

ATTACHMENT

35

~~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 24, 2012
Activity or Interview of: (b)(6) Master Behavioral Detection Officer (MBDO) Honolulu International Airport (HNL) Phone 808-382-(b)(6)	Conducted by: Special Agents Philip Spampinato and Joseph M. Viviano Location of Interview/Activity: Transportation Security Administration Office Honolulu International Airport (HNL) 300 Rodgers Blvd. Suite 45 Honolulu, HI 96819

Subject Matter/Remarks

MBDO (b)(6) was interviewed regarding allegations of racial profiling and other improprieties directed at the HNL BDO program. (b)(6) started as a Transportation Security Officer (TSO) in August, 2007, and entered the BDO program in November, 2008. (b)(6) is currently assigned to the morning shift at HNL. (b)(6) said that he occasionally works with (b)(6) (b)(6) (b)(6) when their shifts overlap but has no established relationships with them other than work contact.

(b)(6) is familiar with the KITV4 news report claiming racial profiling and other issues at the BDO program at HNL. (b)(6) stated that he has no knowledge of racial profiling at HNL by the BDO program or by BDO in the program. (b)(6) further stated that he has never witnessed any such behavior that would target one ethnic group vs. another ethnic group. (b)(6) continued to state that there is no hint of racism of any kind among fellow BDOs or Hawaiian population in general.

(b)(6) advised that the individuals portrayed as "whistleblowers" on the KITV4 report must have been persons who were familiar with the BDO program.

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

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MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

(b)(6) also addressed the additional allegations mentioned in the KITV4 report as follows –

- (b)(6) advised that at he is 80% sure of one of the individuals who was portrayed as a whistleblower in the KITV4 news report was BDO (b)(6). (b)(6) explained that he believes it is BDO (b)(6) (although disguised) due to his choice of words used and his mannerism while being interviewed on the KITV4 reporter. However, after the report aired and the talk around the water cooler revealed that BDO (b)(6) was the second individual portrayed as the whistleblowers appearing in the KITV4 news report.
- (b)(6) stated that he has never heard the term “mexecutioner” in passing in reference to a TSA employee. (b)(6) has never heard the aforementioned term used by any BDOs at HNL. (b)(6) is aware that there is a professional fighter by the name of Manny Pacquiao who is called the “mexecutioner” by his fans.
- (b)(6) has no knowledge or evidence of racial profiling by any BDO or TSO at HNL. He has never witnessed any such behaviors targeting one ethnic group vs. another ethnic group.
- (b)(6) has never heard of any BDOs sleeping in a cot or sleeping while on duty. He first heard of the sleeping allegation on the KITV4 news report. After the fact, (b)(6) heard that (b)(6) brought the cot into the office for (b)(6) to be used for an upcoming camping trip. (b)(6) advised that he has never worked the overnight shift.
- (b)(6) had knowledge of a TSA employee testing positive for cocaine. He first heard of the allegation while traveling on the shuttle bus when he overheard TSOs discussions concerning one of the BDO managers (b)(6) testing positive for drugs. (b)(6) stated that (b)(6) had been recently reassigned out of the BDO program around the time of the allegation. (b)(6) knew of this information prior to the KITV4 news report.
- (b)(6) had knowledge of the allegation concerning a HNL BDO having some sort of DEA connection which resulted in seizures of suspected drug currency. He first heard of this allegation by coworker’s discussions concerning BDO (b)(6) productivity and success in his seizures. (b)(6) advised that this was prior to him (b)(6) joining the BDO program. (b)(6) had no other information to provide.
- (b)(6) has no information or evidence of sexual harassment or hostile work environment and has not been exposed to any of these issues at the HNL workplace. (b)(6) opined that there will always be differences between various employees but overall he gets along well with

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

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MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

his colleagues. (b)(6) has a very positive impression of the BDO program and the BDO management at HNL.

(b)(6) is not aware that (b)(6) is involved in some sort of snowboarding activities or videos. He has never viewed the videos and is unaware of their content.

(b)(6) was concerned about the SSI information that the two individuals provided the KITV4 reporter placing the BDO program in jeopardy by releasing privileged information concerning their SOPs. Although this allegation and information is old and dated, he did not understand why the whistleblowers would release this information compromising the BDO operations.

(b)(6) advised that he was willing to take a polygraph to confirm the information he provided in this statement.

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

Attached:

Signed, sworn statement by MBDO (b)(6) dated January 24, 2012.

Case Number:
M-12-0755

Case Title:
BDO Practices at HNL

Revised February 28, 2006

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Transportation Security Administration

SWORN STATEMENT

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

*** SEE ATTACHED STATEMENT ***

I have read this entire statement consisting of 4 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 (b)(6) not intentionally omitted any information or knowledge I have that relates to the matters under investigation or re (b)(6)

Signed and sworn to before me this 24 day of JANUARY, 2012.

[Signature]
Witness
TSA-001
1-24-2012
10:35 AM

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

Statement of (b)(6)
808-382-0375
January 24, 2012 at HNL FSD Office

(b)(6) I, (b)(6) am allowing SA Philip Spampinato to write this statement for me. (b)(6)
(b)(6) _____
Date 1.24.12

I have been employed with TSA since August 2007 as a TSO in Honolulu. In November 2008, I entered into the BDO Program at HNL.

I am currently assigned to the BDO full time day shift – 4:00 am to 12:30 pm with RDOs as Sunday Monday.

Sometime in November, 2011, I saw a KITV4 news report which alleged racial profiling and other improprieties by the HNL BDO program.

I believed that the individuals portrayed as “whistleblowers” on the KITV4 report must have been persons who were familiar with the BDO program. I am 80 percent sure that one of the whistleblowers was (b)(6) and through casual conversation amongst co-worker the other individual might have been BDO (b)(6)

I wish to point out that I have no outside connection or established relationships with the following HNL TSA employees – (b)(6) other than daily work interaction due to overlapping shifts on Wednesdays..

Regarding the allegations made by the TSA whistleblowers in the KITV4 news report which aired in November, 2011-

- I believe I know one of the individuals who were portrayed as the whistleblowers who had appeared on the KITV4 news report in November, 2011. However, after the article aired the talk around the water cooler was that the two individuals were (b)(6)
- I have never heard the term “mexecutioner” used by BDOs at HNLs. I (b)(6) heard of this allegation on the KITV4 news report. I am aware that professional fighter Manny Pacquiao’s fans refer to him as the “mexecutioner”. (b)(6)

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(b)(6)

(b)(6)

I have no knowledge of racial profiling at HNL by the BDO program or 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 or the Hawaiian population in general. The Hawaiian culture here is very diverse.

- I have no knowledge of any HNL BDOs sleeping in a cot and I did not witness any TSA employees sleeping on a cot or sleeping during their assigned shift at HNL. I first heard of this allegation on the KITV4 news report. I have never worked the over shift. I found out after the KITV4 report aired that (b)(6) brought the cot in for (b)(6) to be used for an upcoming camping trip.
- I had knowledge of a TSA employee testing positive for cocaine. I first heard of this on the shuttle bus when TSOs were discussing that one of the BDO managers (b)(6) tested positive for cocaine. I also knew that he had been recently reassignment out of the BDO program. This was all prior to the KITV4 report.
- I have knowledge of a HNL BDO having some sort of DEA connection which resulted in the seizures of unreported currency. I first heard of this by coworkers discussing his productivity and success in seizures. I found out after the fact the BDO involved was (b)(6). This was all prior to when I started in the BDO program. However, I was interested in working with him to learn his techniques..
- I have no information of sexual harassment or hostile work environment and have not been exposed to either during my employment with TSA HNL. I believe overall everyone gets along pretty well and I get along well with my colleagues. I currently have a very positive experience with the BDO program and the BDO management.
- I was not aware that (b)(6) (b)(6) was involved in some sort of snowboarding activities or videos until after the KITV4 report. I have never viewed the videos and I am unaware of their content.
- I am concerned about the SSI information that the two individuals provided the KITV4 reporter putting the BDO program in jeopardy by releasing privileged information concerning our SOPs. Although this allegation and information is old and dated, I do not understand why they would release this information compromising the BDO operations.

(b)(6)

(b)(6)

(b)(7)(D)

(b)(7)(D)

At one time while working with (b)(7)(D) I did question the way she assessed behaviors. However, we were trained differently on behaviors. It should be noted that the refresher team came in (September 2011) and retrained everyone. Although it is subjective, we have been on the same page since the training.

(b)(7)(D)

- I am willing to take a polygraph in order to confirm my statements

(b)(7)(D)

(b)(7)(D)

1.24.12
nothing further
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Transportation
Security
Administration

NON-DISCLOSURE AGREEMENT

The Office of Inspection (OI) is conducting an official investigation. As a result, OI is reviewing official records and/or have interviewed me in connection with this investigation. I understand that the disclosure of these records and/or any statements I make may not be disclosed to persons without a need to know as defined by Title 49, CFR, Part 1520, except with the written permission of the Administrator, Transportation Security Administration, Washington, DC. I further understand that unauthorized release may result in disciplinary action.

PRINT NAME

SIGNATURE

DATE

0010
[Redacted Name and Signature Area]

1-24-12

WITNESSED BY:

JOSEPH M. VIVIANO [Signature] 1-24-12

OI Official

PHILIP J. SPAMPINATO [Signature] 1/24/12

OI Official

ATTACHMENT

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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 24, 2012 9:04 a.m.
Activity or Interview of: (b)(6) Behavioral Detection Officer (BDO) Honolulu International Airport Phone number (808) 690- (b)(6)	Conducted by: Special Agents Akemi Wayne and Michael Striglers Location of Interview/Activity: Transportation Security Administration (TSA), Honolulu International Airport 300 Rodgers Blvd Honolulu, HI 96815

Subject Matter/Remarks

BDO (b)(6) was interviewed about the allegations raised by reporter Keoki Kerr of KITV News 4 that HNL BDOs used racial profiling for screening, slept on the job, used a source at the Drug Enforcement Administration (DEA) to target passengers, and a BDO supervisor failed a drug test.

(b)(6) provided the following information:

(b)(6) had been a BDO at HNL November 2009.

Racial Profiling:

- (b)(6) never saw any racial profiling being used as a means for getting referrals in the HNL BDO program.
- (b)(6) said the news video was referring to (b)(6) because of the high number of LEO referrals for Hispanics.
- (b)(6) suspected that (b)(6) used race as a means of referrals because of the high number of LEO referrals from passengers with California ID's and Mexican passports.

Case Number: M-12-0755	Case Title: BDO practices at HNL
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(Revised 12-15-08)

~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- (b)(6) worked with BDO (b)(6) a few times over a period of two months. He had issues with how quickly she assessed behaviors, but during that time he never saw her racial profile any passengers. Sometimes she did not discuss the behaviors with him because she was so focused the situation.
- The passengers who (b)(6) referred were of multiple races and none of them were Mexican or Hispanic. He said (b)(6) referrals during that time were based on behaviors from the passengers. (b)(6) never worked with (b)(6) and never heard that he was racial profiling passengers.

News Video:

- When (b)(6) saw the newscast there was one heavy set person and one skinny person.
- (b)(6) thought that the persons in the video were (b)(6) and (b)(6) because of body size, they are disgruntled, and they were not working in the BDO program.
- (b)(6) was about 50% sure it was (b)(6) and about 40% sure it was (b)(6) in the news video.

Mexicutioner:

- The first time (b)(6) heard the term "Mexicutioner" as a BDO was from (b)(6) and (b)(6) during BDO on-the-job training. Occasionally (b)(6) heard them use the term "Mexican destroyer" and "Mexican headhunter." (b)(6) and (b)(6) were referring to BDO (b)(6) and the a.m. shift BDO team.
- (b)(6) stated that he had used the term "Mexicutioner" a few times over the past 2 years in regard to (b)(6) and the a.m. BDO shift's high referral rates of Hispanic passengers.
- He said "Mexicutioner" was a nickname for (b)(6) and had not meant that she was racial profiling Hispanics.
- (b)(6) said he used the term "Mexicutioner" a few times and recalled that BDOs (b)(6) were present.

Sleeping at work:

- (b)(6) said the news report was the first time he heard about BDO's sleeping on a cot. He had never seen any BDO's sleeping at work or on a cot.
- He had seen the cot before the news cast sometime in 2009. The cot was folded in an office.

Case Number:
M-12-0755

Case Title:
BDO practices at HNL

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(Revised 12-15-08)

~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- (b)(6) recalled that BDO (b)(6) said he loaned the cot to another BDO for a camping trip.
- (b)(6) did not know why the overnight shift for BDO's was cancelled.

Using DEA source:

- (b)(6) said the news report was the first time he heard about a BDO having DEA as a source to get referrals and arrest.
- Before (b)(6) became a BDO he was TSO at a checkpoint when there was a big seizure by a BDO. He learned later that it was BDO (b)(6) that had the referral.
- When he became a BDO later and was performing on-the-job training with (b)(6) (b)(6) asked him how he got so many seizures. (b)(6) told (b)(6) that all of his seizures were based on behavioral observations (b)(3) 49 U.S.C. § 114(n) etc.

Drug Use:

- (b)(6) said the news report was the first time he heard allegations of drug use by a BDO in the program.
- He never heard any talk about drug use by any BDO's nor was he aware of any BDO taking illegal drugs.

Management:

- He said that he felt comfortable going to management about racial profiling and any other issue in the workplace.

SSI Information:

- When (b)(6) saw the video, he did not recall if Sensitive Security Information was released about the BDO program.

(b)(6) was willing to take a polygraph exam if needed

(b)(6) provided a signed sworn statement (attached).

Case Number: M-12-0755	Case Title: BDO practices at HNL
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(Revised 12-15-08)



Transportation Security Administration

SWORN STATEMENT

I, [REDACTED], having been duly sworn, hereby make the following statement to SA Strigler and SA Wayne, who has been identified to me as a federal law enforcement officer and special agent with the Transportation Security Administration, Office of Inspection. I am making this statement of my own free will, without any duress or coercion.

*** SEE ATTACHED STATEMENT ***

I have read this entire statement consisting of 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.

[REDACTED]

Signed and sworn to before me, this 24th day of January, 2012.

[Signature]
Witness

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

(b)(6)

My name is (b)(6) I have been a BDO with the Honolulu International Airport since November 2009.

I am being asked about the news cast and article accusing TSA BDO's of racial profiling and other allegations.

I only saw the first news report, but did not read the article. When I heard the report I initially did not pay that much attention to it. When I saw the video there was one heavy set person and one skinny person. I think that based on circumstances the person in the video were (b)(6) and (b)(6) because of body size, they are disgruntled and not here. I am about 50% sure it was (b)(6) and about 40% sure it was (b)(6) in the news video.

When I first saw the video I thought they were talking about (b)(6) because of the high number of stats of LEO referrals for hispanics. I suspected that she was using race as a means of referrals because of the high number of LEO referrals from passengers with California ID's and Mexican passports.

I worked with BDO (b)(6) a few times over a period of two months. I had issues with how she was quickly assessing behaviors, but during that time I never saw her racial profile any passengers. Sometimes she would not discuss with me the behaviors she saw because she was so focused the situation. Those passengers who were referred were of multiple races at that time. None of them were Mexican or Hispanic .

(b)(6) referrals during that time was based on behaviors from the passengers. I have never worked with (b)(6) and never heard that he was racial profiling passengers. I never suspected that he was racial profiling passengers for SPOT referrals.

I never saw any racial profiling being used as a means for getting referrals in the HNL BDO program. The BDO program get referrals based upon observations and behaviors from passengers.

When I saw the video, I did not recall if SSI information was given out about the BDO program.

The first time I heard of the term mexicutioner was in a news article about two years ago in regard to Newark Airport allegations of racial profiling. The first time I heard the term mexicutioner as a BDO was from (b)(6) and (b)(6) during BDO OJT training. They may not have used the exact term mexicutioner, I also heard them use the term Mexican destroyer and Mexican headhunter. They were referring to BDO (b)(6) and the AM BDO team

I have used the term mexicutioner a few times over the past 2 years in regard to (b)(6) and the AM BDO shift of the high referral rates of hispanic passengers. It was a (b)(6)

2023

(b)(6)

nickname for (b)(6) not that she was really racial profiling Hispanics. When I said the mexicutioner a few times, I recalled BDO (b)(6) (b)(6) being present..

The news report was the first time I heard about BDO's sleeping on a cot. I have never seen any BDO's sleeping at work or on a cot. I did see the cot before the news cast sometime in 2009. It was folded up in an office and I recall BDO (b)(6) saying he was loaning it to another BDO for a camping trip. I did not know why the overnight shift for BDO's were cancelled.

The news report was the first time I heard about a BDO having DEA as a source to get referrals and arrest. Before I became a BDO in 2009, I was TSO screener at a checkpoint when there was a big seizure by a BDO. I learned later that it was BDO (b)(6) that had the referral. When I became a BDO later and was OJT with (b)(6), I asked him how he got some many seizures. (b)(6) told me that all of his seizures were based on behavioral observations (b)(6) etc

The news report was the first time I heard of drug use by a BDO in our program. I did not know if it was true or not and I never heard any talk about drug use by any BDO's. I am not aware of any BDO taking illegal drugs.

I am willing to take a polygraph exam if needed (b)(6)

(b)(6)

1-24-2012

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NON-DISCLOSURE AGREEMENT

The Office of Inspection (OI) is conducting an official investigation. As a result, OI is reviewing official records and/or have interviewed me in connection with this investigation. I understand that the disclosure of these records and/or any statements I make may not be disclosed to persons without a need to know as defined by Title 49, CFR, Part 1520, except with the written permission of the Administrator, Transportation Security Administration, Washington, DC. I further understand that unauthorized release may result in disciplinary action.

(b)(6)



DATE

1-24-2012

WITNESSED BY:

Akemi Wayne
OI Official

[Signature]

1-24-12

Michael Stoiglers
OI Official

[Signature]

1-24/12

ATTACHMENT

37



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 25, 2012
Activity or Interview of: [redacted] Expert Behavioral Detection Officer (EBDO) Honolulu International Airport (HNL) Phone 808-216-[redacted]	Conducted by: Special Agents Philip Spampinato and Joseph M. Viviano
	Location of Interview/Activity: Transportation Security Administration (TSA) Office Honolulu International Airport (HNL) 300 Rodgers Blvd., Suite 45 Honolulu, HI 96819

Subject Matter/Remarks

EBDO [redacted] was interviewed regarding allegations of racial profiling and other improprieties directed at the HNL BDO program and officers. [redacted] started as a Transportation Security Officer (TSO) in September, 2002, at Los Angeles International Airport (LAX) and entered the BDO program at HNL in April, 2007. [redacted] is currently assigned to the BDO evening shift (1:00 pm – 11:30 pm).

[redacted] claimed that sometime in November, 2011, he was at home when he received a call from fellow BDO [redacted]. BDO [redacted] told [redacted] about a KITV4 news report alleging racial profiling by the BDO force at HNL. [redacted] claimed he located the on-line version of the report and then later recorded the 10:00 pm newscast on his DVR.

[redacted] was not able to identify the two individuals portrayed as the whistleblowers in the KITV4 news report. Once he returned to work many of his co-workers were discussing the KITV4 report and

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Revised February 28, 2006

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MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

they believed that (b)(6) and (b)(6) were responsible for the allegations described in the report.

(b)(6) indicated that BDO (b)(6) has not been working at HNL in the BDO program since June, 2011, to the best of his knowledge. (b)(6) has been off work claiming various medical issues and is currently on leave without pay.

(b)(6) told OOI about an exchange between (b)(6) and another BDO after the report had aired and everyone had returned to work. BDO (b)(6) approached LTSO (b)(6) while working at Checkpoint 1, Inter-Island Terminal. (b)(6) was no longer in the BDO program and was reassigned to the TSO work force. (b)(6) greeted (b)(6) while attempting to mimic the distorted voice used by one of the whistleblowers in the KITV4 news report. According to (b)(6) (b)(6) did not respond or engage (b)(6) but rather kept his head down while busying himself with paperwork.

Based upon the (b)(6) contact and (b)(6) changed demeanor, (b)(6) is 70% sure that (b)(6) is one of the two individuals portrayed as the KITV4 whistleblowers.

Regarding the allegations of racial profiling, (b)(6) claims that the BDO force is consistently reminded by BDO management that racial profiling is a violation of the SOP. (b)(6) added that he has no direct evidence of or exposure to racial profiling by any member of BDO force at HNL.

Before the KITV4 report had aired, (b)(6) did hear (b)(6) and (b)(6) use the term "Mexecutioner" in reference to BDO (b)(6) and (b)(6). (b)(6) declared that there is a jealousy factor among certain members of the BDO force due to the fact that some of the BDOs have better statistics and have received achievement awards for their performance. He asserted that there is a noticeable difference between the statistics of the AM shift and PM shift BDOs which has lead to rumor mongering and back-biting.

After the KITV4 report aired, (b)(6) learned of the term "Mexican hunters" but this was not talked about prior to the report. He has no knowledge of this term being used at HNL.

(b)(6) regularly makes up nicknames for his co-workers and friends. (b)(6) stated that (b)(6) regularly calls him (b)(6). (b)(6) also calls (b)(6) and (b)(6) " (b)(6) " because of his relationships with numerous women.

Regarding the allegations made by the anonymous TSA whistleblowers in the KITV4 news report which aired in November, 2011:

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)

- (b)(6) never witnessed and has no direct knowledge of racial profiling at HNL by BDOs or any other TSA employee. He has never witnessed any behavior that would target one ethnic group vs. another ethnic group.
- Before the KITV4 report had aired, (b)(6) heard a rumor that two HNL BDOs had been sleeping on a cot or sleeping on the job. He cannot confirm this allegation and had no further information to add.
- Before the KITV4 report had aired, (b)(6) had heard a rumor that a TSA BDO manager (b)(6) had failed a drug test. (b)(6) has no further information to add regarding this incident.
- Before the KITV4 report had aired, (b)(6) had heard from BDO (b)(6) that BDO (b)(6) had a connection in DEA which helped him discover suspected drug currency being transported by passengers. The rumors were based on a jealousy factor because Lovstedt had received awards and recognition for suspected drug currency seizures.
- (b)(6) has no knowledge or information regarding sexual harassment issues or potential hostile work environment. (b)(6) had once spoken to by TSA OOI agent Keith Edwards about allegations of a hostile work environment but that was in regard to the earlier case of TSOs not performing required screening functions at HNL.
- (b)(6) has had a very positive experience with the BDO program and BDO management at HNL. He proclaimed that since (b)(6) (b)(6) have left the BDO program there has been less much less drama within the BDO workforce and it is now enjoyable to come to work again.
- (b)(6) knew that BDO (b)(6) is involved in snowboarding videos. He was not sure to what extent he is involved but many in the HNL BDO force are aware of the videos. BDO (b)(6) had told (b)(6) that (b)(6) has been using sick leave to take trips to Canada for these snowboarding excursions.

In closing (b)(6) is concerned that the BDO program has been damaged and unfairly characterized by the KITV4 report. He claimed that this report has given a "black eye" to all the conscientious BDOs at HNL. At the conclusion of the interview, (b)(6) provided a signed, sworn statement.

(See attached signed, sworn statement by EBDO (b)(6) dated January 25, 2012.)

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

I, [redacted], having been duly sworn, hereby make the following statement to SA Viviano / SA Spangnan, who has been identified to me as a federal law enforcement officer and special agent with the Transportation Security Administration, Office of Inspection. I am making this statement of my own free will, without any duress or coercion.

*** SEE ATTACHED STATEMENT ***

I have read this entire statement consisting of 4 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. [redacted]

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

Witness

[Signature]
[Signature]

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

1-25-2012
12:15 pm

Statement of (b)(6)
January 25, 2012 at HNL FSD Office

I, (b)(6), am allowing SA Joseph M. Viviano to write this statement for me.

(b)(6)

1/25/2012

Date

(b)(6)

1/25/2012
Los

(b)(6)

(b)(6)

I have been employed with TSA since September, 2002 as a TSO at Honolulu International Airport (HNL). In April, 2007, I entered into the BDO Program. *Los Angeles International Airport (LAX).*

I am currently assigned to the BDO PM shift – 1:00 pm to 11:30 pm with RDOs as Sunday, Monday and Tuesday.

Sometime in November, 2011, I was at home when I received a cell phone call from fellow BDO (b)(6). BDO (b)(6) told me about a KITV4 report alleging racial profiling HNL BDO force. I got on the computer and I read the complete report. I later recorded the KITV4 news report with my DVR and watched the report with my wife.

I was not able to determine the identities of the two individuals portrayed as the whistleblowers based upon the KITV4 video. Once I returned to work many of my fellow BDOs were discussing the KITV4 report and many believed it was (b)(6) and (b)(6) who were responsible for the information related in report.

I wish to point out that BDO (b)(6) (b)(6) has not been working at HNL in the BDO program since June, 2011 to the best of my knowledge. He has been off work claiming various medical issues and is currently on LWOP.

After the report aired and we returned to work, a co-worker (BDO (b)(6)) approached LTSO (b)(6) while working at Checkpoint 1, Inter-Island Terminal. (b)(6) was no longer in the BDO program and was reassigned to the TSO work force. (b)(6) greeted (b)(6) while attempting to mimick the distorted voice used by one of the whistleblowers in the KITV4 report. According to (b)(6) did not respond or engage (b)(6) but rather kept his head down while busying himself with paperwork.

Based upon the (b)(6) contact and (b)(6) actions and changed demeanor, I am 70 % sure that (b)(6) is one of the two individuals portrayed as the KITV4 whistleblowers

(b)(6)

(b)(6)

2/4

(b)(6)

(b)(6)

Regarding the allegations of racial profiling we are reminded consistently by BDO management that this is a violation of the SOP. I have no direct evidence of racial profiling by any BDO force at HNL.

Before the KITV4 report had aired, I did hear (b)(6) and (b)(6) use the term "mexecutioner" in reference to BDO (b)(6) and (b)(6). I wish to point out that there is a jealousy factor among certain members of the BDO force due to the fact that some of the BDOs have better statistics and have received achievement awards for their performance. There is a noticeable difference between the statistics of the AM shift and PM shift BDOs which has lead to rumor mongering and back-biting.

After the KITV4 report aired, I was made aware of the term "mexican hunters" but this was not talked about prior to the report. I have no knowledge of this term being used at HNL.

(b)(6) regularly makes up nicknames for his co-workers and friends. He regularly calls me (b)(6). (b)(6) calls (b)(6) and (b)(6) and calls (b)(6) because of his relationships with numerous women.

Regarding the allegations made by the TSA whistleblowers in the KITV4 news report which aired in November, 2011-

- I have never witnessed and have no direct knowledge of racial profiling at HNL by the BDO program or any members of the program. I have never witnessed any such behavior that would target one ethnic group vs. another ethnic group.
- Before the KITV4 report had aired, I had heard a rumor of two HNL BDOs sleeping on a cot or sleeping on the job but I cannot confirm this allegation and have no further information to add.
- Before the KITV 4 report had aired, I had heard a rumor that a TSA employee (b)(6) had failed a drug test. But I have no further information to add regarding this incident.
- Before the KITV4 report had aired, I had heard from BDO (b)(6) that BDO (b)(6) had a connection in DEA which helped him discover suspected drug currency being transported by passengers. The rumors were based on a jealousy factor because (b)(6) had received recognition for the suspected drug currency seizures.

(b)(6)

(b)(6)

3/4

(b)(6)

(b)(6)

I have no knowledge or information regarding sexual harassment issues or potential hostile work environment. I wish to point out that I was once spoken to by OOI agent Keith Edwards about allegations of a hostile work environment but that dealt with the earlier case of TSOs not performing required screening functions.

- Overall I have had a very positive experience with the BDO program and BDO management here at HNL. I wish to point out that since (b)(6) and (b)(6) have left the BDO program there has been less much less drama within the BDO workforce and it is now enjoyable to come to work again.
- I am aware of the fact that BDO (b)(6) is involved in snowboarding videos. I am not sure to what extent he is involved but many in the HNL BDO force are aware of the videos. BDO manager (b)(6) had told me once that (b)(6) has been using sick leave to take trips to Canada.
- I do find it troubling that the BDO program has been damaged and unfairly characterized by the KITV4 report. This report has given a "black eye" to all the conscientious BDOs at HNL.

(b)(6)

(b)(6)

(b)(6)

1/25/2012

NOTHING FURTHER TO FOLLOW

4/4

ATTACHMENT

38

~~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 23, 2012
Activity or Interview of: <div style="background-color: yellow; border: 1px solid black; padding: 2px;">(b)(6)</div> Master Behavioral Detection Officer (MBDO) Honolulu International Airport (HNL) Phone 808-590- <div style="background-color: yellow; border: 1px solid black; padding: 2px;">(b)(6)</div>	Conducted by: Special Agents Philip Spampinato and Joseph M. Viviano Location of Interview/Activity: Transportation Security Administration (TSA) Office Honolulu International Airport 300 Rodgers Blvd., Suite 45 Honolulu, HI 96819

Subject Matter/Remarks

MBDO

(b)(6)

 was interviewed regarding allegations of racial profiling and other improprieties directed at the HNL BDO program officers at HNL.

(b)(6)

 started as a Transportation Security Officer (TSO) in February, 2005 and entered the BDO program in January, 2008.

(b)(6)

 is currently assigned to the BDO PM shift (1:00 pm – 11:30 pm) with RDOs as Thursday, Friday and Saturday.

(b)(6)

 claimed that sometime in November 2011, he was on-duty at HNL when his BDO manager,

(b)(6)

(b)(6)

 advised him and other BDOs of a KITV4 news report alleging issues about the HNL BDO program. BDO manager

(b)(6)

 instructed us to review the news article which alleged racial profiling and other issues.

I saw the KITV Channel 4 news report and I concluded that BDO

(b)(6)

(b)(6)

 was one of the individuals portrayed as a whistleblower. I am 70% sure that

(b)(6)

 is one of the two individuals portrayed in the KITV4 news report because I recognized his mannerisms (speech, phrases used, stuttering and syntax).

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)

Sometime in 2008, (b)(6) heard (b)(6) talk about BDOs in New Jersey who had been called "Mexican hunters". (b)(6) said that (b)(6) joked that there are BDOs at HNL called "Mexecutioners". (b)(6) dismissed the comment and had no knowledge of what he (b)(6) was talking about.

(b)(6) declared that the popular professional fighter Manny Pacquiao, also a Filipino, is known by his many fans as the "Mexecutioner". (b)(6) related that (b)(6) likes to assign nicknames to many of his co-workers and friends. (b)(6) claimed that (b)(6) refers to him the (b)(6)

(b)(6) indicated that KITV4 reported (b)(6) was passing thru HNL as a passenger and (b)(6) had brief contact with him. After this contact (b)(6) told (b)(6) that (b)(6) was his friend.

(b)(6) advised that he and (b)(6) (who is no longer in the BDO program) are casual friends and they talk often about physical fitness and diet topics. (b)(6) has also helped (b)(6) work on some of his personal computer issues.

(b)(6) addressed the following issues and allegations raised by the TSA whistleblowers in the KITV4 news report as follows -

- (b)(6) has never witnessed or has any knowledge of racial profiling by any members of the BDO program at HNL. (b)(6) says there is no targeting of one ethnic group vs. another at HNL by BDO program and these allegations are not credible.
- (b)(6) has no knowledge of any HNL BDOs sleeping in a cot or sleeping on duty. He knew that a cot was brought in and placed in a storage closet to be used by a fellow BDO for some sort of camping trip.
- (b)(6) has no knowledge of any TSA manager or employee testing positive for cocaine. He first heard of the allegation on the KITV4 report. He has no further information about this issue.
- Before the KITV Channel 4 news report (b)(6) had heard and seen (b)(6) (b)(6) make comments about the award(s) and recognition that BDO (b)(6) had received for suspected drug currency discoveries and the subsequent seizures. (b)(6) made joking comments that (b)(6) must have some sort of DEA connection to account for his success in finding suspected drug currency. Nothing further to add.

Case Number:
M-12-0755

Case Title:
BDO practices at HNL

Revised February 28, 2005

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SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- (b)(6) has no information or evidence of sexual harassment or hostile work environment at HNL. He has not been exposed to any of these issues in the HNL workplace. Overall (b)(6) has a very positive impression of the BDO program and the BDO management at HNL.
- (b)(6) is aware that BDO (b)(6) has produced a number of snowboarding videos. It is common knowledge among the BDO force that (b)(6) travels to different venues in the winter months to produce these snowboarding videos. (b)(6) has shown (b)(6) the sites that contain the videos on his (b)(6) "i-phone" but he never watched a complete video to it's conclusion.
- (b)(6) advised that (b)(6) had asked (b)(6) to accompany his team on one of the snowboarding excursions to be a member of the production crew. It is noted that (b)(6) told (b)(6) that he would have to pay for his own air fare but all other costs would be covered. (b)(6) declined the offer and felt that it wasn't right that (b)(6) took these trips while claiming to be on sick leave.

In conclusion, (b)(6) found it troubling that the BDO program has been potentially compromised by the KITV4 report and that SSI requirements have been violated.

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

Attached:

Signed, sworn statement by MBDO (b)(6) dated January 23, 2012.

Case Number:
M-12-0755

Case Title:
BDO practices at HNL

Revised February 28, 2006

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Transportation Security Administration

SWORN STATEMENT

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

*** SEE ATTACHED STATEMENT ***

I have read this entire statement consisting of 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.

(b)(6)

Signed and sworn to before me, this 23 day of JANUARY, 2012.

Witness [Signature]
[Signature]

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

TSA 001
3:02 pm
1-23-12

Statement of [REDACTED]
January 23, 2012 at HNL FSD Office

I, [REDACTED], am allowing SA Joseph M. Viviano to write this statement for me.

[REDACTED] _____ 01/23/12
Signature Date

[REDACTED] I have been employed with TSA since February, 2005 as a TSO at Honolulu International Airport (HNL). In January, 2008 I entered into the BDO Program.

I am currently assigned to the BDO PM shift – 1:00 pm to 11:30 pm with RDOs as Thursday, Friday and Saturday.

Sometime in November, 2011, while on-duty at HNL my BDO manager [REDACTED] [REDACTED] advised me and other members of my team about the recently aired KITV4 news report. Ms. [REDACTED] told us to read the KITV4 news article which alleged racial profiling and other issues at HNL.

I saw the KITV4 follow-up news report and I concluded that BDO [REDACTED] was responsible for the information that was divulged in the report. I am 70% sure that [REDACTED] is responsible for the information provided in the report because I recognized his mannerisms such as his pauses in his speech, phrases, stuttering and syntax.

Sometime during 2008, I had heard BDO [REDACTED] mention in passing that certain BDOs in Newark, NJ were called "mexican hunters". [REDACTED] then joked that we have BDOs at HNL who are called "mexecutioners". I dismissed his comment and had no knowledge of what he was referring to.

I wish to add that Filipino fighter, Manny Pacquiao, is also known as the "mexecutioner" among his many local fans.

[REDACTED] regularly makes up nicknames for his co-workers and friends. I also wish to point out that [REDACTED] told me that KITV4 reporter Keoko Kerr is a personal friend of his.

[REDACTED] and I are friends and we talk often about physical fitness and diet issues. I have also helped [REDACTED] work on some of his personal computer issues.

(b)(6)

Regarding the allegations made by the TSA whistleblowers in the KITV4 news report which aired in November, 2011-

(b)(6)

- I have never witnessed and have no knowledge of racial profiling at HNL by the BDO program or any members of the program. I have never witnessed any such behavior that would target one ethnic group vs. another ethnic group. These allegations are not credible.
 - I have no knowledge of any HNL BDOs sleeping in a cot and I did not witness any TSA employees sleeping in a cot or sleeping during their assigned shift at HNL. I do know that a cot was placed in a storage closet for another BDO to use on some sort of a camping trip.
 - I have no knowledge of any TSA employee testing positive for cocaine. I first heard of this allegation on the KITV4 news report. I have no further information regarding this allegation.
 - Before the KITV4 report had been aired, I have heard and seen BDO (b)(6) make comments about the awards and recognition that BDO (b)(6) had received for discovering suspected drug currency and subsequent seizures. (b)(6) made joking comments that (b)(6) must have a DEA connection to allow such success in discovering undeclared currency.
 - I have no knowledge or information regarding sexual harassment issues or potential hostile work environment. I have no knowledge of issues with the BDO program at HNL. Overall I have had a very positive experience with the BDO program and BDO management here at HNL.
 - I am aware of the fact that BDO (b)(6) has produced snowboarding videos. It is common knowledge among the HNL BDO force that (b)(6) is the producer of these videos. He normally takes these snowboarding trips in the winter months. It is curious to note that the snowboarding trips normally coincide with his sick leave. I have no knowledge of any derogatory nicknames in the credits and I have never seen a complete video.
 - I do find it troubling that the BDO program has been potentially compromised by the KITV4 report and that SSI requirements have been violated. (b)(6)
- (b)(6)

3/3



Transportation
Security
Administration

NON-DISCLOSURE AGREEMENT

The Office of Inspection (OI) is conducting an official investigation. As a result, OI is reviewing official records and/or have interviewed me in connection with this investigation. I understand that the disclosure of these records and/or any statements I make may not be disclosed to persons without a need to know as defined by Title 49, CFR, Part 1520, except with the written permission of the Administrator, Transportation Security Administration, Washington, DC. I further understand that unauthorized release may result in disciplinary action.

PRINT NAME

SIGNATURE

DATE

[Redacted area]

01/23/12

WITNESSED BY:

Philip Spampinato
● Official

[Signature]

1/23/2012

Joseph M. Viviano
OI Official

[Signature]

1-23-2012

ATTACHMENT

39

~~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 22, 2012
Activity or Interview of: (b)(6) Behavior Detection Officer Honolulu International Airport (HNL) Ph: (808) 381-(b)(6)	Conducted by: Special Agents Mark Fedorko and Edward Archuleta Location of Interview/Activity: Transportation Security Administration (TSA) 300 Rogers Blvd., Suite 43 Honolulu, HI 96819

Subject Matter/Remarks

(b)(6) stated that she was hired by TSA in Seattle, WA on August 28, 2004, and transferred to HNL on July 27, 2008, and she has been working at HNL since that time. (b)(6) said that she became a BDO in October, 2008. (b)(6) stated that she first heard of the allegation regarding profiling by HNL BDOs during late November, 2011 after a story appeared on a newscast. (b)(6) stated that she never saw the newscasts and had no idea of who the interviewees may be. (b)(6) stated that she had never observed or had knowledge of any BDO racially profiling. (b)(6) stated that she never observed any TSA employees sleeping while on duty. She further stated that she never saw a cot in the BDO office.

(b)(6) stated that she had no first-hand knowledge of any BDO getting tips from law enforcement officers. She did recall that sometime around January 2011, she was giving training at a BDO information sharing class. One slide on the prepared power point presentation included a paragraph about a BDO's referral resulting in a large cash seizure. (b)(6) stated that she never knew who the BDO was who made this referral.

(b)(6) stated that she had never heard of or observed any TSA employee using drugs.
(b)(6) stated that she had never heard of any TSA employees using the term "Mexicutioner".
(b)(6) provided a sworn statement which is attached to this Memorandum of Interview.

Case Number:
M-12-0755

Case Title:
BDO Practices at HNL

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(Revised 12-15-08)

TSA 15-00014 - 012568



SWORN STATEMENT

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

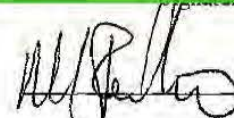
This statement was prepared for me by Special Agent Mark E. Fedorko at my request.

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

(b)(6)

Signed and sworn to before me, this 22ND day of JANUARY, 2012.


Witness


Mark E. Fedorko, Special Agent
Transportation Security Administration
Department of Homeland Security
Authority to administer oaths: 5 U.S.C. § 303

(b)(6)

My name is (b)(6) I was hired by TSA at Seattle International Airport in August 2004. In July 21, 2008, I came to HNL. I am current a Master BDO on the p.m. shift and became a BDO in October of 2008.

The first time I heard about the racial profiling allegation was sometime in November of 2011 through co-workers. I never saw the news clips or read anything concerning the allegation.

I have never heard of TSA employees referring to themselves as, "Mexicutioner."

I'm not aware of any Law Enforcement Officers approaching a BDO and giving them any information.

In January of 2011, I was presenting power point presentation to a class of TSOs in HNL and one of the slides mentioned a HNL SPOT referral had resulted in a large sum of money being seized.

During BDO training they teach us not to do racial profiling. I have never seen anyone doing racial profiling within TSA. I have never conducted racial profiling.

If anyone asked me about how to disseminate a tip or BOLO, I'd refer them to the supervisor or discuss with a supervisor the proper channels.

I have no knowledge of any TSA employee using drugs or testing positive for drug usage.

I heard a rumor from co-workers about a news story alleging people sleeping on a cot, but I've never seen a cot in the BDO work space. I've never seen anyone sleeping in the BDO work space.

I have no problems speaking to management. (b)(6)

(b)(6)



Transportation
Security
Administration

NON-DISCLOSURE AGREEMENT

The Office of Inspection (OI) is conducting an official investigation. As a result, OI is reviewing official records and/or have interviewed me in connection with this investigation. I understand that the disclosure of these records and/or any statements I make may not be disclosed to persons without a need to know as defined by Title 49, CFR, Part 1520, except with the written permission of the Administrator, Transportation Security Administration, Washington, DC. I further understand that unauthorized release may result in disciplinary action.

PRINT NAME

[Redacted]

(b)(6)

[Redacted]

DATE

1/24/12

WITNESSED BY:

MARK PEDOMO
OI Official

[Signature]

1/22/12

[Signature]
OI Official

[Signature]

1/22/12

ATTACHMENT

40

~~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 24, 2012
Activity or Interview of: (b)(6) Expert Behavioral Detection Officer (EBDO) Honolulu International Airport (HNL) Phone (b)(6)	Conducted by: Special Agents Philip Spampinato and Joseph M. Viviano Location of Interview/Activity: Transportation Security Administration (TSA) Office Honolulu International Airport 300 Rodgers Blvd., Suite 45 Honolulu, HI 96819

Subject Matter/Remarks

EBDO (b)(6) was interviewed regarding allegations of racial profiling and other improprieties directed at the HNL BDO program and HNL officers.

(b)(6) started as a Transportation Security Officer (TSO) in October, 2002 and entered the BDO program in April, 2007, where she is currently assigned to the evening shift (1:00 pm – 11:30 pm) with RDOs as Tuesday, Friday and Saturday.

(b)(6) advised that sometime in November, 2011, she was on-duty at HNL when one of the TSOs at Checkpoint 1, Inter-Island Terminal told her about a TV report alleging that HNL BDOs were racially profiling passengers at HNL.

(b)(6) later found the KITV4 news report on line, read the complete report and watched the embedded video. After reading the news report, (b)(6) strongly believes that HNL Officers (b)(6) (b)(6) (b)(6) (b)(6) and possibly (b)(6) are responsible for the content of this report. (b)(6) confirmed that these individuals (b)(6) were either no longer in the BDO program and/or had been the subject of ongoing investigations /disciplinary actions.

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)

(b)(6) claimed that she is 95% positive that (b)(6) is one of the individuals portrayed as a whistleblower in the KITV4 news report video. (b)(6) has told (b)(6) that Keoki Kerr, (KITV4 reporter), is his friend and that (b)(6) should call him (Kerr) if she wanted to report any issues at HNL.

(b)(6) stated that she had never heard the word "Mexecutioner" used by any BDOs or TSOs in reference to any other TSA personnel at HNL. (b)(6) never heard the term "Mexecutioner" until after the KITV4 report was aired. Prior to the report being aired, (b)(6) heard (b)(6) talk about some BDOs in Newark, New Jersey who were called the "Mexican hunters" but nothing more was said about ethnic nick-names at HNL. (b)(6) described that Filipino professional fighter, Manny Pacquiao, is also known as the "Mexecutioner" among his many local Hawaiian and Filipino fans.

(b)(6) confirmed that (b)(6) (b)(6) has regularly created nick-names for all of his co-workers in the BDO program. Many of the nick-names were derogatory in nature and contained sexual overtones and references. (b)(6) maintained that (b)(6) nick-named her (b)(6) and that she brought this incident to the attention of BDO manager (b)(6) and AFSD Adam Meyer. Both (b)(6) and Meyer minimized her complaint and alluded to the fact that she should be flattered that she was given such a nickname.

(b)(6) has never witnessed any evidence of racial profiling by BDOs at HNL and has no knowledge of any discussions regarding such activity. (b) has never witnessed any such behavior that would target one ethnic group vs. another ethnic group. In her opinion these allegations are not credible.

(b)(6) is well aware that BDO (b)(6) has produced snowboarding videos and this fact is known to many others within the HNL BDO force. (b)(6) has seen (b)(6) watching the videos on TSA computers while on-duty and she warned him to stop this activity. (b)(6) knows that (b)(6) takes snowboarding trips in the winter months and that he has used FMLA leave and sick leave when taking these trips. (b)(6) stated that she had alerted BDO manager (b)(6) that (b)(6) was using sick leave and FMLA leave when taking these snowboarding trips. In response to (b)(6) notification, (b)(6) stated that (b)(6) can do whatever he wants with his FMLA or sick leave.

(b)(6) addressed the following issues and allegations made by the TSA whistleblowers in the KITV4 news report as follows -

- (b)(6) has no knowledge of any HNL BDOs sleeping in a cot and she never saw any TSA employees sleeping in a cot or sleeping during their assigned shift at HNL. She knew that a few years earlier, a collapsible cot was brought in by BDO (b)(6) and placed in a storage closet for BDO (b)(6) use on an upcoming camping trip.

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)

- (b)(6) heard rumors in the workforce that one of the BDO managers, (b)(6) (b)(6) had not passed a random alcohol/drug test and had been placed on administrative leave pending the outcome of an investigation. After the KITV4 report was aired, she then learned that (b)(6) had allegedly tested positive for cocaine use. She had no further information regarding this allegation.
- Sometime in 2007, (b)(6) heard a rumor circulated in the workforce that one of the BDOs, (b)(6) (b)(6) had a DEA connection and thru this connection was able to discover undeclared, suspected drug currency on outgoing passengers. She does not know who started the rumor but it may have been (b)(6). I believe that TSA management investigated this issue and it was found that there was no improper activity by any BDO personnel.
- (b)(6) is currently involved in complaints and litigation involving hostile work environment issues in the BDO program at HNL. Since (b)(6) and (b)(6) have left the BDO program, the issues contributing to a hostile work environment have been greatly mitigated. As far as she is concerned the workplace environment is much better and she has a very positive opinion of the BDO management here at HNL.
- I believe that the BDO program has been compromised by the KITV4 report by exposing the number of BDOs in the program and information about the overnight shift being done away with. I feel that the TSA Management Directive and SSI requirements may have been violated.

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

Attached:

Signed, sworn statement by EBDO (b)(6) dated January 24, 2012.

Case Number:
M-12-0755

Case Title:
BDO practices at HNL

Revised February 28, 2006

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SWORN STATEMENT

[Redacted]

_____, having been duly sworn, hereby make the following statement to SA Viviano / SA Spampinato, who has been identified to me as a federal law enforcement officer and special agent with the Transportation Security Administration, Office of Inspection. I am making this statement of my own free will, without any duress or coercion.

*** SEE ATTACHED STATEMENT ***

I have read this entire statement consisting of _____ pages. I have been given the opportunity to make my corrections necessary to make the statement accurate. All of the information is true to my knowledge and belief. I understand that I may be prosecuted for misrepresenting anything contained in this statement. I have not included any information that relates to the matters under investigation or review.

[Redacted Signature]

Signature

Signed and sworn to before me, this 24 day of January, 2012

Witness [Signature] TSA/AVE

[Signature]
Special Agent
Transportation Security Administration
Department of Homeland Security
Authority to administer oaths: 5 U.S.C. § 303
TSA-007

Statement of (b)(6)
January 24, 2012 at HNL FSD Office

(b)(6)
I, (b)(6), am allowing SA Joseph M. Viviano to write this

(b)(6)

1/24/2012
Date

(b)(6) (b)(6)
I have been employed with TSA since October, 2002 as a TSO at Honolulu International Airport (HNL). In April, 2007, I entered into the BDO Program. I am currently assigned to the BDO PM shift – 1:00 pm to 11:30 pm with RDOs as Tuesday, Friday and Saturday.

Sometime in November, 2011, while on-duty at HNL, one of the TSO's at Checkpoint 1 - Inter-Island Terminal told me about a TV report that came out regarding allegations that BDOs were racially profiling passengers at HNL.

I later went back and found the KITV4 news report on line, read the complete report and watched the embedded video. After reading the report and watching the video, I strongly believe that those responsible for the content of the report were (b)(6) and possibly (b)(6). These TSOs were either no longer in the BDO program and/or had been the subject of ongoing investigations/disciplinary actions.

I wish to point out that I am 95% positive that (b)(6) is one of those responsible for the KITV4 report. (b)(6) has told me to call his friend, Keoki Kerr, if I wished to report any problems at HNL.

I had never heard the nick-name "mexecutioner" used by any BDOs or TSOs in reference to any other TSA personnel at HNL. I had never heard the term "mexecutioner" until after the KITV4 report was aired. I did hear (b)(6) talk about some BDOs in Newark, New Jersey who were called the "mexican hunters" but nothing more mentioned about ethnic related nick-names at HNL. I wish to add that Filipino fighter, Manny Pacquiao, is also known as the "mexecutioner" among his many local fans.

(b)(6) (b)(6)
(b)(6) has regularly created nick-names for all of his co-workers in the BDO program. Many of the nick-names were derogatory and contained sexual overtones and references.

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(b)(6)

(b)(6)

I have never witnessed and have no knowledge of racial profiling at HNL by the BDO program or any member(s) of the BDO program. I have never witnessed any such behavior that would target one ethnic group vs. another ethnic group. These allegations are not credible to my knowledge.

Regarding additional allegations made by the TSA whistleblowers in the KITV4 news report which aired in November, 2011-

- I have no knowledge of any HNL BDOs sleeping in a cot and I did not witness any TSA employees sleeping in a cot or sleeping during their assigned shift at HNL. I do know that a cot was brought in by (b)(6) and placed in a storage closet for another BDO (b)(6) to use on some sort of a camping trip. This allegation is not credible.
- I heard rumors in the workforce that one of our BDO managers, (b)(6) had not passed a random alcohol/drug test and had been placed on administrative leave pending the outcome of an investigation. After the KITV4 report was aired, I then learned that (b)(6) had allegedly tested positive for cocaine use. I have no further information regarding this allegation.
- Sometime in 2007, I heard a rumor (unknown who started the rumor) that one of our BDOs, (b)(6) had a DEA connection and thru this connection was able to discover undeclared suspected drug currency on outgoing passengers. I don't know who started the rumor but it may have been (b)(6) I believe that TSA management investigated this issue and it was found that there was no improper activity by any BDO personnel.
- I am currently involved in complaints and litigation involving hostile work environment issues in the BDO program at HNL. Since (b)(6) and (b)(6) have left the BDO program the issues surrounding hostile work environment have been mitigated. As far as I am concerned the workplace environment is much better and I have a very positive opinion of the BDO program and BDO management here at HNL.
- I am aware that BDO (b)(6) has produced snowboarding videos and this is known to many among HNL BDO force. I have seen (b)(6) watching the videos on TSA computers while on-duty and I warned him to stop this activity. I know that (b)(6) takes snowboarding trips in the winter months and that he has used FMLA leave and sick leave when taking these trips.

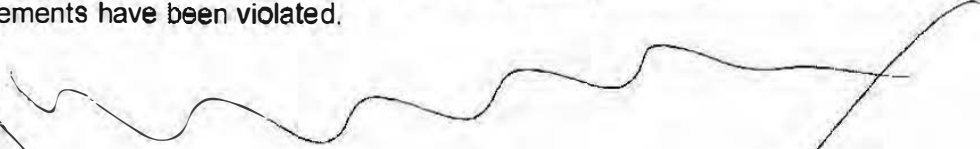
(b)(6)

(b)(6)

3074



I believe that the BDO program has been compromised by the KITV4 report by exposing the number of BDOs in the program and information about the over-nite shift being done away with. I feel that the TSA Management Directive and SSI requirements have been violated.



~~1/24/2012~~

~~Nothing further to follow~~

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ATTACHMENT

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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 23, 2012
Activity or Interview of: (b)(6) Behavior Detection Officer (BDO) Honolulu International Airport (HNL) Ph: (808) 398-(b)(6)	Conducted by: Special Agents Mark Fedorko and Edward Archuleta Location of Interview/Activity: Transportation Security Administration (TSA) 300 Rogers Blvd., Suite 45 Honolulu, HI 96819

Subject Matter/Remarks

BDO (b)(6) was interviewed regarding allegations made against HNL BDOs. BDO (b)(6) stated in substance the following information:

- BDO (b)(6) stated that he was hired by TSA on April 29, 2007. He became a BDO in June of 2011, and is currently a Master BDO on the a.m. shift.
- The first time he heard about the racial profiling allegation was recently when I saw two news stories on television.
- During BDO training they are trained that racial profiling is absolutely not allowed. He has never engaged in or observed any racial profiling.
- He watched the news casts and recalled that the stories alleged that BDOs at HNL were racially profiling, but he could not determine who were the people being interviewed because they obscured their faces and voices. He believes most BDOs at HNL believe that one of the people interviewed was BDO (b)(6).
- He has never heard of TSA employees referring to themselves as, "Mexicutioners" with the exception of what was said on the news.
- He is not aware of any Law Enforcement Officers approaching a BDO for the purpose of asking them to help locate a wanted person or giving them a tip.

Case Number: M-12-0755	Case Title: BDO Practices at HNL
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(Revised 12-15-08)

~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- If anyone from a law enforcement agency asked him for assistance in locating an individual, he would refer them to his screening manager so that a tip or BOLO could be entered into the system.
- He has no knowledge of any TSA employee using drugs or testing positive for drug usage with the exception of what was on the news.
- He has heard the news story alleging that people were sleeping on a cot in the BDO office. He has never seen a cot in the BDO work space and has never seen anyone sleeping in the BDO work space.
- He believed management is very approachable. If I had any problems or concerns, he would have no hesitation in reporting my concerns to my manager.
- (b)(6) provided a sworn statement which is attached to this Memorandum of Interview.

Case Number:
M-12-0755

Case Title:
BDO Practices at HNL

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(Revised 12-15-08)



SWORN STATEMENT

[Redacted], having been duly sworn, hereby make the following statement to Mark E. Fedorko, 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 [Redacted]

This statement was prepared for me by Special Agent Mark E. Fedorko at my request.

I have read this entire statement consisting of 2 pages. I have been given the opportunity to make any correction 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.

Signed and sworn to before me, this 23rd day of JANUARY 2012.

[Signature]
Witness

[Redacted Signature]

[Signature]

Mark E. Fedorko, Special Agent
Transportation Security Administration
Department of Homeland Security
Authority to administer oaths: 5 U.S.C. § 303

[REDACTED]

My name is [REDACTED] I was hired by TSA at Honolulu International Airport on April 29, 2007. I am currently a Master BDO on the a.m. shift and became a BDO in June, 2011.

The first time I heard about the racial profiling allegation was recently when I saw it on the news. I saw both newscasts. I recall learning in BDO training that racial profiling is absolutely not allowed. Since I became a BDO, I have never engaged in or observed any racial profiling.

In the newscast that alleged that BDOs at HNL were racially profiling, I could not tell who were the people being interviewed because they obscured their faces and voices. I think most BDOs at HNL believe that one of the people interviewed was BDOs [REDACTED]

I have never heard of TSA employees referring to themselves as "Mexicutioners" with the exception of what was said on the news.

I'm not aware of any Law Enforcement Officers approaching a BDO for the purpose of asking them to help locate a wanted person or giving them a tip.

If anyone from a law enforcement agency asked me for assistance in locating an individual, I would refer them to my screening manager so that a tip or BOLO could be entered into the system.

I have no knowledge of any TSA employee using drugs or testing positive for drug usage with the exception of what was on the news.

I heard the news story alleging that people were sleeping on a cot in the BDO office. I've never seen a cot in the BDO work space. I've never seen anyone sleeping in the BDO work space.

I believe management is very approachable. If I had any problems or concerns, I would have no hesitation in reporting my concerns to my manager. [REDACTED]

[REDACTED]

[REDACTED]



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NON-DISCLOSURE AGREEMENT

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PRINT NAME

SIGNATURE

DATE

[Redacted area]

1/23/12

WITNESSED BY:

Edward Archuleta
OI Official

[Signature]

1/23/12

MARK Fedorco
OI Official

[Signature]

1/23/12

ATTACHMENT

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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 23, 2012
Activity or Interview of: (b)(6) Behavior Detection Officer Honolulu International Airport (HNL) Ph: (808) 561 (b)(6)	Conducted by: Special Agents Mark Fedorko and Edward Archuleta Location of Interview/Activity: Transportation Security Administration (TSA) 300 Rogers Blvd., Suite 45 Honolulu, HI 96819

Subject Matter/Remarks

BDO (b)(6) stated that he was hired by TSA in July, 2007, and has worked at HNL since that time. (b)(6) said that he became a BDO in November, 2009. He heard from some of the screening force that the BDOs were "Mexican hunters" and they sometimes referred to BDOs as "MDOs" or Mexican Detection Officers. (b)(6) stated that he didn't feel that the screeners based this belief on anything and that they may have had this opinion based on a lack of understanding of the BDO program. (b)(6) stated that he recalled learning in BDO training that racial profiling is absolutely not allowed. (b)(6) stated that he has never engaged in or observed any racial profiling by BDOs at HNL. (b)(6) stated that he had no first-hand knowledge of any BDO getting tips from law enforcement officers and that if a law enforcement officer ever approached him, he would refer him to his manager.

(b)(6) stated that he had never heard of or observed any TSA employee using drugs with the exception of the news story. (b)(6) further stated that after this story was aired on television, his co-workers assumed that the person that they referred was (b)(6) (b)(6)

(b)(6) stated that he had never heard of any TSA employees using the term "Mexicutioner."
 (b)(6) stated that after seeing the newscast, he was not able to identify who the interviewees were, but based on rumor at the office, it was commonly believed that the people interviewed were BDOs
 (b)(6) and (b)(6) (b)(6) provided a sworn statement (attached).

Case Number: M-12-0755	Case Title: BDO Practices at HNL
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(b)(7)(C)

My name is (b)(7)(C) I was hired by TSA at Honolulu International Airport in July, 2007. I am currently a Master BDO on the a.m. shift and became a BDO in November, 2009. (b)(7)(C)

The first time I heard about the racial profiling allegation was sometime around November, 2009. I heard from some of the screening force that that the BDOs were "Mexican hunters" and they sometimes referred to BDOs as "MDOs" or Mexican Detection Officers. I didn't feel that the screeners based this belief on anything. I believe they may have had this opinion based on a lack of understanding of the BDO program. I recall learning in BDO training that racial profiling is absolutely not allowed. Since I became a BDO, I have never engaged in or observed any racial profiling.

I saw a newscast that alleged that BDOs at HNL were racially profiling. I could not tell who were the people being interviewed because they obscured their faces and voices. I think most BDOs at HNL believe that the people interviewed were BDOs (b)(7)(C) and (b)(7)(C)

I have never heard of TSA employees referring to themselves as, "Mexicutioners."

I'm not aware of any Law Enforcement Officers approaching a BDO for the purpose of asking them to help locate a wanted person or giving them a tip.

If anyone from a law enforcement agency asked me for assistance in locating an individual, I would refer them to my screening manager so that a tip or BOLO could be entered into the system.

I have no knowledge of any TSA employee using drugs or testing positive for drug usage with the exception of what was on the news. Based on hear say from work, I believe this person was BDO manager (b)(7)(C) but I have no knowledge of his use of drugs.

I heard a rumor from co-workers about a news story alleging that people were sleeping on a cot in the BDO office. I've never seen a cot in the BDO work space. I've never seen anyone sleeping in the BDO work space.

I have no problems approaching management with problems or suggestions. For the most part, they are very open to hearing what BDOs have to say. (b)(7)(C)

(b)(7)(C)



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NON-DISCLOSURE AGREEMENT

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PRINT NAME

[Redacted Name Box]

SIGNATURE

[Redacted Signature Box]

DATE

1/23/12

WITNESSED BY:

EDWARD ARCHULETA
OI Official

[Signature]

1/23/12

MARK FEDORKO
OI Official

[Signature]

1/23/12

ATTACHMENT

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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 23, 2012 12:55 p.m.
Activity or Interview of: (b)(6) Behavior Detection Officer Honolulu International Airport (HNL) Phone number (808) 690-(b)(6)	Conducted by: Special Agent Akemi Wayne and Michael Striglers Location of Interview/Activity: Transportation Security Administration (TSA), Honolulu International Airport 300 Rodger Blvd Honolulu, HI 96819

Subject Matter/Remarks

BDO (b)(6) was interviewed about the allegations raised by reporter Keoki Kerr of KITV News 4 that HNL behavior detection officers (BDOs) used racial profiling for screening of passengers, slept on the job, used a source at the Drug Enforcement Administration (DEA) to target passengers, and a BDO supervisor failed a drug test. (b)(6) provided the following information:

(b)(6) has been a BDO at HNL since 2008.

Racial Profiling:

- (b)(6) believed the allegations of racial profiling were incorrect.
- All referrals made by BDOs were based on behaviors.
- He had never heard of anyone using race as a basis for referrals.
- (b)(6) said he never conducted Screening Passengers by Observation Techniques (SPOT) with BDOs (b)(6) or (b)(6)
- He was not aware of anyone in the BDO program using race as a determining factor for SPOT.

Case Number:
M-12-0755

Case Title:
BDO practices at HNL

~~SENSITIVE SECURITY INFORMATION/TOR OFFICIAL USE ONLY~~

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW", AS DEFINED IN 49 CFR PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE SECRETARY OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 CFR PARTS 15 AND 1520.~~

(Revised 12-15-08)

~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

"Mexicutioner"

- (b)(6) said the first time he heard the term "Mexicutioner" was from BDO (b)(6)
- The term was in reference to the fact that (b)(6) had lots of arrests of illegal Mexican immigrants.
- (b)(6) heard (b)(6) use the term "Mexicutioner" about a year ago in reference to (b)(6)
- He never heard the term "Mexicutioner" in reference to (b)(6)
- He had repeated the term "Mexicutioner" once or twice himself.
- Other BDOs used the term "Mexicutioner," but, he could not recall who they were.
- (b)(6) did not think that other BDOs believed (b)(6) and (b)(6) used race as a basis for their referrals.

Video on he news:

- He was 80% certain the stature of the person in the video had the physical stature of (b)(6)
- Two days before the first news report he spoke with Lead Transportation Security Officer (LTSO) and former BDO (b)(6) (b)(6) stated that he had something going on that would help him get back into the BDO program. (b)(6) said (b)(6) was the LTSO located at checkpoint one. There was no one else around that heard the comment.

Sleeping on the Job:

- (b)(6) said sometime in 2008, (b)(6) and (b)(6) told him that BDO (b)(6) was sleeping on a cot in the office.
- He never heard this rumor from anyone else until the news report.
- He had never seen anyone sleeping while at work.

DEA Source:

- In 2008, (b)(6) told him that BDO (b)(6) had a source that told him two individuals were coming through the airport with a large amount of cash.
- He worked with (b)(6) for four (b)(6) and during that time there was no indication was using a DEA source for referrals.
- (b)(6) remembered that BDO (b)(6) arranged to have a guest speaker come to the office and give a class on drug types and effects.

Case Number:
M-12-0755

Case Title:
BDO practices at HNL

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(Revised 12-15-08)

TSA 15-00014 - 012593

~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- The guest speaker was from Honolulu Police Department and he was an expert on the subject matter.

Drug Use:

- Before the news media release he heard a rumor of a BDO manager who was removed for drug use.

Management:

- (b)(6) felt there was pressure from management to look good and to look like they were doing a good job.
- He did not believe there was pressure from management to make BDO referrals.

Other:

- (b)(6) said he was not sure who went on trips with (b)(6)
- (b)(6) did not think that BDO (b)(6) had gone with (b)(6) on any ski trips.

Sensitive Security Information (SSI):

- (b)(6) believed that the news video contained SSI information and it should not have been disclosed.
- The video explained some SPOT policy and procedures which he felt was detrimental to the mission.

(b)(6) provided a signed sworn written statement (attached).

Case Number:
M-12-0755

Case Title:
BDO practices at HNL

~~SENSITIVE SECURITY INFORMATION FOR OFFICIAL USE ONLY~~

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(Revised 12-15-08)



SWORN STATEMENT

I, [redacted], having been duly sworn, hereby make the following statement to SA Striglers and SA Wayne, who has been identified to me as a federal law enforcement officer and special agent with the Transportation Security Administration, Office of Inspection. I am making this statement of my own free will, without any duress or coercion.

*** SEE ATTACHED STATEMENT ***

I have read this entire statement consisting of 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.



Signed and sworn to before me, this 23rd day of January

[Signature]
Witness

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

(b)(6)
My name is (b)(6). I have been a BDO since 2008. Today I was asked about the allegations of racial profiling and the news stories. I watched the videos and read the news article. I feel I could not believe the allegations. 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 state to me that he had something going on that would help him get back into the program. He was the LTSO located at checkpoint 1 Lanes 3 and four. There was no one else around that heard the comment. I worked with both (b)(6) and (b)(6) about four times over the past 3 years. I believe the allegations of racial profiling are incorrect. We use observations based on behavior. I have never heard of anyone using race as a basis for referrals. The referrals made by BDOs here are made and based on behavior.

I have heard the term "mexicutioner" used by (b)(6) about a year ago. The term was used as a reference to (b)(6). I do not know who else was around when (b)(6) said Mexicutioner. I also heard the term Mexican Detection Officer used three to four years ago, this was before I became a BDO. At the time I was an E-TSO. At the time it was in reference to a large number of Mexicans who were being referred by BDOs. This was before I had been trained in SPOT.

The first time I heard the term Mexicutioner was from (b)(6). It was in reference to (b)(6). (b)(6) referenced the fact that she has had a lot of arrests of illegal Mexican Immigrants. I have never heard the term Mexicutioner in use referring to (b)(6). I have never conducted SPOT with (b)(6) or (b)(6). I am not aware of anyone in the BDO program using race as a determining factor for SPOT. I didn't think that Racial profiling was going on.

I believe I have repeated the term mexicutioner once or twice but I do not remember who heard. Other BDOs also used the term as well I do not remember who. I thought officers did not imply that (b)(6) and (b)(6) use race as a basis for referral.

In 2008 I had heard that BDOs were sleeping in a cot by (b)(6) and (b)(6). They said that (b)(6) was sleeping on a cot in the office. I have never heard this from anyone else and it was the only time I heard it. I have never saw anyone sleeping while at work.

There was one episode of Board stories that I saw had names in the credits of the crew. I am not sure who has gone on trips with (b)(6). I do not think that (b)(6) has went with (b)(6) on any skiing trips.

I believe that there is pressure from management to look good and look like we are doing a good job. I believe that there is not pressure from management to make referrals.

The first time I had heard of drug use was after my manager was removed from his position. When I first heard the news story about drug use I was shocked. Before the media release I had heard a rumor of a manager who was removed for drug use.

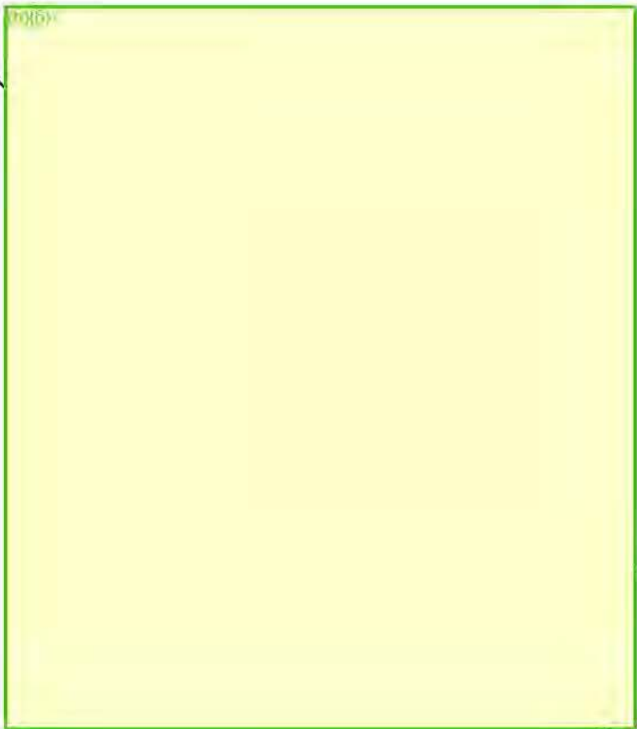
In 2008 (b)(6) and (b)(6) told me a story on separate Occasions that (b)(6) had a source that called him to say that two individuals were coming through the airport with a large amount of cash (b)(6).

(b) (6)

I worked with (b) (6) for four (b) (6) and during that time I have had no indication that he was using a DEA source. During my time as a BDO (b) (6) was able to have a guest speaker come in to the office and give us a class on Drug types and use, as it pertained to Oahu. The Guest speaker was from Honolulu Police Department and he was an expert on the subject matter.

I was shocked about the release of the video and content. I believe that the video contained SSI and it should not have been disclosed. The reason I believe that the video was SSI is because it contained policy and procedures which the disclosure of this information is detrimental to our mission.

I would be willing to take a polygraph exam if needed (b) (6)



1-23-2012

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Transportation
Security
Administration

NON-DISCLOSURE AGREEMENT

The Office of Inspection (OI) is conducting an official investigation. As a result, OI is reviewing official records and/or have interviewed me in connection with this investigation. I understand that the disclosure of these records and/or any statements I make may not be disclosed to persons without a need to know as defined by Title 49, CFR, Part 1520, except with the written permission of the Administrator, Transportation Security Administration, Washington, DC. I further understand that unauthorized release may result in disciplinary action.

<u>PRINT NAME</u>	<u>SIGNATURE</u>	<u>DATE</u>
[Redacted]	[Redacted]	01-23-2012
Kemi Whyne	[Signature]	01/23/12
Michael Stoisters	[Signature]	1/23/12

ATTACHMENT

44

~~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 22, 2012 2:40 p.m.
Activity or Interview of: (b)(6) Master Behavior Detection Officer (MBDO) Honolulu International Airport Phone number (808) 690-(b)(6)	Conducted by: Special Agents Michael Striglers and Akemi Wayne Location of Interview/Activity: Transportation Security Administration (TSA) Honolulu International Airport (HNL) 300 Rodgers Blvd., #45 Honolulu, HI 96819

Subject Matter/Remarks

MBDO (b)(6) HNL was interviewed about the allegations raised by KITV News 4 reporter Keoki Kerr of KITV News 4 that Behavior Detection Officers (BDO) at Honolulu International Airport (HNL) used racial profiling for screening, slept on the job, used a source at the Drug Enforcement Administration (DEA) to target passengers, and a BDO supervisor failed a drug test. (b)(6) stated he did view the news cast but, read the news articles. (b)(6) provided the following pertinent information:

(b)(6) became a BDO in approximately October 2008, and worked in the evening shift, except for two or three (b)(6) when he became a BDO. (b)(6) co-workers on the pm shift with Sunday, Monday and Thursday as regular days off were (b)(6) (b)(6) (b)(6) (b)(6) (b)(6) SPOT Transportation Security Manager (b)(6) (b)(6) Expert BDO (b)(6) and (b)(6) (b)(6) who transferred to another airport.

Racial Profiling

- o (b)(6) never heard of racial profiling until the news report.
- o (b)(6) never saw any indications that others were racial profiling.

Case Number:
M-12-0755

Case Title:
BDO practices at HNL

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(Revised 12-15-08)

~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- o (b)(6) said there were lots of referrals of Hispanics but he never heard that there was racial profiling.
- o Sometime in 2010, implications were made by some BDOs about the number of Hispanic referrals on the a.m. shift where BDO (b)(6) worked. (b)(6) could not recall who made the comment. Persons who work on the a.m. shift that might have made the comment were (b)(6) and (b)(6).
- o (b)(6) never worked with (b)(6) or Screening Passengers by Observation Techniques (SPOT) Transportation Security Manager (b)(6).
- o (b)(6) thought he first heard the term "Mexicutioner" from a.m. shift BDO (b)(6) in June 2011, directed toward (b)(6).
- o (b)(6) used the term "Mexicutioner" many times as well as the BDOs on both p.m. shifts and the a.m. shift in which (b)(6) did not work.
- o "Mexicutioner" was a common nick name for (b)(6) and many should have heard the term.
- o (b)(6) and (b)(6) were usually present during team briefings on Sunday and Wednesday when the term "Mexicutioner" was used toward (b)(6).
- o BDOs talked about the high referral and arrests of Hispanics attributed to (b)(6) but no one said (b)(6) or (b)(6) were targeting Hispanics.
- o (b)(6) stated that he did not work with and would not speak about the a.m. shift, as he was not there. They were all trained on behaviors and if they got a referral it would be based on behaviors.

Use of DEA source

- o Approximately 2009 or 2010, BDO (b)(6) told (b)(6) the rumor that BDO (b)(6) had an informant.
- o (b)(6) had not heard any other rumors until the news story.
- o (b)(6) thought (b)(6) said that (b)(6) knew someone in law enforcement that was giving him information that helped him get a large seizure.
- o (b)(6) did not recall if anyone else was present when he was told this.

Sleeping on the job

- o (b)(6) worked on the overnight shift with Master BDO (b)(6).
- o BDOs (b)(6) and (b)(6) worked the other side of the week on the overnight shift.
- o (b)(6) stated he never slept or saw others sleeping on the job or at work.
- o (b)(6) thought the overnight program ended in 2009 because management did not see a need for BDO manpower at those times.
- o (b)(6) did hear that (b)(6) had a cot in the office.

Case Number: M-12-0755 Case Title: BDO practices of HNL

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~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- o (b)(6) did not hear any other allegations about sleeping on the job until the news stories.

Drug use by BDO

- o (b)(6) was not aware of anyone taking drugs nor had he heard rumors of illegal drug use by anyone at HNL.
- o (b)(6) had never heard about drug use by any BDO or BDO management until the news report.

Suspected anonymous complainants

- o (b)(6) suspected BDO (b)(6) was one interviewee on the newscast and was 99.9% certain.
- o (b)(6) did not trust (b)(6) stating that (b)(6) was always disgruntled and upset.
- o (b)(6) asked (b)(6) to participate in writing an email to HNL management about the BDO opt out program. (b)(6) never wrote the email but, soon a ter was involved in an inquiry with management about it.
- o (b)(6) speculated that the second interviewee on the news cast was (b)(6) and was 75% certain.
- o (b)(6) stated that (b)(6) was disgruntled because he opted out of the BDO program and was unsuccessful in getting back in.
- o (b)(6) thought (b)(6) did a good job when he was a BDO, had come under investigation, and was out for a year then returned for a couple of months before opting out.
- o (b)(6) and (b)(6) did not work the a.m. shift and did not work with (b)(6) or (b)(6)
- o (b)(6) remembered the part in the news report that covered the make-up of incident reports and what was submitted in Performance Management Information System.

Miscellaneous

- o (b)(6) felt comfortable going to management with issues or concerns.
- o (b)(6) was willing to take a polygraph exam concerning this matter.
- o (b)(6) felt some of the information provided to the news media was Sensitive Security Information.

(b)(6) provided a signed sworn written statement (attached).

Case Number: M-12-0755	Case Title: BDO practices of HNL
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(Revised 12-15-08)



Transportation Security Administration

SWORN STATEMENT

I, [redacted], having been duly sworn, hereby make the following statement to SA Striglers and SA Wayne, who has been identified to me as a federal law enforcement officer and special agent with the Transportation Security Administration, Office of Inspection. I am making this statement of my own free will, without any duress or coercion.

*** SEE ATTACHED STATEMENT ***

I have read this entire statement consisting of 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.

[redacted]
Signature

Signed and sworn to before me, this 22 day of JANUARY, 2012.

[Signature]
Witness

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

(b)(6)

My name is (b)(6) I have been a Behavioral Detection Officer at the Honolulu International Airport since October 2008. I currently work as a BDO on the PM shift at HNL.

I never heard of racial profiling until the news report about Honolulu airport in November 2011. Sometime in 2010, there were discussion between the BDO's about the number of referrals of Mexicans and Latinos on the AM shift where (b)(6) was on. Some BDO's thought that there was a pattern, but believed her referrals were based on behaviors in the SPOT program.

There was never any discussion that she was profiling Mexicans or latinos. All BDO's were all trained on basing their referrals on behaviors that we observe on passengers. Some of the BDO's that made comments about (b)(6) high number of referrals of Mexicans and latinos were (b)(6) (b)(6) and (b)(6) who worked on the same am shift but different days.

I first heard term "mexicutioner" on the AM shift in June 2011 which was directed towards (b)(6). BDO's would say "the mexicutioner had referrals today" because of her high referrals and arrests of Mexicans. I said it before because it became a common nickname for her. BDO (b)(6) was the first person who he heard say the term "mexicutioner" but (b)(6) use the term many times. Soon after BDO's on the AM and PM shift were using the term "mexicutioner" as a nickname for (b)(6). Many of the BDO's in the program should have heard the term. I never heard (b)(6) or (b)(6) use the term mexicutioner.

The BDO's also talked about the high number of referrals and arrests that (b)(6) had of Mexican and latinos. However, no one ever said or thought that (b)(6) was targeting or profiling Mexicans or latinos. The BDO's on the PM shift talked about the AM shift referrals and arrests and would ask if they were Mexicans. I never worked with (b)(6) nor (b)(6).

(b)(6)
(b)(6) were usually present when the term "mexicutioner" were made about (b)(6) during team briefings on Sundays and Wednesday. I never heard anyone say "how many Mexicans we got today"

None of the BDO's at HNL ever admitted going to the news media about the profiling allegations. I believe that (b)(6) (b)(6) provided that information to the news media (b)(6)

(b)(6) 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.

For instance (b)(6) asked me to participate in writing an email to HNL management once about the BDO opt out program and I agreed. I never wrote the email, but soon after I was involved in a inquiry with management about it. I only know (b)(6) on a professional level and don't associate with him on my personal time.

I believe that the BDO's that who participated in the news video were (b)(6) (b)(6) and (b)(6). I am about 99% sure it was (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 denied.

I think that some of the information provided to the news media concerning BDO program was SSI. For instance, the process of the incident reports and the entry into the PMIS and how the incident reports were reviewed by management.

I first heard about the cot and BDO (b)(6) sometime in 2009. I never heard anything about anyone sleeping on the cot. It was not until the news report came out in November 2011 that I heard about some sleeping on a cot. I worked on the overnight shift with (b)(6) before it was cancelled and he never saw anyone sleeping on the job or a cot. The overnight shift ended in 2009 because management did not see the need for BDO presence at that time of night because most flights ended by midnight.

The first I heard about a BDO using an informant as source was between 2009 and 2010. (b)(6) told me he heard that (b)(6) knew someone in a law enforcement agency who gave him information that help him get a large seizure and award. I did not hear anything else about that until the news report mentioned it.

I never heard anything about drug use by any BDO's or BDO management until the news report.

I feel comfortable going to management if he saw racial profiling or any other problem in the BDO program. (b)(6)

(b)(6)

1/22/12



Transportation
Security
Administration

NON-DISCLOSURE AGREEMENT

The Office of Inspection (OI) is conducting an official investigation. As a result, OI is reviewing official records and/or have interviewed me in connection with this investigation. I understand that the disclosure of these records and/or any statements I make may not be disclosed to persons without a need to know as defined by Title 49, CFR, Part 1520, except with the written permission of the Administrator, Transportation Security Administration, Washington, DC. I further understand that unauthorized release may result in disciplinary action.

PRINT NAME

SIGNATURE

DATE

[Redacted]

[Redacted]

1/22/12

WITNESSED BY:

Akemi Wayne
OI Official

[Signature]

1/22/12

Michael Strigler
OI Official

[Signature]

1/22/12

ATTACHMENT

45



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 21, 2012 12:55 p.m.
Activity or Interview of: (b)(6) Expert Behavior Detection Officer (EBDO) Honolulu International Airport (808) 216- (b)(6)	Conducted by: Special Agents Michael Striglers and Akemi Wayne Location of Interview/Activity: Transportation Security Administration (TSA) Honolulu International Airport (HNL) 300 Rodgers Blvd., #45 Honolulu, HI 96819

Subject Matter/Remarks

EBDO (b)(6), HNL was interviewed about the allegations raised by KITV News 4 reporter Keoki Kerr HNL BDOs used racial profiling for screening, slept on the job, used a source at the Drug Enforcement Administration (DEA) to target passengers, and a BDO supervisor failed a drug test. (b)(6) stated that he viewed the news cast, read the articles and analyzed the content. (b)(6) provided the following information:

(b)(6) became a BDO on April 15, 2007. (b)(6) worked the evening shift but, did work the day shift for approximately one year.

Racial Profiling

- o (b)(6) first heard the allegation of racial profiling at HNL when the news report aired.
- o (b)(6) was 90% certain that he recognized BDO (b)(6) and former BDO (b)(6) from viewing the newscast and reading the transcript.
- o (b)(6) believed it was (b)(6) and (b)(6) who made the allegations based on (b)(6) analyses of the cadence, wording, phrasing, and speech patterns. (b)(6) explained that he recognized the stutter in (b)(6) speech.

Case Number: M-12-0755	Case Title: BDO practices at HNL
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(Revised 12-15-08)

~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- o (b)(6) explained that one individual articulated well as (b)(6) does.
- o (b)(6) had not suspected, saw or heard of racial profiling by anyone at HNL or in the HNL BDO program.
- o (b)(6) stated that (b)(6) would come into the BDO office and announce "how many Mexicans did we get today?"
- o (b)(6) used the term "Mexicutioner" approximately once a month.
- o (b)(6) had nicknames for everyone but, did not specify for who the nickname was associated.
- o (b)(6) worked with (b)(6) from approximately August 2010 to June 2011.
- o (b)(6) worked with (b)(6) years ago.
- o (b)(6) did not hear (b)(6) say anything about racial profiling or "Mexicutioners."
- o (b)(6) was not sure if BDO (b)(6) present when the term "Mexicutioner" was used.
- o (b)(6) stated that no one in the BDO program ever targeted based on race.
- o (b)(6) did not recall working with BDO (b)(6) and had not heard rumors that she was profiling or targeting Hispanics.
- o (b)(6) worked with EBDO (b)(6) in 2007 for a few months.
- o (b)(6) had not suspected, saw, or heard that (b)(6) targeted Hispanics, or any other ethnic group.
- o (b)(6) guessed that the reason for the high number of illegal arrests of Hispanics was partly due to the high numbers of Hispanics in Hawaii. There were two news articles in 2011 about farms in Hawaii that were "busted" for illegal workers and human trafficking.
- o (b)(6) stated that the HNL BDO program has always been based on behaviors.

Using DEA source

- o (b)(6) had not heard rumors that a BDO had a DEA source until the news story.

Sleeping on the job

- o Approximately July 2007, (b)(6) brought a cot to work for (b)(6) to borrow for a camping trip.
- o The cot remained folded in a closet for a few days then Spot Transportation Security Manager (b)(6) sent an email asking that it be removed and for an explanation.
- o (b)(6) was not aware of anyone sleeping on the cot in HNL.
- o (b)(6) heard (b)(6) continue to spread rumors that (b)(6) was caught sleeping on the cot and management was doing nothing.
- o (b)(6) continued to repeat the story even after being told repeatedly by (b)(6) the explanation.

Case Number: M-12-0755	Case Title: BDO practices at HNL
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(Revised 12-15-08)

~~**SENSITIVE SECURITY INFORMATION**~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- o (b)(6) stated that the overnight shift was eliminated because there was minimum traffic of passengers and it had nothing to do with the cot or sleeping.

Drug use by BDO

- o (b)(6) knew that BDO (b)(7) (b)(6) was reassigned from the BDO program approximately July 2011.
- o When the news story aired (b)(7)(C) concluded that the allegation was referring to (b)(6) because of his reassignment.
- o (b)(6) had not seen, heard or suspected that any BDO used drugs.

Miscellaneous

- o (b)(6) felt that Sensitive Security Information about the BDO program was revealed in the news report (procedures, staffing and walk the line).
- o (b)(6) stated that there was no quota or required number of referrals.
- o (b)(6) felt comfortable going to management with any problems or concerns.
- o (b)(6) was willing to take a polygraph exam concerning this matter.

(b)(6) provided a signed sworn written statement (attached).

Case Number:
M-12-0755

Case Title:
BDO practices at HNL

~~**SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY**~~

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(Revised 12-15-08)



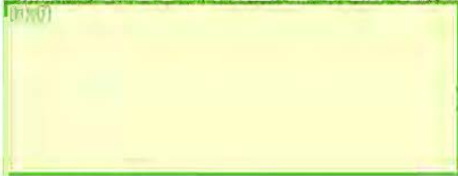
Transportation Security Administration

SWORN STATEMENT

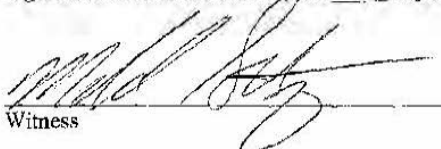
I, having been duly sworn, hereby make the following statement to Michael Striglers and Akemi Wayne, who has been identified to me as a federal law enforcement officer and special agent with the Transportation Security Administration, Office of Inspection. I am making this statement of my own free will,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

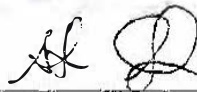
*** SEE ATTACHED STATEMENT ***

I have read this entire statement consisting of 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.



Signed and sworn to before me, this 21st day of January, 2012.


Witness


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

(b)(6)

My name is (b)(6) I am an Expert Behavior Detection Officer at Honolulu International Airport and have been since the inception of the program in April of 2007

The following is an account of my interview with OOI

I first heard of the Accusations of Racial Profiling at HNL when the News report aired on KITV 4. I recognized (b)(6) and (b)(6) from viewing the video and reading the transcript of the news cast and believed it was (b)(6) and (b)(6) based on my analysis of the cadence, wording, phrasing, and speech patterns, and stuttering. I am familiar with that same stutter in (b)(6) speech. I also could hear that one individual was articulating well as (b)(6) does.

I worked with (b)(6) from August 2010 to June 2011 (approximate) I didn't hear the term Racial Profiling from other BDOs but would hear comments from (b)(6) like "So how many Mexicans did we get today?" No one else made similar comments, they only laughed as they would at a joke.

I heard (b)(6) use the term "Mexicutioners" after about one month after starting work with him in August 2010. He had nicknames for everyone and this was just another nickname. He never specified who he was aiming the nickname at. He would randomly throw out the term about once or twice a month. I don't recall (b)(6) ever saying that he was targeting Mexicans or Hispanics.

I worked with Officer (b)(6) when he first started with the program but then he later opted out of the program. Officer (b)(6) is now LTSO at Checkpoint 1 in the Inter Island Terminal. I don't recall ever hearing (b)(6) say anything about Racial Profiling or Mexicutioners.

I do not believe anyone in the BDO program at HNL targeted Mexicans or Hispanics.

I don't recall working with (b)(6) and don't know anything about if she was profiling or targeting Mexicans. I worked with (b)(6) back in 2007 for a few months and did not see him racial profiling or targeting Mexicans, Hispanics or other ethnic groups. I attributed the high referral rate at HNL was related to the two articles and court cases that came out last year about the farms that got busted for illegal Mexican and Asians workers and human trafficking.

We do not operate on a quota as far as referrals. The SPOT referrals of the HNL BDO program have always been based on behaviors. (b)(6)

[REDACTED]

I have heard the accusations of someone sleeping on the job and they are all convoluted and untrue. It was my cot. I believe it was in July of 2007 that [REDACTED] wanted to take his ailing father camping and he knew it would be difficult transferring his dad from the wheelchair to a sleeping bag on the ground. I told Officer [REDACTED] that I had a cot that he could borrow. I brought in the cot to loan to Officer [REDACTED] and, because we were on opposite shifts, left it in the office for him to pick up. The cot was there for a few days and was spotted by someone who alerted [REDACTED] of its presence.

[REDACTED] sent out a broadcast email asking for the cot to be explained and removed immediately. I emailed [REDACTED] and explained the reason for the cot being in the office. As far as I know, no one slept on the cot in the BDO program. I heard [REDACTED] spreading rumors about [REDACTED] getting caught sleeping on the cot and that management was doing nothing about it. That never happened.

I don't know of any allegations of anybody using DEA as a source to target drug runners or passengers. I first heard of it in the news story.

I first heard about someone testing positive for drugs and not getting fired in the news report. In January 2012, I overheard [REDACTED] [REDACTED] tell several BDOs after he returned to duty that he had a false positive drug test and that is why he was reassigned in the program. I did know about the allegation in the news article and concluded it was referring to [REDACTED] because of his reassignment.

I believe SSI about the BDO program was revealed in the news report because it talked about our procedures, staffing and walking the line.

I heard in the news report that BDOs were sleeping on the overnight shift and that is why it was eliminated. I understand the overnight shift was eliminated because of minimum passenger traffic and it had nothing to do with the cot. The cot issue and the overnight shift incidences were not even at the same time.

I feel very comfortable about going to management regarding any problems or racial profiling concerns.

I am willing to take a polygraph exam if needed.

[REDACTED]

[REDACTED]

1-21-2017

ATTACHMENT

46

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 22, 2012
Activity or Interview of: [redacted] Behavior Detection Officer (BDO) Honolulu International Airport (HNL) Ph: (808) 620-[redacted]	Conducted by: Special Agents Mark Fedorko and Edward Archuleta Location of Interview/Activity: Transportation Security Administration (TSA) 300 Rogers Blvd., Suite 43 Honolulu, HI 96819

Subject Matter/Remarks

BDO [redacted] was interviewed by OOI agents. BDO [redacted] stated that she was hired by the TSA on February 1, 2004, and has been working at HNL since that time. [redacted] additionally stated that she became a BDO in July, 2008. [redacted] stated that she first heard of the allegation regarding profiling by HNL BDOs during late November, 2011, when she saw the story on the newscast. [redacted] believed that the TSA personnel who were giving the media these stories were [redacted] and [redacted]. She based these suspicions on the fact that they were both disgruntled employees and have both been absent from work for a long time.

[redacted] stated that she had never observed or had knowledge of any BDO racially profiling.

[redacted] stated that she never observed any TSA employees sleeping while on duty. She further stated that although she never saw a cot in the BDO office, she was told by [redacted] that he had brought a cot in for the purpose of loaning it to another TSA employee. [redacted] could not recall who the other employee was.

[redacted] stated that she had no first-hand knowledge of any BDO getting tips from law enforcement officers. She did recall hearing a rumor sometime around July, 2008, in which it was alleged that

Case Number:
M-12-0755

Case Title:
BDO Practices at HNL

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

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(Revised 12-15-08)

TSA 15-00014 - 012615

~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

BDO (b)(6) referred a passenger who was found to have a large sum of money in his possession and that he was able to make this referral because he was tipped off by a law enforcement officer. (b)(6) did not believe this rumor to be true.

(b)(6) stated that she had never heard of or observed any TSA employee using drugs with the exception of (b)(6) (b)(6). She further stated that she heard a conversation between two co-workers alleging that (b)(6) was caught using cocaine. (b)(6) stated that she had no first-hand knowledge of this.

(b)(6) stated that she had never heard of any TSA employees using the term "Mexicutioner." She first heard of this term on one of the newscasts about TSA.

(b)(6) provided a sworn statement which is attached to this Memorandum of Interview.

Case Number: M-12-0755	Case Title: BDO Practices at HNL
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(Revised 12-15-08)



SWORN STATEMENT

(b) (7)(C)

I, [REDACTED], having been duly sworn, hereby make the following statement to Mark E. Fedorko, 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

(b) (7)(C)

This statement was prepared for me by Special Agent Mark E. Fedorko at my request.

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

(b) (7)(C)

Signed and sworn to before me, this 22nd day of JANUARY 2012.

[Signature]
Witness

[Signature]

Mark E. Fedorko, Special Agent
Transportation Security Administration
Department of Homeland Security
Authority to administer oaths: 5 U.S.C. § 303

(b) (7)(C)

(b)(6)

My name is (b)(6) (b)(6). I was hired by TSA at HNL in February of 2004. I am currently a Master BDO on the a.m. shift and became a BDO in July 6, 2008.

The first time I heard about the racial profiling allegation was while watching the story on the news. I watched both the November of 2011 and the December 2011 story.

We (co-workers) have speculated the people who made the allegation was (b)(6) (b)(6) and (b)(6) (b)(6). We based this speculation on the fact that (b)(6) has not been working due to being under investigation and that (b)(6) had been under investigation. I also heard (b)(6) was associated with the rumor.

The policy in TSA is that racial profiling is not allowed. I've never seen anyone do racial profiling and have never done racial profiling.

On the news cast they reported that a TSA employee was getting information from a DEA employee. In July of 2008, I heard a rumor (b)(6) had made a referral that ended up in the discovery of a large sum of cash. I heard that a person in Law Enforcement called (b)(6) and told him to look for a person that may be carrying money, but I have no knowledge of this being true.

I saw the news story that alleged TSA employees were sleeping on a cot, but I've never seen a cot in the BDO work space. I've never seen anyone sleeping in the BDO work space. BDO (b)(6) told me he brought a cot to work in order to loan it to a fellow co-worker.

I have never heard of TSA employees referring to themselves as, "Mexicutioner." The first time I heard the term was during the news cast. People have told me that the boxer Manny Pacquiao is referred to as the Mexicutioner.

I have no knowledge of any TSA employee using drugs or testing positive for drug usage. I believe the news report was referring to my manager (b)(6) (b)(6). In October of 2011, I was on the airport shuttle and another TSO mentioned to a bunch of TSA employees that (b)(6) had gotten caught using cocaine and was under investigation. (b)(6)

(b)(6)

(b)(6)

page 2 of 2



Transportation
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NON-DISCLOSURE AGREEMENT

The Office of Inspection (OI) is conducting an official investigation. As a result, OI is reviewing official records and/or have interviewed me in connection with this investigation. I understand that the disclosure of these records and/or any statements I make may not be disclosed to persons without a need to know as defined by Title 49, CFR, Part 1520, except with the written permission of the Administrator, Transportation Security Administration, Washington, DC. I further understand that unauthorized release may result in disciplinary action.

PRINT NAME

SIGNATURE

DATE

[Redacted Name Box]

1/22/12

WITNESSED BY:

M. FEDORIKO
OI Official

[Signature]

1/22/12

E. ARCHULETA
OI Official

[Signature]

1/22/12

ATTACHMENT

47

~~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 22, 2012 10:40 a.m.
Activity or Interview of: (b)(6) Lead Transportation Security Officer (LTSO) Honolulu International Airport Phone number (808) 389-(b)(6)	Conducted by: Special Agents Michael Striglers and Akemi Wayne Location of Interview/Activity: Transportation Security Administration (TSA) Honolulu International Airport (HNL) 300 Rodgers Blvd., #45 Honolulu, HI 96819

Subject Matter/Remarks

LTSO (b)(6) was interviewed about the allegations raised by KITV News 4 reporter Keoki Kerr that behavior detection officers (BDOs) at HNL used racial profiling for screening, slept on the job, used a source at the Drug Enforcement Administration (DEA) to target passengers, and a BDO supervisor failed a drug test. (b)(6) provided the following pertinent information:

(b)(6) became a BDO in approximately July 2008 and had primarily worked in the a.m. shift.

Racial Profiling

- o (b)(6) stated that approximately 2.5 years prior he had heard Transportation Security Officers (TSO) make comments about how BDO's picked on illegal immigrants or Mexicans.
- o (b)(6) did not recall anyone using racial profiling to get a referral.
- o (b)(6) was suspicious of BDO (b)(6) because of her high referral numbers.
- o (b)(6) worked with (b)(6) during (b)(6) on the job training period and stated she did a good job. (b)(6) did not work with (b)(6) after.

Case Number:
M-12-0755

Case Title:
BDO practices at HNL

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(Revised 12-15-08)

~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- o (b)(6) stated that during after action briefings (b)(6) and talked about how (b)(6) could possibly be targeting illegals due to her numbers.
- o (b)(6) did not mention this to management because the program is subjective and he had no evidence.
- o (b)(6) did not hear the term "Mexicutioner" until the news story.
- o (b)(6) thought former BDO (b)(6) commented that (b)(6) targeted illegals.

Use of DEA source

- o (b)(6) heard others joking that BDO (b)(6) received inside information from a DEA source.
- o (b)(6) thought (b)(6) commented that (b)(6) had an inside source from the DEA.
- o (b)(6) worked with (b)(6) a couple of times and it did not appear he was targeting based on inside information.

Sleeping on-the-job

- o (b)(6) did not see any BDO sleep on-the-job.
- o (b)(6) did not hear the allegations until the news story aired.

Drug use by BDO

- o (b)(6) had not heard allegations that anyone in the BDO program used drugs until the news story.
- o (b)(6) felt it was a privacy issue to disclose the drug issue.

Suspected anonymous complainants

- o (b)(6) thought the interviewees on the newscast were (b)(6) and (b)(6) because he had not seen them lately.
- o (b)(6) explained that (b)(6) was also vocal.
- o (b)(6) said he was 20% sure it was (b)(6). (b)(6) did mention (b)(6) because she was pulled from performing BDO duties, but agreed that was illogical.

Miscellaneous

- o (b)(6) felt comfortable that he could go to management with problems or concerns.
- o (b)(6) did feel some pressure to make referrals because his team had zero statistics and at one time a BDO was put on his team to observe them.
- o (b)(6) did not recall if any information in the news reports was Sensitive Security Information.

Yamamoto provided a signed sworn written statement (attached).

Case Number: M-12-0755	Case Title: BDO practices of HNL
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(Revised 12-15-08)

SWORN STATEMENT



Transportation
Security
Administration

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

*** SEE ATTACHED STATEMENT ***

I have read this entire statement consisting of 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.

(b)(6)
S

Signed and sworn to before me, this 22nd day of January, 2012.

Witness

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

(b)(6) My name is (b)(6) I am currently an I.TSO at Honolulu International Airport. From the time period of November 2008 till June 2010 I was a Master Behavior Detection Officer with the BDO program at Honolulu.

The first time I heard about racial profiling was when I was working on the AM shift. As I worked in different areas of the airport but more specifically at the Inter Island Terminal side of the airport I would hear TSO's once every couple of months make comments about how BDO's are picking on illegal immigrants or sometimes Mexicans. This occurred approximately two and a half years ago when I was still in the program.

During my time in the BDO program at Honolulu I do not recall seeing anyone use racial profiling as a means to get a referral. I was at times suspicious of (b)(6) because she had high statistics. I did not work with (b)(6) that often but did work with her when I first started out during my OJT period. During this time I thought she was doing a good job.

During some after action/briefings it was talked about between me, (b)(6) and (b)(6) that (b)(6) could possibly be targeting illegals due to her high stats. I did not mention any of this to management because the BDO program is very subjective when it comes to how people perceive behaviors.

Until the news story broke out I did not hear the term "Mexicutioner"

In regards to the accusations of getting inside information from a DEA source, I heard that maybe (b)(6) was the one who was getting the inside information. People did joke around that (b)(6) was the one who was getting the information but I cannot recall who those people were. The DEA plaque that was awarded to (b)(6) I believe it was in the office before I came into the BDO program in 2008. I did work with (b)(6) a couple times but during those times it did not appear to me that he had inside information nor was he targeting based on a inside source. Although we did have discussions about differences in opinion in regards to behaviors.

I vaguely remember (b)(6) making comments that (b)(6) targets illegal's and that the (b)(6) had an inside source from the DEA.

When I first saw the video of the people being interviewed on television I thought it was (b)(6) (b)(6) and (b)(6) tended to be very vocal at times and I had not seen both of them in a while either. I am about maybe 20% sure that it was Bothelo.

In regards to the news accusations of BDO's sleeping on the job, I had not heard anything about that until the news broke out. I can recall that at one time there was an overnight shift that was eliminated. I did not see any BDO's sleeping while on the job. (b)(6)

(b) (6)

In regards to the drug use by an individual in the program, the news report was the first time I had heard about that. As TSA employees we are tested randomly for drugs and alcohol.

In regards to any issues that would really concern me I would have felt comfortable going to management with any problems. I at times did feel a little pressure when my team had statistics and the other team had a lot. At one time there was even an individual from another team put on my team to see if there was an issue with the way my team was operating.

In regards to the news report I cannot remember any SSL. I did however feel that there was a privacy issue in regards to the disclosure of the drug issue.

(b) (6)

(b) (6)

DI122/12



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PRINT NAME

SIGNATURE

DATE

[Redacted Name]

01/22/12

WITNESSED BY:

Akemi Wayne
OI Official

[Signature]

1/22/12

Michael Strigler
OI Official

[Signature]

1/20/12

ATTACHMENT

48

~~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 22, 2012
Activity or Interview of: (b)(6) Behavioral Detection Officer (BDO) Honolulu International Airport (HNL) Phone 808-673-(b)(6)	Conducted by: Special Agents Philip Spampinato and Joseph M. Viviano Location of interview/Activity: Transportation Security Administration Office Honolulu International Airport (HNL) 300 Rodgers Blvd. Suite 45 Honolulu, HI 96819

Subject Matter/Remarks

OOI interviewed Behavioral Detection Officer (BDO) (b)(6) regarding allegations of racial profiling and other improprieties directed at the BDO program and the BDOs at HNL.

(b)(6) started as a Transportation Security Officer (TSO) in December, 2007 and entered the BDO program in August, 2011. (b)(6) is currently assigned to the PM shift at HNL. (b)(6) does know (b)(6), (b)(6), (b)(6), (b)(6) and (b)(6) but has no established relationships with them other than work contact.

(b)(6) is familiar with the KITV4 news report claiming racial profiling and other issues at the BDO program at HNL. One of (b)(6) friends called him to tell him that they had seen the KITV4 report on TV.

(b)(6) also addressed the additional allegations mentioned in the KITV4 report as follows –

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

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MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- (b)(6) does not know the identities of the two individuals who were portrayed as the whistleblowers appearing in the KITV4 news report in November, 2011.

- (b)(6) claimed that about 2 years ago he heard some fellow TSOs mention the term "mexecutioner" in passing in reference to a TSA employee. (b)(6) just dismissed it as idle gossip with no further consideration. No name was associated with this "mexecutioner" comment.

- (b)(6) has no knowledge or evidence of racial profiling by any BDO or TSO at HNL. He has never witnessed any such behaviors targeting one ethnic group vs. another ethnic group.

- (b)(6) has never heard of any BDOs sleeping in a cot or sleeping while on duty. He first heard of the sleeping allegation on the KITV4 news report. After the fact, (b)(6) heard that (b)(6) had brought in a cot but nothing more than that.

- (b)(6) has no knowledge of any TSA employee testing positive for cocaine. He first heard of the allegation on the KITV4 news report. After the fact, (b)(6) heard that the individual who had the positive drug test was (b)(6) (b)(6).

- (b)(6) had no knowledge of any HNL BDO having some sort of DEA connection which resulted in seizures of suspected drug currency. He first heard of this allegation on the KITV4 news report. After the fact, (b)(6) learned that the individual named in the report was BDO (b)(6) but he has no other information to provide.

- (b)(6) has no information or evidence of sexual harassment or hostile work environment and has not been exposed to any of these issues at the HNL workplace. (b)(6) opined that there will always be differences between various employees but overall he gets along well with about 95% of his colleagues. (b)(6) has a very positive impression of the BDO program and the BDO management at HNL.

- (b)(6) is aware that (b)(6) (b)(6) is involved in some sort of snowboarding activities or videos. He has never seen the videos and is unaware of their content.

- (b)(6) advised that when he was a TSO, he had observed BDO (b)(6) (b)(6) engage a passenger in a lengthy discussion about "under armor" athletic wear at HNL. It appeared that the passenger had some sort of connection to the "under armor" product or its distribution. According to (b)(6), it appeared that (b)(6) was trying to get the individual to

Case Number:
M-12-0755

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BDO practices at HNL

Revised February 28, 2006

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MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)
provide some sort of sponsorship or possibly provide "under armor" products for his use during his snowboarding excursions. (b)(6) felt that this was unethical behavior.

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

Attached:
Signed, sworn statement by BDO (b)(6) dated January 22, 2012.

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Case Title:
BDO practices at HNL

Revised February 28, 2008

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SWORN STATEMENT

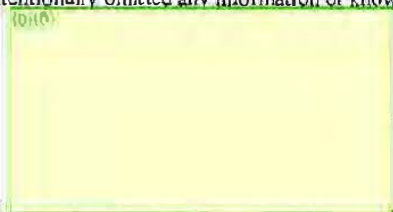


Transportation
Security
Administration

I [redacted], having been duly sworn, hereby make the following statement to SA VIVIANO / SA SPANARD who has been identified to me as a federal law enforcement officer and special agent with the Transportation Security Administration, Office of Inspection. I am making this statement of my own free will, without any duress or coercion.

*** SEE ATTACHED STATEMENT ***

I have read this entire statement consisting of 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.



Signed and sworn to before me, this 22 day of January

Witness

[Signature]
[Signature]

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

TSA-001

11:05 AM

1-22-12

Statement of (b)(6)
January, 22, 2012 at HNL FSD Office

I, (b)(6), am allowing SA Joseph M. Viviano to write this statement for me.

1-22-12

Date

(b)(6) I have been employed with TSA since December, 2007 as a TSO in Honolulu. In August, 2011 I entered into the BDO Program at HNL.

I am currently assigned to the BDO full time day shift – 4:00 am to 12:30 pm with RDOs as Wednesday and Thursday.

Sometime in November, 2011, I saw a KITV4 news report which alleged racial profiling and other improprieties by the HNL BDO program. One of my friends, either (b)(6) or (b)(6) had called me and advised that she had also seen the KITV4 report when it first aired.

I had heard in casual conversation amongst co-workers that the individuals portrayed as whistleblowers on the KITV4 report must have been persons who were familiar with the BDO program.

I wish to point out that I have no outside connection or established relationships with the following HNL TSA employees: (b)(6), (b)(6), (b)(6), (b)(6) or (b)(6) – other than daily work interaction.

Regarding the allegations made by the TSA whistleblowers in the KITV4 news report which aired in November, 2011-

- I do not know the identities of the two individuals who were portrayed as the whistleblowers who had appeared on the KITV4 news report in November, 2011.
- About 2 years ago, I had heard some of my fellow TSOs mention the term “mexecutioner” in passing in reference to a BDO. But I just dismissed it as idle gossip and gave it no further consideration. No name was associated with the nickname of “mexecutioner”.

2/3

(b)(6)

(b)(6)

- 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 or the Hawaiian population in general. The Hawaiian culture here is very diverse.
- I have no knowledge of any HNL BDOs sleeping in a cot and I did not witness any TSA employees sleeping in a cot or sleeping during their assigned shift at HNL. I first heard of this allegation on the KITV4 news report. After the fact I heard that (b)(6) had brought in the cot but nothing further than that.
- I have no knowledge of any TSA employee testing positive for cocaine. I first heard of this allegation on the KITV4 news report. After the fact I heard that the individual who had the positive drug test was (b)(6) (b)(6).
- I have no knowledge of a HNL BDO having some sort of DEA connection which resulted in the seizures of unreported currency. I first heard of this information on the KITV4 news report. After the fact I heard that the individual named in the report was BDO (b)(6) but I have no other information than that.
- I have no information of sexual harassment or hostile work environment and have not been exposed to either during my employment with TSA HNL. There are sometimes differences between the various employees in the BDO program at HNL which are to be expected. But overall everyone gets along pretty well and I get along well with about 95% of my colleagues.
- I have a very positive experience with the BDO program and the BDO management.
- I was aware of the fact that (b)(6) was involved in some sort of snowboarding activities or videos but nothing more than that. I have never seen the videos and I am unaware of their content.
- When I was with the TSO force at HNL, I observed (b)(6) engage a passenger in a discussion about "under armor" athletic wear. It appeared to me that he spent a lot of time talking to this passenger reference this subject. It could have been construed as inappropriate (b)(6)

(b)(6)

(b)(6)

3/3

ATTACHMENT

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MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity: <input checked="" type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input checked="" type="checkbox"/> Records Review <input type="checkbox"/> Other	Date and Time: January 23, 2012
Activity or Interview of: Dana Chong Tim Assistant Federal Security Director for Law Enforcement (AFSD-LE) Honolulu International Airport (HNL) and	Conducted by: Special Agent Keith A. Edwards
	Location of Interview/Activity: Transportation Security Administration Office (TSA) 300 Rogers Blvd. Suite 45 Honolulu, Hi 96819

Subject Matter/Remarks

AFSD-LE Dana Chong Tim reported 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.

AFSD-LE Tim stated that upon receipt of this information he passes this information to the HNL coordinating center and the behavioral detection officer (BDO) managers for distribution to the BDO workforce. At no time, has this type of information been given solely to any individual.

Dang Chong Tim provided a signed statement.

Case Number: M-12-0755	Case Title: BDO practices at HNL
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(Revised 12-15-08)

Sworn Statement

I, Dana Chong Tim, have sworn to tell the truth in this statement on this date, 01/23/2012. I offer this statement so that the facts might be known.

I am contacted regularly by various law enforcement entities to include DEA and the Narcotics Vice Division Task Force assigned to the Honolulu International Airport. During such contacts I have received information pertaining to wanted and or suspicious persons and or incidents. Upon receipt of this information, I have made it a practice to forward said information to the Honolulu Coordination Center as well as the Behavior Detection Managers for distribution to the work force. The information is distributed to the work force utilizing e-mail and subsequent shift briefs. At no time has information of this nature been provided to a sole individual, nor has anyone to my knowledge personally gained by the receipt of such. To my knowledge, no one in TSA-HNL is a confidential informant nor have they benefited monetarily by working with a Law Enforcement Agency in this capacity. Law enforcement agencies frequently work in conjunction with the BDO's assigned to HNL and have received numerous referrals that have resulted in arrests for various offenses. I have not received a complaint relative to these referrals. In contrast I have received positive feedback regarding the partnering of TSA and our law enforcement personnel.

Statement By:
Signature:
Witnessed By:
Signature:


Dana Chong Tim

KEITH A. EDWARDS