in order to fine tune our all-hazard planning to that immediate threat. This country and homeland security cannot place all of its efforts in prevention without a corresponding response appropriate to that threat.

This Committee, with Department of Homeland Security, Department of Justice, and others, can be influential in the identification and support of information sharing projects utilizing various grant streams. A good example would be Cop Link, a project proposal that would increase the information sharing amongst communities.

This Committee, as it relates to critical infrastructure protection, can be influential in ensuring a well-rounded approach in the identification and protection of our country's most important assets.

Paramount to being successful in this area, we as a country need to be consistent in the identification of these assets. A major factor in critical infrastructure protection is the national infrastructure protection plan and sector-specific plans which are valuable tools to

better protect these assets. It is critical that any planning related to critical infrastructure is developed by the private sector with the Federal Government as the facilitator.

Ownership clearly has to fall on the private sector community, since they own the vast majority of assets in this area. The best way to protect this critical infrastructure for generations post-9/11 era is through building codes and ordinances at the local level. The difficult discussion still resides in using taxpayer dollars for—to harden for-profit private facilities.

Lastly, information gathered related to critical infrastructure needs to be—lastly, the information gathered regarding critical infrastructure needs to be shared amongst a select group of first responders so as to better prepare their response. Current practice is to keep this information so secretive that even the first responders and emergency managers are unaware of the critical infrastructure that resides in their community.

Another tool to assist in critical infrastructure protection is the creation of a new emergency support function that incorporates the 17 sectors. In Denver, we are doing just that. We have begun the planning phases for that. It has been my experience that at critical times early in an event we only react to issues related to the sectors. Our plan is to have them engaged from the onset to identify issues before they become a reality.

This new ESF would be embedded in our city operation plan and should be embedded in a national response plan, and soon to be the national response framework. It would be helpful if this Committee could assist Department of Homeland Security in assessing the ramifications of any large event, whether it be acts of terror or natural hazards, in order to better prioritize use of funds as we better prepare this country.

As we have seen recently in events such as Hurricane Katrina, a mass evacuation of an area, regardless of its cause, becomes one of the bigger issues facing a community during a disaster. Since the inception of Homeland Security, the focus has been—and rightfully so—making sure the first responders have the equipment to be successful. Now, six years after September 11, we continue to focus primarily on the first responders and not focus on other areas that need support such as mass care and medical surge.

We are—while there are limitations in supporting the private sector with taxpayer grant funds, we, as a government know, especially in a crisis, that the private sector is our partner in our response. With that said, hopefully the Committee can work with the Department of Homeland Security to focus on all issues related to a large event which would include mass care and medical surge, to ensure the response is appropriate across the board in handling the obvious, as well as the collateral issues that always occur during these events.

Regardless of how well the first responders do in their portion of the event, any negative peripheral issues become the legacy of that event.

Lastly, the ultimate goal of Homeland Security is to increase capability. At some point, the Department of Homeland Security should look into utilizing grant funds to support personnel costs beyond what is currently allowed. Currently, the focus is on obtaining

equipment, but we need to focus on the need for additional personnel to truly increase capability.

By using grant funds to increase personnel, DHS would provide a substantial increase in capability in the near term with local and state governments assuming the financial responsibility in the long term.

Again, I would like to thank all of the members for this opportunity to speak and would entertain all questions. Thank you.

[The prepared statement of Mr. DeMello follows:]

PREPARED STATEMENT OF JUSTIN DEMELLO

Good morning Committee members, I would like to thank all of you for inviting me here today to testify on this very important topic as our country looks for ways to better prepare ourselves in the prevention, response, and recovery from acts of terror or from Mother Nature. I believe this is a great opportunity to identify and acknowledge our successes as well as identify areas that potentially need improvement.

During my career as a first responder in Los Angeles and as a Federal Coordinating Officer and lead federal official on disasters, I've responded to many devastating events that have occurred in this country. My goal is to do whatever I can to help prevent, respond to, and recover from such events in order to minimize the impact on our citizens.

The law enforcement community, at the federal, state and local levels, has done a great job in identifying potential threats and preventing those threats from becoming reality. I also believe that many of our citizens in this country have contributed to the success of preventing attacks due to their vigilance and desire to protect this country from acts of terror. I am hopeful, with the help of this Committee, that we can verify that the information related to acts of terror is consistent across all levels of government and not diluted to a "need to know" basis.

In addition, I am hopeful that this Committee can help in widening the definition of "need to know" to include those that would respond to an event if prevention was not successful. It is critical that when the intelligence community gets information of a potential or pending event, that information is shared with fire, EMS and emergency management in order to fine tune our all-hazard planning to that immediate threat. This country and homeland security cannot place all of its efforts in prevention without a corresponding response appropriate to that threat.

This Committee, working with the Department of Homeland Security, Department of Justice, and other departments can be influential in the identification and support of information sharing projects utilizing various grant streams. A good example would be Cop Link, a project proposal that would increase the information sharing among communities.

This Committee, as it relates to critical infrastructure protection, can be influential in ensuring a well-rounded approach in the identification and protection of our country's most important assets. Paramount to being successful in this area, we as a country need to be consistent in the identification of these assets. As a major factor in critical infrastructure protection, the National Infrastructure Protection Plan and Sector Specific Plans are valuable tools to better protect these assets. It is critical that any planning related to critical infrastructure is developed by the private sector with the federal government as the facilitator. Ownership clearly has to fall on the private sector community since they own the vast majority of assets in this area. The best way to protect this critical infrastructure for generations in this post 911 era is through building codes and ordinances at the local level. The difficult discussion still resides in using tax payer dollars to harden private, for-profit facilities. Lastly, information gathered related to critical infrastructure needs to be shared with a select group of first responders so as to better prepare their response. Current practice is to keep this information so secretive that even the first responders and emergency managers are unaware of the critical infrastructure assets in their community.

Another tool to assist in critical infrastructure protection is the creation of a new Emergency Support Function that incorporates the 17 sectors. In Denver, we are in the beginning phase of doing just that. It has been my experience that at critical times early in an event, we can only react to issues as they arise within any sector. Our plan is to have them engaged from the onset to identify issues before they become reality. This new ESF will be embedded in our City Emergency Operations

Plan and it should be a part of the National Response Plan, soon to be the National Response Framework.

It would be helpful if this Committee could assist the Department of Homeland Security in assessing the ramifications of any large event (be it acts of terror or natural hazards) in order to better prioritize use of funds as we better prepare this country. As we've seen recently in events such as Hurricane Katrina, the mass evacuation of an area, regardless of its cause, becomes one of the bigger issues facing a community during a disaster. Since the inception of the Department of Homeland Security the focus has been (rightfully so) making sure the first responders have the equipment to be successful. Now six years after September 11th we continue to focus primarily on the first responders and not focus on the other areas that need support such as mass care and medical surge capabilities. While there are current limitations with supporting the private sector with taxpayer grant funds, we as government know, especially in a crisis, that the private sector is a partner in our response. With that said, hopefully the Committee can work with the Department of Homeland Security to focus on all the issues related to a large event which include mass care and medical surge to ensure the response is appropriate across the board in handling the obvious and the collateral issues that always occur during large events. Regardless of how well the first responders do in their portion of the event, any negative peripheral issues become the legacy of the event.

Lastly, the ultimate goal of the Department of Homeland Security is to increase capability. At some point, the Department of Homeland Security should look into utilizing grant funds to support personnel costs beyond what is currently allowed. Currently the focus is on obtaining equipment but we also need to focus on the need for additional personnel to truly increase capability. By using grant funds to increase personnel, DHS would provide a substantial increase in capability in the near term with local and state government assuming the financial responsibility for the long term.

Again, I would like to thank all members for the opportunity to speak today and I would be happy to answer any questions you have.

Ms. HARMAN. Thank you very much, Mr. DeMello, and thank you for mentioning the private sector, which is a huge part of both the opportunity and the target in this area, and obviously in Minneapolis/St. Paul as well.

All of your testimony was excellent. We will now each ask you five minutes of questions, and I will begin with myself for five minutes.

Let me talk about budgets. Mr. DeMello, I heard you say that you would like DHS to make more funds available to augment the personnel. And I also heard your comment about mass care and medical surge being part of the response, a necessary part of the response capability, and I agree.

I would like to ask the Secret Service and Denver witnesses about their budgets. Do you have an adequate budget to provide for what you need? And please address in the response, Chief Battista, your effort to get neighboring police departments to also provide some personnel.

Mr. BATTISTA. So my understanding of the budget process is that with it being declared an NSSE, that then a separate bill goes through appropriations to bring federal dollars for this event outside of Homeland Security money. And I was told that it should not impact the different federal grants we are already getting. This would be new money.

And my understanding, it has been attached to one bill that did not get through, and now it is still in the process of going through Congress to get that approval level. When that money comes through, then I do believe that that money will be sufficient to secure the Democratic National Convention. And a big portion of that funding will go to working with outside law enforcement jurisdictions and backfilling the positions of police officers. When they

send me a police officer, then I can give them money, so they can pay an officer to work overtime to keep their city staffed.

So we have sent a letter out to—the Denver Police Department has sent a letter out to all of the metro law enforcement agencies within a commuting distance asking them what they believe their resources will be available to the city for the Democratic National Convention. And we are currently getting those responses back.

Ms. HARMAN. Thank you. Mr. Koerner, what about your budget?

Mr. KOERNER. You know, like anybody's household budget, we could always use more. I think everybody would say that. But we understand that, you know, in these times of really fiscal prudence for the Federal Government we have to make priorities, and we have to prioritize those things that are most important that we need to spend our funds on and our manhours on.

And the fact is this is a priority for us. The mere fact that this is—and I don't mean to say "mere," because the fact that these events are designated as national special security events put them at the top of my priority list, insofar as ensuring that we do not fail. And so whatever tradeoffs we need to make with regard to other elements of the Secret Service budget, the Director is prepared to do that, so that we ensure that we bring sufficient resources to bear, both here and in St. Paul.

It is I think worthy of note that the NSSE designation is a designation with regard to framework and responsibility, but it is not a designation that brings with it automatically any additional funds for the partners or the localities in which they host these events.

Ms. HARMAN. Well, all of us will be looking out for you, and I do take the point about mass care and medical surge, and hope that we can be helpful.

Let me turn to another subject. Chief Battista, you were talking about actionable information. I think everyone understands what that means. It means information that will help you know what to look for and what to do. Law enforcement needs it, so does the public. Would you agree with that?

Mr. BATTISTA. I am sorry. So does who?

Ms. HARMAN. The public.

Mr. BATTISTA. The public, yes, ma'am.

Ms. HARMAN. Yes. Well, here is the point I want to make, and I want to ask you all to comment briefly. Actionable information is not just top down, it is not just the Federal Government telling you that a facility in Denver might be under attack by some terror group during the convention.

It is also bottom up. It is you figuring out what facilities or what places might be at risk, what people might look a little strange, and might be trying to do something disruptive, and going up the chain and telling the Federal Government and the federal intelligence agencies that you have information. Is that not correct?

Mr. BATTISTA. Correct. And there is multi-layers of that, so at the officer level and the patrol car we put out intelligence briefing bulletins frequently on telling officers what to look for, take an extra step if something does not seem right. One of the common things is multiple identifications, and not just looking at it, that

that is part of a normal call to follow up, get the intel bureau involved.

So at the basic level, that is what I am stressing in the Denver Police Department. Then, as it moves up, it will go to the JTTF, and then it will be shared with—

Ms. HARMAN. That is the Joint Terrorism Task Force, which is an FBI—

Mr. BATTISTA. Yes.

Ms. HARMAN. —organized fusion center.

Mr. BATTISTA. And so then it goes to the Joint Terrorism Task Force where the information is shared and then can be run through the federal systems. So I think we are working pretty well in that arena.

Ms. HARMAN. Well, my time has expired. But an important point for people to take away from this hearing is that probably the better eyes and ears in Denver are local eyes and ears, both from our first preventer community and also from the public at large, and no doubt the public will be given lots of information in advance about what to look for and what to do. And we are counting on you to keep Denver safe, as well as trying to do the best job the Federal Government can to provide the funding and the organization to do that.

I would now yield five and a half minutes, since I went over my own time, to Sheriff Reichert for questions.

Mr. REICHERT. I am not sure I will need five and a half minutes, but thank you, Madam Chair.

One of the issues that I dealt with as the Sheriff, after—well, my entire tenure was my budget. And being a participant of federal task force efforts, and asking and being asked time after time to have an officer assigned to the Violent Crimes Task Force, to HIDA, to, you know, you name it, the Fugitive Task Force, and just—

Ms. HARMAN. Explain HIDA.

Mr. REICHERT. HIDA is the High-Intensity Drug Trafficking Task Force, for those of you in here who may not be familiar with it, and it is actually directed through DEA. But it is a partnership of most of the local law enforcement agencies and federal agencies in major metropolitan areas across the country.

So we—you know, we dealt with trying to have people assigned there, so the FTE issue—the assignment of personnel and the costs of personnel—is one that when I came to Congress about two and a half years ago now was my—one of my initial efforts in trying to obtain some funding for analysts, intel analysts.

And that language was included I think in the 9/11 bill, and you are—should be looking at that language, because it does allow you to hire FTE personnel specifically as intel analysts. Hopefully, we can work on some other funding later on down the road, but that is, as you know, a difficult task in today's world. But I feel your pain when you have your people spread around.

NYPD testified at one of our hearings that they spend \$178 million on homeland security a year, over 350, 400 personnel assigned, and my question was: did your City Council reimburse you or, you know, give you \$178 million, increase your budget by \$178 million? And, of course, we know the answer to that question. No. But there

were some federal grants that helped balance that out just a little bit.

I wanted to ask Mr. Koerner, on the MACC command post, how does that interact with the efforts of the fusion center and the joint analytical centers and the JTTFs? As MACC sets up, are they collocated with a fusion center or—

Mr. KOERNER. Generally, the answer to that is no, because of the fact that the MACC requires a lot of space that just isn't next to or abutting the fusion centers in these various locales.

Now, the Secret Service has set up security and forged these partnerships at 23 NSSEs over the years, and we have gotten better every time. You know, we do share, as the Chief was saying, share the best practices of lessons learned that we have found. But I think that it is important to note, I went to the CIAC yesterday and had a chance to see what you all will see today, and it is very impressive and it is a great framework.

And the Secret Service, in developing this plan with our partners, isn't going to seek to reinvent the wheel here. We are going to seek to enhance those processes that are already in place. So the CIAC will be connected completely with the MACC, so that situational awareness is shared across the board. And that part is absolutely clear; it must be shared by all of the relevant entities.

Mr. REICHERT. Great. Good. And, Mr. DeMello, you mentioned Cop Link. Cop Link—

Mr. DEMELLO. Yes, sir.

Mr. REICHERT. —was a system that a couple of the police departments in King County—there are 38 police departments in King County. A couple of them, you know, went out, got Cop Link, and then there were other police departments that said no—you have probably heard this—that isn't going to work for us, and they got a different system. And then, of course, back then they weren't able to interconnect.

So is Cop Link something in this area that has been really embraced and is a part of the effort, then, as we look forward to the convention, is it really going to play a central role in sharing information? Has everyone bought off on Cop Link as the way to go?

Mr. DEMELLO. I can speak to part of it, and then I will let Chief Battista speak to the other. I think from the information that we are gathering around the Denver metro area is that initially I think they had the same issues that they had in King County with the various agencies. I think the Denver metro area, or wider, has come to grips with knowing that they have to have a single system that they can share.

So the movement afoot right now is to get that funded, and the reason why I mentioned that in my opening statement, it is in the current process through DOJ funds. So as we look at these various committees and various departments, committees within each department, we can somehow consolidate those efforts to make sure that it is good for both ends. It is good for both the homeland security side and it fixes some of the issues related to that as well as it helps the DOJ side of the house.

So I think it is two-fold. The grant currently resides in DOJ, but it is a real huge homeland security issue that we need to get funded from the front end. So, Chief—

Mr. BATTISTA. And from the police department's perspective, there is a lot of movement towards that. We have three of the largest counties in the Denver metro area committing to Cop Link, and we have—Aurora and Denver are moving that direction. It is an expensive system, and that has been one of the things that has been holding us up.

Mr. REICHERT. Great. Thank you.

I yield.

Ms. HARMAN. Thank you. The chair now yields to Aurora's own, Mr. Perlmutter, for five and a half minutes.

Mr. PERLMUTTER. Thank you, Madam Chair.

Mr. Koerner, having done—the Secret Service having sort of led 23 of these NSSE events, can you give us sort of a hypothetical of how there is some sort of threat out there, how that information is shared down to the local policemen.

And then, let us take the other thing. All of a sudden something bubbles up, there is a protest, and how does everybody get wind of that and respond?

Mr. KOERNER. Well, I would first say—

Mr. PERLMUTTER. Without sharing any state secrets, obviously.

Mr. KOERNER. Sure. Absolutely. I would first say that all protests certainly are not unlawful.

Mr. PERLMUTTER. Right.

Mr. KOERNER. And so the mere presence of a protest or someone saying something that is contrary to the will of that party to the Secret Service doesn't mean that there is a threat out there. Certainly, the local entities have various ordinances and rules with regard to permitting to get demonstration permits to use public lands or areas to get gathers and marches and the like. So that is first.

But I would say that the entire framework that we have built up is such that there is reach-back capability, that all of the agencies that come to bear enter into this arena that we are going to be—that we are just stepping into now for the next year to ensure that that information flow is complete and throughout, top to bottom and bottom to top, as the Chairwoman said.

So if by chance it was something that developed from an intelligence agency, then that information may very well be classified, and there would be—we would have those capabilities to deal with classified material, and then be able to disseminate that material in a suitable manner to all of the law enforcement and public safety entities that needed to know, as well as the general public if it was something that was appropriate to be released to the general public.

But on the other side, you might have something that comes up from a citizen who says, "Hey, I was walking my dog, and I witnessed this," and this event didn't seem to be normal for this area. That would be investigated through the normal processes by the police department, and then as that investigation proceeded and it—you know, your senses as to whether or not this was something that was just out of the ordinary or truly was an indication of some pre-attack planning or something that was going on, that would be shared by all.

So there is an investigative component to this process, there is an intelligence component to the process, as well as an operational

component to this process. But I assure the three of you and the people of Denver and St. Paul that this will be wrapped up tight.

Mr. PERLMUTTER. Okay. Thank you. And you did—I think you mentioned that over the course of this next year there will be joint training—

Mr. KOERNER.? Absolutely.

Mr. PERLMUTTER. —exercises, and so that each of these departments, whether it is the Denver Police and its sort of lead mission or the Secret Service and its lead mission, working with the Aurora Police, working with the emergency management side—I know West Metro, which is the big fire and rescue department over on the west side of town has some major role in response in emergency response in this community.

So I just want to make sure that in the process of all this you guys are all talking. That is a purpose of today's hearing and the purpose I know of your coordination efforts.

Mr. KOERNER. Yes, sir. I would just assure you that that is the case, and I think that the one point that you just brought up is really appropriate, and that is that the Secret Service is the federal agency who has got the lead with responsibility to this NSSE. Certainly, the Denver Police Department sitting here to my left, they have the lead and they have responsibilities, and they are truly equal partners with the Secret Service in the development of this operational security plan.

Mr. PERLMUTTER. All right. At the end of the day, and I will see how you guys answer this, where does the buck stop to really make a critical decision of some sort of another?

Mr. KOERNER. Yes, there is—I will say this. That we have gone down that role lots of times, because there have been in previous NSSEs differences of opinion as to—and maybe muddied waters. Well, we have cleared up those waters quite a bit, and those roles and responsibilities come to bear. But if it is an event that gets inside the perimeter, if you will, of the NSSE, which is the convention, you know, the Secret Service is going to be discussing that with our partners.

If it is on the outside, the partners are going to be discussing it with us. But this Executive Steering Committee, and all of the entities that are on it—and, of course, Sheriff, you know this very well from the WTO. I was there in Seattle in 1999, and we learned a lot of lessons from that. But decisions will be made, they will be made expeditiously, and they will be made by the agency who has got the best situational resources and authorities to deal with that.

Mr. PERLMUTTER. Okay. Thank you, Madam Chair. There is not much time left, so I will just—I don't want to start down another whole line of questions.

Ms. HARMAN. Well, let me just ask you, because I just asked Dave Reichert, if you have one additional question, feel free to do that, because we are going to move to the second panel after this.

Mr. PERLMUTTER. I have a whole bunch. Let me ask you—let me ask this. With the exception of Mr. DeMello who is on the response side, the disaster response, how do you gentlemen—and, Chief, I will ask you this, as well as you, Mr. Koerner—how are you going to deal—you come from a protection point of view. How are you

going to deal with this other part we talked about, which is freedom of speech, freedom of assembly?

You know, when your framework is to stop bad things from happening, how are you going to allow for this free expression and prepare for that early on, because we have heard there are going to be a number of groups that want to come and, you know, let us know what their views are.

Mr. BATTISTA. Right. And so Denver—we are not new to having protestors in Denver. It is pretty much a weekly event downtown. We have the state capital there, and we are very familiar with dealing with the groups. And pretty much our protocol is we reach out to them prior to the event, sit down with them, see what they want to accomplish by their protest, and then work with them to ensure their First Amendment rights within the parameter of making sure that no one else's rights are being violated.

So we have in the past—we have already had two meetings with one of the main protest groups coming for the event, and we have regular meetings scheduled up until the event. And we are telling them we are probably not going to agree on every issue, on what they should be able to do, and what they can't be able to do. But we are at the table talking with them, and so we are looking to work through those issues.

Mr. PERLMUTTER. Thank you.

Thank you, Madam Chair.

Ms. HARMAN. Mr. Reichert.

Mr. REICHERT. Just one quick followup question. Mr. DeMello, you mentioned national infrastructure and the critical infrastructure, and I am just wondering, too, if—are you—anyone on the panel familiar with CEPTED?

Mr. DEMELLO. No.

Mr. REICHERT. Prevention of crime through environmental—

Mr. BATTISTA. Yes.

Mr. REICHERT. So is that being—is that part of—I mean, it should be a part of this critical infrastructure, I would think.

Mr. BATTISTA. Well, for the NSSE, that is going to be a huge part of it. But for the critical infrastructure, we are working more with the private entities and there is varying degrees of cooperation on working with the private entities on taking our input as far as CEPTED goes. So we can make recommendations, but then it comes down to a business decision on what they implement from our recommendations.

Mr. REICHERT. The Chairwoman asked me to explain what CEPTED—do you want to go ahead and explain CEPTED for us?

Mr. BATTISTA. So it is basically crime prevention through environmental design. And there is always three components to crime—the victim, the suspect, and the environment. And if you can change the environment to make it safer and take that out of the tripod, then the crime cannot occur, and so that is what we are looking at doing. Target hardening is a common terminology used in that.

Mr. REICHERT. Right. Good. Well, thank you.

I yield.

Ms. HARMAN. Thank you. Instead of asking any more questions, I just want to make a couple of short comments. First of all, our

Subcommittee was briefed recently on the way that the Department of Homeland Security is now focusing on critical infrastructure. I think it is fair to say that a couple of years ago it was a joke, and the list of critical targets included golf courses. I certainly like golf courses, but I don't think they should be on the list, and other pet projects of local officials.

Now that list has a classified part and an unclassified part, and it is—I think I speak for all of us in saying this, because we were all there—very impressive document that is designed to do what you talked about, Mr. DeMello, which is really to identify truly vulnerable, important infrastructure, and put resources behind the effort to harden it. So I just wanted to put that out there.

Second point is I want to commend Chief Battista. He mentioned the LEAP report of our Subcommittee. It was produced in the last Congress, and I just want to take the opportunity to thank the chief author who is here today, and that is our Staff Director, Tom Finan, who is sitting over there.

And I want to associate myself with the comment that Dave Reichert made. We are bipartisan on this Subcommittee. We don't think that the security of America is a political football, and I really appreciate your appearance and testimony today.

Thank you. You are excused.

Our second panel should be coming up. I think your name tags are here. We all ready? Everybody ready?

It is now my pleasure to welcome our second panel of witnesses, and I do hope the first panel is sticking around. That would be great. Major Jim Wolfinbarger serves as the Director of the State of Colorado's Office of Preparedness and Security and oversees operations within the Colorado State Patrol's Homeland Security Branch.

He is responsible for management and oversight of the State's intelligence fusion center, which we have just heard about, the CIAC—perfectly named. It is the kind of thing one would want to have in Colorado. And the State's critical infrastructure protection team, known as Rubicon. Both of these efforts are designed to provide Colorado with a preventative capability to detect, deter, and mitigate the effects of a terrorist attack or other event.

Major Wolfinbarger is a graduate of the 225th Session of the FBI's National Academy and the 176th Session of Northwestern University's School of Police Staff and Command. A Colorado native, he is a graduate of the University of Northern Colorado.

Our second witness, Daniel Oates, serves as the Chief of Police for the Aurora Police Department, the one with the best Congressional representation on earth. That one. He is the Second Vice President of the Colorado Association of Chiefs of Police, as well as chair of the CACP's Legislative Committee.

Prior to his appointment in Aurora, Chief Oates served for four years as Chief of Police and Safety Services Administrator for the city of Ann Arbor, Michigan. Before his arrival in Ann Arbor, Chief Oates served for 21 years at the NYPD. He finished his NYPD career—that is the New York Police Department for anyone on the planet who might not know that—as Deputy Chief and Executive Officer and second in command of the patrol burrough Brooklyn

South. And he also served as Commanding Officer at the NYPD's Intelligence Division, very relevant to our conversation.

Our third witness, Dr. Lloyd Burton, is a Professor of Law and Public Policy at the School of Public Affairs at the University of Colorado at Denver. He is Director of the school's program concentration in emergency management and homeland security, as well as the graduate division's certificate program in emergency management policy and planning.

The author of two books and a wide array of journal articles and working papers, his current research is principally focused on the law of all hazards management and how the law can be used to either aid or impede—very important, or impede effective inter-agency and intergovernmental cooperation in disaster management.

I quoted from you, Dr. Burton, so you will have extra time to defend yourself if it is necessary.

Without objection, your full statements will be incorporated in the record, and we would urge you to summarize them in five minutes or less, so that we can have an interaction when we ask you questions. And we will start with Major Wolfinbarger.

**STATEMENT OF MAJ. JAMES M. WOLFINBARGER, DIRECTOR,
COLORADO OFFICE OF PREPAREDNESS, SECURITY AND
FIRE SAFETY**

Major WOLFINBARGER. Thank you, Chairwoman Harman, Ranking Member Reichert, and our Congressman Perlmutter. On behalf of the Department of Public Safety and Director Weir, I would like to thank you for the opportunity sit in front of you today and talk about the important issue of the Democratic National Convention, State's intelligence operations, as well as our critical infrastructure protection team in Colorado.

You know, with an ongoing trend where we are seeing some dimming in terms of an awareness of the threat of terrorism, both domestic and international, it is important that in public safety we remain vigilant of the threats that do exist and the groups and individuals who seek solely to bring injury or death to Americans, as well as economic impact to our country.

Prior to September 11, much of law enforcement's emphasis really did focus on domestic terrorism, training—we did weapons of mass destruction training, but the events of September 11 really brought that to bear. Following 9/11, the Commission report really identified one of the key weaknesses in government of the inability of government to be able to piece together disparate pieces of information, which all by themselves seem relatively benign, when in whole create a very sinister picture of an event about to occur.

In Colorado, we have two assets inside of the Office of Preparedness, Security and Fire Safety that deal with these issues. First and foremost is the Office of—the fusion center in Colorado, the Colorado Information and Analysis Center, and I will refer to it from this point forward as the CIAC. The CIAC has a staff of employees that I have included as part of the written remarks, but specifically it produces intelligence reports for law enforcement and non-law enforcement personnel and is capable of providing real-

time information to over 3,400 recipients throughout the United States.

We work to coordinate local, federal, state, and tribal nation information to provide an intelligence product for Colorado that has meaning. We have really focused on Colorado because of a lack of resources, specifically on early warning and as a means by which to be able to move information, and are working with our partners, with the metropolitan law enforcement agencies, sheriffs offices, and the El Paso area with Colorado Springs PD, and working to expand some of the functionality of support from a law enforcement all-crime standpoint.

Inside of the CIAC, in addition to our staff, the Federal Bureau of Investigation, the Colorado National Guard, the Department of Corrections, Agriculture, and Education, Colorado Springs Police Department, Denver Police Department, Castle Rock Fire Department, Pueblo County Office of Emergency Management, all partner, both through FTE and through exchange of information, as well as the Aurora Police Department.

Again, outside of the information sharing environment that really works within the CIAC, we have a Rubicon team. For once, we don't have an acronym associated with the team, Rubicon referring to the Julius Caesar mark that once we cross that proverbial line that mission must be accomplished. And the interdependency that exists between information sharing and fusion at a federal and at a national and a local level is key to look at what critical infrastructure, a) from an identification, b) from an assessment, and c) with an understanding that the vast majority of those critical infrastructures are privately held—again, coming out of the 9/11 report, an estimation of 85 percent of critical infrastructure in the United States is privately held.

I would suggest that it is slightly higher than that, particularly here in Colorado, and is really incumbent with, again, limited resources to be able to take a look at the threat information that comes in to the fusion center and take a look at helping to prioritize not only what are the consequences, should those be breach, but take a look at what are the threats that exist, so to help us as a State, to work with our private industry, to ensure that we do a good job of prioritizing, assessing, and hardening those key assets. That is particularly at heart when we are talking about the DNC and working with our partners with the city and county of Denver, as well as the Secret Service, and then our other partners at the federal level, with consequence management and FEMA and the FBI for the intelligence.

During the DNC, as you know, we are going to have an IOC or this intelligence operations center. Colorado fusion center stands ready to plug into the IOC at a federal level to ensure that we can lend support from the bottom up, exactly what, Madam Chair, you had referred to about the importance of getting local information up through. And we have got a process in Colorado where we use a website as a means by which people can report suspicious activity up to the state fusion center.

It is vetted, and then ultimately passed along to the appropriate jurisdiction, over to the NOC, the National Operations Center, and DHS in Washington, D.C., as well as our local field JTTF in Den-

ver, with a very close working relationship with the Federal Bureau of Investigations Field Intelligence Group, or the FIG, out of Denver and have a full-time analyst from the FIG stationed inside of the CIAC to ensure that consistency and passthrough of information—that it not only runs vertically but also horizontally, effectively to ensure a safe environment in Colorado.

I now have a new very favorite phrase from you, Madam, is first preventer. I think it is important, particularly that we really hone our attention on the prevention aspect. Katrina taught us many lessons, and in Colorado we certainly have worked to ensure that we put an emphasis in public safety on the prevention aspect.

In looking at those very limited dollars that are available, not only federally through Congress, but at a state level, to use them to our maximum benefit, so that under that umbrella of preparedness from a prevention standpoint we stand ready to fold in with our partners at Denver, partners at the federal level, and at our local level.

Thank you.

[The prepared statement of Major Wolfinbarger follows:]

PREPARED STATEMENT OF MAJOR JAMES WOLFENBARGER

I. Introduction

Chairperson Harman, Ranking Member Reichert and Congressman Perlmutter, thank you for the opportunity to discuss the Colorado State Patrol's and the Office of Preparedness and Security's efforts to fight terrorism and the progress we have made in the areas of information sharing and critical infrastructure protection.

II. The Terrorist Threat to Our Local Communities

The terrorist threat to our communities involves continued domestic terrorism and international terrorist plots to inflict harm to Americans and interrupt our economy. This is a critical point to consider, given that the memories of September 11, 2001, have faded from the forefront of the minds of many Americans.

A. Domestic Terrorism

Prior to September 11, local and state law enforcement agencies primarily investigated domestic terrorist groups, including white supremacists, hate groups, and single-issue groups such as the Earth Liberation Front. Investigations centered on sub-cultures that were socially motivated by political ideologies to commit terrorism. The bombing of the Murrah Federal Building in Oklahoma City in 1995 had a catastrophic impact on American soil and brought together local, state and federal law enforcement to bring the terrorists to justice. However, in retrospect, Timothy McVeigh and Terry Nichols left a trail of clues that, if detected, could have prevented the attack, and the deaths of 168 people, including nineteen children. It is the collection, analysis and distribution of information to key end-users that we must focus upon to prevent an attack, rather than complacently believing that response and recovery activities are the only way to address acts of terrorism in America.

B. International Terrorism

Prior to September 11, international terrorism was not in the national consciousness. Despite the first World Trade Center bombing, most Americans did not realize the significant threat of Islamic extremism and the consequences of international terrorism. September 11th changed the mindset of all Americans, including local and state law enforcement.

III. The Colorado Department of Public Safety's Response to Terrorist Threats

Colorado has a number of critical infrastructure and key resource assets that would make our state an attractive target to terrorists, including four major sporting venues, the Denver World Trade Center, critical dams, tourist attractions and agricultural assets. Colorado has a high number of federal facilities and Colorado hosts multiple military assets that include Norad, U.S. NORTHCOM, Fort Carson, the U.S. Air Force Academy Buckley and Peterson Air Force Bases, which employ over 50,000 active-duty National Guard and Reserve personnel. Multiple defense

contractors are situated in Colorado including Lockheed Martin, Ball, Boeing and Northrup Grumman. Colorado is also home the Federal penitentiary know as "Supermax," which holds some of the world's most notorious criminals.

The Colorado Department of Public Safety (CDPS) is required to establish an Office and Preparedness and Security (OPS) whose mission is to detect and deter acts of terrorism in Colorado.

- *Colorado Information Analysis Center*

A significant step toward the prevention of terrorism was the development of the Colorado Information Analysis Center (CIAC) in 2005. The CIAC strives to provide an integrated, multi-disciplinary information sharing network to collect, analyze, and disseminate information to stakeholders in a timely manner in order to protect the residents and the critical infrastructure of Colorado.

The CIAC was designed as the State's fusion center to create cross-jurisdictional partnerships between local, state and federal agencies and to include private sector participants. The fusion center concept is integral to the Department of Homeland Security (DHS) strategic initiative for information sharing.

The CIAC produces intelligence reports for law enforcement and non-law enforcement personnel and is capable of providing real-time information to over 3400 recipients throughout the United States. The CIAC coordinates local, state and federal agencies, as well as members of the critical infrastructure sectors, to ensure a coordinated intelligence exchange and to disseminate information and "best practices" in order to prevent or mitigate further attacks. The CIAC acts as an early warning system for actual or suspected terrorist acts, natural disasters and criminal activities.

The CIAC strives toward an inclusive fusion center model. While the CIAC is managed by OPS and the Colorado State Patrol, several other organizations have made a commitment to the fusion center concept. These organizations include the Federal Bureau of Investigation; the Colorado National Guard; the Colorado Departments of Corrections, Agriculture, and Education; the Colorado Springs Police and Denver Police Departments; the Castle Rock Fire Department; the Pueblo County Office of Emergency Management; the University of Denver; and the U.S. Marshals Service.

- *Critical Infrastructure Protection (Rubicon Team)*

The Rubicon team is responsible for conducting full-spectrum integrated vulnerability assessments on Colorado's most critical infrastructure and key resources (CI/KR). The assessments include detailed on-site inspections that identify vulnerabilities from an all-hazards approach, such as crime, natural disasters, sabotage, and acts of terrorism.

During the all hazards, vulnerability assessment, the Rubicon team focuses on and evaluates six key areas for the CI/KR site: physical security, infrastructure, structural characteristics, emergency response, information technology, and business continuity. Vulnerabilities are identified and prioritized, and mitigation strategies are recommended with the ultimate goals of reducing potential loss of life, property damage and economic devastation. The Rubicon team coordinates with the Colorado Information Analysis Center to develop a current threat analysis for each site.

IV. Federal Partnerships and Collaborative Efforts

The Colorado State Patrol, along with other Colorado law enforcement agencies, is an active participant in the Joint Terrorism Task Force (JTTF). The Patrol has assigned to the JTTF a trooper who acts as a conduit between both operations. The CIAC has an outstanding relationship with the Denver Field Intelligence Group (FIG), and an FBI analyst currently works in the CIAC on a full-time basis. The CIAC and the Denver FBI publish a joint monthly summary of activities occurring in Colorado and Wyoming.

The OPS staff also collaborates and shares information with the Department of Homeland Security's Protective Security Advisor (PSA) who is assigned to Colorado and Wyoming.

The OPS staff has a positive relationship with the Denver Secret Service office. The CIAC shared critical and time-sensitive information with the Secret Service during the recent shooting at the Colorado Capitol. This partnership will be further developed through the planning and implementation phases of the DNC.

The city and county of Denver will host the (DNC) in August 2008. Denver expects thousands of visitors, delegates and support staff before, during and after the convention. The CIAC and the state's Critical Infrastructure Protection Team (RUBICON) will play vital role in the success of the DNC. Initial planning meetings have occurred in advance of the establishment of the Steering Committee.

The relationships between OPS, the Denver FBI, the DHS PSA and the Denver Secret Service Office serve as excellent examples of partnerships with federal law

enforcement agencies that provide the opportunity for extensive information sharing.

V. Conclusion

The success of terrorism prevention and preparedness hinges on our ability to develop partnerships with other public and private sector organizations and to establish a comprehensive plan to detect, deter and defend Colorado against potential and actual acts of terrorism.

Thank you again for the opportunity to appear before you today.

Attachment A

COLORADO INFORMATION ANALYSIS CENTER (CIAC)
TERRORISM LIAISON OFFICER (TLO) PROGRAM

JUNE 1, 2007

The Colorado Information Analysis Center is launching a Terrorism Liaison Officer (TLO) Program for law enforcement and first responder agencies throughout Colorado to strengthen information sharing and enhance multi-jurisdictional partnerships. The Colorado TLO Program mirrors the Arizona Counter Terrorism Intelligence Center (AcTIC) program and has been developed to provide a platform of local representatives to share information related to local and global terrorist and criminal threats and potential incidents. The TLO program creates an expansive, statewide network of personnel by combining local emergency responder and linking them to federal and state assets in order to provide an effective and viable two-way flow of information.

A Terrorism Liaison Officer (TLO) is an identified person within a law enforcement, fire service or emergency management agency who is responsible for coordinating terrorist and other criminal intelligence information from their local agency to the Colorado Information Analysis Center. The information will be shared with the Federal Bureau of Investigation and the Department of Homeland Security, to ensure an inclusive and coordinated information sharing architecture for the state of Colorado.

Strengthen Information Sharing and Collaboration Capabilities

The program is state-sponsored and managed through the CIAC, which provides a collaborative mechanism for information collection, analysis and dissemination. The unified approach provides participants with the ability to combine resources and to develop consistent methods and protocols that provide enhanced emergency response capability.

The TLO will be trained in situational recognition, information analysis and information dissemination, threat vulnerabilities, domestic and international terrorism, and CFR 28 Part 23 compliance. The TLO member will also be trained to assist with vulnerability assessments and will collaborate with the state's Critical Infrastructure Protection Team (Rubicon) to ensure compatible and consistent implementation of risk assessment methodologies throughout the state.

TLO Daily/Weekly Operations

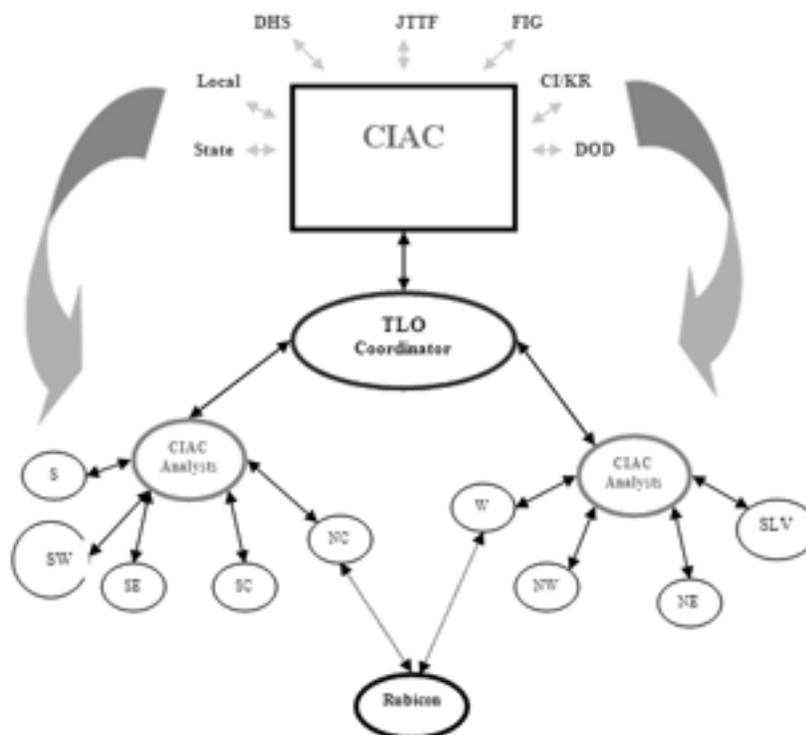
The terrorism liaison officer will be the direct point of contact for the Colorado Information Analysis Center at the local level and will serve as a resource and subject-matter-expert within the nine all-hazards regions.

The TLO can participate in this program by assisting with the following:

- Collect and report relevant field intelligence from the local area to the CIAC
- Assist with local terrorism awareness training
- Disseminate information to field officers during roll call or team meetings
- Disseminate information to specialty task forces or field units
- Provide intelligence briefings to agency executive staff
- Provide intelligence briefings to regional representatives

Statewide Intelligence Architecture

The Terrorism Liaison Officer Program promotes the involvement of the selected individual working together with every first responder and participating private sector representative in a comprehensive prevention program. This program provides a statewide intelligence architecture designed to share and collect information and plan operations in relation to local and global threats. Collection, analysis and dissemination of information will be facilitated between the regions, the CIAC and Rubicon team and federal agencies.



Training

The TLO Program curriculum is intended to provide line-level personnel with the ability and training to share and receive pertinent information regarding terrorist and criminal threats at a local, state and national level. The training will allow the TLO to have access to Colorado Information Analysis Center and the DHS Homeland Security Information Network (HSIN) databases and provide comprehensive case support at a local level.

Each participant will receive 24 hours of training. The extensive curriculum includes:

- Domestic and international terrorist trends specific to Colorado
- Intelligence cycle and CFR 28 Part 23 compliance
- Threat vulnerabilities
- Rubicon Full Spectrum Integrated Vulnerability Assessments
- Situational recognition
- All-crimes, all-hazards collection requirements
- Information analysis and dissemination
- Incident response to terrorist bombings
- Prevention and response to suicide bombing incidents
- Homeland Security Information Network (HSIN)
- CIAC database and CIAC software availability

Governance

The TLO program will be overseen by the Colorado Information Analysis Center Board of Executive Directors. The program merges multidiscipline response personnel under one governance structure.

Terrorism liaison officers perform their function under the supervision of a TLO Coordinator (designed to be a chief fire officer) assigned to the CIAC. The TLO Coordinator will monitor the group's progress and will regularly report achievements and concerns to the CIAC Board of Executive Directors.

The CIAC daily operations are under the supervision of a law enforcement sergeant who supervises the direction of analyst teams who will acquire data from TLO

members. The analyst team supervisor also assists in the encouragement and refinement of the TLO participant efforts.

The local Protective Security Advisor (PSA) for the U.S. Department of Homeland Security is an integral component of the TLO team. The PSA will actively participate in this collaborative melding of effort toward a common objective. The PSA will act as a liaison between the federal, and state and local homeland security efforts.

The Future of Colorado's Homeland Security Efforts

Both Colorado and national homeland security strategies stress the criticality of information sharing and cross-jurisdictional partnerships in combating terrorism. The Colorado Information Analysis Center Terrorism Liaison Officer Program is integral to achieving this mandate and local, state and federal participation is critical to the safety of Colorado's residents.

Attachment B

COLORADO INFORMATION ANALYSIS CENTER (CIAC)

AUGUST 1, 2007

PREPARED BY THE COLORADO DEPARTMENT OF PUBLIC SAFETY

Introduction

The Colorado Information Analysis Center (CIAC) was designed as the State's fusion center to create cross-jurisdictional partnerships between local, state and federal agencies to include private sector participants. It provides one central point in Colorado for the collection, analysis and timely dissemination of all-hazards information. The fusion center concept is integral to the Department of Homeland Security (DHS) strategic initiative for information sharing.

The mission of the Colorado Information Analysis Center is to provide an integrated, multi-discipline, information sharing network to collect, analyze, and disseminate information to stakeholders in a timely manner in order to protect the citizens and the critical infrastructure of Colorado.

The CIAC produces intelligence reports for law enforcement and non-law enforcement personnel and is capable of providing real-time information to over 3400 recipients throughout the United States. The CIAC coordinates with state and federal agencies, as well as members of the critical infrastructure sectors, to ensure a coordinated intelligence exchange and to disseminate information and "best practices" in order to prevent or mitigate further attacks. The CIAC acts as an early warning system for actual or suspected terrorist acts, natural disasters and criminal activities and helps to facilitate comprehensive protection strategies and unified response tactics.

The CIAC is integrated into the national network of state fusion centers, which have the ability to share information horizontally and vertically with partners at the local, state, Tribal Nation and federal levels.



CIAC White Paper
June 1, 2007

1

Statutory Authority

During the 2002 Legislative Session, H.B. 02-1315 statutorily created the Office of Preparedness, Security and Fire Safety (OPSFS) as a division within the Colorado Department of Public Safety. OPSFS consists of the Division of Fire Safety and the newly-created Office of Anti-Terrorism Planning and Training.

The first duty of the new director was “to inquire into the threat of terrorism in Colorado and the state of preparedness to respond to that threat and to make recommendations to the Governor and the General Assembly.”

Colorado’s Strategic Direction

The *National Strategy for Homeland Security* assigns to state and local governments the “primary responsibility for funding, preparing, and operating the emergency services that would respond in the event of a terrorist attack.”

The *Colorado Homeland Security Strategy* provides state and local officials with the means to develop interlocking and mutually supporting emergency preparedness programs. It is a guide to the on-going efforts fostering interagency collaboration and decision-making.

Colorado has identified the following 12 goals—with 60 separate objectives—as critical to its ongoing homeland security efforts. (All goals are considered to be one in the same for priority status).

1. Planning
2. Training and Exercises
3. **Information Sharing**
4. Communications Interoperability
5. Critical Infrastructure Protection
6. Cyber Security
7. Food and Agriculture Protection
8. Public Health Protection
9. Citizen Participation
10. Continuity of Government
11. Emergency Responder Capabilities
12. Strengthening CBRNE Detection Capabilities

The Department of Local Affairs (DOLA) is responsible for the development, maintenance and tracking of the Strategy. DOLA will facilitate collaboration across state agencies to organize the Strategy, share responsibilities and eliminate duplication of efforts.

Organizational Structure

In July 2004, former-Governor Owens designated the Colorado Department of Local Affairs (DOLA) as the State Administrative Agency (SAA) for all Department of Homeland Security grants and resources. He appointed the Executive Director of DOLA as the point of contact for the U.S. Department of Homeland Security. The Executive Director of Colorado Department of Public Safety remained the State Homeland Security Advisor (HSA).

In April 2005, the CDPS Executive Director transferred members of the Colorado State Patrol (CSP) into the Office of Preparedness and Security to assume control of the responsibilities outlined in H.B. 02-1315. This also shifted oversight responsibility for the CIAC to a State Patrol Major, who was named the OPS Director.

Although the Colorado Information Analysis Center (CIAC) is managed by the Colorado State Patrol, it is designed to be a cross-jurisdictional partnership between local, state, and federal agencies, to include critical infrastructure sector participation. CIAC policy is guided by a Board of Executive Directors, who represent local, county, state, Tribal Nation levels of government and include the:

- Colorado Department of Public Safety (chair)
- Lieutenant Governor’s Office (co-chair)
- Colorado Commission on Indian Affairs
- Colorado State Fire Chiefs Association
- Colorado Departments of Corrections
- Colorado Department of Agriculture
- Colorado Department of Public Health and Environment
- Colorado Chiefs of Police
- County Sheriffs Association of Colorado
- Colorado Emergency Managers Association
- Colorado National Guard
- Attorney General’s Office

Staffing

The Colorado Information Analysis Center is designed to be staffed 24-hours per day, seven days a week by a combination of law enforcement and civilian personnel. However, due to limited staffing levels, the CIAC is fully operational from 7:00 am to 5:00 pm, Monday through Friday. CIAC analysts are on-call after hours and on weekends.

There are currently seven full-time staff assigned to the CIAC, including one CSP sergeant who acts as the CIAC manager, three CSP troopers, one FBI analyst and

two Colorado National Guard sergeants. The Patrol has committed an additional, part-time trooper to the CIAC. An additional trooper is assigned full-time to the Denver Joint Terrorism Task Force (JTTF).

The CIAC currently depends on part-time, augmented staffing to include representatives the U.S. Marshall's Office, Castle Rock Fire Department, Pueblo County Emergency Management, University of Denver and the Colorado Departments of Corrections, Education, Agriculture and Health. The augmentee's time in the CIAC totals approximately two full-time employees.

CIAC Operations and Products

The Colorado Information Analysis Center is divided into three sections: Threat Analysis, Watch Center/Early Warning Alerts and Requests for Information (RFIs)/Case Support. The CIAC staff take an all-crimes, all-hazard approach to the intelligence cycle and focus on counterterrorism, criminal interdiction, public health threats, agricultural threats, officer or public safety threats and natural disasters.

Threat and Analysis: The CIAC composes daily reports for dissemination to approximately 3400 key stakeholders and decision makers in the emergency services and critical infrastructure sectors. Sensitive information is distributed to the law enforcement community via "Law Enforcement Sensitive" reports via email or in-vehicle mobile data computers (MDCs).

Watch Center/Early Warning Alerts: In the event of an actual or suspected criminal or terrorist attack, the CIAC coordinates with members of the affected critical infrastructure sectors, the Division of Emergency Management (DEM), the JTTF and DHS to ensure a coordinated intelligence exchange and to disseminate information and "best practices" in order to prevent or mitigate further attacks.

Requests for Information/Case Support: Agencies can utilize the CIAC analysts for routine requests for information and case support. CIAC analysts will assist agencies by providing the requesting agency with link analysis, database searches and through the coordination of information between local, state and federal agencies.

Information is collected from a variety of federal, state and local resources within both the public and private sectors to include:

- RMIN
- USNORTHCOM
- SIPRNET
- CIA
- LEO
- JRIES
- NCIC
- FPS Portal
- DHS Info Bulletins
- FBI Bulletins
- JTTF
- EPIC
- Other State Fusion Centers
- Local Jurisdictions
- Industry Representatives
- State Agencies
- Private Citizens

Guiding Documents

The CIAC follows federal fusion center and information sharing policies. CIAC policies, procedures and operations utilize the Bureau of Justice Operating Policies for 28 CFR Part 23 compliance, Global Justice Information Sharing Initiative Fusion Center Guidelines and the Bureau of Justice National Criminal Intelligence Sharing Plan as guiding documents.

Terrorism Liaison Officer (TLO) Program

In July 2007, the Colorado Information Analysis Center launched a Terrorism Liaison Officer (TLO) Program for law enforcement and first responder agencies throughout Colorado to strengthen information sharing and to enhance multi-jurisdictional partnerships. The Colorado TLO Program mirrors the Arizona Counter Terrorism Intelligence Center (ActIC) program and has been developed to provide a platform of local representatives to share information related to local and global terrorist and criminal threats and potential incidents. The TLO program creates an expansive, statewide network of personnel by combining local emergency responder

and linking them to federal and state assets in order to provide an effective and viable two-way flow of information. Sixty-two TLOs were trained in the inaugural course.

A Terrorism Liaison Officer (TLO) is an identified person within a law enforcement, fire service or emergency management agency who is responsible for coordinating terrorist and other criminal intelligence information from their local agency to the Colorado Information Analysis Center. The information will be shared with the Federal Bureau of Investigation and the Department of Homeland Security, to ensure an inclusive and coordinated information sharing architecture for the state of Colorado.

The Terrorism Liaison Officer Program promotes the involvement of the selected individual working together with every first responder and participating private sector representative in a comprehensive prevention program. This program provides a statewide intelligence architecture designed to share and collect information and plan operations in relation to local and global threats. Collection, analysis and dissemination of information will be facilitated between Colorado's nine all-hazards regions, the CIAC and Rubicon team and federal agencies.

CIAC Accomplishments

Training: CIAC staff, in conjunction with the Rubicon team and members of the CSP Homeland Security Unit, have spent an inordinate amount of time educating law enforcement agencies, emergency services sectors, critical infrastructure representatives and members of the public in the role of the CIAC and the Rubicon team, recognition of indicators, information sharing processes and critical infrastructure protection. As of June 1, 2007, the staff have trained over 1,500 first responders and have provided over seventy-five formal presentations statewide on the role of the CIAC.

Regional Information Sharing Meetings: In order to facilitate information sharing statewide, the CIAC staff have initiated a series of Regional Information Sharing Meetings (RISMs) to be held in various locations throughout 2007. The RISMs are designed to provide members from various law enforcement agencies within a specific geographic location a current threat update from the CIAC and to allow officers the ability to exchange threat and criminal information in an informal, yet confidential, setting. The RISMs afford members of the critical infrastructure sectors the same opportunity in a separate meeting.

2007 CIAC Regional Information Sharing Meeting (RISM) Schedule:

9:00 am—11:00 am Unclassified Version

1:00 pm—3:00 pm Law Enforcement Sensitive Version

<i>Date</i>	<i>Location</i>
<i>February 20, 2007</i>	<i>Centennial, Colorado</i>
<i>April 24, 2007</i>	<i>Pueblo, Colorado</i>
<i>August 8, 2007</i>	<i>Durango, Colorado</i>
<i>August 21, 2007</i>	<i>Centennial, Colorado</i>
<i>September 18, 2007</i>	<i>Vail, Colorado</i>
<i>November 13, 2007</i>	<i>Ft. Collins, Colorado</i>

Early Warning Alerts: As historical data has proven that terrorists engage in simultaneous, coordinated attacks, the Colorado Information Analysis Center acts as an alert and warning center for the 1600 customers on the email distribution list and over 2300 law enforcement officers on the mobile data computer (MDC) distribution list. The CIAC has the capacity to collect, analyze and disseminate real-time threat information, while providing recommended protective measures to the affected critical infrastructure and emergency services sectors. In an actual or suspected attack, CIAC analysts coordinate threat information with local officials, local emergency operation centers, and federal assets.

The CIAC has acted as an early alert warning center in the following instances:

CIAC Early Warning Alerts:

- July 7, 2005: Multiple attacks on London Transit System.
- July 21, 2005: Second Attempted Attacks on London Transit System.
- November 10, 2005: Possible VBIED at Arvada City Complex.
- August 10, 2006: Disrupted Plot to Attack U.S. Bound Airplanes from the U.K.
- September 28, 2005: Armed Gunman Siege at Platte Canyon High School.
- April 20, 2007: Improvised Explosive Devices found at Ponderosa High School.

Specific Examples of Case Support:• **CIAC Trac Phone Cases**• **Dates: Throughout 2006 and the beginning of 2007**

• **Summary:** The CIAC received several reports from local law enforcement agencies reference suspicious purchases of Trac phones. These large purchases of Trac phones from department stores across the front range of Colorado and Wyoming have a direct link to funding and support to an international terrorist group. Due to the case support and CIAC reports generated, all cases were linked together. This case is still under investigation by the Denver JTTF and local law enforcement agencies.

• **Colorado Copper Thefts**• **Dates: September 2006 to May 2007**

• **Summary:** The cities and counties of Colorado's front range were targeted by a large number of copper thefts. Due to the sharing of case information from 12 agencies across the front range, CIAC analysts were able to link the case information together. Due to this diligence, a warrant was issued for a suspect tied to all cases. This is an example of the criticality of statewide information sharing resulting in a successful arrest.

• **Denver Khat Ring Tied to International Terrorist Groups**• **Date Arrested: December 8, 2006**

• **Summary:** On December 8, 2006, the Colorado Information Analysis Center (CIAC) received a call from a civilian mail clerk stating she had information regarding suspicious packages that were delivered to their address. The CIAC contacted the local law enforcement agency and officers responded to the location and began an investigation. During the investigation, it was determined that the packages contained approximately 65 pounds of a stimulant called "Khat". Several suspects were taken into custody as part of the on-going investigation. The arrested suspects were determined to have ties to international terrorist groups. Federal charges are pending.

• **DEA Case Support**• **Date: March 2007**

• **Summary:** The CIAC received a phone call from a private citizen who wanted to report that his son was involved in a criminal ring in the Denver-metro area. The information was passed along to the FBI Rocky Mountain Safe Streets Task Force (RMSSTF). Based on the preliminary CIAC investigation and through the collaboration with the RMSSTF investigators, an international crime and drug ring was uncovered. DEA agents from Washington DC flew to Denver to take over the investigation.

• **Firebombing of SUVs in Denver**• **Dates: March 18—21, 2007**

• **Summary:** The city of Denver Fire Department responded to seven cases of SUVs being firebombed. Initial FBI investigation showed a possible link to the domestic terrorist group ELF. A CIAC report was requested by the investigators. The CIAC report was sent out with a description of the suspect vehicle, and the suspect was arrested shortly thereafter due to the information placed in the CIAC report. This case is still being investigated by the Denver Fire Department and the Denver JTTF.

Conclusion

New security challenges require a new approach and following the Department of Homeland Security's (DHS) lead, Colorado has moved to a centralized counter-terrorism effort in order to enhance interagency cooperation and expedite information flow. The Office of Preparedness and Security and the Colorado Information Analysis Center are dedicated to strengthening Colorado's prevention, preparation and emergency response capabilities for all disasters.

Ms. HARMAN. Thank you.
Chief Oates, five minutes.

**STATEMENT OF DANIEL J. OATES, CHIEF OF POLICE, AURORA
POLICE DEPARTMENT;**

Chief OATES. Thank you for this opportunity. I am very happy to be here today and to represent the 775 members of the Aurora Police Department, as well as the City Manager, the Mayor, and Council. We in Aurora are very proud to play host, and to represent today our 308,000 citizens.

I would like to first offer some comments about the convention and then transition into the broader intelligence discussion. Colorado's law enforcement agencies have a critical role to play in the security of the upcoming convention, and we look forward to the opportunity to serve. On August 1, I forwarded a letter to Chief Gerry Whitman of the Denver Police Department in which I pledged that 300 officers—50 percent of our available uniform strength—will be available to the Denver Police Department for the week of the convention.

We did not undertake this commitment lightly. To deliver on what we promised, we will need to do extraordinary things. We will, for example, cancel all vacations and leaves, reduce our services in Aurora to only the most essential functions, turn plainclothes officers and detectives and supervisors into uniformed street cops, engage in extensive training, and we will likely place most of our personnel on 12-hour tours for the duration of the event.

This will be a great burden for our department, and we undertake it because we believe we have an obligation to do so. The Aurora Police Department and our colleagues in Colorado law enforcement have a long history of coming to each other's aid when asked. Beyond that, it is vital to all of Colorado that the DNC be a success, a safe and secure event that promotes the national interest, a symbol of our American democracy.

In the process, our officers are also going to get a lifetime experience, a career-enriching moment. So we are looking forward to that as well.

Now, I would be remiss if I didn't also state that we in local law enforcement expect our Federal Government to pay for our services. We are relying on our colleagues in Denver to work out the funding and reimbursement details, and, as you know, they are not quite worked out yet. But this is a national security event of the first order, and we expect our national government to pay for the security that not just Denver but cities like Aurora will provide.

In fact, I have made clear to my colleagues in Denver that our offer of assistance of 300 Aurora police officers is contingent upon Aurora taxpayers recovering the full cost of that assistance.

In our desire to create the best possible physical security umbrella for the Pepsi Center and the other DNC sites, by the way some of which may not even be in Denver—there is the possibility that some events will be in neighboring communities, even in Aurora. We cannot forget our need for the best possible coordination of intelligence among all of law enforcement—federal, state, and local.

Since September 11, and with the advent of the Department of Homeland Security, we in local law enforcement have seen billions of "homeland security" money distributed throughout the land. My personal observation is that in that distribution of this money not enough priority has been placed on the use of smart, effective criminal intelligence to make our community safer.

After September 11, 2001, we all have a new appreciation for the threat of terrorism, while cops and police chiefs know that all terrorists are, first and foremost, criminals. Anyone who would threaten the safety and security of the DNC is a criminal. We have many tools to fight criminals. Denver PD and its colleagues have the resources to lay down a first-class security blanket around the DNC. They will do the best job that a modern American law enforcement can do to physically protect this event.

Where we are not as strong as we should be is in the area of criminal intelligence. We have an urgent need in Colorado for more and better intelligence on criminals, more capacity to identify them, to pool and share our knowledge, to link data systems, to apply the most advanced analytical tools.

This, of course, is an issue for Colorado that goes well beyond their needs for the DNC in August of 2008. However, the DNC presents the ideal opportunity for us locally and for the Federal Government to aid Colorado law enforcement in solving its long-term criminal intelligence needs. As has been spoken, we will, of necessity, build a world-class intelligence apparatus for the DNC. What we need to do now is to plan a way to sustain that intelligence apparatus permanently in Colorado long after the DNC has left.

In the recent months, law enforcement leaders throughout the State have begun to talk about a long-term solution. That vision we have come to embrace has two parts. The first is that of a linked network of all records management systems and other valuable data systems of all the police agencies in the State. The second is a robust 24-hour all-crimes or intelligence fusion center that every cop in the State can access for assistance to fight crime.

Even though many agencies such as Aurora have robust and modern data systems, we are not linked, as we should be, to the rest of Colorado police agencies. Beyond merely linking data, our vision calls for a modern system with state-of-the-art analytical tools, one that can, for example, probe and make sense of all kinds of disparate data, that can perform visual link analysis, that can respond to ad hoc queries by talented analysts and detectives, and that can find the link, for example, between a license plate, a phone number, a suspect's description, a nickname, a tattoo, or a particular method of committing crime.

The good news, Congressman Reichert, is that some of the larger agencies in the metro area have already found a solution, and it is what you mentioned; it is Cop Link. This last year Jefferson County Sheriff's Department partnered with nine local police agencies in the county and purchased Cop Link. That is generally recognized nationally by police chiefs as an excellent, if not the best, state-of-the-art solution.

Within the next 18 months, we now predict that Aurora, Grand Junction, several state law enforcement entities, and the counties of Arapahoe, Adams, and Mesa, will all buy this product and join

the growing Colorado intelligence sharing consortium. We actually think it will be a force that can't be stopped.

The biggest hurdle to this first part of our grand vision is, as you might expect, the financing. That is where you folks, influential elected officials, can help us. Just a few weeks ago, Denver, for example, took the lead in the local Denver metro area in applying for the Cops Office 2007 seven-technology program. It seeks \$3.4 million to jumpstart our grand vision.

Aurora and 20 other agencies partnered with Denver in this application. Approval of this grant is absolutely critical for us to get jumpstarted on our way. We also—

Ms. HARMAN. Chief, we need you to summarize, because the time has expired.

Chief OATES. Okay. We also know that in evaluating these grants, okay, regional cooperation is the stated intent of Congress. So I can't think of a better example than 22 agencies in the Denver metro area on the eve of the DNC seeking this vision.

The second piece is the piece we talked about earlier with the CIAC, the broad expansion of the CIAC to a true 24-hour regional intelligence center where all agencies are kicking in resources. That also is something that is not funded. Mike Battista talked about the FTE issue, and that is something we are also looking for support on.

So thank you for this opportunity to appear today, and I would be happy to answer questions.

[The prepared statement of Chief Oates follows:]

PREPARED STATEMENT OF CHIEF DANIEL J. OATES

Members of Congress:

Thank you for this opportunity to testify today and to represent the 775 wonderful men and women of the Aurora Police Department, as well as the City Manager and the Mayor and Council of Colorado's third largest city.

We in Aurora are proud to play host to this important hearing today, and on behalf of our 308,000 citizens, I welcome you to our great city.

I speak to you today not only as the chief executive of the third largest police department in the state (and the second largest in the Metro Area), but also as a member of the Executive Board of the Colorado Association of Chiefs of Police. So I am proud to represent today the voice of Colorado's local and municipal police agencies.

We have convened here today to discuss two important issues: first, the broad issue of intelligence sharing and how law enforcement can use intelligence effectively to keep Colorado safe in a dangerous, post 9/11 world; and second, how we can all do our part to make the Democratic National Convention in August of 2008 a safe and successful event.

I'd like first to offer comments about the Convention and then to transition into a discussion about the broader intelligence challenges.

Colorado's law enforcement agencies have a critical role to play in the security of the upcoming Democratic National Convention, and we look forward to the opportunity to serve.

On August 1st, I forwarded a letter to Chief Gerry of the Denver Police Department in which I pledged that 300 officers—50 percent of our available uniformed strength—will be available to assist the Denver Police Department for the week of the Convention.

We did not undertake this commitment lightly. To deliver on what we have promised, we will need to do extraordinary things. We will, for example, cancel all vacations and leaves, reduce our services in Aurora to only our most essential functions, turn plainclothes detectives and supervisors into uniformed street cops, engage in extensive training, planning and preparation for the next 12 months, and we will likely place most of our personnel on 12-hour shifts for the duration of this National Security Event.

This will be a great burden and a challenge for our entire Department. We undertake this effort because we believe we are obliged to do so. Denver has asked for our help. The Aurora Police Department and our colleagues in Colorado law enforcement have a long history of coming to each other's aid when asked.

Beyond that, it is vital to all of Colorado that the DNC be a success—a safe and secure event that promotes the national interest—a symbol of our American Democracy in action. With the support of the City Manager and our elected leadership, Aurora will do its part to assist Denver and Colorado.

And in the process, our officers will gain once-in-a-lifetime experience in policing a major National Security Event, an experience that will enrich their careers.

We recognize the role of our federal partners in this event, starting with the lead agency, the United States Secret Service. We know that our colleagues in federal law enforcement, particularly the Secret Service and the FBI, will provide leadership, guidance, staff resources and intelligence to support the security umbrella that must be put in place.

I would be remiss, of course, if I didn't also state that we in local law enforcement expect our federal government to pay for that security umbrella. We are relying on our colleagues in Denver to work out the funding and reimbursement details, but this is a national security event of the first order. We expect our national government to pay for the security that not just Denver, but all of Colorado law enforcement, will provide.

In fact, I have made clear to my Denver colleagues that our offer of assistance to the Denver Police Department is contingent upon Aurora's taxpayers recovering all the costs of sending 300 officers a day to police the DNC.

In our desire to create the best possible physical security umbrella for the Pepsi Center and other DNC sites—some of which, by the way, may be outside Denver in neighboring communities, perhaps even in Aurora—we cannot forget our need for the best possible coordination of intelligence among all of law enforcement—federal, state and local.

Since September 11, and with the advent of the Department of Homeland Security, we in local law enforcement have watched billions of dollars of "homeland security" money distributed throughout the land. My personal observation is that in the distribution of this money, not enough priority has been placed on the use of smart, effective criminal intelligence to make our communities safer.

After September 11, 2001, we all have a new appreciation for the threat of terrorism. Cops and police chiefs know that all terrorists are, first and foremost, criminals. Anyone who would threaten the safety and security of the DNC is a criminal. We have many tools to fight criminals. Denver P.D. and its colleagues have the resources to lay down a first-class security blanket around the DNC. They will do the best job modern American law enforcement can do to physically secure a site and keep criminals away.

Where we are not as strong as we should be is in the area of criminal intelligence. We have an urgent need in Colorado for more and better intelligence on criminals, more capacity to identify them, to pool and share our knowledge, to link data systems, to apply the most advanced analytical tools, to identify the trends and intentions of the bad guys, and even to predict when and where they might strike next.

This, of course, is an issue for Colorado that goes well beyond our needs for the DNC in August, 2008. However, it is the DNC that presents the ideal opportunity for us locally, and for the federal government, to aid Colorado law enforcement in solving its long-term criminal intelligence needs.

Of necessity, we will temporarily build a world-class criminal intelligence apparatus to support the 2008 DNC. What we need to do now is to plan how to sustain that criminal intelligence apparatus permanently in Colorado, long after the DNC has ended.

In recent months, law enforcement leaders throughout the state have begun to talk about fashioning a long-term solution. The vision we have come to embrace has two parts: The first is that of a linked network of all the records management systems and other valuable data systems of all the police agencies in the state. The second is a robust, 24-hour "all crimes" intelligence or "fusion" center that every cop in the state can access for assistance to fight crime.

Even though many agencies, such as Aurora, have robust and modern data systems, we are not linked as we should be to the other Colorado police agencies. This weakness places Colorado well behind other states' law enforcement communities.

Beyond merely linking data, our vision calls for a modern system with state-of-the-art analytical tools—one that can, for example, probe and make sense of all kinds of disparate data, that can perform visual link analysis, that can respond to ad queries by talented analysts and detectives, that can find the link, for example,

between a license plate, a phone number, a suspect's description, a nickname, a tattoo, a particular method of committing crime.

The good news is that some of the largest agencies in the metro area have already found the solution, although cost remains a hurdle. In the last year, the Jefferson County Sheriffs Department, partnering with nine local police agencies in the County, purchased a proprietary product that is generally recognized nationally by police chiefs as an excellent, if not the best, state-of-the-art solution. Within the next 18 months or so, we now predict that Aurora, Grand Junction, several state law enforcement entities, and the Counties of Arapahoe, Adams and Mesa will all buy this product and join this growing Colorado intelligence-sharing consortium.

Our vision is that this leap into modern, 21st Century policing will become so effective, so appealing, so rich with success stories about bad guys caught in the act or prevented from victimizing others, that eventually every police agency in the state will join us. Our vision is also that the funding to do this will follow, because influential elected officials like you will embrace and support it. This crime-fighting network will become a force that can't be stopped.

The biggest hurdle to this first part of our grand vision is, as you might suspect, the financing. This is where you, as Congressional leaders, can help Colorado. Just a few weeks ago, Denver took the lead on this issue in applying for a grant through the COPS Office 2007 Technology Program. It seeks \$3.4 million to jumpstart our grand vision. Aurora and 20 other agencies with Denver in the application. Approval of this grant is the absolutely critical event that will get us jumpstarted on our way.

We know that in evaluating grants these days, Congress has placed the highest priority on regional solutions to homeland security deficiencies. Well, we can't imagine a better regional solution or vision than that embodied in Denver's recent COPS grant application. Your support for this application, as well as for more federal assistance in the future to build out our intelligence-sharing capacity, is the number one thing you can do to improve security in Colorado.

The second part of our vision for intelligence sharing involves expanding the role and depth of the Colorado Information and Analysis Center (CIAC). Several police chiefs and sheriffs here have just recently begun to press to expand the CIAC into a full-time intelligence or "fusion" center, one that is staffed by 30 or more federal, state and local law enforcement officials.

This second part of our new vision for Colorado will require assistance and resources that we don't have now. I am sure you have been briefed on the best fusion centers and systems that have sprung up in other states since 9/11. We want to achieve the same here in Colorado, with your help.

As law enforcement leaders, we also recognize that everything we do to improve intelligence sharing in Colorado must be done in such a way as to protect individual rights and civil liberties. Everything we propose, and every system we will use, will at all times be in compliance with the letter and spirit of 28 CFR Part 23. This is consistent with best practices in law enforcement and with the stated policies of our agencies and that of the International Association of Chiefs of Police.

In closing, I echo the sentiments of my law enforcement colleagues here today. The upcoming Democratic National Convention will provide us with great challenges in the days ahead, but great opportunities as well. I urge you to use your influence in Congress to support us with the financial resources we need to have a safe convention, and with the additional resources to build a state-of-the-art criminal intelligence infrastructure in Colorado that will keep our citizens safe while protecting their rights.

Thank you again for the opportunity to appear before this committee. I would be happy to answer any questions you may have.

Ms. HARMAN. Thank you very much.

Dr. Burton?

STATEMENT OF LLOYD BURTON, PH.D., GRADUATE SCHOOL OF PUBLIC AFFAIRS, UNIVERSITY OF COLORADO AT DENVER

Dr. BURTON. Thank you. First, Madam Chair, Ranking Member Reichert, Representative Perlmutter, I wish to on my own behalf, on behalf of my school and the University of Colorado, express my gratitude for having been invited to appear today. Secondly, I also, then, need to say that all of the views and opinions I express here this morning are solely my own and don't necessarily represent those of the university.

The academic perspective on emergency management and homeland security, which I am bringing to bear on studies—a study of interagency and intergovernmental relations in the lead-up to the Democratic National Convention—is based on the observation of the philosopher George Santa Ana, who said those who cannot learn from history are doomed to repeat it.

So academia is largely about how can we learn from our past experience, especially in the realm of emergency management and homeland security, that will help us to do better in the future? And that is very much what my project is about.

What I am looking at is four dimensions of interagency and intergovernmental coordination. First is statutory mandates. Are there ways in which the laws at the federal, state, or local level do not articulate well and leave a confused state insofar as the agencies are concerned? Second are questions of interoperability, both technological interoperability but more importantly in this case administrative interoperability.

What are the conditions that facilitate effective interagency coordination? What are some of the things that can kind of get in its way?

Third, the allocation of fiscal burdens, which you have already just heard a good bit about. And then, fourthly, relations with the public—community and public relations. It is the second and fourth of those dimensions I want to touch on particularly here today.

Chairwoman Harman's observation at the beginning here was very well taken with regard to not either/or when it comes to national security, and securing the blessings of liberty for ourselves and our posterity. We talk a lot in public management about management statements and mission statements.

There was a mission statement that the framers of the United States Constitution actually put together, and it is in the preamble. It consists of six parts—to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for ourselves and our posterity.

Nowhere in the Constitution does it talk about which one is more important than the other, and we are left with the impression by the framers that we are supposed to do all of the above all the time.

What has happened over the years is that Congress has created a variety of different cabinet-level departments and subordinate agencies, each of which is very good at accomplishing one of these objectives. Whether it is national defense or homeland security or promoting the general welfare, there is no executive agency that has as its lead responsibility and in terms of mission statement securing the blessings of liberty. That has mostly fallen to the courts, with the possible exception of the Civil Rights Division of the Justice Department.

So each of the agencies the Congress has created to perform their single purpose missions has resulted in agencies that are very good at doing what Congress instructed them to do insofar as single purpose function is concerned. Each of these agencies has its own esprit decor, its own norms and values, ways of doing things, what

we refer to in the public management literature as an organizational culture.

Unfortunately, the very things that make them—those very qualities that make them so effective as stand-alone agencies sometimes can actually impede their ability to work effectively together. So that is one of the dynamics that I am having a particular look at, and I have some suggestions in that regard I can share with you later if you wish.

What I am suggesting primarily in this regard is that in addition to the agencies, which also of course are reflective, look at their own past experience and try to learn from it, at the federal level when it comes to after-action reporting essentially, the agencies are essentially asked to fill out their own report cards, in terms of how things went and what might be done better in the future.

One of the suggestions I think is worth reflecting on considering is the possibility of having real-time performance auditing of the agencies in action, certainly at all NSSE events and at any disaster, whether accidentally or naturally or intentionally caused at which federal aid is necessary—to come in and have somebody completely outside the command structure to just see how things are going in terms of interagency coordination. Are they going well, not so well, what might be done best in the future?

In the realm of community relations, I have—I am having a particularly hard look—there are four case studies, our top-off one the G-8 Summit and the 2004 Democratic and Republic National Conventions. And in the realm of public and committee relations, for instance in the Democratic National Convention in Boston, months in advance the city sat down with the ACLU and the National Lawyers Guild, tried to sort out this very question of balance, you know. It is not just security or liberty, but how do we do all of those things all the time at some satisfactory level.

I sometimes think of it as kind of a teeter-totter with a moving fulcrum that the agencies are always needing to assess, you know, how to achieve that balance in dynamic real-time terms.

What happened in 2004, so recently after the attacks of 2001, is that there was an intense preoccupation with protecting the well being of those attending the convention. And so it was indeed a secure convention, however, it came at some cost, and that cost was pretty well spelled out by the Federal Courts.

Even after all of the theoretical negotiations at the last moment when they decided what areas were going to be set aside for the expression of dissenting political speech, there was a court challenge filed, and a Judge came in at the last minute, went out and had a site visit and said the symbolic sense of a holding pen where potentially dangerous persons are separated from others is what I see here—he said this is a brutish and potentially unsafe place for citizens who wish to express their First Amendment rights.

However, neither this Judge nor any Judge, responsible Federal Judge, at the eleventh hour is going to step in and substitute her or his own judgment for that of national security professionals in the area. So the plea of the courts in this realm, when the case got up to the First Circuit Court of Appeals, that court observed there is good reason for the District Court's lament at the design of the

demonstration zone, and it is in defense of the spirit of the First Amendment.

Ms. HARMAN. Dr. Burton, can you summarize now—

Dr. BURTON. Yes, I will.

Ms. HARMAN. —because time has passed.

Dr. BURTON. What the court said there is it was a plea, basically, in the future to say find some way to involve the federal courts earlier on rather than having it dropped in their lap at the last minute. And I think that there are ways in camera that that could be done.

Thank you.

In conclusion, there are two ways that local, state, and federal agencies responsible for managing the conventions might not adequately discharge their responsibilities. First is not to exercise sufficient vigilance to keep everyone healthy, safe, and secure, and the other is to do this so diligently and so single-mindedly that no meaningful freedom of expression is allowed and there is only one way they can succeed, which is to find a way to simultaneously achieve both of these goals at an acceptable threshold level.

[The prepared statement of Dr. Burton follows:]

PREPARED STATEMENT OF LLOYD BURTON, PH.D.

I am Lloyd Burton, a professor of law and public policy in the University of Colorado's School of Public Affairs, Downtown Denver campus. There I direct our School's Program Concentration in Emergency Management and Homeland Security, and teach a course on the law of all-hazards management. On behalf of the university and of my school, I wish to express my gratitude for being invited to appear here today, to offer an academic perspective on the important issues you are examining. That being said, I must also add that the analysis, views, and opinions I offer here today are solely my own.

My remarks are informed by a research project I am now conducting on governmental preparations for the 2008 National Democratic Convention, to be held in Denver in August of next year. The subject of the research is interagency and inter-governmental relations and coordination, with specific regard to four dimensions of those relationships: (1) the federal, state, and local laws that mandate the missions of these agencies, and empower them to carry out those mandates; (2) administrative and technological interoperability (that is, how well agencies at all level of government share necessary information and coordinate their activities); (3) the allocation of fiscal burdens; and (4) relationships between the agencies and the public—both with the residents of the Denver area, and with those attending the convention.

In my remarks here today I will be emphasizing in particular the second and fourth of these dimensions: that is, administrative interoperability and relations with the public. This is because these two issues have been particularly significant ones in governmental management of similar events in the past, and I believe they may feature prominently in Denver's experience of hosting the 2008 Democratic Convention. And a useful way of understanding them is to begin by placing them both within the legal context they share.

The Constitutional Roots of Interagency and Public Relationships. In recent years, both private and public sector organizations have placed great emphasis on the importance of having a mission statement, the purpose of which is to succinctly state what it is the organization seeks to accomplish and how it seeks to do it. Such a need was not lost on the framers of the newly minted United States Constitution, as they were preparing the document for debate and (hoped for) adoption by the thirteen colonies.

Their eighteenth century version of a mission statement is the Constitution's Preamble, and it consists of six spare yet potent phrases: "to form a more perfect Union, to establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity. . .". Nowhere in the document do the framers give a hint as to whether these goals stand in a hierarchical or equilateral relationship, leaving most constitutional scholars to conclude that what the framers intended was for the fed-

eral government to simultaneously achieve all these goals all the time at some threshold level—the exact level of each one contingent on historical circumstances.

The framers surely understood that insuring domestic tranquility and providing for the common defense on the one hand while concomitantly assuring the blessings of liberty on the other would require a balancing act, which is where institutions for the establishment of justice (principally the courts) come in. But while the framers may have been shy on details for how to achieve such a balance on a moving fulcrum, the ratifiers of the document were a good deal more explicit on the subject of what it means to secure the blessings of liberty to ourselves and our posterity.

In fact, their condition for adopting the document as the supreme law of the land was that it be immediately amended to spell out what these liberties to be secured are—the Bill of Rights. And it is one of those rights—that “of the people to peaceably assemble, and to petition the Government for a redress of grievances” that features most prominently in planning for the 2008 Democratic National Convention.

Interoperability. This dimension has two aspects: (a) the familiar problem of a lack of adequate *technological* interoperability; and (b) the less familiar but equally dangerous problem of inadequate administrative interoperability—the inability of agencies at all levels of government to share vital information and to adequately coordinate their efforts. Agencies experiencing this difficulty often point to conflicting statutory mandates (legal authority) as the reason. However, in the public management literature, a more commonly cited cause is that of *organizational culture clash*. This is a phenomenon that arises when two or more organizations with divergent norms, goals, and professional ethical orientations are compelled by circumstance to merge their efforts, resulting in conflicts over locus of control, and resistance to a public manager’s worst nightmare: significant responsibility without adequate authority.

Reference back to the preamble can help contextualize the nature of this problem. In the executive branch of the federal government, one cabinet-level department and a host of subordinate agencies within it have the sole mission of providing for the common defense (The Department of Defense). Others are responsible for promoting the general welfare (the Departments of Health and Human Services, Agriculture, Education, Transportation, Commerce, and Interior, and the EPA); another for ensuring domestic tranquility (Department of Homeland Security); and yet another for pursuing the cause of justice on behalf of the American people (Department of Justice).

Interestingly, assuring the blessings of liberty is not the primary mission of any department or subordinate agency in the federal executive branch of government. Historically, that role has been left principally to the federal judiciary, the result of which has been a substantial amount of federal judicial oversight over executive branch behavior.

Where does the authority of one agency stop and another’s start? And equally to the point, where does the authority of one level of government end and its preemption by a higher level of government begin? These questions are of crucial importance in the governmental realm of the all-phases management of all forms of hazard, whether those hazards be naturally accidentally, or deliberately poised to threaten the safety and security of the American public.

Our recent national history is replete with tragic examples of what can happen when disaster response agencies are unable to adequately communicate and coordinate their actions, from the terrorist attacks of 9/11 to Hurricane Katrina. None of these agencies—civilian or military, federal, state, or local—was led or staffed by professionals intent on thwarting the efforts of another agency to save lives and care for the traumatized. Yet serious breakdowns in coordination occurred anyway.

Each of these organizations has its own sense of internal cohesion, intense organizational loyalty and integrity, *esprit de corps*, and standards of acceptable practice and procedure. The problem is that these qualities, which make them so effective in accomplishing the single purpose missions for which they were created when functioning in stand-alone mode, are the very same ones that can impede their ability to work well together. And the same holds true for the professional values and qualities of the persons who lead them.

Mitigating organizational culture clash among agencies responsible for collaborative all-hazards management is too broad a topic to cover in any detail here, although I have begun to do so elsewhere.¹ Instilling an ethic of genuinely cooperative interagency and intergovernmental hazards management will be a work in progress for a long time to come, and that progress will be incremental. It may well await

¹See Burton, “The Constitutional Framework for All-Hazards Management: Mapping and Mitigating Organizational Culture Clash”. Paper given at the Federal Emergency Management Agency’s 10th Annual Higher Education Conference, Emmitsburg, MD, June 4–6, 2007

the next generation of all-hazards management leaders to bring this level of cross-agency functioning fully into effect, at least at the federal level. Meanwhile, below are some proposed measures that might accelerate the process.

Two of the reasons such cooperative coordination is too often extolled in theory but slighted in practice are the reward structure for hazards management leaders, and the after-action reporting system. As to the first, currently there are relatively few meaningful incentives for agency leaders to yield over some measure of their decisional authority in the cause of better cooperation and coordination, and few sanctions when they fail to do so.

Moreover, under the current after-action reporting system, federal agencies are basically instructed to fill out their own report cards. Under such an arrangement, it is not entirely reasonable to expect agency leaders to be too searchingly self-critical in characterizing their organization's behavior, in either a training exercise or an actual high-security event or disaster response. Being too honest might mean talking oneself out of one's job. This holds true especially in the realm of reporting on interagency cooperation or the lack thereof.

More continuous training and cross-training among agencies called upon to cooperate in certain kinds of emergencies is one obvious remedial action that can and should be taken. However, the culture clash problem is deeply rooted enough that additional measures are also called for.

Several state governments and some of the larger metropolitan ones use performance auditors external to their incident command systems—and in some cases external to government altogether—to monitor agency actions across several dimensions (including cooperative interagency coordination). They have also been used to prepare after-action reports on major training exercises and disaster management events. This is a practice that, in my view, is worth experimenting with at the federal level as well.

Thus, my principal suggestion on this matter is that a system of real-time performance auditing and after-action reporting be established for all National Special Security Events and all disasters—whatever their cause—in which federal agency aid is sought and rendered. Such a system would function in parallel with rather than as a replacement of the existing after-action reporting procedures now in place within federal agencies.

This parallel system would be organizationally located completely outside the National Incident Management System command structure. This could be a specially trained team of performance auditors within the Inspector General's Office of the Department of Homeland Security, or within the Government Accountability Office. Alternatively, during its pilot phase, the design and implementation of such a system could be assigned to an all-hazards management performance auditing firm or consortium.

If outsourced, however, it is imperative that the firm, organization, or consortium chosen for this task be held to the same standards of "arms' length" relationship to the agencies being audited as that of financial auditing firms to publicly traded corporations. The judgments of such an external auditor cannot be clouded by the potential for conflicts, of interest. Also, in order for such an external monitoring and reporting system to have the desired effect, there must be clearly understood criteria by which agencies and their leaders will be rated, as well as clearly recognized rewards for effective levels of cooperation, and sanctions for their absence.

Public and Community Relations. The potential for conflict and culture clash inherent in trying to compel single-purpose agencies to perform multi-purpose functions is nowhere more evident than in the realm of government agency relations with the public. For instance, an agency whose sole function is law enforcement or national security has by nature of its mission a different attitude toward and relationship with the public than does one whose mission is the provision of emergency public health or other life-saving and life-sustaining public services.

One example of this single purpose/multiple purpose conundrum is the role of the U.S. Secret Service relative to other emergency preparedness agencies. It is a sad fact of American public life that we as a nation have a history of periodically assassinating or attempting the assassination of our national political leaders. The future of our democracy relies in part our ability to ensure that our leaders can fulfill their duties free from intimidation and fear of death at the hands of those who violently oppose their actions.

This crucial, democracy-preserving function is the sole mission of the Secret Service. This explains in part why, while the mission statement of its recently established cabinet-level home—the Department of Homeland Security—contains language about "safeguarding our freedoms", no such concepts appear in the mission statement of the Secret Service. The organization does not countenance any responsibility for preserving or even acknowledging the public's liberty interests. That is

not what Congress established it to do. It is charged with the gravest of responsibilities—protecting the lives and well-being of our most senior national political figures—and nothing more.

Yet at National Special Security Events, the Secret Service is charged with fulfilling this responsibility in coordination with other agencies at other levels of government (such as local police and fire departments, public health departments, and the National Guard) that have other and sometimes quite divergent duties to fulfill. These include protection of the public's health and welfare (at the behest of legislative mandates); and assuring the right of the people to peaceably assemble for a redress of grievances, within which context to speak freely on matters of public concern (usually at the behest of court orders).

Under NSSE procedures, the Secret Service assumes incident command authority for all matters associated with the safety of the political leaders they have responsibility for protecting, which means that the missions of the agencies alluded to in the previous paragraph become subordinate to that of the Secret Service during the period it is in control. Yet this arrangement does not relieve these temporarily subordinate agencies of their legal duties to discharge their sometimes divergent duties.

By way of example, just such an intergovernmental conundrum faced both the agencies and the federal courts in the days immediately prior to the 2004 Democratic National Convention in Boston, Massachusetts. Recognizing the dilemma described above, a year in advance of the convention, the City of Boston convened negotiations with local chapters of the American Civil Liberties Union and the National Lawyers Guild on the issue of how government should balance the safety and security of convention attendees (including national political leaders) with the rights of citizens to voice their views of the policies of those attending.

Four months in advance of the convention, ACLU and NLG representatives expressed opposition to the city's plans, with the result that the city set about finding a venue for the expression of political dissent within closer proximity to the convention site. However, it was not until a week before the convention that the protest zone was actually physically established, at a former construction site under low-hanging commuter rail stanchions, and within which protesters would have no opportunity for direct contact with convention goers.² Though closer to the convention site than the zone originally proposed, in the words of the court this "demonstration zone" resembled more an "internment camp" than it did a forum for the peaceful expression of dissenting political opinions to national leadership.

As a result, during this last week before the convention, groups wishing to express organized dissent against the policies of the Democratic Party and its leadership filed a motion in federal district, seeking a preliminary injunction against implementation of the security plan with its designated demonstration zone. The judge hearing the case visited the contested construction site/protest zone, and reported in his decision on the case that it conveyed

the symbolic sense of a holding pen where potentially dangerous persons are separated from others. Indeed, one cannot conceive of what other design elements could be put into a space to create more of a symbolic affront to the role of free expression. . .the design of the DZ is an offense to the spirit of the First Amendment. It is a brutish and potentially unsafe place for citizens who wish to exercise their First Amendment rights.³

Nevertheless, in his decision, handed down the weekend before the convention was to begin, he was understandably unwilling to substitute his judgment for that of the U.S. Secret Service and the Boston Police Department as to what measures were necessary to protect the health, safety, and security of convention goers and national leaders. The judge held that "the potential hardships to the City, which must protect delegates. . .and the public interest, which includes the delegates' safety in addition to the demonstrators' free speech, counsel against issuance of a preliminary injunction."⁴

On appeal from the district court decision, the U.S. Court of Appeals for the First Circuit came to the same conclusion, and for the same reasons.⁵ Appeals Court Judge Lipez's concurring opinion placed particular emphasis on the severe time constraints placed upon the courts in this last-minute appeal of the security plan:

Thus I return to the point where I began—the inescapable need for judges and litigants to have adequate time to resolve these difficult First Amendment/security issues. Although the district court did a superb job under difficult circumstances of

² Coalition To Protest The Democratic National Convention, et al., Plaintiffs, v. City Of Boston, 327 F. Supp. 2d 61, 67 (D.Mass. 2004).

³ *Id.* at 74–76.

⁴ *Id.* at 77.

⁵ *Bl(a)ck Tea Soc'y v. City of Boston*, 378 F.3d 8, 10 (1st Cir. 2004)

analyzing the competing interests at stake and offering its best judgment as to how those interests must be addressed, the press of time inescapably constrained its ability to grant any of the relief sought by the appellant. For us, even further removed from the scene and from the facts, and with the Convention already under way, the constraints were even greater.⁶

This appellate court concurrence closes with some advice for those facing these same planning challenges in preparation for the 2008 national political conventions: There is good reason for the district court's lament that "the design of the DZ is an offense to the spirit of the First Amendment." In the future, with more time for court intervention when court intervention is needed, with the choice of more flexible sites by event planners, and with procedures in place for giving the court the event specific information it should have, that spirit, hopefully, will not be offended again.⁷

In reading both the district court and appellate court opinions, one gets the impression that the federal judges in these cases felt caged by time and circumstances in much the same way that political dissenters were physically caged at both the Democratic and Republican National Conventions of 2004.

In my view, agency leaders at all levels of government would be well advised to follow Judge Lipez's advice on this matter, as they plan and prepare for the 2008 national political conventions. There is plenty of time now for consultation with all the parties that be on the issue of how to balance security concerns with First Amendment rights to the expression of political dissent.

The City of Boston also started such a planning effort a year before the convention. But what all parties evidently thought might be a workable agreement broke down at the last minute, when the specifics of the location and management of the demonstration zone were disclosed. By this time it was far too late for the courts to fashion anything approximating a remedy that would adequately address the two vital public interests of safety and security on the one hand and meaningful time, place, and manner expressions of political dissent on the other. Thus, in planning for the 2008 conventions, it will be necessary to take the process a step further to assure that the courts' advice is heeded—principally by involving the federal courts at an earlier stage in the planning process, as elaborated on below.

The task is made no easier by the fact that the highest profile protest organization planning to voice dissent at the 2008 convention here in Denver is named "Recreate '68". As explained on its website, the name is a reference to the 1968 Democratic National Convention in Chicago, Illinois. This was an event at which thousands of protesters swarmed the streets of Boston, expressing opposition to the party establishment and to the presidential front-runner, for continuing to support the war in Vietnam. It turned out to be the most violence-plagued national political convention in twentieth century American political history.

Later investigation showed that the greatest number of violent confrontations with protesters were felony assaults by members of the Chicago Police Department. Yet for this 2008 protest group to even choose this name is disquieting. Although violent confrontation is nowhere advocated on its website in text that might be considered its mission statement (as of July 27, 2007), neither is "peaceable assembly" for the redress of grievances, or a pledge to nonviolent tactics.

Furthermore, the organizational icon posted at Recreate '68's website is a raised, closed fist. So it is a reasonable enough assumption on the part of agencies preparing for the convention that they should plan for the possibility of sometimes violent confrontations with protesters—even if those bent on violent provocation comprise only a small percentage of the dissenting public.

Yet as the trial court judge asserted in the 2004 Boston decision,

Protesters, demonstrators, and dissidents outside a national political convention are not meddling interlopers who are an irritant to the smooth functioning of politics. They are participants in our democratic life. The Constitution commands the government to treat their peaceful expressions of dissent with the greatest respect—respect equal to that of the invited delegates.⁸

What happened at both the Democratic and Republican National Conventions in 2004 is that members of the public expressing dissent against the policies of convention goers were essentially quarantined, as if they had a dangerous communicable disease. And by limiting the number of persons allowed inside the demonstration zones as well as limiting the ingress and egress of those being allowed to express dissent within these zones, the ability of quarantined dissenters to effectively convey their message was almost entirely thwarted.

⁶ *Id.* at 19.

⁷ *Id.*

⁸ Coalition, *supra* note 2, at 77.

This is the functional equivalent of trying to prevent the spread of tuberculosis by forcibly confining everyone who has a cough. It categorizes everyone who disagrees with the policies of the regime in power as a potential enemy of the state—automatically suspect by virtue of their decision to express dissent. Unchecked, this automatic suspicion of and physical confinement of dissent at political events may pose a greater danger to the values American society purports to cherish than do threats to our safety and security.

To remedy the problems the federal courts identified at the 2004 conventions, perhaps the most effective measure that can be taken is to include the federal courts at a much earlier stage of the convention planning process than was the case in 2004, as Judge Lipez recommended in the appellate court ruling on the Boston case. Federal judges frequently review security-sensitive information *in camera*, out of public view and off the public record, in order to ensure that the proper balance between liberty and security interests is being struck. The same could be done much earlier in the planning process for the 2008 convention than was the case in 2004.

No responsible federal judge will substitute his or her judgment for those of national security and law enforcement professionals on the eve of a National Special Security Event, which is the decision situation the courts found themselves facing in Boston in July of 2004. By contrast, allowing for some form of judicial monitoring if not oversight of the free speech accommodation planning for the 2008 national conventions could go a long way toward ensuring that the agencies have learned enough from past experience to do a better job of defending democracy in every sense of those words.

Philosopher George Santayana's observation that those who cannot learn from history are doomed to repeat it certainly applies to this situation. The 2004 national political conventions took place a scant three years after the most deadly terrorist attacks on American soil since the founding of the republic. Authorities were understandably apprehensive that these conventions would be perfect opportunities for the next offensive in this conflict. Yet while the conventions were safe from terrorist assault, considerable harm was done nonetheless. The casualty was the democratic process itself, as the desire to express political dissent became a reason for segregation, confinement, and social stigmatization.

In conclusion, there are two ways the local, state, and federal agencies responsible for managing the 2008 conventions might not adequately discharge their responsibilities. The first is to not exercise sufficient vigilance to keep everyone healthy, safe, and secure. The other is to this so diligently and so single-mindedly that no meaningful freedom of expression is allowed. And there is only one way they can succeed, which is to find a way to simultaneously achieve both of these goals at some acceptable threshold level.

As a nation and as a government, we have the ability to learn from our history on these matters. What remains to be seen over the course of the next twelve months is whether we also have the will to do so. One can only hope that we do, since the future of the American democratic process depends upon it.

Ms. HARMAN. Thank you very much. Love the ending. Really true.

Dr. BURTON.

Sorry it was so long in coming.

Ms. HARMAN. No, but to remind us all, there will be enormous international attention on these conventions, so not how we keep people safe is going to be a subject of great interest. And if the appropriate respect for liberty and freedom can be factored in on the front end, obviously, that makes for a much better story.

I now yield myself five minutes for questions. Chief Oates, first of all, let me commend you and your police force for what you are offering to do next year. Obviously, reimbursement is an issue, but I heard you say that you are canceling all vacations and leaves and you are putting your people—and I assume yourself—on 12-hour tours. I only wish the Iraqi Parliament might do the same thing.

[Laughter.]

So let me thank your folks.

I want to ask you, because you are not only a producer of intelligence information, but you are a consumer of intelligence prod-

ucts, you have talked about how you need more connectivity with the State.

Chief OATES. Right.

Ms. HARMAN. But I want to ask you about the products that are currently produced by the CIAC. How useful are they?

Chief OATES. The CIAC is very good at forwarding to us information that provides a local and national perspective on events that have occurred and their potential for us. We all recognize that with the limited resources that the CIAC has, in order to bring it to the next step where it is actually processing information and producing actionable intelligence about, say, a significant robbery problem in the Denver metro area, it needs the kind of linkage and information and data system and robust analytical tools that don't currently exist, and it needs resources.

The police leadership in the Denver metro area has met with the new State Director of Public Safety about this issue and has offered that if the right setting can take place, and if the State can take the lead in building the infrastructure, we will find a way to kick in resources, so that we can take these CIAC to the next level where it is a functioning all-crimes criminal intelligence center for us and—but with the limited resources that the state has had, Major Wolfenbarger and the State Patrol have done an exceptional job on providing us with information about what is happening locally and nationally around the terrorism issues and threat advisories and watch information and that kind of stuff.

So what we are really talking about is a broader vision similar to—I know you folks know something about fusion centers that have existed elsewhere and have been stood up for quite a while, such as the ones in New York and California and Florida and Texas, that perform that function that our CIAC doesn't readily yet perform.

But it is a grand vision of all of us, and we are very excited about the conversation with the State leaders about getting to that.

Ms. HARMAN. Well, let me just comment, and I would like Major Wolfenbarger to also respond. We are bullish on fusion centers, but there is about to be published, or maybe it has been published, a GAO study that is quite critical of their current effectiveness. So I think our view would be that there is room for improvement.

Major, do you have a comment on products that you produce?

Major WOLFENBARGER. Yes, Madam Chair. And, you know, one of the reports is the Congressional Research Service that talks about the issues and options for Congress as it relates to state fusion centers. Charlie Allen, who oversees the intelligence operations as you know for the Department of Homeland Security accurately I think points out that it is a beginning process.

But we have got about two years of evolution, and, as the Chief accurately points out, much of it from a state standpoint deals with resources, which at the end of the day—and when we are looking for accountability, nobody really cares whether or not the resources are there.

The expectation is the job has to be done, so what we have done is worked as diligently as possible to ensure that those very limited assets that we have, which frankly when you are talking inside of the state fusion center an average staffing of about five during reg-

ular business hours of ensuring we can turn out the best product possible. In terms of that expanded functionality that is specific to crimes and all crimes is an added functionality we are looking to plug into the state CIAC to ensure that it has a broader value to more end users from a law enforcement standpoint.

Ms. HARMAN. Well, we applaud that answer.

Finally, let me just point out to all of you, but this is directly to Dr. Burton, that in the 9/11 bill that was just signed into law by President Bush last week, we have stood up a Privacy and Civil Liberties Oversight Board. This is something that we all felt was a gap in our response to 9/11, and that Board will be Congressionally confirmed.

It will have reach across the executive branch to ensure privacy and civil liberties in a consistent way by federal—protection of privacy and civil liberties in a consistent way by federal agencies, and it will identify best practices and require individual agencies to develop strategies to adopt and implement them.

So we are working on this. It is a key concern of mine. I really do think we have to get security and liberty right, or we will get them both wrong.

I now yield five minutes to Mr. Reichert for questions.

Mr. REICHERT. Thank you, Madam Chair.

Mr. Wolfenbarger, you talked about your Rubicon teams, and the function that they provide in coordinating with the Colorado Information Analysis Center. How do they interact, then, with the MACC?

Major WOLFENBARGER. We co-house, as you are going to see this afternoon, the State critical infrastructure protection team in the same building, in the same facility as the state fusion center, which is in the same building that houses the emergency operations center, which collectively comprise our MACC in Colorado.

From an architectural standpoint, it makes very good sense. We have had some opportunities to be able to exercise that, both operationally and in a very meaningful way with past issues about a tornado in Holly, as well as the blizzards that hit our state at the end of this past year. So we co-house, which I think increases the communication, and does provide for some better threat streams into the critical infrastructure protection team, which again from a staffing standpoint sets at three.

But it is a very capable team, and we work very closely with our partners at the Colorado National Guard and the DoD side with their CIPMA teams, which is their critical infrastructure protection team, that essentially when we began our program we modeled after. So we kind of have a two-pronged approach in Colorado that seems to be very effective.

Mr. REICHERT. Great. Thank you. You also mentioned that you have a website where people can report activity or provide—

Major WOLFENBARGER. Yes.

Mr. REICHERT. —some lead that may be investigated by the JTTF.

Major WOLFENBARGER. Correct.

Mr. REICHERT. Have you noticed an increase in the number of reports coming in? Are people more and more aware? And how do

you—and you mentioned that they were vetted. How are those reports vetted through your website and/or telephone report process?

Major WOLFINBARGER. Yes, sir, Congressman. We rolled out that web reporting tool September 11, 2006. And what I can tell you from a historical perspective, I can tell you that, yes, it has increased the work—inputs into the fusion center, which is good. In 2005, 45 cases came into the state fusion center; in 2006, 166. Of those 166, 154 were referred for investigation.

Total cases for 2007, as of August 2, was 253 cases—significant increase again—223 referred for investigation. Part of the vetting process resides in both the analyst taking a look at what information comes in, the quality of the reporting source, the quality of information that comes in, works with our analyst from the FIG, with the FBI, works with the other analyst to ensure that the information appears to be viable, and then we pass it on for further vetting through those law enforcement agencies laterally, and then again vertically up through the JTTF, and, if it is appropriate, into the NOC in Washington, D.C. to enhance that communication and information sharing environment.

Mr. REICHERT. Thank you.

Chief, I happened to be the—I was a SWAT Commander back in 1993 during the Asian-Pacific Economic Conference. And I worked with the sheriff in trying to get our reimbursement cost. It didn't work.

[Laughter.]

So you have got a battle ahead of you. I just wanted to pass that along.

And I also wanted to ask you a question about—you know, I have been in the situation, too, where you cancel vacations, you ask people to—you transfer them from their assigned units to patrol or to other units, so you can handle this 300-officer effort that is coming up soon. How do you find the unions' cooperation in—you know, as you look at moving people around?

And the reason I ask that question is that, you know, we in Congress are always looking at some of the other federal agencies that aren't unionized yet, and the excuse always is—and I have five unions within my sheriff's office, so I kind of know where you are going to go with it. I think it is good to get it on the record, though.

Chief OATES. Well, all I can tell you is no objection has bubbled up yet, but nor have the details bubbled up either. But I will tell you that, in general, the response within the organization is people see this as a policing challenge, an opportunity, and we are looking forward to it. So I don't have any particular anxieties about union objections. I think our labor leaders are very supportive of the notion that we need to support Denver, so I just don't see that as an issue.

Mr. REICHERT. I found the same to be true and expected that answer. I wanted it to get on the record, though. Thank you.

Dr. Burton, I just want to mention briefly—you really touched on the four things that I think, as a law enforcement officer, and all of those in the room who are involved in protecting our nation and our community really take to heart, upholding our laws, the community public relations is really something, is—you know, commu-

nity-oriented policing is one of those programs that helped us even reach further into the community.

Administrative interoperability, is that—are you referring to the old stovepipe sort of construction in an organization? Is that getting beyond that, is what I am saying.

Chief OATES. Sure.

Mr. REICHERT. Yes.

Chief OATES. What I am really trying to get it there is how good are agencies that come from a traditional command and control structure, how well are they learning to do things differently than they have traditionally been enculturated to do them in the past.

And it is basically the challenges of the naturally, accidentally, and intentionally caused disasters of this last decade that have really brought into focus the need to do that at a level and with a level of effectiveness that they have not been called upon to do in the past. And they are all doing their very best to achieve that goal.

But I—it is the idea of sort of the more sources of light that can be cast upon the same object, the better illuminated it is and the better able one is to see it clearly. So I am simply suggesting that we have an additional source of light be cast on the continuing efforts of these agencies to work effectively and cooperatively together, especially in an area—if there are areas in which the law as to where the authority of one agency stops and the other one starts may be a bit big or untested.

Mr. REICHERT. Appreciate it. Thank you.

I yield.

Ms. HARMAN. You make me think about whether we have political party interoperability in Congress, and whether there would be any outside source that would think we do. Sadly, we have great room for improvement, and maybe this Subcommittee is best practices. What do you think?

Chief OATES. I think it is.

Ms. HARMAN. There we go.

Now, Mr. Perlmutter, questions for five minutes.

Mr. PERLMUTTER. Thanks, Madam Chair. And, Chief, I noticed Rennie Peterson, another councilwoman, was in the audience and I think your Mayor and your council are going to be very happy that you are as aggressive as you are about making sure that this city is compensated for its contributions to this whole effort. And I appreciate that.

Dr. Burton, you had an interesting comment about this real-time auditing. And it actually is something that we talked about on a whole different subject, which was Katrina—

Dr. BURTON. Yes.

Mr. PERLMUTTER. —where the emergency management head of New Orleans found that there was this clash between the mission and compliance, and that those—the Chief would be on the mission side, the Major would be on the mission side, that if there is a disaster you have just got to take care of it.

Dr. BURTON. Yes.

Mr. PERLMUTTER. And you worry about counting the beans later.

Dr. BURTON. Yes.

Mr. PERLMUTTER. And then, the compliance, the GAO or the Inspector General then comes in afterwards and says, "Well, why did you, you know, pay so and so to lift this, you know, big branch off this guy's house? Why didn't you, you know, bid it out?" I mean, how do you see your real-time auditing work in that, or how do you see your real-time auditing work with this national convention?

Dr. BURTON. Right. There are two components to that, two ways it can be addressed I think. First is just more training, more inter-agency training upfront. And as everyone at this table knows, that is not a cost-free exercise. You know, you have to invest in that just like you have to invest in protection at the convention.

The more training there is, the more those kind of unforeseen events that arise you can begin to brainstorm and think about ahead of time. What I am suggesting with regard to the real-time performance auditing is that that auditor would have no role to play at all in the command structure. He would be completely outside of it.

What I would like to see happen here with regard to the lead-up to Democratic National Convention is how well during this year of exercises, and what not, it seems that everyone has been able to learn the lessons of the past, and how good they are at identifying potential areas of—you used a good term there and public management leaders call it organizational culture clash. If it looks as if that may be beginning to arise, how quickly can it be identified and ameliorated?

I know the agencies are on their toes as far as doing that as well. I think some kind of an external monitoring facility could have the effect of simply acting as a gentle reminder, not as a cop, but simply as an observer. And then, at the end of the day, would also file a parallel after-action report to complement the ones that the agencies have done. Again, the multiple sources of light.

Mr. PERLMUTTER. Okay. Thank you.

Chief, and Major Wolfenbarger, I don't know if it was with you gentlemen or one of the other chiefs in the area, but a concern—and we have heard this at a couple of our other hearings, is that some of the information that you get from the CIA or the NSA or the counterintelligence agencies, as it comes down to the CIAC or to our fusion center, is so washed out—I don't know what the right word is—it is so vanilla that you could get virtually the same information on CNN just watching the TV.

Do you feel that the federal agencies are providing you with real information that you can use to benefit the people of our community? And, you know, you are both local officers. I probably couldn't have asked that of the Secret Service guy, but—

Chief OATES. I think there has been a change in the federal law enforcement order after 9/11 with regard to sharing classified information. I think it is safe to say that nationally police chiefs are extremely demanding of local—of federal agencies and their jurisdictions with regard to what we perceive to be our need to know, and we really don't want to hear about classifications and security clearances and all those things. They are irrelevant to us when it comes to protecting our jurisdictions.

All of us in Colorado have had that conversation with the FBI leadership, and we really do think the world has changed since 9/

11. The promises have all been made. If there is any threat to your community, we will share it with you, regardless of your status, classification, in terms of—many of us hold security clearances, but they know that we don't care about security clearances.

One of the frustrations I think after 9/11 was that—and one of the lessons of the 9/11 report and the report of Congress was that security clearances were a barrier to sharing information. And I think it is fairly clear to our federal partners that that cannot happen in the future.

I have every confidence that as we set up the MACC, and we set up the processes for sharing information, in connection with this major national security event, that which local law enforcement needs to know to protect it, to protect its citizens, will be shared, because if nothing else there will be holy hell for the federal agencies if it is not. So I don't have any particular anxiety in that area.

Mr. PERLMUTTER. Major?

Major WOLFINBARGER. I would like to—you know, the issue with security clearances, we have, both through the Federal Bureau of Investigation as well as the Department of Homeland Security have been very accommodating in terms of ensuring that we can get personnel those security clearances as needed, and would concur with the Chief's sentiments regarding that that flow of information could at times be inhibited. But I really do believe that the key to effective information sharing from a federal to a state to a local is really specific to leadership within those offices.

What I can say is our outgoing SAC for Denver FBI, Rick Powers, who is an AD now back in Washington, D.C., being replaced by Special Agent in Charge Garrity, as well as incoming SAC for Secret Service Ron Perrea, have a—not only an evident compliance and also an evident desire to engage with state and local players, but that is where the key really resides. And in Denver we are very fortunate to that end.

Chief OATES. And if I could, there are enough of us—there are enough officers in the larger agencies who have Top Secret security clearances who will be represented in the MAC to protect our interests and our particular perspective. So I—it is something that will be handled.

Mr. PERLMUTTER. Thank you.

Ms. HARMAN. Thank you.

Let me yield to Mr. Reichert for some final comments, and then I will make some myself.

Excuse me. Interruption. Ed Perlmutter forgot to recognize two people.

Mr. PERLMUTTER. My apologies. There is a State Senator—Suzanne Williams is in the audience, and I had breakfast with her today. And Governor Bill Ritter has joined us, and I just want to thank him for being here. And I know he is going to participate with us in talking about these issues with the press. Thank you, Governor, for being here.

Ms. HARMAN. Thank you all for being here.

Mr. Reichert?

Mr. REICHERT. I will keep my comments brief. Again, just—I want to thank everyone for being here today. Pleasure to be here in Denver. Your testimony, both panels were excellent, and enjoyed

meeting all of you. And look forward to working with you, and thank you so much for what you do. And we know we are going to have a very safe convention here in Denver with professionals that have been represented here today. Thank you all very much.

Ms. HARMAN. Thank you, Mr. Reichert.

And let me just add a couple of comments. First of all, Chief Oates, there is a place for a classification system. I know you know that. It is to protect sources and methods. People can die if sources are revealed, and sources can dry up and we can get no further information.

Having said that, however, I think we all feel on a bipartisan basis that our current classification system is broken. Too much is classified and the means for sharing classified information vertically with you, with state and local first preventers, is not adequate. And so we are working on legislation. I hope we will have it ready soon.

We have held numbers of hearings to try to get to the best ideas, but we are working on legislation to simplify and limit our classification system just to protect what our government has a real obligation to protect. And I think the outcome of that, if we can get there, will be pleasing to you.

Let me just conclude also by saying, as we all have, that we appreciate your attendance. We also appreciate your challenge. Next year will be a major national security event in Denver. It will also be a major political event in Denver. And it will be a showcase for how the U.S. protects security and freedom, and we wish you every success. And some of us will actually be there.

So thank you all for coming. And, Governor, it is big honor to have you here. Thank you. This hearing is adjourned.

[Whereupon, at 11:50 a.m., the Subcommittee was adjourned.]

