TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2017

LATE

ON THE FOLLOWING MEASURE:
S.B. NO. 293, RELATING TO STATEWIDE INTEROPERABLE PUBLIC SAFETY COMMUNICATIONS.

BEFORE THE:
SENATE COMMITTEES ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS AND ON GOVERNMENT OPERATIONS

DATE: Tuesday, February 14, 2017 **TIME:** 1:45 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Michael S. Vincent, Deputy Attorney General

Chairs Nishihara and Kim and Members of the Committees:

The Department of the Attorney General supports the intent of this bill, which is similar to the bill submitted as part of the Governor's administration package (S.B. No. 956).

While great strides have been made in Hawaii to establish interoperable public safety communications for our first responders, we continue to lack a statewide governance to oversee this work and establish policies and guidance that will help all state and county agencies to one day achieve a truly interoperable communications environment.

Hawaii was one of five states selected by the National Governor's Association and the United States Department of Homeland Security, Office of Emergency Communications to develop an initiative or project to establish a statewide interoperable public safety communications governance structure in Hawaii that would be a model that other states in the nation can look to for an example.

Following an initial meeting with all participating states in May 2016, the Governor held an executive-level summit in July 2016, to discuss interoperable public safety communications governance issues in Hawaii. This bill is a result of this collaboration of county and state public safety agencies. We anticipate it will help

create a governance structure that will guide Hawaii into firmly establishing sound statewide interoperable public safety communications policy, practice, and procedures.

This bill includes extensive provisions addressing the funding of interoperable public safety communications. We recommend, though, that these funding provisions be left for the new governance board to consider as it reviews options to help fund public safety communications in Hawaii.

We recommend passage of this bill or the bills in the Governor's administration package (S.B. No. 956) that are similar to the current measure.

Thank you for your consideration and support of our first responders.

LATE

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 293
A BILL RELATING TO STATEWIDE INTEROPERABLE PUBLIC SAFETY COMMUNICATIONS

PRESENTATION TO
THE SENATE COMMITTEE ON PUBLIC SAFETY,
INTERGOVERNMENTAL AND MILITARY AFFAIRS
BY
MAJOR GENERAL ARTHUR J. LOGAN
ADJUTANT GENERAL
13 February 2017

Chair Nishihara, Vice Chair Waikai and Members of the Committee.

I am Major General Arthur J. Logan, State Adjutant General and the Director of the Hawaii Emergency Management Agency. I am testifying in **SUPPORT** of Senate Bill 293.

This measure strengthens interoperable communications through governance. A collaborative governance approach will assist in developing efficient and coordinated interoperable communications.

Thank you for allowing me to testify in **SUPPORT** of Senate Bill 293.

LATE

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF HOMELAND SECURITY

TESTIMONY ON SENATE BILL 293
A BILL RELATED TO STATEWIDE INTEROPERABLE
PUBLIC SAFETY COMMUNICATIONS

TESTIMONY TO
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
AND
COMMITTEE ON GOVERNMENT OPERATIONS
BY
MAJOR GENERAL ARTHUR J. LOGAN
ADJUTANT GENERAL
AND DIRECTOR OF THE HAWAII EMERGENCY MANAGEMENT AGENCY AND DIRECTOR OF HOMELAND SECURITY

February 14, 2017

Chair Nishihara, Vice Chair Waikai and Chair Kim, Vice Chair Ruderman, and Members of the Committees. Thank you for the opportunity to submit testimony in SUPPORTING THE INTENT of Senate Bill 293.

The proposal of SB 293 strengthens interoperable communications through governance which is similar to the same bill in the Governor's administrative package (SB 956). The primary difference in the two bills, SB 956 provides an opportunity for a new governance team to develop the public safety strategy and address future legislation to include funding.

Lesson have shown states with effective governance leads to stronger collaboration consensus, coordination and support; strategic plans and messaging strategy keep states focused on priorities; legislative engagement promotes understanding and long-term support; and statewide interoperability coordinators can advance state's strategy.

Interoperable radio and data communications are essential for public safety. The ability of first responders to communicate across agencies, jurisdictions, and throughout the state relies upon the seamless interaction of one communications system with another. Delays in communication at the scene can make the difference between life and death. Developing these efficiencies requires investment in infrastructure, training, exercise and technology. Each of those pieces, as well as the technical ability of first responders to communicate, relies on the overall governance of the statewide interoperability communications system.

Governance is the system by involving key state and county leaders working together to make informed decisions to advance interoperable communications will advance the state's operability and interoperability. A collaborative governance approach will assist in developing efficient and coordinated interoperable communications.

As part of my testimony I am attaching a paper from the National Governor's Association where Hawaii participated with Alaska, Illinois, Utah, and West Virginia to help further the need and advancement for governance and different solutions to include funding as a critical component to expand support for public safety communications.

This bill provides the necessity for and a funding methodology to support public safety communications. However, we believe it would be more prudent for the governance board to review and recommend funding strategies for public safety communications.

We recommend passage of this bill or the SB 956 in the Governor's Administrative package.

Thank you for allowing me to submit testimony in **SUPPORTING THE INTENT** of Senate Bill 293**.**

Attachment

Improving Public Safety Interoperable Communications through Governance

Introduction

The ability of police, fire, and emergency medical services personnel to effectively respond to in day to day fulfillment of their jobs and, particularly, in large scale and emergency events is largely dependent upon the interoperable communications tools they have at their disposal. Land mobile radios (LMR), 9-1-1 and Next Generation 9-1-1 (NG911), and Long Term Evolution wireless communications (LTE) comprise the public safety interoperable communications ecosystem and, together, allow for greater coordination and a quicker response that can make the difference between life and death.

Currently, all of these technologies have some limitation; however, like any technology, they continue to evolve and improve. What has become clearer is that while the tools will continue to improve, the most critical element to ensuring a highly functioning interoperable communications ecosystem is strong governance at a policy level. Specifically, strong governance focuses on greater interoperability among the technologies by coordinating planning that has often been fragmented across agencies and levels of government.

What is the Public Safety Interoperable Communications Ecosystem?

Land Mobile Radio (LMR): Legacy radio systems designed to support time-sensitive, lifesaving tasks through group-calling capabilities, high-quality audio, and guaranteed communication access to public safety and emergency responders.[1] This is the standard "radio on the shoulder" system and the most common form of communication among responders.

Next Generation 9-1-1 (NG911): An internet protocol-based 9-1-1 system that allows voice, photos, videos, text messages, and other data to flow seamlessly from the caller to the 9-1-1 dispatcher and on to public safety and emergency responders.[2]

Long Term Evolution Broadband (LTE): Wireless communications technology that is constantly developing to address the demand for high-speed, data-intensive communications.

Nationwide Public Safety Broadband Network (NPSBN): The future nationwide public safety broadband network that will allow first responders to share data over a secure network that prioritizes responders' usage during emergency events.

Governors, who have authority over state agencies and the ability to convene key stakeholders, are central to leading a state's efforts to strengthen interoperable emergency communications through governance. In supporting governors toward that end, the National Governors Association's Center (NGA Center) for Best Practices and the Department of Homeland Security's Office of Emergency Communications (OEC) launched the *Policy Academy on Enhancing Emergency Communications Interoperability*. Through the policy academy, the NGA Center and OEC found that a strong, unified governance body with the support of diverse policy makers ensures that first responders have the communication tools they need to save lives.

[1] https://www.dhs.gov/sites/default/files/publications/2014%20National%20Emergency%20Communications%20Plan_October%2029%202014.pdf

[2] https://www.dhs.gov/sites/default/files/publications/2014%20National%20Emergency%20Communications%20Plan_October%2029%202014.pdf

For states looking to strengthen interoperable emergency communications, the following lessons learned should be considered:

1. Effective governance leads to stronger collaboration, consensus, coordination, and support;
2. Strategic plans and Messaging Strategy keep states focused on priorities;
3. Legislative engagement promotes understanding and long-term support; and
4. Statewide Interoperability Coordinators' (SWICs) leadership can support the governor in advancing the state's strategy.

Policy Academy Background

In 2016, the NGA Center launched a policy academy to assist five states in improving their emergency communications governance bodies. In addition, the project sought to identify best practices that could be shared with the rest of the nation. Through a competitive selection process, **Alaska**, **Hawaii**, **Illinois**, **Utah**, and **West Virginia** were chosen to create a strategic roadmap that identified goals and objectives for enhancing their public safety interoperable communications governance bodies.

Teams from each state, whose members were designated by the governor, convened in May 2016 to develop draft recommendations. During follow-up, in-state meetings, stakeholders were invited to consider those recommendations and suggest ways to improve them. In November, policy academy states re-convened to finalize their recommendations and develop a strategic implementation plan.

Through those meetings, participants identified four lessons learned that can assist other states seeking to improve their public safety interoperable communications systems.

Lessons Learned

Effective Governance Leads to Stronger Collaboration, Consensus, Coordination, and Support

Most states have a statewide interoperability executive committee (SIEC) or a statewide interoperability governance board (SIGB) whose primary function is to make policy decisions for LMR systems. Yet, as emergency communications becomes more interrelated, there is a need for these governance bodies to create policies for the entire public safety interoperable communications ecosystem, not just when used in emergencies.. Specifically, unified governance bodies that facilitate working from common operational needs and goals, clear delineation of roles and responsibilities, and promulgating standard operating procedures for, among other things, training and other needed procedural areas. Most importantly, a unified governance body ensures that priorities are aligned and funding is dedicated to areas with the best return on investment. With this in mind, **West Virginia**'s SIEC created an inventory of state assets that identified their initial costs, who uses them, and the costs necessary to upgrade them. As a result, the SIEC can articulate funding needs to the governor and legislature based on an asset's return on investment.

Recognizing the value of a unified governance body, the states of **Alaska** and **Hawaii** identified as their respective main priority the establishment of their own SIGBs. In **Alaska**, the team drafted, vetted, and eventually received **Goveror Bill Walker's** signature for an administrative order that established Alaska's SIGB. The body's responsibilities include implementing an approval process for expenditures, developing joint funding and legislative requests, developing statewide interoperable communication policies, and recommending a FirstNet Opt-in/Opt-out methodology for recommendation to the governor. In **Hawaii**, the legislature is considering a bill that would statutorily enact the statewide interoperability executive board, its governance body; as originally contemplated, it would also create a unique funding stream to sustain the body. If passed as discussed during the State meeting, the bill would charge a small fee to criminal offenses to sustain emergency communications' functions. Lastly, **Illinois** created a strategic

roadmap to consolidate existing governance bodies so there is single body with authority over its emergency communications ecosystem.

Strategic Plans and Messaging Strategy Keep States Focused on Priorities

Nearly every state has an public safety interoperable communications strategic plan, known as the Statewide Communications Interoperability Plan (SCIP), which identifies objectives and goals for the state. However, these plans tend to be technical in nature and are not always widely understood or read by state policy makers, which contributes to uncertainty about the capabilities of emergency communications and disagreement around funding priorities. For instance, some policy makers are hesitant to invest in outdated public safety radio systems, mistakenly believing the planned buildout of the NPSBN will replace traditional radios in the near future. (See Figure 1-Capabilities of the Emergency Communications Ecosystem in the Annex for more emergency communications myths.)

A strategic plan designed to communicate priorities to state officials can help translate technical details of a SCIP into actionable policy recommendations. The plan should identify a state's current capabilities and discuss ways in which future technology may complement or supplant those capabilities. This understanding is particularly important for ensuring policymakers make informed decisions when prioritizing funding. During the policy academy, **Utah's** main objective was to create such a plan. Some of the goals its plan identified included: introducing emerging technologies without disrupting current services, educating executives on the need to sustain LMRs indefinitely, and identifying a sustainable funding model. To achieve those goals, the plan identified the following objectives: create informational white papers, inform state policy makers as to current communications' capabilities, and recommend specific sustainability models to the legislature.

Equally important is creating a unique messaging strategy that conveys the criticality of public safety interoperable communications to executive officials to validate the importance of implementing the strategic plan. Through the academy, **West Virginia** created a transition document for Governor Jim Justice outlining what their radio network does, why it must be sustained, and recommendations as to how to maintain and enhance the state's governance body. Additionally, the team created talking points for SIEC staff to ensure the message remains consistent. A different messaging approach was taken by the **Illinois** team, which created a short video to educate the viewer about their emergency communications ecosystem. Similarly, **Utah** recorded a video of the buildout for a remote radio tower site, which shows a helicopter airlifting concrete to the site, allowing the team to visually highlight why LMR systems are costly to build and sustain.

Legislative Engagement Promotes Understanding and Long-term Support

In addition to messaging the strategic plan for executive officials, it is equally important to engage the legislature. Legislators are inundated with competing funding priorities, each one pushed by its own committed advocates. Some lawmakers believe current public safety radios work well enough to satisfy emergency functions, and do not feel an urgency to upgrade legacy systems. It is therefore necessary and essential to inform legislators that the "status quo" will diminish the capabilities, effectiveness, and efficiency of emergency communications.

Alaska amended its SCIP to add as a goal the need to educate both the legislature and the administration as to the importance of public safety communications in order to secure sustainable life-cycle funding. State officials should also consider the following when engaging legislators:

- *Communicate* to legislators that interoperable emergency communications is a public safety issue that directly impacts the ability of public safety personnel to perform their jobs.[3]
- *Create* a vision with legislators as to what truly public safety interoperable communications could and should be and share new information about the technologies as it becomes available; and
- *Collaborate* with legislators in addressing challenges that arise.

Likely allies in the legislature include those with a public safety and/or telecommunications background, as well as those whose districts may have experienced a recent disaster and are likely to be receptive to the importance of emergency communications interoperability.

SWIC Leadership Supports the Governor in Advancing the State's Strategy

Governors seeking to advance their interoperable goals often find a strong partner in his or her SWIC. A SWIC's knowledge, authority, and connections across the state can make him or her well suited to coordinating implementation of the SCIP, strategic plan, and messaging strategy. **Hawaii** and **Illinois** are both working to legislatively create the SWIC position to perform these functions and more. Specifically, in **Illinois**, the team would like the SWIC to chair its governance body. Likewise, the **Utah** team is recommending empowering the SWIC to approve any purchase of communications resources to ensure that funds are appropriated to the state's priorities.

Looking Ahead

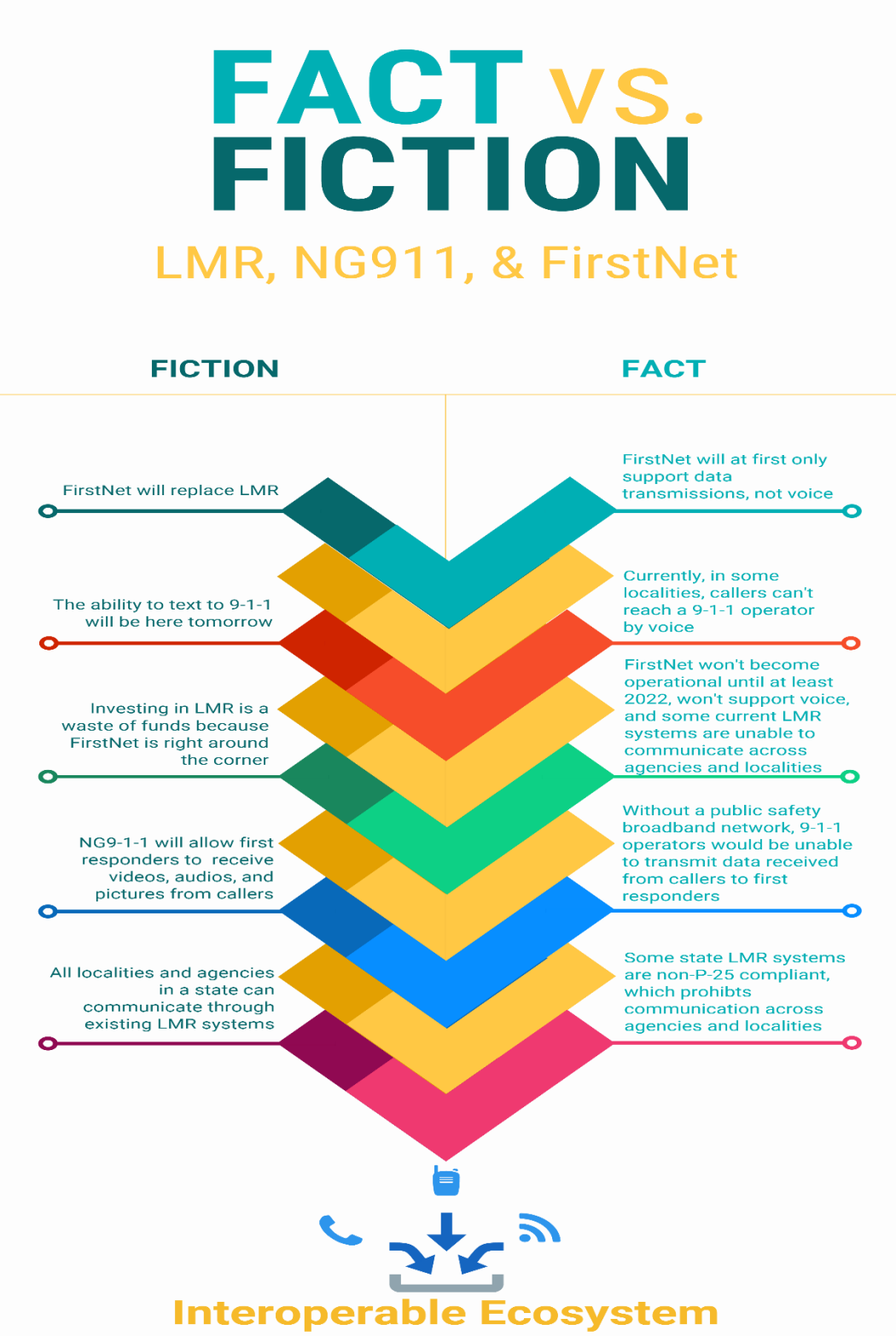
Policymakers are committed to ensuring the public's safety but, as new technologies emerge, there will be conflicting opinions on how to prioritize limited funding. Some assets will require continued support, while investments in new technologies will also have to be made. Although funding and sustainability challenges are not directly addressed in this issue brief, a unified governance body can help guide such decisions. Critical to that process is robust stakeholder outreach and ongoing communications. With support from the governor and leadership from the SWIC, states will be well positioned to ensure that public safety responders have the best tools at their disposal to serve and protect citizens in their states.

Written by Michael Garcia

[3] These recommendations are derived from the final policy academy meeting held on November 2-3, 2016.

Annex

Figure 1- Capabilities of the Emergency Communications Ecosystem



Glossary

Broadband: Internet service that allows users to access the Internet and Internet-related services at significantly higher speeds than those available through dial-up Internet access services.

Broadband Technology Operations Program (BTOP): A Department of Commerce grant program that supports the deployment of broadband infrastructure, enhance and expand public computer centers, encourage sustainable adoption of broadband service, and promote statewide broadband planning and data collection activities.

Emergency Communications: The means and methods for exchanging communications and information necessary for successful incident management

Emergency Services IP Network (ESINet): An IP network that supports emergency communications and enables 9-1-1 dispatch centers, or public safety answering points, to provide NG9-1-1 services.

First Responder Network Authority (FirstNet): An independent authority within the National Telecommunications and Information Administration that is responsible for ensuring the building, deployment, and operation of the first high-speed, nationwide public safety broadband network

FirstNet State Point of Contact (SPOC): The state's designated point of contact responsible for coordinating FirstNet deployment plans for statewide broadband interoperability.

Interoperability: The ability for emergency responders to communicate among jurisdictions, disciplines, frequency bands, and levels of government as needed and as authorized. System operability is required for system interoperability.

Land Mobile Radio Systems: Land-based wireless narrowband communications systems commonly used by Federal, State, local, tribal, and territorial emergency responders, public works companies, and military to support voice and low-speed data communications.

Long-Term Evolution (LTE): The next evolution of commercial broadband wireless communications technology, which was developed to address the demand for high-speed, data intensive communications, such as situational awareness, advanced analytics, database queries, and video applications.

National Council of Statewide Interoperability Coordinators (NCSWIC): Organization that assists state and territory interoperability coordinators with promoting the critical importance of interoperable communications and the sharing of best practices to ensure the highest level of interoperable communications across the nation. NCSWIC members are composed of Statewide Interoperability Coordinators (SWICs) from the 56 States and territories.

National Emergency Communications Plan: The Homeland Security Act of 2002, as amended, requires DHS to develop the National Emergency Communications Plan; the Plan serves as the Nation's strategic plan for improving emergency response communications and efforts in the United States.

Project 25 Standards: A set of standards developed by the Association of Public-Safety Communications Officials for radio communication devices used by first responders to enable communication across agencies and jurisdictions.

*Public Safety Advisory Committee**:*** Offers FirstNet guidance, information, and subject matter expertise from a public safety perspective to ensure that user needs, requirements, and public safety operational capabilities are included in the network

*Public Safety Answering Point**:*** A facility that has been designated to receive 9-1-1 calls and route them to emergency services personnel.

Redundancy: Additional or alternate systems, sub-systems, assets, or processes that maintain a degree of overall functionality in case of loss or failure of another system, sub-system, asset, or process.

*Statewide Communications Interoperability Plan (SCIP)**:*** Stakeholder-driven, multi-jurisdictional, and multidisciplinary statewide plans that outline and define the current and future vision for communications interoperability within the State or territory.

*Statewide Interoperability Coordinator (SWIC)**:*** Serves as the State's single point of contact for interoperable communications and implements the Statewide Communication Interoperability Plan

Statewide Interoperability Executive Committee (SIEC)/Statewide Interoperability Governance Body (SIGB): Serves as the primary steering group for the statewide interoperability strategy.

*State 9-1-1 Administrator**:*** Supports the statewide implementation and maintenance of 9-1-1 services, identifying and recommending the minimum standards for emergency phone systems.

Tactical Interoperable Communications Plan: A plan providing rapid provision of on-scene, incident based mission critical voice communications among all first responder agencies (e.g., emergency medical services, fire, and law enforcement), as appropriate for the incident, and in support of an incident command system as defined in the National Incident Management System.