

Study: Violations of privacy rights by fusion centers are the exception, not the rule

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Concerns that law enforcement fusion centers are violating individuals' privacy rights as they gather intelligence on terrorism, criminals and other threats to public safety are the exception and certainly not the rule, according to a study published in the *Journal of Police and Criminal Psychology*.

The paper, "Law Enforcement Fusion Centers: Cultivating an Information Sharing Environment while Safeguarding Privacy," authored by Jeremy Carter, an assistant professor in the School of Public and Environmental Affairs at Indiana University-Purdue University Indianapolis, addresses the privacy-rights issue, among others.

The national network of fusion centers in the U.S., currently numbering 78, was created in response to the terrorist attacks of Sept. 11, 2001. In the wake of the attacks, the need for greater [information](#)-sharing and increased intelligence capabilities across various [law enforcement](#) levels and locales became widely apparent.

The idea was to try to have the necessary pieces of information funneled to a fusion center so analysts could stay abreast of potential threats and then relay that information back to law enforcement to mitigate the threat, Carter said.

The fusion centers were designed to enhance information-sharing among [law enforcement agencies](#), public agencies and private organizations by acting as hubs for information and intelligence on terrorist, criminal and

other [public safety](#) threats.

Given the large quantities of information being collected, coupled with an emphasis on terrorism and multijurisdictional partnerships, concerns about privacy and civil rights have surfaced to question the legitimacy of fusion center operations, Carter said.

Some people are concerned that fusion centers are "Big Brother watching us" and that information is being gathered about people regardless of whether they've done anything wrong, he said.

Another concern stems from non-law enforcement organizations that participate in fusion centers, including private businesses, Carter said: "That raises questions about what those organizations can do with an individual's information versus what law enforcement can do."

"There are concerns about who has access to what, and what they are using it for," he said.

Based on a survey of fusion center personnel and three in-depth case studies, however, the study found that fusion centers are taking steps to safeguard the privacy rights of individuals.

To begin with, according to Carter, fusion centers are not gathering reams of data about people and holding onto it.

"Fusion centers are following the federal regulatory code, 28 CFR Part 23, that is the legal standard for collecting information," he said. "That code says you have to establish a criminal predicate, basically probable cause, to keep information on identifiable individuals."

Further, the centers have instituted a series of checks and balances to safeguard the privacy of individuals and have review boards or advisory

councils watching them to ensure they are adhering to legal guidelines. "This is not a case of police policing themselves," Carter said.

The oversight boards also assist fusion centers to develop policies and best practices to safeguard individuals' privacy rights when fusion centers engage non-law enforcement agencies, Carter said.

The paper is Carter's latest study focusing on the role and operation of fusion centers.

More information: Jeremy G. Carter et al, Law Enforcement Fusion Centers: Cultivating an Information Sharing Environment while Safeguarding Privacy, *Journal of Police and Criminal Psychology* (2016). [DOI: 10.1007/s11896-016-9199-4](https://doi.org/10.1007/s11896-016-9199-4)

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