



STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

**EXECUTIVE ORDER
No. 2012 - 5**

**ESTABLISHING THE MICHIGAN INTELLIGENCE OPERATIONS CENTER
FOR HOMELAND SECURITY**

DEPARTMENT OF STATE POLICE

**RESCISSION OF
EXECUTIVE ORDER 2007-47
EXECUTIVE ORDER 2009-30**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration; and

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department shall be under the supervision of the governor, unless otherwise provided by the Constitution; and

WHEREAS, the Michigan Intelligence Operations Center for Homeland Security and the Advisory Board for the Michigan Intelligence Operations Center for Homeland Security were established within the Department of State Police by Executive Order No. 2007-47 and amended by Executive Order No. 2009-30; and

WHEREAS, in the interests of efficient and effective administration of state government, it is necessary to change the Michigan Intelligence Operations Center for Homeland Security and the composition of the Advisory Board for the Michigan Intelligence Operations Center for Homeland Security;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. RESCISSION OF EXECUTIVE ORDERS

Executive Orders 2007-47 and 2009-30 are rescinded.

II. DEFINITIONS

As used in this Order:

A. "Fusion Center" means a multi-agency organization to better enable information sharing between member agencies in support of investigations and homeland or national security, and to reduce threats to security. This involves a collaborative effort of two or more agencies to provide resources, expertise, and information to the center with the goal of maximizing the agencies' ability to detect, prevent, investigate, and respond to criminal and terrorism activity.

B. "Advisory Board" means the advisory board for the Michigan Intelligence Operations Center for Homeland Security created within the Department under Section IV.

C. "Center" means the Michigan Intelligence Operations Center for Homeland Security that is the primary designated fusion center for the state of Michigan created within the Department under Section III.

D. "Node" is a designated fusion center, including a major urban area fusion center not designated as the primary fusion center, that participates, is interconnected, collaborates, and shares information with the primary designated fusion center.

E. "Department", except where the context indicates otherwise, means the Department of State Police.

III. CREATION OF THE MICHIGAN INTELLIGENCE OPERATIONS CENTER FOR HOMELAND SECURITY

A. The Michigan Intelligence Operations Center for Homeland Security is created within the Department of State Police.

B. The Michigan Intelligence Operations Center for Homeland Security is the primary designated fusion center for the state of Michigan.

C. The authority, powers, duties, and functions of the center, including, but not limited to, budgeting, procurement, and related management functions, shall be performed under the direction and supervision of the director of the Department.

D. The director of the Department shall direct and supervise the operation of the center and is responsible for developing and implementing the management and operational policies of the center.

E. Information and intelligence provided to the center and any nodes shall be collected, evaluated, collated, analyzed, and disseminated under applicable federal and state laws and regulations.

IV. CREATION OF THE ADVISORY BOARD FOR THE MICHIGAN INTELLIGENCE OPERATIONS CENTER FOR HOMELAND SECURITY

A. The advisory board for the Michigan Intelligence Operations Center for Homeland Security is created as an advisory body within the Department.

B. The advisory board consists of the following 11 members:

- The director of the Department.
- The Adjutant General, or his or her designee, from within the Department of Military and Veterans Affairs.
- The director of the Department of Civil Rights, or his or her designee, from within the Department of Civil Rights or from the Civil Rights Commission.
- The director of the Department of Corrections, or his or her designee, from within the Department of Corrections.
- The Attorney General, or his or her designee, from within the Department of Attorney General.

The following members appointed by the governor:

- An individual representing local police departments in this state or the Michigan Association of Chiefs of Police.
- An individual representing local sheriff's departments in this state or the Michigan Sheriffs' Association.
- An individual representing the office of a county prosecuting attorney or the Prosecuting Attorneys' Association of Michigan.
- Three members of the public, who are residents of this state, who are not connected to law enforcement or employed by local, state or federal governments and includes at least one individual who represents a statewide, non-profit organization advocating for civil liberties and privacy protections.

C. Of the members of the advisory board initially appointed by the Governor under Section IV.B., two members shall be appointed for terms of three years each, two members shall be appointed for terms of four years each, and two members shall be appointed for terms of five years each. After the initial appointments, members of the advisory board appointed by the Governor under Section IV.B., shall be appointed for terms of four years. A vacancy caused other than by expiration of a term shall be filled in the same manner as the original appointment for the remainder of the term. The director of the Department shall serve as the chairperson of the advisory board. The advisory board shall annually elect a member of the advisory board to serve as vice-chairperson of the advisory board.

D. The advisory board shall be staffed and assisted by personnel from the Department, as directed by the director of the Department. The budgeting, procurement, and related management functions of the advisory board shall be performed under the direction and supervision of the director of the Department.

E. The advisory board shall invite the participation of up to five Michigan residents representing federal homeland security or law enforcement agencies, such as the United States Department of Homeland Security, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the United States Attorney's Office for the Eastern District of Michigan, or the United States Attorney's Office for the Western District of Michigan.

V. ADVISORY BOARD FUNCTIONS AND RESPONSIBILITIES

A. The advisory board shall adopt procedures consistent with the laws of this state governing its organization and operations. The advisory board shall make recommendations regarding the privacy policy and management policies and procedures for the center and any node to comply with any applicable laws, including, but not limited to, the C.J.I.S. Policy Council Act, 1974 PA 163, MCL 28.211 to 28.215.

B. A majority of the members of the advisory board serving constitutes a quorum for the transaction of the advisory board's business. The advisory board shall act by a majority vote of its serving members.

C. Members of the advisory board shall serve without compensation. Members of the advisory board may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Technology, Management, and Budget, subject to available funding.

D. The advisory board shall meet at the call of the chairperson and as may be provided in procedures adopted by the advisory board.

E. The advisory board may establish advisory workgroups composed of representatives of law enforcement agencies participating in center activities, other law enforcement or public safety agencies, and other public participation as the advisory board deems necessary to assist it in its duties and responsibilities. The advisory board may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

F. The advisory board may consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, government agencies, and institutions of higher education.

G. Members of the advisory board shall refer all legal, legislative, and media contacts to the Department.

VI. PRIVACY POLICY

Each year the Department, in consultation with the advisory board, shall review the center's privacy policy for information and intelligence in the possession of the center and any nodes. The review shall ensure that the privacy policy protects the political and civil rights of the residents of this state consistent with applicable state and

federal law, including, but not limited to, laws and regulations relating to privacy and public access to government information. The review shall also seek to preserve the integrity and effectiveness of law enforcement responsibilities and functions, while also assuring that residents of this state remain protected from the inappropriate use or release of private information.

VII. MISCELLANEOUS

A. The Detroit and Southeast Michigan Information and Intelligence Center is recognized as a fusion center and node of the Michigan Intelligence Operations Center.

B. State departments and agencies shall actively cooperate with the center and advisory board in the performance of their duties and responsibilities under this Order.


C. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order

This Executive Order shall become effective upon filing.

Given under my hand and the Great Seal of the state of Michigan this 11th day of April, in the year of our Lord, two thousand twelve.




RICHARD D. SNYDER
GOVERNOR

BY THE GOVERNOR:


SECRETARY OF STATE

FILED WITH SECRETARY OF STATE

ON 4/11/12 AT 1:03 pm