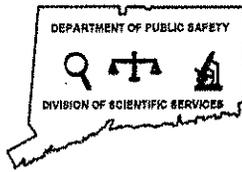




STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF THE COMMISSIONER

John A. Danaher III  
Commissioner

Lieutenant Edwin S. Henion  
Chief of Staff

February 18, 2010

Rep. Stephen Dargan, Co-Chairman  
Sen. Andrea Stillman, Co-Chairman  
Public Safety and Security Committee  
Legislative Office Building  
Hartford, CT 06106

**HB 5153 AN ACT REDEFINING "PEACE OFFICER" TO INCLUDE SECRET SERVICE AGENTS**

*The Department of Public Safety opposes this bill and suggests alternative.*

This bill would amend the definition of 'peace officer' in Subdivision (9) of section 53a-3 of the general statutes to include "any officer, employee or agent of the United States Secret Service in the performance of such officer's, employee's or agent's duties".

If the intent of this bill is to provide enhanced penalties for an assault on United States Secret Service agents while in the performance of their duties this could be accomplished by amending CGS sec. 53a-167c "Assault of public safety or emergency medical personnel" to include in that language assaults against United States Secret Service agents. The Department of Public Safety would have no objection to such a change.

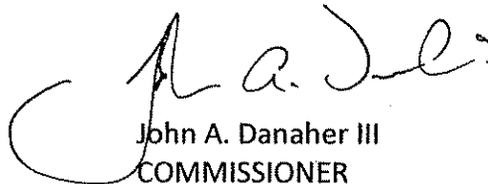
The problem with including secret service agents within the statutory definition of "peace officer" is that it would thereby confer upon them the extraordinary powers of arrest without warrant.

The arrest authority of Connecticut police officers is codified in CGS 54-1f, entitled "Arrest Without Warrant. Pursuit Outside Precincts." This statute identifies the circumstances under which a peace officer is authorized to make a warrantless arrest of an individual. Specifically, properly authorized officers may make an arrest, for an offense that occurs within their jurisdiction, of an offender who commits a crime in their presence, or of an offender who is arrested, for an offense that occurred within the officer's jurisdiction, within a period of "speedy information," that is, a "reasonable period of time" as that phrase is defined under the relevant case law, after the commission of an offense. Additionally, Connecticut police officers are also authorized to make an arrest of an offender for any felony offense, regardless of these jurisdictional or timeline issues. Finally, officers are encouraged, through police training and procedure, to operate under the authority of a properly obtained arrest warrant whenever possible.

If secret service agents were given peace officer status and the resulting arrest powers, it is not clear what the area of 'their jurisdiction' would be. It is clear, however, that in making any arrest based on state criminal laws, they could likely be operating without an adequate knowledge of a foreign town's geographic area, without immediate access to assistance, without immediate radio communications with the local police authorities, and with the possibility of being mistaken for an armed criminal offender if operating in a plainclothes capacity.

If the intent of this bill is to provide increased protection to secret service agents through increased penalties for assaults against them, that objective should be met by amending CGS sec. 53a-167c "Assault of public safety or emergency medical personnel" rather than by giving these federal agents the authority to arrest without warrant in Connecticut.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Danaher III". The signature is fluid and cursive, with a large initial "J" and "D".

John A. Danaher III  
COMMISSIONER  
Department of Public Safety