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State anti-terrorism agency avoids strict oversight

Mich. center collects information to fight crime, but critics fear abuse

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The Michigan Intelligence Operations Center for Homeland Security is one of the state's best kept secrets.

The little-known center fights terrorism by investigating suspicious behavior, such as people taking photos and writing notes in public. It then collects a wide variety of personal information and shares it with other law enforcement agencies in crime-fighting efforts.

That information sharing is viewed as essential by the law enforcement community, but it worries civil libertarians.

Similar agencies in other states have searched credit reports, insurance claims, unlisted phone numbers, car rental records and driver's license materials, says a Vanderbilt University professor who is about to publish a book about spying in the United States, "Surveillance in the Time of Insecurity."

"When lots of personal information is changing hands with little oversight, this creates the perfect conditions for privacy invasions," says Torin Monahan, an associate professor of human and organizational development.

Despite its broad powers, the three-year-old facility operates with little oversight. Few state legislators know anything about it. Its advisory board, created three years ago, has never met.

Three of the board's 10 seats weren't filled until earlier this month after The Detroit News questioned state officials about the matter. The board then scheduled its first meeting, to be held March 16.

Several board members declined interview requests while others struggled to remember the center's mission or didn't realize it was operating.

"Boy, I'm trying to remember," says Ingham County Prosecutor Stuart Dunnings. "You got me out of the blue on this one."

A spokeswoman for the Michigan State Police, which runs the center, says there was no rush to convene the board because the facility operates under State Police policies and federal guidelines.

"The MSP has always performed these functions, so this is not new territory for us," spokeswoman Shanon Banner says.

Still, board member Shelli Weisberg, who is legislative director of the American Civil Liberties Union of

Michigan, says oversight is critically needed for such an agency.

Weisberg says she was concerned by the lack of knowledge among legislators and other state officials.

"It's a little odd," she says. "A lot of people don't know and don't seem to understand it."

Center formed after 9/11

The Michigan intelligence center is one of 72 such facilities, which can be found in every state and major metro area.

They were formed after the Sept. 11 terrorist attacks when a commission that studied the tragedy found that law enforcement agencies failed to share information they had collected about the culprits.

The so-called fusion centers were created to improve communication about terrorist threats.

Local, state and federal investigators work side by side and share information over the same databases. They receive tips from citizens and police and investigate them for patterns that suggest whether a person is involved in terrorist activity.

"I look at it as being similar to an emergency operations center that operates 24/7, 365 days a year," says Michigan State Police Detective 1st Lt. Dale Peet, who is commander of the Michigan center.

The Michigan facility, despite its "homeland security" title and partial funding from the Department of Homeland Security, deals much more with crime than terrorism, Peet says.

One of the few terrorist cases it worked was the bungled bombing of a Detroit-bound airliner on Christmas, and that was only after the fact, he says.

After the suspect was arrested, federal officials asked Michigan whether it ever had any dealings with him. It had not.

So far, the center's successes have involved routine cases: a found runaway, an identity theft arrest, a drug seizure and the busting of a pickpocket ring that worked the NCAA Final Four in Detroit last year.

Peet concedes that his group is still finding its sea legs.

"Just like anything new, we're all developing, trying to decide what our mission is," he says. "We're all growing, learning, seeing how we can do our jobs."

Agency shares information

The Michigan fusion center operates from a large room with cubicles at Michigan State Police headquarters in East Lansing.

Funded through the state and a federal grant, it spent \$5 million in the 2009 fiscal year, a spokeswoman says.

The agency declined to say how many people worked there for security reasons, but the Government Accountability Office reported in 2007 that 45 people worked there.

Most staffers are with the state police. Other spots are filled by the FBI, Department of Homeland Security and Michigan National Guard.

The fusion center receives 4,000 requests for information a year from other law enforcement agencies.

Ottawa County Sheriff Gary Rosema says he deals with the center occasionally when his office is working on a major case and wants to share the information with other law enforcement.

"I think there's a real need for information sharing," he says. "The importance of having a repository for information and a mechanism to distribute it back to the field is really critical."

The Office of the Director of National Intelligence, which oversees federal intelligence agencies, describes how fusion centers operate:

Dispatchers receive reports of suspicious behavior from phone calls, an anonymous tip line or law enforcement agencies. Detectives collect more information by interviewing people and searching numerous computer databases maintained by governments and private industry.

The detectives then share what they learned with local and federal law enforcement officials. If it concerns a possible threat against a private entity, like a power plant, the center will share the info with the private institution.

The Michigan center, which also analyzes crime trends, distributes the info through briefings and weekly and special bulletins, according to the GAO review.

Guidelines lacking

Many fusion centers around the country lack adequate supervision, according to two congressional watchdog groups that have studied them.

The GAO and Congressional Research Service found that the hybrid nature of the centers, which combine state and federal officials, blurs the lines of authority. Federal workers are subject to federal rules, while state workers abide by state ones.

As a result, the centers lack clear guidelines for protecting people's privacy while handling personal information about them, say watchdog groups.

"Many of us as citizens aren't educated and informed about them (fusion centers)," says Imad Hamad, regional director of the American-Arab Anti-Discrimination Committee.

The lack of oversight concerns civil rights groups because the centers collect such a variety of information.

And unlike criminal investigations dealing with specific crimes, counterterrorism work is more open-ended and requires a lower level of proof as investigators look into suspicious behavior.

Some people worry that support of unpopular or controversial causes could constitute "suspicious" behavior, says David Carter, a Michigan State University criminal justice professor who studied fusion centers in 2008.

In other states, fusion centers have investigated Islamic lobby groups, pro-life activists and supporters of presidential candidate Ron Paul.

"Criminal intelligence records," Carter wrote in a 2008 report on fusion centers, "warrant special attention because of the low level of proof, i.e. reasonable suspicion, required to enter personal identifying information in the (criminal justice) system."

The Michigan center's Web site contains a video that encourages people to report possible terrorist activity. Entitled "7 Signs of Terrorism," it asks viewers to contact police if they spot such activities as people taking photos, using binoculars or writing notes.

But such a message could lead to law-abiding people being reported for doing something that turns out to be innocuous, civil libertarians argue.

And once the information is shared with other law enforcement agencies or entered into law enforcement databases, it's difficult to remove, they say.

"Most centers operate under extremely broad mandates," says Harley Geiger, staff counsel for the Center for Democracy & Technology, a civil liberties group based in Washington. "There is almost no end to the amount and types of data it can gather."

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