

STATEMENT OF DAVID L. WRIGHT,

PRESIDENT

LOCAL 918 – FEDERAL PROTECTIVE SERVICE  
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

BEFORE THE

HOUSE COMMITTEE ON HOMELAND SECURITY  
U.S. HOUSE OF REPRESENTATIVES

April 14, 2010

Chairman Thompson, Ranking Member King and Members of the Committee:

My name is David Wright. I am the President of the National Federal Protective Service Union affiliated with the American Federation of Government Employees. I have been a law enforcement officer at the Federal Protective Service for over 23 years. I have seen this agency go from a proud, committed, mission focused agency to one that seems more focused on saving money than protecting the employees and citizens who work in federal buildings.

### **Growth in Guard Usage Over Time/Reduction in Oversight**

The ratio of Federal Protective Service law enforcement officers - with responsibility of monitoring and oversight - to private contract security guards has steadily decreased:

	<b># of Guards</b>	<b>Guards per FPS Officer</b>
FY 2001	5,000	6.3
FY 2003	7,000	8.1
FY 2010	15,000	18.3

When I entered the Federal Protective Service in 1986, GS -083 Federal Police Officers (FPO's) were pay grade GS -5 essentially the same grade as when buildings were guarded by federal employees. Much has changed since then when these officers were responsible for the day to day monitoring of several thousand private contract security guards (CG's) while also responding to law enforcement and security calls for service. CG monitoring was a critical part of the day to day oversight which also included daily inspections of all CG personnel on duty during a given shift. Of course at that time there were less than 2,500 contract guards nationwide. Additionally, the year I arrived FPS was reduced over 800 positions to an equivalent of 1,170 in-service field staff – almost 200 more than today's minimum.

When guards were inspected each CG would have to provide evidence of being lawfully present – employed by a security contractor of the federal government, possessing of the appropriate law enforcement agency commission (city or state) and certification of firearms qualifications. Inspections also included determinations of the CG's knowledge of and ability to perform duties according to post orders. These included proper physical condition (asleep/intoxicated?), necessary equipment (weapon/equipment/keys), and contraband items (reading materials or the presence of a television). GS-083's were responsible to the command for documenting these findings usually on a daily, shift to shift basis – 24 hours per day, 7 days per week. In general, the private security guards - CG's - were only used at GSA –owned Federal office buildings and complexes. The in-service staff, both security specialists and Federal Police officers was in marked decline in the years preceding the April 19, 1995 bombing of the Murrah Federal Building in Oklahoma City. The assumption was that federal employees and buildings could be protected in the same manner as commercial property with contractors in “soft” uniforms. It was dead wrong then and it is wrong today!

After the Oklahoma City bombing, FPS reliance on CG's increased dramatically in an attempt to adhere to the newly established DOJ Standards – the Security Assessment of Federal Facilities. FPS was responsible for implementing the standards in GSA controlled buildings. The number of federal Police Officers began to increase once again from 1996 – 1998, but despite a doubling of contract guards to 5,000, FPS never approached the 1986 levels. As attempts to institute a more professional FPO workforce increased, there was recognition that a better pay scale was needed to draw the needed professionals into the Agency – focusing so much responsibility on a GS 5 FPO was an anachronism. The world had changed, our criminal and terrorist enemies were developing ever more sophisticated strategies and tactics, and building security and law enforcement became more complicated to develop countermeasures to these threats.

Attempts to obtain Federal law enforcement status and increased pay for the overworked FPO's failed. In 1998, plans to combine the GS -083 Police Officer and the GS -080 Physical Security Specialist were started in order to retain and attract quality federal employees to accomplish the myriad of security and law enforcement tasks.. The result was the GS -080 Law Enforcement Security Officer (LESO or Inspector) series which resulted in a journeyman level GS 12 for our law enforcement officers that were to serve as community police officers providing both security and law enforcement services. They were to partner with FPO in medium and large cities who conducted around the clock patrols and response in conjunction with the Inspectors.

Instead, the increased responsibilities attendant with the higher pay grade demanded that the Inspector perform a significantly higher degree of physical security duties to include building security assessments and facilitation of the Building Security Committees (BSC's) along with CG monitoring/oversight/and administrative portions of Contracting Officer Technical Representative (COTR) duties. Based on the “jack of all trades” and “more bang for the buck” mentality of GSA and FPS management, they cut the FPO positions that are critical to a realistic community policing strategy. The results of this idiocy speak for themselves – GAO report after GAO report has documented the inadequate protection of federal employees and workplaces. Bottom line: the lack of adequate staff has led to the decline of effective security contract oversight. This decline coupled with the reliance on private/for profit businesses has directly led to the inadequate overall security screening and effectiveness at federal properties.

Unfortunately, the concept was never properly resourced and meanwhile more and more contract guards were added creating a surefire failure point. GSA was clearly penny wise and pound foolish with their extreme out-sourcing initiatives, meanwhile the Congress, the White House Complex and the Pentagon continued use of FPO rather than contract guards. The federal employees in those facilities have the full mantle of protection by other federal employees – shouldn't the most critical high-risk GSA facilities be protected in the same manner? Absolutely they should!!!

The dangerous overreliance on contract guards also beget other issues including that contract security authority is regulated by state and municipal authorities in each locality. There is NO federal standard for law enforcement or arrest authority of private security contractors in the U.S. Consequently, a private CG's authority varies widely from state to state, city to city. In some states and cities, because of local regulation, the guards at federal buildings can't carry the OC

spray or expandable baton intermediate weapons mandated by national FPS requirements. Private security companies are also very concerned with civil liability of their company and employees. The result is a large workforce – without a vested interest in a Federal career - that varies in dedication to mission of protection of federal properties, federal employees and visitors to those properties. It is not a rare occasion that CG's will abandon their duties due to non – payment by the guard company.

The effectiveness of Federal Acquisition Regulations in the administration of security contracts has suffered by the repeated failures to impose any meaningful penalty for contract deficiencies such as unmanned posts – posts “guarded” by uncertified guards who were asleep on no guard at all.. All too often the only cost to a contractor for failing to provide a guard is they don't get paid the hourly rate. As you can expect causing them to save wage and benefit costs and forgo their profit provides little incentive to curtail the practice. A private company's ability to dispute and defeat any attempts at “cure” of a federal contract failure have increased over the years as oversight has become ineffective and the companies learn to game the system as part of their “business plans”.

**The resultant failures of an all contractor access control and patrol force at high risk buildings were well defined by GAO in the preliminary report to Congress in July 2009:**

The GAO identified concerns with FPS' use of contract security guards, including the fact that CG's have authority only for detention – not arrest - of suspects. GAO also verified that FPS does not fully ensure that its contract security guards have the training and certifications required to secure federal facilities; that there is not a reliable method for monitoring and verifying contract guard training and certification requirements; that FPS did not have specific national guidance on when and how contract guard inspections should be performed; and that FPS inspections of contract security guard posts at federal facilities are inconsistent, and the quality of the inspections varies across FPS regions.

Findings of the GAO in the preliminary report also include reports of ill trained security guards asleep on the job or inattentive to duties. Introduction and assembly of bomb –making materials into 10 security level 4 facilities across the nation stunned Congress, the public and the media.

There are approximately 750 street level law enforcement officers responsible for all CG training, monitoring and oversight, law enforcement patrol, response to law enforcement/security calls for service and physical security administration duties. A schedule has been released to mandate regular inspections of CG's different security level facilities. These efforts are ineffective in that the schedule pertains to the facility guard post and is based only on the security level not the number of individual CG or even the number of posts at a certain facility. Thus some posts and guards will be inspected every week, while others may only be inspected two or three times a year. It is also conceivable that some CG's can evade inspection for years.

Efforts to provide more training to CG's in detection of bomb making materials have become a quagmire. Time required for “train the trainer” efforts to instruct FPS Inspectors – who in turn will train other FPS Inspectors – in order to train CG's – is a luxury that the American public

cannot afford. In order for the increased training to CG's occur, all private security contracts have to be modified before Agency policy can be modified. Bottom line – there has been significant training in a few regions but across the entire guard force the only training that has occurred since the GAO preliminary report in July 2010 is the mandated viewing of a new video in bomb detection. And that took several weeks to negotiate and issue a contract modification. Here again the dysfunctional funding scheme of FPS comes into play. In order to increase the number of training hours and require all guards to be retrained on weapons detection FPS must get its DHS contracting section to determine what price each contractor will charge, FPS must change the building specific security charge to pay for the cost, and then (after much red tape and paper) the contracting officers can issue the modification and training can commence. If these critical guards were federal employees the training would already be done.

The result of the mandate for increased monitoring/oversight by FPS law enforcement officers has also resulted in less proactive patrol, less law enforcement response capabilities and less time for proper physical security assessments. Efforts by FPS to increase private security contracts and CG monitoring/ oversight as result of the GAO findings have “robbed Peter to pay Paul”.

The Risk Assessment Management Program (RAMP) – a web based program rolled out in November 2009 includes a guard management section that – to date – has been useless in CG monitoring and private security contract oversight activities.

The GAO's documentation of the lack of effective oversight of security contracts speaks to the “jack of all trades” mentality of FPS management in decreasing manpower and combining distinct job duties into the Inspector position. This is all a direct result of the fee funding scheme mandated for FPS. Efforts to increase security fees in order to increase revenue are an exercise in futility.

### **Where do we go from here?**

It is evident that the federal government can no longer rely on private companies to provide private security guards – whose training and authority is determined by individual states and municipalities - to continue to protect high profile, high security federal properties. The massive effort needed to modify private security contracts – covering about 13 to 15 thousand guards - for each new training requirement is not feasible and costs the taxpayer money they can ill afford.

The risk is too high to rely on an individual guard whose authority - and perception of that authority is guided by local government and his company “chain of command” – whose priority is to minimize liability and increase profit to the shareholder.

It is AFGE Local 918's recommendation that the FPS use the model developed by the U.S. Capitol Police and the U.S. Secret Service Uniformed Division. The officers that provide security at the Capitol and Congressional office buildings are federal employees. They are trained at the Federal Law Enforcement Training Center (FLETC) and possess the authority of arrest on federal property.

A mandate of federal GS -083 or GS -1801, grade 6/ 7 Federal Protective Officers at entry points of security level 3 and 4 GSA controlled buildings would provide an increased layer of protection by federal law enforcement officers with the requisite authority, responsibility and duty to intervene in law enforcement and security incidents. This agile force could rapidly adapt to change driven by the dynamic threat environment in which we operate. Changes in training and other requirements could be immediately implemented without worrying about the amount a company can gouge the government with an “equitable adjustment”.

A mandate to increase the number of GS -083, grade 7 and 9 FPO’s would provide mobile patrol response and increased CG monitoring at significantly fewer security level 1 and 2 (lower profile) facilities.

That model would also provide a career ladder to federal law enforcement officers of the FPS. Beginning at the GS -6/7 level, the FPO would compete for the higher level positions whose duties would include proactive mobile patrol, response to law enforcement calls for service, lead/supervisory police duties and eventually an Inspector position. This concept would lend the added benefit of developing a single “FPS culture” which has been lacking since the inception of FPS.

Local 918 also recommends hiring of civilian security specialist COTR who would be dedicated to the oversight of remaining security contracts – removing those recurring administrative duties from the Inspector - thereby allowing the successful performance of increased law enforcement response and physical security duties.

In order to facilitate the hiring and maintenance of these personnel, it is important that Congress mandate a different approach to the funding FPS. The present system of funding by security fees is at best ineffective and counterproductive. At worst it is a serious hindrance to daily security of federal buildings in this country. In the past, Agency and Union efforts to seek increased funding through direct appropriations have gone unheeded and have resulted in the dilemma that we see today - a reduction of dedicated civil servants in favor of a disjointed contract security force with hundreds of private company personnel serving as the “chain of command” at each major federal property.

### **How to In-source?**

It is AFGE Local 918’s recommendation that in-sourcing start with the critical weapons detection and roving patrol posts at the major Federal office buildings at Facility Security Level 4 and some Level 3.

Our unofficial estimate is that there are between 5,500 and 6,500 FTE equivalent positions that provide weapons screening and roving patrol at our highest risk facilities. The cost per hour FPS pays the low bidder companies for the service the GAO found deficient approaches \$40 an hour

on average. Starting now with converting these positions with proper training and supervision is not cheap – as doing the right thing rarely is. We estimate a total FTE of approximately 7,000 including proper supervision, real benefits and professional training at a nation wide cost of almost \$600 million. The incremental cost would be in the range of \$20k to \$25K per full time position.

Now is the time to start this multi-year process, but it cannot be done at the expense of increases in our inspectors and police officers for increased service hours. Therefore after FPS FTE is increased by at least 300, an additional 100 FTE for FY 11 to transition critical posts at 20 to 25 buildings would get us started on the road to proper protection of our dedicated federal employees. The rate could be increased to 200 in FY 12 and 500 a year thereafter until the Secretary of DHS can certify all essential, critical and high-risk facilities have implemented protection of federal employees by federal employees.

In conclusion, AFGE Local 918 asks this Committee to seize this opportunity – before the next attack – to remedy the FPS dilemma.

Priority 1 is the introduction of the GS -083 FPO (GS 6/7) workforces that would take over responsibilities for daily weapons screening and roving patrols at all high security federal office buildings.

Priority 2 is that the GS -083 FPO (GS 8/9/10/11) workforce must be reinvigorated to increase monitoring of the remaining CG workforce and to perform law enforcement patrols and response.

Priority 3 is the hiring of civilian personnel to reinstitute the District Contract Guard Program Manager with COTR duties – who would be responsible for the daily oversight of the remaining CG workforce and private security contracts.

In conclusion, much has changed in the security of our federal workers and workplaces in the last 20 years. The screening and roving patrol duties that were outsourced in the past no longer serve as an effective measure. In today's dynamic threat environment our high profile, high risk federal workplaces demand the investment required to use federal employees to protect federal employees. Now is the time to start with a small down payment in FY 11 followed by increasing investment in future years. AFGE would be delighted to work with the Congress to make this happen. The safety of our dedicated civil servants is too important to continue with a failed structure.