

**Bill Elfo
Sheriff of Whatcom County, Washington
Bellingham, Washington**

**Testimony before the
House Committee on Homeland Security's
Subcommittee on Emergency Communications, Preparedness
and Response**

Thursday, July 12th, 2007

"Challenges Facing First Responders in Border Communities"

Testimony of Sheriff Bill Elfo

Bill Elfo has served as Sheriff of Whatcom County, Washington since January of 2003. Sheriff Elfo previously served for over six years as Director of Public Safety for the border community of Blaine, Washington. Sheriff Elfo has continuously served in law enforcement for over 33 years and is a former prosecutor, has served an adjunct professor of criminal justice at several colleges and universities and currently serves on the criminal justice advisory board for two colleges.

Sheriff Elfo holds a BS and MS in Criminal Justice as well as a Juris Doctorate. He is a graduate of the FBI Command College, the FBI National Law Institute, the Southern Police Institute and many other professional training programs. He holds Executive Level Certification from the Washington State Criminal Justice Training Commission. Sheriff Elfo is a member of the Washington State Bar, the Bar of the United States District Court of the Western District of Washington and the bars of several other state and federal courts.

Sheriff Elfo is the current president of the Washington State Sheriff's Association and a former president of the Whatcom County Police Chiefs Association. He is a member of the National Sheriff's Association, the International Association of Chiefs of Police, the Washington Association of Sheriffs and Police Chiefs and the Whatcom County Police Chiefs Association.

He served as Chair of the Washington State Attorney General's Criminal Law and Sentencing Committee of the Methamphetamine Task Force. He has been invited to serve on the National Sheriffs' Association, Sheriff's Mutual Aid Response Committee.

Mr. Chairman and Members of the Homeland Security Committee:

Thank you for the opportunity to testify before you and discuss some of the unique challenges confronting first-responders in border communities and to present some of the successes we have experienced in dealing with them.

Whatcom County is located in the extreme northwest corner of Washington State. It is over 2150 square miles in size and shares an approximate 90-mile land border with Canada and has 35 miles of Puget Sound coastline. Geographically diverse, the County includes 10,000 foot high mountains and remote terrain that are very difficult to access. Whatcom County is located just 30 miles south of Vancouver, British Columbia the site of the 2010 Winter Olympics. With over 186,000 residents it is home to Western Washington University, Whatcom Community College and Bellingham Technical College.

Unique law enforcement and homeland security challenges are presented by the 1500 resident County community of Point Roberts. Point Roberts is not physically connected to the rest of the County or the United States by land and is surrounded on three sides by water. By land, it is only reachable by driving through 26 miles of busy Canadian highways and processing through two Customs checkpoints.

Local responders are challenged to provide protection and emergency responses to key critical infrastructure within the County. Not only is this infrastructure vulnerable to attacks that can result in local devastation, but if disrupted, could lead to major regional, national and international consequences.

Two major oil refineries, a large aluminum smelter, two major dams providing hydro-electricity, and propane/butane production and storage facilities all are located within the County. Marine ports of entry, petroleum pipelines, railways and an interstate highway facilitate international commerce. Pipelines provide fuel to Sea-Tac airport south of Seattle and to McChord Air Force Base.

The northern border has experienced serious problems with narcotics, human and weapons smuggling. Terrorists have traversed it to enter our Country. Abu Mezer, who planned the

bombing of the New York City subway system, entered the United States at the Blaine Washington port of entry. Ahmed Ressam entered the country through Port Angeles, Washington with explosives and a plan to attack Los Angeles International Airport.

Fortunately, Customs and Border Protection officers and local law enforcement work together to detect hundreds of wanted criminals seeking to cross the international border. In additions to detecting hundreds of cases involving weapons, drugs, kidnapping and stolen property, Whatcom County processes on average, 150 wanted fugitives from across the country every year. The cities of Blaine (population 4000) and Sumas (population 700) straddle the border and their police departments are also involved in these efforts.

On average, over 600 persons a month seeking admission to Canada or seeking entry to Canada to reach Alaska, are denied entry because of criminal records, mental illness or indigency. Some remain in our community and cause problems. A Colorado sex offender was denied entry to Canada and returned to Bellingham where he brutally murdered a woman in a city park. A criminal alien who had recently been denied entry to Canada stabbed a young worker to death in a Bellingham shopping center.

It is essential that local, state and federal law enforcement and other first responder agencies work together to mitigate these unique challenges and protect our community and nation.

The municipalities of Blaine, Sumas, Lynden, Everson-Nooksack, Ferndale and Bellingham operate their own police departments and the Whatcom County Sheriff's Office has jurisdiction throughout the County. Other local and state law enforcement agencies operating within the County include the Washington State Patrol, the Western Washington University Police Department, Lummi Nation Law and Order and the Nooksack Tribal Police Department. Major components of the Department of Homeland Security present in Whatcom County include Customs and Border Protection, Immigration and Customs Enforcement, the Coast Guard and the Border Patrol. The FBI, DEA, National Park Service and the U.S. Forest Service law enforcement components also maintain operations and offices within the County.

Fire protection and emergency medical services are provided through sixteen independent fire districts, the City of Bellingham and Lynden Fire Departments, the Department of Natural Resources and a volunteer fire agency operated by Seattle City Light at the Skagit River Project. The Sheriff's Office Division of Emergency Management provides overall emergency coordination and operates an emergency operations center.

Since the attacks of 9-11, there has been a large infusion of agents of the Department of Homeland Security into our community. Staffing and assets at the Border Patrol, Coast Guard, Immigration and Customs Enforcement and Customs and Border Protection have increased dramatically.

Particularly notable was the establishment of the Customs and Border Protection Air and Marine Unit at the Bellingham International Airport. Cooperation and resource sharing between local and federal law enforcement officials have been outstanding. Air resources provided in times of emergency have proven invaluable. The Border Patrol has agreed to assign an agent to the regional drug task force and the Coast Guard makes its vessels and crews available to assist on a variety of missions.

The County continues to be a good partner and processes over 80% of the criminal cases initiated by federal officers in our local criminal justice system. The County recently launched a data-sharing project that will allow all local, state, and federal participating agencies to share data. A highly skilled and equipped Sheriff's Special Response Team is able to provide special weapons and tactics when necessary.

The Sheriff's Office is also working closely with the Department of Homeland Security, the State Military Department and other emergency response agencies and has developed functional exercises designed to test interagency response, communications and coordination.

Despite these successes, many gaps and vulnerabilities continue to exist. Much more needs to be done to improve communications, information sharing, response capabilities and relationships.

To meet these challenges, it is absolutely essential that local, state and federal first-responders are able to fully cooperate and communicate with each other. None of these agencies have a dependable communications system that covers their entire area of operations. Interoperability is a wish that is yet to be fulfilled.

Most federal agencies operate on VHF band. State and locals operate on the VHF and UHF bands. There is no common frequency that brings all the agencies together for true interoperability and the closest thing we have is the Law Enforcement Radio Network (LERN) frequency. This frequency is not on repeater channels and communications are generally limited to line of sight. Some of the agencies have the ability to operate in the secure mode, but not all. When rapid communications are needed, they are not forthcoming.

Terrain challenges and a lack of funding have precluded the achievement of a workable countywide system. In some areas, communication capabilities are nonexistent. Treaties that grant Industry Canada a review of border area frequency assignments and licensing further limit options. The Sheriff's Office is currently studying the feasibility of improving communications through satellite and Internet technologies.

It is essential that border area first responders at all levels of government develop capabilities to coordinate responses and resources at major events influenced or affected by the international border. A joint emergency operations center large enough to accommodate border related activities should be constructed and maintained within our border county to integrate activities in times of emergency under protocols established by the National Incident Management System (NIMS). Current facilities are undersized and under-equipped to meet the challenges of large-scale events. The State emergency operations center is located over 140 miles from the border and in the event of a large-scale emergency requiring multiple agency coordination and a unified command structure, it is unlikely that local personnel who are critical to the success of the mission will be able to leave their communities to reach a distant operations center. The

Department of Homeland Security is currently reviewing emergency operations needs in advance of the 2010 Olympics. This should be viewed as an opportunity to develop a joint emergency operations center.

Federal assistance is also needed to reach agreements with the Canadian government and eliminate bureaucratic and systematic impediments that delay critical emergency responses to parts of our County and facilitate improved communications and information sharing.

As previously described, Point Roberts is not connected to the rest of the United States by land. Nonetheless, the Whatcom County Sheriff's Office is responsible for protecting and providing emergency services. Prior agreements with the Province of British Columbia permitted the Sheriff's Office to obtain provincial firearm permits for the limited purpose of traveling to Point Roberts. A few years ago our federal government negotiated a national policy replaced the workable local policy.

Registered law enforcement officers can enter Canada to travel to Point Roberts. However, the process now involves reporting to Customs Canada, waiting for the deputy's name to be checked against a registry, unloading all firearms, securing the firearm in a locked container in the trunk of the police vehicle, driving through Canada, reporting to the U.S. Port of Entry, removing the weapon from the container in the trunk, reloading it and proceeding to the emergency. As you can imagine, this system is unworkable and wastes valuable minutes when they are most needed. Furthermore, there are no provisions that allow our Special Response Team to respond to the Point with needed special weapons and equipment.

As I was preparing this testimony, the Sheriff's Office was confronted with an explosive device that had been shipped to a business at Point Roberts through the mail. Emergency responders were delayed in their response because of these policies. Eventually, a Coast Guard vessel was secured to transport them on a boat.

The Sheriff's Office asked for the assistance of the State Department in expediting and waiving fees for newly required passports for trips to Point Roberts. Many of these trips are needed to support our federal partners at the Ports of Entry. No assistance was forthcoming and we are now engaged in the expensive and time-consuming process of acquiring passports for our personnel.

It is not uncommon for wanted criminals to try and make their way to Canada. In January 2006 two individuals who committed a brutal murder in California were located during a joint Sheriff's Office – Homeland Security Operation that resulted in a high-speed pursuit and gunfire. After assaulting federal agents, the fugitives' vehicle was stopped literally inches from the border. When information regarding the pursuit was relayed to Customs Canada, their unarmed Customs officers abandoned their posts and their union issued a press release about unsafe working conditions.

A short time later, another fugitive wanted for murder was suspected of being headed for the Whatcom County area. U.S. Marshals notified Customs Canada. Canadian Customs officers promptly walked off the job and issued a press release about the fugitive and unsafe working conditions. These actions not only jeopardized operations designed to apprehend the suspect, but endangered the lives of all law enforcement officers who may have confronted them. Until issues such as these can be resolved, local law enforcement is reluctant to share criminal intelligence information with Customs Canada.

The Sheriffs of the State and other law enforcement officials are concerned about the timeliness and adequacy of information provided by federal officials about threats in their local communities. Improvements have been implemented over the past year including an enhanced intelligence fusion center. However, more needs to be done to ensure that notifications to local law enforcement are timely and relevant.

The problems encountered at the local county level can be dealt with by local law enforcement agencies and other first responders if adequate resources are provide for staffing, training, equipment acquisition, interoperable communications, and exercises. Leaders in local first-response agencies are in the best position to assess local needs and mount responses.

No state, regional or federal agency is as familiar with these issues as sheriffs and local law enforcement leaders. Consequently, they are in the best position to prevent, respond and mitigate the effects of border crime.

Please feel free to contact me if I may be of any additional assistance.

**Bill Elfo, Sheriff
Whatcom County, Washington**