

**Statement for the Record**

**Leonard E. Patterson  
Director  
Federal Protective Service  
National Protection and Programs Directorate  
Department of Homeland Security**

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United States Senate  
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Thank you Chairman Carper, Ranking Member Coburn, and the distinguished members of the Committee. I am honored to testify before the Committee today regarding the mission and operations of the National Protection and Programs Directorate's Federal Protective Service (FPS).

**Mission**

FPS is charged with protecting and delivering integrated law enforcement and security services to over 9,000 facilities owned or leased by the General Services Administration (GSA) and safeguard their more than 1.4 million daily occupants and visitors.

**FPS Authorities**

In performing this mission, FPS relies on the law enforcement and security authorities found in statute<sup>1</sup>, agreements with state, local and tribal law enforcement agencies for purposes of protecting Federal property, enforcement of Federal regulations pertinent to conduct on Federal property<sup>2</sup>, and our responsibility as a recognized "first responder" for all crimes and suspicious activity occurring at GSA owned or leased property.

**FPS and the Interagency Security Committee**

FPS is an active participant in the work of the Interagency Security Committee (ISC)<sup>3</sup>, helping shape standards, guidance and best practices that enable FPS employees to perform their

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<sup>1</sup> 40 U.S.C. § 1315

<sup>2</sup> 41 C.F.R., Part 102-74 Subpart C

<sup>3</sup> The mission of the ISC is to safeguard U.S. civilian facilities from all hazards by developing state-of-the-art security standards in collaboration with public and private homeland security partners. The ISC was created following the bombing of the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995. Following the attack, Executive Order 12977 created the ISC to address "continuing government-wide security" for Federal facilities in the United States. The ISC is a permanent body with appointed members who often serve multi-year terms. Several have represented their organizations for more than a decade. Leadership of the ISC is provided by

protection mission with consistency, effectiveness, and efficiency. FPS actively participates on the ISC Steering Committee, chairs the Training Subcommittee, and has representatives on a number of other ISC committees and working groups, including the Design-Basis Threat group and the Countermeasures subcommittee. FPS participates in both the Active Shooter-Prevention and Response and the Presidential Policy Directive (PPD) 21 and Compliance working groups that are currently underway. In recent years, FPS has also co-chaired the working groups that produced the *Items Prohibited from Federal Facilities: An ISC Standard and Best Practices for Armed Security Officers in Federal Facilities, 2nd Edition* documents. FPS serves as the Sector-Specific Agency for the Government Facilities Sector. In this role FPS is responsible for working with various partners—including other Federal agencies; state, local, tribal, and territorial governments as well as other sectors—to develop and implement the government facilities sector-specific plan.

### **FPS Law Enforcement Personnel**

FPS directly employs over 1,000 law enforcement officers, inspectors, and special agents who are trained physical security experts and sworn Federal law enforcement officers. FPS law enforcement personnel perform a variety of critical functions, including conducting comprehensive security assessments of vulnerabilities at facilities, developing and implementing protective countermeasures, and providing uniformed police response and investigative follow-up to crimes, threats, and other law enforcement activities in support of our protection mission. Law enforcement personnel also oversee guard posts staffed by FPS-contracted Protective Service Officers (PSO), conduct covert security tests, and actively patrol to deter criminal and terrorist activities. Finally, our law enforcement personnel conduct Operation Shield activities, which involve deployments of a highly visible array of law enforcement personnel to validate and augment the effectiveness of FPS countermeasures across the protective inventory.

### ***Training***

FPS law enforcement personnel receive extensive and rigorous training at the Federal Law Enforcement Training Center (FLETC) in Georgia and in the field. FPS inspectors and special agents complete the FLETC Uniformed Police Training Program or the Criminal Investigation Training Program, respectively. These training programs cover subject areas including, but not limited to, constitutional and Federal criminal law, arrest techniques, defensive tactics, firearms, and active shooter response. Our inspectors also complete FPS-specific law enforcement training, FPS physical security training, and 12 weeks of training in the field under the supervision of a senior, seasoned Inspector. Our special agents complete the specialized FPS Criminal Investigations Special Agent Training Program after the FLETC basic program. In total, FPS inspectors complete approximately 36 weeks of law enforcement and specialized facility security training and our criminal investigators complete a minimum of 17 weeks of law enforcement and criminal investigations training.

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the Assistant Secretary for Infrastructure Protection, an Executive Director, as well as eight standing subcommittees: Steering, Standards, Technology, Convergence, Training, Countermeasures, Design-Basis Threat, and the Chair Roundtable.

This extensive and rigorous training ensures that FPS law enforcement personnel are able to effectively conduct Facility Security Assessments (FSA) and respond to tens of thousands of calls for service received annually by the FPS, which may entail responding to criminal activity in progress, protecting life and property, and responding to national security events or supporting other law enforcement responding to a critical situation.

### ***FPS Law Enforcement Authorities***

FPS Law Enforcement Personnel derive their law enforcement authority and powers from section 1706 of the Homeland Security Act of 2002, codified in 40 U.S.C. § 1315. Pursuant to this authority, the Secretary of Homeland Security can designate law enforcement personnel for the purposes of protecting property owned or occupied by the Federal Government and persons on that property.

These designated law enforcement personnel have specific police powers, to include enforcing Federal laws and regulations, carrying firearms, and serving warrants and subpoenas issued under the authority of the United States. Further, they may conduct investigations of offenses that may have been committed against property owned or occupied by the Federal Government or persons on the property. Finally, these law enforcement personnel may make arrests without a warrant for any offense against the United States committed in the presence of the officer or agent or for any felony cognizable under the laws of the United States if the officer or agent has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

On February 18, 2005, the U.S. Attorney General approved these police authorities in its *Guidelines For The Exercise Of Law Enforcement Authorities By Officers And Agents Of the Department Of Homeland Security* as required in 40 U.S.C. § 1315. Additionally, pursuant to 41 C.F.R. § 102-85.35, FPS Law Enforcement Personnel provide general law enforcement services on GSA property, and per 41 C.F.R. § 102-74.15, all occupants of facilities under the control of Federal agencies must promptly report all crimes and suspicious activities to FPS.

### **Facility Security Assessments (FSAs)**

One of the most important responsibilities of FPS inspectors protecting Federal facilities and those who work or visit these facilities is conducting FSAs at FPS-protected facilities nationwide. FSAs are extensive assessments that document security-related risks to a facility and provide a record of countermeasure recommendations. The process analyzes potential threats toward a facility through a variety of research sources and information and analysis. Upon identification of the threats, the process identifies and analyzes vulnerabilities to a particular facility utilizing Protective Measure Indices.

Assessors utilize the Modified Infrastructure Survey Tool (MIST) to document the existing protective posture at a facility and compare how a facility is, or is not, meeting the baseline level of protection for its Facility Security Level (FSL) as set forth in the ISC's Physical Security Criteria for Federal Facilities standards and the ISC's Design-Basis Threat report. MIST also compares the disparities identified against the baseline level of protection specified in the ISC

standards, thereby operationalizing those standards and enabling mitigation of the vulnerabilities identified. The FSA report is a historical record and informative report provided to FPS stakeholders to support their decision making in risk mitigation strategies. FPS is working with the DHS Science and Technology Directorate (S&T) to continually review risk assessment methodologies and leverage additional tools as appropriate to improve assessments and recommendations.

## **Countermeasures**

Throughout the FSA process, FPS works with stakeholders to identify and gather all necessary information for characterizing the risks unique to each facility. FPS then works in partnership with tenant Facility Security Committees to build a consensus regarding the type of countermeasures appropriate for each individual facility. The decision regarding the optimal combination of physical countermeasures, such as security barriers, X-Ray machines, closed circuit television, and number and type of guard posts staffed by FPS-contracted PSOs is based on a variety of factors including the facility's FSA report, FSL, and the security needs of individual tenants.

## **Protective Security Officers**

### ***Duties***

Approximately 13,000 FPS-contracted PSOs staff guard posts at FPS-protected Federal facilities. PSOs are responsible for controlling access to Federal facilities, conducting screening at access points to Federal facilities, enforcing property rules and regulations, detecting and reporting criminal acts, and responding to emergency situations involving facility safety and security. PSOs also ensure prohibited items, such as firearms, explosives, knives, and drugs, do not enter Federal facilities. FPS PSOs stopped approximately 700,000 prohibited items from entering Federal facilities in 2013.

### ***Training***

FPS partners with private sector guard companies to ensure that PSOs are prepared to perform their duties. FPS works with the guard companies to ensure the guards have met the certification, training, and qualification requirements specified in the contracts in areas such as ethics, crime scene protection, actions to take in special situations such as building evacuations, safety, and fire prevention, and public relations. Courses are taught by FPS, by the contract guard company, or by a qualified third party such as the American Red Cross for CPR. PSOs also receive instruction in areas such as X-Ray and magnetometer equipment, firearms training and qualification, baton qualification, and first-aid certification. PSOs are required to attend refresher training and they must recertify in weapons qualifications in accordance with Federal and state regulations.

The FPS training team is working closely with industry and Federal partners in an effort to further standardize the PSO screening station related training. For example, our trainers work with the U.S. Marshals Service and Transportation Security Administration trainers to

incorporate best practices into the base X-Ray, Magnetometer, and Hand Held Metal Detector training. Additionally, FPS is working closely with the National Association of Security Companies to develop a National Lesson Plan for PSOs that will establish a basic and national training program for all PSOs to ensure standards are consistent across the Nation. These efforts will further standardize training PSOs receive and will provide for a great capability to validate training and facilitate rapid adjustments to training to account for changes in threat and technological advancements.

### ***FPS PSO Authorities***

All PSOs must undergo background investigation checks to determine their fitness to begin work on behalf of the government and are rigorously trained. However, PSOs are not sworn Law Enforcement Officers.

PSOs are employees of private security companies or ‘vendors’ which are independent contractors doing business with the Federal Government. The relationship between FPS and private-sector vendors is contractual in nature and FPS does not have the authority to deputize PSOs in a law enforcement capability.

FPS contracts with private-sector vendors require that the individual vendor obtain all required state and local licensing, permits, and authorities required for PSOs to carry a firearm and to perform protective services under our contracts. Therefore an individual PSO’s authorities to perform protective services are based on state-specific laws where the PSO is employed.

In most instances, PSOs rely on the ‘private person’ laws, also known as ‘citizen’s arrest’ laws, of a given state as well as that state’s laws relating to self-defense, defense of others, and use of force to defend property.

### ***Oversight***

FPS is committed to ensuring high performance of its contracted PSO workforce. FPS law enforcement personnel conduct PSO post inspections and integrated covert test activities to monitor vendor compliance and countermeasure effectiveness. Additionally, vendor files are audited to validate that PSO certifications and training records reflect compliance with contract requirements. In Fiscal Year (FY) 2013, FPS conducted 54,830 PSO post inspections and 17,500 PSO personnel file audits.

In addition, and in accordance with procurement regulation and policy, contract deficiencies and performance issues are documented in the annual Contractor Performance Assessment Report. FPS leadership are provided with regular reports to maintain visibility on the status of these important assessments that are also used by agency source selection officials in the procurement process when awarding new PSO contracts.

## **Research and Development**

FPS, in close collaboration with the General Services Administration and S&T, signed a joint Research and Development strategy on July 1, 2013 that identifies key FPS priority areas for research and development:

- **Security Operations and Countermeasures:** Improve the ability to protect critical infrastructure and ensure continuity of operations while improving the identification, selection, and operational implementation of appropriate countermeasures to effectively and efficiently mitigate hazards to infrastructure and personnel.
- **Intelligence and Analysis:** Improve the capability to collect timely and accurate intelligence and conduct strategic and operational analysis on incidents, threats, and emerging risks.
- **Enterprise-Wide Information/Knowledge Sharing:** Improve the interoperability and cooperation of Federal and commercial facilities within the FPS-GSA Critical Infrastructure Enterprise to foster the efficient exchange of information between all levels of government and owners/operators/tenants of critical infrastructure and to coordinate effective responses to, and recovery from, undesirable events.
- **Training:** Improve the capability to conduct measurably effective, efficient, and repeatable training through the identification and implementation of best practices.

Of note, key elements of this research and development document were briefed to industry via webinar and will be used to inform future investments to ensure that FPS retains the operational capabilities necessary to execute its mission.

## **Government Accountability Office Engagement**

While the Government Accountability Office (GAO) has raised some concerns regarding FPS operations in the past, I would like to take this opportunity to discuss the progress FPS has made towards closing-out GAO recommendations.

In FY 2013 alone, FPS has submitted documentation to the GAO for closure and consideration pertaining to 13 GAO recommendations including FPS strategies to enhance its human capital planning and improve tenant communication. Of those presented, six were successfully closed as implemented and seven are pending GAO's internal review for closure.

Specifically, I am pleased to report that significant progress has been made toward closing GAO recommendations regarding FPS's handling of PSO training and oversight. While challenges undoubtedly remain, FPS has successfully closed six outstanding recommendations directly related to this program area and is pending GAO's internal review process for closure consideration for two more.

Additionally, we have made advances towards addressing recommendations relative to our risk-assessment methodology. Specifically, FPS designed its FSA process to meet the requirements of the ISC's Risk Management Process for Federal Facilities and, to ensure that stakeholders have an understanding of the threats they face, has begun to provide a Threat Assessment Report

as part of each FSA. Going forward, FPS will continue to work with the ISC to explore consequences and impacts in the context of Federal facilities security assessments and explore the inclusion of consequences into the FSA process.

Finally, I would like to take this opportunity to thank the GAO for the important service they provide to FPS, its stakeholders, and the American people. FPS understands that GAO audits are conducted to improve performance and accountability within the Federal Government and their contributions are invaluable. As such, FPS remains committed to being transparent and proactive in our effort to provide GAO and Congress with regular updates on the steps we have taken to further enhance, integrate, and transform FPS as we move forward in FY 2014.

### **Commitment to Securing Federal Facilities**

In closing, I would like to acknowledge and thank the distinguished members of this committee for the opportunity to testify today. The Federal Protective Service remains committed to its mission of providing safety, security, and a sense of well-being to thousands of Federal employees who work and conduct business in our facilities daily.

I would be pleased to answer any questions you may have.