

Statement for the Record by
Deputy Commissioner Greg Mays
Tennessee Department of Safety and Homeland Security

Hearing Before the Committee on Homeland Security
United States House of Representatives

“Standing Strong on the Thin Blue Line: How Congress Can Support Local Law Enforcement”

May 15, 2024

Thank you, Chairmen Green, and Ranking Member Thompson for holding this hearing and for the invitation to testify with my fellow law enforcement leaders on some of the critical law enforcement and security issues facing the American Homeland.

The Tennessee Office of Homeland Security is a law enforcement agency with statewide jurisdiction. Our primary mission is to investigate threats to life, threats to our schools, protect our state’s critical infrastructure and major events, and to work with our federal, state, and local partners to prepare for and mitigate any threats to our state. Our Department’s overall mission is to serve, secure, and protect the people of Tennessee. We set about every day to accomplish our mission in several ways:

- Homeland Security employs a cadre of Homeland Security Special Agents across the State – at least one in each of our ninety-five counties. These law enforcement officers focus on threats to our schools and critical infrastructure and regularly conduct behavioral-based threat assessments. Our Homeland Security Special Agents come from varied backgrounds and bring a depth and breadth of experience to their mission to serve and protect Tennesseans.
- Homeland Security partners with the Tennessee Bureau of Investigation to co-direct the Tennessee Fusion Center – a team effort of local, state, and federal law

enforcement, in cooperation with the citizens of the State of Tennessee, for the timely receipt, analysis and dissemination of terrorism information and criminal activity relating to Tennessee.

- Homeland Security helps to facilitate the distribution of federal grant funding every year from the DHS Homeland Security Grant Program. Since inception in 2003, OHS has seen over \$280M come to Tennessee and go toward projects designed to make Tennesseans more secure. I'll speak more about these grants in a moment.
- Tennessee Homeland Security maintains a Cyber Security expertise focused on Homeland Security issues at the state and local level by providing training and assisting in responses to cyber-related incidents.
- Tennessee Homeland Security maintains a close watch on our state's Critical Infrastructure. DHS has designated 16 different Critical Infrastructure sectors ranging from Energy to Financial to Agriculture to Transportation. All these sectors are vital to our state. We work with law enforcement and our stakeholders to determine vulnerabilities and mitigate the threat.
- And last, but certainly not least, Tennessee Homeland Security partners with local law enforcement, the Tennessee Department of Education, local school districts, the mental health community, juvenile court systems, and communities around the state to keep our children safe by helping to develop and conduct security assessments at our state's K-12 public schools and investigate threats before they materialize on the school's doorstep.

As we gather here today during National Police Week to honor the fallen peace officers across our nation, it is also a time for us to focus on the challenges faced by law enforcement and the threats to our homeland. My testimony will focus on three areas to highlight some successes

and challenges. Thank you again for the opportunity to be here.

I would like to start with security in our schools. On March 27, 2023, Nashville was rocked by a shooting at the Covenant School. Three children and three adults lost their lives in addition to the shooter who was killed by police while she was still shooting at arriving officers from a second story window of the school. This shooting so close to home further steeled our resolve to do everything we can to prevent something similar from happening again.

We approach school security in Tennessee by focusing on three main areas of concern:

- First, physical security such as door locks, cameras, barriers, access control procedures – sometimes a simple solution works best.
- Secondly, proper response protocols must be in place and exercised. If a tragic event does happen, law enforcement must be trained to respond appropriately and stop the killing. School students and administrators must be trained and have a plan to shelter in place or evacuate as appropriate. All these plans must be exercised regularly – a new state law in Tennessee requires it. We saw in the Covenant shooting the rapid and professional response of officers from the Metro Nashville Police Department. There is no doubt the bravery and rapid response of the officers saved lives that horrible day.
- The third focus of concern is perhaps the most complex. We must investigate every credible threat and evaluate the subject’s capability and intent to act violently. Research such as the U.S. Secret Service’s National Threat Assessment Center study published in 2021, titled “Averting Targeted School Violence” looked at sixty-seven averted school attacks. The study found 94% of school shooters told someone they were going to do it. The other 6% in the study were behaving so oddly that bystanders reported them. So, in all these cases, we see that law enforcement officers, educators, mental health counselors, and concerned community members must be listening and ready to report and act on any threatening behavior or statements.

The Office of Homeland Security partners with schools to encourage this type of reporting. Of course, some kids feel more comfortable communicating electronically. So, In Tennessee, we instituted the SafeTN App to allow students (or members of the community) to anonymously report threatening behavior. The app also provides resources for anyone contemplating suicide or self-harm. The Tennessee Office of Homeland Security operates a 24/7 threat desk where these incoming calls for help or action are acted upon immediately.

As I mentioned earlier, the Governor of Tennessee proposed, and the TN General Assembly funded, a Homeland Security Special Agent in each of Tennessee's ninety-five counties to help coordinate the multi-agency approach to school security and to conduct these behavioral-based threat investigations.

Tennessee's local law enforcement officers play a critical role in school safety by acting as School Resource Officers (SROs). Last year, the Governor proposed, and General Assembly provided, funding to place one SRO in each of Tennessee's K-12 public and charter schools. This grant funding is managed by the Office of Homeland Security and is available directly to law enforcement agencies to hire, train, and equip law enforcement officers to serve in the important SRO role. Of the \$140M allocated on July 1, 2023:

- Over \$101M has been awarded upfront for salary, benefits, training, and equipment.
- 154 law enforcement agencies applied and were funded.
- 1356 schools are covered by this state grant.
- As of 3/31/24, 1309 of 1356 schools were staffed with an SRO (97%)

Is this approach to school security working? Although we don't claim to have solved the issue of school security, we are seeing positive results. For example,

In the fall of 2023, Homeland Security agents, working with local Sheriff's Deputies, began an investigation of a student who had come to school in full tactical gear and made a bomb threat.

The investigation indicated that subject had a fascination with the military, weapons, and explosives and that he also fantasized about killing people. Further investigation revealed the subject owned several knives and smoke grenades. Information was discovered that revealed the subject was frequently a victim of bullying by other students. A search warrant of the subject's cell phone showed evidence of making threats of being a terrorist, a member of the Taliban, conducting a school shooting, and shooting police. The subject underwent a court ordered mental evaluation where he was determined to have homicidal tendencies. The subject was admitted to a mental health facility for further evaluation and care.

We work a significant number of cases just like this one. Since the beginning of this academic year - approximately August 1, 2023 - the Office of Homeland Security has logged over 322 threats to schools in Tennessee – or more than one threat to a school every day. And this number reflects only those threats which are known to us – either reported through our reporting mechanisms or reported by schools directly to us, or reported by local, state, or federal agencies to us. We do not know the actual total number of school threats in the state because the local schools and law enforcement agencies are not required to report them to us. The problem is big.

Nothing is more important than the safety and security of our children. Law enforcement will continue to prioritize the security of our schools.

I would now like to pivot to the subject of grants. Tennessee has benefitted greatly from the Federal Homeland Security Grant Program since its inception in 2003. As you know, three individual grant programs make up the federal Homeland Security Grant Program:

- State Homeland Security Program (SHSP)
- Urban Area Security Initiative (UASI) – Nashville area only
- Operation Stone Garden (for border states)

Federal funding for these state and territorial preparedness grant programs (SHSP, UASI, and

Operation Stone Garden) has dropped 44% since FY2010—including a 10% cut alone for FY2024.

These programs that states and territories rely on for homeland security funding have all seen declines. On top of the decline in aggregate dollar amounts, given inflation, the purchasing power of each dollar provided has dropped more than 20% since 2014.

These grant programs are a very worthwhile endeavor and we have had much success responding to manmade and natural disasters because of them. For example, in the immediate aftermath of the Nashville Christmas Day bombing in 2020, which damaged a piece of critical infrastructure and shut down 911 communications centers in the region, equipment acquired through the HSGP such as command posts, alternate communications equipment, rescue equipment, and training for responders was deployed and aided in the Response and Recovery efforts. With much of the equipment acquired through this program at the local level, it has served multiple functions for manmade and natural disasters and has created enduring capabilities in all of Tennessee's ninety-five counties.

Another very important federal grant program is the Nonprofit Security Grant Program (NSGP). This program provides support for target hardening and other physical security enhancements for nonprofit organizations that are at high risk of a terrorist attack. In Tennessee, requests for funding under this program have skyrocketed from 10 applicants in 2019 to 103 applicants last year – a tenfold increase. This year's application process is currently open and expected to see increases in applicants from last year.

These grant funds have saved lives.

On July 31, 2023, a suspect attempted to gain entry into the Margolin Hebrew Academy in Memphis with the apparent intent to kill those inside this Jewish school. After unsuccessful attempts to gain entry through locked doors, the subject fired shots outside the school and fled.

He was encountered by police a short distance away and was shot and taken into custody by police after brandishing a weapon. The school credited recent security upgrades with avoiding tragedy. Specially, the school wrote a letter to my office crediting the Nonprofit Security Grant Program (NSGP). The letter read in part,

“I want to take this opportunity to express my deepest gratitude to both of you for your invaluable support in securing and administering the NSGP for enhancing our security measures. The implementation of the latest security grant allowed us to reinforce our entrances with new doors and access control, ultimately preventing the shooter from gaining entry. Additionally, the cameras installed from a previous grant played a pivotal role in assisting law enforcement in locating and neutralizing the shooter swiftly.”

Again, these grant funds save lives. And as federal funding of these programs declines, the needs are increasing.

In Tennessee, the need to help protect our non-profits and houses of worship does not rely on federal funding alone. The Tennessee General Assembly recently allocated money for a new state grant program for nonprofits and houses of worship. Like the federal nonprofit grant, we have seen a sharp increase in requests for these limited funds. In the FY23 state program, we received over \$2.2M in requests, far outstripping the \$750,000 of state funds we had available to award.

Finally, I'd like to speak briefly about an emerging threat to Tennessee and our nation where we need help from the federal government. Part of my role as Deputy Commissioner for Homeland Security is to evaluate the potential for future threats and take mitigation measures now to protect Tennessee.

When I peek over the horizon to anticipate what may be coming, one challenge I see is weaponized Unmanned Aerial Systems, or drones. The proliferation of drones has become a

problem from a security and law enforcement perspective. While the federal government has taken steps to regulate use of drones and to some degree license users, little is available for state and local law enforcement in the way of countering drones that may be used as a method of attack.

It's no secret this drone threat is real. Drones can be used to smuggle payloads, transport contraband, and carry lethal payloads or other weaponized materials. We've seen weaponized drones recently in the war in Ukraine, and in attacks on Israel.

In the United States, we've seen an increasing number of drones in sensitive locations. For example, last fall, in two higher profile instances, a drone flew over an Ohio State football game, as well as a Baltimore Ravens playoff game. In Tennessee, we saw drones flying over public gatherings and causing safety concerns for law enforcement aircraft in the area.

Since drones are classified as aircraft by the FAA, only certain federal agencies, including DHS and DOJ, currently have the legal authorization to mitigate threats from UAS. While many states have taken steps to regulate where drones can be flown, states do not have the authorization to mitigate a drone in-flight—they can only monitor its flight path and penalize those who fly in prohibited areas.

I believe the probability of a weaponized drone attack in the United States should be a top priority for all of us who hold positions of responsibility for the security of our nation's homeland. I ask this Committee to prioritize Counter-UAS (C-UAS) for funding and expanded cooperation with states in this area.

I have mentioned several times today the importance of partnerships. Law Enforcement in Tennessee and around the country take pride in working together to support each other under very difficult conditions. These partnerships – which are crucial to success – were never more evident to me than on Christmas Day 2020 when a vehicle borne explosive device was

detonated in downtown Nashville, all but destroying a city street. Only a few hours after the explosion, I found myself standing in the rubble on 2nd Ave and observing federal, state, and local law enforcement all working together to determine what happened and why. The partnerships, information sharing, and preparedness funding contributed to quickly identifying the perpetrator, confirming he was deceased, and later confirming that he acted alone.

As the Deputy Commissioner of Tennessee's Office of Homeland Security, keeping the people and places in Tennessee safe and secure is on my mind every day. Our dedicated group of highly experienced law enforcement and public safety personnel always stand ready to serve, secure, and protect the people of Tennessee. But a single law enforcement or public safety agency cannot do it alone. We need each other. We need the support of the United States Congress and the support of the American people.

I thank you once again for the opportunity to be here today.