

AFFIDAVIT

I, Richard Hays, a Supervisory Special Agent (SSA) with the United States Department of State, Diplomatic Security Service (DSS), being duly sworn, hereby depose and state:

1. I am assigned to Diplomatic Security Service's San Juan Resident Office in San Juan, Puerto Rico and currently serve as the Resident Agent in Charge. I have served with the Diplomatic Security Service since September 2011. Prior to joining the Diplomatic Security Service, I was a U.S. Border Patrol Agent from January 1999 to September 2006. I have successfully completed the Criminal Investigator Training Program at the Federal Law Enforcement Training Center in Glynco, GA, the U.S. Border Patrol Academy at Charleston, SC and the Diplomatic Security Service's Basic Special Agent Course in Falls Church, VA. I also hold a B.A, from the University of Pittsburgh. My current duties with Diplomatic Security include investigating violations of the laws of the United States, including those related to passport and visa fraud.

2. I make this affidavit based on my personal knowledge and investigation, as well as information from other criminal investigators. Because this affidavit is submitted for the limited purpose of establishing probable cause for a criminal complaint, it does not include every fact known by me in connection with this investigation.

3. On September 12, 2017, in San Juan, Puerto Rico, Diplomatic Security Service SA Walter Rios was contacted by a U.S. Department of Homeland Security (DHS), Immigration & Customs Enforcement (ICE) Officer assigned to the San Juan International airport. The ICE Officer inquired if the Diplomatic Security Service San Juan Resident Office (DSS SJRO) currently had personnel assigned to the airport supporting Hurricane Irma relief efforts. SA Rios informed the ICE Officer that DSS SJRO did not. The ICE Officer then informed SA Rios that a male subject supporting relief efforts was claiming to be a State Department employee, and that the male subject told him that he did not like to wear his badge and gun because it confused the people he was trying to help.

4. The ICE Officer, being familiar with different federal law enforcement agencies, believed the only State Department employees who carried badges and guns were DSS Special Agents and contacted SA Rios to confirm the subject's affiliation with the State Department. Upon receiving notification, SA Rios contacted the State Department's Hurricane Response Task Force in Washington DC to see if they had a record of non-resident State Department personnel assigned to Puerto Rico supporting relief efforts at the San Juan International Airport. They indicated they did not. SA Rios then asked the ICE Officer to get the male subject's name in order to contact the Diplomatic Security Command Center (DSCC) and determine the male subject's employment status with the Department. The ICE Officer identified the male subject as Philip FREED. SA Rios subsequently contacted the DSCC who stated they had no record of a Philip FREED being employed by the Department of State or DSS. The ICE Officer also provided SA Rios with a group law enforcement photo taken earlier in day that showed the male subject wearing what looked like a DSS Special Agent badge hanging from a chain around his neck. The ICE Officer identified the male subject wearing this badge as Philip FREED and as the same individual who told him that he was employed by the State Department. Based on SA Rio's familiarity with the San Juan International Airport, he believed the photo was taken in a federally restricted area and appeared to be on the airport's tarmac. SA Rios then contacted DSS SSA Richard Hays and they both proceeded to the San Juan International Airport for further investigation.

5. Upon arriving to the airport, SSA Hays and SA Rios proceeded to gate D-19 where evacuees from neighboring islands affected by Hurricane Irma were being received and processed. SSA Hays and SA Rios observed FREED escorting newly arrived evacuees inside the U.S. Customs & Border Protection (CBP) controlled terminal, a restricted secure area of the airport. FREED was also wearing a shirt indicating he was a member of a Health and Human Services (HHS) Disaster Management Assistance Team (DMAT). This shirt was similar to other DMAT personnel SSA Hays spoke with while observing FREED's actions.

6. SSA Hays and SA Rios subsequently approached FREED in casual conversation and asked him if he worked for the State Department, and specifically if he was a law enforcement officer, to which FREED responded in the affirmative. When asked if he had a law enforcement badge, FREED also responded in the affirmative. SSA Hays was able to observe a metal chain around FREED's neck commonly utilized by law enforcement officers to hold their badges. When asked to see the badge, FREED initially refused and stated that he could only do so in emergency or security related situations. When SSA Hays and Rios informed FREED that they were DSS Special Agents and presented their DSS badge and credentials, and were again requesting to see his badge, FREED removed what appeared to be a DSS Special Agent badge from underneath his shirt and presented it to both agents. Upon further inspection, the badge bore the seal of the U.S. Department of State and the words, "Diplomatic Security Service, Special Agent." While the badge closely resembled badges worn by actual DSS agents, the badge did not contain a unique serial number on its reverse side. All badges issued to DSS Special Agents contain a unique serial number assigned to a specific individual.

7. When questioned as to the authenticity of the badge, FREED then presented SSA Hays and SA Rios with an identification document from the U.S Marshals Service bearing his name and a photograph in his likeness in an effort to substantiate his law enforcement credentials. The document appeared to SSA Hays and SA Rios as not a genuine document due to its poor quality and it indicating FREED maintained a "Critical" Security Clearance. There is no such security clearance. SSA Hays subsequently contacted Deputy U.S. Marshal Felix Carrion who ran FREED's name and the document number through the U.S. Marshals Service Operations center. The U.S. Marshals Service indicated they had no record of that identification number and that FREED was not an employee of the U.S. Marshals Service. When asked if he possessed a state issued identification document, FREED initially indicated he did not bring one with him to Puerto Rico, but then recanted and stated he had left it in the safe located in his hotel room.

8. When asked a second time if he was a DSS Special agent, FREED then stated that he worked for DHS but was on temporary duty assignment to the State Department providing medical support and protective security to foreign dignitaries attending the United Nations General Assembly. When asked where he obtained the DSS badge, FREED then indicated it had been provided to him by an unnamed agent from the DSS New York Field Office to facilitate his official duties with that office. When asked for the name and contact information of the agent who gave him the badge, or who could confirm his status with that office, FREED said the information was on his cell phone but that he did not have it on his person. FREED ultimately failed to provide SSA Hays and SA Rios with the names and contact information of anyone who could verify his claims of employment as a federal law enforcement officer, or affiliation with Department of State or DHS. Additionally, DSS only issues law enforcement credentials to sworn law enforcement officers of the Diplomatic Security Service. FREED was subsequently found to have both his cell phone and his New Jersey Drivers license on his person.

9. During further questioning, FREED told SSA Hays and SA Rios that he had routinely utilized the law enforcement badge in his possession and posed as a law enforcement officer to facilitate his access to a restricted portion of the San Juan International Airport as well as to “get through Customs”.

10. Based on the above facts and circumstances, your affiant submits that there is probable cause to believe that on September 12, 2017, in the District of Puerto Rico, Philip Freed (1) falsely pretended to be an officer or employee acting under the authority of the United States or any department, agency or officer, in violation of Title 18 United States Code, Section 912. Your affiant further submits that there is probable cause to believe that the individual is in violation of (2) Title 49, United States Code, Section 46314, in that by portraying himself as an officer of the United States, he gained access to a federally restricted area of the San Juan International airport, and (3) Title 18, United States Code, Section 1001, made materially false, fictitious, or fraudulent statements or representations to DSS special agents during the course of their investigation.



Richard Hays
Supervisory Special Agent
San Juan Resident Office
Diplomatic Security Service
U.S. Department of State

Sworn to and subscribed before me this 13  day of September, 2017.


