



# Legislative Report

2023 Report on Minnesota Fusion Center Activities

February 15, 2024

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# Introduction

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Minnesota Statute § 299C.055 requires the superintendent of the Minnesota Bureau of Criminal Apprehension (BCA) to prepare an annual report by Feb. 15 for the public and the legislature on Minnesota Fusion Center (MNFC) activity for the preceding calendar year.

The report is to include the following data: general information about the MNFC; the types of activities it monitors; the scale of information it collects; the local, state, and federal agencies with which it shares information; and the quantifiable benefits it produces. None of the reporting requirements in this section supersede chapter 13 or any other state or federal law. The superintendent must report on activities for the preceding calendar year unless another time period is specified. The report must include the following information, to the extent allowed by other laws:

- (1) The MNFC's operating budget for the current biennium, number of staff and staff duties.
- (2) The number of publications generated and an overview of the type of information provided in the publications, including products such as law enforcement briefs, partner briefs, risk assessments, threat assessments and operational reports.
- (3) A summary of audit findings for the MNFC and what corrective actions were taken pursuant to audits.
- (4) The number of data requests received by the MNFC and a general description of those requests.
- (5) The types of surveillance and data analysis technologies utilized by the MNFC, such as artificial intelligence or social media analysis tools.
- (6) A description of the commercial and governmental databases utilized by the MNFC to the extent permitted by law.
- (7) The number of suspicious activity reports (SARs) received and processed by the MNFC.
- (8) The number of SARs received and processed by the MNFC that were converted into BCA case files, referred to the Federal Bureau of Investigation or referred to local law enforcement agencies.
- (9) The number of SARs received and processed by the MNFC that involve an individual on the Terrorist Screening Center watchlist.
- (10) The number of requests for information (RFIs) that the MNFC received from law enforcement agencies and the number of responses to federal requests for RFIs.
- (11) The names of the federal agencies the MNFC received data from or shared data with.
- (12) The names of the agencies that submitted SARs.
- (13) A summary description of the MNFC's activities with the Joint Terrorism Task Force.
- (14) The number of investigations aided by the MNFC's use of SARs and RFIs.

The report shall be provided to the chairs and ranking minority members of the committees of the House of Representatives and Senate with jurisdiction over data practices and public safety issues, and shall be posted on the MNFC website.

This requirement was passed into law in 2023 and thus the report issued regarding 2023 activities on Feb. 15, 2024, is the first annual report.

This report contains information pertaining to MNFC activity occurring from Jan. 1-Dec. 31, 2023.

# Background

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The MNFC operates as the only fusion center recognized by the U.S. Department of Homeland Security (DHS) for the state of Minnesota. The objective of the MNFC is to serve as a mechanism through which government, law enforcement, public safety and private sector entities can unite to protect the homeland through the efficient and appropriate sharing of information. The MNFC's mission is to collect, evaluate, analyze and disseminate information regarding criminal, terrorist and all-hazards activity in Minnesota, while complying with state and federal law to ensure the rights and privacy of all. A process of information collection, integration, evaluation, analysis and dissemination is used for law enforcement purposes in the interest of public safety. The information is made available to law enforcement agencies and certain other entities consistent with Minnesota Statutes Chapter 13, 28 CFR part 23, and other applicable state and federal law.

The MNFC may handle both classified and unclassified information related to public safety and all-hazards originating from international law enforcement agencies, federal, state, local, tribal and territorial (F-SLTT) agencies in the United States, entities representing the [16 DHS CISA critical sector and key resources sectors \(CIKRs\)](#), as well as information that is publicly available. The MNFC also may receive information reported directly from the public via publicly available reporting methods.

All information handled by the MNFC:

- Is relevant to a lawful investigation or prosecution of an individual(s) or organization suspected of being involved in the support, planning or commission of criminal or terrorism related conduct or activity.

OR

- Meets the ISE-SAR Functional Standards<sup>1</sup> identifying pre-operational behaviors that are criminal in nature and have historically been associated with terrorism.

OR

- Is lawfully obtained and will develop or further the understanding and analysis of threats posed to Minnesota.

AND

- Was obtained in accordance to F-SLTT laws and regulations.

The activity MNFC conducts directly and positively impacts public safety, both within Minnesota and beyond, as analysts and agents share information across jurisdictions in real-time during critical events, facilitate cooperation amongst F-SLTT entities to mitigate threats, and provide assessments upon request for large-scale special events. The MNFC has worked in close cooperation with state, county and local law enforcement agencies in supporting security operations for sensitive or high-profile events such as the Minnesota State Fair and high-profile court proceedings, and in facilitating efficient information-sharing among authorities responding to critical incidents that threaten public safety, such as illicit street racing incidents or threats of targeted violence against individuals or institutions.

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<sup>1</sup> The Information Sharing Environment (ISE) Functional Standard (FS) version 1.5.5 identifies 16 pre-operational behaviors that are criminal in nature either because they are inherently criminal (e.g., breach, theft, sabotage) or because they are being engaged in to further a terrorism operation (e.g., testing or probing of security, observation/surveillance, materials acquisition). The pre-operational behavioral criteria and categories are listed in Part B of this FS, beginning on page 41. See: [https://www.dhs.gov/sites/default/files/publications/15\\_0223\\_NSI\\_ISE-Functional-Standard-SAR.pdf](https://www.dhs.gov/sites/default/files/publications/15_0223_NSI_ISE-Functional-Standard-SAR.pdf)

# Minnesota Fusion Center 2023 Activities

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MNFC analysts in 2023 coordinated with DHS to assess vulnerabilities of the Minnesota/Canada border and articulate the subsequent impact to national security. MNFC and DHS circulated this information nationally, locally and to Canadian law enforcement. At least twice in 2023, MNFC intelligence products related to criminal activity within or directly impacting Minnesota were presented to the president of the United States for national policy considerations. MNFC staff also conducted a site-assessment ahead of a large-scale event in Minnesota and noted a significant physical and human vulnerability which needed to be addressed by event organizers and security, further safeguarding event attendees for years to come. In addition, MNFC efforts in 2023 specific to Threat to Life<sup>2</sup> reporting directly benefited Minnesota public safety as coordination with local, county, and federal law enforcement has resulted in imminent threat mitigation.

## Operating budget, staff and duties

The Minnesota Fusion Center will have an operating budget of \$3,964,443.70 for the 2024 fiscal year. This includes \$3,164,443.70 in state funding, a \$200,000 State Homeland Security Program (SHSP) grant, and a \$600,000 Urban Area Security Initiative (UASI) grant. Funding covers the costs of employees; training; supplies; vehicles, gas and maintenance; and radios.

### Staff and duties

The MNFC is a unit within the Criminal Information Operations Section (CIOS) of the Investigative Services division of the BCA. A special agent in charge provides administrative and operational oversight of the CIOS and functions as director of the MNFC. The director is supported by one assistant special agent in charge, herein referred to as the deputy director of the MNFC.

During 2023, MNFC staffing fluctuated between six and 14 personnel. At its lowest staffing, the MNFC had three analysts, one special agent, one deputy director, and one director. By the end of 2023, MNFC staffing included the following positions who performed the listed duties.

- One special agent in charge, serving as the director of the MNFC: Directs staff and operations of the MNFC, coordinating, planning, and managing communication with federal, state, municipal, military, tribal and private sector entities.
- One assistant special agent in charge: Serves as the deputy director of the MNFC.
- Two special agents: One assigned to an FBI (Minneapolis) cyber squad, and one assigned to lead BCA's Threat Assessment Threat Management Initiative for the state of Minnesota.
- One operations manager: Serves as the privacy, civil rights and civil liberties officer, a security liaison, and a state point-of-contact for people in Minnesota holding security clearances with the U.S. Department of Homeland Security Office of Intelligence and Analysis. The operations manager coordinates analyst staff assignments and work processes while overseeing the production of intelligence.
- Six criminal intelligence analysts: Serve as analysts in the following capacities:

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<sup>2</sup> Threat to Life (TTL) is defined as an emergency involving danger of death or serious physical injury to any person; as such, they involve threats to kill or seriously injure others or oneself. Examples of TTLs include, but are not limited to, threats to public safety, crisis calls, active shooters, and threats to law enforcement. The FBI's TTL initiative, via the FBI National Threat Operation Center (NTOC), began in October of 2020. Since then, the MNFC has received and processed a total of 165 tips (as of 12/31/2023), 55 from 2023 alone. TTLs may encompass any threat to another's life; however, 13 TTLs between 01/01/2023 and 12/31/2023 demonstrated a school threat nexus. Upon receipt of each TTL tip, MNFC staff coordinate responses with FBI Minneapolis, including but not limited to: connecting with local law enforcement, locating derogatory or concerning information related to the TTL subject, submitting preservation letters, and subpoenaing subscriber information.

- Provide investigative analytical assistance to BCA agents as well as state, local, tribal, territorial and federal law enforcement nationwide.
- Support DHS-designated critical infrastructure and key resources within the state of Minnesota.
- Develop state-level intelligence questions and coordinate with national-level partners to work collectively on information requirements for the state and federal government, to include liaising with F-SLTT entities.

Due to increased funding levels in 2024, the MNFC staffing will be, upon the completion of the hiring process:

- One special agent in charge.
- Two assistant special agents in charge.
- Six special agents.
- One operations manager.
- Seventeen criminal intelligence analysts.

## Minnesota Fusion Center publications

The MNFC produced and disseminated the following types and numbers of publications during the reporting period:

- Law enforcement briefs — 30.
- Partner briefs — 30.
- Assessments — 16.
- Operational reports — 10.

The MNFC produced and disseminated these and more than 40 additional products to F-SLTT law enforcement and private sector partners throughout Minnesota and the United States to facilitate situational awareness regarding the evolving threat landscape.

In addition, the MNFC processed 86 Terrorist Screening Center (TSC) alerts – a 10.25 percent increase over 2022. It also evaluated 55 Threat to Life (TTL) incidents during this reporting period – coordinating directly with state, local, and federal law enforcement entities both inside and outside of Minnesota to facilitate legal process and locate the subject of concern. This reflects a 57 percent increase in TTL incidents evaluated by the MNFC over 2022. There are 80 fusion centers nationwide. The MNFC is one of 32 fusion centers that evaluates TTL incident reports.

## Audit activities

Recognizing the need for accuracy, efficiency, and accountability, the MNFC undertakes an internal audit to confirm consistent performance within policy, procedure and best practices, and to identify any gaps or deficiencies that should be addressed. The MNFC conducted an audit in December 2023. Because regular audits are essential to maintaining best practices and accountability, this audit is repeated on an annual basis.

When the 2023 audit was conducted, the MNFC privacy policy included three categories of data requests: Requests for Information (RFI), Suspicious Activity Report (SAR), and Terrorist Screening Center (TSC) notifications. However, the privacy policy is currently under revision, with the new language to include data

request categories for Threat to Life Reporting (TTL) and “See it, Say it, Send it” (S3) reporting.<sup>3</sup> For this reason, both TTL and S3 reporting were included in this audit.

The 2023 audit consisted of a two-part review, by both the privacy officer and another employee, of MNFC data categorized as an RFI, SAR, TSC, TTL, or S3, from Jan. 1, 2019 to Dec. 31, 2023. Reviewed data was randomly drawn from each data request category, via the use of a random number generator, to determine which entries would be reviewed for compliance with the MNFC Privacy Policy and 28 CFR Part 23.

## 2023 audit findings

In the first part of the audit, the privacy officer reviewed a total of 210 data entries drawn from each month of each calendar year, all of which were deemed compliant.

A second review drawn from the privacy officer’s audit entries consisted of an evaluation of four entries per data request category. In this second part of the audit, a total of 84 entries were reviewed and all were deemed compliant.

## 2023 audit actions

During the audit review, one data entry was determined to be outside of the standards of the privacy policy. The 2019 entry contained threat reporting that lacked sourcing information for the reporting party. The MNFC located the original correspondence and sourced the threat reporting to a law enforcement entity, bringing this entry into compliance.

To mitigate future data entries lacking sourcing information, the standard operating procedure (SOP) was updated to include detailed MNFC data entry information and updated processes related to screening data entries on a weekly basis.

During the 2023 calendar year, the MNFC purged 1,144 records to comply with the standards of the privacy policy and 28 CFR Part 23.

## Data requests

The BCA received two requests for MNFC data during this reporting period.

- October 2023: A company requested all self-reported Assessment Profile System records as they relate to the Fusion Centers' center management, operations, and certification of compliance as they relate to any American Rescue Plan Act (ARPA)-related grant, or where ARPA is a partial source of funds.
- February 2023: An organization requested all data related to a cyber-incident impacting a specific school district in Minnesota.

## Tools utilized by the Minnesota Fusion Center

### Surveillance and data analysis technologies

The MNFC utilizes the following types of surveillance and data analysis technologies:

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<sup>3</sup> See: <https://dps.mn.gov/divisions/bca/Pages/bca-tip-app.aspx>

- First Alert - A social media tool that alerts analysts in real-time about breaking news alerts, high-impact events and emerging risks via open sources<sup>4</sup> to better inform first responders in threat mitigation and response.
- Fusus - A video platform integrating public and private real-time video to enhance public safety and investigations assets for law enforcement, first responders and private security personnel while informing decisions to maintain safety.
- Bridge4PS - A secure information sharing system that local, state and federal law enforcement entities use to communicate and share data.

## Commercial databases

The following is a list of commercial databases used by the MNFC:

- TLOxp - An open-source investigative and risk management platform with access to public and proprietary data for investigatory purposes.
- CLEAR - An open-source investigative and risk management platform with access to public and proprietary data. The platform offers advanced search and analytics capabilities to help users locate people, assets, and businesses efficiently for law enforcement investigatory purposes.
- ACISS - A records management system for the organization and dissemination of the vast amounts of information collected and utilized by law enforcement and other investigative organizations for investigatory purposes.
- Ancestry.com - An open-source genealogical website.
- ISO ClaimSearch - An open-source, comprehensive database containing vital information on property, casualty and automobile claims, including physical damage, theft and salvage information.
- ODMAP - An open-source, web-based database that allows local and state public safety and public health organizations to report suspected drug overdose events within their jurisdiction and to track the occurrence and approximate location of those events.
- Spotlight - An open-source victim identification tool used by law enforcement to aid in juvenile sex trafficking investigations.
- Whooster - A platform that integrates open-source intelligence data with private data sources to deliver up-to-date, reliable, and actionable information needed for public safety, regulatory and private concerns.
- Carfax for Law Enforcement - A database containing vehicle history data.
- Terrorism Research and Analysis Consortium - A global terrorism database containing reporting from international sources detailing information and analyses of terrorist groups and activities.

## Government databases

The following is a list of government databases used by the MNFC:

- Minnesota Repository of Arrest Photos (MRAP) - A database containing booking photos that is accessible only to law enforcement.

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<sup>4</sup> Open source information is that which is publicly available, further defined as “information that has been published or broadcast for public consumption, is accessible online or otherwise to the public, is available to the public by subscription or purchase, could be seen or heard by any casual observer, is made available at a meeting open to the public, or is obtained by visiting any place or attending any event that is open to the public,” by the Office of the Director of National Intelligence (ODNI) in the 2011 “Civil Liberties and Privacy Guidance for Intelligence Community Professionals: Properly Obtaining and Using Publicly Available Information” guide. This guide is available here: [https://www.dni.gov/files/documents/CLPO/CLPO%20Publication\\_Publicly%20Available%20Information\\_July%202011%20-%20Public%20Release%20Version.pdf](https://www.dni.gov/files/documents/CLPO/CLPO%20Publication_Publicly%20Available%20Information_July%202011%20-%20Public%20Release%20Version.pdf)



- Statewide Supervision System (S<sup>3</sup>) - A database containing statewide corrections and supervision information that is accessible only to law enforcement.
- Law Enforcement Enterprise Portal (LEEP) - A portal to obtain local, state and federal law enforcement reporting.
- Minnesota Driver and Vehicle Services' (DVS) LE Support - A database containing information related to registered drivers and vehicles.
- Southwest Border Transaction Record Analysis Center (SWBTRAC) - A centralized searchable database of financial transactions of global money services businesses (MSBs).
- Public Access to Court Electronic Records (PACER) - A database containing electronic court records.
- Predatory Offender Registry (POR) - A statewide database containing information related to registered predatory offenders, available only to criminal justice agencies.
- Minnesota Government Access (MGA) - A statewide database containing electronic court records and documents for cases in Minnesota district courts.
- Minnesota Crime Alert Network (MNCAN) - A statewide communications network that enables law enforcement agencies to quickly alert the public.
- Police Information Management System/Computer Assisted Police Reporting System (PIMS/CAPRS) - A local law enforcement records management system.
- Archive Services - A statewide database containing records of Minnesota law enforcement's previous queries related to registered vehicles and drivers.
- Deconfliction and Information Coordination Endeavor/ DEA Special Intelligence Link (DICE/DEASIL) - A federal database that offers either alert deconfliction or investigative deconfliction. Deconfliction reduces safety risks by determining when multiple law enforcement efforts will be occurring in the same proximity.

## Suspicious activity reporting

In 2023, the MNFC received and processed 336 suspicious activity reports (SARs). Among them,

- Eight were converted into BCA case files.
- Forty-five were referred to the FBI.
- Fifty-two were referred to local agencies.

In addition, of the 336 SARs received and processed by the MNFC:

- Thirteen involved an individual on the Terrorist Screening Center watchlist.
- Sixty-five involved expressed or implied threats to Minnesota schools.
- Eighteen targeted government officials or entities.
- Seventeen involved threats to religious entities, personnel or events within Minnesota.

The following law enforcement agencies submitted SARs to the MNFC during this reporting period:

### Minnesota law enforcement

- |  |                                 |
|--|---------------------------------|
| • Crow Wing County Sheriff's Office              | • Austin Police Department      |
| • Minneapolis St. Paul Airport Police Department | • Bemidji Police Department     |
| • Albert Lea Police Department                   | • Big Lake Police Department    |
| • Alexandria Police Department                   | • Blaine Police Department      |
| • Apple Valley Police Department                 | • Bloomington Police Department |
|  | • Brainerd Police Department    |

- Brooklyn Center Police Department
- Buffalo Police Department
- Burnsville Police Department
- Carlton County Sheriff's Office
- Chaska Police Department
- Cloquet Police Department
- Columbia Heights Police Department
- Cottage Grove Police Department
- Crookston Police Department
- Detroit Lakes Police Department
- Douglas County Sheriff
- Duluth Police Department
- Eden Prairie Police Department
- Edina Police Department
- Fridley Police Department
- Fergus Falls Police Department
- Glencoe Police Department
- Hennepin County Sheriff's Office
- Hibbing Police Department
- Hopkins Police Department
- Inver Grove Heights Police Department
- Isanti Police Department
- Janesville Police Department
- Jordan Police Department
- Lakes Area Police Department
- Mankato Police Department
- Maple Grove Police Department
- Maplewood Police Department
- Metro Transit Police Department
- Minneapolis Police Department
- Minnesota Bureau of Criminal Apprehension
- Minnesota Department of Corrections
- Minnesota State Patrol
- Minnetonka Police Department
- North St. Paul Police Department
- Olmsted County Sheriff's Office
- Otter Tail County Sheriff's Office
- Owatonna Police Department
- Plymouth Police Department
- Prior Lake Police Department
- Ramsey County Sheriff's Office
- Robbinsdale Police Department
- Rochester Police Department
- Rosemount Police Department
- Saint Paul Police Department
- Scott County Sheriff's Office
- Shakopee Police Department
- South St. Paul Police Department
- St. Louis Park Police Department
- St. Louis County Sheriff's Office
- University of Minnesota – Duluth Police Department
- University of Minnesota – Twin Cities Police Department
- Virginia Police Department
- Washington County Sheriff's Office
- Windom Police Department
- Winona Police Department
- Wright County Sheriff's Office

### Federal law enforcement

- Defense Intelligence Agency
- Department of Homeland Security
- Federal Bureau of Investigation
- Treasury Inspector General for Tax Administration (TIGTA)
- U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives
- U.S. Capitol Police
- U.S. Marshals Service
- U.S. Secret Service

## Out-of-state law enforcement

- **Chandler Police Department (Arizona)**
- Kentucky Fusion Center
- Mid-States Organized Crime Information Center
- Missouri Department of Public Safety Highway Patrol
- Nebraska Fusion Center
- New York State Police
- North Dakota State and Local Intelligence Center
- Ohio Homeland Security
- South Carolina Bureau of Protective Services
- Wisconsin Statewide Intelligence Center

## Requests for information

During this reporting period, the MNFC received 985 requests for information (RFI) related to criminal investigations from F-SLTT law enforcement entities including those within Minnesota, outside of Minnesota, and outside of the United States. Federal entities submitted 103 RFIs to the MNFC in 2013.

## Federal agencies that shared or received data

The MNFC received data from or shared data with the following federal agencies in 2023:

- Department of Defense
  - Criminal Investigative Service
  - Office of Inspector General
- Department of Homeland Security
  - Homeland Security Investigations (HSI)
  - Intelligence & Analysis (I&A)
  - Customs and Border Protection (CBP)
  - Cybersecurity and Infrastructure Security Agency (CISA)
  - Immigration and Customs Enforcement (ICE)
  - United States Secret Service (USSS)
  - Transportation Security Administration (TSA)
  - Office of Inspector General
- US Department of Justice (DOJ)
  - Drug Enforcement Administration (DEA)
  - FBI
  - Interpol Washington
  - U.S. Marshals Service (USMS)
  - U.S. Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF)
  - U.S. Bureau of Prisons (BOP)
- Social Security Administration (SSA)
- United States Postal Inspection Service (USPIS)
- U.S. Capitol Police (USCP)
- U.S. Department of Agriculture Office of Inspector General
- U.S. Department of Labor
- U.S. Department of State
- U.S. Department of Treasury
  - Internal Revenue Service (IRS)
- U.S. Fish and Wildlife Service

## **MNFC involvement with the Joint Terrorism Task Force**

Select MNFC personnel attend and/or brief the FBI Joint Terrorism Task Force Executive Board meetings.

## **Investigations aided by MNFC use of SARs and RFIs**

The MNFC processed 985 RFIs and 336 SARs in 2023, and took action on 141 TTLs and TSCs in 2023, for a total of 1,462 investigations aided using these tools.

In addition, the MNFC disseminated information throughout the year intended to facilitate situational awareness amongst law enforcement and private sector partners about emerging threat tactics, criminal and/or terrorist trends occurring beyond the State of Minnesota, and indicators to report to law enforcement. The value of these activities to investigative efforts and overall safety in Minnesota cannot be quantified.