Guideline 3

Create a representative governance structure that includes law enforcement, public safety, and the private sector.

Governance

Justification

Governance may be defined as "the set of organizational regulations and standards exercised by management to provide strategic direction and ensure objectives are achieved, risks are managed appropriately, and resources are used responsibly."[33] Establishing a governance structure creates a supported environment that frames the ability for the center to function and operate, assign tasks, allocate and manage resources, and develop and enforce policy. Governance creates a centralized body to review and endorse issues affecting operations. Members acting as the governance body are ambassadors to the program and carry the message to their agencies and constituents. Governance provides a forum for participants to voice concerns, offer suggestions, and make decisions. It enhances relationships, increases effectiveness, and provides leadership and cohesiveness among participants.

The governance structure ensures an equal opportunity for all participating agencies and users to have ownership in the decision-making process. The governing body should be inclusive to law enforcement, public safety, and private sector partners, thereby ensuring the effectiveness of the fusion center. This can be achieved through assessing the jurisdiction to determine what components, and entities within the components, should be included in the fusion center and governance body. Through the governance structure, agencies can strategically plan for center operations and future enhancements, as well as identify obstacles and offer resolutions.

Issues for Consideration

When creating a governance structure, consider:

- Allowing participants to have input in the establishment of a governance structure composed of law enforcement, public safety, and private sector stakeholders.
- Collaborating with the Joint Terrorism Task Force (JTTF), the Attorney General's Anti-Terrorism Advisory Council (ATAC), the U.S. Department of Justice (DOJ), the U.S. Department of Homeland Security (DHS), and other state entities, local authorities, and relevant entities to establish process.
- Composing the governing body of high-level officials who have the power and authority to commit their respective agency's resources and personnel to the center.
- Identifying private sector organizations in the jurisdiction to include in the governance body.
- Establishing an advisory committee composed of private sector leadership, who will provide representation and advice to the governing body.
- Including members from the Information Sharing and Analysis Centers (ISAC).[34]
- Defining the management structure to include what entity oversees the centers, manages the operations, and coordinates daily activities.
- Maintaining a governance structure that is reasonable in size yet ensures representation of all agencies that comprise the center.
- Creating an effective and timely mechanism to communicate decisions made by the governing body to participants and center personnel.
- Evaluating how political issues and climate may impact center support and operations.
- Establishing operational and technical committees.
- Establishing an oversight committee to ensure, among other things, that the intelligence process is properly followed.
- Establishing a privacy committee that will liaise with community privacy advocacy groups to ensure civil rights and privacy protection.
- Developing bylaws for operations of the governance structure.

33 Office of Justice Programs (OJP) Web site, www.it.ojp.gov.

34 ISACs are sector-specific centers that coordinate the sharing of terrorism-related information. More information on ISACs can be found at www.dhs.gov.

Committees

Governing bodies may employ committees to help execute and adhere to center policies and procedures, as well as to identify, review, develop, and/or implement new programs or policies. Executive committees set policy, make critical decisions, and commit resources. Operational committees may be asked to focus on specific policies, such as purge and retention or privacy (see Guideline 8). These types of committees may be asked to develop funding strategies or identify grant opportunities. Technical committees will focus on technical standards, critical infrastructure operation, and security. Under these committees, subcommittees may be used to conduct detailed research and analysis, ultimately to bring recommendations to the governing body for review and endorsement.[35]

To aid in the complete integration of the private sector into the governing body, it is recommended that an advisory committee be established. This committee, composed of private sector organizations and associations, will ensure that critical private sector entities, as well as private security managers, are represented both in the fusion center and in the governance structure.

Fusion centers should consider establishing an oversight committee that reports directly to the governance body. This committee will be responsible for providing oversight on the day-to-day operations of the fusion center, including proper utilization of the intelligence and fusion processes.

Example Governance Structures

Rockland County Intelligence Center (RCIC)

The county executive, sheriff, Office of Fire and Emergency Services, and the Police Chiefs Association of Rockland County are permanent members of the governance body for the Rockland County Emergency Operations Center (EOC). In the event of an emergency, the center, operating within the parameters of the National Incident Management System (NIMS), requests additional personnel (health, public utilities, and private security) to respond to the center, as needed. These personnel have been previously identified and trained as center representatives and are utilized based on the type of emergency, e.g., public health, terrorism, or weather-related.

The RCIC Oversight Committee is comprised of police chiefs chosen by the Rockland County Police Chiefs Association (local representatives), the county sheriff, and district attorney (county representatives).

All agencies represented in both the EOC and the RCIC meet on a regular basis to discuss areas of concern and work collectively to enhance the effectiveness of law enforcement and the county's emergency preparedness initiatives.

Iowa Law Enforcement Intelligence Network (LEIN)

Iowa LEIN is governed by a seven-member executive board, six of whom are local law enforcement officers who are elected annually by their fellow LEIN members from across the state. The seventh member and chairperson of the executive board is the state LEIN coordinator (a special agent with the Iowa Department of Public Safety's Intelligence Bureau).

State Terrorism Threat Assessment Center (STTAC)—California

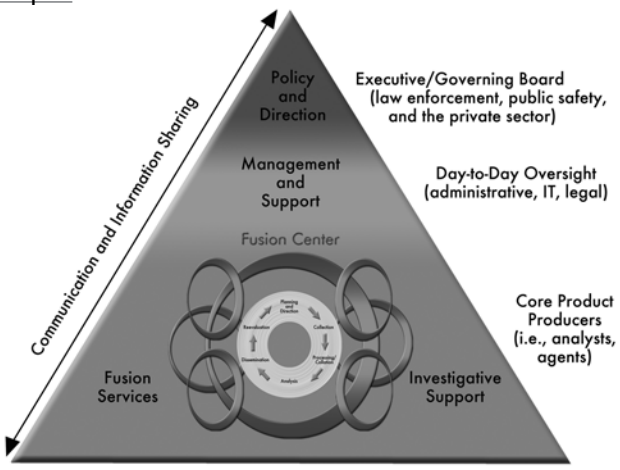
The State Terrorism Threat Assessment Center (STTAC) is a partnership of the California Department of Justice, the California Highway Patrol, the California Office of Homeland Security, and other state and federal agencies. It provides statewide assessments, information tracking, pattern-analysis products, and geographic report linkages, as well as regional investigative support throughout the state. It also provides California's senior leaders with situational awareness of identified threats along with constant access to the latest local, state, and national intelligence products.

To complement the STTAC, California has created four mutually supporting Regional Terrorism Threat Assessment Centers (RTTAC). Their areas of responsibility mirror those of the four Federal Bureau of Investigation (FBI) Field Offices in the state. In some cases, they are colocated with the FBI's Joint Terrorism Task Forces to help minimize reporting conflicts, while facilitating the coordination of information among the STTAC, RTTACs, and the FBI.

Governance Template

The following example offers centers a starting point for developing a governance structure. Figure 3 illustrates a three-tiered approach. The bottom level represents staff members assigned to perform the fusion/intelligence process and provide investigative support. These members may come from a variety of agencies and represent the core of center operations. Here, data integration and analysis will take place. Personnel may include intelligence analysts and officers. The middle section represents the day-to-day management of the center. It also includes administrative staff, such as computer support staff and

Figure 3—Fusion Center Governance Structure Example



35 Kelly J. Harris, *Governance Structures, Roles and Responsibilities*, September 2000 (Updated/Reissued 2004).

legal services. In some cases, this section may include a facility manager. The top section represents policy and direction. This section is smaller, indicating a select group of individuals from each participating entity who have been designated as part of the governing structure or board. The illustration shows information flowing top down and bottom up.

Developing Bylaws

According to *The Legal Guide for Association Board Members*, *bylaws* are defined as "an important association corporate legal document that constitutes the agreement between the association and its members. Properly drafted bylaws set forth the essential organizational and operational provisions governing the association."[36] Bylaws are just one example of a governing mechanism that a center may utilize to enforce organizational rules. A bylaws sample document is provided on the resource CD.

Parliamentary Procedures

The governance board may want to make use of parliamentary procedures to create an effective governing process. Procedures such as *Robert's Rules of Order* can be very helpful in introducing, debating, and deciding on issues. There are a number of Web sites, such as www.rulesonline.com, that contain the full text and/or summary information regarding *Robert's Rules of Order* and parliamentary procedures.

Available Resources on Fusion Center CD

- Bylaws Sample Template
- Board Guidelines, www.mapnp.org/library/boards/boards.htm
- Global Justice Information Sharing Initiative Advisory Committee Bylaws, http://it.ojp.gov/documents/GACBylaws.pdf
- Parliamentary Procedures, www.rulesonline.com

36 James G. Seely, *The Legal Guide for Association Board Members*, Schneider, 1995, p. 71.