



TESTIMONY

OF

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**BEFORE
THE**

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Chairman King, Ranking Member Rice, and the members of the Subcommittee on Counterterrorism and Intelligence. Thank you for your kind invitation and the opportunity to speak before this distinguished Subcommittee on the topic of “Sixteen Years after 9/11: Assessing Suspicious Activity Reporting Efforts.” In addition to speaking about the Department of Homeland Security, Office of Intelligence and Analysis, Nationwide Suspicious Activity (SAR) Reporting Initiative (NSI), I understand that this Subcommittee is also interested in broader information sharing initiatives ongoing in the states. I will address both topics in this testimony.

In the aftermath of the terror attacks of September 11, 2001, the *9/11 Commission Report* highlighted the inability of the public safety and intelligence communities to identify events and behaviors that could have been scrutinized in order to identify precursor activity leading to acts of terrorism. Our nation demanded answers as to how this information was overlooked and what “dots” needed to be connected to prevent future acts from occurring. This same set of circumstances has also frustrated law enforcement agencies, who, in their efforts to adopt intelligence- led policing strategies have been often constrained by technological, political, or other policy issues that prevented their ability to maximize potential information sharing practices.

New Jersey, by leveraging federal, state, local, government agencies and other partners has laid the groundwork and further demonstrated through practice that information sharing can create efficiencies that enhance public safety. This testimony examines New Jersey’s solution to this dilemma – the New Jersey Information Sharing Environment (NJ-ISE) – and details its operational components and way forward in enhancing today’s information sharing capacity within the homeland security enterprise.

The office for promoting an information sharing environment (ISE) at the national level, was established by the Intelligence Reform and Terrorism Prevention Act of 2004. The goal was to ensure closer coordination and integration of the sixteen agencies that make up the nation’s Intelligence Community. Through Executive Order 13356, in 2005 President Bush enhanced information sharing between federal agencies and appropriate authorities of state and local governments. In recognition of New Jersey’s consistent efforts to improve statewide information sharing, grant funding was secured from the Office of the Director of National Intelligence, Program Manager of the Information Sharing Environment (PM-ISE) and administered through the Department of Justice’s Bureau of Justice Assistance (BJA) to develop the NJ-ISE.

Underlying the concept of the NJ-ISE is the understanding that terrorism and criminal activity is not deterred by a jurisdictional or geographical boundary. To the contrary, these activities recognize no boundaries; therefore, successful crime and terrorism prevention initiatives must invest in strong partnerships across these lines. The development and enhancement of robust collaborative partnerships between law enforcement, public safety and private sector agencies is a foundational aspect of the NJ-ISE.

There are 565 municipalities in the State of New Jersey, which equates to 565 silos of information stored on municipal databases and records management systems. Through the use of technology, the NJ-ISE has worked toward enabling information pathways to connect these

disparate legacy systems into one information sharing environment. Through the work of the NJ-ISE, the virtual barriers preventing the sharing of this information are being dismantled through an overall enterprise strategy.

As a means of sustaining this strategy, a governance structure has been formed to include senior leadership from the New Jersey State Police (NJSP), New Jersey Office of Homeland Security and Preparedness (OHSP), Office of Information Technology (OIT), Office of the Attorney General (OAG) and New Jersey's Urban Area Security Initiative (UASI). Their collective guidance has driven the overall priorities of the NJ-ISE, to include the evolution of policy and strategy.

A key strategy of the national PM-ISE is to apply information technologies to facilitate the exchange of information. Extensible Markup Language (XML) is the technology that was created for this purpose, and it serves as the 'glue' that promotes interoperability and expanded collaborations between agencies.

From a technology perspective, NJ-ISE promotes the free flow of information through secure access to an internet-based federation, in conformance with national standards and safeguards. Optimal investment through the use and reuse of technology that currently exists on a local, county, and state level is critical to the mission and sustainment of this initiative.

Since its inception, this initiative has been supported by the national PM-ISE through initial research funding. This funding allocation has permitted the involvement of subject matter experts to assist in developing the conceptual framework for the NJ-ISE. Specifically, the Integrated Justice Information Systems Institute (IJIS), a 501(c)(3) non-profit corporation working on behalf of the technology needs of the U.S. Department of Justice, has also been supporting the NJ-ISE by providing input on the development of guiding documents, to include the NJ-ISE Privacy Policy and Concept of Operations. With their support and through a collaboration of public and private sector partners, the NJ-ISE has promulgated a nationally-recognized information sharing architecture. The components underlying the NJ-ISE are provided, as follows:

Suspicious Activity Reporting Program in New Jersey (NJSAR)

New Jersey receives over 1400 SARs annually, of which approximately 30 percent are selected by the FBI for further investigation. SARs are shared with law enforcement partners throughout the State, and are linked to the FBI's national SAR system, eGuardian. The eGuardian system partners with the Nationwide SAR Initiative (NSI) to form a single repository accessible to thousands of law enforcement personnel and analysts nationwide.

NJSAR uses the end-to-end process of the intelligence cycle, specifically in the collection, processing, reporting, analyzing, and sharing of SARs. NJSAR disseminates suspicious activity information to the New Jersey Office of Homeland Security and Preparedness (OHSP), New Jersey State Police (NJSP), FBI Joint Terrorism Task Force (JTTF), County Counterterrorism Coordinators (CTCs), Municipal Counterterrorism Coordinators (MCTCs), and our local law enforcement partners. This statewide information sharing network was instituted to

ensure that there is a seamless line of communication and coordination among all levels of law enforcement in New Jersey for all terrorism and homeland security related issues.

The NJSAR program is seated in New Jersey's fusion center, the Regional Operations and Intelligence Center (ROIC) and is staffed and managed by members of OHSP. OHSP is responsible for the collection, analysis, and dissemination of SARs. NJSAR enables authorized law enforcement users to retrieve and analyze reports on incidents in New Jersey. It has adopted best practices and national standards for SAR sharing throughout federal, state, county, and local law enforcement agencies. Access to NJSAR is through NCIC 2000, and is only available to law enforcement users who have completed the required training.

In New Jersey, SARs are received at OHSP's Counterterrorism (CTWatch) Unit, which is the 24/7 operation housed at the ROIC that manages all incoming suspicious activity reports. CTWatch operates in collaboration with the ROIC to monitor terrorism-related events of significance or relevance to the State. SARs are gathered from a variety of sources, including law enforcement, private sector security officials, and the public. Reporting generally takes place through the State's SAR tipline and email, with access to language specialists to assist in translation, as may be needed. The goal of the SAR system is to enable authorized law enforcement users to retrieve, share, analyze, and disseminate SARs in New Jersey in a timely manner. The system connects all 21 counties in New Jersey with the FBI's eGuardian system.

Once a SAR is entered into NJSAR, an automatic and immediate alert notice is sent to key law enforcement partners in the State, to include the FBI, NJSP, OHSP, and the CTCs. In New Jersey, the FBI has first right of refusal for all SARs in the State. If the FBI pursues the SAR, it is maintained in the FBI's databases. If the SAR is relinquished to the State, OHSP assumes the investigation in coordination with the county prosecutor's office or a local police department.

All SARs received in New Jersey must meet the state and federal SAR thresholds of the NSI Information Sharing Environment Functional Standards for Suspicious Activity Reporting https://nsi.ncirc.gov/documents/SAR_FS_1.5.5_PMISE.pdf. New Jersey also adheres to a Statewide Privacy SAR Policy. Pursuant to the NJ policy, all SARs are reviewed after five years to ensure privacy and retention compliance. SARs must be based on observed behaviors reasonably indicative of pre-operational planning related to terrorism or other criminal activity. Race, ethnicity, gender, national origin, religion, and sexual orientation are not factors creating suspicion, but these attributes may be documented to support suspect description for identification purposes.

In 2016, a directive was issued by the New Jersey Office of the Attorney General to guide law enforcement on the proper reporting of suspicious activity. This directive outlined the procedures and guidelines within the State of New Jersey for the reporting of SARs.

The collection, analysis, sharing and investigation of SAR information remains a critical component of the State's counterterrorism strategy. Across the nation, we continue to see terrorism plots thwarted as a result of suspicious activity passed along to the FBI JTTFs.

In 2005, New Jersey thwarted a potential terrorist attack that later became known as the "Fort Dix Six." The Newark Division JTTF became aware of these subjects as a result of a suspicious activity report.

Another notable NJSAR success story occurred in May 2017, when an individual from Point Pleasant, New Jersey, was charged with plotting to build a pressure-cooker bomb and detonate it in New York City in support of ISIS. Prior to this individual's arrest, Point Pleasant police submitted a suspicious activity report after a family member notified police that this individual was in possession of a weapon and indicated an intention to kill the family dog. During the ensuing investigation, police discovered a copy of *Inspire Magazine*, a publication affiliated with the group, al Qaida in the Arabian Peninsula. Police disclosed that this individual had been conducting research on how to make a pressure-cooker bomb, as revealed in the *Inspire* article, "How to Make a Bomb in the Kitchen of Your Mom."

It is important to note that the ROIC and OHSP are currently engaged in a pilot project with the FBI to enhance state and local integration with the FBI on SARs that are accepted for a preliminary or full field investigation. This project recognizes that databases in the possession and oversight of state law enforcement have significant value in determining if an individual who either is, or has been, the subject of an FBI eGuardian investigation may be legitimately seeking to purchase a weapon or applying to become a security guard. As in the case of Omar Mateen, who attacked the Pulse Night Club in Orlando in June 2016, or, Ahmad Khan Rahimi, who is accused of setting off explosive devices in New Jersey and New York in September 2016, both of these individuals made legal purchases of weapons in their roles as security guards. Individuals who are the subjects of SARs of sufficient interest and heightened suspicion to warrant an investigation by the FBI can continue to be monitored for any weapons purchase or a security guard employment application. Given that the path to overt terrorist action can take several years, any information disclosing the purchase of a weapon during that period can be immediately forwarded to the FBI as a means to determine whether an investigation should be continued or re-opened.

Aside from the NJSAR process to reveal possible terrorism activity, the NJ-ISE also includes several crime-fighting initiatives, with the understanding that terrorism is often rooted in criminal activity that can be disclosed in law enforcement's day-to-day investigative routines. Here are some of successful and collaborative crime-fighting initiatives:

Route 21 Corridor Status (CorrStat)

A key NJ-ISE initiative has been the development of a cross-jurisdictional collaboration platform focused upon a New Jersey crime-fighting and information-sharing initiative referred to as CorrStat. This initiative was established in 2009 by the ROIC and UASI as a cross-jurisdictional, crime-fighting and information-sharing experiment primarily focused upon the cities of Paterson, Passaic, and Newark, all located along New Jersey's Route 21 highway. This geographical area, although comprising less than five percent of the state, is host to more than half of the state's homicides and gun crimes. Spillover of this criminal activity also affected the public safety of more than twenty smaller municipalities co-located along this corridor.

The CorrStat Initiative remains the ROIC's cornerstone initiative to promote information sharing, intelligence-led policing and the sharing of resources amongst the law enforcement

agencies located in or near the Route 21 Corridor. CorrStat participants conduct face-to-face meetings on a monthly basis and the ROIC prepares for these meetings with daily and weekly calls to thoroughly assess crime in those jurisdictions. The program has grown from 16 jurisdictions and 3 County Prosecutor offices to 28 municipalities, 4 County Prosecutor offices, the Port Authority of NY/NJ, NJ Parole, NJ Probation, NJ Alcohol Beverage Control (ABC) and various units of the NJSP.

The CorrStat Initiative continues to receive high marks from the police chiefs and directors that participate in the initiative. Chiefs and directors commend the timely information sharing that allows for investigative concentration on the worst criminal offenders, as well as updates on emerging crime trends. Investigators and analysts working in the CorrStat region participate in interactive, audiovisual conference calls hosted three times a week by the ROIC, utilizing federal Homeland Security Information Network (HSIN) Connect technology in order to create situational awareness among all call participants. Additionally, both scheduled and ad hoc, multi-layered intelligence products have assisted law enforcement executives in making informed decisions regarding the allocation of resources. Importantly, the CorrStat Initiative has been instrumental in promoting the value and need of intelligence-led policing concepts to the participant law enforcement executives.

CorrStat Region Real Time Crime Center (RTCC-North)

Created as a satellite of the ROIC and located at the headquarters of the Newark Police Department, the RTCC-North was established in the CorrStat region to address the imminent need for tactical information and intelligence in the aftermath of a violent crime. It is important to note that state and local fusion centers follow a strict template for analysis, refining information to produce concise intelligence products thoroughly vetted for privacy concerns. From start to finish, this process can take 24 hours. Unfortunately, serious and violent crime requires more imminent services.

The value of the RTCC-North lies in its ability to satisfy the immediate needs of detectives and investigators in their pursuit of violent criminal offenders. Detectives and investigators who must interrupt their street investigation to conduct records checks, query criminal and intelligence databases and contact other agencies lose precious time that can give advantage to criminals attempting to flee their criminal activities. The RTCC-North assumes that responsibility, keeping detectives on the street and making the investigation of violent crimes more effective and improving solution rates. For its part as the flagship of information-sharing in NJ, the ROIC provides leadership, direction, and guidance to the RTCC-North and facilitates access to advanced analytics and additional personnel. RTCC-North has had an immediate and positive impact on crime fighting efforts in the CorrStat region. This has resulted in greater efficiency of effort and increased information sharing.

Real Time Crime Center (RTCC-South)

Operating in similar fashion to the RTCC-North, the RTCC-South was established in March 2017 as the second satellite of the ROIC to service the Camden to Atlantic City corridor, as well as to the more populated communities of Bridgeton, Millville and Vineland. RTCC-South provides actionable and timely intelligence, focusing on inter-jurisdictional offenders and emerging crime trends in Cumberland County. Similar to the CorrStat Initiative in the northern part of the State, the ROIC hosts monthly meetings in South Jersey that are referred to as South Jersey Status (SJ-Stat). Like CorrStat, SJ-Stat operates on the core value, "command-driven, intelligence-led, cross-jurisdictional information sharing and collaboration." In the short time since its inception, both SJ-Stat and RTCC-South has proven to be a valuable asset to the law enforcement agencies operating in south Jersey.

Drug Monitoring Initiative (DMI)

In 2014, the ROIC implemented the Drug Monitoring Initiative (DMI) to assess drug activity in New Jersey and the surrounding region. The DMI establishes a multi-jurisdictional, multi-state drug incident information-sharing environment through the robust collection and analysis of drug seizures, overdoses, related criminal behavior and healthcare-related services. The DMI concept bolsters the development of policies and practices that enable interdisciplinary collaboration between public safety and public health agencies to address drug-related issues. This innovative approach enables the gathering and analysis of investigative and administrative data to develop a 360 degree view of the drug environment. A positive impact of the DMI has been its ability to interpret New Jersey's drug environment through diverse data sets. This has led to direct support of law enforcement investigations through the collection and analysis of drug seizures, the creation of a heroin stamp database and increased awareness through law enforcement training. The capabilities of the DMI have also supported county prosecutor's offices as they seek to charge suspects in strict liability cases from fatal drug overdoses. Furthermore, the DMI has enabled public health entities to target their outreach and addiction services efforts in a highly focused manner, directly where drug overdoses are most frequently occurring. Lastly, the DMI has fostered the environment for law enforcement and public health to collaborate, resulting in a holistic and comprehensive approach to combating the State's illegal drug problem.

The DMI initiative in New Jersey presents a template and opportunity for a similar federal effort. By leveraging the national network of 78 state and local fusion centers across the country, the U.S. Department of Health and Department of Justice through the Drug Enforcement Administration can more closely monitor the spread of illicit drugs, such as heroin and fentanyl across the United States. Information on state and local patterns of drug distribution and use could be transmitted to DEA on a daily or weekly basis to enable intelligence assessments. Those assessments might guide the tactical deployment of federal resources in a manner similar to a FEMA response to a local or state emergency.

New Jersey Cybersecurity and Communications Integration Cell (NJCCIC)

In early 2013, in response to the growing threat of cyber terrorism or cyber attacks, the ROIC was tasked with engaging with state partners from the New Jersey Office of Information Technology (OIT) and OHSP to develop a cyber mitigation and analysis function for New Jersey. The outgrowth of this tasking was the creation of the New Jersey Cybersecurity and Communications Integration Cell (NJCCIC). Located in the ROIC, the NJCCIC is New Jersey's "one-stop-shop" for sharing cyber threat information between and amongst local, state, and federal authorities, as well as the private sector and non-profit information sharing and analysis centers (ISACs). Its multidisciplinary analysis supports statewide cyber risk management, incident response, and investigations. The NJCCIC is uniquely positioned at the intersection of local and federal government, with close proximity to New Jersey's critical infrastructure owners and operators. As such, the NJCCIC bridges the digital divide between the local cyber threat landscape and a diverse suite of operational assets across the public and private sectors.

Since the inception of the NJCCIC, law enforcement and homeland security agencies, as well as private sector entities, have benefitted from increased awareness of potential cyber vulnerabilities. The NJCCIC has leveraged its cyber subject matter experts to analyze nationally-generated cyber threat information and derive the specific implications for the State. Through partnerships and information sharing with the FBI and DHS, the NJCCIC is well positioned to detect and mitigate cyber threats from nation-state actors. Furthermore, the NJCCIC has been instrumental in assisting law enforcement in New Jersey to understand the potential threats posed to them by their online presence and conduct.

Crime Gun Intelligence Center (CGIC)

Over the last 30 months, the New Jersey State Police has processed over 5000 crime guns under a revised Crime Gun Protocol. The protocol calls for a thorough forensic review of each crime gun allowing for the collection of fingerprints, DNA, and other biological and trace evidence. Data from the crime guns, defined as those weapons which have been used in a crime, illegally possessed/owned, or discarded, is then entered through the National Integrated Ballistics Information Network (NIBIN) and compared to other shooting incidents throughout the nation. Results are generated and shared within 48 hours of submission to the forensic laboratory.

Thus far, the NJSP Crime Gun protocol has produced over 1000 NIBIN hits which have assisted in over 3000 investigations. Forty-three percent of the NIBIN hits generated through the program are cross-jurisdictional. This alarming statistic highlights the need for a regional approach to the proper investigation of gun crimes. Central to an effective strategy to address gun crime is a robust information sharing environment where jurisdictions impacted by the same gun, criminal, or groups of criminals, can quickly develop, share and act upon intelligence.

The goal of an effective crime gun intelligence program is prevention. Departing from the traditional application of firearm forensics which is aimed at prosecution, crime gun intelligence is driven by the belief that this information can be used to identify and apprehend shooters before they shoot again. Timely intelligence allows investigators to disrupt the cycle of gun violence much faster than ever before, thereby saving future gun crime victims.

The New Jersey model of crime gun intelligence also allows for the distribution of investigative leads through a cloud-based program which puts the power of crime gun intelligence into the hands of the detectives. Empowering the investigators with this information, sharing it across jurisdictional boundaries, and leveraging regional partnerships has proven to be critical components in the recipe for success.

Thank you, Chairman King, and your Subcommittee, for your attention to this subject of great importance to the continued public safety and welfare of our country. I look forward to answering any of your questions.