



**Statement of Michael J. Bouchard, Sheriff of Oakland County  
on behalf of the Major County Sheriffs' Association**

**Before the House Committee on Homeland Security**

**“Stopping the Next Attack: How to Keep Our City Streets from  
Becoming the Battleground”**

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Washington, DC**

Chairman McCaul, Ranking Member Thompson, distinguished members of the Committee, thank you for inviting me to testify this morning on behalf of the Major County Sheriffs' Association.

I am currently serving my fourth 4-year term as Sheriff and have been in law enforcement for almost 30 years. I run one of the largest Sheriff's Offices in the country where I oversee 1,300 employees and manage an annual budget of over \$141 million dollars. We provide police, jail and court services for over 1.2 million people and nearly 1000 square miles. In addition to serving the people of Oakland County, I am also the Vice President and chair of government affairs of the Major County Sheriffs' Association of America (MCSA). The MCSA is an association of elected Sheriffs representing our nation's largest counties with populations of 500,000 people or more. Collectively, we serve over 100 million Americans.

I, like you, felt the world change on 9-11. I was proud to lead a team to work at ground zero immediately after the attack. To me, it was one of the worst days in our nation's history and at the same time, was also one of the proudest. In the depth of that pain, suffering and shock, we showed great support and love for each other.

Over the past 15 years, our country has made great progress in our nation's ability to prepare for, respond to and prevent terrorist attacks here in the United States. The men and women that make-up the local law enforcement agencies in the U.S. 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 on-going effort. On 9-11 many selfless sacrifices were on display that day. Those kinds of selfless sacrifices have continued to this day but unfortunately, we don't see the unity or the laser focus on how we can defeat this dangerous enemy. I thank you for making it your focus.

**Threat Evolution:** The nature of violence in America and around the world has evolved as has the expansion of encryption, use of social media for mass propaganda, inspiration for lone wolf attacks and selective recruitment. It is no secret that social media has played a primary role in the unprecedented uptick of ISIS sympathizers and disciples. Through the George Washington University Program on Extremism, over 300 American and/or U.S. based ISIS sympathizers have been identified online as actively spreading propaganda<sup>i</sup>. Since March 2014, 85 individuals across 24 states have been charged in the U.S. with offenses related to ISIS and it has been reported that since the fall of 2015, roughly 250 Americans have traveled or attempted to travel to join ISIS<sup>ii</sup>.

With the influence of ISIS inspiring acts of abhorrent violence, we are reaching a national crisis point. As ISIS and other terrorist groups, such as Al- Shabaab, reach out to individuals within the United States, the threat of lone wolf attacks on U.S. soil is increasing. Instead of luring radicalized Americans overseas, the Islamic State encourages actors to stay home and carry out their acts of terror on the motherland.

**LE Preparedness:** 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.

After the attacks in Mumbai, I contacted all the chiefs in my area of responsibility and called on us to train together on a regular basis. Further, we needed to train on the same tactics so we could respond and meld together immediately should a similar scenario develop in my AOR. We have since trained thousands of police officers. Local police are now directly responsible for responding to the changing threat matrix.

**HVE:** Homegrown Violent Extremists (HVE's) are an example of the evolving and dynamic threat environment facing local law enforcement today. HVE's can come from a variety of backgrounds and can be driven by either religious or ideological factors. These individuals often become radicalized through social media or other online propaganda. HVE's present a uniquely-dangerous situation for local law enforcement because they are often very familiar with US customs and the day-to-day activities of the community and neighborhood where they live. This makes them hard to detect, and as their path to radicalization advances, they are often able to commit their violent acts with little or no warning for local law enforcement in their community.

Over the past year or so, we have seen incidents like this unfold in Chattanooga, TN, San Bernardino, CA, and Orlando, FL.

**Community Engagement:** Robust community engagement efforts are a direct way of combating violent extremism in local communities. Community engagement requires commitment at all levels in a local law enforcement agency. It requires commitment from agency leadership to reach out and meet with leaders from the diverse communities in their jurisdiction. These relationships are not built overnight, but through dedication and consistency, the relationships become resilient. Trust is built one day at a time. Trust is built one situation at a time. Furthermore, a robust community engagement effort also requires commitment from dedicated engagement units/teams. These supervisors and deputies are the faces of our law enforcement agencies in the community. They attend the events; they host law enforcement-led roundtables; they host citizen academy classes; they teach cultural awareness to other law enforcement officers; and, most importantly, over time, they become the first point of contact for family members, teachers, or coaches if they observe something that is not right.

**Encryption:** Law enforcement officials' ability to lawfully access digital evidence has been severely hamstrung by technological advancements and non-technological barriers to access. We in the law enforcement community find ourselves in a new age where criminals and terrorists enthusiastically operate beyond the confines of the law through encrypted networks, applications and mobile devices. The encrypted applications used for preplanning and coordination among the Paris attackers may have prevented the advance detection of the attacks, but the cell phone of one of the terrorists recovered outside the Bataclan theater helped investigators apprehend the ringleader of the attack, Abdelhamid Abaaoud. When law enforcement officials identified Abaaoud's cousin in the phone's call list and her location, Abaaoud was finally located<sup>iii</sup>. It was later confirmed that Abaaoud died in the detonation of a suicide bomb during the raid.

**Refugees:** As the highest law enforcement officer in our counties, our mandate and priority is to protect our communities. The communities we serve are vibrant and encompass a myriad of nationalities, perspectives and cultures. As a nation of immigrants, we are sensitive to the humanitarian needs of refugees being persecuted in their home country, but it must first be weighed against protecting the homeland from those that seek to harm America.

The current Administration claims Syrian refugees will be sufficiently vetted via "enhanced security screening" and the American people should not be fearful of "women and children." being allowed entry into the country. However, FBI Director Comey sat before this very Committee and stated, "We can only query against that which we have collected. And so if someone has never made a ripple in the pond in Syria in a way that would get their identity or their interest reflected in our database, we can query our database until the cows come home, but there will be nothing show up because we have no record of them."<sup>iv</sup>

The threat to public safety and national security posed by the Federal Government's refugee and visa programs are real, as evidenced by the recent radical Islamic terrorist attack in San Bernardino. The female attacker entered the United States in 2014 on a K-1 Visa and despite being "vetted," the process did not uncover her intentional use of a false address in Pakistan, her contacts with other radical jihadists, or her own radical ideology – an ideology she openly expressed on her Facebook page. Consequently, she was allowed into the United States without

any restrictions and was able to fly under the radar without any red flags being raised prior to the attack.

The current vetting process for refugees is entirely insufficient. When a query is conducted and no information is available from their home country to help validate the information submitted on the application, it is impossible to adequately verify all of the information needed to make an informed decision on the threat level posed by the applicant.

All refugees allowed to enter the U.S. should be closely monitored by the Federal Government and their personal information and resident address should be provided to local law enforcement agencies (LEA) immediately upon their placement into a community to ensure sufficient oversight and facilitate communication between federal, state and local LEAs. In fact, the Refugee Act (PL:92-212) specifically requires the federal government to consult regularly with State and local governments and private nonprofit voluntary agencies concerning the sponsorship process and the intended distribution of refugees among the States and localities<sup>v</sup>. Despite this requirement, no one from the federal government has made any effort to consult with my county or other members in our association. There have been over 1200 refugees settled in my state with the majority in my county which makes us the top two in the nation.

Political correctness should not prevent proactive compliance protocols from being implemented and enforced on those allowed to enter the country and participate in the refugee program. ISIS has stated they intend to imbed terrorists in the refugee program and we should take them at their word. Since the vetting process is demonstrably insufficient to prevent terrorists from posing as true refugees, it should be suspended from countries of interest until such time as its process ensures not a single refugee enters the homeland under false pretenses. Consequently, the Federal Government's plan to dramatically increase the number of refugees into America from countries of interest is extremely concerning and, in its current state, has the very real potential to compromise national security.

**Prison Radicalization:** Prison radicalization and recruitment is an ongoing concern. Former Director of the Bureau of Prisons, Harley Lappin, testified back in 2003 before the Senate Judiciary Subcommittee on Terrorism, Technology, and Homeland Security where he stated, "We know that inmates are particularly vulnerable to recruitment by terrorists and that we must guard against the spread of terrorism and extremist ideologies...In addition, our institutions work closely with the Local Joint Terrorism Task Forces (JTTF) to share information and intelligence about these inmates<sup>vi</sup>." Many of our MCSA members devote both personnel and resources to these JTTFs without federal reimbursement.

Influential radicalized inmates pose a series of complex challenges to law enforcement officials – they can encourage other prisoners, upon release, to go to specific locations in an effort to further their extremist ideologies and can urge inmates to incite violence within the facility posing a substantial risk to prison security.

**Grants:** 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 lack of federal funding, state and local law

enforcement does not have the necessary funds, and most recently access to necessary lifesaving equipment.

Grant programs such as the State Homeland Security Grant Program (SHSP) and the Urban Areas Security Initiative (UASI) work to address gaps in local agencies capabilities for responding to terrorist threats. Other programs such as the Edward Byrne Memorial Justice Assistance Grant Program (JAG) have a broader focus of providing critical funding to support a range of different program areas. Over the past few fiscal years, law enforcement has seen a steady decline in federal grant funding and most recently, President Obama's FY17 budget request cut UASI funds by 45 percent. The amount of monies we receive for these new and evolving threats is a trickle at best. Also, our brothers and sisters in fire service receive grants for personnel with no match. Police grants typically have at least a 25% match so the communities in the greatest need due to financial distress caused layoffs do not have the financial ability to accept the grant due to cost implications.

In 1994 the Bureau of Justice Assistance (BJA), U.S. Department of Justice began to administer the State Criminal Alien Assistance Program (SCAAP), which "provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens who have at least one felony or two misdemeanor convictions for violations of state or local law, and who are incarcerated for at least 4 consecutive days during the reporting period."

Despite SCAAP program funding, it does not fully reimburse actual detention costs associated with the incarceration of illegal criminal aliens. Instead, data received by all applicant agencies is combined to determine each applicant's relative percentage of the total SCAAP allocation.

Consequently, it is not uncommon for most agencies to receive SCAAP reimbursement of only a few percentage points of the actual costs incurred. Historically, the total amount of reimbursements received have been drastically reduced every year, especially since 2008. For example, in San Bernardino County, the SCAAP reimbursement in 2008 was \$2,324,814. In 2015, the reimbursement was reduced by over 80% to \$425,559.

**Military Surplus Equipment:** 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, simply because federal surplus items have already been purchased once. In fact, many of the same items that they receive through federal assistance programs have been used by law enforcement agencies for decades.

Through executive action and not legislation, the Administration has recalled certain 1033 controlled military surplus equipment. 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 Administration has sought to inappropriately legislate through perception at the cost of public safety.

On the very same day as the San Bernardino terror attack - our nation's worst attack since 9/11 - my office received an order to return an armored personnel carrier back to the federal government to be destroyed because it looked militarized. We should focus on reality not perception, and on that day America saw reality on live TV in San Bernardino and how armored vehicles protect people. An armored vehicle pulls up at a bank or grocery store every day to protect money and it's viewed as normal. But, if law enforcement pulls up in the same vehicle at the same store to protect people it's militarized and bad?

In San Bernardino, all items obtained through the 1033 program by the Sheriff's Office are used solely by specialized divisions and personnel. Prior to acceptance of this equipment, it receives Board of Supervisor's approval.

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

**Complex Coordinated Attacks:** In FY16 under the banner of responding to emergent threats from violent extremism, Congress allocated \$39 million dollars 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.

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 LE focused administrative purposes. We are quickly approaching FY17 and no progress has been made.

**FEMA Regional Assets:** I self-deployed at the direct request of involved agencies to ground zero and Hurricane Katrina. Afterwards, we engaged in great dialogue and discussion about how to formulate and create, equip and train regional response teams that could be called up for large situations and the units deployed be expanded out to other regions as needed. Where does that program stand today? We worked on it for over two years and it fell off the map.

**Secure the Border:** Border security remains a top priority for the MCSA. Our members are located in both Northern and Southwest border states, where the most negative outgrowths of illegal immigration – from drugs and gangs to human trafficking and exploitation and terrorist infiltrations – impact our communities on a daily basis. Despite the Administrations claim that our borders are more secure than ever before, waves of undocumented individuals continue to illegally enter the homeland. If we do not have border security, we cannot have national security.

Additionally, information sharing between Federal, State, local and tribal law enforcement is absolutely critical to maintaining public safety and combatting a wide variety of interstate and international threats that impact our communities. One specific area here that we remain

concerned about focuses on timely delivery of key information from the Federal level to States and locals on known criminal aliens that may reside in our communities. There is no direct access to ICE databases when a person is queried on a traffic stop or as they come into booking.

Information sharing responsibilities are binary meaning that information should not just flow from the bottom up. Frankly, State and local law enforcement need to know critical information regarding illegal immigration, as it affects the safety of our officers and the communities they protect. MCSA has raised this issue for years going back to the 9-11 commission report component urging information sharing and we have yet to see any progress made.

I want to thank the Committee and its staff for all of their hard work – countless bills have passed this Committee on a bipartisan basis all with the aim to secure the homeland. National security should not be a partisan issue; we all have a vested interest. The MCSA seeks to be a positive source of ideas and I thank the Chairman for his commitment to collaboration and willingness to engage local law enforcement.

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<sup>i</sup> <https://cchs.gwu.edu/sites/cchs.gwu.edu/files/downloads/ISIS%20in%20America%20-%20Full%20Report.pdf>

<sup>ii</sup> <https://cchs.gwu.edu/sites/cchs.gwu.edu/files/downloads/ISIS%20in%20America%20-%20Full%20Report.pdf>

<sup>iii</sup> <http://www.nytimes.com/2016/03/20/world/europe/a-view-of-isis-evolution-in-new-details-of-paris-attacks.html>

<sup>iv</sup> <https://homeland.house.gov/press/nations-top-security-officials-concerns-on-refugee-vetting/>

<sup>v</sup> <http://uscode.house.gov/statutes/pl/96/212.pdf>

<sup>vi</sup> [https://www.judiciary.senate.gov/imo/media/doc/lappin\\_testimony\\_10\\_14\\_03.pdf](https://www.judiciary.senate.gov/imo/media/doc/lappin_testimony_10_14_03.pdf)