

**Testimony of
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Suspicious Activity Reporting:

**Subcommittee on the Intelligence, Information Sharing and Terrorism Risk
Assessment**

**U.S. House of Representatives
Committee on Homeland security
Honorable Jane Harman, Chairwoman
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Madam chair and members of the committee. Thank you for the opportunity to be here with you, to describe the tremendous progress achieved by local law enforcement toward the integration of counter-terrorism efforts into the day-to-day work by local law enforcement to protect our communities from crime and violence.

The role of local police in counter-terrorism efforts has become more clearly defined over the past eight years. Front-line officers, with their intimate knowledge of their communities and their keen observational skills, have traditionally been thought of as first responders.

That perception changed with the 9/11 terrorist attacks. Policymakers, law enforcement executives and others increasingly called for police to be redefined as “first preventers” of terrorism and the emphasis at the local level shifted from response to prevention. Local police were now considered an integral part of efforts to protect the nation from a variety of threats – including that posed by domestic and international terrorist. Local law enforcement are now considered an integral part of our “national security” effort. In the years following the 9/11 attacks, enhanced collaboration and revolutionary new sharing protocols had been forged with federal partners to increase knowledge, awareness, and information flow. Still, a critical gap existed in the information-sharing cycle.

Tasking local law enforcement with the policing of traditional crime *and* the prevention of terror attacks in their local jurisdictions constituted a dramatic paradigm shift, both for the federal government and for the local and state agencies themselves. If this shift in established thought and practice were to be successful, it would require law enforcement agencies nationwide to adopt universal guidelines for effective communication with federal partners and information-sharing. This was far easier said than done. There was no system in place at any level to facilitate this crucial and necessary exchange.

The Suspicious Activity Reporting (SAR) program was the Los Angeles Police Department’s answer to this problem and now serves as a national model for the American law enforcement community as it is being institutionalized through the Nation-wide SAR Initiative (NSI). The underlying premise of SARs is very simple: A police officer’s observation and reporting of just one of these events could be the vital “nugget” of information needed to focus attention in the right place, or to connect seemingly unrelated dots and predict or prevent a terrorist act. The SAR program takes the emphasis off of the racial or ethnic characteristics of individuals and places it on detecting behaviors *and activities* with potential links to terrorism related criminal activity. Coupled with extensive training this approach ensures that citizens’ civil and privacy rights are protected.

The foundation to the SAR program is built upon behaviors and activities, which have been historically linked to pre-operational planning and preparation for terrorist attacks. They include actions such as: acquiring illicit explosive material; taking measurements or drawing diagrams; abandoning suspicious packages or vehicles; and testing security measures.

This is the first program in the United States to create a national standard for terrorism-related Modus Operandi (MO) codes. By creating and assigning numbers, or codes, to the terrorism-

related behaviors, terrorist activities can be tracked by date, time and location, just as other crimes are currently tracked. With the advent of coding, an agency's records management system has been transformed into a valuable and viable terrorism prevention tool.

When the preliminary information contained on a SAR report is analyzed using these codes, the system can be utilized to map, chart and graph suspicious behaviors, and allows counter-terrorism personnel to run specific queries based on a particular behavior, location, or time frame in order to identify emerging patterns. The eventuality of a nation-wide application of this behavioral coding and uniform reporting and tracking method will provide the revolutionary basis for linking behaviors and indicators and revealing emerging patterns for terrorist throughout the United States. These standardized codes also enable local agencies across the country to share information in a systematic and uniform fashion that enables trends, spikes and patterns to be identified and placed in a national context. The SAR methodology has the potential to revolutionize how American law enforcement reveals the emerging patterns of terrorism-related indicators and behaviors. In addition, these SARs provide police with the capability to search through previously reported suspicious activity and identify important links to behavior that might otherwise be overlooked. This ability to query is crucial to law enforcement's ability to successfully analyze and synthesize information and to produce actionable intelligence towards prevention.

Fusing the SARs-related information with an "all crimes" picture provides decision makers with: the statistical support they need to allocate resources and police officers in a more strategic way; closes gaps in training, investigation, enforcement and protection; and reveals potential patterns that extend beyond the region to the rest of the country and, potentially, overseas. Once information is shared vertically and horizontally throughout the region and nation, activities previously viewed as having happened in isolation can be placed in a national context.

Privacy and Civil Liberties

In the process of creating the SARs program, the Los Angeles Police Department has had the privilege of working closely with privacy and civil liberty groups on both the local and the national initiatives. We have collaborated to create a comprehensive and transparent process that strikes an important balance between the safety of our communities and the proper constitutional protections. The concerns that the Nationwide SAR Initiative will lead to increased police interactions with individuals involved in innocent First Amendment-protected behaviors are diminished with the transparency of the program. Closer evaluation of the SAR process highlights layers of scrutiny which includes vetting, auditing, and the un-founding of SAR reports that do not meet set standards. Training provided to front line and analytic personnel is designed to enable them to distinguish between behaviors associated with criminal activity and those behaviors that are innocent or constitutionally protected. As the SAR process gains momentum, we remain committed to collaboration with advocacy groups for the accurate development and expansion of the Nationwide SAR Initiative.

Role of The Department of Homeland Security

As the National SARs Initiative moves forward, it should be noted that the successful institutionalization of the National SAR Initiative has the potential to significantly enhance the Department of Homeland Security's ability to work with state and local partners to identify and mitigate a range of emerging threats to the homeland. But the DHS Office of Intelligence & Analysis, which serves as the analytic hub for all information and intelligence generated by the DHS work force, currently has no mechanism for gathering and analyzing SARs generated by individual DHS components. It also lacks a mechanism to blend those SARs with others generated by federal, state and local entities.

SARs and the National Landscape

The SARs program is representative of the tremendous strides that local law enforcement has made in the area of counter-terrorism. The SARs program enables police to paint their own rich picture of what is happening "on the ground" in their communities in relation to terrorism, rather than relying solely on their federal partners for information. This goes a long way toward closing what were previously wide gaps in information sharing. The program also makes local law enforcement agencies stronger partners in the national effort to prevent terrorism and other crimes on U.S. soil. It essentially flips the age-old paradigm in which information is pushed from the federal to the local level with very little push the other way. Now local police departments are valuable players in the information-sharing process and are increasingly relied upon to provide their federal partners with an accurate picture of what is happening at the local level.

Fusion centers also stand to benefit from the SARs program. Reports about suspicious activity that contain comprehensive data and are provided by a trained workforce will result in more informed analytical products, valued dissemination and more stringent investigative requirements.

Leveraged properly, the SARs program stands to become one of the essential threads that ensure the seamless information flow that is critical to cooperation on the national and international levels. In order to effectively counter a threat such as terrorism, we must first know where these activities are taking place and with what frequency. Law enforcement must have situational awareness that is enabled by standardized processes with strong civil liberties protections that are shared by most, if not all, across the nation. The time has come for local police to contribute to this process in a significant way. The SARs program is one of the contributions that stands to make that vision a reality.

Madam Chairwoman and members of the Subcommittee, thank you for inviting me to speak today on this important subject. I am happy to answer any questions you may have.