

**CONTACT RECORD**

EID: (b)(6)

Contact Type: Normal/General  
Contact Date: Oct 27 2011 9:08PM  
Medium: Email  
Contact Status: Closed  
Incident Date:  
Contact Prefix:  
Contact First Name: (b)(6)  
Contact Middle Initial:  
Contact Last Name: (b)(6)  
Contact Suffix:  
Contact Address 1:  
Contact Address 2:  
Contact City:  
Contact State:  
Contact Zip:  
Contact Country:  
Contact Phone: Not provided  
Contact Fax:  
Fulfillment Sent:  
Mail Return Date:  
Contact Email: (b)(6)  
Subject: TSA Contact Us: Compliments or Suggestions  
Body: THIS GENERATED EMAIL HAS BEEN SENT FROM <http://www.tsa.gov/contact/index.shtm>

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Remote Client IP: (b)(6)  
Date Time: 10/27/2011 9:07:47 PM

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**Subject: Suggestions**

Name: (b)(6)  
Email: (b)(6)

Comments: Could JFK follow BUR security method? They have designated lines for expert travelers, elite, and not so frequent travelers. It's been very effective at Burbank airport. Also why are there inconsistent practices from Lax to JFK ? At lax it was ok to leave my iPad in my bag, and at JFK I needed to remove it. Also the lines are always terribly long. Frustrating to see a machine not in use while travelers have to stand for hours to get through. It is very frustrating.

Agent Notes: Sent to CSM 10/28/11 mnelson

**Follow Up:**

To TSOC Date:  
From TSOC Date:  
Last Updated By: melissa.nelson  
Last Update Date: Oct 28 2011 12:44PM  
Opening Agent: nanette.navarre  
Opened Date: 10/28/2011 9:30:26 AM  
Linked Event IDs:

**Responses:**

Response  
Template Name: Consistency at Airports Nationwide  
Airport: JFK  
Airline:  
Subject Category: Screening - Inconsistency  
Interaction Type: Complaint

Response Email: From: (TSA Contact Center DO NOT REPLY) [tsatcc\\_do\\_not\\_reply@senture.com](mailto:tsatcc_do_not_reply@senture.com)

To: (b)(6)

Subject: In Response to your inquiry.

**Body:**

Thank you for your email message regarding your concerns about the consistency of procedures at our Nation s airports.

The Transportation Security Administration (TSA) has developed standard screening practices for all of our Nation s airports, and passengers can expect essentially the same procedures. While the procedures are the same everywhere, the interpretation of those procedures results in some slight variations from airport to airport and situation to situation. Additionally, some element of uncertainty and randomness in security operations is necessary to disrupt terrorist planning and attempted attacks.

TSA works hard to achieve consistency in the security training process. We inspect screening operations at airports and continue to monitor the number and nature of complaints we receive from the traveling public to track trends and spot areas of concern that may require special attention. This ongoing process enables us to ensure prompt, corrective action whenever we determine that security screening policies need modification or specific employees are the subject of repeated complaints.

Because your complaint concerns an incident that occurred at a specific airport, we have forwarded a copy of your letter to the Customer Service Manager at that location.

We hope this information was helpful.

TSA Contact Center  
END RECORD

**CONTACT RECORD**

EID: (b)(6)

Contact Type: Normal/General

Contact Date: Mar 21 2011 10:29AM

Medium: Email

Contact Status: Closed

Incident Date: Mar 20 2011 5:00PM

Contact Prefix:

Contact First Name: (b)(6)

Contact Middle Initial:

Contact Last Name:

Contact Suffix:

Contact Address 1:

Contact Address 2:

Contact City:

Contact State:

Contact Zip:

Contact Country:

Contact Phone:

Contact Fax:

Fulfillment Sent:

Mail Return Date:

Contact Email: (b)(6)

Subject: TSA Contact Us: Compliments or Suggestions

Body: THIS GENERATED EMAIL HAS BEEN SENT FROM <http://www.tsa.gov/contact/index.shtm>

Remote Client IP: (b)(6)

Date Time: 3/21/2011 10:29:02 AM

Subject: Suggestions

Name: (b)(6)

Email: (b)(6)

Comments: Dear Sir/Madam,

I travelled from EWR on the 20th March 2011. I went through the passport and boarding pass check just after 5pm. I approached the officer (Office (b)(6)) and handed him my passport and boarding pass. I said hello, he said nothing. I handed him my passport, he said nothing, not even a thankyou. He inspected it and he still said nothing. He just looked at me and that was that. I understand that they have an imporant job to do but why do they have to be so rude?

I'm not making a formal complaint but why on earth do your officers have to be so rude?

Many thanks,

(b)(6)

Agent Notes:

Follow Up:

To TSOC Date:

From TSOC Date:

Last Updated By: sandra.rudder

Last Update Date: Aug 14 2011 11:32AM

Opening Agent: sandra.rudder

Opened Date: 3/21/2011 3:24:20 PM

Linked Event IDs:

Responses:

Response

Template Name: Screener Rudeness Response

Airport: EWR

Airline:

Subject Category: Screening - Discourteous/Rude Screener

Interaction Type: Complaint -- Security

Response Email: From: (TSA Contact Center DO NOT REPLY) tsatcc\_do\_not\_reply@senture.com

To: [REDACTED]

Subject: In Response to your inquiry.

Body:

Thank you for your email expressing your concern regarding your dissatisfaction with the way you were treated by Transportation Security Officers (TSOs) at the security checkpoint.

The Transportation Security Administration (TSA) regrets any unprofessional treatment you may have. TSA seeks to provide a high level of security and customer service to all passengers who pass through our screening checkpoints. Every person and item must be screened before entering the secured area, and the way the screening is conducted is important. Our policies and procedures focus on ensuring that all passengers, regardless of their personal situations and needs, are treated with dignity, respect, and courtesy.

Please be advised that a passenger can always request to speak with the Supervisory Transportation Security Officer or the Assistant Director for Screening to address any complaint regarding screening procedures.

We hope this information is helpful.

TSA Contact Center

END RECORD

01-AUG-2011 11:03

From: 9143281505

# United States Congresswoman Nita M. Lowey

18<sup>th</sup> District, New York  
222 Mamaroneck Ave Suite 310  
White Plains, NY 10605  
(914) 428-1707  
(845) 639-3485  
FAX (914) 328-1505

8/1/11 8A

INT  
REC'D  
IN OLA  
70 N/C

## FACSIMILE COVER SHEET

To: TSA  
Legislative Affairs

Congresswoman Lowey

(b)(6)

(b)(6)

Number of Pages to Follow: 2

Date: 8/1/11

Comments:

Good morning,  
~~can~~ Please see the attached  
letter from Rep. Lowey.  
Thank you.

2011 AUG - 2 P 2:59  
OFFICE OF THE  
ASSISTANT ATTORNEY  
GENERAL  
M

If there are any problems, please call (914) 428-1707 or (845) 639-3485

(b)(6)

COMMITTEE ON APPROPRIATIONS

SELECT INTELLIGENCE  
OVERSIGHT PANEL



SUBCOMMITTEE:  
CHAIRMAN  
STATE, FOREIGN OPERATIONS, AND  
RELATED PROGRAMS  
LABOR, HEALTH AND HUMAN SERVICES,  
AND EDUCATION  
HOMELAND SECURITY

**Nita M. Lowey**  
**Congress of the United States**  
**18th District, New York**

July 26, 2011

Ms. LaVita LeGrys  
Assistant Administrator for Legislative Affairs  
Transportation Security Administration Headquarters  
East Tower, Floor 11, TSA-5  
601 South Twelfth Street  
Arlington, Virginia 20598

Dear Ms. LeGrys:

I am writing on behalf of my constituent (b)(6) (b)(6) of (b)(6) (b)(6) regarding an unpleasant experience he had with Transportation Security Administration (TSA) agents on July 3, 2011. The flight was departing from New York's LaGuardia Airport and arriving at Louis Armstrong New Orleans International Airport.

(b)(6) (b)(6) told me that at the time he was going through security at LaGuardia Airport, he accidentally spilled a container of shaving cream on the stainless steel table. A TSA agent, he believes his last name was (b)(6), yelled, swore at and threatened him.

(b)(6) (b)(6) told me that he is a frequent traveler and has never experienced anything like this and is very upset. Enclosed is a copy of (b)(6) (b)(6) e-mail detailing his experience. (b)(6) (b)(6) would like to know why this was allowed to happen and what will be done to rectify the situation. I request that this matter be given appropriate and speedy review.

If you have any questions, please contact my District Representative (b)(6) at (b)(6) or by e-mail at (b)(6)

Sincerely,

Nita M. Lowey  
Member of Congress

**Colons, William**

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**From:** (b)(6)  
**Sent:** Friday, July 22, 2011 1:31 PM  
**To:** Colons, William  
**Subject:** Letter from (b)(6) (b)(6)  
**Attachments:** TSA Blog- AW.docx

Dear Congresswoman Lowey,

On the morning of July 3, 2011 between approximately 11:00 am – 12:00 pm, I was traveling from Laguardia Airport to New Orleans on Delta Airlines I experienced an extremely unfortunate encounter with a TSA Officer. I did not have my glasses on at the time and was in the process of gathering my belongings. I was carrying a container of shaving cream and it spilled onto a stainless steel table. The TSA officer asked me 'are you an idiot?' If that wasn't bad enough then he said 'No, you're a goddamn idiot!' In a very loud tone.

I am sure I looked quizzically at the agent whose badge read (b)(6) from what I recall. He had white hair as well as white facial hair. The numbers on his badge included two #9's and an #8.

He then proceeded by saying 'if you don't like that you goddamn idiot, I will make you miss your plane'. He also told me 'if you want to make a complaint my supervisor is over there' and he pointed in the direction of a podium where there was another man standing behind it.

By the time I retrieved my belongings (b)(6) and the man standing at the podium were gone.

As a frequent traveler I have thousands of miles which include both domestic and international travel and I have never encountered an incident like this ever before.

I can only wonder if my race as an African American had anything to do with how I was handled. As a former United States Diplomat and Government Official I would employ you that the Homeland Security and head of the TSA remind its employees of the proper protocols in dealing with the traveling public. I would appreciate if you could let me know the resolution of this matter.

I am also attaching a blog from (b)(6) after he heard of my TSA encounter.

Sincerely,

(b)(6) (b)(6)

(b)(6)  
(b)(6)  
Irvington, New York 10533  
Executive Asst. to Amb. (b)(6)  
O (b)(6)  
F (914)591-4248  
(b)(6)

7/25/2011

**From:** Simmons, Veda L  
**Sent:** Wednesday, September 07, 2011 8:06 AM  
**To:** Brooks, Yvette  
**Cc:** Maola, Marisa; Ronan, Daniel A.; Lauro, Neal P.; Madden, Joseph P; Arroyo, Ronald  
**Subject:** RE: Status: TSA-110805-015 (Congresswoman Nita Lowey)

Good Morning Yvette,

The investigation in regard to (b)(6) (b)(6) was concluded by a Transportation Security Manager at LaGuardia Airport.

The details of the investigation are as follows:

The Transportation Security Officer (TSO) assigned to the x-ray machine determined that there was a suspicious item in (b)(6) (b)(6) carry-on bag. A bag check was requested by the x-ray monitor TSO. Lead Transportation Security Officer (LTSO) (b)(6) retrieved the carry-on bag from the x-ray tunnel and took it to the search table.

(b)(6) (b)(6) was observing the physical inspection of his bag. LTSO (b)(6) discovered a can of shaving gel that was not within the acceptable carry-on allowance in accordance with the 3-1-1 policy. This policy is available on our website at: <http://www.tsa.gov/311/index.shtm>. As you will see on our website, liquids are not completely restricted from transport. Passengers are permitted to carry toiletries in their carry-on baggage in limited quantities of 3.4 oz. or less. (b)(6) (b)(6) shaving gel exceeded 3.4 oz so it was not permitted in his carry-on baggage. LTSO (b)(6) placed the shaving gel on the table keeping it within his control. In accordance with Screening Standard Operating Procedures the LTSO began to explain to (b)(6) (b)(6) that he had a few options with regard to the shaving gel; 1) he could place the shaving gel in his checked bag; 2) he could put the item in his car or; 3) he could surrender the item. LTSO (b)(6) stated that (b)(6) (b)(6) suddenly grabbed the can and began to spray the shaving gel on the search table and on LTSO (b)(6) hand. This action was witnessed by another Officer.

We regret the comments that LTSO (b)(6) made in reference to the Ambassador. The comments were unprofessional and not in accordance with the treatment of passengers that is expected of any TSO. The Transportation Security Administration seeks to provide a high level of security and customer service to all who pass through out screening checkpoints. Every person and every item must be screened before entering the secure area, and the way the screening is conducted is important. Our policies and procedures focus on ensuring that all passengers are treated with respect and courtesy. Additionally, please note that the Assistant Federal Security Director for Screening at LaGuardia Airport is responsible for ensuring that the TSO workforce adheres to TSA principals for professional checkpoint processing and will take appropriate action with regard to the LTSO's behavior.

Please let me know if you require any additional information.

Thank-you

Veda

Veda L. Simmons  
 718 505-(b)(6)

**From:** Brooks, Yvette  
**Sent:** Thursday, September 01, 2011 4:37 PM  
**To:** Simmons, Veda L  
**Subject:** Status: TSA-110805-015 (Congresswoman Nita Lowey)

We drafted an interim to Congresswoman Lowey and informed her that we would respond to her request as soon as we have

completed our investigation. We were given a 30-day extension and we are now closing in on that date. She wrote to TSA on behalf of her constituent, (b)(6) (b)(6)

Can you please provide me with the status of your investigation of the above. We have a due date of September 23<sup>rd</sup>.

Your assistance in this matter is appreciated.

*Yvette B. Brooks  
Program Analyst  
Transportation Security Administration  
Office of Security Operations  
Communications Branch  
E5-552N*

571-227-(b)(6)

(b)(6)

*"People might not get all they work for in the world, but they must certainly work for all they get" Frederick Douglass*

**From:** Mabray, Veda  
**Sent:** Thursday, February 18, 2010 3:27 PM  
**To:** (b)(6)  
**Subject:** RE: Incident at LaGuardia Airport on January 23, 2010

Thank-you (b)(6)

If you have any other concerns please feel free to E-mail me.

Have a God Day!

Veda

**From:** (b)(6)  
**Sent:** Thursday, February 18, 2010 3:25 PM  
**To:** Veda LSimmons  
**Subject:** RE: Incident at LaGuardia Airport on January 23, 2010

Thanks Veda  
 I will consider the below before taking any further course of action.  
 Many thanks again,

(b)(6)

--- On **Thu, 2/18/10, Simmons, Veda L** <(b)(6)> wrote:

**From:** Simmons, Veda L <(b)(6)>  
**Subject:** RE: Incident at LaGuardia Airport on January 23, 2010  
**To:** (b)(6)  
**Date:** Thursday, February 18, 2010, 2:03 PM

Good Afternoon (b)(6)

You are absolutely correct, every person has a right to receive professional and courteous treatment. When passengers enter any Transportation Security Administration (TSA) occupied space there is absolutely no room for unprofessionalism and or biases.

When I receive passenger comments I send them directly to the Deputy Assistant Federal Security Director for Screening (DAFSD-S). The DAFSD-S are directly responsible for all Security Managers and Security Officers. When the comments are regarding allegations of employee misconduct or allegations of discrimination, the DAFSD-S conducts an investigation and takes appropriate action based on the findings of their investigation.

We are not at liberty to discuss Officer (b)(6) personnel actions due to privacy concerns.

The reason I provided you with the contact information for the Office of Civil Rights (OCR) is because the TSA takes any allegations of discriminatory behavior seriously and the OCR will also conduct an investigation.

Thank-you for expressing your concern regarding this incident. I hope this information is helpful.

Sincerely,

Veda L. Simmons

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**From:** (b)(6)  
**Sent:** Thursday, February 18, 2010 12:00 PM  
**To:** Veda L.Simmons  
**Subject:** Re: Incident at LaGuardia Airport on January 23, 2010

Veda,

Thanks for your response. I simply want to know what measures you take to amend this type of behavior.

For some context here, I travel about 85% of the time, and I fly through LaGuardia quite frequently in my travels. In many ways, as a small management auditing/ executive coaching business owner, the airport is my office. As such, I do not want to have to deal with the type of discriminatory behavior I described in my complaint. I understand that everyone is subject to their beliefs and opinions but when I step into what I believe to be my personal workplace (and moreover a place where people are paying to be), I believe that people should extend respect to their customers at a minimum.

I do not want to necessarily pursue the matter further; I would *rather* not experience this disrespect going forward. Please advise as to how you all resolve the matter.

Many thanks,

(b)(6)

e-mail: (b)(6)  
 cell: 646.413.8413

--- On **Thu, 2/18/10, Simmons, Veda L** (b)(6) wrote:

**From:** Simmons, Veda L (b)(6)  
**Subject:** Incident at LaGuardia Airport on January 23, 2010  
**To:** (b)(6)  
**Date:** Thursday, February 18, 2010, 6:36 AM

Dear (b)(6)

I am in receipt of the comment card that you wrote regarding an incident that occurred at Security Screening Checkpoint "D" at LaGuardia Airport on January 23, 2010. The incident that you described in your correspondence involving Officer (b)(6) is not characteristic of the level of service that the Transportation Security Administration (TSA) is striving to provide.

Our office not only responds to the needs and comments from passengers, but also shares those comments with the appropriate management teams. This method has proven very successful: in fact many of our current policies, procedures and positive changes are a direct result of passenger feedback. Your correspondence helps us in this ongoing process and will enable us to ensure prompt corrective action whenever we determine an employee's behavior requires modification.

We deeply regret the incident you experienced as a result of the behavior that you described on the comment card.

As soon as I received your Comment Card I forwarded it to the Deputy Assistant Federal Security Director of Screening (DAFSD-S) to conduct a thorough investigation. Based on the results of the investigation the DAFSD-S will take appropriate action.

Your comment card describes discriminatory behavior. The Transportation Security Administration has a Zero Tolerance Policy. I am required to provide you with the contact information for The Office of Civil Rights and Liberties. If you choose to pursue this matter further the contact information is as follows:

E-mail - [TSA.OCR-ExternalCompliance@dhs.gov](mailto:TSA.OCR-ExternalCompliance@dhs.gov)

Telephone - 1-877-EEO-4-TSA (1-877-336-4872).

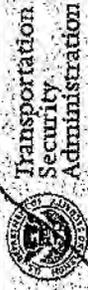
Please know that the TSA takes concerns such as yours very seriously. Based on the results of the investigation the DAFSD-S will take appropriate action.

Thank-you for bringing this incident to our attention.

Sincerely,

Veda L. Simmons  
Customer Support Quality Improvement Manager  
Transportation Security Administration  
LaGuardia Airport  
Flushing, New York 11371

FILE



Help us improve our customer service by completing and returning this card to a TSA drop-box or to a TSA supervisor or manager.

Date: Jan 23, 2010 Time: 3:50 PM Airport: La Guardia

Date/Time of Travel: Jan 23, 2010 / 3:00 PM Airline & flight number: American Airlines

Checkpoint/area of airport: Gate D TSA Employee (if known): (b)(6)

COMPLIMENT/COMPLAINT (summarize):  
A tall black TSA worker whispered something to his female counterparts regarding me and they responded "I already pipped that he is gay." From there, the same guy went over to other coworkers to bring them in on the "joke." As if we're laughs followed where eyes were directed to me. Hallmark unacceptable customer service and something we need to be done.

Passenger's Name: (optional, so we can follow-up with you) (b)(6) e-mail: (b)(6)

(Optional) Phone number (b)(6)

NOTE: If you wish to seek payment from TSA for damaged or missing items, you must file a claim on-line at [www.tsa.gov](http://www.tsa.gov) or through the TSA Contact Center at **1-866-289-9673**.  
Collection of this information is made under 49 U.S.C. 14(e) & (f). Providing this information is voluntary. TSA will use the information to improve customer service and may share it with airport operators for this purpose. For more information, please consult DHS/TSA 986 Correspondence and Matters Tracking Records. It will take no more than 5 minutes to complete this form. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The control number assigned to this collection is OMB 1652-0030, which expires 1/31/2013. Send comments regarding this burden estimate or any other aspect of this collection of information including suggestions for reducing this burden to TSA, 901 S. 12th Street, Arlington, VA 22202. A/T/N; PBA 1652-0030.

CONTACT RECORD

EID: (b)(6)

Contact Type: Normal/General

Contact Date: Jan 27 2012 11:54AM

Medium: Email

Contact Status: Closed

Incident Date:

Contact Prefix:

Contact First Name: (b)(6)

Contact Middle Initial:

Contact Last Name: (b)(6)

Contact Suffix:

Contact Address 1:

Contact Address 2:

Contact City:

Contact State:

Contact Zip:

Contact Country:

Contact Phone: (b)(6)

Contact Fax:

Fulfillment Sent:

Mail Return Date:

Contact Email: (b)(6)

Subject: RE: Complaint: re discriminatory practice

Body: (b)(6)

Thank you for contacting the Transportation Security Administration's (TSA's) Office of Civil Rights and Liberties. Please be advised that, as your concern specifically regards a customer service and professionalism issue, we are referring your email below to TSA's Contact Center for appropriate handling (tsa-contactcenter@dhs.gov). Furthermore, to address your second concern, TSA adheres to the Department of Homeland Security's commitment to race neutrality in our security screening programs. TSA neither uses nor condones unlawful profiling in our security screening activities. Passengers may be subjected to additional screening for a variety of security reasons and at random. Profiling is not and has not been an acceptable method of selecting passengers for additional screening. We hope this is of assistance.

Stephanie Stoltzius

Office of Civil Rights and Liberties, Ombudsman and Traveler Engagement Transportation Security Administration

—Original Message—

From: (b)(6)

Sent: Thursday, January 26, 2012 6:59 AM

To: TSAExternalCompliance@dhs.gov

Subject: Complaint: re discriminatory practice

Hello,

My name is (b)(6) I am currently at LaGuardia Airport to catch the 7:25 am American Airlines flight 1713 to Miami. I am African American/Asian American and am traveling with a friend, who is white. I was singled out for both a palm swab and a pat down. No one else for at least the visible five people before me nor the ten people after me were subject to both searches. I am wearing a SEE THROUGH top and skirt, with a strapless bra, and yet it seemed reasonable to the TSA agent to pat my collar bone. Yet, my friend was allowed to go through the detectors with a bottle of liquid exceeding the TSA limit. If the TSA is going to be so uneven in the application at least please do not so obviously single out people of color.

(b)(6)

Agent Notes: Sent to CSM at LGA on 1-17-12 by A Sizemore.

Follow Up:

To TSOC Date:

From TSOC Date:  
Last Updated By: amber.size more  
Last Update Date: Jan 27 2012 5:13PM  
Opening Agent: ileana.garland  
Opened Date: 1/27/2012 2:36:31 PM  
Linked Event IDs:

**Responses:**

**Response**

Template Name: Reasons for Secondary Screening  
Airport: LGA  
Airline: American Airlines  
Subject Category: Screening - Procedures/Process  
Interaction Type: Information

**Response**

Template Name: Civil Rights Complaint Discrimination—Response to General Public  
Airport: LGA  
Airline: American Airlines  
Subject Category: Civil Rights - Perceived Discrimination  
Interaction Type: Complaint

**Response**

Template Name: Complaint—Customer Service Manager  
Airport: LGA  
Airline: American Airlines  
Subject Category: Civil Rights - Perceived Discrimination  
Interaction Type: Complaint

Response Email: From: (TSA Contact Center DO NOT REPLY) tsatcc\_do\_not\_reply@senture.com

To: (b)(6)

Subject: In Response to your inquiry.

Body:

Thank you for your e-mail regarding the Transportation Security Administration's (TSA) Office of Civil Rights and Liberties (OCRL).

TSA OCRL serves as a resource for travelers who have expressed concerns about the treatment they received from TSA employees. OCRL is responsible for the enforcement of all Federal laws, Executive Orders, and policies prohibiting discrimination in employment, in applications for employment, or in the TSA's Federally assisted and Federally conducted programs or activities.

OCRL is also responsible for ensuring that TSA treats all travelers equally, without regard to a person's race, color, national origin, gender, religion, age, disability, gender identity, or sexual orientation.

If someone believes they have been discriminated against by a TSA employee on the basis of one of these criteria, they may submit an explanation of their complaint to the OCRL. Passenger's complaints should include the following: the name of the airport, flight information, date and time of the incident, and if possible, the name of the employee. Send complaints by e-mail to TSAOCR-externalcompliance@tsa.dhs.gov, or via postal mail to:

Transportation Security Administration  
OCRL, TSA-6  
601 12 Street South  
Arlington, VA 20598-6006

For additional information, passengers may contact OCRL toll-free at (877)-EEO-4TSA (4872). Callers may leave their name, number, and best time to return their call.

Because your complaint concerns security screening at a specific airport, we have forwarded a copy of your e-mail to the Customer Service Manager at that airport.

TSA monitors the number and nature of complaints we receive to track trends and spot areas of concern that may require special attention. This ongoing process enables us to ensure prompt, corrective action whenever we determine that security-screening policies need modification or specific employees or screener teams are the subjects of repeated complaints.

The Transportation Security Administration (TSA) seeks to provide a high level of security and customer service to all travelers who pass through our screening checkpoints. Every passenger and their property must be screened before entering the secured area, and the way the screening is conducted is important. Our policies and procedures focus on ensuring that all passengers are treated with dignity, respect, and courtesy.

TSA applies a variety of security measures in screening passengers and their property prior to boarding a flight. In some instances, this includes enhanced screening of passengers and their carry-on baggage, which may be triggered by a number of factors to include watch list processing, random selection, or alarm resolution. For example, TSA may apply additional screening methods, such as a patdown on a passenger, to resolve an alarm of the Walk-Through Metal Detector (WTMD) or resolve an anomaly discovered during Advanced Imaging Technology (AIT) screening. Additionally, a physical search of a passenger's property could also be performed.

TSA also selects passengers and their property at random for enhanced security screening. This random element prevents terrorists from attempting to defeat the security system by learning how it operates. Leaving out any one group, such as senior citizens, persons with disabilities, and children, would remove the random element from the system and undermine security. We simply cannot assume that all terrorists will fit a particular profile.

We understand the inconvenience passengers may have experienced. Nevertheless, we believe these security measures are necessary and appropriate for ensuring the security and confidence of all air travelers. TSA continues to develop and deploy new technologies to address the explosives threat. In the meantime, the use of additional screening enhances our ability to detect explosives at our Nation's airport checkpoints, provides an additional layer of security at the checkpoint, and keeps the traveling public safe.

We hope this information is helpful.

TSA Contact Center  
END RECORD



Transportation Security Administration

To: Barbara Bonn Powell, Federal Security Director  
Newark Liberty International Airport

From: (b)(6)

Boston Logan International Airport

Date: January 25, 2010

Re: Administrative Inquiry

On December 17, 2009, you appointed us to conduct an administrative inquiry into allegations that Behavior Detection Officer (b)(6) have utilized quotas in order to evaluate the performance of their subordinate Officers and/or have encouraged profiling of passengers in order to meet quotas established. For the purposes of this inquiry: "quotas" shall refer to a set number or percentage of Screening of Passengers by Observation Technique (SPOT) selectee referrals that may serve as a minimum or a goal; and "profiling" shall refer to the use of specific criteria, related to the race, ethnicity or nationality of a passenger, to select and search a passenger more carefully and extensively than would have occurred without the use of such criteria.

During our administrative efforts we requested any documents that may exist regarding these allegations and we received an excel spreadsheet (attached) containing monthly and yearly averages of all the Behavior Detection Officer's (BDO) SPOT referrals, including Law Enforcement Officer (LEO) referrals and Attachments 1 - 7 of the Standardization Report issued by the SPOT Program Office (attached).

In our efforts to conduct this inquiry, we interviewed forty (40) individuals. Included in this group were

(b)(6)

(b)(6) as well as (b)(6)

Assistant Federal Security Director - Screening William Smith. We requested written statements from fifteen interviewees and received ten, with the exception of (b)(6)

(b)(6)

(b)(5) about (b)(6) (b)(5)

(b)(5)

(b)(5)

(b)(5) Below

we have included more detailed information associated with the inquiry, as well as some recommendations that may be beneficial to your SPOT program at EWR.

Exhibit 1

Potential use of quotas:

Several individuals stated orally and in writing, prior to and during our inquiry, that certain BDO-TSMs utilized quotas in order to evaluate the performance of their Officers. When we asked these individuals to provide specific names or instances when such information about quotas was conveyed to the Officers or when promotions were made based on a criterion of quotas, the individuals stated they couldn't remember the necessary details or that they heard the information third hand but had no firsthand knowledge. None of the foregoing individuals provided any supporting documentation or detailed information that sustains the statements they made.

During our inquiry, we were provided with an excel spreadsheet containing monthly and yearly averages of all the BDO's SPOT referrals, including I.FO referrals. Nowhere on this document is there any indication that BDOs were either above or below an established quota. However, most of the BDOs were aware that the document existed and believed [redacted]

[redacted] During our interview with [redacted] he stated that the document was a method of statistical analysis that he created and used to identify potential anomalies or weaknesses among the BDOs. He further stated that if any BDOs were above or below average (based on a bell curve), he would work with these individuals to resolve the discrepancy. [redacted]

[redacted] While [redacted] was aware that the document existed it was not something he generated or used and when asked about the use of a quota system, [redacted] stated that one does not exist.

The BDO-TSMs as a whole, not just [redacted] were emphasizing productivity during daily briefings. This emphasis, [redacted]

[redacted] When the BDOs were asked about a quota system, they generally stated that they were briefed to increase their "activity, productivity or numbers". Numerous BDOs interviewed stated that [redacted]

Finding:

There is no supporting evidence to reasonably conclude that a quota system was established. The BDO-TSMs may have been briefing vigilance and focus while working in the field; [redacted]

[redacted] The overwhelming majority of BDOs however expressed [redacted]

Encouraged profiling of passengers:

Unlike the allegations regarding the potential use of a quota system, when BDOs were asked about participation in potential profiling activities they were forthcoming with specific names and direction regarding the same.

The practice of the BDOs at EWR based on the direction from specifically (b)(6) and to a lesser degree other TSMs, was to observe passports at the Travel Document Checker (TDC) position for a lack of valid visas and/or entry stamps. Based on the statements of the BDOs (b)(5)

(b)(5) When the BDOs observed a passenger without a valid visa and/or entry stamp the BDOs were to refer such passenger as a SPOT Selectee, or call a BDO-TSM for guidance, or directly contact Port Authority Police Department or Customs and Border Protection.

It has never been the practice of the SPOT program to refer a passenger to selectee screening based on the above criteria. Prior to the TSA assuming the responsibility for the TDC function, if a passenger had already been referred to SPOT selectee screening and during the course of such screening was determined not to possess a valid visa and/or entry stamp, that individual would have been referred to LEO as a result. However, even this process was eliminated (except in limited circumstances) in an email issued by the SPOT program office on October 24, 2008 titled "Clarification on BDO TDC Procedures" (attached).

The following information was provided by BDOs with respect to the encouragement of profiling of passengers:

- (b)(6) stated (written statement dated January 8<sup>th</sup>, 2010 attached), (b)(6) instructed me to watch flights going to Puerto Rico and Mexico, he also instructed me to stand next to the Travel Document Checkers to ensure that all passports contained visas. If the passports did not contain visas I was instructed to refer those passengers for SPOT selectee screening, even if the passengers did not show behaviors."
- (b)(6) stated (written statement dated January 12<sup>th</sup>, 2010 attached), "When a BDO working TDC came across a passenger with a foreign passport missing either a US entry stamp or a visa whoever the BDO team working that particular terminal was notified by their government cell phone. The BDO team would...notify the walk-through officer to refer the individual(s) for additional screening...Once inside the BDO team would start the referral and turn it into a LEO call". Additionally (b)(6) in his written statement alleges (b)(5)
- (b)(6) have written statements (attached) with similar situations involving BDOs at the TDC. (b)(6)
- Some BDOs stated that individuals without visas or entry stamps were not referred for screening; they were referred directly to Customs and Border Patrol (CBP) at the TDC. (b)(6) stated (written statement attached) that BDOs working TDC "sometimes noticed that the passenger did not have the proper stamp or visa and they called CBP or LEO but they did not refer the passenger."

➤ (b)(6) allege (b)(5);(b)(6)  
(b)(5);(b)(6)

➤ Additionally, the email directive of October 24, 2008 titled "Clarification on BDO TDC Procedures" was not implemented until the refresher training from the Standardization Team in November 2009.

In addition to the allegations contained above (b)(6) (b)(5)  
(b)(5)

While document validation (i.e. to be able to identify fraudulent documents) is a component of the BDO function it is not the primary focus of the SPOT Program.

Furthermore, the most common statement made by the BDOs interviewed regarding profiling was that (b)(6) had briefed the BDOs to watch out for "Dominicans" or "Dominican baggage handlers" for illegal activity. All of these BDOs have provided written statements (attached). When we asked (b)(6) about these comments, both stated that it was intelligence driven, based on an incident involving drug smuggling from a Transportation Suspicious Incidents Report (TSIR). (b)(5)

(b)(5)  
(b)(5) This information that was included in the TSIR does not serve to direct any changes in SPOT protocols and the only basis for altering the criteria for SPOT referrals are identified in Section 2.1D of the SPOT SOP. In essence, it has to be driven by intelligence and approved by the FSD. (b)(5);(b)(6)  
(b)(5);(b)(6)

Allegedly (b)(5);(b)(6)  
(b)(5)  
(b)(5)

**Findings**

(b)(5)  
(b)(5);(b)(6) it is reasonable to conclude that a procedure for profiling or identifying illegal aliens was implemented by several BDOs.

(b)(5);(b)(6)

Exhibit 1

**Recommendations:**

(b)(5)

Thank you for the opportunity to work with your staff. We would like to particularly thank (b)(6) (b)(6) who was especially helpful during our stay and in providing assistance and expediting appointments. We are available at any time to discuss the above in more detail. Thanks again for this opportunity.

January 8, 2010

I have been a Behavior Detection Officer at Newark Liberty International Airport since (b)(6). Ever since I have known (b)(6) he has made inappropriate comments about individuals of Hispanic origin. (b)(6) has made comments about Dominicans, Mexicans and Puerto Ricans in my presence. When I initially joined the BDO program (b)(6) instructed me to watch flights going to Puerto Rico and Mexico, he also instructed me to stand next to the Travel Document Checkers to ensure that all passports contained visas. If the passports did not contain a visa, I was instructed by (b)(6) to refer those passengers for SPOT selectee screening, even if the passengers did not show behaviors. If the passports did contain visas I was instructed by (b)(6) to thoroughly examine the visa to ensure the visa was valid, before examining the passport picture and its validity first as Hispanic passengers made their way through the security checkpoints in the airport.

On September 28<sup>th</sup> 2009 during an in brief, (b)(6) instructed the BDO's including myself to watch the Dominican baggage handlers and passengers because they are most likely to be involved in illegal drug activity in the United States. (b)(6) (b)(6) (b)(5) and wrote statements to attest to the fact that (b)(6) made this statement. (See attached statement) During early November (b)(6)

(b)(6) About two days after this comment was made (b)(6) contacted me on my government cellular telephone while I was conducting a playbook play and instructed me to go out on the tarmac and watch the Dominican baggage handlers to see if I could find anything unusual. (b)(6) (b)(6) was my partner that day and I made her aware of what (b)(6) had instructed me to do and we went out on the tarmac. Although (b)(6) called an audible on the play that myself and (b)(6) were already conducting, (b)(6) and I went to the tarmac as we were told but we did not focus our attention only to the Dominican baggage handlers, since there is no real way of knowing someone is Dominican without asking. So instead (b)(6) and I walked the tarmac and focused our attention to ALL of the baggage handlers and made sure that everyone's ID was valid that was working on the tarmac that day.

(b)(6)

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EXHIBIT 1

(b)(6) embarrasses and taunts the (b)(6) on 2<sup>nd</sup> shift. (b)(6) as made comments like, "You people are trouble." and I don't want you people working together alone." Referring to myself and (b)(6) (b)(6) on 2<sup>nd</sup> shift in the program. The only time I ever got a chance to work with any (b)(6) such as (b)(6) (b)(6) was if another manager made the daily assignments. And even if another manager made the assignments and allowed us to work together, if (b)(6) was on duty, he would change the assignments and split the team up. (b)(6) would make it very clear that if we did not produce more referrals we would not be considered for promotion. (b)(6) would say things like, "We need activity on (b)(6) will say we are not an important layer of security," or "If everyone would have numbers like (b)(6) it would be easy to become G Band. (b)(6) constantly racially profiles passengers and (b)(6) condones all of his behavior. (b)(6) even uses (b)(6) as an example of a "Good BDO," because (b)(6) racially profiles the passengers without any argument to (b)(6)

(b)(5), (b)(6)

(b)(6)

January 14, 2010

(b)(6) am writing this statement as requested by the people conducting the investigation of the BDO managers at EWR.

To the best of my recollection when interviewed I stated that it was directed to the BDO unit by (b)(6) that we stand by the TDC and check for Visas. In the event that a fraudulent passport or Visa was found you where to notify him and wait for further instruction. It was also mentioned to me that during a briefing that was conducted (b)(6) that a statement was made by (b)(6) about watching for the Dominicans because of drugs. To my knowledge no special Intel was ever mentioned.

(b)(6)

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Exhibit 1

My name is (b)(6)

To the best of my knowledge the following is a list of some experiences with (b)(6)

1. I do not socialize outside of work with (b)(6)
2. During one out brief (b)(6) mentioned that the BDOs should pay particular attention to Dominicans because they have been caught transporting drugs. I do not recall if this was part of any intelligence.
3. (b)(6) has instructed the BDOs to look for entry stamps or visas on foreign passports and if they were missing to contact Customs and Border Patrol.
4. I have heard (b)(6) make comments that BDOs in general need to make more referrals and have to show activity (meaning referrals).
5. (b)(6) has stated we need to show "activity" and law enforcement officer calls (LEO calls) if we want to be promoted. This was then common practice by several BDOs who were later rewarded with a promotion.
6. (b)(6) at one time that had referred a passenger because of their appearance and possession of a Mexican passport. During the referral it turned out that the individual had a Resident Alien Card.
7. I have worked with a BDO that in my opinion requested Law Enforcement just to show activity.
8. It has been common practice to hold a passenger for a long period of time essentially detaining the passenger while we wait on LEO. This action was directed to the BDOs from management.
9. I strongly (b)(5)

Most if not all of the issues that surround the BDO program here at Newark Liberty International Airport are due to management serving their own agenda and promoting their work ethic. Because of this I would like to see (b)(6) be removed from his position and federal service.

(b)(5)

(b)(6)

Date: 1-13-2010

Department of Homeland Security  
Transportation Security Administration  
Newark Liberty International Airport

(b)(6)

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Exhibit 1

My name is (b)(6)  
(b)(6) During that  
period (b)(6)  
(b)(6) was called by (b)(6)  
(b)(6) into the C terminal Liberty Conference  
room to meet with him. During these meetings we  
were briefed on Travel Document Checking,  
specifically checking foreign passports with no  
visas, expired visas, the country of origin and how  
many times, if any they had entered into the United  
States. We were instructed by (b)(6)  
(b)(6) to "look harder", and to "pay close  
attention" to foreign passports. If at any time we  
thought that the passenger or passengers were  
illegal immigrants we were to contact him. When  
contacted he would arrive at the location, observe  
the passenger or passengers for a short time then  
would refer them on behaviors that I did not  
personally witness, but as one of the newer BDOs at  
the time, I did not question him on it. Soon  
afterwards he would call CBP.

(b)(6)

Unfortunately this did not happen, instead on many  
occasions at (b)(6) I witnessed (b)(6)  
(b)(6)  
(b)(6) stand at the TDC and deliberately go after a  
certain race of people, (profiling) them, then  
referring them. On occasion I had even witnessed  
him searching individual's property without any  
behaviors present at all. On these occasions I had  
not witnessed any behaviors on said individuals nor  
did they reach a threshold required for a referral.  
When I questioned (b)(6) on what behaviors he  
was referring the passenger on, (b)(6)  
(b)(6)

(b)(6)

(b)(6) I began to notice that if I was assigned to either (b)(6) or (b)(6) during the international flights, myself (b)(6) at the time would get a phone call from our (b)(6) (b)(6) and and asked to switch locations with (b)(6) and his team. It became evident later as to why (b)(6) was reassigned. Whenever (b)(6) was assigned to either playbook or working at a location where he thought he would not be able to get a referral, I would receive a call from (b)(6) reassigning (b)(6). Again, because (b)(6) gave us a direct order, it was not questioned. During the first couple of months (b)(6) I noticed alot of deviations from the SPOT Program SOP, from either (b)(6)

(b)(6) (b)(6) I truly believe in the SPOT Program and the added layer of security it provides to the traveling public, (b)(5)

(b)(5) exhibited by (b)(6) (b)(6) (b)(5) (b)(5)

(b)(6)

You forwarded this message on 1/7/2010 3:34 PM.  
Please treat this as Confidential.

(b)(5)

From: (b)(6) Sent: Thu 1/7/2010 2:50 PM  
To:  
Cc:  
Subject: (b)(6)  
Attachments:

I have on many occasions heard (b)(6) during meetings and briefings say " go out and get me LEO calls (b)(6) was basically telling all of us to go look for illegal aliens and or make up behaviors to (b)(6),(b)(3) 49 U.S.C. § 114(r) result in a LEO call.

(b)(6) had also informed me that he was going to base the first two rounds of promotions based on the number of pulls and LEO calls a BDO had. I have heard (b)(6) many times tell BDO's on second shift if they want to get promoted they need to get their activity level up. I have also seen (b)(6) posting himself next to the TDC looking at Passports and looking for certain visa's.

I have complained to (b)(6) many times about certain BDO's profiling and was (b)(6) because I refused to go along with the profiling and corruption in this unit. (b)(6) because I stand up and complained about these and other problems.

I have personally witnessed (b)(6) pull 2 Male Mexican passengers without seeing any behaviors, during her Casual conversation she shook their passports in their faces calling them liars and demanding to know where their Visa was. I informed (b)(6) with (b)(6) and her actions (b)(6) took no action (b)(6)

I have also witnessed (b)(6) during referrals ask his first two questions, are you here illegally and how did you get into this country. We have been told by Washington not ask these questions time and time again but certain BDO's continue to do it. This particular referral was witnessed by (b)(6) whom again did nothing to correct it. A month or two later (b)(6) was promoted to G-Band.

Many Mangers and STSO's and TSO's questioned (b)(6) about BDO's constantly pulling Mexicans and other South American male passengers because even to them it was that obvious the BDO unit was profiling.

We were being called Mexican Hunters by are peers and co-workers in the airport. It is was obvious (b)(6) (b)(5)

(b)(5) As of recently (b)(6) keep putting us down in briefings and meetings telling us we are not getting enough pulls and our numbers are down, (b)(5)

If there is anything else you need from me, please do not hesitate to ask.

Regards,

(b)(6)

g.12  
Agency Exhibit 1

January 12, 2010

To (b)(6)

On several occasions while working as a (b)(6) I have witnessed Screening (b)(6) and (b)(6) advising the BDO Unit and myself to review travel documents. At briefings held by both (b)(6) they directed the BDO unit to review foreign passports and look for US entry stamps and VISA's. Also, all the BDO Managers including (b)(6) told us and made sure all the BDO's had the direct phone number for the US Customs office. While BDO's were working overtime at the TDC position at checkpoints several BDO were flipping through passports looking for a US entry stamp or a VISA. This became the norm for many referrals on first shift. When a BDO working TDC came across a passenger with a foreign passport missing either a US entry stamp or a VISA whoever the BDO team working that particular terminal was notified by their government cell phone. The BDO team would show up at the location and would confirm with the BDO working TDC and would follow the individual(s) and notify the walk-through officer to refer the individual(s) for additional screening. Once inside the footprints the BDO team would start the referral and turn it into a LEO call and would call US Customs office directly. Also, I have witnessed times when an individual(s) would be stopped by the BDO working TDC and hold them there until a BDO team arrives at which point the BDO team would call US Customs office directly without the individual(s) going through screening.

As BDO's we were encouraged and told by the Managers' to keep the activity up and make sure you keep making LEO calls. I asked (b)(6) why we were looking for and focusing on illegal immigrants. I was told to keep the activity up. When I asked the BDO Managers if there was a directive from headquarters, (b)(6)

(b)(6) After watching time and time again these LEO referrals being made TSO would come up to me and say why are the BDO's picking on Mexicans. It became a joke in the unit these individual were called the great Mexican hunters. I did not agree or did not go along with these type of referrals, but if I was teamed up with one of these BDO's, I would go along with the referral and perform the bag check. When I disagreed with these referrals and brought it to the attention of the BDO managers, I was told by the BDO managers that (b)(6)

(b)(6)

Once the memo from TSA Headquarters came out and stated not to review a passengers travel documents, we were no longer told in briefing to refer passengers based on documentation. But some BDO's did not follow the guidelines of the memo and continued to refer passengers based on documents. They would assess behaviors on these passengers and would have enough behaviors for a referral. Then turn it into a LEO call after they find out through casual conversation that they were illegal immigrants in the United States. (b)(6)

(b)(6) he stated "illegal immigrants have behaviors too."

(b)(6)

c (b)(6)

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Agency Exhibit 1

January 12, 2010

STATEMENT

On or about January 6, 2010 @ approximately 1000 hours and again on January 12, 2010 @ approximately 1350 hours I was asked several questions from two BDO Managers from Boston that were conducting an Inquiry on the BDO Program in Newark.

Q. Does the BDO Program have a quota that requires the BDOs to have a certain number of referrals?

A. I am not aware of a quota on first shift. However, I have been informed that 2<sup>nd</sup> shift Managers require a quota. This was told to me by several BDOs in various situations. This was also expressed in the briefings from various officers. I don't recall the specific Officers. I have heard that the Officers on 2<sup>nd</sup> shift are told to go to B3 checkpoint to get referrals and I have also been told that Officers have been told to check specific planes that are departing to the Dominican Republic and Mexico. During a BDO Managers meeting we discussed at length the process of using referrals for promotions and performance evaluations. (b)(6)

(b)(6) explained that keeping track of the referrals is a great tool to use. (b)(6)

(b)(6) said that he keeps the tracking sheet of the referrals to keep track of the Officers performance and to know what Officers are working and what Officers are not. In the past it had been common practice to promote the BDOs to Expert by how many referrals they have.

(b)(6)

A. The Expert promotions were conducted by 2 panels. 1<sup>st</sup> panel was of vetting of attendance and resume. 2<sup>nd</sup> panel was the managers' observations of several competencies of each officer. All of the managers met in the conference room and went down the list and came to a consensus on each competency. Since (b)(6) were removed from the "floor" (b)(6) would conduct the Expert promotions at a later date.

Q. What do you think about (b)(6) leadership style?

A. I think (b)(5), (b)(6)

(b)(5), (b)(6)

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Q. What do you think about (b)(6) leadership style?

A. I think (b)(5),(b)(6)

(b)(5)

Q. What do you think about (b)(6) leadership style?

A. I think (b)(5),(b)(6)

(b)(5)

(b)(5) I think (b)(5),(b)(6)

(b)(5)

Q. Have the BDOs been given the direction to contact Law Enforcement when they find that a passenger Passport does not have a stamp or Visa?

A. Not to my knowledge

Q. Have the BDOs referred passengers because they don't have the proper stamp or Visa on their Passport?

A. Not to my knowledge. However when BDOs were conducting TDC they sometimes noticed that the passenger did not have the proper stamp or Visa and they called CBP or LEO but they did not refer the passenger.

Q. Have the BDOs called LEO when a passenger is a referral and they found that they did not have the proper stamp or Visa on their passport?

A. Yes this was common practice and the BDOs were informed they should only call a LEO when  point threshold is met. This practice was corrected immediately

Regards,

(b)(6)

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Agency Exhibit 1

(b)(6) am stating the (b)(6) has told his shift during the briefings that we should stand by the TDC and look over there shoulders and look at passports. He told us what to look for in a passport to tell if they are illegal or not. He also encouraged the referring of illegals because it would (b)(6) I personally (b)(6) went by the way I was trained which was to look for behaviors and if it was there then it was there, if not its not. I have seen and heard of some of his people pulling illegals because (b)(5) (b)(6)

We have been told by many managers that we have to get our referrals up by stressing activity, which is against the SOP. I am someone who follows the SOP and I have never listen to what I was told and I just came in and did my job. If the behaviors were there then I would refer the passenger and if they weren't then I wouldn't refer a passenger that didn't meet our treshold.

(b)(6)

October 26, 2009

On September 28 2009 at Terminal C; I was present at a BDO in-briefing where (b)(6)  
(b)(6) made an inappropriate comment (b)(6) stated " We have to  
look out for the Dominican Baggage handlers because they are the ones that are

(b)(5)  
(b)(6) I did not feel (b)(6)  
workplace that is supposed to be as diverse as the very people that travel  
through our airport on a daily basis. So this letter is not only written as a  
witness statement but supporting evidence for (b)(6)  
(b)(6) said above comment.

(b)(6)

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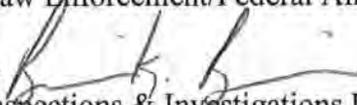
U.S. Department of Homeland Security  
Arlington, VA 22202



Transportation  
Security  
Administration

Interoffice Memorandum

**TO:** Assistant Administrator/Director,  
Office of Law Enforcement/Federal Air Marshal Service

**FROM:** Tony Zotto   
Director, Inspections & Investigations Division

**DATE:** APR 21 2010

**SUBJECT:** Report of Investigation: (b)(6) BDO (b)(6) EWR

- cc:  Chief Counsel  
 Assistant Administrator, Office of Security Operations  
 Program Executive Officer for Employee Relations  
 Office of Administrative Appeals and Review  
 Chief Security Officer  
 Director, Workers' Compensation Program Office  
 Federal Security Director – Newark Liberty International Airport

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U.S. DEPARTMENT OF HOMELAND SECURITY

TRANSPORTATION SECURITY ADMINISTRATION

REPORT OF INVESTIGATION

<b>Title:</b> (b)(6) Behavioral Detection Officer Transportation Security Administration Newark Liberty International Airport Newark, New Jersey	<b>Case Number:</b> (b)(6)
	<b>Report Number:</b> 1
	<b>Status:</b> Closed
<b>Period Covered:</b> November 18, 2009 – April 5, 2010	<b>Region:</b> 2
<b>Type of Investigation:</b> 18 (False Statement)	
<b>Investigation Made By:</b> Special Agents Ralph Palmiere and Stephen Iannucci	
<b>Location:</b> Union, New Jersey	
<b>Report Made By:</b> <i>Ralph Palmiere</i> Special Agent Ralph Palmiere <i>8/13</i>	<b>Date:</b> <i>4/13/10</i>
<b>SAIC Approval:</b> <i>Francis X. Brennan</i> Special Agent In Charge Francis X. Brennan	<b>Date:</b> <i>4/13/10</i>
<b>Approved:</b> <i>Tony Zotto</i> Director, Inspections & Investigations Division	<b>Date:</b> <i>4/21/10</i>

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## BASIS FOR INVESTIGATION

On November 18, 2009, Branch Chief John Bettac, Transportation Security Administration (TSA), Office of Security Operations (OSO), Headquarters (HQ), provided TSA's Office of Inspection (OOI), HQ, with information regarding the submission of a false report by an employee. According to the information provided, TSA employee (b)(6), who was working at a security checkpoint at Newark Liberty International Airport (EWR), was involved in an incident involving an unidentified Asian male videotaping with a camera outside of the checkpoint. Local Law Enforcement and a Federal Air Marshal (FAM) responded to the checkpoint as a result of the incident. When writing a report of the incident, (b)(6) co-worker(s) noticed that there were several false statements by (b)(6) in the report that characterized the male passenger illegally videotaping the sterile area, when that was not the case. Information received from (b)(6) co-workers indicates that this type of incident (falsifying report information) with (b)(6) has happened in the past.

On November 19, 2009, Branch Chief Bettac, emailed TSA/OOI a copy of OSO's report regarding a "standardization visit" conducted at EWR on November 2 to 6, 2009, in which the allegation involving TSA employee (b)(6) was reported.

## ALLEGATIONS AND FINDINGS

**Allegation:** It was reported that BDO (b)(6) was "profiling" passengers and providing "bogus" information in order to justify closer examination (secondary screening) of a particular group of passengers; which, if true, would be in violation of Title 18, United States Code, Section 1001 ((False) Statements or Entries Generally) and would also constitute a possible violation of TSA Management Directive (MD) 1100.73-5 (Employee Responsibilities and Conduct).

**Findings:** On December 2, 2009, Branch Chief Bettac advised OOI that a "standardization visit" was conducted at EWR by OSO members regarding the BDO Program. During the course of this visit, BDO (b)(6) told a member of the OSO Team that BDO (b)(6) (b)(6) was "profiling" passengers and providing "bogus" information in order to justify closer examination (secondary screening) of a particular group of passengers (Attachment 1).

On January 11, 2010, BDO (b)(6) was interviewed by OOI and stated that he did not personally observe the information which he reported to the OSO, but it was told to him by BDO (b)(6) (Attachment 3).

On February 2, 2010, BDO (b)(6) was interviewed by OOI and stated that BDO (b)(6) has "profiled" individuals and changed information in reports in order to justify closer examination (secondary screening) of a particular group of passengers. (b)(6) stated that

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factors in determining secondary screenings by BDOs are exact and there is no provision for "interpretation or discretion" (Attachment 4).

On several occasions, beginning on December 4, 2009, through March 5, 2010, OOI met with Transportation Security Manager (TSM) Lisa Nelson regarding the allegation involving BDO (b)(6). Nelson stated that (b)(6) is (b)(6) to the BDO Program and she is aware of only one issue involving (b)(6) in which he used wrong terminology in a report to describe a certain situation. Nelson said that the report was corrected and resubmitted (Attachment 5).

Nelson said BDO (b)(6) "didn't have many pulls (referrals)" and reviewing the few that he did have did not indicate any suspicious entries or indicate that he was profiling any particular group of passengers. Nelson said that although the criteria (factors) used by the BDOs in determining a referral are constant, "interpretation" of the same factor observed by two different BDOs could influence whether or not an individual would be referred (Attachment 5).

On March 31, 2010, and April 5, 2010, OOI received email correspondence from Deputy Assistant Federal Security Director for Screening (DAFSD-S) Patrick Boyle stating that based on OOI's investigation and TSA management's review, no administrative action will be taken against BDO (b)(6) (Attachment 6).

The allegation that BDO (b)(6) was "profiling" passengers and providing "bogus" information in order to justify closer examination (secondary screening) of a particular group of passengers was not substantiated.

### DETAILS OF INVESTIGATION

On November 18, 2009, Branch Chief John Bettac, TSA, OSO, HQ, provided OOI, HQ, with information regarding the submission of a false report by an employee. According to the information provided, TSA employee (b)(6) who was working at a security checkpoint at EWR, was involved in an incident involving an unidentified Asian male videotaping with a camera outside of the checkpoint. Local Law Enforcement and a FAM responded to the checkpoint as a result of the incident. When writing a report of the incident, (b)(6) co-worker(s) noticed that there were several false statements by (b)(6) in the report that characterized the male passenger illegally videotaping the sterile area, when that was not the case. Information received from (b)(6) co-workers indicates that this type of incident (falsifying report information) with (b)(6) has happened in the past.

On November 19, 2009, Branch Chief Bettac emailed OOI a copy of OSO's report regarding a "standardization visit" conducted at EWR on November 2 to 6, 2009, in which the allegation involving TSA employee (b)(6) was reported (Attachment 1).

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On December 2, 2009, OOI Special Agent (SA) Ralph Palmiere telephonically contacted Branch Chief Bettac regarding the previously noted information that was provided to OOI. Bettac provided the following information:

Branch Chief Bettac stated that during November 2 to 6, 2009, a "standardization visit" was conducted at EWR by OSO members regarding the BDO Program. During this particular standardization visit different aspects of the BDO Program were observed and evaluated to "ensure that the airport is carrying out the BDO Program in proper fashion"; included as part of this evaluation process were personal interviews with BDOs.

Bettac stated that during the course of one such interview a TSA employee stated that BDO (b)(6) was "profiling" passengers and providing "bogus" information in order to justify closer examination (secondary screening) of a particular group of passengers, Hispanic and Asians. Bettac said that details regarding this interview are included in OSO's report regarding the EWR "standardization visit."

Bettac stated that other issues noted in OSO's report basically involve the BDO Program Standard Operating Procedures (SOP) and have been addressed with EWR management, and these issues have been, or are in the process of being corrected (Attachment 1).

Note: A subsequent review of OSO's report by SA Palmiere revealed a section documenting an interview between an OSO Standardization Visit Team Member, Leukemia Mounce, and a Master BDO (MBDO) at EWR. The interview, reported by Leukemia Mounce, contained, in part, the following information pertaining to BDO (b)(6):

Mounce stated that the MBDO advised him that he is concerned about the BDO Program at EWR because he sees "profiling and bogus pulls (referrals to further screening)." The MBDO stated that he has observed BDO (b)(6) profile passengers and make bogus pulls, in which Hispanic passengers are often targeted. The MBDO stated that on one occasion he observed BDO (b)(6) make a "bogus pull" by falsely escalating a situation involving an Asian passenger with a camera. The MBDO said that during this incident BDO (b)(6) deviated from the BDO SOP by not following the "chain of command" regarding the referral (pulls) notification process, and by changing his report after being advised by Supervisor Joe Yurechko, "in a low voice" that "you can't do this, you have to re-write it."

Note: The MBDO stated that Supervisor Joe Yurechko gives BDO (b)(6) "special treatment."

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The MBDO stated that he advised Supervisor Lisa Nelson of what he had observed and was told by her that, "it had been addressed and that they were watching him (b)(6)" (Attachment 1).

On December 2 and 3, 2009, Branch Chief Bettac emailed SA Palmiere information pertaining to the BDO Program. The following information was included in these emails:

Bettac stated that BDOs are specially trained Transportation Security Officers (TSO) that complete both formal classroom training and an on-the-job course that teaches them to spot abnormal behaviors. Their job is to identify and pick out the anomalies in the crowd at the airport checkpoint. The behaviors cross all cultures and nationalities, and BDOs are never to pick a certain ethnic group as a referral unless they observe them exhibiting some of the 38 behaviors. The aberrant passengers are assigned a number of points (this is classified) and when the passenger reaches a certain threshold, they are either pulled for additional screening or if they hit a certain number of points, they are referred to law enforcement for further attention.

Bettac said that when a passenger reaches the numerical threshold, usually they are sent to secondary screening. BDOs are to work in pairs. One BDO will search the carry-on luggage while talking to the passenger. The other BDO is observing their responses to see if they escalate the situation or satisfactorily answer the questions posed by the BDO. If the passenger accumulates more points, law enforcement is called. The decision to allow the passenger to fly rests either with the BDO and their managers or the airport police.

Bettac provided the definitions of commonly used acronyms associated with the BDO Program:

- AOR - Airport of record
- ETD - Explosives trace detection
- HHMD - Hand-held metal detector
- LTSO - Lead Transportation Security Officer (2 stripes)
- OLC - On-line learning center for TSA training
- Playbook - A series of exercises using BDOs and others (law enforcement officers (LEO), FAMs, canines (K-9)) to detect threats to aviation
- SOP - Standard operating procedures
- SPOT - Screening passengers by observation techniques
- STSO - Supervisory Transportation Security Officer (3 stripes)
- STSM - Supervisory Transportation Security Manager (not uniformed)
- TDC - Travel Document Checker
- WTMD - Walk through metal detector

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In addition, Bettac stated that a standardization visit is similar to an inspection of the program. OSO does these to insure that the airports are carrying out the BDO Program in the proper fashion and that they are complying with the SOP. Also, during a visit, OSO uses this time to instruct BDOs found to not be doing the procedures correctly. In addition, OSO looks at the program management at the airport to make certain the managers are monitoring properly and that they are spending time with their subordinates to ensure that they are carrying out the program in the proper fashion (Attachment 1).

On several occasions, beginning on December 4, 2009, through March 5, 2010, SA Palmiere met with TSM Lisa Nelson regarding the allegation involving BDO (b)(6). During the course of these meetings, Nelson provided SA Palmiere with the following information:

Nelson stated that (b)(6) is "fairly new" to the BDO Program and she is aware of only one issue involving (b)(6) in which he used wrong terminology in a report to describe a certain situation. Nelson said that although she could not recall the exact date, she noticed the mistake when she reviewed (b)(6) report and saw that he misused the term "panoramic videotaping" in describing an action that lead to a passenger being referred to secondary screening. Nelson said that although the action being performed by the passenger could be used as a factor in referring him to secondary screening, the term used by (b)(6) to describe this action was not correct. Nelson said she spoke to (b)(6) supervisor, Manager Joe Yurechko, about the error and had him explain to (b)(6) what terminology should have been used in describing the action that he had observed. Nelson said the report was corrected and resubmitted.

Nelson said it is procedure for BDO Supervisors/Managers to review each SPOT Referral Sheet, (a type of incident report used to document referrals), submitted by BDOs prior to entering the information from these sheets into the system. According to Nelson, there are times when the BDOs leave out critical information or use wrong terms in reporting a passenger referral (Attachment 2).

On January 10, 2010, OOI SA Ralph Palmiere and SA Stephen Iannucci interviewed BDO (b)(6) regarding information he provided to an OSO member about the use of "bogus" information and the practice of "profiling" passengers as it relates to the BDO Program at EWR. (b)(6) provided the following information:

(b)(6) said he recalled talking to a female member of OSO sometime in November 2009 regarding information about a fellow coworker, BDO (b)(6). (b)(6) pointed out that the information he passed to the OSO member, whose name he could not recall, stemmed from an incident which he was neither a part of nor a witness to.

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(b)(6) said the information that he reported was told to him by another BDO, (b)(6), and he, (b)(6) had accompanied (b)(6) when she reported it to the BDO supervisor, Lisa Nelson.

BDO (b)(6) said that according to BDO (b)(6) she and two other BDOs, (b)(6) and (b)(6) were working at the C1 checkpoint when (b)(6) observed a man of Asian descent, holding a video camera in his hand, making a gesture as if he were recording the security checkpoint. According to (b)(6) assessed a behavior that involves panoramic videotaping that did not have a point value high enough to refer the individual for additional screening, but (b)(6) referred the individual anyway.

BDO (b)(6) told BDO (b)(6) that during the referral, BDO (b)(6) did not follow proper chain of command, and instead of contacting a Screening Manager, he contacted the local Federal Air Marshal Service (FAMS). When (b)(6) explained to him that he could not do that, he replied by saying that he was going to do it anyway and that she shouldn't tell him what to do. (b)(6) then told (b)(6) that they went to the BDO office to fill out a spot sheet, (a type of incident report), and presented it to TSM Joseph Yurechko for approval. After reviewing it, Yurechko whispered into (b)(6) ear that he could not do this and that he needed to re-write it.

After BDO (b)(6) explained this to BDO (b)(6) advised (b)(6) to speak with TSM Lisa Nelson and explain to her what occurred. (b)(6) said that he accompanied (b)(6) to meet with TSM Nelson and he made it clear he was just there in support but was not part of the incident. BDO (b)(6) explained to TSM Nelson everything that occurred and showed her the spot sheet that BDO (b)(6) had filled out. Based on the information that (b)(6) provided on the spot sheet, TSM Nelson also felt that the referral was "bogus." (b)(6) said TSM Nelson informed them that the situation would be addressed, and that (b)(6) had been previously spoken to about his methods of screening.

BDO (b)(6) wanted to reconfirm that the information that he provided in his November 2009 interview with an OSO member and that he just reaffirmed in this interview with OOI "was based solely on word of mouth and that the information was provided to me (b)(6) by a co-worker and that I (b)(6) did not witness any of it firsthand." (b)(6) who is of Hispanic descent, stated, "I would also like to mention, that I myself, have never witnessed any BDO display this type of behavior and I myself have never been subjected to or displayed any type of prejudice of any kind."

At the conclusion of this interview, BDO (b)(6) provided a signed, sworn statement (Attachment 3).

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On February 2, 2010, SA Palmiere interviewed Expert BDO (EBDO) (b)(6) regarding information that she may have pertaining to the use of "bogus" information and the practice of "profiling" passengers as it relates to the BDO Program at EWR. (b)(6) provided the following information:

EBDO (b)(6) said that on October 13, 2009, she was working at C-2 checkpoint in Terminal C and assisted a fellow BDO, (b)(6), with a referral (additional screening) of a Hispanic passenger. At the conclusion of the screening (b)(6) asked (b)(6) what criteria/behavior did he use as the basis for referring this passenger, and (b)(6) replied that the passenger was (b)(3):49 U.S.C. § 114(r). (b)(6) then told (b)(6) that he cannot use this behavior because it was a (b)(3)-4 (b)(3):49 U.S.C. § 114(r). (b)(6) then said that (b)(3): (b)(3):49 U.S.C. § 114(r) and that the passenger was carrying a bag and he (b)(6) knew "just wasn't right". (b)(6) said that she was so concerned about this incident that she contacted BDO Manager O'Rourke and told him that she was "very uncomfortable with the pull (referral) and stated that I (b)(6) did not want my name to be associated with it," to which O'Rourke replied that he was going to talk to (b)(6). When SA Palmiere asked (b)(6) if the BDOs can use their judgment in evaluating whether or not a passenger's behavior meets the criteria in determining a referral, (b)(6) stated that there is no provision for "interpretation or discretion."

BDO (b)(6) stated that on the following day, October 14, 2009, another situation occurred that made her question the validity of another (b)(6) referral. (b)(6) said that after returning from lunch to the C-2 checkpoint she observed (b)(6) and another BDO, (b)(6), conducting a referral. When (b)(6) questioned BDO (b)(6) as to "what was going on" (b)(6) said that (b)(6) claimed that the passenger, an Asian male, was panoramically videotaping the checkpoint, which is behavior used as a criteria for a BDO referral. (b)(6) said that in her opinion the passenger "was just looking at his camera" and did not fit the category of panoramic videotaping. (b)(6) stated that when she questioned (b)(6) about this he said that he had the situation under control and that he was calling a FAM. When (b)(6) told (b)(6) that before calling a FAM he must first notify both the TSA Communications Center and a BDO Manager, (b)(6) said, "Do not tell him what to do." (b)(6) said that a subsequent check of the report (SPOT Sheet) pertaining to this referral did not mention the panoramic videotaping that supposedly initiated the referral.

(b)(6) said she subsequently spoke to TSM Lisa Nelson about both incidents involving (b)(6). Nelson told (b)(6) that she will look into the matter and talk to BDO Manager O'Rourke and Yurechko. (b)(6) said that about three days later during a BDO briefing,

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Manager Joseph Yurechko stated "that there will be no racial profiling in the BDO Program and to put the police mentality aside and look for behaviors like we were trained to do. If anyone is caught doing profiling he will be kicked out of the unit."

(b)(6) said that the reference to "police mentality" probably refers to (b)(6) previous occupation as an Elizabeth (New Jersey) Police Officer.

(b)(6) said that these are the only two referrals that she has personally observed that may be a result of "profiling"; however, she has heard talk in the past among other BDOs on the second shift that profiling may have been occurring.

At the conclusion of this interview, BDO (b)(6) provided a signed, sworn statement (Attachment 4).

On March 5, 2010, at the request of SA Palmiere, TSM Nelson reviewed the SPOT Referral Sheets submitted by (b)(6) for any indication of profiling or inconsistencies. (b)(6) provided the following information:

Nelson said that BDO (b)(6) "didn't have many pulls (referrals)" and reviewing the few that he did have did not indicate any suspicious entries or indicate that he was profiling any particular group of passengers. Nelson pointed out that BDOs always work in teams, and sometimes an action used as a factor for a referral observed by one BDO can be interpreted in a different way by the other. Nelson said that although the criteria (factors) used by the BDOs in determining a referral are constant, "interpretation" of the same factor observed by two different BDOs could influence whether or not an individual would be referred.

Nelson acknowledged that BDO (b)(6) had spoken to her regarding her (b)(6) concerns that BDO (b)(6) may be profiling or falsifying information on SPOT Referral Sheets. Nelson said that this was the first and only time that anyone had approached her about BDO (b)(6) regarding these issues. Nelson said the BDOs at EWR are aware of TSA management's stand on any type of profiling and are "not shy" in reporting any violation (Attachment 2).

On March 10, 2010, SA Palmiere interviewed BDO (b)(6) regarding the allegation that he may be "profiling" passengers and providing "bogus" information in order to justify closer examination (secondary screening) of a particular group of passengers. Prior to any questioning, SA Palmiere advised (b)(6) of his rights under Garrity. (b)(6) then acknowledged these rights both verbally and in writing, and stated that he would voluntarily cooperate in this investigation. (b)(6) provided SA Palmiere with the following information:

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(b)(6) stated that he has been with the BDO Program since May of 2009 and he has never profiled anyone or provided bogus information in order to justify a secondary screening. (b)(6) pointed out that he was previously a police officer in Elizabeth, New Jersey for approximately (b)(6) prior to joining TSA, and during that time he never profiled or falsified a report, nor was he ever accused of doing so. When questioned about a referral involving "panoramic videotaping" (b)(6) stated that the only one he had involving videotaping was sometime in the fall of 2009. According to (b)(6), an "oriental male" who appeared to be taking pictures, was making a "sweeping motion while holding a camera raised above his head." (b)(6) said that he could recall that the individual had a foreign accent because he (b)(6) had "trouble understanding him." (b)(6) said that he notified a TSA supervisor and a FAM, but could not remember who he notified first; either way, (b)(6) said that "a FAM responded within a few minutes and the passenger was sent on his way with no delay to the aircraft."

When questioned about another referral involving a Hispanic male, (b)(6) said that the only one that he could recall occurred the day after the videotaping referral. According to (b)(6) he observed a male in the C-1 checkpoint area (b)(3):49 U.S.C. § 114(r) while approximately 80 other people in the area were (b)(3):49 U.S.C. § 114(r). (b)(6) said (b)(3):49 U.S.C. § 114(r) along with some other behaviors, which he could not recall at this time, caused him to refer this passenger for additional screening. During subsequent casual conversation, the individual said that he had recently arrived (b)(3):49 U.S.C. § 114(r). (b)(6) believed (b)(3):49 U.S.C. § 114(r). (b)(6) said, "The passenger was then allowed to proceed on his way with no flight delay."

(b)(6) said he recalled both of these referrals for two reasons: the first is because he hasn't had many referrals since being in the program, and the second is that both of these referrals were questioned by another BDO, (b)(6). In the videotaping referral BDO (b)(6) said that (b)(6) violated BDO policy and notified the FAMS prior to notifying a TSA supervisor; in regards to the (b)(3):49 U.S.C. § 114(r) referral, (b)(6) said that the individual was not (b)(3):49 U.S.C. § 114(r) other individuals in the area. (b)(6) said he was never told by a TSA supervisor that he had violated policy or made an inappropriate referral.

(b)(6) reiterated his earlier comment that he has never profiled anyone or provided bogus information in order to justify a secondary screening, and that he only uses the behaviors set forth in the BDO Program in making a referral.

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Because of time restraints, (b)(6) said he would prepare a written statement and provide it to SA Palmiere on the following day (Attachment 5).

On March 11, 2010, BDO (b)(6) met with SA Palmiere. (b)(6) was again advised of his Garrity rights and then provided SA Palmiere, in the presence of SA Iannucci, a signed, sworn statement (Attachment 5).

On March 29, 2010, SA Palmiere provided, via email, Assistant Federal Security Director for Screening (AFSD-S) William Smith, EWR, details of OOI's investigation regarding BDO (b)(6). Also included as recipients of this email were Federal Security Director (FSD) Barbara Powell and Deputy Federal Security Director (DFSD) Russell McCaffrey. SA Palmiere inquired as to whether TSA management at EWR could make a decision, based on this information, regarding (b)(6) administrative status as it relates to the BDO Program (Attachment 6).

On March 31, 2010, and April 5, 2010, SA Palmiere received email correspondence from Deputy Assistant Federal Security Director for Screening (DAFSD-S) Patrick Boyle stating that based on OOI's investigation and TSA management's review, no administrative action would be taken against BDO (b)(6) (Attachment 6).

### SUBJECT INFORMATION

(b)(6)

Position: Behavioral Detection Officer

EOD: (b)(6) Pay Band: G

Employee status: Full Duty – (b)(6) remains in the BDO Program. No administrative action has been taken against (b)(6) and TSA management at EWR considers the matter closed (Attachment 6).

Administrative status: Full Duty – (b)(6) remains in the BDO Program. No administrative action has been against (b)(6) and TSA management at EWR considers the matter closed (Attachment 6).

Judicial status: No referral.

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**CASE STATUS**

Investigation completed.

All administrative action is completed.

Case closed.

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## Attachment #1

Memorandum of Interview of Branch Chief John Bettac, TSA, OSO, HQ,  
dated November 19, 2009, December 2-3, 2009, with attachments.

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## MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity: <input type="checkbox"/> Personal Interview <input checked="" type="checkbox"/> Telephone Interview <input type="checkbox"/> Records Review <input checked="" type="checkbox"/> Other (email)	Date and Time:  November 19, 2009 December 2 -3, 2009
Activity or Interview of: John Bettac Branch Chief - SPOT Program Office of Security Operations Transportation Security Administration 601 S. 12th St., East Tower - 9th floor (203S) Arlington, VA 20598-6029 Office 571-227-(b)(6) Cell (b)(6) (b)(6)	Conducted by: Special Agent (SA) Ralph Palmiere  Location of Interview/Activity: Telephonic/Electronic Office of Inspection (OOI) Liberty Hall Corporate Center 1085 Morris Avenue Union, New Jersey 07083

Subject Matter/Remarks

**Background:** On November 18, 2009, Branch Chief John Bettac, Transportation Security Administration (TSA), Office of Security Operations (OSO), Headquarters (HQ) provided TSA's Office of Inspection (OOI), HQ, with information regarding the submission of a false report by an employee. According to the information provided, TSA employee (b)(6) who was working at a security checkpoint at Newark Liberty International Airport (EWR), was involved in an incident involving an unidentified Asian male videotaping with a camera outside of the checkpoint. Local Law Enforcement and a Federal Air Marshal (FAM) responded to the checkpoint as a result of the incident. When writing a report of the incident, (b)(6) co-worker(s) noticed that there were several false statements by (b)(6) in the report that characterized the male passenger illegally videotaping the sterile area, when that was not the case. Information received from (b)(6) co-workers indicates that this type of incident (falsifying report information) with (b)(6) has happened in the past.

Case Number: (b)(6)	Case Title: BDO (b)(6)
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MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

On November 19, 2009, Branch Chief Bettac, emailed OOI a copy of OSO's report regarding a "standardization visit" conducted at EWR on November 2-6, 2009, in which the allegation involving TSA employee (b)(6) was reported.

**Activity or Interview:** On December 2, 2009, OOI SA Ralph Palmiere telephonically contacted Branch Chief Bettac regarding the previously noted information that was provided to OOI. Bettac provided the following information:

Branch Chief Bettac stated that during November 2-6, 2009, a "standardization visit" was conducted at EWR by OSO members regarding the Behavioral Detection Officer (BDO's) program. During this particular standardization visit different aspects of the BDO program were observed and evaluated to "ensure that the airport is carrying out the BDO program in proper fashion", included as part of this evaluation process were personal interviews with BDOs.

Bettac stated that during the course of one such interview a TSA employee stated that BDO (b)(6) was "profiling" passengers and providing "bogus" information in order to justify closer examination (secondary screening) of a particular group of passengers, Hispanic and Asians. Bettac said that details regarding this interview are included in OSO's report regarding the EWR "standardization visit."

Bettac stated that other issues noted in OSO's report basically involve the BDO program Standard Operating Procedures (SOP) and have been addressed with EWR management; and that these issues have been, or are in the process of being corrected.

Note: A subsequent review of OSO's report by OOI SA Ralph Palmiere revealed a section documenting an interview between an OSO, Standardization Visit Team Member, Leukemia Mounce, and a Master BDO (MBDO) at EWR. The interview, reported by Leukemia Mounce, contained in part the following information pertaining to BDO (b)(6)

Mounce stated that the Master BDO advised him that he is concerned" about the BDO program at EWR because he sees "profiling and bogus pulls (referrals to further screening)". The MBDO stated that he has observed BDO (b)(6) profile passengers and make bogus pulls, in which Hispanic passengers are often targeted. The MBDO stated that on one occasion he observed BDO (b)(6) make a "bogus pull" by falsely escalating a situation involving an Asian passenger with a camera. The MBDO said that during this incident BDO

Case Number: (b)(6)	Case Title: BDO (b)(6)
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MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

(b)(6) deviated from the BDO Standard Operating Procedure (SOP) by not following the "chain of command" regarding the referral (pulls) notification process; and by changing his report after being advised by Supervisor Joe Yurechko, "in a low voice" that "you can't do this, you have to re-write it."

Note: MBDO stated that Supervisor Joe Yurechko gives BDO (b)(6) "special treatment."

The MBDO stated that he advised Supervisor Lisa Nelson of what he had observed and was told by her that, "it had been addressed and that they were watching him (b)(6)"

On December 2 and 3, 2009, Chief Bettac emailed SA Palmiere information pertaining to the BDO program. Included in these emails was, in part, the following information:

Bettac stated that Behavioral Detection Officers are specially trained TSOs that complete both formal classroom training and an on-the-job course that teaches them to spot abnormal behaviors. Their job is to identify and pick out the anomalies in the crowd at the airport checkpoint. The behaviors cross all cultures and nationalities and BDOs are never to pick a certain ethnic group as a referral unless they observe them exhibiting some of the 38 behaviors. The aberrant passengers are assigned a number of points (this is classified) and when the passenger reaches a certain threshold, they are either pulled for additional screening or if they hit a certain number of points, they are referred to law enforcement for further attention.

Bettac said that when a passenger reaches the numerical threshold, usually they are sent to secondary screening. BDOs are to work in pairs. One BDO will search the carry-on luggage while talking to the passenger. The other BDO is observing their responses to see if they escalate the situation or satisfactorily answer the questions posed by the BDO. If the passenger accumulates more points, law enforcement is called. The decision to allow the passenger to fly rests either with the BDO and their management or the airport police.

Bettac provided the definitions of commonly used acronyms associated with the BDO program:

- AOR - Airport of record
- ETD - Explosives trace detection
- HHMD - Hand-held metal detector
- LTSO - Lead Transportation Security Officer (2 stripes)
- OLC - On-line learning center for TSA training

Case Number: (b)(6)	Case Title: BDO (b)(6)
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MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- Playbook - series of exercises using BDO and others (LEOs, FAMs, K-9s) to detect threats to aviation
- SOP - Standard operating procedures
- SPOT - Screening passengers by observation techniques
- STSO - Supervisory Transportation Security Officer (3 stripes)
- STSM - Supervisory Transportation Security Manager (not uniformed)
- TDC - Travel Document Checker
- WTMD - Walk through metal detector

In addition Bettac stated that a standardization visit is similar to an inspection of the program. OSO does these to insure that the airports are carrying out the BDO program in the proper fashion and that they are complying with the SOP. Also during a visit OSO uses this time to instruct those BDOs found to not be doing the procedures correctly. In addition OSO looks at the program management at the airport to make certain that the managers are monitoring properly and that they are spending time with their subordinates to ensure that they are carrying out the program in the proper fashion.

**Attachments:**

- Copy of an email, with OSO's Standardization Visit report as an attachment, from OSO Branch Chief John Bettac to OOI, dated November 19, 2009.
- Copy of OSO's Standardization Visit report to EWR, dated November 2-6, 2009.
- Copy of an email from OSO Branch Chief John Bettac to OOI SA Palmiere, dated December 2, 2009.
- Copy of an email from OSO Branch Chief John Bettac to OOI SA Palmiere, dated December 3, 2009.

Case Number: (b)(6)	Case Title: BDO (b)(6)
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**Schmidt, Laura B.**

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**From:** Palmiere, Ralph  
**Sent:** Friday, December 04, 2009 11:29 AM  
**To:** Cherry, Elva; Schmidt, Laura B.  
**Subject:** SSI MOI Bettac re TSO (b)(6) (b)(6)  
**Attachments:** Newark Attachments.pdf

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**From:** (b)(6)  
**Sent:** Thursday, November 19, 2009 7:24 AM  
**To:** Burns, Brian K  
**Cc:** Burche, Daniel  
**Subject:** Newark matter

Brian,

As promised, I am enclosing the team reports for the standardization visit for the BDOs at Newark. These are for your use only and should be protected. Please review and get back to me with your decision. If you have questions, give me a call. Thank you.

John

*John Bettac*

Branch Chief - SPOT Program  
Office of Security Operations  
Transportation Security Administration  
601 S. 12th St., East Tower 9th flr 203S  
Arlington, VA 20598-6029  
Office 571-227-(b)(6)  
Cell (b)(6)  
(b)(6)

## ATTACHMENTS

1. Report of NTT member Allan Brown
2. Report of NTT members Elaine Kenney and Rick Caldwell
3. Report of NTT member Wayne D. Rodger
4. Report of NTT members Mary Wagner and Alvin Brooks
5. Report of NTT member Leukemia Mounce
6. Report of STAN team visit from 9/14 to 9/18/2009
7. Memorandum of Interview of Lisa Nelson dated 11/5/2009
8. Letter dated 10/22/2009 to John Bettac from the EWR BDOs
9. Letter dated 11/2009 to John Bettac from the EWR BDOs
10. Copy of E-mail from Wayne Washington to John Bettac regarding contact with AFSD-S Bill Smith
11. Copy of Playbook SOP pages

BROWN

## Standardization Information Gathering

EWR Nov. 2<sup>nd</sup>-6<sup>th</sup> 2009

**November 3<sup>rd</sup>**-Observations took place at Terminals A through C and at checkpoints 1-3 respectively.

### OBSERVATIONS-BDO

**Checkpoint 3, Terminal C- 08:30**-Observed two BDO's (b)(6) conduct SPOT observations at TDC and divesting area at the time of observation the passenger flow was light and the environmental baseline (b)(3);49 U.S.C. § 114(r)

(b)(3);49 U.S.C. § 114(r) Both BDO's did not conduct walk the line as designated in the SOP and had little to no interactions with passengers. It appeared that at most times both BDO's were not in communication either verbally or non-verbal. I had observed a passenger (b)(3);49 U.S.C. § 114(r) at the TDC and BDO (b)(6) either did not see these behaviors or failed to communicate these to his partner who was standing at the Mag area.

**Terminal C- 09:30-** Passenger traffic became nonexistent and I was assigned with the Acting AFSD-S/ T.C. Julie Ferwerda. During my conversation with her she informed me that the BDO's were 3<sup>rd</sup> on a list that was created by AFSD-S William Smith to backfill as needed in areas of TDC in order to assist staffing concerns at the checkpoints. During subsequent talks with other BDO's (b)(6) it has come to light that the BDO's are used on a daily basis at TDC and as much as five to six hours per day leaving the airport checkpoints uncovered in regards to priority set forth by upper management for BDO deployment. Acting AFSD-S Julie Ferwerda did also state that she had scheduled a report writing class for the BDO's using OLC components and some of her own contributions in order to assist this area of weakness for the BDO's. BDO (b)(6) stated that "numbers will get us promoted or at least looked upon favorably by Mgmt." and also stated "that I am concerned about retaliation from Mgmt if I say negative things about the EWR program". BDO (b)(6) said that guidance and mentoring is nonexistent from Mgmt and the only time she see's any one from Mgmt on the floor is when they are looking to reprimand and they do not perform (managers) SPOT at any time.

**Checkpoint A-1 Terminal A- 10:45-** Observations continued with BDO's (b)(6) and (b)(6) at Checkpoint A-1. During this observation I was also with STAN Mgrs Mary Wagner and Alvin Brooks. I observed a light passenger flow with 6 to 7 passengers at all times

at the TDC and neither BDO's were conducting Walk the line or appeared to communicate with each other.

**November 4<sup>th</sup>**-Observations took place at Terminals A through C and at checkpoints 1-3 respectively.

**Checkpoint C-2 Terminal C- 12:45**-Observation continued with two BDO's present, (b)(6) (b)(6) also were present. During a referral initiated by the BDO's I had a conversation with PAPD (b)(6),(b)(7)(C) and I asked him if he was familiar with the BDO program which he stated " somewhat ". I explained what was being conducted during the observed referral to include a complete timeline with behaviors. He then when on to inform me that his involvement with the BDO program has not been favorable due to the inability of EWR BDO's to articulate to him and other colleagues clearly on the reason for law enforcement assistance. Due to this issue he felt that we "were violating the passengers rights and you are sending people in for secondary screening just because they looked funny". I gave him a verbal example on what should transpire between BDO's and L.E. and he stated " if the TSA officers clearly stated the reason for me to be there it would help me make a better decision for my next course of action". He appreciated the insight and he hoped " things can be better in the future". Clearly my interaction with PAPD (b)(6),(C) demonstrated a lack of understanding of the program and a need for open dialogue between PAPD and TSA.

**Checkpoint B-1 Terminal B- 14:15**- Observation in association with STSM Wayne Rodger and Lukemia Mounce. Passenger flow was light and two EWR BDO's, (b)(6) and (b)(6) (b)(6) were performing SPOT duties and at this time walk the line was conducted satisfactorily although issues arose when passengers exhibited behaviors that both BDO's would fall back to the divesting area leaving TDC open and would therefore continue to observe the one passenger and ignore all others entering the checkpoint. In one instance they had a passenger exhibiting a behavior (b)(3)49 U.S.C. § 114(r) (b)(3)49 U.S.C. they continued to observe him closely until he divested when BDO (b)(6) then entered the checkpoint through the Mag to go behind the X-ray, assuming there was a referral to be made I too entered the checkpoint when it was discovered that the passenger was not a referral and when asked BDO (b)(6) stated that " they always carry a prohibited item and that I was hoping to see something on the x-ray" Clearly from this demonstration that the possibility of a referral was based on appearance not on displayed behaviors.

**Concerns raised by BDO's-** It appears that EWR has multiple serious issues to be addressed such as-

1. No guidance or support from BDO Mgmt in regards to training.  
(b)(6)
2. It was stated by multiple BDO's that there was a quota system in place, , in order for one to advance within the team. BDO Mgmt looked unfavorable upon those that had reduced referrals and told them that this was unacceptable and they would be required to increase referrals. As a result it was further stated that some BDO's were not applying the proper SPOT criteria to conduct referrals which was/is known but nothing done by Mgmt. (b)(6)
3. BDO Managers did not perform SPOT duties as required in the SOP and the only time they would be on the floor was to find fault. (b)(6)
4. BDO's are used in other capacities such as TDC and Checked Baggage areas up to five and six hours daily as guided by FSD Senior Staff (b)(6)
5. BDO's are not applying SPOT protocols in regards to Walk the Line and behavior observation.

**Observed Issues**

- The majority of the BDO's observed do not execute the BDO program as trained and fail to follow SPOT procedures set forth according to the SPOT SOP (2/26/09)
- BDO Management are not actively engaged on the floor .
- Low morale is rampant among the team due to improper application of SPOT protocols and improper reasons for advancement within the members of the team.
- Security is compromised due to failure of protocols set forth in the SPOT SOP.
- Walk the line procedures are not being implemented correctly.
- BDO's communication with the checkpoint supervisory staff is nonexistent in regards to establishing position at the assigned checkpoint.

**BDO Performance-Does not meet expectations**

- 3.2-Demonstrates adequate Preparation and Positioning.
- 3.2-Conducts Walk the Line procedures adequately.
- 3.2-Demonstrates effective BDO team communication as well as teamwork.
- 3.2-Shows consistent checkpoint notification communication.

Respectfully Submitted  
Allan Brown  
NTT-STAN

Date: 11/3-4/2009

Airport: EWR

Team member: (b)(6)

BDO's observed and interviewed: (b)(6)

(b)(6)

TSOs interviewed: (b)(6)

**BDO Performance:**

**3.2 Demonstrates adequate preparation & positioning:**

- BDOs consistently placed themselves in positions that proved to be non-effective in observing passengers at the appropriate stress points. (TM, KG, AM, HL)

**3.3 Assesses environmental baseline correctly:**

- We observed BDOs not properly utilizing the environmental base to assess the behaviors.

- While observing the queue line the passengers (b)(3) 49 U.S.C. § 114(r) (b)(3) 49 U.S.C. § 114(r) we observed a passenger that was displaying obvious behaviors; (b)(3) 49 U.S.C. § 114(r) (b)(3) 49 U.S.C. § 114(r) When we asked the BDOs what they had observed on the passenger they stated they had assessed (b)(3) 49 U.S.C. § 114(r) They stated that (b)(3) 49 U.S.C. § 114(r) (TM, KG)

- While observing the queue line where the passengers environmental baseline was (b)(3) 49 U.S.C. § 114(r) We observed (b)(3) 49 U.S.C. § 114(r) (b)(3) 49 U.S.C. § 114(r) (b)(3) 49 U.S.C. § 114(r) The only behavior identified by any of the three BDOs was (b)(3) 49 U.S.C. § 114(r) on one of the passengers. (AN, JM, FR)

**3.4 Demonstrates knowledge of behavior cues & appearance and risk factors:**

- We observed BDOs have a minimal knowledge of assessing behaviors.
  - A BDO observed a passenger (b)(3) 49 U.S.C. § 114(r) (b)(3) 49 U.S.C. § 114(r) (TM)

- A BDO had to repeatedly look at their assist cards to correctly assess the behaviors and point values. (HL)

**3.5 Demonstrates effective casual conversation procedures:**

- We only had one opportunity to observe a SPOT referral. BDOs met standards while conducting the casual conversation. They asked effective open ended questions and were able to obtain a resolution. (HL, AP)

**3.7.3 Conducts appropriate screening techniques for accessible property during CC:**

- The one referral we observed met standards.

**3.2 Conducts walk the line procedures adequately:**

- BDOs consistently failed to effectively walk the line and did not perform the duties at all.
  - There were plenty of opportunities to see walk the line, however the BDOs did not perform this function on a regular basis. It was more visibly noticeable that on the second day of observation the BDOs made more of an attempt to walk the line.
  - We observed a team of three BDOs working together where one BDO would walk the line. The other BDOs were not aware of this happening and there were no additional observations to assist this BDO. The BDO that was walking the line would walk in the opposite direction of what is actually taught and approach specific individuals from behind. At that time he walked the whole queue with these specific individuals, never engaging or observing other passengers. There was too much focus on the specific individuals and there was no effective communication to the other BDOs as to any observations made. After talking to the BDO it appeared as though he had dismissed, resolved or ignored any and all behaviors that the passengers were obviously displaying. The following behaviors were observed and validated by the Stan team

members. (b)(3):49 U.S.C. § 114(r)

(b)(3):49 U.S.C. § 114(r)

(b)(3):49 U.S.C. § 114(r)

(AN, JM, FR)

**3.2 Demonstrates effective BDO team communication as well as team work:**

- We consistently observed the BDOs not effectively communicating with each other on any observed behavior during walk the line or just during the overall observation process.
  - We observed a BDO walking the line and the two partners not aware of the walking the line taking place. (AN, JM, FR)

- We observed a BDO team making observation and failing to properly communicate the behavior effectively to their partner which led to an assessment not being accurate. (TM,KG)

**3.2 Shows consistent checkpoint notification communication:**

- There were never any notifications to the checkpoint of the BDOs being present and that was validated when the STSO would be approached by a Stan team member and the reply would be " I don't know if any BDOs are currently here, Let me check for you"
  - We observed a referral and the BDOs failed to notify the STSO of the checkpoint in the beginning and at the conclusion of the referral.

**3.9 Demonstrates effective LEO communication:**

- N/A

**BDO confirms that there are in/out briefs conducted at STSM prior to and after shift:**

When having a conversation with any of the BDOs it was an overall consensus that the briefings do take place when there is a TSM available to conduct one. Sometimes it is one to three hours into the shift before a TSM is known to be available and onsite to assist with whatever the needs are. Overall it was mentioned that the briefings are not consistent. The needs are generally taken care of over the phone.

**BDO Interviews:**

- 1) What are your observations about your AOR's BDO program and management:
  - No presence on the floor,
  - Does not work with BDOs on the floor,
  - Inconsistencies when the managers held in briefs and providence.
  - No discipline or follow through on concerns.
- 2) Are there improve
  - ments you would like to see implemented into the program that would make your job better:
  - Less TDC
  - knowledge of the contingency plan for replacing TDCs,
  - Given better directions on how to perform playbook procedures.
  - More training.
- 3) How much time do you spend on activities outside of the checkpoint:
  - 30 hrs a week: two days of playbook, 3hrs of TDC per day while performing checkpoint SPOT.
- 4) Do you understand the protocol for these activities:

- No clear directions and guidance.
- 5) Describe the relationship between the BDOs and the TSOs at your airport:
- Atomicity at times at the checkpoint when it is busy and the TSOs don't understand what the BDOs are doing.
  - STSO favor the BDOs who are willing to go outside of their normal rolls.
- 6) How is the communication between the BDOs and AOR management:
- The AOR management does not show the BDOs the same respect as TSO. (Lack of space and equipment)
- 7) Describe the relationship between the BDOs and the LEOs:
- Bad overall. AD
  - Good response but the BDOs do not make an attempt to build a report with the LEOs.
- TM

**TSO Interviews:**

15) What kind of working relationship exists between the TSOs and the BDOs:

- Good, the BDOs help out when it's busy by conducting TDC
- They utilize each to help get the job done and follow up on suspicious passengers.

16) Is there a general understanding of the SPOT program and what the BDO should be doing when located at the checkpoint:

- They observe for behaviors, people out of the norm and playbook

17) What can the BDO or STSM do to improve the working relationship and communication with TSOs:

- Would like to get briefing on what the BDO does and how SPOT works.
- Send the same BDOs to the same area to make their report stronger.

**General observations:**

- We were informed that when the BDOs cover the TDC function it is only to allow the checkpoint to create a break team and then not give adequate breaks for the BDOs covering that TDC function.
- The BDO staff consists of 77 BDOs. They are provided an insufficient space to accomplish their duties.

- **The BDOs have discussed with us on several occasions that the two shifts do not communicate effectively and are unable to relay pertinent security information in a time/location sensitive manner.**
- **The BDOs showed concerns about local directives which the first name on the Referral report is the only individual that receives credit for the SPOT referral. This practice leads to conflict between the team members.**
- **The BDOs expressed concern over the local directives which state that if you do not enough referrals then you would not be considered for promotions or other opportunities.**
- **The BDOs were often observed on the same break schedule and leaving checkpoints at high volume times unattended.**



Transportation  
Security  
Administration

DATE: 11-06-2009  
TO: Wayne Washington  
FROM: Wayne D. Rodger  
RE: Stan Visit Interviews/Observations EWR 11-02-2009 through 11-05-2009

Interviews:

STSO (b)(6) 11-03-2009, Checkpoint B2 08:40  
(b)(6) stated that he had an understanding of the SPOT Program and what the BDOs do. He stated that there was a good working relationship between the TSOs and the BDOs. (b)(6) only issue with the program was that it took good qualified screeners and leads away from the checkpoint which made their job harder to accomplish with fewer people.

Note: While the above was the verbal message from (b)(6) his gestures did not match that message. I suspect that he may have had some underlying concerns with the BDOs or the program which I was not able to obtain.

Master BDO (b)(6) 11-03-2009, Checkpoint B1 11:00  
(b)(6) had a concern with the amount of time that the BDOs were performing the TDC function. Until a couple of weeks ago they were scheduled to perform this duty four hours a day. During the last two weeks they have been taken off the schedule but are still called to the TDC position when there appears to be no need for it.

(b)(6) also stated that during the last two weeks the managers have stated to conduct in-briefs which he was very pleased with. Until recently this was not being done.

He stated that the working relationship with both the TSOs and the LEOs was good. He had no problems with either one but stated that some other BDOs had had some problems but he suspected that was due to the way the BDOs interacted with others.

A major concern for (b)(6) is his strong belief that the BDOs and the program have no support or respect from upper management. He believes that this is displayed by the constant use of BDOs for the TDC function as well as the fact that for several years the BDOs have not been given an office to perform their work in.

(b)(6) did state that he believes that morale is better now that it has been in the past.

Master BDO (b)(6) 11-03-2009, Checkpoint B1 11:45, 1 year as a BDO (b)(6) was concerned that promotions were given on the basis of favoritism as opposed to qualifications but did not give specifics.

He expressed his belief that there was a total lack of support from upper management for the BDOs and the program. The lack of office space for the BDOs was a prime example of this. He also thought that upper management implemented changes and policies without performing research prior to making the changes which resulted in confusion and recalls of the changes. Again he could not give specific examples of this.

He stated that the assignments for BDOs were divided about fifty percent between Playbook and Checkpoint. He also stated that when assigned to checkpoint duties they were often required to perform the TDC function for up to four hours a day.

(b)(6) felt the relationship with the LEOs was fine. He had involved them in about five referrals during which they responded appropriately in his opinion.

He stated that he sees the STSMs on the floor for no longer than a few minutes a couple time a day. While the managers make an appearance they do not perform SPOT. He also stated that the managers are always available by phone when needed.

(b)(6) 11-04-2009, Checkpoint B2 16:50

(b)(6) commented that he would like to have incident report writing training available to BDOs. He believes that some of the reports are poorly written and some are inaccurate.

He also alluded to the fact that some BDOs are looking for the "good" referrals and are looking for individuals that they feel may result in a "good" referral and if necessary assigning behaviors after the fact.

(b)(6) was also discouraged with the hiring process of the BDO managers. He felt that the BDO managers should be coming from the BDO ranks so that they could properly supervise the BDO team.

In regards to his perception that some BDOs are manufacturing behaviors in order to get the "good" pulls he has recommended that the managers monitor the checkpoint CCTV cameras in order to see if the behaviors actually existed prior to referrals being executed.

He was also upset that there has been a moratorium placed on leave requests until the BDO bid takes place since that has been no communication as to when and if that bid will occur.

He is performing Playbook about twenty percent of the time.

He feels that some BDOs never "look" like they are working and this has caused some hard feeling between the TSO workforce and the BDOs.

The interaction between the BDOs and the LEOs has been a "hit or miss" proposition for (b)(6). Sometimes that offer assistance and sometimes they do not. (b)(6) feels that getting rid of the BDOs that are not effective at their job should be removed from the team in order to improve the program.

Expert BDO (b)(6) 11-04-2009, Checkpoint B2 17:30, 2 years as a BDO (b)(6) feels that there is no support from the LEOs. They will not engage an individual who was referred to the LEO on behaviors only. He was once told by a LEO that when he attempted to call in an NCIC the LEO desk told them they would not do it if it was a BDO referral.

He also feels there is a lack of support from upper management. A prime example of this is the lack of a BDO office after three years when other pieces of the operation have received space recently. He also said that other agencies have offered free training to the BDOs and management has forbidden them to attend it.

He performs Playbook about fifty percent of the time. Additionally he performs the TDC function often when assigned to the checkpoint. On Sundays and Mondays he often performs TDC for half the shift.

He believes that the SPOT TSMs have been overbearing and have defeated the BDO workforce.

He feels the most needed element for the program is "trust" from the LEOs, the TSMs and upper management.

Master BDO (b)(6) 11-04-2009, Checkpoint B2 17:45, 1 year as a BDO (b)(6) was concerned that she had received no additional training in the year since she became a BDO.

She feels there is no support from management. If issues are brought to their attention there is no response.

She states that at most they have three in-briefs a week and no out-briefs ever. Additionally they are not receiving even the intel and information that the TSO workforce is.

She believes that there is a good relationship between the TSO workforce and the BDOs.

She does not believe that the response from the LEOs is adequate. They usually simply state "Well what do you want me to do" when they are requested to assist.

She performs Playbook about forty percent of the time. While the amount of TDC time has dropped in the last couple of weeks she is still left at the TDC when there appears to be no need for it.

She believes that improving communication and the relationship with upper management will help to improve the SPOT Program.

~~SENSITIVE SECURITY INFORMATION~~

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~~CONFIDENTIAL~~

BDO Performance of Duties Observations:

At 09:37am on 11-03-09 at checkpoint B1 I observed a referral executed by BDOs (b)(6). The BDOs failed to meet standards in the following two areas;

BDO Performance 3.4 "Demonstrates knowledge of Behavior Cues & Appearance Risk Factors". The BDOs referred an individual who demonstrated only (b)(3)-49 factors. They thought that the individual had reached the threshold for a referral when in fact he did not. (b)(3)-49 U.S.C. § 114(r) Additionally during the debrief following the referral it was determined that BDO (b)(6) had been assessing the behavior (b)(3)-49 U.S.C. § 114(r) inappropriately at times. This demonstrated to me that they do not have a firm grasp of the behaviors and how to evaluate the threat level of an individual.

BDO Performance 3.2 "Demonstrates effective BDO team communication as well as teamwork". Immediately prior to this referral being executed the only communication between the BDOs was an inappropriate hand gesture in which BDO (b)(6) called to his partner, pointed to an individual (b)(3)-49 U.S.C. § 114(r) There was no attempt to relay the behaviors observed to his partner before the referral. While the line was moving quickly there was plenty of time for this verbal communication to take place. Had this communication taken place they might have discovered the error and avoided making a referral which did not meet the threshold.

During this referral the BDOs properly conducted the appropriate screening techniques on all property searched. They also were effective with the casual conversation techniques they utilized.

At 03:15pm on 11-04-09 at checkpoint B1 I observed Expert BDO (b)(6) and Master BDO (b)(6) observe an individual they felt elevated their suspicion. The individual in question (b)(3)-49 U.S.C. § 114(r) behavior during the entire time he was in the vicinity of the checkpoint. Both BDOs "fell back" to continue to observe the individual in the divest area. If they felt the individual should be watched for further behaviors only one BDO should have "fallen back" to appear more natural and avoid elevating the individual by their behavior. Shortly after this Master BDO (b)(6) went through the WTMD and went around to watch the x-ray while this individual's property was screened. There is never any reason to do this unless the individual is a referral. When I asked him what he was doing he said he was looking for prohibited items. When I asked him what he would have done had there been one he said he would have continued to observe for behaviors.

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This entire process maintained the entire focus of both BDOs for approximately fifteen minutes. While they were totally focused on an individual (b)(3);49 U.S.C. § 114(r) behavior they were not effectively performing SPOT for the rest of the checkpoint.

The individual under observation (b)(3);49 U.S.C. § 114(r) I asked (b)(6) why he was so interested in this individual and he said he just had a bad feeling about him and "those people" always carry weapons.

The statement and the actions of the BDOs lead me to believe that they stereotyped this individual and acted inappropriately in this case. I also believe that if a prohibited item were discovered on the x-ray the BDOs would have turn it in to a referral in order to have a "good referral". There would be no other reason to observe the x-ray and stop performing SPOT.

General Observations:

BDOs are spending more than half their time performing Playbook instead of covering checkpoints. Additionally when at the checkpoint they are required to perform the TDC function all too frequently.

The BDOs do not have an office to work out of and while they were issued two laptops from Headquarters they have no place to install them. This make their job very difficult and forces them to come off the floor an hour and a half before the end of their shift in order to find a computer they can use to complete their reports. This is not productive use of BDO man hours.

I believe the schedule need to be looked at to ensure that man power and coverage are being utilized effectively. BDOs are on a nine and a half hour a day shift with overlap between shifts but the BDOs tell me that they never see the other shift or work with them. Breaks, lunches and end of day closeout appear to leave predictable holes in the SPOT security layer.

It appears that the managers are not on the floor performing SPOT and are not meeting the twenty-four hour per pay period requirement in the SOP. If they did it would help keep their skill set up, improve morale and allow them to properly evaluate their BDOs.

According to the STSOs that I spoke with very briefly while letting them know we would be in the checkpoint no local BDOs ever inform them that they are there or when they leave. The BDOs are not interacting with the STSOs as required by the SOP and this is likely affecting the relationship between the BDOs and the TSO workforce.

STAN Report

EWR International Airport

November 2 – November 6, 2009

Mary Wagner, STSM/NTT

Alvin Brooks, STSM/NTT

**Tuesday, November 3, 2009, Terminal A**

Alvin Brooks, STSM, and I were assigned to Terminal A for the day. We began observing (b)(6) (b)(6) EBDO, and (b)(6) MBDO. They were later joined by (b)(6) MBDO. Alvin and I joined them for the morning, observing their positioning, communication, and 2 referrals. For the afternoon, we observed (b)(6), EBDO, (b)(6) MBDO, and (b)(6) MBDO. We were able to also observe their positioning, communication and 1 referral. Throughout the day, Alvin and I also had conversations with (b)(6). All BDOs were professional and courteous with the passengers, checkpoint personnel, STSMs.

Observations and Conversations provided the following:

- The AM Team did not Walk-the-Line and consistently engage passengers, even those with elevated suspicion. They were fairly stationary at the TDC (2) and WTMD (1). Very little communication occurred when a referral took place. The PM team did Walk-the-Line fairly consistently; however, the partner was not always observing passengers in the queue during this time. They did engage many passengers, including those with elevated suspicion. Several times the conversations became 3-5 minutes long which limited their ability to continue observation of all other passengers.
- All Referrals Observed were seamless and followed proper procedures for notifying the WTMD officer, HHMD officer and moving the passenger to the bag search area. Conversations were relaxed and professional. Resolutions however were weak, if obtained at all, mostly containing a trip story which did not effectively resolve observed behaviors. There was also a repetition of the same behaviors being used: (b)(3):49 U.S.C. § 114(r). (b)(3):49 The PM referral also assessed (b)(3):49 U.S.C. § 114(r) incorrectly, which gave the last points needed for a referral. The (b)(3):49 U.S.C. § 114(r) All 3 BDOs began talking to the passenger and her mother before and during the HHMD and pat-down procedures, which does not follow procedure. The bag search procedure took 20 minutes or more, even though the passengers had very little carry-on bags. A solid resolution was not obtained. During the out-brief, Justin stated that he assessed a sign of deception: the passenger (b)(3):49 U.S.C. § 114(r) so he assessed (b)(3):49 U.S.C. § 114(r) incorrect assessment. Casual Conversations were more closed and leading questions with very few open-ended questions.

- When speaking with the (b)(6) they expressed the following concerns:
  - \* Lack of information being passed from STSMs to the BDOs concerning changes in policy and procedures; such as the recent directives concerning TDC; information from National Conference Calls – never provided to BDOs; BDOs have never sat in on a conference call and have no idea what was discussed. Intel is almost never passed on, even the Watch Standard or Executive Summary.
  - \* As recently as Sunday, Nov. 1, and Monday, Nov. 2, BDOs worked in the TDC function for up to 6 hours with no BDOs providing coverage at the checkpoint; some BDOs were even front-loading CTX machines and off-loading bags in checked baggage areas. This is part of the “Contingency Plan” put in place by upper management. On average, BDOs spend 2-3 days a week performing duties such as Playbook, VIPER, Exit Lane, and TDC and 2 days or less performing BDO duties at the checkpoints. (b)(6) was placed on Playbook for 3 weeks, away from the checkpoints, after speaking up in a Refresher Training being provided by NTT a few weeks ago to ask an instructor to please repeat what he has said regarding the quality of referrals not the quantity of referrals.
  - \* STSMs are not on the floor working with the BDOs, making observations, and participating in referrals. They are out walking around some during the day, but never engage as a BDO, which violates SPOT SOP. When asked if they had confidence that the STSMs knew how to and could do the BDO job as their partner, all said “No”. STSMs sometimes will point out things they feel BDOs are doing incorrectly, but never provide mentoring or an example of how to do it correctly. STSM Vincent Mossa has even been known to interrupt BDO during referrals to correct something he feels they are doing wrong which has falsely elevated the passengers.
  - \* When asked why there had been such a huge drop in LEO Referrals and Arrests from 2008 to 2009, the response from all was: “Bogus Referrals for promotions”. They explained that STSM George Schultz made it plain in 2008, that promotions from F Band to G Band would largely be based on those BDOs who had the most referrals, LEO referrals, and arrests; and that was exactly what happened. Promotions are just now occurring for 2009, so there has been no competition.
  - \* (b)(6) related & it was confirmed by (b)(6) that MBDO (b)(6) has made incorrect referrals on several occasions. He observed an Asian passenger with a video camera outside the checkpoint, and assessed Panoramic Videotaping and nothing else. He called a FAM and wrote the incident up as a referral. When he showed it to the STSM Joey Yurechko, the response was that he couldn't do that. Instead, he took the SPOT Referral Report & Incident Report back, made (b)(3)-49 of behaviors and re-wrote the SPOT Referral Report with false behaviors. (b)(6) (b)(6) stated that (b)(6) makes up behaviors a lot in order to have referrals. (b)(6) spoke with Lisa Nelson I band TSM overseeing the STSMs about this incident, but he doesn't know if

anything was done. A second incident occurred when (b)(6) was positioned near the TDC and an Hispanic passenger approached. The TDC asked for identification and the passenger provided a valid ID. (b)(6) then stepped in and asked the passenger for a 2<sup>nd</sup> form of ID, which he presented – it appeared to fake; so (b)(6) called the LEO and CBP. Again a direct violation of SPOT SOP and Procedures

- Other observations of concern:

- TSOs and LTSOs are doing called bag checks on ETD tables at the same time BDOs are doing their bag searches and casual conversation

- (b)(3)-49 U.S.C. § 114(r)

- No STSMs came and worked the floor with BDOs at any time during the day. Michael O'Rourke, STSM, was there and observed 1 SPOT Referral, but did not participate in any way. Most BDOs did state that Michael was the only STSM who tried to manage appropriately.
- There are no overlapping briefings between the AM and PM shifts even though their schedules do overlap some. They are basically 2 separate teams that do not interact.
- BDOs stated that they do not have adequate access to computers to do OLC Training, review intelligence briefs or check emails. There are only 2 designated BDO computers in Terminal C. Training computers are not usually available. Consequently, many BDOs complete OLC at home.
- BDOs stated that many of the practices we are observing this week, such as more BDOs at the checkpoints, is not what normally occurs. They felt it was being done because the Standardization Team is here.

### Wednesday, November 4, 2009, Terminal A

Alvin and I were assigned again to Terminal A. When we arrived at 1200, we went to the in-brief in Terminal C for the 1200, 1230, and 1300 shifts. We observed that the 1200 shift started, yet the briefing did not begin until 1230 when that shift arrived. BDO STSMs there were Luis Chevere and Matt Dohn. The briefing was adequate, covering issues ranging from health coverage, OLC, new TSA canine policy, and upcoming bid process. After that, Alvin and I went to Terminal A, Checkpoint 2 and observed EBDO (b)(6) and MBDO (b)(6). While walking from Terminal C to Terminal A, we talked with EBDO (b)(6) MBDO (b)(6) and MBDO (b)(6).

(b)(6) all stated that there was a breakdown in communication between the FSD staff level and STSMs and between the STSMs and the BDOs. Not all pertinent information is passed down to everyone. (b)(6) have only been BDOs since September, so they were not familiar with what had been going on previously. They did state that many BDOs were unhappy with the promotion process and would talk and complain about it while on duty at the checkpoints. Sometimes this becomes such a distraction that their BDO partners move away from them. All stated that the BDO managers do not address issues like this or try to resolve them.

(b)(6) both stated a concern about lack of LEO understanding of the BDO program. They said that while LEOs do respond to BDO referrals, many times they do not talk with passengers or run NCIC checks. They feel this is because most of the LEOs do not understand the program or why referrals are made. They asked if they could do roll call for the PAPD to brief them on the program. When asked if they had approached management about this, they replied that they had but the idea was "shot down because PAPD didn't want to hear it."

In speaking with (b)(6) he stated that the PM shift had good communication with the STSMs, receiving daily intelligence reports. He also stated that some BDOs had sat in on National Conference calls when staffing allowed; and, that then information was passed down to the BDOs on his shift. (b)(6) said that too much BDO time was spent doing TDC, often for 3 or 4 hours without having a break. He felt this was due to inadequate staffing at the checkpoints. He was familiar with the latest directive concerning TDC which limited the time to 20 minutes and only if BDO coverage continued at the checkpoint. He confirmed that as of Sunday and Monday of this week, that BDOs worked 4-6 hours at TDC without checkpoint coverage by the BDOs. (b)(6) said that he was not aware of there being any "quotas" on number of referrals being tied to the promotion process. He felt that the PM shift worked well together with very few problems. He did state that he had heard that there were a few "bad apples" on the AM shift which could ruin the entire program. When asked to explain further, he stated that he had heard that some BDOs make "bogus referrals" (assessing behaviors when they don't exist in order to have high referrals), but that he had not worked with anyone who did that.

We then observed (b)(6) in positioning, Walk-the-Line, observations, and communication. Most of the time, their positioning was good and they rotated well. They did communicate observations to their partner, and did an adequate job of Walk-the-Line. However, (b)(6) did walk-the-line once while (b)(6) was speaking to an instructor, which didn't leave anyone to observe passengers at the TDC or in the queue as he was passing by. By doing this, he did miss several behaviors that occurred at the TDC. Later both were away from the TDC and missed a passenger exhibiting (b)(3):49 U.S.C. § 114(r). (b)(3):49 U.S.C. § 114(r) Alvin passed this information along. Both positioned so that they could continue observation of the passenger. They then assessed (b)(3):49 U.S.C. § 114(r) and referred the passenger for SPOT Referral Screening. We observed the referral process where all procedures were followed. (b)(6) conducted the casual conversation. He used many closed-ended questions and did not have a steady flow to the conversation, several times having very long pauses. They completed the screening and cleared the passenger. In the out-brief, we asked them to explain the (b)(3):49 U.S.C. § 114(r). They stated that (b)(3):49 U.S.C. § 114(r) but when he (b)(3):49 U.S.C. § 114(r)

(b)(3)-49 U.S.C. § 114(r)

Alvin and I felt this was incorrectly assessed, and shouldn't have been a referral. We then asked for the resolution, but just got the trip story. Both BDOs made assumptions, even stating so, that the behaviors occurred because the passenger had a long ride to the airport, was tired, and had been drinking a lot of coffee after arriving at the airport. When we asked them what the passenger stated, neither could tell us exactly what was stated. No solid resolution was obtained.

The skills on the PM shift are slightly better than the AM shift we observed, with better positioning, communication and Walk-the-Line skills. All are having great difficulty in casual conversation, narrowing questions, and obtaining a solid resolution. They feel the trip story resolves the behaviors. Most BDOs observed need clarification on how to correctly observe and assess many of the behaviors. There is a lack of consistent and correct implementation of the SPOT SOP by STSMs and BDOs.

MOUNCE

2<sup>nd</sup> STAN visit, EWR Nov.3-5

Interviews:

1. (b)(6) – Master BDO since March 09, interview conducted Nov 3, 09 @ 1100
  - q. What are your observations about your AOR's BDO program and management?
  - a. Overall satisfaction with the management and the BDO enjoys his job.
  - q. Are there improvements you would like to see implemented into the program that would make your job better?
  - a. He would like to see recurrent training and refresher training, he says that training is really lacking and would like to see more. Up until 2-3 weeks ago there was no training. Now they receive training during a 20-30 minute in-brief, which he finds very helpful. He really likes the new in-briefs!
  - q. How much time do you spend on activities outside of the checkpoint area?
  - a. He spends 50% of his time on the floor and 50% of the time doing play book. Some weeks he has play book 3 days in a row.
  - q. Do you understand the protocol for these activities?
  - a. Yes
  - q. Describe the relationship the BDOs and the TSO's at your airport?
  - a. He says he has a great working relationship with the TSO's.
  - q. How is communication between the BDOs and AOR Management?
  - a. He says upper management very approachable and accessible. No problems with any management he receives briefings, emails and phone calls to stay up to date on BDO related matters.
  - q. Describe the communication between the BDOs and LEOs.
  - a. He has a great relationship with the LEOs, he has had to call them 3-4 since March and he has never had a problem. He said it is all about the approach and how you talk to them. The BDO's who have problems with LEOs do not have a good approach.
  - q. How do your Managers evaluate you?
  - a. He honestly doesn't know. When he started as a BDO he would hear the managers telling them that they needed more "activity" (referring to referrals) He said the managers really pushed that for a few weeks, and would often ask "why they can see it" and the BDO's can't. He still hear they BDO's need more "activity from time to time, but not nearly as much as before.
  - q. How often do you see you managers on the floor?
  - a. 2 times a day for about 30 minutes.
  - q. Do you attend OLC?
  - a. He say he doesn't get time to go. He says when the managers say the computers are open, they assign the BDOs to other things.
  - q. What would you like to see different from what you currently see as a BDO?
  - a. He would like to see plain clothes officers, he said since heh as been a BDO they have not had them at EWR, and he thinks they be very valuable.

2. (b)(6) – Master BDO since December 08, interview conducted on Nov 3, 09

- q. What are your observations about your AOR's BDO program and management?
- a. He said as far as management there is a lot of room for improvement. The new managers are much better than the veteran managers. He has experienced favoritism; people getting away with things, people being awarded awards and promotion issues from the veteran managers. He said in the past couple of months these activities have calmed down but have not stopped. He said TSM Yurechko has been heard saying racial comments to a black, Puerto Rican and Middle Eastern BDO's. He said he finds the main problem with managers to be with TSM Yurechko, Hakius and Schultz.

As far as the BDO program goes, he is concerned. He said that he sees profiling and "bogus" "pulls" (referrals). He said he has observed BDO (b)(6) profiling passengers and make "bogus" "pulls". He said BDO (b)(6) often targets Hispanic passengers. He said that BDO (b)(6) will often falsely elevate a passenger during casual conversation so that he can have a LEO call. He observed BDO (b)(6) make a "bogus" "pull" at one time where he referred an Asian passenger because he held up a video camera and was videotaping. When the passenger was asked to stop he did. BDO (b)(6) has no points on this passenger and BDO (b)(6) referred him. BDO (b)(6) then did not follow his chain of command and called a local FAM. He did not call his manager nor did he call local LEO's. When told that was not the proper thing to do, he replied I am doing it anyway! Later that afternoon when BDO (b)(6) was filling out his score sheet, he saw BDO (b)(6) asked for manager Joe Yurechko for his signature for his incident report. BDO manager Yurechko replied, "You can't do this you have to re-write it." in a low voice. BDO (b)(6) re-wrote it, BDO manager Yurechko signed off on it. During our interview BDO (b)(6) told me that BDO manager Yurechko gives special treatment to BDO (b)(6) BDO (b)(6) looked into the book at the SPOT referral sheet to find BDO (b)(6) made up behaviors in order to fill out the score sheet. BDO (b)(6) contacted Lisa Nelson and told her what he had observed and she told him, that it had been addressed and they were watching him. BDO (b)(6) told me that BDO (b)(6) is not the only BDO who perform these activities but other BDO's practice them as well

- q. How much time do you spend on activities outside of the checkpoint area?
- a. He said he does playbook 2-3 times per week, maybe 2-3 days a week for TDC.
- q. Do you understand the protocol for these activities?
- a. Yes
- q. Describe the relationship between the BDOs and the TSO's at your airport?
- a. He said the relationship is not very good. He said TSO's call BDO's "TDC KINGS/MASTERS", he said they just think the BDO's just stand around.
- q. How is communication between the BDOs and AOR Management?
- a. He said there is a lack of communication among managers. He said that managers are not on the same page and that deliver different information. He said he doesn't receive the latest changes for the BDO program. He said he feels the management is "useless" they do not

give support, they don't answer complaints, they don't have a real office, and they don't have access to computers.

- q. Describe the communication between the BDOs and LEOs.
- a. He said his communication with local LEO's is fine, also noting that he has only had to call them once in the 22 months he has been a BDO. He said that the working relationship with customs is terrible. The reason he states is because of "bogus pulls", he said that customs has become irritated with them because of the type of "pull". HE said they have a very high number of referring illegal's.
- q. How do your Managers evaluate you?
- a. He said they don't, they will come around every few months and have them sign a piece of paper. HE said his manager don't observe him.
- q. How often do you see you managers on the floor?
- a. He said each day about 12 minutes. The stand outside a check point 3-4 minutes a day a few times a day. He said he has never seen the TSM's perform SPOT and the 24 hour a week manager directive is non-existent. When he asked why the managers don't perform SPOT, he was told the FSD has the right to change the SOP and they no longer have to do 24 hours.
- q. Do you attend OLC?
- a. He said they are told to do OLC on very active days,, when they are usually on OLC all day or they are no computers to use.
- q. What would you like to see different from what you currently see as a BDO?
- a. He said he would like to see more training and better management. He would like the BDO's to improve their working relationship with customs. He said he would also like to stop seeing profiling. He would also like to stop seeing the number of referrals as a promotion and reward criterion.

3, (b)(6) Master BDO since September 08, interview conducted Nov 4, 09 @ 1630

- q. What are your observations about your AOR's BDO program and management?
- a. Great Idea not flawless.
- q. Are there improvements you would like to see implemented into the program that would make your job better?
- a. He says he would like all of the BDO's to be on the same page, he feels if there are 5 classes then the BDO's see things 5 different ways. He said the best training by far was ABDT.
- q. How much time do you spend on activities outside of the checkpoint area?
- a. He spends ¾ of the week on playbook and some weeks he does TDC 3 days in a row.
- q. Do you understand the protocol for these activities?
- a. Yes
- q. Describe the relationship the BDOs and the TSO's at your airport?
- a. He says he has a great working relationship with the TSO's.
- q. How is communication between the BDOs and AOR Management?
- a. He has no problem with management. They could improve with getting information to them.
- q. Describe the communication between the BDOs and LEOs.

- a. He said PAPD is a negative 10 out of 10, he said they are awful and when they do respond they tell them they tell the BDO's they cannot do anything because our process does not allow them to react because of legality. If they don't see it then they can't do anything. Customs are good and FAMS are great.
- q. How often do you see you managers on the floor?
- a. Daily 5-10 minutes, manager don't conduct SPOT.
- q. What would you like to see different from what you currently see as a BDO?
- a. He would like to see a refresher training every 6 months to discuss basic behavior. Would also like to see promotions and rewards not determined by number of referrals.

STSO (b)(6)

Interview with STSO (b)(6) 1230, Nov. 4, 2009, B2, comments: BDO's do not contact STSO when arriving on the floor. BDO's perform SPOT behind the X-Ray in the bag check position. If he sees BDO's standing around when it is not busy he puts them to work on TDC. He said he has a great working relationship with the BDO managers and they always help out when STSO's need them. He said he has had no formal briefing on the BDO program.

STSO (b)(6)

Interview with (b)(6) 1600, Nov. 4, 2009, B2, comments: Appreciates the BDO program. In this 2 years working at EWR, he has seen the manager approximately twice. He has received no formal briefing on the program though they did received a briefing regarding TDC. For the past two years management has given leadership training, this year the BDO managers did not attend but last year they did. Overall he doesn't have any problems with any of the BDO's. As for the program as a whole, there are bad seeds in every organization, overall the majority of the BDO's have a good working relationship with the checkpoint.

2<sup>nd</sup> STAN visit, EWR Nov.3-5 PARTII

Interviews:

1. (b)(6) - Master BDO since September 07, interview conducted Nov 4, 09 @ 1700
  - q. What are your observations about your AOR's BDO program and management?
  - a. He likes it, he gets what he needs, they are not always right but he does what he is told. BDO's manager's have a "my way or the highway attitude".
  - q. Are there improvements you would like to see implemented into the program that would make your job better?
  - a. He would like to enhance his skills. Have more independent authority, possibly through specialized training.
  - q. How much time do you spend on activities outside of the checkpoint area?
  - a. He spends 50% of his time on the floor and 50% of the time doing play book or other activities. He has done a referral during playbook.
  - q. Do you understand the protocol for these activities?
  - a. Yes
  - q. Describe the relationship the BDOs and the TSO's at your airport?
  - a. He says he has a great working relationship with the TSO's.
  - q. How is communication between the BDOs and AOR Management?
  - a. FSD staff is not supportive of the program. BDO manager do whatever FSD staff says. He is reluctant to approach the BDO manager because they prefer their way. He feels the FSD staff doesn't care about them because they have a tiny break room, they don't allocate time for them to do OLC and they don't address their concerns.
  - q. Describe the communication between the BDOs and LEOs.
  - a. He has a great working relationship with FAMS they are very supportive. Relationship with PAPD, it's not a healthy working environment since they don't believe in the BDO's.
  - q. How do your Managers evaluate you?
  - a. "Activity" i.e. referrals get the promotions and rewards, it's also who you know. In 2 years he has seen the manager conduct 1 referral. He has never had a debrief after as referral like he did in OJT.
  - q. How often do you see you managers on the floor?
  - a. He sees the managers on the floor often, though they are watching the BDO's not watching the passenger. The BDO managers do not perform SPOT.
  - q. What would you like to see different from what you currently see as a BDO?
  - a. He would like to stop seeing BDO's profile the passengers. He said there are a few BDO's who profile minorities, mainly blacks, middle eastern and Hispanic. He would like to see some training for those people and he would like to see some training for managers. He says moral is very low and would like to see that improve. He would like the managers and FSD staff to show that moral and ethics matter!

MOUNCE

2<sup>nd</sup> STAN visit, EWR Nov.3-5 PARTIII

Interviews:

1. (b)(6) Master BDO since May 08, interview conducted Nov 4, 09 @ 1649
  - q. What are your observations about your AOR's BDO program and management?
  - a. It works he understands the value of it. If they stop one terrorist it will all be worth it. There are rough edges with the management staff(he works 2<sup>nd</sup> shift). He said there is no room for advancement and he is trying to get out of the program. He said there is an issue with favoritism with the BDO managers and BDO's, some BDO's don't have to answer to anyone and he sees profiling often. For some BDO's it is there daily to mission to get a LEO call or arrest, so they will make up behaviors on passengers and refer them. For instance if they see a passenger (b)(3) 49 U.S.C. § 114(r) they will refer him without any other behaviors, because (b)(3) 49 U.S.C. § could result in an arrest. They often refer passengers and if they don't get a LEO call they don't write us a SPOT referral.

As far as second shift managers the new managers are good but the one who has been there the longest need work. The manager beat them down by talking down to them. They tell them the "activity" (referrals) are low, and to pick it up. They say "There are 4 out there you just ain't seeing them!" They get yelled at if they are not doing something correctly. They got yelled at last night for not walking their line properly. They were told at the end of the night debrief, "you guys are making us look bad in front of the STAN team!" They are often getting "hammered". There are worried about quantity not quality.

- q. How much time do you spend on activities outside of the checkpoint area?
- a. Each week is different, but more than half. They do playbook, TDC and load bags in the CTX sometimes 1-3 times a week.
- q. Do you understand the protocol for these activities?
- a. Yes
- q. Describe the relationship the BDOs and the TSO's at your airport?
- a. The TSO's call them for the littlest things because they are there. He said he his managers have started telling the BDO to tell the TSO's to call their STSO/
- q. How is communication between the BDOs and AOR Management?
- a. Their communication is terrible, he never knows what is happening until the last minute and even then that he may hear different things from different managers.
- q. Describe the communication between the BDOs and LEOs.
- a. He has a great working relationship with FAMS they are very supportive. Relationship with PAPD, it's not a healthy working environment since they don't believe in the BDO's.
- q. How do your Managers evaluate you?

6

- a. "Activity" i.e. referrals get the promotions and rewards, it's also who you know. In 2 years he has seen the manager conduct 1 referral. He has never had a debrief after as referral like he did in OJT.
  - q. How often do you see you managers on the floor?
    - a. Hardly ever!
    - b. How do your managers evaluate you?
    - c. He said they look at how you write a SPOT referral sheet or incident report. That is how they determine how well you are casual conversation, since they never watch them do a referral.
  - q. What would you like to see different from what you currently see as a BDO?
    - a. He would like to see room for advancement. He would like to be treated fairly, and not persecuted for thing that happened before he became a BDO.
-

~~SENSITIVE SECURITY INFORMATION~~



**MEMORANDUM OF INTERVIEW  
OR ACTIVITY**

Type of Activity: <input type="checkbox"/> Personal Interview <input checked="" type="checkbox"/> Telephone Interview <input type="checkbox"/> Records Review <input type="checkbox"/> Other	Date and Time: November 5, 2009 7:30 AM
Activity or Interview of: Lisa Nelson <div style="border: 1px solid green; padding: 2px;">(b)(6)</div>	Conducted by: John Bettac Program Manager, SPOT-Program
	Location of Interview/Activity: Newark, NJ

Subject Matter/Remarks

Nelson is a TSM Manager at Newark Liberty International Airport. Federal Security Director Barbara Powell appointed her to help manage the BDO team at the airport in March, 2009. She is not BDO trained but is on the waiting list. Her duties are to mentor the managers and to settle arguments or disagreements. She was addressing the issue of favoritism shown by some of the BDO managers to certain BDOs. The favoritism was such a problem that a centralized leave program had to be used to be fair to the BDOs.

Nelson said that there appeared to be lots of inconsistencies in the BDO program. BDOs claimed that the classes have changed over the years since the inception of the program. Nelson was able to explain to me the Walk the Line technique. She knows that it is properly done with a BDO partner observer.

Asked if she was aware that quotas for BDO pulls was the practice at the airport, Nelson stated that she did know about them. She said that she has tried to fix that problem. She said that Bob Hakius and Luis Chevere are two supervisors that she was aware of who required quotas for their subordinates to be considered for promotion.

Case Number:	Case Title: Newark STAN visit
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Revised February 28, 2006

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MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

Since the last STAN visit in September, 2009, she has trained the BDO staff on the basics as she understood them. However, she said that as soon as she turns her back, the staff goes back to their old ways.

Nelson said that she noticed that the BDOs were pulling a lot of Mexicans. She brought that to AFSD-Screening William Smith's attention. She said that (b)(3), 49 USC 8 is constantly used as one of the cited behaviors during passenger pulls.

It is true that BDOs are pulled to perform Travel Document Checker duties all the time. It is done with the approval of the FSD and the DAFSD. The senior managers have a contingency plan and the BDOs are one of the main sources for bodies to be assigned to other duties. During September after the SPOT program memo requiring that a report be made to TSOC for every 20 minutes the BDO were pulled, the pace slowed for a week. The BDOs are pulled off their assignment on Sundays and Mondays all the time. They are particularly used during the time from 6:30 AM to 7:45 AM. She described this past summer as "horrendous" for the practice of re-assigning BDOs.

She described one particular BDO who refuses to walk the line because he is too big.

Nelson was the only person on the last panel to select new BDOs. (b)(6) and (b)(6) had been the previous selection panel.

One of the supervisors, Vinny Mossa, does listen to Nelson when she provides direction on how to supervise the program. Nelson restated that they all "fall into bad behavior as soon as you turn your back." She believes that there are too many retired police officers among the BDOs and that they hang together.

Case Number:	Case Title: Newark STAN visit
--------------	----------------------------------

Revised February 28, 2006

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October 22, 2009

To John Bettac

Newark Liberty International Airports Whistle Blower Act is as equally respected and honored as the 400.5- URENT-BDO-TDC USE memo dated October 7, 2009 from Lee R Kair, Assistant Administrator, Security Operations

In addition to the EWR BDO's job duties and functions in a letter sent to you last month, we now man the security checkpoints so that the TSO's can be "tapped out" for their breaks and lunches. An entire terminal of BDO's are regularly removed and redeployed to another terminal to "tap out" certified checkpoint officers so these officers can get their breaks. We are being removed from PLAYBOOK to accomplish this task as well as manning the TDC when the checkpoint BDO's are all used up and more BDO's are needed for checkpoint screening functions.

We have had No BDO Coverage in an entire Terminal for 3 to 6 hours at a time. We do TDC 3 hours straight with No BDO team covering the security checkpoints.

Our BDO Managers have been ordered NOT to report this to TSOC. DAFSD's regularly direct the activation of a "Contingency Plan" which stripes the BDO workforce. In most cases the plan is called "in anticipation" of heavy passenger load. Our BDO's are sitting at TDC in front of an empty checkpoint! Our Acting AFSD-S has taken full responsibility of this (her) order.

The EWR Screening Management has taken total control of the BDO's, its Program and mission. In response to the units request for additional, mission specific, training; the unknowing executive team has decided on our future training and taken it out of the hands of the BDO's Managers. What is it going to take for someone from HQ to decide this is important enough to leave their office and get control back of the EWR SPOT Program, when it's too late?

We have everyone below Senior TSA Management Official AFSD-S delegating the BDO's work assignments. Even the OPS Center TSO's have authority to pull BDO's from their assignments to cover TDC.

As BDO's, we have not seen any security threat and or vulnerabilities associated with long queue lines. We are used to fill in the holes in staffing shortages only. If you believe anything else then I have a bridge to sell you.

BDO coverage is being sacrificed. We are being pulled from observing the queue and conducting SPOT Referral Screening.

Many of the BDO's referrals require a certain knowledge of casual conversation, observation skills, and legal ramification knowledge. This knowledge is not present in our current Administration. Knowledge of the techniques and the mission are solidly bred in the AFSD-LE. It is here that our mission would be embraced and thoroughly supported. Removing us from the LE structure and placing us under the control of the unknowing AFSD-S was detriment to the program. It's time to put us back under a leadership that is not dedicated to an air carriers wait-time.

Thank you,  
The EWR BDO's

November 2009

To John Bettac

I would like to update you on the recent development in the EWR BDO/SPOT Program. In anticipation of the possibility of long security checkpoint queue lines and ticket counter check-in baggage queue lines, the following orders were set forth by Acting AFSD-S Julie Ferwerda and DAFSD Patrick Boyle

Sunday November 1, 2009 BDO's redeployed to work in the CTX Bag rooms.  
Monday November 2, 2009 all checkpoint area BDO's were removed from A and C Terminals and redeployed to do TDC. Terminal B checkpoint area BDO's were removed from Terminal B and redeployed to Terminal C to do TDC.

These queue lines had NO SECURITY THREATS and NO SECURITY VULNERIBILITIES. Our redeployment measures were to only satisfy Continental Airlines, reduce the queue line wait lines while continuing to sacrifice BDO coverage and violate Our SOP.

On a positive note, we were unable to find a CTX Check in Luggage Bag that met the threshold for BDO SPOT Referral Screening or BDO/SPOT Secondary Screening resulting in suspicious behavior and or criminal activity.

Although we did find multiple bags that met the criteria for: (b)(3) 49 U.S.C. § 114(r) (b)(3) 49 U.S.C. § 114(r) no future action was required on the bag.

I would like to take this opportunity to thank you for your support in providing the traveling public with this additional layer of security measures in the CTX Bag rooms.

The TSA should be proud of the visionaries at EWR for recognizing the important of the BDO Program and the potential threats to EWR's CTX baggage systems.

This procedure should also be included in the next revision of the Screening Management SOP with the anticipation of the EWR BDO Parking Attendants.

Thank you,  
The EWR BDO's

November 2009

To Dan Burche

I would like to update you on the recent development in the EWR BDO/SPOT Program. In anticipation of the possibility of long security checkpoint queue lines and ticket counter check-in baggage queue lines, the following orders were set forth by Acting AFSD-S Julie Ferwerda and DAFSD Patrick Boyle

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Thank you,  
The EWR BDO's

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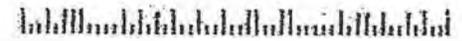


CR05 11/12/2009 08:17:30

PRODUCT #

Dan Burche  
Assistant General Manager for Operations  
Office of Security Operations  
TDC HQ, E9 133 S  
Behavior Detection Division  
601-S, 12<sup>th</sup> St. East Tower 9<sup>th</sup> Floor  
Arlington Va. 20598-6029

20598-6029



DHS-CRDS

2009 NOV -9 AM 11:10

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**Bettac, John, A**

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**From:** Washington, Wayne (b)(6)  
**Sent:** Saturday, November 14, 2009 2:14 PM  
**To:** Bettac, John A  
**Cc:** Maccario, Carl  
**Subject:** FYI

John I am not sure if you need to know this, Bill Smith on Thursday questioned me again on why we couldn't use referrals as a measure for BDO performance. As we both are aware we have had this conversation with him before. Once again he was insistent that it was the only viable metric. I explained to him again the quality versus quantity and that his managers were his performance monitors. He then solicited NDO managers Stevon Washington, MCO and Wes Castlebury, AUS for their input to see if there was any inconsistency in the message originally given to him by yourself and Chris when you were here. Fortunately the message was reiterated by both managers on all points raised by Mr. Smith. I think that this issue has been put to rest, but cannot be sure. Because it seems to be a point of conflict I thought you should know.

Respectfully,

Wayne A. Washington  
Sent Via Blackberry

The following references are compiled from the current Playbook SOP, SPOT SOP and SPOT FAQs. Together they state that when the BDOs are away from the checkpoint, they are in an assist mode and make recommendation to the playbook STSO who then makes the final decision. The BDO will look for any and all SPOT related behaviors and recommend either additional screening or LEO intervention to the Playbook STSO depending on the threat level of the passenger. The BDOs recommendations do not require them to fill out a SPOT referral form, therefore it is not an actual SPOT referral, only checkpoint referrals require this action. All appropriate information should be recorded in the after action reports.

**Playbook SOP dated November 02, 2009:**

(b)(3) 49 U.S.C. § 114(r)



(b)(3)49 U.S.C. § 114(r)

**SPOT SOP dated January 23, 2009**

(b)(3)49 U.S.C. § 114(r)

**SPOT FAQs**

45

**Question:** Regarding the answer provided in Uid#15, could you explain what exactly is meant by "...the BDO should inform the STSO of the amount and degree of behaviors noted, without specifics..."? Does this also extend to BDO operations in the checkpoint? Ultimately STSO's are responsible for what goes on in the checkpoint, just like they are responsible for Playbook operations. So what, if anything, is the difference?

**Answer:** FAQ 15 was updated with more clarification. Do not discuss specific behaviors and point values with the STSO. Checkpoint operations vary from Playbook operations based on location and screening requirements. During Playbook, the BDO operates in an "observe and

report" capacity where the BDO walks the line and conducts casual conversation, while at the Checkpoint the BDO follows the norm SPOT protocol which includes SPOT Referral Screening.

15

Question:

With regards to the answer of Uid 6, we recommend additional screening to the ADASP team when passengers exhibit deception indicators. How many signs of deception must be observed before we recommend additional screening? Even when there are no other behaviors noted? What type of additional screening are we recommending? All of our gate screening now coincides with the playbook and does not necessarily consist of the traditional gate screening process. (b)(3) 49 U.S.C. §

Regarding Uid 10, we are in compliance with the Playbook OD and conduct playbook everyday (b)(3) 49 U.S.C. § 114(f). Are we to write an after action report every day?

Answer:

The BDO will let the STSO know if ANY behaviors or signs of deception are present and the STSO will determine what, if any, additional screening is conducted. During the conversation, the BDO should inform the STSO that suspicious behaviors are noted, without discussing specific behaviors or point values, so the STSO can make an informed decision as to whether the individual requires additional screening or an LEO call.

Attachment

6

Question:

What does a BDO do during ADASP (Playbook)?

Answer:

During ADASP (now Playbook) gate screening, BDOs will conduct Walking-the-Line procedures and engage individuals in casual conversation to determine if the individual(s) is exhibiting deception indicators. The BDO will consult with the Playbook STSO and if signs of deception are present, recommend additional screening or LEO notification, as determined by the Playbook team.

## Schmidt, Laura B.

---

**From:** Palmiere, Ralph  
**Sent:** Friday, December 04, 2009 11:27 AM  
**To:** Cherry, Elva; Schmidt, Laura B.  
**Subject:** SSI MOI Bettac re TSO (b)(6) (b)(6)  
**Attachments:** SSI MOI John Bettac(11-19 12-2-3 09)(DRAFT).doc

Hello Ladies,

I'll email you the other emails , referenced as attachments to this MOI, in a few minutes.

Thanks,

Ralph

---

**From:** Bettac, John, A  
**Sent:** Wednesday, December 02, 2009 2:07 PM  
**To:** Palmiere, Ralph  
**Subject:** BDO Program

Ralph,

It was good talking to you today. Let me describe the SPOT program.

Behavioral Detection Officers are specially trained TSOs that complete both formal classroom training and an on-the-job course that teaches them to spot abnormal behaviors. They must have been employed as a TSO for a minimum of one year before they are eligible for the BDO program.

When they begin their daily duties, they determine an environmental baseline about the weather, airport status, and passenger destinations. Their job is to identify and pick out the anomalies in the crowd at the airport checkpoint. For instance, they will see behaviors (b)(3)-49 U.S.C. § 114(r)

(b)(3)-49 U.S.C. § 114(r) Those are just a couple of the behaviors that we train them to recognize as an indicator that the passenger may be up to no good. The behaviors cross all cultures and nationalities and we have strong scientific proof of that fact. BDOs are never to pick a certain ethnic group as a referral unless they observe them exhibiting some of the 38 behaviors. The aberrant passengers are assigned a number of points (this is classified) and when the passenger reaches a certain threshold, they are either pulled for additional screening or if they hit a certain number of points, they are referred to law enforcement for further attention.

BDOs are to "walk the line" and talk to passengers. Sometimes when doing this, passengers exhibit behaviors and try not to talk to the BDO. When a passenger reaches the numerical threshold, usually they are sent to secondary screening. BDOs are to work in pairs. One BDO will search the carry-on luggage while talking to the passenger. The other BDO is observing their responses to see if they escalate the situation or satisfactorily answer the questions posed by the BDO. If the passenger accumulates more points, law enforcement is called. The decision to allow the passenger to fly rests either with the BDO and their management or the airport police.

Here are the definitions of the acronyms used:

AOR - Airport of record

ETD - Explosives trace detection

HHMD - Hand-held metal detector

LTSO - Lead Transportation Security Officer (2 stripes)

OLC - On-line learning center for TSA training

Playbook - series of exercises using BDO and others (LEOs, FAMs, K-9s) to detect threats to aviation

PAPD - Port Authority Police Department  
SOP - Standard operating procedures  
SPOT - Screening passengers by observation techniques  
STSO - Supervisory Transportation Security Officer (3 stripes)  
STSM - Supervisory Transportation Security Manager (not uniformed)  
TDC - Travel Document Checker  
WTMD - Walk through metal detector

If there are other acronyms needing definition, just E-mail me and I will get those back to you. Also if you need to review our SOPs or other documents, contact me and I will share them with you. Thanks, Ralph.

John Bettac  
Branch Chief - SPOT  
(b)(6) cell

**Schmidt, Laura B.**

---

**From:** Palmiere, Ralph  
**Sent:** Friday, December 04, 2009 11:30 AM  
**To:** Cherry, Elva; Schmidt, Laura B.  
**Subject:** SSI MOI Bettac re TSO (b)(6)

---

**From:** Bettac, John, A  
**Sent:** Thursday, December 03, 2009 11:20 AM  
**To:** Palmiere, Ralph  
**Subject:** STAN visits

Ralph,

I got your VM. A standardization visit is similar to an inspection of the program. SPOT does these to insure that the airports are carrying out the BDO program in the proper fashion. They should be complying with the SOP. They should be getting resolutions from passengers that are referred for secondary screening, not just trip stories which are easy to memorize. They should be conducting proper bag and person searches. We also use it as a time to instruct those BDOs found to not be doing the procedures correctly. We look at the program management at the airport to make certain that the managers are monitoring properly and that they are spending time with their subordinates to ensure that they are carrying out the program in the proper fashion. They should not be using the same 3 or 4 behaviors constantly as this is an indication that they have not memorized the 38 behaviors or may be profiling. BDOs should be getting an intelligence briefing regularly so they know if the threat level is increased or specific intell about their airport applies to what they are looking for. We make certain that the relationship with the airport police is working and that when they are called, the police respond appropriately.

That is the thumbnail sketch of how they are done. More questions, just call me.

John

*John Bettac*

Branch Chief - SPOT Program  
Office of Security Operations  
Transportation Security Administration  
601 S. 12th St., East Tower 9th flr 203S  
Arlington, VA 20598-6029

Office 571-227-(b)(6)

Cell (b)(6)

(b)(6)

## Attachment #2

Memorandum of Interview of TSM Lisa Nelson, dated December 4,  
2009 to March 5, 2010.

~~SENSITIVE SECURITY INFORMATION~~



**MEMORANDUM OF INTERVIEW  
OR ACTIVITY**

Type of Activity: <input checked="" type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input type="checkbox"/> Records Review <input type="checkbox"/> Other	Date and Time:  December 4, 2009, to March 5, 2010
Activity or Interview of:  Lisa Nelson Transportation Security Manager (TSM) Transportation Security Administration (TSA) Newark Liberty International Airport (EWR) Newark, New Jersey (b)(6) Cell)	Conducted by: Special Agent (SA) Ralph Palmiere  Location of Interview/Activity: Office of Inspection (OOI) Liberty Hall Corporate Center 1085 Morris Avenue Union, New Jersey 07083

Subject Matter/Remarks

**Background:** On November 18, 2009, Branch Chief John Bettac, Transportation Security Administration (TSA), Office of Security Operations (OSO), Headquarters (HQ), provided TSA's Office of Inspection (OOI), HQ, with information regarding the submission of a false report by an employee. According to the information provided, TSA employee (b)(6) who was working at a security checkpoint at Newark Liberty International Airport (EWR), was involved in an incident involving an unidentified Asian male videotaping with a camera outside of the checkpoint. Local Law Enforcement and a Federal Air Marshal (FAM) responded to the checkpoint as a result of the incident. When writing a report of the incident, (b)(6) co-worker(s) noticed that there were several false statements by (b)(6) in the report that characterized the male passenger illegally videotaping the sterile area, when that was not the case. Information received from (b)(6) co-workers indicates that this type of incident (falsifying report information) with (b)(6) has happened in the past.

On December 2, 2009, Branch Chief Bettac advised SA Palmiere that a "standardization visit" was conducted at EWR by OSO members regarding the Behavioral Detection Officer (BDO) program.

Case Number: (b)(6)	Case Title: BDO (b)(6)
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~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

During the course of this standardization visit, BDO (b)(6) told a member of the OSO Team that BDO (b)(6) was "profiling" passengers and providing "bogus" information in order to justify closer examination (secondary screening) of a particular group of passengers.

(b)(6) was interviewed by OOI and stated that the information provided during the standardization visit was told to him by Expert BDO (EBDO) (b)(6) and not personally observed by him. (b)(6) was subsequently interviewed by OOI and stated that she believed that BDO (b)(6) was profiling passengers and providing "bogus" information in order to justify closer examinations (secondary screening); and that she reported this to her supervisor, Transportation Security Manager (TSM) Lisa Nelson.

**Activity or Interview:** On several occasions, the latest being on March 5, 2010, OOI SA Ralph Palmiere met with TSM Lisa Nelson regarding the allegation that BDO (b)(6) may be "profiling" passengers and providing "bogus" information in order to justify closer examination (secondary screening) of a particular group of passengers. During the course of these meetings, Nelson provided SA Palmiere with the following information:

Nelson stated that (b)(6) is "fairly new" to the BDO Program and she is aware of only one issue involving (b)(6) in which he used wrong terminology in a report to describe a certain situation. Nelson said that although she could not recall the exact date, she noticed the mistake when she reviewed (b)(6) report and saw that he (b)(6) misused the term "panoramic videotaping" in describing an action that lead to a passenger being referred to secondary screening. Nelson said that although the action being performed by the passenger could be used as a factor in referring him to secondary screening, the term used by (b)(6) to describe this action was not correct. Nelson said that she spoke to (b)(6) supervisor, Manager Joe Yurechko, about the error and had him explain to (b)(6) what terminology should have been used in describing the action that he had observed. Nelson said that the report was corrected and resubmitted.

Nelson said that it is procedure for BDO Supervisors/Managers to review each SPOT Referral Sheet, (a type of incident report used to document referrals), submitted by BDOs prior to entering the information from these sheets into the system; according to Nelson, there are times when the BDOs leave out critical information or use wrong terms in reporting a passenger referral.

Case Number: (b)(6)	Case Title: BDO (b)(6)
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~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

At the request of SA Palmiere, TSM Nelson reviewed the SPOT Referral Sheets submitted by (b)(6) for any indication of profiling or inconsistencies. Nelson provided the following information:

Nelson said that BDO (b)(6) "didn't have many pulls (referrals)" and reviewing the few that he did have did not indicate any suspicious entries or indicate that he was profiling any particular group of passengers. Nelson pointed out that BDOs always work in teams; and sometimes an action used as a factor for a referral observed by one BDO can be interpreted in a different way by the other. Nelson said that although the criteria (factors) used by the BDOs in determining a referral are constant, "interpretation" of the same factor observed by two different BDOs could influence whether or not an individual would be referred.

Nelson acknowledged that BDO (b)(6) had spoken to her regarding her (b)(6) concerns that BDO (b)(6) may be profiling or falsifying information on SPOT Referral Sheets. Nelson said that this was the first and only time that anyone had approached her about BDO (b)(6) regarding these issues. Nelson said that the BDOs at EWR are aware of TSA management's stand on any type of profiling and are "not shy" in reporting any violation.

Case Number: (b)(6)	Case Title: BDO (b)(6)
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## Attachment #3

Memorandum of Interview of BDO (b)(6) dated January 11,  
2010, with attachment.

~~SENSITIVE SECURITY INFORMATION~~



**MEMORANDUM OF INTERVIEW  
OR ACTIVITY**

Type of Activity: <input checked="" type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input type="checkbox"/> Records Review <input type="checkbox"/> Other	Date and Time:  January 11, 2010
Activity or Interview of:  (b)(6) Behavioral Detection Officer (BDO) Transportation Security Administration (TSA) Newark Liberty International Airport (EWR) Newark, New Jersey	Conducted by: Special Agent (SA) Ralph Palmiere SA Stephen Iannucci  Location of Interview/Activity:  Office of Inspection (OOI) Liberty Hall Corporate Center 1085 Morris Avenue Union, New Jersey 07083

Subject Matter/Remarks

**Background:** On November 18, 2009, Branch Chief John Bettac, Transportation Security Administration (TSA), Office of Security Operations (OSO), Headquarters (HQ), provided TSA's Office of Inspection (OOI), HQ, with information regarding the submission of a false report by an employee. According to the information provided, TSA employee (b)(6) who was working at a security checkpoint at Newark Liberty International Airport (EWR), was involved in an incident involving an unidentified Asian male videotaping with a camera outside of the checkpoint. Local Law Enforcement and a Federal Air Marshal (FAM) responded to the checkpoint as a result of the incident. When writing a report of the incident, (b)(6) co-worker(s) noticed that there were several false statements by (b)(6) in the report that characterized the male passenger illegally videotaping the sterile area, when that was not the case. Information received from (b)(6) co-workers indicates that this type of incident (falsifying report information) with (b)(6) has happened in the past.

Case Number: (b)(6)	Case Title: BDO (b)(6)
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~~**SENSITIVE SECURITY INFORMATION**~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

On December 2, 2009, Branch Chief Bettac advised SA Palmiere that a "standardization visit" was conducted at EWR by OSO members regarding the Behavioral Detection Officer (BDO) program. During the course of this standardization visit, BDO (b)(6) told a member of the OSO Team, Leukemia Mounce, that BDO (b)(6) was "profiling" passengers and providing "bogus" information in order to justify closer examination (secondary screening) of a particular group of passengers.

**Activity or Interview:** On January 11, 2010, OOI SA Ralph Palmiere and Stephen Iannucci interviewed BDO (b)(6) regarding information that he provided to an OSO member about the use of "bogus" information and the practice of "profiling" passengers as it relates to the BDO program at EWR. (b)(6) provided the following information:

(b)(6) said that he recalled talking to a female member of OSO sometime in November 2009 regarding information about a fellow coworker and BDO, (b)(6). (b)(6) pointed out that the information that he passed to the OSO member, whose name he could not recall, stemmed from an incident which he was neither a part of nor a witness to. (b)(6) said that the information that he reported was told to him by another BDO, (b)(6) and that he, (b)(6), had accompanied (b)(6) when she reported it to the BDO supervisor, Lisa Nelson.

(b)(6) said that according to BDO (b)(6), she and two other BDOs, (b)(6) were working at the C1 checkpoint when BDO (b)(6) observed a man of Asian descent, holding a video camera in his hand, making a gesture as if he were recording the security checkpoint. According to BDO (b)(6), BDO (b)(6) assessed a behavior that involves panoramic videotaping that did not have a point value high enough to refer the individual for additional screening, but BDO (b)(6) referred the individual anyway.

(b)(6) told (b)(6) that during the referral, BDO (b)(6) did not follow proper chain of command, and instead of contacting a Screening Manager, he contacted the local Federal Air Marshal Service (FAMS). When BDO (b)(6) explained to him that he couldn't do that, he replied by saying that he was going to do it anyway and that she shouldn't tell him what to do. BDO (b)(6) then told (b)(6) that they went to the BDO office to fill out a spot sheet, (a type of incident report), and presented it to Transportation Security Manager (TSM) Joseph Yurechko for approval. After reviewing it, TSM Yurechko whispered into BDO (b)(6) ear that he could not do this and that he needed to re-write it.

Case Number: (b)(6)	Case Title: BDO (b)(6)
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**~~SENSITIVE SECURITY INFORMATION~~**

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

After BDO (b)(6) explained this to (b)(6) he (b)(6) advised her (b)(6) to speak with TSM Lisa Nelson and explain to her what occurred. (b)(6) said that he accompanied (b)(6) to meet with TSM Nelson and that he (b)(6) made it clear he was just there in support but was not part of the incident. BDO (b)(6) explained to TSM Nelson everything that occurred and showed her the spot sheet that BDO (b)(6) had filled out. Based on the information that BDO (b)(6) provided on the spot sheet, TSM Nelson also felt that the referral was "bogus." (b)(6) said that TSM Nelson informed them that the situation would be addressed, and that BDO (b)(6) had been previously spoken to about his methods of screening.

BDO (b)(6) wanted to reconfirm that the information that he provided in his November 2009 interview with an OSO member and that he just reaffirmed in this interview with OOI "was based solely on word of mouth and that the information was provided to me (b)(6) by a co-worker and that I (b)(6) did not witness any of it firsthand." (b)(6), who is of Hispanic decent, stated, "I would also like to mention, that I myself, have never witnessed any BDO display this type of behavior and I myself have never been subjected to or displayed any type of prejudice of any kind."

At the conclusion of this interview, BDO (b)(6) provided a signed, sworn statement.

**Attachment:**

BDO (b)(6) signed, sworn statement, dated January 11, 2010.

Case Number: (b)(6)	Case Title: BDO (b)(6)
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# SWORN STATEMENT



Transportation  
Security  
Administration

I, (b)(6), having been duly sworn, hereby make the following statement to Ralph J. Palmiere, who has been identified to me as a federal law enforcement officer and special agent with the Transportation Security Administration, Office of Inspection. I am making this statement of my own free will, without any duress or coercion.

\*\*\* SEE ATTACHED STATEMENT \*\*\*

I have read this entire statement consisting of 2 pages. I have been given the opportunity to make any corrections necessary to make the statement accurate. All of the information contained in this statement is true and accurate to the best of my knowledge and belief. I understand that I may be prosecuted for perjury or making false statements if I have intentionally misrepresented anything contained in this statement. I have not intentionally omitted any information or knowledge I have that relates to the matters under investigation or review.

(b)(6)

Signed and sworn to before me, this 11 day of January, 2010.

Witness \_\_\_\_\_

Ralph J. Palmiere  
Special Agent  
Transportation Security Administration  
Department of Homeland Security  
Authority to administer oaths: 5 U.S.C. § 303

## Palmiere, Ralph

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From: (b)(6)  
Sent: Monday, January 11, 2010 11:55 AM  
To: Palmiere, Ralph

On Monday January 11, 2010, I met with agent Ralph Palmiere regarding a statement that I provided to a member on the Standardization team.

Agent Palmiere allowed me to read the statement which I had previously given. The statement I gave, was given during the month on November 2009. I explained to the lady I spoke, with whose name I do not remember, that the information I was providing her regarding BDO (b)(6) (b)(6) was based on a situation that I was not a part of, I was simply informed of the situation by BDO (b)(6). The situation was that BDO's (b)(6) were working at c1 checkpoint when BDO (b)(6) observed a man of Asian descent, holding a video camera in his hand, made a gesture as if her were recording the security checkpoint. According to BDO (b)(6), BDO (b)(6) assessed a behavior that involves panoramic videotaping but does not have a point value high enough to refer the individual for additional screening. She stated that BDO (b)(6) referred the individual anyway. She told me that during the referral, BDO (b)(6) did not follow proper chain on command, and instead of contacting a Screening Manager, he contacted the local FAMS. When BDO (b)(6) explained to him that he couldn't do that, he replied by saying that he was going to do it anyway and that she shouldn't tell him what to do. BDO (b)(6) then told me that they went to the BDO office to fill out a spot sheet. BDO (b)(6) filled out and presented it to TSM Joseph Yurechko for approval. After reviewing it, TSM Yurechko whispered into BDO (b)(6) ear that he could not do this and that he needed to re-write it. After BDO (b)(6) explained this to me, I advised her to speak with TSM Lisa Nelson and explain to her what occurred. Myself, along with BDO (b)(6) located TSM Nelson and advised her that we needed to speak to her. We later met with TSM Nelson and I made clear that BDO (b)(6) had something to tell her, that I was just there in support but I was not part of the incident. BDO (b)(6) explained to TSM Nelson everything that occurred and showed her the spot sheet that BDO (b)(6) had filled out. After reviewing it, TSM Nelson also felt that the referral was "bogus" based on the information that BDO (b)(6) provided on the Spot Sheet. TSM Nelson informed us that the situation would be addressed, and that BDO (b)(6) had been previously spoken to about his methods of screening.

At that point, BDO (b)(6) and myself exited the meeting with TSM Nelson and return to our work locations. Again, I would like to state that what I have explained is based solely on word of mouth, information that was provided to me by a co-worker and that I did not witness any of it firsthand. I would also like to mention, that I myself, have never witnessed any BDO display this type of behavior and I myself have never been subjected to or displayed any type of prejudice of any kind.

## Attachment #4

Memorandum of Interview of BDO (b)(6) dated  
February 2, 2010, with attachment.

~~SENSITIVE SECURITY INFORMATION~~



## MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity: <input checked="" type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input type="checkbox"/> Records Review <input type="checkbox"/> Other	Date and Time:  February 2, 2010
Activity or Interview of: <u>(b)(6)</u> Expert Behavioral Detection Officer (EBDO) Transportation Security Administration (TSA) Newark Liberty International Airport (EWR) Newark, New Jersey	Conducted by: Special Agent (SA) Ralph Palmiere
	Location of Interview/Activity: Office of Inspection (OOI) Liberty Hall Corporate Center 1085 Morris Avenue Union, New Jersey 07083

Subject Matter/Remarks

**Background:** On November 18, 2009, Branch Chief John Bettac, Transportation Security Administration (TSA), Office of Security Operations (OSO), Headquarters (HQ), provided TSA's Office of Inspection (OOI), HQ, with information regarding the submission of a false report by an employee. According to the information provided, TSA employee (b)(6) who was working at a security checkpoint at Newark Liberty International Airport (EWR), was involved in an incident involving an unidentified Asian male videotaping with a camera outside of the checkpoint. Local Law Enforcement and a Federal Air Marshal (FAM) responded to the checkpoint as a result of the incident. When writing a report of the incident, (b)(6) co-worker(s) noticed that there were several false statements by (b)(6) in the report that characterized the male passenger illegally videotaping the sterile area, when that was not the case. Information received from (b)(6) co-workers indicates that this type of incident (falsifying report information) with (b)(6) has happened in the past.

On December 2, 2009, Branch Chief Bettac advised SA Palmiere that a "standardization visit" was conducted at EWR by OSO members regarding the Behavioral Detection Officer (BDO) program.

Case Number: <u>(b)(6)</u>	Case Title: BDO <u>(b)(6)</u>
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MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

During the course of this standardization visit, BDO (b)(6) told a member of the OSO Team, Leukemia Mounce, that BDO (b)(6) was "profiling" passengers and providing "bogus" information in order to justify closer examination (secondary screening) of a particular group of passengers.

On January 11, 2010, BDO (b)(6) was interviewed by OOI and stated that the information provided during the standardization visit was told to him by Expert BDO (EBDO) (b)(6) and that he (b)(6) has never personally observed any passenger profiling or use of bogus information.

**Activity or Interview:** On February 2, 2010, OOI SA Ralph Palmiere interviewed EBDO (b)(6) (b)(6) regarding information that she may have pertaining to the use of "bogus" information and the practice of "profiling" passengers as it relates to the BDO program at EWR. (b)(6) provided the following information:

EBDO (b)(6) said that on October 13, 2009, she was working at C-2 checkpoint in Terminal C and assisted a fellow BDO, (b)(6) with a referral (additional screening) of a Hispanic passenger. At the conclusion of the screening (b)(6) asked (b)(6) what criteria/behavior did he use as the basis for referring this passenger? To which he (b)(6) replied that the passenger was (b)(3):49 U.S.C. § 114(r) (b)(6) then told (b)(6) that he cannot use this behavior because it was a (b)(3):49 U.S.C. § 114(r) (b)(6) then said that (b)(3):49 U.S.C. § 114(r) (b)(6) and that the passenger was carrying a bag and he (b)(6) knew "just wasn't right". (b)(6) said that she was so concerned about this incident that she contacted BDO Manager O'Rourke and told him that she was "very uncomfortable with the pull (referral) and stated that I (b)(6) did not want my name to be associated with it", to which O'Rourke replied that he was going to talk to (b)(6) When SA Palmiere asked (b)(6) if the BDO's can us their judgment in evaluating whether or not a passenger's behavior meets the criteria in determining a referral, (b)(6) stated that there is no provision for "interpretation or discretion."

BDO (b)(6) stated that on the following day, October 14, 2009, another situation occurred that made her question the validity of another (b)(6) referral. (b)(6) said that after returning from lunch to the C-2 checkpoint she observed (b)(6) and another BDO, (b)(6) conducting a referral. When (b)(6) questioned BDO (b)(6) as to "what was going on" (b)(6) said that (b)(6) claimed that the passenger, an Asian male, was panoramically videotaping the checkpoint, which is behavior used as a criteria for a BDO referral. (b)(6) said that in her opinion the passenger "was just looking at his camera" and did not fit the category of panoramic video-

Case Number: (b)(6)	Case Title: BDO (b)(6)
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~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

taping. (b)(6) stated that when she questioned (b)(6) about this he said that he has the situation under control and that he was calling a Federal Air Marshall (FAM). When (b)(6) told (b)(6) that before calling a FAM he must first notify both the TSA Communications Center and a BDO Manager, (b)(6) said "do not tell him what to do." (b)(6) said that a subsequent check of the report (SPOT Sheet) pertaining to this referral did not mention the panoramic videotaping that supposedly initiated the referral.

(b)(6) said that she subsequently spoke to Transportation Security Manager (TSM) Lisa Nelson about both incidents involving (b)(6). Nelson told (b)(6) that she will look into the matter and talk to BDO Manager O'Rourke and Yurechko. (b)(6) said that about three days later during a BDO briefing, Manager Joseph Yurechko stated "that there will be no racial profiling in the BDO program and to put the police mentality aside and look for behaviors like we were trained to do. If anyone is caught doing profiling will be kicked out of the unit." (b)(6) said that the reference to "police mentality" probably refers to (b)(6) previous occupation as an Elizabeth (New Jersey) Police Officer.

(b)(6) said that these are the only two referrals that she has personally observed that may be a result of "profiling", however she has heard talk in the past among other BDOs on the second shift that profiling may have been occurring.

At the conclusion of this interview, BDO (b)(6) provided a signed, sworn statement.

**Attachment:**

BDO (b)(6) signed, sworn statement, dated February 2, 2010.

Case Number: (b)(6)	Case Title: BDO (b)(6)
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# SWORN STATEMENT

I, (b)(6), having been duly sworn, hereby make the following statement to

S.A. Palmiere, who has been identified to me as a federal law enforcement officer and special agent with the Transportation Security Administration, Office of Inspection. I am making this statement of my own free will, without any duress or coercion.

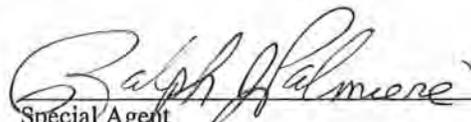
\*\*\* SEE ATTACHED STATEMENT \*\*\*

I have read this entire statement consisting of 2 pages. I have been given the opportunity to make any corrections necessary to make the statement accurate. All of the information contained in this statement is true and accurate to the best of my knowledge and belief. I understand that I may be prosecuted for perjury or making false statements if I have intentionally misrepresented anything contained in this statement. I have not intentionally omitted any information or knowledge I have that relates to the matters under investigation or review.

(b)(6)

Signed and sworn to before me, this 2 day of February, 2010.

\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Special Agent  
Transportation Security Administration  
Department of Homeland Security  
Authority to administer oaths: 5 U.S.C. § 303

(b)(6)

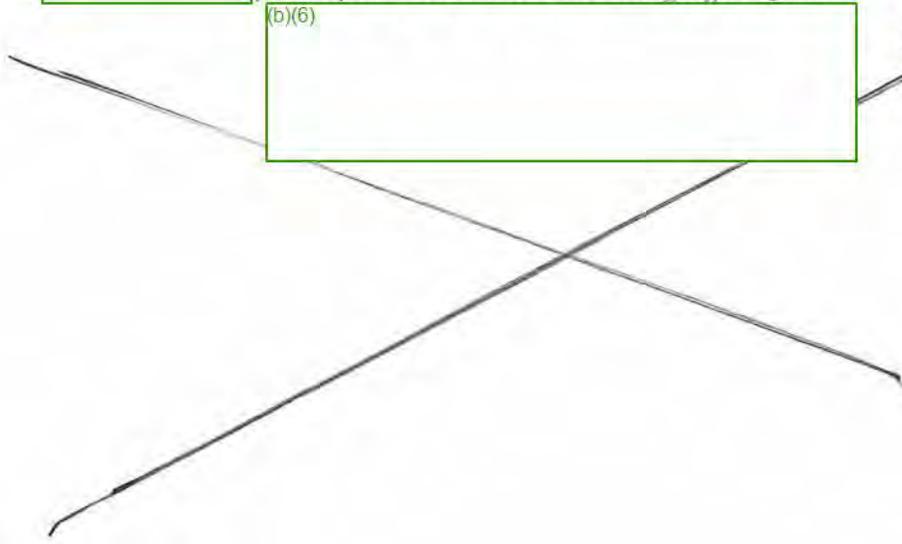
At Terminal C C 2 checkpoint on Tuesday, October 13, 2009, the weather is very cold. BDO's (b)(6) were working together. (b)(6) had just finished a referral when (b)(6) stated he had a referral. I, (b)(6) checked the carry-on and (b)(6) did the casual conversation. After the referral was completed, I, (b)(6) asked (b)(6) what were the behaviors he had for the referral? (b)(6) stated one of the behaviors as: (b)(3):49 U.S.C. § 114(r). I, (b)(6) stated to (b)(6) that he can not use the behavior because (b)(3):49 U.S.C. § 114(r). (b)(3):49 U.S.C. (b)(6) stated that (b)(3):49 U.S.C. § 114(r). (b)(3):49 U.S.C. § 114(r). He also stated that the passenger was carrying a big bag and he new he wasn't right. I, (b)(6) seen BDO Manager O'Rourke and explained to the manager that I, (b)(6) was very uncomfortable with the pull and stated that I did not want my name to be associated with it. BDO Manager O'Rourke stated he was going to talk to him. The next day, October 14, 2009, BDO's (b)(6) were working together in C2 checkpoint. I, (b)(6) was on lunch and returned to see (b)(6) doing a referral. While (b)(6) was on the phone, I asked BDO (b)(6) what was going on. (b)(6) stated that the passenger was just looking at his camera not panoramic videotaping of the checkpoint which (b)(6) stated. I then asked (b)(6) what happened he stated he has the situation under control and he was calling a Federal Air Marshall. I, BDO (b)(6) stated to (b)(6) that he first must call the COM Center, then A BDO Manager. He stated do not tell him what to do. Later on that day, I checked his spot sheet only to find out panoramic videotaping of the checkpoint was not one of the behaviors. That raised suspicions to me and it needed to be addressed.

I spoke to TSM Nelson about the situation at hand and she stated that she was not aware of anything that was going on and she will talk to BDO Manager O'Rourke about the situation. Maybe about three days later, it was brought to attention in a morning in brief out loud, BDO Manager Yurechko stated that there will be no racial profiling in the BDO program and to but the police mentality aside and look for behaviors like we were trained to do. If anyone is caught doing profiling will be kicked out of the unit.

If any racial profiling exists, it is not presented in front of me. I will not tolerate it. People on second shift has discuss that it was being done on there shift. BDO's (b)(6) (2 shift) and (b)(6) (1 shift) has discuss this situation on a regular.

(b)(6)

2-2-2010



## Attachment #5

Memorandum of Interview of, BDO (b)(6), dated March 10-11, 2010, with attachment.

~~SENSITIVE SECURITY INFORMATION~~



## MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity: <input checked="" type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input type="checkbox"/> Records Review <input type="checkbox"/> Other	Date and Time:  March 10, 2010, and March 11, 2010
Activity or Interview of:  (b)(6) Behavioral Detection Officer (BDO) Transportation Security Administration (TSA) Newark Liberty International Airport (EWR) Newark, New Jersey (b)(6) (Cell)	Conducted by: Special Agent (SA) Ralph Palmiere SA Stephen Iannucci  Location of Interview/Activity: Office of Inspection (OOI) Liberty Hall Corporate Center 1085 Morris Avenue Union, New Jersey 07083

Subject Matter/Remarks

**Background:** On November 18, 2009, Branch Chief John Bettac, Transportation Security Administration (TSA), Office of Security Operations (OSO), Headquarters (HQ), provided TSA's Office of Inspection (OOI), HQ, with information regarding the submission of a false report by an employee. According to the information provided, TSA employee (b)(6) who was working at a security checkpoint at Newark Liberty International Airport (EWR), was involved in an incident involving an unidentified Asian male videotaping with a camera outside of the checkpoint. Local Law Enforcement and a Federal Air Marshal (FAM) responded to the checkpoint as a result of the incident. When writing a report of the incident, (b)(6) co-worker(s) noticed that there were several false statements by (b)(6) in the report that characterized the male passenger illegally videotaping the sterile area, when that was not the case. Information received from (b)(6) co-workers indicates that this type of incident (falsifying report information) with (b)(6) has happened in the past.

On December 2, 2009, Branch Chief Bettac advised OOI SA Ralph Palmiere that OSO members conducted a "standardization visit" at EWR regarding the Behavioral Detection Officer (BDO) program. During the course of this standardization visit, a BDO told a member of the OSO Team that

Case Number: (b)(6)	Case Title: BDO (b)(6)
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~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

another BDO, (b)(6) was "profiling" passengers and providing "bogus" information in order to justify closer examination (secondary screening) of a particular group of passengers.

**Activity or Interview:** On March 10, 2010, SA Palmiere interviewed BDO (b)(6) regarding the allegation that he may be "profiling" passengers and providing "bogus" information in order to justify closer examination (secondary screening) of a particular group of passengers. Prior to any questioning, SA Palmiere advised (b)(6) of his rights under Garrity. (b)(6) then acknowledged these rights both verbally and in writing, and stated that he would voluntarily cooperate in this investigation. (b)(6) provided SA Palmiere with the following information:

(b)(6) stated that he has been with the BDO Program since May of 2009 and has never profiled anyone or provided bogus information in order to justify a secondary screening. (b)(6) pointed out that he was previously a police officer in Elizabeth, New Jersey, for approximately (b)(6) prior to joining TSA, and during that time he never profiled or falsified a report, nor was he ever accused of doing so. When questioned about a referral involving "panoramic videotaping" (b)(6) stated that the only one he had involving videotaping was sometime in the fall of 2009. According to (b)(6), an "oriental male" who was appeared to be taking pictures, was making a "sweeping motion while holding a camera raised above his head." (b)(6) said that he could recall that the individual had a foreign accent because he (b)(6) had "trouble understanding him." (b)(6) said that he notified a TSA supervisor and a FAM, but could not remember who he notified first; either way, (b)(6) said that "a FAM responded within a few minutes and the passenger was sent on his way with no delay to the aircraft."

When questioned about another referral involving a Hispanic male, (b)(6) said that the only one that he could recall occurred the day after the videotaping referral. According to (b)(6) he observed a male in the C-1 checkpoint area (b)(3):49 U.S.C. § 114(r) while approximately 80 other people in the area (b)(3):49 U.S.C. § (b)(3):49 U.S.C. § 114(r) (b)(6) said (b)(3):49 U.S.C. § 114(r) along with some other behaviors, which he could not recall at this time, caused him to refer this passenger for additional screening. During subsequent casual conversation, the individual said that he had recently arrived (b)(3):49 U.S.C. § 114(r) (b)(6) believed (b)(3):49 U.S.C. § 114(r) (b)(6) said that "the passenger was then allowed to proceed on his way with no flight delay."

Case Number: (b)(6)	Case Title: BDO (b)(6)
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~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

(b)(6) said that he recalled both of these referrals for two reasons: the first is because he hasn't had many referrals since being in the program and the second is that both of these referrals were questioned by another BDO, (b)(6). In the videotaping referral BDO (b)(6) said that (b)(6) violated BDO policy and notified the Federal Air Marshal Service (FAMS) prior to notifying a TSA Supervisor; in regards (b)(3), 49 U.S.C. § 114(r), (b)(6) said that the individual (b)(3), 49 U.S.C. § 114(r) like other individuals in the area. (b)(6) said that he was never told by a TSA Supervisor that he had violated policy or made an inappropriate referral.

(b)(6) reiterated his earlier comment that he has never profiled anyone or provided bogus information in order to justify a secondary screening, and that he only uses the behaviors set forth in the BDO Program in making a referral.

Because of time restraints, (b)(6) said that he would prepare a statement and provide it to SA Palmiere on the following day.

On March 11, 2010, BDO (b)(6) met with SA Palmiere. (b)(6) was again advised of his Garrity rights and then provided SA Palmiere, in the presence of OOI SA Stephen Iannucci, a signed, sworn statement.

**Attachments:**

Garrity Rights acknowledgment, signed by BDO (b)(6) dated March 10, 2010, and March 11, 2010.

Signed, sworn statement of BDO (b)(6) dated March 11, 2010.

Case Number: (b)(6)	Case Title: BDO (b)(6)
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# SWORN STATEMENT



Transportation  
Security  
Administration

I, (b)(6), having been duly sworn, hereby make the following statement to

RALPH J. PALMIERE, who has been identified to me as a federal law enforcement officer and special agent with the Transportation Security Administration, Office of Inspection. I am making this statement of my own free will, without any duress or coercion.

\*\*\* SEE ATTACHED STATEMENT \*\*\*

*regarding allegation of profiling  
and providing false information in  
order to justify closer examination  
of a particular group of passengers*

I have read this entire statement consisting of 2 pages. I have been given the opportunity to make any corrections necessary to make the statement accurate. All of the information contained in this statement is true and accurate to the best of my knowledge and belief. I understand that I may be prosecuted for perjury or making false statements if I have intentionally misrepresented anything contained in this statement. I have not intentionally omitted any information or knowledge I have that relates to the matters under investigation or review.

(b)(6)

Signed and sworn to before me, this 11 day of March, 2010.

Stephen Lannucci  
Witness

Ralph J. Palmiere  
Special Agent  
Transportation Security Administration  
Department of Homeland Security  
Authority to administer oaths: 5 U.S.C. § 303



## GARRITY WARNINGS

You are being asked to make a voluntary statement to agents of the Office of Inspection, Transportation Security Administration. We are investigating the facts and circumstances surrounding:

Allegation of profiling and supplying false information

This matter is under investigation to determine whether there has been any misconduct, improper performance of official duties, or criminal law violation.

Your voluntary statement is being requested to assist this investigation. The information you provide will be used to resolve the issues relevant to this investigation and to determine what, if any, administrative or legal consequences should occur as a result of your conduct or some other person's conduct. Your refusal to make a voluntary statement may not serve as a basis for imposing any disciplinary action.

I am willing to make a statement to assist in this investigation. I have not been made any promises, have not been threatened or coerced, and have not been forced to make this voluntary statement.

(b)(6)

Date: 3-10-2010 ALSO on 3-11-2010 Re Read.

Time: 1:50pm

Location: OOI office

Witness(es): Geoff Gilmeri  
Stephen Jannucci

(b)(6)

**Agent Ralph J. Palmiere**

***In Reference to the subject with Panoramic Videotaping or Photographing:***

***While working, I believe C-1 check point, I observed a party in the Queue who had his arm fully extended straight up with a camera in his hand moving it from one side of the checkpoint to the other as if Panoramic Video taping or Filming the Check Point which is one of the things we look for parties doing surveillances of security. I do not at this time remember the behaviors for which he was referred for additional screening but I remember that he was an Oriental Male, and during a casual conversation I had trouble understanding him. I do not remember if I called a supervisor before calling a FAM. The FAMS had always said that if we needed there help to call them. A FAM responded within a few minuets and spoke to the gentleman and he was sent on his way with no delay to the Aircraft. At no time did anyone call me and advise me to reword any reports.***

***In reference to the Spanish male that I referred for additional screening with one of the behaviors being*** (b)(3):49 U.S.C. § 114(r)

***While working I believe again C-1 Checkpoint I observed a party coming down the escalator towards the checkpoint*** (b)(3):49 U.S.C. § 114(r)

(b)(3):49 U.S.C. § 114(r) ***There were approximately 80 other people on the escalator or in the Queue all the others*** (b)(3):49 U.S.C. § 114(r)

(b)(3):49 U.S.C. § 114(r) ***While observing the passenger with the behavior of additional behaviors were observed and he was referred for additional screening. During casual conversation he stated he was*** (b)(3):49 U.S.C. § 114(r)

(b)(3):49 U.S.C. § 114(r) ***The passenger was allowed to proceed on his way with no flight delays.***

***I have been with TSA since September of 2007 and a BDO since May of 2009. Prior to coming to TSA I was a Police Officer for*** (b)(6) ***In all that time I have never Profiled any one or filled a false report.***

(b)(6)

## Attachment #6

Memorandum of Interview of AFSD-S William Smith and DAFSD-S Patrick Boyle, dated March 29, 2010, March 31, 2010 and April 5, 2010, with attachments.

~~SENSITIVE SECURITY INFORMATION~~



**MEMORANDUM OF INTERVIEW  
OR ACTIVITY**

Type of Activity: <input type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input type="checkbox"/> Records Review <input checked="" type="checkbox"/> Other (email)	Date and Time: March 29, 2010 March 31, 2010 April 5, 2010
Activity or Interview of: William H. Smith Assistant Federal Security Director for Screening (AFSD-S) (908) 787-(b)(6) (b)(6)  Patrick Boyle Deputy Assistant Federal Security Director for Screening (DAFSD-S) (908) 787-(b)(6) (b)(6)  Transportation Security Administration (TSA) Newark Liberty International Airport (EWR) Newark, New Jersey	Conducted by: Special Agent (SA) Ralph Palmiere  Location of Interview/Activity: Electronic Office of Inspection (OOI) Liberty Hall Corporate Center 1085 Morris Avenue Union, New Jersey 07083

Subject Matter/Remarks

**Background:** On November 18, 2009, Branch Chief John Bettac, Transportation Security Administration (TSA), Office of Security Operations (OSO), Headquarters (HQ), provided TSA's Office of Inspection (OOI), HQ, with information regarding the submission of a false report by an employee. According to the information provided, TSA employee (b)(6) who was working at a security checkpoint at Newark Liberty International Airport (EWR), was involved in an incident involving an unidentified Asian male videotaping with a camera outside of the checkpoint. Local Law Enforcement and a Federal Air Marshal (FAM) responded to the checkpoint as a result of the incident. When writing a report of the incident, (b)(6) co-worker(s) noticed that there were several false statements by (b)(6) in the report that characterized the male passenger illegally videotaping the sterile area, when that was not the case. Information received from (b)(6) co-

Case Number: (b)(6)	Case Title: BDO (b)(6)
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~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

workers indicate that this type of incident (falsifying report information) with (b)(6) has happened in the past.

On December 2, 2009, Branch Chief Bettac advised OOI SA Ralph Palmiere that OSO members conducted a "standardization visit" at EWR regarding the Behavioral Detection Officer (BDO) program. During the course of this standardization visit, a BDO told a member of the OSO Team that BDO (b)(6) was "profiling" passengers and providing "bogus" information.

**Activity or Interview:** On March 29, 2010, OOI SA Ralph Palmiere provided, via email, Assistant Federal Security Director for Screening (AFSD-S) William Smith, EWR, details of OOI's investigation regarding BDO (b)(6). Also included as recipients of this email were Federal Security Director (FSD) Barbara Powell and Deputy Federal Security Director (DFSD) Russell McCaffrey. SA Palmiere inquired as to whether TSA Management at EWR could make a decision, based on this information, regarding (b)(6) administrative status as it relates to the BDO program.

On March 31, 2010, and April 5, 2010, SA Palmiere received email correspondence from Deputy Assistant Federal Security Director for Screening (DAFSD-S) Patrick Boyle stating that based on OOI's investigation and TSA Management's review, no administrative action will be taken against BDO (b)(6).

**Attachments:**

Copy of email correspondence, with attachment, between OOI SA Ralph Palmiere and AFSD-S William Smith, dated March 29, 2010.

Copy of email correspondence between OOI SA Palmiere and DAFSD-S Patrick Boyle, dated March 31, 2010, and April 5, 2010.

Case Number: (b)(6)	Case Title: BDO (b)(6)
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**Cherry, Elva**

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**Subject:** FW: BDO (b)(6)

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**From:** Smith, William H <AFSD>  
**Sent:** Monday, March 29, 2010 4:08 PM  
**To:** Palmiere, Ralph  
**Cc:** 'Powell, Barbara'; McCaffery, Russell  
**Subject:** RE: BDO (b)(6)

Thanks Ralph,

I will review and advise.

Bill

William H. Smith  
AFSD-S EWR

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**From:** Palmiere, Ralph  
**Sent:** Monday, March 29, 2010 2:18 PM  
**To:** Smith, William H <AFSD>  
**Cc:** 'Powell, Barbara'; McCaffery, Russell  
**Subject:** FW: BDO (b)(6)

<< File: ROI SSI BDO (b)(6) (4-2010)(DRAFT).doc >>

**USE CURRENT TSA PASSWORD TO OPEN \_ THIS IS A DRAFT ONLY.**

Hello Bill

I've included in this email, as attachments, the "Details of Investigation" section of my ROI that I been preparing regarding BDO (b)(6). Basically this section is a compilation of all my previous Memorandums of Interview/Activity (MOI) pertaining to this investigation.

We have talked several times during this investigation and you have been briefed as to what my (OOI) investigation has revealed. Based on this information can you advise me , via email, if TSA Management at Newark is prepared to make a

final decision regarding the administrative status of BDO (b)(6) to include what, if any, action will be taken against (b)(6) his Status in the BDO program, any counseling, and finally does your office consider this matter closed.

There is no rush Bill, but if you can make the decision at the Field office level, I can maybe close my case here without waiting for to confirm what we already discussed.

Thanks,

Ralph

## Cherry, Elva

---

**From:** Palmiere, Ralph  
**Sent:** Monday, April 12, 2010 10:01 AM  
**To:** Cherry, Elva; Schmidt, Laura B.  
**Subject:** BDO (b)(6)

Hello ladies,

This is the second attachment for my Smith/Boyle MOI, dated March 29, 2010-April 5, 2010.

-----Original Message-----

**From:** Boyle, Patrick [mailto:(b)(6)]  
**Sent:** Monday, April 05, 2010 1:44 PM  
**To:** Palmiere, Ralph; Boyle, Patrick  
**Cc:** Nelson, Lisa; Smith, William H <AFSD>  
**Subject:** RE: BDO (b)(6)

Hi Ralph,

After a review of the Office of Inspection report regarding BDO (b)(6) EWR management will not be taking any administrative action.

Thanks,  
Pat Boyle

-----Original Message-----

**From:** Palmiere, Ralph [mailto:(b)(6)]  
**Sent:** Monday, April 05, 2010 1:30 PM  
**To:** Boyle, Patrick  
**Cc:** Nelson, Lisa; Smith, William H <AFSD>  
**Subject:** RE: BDO (b)(6)

Hello Pat,

In your email you noted that based on TSA Management's review at EWR no administrative action will be taken against (b)(6) there is no mention of the information that I provided to Bill regarding our(Office of Inspection) investigation. Can you advise me if you reviewed the information that I emailed to Bill regarding OOI's investigation and was it taken into account in making your decision, finally , based on this information does management at EWR consider this matter closed?

Thanks pat,

Ralph

-----Original Message-----

**From:** Boyle, Patrick [mailto:(b)(6)]  
**Sent:** Wednesday, March 31, 2010 7:42 AM  
**To:** Palmiere, Ralph  
**Cc:** Nelson, Lisa; Smith, William H <AFSD>  
**Subject:** BDO (b)(6)

Hi Ralph,

TSA management at EWR has conducted a review of this case and will not be taking any administrative action against BDO (b)(6) at this time.

Thanks,

Patrick J. Boyle  
Deputy Assistant Federal Security Director U.S. Department of Homeland Security  
Transportation Security Administration Liberty Hall Corporate Center  
1085 Morris Avenue, 2nd floor  
Union, New Jersey 07083

Cell: (b)(6)

Office: 908-787-(b)(6)

24 hour: 908-787-(b)(6)

Email: (b)(6)

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# AVIATION SECURITY

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## SCREENING OF PASSENGERS BY OBSERVATION TECHNIQUES (SPOT)

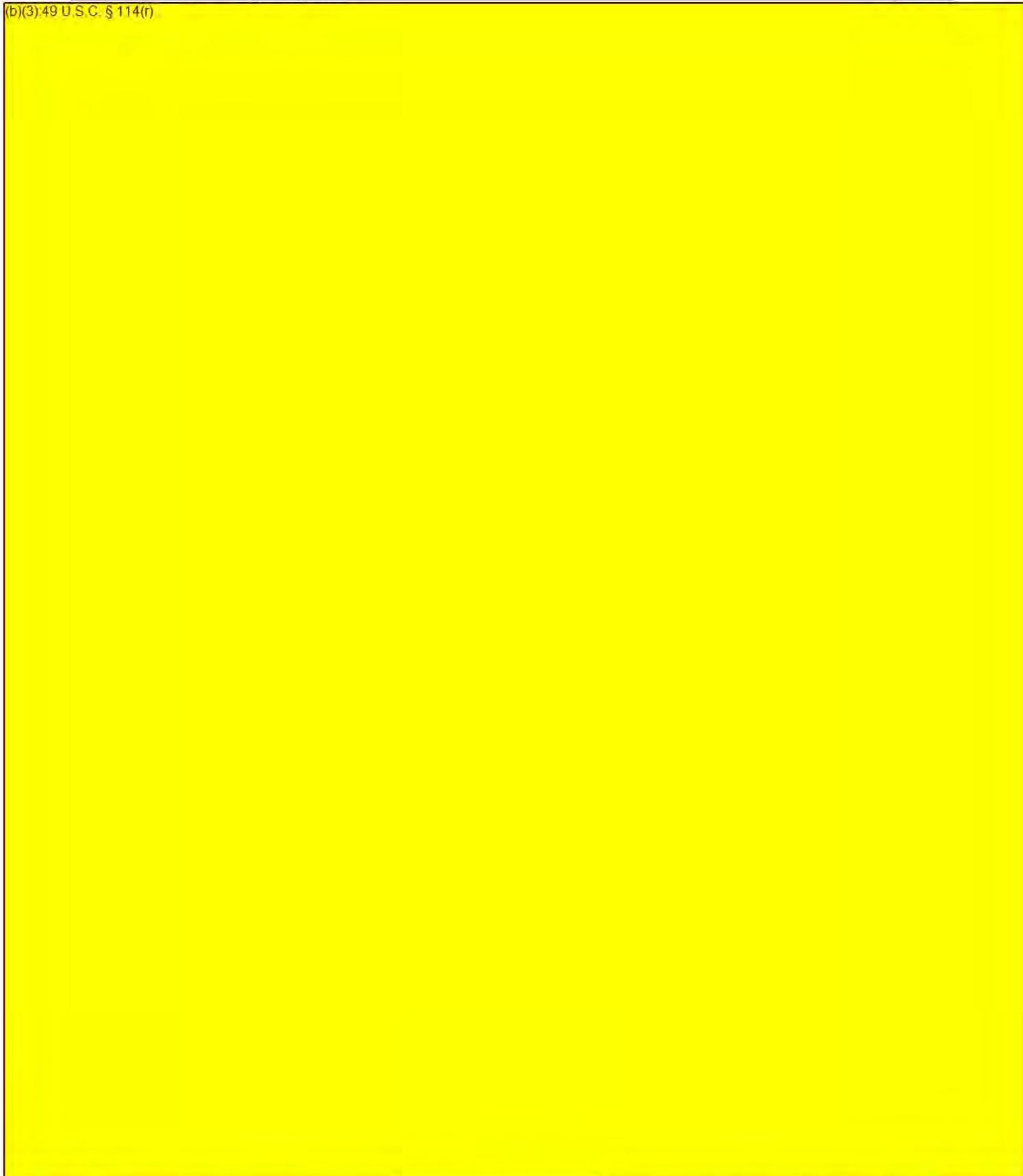
### STANDARD OPERATING PROCEDURES (SOP)



Transportation  
Security  
Administration

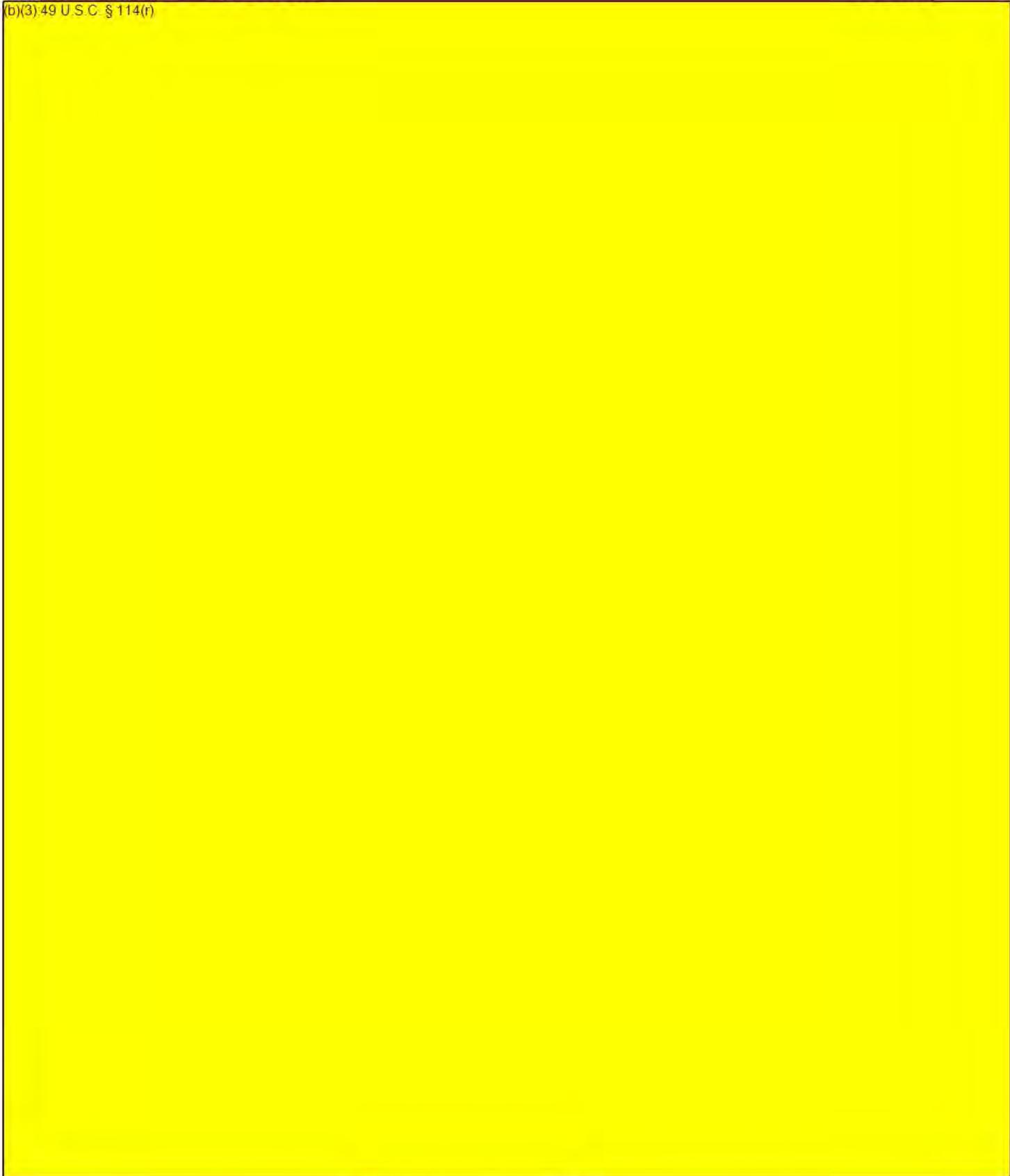
Transportation Security Administration (TSA) personnel and contractors must use and implement these standard operating procedures in carrying out their functions related to security screening of individuals, accessible property and checked baggage. Nothing in these procedures is intended to create any substantive or procedural rights, privileges, or benefits enforceable in any administrative, civil, or criminal matter by prospective or actual witnesses or parties. See *United States v. Caceres*, 440 U.S. 741 (1979).

(b)(3):49 U.S.C. § 114(r)



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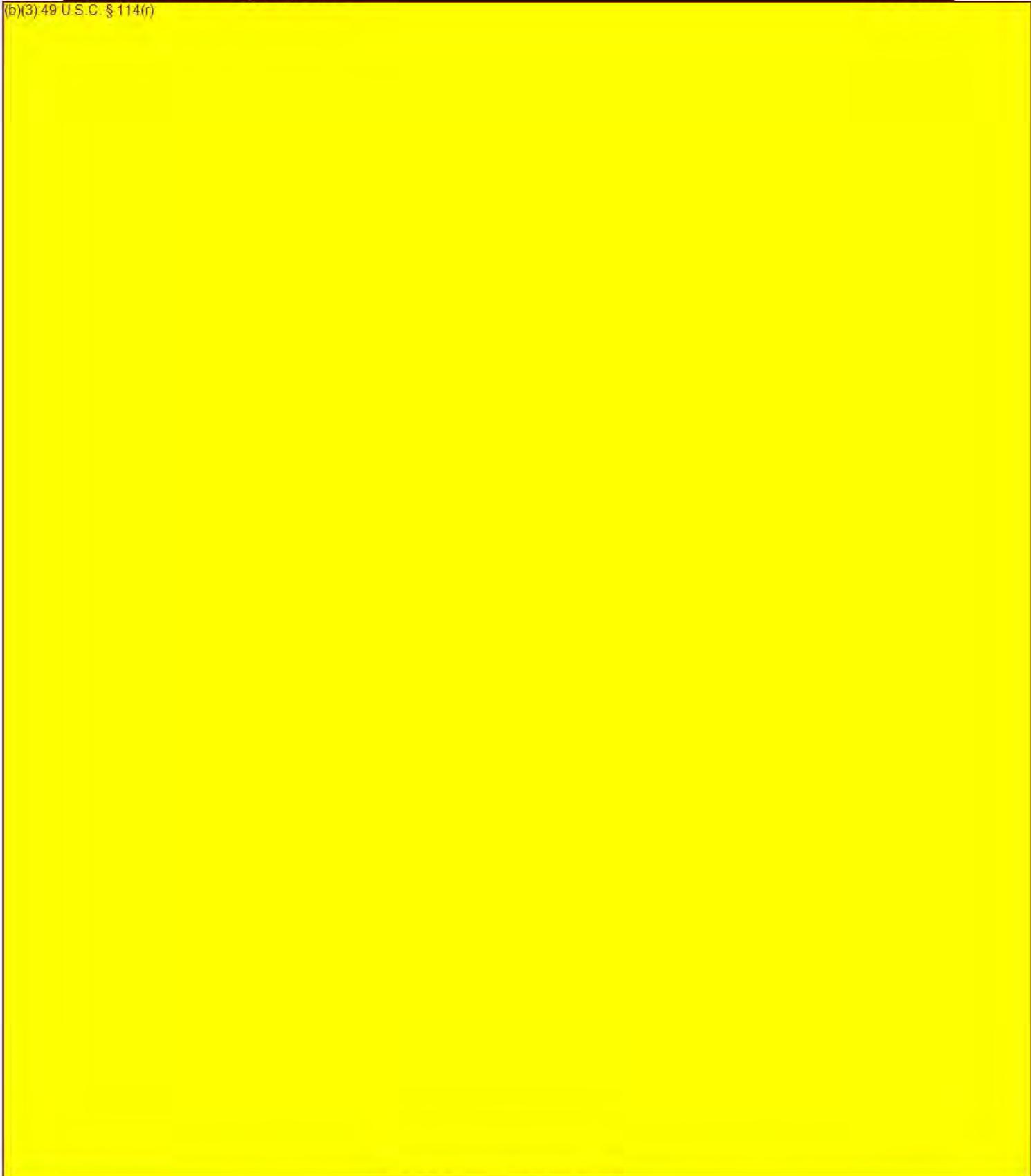
(b)(3) 49 U.S.C. § 114(r)



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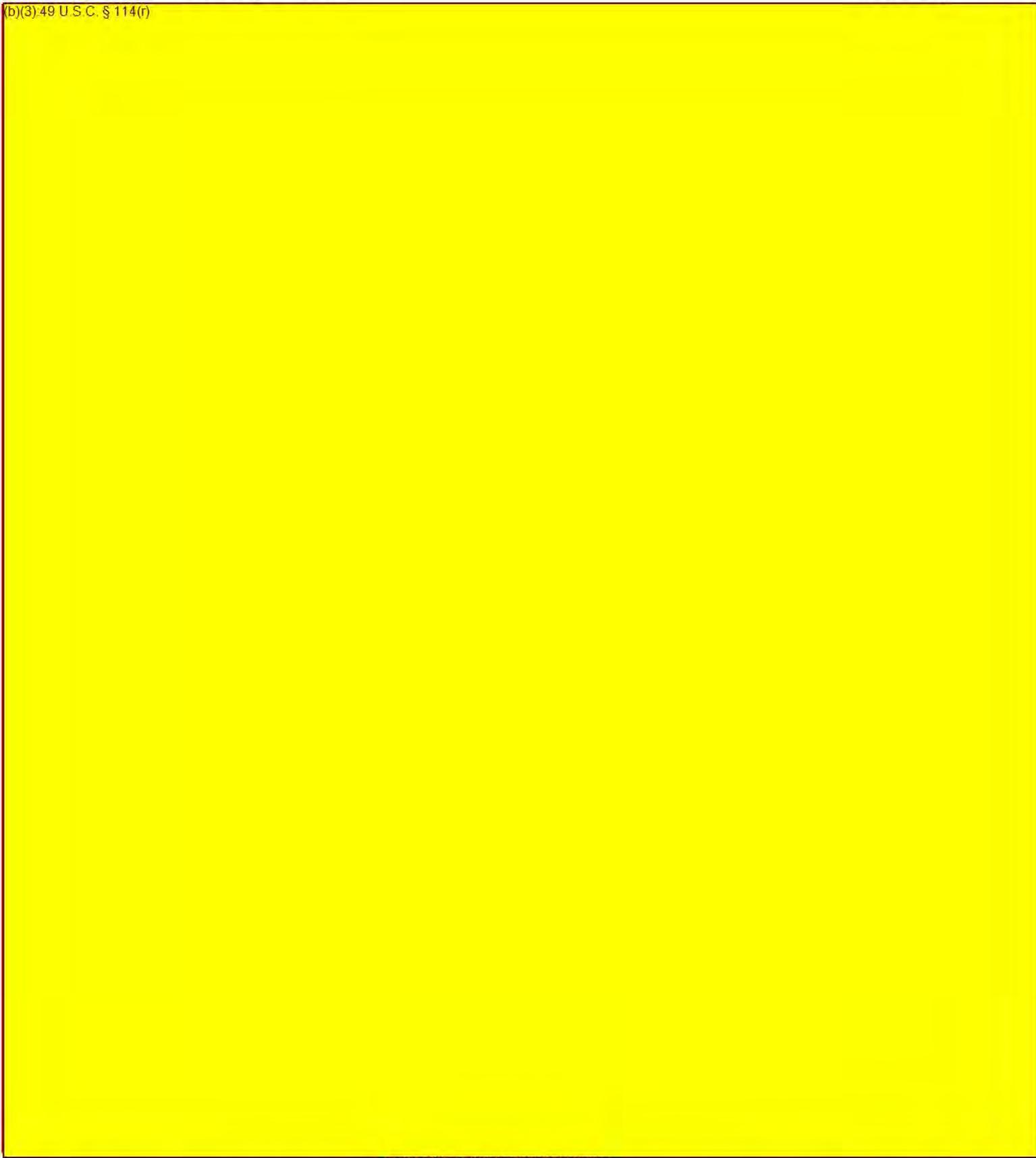
(b)(3) 49 U.S.C. § 114(r)



~~SENSITIVE SECURITY INFORMATION~~

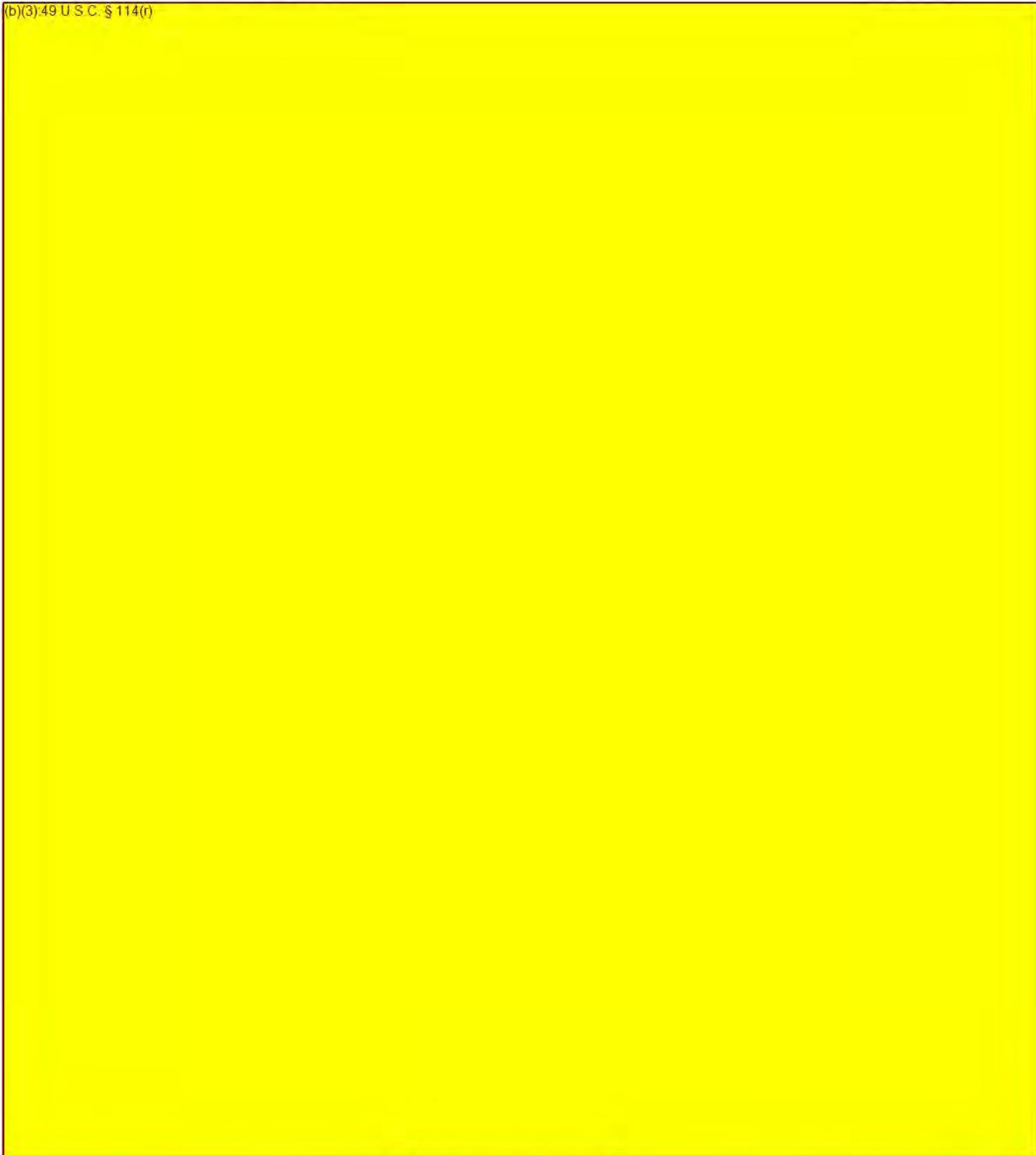
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(b)(3).49 U.S.C. § 114(r)



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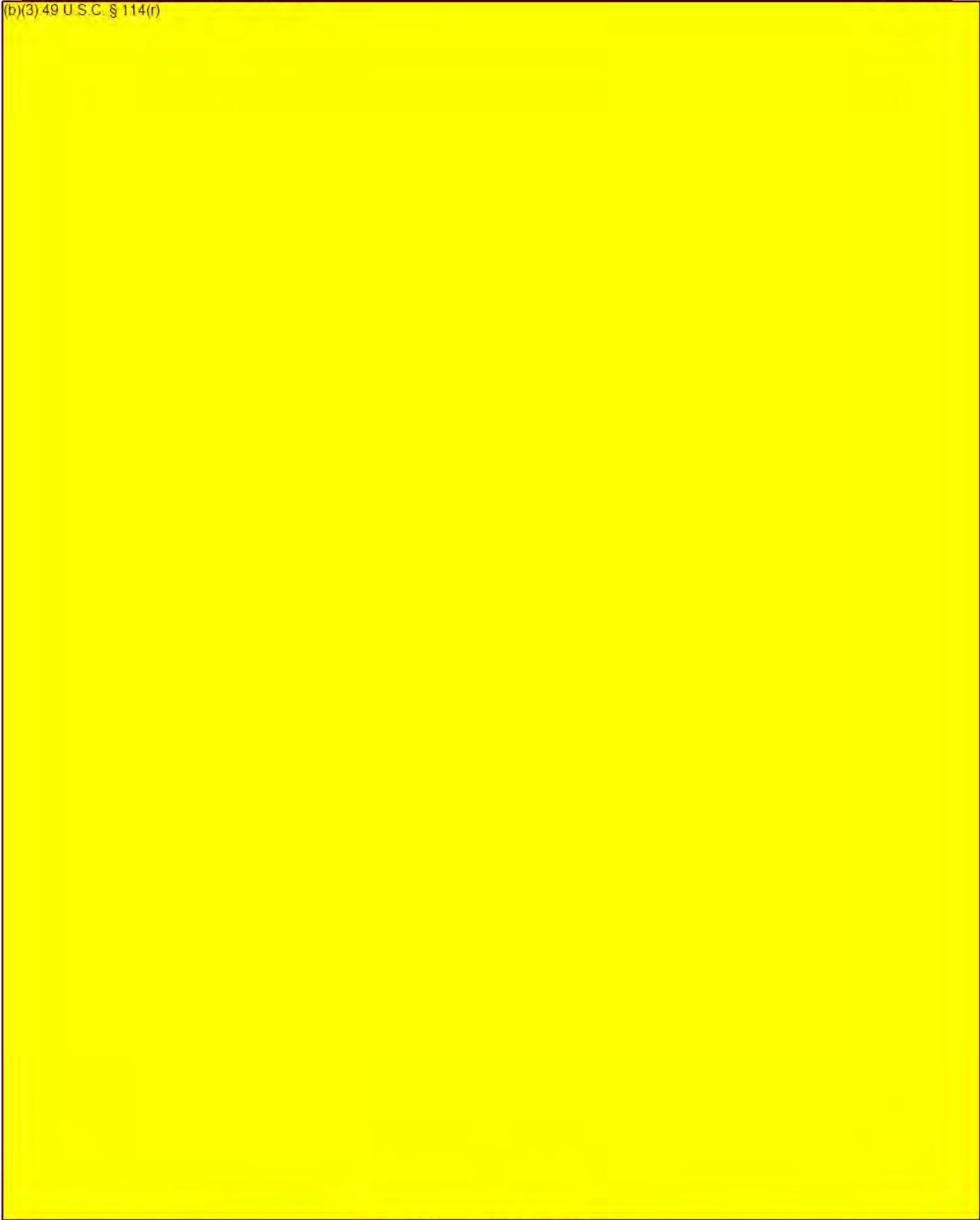
Revision: 2

Date of Change: March 11, 2011

Implementation Date: April 11, 2011

SPOT SOP

(b)(3) 49 U.S.C. § 114(r)



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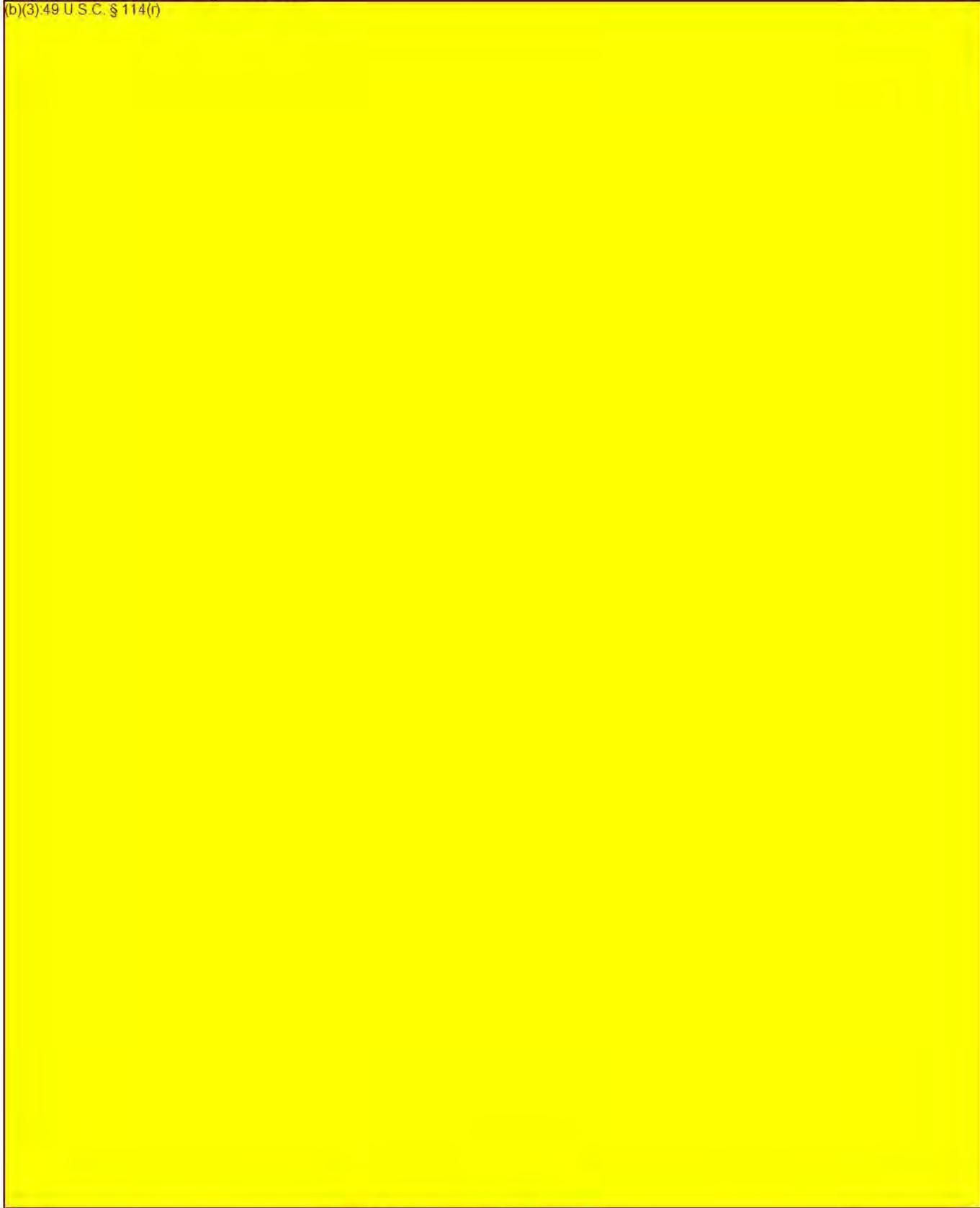
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(b)(3).49 U.S.C. § 114(f)



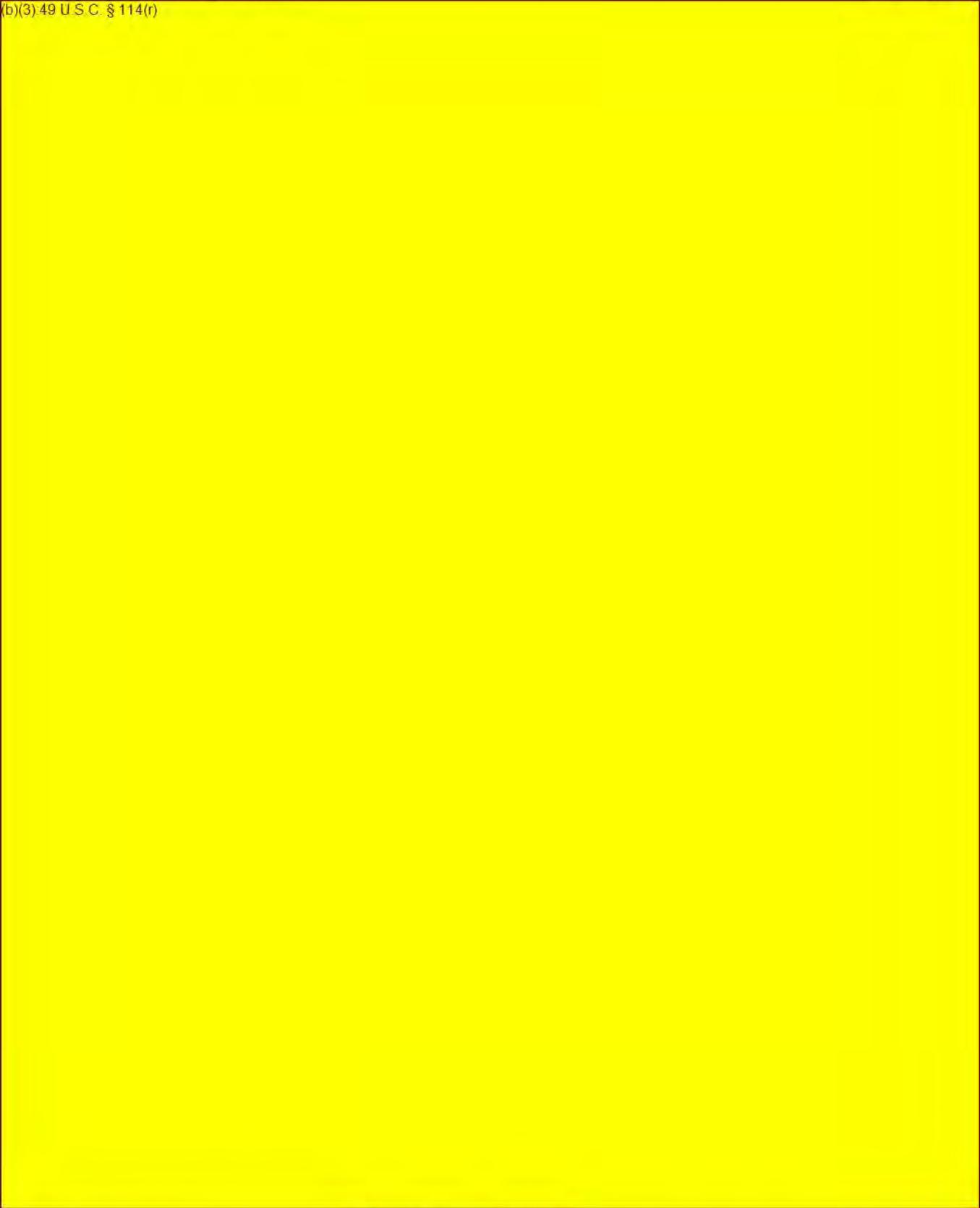
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(b)(3)-49 U.S.C. § 114(r)



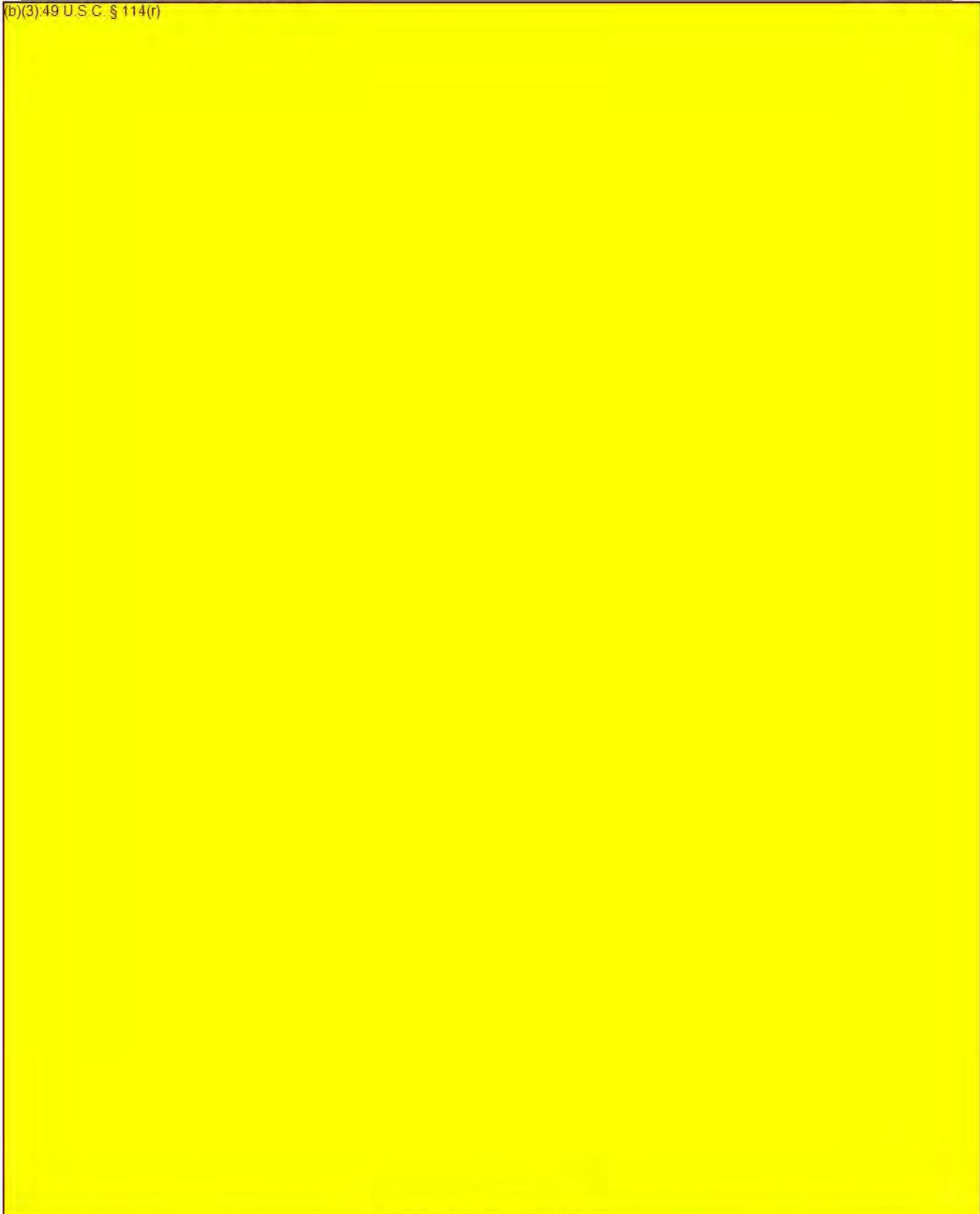
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(b)(3), 49 U.S.C. § 114(r)



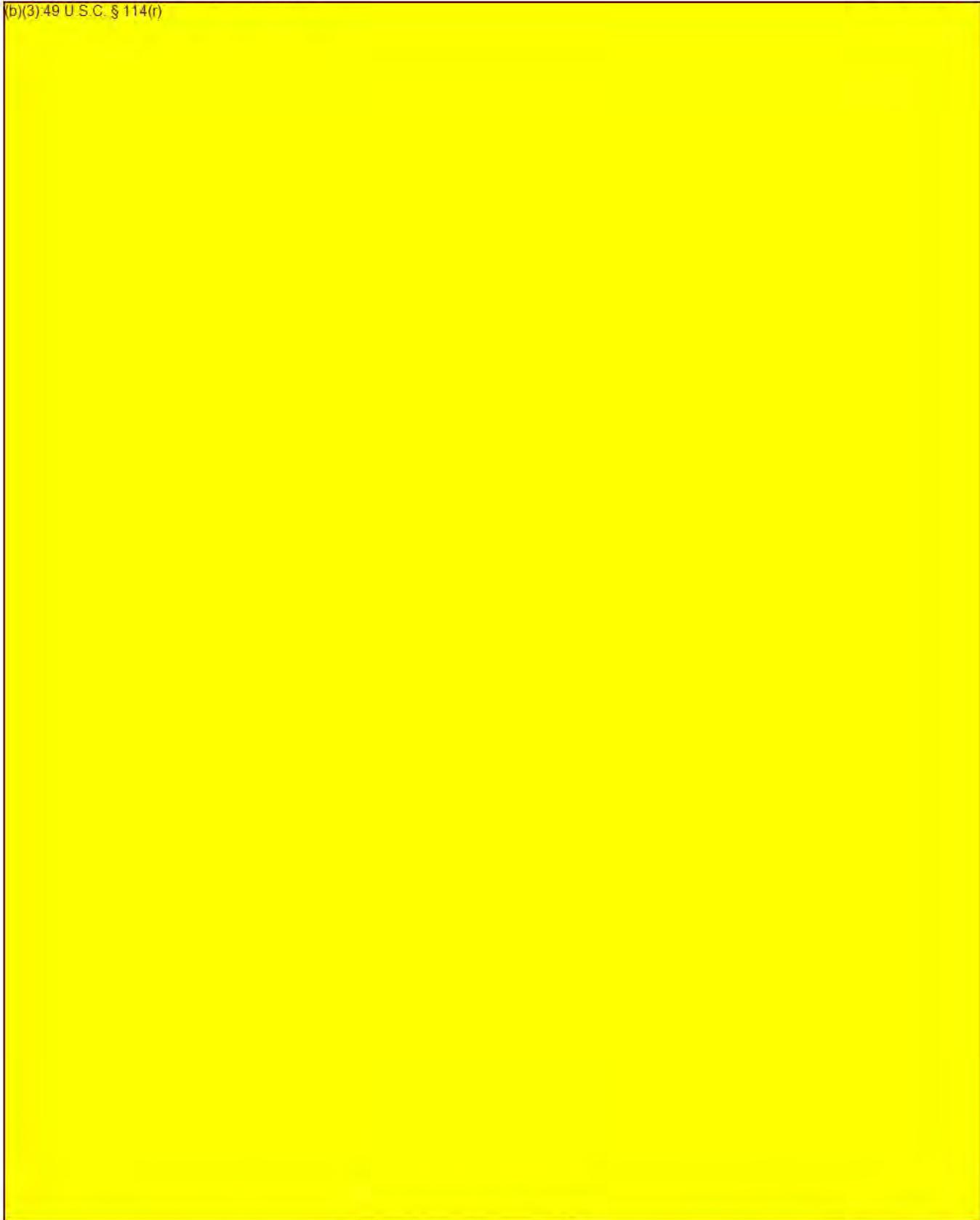
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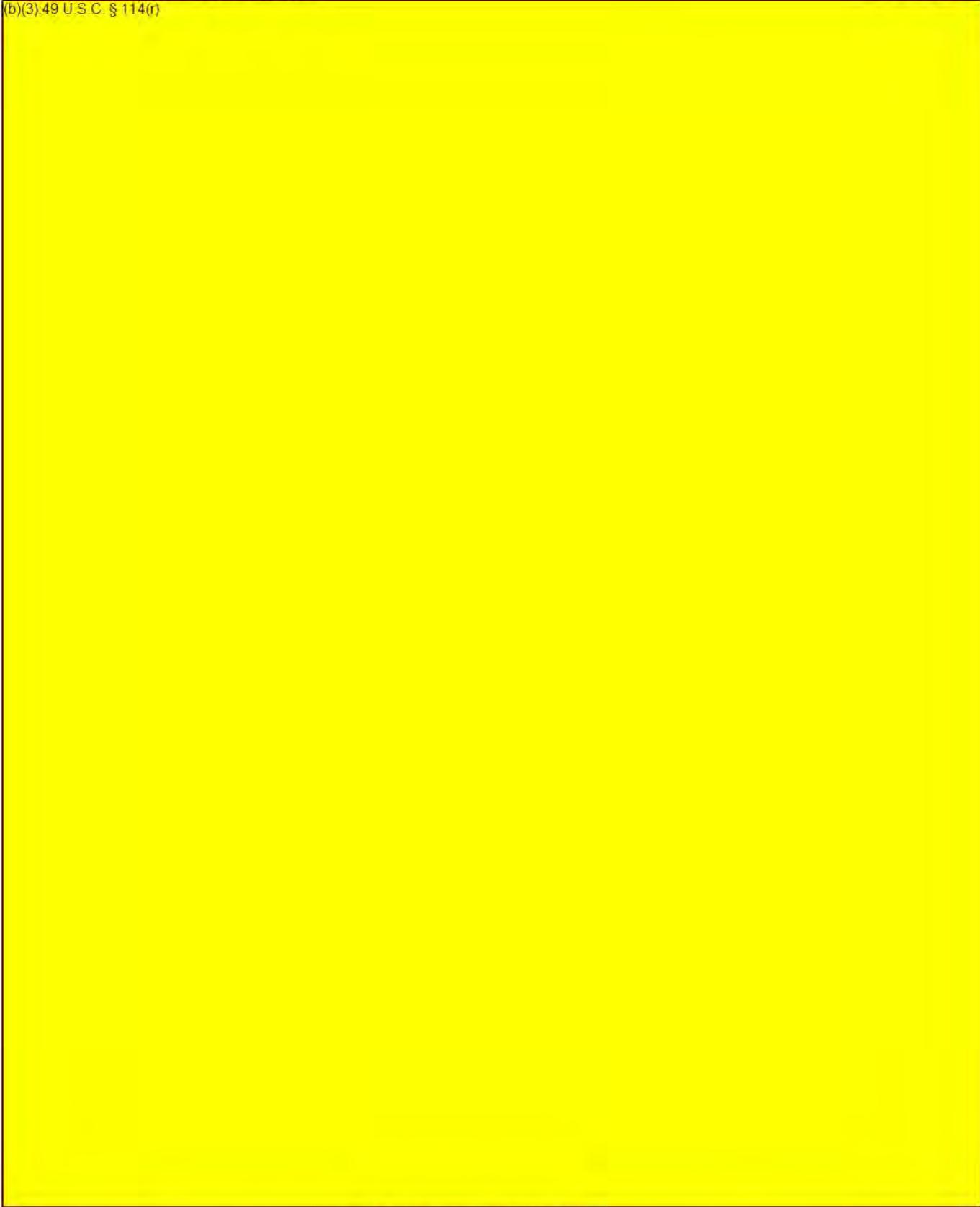
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(b)(3).49 U.S.C. § 114(r)



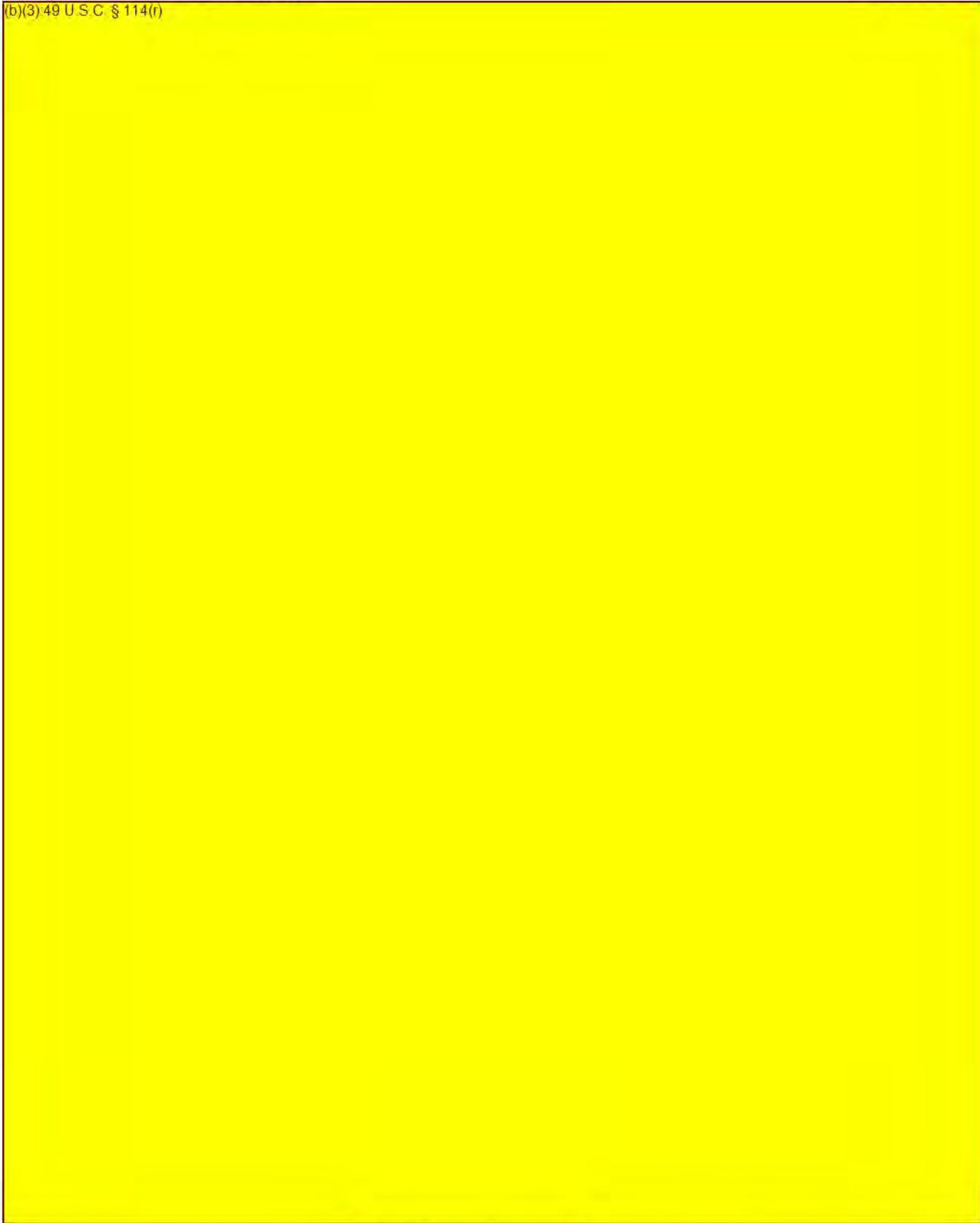
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(b)(3)-49 U.S.C. § 114(r)



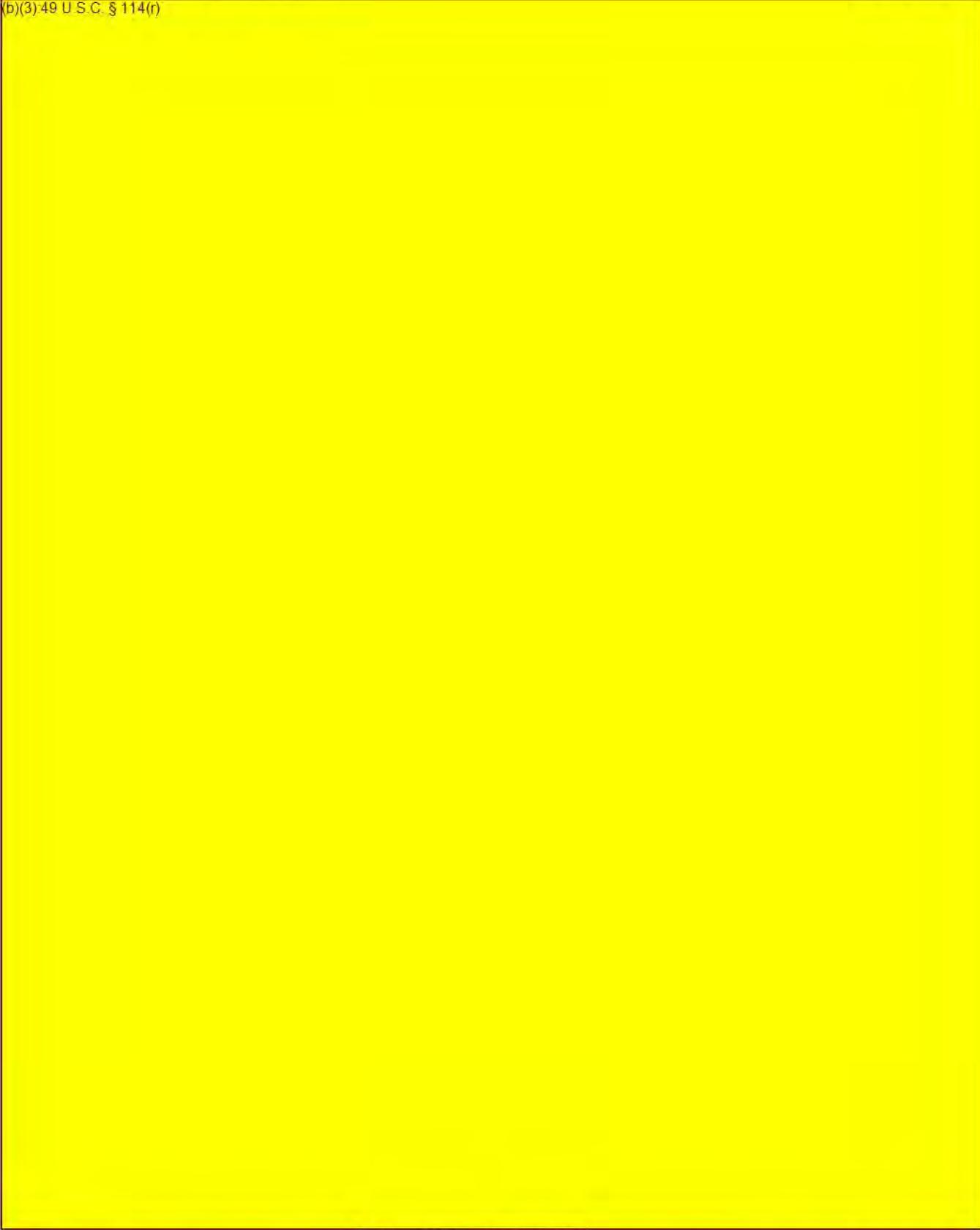
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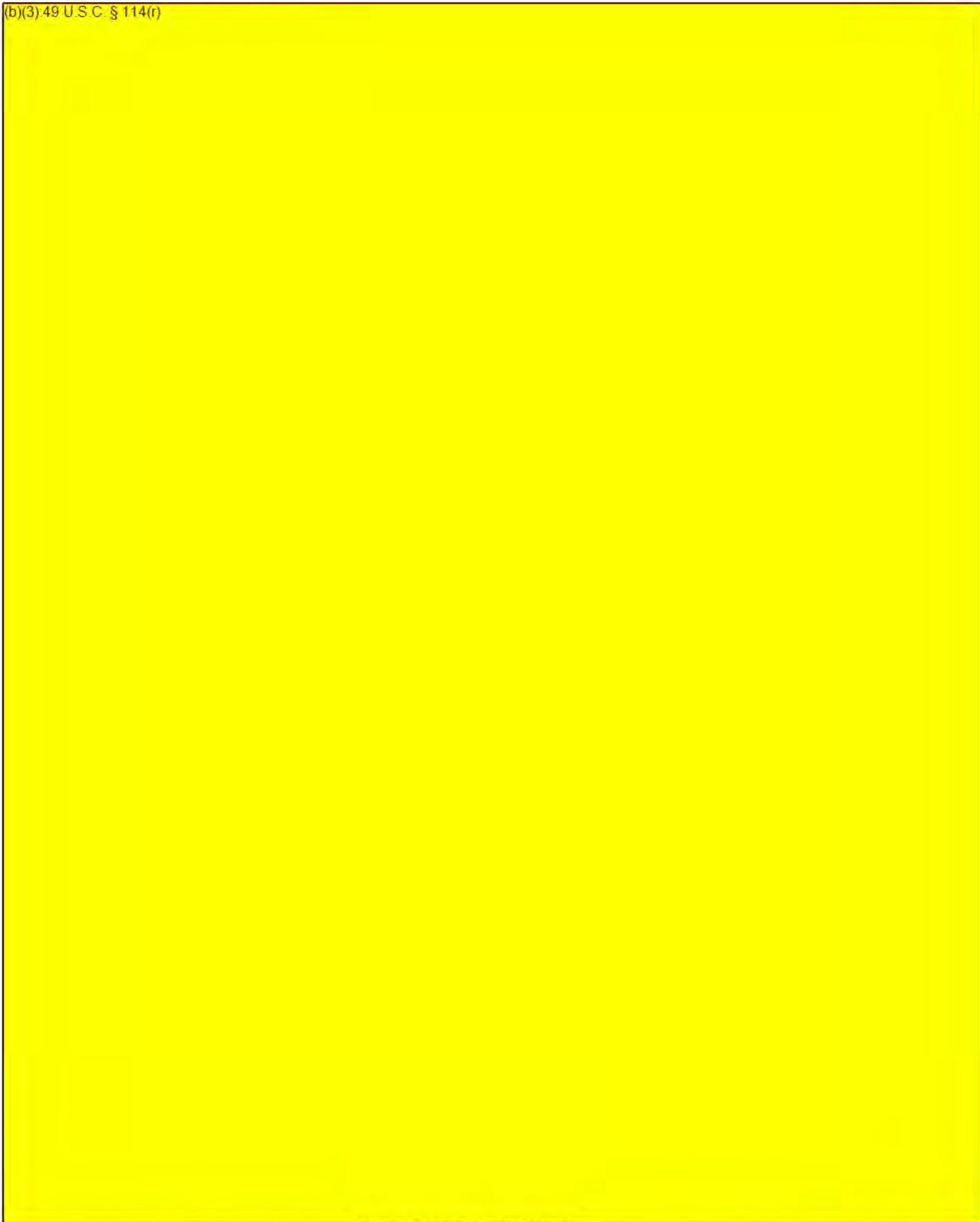
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(b)(3)-49 U.S.C. § 114(r)



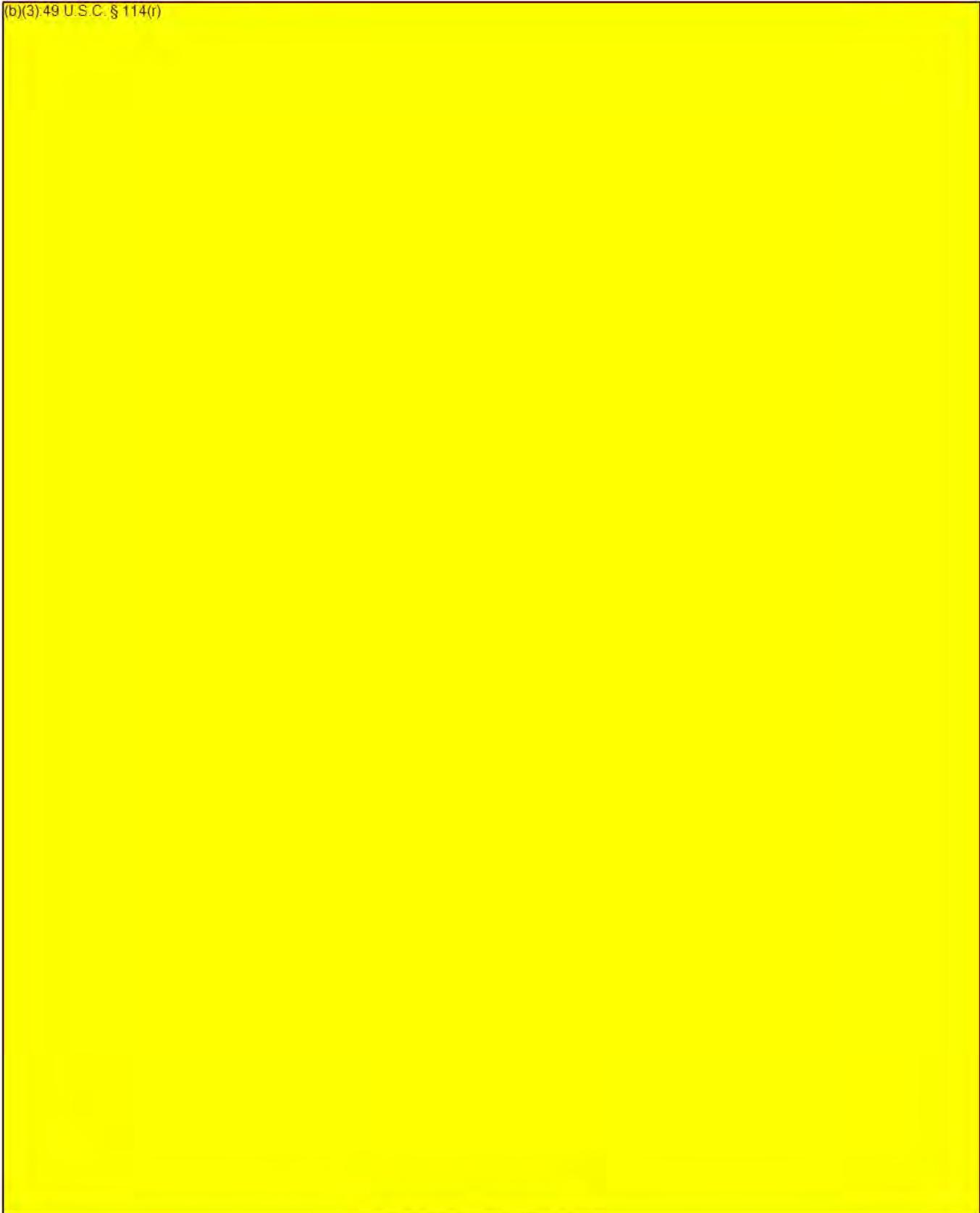
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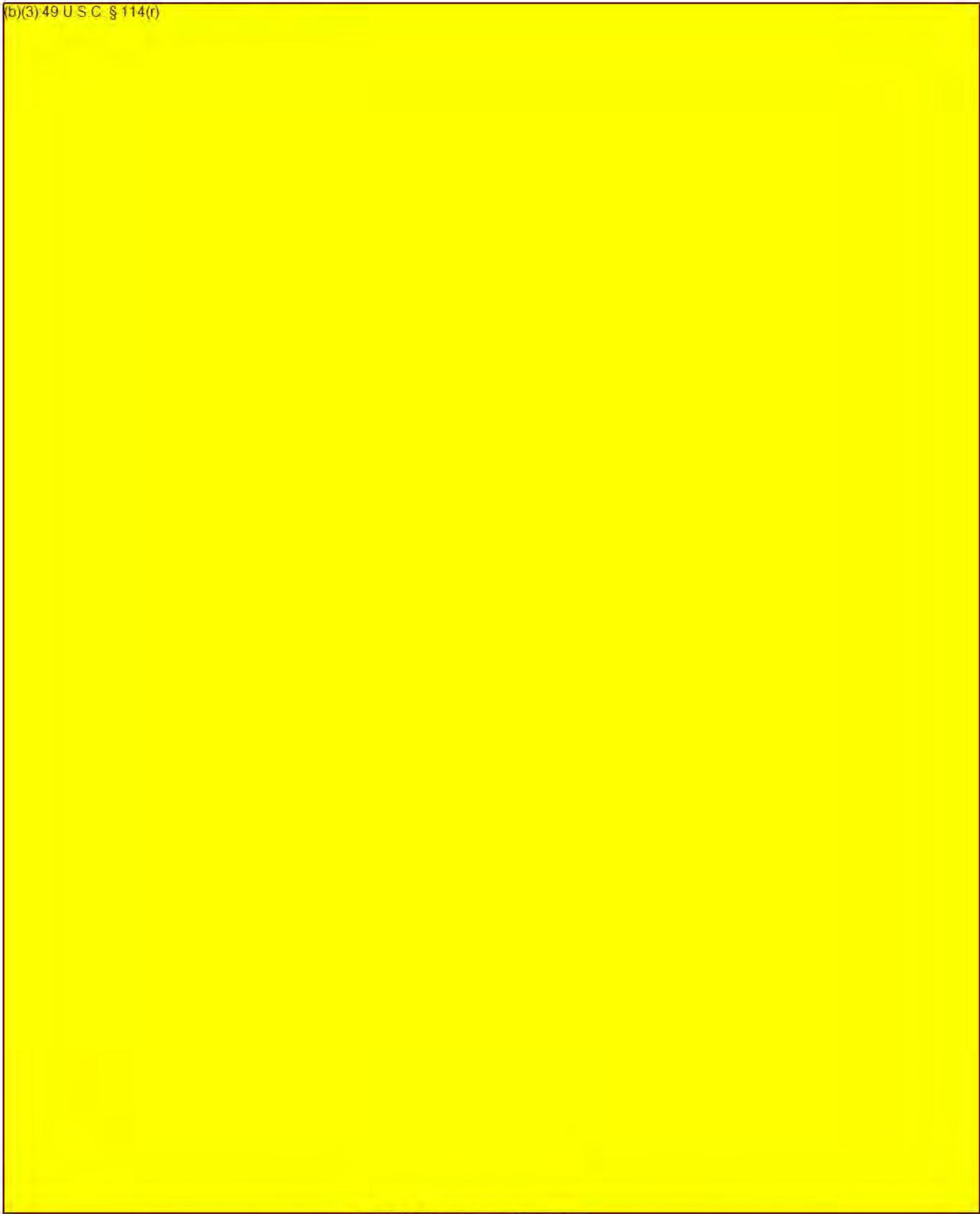
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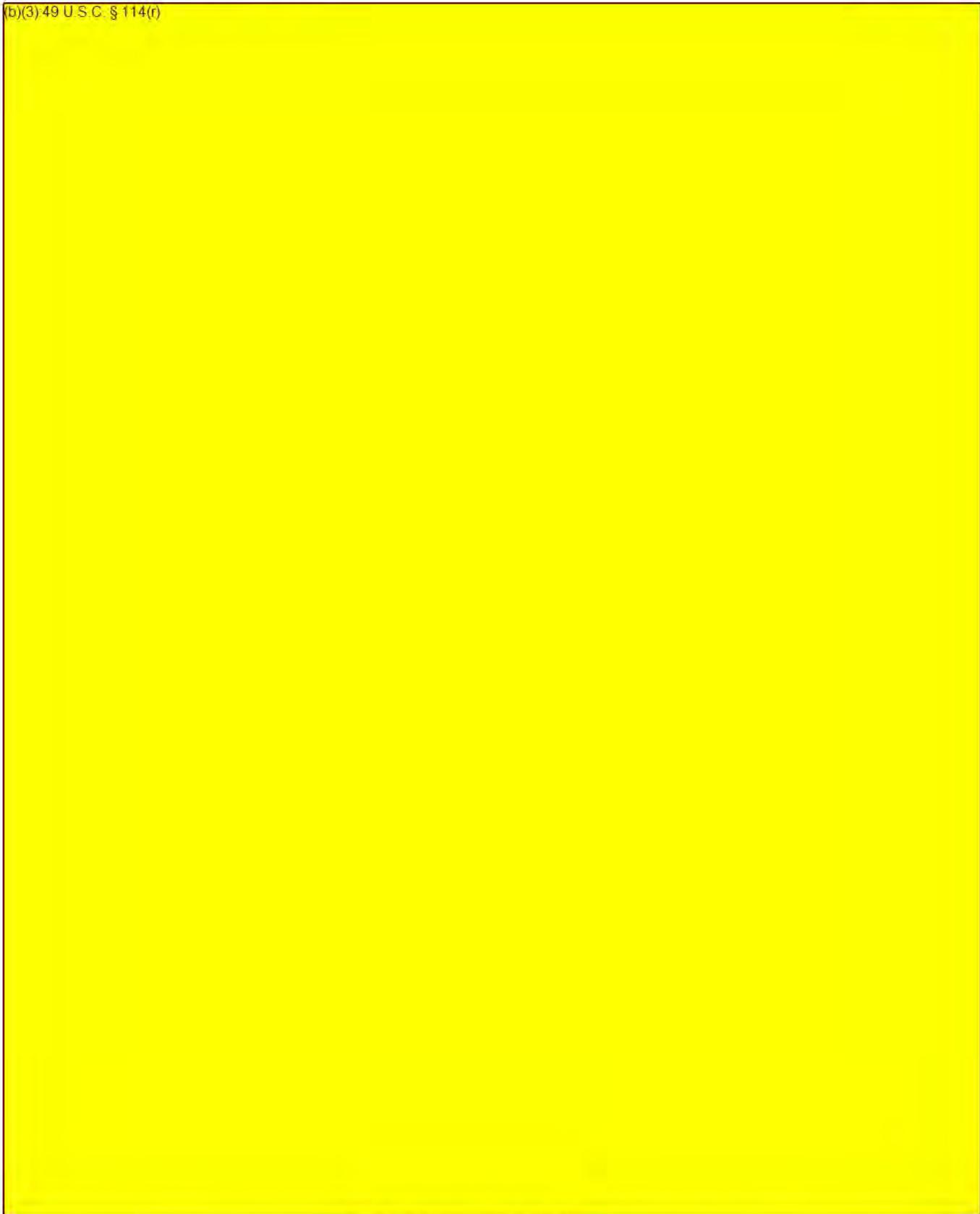
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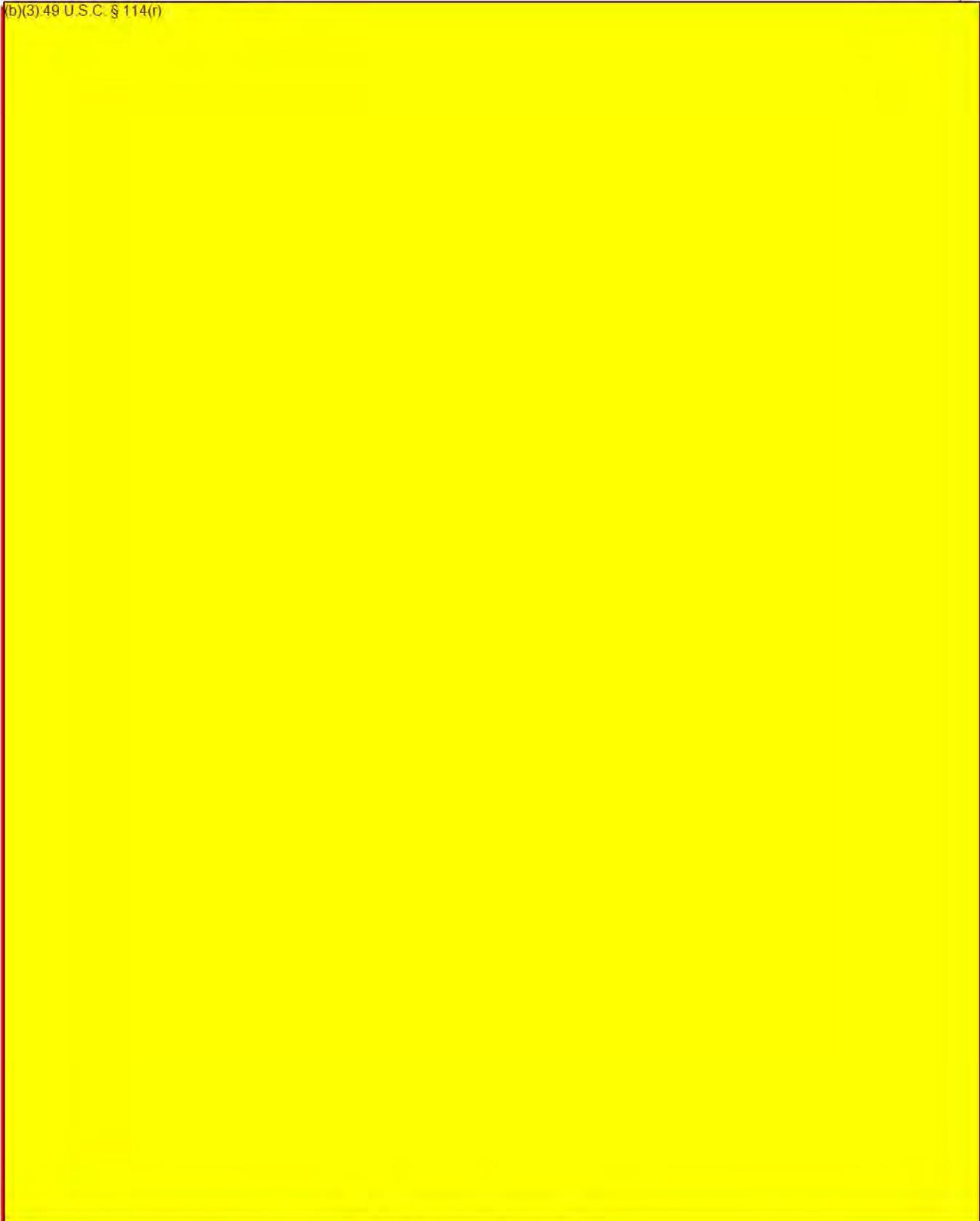
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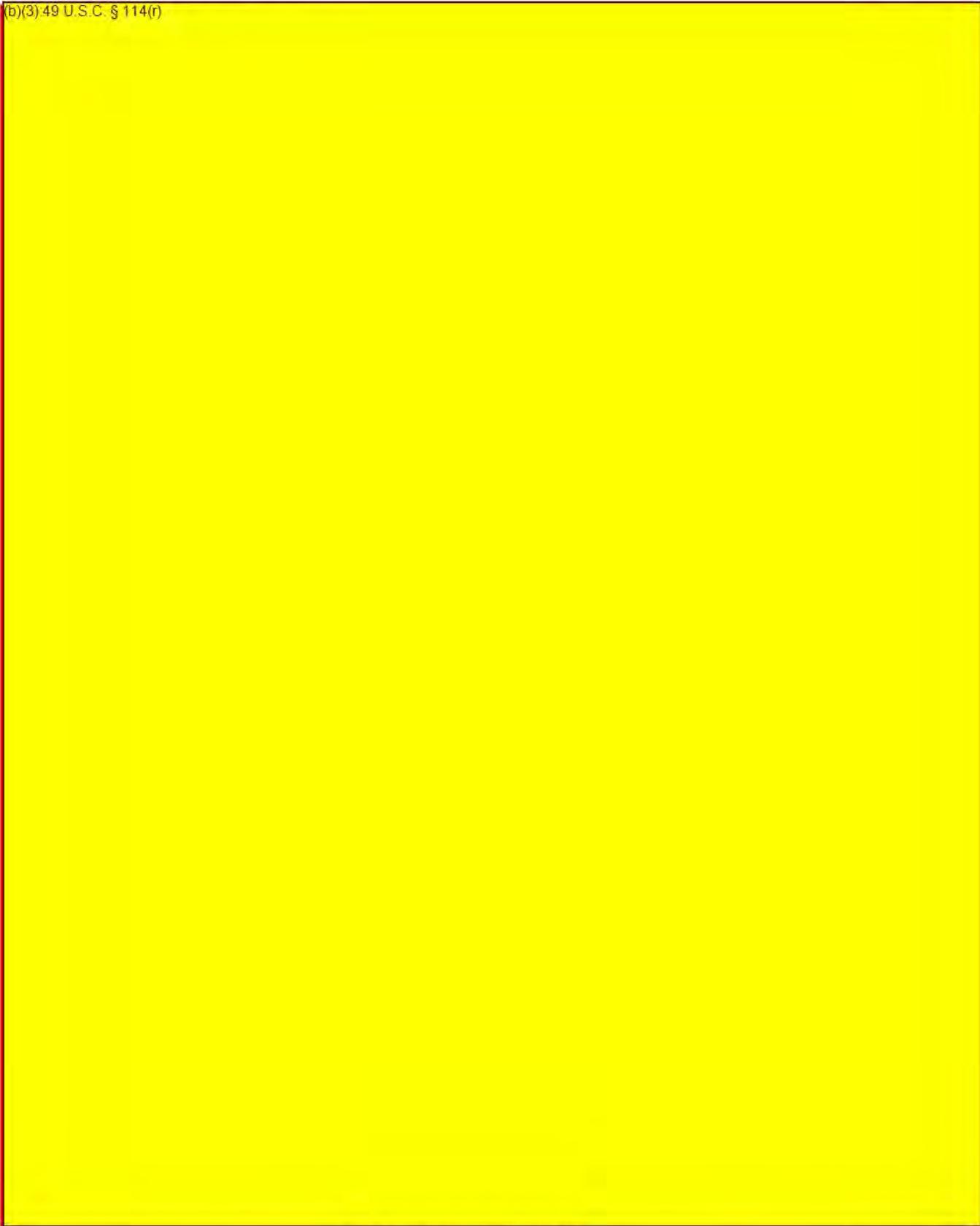
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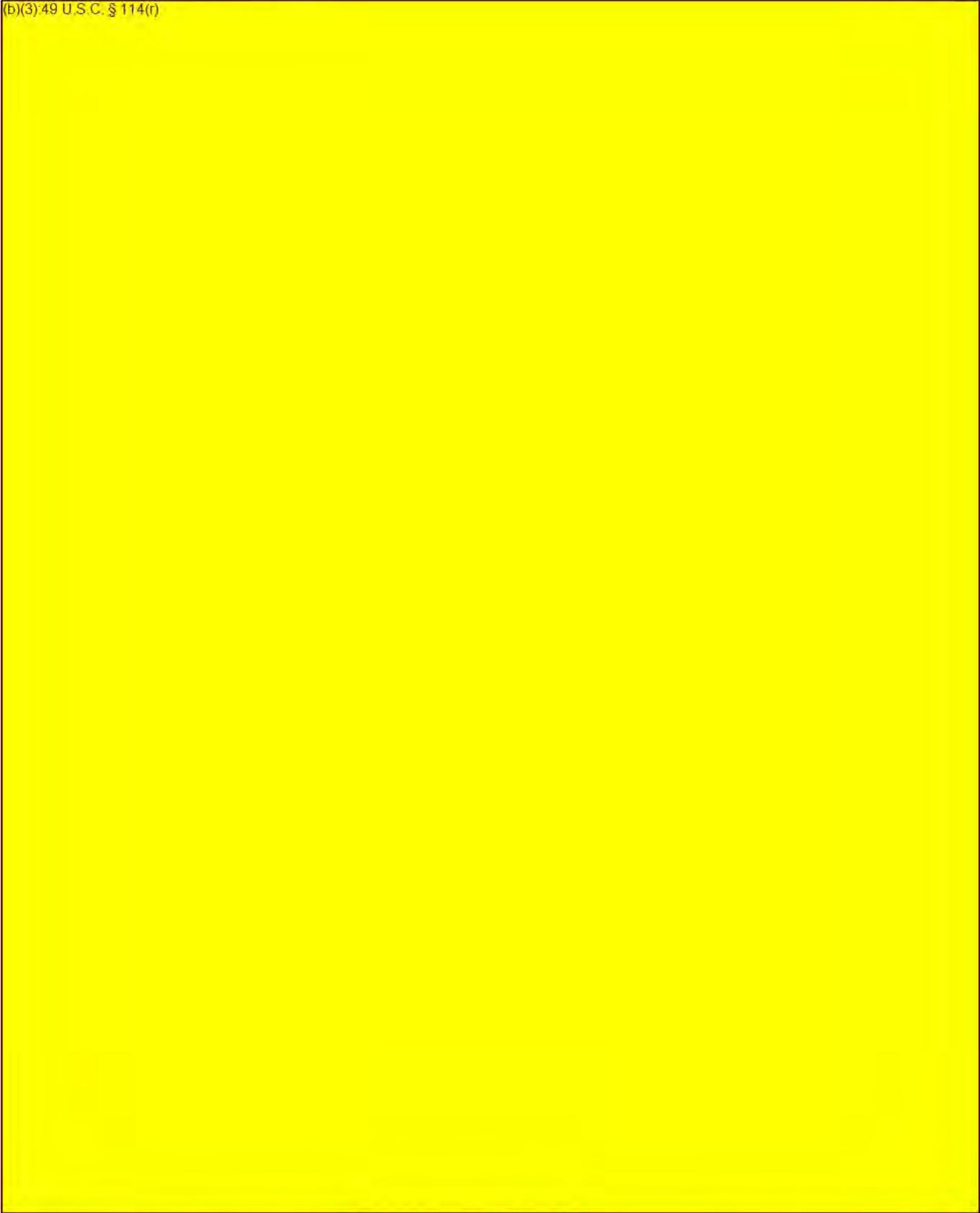
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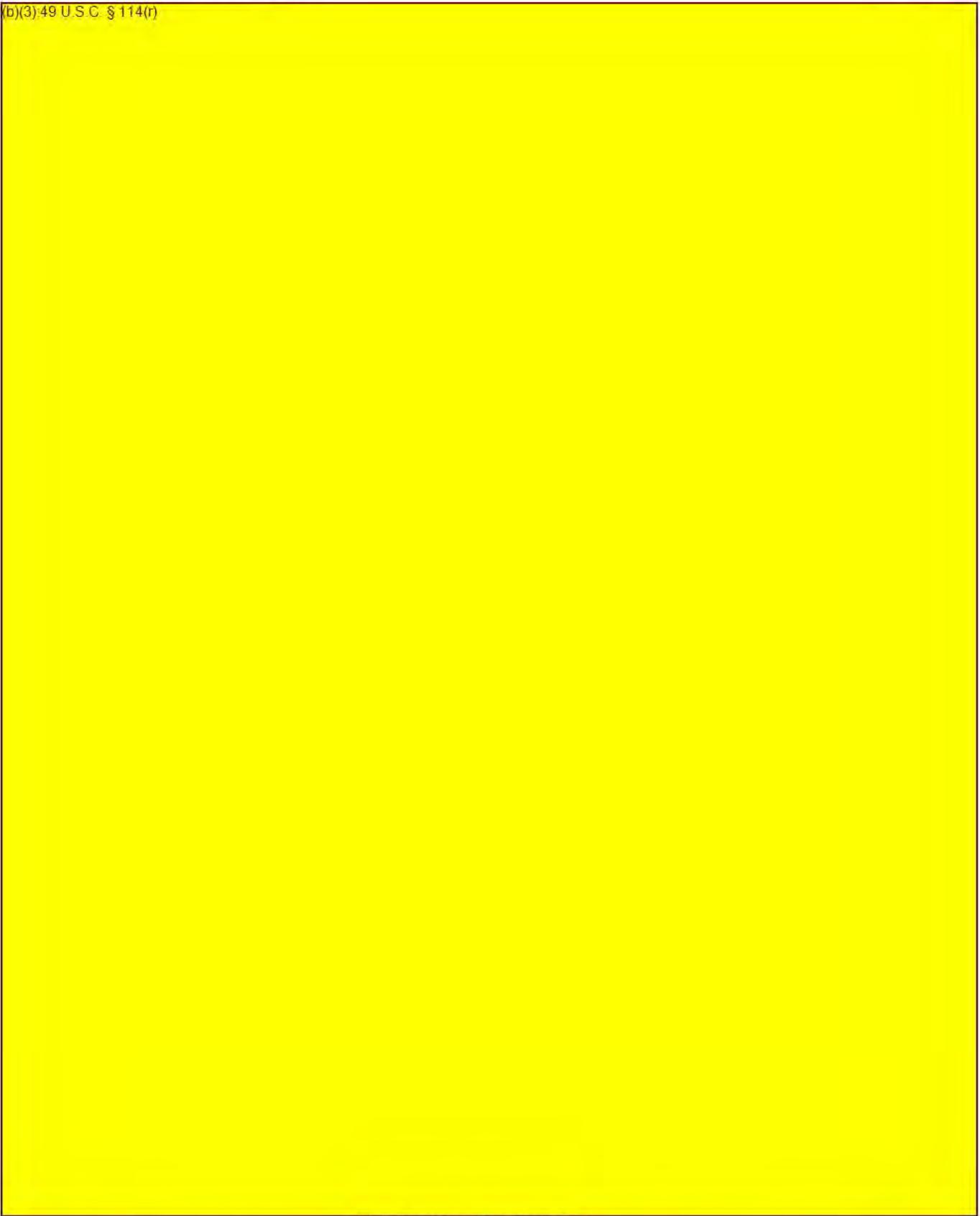
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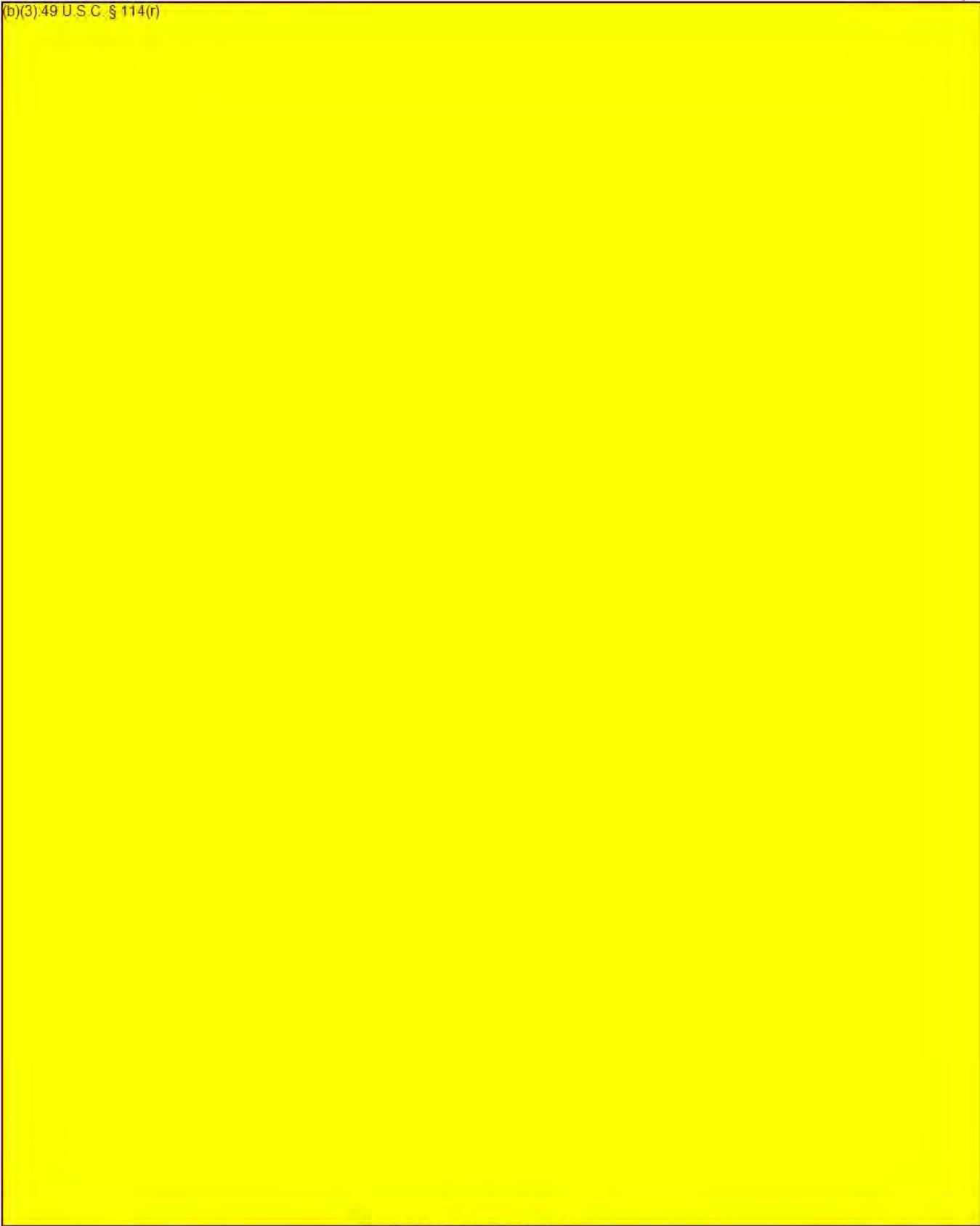
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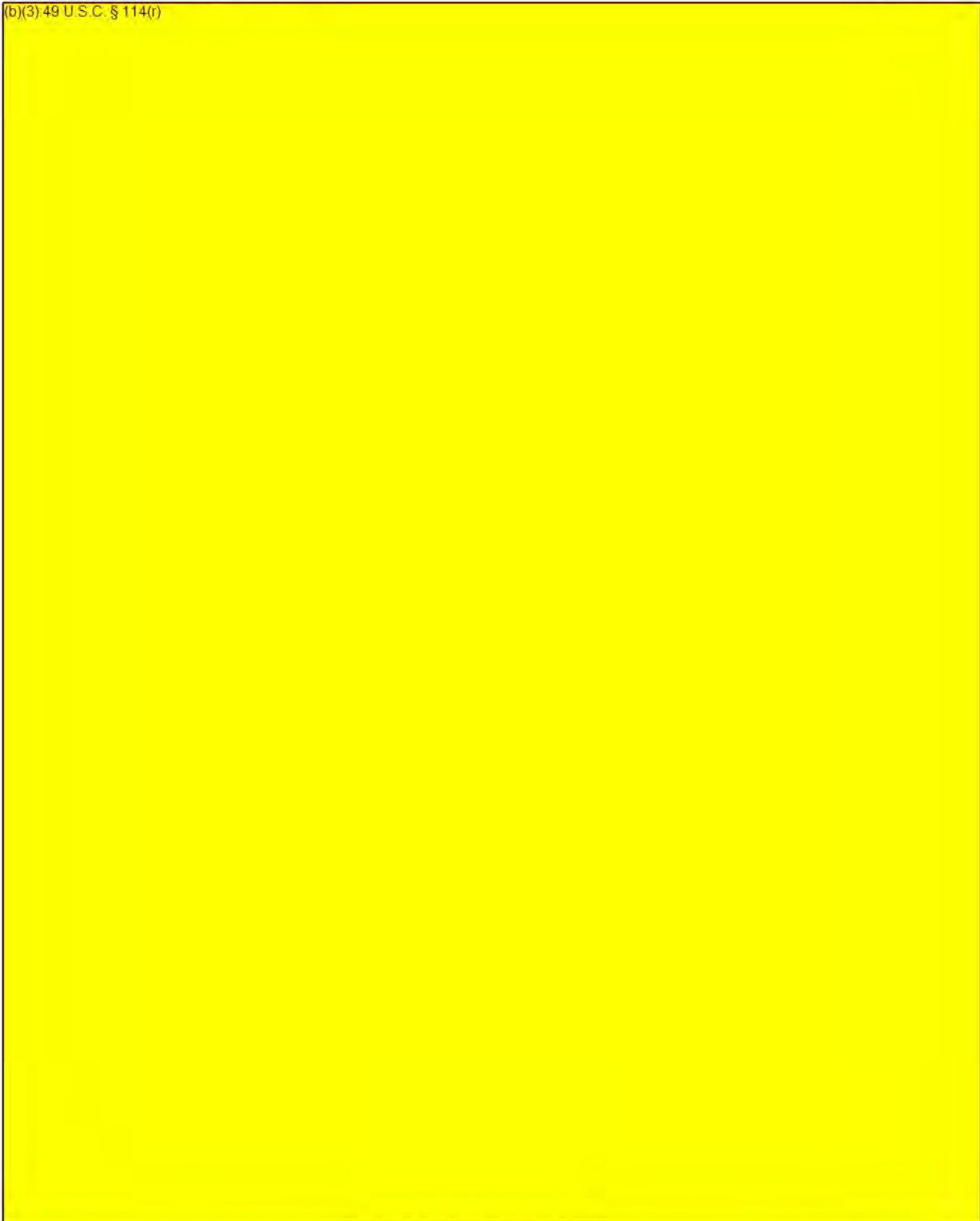
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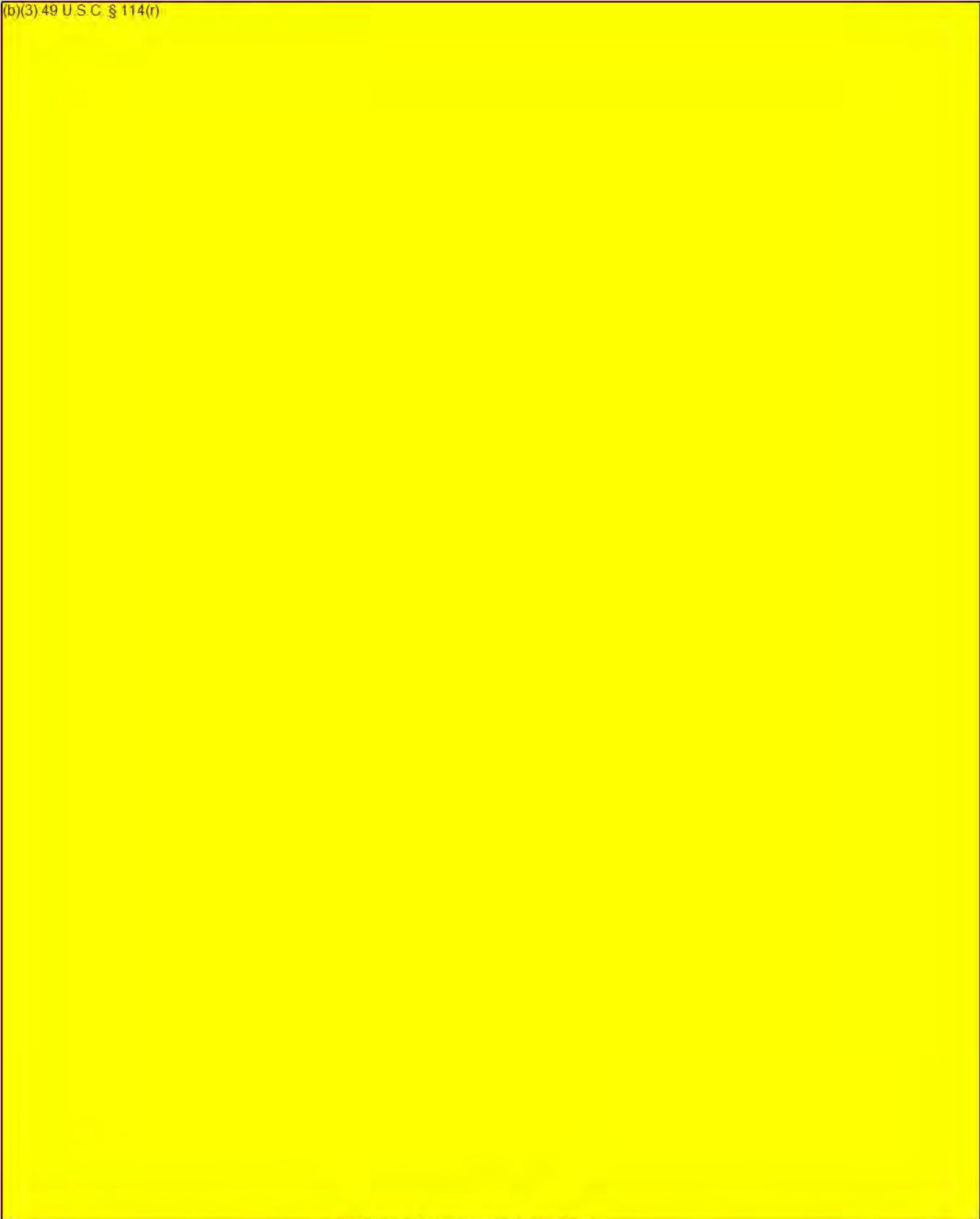
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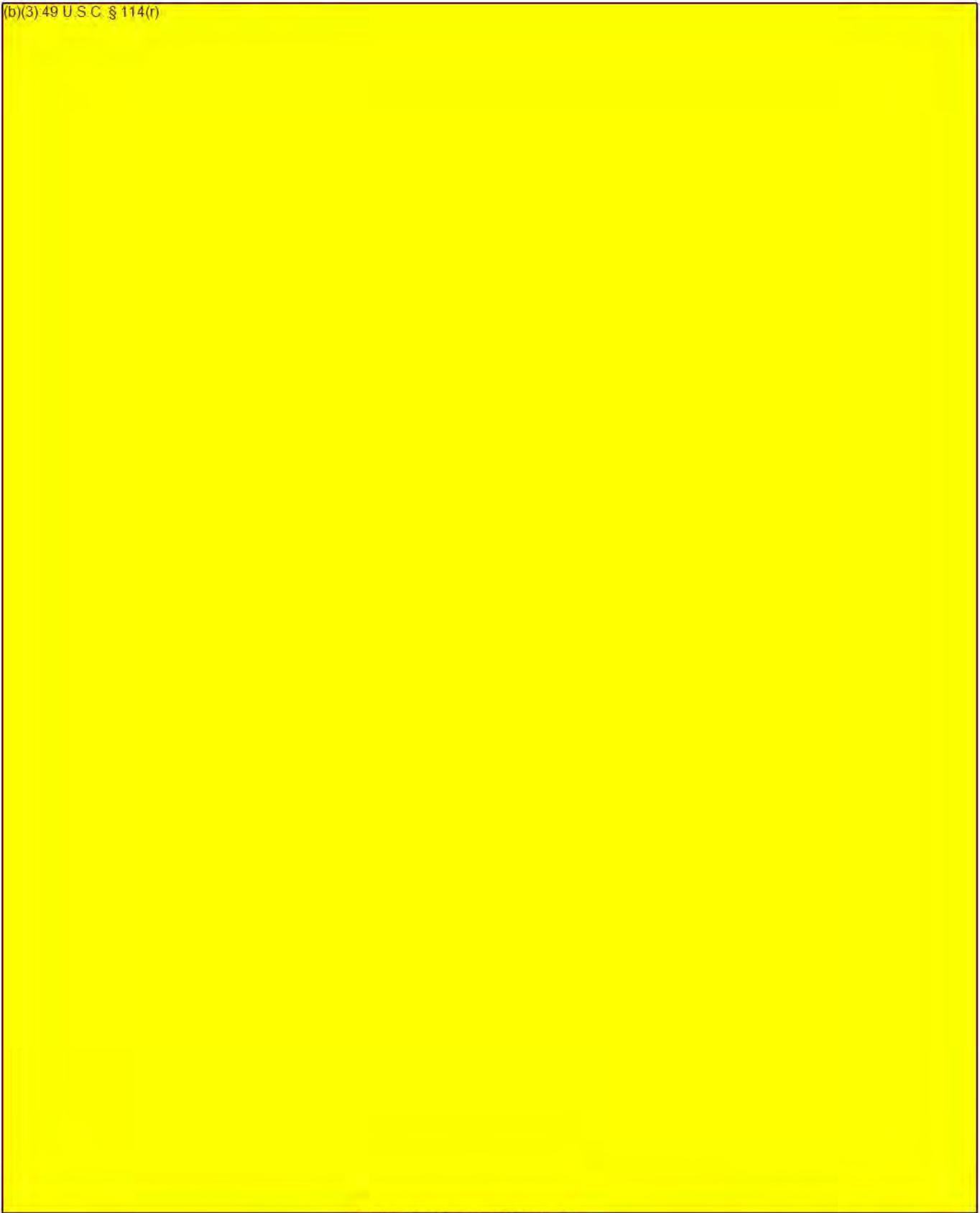
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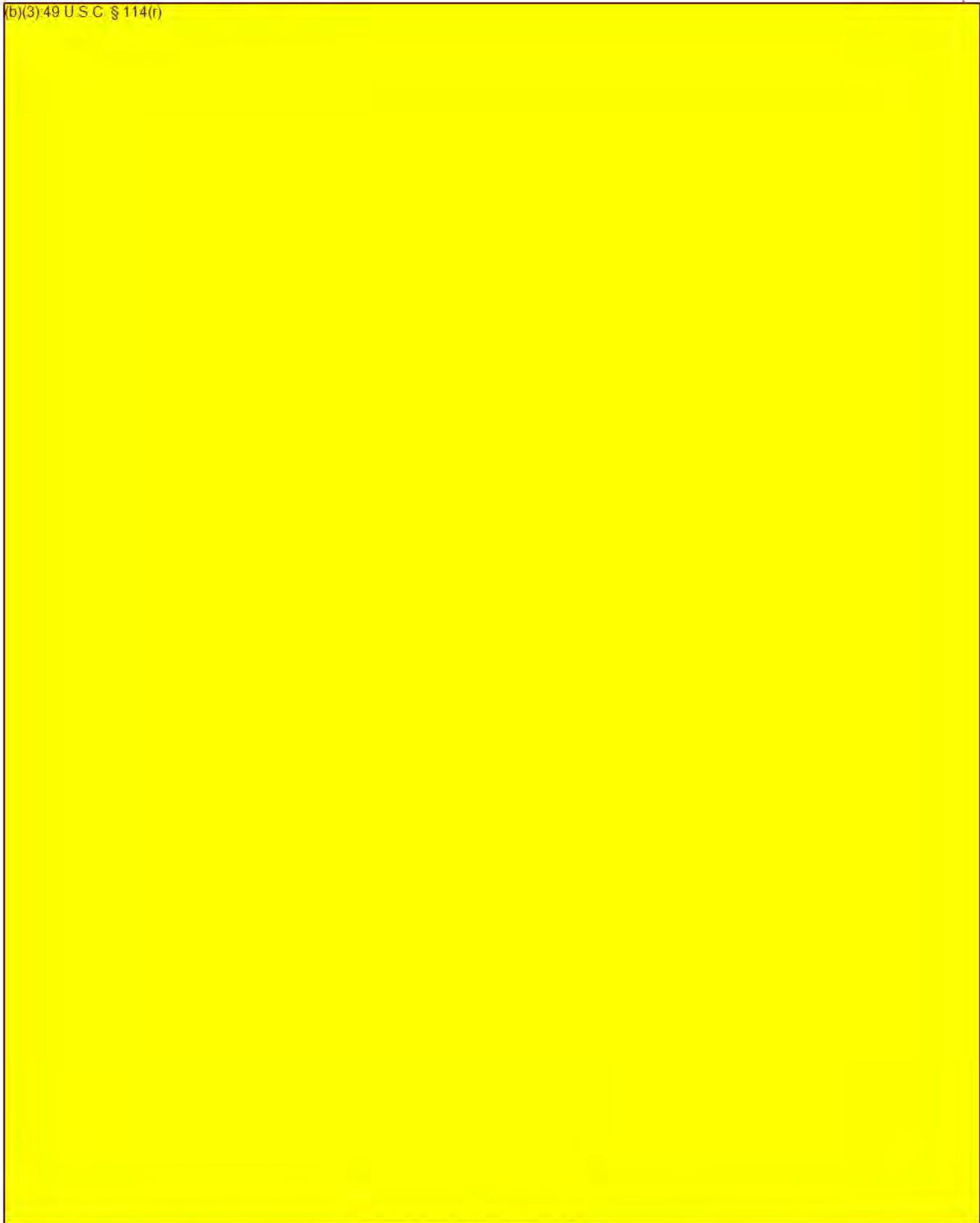
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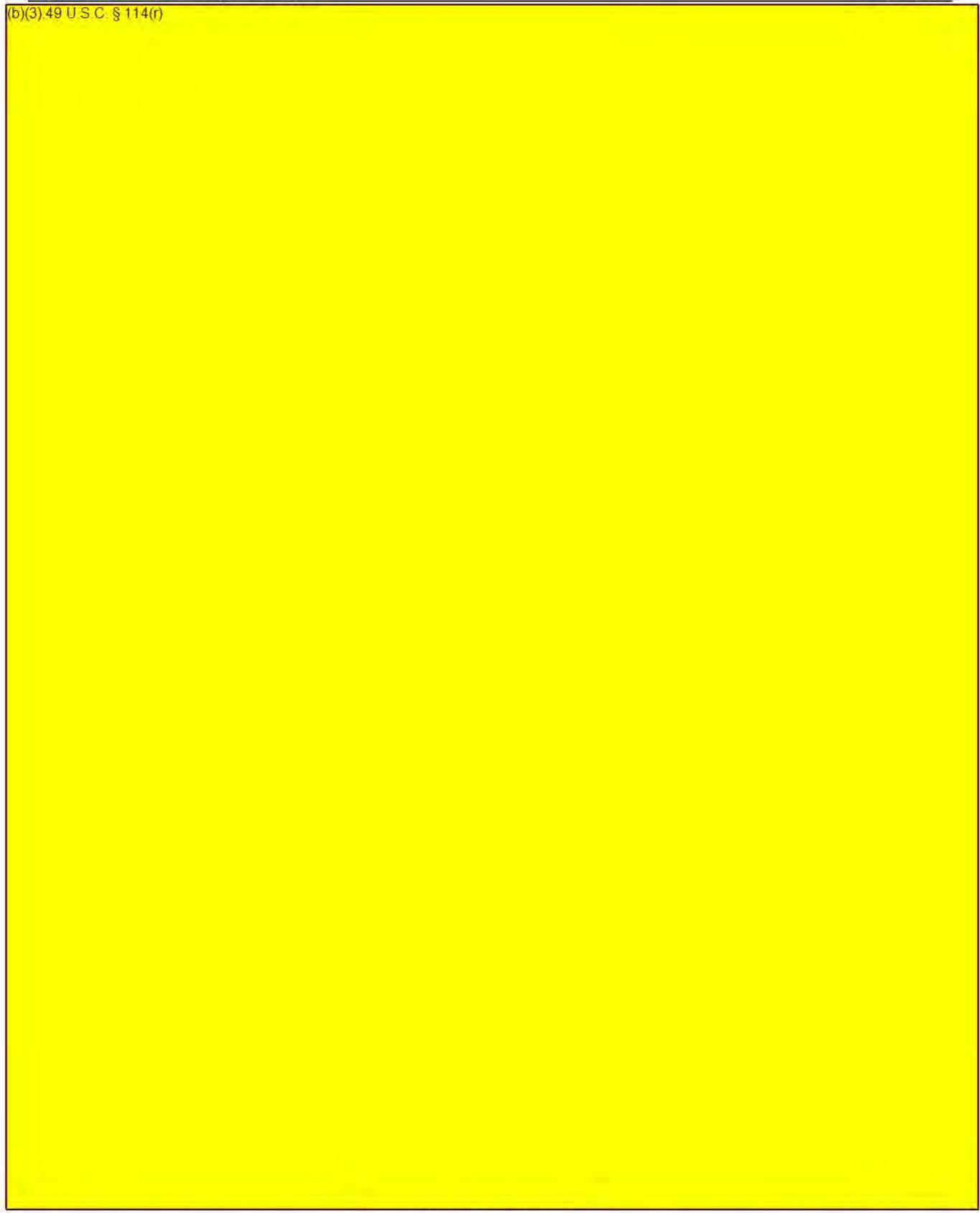
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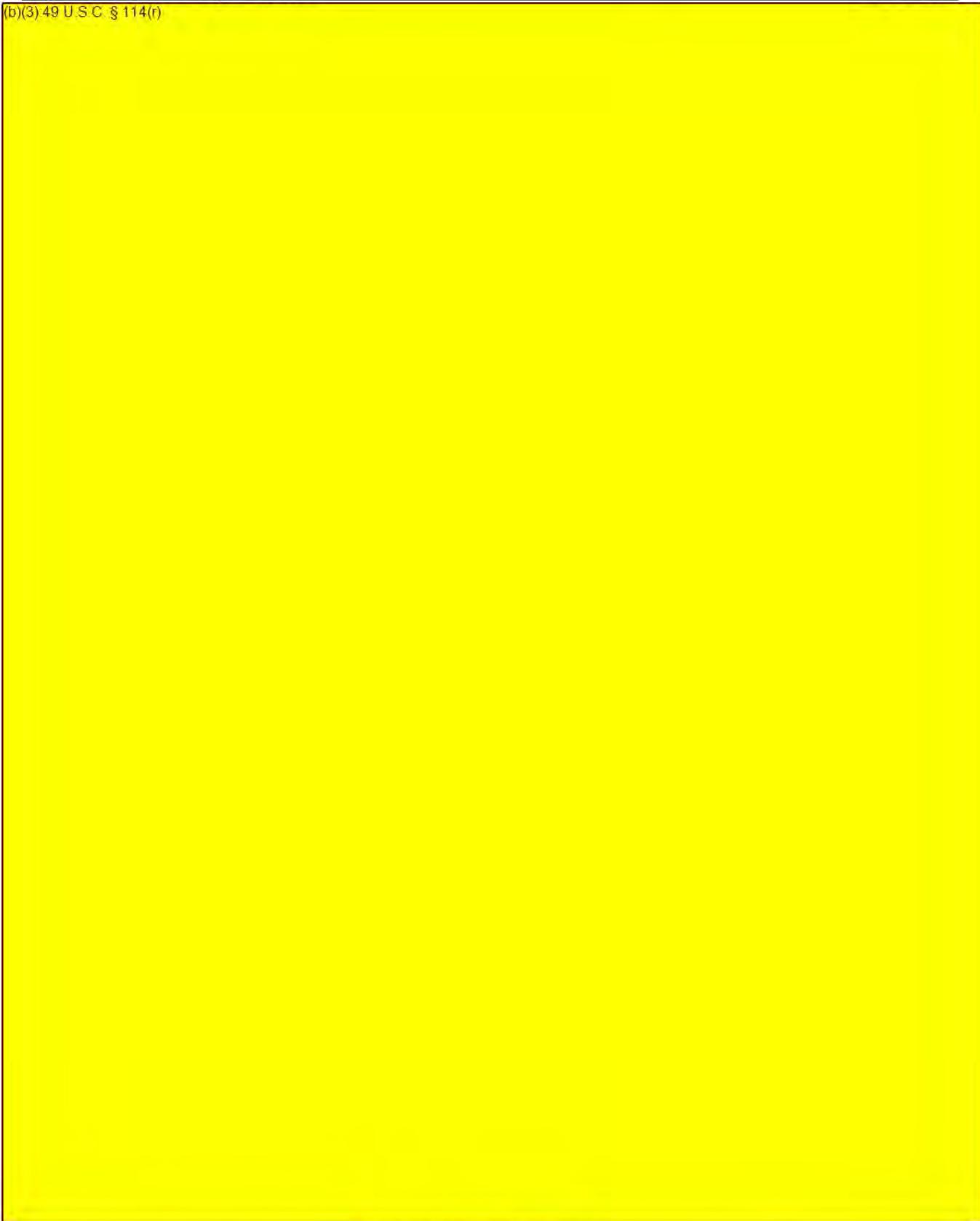
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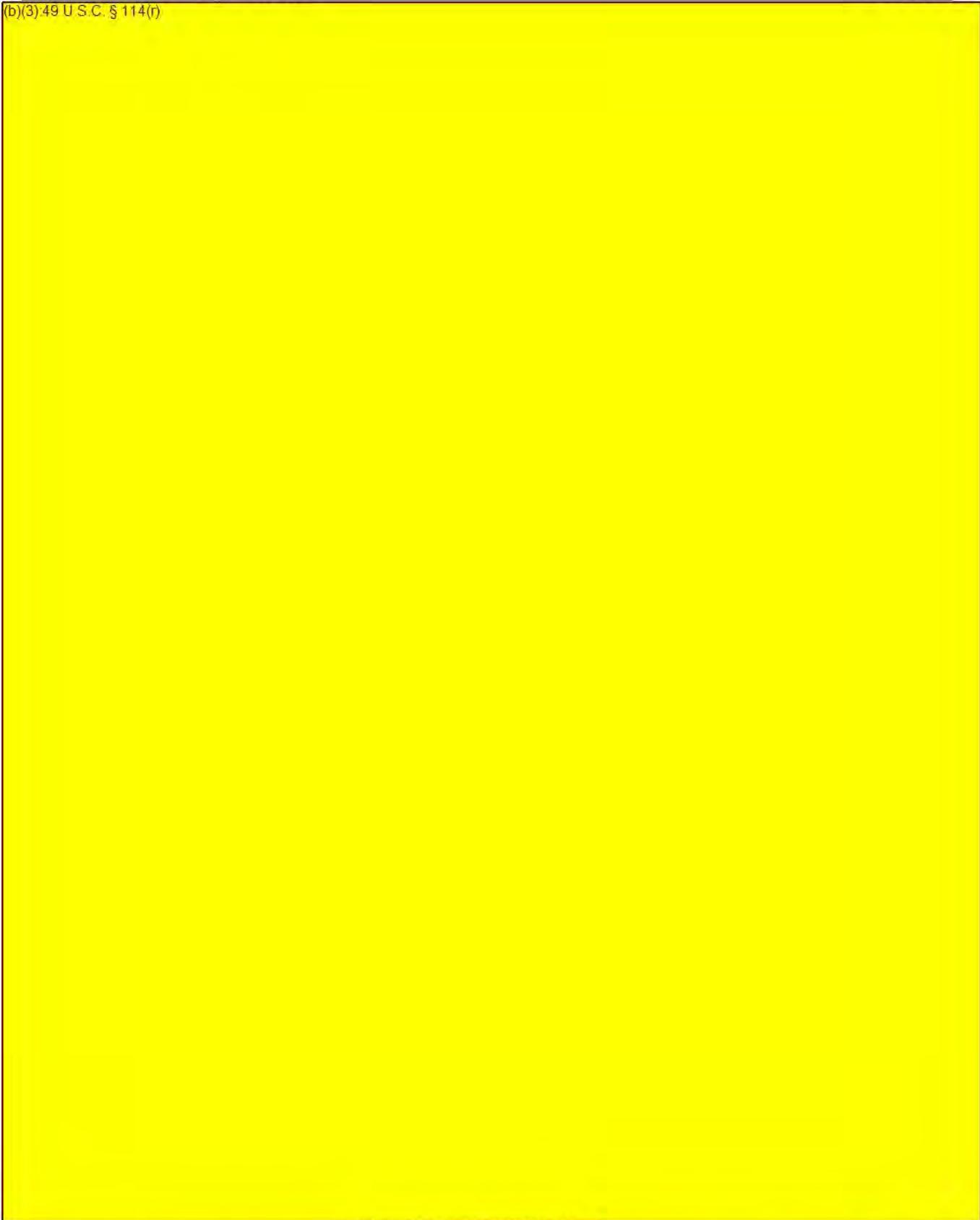
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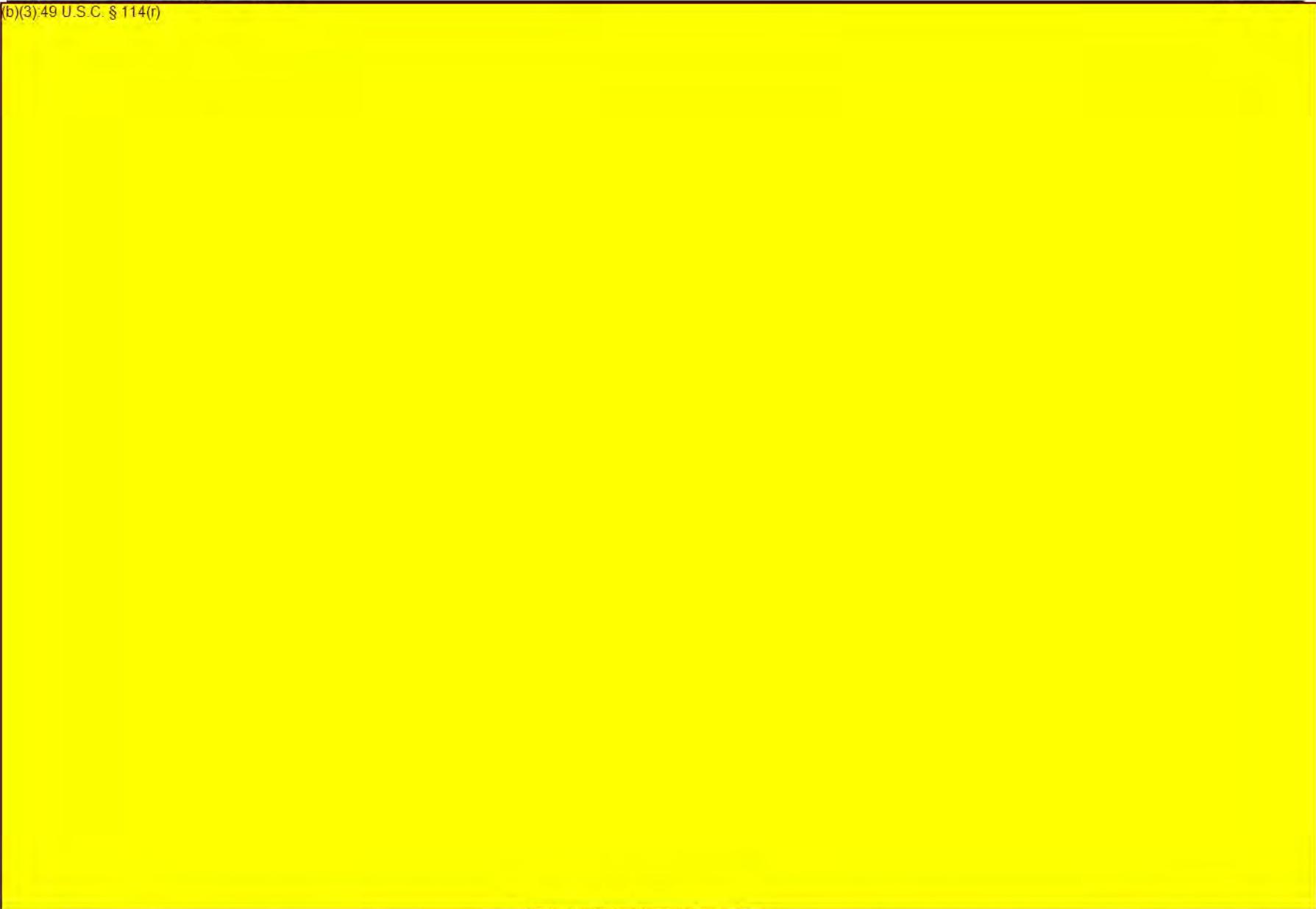


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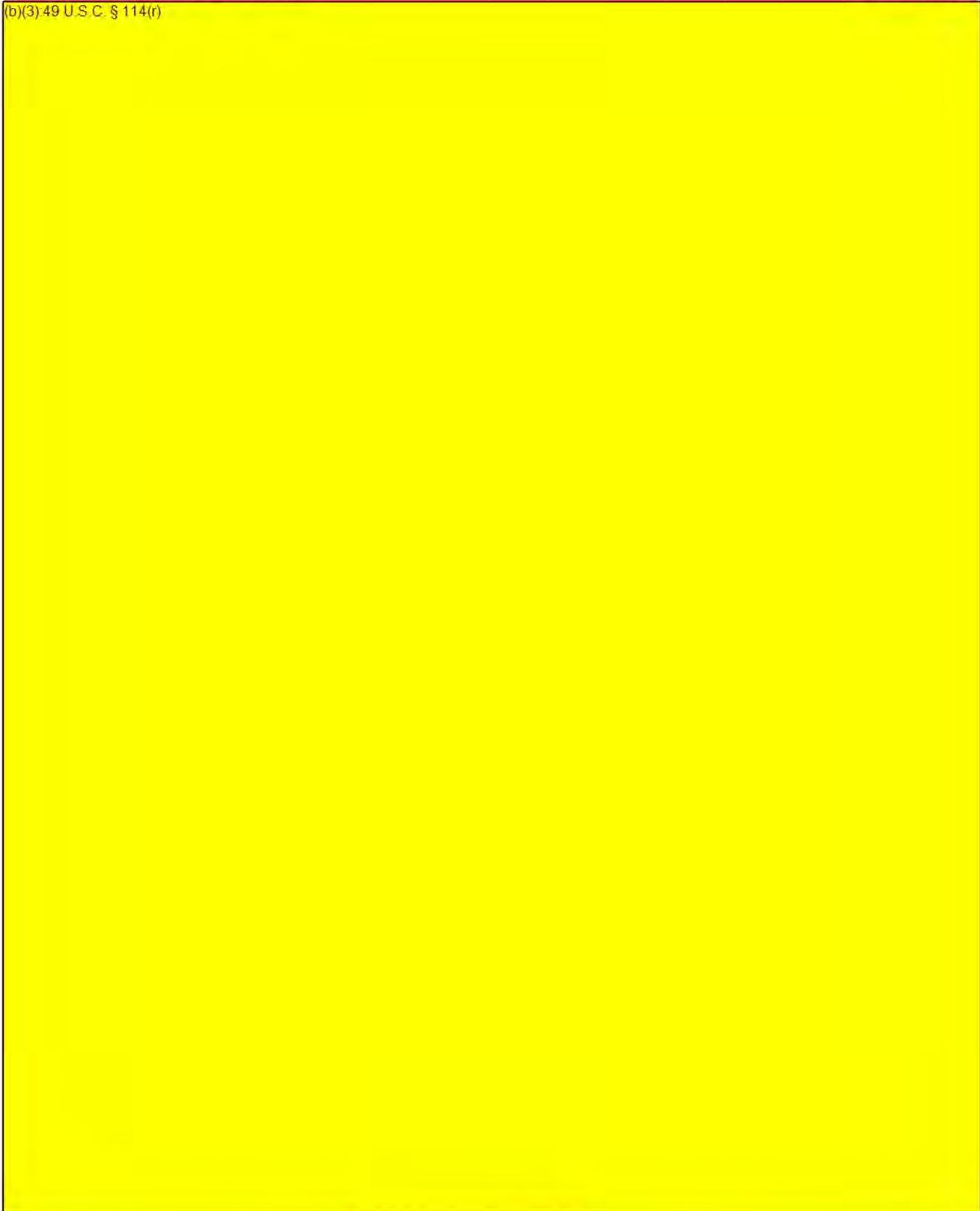
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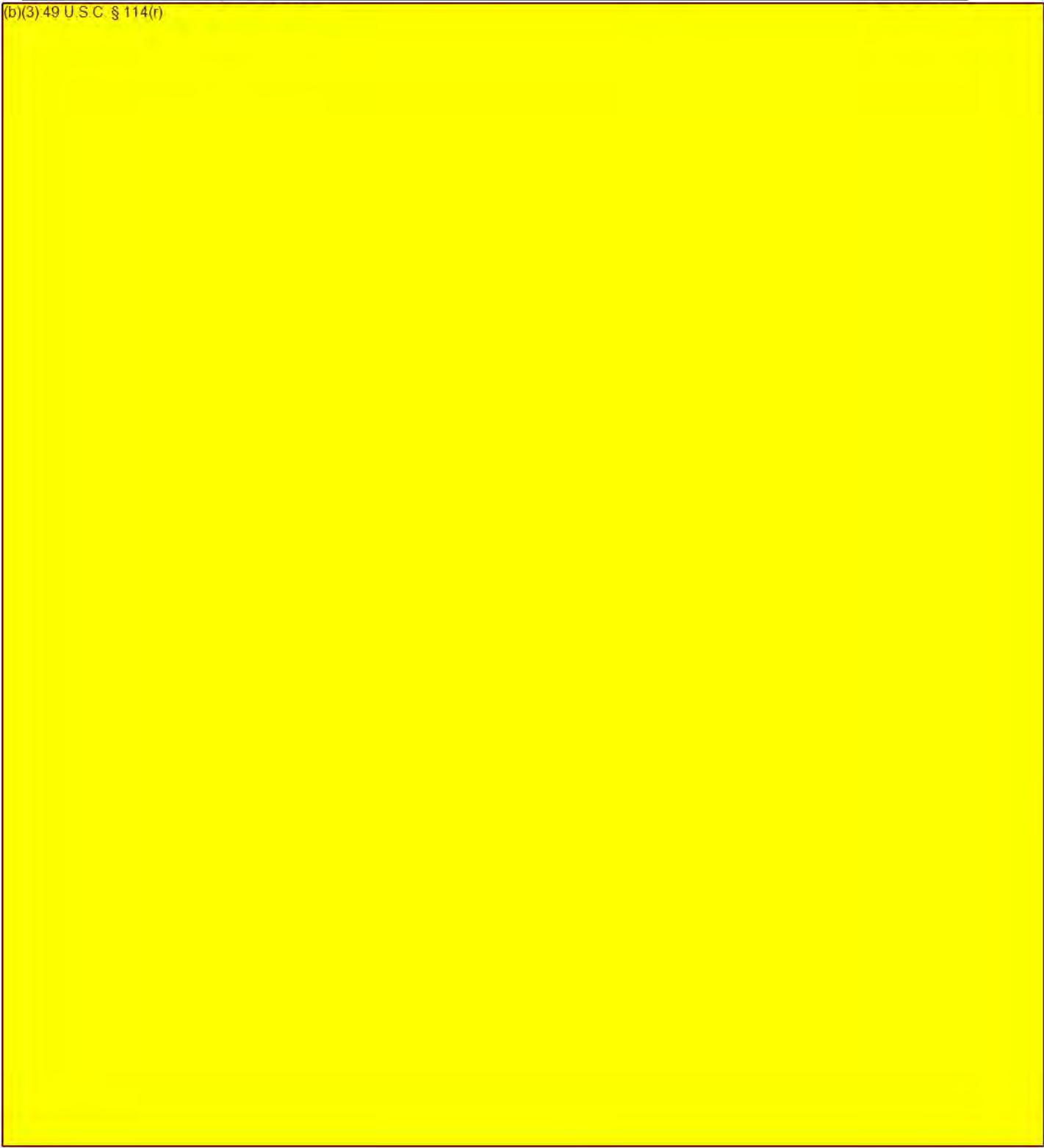
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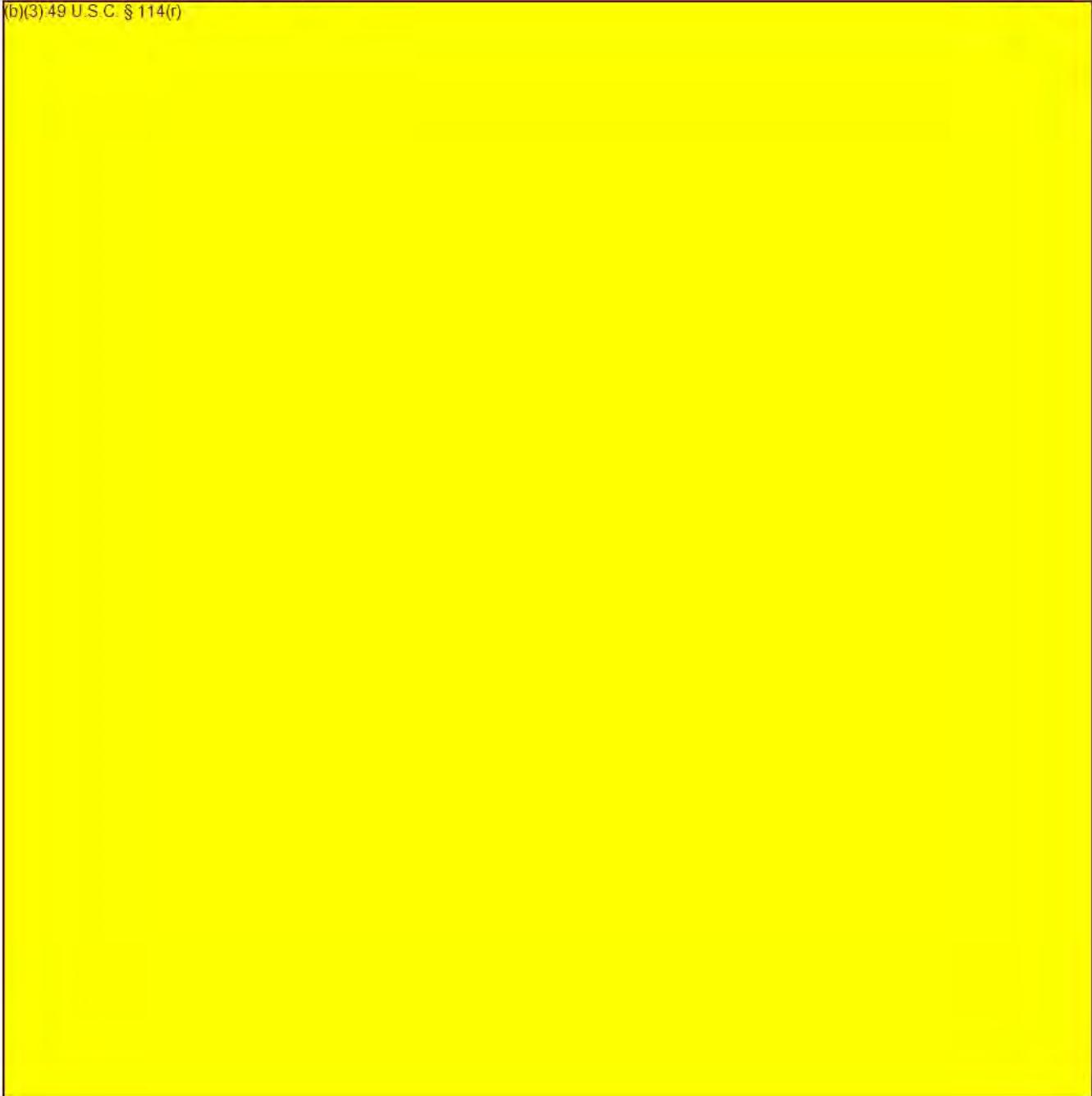
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ADAM H. PUTNAM  
12TH DISTRICT, FLORIDA



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1 (866) 534-3530

www.adamputnam.house.gov

FINANCIAL SERVICES COMMITTEE

# Congress of the United States House of Representatives

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OCT 8 REC'D

INT

September 22, 2010

Ms. Lavita Strickland Legrys  
Assistant Administrator for Legislative Affairs  
Office of Legislative Affairs  
Department of Homeland Security  
601 12th Street S  
Arlington, Virginia 22202-4202

Dear Ms. Legrys:

Enclosed is correspondence received from my constituent, (b)(6)  
(b)(6), concerning a complaint regarding an incident with TSA officials at the  
JKF airport in New York City. His Privacy Form outlines his request. Can you  
please review his complaint and provide a response? Please direct your reply to  
my Bartow office at the above-listed address. Thank you for your assistance.

Sincerely,

Adam H. Putnam  
Member of Congress

AHP/jd

(b)(6)

2010 OCT 8 10 25 AM

2010 OCT 8 3 25 PM

U.S. HOUSE OF REPRESENTATIVES

RECEIVED



Privacy Authorization Form  
Congressman Adam H. Putnam

RECEIVED

SEP 22 2010

Adam H. Putnam, M.C.  
District Office

Name:

(b)(6)

Physical Address:

LAKELAND, FL. 33813

RECEIVED

SEP 22 2010

Adam H. Putnam, M.C.  
District Office

Mailing Address:

(b)(6)

HIGHLAND CITY FL 33846

Home Phone:

cell - (b)(6)

Work Phone:

E-Mail Address:

(b)(6)

Check if you are interested in receiving periodic e-mail updates from Congressman Putnam.

Social Security #:

Date of Birth:

Other:

I authorize Congressman Adam H. Putnam and his staff to contact appropriate agencies on my behalf. This is to comply with the Privacy Act of 1974, which provides that as of September 27, 1975, disclosures of information of a personal or confidential nature will no longer be permitted to third parties without the written consent of the individual involved.

(b)(6)

Signature

SEP 20, 2010

Date

Please Return To:

Congressman Adam H. Putnam  
650 East Davidson Street  
Bartow, Florida 33830  
Toll Free: 866/534-3530  
Phone: 863/534-3530  
Fax: 863/534-3559  
www.adamputnam.house.gov

Please explain your problem on the back of this form.

Explain your problem:

(NYC)  
while AT Kennedy AIRPORT on Thurs 9-16-2010 -  
I (we) placed items on T.S.A. security belt.  
We Proceeded through. Minutes Later while RUSHING to catch  
Flight we were approached by a TSA Agent, He asked  
us if the gold bracelets he was holding were ours.  
We told him yes and thanked him and then rush on  
again. Minutes later again another T.S.A. Agent  
approached us and accused us of taking the jewelry  
and that it did not belong to us. We told him that it  
was ours and we needed to catch our flight. He threatened  
us with arrest if we did not follow. Finally we followed  
in protest. We were taken to a different security belt check-  
in area where there was no one to help him with his accusation  
of theft. In short after a scene — He apologized and said  
another woman found her bracelet and a mistake had been made.  
I wanted a higher up official - I was told he was bringing back  
the "Port Authority" — He never came back! I waited a long time  
for someone else — who only apologized — said to file a formal  
complaint — I am trying to — No one returns calls!

Caseworker: \_\_\_\_\_

Date: Mon 9-20-2010

We - missed flight - were embarrassed - detained - accused in public  
Threatened with arrest.

**Todd Keith**  
Transportation Security Manager  
Screening Operations  
JFK International Airport

U.S. Department of Homeland Security  
230-59 Rockaway Blvd, Ste 210  
Jamaica, NY 11413

347 684 (b)(6)  
(b)(6)



**Transportation  
Security  
Administration**

Accuser: LTSO7

(b)(6)

Terminal #3  
Checkpoint #4

**Smoke, Dejante**

**From:** (b)(6)  
**Sent:** Saturday, October 16, 2010 6:45 PM  
**To:** Pinckney, Alicia; (b)(6);  
(b)(6); Smoke, Dejante;  
(b)(6); Cartagena, Michelle; Tracy.Holden-  
(b)(6)  
**Subject:** tsacc-This needs to go to external compliance OCRL  
**Attachments:** image001.png

**Richard H. Pryor Customer Service Manager**

--- Original Message ---

**From:** "Pryor, Richard <FLL>" (b)(6)  
**Received:** 10/14/10 1:16:27 PM EDT  
**To:** "TSA Contact Center" <TSA-ContactCenter@dhs.gov>  
**Subject:** RE: FW: TSA Contact Us: Complaints

This needs to go to external compliance OCRL as it is a complaint against TSA policy vs. a specific complaint about an airport (FLL) Thanks.

**Richard H. Pryor**  
**Customer Service Manager**  
**U.S. Department of Homeland Security**  
**Transportation Security Administration**  
**Ft. Lauderdale | Key West**

2010 OCT 18 A 9:04  
U.S. DEPARTMENT OF HOMELAND SECURITY  
TRANSPORTATION SECURITY ADMINISTRATION  
FORT LAUDERDALE, FLORIDA

10/14/10 1:16:27 PM EDT

**From:** TSA-ContactCenter [mailto:Tsa-ContactCenter@dhs.gov]  
**Sent:** Tuesday, October 12, 2010 6:09 PM  
**To:** Pryor, Richard H  
**Subject:** Re: FW: TSA Contact Us: Complaints <<#38072-677933#>>

Greetings Richard Pryor:

The following email is being forwarded to you for review from the TCC. Please contact the consumer to resolve their issue/s addressed in the original email message below and reply with resolution to the TCC Customer Service representative, who will close the TCC record.

Thank you,

Jwan Jenifer  
TSA Contact Center

(b)(6)

(b)(6)

--- Original Message ---

From: (b)(6)  
Received: 10/11/10 12:05:09 PM EDT  
To: "TSA Contact Center" <TSA-ContactCenter@dhs.gov>  
Subject: Re: FW: TSA Contact Us: Complaints

Dear Sir or Madam;

Forwarding my complaint to the local group (who violated my civil rights) is hardly progress in resolving this issue. I suggest you forward to your internal (IAD) type group.

This type of harassment exists because the TSA has tacid approval from the DHS to do so. Until the mentality changes, and lawsuits finally encourage the government to STOP violating the rights of American Citizens, and concentrate on persons who attacked us, as well as the 15+ million ILLEGAL aliens in the US.

(b)(6)

" A veteran is someone who, at one point in his/her life wrote a blank check made payable to 'The United States of America ' for an amount of 'up to and including my life.' That is Honor, and there are way too many people in this country who no longer understand it."

**From:** TSA-ContactCenter <TSA-ContactCenter@dhs.gov>  
**To:** (b)(6)  
**Sent:** Fri, October 8, 2010 2:25:17 PM  
**Subject:** Re: FW: TSA Contact Us: Complaints <<#38072-677933#>>

Thank you for your email message. We are sorry you were unhappy with your recent travel experience.

Because your complaint is regarding screening at FLL, we have forwarded a copy of your email to the Customer Service Manager at that airport for review. The Customer Service Manager is responsible for ensuring that the screener workforce adheres to TSA principles for professional processing.

We monitor the number and nature of complaints we receive to track trends and spot areas of concern that may require special attention. This ongoing process will enable us to ensure prompt, corrective action whenever we determine that security-screening policies need modification or specific employees or screener teams are the subjects of repeated complaints.

Again, the TSA offers sincere apologies for the discomfort and inconvenience you experienced while traveling and encourage you to check the latest information at [www.tsa.gov](http://www.tsa.gov).

TSA Contact Center

**From:** (b)(6)  
**Sent:** Tuesday, September 28, 2010 5:57 PM  
**To:** Civilrights, TSA  
**Subject:** TSA Contact Us: Complaints

Remote Client IP: (b)(6)

Date Time: 9/28/2010 5:57:04 PM

Name: (b)(6)

Email: (b)(6)

Complaints: Civil Rights

Flight Info (If applicable. Enter Flight#/Airline/Terminal/Airport/Gate/Etc): Flt 1800, Continental

Comments: I am a white, 64 year old, Christian, male and a decorated Viet Nam Veteran.

On September 5th, while returning to Newark NJ, from Ft Lauderdale, FL (while visiting family) the following took place. (Continental Flt 1800)

After the normal inspection, a female officer, came out and told me I had to go through the body scanner (no problem) after that however, (after my pockets were empty and all my belongings had already gone through Xray. The young male officer told me he had to "pat me down" and then he went through my wallet before handing it back to me along with my money and change.

Please explain to me how the last two inspections, help keep me or my fellow travellers safe? Let me answer that for you... THEY DON'T !

The actions of the TSA officer were disingenuous, and had nothing to do with flight safety. I have written to your organization before and get lame excuses (the last time it took 8 months to get an answer, I still have the letter) or they tell me I should write and get a copy of my records. This inspection was about Profiling, Harassment, Civil Rights violations and Discrimination. While I was putting myself back together, I saw no other passengers (especially those my age) being subject to similar inspections.

Please be advised that I will also write to the your office of Civil Rights Compliance as well as providing a copy of my complaint to my attorney and the ACLU; as the next time I am subject such actions I plan on filing a lawsuit.

Sincerely

(b)(6)

" A veteran is someone who, at one point in his life wrote a blank check made payable to 'The United States of America ' for an amount of 'up to and including my life.' That is Honor, and there are way too many people in this country who no longer understand it."

----- TCC Control Number: -----  
<<#38072-677933#>>

----- TCC Control Number: -----  
<<#38072-677933#>>

(b)(6)

(b)(6)

Pembroke Pines, Florida  
33027

October 8, 2010

TSA  
601 South 12<sup>th</sup> Street  
West Tower TSA #6  
Arlington, Va 22202

**Subject: ~~Passengers with Disabilities and Medical Conditions Using air travel~~**

**To Whom It May Concern:**

Having an emergency in New York, I called Jet Blue airlines and made reservations to go to Newark airport on Sunday, October 3, on flight #506 returning on flight 511 on Tuesday October 5<sup>th</sup>. We have always had high praise for both the security personal and the airline for their kind and courteous service. We have used Jet Blue at every opportunity. Unfortunately on this trip I had to go alone, which was in itself scary since I am handicapped, (unable to walk without support from my walker) and have other medical issues. Just the same this was so important I had to make this trip. They were efficient, kind and courteous. From curbside checking, presentation of ID, wheelchair accommodations, security screening, seat reservations on the plane. Etc all went smoothly.

Considering this, I was shocked when my return flight #511 from Newark to Ft. Lauderdale was an experience, I would like to forget. I believe the events that followed require, investigation, which is the reason for this letter. I could go into lengthy detail, suffice to say that I was threatened, humiliated, intimidated, and embarrassed.

My son had driven me to the airport and stayed with me until curbside personal (woman) arrived with the wheel chair. My luggage was checked (curbside) fee given, ID was presented. I was wheeled from the curb (woman) then deposited 20 feet or so by the Jet Blue counter and told by the young woman "someone else would take me," "she had personal business to attend to" and she walked away. How would I manage to get to the gate?, at least I had the walker and cane! Fortunately she returned and we proceeded to the security gate. I attempted to explain my position, which fell on deaf ears, so I requested to speak with her supervisor.

(b)(6)

RECEIVED  
10/25/2010  
EW 9:00am

I was in the wheel chair and supervisor #1 was wheeling me, holding the walker and cane when I said "I would hold the walker and cane to make it easier on her." She then said "you better quiet down, and don't act up" as she swung the wheel chair around, threatened me, went in front of me, leaving me unattended while she screamed "STOP" as she waved her hands in the air, and all of THE ABOVE CAME INTO PLAY. Then she proceeded to wheel me to the line of wheel chairs. It was at this point I requested to speak with supervisor #2. After my conversation with him, I repeated what had already been said to both women. I was taken and examined as should have happened from the onset, where the personal performed their tasks as they usually do.

Only supervisor #2 (tall-gentlemen-tan uniform) was low key, and had the intelligence to listen to me. Stating "I was unable to take my shoes off or walk with out my using the walker or cane". I requested a cloth (as they did for #506) he used on my shoes I was then taken to be examined (padded down) accordingly.

The young woman (from curbside) wheeled me to gate, A21, where she ordered me to give her my boarding pass. I complied. She left me alone and proceeded to the ticket desk. Upon her return I requested my boarding pass, and she scribbled on it. And informed me that the plane is delayed, and asked me to give her the wheel chair back because she needs it, which I did. A passenger assisted me from the wheel chair and I sat on the chairs provided.

Events which took place both while waiting for the flight to arrive (gate A21) and the flight itself #511 was weird. A) Food tray was taped by a maintenance person AFTER I sat down B) A second individual came out to check tape again. C) being told I will be unable to use the tray, D) other incidents, added together makes one wonder about what is going on? And to think I am expected to pay \$718. plus dollars for the privilege of being treated in this manner is unbelievable!

In all of my 72 years, I have never been subjected to such outrageous conduct. if I did not know I was in the USA I would have thought I was in a country/police state, where the rights and considerations of others are foreign words. And people are thrown into jail without cause.

**Security is a tough job, but the conduct of these two woman is inexcusable. Especially supervisor#1, if in fact she is a supervisor at all. In addition, when I arrived home, and took off my white stocking, I noticed my left leg was black and blue, I wouldn't be surprised if this occurred when supervisor #1 swung the wheel chair around and proceeded to yell and wave her hands in the air. (I also Have difficulty lifting my foot up)**

**A few observations:**

**Can your personal recognize the difference between a seizure disorder and A passenger who is acting out? This would be a consideration when doing their job properly.**

**Using a wheel chair, For the person who is confined to one,, it is not a picnic. What would happen should a fire break out and a wheel chair bound person is left unattended?**

**Although many individuals request a wheel chair just to go though security. And do not really need one, and at the other end leave the plane. What can be done about this?**

**Security Personal has a difficult job, all the more reason for proper training and using only the most qualified persons who apply. By and large the job that they do is admirable, it is unfortunate there are bad apples among the bunch, hopefully they will be weeded out.**

**Thanking you in advance for your prompt and kind attention to this matter.**

**Sincerely yours,**

(b)(6)

Cc/ (b)(6)  
P.S.

- A) I have been so traumatized by this experience that my hands shake and tears come to my eyes at the thought of this experience.**
- B) During this period a crochet black beret made by my deceased mother was lost...property that cannot be replaced.**

(b)(6)

(b)(6)

Pembroke Pines Florida 33027

October 11, 2010

To: Sandra Commaroto  
Division Manager  
Transportation Security Administration  
Office of Screening of Persons with Disabilities

Subject: Screening of person with disabilities and medical issues

After reading the memorandum you wrote on 9/25/06, regarding "Passengers with disabilities and medical conditions using air Transportation" I felt compelled to write directly to you. I have various disabilities and medical conditions, (all of which can be documented by my doctors) after my experience at Newark airport on October 5<sup>th</sup>.

The conduct I experienced at Newark Airport on October 5<sup>th</sup>, does not come close to what your memorandum states is your "current policy. and procedures". I realize from looking at a passenger one can not tell if they are disabled, but when holding a walker, cane and repeatedly telling the women "I can't take my shoes off, or walk without support from the walker". I would have thought she would realize what I was saying,

I was labeled, humiliated, intimidated, and embarrassed. I am black and blue on my left leg, my hands haven't stopped shaking, and tears come to my eyes when I think of this experience.

A few observations:

Can your personal recognize the difference between a seizure disorder VS A passenger who is acting out? This would be a consideration when doing their job properly.

Using a wheel chair, For the person who is confined to one,, it is not a picnic. What would happen should a fire break out and a wheel chair bound person is left unattended?

Although many individuals request a wheel chair just to go through security. And do not really need one, and at the other end leave the plane. What can be done about this?

Security Personal has a difficult job, all the more reason for proper training and using only the most qualified persons who apply. By and large the job that they do is admirable, it is unfortunate there are bad apples among the bunch, hopefully they will be weeded out.

Thanking you in advance for you kind and prompt attention to this matter.

Sincerely yours,

(b)(6)

RECEIVED  
R 10/25/2010  
EW 9:00am

CC (b)(6)



From the District Office of  
**Congressman Rodney P. Frelinghuysen**  
NEW JERSEY'S 11<sup>TH</sup> CONGRESSIONAL DISTRICT  
30 SCHUYLER PLACE  
MORRISTOWN, NEW JERSEY 07960  
PHONE: (973) 984-0711  
FAX: (973) 292-1569

To: Ms. Daundre  
TSA

Date: 11/29/10  
Pages to Follow: 4  
From: (b)(6)

PTI

Telephone: ( )  
Fax: (973) 292-2559

DISTRICT STAFF ASSISTANT.

Re:

Re: (b)(6)

Congressman Frelinghuysen would appreciate your careful review of his constituent's concerns. Please forward a response to our Morristown office.

Sincerely

(b)(6)

(b)(6)

OFFICE OF THE EXECUTIVE SECRETARIAT

2010 NOV 29 P 5:12

ADMINISTRATIVE SECURITY

November 29, 2010

TSA

To whom it may concern,

First let me tell you that I am a 76 year old grandmother who walks with a cane. I have limited mobility and I am only able to travel because I am supported by my husband and son. On Saturday October 30, 2010 I took Continental Flight Number CO718 from Newark, NJ to Puerto Vallarta, Mexico. Before boarding the flight fortunately, I thought, we had to pass through TSA security since I would like a safe flight as much as any other reasonable person would.

I am disabled, I walk with difficulty and I have an embedded spinal cord stimulation electronic device in my backside to mitigate the constant pain that I experience. I have documents describing this condition prepared by my doctors that I see for treatment monthly. These are always shown to the TSA agents at the security checkpoint. Since I have an embedded electronic device with internal wires running up and down my spine to provide some relief to my upper and lower extremities I can't pass through the magnetometer since that would cause undesired effects.

So I subjected myself to the pat-down inspection. I have done this before but this time it was performed by an excessively aggressive inspector that caused me severe pain and would not be more compassionate despite my most urgent pleas.

After returning from Mexico I contacted my pain management doctor, (b)(6) and he expressed serious concern about my experience when passing through the Newark TSA pat-down very personal inspection. I am enclosing a photo (below) of my back taken by (b)(6) 2 ½ weeks after my return home.

November 29, 2010



(b)(6)

The red circular welt, which was still black and blue just a few days earlier, was caused by the TSA inspector as she aggressively probed my embedded electronic pain mitigation device located in my buttocks. This device was not designed to be subjected to such aggressive exploration and as you can see it caused significant internal injury. Your inspectors have not been trained for the inspection of such devices and are seriously non-compassionate.

How do you think you would feel when subjected to such an inspection even after I asked for a little more care in their inspection approach. They knew that I had an embedded medical device, I told them where it is but they still felt it necessary to deeply finger probe my buttocks.

I am forwarding this letter to all concerned Government departments, Congressmen, newspapers, and also to all media outlets that I believe are interested in what the American citizens are being subjected to by your under-trained and unsympathetic inspectors.

(b)(6)

Morristown, NJ 07960

(b)(6)

February 17, 2011

Senator Charles E. Schumer  
1st O'Brien Building Room 420  
Albany, NY 12207

2011 FEB 28 12:28 PM

Dear Senator Schumer,

I truly love my country and want to see both airport security - BUT - a security check at Albany International Airport Albany, NY was humiliating and degrading.

(b)(6)

My granddaughter and her mom were returning home to the island in Delapier, Germany. They were scheduled to come after 5:00 AM on Feb 9th. When given enough security a male security guard (just short of strip searched her and the baby (a female guard watched)).

They even wanted to open the vacuum sealed jars of baby food and taste them (which would have made them unfit for the baby).

A scanner would have picked up anything unacceptable and the female guard could have pulled them down.

I'm all for keeping our country and travelers safe - but these guards must have gotten their "jitters".

(b)(6)

Sen. Schumer

Feb 17, 2011

humiliating and degrading a young  
beautiful mother.

I wanted to bring this to your  
attention hoping this isn't the way to  
treat families, whether civilian or military.  
Her husband is now serving in Afghanistan.

Respect,

Sincerely,

(b)(6)

cc: TSA Administration Office  
Arlington, Virginia

JOHN J. DUNCAN, JR.  
2ND DISTRICT, TENNESSEE

2207 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-4202  
PHONE: (202) 225-5435  
FAX: (202) 225-6440

800 MARKET STREET, SUITE 110 KNOXVILLE, TN 37902  
PHONE: (865) 523-3772  
FAX: (865) 544-0728

200 E. BROADWAY AVE, SUITE 414  
MARYVILLE, TN 37804-5782  
PHONE: (865) 984-5464  
FAX: (865) 984-0521

6 EAST MADISON AVENUE COURTHOUSE  
ATHENS, TN 37303-4297  
PHONE: (423) 745-4671  
FAX: (423) 745-6025

Congress of the United States  
House of Representatives  
Washington, DC 20515-4202

February 15, 2011

Mr. John Pistole  
Administrator  
Transportation Security Administration  
Department of Homeland Security  
601 South Twelfth Street  
Arlington, Virginia 20598

Dear Mr. Pistole:

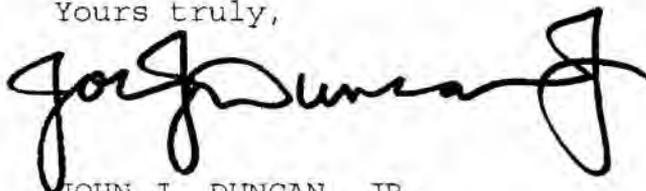
I have recently been contacted by (b)(6) a member of my constituency, regarding a matter with TSA. I find the attached information to be explanatory.

It would be greatly appreciated if you would address (b)(6) (b)(6) concerns, and send a response suitable for forwarding to my Knoxville office.

Thank you for your courtesy in this matter.

With kindest regards, I am

Yours truly,



JOHN J. DUNCAN, JR.  
Member of Congress

JJD:bb

(b)(6)

COMMITTEES:  
TRANSPORTATION AND INFRASTRUCTURE  
SUBCOMMITTEES:  
HIGHWAYS AND TRANSIT - RANKING MEMBER  
WATER RESOURCES AND ENVIRONMENT  
AVIATION  
NATURAL RESOURCES  
SUBCOMMITTEE:  
NATIONAL PARKS, FORESTS, AND PUBLIC LANDS  
OVERSIGHT AND GOVERNMENT REFORM  
SUBCOMMITTEES:  
NATIONAL SECURITY AND FOREIGN AFFAIRS  
GOVERNMENT MANAGEMENT, ORGANIZATION,  
AND PROCUREMENT

(b)(6)

**Knoxville TN. 37923**

(b)(6)

BB  
FEB - 9 2011

The Honorable John J. Duncan  
United States Congressman  
800 Market Street  
Knoxville TN. 37902

February 7, 2011

Dear Congressman Duncan:

I would like to report a recent outrage inflicted on me while traveling back to Knoxville.

I was booked, with my wife, on Delta flight 5585 leaving Newark on January 24<sup>th</sup> 2011. I went through the new scanning x-ray. I was then briefly detained and a TSA person said he would have to check the inside of my pants, around the belt line. I did not have a belt on and my pants had slipped some because I could not hold them up during the scan. He did not say what prompted the invasive search.

In the middle of the screening area he then proceeded to insert his hand into my pants as he went all around my belt line and below. His hand touched the top of my penis and his fingers were in the crack of my buttocks, while other people were going by.

I am 62 years old, a veteran of the Vietnam War and a voter. I was absolutely outraged but I was afraid to say anything to the TSA person. I am a frequent traveler and never have any problems with airport security.

The TSA needs to be stopped from treating other people like this. Perhaps you can help bring some sanity and decorum to this agency.

Your comments will be appreciated.

Sincerely,

(b)(6)

1/21

(b)(6)  
Devon, Pennsylvania 19333

(b)(6)

RECEIVED

SEC

MARCH 16 12:56

Secretary Janet Napolitano  
U.S. Department of Homeland Security  
Washington, D.C. 20528

March 1, 2011

Dear Secretary Napolitano:

I am writing to complain about the treatment I received on a recent visit (by airline) to Hawaii, by certain employees of TSA.

- I left from Newark NJ airport, where I was treated surlily by a supervisor because I requested a "pat down" search (I have a heart condition). I also was required to surrender a small pocket knife (certainly no "weapon" or "threat").
- On my return trip, my checked suitcase was opened and left disheveled, presumably because of a search. In addition, one of my suitcase's two tabs (see enclosed photo) was destroyed. I had a small lock on one (only one) of the tabs. The suitcase was fully accessible without destroying the tab. This act was totally uncalled for - it was the act of a "sick" mind. On the trip to Hawaii, the lock was on one tab and was not disturbed.
- In all fairness, the TSA inspectors on Hawaii were courteous and helpful.

You have a few "bad apples" in the barrel where power has gone to their heads, and it's your job to "straighten" them out or "kick" them out. TSA is already under scrutiny, and mistreatment of luggage will be the next "blow-up," unless abuses as these that happened to me, are stopped. Otherwise, TSA will get the same treatment that Obama got in November 2010

I have talked to others, and they feel the same way I do.

(b)(6)

(b)(6)

(b)(6)

North Plainfield, New Jersey, 07062



Transportation  
Security  
Administration

Office of Civil Rights and Liberties  
601 South 12<sup>th</sup> Street  
Arlington, Virginia 20598

Complaint: Newark Liberty International Airport  
Flight number: American Airlines 1921  
Date and time: Monday, February 07, 2011, 6:00am

To whom it may concern;

Please allow me to preface this complaint with the following:

I believe in honesty, integrity and good manners. I am 61 years old; I am retired from the (b)(6) as Sergeant of Detectives. My last 8 years prior to retirement I was on loan to the Immigration and Customs Enforcement, Department of Homeland Security.

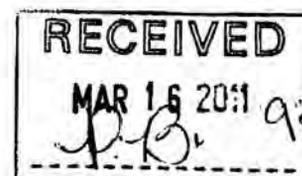
I worked under the following Supervisory Special Agents:

(b)(6);(b)(7)(C)

and (b)(6);(b)(7)(C)

Not only did I work under their direction, they are my friends and they are always totally professional. I take great pride having worked under these fine gentlemen. My wife and I, as well as my dear friends, (b)(6) were on our way to a well deserved vacation to the Keys in Florida. We arrived at the airport well within the prescribed 2 hours before flight. We waited more than one and a half hours on a line to go through security with less than 30 people in front of us. We were about to miss our flight according to the announcements that were broadcast.

(b)(6)



Finally T.S.A. personnel appeared. They took places. One person went behind the carryon screening machine. I did not take notice of this person. One young lady stood next to the full-body scanner. Another tall well built employee walked up and down the line yelling instructions to the befuddled passengers. The two visible T.S.A. employees sounded as though they were having a party.

I was rushing as we may not have made our flight. I placed my items in the trays and inadvertently placed my camera case on top of my computer. This tall employee yelled into my right ear, stating "can't you hear? I said put nothing on top of the computer". I looked at him and stated "I really don't need your silliness". The young lady laughed and said "he called you silly". Laughter was so hard between him and the young lady; it sounded as if I were at a comedy show. The tall man in his laughter replied "you should see me on a bad day" with more laughter.

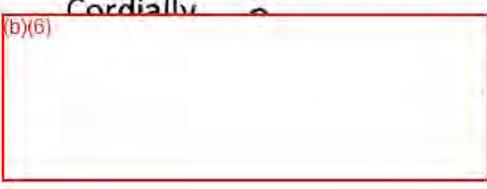
I rushed to get my items that had gone through the screening machine and place them in my carryon bags. My carryon bags and items in the trays went through without issue. However the tall employee rushed to the end of the screening machine looked directly at my eyes and laughed at me. I looked directly at his eyes and laughed. He said "what are you laughing at?" I identified myself, and he put his head down. I picked up my belongings and ran to the plane without putting my shoes on until I was seated at the plane. The door to the plane was closed as soon as, my wife; friends and I entered the plane.

My opinion is that this man was going to go through my carryon bags without necessity to make me miss my plane because I called him "Silly". I could have called him a few worse things as his behavior was so unprofessional.

It is obvious to me that professional training and monitoring is essential with Newark T.S.A. employees. Maybe you should model Newark T.S.A. employees after the Key West T.S.A. employees who were very helpful, considerate and professional.

Cordially,

(b)(6)

A large rectangular red box redacting the signature area. The text "(b)(6)" is written in red at the top left corner of the box.

March 17, 2011

TSA  
Director, Office of Civil Rights  
601 South 12<sup>th</sup> Street – West Tower TSA-6  
Arlington VA 20598  
Attn: External Programs Division

To whom it may concern,

I would like to bring to your attention an incident that occurred at the Albany Airport, Albany, NY on January 13, 2011 about 6:00am. Our family was booked on Southwest flight #502 departing at 7:25 am.

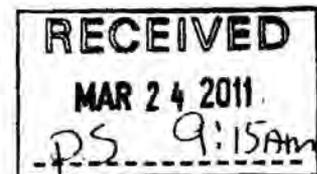
I would like to certainly start off by saying that I am very proactive in regards to the tightened security measures that the flight administration has put into place since 9/11. I am fully aware of the importance of the extreme safety protocols for all of our safety. I, more than many others, understand the importance of our safety issues as my husband is a pilot with USAirways.

My husband and I and our 2 daughters departed from Albany airport to Orlando for a family vacation to Disney World. Our 15 year old daughter has Type 1 diabetes. As we have flown many times in the past, I contained all of her medication and necessary juices all labeled in one carryon bag. We also followed all of the necessary listed guidelines.

As we approached the TSA screeners, they questioned all of the contents, which I respected. One gentleman in particular obviously did not believe a word I was telling him and made things very difficult for us. They pulled me and my daughter aside stating one of us will require a pat down as they continued to question the liquids. I offered the pat down, which again, I respected. After the pat down, they had their gloves examined and then stated something appeared on the gloves. At that point they informed me that my daughter will now require a pat down. I calmly explained the reason for this as she was visibly upset. At the same time, the agents approached me again stating that it was required for me to go into the private room for a more thorough pat down. I calmly obliged and followed orders. After my second pat down, the gloves were re-examined. Once again, something came up on the gloves. They stated it could possibly be the perfume or lotion. To my surprise, the TSA agent called the sheriff up for questioning. After I answered all his questions, I then had to hand over my driver's license to be scanned through the computer. Meanwhile, our 3 carryon bags were being looked through with a fine tooth comb, tampons opened, battery out of the camera etc.....

Through all of this frustration, I was very understanding and very cooperative yet felt discriminated throughout the process. I apologize, but I do not have any of the names of the agents as I didn't think of it at the time. We were very focused on getting to the gate on time to not miss our flight as this process had taken up quite a bit of our time. I will have to say, the 2 female agents were respectful, however, the male agent was a bit disrespectful. Even after my explanation about my daughter's diabetes, he still told me that I could not bring the juice on the plane. I explained to him, again, that she needs to carry this on her at all times for hypoglycemic situations, which she has had on many occasions. He continued to be very rude and took the juice away telling us they would have to be opened and checked. At this point, my daughter was completely embarrassed.

(b)(6)



The complaint that I would like to bring to your attention is I whole heartedly feel my daughter was discriminated against with her Diabetes. I can honestly say that we have flown many times and have never encountered this extreme security issue. We followed all of the appropriate protocols for bringing medication on the aircraft. When it was time for us to depart Orlando International Airport on January 18, 2011, I will have to say, the TSA agents were extremely polite. Yes, they did question the same medication bag and her juice, which I was expecting. I politely explained her Diabetes; they examined the bag and let us through with no hassles.

After our unfortunate incident at the Albany airport, my daughter, who still has a difficult time accepting her diabetes, felt extremely low about herself and embarrassed. The tears in her eyes will be something I will never forget. The excitement about going to Disney quickly disappeared. As a parent, this was very crushing to see this look on your child. To hear her say, "See Mom, if I didn't have this stupid disease, we would have never had to go through any of this and they wouldn't have been rude to you", was completely devastating.

Like I said before, I truly understand the strict guidelines all of you must follow for the betterment of our safety. I just hope that another child does not have to encounter this unfortunate experience we had to endure.

Thank you for your time.

Sincerely,

(b)(6)

(b)(6)

Waterville NY 13480

(b)(6)

April 10, 2011

(b)(6)

Holmdel, NJ 07733

(b)(6)

Transportation Security Administration  
Office of Civil Rights and Liberties (TSA-6)  
External Compliance Division  
601 S. 12th Street  
Arlington, VA 20598

Re: Complaint against TSA Agent (b)(6) misconduct

Dear Sir/Madam:

At approximately 5:50 am ET on April 4, 2011, I went through the security checkpoint at Newark Airport to board my flight to Los Angeles on Continental Airlines. My backpack went through screening and was removed by a TSA employee, but there was no reason given for this search. The contents of my bag were dumped and examined and I was told the contents had to be rescanned even though all my items were clearly visible. I quietly and calmly questioned the security of my belongings out of my sight to (b)(6), and he abruptly got very aggressive and rude and stated he would detain me and make me miss my flight.

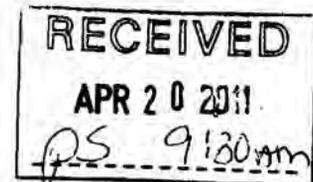
There was clearly no need for these threats and outright bullying by this individual in such a demeaning way. I have been taking this trip weekly for six months, and this is the first time I encountered such outrageous behavior. This individual should be investigated and carefully reviewed for other violations and this complaint should be made part of his record. I would appreciate it if someone would get back to me regarding this matter.

Sincerely,

(b)(6)

cc/

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Review and Compliance  
245 Murray Lane, SW  
Building 410, Mail Stop #0190  
Washington, D.C. 20528



(b)(6)

**CHRISTOPHER H. SMITH**  
4TH DISTRICT, NEW JERSEY

CONSTITUENT SERVICE CENTERS:

1540 Kuser Road, Suite A9  
Hamilton, NJ 08619-3828  
(609) 585-7878  
TTY (609) 585-3650

108 Lacey Road, Suite 38A  
Whiting, NJ 08759-1331  
(732) 350-2300

2373 Rayburn House Office Building  
Washington, DC 20515-3004  
(202) 225-3765

<http://chrissmith.house.gov>



**Congress of the United States**  
**House of Representatives**

May 11, 2011

COMMITTEES:

FOREIGN AFFAIRS

AFRICA AND GLOBAL HEALTH  
SUBCOMMITTEE  
RANKING MEMBER

WESTERN HEMISPHERE  
SUBCOMMITTEE

COMMISSION ON SECURITY AND  
COOPERATION IN EUROPE  
RANKING MEMBER

CONGRESSIONAL-EXECUTIVE  
COMMISSION ON CHINA  
RANKING MEMBER

DEAN, NEW JERSEY DELEGATION

Ms. Lavita LeGrys  
Assistant Administrator for Legislative Affairs  
Transportation Security Administration Headquarters  
East Tower, Floor 11, TSA-5  
601 South Twelfth Street  
Dhs, Virginia 20598-0001

Dear Ms. LeGrys,

Attached please find a privacy authorization form completed by my constituent, (b)(6) (b)(6) is concerned because he has been trying to retrieve items that were sent to storage from Terminal C, concourse 2 at Newark International Airport on April 29, 2011 and has been unable to speak to anyone at the Transportation Security Administration (TSA) Lost and Found office. A TSA representative at Newark International Airport (EWR) told him that the case number is (b)(6).

I would appreciate your checking into the matter for me and providing any information which will help me respond to my constituent further. I know that the matter will be carefully and objectively reviewed and I am grateful for any assistance you may be able to render.

Please respond to my Mercer/Burlington Constituent Service Center, 1540 Kuser Road, Suite A9, Hamilton, New Jersey 08619, attention (b)(6) I look forward to hearing from you.

Sincerely,

CHRISTOPHER H. SMITH  
Member of Congress

CHS: jgc

## COMPLAINT ABOUT TSA SERVICE AT EWR

On the 29<sup>th</sup> of April 2011 I entered the employee TSA check point for Continental Airlines at Terminal C, concourse 2.

I was on a trip from EWR to BOS flight 562 Continental Airlines. The initial TSA agent challenged my Continental Airline Employee ID badge because she claimed "it was not like hers." I asked her if I could speak to her Supervisor. I was put in the holding pen. No alarm had sounded. At first I was approached by a female assist agent, but then she called a male assist agent.

He requested that I accompany him to the side about twenty feet away. I of course was not permitted to touch my security items that went through on the conveyor belt. (Later I was informed that a TSA should have retrieved the items and accompany me which was not done).

There was a Samsung Sprint Cell phone with a telephone number of (b)(6) A Mercedes Benz E300D electronic car key. A group of keys which were identified by a Shop Rite Discount ID which consisted of two (2) United States Post Office keys, the key to my apartment.

After the confusion of the check in process, the TSA agent who did a shoe check apologized and sent me on my way. Momentarily I forgot to search for the security items. At the gate while boarding the aircraft I discovered my overlooking. But as the check point was at a gate a good distance from the check in point I decided to board the plane and claim the items when I returned later in the day.

Upon my return to EWR from BOS was I was advised that at 4:00 p.m. all items had been "swept" and taken to storage. In this case not at the airport, but at an unknown address in Union, New Jersey. However by that time they could not be contacted being after four p.m and being closed Saturday and Sunday to call Monday morning the Lost and Found at 908-787-0667.

I did call to give a detail report of items, telephone number were I could be contacted, and where they were last seen. The automated answer machine had a message which announced "your call will be answered IN A TIMELY MATTER in order that it was received." In addition : "All calls will be returned."

I Called 908-787-0667 again on Monday May 2 at 3:52p.m.: same response. Again, on Tuesday May 3<sup>rd</sup> at 6:58 a.m.: same response. On May 5th I called at 12:16 p.m.: same response. On May 7<sup>th</sup> at 11:33 a.m. same response.

I drove to the airport to speak with a TSA representative, His name I recall was (b)(6) He tried to be helpful and called a friend who was identified at (b)(6) in Union and was told that the case was logged in as (b)(6)

But since he was busy (b)(6) advised I call the next day 787-908 (b)(6) (one digit number from the previous number. It was during working hours. It was answered by some speaking a foreign language and did not reply in English and terminated the call.

On May 8<sup>th</sup> I called 787-908 (b)(6) again during non working hours and heard the same recorded message that was on 787-908 (b)(6) about it would be answered in a "timely manner" At least it was a number that confirmed it was legitimate.

On May 10<sup>th</sup> at 9:45 a.m. a live voice answered again speaking in a foreign language (without the recording).

I sent a e-mail to the Transportation Security Administration on May 9<sup>th</sup> with my complaint at 2:24 p.m. (See attached). It seemed to have enough detail to merit a response. Instead on May 9<sup>th</sup> at 5:26 p.m. an e-mail was sent by TSA to me with the statement:

The Transportation Security Administration is unable to respond to your inquiry with the information you have provided. If you wish to pursue your request for information, please contact us with a detailed explanation of the information you are seeking.

Apparently they had not read my inquiry!

I realize that (b)(6) TSA chief at EWR, had just assumed his job two weeks ago and would be obviously very busy. I even mentioned, as you will note, "should I contact the office of my congressional representative?"

(b)(6)

Hightstown, New Jersey 08520

(b)(6)



Transportation Security Administration  
U.S. Department of Homeland Security

### TSA Contact Us: All Other Inquiries

Please review your message below. Click the [Back] button to the previous screen to make changes. If you are satisfied with your message, click [Submit] to send it.

<b>Name:</b>	(b)(6)
<b>Email:</b>	(b)(6)
<b>Brief Description of Inquiry:</b>	Lost & Found No response at EWR
<b>Comments:</b>	<p>I have made five queries about items left at check point Terminal C in EWR. Called 808-787-(b)(6) and receive automated answer your call will be answered in order received IN A TIMELY MATTER. Leave name, description of items and telephone contact number. No response has been made to my telephone number (b)(6). Drove to airport and talked with TSA representatives told by (b)(6) that I was assigned and to contact (b)(6) 787-908-(b)(6) at Lost &amp; Found office in Union NJ at unknown address. Auto answered in a foreign language at that number. Now going on two weeks with still no response. Is it lack of staff or just plain arrogance on part of TSA staff not to reply as promised? Please advise next step. Should I contact (b)(6) (b)(6) TSA chief at EWR or the office of my congressional representative?</p> <p>Thank you for your assistance</p>

[Back](#)   [Submit](#)

Transportation Security Administration | U.S. Department of Homeland Security

Subj: **In Response to your inquiry.**  
Date: 5/9/2011 5:26:20 P.M. Eastern Daylight Time  
From:  
To:  
Thank you for your email message.

The Transportation Security Administration is unable to respond to your inquiry with the information you have provided. If you wish to pursue your request for information, please contact us with a detailed explanation of the information you are seeking.

TSA Contact Center

**NOTICE:** The information contained in this message and any attachments is privileged and confidential and therefore protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent who is responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Senture does not accept liability for changes to this message after it was sent. The views expressed in this e-mail do not necessarily reflect the views of the company. If you have received this communication in error, please notify the sender immediately by replying via e-mail to this message and deleting this information from your computer.

Monday, May 09, 2011 AOL: (b)(6)

# United States Senate

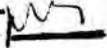
WASHINGTON, DC 20510

May 6, 2011

Ms. Lavita LeGrys  
Assistant Administrator for Legislative Affairs  
Transportation Security Administration Headquarters  
East Tower, Floor 11, TSA-5  
601 South Twelfth Street  
Arlington, VA 20598-6001

RECEIVED IN OLA

MAY 26 REC'D

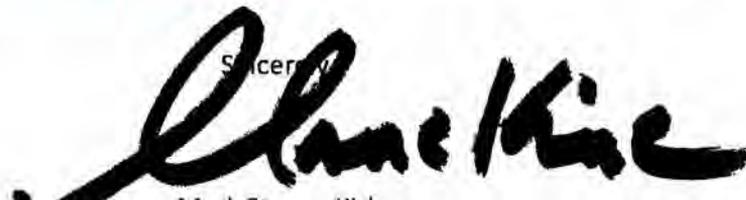
INT 

Dear Ms. LeGrys:

Enclosed please find a copy of correspondence I received from my constituent, (b)(6) of Chicago, Illinois.

(b)(6) has concerns regarding an issue involving the Transportation Security Administration. Details about her case may be found in the enclosed correspondence, and I would appreciate any information or assistance you would be able to offer my constituent in accordance with all applicable laws and regulations.

Thank you in advance for your assistance with this case. Please do not hesitate to contact my Director of Constituent Services, (b)(6), at (b)(6) should you have any questions regarding this matter.

Sincerely,  
  
Mark Steven Kirk  
United States Senator

MSK: ma

enclosure

68-1-10 10:11:13  
10/10/11 10:11:13

From: (b)(6)  
Date: 5/5/2011 11:36:15 PM  
To: (b)(6)  
Cc:  
Subject: TSA Civil rights complaint

(b)(6)  
<APP>SCCMail  
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<ZIP>60637</ZIP>  
<PHONE>(b)(6)</PHONE>  
<EMAIL>(b)(6)</EMAIL>  
<ISSUE>Gov</ISSUE>  
<MSG>

To whom it may concern,

I wish to file a formal complaint on the conduct of several TSA employees at the Atlantic City, NJ airport. I was targeted as an African American traveller and rudely treated throughout the entire screening process. The conduct of the staff, supervisor and police officers involved was a direct violation of my rights as a US citizen.

At approximately 3:15pm EST, my husband, autistic child and I approached the podium to check boarding passes and ID's. We were attempting to board a Spirit Airlines flight to Chicago. A Caucasian TSA passed by the two travellers in line in front of us to stand in front of me. He stated that I was randomly selected for a hand screening and began swabbing my hands. He then walked away to a machine without stating anything further. As we approached the podium and provided our identification to another TSA attendant, the original TSA came back stating that my hands "had alarmed." It was very clear that this gentleman was new and did not know what to do. He seemed confused and he then began asking several other TSA what to do as he had an "alarm." These conversations were held around other travellers who were in line and began to cause a slight disturbance. Another TSA shouted instructions from across the aisle to bring me to the front of the line. I was separated from my family and brought to the front of the line as the escorting TSA stated to another traveller, "I have to bring her in front of you because she has alarmed." I was then asked if I had all of my bags and to place all of my belongings on the screening belt. The TSA then began speaking to each other using internal codes regarding how to handle me.

After completing the initial screening process, I was told to "stand right here" by a female TSA who then left. Another Caucasian female TSA then began going through my belongings after asking if these were all of my belongings. As she began, a male Caucasian TSA approached and stood next to her during her screening of my property. Other than asking if "I had knives, needles or anything that could stick her," the TSA stated nothing further to me. After the completion of her bag check, I was escorted to a room with two female Caucasian TSA. Not one word of explanation was provided to me during this entire process.

After the door was closed, one of the TSA (b)(6) stated has anyone explained what is going on to which I replied no. She stated that I had alarmed and they needed to perform a full pat down which included very private areas. I asked for their names and information about my rights as a Citizen prior to my private areas being touched. I informed them that I wanted to speak with an attorney due to the way this had been conducted. I told them I felt I was being targeted as an African American. One of the female TSA left the room to have a discussion with another TSA. The TSA (b)(6) immediately stated that she had to find a supervisor. The other female TSA walked out to find a supervisor. A couple of minutes later, another TSA (b)(6) walked in without identifying herself as a supervisor. She said what's the problem. The TSA (b)(6) stated that I requested their names and a business card prior to a pat down. I asked the supervisor if she had anything which provided me information as to my rights. She said we can provide our names after the pat down has been completed. I asked again if they had any pamphlets, anything to let me know my rights. The supervisor stated: We do not provide pamphlets on our procedures to terrorists. I stated "when I walked into your airport I was a US Citizen, now I am a terrorist?!" The supervisor then said the police can explain my rights to me and had another TSA contact the police department. While waiting for the police I asked the supervisor if she can explain the process as I had a flight to catch. She stated "You can wait for the police to explain your rights to you now that they have been called."

An officer arrived within several minutes and was told by the supervisor: She wants to know her rights. I explained the situation to the officer that as a citizen I wanted to know my rights prior to being personally violated. The officer stated to the TSA supervisor: "That's your job." During this conversation, another officer arrived. He simply stated that he would need my ID after the process was complete as he needed to complete an incident report. I asked what was the incident and was told that since the TSA called the police on me, an incident report needed to be completed. The second officer was curt and dismissive to my plight. I asked if I could provide the ID to him so that he can begin his report while the TSA was conducting the pat down. The officer responded "This is not a negotiation, I will conduct interview when you are done." During this conversation with the officers, the TSA (b)(6) became very argumentative with me and speaking to me with a raised voice. I stated again, I asked what my rights were and am now being told I am a terrorist.

After the police exited the room, I was asked if I was okay with the pat down to begin. I told them I didn't have a choice. TSA (b)(6) conducted the personal pat down which included touching my private areas. The TSA (b)(6) felt my breasts twice and went in between my legs twice as well. I believe this was excessive and retaliatory. I felt humiliated and personally violated.

During this time, not one person attempted to let my husband know what was transpiring. My husband inquired with an officer after they exited the room I was being detained in. He stated to the officer that we had a flight to catch and was told " you should arrive at the airport two hours prior to departure." My husband responded that we arrived 1 hour, 50 minutes prior to our departure but thank you Officer.

Upon exiting the interrogation room, my husband and son were surrounded by the police officers. My husband was providing our address to the "Sergeant." I handed the officer my ID as requested. The Sergeant asked my name to which I replied it is on my ID. The Sergeant then phoned someone asking them to run my information. The two officers walked us to the gate stating that we would not miss our flight as they had called to notify the airline. Upon approaching the gate, the Sergeant made another call and asked if the person on the line had checked "Interpol." I again stated that I was being unfairly targeted as an African American to which the Sergeant replied ": everybody goes through this. I stated that no one else had been "randomly selected" in the hour and a half I had been detained." The officers then began to attempt small talk while they waited on a return call. I asked if I was being placed on a no fly list, to which the officers laughed and replied no. I found no humor in the conduct and actions of all parties involved.

Once the officers received another phone call, we were told we were free to board.

As a frequent traveller, I am pretty well versed on what the expectations are. The conduct of all the TSA and the Sergeant involved in the incident was reprehensible, and racially motivated.

The purpose of this message is to bring awareness to the abuse of TSA powers being forced upon everyday citizens.

While I understand the importance of the safety measures for the airlines, it should not come at the cost of humiliation, torment, degradation, nor civil rights violations of any citizen.

Regards,

(b)(6)

cc The White House, Office of Homeland Security

cc NJ Governor Chris Christie,

cc US State Representative, Bobby Rush, IL

cc US State Senator, Mark Kirk, IL.

cc US State Senator, Jim Whelan, NJ.

cc Pam Zekman, CBS news Chicago

cc ACLU of illinois

</MSG>

</APP>

May 12, 2011

Donald Drummer  
Transportation Security Administration  
Newark International Airport  
10 Toler Place  
Newark, NJ 07114

RE: Behavior of TSA Agent (b)(6) during "Pat Down" Procedure

Mr. Drummer:

Having been a frequent air traveler ("Million Miler") for the past two decades, I have viewed the onslaught of recent media reports criticizing the TSA and its agents with great skepticism. My countless experiences with the TSA, although not always convenient, have generally been professional and respectful. Unfortunately, I have now experienced first hand a grotesque display of unprofessionalism --- arguably criminal behavior--- by TSA agent (b)(6) at the Newark Airport. (b)(6) displayed unprofessionalism and hostility to the "nth" degree. He attempted to intimidate, humiliate, and harass me (verbally and physically). This incident was immediately reported to the on-site Supervisor. Below are the key events of the incident:

- Date of event – 5/12/11
- Time (approx.) – 6:20 AM
- TSA Agent – (b)(6)
  - Badge Number (b)(6)
- TSA On-Site Supervisor – (b)(6)
  - Badge Number (b)(6)
- Location – Newark International Airport
  - B Gate TSA Screening Area
  - Aisle – B1
  
- After passing through the scanning machine, I was selected for a manual "pat down"
- Agent (b)(6) was assigned to perform the "pat down"
- Agent (b)(6) immediately took a hostile, confrontational and directive tone w/ me
- Once in the area where the 'pat downs' are performed, (b)(6) asked me if I had gone through this process before. I answered yes. He asked how many times. I said I was not sure. He demanded that I estimate it. I answered 50-100 times (admittedly this was an exaggeration on my part). He demanded I be more specific than that, so I randomly picked a number ("73"). Throughout much of this "conversation" (b)(6) kept his face inches from mine, clearly trying to intimidate me.

- (b)(6) then asked if any areas of my body were particularly sensitive. I answered, yes, the area of my upper left thigh and groin.
- He then proceeded with the "pat down".
- While patting down my back, (b)(6) exerted undue pressure requiring me to exert myself to prevent being pushed into the counter in front of us. Bear in mind—I am a 43 year old, 6' 4", 225lb man in reasonably good shape and strength. I shudder to think what (b)(6) actions would have done to a smaller, older or more frail man.
- (b)(6) then began the front pat down. As he continued to squeeze my right leg, moving upward, the pressure he exerted began to increase. By the time he reached my groin area, he was clearly using undue force (far more than I ever have felt in an "enhanced pat down" before). I needed to flex my leg muscle to try to counteract the pressure he was exerting. He clearly became agitated with me at this point and began to squeeze even harder.
- He then repeated the process on my left leg (the sensitive one). Once again, the pressure he exerted was far beyond anything I had experienced before – and clearly well beyond what was necessary. He was obviously trying to inflict pain.
- After completing the left leg, (b)(6) demanded that I place my feet on the markers painted on the mat on which we were standing. I was partially (and intentionally) off these markers to give him space in which to work between the counter behind him and me.
- As instructed, I moved onto the markers. At this point, (b)(6) stood up and began arguing that he never asked me to move "forward" (which he didn't – he asked me "to step on the markers" – which required me to move forward). Our faces were now inches apart again. He argued that he meant for me to spread my legs wider – not step forward. He did not explain how I was supposed to know that was what he meant.
- What he did next is what put things over the top. He then repeated the process of squeezing my left leg (the one he knew was sore). When I asked why this was necessary, another argument ensued. At this point, I demanded to see a supervisor and (b)(6) was called.
- (b)(6) then finished the pat down of my feet in the presence of Supervisor (b)(6) without incident
- With the pat down now complete, Supervisor (b)(6) asked what had happened. (b)(6) clearly still in a confrontational mode, began to answer. To Supervisor (b)(6) credit, once he observed the tone of (b)(6) he directed (b)(6) away from the area and asked me to come into his office so I could explain my perspective on the events that occurred. At this time, I also repeated my request for the name and badge number of (b)(6). BTW – when I asked for this information in writing from (b)(6) himself, he responded by saying "Why can't you just commit it to memory?" -- once again in a very degrading manner – clearly trying to insult my intelligence. Supervisor (b)(6) was witness to this comment.
- I am pleased to learn that this incident is captured on video for your review. I only wish audio was available too,

As I write this letter on a flight to Seattle, my wife sits next to me still in tears after witnessing the event. And I sit here with a sore thigh exacerbated by the actions of (b)(6).

As I left the TSA area, the stare down I received from (b)(6) further underscored his attempt to intimidate. I admit that I gave pause to write this letter knowing full well it will give (b)(6) the ability to find me and take vengeful action. For that reason, in addition the people listed below, a copy of this letter will also be forwarded to my lawyer and the local authorities. I, of course, will now be forced to avoid Newark airport and incur the costs associated with change fees to existing reservations and increased fares.

I was taught a long time ago that whenever writing a complaint letter to be very specific about the desired outcome. In this case, what I am seeking is that (b)(6) never be allowed to perform "pat down" procedures on another passenger. He clearly is not cut out for this line of work and poses great risk to passengers and the TSA. A passenger not in control of their temper easily could have responded to (b)(6) behavior physically – which could have lead to many undesirable outcomes. His behavior also puts the TSA at risk of law suits and other legal issues.

Finally, the one thing I do NOT want is a form letter sent to me indicating that this incident will be noted in (b)(6) file and if a trend develops, appropriate action will be taken. This situation does not call for "waiting for a trend". It calls for immediate action.

Sincerely Yours,

(b)(6)

(b)(6)

(b)(6)

(b)(6)

White Haven, PA 18661

P.S. – On my return trip, which occurred without incident, I noticed the TSA pledge in the screening area. One bullet point stated the following:

- We pledge to treat you with courtesy, dignity, and respect during the screening process.

I guess (b)(6) missed that day of training.

.cc

John Pistole

(b)(6)

US Senator Frank Lautenberg

US Senator Robert Casey

Congress of the United States  
House of Representatives  
Washington, DC 20515-2803

June 6, 2011

copy from  
INT  
RECEIVED IN OLA

Assistant Administrator LaVita LeGrys  
Assistant Administrator for Legislative Affairs  
Transportation Security Administration, DHS  
East Tower, Floor 11, TSA-5  
601 South Twelfth Street  
Arlington, VA 20598-6001

Dear Assistant Administrator LeGrys,

Enclosed is a copy of correspondence I received from one of my constituents, (b)(6) (b)(6) concerning his family's experience during a recent screening by Transportation Security Administration officials.

I would appreciate it if you would review the enclosed letter and ensure that my constituent receives a response from your agency. Please send a copy of this response to my office at 132 Cannon HOB, Washington DC 20515.

Sincerely,



DR. JOE HECK  
Member of Congress

(b)(6)

Las Vegas, NV 89135

(b)(6)

Re: TSA experience

Just when we thought TSA staff could not make air travel any more unpleasant we were unpleasantly surprised that a new lower level of service was inflicted upon us.

On Thursday, April 2, 2010, my wife and I patiently waited our turn for document review and identification verification then x-ray bombardment. We approached the document inspection fellow (who was most pleasant) together. I emphasize together. We then proceeded together to disrobe (shoe, belt, watch and jacket removal) at the conveyor belt.

Then things started to fall apart. I was ordered to proceed to an adjacent security conveyor belt area that was divided by a partition from the area where my wife was. I tried to join my wife but was told brazenly three times to go to the other area. I was stunned and did as told by a physically large, authoritative man.

Anyone with half a brain or was paying attention could see that my wife and I were together. We were never more than a foot apart at any time, we walked in concert with each other and after our documents were checked I gave my wife my passport.

I opted out of x-ray bombardment so I had the hand grope pat-down. As the TSA gent completed his pat-down I asked to speak to a supervisor. All this time I could not see my wife and she could not see me. We had no means of communication. I was trembling by time the pat-down was completed as I was now out of contact (visually or verbally) with my wife for what felt like an eternity. My wife and I have been married over 40 years and we keep pretty close tabs on each other.

We explained to the supervisor our treatment and concerns. The first thing he did was let us clearly know in no uncertain terms we were in the wrong as I should have told the TSA barking orders to me that I wanted to go through security with my wife. That went over real well with us. When we speak up to TSA folk we get reprimanded and if we don't speak up to TSA folk we get reprimanded. You've got it covered.

When the supervisor asked me why I didn't tell the TSA agent that I wanted to go through security with my wife I said I was intimidated and stunned to speak up (after all TSA is all about intimidation). We have learned through other experiences that if we speak up we are punished by TSA folk. It is like making us stand to the side. Any excuse delaying our passage. The supervisor told me there was no reason to be intimidated. If I was intimidated I needed to be intimidated by Washington, D. C.

We told the supervisor we would be filing a complaint with TSA and asked for the name of the TSA gent who ordered me to another screening area. The supervisor refused so my wife asked another TSA agent for the name and was provided (b)(6). The supervisor then took our boarding passes as he said he needed to make a note that we would be filing a complaint, more intimidation.

We then proceeded to the United President's Club. The woman there asked how my day was going and I said not well as we had just come through security. I shared with her our experience. When I mentioned the intimidation issue she chuckled and said she is in uniform and is intimidated by the TSA staff and process. She said it is all about intimidation.

Enclosed are copies of my travel itineraries on Southwest Airlines for the past 12 months and my United Airlines travel for 2010. Each Southwest flight noted is a round trip so there were about 20 passages in 12 months through the TSA security gauntlet and on United I flew over 100,000 Elite Qualifying Miles with almost 40 security screenings. I am not a novice to TSA or air travel security. What I experience is inconsistent treatment through security surrounded by untrained TSA folk in how to treat people.

In this specific instance the TSA gent was not paying attention at Newark.

On May 10 my wife and I flew to San Diego from our home in Las Vegas. TSA never seems to fail us with an unpleasant experience. This time the overweight, TSA female agent needed to go through my bag. She gruffly grabbed my bag and started to go through it. I asked her to be gentle with my things. She looked at me scowlingly as if to say 'I'm in charge and I'll do as I want with your things.' I told her I was speaking up at that it was I was directed to do in Newark on April 2. She snidely said 'This is not New Jersey.'

Anyone with half a brain knows it is unnecessary to screen anyone as extensively as we are who travels via air as much as my wife and I do.

cc; Congressman Joe Heck  
8485 W. Sunset Road, Suite 300  
Las Vegas, NV 89113

SCANNED/RECEIVED  
BY EXEC SEC

2011 JUN 21 AM 10: 00

June 10, 2011

The Honorable Janet Napolitano  
Secretary – Department of Homeland Security  
U.S. Department of Human Services  
Washington, DC 20528

Dear Secretary Napolitano:

Good day. My name is (b)(6) and I reside in Toms River, New Jersey. I am a 09-11-01 survivor who narrowly escaped from the North Tower (WTC #1) just 8 minutes before its twin fell to its foundation; so, I feel fortunate to be able to write to you today. As you might imagine, I have a lot of interest in what our federal government has done and is doing with respect to protecting America's citizens from any type of terrorism and you should know that I have always fully supported TSA and its efforts to make our air travels safe and free from potential harm.

Secretary Napolitano, I will be brief. My ex-wife who I still have a good relationship with flew into Atlantic City International (ACI) via Spirit Airlines from her home in Orlando to be with our daughter in Basking Ridge (NJ) since she was having breast surgery due to tumors. Since I live close to ACI, I picked her up during her arrival and I drove her back to ACI for her return to Orlando on May 24, 2011. I write because my ex-wife, (b)(6), was asked upon her return to ACI by a uniformed TSA agent wearing a blue shirt with TSA patches and markings to see her boarding pass. THIS IS THE ISSUE: You should know that this request and initial contact by a TSA agent was made outside (before) the zigzag wait line designed for boarding passengers who await security check-in which, again, is customarily located before any passenger's official contact with a TSA agent. As you know, once a passenger walks through the zigzag wait line they typically make initial contact with a TSA agent who is seated at a podium right before the security devices including screening conveyors and pat down procedures. This TSA agent is also responsible for validating a person's identification (license or passport) and legitimate boarding pass. Well; the first TSA agent who greeted (b)(6) and who was standing before the zigzag line and in the general terminal area asked for and reviewed her boarding pass. Upon review, he advised her that she had to return to the Spirit Airlines check-in counter to pay for her carry-on bag since her boarding pass did not reflect that she had paid for her bag and that it did not indicate the appropriate zone. According to (b)(6) this appeared to be this TSA agent's only function since he had nothing further to discuss with her other than the baggage matter. According to (b)(6) he was clearly representing the interests of Spirit Airlines while wearing a federally issued TSA uniform and this is not right. (b)(6) returned to the check-in counter and paid \$30.00 for her carry-on bag and, upon her return to this same TSA agent, he thanked her and gave his approval to the new boarding pass which noted the appropriate zone which in essence confirmed payment of her carry-on bag.

I personally feel that this TSA agent represented himself improperly in his capacity of a federal employee and not in accordance with all that Homeland Security has advocated since 09-11-01 and its policies and procedures. He does not work for Spirit Airlines (to our knowledge) but he was representing Spirit on May 24, 2011 while wearing his TSA uniform. This is wrong!

I would like to hear from you.

Thanks, (b)(6)

(b)(6)

Toms River, NJ 08757

(b)(6)

(b)(6)

Santee, CA 92071-1965

June 28, 2011

John S. Pistole  
TSA 1  
601 South 12<sup>th</sup> Street  
Arlington, VA 20598-6002

Dear Sir:

Goodness! Do your TSA agents wake up in the morning and take nasty pills before coming to work? I am not trying to be facetious, just stating the fact that the TSA agents in Newark, New Jersey, around Continental Airlines are rude, abrupt and just plain nasty, there is no other way to describe it.

It was chaos when I arrived last night with TSA agents shouting orders and pointing in all directions. Passengers were bumping into each other in the confusion of where to go and the agents were extremely unhelpful by shouting and pointing and getting angrier the more people who came to them to ask questions.

I can imagine what a stressful job it is to be a TSA agent, but most of us have some stress on our jobs and still try to handle it with grace and courtesy. If it is impossible to hire "nice" people in the New York/New Jersey area, then at least train them to handle their extreme work loads in a more efficient manner and with little less attitude.

Sincerely,

(b)(6)

(b)(6)

EXHIBIT  
2011 JUN 28 8 54 AM  
AIRTEL  
TSA-110711-007

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON  
COMMERCE, JUSTICE,  
SCIENCE AND NASA

SUBCOMMITTEE ON  
FINANCIAL SERVICES AND  
GENERAL GOVERNMENT

SUBCOMMITTEE ON  
HOUSING AND SECURITY

ASSISTANT REPUBLICAN WHIP



**JOHN CULBERSON**  
7TH DISTRICT, TEXAS

July 6, 2011

WASHINGTON OFFICE:  
1514 LONGWORTH BUILDING  
WASHINGTON, DC 20515-4507  
202.225.2571  
FAX 202.225.4381  
DISTRICT OFFICE:  
10000 MEMORIAL DRIVE, SUITE 620  
HOUSTON, TEXAS 77024-3490  
713.682.8828  
FAX 713.680.8070  
INTERNET:  
WWW.CULBERSON.HOUSE.GOV

Ms. Claire Heffernan  
Assistant Administrator for Legislative Affairs  
Transportation Security Administration  
East Tower, Floor 11, TSA-5  
601 South Twelfth Street  
Arlington, VA 22202-4220

7/11/2011  
INT  
RECEIVED IN OLA  
P11

Dear Ms. Heffernan:

The attached communication was forwarded to my office by (b)(6) who is concerned about a matter that falls within your agency's jurisdiction. I would appreciate it if appropriate inquiries could be initiated on this individual's behalf. Please provide a full written response for me to report to the constituent.

In the event you require more information please do not hesitate to contact my office.

Thank you for your courtesy.

PLEASE REPLY TO:  
Office of Congressman John Culberson  
10000 Memorial Drive, Ste. 620  
Houston, TX 77024  
713.682.8828  
713.680.8070 (f)

Sincerely,

John Culberson  
Member of Congress

JC/cms

(b)(6)

From: (b)(6)  
To: (b)(6)  
Subject: customs issues  
Date: Fri, 24 Jun 2011 02:49:21 +0000

Dear Ms. Alice Chen,

I am writing this email to you today to ask for your assistance regarding a reoccurring issue when I travel overseas. As you know, I currently have many family and friends that live overseas, including my fiance. Due to these circumstances, I leave the country quite often.

For the past couple years or so, I came to realized that I had been getting stopped by customs agents with great frequency upon returning Stateside. It became to a point that I was checked virtually every single time. As I rarely purchase anything that needs to be declared, it became clear that these were not random checks due to the consistency of occurrence. After discussing with the customs officials on numerous occasions, they had advised me that I was "flagged" in the computers, which instructed them to check me each time that I had to clear customs upon re-entry to the US.

This issue escalated in March, when I was flying out of the US, on March 9th, 2011, flight CO99 on Continental to Hong Kong out of Newark Airport. Upon scanning my boarding pass at the gate, and entering the entrance tunnel, a TSA agent was waiting inside and approached me.

The agent proceeded to detain me, and inquired about the cash that I had in my possession. At that point, I replied that I had a few thousand dollars on me. In response, the agent asked for an exact amount. With the attitude in which I was asked, I immediately suggested that she look through my bags and for us to "count the exact amount together", as I did not want to answer erroneously, and to let her understand that I had nothing to hide. The agent rebuffed my efforts to be forthright in this manner, and then insisted that I wrote the exact amount on a piece of paper. I then reiterated that I did not know the exact amount, but that it was around \$5,000. Again, she insisted that I wrote the amount down, which at that point I acquiesced, thinking that she simply wanted my best estimate.

It was only then that the agent then immediately took me to the side and began to search through my belongings, as I had suggested earlier. During the search process, the agent spread all my money and other belongings on the floor, which even resulted in one of the carryon shopping bags being torn open. Upon counting the cash, it turned out that I had around \$4,400 in my possession.

At that point, the agent had me sign a paper stipulating that she had returned all my cash, and left me to clean up the mess. It was then that the other TSA agents nearby began to harass me and yell at me that I "needed to hurry up", and that the "plane would leave me". Throwing all of my belongings into the bags while items fell out of the torn bag, I quickly rushed to the gate while the agents continued to yell at me as if I were the one causing the delay.

I'm a law abiding US citizen, and I do not believe that I deserve to be treated as I have been. My biggest issue is that I've never violated a customs declaration, nor have I committed any

wrongdoing for the US government to flag me for any related activity, though the treatment of the TSA towards me speaks otherwise. The attitude from TSA in which I felt they attempted to "entrap" me into a situation that would make it appear that I was being less than forthcoming was also particularly bothersome. I cannot imagine any other reason that they would refuse to search my belongings when I volunteered to be searched, and only do so after they attempted to force me to settle on a very specific figure. Fortunately, my estimate was above the amount that I was carrying, otherwise I'd be very concerned of the implications if it was not!

Please refer my case to whomever you feel can help me. I would, at the very least like to have my name removed from the computer for mandatory checks. I believe that this insecurity when I travel of being detained every trip on my return to my home country is unwarranted.

Thank you for taking the time to understand my situation, and any help that you can provide.

Best Regards,

(b)(6)

(b)(6)

West Midlands  
ENGLAND  
WSS 3PL

20<sup>th</sup> August, 2011

TSA – Complaints Office  
Transportation Security Administration  
601 South 12th Street  
Arlington  
VA 20598

2011 SEP -2 P 4:47  
TRANSPORTATION SECURITY  
ADMINISTRATION  
DM

**COMPLAINT – NEWARK AIRPORT STAFF/PROCESS**

Dear Sir,

I am writing to complain about an incident at Newark airport and the discourteous approach of one of your staff members.

I have previously sent a couple of emails about this via your contacts form on the website, however added to my complaint now, and the reason for writing to you, is the fact that on both occasions it was very evident that the reply is a standardised one as it failed to address the issues I had raised. Your contact system is not user friendly and when I tried to respond last night by email, my email was returned to me, which would force me to start the whole process again on the contacts form. It is evident that you do not connect previous emails and as I have received an unsatisfactory response to my previous two emails, I have no confidence that emailing a third time will illicit any improved response. If you are able to track these, my emails were both sent on the contact form for 'discourteous/rude employee'. I received the second response from you on 17<sup>th</sup> August at 18:33 (English time). My first email of complaint was sent to you on Sunday 14<sup>th</sup> August at approximately 20:00 (English time).

However, to summarise, I purchased two items at Heathrow duty free from their Jo Malone outlet – a 100 ml bottle of perfume and a 175 ml jar of body cream. I explained I was flying to Newark and then had a connecting flight from there to Orlando. I was assured that as they would seal the items in the transparent bag used for duty free purchases, along with the receipt, this was perfectly acceptable and would cause no issue.

On arrival at Newark, we went through the further security check at approximately 13.00 hours. The scanner beeped and I was called over by one of your TSA employees. He said he needed to pierce the duty free bag and inspect the items. Despite politely relating the above story and pointing out that the bag is clearly marked that it should not be tampered with until arrival at the final destination, he pierced and opened the bag. After commenting that it smelt good, he then said he needed to confiscate the body cream and I could only take the perfume with me. The body cream costs about \$90.00. As we had very limited time, we had no time to discuss this further or ask to speak to a supervisor. The man in question turned to his colleagues, holding out the cream and

saying 'who would like this?' At this point, I did ask if the cream was going to be taken and given as a gift to a wife or girlfriend. Despite denying this, this is exactly the impression that was created to me and others within my party. My husband asked if he could personally throw it in the bin (still within your employees' area) and was refused. Due to the time constraints, we were forced to accept the situation, but we were shocked and disappointed by the encounter.

On our way home a fortnight later, we spoke to a very helpful TSA employee at Orlando airport, who seemed to endorse the decision of the TSA employee at Newark, but who encouraged us to complain about the attitude and behaviour we had encountered. We took up the matter with Jo Malone as well, believing we had been misinformed by the staff at the duty free outlet, however, we have had a response from them which states:

*"We were sorry to learn of your unfortunate experience at Newark Airport. I wish to advise, we have contacted Heathrow with your concerns and are at a loss to explain your experience. Providing your purchase was in a sealed see through plastic bag and providing the items are purchased within Duty Free, this is acceptable within the airports guidelines, therefore we are unable to explain your experience."*

I have also checked the Heathrow airport website, which states:

*"You may take on board liquid items of any size that are purchased after the security check in the departure lounge. Most duty free or similar purchases will be given to you in a special sealed bag - do not open this bag until you have reached your final destination. You should also retain your proof of purchase throughout your journey as you may be required to show it at a transfer point."*

In view of the above, and the fact that I appear to have been totally compliant with the requirements, I would ask you to respond, focusing on three key areas:-

- Why was the sealed duty free bag was opened by your employee and the item confiscated?
- The attitude of your employee, who appeared to offer around the confiscated item. Do you log confiscated items and their fate?
- Why have your previous responses failed to address the points raised?

I look forward to hearing from you, and I hope that unlike my emails, I will receive a full and prompt response. At the moment, both the TSA and Jo Malone are claiming to have acted correctly, and yet clearly one of these two organisations must be at fault.

Yours sincerely

(b)(6)



OSD

DR

P3

BARBARA A. MIKULSKI  
MARYLAND

SUITE 503  
HART SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-2003

(202) 224-4654  
TDD: (202) 224-5223

**United States Senate**  
WASHINGTON, DC 20510-2003

August 30, 2011

RECEIVED IN OLA

SEP 29 REC'D

INT *JA*

Ms. Levita Legrys  
Assistant Administrator for Legislative Affairs  
Transportation Security Administrative Headquarters  
601 South Twelfth St  
Washington Navy Yard, DC 20398-6001

Dear Ms. Legrys:

I am writing to request your consideration of the attached correspondence from (b)(6). Please respond directly to (b)(6) and send a copy to (b)(6) of my staff. If you have any questions, please call (b)(6) at (202) 224 (b)(6).

Thank you for your assistance.

Sincerely,

*Barbara A. Mikulski*

Barbara A. Mikulski  
United States Senator

BAM:cst  
Enclosure

(b)(6)

SUITE 310  
901 SOUTH BOND STREET  
BALTIMORE, MD 21231  
(410) 962-4510

SUITE 202  
60 WEST STREET  
ANNAPOLIS, MD 21401-2448  
(410) 263-1805

SUITE 406  
6404 IVY LANE  
GREENBELT, MD 20770-1407  
(301) 345-5517

ROOM 203  
32 WEST WASHINGTON STREET  
HAGERSTOWN, MD 21740-4804  
(301) 797-2826

SUITE 200  
THE GALLERY PLAZA BUILDING  
212 MAIN STREET  
SALISBURY, MD 21801-2403  
(410) 546-7711

## E-Mail Viewer

[Message](#) [Details](#) [Attachments](#) [Headers](#) [Source](#)[HTML](#)

From: (b)(6)

Date: 5/18/2011 11:51:15 AM

To: (b)(6)

Cc:

Subject: www\_email

I am writing you to ask that the guidelines pertaining to fingerprinting a minor at airports set a guideline to have his/her parents be present and an explanation or guideline pamphlet be given. My family took a vacation to Cancun May 11-17, 2011. We used the Newark, NJ airport. During our departure on 5/11/11 we had a situation that occurred pertaining to fingerprinting. Once my 14 year old daughter went thru the security checkpoint she was pulled aside and fingerprinted. The fingerprinting was done before I was there to see what the security officer was doing with her. By the time I could get to her two security personnel were talking and did not even acknowledge me. I had to ask my daughter what they wanted from her. My daughter said, "They took my fingerprint." I asked her why she stated that she did not know why. I understand the importance of airport/Homeland security but as a parent of a minor she and I should have been told what was going on or at least security should have waited until I could be there with her. This is very upsetting to me as for the safety of my daughter and the rights as a parent.

[Close](#)

(b)(6)

North East, MD 21901-2601

(b)(6)

San Diego, CA 92128-3131

September 30, 2011

Brett Barber, Paralegal  
Office of Chief Counsel (TSA-2)  
Transportation Security Administration  
601 South 12<sup>th</sup> Street  
Arlington, VA 20598-6002

2011 OCT 18 P 2:24  
OFFICE OF THE  
EXECUTIVE SECRETARY  
TRANSPORTATION SECURITY

Re: (b)(6) (TSA Control No. (b)(6))

Dear Mr. Barber:

Your letter of August 29, 2011 (copy attached) is irrelevant to my case. I did not file a *claim*, as I did not suffer any *financial losses*. I filed a *complaint* because of the treatment I was subjected to. The TSA agent conducting the "enhanced" search jammed my testicles up into my pelvis inflicting pain that lasted for hours.

For awhile I was debating if I should further impose upon your valuable time and mine by continuing the conversation, but having surgical implants I am required to undergo the search dictated by TSA each time I need to board a plane, some 10 - 16 times a year during the last ten years. Therefore, my experience with the security procedures as well as the questions and comments related to them are broader than the same of most other travelers. I share some of them with you:

- After the last incidence that is the subject of my complaint, I wonder if inflicting pain is necessary to determine if I am posing a terrorist threat?
- Some other times the TSA agents just didn't seem to be getting enough of "petting" me. How many times do they have to pet me up and down, to be able to conclude that I am not a terrorist threat?
- Are TSA agents screened for sexual orientation?
- Do they receive training about sensitive areas of the human body?
- Do they have the license to touch my private parts?
- To prevent situations leading to complaints resulting from invasive procedures I have been offering to undergo strip search. What is the TSA agents' reason for insisting on pet downs rather than performing the visual inspection and the detailed search of my cloths? After all, scanners producing nude body images already are in operation at many airports.
- In a line of travelers moving toward the TSA checkpoint any would-be "terrorist" with half a brain can carry his concealed firearms and his bags filled with high explosives and use them at any time before reaching the first blue shirt. Is there any reason other than the terrorists' decision that no attacks have been carried out on U.S. soil since "9/11"?

(b)(6)

- What kind of protection is the public getting as the result of the current TSA procedures?
- What is the budget allocated for protecting only the airplanes, but neither the airport facilities nor the people anywhere?

It is very unfortunate, that our experts at the U.S. Department of Homeland Security and our elected officials are unable to respond to questions and comments that ought to be the legitimate if not obvious concerns of anyone with at least average common sense. And remember, if they do respond, every response they give raises several more questions and comments.

Sincerely yours,

(b)(6)

Cc.: The Honorable Brian Bilbray  
US House of Representatives  
50<sup>th</sup> Congressional District  
380 Stevens Avenue  
Solana Beach, CA 92075

(b)(6)

### CLAIM FOR DAMAGE, INJURY, OR DEATH

**INSTRUCTIONS:** Please read the instructions below carefully and supply all the information requested. You will receive an **Acknowledgement Letter** and **Control Number**.

FORM APPROVED  
OMB NO. (b)(6)

1. Submit To Appropriate Federal Agency:

Claims Management Branch  
TSA (TSA - 9)  
601 South 12th Street  
Arlington, Virginia 20598-6009  
  
571.227.1300  
tsaclaimsoffice@tsa.dhs.gov

2. Name, Address of Claimant and claimant's personal representative, if any. (See instructions above.) (Number, street, city, state, and zip code)

#### Claimant Information:

Full Name: (b)(6)

Address:

City, State, Zip: **San Diego, CA 92128**

Country: **U.S.A.**

#### Claimant's Representative: (if any)

Full Name:

Address:

City, State, Zip:

Country:

3. Type of Employment:

Military  Civilian

4. Date of Birth:

5. Marital Status:

Single  Married  Divorced  Widow/Widower

6. Day and Date of Incident:

07/25/2011

7. Time: (A.M. or P.M.)

ca. 10:10-10:30a.m.

8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof)

I was processed by TSA at the C2 Security Station of Newark International Airport. Due to my hip implants I triggered the alarm going through the metal detector. I was sent to the X-ray imaging, then I was taken to a cabin for additional search including "pet-down". During the process the agent jammed my testicles into my pelvis causing considerable pain. Still in pain I went to the Presidents Club to relax. As the pain did not go away, I went back to the Security Station at ca. 12:30 p.m. with the intention to report the incident to the Supervisor. He told me, that both the agent and his Supervisor worked in the previous shift; I did not know that there was a shift change. The Supervisor I talked to gave me the Tort Claim Package and advised me to complete it and send it in. Although by the morning of the next day (July 26) the pain subsided and in the afternoon I feel almost normal, I reserve the right to see my doctor should I experience any consequence of the rough treatment. I did not have my glasses on to read the name of the agent, and I was too scared to ask for his name.

#### 9. PROPERTY DAMAGE

NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT: (Number, street, city, state, country, and Zip Code)

Full Name: N/A

Address: N/A

City, St. & Zip: N/A

Country:

BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE, AND LOCATION WHERE PROPERTY MAY BE INSPECTED.

N/A

#### 10. PERSONAL INJURY / WRONGFUL DEATH

STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.

Pain in my testicles caused by the agent jamming them into my pelvis. The right hand side was more painful than the left hand side. My personal information found on my boarding pass has been recorded in a logbook found in the room where the "search" took place.

#### 11. WITNESSES

1. Name: N/A	Address/Phone:
2. Name: N/A	Address/Phone:
3. Name: N/A	Address/Phone:

#### 12. AMOUNT OF CLAIM (In U.S. Dollars)

12a. PROPERTY DAMAGE N/A	12b. PERSONAL INJURY N/A	12c. WRONGFUL DEATH N/A	12d. TOTAL Failure to specify may cause forfeiture of your rights N/A
-----------------------------	-----------------------------	----------------------------	--

I CERTIFY THAT THE AMOUNT OF THE CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.

13a. SIGNATURE OF CLAIMANT OR CLAIMANT'S REPRESENTATIVE: (See instructions below)

(b)(6)

13b. PHONE NUMBER OF SIGNATORY:

(b)(6)

14. DATE OF CLAIM:

July 26, 2011

#### CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM

The claimant is liable to the United States Government for the civil penalty of not less than \$5,000 and not more than \$10,000, plus three times the amount of damages sustained by the Government. (See 31 U.S.C. 3729.)

#### CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS

Fine of not more than \$10,000 or imprisonment for not more than five (5) years or both. (See 18 U.S.C. 287, 1001.)



PRIVACY ACT NOTICE

This notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a (e) (3), and concerns the information requested in the letter to which this Notice is attached.

A. Authority: The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14

B. Principal Purpose: The information requested is to be used in evaluating claims.

C. Routine Use: See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.

D. Effect of Failure to Respond: Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid".

ADDITIONAL INSTRUCTIONS

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY DAMAGES IN A SUM CERTAIN FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN TWO YEARS AFTER THE CLAIM ACCRUES

Any instructions or information necessary in the preparation of your claim will be furnished, upon request, by the office indicated in item #1 on the reverse side. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplemental regulations also. If more than one agency is involved, please state each agency.

The claim may be filed by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with said claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative. If claimant intends to file claim for both personal injury and property damage, claim for both must be shown in item 12 of this form.

The amount claimed should be substantiated by component evidence as follows:

- (a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.
(b) In support of claims for damage to property which has been or can be economically repaired, the claimant should at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.
(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested component persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.
(d) Failure to completely execute this form or to supply the requested material within two years from the date the allegations accrued may render your claim "invalid". A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

Failure to specify a sum certain will result in an invalid presentation of your claim and may result in forfeiture of your rights.

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to:

Director, Tort Branch Civil Division
U.S. Department of Justice
Washington, DC 20530

and to:

Office of Management and Budget
Paperwork Reduction Project (1105-0008)
Washington, DC 20503

INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of his vehicle or property.

15. Do you carry accident insurance?

YES, if yes, give name and address of insurance company (number, street, city, state, and zip code) and policy number.

NO

Empty box for providing insurance company details if YES.

16. Have you filed a claim on your insurance carrier in this instance, and if so, is full coverage or deductible?

No.

Empty box for providing claim details if YES.

17. If deductible, state amount

N/A

Empty box for providing deductible amount.

18. If claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts)

Empty box for providing insurer action details.

19. Do you carry Public Liability and property damage insurance?

YES, if yes, give the name and address of the insurance company ( number, street, city, state, and zip code)

NO

Empty box for providing insurance company details if YES.

**SUPPLEMENTAL INFORMATION - SF-95 CLAIM FOR DAMAGE, INJURY, OR DEATH**

20. Claimant Email Address: (b)(5)	21. Did the incident take place at: (please check one) <input checked="" type="radio"/> Passenger Security Screening Checkpoint? <input type="radio"/> Checked Baggage Screening Location	OMB number <small>(E-1182)</small> Expires 11/30/2011
22. At which Airport did the incident occur? Newark-Liberty International.	23. Did you use a Skycap, Porter service, or other third-party service? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	24. Was your checked baggage delayed? <input type="checkbox"/> YES, if yes, for how long? _____ <input checked="" type="checkbox"/> NO

25. If this was a Checked Baggage incident, Why do you believe that TSA was Responsible?

N/A

26. Write down your COMPLETE travel itinerary. (include airline names, flight numbers, arrival/departure times, etc.) Continental Airlines flight #CO 859 W, departure at 1:30 p.m. from Newark-Liberty Intl., arrival at San Diego at 4:15p.m	27. If this is a Checked Baggage incident, please write down your baggage tag numbers. N/A
---	---

28. At the time of the incident, were you in the Military or a Federal employee and on official travel? <input type="checkbox"/> YES, if so, for whom: _____ <input checked="" type="checkbox"/> NO	29. Did you file any type of incident report with the airline, airport, TSA, or any law enforcement agency? <input type="checkbox"/> YES, if so, please explain and leave an incident report number: _____ <input checked="" type="checkbox"/> NO	Oral report with the Supervisor of the Security Checkpoint.
---	---	---

**PLEASE BE SURE TO ATTACH ALL RECEIPTS, ESTIMATES OF REPAIR, APPRAISALS, OR ANY OTHER DOCUMENTS THAT CAN SUBSTANTIATE THE VALUE OF THE ITEMS THAT WERE LOST OR DAMAGED.**

**FOR ALL DAMAGED BAGGAGE, YOU MUST GET A REPAIR ESTIMATE**

**SUBMISSION DIRECTIONS:**

1. Use the button on the right to **PRINT** this form.
2. **SAVE** this electronic PDF form for your records.
3. **SIGN** the printed form at the bottom of page 2.
4. **INCLUDE** all receipts, estimates, proof of flight documents, baggage tags, etc.
5. **MAIL** or **FAX** your printed claim and backup documentation.

Print Claim

**WHERE TO SUBMIT FORMS:**

**FAX:**  
(571) 227-1904

**U.S. Mail Address:**  
 TSA Claims Management Branch  
 601 South 12th Street - TSA 9  
 Arlington, VA 20598-6009

Once Submitted, you should receive an acknowledgement letter from TSA within three weeks if you submit the claim by USPS (within 6 days if submitted by fax). This letter will include a TSA control number and instructions. Use this control number to check the status of your claim, or for any other communications with the TSA Claims Management Branch.

**Paperwork Reduction Act Statement of Public Burden:** TSA is collecting this information in order to thoroughly investigate and resolve your tort claim against the agency. The public burden for this collection of information is estimated to be approximately 30 minutes. This is a voluntary collection of information; however, failure to provide this information may delay or hinder the processing of your claim. An agency may not conduct or sponsor, and persons are not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number assigned to this collection is 1652-0039, which expires 11/30/2011.

**Privacy Act Statement:** AUTHORITY: 28 U.S.C. 1346(b), 1420(b), 2671-2680. PRINCIPAL PURPOSE(S): This information will be used to investigate your claim against the Transportation Security Administration (TSA). ROUTINE USE(S): This information may be shared with the Department of Justice in review, settlement, defense, and prosecution of claims involving matters over which TSA exercises jurisdiction, or for routine uses identified in the TSA's system of records notice, DHS/TSA 009 General Legal Records. DISCLOSURE: Voluntary; failure to furnish the requested information may result in an inability to thoroughly investigate your claim and may therefore result in an inability to award you payment on your claim.

(b)(6)

Would you please pass the following on as an attachment to my original inquiry.

I offer the following background, which you can verify, to attest to the credibility of my perceptions and observations.

I am a retired Air Force Lt. Col. with 27 years of service. I served 3 tours in Viet Nam, completing over 200 B-52 combat sorties, on many of which I acted as the overall Airborne Mission Commander. I served on the staff of the Joint Chiefs of Staff with security clearance granting full access to the targeting and execution of all US and NATO strategic nuclear assets. I was also intimately involved in the survival and reconstitution plans for both the military and senior civilian government officials, including the National Command Authority or President and his successors. I fully understand the need for security, but believe that it can and must be done in such a manner as to minimize the impact on the rights and dignity of our citizens.

I am concerned with what I experienced and observed while on a recent airline trip. During the Stateside portion of that trip both my wife and I were screened on three separate occasions. I have two artificial hips and my wife has a pacemaker. Prior to each screening we both alerted TSA personnel of our conditions. In Omaha, we both went through an operational Scanner but were both required to submit to a full body pat down. In Newark, the scanner was not operational so TSA personnel determined that we required a full body search. Neither of us were offered the opportunity to go through the metal detector or a wand. When my wife requested and was provided a private screening, what was done to her would be considered a sexual assault under any other circumstances and could not have been done in public. This causes me grave concern and requires that I question what was done and what the rights of passengers are.

I request that the TSA respond to following questions:

1. Do passengers have any rights while going through the screening process? If so, what are those rights and in what regulation are enumerated? Where can I obtain a copy of that document?
2. Does a passenger have the right to respectfully stop the screening process and request a supervisor if they have questions as to their treatment? If so, can they expect it would be without negative consequences? What is a reasonable time expectation for a supervisor to be available, so as to not cause a missed connection?
3. If a passenger has a disability that will cause an anomaly, such as an artificial hip, pacemaker, etc. should it be identified to TSA personnel prior to screening? When body scanner confirms the anomaly and the passenger is identified for additional screening, does the passenger have the right to ask where and what the anomaly was? Is it reasonable to expect that proficient scanner personnel will be capable of identifying such things as pacemakers or artificial joints from the scan? If the scanner personnel cannot recognize the anomaly from the scan does the passenger have to submit to a full body pat down or search or just in the area of the anomaly?
4. If the body scanner is inoperative, does a passenger have the right to go through the metal detector and then be wanded to identify the specific the body area before being subjected to a physical full body search? When a wand alerts over a particular area of the body does the passenger have to submit to a full body pat down or search or just for the area of the alert?
5. Who determines who receives a private or public screening? If you request a private verses a public screening, does that mean a much more invasive procedure?
6. When a passenger undergoes screening do they have the right to have someone of their choice present to monitor the screener and their counterpart during the process?

7. What is the rationale for a screener to place the palm of their hand on a pacemaker and then jam it into the body? Does a screener at their discretion have the right to physically inflict pain upon a passenger?

8. What are the qualifications for employment of TSA screeners? What type of background checks are done on TSA employees?

9. Can screeners do physical searches of members of the opposite sex? Is sexual preference a consideration in hiring screeners? If not, how are passengers protected from abuse from those whose preference is of the same sex?

9. If private citizens have suggestions they believe would improve TSA operations and effectiveness, is there a formal submission process? If not, why not? If so, what is it and what assures that the suggestion will receive serious consideration? Will the submitter be advised as to the level it reached? I have several suggestions that I would like considered, if TSA is open to an outside view.

10. Is there a TSA Organizational Chart available and can I get a copy?

11. To what governmental entity is the TSA accountable?

12. What is the highest level that this inquiry reached? Is there a process that would allow me to speak with a TSA official, capable of initiating changes, at the national level?

(b)(6)

QSD

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(b)(6)

Nottingham, MD 21236

(b)(6)

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TRANSPORTATION SECURITY

October 24, 2011

TSA-24 Risk Management Department  
Transportation Security Administration  
601 South 12th Street  
Arlington, VA 20598

Dear Risk Management:

On Wednesday , October 19, 2011, my son, his wife, and baby son (5 months old) arrived on a Lufthansa flight at Newark that originated from Germany. They proceeded to go through TSA screening for the last leg of their trip when a horrendous incident occurred. My son had put the baby carrier on the X-ray conveyer and then, with baby in arms, proceeded through the walk-thru scanning machine. Once through the scanning machine, my son (b)(6) was proceeding to get his belongings and secure the baby into the baby carrier when within a few seconds TSA officers began giving him commands "to move along", "to clear the table immediately". There was more than one TSA officer shouting out orders to him. In response, (b)(6) picked up the baby in the carrier where upon the handle malfunctioned causing the carrier to roll and the baby to fall face first onto the hard concrete surface. This wouldn't have happened had TSA Officers been a little more understanding of the situation and the complexity of moving through the screening process with a little baby . I might comment, it seems to me there is little training of personnel as no effort made in accommodation to facilitate this special family situation. Instead, there was only concern with moving the process along, shouting of orders and no concern for the safety of the infant being transported . (b)(6) would later learn that TSA officers forced the carrier through the x-ray machine causing it to malfunction. The baby, our first grandchild, is now crying in pain, blood is now streaming from his nose and busted lip, his face is bruised, and the parents are panicked. (b)(6) shouts out to the same TSA officers for help, and requests them to call a medical response - they do nothing and just ignore the trauma and injured baby right in front of them. (b)(6) tries ardently to get help from these TSA officers only feet away

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from him, but they do nothing. Finally, a janitor helps him get a medical response and the baby is taken to Beth Israel Hospital by ambulance. While the pediatric doctors are optimistic that the baby will be okay, they can't guarantee that there won't be any scarring and hopefully there will be no long-range medical problems, but who can be certain. I'm requesting a response for immediate and as needed medical and counseling benefits for my grandchild and his family. A generous settlement offer should be made - this is the recommendation to me from a legal professor. Remedial training as well as disciplinary action should be taken against the TSA personnel who severely mishandled this situation. As you know, the entire situation is on video. We urge you to safeguard the video. A police report was filed.

If you would like to discuss this matter please call me by November 20, 2011. Otherwise, we will, of course, be forced to obtain legal representation. This letter is written with my son (b)(6) permission and acknowledgement.

Sincerely,

(b)(6)

(b)(6)

RICHARD L. HANNA  
24TH DISTRICT, NEW YORK

COMMITTEE ON  
TRANSPORTATION & INFRASTRUCTURE  
HIGHWAYS & TRANSIT SUBCOMMITTEE  
VICE CHAIR

COMMITTEE ON  
EDUCATION & THE WORKFORCE

COMMITTEE ON  
SMALL BUSINESS

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-3224

WASHINGTON OFFICE:  
319 CANNON H.O.B.  
WASHINGTON, D.C. 20515  
PHONE: 202-225-3665  
FAX: 202-225-1891

DISTRICT OFFICE:  
258 GENESEE STREET  
UTICA, NY 13502  
PHONE: 315-724-9740  
FAX: 315-724-9746  
<http://hanna.house.gov>

November 4, 2011

Ms. Lavita Legrys  
Assistant Administrator for Legislative Affairs  
Transportation Security Administration Headquarters  
East Tower, Floor 11, TSA-5  
601 South Twelfth St  
Arlington, VA 20598-6001

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INT A

Dear Ms. Legrys,

Enclosed please find correspondence from (b)(6) who has shared his concerns about a recent experience he had while flying from Albany, New York to West Palm Beach, Florida.

More specifically, (b)(6) who is blind, has shared his concerns that the Transportation Security Administration (TSA) Officer did not verbally inform him that they had confiscated his shaving cream after inspecting his belongings. I respectfully request your review of this matter and greatly appreciate any advice, guidance or assistance you can provide to (b)(6).

Please do not hesitate to contact my Utica Office by phone (315) 724-9740, fax (315) 724-9746 or, if you prefer, via email at: (b)(6) if you have any questions or need additional information.

Thank you, in advance, for your assistance in this matter. I look forward to hearing from you.

Warm Regards,



RICHARD HANNA  
U.S. Representative

RH/sfb  
Enclosure

OSD

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WASHINGTON FIELD OFFICE

## E-Mail Viewer

Message | Details | Attachments | Headers | Source

HTML

From: "Web forms" (b)(6)  
Date: 11/1/2011 7:35:13 PM  
To: "Representative Richard Hanna" (b)(6)  
Cc:  
Subject: IMA MAIL ON .Problems with TSA

<APP>SCCMail

<PREFIX>(b)(6)</PREFIX>

<FIRST>(b)(6)</FIRST>

<MIDDLE>(b)(6)</MIDDLE>

<LAST>(b)(6)</LAST>

<SUFFIX></SUFFIX>

<ADDR1>(b)(6)</ADDR1>

<ADDR2></ADDR2>

<CITY>Utica</CITY>

<STATE>NY</STATE>

<ZIP>13501</ZIP>

<ZIP4></ZIP4>

<ISSUE>TRAN</ISSUE>

<EMAIL>(b)(6)</EMAIL>

<PHONE>(b)(6)</PHONE>

<SUBJECT>.Problems with TSA</SUBJECT>

<MSG>

Dear Congressman,

In view of the above actions, I would appreciate a thorough investigation of I need to inform you of a problem I encountered with the Transportation Security Administration on Thursday, October 27 when flying from Albany to West Palm Beach, Fl. When I went through the gate, I emptied all metal contents

out of my pockets. However, the metal detector still went off. This led to the worst fcase of illegal search and seizure I have ever experienced. It should first be noted that I am totally blind, so would certainly have no reason to carry a gun, or any other type of weapon. However, the guard who escorted me through, who himself was a foreigner decided that I needed to have my hands swaved. Then, he proceeded to do a thorough search of all my pockets and told me to take out my wallet so he could X-ray it. I was later informed by the person who traveled with me that they took my shaving cream out of my carry-on bag, which I was never informed of by this officer, or anyone else.

Based on the above happenings, I would appreciate a thorough investigation into the conduct of the TSA, at Albany International Airport. Such behavior is certainly unwarranted and unnecessary. Since I don't have regular access to E-mail at this point, I would appreciate being contacted at (b)(6) I currently have a Florida number and use my work address, because I just re-located here from Florida.

Very truly yours,

(b)(6)

----- Additional Data -----

Website Referrer:

https://forms.house.gov/htbin/formproc\_za/hanna/webforms/zipauthen.txt&form=/hanna/webforms/contact-form.shtml?zip5=13501&zip4=

</MSG>

</APP>



(b)(6)

**Boca Raton, Florida 33431**

November 18, 2011

Mr. John Pistole, Director  
Transportation Security Agency  
601 South 12 St.  
Arlington, VA 20598

Dear Mr. Pistole:

Please accept my thanks for all of the good work that your agency does and the lengths to which you and your folks go to keep our skies safe from nefarious threats. I can well appreciate that it is not an easy job.

If you are old enough to remember when all of America tuned in to Ed Sullivan on Sunday evenings, perhaps you will recall the fellow on that show whose act it was to have over a dozen plates spinning at once. I'm sure you can relate.

As someone who was on a Delta flight that was called down from 35,000 feet over DFW on the morning of 9/11/01, I can well appreciate the import of the whole effort.

Sadly, most people only take the time to write about a negative experience. Hopefully, this missive will appear to be more balanced.

During a few flights in and out of Pago Pago (PPG) in American Samoa, I took the time to flag down a TSA supervisor in order to complement his team on their efficiency, expediency and unfailing courtesy. By far, the best TSA station that I have encountered on my 28+ flights so far this year.

Alas, the same cannot be said for Agent (b)(6) ((b)(6)) in Terminal C in Newark (EWR). It should be noted that on all 26 flights this year prior to Oct 28, I carried the same rolling case and briefcase. These are tightly packed with at least 2 cameras, 12-15 lenses, over 100 filters and at least 2 small hard drives. NEVER a problem! Always a smile and a pleasant "Thank you." Great!

QSO

R3

When taking only a small canvas briefcase through TSA (Terminal C - EWR) at approx. 2:30 PM on Nov 8, I dutifully removed my small netbook computer and placed it in a separate bin. Hopefully, by now, you have inferred that I am very, very familiar with the drill.

Remaining in my briefcase when I sent it through the scanner's belt were a small camera, 1 small lens and a small hard drive. These are among the very same articles that I routinely send through in a tightly packed, dark, opaque, heavily laden roller with no problem. Once my briefcase came through the scanner, TSA Agent (b)(6) informed me that it required further screening. For the moment, I assumed that he was going to run a detecting patch around it and that I would quickly be on my way. No problem. *Boy, was I ever wrong!!!*

Agent (b)(6) began yanking piece out of my bag like grapefruits. When my voice rise to ask what was going on, Agent (b)(6) told me in what can be termed only as an accusatory, very condescending, and overly aggressive manner, "**YOU FAILED to remove your electronics!**" When I protested, choosing my words carefully so as to avoid even the appearance of seeming to be inflammatory, Agent (b)(6) hastened to let me know that he could, "**Keep me there all day.**"

I am quite sure that this one clearly rotten apple does not personify the image that the TSA wishes to project. Perhaps he would benefit from a few months in Pago Pago.

What do you think??

Sincerely,

(b)(6)

1  
JAN

11/24/11

Janet Napolitano

c/o Department of Homeland Security

Washington, DC. 20528

Ref: Incident at Newark Liberty International Airport

10/23/11 – Physical & Emotional Abuse

Dear Secretary,

On the above date my wife and I had a schedule flight to Miami as a layover on our trip to Montevideo, Uruguay to visit our family.

When I entered the Security Checkpoint Area I proceeded to remove my shoes, my uniform tunic, my computer and my wallet. I was directed to a metal detection area where the Officer asked me to remove my suspenders, to which I asked why and the answered that they have metal, so I look them off and put them in the tray to be scanned . As I passed through the metal detector the alarm was triggered and I told the Officer that I had a metal right knee replacement while showing him my scared knee and proceeded to be re-scanned manually. Instructed to extend my arms horizontally he proceeded to first me front and behind and noticing my belt he told me to remove it also I obeyed but told him it was a money belt which he immediately wanted to open an see its content while breaking off the zipper handle in his attempt. I questioned his rude actions to which he did not respond but was able to re-attach the belt zipper. This is when he initiated a second scanning of my same body areas which I found to be uncalled for since I was already done scanning. I asked to see a Supervisor to whom I questioned any additional scanning. And it was at this horrible embarrassing moment that my pants fell from my waist exposing my naked body from the waist down. People waiting on line and others passing by could not contain laughter and comments ( the area is encased in see through glass ). The female Supervisor called others Officers who hurried to the scene. They accused me of intentionally dropping my pants to which I responded that they had me in a hands up position with no suspenders and a belt therefore my pants fell. At this point I felt accosted by an Officer of apparent Pakistani or Hindu origin who spoke to me in a very tone to which I became nervous to the point of having my whole body tremble and shake impressively. When my wife tried to help me by putting up my pants and seeing my emotional state she was told not to touch me in a very menacing tone. The Officer who initially scanned me was replaced and I heard him comment to the other Officer that I was a conflicted type of person, perhaps because I questioned the removal of both my suspenders and belt. This Officer of apparent Pakistani or Hindu origin expressed in a very aggressive tone that he had the right to scan me as often as he wanted and ordered a third scanning. He instructed another Officer to hold my pants as he proceeded to re-scan first my right than my left side. This more humane Officer noticed my trembling and asked me if I had a heart pace maker to which I said no but that I have a quadruple bypass open heart surgery. Upon noticing the Salvation Army shield he asked me if I belonged to this organization to which I said yes, I am an Officer and he told me he has helped our cause. I extended my appreciation. My wife again tried to help me by

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taking the suspenders in her hands to which the female Officer acting very aggressively snatched them from her hands and I a menacing tone said that they had to be re-scanned because were contaminated. Now they offered to take me to a private room but I declined I could no trust any of the TSA Officers present. I questioned why I was not given be the opportunity to be used the automatic corporal scanner to which said that not requested. My question is as to how can I request something that I am no offered or posted publically at the entrance?

i am an 81 years old man, an American citizen who has arrived at the conclusion that some TSA Officers are no worthy of wearing the uniform which identifies them as members of the government of the United States of America. The lack honor and dignity and no integrity in doing their job, forgetting that they work for the thousands of passengers that pay for the job they are called to do. I approved of the security measures that protect my security 100 %, but when we find some unscrupulous individuals who even use racial profiling then something is very wrong in your Department. My trip and this experience during the time waiting to board and the subsequent all night flight will be an unforgettable nightmare. Tears well up in my eyes just thinking that in more than 40 years I have served suffering humanity of all social classes as my vocation and that these persons should act so irresponsibly hiding behind a uniform that gives them unlimited authority. I asked for the names of these Officers and they were denied me. I cannot qualify them since they are not made responsible for their actions on behalf of our government. I only wish for you a better time in yours duties to work for those that love this Nation.

Thank you very much for your kind attention to this letter.

(b)(6)

(b)(6)

(b)(6)

Succassuna, NJ. 07876

CC: Jennifer K. Carmichael , Director

Transportation Security Administration

Office of Civil Rights and Liberties (TSA- 6)

601 12<sup>th</sup> Street

Arlington, VA. 20598-6006

December 7th, 2011

To: John Pistole

From: (b)(6)

Re: Poorly trained TSA officers at Newark Liberty International Airport

CC: (b)(6)

Dear Mr. Pistole:

This past Sunday, December 4th, at about 12:30PM, while traveling through EWR (Continental flight 1726), I was told by TSA officers that they could not accept my SENTRI card to pass through security. As you know, that is completely incorrect. They told me that the SENTRI card is not accepted at EWR, and as you know, that is incorrect.

I asked to speak to the officer's supervisor, and when she arrived (Officer (b)(6)), she told me the same thing. She asked for other ID and I explained that the SENTRI was acceptable and that I was not required to show other ID. I moved next to her supervisor, (b)(6), who told me the same thing.

They told me they spoke to the highest ranking TSA officer at EWR (b)(6) and that *he* too said that the SENTRI card is not accepted at EWR. This blew my mind that a person that high up in the chain did not know TSA's policies as well. I imagine this is quite embarrassing for the TSA.

Although all the officers at EWR treated me with respect and were pleasant, this unfortunately does not make up for the fact that they were so improperly trained that they could not even recognize one of the accepted IDs to pass through TSA airport screenings. I even pulled up the TSA website on my phone and showed them--SENTRI is #3 on the list, right after passport and driver's license.

How can I expect TSA to find hidden explosives if they aren't even trained well enough to recognize IDs that are clearly "accepted?"

I would like to call for the re-training of every TSA officer at EWR immediately and I suggest TSA send memos out to every manager at every airport reminding them that SENTRI cards are indeed accepted. I'd like this to happen before 2012 and I ask that you let me know when these actions are completed. I was not satisfied with the generic form letter that I received from your website; it was not an acceptable response.

Sincerely

(b)(6)

(b)(6)

La Jolla CA 92037

(b)(6)

QSO

P3

EXECUTIVE SECRETARIAT  
OFFICE OF THE

2011 DEC 21 P 3:26

INFORMATION SECURITY

**Jones, Glenita <CTR>**

---

**From:** (b)(6)  
**Sent:** Sunday, September 26, 2010 9:20 PM  
**To:** Liberties, Civil  
**Cc:** (b)(6)  
**Subject:** Complaint of Violation of Civil Rights by TSA 09/26/10 LGA

To:  
Department of Homeland Security  
Office for Civil Rights and Civil Liberties Review and Compliance  
245 Murray Lane, SW  
Building 410, Mail Stop #0190  
Washington, DC 20528

From: (b)(6)  
Contact Information:  
(b)(6)  
Chesapeake, VA 23322  
Phone: (b)(6) (Home) (b)(6)  
Email: (b)(6)

Date of Incident: September 26, 2010  
Time of Incident: Approximately 9:35 AM Location of Incident: LaGuardia Airport B Gate  
Screening Area - Leftmost scanners.  
Flight: Southwest Airlines 348

I am filing a complaint of violation of my Civil Rights by the Transportation Security Administration at LaGuardia (LGA) Airport

I (b)(6) was in line to be screened and when it came time for me to pass through the magnetic scanner, the agent informed me that I could not pass without removing my hat, putting it through the baggage scanner then getting back in line. I informed the agent that the reason I was wearing the cap was because I had cancer and was bald as a result. I further stated that Hassidic Jews, Muslims, Hindus were all allowed to pass through without removing their headwear and I did not understand why I could not be granted the same courtesy. I asked the agent please do not do this to me. The agent did not extend the courtesy of an explanation of why some were allowed to pass with headwear and in a very arrogant tone told me that I could not pass unless I removed my hat, put it through the scanner and got back in line. I had no choice but to comply so as not to hold up a very long line of weary travelers. So, there I was humiliated, embarrassed and singled out because I have CANCER! To make matters worse, the employee running the baggage scanner held my hat in there for an extended period of time as if to punish me, forcing me to stand there humiliated. It appeared as if the magnetron employee and the baggage scanner were in collusion and getting great joy from humiliating me. This was a clear and blatant abuse of authority and the TSA agents involved need to be reprimanded if not dismissed.

After I gathered my belongings and put my shoes back on, I saw a TSA agent on the approach to the B gates and told him of the incident. He explained to me that TSA is not allowed to request removal of headwear worn for religious purposes, but further stated that if I told the agent that I was wearing a hat for a medical condition and was forced to remove it, that I was entitled to file a complaint form with TSA, which I promptly did.

I was born and raised in this country, worked for the Department Of Defense for 31 years and have never been so ashamed of our Government as today. I feel that as a taxpaying, upstanding citizen I am being punished for being sick. I have terminal breast cancer; my life is bad enough without being treated like this. I was returning from what will probably be my last vacation, and this is how it ended.

I expect a reply after an investigation, and will wait what I consider a reasonable amount of time, but will not wait forever.

Thank you,

(b)(6)

(b)(6)



Transportation Security Administration

Help us improve our customer service by completing and returning this card to a TSA drop-box or to a TSA supervisor or manager.

Date: 9.5.10 Time: App. 8 AM - Airport: LGA

Date/Time of Travel: 9.5.10 8:45 AM Airline & flight number: American Airlines 22

Checkpoint/area of airport: Concourse D CTB TSA Employee (if known): 1st Shift

COMPLIMENT/COMPLAINT (summarize): I was disgusted with the treatment your staff

displayed. As me + my partner went through the screening process we placed

our bags on the belt and as it passed to the other side a young lady asked to pass it

again before that the man that looks at the camera says wow a delto she picks up

the bag to look at it then calls a few other co-workers then they all laugh. She says

\*thats and they are gay. She gave us an attitude as we asked for her name. I want to

Passenger's Name: (optional, so we can follow-up with you) (b)(6) Speak with someone

(Optional) Phone numb (b)(6) e-mail: (b)(6) 31

NOTE: If you wish to seek payment from TSA for damaged or missing items, you must file a claim on-line at [www.tsa.gov](http://www.tsa.gov) or through the TSA Contact Center at **1-866-289-9673**.

Collection of this information is made under 49 U.S.C. 114(e) & (f). Providing this information is voluntary. TSA will use the information to improve customer service and may share it with airport operators for this purpose. For more information, please consult DHS/TSA 006 Correspondence and Matters Tracking Records. It will take no more than 5 minutes to complete this form. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The control number assigned to this collection is OMB 1652-0030, which expires 1/31/2012. Send comments regarding this burden estimate or any other aspect of this collection of information including suggestions for reducing this burden to TSA/ 601 S. 12<sup>th</sup> Street, Arlington, VA 22202. ATTN: PRA 1652-0030.

NEED A response ASAP!

JAN. 6. 2011 3:04PM

REP. GARY L. ACKERMAN

NO. 4588 P. 2  
218-14 NORTHERN BOULEVARD  
SUITE 204  
BAYSIDE, NY 11361  
(718) 423-2154  
(718) 423-5053 Fax

HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515  
(202) 225-2601  
(202) 225-1589 Fax  
<http://www.house.gov/ackerman>

**Gary L. Ackerman**  
**Congress of the United States**  
**5th District, New York**

**COMMITTEE ON  
FOREIGN AFFAIRS**  
CHAIRMAN  
SUBCOMMITTEE ON  
THE MIDDLE EAST AND SOUTH ASIA  
SUBCOMMITTEE ON ASIA, THE PACIFIC,  
AND THE GLOBAL ENVIRONMENT

January 6, 2011

**COMMITTEE ON  
FINANCIAL SERVICES**  
SUBCOMMITTEE ON CAPITAL MARKETS,  
INSURANCE, AND GOVERNMENT  
SPONSORED ENTERPRISES  
SUBCOMMITTEE ON FINANCIAL  
INSTITUTIONS AND CONSUMER CREDIT

Ms. Lavita Legrys  
Acting Assistant Administrator for Legislative Affairs  
Transportation Security Administration  
601 12th Street South  
Arlington, Virginia 22202

Dear Ms. Legrys:

I am writing on behalf of my constituent, (b)(6) who has sent me the enclosed correspondence, which I believe is self-explanatory.

I will appreciate your investigating the statements contained in this letter and advising me of your findings. Please send your response to my district office in Bayside. Be assured that any consideration you can extend to this inquiry will be greatly appreciated.

Sincerely,



Gary L. Ackerman  
Member of Congress

GLA:iby

Dear Hon. Congressman Gary Ackerman:

On Wed. Dec 22, 2010 I received an excessively intrusive patdown from a TSA employee, at La Guardia Airport. As you are well aware, this has become a growing problem. However, this patdown went well beyond that requirement.

I am a 70 year old U.S. Army veteran in poor health find this procedure very upsetting and disrespectful. As my representative I am asking you, to look into this. Please advise me of your findings. (copy and ~~transmit~~ <sup>mailing</sup>)

I have enclosed the TSA form, regarding this incident.

Thank you for your help - Happy New Year

Sincerely,

(b)(6)

(b)(6)

Gamara, N.Y.

1143  
ACKERMAN  
JAN 04 2011  
RECEIVED

(b)(6)

e-mail

Dear Mr. Pistole,

1/12/11

I am a 62 year old grandmother and recently traveled from Kalamazoo to Long Island & back through La Guardia. I have a hip replacement & my implant set off the metal detector. I was then treated to your enhanced pat down. I have never been so humiliated in my life! Let me be clear - if I had a sanitary pad on, the agent would have known it. I felt totally violated when I had a stranger touch my crotch & place her hands inside my slacks & go all around my waist plus have her hands all over the rest of my body! My privacy & modesty were taken away twice - once in Kalamazoo & in La Guardia. I asked for the body scanner instead of a pat down & was told the machine wasn't being used. As I was waiting in line I realized what it is like to be afraid of a government agency that is taking freedom from me. I do not accept the premise that I have to endure TSA hands

on my private parts to ensure  
the safety of the flying  
public. There is a better  
way, and I demand that the  
TSA & our government start  
using behavioral profiling.

I will be emailing & telling  
my story to as many people as I  
can. I intend to write to Congressional  
leaders & others in the administration.  
The choice of being seen naked  
in a machine or an invasive  
patdown is no choice at all!

Sincerely,

(b)(6)

Paw Paw, Mi. 49079

(b)(6)



Transportation Security Administration

name: (b)(6)  
phone: (b)(6)

Help improve our customer service by completing and returning this card to a TSA drop-box, to a TSA supervisor or manager or by mail.

Date: 12/1/10 Time: 4:30 pm Airport (ATL): LGA

Date/Time of Travel: 11/30/10 Airline & Flight Number: Delta 2547

Checkpoint/area of airport: Delta security side TSA employee (if known): (b)(6)

**Compliment/Complaint (summarize):** While going through security, officer (b)(6) stared at my chest. He took my boarding pass + held it. I reached for it and he made me move closer to him to get it back. I asked for a way to complain. He stated that I could get a complaint card, but I would have to give him my drivers license + he would record my info. I complained to his supervisor, (b)(6). (b)(6) agreed w/ Acosta

Note: If you wish to seek payment from TSA for damaged or missing items, you must file a claim on-line at [www.tsaclaims.org](http://www.tsaclaims.org) or through the TSA Contact Center at 1-866-289-9673. and I was not allowed a complaint form until I gave them both

Collection of this information is made under 49 U.S.C.114(e) & (f). Providing this information is voluntary. TSA will use the information to improve customer service and may share it with airport operators for this purpose. For more information, please consult DHS/TSA 006 Correspondence and Matters Tracking Records. It will take no more than 5 minutes to complete this form. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The control number assigned to this collection is OMB 1652-0030, which expires 8/31/2008.

I got this complaint form with the help of an angry passenger that saw the event. my drivers licence.



# TSA Customer Comment Card

The Transportation Security Administration (TSA) pledges to ensure that your experience at the security checkpoint is expedient and customer-friendly. Please help us to meet these goals by telling us about your screening experience. Suggestions, complaints are welcomed and encouraged.

## If you want to provide feedback at the airport:

- Ask to speak with a TSA screening supervisor or manager, or
- Contact the TSA customer service representative at the airport, or
- **Complete the back of this card** and return it to a TSA supervisor or manager or place in drop-box.

## You may also contact TSA by:

- Calling the TSA Contact Center toll-free at 1-866-289-9673 (voice), 1-800-767-1833 (TTY/TTD), or
- Sending an e-mail message: [TSA-ContactCenter@dhs.gov](mailto:TSA-ContactCenter@dhs.gov)
- Mailing this card: to 3848 Northwest Drive, Atlanta, GA 30337

It would be helpful to provide the following information: airport and terminal, date and time of your trip, airline and flight number, name and badge number of TSA employees you spoke with, and any other pertinent information.



Help improve our customer service by completing and returning this card to a TSA drop-box, to a TSA supervisor or manager or by mail.

Date: 12/1/10 Time: 4:30 pm Airport (ATL): LGSA

Date/Time of Travel: 11/30/10 Airline & Flight Number: Delta 2547

Checkpoint/area of airport: Delta security TSA employee (if known): (b)(6)

**Compliment/Complaint (summarize)** (b)(6) sent me to (b)(6) when I complained

about (b)(6) staring @ my chest + withholding my boarding pass. (b)(6) told me TSA policy is that I give them my drivers licence in order to receive a complaint form. I know that is not the case. An angry passenger who saw the event assisted me in getting a complaint card. Your federal employee was telling a lie to a passenger. Not appreciated.

Note: If you wish to seek payment from TSA for damaged or missing items, you must file a claim on-line at [www.tsaclaims.org](http://www.tsaclaims.org) or through the TSA Contact Center at 1-866-289-9673. (b)(6)

Collection of this information is made under 49 U.S.C.114(e) & (f). Providing this information is voluntary. TSA will use the information to improve customer service and may share it with airport operators for this purpose. For more information, please consult DHS/TSA 006 Correspondence and Matters Tracking Records. It will take no more than 5 minutes to complete this form. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The control number assigned to this collection is OMB 1652-0030, which expires 8/31/2008.



# TSA Customer Comment Card

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- Contact the TSA customer service representative at the airport, or
- **Complete the back of this card** and return it to a TSA supervisor or manager or place in drop-box.

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- Calling the TSA Contact Center toll-free at 1-866-289-9673 (voice), 1-800-767-1833 (TTY/TTD), or
- Sending an e-mail message: [TSA-ContactCenter@dhs.gov](mailto:TSA-ContactCenter@dhs.gov)
- Mailing this card: to 3848 Northwest Drive, Atlanta, GA 30337

It would be helpful to provide the following information: airport and terminal, date and time of your trip, airline and flight number, name and badge number of TSA employees you spoke with, and any other pertinent information.

1/5/11

Dear Secretary,

I recently traveled through Kalamazoo, Mi. airport & back through La Guardia. I am 62 years old & a grandmother. I have a hip replacement & because of that, I had to submit to the "enhanced" patdown.

Let me be clear - if I had a sanitary pad on the TSA person would have known it! I have never been so humiliated. I felt violated & I was furious!



p. rich

SCANNED/RECEIVED  
BY EXEC SEC

2011 JAN 19 AH10:40

This was nothing like anything done to me having two children & a couple surgeries.

As an American my personal liberties are being taken away for the sake of safety. Behavioral Profiling can be used. I would rather have someone look into my eyes & ask pointed questions rather than touch my crotch.

at La Guardia I asked that the advanced imagery machine be used, but was told it was not working. What a choice - a patdown or being observed naked! I will be emailing friends, writing to Congress, & writing to newspapers, etc. about this issue.

Sincerely

(b)(6)

Pawlow, M.

RAUL M. GRIJALVA  
7th District of Arizona

COMMITTEE ON NATURAL RESOURCES  
Subcommittee on National Parks, Forests and Public  
Lands, Chair  
Subcommittee on Water and Power

COMMITTEE ON EDUCATION AND LABOR  
Subcommittee on Workforce Protections  
Subcommittee Early Childhood, Elementary and  
Secondary Education

CONGRESSIONAL PROGRESSIVE CAUCUS,  
Co-Chair



Congress of the United States  
House of Representatives  
Washington, DC 20515-0307

1511 Longworth HOB  
Washington, DC 20515  
Phone: (202)225-2435  
Fax: (202)225-1541

District Offices:  
738 N 5th Avenue, Suite 110  
Tucson, AZ 85705  
Phone: (520) 622-6788  
Fax: (520) 622-0198

201 N Bingham Ave, Suite 2  
P.O. Box 4105  
Somerton, AZ 85350  
Phone: (928) 343-7933  
Fax: (928) 343-7949  
<http://grijalva.house.gov>

March 29, 2011

Mr. David Stone  
Congressional Liaison  
Transportation Security Administration  
601 12th St S  
East Tower, Floor 7, TSA  
Arlington, VA 22202-4202

RE: (b)(6) Complaint (b)(6)

Dear Mr. Stone:

I write to you at the request of (b)(6) a constituent of mine who has encountered some issues with TSA. Please allow me to outline the matter below.

(b)(6) submitted a complaint to TSA on November 22, 2010 in regards to an incident at LGA Airport in NYC. The complaint submitted by (b)(6) stated that an abusive pat down was conducted after it was mentioned to the TSA Inspector of (b)(6) disabilities. As a result of this incident the buttons on his pants were ripped and an expensive piece of equipment used for pain management was broken for which he will be responsible in replacing.

(b)(6) received an interim response to his complaint stating that it was forwarded to the proper agency for response. This notice was sent on December 7th, 2010 and has been the only notice received to date in regards to this complaint.

Please provide our office a status update on this case or inform us if there are other administrative documents that need to be submitted. Should you or your staff have any questions please feel free to contact

(b)(6) in my Somerton District Office at (928) 343-(b)(6) or via email at (b)(6). I thank you in advance for your time and attention to this matter.

Sincerely,

Raul M. Grijalva  
Member of Congress



(b)(6)

(b)(6)

• Arlington, Virginia • 22205-2451

(b)(6)

15 June 2011

The Honorable John S. Pistole  
TSA-1 Administrator  
Transportation Security Administration  
601 South 12th Street  
Arlington, VA 20598

Dear Administrator Pistole,

The purpose of this letter is to make you aware of the unprofessional, rude and disrespectful attitude and actions of your TSA screeners at the USAirways Shuttle screening check point at LaGuardia Airport, New York on 4 May 2011. I totally understand the importance of the TSA screeners; however, I am appalled by this group's arrogant attitude. I travel by air numerous times throughout the year and have never been mistreated like the screeners at the USAirways Shuttle screening check point at LaGuardia Airport, New York.

Please allow me to discuss the circumstances:

My husband and I arrived at LaGuardia Airport to depart for our residence in Virginia on 4 May 2011. We went through security at the US Air Shuttle at approximately 10:00 AM. I put my items on the conveyer belt and put a clear see-through plastic bag over my feet as I didn't want it exposed to the dirty floor for medical reasons.

The first TSA agent (where I was going through the metal detector) asked why I had a plastic bag over my foot and I told her. She told me I could not do that. I told her I'm familiar with TSA security protocol and she called a second TSA agent over. I explained to her and she told me I had to be screened separately because I wasn't allowed to have anything on my feet.

The second TSA agent put me in a 'holding pin' and swabbed my hands, front and back, for residue and told me to take the plastic bag off my foot and locked the 'holding pin' door behind her. When I asked her how long I had to stay there, since I had a plane to board, she told me, "you'll stay there as long as I want you there." I took the clear, see-through plastic cover off my foot. It should be noted that a lady in front of me put on solid blue plastic covers over her feet and she went straight through security with no mishap and no questions asked. You can check the security tape for verification.

I told both TSA agents that I have never been treated so unprofessionally by any TSA agents before. In fact, the day before at Ronald Reagan National Airport (DCA) and last week at the Tampa Airport in Florida, the TSA Agents told me that was a clever idea to wear plastic covers because the floors were so dirty.

The second TSA agent at LaGuardia told me to follow her to a table off to the left of the screening area. At the desk I asked a third TSA if he was her supervisor. He said 'no, she is the supervisor'. The second TSA agent who screened me had my boarding pass and my military ID. She wrote down my name, Social Security number (SSN), flight number (see attachment 1), and several other pieces of information I could not see. I asked her for her name. At first she didn't want to give it to me and then she wrote it on a TSA Customer Comment Card (see attachment 2), as (b)(6). I do not know if that is her real name. I could not see her badge clearly and she would not give me her badge number nor let me look at her badge. I asked her for her supervisor's name. She said she didn't know her supervisor. I said, "How can you work here and not know your supervisor's name?" She told me to go to the belt, collect my belongings and leave the area.

I then went to a police officer near the screening area and asked him to direct me to the TSA supervisor's office. I went directly to the TSA office and asked for the supervisor on duty. (b)(6) told me he was the supervisor on duty. I explained to him the situation. He said maybe she couldn't see through the plastic bag. I told him no, the plastic bag was clear and you could see through the bag. He said he would "look into it". I really didn't get the sense that anything would be done.

I completely understand and defend TSA to doing their job. As a retired military member I have great respect for anyone trying to protect our country. What I don't understand is the total lack of common courtesy.

I request that you look into the unprofessional attitude of the TSA screeners at the USAirways Shuttle screening check point and remove those that cannot treat air travelers with professional dignity. Thank you in advance for your consideration on this matter.

Respectfully submitted,

(b)(6)

CC:  
Congressman Peter T. King  
Home Land Security Committee, Chairman  
U. S. House of Representatives  
H2-176 Ford House Office Building  
Washington, DC 20515

Congressman James P. Moran  
2239 Rayburn Building  
Washington, DC 20516

Committee on Homeland Security and Governmental Affairs  
340 Dirksen Senate Office Building  
Washington, D.C. 20510

Secretary Janet Napolitano  
Department of Homeland Security  
U.S. Department of Homeland Security  
Washington, D.C. 20528

**Attached:**

- 1) Boarding pass
- 2) TSA Comment Card

(b)(6)



Transportation  
Security  
Administration

Help us improve our customer service by completing and returning this card to a TSA drop-box or to a TSA supervisor or manager.

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Airport: \_\_\_\_\_

Date/Time of Travel: \_\_\_\_\_ Airline & flight number: \_\_\_\_\_

Checkpoint/area of airport: \_\_\_\_\_ TSA Employee (if known): (b)(6)

COMPLIMENT/COMPLAINT(summarize): \_\_\_\_\_

Passenger's Name: (optional, so we can follow-up with you) \_\_\_\_\_

(Optional) Phone number \_\_\_\_\_ e-mail: \_\_\_\_\_

NOTE: If you wish to seek payment from TSA for damaged or missing items, you must file a claim on-line at [www.tsa.gov](http://www.tsa.gov) or through the TSA Contact Center at **1-866-289-9673**.

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Help us improve our customer service by completing and returning this card to a TSA drop-box or to a TSA supervisor or manager.

Date: 6/15/11 Time: 7 PM Airport: Laguardia NYC

Date/Time of Travel: 6/15/11 8:00 PM Airline & flight number: Delta 1147

Checkpoint/area of airport: Delta Check In Point TSA Employee (if known): (b)(6)

COMPLIMENT/COMPLAINT(summarize):

We were travelling with our 10 month old infant. Because our boarding pass did not indicate "Infant in Arms" (b)(6) rudely requested us to print out a new boarding pass that indicated "Infant in Arms". We had to go back to check in counter and it resulted in going back on line and waiting with our crying infant. She handled the situation very rudely + impolitely.

Passenger's Name: (optional, so we can follow-up with you) (b)(6)

(Optional) Phone number (b)(6) e-mail: (b)(6)

NOTE: If you wish to seek payment from TSA for damaged or missing items, you must file a claim on-line at [www.tsa.gov](http://www.tsa.gov) or through the TSA Contact Center at **1-866-289-9673**.

Collection of this information is made under 49 U.S.C. 114(e) & (f). Providing this information is voluntary. TSA will use the information to improve customer service and may share it with airport operators for this purpose. For more information, please consult DHS/TSA 006 Correspondence and Matters Tracking Records. It will take no more than 5 minutes to complete this form. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The control number assigned to this collection is OMB 1652-0030, which expires 1/31/2012. Send comments regarding this burden estimate or any other aspect of this collection of information including suggestions for reducing this burden to TSA/601 S. 12th Street, Arlington, VA 22202. ATTN: PRA 1652-0030.



Transportation  
Security  
Administration

## **TSA CUSTOMER COMMENT CARD**

The Transportation Security Administration (TSA) pledges to ensure that your experience at the security checkpoint is expedient and customer-friendly. Please help us to meet these goals by telling us about your screening experience. Suggestions, compliments and complaints are welcomed and encouraged.

### **If you want to provide feedback at the airport:**

- Ask to speak with a TSA screening supervisor or manager, or
- Contact the TSA customer service representative at the airport, or
- **Complete the back of this card** and return it to a TSA supervisor or manager or place in drop-box.

### **You may also contact TSA by:**

- Calling the TSA Contact Center toll-free at 1-866-289-9673 (voice), (800) 877-8339 (TTY/TTD), or
- Sending an e-mail message: [TSA-ContactCenter@dhs.gov](mailto:TSA-ContactCenter@dhs.gov).
- Mailing this card: **TSA, 75-20 Astoria Boulevard, Suite 300, Jackson Heights, NY 11370**

It would be helpful to provide the following information: airport and terminal, date and time of your trip, airline and flight number, name and badge number of TSA employees you spoke with, and any other pertinent information.

[www.tsa.gov](http://www.tsa.gov)

(OVER)

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE  
CHAIRWOMAN  
STATE, FOREIGN OPERATIONS, AND  
RELATED PROGRAMS  
LABOR, HEALTH AND HUMAN SERVICES,  
AND EDUCATION  
HOMELAND SECURITY



SELECT INTELLIGENCE  
OVERSIGHT PANEL

**Nita M. Lowey**  
**Congress of the United States**  
**18th District, New York**

July 26, 2011

Ms. LaVita LeGrys  
Assistant Administrator for Legislative Affairs  
Transportation Security Administration Headquarters  
East Tower, Floor 11, TSA-5  
601 South Twelfth Street  
Arlington, Virginia 20598

Dear Ms. LeGrys:

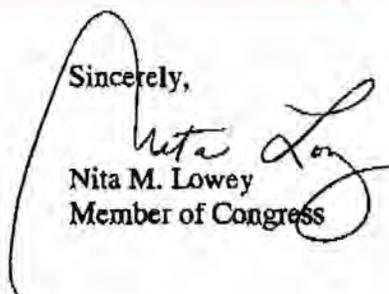
I am writing on behalf of my constituent (b)(6) (b)(6) Irvington, New York 10533, regarding an unpleasant experience he had with Transportation Security Administration (TSA) agents on July 3, 2011. The flight was departing from New York's LaGuardia Airport and arriving at Louis Armstrong New Orleans International Airport.

(b)(6) told me that at the time he was going through security at LaGuardia Airport, he accidentally spilled a container of shaving cream on the stainless steel table. A TSA agent, he believes his last name was (b)(6) yelled, swore at and threatened him.

(b)(6) told me that he is a frequent traveler and has never experienced anything like this and is very upset. Enclosed is a copy of (b)(6) e-mail detailing his experience. (b)(6) (b)(6) would like to know why this was allowed to happen and what will be done to rectify the situation. I request that this matter be given appropriate and speedy review.

If you have any questions, please contact my District Representative (b)(6) at (b)(6) or by e-mail at (b)(6)

Sincerely,

  
Nita M. Lowey  
Member of Congress

(b)(6)

**From:** (b)(6)  
**Sent:** Friday, July 22, 2011 1:31 PM  
**To:** (b)(6)  
**Subject:** Letter from (b)(6)  
**Attachments:** TSA Blog- AW.docx

Dear Congresswoman Lowey,

On the morning of July 3, 2011 between approximately 11:00 am – 12:00 pm, I was traveling from Laganardia Airport to New Orleans on Delta Airlines I experienced an extremely unfortunate encounter with a TSA Officer. I did not have my glasses on at the time and was in the process of gathering my belongings. I was carrying a container of shaving cream and it spilled onto a stainless steel table. The TSA officer asked me 'are you an idiot?' If that wasn't bad enough then he said 'No, you're a goddamn idiot!' In a very loud tone.

I am sure I looked quizzically at the agent whose badge read (b)(6) or (b)(6) from what I recall. He had white hair as well as white facial hair. The numbers on his badge included two #9's and an #8.

He then proceeded by saying 'if you don't like that you goddamn idiot, I will make you miss your plane'. He also told me 'if you want to make a complaint my supervisor is over there' and he pointed in the direction of a podium where there was another man standing behind it.

By the time I retrieved my belongings (b)(6) or (b)(6) and the man standing at the podium were gone.

As a frequent traveler I have thousands of miles which include both domestic and international travel and I have never encountered an incident like this ever before.

I can only wonder if my race as an African American had anything to do with how I was handled. As a former United States Diplomat and Government Official I would employ you that the Homeland Security and head of the TSA remind its employees of the proper protocols in dealing with the traveling public. I would appreciate if you could let me know the resolution of this matter.

I am also attaching a blog from (b)(6) after he heard of my TSA encounter.

Sincerely,

(b)(6)

(b)(6)

Irvington, New York 10533

(b)(6)

F (914)591-4248

(b)(6)

7/25/2011

7/21/11

### Complaint Information

If you don't speak/write English, OCRL has access to interpreters and can talk to you in any language.

① **Information about the person who experienced the civil rights/civil liberties violation**

(fill in what you can)

Name: (b)(6) (b)(6)  
First and Middle Last

Phone #: Cell: \_\_\_\_\_ Home: \_\_\_\_\_ Work: (b)(6)

Please note that we may contact you at the provided numbers.

Mailing Address: (b)(6) Chelmsford MA 01824  
PO Box or Street address City State Zip

Email: (b)(6)

Check here if you are represented by a third party or an attorney in this matter. If so please provide the third party's name and contact information: \_\_\_\_\_

② **Are you filing in this complaint form on behalf of another individual? If yes, please provide your information.**

Name: \_\_\_\_\_  
First Last

Organization (if any): \_\_\_\_\_

Phone #: Cell: \_\_\_\_\_ Home: \_\_\_\_\_ Work: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
PO Box or Street address City State Zip

RECEIVED  
DEPT. OF THE  
ENFORCEMENT  
7/21/11 10:25  
JOB TITLE

③ **What happened?** Describe your complaint. Give as much detail about your experience as possible, including the name of the air carrier, if this occurred at an airport.

I was going through security at NY La Guardia for USAir shuttle flight 2138 6:00 PM to Boston. As I reached the baggage x-ray, the belt stopped moving. I stopped and waited a couple of minutes, then loaded one bag on the belt as it started moving. It stopped again, so again I waited to load my other bags. I overheard the x-ray agent say what sounded like "someone tell that dumbass to move." A female agent came up to me and told me to push my bags through. I am certain that I heard the male agent say "Anytime now." I confronted both agents after I passed through x-ray and addressed the female agent. I asked her if the male agent said what I thought I heard. She did not respond. I asked who I could speak to and she directed me to a supervisor. I spoke with the female supervisor and gave her my business card. She said she would speak with both agents. I have not heard back from her.

DSO

DR

P3

RECEIVED  
7/21/2011

EW 3:00 pm

Continue on an additional page, if needed.

7/21/11

⑤ List anyone else who may have seen or heard what happened.  
(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency): \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
PO Box or Street address City State or Country Zip

Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_

Names (or other information, e.g., agency): \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
PO Box or Street address City State or Country Zip

Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_

*Continue on an additional page, if needed.*

⑥ Have you contacted the TSA Customer Service Manager at the airport, or any other DHS component or other federal, state, or local government agency or court about this complaint?

Yes: TSA Customer Service Manager/Agency/Office/Court \_\_\_\_\_ Date: \_\_\_\_\_

No

If so, has anyone responded to your complaint?

Yes  No

If Yes, describe what has been done to respond to your complaint:

*Continue on an additional page, if needed.*

⑦ Is there any other information you want us to know about or consider?

7/21/11

**When did this happen? Please provide the approximate time of the experience. If ongoing, please indicate when the problem began.**

*(If it happened on more than one date, list all dates):*

July 20th at approximately 5:15 PM.

**Where did this happen?**

Place *(name of the airport or other facility)*: La Guardia

City: New York

State or Country: NY

**④ Who treated you unfairly?**

Please provide a description of the individual(s) and/or the name and badge number of the individual(s) involved.

The male x-ray agent treated me rudely. He was African American and wore glasses. The female agent working with him was tall, dark haired and possibly Hispanic. The female supervisor was Hispanic, short to average height and had light brown hair.

**Alhinnawi, Sumer**

---

**From:** (b)(6)  
**Sent:** Monday, August 15, 2011 4:48 PM  
**To:** 'Alhinnawi, Sumer'  
**Subject:** RE: Per our conversation  
**Attachments:** (b)(6) TSA complaint.pdf

Hi Sumer,  
Sorry, it's been a crazy day, but here is the letter you requested from our office regarding (b)(6) experience with TSA at LaGuardia. Should you need anything else, please let me know.  
Thanks.

RECEIVED IN OLA

AUG 16 REC'D

INT SA

(b)(6)

Caseworker  
U.S. Representative Steve Israel (NY-02)  
150 Motor Parkway, Suite 108  
Hauppauge, NY 11788

(b)(6)

Fax (631)951-3308  
[Click Here to Sign Up for E-News Updates from Rep. Steve Israel](#)

-----Original Message-----

**From:** Alhinnawi, Sumer (b)(6)  
**Sent:** Friday, August 12, 2011 10:40 AM  
**To:** (b)(6)  
**Subject:** Per our conversation

Hi (b)(6)

I wanted to follow up on our conversation yesterday. The traveler can bring his college Id and credit card and check in with TSA. TSA will ask him several questions, such as his DOB, SS#, where he lives etc and run it through our database to see if the information matches up and to verify his identity. This will take some time and he will be required to go through additional screening. I would recommend he goes to the airport several hours before his flight takes off. I hope this helps, let me know if you have any additional questions

Best,

Sumer Alhinnawi  
Office of Legislative Affairs  
Transportation Security Administration  
U.S. Department of Homeland Security  
Desk: 571.227.(b)(6)  
Fax: 571.227.2559

(b)(6)

SEP 11 4 00 56  
m

DISTRICT OFFICE:

150 MOTOR PARKWAY, SUITE 108  
HAUPPAUGE, NY 11788  
PHONE: (631) 951-2210  
PHONE: (516) 505-1448  
FAX: (631) 951-3308



WASHINGTON OFFICE:

2457 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
PHONE: (202) 225-3335  
FAX: (202) 225-4669  
[www.house.gov/israel](http://www.house.gov/israel)

Congress of the United States  
House of Representatives

**STEVE ISRAEL**  
Second District, New York

August 15, 2011

Ms. Lavita LeGrys  
Assistant Administrator for Legislative Affairs  
Transportation Security Administration HQ  
East Tower, Floor 11, TSA-5  
601 South Twelfth Street  
Arlington, VA 20598-6001

Dear Ms. LeGrys:

I am writing to you about an issue that has been brought to my attention from a constituent in my district. Last Friday, I received a call from (b)(6) who resides in my 2<sup>nd</sup> Congressional district. He called because his grandson, (b)(6) and his family were visiting him from South Carolina. (b)(6) had accidentally lost his license during his visit and contacted me for assistance. His concern was getting through security checkpoints in order to board his flight with his family that Sunday.

After speaking with Sumer Alhinnawi of your office, who was very helpful, she was able to tell me all (b)(6) needed to do was to show up several hours early, and bring as much identification with him. I had confirmed with Sumer that all he had was a college ID, Soccer ID, and debit card. She said that this was fine. He will go through extra screening and checks, and from there, he should be okay to go. I relayed this information back to (b)(6) mother.

On Sunday, the (b)(6) showed up to LaGuardia at 2pm. When they approached security, as they expected a TSA supervisor came over. What they didn't expect was the treatment they received. (b)(6) had relayed to my staff that the supervisor on duty was rude. (b)(6) tried relaying to the supervisor that she had reached out to my office on Friday and that they were instructed by TSA Congressional to do what they were doing. (b)(6) said that the supervisor interjected while she was speaking and said, "Lady, I don't care who you called, this won't fly with me." Her son was then escorted by two guards away to the other side of the security checkpoint. When asking what was going to happen, the supervisor responded, "And who are you?" (b)(6) told the TSA supervisor that she was his mother. The supervisor had commented that because her son was 21 years of age, he was an adult and that this was "his problem and not hers." He also said to

her that "if things work out, she will see him on the other side," and then walked away, leaving her not only frightened but angry.

This morning, my staff reached back out to Sumer in your office to let her know what had happened. Sumer instructed for us to write this letter including the details and a description of the TSA supervisor, which according to (b)(6) are that he was a shorter, stocky man with dark hair and a mustache. The (b)(6) family's flight information for that day were as follows: Spirit Airlines flight # NK347 departing at 6.29pm.

The reason why I bring this to your attention is because of the treatment this family experienced. They expected, and as did my staff explain to them, that (b)(6) would receive extra surveillance at security, they were not expected to be treated and spoken to the way they did.

I ask that you investigate these concerns. Should you have any questions or concerns, please feel free to reach out to (b)(6) in my Hauppauge district office at (b)(6)

Thank you again.

Sincerely,  
  
STEVE ISRAEL  
Member of Congress

SI/mp

**SHERROD BROWN**  
OHIO

COMMITTEES:  
AGRICULTURE, NUTRITION,  
AND FORESTRY  
APPROPRIATIONS  
BANKING, HOUSING,  
AND URBAN AFFAIRS  
VETERANS' AFFAIRS  
SELECT COMMITTEE ON ETHICS

# United States Senate

WASHINGTON, DC 20510

August 4, 2011

RECEIVED IN OLA  
AUG 19 REC'D  
INT SAA

Ms. Lavita LeGrys  
Assistant Administrator Office of Legislative Affairs Transportation Security Administration  
Transportation Security Administration  
Transportation Security Administration Headquarters  
East Tower, Floor 11, Tsa-5  
601 South Twelfth Street  
Arlington, Virginia 22202-4220

Dear Ms. LeGrys:

I would appreciate if you would review the attached correspondence from one of my Ohio constituents. I hope that you can address these concerns by contacting the constituent directly or contacting my office so that we may respond to the query.

Please copy my office on any response sent or other actions taken. You can reach us via fax at 202-228-6703 or by e-mailing (b)(6), at (b)(6)

Thank you for your attention to this matter.

Sincerely,



Sherrod Brown  
United States Senator

2011 AUG 19 P 3:41  
MAIL ROOM

(b)(6)



Correspondence Tracking Sheet

Tracking # (b)(6)

Constituent

(b)(6)

Xenia, OH 45385-1438  
Greene County

Phone: (b)(6)  
Email: (b)(6)

Web Mail Message

Web Mail Subject: New Contact Form Post

TSA complainig

(b)(6)

xenia, OH 45385-1438

July 8, 2011

The Honorable Sherrod Brown  
United States Senate  
713 Hart Senate Office Building  
Washington, DC 20510-3503

Senator Brown:

July 8, 2011  
Re: TSA complaint

To Whom It May Concern:

I returned to the United States Friday morning, July 1, 2011, after a trip overseas. I had an unpleasant encounter with the TSA, which I would like to report.

I arrived at JFK airport around 6:10 a.m. and took a bus to LaGuardia for my US Airways flight to Columbus, Ohio. I went through security around 7:30 a.m. The screener discovered a small packet of Dead Sea mud (a present for my sister) in my carryon luggage. He told me that I would have to check the bag or throw away the mud. "I don't understand," I said. "I went through Israeli security and didn't have any problem."

"This isn't Israel," the screen replied. I didn't like that response (mostly, I didn't like the tone in which it was delivered) and asked to see a supervisor.

A few minutes later, I spoke to (b)(6) the supervisor on duty at the time. She said, "You can't take this," she said. I again replied, "I went through Israeli security - they have the toughest airport security in the world - and I went through with no problem."

"You ain't in Israel, (b)(6) replied. "You've got to throw it away or

the check the bag."

I said that I would throw it away. "Just give it to me," I said. "I'll throw it in the garbage."

"Oh, you'll throw it away all right," (b)(6) said. "You come with me."

(b)(6) then walked me back to the security gate ♦ there was a garbage can in front of the gate ♦ she instructed me to go back through the gate and throw it away on the other side. "But there's a can right here," I said.

"No. You throw it away on the other side." I walked back through the door and (b)(6) said, "Have a nice day, Hon." Hon!

I felt greatly abused by (b)(6). She used our disagreement as an excuse to abuse her authority and to humiliate a taxpayer. I realize, of course, that I am not blameless here. I didn't need to mention Israel, and I was definitely perturbed. However, I never raised my voice. I did not use foul, vulgar, or intemperate language. I was not aggressive in any way.

(b)(6) however, didn't like my attitude, and she decided to teach me a lesson.

After returning through security, I saw (b)(6) speaking to her supervisor. I approached (b)(6). (b)(6) looked at me, flashed me a big smile, and walked away.

I explained what happened to (b)(6). He was very understanding. He said that he would "have to talk to (b)(6) about this." He said that even if I had been belligerent ♦ and I wasn't, or I would have been arrested or questioned ♦ there was no reason to force me to go through security a second time.

I don't know whether you fully understand how damaging these incidents are to the TSA. It seems that everyone who travels has a story to tell. I have a couple. Two years ago, I took my father to the airport, so that he could go to Florida with my mother. He was 82 years old at the time (he has since died), confined to a wheelchair, and in the late stage of Alzheimers. Amazingly, he was selected for "enhanced" screening. The TSA practically made my father do kart wheels before passing him through. I didn't know whether to laugh or cry. Either way, I was frustrated and angry by the end of the experience.

Thousands of Americans have had experiences like mine. This is why, when the TSA announces a new screening procedure ♦ body scanners, for example ♦ there is such an uproar. Too many people have had bad experiences with the TSA. Travelers no longer believe that the TSA exists to protect travelers but rather to harass citizens.

TSA workers are now viewed as stereotypical government workers ♦ poorly trained, disrespectful, and supremely entitled. When (b)(6) forced me to go through security a second time, she knew that she had all the power. She knew that I was a nobody, a mere taxpayer. She, on the other hand, is a government employee. A member of a government employees' union. She is untouchable. She could treat me disrespectfully with impunity. She knows that she can't be disciplined. She is a government employee and a member of a government employees union.

Many people in government do not really understand that they ultimately serve at the pleasure of the American people. Once you lose the support of the people, you have lost everything. You've lost my support. How many others will you lose before you change your approach to airport security?

Sincerely,

8/18/11

(b)(6)

Bronx NY 10458

(b)(6)

OFFICE OF THE  
EXECUTIVE SECRETARY  
JUL 21 AUG 21 P 12:41  
FEDERAL BUREAU OF INVESTIGATION

Dear Sir, Madam  
 Good day! This letter is in reference to  
 December 16, 2010. My dad and I was  
 boarding American Airline from LGA to  
 Columbus Ohio (cmh). I went through security  
 and came across (b)(6). I  
 had on a paper slippers. He asked me  
 to take it off, I told him I did a  
 surgery on my foot and the floor was  
 cold. His remarks was, "I dont care".  
 I showed him the surgery. I ask for  
 his supervisor. I hand him the tickets  
 and he threw them on the ground for  
 me to pick them up. I spoke with (b)(6)  
 (Supervisor) for (b)(6)  
 I had went through security before and  
 I came across (b)(6), I  
 showed her the surgery on my foot. She  
 took me to a chair and proceed with her  
 scanning. Quite a lady. Very nice  
 personality. I was very busy, why I  
 am writing now. these are the 2 boarding  
 pass he threw on the ground. (Original)

(b)(6)

I do not want for (b)(6) to  
lose his job, but he should go back  
in training and anger management  
school. He is quite cheeky. Can be  
reached at (b)(6) or above address.

(b)(6)

# United States Senate

July 28, 2011

Ms. Lavita LeGrys  
Assistant Administrator for Legislative Affairs  
Transportation Security Administration Headquarters  
East Tower, Floor 11, TSA-5  
601 South Twelfth Street  
Arlington, VA 20598-6001

RECEIVED IN OLA  
OCT 19 REC'D  
INT SA

Dear Ms. LeGrys:

Enclosed please find a copy of correspondence I received from my constituent, (b)(6) of Chicago, Illinois.

(b)(6) has concerns regarding an issue involving the Transportation Security Administration. Details about his case may be found in the enclosed correspondence, and I would appreciate any information or assistance you would be able to offer my constituent in accordance with all applicable laws and regulations.

Thank you in advance for your assistance with this case. Please do not hesitate to contact (b)(6) in my Chicago office at (b)(6) should you have any questions regarding this matter.

Sincerely,



Mark Steven Kirk  
United States Senator

MSK: ma

enclosure

QSO

R3

(b)(6)

(b)(6)

CHICAGO, ILLINOIS 60606

t (b)(6)

f 312.258.5600

(b)(6)

(b)(6)

July 22, 2011

Senator Mark Kirk  
230 South Dearborn  
Suite 3900  
Chicago, IL 60604

Sir:

I request the assistance of your office in resolving the problems resulting from TSA's destruction of my luggage during a routine security check when I returned to Chicago on 21 July from NY-LaGuardia. I enclose my TSA complaint form which describes how my bag was attacked and destroyed by a boat hook wielding TSA agent. TSA has sent me a refund form but has not stated an intent to initiate disciplinary action against the agent(s) who behaved in an inept and shameful manner.

I ask you to review my complaint. Supervisory personnel at LaGuardia/United Air simply shook their heads sympathetically stating that the low quality TSA personnel could not be improved. Further, the same supervisor stated that I received the same poor treatment as four other passengers in the past two weeks.

(b)(6)

(b)(6) It

CH2110223798 1

**From:** Accounts <Accounts@dhs.gov>

**Date:** 21 Jul 2011 17:03:09 -0400

**To:** (b)(6)

**Subject:** TSA Contact Us: Complaints

Thank you for your inquiry to the Transportation Security Administration submitted on 7/21/2011 at 5:03 PM. We have forwarded your email to the appropriate group for response.

<b>Name:</b>	(b)(6)
<b>Email:</b>	(b)(6)
<b>Complaints:</b>	Damaged or Missing items in Checked or Carry-on Baggage
<b>Flight Info (If applicable. Enter Flight#/Airline/Terminal/Airport/Gate/Etc):</b>	United
<b>Comments:</b>	<p>At 11 am, on 21 July 2011, TSA personnel at La Guardia Airport security including (b)(6) caused the destruction of my luggage, loudly and repeatedly insulted me and behaved in a manner causing me great distress. Here is what happened:</p> <p>During routine baggage screening, my carry on bag, a new 20" Tumi, did not exit from the xray machine operated by (b)(6). She became agitated and when I asked her what was occurring, she stated that "you must have put your bag in wrong". I replied that I did not understand what she meant and then she began a loud diatribe accusing me of some mistake I made in placing my bag on the conveyer belt. I replied I did not understand her. She then began to yell at me stating that "our cameras will show you did something wrong". (b)(6) then left to confer with another TSA personnel who returned with a boat hook attached to a long pole. She began pushing the boat hook into the xray machine and then she became agitated and thrust the boat hook into the xray</p>

machine. Such did not make my bag appear and (b)(6) stepped up her work--she then thrust the boat hook and repeatedly stabbed at whatever was in the xray machine. Regrettably, (b)(6) "landed" her prey, namely my bag. My bag reappeared with a gash from top to bottom with my clothes hanging out. (b)(6) said I "got what I deserved" for my actions.

Before (b)(6) began her destructive recovery, I requested that she bring a supervisor to assess the situation. She refused and another TSA personnel, a 300 pound person who refused to provide his name stated that like (b)(6) said "it was my fault". He supplied the boat hook.

I found a supervisor after this ordeal (b)(6) and he witnessed some of these events. (b)(6) stated he would report this incident to his supervisor.

I travel in excess of 100,000 miles annually and I have never seen such absence of professionalism and wholesale contempt for person and property. (b)(6) is unfit to represent the US. Her inability to operate the key security equipment unless brandishing a boat hook is beyond comprehension. And why would TSA equip personnel with a boat hook?

Refusal by TSA personnel to summon a manger when security equipment is malfunctioning is unacceptable. Or does TSA approve boat hook use on sensitive security equipment-- is such fishing boat tool approved for use under the TSA training manual?

(b)(6) was the single TSA personnel who acknowledged the out of control nature of my experience. He seems to be in the unenviable position of being in charge of a untrained, uncivil and

frankly nutty group. My new bag is destroyed, my respect for TSA is equally shredded. Unless it happened to me I could not comprehend the possibility of these events at a security post.

TSA has a major problem at the United security post. Personnel are in need of strict supervision and retraining and/disciplinary action. I expect a written response to my concerns.

(b)(6)

RICHARD J. DURBIN  
ILLINOIS  
COMMITTEE ON APPROPRIATIONS  
COMMITTEE ON THE JUDICIARY  
COMMITTEE ON RULES  
AND ADMINISTRATION  
ASSISTANT MAJORITY  
LEADER

United States Senate  
Washington, DC 20510-1304

309 HART SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-1304  
(202) 224-2152  
TTY (202) 224-8180  
230 SOUTH DEARBORN, 38TH FLOOR  
CHICAGO, IL 60604  
(312) 353-4952  
525 SOUTH EIGHTH STREET  
SPRINGFIELD, IL 62703  
(217) 482-4062  
PAUL SIMON FEDERAL BUILDING  
250 W. CHERRY STREET  
SUITE 115-D  
CARBONDALE, IL 62901  
(618) 351-1122  
durbin.senate.gov

July 27, 2011

Mr. Jeffrey R. Sural  
Assistant Administrator for Legislative Affairs  
Transportation Security Administration  
East Tower, Floor 7, TSA-5  
601 South Twelfth Street  
Arlington, VA 20598-0100

VIA FACSIMILE: 571.227.2717

Dear Mr. Sural

My constituent, (b)(6) recently contacted my Chicago office regarding an episode at LaGuardia TSA. I have enclosed additional information to provide you with a more detailed explanation.

I would appreciate your looking into this matter at your earliest convenience. Please advise (b)(6) (b)(6) a Senate Aide who assists me with these matters, of your findings.

If you require any further information in order to proceed, or have additional questions, please do not hesitate to contact my Senate Aide at 312/353-4952.

Thank you for your cooperation and assistance.

Very truly yours,



Richard J. Durbin  
United States Senator

230 South Dearborn St.  
Suite 3892  
Chicago, Illinois 60604  
312/353-4952

RJD/cb

(b)(6)

**CAROLYN McCARTHY**  
4TH DISTRICT, NEW YORK



WASHINGTON OFFICE:  
2346 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-5516  
FAX: (202) 225-5758

DISTRICT OFFICE:  
300 GARDEN CITY PLAZA, SUITE 200  
GARDEN CITY, NY 11530  
(516) 739-3008  
FAX: (516) 739-2973

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-3204

COMMITTEES  
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MONETARY POLICY AND TRADE  
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CONSUMER CREDIT  
  
EDUCATION AND THE WORKFORCE  
SUBCOMMITTEES:  
EARLY CHILDHOOD, ELEMENTARY,  
AND SECONDARY EDUCATION  
HEALTH, EMPLOYMENT, LABOR, AND PENSIONS

December 6, 2011

Transportation Security Administration  
East Tower, Floor 11, TSA-5  
601 South Twelfth Street  
Arlington, VA 20598-6001  
Attn: Congressional Liaison

Re: Constituent Complaint

Constituent: (b)(6)

Dear Sir/Madam:

Enclosed you will find a letter from my constituent, (b)(6), which details the unpleasant experience he had while traveling over the Thanksgiving holiday, which I believe you will find self-explanatory.

Any information you could furnish that would address my constituent's concerns would be greatly appreciated. Please respond to (b)(6) in my Garden City, New York district office at your earliest convenience.

I thank you for your time and attention to this matter and look forward to hearing from you.

Sincerely,

*Carolyn McCarthy*  
Carolyn McCarthy  
Member of Congress

CMC/ef  
Enclosure



(b)(6)

Valley Stream, NY, 11580

November 30, 2011

To the office of Congresswoman Carolyn McCarthy  
300 Garden City Plaza, Suite 200  
Garden City, NY, 11530

To whom it may concern,

My name is (b)(6) and I have been a resident in Valley Stream, New York for the past twenty years. I am sixty-three years of age, a naturalized American citizen and a registered voter. I immigrated from Afghanistan in 1983 and have been working in a manufacturing company in Nassau county since.

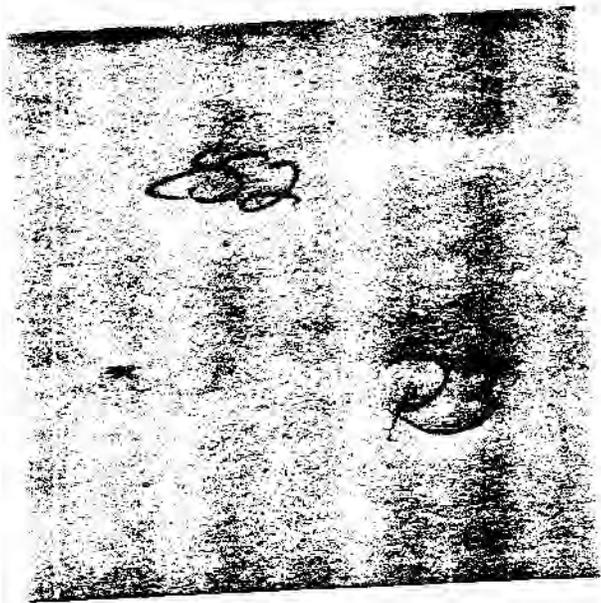
This thanksgiving weekend, I was travelling to Chicago from MacArthur airport in Islip NY and was subject to additional screening and searching at the security checkpoint. After going through this rigorous inspection, which included a pat down, and checking of my personal belongings, I went to wait for my flight to begin boarding. When I went to submit my boarding pass to the operator to enter the aircraft, the scanner that was scanning the boarding pass made a noise different from all the others. The TSA was called in, and yet again, I was inspected thoroughly from head to toe, which included another pat down and another checking of my personal items. This process took about 15 minutes, and when entering the plane, everyone was staring at me as if I be some type of criminal. It was extremely embarrassing and humiliating for me and my family.

I thought to myself that this was thanksgiving and that security had been extra tight and decided to relieve my mind of what had happened and try to enjoy the holidays. When returning to New York, and going through TSA security, I was again "randomly selected" for a pat down and inspection of my bags. When everything was cleared, I went to board my flight, and yet again, the same noise rung. A TSA agent was called, and this time, he told me to come with him, in a very ignorant and rude manner as if I am some type of suspect. This time, I was taken back to the security checkpoint, walked through the scanners again, patted down again, and my bags were checked again. The TSA agent walked me back to the boarding gate without even saying a word,

not even informing me of what was going on or what was the protocol or why this was happening to me. When I had arrived to the boarding area, they were just seconds away from sealing it off. When I boarded the aircraft, everyone stared at me and they all knew that I was the reason the flight was delayed. It was yet again a humiliation and embarrassment.

I am a law-abiding citizen and have a clear record. I vote every election, own a home here, and pay taxes just as a normal middle class American, and my concern is that I want to be treated like a normal citizen of this country. I sincerely and earnestly am asking for your help in clearing the situation. I am a regular flyer and this is the first time I have encountered such behavior. I am travelling again during Christmas time and I hope you may be able to help me resolve an issue that is very sensitive to me and to my family. If you would like to contact me, you may call me at work at (b)(6) or at home at (b)(6). Thank you very much for your time.

Sincerely,  
(b)(6)





Transportation Security Administration

Help us improve our customer service by completing and returning this card to a TSA drop-box or to a TSA supervisor or manager.

Date: 11/29/11 Time: 2:30 PM Airport: LISIP (ISP)

Date/Time of Travel: 3:45 11/29/11 Airline & flight number: SOUTHWEST 1273

Checkpoint/area of airport: SECURITY CHECK TSA Employee(if known): \_\_\_\_\_

COMPLIMENT/COMPLAINT(summarize): \_\_\_\_\_

(b)(6) CONFINED TO WHEELCHAIR (M.S. 35 YRS) WE TRAVEL WITH OUR OWN CHAIR. SECURITY REQUIRED ME (HUSBAND, AGE 77 WITH BAD BACK) TO LIFT HER OFF CHAIR SO THEY COULD REMOVE CUSHION, CHECK & LIFT AGAIN TO REPLACE CUSHION. I PROTESTED BUT THEY INSISTED IN ORDER TO CLEAR HER FOR FLIGHT. 1ST TIME IN YEARS OF FLYING

Passenger's Name: (optional, so we can follow-up with you) (b)(6)

(Optional) Phone number: (b)(6) e-mail: \_\_\_\_\_

NOTE: If you wish to seek payment from TSA for damaged or missing items, you must file a claim on-line at [www.tsa.gov](http://www.tsa.gov) or through the TSA Contact Center at 1-888-289-0870.

Collection of this information is made under 49 U.S.C. 114(e) & (f). Providing this information is voluntary. TSA will use the information to improve customer service and may share it with airport operators for this purpose. For more information, please consult DHS/TSA 006 Correspondence and Matters Tracking Records. It will take no more than 5 minutes to complete this form. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The control number assigned to this collection is OMB 1652-0030, which expires 1/31/2012. Send comments regarding this burden estimate or any other aspect of this collection of information including suggestions for reducing this burden to TSA/ 601 S. 12<sup>th</sup> Street, Arlington, VA 22202. ATTN: PRA 1652-0030.

IF TRAVELLING ALONE, WOULD SHE BE DENIED FLYING?

(b)(6)

Transportation Security Administration  
Office of Civil Rights and Liberties (TSA-6)  
External Compliance Division  
601 S. 12th Street  
Arlington, VA 20598

October 20, 2010

**Subject: Inappropriate Behavior of a TSA Officer, (b)(6)**

Dear Sir / Madam,

It is with considerable disappointment that I feel compelled to file this complaint regarding one of TSA employees, (b)(6) operating at JFK's Terminal 8 earlier today.

At approximately 1:30pm, on October 20th I observed a growing congestion of passengers queuing up for security screening. I also noticed that only four of the seven x-ray stations were actually operating, while several uniformed staff were idly standing around, seemingly engaged in a friendly chat with one another and expressing no interest in expediting the passenger throughput. When I pointed this out to the lead officer on duty, (b)(6) he became inexplicably aggressive and even threatened me. His exact words included: "if you continue to disrupt my operation I will call NYPD and make sure that you will not be flying today".

As a very frequent flyer I found (b)(6) attitude both inappropriate and rather odd. Furthermore, after completing my security proceedings I expressed my disappointment to him, stating that threatening passengers who raise legitimate concerns is unprofessional and alerted him that I would be reporting this incident to his management. When I requested his name, (b)(6) again became visibly agitated and proceeded to raise his voice, demanding to see my boarding pass and identification in an aggressive and threatening manner.

While it is not my intent to negatively affect (b)(6) career at TSA, I do firmly believe that appropriate counseling may be helpful in fostering a more civil manner in which he should interact with the public going forward.

Please feel free to get back to me should you require further information of wish to discuss any aspect of this complaint.

Sincerely,

(b)(6)

(b)(6)  
(b)(6)  
(b)(6)

New York, NY 10010 USA

tel: (b)(6)

e-mail: (b)(6)

(b)(6)

(b)(6)

RECEIVED  
10/27/2010  
EW 10:34am

EXECUTIVE SECRETARIAT  
OFFICE OF THE

2010 NOV - 1 P 3:10

TRANSPORTATION SECURITY

**Smoke, Dejante**

**From:** (b)(6)  
**Sent:** Thursday, November 04, 2010 3:02 PM  
**To:** Pinckney, Alicia; (b)(6)  
(b)(6)  
(b)(6) Smoke, Dejante;  
(b)(6)  
(b)(6) Cartagena, Michelle; (b)(6)  
**Subject:** tsacc-JFK's Lead TSO escorting a Singer from

Dominican Republic on tax payers expense. Not TSA's job to escort

--- Original Message ---

**From:** (b)(6) >  
**Received:** 11/3/10 5:28:08 PM EDT  
**To:** "TSA Contact Center" <TSA-ContactCenter@dhs.gov>  
**Subject:** TSA Contact Us: Complaints

THIS GENERATED EMAIL HAS BEEN SENT FROM <http://www.tsa.gov/contact/index.shtm>

Remote Client IP: (b)(6)  
Date Time: 11/2/2010 6:58:38 PM

<b>Name:</b>	(b)(6)
<b>Email:</b>	(b)(6)
<b>Complaints:</b>	My Complaint is Not Listed Here
<b>Flight Info (If applicable. Enter Flight#/Airline/Terminal/Airport/Gate/Etc):</b>	N/A See Below
<b>Comments:</b>	JFK's Lead TSO escorting a Singer from Dominican Republic on tax payers expense. Not TSA's job to escort. View on youtube.com video. At min. 4:21 <a href="http://www.youtube.com/watch?v=BUKYXKQjII">http://www.youtube.com/watch?v=BUKYXKQjII</a>

RECEIVED  
NOV 04 2010  
22:44:22  
TSA CONTACT CENTER

ADAM H. PUTNAM  
12TH DISTRICT, FLORIDA

FINANCIAL SERVICES COMMITTEE



442 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0912  
(202) 225-1252

650 EAST DAVIDSON STREET  
BARTOW, FL 33830-4832  
(863) 534-3530  
1 (866) 534-3530

www.adamputnam.house.gov

## Congress of the United States House of Representatives

October 29, 2010

Ms. Lavita Strickland Legrys  
Assistant Administrator for Legislative Affairs  
Office of Legislative Affairs  
Department of Homeland Security  
601 12th Street S  
Arlington, Virginia 22202-4202

Dear Ms. Legrys:

Attached is a copy of my September 22, 2009 letter regarding (b)(6) (b)(6) concerning a complaint regarding an incident with TSA officials at the JFK airport. I have not received a response to this inquiry. Can you please provide a status of this inquiry and send your correspondence to my Bartow district office? Thank you for your assistance.

Sincerely,

Adam H. Putnam  
Member of Congress

AHP/jd

2010 NOV 19 P 3:58  
U.S. HOUSE OF REPRESENTATIVES

ADAM H. PUTNAM  
12TH DISTRICT, FLORIDA

FINANCIAL SERVICES COMMITTEE



442 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0912  
(202) 225-1252

650 EAST DAVIDSON STREET  
BARTOW, FL 33830-4832  
(863) 534-3530  
1 (866) 534-3530

[www.adamputnam.house.gov](http://www.adamputnam.house.gov)

Congress of the United States  
House of Representatives

September 22, 2010

Ms. Lavita Strickland Legrys  
Assistant Administrator for Legislative Affairs  
Office of Legislative Affairs  
Department of Homeland Security  
601 12th Street S  
Arlington, Virginia 22202-4202

Dear Ms. Legrys:

Enclosed is correspondence received from my constituent (b)(6) (b)(6) concerning a complaint regarding an incident with TSA officials at the JFK airport in New York City. His Privacy Form outlines his request. Can you please review his complaint and provide a response? Please direct your reply to my Bartow office at the above-listed address. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Adam H. Putnam".

Adam H. Putnam  
Member of Congress

AHP/jd

Explain your problem:

(NYC)  
While AT Kennedy AIRPORT on Thurs 9-16 2010 -  
I (we) placed items on T.S.A. security belt.  
We Proceeded through. Minutes later while rushing to catch  
Flight we were approached by a TSA Agent. He asked  
us if the gold bracelets he was holding were ours.  
We told him yes and thanked him and then rush on  
again. Minutes later again another T.S.A. Agent  
approached us and accused us of taking the jewelry  
and that it did not belong to us. We told him that it  
was ours and we needed to catch our flight. He threatened  
us with arrest if we did not follow. Finally we followed  
in protest. We were taken to a different security belt check-  
in area where there was no one to help him with his accusation  
of theft. In short after a scene - He apologized and said  
another woman found her bracelet and a mistake had been made.  
I wanted a higher up official - I was told he was bringing back  
the "Port Authority" - He never came back! I waited a long time  
for someone else - who only apologized - said to file a formal  
complaint - I am trying to - No one returns calls!

Caseworker: \_\_\_\_\_

Date: Mon 9-20-2010

We - missed flight - were embarrassed - detained - accused in public  
Threatened with arrest.

(b)(6)

Reading, MA 01867-3757  
21 November 2010

Secretary Janet Napolitano  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Secretary Napolitano:

Subject: Unnecessary pat-downs at NYC's JFK Airport wasting valuable TSA time

I was the subject of an unnecessary pat-down at JFK Airport on Nov. 20, 2010 at approximately 7:20 a.m.

I am a 74-year-old diabetic whose doctor has told me that the only places I should go without shoes is to the shower and to bed.

I walked through the screening machine at JFK without setting off any alarms. The TSA agent at the machine pointed out that I needed to send my shoes through the machine. I explained my situation about diabetes, and the TSA agent told me to go back through the machine (again, without any alarms) and wait there for a screener to come.

In Boston and other airports I've been to, the procedure then is to escort me to a seat where I remove my shoes, and then the shoes are sent through the X-ray machine. When the shoes pass the X-ray screening, at the other airports I am though with the process.

Not so at JFK. The TSA agent told me that I would have to be patted down. I explained to him that I had been through the screening machine two times without setting off any alarms. He insisted. I asked for his supervisor, and (b)(6) appeared. I explained to her. She insisted. The pat-down was done. I passed.

I did not notice how much time was wasted by the TSA employee doing the unnecessary pat-down. Both my shoes and I had been through the screening machine two times without setting off any alarms. Following that, my shoes had successfully been screened through the X-ray machine.

Isn't it time to inject some sense into the JFK procedures so that the TSA employees don't waste time doing unnecessary pat-downs?

Sincerely,

(b)(6)

cc: John S. Pistole, Administrator, TSA  
Congressman John F. Tierney  
Joe Sharkey, New York Times

(b)(6)

ES-2

P3



**American  
Disability  
Association**

20 October 2010

BY FIRST CLASS MAIL ONLY - NO TELEFACSIMILE TRANSMISSIONS ACCEPTED BY AGENCY

Mr. Kip Hawley  
Transportation Security Administration  
Director, Office of Civil Rights  
601 South 12th Street - West Tower, TSA-6  
Arlington, Virginia 22202

**Re.: Transportation Security**

Dear Mr. Hawley,

It seems every time I am exposed to TSA I learn something new about how TSA abuses people with disabilities in a routine manner. I know this is not your fault personally, but expect your agency to correct the matter and perhaps even become sensitive to it.

I flew into JFK on October 7/8, 2010 from Casablanca, Maroc. I was screened many times both in Marrakech and Casablanca, and purchased alcohol at the duty-free shop at the Casablanca airport. I put the three bottles in my carry-on garment bag.

At JFK, on deplaning, I told the wheelchair attendant I had bought this alcohol and where it was. I was medicated on percocet for pain, and only realized that the (b)(6) Delta agent immediately following my entry through CBP had put another passenger's name on my laptop case, putting my alcohol in the laptop case to check it, and placing my laptop and other objects from my computer case in with my fine tuxedo.

The first wheelchair attendant "forgot" about my disclosure, and it seems to me that the incorrect passenger name (b)(6) (was his last name) was put on my laptop case as retribution for making them check another bag to correct for the attendant forgetting my disclosure about my alcohol.

When I entered TSA, I felt that this was a matter of some concern, but the older black male who screened me completely ignored my attempt to notify him of this threat I was aware of - he was more interested in removing orthopedic shoes that I would not be able to get back on without assistance by someone trained in putting them on me.

I am attaching my initial letter to the FAA regarding the violation, and to be complete give this notice to TSA.

**received**  
**OCT 28 2010**

*ED 9:30am*

*Serving our community and supporting cross-cultural awareness since 1991.*

**Letter to Kip Hawley, TSA**

**20 October 2010**

**Page 2**

As an international jurist working internationally for the United States on the issue of the economic crisis both through the World Bank Colleague as well as the International Notariat, I expect better treatment from my own government.

I was allowed to make the TSA Supervisor, a Rubinesque white woman, aware of my security concern - but she, like her male co-worker, were oblivious to the danger of intentionally ignoring a passenger trying to communicate with TSA about a bag that was tagged with another passenger's name besides my own, and only when I recounted this to the Delta Red Coat before I boarded from JFK to ATL was it realized the threat this lapse potentially posed for all of our traveling safety.

I trust this communication is adequate regarding notice of the violation. If you have any further questions, please advise and I will do my best to address your concerns. My chief concern is why it took me so long to get someone (in this case a Delta Red Coat) to realize the serious harm that could come from baggage being intentionally mislabeled with other passenger's name (b)(6)

Sincerely,

(b)(6)

attachment

**received**  
**OCT 28 2010**

*W. J. Blum*

(b)(6)

(b)(6)

ATTORNEY AT LAW & CIVIL LAW NOTARY NO 10

(b)(6)  
BIRMINGHAM, ALABAMA 35233

BIRMINGHAM: (b)(6)  
FACSIMILE: (205) 251-7417  
E-MAIL: (b)(6)

14 October 2010

BY DIRECT TELEFACSIMILE TRANSMISSION & FIRST CLASS MAIL

Ms. Peggy Gilligan  
Associate Administrator for Aviation Safety  
U.S. Department of Transportation  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

**Re.: Aviation Safety and Misprovisioning of Checked Baggage**

Dear Ms. Gilligan,

Upon returning to the states from Marocco, I flew from Casablanca to JFK. When I disembarked Air Maroc, I told my wheelchair attendant that I had duty free liquors in my suit carrier aboard the plane. In the process of requesting assistance in retaining my luggage, and even though I was heavily medicated for pain, I had the presence of mind to realize that an agent who claimed to be named (b)(6) had checked my bag under another passenger's name not my own, a (b)(6) through to ATL. I understand from the Delta Red Coat that this was a violation of FAA Regulations by Delta. The Red Coat went into the checked baggage, returned with my carry on (which included international monetary policy work conducted for the benefit on the USA at Marrakech. I was reunited with my spirits via Fedex and given my carry on to resume the rest of my trip. I report this now because I see it as a breach of security whereby our cumulative safety, and especially from an airport like JFK, was seriously compromised, and I was very seriously stressed to make the Red Coat aware of the issue as one requiring immediate response.

Certainly this past experience, both going to Marrakech and my return, were full of mis-starts and mishaps. However, I felt an obligation to make you aware of what appears to me to be a significant area within which basic security was, and could be again, so compromised as to be a danger to the general flying public.

I will look to hear from you today regarding the matter.

Sincerely,

(b)(6)



**received**  
OCT 28 2010  
E. J. 3/10/10

**Jones, Glenita <CTR>**

---

**From:** (b)(6)  
**Sent:** Thursday, October 21, 2010 1:00 PM  
**To:** CRCL  
**Subject:** RE: Complaint Against TSA JFK Airport Terminal 3 Delta Airlines

**From:** (b)(6)  
**Sent:** Thursday, October 21, 2010 11:58 AM  
**To:** 'CRCL@dhs.com'  
**Subject:** Complaint Against TSA JFK Airport Terminal 3 Delta Airlines

Dear Sir/Madam

I was travelling on Oct 18<sup>th</sup> from JFK on flight Delta 6577 (JFK to OHARE) and went in line to the checkpoint at 8:30am. After placing all of my luggage on the scanner I proceeded to go towards the metal detector. After I crossed the metal detector I was stopped by a TSA agent and requested to go through the detector again, at this point I asked why and the agent (b)(6) said I was wearing a belt. To which my response was and I passed the metal detector it didn't beep there was no point in sending me back to the line to do this.

I removed my belt and placed it on the scanner and then proceeded to the metal detector again at which point agent (b)(6) (who had been working since 3am) was clearly irritated and placed me in a holding cell for my hands to be swiped.

After this I asked for a supervisor when Agent (b)(6) came and I explained the situation to her. She was not helpful at all and she kept insisting there are rules and that I as a consumer had no right to question the TSA. At this point I had enough and asked for a complaint form. Agent (b)(6) asked me for my boarding pass and for my ID. I refused to give her an ID because it doesn't have to do anything with me getting a complaint form. She still insisted and said I will not get a complaint form until I get her a government issued ID. I then proceeded to give her my driver's license. Agent (b)(6) then proceeded to write down my personal details such as DOB and home address on a piece of paper.

I asked the agent not to do that because that was sensitive data and it could potentially lead to an ID fraud if not stored correctly. Agent (b)(6) was not cooperative at all. And now we had to bring the manager on duty. I explained to the manager that the TSA has no right to take down my information unless it's on a proper authorized form. The argument kept on going until the Manager suggested that if it doesn't stop he can throw me out of the airport for no reason whatsoever.

In the mean time Agent (b)(6) kept coming towards me and started intimidating me. When I noted down his name, he said "Don't waste your ink, no one is going to do shit to me".

I travel every week from JFK to ORD, the TSA agents at JFK are especially on terminal 3 are getting out of line and intimidating passengers like myself. I would kindly request you to please follow-up with this matter and contact me for more details if needed. My number is (b)(6)

Sincerely

(b)(6)  
(b)(6) Management Consulting | Process & Innovation Performance  
Mobile: (b)(6)

This message is for the designated recipient only and may contain privileged, proprietary, or otherwise private information. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited.



THE AMEMBASSY

December 2010

Secretary Janet Napolitano  
Department of Homeland Security  
Nebraska Avenue Complex  
U.S. Department of Homeland Security  
Washington, DC 20528

SCANNED/RECEIVED  
BY EX-ED SEC  
2010 DEC 30 AM 11:23

Dear Secretary Napolitano,

Over the past couple of weeks I have passed through Kennedy International Airport in New York on three (3) consecutive weekends traveling back to Trinidad, for I am the (b)(6) to the Republic of Trinidad and Tobago. While standing on line to pass through the security check point, I witnessed the TSA officer's rude treatment of passengers. Very derogatory comments were made openly about the physical appearances and dress of passengers. However, one was particularly disturbing when a passenger who obviously had hearing problems or did not speak the language, or may have had a slight mental handicap, was loudly derided because he or she did not hear the request to take off a sweater and walk-thru the screening device. They made this individual walk back and forth about 4 times and then pulled them over to do the wand screening. It was a very dramatic scene for the taunted individual, who obliged with the utmost of courtesy. I would not have been so kind. One incident happened on Monday, December 6<sup>th</sup> between 10:15p and 11:00p, while the other incident happened on Sunday, December 12<sup>th</sup> around 3:40p.

I would implore that the TSA officer's are taught common courtesies, for they can administer their work without being insulting and demeaning. I also hope that there are on-the-spot checks of all our TSA officer's to review how they conduct themselves and treat the traveling public. Lastly, they need to be held accountable for their actions. A stern reprimand should be in order for those TSA workers working on the evenings I depicted in the previous paragraph.

I look forward to hearing from you on these matters. My direct line is (b)(6).

Thank you

(b)(6)

(b)(6)

**TOM PRICE, M.D.**  
5th District, Georgia

WASHINGTON DC OFFICE:  
424 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-4501  
Fax: (202) 225-4486

DISTRICT OFFICE:  
3730 ROSWELL ROAD, SUITE 60  
MARIETTA, GA 30067  
(770) 585-4880  
Fax: (770) 585-7870

100 NORTH STREET, SUITE 150  
CANTON, GA 30114  
(878) 493-6176

www.house.gov/tomprice



### Congress of the United States House of Representatives

January 3, 2011

COMMITTEE ON FINANCIAL SERVICES  
SUBCOMMITTEE CAPITAL MARKETS  
DEPUTY RANKING MEMBER  
DOMESTIC AND INTERNATIONAL POLICY

COMMITTEE ON EDUCATION AND LABOR  
SUBCOMMITTEE WORKFORCE PROTECTION  
RANKING MEMBER  
HEALTH, EMPLOYMENT, LABOR AND PENSIONS

REPUBLICAN STUDY COMMITTEE  
CHAIRMAN  
DEPUTY WHIP

VIA FACSIMILE - 571-227-2559 RECEIVED 1P

Mr. Jeffrey R. Sural  
Assistant Administrator for Legislative Affairs  
Transportation Security Administration  
TSA-HQ  
TSA-5  
601 South 12th Street  
Arlington, VA 22202-4202

RECEIVED IN OLA JAN 4 R  
JAN 4 REC'D INT  
INT

Dear Mr. Sural:

My constituent, (b)(6) has contacted me regarding a problem he is having. Please find enclosed a copy of his correspondence.

Please verify the status of this situation and provide me with any information that I may use to properly assist my constituent. Please forward all correspondence to (b)(6) in my Canton District Office at 100 North Street, Suite 150, Canton, GA, 30114. She may also be reached by email at (b)(6) or by phone at 678-493-6176.

Thank you in advance for your time and assistance in this matter. I look forward to hearing from you soon.

Yours truly,

Tom Price, M.D.  
Member of Congress

OFFICE OF THE EXECUTIVE SECRETARIAT  
2011 JAN -4 P 3:23  
OFFICE OF THE EXECUTIVE SECRETARIAT

TP/jp

(b)(6)

There are 4 page(s) to this fax. **Confidential Notice: This facsimile, including any attachments, is for the sole use of the intended recipient (s) and may contain confidential and privileged information. Any unauthorized review; use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender immediately and destroy all copies of the original message.**

**MEMO****TO: CONGRESSMAN TOM PRICE****FROM:** (b)(6)**ALPHARETTA, GEORGIA 30005****RE: TSA PROBLEMS AT JFK AIRPORT**

Congressman Price,

My wife and I traveled to New York City over the Thanksgiving Holiday. We were traveling back on November 27, 2010, through JFK Airport on Long Island. We entered the Delta Terminal – Terminal 3 – and proceeded to the TSA checkpoint.

My wife was wearing a sweater that had some beading and metal studs on it so, she set off the metal detector going through. The man with TSA asked her to go through again and she complied and still set the machine off. Our bags were placed on the scanner and sent through.

Once through the metal detector the man with TSA asked my wife to submit to the pat-down search since she set the metal detector off twice. My wife stepped to the designated area and a female TSA agent proceeded to pat her down. The agent's name was (b)(6)

At this time Agent (b)(6) found nothing on my wife's person and the TSA agent operating the scanner has not called for an inspection of any of our bags.

Despite finding nothing, Agent (b)(6) supervisor – Lead Agent (b)(6) – said that she would have to pat my wife down again. The two female agents – (b)(6) and (b)(6) – removed my wife and all of her luggage from the TSA screening area and took her somewhere else in the airport. She was gone nearly 15 minutes.

When she returned, her luggage had been completely unpacked, down the bare suitcase lining, and the contents were merely cast into a bucket. The agents placed the buckets back on the table in the screening area in full view of all other passengers proceeding through the travel area and walked off. The clothes were completely unfolded, unrolled and simply thrown into this TSA bucket. We had to stand in the TSA screening area and completely repack my wife's suitcase.

As a prosecutor with the Atlanta Judicial Circuit I fully understand the need for Americans to feel safe in our country and our homes and on our airplanes; but it occurs to me that TSA is, at the very least, a quasi law enforcement agency, and I cannot tolerate the unrestrained violation of my wife's privacy rights and her right to be free from unreasonable search and seizure in her own country.

Neither my wife nor I had any problem with her being patted down initially after setting off the metal detectors. The sounding of the detector unquestionably provided TSA with a reasonable articulable suspicion and probable cause to pat her down. However, the wholesale continuation of additional pat downs and the rilling through her suitcase without probable cause is beyond the pale.

The unwavering rudeness of the TSA personnel in unfolding and unrolling each article of clothing and then bringing it out into public view is completely unacceptable behavior from representatives of our government. This continued invasion of privacy and disregard for the 4<sup>th</sup> Amendment is really disconcerting. There should be a better balance between security and privacy.

I would appreciate your attention in this matter.

(b)(6)

Atlanta Judicial Circuit

REMOVED TELETYPE

REMOVED TELETYPE  
REMOVED TELETYPE

REMOVED TELETYPE  
REMOVED TELETYPE  
REMOVED TELETYPE

January 2, 2011

Secretary Janet Napolitano  
Department of Homeland Security  
U.S. Department of Homeland Security  
Washington, DC 20528

2011 JAN 14 PM 1:13  
SCANNED/RECEIVED  
BY EXEC SEC

Re: Airport Screenings

Dear Secretary Napolitano:

I am writing you to relate an incident that occurred on December 22, 2010, at JFK Airport in New York, where I was booked on United Airlines, Flight 0007, headed to San Francisco, California.

I arrived at the airport at approximately 6:45 a.m., checked my luggage and proceeded to the security line. As a frequent business traveler and, because I am aware that as a result of knee surgery and having prosthetic appliances, that the machine will sound, I automatically advise the person stationed at the screening equipment of that fact. I did nothing different on this day.

A female TSA employee was assigned to do a body tap. The wand sounded only at the site of my knees, yet she ran her hands up my legs beginning with my ankles up to my groin. She went under my sweater and into the belt of my slacks. She ran her fingers through my hair and touched every part of my scalp. And then she moved on to my back and my chest with the notice that she would do so only with the back of her hands. I protested during this process and she called her supervisor, (b)(6) (b)(6), who took my boarding pass and I. D. to record my name because I voiced objection to being manhandled in this abusive manner. He in turn advised

Secretary Janet Napolitano

January 2, 2011

Page 2

me in a less than civil manner that my choice was to step aside and await the arrival of the Port Authority Police, or finish with the body tap which he claimed, was perfectly acceptable in the manner in which it was being conducted and in accordance with the job description and continue with my journey. By the time this ordeal was over I felt dirty and violated, all because I chose to fly to the West Coast to spend a weekend visiting with my granddaughter.

What would have occurred if on that day, I was wearing a skirt? Would the employee have had the right to go underneath it in order to do her search or would I have had to remove it? What if I were wearing an underwire bra; what would she have done then? I have unfortunately been subjected to that humiliating experience in the past as well. Telling me that I can undergo this search in private is not an adequate response. The process is just as abusive and has the potential of being more so because no one can see it in progress. Also, advising me that I will be touched only with the back of someone's hand is equally offensive and just as violative of my person. And until such time that the government can guarantee that there is no danger of radiation exposure from the body scanners, even though I submit it is less offensive, that equipment is not a viable alternative. Most disturbing however, is the fact that most of the people doing these jobs and making judgment calls as to who is and who is not permitted to fly, are totally unskilled, earn slightly above minimum wage which in itself is indicative of their lack of skills and I would venture to guess, are unable to properly name the parts of the human anatomy that they are charged with exploring.

I recall that a year or two ago, a few Hollywood women celebrities protested loudly when they were asked to remove jackets and were not properly dressed for that purpose with the result that the rules softened somewhat. The point is that their protests were taken seriously and addressed. A couple of months ago, a man objected to having his "private" body parts touched by strangers and lacking celebrity status, was hauled off as if he were a criminal, prohibited from flying and in addition, headlined in the press as a disruptive individual. I too, lack celebrity status, does that mean I am required to surrender my rights to be treated decently and with respect in order to fly? Should a bone fide medical condition, or any other legitimately documented issue, permit disparate treatment on behalf of an airline, or anyone else for that matter? What happened to me should never happen again to me or any other person similarly situated. The screening process as it is practiced, denies people the right to be treated with dignity which can hardly be the intent of a government which, on a global basis, fights for human rights of individuals.

(b)(6)

Secretary Janet Napolitano

January 2, 2011

Page 3

In my professional capacity as a Labor Arbitrator, I am required to travel. In addition, it should be noted that a number of times during the year, I travel under the auspices of the National Mediation Board, who lists me on their Roster of Arbitrators, makes appointments and also purchases the tickets with which I travel, in order that I may fulfill these assignments. Surely you would agree that if there were any inkling of a suspicion that I had any terrorist and or criminal inclinations, not only would they not aid me in my travel but neither would they consider me eligible for employment by their Agency. What do I have to do in order to achieve the same level of recognition as a non terrorist on behalf of the airlines; how do I avoid being subjected to the harassment and humiliation that is a constant occurrence and perhaps most importantly, how do I protect myself from being violated by strangers as described above and who, if I voice a legitimate objection to the manner in which I am treated, arbitrarily have the right to curtail my freedom as a law abiding citizen, to fly? With the level of technological sophistication that currently exists, it is difficult to understand why it is not possible to separate people who may indeed activate security equipment due to special issues, be they physical, mental or other, but who are in no way a threat to national security.

Finally, I respectfully submit that perhaps it is time that members of your Department as well as both Houses of Congress be required to travel incognito and under conditions where they too activate scanning machines so that they can experience the same indignities that confront Jane and John Doe Public on a daily basis, in order to understand the anger and protestations voiced on their behalf. No rational human being can object to the need for our overwhelming national concern for security. The objection is to the lack of rationality in the formulation of said policies and to the manner in which they are executed. At the moment our system is neither efficient nor effective. Change is drastically needed.

(b)(6)

Cc: Honorable Kirsten Gillibrand  
Honorable Charles E. Schumer

CAROLYN MCCARTHY  
4TH DISTRICT, NEW YORK

WASHINGTON OFFICE  
2346 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-5516  
FAX: (202) 225-3758

DISTRICT OFFICE  
300 GARDEN CITY PLAZA, SUITE 200  
GARDEN CITY, NY 11530  
(516) 739-3008  
FAX: (516) 739-2973

December 21, 2010

U.S. Department of Homeland Security  
Traveler Redress Inquiry Program (TRIP)  
601 South 12<sup>th</sup> Street, TSA-901  
Arlington, VA 20598-6901

Re: (b)(6)

(b)(6)

Hewlett, NY 11557-1114

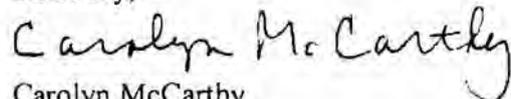
Dear Sir/Madam:

Enclosed you will find correspondence from my constituent, referenced above, requesting my assistance regarding a TSA complaint. Any information you could furnish that would address my constituent's concerns would be greatly appreciated.

Please respond to (b)(6) in my Garden City, New York district office at your earliest convenience, via fax at 516.739.2973; email at: (b)(6) or regular mail at: 300 Garden City Plaza, Suite 200, Garden City, NY 11530.

I thank you for your time and attention and look forward to hearing from you.

Sincerely,

  
Carolyn McCarthy  
Member of Congress

CMC/ef  
Enclosure



CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515-3204

COMMITTEES  
EDUCATION AND LABOR  
SUBCOMMITTEES  
CHAIRWOMAN,  
HEALTHY FAMILIES AND COMMUNITIES  
HEALTH, EMPLOYMENT, LABOR, AND PENSIONS

FINANCIAL SERVICES  
SUBCOMMITTEES  
CAPITAL MARKETS, INSURANCE AND  
GOVERNMENT SPONSORED ENTERPRISES  
FINANCIAL INSTITUTIONS AND  
CONSUMER CREDIT

E-MAIL:  
<http://www.house.gov/writerepj>  
WEBSITE:  
<http://carolynmccarthy.house.gov>

(b)(6)

**Fitzpatrick, Eileen**

---

**From:** (b)(6)  
**Sent:** Tuesday, November 16, 2010 3:42 PM  
**To:** Fitzpatrick, Eileen  
**Subject:** casework

2043	10/26/2	11/9/2	Inter	IM	(b)(6)	Appr	(b)(6)	115	FOR	Inter	Reply	11/09/
125	010	010	net	A		oved		57	MAL	net	from	2010
		1:02:4	Mail	M					(b)(6)	Mail	Congress	01:02
		3 PM		Al						woman		PM
				L						Carolyn		
										McCarthy		

**E-Mail Subj: IMA MAIL**

Dear Ms. McCarthy

I earn my living doing an honest job and pay my taxes regularly. I fly Monday through Thursday. I have consistently complained about the TSA and haven't gotten a response ever. So this time I am turning towards you for help. Here is the details of what happened on October 18th 2010 at JFK.

I was travelling on Oct 18th from JFK on flight Delta 6577 (JFK to OHARE) and went in line to the checkpoint at 8:30am. After placing all of my luggage on the scanner I proceeded to go towards the metal detector. After I crossed the metal detector I was stopped by a TSA agent and requested to go through the detector again, at this point I asked why and the agent (b)(6) (b)(6) said I was wearing a belt. To which my response was and I passed the metal detector it didn't beep there was no point in sending me back to the line to do this.

I removed my belt and placed it on the scanner and then proceeded to the metal detector again at which point agent (b)(6) (b)(6) (who had been working since 3am) was clearly irritated and placed me in a holding cell for my hands to be swiped.

After this I asked for a supervisor when Agent (b)(6) (b)(6) came and I explained the situation to her. She was not helpful at all and she kept insisting there are rules and that I as a consumer had no right to question the TSA. At this point I had enough and asked for a complaint form. Agent (b)(6) (b)(6) asked me for my boarding pass and for my ID. I refused to give her an ID because it doesn't have to do anything with me getting a complaint form. She still insisted and said I will not get a complaint form until I get her a government issued ID. I then proceeded to give her my driver's license. Agent (b)(6) (b)(6) then proceeded to write down my personal details such as DOB and home address on a piece of paper.

I asked the agent not to do that because that was sensitive data and it could potentially lead to an ID fraud if not stored correctly. Agent (b)(6) (b)(6) was not cooperative at all. And now we had to being the manager on duty. I explained to the manager that the TSA has no right to take down my information unless it's

on a proper authorized form. The argument kept on going until the Manager suggested that if it doesn't stop he can throw me out of the airport for no reason whatsoever.

In the mean time Agent (b)(6) kept coming towards me and started intimidating me. When I noted down his name, he said "Don't waste your ink, no one is going to do shit to me".

I travel every week from JFK to ORD, the TSA agents at JFK are especially on terminal 3 are getting out of line and intimidating passengers like myself. I would kindly request you to please follow-up with this matter and contact me for more details if needed. My number is (b)(6).

----- Additional Data -----

Referring page: <http://forms.house.gov/mccarthy/contact.shtml>

Sender's browser: Mozilla/5.0 (Windows; U; Windows NT 5.1; en-US;

rv:1.9..2.10) Gecko/20100914 Firefox/3.6.10

(b)(6)

Legislative Correspondent  
Rep. Carolyn McCarthy (NY-4)

P (b)(6)

F: (202) 225-5758

<http://carolynmccarthy.house.gov>





**Congressman  
Dennis A. Ross  
Florida's 12<sup>th</sup> District**



RECEIVED IN OLA

MAR 04 REC'D

**FAX TRANSMISSION**

INT EAR

To: TSA

From:

Washington Office

District Office

(b)(6)		(b)(6)	
			(b)(6)
<input type="checkbox"/> Intern			

Fax: 571-227-2559 Pages: 21

Phone: (b)(6) Date: 3/4/11

Re: (b)(6) Cc:

Urgent  For Review  Please Comment  Please reply

Please review and address (b)(6) concerns and send response to our district office. (b)(6) previously had the former Congressman Putnam working on his case but states he never received a final response.

Thank you + have a great day ↓

(b)(6)

I AM ASKING FOR ASSISTANCE IN HAVING SOMEONE CONTACT  
ME FROM THE TSA. I HAD A PROBLEM WITH THE TSA  
AT KENNEDY AIRPORT IN NYC. WHERE THE ACCUSED ME  
OF STERCING - MADE ME MISS MY FLIGHT - EMBARRASSED ME,  
THREATENED ME WITH ARREST AND MORE. I WAS TOLD THAT  
THIS INVESTIGATION WAS COMPLETED BACK BEFORE THANKSGIVING  
2011. I WAS SUPPOSED TO HEAR SOMETHING IN A FEW  
DAYS PER (b)(6) FROM JFK CUST ~~SURE~~ <sup>SURE</sup>.  
I HAVE HEARD NOTHING SINCE - NUMEROUS EMAILS  
TO HER AND TSA. COULD GO IGNORED.

**ADAM H. PUTNAM**  
12TH DISTRICT, FLORIDA

**FINANCIAL SERVICES COMMITTEE**



442 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0912  
(202) 225-1252

650 EAST DAVIDSON STREET  
BARTOW, FL 33830-4832  
(863) 534-3530  
1 (866) 534-3630

[www.adamputnam.house.gov](http://www.adamputnam.house.gov)

**Congress of the United States  
House of Representatives**

December 2, 2010

(b)(6)

Florida 33813-2952

Dear (b)(6)

Enclosed is the response received from the Transportation Security Administration. I hope this information is helpful to you.

As you may be aware, my office is closing on December 17, 2010. Please contact Congressman-Elect Dennis Ross after January 1, 2011 if you would like to pursue this case further. Thank you!

May God bless America.

Sincerely,

**Adam Putnam**  
Member of Congress

AHP/pf

(b)(6)

That is the correct number and person to contact locally.  
Also you should go to TSA.gov and there you will find contact information.

Todd Keith  
Transportation Security Manager  
DHS/TSA/JFK  
Office - 718 -704-(b)(6)  
Cell (b)(6)

CONFIDENTIALITY: The information contained in this e-mail transmission along with any attachments from the Transportation Security Administration may be sensitive and is intended only for the use of the recipient indicated. If you are not the intended recipient, please refrain from any disclosure, copying, distribution or use of this information and note that such actions are prohibited. If you have received this transmission in error, please reply immediately to the sender and delete this message

---

**From:** (b)(6)  
**To:** Keith, Todd (b)(6)  
**Sent:** Sat Sep 18 09:05:31 2010  
**Subject:** Bracelet Incident at JFK

Hello Again Todd,

I found your Email address on the business card you gave me.

I met you Thursday night (9/16/2010) after I and my friend (b)(6) were detained by a TSA agent when he accused us of theft of some gold bracelets which caused us to miss our flight. Thank you again for your time. After our discussion concerning the detainment of my self and my friend (b)(6) you gave me your business card along with your appologies and told me that I could file a formal complaint in the morning with someone else higher up in the system. In short, there were no other number listed on your card other than yours so after a few phone calls from numbers on the internet I was put into the direction of a Tahisa Walker Paterson at 718 917 (b)(6) I have left more than a few brief messages on her voice mail along with a brief message concerning this serious matter that have gone unanswered since the following morning of this incident. I am not sure if I am calling the right person.

Can you please put me in the right direction with the right persons name and possibly a phone number of someone who could help me with this formal complaint?

Thank You in Advance,

(b)(6)

Thank you for your email message.

Please accept our appreciation for you taking the time to share this information with us. Your email has been forwarded to the appropriate office for action as required. Your help and support are important contributions to ensuring the safety and security of the Nation's security.

We encourage you to check the latest information at [www.tsa.gov](http://www.tsa.gov).

TSA Contact Center

--- Original Message ---

From: (b)(6)  
Received: 1/20/11 2:13:08 PM EST  
To: "TSA Contact Center" <TSA-ContactCenter@dhs.gov>  
Subject: TSA Contact Us: Complaints

THIS GENERATED EMAIL HAS BEEN SENT FROM <http://www.tsa.gov/contact/index.shtm>

Remote Client IP: (b)(6)  
Date Time: 1/19/2011 5:23:38 PM

<b>Name:</b>	(b)(6)
<b>Email:</b>	(b)(6)
<b>Complaints:</b>	My Complaint is Not Listed Here
<b>Flight Info (If applicable. Enter Flight#/Airline/Terminal/Airport/Gate/Etc):</b>	
<b>Comments:</b>	I flew out of JFK in Sep of 2010. I had a problem TSA agent concerning him accusing me of steali threatened with arrest, delayed, missed my flight embarrassed, accused of stealing, and then told i mistake. I filed a complaint with Tiesh Walker Pa (JFK Cust Svc.) in September of 2010. In short I by Tiesha Walker Paterson in November 2010 v that the investigation was compleated and forwa TSA Headquarters. I have not heard anything frc anybody since. I have left numerous Email and F messages with Tiesha Walker Patterson that ha unreturned. I have also made several phone call TSA Contact Center at 866 289 9673 who have help me contact Tiesha or someone higher up b avail. I am hoping that someone else from high contact me in regards to this matter. My phone is (b)(6) and my Email is (b)(6) Than Advance.

----- TCC Control Number: -----

(b)(6)

(b)(6)

Ms. Walker Paterson,

10 days ago I sent you the Email shown below and have not gotten a response from you. I am sure the holidays have had you busy. I still have not heard a word regarding the investigation you told me was completed. If you would please direct me to the person you forwarded your finished investigation to I would be happy to try and follow this up. Again, you told me that this was finished before Thanksgiving. Please help me try to resolve this matter. I look forward to your response.

Thank You.

(b)(6)

-----Original Message-----

From: (b)(6)  
To: Tiesha.Walker-Patterson (b)(6)  
Sent: Mon, Dec 27, 2010 8:42 am  
Subject: Re: (b)(6) /Bracelet Incident with TSA

Good Morning Ms. Walker Paterson,

On Nov 23 you sent me an Email (please see Emails below) that said I should hear something about this investigation in a few days. That was 5 weeks ago and before Thanksgiving. On December 9, I received again another Email from you that said I should be receiving an official response from TSA headquarters if I hadn't already. That was 3 weeks ago. I also received another apology from you as to my disapproval of how long this was taking. I have tried to get in contact with TSA Headquarters but was told I needed to be more specific of the proper department name because the TSA was a multi department organization. I got a hold of a gentleman who put me on hold while he talked to you weeks back and I was told you told him that again I would get a response by the end of the following week. To date I have not heard anything. Can you please be more specific with a phone number of proper department name and or who I should contact regarding this matter as I again I feel this response is taking too long to receive. It has been a total of I think 15 weeks (September 16, 2010) since this incident occurred.  
I am looking forward to your response.

(b)(6)

-----Original Message-----

From: Walker-Patterson, Tiesha (b)(6)  
To: (b)(6)  
Sent: Thu, Dec 9, 2010 5:52 pm  
Subject: RE: (b)(6) /Bracelet Incident with TSA

Good Afternoon (b)(6)

I received an inquiry from our TSA Headquarters regarding your concern. We conducted an investigation and provided a response to our TSA Headquarters. You should, if you haven't already, receive an official response from our TSA Headquarters. I apologize if you feel your concern is not being addressed in a period of time that you'd prefer. We take all issues of concern reported very seriously.

Thank you

From: (b)(6)  
Sent: Monday, December 06, 2010 9:22 PM  
To: Walker-Patterson, Tiesha  
Subject: Re: (b)(6) /Bracelet Incident with TSA

Dear Ms. Walker-Patterson

It has been two weeks now since I received your Email that stated I should hear something in a few days concerning your investigation. I have heard nothing. You know, since this mishap that happened months ago, and when I was furious

(b)(6)

standing in your airport and hoping someone could help me, I was told there was nothing and I would have to get in touch with you over the phone in the morning. I have been so patient for months waiting for yours or anybody's response to your investigation. This problem should have been dealt with when it happened. I really don't believe people should be treated the way we were and then just go into a holding pattern for months waiting. This was a very serious problem at the time and still is. I feel that this problem is trying to be swept under the rug because of the time it has taken for any kind of proper response. I asked you on the phone if you were the proper person to deal with this situation and you told me yes and to date nothing has been done. So, I am asking again if you are still the right person to talk with and handle this situation or should I, and could you direct me to your supervisor or the proper person or persons that could help me. I will again look forward to your response.

Thank You in advance,

(b)(6)

-----Original Message-----

From: Walker-Patterson, Tiesha (b)(6)  
To: (b)(6)  
Sent: Tue, Nov 23, 2010 1:10 pm  
Subject: RE: (b)(6) Bracelet Incident with TSA

Good Afternoon (b)(6)

You are correct. We performed an investigation and forwarded the information to our headquarters. You should receive an official response from TSA's headquarters within the next few days.

Thank you

From: (b)(6)  
Sent: Friday, November 19, 2010 1:01 PM  
To: Walker-Patterson, Tiesha  
Subject: Re: (b)(6) Bracelet Incident with TSA

Good Afternoon Ms. Walker-Patterson'

I have not heard anything from you in some time now. I think almost 2 months since this incident has happened. Have you finished your investigation? Is anything being done to this person who humiliated, embarrassed, accused us, and made us miss our flight. Is the TSA going to do anything to make things right with myself and my traveling companion. I feel there must be something the TSA and or yourself can do to restore our faith in your procedures and methods of practice. In short I feel some sort of compensation is in order for all that we were put through. I look forward to your response.

Sincerely,

(b)(6)

Highland City, Florida 33846

(b)(6)

-----Original Message-----

From: Walker-Patterson, Tiesha (b)(6)  
To: (b)(6)  
Cc: Alexander, Melissa (b)(6)  
Sent: Wed, Sep 29, 2010 4:13 pm  
Subject: RE: (b)(6) Bracelet Incident with TSA

Good Afternoon (b)(6)

I am actually on Jury Duty.

Please disregard the claim form sent, as it appeared to Melissa that you never received your items back after being

accused of stealing them.

We will address the complaint.

Thank you

**From:** (b)(6)  
**Sent:** Tuesday, September 21, 2010 11:04 AM  
**To:** Walker-Patterson, Tiesha  
**Subject:** Fwd: (b)(6) Bracelet Incident with TSA

Hello Tiesha.....I am not sure what to do about this Email from Melissa Alexander from the TSA. I know it is a damage/loss claim form I think pertaining to death and luggage, but not real sure of what to do with it as I just spoke with you yesterday when you were starting this investigation. Any comments would be appreciated.

Thank You In Advance,

(b)(6)

-----Original Message-----

**From:** Alexander, Melissa (b)(6)  
**To:** (b)(6)  
**Cc:** Walker-Patterson, Tiesha (b)(6)  
**Sent:** Tue, Sep 21, 2010 10:37 am  
**Subject:** RE: (b)(6) Bracelet Incident with TSA

Hello (b)(6)

If you still desire to file a claim, complete the form and send to our claims department located in Arlington Virginia. The address is contained on the forms. When completing the forms please be as detailed as possible: date, airline, bag tag ID, items missing and/or damaged. The greater the information provided, the more thorough the investigation.

If I can provide any additional information, please do not hesitate to contact me.

Best regards,

Melissa Alexander

**From:** Walker-Patterson, Tiesha  
**Sent:** Monday, September 20, 2010 3:50 PM  
**To:** Alexander, Melissa  
**Subject:** FW: (b)(6) Bracelet Incident with TSA

**From:** (b)(6)  
**Sent:** Monday, September 20, 2010 1:29 PM  
**To:** Walker-Patterson, Tiesha  
**Subject:** (b)(6) Bracelet Incident with TSA

February 26, 2011

(b)(6)

Massapequa, NY 11758

(b)(6)

Ms. Jennifer K. Carmichael, Director  
Transportation Security Administration  
Office of Civil Rights and Liberties  
601 S. 12th Street  
Arlington, VA 20598-6006

Hello Ms. Carmichael, I fly occasionally through JFK and I generally have no problem with TSA procedure. I wear a silver bracelet since 1978 that I am not interested in removing so I look forward to an extensive search of my body by the TSA. Only because I missed my flight in my opinion due to the TSA I am writing this letter and questioning TSA procedure.

As I walk through the JFK airport metal detector the alarm sounds to notify TSA I have metal on my body. I am fine with this because I know I will be searched. My question is if metal is what you are looking for why must I be touched on every inch of my body instead of using the wand to detect where the metal is and then touching the area where the metal is detected? That is the way it used to be done and I feel that is much more efficient. This is not an issue of me being touched. The issue is looking for the metal.

I always look for the machine that takes an x-ray to avoid the extra prolonged procedure. However in my experience I have never been able to find a working machine at JFK, LAX, or Ft. Lauderdale since the machines have been added. I seem to get in the line where the broken machine is and a machine on another line is working.

Of course people with no metal walk straight through security. I am sure you know as well as I a true criminal would use a plastic weapon to avert security. Because there was a line of people waiting to be extensively searched by the TSA and of course there is no hurry on their part when I got to my gate it was too late and I missed my flight. I have never ever missed a flight before. I am 53 years old and have been flying since I was very young including military experience.

Sincerely

(b)(6)

RECEIVED

MAR 09 2011

PS 2pm

## DISTRICT OFFICE

150 MOTOR PARKWAY, SUITE 108  
HAUPPAUGE, NY 11788  
PHONE: (631) 951-2210  
PHONE: (516) 505-1448  
FAX: (631) 951-3308

## WASHINGTON OFFICE

2457 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
PHONE: (202) 225-3335  
FAX: (202) 225-4669  
www.house.gov/israel



Congress of the United States  
House of Representatives

**STEVE ISRAEL**  
Second District, New York

March 25, 2011

Lavita LeGrys  
Assistant Administrator for Legislative Affairs  
Transportation Security Administration  
East Tower, Floor 11, TSA-5  
601 South Twelfth Street  
Arlington, VA 22202-4220

Dear Ms. LeGrys:

My constituent, (b)(6), requested my assistance communicating an experience she had with TSA officials at airport security to the TSA. In February, (b)(6) flew from JFK to Los Angeles. (b)(6) has a steel hip, and states that she explained this to the TSA officials at JFK airport. However, (b)(6) was still given a pat down. She felt that the pat down was invasive and made her feel uncomfortable because it was done in a clear, glass enclosed area where all could see. Is there a way for (b)(6) to avoid this during future travel, perhaps by traveling with a doctor's note?

I would appreciate it if you would investigate and comment on these concerns at your earliest opportunity. Please forward your response in care of (b)(6) in my Hauppauge district office. If you should have any questions or concerns about this request please contact (b)(6) at (631) 951-2210 to discuss this matter further.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Israel".

STEVE ISRAEL  
Member of Congress

SI:vb

people who have hip and knee replacements  
and to have to go thru what I did is  
very embarrassing and resented for  
we let a person get on a plane with  
a false boarding pass also the fence at  
TIFK needs to be repaired anyone can walk  
onto the field. I would like to be  
able to fly to see my granddaughter  
who attends UCLA but if I have to  
go thru this quote "Pat down" every  
time I fly I will not do it.

I would appreciate it if some  
kind of solution can be obtained so  
people like me can fly without  
having problems. Thank you

(b)(6)

(b)(6)

March 30, 2011

011 APR -8 AM 11:05  
ANNEX RECEIVED  
BY EXEC SEC

Honorable Janet Napolitano, Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Secretary Napolitano:

I am in receipt of your office's response by Fala Khateeb, Senior Advisor, Field Operations, Office of Security Operations, dated March 24, 2011, to my letter of February 17, 2011, copies of which are both attached herein for your convenience.

If you review the letter, it is clear that your response did not address the complaints that I had made, but merely parroted some information it received from the TSA at John F. Kennedy International Airport in New York.

In my February 17<sup>th</sup> letter to you, which included as an attachment a copy of my Florida driver's license, you will note, the driver's license is fully visible with no missing or obliterated information. However, your response said "The TDC at JFK did not recognize your identification because your Florida driver's license was partially mutilated and void of information the TDC needed to complete identity verification requirements." As is plainly reflected by the attached photocopy of my Florida driver's license, the information on the license is not mutilated, missing or obliterated in any manner whatsoever. I would appreciate it if you would specifically indicate what it is your office believes to be missing from my driver's license or where information appears to be voided. If upon further reflection you agree with me that my driver's license does reflect all the necessary information that is needed in order to identify me as the rightful owner of an airline ticket, I would appreciate a letter from you indicating that and further indicating that the conduct of your TSA officer was improper.

Furthermore, since I wrote you on February 17, 2011 following my experience at JFK, I have taken approximately 16 flights, traveling through various airports across the country, and have not had any issues with this driver's license from any TSA employee at any other airline terminal.

As to Mr. Khateeb's statement in his letter that I became irate and argumentative with the TDC agent at JFK, my only argument with her was her refusal to provide me with her name so that I could write my original letter to you. It is my right as a U.S. citizen, as well as an airline passenger who pays the appropriate taxes which fund, at least in part, your agency, to be provided with this information upon my request. Furthermore, I believe that each agent wears an

(b)(6)

identification name tag for the purposes of the public knowing who the agent is. This identification tag should be worn and visible at all times and no hidden from the public so that we cannot determine the agent's name. If this information is inaccurate, please advise me.

Again, I reiterate that the TDC agent was unprofessional, rude, abusive and argumentative. There is no place for this in your agency for employees such as this.

Very truly yours,

(b)(6)

(b)(6)

amg

cc: Michael A. Scott  
Federal Security Director, JFK Int'l airport  
JFK International Airport  
Jamaica, New York 11430

Fala Khateeb, Senior Advisor Field Operations  
Office of Security Operations  
U.S. Department of Homeland Security  
TSA HQ – East Tower  
601 South 12<sup>th</sup> Street  
Arlington, VA 20598-6029

John S. Bistoli  
Transportation Security Administration  
601 S. 12<sup>th</sup> Street  
Arlington, VA 20598

PLEASE REPLY TO OUR FLORIDA OFFICE

February 17, 2011

Honorable Janet Napolitano, Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

Re: JetBlue Flight # 141  
February 16, 2011

Dear Secretary Napolitano:

I am sorry to have to burden your office with a matter such as this; however, I feel that because the methodologies employed by the TSA agents who work out of the various airports across the United States vary so greatly, this should be brought to your attention so that these procedures can be made more uniform nationwide.

I am a true frequent flyer who averages more than two flights per week, fifty two weeks per year. I have noticed that there is consistently is problem with the TSA agents at the JetBlue terminal at JFK International Airport in New York. For some reason the group of agents assigned to the JetBlue terminal at JFK are extraordinarily rude to the point where, it is my belief, that it is their desire to incite confrontation with travelers. The following is an example of my experience with them yesterday:

I presented my boarding pass and driver's license to the initial TSA representative I encountered at the JetBlue terminal. Although she would not give me her name initially, I subsequently learned that her name is (b)(6) I subsequently obtained (b)(6) name from her supervisor, a male who had three stripes on his epaulets. In any event, when I presented (b)(6) with my driver's license, she told me that it was mutilated and, as such, invalid for identification purposes. She added that the license was cracked which is considered mutilated and, as a result, invalid. (b)(6) then marked my boarding pass so that I underwent extensive individualized screening solely because I questioned her as to why she considered my driver's license invalid. I was then personally escorted from the initial screening table through the x-ray machine and into a screening chamber. While I have been randomly selected on occasional screening, I believe that I was selected this time solely because I asked (b)(6) why she believed my license my invalid. In fact, you could almost

see the steam coming out of her ears when I questioned her decision. Furthermore, on this occasion, the screening performed was much more extensive than ever before with the agent actually touching my private areas. In addition, even though my carry-on luggage did not reflect any improprieties, the TBA officers rummaged through my bags. During this time, I continued to as to speak with a supervisor particularly as none of the agents whom I had contact with (the officer who escorted me to the screening room as well as the officer who performed the physical exam). I finally was directed to a supervisor, who also had three stripes on his epaulets, who was also quite nasty when he learned that I had questioned the procedures utilized by one of his officers. He asked me to produce my license, and after examining it, he stated it was mutilated and invalid, and requested additional information from me. He then took my name stating that he would prepare a response in the event that I filed a complaint – which I informed him that I planned to do. I am enclosing a copy of my driver's license which you will note while it may have a small, ¼ inch crack, is fully intact and legible. Also enclosed is a copy of my boarding pass for yesterday's flight.

As I am sure you are quite aware, traveling on airplanes today is not a pleasant experience. Delays and cancellations along with increased security (which I understand is necessary) put a tremendous strain on the traveling public. Forcing passengers to deal with abusive TSA officers on your front line, however, is something your agency should strive to avoid. Some of these employees, now that they wear a badge, have had their power "go to their heads" and have become abusive to the traveling public

This type of behavior by your officers must be avoided at all costs. Furthermore, the supervisor on duty yesterday, who I also had the misfortune to interact with, was similarly rather rude, discourteous and abusive. Training is very much in order for both your line officers and their supervisors. In fact, as to (b)(6) and her supervisor on duty yesterday afternoon, if I was running your agency, they would very soon be former TSA employees.

If you require further amplification or information relating to my experience, please feel free to contact me.

Very truly yours,

(b)(6)

(b)(6) amg

cc: John S. Bistoli  
Transportation Security Administration  
601 S. 12<sup>th</sup> Street  
Arlington, VA 20598

APRIL 29, 2011

FROM: (b)(6)

SAN DIEGO CA 92122

(b)(6)

TO: (b)(6)

SC/

2011 APR 29 13:12:00

RE SECURITY INCIDENT JFK, 4/20/2011 INAPPROPRIATE CONTACT, ABUSIVE LANGUAGE, SCREENER INATTENTIVE TO DUTIES

JFK, WEDNESDAY, 8PM, 4/20/2011: ON THE WAY TO BOARDING BRITISH AIRWAYS FLT 114 TO LONDON ALL MY HAND BAGGAGE, SHOES, COAT, LAP TOP ETC HAD BEEN CHECKED AND PASSED THEY AWAITED ME ON THE ROLLERS. I FAILED THE LAST SCREENING BECAUSE OF MY SUSPENDERS, THEY ARE EASY TO TAKE OFF BUT HARD TO GET ON SO I USUALLY HAVE THEM HAND SCREENED, NORMALLY JUST A FEW MINUTES.

IN THIS CASE AFTER AFTER 20 MINUTES AND NO SCREENER IN SIGHT I YELLED VERY LOUDLY "YOE!"

AT THIS POINT A CHARGING VERY MAD DHS SCREENER APPROACHED ME. INSTEAD OF ASKING ME WHATS WRONG SIR, APOLOGIZING FOR THE DELAY AND GIVING ME A PAT DOWN SEARCH AND SENDING ME ON MY WAY HE YELLED AT ME FOR SAYING "YOE!" HE PUSHED ME TOWARDS MY GOODS AND TOOK ME TO A CLOSED ROOM WHERE HE AND ANOTHER DHS AGENT WENT THROUGH ALL MY GOODS THAT HAD ALREADY PASSED. I WAS BEING PUNISHED FOR THEIR MISDEEDS. THEY FOUND A TUBE OF TOOTH PASTE OUT OF SPEC THEIR MANAGER WAS THERE SHE NEVER APOLOGIZED OR ASKED ME WHAT HAPPENED? THE OFFENDING AGENT WAS AFRO AMERICAN BURLY, MAYBE 6 FEET? I ASKED TWICE BUT HE WOULDN'T LET ME SEE HIS BADGE, NAME. HIS MANAGER A LADY NEVER INTERVENED. ALL THIS TOOK OVER 20 MINUTES SO INSTEAD OF A 2/3 MINUTE PAT DOWN I WAS DETAINED FOR OVER A HALF HOUR. I AM A 75 YEAR OLD KOREAN VETERAN, GOING THROUGH NORMAL SECURITY CHECK IS EXHAUSTING BUT THIS WAS JUST AWFUL!

IN REVIEW:

- 1 THERE WAS NO SCREENER ON STATION, I COULD SEE HIM TALKING WITH HIS FRIENDS? THERE WAS NO MANAGER SUPERVISION OR IN SIGHT! IT WAS ONLY AFTER I YELLED THAT THINGS GOT MOVING.
- 2 THE CHARGING SCREENER WAS PHYSICALLY ABUSIVE AND DISCOURTEOUS I WAS PUNISHED FOR HIS BAD CONDUCT.
- 3 THE PROBLEM WASN'T THAT THERE WAS A LACK OF SCREENERS THERE WERE PLENTY STANDING AROUND. THE PROBLEM WAS POOR MANAGEMENT SUPERVISION AND AN EFFICIENT UTILIZATION OF PERSONNEL AVAILABLE.
- 4 PERSONNEL NEED TO BE COUNSELED ON COURTEOUS BEHAVIOR AND SENSITIVITY.

CONCLUSION: THERE ARE PLENTY OF PEOPLE IN DHS TO GET THE JOB DONE BUT MUCH BETTER SUPERVISION AND PLANING IS REQUIRED. THERE SHOULD BE REAL TIME HANDS ON MANAGEMENT. I HAD A TERRIBLE MENTAL AND PHYSICALLY EXHAUSTIVE EXPERIENCE.

**IN THESE HARD FISCAL TIMES THE DEPARTMENT OF HOMELAND SECURITY DOESN'T NEED MORE MONEY OR PEOPLE BUT RATHER BETTER MANAGEMENT!**

COPIES:

JANET NAPOLITANO  
DEPT HOMELAND SECURITY  
WASHINGTON DC 20528

PETER KING  
CHAIR HOUSE HMS COMMITTEE  
WASHINGTON DC, 20575

JOSEPH LIEBERMAN  
706 HART OFFICE BUILDING  
WASHINGTON DC 20510

BUILDING H2 FORD

REP SUSAN DAVIS, 1526 LONGWORTH, WASHINGTON, DC 20515-3305  
CA 53RD DISTRICT  
CA SENATORS BARBARA BOXER AND SENATOR DIANNE FEINSTEIN

(b)(6)

CONSULTANT  
FINANCIAL SERVICES

(b)(6)

CONTROL NO.

Gentlemen

May 10, 2011

I am a former United States Naval Officer and Pilot, a retired businessman, father of 6, loyal American and a senior citizen yet I was mistreated by a TSA agent as if was on your terrorist watch list this past Sunday at the JFK Jetblue checking at 7:15 PM May 8 by your agent (b)(6), a tall intimidating man of color. He treated me worse than some people treat an animal of burden. When I complained about his rough and disrespectful treatment he told me that he had to be firm. I asked about the new machines which body scan and I was told that were turned off. When he was done pulling my shirt and pants I looked like I had been in a fistfight. His treatment made me embarrassed and as about as angry as I have ever been. He would not let me leave my area of exposure for about 3 minutes then he "excused" me.

My "crime" is that I had two knee replacements in January. I have never been arrested or caused any disturbance in my entire life yet I am singled out for this offensive and embarrassing treatment. What is wrong with using a wand over my body like TSA used to, rather than my having to go through this hell? It makes me wonder if flying is worth the trauma I now have to face. There is something very wrong with this procedure. It also makes me wonder if the U S Government even gives a damn about respecting its citizens.

Respectfully reported.

(b)(6)

(b)(6)

(b)(6)

AUSTIN, TX 78735

SCANNED/RECEIVED  
BY EXEC SEC  
2011 MAY 25 PM 12: 01

PHONE (b)(6)

FAX: 512.330.0597

E-MAIL: (b)(6)

**FRANK R. WOLF**  
10TH DISTRICT, VIRGINIA

**COMMITTEE ON APPROPRIATIONS**

SUBCOMMITTEES

CHAIRMAN—COMMERCE—JUSTICE—SCIENCE

TRANSPORTATION—HUD

STATE AND FOREIGN OPERATIONS

CO-CHAIR—TOM LANTOS  
HUMAN RIGHTS COMMISSION



**Congress of the United States**  
**House of Representatives**

May 11, 2011

241 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-4610  
(202) 225-5136

13873 PARK CENTER ROAD  
SUITE 130  
HERNDON, VA 20171  
(703) 709-5800  
(800) 945-9653 (IN STATE)

110 NORTH CAMERON STREET  
WINCHESTER, VA 22601  
(540) 667-0990  
(800) 850-3463 (IN STATE)

wolf.house.gov

**RECEIVED IN OLA**

MAY 26 REC'D

INT MM

Ms. Lavita LeGrys  
Acting Asst. Administrator for Legislative Affairs  
Transportation Security Administration  
601 12th St S East Tower Flr 11 TSA-5  
Arlington VA 22202

Dear Ms. LeGrys:

I received the enclosed letter from my constituent, (b)(6) of McLean, Virginia, sharing with me her troubling experience with enhanced screening practices while traveling from White Post, New York, to Washington, D.C.

I would appreciate any comment you may have for me to share with (b)(6). I ask that you please fax your response to my office at 202-225-0437, attention: (b)(6)

Thank you for your assistance in helping me to serve my constituents.

Best wishes.

Sincerely,

Frank R. Wolf  
Member of Congress

FRW:ab  
enclosure

2011 MAY 27 P 1:21  
ALLEGEDLY DESTROYED

MAY 04 2011

(b)(6)

MCLEAN, VIRGINIA 22101-1805  
(703) 276-(b)(6)  
FAX (703) 276-7715

(b)(6)

April 29, 2011

The Honorable Frank Wolf  
Washington DC 20515

Dear Frank:

This letters refers to the TSA screening methods.

On 24<sup>th</sup> I had to take a plane from White Plains, New York to Washington D.C. I had a need replacement done two months ago. This means I have a metal knee which sets off the alarms. I was told to go into a glass cage and wait for a security officer to give me a pat down. I waited in the glass box with no cane, no place to sit for a full ten minutes. That was very painful because my knee has not quite healed. Also, highly embarrassing as every passenger that goes through stares at you and wonders why you in the cage.

Finally, two VERY large women in uniforms approached and told me to step out. I want to remind you that I am under 5 feet in height, I weigh 120 lbs. and am 76 years old. They made me go a body search. The were incredibly rough and every single part of my body was touched. I felt violated, humiliated and punished for being disabled and old. To make matters worse for me personally, I had been molested as a child and this brought back every single moment of that molestation.

I asked why I had not been wanded and was told that the TSA was phasing out wands as outdated technology. I could not believe it. They would rather man handle people than wand them. What kind of a society are we living in?

There has to be a more humane way to treat the elderly and the infirm in our society. There has to be a way to enforce our rights as law abiding, tax paying citizens of this country.

Sincerely,

(b)(6)

*This was one of the worst experiences of my life.*

MARK R. WARNER  
VIRGINIA

## United States Senate

WASHINGTON, DC 20510-4606

May 24, 2011

COMMITTEES:  
BANKING, HOUSING, AND  
URBAN AFFAIRS  
COMMERCE, SCIENCE, AND  
TRANSPORTATION  
BUDGET  
RULES AND ADMINISTRATION  
JOINT ECONOMIC COMMITTEE

Mr. Robert Letteney  
Deputy Assistant Secretary for Governmental Affairs  
U.S. Department of Transportation  
1200 New Jersey Avenue, Se  
Washington, DC 20590-0001

Dear Mr. Letteney:

I am writing on behalf of (b)(6) regarding his request for assistance.

My jurisdiction as a United States Senator is primarily over federal matters. Therefore, I am forwarding (b)(6) correspondence to your attention for your appropriate review and response.

Thank you for your assistance.

Sincerely,



MARK R. WARNER  
United States Senator

MRW/sb

Enclosure(s)

180 WEST MAIN STREET  
ABINGDON, VA 24210  
PHONE: (276) 628-8158  
FAX: (276) 628-1036

101 WEST MAIN STREET  
SUITE 4900  
NORFOLK, VA 23510  
PHONE: (757) 441-3079  
FAX: (757) 441-6250

919 EAST MAIN STREET  
SUITE 830  
RICHMOND, VA 23219  
PHONE: (804) 775-2314  
FAX: (804) 775-2318

129B SALEM AVENUE, SW  
ROANOKE, VA 24011  
PHONE: (540) 857-2676  
FAX: (540) 857-2800

8000 TOWERS CRESCENT DRIVE  
SUITE 200  
VIENNA, VA 22182  
PHONE: (703) 442-0670  
FAX: (703) 442-0408

<http://warner.senate.gov>

PRINTED ON RECYCLED PAPER

To: Senator Mark R. Warner, Via Facsimile

From: (b)(6)

Facsimile: 757-441-6250

I need to call attention to an incident involving the TSA and their apparent practice, based on my experience that appears to be consistent with other complaints to which I have become aware – of their failing to address a significant public relations problem.

Briefly restated, on May 16, 2011 at approximately 6:45AM, I was on my way to gate 25 at JFK Airport's Terminal 2 to board my flight (Delta #4193) to Norfolk, VA. At that time, I encountered Officer (b)(6) at the Security Check Point. Officer (b)(6) did not articulate his orders to me very clearly and I thought he had authorized me to exit the scanning machine. He became very agitated, hostile - borderline aggressive and ordered me out of the device for a pat down. His demeanor was extremely rude, hostile and totally inappropriate when considering the "infraction", an honest error. He literally made me feel like a common criminal, and one can only imagine my shock and humiliation to be treated in such a manner by Officer (b)(6) in front of hundreds of onlookers.

Following that embarrassing and degrading experience, I immediately complained to Supervisor (b)(6) who advised me to file this complaint with DHS, which has gone nowhere and has been summarily dismissed by them without review.

Officer (b)(6) demeanor clearly reveals his apparent and severe lack of basic public relations skills. In my opinion, as a law abiding citizen and taxpayer, I did not deserve such abdominal treatment from him or anyone else, and would urge that Officer (b)(6) either undergo effective public service training or be reassigned to a position more compatible with his personality. Considering today's depressed employment environment, I am certain that there are many candidates who would be very eager to work for a U. S. Government Agency and who are far more suited for a position involving a considerable amount of sensitive public contact.

**My complaint to the TSA resulted in a pre-drafted response. I asked them to address my concerns specifically, and I received the exact same response, which was duplicated on three occasions. This clearly demonstrates the TSA's unwillingness to address citizen complaints about the outrageous conduct of their Officers.**

This requests your office to conduct the investigation that the TSA refuses to complete.

I may be reached at (b)(6) Virginia Beach, VA 23462, (b)(6) or (b)(6)

Thank you for your attention to this matter.

(b)(6)

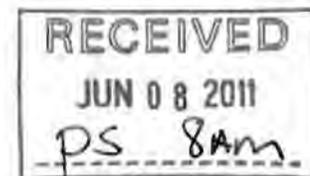
(b)(6)

5/1

**Subj: Re: TSA Contact Us: Complaints**  
**Date: 5/30/2011 9:45:26 P.M. Eastern Daylight Time**  
**From:**  
**To:**

i sent you a complaint about an inappropriate pat down at jfk airport on Sunday morning, may 29th, i had written this complaint many times but the blog was undeliverable, so i just tried again and somehow it got delivered but because it hadn't gotten delivered the last couple of times i didn't have all the info in front of me, the incident took place on Sunday morning at jfk around 8:50 to 9 am, i was on flight AA19, as i said i was inappropriately patted down, i have replaced hips and unless i can get an x ray machine, i have to be patted down, i did ask to go thru the x ray machine but apparently asked the wrong person, i was told there machines were not working and that the tsa was understaffed, check and see how many officers were working that morning, there was no shortage of officers, just a shortage of passengers, after getting patted down, and having a female officer touch my private parts 3 times, when she finished i called over the supervisor, i wrote the name as (b)(6), it was (b)(6) she was quite rude, said they were short staffed which if you check is not the case, and said the officer should have gone between my legs 4 times not 3, my husband was sitting right there, and couldn't believe how disgusting this woman's attitude was, i said i was going to write a formal complaint, she tried to get my name so that she could protect herself and write a complaint about me, she then sent two officers, a man and a woman to follow us around the airport to get my name, when i went into the business class lounge, they got my husband's name off his boarding pass, they said if they didn't do what (b)(6) their supervisor told them to do, they would get fired, this was such a dehumanizing experience, not one that i would think you would want to have happen to any of your travelers, i am happy to write this story for any newspaper to shed a light on how you are treating travelers and what kind of people you are hiring and what is worse, who you are promoting, please you can contact me by email, by phone, (b)(6) i did file a complaint, but as i didn't have all the info in front of me, i decided to write you again, obviously this happened yesterday, and i am still traumatized by this incident, i would really like to know that you are going to handle this, and hopefully fire this woman and train your officers better, now that you are no longer using wands, i think your training process needs work, again, i would love to hear from someone from the tsa and let me know what you are going to do about this, i can't believe that i am the only person to complain about this behavior, afterall you are a government agency, and i am a citizen of this wonderful country, and would never dream i would be treated and talked to in this manner, sincerely, (b)(6)

*Again this email was undeliverable*



Monday, May 30, 2011 AOL (b)(6)

CAROLYN B. MALONEY  
14TH DISTRICT, NEW YORK  
2332 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-3214  
(202) 225-7944  
COMMITTEES:  
FINANCIAL SERVICES  
OVERSIGHT AND  
GOVERNMENT REFORM  
CHAIR  
JOINT ECONOMIC COMMITTEE



**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-3214

DISTRICT OFFICES  
1651 THIRD AVENUE  
SUITE 311  
NEW YORK, NY 10128  
(212) 860-0606  
 28-11 ASTORIA BOULEVARD  
ASTORIA, NY 11102  
(718) 932-1804  
WEBSITE: <http://maloney.house.gov>

6/20/2011 SP

May 5, 2011

RECEIVED IN OLA  
4  
INT

LaVita LeGrys  
Assistant Administrator of Legislative Affairs  
Transportation Security Administration  
East Tower, Floor 11, TSA-5  
Arlington, VA 20598-6001

Re: (b)(6)

Dear Ms. LeGrys:

I am writing on behalf of (b)(6), who resides in the 14th Congressional District, which I represent. (b)(6) contacted me regarding a recent incident with TSA agents at JFK airport.

Please review (b)(6) concerns and advise me as to your conclusions, consistent with all applicable rules and regulations. Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact (b)(6) in my district office at (212) 860-0606.

Sincerely,

**CAROLYN B. MALONEY**  
Member of Congress

CBM/gs

cc: (b)(6)

Please Reply To:  
1651 Third Avenue, Suite 311  
New York, NY 10128-3679

(b)(6)

Capitol Correspondent

Constituent ID: (b)(6)

(b)(6)

New York, NE 10065-6967

Email: (b)(6)

Activity Created: ~~4/13/2011~~

File Location: 2729013

Interest Code(s): HSEC

Comments:

RSP: Yes.

Date Received: 4/13/2011 4:37:43 PM

Topic/Subject Desc: HSEC

I was severely harassed by TSA agents at JFK airport during Christmas. I'm writing to you now because I haven't been able to just forget about the incident as I was initially hoping would happen.

I beeped as I was passing through the metal detector. "It's just a silver bangle," I said to the agent. She thought I was being smart and patted me down. Then she told me the alarm had gone off on the swab and winked at me as she said they sometimes get false positives from the powder on the gloves, giving me the impression she set it off on purpose.

She instructed me to stand in a stress position with my arms out and then left me there for over 20 minutes. Nobody would tell me what was going on. The worst part was the following: lots of other TSA agents seemed to have come off shift and they were gathered in a crowd looking at her handling me, hooting and laughing and catcalling as if I was an exhibit at a zoo. I'm a 29-year old journalist covering the UN and I deal with stressful situations all the time, but I started to cry.

I asked for the second search to be done in public because I feel safer where other people could see me. They refused and not a single person at the airport had the authority to let them pat me down in public. They threatened me with the police and arrest if I didn't do as they said. It was as if I had fallen into a rabbit hole where suddenly an ordinary citizen like me who had done nothing wrong was being marched off to Guantanamo because a TSA agent decided she wanted to pick on me.

This experience ruined Christmas for me. I still think of it frequently; the casual harassment by so-called law enforcement officials who were interfering with me just because they could, because they had badges, and also the fact that not a single person in uniform (though the airport was crawling with them) stopped them and asked them what they were doing to me. I have not flown since then. Someone needs to do something about the rampant abuse of power by TSA agents who seem to be unaccountable to anyone. My only regret is that I didn't get their names, they would not allow me to get a pen and paper.



# Congressman Gary L. Ackerman

5<sup>th</sup> District, New York

218-14 Northern Boulevard • Bayside, New York 11361  
Tel: (718) 423-2154 • Fax: (718) 423-5053 • Web: [www.house.gov/ackerman](http://www.house.gov/ackerman)  
Email: (b)(6)

RECEIVED IN OLA

6/23/2011 SP

DATE:  
June 21, 2011

TO: <b>Congressional Affairs Unit</b>		FROM: (b)(6)
COMPANY/AGENCY: TSA		DISTRICT LIAISON
FAX: 571-227-2559	# of Pages (including cover sheet): 4	
RE: Congressional Inquiry - (b)(6)		

Message:

**Confidentiality Statement:** This communication is intended for the use of the recipient to which it is addressed, and may contain confidential, personal and/or privileged information. Please contact us immediately if you are not the intended recipient of this communication, and do not copy, distribute, or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed.

JUN. 21. 2011 1:07PM

REP. GARY L. ACKERMAN

NO. 6203 P. 2

HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515  
(202) 225-2601  
(202) 225-1589 Fax  
<http://www.house.gov/ackerman>

218-14 NORTHERN BOULEVARD  
SUITE 204  
BAYSIDE, NY 11361  
(718) 423-2154  
(718) 423-5053 Fax

**Gary L. Ackerman**  
**Congress of the United States**  
5th District, New York

VICE CHAIR,  
**COMMITTEE ON  
FOREIGN AFFAIRS**  
CHAIRMAN,  
SUBCOMMITTEE ON  
THE MIDDLE EAST AND SOUTH ASIA  
SUBCOMMITTEE ON ASIA, THE PACIFIC,  
AND THE GLOBAL ENVIRONMENT

June 21, 2011

**COMMITTEE ON  
FINANCIAL SERVICES**  
SUBCOMMITTEE ON CAPITAL MARKETS,  
INSURANCE, AND GOVERNMENT  
SPONSORED ENTERPRISES  
SUBCOMMITTEE ON FINANCIAL  
INSTITUTIONS AND CONSUMER CREDIT

Ms. Lavita Legrys

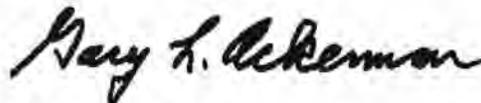
Acting Assistant Administrator for Legislative Affairs  
Transportation Security Administration  
601 12th Street South  
Arlington, Virginia 22202

Dear Ms. Legrys:

I am writing on behalf of my constituent, (b)(6) who has sent me the enclosed correspondence, which I believe is self-explanatory.

I will appreciate your investigating the statements contained in this letter and advising me of your findings. Please send your response to my district office in Bayside. Be assured that any consideration you can extend to this inquiry will be greatly appreciated.

Sincerely,



Gary L. Ackerman  
Member of Congress

GLA:jh

June 12, 2011

Congressman Gary Ackerman  
218-14 Northern Boulevard  
Bayside, NY 11361



Re: TSA – JFK Airport - NY

Dear Congressman Ackerman:

As a concerned parent, I am writing to you in an effort to bring awareness to the unnecessary and disgraceful actions of the TSA.

My daughter was returning home to Seattle, WA from New York's JFK airport on a Jetblue flight scheduled for 6:59PM on Monday, 6/6/11. She arrived at the airport around 4:15PM, in plenty of time to catch her flight. Normally, even with a patdown, she is through the security line in a reasonable timeframe. As she went through the metal detector, she beeped. My daughter is a Type I diabetic and was wearing an insulin pump. She knows the routine and advised security that she was wearing an insulin pump that could not be removed and requested a female assist for a patdown. She has traveled numerous times to many states, by air, with supplies, meters and an insulin pump. She waited for 10 minutes before someone arrived and was told that they needed to do a private screening. As she has been through this before, (most recently 2 days earlier from Seattle to JFK), she advised that she did not want the private screening but understood the need for the patdown. Security told her that she had no option but to have a private screening. The American Diabetes Association tells me they have never heard of this. She again waited for another 10 minutes for another agent. She was taken into a back room and advised where they were going to touch her and asked her to show them the pump. Her hands were swabbed for chemicals and an alarm went off. At this point, they told her she had tested positive for explosives and they would need to wait for a female supervisor to do a second check. The machine was in lockdown. Since they did not know where the female supervisor was at that time, they placed my daughter in a glass tube, in full view of everyone, with a guard at the door. Her traveling companion remained outside of the glass, watching this whole episode but not knowing what was going on. No-one bothered to advise him of what was happening, or to ask if he would like to stay with her. From what I had read on the TSA website and been told by the American Diabetes Association, she is allowed to have her companion with her. That is a right that she was not made aware of.

It took the supervisor approximately 30 minutes to get to my daughter for the second check. In that time, my daughter started feeling shaky but she had none of her medications, supplies, or food with her. She asked the guard if she could get some candy or medications (she carries sugar pills for diabetics) and her meter so that she could check her blood sugars. She was denied saying she was not allowed to touch anything. She then asked if the guard could get her something, in case she was experiencing a "low" but all the guard kept saying was that "someone would be here soon". My daughter

attempted to explain the situation, but apparently, the guard was not interested. Again, according to the TSA website and the ADA, this is a violation of her rights as a citizen with a medical condition.

By the time the supervisor arrived, my daughter was in tears. They took her to a private screening, swabbed her entire bag, and obviously, found nothing. They told her that they had to report her ticket information to the TSA as a standard procedure. Almost an hour later, she was finally permitted to get her bags and proceed to her flight.

While I understand that airport security is a necessity, I do not understand how these agents can be so inexperienced and uncaring. There are so many people traveling that have some medical condition. There is a large population with Type I diabetes, and even those with Type II wear insulin pumps. If the government is going to insist on these invasive screenings, the least they can do is to educate their staff on the consequences of not understanding a medical situation. I am sure you are aware of the difficulties of type I diabetes, and that stress can play havoc on the disease. Feeling shaky and upset and not being able to check her sugar level or eat can only increase the possibility of experiencing a diabetic episode. She could have gone into a diabetic comma. Without her test meter, food, medications, she was put at risk and this episode could have ended badly.

I do not want to see this happen again to her or anyone else who suffers from a medical condition of any kind. This is discrimination against individuals simply because they happen to suffer from a medical condition which I find appalling. These medical conditions need to be understood so that citizens are not treated like criminals, but rather helped to get safely to their destination.

I would very much appreciate your efforts in bringing about much needed training for the TSA in order to avoid this happening again. If there are other agencies or ways for me to get involved in this, please let me know. I will do anything to bring awareness to this very demeaning and dangerous issue.

I thank you for your time.

Sincerely,

(b)(6)

(b)(6)

Queens Village NY 11427



**When did this happen? Please provide the approximate time of the experience. If ongoing, please indicate when the problem began.**

*(If it happened on more than one date, list all dates):*

JUNE 22, 2011

11:40 A.M.

JET BLUE AIRLINE CHECKPOINT.

**Where did this happen?**

Place (name of the airport or other facility):

JFK airport

City:

NEW YORK

State or Country:

N.Y.

④ **Who treated you unfairly?**

Please provide a description of the individual(s) and/or the name and badge number of the individual(s) involved.

Agent (b)(6) short; female.

Sorry, but I did not obtain more information since I wanted to remove myself from the situation ASAP.

- ⑤ List anyone else who may have seen or heard what happened.  
(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency): \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
PO Box or Street address City State or Country Zip

Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_

Names (or other information, e.g., agency): \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
PO Box or Street address City State or Country Zip

Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_

*Continue on an additional page, if needed.*

- ⑥ Have you contacted the TSA Customer Service Manager at the airport, or any other DHS component or other federal, state, or local government agency or court about this complaint?

Yes: TSA Customer Service

Manager/Agency/Office/Court \_\_\_\_\_ Date: \_\_\_\_\_

No

If so, has anyone responded to your complaint?

Yes  No

If Yes, describe what has been done to respond to your complaint:

→ However, I quietly mentioned the incident to another agent inside the area and he ~~said~~ said, (b)(6)? Ah, she's a peach", and he waved me on. He was dark, short, and heavy-set. It made me feel even more insignificant.

*Continue on an additional page, if needed.*

- ⑦ Is there any other information you want us to know about or consider?

→ Again, I've never felt so transparent and "insecure" at a TSA security station.

*Continue on an additional page, if needed.*

- ⑧ **If you are not proficient in English, please indicate the language in which you prefer we communicate with you.**
- 

- ⑨ **If you have problems understanding this form or any other question, contact OCRL, External Compliance & Public Outreach Division:**

**E-mail:** TSAExternalCompliance@dhs.gov

**Phone:** 571-227-1917

Toll Free: 877-336-4872

Toll Free TTY: 800-325-0778

**Fax:** 571-227-1921

**By U.S. Postal Service:**

Transportation Security Administration

Office of Civil Rights and Liberties (TSA-6)

External Compliance & Public Outreach Division

701 S. 12<sup>th</sup> Street

Arlington, VA 20598

*Note: Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.*

- ⑩ **To submit this form by email, please save, attach, and send to TSAExternalCompliance@dhs.gov. Please attach or send all information that supports your complaint, such as documents, photos, or witness statements.**

Submit copies, not originals; put your name and the date of this complaint on each document.

(Fax to: , 571-227-1921 or email scans of your documents to TSAExternalCompliance@dhs.gov, or mail to the address listed above.)

**Keep a copy of this complaint for your records.**

#### **Privacy Act Statement**

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the TSA Office of Civil Rights and Liberties (OCRL), External Compliance & Public Outreach Division is authorized (by delegation) to investigate complaints and information from the public about possible violations of civil rights or

civil liberties related to TSA employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, OCRL will disclose the information regarding your complaint to other appropriate offices, including the airport or facility in question.

To learn more about the Privacy Act go to the Federal Information Center, [www.pueblo.gsa.gov](http://www.pueblo.gsa.gov).

**You may use the following pages to include additional information about your complaint if needed. Please specify which number(s) above you are continuing.**

TSA.gov

June 27, 2011

To Whom It May Concern:

I'll begin by saying that I travel extensively both domestically and internationally, and I've always found the TSA security agents with whom I've encountered to perform at the highest level of professionalism. For the first time, unfortunately, I experienced an agent who was both unprofessional and rude.

When I approached her station, she was not paying attention but, instead, she was waving and shouting to what appeared to be a co-worker who was passing by. I stood there patiently extending my hand holding my boarding pass waiting and for her attention. When she finally saw it, she said in a curt voice, "Well GIVE it to me!", and she grabbed it out of my hand. Then she finally made eye contact with me and added, "I need to see your identification!", and then she sighed as if she had been really inconvenienced.

If this had been my first experience with a TSA security agent, I would have accepted it as normal behavior. But, again, I know it is not. I know that TSA agents are expected to pay attention to what they are doing at all times, thus the term "security", as well as try to make the passenger feel secure, not feel like an inconvenience. Perhaps this agent should be reminded of her responsibility to such an important and respected government agency.

Thank you.

Sincerely,

(b)(6)

A large rectangular red box redacting the signature of the sender.

DIANNE FEINSTEIN  
CALIFORNIA

SELECT COMMITTEE ON  
INTELLIGENCE - CHAIRMAN  
COMMITTEE ON APPROPRIATIONS  
COMMITTEE ON THE JUDICIARY  
COMMITTEE ON RULES AND  
ADMINISTRATION

# United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

July 15, 2011

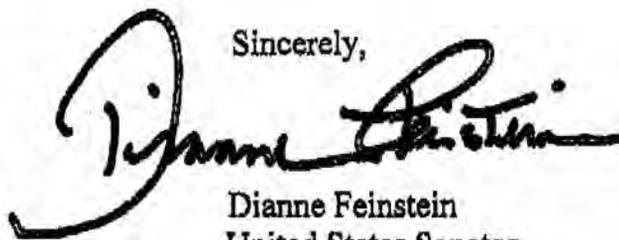
Ms. Claire Heffernan  
Acting Assistant Administrator for Legislative Affairs  
Transportation Security Administration  
601 12th Street South  
Arlington, Virginia 22202

Dear Ms. Heffernan:

I am writing to bring to your attention a letter from (b)(6) regarding her request for a copy of the surveillance video taken of an incident that occurred at a TSA checkpoint at John F. Kennedy Airport. Please look into the issues raised, as quickly as possible, so I can appropriately respond to (b)(6)

Attached you will find the enclosures from my constituent to assist you with your review. After you have completed your review, please send your written response to (b)(6) of my San Francisco office. (b)(6) may be contacted by phone at (415) 393-0707, or by fax at (415) 393-0710, if you have any questions.

Sincerely,



Dianne Feinstein  
United States Senator

DF:mn

FRESNO OFFICE:  
2600 TULARE STREET  
SUITE 4290  
FRESNO, CA 93721  
(559) 486-7420

LOS ANGELES OFFICE:  
11111 SANTA MONICA BOULEVARD  
SUITE 919  
LOS ANGELES, CA 90025  
(310) 914-7300

SAN DIEGO OFFICE:  
780 B STREET  
SUITE 1030  
SAN DIEGO, CA 92101  
(619) 231-8712

SAN FRANCISCO OFFICE:  
ONE POST STREET  
SUITE 2400  
SAN FRANCISCO, CA 94104  
(415) 393-0707

Jul 08 11 02:15p

FedEx Trade Networks

4156570424

p.3

### Chronology of Events

April 13, 2011 6:00pm JFK, NY Terminal 5 security screening gate

My son and I are returning from NY to Oakland after visiting colleges. I witness a female TSA agent (white, blonde hair gathered in a pony tail, late 20's, glasses, 5'4") remove 2 jars (approx 26 oz/each jar) of jelly like substance from a passenger's carry on. She lines them up in front of her on a podium separating her and the passenger. I hear her say, "this time I'll let you take these on board..." I gather my belongings and approach the TSA agent and say that the jars exceed the liquids regulations. I reach for my cell phone to document the quantities of liquids being allowed aboard a passenger plane when she turns to me and yells, "mind your own business".

At that moment the passenger on the other side of the podium where the TSA agent was standing reaches over and violently grabs my left wrist and pulls me towards him while clenching my wrist. My cell phone is in my right hand. I scream loudly in order to get him to let go of me. As he reached over he stumbled over some empty plastic bins pulling my arm down as he fell.

Numerous TSA agents and 2 policemen appear. Police ask me for my ID. I advise police officer that I have TSA security threat assessment certification and allowing liquids in those quantities on board a passenger plane poses a possible security breach. I am approached by a male TSA agent (white, early 30s, brown red hair, 5'10") who says "We have the discretion to let whatever we want on board".

I sit down to gather my breath and am asked whether I am ok by one of the officers. I tell him how can I be ok after being attacked without any reason. I was very shaken. I asked whether the passenger was going to be detained. I was told no. I said that does not seem right since I was violently grabbed by the wrist and pulled down as the man fell. Not seeing any recourse, I asked if a police report will be made available and whether they had the offending passenger's ID at least. I was told yes but that they were not going to release it to me. I asked the attending officer's name and quickly jotted down his badge number. (Officer (b)(6))

6:45pm

My son and I proceed to our gate. At that time my wrist where I was grabbed begins to sting and my small finger and ring finger begin to curl and numb. I tell my son that I will return but need to inform the police in order to detain the man that had injured me. I find the 2 officers. One of the officers (round face, blue eyes, brown hair) rolls his eyes as I tell them that I am experiencing pain and show them my arm that is beginning to swell. They radio their sergeant, then ask TSA to replay the surveillance video for them. I request to see the tape and receive a copy. I was told that the tape is government property and that it cannot be released or seen by me.

I ask officer (b)(6) if the offending passenger would be detained and he said, "he's not going anywhere...his flight doesn't leave until 9". After waiting abt 15 minutes, officer (b)(6) tells me that upon review of video they have determined that I was not assaulted. I ask how can you look at my hand and say that I was not assaulted. I was told that if I was injured they would need to call an ambulance to prove it. Officer (b)(6) in a threatening manner says, "and you'll miss your flight". I agree to be checked by paramedics but that my son was waiting for me. At that time while waiting for paramedics a JetBlue representative approaches me and reassures me that I still could board my flight. I begged him to please stay in touch with the gate so that I would not miss final boarding. By this time it was about 7:10pm.

Jul 08 11 02:15p

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7:15 pm

Paramedics arrive. I tell them I want to get to the gate and that my son is waiting for me. They tell me that I cannot board the plane and begin to splint my hand. I begin to cry and am taken to Jamaica Hospital. Dr. on call confirms that I have a severe sprain. My wrist and hand are wrapped. I am told to follow up with my physician.

While in waiting area at hospital, I call JetBlue to find a flight home. I am given a fit to SFO that leaves at 10:30 am. I also try to get info on whether the man who injured me had been detained by calling police.

1 - 2:00 am - July 14 2011

Released from hospital. I ask for police officers at the hospital on another case to please help me get back to JFK. They escort me to subway.

Return to JFK around 2:30 am - I first approach JetBlue and try to get on an earlier flight- none available. I approach Jet Blue agent to help me find out from police and TSA to find out if passenger was detained. JetBlue agent makes call to police. I am told that I have to write in to get a copy of the police report. Since my left hand is wrapped, the Jet Blue agent helps me and writes the info taken from the officer on the phone.

I proceed to gate area and approach a TSA agent in order to find out info on the incident. The TSA agent helps me and guides Jet Blue security ( 2 agents female, male) who say that this incident doesn't appear on their log. Male agent says that it is unusual and that an arrest should have been made since I was taken to hospital and seeing my arm bandaged and wrapped. He calls Port Authority police, 2 officers appear. One of the officers (thin, glasses, brown hair abt 5'11") says to me, "you just want revenge". Says that this is a civil matter. Jet Blue representative tells me that I need to press charges. I tell the 2 police officers that I want to press charges. Officers tell me that in order to press charges I have to go to their HQ. I ask if they can take me and they refuse. They take me aside away from the Jet Blue security representatives saying that they will show me where to take a cab. One of the officers either takes or makes a call on a cell phone. Upon ending call he says his commander says that instead of going to Port Authority HQ I have to go to DA office in Queens instead in order to press charges.

5:00 am

I take a cab to the address in Queens given to me by the officer who said that his commander told him that this is where I needed to go to press charges. I wait for the Queens DA office to open.

9:00 am - May 14th

As soon as the doors open I go directly to DA office and say that I need to press charges on an incident that happened at JFK. I am directed to (b)(6) who tells me that I needed to have gone to press charges to the Port Authority HQ. She says that the offending passenger should have been arrested and that I have a suit against Port Authority. She advises me to go back to HQ but by that time it was too late for me to go to HQ since I would miss another flight back home.

July 12, 2011

Mr. John Pistole  
Administrator, Transportation Security Administration  
U.S. Department of Homeland Security  
TSA-1 Administrator  
601 South 12<sup>th</sup> Street  
Arlington, VA 20598

Dear Sir,

I am writing you today to share my recent experience with TSA security at JFK airport in New York. On June 22, 2011, my husband and I and another couple were returning from a cruise in the Baltic Sea. Having already endured lost luggage, delayed flights, a cancelled flight, including an unexpected overnight stay in New York (this following a 9-hour flight and 6-hour time change), we were doing our best to "grin and bear it." What occurred during our security process was, I believe by far, the worst part of the trip and it pretty much ruined what might have been a memorable vacation.

As we approached the security area, we were being barked orders about removing shoes, belts, jewelry, placing possessions in bins, etc. I placed my articles in the bin as ordered and proceeded to explain that I have an implanted cardioverter defibrillator (ICD) and have been instructed by my cardiologists not to go through airport magnetometers. I was directed to step aside and go through the backscatter x-ray instead. I stepped over to that machine and when it was my turn to go through I did as directed (I had gone through the same type machine at Dulles airport in Washington, DC at the beginning of our vacation). This time another TSA employee said the machine couldn't "read me." I had on the exact same thing, clothing and jewelry, that I had on at Dulles but this one couldn't "read me." No problem, I thought, I removed my watch, and said I would need my glasses to see to unclasp my bracelet. My husband was not allowed to approach me and I couldn't leave the space, so I couldn't get to my glasses. By now, my watch is in one bin on a conveyer belt, my purse and camera bag and passport/ticket packet and other belongings are on another conveyer belt. Clearly exasperated, the TSA employee directed me to another space, and then another, there in the public area (note: walking around in bare feet on JFK's dirty floors is no treat, either) where she proceeded to tell me in a loud and obnoxious voice what she was going to do during a pat-down. Let me say that I'm almost 59 years old, I've traveled quite a bit and having had my defibrillator since 1999, I have been through a number of pat-downs. I have even commented to my husband that those people who found them intrusive or embarrassing are just being "too sensitive." Yet, when this woman did my pat-down, which she did more than once, I felt she was entirely too intrusive and most definitely rude in mannerism and speech. She insisted on repeating her instructions and when I didn't move quickly enough she repeated them yet again. She alternately spoke to me as if I was a child or worse, a criminal. All of this is in full sight of everyone

(b)(6)

else going through security, including a young child who looked at me with sympathy and possibly fear. She may have been wondering if she was going to be next!

Why must these pat-downs be conducted in full view of everyone else? In other airports I've been in overseas security personnel ask you to step aside and they at least have a corner of the security area or partition set up where they perform the pat-down. I noticed on TSA's website that in the event a passenger requires a pat-down and that person has an implanted device he or she should be offered a private screening. Why wasn't that offered at JFK? Why are the procedures so inconsistent? Why would the same machine at Dulles and JFK worked differently on this particular trip? Why not ask if the passenger has been through this before – this might expedite the procedure somewhat – and more importantly, why not ask in a tone that is not so rude, arrogant and obnoxious? I witnessed a woman in line in front of me at JFK who was directed to put her walker through the x-ray machine. When she tried to explain that they had tried that before and it didn't work, the TSA employee yelled at her that he didn't "need her attitude," that it was too early in the morning for attitude. I was incredulous, as it was quite apparent that he was the one with the "attitude." Even if he was right in his direction about her walker, why would he address an elderly woman (or anyone) in such a manner?

My goal in writing this letter is not to have an individual employee or employees reprimanded. I'm a retired federal employee myself and by nature and by training, I've always considered myself to be a "rule follower." I understand TSA employees have an important security responsibility and that they have stressful jobs ensuring both baggage and passengers have been cleared properly. What I don't understand is why they don't seem to recognize the difference between the baggage and the people. I implore you to review the security procedures in place at our airports and to develop a plan for improving those procedures, including training for employees in the implementation of common sense and common courtesy.

Sincerely,

(b)(6)

(b)(6)

Ocean Pines, MD 21811

(b)(6)

(b)(6)

Rochester Hills, MI – 48307

My parents were travelling from Cleveland to Chennai recently with American airlines/Etihad airways. They started their journey on 07/07/11 and it was an emergency trip due to the sudden demise of my grandmother. After a 3 hour travel by road from Detroit to Cleveland airport, they boarded American Airline flight AA 4055 to New York. They got their baggage checked in through to Chennai, which was their final destination (Baggage reference no.

(b)(6)

MAA (b)(6)

(AA15 82

10/11/12/13)). They also got their boarding passes for the New York to Abu Dhabi (EY 100) and Abu Dhabi to Chennai (EY 268) legs of their travel. As it is customary, their Etihad (EY 100 & 268) boarding passes were printed by American Airlines on American Airlines' sleeves. The first flight from Cleveland was delayed by 70 minutes. They reached New York JFK airport at 20:50hrs late but still 2 hours ahead of their next flight to Abu Dhabi. They rushed from Terminal 8 to Terminal 4 and reached the security check (B20-B31), which was just before the departure gate B27 by 21:30. EY 100 flight scheduled take off was at 22:50 and they still had 80 minutes left.

At this point my father showed the boarding cards to security guards and said he is flying Etihad flight EY 100. The security person denied entry to them and asked them to go the gates from where American Airline flights were taking off which was a floor below where they were. My father was really confused at this stage, because he could clearly see the departure gate B27 through the security check they were queuing at. So he showed the boarding card again pointing to the Etihad flight number in the boarding card (although the boarding sleeve said American on top since it was **printed** by the **American Airlines counter**) requesting entry. At this point the ignorant security guard had stopped talking and blankly pointed to the direction they should go.

My parents returned back and went all around the place but thoroughly confused because it was clear to them that had to go through the security check where they came from. So they queued up once more at the same security check but were denied entry again. Finally they had no choice, went back to Etihad sales/customer service desk in JFK terminal 4. It was 22:00hrs by then and they still had 50 minutes left. At this point Etihad staff informed them that they cannot take the flight anymore as the flight was overbooked. It was the last chance for my parents to come in before my grandmother's funeral/cremation. Hearing this shocking news my father passed out. I was contacted by one of the officials and me and everyone in my family were distressed by this incident. Moreover my parents didn't reach India till Sunday 07/10/11 and missed to see my grandmother for the final time before she was cremated. Due to this careless error by the security staff they had to sleep near the airport gate and stay with in that area (in fear of going through the security check again) for the next 24 hours.

The whole incident was caused due to careless behaviour of security staff at the security check before gate B27 (B20-B31) of Terminal 4 JFK airport. My father's health deteriorated, my family was put under lot of distress and my parents missed to attend my grandmother's funeral which was the original reason for the travel. The security guards had no right to deny entry to my parents at the security check. I need a full reason as to how and why this happened. Why would the official turn down repetitive requests from my father to be examined and passed through the security checks when he had valid boarding passes and was well before the flight take off? Why would the security staff send them to a different gate / security check? After all when they eventually travelled the next day, they went through the same security check they were denied entry that day. And finally why would Etihad airways issue additional tickets when my parents had already checked in and resell the same seats which were already allotted to my parents?



(b)(6)

Rochester Hills, MI – 48307

Therefore I humbly request you to act on this matter and

- Identify the security staff who worked on these gates and take action on them for their ignorance, racial inclination and biased nature
  - The security staff's ignorance in not knowing that Etihad's boarding cards could carry an American Airlines logo on top is a shame to TSA's training
  - The security staff's immediate resorting to sign language was a display of rude behaviour and prejudice
- Compensate me and my family for the lost chance of having my mother participate in my grand-mother's funeral, for the deterioration of my father's health, mental distress of me and my entire family in my parents' denial of boarding the Etihad's flight and them spending more than 24 hours in front of the Etihad departure gate.
- Attempt to prevent incidents like these happen in the future

**Boarding passes detail:**

Cleveland-New York JFK – Stock control no (b)(6)

New York JFK-Abu Dhabi EY 100 – (b)(6)

Abu Dhabi-Chennai EY 268\* – (b)(6)

\*Etihad desk NY JFK, collected the original boarding pass issued by American Airlines desk for Etihad flights EY 100/EY 268 for 07/07/11 and issued new boarding pass for 07/08/11.

Yours Truly,

(b)(6)

12/22/2011

(b)(6)

Copy:

(b)(6)

Charles Schumer, NY Senator

Kirsten Gillibrand, NY Senator

Attorney General Andrew M. Cuomo

Richard Hill, Chief Operations Officer, Etihad Airways

John S Pistole, TSA Chief

Michael A. Scott, Federal Security Director, JFK airport

Lee Kair, Assistant Administrator, JFK airport

**Attachments:** My parents' original (returning Dec 7 2011) and modified itineraries (returning Jul 7 2011)

JOHN D. ROCKEFELLER IV  
WEST VIRGINIA

STATE OFFICE:  
405 CAPITOL STREET, SUITE 508  
CHARLESTON, WV 25301  
(304) 347-5372  
FAX: (304) 347-5371

# United States Senate

WASHINGTON, DC 20510-4802

NORTHERN SATELLITE OFFICE:  
118 ADAMS STREET, SUITE 301  
FAIRMONT, WV 26554  
(304) 367-0122  
FAX: (304) 367-0822

August 8, 2011

RECEIVED IN OLA

SOUTHERN SATELLITE OFFICE:  
220 NORTH KANAWHA STREET, SUITE 1  
BECKLEY, WV 25801  
(304) 253-9704  
FAX: (304) 253-2578

AUG 1 8 11 11

EASTERN REGIONAL OFFICE:  
WEST KING STREET, SUITE 307  
MARTINSBURG, WV 25401  
(304) 262-9285  
FAX: (304) 262-9288

INT *SM*

Mr. Peter Harding  
Assistant Administrator for  
Legislative Affairs  
Transportation Security Administration  
East Tower, Floor 11, TSA-5  
601 South Twelfth Street  
Dhs, Virginia 20598

Re: (b)(6)  
Case #: (b)(6)  
Case Code: WWH

Dear Mr. Harding,

I have been contacted by (b)(6) of Bluefield, West Virginia, regarding his concerns about an incident involving his mother and two Transportation Security Administration staff before she departed from John F. Kennedy Airport.

I have enclosed a copy of (b)(6) correspondence for your review. If you would look into this matter and provide me with a report, I would appreciate it.

Please refer to the above **Case Number** and **Case Code** when responding. Send your findings to my State Office at 405 Capitol Street, Suite 508, Charleston, West Virginia 25301. Thank you, in advance, for checking into this matter for me.

Sincerely,

John D. Rockefeller IV

OSU

13

154 P 11 51

To whom may concern ,

My mother (b)(6) date of birth (b)(6) She was traveling by Egyptian airline on the 5<sup>th</sup> of august 2011. My mother doesn't speak English and was profiled out and searched by TSA staff in JFK in New York City. They searched her the first time then discovered she was carrying cash in the amount of 6700.00. My mother stated that two women that were a black race took here to room number two and searched her several times in this special room. upon release from this special room my mother never received any of here money back from the TSA officers. When the flight was ready for departure she was crying to the staff to get her money back and they simply told here to depart now or she will miss her flight. The time that this search happened was around 4-5:30 pm eastern standard time. I would like someone to please contact me regarding this issue my name is : (b)(6) I am her son a resident in West Virginia my address is (b)(6) Bluefield WV. 24701 u can also call me on my personal cell number (b)(6)

FLIGHT NO: 986K

(b)(6)

(b)(6)

NEW YORK, NY 10166

TEL (b)(6)  
FAX 212-922-0971

August 31, 2011

John S. Pistole  
Administrator  
TSA-1  
Transportation Security Administration  
601 South 12<sup>th</sup> Street  
Arlington, VA 20598

201 922-0971  
b-6  
b-1

Dear Mr. Pistole,

I was recently encouraged by a newspaper article suggesting that you were attempting to restore some common sense to the security systems at our airports. Unfortunately, based on recent experience, I believe the TSA is lurching in the wrong direction – further increasing unpleasant airport screening procedures without rhyme or reason.

On Saturday, August 13<sup>th</sup>, my wife and I flew from New York to Venice on a Delta flight from JFK. Before entering the actual screening apparatus, the individual looking at our boarding passes and passports asked us the following question: “What is your name?” I found this irritating, demeaning, and above all, stupid.

I am 85 years of age, have white hair, and look exactly like the photograph in my passport. I served as (b)(6) and, as you probably know, (b)(6) Vice President Biden. What conceivable purpose is achieved by the TSA individual in asking my name when my picture is in the passport in his hand? Have you begun to conduct a survey on incipient Alzheimer’s? To make a long story short, if I countenanced or recommended this new nonsense, I would be ashamed of myself.

John S. Pistole  
August 31, 2011  
Re: TSA security procedures  
Page 2

Notwithstanding the clamor for unnecessary security interventions by members of Congress and the public, I believe the head of the TSA should stand up for what he or she thinks makes sense. Were I in your position, and perhaps, found that my views did not mirror those of political opportunists, I would resign and explain why.

I look forward to hearing from you.

Sincerely,

(b)(6)

(b)(6) lh

OSU

For Adm signature

P3

(b)(6)

October 18, 2011

John S. Pistole  
Administrator  
TSA-1  
Transportation Security Administration  
601 South 12<sup>th</sup> Street  
Arlington, VA 20598

Dear Mr. Pistole,

It is now more than a month and a half since I sent the enclosed letter to you regarding what I believe is an indefensible TSA policy. I have received no reply, which is both discourteous and suggests to me that you cannot explain the reasoning behind requiring a passport holder to repeat their own name.

Very truly yours,

(b)(6)

(b)(6)

(b)(6)lh

Enclosure

2011 OCT 26 10:51 AM

601 S 12TH ST

(b)(6)

10/7/2011

①

# Complaint Information

If you don't speak/write English, OCRL has access to interpreters and can talk to you in any language.

## ① Information about the person who experienced the civil rights/civil liberties violation

(fill in what you can)

Name: (b)(6) (b)(6)

Phone #: Cell: (b)(6) Home: \_\_\_\_\_ Work: \_\_\_\_\_

Please note that we may contact you at the provided numbers.

Mailing Address: (b)(6) Jup. TER FL 33477

Email: \_\_\_\_\_

Check here if you are represented by a third party or an attorney in this matter. If so please provide the third party's name and contact information: \_\_\_\_\_

## ② Are you filing in this complaint form on behalf of another individual? If yes, please provide your information.

Name: \_\_\_\_\_

Organization (if any): \_\_\_\_\_

Phone #: Cell: \_\_\_\_\_ Home: \_\_\_\_\_ Work: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

## ③ What happened? Describe your complaint. Give as much detail about your experience as possible, including the name of the air carrier, if this occurred at an airport.

ON SUNDAY OCT 2, 2011 at approximately 9:30 AM AT JET BLUE TERMINAL AT JFK I WAS GOING THEN SECURITY AND FOLLOWED THE PERSON'S INSTRUCTIONS ON RAISING MY HANDS WITH PALMS OUT. THE OFFICER THEN SAID OKAY AND I LOWERED MY HANDS THINKING I WAS FINISHED. AT THAT TIME THE OFFICER SAID TO BE QUIET AND I WAS NOT FINISHED. AT THAT TIME SHE SAID THAT I WAS GOING TO GO THRU A FULL BODY SEARCH. I THEN STOOD ON THE AREA DIRECTED AND WAITED SEVERAL MINUTES DOING NOTHING AND ASKING HER TO HAVE SOMEONE

Continue on an additional page, if needed.

do the full search. She said shut up and they will get to you when they are ready. AT THAT TIME I ASKED TO SEE A SUPERVISOR AND SHE TOLD ME

RECEIVED  
OCT 07 2011  
PS 10:15 AM

That all supervisors were busy. I (b)(6) 01/17/2014  
asked where they were and she refused to tell me. after 10 minutes I did  
have full body search and went back  
to officer and asked for her name and  
I.D. She covered her badge and refused  
to identify herself. I did then speak  
to a supervisor. His name was  
(b)(6) He did give me the  
officer's name when I informed him  
that I wanted to make a complaint.  
The officer's name is (b)(6)

I believe that she overstepped  
her authority and tried to make  
a mockery out of your TSA jobs.

280

P3

10/7/2011

3

When did this happen? Please provide the approximate time of the experience. If ongoing, please indicate when the problem began.  
(If it happened on more than one date, list all dates):

OCT 2, 2011  
9:30 AM

Where did this happen?

Place (name of the airport or other facility):

JFK - Jet Blue

City:

NY

State or Country:

NY

4 Who treated you unfairly?

Please provide a description of the individual(s) and/or the name and badge number of the individual(s) involved.

(b)(6)

10/7/2011  
④

⑤ List anyone else who may have seen or heard what happened.  
(If you do not know their names, provide whatever details you can)

Names (or other information, e.g., agency): \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
PO Box or Street address City State or Country Zip

Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_

Names (or other information, e.g., agency): \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
PO Box or Street address City State or Country Zip

Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_

*Continue on an additional page, if needed.*

⑥ Have you contacted the TSA Customer Service Manager at the airport, or any other DHS component or other federal, state, or local government agency or court about this complaint?

Yes: TSA Customer Service Manager/Agency/Office/Court \_\_\_\_\_ Date: \_\_\_\_\_

No

If so, has anyone responded to your complaint?

Yes  No

If Yes, describe what has been done to respond to your complaint:

*Continue on an additional page, if needed.*

⑦ Is there any other information you want us to know about or consider?

10/7/2011

5

*Continue on an additional page, if needed.*

⑧ **If you are not proficient in English, please indicate the language in which you prefer we communicate with you.**

---

⑨ **If you have problems understanding this form or any other question, contact OCRL, External Compliance & Public Outreach Division:**

**E-mail:** TSAExternalCompliance@dhs.gov  
**Phone:** 571-227-1917  
Toll Free: 877-336-4872  
Toll Free TTY: 800-325-0778  
**Fax:** 571-227-1921

**By U.S. Postal Service:**  
Transportation Security Administration  
Office of Civil Rights and Liberties (TSA-6)  
External Compliance & Public Outreach Division  
701 S. 12<sup>th</sup> Street  
Arlington, VA 20598

*Note:* Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

⑩ **To submit this form by email, please save, attach, and send to TSAExternalCompliance@dhs.gov. Please attach or send all information that supports your complaint, such as documents, photos, or witness statements.**

Submit copies, not originals; put your name and the date of this complaint on each document.  
(Fax to: , 571-227-1921 or email scans of your documents to TSAExternalCompliance@dhs.gov, or mail to the address listed above.)

**Keep a copy of this complaint for your records.**

**Privacy Act Statement**

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the TSA Office of Civil Rights and Liberties (OCRL), External Compliance & Public Outreach Division is authorized (by delegation) to investigate complaints and information from the public about possible violations of civil rights or

10/7/2011  
Ⓟ

civil liberties related to TSA employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint.

If your complaint is more appropriately handled by a different federal office, we will refer it to that office. In order to investigate your complaint, OCRL will disclose the information regarding your complaint to other appropriate offices, including the airport or facility in question.

To learn more about the Privacy Act go to the Federal Information Center, [www.pueblo.gsa.gov](http://www.pueblo.gsa.gov).

**You may use the following pages to include additional information about your complaint if needed. Please specify which number(s) above you are continuing.**

Congresswoman  
**Nan Hayworth M.D**  
 New York 19<sup>th</sup> District



*Dutchess, Orange Putnam, Rockland and Westchester Counties*

		Phone	Fax
<input checked="" type="checkbox"/>	2 Summit Court, Suite 103 Fishkill, NY 12524	845-206-4600	866-921-3842
<input type="checkbox"/>	255 Main Street Room 3232G Goshen, NY 10924	845-206-4600	866-921-3842
<input type="checkbox"/>	Towne Centre at Somers 268 Route 202, Suite D105 Somers, New York 10589	845-206-4600	866-921-3842

To: TSA Fax #: 571-227-2559

From: (b)(6)

Number of Pages (including cover sheet): 1 Date: 11/21

Please respond and document our constituents complaint regarding (b)(6) being improperly detained and inappropriately being patted down in the genital area at JFK Airport

(b)(6)

(b)(6)  
(b)(6) New York, 12518  
(b)(6)

November 10, 2011

Honorable Nan Hayworth, M.D.  
19<sup>th</sup> District, New York  
2 Summit Court, Suite 103  
Fishkill, NY 12524

Dear Congresswoman Hayworth,

I am writing to follow-up on two disturbing incidents that occurred with the Transportation Security Administration and US Airways during our recent vacation to Hawaii.

My wife and I have been married for two years. We are in our mid thirties, and we live in Cornwall. Earlier this year my wife and I were expecting our first child but she lost the baby in a miscarriage. By the grace of God, we found out in August that she was pregnant again. She is currently in her seventeenth week with the due date in April.

The first leg of our flight to Hawaii departed from New York's JFK airport on 10/26/2011 flying aboard US Airways flight 0457 to Pheonix. We then took a connecting US Airways flight from Phoenix into Kona. We arrived at JFK at approximately 4:00am for a 6:30am flight. Upon arrival at the airport, we proceeded to the US Airways ticket counter and checked one bag per person.

Issue #1

After checking our bags, we went directly to the security screening area. The first thing we did was advise the TSA Agent checking our identification that my wife was 16 weeks pregnant and that her doctor told her not to go through an X-Ray scanner and instead requested to use the metal detector. The TSA Agent told us that going through the metal detector instead of the X-Ray machine would not be a problem, and she pointed us to the metal detector line. As soon as it was our turn for my wife and I to go through the metal detector, a different TSA agent came forward and moved us to the X-Ray isle. I had no issues with being X-Ray'd, but my wife again told the agent that she needed to go through the metal detector due to her pregnancy. The TSA Agent refused to allow her to use the metal detector and said that if she did not go through the X-Ray machine, she would be subject to a pat-down.

Everybody on line before us went through the metal detector, as did everybody after us. It seemed like the only reason they put us into the X-Ray lane was because we brought her pregnancy to the TSA's attention. Subsequently, my wife was subjected to an invasive pat-down. In front of a crowd of people, a TSA agent touched my wife's breasts, rubbed up her legs near her genitals, and touched around the belly that is nurturing our unborn child. Knowing that my wife was pregnant, the TSA agent even questioned why my wife had pants with a lining that expanded up above her waste area (she was wearing pregnancy stretch pants with a belly band for support), and lifted her shirt and ran her fingers under the belly band.

(b)(6)  
(b)(6) New York, 12518  
(b)(6)

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Page 2, continued

In recent years, I have seen videos in the news of outraged travelers who had negative experiences with TSA agents doing pat-down searches, even on young children and the elderly. After this experience, I finally understand their anger and outrage. The procedure that my wife was subjected to was pointless, invasive, and embarrassing!

Issue #2

When we arrived at our hotel in Kona, Hawaii, we discovered that the my wife's checked luggage was also searched. On both of our bags, we had used a tie-wrap to secure the zippers and keep them closed. When we arrived at our hotel, we noticed that the tie-wrap was gone. Upon opening the luggage, all of her clothes and belongings were in disarray as somebody had dumped the luggage upside down and shoved it back in. My wife had put body lotion in a ziplock bag so not to spill onto the clothes, and this ziplock bag was open with the body lotion seeping onto several dresses. **Even more disturbing was that we found items in our bag that did not belong to us!** Upon opening our luggage, we were amazed to find an Apple Macintosh battery pack and charger in my wife's suitcase. We do not own an Apple computer nor had we put any computer in our checked luggage. We were absolutely disgusted!

Since our return from vacation, we have filed complaints with US Airways and the TSA, and have also spoken with a Supervisor at the TSA at JFK Terminal #7 named (b)(6). US Airways told us that TSA is responsible for searching bags, and (b)(6) from the TSA told me that the luggage mix up could have occurred by US Airways when it was in route from NY to Phoenix, or from Phoenix to Kona.

As our Congresswoman and liaison to the many different Federal Agencies, please assist us in researching these incidents and helping us to reconcile whether such activities are permitted under federal regulations. Because you have the unique prospective of being a medical doctor, you know that medical professionals take an abundance of precautions with expecting mothers around X-Ray equipment. Why shouldn't the TSA extend those same precautions to traveling pregnant women without the repercussions being an invasive physical search?

From a homeland security policy prospective, I understand the challenges that face our country in regards to terrorism. I am a firefighter with the Cornwall Fire Department, and was Captain of the Nyack Fire Department on 9/11/2001. I knew many people who died in the 9/11 attacks on this country. In the aftermath of the attacks, I attended countless funerals of my fallen brothers.

I understand first hand the importance of air safety and respect the importance of the job TSA agents. Nevertheless, when our government's commitment to protecting the homeland becomes overzealous to the point that it infringes on the rights and liberties of its citizens, our policies need to be revisited.

(b)(6)  
(b)(6) *New York, 12518*  
(b)(6)

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Page 3, continued

Thank you for your attention to this matter and I look forward to your response.

(b)(6)

Cornwall, NY 12518

(b)(6)

enc.

Page 3, continued

cc: Gale D. Rossides, Deputy Administrator, TSA  
cc: US Airways, Customer Relations - Baggage

NEW YORK  
STATE  
SENATE



SENATOR MICHAEL N. GIANARIS  
12<sup>TH</sup> DISTRICT

RANKING MINORITY MEMBER  
CODES COMMITTEE  
COMMITTEES:  
ENERGY AND TELECOMMUNICATIONS  
FINANCE  
HEALTH  
JUDICIARY  
LABOR

December 5, 2011

The Honorable John S. Pistole  
Administrator  
Transportation Security Administration  
601 South 12<sup>th</sup> Street  
Arlington, Virginia 20528

Q50  
4/5  
P2

Dear Administrator Pistole:

I write to bring to your attention two recent incidents that occurred at John F. Kennedy International Airport in New York City. The incidents involved two elderly woman who, upon requesting a pat-down rather than going through security checkpoint metal detectors, were apparently unnecessarily strip-searched by Transportation Security Authority (TSA) agents.

Both women rely on portable medical devices for health reasons and are not able to go through metal detectors, which was the reason for requesting a pat-down. Instead of performing standard pat-down procedures, however, the women were allegedly taken to a separate room and forced to remove their pants and underwear without explanation.

If true, such actions by the TSA agents are deplorable. While I understand that terrorism remains a real threat and appreciate the TSA's work to keep air travelers safe, common sense must also be considered. There is no good reason why an individual's privacy should be sacrificed in such an outrageous manner.

It is for these reasons that I respectfully request an immediate and comprehensive investigation of both incidents. I ask you to review these incidents and amend search procedures accordingly to ensure that this type of occurrence is not repeated. No one should have to experience such an egregious violation of his or her dignity.

Thank you in advance for your attention to this matter. Please feel free to contact me if you have any questions or concerns.

Sincerely,

MICHAEL N. GIANARIS  
State Senator

DISTRICT OFFICE: 21-77 31<sup>ST</sup> STREET, SUITE 100 • ASTORIA, NEW YORK 11105 • PHONE: (718) 728-0960 • FAX: (718) 728-0963  
ALBANY OFFICE: ROOM 413 LEGISLATIVE OFFICE BUILDING • ALBANY, NEW YORK 12247 • PHONE: (518) 455-3486  
E-MAIL: GIANARIS@NYSENATE.GOV

(b)(6)

(b)(6) Georgia, USA 30269-1217  
(b)(6) Phone 678-228-1990 Fax  
(b)(6)

November 30, 2011

Secretary Janet Napolitano  
U.S. Department Homeland Security  
Washington, DC 20528

SUBJECT: Westchester County Airport – White Plain, NY

Dear Secretary,

I have had replacement knees for over 10 years. So for me, it is common place to be singled out for extra security measures (including pat downs) at airports.

At the Westchester County Airport, TSA agent (b)(6) caressed my testicles four times with open palms.

I hereby request a video review of this incident. The video will confirm that (b)(6) did, in fact, have open palms on my testicles rather than closed palms toward my inner thighs.

We both know that caressing any passenger's private parts is not approved Homeland Security procedures.

On a positive note, the manager of the Westchester County Airport, Chris Russo contacted me by phone. He was following up on my initial report of this incident and collecting more information for his own investigation.

This must be fully investigated in order to protect all passengers in the future.

Sincerely,

(b)(6)

Cc: Mr. Chris Russo, Manager  
Department of Homeland Security/TSA  
10 New King Street, Suite 122  
White Plains, NY 10604

11/30/11

JAN 09 2012

To Whom It May Concern:

The purpose of this letter is to register a formal complaint at the abusive, disgusting and humiliating behavior of the TSA and JetBlue on December 25, 2011.

On December 25, 2011 I was travelling with my husband, my two sons and their girlfriends to the Dominican Republic. I was on flight #863 leaving JFK at 8:17 AM. When I entered the body scan, I was then escorted to a private room to be searched. My husband and one son were on a different security line and unable to see what was happening to me.

I was told that something showed up on the body scanner. That would be impossible. I was wearing no underwear and no bra. I was travelling in a sweat suit that could not have possibly registered anything abnormal.

My 24 year old son was present when I was stripped searched in the private room. My husband was unaware of the intrusion since he was on another security line. My son was mortified and I was humiliated.

JetBlue's liability is clear in this case. It was a disgusting, impermissible intrusion on my privacy for no valid reason. TSA is also at fault for their amateurish horrible behavior in subjecting me to this unreasonable search.

While I fully understand the importance of searching at airports, the privacy intrusion I was subjected to was an utter outrage. I am aware of other stories I have seen and heard of in the media. I assumed those individuals were exaggerating their claims. Now I know their claims were accurate.

It is clear to me that I was emotionally and physically abused and taken advantage of. This horrific experience was bad enough but the fact that my 24 year old son was present just added insult to injury.

JetBlue and TSA should be ashamed of them for treating decent citizens with no respect or dignity at all.

I am contacting TSA first before I forward this letter to every media outlet I can to expose the disgusting behavior which apparently is now common place at JetBlue and TSA.

I would appreciate an immediate response to these serious allegations.

OSD

DR

PB

(b)(6)

(b)(6)

OFFICE OF THE EXECUTIVE SECRETARIAT

2012 JAN 17 P 12:10

DEPARTMENT OF SECURITY

TCC RESULTS	
Subject Category	Event IDCount
Advanced Imaging Technology (AIT) - Children	2
Advanced Imaging Technology (AIT) - Flyer	256
Advanced Imaging Technology (AIT) - Flyer as Observer	21
Advanced Imaging Technology (AIT) - General	84
Civil Rights - Perceived Racial Profiling	146
Customer Service - TSO	1176
Inappropriate Screening - Pat Down - Complaint	440
INCONSISTENT SCREENING	83
Inconsistent Screening - Different Practices Between Airports	2517
Military Screening - Military Screening	6
New Patdown 11/1/2010 - New Patdown 11/1/2010	394
Patdown - Children	4
Patdown - Flyer	698
Patdown - Flyer as Observer	103
Patdown - General	13
Persons w/ Disabilities (PWD) - Breast Cancer	3
Persons w/ Disabilities (PWD) - Cancer (general) Not Breast Cancer	1
Persons w/ Disabilities (PWD) - Cognitive Disability/Developmental Disabilities	3
Persons w/ Disabilities (PWD) - Diabetes	5
Persons w/ Disabilities (PWD) - General	24
Persons w/ Disabilities (PWD) - Hearing Impairment	1
Persons w/ Disabilities (PWD) - Internal Medical Devices	5
Persons w/ Disabilities (PWD) - Medical Devices - Attached to the Body	5
Persons w/ Disabilities (PWD) - Medically Necessary Medication and Medical Supplies	10
Persons w/ Disabilities (PWD) - Mental Illness	4
Persons w/ Disabilities (PWD) - Metal Implants (joint)	144
Persons w/ Disabilities (PWD) - Mobility Impairment	5
Persons w/ Disabilities (PWD) - Necessary Medical Tools	45
Persons w/ Disabilities (PWD) - Ostomy/Ostomates	6
Persons w/ Disabilities (PWD) - Prosthesis/Amputees and Casts	38
Persons w/ Disabilities (PWD) - Respiratory Equipment	4
Persons w/ Disabilities (PWD) - Service Animals	8
Persons w/ Disabilities (PWD) - Touch Aversion (pain/trauma)	4
Persons w/ Disabilities (PWD) - Wheelchair or Scooter	11
RED BALL - New Pat Down Procedures as of 10-28-10	5618
Screening - Children	6
Screening - Discourteous/Rude Screener	976
Screening - Gate Pass	7
Screening - Inconsistency	125
Screening - International Screening	69
Screening - Military	27
Screening - Procedures/Process	900
Screening - Rude Screener	82
Screening - Secondary	3629
Screening - Shoe Screening	7
Screening - Transgender	6
Screening - Wait Times	384
SECONDARY SCEENING	33
TOTAL	18138
CCMS RESULTS	

KEYWORDS

Racial	1
Profiling	5
Discrimination	17
Race	1
TOTAL	24
Screening	888
Patdown	301
Advanced Imaging Technology	32
Whole Body Imaging	9
TOTAL	1230