

**Public Safety and Security Committee
Public Hearing
Tuesday, March 6, 2012**

**Testimony in support of H.B. 5345, AN ACT
CONCERNING THE POWERS OF CERTAIN UNITED STATES
SECRET SERVICE AGENTS AND OFFICERS.**

Senator Hartley, Representative Dargan, Members of the Public Safety and Security Committee, my name is Robert Barrett and I am the Resident Agent in Charge for the United States Secret Service, New Haven Resident Office. I am here today to testify in support of **H.B. 5345, AN ACT CONCERNING THE POWERS OF CERTAIN UNITED STATES SECRET SERVICE AGENTS AND OFFICERS.**

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

Originally established in 1865 to combat and investigate the counterfeiting of United States currency, our agencies mission expanded in 1901 to include protecting the President of the United States. Since 1984, the Secret Service's investigative responsibilities expanded to include financial institution fraud, computer and telecommunications fraud, false identification documents, identity theft, access device fraud, advance fee fraud, electronic funds transfer 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.

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, Hartford, Shelton, Stamford, Greenwich and Glastonbury 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 as well as execute federal search warrants in support of the task force.

A large number of the cases investigated by the task force are pursued at the state level where task force officers routinely use state courts to obtain search and arrest warrants. The Secret Service agents assigned to the task force working with their 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 and state partners. Granting peace officer status in the State of Connecticut to these agents working with their fellow state and local task force partners investigating financial crime would provide full protection of state authority. Further, agents could lawfully assist a fellow state or local law enforcement officer in the event they are pursuing a felon, being assaulted, or when presented with other exigent law enforcement situations. 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 I would like to bring to your attention. Routinely, while conducting a suspect interview during the course of an investigation, Secret Service agents often encounter individuals with an outstanding state arrest warrant. Current law prevents Secret Service agents from arresting this individual and requires contacting the local police to advise them of the situation. The granting of peace officer status in this case would permit the interviewing agents to simply arrest

the suspect and prevent any possibility of the suspect remaining a fugitive from justice.

The second mission of the United States Secret Service involves 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.).

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

During a protective advance, Secret Service agents are typically partnered with a state or local officer to create an advance team. On the day of the visit, additional agents and local and state officers are brought in and work together in the execution of the security plan. During both the advance and visit, situations are often encountered where a police officer must enforce a state violation, where their Secret Service counterpart is legally prohibited from assisting.

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 are they responding as a private citizen. Another example involves the Secret Service's Uniformed Division officers who are tasked with operating the magnetometers (metal detectors) utilized at Secret Service protected sites. Often while enforcing a violation of state law, local and state officers will look

for assistance from a nearby Uniformed Secret Service officer. The ultimate question remains can a Secret Service agent/officer legally assist their 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 involves the investigation of threats made towards our protectees. The Secret Service conducts protective intelligence investigations and evaluations of individuals and groups to determine if they pose a threat to any individuals under Secret Service protection.

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 2008, an investigation by our office was conducted here in Connecticut of an individual who had made delusional and inappropriate statements concerning President-elect Obama. His statements 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 was subsequently arrested on state violations. In January 2010, this individual murdered his sister, her 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 and officers peace officer status within the State of Connecticut would presumably allow our agents and officers to assist our local law enforcement partners in addressing a volatile situation during the interview of a protective intelligence subject.

In conclusion, Senator Hartley, Representative Dargan and members of the Committee, on behalf of all the agents of the United States Secret Service, New Haven Resident Office, I would like to thank you for this opportunity to address this important issue before you today. I hope that I have adequately addressed the importance of granting peace officer status to our agents and officers here in Connecticut and welcome any questions concerning this matter at this time.

