

Sheriff Jerry L. Demings, Orange County Sheriff's Office (Florida)

Testimony Provided To: United States Congress

House of Representatives

Homeland Security Committee, Cannon House Office Building Rm 311

September 21, 2016 10:00 AM

Good Morning Chairman Michael T. McCaul and members of the Committee.

It is indeed an honor and a privilege for me to provide testimony today during this hearing to discuss ways to "Stop the Next Attack: How to Keep Our City Streets from Becoming the Battleground."

I am not here to be a doomsday reporter, but I do believe that our nation has experienced a paradigm shift in our global war on terror. There have been numerous recent violent incidents on U. S. soil, which indicate that terror subjects have brought the fight to our homeland. My community, the Metropolitan Orlando area, experienced such an attack on June 12. Members of my agency responded to assist the Orlando Police Department in the initial response involving an active shooter. The incident remains under investigation by the FBI, but it is believed that a lone gunman killed 49 innocent people and injured another 53 persons in the Pulse Nightclub incident. The incident began shortly after 2 a.m. when Omar Mateen began randomly firing at patrons of a club that catered to the LGBTQ community on a night designated as "Latin night." Like no other time in our history, if we are going to be successful at reducing the attacks on American citizens by violent extremists, federal, state and local law enforcement authorities must improve: 1) access to information, 2) the sharing of actionable intelligence information that can be used to identify and arrest subjects involved in plotting attacks before an attack occurs and 3) funding for counter-terrorism efforts to include training and equipment.

As it relates to access to information, the Department of Homeland Security (DHS) should reassess its policy on precluding state and local law enforcement agencies from having access to the ICE database that identifies individuals as being in this country illegally. Officer and public safety become a major issue in instances when law enforcement officers do criminal history checks in the field through the National Crime Information Center (NCIC) and they are not made aware of a subject's immigration status.

Immigration enforcement is clearly a function of the federal government, and sheriffs do not seek this authority. Our concern is for the safety of our officers. When officers/deputies encounter someone and the person is here illegally, that person assumes the "police" already know they are illegal and have the authority to arrest and deport them. Local and state law enforcement should know who they are dealing with even if they cannot arrest for immigration violations.

As it relates to sharing of information, Florida sheriffs have seen increased communication from the Department of Justice and DHS to state and local law enforcement concerning critical

incidents. Assistant Secretary Heather Fong at DHS' Office of Partner Engagement has been a driving force behind this and most sheriffs and police chiefs have been invited to participate in conference calls following significant national and international events affecting law enforcement and public safety. I am the current President of the Florida Sheriffs Association and give credit to DHS Secretary Johnson and FBI Director Comey for increasing communication with state and local law enforcement and for pushing facts to sheriffs directly as opposed to sheriffs receiving information from the national news media.

In order for American law enforcement to prevent, respond to and mitigate domestic terror attacks, analytics and training will be integral to stopping the attacks from proliferating. Central Florida has been the benefactor of numerous projects funded in previous years by the Urban Area Security Initiative (UASI) grant program. We have been working for the past two years to get DHS funding restored to our region. Primarily, Members of Congress from both the House and Senate have worked with Orlando Police Chief Mina and me in these efforts. We have petitioned DHS and FEMA to reassess the Orlando-Kissimmee-Sanford, Florida MSA, and the need to strengthen and secure the Central Florida region from another terror attack like the Pulse Night Club incident.

The Central Florida region has been fortunate to receive approximately 45.5 million dollars in UASI Funding since 2004. The Orange County Sheriff's office has managed the funds. The funding received prior to 2013 was critical to our region's ability to prevent, protect, respond to, and recover from not only terrorism, but a broad range of other threats and hazards. We are only as good at preventing a terror attack as the quality of information we receive about that attack.

I will briefly discuss one of our most notable regional partnerships in Florida called the Central Florida Intelligence Exchange, also known as the CFIX Fusion Center. It is located in Orlando and is one of only three Fusion Centers in Florida. It serves as a central repository of data bases that are currently being used by the Florida Department of Law Enforcement and other federal, state and local law enforcement agencies. In addition to its counter terrorism focus, CFIX serves as an "all hazards" fusion center, assisting agencies in the mitigation and assistance needed to recover from hazards such as hurricanes and other natural disasters. CFIX assists with investigation of crimes that possibly contain nexus to terrorist activity or other homeland security issues. In other words, fusion centers located throughout the country are pivotal to our nation's mission of "stopping terror attacks."

Due to lack of funding, some critical needs of CFIX have been lost. We have reduced the number of analysts, which could have worked to provide intelligence information that could prevent a terror attack. One example of a success story involving CFIX occurred when CFIX assisted the US Marshalls, the United States Secret Service and Coast Guard in locating a disgruntled citizen who made concerning statements about the President prior to the launch of a space Shuttle Endeavor mission and numerous other instances in which they provided information with a nexus to national security.

Through the National Infrastructure Protection Program (NIPP), we received UASI Funding for a video camera surveillance Project in the tourist corridor, downtown Orlando, and in areas near the University of Central Florida. Due to a loss of funding, we have not been able to expand the project into areas around our top tourist destinations.

Prior to June 12, 2016, we held more than a dozen UASI funded training exercises over the past 12 years. I believe the agencies responding to the Pulse incident flawlessly initiated an active shooter response because of training paid for through historical UASI funding. (You have a list of the training exercises in your material.) We train to respond as a region to a terror attack or other disaster. About 150 of my deputies along with multiple other local law enforcement, fire and EMS agencies responded to assist the Orlando Police Department during the Pulse incident. Because of the infrastructure connections in our region, it is a natural to have a regional capability and vulnerability assessment. Regional preparedness, response and recovery efforts are also pivotal to the mission of stopping and/or reducing terror attacks.

Presently, FEMA uses the Office of Management and Budget's (OMB) geographical boundaries defined in the Federal Register when calculating risk scores for MSAs. We believe that the boundaries of the Orlando-Kissimmee-Sanford MSA should be expanded to include the Brevard county area to the east and Volusia County MSA to the north.

In September 2015, we began the process of lobbying the federal government to combine the Metro Orlando MSA with Brevard and Volusia. This was broadly supported by federal, state and local elected officials and numerous letters were written to the FEMA Assistant Administrator of Grant Programs, the OMB statistician and the OMB office of Information and Regulatory Affairs. You have a list and copies of the letters in your materials. I don't have time today to get into the details of the methodology used in assigning risk, but we suggest that DHS include domestic and international visitors in the equation and not just permanent resident population in the scoring.

With attacks in places like Boston, San Bernardino, Orlando and Dallas, there is a need to have an overall increase in UASI funding across the nation. An overall increase in UASI funding would expand DHS' ability to fund the top 100 high risk areas from 85% to 90% of the areas with the most risk. Areas like Central Florida would no doubt make the list. Congressman Mica has expressed support to increase funding nationwide. In 2016, the Orlando MSA was 34th on the list, when only 29 were funded.

Local and state agencies have equipment needs and the requisite training for use of the equipment including mobile command centers, surveillance equipment, tactical weapons, armored vehicles and explosive ordinance detection.

In closing, thank you for allowing me to speak and I ask the committee to analyze the current MSA methodology formula and the data used in the formula to reflect current threats and vulnerabilities in Central Florida.