

**May 21, 2014 Written Testimony of AFGE Local 918- Federal Protective
Service Union President David L. Wright before the House Subcommittee on
Economic Development, Public Buildings and Emergency Management on
Examining the Federal Protective Service: Are Federal Facilities Secure?**

Chairman Barletta, Ranking Member Carson and Members of the Committee:

While Federal employees and facilities are very vulnerable to attack from both criminal and terrorist threats, thanks to the efforts of the dedicated FPS field staff they are generally secure. Are they as secure as they should be? Unfortunately they are not. Are Federal employees and facilities across the nation provided security that is as effective as this Congressional Office Building? Definitely they are not. Are there smart solutions to start bridging those gaps? Absolutely!!!

These solutions include establishing real results -based accountability for FPS leadership; pushing staff from headquarters to the field where service is actually delivered; providing effective on-site access control, screening for weapons and response; providing for effective recruiting/ retention of Inspectors; working, compliant tools for risk assessment and contract guard monitoring; saving agency mission dollars from diversion to inefficient internal security staff; and establishing effective security governance at facilities.

Establish a Culture of Accountability:

Since 2008 GAO has reported on challenges that FPS faces carrying out its mission, particularly oversight of contract guards and risk assessment. In both 2010 and 2013, GAO reported problems with ensuring that guards received screener training and met certification requirements.

There is no excuse for FPS senior managers who failed to ensure contract guard training was conducted and monitored. These problems could have been fixed. Three years later they should have been fixed, and the responsible managers should have been held accountable.

However, often lost in the broad national brush of these GAO reports is these are not organization-wide failures. In several of the 11 FPS Regions almost everything seems to go well. Laws are enforced, security assessments are completed, all guards receive FPS training, untrained guards are never used at a screening post, guard firearms qualification is fully monitored and guards are trained on active shooter at the facility they protect. This happens because the dedicated front line FPS Inspectors and Police Officers work many weekends to train contract guards and ensure that guard companies provide training required by their contract. They work productively with our partners at GSA and facility tenants to secure facilities often with very limited resources. These employees are dedicated to the mission of keeping federal employees and facilities safe. Simply put - FPS field employees refuse to fail.

When there is broad success in some regions and failure in others, the proper path to nationwide success would be to reward successful managers and hold failing managers accountable through demotion or removal. But with FPS it seems all too often that instead of establishing accountability, failure is treated as a structural issue which can be solved by reorganization to include additional layers of higher graded management coupled with additional staffing at headquarters in Washington DC. In this scenario, if some GS 15 Regional Directors don't organize their resources to train and monitor guards, the hiring of a new layer of SES and even more GS 15's at HQ would solve the problem. What has resulted is a lack of clear direction funneled through an extra layer of management who either ignore problems or are so busy collecting the wrong data they miss it. A better path is to give our Inspectors tools that work and

direction on priorities and they will make sure these issues are fixed. The security of our federal buildings is not a T-ball game to build self-esteem; it is serious business with serious consequences.

The solution is for DHS, aided by Congressional oversight, to establish a culture of accountability in FPS by removing unnecessary management layers and firing or demoting managers who fail to accomplish critical tasks or uphold the FPS Code of Conduct.

Staff the field where service is actually delivered

The FPS mission is performed primarily by our Inspector workforce of Federal Law Enforcement Officers also trained as Physical Security Specialists and assigned a portfolio of buildings. In addition to Inspectors there are Police Officers (being phased out through attrition), Explosive Detection K-9 Handlers and Special Agents who deliver primary services. There are also supervisors, program managers and mission support staff who perform management and support activities.

As law enforcement officers, approximately 680 Inspectors and legacy police officers respond to over 30,000 incidents a year, make over 1,900 arrests and conduct over 13,000 explosive K-9 sweeps in addition to community policing/ physical security duties for their assigned buildings.

On average, each inspector who is not a K-9 handler has about 23 buildings where they perform Facility Security Assessments (FSA); recommend, manage, test and check security countermeasures such as alarms, CCTV, blast mitigation and contract guards as well as security procedures such as entry control for employees and visitors; present FSA recommendations based on the Interagency Security Committee (ISC) Risk Management Process and threat assessments developed by FPS Special Agents for approval by Facility Security Committees

(FSC); participate in FSC meetings to update facility occupants on law enforcement efforts and security measure effectiveness; assist FSC in the development and exercise of emergency plans; recommend and conduct training for tenants on reaction to and prevention of undesirable events such as procedures to respond to an active shooter; draft and update post orders to provide detailed instructions to contract guards; and conduct proactive police patrol to detect and deter threats to a facility as well as identify and mitigate opportunities for criminal or terrorist attack.

Inspectors and Police Officers also perform contract guard monitoring duties that include: inspections of contract guard posts, based on the facility security level, to ensure they follow the contract including specific orders for that post; compliance monitoring of contract guard initial training and refresher training; observing every FPS -required contract guard firearms qualification (twice a year for most guards); teaching eight hours of initial training for each new contract guard; and teaching weapons detection to each guard.

Approximately 80 Special Agents investigate crimes including investigation and follow up with individuals who make threats to federal employees and facilities (except for threats to the Judiciary which are the purview of the USMS); conduct covert testing of contract guards; and provide intelligence including the threat portion of the FSA.

How do Inspectors accomplish all their tasks? They don't because there are simply not enough of them. What doesn't get done? Often it is the proactive tasks of making sure countermeasures work, emergency planning assistance and much of the critical proactive security/law enforcement patrol to deter and detect attackers and criminals.

A comparison with other facility security and law enforcement organizations is illustrative of this staffing shortage. The Capitol Police have 1,800 police officers for 47 blocks of Washington

DC; and the Secret Service Uniformed Division has 1,300 police officers for the White House and foreign embassies in Washington DC. In contrast, FPS staff in the NCR is a fraction of that and only about 1,000 nationwide. Clearly 1,000 in FPS are not enough to provide minimum law enforcement and security for our Federal buildings.

Additionally, analysis by several Inspectors indicates there are a number of contract guard patrol & response positions whose duties could be transitioned to Federal Police Officers at close to the same cost, but our funding structure - whereby guards are paid by building specific charges and FPS Officers are paid through basic security charges - prevents FPS from doing this.

Public Law requires FPS have a minimum of 1,371 total staff (down from 1,475 in FY07), of which 1,003 must be in-service field law enforcement staff.

There are 1,371 FTE (Full Time Employment) positions in FPS with 1,007 of them law enforcement. According to our research, 258 FTE including 67 law enforcement are assigned to the headquarters and 1,113 to the 11 Regions. The entire cadre of Inspectors, Police Officers and Special Agents who perform our direct services and their supervisors including the GS 15 Regional Directors comprise only 68% of the nationwide staff outside of HQ. A lean, agile and high performing organization would have far more than 68% of the staff in the field to accomplish the mission. Also, the 67 law enforcement staff assigned to the headquarters are not field law enforcement staff, thus FPS appears to be 63 Inspectors short of the statutory minimum.

FPS also uses over 550 support contractors. Over 200 work in our consolidated dispatch centers where they receive calls for service, monitor alarms, notify facility officials and dispatch FPS officers and PSO's to respond to incidents. Administrative support in the regions is provided by

less than 200; and over 150 provide administrative and financial support in FPS headquarters. This amounts to almost one contractor for every two employees.

Thus of a nationwide employee and contractor workforce of over 1,920, more than 21% is assigned to the headquarters. Over 20% of total personnel assigned to the HQ “supporting” 11 largely self-sustaining regions is inefficient and it effectively reduces the number of Inspectors and Police Officers in the field – which robs Federal buildings of necessary security.

An analysis of high grade positions is equally frustrating. For an organization with less than 1,400 employees, FPS has eight Senior Executives; 39 GS 15; and 138 GS 14. Over half of these top three grades are assigned to the headquarters. An organization focused on delivery of services in the field does not need eight SES and 28 GS 15 in its headquarters while the only field GS 15 are the 11 Regional Directors.

The solution is that Congress establish a ceiling of four SES; limit GS 15 to 125% of the number assigned to the regions; mandate reduction of headquarters (with no transfer of existing functions to the regions) to 12.5% (172 FTE) of total FTE; direct that incumbents in positions which exceed these limits be placed in the next vacancy within DHS for which they are qualified; and mandate the reduced FTE be allocated to hiring field law enforcement staff in the regions.

Congress should also allow FPS to use its building specific charges to add FTE (not counted in the statutory minimum) when officers are dedicated to the facilities in an area who are paying the charges. And Congress should restore the minimum FPS field law enforcement staff to its 2007 equivalent of 1,150.

Effective on-site security services

FPS uses approximately 13,000 contract guards (called Protective Security Officers or PSO) at a FY 13 cost of about \$875 million to perform patrol & response; personnel, package, and vehicle screening; alarm and CCTV monitoring; and access & visitor control duties at buildings.

Facility Security Committees approve each post and the hours it is staffed. These services for a building are funded based on the space each agency occupies. Specific services inside a tenant's space to deter disruptive behavior in some offices (i.e. IRS and SSA) and are paid by that tenant. FPS procures, manages and monitors these services with some exceptions such as Judicial Space where contract guards (called Court Security Officers or CSO's) are procured and managed by the U.S. Marshals Service; and some buildings where the tenant contracts for their own security.

FPS has over 110 guard contracts. Each contract usually covers a portion of a state, the whole state or several states except in the NCR where the service areas are individual buildings rather than a contiguous area. For example in my home region there is one contract which covers all four states. Conversely in the NCR there are over 40 contracts, so an Inspector with buildings in a ten block area could have three or more different contractors servicing those buildings. I have been told it is impossible to consolidate contracts in the NCR and replicate the reduced cost and FPS workload noticed in my home region due to DHS –imposed bureaucratic rules.

Unlike Senate and House Office buildings where the entire on-site force is comprised of Federal Police Officers, the 1.4 million employees and visitors who use GSA owned or leased facilities must rely on contract guards for this function. These contract guards are beholden to state and local licensing restrictions and sometimes significant limits on authority. They are selected, trained, employed and supervised by private companies whose escalating wage rates during the

contract period are paid by the government. Discipline of guards who violate contract terms is up to the private employers who rarely fire them since retraining guards or hiring and training new guards eats into company profits. Even when malfeasance is detected, such as a case where a guard company employee falsified guard training records, it is treated as rogue behavior by an employee that the company can't control. The services from the company continue on that and other contracts with only one corporate employee debarred.

Federal Police Officers at Senate and House Office buildings are a proven cost-effective measure. How can we not provide the same protection at major GSA controlled buildings with thousands of employees? The Federal Officers at this building have the duty and authority to respond to active shooters. How can we demand less at federal buildings with thousands of occupants?

Another issue with contract guard use is the numerous small contracts where the cost per guard hour may be as much as \$10.00 more than a nearby larger contract. FPS should be allowed to achieve economies of scale and reduce the cost of guard service. This reform could provide significant hourly cost savings not just on FPS contracts but also by assuming contracts (except for the USMS) procured and managed by agencies who contract for guards. Finally, the size of the FPS procurement staff has doubled but now takes 400 days to implement a new contract.

The solution is ultimately action by Congress to direct the use of Federal Police Officers as provided at House and Senate Office buildings for large multi-tenant facilities open to the public with a Facility Security Level of 3 or 4. As an interim measure and for smaller facilities where contract guards would continue to be the best option, provide legislative direction and relief to DHS and FPS to efficiently consolidate guard contracts within the same state or contiguous areas

in the NCR. Mandate implementation of a reasonable procurement staffing model; and mandate implementation of more cost effective procurement options, such as potential use of GSA.

Effective recruiting/ retention of Inspectors and working compliant tools

I have been told that FPS has a 7% attrition rate and when applicants for Federal Law Enforcement positions look at FPS one of the first questions asked is if we are covered by the law enforcement retirement provisions. When told we are not, the brightest and best qualified apply elsewhere. We lose too many good officers who transfer to another Federal agency to get that coverage.

FPS law enforcement officers are not considered as such for purposes of retirement. Congress has recognized and remedied the omission of other agencies including CBP and ICE, but has not yet included FPS. Last week here in the nation's capital we celebrated Police Week. At one event at the National Law Enforcement Memorial - where the names of federal state and local Law Enforcement Officers who have died in the line of duty are inscribed along the walkways, the nation recognized the supreme sacrifice of those heroes. Among the names inscribed at the memorial are six Officers of the Federal Protective Service. And should any other FPS Officer die in the line of duty their name will be added to that memorial. If we live and die as law enforcement officers Congress should recognize that service by allowing us to retire as one.

The Facility Security Assessment of a facility based on threat, vulnerability and consequence forms the basis of risk mitigation at that facility. FPS currently uses an interim tool called Modified Infrastructure Security Tool (MIST) which was borrowed from Infrastructure Protection's Infrastructure Security Tool (IST) tool which is used to survey a wide range of industrial and other commercial non-governmental facilities. Inspectors are concerned that

MIST does not align well with the ISC and misses several countermeasures; that it computes a baseline level of protection while the ISC requires a customized level of protection; and well informed FSC's expect the deliverables in the ISC standards which are higher than MIST provides. Overall tenants appear satisfied and understand the recommendations. However, GAO recently found it was not compliant with the government wide standards for risk assessment and there are available tools that meet the requirements. Also, FPS has been working with DHS Science and Technology to automate verification that guards stand post when scheduled and are trained for that post. Progress seems to be very slow.

The solution is for Congress to give FPS the recruitment and retention tool they gave CBP to ensure we can hire and retain top-notch officers to make Federal buildings secure. Mandate FPS expeditiously acquire and field a compliant risk assessment tool and guard post tracking system.

Save agency mission dollars from diversion to inefficient internal security staff

Federal agency Security Directors naturally want complete control of all aspects of security just as agencies want to own and lease their own office space regardless of efficiency. They fail to take advantage of economies of scale and pay more than necessary for guard service. Some security staff such as the DHS Office of Security and ICE Security Management Unit even armed their agency security specialists using 40 USC 1315. They do not have a law enforcement role; their use as such is inefficient; and it uses scarce mission dollars for services more efficiently provided by FPS. The security staff at many agencies often duplicate services provided by FPS. Congress and GSA have determined it is costly and inefficient for agencies to rent their own office space – the same economic case is applicable to security.

The solution is that Congress direct each agency to capture and report its direct and indirect (i.e. procurement) spending and FTE devoted to services normally provided by FPS. Analyze the results and direct non-mission critical expenses be stopped and FPS provide the service.

Effective security governance at facilities

Decisions to implement or not implement FPS security countermeasure recommendations are made by Facility Security Committees (FSC's) at individual facilities. FSC's are comprised of a representative from each tenant federal agency. Many of the FSC members are not security professionals who assume the FSC membership as a collateral duty. Tenant Agency lack of compliance with the ISC Risk Management Process Countermeasures also makes facilities vulnerable. If FPS recommended countermeasures are not accepted, the FSC's should recognize "acceptance of risk", but as noted by the Administrative Office of US Courts in November 2013 "There is **no** ISC requirement that individual FSC members sign a document "accepting risk." Rather, the ISC standard is that if a proposal is voted down, it will be **noted** in the meeting minutes." This includes FSC decisions to install alarm or CCTV systems, determination of which non-law enforcement employees are allowed to bypass screening for weapons and explosives, and other common sense protective measures. Additionally, the tenants in a building must pay FPS or GSA for any security countermeasures, so agency budget and individual FSC member's lack of authority to commit funding often becomes the only or most important factor in these decisions.

The solution is that Congress requires FSC's to articulate the risk assumed by not implementing ISC countermeasures in writing and FPS report these along with projected costs to Congress.

In summary, as AFGE President J. David Cox recently stated while calling on federal agencies to review their operational procedures to ensure the safety and security of all federal employees

“Federal employees are on the front lines in delivering services to the American people and oftentimes that puts them in harm’s way.” These employees and the public they serve deserve the best and most effective protection we can provide.

Curriculum Vitae: David L. Wright

Served in U.S. Navy: 1975-1979

Earned Associates of Applied Science Degree in Security Administration: 1985.

Career with Federal Protective Service: started in St. Louis, Missouri in 1986 and transferred to Kansas City, Missouri in 1988. Served as Corporal and Sergeant, 1993-2001; and have served as Inspector, 2001 – present.

April 2006: I chartered the AFGE Local 918 representing Federal Protective Service bargaining unit employees nationwide.

I have served as AFGE Local 918 President to date.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
Truth in Testimony Disclosure

Pursuant to clause 2(g)(5) of Rule XI of the Rules of the House of Representatives, in the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include: (1) a curriculum vitae; and (2) a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness. Such statements, with appropriate redaction to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(1) Name: David L. Wright

(2) Other than yourself, name of entity you are representing: American Federation of Government Employees (AFGE Local 918) – Federal Protective Service Union

(3) Are you testifying on behalf of an entity other than a Government (federal, state, local) entity? YES

(4) Please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by you or by the entity you are representing:

I have not received any Federal Grants or contracts during the current fiscal year or two previous fiscal years.

AFGE Local 918 has not received any Federal Grants or contracts during the current fiscal year or two previous fiscal years.



Signature

May 19, 2014

Date