Public Safety and Security Committee
Public Hearing
Thursday, February 18, 2010

Testimony in support of H.B. 5153, AN ACT REDEFINING "PEACE OFFICER" TO INCLUDE SECRET SERVICE AGENTS

Senator Stillman, Representative Dargan, Members of the Public Safety and Security Committee, my name is Derek Dunn and I am currently employed as a Special Agent with the United States Secret Service. I am here today to testify in support of **H.B. 5153, AN ACT REDEFINING "PEACE OFFICER" TO INCLUDE SECRET SERVICE AGENTS.**

The United States Secret Service is a unique federal law enforcement agency in that it is tasked with a dual mission. One mission is to safeguard the nation's financial infrastructure and payment systems to preserve the integrity of the economy. The second, to protect national leaders, visiting heads of state and government, designated sites and National Special Security Events.

The Secret Service was established in 1865 to combat and investigate the counterfeiting of United States currency. Since 1984, the Secret Service's investigative responsibilities have expanded to include financial institution fraud, computer and telecommunications fraud, false identification documents, access device fraud, advance fee fraud, electronic funds transfers fraud and money laundering. As is the case with all Secret Service offices, the New Haven Resident Office currently focuses its resources on investigations involving financial crimes that have significant community and economic impact, involve organized groups, are multi-jurisdictional or transnational in nature, and utilize schemes involving new technologies.

Towards this end, in January of 2009 the Secret Service established the Connecticut Financial Crimes Task Force (CFCTF). Located in New Haven, the mission of this task force is to vigorously investigate financial crimes in the State of Connecticut to include but not limited to, access device fraud, check fraud, bank fraud, identity theft, wire

fraud, computer fraud, and mortgage fraud. Currently, the task force is comprised of investigators representing four (4) federal law enforcement agencies, as well six (6) state and local departments to include the Connecticut State Police, the New Haven, Hartford, Shelton, Greenwich and Manchester police departments. The participation of federal, state, and local law enforcement entities allows the task force to seek the prosecution of financial crimes in both state and federal courts. The state and local officers assigned to the task force have received Federal Special Deputation which grants them authority to make federal arrests and/or execute federal search warrants in support of the task force.

Currently, a large number of the cases being investigated by the task force are being pursued jurisdictionally at the state level. The task force routinely uses state courts to obtain search and arrest warrants. The Secret Service agents currently assigned to the task force assisting state and local task force officers in the execution of these state warrants do not have authority to enforce state law. Therefore, presumably these agents are acting as private citizens when providing assistance to their local/state partners. If granted peace officer status within the State of Connecticut, these agents could assist their fellow state and local task force partners in the investigation of financial crimes on the state level with the full protection of state authority. Further, agents could lawfully assist a fellow state and/or local law enforcement officer in the event they are pursuing a felon, being assaulted, or when presented with other exigent law enforcement circumstances. Additionally, these agents could enhance the safety and security of the citizens of Connecticut in the event a crime occurs in their presence, and potentially prevent serious bodily injury or death.

A final point concerning our investigative mission and peace officer status that I would like to bring to your attention involves an issue that routinely presents itself to Secret Service agents here in Connecticut. Often, investigating agents during the course of interviewing a suspect determine through criminal history inquiries that the subject of the interview has an outstanding state arrest warrant. However, currently Secret Service agents are not legally authorized to arrest this person. Instead, they must contact the local police department to advise them of the situation. If granted peace officer status, the

interviewing agents could simply arrest the suspect themselves and prevent any possibility of the suspect remaining a fugitive from justice.

The second mission of the United States Secret Service involves the protection of the President and Vice President, the President-elect, Vice President-elect, the above individual's immediate families, Former presidents and their spouses, visiting heads of foreign states or governments and their spouses, Major presidential and vice presidential candidates and their spouses, and other individuals as designated per Executive Order of the President. Additionally, the Secret Service is responsible for security at National Special Security Events as designated as such by the Secretary of the Department of Homeland Security, (e.g. Super Bowl, Presidential/Vice Presidential debates, etc.).

The protection of the above individuals relies heavily on the Secret Service utilizing a counterpart system. Simply put, the Secret Service needs the assistance of other federal, state, and local law enforcement entities to successfully carry out its protective mission.

Ideally, Secret Service agents conducting protective advances are partnered with a state or local officer throughout the advance process. Further, on the day(s) of the visit, agents are partnered with state and local officers to assist in the execution of the overall security of our protectees. Working on a day to day basis with our counterparts prior to and during a protective visit creates several situations when a state or local officer might have to enforce a state violation and their Secret Service counterpart could not legally assist them. For instance, although the Secret Service takes a larger view of First Amendment Rights and does not typically interfere with an individual or group who is not presenting a threat to our protectees, there have been instances when an officer is enforcing a state law involving an individual(s) attending a Secret Service protected site and the situation has turned violent. In this case, the question becomes does the agent assisting the local officer have the authority to do so, or is he/she responding as a private citizen. Another example involves the Secret Service's Uniformed Division officers. These officers are tasked with operating the magnetometers (metal detectors) that are utilized at Secret Service protected sites. Routinely state and local

officers are required to arrest an individual for a violation of state law while they are in line to pass through these magnetometers, and often look to the Uniformed Secret Service officers for assistance. The ultimate question remains can a Secret Service agent/officer legally assist his/her state or local counterpart in the event they are required to take action at a Secret Service protected site.

A critical part of providing protection to the aforementioned individuals involves the investigation of threats (verbal, written, electronic) made against them. The Secret Service conducts investigations and evaluations of all individuals and/or groups (protective-intelligence subjects) to determine if they pose a threat to any individuals under Secret Service protection. This is accomplished by the review, coordination, control, and referral of information about these groups or individuals.

Statistics reflect that many of the subjects that make threats directed towards Secret Service protectees are mentally ill or have a history of mental health issues. Like an officer responding to a domestic call, interviewing these subjects presents a degree of unpredictability and potential dangerousness. The Secret Service's goal in interviewing subjects who have threatened our protectees is to determine if they have the intent, means, and capability to harm individuals under our protection. These cases are often resolved with the assistance of a local law enforcement officer, or a mental health professional that is currently treating the subject. On occasion, these subjects are arrested on outstanding state or local arrest warrants, admitted to the hospital (voluntarily or involuntarily), or arrested on federal charges related to making threats against Secret Service protectees. Experience tells us that these interviews are sometimes volatile and confrontational. During these interviews our concern for officer safety is paramount. In December of 2008, an investigation by our office was conducted here in the State of Connecticut of an individual who had made delusional and inappropriate statements concerning President-elect Obama. The statements he made were reported to our office by a local police officer. The subject was immediately interviewed by an agent and local officer regarding these statements and subsequently arrested on state violations. Last month this same individual murdered his sister, his sister's business partner, and a Deputy

Sheriff in Florida. Fortunately, the agent and officer who interviewed this subject in Connecticut in 2008 were not injured or killed, but the subsequent tragedy in Florida illustrates the potential danger in interviewing a mentally ill individual who is not medication compliant.

Granting Secret Service agents peace officer status within the State of Connecticut would presumably allow our agents to assist our local law enforcement partners in addressing a volatile situation during the interview of a protective intelligence subject.

In conclusion, I would like to thank on behalf of all the agents of the United States Secret Service, New Haven Resident Office, Senator Stillman, Representative Dargan, and all the members of the Committee for allowing me to address this important issue today. I hope that I have adequately addressed how critical granting peace officer status to our agents/officers is to the safe and effective discharge of our duties here in Connecticut, and welcome any questions concerning this matter at this time.