

Ranking of Issues Raised by the over 120 Fusion Centers and Other Agencies

Derived from pre-session survey by DHS I&A in August 2020

Ranked by CLPO Regional Representatives/DHS			
Issue as articulated by respondent (some combined)	Total Votes	High Level	Mid- Level
#40 – “How are agencies handling intelligence for protests/demonstrations? Is any data being retained about individual actors who may be calling for, or encouraging, violence but not having any hard evidence they participated in such violence?”	4	2	2
#57 – “What are some recommended resources/websites with reliable information when it comes to keeping up with privacy laws/regulations?”	3	1	2
#14 – “What is/are a recommended best practice(s) for using social media for situational awareness purposes and planning, while at the same time insuring that analysts do not succumb to mission creep and passively “monitor” online speech of individuals or groups or focus too deeply on the content of their speech? Is there a best practice for retaining or deleting social media information that is no longer needed for situational awareness and planning purposes and was not suitable for entry into an official criminal database? (E.g. sent e-mail containing a group or user’s posts)”	3	3	0
#36 – “With regard to working the unrest, how can we best determine when something meets the threshold of a threat? In addition, if someone makes a statement that is borderline (example statements about death of officers, but not that THEY are going to kill/hurt them), what kind of work-up are we allowed to do (i.e. are we allowed to query databases to conduct threat assessment of person)? After an event concludes, aside from information pertaining to any related criminal activity, what information is an agency allowed to retain, or should everything else be purged?”	3	2	1
#31 – “Since the El Paso and Midland/Odessa shootings last year, there has been pressure to document or report what often amounts to strong rhetoric or philosophical embrace of violent tactics as threats. Beliefs and words that are usually considered Constitutionally protected free speech. Analysts have at times been put in a precarious position because of this pressure. What is the best way to counter or avoid this situation? Other than refresher training.”	2	2	0
#15 – “What social media tools can be used to research protesters who may pose a threat to public safety without violating those protesters privacy, civil rights, and civil liberties?”	2	1	1
#45 – “CFIX has been getting public records requests that seem to emanate from the #BlueLeaks data breach reported by NFCA in its Cyber Alert document on 20 June 2020. Specifically, my question is-- are other fusion centers getting these requests and is there any special handling and/or response guidance available other than our state law (in our case Chapter 119, Florida Statutes) in responding to these requests?”	1	1	0

Ranked by CLPO Regional Representatives/DHS			
Issue as articulated by respondent (some combined)	Total Votes	High Level	Mid- Level
My concern is that many CFIX products are derived from information obtained from many sources or in some instances prepared in conjunction with other fusion centers. Are these products subject to specific restrictions on public dissemination, for example 6 USC § 482 (in particular subsection (e): "...information obtained by a State or local government from a Federal agency under this section shall remain under the control of the Federal agency, and a State or local law authorizing or requiring such a government to disclose information shall not apply to such information.")?"			
#28 – "I am interested in hearing more about the conflicting interests of information/intelligence collection and retention vs. first amendment rights (both federal and state level) and how to balance the two sides. I would like hear about some best practices when running into these issues."	1	1	0
#35 – "How do we best maintain protection of P/CRCL in today's fast paced real-time environment particularly when faced with rapidly changing and expanding technology landscape that no longer involves just PDF bulletins, but new advanced technologies like LPR, facial recognition, and open source analysis technologies?"	1	1	0
#42 – "Are there best practices related to writing about individuals and groups where their ideology and grievances may be hate-based, but have not resulted in any threat or criminal activities during unrest? Several the current movements noted in the US are not groups, though have some ideologic and grievance-based motivations in common and only participate in legal and peaceful activities to promote some or part of the movements causes. A broad-brush approach to the movements in our current environment could result in a violation of Civil Rights and Civil Liberties or may not address the threats related to opportunistic or unaffiliated individuals to plan, incite or participate in violence during constitutionally protected events. What are some best practices related to reporting/writing about these types of activities? As Fusion Centers have a significant role in prevention, how do others manage intelligence information gather by other agencies in their AoR and internally, while ensure protection of Civil Rights and Civil Liberties?"	1	1	0
#16 – "As social media and technology continues to evolve what are some of the issues or concerns that we can expect as it relates to privacy and civil liberties?"	1	1	0
#56 – "Where do we see the future of facial recognition given recent media reports of false positives. How will that reflect on fusion centers? Also, potential implications of defund movements on fusion centers if they are seen as 'intel' collectors."	1	1	0
#1 – "How do we balance P/CRCL issues with public safety demands in the wake of nationwide civil unrest, especially when our law enforcement partners are providing us unverified information concerning potential violence at 1st Amendment-protected activities?"	1	1	0
#7 – "What kind of privacy and civil liberties issues have other agencies encountered when collecting information through open source on individuals participating in civil unrest events?"	1	1	0
#17 – "What is the stance of DHS on tracking public facing social media accounts of individuals previously charged with violent disruptive activity?"	1	0	1
#12 – "How has the Privacy/ Civil Rights issues changed with respect to Civil Unrest and Protest with the criminal activity that has since been demonstrated at these events? Is there an annual product put out by DHS that we can use to conduct retrainers for personnel every year?"	1	0	1
#24 – "What are the implications of, or concerns associated with searching or mining social media (or other open sources) for information, including potential threats, associated with protests or other constitutionally protected activities?"	1	0	1
#53 – "How detailed can intel reporting be on specific named-individuals who claim affiliation and allegiance with known threat groups such as ANTIFA, etc. even though there may not be specific evidence of criminal activity."	1	0	1
#58 – "Does DHS have any formal training and / or guidance that is planned for fusion center personnel? This can be done virtually but is a needed requirement for the Annual Assessment that could be facilitated by DHS."	1	0	1
#21 – "What is the threshold criteria for when a statement becomes a threat, or when a social media post crosses the line and needs to be taken more seriously?"	1	0	1

