

~~SENSITIVE SECURITY INFORMATION~~

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



Transportation
Security
Administration

Interoffice Memorandum

TO: James G. Duncan
Assistant Administrator
Office of Professional Responsibility

FROM: K. David Holmes, Jr.
Assistant Administrator
Office of Inspection

DATE: MAR 05 2012

SUBJECT: Report of Investigation # M-12-0755, BDO Practiccs at HNL

The above-referenced Report of Investigation provides you with our completed investigation. Please provide a written response to this office regarding your final decision for disciplinary and/or administrative action. Our file will remain open pending receipt of this information.

On the above referenced date, the attached ROI and a memorandum requesting Douglas Factors input were forwarded to the Assistant Administrator.

cc: Chief Counsel
 Program Executive Officer for Employee Relations
 Office of Administrative Appeals and Review
 Assistant Administrator/Director, Federal Air Marshal Service
 Assistant Administrator, Office of Security Capabilities
 Assistant Administrator, Office of Security Operations

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



Transportation
Security
Administration

Interoffice Memorandum

TO: Christopher L. McLaughlin
Assistant Administrator
Office of Security Operations

FROM: K. David Holmes, Jr.
Assistant Administrator
Office of Inspection

DATE: MAR 09 2012

SUBJECT: Report of Investigation M120755, BDO Practices at HNL

The captioned Office of Inspection (OOI) investigation has been referred for adjudication to the Office of Professional Responsibility (OPR). Upon receipt of this memorandum and Report of Investigation (ROI), you will have 14 work days to prepare and complete your response regarding "Douglas Factors" for the respective captioned employee(s). Please return your completed memorandum directly to OPR. Under no circumstances, should you release the ROI to the employee.

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TSA 15-00014 - 012053

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As part of the adjudicative process for investigations conducted by the Office of Inspection or DHS, Office of Inspector General, OPR takes into consideration "Douglas Factors" in determining the appropriateness of a penalty. See *Douglas vs. Veterans Administration*, 5 MSPR 280 (1981).

- (a) The nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;
- (b) the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
- (c) the employee's past disciplinary record;
- (d) the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;
- (e) the effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's ability to perform assigned duties;
- (f) the consistency of the penalty with those imposed upon other employees for the same or similar offenses;
- (g) the consistency of the penalty with any applicable agency table of penalties;
- (h) the notoriety of the offense or its impact upon the reputation of the agency;
- (i) the clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;
- (j) The potential for the employee's rehabilitation;

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- (k) The mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and
- (l) The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

Please do not recommend specific penalties for the captioned employee(s), as OPR will make that determination after a complete analysis. Please forward the "Douglas Factors" information to James G. Duncan, OPR, 701 Building, W8-330N.

- cc: Chief Counsel
- Program Executive Officer for Employee Relations
 - Office of Administrative Appeals and Review
 - Assistant Administrator/Director, Federal Air Marshal Service
 - Chief Security Officer
 - Director, Workers' Compensation Program Office
 - Assistant Administrator, Office of Professional Responsibility
 - Assistant Administrator, Office of Security Capabilities

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U.S. DEPARTMENT OF HOMELAND SECURITY

TRANSPORTATION SECURITY ADMINISTRATION

REPORT OF INVESTIGATION

Title: BDO Practices at HNL	Case Number:	M-12-0755
	Report Number:	1
	Status:	Closed
Period Covered: January 13, 2012 – January 27, 2012	Region:	West
Type of Investigation: 2 – Misuse of Authority		
Investigation Made By: Special Agents Keith A. Edwards, Edward Archuleta, Mark E. Fedorko, Michael Moser, Phil Spampinato, Michael Striglers, Joseph Viviano, , Akemi Wayne, Transportation Security Specialist Robert Jones and Program Analyst Vicky Richardson		
Location: Honolulu, HI		
Report Made By: Special Agent Keith A. Edwards	<i>Keith A. Edwards</i>	Date: 3/5/12
SAIC Approval:		Date:
Bob Van Shufflin Special Agent in Charge	<i>Robert J. Van Shufflin</i>	3/5/12
Approved:		Date:
Tony Zotto Director, Inspections & Investigations Division	<i>Tony Zotto</i>	3-8-12

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(Revised 3-11-09)

BASIS FOR INVESTIGATION

In August 2011, Honolulu, HI International Airport (HNL) Acting Federal Security Director (FSD) Stanford Miyamoto received a list of several questions from KITV 4 News investigative reporter Keoki Kerr concerning the HNL Behavioral Detection Officer (BDO) program. Kerr's inquiry focused on BDOs (b)(6) and the number of Mexican foreign nationals arrested at HNL. Mr. Kerr also asked why BDOs (b)(6) were referred to as the "Mexicutioners." Mr. Kerr claimed that unidentified HNL BDOs had complained to him that BDOs (b)(6) are guilty of racially profiling Mexican nationals. Mr. Kerr submitted several other questions concerning alleged misconduct by other HNL BDOs. FSD Miyamoto forwarded these questions to headquarters for action. In November and December 2011, KITV 4 aired two special news segments, wherein two unidentified HNL BDOs (with their faces and voices disguised) said that some HNL BDOs were racially profiling Mexican nationals, and made other allegations of misconduct. FSD Miyamoto requested the Office of Inspection (OOI) conduct an inquiry into the allegations made against the HNL BDO program.

ALLEGATIONS AND FINDINGS

ALLEGATION 1:

BDOs (b)(6) allegedly racially profiled passengers, specifically Mexican nationals, in violation of Transportation Security Administration (TSA) Screening of Passengers by Observation Techniques (SPOT) Standard Operating Procedures (SOP), Section 2.1.D and 3.3.A.5 and Management Directive (MD) 1100.73-5, Employee Responsibilities and Conduct, Section 5. A: TSA employees are responsible for behaving in a way that does not bring discredit upon the Federal Government or TSA; and Subsection (7), Employees are required to observe and abide by all laws, rules, regulations and other authoritative policies and guidance, written and unwritten.

FINDINGS:

BDOs (b)(6) both denied they ever racially profiled any passenger as alleged by the two anonymous BDOs in the KITV 4 news segments. OOI agents also interviewed and obtained sworn affidavits from an additional 38 HNL TSA employees. All of these employees, both management and officers, reported that they had no evidence and did not believe that either (b)(6) ever racially profiled any ethnic group (Attachments 4, and 12-48).

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OOI personnel reviewed all referrals of suspicious passengers the HNL BDOs made to law enforcement officers (LEOs) for investigation resulting in arrests. During the three year review period of January 2009 – December 2011, 43 passengers were arrested by LEOs for various charges: 21 (48.8%) for illegal entry into the U.S.; 11 (25.5%) for fraudulent documents; and 11 (25.5%) for possession of narcotics (Attachment 7).

(b)(5) referrals to LEOs for investigation resulted in six suspicious passengers being arrested; four being charged with illegal entry into the U.S., and two for fraudulent documents. Of the 43 passengers arrested by LEOs, (b)(5) referrals resulted in 4 (14%) for illegal entry, or an average of 1.3 undocumented illegal aliens being arrested per year (Attachment 7).

(b)(5) referrals to LEOs for investigation resulted in 15 suspicious passengers being arrested; 10 being charged with illegal entry into the U.S., four for fraudulent documents, and one for possession of narcotics. Of the 43 passengers arrested by LEOs, (b)(5) referrals resulted in 10 (23%) for illegal entry, or an average of 3.3 undocumented illegal aliens being arrested per year (Attachment 7).

A Department of Homeland Security, Office of Inspector General (DHS/OIG) audit was conducted in September 2011. This DHS/OIG audit report stated that their review of arrest records and other documents concluded there was no evidence of racial profiling by officers assigned to the HNL BDO program (Attachment 5).

Division Director Daniel Burche, Office of Security Operations (OSO), reported that in September 2011, he sent a covert BDO inspection team to surveil and observe HNL BDOs as they worked. Director Burche reported, "At no time did the team see any possible misconduct related to any particular ethnic groups." (Attachment 6)

OOI personnel reviewed all of the Equal Employment Opportunity (EEO) and Ombudsman complaints made by HNL BDOs. Of the complaints filed, none concerned race or racial profiling (Attachments 8 and 9).

ALLEGATION 2:

Transportation Security Manager (TSM) (b)(5) and Expert Behavioral Detection Officer (EBDO) (b)(5) were allegedly caught sleeping on the overnight shift several years ago and were never disciplined, in violation of in violation of TSA MD 1100.75-3, Unacceptable Performance and Conduct, Appendix A. Section 2. e: Sleeping on duty while assigned to a security activity.

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FINDINGS:

TSM (b)(6) and ETSO (b)(6) both denied they ever slept on any overnight shift as alleged. OOI agents interviewed an additional 38 HNL TSA employees and obtained signed, sworn affidavits. All of the employees interviewed, both management and officers, reported that they had no knowledge of, and did not believe that, either (b)(6) ever slept during an overnight shift (Attachments 17, 18 and 4, and 12-48).

ALLEGATION 3

BDO (b)(6) allegedly boasted that he had a friend, assigned to the HNL Drug Enforcement Administration (DEA) drug task force, who would inform him of potential drug runners with large sums of cash transiting through HNL. Based on this information, (b)(6) was responsible for seizing nearly \$1 Million in cash and received an award from the DEA.

FINDINGS:

OOI agents interviewed BDO (b)(6) and 38 other HNL TSA employees. BDO (b)(6) said that since 2007, on two separate occasions, he received notification from a long time friend, who was a Honolulu police officer assigned to the HNL DEA drug task force. However, this information was always made known to all the HNL BDOs during their shift briefings and not solely to BDO (b)(6) as alleged. In 2007, BDO (b)(6) received a DEA plaque award for referring a passenger to secondary screening and to LEOs for questioning. This passenger was found to possess \$250,000 in cash. (b)(6) added that he stopped the person because he had (b)(3); 49 U.S.C. § 114(f) which turned out to be two \$10,000 bundles of U.S. currency. A subsequent law enforcement search of the passenger's checked bag found another \$250,000 in cash (Attachments 10 and 19).

ALLEGATION 4:

BDO Manager (b)(6) failed a random TSA drug test in May 2011, and was not terminated, as other TSA employees have been, in violation of TSA MD 1100.75-3, Appendix A., Offenses for which removal is required/permitted, Section 1. b: Validated failure of a drug test. According to the two unidentified BDOs appearing in the KITV news segments, Manager (b)(6) was not terminated in order for (b)(6) to testify on behalf of TSA management, and against TSA employees, in pending EEO complaints.

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FINDINGS:

TSM (b)(6) appealed his proposed termination for failure to pass a random drug test. TSM (b)(6) claimed that he drank tea that was given to him as a gift by his sister-in-law shortly before the random drug test was administered. The tea (b)(6) drank was purchased in Peru and contains coca leaves. The tea, sometimes referred to as "Inca Tea," could have caused a positive test result for the presence of cocaine. (b)(6) insisted throughout this ordeal that he has never ingested cocaine. A last chance agreement was agreed to between (b)(6) attorney and the TSA Office of Chief Counsel (OCC), allowing (b)(6) to remain on duty at HNL (Attachments 12, 13 and 20).

DETAILS OF INVESTIGATION

On January 9, 2012, HNL Acting FSD Stanford Miyamoto sent an e-mail to the Office of Inspection (OOI) requesting OOI conduct an investigation into allegations made by two anonymous HNL TSA employees. The allegations were made on two different occasions on KITV Channel 4 evening news broadcasts. The two anonymous BDOs alleged that BDO (b)(6) and BDO (b)(6) were racially profiling undocumented Mexican alien passengers at HNL, resulting in their arrests by law enforcement officers. The two unidentified BDOs also made allegations of misconduct by other HNL BDOs (Attachment 1).

On August 15, 2011, Honolulu, HI, KITV 4, Investigative Reporter Keoki Kerr sent an e-mail to Nico Melendez, TSA Public Affairs Manager, Pacific Region. Mr. Kerr's e-mail contained 18 specific questions seeking background information and answers to allegations of significant acts of misconduct committed by HNL management and BDOs. FSD Miyamoto forwarded Mr. Kerr's questions to TSA headquarters for whatever action they deemed appropriate. Some of the questions Mr. Kerr asked were (Attachment 2):

- "Explain why so many Mexicans have been arrested in Honolulu, compared to people from other countries?"
- "Why are two BDOs, (b)(6) responsible for nearly all of the arrests of Mexicans in Honolulu? (Co-workers refer to them as the 'Mexicutioners.')
- "Some TSA employees complain those two BDOs are guilty of racial profiling, and it's well known they target Mexicans, inventing suspicious behaviors to justify pulling them in for extra scrutiny. How do you respond to these allegations?"
- "TSA employees also say when two BDOs, (b)(6) were caught sleeping on duty on the overnight shift at HNL several years ago, they were never disciplined. Instead of fixing the problem, TSA employees say the TSA simply eliminated the overnight shift of BDOs about two years ago. Is this true? Why was the overnight shift eliminated?"

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- "BDO (b)(6), a former Honolulu police officer, boasted of a friend who worked at the Drug Enforcement Administration who would tip him off to potential drug runners. During his work as a BDO officer, he found nearly \$1 million in cash that was seized from passengers, far more than any other BDO, and he won awards from the DEA and the TSA for his work. But his cash finding skills seemed to stop when his friend with the DEA moved away."

Furthermore, on November 8, 2011, and on December 2, 2011, Honolulu, HI, KITV Channel 4 television aired two special news segments on the evening news. In these two segments, the two anonymous TSA employees made allegations of misconduct being committed by HNL BDOs and management. The two anonymous TSA employees said during these public broadcasts (Attachment 3):

- Two HNL BDOs were known as the "Mexicutioners" indicating these two BDOs were racially profiling passengers and were improperly targeting Mexican travelers.
- "They are fabricating behaviors. They are making them up – the behaviors don't exist – in order to get to the point where they can arrest these people, said Officer A".
- "One TSA screener was responsible for seizing as much as \$1 Million in undeclared cash on various passengers, until his contact at DEA moved out of town." "The DEA knows that the TSA has what's called 'implied consent' at security checkpoints, meaning when you go through the checkpoint, you consent to having your bags and your body checked." "They (DEA) were using that loophole and the contact in the BDO program as a way to get into the passenger's bag and find the money without having to get a search warrant."
- "A few years back, TSA employees at Honolulu said two of those highly-trained behavioral detection officers were caught sleeping on the overnight shift. Two officers brought in cots and pillows, and were caught sleeping on the job by management." "Nothing was done about it." "Even worse, they (anonymous BDOs) claim, some years later, several other overnight-shift behavioral detection officers could not be found during their shift so the TSA simply stopped the overnight shift, meaning no BDOs work the overnight hours anymore"
- One of the managers of Honolulu's behavior program tested positive for cocaine in a random drug test this summer (2011). Whistleblowers said he's been reassigned but is still on the job because he's needed to testify in some personnel cases. TSA employees said that's a double standard, because all other employees are automatically fired if they test positive for drugs.

When OOI interviewed FSD Stanford Miyamoto, he confirmed that in August 2011 he received an e-mail from Nico Melendez, TSA Public Affairs Manager, Pacific Region. Melendez's e-mail had several questions from KITV 4 Investigative Reporter Keoki Kerr. Mr. Kerr wanted TSA to answer questions concerning allegations of racial profiling and other misconduct made against HNL BDOs. FSD Miyamoto forwarded Mr. Kerr's questions to TSA headquarters for action.

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FSD Miyamoto also confirmed that two months later, on November 8, 2011, and on December 2, 2011, KITV 4 aired two special TV news segments on the evening news, wherein two unidentified HNL officers, with their faces and voices disguised, made public several allegations of misconduct, including racial profiling, being committed by HNL management and BDOs (Attachment 4).

FSD Miyamoto added that between September 12 and 22, 2011, the DHS/OIG conducted an audit of security operations at HNL, part of which included a review of the HNL BDO program. The DHS/OIG audit team report indicated there was no direct evidence that racial profiling is prevalent in the HNL BDO program. Furthermore, at the request of the Office of Security Operations (OSO), Director Daniel Burche ordered a covert BDO inspection team to surveil HNL BDOs as they worked between September 19-26, 2011. Director Burche reported, "At no time did the teams see any possible misconduct related to ethnic groups." FSD Miyamoto had also directed his HNL management staff to conduct an internal management inquiry concerning each of these allegations. FSD Miyamoto said that his staff found no evidence to substantiate any of the allegations made by the two anonymous HNL officers. FSD Miyamoto added that this internal investigation was stopped at the direction of OSO, pending an official inquiry by OOI. FSD Miyamoto found no reason to believe that any of the allegations made by the two anonymous HNL BDOs in the KITV 4 special news segments were true. The allegations had a significant negative impact on all of his officers, especially those officers who were falsely accused in the televised news segments (Attachment 4).

OOI obtained a copy of the DHS/OIG audit report titled, "Transportation Security at Honolulu International Airport, Project No.: 11-140-AUD-TSA. Behavior Detection Officer Program & Equal Employment Opportunity Complainants." This DHS/OIG audit was conducted between September 12-22, 2011. The DHS/OIG audit team reported (Attachment 5),

"Based on our preliminary review of the BDO statistics, available information reported, and interviews with BDO management and staff, there is no direct evidence that racial profiling is prevalent in the HNL BDO Program."

Daniel Burche, Division Director, OSO, Surveillance of Passengers by Observation Techniques (SPOT) Program, stated that at the direction of OSO, Field Operations General Manager, he sent three teams, each consisting of highly experienced SPOT managers, to conduct a covert visit to HNL from September 19-26, 2011, and observe HNL BDOs while they worked. Daniel Burche reported (Attachment 6),

"At no time did the team see any possible misconduct related to particular ethnic groups."

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OOI personnel conducted a review and analysis of the following records relating to the HNL BDO program:

- All BDO referrals made to law enforcement officers (LEOs) resulting in arrests pertaining to undocumented Mexican nationals made by HNL BDOs (Attachment 7).

It was determined that during the three year review period BDO (b)(6) made (b)(3);49 passenger contacts and referred (b) passengers to LEOs for follow up investigations. In three years, between 2009 and 2011, (b)(6) referrals to LEOs for investigation resulted in an average (b)(3); undocumented Mexican nationals arrests per year for the last three years.

It was determined that BDO (b)(6) made (b)(3);4 passenger contacts and referred (b)(3);49 passengers to LEOs for follow up investigations. In three years, between 2009 and 2011, BDO (b)(6) referrals to LEOs for investigation resulted in an average (b)(3);49 U.S.C. § 1 undocumented Mexican nationals arrests per year for the last three years.

- All Equal Employment Opportunity (EEO) complaints made by HNL BDOs (Attachment 8).

There were 14 HNL EEO complaints submitted to the TSA EEO office, three of which were from the HNL BDO program (b)(6). (b)(6) dropped her complaint, leaving two complaints open for (b)(6) (in the process of being terminated for lack of candor and AWOL) and BDO (b)(6). (b)(6) None of the BDO EEO complaints had race or racial profiling as a basis for their complaints.

- All Ombudsman complaints made by HNL BDOs (Attachment 9).

It was determined that two complaints were made by HNL employees to the Ombudsman. None of complaints concerned race or racial profiling as a basis for the complaints.

- All cash seizures made from passengers after referrals were made to LEOs. (Attachment 10).

The data revealed that between 2009 and 2011, two HNL BDOs (6% of the BDO workforce) referred three (100%) passengers to law enforcement officers for additional investigation for large sums of cash. These three referrals resulted in cash seizures of \$62,644, with BDO (b)(6) being involved in two seizures totaling \$40,644. BDO (b)(6) was responsible for one seizure of \$22,000. No other BDOs were involved with

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cash seizures during the review period of January 2009 to December 2011.

On November 11, 2007, and April 22, 2008, BDO (b)(6) referred passengers to law enforcement officials that resulted in two large cash seizures totaling \$374,250.

(b)(6) referrals for cash seizures between 2007 and 2008 totaled \$538,860. BDO (b)(6) stated that he did have a long time friend who was a Honolulu police officer (not a DEA agent) assigned to the DEA drug task force. That officer only contacted him twice with information concerning suspected individuals. (b)(6) instructed the officer to contact the HNL coordinating center or his supervisor with his information so it could be disseminated to the entire BDO workforce. Law enforcement notifications that individuals may be carrying large sums of cash from illegal narcotic sales and transiting through HNL are made known to all of the HNL BDOs during shift briefings.

- All BDO training records were reviewed and OOI verified that every HNL BDO had successfully passed their BDO SPOT training course, and they all had completed their recurring Office of Civil Rights annual training requirement (Attachment 11).

When interviewed by OOI agents, Frank "Mike" Abreu, HNL Deputy Federal Security Director (DFSD) stated that FSD Miyamoto requested him to conduct an inquiry to the allegations made in the KITV 4 news segment. DFSD Abreu stated that his inquiry, up to the point when he was ordered to stop his investigation at the direction of OSO, found no evidence to substantiate any of the allegations made by the two anonymous HNL BDOs (Attachment 12).

When interviewed by OOI, Cy Okinaka, HNL Assistant Federal Security Director-Screening (AFSD-S), stated that, at the direction of FSD Miyamoto, he assisted DFSD Abreu in conducting an inquiry into the allegations made in the KITV 4 news segment. AFSD-S Okinaka stated that their inquiry, up to the point when it was stopped at the direction of OSO, found no evidence to substantiate any of the allegations made by the two anonymous HNL BDOs. Cy Okinaka acknowledged that on or about August 24, 2011, Transportation Security Manager (TSM) (b)(6) told him that BDO (b)(6) reported to her that he had some concerns about BDO (b)(6) and the perception he had that she "profiles." Okinaka and FSD Miyamoto had (b)(6) conduct an inquiry into the allegation. BDO (b)(6) was performing on-the-job training with (b)(6) and said she did not observe indications that (b)(6) used racial profiling. On or about September 6, 2011, Cy Okinaka received (b)(6) report and found no direct evidence or facts linking (b)(6) to racial profiling (Attachment 13).

When interviewed by OOI, TSM (b)(6) stated that, at the direction of FSD Miyamoto, she assisted DFSD Abreu in conducting a management inquiry into the allegations made in the KITV 4 news segments. TSM (b)(6) stated that their inquiry, up to the point when it was stopped at the direction of OSO, found no evidence to substantiate any of the allegations

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made by the two anonymous HNL BDOs. (b)(6) acknowledged that on August 24, 2011, she was notified by BDO (b)(6) that he had concerns of alleged racial profiling being conducted by BDO (b)(6). She instructed BDO (b)(6) to send her an email with all the details of the SPOT referrals to include behavior observations and analysis. (b)(6) assigned STSM (b)(6) to conduct a fact finding inquiry into the allegation by BDO (b)(6) and immediately notified HNL AFSD-S Cy Okinaka of the allegation. (b)(6) provided Okinaka with STSM (b)(6) completed report indicating that there was no evidence to substantiate the allegation (Attachment 14).

Agent's Note: When (b)(6) was interviewed by OOI agents, in his signed, sworn affidavit he wrote, "I have no knowledge of racial profiling at HNL by the BDO program, or any members of the program. I have never witnessed any such behaviors that would target one ethnic group vs. another ethnic group. There is no hint of racism of any kind among fellow BDOs of the Hawaiian population in general. The Hawaiian culture here is very diverse" (see Attachment 35).

When interviewed by OOI, TSM (b)(6) said that he has never racially profiled any passenger as alleged by the two anonymous BDOs in the KITV 4 news segments. (b)(6) said that the false allegations have had a serious impact on his career, since he was scheduled to be part of a national BDO training program. Furthermore, these false allegations have negatively impacted his reputation at work and in his neighborhood (Attachment 15).

When interviewed by OOI, Master BDO (b)(6) said that she has never racially profiled any passenger as alleged by the two anonymous BDOs in the KITV 4 news segments. (b)(6) stated that she recognized the two anonymous HNL BDOs who made the false allegations of misconduct on KITV 4 evening news segments. (b)(6) identified the TSA employees as BDO (b)(6) and Lead Transportation Security Officer (LTSO) (b)(6) (b)(6) based her opinion on their mannerisms, speech patterns and syntax. (b)(6) said that these false allegations made by (b)(6) caused her so much grief that she sometimes cries and feels that her reputation has been damaged at work and in her neighborhood. (Attachment 16).

When interviewed by OOI, TSM (b)(6) said that he has never been assigned to the overnight shift and has never slept on duty as alleged. TSM (b)(6) said that he has seen the KITV 4 evening news segments and believes the two anonymous HNL BDOs who made the false allegations were BDO (b)(6) and (b)(6). (b)(6) based his opinion on their mannerisms, speed patterns and syntax (Attachment 17).

When interviewed by OOI, Expert BDO (b)(6) said that he has never slept while on duty on the overnight shift as alleged. He said that he is quite upset about this false allegation (Attachment 18).

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When interviewed by OOI, Expert BDO (b)(6) said that his lifelong friend, (b)(6),(b)(6),(b)(7)(C) is a Honolulu Police Officer and he was assigned to the DEA drug task force. (b)(6) explained that Officer (b)(6),(b)(7)(C) initially contacted him in 2007, and requested information regarding who to contact, or how create a "Be On the Look Out" (BOLO), when information needed to be distributed to all the HNL BDOs. (b)(6) stated that the DEA drug task force had information on an individual (b)(6) who may be traveling through HNL. (b)(6) referred him to his supervisor, TSM (b)(6) to facilitate the request in order to create and post the aforementioned BOLO at all the HNL checkpoints. (b)(6) explained that the second request by (b)(6),(b)(7)(C) came when he was on his day off, so he (b)(6) referred him to the control center. It should be noted that these were the only two referrals wherein (b)(6),(b)(7)(C) contacted (b)(6) (b)(6) added that he did receive a plaque award from DEA, not a cash award, and was not a paid DEA source (Attachment 19).

Dana Chong Tim, Assistant Federal Security Director for Law Enforcement (AFSD-LE), stated that he routinely receives information from law enforcement agencies, such as the Drug Enforcement Administration (DEA) drug task force and Honolulu Police Department concerning suspicious or wanted persons. AFSAD-LE Tim said that upon receipt of this information he passes it to the TSA HNL coordinating center and the BDO managers for distribution to the entire BDO workforce. At no time has this type of information been given solely to any one individual (Attachment 49).

When interviewed by OOI, TSM (b)(6) reported that on May 18, 2011, he was subjected to a random TSA drug test. On June 6, 2011, he was informed that he tested positive for cocaine. (b)(6) was told he would be served with a Proposal Letter for Removal. (b)(6) told his wife about the situation and she asked if he drank any tea that his sister sent him from a recent trip to Peru. When he read the ingredients list on the outside of the tea box, he realized that the tea was made from coca leaves. (b)(6) stated that he conducted research on Wikipedia (attached) and discovered that the tea had cocaine properties. (b)(6) attorney sent two tea bags to a local lab for analysis. The independent laboratory analysis provided positive results for the chemical benzoylmethylecgonine, which is the same chemical isolated in the human body after cocaine consumption. (b)(6) believes that the ingestion of the "Inca Tea" before his urinalysis caused the positive test result. In December 2011, (b)(6) attorney notified him that TSA OCC was offering him a Last Chance Agreement, which (b)(6) signed, and TSM (b)(6) remains on duty at HNL (Attachment 20).

LTSO (b)(6) was interviewed by OOI agents on January 24, 2012. Prior to beginning the interview, OOI agents gave (b)(6) a notification form regarding Title 18 USC 1001. This notification reads:

"Whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branches of the Government of the United States of America, knowingly and willfully:

- 1) Falsifies, conceals, or cover up by trick, scheme, or device a material fact;

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- 2) Makes or uses any false writing or document knowing the same to contain any materially false, fictitious, fraudulent statement or entry shall be fined under this title or imprisoned not more than five (5) years, or both."

(b)(6) signed and dated this form acknowledging he read and understood its contents (Attachment 21).

(b)(6) then stated that he had been a BDO between January 2008 and June 2010, when he opted out of the BDO program. (Agent's Note: (b)(6) reportedly has attempted to re-enter the HNL BDO program twice, but his application has been denied by management). (b)(6) said that he had never engaged in or observed any racial profiling by BDOs at HNL. (b)(6) stated that he had never observed anyone sleeping while on duty at HNL. (b)(6) stated that he had no first-hand knowledge of any BDO getting tips from law enforcement officers. (b)(6) stated that he has never heard of, or observed, any TSA employee using drugs, with the exception of the information in the news story regarding TSM (b)(6) (b)(6) stated that he first heard of these allegations in a recent news story about TSA in early December 2011. He watched the online news story at home a few days after the story aired. (b)(6) stated that he could not identify the interviewees because their faces and voices were disguised. Additionally, he said that he has heard a lot of rumors and speculation regarding the identities of the anonymous BDOs who appeared in the news reports. Specifically named were (b)(6)

(b)(6) and himself (b)(6) When asked specifically whether he participated in the media interview, he stated that he did not. (b)(6) continually denied his involvement in the media interview and said that he would consider taking a polygraph examination. When advised that he could take a polygraph test that day, he then stated that he wanted to consult with his attorney first. (b)(6) was asked to provide a written statement but he refused saying he needed to consult with his attorney first, and he did not provide a written statement that day (Attachment 21).

Agent's Note: Nine HNL officers and management who viewed the KITV 4 news segments believed one of the anonymous BDOs is (b)(6) These identifications were based upon (b)(6) mannerisms and syntax. These nine employees said they were between 90%-100% certain it was (b)(6) Three of the HNL officers and managers who viewed the KITV 4 news segments believed the second anonymous BDO was (b)(6) Two of these employees said they were 80% certain it was (b)(6) and one said he was 90% certain it was (b)(6)

On January 25, 2012, LTSO (b)(6) noting that in his initial interview he would consult with his attorney before saying if he would or would not voluntarily submit to a polygraph examination, was interviewed by OOI polygrapher, Special Agent (SA) Mike Moser. SA Moser asked (b)(6) if he would voluntarily submit to a polygraph examination. (b)(6) said that based upon advice of his counsel he would not take a polygraph examination, and he signed a polygraph

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declination form. (b)(6) also signed a Standard Form (SF) 50 indicating his desire to voluntarily resign from federal service on January 25, 2012. (b)(6) wrote, on the SF50, that his resignation was intended for the betterment of his physical and mental health. He continued by stating that he could no longer find it in his best interest to endure the unresolved discrimination that he faced at TSA/HNL and (b)(6) indicated that he resigned to pursue other employment (Attachment 22).

When OOI agents interviewed MBDO (b)(6) he stated, "I believe that the individuals portrayed as 'whistleblowers' on the KITV 4 report must have been persons who were familiar with the BDO program. I am 80% sure that one of the whistleblowers was (b)(6) and through casual conversation amongst co-worker(s) the other individual might have been BDO (b)(6). (b)(6) also said, "I have never heard the term 'mexicutioner' used by BDOs at HNL. I heard of this allegation on the KITV 4 news report." He also wrote in his signed, sworn affidavit, "I have no knowledge of racial profiling at HNL by the BDO program, or any members of the program. I have never witnessed any such behaviors that would target one ethnic group vs. another ethnic group. There is no hint of racism of any kind among fellow BDOs of the Hawaiian population in general. The Hawaiian culture here is very diverse" (Attachment 35).

BDO (b)(6) stated he never observed any racial profiling being used as a means for making referrals in the HNL BDO program. However, he suspected (b)(6) used race as a means of referrals because of the high number of LEO referrals of passengers with California identification and Mexican passports. He said that the news video was referring to (b)(6) because of the high number of LEO referrals for Hispanics. (b)(6) said that he worked with (b)(6) a few times over a period of two months and he never saw (b)(6) racially profile any passengers, and the passengers she did refer were of various races. He said (b)(6) referrals during that time were based on behaviors from the passengers (Attachment 36).

When interviewed by OOI agents, BDO (b)(6) stated, "I have heard the term 'Mexicutioner' (sic) used by (b)(6) about a year ago. The term was used as a reference to (b)(6)." (b)(6) also stated, "I believe that the video in question fits the stature and physical proportions of (b)(6). Two days before the first news article, I spoke with (b)(6) who stated to me that he had something going on that would help him get back into the program." (b)(6) also wrote in his signed, sworn affidavit, "I believe the allegations of racial profiling are incorrect. I have never heard of anyone using race as a basis for referrals. The referrals made by BDOs here (HNL) are made and based on behavior." (b)(6) also wrote in his affidavit, "In 2008 I had heard that BDOs were sleeping in a cot by (b)(6). They said that (b)(6) was sleeping on a cot in the office. I never heard this from anyone else and it was the only time I heard it." "In 2008, (b)(6) and (b)(6) told me a story on separate Occasions (sic) that (b)(6) (sic) had a source that called him to say that two individuals were coming through the airport with a large amount of

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cash. I worked with (b)(6) (sic) for four weeks and during that time I have had no indication that he was using a DEA source" (Attachment 43).

When interviewed by OOI agents, MBDO (b)(6) stated, "I never heard of racial profiling until the news report in November 2011." "There was never any discussion that she (b)(6) (b)(6) was profiling Mexicans or latinos (sic). All BDOs were all trained on basing their referrals on behaviors that we observe on passengers." (b)(6) also wrote in his signed, sworn affidavit, "None of the BDOs at HNL admitted going to the news media about the profiling allegations. I believe that (b)(6) provided that information to the news media because I could see him doing something like that based upon past experience. I don't trust (b)(6) and he was always disgruntled and upset about things. "I believe that the BDOs who participated in the news video were (b)(6). I am 99% sure it (b)(6) and about 75% sure it was (b)(6). Both were very disgruntled about the program. (b)(6) opted out of the program and then later reapplied twice and was turned down" (Attachment 44).

OOI special agents also interviewed an additional 22 HNL BDO officers and supervisors, and obtained their signed, sworn affidavits. All of these 22 additional employees stated that they had no evidence and did not believe the allegations made by the two anonymous HNL BDOs in the evening news segments were true (Attachments 23-42, and 45-48).

SUBJECTS INFORMATION

NAME: (b)(6)
Position: Transportation Security Manager
EOD: (b)(6)
Pay Band: H
Employee status: Remains on active duty

NAME: (b)(6)
Position: Master Behavioral Detection Officer
EOD: (b)(6)
Pay Band: F
Employee status: Remains on active duty

NAME: (b)(6)
Position: Transportation Security Manager
EOD: (b)(6)
Pay Band: H
Employee status: Remains on active duty

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NAME: (b)(6)
Position: Expert Behavioral Detection Officer
EOD: (b)(6)
Pay Band: G
Employee status: Remains on active duty

NAME: (b)(6)
Position: Behavioral Detection Officer
EOD: (b)(6)
Pay Band: G
Employee status: Remains on active duty

NAME: (b)(6)
Position: Transportation Security Manager
EOD: (b)(6)
Pay Band: H
Employee status: Remains on active duty

CASE STATUS

Case closed.

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ATTACHMENTS

Attachment Number	Description
1	Memorandum of Interview or Activity (MOI) dated January 13, 2012, reporting notification by FSD Miyamoto regarding of racial profiling by HNL BDOs, with attachment
2	MOI dated January 17, 2012, reporting KITV 4 Investigative Reporter Keoki Kerr's questions re: HNL BDO misconduct, with attachment
3	MOI, dated January 17, 2012, containing transcripts of KITV 4 news broadcasts made on November 8, 2011, and December 2, 2011, with attachments
4	MOI dated January 20-25, 2012, reporting interview of FSD Miyamoto with attachments
5	MOI dated January 17, 2012, reporting DHS/OIG audit report, with attachment
6	MOI dated January 17, 2010, reporting Director Daniel Burche's report , with attachment
7	MOI dated January 24, 2012, reporting OOI statistical analysis of referrals to LEOs resulting in arrests, with attachments
8	MOI dated January 24, 2012, reporting OOI statistical analysis of EEO complaints, with attachment
9	MOI dated January 24, 2012, reporting OOI statistical analysis of Ombudsman referrals., with attachments
10	MOI dated January 24, 2012, reporting OOI statistical analysis of cash seizures, with attachments
11	MOI dated January 23, 2012, reporting OOI review of all BDO training records
12	MOI dated January 20, 2012, reporting interview of ADFSD Frank M. Abreu, with attachment
13	MOI dated January 20, 2012, reporting interview of AFSD Cy Okinaka, with attachment
14	MOI dated January 20, 2012, reporting interview of TSM (b)(6) with attachment
15	MOI dated January 21, 2012, reporting interview of TSM (b)(6) with attachment
16	MOI dated January 20, 2012, reporting interview of MBDO (b)(6) with attachment
17	MOI dated January 22, 2012, reporting interview of TSM (b)(6) with attachment
18	MOI dated January 21, 2012, reporting interview of EBDO (b)(6) with attachment

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19	MOI dated January 21, 2012, reporting interview of EBDO (b)(6) with attachment
20	MOI dated January 24, 2012, reporting interview of TSM (b)(6) with attachment
21	MOI dated January 24, 2012, reporting interview of LTSO (b)(6) with attachment
22	MOI dated January 25, 2012, reporting interview of LTSO (b)(6) with attachments
23	MOI dated January 21, 2012, reporting interview of BDO (b)(6) with attachment
24	MOI dated January 23, 2012, reporting interview of BDO (b)(6) with attachment
25	MOI dated January 20, 2012, reporting interview of TSM (b)(6) with attachment
26	MOI dated January 24, 2012, reporting interview of BDO (b)(6) with attachment
27	MOI dated January 23, 2012, reporting interview of MBDO (b)(6) with attachment
28	MOI dated January 21, 2012, reporting interview of LTSO (b)(6) with attachment
29	MOI dated January 22, 2012, reporting interview of BDO (b)(6) with attachment
30	MOI dated January 22, 2012, reporting interview of BDO (b)(6) with attachment
31	MOI dated January 23, 2012, reporting interview of BDO (b)(6) with attachment
32	MOI dated January 22, 2012, reporting interview of BDO (b)(6) with attachment
33	MOI dated January 21, 2012, reporting interview of BDO (b)(6) with attachment
34	MOI dated January 22, 2012, reporting interview of BDO (b)(6) with attachment
35	MOI dated January 24, 2012, reporting interview of MBDO (b)(6) with attachment
36	MOI dated January 24, 2012, reporting interview of BDO (b)(6) with attachment
37	MOI dated January 25, 2012, reporting interview of EBDO (b)(6) with attachment
38	MOI dated January 23, 2012, reporting interview of MBDO (b)(6) with attachment
39	MOI dated January 22, 2012, reporting interview of BDO (b)(6) with attachment

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40	MOI dated January 24, 2012, reporting interview of EBDO (b)(6) with attachment
41	MOI dated January 23, 2012, reporting interview of BDO (b)(6) with attachment
42	MOI dated January 23, 2012, reporting interview of BDO (b)(6) with attachment
43	MOI dated January 23, 2012, reporting interview of BDO (b)(6) with attachment
44	MOI dated January 22, 2012, reporting interview of MBDO (b)(6) with attachment
45	MOI dated January 21, 2012, reporting interview of EBDO (b)(6) with attachment
46	MOI dated January 22, 2012, reporting interview of BDO (b)(6) with attachment
47	MOI dated January 22, 2012, reporting interview of BDO (b)(6) with attachment
48	MOI dated January 22, 2012, reporting interview of BDO (b)(6) with attachment
49	MOI dated January 23, 2012, reporting interview of AFSD-LE Dan Chong Tim, with attachment

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ATTACHMENT

1

SENSITIVE SECURITY INFORMATION



**MEMORANDUM OF INTERVIEW
OR ACTIVITY**

Type of Activity: <input type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input checked="" type="checkbox"/> Records Review <input type="checkbox"/> Other	Date and Time: January 13, 2012
Activity or Interview of: Notification to Office of Inspection (OOI) of anonymous allegations or racial profiling at Honolulu International Airport (HNL)	Conducted by: Special Agent Keith A. Edwards
	Location of Interview/Activity: Office of Inspection Arlington, VA

Subject Matter/Remarks

On January 9, 2012, HNL Acting Federal Security Director Stanford Miyamoto sent an e-mail to OOI requesting an investigation into an allegation made by two anonymous HNL employees on a statewide Honolulu, HI evening news program.

The two anonymous HNL employees alleged that Behavioral Detection Officers (b)(6) were racially profiling undocumented Mexican aliens resulting in their arrests by law enforcement officers, among other serious allegations of misconduct by management and officers.

FSD Miyamoto's e-mail is attached.

Case Number: M-12-0755	Case Title: BDO practices at HNL
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Revised February 28, 2006

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

From: Miyamoto, Stanford

(b)(6)

Sent: Monday, January 09, 2012 11:52 AM

To: Fong, Regan

Cc: Johnson, Scott T; Whitaker, Eugene <TSA OCC>; Abreu, Frank M; Okinaka, Cy; Coutts, Dave; Walton, Falasteen; Fletcher, Louis; Callahan, Heather <FSD>; Chong Tim, Dana; SMITH, PATRICK M.; Lewis, Lawrence

Subject: HNL SPOT Program Investigation

Regan,

I need your help in conducting an investigation into an anonymous racial profiling allegation on two (2) of our TSA officers in the SPOT program at HNL. The two officers have been reassigned to other duties pending the completion of the investigation. DHS Office for Civil Rights and Civil Liberties (CRCL) and TSA's OCRL will be conducting a joint inquiry into the allegations but will not be able to implicate/clear the two officers.

Background information:

* HNL received anonymous complaints regarding the HNL SPOT program (racial profiling and other allegations) via a television investigative reporter in Aug 2011, per attached.

<<RE Questions about TSA Honolulu.txt>>

* HNL SPOT Manager conducted an internal fact finding and found no evidence to support allegations.

* HNL SPOT management team conducted administrative review and audit of BDO work performance during irregular work hours to ensure SOP compliance.

* HQ OSO leadership and SPOT Program Manager recommended refresher

training, covert inspection and standardization team visit to HNL.

- o Refresher Training conducted by HQ SPOT Program for all BDOs

September 14-21. (All BDOs passed job knowledge test.)

- o Covert inspection accomplished 19-26 September with negative results of racial profiling.

- o Standardization Team visit has been postponed indefinitely due to RBS priority.

- * In light of indefinite suspension of Standardization Team visit,

HNL FSD tasked HNL DFSD (who has background in SPOT program) to accomplish a more detailed internal admin investigation into the anonymous allegations to ensure nothing overlooked.

- * HQ OSO leadership asked DHS OIG (originally tasked to look at the Lobby 4 Checked Baggage incident) to also look at the HNL SPOT program in light of the racial profiling allegations.

- * On Dec 2nd KITV 4 News aired article criticizing TSA for promoting TSA officer accused of racial profiling which spread nationally (officer was not promoted but selected to be a member on the national SPOT Training Team). (HQ removed TSA BDO from the national SPOT Training Team and directed that the two (2) TSA officers accused of racial profiling (for their protection), to not perform SPOT related duties until the DHS OIG accomplished the investigation. HQ also asked that HNL cease all other local administrative fact finding/investigation into this matter.)

- * DHS OIG accomplished their second field visit at HNL from Dec

5-9 but did not accomplish an investigation (just an audit of the SPOT program). We were informed that results of this audit was kept separate from the audit they were conducting on Lobby 4 events and forwarded to DHS leadership as well as TSA OI Leadership to review and determine further action.

* In December, Consulate General of Mexico in San Francisco sent letters to DHS/TSA (learning of the racial profiling news articles) stating that their own staff has experienced targeted scrutiny when traveling through HNL. As a result, DHS OCRL and TSA OCR will conduct a compliance investigation of the allegations. In discussion with the DHS OCRL investigator, the inquiry will be general and not implicate/clear the two TSA officers accused of racial profiling.

* Besides the recent allegations made to the media regarding racial profiling, we also received allegations of harassment felt by the individuals accused of racial profiling and other members of the BDO program (see attached e-mails), as they feel the complaints (current as well as past that were already looked into and determined unfounded) are false and violate TSA policy (making false irresponsible statements possible SSI violations, conduct that adversely reflect on TSA, or negatively impact its ability to discharge its mission, cause embarrassment to the agency, or cause the public and/or TSA to question the employee's reliability, judgment or trustworthiness). These may need to be looked into also if all deemed to be unfounded.

<<Alleged Racial Profiling >> <<RE: Statement of Events 122111 (b)(6) >>

Please let me know....

Mahalo,

Stanford

Stanford N. Miyamoto
Federal Security Director (Acting)
Honolulu International Airport (HNL)
300 Rodgers Blvd., #45
Honolulu, HI 96819

(b)(6) cell
808-831-(b)(6) office
808 831 4619 fax

(b)(6)

ATTACHMENT

2

SENSITIVE SECURITY INFORMATION



**MEMORANDUM OF INTERVIEW
OR ACTIVITY**

Type of Activity: <input type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input checked="" type="checkbox"/> Records Review <input type="checkbox"/> Other	Date and Time: January 17, 2012
Activity or Interview of: Questions regarding racial profiling and other acts of misconduct submitted by Keoki Kerr Investigative Reporter KITV Channel 4 Honolulu, HI	Conducted by: Special Agent Keith A. Edwards
	Location of Interview/Activity: Transportation Security Administration (TSA) Office of Inspection Arlington, VA

Subject Matter/Remarks

On August 15, 2011, KITV 4, Investigative Reporter Keoki Kerr sent an e-mail to TSA Public Affairs Manager, Pacific Region Nico Melendez.

Keoki Kerr's e-mail contained 18 questions seeking background information and answers to allegations of significant acts of misconduct at Honolulu International Airport (HNL) committed by behavior detection officers (BDOs) such as:

Racial profiling of Mexican Nationals by BDOs (b)(6)

BDOs (b)(6) were caught sleeping on duty and nothing was done,

BDO (b)(6) receiving information from a Drug Enforcement Administration allowing him to seize \$1 Million of illegal drug money proceeds from passengers transiting HNL, etc.

See attached Keoki Kerr's e-mail, dated August 15, 2011, sent to Nico Melendez for specifics.

Case Number: M-12-0755	Case Title: BDO practices at HNL
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Revised February 28, 2006

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

From: prvs=201ee3fe7=kgkerr@kitv.com on behalf of Kerr, Keoki R

Sent: Mon 8/15/2011 4:08 PM

To: Melendez, Nico

Subject: Questions about TSA Honolulu

Dear Mr. Melendez:

Please find a list of questions about various operations, allegations, statistics and other information regarding the Transportation Security Administration office at Honolulu International Airport.

When did the behavior detection officer program begin at HNL TSA?

Since the BDO program started at HNL TSA, how many foreign nationals have been arrested after being stopped by BDOs at HNL?

What's the country-by-country breakdown of all of those illegal aliens arrested through cases initiated by BDOs at HNL since the BDO program began in Honolulu? (Example: Mexico. 70 arrests, China . 5 arrests, etc.)

Can you explain why so many Mexicans have been arrested in Honolulu, compared to people from other countries?

Why are two BDOs, (b) (5) responsible for nearly all of the arrests of Mexicans in Honolulu? (Co-workers refer to them as the

"Mexicutioners.") Is this true?

Some TSA employees complain those two BDOs are guilty of racial profiling, and it's well known they target Mexicans, inventing suspicious behaviors to justify pulling them in for extra scrutiny. How do you respond to these allegations?

TSA employees also complain managers know about the frequency of the arrest of Mexicans, since managers review arrest paperwork, but employees say managers "look the other way" because "all they care about is numbers" of arrests, not why people are arrested or whether they actually pose a threat to aircraft or passengers and crew. What's your response to these allegations?

TSA employees also say when two BDOs, (b)(5) were caught sleeping on the overnight shift at HNL several years ago, they were never disciplined. Instead fixing the problem, TSA employees say the TSA simply eliminated the overnight shift of BDOs about two years ago. Is this true? Why was the overnight shift eliminated?

BDO (b)(5) a former Honolulu police officer, boasted of a friend who worked at the Drug Enforcement Administration who would tip him off to potential drug runners. During his work as a BDO officer, he found nearly \$1 million in cash that was seized from passengers, far more than any other BDO, and he won awards from the DEA and the TSA for his work. But his cash finding skills seemed to stop when his friend with the DEA moved away. Is this proper

use of the BDO program, that's supposed to detect terrorists?

HNL TSA managers claim that the BDO program is not driven by arrests or referrals to other federal agencies, but employees want to know why such referrals and arrests are needed to receive a positive work evaluation?

Do TSA behavior detection officers have specific training to address cultural sensitivity and civil rights, specific to their work duties, so they are discouraged from automatically targeting one ethnicity or people whose skin is a certain color?

What is the breakdown of the ethnic background of the BDOs working at HNL?
(For example . 20% Caucasian, 40% Asian, 20% Pacific Islander, 10% Hispanic, etc.)

How many EEO complaints have been filed by HNL TSA employees against fellow HNL TSA employees in each of the following years: 2009, 2010, 2011 (this year so far)?

How many EEO complaints have been filed by HNL TSA employees against HNL TSA managers (including lead screeners, supervisors, screening managers, and upper-echelon management like AFSDs, DFSDs, FSD, et al) in each of the following years: 2009, 2010, 2011 (this year so far)?

How many sexual harassment complaints (a subset of EEO complaints) have been

filed by HNL TSA employees against fellow HNL TSA employees in each of the following years: 2009, 2010, 2011 (this year so far)?

How many sexual harassment complaints (a subset of EEO complaints) have been filed by HNL TSA employees against HNL TSA managers (including lead screeners, supervisors, screening managers, and upper-echelon management like AFSDs, DFSDs, FSD, et al) in each of the following years: 2009, 2010, 2011 (this year so far)?

Does the TSA feel there's a morale problem among TSA employees at HNL?

What's being done to improve morale at TSA HNL?

Thank you for your time,

Keoki Kerr

KITV 4 News

(808) 223-7962

ATTACHMENT

3

SENSITIVE SECURITY INFORMATION



MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity:

- Personal Interview
 Telephone Interview
 Records Review
 Other

Date and Time:

January 17, 2012

Activity or Interview of:

"TSA Employees Complain Of Racial Profiling"
"TSA Whistleblowers: HNL Screener Target
Mexicans:
Transcripts of televised interviews of anonymous
TSA employees by
Keoki Kerr
Investigative Reporter
KITV Channel 4
Honolulu, HI

Conducted by:

Special Agent Keith A. Edwards

Location of Interview/Activity:

Transportation Security Administration (TSA)
Office of Inspection
Arlington, VA

Subject Matter/Remarks

On November 8, 2011, and on December 2, 2011, Honolulu, HI, KITV Channel 4 television, Investigative Reporter Keoki Kerr aired special news segments on the KITV evening news. In these two segments two anonymous TSA employees made significant allegations of misconduct being committed by behavioral detection officers (BDOs) at Honolulu International Airport (HNL). The two anonymous TSA employees alleged (See attached KITV 4 news segments transcripts attached):

BDOs were racially profiling Mexican Nationals and were referred to as the "Mexicutioners."

BDOs were caught sleeping on duty and nothing was done,

BDO received information from a Drug Enforcement Administration agent allowing him to seize \$1 Million of illegal drug money proceeds from passengers transiting HNL

BDO manager failed a TSA drug test, but was not terminated, etc.

Case Number:
M-12-0755

Case Title:
BDO practices at HNL

Revised February 28, 2006

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TSA Whistleblowers: HNL Screeners Target Mexicans

Related To Story

TSA Employees Complain Of Racial Profiling

Keoki Kerr KITV4 News

POSTED: 3:25 pm HST November 1, 2011
UPDATED: 3:28 pm HST November 8, 2011



HONOLULU -- Two members of an elite Transportation Security Administration unit at Honolulu International Airport target Mexican travelers for extra screening so often they are referred to as "Mexicutioners" by their co-workers, according to two whistleblowers who came forward to tell their stories to KITV 4 News. The TSA said it's investigating the allegations.

Honolulu, like 160 other airports nationwide, has a unit of specially trained TSA screeners who are supposed to assess behaviors of passengers to determine if they're suspicious and may be planning some kind of terrorist attack.

"The program is geared toward ... looking for terrorists," said Officer A, one of two Honolulu TSA officers who spoke to KITV 4 News but asked to keep their identities secret to avoid discipline for speaking out.

The two officers shared information about the team of roughly 32 of Honolulu's Behavior Detection Officers, known as BDOs. The TSA has about 700 officers in Honolulu.

"The BDO program is supposed to identify passengers exhibiting suspicious behaviors," said Officer B.

Problem is, the whistleblowers said, two Honolulu TSA behavior detection officers are improperly targeting Mexican travelers to see if they are in the United States illegally.

"They're known as the 'Mexicutioners,'" said Officer A. "Honolulu is known for having a few 'Mexicutioners' and they know who they are and they know what they do."

Other TSA screeners refer to the man and woman as the Mexicutioners, because employees say they are responsible for the great majority of the arrests of illegal aliens at Honolulu International Airport, most of them from Mexico.

A few other Honolulu TSA employees and attorneys for some recently fired TSA workers who told KITV 4 News the same thing: it's well-known that just two TSA screeners target Mexican travelers in Honolulu to appear productive, even though their main priority is supposed to be stopping passengers who could be a security threat.

"We're not in the business of going after illegals. We're supposed to be finding potential terrorists, threats to aviation security," said Officer B. "They have been abusing the program to make a mark for themselves."

In response, TSA spokesman Nico Melendez released a statement that said, "The allegations raised regarding the Behavior Detection Officer program at Honolulu International Airport have resulted in an ongoing review of screening operations at HNL. As such, TSA is unable to provide comment until the review is complete."

KITV asked the TSA for a detailed list of the countries of origin for each foreign national arrested as a result of a referral from TSA BDOs in Honolulu, reports that managers in Honolulu routinely review after each case and send to TSA headquarters in Washington D.C. The arrest figures are entered into several national TSA databases, sources said. But the TSA declined to release that data, citing the "review" that's under way.

The TSA's parent agency, the U.S. Department of Homeland Security, has launched an inspector general's audit of operations at TSA Honolulu following the firing of several dozen TSA screeners here last summer in a baggage checking scandal. Those firings were the result of a separate six-month TSA investigation.

Behavior detection officers are supposed to mingle with passengers in line at TSA checkpoints and see if they exhibit nervous behavior, but TSA employees said the two accused screeners are making up suspicious behaviors to justify extra screening of people from Mexico, which is known for having easily available fake identification documents.

"They are fabricating behaviors. They're making them up -- the behaviors don't exist -- in order to get to the point where they can arrest these people," said Officer A.

"Racial profiling is not an effective form of providing security and our security officers are trained to treat every passenger with dignity and respect," Melendez, of the TSA said.

"Sounds like racial profiling to me. Something is wrong when you have those types of statistics," said Daphne Barbee-Wooten, a civil rights attorney representing a former TSA manager Raymond Ware. Ware is suing the agency after he was fired in an unrelated case -- in which dozens of TSA screeners were found to have not screened checked baggage for explosives last year.

"You can't target anybody because of their ethnicity, the way they look, the way they talk, their nationality, their sex, their age. You can't do that because that's racial stereotyping and that will not lead you to find a terrorist," Barbee-Wooten said.

Similar allegations at Newark Liberty International Airport in New Jersey caused the TSA to mount an investigation last year, demoting a TSA manager and retraining its entire behavior detection workforce there.

The Star-Ledger newspaper reported a TSA investigation found that some TSA employees in

Newark referred to certain colleagues as "Mexican hunters" because they targeted air passengers from Mexico and the Dominican Republic for extra scrutiny.

Back in Honolulu, TSA officers also accused one behavior detection officer of using inside information from a friend at the U.S. Drug Enforcement Administration to repeatedly stop people suspected of carrying large amounts of cash through Honolulu airport, possibly as part of the drug trade.

They said one TSA screener was responsible for seizing as much as \$1 million in undeclared cash on various passengers, until his contact at DEA moved out of town.

The DEA knows that the TSA has what's called "implied consent" at security checkpoints, meaning when you go through the checkpoint, you consent to having your bags and your body checked, the whistleblowers said.

"They were using that loophole and the contact in the BDO program as a way to get into the passenger's bag and find the money without having to get a search warrant," said Officer B.

Asked if the program has ever stopped a suspected terrorist in Honolulu since the program began in April of 2007, Officer B said, "Never. Not Once."

CRITICAL GAO AUDIT

A 2010 federal audit of the TSA's behavior detection program across the country found during its entire brief history the program has never resulted in the arrest of a terrorist or someone planning to engage in some kind of terrorist activity anywhere in the United States.

The Governmental Accountability Office audit published in May of 2010 found illegal aliens made up the biggest category of arrests from TSA cases -- 39 percent of them across the country -- between 2004 and 2008.

The audit also said the TSA did not scientifically validate the behavior observation program before it started following the 9-11 attacks.

The GAO auditors said the TSA should study whether the program -- with an annual budget of more than \$200 million -- is a good use of taxpayer money or whether random extra screening would be just as effective.

SLEEPING ON THE JOB

A few years back, TSA employees at Honolulu said two of those highly-trained behavior detection officers were caught sleeping on the overnight shift.

"Two officers had brought in cots and pillows, and were caught sleeping on the job by management," said Officer A. "Nothing was done about it."

The two whistleblowers said the two screeners caught sleeping on the overnight shift were never disciplined.

Even worse, they claim, some years later, several other overnight-shift behavior detection officers could not be found during their shift so the TSA simply stopped staffing the overnight shift, meaning no BDOs work the overnight hours anymore.

"They just completely got rid of it," Officer A said.

DRUG TESTING: DOUBLE STANDARD?

Another allegation: one of the managers of Honolulu's behavior detection program tested positive for cocaine in a random drug test this summer.

Whistleblowers said he's been re-assigned but is still on the job because he's needed to testify in some personnel cases.

"Word throughout the airport is that they need to keep him for testimony in various EEO investigations," said Officer B, referring to Equal Employment Opportunity cases, which can allege sexual harassment, unfair treatment based on an employee's gender or race, and other complaints.

TSA employees said that's a double standard, because all other employees are automatically fired if they test positive for drugs.

"It makes you embarrassed to work at the TSA, especially at Honolulu," said Officer B.

Honolulu TSA employees have filed 12 EEO complaints against their supervisors since 2009, four of which were sexual harassment complaints, a TSA official said.

The TSA said its leaders in Honolulu are taking "proactive measures" to improve security operations, the work environment and staff morale.

"They have conducted town hall sessions, surveys and meetings with the workforce to identify issues/concerns and are taking necessary measure to address these problem areas," a TSA official said.

Glen Kajiyama, TSA Honolulu's federal security director, was fired June 3, along with four other TSA managers and at least 24 screeners as a result of a probe that found TSA employees failed to properly screen checked luggage for explosives for months. TSA employees complained they were pressured by managers to rush security checks of bags in spite of a lack of screening equipment and staff shortages.

Kajiyama and three other managers are appealing their firings to the U.S. Merit Systems Protection Board in Washington, D.C., according to sources familiar with the cases. The Merit Systems Protection Board handles appeals of TSA managers and most other federal employees.

A fifth TSA manager fired after the baggage probe, William Gullledge, the former assistant federal security director for screening, chose to retire, a source said.

Stanford Miyamoto, TSA's deputy area director in Honolulu, was named acting federal security director in June.

Related Stories:

Sept. 16, 2011 - [Some TSA HNL Employees Escape Firing In Baggage Scandal](#)

Aug. 19, 2011 - [TSA Manager Targeted For Firing Speaks Out](#)

Aug. 12, 2011 - [Honolulu TSA Managers Admit 'Dictatorial' Atmosphere](#)

Aug. 5, 2011 - [Inspector General Probe Hcaded For HNL TSA](#)

June 18, 2011 - [Most Fired, Suspended TSA Officers Will Appeal](#)

June 10, 2011 - [TSA To Fire 36 HNL Workers, Suspend 12](#)

March 1, 2011 - [At Least 27 Honolulu TSA Officers Under Probe](#)

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HNL TSA Officer Accused Of Racial Profiling Has Been Promoted

Civil Rights Groups Call For Audit In Reaction To KITV Story

Keoki Kerr KITV4 News

POSTED: 7:45 pm HST December 1, 2011

UPDATED: 10:43 pm HST December 2, 2011

HONOLULU -- KITV 4 News has learned one of the Transportation Security Administration officers accused of targeting Mexican travelers for extra screening at Honolulu International Airport has been promoted.

(UPDATE: On Friday, Dec. 2, a TSA spokesman said the man's promotion had been postponed, pending the outcome of an investigation.)

That news came as a coalition of civil rights groups called for an audit of the TSA to determine if the agency is guilty of racial profiling, following stories KITV 4 News first reported last month.

Two TSA whistle blowers stepped forward to complain that two screeners in the elite behavior detection program are improperly targeting Mexican travelers at Honolulu Airport, to see if they are in the country illegally.

"They're known as the 'Mexicutioners,'" said one TSA officer, who spoke to KITV 4 News anonymously because TSA managers have threatened to fire officers who speak out about problems at the agency.

Other TSA screeners refer to the man and the woman as the Mexicutioners because employees said they are responsible for the great majority of the arrests of illegal aliens at Honolulu International Airport, most of them from Mexico.

Other TSA employees said it's well known that just two TSA screeners target Mexican travelers in Honolulu to appear productive, even though their main priority is supposed to be stopping passengers who could be a security threat.

"We're not in the business of going after illegals. We're supposed to be finding potential terrorists, threats to aviation security," said a second TSA officer.

Sources told KITV 4 News Thursday that one of the screeners accused is being promoted and will get a raise when he becomes a TSA trainer, traveling the country to teach others in the behavior detection program, which is supposed to single out potential terrorists based on various behaviors. He starts his new assignment this month, sources said. (UPDATE: The TSA said Friday the man's promotion has been delayed until the outcome of an investigation. TSA sources said he applied for the assignment before the allegations came to light and was notified by management that he got

the new job "without the proper vetting.")

The TSA released a statement Thursday saying the allegations KITV 4 News first reported Nov. 7, "resulted in launching an immediate and thorough investigation of the behavior detection program at HNL."

"Pending the completion of the investigation, TSA also provided HNL Behavior Detection Officers refresher training to ensure the program is focused solely on identifying suspicious behaviors," the TSA said.

Extra scrutiny of Mexicans and other Spanish-speaking foreigners has stopped at Honolulu Airport since KITV's first stories aired Nov. 7, sources said. Some TSA managers have told staff in Honolulu that there was no truth to KITV's reports, sources said, claims that were met with amusement since employees say the "Mexicutioner" allegations have been well known among TSA employees for years.

Honolulu TSA employees said the few TSA managers left following firings this summer over a baggage-checking scandal might be in for new scrutiny, since many of them reviewed detailed reports about each arrest of foreign travelers at Honolulu, and they knew full well that most of those being detained were Mexicans or Spanish speakers.

After every arrest, TSA officers compile reports about the incident, along with photos of the arrestee and photocopies of their passport, ID, visa and boarding pass, said TSA employees. All of that information is then forwarded to TSA managers in Honolulu and Washington, D.C., and a summary of the case is uploaded into a TSA computer database in Washington, D.C., TSA employees said.

Similar allegations at Newark Liberty International Airport in New Jersey caused the TSA to mount an investigation last year, demoting a TSA manager and retraining its entire behavior detection workforce there.

The Star-Ledger newspaper reported that a TSA probe found that some TSA employees in Newark referred to certain colleagues as "Mexican hunters," because they targeted air passengers from Mexico and the Dominican Republic for extra scrutiny.

On Thursday, a group of 38 civil rights organizations led by the Sikh Coalition called for an independent audit of the TSA to determine whether the agency engages in racial profiling.

Their letter to the U.S. Department of Homeland Security said the groups, which include the NAACP and American Civil Liberties Union, are "concerned that the latest reports from Hawaii and New Jersey represent the 'tip of the iceberg' and that TSA officers are engaged in a wider pattern or practice of profiling racial and religious minorities instead of focusing on actual criminal behavior."

U.S. Rep. Rush Holt, D-NJ, called on the Justice Department to look into the situation, "as it now appears that racial profiling has occurred at airports across the country."

"Attorney General (Eric) Holder should begin a preliminary investigation into whether civil rights laws have been violated." Holt told the Star-Ledger newspaper in New Jersey.

A spokeswoman for Mexico's consulate in San Francisco told KITV 4 News their investigators are also looking into the claims, trying to locate and interview people or families who were deported because of racial profiling in Honolulu.

U.S. Rep. Bennie Thompson, a ranking member of the House Committee on Homeland Security, wrote a letter to TSA Administrator John Pistole Nov. 22, raising concerns about the behavior detection program, in response to KITV's story on the racial profiling allegations.

Thompson, D-Miss., said he wants a suspension of a program known as Screening of Passengers by Observation Technique, or SPOT, which involves officers trained in detecting behavior, such as facial expressions, of those who intend to do harm.

[Link to Rep. Thompson's Letter To TSA Administrator](#)

Thompson said the Honolulu allegations, along with media accounts in June of behavior detection officers at Newark Liberty International Airport targeting minority passengers, raise concerns about the "scientific validity" of the program.

"These incidents and the failure of both training and supervision to prevent the practice of racial profiling are clear indications that more research, evaluation and testing must be completed before behavior detection can be successfully integrated at aviation security checkpoints," Thompson wrote.

"TSA's behavior detection program in no way encourages or tolerates profiling," the TSA's statement said. "Profiling is not an effective form of security and our security officers are trained to treat every passenger with dignity and respect."

Thompson gave the TSA until Dec. 16 to provide information including the agency's internal report on Honolulu's SPOT program.

Among the information he requested are specific steps taken to address the racial profiling allegations at the Honolulu airport and a list of countries of origin for each foreign national arrested as a result of a referral from TSA behavior detection officers in Honolulu. The TSA had refused to provide KITV with a list of the countries of origin for foreigners arrested at HNL.

The TSA said it will respond directly to the congressman.

Honolulu airport is where dozens of employees, including five managers, were fired or suspended this year after an investigation found workers did not screen checked bags for explosives. It was the single largest personnel action for misconduct in the TSA's history. Several of the managers are now appealing their firings, sources said.

The agency began an investigation at the end of 2010 after two Honolulu employees told officials that thousands of bags weren't checked properly or screened for traces of explosives. The probe, which included interviews with more than 100 employees and lasted for months, determined some checked bags during morning shift at the airport were not properly screened.

"I am troubled by the allegations of racial profiling at Honolulu Airport, especially in light out of similar incidents occurring on the U.S. mainland," said U.S. Sen. Dan Akaka, D-Hawaii, a senior member of the Senate Homeland Security Committee, which oversees TSA.

"TSA Behavior Detection officers must target passengers based on their suspicious actions, not because of their race, ethnicity or national origin. TSA must properly train all Behavior Detection officers and ensure that unlawful racial profiling does not occur at airports in Hawaii or across the nation," Akaka said.

"These allegations also raise the question of whether our scarce homeland security funding should be devoted to an expansion of the BDO program. I will be closely examining whether or not TSA's BDO program is an effective anti-terrorism tool," Akaka said.

In a letter to Thompson in October, Pistole, the TSA administrator, said a recent study shows that behavior detection screening is nine times more effective than random screening for identifying potential high-risk passengers.

"As part of their basic training, BDOs who perform SPOT receive cultural awareness training and specific instruction with emphasis on the (Department of Homeland Security) policy against racial or ethnic profiling," Pistole wrote. "If allegations of profiling arise, TSA immediately conducts an investigation and takes corrective action as warranted."

"Individuals who are illegal aliens will often use fraudulent documents to gain access to the sterile area of an airport because they do not have the required identification necessary to do so otherwise. BDOs often discover fraudulent documents during the secondary screening process as part of their standard operating procedures," said Pistole.

Pistole has defended SPOT as part of the agency's turn toward a "risk-based," rather than "one-size-fits all" approach to screening. But the program has drawn criticism since a May 2010 Congressional audit found that immigration violations accounted for 39 percent of all SPOT-related arrests, while none were linked to terrorism.

KITV's stories Nov. 7 highlighted other alleged questionable behavior at Honolulu's TSA operation.

Whistleblowers claimed one of the managers of Honolulu's behavior detection program tested positive for cocaine in a random drug test this summer, and he's been re-assigned but is still on the job because he's needed to testify in some personnel cases.

That's a double standard for management, sources said, because all other TSA employees are automatically fired if they test positive for drugs.

TSA officers who asked for anonymity also accused one behavior detection officer of using inside information from a friend at the U.S. Drug Enforcement Administration to repeatedly stop people suspected of carrying large amounts of cash through Honolulu airport, possibly as part of the drug trade. That TSA screener was responsible for seizing as much as \$1 million in undeclared cash on various passengers, until his contract at DEA moved out of town, sources said. Those cases amounted to warrantless searches, TSA employees said.

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One Hundred Twelfth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

November 22, 2011

The Honorable John S. Pistole
Administrator
Transportation Security Administration
601 S. 12th Street
Arlington, VA 20528

Dear Administrator Pistole:

On November 8, 2011, a local news station in Honolulu, Hawaii reported that Transportation Security Officers (TSO) employed by the Transportation Security Administration (TSA) target Mexican passengers at screening checkpoints to ensure that they are traveling in the United States legally.¹

According to the media report, these allegations were divulged by two current TSA employees at the Honolulu International Airport (HNL) who work within the Screening of Passengers by Observation Technique (SPOT) program, a behavior based profiling program in use at several U.S. airports. According to the news report, the TSOs, known to their fellow employees as the "Mexicutioners," engaged in the pursuit of Mexican passengers through the SPOT program in an effort to appear "highly productive" to their supervising managers.

These allegations have not only underscored my original concerns regarding the scientific validity of the SPOT program but have led me to believe that serious management challenges remain which exacerbate my initial misgivings about the program's legitimacy.

Last Congress, I wrote to you requesting the suspension of SPOT until TSA permitted the Department of Homeland Security (DHS) to conduct an independent peer-reviewed assessment of the utility and efficacy of behavior detection as a passenger screening technology. At that time, I expressed my concerns about the possibility of legally impermissible racial profiling as a product of a program that relied upon physical appearance as a factor in split-second decisions by TSOs about which passengers should be targeted, stopped and questioned under the rubric of "behavior detection."

¹ Kerr, Keoki. November 8, 2011. TSA Whistleblowers: HNL Screeners Target Mexicans. *KITV 4 News*. Retrieved November 18, 2011 from <http://www.kitv.com/news/29657196/detail.html>

In June 2011, media accounts reported that BDOs at Newark Liberty International Airport targeted minority passengers. That revelation was also made possible through the actions of employees who realized that race and ethnicity were being used as a determinant factor in selection of passengers for questioning under the SPOT program.²

Taken together, the actions of BDOs at Newark and Honolulu raise concerns not only about the scientific validity of the program, but also about the training, curriculum and on-site supervision provided BDOs charged with administering SPOT.

In your response to my earlier letter, you indicated that:

“race and ethnicity are not factors taken into consideration in the SPOT program. Additionally, TSA has taken numerous steps to ensure that the behavior and other indicators used in the SPOT program do not result in unlawful racial profiling.”³

Moreover, your response provided a great deal of specificity on the efforts to assure that BDOs would be adequately trained to assure that racial profiling would not be a product of a program that relied upon split-second decisions about risk based on appearance and “behavior”. Specifically, in referencing the SPOT Standard Operating Procedures (SOP) and the BDO training, your letter states:

“Several procedures outlined in the SPOT standard operating procedures (SOP) and the SPOT training curriculums provide best practices to avoid racial and ethnic profiling in behavior detection activities. The SPOT SOP references 7 times (sic) that behavior detection activities be done without racial and ethnic profiling. The SOP includes the requirement that BDOs work in pairs to validate and confirm each other’s (sic) observations. The SOP also requires managers who oversee the SPOT program to spend time on the floor observing his/her (sic) BDOs to ensure SPOT is being performed correctly.

Your letter goes on to state:

“Additionally, as part of their basic training, BDOs who perform SPOT receive cultural awareness training and specific instruction with emphasis on the DHS policy against racial or ethnic profiling. BDO core training references 11 times (sic) that racial or ethnic profiling is not tolerated and that it detracts from the real threat as high risk passengers do not fit any specific profile.”⁴

Unfortunately, events described in June at Newark and in November at Honolulu do not support the contention that training and supervision insulate the program from racial profiling by BDOs. Further, TSA’s internal investigation of the Newark incident, which led to disciplinary action against a SPOT manager, retraining of the entire Newark BDO staff and the appointment of new management officials at Newark stand as clear testament to the flawed nature of this program despite explicit statements contained in the training manuals and “hands on” supervision by officials.

² CNN Report, June 15, 2011. *CNN Online*. Newark Airport Screeners Targeted Mexican and Dominicans, <http://www.cnn.com>, June 15, 2011.

³ Letter from TSA Administrator John S. Pistole to the Honorable Bennie G. Thompson, October 6, 2010.

⁴ Letter from TSA Administrator John S. Pistole to the Honorable Bennie G. Thompson, September 21, 2011.

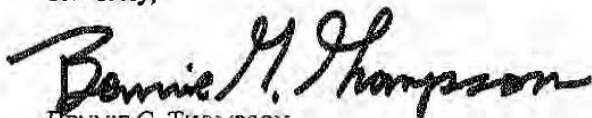
These incidents and the failure of both training and supervision to prevent the practice of racial profiling are clear indications that more research, evaluation, and testing must be completed before behavior detection can be successfully integrated at aviation security checkpoints.

Therefore, pursuant to Rule X (3) (g) and Rule XI of the Rules of the House of Representatives, I respectfully request that you provide the following information no later than December 16, 2011.

1. TSA's internal report on the Honolulu International Airport SPOT program and any other reports TSA have conducted to investigate inappropriate activity by Behavioral Detection Officers at any and all U.S. airports.
2. A narrative describing the manner in which the number of BDO interviews is factored into a BDO's rating, salary or any other performance measure or evaluation.
3. Specific steps taken by TSA to address the racial profiling allegations at Honolulu International Airport and to alert Federal Security Directors at airports with Behavior Detection officers of best practices to avoid racial and ethnic profiling in behavior detection activities. Please provide action items that relate to initial training and recurrent training, outside of guidance included in the training manual.
4. Please provide a copy of the comprehensive training program for BDOs, Assessors and managers in the field. Please provide a timeline outlining recurrent training for all BDOs across the United States.
5. A list of countries of origin for each foreign national arrested as a result of a referral from TSA BDOs in Honolulu.
6. In your letter dated September 21, 2011, you indicated that by the end of the 2011 calendar year, TSA would complete a comprehensive risk assessment on SPOT. Please provide a copy of this comprehensive risk assessment.
7. In your letter dated September 21, 2011, you indicated that by the end of the 2011 calendar year, TSA would comprehensive cost-benefit analysis of SPOT. Please provide a copy of the final report detailing a cost-benefit analysis of the SPOT program including a comparison of SPOT to other security screening programs and existing security measures at airports.

Thank you for your attention to this matter. If you have any questions about this request, please contact Cheri Branson, Chief Counsel for Oversight, at (202) 226-(b)(6)

Sincerely,



BENNIE G. THOMPSON
Ranking Member
House Committee on Homeland Security

1
2
3
4

ATTACHMENT

4

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 20-25, 2012
Activity or Interview of: Stanford N. Miyamoto Acting Federal Security Director (FSD) Honolulu International Airport (HNL) Work Ph: 808/ 831-4604 Cell Ph: 808/ 292-6668	Conducted by: Special Agent Keith A. Edwards
	Location of Interview/Activity: Transportation Security Administration (TSA) Office Honolulu International Airport (HNL) 300 Rodgers Blvd., Suite 45 Honolulu, HI 96819

Subject Matter/Remarks

FSD Stanford Miyamoto that on August 16, 2011, he received an e-mail from TSA Public Affairs Manager for Western Region Manger Nico Melendez regarding significant accusations of misconduct by HNL behavioral detection officers (BDOs). The allegations of BDO misconduct were made by anonymous HNL employees to a Honolulu, Hawaii KITV 4 investigative reporter Keiki Kerr. On August 15, 2011, Keiki Kerr sent Nico Melendez a list of 18 questions. Some of Keiki Kerr's questions consisted of:

- "Can you explain why so many Mexicans have been arrested in Honolulu, compared to people from other countries?"
- "Why are two BDOs, (b)(6) responsible for nearly all of the arrested of Mexicans in Honolulu? (Co-workers refer to them as the 'Mexicutioners.')
- "Some TSA employees complain those two BDOs are guilty of racial profiling, and it's well known they target Mexicans, inventing suspicious behaviors to justify pulling them in for extra scrutiny. How do you respond to these allegations?"

Case Number: M-12-0755	Case Title: BDO practices at HNL
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Revised February 28, 2006

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SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- "TSA employees also say when two BDOs, (b)(6) were caught sleeping on duty on the overnight shift at HNL several years ago, they were never disciplined. Instead of fixing the problem, TSA employees say the TSA simply eliminated the overnight shift of BDOs about two years ago. Is this true? Why was the overnight shift eliminated?"
- "BDO (b)(6) a former Honolulu police officer, boasted of a friend who worked at the Drug Enforcement Administration who would tip him off to potential drug runners. During his work as a BDO officer, he found nearly \$1 million in cash that was seized from passengers, far more than any other BDO, and he won awards from the DEA and the TSA for his work. But his cash finding skills seemed to stop when his friend with the DEA moved away."

(See attached Keoki Kerr's August 15, 2011, e-mail to Nico Melendez containing the 18 questions.)

FSD Miyamoto said that several months later, on November 8, 2011, KITV 4 reporter Keoki Kerr aired a special TV news segment, wherein two unidentified HNL BDOs, with their faces blacked out and voices disguised, made several allegations of misconduct committed by HNL BDOs and management. In this televised news segment the anonymous BDOs said:

- Two HNL BDOs were known as the "Mexicutioners" indicating these two BDOs were racially profiling passengers and were improperly targeting Mexican travelers.
- "They are fabricating behaviors. They are making them up – the behaviors don't exist – in order to get in the point where they can arrest these people, said Officer A" (Attachment 1).
- "One TSA screener was responsible for seizing as much as \$1 Million in undeclared case on various passengers, until his contact at DEA moved out of town." "The DEA knows that the TSA has what's called 'implied consent' at security checkpoints, meaning when you go through the checkpoint, you consent to having your bags and your body checked." "They (DEA) were using that loophole and the contact in the BDO program as a way to get into the passenger's bag and find the money without having to get a search warrant, said Officer B."
- "A few years back, TSA employees at Honolulu said two of those highly-trained behavioral detection officers were caught sleeping on the overnight shift. "Even worse, they (anonymous BDOs) claim, some years later, several other overnight-shift behavioral detection officers could not be found during their shift so the TSA simply stopped the overnight shift, meaning no BDOs work the overnight hours anymore."
- One of the managers of Honolulu's behavior program tested positive for cocaine in a random drug test this summer (2011). Whistleblowers said he's been re-assigned but is still on the job because he's needed to testify in some personnel cases. TSA employees said that's a double standard, because all other employees are automatically fired if they test positive for drugs.

Case Number:

M-12-0755

Case Title:

BDO practices at HNL

Revised February 28, 2006

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SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

FSD Miyamoto advised that from September 19-26, 2011, at the direction of Office of Security Operations (OSO) Field Operations General Manager, a covert TSA headquarters BDO program review and test visit was made at HNL. OSO Division Director Daniel Burche reported there were two referrals made during this visit time and at no time did the covert team see any possible misconduct related to particular ethnic groups.

FSD Miyamoto stated that based upon the Department of Homeland Security, Office of Inspector General (DHS/OIG) audit inspection team's review, conducted September 12-22, 2011, the covert TSA BDO program covert inspection and review, and his HNL management staff's internal investigation concerning each of these allegations, he had no reason to believe that any of the allegations made by the two anonymous HNL BDOs in the KITV 4 special news segment were true.

Case Number: M-12-0755	Case Title: BDO practices at HNL
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Revised February 28, 2006

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SWORN STATEMENT



Transportation Security Administration

I, STANFORD MIYAMOTO, having been duly sworn, hereby make the following statement to KEITH EDWARDS, 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 ***
WITH 13 ATTACHMENTS.

I have read this entire statement consisting of 3 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.

Stanford Miyamoto
Signature

Signed and sworn to before me, this 25th day of JAN., 2012.

Witness

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

~~SENSITIVE SECURITY INFORMATION~~

At the request of TSA Office of Inspection, Case Agent Keith Edwards, I make the following statement regarding the racial profiling allegation at HNL:

- On August 16, 2011, I received an email (cc'd along with Area Director Mel Carraway) from (b)(6) (b)(6) TSA Public Affairs Manager for Western Region addressed to TSA HQ Public Affairs staff regarding significant accusations from anonymous HNL officers that was reported to an investigative news reporter (attachment 1). TSA headquarters OSO leadership and SPOT Program Manager, Dan Burche were also informed.
- On August 17, 2011, HNL SPOT Manager, (b)(6) conducted internal fact finding for response to allegations that was provided to TSA Public Affairs staff and OSO leadership that found no evidence to support allegations (attachment 2).
- August 19, 2011 coordinated with HQ OSO leadership and SPOT Program manager for support to include refresher training, covert inspection and standardization visit (attachment 3).
- SPOT management team accomplished BDO Proficiency Evaluation Audit on August 24th. (All BDOs successfully passed.)
- SPOT management team conducted PASS job knowledge test assessment on each BDO in August. (Assessment revealed no discrepancies related to racial profiling.)
- SPOT management team conducted an audit of BDO referrals from August 24-September 1st. (No discrepancies found related to racial profiling.)
- HNL Acting FSD and AFSD-S conducted town hall sessions with entire BDO workforce on August 25th. (No issues brought up regarding anonymous allegations.)
- SPOT management team conducted administrative review of program and gathered statistics on August 26th. (No evidence of racial profiling.)
- HNL SPOT Management team conducted administrative review and audit of BDO work performance during irregular work hours to ensure SOP compliance during August/September. (No indication of racial profiling.)
- On September 1, 2011, I was officially notified that the DHS-OIG will be auditing the BDO program regarding racial profiling at HNL at the request of AAOI (attachment 4). (Initial field work accomplished from 12-22 September.)
- SPOT Refresher training conducted by HQ SPOT Program for all BDOs, September 14-21. (All BDOs passed job knowledge test.)
- Covert inspection accomplished 19-26 September with negative results of racial profiling (attachment 5).
- Standardization Team visit was scheduled in November but postponed indefinitely due to RBS priority. In light of this, and knowing that the DHS-OIG was not going to investigate, I assigned HNL DFSD to conduct investigation on November 16th.
- On November 8, 2011, K1TV 4 News aired article on anonymous allegations regarding the HNL SPOT program (attachment 6).
- On December 2, 2011, K1TV 4 News aired article criticizing TSA for promoting TSA officer accused of racial profiling which spread nationally (officer was not promoted but selected to be

1

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2 OF 3

~~SENSITIVE SECURITY INFORMATION~~

a member on the national SPOT Training Team (attachment 7)). HQ removed subject BDO from the national training team and directed that the two (2) officers accused of racial profiling (for their protection) to not perform SPOT related duties until the DHS OIG accomplished their review. HQ also asked that HNL cease all other local administrative fact finding/investigation into this matter, including the investigation by the DFSD which was near completion (attachment 8.)

- DHS-OIG accomplished their second field visit at HNL from Dec 5-9 but did not accomplish an investigation (just an audit of the SPOT program). We were informed that results of this audit was kept separate from the audit they were conducting on the Lobby 4 events and forwarded to DHS leadership, as well as, TSA OI to review and determine further action.
- On December 5th, I sent an email to TSA OSO leadership stating that the DHS-OIG was not going to do an formal investigation and in light of the two officers removed from their duties, I recommended that TSA OI conduct one (attachment 9).
- On December 19, 2011, Consulate General of Mexico in San Francisco sent letters to DHS/TSA (learning of the racial profiling news articles) stating that their own staff has experienced targeted scrutiny when traveling through HNL (attachment 10). As a result, DHS OCRL and TSA OCR will conduct a compliance investigation of the allegations (attachment 11). In discussion with the DHS OCRL investigator, the inquiry will be general and not implicate/clear the two TSA officers accused of racial profiling. Coordinated with TSA OSO leadership for response to the Consul General but was told to stand down since DHS S1 also received a similar letter and that they would reply (attachment 12).
- On January 9, 2012 I sent an email to TSA OI Western Region for assistance in conducting an investigation into an anonymous racial profiling allegation on the two (2) officers (attachment 13).


Stafford N. Miyamoto
Acting Federal Security Director, HNL/PPG

1/24/2012

13 Attachments as stated.

2

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3 OF 3

When did the behavior detection officer program begin at HNL TSA?

Response: The SPOT program was initiated at HNL in April 2007.

Since the BDO program started at HNL TSA, how many foreign nationals have been arrested after being stopped by BDOs at HNL?

Response: TSA HNL does not measure, track or evaluate statistical data and/or records related to foreign nationals that have been arrested.

What's the country-by-country breakdown of all of those illegal aliens arrested through cases initiated by BDOs at HNL since the BDO program began in Honolulu? (Example: Mexico. 70 arrests, China . 5 arrests, etc.)

Response: TSA HNL does not measure, track, or evaluate statistical data and/or records that would provide a comparative analysis of illegal alien arrests initiated by BDOs at HNL.

Can you explain why so many Mexicans have been arrested in Honolulu, compared to people from other countries?

Response: TSA HNL does not measure, track, or evaluate statistical data and/or records that would provide a comparative analysis of illegal alien arrests.

Why are two BDOs, (b)(6) and (b)(6) responsible for nearly all of the arrests of Mexicans in Honolulu? (Co-workers refer to them as the "Mexicutioners.") Is this true?

Response: No specific employee can be identified as "responsible for nearly all of the arrests..." TSA HNL does not measure, track, or evaluate statistical data and/or records of a specific race. All SPOT activities SPOT (screening passengers by observation technique) must be conducted without regard to race, color, religion, national origin, ethnicity, sexual orientation. All SPOT referrals that result in an arrest and/or significant event is based solely on behavior observation and analysis. The purpose of SPOT is to use behavior observation and analysis to identify high risk individuals who pose a threat to transportation security. During SPOT referral screening, the BDO (Behavior Detection Officer) must review the individuals ID and travel documents while continuing to observe for SPOT behaviors. Items are searched for the purposes of verifying an individual's identity and detecting prohibited items, but must not be searched to discover or resolve possible evidence of criminal activity unrelated to transportation security. If a BDO suspects that evidence of possible criminal activity exists; the BDO must immediately notify a Law Enforcement officer.

Some TSA employees complain those two BDOs are guilty of racial profiling, and it's well known they target Mexicans, inventing suspicious behaviors to justify pulling them in for extra scrutiny. How do you respond to these allegations?

Response: It is illegal per TSA SPOT standard operating procedures to "racial profile." TSA HNL BDO team has not received complaints from any employee concerning any BDO that has engaged or performed any activities, duties, or processes related to "racial profiling."

TSA employees also complain managers know about the frequency of the arrest of Mexicans, since managers review arrest paperwork, but employees say managers "look the other way" because "all they care about is numbers" of arrests, not why people are arrested or whether they actually pose a threat to aircraft or passengers and crew. What's your response to these allegations?

Response: The TSA management team is not "aware of the frequency of the arrest of Mexicans." TSA HNL does not measure, track, or evaluate statistical data and/or records of a specific race. SPOT (screening passengers by observation technique) must be conducted without regard to race, color, religion, national origin, ethnicity, sexual orientation, or disability except as directed by the FSD and provided such direction is based on specific intelligence threat information. The SPOT program does not require a quota; this action is strictly prohibited and enforced by the TSA HNL BDO management team. There are no incentive awards given to officers with the most SPOT referrals due to the fact that the SPOT's program purpose is to identify high risk individuals who pose a threat to transportation security.

TSA employees also say when two BDOs, (b)(6) and (b)(6) were caught sleeping on the overnight shift at HNL several years ago, they were never disciplined. Instead fixing the problem, TSA employees say the TSA simply eliminated the overnight shift of BDOs about two years ago. Is this true? Why was the overnight shift eliminated?

Response: TSA imposes corrective and/or disciplinary action to officers who are found "sleeping while on duty." TSA HNL does not have a "Terry Biniek", but has a "Thomas Biniek" who is employed by HNL TSA; the TSA HNL SPOT management team have not received any complaints, observations and/or reports of any officer to include officers Thomas Biniek and Terry Ho "sleeping on an overnight shift." The midnight shift was eliminated because of SPOT operations efficiencies regarding checkpoint hours of operation, flight times, and passenger throughput.

BDO (b)(6) a former Honolulu police officer, boasted of a friend who worked at the Drug Enforcement Administration who would tip him off to potential drug runners. During his work as a BDO officer, he found nearly \$1 million in cash that was seized from passengers, far more than any other BDO, and he won awards from the DEA and the TSA for his work. But his cash finding skills seemed to stop when his friend with the DEA moved away. Is this proper use of the BDO program, that's supposed to detect terrorists?

Response: Officer Lovstedt identified suspicious behaviors that met the requirement for a SPOT referral that resulted in DEA's intervention and law enforcement efforts. Officer Lovstedt identified suspicious behaviors that met the requirement for a SPOT referral that resulted in DEA's intervention and law enforcement efforts. We have no knowledge of Officer Lovstedt's possible friend at DEA. Officer Roy Lovstedt was recognized by Anthony Williams from the Drug Enforcement Administration for outstanding contributions in the field of DRUG LAW enforcement. TSA did not issue this award. At no time did officer Lovstedt "win" awards or was compensated with monetary value.

HNL TSA managers claim that the BDO program is not driven by arrests or referrals to other federal agencies, but employees want to know why such referrals and arrests are needed to receive a positive work evaluation?

Response: Performance accountability and standards system (employee evaluations) are not based on SPOT referrals and/or arrests. Officers are rated according to their Job Knowledge test, Performance Skills evaluation (bag search requirements), attention to detail, decisiveness, interpersonal skills, oral communication, and team work.

Do TSA behavior detection officers have specific training to address cultural sensitivity and civil rights, specific to their work duties, so they are discouraged from automatically targeting one ethnicity or people whose skin is a certain color?

Response: TSA BDOs do receive specific cultural sensitivity and civil rights training specific to their duties. They are prohibited from "racial profiling".

What is the breakdown of the ethnic background of the BDOs working at HNL? (For example . 20% Caucasian, 40% Asian, 20% Pacific Islander, 10% Hispanic, etc.)

Response: HNL does not have an listing of ethnic background information for any TSA employees.

How many EEO complaints have been filed by HNL TSA employees against fellow HNL TSA employees in each of the following years: 2009, 2010, 2011 (this year so far)?

Response: There was one (1) EEO complaint from 2009 to present filed by HNL TSA employees against fellow TSA employees. This complaint was filed by a BDO.

How many EEO complaints have been filed by HNL TSA employees against HNL TSA managers (including lead screeners, supervisors, screening managers, and upper-echelon management like AFSDs, DFSDs, FSD, et al) in each of the following years: 2009, 2010, 2011 (this year so far)?

Response: There have been twelve (12) complaints filed by HNL TSA employees against management since 2009. Of these, seven (7) were filed by BDOs.

How many sexual harassment complaints (a subset of EEO complaints) have been filed by HNL TSA employees against fellow HNL TSA employees in each of the following years: 2009, 2010, 2011 (this year so far)?

Response: There have been no sexual harassment complaints filed by HNL TSA employees against fellow HNL TSA employees since 2009.

How many sexual harassment complaints (a subset of EEO complaints) have been filed by HNL TSA employees against HNL TSA managers (including lead screeners, supervisors, screening managers, and upper-echelon management like AFSDs, DFSDs, FSD, et al) in each of the following years: 2009, 2010, 2011 (this year so far)?

Response: There have been four (4) sexual harassment EEO complaints that have been filed by HNL TSA employees against HNL TSA managers since 2009. All four (4) complaints were filed by BDOs.

Does the TSA feel there's a morale problem among TSA employees at HNL?

Response: Despite the Lobby 4 Checked Baggage incident/investigation and resultant disciplinary actions, the morale of employees is good.

What's being done to improve morale at TSA HNL?

Response: Leadership at HNL is taking proactive measures to improve security operations, the work environment and morale of the workforce. They have conducted town hall sessions, surveys and meetings with the workforce to identify issues/concerns and taking necessary measures to address these problem areas. Specifically, a new and more responsive management structure is in place to

better manage the workforce and various training and model workplace programs have been implemented to improve the work environment and employee morale.

Miyamoto, Stanford

From: Burche, Daniel
Sent: Friday, August 19, 2011 7:32 AM
To: Houston, Scott; Johnson, Scott T; Carraway, Melvin ; Miyamoto, Stanford
Cc: Gilchrist, Stephen D
Subject: HNL SPOT information



HNL BDO Stats.xls



HNL SitRep
ashboard cumulativ.

Gents,

Here are most of the individual stats and an overall snapshot. There are the numbers for each BDO, and the count of each reason why they initiated a LEO referral. As you see with the dashboard, there are a lot of referrals based off (b) (3) 49 U.S.C. § 114(f). The reasons for arrest is something that has to be pulled out of PIMS on the back-end and we are waiting for it. In the event that they can't get it to us today I wanted to send you over this.

HNL could pull all of the individual PARIS reports submitted to ascertain the reasons for referral and arrest. There is no set policy as to who and how BDO referrals are reviewed by local management but it is expected that local management would be aware of the events and ask appropriate questions if suspect anything or have additional questions.

I forwarded GM Johnson 3 available dates we could conduct refresher training for the team. I would recommend we do not perform a Stan visit until the IG is done as it is likely too much inspection activity at one time. We can support a Stan visit either the last week in Sep or 1st week in Oct to include one SME. I can also send in a covert team to watch, document their observations and report back if desired.

Please let me know if this is what you are looking for or any other items that you would like to see included. We will stand by to support as requested by field ops. Every time we have visited HNL we have found an excellent mentoring program and other best practice items. We have not conducted a full STAN visit in approx 2 years.

r/Dan

Dates: 1/1/2007- 8/18/

BDO Name	Length of Time as BDO	Individual Stats			Year
		Total Number of Referrals	Total Number of LEO Referrals	Total Number of Arrests	
(b)(6)	3 yrs 8 mos	(b)(3)-49 U.S.C. § 114(r)			ALL
	3 yrs 2 mos				2007
	3 yrs 8 mos				2008
	4 yrs 4 mos				2009
	3 yrs 2 mos				2010
	4 yrs 4 mos				2011
	4 yrs 4 mos				* In 200
	3 yrs 8 mos				
	2 yrs 10 mos				
	3 yrs 8 mos				
	3 yrs 8 mos				
	4 yrs 4 mos				
	2 yrs 10 mos				
	3 yrs 2 mos				
	4 yrs 4 mos				
	3 yrs 2 mos				
	4 yrs 4 mos				
	3 yrs 2 mos				
	2 yrs 10 mos				
	2 yrs 10 mos				
	2 yrs 10 mos				
	4 yrs 4 mos				
	3 yrs 8 mos				
	2 yrs 10 mos				
	4 yrs 4 mos				
	Not Available				
	2 yrs 10 mos				
	2 yrs 10 mos				
	2 yrs 10 mos				
	4 yrs 4 mos				
	3 yrs 2 mos				
	3 yrs 8 mos				

'2011

Total Throughput	Throughput Monthly Average	Total Arrests	Arrest Monthly Average*	Total Throughput vs. Arrest %	Monthly Throughput vs. Arrest %
37,396,485	623,274	(b)(3) 49 U.S.C. § 114(i)		(b)(3) 49 U.S.C. § 114(i)	
8,893,866	741,155				
7,725,088	643,757				
7,592,009	632,667				
7,987,670	665,639				
5,197,852	649,731				

7, 2009, and 2010 Arrests were not made each month; in 2011 only 8 months are represented

U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 22202-4220



Transportation
Security
Administration

MEMORANDUM

From: Daniel Burche, Division Director SPOT/TDC/EOB, OSC
To: Stanford Miyamoto, Federal Security Director, Honolulu International Airport
Through: Fala Walton, Regional Operations Officer, OSO
Heather Callahan, (Acting) Deputy General Manager, Field Operations, OSO
Mitch Brown, (Acting) General Manager, Field Operations, OSO
Scott Johnson, (Acting) Deputy Assistant Administrator, OSO
Subject: COVERT VISIT TO HONOLULU INTERNATIONAL AIRPORT

As requested by Office of Security Operations Field Operations General Manager, a 3-member team of highly experienced SPOT STSMs conducted a covert visit to Honolulu International Airport during the period September 19 – 26, 2011. Following a preliminary assessment, the STSMs began operating independently to observe SPOT Operations. The STSMs are identified as Team 1, Team 2, and Team 3.

Overall Observations:

There were 2 referrals made during this visit time. At no time did the team see any possible misconduct related to particular ethnic groups.

No BDO Managers were ever identified during the observational periods. Some BDOs that were observed conducted their job very well by performing behavior observations and walking the line operations. However, some that were observed failed to follow policies and procedures by conducting personal conversations with other uniformed TSA personnel or by using cell phones inappropriately. They also failed to remain on the checkpoints to conduct necessary observations and communicate with fellow team members.

BDOs failed to engage (b)(3):49 U.S.C. § 114(r) The team saw (b)(3):49 U.S.C. § 114(r)
(b)(3):49 U.S.C. § 114(r)
(b)(3):49 U.S.C. § 114(r) Daily stationary assignments to cover breaks at long distance checkpoints would be key to show seamless operations leaving no checkpoints left un-manned.

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Attachment 5

- **Day 1 September 19, 2011**
 - Teams 1 and 2 arrived at 1300 and conducted an airport assessment for best covert observation locations. They were able to indentify BDOs at checkpoint 5.
 - Teams 1 and 2 arrived at the hotel at 1600.
 - Team 3 arrived at the airport at 1730 and conducted an airport assessment, subsequently arriving at the hotel at 2100.
- **Day 2 September 20, 2011**
 - **0800 team In-briefing covering:**
 - The HNL BDO program has 40 BDOs, to include one I Band and 3 H Bands
 - Passenger through put for the first six months (approximately 3 million)
 - Approximately 300 referrals with 45 resulting in law enforcement intervention
 - 10 arrests resulted from the LEO intervention
 - Of the 45 LEO interventions, the team determined that one BDO was doing about half of the referrals
 - **Team 1**
 - Arrived at 0930 and began at lobbies 2 and 3 which cater to Hawaiian airlines
 - (b)(3); 49 U.S.C. § 114(r)
 - 1030 checkpoint pax flow is steady
 - (b)(3); 49 U.S.C. § 114(r)
 -
 - 1130
 - Passenger flow heavy
 - (b)(3); 49 U.S.C. § 114(r)
 - 1200 - 1600
 - Pax flow is extremely heavy
 - (b)(3); 49 U.S.C. § 114(r)
 -
 - **Team 2**
 - 0900 - 1000 Checkpoint 3
 - (b)(3); 49 U.S.C. § 114(r)
 -
 -
 - 1000-1100 Checkpoint 2 (all international flights)
 - Passenger flow was heavy
 - (b)(3); 49 U.S.C. § 114(r)
 - Returned to checkpoint 3
 - (b)(3); 49 U.S.C. § 114(r)

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- 1100-1200 at Checkpoint 5
 - (b)(3); 49 U.S.C. § 114(r)
- 1300-1400 observed the inter-island and commuter terminal
 - Passenger flow was extremely heavy
 - (b)(3); 49 U.S.C. § 114(r)
 - Traversed to checkpoint 5
 - (b)(3); 49 U.S.C. § 114(r)
 - [Redacted]
- Team 3
 - 0900-1000 at Checkpoint 5
 - Pax flow was slow but steady
 - (b)(3); 49 U.S.C. § 114(r)
 - [Redacted]
 - 1000-1100 at Checkpoints 4 and 5
 - (b)(3); 49 U.S.C. § 114(r)
 - Passenger flow beginning to increase.
 - 1100-1200
 - (b)(3); 49 U.S.C. § 114(r)
 - 1300-1400 assigned to commuter terminal
 - (b)(3); 49 U.S.C. § 114(r)
 - 1400-1600
 - All team members conducted an airport assessment (b)(3); 49 U.S.C. § 114(r)
 - (b)(3); 49 U.S.C. § 114(r)
- HNL Day 3 September 22, 2011
 - The day began 0900 with in briefing and reporting.
 - Team 1
 - 1100- 1400 observed checkpoints at Hawaiian airlines
 - The pax flow was heavy and steady
 - (b)(3); 49 U.S.C. § 114(r)
 - [Redacted]
 - [Redacted]
 - 1400 - 1600 observed Checkpoints 1, 2 and 3
 - Passenger flow was sporadic
 - (b)(3); 49 U.S.C. § 114(r)
 - [Redacted]
 - [Redacted]
 - 1600-1800 at the inter-island checkpoint
 - (b)(3); 49 U.S.C. § 114(r)

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- Team 2
 - 1100-1300 assigned to the inter-island terminal
 - (b)(3); 49 U.S.C. § 114(r)
 -
 - 1300-1800 (b)(3); 49 U.S.C. § 114(r)
(b)(3); 49 U.S.C. § 114(r)
 -
- Team 3
 - 1100-1300 assigned to checkpoints 3 and 4
 - Passenger flow was steady
 - (b)(3); 49 U.S.C. § 114(r)
 - Checkpoint 3 was subsequently closed
 - 1300-1500 assigned to Checkpoints 2 and 5
 - (b)(3); 49 U.S.C. § 114(r)
 -
 - 1500-1800 assigned to Hawaiian airlines terminal
 - Passenger flow was moderate
 - (b)(3); 49 U.S.C. § 114(r)
 -
 - 1800-1845
 - Heavy passenger flow at checkpoints
- HNL Day 4 September 23, 2011
 - Team 1
 - 0400-0830 at Hawaiian airlines and inter-island commuter
 - (b)(3); 49 U.S.C. § 114
 - 0830-1300
 - (b)(3); 49 U.S.C. § 114(r)
 - Passenger flow was steady
 - (b)(3); 49 U.S.C. § 114(r)
 - Team 2
 - 0400-0800 assigned to Checkpoint 3 and 4
 - Checkpoint 4 was closed
 - Checkpoint 3 was slow (b)(3); 49 U.S.C. § 114(r)
 - 0800-1300 traversed through checkpoints 1, 2 and 3
 - Checkpoints were slow but steady
 - (b)(3); 49 U.S.C. § 114

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- Team 3
 - 0400-0830 assigned to checkpoints 3 and 4
 - Airport traffic was slow
 - (b)(3);49 U.S.C. § 114
 - 0830-1300 covered all checkpoints
 - (b)(3);49 U.S.C. § 114(r)
 - [Redacted]
- HNL Day 5 September 24, 2011
 - The day began at 0700 for in brief and reporting
 - Teams 1 and 3
 - 0900-1300 was assigned to checkpoints 2 and 3
 - The terminal was busy (b)(3);49 U.S.C. § 114(r)
 - 1300-1500 roved through the airport
 - (b)(3);49 U.S.C. § 114(r)
 - [Redacted]
 - Team 2
 - 0900-1000 was assigned to the inter-island terminal
 - (b)(3);49 U.S.C. § 114(r)
 - [Redacted]
 - 1000-1100 traversed to the commuter terminal
 - (b)(3);49 U.S.C. § 114(r)
 - 1100-1500 went to the inter-island terminal
 - (b)(3);49 U.S.C. § 114(r)
 - [Redacted]
- HNL Day 6 September 26, 2011
 - Teams 1 and 2
 - 1300-1600 assigned to checkpoints 1, 2 and 3
 - (b)(3);49 U.S.C. § 114(r)
 - Departed for AOR
 - Team 3
 - 1000-1300 assigned to checkpoints 1, 2, and 3
 - (b)(3);49 U.S.C. § 114(r)
 - Departed for AOR

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TSA Whistleblowers: HNL Screeners Target Mexicans

TSA Employees Complain Of Racial Profiling

Kenji Kerr KITV 4 News

POSTED: 2:26 pm HST November 1, 2011
UPDATED: 4:57 pm HST November 3, 2011

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Old Vs. Young: Wealth Gap By The Numbers

HONOLULU -- Two members of an elite Transportation Security Administration unit at Honolulu international Airport target Mexican travelers for extra screening so often they are referred to as "Mexicutioners" by their co-workers, according to two whistleblowers who came forward to tell their stories to KITV 4 News. The TSA said it's investigating the allegations.

Honolulu, like 160 other airports nationwide, has a unit of specially trained TSA screeners who are supposed to assess behaviors of passengers to determine if they're suspicious and may be planning some kind of terrorist attack.

"The program is geared toward ... looking for terrorists," said Officer A, one of two Honolulu TSA officers who spoke to KITV 4 News but asked to keep their identities secret to avoid discipline for speaking out.

The two officers shared information about the team of roughly 32 of Honolulu's Behavior Detection Officers, known as BDOs. The TSA has about 700 officers in Honolulu.

"The BDO program is supposed to identify passengers exhibiting suspicious behaviors," said Officer B.

Problem is, the whistleblowers said, two Honolulu TSA behavior detection officers are improperly targeting Mexican travelers to see if they are in the United States illegally.

"They're known as the 'Mexicutioners,'" said Officer A. "Honolulu is known for having a few 'Mexicutioners,' and they know who they are and they know

Attachment 6

what they do."

Other TSA screeners refer to the man and woman as the Mexicanioners, because employees say they are responsible for the great majority of the arrests of illegal aliens at Honolulu International Airport, most of them from Mexico.

A few other Honolulu TSA employees and attorneys for some recently fired TSA workers who told KITV 4 News the same thing: it's well-known that just two TSA screeners target Mexican travelers in Honolulu to appear productive, even though their main priority is supposed to be stopping passengers who could be a security threat.

"We're not in the business of going after illegals. We're supposed to be finding potential terrorists, threats to aviation security," said Officer B. "They have been abusing the program to make a mark for themselves."

In response, TSA spokesman Nico Melendez released a statement that said, "The allegations raised regarding the Behavior Detection Officer program at Honolulu International Airport have resulted in an ongoing review of screening operations at HNL. As such, TSA is unable to provide comment until the review is complete."

KITV asked the TSA for a detailed list of the countries of origin for each foreign national arrested as a result of a referral from TSA BDOs in Honolulu, reports that managers in Honolulu routinely review a file for each case and send to TSA headquarters in Washington D.C. The arrest figures are entered into several national TSA databases, sources said. But the TSA declined to release that data, citing the "review" that's under way.

The TSA's parent agency, the U.S. Department of Homeland Security, has launched an inspector general's audit of operations at TSA Honolulu following the firing of several dozen TSA screeners here last summer in a baggage checking scandal. Those firings were the result of a separate six-month TSA investigation.

Behavior detection officers are supposed to mingle with passengers in line at TSA checkpoints and see if they exhibit nervous behavior, but TSA employees said the two accused screeners are making up suspicious behaviors to justify extra screening of people from Mexico, which is known for having easily available fake identification documents.

"They are fabricating behaviors. They're making them up -- the behaviors don't exist -- in order to get to the point where they can arrest these people," said Officer A.

"Racial profiling is not an effective form of providing security and our security officers are trained to treat every passenger with dignity and respect," Melendez, of the TSA said.

"Sounds like racial profiling to me. Something is wrong when you have these types of statistics," said Daphne Barbee-Wooten, a civil rights attorney representing a former TSA manager Raymond Ware. Ware is suing the agency after he was fired in an unrelated case -- in which dozens of TSA screeners were found to have not screened checked baggage for explosives last year.

"You can't target anybody because of their ethnicity, the way they look, the way they talk, their nationality, their sex, their age. You can't do that because that's racial stereotyping and that will not lead you to find a terrorist," Barbee-Wooten said.

Similar allegations at Newark Liberty International Airport in New Jersey caused the TSA to mount an investigation last year, demoting a TSA manager and retraining its entire behavior detection workforce there.

The Star-Ledger newspaper reported a TSA investigation found that some TSA employees in Newark referred to certain colleagues as "Mexican hunters" because they targeted air passengers from Mexico and the

Dominican Republic for extra scrutiny.

Back in Honolulu, TSA officers also accused one behavior detection officer of using inside information from a friend at the U.S. Drug Enforcement Administration to repeatedly stop people suspected of carrying large amounts of cash through Honolulu airport, possibly as part of the drug trade.

They said one TSA screener was responsible for seizing as much as \$1 million in undeclared cash on various passengers, until his contact at DEA moved out of town.

The DEA knows that the TSA has what's called "implied consent" at security checkpoints, meaning when you go through the checkpoint, you consent to having your bags and your body checked, the whistleblowers said.

"They were using that loophole and the contact in the BDO program as a way to get into the passenger's bag and find the money without having to get a search warrant," said Officer B.

Asked if the program has ever stopped a suspected terrorist in Honolulu since the program began in April of 2007, Officer B said, "Never. Not once."

CRITICAL GAO AUDIT

A 2010 federal audit of the TSA's behavior detection program across the country found during its entire brief history the program has never resulted in the arrest of a terrorist or someone planning to engage in some kind of terrorist activity anywhere in the United States.

The Governmental Accountability Office audit published in May of 2010 found illegal aliens made up the biggest category of arrests from TSA cases -- 39 percent of them across the country -- between 2004 and 2008.

The audit also said the TSA did not scientifically validate the behavior observation program before it started following the 9-11 attacks.

The GAO auditors said the TSA should study whether the program -- with an annual budget of more than \$200 million -- is a good use of taxpayer money or whether random extra screening would be just as effective.

SLEEPING ON THE JOB

A few years back, TSA employees at Honolulu said two of those highly-trained behavior detection officers were caught sleeping on the overnight shift.

"Two officers had brought in cots and pillows, and were caught sleeping on the job by management," said Officer A. "Nothing was done about it."

The two whistleblowers said the two screeners caught sleeping on the overnight shift were never disciplined.

Even worse, they claim, some years later, several other overnight-shift behavior detection officers could not be found during their shift so the TSA simply stopped staffing the overnight shift, meaning no BDOs work the overnight hours anymore.

"They just completely got rid of it," Officer A said.

DRUG TESTING: DOUBLE STANDARD?

Another allegation: one of the managers of Honolulu's behavior detection program tested positive for cocaine in a random drug test this summer.

Whistleblowers said he's been re-assigned but is still on the job because he's needed to testify in some personnel cases.

"Word throughout the airport is that they need to keep him for testimony in various EEO investigations," said Officer B, referring to Equal Employment Opportunity cases, which can allege sexual harassment, unfair treatment based on an employee's gender or race, and other complaints.

TSA employees said that's a double standard, because all other employees are automatically fired if they test positive for drugs.

"It makes you embarrassed to work at the TSA, especially at Honolulu," said Officer B.

Honolulu TSA employees have filed 12 EEO complaints against their supervisors since 2009, four of which were sexual harassment complaints, a TSA official said.

The TSA said its leaders in Honolulu are taking "proactive measures" to improve security operations, the work environment and staff morale.

"They have conducted town hall sessions, surveys and meetings with the workforce to identify issues/concerns and are taking necessary measures to address these problem areas," a TSA official said.

Clem Kajiyama, TSA Honolulu's federal security director, was fired June 3, along with four other TSA managers and at least 24 screeners as a result of a probe that found TSA employees failed to properly screen checked luggage for explosives for months. TSA employees complained they were pressured by managers to rush security checks of bags in spite of a lack of screening equipment and staff shortages.

Kajiyama and three other managers are appealing their firings to the U.S. Merit Systems Protection Board in Washington, D.C., according to sources familiar with the cases. The Merit Systems Protection Board handles appeals of TSA managers and most other federal employees.

A fifth TSA manager fired after the baggage probe, William Gullledge, the former assistant federal security director for screening, chose to retire, a source said.

Stanford Miyamoto, TSA's deputy area director in Honolulu, was named acting federal security director in June.

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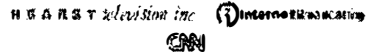
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Promotion Of TSA Officer Accused Of Racial Profiling Delayed

His New Assignment Is Put Off Pending An Investigation

Email Print Comments

Keoki Kerr KITV4 News

POSTED: 10:09 pm PST December 2, 2011
UPDATED: 10:28 pm PST December 2, 2011

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HONOLULU — The promotion of a Honolulu Transportation Security Administration officer accused of racial profiling has been put on hold, KITV 4 News learned Friday.

Two TSA officers, one man and one woman, are being investigated for improperly targeting Mexicans and Spanish-speaking travelers for extra screening in an attempt to appear productive to their superiors. The two officers are referred to as the "Mexicutioners" by co-workers.

Sources said the male officer was scheduled to be promoted and become a trainer, traveling the country to train other TSA officers in the elite "behavior detection program," which is supposed to detect potential terrorists by evaluating behaviors, such as facial expressions.

His promotion has been delayed, and he "will not assume additional training duties pending the outcome of the investigation," TSA spokesman Nico Melendez said Friday.

TSA sources said the employee received the promotion before the allegations against him were reported, and that he was notified of the new assignment without the proper vetting.

The TSA released a statement Thursday saying the allegations KITV 4 News first reported Nov. 7, "resulted in launching an immediate and thorough investigation of the behavior detection program at HNL."

"Pending the completion of the investigation, TSA also provided HNL Behavior Detection Officers refresher training to ensure the program is focused solely on identifying suspicious behaviors," the TSA said.

Extra scrutiny of Mexicans and other Spanish-speaking foreigners has stopped at Honolulu Airport since KITV's first stories aired Nov. 7, sources said. Some TSA managers have told staff in Honolulu that there was no truth to KITV's reports, sources said, claims that were met with amusement since employees say the "Mexicutioner" allegations have been well known among TSA employees for years.

Honolulu TSA employees said the few TSA managers left following firings this summer over a baggage-checking scandal might be in for new scrutiny, since many of them reviewed detailed reports about each arrest of foreign travelers at Honolulu, and they knew full well that most of those being detained were Mexicans or Spanish speakers.

After every arrest, TSA officers compile reports about the incident, along with photos of the arrestee and photocopies of their passport, ID, visa and boarding pass, said TSA employees. All of that information is then forwarded to TSA managers in Honolulu and Washington, D.C., and a summary of the case is uploaded into a TSA computer database in Washington, D.C., TSA employees said.

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Attachment 7

Similar allegations at Newark Liberty International Airport in New Jersey caused the TSA to mount an investigation last year, demoting a TSA manager and retaining its entire behavior detection workforce there.

The Star-Ledger newspaper reported that a TSA probe found that some TSA employees in Newark referred to certain colleagues as "Mexican hunters," because they targeted air passengers from Mexico and the Dominican Republic for extra scrutiny.

On Thursday, a group of 38 civil rights organizations led by the Sikh Coalition called for an independent audit of the TSA to determine whether the agency engages in racial profiling.

Their letter to the U.S. Department of Homeland Security said the groups, which include the NAACP and American Civil Liberties Union, are "concerned that the latest reports from Hawaii and New Jersey represent the tip of the iceberg" and that TSA officers are engaged in a wider pattern or practice of profiling racial and religious minorities instead of focusing on actual criminal behavior."

U.S. Rep. Bennie Thompson, a ranking member of the House Committee on Homeland Security, wrote a letter to TSA Administrator John Pistole Nov. 22, raising concerns about the behavior detection program, in response to KITV's story on the racial profiling allegations.

Thompson, D-Miss., said he wants a suspension of a program known as Screening of Passengers by Observation Technique, or SPOT, which involves officers trained in detecting behavior, such as facial expressions, of those who intend to do harm.

[Link to Rep. Thompson's Letter To TSA Administrator](#)

Thompson said the Honolulu allegations, along with media accounts in June of behavior detection officers at Newark Liberty International Airport targeting minority passengers, raise concerns about the "scientific validity" of the program.

"These incidents and the failure of both training and supervision to prevent the practice of racial profiling are clear indications that more research, evaluation and testing must be completed before behavior detection can be successfully integrated at aviation security checkpoints," Thompson wrote.

"TSA's behavior detection program in no way encourages or tolerates profiling," the TSA's statement said. "Profiling is not an effective form of security and our security officers are trained to treat every passenger with dignity and respect."

Thompson gave the TSA until Dec. 16 to provide information including the agency's internal report on Honolulu's SPOT program.

Among the information he requested are specific steps taken to address the racial profiling allegations at the Honolulu airport and a list of countries of origin for each foreign national arrested as a result of a referral from TSA behavior detection officers in Honolulu. The TSA had refused to provide KITV with a list of the countries of origin for foreigners arrested at HNL.

The TSA said it will respond directly to the congressman.

Honolulu airport is where dozens of employees, including five managers, were fired or suspended this year after an investigation found workers did not screen checked bags for explosives. It was the single largest personnel action for misconduct in the TSA's history. Several of the managers are now appealing their firings, sources said.

The agency began an investigation at the end of 2010 after two Honolulu employees told officials that thousands of bags weren't checked properly or screened for traces of explosives. The probe, which included interviews with more than 100 employees and lasted for months, determined some checked bags during morning shift at the airport were not properly screened.

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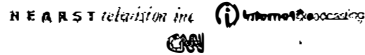
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Miyamoto, Stanford

From: Miyamoto, Stanford
Sent: Friday, December 02, 2011 2:24 PM
To: Johnson, Scott T
Cc: Houston, Scott; Soule, Greg; Melendez, Nico; Callahan, Heather <FSD>; Burche, Daniel; Carraway, Melvin; Coutts, Dave; Walton, Falasteen; Abreu, Frank M; Okinaka, Cy; Bush, Cherise
Subject: HNL SPOT Program

Scott,

Per our discussion:

- I have notified both TSM (BDO) (b)(6) and BDO (b)(6) (telephonically as both are on RDOs) that the DHS OIG is accomplishing a formal investigation regarding the anonymous racial profiling allegation and that because they were specifically named and for their protection, they will not perform their SPOT related duties/training until the investigation has been completed.
- I have also informed TSM (b)(6) that his application for collateral training duty with the National Training Team has been rescinded pending the completion of the investigation.
- Both TSM (b)(6) and BDO (b)(6) will be assigned administrative duties in the FSD staff not related to the SPOT program.
- I have ceased all other local administrative fact finding/investigation into this matter.

Both TSM (b)(6) and BDO (b)(6) understand the situation but are very concerned as to how this will affect their future with TSA, as they both have had outstanding careers with this agency and doing the best they can. BDO (b)(6) is especially concerned as a single parent with two daughters.

Please let me know if anything else needs to be done.....Mahalo,

Stanford N. Miyamoto

Assistant Area Director
Pacific Islands (Hawaii, Guam, Saipan, American Samoa)
300 Ala Moana Blvd., #8-153
Honolulu, HI 96850

(b)(6) cell
808 541 3329 fax

(b)(6)

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Miyamoto, Stanford

From: Miyamoto, Stanford
Sent: Monday, December 05, 2011 8:34 AM
To: Johnson, Scott T
Cc: Houston, Scott; Callahan, Heather <FSD>; Coutts, Dave; Walton, Falasteen
Subject: RE: HNL SPOT Program

Scott,

I just spoke with the DHS-OIG Audit Team (Gwendolyn Priestman Team Lead....will be here this week to continue their field work/interviews) who said that they were not doing a formal investigation of the HNL SPOT Program allegations and do not plan on doing anything else. They interviewed HNL BDOs during their last visit and recommended that an audit of the HNL SPOT Program not be included in their overall mission at HNL.

In light of this, cancelling our internal investigation, and removing the two BDOs from their duties, I would recommend OI conduct a formal investigation into this matter for resolution. Please let me know.

Mahalo,

Stanford

Stanford N. Miyamoto

Assistant Area Director
Pacific Islands (Hawaii, Guam, Saipan, American Samoa)
300 Ala Moana Blvd., #8-153
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From: Johnson, Scott T
Sent: Friday, December 02, 2011 3:35 PM
To: Miyamoto, Stanford
Cc: Houston, Scott; Callahan, Heather <FSD>
Subject: Re: HNL SPOT Program

Thanks Stanford. We'll just have to let it all play out. Thanks for the quick action.

From: Miyamoto, Stanford
To: Johnson, Scott T
Cc: Houston, Scott; Soule, Greg; Melendez, Nico; Callahan, Heather <FSD>; Burche, Daniel; Carraway, Melvin ; Coutts,

Dave; Walton, Falasteen; Abreu, Frank M; Okinaka, Cy; Bush, Cherise
Sent: Fri Dec 02 19:24:01 2011
Subject: HNL SPOT Program

Scott,

Per our discussion:

- I have notified both TSM (BDO) (b)(6) and BDO (b)(6) (telephonically as both are on RDOs) that the DHS OIG is accomplishing a formal investigation regarding the anonymous racial profiling allegation and that because they were specifically named and for their protection, they will not perform their SPOT related duties/training until the investigation has been completed.
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Both TSM (b)(6) and BDO (b)(6) understand the situation but are very concerned as to how this will affect their future with TSA, as they both have had outstanding careers with this agency and doing the best they can. BDO Flores is especially concerned as a single parent with two daughters.

Please let me know if anything else needs to be done.....Mahalo.

Stanford N. Miyamoto

Assistant Area Director

Pacific Islands (Hawaii, Guam, Saipan, American Samoa)

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Consulate General of Mexico in San Francisco

SFR-4000



SECRETARÍA DE
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"2011. Año de Turismo en México"

Stanford Miyamoto
Acting Federal Security Director
Transportation Security Administration (TSA)
300 Rogers Blvd. #45
Honolulu, HI 96819

Dear Mr. Miyamoto

I am deeply troubled by several press accounts which report alleged inappropriate practices by Transportation Security Administration (TSA) agents in Honolulu Airport, that have specifically targeted Mexican citizens for secondary inspection and immigration checks even though flights out of Hawaii are considered domestic. As you are aware this Consulate General is responsible for protecting the civil rights of our nationals, according to the framework established by the Vienna Convention on Consular Relations to which both Mexico and the United States are parties to.

The idea of having passengers singled out because of their race or ethnicity, and not according to a specific behavior indicative of a security threat is an issue of great concern for this Consulate General. Our own staff has experienced this targeted scrutiny when traveling through the Honolulu airport on official business. They have also been subject to secondary inspection when they identify themselves with their Mexican passports, without any specific cause being articulated.

We respectfully request any information you may share with this Consulate regarding the results of the investigation conducted into this matter and of the corrective measures that your agency seeks to implement to stop these practices, should they be confirmed.

532 Folsom Street, San Francisco, CA, 94105
Ph. (415) 354 1737 Fax (415) 495 3971

Attachment 10