

**Testimony before
U.S. House of Representatives
Committee on Transportation and Infrastructure**

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Gentlemen:

My name is Edmund M. “Ted” Sexton, Sr., Sheriff of Tuscaloosa County, Alabama. I am the Immediate Past President of the National Sheriffs’ Association and am here representing the Nation’s 3087 elected Sheriffs as well as our membership of over 25,000 law enforcement professionals. I also served as a member of the FCC Katrina Communications Evaluations Committee.

The State of Alabama has pioneered hazard response by public safety entities by forming a mutual aid task force divided into eight (8) regions. My office is the home for the Region 3 Law Enforcement Response Team that is largely comprised of members from my office, the Tuscaloosa Municipal Police Department, the Northport Municipal Police Department and, the University of Alabama Police Department. Agencies in nine (9) other counties, comprising over 100 law enforcement officials, participate in Region 3 and have the ability to function for five (5) days in a completely self-contained manner for any necessary response-event. Our team assets range from interoperable communications vehicles, mobile command posts, law enforcement response personnel, K-9, tactical component, detection and protection equipment. Our Region 3 Response Team has experienced five (5) hurricane deployments and numerous requests for law enforcement functions.

The National Sheriffs’ Association has been a supporter of FEMA’s all hazard response but does feel that deficiencies still remain that must be addressed. First is the need for a law enforcement representative in the administrative higharchy of FEMA, local law enforcement will always be the first to respond to any terrorist event or in other times of disaster, and has a unique responsibility to ensure that public safety is not compromised in the immediate aftermath of such a crisis. A law enforcement representative would be able to work with local and state governments to ensure adequate response needs are met by responding law enforcement entities and while meeting the requirements of being self contained. In a post 9/11 era, no public safety entity has seen greater change than law enforcement and its responsibility to prevention and protection. This law enforcement representative would ensure that law

enforcement capabilities remain balanced amongst response, prevention and protection. Local law enforcement is now involved in sharing of classified information, intelligence gathering in a shared capacity with federal and state partners.

Secondly, NSA also believes that the regional first responder committees must be implemented with federal legislation and that Sheriffs, as chief elected law enforcement officials; need to be among a wide variety of public safety responders. One example of an issue that needs addressing is the need to reconfigure the FEMA law enforcement reimbursement schedule, to include aviation assets or other specialized equipment.

Third, there is a mind set and pattern of waiting for a tragic or catastrophic event to occur, then assessing it and, then responding to it. If Katrina and Rita taught us anything it is the need to make prior contact with responding entities so that you have the peace of mind as a law enforcement administrator to know who is coming, what resources they are bringing and, when they can arrive. Sheriffs I have spoken to hit by Hurricane Katrina did not have the means to communicate by phone or radio.

The National Sheriffs' Association prepared a White Paper entitled *Response in a Heartbeat: An Immediate Fix and a Long Term Solution to Response*. This Blue Ribbon panel of Sheriffs convened to examine lessons learned in response to Hurricane Katrina. A gap that we feel FEMA can take care of with a law enforcement representative and committees is to form regionally based organized mobile flexible forces that are able to respond immediately to a disaster to support local governments, much like what the State of Alabama has already done. Mobilization would be a simple process. There would be no need for massive negotiation and endless streams of red tape. Responses need to be based on seconds and minutes, not hours and days.

Fourth and possibly most importantly, is that reimbursement funding needs to be streamlined so that assets that are called upon multiple times can be reimbursed without stressing unaffected local governments' revenues. If we could fund EMAC support as FEMA does "Immediate Needs Funding" for Category A and B work (and the work we do is Category B work – Emergency protective Measures) – we could receive 50% of the estimated costs up front or within 30 days of the duty. That would give local governments and states with a lower tax base the ability to more easily absorb the "up front" costs. The claims would still have to be appropriately "documented and justified" However; the long term expense to the state and/or local government would be mitigated. This could also be aided by the development and distribution of pre-planned guidelines. A package of checklists, templates, forms, and sample agreements would be compiled and distributed to first responders. This material would guide first responder's efforts to develop and enhance an Emergency Operations Plan, Incident Accident Plans prepare Memoranda of Understanding, and complete

NIMS, FEMA, DHS and EMAC-compliant pre and post event plans, reports and claims. Simply put, we need to streamline the process and have everyone on the same page of sheet music.

It has been an honor to appear before this committee on behalf of the National Sheriff's Association and I look forward to answering any questions you may have.