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TESTIMONY

**Before the United States Senate
Committee on Homeland Security and Governmental Affairs**

Frontline Response to Terrorism in America

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Chairman Johnson, Ranking Member Carper, Ladies and Gentleman of the U.S. Senate:

Thank you very much for the invitation to address you on this important topic. It is an honor to represent California and the work we are engaged in from both a homeland security and an emergency management perspective.

As California's Director of the Governor's Office of Emergency Services and Homeland Security Advisor to Governor Brown, my portfolio and responsibilities straddle both homeland security and emergency management. As a result, I bring a unique and nuanced perspective to bear today, as my "aperture", so to speak, for viewing and working many complex disasters and emergencies - whether manmade or the result of natural circumstances - is wide open.

I want to focus my testimony today on events in California that have tested our homeland security enterprise, information-sharing systems, and architecture in unique and challenging ways. I also want to talk about the current and evolving threats we face, our homeland security and information-sharing systems in response to these threats, and what we are learning from San Bernardino, to ensure that we are adequately protecting the American people:

- Post-9/11, we built information-sharing systems and a homeland security enterprise (planning, preparing, training, etc.), often times at great cost to the public taxpayer, that were generally focused on thwarting future 9/11-style spectacular attacks.
- As a result, we as a nation, have had many successes in detecting, deterring or disrupting plots against our nation by foreign terrorist organizations (FTOs) and the big attacks they aspired to carry out. As such, FTOs, and now inspired homegrown violent extremists (HVEs), have shifted their tactics away from spectacular style terrorist attacks and moved towards a recognition that attacks in the Homeland against softer targets are easier to undertake, with less barriers to overcome and with outcomes that could be just as effective.

The threat landscape has shifted towards a more diffuse, amorphous threat that focuses on homegrown radicalization and “lone wolf” actors, inspired by FTO propaganda and extremist ideology, and leveraged to act in any way possible. This “new norm” is proving to be just as deadly ... and much harder to counter.

- Today, it is many smaller or direct actions that can be carried out by very few individuals; the tactics are simpler, the targets are softer — focused on vulnerable areas of our communities, with the event then carried globally by the media and by social media within minutes, making any actual attack a propaganda boon.
- The tactics have been largely “active shooter” style events or development and detonation of homemade bombs. Soft targets are far easier to attack and can cause as much, or more fear, as well as political and economic upheaval.
- Both the San Bernardino and Boston events were too easy to execute - and it appears our ability to adequately “connect the dots” to develop a complete picture of a potential plot, and/or identify key signs of an attack remain a challenge in the lead up and execution of these incidents. Even with all of the improvements since 9/11, obtaining and/or identifying key tips and leads, and sharing that information in a timely and actionable way is more critical than ever to combat HVE.
- It is of paramount importance for local and state law enforcement and other public safety responders (Fire, Emergency Management, Public Health and EMS) to be trained and informed to this changing threat; to be made aware of signs and signals, and to have the protocol for reporting; and the system to take Suspicious Activity Reports, scrub them for actionable information and then share that information among partners agencies and organizations in a timely way.

Compounding this, FTOs and HVEs alike are utilizing technology like never before to their advantage, making it even tougher to get advance warning of plots against the Homeland.

- These malicious groups are able to leverage technology, like social media, encryption capabilities and the dark web to their advantage, to reach out to larger, more diverse portions of society, to spread their propaganda and to recruit followers. And they are doing it, for the most part, covertly, which makes it a challenge to detect.

I am often asked, “Are we prepared?” My response, “Yes... and no!”

- We have greatly improved our intelligence gathering, our equipment, our preparedness capabilities and our ability to respond once something goes “boom” ... but still have challenges with timely, collaborative and actionable intelligence gathering and information-sharing.
- This makes the need of ongoing risk assessments, stable and consistent funding, training, updating of equipment, updating and leveraging of technology, and access to encrypted material, the building of common operating platforms for the input of multiple threat streams, and key information-sharing critical at all levels.
- It requires a need and ability to be flexible enough to pivot accordingly to prepare for, and be able to respond to, ever-changing threat streams.

I would like to discuss three areas that make overall collaboration and coordination a challenge today, not only in California, but across the country.

While there exist significant improvements in collaboration and relationships among responders, there remains an overall lack of a comprehensive “unity of effort” in our information-sharing environment. After 9/11, our country set out to bridge the communication divide between federal, state, and locals with a specific focus on intelligence and information-sharing at both the unclassified and classified levels, prior to and during terrorist events.

- As seen with the San Bernardino case, we continue to experience challenges in obtaining pieces of intelligence in our ability to connect the dots in the lead up to a possible act of terrorism. There were a number of signs associated with the suspects’ actions and their related engagement with co-conspirators that we, as an enterprise, were unable to acquire. Some of this is due to the use of encryption technology by the bad guys, some of this was due to legal provisions in place for gaining access or tracking suspected HVEs, but some aspects of this challenge can be attributed to a simple lack of due diligence and/or gaps in information sharing and communications across all levels.
- In recent years, HVE and cybersecurity threats have evolved in fundamental ways and, in many ways, we are still reactive, rather than proactive, in countering these threats. This needs to change. Built into our homeland security enterprise must be a nimbleness and pro-activeness so that we get out in front of these threats. This needs to have its foundation and empowerment at the local and

state levels and it should start with our information-sharing. Currently there exist many organizations engaged in this intelligence arena, including the FBI, DHS, the Department of State, State Law Enforcement, Local Law Enforcement, the Fusion Centers and the international intelligence community. There remain information and intelligence stove-pipes and organizational protocols protecting designated “proprietary” information that needs to be shared. Plots and terrorist actions are carried out in communities, at the local level, and within states. The impacts of such events, of course, are felt nationally and internationally. This effort must be approached as “one team, one fight”, so that we can together remain coordinated and lean as forward as legally possible, leveraging all levels of government capabilities, to all be on the same page in the effort to detect, deter, and protect lives and property. Currently, we as a nation (local, state and federal) are not optimally situated, in my humble opinion, to proactively prevent evolving HVE-style threats.

- The role of the State and Governor’s Homeland Security Advisor (HSA) is a critical component to ensuring that objectives, priorities, and collaborative operational actions remain coordinated within States and with local governments. The Chief Executive of a State has the ultimate responsibility for public safety and must be kept informed and engaged. The HSA who is the Governor’s point person on statewide security must be a focal point for federal/state/local coordination and collaboration in ensuring a coordinated and proactive posture in support of local government and the State infrastructure. Anything other than this simply undermines the larger unity of effort and common operating platform necessary to detect, deter, prevent and protect, respond to and recover from a potential act of terrorism.

With regard to our Fusion Center network, they are an essential front-line component to our nation’s homeland security, but they are often underutilized, and inconsistent in how they are managed and used.

- Fusion Centers are, without question, absolutely critical and represent one of the greatest improvements to our nation’s homeland security enterprise. However, in quiet times over the last several years, they have been forced to evolve into “all-crimes/all-hazards” centers to justify their existence. This has spread them thin with regard to their mission focus, and forced them to become distracted from their core counterterrorism functions.

- Further, the coordination of the Fusion Center Network across the country is inconsistent. Some are engaged and connected with the HSA; some are not. Some Centers are established at the local level, some at the State. Makeup and organizational structure vary with different Centers integrating with DHS and some with the FBI, while still others do neither. This inconsistent architecture adds to a lack of common unity of effort at all levels and with critical information sharing.

State Coordination Role During Terrorism Events and Federal Homeland Security Funding. California is unique in that we have a very robust and standardized emergency management system that include very well coordinated fire, law enforcement, emergency medical and emergency management mutual aid systems.

- In California, our Fusion Centers are closely coordinated and oversight is provided by the HSA. These Centers, facilitated by Local Governance Boards, have incredibly strong public/private relationships that are leveraged to facilitate intelligence and information sharing, and to prepare for and respond to emergencies.
- This is all coordinated at the Region and State-levels. Building on these best practices and looking at what works in a state the size of California is important.
- What worked best in San Bernardino was this exact system. The response was very well executed, in the overall context - where the local authority lead the immediate response and was supported in a unified command through mutual aid coordinated by the Region and State. This included personnel, specialized equipment, intelligence and information, authorities and clearance of regulations, victim services, and recovery assistance.
- Outside of the FBI (as the lead federal law enforcement agency, and supported by components of DHS), there were few other federal agencies that provided direct services, incident funding, or mutual aid assistance in a coordinated way, as did California's mutual aid and standardized emergency management system. This should be highlighted as a best practice and a performance metric as a model of a strong unity of effort. The team in San Bernardino was a unified team of local, state, federal agencies, working together with wrap-around and integrated-incident objectives and assistance. The incident required the

combined efforts of multiple organizations beyond law enforcement, to include Fire and EMS, Public Health, Emergency Management, Telecommunications, and Faith Based NGOs, just to name a few.

- Maintaining the ever-changing threat matrix requires flexibility, but most of all continued funding, for all levels of government to ensure we remain vigilant and current in our collective abilities to counter terrorism.
- Since 2008, the State of California has lost approximately \$150 million in HLS funding. This has had a profound impact on California, a large and complex state with multiple threat streams, an international border, and an ever-changing population demographic. It has required the HSA, State Agencies, Regional Partners, and local governments to rethink and redefine the approach to counter terrorism; but it has resulted in key functions being dropped or scaled back — functions like adequate training and exercises to account for new and changing threats, key public awareness and education programs, updating and refreshing of equipment and supplies, enhancements of technology, and development of common operating platforms.

DHS remains a good partner, but needs to be continually evaluated to be consistent with current threat streams. Its coordination and communication could be improved. Funding, training and information sharing can be inconsistent and there needs more robust coordination with the HSA, Governors and State's top homeland security officials when engaging with locals and/or private entities within states.

- DHS's policies/procedures/funding have been slow to account for evolving and changing threats. Intelligence products and capabilities, as well as our ability to acquire and develop pre-event intelligence through our Fusion Centers, have shifted more via the FBI or local sources, than from DHS. This is problematic.
- Requests or suggestions for improvement have been slow to occur.
- For example, questions about how threat assessments and Metropolitan Statistical Area (MSA) reports are developed are answered inconsistently. As a state and a local community, it is extremely difficult to build a sustainable CT effort when one year you are designated for funding through UASI and the next year you are not. There is no incentive or sustainability to develop

comprehensive programs, and this undermines the State Homeland Security Strategy. This is very frustrating and results in the inability to have a consistent, integrated unity of effort.

- Many of the DHS Agencies engage in actions that have impacts on the states, however, at times, the state is not consulted or brought into the loop until after the fact or when it is reported in the media. Three recent examples of this include the (1) placement and movement of Central American Undocumented Alien Children within California communities; (2) the placement of Syrian Refugees within California communities; and (3) the recent engagement between DHS and California private sector businesses on cybersecurity initiatives. While it is understood that all of these topic areas have a federal nexus, the actions carried out by these programs have far reaching public safety and political/policy and economic impacts to the State. The way that DHS carries out these actions is completely opposite to any unity of effort, or a collaborative relationship related to information sharing or common operating initiatives.
- DHS and the State HSAs need better engagement and regular, consistent communication and coordination on all homeland security issues facing the country, states, and localities.

San Bernardino: State Response Efforts. There were multiple actions the State carried out during San Bernardino. In California, for major events, we do not typically operate in a unilateral local, state or federal way. Through the Standardized Emergency Management System (SEMS), in all disasters and major emergencies, we routinely engage local, state, and federal agencies from the initial call through the recovery of the incident.

- It is important to keep in mind that “all disasters are local”. As such, the State works closely with local government in a collaborative and coordinated fashion in support of local government. In San Bernardino, there were several state agencies that responded to and/or provided resources or technical expertise through Regional Operations Centers to the City and County. They included the California Highway Patrol (CHP), the Governor’s Office of Emergency Services (Cal OES), the California Department of Forestry and Fire Protection (Cal Fire), the Emergency Medical Services Authority (EMSA), the California Department of Transportation (Cal Trans) and California’s six Fusion Centers (STAS). All entities responded together, as first responders, based within jurisdictions to help

coordinate mutual aid in the mitigation of the event and to ensure support to the investigation and long term recovery. The San Bernardino incident included this “unity of effort” and coordination by State, Regional and local law enforcement, fire and rescue, EMS and Emergency Management.

- In addition, all of the State’s six Fusion Centers were actively involved in providing intelligence and operational support. The primary Center was the Joint Regional Intelligence Center (JRIC) located in Norwalk, CA, and was supported by the other five centers with Triage on Suspect Leads and Tips, Intelligence Products, analysis of and scrubbing of data, and “on scene” analyst support at the Command Post.
- The Unified Command included local, state and federal personnel. There were specialized resources and equipment facilitated by the coordinated mutual aid system including bomb dogs, SWAT, bomb vehicles, specialized communication, EMS and Crisis Management Specialists, etc.
- State personnel were also participants on FBI Joint Terrorism Task Force (JTTFs) and other key task forces related to the response and investigation.
- The Regional and State Operations Centers were activated and provided situational awareness and information coordination. The Governor proclaimed a State of Emergency, which provided key authorities, cleared regulations, provided direction to responders, facilitated costs and City and County Government recovery and assisted victims.
- I am proud to say that the relationships between local, state and federal agencies in California is very good and San Bernardino was no exception. City, County, State and Federal responders came together in San Bernardino with common objectives of saving lives, protecting further loss of life, and neutralizing the moving threat. This very dynamic and dangerous situation demanded close coordination and communication and its success can be attributed to excellent relationships, good training, appropriate equipment and supplies, and robust coordination at all levels.
- California does an extensive amount of collaboration and coordination. Given the size and complexity of California, with its multiple threats and frequency of

disasters and emergencies, this is an absolute necessity. This is all coordinated by the State and its regional partners.

Nevertheless, San Bernardino did present lessons learned, gaps, and challenges. Information and intelligence sharing at all levels is still a problem and is not at the level or quality that it needs to be to fully safeguard this country.

- As the HSA, I require timely and regular intelligence updates during an event of San Bernardino's magnitude, to keep the Governor informed, to engage with my local and federal counterparts, and to coordinate the statewide homeland security and mutual aid missions I spoke previously of.
- Our Fusion Centers, as well as other key officials, require information; all have security clearances and work on counterterrorism issues on a daily basis. They advise me and help me manage situations like this.
- When an event like San Bernardino occurs, we must be careful not to revert back to not wanting to share "proprietary" information. The FBI, in the San Bernardino case, received strong support from the States Regional Fusion Center, but along the way, it became a one way information sharing relationship between the FBI and that Fusion Center, which impacted the Fusion Center's communications responsibilities to the State. This presented challenges and resulted in the lack of relevant information getting to senior leaders and decision makers to keep them informed, particularly when the news was reporting the "proprietary" information through the open media. This required the development of a time consuming "work-a-round" to obtain necessary information at a number of critical junctures of the information sharing stage.
- During San Bernardino, a dynamic that added to confusion was the leaking of information to the media by so called "federal law enforcement sources". These near real-time media leaks were unproductive. It should not work that way – that is not how the 9/11 commission meant for information- sharing systems and coordination to happen in this post-9/11 world.
- This must be one team, one fight. With all of the money and infrastructure established (fusion centers, JTTFs, law enforcement coordination centers, to

name a few) we have spent since 9/11 to safeguard this country, we need to be past “proprietary” if we are to truly function in a manner that allows us to protect the American people.

- This approach is not only disrespectful to many who are working hard every day to serve and protect the American people, but it is highly counterproductive during an incident and results in dissatisfaction, anger, and distrust of our federal partners.
- It is important to remember that San Bernardino and future terrorist attacks of its kind that are bound to occur take place in communities within local jurisdictions and states. The response cannot be a unilateral "federal" takeover or pre-emption during the incident.

Way Forward

We must revisit, and make as a cornerstone of our national homeland security posture, a unity of effort mentality/culture and integrate that doctrine into our training, policies, and procedures as a core focus.

California is working at better integrating our Fusion Center system, by implementing updated performance metrics and updating our Joint Operational Plan, which ensures that our six Fusion Centers are unified, well-coordinated, and consistent in their response and information-sharing.

We expect that this revised plan will improve our Fusion Centers’ communications during crises with partners, eliminate duplication of efforts, and enhance overall efficiency and quality of the information the system is producing and sharing.

California prides itself on pioneering new emergency management methods. From my optic, our ability to bring a “unity of effort” mentality to our overall homeland security culture will go a long way in continuing to ensure communications barriers are removed. This unity of effort needs to be built into any updated training & exercises. Our executive leadership at all levels of government, who have the responsibility for homeland security need to ensure that this performance metric is met and re-enforced.

Lastly, funding and flexibility for addressing changing threats need to be revisited to ensure that we remain nimble enough to address and prepare for changing threats to

our communities and to ensure that we have the best, most robust tools, technology, and equipment to adequately protect lives and property.

A renewed focus on and funding for training, exercises, and equipment to account for evolving threats will ensure a robust system. Additional funding for Cyber Security, Active Shooter, Countering Violent Extremism (CVE), Public Education and Awareness, establishment and expansion of the Terrorism Liaison Officers (TLO) Program, development or expansion of Common Operating and Information Platforms, and improvements in Technology are critical. In addition, the importance and benefit of the 1033 Excess Property Program for State and Local Law Enforcement needs to be continued and reinforced. The equipment obtained through this program, used for its intended purpose, is an invaluable resource and one that was essential to deal with the events in San Bernardino.

Thank you.