

**LESSONS LEARNED: 10 YEARS SINCE THE BOSTON  
MARATHON BOMBINGS**

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**HEARING**

BEFORE THE

SUBCOMMITTEE ON  
EMERGING THREATS AND SPENDING  
OVERSIGHT

OF THE

COMMITTEE ON  
HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS  
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# LESSONS LEARNED: 10 YEARS SINCE THE BOSTON MARATHON BOMBINGS

WEDNESDAY, APRIL 26, 2023

U.S. SENATE,  
SUBCOMMITTEE ON EMERGING THREATS AND  
SPENDING OVERSIGHT,  
OF THE COMMITTEE ON HOMELAND SECURITY  
AND GOVERNMENTAL AFFAIRS,  
*Washington, DC.*

The Subcommittee met, pursuant to notice, at 10:30 a.m., in room 562, Dirksen Senate Office Building, Hon. Margaret Wood Hassan, Chairman of the Subcommittee, presiding.

Present: Senators Hassan [presiding], Sinema, Rosen, Ossoff, Romney, and Scott.

## OPENING STATEMENT OF SENATOR HASSAN<sup>1</sup>

Senator HASSAN. Last week marked the 10th anniversary of the terrorist attack on the Boston Marathon. We organized today's hearing to examine how the response to the Boston Marathon bombing impacted emergency preparedness and homeland security in the decade since they occurred, how law enforcement and first responders have improved their planning and response efforts, and what additional actions we may still need to take to secure community events as threats to the homeland emerge and evolve.

I am honored to welcome our distinguished witnesses: Ed Davis, former Commissioner of the Boston Police Department; Rich Serino, who served as the Federal Emergency Management Agency (FEMA) Deputy Administrator and also as Chief of Boston Emergency Medical Services (EMS); and Kerry Sleeper, who served as a State Homeland Security Advisor and also as Assistant Director of the Federal Bureau of Investigation (FBI).

Before we begin our discussion, I would like to take a moment to acknowledge and honor the victims of the Boston Marathon bombing and the manhunt that followed. We must never forget the lives that were lost—Krystle Campbell, Lu Lingzi, Martin Richard, Officer Sean Collier, and Sergeant Dennis Simmonds. Our hearts go out to their families, their friends, and their communities.

We must also acknowledge the physical and emotional toll that this tragedy has taken on countless individuals and families. Our thoughts remain with all those who were affected by the cowardly attack 10 years ago, and we are deeply grateful for the dedicated

<sup>1</sup>The prepared statement of Senator Hassan appears in the Appendix on page 25.

efforts of our first responders and law enforcement officials who worked to save lives and bring those responsible to justice.

The Boston Marathon bombing was a senseless act of violence that claimed the lives of three civilians and two law enforcement officers, and injured hundreds more. It turned a worldwide sporting event, and a local celebration of patriotism and pride, into a scene of carnage and mayhem. It was a stark reminder of the ongoing threat of terrorism and the importance of being prepared to respond to emergencies of all kinds. The attack also highlighted the resilience and strength of the Boston and New England community, and the bravery and dedication of our emergency responders and law enforcement officials.

Since the Boston Marathon bombing, we have made significant strides in enhancing our emergency preparedness and counterterrorism efforts. We have improved intelligence sharing and analysis, and invested in training and resources for our emergency responders. We have also invested in resources to strengthen security of what we call soft targets—from community events to National Football League (NFL) games—using shared best practices and funding provided through FEMA’s Nonprofit Security Grant Program (NSGP). We learned that critical emergency response tools, like tourniquets and priority cellular service for first responders, are necessary to save lives.

As a New Englander, I am proud of the rapid response to the horror of the attack on that day, and last week, on the 10th anniversary of the bombing, I was proud to watch joyful crowds urging on determined race participants. However, there is still much work to do to strengthen our ability to prevent and respond to emerging threats.

Today’s hearing is an opportunity to reflect on the progress we have made over the past 10 years and identify areas where further improvements can be made. Our distinguished witnesses have a wealth of expertise in emergency management and law enforcement, and I look forward to hearing their insights and recommendations for enhancing our emergency preparedness and counterterrorism efforts.

Thank you. I will now recognize Ranking Member Romney for his opening remarks.

#### **OPENING STATEMENT OF SENATOR ROMNEY<sup>1</sup>**

Senator ROMNEY. Thank you, Chair Hassan, for convening this panel. Two of them, at least, are long-term friends. Commissioner Davis and I worked together when he was Superintendent of the police department in Lowell, Massachusetts, and then became Commissioner in Boston. Rick Serino and I, as well, have also worked together and he has been a real force in our community and nationally. I do not know Mr. Sleeper as well, but I presume I will be more informed by the time this day is over.

I appreciate the witnesses that are here, able to describe some of the lessons we have learned from that terrible tragedy a decade ago and to help us understand what things we can do to improve our readiness for potential acts of devastation in the future.

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<sup>1</sup>The prepared statement of Senator Romney appears in the Appendix on page 27.

Obviously, in the years that have passed, a lot of steps have been taken by the public sector, the private sector, as well as the Federal Government to make our nation more secure. But we have learned from some of the security gaps that have existed in the past, and we have made an effort to become safer as a Nation.

The coordination between Federal, State, and local agencies has become a high priority after September 11, 2001 (9/11), as well as after the bombing in Boston. That is, I think, even more important, following our withdrawal from Afghanistan and the ongoing turmoil that we are seeing in the Middle East. These call for continued vigilance and effort to make sure that we are doing everything we possibly can to protect the homeland and our citizens.

I also know that the 2013 Boston Marathon attack coincided with the rise of social media, and I am interested in your perspectives on the impact of social media on the security of our Nation. Obviously, the number of tips that must come in to law enforcement is an extraordinarily large number. Finding ones that are likely to result in death or destruction has to be like looking for a needle in a haystack and how we are able to do that is a question of great concern.

I am going to pause with those opening comments and make sure that we have the time to hear from our witnesses. But with that, Madam Chair, thank you for your convening of this group and hopefully we can learn lessons that are able to be passed through our Federal, State, and local communities. Thank you.

Senator HASSAN. Thank you, Senator Romney.

It is the practice of the Homeland Security and Governmental Affairs Committee (HSGAC) to swear in witnesses, so if you all will please stand and raise your right hand.

Do you swear that the testimony you give before this Subcommittee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. SERINO. I do.

Mr. SLEEPER. I do.

Mr. DAVIS. I do.

Senator HASSAN. Thank you. Please be seated.

Our first witness today is Mr. Rich Serino. In 2013, at the time of the Boston Marathon bombings, Mr. Serino was serving as Deputy Administrator and Chief Operating Officer (COO) at FEMA. Prior to that, he spent 36 years with Boston Emergency Medical Services, where he rose through the ranks to become Chief. Today Mr. Serino is the Distinguished Visiting Fellow at Harvard University's National Preparedness Leadership Initiative.

Welcome, Mr. Serino. You are recognized for your opening statement.

**TESTIMONY OF HON. RICHARD A. SERINO,<sup>1</sup> DISTINGUISHED SENIOR FELLOW, NATIONAL PREPAREDNESS LEADERSHIP INITIATIVE, HARVARD UNIVERSITY**

Mr. SERINO. Thank you, Madam Chair, Ranking Member, and Members of the Committee. Thank you for inviting me to testify here today.

Ten years ago I sat testifying to the same Committee to highlight the preparation that took place before the attack, that saved hundreds of lives that devastating day. Today I am here to highlight and apply lessons we have learned from the attack to the current emerging threats across the United States.

When I think back to April 15, 2013, I see my city shining. The streets were filled with millions of residents and visitors from around the world—Patriots’ Day, an early Red Sox game, and the Marathon come together to create a day like no other. These are the streets where I spent 36 years working at Boston EMS, the streets where I grew up, the area that I still call home today.

The second thing I see when I think back is a community that came together in the face of danger in an unprecedented way. In the words of the late Boston EMS Captain, Bob “Sarge” Haley, “Everybody ran the right way that day.” Emergency medical technicians (EMTs), paramedics, police officers, firefighters, and civilians all saved lives together that day.

While nothing can replace those we lost, as a community we take solace that our preparedness saved lives. I often say it was no accident that Boston was prepared to respond that day. It was no accident that equipment was onsite. It was no accident that the patients were equally distributed to all the hospitals. It was no accident that lives were saved with tourniquets. Boston was strong because Boston was prepared.

Some of the lessons we learned from the successes in the response have been directly applied to programs on a national level. We saw that tourniquets worked, and that started the formation of a program called “Stop the Bleed” that has saved countless lives. The Boston Public Health Commission on Emergency Preparedness worked with family reunification and mental health support. Their efforts were crucial successes in supporting survivors and their families.

We now apply that same level of care in the wake of terrorist events in communities across the world with the organization “One World Strong.” One World Strong has helped thousands of survivors around the world, from the Pulse nightclub shooting to Las Vegas to Uvalde to Manchester, United Kingdom (UK), to France, and more. These are initiatives formed from the tragedy by survivors helping survivors, with the leadership of Dave Fortier, and Dave is with us here today.

We also saw phenomenal coordination of leadership working across agencies, with everyone working together in their respective silos or as we call them “cylinders of excellence.” In the years following, many people studied the leaders of the response and the level of coordination. This exploration led to the development of “Swarm Leadership” from Harvard’s National Preparedness Lead-

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<sup>1</sup>The prepared statement of Mr. Serino appears in the Appendix on page 28.



ership Initiative, preparing hundreds of past, current, and future leaders to respond as effectively as those women and men did 10 years ago.

The five key aspects of Swarm Leadership principles used during the Marathon response, from studying the leaders, were unity of mission, save lives; No. 2, the generosity of spirit and action, people able to help one another. We saw that in the community. We saw that in the Boston One Fund. Stay in your lane, do your job, and help others succeed. What have you got? What do you need? No ego, no blame. No one took credit for all the successes, and conversely, no one pointed fingers when problems arose. Having that foundation of trusting relationships.

I would like to offer a special thank you to the late Mayor Tom Menino and Governor Patrick for their leadership before, during, and after. Mayor Menino and Governor Patrick set the tone long before the bombing in stressing the importance of preparing, practicing, and cooperating with compassion for disasters. Both leaders demonstrated the best of servant leadership and allowed their teams to function at their highest level for the greater good.

Other lessons are less easily captured in a single initiative or organization. Today I want to highlight the need for these lessons to be broadly applied to ensure national security.

After the bombing, we learned the value of recognizing the impact of the trauma on first responders, families, and the community. Now more than ever, EMTs, paramedics, police officers, firefighters, health care workers, emergency managers, and public health workers are in need of that recognition and support. Coronavirus Disease 2019 (COVID-19) has left a devastating toll on the workforce we depend on in the aftermath of a crisis.

We must take care of this workforce with adequate mental health services, strong leadership, and cross-functional collaboration so they do not feel abandoned. We are leaving the United States exposed to catastrophic future attacks being left unanswered both in the context of lives and economic well-being if we do not take care of our workforce.

In the response to the Marathon bombing, we also learned how impactful rapid, accurate, and transparent communication is for the whole-of-community response. Twitter was used to communicate crucial information to the entire city, and Ed led that whole part of the Twitter response. However, today in the face of cyberattacks, mis- and disinformation, we are starting to lose the trust and the ability to communicate effectively. We need to remember the value of crisis communication from the Boston Marathon and institutionalize it across Federal, State, local, tribal, and territorial (SLTT) agencies.

Unlike ever before, our local emergency managers and public health workers are dealing with overlapping crises, or poly crises. It is not just floods, hurricanes, tornados, and wildfires anymore. It is the fentanyl epidemic, it is homelessness, it is immigration, it is terrorism, it is biosecurity and cybersecurity threats.

We need to prioritize funding and building stronger public health systems, and stronger emergency management systems and work together on the local level, with support from the Federal level. Local leaders need ongoing support to maintain the ability to break

through the purposeful disinformation aimed at eroding trust, so that they are able to manage everything that is put on their plate.

Last, the Boston Marathon response showed us the resilience of a community that stands together. Yet today, we live in a fragmented society in the wake of COVID. There is a lack of social cohesion in towns and cities across the country. How can we bring people together again? Our nation is left weaker if we do not recreate that sense of community and purpose that we felt in Boston in April 2013.

Emergency managers are conveners. They bring people together after a disaster. How can we lean on their skillset to help bring people together before a crisis happens to build resiliency?

Let us take the lessons we have learned from the Boston Marathon and use them to ensure all American's health, safety, and well-being. Let us continue to honor the lives lost by preventing future disasters from becoming fatal. This moment of reflection on the Boston Marathon bombing is an opportunity to truly transform the way we recover from COVID and prepare for the next disaster. We can do this by supporting public health, emergency management, and the EMS workforce and public safety, regaining the ability to provide trustworthy communication, and finding meaningful ways to bring people together again.

Thank you for the opportunity to testify. I look forward to your questions.

Senator HASSAN. Thank you very much, Mr. Serino.

Next is Mr. Kerry Sleeper. In 2013, Mr. Sleeper was serving as Deputy Assistant Director at the FBI. In 2014, he was promoted to the position of Assistant Director for the Office of Partner Engagement. Mr. Sleeper was also the first Homeland Security Advisor (HSA) for the State of Vermont. Mr. Sleeper has expertise in information and intelligence sharing between State, local, and Federal law enforcement and private sector partners. He currently serves as Special Advisor to the Secure Community Network (SCN).

Welcome, Mr. Sleeper. You are recognized for your opening statement.

**TESTIMONY OF KERRY SLEEPER,<sup>1</sup> SPECIAL ADVISOR, SECURE COMMUNITY NETWORK**

Mr. SLEEPER. Thank you, Chair Hassan, Ranking Member Romney, other distinguished Members of the Committee, it is my privilege to appear before you today. My testimony regarding "Lessons Learned: 10 Years Since the Boston Marathon Bombings" will be focused on intelligence and information sharing efforts, those initiatives intended to prevent or mitigate acts of targeted violence.

In the years after 9/11 and preceding the Boston Marathon bombing, the domestic intelligence architecture, or the process of how Federal, State, and local law enforcement shared threat information, underwent a remarkable enhancement and transformation. It was understood that State and local law enforcement played a pivotal role in protecting their communities from acts of targeted violence. It followed that the Federal Government needed to ensure

<sup>1</sup>The prepared statement of Mr. Sleeper appears in the Appendix on page 33.

they integrated their intelligence efforts with their State and local partners. From this understanding grew critical information sharing processes such as the FBI's Joint Terrorism Task Forces (JTTF), State and local Fusion Centers, and the Department of Homeland Security's (DHS) "See Something, Say Something" campaign, also known as Suspicious Activity Reporting.

With these processes in place, State and local fusion centers could receive sensitive or classified information from their Federal partners, analyze or assess that information for context in the communities they serve, develop intelligence products to share within their community to convey the threat, and encourage Suspicious Activity Reporting information back for further investigation or analysis efforts. In addition, the FBI's Joint Terrorism Task Forces, numbering over 200 across the Nation with hundreds of State and local officers assigned, were developed to investigate both international and domestic threats of terrorism.

Both the Boston Regional Intelligence Center, the city of Boston's Fusion Center, and the Boston Field Office JTTF played critical roles in supporting intelligence and information sharing requirements in the security planning for the Boston Marathon, as well as the investigative phase and apprehension of the perpetrators.

One of the most important lessons learned in the intelligence and information sharing efforts was that Tamerlan Tsarnaev was the subject of an FBI assessment prior to the bombing. The assessment alleged he appeared to be radicalizing with potential ties to foreign terrorist organizations, although the assessment was eventually closed for lack of additional information.

The information on this assessment of Tsarnaev was not provided to State and local law enforcement, and the logical question was asked, if they had known, could they have disrupted the plotting? More precisely, could State and local law enforcement have pursued the allegation of Tsarnaev's radicalization beyond what the FBI Domestic Investigations and Operations Guide (DIOG) legally allowed?

This question, and the lesson learned, resulted in a swift change in JTTF protocols for State and local JTTF members. The FBI clarified that the names of individuals who were the subject of assessments or threats were to be shared with the relevant law enforcement agencies and/or State and local JTTF members. This action, or lesson learned, impacted State and local law enforcement agencies by providing transparency into the subjects of JTTF investigations across the country.

The positive lesson learned from the Marathon bombing is when great leaders exemplify and drive the importance of collaboration, the public is well protected. Both Rich and Ed, seated in front of you, emulate that spirit of collaboration.

Now I would like to discuss the gaps I see in security for today's threat environment, specifically in the area of intelligence and information sharing to prevent mass casualty attacks.

As devastating as the Boston bombing was to both Boston and our Nation, we are in a far more complex and dynamic threat environment than we were in 2013.

Individuals with little or aspirational association to terror or hate groups, citing personal grievances or affiliation to a cause,

calling for death and destruction, are committing mass casualty attacks at a record pace. Whether the intent is terroristic, criminal, or due to an underlying mental health issue, the deadly results are the same to the victims and the communities where they occur, as well as our society more broadly. Public gatherings, special events, parades, schools, places of worship, grocery stores, retail businesses, funeral homes, and street corners are all recent locations of these tragedies.

The causation of this rise in deadly targeted violence is complex, but it can be more successfully understood and mitigated with a more effective whole-of-government approach to intelligence and analysis of the threats and of the individuals committing these acts of violence.

Unfortunately, since COVID, we have seen a significant degrading in our national collaboration between Federal, State and local law enforcement. I want to stress, this is not at the local level. I am talking about national collaboration. In short, the system is breaking down. People and agencies are not talking to each other as effectively as they should. This deficiency has been widely observed by law enforcement leadership across the country and recently documented in the 2022 Intelligence Summit Post-Event Report, a convening hosted by the Department of Homeland Security and the International Association of Chiefs of Police, in coordination with law enforcement, intelligence, and homeland security partners across the Nation.

Since 2004, the preeminent process for Federal, State and local law enforcement to coordinate their intelligence and information sharing efforts in meeting emerging threats was the Criminal Intelligence Coordinating Council (CICC). The CICC serves as the voice for all levels of law enforcement on the best use of criminal intelligence to keep the country safe.

The CICC has successfully provided interagency law enforcement coordination on critical issues, to include Fusion Centers, Suspicious Activity Reporting, coordination with JTTFs, and how to manage emerging threats on a national level. The CICC, under the Global Advisory Committee, serves as a Federal Advisory Committee and advises the U.S. Attorney General. The oversight of the CICC currently resides within the Bureau of Justice Assistance (BJA). BJA urgently needs additional resources to reinvigorate the CICC for the specific intent of bringing together Federal, State and local law enforcement leadership, with appropriate private sector participation, to strategize on how best to meet today's complex and dynamic threat environment. Without this convening process, efforts to mitigate our evolving threat environment will be left to local authorities and ad hoc efforts.

I do not need to inform this body that law enforcement resources across our nation are facing critical shortages. Swatting incidents across our country are further stretching those resources in feigned calls of active shooters at schools, medical facilities, and workplaces. Given the high number of actual recent mass shooting events, authorities have no option but to respond with all available resources.

Foreign and domestic terrorism, mass shootings, hate crimes, threats on social media, and deep and dark web usage by offenders

are all inextricably intertwined and highlight both the dynamic nature and complexity of today's threat environment. Those threats we face require the development of a national strategy that integrates every law enforcement agency into the plan and the solution. That plan requires an understanding of the threat through detailed analysis, utilizing up-to-date tools and technology to access the threat, updating training to utilize the tools and adapt to the constantly evolving nature of the threat, and the rapid sharing of threat information to prevent an attack once there is likely evidence. There needs to be a central focal point for this type of planning and collaboration, but to date that is not occurring at the national level to the degree we require. The strengthening of the CICC would be a step forward you could undertake to ensure this type of collaboration required to meet today's threat is taking place. Thank you.

Senator HASSAN. Thank you, Mr. Sleeper.

Our third witness is Mr. Ed Davis. In 2013, Mr. Davis was serving as the Commissioner of the Boston Police Department during the Marathon bombing. He retired after more than 35 years of law enforcement experience, and he is now the President and Chief Executive Officer (CEO) of the Edward Davis Company, a business strategy and security services firm.

Welcome, Mr. Davis. You are recognized for your opening statement.

**TESTIMONY OF EDWARD DAVIS,<sup>1</sup> FORMER COMMISSIONER,  
BOSTON POLICE DEPARTMENT**

Mr. DAVIS. Good morning, Chair Hassan, Ranking Member Romney, and distinguished Members of the Subcommittee. I would like to thank you for having me here, especially in the company of two former colleagues. We have been friends for many years, and I will endeavor not to repeat the things that you have heard from my two co-witnesses.

My firm now is at the intersection of security and technology. We work on cyber and physical security issues. I will try to touch on the things that we see out there that really affect things beyond the Marathon.

I would like to thank you for the opportunity to testify at today's hearing to examine the lessons learned in the 10 years since the Boston Marathon bombings, and the many security enhancements that have been made to protect the United States.

The impact of the terrorist bombing and resulting investigation at the Boston Marathon, on Patriots' Day that took the lives of three people—Lu Lingzi, Krystle Campbell, and Martin Richard—at the scene and injured hundreds of others, and later, during the pursuit, Officer Sean Collier and Dennis Simmonds were killed in this senseless attack. The attack forever changed the city of Boston. In 2013, the Boston Marathon bombing also significantly strengthened how law enforcement, the media, and the community respond to these grave incidents and the way we conduct terrorist investigations.

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<sup>1</sup>The prepared statement of Mr. Davis appears in the Appendix on page 39.

Since 2013, the government has made significant improvements in the realm of security measures, including cybersecurity, border security, emergency response planning, and response to natural disasters. These improvements include more advanced technologies, more comprehensive planning, and increased public education and awareness supported by many public-private relationships and innovative companies. As I discuss some of these companies and their impact on public safety, I recognize there is always more work to be done. The advancement of technology will require strong consideration of privacy rights and protections led by Congress, research, and funding priorities for technological resources impacting the landscape of policing and investigations.

As a member of the Board of Advisors for AT&T and the company's FirstNet platform, I have seen the public-private partnership of FirstNet take on this challenge and improve first responders' ability to communicate on scene. The development of FirstNet was conceived by Congress following 9/11 and came to fruition in 2012, when Congress created the "First Responder Network Authority." I worked with congressional leaders on this solution for decades, and I sincerely thank Congress for their vital legislation.

FirstNet was on scene at the Boston Marathon this year. They provided a cell on wheels to increase the capacity for communications among first responders. They also utilized advanced technology that identified the location of all medical personnel in the area for more direct response, in the case of injury.

Another aspect of technology that has seen great improvement is the proliferation in artificial intelligence (AI) capabilities of video and photo surveillance, both public and private. Genetec has sophisticated cameras that leverage radar and laser imaging, detection, and ranging (LiDAR) capabilities combined with machine learning. They use AI software that can learn from normal activity and notify operators of approaching threats and of anomalies. Another company, Altumint, uses proprietary AI networks designed to detect and process traffic violations. This innovative tool allows for data-driven traffic calming tactics and allows law enforcement to shift limited resources to other priorities. Prepared allows a 911 caller to activate their camera with one touch, so dispatch can see exactly what is happening at the scene. This allows better de-escalation techniques to be implemented.

Ten years later, as artificial intelligence continues to mature, these capabilities grow exponentially more helpful and more dangerous. AI can create realistic, false images of people and voice replication. These "deep fakes," when used to interfere or disrupt an investigation, as we encountered during the Boston Marathon investigation, pose a distinct challenge to law enforcement that Congress could anticipate and prevent. Laws and regulations need to be formulated to safeguard these profound technology advancements as they continue to expand. Nefarious use of AI presents a clear and present danger to the safety of the American public.

The private sector is utilizing these tools extensively. However, United States policing still lags woefully behind in the implementation of many of these important technologies. This is due to a lack of resources and a hesitance to implement potentially controversial techniques. Clarity on privacy concerns and acceptable police proce-

dures needed to effectively pursue perpetrators of these terribly violent acts needs congressionally led debate, legislative authorization, and funding. Technology will save lives.

In closing, while these advancements have improved the environment for law enforcement and agencies to respond to crimes, the level of danger and sacrifice that police throughout our nation face cannot be underestimated. As new technology becomes available to law enforcement, it also becomes available to criminals and terrorists. New threats, both physical and cyber, are presented today. Police will continue to adapt and overcome.

With that, I would like to thank all of our law enforcement and intelligence community (IC) partners for their dedication to protect our Nation, and I thank you all for providing me the opportunity to reflect and share these important lessons learned since the Boston Marathon tragedy 10 years ago. Thank you.

Senator HASSAN. Thank you very much, Mr. Davis. Thank you, all three, for very compelling and thought-provoking testimony.

We are going to turn to our questions now, and I will start with a 7-minute round of questions, and then turn it over to Senator Romney. I am going to start with a question to you, Mr. Serino. The bombings at the Boston Marathon finish line killed three individuals before they made it to the hospital. Hundreds of individuals were injured, but every single person, as I understand it, who made it to a hospital survived.

How did planning and preparation save lives at the Marathon?

Mr. SERINO. Madam Chair, the work of preparing ahead of time, that was no accident, practicing and drills. We called the response to the Marathon, the 4th of July, we call that special events as a plan disaster. We take the opportunity to train and exercise. In fact, in 2009, we had brought together leaders from around the world from bombings. We brought together the head of New Scotland Yard, the superintendent of New Scotland Yard after the 7/7 bombings. We brought together the EMS chief from Northern Ireland after the bombings there. We brought in trauma surgeons from Madrid after the bombings there, as well as folks from Pakistan and India, and brought together folks actually at the John F. Kennedy (JFK) Library, about 450 first responders from Federal, State, local level, hospitals, EMS, police, fire, all the different agencies, and had that presentation.

But the second day was probably the more important day where we brought the leaders together, about 35 of the leaders of all those agencies and hospitals, and asked what do we have to change? What can we learn from others? We learned from those folks, and we learned what they did. Then we had drills after that. We had exercises, the Urban Shield exercise. Practicing and preparing paid off.

Senator HASSAN. You talked about lessons you learned from the convening exercise beforehand. Have the lessons learned in planning and preparation from the Marathon event itself impacted emergency preparedness policy and practices today?

Mr. SERINO. It has effects across the board, from how hospitals treat patients, from how they do everything from electronic records to treatment. It has affected how EMS and emergency management, as well as firefighters and police officers, how they respond,

and what we have learned from that. In fact, I had a seminar a little while later, about a year later, when the Paris attacks happened, and the people from Paris actually said they learned from what they had read about what happened in Boston, and that helped save lives there. Then they came to Boston and we learned from them and have shared that even more broadly, again, across multiple disciplines. A lot of lessons learned.

Senator HASSAN. That kind of ongoing convening, sharing information, reflecting, which takes time and resources to do, has been really important.

Mr. SERINO. It is very important, and what is also sometimes difficult is the ability for people to take the time to learn. As I mentioned, people are very busy in all sorts of, as we call, poly crises now, one after another after another. Not having the time and the resources to do that, to actually send people away. A few people came to D.C. last week to learn about issues in responding to these types of incidents. But we are only able to have two or three people attend. How do we look at expanding that so we are able to either go to them or the ability to send people to certain trainings?

Then also I think the training of leaders. We trained people in tactics, and that is very important, but how do we train leaders. That is really one of the most critical aspects. The leaders include the leaders of the agency, but also how do we train, dare I say, politicians, especially mayors and Governors? I know I have former Governors here who understand how important that is, and you have both led during a crisis. But how do we get people the opportunity to learn that as well.

Senator HASSAN. Thank you. Good food for thought, to be sure.

Mr. Sleeper, prior to the Boston Marathon attack the FBI had information about Tamerlan Tsarnaev that the Boston Police Department did not have, and you referenced that. Some have argued that the Boston Police Department could have done more to prevent this attack if the FBI had provided the information to them.

How did the Boston Marathon attack impact information sharing between Federal, State, and local agencies, and are there other aspects of information sharing that you think still need improvement?

Mr. SLEEPER. Thank you, Senator. It had a profound effect on the FBI. It had a profound effect on how Federal Government shares information with its State and local partners. Immediately after the concern was articulated regarding the assessment that had not been shared. Protocols and processes were changed, where the FBI ensured that information was being shared in the JTTFs, with their State and local partners, for public safety purposes.

In fact, now many JTTFs are run by State and local law enforcement officers, for that exact purpose, of ensuring that local nuance is applied to a Federal investigation. It was a painful lesson learned, but the results were dramatic.

Senator HASSAN. Thank you.

A question for you, Mr. Davis. In the aftermath of the Boston Marathon attack the FBI, Boston Police Department, and other agencies effectively collaborated to identify the bombers. Can you speak to the importance of this collaboration and how it helped to support the emergency response and investigation efforts? Are



there any specific strategies or practices that you believe were particularly effective in facilitating this collaboration?

Mr. DAVIS. Yes, Chairman. Thank you for that question. I can tell you that when I speak about this issue and talk about what we went through in 2013, the big lesson that I learned was you cannot make a relationship during a crisis. You need to know people beforehand.

In the case of this incident, the first two people I called were the FBI Special Agent in Charge (SAC), Rick DesLauriers, and Tim Alben, the colonel from the Massachusetts State Police. I did that because, as Rich said, we had practiced beforehand, so we knew what needed to be done and what resources were available to accomplish that task. Rick had a special weapons and tactics (SWAT) team available, Tim had a SWAT team available. They both picked up the call, and importantly, not only did I have their cellphone numbers, but we used to meet quarterly for breakfast and discuss issues that affected us. We were a known quantity to each other. That was true with General Rice from the National Guard. It was true with Rich Serino and the staff at EMS and the fire staff. It was a team.

I was reflecting on dating back to Governor Cellucci and Governor Romney. In public safety we have always been at the table, from the highest levels of leadership in Massachusetts. That is why Governor Patrick and Mayor Menino worked so closely and so well with us, because we all knew each other. I think that is really the solution or the necessary preparation that every city should have in place.

Senator HASSAN. Thank you very much for that insight. I will now turn to Senator Romney for his questions.

Senator ROMNEY. Thank you, Madam Chair.

Commissioner Davis, I am interested in your perspective today as to what lessons we learned that we really have not implemented change to address, from this tragedy. You look back and say, we have done a better job, perhaps, in coordinating with the FBI and getting information from the FBI to local law enforcement. But the response to the Marathon bombing was seen as being effective, by and large, but there are certainly lessons that were considered that we really have not fully acted upon. I wonder if you were to say what are the priorities, what are the things we really ought to do differently, where have we not stepped up as far as we should have from the things we did learn?

I am going to let each of the individuals respond to that same question. I am putting you on the spot first, in part because of our relationship. But what are we missing? What should we be doing that we really are not doing as a result of what we learned from that tragic event?

Mr. DAVIS. Thank you, Senator. I appreciate that. Kerry said exactly what I think. The FBI made enormous strides just after this incident. I testified, I met with Director Mueller, and they responded quickly, and the JTTFs were more effective afterwards because of the changes that the Bureau put in place.

We all have respect for each other. We have worked very closely together on these issues.

But I see a very interesting situation developing now with an uncertainty about what police tactics are appropriate. I just spent 2 days with police chiefs from all over the country at Harvard, and there is a continuing sort of message that we do not want to go near any sensitive technologies because of the backlash we could get from it. There is really an uncertainty as to what is proper.

There are some jurisdictions, some in Massachusetts, that at the local level have stopped police from using things like facial recognition technology or access to camera technology. I understand the concerns about privacy in those situations, but we must remember, as a government, that the police are the security team for the poor people in our cities, and it is scary to think that a political body has eliminated the use of an effective tool to solve crime at the local level when people who are the people I work with, in the Fortune 500 companies, can purchase the technology and use it. The uncertainty of what a police department should be doing in this realm on the technology side needs a clear debate and direction. I think that is one of the biggest impediments that I see.

Senator ROMNEY. Thank you. Mr. Sleeper.

Mr. SLEEPER. Thank you, Senator. I will follow very closely behind Ed's comments. Today we are awash in threats in this country, whether they are terrorism threats, counterintelligence threats, threats on social media, deep, dark web people claiming to belong to some type of an ideology or a grievance they hold. The FBI's National Threat Operations Center receives about 3,000 threats a day, that they have to mitigate with their State and local partners. On top of that we have the swatting calls that every State has been experiencing across the country.

Our responders are tired. They are stretched thin. We have resource concerns. The only way for us to effectively mitigate that is to be smarter, is to use tools and technology to be able to mitigate those threats, to use intelligence and analysis as effectively as we possibly can in order to mitigate those threats.

We had a remarkable focus post-9/11, Federal, State, and local partners coming together across the broad public safety spectrum after Boston. Unfortunately, I am going to say again, because of COVID, I will not say ground to a halt, but many critical functions and meetings that should be taking place to stay ahead of the threat are not happening. That would be my response.

Senator ROMNEY. Yes, thank you. Mr. Serino.

Mr. SERINO. Along the same lines is that lack of social cohesion, partly because of COVID. From 10 years ago, after the Boston Marathon bombings, we saw people coming together. Then COVID happened and we started to see that fragmentation, and we started to see the inability. You can do certain meetings on Zoom, and that is great, but there is nothing like having that cup of coffee or perhaps an adult beverage sometimes with a counterpart, understanding their issues, and understanding how to come together.

I think also, as we start to look at the workforce, we are losing people all across public safety, across public health, and across emergency management and hospitals. Unless we start to really look at how we can start to change the paradigm of how people look at service in this country.

I had the opportunity when I was at FEMA, we started something called FEMA Corps, where 18- to 24-year-olds do a year of service. Imagine doing some service in public safety, or doing service in emergency management or public health, and taking that opportunity to give people, whether it is a gap year or when they are in college or after college, in that age group, to do a year of service, to make that something that then will help us. We need teachers across the board.

How do we actually start to look at all those issues around the workforce and create something that is an opportunity for young people to actually do service to the country, because we are seeing such a need. That, unfortunately, is going to take an investment. It is going to take an investment of time, it is going to take an investment in money, and it is going to take an investment in people.

But without the people we are not going to be able to respond to crisis. As both Ed and Kerry have mentioned, crises are coming. We see poly crises. Every 15 days now there is a major disaster in this country, every 15 days. It keeps getting worse and worse and worse. We have to start to address those issues now.

Senator ROMNEY. Thank you. I will turn back to the Chair because I noticed we have another Member that has some questions, and I will get my chance again in just a moment.

Senator HASSAN. Thank you, Senator Romney, and I recognize Senator Rosen for her 7-minute round.

#### **OPENING STATEMENT OF SENATOR ROSEN**

Senator ROSEN. Thank you, Chair Hassan and Ranking Member Romney, for holding this hearing. It is so important that we learn the lessons and we hear from all of you what worked and what you think we need to do in the new and always expanding threat environment.

Today, as we are reflecting on the horrific Boston Marathon bombing attack that occurred 10 years ago, I do want to focus my questions on the effectiveness of the DHS programs to prevent future attacks, how we empower our local communities, the things that you have already been speaking about so well.

I want to talk about the Nonprofit Security Grant Program. The Nonprofit Security Grant Program provides resources to support religious institutions and nonprofit organizations that are high risk for terrorist attacks and targeted violence. We have seen this all across the country. Last year, I helped secure increased funding for the program to ensure the availability of these grants can keep up with the rapidly growing demand.

Mr. Sleeper, can you speak to the effectiveness of the Nonprofit Security Grant Program in protecting these eligible nonprofits from the threat of terrorism and specifically targeted violence?

Mr. SLEEPER. Thank you, Senator, for that question. One of my responsibilities now as a senior advisor for the Secure Community Network (SCN), which is the official safety and security organization of the Jewish community of North America. We are responsible for providing physical security to thousands of locations across this country. In order to meet the threat that is being directed toward the faith-based community, the Jewish community, it is absolutely essential that there be physical safeguards in place.

The essential tool for that is the grant program that you discuss, where the faith-based community can utilize those fundings for very basic things, starting with things like locks on their doors, very similar to what we think about when we are protecting schools across the country. Start conducting assessment, start with the basics—locks, bulletproof glass. It is unfortunate that we have to discuss having these types of security measures, but we do—video cameras, fencing. Another critical component of that is training, the training of congregants—run, hide, fight.

That is essential funding to provide security to these facilities. It is not enough funding. It probably never is. But only a small portion of those facilities applying for the funds receive them.

Senator ROSEN. We are working to increase that this year. But I want to build on what you just said. Do you think FEMA is providing sufficient outreach and engagement, training, and all of those things alongside with the Nonprofit Security Grants?

Mr. SLEEPER. FEMA has been providing outstanding support to the grant program in meeting the needs and the expectations there.

Senator ROSEN. That is fantastic. I want to keep thinking about, just as the Boston Marathon, you are so proud to be the host of that every year. It is so great. You have so many other events with a global following.

Las Vegas, we are quickly becoming the world capital of entertainment and sports events ourselves. We have the next Super Bowl coming. We have the Formula One race coming up in November, and so many other things going on. We understand the importance, just like you do, of securing our city for these major events, doing everything in our power to prevent from a possible terrorist attack.

The Special Event Assessment Ratings (SEAR), they determine the level of support that DHS provides to these high-risk events, like the Boston Marathon or like our Formula One race coming up, or the Super Bowl. I raised these issues with DHS Secretary Mayorkas last week, that the SEAR assessment, the process is often flawed, with high-risk major events sometimes receiving the same rating as less-complex events, and I am going to quote, “that require only limited Federal support.”

As we contemplate how to prevent these future terrorist attacks, particularly at major sporting events, major events like the Boston Marathon, I think we have to have a discussion about what those specific things look like, and modify the formula.

Mr. Serino and then Mr. Sleeper, do you have some opinion about how the SEAR assessment process can be improved to really incorporate as we surge up for a particular event that we rise up and then have to go back down to whatever our normal level is.

Mr. SERINO. I think as far as the SEAR event rating—I am not an expert on it; I will start out with that—but I think one of the important things to realize, as we have been talking about, is people coming together, whether it is an official SEAR event or not a SEAR event, is bringing together the Federal, State, local, and if appropriate, territorial or tribal organizations ahead of time, and doing that practice ahead of time, and bringing them to practice, to understand long before the disaster happens, long before any

sort of event happens. Because the communications in how you are able to deal with something that happens small, early on in an event, can stop it from becoming much larger. That is critical by having, whether it is a multiagency communication center or having groups of people together in a command post all across the board.

Unfortunately, that is not the case in every incident, that you have not only the public safety officials and emergency management and public health, but also the sponsor of the event, to make sure you are communicating with them as well, to have all those people together.

Senator ROSEN. Thank you.

Mr. SLEEPER. Senator, your Las Vegas Fusion Center Director, Cary Underwood—

Senator ROSEN. I know him well.

Mr. SLEEPER [continuing]. Is across town at the National Network of Fusion Center Association event. He, in fact, was named Fusion Center Director of the country at that event yesterday, so you should be very proud.

Senator ROSEN. I am going to call him right after this. I had a meeting with him a couple of weeks ago as we were working on these.

Mr. SLEEPER. He has articulated the concerns that he has with the SEAR event rating and the necessity for additional Federal support, so it is an appropriate discussion to have to FEMA, given the high-profile event that you will be dealing with.

Senator ROSEN. Thank you. I look forward to working on that, because although Nevada does not have a large population, we surge up at these times, in a very concentrated area. Those USCI formulas, the SEAR formulas, they need to be reflective of the events and not necessarily the population in your city at any one point.

Thank you. Thank you, Madam Chair.

Senator HASSAN. Thank you, Senator Rosen.

I will turn back to Senator Romney.

Senator ROMNEY. Thank you, Madam Chair. I had the occasion to help organize the Olympic Games in 2002, in Salt Lake City, and this was, of course, following only by 5 or 6 months, the attack on 9/11. We suddenly became very focused on how we could protect the games and wondered if they would be the target of a terror act.

There were three major categories that we focused on. One was hardening the places that they might attack. Given the fact that there were very few places to harden, relatively, we knew what we had to do and we hardened those things. No. 2 was our capacity to respond if there were an attack, and again, we knew the days that the attack might occur was the roughly 3 weeks of the Olympics. We knew where we had to be, where the EMS vehicles needed to be, and so forth. Then finally, intelligence. I must admit, that which gave me the greatest confidence that our games would be safe was that the FBI put in place a very substantial intelligence capability in Utah prior to the games, and was following potential threats. I felt relatively secure.

As we now look at the circumstance of protecting our cities and our people, those three categories are more challenging because you

are not just protecting a single site for a few days. There are so many potential sites. Hardening, for instance, all the churches, all the malls, all the grocery stores, all the sporting events—it strikes me as being almost impossible to harden every potential target.

Our response capability is really quite good. We have improved our capacity to respond to an emergency. Our law enforcement is coordinating far better than we have before.

But I look and believe that intelligence and threat assessment is probably the one area that is most critical to being able to protect our citizens, and I wonder how we are doing in our intelligence gathering, in identifying threats, and protecting against those threats that are identified, and what we need to be doing more in that regard.

Commissioner Davis spoke about the technology that we might be able to use. Is that the great gap we have? Our foes have access to new technology that did not exist back in 2002, frankly, and now are we lagging in that area? But of the three categories, if you will—the hardening, the responding, or in the intelligence gathering—where is the greatest gap? Where is the vulnerability the greatest? Where should we be devoting our focus and the need for the greatest improvement?

I will start with you, Mr. Sleeper, and then turn to Mr. Serino, and finally the commissioner.

Mr. SLEEPER. Thank you, Senator. It is a complex question, sir. It would take a complex response.

As I said earlier, unfortunately as a country we are awash in threats. First starting with the intelligence community, our intelligence community's efforts, that have never been greater, but our adversaries have never been greater—Russia, Iran, North Korea, China. We were concerned about Chinese spy balloons going over our country, but yet a number of our public safety agencies use DJI UAS aerial vehicles that have the likelihood of conveying all the sensitive information they can convey back to the Chinese Communist Party (CCP), looking at our cities, our counties, our States with advanced technology.

Senator ROMNEY. It makes no sense, does it?

Mr. SLEEPER. No, sir. That is one example. But the threats we face are being addressed by the intelligence community, by our Federal partners, but they are stretched. They are stretched to their limits. As Ed indicated, technology is both a friend and a foe to us in those areas.

What is particularly concerning to me, from an intelligence information sharing process, and the reason why I indicated why we—and I mean the Federal partners, the State and local partners, our lawmakers—really need to convene and have a discussion as simple as authorities. There are debates on what authorities our Federal partners have to effectively assist State and local law enforcement right now. We have to address those issues. We are in the middle of a threat environment, and we cannot be trying to decide who can look at this or who cannot because of what tool they have or what authorities they have. That needs to be resolved so it is perfectly clear.

Finally as Ed indicated, while there is move toward ensuring the privacy of all of us, which we want, in information sharing, there

is also a concern that we ensure there is a cutout, a legal and appropriate cutout, for State and local law enforcement so we do not go dark with information. Because the foes we are looking at now are not in a clubhouse. If they were, when I was doing this business, you could wire someone up and send them in. They are on social media. That is where they are meeting. If we do not have access to that social media, the deep and dark web, we cannot protect the communities we are there to serve.

Senator ROMNEY. Thank you.

Mr. SERINO. Thank you. I think on the intelligence aspect, on those three aspects—the hardening, the response, and the intel, and I think you have two experts, Kerry and Ed, on the intel—but I would also emphasize, on the part of the intel, is looking at the public as an asset versus a liability at times, looking at how we can educate the public and how we can gain information from them, to share information. That goes back to what we mentioned earlier about trust, generating enough trust that the public will then trust the law enforcement and public safety, public health. We have seen deterioration of trust in emergency management.

I think that is one really key aspect as part of the intelligence, as well as everything that Kerry and Ed had said.

But in addition, not just the response, because the public can be an asset there too, the response. We saw that in the Marathon bombing, how the public helped save lives using tourniquets, even though a lot of places were not using them. Now we have seen thousands of lives saved since.

The hardening of the areas is key. We cannot let each one of those stay in their own silos, in their own cylinder of excellence. We have to bring them together. But I also think we have to look at how do we do recovery, and more importantly, mitigation ahead of time, to mitigate a lot of the issues, whether around security or response to disasters as well, and look at as we bring all of that together. It cannot just be one. We have to bring them all together.

Senator ROMNEY. Yes, thank you. Commissioner.

Mr. DAVIS. Thank you, Senator. To the edge, get them to the people who are in the field is extremely important. I just want to touch on that.

We do target hardening every day. We go into facilities, schools, houses of worship and government buildings, and we are surprised at how woefully inadequate some of the places are. It does not take much to get them up to a level that might dissuade somebody from attacking them, but it is sort of the attitude that this cannot happen here that we battle, right.

Congress passed the SAFETY Act after 9/11, and the sports facilities that we work in have SAFETY Act certification, and to maintain that certification they must have testing done. We can go in and do a plan for somebody and improve the locks and then walk away and everything goes to hell afterwards. But if there is a continual process of auditing, red-teaming, checking on the improvements that were made, that is what makes the SAFETY Act so important and impactful to these facilities. Expanding those possibilities into houses of worship and schools I think makes an enormous amount of sense because those requirements will be in place there will be a constant review of what is happening there.

Senator ROMNEY. Thank you. I am over my time. Sorry. I had a different topic, an entirely different topic, and I cannot resist with the former commissioner just raising that topic. I have noted with alarm a huge increase in crime in the District of Columbia, and I do not know to what extent that has happened around the country. But I look at cities like San Francisco and Portland, and from what I read it suggests that a degree of lawlessness has increased in those places, and in other of our cities. I do not specifically know what has happened in your former city, the city of Lowell or the city of Boston.

But do you have a sense of what it is that is going wrong and what we need to do to adjust ourselves, in some respects? In the D.C. area, automobile theft is up dramatically, assaults are up dramatically, murders are up dramatically. I saw Jackson, Mississippi, in a report on the news last night went from 50 murders per year to now 150 murders per year. What are we doing wrong? What is the gap here? As a former commissioner of the Boston Police Department with a very impressive record in that responsibility, do you have some advice that you might give to us?

Mr. DAVIS. Every year in my career in Lowell, the crime rate went up, for 20 years, until we found out that community policing and problem-solving could stop that. As soon as we implemented that program, the crime rate dropped 5 percent every year after we did that. It went down 50 percent. The same thing happened in Boston. We implemented Compstat and community policing, and the crime rate went down. For 7 years it went down 5 percent per year.

We learned how to control this. In the course of that did we lock too many people up? Yes, we did. The prisons became packed, and there needed to be an adjustment. But the whiplash has been so severe that now no one is going into jail. They are letting people who are violent criminals reoffend over and over again, and they are not being held.

The thing that we learned in the 1980s and the 1990s, is there is a very small percentage of people who commit a large percentage of the crimes, and if you separate those people from society, the crime rate will go down. I know there are all sorts of race and culture and enforcement debates going on, but we lost sight of that simple fact, that if you continue to offend violently, you should be separated from the community.

Senator ROMNEY. Thank you, Commissioner. Thank you, Madam Chair, for that indulgence.

Senator HASSAN. No, I thank you for the question, and I thank the commissioner for his response and expertise. There has been a lot of great work done to pull people who are suffering from mental illness and substance use disorder who are not violent out of incarceration, but recognizing violent reoffenders is also a really important piece of this. I thank you for that response.

I want to turn back to lessons learned and what we need to be thinking about moving forward in terms of emergency preparedness. This is a question to you, Commissioner. An after-action report about the response to the Boston Marathon bombing identified the challenges arising when more than 2,500 officers from multiple jurisdictions converged on Watertown, Massachusetts, to appre-



hend Dzhokhar Tsarnaev. What lessons did law enforcement learn in the aftermath of the search for the Tsarnaev brothers about how to coordinate? How do they impact law enforcement practices today? I can certainly remember we had law enforcement from New Hampshire headed down to Massachusetts and Watertown. What kind of coordination lessons did we learn?

Mr. DAVIS. It is a very difficult problem, Senator. For the first 10 or 15 minutes of a firefight, where people are throwing bombs at you, you want everybody that you can get to come to the scene, and so a call goes out. There are diminishing returns, though, after the first half hour, and there needs to be a way to stop that flow of people who are self-deploying.

If our commanders say, "We need 10 officers from the State Police and we need 10 officers from the Belmont Police Department," which is right next to Watertown, that can be handled. But I remember being in New York 2 weeks after the attack, and I met with a sergeant from the New York City Police Department (NYPD), who was put in charge of containment of the officers who were self-deploying. They had a field set up at the United Nations, and everybody was sent to that location to be effectively deployed. We did the same thing on the day of the bombing attack, but in Watertown, because it was an unfolding incident, that did not happen.

We need to be urgently paying attention to that, assign people to contain any officers that show up there, and then also send the word out that if you are not called, you should not self-deploy.

Senator HASSAN. Thank you. Mr. Davis, I have another question for you too, because the purpose of today's hearing is not just to take a retrospective look at the Boston Marathon attack but to look ahead at the emerging threats, to mass gatherings, and soft targets. We have talked a little bit about that today.

Based on your 35 years of experience in law enforcement and your current role as President and CEO of a security service firm, what are the current and emerging threats to mass gathering that you are seeing or are most concerned about?

Mr. DAVIS. Clearly over the year, this year, over 160 incidents. The lethal combination of military weapons and of people with psychological problems creates a witch's brew that results in lethal problems. When you add to that things that happen online—we work cases every week where people are masking their identities and threatening and destroying people's reputations, and utilizing social media to attack individuals for nefarious reasons.

We need help in those areas. Ideally, some database of people that should not be able to buy guns or buy large amounts of ammunition is sorely needed right now. Then the ability to get behind the veil set up by some of these social media companies. There is a very onerous process right now. You cannot get a subpoena unless there is a threat of physical harm. Then you get the subpoena and you go to the FBI and they are backed up, or you go to the local police department and they are backed up, and it takes months to get the information. In the meantime, victims are living in a state of fear and the potential of destruction of their reputations because you cannot get in to the person that is doing it, to

say nothing of virtual private networks (VPNs) and other ways that they can disguise.

It is a huge problem right now, and we have to pay attention to this emerging AI situation that is going to crush us.

Senator HASSAN. I take it from your testimony—and then I am going to turn to another issue—that local and State and Federal law enforcement need more tools and more authorities to effectively combat this kind of emerging intersection of weaponry and technology.

Mr. DAVIS. Precisely.

Senator HASSAN. OK. I want to turn to the issue of mental health of survivors and first responders, and Mr. Serino, you touched on that. The Marathon attacks impacted the mental health of survivors and first responders and law enforcement. Clearly, for those of us who have visited with some of the survivors that was palpable early on and continues.

In your view, what are some of the lessons learned from the Boston Marathon bombing when it comes to supporting the mental health of individuals and families impacted by terrorist attacks and mass violence?

Mr. SERINO. Thank you for that question, ma'am, because the mental health aspects are something that unfortunately gets overlooked at a lot of incidents, right after and the long-term effects. We have seen, on the 10-year anniversary, still affecting friends of mine, still affecting some of the survivors, still affecting the families, and the city.

Boston has come back tremendously, but that was because it was a lot of work. Boston Public Health Commission spent 2 years working with survivors, working with the families, in getting them the help that they needed.

As I mentioned earlier, Dave Fortier from One World Strong has been doing amazing work in helping survivors around the world, but also helping in prevention, in targeting, in working with how to target people who are perhaps being radicalized. How do you start to work with them ahead of time?

I think the mental health aspect is what is needed not only right after an event but also before an event. We have to look at how we can start doing some prevention and continue with the mental health aspects, not just events of trauma but what people see each and every day. People are working crazy amounts of hours in emergency management, EMS, police officers, firefighters. How can we take the opportunity to make sure that their mental health is there, but at the same time providing service. Again, that takes resources.

Senator HASSAN. Yes. I appreciate that very much and I appreciate your focus. I will tell you that as I travel around New Hampshire, if there is a single issue that people from all walks of life and all perspectives want to talk to me about is mental health and the need for resources for mental health.

I have told this story, and a number of my colleagues have heard me tell it a lot. In the spring of 2021, when schools were beginning to open back up, it was a 10-year-old who asked me, at one of my school visits, what I was doing about mental health resources. I had been kind of tiptoeing around it with the kids and they were

not having it because they are concerned for themselves and their friends as well as their families. It was an important reminder to me that we have so much work to do.

Mr. SERINO. I think the ability to talk about it is key. That is the start, is to have that discussion about the mental health issues. For years—and guilty as charged—we would say, “Oh, we are OK. We are too tough. We do not need to worry about this.” But I think it is important to really recognize that, and recognize it is the first responders and it is the survivors and the public as well.

Senator HASSAN. Yes. Thank you. I am appreciative to all three of you, not only for your testimony but for your work and your experience and your willingness to share it with all of us.

I am going to give you all one last chance to anything that you wanted to touch on that we have not, or to conclude before we gavel out the hearing. Why don’t we start with you, Mr. Serino.

Mr. SERINO. Thank you, first of all, for having us here and to remember the 10-year anniversary of the Marathon and unfortunately the people who passed away, and the survivors, but also what is needed to go forward.

One of the things we did not touch on is how do we look at a national, if you will, a national strategy for crisis, or a national strategy for emergency management. It just came out a national strategy for cybersecurity. We have other national strategies. But we do not have a national strategy to how to respond to a crisis, or a national strategy for emergency management. FEMA has their strategic plan, which is great for FEMA—and I am not talking just FEMA. I am talking across the board. I think Kerry touched on how do we do that earlier? How do start to bring people together? But we need a national strategy on how to move forward.

Senator HASSAN. Thank you. Mr. Sleeper.

Mr. SLEEPER. Senator, thank you for taking the time to bring us together. I will follow Rich’s discussion. Much like we did post 9/11, after Boston, and after some other national tragedies, we convened bodies together to discuss how we can be more effective. That has not occurred in the last few years. It needs to occur.

Senator HASSAN. Thank you. Commissioner.

Mr. DAVIS. Thank you, Senator. The problem that is facing police department around the country, from what I have heard, is the hiring issue and the inability to get good people. We need to have a conversation about that.

But I would like to say thank you for your leadership on this and for bringing these issues up. As Kerry and Rich said, we need to have a continuing dialog on it. In the past, the Federal Government has played an enormously important role in making our communities safer. We are at a precipice right now where that needs to happen again. Thank you and Senator Romney for pushing this forward.

Senator HASSAN. Thank you very much, and I would like to thank all three of you for your work, for your time, and for your testimony today.

The hearing record will remain open for 15 days, until 5 p.m. on May 11th, for submissions of statements and questions for the record. With that the hearing is adjourned.

[Whereupon, at 11:46 a.m., the hearing was adjourned.]



## A P P E N D I X

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**Opening Statement as Prepared for Delivery by Chair Maggie Hassan  
Emerging Threats and Spending Oversight Subcommittee Hearing:  
“Lessons Learned: 10 Years Since the Boston Marathon Bombing”  
April 26, 2023**

Good morning. Last week marked the 10th anniversary of the terrorist attack on the Boston Marathon. We organized today’s hearing to examine how the response to the Boston Marathon bombing impacted emergency preparedness and homeland security in the decade since they occurred, how law enforcement and first responders have improved their planning and response efforts, and what additional actions we may still need to take to secure community events as threats to the homeland emerge and evolve. I am honored to welcome our distinguished witnesses: former Commissioner of the Boston Police Department, Ed Davis; former FEMA Deputy Administrator and former Chief of Boston Emergency Medical Services, Rich Serino; and former state Homeland Security Advisor and former Assistant Director of the FBI, Kerry Sleeper.

Before we begin our discussion, I would like to take a moment to acknowledge and honor the victims of the Boston Marathon bombing and the manhunt that followed. We must never forget the lives that were lost – Krystle Campbell, Lu Lingzi, Martin Richard, Officer Sean Collier, and Sergeant Dennis Simmonds. Our hearts go out to their families and friends. We must also acknowledge the physical and emotional toll that this tragedy has taken on countless individuals and families. Our thoughts remain with all those who were affected by the cowardly attack 10 years ago, and we are deeply grateful for the dedicated efforts of our first responders and law enforcement officials who worked to save lives and bring those responsible to justice.

The Boston Marathon bombing was a senseless act of violence that claimed the lives of three civilians and two law enforcement officers, and injured hundreds more. And it turned a worldwide sporting event, and local celebration of patriotism and pride, into a scene of carnage and mayhem. It was a stark reminder of the ongoing threat of terrorism and the importance of being prepared to respond to emergencies of all kinds. The attack also highlighted the resilience and strength of the Boston and New England community, and the bravery and dedication of our emergency responders and law enforcement officials.

Since the Boston Marathon bombing, we have made significant strides in enhancing our emergency preparedness and counterterrorism efforts. We have improved intelligence sharing and analysis, and invested in training and resources for our emergency responders. We have also invested in resources to strengthen security of what we call soft targets – from community events to NFL games – using shared best practices and funding provided through FEMA’s Nonprofit Security Grant Program. We learned that critical emergency response tools - like tourniquets and priority cellular service for first responders – are necessary to save lives.

As a New Englander, I am proud of the rapid response to the horror of the attack on that day, and last week, on the 10th anniversary of the bombing, I was proud to watch joyful crowds urging on determined race participants. However, there is still much work to do to strengthen our ability to prevent and respond to emerging threats.

Today's hearing is an opportunity to reflect on the progress we have made over the past ten years and identify areas where further improvements can be made. Our distinguished witnesses have a wealth of expertise in emergency management and law enforcement, and I look forward to hearing their insights and recommendations for enhancing our emergency preparedness and counterterrorism efforts. Thank you.

**Opening Statement of Ranking Member Mitt Romney**  
**Emerging Threats and Spending Oversight Subcommittee Hearing:**  
**“Lessons Learned: 10 Years Since the Boston Marathon Bombing”**  
**April 26, 2023**

Thank you, Chair Hassan, for convening this panel. Two of them, at least, are long-term friends. Commissioner Davis and I worked together when he was Superintendent of the police department in Lowell, Massachusetts, and then became Commissioner in Boston. Rick Serino and I, as well, have also worked together and he's been a real force in our community and nationally.

I don't know Mr. Sleeper as well, but I presume I'll be more informed by the time this day is over. I appreciate the witnesses that are here—able to describe some of the lessons we've learned from that terrible tragedy a decade ago and to help us understand what things we can do to improve our readiness for potential acts of devastation in the future.

Obviously, in the years that have passed, a lot of steps have been taken by the public sector, the private sector, as well as the federal government to make our nation more secure. But we've learned from some of the security gaps that have existed in the past, and we've made an effort to become more safe as a nation.

The coordination between federal, state, and local agencies has become a high priority after 9/11, as well as after the bombing in Boston. And that's, I think, even more important, following our withdrawal from Afghanistan and the ongoing turmoil that we're seeing in the Middle East, these call for continued vigilance and effort to make sure that we're doing everything we possibly can to protect the homeland and our citizens.

I also know that the 2013 Boston Marathon attack coincided with the rise of social media, and I'm interested in your perspectives on the impact of social media on the security of our nation. Obviously, the number of tips that must come into law enforcement is an extraordinarily large number. Finding ones that are likely to result in death or destruction has to be like looking for a needle in a haystack and how we are able to do that is a question of great concern.

So, I'm going to I'm going to pause with those opening comments and make sure that we have the time to hear from our witnesses. But with that, Madam Chair, thank you for your convening of this group and hopefully we can learn lessons that are able to be passed through our federal, state, and local communities. Thank you.

CHAIRMAN GARY PETERS  
Senate Homeland Security and Governmental Affairs Committee

SUBCOMMITTEE CHAIRMAN MARGARET WOOD HASSAN  
Subcommittee On Emerging Threats And Spending Oversight

SUBCOMMITTEE RANKING MEMBER MITT ROMNEY  
Subcommittee On Emerging Threats And Spending Oversight

**Lessons Learned: 10 Years Since the Boston Marathon Bombings**  
Wednesday, April 26, 2023. 10:00 AM EST  
562 Dirksen Senate Office Building, Washington, D.C.

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Dear Chairman Peters, Subcommittee Chairman Hassan, and Subcommittee Ranking Member Romney,

I am Richard Serino, and I served as the Deputy Administrator of the Federal Emergency Management Agency (FEMA) from 2009- 2014 and previously was the Chief at Boston EMS where I served for 36+ years before going to FEMA. 10 years ago I sat testifying to this same committee to highlight the preparation that took place before the attack that saved hundreds of lives on that devastating day. Today, I am here to highlight and apply lessons we have learned from the attack to the current emerging threats across the United States.

When I think back to April 15, 2013, I first see my city shining. The streets are filled with millions of residents and visitors from around the world - Patriot's Day, an early Red Sox game and the Marathon came together to create a day like no other in Boston. These are the streets I spent 36 years working on at Boston EMS, the streets where I grew up, and the streets I still call home today.

The second thing I see when I think back is a community that came together in the face of danger in an unprecedented way. In the words of the late Boston EMS Captain, Bob "Sarge" Haley, "Everybody ran the right way that day." EMTs, Paramedics, Police Officers, Firefighters, and civilians all saved lives together.

While nothing can replace those we lost, as a community we take solace that our preparedness saved lives. I often say: It was no accident that Boston was prepared to respond that day, it was no accident that equipment was on site. It was no accident that the patients were equally distributed across hospitals. It was no accident to see that lives were saved with tourniquets. Boston was strong because Boston was prepared.



Some of the lessons we learned from the successes in the response have been directly applied to programs on a national level. We saw that tourniquets worked – and that was part of the formation of the “[Stop the Bleed](#)” initiative. The Boston Public Health Commission on Emergency Preparedness worked with family reunification and mental health support. Their efforts were crucial successes in supporting survivors and their families. We now apply that same level of care in the wake of terrorist events in communities across the world with the organization “[One World Strong](#).” One World Strong has helped thousands of survivors around the world from - the Pulse Night club shooting to Las Vegas to Uvalde to Manchester, UK to France, and more. These are initiatives formed from the tragedy **by survivors for survivors**, with the leadership of Dave Fortier and others.

We saw phenomenal coordination of leadership across agencies, with everyone working together in their respective silos or as we call them “Cylinders of excellence.” In the years following, many people studied the leaders of the response and the level of coordination. This exploration led to the development of “Swarm Leadership” from [Harvard’s National Preparedness Leadership Initiative](#), preparing hundreds of past, current and future leaders to respond as effectively as those women and men did that 10 years ago.

There were Five key aspects of Swarm leadership principles used during the Marathon response:

1. **Unity of mission:** the mission of those leading the response was to save lives.
2. **The generosity of spirit and action-** what we saw in the community.
3. **Stay in your lane, do your job, and help others succeed.** Each team: Police EMS, and Public health asked “what do you got what do you need”
4. **No ego—no blame.** No one took credit for their combined success or pointed fingers when problems arose.
5. **A foundation of trusting relationships.**

I’d like to offer a special thank you to Mayor Tom Menino and Governor Patrick for their leadership *before, during, and after* the bombing. Mayor Menino and Governor Patrick set the tone long before the bombing in stressing the importance of preparing, practicing, and cooperating with compassion for disasters. Both leaders demonstrated the best of servant leadership and allowed their teams to function at their highest level for the greater good.

Other lessons are less easily captured in a single initiative or organization. Today I want to highlight the need for these lessons to be broadly applied to ensure national security.

After the bombing, we learned the value of recognizing of the impact of the trauma on first responders, families, and the community. **Now more than ever, EMTs, paramedics, police officers, firefighters, health care workers, emergency managers, and public health workers are in need of that recognition and support.** COVID-19 has left a devastating toll on the workforce we depend on in the aftermath of a crisis. Without taking care of this *workforce*, with adequate mental health services, workplace conditions, strong leadership, and cross-functional

collaboration so they do not feel abandoned – we are leaving the United States exposed to catastrophic future attacks being left unanswered both in the context of lives and economic well-being.

In the response to the Marathon Bombing, we also learned how impactful rapid, accurate, and transparent communication is for a whole community response. Twitter was used to communicate crucial information to the entire city. However, **today in the face of cyber-attacks, mis- and disinformation – we have lost both trust and the ability to communicate effectively.** We need to remember the value of crisis communication from the Boston Marathon and institutionalize it across federal, state, local, tribal, and territorial agencies.

Unlike ever before, our local emergency managers and public health workers are dealing with overlapping crises – or poly-crises. It's not just floods, hurricanes, tornados, and wildfires anymore– it's the fentanyl epidemic, it's homelessness, it's immigration and terrorism. Its biosecurity and cyber security threats. **We need to prioritize funding and building stronger public health systems, and stronger emergency management systems and work together on the LOCAL level, with support from the federal level.** Local leaders need ongoing support to maintain the ability to break through the purposeful disinformation aimed at eroding trust – so that they are able to manage everything that is being put on their plate.

Coming out of the COVID-19 pandemic response, with trillions of dollars invested, one could assume that the nation is more resilient to public health threats of concern to national security. In some ways we are. Such as with vaccine development and distribution. But the success of the US COVID-19 vaccine effort didn't happen on its own; it was enabled by decades of long-term investments by the federal government, followed by additional federal investment in the development of the COVID-19 vaccines themselves. The government invested extensively in every aspect of the basic science, preclinical development, and clinical trials for the vaccines; it executed procurement contracts that were critical to creating successful vaccines and ensuring they were available to the US public. But in other ways, our public health system and related emergency response capabilities, and national security posture, are diminished coming out of COVID-19. And will likely get even worse. Here are a few areas of concern [Justin Snair, 2023]:

- Public Health Workforce:
  - 80% increase (80,000 additional full-time employees) needed for adequate infrastructure and minimum services.
  - Local health departments need 54,000 more employees.
  - State departments need 26,000 more employees.
- Underfunding of core public health programs led to under-resourced, understaffed, and overburdened health agencies.
- Loss of trust in public health:
  - Public skepticism towards the White House, CDC, NIH, and state and local public health. (Will the public believe and respond as advised in the next public health crisis?)

- Politicalizing of public health and erosion of legal and statutory authorities in in some states and localities. (Will public health have the authority to make essential decisions to protect the public? Or will it be left to political committees?)
- Increasing frequency and severity of disasters:
  - Natural, technological, and social threats are projected to become more frequent and severe, increasing the importance of a resilient public health system. (With the aforementioned challenges, will public health be able to respond to more devastating and more frequent disasters?)

Lastly, the Boston Marathon response showed us the resilience of a community that stands together. Yet today, we live in a fragmented society in the wake of COVID. There is a lack of social cohesion in towns and cities across the country. **How do we bring people together again?** Our nation is left weaker if we cannot recreate that sense of community and purpose that we felt in Boston in April 2013. Emergency Managers are conveners – they bring people together after a disaster. How can we lean on their skillset to help bring people together before a crisis happens to build resiliency?

Let us take the lessons we have learned from the Boston Marathon, and use them to ensure all Americans' health, safety, and well-being. Let us continue to honor the lives lost by preventing future disasters from becoming fatal.

This great moment of reflection on the Marathon Bombing is an opportunity to truly transform the way we recover from COVID and prepare for the next disaster. We can do this by supporting our Public Health, Emergency Management, and EMS workforce; regaining the ability to provide trustworthy communication, and finding meaningful ways to bring people together again.

#### **Recommendations to Improve Public Health and Emergency Management Resilience and National Security**

1. Bolster Emergency Managers on the local level with long-term capacity building to confront poly-crisis; especially within the current workforce shortage and distrust.
2. Consistently fund public health and disease prevention to strengthen the nation's ability to respond to future threats.
3. Address social determinants of health and equity issues as a long-term solution to improve public health and emergency management resilience and national security.
4. Increase healthcare spending on public health and prevention (currently only 2.6% of \$3.8 trillion spent on healthcare); increase emergency management funding for prevention and mitigation.
5. Maintain and improve capacities of public health and emergency management between emergencies, similar to military capabilities.
6. Improve the relationship between local/state/tribal/territorial, federal emergency managers and public health officials. Trust in these agencies working together is key to disaster response on local and national levels.
7. Create a National office of EMS.

In conclusion, I urge Congress to apply the lessons learned from the Boston Marathon Bombing to ensure national security. We must recognize and support our first responders, coordinate and communicate across agencies, and institutionalize crisis communication to effectively respond to any crisis that may arise. Thank you for your time and consideration.

Sincerely,  
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**Statement for**  
**Committee on Emerging Threats and Spending Oversight**  
**United States Senate Committee on Homeland Security & Governmental**  
**Affairs**

“Lessons Learned: 10 Years Since the Boston Marathon Bombings”

**Kerry Sleeper**  
**Special Advisor, Secure Community Network**  
**26 April 2023**

Chairperson Hassan, Ranking Member Romney, other distinguished members of the Committee, it is my privilege to appear before you today in my current role as Senior Advisor for the Secure Community Network, the official safety and security organization for the Jewish community in North America.

I would also like to acknowledge my fellow panelist, Ed Davis, the former Commissioner of the Boston Police Department, and Rich Serino, the former Deputy Administrator of the Federal Emergency Management Agency, both of whom played integral leadership roles in both preparing for and responding to the Boston Marathon bombing on April 15, 2013.

My testimony regarding “Lessons Learned: “10 Years Since the Boston Marathon Bombings” will be focused on intelligence and information sharing efforts; those initiatives intended to prevent or mitigate acts of targeted violence.

In the years after 9/11 and preceding the Boston Marathon bombing, the domestic intelligence architecture, or the process of how federal, state, and local law enforcement shared threat information, underwent a remarkable enhancement and transformation. It was understood that state and local law enforcement played a pivotal role in protecting their communities from acts of targeted violence. It followed that the federal government needed to ensure they integrated their intelligence efforts with their state and local partners. From this understanding grew critical information sharing processes such as the FBI’s Joint Terrorism Task Forces, state and local Fusion Centers, and DHS’s See Something Say Something® campaign, also known as Suspicious Activity Reporting.

With these processes in place, state and local fusion centers could receive sensitive or classified threat information from their federal partners, analyze or assess that

information for context in the communities they serve, develop intelligence products to share within their community to convey the threat, and encourage Suspicious Activity Reporting information back for further investigation or analysis efforts. In addition, the FBI's Joint Terrorism Task Forces, or JTTFs, numbering over 200 across the nation with hundreds of state and local officers assigned, were developed to investigate both international and domestic threats of terrorism.

Both the Boston Regional Intelligence Center – the city of Boston's fusion center – and the Boston Field Office JTTF played critical roles in supporting intelligence and information sharing requirements in the security planning for the Boston Marathon, as well as the investigative phase and apprehension of the perpetrators.

One of the most important lessons learned in the intelligence and information sharing efforts was that Tamerlan Tsarnaev had been the subject of an FBI assessment prior to the bombing. The assessment alleged he appeared to be radicalizing with potential ties to a foreign terrorist organization, although the assessment was eventually closed for lack of additional information.

The information on this assessment of Tsarnaev was not provided to state and local law enforcement, and the logical question was asked, if they had known, could they have disrupted the plotting? More precisely, could state and local law enforcement have pursued the allegation of Tsarnaev's radicalization beyond what the FBI Domestic Investigations and Operations Guide (DIOG) legally allowed?

This question, and lesson learned, resulted in a swift change in JTTF protocols for state and local JTTF members. The FBI clarified that the names of individuals who were the subject of assessments or threats were to be shared with the relevant law enforcement agencies and/or state and local JTTF members. This action, or lesson

learned, impacted state and local law enforcement agencies by providing transparency into the subjects of JTTF investigations across the country.

The positive lesson learned from the Marathon bombing is when great leaders exemplify and drive the importance of collaboration, the public is well protected. Both Rich and Ed, seated in front of you, emulate that spirit of collaboration.

Now, I would like to discuss the gaps I see in security for today's threat environment, specifically in the area of intelligence and information sharing to prevent mass casualty attacks.

As devastating as the Boston bombing was to both Boston and our Nation, we are in a far more complex and dynamic threat environment than we were in 2013.

Individuals with little or aspirational association to terror or hate groups, citing personal grievances or affiliation to a cause, calling for death and destruction, are committing mass casualty attacks at a record pace. Whether the intent is terroristic, criminal, or due to an underlying mental health issue, the deadly results are the same to the victims and the communities where they occur, as well as our society more broadly. Public gatherings, special events, parades, schools, places of worship, grocery stores, retail businesses, funeral homes, and street corners are all recent locations of these tragedies.

The causation of this rise in deadly targeted violence is complex, but it can be more successfully understood and mitigated with a more effective whole of government approach to intelligence and analysis of the threats and the individuals committing these acts of violence. Unfortunately, since COVID, we have seen a significant degrading in our national collaboration between federal, state and local law enforcement. In short, the system is breaking down. People and agencies are not talking to each other. This deficiency has been widely observed by law



enforcement leadership across the county and recently documented in the 2022 Intelligence Summit Post-Event Report, a convening hosted by the Department of Homeland Security and the International Association of Chiefs of Police, in coordination with law enforcement, intelligence, and homeland security partners across the nation.

Since 2004, the preeminent process for federal, state and local law enforcement to coordinate their intelligence and information sharing efforts in meeting emerging threats was the Criminal Intelligence Coordinating Council (CICC). The CICC serves as the voice for all levels of law enforcement on the best use of criminal intelligence to keep the country safe.

The CICC has successfully provided interagency law enforcement coordination on critical issues, to include fusion centers, suspicious activity reporting, coordination with JTTFs, and how to manage emerging threats on a national level. The CICC, under the Global Advisory Committee, serves as a Federal Advisory Committee and advises the U. S. Attorney General. The oversight of the CICC currently resides within the Bureau of Justice Assistance (BJA). BJA urgently needs additional resources to reinvigorate the CICC for the specific intent of bringing together federal, state and local law enforcement leadership, with appropriate private sector participation, to strategize on how best to meet today's complex and dynamic threat environment. Without this convening process, efforts to mitigate our evolving threat environment will be left to local authorities and ad hoc efforts.

I don't need to inform this body that law enforcement resources across our nation are facing critical shortages, swatting incidents across our country are further stretching those resources in feigned calls of active shooters at schools, medical facilities, and workplaces. Given the high number of actual recent mass shootings, authorities have no option but to respond with all available resources.

Foreign and domestic terrorism, mass shootings, hate crimes, threats on social media, deep and dark web usage by offenders, are all inextricably intertwined and highlight both the dynamic nature and complexity of today's threat environment. Those threats we face require the development of a national strategy that integrates EVERY law enforcement agency into the plan and solution. That plan requires an understanding of the threat through detailed analysis, up-to-date tools and technology to access the threat, updated training to utilize the tools and adapt to the constantly evolving nature of the threat, and the rapid sharing of threat information to prevent an attack once there is evidence of a likely attack. There needs to be a central focal point for this type of planning and collaboration, but to date, that is not occurring at the national level to the degree we require. The strengthening of the CICC would be a significant step forward you could undertake to ensure the type of collaboration required to meet today's threat environment is taking place.

TESTIMONY OF EDWARD F. DAVIS III, FORMER COMMISSIONER OF THE  
BOSTON POLICE DEPARTMENT and FOUNDER OF THE EDWARD DAVIS  
COMPANY

EMERGING THREATS AND SPENDING OVERSIGHT SUBCOMMITTEE  
UNITED STATES SENATE COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

APRIL 26, 2023

Chairwoman Hassan, Ranking Member Romney, and distinguished Members of the Subcommittee, I would like to thank you for the opportunity to testify at today's hearing to examine the lessons learned in the 10 years since the Boston Marathon Bombings and the many security advancements that have been made to protect the United States.

The impact of the terrorist bombing and resulting investigation at the Boston Marathon, on Patriots Day that took the lives of three people, Lu Lingzi, Krystle Campbell, and Martin Richard, at the scene and injured hundreds of others forever changed the City of Boston. The 2013 Boston Marathon bombing also significantly strengthened how law enforcement, the media and the community respond to these grave incidents and the way we conduct terrorist investigations.

I believe it's important to focus on the advancements and pivotable changes that technology has provided to investigations of this magnitude. Improved technology, including communication technology; video and photographic evidence; the use of social media; and the rapid evolution of machine learning and more recently, AI, have contributed to expediency, accuracy, and protection of the American public throughout the last ten years.

Since 2013, the government has made significant improvements in the realm of security measures, including cyber security, border security, and emergency response planning. These improvements include more advanced technologies, more comprehensive planning, and increased public education and awareness supported by many private-public relationships and innovative companies. As I discuss some of these companies and their impact on public safety, I recognize there is always more work to be done. The advancement of technology will require strong consideration of privacy rights and protections lead by Congress, research, and funding priorities for technological resources impacting the landscape of policing and investigations.

As I testified in 2013, during the Boston Marathon Bombings cell network capabilities dropped for all of those in the direct vicinity of the attacks. Overwhelming numbers of phone calls, texts, and internet searches rendered voice communications practically useless for everyone, including the police officers on scene and those responding. With a lack of a secure network, communications between municipalities, local and federal law enforcement were impeded and change was critically important.

As a member of the Board of Advisors for AT&T and the company's FirstNet platform, I've seen the public private partnership of FirstNet take on this challenge and improve first responders' ability to communicate on scene. The development of FirstNet was conceived by Congress following 9/11 and came to fruition in 2012 when Congress created the "First Responder Network Authority" after over 10 years of public safety advocating. And I thank Congress for this critical legislation. In 2018, the network finally launched "The FirstNet Core, a physically separate and highly secure infrastructure that creates a differentiated experience for first responders. The Core is essential to providing many of the vital functions and capabilities public safety relies on to support their mission-critical work. The goal of FirstNet is to provide law enforcement and first responders the ability to access a highly secure and completely reliable service network during times where commercial servers become overwhelmed, exactly when it is needed most. FirstNet could have increased police capability and potentially impacted the lives of many of today's survivors. Additionally, while it was not a concern at the time of the bombings, the external threats to first responders' communications is a problem we face today. FirstNet ensures an encrypted, end-to-end communication network for law enforcement. Another aspect of technology that has seen great improvement is the proliferation and AI capabilities of video and photo surveillance, both private and public.

It has been well documented that the use of video surveillance from Boylston Street restaurants and photos provided by spectators that were at the scene of the attack led to the identification of the two suspects and provided a timeline of their movements after the attacks, leading to their apprehension. Law enforcement combined video with analytic resources available quickly and effectively.

That said, one of the most significant advantages of new AI-driven imaging devices is in the ability to transform traditional video surveillance systems into real-time data sources and proactive investigative tools. Today's cameras and coordinated systems have the potential to provide analytics in real time; identify possibly dangerous items, as well as react and pivot based on crowd dynamics such as abnormal movement patterns or gathering. Video analytic companies can also provide proactive solutions to crime problems. For instance, Genetec has sophisticated cameras that leverage radar and

LiDAR capabilities combined with machine learning. They use AI software like Vintra that can learn from normal activity and notify operators of approaching threats and of anomalies. This solves manually searching the overwhelming amount of data produced by use of thousands of cameras. Another company, Altumint, uses proprietary AI networks designed to detect and process traffic violations. This innovative tool allows for data driven traffic calming tactics and allows law enforcement to shift limited resources to other priorities.

Reliance on this data, however, presents its own challenges. There is so much information and data that it can be used to interfere in ongoing investigations. As has been noted, the FBI and law enforcement agencies had to sift through thousands of photos minute by minute and authenticate them. The public used those same tools to doctor photos. They photoshopped a suspicious person on a roof near the attacks and photoshopped a bag at the attack site in another photograph. These edited photos added an additional challenge necessitating us to verify and rule out fakes from the public, complicating the monumental task already at hand.

Ten years later, as artificial intelligence continues to mature, these capabilities grow exponentially more dangerous. AI can now create realistic, false images of people and voice replication. These “deep fakes”, when used to interfere or disrupt an investigation pose a distinct challenge to law enforcement that Congress and legislation must anticipate and prepare for. Laws and regulations need to be formulated to safeguard this profound technology advancement as it continues to expand. Nefarious use of AI presents a clear and present danger to the safety of the American public.

At the time of the bombings, law enforcement agencies also faced the issue of wading through and verifying information being pulled from the scene, tips from the public, and witnesses while also coordinating inter-agency decisions on how and when to share verified information with the public. The Boston Marathon Bombing was one of the first incidents where law enforcement utilized the tools of social media, such as Twitter, to communicate directly with the public and media agencies. This was the Boston Police Department’s most effective way to share pertinent safety information to the masses in real-time. As was published in a white paper I helped pen for the National Institute of Justice’s Harvard Executive Sessions on Policing and Public Safety in March 2014<sup>1</sup>, “[*The Boston Police Department*] successfully used Twitter to keep the public informed about the status of the investigation, to calm nerves and request assistance, to correct mistaken information reported by the press, and to ask for public restraint in the tweeting of information from police scanners. This demonstrated the level of trust and interaction that a department and a community can attain online.”

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<sup>1</sup> Davis III, Edward F., Alejandro A. Alves, and David Alan Sklansky. "New perspectives in policing." (2014).

*“One of the lessons of the marathon bombing investigation is that a police department that has worked to earn the public’s trust can use social media to disseminate information directly to the public without the traditional intermediary of commercial news operations. This is the power of publishing: the ability of the police, with reasonable effort, to be the source for accurate, timely information that seizes the public’s attention and contributes to public awareness and understanding in critical ways.”*

The landscape for social media has grown exponentially since April 2013 and must be capitalized on by law enforcement entities as one of our lessons learned. I’d like to credit the Department of Justice and the COPS office for their insight to provide guidelines and considerations for law enforcement to use social media in both community building and tactical responses over the last 10 years. One of the immediate takeaways from over ten years ago was the need to manage public involvement and perception. The community plays one of the biggest roles in providing investigative leads. The Pew Research Center has reported that in May of 2013, approximately one month after the bombings, 61% of Americans reported using at least one social media platform, that number has risen to 72% in February of 2022, and importantly, eight-in-ten U.S. adults (86%) say they “often” or “sometimes” get news from a smartphone, computer, or tablet”. The use of hand-held devices and the social media applications associated with them greatly increases the immediate access and obvious need for information to be provided quickly, accurately, and effectively.

Lastly, since 2013, technological advancements have reshaped police response to tactical situations and should be availed to law enforcement agencies across the nation. The technology that changes policing decisions both in response to and review of incidents are seemingly endless. Body-worn cameras allow for an enhanced review of tactical situations. License-plate readers allow the tracking and identification of suspects, as well as datapoints to provide travel behavior. Gunshot detection systems allow for a speedy and streamlined response.

Technology advancements have also allowed us to take the police officers out of the line of danger as was faced in Boston and Watertown. Robotic development since 2013 has been rapid and exceptional. The use of drones and robotic technology, surveillance and inspection can be done with tools to share real-time video and data communication from a distance. Companies like Prepared also provide the technology to allow officers to receive immediate information prior to being in physical proximity to danger. Prepared allows the 911 caller, by touching a single text link to live stream video, share locations, and text with the dispatchers. This improves situational awareness. And in turn, allows dispatchers to understand the need comprehensively, allocate the required resources, and direct officers or mental health professionals in a more effective and safe

process. The ability to share data directly with first responders in real time is crucial, allowing those first to respond to the scene better prepared than ever before.

The private sector is utilizing these tools extensively. However, United States policing still lags woefully behind in the implementation of many of these important technologies. This is due to a lack of resources on the public side, a lack of information on how these tools can be utilized, and a hesitance to implement potentially controversial techniques. Clarity on privacy concerns and acceptable police procedures to investigate perpetrators of these terribly violent acts needs Congress-led debate, legislative authorization, and funding. Technology will save lives.

Further, there is an element of training now available that can prepare officers for work that would have never been possible in the past. Virtual reality training is now possible that can put officers in training safely accomplished only by using virtual reality. We can recreate harrowing incidents such as the shoot out in Watertown that was ultimately responsible for the death of BPD officer, Dennis Simmonds and the prior assassination of MIT Officer Sean Collier in Cambridge and practice aspects for tactical training purposes. Optimal designs promote situational awareness and the likeness can invoke the true dynamics of the incident, reducing mismanaged situations, improving de-escalation tactics, and limiting blue on blue and civilian shooting tragedies.

In closing, while these advancements have improved the environment for law enforcement and agencies to respond to crimes, the level of danger and sacrifice that police throughout our nation face should not be understated. As new technology becomes available to law enforcement, it is also available to criminals and terrorists. New threats, both physical and cyber are presented daily. Police will continue to adapt and overcome. With that, I would like to thank all of our law enforcement and intelligence community partners for their dedication to protect our nation. And I thank you all for providing me the opportunity to reflect and share these important lessons learned since the Boston Marathon tragedy ten years ago.