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THESIS

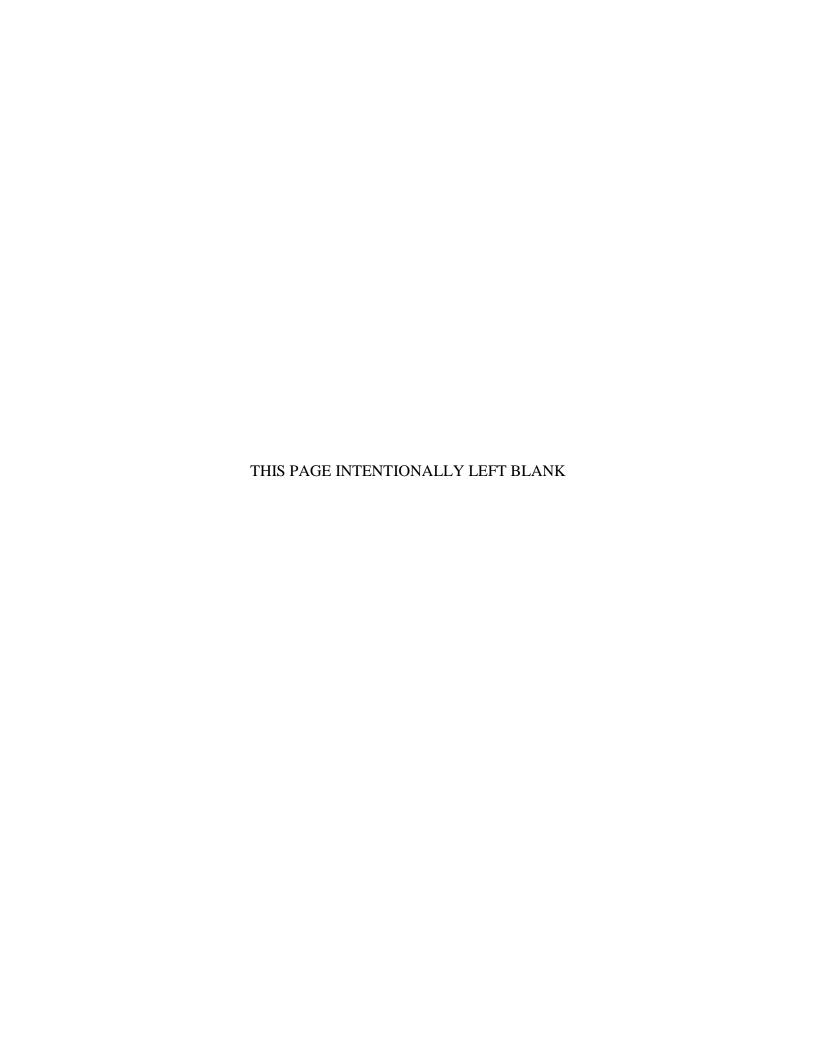**FUSION CENTER CHALLENGES: WHY FUSION CENTERS HAVE FAILED TO MEET INTELLIGENCE SHARING EXPECTATIONS**

by

Shane A. Salvatore

March 2018

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FUSION CENTER CHALLENGES: WHY FUSION CENTERS HAVE FAILED TO MEET INTELLIGENCE SHARING EXPECTATIONS

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Submitted in partial fulfillment of the
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ABSTRACT

This thesis intends to uncover why critics have cited fusion centers at the national, regional, and state levels of the Intelligence Community (IC) for the inability to share intelligence. The research method examines three case studies: the National Counterterrorism Center (NCTC), the El Paso Intelligence Center (EPIC), and state and local fusion centers now combined into a National Network. All three case studies reveal how fusion centers at these various levels of the IC have been inhibited from sharing information because of three primary challenges: (1) the absence of a standardized model, (2) an insufficient concentration on counterterrorism (CT) as a mission, and (3) underdeveloped or missing external agency partnerships, although each challenge often affects each particular case study in different ways. For NCTC, external partnerships exhibit the most prevalent challenge at the national level; for EPIC, the diffusion of its mission creates the most difficult obstacle for it to overcome; and for the National Network, standardization precludes state and local fusion centers from sharing information while barring them from a more refined mission-set and better, more reciprocal partnerships.

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LIST OF ACRONYMS AND ABBREVIATIONS

ACLU	American Civil Liberties Union
CRS	Congressional Research Service
CT	counterterrorism
DCI	Director of Central Intelligence
DEA	Drug Enforcement Administration
DHS	Department of Homeland Security
DIA	Defense Intelligence Agency
DOJ	Department of Justice
EPIC	El Paso Intelligence Center
GAO	Government Accounting Office
HSAC	Homeland Security Advisory Council
IC	Intelligence Community
IICT	Interagency Intelligence Committee on Terrorism
IRTPA	The Intelligence Reform and Terrorism Prevention Act
ISE	Information Sharing Environment
JCAT	Joint Counterterrorism Assessment Team
NCTC	The National Counterterrorism Center
NSC	The National Security Council
ODNI	Office of the Director of National Intelligence
OIG	Office of the Inspector General
PPB	Production Planning Board
SLT	state, local, and tribal
SSCI	Senate Select Committee on Intelligence
TTIC	Terrorist Threat Integration Center

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I. INTRODUCTION

A. THE PRIMARY PROBLEM WITH FUSION CENTERS

Upon recommendations from the 9/11 Commission, fusion centers were proposed as a solution to the difficulties and challenges of sharing intelligence for national, regional, and state and local agencies to use and access in a timely, efficient manner. However, even fusion centers that have been hailed as models of success, such as the El Paso Intelligence Center (EPIC), suffer from a lack of interagency investment and cooperation. This thesis asks the question: Why is it that fusion centers have suffered from sharing and cooperation problems they were specifically designed to overcome?

B. WHY FUSION CENTERS EXIST

The national and homeland security paradigm changed forever after the events of 9/11. Released in 2004, the *9/11 Commission Report* cited four kinds of failures that allowed Al-Qaeda to successfully attack the World Trade Center and the Pentagon: failures of imagination, policy, capabilities, and management.[1] All of these factors relate in some way to the Intelligence Community (IC) as a single entity and to problems related to sharing of information. To avoid debating the accuracy of the term *failure*—as Director of Central Intelligence (DCI) George Tenet vehemently denied an "intelligence failure" had occurred prior to 9/11—the term "deficiency" more fairly summarizes the commission's findings.[2] It is still debatable, and perhaps even contentious, as to what these deficiencies resulted from. Nevertheless, it remains widely accepted that an inadequacy in the ability to share information contributed to the successful terrorist attacks in New York City and Washington, DC.

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[1] National Commission on Terrorist Attacks upon the United States. *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks upon the United States* (Washington, DC: Government Printing Office, 2011), 339.

[2] *Hearing on National Security Threats to the United States*, 107th Cong. (2002) (testimony of George J. Tenet, Director of Central Intelligence), https://www.cia.gov/news-information/speeches-testimony/2002/senate_select_hearing_02072002.html.

After the surprise attack on Pearl Harbor in 1941, American intelligence agencies devoted copious amounts of effort and resources to prevent another successful surprise attack on the U.S. homeland.[3] Yet, the U.S. Government realized in the wake of 9/11 that intelligence institutions and practices needed to be examined once again. In its review, the 9/11 Commission cited the IC for its inability to imagine the motives and scale of such an attack when it concluded that U.S. intelligence generated "no complete portraits of his [Bin Laden's] strategy or of the extent of his organization's involvement in past terrorist attacks."[4] The IC failed to provide to governmental leadership a comprehensive picture that relayed the serious nature of the threat that Al-Qaeda posed to U.S. national security.[5] Also, U.S. intelligence officials offered no substantial policy alternatives to either Presidents Clinton or Bush because they would have seemed disproportionate to the intelligence assessment of the threat at the time.[6]

The 9/11 Commission also analyzed intelligence capabilities. The Commission found "the most serious weaknesses in agency capabilities were in the domestic arena. The FBI did not have the capability to link the collective knowledge of agents in the field to national priorities."[7] Finally, the Commission detailed how information was not shared properly, either in error or purposefully, and that intelligence became "lost across the divide separating the foreign and domestic agencies of the government."[8]

Could 9/11 have been prevented if the IC had performed more efficiently overall? Perhaps, but we will never be able to fully or fairly answer that question as only "after the event, of course, a signal is always crystal clear."[9]

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[3] *9/11 Commission Report,* 346.

[4] Ibid., 342.

[5] Ibid.

[6] Ibid., 349.

[7] Ibid., 352.

[8] Ibid., 353.

[9] Ibid.,, 339.

Yet, even this short analysis indicates that deficiencies did indeed exist prior to 9/11, particularly with regard to intelligence sharing and organization. The 9/11 Commission Report summarized that, "The U.S. government must find a way of pooling intelligence and using it to guide the planning and assignment of responsibilities for *joint operations* involving organizations as disparate as the CIA, the FBI, the State Department, the military, and the agencies involved in homeland security."[10]

The American IC still remains intentionally decentralized, however. Encompassing 17 executive government agencies and a $70 billion budget, the convoluted and often seemingly dysfunctional organizational model of the U.S. IC produces the benefits of an (a) overlap in strategic and tactical analysis, (b) specialized capabilities and resources, and (c) a certain amount of agency independence.[11] Yet, within any bureaucratic organizational model, deficiencies do undoubtedly exist, and because of the particularly decentralized IC structure, the sharing of timely and relevant information poses a particularly steep challenge.

Today, the IC has reorganized—at least to some degree. An over-arching Office of the Director of National Intelligence has been created, and a network of national, regional, and state and local fusion centers has been established to help bridge the gap between previously independent intelligence agencies, which aids in fostering a fully functional Information Sharing Environment (ISE). Many intelligence authorities argue that a collaborative IC that includes fusion centers remains one of the primary methods available that can help avert the next "9/11."

Academics, national security experts, and government officials, however, have critically analyzed these fusion centers and found them lacking. Despite investing large quantities of resources, fusion centers have been cited for failing to effectively share intelligence, while suffering from the same disjointed agency structure they were designed to unify and help bring cohesion to. If fusion centers do not perform as intended or help

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[10] *9/11 Commission Report,* 357.

[11] "U.S. Intelligence Community Budget," Office of the Director of National Intelligence, last modified June 12, 2017, https://www.dni.gov/index.php/what-we-do/ic-budget.

foster a collaborative intelligence environment, not only do they waste valuable resources—with regards to budgets, personnel, and capabilities—but perhaps even more alarming, the same intelligence gaps that contributed to the events of 9/11 could in large part, still exist.

C.   WHY FUSION CENTERS FAIL TO SHARE INFORMATION

1.   Critiques of Fusion Centers

The literature already written regarding intelligence fusion centers originates from two principal perspectives: either applause for the efforts undertaken to establish a more formidable intelligence enterprise, or criticism of the failures of intelligence centers and their many shortcomings. A considerable majority of the literature reviewed remains critical of fusion centers, while only a small fraction of viewpoints can be counted as favorable. Critical statements of fusion centers and how they have "forwarded 'intelligence' of uneven quality—oftentimes shoddy, rarely timely ... [and] occasionally taken from already-published public sources, and more often than not unrelated to terrorism,"[12] significantly outnumber analysis that views fusion centers as having "improved consistency and standardization," and aided in establishing "a common 'language' across the National Network."[13]

From these two contrasting assessments—that levy criticism or much rarer applause—three key issues surface as principal disruptions to intelligence sharing by fusion centers: (1) the absence of a standardized model, (2) an insufficient concentration on counterterrorism (CT) as a mission, and (3) underdeveloped or missing external agency partnerships. These three issues have not only attributed to the critical viewpoints of either state or federal leaders or both, but they have also weakened these intelligence centers as

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[12] U.S. Senate Committee on Homeland Security and Governmental Affairs, Subcommittee on Investigations staff report, *Federal Support for and Involvement in State and Local Fusion Centers* (Washington, DC: Permanent Subcommittee on Investigations, 2012), 1. https://www.hsgac.senate.gov/download/report_federal-support-for-and-involvement-in-state-and-local-fusions-centers

[13] House Homeland Security Committee, *Majority Staff Report on the National Network of Fusion Centers*, July 2013, iv.

institutions and contributed to their inability to overcome intelligence sharing difficulties and U.S. intelligence network fragmentation.[14]

2.   The Absence of a Standardized Model

Fusion centers at the national, regional, and state level do not inherit their structure or organization from any single model.[15] David Carter and Jeremy Carter note that the desire for centralization suggests this lack of structure and formulaic design is a flaw.[16] However, the opposing viewpoint held by some members of the U.S. House of Representatives sees this same characteristic as an added bonus and an essential construct of a focused, region-specific intelligence organization.[17] A House Majority Staff Report concluded that, "The strength of the National Network lies in individual fusion centers' unique expertise; their independence from the Federal Government; and their ability to leverage the State and local perspective on behalf of the National homeland security mission."[18]

In sharp contrast, U.S. Senate findings detailed how a 2010 DHS assessment acknowledged "that a third of fusion centers had no defined procedures for sharing information outside of their walls, one of the primary reasons for their existence," and that over 50 percent of fusion centers failed to establish procedures that outlined how to share intelligence they had received from federal intelligence organizations with other partner agencies.[19] Matt A. Mayer of the Heritage Foundation believes these failures exist because

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[14] The term "fragmented" is borrowed from author Keith Cozine; Keith Cozine, "Fragmentation and Interdependency: Border Security Intelligence in North America and Europe," *The International Journal of Intelligence, Security, and Public Affairs* 18, no. 3 (November 21, 2016): 176.

[15] David L Carter and Jeremy G Carter, "The Intelligence Fusion Process for State, Local, and Tribal Law Enforcement," *Criminal Justice and Behavior* 36, no. 12 (Dec, 2009): 1324.

[16] Carter and Carter, "The Intelligence Fusion Process," 1327; Todd Masse and John Rollins, *A Summary of Fusion Centers: Core Issues and Options for Congress*, CRS Report No. RL34177 (Washington, DC: Congressional Research Service, 2007), http://digital.library.unt.edu/ark:/67531/metadc809679/.

[17] House Homeland Security Committee, *Majority Staff Report*, iv.

[18] Ibid.

[19] Senate Committee on Homeland Security, *Federal Support for Fusion Centers*, 86.

fusion centers exhibit a fundamental flaw in the way they are inherently designed.[20] Ambiguous lines of authority, combined with a lack of clear responsibility for oversight, compound the problem that begins when a new fusion center begins its operations with little to emulate.[21] In many respects, fusion centers "suffer from a mandate that is too open-ended and from guidelines that are too ambiguous," only exaggerating the lack of standardization that many fusion centers suffer from.[22]

Both of these divergent viewpoints have some merit. Nevertheless, in light of some of the serious concerns regarding this new intelligence venture, it seems that a more focused, centralized approach that still allows for creativity and flexibility would help define some of the structure that remains sorely needed.

3.   The Counter-Terrorism Mission

Intelligence fusion centers evolved from the strong desire to patch a perceived "chink in the armor" related to domestic terrorism. Initially created to combat the ease with which potential terrorists could travel, transact, train, and plan their activities, debate continues over the role that fusion centers should continue to play now and in the future. The 2013 House Majority staff report summarizes that there have been five major successful domestic terrorist attacks since 9/11, not including the San Bernardino shootings in 2015 and the Orlando nightclub attack the following year in 2016.[23] The report suggests that intelligence centers are partially responsible for preventing terrorist attacks and provide federal authorities with crucial access to information that allows law enforcement and homeland security operations to *prevent* such attacks.[24]

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[20] Tod Newcombe, "Fusion Centers Struggle to Find Their Place in the Post-9/11 World," June 6, 2013, para. 25–26 of 29, http://www.emergencymgmt.com/safety/Fusion-Centers-Struggle-Post-911-World.html.

[21] Ibid.

[22] Torin Monahan, "The Future of Security? Surveillance Operation at Homeland Security Fusion Centers," *Social Justice*, 37:2-3 (2010-2011), 87.

[23] House Homeland Security Committee, *Majority Staff Report*, iii.

[24] House Homeland Security Committee, *Majority Staff Report*, iv; Jessica Zuckerman, Steven P. Bucci, and James Jay Carafano, *60 Terrorist Plots since 9/11: Continued Lessons in Domestic Counterterrorism*, (Washington, DC: The Heritage Foundation, 2013), http://www.heritage.org/terrorism/report/60-terrorist-plots-911-continued-lessons-domestic-counterterrorism.

However, the U.S. House of Representatives' colleagues in the Senate again have held conspicuously different opinions regarding the success of intelligence fusion with regard to the prevention of terrorist attacks. In 2010, then DHS Undersecretary for Intelligence and Analysis Caryn Wagner argued fusion centers operated as "the linchpin of the evolving homeland security enterprise," and "a major force multiplier."[25] But despite DHS's assistance with establishing CT capabilities within fusion centers, a 2012 Senate report criticized DHS for the lack of evidence for such wide-spread claims of success, and instead argued that DHS support for fusion centers "has yielded little, if any, benefit to Federal counterterrorism intelligence efforts."[26] The Senate report summarized that the value of a majority of the terrorism-related reports that fusion centers generated "was questionable," and detailed how 25 of the 62 fusion centers it reviewed gave no reference to terrorism or the prevention of terrorism in their mission statement.[27]

These divergent opinions of the two bodies of the U.S. legislative branch indicate how a lack of primary purpose and the misunderstanding of whom intelligence centers work for, generally muddies the understanding of their purpose and diffuses the effectiveness of fusion centers as a whole. They were implemented as a response to terrorism, although "no two fusion centers seem to be exactly alike, either in form or function."[28] It seems that because of the unique approach that each center developed, many CT efforts quickly succumbed to "all-threats" and "all-hazards," with only 15 percent of fusion centers reporting that their mission focused exclusively on counterterrorism.[29] According to one critic, Tod Newcombe, fusion centers have become "centers that communicate and analyze 'all crimes' and 'all hazards.' The result is more confusion than fusion," however.[30] Fusion centers "have evolved into very large (and sophisticated) crime

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[25] Senate Committee on Homeland Security, *Federal Support for Fusion Centers*, 26.

[26] Ibid., 27.

[27] Ibid., 32, 93.

[28] Michael German and Jay Stanley, *What's Wrong With Fusion Centers* (New York: American Civil Liberties Union, 2007), 7.

[29] Robert W. Taylor and Amanda L. Russell, "The Failure of Police 'Fusion' Centers and the Concept of a National Intelligence Sharing Plan," *Police Practice and Research*, 13, no. 2, (April 2012): 194.

[30] Newcombe, "Fusion Centers Struggle," para. 7 of 29.

analysis and emergency response centers aimed at tactically reducing crime in a specific jurisdiction or providing internal statistical data for the [police] chief."[31] The focus on terrorism has fallen by the wayside, and regional threats to include: drugs, gangs, human trafficking, and natural disasters, have shaped and influenced these newly founded intelligence centers. Even as DHS has evolved and included terms like "resilience" and "cyberspace" in its core missions, preventing terrorism remains a foundational cornerstone, and this literature review suggests fusion centers should follow in this same path.[32]

Critics of fusion centers believe a renewed focus on CT will not only serve as an avenue for securing much-needed federal funding, while simultaneously deterring mission creep—but also, it will provide a means by which to measure success.[33] It is understandable that states and regions like New York and California (with the unique challenges that major urban cities such as New York City and Los Angeles present) might differ from the challenges that more rural states like Idaho or Nebraska might face. Yet CT contributions should remain a staple and core competency of intelligence centers, or plausible criticism will remain and the gaps in intelligence regarding future terrorist attacks will continue to exist unaddressed.

4. Underdeveloped or Missing External Agency Partnerships

Bureaucratic interests impede the abilities of intelligence centers to share the appropriate information with the correct organizations and personnel. Overcoming these interests proves to be difficult in everyday practice, however. Evidence suggests that intelligence fusion centers suffer from a lack of interest or partnership from federal law enforcement and homeland security agencies, despite the fact that "all of Washington's 'new' security initiatives are reliant on fusion-center technology to one degree or

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[31] Taylor and Russell, "The Failure of Police 'Fusion' Centers," 188.

[32] "Our Mission," Department of Homeland Security, last modified May 11, 2016, https://www.dhs.gov/our-mission.

[33] The Constitution Project, *Recommendations for Fusion Centers*, (Washington, DC: The Constitution Project, 2012), 19. https://constitutionproject.org/pdf/fusioncenterreport.pdf

another."[34] Collaboration problems surface when a "lack of uniform standards pertaining to coordination efforts arises" or can result because of a lack of trained "personnel resources, or agency buy-in."[35] Some fusion center employees can inhabit multiple simultaneous organizational roles such as FBI analysts also working as fusion center analysts, which as Torin Monahan points out, "Can lead to an understandable, but nonetheless problematic, blurring of professional identities, rules of conduct, and systems of accountability."[36] Former National Counterterrorism Center Director Michael Leiter testified to the House Committee on Homeland Security:

> People generally will share now, but they will generally share once they determine that something is relevant to a terrorism investigation that someone else might be able to help them on. And that's too late. … You don't know if it's counterterrorism information until you have it, until you can compare it to other information and find connections between those dots.[37]

Sharing information only when it might prove useful to the originating intelligence center contradicts the very purpose of what fusion centers are supposed to be all about.

Fierce competition due to expanding egos and turbulent struggles for funding and resources between agencies and within organizational frameworks breaks down the fundamentals of the institutions they embody. In her book, *Spying Blind*, Amy Zegart analyzes the IC through the lens of organizational bureaucracy. She concludes that career incentives, agency loyalties, rational self-interest, and the nature of bureaucratic organizations, all produce intelligence agencies that inherently resist change or investment in organizations other than themselves.[38] Even though fusion centers were installed to help

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[34] House Homeland Security Committee, *Majority Staff Report*, 15; U.S. General Accounting Office, *Federal Drug Interdiction Efforts Need Strong Central Oversight*, GAO/GGD-83-52 (Washinton, DC: U.S. General Accounting Office, 1983): 57, 62–63, 66; Anthony B. Newkirk, "The Rise of the Fusion-Intelligence Complex: A Critique of Political Surveillance After 9/11," *Surveillance & Society*, 8, no. 1, (2010), 54.

[35] Taylor and Russell, "The Failure of Police 'Fusion' Centers," 195.

[36] Monahan, "The Future of Security?" 91.

[37] Michael Leiter, Former National Counterterrorism Center Director, testifying before the House Committee on Homeland Security, July 10, 2013, as quoted in House Homeland Security Committee, *Majority Staff Report*, 15.

[38] Amy B. Zegart, *Spying Blind,* (Princeton, NJ: Princeton University Press, 2007), 90, 92–94, 96.

build bridges from one governmental agency to another, and assist in creating a perpetual stream of information, they simply cannot accomplish this facilitation without outside agency interaction and buy-in.

5. Conclusions

Interest in developing and establishing fusion centers exists because of the desire to facilitate information from the state, local, and tribal (SLT) level to federal agencies and vice versa. However, this review has indicated that intelligence fusion centers have not been able to provide this key capability as well as desired. Three primary reasons for this breakdown exist: (1) the absence of a standardized model, (2) an insufficient concentration on CT as a mission, and (3) underdeveloped or missing external agency partnerships. While much has been written about fusion centers, and many reports and articles focus at least on one of these three causal factors, this thesis proposes to investigate how all three relate, vary between different cases, and when combined, inhibit the functions required for fusion centers to operate as desired by their administrators.

D. WHAT THE ANALYSIS REVEALS

This thesis demonstrates how three primary factors—the absence of a standardized model, an insufficient concentration on CT as a mission, and underdeveloped or missing external agency partnerships—attribute to the ineffectiveness of fusion centers that have been consistently and negatively critiqued post-9/11. This thesis argues that eliminating or reducing these factors can improve the functionary practices of intelligence fusion and sharing operations. It also demonstrates how the combination of these factors contributes to the large, systemic breakdowns that have resulted following the establishment of fusion centers at various levels across the country. Any bureaucratic organization can be improved, and progress can always be made toward bettering a process or functionality. Yet, this thesis shows how these three factors prove to be the most devastating to the performance desired by Congress, intelligence experts, and even intelligence fusion centers themselves.

E. RESEARCH DESIGN AND CASE STUDIES

The body of this thesis compares three case studies: (a) The National Counterterrorism Center (NCTC), (b) The El Paso Intelligence Center (EPIC), and (c) state and local fusion centers now combined into the National Network of Fusion Centers. These three case studies represent various categories of intelligence centers at the national, regional, and state/local levels. All three cases provide an opportunity to analyze the three factors this thesis attributes to the sharing and cooperation problems plaguing fusion centers. The availability of resources and scholarly work that examine these three institutions, as well as their importance to the overall U.S. intelligence enterprise, render them some of the best opportunities to critically examine the functionality, mission focus, and partnerships of each individual center. These three case studies offer the opportunity to search for evidence of intelligence sharing problems or departures from the critiques levied against fusion centers thus far.

F. THESIS OVERVIEW AND CHAPTER OUTLINE

This thesis consists of five chapters. This introduction addresses the failures in the past of the fusion center concept to resolve the information sharing problems within the IC, and provides background on the importance of homeland security intelligence, fusion centers, and the reasons they exist. Chapter II examines the NCTC case and how it functions and which, if any, of the three characteristics proposed earlier it exhibits. Chapter III examines the EPIC case in the same manner and Chapter IV does the same for the third and final case study regarding state and local fusion centers. The conclusions in Chapter V synthesize the similarities and differences between all three cases studies and answer the original question by demonstrating how each of the three cases either exhibits or lacks the three symptoms of a dysfunctional intelligence institution and why. The conclusion also outlines recommendations for future research that could analyze any gaps uncovered or any new questions that cannot be answered in the time and space allotted here.

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II.   THE NATIONAL COUNTERTERRORISM CENTER

A.   INTRODUCTION

When President George W. Bush stated in his 2003 State of the Union address, "Tonight, I am instructing the leaders of the FBI, the CIA, the Homeland Security and the Department of Defense to develop a Terrorist Threat Integration Center, to merge and analyze all threat information in a single location," he mandated the origins of what would soon come to be known as the National Counterterrorism Center (NCTC).[39] In the wake of 9/11, President Bush—along with many federal government policy makers—understood that good intelligence can often be the best option to defend against terrorism.[40]

Since its establishment in 2004, however, NCTC has struggled with the three challenges that inhibit the sharing of intelligence: the absence of a standardized model, the counterterrorism mission, and underdeveloped or missing external agency partnerships. This chapter begins by providing background on the NCTC, including its inception, mission and functions, and structure. The following section will examine criticisms of NCTC, as well as the much rarer praise that it has received, to help understand how the organization has grown and developed. Next, the challenges of the lack of a standardized model, the CT mission, and underdeveloped external agency partnerships will be analyzed individually. The chapter will conclude with a summary regarding NCTC and its current role in the IC and explain how NCTC has taken strides to improve particularly in the area of external partnerships.

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[39] Office of the Press Secretary, "President Delivers 'State of the Union," The White House, last modified January 28, 2003, https://georgewbushwhitehouse.archives.gov/news/releases/2003/01/20030128-19.html

[40] *Domestic Threat Intelligence*, 112th Cong., 1st sess. (October 6, 2011) (statement of Dutch Ruppersberger, Ranking Member); Ruppersberger stated in his opening remarks on October 6, 2011, "Remember—good intelligence is the best defense against terrorism."

B. BACKGROUND

1. Executive Order 13354

President Bush ordered the Terrorist Threat Integration Center (TTIC) to be commissioned in May 2003, intending to "harmonize the efforts of various agencies."[41] The CIA-led TTIC quickly evolved as a result of two key federal policy directives in 2004: Executive Order 13354 and The Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004.[42] These policy changes resulted from the *9/11 Commission Report* that took note in July 2004 of the various and unsynchronized efforts within the federal government attempting to sift through and analyze mountains of information hoping to transform it into understandable, actionable intelligence.[43] The Commission reported that intelligence sharing prior to 9/11 had been "both inefficient and insufficient" and recommended a National Counterterrorism Center to replace the TTIC.[44] What the commission really sought was a civilian version of a unified joint command for counterterrorism.[45] Recognizing the intelligence gap that currently existed, President Bush exercised his national security powers and authorized Executive Order 13354 in order to establish TTIC immediately following the release of the publication of the *9/11 Commission Report*.[46] Of note, EO 13354 instructed that the NCTC director be appointed by the DCI and did not "specifically constrain its [TTIC's] operational authorities,"[47] granting it broad, operational powers and the ability to order other agencies to carry out operational tasks that Congress would later contract.

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[41] Col. Brian Reinwald, "Assessing the National Counterterrorism Center's Effectiveness in the Global War On Terror," (2007), 7; Justin Rood, "Threat Connector," *Government Executive* 38 (April 1, 2006): para. 2 of 40.

[42] Natalie Bloy and Heidi Peters, *National Counterterrorism Center (NCTC)*, (Washington, DC: Congressional Research Service, 2010), 1.

[43] Richard A. Best Jr., *The National Counterterrorism Center (NCTC): Responsibilities and Potential Congressional Concerns*, CRS Report No. RL33539 (Washington, DC: Congressional Research Service, 2010), 3.

[44] Bloy and Peters, *National Counterterrorism Center (NCTC)*, 1; *9/11 Commission Report*, 400–406.

[45] *9/11 Commission Report*, 403.

[46] Bloy and Peters, *National Counterterrorism Center (NCTC)*, 1

[47] Reinwald, "Assessing the National Counterterrorism," 7.

2. The Intelligence Reform and Terrorism Prevention Act

The U.S. Congress quickly followed up EO 13354 by opting to pass an intelligence legislative mandate of its own. Later during that same year, in December 2004, IRTPA (P.L. 108–458), establishing not only NCTC, but the Office of the Director of National Intelligence (ODNI) within which NCTC was placed.[48] IRTPA differed and superseded EO 13354 in that it established how the director of NCTC would be appointed by the president with the U.S. Senate's consent and report to the newly established DNI. However, as Richard Best writes in a Congressional Research Service report, "The position of the NCTC Director is unusual, if not unique, in government; he reports to the DNI for analyzing and integrating information pertaining to terrorism (except domestic terrorism), for NCTC budget and programs; for planning and progress of joint counterterrorism operations (other than intelligence operations) he reports directly to the President."[49] For practical purposes, however, the NCTC director coordinates with the National Security Council (NSC) and the NSC staff, rather than interacting with the president directly on a consistent basis.[50]

IRTPA differed from EO 13354 in another unique way. EO 13354 proposed that NCTC should conduct strategic planning, as well as delineate tasks to other agencies and exercise operational control. IRTPA reduced these powers and mandated that NCTC bore responsibility for the government's strategic planning in counterterrorism, but could not directly order other agencies to execute any of the plans it created, refining the role and mission of NCTC even further.[51]

3. The Mission of NCTC

In combination, EO 13354 and IRTPA direct NCTC to become the nation's single agency responsible for planning counterterrorism strategy, while integrating, maintaining,

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[48] Best, *The National Counterterrorism Center (NCTC),* 4.

[49] Ibid.

[50] Ibid.

[51] Reinwald, "Assessing the National Counterterrorism," 7.

and synchronizing all terror-related intelligence.[52] NCTC interprets and summarizes its mission on its website as follows: "We lead and integrate the national counterterrorism (CT) effort by fusing foreign and domestic CT information, providing terrorism analysis, sharing information with partners across the CT enterprise, and driving whole-of-government action to secure our national CT objectives."[53]

NCTC's involvement in cases of domestic terrorism can be defined as convoluted with NCTC widely interpreting the law as a guideline to define its practices rather than a line not to be crossed with regard to its operations. Specific language exists to delineate that NCTC maintains no responsibility for intelligence "pertaining exclusively to domestic terrorists and domestic counterterrorism."[54] This language exists because of the desire by Congress to steer away from an agency that could be seen as yet another agency inherently designed to infringe on domestic privacy rights. An American "MI5" seems unpalatable to many members of government even after 9/11.[55] NCTC leadership, however, seems to have a looser interpretation of the language in the law as reflected in NCTC Director Michael Leiter's remarks to the American Bar Association in 2009:

> That distinction between the foreign and domestic, in almost every way, does not exist at this National Counterterrorism Center. Now it does exist in one very important way, and that is in the protection of civil liberties and the way in which different information is treated, because clearly, domestically collected information about U.S. persons and the like, or information collected overseas about U.S. persons, has to be protected and done very differently. And clearly the operations that collect that information are done very differently domestically or overseas. But the key point I want to get across is, today, when we look at threat information at the National Counterterrorism Center ... there is no distinction.[56]

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52 Reinwald, "Assessing the National Counterterrorism," 8.

53 "The National Counterterrorism Center," Office of the Director of National Intelligence, accessed October 1, 2017, https://www.dni.gov/index.php/nctc-who-we-are/mission-vision,

54 Intelligence Reform and Terrorism Prevention Act (IRTPA) (P.L. 108–458), https://www.gpo.gov/fdsys/pkg/PLAW-108publ458/html/PLAW-108publ458.html

55 Danielle Keats Citron and David Gray, "Addressing The Harm Of Total Surveillance: A Reply To Professor Neil Richards," *Harvard Law Review Forum*, 126 no. 262, (2013), 263.

56 Michael Leiter, NCTC Director, "Remarks and Q&A by the Director of the National Counterterrorism Center to the American Bar Association," (lecture, May 6, 2009), https://www.hsdl.org/?abstract&did=15811

Although the information and intelligence may be handled differently or with more protocol when it deals solely with American citizens, clearly NCTC feels compelled to try to integrate "all" intelligence related to terrorism that threatens both national and homeland security.

### 4.	The Functions of NCTC

The core functions of NCTC do seem to directly correspond with the mandate given it by Congress and NCTC has positioned itself to confront all international terrorism issues.[57] First, it maintains databases that manage the mountains of information collected by various agencies and organizations that allow for integrated analysis to be performed.[58] Second, it provides strategic analysis, often, in the form of coordinated assessments and CT intelligence reports to policymakers, but does not function simply as a tactical office attempting to eliminate individual terrorists as they pop up.[59] NCTC's analysis often focuses on terrorist locations, state-sponsored terrorist activities, CT cooperation with strategic partners, and specific terrorist groups or regional issues.[60]

### 5.	The Structure of NCTC

The structure of the NCTC embodies some inherent design flaws, however. First, starting with the position of director, the dual reporting channels that Congress has allowed—one to the DNI and another directly to the president—confuses who the NCTC director should be directly reporting to. As Richard Best concludes, "These unusual dual reporting responsibilities might lead to a situation in which the NCTC director could recommend policies to the President specifically opposed by the DNI."[61] Congress did specify the context of *what* the director should be approaching either the DNI or president

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[57] *Domestic Threat Intelligence*, 112th Cong., 1st sess. (October 6, 2011) (statement of Matthew Olsen, NCTC Director).

[58] Bloy and Peters, *National Counterterrorism Center (NCTC)*, 1.

[59] Olsen, testimony on *Domestic Threat Intelligence*.

[60] Ibid.

[61] Best, *The National Counterterrorism Center (NCTC)*, 5.

about, but the possibility for conflict or incoordination on such pressing national security matters seems unwise. As Col. Brian Reinwald proposes, "This authority to report directly to the President provides a great deal of potential interagency authority and power for the director ... [but] the NCTC director should not be placed in a position of potential disloyalty or insubordination with his immediate superior in order to exercise his authority."[62] The way that the position has been diagramed by Congress seems to be working thus far, but success up to this point might be subject more to amiable personalities than doctrinal chains of command.

The real structure of the NCTC does represent the mission and functions of this fusion center. Four separate directorates—Strategic Operational Planning, Intelligence, Terrorist Identities, and Operations Support—directly support the foundational concepts that NCTC was implemented upon. NCTC employs nearly 1,000 personnel to include some 600 analysts that work as permanent staff or come from rotating augments from other agencies.[63] Individuals that work for other "parent" agencies provide beneficial expertise and "a fresh set of eyes," but come with some inherent challenges as well. These challenges can include loyalty to their parent organization, vice NCTC, or they may be of a lower caliber or inexperienced if they are volunteered to NCTC from their home agency.

C.   REVIEWS, CRITICISM, AND SUPPORT FOR THE NCTC

Like many other government entities, NCTC has received its fair share of criticism as a result of the analysis of its performance. To be fair, not many authors or scholars find it worthwhile to exclusively applaud an agency's efforts. As Richard Best writes, "[I]in many cases the successes go unreported while the failures are trumpeted."[64] Yet, the more substantial and impartial critiques of NCTC cannot be ignored.

One of the most critical reviews of NCTC comes from Col. Brian Reinwald writing in 2007 for a research project for the Army War College titled, "Assessing the National

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[62] Reinwald, "Assessing the National Counterterrorism," 9.

[63] Jackson A. Volkerts, *National Counterterrorism Center (NCTC): Background and Issues*, (New York: Nova Science Publishers, 2011), vii; Bloy and Peters, *National Counterterrorism Center (NCTC)*, 1.

[64] Best, *The National Counterterrorism Center (NCTC),* 8.

Counterterrorism Center's Effectiveness in the Global War On Terror." In his analysis, Col. Reinwald proposes that, "More than two years since its inception, however, the NCTC has arguably achieved neither an acceptable level of effectiveness or efficiency in performing its intended role."[65] Content with serving as an intelligence repository, NCTC "demonstrate[s] a seeming unwillingness to take a bold implementation approach and a preference to avoid bureaucratic conflict."[66] Col. Reinwald points out that NCTC's vision "inauspiciously paints a picture of a non-confrontational think tank that identifies issues, and attempts to merely influence the greater governmental efforts against counterterrorism."[67] He argues that NCTC willingly shrunk away from the original and unprecedented role as the nation's premier CT organization. Col. Reinwald concludes that NCTC's attitude "does not capture the literal roles and mission assigned by Congress, to plan, to integrate, delineate responsibility, and monitor."[68]

Others have criticized NCTC as well, especially in the aftermath of the failed Christmas Day bombing on December 25, 2009, on Northwest Airlines Flight 253.[69] A Congressional Research Service report about NCTC details how the Senate Select Committee on Intelligence (SSCI) concluded that the IC failed to identify the perpetrator of this attack because of "systematic failures" throughout the IC network to include NCTC.[70] Researchers Natalie Bloy and Heidi Peters note that the SSCI cited NCTC in its investigation with "inadequate organization' to carry out its mission of analyzing and integrating all intelligence pertaining to terrorism and CT."[71] U.S. Air Force Colonel Daniel Putbrese came to a similar conclusion. In his paper, "Intelligence Sharing: Getting the National Counterterrorism Analysts on the Same Data Sheet," he argued that as a fusion center, "NCTC is to 'ensure that agencies, as appropriate, have access to and receive all-

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[65] Reinwald, "Assessing the National Counterterrorism," 1.

[66] Ibid., 8.

[67] Ibid.

[68] Ibid.

[69] Bloy and Peters, *National Counterterrorism Center (NCTC)*, 2.

[70] Ibid.

[71] Ibid.

source intelligence support needed to execute their counterterrorism plans or perform independent, alternative analysis."[72] He concludes that a majority of federal CT agencies do not have access to the information and data that they require to do their jobs and provide analysis to transform this information into usable intelligence.[73]

The analysis and discussion of NCTC is not completely one-sided, however. The ranking member of the U.S. House of Representatives Committee on Intelligence, Dutch Ruppersberger, praised NCTC for helping transform the IC from a "need to know' culture … to a responsibility to share."[74] He noted in his remarks that terrorist plots have been foiled because of the integration within the IC. Richard Best asserts that several members of Congress "have taken note of NCTC's ability to gather information from a variety of agencies," and integrate that information in order to "synchronize the elements of national power."[75] President Bush's administration applauded NCTC for its job performance and President Obama during a visit to NCTC in October 2009 stated, "It's clear to see—that you are one team—that you are more integrated and more collaborative and more effective than ever before."[76] Richard Best assesses that from the information available to the public through unclassified sources, NCTC appears to be structured, resourced, and authorized to fulfill its intended mission.[77]

When considering both viewpoints, certainly substantive criticism cannot be simply dismissed by the remarks of a visiting president to analysts certainly awaiting and expecting his compliments. Yet some consideration should be given to the factors surrounding the harshest and earliest criticisms of NCTC. While some of the fiercest condemnation written regarding NCTC came in the years immediately following the establishment of NCTC in 2004, to expect any new federal addition to function seamlessly

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[72] Daniel Putbrese, "Intelligence Sharing: Getting the National Counterterrorism Analysts on the Same Data Sheet," *The Atlantic Council*, (October 2006), 15.

[73] Ibid., 24.

[74] Ruppersberger*, Domestic Threat Intelligence*.

[75] Best, *The National Counterterrorism Center (NCTC),* 8.

[76] Ibid.

[77] Ibid., 7.

within a one-or-two-year period seems unrealistic given the bureaucracy and growing pains involved with such an endeavor. Second, many criticisms have come from individuals writing about NCTC who hold no previous first-hand experience with it. This conjecture is not made to discredit comments or analysis made by individuals who may have no direct experience with the subject of their study, but reality often becomes shaded when direct interaction with the people, dilemmas, and road-blocks particular to a specific institution has been excluded.

The rest of this chapter examines the three key challenges of fusion centers with respect to NCTC in an effort to determine if these challenges remain a problem for NCTC, and if so, to what degree and why?

D.   THE LACK OF A STANDARDIZED MODEL

Examining NCTC with regards to the lack of a standardized model offers a unique challenge because NCTC, realistically, had to become the standardized model for other intelligence fusion centers to follow with regards to CT. Prior to 9/11, while certain intelligence entities already existed and most analyzed information to create and utilize intelligence, in large part, they performed this function within their own disparate organizations and for their own purposes. These different agencies only shared their intelligence with each other when requested or when forced to by a higher rung on the IC ladder.

Early in its history, NCTC exhibited characteristics that demonstrate how an intelligence fusion center can suffer without a specific structure (i.e., a standardized model) to support its functions. Col. Brian Reinwald observed early in 2007 that NCTC failed to "capture the literal roles and mission assigned to it by Congress, to plan, integrate, delineate responsibility, and monitor."[78] In short, it failed to *function* as an intelligence fusion center, designed to both analyze and share intelligence with other agencies in order to facilitate and synchronize different capabilities and elements of national power—its direct charter. NCTC struggled without a "clearly delineated decision making process" which remained

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[78] Reinwald, "Assessing the National Counterterrorism," 8.

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subject to its ability to "refine and improve internally as a first priority."[79] After two years, NCTC remained "in the early stages of developing procedures for the operational integration of interagency actions."[80] A 2005 study conducted to assess the IRTPA reported, "The bifurcated reporting relationships the act outlines for the director of the NCTC, ill-defined distinctions between types of operations, as well as the authority of NCTC to define operational success ... are all areas in which unclear authority could lead to inefficient business practices."[81] Because of the unprecedented nature of the task at hand, NCTC endeavored to fill the void that required a national terrorism fusion center. At least initially, NCTC suffered from a lack of standards and a design that could not bring to fruition the end-state goal of analyzation, integration, and strategic planning with regards to CT for the U.S. Government.

NCTC evolved originally from TTIC, which originated from and was housed by the CIA and was widely recognized as a CIA-led organization. The CIA, however, includes a much more extensive history of guarding information rather than sharing it.[82] While NCTC developed from the foundation of an intelligence center comprised of undoubtedly some of the best men and women from the CIA, FBI, and DHS, these individuals, however, served to primarily keep their own respective agencies protected and informed, rather than necessarily integrate all analysis—or practice anything that could be considered "fusion."[83]

Early on, NCTC could not take advantage of a standardized model because its mission and function were unprecedented. NCTC needed to be more than an intelligence center where analysts from different organizations and agencies sat side by side, yet accessed different databases and forwarded their conclusions through different networks

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[79] Reinwald, "Assessing the National Counterterrorism," 11.

[80] Ibid.

[81] Ibid., 14.

[82] "Terrorist Threat Integration Center Begins Operations," Central Intelligence Agency, May 1, 2003, https://www.cia.gov/news-information/press-releases-statements/press-release-archive-2003/pr05012003.html

[83] Putbrese, "Intelligence Sharing," 24; Putbrese states that he personally received testimony from NCTC analysts that CIA analysts obstructed access to CIA terrorism-related information.

and chains of command. Rather, NCTC now needed "to be the model that can ultimately lead the way for the other national CT centers," while supporting "equal access" to support its mission.[84] Too little information either currently exists or is inaccessible to conclude definitively whether or not NCTC functions as *the* model for fusion centers to emulate. But even after one of its most critical "failures" following the attempted Christmas Day bombing by Umar Farouk Abdulmutallab during a passenger flight approaching Detroit, a review by the Obama Administration revealed that NCTC had *not* failed to share or collect information, but rather, the incident had occurred due to "inadequate analysis."[85] This conclusion indicates that NCTC functions as intended by IRTPA and EO 13354, but that simple analytic practice, rather than form, function, or mission, was more to blame than anything else.

E.   COUNTERTERRORISM AS A MISSION

NCTC has fared better than many other intelligence fusion centers with regard to its mission focus, in that, it remains free to concentrate on CT. As will be seen later in the following case studies, other fusion centers have been tasked with focusing their analysis on a wide-range of threats from crime and drugs to even infrastructure protection. Yet, NCTC has always been allowed to singularly focus on terrorism. As Reinwald states, "As directed by the President, the NCTC's major functions were to serve as the primary organization in the U.S. Government for analyzing and integrating all intelligence pertaining to terrorism and counterterrorism; conduct strategic operational planning for counterterrorism activities, to include the integration of the instruments of national power."[86] At first appearances this section should be rather short and analysis of NCTC and its CT mission seems unnecessary.

It would be an oversight, however, to not take note of how NCTC has still struggled with the subject of mission and how it has evolved even with the advantage of CT being its primary and only effort. The United States Government's strategy for combatting

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[84] Putbrese, "Intelligence Sharing," 24.

[85] Best, *The National Counterterrorism Center (NCTC),* 8.

[86] Reinwald, "Assessing the National Counterterrorism," 7.

terrorism changed in 2006 and challenged NCTC's ability to adapt its CT mission to encompass a new strategic imperative. Going back to 2003, the National Strategy for Combating Terrorism defined the enemy as "terrorism" itself. The strategy at the time was to "stop terrorist attacks against the United States, its citizens, its interests, and our friends and allies around the world."[87] This strategy intended to use instruments like NCTC to accomplish the end state of defeating terrorism in its entirety.

However, in 2006—after the invasion of Iraq and Afghanistan—a new strategy written largely by the same Bush administration, asserted that the United States now found itself in a war with a "transnational terrorist movement fueled by a radical ideology of hatred, oppression, and murder."[88] This new strategy embraced the establishment of democracies and promoted institutions and the countering of terrorist ideology.[89] As Col. Reinwald pointed out in 2007, the strategy for the GWOT had changed, which "for the NCTC, this strategy signifies[d] that its planning, integration, and monitoring function for U.S. GWOT counterterrorism activities have been greatly complicated and expanded, however, without a parallel increase in directive or execution authority."[90] Reinwald later in his paper criticized NCTC for its "lethargic culture" and its inability to adapt to a mission that was evolving because of a stagnant bureaucratic atmosphere.[91]

Reinwald is not the only writer to find fault with latent bureaucracy and the failure of governmental agencies to adapt their practices to a new or changing mission. Amy Zegart attempts to understand the precise reason why 9/11 occurred, and writes in her book *Spying Blind*, "that the answer lies in organizations, more specifically, in the deeply rooted organizational weaknesses that have afflicted U.S. intelligence agencies for decades and in the enduring impediments to fixing them."[92] Zegart reports that both the 9/11 Commission

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[87] Reinwald, "Assessing the National Counterterrorism," 10.

[88] George W. Bush, *The National Strategy for Combating Terrorism* (Washington, DC: The White House, September 2006), 1.

[89] Reinwald, "Assessing the National Counterterrorism," 10.

[90] Ibid., 11.

[91] Ibid.

[92] Zegart, *Spying Blind,* 3.

and the House and Senate Intelligence Committees Joint Inquiry concluded, "The Intelligence Community's fragmentation, inability to set priorities, poor human intelligence capabilities, and information sharing deficiencies created a dysfunctional intelligence apparatus that was incapable of penetrating the al Qaeda plot."[93] More specifically, Zegart reveals in her book that two well-established federal agencies—the FBI and the CIA—both failed to *adopt* or *adapt* their CT mission in a post-Cold War era that left them vulnerable to a shadowy, murky threat like al-Qaeda.[94] *Spying Blind* illustrates how difficult it can be for a well-established, functional government agency to adapt its mission to a new threat or strategy. All the more difficult, for a new, fledgling agency like NCTC to try to adapt just a short time after beginning intelligence operations in the wake of what was already a turbulent time within the IC in the decade following 2001.

Yet, NCTC seems to have taken strides to improve its focus on the mission of CT, in new, more prevalent ways. Critics have argued that the U.S. strategy has previously focused too much on just killing and disrupting actual terrorist activities and their organizations, and focused too little on countering the ideology—preferring rather to opt for the nail and hammer method. In 2009, then Director of the NCTC, Michael Leiter directly illustrated how NCTC had changed the way it went about accomplishing its mission and found itself now "combating the ideology and combating the root causes. NCTC has poured more resources into this area than anything else over the past two years, ensuring that we understand the motivating factors behind violent extremists and then trying to craft whole-of-government solutions for attacking those in a targeted way."[95] Leiter remarked how seeing a threat emanate from anywhere in the world can have an effect anywhere in the United States, and the best way to prevent that threat from coming to fruition is to share information in order to "uncover any possible links … to understand where that threat may ultimately manifest itself."[96] Because of the unique position that NCTC occupies it now allows "the best analysts across all of our unique counter terrorism

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[93] Zegart, *Spying Blind,* 39.

[94] Ibid., 99, 155.

[95] Leiter, "Remarks and Q&A."

[96] Ibid.

agencies [to look] ... at the best intelligence possible there by bringing all the relevant perspectives to bear on the problem set. It is in this way that the IC will team together to 'connect the dots."[97] NCTC has correctly modified it mission to adapt to new strategies, but retained the central core of CT at the heart of everything NCTC intends to accomplish.

F.   UNDERDEVELOPED OR MISSING EXTERNAL AGENCY PARTNERSHIPS

With regards to external partnerships, NCTC has struggled with legacy IC issues that surface regularly when disparate government organizations are forced to work alongside one another or need to work together to accomplish a common goal. Forging strong two-way partnerships that mutually benefit each affiliate have historically challenged government agencies in the past and continue to do so still today. America's history is fraught with tense frictions and complicated lines of effort that often lead to competing priorities for government resources.[98] For example, during World War II, interagency coordination and synchronization between the Departments of State and War proved to be a monumental challenge.[99] Of the three key challenges to fusion centers, partnerships has indelibly proved to be the greatest of these challenges for NCTC.

Without strong, beneficial partnerships with agencies such as DHS, the FBI, and the CIA, as well as the SLT law enforcement community, NCTC cannot perform its functions or accomplish its mission and prevent terrorism. Whether NCTC serves as a single, unified counterterrorism intelligence center, however, has been debated. In 2007, Col. Reinwald criticized NCTC for its "preference to avoid bureaucratic conflict" with its effectiveness "dependent upon willing interagency compliance and cooperation."[100] The purpose of NCTC is to both analyze and integrate intelligence for the whole of government use, and without strong, willing partnerships with other agencies and levels of government, NCTC as a fusion center simply cannot effectively share the information that it needs to.

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[97] Putbrese, "Intelligence Sharing," 25.

[98] Reinwald, "Assessing the National Counterterrorism," 6.

[99] Ibid.

[100] Ibid., 8.

However, as with the other two previous sections—which examined the lack of a standardized model and the mission of CT—it seems that overall, NCTC has made substantial improvements in the area of partnerships and real, tangible progress has been made in this area. Serving as the acting NCTC Director, Michael Leiter stated, "The talented men and women who work at NCTC perform a unique and vital service to the nation, and NCTC has benefitted from the integration of analysts and planners from across the intelligence community, the U.S. military, and other federal, state, and local partners."[101] According to Director Leiter, not only has NCTC been able to use these vital partnerships to help "provide its vital service to the nation," but even more so, NCTC has directly benefited itself as an effective organization from the relationships it has established since its inception in 2004. The remainder of this section will be dedicated to examining with regards to NCTC both the problems, as well as the solutions NCTC has encountered and the fixes emplaced to deal with the challenge of key and willing IC partners.

1. NCTC's Partnership Problem

NCTC has dealt with three "sub-problems" with regards to external agency relationships. Initially, NCTC did not receive the participation it needed to effectively coordinate the United States Government's CT effort. First, it has had to deal with competing agencies concerned primarily with their own self-interests. Second, it has had to be concerned with individual analysts themselves and finding the right people from these other external agency partners. And third, NCTC has little authority to compel the actions and results it needs from both the individuals and the parent agencies these individuals are borrowed from.

a. Competing Agencies

Immediately upon its inception, NCTC had to confront special conflicts with the CIA and the FBI, which it desperately needed as these two agencies primarily had been charged with the CT mission domestically and overseas. Beginning with the CIA, Col. Reinwald proposed in his paper that the NCTC director needed to shore up NCTC's

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[101] Olsen, testimony on *Domestic Threat Intelligence*.

interagency reputation in order to "improve an admittedly poor relationship between the director and the CIA."[102] Specifically, this "poor relationship" refers to John Brennan's contentious position as leader of TTIC as it was established, and how he confronted both the CIA and the FBI in their unwillingness to turn over information to this fledgling, unknown intelligence enterprise he now found himself at the helm of.[103] Brennan's lengthy background at the CIA made the FBI wary of him and created a CIA expectation of preferential treatment by him and his new, fledgling center.[104] Undeterred, Brennan insisted TTIC—and later the NCTC—have access to both CIA and FBI networks and information.[105] This problem cannot be dismissed as a mere conflict in personalities. Brennan's replacement, retired Navy Vice Admiral John "Scott" Redd, candidly remarked that the interagency conflicts affecting NCTC "never goes away," and admitted that his fusion center's relationship with other agencies remained strained: "I won't tell you that everything's rosy."[106]

Also, Col. Putbrese reached a similar conclusion to Col. Reinwald regarding agencies and their analysts working with NCTC. Putbrese cited in his research, "Those with the best access are almost exclusively reserved for those analysts that came to the NCTC from the CIA," and how "this author [Putbrese] received testimonials that CIA circumvented non-CIA analysts serving in NCTC from having access to CIA's unreported terrorism data."[107] Col. Putbrese concludes, "All too often, the collecting agency views the data collected as an end in itself rather than as information that requires all source analysis to help uncover terrorist plots."[108] Clearly, NCTC's overall relationship with other agencies has been lacking because of competition and the self-interest of the "partner" organization, and perhaps to some degree understandably so. In *Spying Blind*, Amy Zegart

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[102] Reinwald, "Assessing the National Counterterrorism," 12.

[103] Rood, "Threat Connector," para. 36 of 40.

[104] Ibid., para. 25–27 of 40

[105] Ibid., para. 36 of 40.

[106] Ibid., para. 29 of 40.

[107] Putbrese, "Intelligence Sharing," 24.

[108] Ibid., 5.

credits organizational theory and the tenets of (1) rationality, (2) structure, and (3) the passage of time, as all understandable and heavily entrenched elements of why new, instrumental changes (like the creation of NCTC) can be so heavily resisted by the "old guard" and established institutions within any enterprise.[109]

b. *The Right People*

Individual people and analysts serving as the staff for NCTC also share some of the responsibility for the strained relationships that the center has had to work through and confront. These individuals pose two challenges: inexperienced, unqualified, or "tainted" intelligence analysts or staff, and those individuals who maintain loyalty to their parent agency even after being detailed to NCTC for a specific period of time. TTIC received its original staff from whomever the participating agencies decided to send on-loan. Given the already previously discussed competition and rifts between the competing agencies, John Brennan did not expect to receive the most talented analysts from each partner organization.[110] His expectation was met with the "bell curve that was on the left side of the experience spectrum."[111]

Brennan and others' concerns about staffing were well-founded. Research showed that the positions within the four NCTC directorates remain staffed "with ad hoc representation from across the interagency, most of who are detailed on a non-permanent basis, and still ultimately responsible to their parent entities."[112] In several interviews Col. Putbrese conducted, he asked intelligence officials what the key issue that remained in place that made data access and information sharing so difficult to achieve: "The answer was almost always the same: 'information is power.'"[113] Analysts want credit and they need to promote themselves to both further their career and further their marketability and potential compensation increases and rewards. NCTC likely will not promote them, but

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109 Zegart, *Spying Blind,* 50–54.

110 Rood, "Threat Connector," para. 14 of 40.

111 Ibid., para. 15 of 40.

112 Reinwald, "Assessing the National Counterterrorism," 9.

113 Putbrese, "Intelligence Sharing," 10.

their home organization will. It is much more likely to do so when officials and leadership back at the CIA or FBI as examples, see the direct contribution made by their analysts at NCTC that further the CIA or FBI's results or reputation, not the NCTC's.

c.   *Lack of Authority*

NCTC in the past has lacked the executive authority to leverage partners to turn over data and qualified personnel it needs to establish itself as a functional and over-arching federal CT coordinator.[114] As a new executive agency created within a newly established ODNI, NCTC deeply lacked the authoritative power required to find and obtain analysts from partners such as the FBI and CIA that would best serve the interests of NCTC, or to find partner agencies willing to turn over and share some of their most sensitive intelligence. Creating a two-way street for information sharing requires an NCTC director with the power to compel other agency directors to offer some of their best people by showing the benefits of mutual cooperation to NCTC, the partnering agency, and the overall national security of the United States.

2.   NCTC Partnership Achievements and Solutions

Instead of trying to bypass or side-step the interagency struggles it originally confronted and hoping to achieve its ends through the means of serving as a "non-confrontational think tank," NCTC needed to break down the traditional boundaries and weaken the institutional bias to the point that, at a minimum, real mutual relationship breakthroughs seemed achievable. Of course, this end-state—while plausible—still remains difficult to achieve in its entirety. As the 9/11 Commission reported on the problem: "It is hard to 'break down the stovepipes' when there are so many stoves that are legally and politically entitled to have cast-iron pipes of their own."[115]

NCTC benefits the nation by fostering partnerships and sharing information, which alone presents the best possible method for preventing another catastrophe like 9/11. Without these core functions, NCTC provides little benefit to the IC and the overall CT

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[114] Reinwald, "Assessing the National Counterterrorism," 12.

[115] *9/11 Commission Report,* 403.

mission, and neither can it achieve its mission or function as a fusion center. While perhaps not fully recognized or achieved, NCTC has taken great strides in producing relationships with other government agencies and law enforcement institutions at different levels of government that benefit the CT effort through planning, synchronized analysis, and information sharing.

The divisions of information within the United States Government that the 9/11 Commission reported upon in its conclusions have been greatly reduced or eliminated. NCTC has served as part of the solution. NCTC Director Michael Leiter reported in 2009:

> The basic division that we had between intelligence, law enforcement, the military and the diplomatic world fundamentally, in terms of information-sharing relating to terrorism, does not exist today. There are still limitations, again, associated with legitimate protections of information civil liberties, but fundamentally, those walls or boundaries have been eliminated.[116]

He cited his staff—on loan from the CIA, FBI, DoD and other agencies—as a major contributing factor to this success.[117] These analysts work side by side "trying to ensure that that information is crossing those traditional boundaries."[118] Chairman of the House Permanent Select Committee on Intelligence, Mike Rogers, remarked that the staff from the 16 different organizations that participate and serve NCTC, make this particular fusion center "integrated," provide the expertise and resources to conduct its mission, and "[m]ost importantly, it [NCTC] has the buy-in from the rest of the community."[119] These improvements have been achieved through particular mechanisms that have initiated these changes and demonstrate the added benefit that NCTC contributes to the IC community as a whole.

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[116] Leiter, "Remarks and Q&A."

[117] Ibid.

[118] Ibid.

[119] *Domestic Threat Intelligence*, 112th Cong., 1st sess. (October 6, 2011) (statement of Mike Rogers, Committee Chairman).

a.   SLT Community

NCTC's relationship with the SLT community bridges some of the gaps that the IC exhibited in 2001. State and local fusion centers, in partnership with DHS, need a way to both transmit and receive intelligence that they have either uncovered or need to be aware of. These fusion centers work directly and sometimes jointly with law enforcement personnel on the ground who discover individual fragments of information that without any context or other relevant associated information, might seem trivial or unimportant. Chairman Mike Rogers credited NCTC, along with DHS, as the two primary federal authorities interacting with the SLT on a consistent basis.[120]

NCTC has fostered this relationship by directly bringing in local officials to work at the NCTC and interact with the other staff face to face. NCTC Director Michael Leiter reported in 2009:

> I am the proud, quote, unquote, "owner" of more than 10 state and state and local, tribal, officials from across the United States ... I have police officers from Clark County, Las Vegas; I have a firefighter from Seattle, New Jersey State Police, Boston Police Department ... [all whom] live in this sea of federal classified information and get that information back down, with the assistance of FBI and DHS, to state and local partners so they can do their part.[121]

NCTC partners with DHS, the FBI, and the Joint Counterterrorism Assessment Team (JCAT) to host Joint Counterterrorism Awareness Workshops to aid federal, state, and local partners in identifying gaps in capabilities, resources, and training that need addressed.[122] From Director Leiter's perspective "we have to think globally about this challenge and act locally."[123] And it is these critical relationships that can help prevent terrorist attacks by allowing the transmission of a broad scope of information that can prove so crucial in being able to "connect the dots."

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[120] Rogers, *Domestic Threat Intelligence.*

[121] Leiter, "Remarks and Q&A."

[122] Olsen, *Domestic Threat Intelligence*; "Joint Counterterrorism Assessment Team," Office of the Director of National Intelligence, accessed January 8, 2018, https://www.dni.gov/index.php/nctc-how-we-work/joint-ct-assessment-team

[123] Leiter, "Remarks and Q&A."

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b.   *Federal Partnerships*

NCTC has also worked to improve the relationship with other agencies at the federal level to affect a "whole of government" approach to CT efforts across the board. A Production Planning Board (PPB) meets on a daily basis to both synchronize and plan analytical efforts across the IC community to include analysts from the CIA, FBI, DHS, DIA, NSA, and NGA to ensure that resources are distributed correctly.[124] NCTC also hosts the Interagency Intelligence Committee on Terrorism (IICT), which partners with "more than 100 members, meets monthly at NCTC, and actively coordinates critical counterterrorism issues such as emerging threats and threat countermeasures."[125] The NCTC Operations Center partners directly with the FBI Counterterrorism Division and both are collocated.[126] The NCTC holds three video teleconferences per day, 365 days a year with 19 different organizations within the U.S. Government to ensure that everyone remains on the same page and that nothing critical falls through the cracks.[127] NCTC has initiated and created Pursuit Groups "to develop tactical leads and pursue terrorism threats."[128] These Pursuit Groups provide specialized analysts who can track down actionable leads and partner with "the FBI, CIA, or DHS for intelligence purposes or action."[129] NCTC has taken multiple, tangible, and qualitative reform approaches to help assist in improving and coordinating partnerships with other external agencies. While perhaps a perfect, symbiotic relationship may still be out of reach with some of these organizations, still NCTC has demonstrated its worth to other agencies within the government and has mandated that other agencies both should and need to "buy-in" to what NCTC provides to the IC.

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[124] National Counterterrorism Center, *NCTC and Information Sharing Five Years Since 9/11: A Progress Report*, (September 2006), 6.

[125] Ibid.

[126] Olsen, *Domestic Threat Intelligence.*

[127] Leiter, "Remarks and Q&A."

[128] Olsen, *Domestic Threat Intelligence.*

[129] Ibid.

G.   SUMMARY

President Bush's adoption of EO 13354 and Congress' implementation of IRTPA into law established NCTC in its current form to help play a central role in bridging gaps the *9/11 Commission Report* uncovered within the IC as a whole. The establishment of NCTC, however, did not occur without competitor opposition. NCTC's mission boldly proposed removing traditional organizational boundaries, while adding yet another budgetary line that required new additional funding to stand up this new fusion center.

From its establishment in 2004, NCTC has confronted the three primary challenges fusion centers face that inhibit the sharing of intelligence: the absence of a standardized model, an insufficient concentration on CT as a mission, and underdeveloped or missing external agency partnerships. With regards to the absence of a standardized model, because of its place atop the fusion center food chain, and with little to no precedence of a national counterterrorism fusion center, NCTC has had to strive to become *the* model for other fusion centers to emulate. NCTC did not have any shoes to actually fill or directions already laminated on each desk with how to do it right. NCTC had to become *the* model to help standardize and facilitate the wide-spread standup of a fusion center network that occurred during the decade following 9/11.

While NCTC has fared better than other fusion centers in dealing with the diffusion of its core mission or its focus on CT, and despite the CT mission being clearly stated and understood, missions do, however, rely on strategies, and the strategy of the GWOT changed in 2006. Even though NCTC had only one mission, it still had to be adaptable in how it could best work to accomplish that mission in lieu of the new guidance received. Because of changes in strategy for the GWOT, NCTC has still faced challenges with regards to its mission since NCTC's inception in 2004.

The greatest challenge for NCTC, however, has been in tackling the issue of underdeveloped or missing external agency partnerships. The chaos that ensued with regard to federal agencies jockeying for changing roles and responsibilities resulted in NCTC being caught up in the bureaucratic knife fight that inherently takes place when budgets, reputations, and cemented agency flow charts are at stake. The difficulties started

from the very beginning with in-fighting and competition occurring between the CIA and FBI, while simultaneously conducting a difficult search for loyal employees that could be entrusted with NCTC's best interest.

Generally speaking, NCTC exhibited all three of these challenges the most, early on in 2004 and the years that immediately followed. Col. Reinwald and Col. Putbrese's early criticisms deserved merit when they concluded NCTC to be lacking in process and procedures. Yet, since approximately 2009, NCTC has been recognized as a key player in the CT fight. It has demonstrated growing pains, no doubt, but perhaps one of the most important takeaways from NCTC to be reminded of is this fusion center did not just exist to compete for budget dollars and more personnel each year; rather, NCTC's mission necessitates sharing information with key partners and ensures that different entities with a broad scope of responsibilities have access to the pertinent data and analysis they all require to focus on their mission(s). When a fusion center fails to share information, it slips quickly into the realm of wasteful government extras without a defining purpose or an instrumental role to play in national security. Luckily, NCTC has made monumental improvements to its structure, mission, and partnerships, which have allowed it to achieve purpose and be recognized as a critical node in the national CT effort.

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III. THE EL PASO INTELLIGENCE CENTER

A. INTRODUCTION

Immediately following the events of 9/11, the U.S. Congress determined the security and integrity of the nation's borders remained a "vitally important component of preventing future terrorist attacks."[130] Acts of terrorism carried out by either transnational or homegrown terrorists, who have traveled outside the country for training and planning, present themselves as a very real threat.[131] Historically, many resources and efforts have been dedicated to achieve the ultimate objective of securing the southwest border of the United States. One of these resources, the El Paso Intelligence Center (EPIC), works to support "law enforcement through the timely analysis and dissemination of intelligence on threats to the nation and those organizations responsible for illegal activities within the Western Hemisphere, having a particular emphasis on Mexico and the southwest border."[132] Even as EPIC has been recognized as one of the nation's premier intelligence centers, it still has succumbed to the pressures of the three challenges fusion centers currently face.

EPIC serves as an important case study because it operated and functioned as a fusion center before 9/11, existing originally as a fusion center with a single mission: providing intelligence for the "war on drugs," and taking on this role with little precedence or any model to emulate. Originally, the establishment of EPIC by the Department of Justice (DOJ) was an effort to leverage intelligence capabilities and pit them against the growing narcotics problem emanating from Mexico and Central America—evident by the

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[130] Chad C. Haddal, *Border Secuirty: Key Agencies and Their Missions.* CRS Report for Congress, Congressional Research Service (2010), 1–5.

[131] Keith Cozine, "Fragmentation and Interdependcy: Border Security Intelligence in North America and Europe," *The International Journal of Intelligence, Security, and Public Affairs,* 18 no. 3 (August 2016): 177–78.

[132] Office of the Inspector General, *Follow-up Review of the Drug Enforcement Administration's El Paso Intelligence Center,* (U.S. Department of Justice, Evaluations and Inspections Division, February 2017), i.

DOJ's decision to place the Drug Enforcement Administration (DEA) in charge.[133] However, EPIC broadened its scope to "all threats," primarily in response to 9/11, as well as the subsequent creation of the Department of Homeland Security (DHS) to integrate and coordinate efforts to thwart foreign and domestic threats to the homeland.[134] Instead of creating individual solutions for individual problems—such as drugs and terrorism—the federal government opted to solve these individual problems and others with broad solutions by utilizing EPIC as multi-tool to go after too many challenges simultaneously. The decision to diffuse its focus diluted EPIC's previous effectiveness, and has instead left EPIC with an overly broad mission, the inability to solidify its structure and role(s), and weakened interagency partnerships.

The remainder of this chapter will examine both the background of EPIC and the overall support and criticisms of EPIC written in literature thus far. Also, the challenges of the absence of a standardized model, the broadening of its original mission, and recently strained external agency partnerships will be analyzed. Finally, the chapter will conclude with a summary regarding EPIC and its current role in homeland security and discuss how the broadening of EPIC's original mission has diffused its overall effectiveness.

B.   THE BACKGROUND OF EPIC

The history of EPIC really begins parallel to the history and the creation of the DEA. In the early 1970s, the federal government realized and acknowledged that America's fascination with drugs had become an epidemic.[135] Both the legislative and executive branches took action to combat this new "war on drugs." In 1970, Congress worked to pass legislation titled the Controlled Substances Act, and just three years later, in 1973, President Richard Nixon approved a plan that reorganized and combined the Bureau of Narcotics and Dangerous Drugs, the Office for Drug Abuse Law Enforcement, and the Office of National Narcotics Intelligence into a new, singular, over-arching agency,

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[133] Damien Van Puyvelde, "Fusing Drug Enforcement: a study of the El Paso Intelligence Center," *Intelligence and National Security* 31, no. 6 (2016), 892.

[134] Van Puyvelde, "Fusing Drug Enforcement," 888.

[135] Richard Nixon, *Special Message to the Congress on Drug Abuse Prevention and Control*, 17 June 1971, https:// http://www.presidency.ucsb.edu/ws/?pid=3048

the Drug Enforcement Administration.[136] The DEA's mission was to function as a law enforcement agency and find, arrest, and prosecute major drug criminals. Because of its specific role, the DEA inherently tended to most utilize and value tactical and investigative intelligence, which became the bedrock of its intelligence initiative.[137] This law enforcement agency culture led to two important outcomes that would influence EPIC's future operational efforts: (1) the DEA established its first task force, the Unified Intelligence Division, made up of individuals from the New York State Police, New York City detectives, DEA intelligence analysts and DEA special agents, and (2) launched an automated catalog system of records named the National Narcotics Intelligence System.[138] As national security expert Damien Van Puyvelde writes, "Some of the defining features of law enforcement intelligence appear very clearly in this early history of DEA intelligence, including the importance given to support intelligence consumers at various levels of government, and the use of databases and task forces to support decisions at the tactical level."[139] Yet often once the foundation is laid for a bureaucratic agency, organizational traits can be difficult to modify or transform.

In 1974, the DOJ released a report originating from the Bureau of Narcotics and Dangerous Drugs titled, "A Secure Border: An Analysis of Issues Affecting the U.S. Department of Justice."[140] One of the primary recommendations of the report suggested establishing "a regional intelligence center to collect and disseminate information relating to drugs, illegal aliens, and weapons smuggling to support field enforcement agencies throughout the country."[141]

Acting on that recommendation the same year, the DOJ established the El Paso Intelligence Center. From its inception, EPIC originally was intended to "collect and

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[136] "DEA History In Depth: 1970–1975," Drug Enforcement Administration, accessed October 21, 2017, https://www.dea.gov/about/history.shtml; Van Puyvelde, 'Fusing Drug Enforcement," 891.

[137] Puyvelde, "Fusing Drug Enforcement," 891.

[138] Ibid.

[139] Puyvelde, "Fusing Drug Enforcement," 891.

[140] Drug Enforcement Administration, "DEA History."

[141] Ibid.

disseminate information relating to drug, alien, and weapon smuggling by representatives of the DEA, the then U.S. Customs Service, and U.S. Immigration and Naturalization Service."[142] EPIC has since grown its workforce to over 400 individuals representing 28 federal, state, and local agencies to include four international liaison officers.[143] It supports intelligence-driven operations from all 50 states with additional support to Guam, Puerto Rico, the Virgin Island and Washington, DC.[144] It also operates under a memorandum of understanding with Canada, Australia, and the Netherlands.[145] In 2009, EPIC reported that 55 percent of its customers identified as state and local law enforcement, including sheriffs' departments, 25 percent from within the DEA itself, and the remaining 20 percent from other federal agencies.[146]

Key events such as 9/11 and the 2010 slayings at the U.S. Consulate in Ciudad Juarez—just across the border from El Paso—have enabled EPIC to remain relevant and have worked in its favor by garnering support from key members of the U.S. Government.[147] America's exponentially growing concern with terrorism helped drive the demand for an intelligence community that requires collaborative, joint information-sharing capabilities along with analysis that can harness different pieces of information into actionable intelligence. National Defense specialist Richard Best notes that, "The revelations after September 11, 2001, that intelligence and law enforcement agencies separately had incomplete pieces of information prior to the attacks on the World Trade Center and the Pentagon, but had been unable to assemble and properly analyze them, led to statutory and policy changes."[148] The concept of fusion centers similar to EPIC quickly became the buzz-word to help solve the conundrum of information-sharing across different agencies and platforms in a relative, timely manner. Homeland Security became everyone's

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[142] Cozine, "Fragmentation," 181.

[143] Puyvelde, "Fusing Drug Enforcement," 892–3.

[144] Ibid., 893.

[145] Ibid.

[146] Van Puyvelde, "Fusing Drug Enforcement," 893.

[147] Ibid., 894.

[148] Richard A. Best Jr., *Securing America's Borders: The Role of the Intelligence Community*, CRS Report No. RL41520 (Washington, DC: Congressional Research Service, 2010), 4.

mission, including the DEA, and EPIC, "according to one of its former deputy directors, was turned into an 'all-threat center."[149] Far from a painless transition, however, existing for almost 30 years as a tactical, anti-drug intelligence center, this transformation left EPIC a steep cliff to climb.

C.   REVIEWS, CRITICISM, AND SUPPORT FOR EPIC

The reviews of EPIC within scholarly literature can be divided into two primary categories: support and criticism. Of note, EPIC's reviews include more praise overall than the other two case studies of this thesis. Intelligence expert Damien Van Puyvelde applauds EPIC for its ability to adapt in an ever-changing intelligence environment. He concludes that EPIC has proven itself to be a successful joint venture that has aided in CT efforts and demonstrated the unique ability to adapt and change as necessary to remain relevant.[150] He notes that EPIC received requests for its intelligence expertise following 9/11 and the 2005 London subway bombings.[151] Even after being repurposed with the overly broad "all-threat center" moniker, EPIC has contributed to the broader CT effort. Yet, Van Puyvelde proposes, "as long as EPIC belongs to the DEA, its efforts to counter terrorism are likely to remain secondary to its drug enforcement mission."[152] Despite this divergence in its mission requirements, EPIC has proven itself capable of change and adaptation "on its own initiative."[153] This capacity to transform itself from within remains a unique ability and has produced a two-fold effect—external agency buy-in and demand for its services—which in turn, has aided in breaking down stovepipes.[154]

Still, while this thesis does not disregard the positive reviews that EPIC has earned from Van Puyvelde and even the federal government, EPIC still struggles in sharing intelligence because of difficulties with mission focus and strained external agency

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[149] Van Puyvelde, "Fusing Drug Enforcement," 894.

[150] Ibid., 902.

[151] Ibid., 894.

[152] Ibid.

[153] Ibid., 902.

[154] Ibid., 900, 902.

partnerships, particularly at the federal level outside the DEA.[155] External agency partnerships become strained within EPIC, as Van Puyvelde notes, when disagreements regarding analytical reports occur as "senior officials typically stand for their respective agency's interest, and disregard each other's comments."[156] A review of EPIC by the Office of the Inspector General within the Department of Justice found that EPIC operated without an "approved, up-to-date strategic plan or effective performance metrics."[157] This review alludes to a lack of standardization within EPIC and its processes, and as long as EPIC remains DEA-owned, it will inevitably continue to struggle with the dichotomy of operating as a fusion center tasked by the DEA to perform counter-drug intelligence analysis, while partners particularly on the federal side, such as DHS or NCTC, desire more focus on CT.

D.   THE ABSENCE OF A STANDARDIZED MODEL

Damien Van Puyvelde asserts, "The roots of modern fusion centers can be traced to the law enforcement community where fusion has long been used as a part of temporary task forces and more permanent intelligence centers."[158] Just as NCTC has had to become *the* model for fusion centers regarding CT intelligence sharing, EPIC has also dealt with the hurdle of establishing itself as its own model, rather than emulating another organization. This early history of fusion centers that EPIC nearly singularly occupies makes it a relevant case for study with regards to intelligence sharing. When the DEA established EPIC in 1974, the task at hand could be seen as "the first major attempt at a permanent interagency operation" designed to harness different access points for information and fuse that information in order to transform it through analysis into actionable intelligence for the new "war on drugs."[159]

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[155] Office of the Inspector General, *Follow-up Review,* i; The OIG report noted that EPIC "was highly valued by its partner agencies and customers, who found its products useful."

[156] Van Puyvelde, "Fusing Drug Enforcement," 897.

[157] Office of the Inspector General, *Follow-up Review,* ii.

[158] Van Puyvelde, "Fusing Drug Enforcement," 889.

[159] "DEA Museum Lecture Series – An Overview of the El Paso Intelligence Center," Drug Enforcement Administration, December 1, 2011, https://deamuseum.org/lecture-series/2011/.

This new venture in federal counter-drug fusion centers started from an identified need to help coordinate federal and local resources via actionable intelligence, similar to how NCTC developed due to the absence of a national-level fusion center dedicated solely to CT. At the time, different efforts by disparate agencies "were all collecting raw intelligence on drugs, the smuggling of weapons and aliens along the Southwest border, but were not coordinating and analyzing trends in any systematic ways."[160] The DEA established EPIC with the intention of filling that gap, and as drug trafficking expanded in the 1980s and 1990s, so did EPIC and its workforce. With 100 employees in the 1980s, over 300 in the 1990s, and over 400 as of 2015, EPIC's influential role as a regional fusion center has only grown and developed with time, but not, however, in an organized fashion.[161]

EPIC, similarly to NCTC, had no organization to emulate, yet, it would be inaccurate to conclude that because EPIC led the way for other fusion centers to follow, that this in turn, crippled EPIC's ability to perform its original mission of counter-drug intelligence. Nevertheless, the way in which EPIC began operations without a model to implement its fusion analysis program, certainly the lack of standardization can be credited with certain problems. These issues range from what Keith Cozine defines as a "blurring of the lines" for agency responsibilities, all the way to failing to establish certain authorities that EPIC lacks to impose its intelligence priorities on anyone outside its own organization.[162] Even though EPIC has garnered success with regards to counter-drug intelligence in the past, as its mission expanded and the partnerships became more complex, the absence of a standardized plan and fusion center centralization subsequently created difficulties for EPIC, particularly after 9/11.

E.   COUNTERTERRORISM AS A MISSION

The expansion of EPIC's mission to "all threats" diluted the ability of EPIC to deliver specialized intelligence to specific customers who needed that pertinent

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[160] Van Puyvelde, "Fusing Drug Enforcement," 892.

[161] Ibid., 892–3.

[162] Cozine, "Fragmentation," 192; Van Puyvelde, "Fusing Drug Enforcement," 899.

information, thereby weakening external partnerships that EPIC established in its previously successful years and reducing buy-in.[163] When EPIC was first founded in 1974, the DEA owned the center, which provided guidance and oversight that would drive EPIC to focus specifically on its primary goal: the drug problem along the southwest border of the United States.[164] Yet, after 9/11, the United States Government implemented a plan to help synchronize the flow of information to help connect nodes of information between law enforcement and the intelligence enterprise. The DEA and its intelligence capabilities—including EPIC—were not exempt.[165]

Nevertheless, the United States Government had substantial, plausible reasons for the re-orientation of its intelligence capabilities. As Damien Van Puyvelde asserts, "It is important to note that the crime-terror nexus is not a theoretical construct created to attract more federal funding towards law enforcement agencies but a reality that ought to be considered seriously."[166] EPIC's success in providing intelligence for terrorism-related cases has demonstrated its ability to be useful in these situations. After the expansion of its mission to "all-threats," however, EPIC has struggled with a much broader mission, both from the diffusion of its core competency in counter-drug intelligence, but also from the sheer volume of information it now attempts to analyze. EPIC now incorporates a broad array of mission-sets to include not only drugs, but "weapons trafficking, terrorism, human trafficking, human smuggling, illegal migration, money laundering and bulk cash smuggling."[167] The expansion into these other core competencies has merit, but it is not without impact to the overall functionality of EPIC and its ability to complete its mission(s) as the DEA and United States Government see fit.

The "all threats" mission set has also affected EPIC through the dilution of its most powerful capability: its ability to produce results. When first developing the concept for a

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163 Office of the Inspector General, *Follow-up Review,* 28.

164 Van Puyvelde, "Fusing Drug Enforcement," 890.

165 Ibid., 893.

166 Ibid., 894.

167 "About EPIC," El Paso Intelligence Center, accessed October 27, 2017, https://www.epic.gov/about.html; Van Puyvelde, "Fusing Drug Enforcement," 896.

fusion center network, a DHS official credited EPIC's past success in intelligence fusion as part of the "inspiration behind the multiplication of fusion centers in the early twenty-first century."[168] The expansion of EPIC's mission has tempered that success, however. As Robert Taylor and Amanda Russell point out, "No place is the line more blurred than in fusion centers. … The problem is even more acute in some fusion centers, such as the one in El Paso, Texas where legitimate national interests and border security converge with organized crime cartels and sophisticated drug trafficking families."[169] The intention of fusion centers endeavored to bring different agencies together to collaborate and share information that can help piece together a more comprehensive picture than could hope to be achieved by an individual analyst or even an agency. There is a balance to be maintained, however. Fusion centers cannot hope to fuse "everything about everything" during the course of their analysis and processes. A more scoped mission set allows for focus and the development of real, tangible results, rather than a wide array of particularly un-relatable priorities. EPIC's original mission was drugs. Now it has necessarily expanded that mission, but perhaps beyond what makes the most sense, particularly with its adoption of the "all threats" moniker.

A wider mission set does not translate into more fusion, and therefore, more success. Fusion centers need to incorporate counterterrorism as a focus in their analysis in a post-9/11 world. EPIC is unique, however, in its historical roots, as well as in its reputation to produce results that aide in reducing the effects of crime in the southwestern region of the United States. Its needs to be granted the latitude to scale down certain areas of interest so it can return to the level of success it has enjoyed and been commended for in the past. Focusing on three or more particular intelligence-driven focus areas would help rebrand and refocus EPIC as an agency capable of accomplishing its specific mission and enable its analysts to produce the results they have been able to accomplish in the past.

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[168] Van Puyvelde, "Fusing Drug Enforcement," 890.

[169] Taylor and Russell, "The Failure of Police 'Fusion' Centers," 191.

F. UNDERDEVELOPED OR MISSING EXTERNAL AGENCY PARTNERSHIPS

Partially due to the overly broad mission that it has been forced to incorporate, EPIC has recently struggled with its ability to leverage and convince other agencies to relinquish portions of their staff to collaborate at EPIC. In February 2017, DOJ's Office of the Inspector General (OIG) released a *Follow-up Review* of a 2010 study it conducted of EPIC. In the report, the OIG revealed two key findings. First, both managers and customers of EPIC revealed that its strength remains in its ability to access a broad scope of information from numerous agencies, yet, the report cited that it believed EPIC could not forcefully leverage all of its intelligence resources because of staff reductions and inexperienced analysts.[170] Second, since 2014, EPIC's leadership teams have not met frequently and have allowed the center to operate more autonomously than desired. The OIG concluded, "Partner agency leaders have not clearly determined the extent to which EPIC provides value to their agencies or how EPIC supports their agencies' missions."[171] The report detailed that outside agencies reduced the number of on-loan staff they sponsor by 45 percent since September 2013 due to "doubt about EPIC's value" to their own respective home agencies.

A Government Accounting Office (GAO) report concluded that EPIC in the past has not been "fully supported by participating agencies," and this lack of cooperation had negatively impacted multiple projects.[172] Yet, intelligence expert Damien Van Puyvelde asserts that interagency coordination "is the most important governance challenge faced by EPIC because it directly impacts the Center's ability to fuse multiple agencies' resources and capabilities to serve its customers."[173] Even as the importance of multi-agency cooperation must be understood in the context of an organization such as EPIC, so must the complexity and difficulty of achieving that level of cooperation.

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[170] Office of the Inspector General, *Follow-up Review,* ii.

[171] Ibid.

[172] U.S. General Accounting Office, *Federal Drug Interdiction*, 57, 62–63, 66.

[173] Van Puyvelde, "Fusing Drug Enforcement," 898.

The lack of investment by outside agencies into EPIC can be explained, however. In her book, *Spying Blind*, author Amy Zegart helps readers understand the landmark failures of the IC by examining events that occurred prior to 9/11 through the lens of organizational bureaucracy. Her perspective is that the "role of individuals in September 11 has been grossly overstated, while the organizational causes of failure have gone largely unexamined."[174] She concludes that career incentives, agency loyalties, rational self-interest, and the nature of bureaucratic organizations all cause intelligence agencies to inherently resist change and investment in organizations other than themselves.[175] Similarly, Damien Van Puyvelde summarizes:

> Coordination issues are common in the U.S. Security apparatus, particularly in multi-agency centers where the law enforcement, intelligence and military communities interact on a daily basis. Differences in organizational culture, procedures, objectives, resources and logistics all complicate the coordination of various agencies' efforts, even when the latter share similar missions.[176]

Amanda Russell and Robert Taylor argue that beneficial agency cooperation and fusion of information can be difficult to achieve, particularly for law enforcement agencies "possess a number of traits (e.g., autonomy and interagency ego) that hinder the effective and efficient sharing of information and intelligence."[177] All these authors seem to agree that if EPIC hopes to reap the benefits of multi-agency cooperation and team-building, it will need to find workarounds and incentives to help remove the roadblocks inherent to the particular structure and nature of joint-fusion intelligence centers.

For all its worth and merit, EPIC is a *DEA* intelligence center. Its mission statement covers a broad range of threats, but at its heart it still remains a "drug intelligence center."[178] If it is going to actively pursue some of the best intelligence analysts that partner agencies can offer, then EPIC will need to demonstrate how it can work with those agencies

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[174] Zegart, *Spying Blind,* 8.

[175] Ibid., 90, 92–94, 96.

[176] Van Puyvelde, "Fusing Drug Enforcement," 898.

[177] Taylor and Russell, "The Failure of Police 'Fusion' Centers," 184.

[178] Office of the Inspector General, *Follow-up Review* 21.

to expand their data set and foster, operate, and promote itself as a multi-agency intelligence center. One thing is for certain, if left to their own devices, each organization will indelibly look after its own self-interests before considering EPIC's needs or mission success, making EPIC's ability to demonstrate relevance and competency that much more important.

G.   SUMMARY

The sharing of appropriate intelligence and information to other agencies in a timely manner is the primary purpose of fusion centers such as EPIC. President Obama's *National Strategy for Information Sharing and Safeguarding* concludes that, "Our national security depends on our ability to share the right information, with the right people, at the right time."[179] Fusion centers such as EPIC offer the intelligence community this opportunity.

EPIC has grown and evolved since its creation in 1974 and become the model that many other fusion centers have attempted to emulate. It will need to grow and evolve again, however, to meet the unique challenges that today's broad homeland security mandate requires of it. Large quantities of information generated each day regarding national and homeland security and both external and internal threats play a critical role in border security. EPIC's current mission statement proposes that it will broadly focus "on 'all threats' to include illegal drugs, weapons trafficking, terrorism, human trafficking, human smuggling, illegal migration, money laundering and bulk cash smuggling" with a concentrated focus on the southwest Border.[180] Yet, to accomplish this mission, EPIC will need a vibrant, reciprocal relationship with other law enforcement agencies external to the DEA, but within the broader intelligence community.

Every organization struggles with evolving, maintaining relevancy, mission-creep, and becoming the "jack of all trades." But EPIC seems to have become organizationally

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[179] Barak Obama, *National Strategy for Information Sharing and Safeguarding*, (Washington, DC: The White House, 2012), 3. https://obamawhitehouse.archives.gov/sites/default/files/docs/2012sharingstrategy_1.pdf

[180] "About EPIC," El Paso Intelligence Center, accessed October 27, 2017, https://www.epic.gov/about.html

diluted to some degree, and it appears that primarily the DEA analysts who work at EPIC have become less focused after being asked to gather intelligence regarding other threats than drugs for which they are not as proficient at or recognized for. There is a cost vs. benefit analysis to be considered here, and perhaps that has already been completed. It is worth considering, however, that the fusion center that has been hailed as a model for other nascent fusion centers to imitate, previously benefited from a specific, focused mission that it was both trained and manned to perform.

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IV.   STATE AND LOCAL FUSION CENTERS

A.   INTRODUCTION

The ability to share intelligence underlies everything that state and local fusion centers hope to accomplish with regards to homeland security. State and local fusion centers occupy a unique position in relation to the IC. They operate and work with information and intelligence at a much more grass roots level than national or regional intelligence centers, yet, state and local fusion centers oftentimes have the best access to tactical intelligence that can be crucial in the prevention terrorist plots and surprise attacks.

The 2007 *National Strategy for Information Sharing* labeled state, local, and tribal entities as a "full and trusted partner with the Federal Government in our Nation's efforts to combat terrorism, and therefore must be a part of an information sharing framework that supports an effective and efficient two-way flow of information enabling officials at all levels of government to counter and respond to threats."[181] Federal leadership wanted intelligence sources who could wrangle local resources and pull information from local law enforcement; the fusion center concept seemed the perfect mechanism to facilitate and stream those local sources of intelligence into a more comprehensive, albeit "fused" intelligence picture at the national level.

The 9/11 Commission Report advocated for the implementation of state and local fusion centers to aid the IC in developing a more robust capability for preventing future terrorist attacks. The concept of SLT fusion centers bases its operations on four primary assumptions:

> (1) Intelligence, and the intelligence process, plays a vital role in preventing terrorist attacks; (2) It is essential to fuse a broader range of data including non-traditional source data, to create a more comprehensive threat picture; (3) State, local, and tribal law enforcement and public sector agencies are in a unique position to make observations and collect information that may be central to the type of threat assessment referenced above; [and] (4)

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[181] George W. Bush, *National Strategy for Information Sharing*, (Washington, DC: The White House 2007), 3. https://nsi.ncirc.gov/documents/National_Strategy_for_Information_Sharing.pdf

Having fusion activities take place at the sub-federal level can benefit state and local communities, and possible have national benefits as well.[182]

These four assumptions, however, extend from another more basic assumption: individual fusion centers can and will share pertinent information at the right time to the correct people and agencies. To accomplish this task, an individual fusion center would need to have a standardized structure in place to both receive and share intelligence, understand what information is important and understand the priorities of their particular mission, and have bilateral relationships with other IC members and law enforcement agencies to ensure the right people are receiving critical intelligence.

Case study three examines state and local fusion centers as a single entity. Similar to NCTC and EPIC in the previous two case studies, state and local fusion centers exhibit the three challenges evident with many fusion centers--the absence of a standardized model, the broadening of the original mission beyond CT, and external agency partnerships—and have experienced the most dynamic changes with regards to mission, standardization, and partnerships compared to the other two previous case studies. They have multiple officials overseeing them at the local, state, and federal levels, and have often been given conflicting guidance on what their role is and what their mission set includes, with much rarer guidance on what it excludes. State and local fusion centers require standardization and a focused mission set more than national and regional intelligence centers because of their position within the national IC framework. These more localized fusion centers exist at the bottom of the food chain and have to justify their necessity more than intelligence centers at the national and regional levels.

While investigating a single fusion center would have added the benefit of identifying particular intricacies that either prevent or contribute to the three challenges that plague this level of fusion centers, analyzing the new concept of a National Network of Fusion Centers in this case study offers the opportunity to show how these challenges exist and affect the entire state and local network as a whole.

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[182] John Rollins, *Fusion Centers: Issues and Options for Congress*, CRS Report No. RL34070 (Washington, DC: Congressional Research Service, 2008), 3–4.

1. Differences in Opinion between State and Federal Leaders

The unique position that state and local fusion centers occupy becomes conflated because state and local fusion centers exist as both a local and federal resource, making even something as simple as determining what intelligence should be analyzed and who it should be shared with contentious. At the federal level, homeland security and intelligence officials view the local fusion centers as "an indispensable part of their efforts to prevent terrorism because federal agents cannot monitor every potential target and can't match locals' knowledge of their home turf."[183] State officials, however, who primarily fund and maintain responsibility for their respective fusion centers, see these local intelligence centers as opportunities to focus "intelligence-led policing" efforts on local crime and regional hazards as "many fusion centers have established themselves as central clearinghouses for information sharing needs unique to their operation or local constituents."[184] The problem is only exacerbated by the limited understanding of differences between SLT and federal cultures with regards to "criminal justice and national security intelligence collection laws, policies, and fiscal constraints," and what each can offer the other.[185] This difference in perspective can put state officials vis-à-vis federal leadership and leave fusion centers to operate somewhere in the middle. Concerns about civil liberties and privacy only compound these difficult problems, which also plague both the overall concept and implementation of state and local fusion centers.

The remedy for the different requirements from state, local and federal officials is widely seen as combining these individual fusion centers into a single network. How well the *network* operates, functions, shares information, and protects civil liberties ultimately determines its capability and value, not a single fusion center's merit or capacity, particularly from the federal viewpoint. Prior to being considered a network, individual fusion centers struggled substantially with the three challenges posed by this thesis—much more so than either NCTC or EPIC from the previous case studies. Yet, with some robust

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[183] Shane Harris, "Fusion Centers Raise a Fuss," National Journal 39 no. 6, (Feb 10, 2007), 50.

[184] Sam McGhee, "Impacting the Evolution of Information Sharing in the Post-9/11 United States," *The Police Chief*, (February 2015,) 29.

[185] Ibid., 27.

policy guidelines, strategies, and measurable goals with regards to capabilities set forth, state and local fusion centers have evolved, and the overall concept has developed into a National Network that allows for greater flexibility and individual tailoring to meet local needs, while still allowing for contributions to federal priorities.

The remainder of this chapter will follow the same outline as the previous two case studies: a background, a review of support and criticism, analysis of each of the three primary challenges to fusion centers, and a short summary.

B.   THE BACKGROUND OF FUSION CENTERS

1.   The Founding History

The 9/11 Commission Report mandated that "information be shared horizontally, across new networks that transcend individual agencies."[186] From these words the concept of fusion centers was born. From the federal government, the 2003 *National Criminal Intelligence Sharing Plan* outlined how to implement this concept and improve the flow of criminal intelligence across the nation. The following year in 2004, Congress enacted the Intelligence Reform and Terrorism Prevention Act (IRTPA). This legislation mandated the creation of the Information Sharing Environment (ISE) that could facilitate "the means for sharing terrorism information among all appropriate Federal, State, local, and tribal entities, and the private sector through the use of policy guidelines and technologies."[187] These documents and policy recommendations did not outline the process or the mandate for individual local fusion centers; rather, they laid the foundation for a National Network that could relay and process large quantities of information and transform it into intelligence.

Fusion centers were implemented in two distinct waves: the first occurring in 2003 after the NCISP was published, and the second in 2005, after a National Governor's

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[186] *The 9/11 Commission Report*, 418.

[187] Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108–458, (December 17, 2004), http://www.gpo.gov/fdsys/pkg/PLAW-108publ458/pdf/PLAW-108publ458.pdf; National Fusion Center Association, *2014–2017 National Strategy for the National Network of Fusion Centers*, (July 2014), 4. https://nfcausa.org/html/National%20Strategy%20for%20the%20National%20Network%20of%20Fusion%20Centers.pdf.

Association meeting where it was recognized that fusion centers could "enhance states' ability to collect, analyze and disseminate intelligence [and] intelligence sharing among federal, state, and local government."[188] In the years immediately following 9/11, state governments felt immense pressure to bolster homeland security efforts respective to their states, to follow the national trend in developing intelligence centers, to take advantage of a wave of federal funding being offered, all while viewing fusion centers as a convenient tool to further an "all-hazards" approach to a state's capacity to either prevent or respond to different categories of potential catastrophes.[189] Even early in their development, the federal and state perspective of fusion centers diverged from one another: the federal government identified fusion centers as a major terrorism prevention tool, while states oriented their perspective of fusion centers as more a means to respond to crime and natural disasters that affected only their individual state. Still, either from a federal or state viewpoint, the key to success of a fusion center remained in its overall ability to share information.[190]

2.   The Information Sharing Environment (ISE)

One major attempt made to rectify sharing problems that fusion centers continually face was the creation of the ISE. The ISE houses the federal government's framework for building the National Network. The ISE works as "a mechanism by which multiple levels of government and the private sector are supposed to communicate about terrorist threats."[191] The ISE works toward developing the capacity to horizontally share information between different federal agencies, while building the capability to move information vertically "between all stakeholders across all levels of government is the ISE goal," a problem that particularly plagues local fusion centers that operate at the bottom of the IC framework.[192]

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[188] Rollins, *Fusion Centers: Issues and Options*, 18.

[189] Ibid., 19.

[190] National Fusion Center Association, *2014–2017 National Strategy*, 15.

[191] Harris, "Fusion Centers Raise a Fuss," 51.

[192] Rollins, *Fusion Centers: Issues and Options*, 50.

The Program Manager for the ISE works within the Office of the Director of National Intelligence, which has issued guidelines for the protection of civil liberties and personal privacy that have become a pervasive problem for fusion centers, especially at the local level.[193] These guidelines set forth that organizations or agencies operating within the ISE—including fusion centers—must "comply with the Constitution and all applicable laws and executive orders relating to protected information."[194] Abiding within these laws and protecting privacy are complex issues, however.

Each state has different regulations and instructions that apply for writing criminal or terrorism reports: "You've got 50 different sets of privacy laws. Can the police chief of San Diego share [reports] with the police chief of Atlanta? It depends upon the law in San Diego and the law in Georgia," stated the program manager for the ISE, Thomas McNamara.[195] These different kinds of laws—even with the implementation of the ISE—can inhibit state and local fusion centers from sharing intelligence outside of their jurisdiction or state, and block the original intent and key purpose of fusion centers: intelligence sharing.

3.   Priorities and Functions of State and Local Fusion Centers

State and local fusion centers benefit the federal government when federal agencies tap into the law enforcement and emergency management manpower on the ground, working in the thousands of communities across the country that might be privy to information that could build a more comprehensive intelligence picture at the national level. These centers also provide a direct avenue from which to approach and communicate with those communities and push information, bulletins, or warnings to local law enforcement or emergency management. Primarily though, the federal IC seeks tactical intelligence from these fusion centers because of the unique position they occupy at the grass-roots level.

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[193] Harris, "Fusion Centers Raise a Fuss," 51.

[194] Ibid.

[195] Ibid.

At the state and local levels, however, the function of these intelligence operations differs somewhat and are not limited to the desire to push or pull CT intelligence both to and from the federal level. As Dr. James Steiner outlines in his article, "Needed: State-level, Integrated Intelligence Enterprises," state-level intelligence operates within three primary functions: "providing CT intelligence support to law enforcement; ensuring situational awareness for state-level executive and legislative decision makers; and providing critical infrastructure threat analyses to executive decision makers and policy implementation staff."[196] Not only are state leaders interested in terrorism-related cases or information, but they expect information about broader issues affecting their state. A local police chief, mayor, or even a state governor more likely concerns themselves more with local crime waves or even natural disasters than terrorism.

Intelligence priorities that directly translate into the functions of fusion centers have fluctuated since the beginning of fusion center operations, primarily because of fluctuating fiscal resources. DHS initially provided over $300 million for initial fusion center development. In 2007, DHS Secretary Chertoff clarified, however, that these funds were intended only to help

> fledgling centers get off the ground and start to build fundamental baseline capabilities. This is not meant, by the way, to be sustainment funding. We are not signing up to fund fusion centers in perpetuity. But we do want to use these grants to target resources to help fusion centers make the capital investment and training investment to come to maturity. And then, of course, we expect every community to continue to invest in sustaining these very important law enforcement tools.[197]

In the same year as Secretary Chertoff made this comment, however, Congress legislated a new funding bill that would increase financial support to fusion centers across the country.[198] Congress hoped to attach to this money some federal priorities and control. "What we want to do ... is bring some order to what could be potential chaos," stated one

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[196] Dr. James Steiner, "Needed: State-level, Integrated Intelligence Enterprises," *Studies in Intelligence*, 53 no. 3 (September 2009), 6.

[197] Rollins, *Fusion Centers: Issues and Options*, 44.

[198] Harris, "Fusion Centers Raise a Fuss," 50–51.

Democratic staff member.[199] Still, almost half of fusion center funding comes from the states themselves.[200] Inconsistent funding becomes a real problem at a strategic level. Mike Sena, Director of the Northern California Regional Intelligence Center and President of the National Fusion Center Association stated, "It's hard to run an operation like this when you don't know what your budget will be. There's no real funding strategy across the board."[201]

States now share much more of the fiscal responsibility for local fusion centers than they did when they were first implemented. Just from a funding perspective, it is easy to discern how fusion centers find themselves oftentimes hanging in the balance between federal and state priorities, and without clear-cut priorities or directives to follow.

C.   REVIEWS, CRITICISM, AND SUPPORT FOR FUSION CENTERS

State and local fusion centers have, in large part, received far more criticism than the other two previous case studies that reviewed NCTC and EPIC. Whereas most criticisms of NCTC and EPIC focused on a key aspect or demanded a particular improvement, criticisms of state and local fusion centers often tend to ask more substantive questions regarding whether they can offer any real value or even potentially fulfill their mission? While criticisms of NCTC and EPIC often focus on ways to improve their functionality, state and local fusion centers often become scrutinized to a level that eventually questions whether their existence is even valid or continues to be relevant.

Some of the largest and most consistent complaints come from groups and individuals concerned about three different broad issues: (1) the protection of civil liberties and privacy, (2) resource allocation, and (3) little or no value added in the effort to prevent terrorism or use intelligence effectively to thwart threats to public safety.

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199 Ibid., 51.

200 Department of Homeland Security, *2016 National Network of Fusion Centers Final Report*, (Washington, DC: Department of Homeland Security, 2017), 11.

201 Newcombe, "Fusion Centers Struggle," para. 18 of 29.

Author Anthony Newkirk views state and local fusion centers as "byproducts of the privatization of state surveillance and means of assault on civil liberties."[202] Newkirk criticizes fusion centers for their lack of transparency and asserts that the public as well as homeland security scholars really know very little about their operations that remain shrouded in secrecy.[203] Author Torin Monahan denotes that no one is safe from the prying techniques of these intelligence gathering operations: "It is important to note that the politics of those being targeted by fusion centers spans the spectrum from right-wing militia member to left-wing anti-war activists."[204] Tim Sparapani, legal counsel for the American Civil Liberties Union (ACLU), remarked that, "We're setting up essentially a domestic intelligence agency, and we're doing it without having a full debate about the risks to privacy and civil liberties."[205] Even DHS oversight does not seem to help assuage the fears of many concerned individuals. When discussing former CIA Assistant Director Charles Allen, who was appointed to oversee the implementation of this nation-wide fusion center concept, Sparapani commented, "We're concerned that Charlie Allen, and his successors, could become the next J. Edgar Hoover."[206]

Criticisms regarding fusion centers also include concerns about wasted resources. Oklahoma Senator Tom Coburn once stated, "Instead of strengthening our counterterrorism efforts, they [fusion centers] have too often wasted money and stepped on Americans' civil liberties."[207] A U.S. Senate Permanent Subcommittee on Investigations report detailed the findings of a two-year long investigation on fusion centers and discovered that they had been widely ineffective despite enormous amounts of public taxpayer funding spent to implement and develop their operations.[208] DHS failed to monitor how grant funding had been spent by individual centers that totaled somewhere

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[202] Anthony B. Newkirk, "The Rise of the Fusion-Intelligence Complex: A critique of political surveillance after 9/11," *Surveillance Society* 8, no. 1 (January 1, 2010), 43.

[203] Ibid., 43–44.

[204] Monahan, "The Future of Security?" 94.

[205] Harris, "Fusion Centers Raise a Fuss," 50.

[206] Ibid., 51.

[207] Newcombe, "Fusion Centers Struggle," para. 21 of 29.

[208] Newcombe, "Fusion Centers Struggle," para. 19 of 29.

between $289 million and $1.4 billion, with much of the money spent during a period of stagnant American economic performance.

Finally, much criticism about fusion centers has centered on their inability to function and produce quality products and or measurable results. A Congressional Research Service (CRS) report prepared for Congress recounted a truly critical conclusion regarding these state and local fusion centers:

> It is unclear if a single fusion center has successfully adopted a truly proactive prevention approach to information analysis and sharing. No state and its local jurisdiction appear to have fully adopted the intelligence cycle. While some states have seen limited success in integrating federal intelligence community analysis into their fusion centers, research indicates most continue to struggle with developing a "true fusion process" which includes value added analysis of broad streams of intelligence, identification of gaps, and fulfillment of those gaps, to prevent criminal and terrorist acts.[209]

Others have cited fusion centers for poor partnerships with other outside agencies and that the level of terrorist activity in most areas do not warrant the huge investment a fusion center requires.[210] Torin Monahan views fusion centers as suffering from a "mandate that is too open-ended and from guidelines that are too ambiguous."[211] Yet, even if these problems or hurdles could be minimized, fusion centers would still suffer from their central challenge: balancing national interests in the prevention of terrorism while providing information that remains relevant to local law enforcement and state jurisdiction.[212]

Even with the substantial and prevalent criticism that has plagued fusion centers almost from their inception, still supporters do exist and believe that the fusion center concept warrants merit and can address the huge gap in intelligence capability identified by the *9/11 Commission Report*. Chief Intelligence Officer at DHS, Charles Allen, stated, "Our ability to move, analyze, and act on information is our greatest strength. And, we must use the (national fusion center) information in that network to push our defensive

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[209] Rollins, *Fusion Centers: Issues and Options*, 25.

[210] Ibid., para. 1 through 29.

[211] Monahan, "The Future of Security?" 87.

[212] Rollins, *Fusion Centers: Issues and Options*, 37.

perimeter outward."[213] John Rollins' CRS report noted, "From a law enforcement perspective, it has been argued that state and regional intelligence fusion centers, particularly when networked together nationally, represent a proactive tool to be used to fight a global jihadist adversary which has both centralized and decentralized elements."[214] Supporters believe the fusion process provides one of the best opportunities to produce actionable knowledge.[215] Former Connecticut Senator Joe Lieberman has argued that "the public record showed that fusion centers had played a significant role in thwarting terrorism and had generated hundreds of leads for the FBI."[216] Success stories do indeed exist such as in 2009, the North Carolina Information Sharing & Analysis Center provided intelligence to law enforcement that led to the disruption of a terrorist group led by an American named Daniel Patrick Boyd who had facilitated money and transportation to terrorists operating overseas.[217] Despite robust criticisms and even some concerning failures in the past, in 2013, the United States House of Representatives Committee on Homeland Security concluded, "The National Network [of fusion centers] is on a path of continued growth, improvement, and increasing value to both the Federal Government and the fusion centers' individual customers."[218] This National Network seems to be the key aspect of the fusion center concept that can best allow fusion centers to contribute to the national intelligence picture while still remaining relevant their local communities and state leadership. Linking these fusion centers under a broader mantle with national oversight while allowing for individual tailoring to meet state and local needs offers greater flexibility for an individual fusion center to satisfy the requirements of both.

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[213] Rollins, *Fusion Centers: Issues and Options*, 6.

[214] Ibid., 2.

[215] Ibid., 6.

[216] Newcombe, "Fusion Centers Struggle," para. 24 of 29.

[217] Ibid., para. 6 of 29.

[218] National Fusion Center Association, *2014–2017 National Strategy*, 2–3.

D.   THE ABSENCE OF A STANDARDIZED MODEL

State and local fusion centers suffer from a lack of standardization more than NCTC or EPIC because of the broader range of missions they have been assigned, a wider collection of partners, and a more diverse background from which these individual fusion centers emanated from. As John Rollins concluded in his CRS report, "Ultimately, without a common framework among disparate fusion centers and other homeland security agencies, it is possible that benefits of their efforts will remain narrow, rather than having a national impact."[219] The fusion center concept was implemented with no single model in mind, which would have provided the building blocks for standardization across the vast array of individual fusion centers.[220] The cost of failing to incorporate standards or developing a model for the new fusion centers has yielded many of the criticisms leveled at their efforts thus far. A lack of standardization has made it more difficult to assess results, allowed for fusion centers to operate without a clear directive, left particular gaps in capabilities, and made an ill-defined purpose not only more probable, but likely. Without a clear-cut mission, measurable objectives, and a means with which to measure performance, success as an organization remains all but impossible.

1.   The Lack of Standardization as a Benefit

Other writers offer the opposing argument that a lack of standardization acts as a benefit. Dr. James Steiner concludes, "State requirements vary significantly across the country, and a single model will not meet every state's needs." David Carter and Jeremy Carter argue that the lack of a uniform model "permits state and local agencies to mold the fusion center into a model that best suits the needs and challenges that are idiosyncratic to each jurisdiction."[221] The Constitution Project think-tank's "Recommendations for Fusion Centers," concluded that the "decentralized nature of fusion centers is a source of strength,

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[219] Rollins, *Fusion Centers: Issues and Options*, 10.

[220] Carter and Carter, "The Intelligence Fusion Process," 1324; German and Stanley, "What's Wrong With Fusion Centers," 7.

[221] Carter and Carter, "The Intelligence Fusion Process" 1327.

because each fusion center has the institutional knowledge and flexibility necessary to adapt and respond to the unique demands of its jurisdiction."[222]

State and local fusion centers, undoubtedly, need to fulfill the unique needs that their independent jurisdictions require of them. They need to have the flexibility to pursue the different avenues that the information they receive leads them to investigate in order to transform that information into actionable intelligence. Nevertheless, the end result of merely satisfying local requirements will not be enough to make any individual fusion center successful due simply to the large amounts of federal funding that these intelligence operations have received since their inception and have continued to acquire on a yearly basis. Congress and important federal agencies like the FBI will continue to inquire about their contributions to CT and benefits to federal law enforcement and intelligence initiatives. Fusion centers will need to strike a balance between these state and federal expectations if they are going to continue to receive millions of dollars in funding from both parties.

Not a single model, but a National Network with 79 different nodes needs to be the concept that not only DHS and other advocates of fusion centers have adopted, but the single network concept needs to be embraced by individual fusion center leadership and intelligence analysts. The need to either please state and local government leadership or to focus singularly on CT in order to provide some benefit to federal agencies can be overcome by actively sharing intelligence across the National Network, which in turn offers the best compromise for individual fusion centers. More importantly, the gaps that the 9/11 report identified in the inability of the IC to share information across different domains and levels of government will undoubtedly be "fused" back together, while fulfilling the original purpose of the fusion center concept.

E.   COUNTERTERRORISM AS A MISSION

When considering the function and mission of state and local fusion centers, it important to remember that fusion centers "were originally intended to focus on terrorist

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[222] The Constitution Project, *Recommendations*, 22.

threats."[223] CT needs to be incorporated into the mission statement of every single fusion center in order to balance both state and federal needs, demonstrate buy-in and intent to contribute to the National Network framework, and provide consistency across so many individual fusion centers operating across the country. The national-level Homeland Security Advisory Council (HSAC) theorized that, "one of the principal outcomes should be the identification of terrorism-related leads."[224] Believers in the value of a National Network "argue that the 800,000 plus law enforcement officers across the country know their communities most intimately and, therefore, are best placed to function as the 'eyes and ears' of an extended national security community."[225] Only by incorporating the information gathered at the ground-level can those working at the national level hope to piece together a comprehensive intelligence picture, making the tactical intelligence that state and local fusion centers often have access to first, a national requirement.

1. An Expanded Mission

Fusion center mission statements have expanded in recent years, however, away from their original CT roots. The Constitution Project summarized that while "fusion centers are intended to be a cornerstone of domestic anti-terrorism efforts their goals and efficacy are not always clear. Without a clearly defined purpose, fusion centers may suffer from 'mission drift."[226] In reality, this "drift" has resulted in various fusion centers' mission focus becoming wider in order to incorporate an "all-threats" or "all-hazards" model.[227]

A CRS report outlined three reasons for this change. First, fusion center leadership felt pressured to incorporate "all-threats" or "all-hazards" into their mission statements because of a real, observed change occurring across the country.[228] Second, most fusion

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223 The Constitution Project, *Recommendations*, 6.

224 Rollins, *Fusion Centers: Issues and Options*, 6.

225 Ibid., 7.

226 The Constitution Project, *Recommendations*, 19.

227 Rollins, *Fusion Centers: Issues and Options*, 21.

228 Ibid., 21.

centers felt "it was impossible to create 'buy-in' amongst local law enforcement agencies and other public sectors if a fusion center was solely focused on counterterrorism."[229] This issue has only expanded in prevalence as most fusion centers predominantly see law enforcement personnel as the major source of their participation and staff.[230] Finally, fusion centers have reported that broadening their mission statement has made it easier to apply for a larger array of funding, while attracting resources from a broader range of agencies and partners.[231] Expanding a fusion center's mission focus because of these reasons is mostly based on attempts to demonstrate value to state and local partners and to secure funding from sources other than the federal government. While understandable, this approach risks the loss of federal support and funding. The fifteen centers that make no specific reference to CT in their adopted mission statements need to incorporate CT into their mission focus to reorient their operations, demonstrate buy-in to their partners across the National Network, and show how their fusion centers remain dedicated to building a national CT intelligence picture.[232]

2.   The Relationship between Crime and Terror

Some homeland security experts have attempted to link crime with terror, thereby demonstrating that a focus on crime, in reality, translates to a focus on terrorism. This belief assisted in transforming fusion center focus to "embrace all crimes and all threats."[233] Fusion center leadership "recognized that most terrorist acts had a nexus with other crimes; hence, by focusing exclusively on terrorism, they may miss some important indicators" and because most crime "was transjurisdictional and involved in complex criminality ... they recognized that the fusion process would be of value in dealing with these crimes."[234]

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[229] Rollins, *Fusion Centers: Issues and Options*, 21.

[230] Ibid., 35.

[231] Ibid., 21.

[232] Department of Homeland Security, *2016 National Network,* 2.

[233] Carter and Carter, "The Intelligence Fusion Process" 1327.

[234] Ibid.

The uptick of so many mass casualty events in recent years, has resulted in the line between terrorism and less politically motivated violence to indeed blur. A clear-cut definition of terrorism remains skewed and unclear, and the media's rush to immediately classify almost every mass casualty tragedy as "terrorism" has assisted in this blurring. Yet, not including strategic intelligence, the differences between classic terrorism cases and cases of mass casualty violence remain trivial at the tactical level and unimportant to first responders, the world in which fusion centers primarily exist and operate.

Lt. Sam McGhee of the Aurora, Colorado, Police Department—who helped develop the first national strategy for the National Network of Fusion Centers—summarized that, "It is understandable that law enforcement leaders struggle with the concern of focusing efforts between crime and terrorism, but as there is a growing relationship between the two, strong information sharing principles serve to avert both."[235] Examples of the "nexus" between crime and terrorism do indeed exist. A narcotics investigation "revealed a Canadian-based organization supplying precursor chemicals to Mexican methamphetamine producers was in fact a Hezbollah support cell."[236] Another case out of California involved a gas station robber who dropped his cell phone. After investigating the contents of the phone, police officers "uncovered a homegrown Jihadist cell planning a series of attacks."[237] Without a doubt, the possibility of discovering terrorists or their plans during a local criminal investigation remains possible, even probable, at some point. Perhaps, it is just a case of merely articulating and including CT into goals and mission statements that needs to occur. To be successful on all fronts, fusion centers will need to continue to pursue CT both actively with terrorism-related intelligence, as well as passively with criminal terrorism-related cases and supporting intelligence analysis.

3.   The Way Ahead

The environment within which fusion centers operate remains complex with different competing priorities, and often includes opposing viewpoints regarding their

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[235] McGhee, "Impacting the Evolution," 31.

[236] Rollins, *Fusion Centers: Issues and Options*, 7.

[237] Ibid.

overall purpose and mission. With these complexities being their reality, it is important for state and local fusion centers to remain grounded and focused on the intelligence collection and analytic basics from which the often elusive "intelligence success" emanates. Fusion centers were implemented as "full and trusted partners with the Federal Government in our Nation's efforts to combat terrorism, and therefore must be a part of an information sharing framework that supports an effective and efficient two-way flow of information enabling officials at all levels of government to counter and respond to threats."[238]

The *purpose* of state and local fusion centers has changed from assisting the IC in acquiring tactical CT intelligence to now bearing the overly broad "all-threats" or "all-hazards" mantle. DHS has adopted this "all-hazards" approach to its mission, and consequently, so have fusion centers for which DHS serves as the central touchpoint for the federal government. This adoption has provided some benefits to include encouraging stronger ties to state leadership and local community law enforcement, providing a wider avenue of approach to obtain necessary funding. Yet, this change has created a condition that allows and even fosters "mission drift." Fusion centers need to take serious the CT mission and understand that it alone preceded both the fusion center and the National Network concepts. Fifteen fusion centers with no mention of CT in their mission statement is fifteen too many.[239] To be successful on all fronts, state and local fusion centers must act as a bridge between law enforcement and federal agencies at the national level: "Without the National Network, the sharing of criminal intelligence and information would revert back to silos and a system of disconnected structures. Sustaining fusion centers is critical to the nation's homeland security efforts."[240]

F.   UNDERDEVELOPED OR MISSING EXTERNAL AGENCY PARTNERSHIPS

Functional partnerships remain particularly important for state and local fusion centers because they not only require buy-in from other agencies as do NCTC and EPIC,

[238] National Fusion Center Association, *2014–2017 National Strategy*, 5.

[239] Department of Homeland Security, *2016 National Network,* 2.

[240] National Fusion Center Association, *2014–2017 National Strategy*, 24.

but to serve as a bridge between local law enforcement and national-level intelligence agencies, state and local fusion centers need buy-in from local community partners, as well as partnerships with various federal organizations. A CRS report to Congress highlighted that "federal participation in state and regional fusion centers appears to influence the relationship between levels of government, state and local access to information and resources, the flow of information/intelligence, and maturation with regards to intelligence cycles."[241] One of the keys to success for state and local fusion centers is partnerships, not just to obtain more information to analyze, but to ensure that any pertinent information is delivered to the right people who can take the appropriate action upon its delivery.

From the start, state and local fusion centers have struggled with building and maintaining partnerships with federal agencies. Many fusion centers have reported that creating an environment that fosters vertically sharing intelligence with these different agencies has been difficult:

> Numerous fusion centers officials claim that although their center receives a substantial amount of information from federal agencies, they never seem to get the "right information" or receive it in an efficient manner. According to many state fusion center leaders, often pertinent threat intelligence must be requested by fusion centers, rather than federal agencies being proactive in providing it. The obvious difficulty arises regarding the inability to request relevant threat information that is unknown to members of the fusion center.[242]

Reports such as this one are troubling because the concept for these fusion centers and the National Network deemed these intelligence centers as the bridge between local law enforcement and federal agencies within the IC. Yet it seems at best, the National Network only functions as a one-way conduit. If fusion centers do not receive the right information from the bottom or the top, then their functionality fails through little fault of their own.

Fusion centers are not the exception, however; tension between state and local entities and federal agencies has existed for decades. They both view their roles, responsibilities, and jurisdictions from different perspectives, and in some cases "residual

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[241] Rollins, *Fusion Centers: Issues and Options*, 36.

[242] Ibid., 28.

resentment" exists because of "years of being treated as inferior and an information source—not necessarily as a consumer."[243] The distrust goes both ways though as those who work for federal agencies such as the FBI often distrust SLT entities because of concerns "about the erosion of federal jurisdiction, and, in some cases, a resistance to accepting an enhanced SLT role in some homeland security areas."[244] More specifically, differences in "intelligence collection laws, policies, and fiscal constraints," lead to misunderstanding both on the part of SLT and federal law enforcement and intelligence officials.[245]

An example of where this kind of tension can lead would be the Boston Marathon bombing case and how in the immediate months that followed, Boston police officials publicly criticized the FBI field office for sending their police officers "on wild goose chases ... [and] giving them long lists of targets to protect without explaining why."[246] Frustrated with the "one-sided nature of this information-sharing, state and local governments established fusion centers to do what the federal government often couldn't— provide their communities with concrete intelligence, drawn from known sources, about potential terrorists."[247] The frustration evident in this example highlights how the challenge with building partnerships vis-à-vis federal agencies can be so detrimental to fusion centers sharing information vertically to the federal level, as well as state and local entities.

1.   The Way Ahead

How to improve and build functional relationships remains a complex task for state and local fusion centers. They operate in a gray area between state and local police departments and federal law enforcement and intelligence agencies. To be their best, they need reciprocal, positive flows of information that can help build a more robust, complete

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[243] Rollins, *Fusion Centers: Issues and Options*, 82.

[244] Ibid.

[245] McGhee, "Impacting the Evolution," 27.

[246] Harris, "Fusion Centers Raise a Fuss," 51.

[247] Ibid.

intelligence picture to thwart terrorist plots and other threats to homeland security. The best way for fusion centers to create buy-in from both local law enforcement and federal authorities is for fusion center leadership to devise ways that clearly demonstrate how their fusion center can directly benefit other partners. Richard Thorpe in his article "Images of Organization" concludes that real power within organizations is wielded by those who consistently demonstrate value and benefit other individuals within the organization, and that power is not reserved for mere rank and title alone.[248] Similarly, fusion centers need to demonstrate this "value and benefit" as an entire organization to both their local and national partners. They need to gain and wield power by demonstrating to their vertical and horizontal partners that they can provide tactical CT intelligence to federal authorities, while also assisting local leadership with crime and disaster resiliency priorities, all of which makes meaningful contributions to the National Network.

G. SUMMARY

When comparing the three case studies covered in Chapters II, III and IV, state and local fusion centers have suffered the most criticism, undergone the greatest alteration to their mission, and been tasked to serve two widely separate entities: federal and state authorities. Without any standards or originating organization to model themselves after, no two fusion centers seem to be identical. This difference can be seen as both an obstacle to overcome or as an underlying benefit, nevertheless, the National Network concept allows for fusion centers to have flexibility while still achieving some much-needed standardization with the accompanying National Network guidelines and the operating principles housed within the ISE.

The research for this thesis suggests that all state and local fusion centers need to incorporate CT intelligence priorities not only within their mission statements, but their daily operations. Their original purpose needs to be acknowledged by the very centers themselves. While there does seem to be some relationship between crime and terrorism, embracing an "all-threats" and "all-hazards" approach only makes sense if each center

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[248] Richard Thorpe, "Images of Organizations," *Human Resource Management Journal* 8, no. 2 (1998), 93–4.

really intends to analyze all the different threats that fall within these broad categories, including CT. Proper management and priorities need to be clearly articulated in lieu of such a wide mandate. This diffusion of mission does allow each fusion center greater flexibility in its ability to provide information to a greater number of customers and partners, and if properly managed, should assist the National Network in demonstrating a greater overall value to Congressional members and leadership of the IC.

If fusion centers can provide usable, pertinent intelligence, then stronger partnerships at the state and federal level will emerge. If fusion centers want information to better flow from federal agencies, they will need to contribute to the mission of those federal authorities as a basis for fostering a stronger relationship. Each agency wants to accomplish its mission and demonstrate proficiency along the way. If fusion center leadership can find ways to help other agencies with their priorities, this will allow them to gain and maintain a more mutually beneficial partnership with these other agencies and allow for greater intelligence sharing—the original purpose of fusion centers from the beginning.

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V. CONCLUSION

Following a direct recommendation from the *9/11 Commission Report*, intelligence fusion centers were implemented through federal and state efforts to help close the gaps in intelligence sharing capability across the United States Government. However, in the years that followed, fusion centers have been heavily criticized and cited for failing to do just that—share intelligence. Fusion centers at the national, regional and state and local levels have all shared in this criticism; and, they all have shared three primary reasons for struggling to gather, analyze, and pass on critical intelligence.

The primary purpose of this thesis was to show how each challenge affected fusion centers at various levels of government, albeit sometimes in unique ways. The case studies of NCTC, EPIC, and the National Network of state and local fusion centers demonstrate how all three challenges indeed inhibit fusion centers from sharing intelligence both vertically and horizontally to various levels of the IC and law enforcement community.

A. NCTC

1. The Lack of a Standardized Model

NCTC received no model to emulate itself after upon its inception in 2004. It occupied a landscape of disparate intelligence organizations each occupying their own bureaucratic territory and generating their own intelligence, yet NCTC needed to overcome years of solidified bureaucratic resistance. Early on NCTC suffered from its own internal struggles and failed to truly function as a fusion center. To succeed, NCTC would need to become a model for other fusion centers to follow in the years to come. It is difficult to conclude from the currently available literature whether NCTC has been able to complete that task, but it does seem true that NCTC has taken strides to standardize its analysis and solidify as an organization. It demonstrates proficiency and functionality, which directly translates to greater information sharing and CT efforts.

2. Counterterrorism as a Mission

NCTC has benefited from being allowed to retain its sole focus on CT as an intelligence center. Yet, the U.S. strategy for defeating terrorism changed in 2006, and subsequently NCTC's mission needed to adapt as well. Early on, NCTC struggled with these changes, but in more recent years, it has revealed the benefits of focusing on the core tenet of CT, which can yield real, appreciable results.

3. Underdeveloped or Missing External Agency Partnerships

NCTC's ability to build functional partnership has been hampered by legacy bureaucratic struggles between federal agencies fighting for recognition, budget resources, and capability enhancements. Also, NCTC struggled to find the right people to help build the right framework from which it could accomplish its central mission. NCTC needed enough credibility to be able to compel action from other entities outside its direct control, in lieu of the limited statutory powers it was granted by IRTPA. Interface with other external partners has increased overall by utilizing mechanisms such as JCAT, but of the three challenges, partnerships has been the greatest obstacle for NCTC to overcome in order to improve its ability to share information.

B. EPIC

1. The Lack of a Standardized Model

EPIC needed an organization to model itself after, but EPIC, in its nascent phase, became one of the earliest recognized fusion centers in the American IC. It began as an intelligence operation designed to support the war on drugs and grew rapidly in the decades that followed its startup in 1974. The lack of standardization did not prevent EPIC from fulfilling its function as a counter-drug intelligence center, but without an organization to model itself after, EPIC was forced to blaze its own trail and create new practices, which resulted in blurred agency responsibilities and absent authorities that it needed to better orchestrate and share the critical intelligence it generated.

2. Counterterrorism as a Mission

EPIC began as a regional intelligence center with the primary focus of counter-drug intelligence on the southwest border, and because of this very specific and special focus, EPIC yielded the kind of intelligence products and analysis that law enforcement and policy-makers desire. After 9/11, EPIC was reorganized to adopt the "all-threats" mission and the reviews of EPIC since then reveal how this overly broad mission set can be such a death-knell to a results-driven intelligence cycle. Fusion centers cannot hope to fuse "everything about everything." More priorities do not directly yield more results, and regional fusion centers such as EPIC do not need to be given an ill-defined amount (i.e., a "sushi-menu") of priorities. They need to be charged with only a few major focus areas from which they can build depth and expertise. This kind of in-depth focus in their collection and analysis, remains perhaps the only way to yield the kind of tactical intelligence prized at this level of operation. The transition to an "all-threats" mission and the expectation of EPIC to do more than focus on drug or related crime-terrorism nexus priorities has dampened its mission effectiveness. This expanded mission reprioritization remains the biggest challenge that EPIC currently faces.

3. Underdeveloped or Missing External Agency Partnerships

In recent years, partner agencies have exhibited a diminished interest in their personnel and investing their resources into EPIC. Part of this reduction can be explained by the fact that EPIC continues to be operated by the DEA, and because of bureaucratic self-interest, outside agencies might be hesitant to invest outside of themselves. Yet, this problem has a long history within the IC, and EPIC has always been located under the umbrella of the DEA. The other possible conclusion then, is that a second-order effect of broadening its mission beyond drug crimes and terrorism-related cases, has diluted EPIC's effectiveness to a degree that other agencies cannot be sure as to what EPIC's real purpose continues to be or how EPIC can benefit their own organization and its priorities.

C.   STATE AND LOCAL FUSION CENTERS

1.   The Lack of a Standardized Model

State and local fusion centers suffer from a lack of standardization more than NCTC or EPIC. These vastly different intelligence centers operate with different mandates, work for different police chiefs and governors across the country, and deal with disparate situations and backgrounds that vary from rural or urban to border or interior regions. These state and local fusion centers need the flexibility to fulfill their niche requirements, but without standardization, results are either difficult or impossible to assess, gaps in collection and analysis remain, and the shared intelligence mandate becomes particularly difficult to address. Ultimately, the harsh criticism that this level of intelligence fusion centers has received in the past will continue until standardization becomes a reality in their daily operations. The lack of standardization remains the single greatest challenge for state and local fusion centers because it impedes improving in the other two areas of challenge: mission and partnerships. Primarily, DHS has been tasked with providing oversight and guidance to the development of the National Network concept, but the task ought to lie with the DNI at the top of the IC pyramid. The DNI provides more legitimacy, has a Congressional mandate to provide this kind of intelligence oversight, and understands the unique nuances and concerns of the broader IC than DHS.

2.   Counterterrorism as a Mission

State and local fusion centers were implemented in direct response to the 9/11 terrorist attacks and derived their purpose from their CT roots. Many have reduced or eliminated their focus on CT, however, partly because DHS adopted the "all hazards" moniker, and state and local fusion centers followed suit. Yet, the original intent of fusion centers was to provide an exchange of ground-level tactical intelligence to inform federal responses to terrorist threats. The need for this type of information still exists and has been provided by state and local fusion centers such as the North Carolina Information Sharing & Analysis Center, which provided intelligence that directly contributed to the disruption

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of a terrorist group led by an American named Daniel Patrick Boyd.[249] The lack of CT focus by many of these fusion centers is concerning, partly because they are judged by federal overseers for their CT contributions or lack thereof; but more importantly, because the gaps that the 9/11 Commission Report detailed in the ability to collect and share information across the IC can still exist if "the right information, [is not shared] with the right people, at the right time."[250]

3. Underdeveloped or Missing External Agency Partnerships

From the beginning, establishing reciprocal relationships with intelligence partners has proven a difficult task for state and local fusion centers, particularly at the federal level. Trust on both sides is difficult to build and maintain. The National Network concept needs to demonstrate its ability to benefit these federal organizations and contribute to their priorities. When given the opportunity, state and local fusion centers need to demonstrate competency and interest in building a mutually beneficial relationship with other members of the IC at the regional and national level. Improving in overall standardization and refining particular mission sets will be a necessary precursor to achieving this goal. Sharing critical, tactical level intelligence on a consistent basis will yield the kind of partnerships that can in turn, benefit the individual state and local fusion centers as well by building credibility through sustained performance.

D. RECOMMENDATIONS

Recommendation #1: Even though DHS has transitioned to an "all-hazards" or "all-threats" mission approach, neither regional nor state and local intelligence fusion centers should adopt this axiom, nor should they feel pressured to do so by DHS. What Congressional and federal level overseers look for from these smaller intelligence organizations remains rooted in the overall CT effort and local concerns particular to the specific situation each intelligence center occupies. If an intelligence center's main premise exists because of a drug problem particular to that region, then the fusion center should be

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[249] Newcombe, "Fusion Centers Struggle," para. 6 of 29.

[250] *National Strategy for Information Sharing,* (2012), 3.

allowed the flexibility to concern itself with that priority and to relay any terror-crime nexus intelligence to federal partners. CT and these specific threats should be what the mission statement includes, and most if not all other hazards or threats should be excluded from the mission statement. Fusion centers do need to manage their specific priorities and prevent "mission creep," but it is unfair for DHS or even the DNI to ask a small organization to focus its limited collection and analysis capabilities on "everything" when it lacks the resources or the mandate from both federal and state leaders to do so.

Recommendation #2: The most practical course of action that could be taken to strengthen the partnerships that fusion centers desperately need to build and maintain, would be to increase their investment in other organizations outside of themselves. Individual fusion centers at all levels of government need to understand their partners' organizational mission focus and interests, while ensuring they share the critical intelligence that best benefits these agencies. Doing so will produce a two-fold effect. First, it will ensure that the intelligence community builds the best comprehensive picture it can by delivering pertinent information to the most relevant analysts. Second, and perhaps more importantly for individual fusion centers, it offers them the opportunity to demonstrate their utility to other organizations, which over time will strengthen their overall standing with these external agencies and organizations.

Intelligence officials often complain that other players within the community refuse to works as team-players. But realistically, disparate intelligence organizations cannot exist as teammates. They often work for agencies that fulfill very different roles at different levels of government and naturally preoccupy themselves with different interests. What intelligence organizations need to work toward would be more akin to functioning as mutual "partners" where each individual fulfills their role to the best of their specific abilities, but understands their responsibility to cross-over to assist other parties when required, similar to something like mutual-aid pacts between emergency services that operate within jurisdictional boundaries, but provide capabilities and resources outside their specific areas of responsibility when required.

E.   FINAL THOUGHTS

Overall, intelligence fusion centers at every level of the IC could benefit from reorienting their emphasis toward perfecting the "blocking-and-tackling" of intelligence practice—the collection, analysis, and communication of critical intelligence. This thesis specifically shows how any fusion center void of standardization and/or an unclear, unfocused mission, essentially lends itself not only to criticism, but almost guarantees for itself weakened or one-sided partnerships with other organizations in the IC.

In 1996, Defense Intelligence Agency (DIA) employee Russ Travers wrote an article titled, "A Blueprint For Survival: The Coming Intelligence Failure," in which—as the title implies—he predicted a large-scale, near-future intelligence failure like the attack that occurred on September 11, 2001. The reason he predicted for the failure would simply be "we [the IC] have gotten away from the basics."[251] Travers cited "a lack of fusion and a lack of objectivity will be principally responsible for the IC failing the nation," consequently contributing to the IC equaling "substantially less than the sum of its parts."[252] But the parts now exist and they remain in place at least for now to allow for this fusion process to occur. Fusion centers exist at every level of the IC and the capability to collect relevant intelligence at the national, regional, or state and local level remains possible.

1.   The Largest Hurdle

Overcoming the challenge that standardization poses will be a complex task, particularly for state and local fusion centers, yet, it is vitally important to accomplish. This level of fusion centers is most at risk for the possible conclusion that any, most, or perhaps even all of them are an unnecessary capability in domestic intelligence collection and analysis. Whether the National Network concept will be enough to glue the pieces together into a cohesive, credible layer of IC bureaucracy remains to be seen. The prevalence of terror attacks occurring in the homeland will play a role in determining whether they are

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[251] Russ Travers, "The Coming Intelligence Failure," *Studies in Intelligence* 40, no. 2 (1996), 27.

[252] Ibid., 28–9.

even necessary, or on the other hand, capable of preventing crime and terrorism at all. It may well come down to a Darwinian fight for survival for each independent fusion center at the state and local level, especially for states that do not believe they exhibit a high or moderate risk for terrorism. Whether or not adopting an "all-hazards" or "all-threats" mission statement can prevent them from falling into the basket of "wasteful-government-spending" or irrelevancy seems doubtful. This danger is exactly why state and local fusion centers need to strive to demonstrate capability, competence, and importance to their peer organizations, for they most likely occupy the best position to prevent the next domestic terrorist attack that originates from within the homeland.

LIST OF REFERENCES

Best, Richard A. Jr. The National Counterterrorism Center (NCTC): Responsibilities and Potential Congressional Concerns, CRS Report No. RL33539. Washington, DC: Congressional Research Service, 2010.

Bush, George W. The National Strategy for Combating Terrorism. Washington, DC: The White House, 2006. https://www.cbsnews.com/htdocs/pdf/NSCT0906.pdf.

———. National Strategy for Information Sharing: Successes and Challenges in Improving Terrorism-related Information Sharing. Washington, DC: The White House, 2007. https://nsi.ncirc.gov/documents/National_Strategy_for_Information_Sharing.pdf.

Carter, David L., and Jeremy G. Carter. "The Intelligence Fusion Process for State, Local, and Tribal Law Enforcement." *Criminal Justice and Behavior* 36, no. 12 (December, 2009): 1323–1339. doi:10.1177/0093854809345674.

Citron, Danielle Keats and David Gray. "Addressing The Harm Of Total Surveillance: A Reply To Professor Neil Richards." *Harvard Law Review Forum*. 126, no. 262, May 1, 2013. https://harvardlawreview.org/2013/06/addressing-the-harm-of-total-surveillance-a-reply-to-professor-neil-richards/.

Constitution Project, The. *Recommendations for Fusion Centers*. Washington, DC: The Constitution Project, 2012. https://constitutionproject.org/pdf/fusioncenterreport.pdf.

Cozine, Keith. "Fragmentation and Interdependency: Border Security Intelligence in North America and Europe." *The International Journal of Intelligence, Security, and Public Affairs* 18, no. 3 (November 21, 2016): 175–197. http://www.tandfonline.com/doi/citedby/10.1080/23800992.2016.1242268?scroll=top&needAccess=true.

Department of Homeland Security. *2016 National Network of Fusion Centers Final Report*. Washington, DC: Government Printing Office, 2017. https://www.dhs.gov/sites/default/files/publications/2016_National_Network_of_Fusion_Centers_Final_Report.pdf.

Department of Homeland Security. "Our Mission." Last modified May 11, 2016. https://www.dhs.gov/our-mission.

Forsyth, William A. "State and Local Intelligence Fusion Centers: An Evaluative Approach in Modeling a State Fusion Center," Master's thesis, Naval Postgraduate School, 2005.

German, Michael and Jay Stanley. *What's Wrong With Fusion Centers.* New York: American Civil Liberties Union, 2007. https://www.aclu.org/files/pdfs/privacy/fusioncenter_20071212.pdf.

Harris, Shane. "Fusion Centers Raise a Fuss." *National Journal* 39 no. 6, (Feb 10, 2007), 50–51.

Masse, Todd, and John Rollins. *A Summary of Fusion Centers: Core Issues and Options for Congress*. CRS Report No. RL34177. Washington, DC: Congressional Research Service, 2007. http://digital.library.unt.edu/ark:/67531/metadc809679/.

McGhee, Sam. "Impacting the Evolution of Information Sharing in the Post-9/11 United States." *The Police Chief,* February, 2015.

Monahan, Torin. "The Future of Security? Surveillance Operations at Homeland Security Fusion Centers." *Social Justice* 37, no. 2–3 (2010-2011), 84–98. http://libproxy.nps.edu/login?url=http://search.ebscohost.com/login.aspx?direc.

National Commission on Terrorist Attacks upon the United States. *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks upon the United States*. Washington, DC: Government Printing Office, 2011.

National Counterterrorism Center. *NCTC and Information Sharing: Five Years since 9/11 a Progress Report*. September 2006. https://www.hsdl.org/?abstract&did=471770.

National Fusion Center Association. *2014–2017 National Strategy for the National Network of Fusion Centers*. July 2014. https://nfcausa.org/html/National%20Strategy%20for%20the%20National%20Network%20of%20Fusion%20Centers.pdf.

Newcombe, Tod. "Fusion Centers Struggle to Find Their Place in the Post-9/11 World." *Governing Magazine*. June, 2013.

Newkirk, Anthony B. "The Rise of the Fusion-Intelligence Complex: A critique of political surveillance after 9/11." *Surveillance Society* 8, no. 1 (January 1, 2010), 43–60. https://search.proquest.com/docview/862598103.

Obama, Barak. *National Strategy for Information Sharing and Safeguarding*. Washington, DC: The White House, 2012. https://obamawhitehouse.archives.gov/sites/default/files/docs/2012sharingstrategy_1.pdf.

Office of the Director of National Intelligence. "Joint Counterterrorism Assessment Team." Accessed January 8, 2018. https://www.dni.gov/index.php/nctc-how-we-work/joint-ct-assessment-team.

Office of the Director of National Intelligence. "What We Do." Last modified June 12, 2017. https://www.dni.gov/index.php/what-we-do/ic-budget.

Office of the Inspector General. *Follow-up Review of the Drug Enforcement Administration's El Paso Intelligence Center*. U.S. Department of Justice, Evaluations and Inspections Division, February 2017. https://www.hsdl.org/?abstract&did=800626.

Puyvelde, Damien Van. "Fusing drug enforcement: a study of the El Paso Intelligence Center." *Intelligence and National Security* 31, no. 6 (2015): 888–902. http://www.tandfonline.com/doi/abs/10.1080/02684527.2015.1100373.

Rollins, John. *Fusion Centers: Issues and Options for Congress*. CRS Report No. RL34070. Washington, DC: Congressional Research Service, 2008. http://www.dtic.mil/docs/citations/ADA482006.

Smith, Walter E. "Developing a Model Fusion Center to Enhance Information Sharing," Master's thesis, Naval Postgraduate School, 2011.

Steiner, James E. "Needed: State-Level, Integrated Intelligence Enterprises." *Studies in Intelligence* 53, no. 3. (September 2009). https://pdfs.semanticscholar.org/4332/fe8580375975c959156d05c9a2ccee466f78.pdf.

Thorpe, Richard. "Images of Organizations." *Human Resource Management Journal* 8, no. 2 (1998): 93–94. https://search.proquest.com/docview/199343705?pq-origsite=gscholar.

Travers, Russ. "The Coming Intelligence Failure." *Studies in Intelligence* 40, no. 2 (1996), 27–34. http://www.dtic.mil/docs/citations/ADA527323.

U.S. General Accounting Office, *Federal Drug Interdiction Efforts Need Strong Central Oversight*. GAO/GGD-83-52. Washinton, DC: U.S. General Accounting Office, 1983. https://www.cia.gov/library/readingroom/docs/CIA-RDP90B00612R000100030005-5.pdf.

Volkerts, Jackson A. *National Counterterrorism Center (NCTC) Background and Issues*. New York: Nova Science Publishers, 2011.

Wickers, William F., Jr. "A Comprehensive Fusion Liaison Officer Program: The Arizona Model." Master's thesis, Naval Postgraduate School, 2015.

Zegart, Amy B. *Spying Blind the CIA, the FBI, and the Origins of 9/11*. Princeton, NJ: Princeton University Press, 2007.

Zuckerman, Jessica, Steven P. Bucci, and James Jay Carafano. *60 Terrorist Plots since 9/11: Continued Lessons in Domestic Counterterrorism*. The Heritage Foundation, 2013. http://www.heritage.org/terrorism/report/60-terrorist-plots-911-continued-lessons-domestic-counterterrorism.

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