



State of Delaware
Homeland Security Advisory Council
(HSAC)

Minutes

02/10/16

0900-1100

Public Safety Building
Main Conference Room
303 Transportation Circle
Dover DE 19901

1. PUBLIC SESSION - Welcome, Call to Order, and Room Introductions

- Secretary James Mosley initially began the meeting with a general open discussion until he could call the meeting to order when a quorum of members arrived by 9:26 am. Those in attendance were as follows:

Voting Council Members

Secretary James N. Mosley	Department of Safety & Homeland Security - Chair
Raymond Holcomb, HSA	Department of Safety & Homeland Security – Co-Chair
Lt. Colonel Monroe Hudson	Delaware State Police
Jennifer Dittman, Planner	Delaware Emergency Management Agency, Designated Representative
Elayne Starkey, CSO	Department of Technology & Information
John Sadowski	Department of Education
Dwayne Day, HS Planner	Department of Transportation/TMC, Alternate
Secretary Ed Kee	Department of Agriculture
Colonel Richard Arroyo	Delaware River & Bay Authority, Chief of Police
Steven Blessing	DHSS/Division of Public Health, Section Chief
Director Scott Vien	DelDOT/Division of Motor Vehicles
Ed Klima	Emergency Services Coordinator, Dover Motorsports Inc. (DMS)
Joseph Aviola, President	Wilmington University
George “Jody” Sweeney	President/Councilman DE Association of County Governments
Joseph Hughes	Delaware League of Local Governments (DLLG)

Non-voting Attendees

Council Support

Captain Daniel Meadows Delaware Information & Analysis Center (DIAC)/OIC
Dee L. Rivard Department of Safety & Homeland Security, OSEC

Federal, State & Local Partners

SRA Jeffrey Reising FBI – Baltimore Division – DE JTTF

Additional Non-voting Attendees

Michael Mendoza, WATA Dover Air Force Base, Wing Anti-Terrorism Advisor
Captain Tim Stump Dover Police Department
Captain Nicholas Couch Department of Natural Resources & Environmental Control
M/Cpl. Tim Kerstetter Delaware Information & Analysis Center

Absent Council Members

Director A. J. Schall Delaware Emergency Management Agency
Warden David Hall Department of Corrections, Special Operations
LTC Wiley O. Blevins Delaware National Guard, Director, Military Support
Warren Jones, EM Delaware Volunteer Fireman's Association
J. Allen Metheny, Treasurer Delaware Volunteer Firemen's' Association, Designated
 Representative
Walter J. Billings, WATO Dover Air Force Base, Wing Anti-Terrorism Advisor
CIO James Collins Department of Technology & Information
Gene Donaldson, TMC Mgr. Department of Transportation/TMC
Michael McLean, Amtrak, Regional Emergency Mgr. & Corporate Security
Wayne Smith, President Delaware Healthcare Association
Mayor Donald Tinari Delaware League of Local Governments
Chief Paul Bernat Delaware Police Chiefs Council, Authorized Designee
Chief Robert Legates Department of Natural Resources & Environmental Control

Council Legal Staff

DAG Lisa Morris Department of Justice, Civil Division

2. Approval of Minutes

- Ed Klima made a motion to approve the minutes as presented, which was seconded by Lt. Col. Hudson and unanimously approved by voting members of the Council in attendance.

3. Recurring Business:

- Grant Coordination – N/A

4. State, Federal, Local & Private Briefings

- **Elayne Starkey** from the Department of Technology & Information provided an update on the Cyber Security Council stating that the Council was formed by Executive Order No. 55 and is comprised of 11 members at this time. She advised that the Council is primarily a spin-off of the good work done by a number of members around the table today. It is truly an information sharing council with members from across different organizations and agencies. She is expecting membership finalization within the week from the Governor's Office since the Governor's Office has 3 representatives on the Council. Elayne assured members that they are also working to get critical infrastructure representatives and members from the Delaware State Chamber of Commerce, Healthcare, etc. A kick-off meeting is planned for some time in March.
- **Dwayne Donaldson** from the Department of Transportation provided members an update on Unmanned Aerial Vehicles (UAVs) Committee advising that meetings are held the first Thursday of the month from 1:30 – 3:30 pm at the Delaware State Fire School, Dover location.
 - The Federal Aviation Association (FAA) is in the process of developing new operating procedures for small UAV commercial operations. The anticipate release date is rumored to be late April. Once the rule is released Dwayne anticipates an influx of small commercial UAV use throughout the state.
 - Dwayne briefed members on the DeIDOT UAV Task Force developed to primarily focus on economic development of UAVs throughout the state. With the formation of this Task Force, he believes that the HSAC UAV subcommittee should return to its original focus on the nefarious use of UAVs and protection of critical infrastructure.
 - Delaware House Bill No. 195 relating to drones was added to the House Agenda on June 16th. The bill creates the crime of unlawful use of an unmanned aircraft system (UAS) and in its current form addresses the use of UAS systems in the immediate vicinity of crowded public venues as well as critical infrastructure sites. Dwayne advised that 38 states so far are considering more than 200 pieces of legislation on UAS, including bills carried over from 2015.
 - Dwayne believes that probably this spring or summer the HSAC UAV subcommittee should move into an educational program for law-enforcement. The only way an

owner/operator can register a UAS is to go through the FAA flight office. DeIDOT is currently working through this process and will document how to apply for other agencies.

- Colonel Arroyo stated that the FAA does not have any enforcement over anyone that does not have a pilot's license. What are they going to do to John Q. Citizen that violates FAA regulations? There are no teeth in the program. The FAA says they regulate from the ground up as local air space. From the documents that he has seen they are not going to hold up in court.
- Dwayne briefed everyone on a document that just came out on December 17 and promised to provide copies to members. He sent an email out to the FAA for clarification on a scenario where individuals launch UAVs from private property flying over critical infrastructure and landing on private property as currently there is nothing that can be done legally.
- FAA registration provides one number per individual or organization and that one number applies to all of their UAVs. By March everyone 13 years or older must have a registration number from the FAA. The FAA is trying to look for support from the local law-enforcement who does not have authority to enforce FAA regulations. The FAA put out guidelines for large events of 5,000 people or more. Law-enforcement can ticket and arrest people under reckless endangerment laws. DSP is working on developing their internal policy on what they can and cannot do. New House Bill No. 195 does say that you cannot fly over critical infrastructure (CI). But how do you identify what is CI to members of the public.
- County representative may want to use UAVs to monitor their properties. The FAA has determined that UAVs are considered aircraft and it is a federal law that you cannot fire a weapon at aircraft. There is a process to get a Certificate of Authorization (COA) to obtain permission to fly UAVs as an organization. Jen Dittman inquired if there is any sort of public outreach program. Yes, the FAA published "Know Before You Fly"; DeIDOT published the same concept right before the holidays with "Don't Fly Here", etc.
- There is another UAV Task Force formed with DeIDOT being the facilitator. It met on the 8th of December and then on January 21. There are approximately 30 members. That task force's purpose is the economic integration of UAVs into the state. They plan to do a social media education campaign.

- Jennifer Dittman inquired if there was any exploration of what will happen when a UAV causes an accident causing injury or death to someone. Major Evans stated that it would probably fall under the National Transportation Safety Board (NTSB).
- Dwayne advised that with the formation of the other UAV committee he would like to return to the original focus of the HSAC UAV subcommittee which was to look at nefarious or criminal use of UAVs and to be able to clarify and address public questions concerning appropriate operation of UAVs. He believes that this should be the focus of the HSAC UAV committee. The FAA has stated that states should not meddle in national airspace. This will change our subcommittee's focus to countering and prevention.
- Security Briefings:
 - **Captain Daniel Meadows** provided members with a For Official Use Only (FOUO) DIAC situational briefing on international, national, regional, and local security events that occurred since our last meeting.
 - **Captain Meadows** provided a situational briefing regarding the 2016 telephonic threat trend in Delaware. He believes that we are really well positioned in Delaware with great working relationships that impact the resolution of this type of event. The fusion center has been very active in trying to keep all of the data in the aggregate. Since 1/11/16 Delaware has experienced a rash of telephonic threats targeting schools, medical facilities, and police departments. Captain Meadows advised that as law-enforcement we are constantly collaborating with the Department of Education as to what is the true threat and best response based on what we know. What resources are really being brought to bear in Delaware? The collaboration between Delaware and the FBI is second to none.
 - **Captain Meadows** stated that he had an opportunity to speak with people who had boots on the ground for the San Bernardino event. Police and the responder community have studied what took place and have learned from it.
- **SSRA Reising** said the FBI knew within a few hours on January 11 what type of voice account all of these calls were coming from. You get to a point on these things where you can group the threat trend with the help of data shared from similar incidents occurring in other states. He briefed members on how easy it is to setup this type of account and the length of time it takes to obtain a subpoena for subscriber information. These are most likely kids somewhere who watch and see who is responding. That is enjoyment to them. The FBI briefed the Delaware

Chiefs yesterday. You have to use some common sense in addressing these telephonic or internet threats in order to fashion a response. You have to realistically make a determination as to what the real possibility is that the threat is legitimate. Dispatchers need to be trained to ask specific question to deal with these types of occurrences. There is room for some police training and education for these types of threats. These kids don't want to be found. There is a reason why they haven't been caught and it is not because of not trying, it has more to do with a technology power curve.

- With the San Bernardino incident they couldn't get into people's smartphones. Our guys have done a fantastic job of identifying this threat and dealing with responses and resources.
- Captain Tim Stump, the Dover PD representative attending on behalf of Chief Paul Bernat discussed their response to the recent threat calls inquiring if there has ever been a recorded incident where a threat actor called in their threat in advance of the incident? The response was yes, 30 years ago. SSRA Reising briefed members on what happened during the Jonesboro incident 15 years ago. He asked if it makes sense to evacuate school children in winter. Captain Meadows responded that we are talking about how to best protect these children. The best protection for situations similar to what recently occurred is sheltering in place.
- **Mike Mendoza** briefed members on a risk analysis on bomb threats over a long period of threats stating that these kids get something out of this. It is very, very clear that there is a conscious effort on the actors to watch for responses and react accordingly.
- **Ray Holcomb** inquired if the Jihadist magazines have been putting anything out advocating for these types of actions. What appears to be isn't always reality and it is sometimes difficult to know the true origin. These things are being hatched on game consoles and the dark web.
- **SSRA Reising** told members that even when you find the actors there is a lot of challenges with prosecuting juveniles, as well as individuals outside of the country. At best it is a months-long process. These kids are very tech savvy and cocky. He has seen social source reporting on swatting and claims that the Evacuation Squad is responsible. It is easy to take credit when no one else is accepting responsibility. The FBI's Newark NJ Office is the lead investigative agency for these types of incidents since they are 6 months ahead of us. We are feeding them information and Baltimore is feeding them information.

- John Sadowski in response to an inquiry from Ray Holcomb as to whether the Department of Education has a plan for addressing the parents of children during these types of incidents told members that Secretary Mosley is meeting about this with the Superintendent of schools on 2/16. Secretary Mosley added that he would like Captain Meadows, someone from DSP and SSRA Jeff Reising to attend the meeting and share as much information as they are allowed to share. SSRA Reising has a conflict on the 16th but promised to have someone there. John Sadowski believes that this is exactly what the Chiefs want to hear.
- SSRA Reising responded to a question as to whether schools that have automated phone systems are receiving these threats. He told members that they can see actors on U-Tube on SKYPE calls and stated that they have approximately 16 to 20 people calling in these threats. These are talented kids that are able to find out a lot of information.
- John Sadowski advised members that the State Police view point is moving towards sheltering-in-place. Question: Has there been any pushback from teachers stating that they are not trained to deal with these issues? Captain Meadows responded that what DSP is asking them to do is to just look around their rooms to see if they notice anything suspicious. SSRA Reising felt that some word has to go out regarding how to deal with these threat calls because if we do not get through these threat calls the school year is going to be extended out to July to make up classes from the evacuations. The schools are going to have to come up with plans on the best way to facilitate handling these threats.
- Ed Klima told members that the world is not black and white advising that we have to make educated decisions. The simple fact of telling folks that in the history of the world other than the IRA there has never been an occurrence should validate the reason for revising the response. We talked about risk and our society is unfortunately growing increasingly afraid to make decisions. Take a positive from a negative and you will see a lot more preparatory drills.
- **Secretary Mosley** briefed members on a recent call that he received from a concerned business owner who owns a lot of day care centers advising that he is going to offer the large business owner access to the ERIP portal for them to have access to planning information. This program has been in existence for over two years and yet we still have schools that have not had time to practice tabletops or to have plans that they train to. We owe them everything we can to help them; however, they have to put the emphasis on preparing through training.

- **Steve Blessing** advised that there is a lot of press coming out about the Zika virus. There is nothing to indicate a threat to the health care system at this time. The more that you learn about this virus the more you don't know. This virus has been around a long time, since at least the 40s. There is not a lot of science behind this; however, the more people dig into the matter the more alarmed they become. Women in the early stages of pregnancy who travel to the high-risk areas are the only ones at risk right now. Anyone else who contracts the virus will experience flu like symptoms. The Division of Public Health (DPH) is at SHOC Level 1 which is a heightened state of awareness. Yesterday afternoon the Division of Public Health shared that there is one 48 year old woman who came back positive in Delaware with another pregnant woman who is suspected of having it. There is nothing you can do for people who contract it other than confirming that they have the disease. Knowing gives the individual the chance to avoid pregnancy until it can be confirmed that they are disease free. There may be a potential for a vaccine that he will know more about at our next meeting. Ray Holcomb inquired if Steve knew whether the hospitals have a response planned for these telephonic threats. Steve Blessing responded that yes, they have plans and protocols in place for dealing with telephonic threats and bomb threats.
- **Colonel Arroyo** told members that the Ferries are considered soft targets. They have not found anything reasonable in terms of price yet for camera systems. They are waiting to hear a price quote from a company that can provide them full encrypted coverage with the company putting up one tower in Cape May and antennas on each ferry to provide full coverage.
 - Elayne Starkey asked them to be sure to vet the security controls of the company.
 - Colonel Arroyo told everyone that the individual that runs the company has worked on the national level with the FBI and is originally from Egypt. Colonel Arroyo stated that he is looking forward to receiving the information.
 - Ray Holcomb announced that the Delaware Bay is covered to a large degree by radar under the state CI/KR program run out of the DIAC. Colonel Arroyo stated that DRBA loses all Wi-Fi when they get out in the middle of the Bay.
- **Joe Aviola** from Wilmington University thanked Lt. Tim Kerstetter for all of his assistance in helping with their threat levels.
- **John Sadowski** from the Department of Education thanked Lt. Kerstetter for sharing information on ISIS and bomb threats.

- **SSRA Reising** advised that in the past six-week time period the FBI has opened up a number of terrorist threat investigations. The message that these perpetrators are putting out is reaching a lot of people. He told members about and HBO program called Homegrown advising that it is an excellent DVR program that really captures the essence of how they operate. The first two minutes into the program you meet the children of one of the homegrown violent extremists. He highly recommends viewing this program as Phil Mudd tells you very directly that this is what it is. It is a good series. For us locally, we have our issues and people that we are concerned about. San Bernardino is only the beginning of this issue. There are more of these types of people that will be appearing because we cannot disrupt their technologically distributed message.
- **Ray Holcomb** stated that it occurred to him when he passed out his handout from the Governor's Office that we should get a community meeting together as a force multiplier to try to help Tim Kerstetter, the FBI, and the community to brainstorm about force multipliers. SSRA Reising stated that Tim Kerstetter helped him resolve an issue that he had with a person of interest in one of our municipalities. He asked their headquarters' folks to deploy their CDE against that individual and bring in the NCTC, CDC, and other behavioral experts to assist.

5. Recommendations

- N/A

6. Following a motion by Ed Klima that was seconded by Dwayne Day and unanimously approved by the voting members of the Council in attendance the meeting adjourned at 1027 hours

Next Meeting: Wednesday, March 16, 2016

9:00 am – 11:00 am

Location: Public Safety Building

Large 2nd Floor Conference Room