

## Rich Neumeister Testimony

Chair Latz, Senator Limmer, and to members of the Judiciary and Public Safety Committee,

The Minnesota Fusion Center was organized 18 years ago with Homeland Security grants from the Federal Government. Millions of dollars had come to Minnesota, to set up a fusion center called MNJAC (Minnesota Joint Analysis Center). The fusion center in Minnesota became operational in 2005 without any legislative authorization or oversight. That still continues in my judgement today, with no robust legislative oversight.

Part of MNJAC now the Minnesota Fusion Center (MNFC) responsibilities is to develop a process for doing "suspicious activity reports" (SARS) to be shared with Federal agencies and Minnesota state/local law enforcement entities. MNJAC has been involved in training law enforcement personnel throughout the state in how to do these reports.

A "suspicious activity report" as defined by MNFC, ("MNFC Suspicious Activity Report/Tips and Leads" or "MNFC SAR") means---any reported behavior or activity that may result in the reasonable suspicion that a crime has occurred, could occur or is being planned." Local and state law enforcement throughout Minnesota have implemented SARS.

It's important SARS not be used for reporting activities that are non-criminal activity, that compromises First Amendment Rights, encourage racial profiling, and trade off our civil liberties.

This is not just for the activities of suspicious activity reports, but with many of MNFC activities which range from analysis and to monitoring/surveillance of activities.

SARS experience in Minnesota in the past has raised questions about how we are implementing the program.

The Mall of America and the use of SARs brought attention to how a local police department reporting to the MNFC brought to public attention in 2011 how suspicious activity reports can be used. The story done by NPR/

CIR found out that many people were stopped and inquired as part of the SARS process:

<https://www.npr.org/2011/09/07/140234451/under-suspicion-at-the-mall-of-america>

I sat on the MNFC (MNJAC) Privacy group from 2009 to 2011. We helped develop the rules and protocols for their data policy. There was an independent audit, back then of SARS. Approximately 10% of the cases reviewed were questionable as not meeting the threshold of reason suspicion. The sampling of the cases was small.

After 2011, the privacy group withered away because there was no interest by the agency to continue it.

Secrecy is the general frame of mind with Minnesota Fusion Center activities. Independent journalists such as Tony Webster, Sam Richards, and endeavors by me with data requests have pierced aspects of the secrecy wall.

Fusion Centers are the focus of attention from all political persuasions and viewpoints across the country because of violations of people's rights. In Minnesota, a recent example of MNFC activities, the Minnesota Fusion Center was a subject of a MIT Technology Review story that has gotten wide attention about a surveillance initiative geared towards journalists and civil rights activists:

<https://www.technologyreview.com/2022/03/03/1046676/police-surveillance-minnesota-george-floyd/>

An annual report to the Minnesota Legislature and public on the Bureau's Fusion Center independent auditing, specific to their case files, and policy, summary data and general information about their activities is the function of SF 186. This would include for example, the number of case files and suspicious activity reports, i.e.

Meaningful transparency and accountability is not there for the public or the policy makers in my view. The public and legislators cannot assess

currently how the Criminal Information and Operations/Fusion Center has functioned and may have compromised Minnesotans' privacy and liberty. Will we be able to do so in the future? Unless the Minnesota Legislature builds in hearty accountable and transparency standards in law, the veil of secrecy will continue.

SF 186 is the beginning towards that goal of meaningful transparency and accountability.