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Committee on Domestic Security

Senator Alex Diaz de la Portilla, Chair

REVIEW OF FEDERALLY FUNDED, MULTI-DISCIPLINE DOMESTIC SECURITY TRAINING AND EXERCISE ACTIVITIES

SUMMARY

State and local first responders are well-versed in most forms of disaster response. The attacks on America in 2001 have caused government agencies at all levels to adjust preparedness training to meet the special aspects of counter-terror prevention and post attack response. Federal, state, and local agencies are working together to assure a measurable level of preparedness at the national level.

First responders have focused on basic awareness, individual, team, and multi-disciplinary training at the local, regional, and state level. The federal government has provided funding for this training since 2002. This year, the U.S. Department of Homeland Security has released a National Response Plan, a National Incident Management System, several measurable training scenarios, capabilities, and tasks. These new tools will assure a standard training program along with proficiency in parts of the program that will be a requirement for future federal funding for preparedness training.

The State of Florida has adopted the NIMS compliance standard and local agencies are in the process of meeting that compliance standard.

The coordinated efforts to establish national goals, methods and performance measures, in conjunction with Florida's ongoing training and exercise activities should assure steady improvement in the state's ability to respond to all types of emergencies.

Florida responds to events such as hurricanes exceptionally well. The 2004 hurricane season is a shining example of the state's ability to handle such events. Florida has extensive experience, and anticipated response needs are well documented for natural disasters such as hurricanes or tornados. However, responders have advance notice of approaching hurricanes, and to some degree, even tornados. This lead time allows for planned response and asset deployment over a phased time period.

Other types of emergencies and disasters, unfortunately, do not provide advance warning that allows for a pre-planned deployment. The multiple terrorist attacks across the U. S. in 2001 brought this point into laser focus. Florida, in fact, gained first hand experience with an anthrax biological attack in October 2001.

To be able to respond to such threats, coordination, organization, advance planning, training, and exercise are necessary. Florida has long recognized the need to prepare for natural and manmade disasters. With the "State Emergency Management Act", Florida formally established a framework for handling emergencies and disasters.¹ Pursuant to the Act, Florida has developed a successful Comprehensive Emergency Management Plan.²

Training and Exercises Are the Keys to Emergency Management Success

The Comprehensive Emergency Management Plan describes the State's emergency management organizational structure and planning requirements. The Plan also recognizes that "For the State's emergency management program to be successful, an

BACKGROUND

Florida Prepares for Some Disasters Exceptionally Well

¹ Chapter 252, F.S.

² Department of Community Affairs, Division of Emergency Management, "Comprehensive Emergency Management Plan 2004", February 1, 2004, Basic, Pg. 1.

effective and comprehensive Training and Exercise Program is essential.” The program includes annual training and exercise components that evaluate the State’s and its political subdivisions’ ability to respond to minor, major, catastrophic disasters.³

Under the Comprehensive Emergency Management Plan, training and exercises are conducted at all levels across the state. From local fire stations to the Governor’s annual Executive Level Tabletop Exercise, all hazards training and exercises consume a significant amount of resources and time.

Emergency management resources in Florida are organized using a nationally accepted “All Hazards” approach. The all hazards approach provides for a standardized system to prepare for and respond to many types of disasters including tropical cyclones, chemical spills, pandemic disease outbreaks, nuclear accidents, and terrorism.

Essentially, Florida has an organizational structure that allows response to any type of emergency with a core group of trained first responders and managers. The structure also allows for integration of specialized skills when needed according to requirements of the emergency.

Terrorism Response Requires Specialized Skills

Response to terrorism requires additional skills beyond those normally needed for an anticipated emergency. A terrorist act is also a criminal act. As such, the role of law enforcement is increased in responding to terrorism. Law enforcement agencies have specialized skills including investigative, preservation of evidence, intelligence and surveillance, and special weapons and tactics.

After 2001, considerable effort at the local, state, and federal levels was expended to evaluate our weaknesses and develop effective methods to prevent, protect against, respond to, and recover from terrorist attacks.

Within 30 days of the September 11, 2001 attacks, Florida’s Governor had issued two executive orders that increased security measures and better organized the state’s domestic security resources.⁴ These executive orders were adopted in Special Session 2001-

C.⁵ Subsequent state and federal funding provided much of the fiscal resources needed to train and equip Florida’s first responders in a newly recognized terrorist environment

Since September 11, 2001, Florida has evaluated its critical infrastructure, improved its port security, established a formal domestic security organizational structure, trained first responders, and developed and conducted an extensive domestic security exercise program. However, the domestic security community has expressed concerns:

- Are we conducting the right kind of training and exercises with appropriate frequency?
- How will we be able to sustain the equipment we have purchased along with needed future training and exercise programs?
- Who is supervising and coordinating our overall training and exercise effort?
- Are exercise lessons learned adequately identified and incorporated in future plans, training, and exercises?

In summary, what has been accomplished since 2001 and what direction should future domestic security training and exercise programs take?

Florida’s Law Enforcement Community and It’s Emergency Managers Coordinate Efforts

Florida Statutes place domestic security leadership within the Department of Law Enforcement (FDLE). The Legislature found that counter-terrorism efforts should be coordinated by and through the Department of Law Enforcement working closely with the Division of Emergency Management.⁶ Section 943.03101, F.S. also requires that the initial response to acts of terrorism be in accordance with the State Comprehensive Emergency Management Plan.

The Legislature further recognized the need for executive direction and leadership with respect to preparing the state for terrorist threats. In 2005, the Legislature created the Domestic Security Oversight Council.⁷ This legislation codified domestic security

³ Ibid, Basic Pg. 40.

⁴ Executive Order #2001-262 of September 11, 2001 and Executive Order #2001-300 of October 11, 2001.

⁵ Senate Bill 24-C, November 2001, Ch. 2001-365, L.O.F.

⁶ S. 943.03101, F.S.

⁷ S. 943.0313, F.S.

structures established by the Governor's 2001 domestic security executive orders.

The council serves as an advisory council to provide guidance to the state's regional domestic security task forces and other domestic security working groups. It also makes recommendations to the Governor and the Legislature regarding the expenditure of funds and allocation of resources related to counter-terrorism and domestic security efforts.⁸ The Executive Director of the Department of Law Enforcement serves as the Council's Chair with the Director of the Division of Emergency Management serving as Vice-Chair. The Council has a State Working Group (SWG) sub-committee that advises on training and exercise matters.

In order to provide an organizational structure for coordinating counter-terrorism efforts at the local level, seven Regional Domestic Security Task Forces (RDSTF) were established.

The RDSTFs serve in an advisory capacity for FDLE and coordinate counter-terrorism efforts within their respective regions. Coordination is performed among local, state, and federal resources to avoid fragmented or duplicated efforts.⁹

The RDSTFs include representative membership from local law enforcement; fire and rescue; first-responder personnel; emergency management; health, medical, and hospital agencies; local emergency management planning committees; and others deemed appropriate and necessary by the task force co-chairs. Each RDSTF is co-chaired by FDLE's regional special agent in charge and a by a local sheriff or police chief from within the operational region.¹⁰ The RDSTFs also have training and exercise sub-committees.

Training and Exercises Have Distinct Forms and Separate Purposes

Training, in general, is conducted at basic, team, and interagency levels. At the basic level, training is designed to teach an individual what he/she needs to know to do their job. Viewed in a building block progression, individual training leads to team training within one's organization. This teaches an individual to perform his/her job as a member of a team.

In a domestic security context, functional teams must also learn how to work with other disciplines. Each discipline possesses unique skills necessary for effective emergency response. Bomb squads know how to handle explosive devices. Health professionals know how to triage the injured and provide emergency treatment. Law enforcement knows how to investigate crimes, secure perimeters, and perform special weapons and tactics services.

Interagency training often takes the form of integrated exercises among supporting agencies. Local agencies, municipal and county governments, and state agencies have mutual aid support agreements. In order to practice mutual aid and support, the seven RDSTF regions have conducted both full scale and functional exercises.

RDSTF Full Scale Exercises

In 2003, each of the RDSTFs conducted a full scale regional exercise. A full scale exercise (FSE) includes actual deployment of resources during the exercise. The exercises provide the opportunity to go beyond the theoretical and actually observe personnel and equipment capabilities under as realistic as possible conditions.

Each the 2003 RDSTF FSE's involved terrorism related scenarios designed to exercise command and control. The RDSTFs were engaged in 2003 in implementing a standardized Incident Command System. These exercises aided in that effort. In addition, the FSE's provided valuable lessons on which procedures were effective and where improvements were needed.

One disadvantage of FSE's is their cost. They consume equipment resources. They also require personnel to participate while agencies perform their normal operational functions. This can increase agency costs by expending overtime hours.

RDSTF Functional Exercises

Currently, each of the RDSTFs is in a cycle to conduct a biennial Functional Exercise (FE). Functional Exercises provide the ability to coordinate available multi-agency, multi-discipline resources without actually deploying assets. These exercises use a variety of scenarios tailored to each local region. They provide an opportunity for each functional discipline to work together at the manager level using a vendor supplied, time sensitive computer simulation. Scenarios require

⁸ Id.

⁹ Id.

¹⁰ Id.

participants to quickly establish standardized incident command and organizational relationships, assess resource requirements, and simulate deploying those resources according to accepted best practices.

RDSTF Functional Exercises, provide a relatively low cost method for procedural training of component managers. They do not, however, afford the opportunity to evaluate systems in a practical environment. For example, on a 90 degree day with 90 percent humidity, weaknesses in procedures that stress first responders become readily apparent. Without “real life” testing, critical response components may not be accounted for in disaster response planning.

Florida Expends Substantial Amounts of Resources for Training and Exercises

Florida receives domestic security funding from several federal grant programs. For the period from September 2001 – November 2004, Florida had received \$639,117,794 from state and federal sources for prevention, preparedness, and response.¹¹ These funds are distributed to local and state agencies for pre-approved equipment, training, and exercise based on the State Domestic Security Strategy, as approved by the Department of Homeland Security (DHS).

Since 2002, the largest sources of funding for states and local first responders have come from the DHS State Homeland Security Grant and Urban Area Security Initiative Grant programs. These grant funds have largely focused on enhancing first responders’ preparedness for terrorist attacks.

Training and exercise has included basic training on Weapons of Mass Destruction (WMD) response, instruction in use of Personal Protective Equipment (PPE), specialized medical, pharmaceutical, fraudulent document, commercial transportation, Urban Search and Rescue (USAR), SWAT, explosives, chemical, radiological, and biological response training. Training has been provided to all levels of government and to urban and rural areas of the state.¹²

Federal Initiatives

¹¹ DSOC Annual Report, November 2004..

¹² United States Government Accountability Office, “Homeland Security – DHS’s Efforts to Enhance First Responders’ All-Hazards Capabilities Continue to Evolve”, June 2005, Pg. 6.

In 2002, a National Strategy for Homeland Security was adopted. That strategy was amplified by Homeland Security Presidential Directive-5 (HSPD-5) which called for the establishment of a national incident management system and by Homeland Security Presidential Directive-8 (HSPD-8) which established policies to enhance national preparedness.

The federal Department of Homeland Security began, at its inception, an intensive effort to develop a national emergency event management system. This included the adoption of the National Incident Management System (NIMS) and the National Response Plan (NRP).¹³

The NIMS is a policy document that defines roles and responsibilities of federal, state, and local first responders during emergency events.¹⁴

The NRP is designed to integrate federal government domestic prevention, protection, response, and recovery plans into a single operational plan for all hazards and all emergency response disciplines.¹⁵

To comply with the requirements established in HSPD-8, DHS is developing a National Preparedness Goal. While NIMS defines “how” to manage a large-scale emergency event and NRP defines “what” needs to be done, the National Preparedness Goal is intended to generally define “how well” it needs to be done.¹⁶

HSPD-5 requires all federal departments and agencies to adopt and use NIMS in their individual preparedness efforts, as well as in support of all actions taken to assist state and local governments. Beginning in fiscal year 2005, states must adopt NIMS as a condition of receiving federal assistance. NIMS must be institutionalized into existing training and exercise programs, emergency operations plans, and intrastate mutual aid agreements. Future federal grant applications will require compliance certification.¹⁷

Florida has implemented NIMS throughout its emergency management system.

Federal Standardization

¹³ Ibid, Pg. 11.

¹⁴ Id.

¹⁵ Id.

¹⁶ Ibid, Pg. 14.

¹⁷ Ibid, Pg. 12.

In April and May of 2005, DHS published three documents to assist in standardizing training and exercises nationwide. These documents support the Interim National Preparedness Goal published by the DHS in March 2005.

The first document was the list of National Planning Scenarios. DHS created 15 all-hazard planning scenarios for use in national, federal, state, and local homeland security preparedness activities. The department's objective was to develop a minimum number of credible scenarios designed to facilitate preparedness planning.¹⁸

The Planning Scenarios include 12 scenarios that are terrorist attacks and 3 natural disasters (an earthquake, a hurricane, and a pandemic influenza outbreak). According to DHS officials, there was less concern about natural disaster planning because of the body of knowledge and experience that already exists.¹⁹

These 15 scenarios are expected to form the basis for all future federally funded state and local level exercises.

The next document was a draft issue of the Homeland Security Target Capabilities List: Version 1.1. Analysis has defined and catalogued key prevention, protection, response and recovery tasks. This has led to the definition of capabilities required to perform the key tasks.²⁰ The Target Capabilities List will serve as a guide to state and local entities in determining what their specific capability needs ought to be. Not all entities need to possess all of the capabilities, but a coordinated mutual aid response will require the ability to perform all required capabilities.

The final document is the Homeland Security Universal Task List: Version 2.1. The Universal Task List is the list of key tasks that must be accomplished for prevention, protection, response, and recovery.²¹ The list includes tasks common to all types of events including planning, coordination, and training. It also

lists event specific tasks such as those required to investigate and apprehend terrorist suspects.

Federal Programs Contain a Degree of Controversy

The Interim National Preparedness Goal states that it and its supporting documents were created with the partnership of federal, state, and local entities. Further, it is not intended that these documents micro-manage first responders or public officials. They are not intended to impose a specific array and number of assets on each community.²²

However, committee staff interviews within the Florida's domestic security community, comments in national media, and expert opinion highlight concerns.

For example, The NIMS Integration Center recently published a bulletin in response to questions from a number of sources. It stated that those who fail to adopt NIMS concepts and principles in day-to-day emergency operations would not be considered NIMS compliant for funding purposes. Beginning October 1, 2005, all recipients of federal preparedness funds must adopt and use NIMS as a condition for the receipt of FY06 preparedness assistance funding.²³

The degree to which compliance is defined is illustrated by a subsequent NIMS Integration Center bulletin. The bulletin advocates use of plain language in emergency situations instead of local 10 codes (e.g. 10-4). The bulletin acknowledges that abandonment of first responder 10 codes for radio transmission brevity will not likely be complete by the target of FY06. "However, continued resistance to complying with NIMS requirements and use (of) plain language will result in the loss of federal preparedness funding."²⁴

These two examples are cited to merely illustrate that the DHS system has difficulties to be overcome in nationwide implementation, but the directive from the federal government is clear that all funding recipients will be required to follow NIMS protocols in order to assure a standard national approach to disasters. These protocols are already being used in deployments to

¹⁸ Department of Homeland Security, "National Planning Scenarios", April 2005, Pg. ii.

¹⁹ United States Government Accountability Office, "Homeland Security – DHS's Efforts to Enhance First Responders' All-Hazards Capabilities Continue to Evolve", June 2005, Pg. 16.

²⁰ Department of Homeland Security, "Target Capabilities List: Version 1.1, April 6, 2005, Pg. 1.

²¹ Department of Homeland Security, "Universal Task List: Version 2.1, May 23, 2005, Pg. 1.

²² Department of Homeland Security, "Interim National Preparedness Goal", March 31, 2005, Pg. iv.

²³ The NIMS Integration Center, DHS Federal Emergency Management Agency, "NIMS Compliance and Day-to-Day Emergency Operations, Aug. 17, 2005.

²⁴ The NIMS Integration Center, DHS/FEMA, Aug. 23, 2005.

Mississippi and Louisiana in response to Hurricane Katrina.

A recent expert panel at a national conference in New Orleans in May, 2005 concluded that the current National Response Plan is a good beginning. However, it is far from meeting the nation's need to adequately address terrorism.²⁵

Are we conducting the right kind of training and exercises with appropriate frequency?

The concept for conducting regional level exercises in 2003 was to hold a full scale exercise every other year. A functional exercise would be conducted in the interim year. In practice, functional exercises have taken over with four regions conducting FEs in 2004 and the remaining three conducting FEs in 2005.

It can be argued that 2004 provided extensive real-world operational experience with the hurricane season. However, the direction taken by the DHS is to concentrate on terrorism related training and exercises.

In a survey conducted by the Government Accountability Office (GAO), 37 of 69 first responder departments called for additional flexibility from DHS or state agencies. These departments felt that they needed the flexibility to enhance their ability to respond to events that were more likely to occur in their jurisdictions.²⁶

Similar types of concerns were identified by committee staff during interviews with domestic security community members. Setting priorities that balance local resource limitations and threat probabilities against outside training and exercise funding incentives is difficult. The question of training priorities appears problematic at the local level particularly in view of the direction that DHS is taking.

How will we be able to sustain the equipment we have purchased along with needed future training and exercise programs?

Since 2001, Florida has been able to purchase much needed equipment for use in dealing with terrorism. Each law enforcement officer now has a personal protective suit in his/her vehicle that will allow immediate survival protection during a chemical or biological event. Florida was able to purchase vessels for the Fish and Wildlife Conservation Commission that enhance our ability to protect our inner coastal waters. Enhancements to communications systems have improved emergency managers' command and control abilities.

New equipment and procedures for employing them require training, testing, and exercising. Federal grant programs have provided the largest part of funding for this equipment and training.

Sustainability for domestic security programs is of concern in the community. DHS is currently undergoing a Department Second Stage Review. Furthermore, Secretary Chertoff has signaled a shift in federal funding priorities that puts emphasis on a risk based strategy.²⁷

The future of federal funding will likely continue to emphasize counter-terrorism. The question is however, at what level will future funding be available and will it be enough to maintain and replace our equipment and training investments? The answer is unknown at this time.

Who is supervising and coordinating our overall training and exercise effort?

As mentioned earlier, domestic security leadership is assigned to the Department of Law Enforcement with close coordination at the Division of Emergency Management.

Both FDLE and DEM have staff personnel assigned to coordinate training and exercises statewide. FDLE provides a law enforcement counter-terrorism perspective while DEM provides an emergency management perspective.

Committee staff interviews identified domestic security community concerns about the volume of exercises, overlapping objectives in exercises organized by separate agencies, and lack of knowledge of other entities' exercise schedules.

²⁵ Gulf Coast Military Expo, "Is the National Response Plan Up to the Task?", May 5, 2005.

²⁶ United States Government Accountability Office, "Homeland Security – DHS's Efforts to Enhance First Responders' All-Hazards Capabilities Continue to Evolve", June 2005, Pg. 40.

²⁷ Michael Chertoff, "Remarks by Secretary Michael Chertoff U.S. Department of Homeland Security at the Commonwealth Club", Santa Clara, CA, July 28, 2005.

DHS publishes a National Exercise Schedule that lists a comprehensive one year schedule of federally sponsored exercises. This schedule includes exercises taking place in the various states that are made possible through federal funding. Nine Florida exercises ranging from a terrorist explosive detonation/chemical release to a radiological release were listed in a recent schedule.

DEM staff personnel expressed a desire to develop a similar statewide schedule listing which would facilitate exercise coordination and improve efficiency by identifying opportunities for partnerships.

Are exercise lessons learned adequately identified and incorporated in future plans, training, and exercises?

Post training and exercise analysis is common. It may take the form of an immediate training debriefing, an immediate post exercise “hot-wash” discussion, or a formal after action report.

Domestic security community members reported that lessons learned are an important part of their training and exercise program. Every effort is made to identify problem areas and devise solutions that are carried forward.

To test this, committee staff compared 2005 exercise after action reports with 2003 after action reports by same region. In 2003, adoption and implementation of the Incident Command System (ICS) was a major issue. Exercise personnel were learning the system and having difficulty with terminology and doctrine. By 2005, improvement in establishing a functioning ICS was evident in the reports. It appeared that lessons learned were in fact being incorporated in subsequent exercise planning and conduct.

In addition, DHS has established a national lessons learned program. Qualified domestic security personnel can be given access to what is otherwise sensitive information in order to review and learn from other agencies and states. It is unknown to what extent domestic security personnel in Florida use this resource.

Florida Has an Excellent Training Resource Base

Florida has developed an extensive training resource base throughout the state. Law enforcement academy and first responder training is available through the

community college system. Florida also possesses a first rate Fire Academy. In addition the National Terrorism Preparedness Institute at St. Petersburg College develops and delivers emergency responder terrorism training for DHS, the Department of Defense, the U.S. Army Training and Doctrine Command, and the Florida State Working Group on Domestic Security Training Committee. Florida’s universities have formed the State University System Consortium on Homeland Security that brings research and teaching capabilities together from across the university system. These resources have the ability to expand to meet further requirements.

METHODOLOGY

Interviews were conducted with FDLE and Division of Emergency Management exercise and training staff, the former Director of FDLE’s Criminal Investigations and Forensic Sciences Program, the former FDLE Chief of Domestic Security, the Director of the Pat Thomas Law Enforcement Training Academy, and the Director of the National Terrorism Preparedness Institute. Staff reviewed major Florida exercise after-action reports from 2003 onward, observed two Regional Domestic Security Task Force functional exercises, one rural hospital terrorism response exercise, a combined regional tactical law enforcement and Fish and Wildlife Conservation Commission training exercise, and the 2005 Governor’s Executive Level Tabletop exercise. In addition, staff attended the Gulf Coast Military Expo; meetings with DHS regarding implementation of the National Response Plan, NIMS, and National Infrastructure Protection Plan; and regular meetings of the Domestic Security Oversight Council. Staff participates in State Emergency Operations Center training as part of the Intergovernmental Relations Team. Staff also reviewed Homeland Security Presidential Directives and Department of Homeland Security policy publications.

FINDINGS

Upon review of the domestic security training and exercise program in Florida, certain points are clear.

Florida has a well organized, comprehensive emergency management system. Because of its extensive planning and experience with hurricanes, and to an extent, tornados, Florida is well equipped to handle such natural disasters because it conducts extensive training in preparation for each hurricane season..

While Florida's emergency management system uses an all-hazards approach, it only has limited experience with an actual terrorist attack. Terrorist attacks present unique circumstances that require specialized skills. All of the exercises observed by committee staff included a terrorist response component. However, federal scenario guidelines that are tied to federal preparedness funding will drive further emphasis on counter-terror training in this next year. This gives rise to concerns of top-down driven systems that leave little room for bottom level analysis and innovation.

Florida has implemented the National Incident Management System, is conducting NIMS training, and is employing NIMS in its exercise program. Understanding and implementation of NIMS appears to be improving.

Concern exists that the National Response Plan, while a good start is not yet sufficient to adequately deal with terrorism. In addition, there is a danger of complacency brought on by the absence of any terrorist attack in the U. S. since 2001. The threat of terrorism remains substantial while momentum for rapidly addressing domestic security issues is slowing.

Additional effort is warranted in analyzing training and exercise requirements and priorities. Concerns expressed among domestic security community members reflect the difficulties in effective utilization of training and exercise funding. Florida has shifted regional exercise emphasis from full scale exercises that are expensive to functional exercises that are less costly but lack "hands-on" reality.

Sustaining current equipment along with training and exercise programs may become problematic. Domestic security programs are heavily dependent on federal funding sources. Should federal funding priorities shift as a result of implementation of DHS's risk based analysis, dual use equipment that is integral Florida's domestic security community may lose a degree of sustainability.

Training and exercise coordination is currently spread among FDLE, DEM, and the RDSTFs. While training and exercise programs have improved, continued efforts at further improvement are necessary.

Finally, Florida possesses state of the art training resources. These include distance learning capabilities, training development and delivery systems, and facility infrastructure exist that could be put to greater use.

RECOMMENDATIONS

- Recommend that this committee continue to monitor ongoing domestic security training and exercise activities to assure compliance with new national performance standards and capabilities. This compliance is required for continued federal funding of Florida's domestic security training and exercise activities across all preparedness and response disciplines.
- Recommend implementation of any legislative changes that may be necessary to conform current law to the new National Response Plan and its subordinate documents.
- Recommend that the Legislature pursue actions to promote full usage of existing state and local government training and exercise facilities (including law enforcement and fire-training academies and community colleges) and assets as primary providers whenever possible.