

MAIC Questions

***Questions with strikethrough are questions that DPS is unable to answer because of current litigation.**

Mission

1. Academic research and policy analysis on fusion centers has established that the mission of fusion centers quickly crept from counterterrorism to “all crimes, all threats, all hazards.”¹ The brief mission statement in the privacy policy suggest that the MIAC has an “all crimes, all threats” mission (i.e. law enforcement and counterterrorism but no emergency management, “all hazards”). Can you elaborate on the mission of the MIAC? What are the MIAC’s primary intelligence collection priorities? Have they changed over time?
2. Fusion centers have a broad mandate but they cannot be everything to everyone. Academic research and policy analysis has established that, as a matter of practicality, different fusion centers tend to develop a few specialties to meet the needs of their jurisdiction.² Is this the case for the MIAC? If so, what are the MIAC’s specialties? What are its signature intelligence products and services?
3. In 2012, Senate Permanent Committee on Intelligence sharply criticized fusion centers for being ineffective at terrorism. After two years of investigation, they could not identify any “reporting which uncovered a terrorist threat...[or any] contribution such fusion center reporting made to disrupt an active terrorist plot.”³ Similarly, journalists and scholars have contended that the level of violence by armed political groups or self-radicalizing individuals does not justify the massive investment in resources in name of

¹ There are several reasons for this shift. In the absence of terrorism, fusion center employees “have to use their time and skills constructively” and find ways “to be valuable to their states.” To meet these practical demands, fusion centers developed to needs of the police agencies managing them. In this context, fusion center investigators “found” that many acts of terrorism have a “nexus” with crime, which, in theory, makes the former a window into the latter. Similarly, fusion centers’ information sharing mission led many to contend that intelligence fusion illuminated criminal patterns across jurisdictions. Finally, some of the grants available to fusion centers were also linked to emergency preparedness, encouraging expansion to an “all hazards” approach. Priscilla Regan and Torn Monahan, “Beyond Counterterrorism: Data Sharing, Privacy and Organizational Histories of DHS Fusion Centers,” *International Journal of E-Politics* 4, no. 3 (2013): 10; David L. Carter and Jeremy G. Carter, “The Intelligence Fusion Process for State, Local, and Tribal Law Enforcement,” *Criminal Justice and Behavior* 36, no. 12 (2009): 1327.

² Justin Lewis Abold, Ray Guidetti, and Douglas Keyer. “Strengthening the Value of the National Network of Fusion Centers by Leveraging Specialization: Defining ‘Centers of Analytical Excellence,’” *Homeland Security Affairs* 8, no. 1 (2012); Brendan McQuade, *Pacifying the Homeland: Intelligence Fusion and Mass Supervision* (Oakland: University of California Press, 2019); Priscilla Regan and Torn Monahan, “Beyond Counterterrorism: Data Sharing, Privacy and Organizational Histories of DHS Fusion Centers,” *International Journal of E-Politics* 4, no. 3 (2013)

³ US Senate, Permanent Subcommittee on Investigations, *Federal Support for and Involvement in State and Local Fusion Centers*, October 3, 2012, http://www.coburn.senate.gov/public/index.cfm/files/serve?File_id=693b820a-0493-405f-a8b5-0e3438cc9b24, (Accessed October 3, 2012) 3.

counterterrorism.⁴ What, if any, are the terrorist threats to Maine? Are there any “success stories” that demonstrate that MIAC’s has made any contribution to the detection, disruption, or prevention of any kind of political violence?

- a. Can you provide the committee with a representative sample of regular threat reporting, the intelligence briefs that identify terrorist threats to the State of Maine.
- b. Can you provide any documentary evidence that demonstrates that MIAC’s has made any contribution to the detection, disruption, or prevention of any kind of political violence?

~~4. The Loder suit alleges that fusion center monitored counselors with Seeds of Peace. Why were these non-violent, constitutionally protected political activities targeted for surveillance? Under what threat rubric were they targeted?~~

- ~~a. The Loder suit alleges that on May 15, 2018 then MIAC Director Michael Johnston circulated a memo “amending and restricting the MIAC’s protocol going forward with respect to the collection, dissemination and retention of information related to Seeds of Peace Employees and counselors.” Why was this memo circulated? Has it resulted in any broader policy changes related to how the MIAC collects intelligence? Can you provide the committee a copy of the memo?~~

~~5. Fusion centers have been criticized for labeling environmentalist as “environmental rights extremists.”⁵ Does MIAC staff use this threat rubric or something along these lines? Where anti-CMP activist viewed as potential terrorist threat? Does the MIAC investigate other environmentalists along these lines?~~

- ~~a. What is the nature of the MIAC’s relationship with Central Maine Power? The MIAC website lists Bruce Lewis, Director of Security for Central Maine Power, as a member of the MIAC advisory board. Do you have an MOU to share information related to critical infrastructure protection? Is peaceful protest against the CMP corridor considered a threat to critical infrastructure? Was this~~

⁴ Trevor Aaronson, *The Terror Factory: Inside the FBI’s Manufactured War on Terrorism* (Brooklyn: Ig Publishing, 2013); Priscilla Regan and Torn Monahan, “Beyond Counterterrorism: Data Sharing, Privacy and Organizational Histories of DHS Fusion Centers,” *International Journal of E-Politics* 4, no. 3 (2013); Brendan McQuade, *Pacifying the Homeland: Intelligence Fusion and Mass Supervision* (Oakland: University of California Press, 2019) 30-37.

⁵ Alleen Brown, Will Parish, and Alice Speri, “Leaked Documents Reveal Counterterrorism Tactics Used at Standing Rock to ‘Defeat Pipeline Insurgencies,’” *The Intercept*, May 27, 2017. <https://theintercept.com/2017/05/27/leaked-documents-reveal-security-firms-counterterrorism-tactics-at-standing-rock-to-defeat-pipeline-insurgencies/>. (Accessed May 27, 2017); (Accessed September 27, 2017); Alleen Brown, Will Parish, and Alice Speri, “Standing Rock Documents Expose Inner Workings of “Surveillance-Industrial Complex”.” *The Intercept*, June 3, 2017. <https://theintercept.com/2017/06/03/standing-rock-documents-expose-inner-workings-of-surveillance-industrial-complex/>. (Accessed June 3, 2017); Alleen Brown, Will Parish, and Alice Speri, “TigerSwan Responded to Pipeline Vandalism by Launching Multistate Dragnet.” *The Intercept*, August 26, 2017, <https://theintercept.com/2017/08/26/dapl-security-firm-tigerswan-responded-to-pipeline-vandalism-by-launching-multistate-dragnet> (Accessed August 26, 2017).

~~anti-CMP activist targeted at the behest of or in consultation with Central Maine Power?~~

~~b. Can you provide all MIAC intelligence products to the committee that mention Anti-CMP activists and other environmentalists?~~

~~6. The Loder suit alleges that the fusion center keeps a database of gun owners. How does this program relate to the mission of MIAC?~~

~~a. A gun database is expressly prohibited by Maine state law. How was it possible to set up this database? Why did the MIAC compliance officer fail to red flag this database in the annual the reviews of data retention required in the MIAC privacy policy?~~

7. In the last five years, political violence from the extreme right in North America, Western Europe, and Oceania, has increased by 320 percent.⁶ During this time, fusion centers have been criticized for downplaying the threat from the extreme right, especially after the 2016 Unite the Right Rally in Charlottesville, VA.⁷ Does the MAIC investigate threats from the extreme right as part of its counterterrorism mission?

a. Can you provide the committee all MIAC intelligence products that mention white supremacists, neo-Nazis, sovereign citizens, and any other individuals or organizations associated with the extreme right?

8. Fusion centers have been criticized for investigating constitutionally protecting political activity under the rubric of “anarchist extremists” or “black identity extremists.”⁸ Does the MIAC use these threat rubrics or similar ones to monitor individuals and groups?

a. Has the MIAC reported on and/or monitored the protests related to Occupy Wall Street, Black Lives Matter or any other movements under these threat rubrics?

b. Has the MIAC been monitoring the recent demonstrations in Maine that have responding to the murder of George Floyd in Minnesota?

c. Can you provide the committee all MIAC intelligence products that mention “anarchist extremists,” “black identity extremists,” “black supremacist extremists” or any similar terms?

⁶ Institute for Economics and Peace, *Global Terrorism Index, 2019*, Institute for Economics and Peace, 2019. <http://visionofhumanity.org/app/uploads/2019/11/GTI-2019web.pdf> (Accessed June 3, 2020), 44-46.

⁷ Curtis Waltman, “Homeland Security reports show overwhelming focus on violence from the left, while downplaying threat from white supremacists” *Muckrock*, <https://www.muckrock.com/news/archives/2018/jan/08/fusion-centers-antifa/> (Accessed June 6, 2020); Will Parrish, “Police Targeted Anti-Racists in Charlottesville Ahead of ‘Unite The Right’ Rally, Documents Show.” *Shadowproof*, March 7, 2018. [https://shadowproof.com/2018/03/07/documents-reveal-police-targeting-anti-racists-charlottesville.](https://shadowproof.com/2018/03/07/documents-reveal-police-targeting-anti-racists-charlottesville/) (Accessed March 7, 2018)

⁸ Beau Hodai, *Dissent or Terror: How the Nation’s Counter Terrorism Apparatus, In Partnership With Corporate America, Turned on Occupy Wall Street*, Center for Media and Democracy & BDA Press, May 2013. <http://www.prwatch.org/files/Dissent%20or%20Terror%20FINAL.pdf> (Accessed May 20, 2013); ACLU-Massachusetts and National Lawyers Guild-Massachusetts, *Policing Dissent: Police Surveillance of Lawful Political Activity in Boston*, ACLU-Massachusetts and National Lawyers Guild-Massachusetts, 2012: http://www.aclum.org/sites/all/files/policing_dissent_101812.pdf (Accessed October 15, 2012)

- ~~9. Scholarly research and policy analysis suggest that fusion centers have not created the seamless information sharing environment envisioned by policymakers. Instead, jurisdictional rivalries impede information sharing.⁹ There is a FBI Joint Terrorism Task Force in Boston with responsibility for Maine and Maine Anti Terrorism Advisory Council. What is MIAC's relationship with these entities? Is the MIAC duplicating their efforts?~~
- ~~a. One of the allegations of the Loder suit is that MIAC Director wanted Loder to violate FBI policy and share information about FBI investigations with MIAC command. This allegation strongly suggests that the FBI and MIAC competing more than cooperating. What is your relationship with the FBI and the Boston JTTF? Does the MIAC compete with and duplicate the efforts of the Boston JTTF?~~
10. There have been recent reports that the fusion center in Oklahoma is part of task force to investigate fraudulent unemployment schemes.¹⁰ Is the MIAC involved in any similar efforts? If so, how does this relate to the mission of the MIAC?

Budget

1. The *Bangor Daily News* reported that the MIAC budget for the fiscal year that ends June 30, 2020, is \$694,000. About \$100,000 of that is in federal funds that come through Maine Emergency Management Agency. Another \$209,000 comes from the highway fund and the remaining \$385,000, comes from the state's general fund.¹¹ Is this the full extent of the MIAC budget?
 - a. Why does the highway fund contribute to an intelligence center run by the state police?
 - b. Does this \$694,000 include staff salaries? Are the salaries of MIAC staff not employed by entities other than the Maine State Police included in any budget?
2. The 2012 Senate Report on Fusion Centers found that accounting at DHS is so lax that they could not tell Congress how much money they've invested in fusion centers (estimates ranged from \$289 million to \$1.4 billion).¹² Does the federal government provide any grant funding to the MIAC?

⁹ Jerry Ratcliffe and Kyle Walden, "State Police and the Intelligence Center: A Study of Intelligence Flow to and From the Street," *Journal of Intelligence and Analysis*. 19, no. 1 (2010); Mikaela Cooney, Jeff Rojek and Robert J. Kaminski, "An Assessment of the Utility of a State Fusion Center by Law Enforcement Executives and Personnel," *Journal of Intelligence Analysis* 20, no. 1 (2011); Brendan McQuade, "Police and the Post-9/11 Surveillance Surge: 'Technological Dramas' in 'the Bureaucratic Field,'" *Surveillance & Society* 14, no. 1 (2016); Brendan McQuade, "The Puzzle of Intelligence Expertise: Spaces of Intelligence Analysis and the Production of 'Political' Knowledge." *Qualitative Sociology* 39, no. 3 (2016).

¹⁰ Hicham Raache, "OSBI launches Unemployment Fraud Task Force," *Oklahoma News* 4, May 8, 2020 <https://kfor.com/news/local/osbi-launches-unemployment-fraud-task-force/> (Accessed June 5 2020).

¹¹ Judy Harrison, "Here's what the Maine Intelligence Analysis Center is, and why it was created," *Bangor Daily News*, May 15, 2020, <https://bangordailynews.com/2020/05/14/news/state/heres-what-the-maine-intelligence-analysis-center-is-and-why-it-was-created/> (accessed May 15, 2020).

¹² US Senate, Permanent Subcommittee on Investigations, *Federal Support for and Involvement in State and Local Fusion Centers*, October 3, 2012. http://www.coburn.senate.gov/public/index.cfm/files/_serve?File_id=693b820a-0493-405f-a8b5-0e3438cc9b24 (accessed October 3, 2012), 3.

- a. In FY 2019, the Homeland Security Grant Program allocated \$4,077,500 for Maine.¹³ Did the MIAC receive any of that money? Can you provide the committee with any grant applications and any other documents related to Homeland Security Grant Program?
 - b. Maine is eligible to receive Operation Stonegarden Funds, which is a DHS program, which, in FY 2019, had a budget of \$90 million “to enhance cooperation and coordination among state, local, tribal, territorial and federal law enforcement agencies in a joint mission to secure the United States’ borders along routes of ingress from international borders to include travel corridors in states bordering Mexico and Canada.”¹⁴ Did the MIAC receive any of this money? Can you provide the committee with any relevant grant applications and any other related documents pertaining to Operation Stonegarden funds?
3. Can you provide a committee line item budget? Can you provide the committee with documents related to any all grants received by the MIAC?

Organization and Staffing

1. The privacy policy lists the MAIC director, privacy officer, and compliance officer, and security officer?¹⁵ Are these three officials the extent of MAIC management?
2. What is the internal organization of the fusion center? Are there different divisions or desks within the MIAC? Can you provide the committee with an organizational chart for the MIAC and any other relevant documents that describe the roles and responsibilities of different subcomponents of the MIAC?
3. What is the size of the MIAC staff?
4. How many are civilians? How many are sworn law enforcement officers (LEOs)?
5. Of the sworn LEOs, how many are state police?
6. Of the sworn LEOs, how many are employed other LEO agency in Maine? Which ones?

¹³ Notices of Funding Opportunity and Allocations for Fiscal Year (FY) 2019 Preparedness Grant Programs. The Department of Homeland Security, April 12, 2019.
https://content.govdelivery.com/attachments/USDHS/2019/04/11/file_attachments/1191385/FY%202019%20Preparedness%20Grant%20All%20Congress%20Email%20Notice_GPD%20Approved%20_04.02.19_%28CLEAN%29.pdf (Accessed June 6, 2020), 5.

¹⁴ Notices of Funding Opportunity and Allocations for Fiscal Year (FY) 2019 Preparedness Grant Programs. The Department of Homeland Security, April 12, 2019.
https://content.govdelivery.com/attachments/USDHS/2019/04/11/file_attachments/1191385/FY%202019%20Preparedness%20Grant%20All%20Congress%20Email%20Notice_GPD%20Approved%20_04.02.19_%28CLEAN%29.pdf (Accessed June 6, 2020), 6.

¹⁵ Maine State Police, *Maine Information & Analysis Center Privacy Policy*, March 20, 2019,
[https://memiac.org/files/D2DF/190311%20Revised%20MIAC%20Privacy%20Policy%20as%20of%2003.11.2019%20\(effective%2003.20.2019\)-1.pdf](https://memiac.org/files/D2DF/190311%20Revised%20MIAC%20Privacy%20Policy%20as%20of%2003.11.2019%20(effective%2003.20.2019)-1.pdf) (Accessed, May 15 2020) 2-3.

7. How many of the civilian staff are intelligence analysts?
8. Are there any private contractors that work at MIAC? If so, what companies are contracted and in what capacity do they work?
9. Does MIAC staff, including personnel that may work out of the MIAC on part time or temporary basis, undergo any specific training? Could you describe this training and provide the committee with copies of all relevant training materials and modules?
10. Does the MIAC have an intelligence liaison officer program or any similar program that trains LEOs in municipal departments and others government and private sector officials to report information to MIAC and act as a link between the MIAC and their agency?
 - a. How participants in this program trained?
 - b. Research on New York State Intelligence Center has found that their field intelligence officer program was mostly formality and resulted little exchange between the fusion center and other agencies.¹⁶ Do you have any assessments of any liaison or field intelligence officer program run by or otherwise connected to the MIAC?

Data Sharing/Retention and Surveillance Systems/Analytic Platforms

1. The MIAC privacy policy refers to the MIAC Information Technology System or (ITS). What exactly does that MIAC ITS entail?
2. Does the MIAC develop its own databases?

Note: As a point of reference and comparison for the committee members, the New Jersey fusion center, the New Jersey Regional Operations Intelligence Center (NJ ROIC), administers three statewide information systems: Confidential Source Database, New Jersey Intelligence System (NJIS), New Jersey Data Exchange (NJ-DEx).

The Confidential Source Database is an NJSP database that compiles information on all informants. Each entry lists their handler, how much they are paid, what type of jobs they can do (i.e. arson, burglary, etc.), the counties where they are active and how much they have been paid in the past. It can be accessed by any state trooper who handles informants.

The NJIS is a database of raw information for the purpose of intelligence analysis. "Each datum will be small," the NJ ROIC system administrator explained "like a single bank transfer or a report from an informant that names a particular business as a gang hangout." Additional information can be added to each entry: other individuals linked to the event or person, addresses of residences and businesses, automobile information, etc. In accordance with Code of Federal Regulations 28, part 23, each datum has labels for the reliability of the source. Each entry also has a security setting: open (all users can see it), protected (snippet view with author permission required for full access) and covert (only pre-approved users can see). Starting in 2013, NJIS was connected to the DOJ-funded Regional Information Sharing System, a network that connects law enforcement agencies in all fifty states and is anchored by six by multistate interagency intelligence centers.

Where NJIS connects to sensitive intelligence records across the state, NJ-DEx links the records management and computer aided dispatch systems of local law enforcement in a searchable

¹⁶ Brendan McQuade, *Pacifying the Homeland: Intelligence Fusion and Mass Supervision* (Oakland: University of California Press, 2019), 82.

database. As of January 2013, 14 of New Jersey's 21 counties reported data into NJ-DEX. Furthermore, NJ-DEX links to an FBI system, the National Data Exchange (N-DEX), which connects similar systems across the country. The integrated database provides access to a wide variety of records including: incidents, arrests, missing persons, calls for services, bookings, holdings, incarceration, pre-trial, pre-sentence, warrants, supervised releases, citations/tickers and field contacts. The scope of N-DEX is tremendous: 4,560 law enforcement agencies report information into a database with approximately 223 million records, pertaining to two billion separate entities.¹⁷

3. Is there a Maine Data Exchange? For example, are MIAC records accessible to entities outside of Maine through a relationship with the FBI's National Data Exchange (N-Dex)?
4. The privacy policy explains that the MIAC receives and vets suspicious activity reports filed in Maine. Does the MIAC maintain a database of Suspicious Activity Reports (SAR) or information otherwise derived from SAR information?
 - a. Suspicious Activity Report (SARs) have been criticized by scholars for being based on highly subjective notions of suspicion that often amount to little than racial profiling.¹⁸ Audits conducted by police agencies seem to support the criticism. For example, in 2013, audits of the Los Angeles Police Department showed that 82% of SARs were written on non-whites with largest sample written on the Black community. The 2015 audit showed 79% of SARs were written on non-whites, including 30% written about targeting black people.¹⁹ Can you describe how MIAC personnel vet SARs? What percentage of SARs processed by the MIAC concern non-white people?
5. Are MIAC records accessible to other law enforcement officers throughout New England through the New England State Police Information Network, the police intelligence sharing system for New England set up as part of the Regional Information Sharing System funded by the Department of Justice?
6. How many memoranda of understanding for information sharing has the MIAC signed with other government agencies and private sector entities?
 - a. The MIAC's website lists the following agencies as MIAC partners: Maine State Police, Maine Emergency Management Agency, US Department of Homeland Security, US Border Patrol, Franklin County Sheriff, University of Maine Police, Kennebec County Sheriff, the Maine National Guard, the Maine Drug

¹⁷ Brendan McQuade, *Securing the Homeland? Inside the World of Intelligence Fusion*. PhD diss., State University of New York at Binghamton, 2015, 178-180.

¹⁸ Priscilla Regan, Torin Monahan and Krista Craven, "Constructing the Suspicious: Data Production, Circulation, and Interpretation by DHS Fusion Centers." *Administration and Society*. (2013); Meg Stalcup, "Policing Uncertainty: On Suspicious Activity Reporting." In *Modes of Uncertainty: Anthropological Cases*, edited by Limor Samimian-Darash and Paul Rabinow, 69–87 (Chicago: University of Chicago Press); Marnie Ritchie, "Fusing Race: The Phobogenics of Racializing Surveillance." *Surveillance & Society* 18, no. 1 (2020).

¹⁹ Alexander Bustamante, *Los Angeles Police Commission Suspicious Activity Reporting System Audit*, Office of the Inspector General, March 12, 2013, <https://stoplapdspying.org/wp-content/uploads/2013/03/IG-audit.pdf> (Accessed June 7, 2020); Alexander Bustamante, *Los Angeles Police Commission Suspicious Activity Reporting System Audit*, Office of the Inspector General, September 6, 2016, http://www.lapdpolicecom.lacity.org/091316/BPC_16-0312.pdf (Accessed June 7, 2020).

Enforcement Agency, the Maine Department of Inland Fisheries and Wildlife, the New England High Intensity Drug Trafficking Area, and the Maine Secretary of State. What are the nature and extent of these partnerships as they relate to data sharing? Does the MIAC have memorandums of understanding with these agencies for data sharing?

7. What databases or records can MIAC staff remotely access as a result of MOUs for information sharing?
 - a. Does the MIAC have access the records of Maine Department of Motor Vehicles?
 - b. Does the MIAC have access the records of any municipal police departments and county sheriffs Maine
 - c. Does the MIAC have the access to the records of Maine Department of Corrections, including those of probation and parole?
8. Does the MIAC have any subscriptions to private data brokers such as Lexis Nexus or Choicepoint?
9. The Loder suit alleged that the State Police Sgt. Michael Johnston changed policy and allowed MIAC personnel improper access to Maine Drug Enforcement Agency records, which included the names confidential informants. How was that policy change justified?
10. Does the MIAC possess or have access facial recognition software? The Press Herald recently reported that the Maine State Police entered agreement to access the FBI's Next Generation Identification-Interstate Photo System, which has facial recognition capabilities.²⁰ Can MIAC personnel access that system? Have they used it for facial recognition? Can you release to the committee any audit trials related to MIAC personnel using facial recognition capabilities of the Next Generation Identification-Interstate Photo System?
11. Does the MIAC possess or have access to software for social media monitoring, such as *MediaSonar*, *X1 Social Discovery*, and *Geofeedia*? If so, how these systems used by MIAC personnel?
12. Are MIAC personnel authorized to manually monitor social media? Are they authorized to go "undercover" on social media? That is to say, are MIAC personnel permitted to create fake accounts on social media services for the purposes of intelligence collection?
 - a. If so, how often does this happen

²⁰ Randy Billings, "Maine State Police may be spying on you," *Portland Press Herald*, February 9, 2020. <https://www.pressherald.com/2020/02/09/maine-state-police-may-be-spying-on-you/> (Accessed February 9, 2020).

13. Are there data from automated license plate readers that is stored in any MIAC Information Technology System or otherwise accessible by MIAC personnel? Are these license plate readers owned by the state police or other entities?
- The Loder suit alleges that MIAC has relationships with other states for sharing of license plate data. The Loder suit indicates that the MIAC has relationships with Massachusetts and Connecticut. Is that true? Are there other states that the MIAC has this kind of relationship with? How long have those relationships been in place and for what purposes?
 - These agreements appear to get around limits placed on when license plate data can be used, such as protecting public safety or an active criminal investigation based upon articulable facts suggesting criminal activity as stipulated in 29-A MRSA sec 2117 A. How did the MIAC command fail to recognize this violation when they conduct periodic reviews?
14. Does the MIAC possess or otherwise have access to ISMI-catchers, better known as cell phone simulators such as the Stingray sold by the Harris Corporation? Are there any specific policies in place to govern the use of such surveillance system or the analysis of data obtained through their use and shared with the MIAC?
15. What type of a data analytics platforms, such as i2 Analyst notebook or Coplink, does the MIAC use?
- Are these platforms used in conjunction with data from cell phone simulators or social media surveillance systems to conduct pattern life analyses or link charts?
16. Has the MIAC ever signed any nondisclosure agreements related to the purchase of surveillance technology or software platforms for intelligence or data analysis?

Oversight

- The *Portland Press Herald* recently reported that the MIAC advisory board had an informal structure until October 2019.²¹ Earlier reporting suggests that the advisory board was window dressing. “It was rather hard to get your hands around what they were actually doing,” Daniel Wathen, a former chief justice of the Maine Supreme Judicial Court and MIAC advisory board member told the *Press Herald* in 2015.²² How many times did the advisory board meet before October 2019? Can you provide any evidence that shows the advisory board provided any meaningful oversight? Can you provide any evidence that shows the advisory board even had any discernable impact the development of MIAC?

²¹ Matt Byrne, “Legislator, activists want oversight, answers in alleged police surveillance abuses,” *Portland Press Herald*, May 15, 2020, <https://www.pressherald.com/2020/05/15/legislator-activists-want-oversight-answers-in-alleged-police-surveillance-abuses/> (Accessed May 15, 2020).

²² Steve Mistler, “Maine legislator seeks more oversight of secretive surveillance unit,” *Portland Press Herald*, October 20, 2015, <https://www.pressherald.com/2015/10/20/maine-lawmaker-wants-oversight-of-states-secretive-fusion-center/> (Accessed June 6, 2020)

2. Why did the status of the advisory board change in October 2019? Was there any incident or concern that precipitated this policy change?
3. The *Press Herald* also reported that MIAC advisory board now has formal bylaws but they are not available to the public.²³ Now that MIAC's advisory board is finally a formal entity, can you provide a description of its scope and mission? How many times has it met since October 2019? Can you provide copy of those bylaws to the committee? Can you provide copies all meeting minutes and any other documents produced by the advisory board since October 2019?
4. According to the MIAC Privacy Policy, the MIAC is required "adopt and follow procedures and practices by which it can ensure and evaluate the compliance of individuals who are subject to" the MIAC privacy policy and applicable laws.²⁴ What are these procedures and practices? How specifically do they ensure compliance? How do you evaluate individual personnel at the MIAC? Can you provide the committee with written copies of them the policies and evaluations?
5. According to the MIAC Privacy Policy, all MIAC Information Technology Systems (ITS) are required to keep auditable trail of all data accessed by MIAC personnel for a minimum of seven years. These systems are supposed to be reviewed at the end of every calendar year. The policy mandates that "Appropriate elements of the audit process and key audit outcomes must be compiled into a report by the Compliance Officer." Additionally, the compliance officer is required to review information "in each MIAC ITS," creating records that the "MIAC director shall maintain....and, upon request, make...available for audits."²⁵ Is this policy enforced? Has there ever been case where such auditing has discovered MIAC personnel improperly using data? Can you provide the committee copies of these any audit process and key audit outcome reports produced by the compliance officer?
6. It appears that this auditing system would have no impact on the gathering of open source intelligence? Does the MIAC have any policies specifically for open source intelligence gathering? Does the MIAC have any policies specifically for social media? How does the MIAC command monitor whether MIAC staff is conducting social media surveillance?
7. These internal safeguards come from the publicly available MIAC privacy policy, which is dated March 20, 2019. How do these procedures compare to earlier iterations of the

²³ Matt Byrne, "Legislator, activists want oversight, answers in alleged police surveillance abuses," *Portland Press Herald*, May 15, 2020, <https://www.pressherald.com/2020/05/15/legislator-activists-want-oversight-answers-in-alleged-police-surveillance-abuses/> (Accessed May 15, 2020).

²⁴ Maine State Police, *Maine Information & Analysis Center Privacy Policy*, March 20, 2019, [https://memiac.org/files/D2DF/190311%20Revised%20MIAC%20Privacy%20Policy%20as%20of%2003.11.2019%20\(effective%2003.20.2019\)-1.pdf](https://memiac.org/files/D2DF/190311%20Revised%20MIAC%20Privacy%20Policy%20as%20of%2003.11.2019%20(effective%2003.20.2019)-1.pdf) (Accessed, May15 2020) 21.

²⁵ *Ibid*, 22-23.

privacy policy? Where policies changed as a result of earlier reviews or any problematic behavior by the MIAC staff?

Operations

1. Fusion centers often act as outsourced intelligence divisions for municipal police and other agencies. Sometimes, this is simple case support, where fusion centers act like a google for cops. Other times, partnerships can be much more involved and included extended partnership in investigations or programs. The MIAC's website lists the following agencies as MIAC partners: Maine State Police, Maine Emergency Management Agency, US Department of Homeland Security, US Border Patrol, Franklin County Sheriff, University of Maine Police, Kennebec County Sheriff, the Maine National Guard, the Maine Drug Enforcement Agency, the Maine Department of Inland Fisheries and Wildlife, the New England High Intensity Drug Trafficking Area, and the Maine Secretary of State. What are the nature and extent of these partnerships as they relate to police operations? Does the MIAC contribute to law enforcement operations of these agencies? Does the MIAC partner with any of these agencies in any programs?
2. Research on fusion centers in New York and New Jersey found that fusion centers there provide intelligence for several kinds of police operations: (1) Warrant sweeps, where fusion center analysts will compile lists individuals with outstanding warrants, their known associates, and linked addresses so police can "sweep" through communities and arrest people; (2) compliance checks, where field intelligence officers connected to fusion centers will partner with probation or parole officers to carry out home searches and other efforts to enforcement supervision orders. The field intelligence officer will then report relevant information back to the fusion center; (3) saturation patrols, where fusion center analysts will identify crime trends and hotspots and create intelligence products to direct targeted police patrols. Often times, these saturation patrols will be part of larger crime reduction efforts, where fusion centers analyst and police departments will work together for an extended period and saturation patrols, intelligence gathering, and intelligence analysis will feed into each other; (4) chronic offender initiatives, where fusion center analysts will develop heat lists of so-called chronic offenders for police aggressively target and arrest, even for minor infractions.²⁶ Does the MIAC partner with any police agencies in any of these ways?
3. In 2015, the *Press Herald* reported that the MIAC was made central to then-Governor LePage's anti-crime efforts but few specifics reported.²⁷ How is the MIAC involved in the policing of drugs in Maine?
 - a. Does the MIAC produce any intelligence products or maintain any database that are specific to drugs?

²⁶ Brendan McQuade, *Pacifying the Homeland: Intelligence Fusion and Mass Supervision* (Oakland: University of California Press, 2019), 95-102.

²⁷ Steve Mistler, "Secretive fusion center to play key role in Maine drug crackdown," *Portland Press Herald*, September 6, 2015. <https://www.pressherald.com/2015/09/06/secretive-fusion-center-to-play-key-role-in-maine-drug-crackdown/?rel=related> (Accessed June 6, 2020).

- b. Do MIAC analysts partner with police agencies in long term drug investigations? Have there been any large drug war operations that MIAC has been centrally involved in?
- c. What is the role of the National Guard in the MIAC's efforts to gather and produce intelligence on drugs?
- d. What is the relationship between MIAC and MDEA?