

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

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Fusion Centers Pose "Serious Risks" to Civil Liberties, New TCP Report Shows

*Watchdog Group Recommends Policy Changes to
Safeguard Rights & Increase Transparency*

WASHINGTON, D.C. -- The information-sharing hubs for local, state and federal law enforcement organizations called "fusion centers" need to develop rules and practices to better protect fundamental civil liberties, a bipartisan constitutional watchdog group said in a [report released](#) today.

Developed by a panel of 21 policy experts, former high-ranking government officials (including some from the intelligence and law enforcement communities) and legal scholars from across the political spectrum, The Constitution Project's (TCP) report offers more than two dozen specific recommendations for enhancing constitutional safeguards, limiting data collection and retention, and for increasing transparency and accountability for fusion centers.

Among those endorsing the report and its recommendations are: former undersecretary of the Department of Homeland Security, Asa Hutchinson; former director of the FBI, William S. Sessions; former high-ranking intelligence officials, Mary McCarthy and Paul Pillar; and former GOP congressmen, Bob Barr and Mickey Edwards. All 21 experts are members of TCP's Liberty and Security Committee, co-chaired by Georgetown University law professor and leading civil liberties litigator David Cole and David Keene, the former chair of the American Conservative Union.

TCP's report notes that, while fusion centers can play an important role in addressing terrorist and other criminal threats, without adequate safeguards they pose serious risks to the right to individual privacy, freedom of speech, freedom of religion and freedom of assembly.

"All Americans should be concerned that the centers lack strict rules governing how they collect, compile and disseminate information, so we cannot be certain that they operate without infringing on civil liberties and basic constitutional values," said Virginia Sloan, president of The Constitution Project. "With the number of centers growing and their roles continually expanding over the last decade, we must take a closer look at their roles and effectiveness and increase their transparency," she said.

Fusion centers are designed to pool the knowledge of local and state law enforcement, federal government agencies and, in some instances, private sector entities in order to coordinate efforts to combat crime and terrorism. Initially designed to improve information-sharing among law enforcement and intelligence agencies as a means of preventing and combating terrorism, many fusion centers later took on an "all-crimes approach" incorporating information and intelligence about a multitude of crimes, and some have begun collecting and analyzing private non-criminal information such as financial transactions like credit card purchases and even health records.

"The mountains of data they collect, and the secret environment in which they operate, raise real concerns that fusion centers are amassing and sharing files -- perhaps containing sensitive personal information or covering constitutionally protected activities -- on people in the United States without their knowledge and without proper justification," Sloan said.

There are now 77 active fusion centers across the United States. Although they are not federal agencies and do not have formal federal legal status, the Department of Homeland Security has invested hundreds of millions of dollars in their operation.

TCP's report points out that the interconnected nature of the fusion center network means that even those centers with the best civil liberties practices can inadvertently perpetuate problems that arise in other fusion centers or law enforcement agencies, and inaccurate information can be widely distributed across multiple government and private databases. Moreover, the report notes that links between centers could permit law enforcement officials to evade the privacy and domestic surveillance restrictions in their own states by accessing information developed by fusion centers in less restrictive jurisdictions.

Sloan said most of these reforms can be implemented administratively by the law enforcement and intelligence agencies involved in the fusion centers, but some would require legislative action at the state or possibly federal level. She said TCP would work with fusion centers and with state and federal lawmakers to enact the reforms, and would educate Americans about the risks to their rights and liberties.

The report, including a full list of signatories, is available on [TCP's website](#).

[About The Constitution Project](#)

Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project (TCP) brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time. TCP seeks to reform the nation's broken criminal justice system and to strengthen the rule of law through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.



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