

Statement for the Record

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Thank you Chairman Barletta, Ranking Member Carson, 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 more than 9,000 facilities owned or leased by the General Services Administration (GSA) and safeguarding 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 Title 40 United States Code § 1315, 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, and our responsibility as the recognized "first responder" for all crimes and suspicious activity occurring at GSA owned or leased property.

FPS Law Enforcement Personnel

FPS directly employs more than 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 to identify 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. Further, FPS assigns Special Agents to a number of the Federal Bureau of Investigations (FBI) Joint Terrorism Task Forces to facilitate information sharing and ensure coordination. Finally, our law enforcement personnel conduct Operation Shield and Operation MegaShield activities. These tactical exercises involve deployments of a highly visible array of uniformed law enforcement personnel to validate and augment the effectiveness of FPS countermeasures. These deployments also serve to expand patrol and response operations through increased coverage and prepare FPS law enforcement personnel for rapid and coordinated response with other Federal, state, local, and tribal law enforcement personnel to emergencies or other exigent circumstances.

Training

FPS law enforcement personnel receive extensive 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. 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, experienced 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.

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 Under Secretary was delegated the authority to designate law enforcement officers 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 its Guidelines For The Exercise Of Law Enforcement Authorities By Officers And Agents Of the Department Of Homeland Security under 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

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.

Inspectors conducting assessments 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 Interagency Security Committee's¹ (ISC) Physical Security Criteria for Federal Facilities standards and 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 continually reviewing risk assessment methodologies to improve assessments and recommendations and I am pleased to report that the second-generation tool, MIST 2.0, is currently in systems acceptance testing. This system will feature, among other improvements, an enhanced user interface, web-automation capability, and automated visibility of protection measures across the FPS portfolio. At this time, FPS expects system deployment to begin by the end of this Fiscal Year.

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

¹ 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.

with tenant Facility Security Committees (FSCs) 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. It is important to note that tenant FSCs, rather than FPS, render the final decision regarding the number and type of guard posts and technical countermeasures to be installed in each individual building.

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.

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 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.

Finally, FPS is reviewing a variety of automated processes that could provide FPS with electronic PSO-file review capability to supplement the current audit process. Specifically, FPS is pursuing a prototype Post Tracking System that will be capable of authenticating PSOs, tracking PSO time on position, and tracking PSO training and certification in real time.

Government Accountability Office Engagement

FPS has developed and implemented a process to facilitate the closure of open Government Accountability Office (GAO) recommendations. This process involves a critical review of each recommendation to identify root causes and correlating them with program management elements, including establishing governance and ensuring implementation. Utilizing this approach, FPS has closed a number of outstanding recommendations, including those pertaining

to critical mission areas such as human capital planning and contract management. Further, I am pleased to report that, following the recent Independent Verification and Validation of FPS' Activity Based Costing model, FPS will shortly submit documentation for closure of additional GAO recommendations pertaining to FPS fee-design.

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, provides 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.

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.

FPS and the Interagency Security Committee

I would like to take this opportunity to note that FPS is an active participant in the work of the ISC, helping shape standards, guidance and best practices that enable FPS employees to perform their protection mission with consistency, effectiveness, and efficiency. FPS sits 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.

Additionally, FPS participates in both the Active Shooter-Prevention and Response and the Presidential Policy Directive 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.

Finally, FPS, in partnership with the GSA, 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.

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 visitors and Federal employees who work and conduct business in our facilities daily.

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