

On-line Survey Word Version

Introduction insert

The P/CRCL Subcommittee of the National Fusion Center Association (NFCA) asks for your input into its planning to support the network of fusion center Civil Liberties Privacy Officers (CLPOs) for FY 21 and beyond. More information on the P/CRCL Subcommittee and list of the regional representatives < revised flyer and map>. This survey is available to those who attended the virtual the P/CRCL Session at the 2020 NFCA conference.

Section 1 - Survey Demographic Information and Baseline on Current Training

- 1) Are you an employee of a fusion center or a fusion center host agency? Yes/No
If yes, answer questions 2 – 10.
If no, list your agency and job title <open field> and skip to Section 2 - question 11.
- 2) **State** [pull down menu of states – select one]
- 3) **Fusion Center** [pull down menu of the 82 centers – select one]
- 4) **Select the best description of your fusion center**
Statewide (primary)
Major Urban Area (recognized)
Other
Describe <open field>
- 5) **Your Job title(s)/Role(s) – select as many as apply**
 - Director
 - Deputy/Assistant Director
 - Civil Liberties/Privacy Officer (CLPO)
 - Counsel to fusion center
 - Supervisory/Lead Analyst
 - Analyst
 - Liaison Officer from (identify sector) <open field>
 - Liaison Officer Coordinator
 - Public Affairs Officer
 - Community Liaison
 - Member of fusion center Oversight Board
 - Other <open field>
- 6) **If you selected fusion center Civil Liberties/Privacy Officer (CLPO),**
Not applicable
 - a) **how long have you served as CLPO?**
Not applicable
[pull down menu 1 year increments from under 1 year to over 10 years]
 - b) **What % of your time is devoted to CLPO duties?**
 - Less than 10%
 - 10-24%
 - 25-50%
 - 50-75%
 - Over 75%

- Full-time
- Not applicable

c) Do you review your center's Intel products and bulletins prior to dissemination? [Yes/No]

7) Length of time with fusion center?

[pull down 1 year increments from "less than 1 year" to over 10 years]

8) Fusion Center scope of operations? Select all that apply [pull down menu]

- All crimes/All hazards
- Specialty – describe [open field]

9) In your role as a CLPO/Director/Deputy Director, **which of the following have you reviewed and incorporated** (as relevant) into your center's policies and operations? Download a list with links to these templates and guidance documents

Not applicable

- ISE-SAR Functional Standard, Version 1.5.5, <https://www.dhs.gov/publication/ise-sar-functional-standard> (February 2015)
- DOJ's Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity (December 2014), <http://www.justice.gov/sites/default/files/ag/pages/attachments/2014/12/08/use-of-race-policy.pdf>
- Fusion Center Privacy, Civil Rights, and Civil Liberties Policy Development Template (March 2019), <https://it.ojp.gov/GIST/48/Fusion-Center-Privacy--Civil-Rights--and-Civil-Liberties-Policy-Development-Template--Version-3-0>
- Developing a Policy on the Use of Social Media in Intelligence and Investigative Activities: Guidance and Recommendations (February 2013), https://it.ojp.gov/gist/132/File/Developing%20a%20Policy%20on%20the%20Use%20of%20Social%20Media%20in%20Intelligence%20and%20Investigative%20Activities_compliant.pdf
- License Plate Reader Policy Development Template for Use in Intelligence and Investigative Activities (February 2017), <https://it.ojp.gov/GIST/1197/License-Plate-Reader-Policy-Development-Template-for-Use-in-Intelligence-and-Investigative-Activities>
- Real-Time Open Source Analysis (ROSA) Resource Guide (July 2017), <https://it.ojp.gov/GIST/1200/Real-Time-and-Open-Source-Analysis--ROSA--Resource-Guide>

10) Your center's current training program – Answer if you are aware of the scope of your center's training.

I am not aware of the scope of training at my center. Skip to Section 2 - Question 11.

a) Have staff undergone training on the use of any of the following: (Select N/A if your center does not operate these technologies/systems or use information from these technologies)

- Automated License Plate Reader (ALPR) information [Yes - No - N/A]
- Unmanned Aerial Surveillance Systems [Yes - No - N/A]
- Biometric technology (specify) _____ N/A
- Other (specify): _____

b) Check the topics usually covered in your center's P/CRCL policy training program:

Not applicable

I am unsure.

- ☐ Substance and intent of the provisions of the policy relating to collection, use, analysis, retention, destruction, sharing, and disclosure of information retained by the center.
- ☐ Originating and participating agency responsibilities and obligations under applicable law and policy.
- ☐ How to implement the policy in the day-to-day work of the user, whether a paper or systems user.
- ☐ The potential impact of violations of the agency's P/CRCL policy.
- ☐ Mechanisms for reporting violations of center P/CRCL protection policies and procedures
- ☐ How to identify, report, and respond to a suspected or confirmed breach of PII.
- ☐ The nature and possible penalties for policy violations, including possible transfer, dismissal, criminal liability, and immunity, if any.
- ☐ Updates to the P/CRCL policy, if any, in response to changes in law and implementation experience.
- ☐ ISE core awareness training.

c) **Have you and relevant staff taken 28 CFR Part 23 on an annual basis?** [Yes/No/Unsure]

d) **Have you and relevant staff taken or attended?** Check as many as apply

- ☐ NFCA CLPO Training (December 2020)
- ☐ Online SAR Training for Law Enforcement and Hometown Security Partners,
<https://it.ojp.gov/AT/Resource/185>
- ☐ DHS I&A Analytic Seminar Series – Privacy/Civil Liberties Seminar August 2020
- ☐ First Amendment Online Training,
https://www.ncirc.gov/Training_First_Amendment.aspx

e) **Specify below any training courses** that you or relevant center staff have taken **regarding open source analysis and cyber-related topics** for law enforcement and analytic personnel.

Not Applicable

[open field]

Section 2 – Your Communication Channels

11) Preferred methods for hearing from/sending info to the P/CRCL Subcommittee – Check as many as needed

- ☐ Dedicated *regional* list serve
- ☐ Periodic *regional* conference- or video-conference calls
- ☐ Direct contact from regional representatives
- ☐ Periodic briefing documents
- ☐ Dedicated *national* list serve
- ☐ Periodic *national* conference- or video-conference calls
- ☐ HSIN community of interest
- ☐ Periodic on-line surveys
- ☐ Through agency directors/leadership

12) Tech access/preferences for training and other technical assistance. (Rate each one from 1 “most desirable” – to 3 “least desirable”.)

- ☐ Zoom
- ☐ Microsoft Teams
- ☐ Other video conference platform [open field]
- ☐ Group audio-only calls
- ☐ Individual audio-only calls
- ☐ General webinars – regional
- ☐ General webinars – national
- ☐ Limited or private webinars on specialized topics
- ☐ In-person conference when possible – regional

- In-person conference when possible – national
- On-line resources
- Interactive on-line training
- Other methods [*open field*]

Section 3 – Future Issues and Privacy, Civil Rights, and Civil Liberties (P/CRCL) Training Needs

13) Over the past few years, the national fusion center network and DHS have partnered on two national P/CRCL fusion center conferences that have produced recommendations for strengthening P/CRCL issues and support. Indicate your top priorities for the next year among those recommendations already underway and those still pending.

a) Check your top 3 priorities for development of P/CRCL support from this list of *pending* past recommendations.

- Increase webinar use as means of training
- Increase on-line P/CRCL resources for fusion centers
- Assist fusion centers with community engagement/outreach
- Provide national/federal support on privacy and civil liberties impact assessments (PIAs and CLIAs)
- Provide national/federal support for the fusion center P/CRCL policy audit process
- Public safety and groups - SLTT guidance on what and when to monitor for public safety impacts
- Incorporate more on emerging technologies sessions into P/CRCL Training

b) Check your top 3 immediate priorities for development of P/CRCL support from this list of past recommendations that are *currently being implemented*.

- Enhance skills/knowledge by producing and disseminating job aids such as (1) 10 Key Functions - P/CRCL Officer roles/skills/recommended training and (2) Checklist - Review of analytic products
- Provide regular and timely Training of Trainers for Civil Liberties/Privacy Officers (CLPOs)
- Provide and coordinate federal/NFCA support for fusion center in-house legal counsel
- Coordinate between DHS CRCL/PRIV and NFCA on integrating information and support for fusion centers
- Connect groups of Civil Liberties/Privacy Officers (CLPOs) to periodically convene by state/region/issue
- Proceed with DHS CRCL/PRIV national training support and technical assistance program

13) Select the top 3 issues with P/CRCL implications you wished to see addressed via *training or technical assistance support* in the next year. (The following list was submitted from the fusion center network and law enforcement agencies.)

- The challenges of determining “true threat” in the context of civil unrest and on social media
- Assessments of when to monitor/report on speech with political import
- How to best address threats related to opportunistic or unaffiliated individuals planning or participating in violence during constitutionally protected events.
- Supporting pandemic-related restrictions and monitoring
- General P/CRCL considerations of assembly and liberty of movement in a pandemic
- P/CRCL considerations in data retention and sharing on minors
- Models for appropriate fusion center outreach and communication with local communities
- Supporting/training liaison officer networks – clearinghouse of materials/training
- General best practices on use of open source social media tools

- Best practices or lessons learned on using social media for situational awareness purposes and planning
- Best practices for retaining or deleting social media information not suitable for entry into an official criminal database.
- General P/CRCL implications of searching or mining social media (or other open sources) associated with protests or other constitutionally protected activities
- Management issue - How to counter or avoid pressure on fusion centers to document or report on strong rhetoric or philosophical embrace of violent tactics?
- Managing public records requests - best practices when dealing with derived or joint products
- Managing public records act requests across differing AORs and state lines
- P/CRCL red flags with emerging technologies and associated data collection and retention
- P/CRCL best practices and lessons learned on use of data from advanced technologies like LPR, facial recognition, and open source analysis technologies
- Future of fusion center facial recognition use/data - dealing with data quality issues like false positives.

14) What are the top issues with P/CRCL implications that you see for the next year?

[open field]

15) Please identify any projects/issues/ on which you would like to see the P/CRCL Subcommittee work over the next year that were not identified previously

[open field]