

Transcript of Testimony by Captain Michael Corwin, KC Police Department

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Missouri House Interim Committee on State Intelligence Analysis Oversight
Public Hearing on the MIAC Report (Missouri Information Analysis Center)
Grandview Community Center, Grandview, MO, Monday, August 31, 2009

(Numbers indicate minute markers; recording begins about 15 seconds into testimony)

00:00...don't think for a minute that law enforcement is the only group engaging in intelligence gathering activities would be foolish.

00:06 As technology continues to evolve, so does the capabilities of criminals from petty crimes to terrorism.

00:14 It is incumbent upon law enforcement agencies at all levels to stay abreast of the latest technologies and share information in order to provide the basic services of services of protecting life and property.

00:25 The era of intelligence-led policing is upon us, particularly with the current economic climate in the United States where everyone, including law enforcement agencies, is being asked to do more with less.

00:37 Community policing and problem solving continue to be tools used to fight crimes.

00:42 But without timely, accurate information, analysis and information sharing, we undoubtedly will see a rise in crime and probably the more heinous acts of terrorism.

00:55 Um, that's what I had prepared. I want to thank the Chair for recognizing that some of the statements that have been made today didn't accurately reflect the report that was written by the MIAC.

1:07 There is one thing that I really want to bring to your attention, and you probably already know it, and I don't know if the audience knows it, is the word terrorist was not used once in that report.

1:18 And today, we have heard several times that several groups are being called terrorists.

1:25 That's not an accurate rendition of what occurred in that report, as I read it, unless someone knows something that I haven't seen, that but I double checked before I came .

1:34 Also, I heard where the Fusion Center Guidelines were government mandates.

1:39 They're not government mandates.

1:41 The state of Missouri decided to start the MIAC, just like the Kansas City regional area decided we wanted to start a Kansas City Terrorist Early Warning group.

1:57 Uhm, I kinda like to state, like I'm hearing that we're not wanting the federal government to tell us what to do, on the same thing, on our side of the state we don't want the state telling us what to do either.

2:03 We started this KCTEW; the federal government didn't tell us to do it.

2:06 Uh, there is some federal money that's involved, but it's not a separate funding stream that's been designed yet for fusion centers.

2:14 Fusion Center funding has come from many different streams, and some of it has been federal.

2:19 Uh, but it comes from a lot of different ways, such as the Urban Area Security Initiative Grant, it's where we get most of our funding, but it's not a mandate by the federal government to do any of that.

2:29 Uhm, the Guidelines are not mandatory in any sense.

2:34 They're guidelines, that's why they're called guidelines.

2:36 The fusion centers are not the federal government.

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2:43 There are people within some fusion centers, not within the KCTEW.

2:59 There is an analyst that they provided to help with the workload that the MIAC has, from DHS, but they haven't assigned anyone to run the fusion center nor is anyone in the lead, in any type of lead role in the MIAC, to my knowledge.

3:02 Uh, earlier someone spoke about subsectors – and they're referring to critical infrastructures and key resources, 18 different areas, we're talking education, banking, finance and those kind of things.

3:15 What critical infrastructure and key resources is the catalogue of information in trying to reduce or buy down our risk in our state or in our region.

3:25 And we are encouraged to go out and learn what is critical to the operation of our region, our state, and federally, nationally, in order to try to buy down the risk to those facilities.

3:38 Uh, it's not mandated that we do any of those things; it's not mandated that we find out about every daycare, or anything like that.

3:45 It's merely a recommendation that we try to get a handle on what's important to our region and find out how we protect that.

3:54 Uh, there is two-way information sharing that is going on now.

4:00 And quite honestly, when I first became a cop, and I've been a cop for 25 years, we pushed stuff up to the federal government and you never saw it, it never came back, okay?

4:07 And that's just the way it was, and that was kinda accepted for years, it was kind of a black hole of information, and over the years, the last couple of years, it's improved greatly.

4:16 Part of it's through building relationships, just as you build relationships amongst your constituents and sharing information and, and building that trust.

4:26 Some of that occurs as well, some of that trust has to occur in order to get things done.

4:33 Suspicious activity reporting was mentioned as well.

4:36 There is a national initiative, but it has been taken on by locals and state governments, to share information and the stovepipe that was spoken of, that's the black hole, the lady said stovepipe, but I said it's a black hole, it's not anywhere there, it's just gone, but across the horizontal plane, versus the vertical plane, information is starting to come about.

5:00 The National Suspicious Reporting Initiative is having locals and state governments maintain, to gather and maintain their own information and give them the ability to share it across boundaries, state boundaries, in order to try to put, uh, do analysis, to see if we have similar patterns that are occurring.

5:26 For instance, maybe we have an issue with a white van that's going up to water treatment facilities, and it might be suspicious, and looking, you know, suspicious looking, and doing something we may not want to happen to those, we can research that database and look across the country to see if there is a white van that is going to water treatment facilities.

5:45 (Dixon) Just to clarify, you're not talking about the white cargo van I drove up here in from Springfield, right?

5:50 Well, let me see...

5:54 (Dixon) I've got my name on the bumper.

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5:57 Exactly, exactly.

5:57 (Dixon) I'm sorry, go ahead.

5:59 That's fine, that's funny.

6:00 But it's really about being able to look at those things that are going on seeing if we have a pattern of activity that's occurring because that's what you do in crime analysis.

6:09 You look for patterns of activity that are occurring and you try to determine if there is something really going on; is a reasonable person likely to believe that a crime is about to be committed.

6:20 And that's what you're, what we're trying to do with that.

6:25 I want to emphasize that at this point, and this, it is a fact that the federal government is not in control of the fusion centers, they're not. They're guidelines.

6:36 And when you read those guidelines, and I've read every word a couple of times from each one of those directives that's come out.

6:43 They don't control them; we started them; we have, we can flip the switch at any moment on those, on those fusion centers if we choose to do so.

6:51 I think it would be a travesty to do that because things are starting to get in line.

6:55 It takes a long time to change a culture of an organization or a nation, to get things going.

7:01 And we're headed in the right direction, in my opinion.

7:05 We're going to take road bumps and there's going to be speed bumps and all that kind of things.

7:10 I think we learned an important lesson with the MIAC report, and to me, that important lesson is this, every report should be written as though it's going to be on USA Today.

7:23 So that way when everyone picks up that report they understand the intent of the report.

7:30 The report was written for law enforcement only and in a law enforcement only tone, therefore, the intent was not understood by those who are speaking to the report now.

7:42 But those involved in the intelligence community as I am, I understood perfectly what that report meant, and it did not mean to point out any of those individuals it was simply providing open source information that was available out there and the thoughts that were out there.

8:00 That's my testimony and I'm sure there'll be questions.

8:06 (Chair Dixon) I have one for you; you mentioned the term buying down risks...

8:10 Yes...

8:11 (Chair Dixon) Can you elaborate on, I think I know where you're going with that, but could you kind of put that in layman's terms for us?

8:15 Absolutely. Buying down risk is basically looking at facilities or a regional area and determining what activities or things we can buy or things we can do to reduce the risk to those areas or to those facilities.

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8:34 For example, a water treatment facility who doesn't have fencing around the facility, you can buy down some of your risk by putting fence up. Cameras and different things like that.

8:52 (Chair Dixon) Questions for this witness?

8:55 (Rep. Guest) You said some things here on your resume at the beginning, are you part of various organizations, lot of them that had the word terrorist or terrorism in it?

9:08 Ah, yes, uh, one of them did.

9:12 (Rep. Guest) You think Kansas City is subject to terrorism?

9:15 Yes, I can't go into detail, but there are activities throughout the United States related to terrorism.

9:27 (Rep. Guest) You talked about on the MIAC report that there are, gave you guidelines on groups and organizations to watch. We've had some End the Fed rallies here in Kansas City, do you monitor those?

9:40 No, we do not.

9:42(Rep. Guest) You don't consider those a threat, those individuals there?

9:44 No, no, we certainly do not. It has to be based on criminal predicate. There may be one individual that may be up there that we may be watching, for whatever reason, but the group as a whole, absolutely not.

9:56 One thing we monitor, unless we have some reason to believe that criminal activity is afoot, is we make sure the peace is maintain, and my unit doesn't even get involved in that, that is handled by district officers.

10:09 (Rep. Guest) Okay, thank you.

10:13 (Chair Dixon) The gentleman from Franklin County again

10:17 (Rep. from Franklin County) My question, surprise, surprise, is back to the federal government telling us what...(unknown). I glad you brought up I think a great point, about, you know, when different people read maybe the same document, you know, we read through a different set of lenses, and you know, inside baseball terminology, and all that kind of stuff. You know, in the legislature, when we hear, when we hear the term federal mandate, okay, we understand that, if we even remotely pay attention to the 10th amendment, there are so many things the federal government cannot mandate to us, okay. But what they can do is they can attach funding...

10:56 Yes...

10:57 mandates to their ...you know what I'm saying? So, so what I'm wondering is, when you tell us that there's no federal mandates here, if we were to completely thumb our nose at all the guidelines that they've set forth, it would be my guess, and this is just a guess, that we would probably lose funding. Am I wrong about that?

11:20 Actually, I've had those conversations many times. There's other programs that I work with, too, because I feel strongly about the kind of involvement, in, in, and I think what's better for the federal government isn't good for the state and is initially good for our region.

11:34 And in this situation with the KCTEW, we're not mandated and there's no purse strings held to that.

11:42 Okay. And understand, my, my questioning never called you or your testimony into question. I'm sick and tired of the federal government, frankly.

11:54 Right.

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11:57 (Rep. from Franklin County) Uhm, so, I think a better example, back toward the eastern side of the state, you may have it here in Kansas City, we have this emissions testings programs for vehicles, and of course, the federal government can't mandate that we do that, but there's gazillions of dollars in highway funds that are attached to that, that if we don't do that we lose all kinds of funding, and you put that kind of funding in front my colleagues here and them tell that we could lose it, it will just never go away. Maybe I'm just hearing black helicopters here, but I fear that door could be opened that perhaps right now we can say with full truth that absolutely there are no mandates by the federal government, there's no purse strings attached, there's no strings attached to funding, etc. etc., and two years from now, five years from now, we continue to run these programs, at the trough of the federal dollars, federal government all the while getting us more and more accustomed to operating their programs with their dollars and then they say, you know. Your guess is as good as mine. I guess I'm just sharing the fear with you, if 10 years ago – if someone had shared some these kinds of fears with me I'd of said – no, don't worry about that, okay. 5 years ago if somebody shared those fears with me I would have said – naw, probably not. 5 months ago when people shared those kinds of fears with me – I'd say I feel the same way. And so I'm just concerned with how much, if any, we're opening the door to there being more and more federal involvement with the ways these things are run and the way they like to accomplish that is with their dollars which we get used to using.

13:58 You know, I don't say I disagree with you, that that door is always possibly going to be open. It's just there. Right now I can say with 100% confidence that there's no mandates.

14:08 Uh, one of the things that also I've worked with in the Critical Infrastructure Protection is, the federal government has a program called ACAMS* and I can never remember what the acronym stands for.

14:19 But it's basically Critical Infrastructure Protection and scattering information

14:24 With the Kansas City region we've had some type of system for several years and now we what's called the Asset Protection Response System.

14:33 Very similar, what we're talking about the 18 sectors in CIKR that's in the fusion center guidelines.

14:40 But the main point of this is is that we've got our own system.

14:45 And so I had that conversation with the folks from ACAMS* and said, hey, you know, this is here, you guys can use the tool, if I don't use it, is there any, am I, are we going to lose something for not using this tool?

14:56 And I mean, I had that very same fear

14:59 And we've asked them over and over again because our system is much better.

15:04 It actually allows first responders, it's the only one that's been developed by a region or by er, local government or regional governments to provide first responders with the response, information to respond to emergencies, all hazards, all the way through

15:24 Uh, the ACAMS* tool doesn't allow you to do that and we've already got ours.

15:28 Now, we're going to partner with them in some respects, to give them some information so they can have some national awareness of critical infrastructure.

15:36 But it's not mandated. So I, I absolutely share your same fears.

15:40 But on one end, what's the worse of the two, you know, do we not share information nationally, and try to get information out and keep things from happening that are bad for our citizens, or do we pull back to the sate of Missouri, and think we're a silo of our own out of 50 states.

(unclear.)

16:02 Yes, it is.

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16:04 The gentleman from St. Charles.

16:11 (Rep. from St. Charles) I'll be brief. You used the term "we" quick a bit, "we" pull the switch, "we" don't take orders, or "we" don't have direct actions impugned on us by the federal government, at one point you also said "we don't really want the state telling us what to do either." So as a public servant, like yourself, who should you be taking your instructions from?

16:35 From the folks that we serve within our City.

16:39 (Rep. from St. Charles) Well, in regards to the structure of MIAC

16:42 Well, the structure of MIAC is a separate entity, sir.

16:46 Rep. from St. Charles) Oh, I thought you were....

16:47 I'm not a part of the MIAC. Uh, we sit on the advisory board.

16:51 (Rep. from St. Charles) Right. Oh, I thought you were speaking in your capacity of being involved with MIAC and, and this...

16:56 No, no...

16:58 Rep. from St. Charles) These hearings are all based on what we do or do not perceive is the problems with MIAC, so... Well then, just let me pose that as a question, who should have oversight over the MIAC? Where's the checks and balance?

17:10 The state. The state created the MIAC. The state government did. And so legislators should have some type of oversight on it. But I, but I, one thing I caution is, is that we don't knee jerk and take too much away. That's typically what happens whenever something gets, like this, gets out.

17:31 And I think if most of us sit down and look at what occurred with this report, we wouldn't, and you get it, with the full context of the report, and you look at it from a law enforcement lens, and the way it was intended, that the report was appropriate.

17:47 However, it did get out, it wasn't written in a form that was, could be understood by the lay person and therefore, now we have this problem. So let's fix the problem and not knee jerk as to what the (unclear).

18:01 (Rep. from St. Charles) Alright, I guess I just don't agree with you in that analysis. I realize the word terrorist was not in the report, at least not the report that I read. But the report was predicated on the effort to go after potential threats to terrorism. So whether or not the word 'terrorist' is in the report, since the responsibility and the goal is to go after threats foreign or domestic, when you start creating this profile of whose the person that should pop up in this database at MIAC, what you're creating is a profile of a potential terrorist. So whether or not the term terrorist is in the report, I don't fault anyone for building that word into their level of concern. So, but I do agree with you that there should be some level of oversight from the state, which, I think, right now from my understanding, doesn't exist. Thank you.

19:08 (Rep.) Now from what they were originally set up for, they've morphed into... (more later.)

Acronyms:

ACAMS – C/ACAMS: Constellation/Automated Critical Asset Management Systems,

http://www.dhs.gov/files/programs/gc_1190729724456.shtm

CIKR – Critical Infrastructure and Key Resources program

http://www.dhs.gov/files/programs/editorial_0827.shtm

KCTEW – Kansas City Terrorist Early Warning group

<http://www.kctew.org/>

MIAC – Missouri Information Analysis Center (a fusion center)

<http://www.miacx.org/default.aspx?AspxAutoDetectCookieSupport=1>