

**Plan for Implementing
The Public Safety Information Exchange Program
Established by Code of Virginia § 2.2-224.1**

**A Report to the House Committee on Militia, Police and Public
Safety and the Senate Committee for Courts of Justice**



October 2011

**Colonel W. Steven Flaherty
Superintendent**



COMMONWEALTH OF VIRGINIA

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October 1, 2011

TO: The Honorable Henry L. Marsh, III
Chairman of the Senate Committee for Courts of Justice

The Honorable Beverly J. Sherwood
Chairman of the House Committee on Militia, Police and Public Safety

Pursuant to Chapter 503 of the 2011 Acts of Assembly, I am respectfully submitting herewith a *Report on the Plan for Implementing a Public Safety Information Exchange Program Established by Code of Virginia § 2.2-224.1*.

Respectfully,

A handwritten signature in black ink, appearing to read "W.S. Flaherty", with a long, sweeping flourish extending to the right.

Superintendent

WSF

Enclosure

After the tragic events of September 11, 2001, it was determined that a system was needed to ensure that information and intelligence are shared both vertically and horizontally between local, state, federal and private partners in order to prevent and deter criminal activity, to include terrorism. State and major urban fusion centers were developed by state and local governments to serve as focal points in order to receive, analyze, gather, disseminate and share threat-related information between federal, state, local, tribal, territorial and private sector partners.

Currently, there are 72 state and local fusion centers throughout the country; these centers are uniquely situated to support front-line law enforcement, public safety, fire service, emergency response, public health, Critical Infrastructure and Key Resource (CIKR) protection, and private sector partners. These fusion centers can also provide state and local context to the national threat picture, thus providing critical information to decision makers at all levels of government.

Section 2.2-224.1 of the Code of Virginia requires the Secretary of Public Safety to establish an information exchange program with those states that share a border with Canada or Mexico and are willing to participate in the exchange. The Secretary designates the Superintendent of the Virginia State Police as the administrator of the program and the Virginia Fusion Center as the information sharing platform. The purpose of the information exchange is to share criminal information and intelligence information to address specific threats within the Commonwealth. The Virginia Fusion Center performs a vital role in ensuring the requirements of Virginia Code § 2.2-224.1 are met. As previously mentioned, the national network of fusion centers ensures that information is shared between states; including states that share a border with Canada and Mexico. The border states of Canada (Washington, Montana, North Dakota, Minnesota, Wisconsin, Michigan, New York, Vermont, and Maine) and the border states of Mexico (California, Arizona, New Mexico and Texas) have all established fusion centers. A platform currently exists that allows the Virginia Fusion Center to share information and intelligence with these states regarding the following threats enumerated in § 2.2-224.1:

- ◆ The organization or operation of criminal enterprises by transnational gangs.
- ◆ The production, transportation, distribution, or use of illegal drugs, firearms, or explosives.
- ◆ The activities of international or domestic terror organizations, agents, or sponsors thereof.
- ◆ The criminal repercussions that result from the presence in the Commonwealth of persons or organizations illegally present in the United States.

The current information and intelligence platforms include both classified and unclassified systems that provide the conduit to share between fusion centers.

The Virginia Fusion Center has also developed relationships and collaborative business processes with numerous federal agencies, including the Department of Homeland Security; the Department of Justice; the Federal Bureau of Investigation; the Department of Immigration and Customs Enforcement; the Department of Alcohol, Tobacco, Firearms and Explosives; the Central Intelligence Agency; the Federal Air Marshals; the Federal Protective Service; the National Geospatial-Intel Agency; the Office of the Director of National Intelligence; the Transportation Security Administration; the U.S. Attorneys' Office; the Drug Enforcement Agency; the Department of State; and the Postal Inspection Service. This cooperation also ensures that the requirements of § 2.2-224.1 are met by the Commonwealth.

To further enhance these federal relationships and to comply with the requirements of § 2.2-224.1, the Federal Bureau of Investigation and the Department of Homeland Security have allocated full-time resources to the Virginia Fusion Center to assist in its all crimes/all hazards mission. To further this federal partnership, the Virginia Department of State Police has allocated personnel to various FBI joint terrorism taskforces, federal gang taskforces, federal drug taskforces and counterfeiting and material support taskforces.

The current public safety information exchange program is built upon the national fusion center network. This program is focused on the intelligence cycle which identifies requirements, develops collection plans, and allows for the processing, collation, analysis, dissemination, and ongoing evaluation of intelligence. This has proven to be a model of excellence as it relates to disseminating information and intelligence, assisting in the prevention of criminal activity and providing decision makers the intelligence to make informed decisions.

The success of the public safety information exchange program depends upon continuing to develop and enhance federal, state, local, tribal, territorial and private sector partnerships. This will involve strategic planning and refining of business processes, as well as information and intelligence sharing platforms that allow for the exchange actionable information.

In order to enhance the current capabilities and ensure the requirements of § 2.2-224.1 are being met, the Virginia State Police Superintendent or his designee will provide the following outreach to law enforcement partners that share a border with Canada and Mexico. This outreach will consist of formal correspondence that will outline the Commonwealth's requirements and strategic planning as it pertains to § 2.2-224.1 and will provide the framework and expectations for all partnering stakeholders. These bordering law enforcement points of contact shall consist of the following:

- State Highway Patrol
- State Bureau of Criminal Investigation
- State Police
- Designated State Fusion Center

In order to demonstrate the effectiveness of this initiative and to ensure that the intent of the legislation is being met, the Virginia State Police Superintendent or his designee shall produce an annual report to the House Committee on Militia, Police and Public Safety and the Senate Committee for Courts of Justice regarding the border state activity. This report shall consist of an annual review of the program; initiatives that have been implemented during the reporting cycle; performance measurements and the identification of resources that will enhance the overall program.

APPENDIX

§ 2.2-224.1. Secretary of Public Safety to establish information exchange program.

A. The Secretary shall establish a public safety information exchange program with those states that share a border with Canada or Mexico and are willing to participate in the exchange. The purpose of the information exchange shall be to share criminal information and, when authorized by the proper authority, intelligence information to address threats posed within the Commonwealth by (i) the organization or operation of criminal enterprises by transnational gangs; (ii) the production, transportation, distribution, or use of illegal drugs, firearms, or explosives; (iii) the activities of international or domestic terror organizations, agents, or sponsors thereof; and (iv) the criminal repercussions that result from the presence in the Commonwealth of persons or organizations illegally present in the United States.

B. The public safety information exchange program shall be administered by the Secretary and other state and local agencies designated by the Secretary.

C. The Secretary shall seek the cooperation of the U.S. Department of Homeland Security, the U.S. Department of Justice, the Federal Bureau of Investigation, the U.S. Immigration and Customs Enforcement, or any such successor agencies, and any other federal intelligence organizations as necessary, in order to facilitate the sharing of state and federal information and intelligence among the states participating in the exchange program.

2. That the Secretary of Public Safety shall report to the House Committee on Militia, Police and Public Safety and the Senate Committee for Courts of Justice no later than October 1, 2011, on a plan for implementing the public safety information exchange program established by this section.