



**Statement of Assistant Sheriff Thomas Roberts  
on behalf of the Las Vegas Metropolitan Police Department**

**Before the House Transportation Subcommittee on Economic  
Development, Public Buildings, and Emergency Management**

**“Building a 21<sup>st</sup> Century Infrastructure for America: The National  
Preparedness System”**

**March 16, 2016  
Washington, DC**

Chairman Barletta, Ranking Member Johnson, distinguished members of the Committee, thank you for inviting me to testify this morning.

In December 2015, I was appointed Assistant Sheriff with the Las Vegas Metropolitan Police Department (LVMPD) where I currently oversee the Law Enforcement Investigations and Support Group. I have been in law enforcement for over 30 years, first serving as a Law Enforcement Specialist in the United States Air Force then as a Police Officer with LVMPD.

LVMPD is affiliated with two important professional law enforcement associations – the Major County Sheriffs of America (MCSA) and the Major Cities Chiefs Association (MCCA). The MCSA is an association of elected Sheriffs representing our nation’s largest counties with populations of 500,000 people or more, collectively serving over 100 million Americans. The

MCCA is an association comprised of Chiefs and Sheriffs from the 68 largest law enforcement agencies in the United States. The MCSA and MCCA have worked diligently on behalf of their member agencies to identify and address challenges facing local law enforcement and are committed to advancing legislative issues that will enhance the safety of our communities.

Since September 11, 2001, our country has made great progress in our nation's ability to prepare for, respond to and prevent terrorist attacks here in the homeland. The men and women who serve in local law enforcement agencies in the United States are committed to this effort. We work every day, every night, and every holiday, to ensure that our individual communities and our local neighborhood streets are not the next battleground in this ongoing effort.

Local law enforcement is the first group to respond to areas in times of emergency, with the great responsibility to act quickly and effectively in times of terror and uncertainty. This was clearly shown in San Bernardino and Orlando. Securing the homeland cannot be an afterthought – law enforcement regularly and proactively prepares for the unthinkable and as the threat picture and nature of violence has evolved, so too has local law enforcement. With an increased threat environment, law enforcement has continually been tasked to do more with less. Cost implications coupled with a heightened security environment is simply unsustainable. In an era of deep budget cuts and reduced federal funding, state and local law enforcement do not have sufficient funds by themselves to support the homeland security mission, and because of decisions made by the previous administration, have lost access to necessary lifesaving equipment.

Federal funding such as the Homeland Security Grant Program (HSGP) which includes the Urban Areas Security Initiative (UASI) and the State Homeland Security Program (SHSP) work to address gaps in local agency capabilities for responding to terrorist threats. UASI was specifically designed to aid high-threat and high-consequence urban areas in an effort to build and sustain capabilities necessary to prevent, protect against, mitigate, respond to, and recover from acts of terrorism<sup>1</sup>. Homeland security and preparedness are national issues that require a national framework and funding, and a nationwide level of collaboration. With the ever-changing threat environment, the capabilities that have been built in part through UASI and SHSP funds are not self-sustaining and require consistent federal support to maintain a level of vigilance against threats. This requires an active, and invested level of collaboration with our partner agencies to maintain a level of preparedness that our citizens deserve.

SHSP and UASI have had a positive impact at the local level within the state of Nevada, most notably within the Southern Nevada Counter Terrorism Center, the state designated fusion center for the state of Nevada. Every program outlined below is supported in part by investments from both SHSP and UASI funding whether it be technology, equipment, or training. LVMPD does not source any HSGP funding for full time employee positions or overtime reimbursement. The staff assigned to the Southern Nevada Counter Terrorism Center (SNCTC), our fusion center, are provided by each of our partner agencies at their own expense.

---

<sup>1</sup> <http://www.homelandsecuritygrants.info/GrantDetails.aspx?gid=33162>

**SNCTC Mission** – The mission of the Southern Nevada Counter Terrorism Center (SNCTC) is to combat crime and terrorism in Nevada by ensuring communication and coordination among international, federal, state, local, tribal, and private sector agencies. The SNCTC links all homeland security stakeholders in Southern Nevada through information sharing and analysis. As part of the National Network of Fusion Centers, our mission is accomplished by collecting and analyzing all relevant information from the disparate data sets accessed and managed by all of our partnering agencies.

The following are highlights of several of our programs that are supported with this funding that reside within the SNCTC:

**Nationwide SAR Initiative** – The SNCTC participates within the Nationwide Suspicious Activity Reporting (SAR) Initiative which is the cornerstone of the National Network of Fusion Centers. It is through this program that our fusion center provides direct benefit to all of our partners. The SNCTC partners with the U.S. Department of Homeland Security, the Federal Bureau of Investigation, state, local, tribal, and territorial law enforcement partners to share this necessary and vital information that is received. This initiative provides local and federal law enforcement with the ability to prevent terrorism and other related criminal activity while strictly abiding by privacy, civil liberties, and civil rights protections.

**Fusion Watch** - The SNCTC maintains a true 24/7 Watch Station that receives suspicious activity reporting at all times. This program, Fusion Watch, is responsible for monitoring significant events, identifying public safety issues, and providing an uninterrupted line of communication for all SNCTC partner agencies. Operating 24 hours a day, 7 days a week, and all year around, the Watch Station ultimately supports the SNCTC's mission of providing early warning of all-crimes, hazards, and threats. The Watch Station also assists in the support of critical incidents, emergency response, and investigations. Serving as a focal point for real-time analysis, Watch Station personnel complete time-sensitive requests for information and coordinate the dissemination of information for decision makers. Just as with every aspect of the SNCTC, the protection of privacy and the civil rights and civil liberties is of paramount importance. The SNCTC does not engage in the collection or storage of information or intelligence unless there is reasonable suspicion to believe that a person or a group is engaging in or is about to engage in terrorist activity.

**Real Time Crime Center (RTCC)** – The RTCC is another critical operational component within SNCTC. The RTCC uses live camera feeds to monitor significant events, detect criminal and terrorist activities, and help direct public safety resources. The RTCC also assists in the support of critical incidents, emergency response, and investigations anywhere in the valley. This unique mission further supports SNCTC's goal of preventing, reducing, and disrupting crime and terrorism.

**Counter Terrorism Analytic Group (CTAG)** - The CTAG is one of two primary elements of the SNCTC analysis branch. The CTAG's primary purpose is the collation, evaluation, analysis of information derived from the SNCTC partner agencies that has a nexus to terrorism, criminal enterprises, or national intelligence priorities. In addition to supporting operational efforts at the SNCTC, the CTAG is responsible for the production and dissemination of intelligence products

focusing on partner agency priorities and emergent requirements identified by SNCTC leadership. Every member of the CTAG serves as an agency liaison to the SNCTC for purposes of researching and evaluating SARs. Each agency represented in CTAG conducts research and documents findings associated with every SAR that enable CTS investigators and CTAG analysts to determine the final disposition of each SAR.

**Counter Terrorism Section (CTS)** – CTS is comprised of law enforcement detectives throughout the Las Vegas valley, and is responsible for several mission areas, each of which supports the overall goal of preventing terrorism and mass causality attacks. They are the true actionable arm of the fusion center, and investigate every suspicious activity report that comes in. They are a 24/7 operation that responds day or night to ensure that nothing is missed, and that our community remains ever vigilant in the fight against terrorism.

**Fusion Liaison Officers (FLO)** - The FLO Coordination Team is a multi-jurisdictional, multi-disciplinary team designed to manage the fusion center outreach program; facilitate information sharing with the fusion center network across the nation, and grow the more than 7,500-member FLO network. This is accomplished through their ability to provide training and direction regarding the network's outreach and engagement activities, and establish professional relationships with community leaders. The FLO program revolves around the principles of building communities of trust and increasing terrorism awareness within our community. The FLO Coordination Team responsibilities include:

- conducting community outreach with a variety of faith-based and community oriented populations, critical infrastructure, and the business community;
- providing terrorism prevention education and training;
- promoting the 'See Something, Say Something' campaign, Nevada's 7 Signs of Terrorism, Operation Vigilance, and other related initiatives;
- as well as serving as a liaison to the community for counter terrorism awareness.

**Silver Shield** - Silver Shield is the state of Nevada's Critical Infrastructure Protection Program which implements the National Infrastructure Protection Plan (NIPP) and incorporates its risk management framework into the program's overall objectives. Having initially formed with the mandate to conduct physical security assessments of critical infrastructure/key resource (CI/KR) sites, the program has evolved to identify, prioritize, and assess risk regarding infrastructure, assets, systems, networks and functions critical to the state's economic security as well as public health and safety. Silver Shield south is administered out of the Southern Nevada Counter Terrorism Center, and is managed by the LVMPD Emergency Management team. The current Silver Shield objectives include:

- Identifying, capturing and cataloging CI/KR within Nevada.
- Assisting public and private sectors in formulating and updating emergency response plans.
- Ensuring that emergency response information is available to first responders.
- Integrating a CI/KR protection process into major event planning.

The UASI program, while critical and effective, needs improvement to keep pace with the current threat environment and to fulfill its original intent to aid high-threat urban areas in an effort to build and sustain capabilities necessary to prevent, protect against, mitigate, respond to,

and recover from acts of terrorism. FEMA needs to decide whether criteria for determining grant funding using the MSA Risk Formula will align with policy and guidance emphasis on the whole community, all-hazards approach, or will remain focused on preparedness and prevention of terrorism.

Too often, high risk areas such as Las Vegas and Orlando, FL are left out of the UASI grant allocation and there needs to be a reevaluation of the MSA Risk Formula to accurately reflect the true count of approved critical infrastructure locations within the MSA by taking into consideration the clustering of CI/KR. With the evolving threat environment and attacks aimed at large gatherings such as Bastille Day in Nice, France and the Christmas market attack in Berlin, special events need to be factored into the calculation on how cities are targeted. No one does special events like Las Vegas, and taking the DHS SEAR listings will only increase the true account for risk in the MSA Risk Profile. FEMA needs to provide clear guidance as to what contributes to the threat category within the MSA process instead of the existing arbitrary process that is not accountable.

There remains a strong need for the Law Enforcement Terrorism Prevention Activities (LETPA) requirement that is in current law. Under this provision, twenty five-percent of all UASI and SHSP funds that are received by a state must be used for LETPA. If this requirement was removed, there would be zero dedicated federal support for terrorism prevention activities, which is a unique role of law enforcement. It would significantly reduce the amount of funding available to support our fusion center and true counter terrorism efforts. On a related note, there should be much more formal local law enforcement input into FEMA's grant guidance and prioritization processes to ensure transparency in the policy directives, grant guidance, and risk formulas.

The Law Enforcement Support Office (LESO) military surplus and federal grant programs are examples of a good partnership between the federal government and local government entities. It is fiscally responsible and assists in equipping our nation's law enforcement with equipment that saves lives. In areas of our nation that are fiscally stressed, it is potentially the only way their law enforcement officers would ever receive that type of support. The transfer of equipment from federal inventory saves taxpayers a significant amount of money because federal surplus items have already been purchased once. In fact, many of these same items have been used by law enforcement agencies for decades.

Through executive action and without any congressional consultation, the Obama Administration recalled certain controlled military surplus equipment that was received by local law enforcement through the "1033 Program." While the ultimate goals of law enforcement remain the same: to protect the public; to solve, deter and respond to criminal acts; and to enforce the law in a responsible and constitutional manner, the previous administration acted to severely restrict law enforcement's ability to do those things based purely on perception at the cost of public safety.

The recall of certain types of controlled equipment will undoubtedly leave America's law enforcement officers less prepared and at a disadvantage to protect local communities against terror attacks and other dangerous situations.

In FY16 under the banner of responding to emergent threats from violent extremism, Congress allocated \$39 million to the Department of Homeland Security (DHS) for a grant initiative to specifically help state and local governments prepare for, prevent, and respond to complex, coordinated terrorist attacks with the potential for mass casualties and infrastructure damage. Law enforcement (LE) stakeholders proactively offered suggestions to FEMA that address current LE needs related to prevention and disruption, realistic training and exercises, and training-related equipment. FEMA needs to follow congressional intent and not appropriate the funding for non-law enforcement focused purposes.

In April 2016, the MCSA and MCCA signed a joint letter to Congress expressing serious concerns about a reorganization plan proposed by the National Protection and Programs Directorate (NPPD) at DHS that would have erroneously relegated emergency communications to a minor position within the Department.

Public safety agencies have no greater need during times of emergency than effective, interoperable communications. As noted by the 9/11 Commission, communication failures cost lives like the more than 300 firefighters who perished in the 9/11 attacks. Rather than strengthen emergency communications as recommended by the Commission, the NPPD proposal would have greatly weakened emergency communications by subordinating these efforts beneath Infrastructure Protection Security, a wholly inappropriate placement. At no time before in the history of DHS has the communications program ever been considered an element of infrastructure protection. Emergency communications is a national priority of equal importance to cyber security and infrastructure protection, not a minor function to be placed many levels deep into a division that has a different focus.

Since 9/11 we have sought a national communications infrastructure for emergency communications. For first responders, our most critical component is emergency communications and without effective emergency communications, lives are lost. That's why the MCSA and MCCA are strong supporters of FirstNet, the dedicated public safety broadband network that will help make our communications more resilient and assured. Without this national network, we continue to face challenges with network and coverage failures in times when our communities need us most. FirstNet by itself will not create communication interoperability, but without it, our interoperability needs will continue to be unmet.

I want to thank the Committee and its staff for all of their hard work. LVMPD as well as the MCSA and MCCA seek to be a source of constructive and positive ideas and I thank the Chairman for his commitment to collaboration and willingness to engage local law enforcement.