

CONTACT RECORD

EID: 942725

Contact Type: Normal/General

Contact Date: 5/5/2013 4:31:21 PM

Medium: Inbound Call

Contact Status: Closed

Incident Date: 5/5/2013 2:00:00 PM

Contact Prefix:

Contact First Name: (b)(6)

Contact Middle Initial:

Contact Last Name: (b)(6)

Contact Suffix:

Contact Address 1:

Contact Address 2:

Contact City:

Contact State:

Contact Zip:

Contact Country:

Contact Phone: (b)(6)

Contact Fax:

Fulfillment Sent:

Mail Return Date:

Contact Email: (b)(6)

Subject: Complaint

Body:

Caller was referred to us from a security hotline. Caller was told to immediately request a supervisor. Caller did so.

(NOTE: See notes section for information from the supervisor.).

Agent Notes: Spoke with Mr. (b)(6). He states he was flying out of Boston Logan today at about 2:00pm. He states he was approached by 2 TSO s who he suspects were BDO s. He states they asked him questions pertaining to his travel and where he was headed, he told them home. At that point they did an extensive search of his carry on. They looked through his checkbook, car rental papers, even his medications. He states he asked to speak to a Supervisor or Law Enforcement, they told him they would get around to that. He states their names were (b)(6). He states every time they ask him questions he told them that if they would get a Supervisor or Law Enforcement, he would gladly answer their questions. Caller states he did have a brief conversation with a Supervisor from TSA named (b)(6) who gave him a complaint card with the information on how to contact the Contact Center. Caller questions just what authority BDO s have in investigating and Law Enforcement functions. Caller is not happy with his experience at Boston Logan. He states the incident took place at the Delta Terminal to Los Angeles.

Advised caller that the vast majority of passengers will experience a casual greeting conversation with a BDO; a small portion of passengers may be selected for an extended conversation. I also advise that I did not have any other information concerning their authority. I told him I could file the complaint for him with the CSM at Boston Logan, gave him the name, verified the e-mail address for him and gave him her number.

The caller stated he would give the CSM time to respond before calling the Contact Center back.

I gave him the EID for this record.

Sending to CSM 5-5-13 1833h Supervisor DBWilson.

Follow Up:

ODPO Follow Up:

To TSOC Date:

From TSOC Date:

Last Updated By: damon.wilson

Last Update Date: 5/5/2013 6:35:15 PM

Opening Agent: douglas.johnson

Opened Date: 5/5/2013 4:31:09 PM

Linked Event IDs:

Responses:

Response

Template Name: Expanded Behavior Detection Program, Complaint - Customer Service Manager

Airport: Logan International Airport[BOS]

Airline: Delta

Subject Category: Customer Service - TSO
Interaction Type: Complaint
Referral:

Response Email: None Sent
END RECORD

INCIDENT NARRATIVE

(b)(6)

At approximately 1356 on May 5, 2013, Behavior Detection Officers (b)(6) observed passenger (b)(6) exhibiting suspicious behaviors while in line at the Delta Airlines Security Checkpoint. Passenger was exhibiting (b)(3);49 U.S.C. § 114(r);(b)(6)

(b)(3);49 U.S.C. § 114(r);(b)(6)

BDOs (b)(6) referred (b)(6) for TSA secondary screening (b)(6) opted out of AIT screening and was asked by TSOs to wait to the side for an available male to pat him down. At this time a TSO opened the station in front of the WTMD in an attempt to move a bin cart out (b)(6) proceeded through the WTMD in an attempt to gain access to the sterile area (b)(6) was stopped by TSO and BDO (b)(6) and directed to wait in the divest area for his SPD. During secondary screening, BDOs (b)(6) observed (b)(6) displaying multiple signs of deception by being (b)(3);49 U.S.C. § 114(r)

(b)(3);49 U.S.C. § 114(r);(b)(6) (b)(6) displayed

(b)(3);49 U.S.C. § 114(r) and requested that the BDO stop screening his bags because he wanted someone with real authority to search his bags (b)(6) also requested to speak to a TSA supervisor. Due to the request of passenger (b)(6) BDOs stopped screening the passengers carry-on property to wait for MSP (b)(6) further stated he would like to talk to the Massachusetts State Police or the Boston Police and he will answer their questions, and let them look at his bags. When asked about the miscellaneous pills that he divested during secondary screening, the passenger stated the pills were none of our concern. BDO (b)(6) notified the Massachusetts State Police (MSP), the Boston SPOT Duty Desk (SDD) and Security Manager Christopher Nunez of the need for law enforcement response at approximately 1407. At 1409 MSP Trooper (b)(6);(b)(7)(C) responded and interviewed (b)(6) Passenger (b)(6) stated to the MSP Trooper (b)(6);(b)(7)(C) that he needed the Trooper to standby with him because criminals were doing security. At 1417, STSM Nunez arrived. Trooper (b)(6);(b)(7)(C) conducted a NCIC query on (b)(6) with negative results. Passenger (b)(6) stated to Trooper (b)(6);(b)(7)(C) that he did not feel safe in the presence of Behavior Detection Officer (b)(6) and STSM (b)(6) Trooper (b)(6);(b)(7)(C) told (b)(6) that he had no reason to be afraid and agreed to stay on site while he spoke to STSM (b)(6) Trooper (b)(6) had no further reason to question the passenger. The passenger completed TSA screening and the BDO team reported nothing further to warrant a security concern. At approximately 1522, the SDD notified the Transportation Security Operations Center (TSOC) for situational awareness.

Location: Delta Airlines Security Checkpoint

Date of Incident: May 5, 2013

Incident Time: 1407

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

PASSENGER INFORMATION

Last Name (b)(6)
First Name (b)(6)
Physical Address: (b)(6)
City: West (b)(6)
State (b)(6)
Zip Code (b)(6)
Citizenship: Unites States

WARNING: THIS RECORD IS FOR OFFICIAL USE ONLY. IT CONTAINS INFORMATION THAT MAY BE EXEMPT FROM PUBLIC RELEASE UNDER THE FREEDOM OF INFORMATION ACT (5 U.S.C. 552). THIS DOCUMENT IS TO BE CONTROLLED, HANDLED, TRANSMITTED, DISTRIBUTED, AND DISPOSED OF IN ACCORDANCE WITH DHS POLICY RELATING TO FOUO INFORMATION AND IS NOT TO BE RELEASED TO THE PUBLIC OR OTHER PERSONNEL WHO DO NOT HAVE A VALID "NEED-TO-KNOW" WITHOUT PRIOR APPROVAL OF THE ORIGINATOR. DISCLOSURE OF THIS INFORMATION IS CONTROLLED BY THE PRIVACY ACT AND/OR AGENCY POLICY.

UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO)

Height: 05-08

Weight: 145 LBS

Gender: Male

Date of Birth: (b)(6)

Place of Birth: Pakistan

DL NR: (b)(6)

DL State: CA

DL Expiration: (b)(6)

PassportCard NR: (b)(6)

Country: United States

Passport Card Expiration: (b)(6)

(b)(3) 49 U.S.C. § 114(r)

FLIGHT INFORMATION

Airline: Delta

Flight: 2115

Destination: SLC-LAX

Departure Time: 1725

Terminal: A

Gate: A16

Seat: 19F

Carry-on: 2

Checked: 2

LEO RESOLUTION

Department: Massachusetts State Police

LEO Name and Badge Number: (b)(6),(b)(7)(C)

Leo Referred Passenger to Different Agency: NO

TSA-OI Watch Stander: Sonya Sanders, 866-655-7023

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Transportation
Security
Administration

Logan International Airport

TSA Statement for Record

Name: (b)(6)	Checkpoint: A1
Position Title: MBDO	Phone/Contact:
Date of incident: (MM/DD/YYYY): 05/05/2013	Time of Incident (military clock): 1356

On above mentioned date and time BDOs (b)(6) referred passenger (b)(6) for a SPOT referral. (b)(6) opted out of AIT screening and was asked by TSOs to wait to the side for an available male to pat him down. At this time a TSO opened the station in front of the WTMD in an attempt to move a bin cart out (b)(6) proceeded through the WTMD in an attempt to gain access to the sterile area (b)(6) was stopped by TSO and BDO (b)(6) and directed to wait in the divest area for his SPD. During casual conversation passenger (b)(6) asked BDOs with what authority could they search his bag and ask him questions (b)(6) also told BDOs to stop searching his bag that he wanted the State Police or Boston Police or someone with real authority to search his bag and ask him questions. When MSP arrived Passenger (b)(6) stated he needed troopers to stay with him because he was scared of the BDOs and STSM. Passenger (b)(6) also stated criminals were now doing security. After MSP arrived BDOs finished searching (b)(6) accessible property.

Signature	Title	Date
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TSA Statement for Record

(b)(6)

05-05-2013

Statement

1400

On the date and time mentioned above, Passenger (b)(6) was referred for screening by BDO team (b)(6) for meeting SPOT criteria threshold. Passenger (b)(6) (b)(6) was in line at the Delta Security checkpoint when BDO (b)(6) tried asking him to wait till he is called to the travel document checking station but the passenger did not respond and bypassed BDC (b)(6) BDO (b)(6) tried engaging him again but passenger (b)(6) pushed forward again ignoring BDO requests to wait till a TDC podium was available. In the divesting area Passenger (b)(6) was engaged by BDO (b)(6) and

(b)(3) 49 U.S.C. § 114(r), (b)(6)
(b)(3) 49 U.S.C. § 114(r) The passenger (b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § 114(r) The passenger (b)(3) 49 U.S.C. § 114(r)
(b)(3) 49 U.S.C. § 114(r) when asked to wait at TDC.

(b)(6) opted out of AIT screening and was asked by TSOs to wait to the side for an available male to pat him down. At this time a TSO opened the station in front of the WTMD in an attempt to move a bin cart out; (b)(6) proceeded through the WTMD in an attempt to gain access to the sterile area (b)(6) was stopped by TSO and BDO (b)(6) and directed to wait in the divest area for his SPD. The passenger received a pat-down

(b)(3) 49 U.S.C. § 114(r)
(b)(3) 49 U.S.C. § 114(r) The passenger was then advised that the security team (b)(6)

would be going through his bag (b)(3) 49 U.S.C. § 114(r), (b)(6)
(b)(3) 49 U.S.C. § 114(r) (b)(6) stated I want a real Officer asking me

questions (b)(6) further stated don't touch my bags until a State Police Officer or Boston Police Officer with real authority can search them. (b)(3) 49 U.S.C. § 114(r), (b)(6)
(b)(3) 49 U.S.C. § 114(r), (b)(6)

(b)(3) 49 U.S.C. § 114(r) (b)(6) was very disrespectful throughout additional

screening (b)(6) kept repeating that the BDO team had no authority to search him or ask him (b)(3) 49 U.S.C. § 114(r) MSP Troopers were called because of the several signs of

deception displayed by (b)(6) When the Troopers arrived the (b)(6) stated that the BDO team were criminals for searching his bag (b)(6) also stated that he wanted a Trooper to

stand by his side because he was scared of the BDO team (b)(6) and TSM (b)(6) Passenger (b)(6) was disrespectful throughout the referral.

U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 20598



Transportation
Security
Administration

Dear (b)(6)

Thank you for contacting the Transportation Security Administration (TSA). This letter is an acknowledgement that your correspondence dated August 26, 2013 was forwarded for review to TSA's Disability and Multicultural Division (DMD), a division within the Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement (CRL/OTE) because it appears to raise a claim of discrimination.

As we are beginning review of your correspondence, you may be contacted by staff from the Multicultural Branch for additional information. If you need to contact the Multicultural Branch before then, you can send an e-mail to TSA.CRL@tsa.dhs.gov or write to:

Transportation Security Administration
Disability and Multicultural Division
Disability Branch
701 South 12th Street
TSA-6
Arlington, VA 20598

Please reference the following number when sending any correspondence: Contact (b)(6)
(b)(6)

In the meantime, you may wish to review TSA policies regarding screening for passengers on our website at www.tsa.gov.

Thank you.

Multicultural Branch
Disability and Multicultural Division

**PLEASE DO NOT RESPOND TO THIS E-MAIL. PLEASE SEND YOUR EMAIL TO
TSA.CRL@TSA.DHS.GOV.**

Johnsen, Matthew <CTR>

From: TSAExternalCompliance
Sent: Tuesday, August 27, 2013 3:03 PM
To: (b)(6)
Subject: FW: Your complaint to TSA
Attachments: MB Correspondence Acknowledgement (b)(6).pdf

Re-Send.

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

From: TSAExternalCompliance
Sent: Monday, August 26, 2013 1:12 PM
To: (b)(6)
Subject: Your complaint to TSA

Dear (b)(6)

Thank you for contacting TSA regarding your complaint. Please find attached an acknowledgement letter from the Multicultural Branch. You will be updated as your complaint is processed.

Thank You,

Multicultural Branch
Disability and Multicultural Division
CRL/OTE
TSA

Johnsen, Matthew <CTR>

From: Blanciforte, Marina
Sent: Friday, May 10, 2013 12:38 PM
To: Singh, Harleen
Subject: I got an urgent one for you!

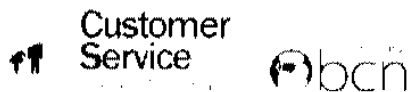
Importance: High

Harleen: I received via the Contact center a complaint from a fellow stating that we violated his civil rights. I have gathered all the findings etc. and can forward to you except for the CCTV which I will mail, eventhough it really does not show anything. This fellow is quite challenging and coupled with a Mass State Police Trooper who shows disdain for the TSA program, I'm hoping that your department can respond to this passenger. I have informed the passenger that I am forwarding my findings to HQ as his complaint is regarding his civil rights which I am not qualified to respond to. Please advise. Thanks, Marina

Marina Blanciforte
Customer Support and Quality Improvement Manager

*U.S. Department of Homeland Security
Transportation Security Administration
Logan International Airport
2 Service Road, Third Floor
Boston, MA 02128*

Office: 617 561-(b)(6) Fax: 617 561-5758



Johnsen, Matthew <CTR>

From: Blanciforte, Marina
Sent: Friday, May 10, 2013 12:41 PM
To: Singh, Harleen
Subject: RE: I got an urgent one for you!
Attachments: RE: URGENT QUERY - (b)(6)

(b)(6)

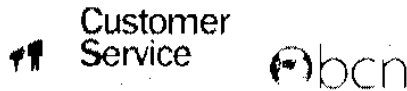
Importance: High

Attachments.....

Marina Blanciforte
Customer Support and Quality Improvement Manager

*U.S. Department of Homeland Security
Transportation Security Administration
Logan International Airport
2 Service Road, Third Floor
Boston, MA 02128*

Office: 617 561- (b)(6) Fax: 617 561-5758



From: Blanciforte, Marina
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Subject: I got an urgent one for you!
Importance: High

Harleen: I received via the Contact center a complaint from a fellow stating that we violated his civil rights. I have gathered all the findings etc. and can forward to you except for the CCTV which I will mail, eventhough it really does not show anything. This fellow is quite challenging and coupled with a Mass State Police Trooper who shows disdain for the TSA program, I'm hoping that your department can respond to this passenger. I have informed the passenger that I am forwarding my findings to HQ as his complaint is regarding his civil rights which I am not qualified to respond to. Please advise. Thanks, Marina

Marina Blanciforte
Customer Support and Quality Improvement Manager

*U.S. Department of Homeland Security
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Johnsen, Matthew <CTR>

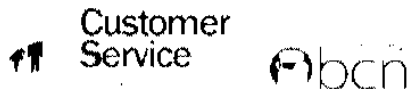
From: Blanciforte, Marina
Sent: Friday, May 10, 2013 2:07 PM
To: Singh, Harleen
Subject: RE: I got an urgent one for you!

Current national PW

Marina Blanciforte
Customer Support and Quality Improvement Manager

*U.S. Department of Homeland Security
Transportation Security Administration
Logan International Airport
2 Service Road, Third Floor
Boston, MA 02128*

Office: 617 561-(b)(6) Fax: 617 561-5758



From: Singh, Harleen
Sent: Friday, May 10, 2013 12:52 PM
To: Blanciforte, Marina
Cc: Bandy, Kimberly J
Subject: RE: I got an urgent one for you!

Dear Marina,

Received and we'll handle it.

The CCTV would be useful to have too. Address: 601 South 12th Street, TSA-6, Arlington, VA 20598.

Do you have the password for the SPOT document?

You're a gem for referring this to us when you realized it was a civil rights issue b/c it doesn't appear he said that initially.

Thanks,
Harleen

Ms. Harleen K. Singh
Policy Advisor
Multicultural Branch, Disability and Multicultural Division
Office of Civil Rights and Liberties, Ombudsman, & Traveler Engagement
Transportation Security Administration
Department of Homeland Security

From: Blanciforte, Marina
Sent: Friday, May 10, 2013 12:41 PM

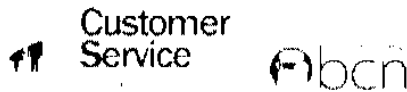
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Attachments.....

Marina Blanciforte
Customer Support and Quality Improvement Manager

*U.S. Department of Homeland Security
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Office: 617 561-(b)(6) Fax: 617 561-5758



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Customer Support and Quality Improvement Manager

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Johnsen, Matthew <CTR>

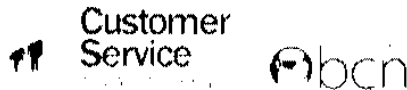
From: Blanciforte, Marina
Sent: Thursday, May 16, 2013 1:26 PM
To: Singh, Harleen
Cc: Hudson, Bryan W.
Subject: RE: I got an urgent one for you!

We have the screening part. Looking to get queue, TDC and x-ray.....

Marina Blanciforte
Customer Support and Quality Improvement Manager

*U.S. Department of Homeland Security
Transportation Security Administration
Logan International Airport
2 Service Road, Third Floor
Boston, MA 02128*

Office: 617 561-(b)(6) Fax: 617 561-5758



From: Singh, Harleen
Sent: Thursday, May 16, 2013 1:13 PM
To: Blanciforte, Marina
Cc: Hudson, Bryan W.
Subject: RE: I got an urgent one for you!

Dear Marina,

Just a quick follow-up from last week when Bryan and I gave you a call. We've been looking at the information you sent along and wanted to confirm that you'd be sending us CCTV footage from the queue, from the TDC, from the x-ray, and from the additional screening area. So basically all of him that is available on video anywhere that day.

Thanks much,
Harleen

Ms. Harleen K. Singh
Policy Advisor
Multicultural Branch, Disability and Multicultural Division
Office of Civil Rights and Liberties, Ombudsman, & Traveler Engagement
Transportation Security Administration
Department of Homeland Security

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Current national PW

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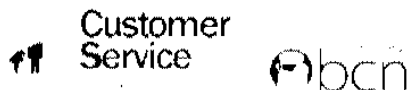
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Johnsen, Matthew <CTR>

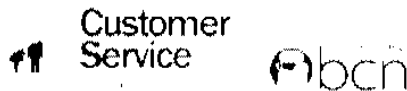
From: Blanciforte, Marina
Sent: Friday, May 24, 2013 2:29 PM
To: Singh, Harleen
Subject: FW: Final Response - Passenger (b)(6) Civil rights complaint at HQ
Importance: High

Harleen: I haven't forgotten.....here is the synopsis from the BDO Manger regarding the (b)(6) complaint. 2 cd discs will be going out to you on Tuesday (sorry missed today's pick-up). Thanks and have a good weekend. Marina

Marina Blanciforte
Customer Support and Quality Improvement Manager

*U.S. Department of Homeland Security
Transportation Security Administration
Logan International Airport
2 Service Road, Third Floor
Boston, MA 02128*

Office: 617 561 (b)(6) Fax: 617 561-5758



From: Sun, Jason
Sent: Friday, May 24, 2013 2:13 PM
To: Blanciforte, Marina; Nunez, Christopher
Cc: Snyder, Robert <AFSD>; Hegner, Karen
Subject: Final Response - Passenger (b)(6) - Civil rights complaint at HQ
Importance: High

Marina,
From our discussion please see my final review of the (b)(6) complaint.

On May 5, 2013, Behavior Detection Officers (b)(6) observed passenger, (b)(6) Exhibiting suspicious behaviors while in line at the Delta Airlines Security

Checkpoint. (b)(3) 49 U.S.C. § 114(r), (b)(6)
(b)(3) 49 U.S.C. § 114(r), (b)(6)

BDO (b)(6) referred (b)(6) for TSA secondary screening. (b)(6) opted out of AIT screening and was asked by TSOs to wait to the side for an available male to pat him down. At this time a TSO opened the station in front of the WTMD in an attempt to move a bin cart out. (b)(6) proceeded through the WTMD in an attempt to gain access to the sterile area. (b)(6) was stopped by TSO and BDO (b)(6) and directed to wait in the divest area for his SPD. During secondary screening, BDOs (b)(6) observed (b)(6) displaying multiple signs of deception. (b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § 114(r) (b)(3) 49 U.S.C. § 114(r), (b)(6)

(b)(3):49 U.S.C. § 114(r) (b)(6) displayed (b)(3):49 U.S.C. § 114(r) and requested that the BDO stop screening his bags because he wanted someone with real authority to search his bags (b)(6) also requested to speak to a TSA supervisor. Due to the request of passenger (b)(6) BDOs stopped screening the passenger's carry-on property to wait for MSP. (b)(6) further stated he would like to talk to the Massachusetts State Police or the Boston Police and he will answer their questions, and let them look at his bags. When asked about the miscellaneous pills that he divested during secondary screening, the passenger stated the pills were none of our concern. BDO (b)(6) notified the Massachusetts State Police (MSP) of the need for law enforcement response. MSP Trooper responded and interviewed (b)(6) Passenger (b)(6) stated to the MSP Trooper that he needed the Trooper to standby with him because criminals were doing security. Trooper conducted a NCIC query on (b)(6) with negative results. Passenger (b)(6) stated to Trooper that he did not feel safe in the presence of Behavior Detection Officers (b)(6) and STSM (b)(6) Trooper told (b)(6) that he had no reason to be afraid and agreed to stay on site while he spoke to STSM Nunez. Trooper had no further reason to question the passenger. The passenger completed TSA screening and the BDO team reported nothing further to warrant a security concern.

After reviewing all reports, CCTV and speaking with the officers I have concluded that BDOs (b)(6) and (b)(6) followed their Standard Operating Procedures (SOP) during the May 5th, 2013 incident. BDOs (b)(6) both confirmed and concurred with behaviors exhibited by passenger (b)(6) (b)(3):49 U.S.C. § 114(r), (b)(6) (b)(3):49 U.S.C. § 114(r), (b)(6) (CCTV coverage does not convey the assessed behavior due to a blind spot where BDO (b)(6) is positioned. BDO (b)(6) was controlling the flow of the passenger queue as part of his engagement process. (b)(3):49 U.S.C. § 114(r), (b)(6) (b)(3):49 U.S.C. § 114(r) BDO (b)(6) was able have passenger (b)(6) come back BDO (b)(6) turned his back to the TDC position giving further direction (b)(3):49 U.S.C. § 114(r), (b)(6) (b)(3):49 U.S.C. § 114(r), (b)(6) Passenger (b)(6) (b)(3):49 U.S.C. § 114(r) Our SOP dictated Law Enforcement response for three different reasons with Passenger (b)(6) (b)(3):49 U.S.C. § 114(r) (b)(3):49 U.S.C. § 114(r)

Review of the CCTV, it is clearly evident that passenger (b)(6) was not a falsely imprisoned citizen. On the tail-end of the referral, passenger (b)(6) requested MSP to stay in order to control the situation to question the BDO officers about their job duties, creating a courtroom setting when TSM Nunez intervened to address his concerns. At the end of the screening process Passenger (b)(6) initiates a hand shake with TSM Nunez, a clear contradiction to his assertion of having his civil liberties trodden upon by "three, crooked, dangerous, gangster mafioso screeners". BDOs (b)(6) and (b)(6) maintained their professionalism and followed proper SPOT protocols by conducting a casual conversation with the passenger and screening all accessible property order to resolve the suspicious behaviors. SPOT protocol is for the BDOs to obtain resolution to the observed elevated suspicious behavior and make a determination as to what the next course of action should be. In this situation, I feel that BDOs followed proper procedures and was justified in their actions.

Any questions, concerns or comments feel free to contact me.
Respectfully,
Jason

Jason Sun
Behavior Detection Program → Transportation Security Manager

Transportation Security Administration

Boston Logan International Airport

2 Service Road, Third Floor

Last Boston, Mass 02128

Cell: (b)(6) | Office: 617 561 (b)(6) | Fax: 617 561 5709 (b)(6)

STARTING TODAY we will be better than yesterday, but not as good as tomorrow!

Integrity:

We are a people of integrity who respect and care for others and protect the information we handle.

We are a people who conduct ourselves in an honest, trustworthy and ethical manner at all times.

We are a people who gain strength from the diversity in our cultures.

Johnsen, Matthew <CTR>

From: Singh, Harleen
Sent: Friday, May 10, 2013 12:52 PM
To: Blanciforte, Marina
Cc: Bandy, Kimberly J
Subject: RE: I got an urgent one for you!

Dear Marina,

Received and we'll handle it.

The CCTV would be useful to have too. Address: 601 South 12th Street, TSA-6, Arlington, VA 20598.

Do you have the password for the SPOT document?

You're a gem for referring this to us when you realized it was a civil rights issue b/c it doesn't appear he said that initially.

Thanks,
Harleen

Ms. Harleen K. Singh
Policy Advisor
Multicultural Branch, Disability and Multicultural Division
Office of Civil Rights and Liberties, Ombudsman, & Traveler Engagement
Transportation Security Administration
Department of Homeland Security

From: Blanciforte, Marina
Sent: Friday, May 10, 2013 12:41 PM
To: Singh, Harleen
Subject: RE: I got an urgent one for you!
Importance: High

Attachments.....

Marina Blanciforte
Customer Support and Quality Improvement Manager

*U.S. Department of Homeland Security
Transportation Security Administration
Logan International Airport
2 Service Road, Third Floor
Boston, MA 02128*

Office: 617 561-(b)(6) Fax: 617 561-5758



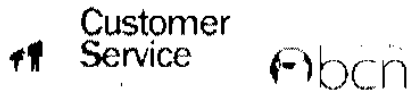
From: Blanciforte, Marina
Sent: Friday, May 10, 2013 12:38 PM
To: Singh, Harleen
Subject: I got an urgent one for you!
Importance: High

Harleen: I received via the Contact center a complaint from a fellow stating that we violated his civil rights. I have gathered all the findings etc. and can forward to you except for the CCTV which I will mail, even though it really does not show anything. This fellow is quite challenging and coupled with a Mass State Police Trooper who shows disdain for the TSA program, I'm hoping that your department can respond to this passenger. I have informed the passenger that I am forwarding my findings to HQ as his complaint is regarding his civil rights which I am not qualified to respond to. Please advise. Thanks, Marina

Marina Blanciforte
Customer Support and Quality Improvement Manager

*U.S. Department of Homeland Security
Transportation Security Administration
Logan International Airport
2 Service Road, Third Floor
Boston, MA 02128*

Office: 617 561-(b)(6) Fax: 617 561-5758



Johnsen, Matthew <CTR>

From: Singh, Harleen
Sent: Thursday, May 16, 2013 1:13 PM
To: Blanciforte, Marina
Cc: Hudson, Bryan W.
Subject: RE: I got an urgent one for you!

Dear Marina,

Just a quick follow-up from last week when Bryan and I gave you a call. We've been looking at the information you sent along and wanted to confirm that you'd be sending us CCTV footage from the queue, from the TDC, from the x-ray, and from the additional screening area. So basically all of him that is available on video anywhere that day.

Thanks much,
Harleen

Ms. Harleen K. Singh
Policy Advisor
Multicultural Branch, Disability and Multicultural Division
Office of Civil Rights and Liberties, Ombudsman, & Traveler Engagement
Transportation Security Administration
Department of Homeland Security

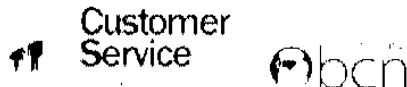
From: Blanciforte, Marina
Sent: Friday, May 10, 2013 2:07 PM
To: Singh, Harleen
Subject: RE: I got an urgent one for you!

Current national PW

Marina Blanciforte
Customer Support and Quality Improvement Manager

*U.S. Department of Homeland Security
Transportation Security Administration
Logan International Airport
2 Service Road, Third Floor
Boston, MA 02128*

Office: 617 561-(b)(6) Fax: 617 561-5758



From: Singh, Harleen
Sent: Friday, May 10, 2013 12:52 PM
To: Blanciforte, Marina

Cc: Bandy, Kimberly J
Subject: RE: I got an urgent one for you!

Dear Marina,

Received and we'll handle it.

The CCTV would be useful to have too. Address: 601 South 12th Street, TSA-6, Arlington, VA 20598.

Do you have the password for the SPOT document?

You're a gem for referring this to us when you realized it was a civil rights issue b/c it doesn't appear he said that initially.

Thanks,
Harleen

Ms. Harleen K. Singh
Policy Advisor
Multicultural Branch, Disability and Multicultural Division
Office of Civil Rights and Liberties, Ombudsman, & Traveler Engagement
Transportation Security Administration
Department of Homeland Security

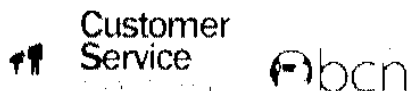
From: Blanciforte, Marina
Sent: Friday, May 10, 2013 12:41 PM
To: Singh, Harleen
Subject: RE: I got an urgent one for you!
Importance: High

Attachments.....

Marina Blanciforte
Customer Support and Quality Improvement Manager

*U.S. Department of Homeland Security
Transportation Security Administration
Logan International Airport
2 Service Road, Third Floor
Boston, MA 02128*

Office: 617 561-(b)(6) Fax: 617 561-5758



From: Blanciforte, Marina
Sent: Friday, May 10, 2013 12:38 PM
To: Singh, Harleen
Subject: I got an urgent one for you!
Importance: High

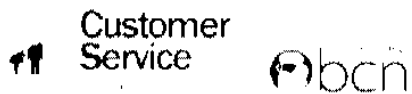
Harleen: I received via the Contact center a complaint from a fellow stating that we violated his civil rights. I have gathered all the findings etc. and can forward to you except for the CCTV which I will mail, even though it really does not show anything. This fellow is quite challenging and coupled with a Mass State Police Trooper who shows disdain for the

TSA program, I'm hoping that your department can respond to this passenger. I have informed the passenger that I am forwarding my findings to HQ as his complaint is regarding his civil rights which I am not qualified to respond to. Please advise. Thanks, Marina

Marina Blanciforte
Customer Support and Quality Improvement Manager

U.S. Department of Homeland Security
Transportation Security Administration
Logan International Airport
2 Service Road, Third Floor
Boston, MA 02128

Office: 617 561-(b)(6) Fax: 617 561-5758



Johnsen, Matthew <CTR>

From: Singh, Harleen
Sent: Friday, May 24, 2013 2:32 PM
To: Blanciforte, Marina
Cc: Hudson, Bryan W.
Subject: RE: Final Response - Passenger (b)(6) - Civil rights complaint at HQ

Thanks Marina, I'll keep an eye out for the DVDs next week.

Ms. Harleen K. Singh
Policy Advisor
Multicultural Branch, Disability and Multicultural Division
Office of Civil Rights and Liberties, Ombudsman, & Traveler Engagement
Transportation Security Administration
Department of Homeland Security

From: Blanciforte, Marina
Sent: Friday, May 24, 2013 2:29 PM
To: Singh, Harleen
Subject: FW: Final Response - Passenger (b)(6) - Civil rights complaint at HQ
Importance: High

Harleen: I haven't forgotten.....here is the synopsis from the BDO Manger regarding the (b)(6) complaint. 2 cd discs will be going out to you on Tuesday (sorry missed today's pick-up). Thanks and have a good weekend. Marina

Marina Blanciforte
Customer Support and Quality Improvement Manager

*U.S. Department of Homeland Security
Transportation Security Administration
Logan International Airport
2 Service Road, Third Floor
Boston, MA 02128*

Office: 617 561-(b)(6) Fax: 617 561-5758



From: Sun, Jason
Sent: Friday, May 24, 2013 2:13 PM
To: Blanciforte, Marina; Nunez, Christopher
Cc: Snyder, Robert <AFSD>; Hegner, Karen
Subject: Final Response - Passenger (b)(6) - Civil rights complaint at HQ
Importance: High

Marina,
From our discussion please see my final review of the (b)(6) complaint.

Johnsen, Matthew <CTR>

From: Blanciforte, Marina
Sent: Tuesday, May 07, 2013 11:34 AM
To: (b)(6) Sun, Jason
Cc: Snyder, Robert <AFSD>; Hegner, Karen
Subject: FW: Passenger (b)(6) - Possible Complaint

Importance: High



Chris/Jason:

Attached are what I received from the TSA Contact Center and from the passenger directly. I have requested several days to look into the matter before we respond. In order to gather all documented evidence, I will require that you save CCTV of the incident and let me know where saved so we can burn disc here. Additionally, is there any information we can get from the trooper involved. This passenger seems to think that the Trooper was not too welcoming of our TSA SPOT Program.

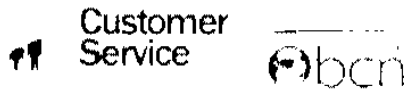
Please provide information as soon as possible.

Thanks,
Marina

Marina Blanciforte
Customer Support and Quality Improvement Manager

U.S. Department of Homeland Security
Transportation Security Administration
Logan International Airport
2 Service Road, Third Floor
Boston, MA 02128

Office: 617 561 (b)(6) Fax: 617 561-5758



From: Nunez, Christopher
Sent: Sunday, May 05, 2013 8:45 PM
To: Blanciforte, Marina
Cc: Sun, Jason (b)(6); Evans, William
Subject: Passenger (b)(6) - Possible Complaint



[Redacted]

Marina,

Earlier today two of our BDO's had a negative encounter with a passenger who lead us to believe that he is going to file a complaint. Rather than you having to reach out to us to try to figure out what happened, I figured it would be better if I gave you a heads up ahead of time.

I have attached the Incident Report and statements from the two BDO's (b)(6) that were involved.

I responded to the incident and gave the passenger (b)(6) my name, as well as the BDO's names, upon request.

Let me know if you hear anything from him or if you need any additional information from me.

Thanks

(b)(6)

SPOT / Playbook Transportation Security Manager
 Transportation Security Administration | BOS
 2 Service Road, 3rd Floor East Boston, Massachusetts | 02128
 ☎ (b)(6) Mobile | 617-561-(b)(6) Office

(b)(6)

"Terrorist attacks can shake the foundations of our biggest buildings, but they cannot touch the foundation of America. These acts shatter steel, but they cannot dent the steel of American resolve. America was targeted for attack because we are the brightest beacon for freedom and opportunity in the world. And no one will keep that light from shining."

President George W. Bush September 11, 2001

Johnsen, Matthew <CTR>

From: Blanciforte, Marina
Sent: Friday, May 10, 2013 12:41 PM
To: Singh, Harleen
Subject: RE: I got an urgent one for you!
Attachments: RE: URGENT QUERY - (b)(6) (b)(6) 17_Response_
(b)(6) FW: Passenger
(b)(6) - Possible Complaint ; (b)(6) Statement.doc; RE: The following event #
(b)(6) should be reviewed. RAZA

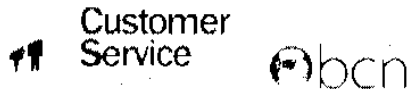
Importance: High

Attachments.....

Marina Blanciforte
Customer Support and Quality Improvement Manager

*U.S. Department of Homeland Security
Transportation Security Administration
Logan International Airport
2 Service Road, Third Floor
Boston, MA 02128*

Office: 617 561-2002 Fax: 617 561-5758



From: Blanciforte, Marina
Sent: Friday, May 10, 2013 12:38 PM
To: Singh, Harleen
Subject: I got an urgent one for you!
Importance: High

Harleen: I received via the Contact center a complaint from a fellow stating that we violated his civil rights. I have gathered all the findings etc. and can forward to you except for the CCTV which I will mail, eventhough it really does not show anything. This fellow is quite challenging and coupled with a Mass State Police Trooper who shows disdain for the TSA program, I'm hoping that your department can respond to this passenger. I have informed the passenger that I am forwarding my findings to HQ as his complaint is regarding his civil rights which I am not qualified to respond to. Please advise. Thanks, Marina

Marina Blanciforte
Customer Support and Quality Improvement Manager

*U.S. Department of Homeland Security
Transportation Security Administration
Logan International Airport
2 Service Road, Third Floor
Boston, MA 02128*

Office: 617 561-(b)(6) Fax: 617 561-5758



Johnsen, Matthew <CTR>

From: Blanciforte, Marina
Sent: Tuesday, May 07, 2013 11:25 AM
To: tsatcc@senture.com
Subject: RE: The following event [REDACTED] should be reviewed. [REDACTED]

Thanks TCC. We will research and resolve. At first glance this appears to be a passenger who does not care for the SPOT program. I have also received an email from the passenger directly threatening to take to media..... thanks, Marina

Marina Blanciforte
Customer Support and Quality Improvement Manager U.S. Department of Homeland Security Transportation Security Administration Logan International Airport
2 Service Road, Third Floor
Boston, MA 02128
Office: 617 561-[REDACTED] Fax: 617 561-5758

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

From: tsatcc@senture.com [mailto:tsatcc@senture.com]
Sent: Sunday, May 05, 2013 6:36 PM
To: [REDACTED]
Subject: The following event #942725 should be reviewed.

The customers information has been attached to this email.

Customer Service Manager:

The following e-mail is being forwarded to you for review from the TCC. Please contact the traveler to resolve the issues addressed in their e-mail message included below. Also, please reply to the message that was forwarded to you and describe the resolution that you provided. This will send the traveler's original message and your response to TCC Supervisors so they may update and close the record accordingly.

If the file is password-protected, then please use the CSM password (located on the OSO Trusted Source Site) to open the file.

Thank you,
TSA Contact Center Representative

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

Johnsen, Matthew <CTR>

From: Blanciforte, Marina
Sent: Friday, May 10, 2013 12:31 PM
To: (b)(6)
Subject: RE: URGENT QUERY - (b)(6)

Mr. (b)(6)

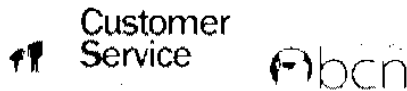
Please note, I have initiated and completed an inquiry into your concerns, and will be forwarding my findings to TSA HQ in VA requesting the appropriate department contact you. Unfortunately, I am not qualified to respond to you in the capacity you wish me to, as I am not a civil liberties specialist.

Thank you.

Marina Blanciforte
Customer Support and Quality Improvement Manager

*U.S. Department of Homeland Security
Transportation Security Administration
Logan International Airport
2 Service Road, Third Floor
Boston, MA 02128*

Office: 617 561-(b)(6) Fax: 617 561-5758



From: Blanciforte, Marina
Sent: Tuesday, May 07, 2013 11:17 AM
To: (b)(6)
Subject: RE: URGENT QUERY - (b)(6)

Hello Mr. (b)(6)

I am in receipt of your email message. Please allow several days for me to initiate an inquiry into your concern.

Thanks,
Marina

Marina Blanciforte
Customer Support and Quality Improvement Manager

*U.S. Department of Homeland Security
Transportation Security Administration
Logan International Airport
2 Service Road, Third Floor
Boston, MA 02128*



From: (b)(6) [mailto:(b)(6)]
Sent: Monday, May 06, 2013 7:06 AM
To: (b)(6)
Subject: URGENT QUERY (b)(6)

Dear Ms Blanciforte

I spoke at length with a case manager, in Arlington, earlier. He generated a report, and sent the report to you. The event # for this report is (b)(6)

My name is (b)(6) (b)(6). I had a very very troubling encounter with your screening staff (b)(6) (b)(6), on Sunday afternoon, approximately @1400. In a nutshell, your BDOs grossly extended their capacities and competences. Whatever additional training these BDOs may or may not have - this CERTAINLY does NOT give them the ability, the power to interrogate a traveler, or to rummage through a traveler's papers, money, chequebook, medicines etc. Your BDOs do NOT have any permission to ask where I was flying from and to and why!

I was intercepted by (b)(6) who started asking me where I was heading, whom I had visited in MASS and why; What I am taking prescription medication for; they did not have the right to flip through my checquebook, or my wallet. I immediately advised (b)(6) that I wanted him to stop his line of questioning, and that I needed - immediately - to speak with a supervisor and an actual policeman. He told me that he was 'quite capable' of what he was doing, and that I was 'stuck with' him, for now. After the Troopers arrived, I told them what my problem was. They seemed sympathetic and seemed to have a censuring conversation with Mfr (b)(6) and Mr (b)(6)

There is no doubt that my civil liberties were trodden upon, where (b)(6) as well as (b)(6) exhibited mafioso traits, and had absolutely no consideration for the limitations that the law has in place, to limit your screeners' allowable probing. Perhaps most unsettling yet, was Mr (b)(6) reaction, when I started asking him about whether he can or can not verify to me, whether indeed it is or is not SOP to falsely imprison a citizen, without even calling in the necessary authority, who can legally perform interrogation, and any form of investigative effort, over and above just screening for dangerous materials. M (b)(6) huckled self-satisfiedly, and said "we're not in court"... he then handed me a 'comment card', and told me that that was my only recourse.

Ms Blanciforte, the way YOU respond to my email, will dictate where this situation is going to go from here. There is absolutely no doubt that my civil liberties were ruthlessly and with malice, chucked out of the window. If this is what your bag screeners are doing (or allowed to do), then please tell me, whether this is or is not appropriate, in your view, and I shall have to take this up in a more public arena. Mind you, the act of 'false imprisonment' is a serious serious, criminal offense. Intentional infliction of pain, by a governmental person or (even it's limited-) authority is also a criminal offense. These are but some of the criminal violations, committed by your staff, in addition to the laundry-list of civil allegations.

I shall be expecting to hear from you, as well as I should want to speak with you, on the phone. If this is not to go to a full-fledged legal arena, then I wholeheartedly expect to be informed what swift remedial action you shall be taking, against these three, crooked, dangerous, gangster screeners, and how you can promise me that this shall not take place again.

V/P
(b)(6) (any time after 1500)

Johnsen, Matthew <CTR>

From: CRL
Sent: Friday, September 26, 2014 3:52 PM
To: (b)(6)
Subject: TSA's Response to Your Concern
Attachments: (b) response letter (b)(6) pdf

Dear Mr. (b)(6)

Please find attached TSA's response letter. Thank you for your patience.

Sincerely,

Multicultural Branch, Disability and Multicultural Division
Office of Civil Rights and Liberties, Ombudsman, & Traveler Engagement
Transportation Security Administration
Department of Homeland Security

Johnsen, Matthew <CTR>

From: TSAExternalCompliance
Sent: Monday, August 26, 2013 1:12 PM
To: (b)(6)
Subject: Your complaint to TSA
Attachments: MB Correspondence Acknowledgement (b)(6).pdf

Dear (b)(6)

Thank you for contacting TSA regarding your complaint. Please find attached an acknowledgement letter from the Multicultural Branch. You will be updated as your complaint is processed.

Thank You,

Multicultural Branch
Disability and Multicultural Division
CRL/OTE
TSA

A. Statements & Incident Reports

Incident Report: 05/05/13 BDO (b)(6) observed pax at the Delta Airlines Checkpoint exhibiting the following:

- 'does not respond to authoritative commands'
 - "(b)(6) asked by BDO (b)(6) to wait at the start of the queue for a TDC to be unoccupied before approaching to a TDC podium, (b)(6) pushed by BDO (b)(6) twice in an attempt to approach TDC"
 - Analysis: This seems unnecessarily provocative on the part of BDO (b)(6). Does BDO (b)(6) frequently tell travelers in the queue how to move through the queue? If the traveler ignores the BDO's unnecessary instructions,
- 'avoids eye contact'
 - Analysis: not looking at the BDO who is giving unnecessary instructions to a traveler in the queue escalates points?
- and 'facial flushing'

(b)(6) was referred for secondary/additional screening.

(b)(6) opted out of the AIT and was asked by TSOs to wait for a male assist in front of a WTMD that was closed off.

A TSO opened up the WTMD to move a cart full of bins to the x-ray without closing it behind him (b)(6) who was waiting, walked through to get to the other side.

(b)(6) was then stopped by a TSO and BDO (b)(6) and told to go back in front of the WTMD to wait for his pat-down.

During the pat-down BDO (b)(6) and BDO (b)(6) observed (b)(6) with the following behaviors:

- evasive and vague responses
- downplaying significant facts
- gives non-answers about his trip story

Analysis: Once the traveler is referred for secondary/additional screening, no further points should be added or subtracted. Only during the casual conversation, if two or more behaviors are seen, should a LEO be called.

"When asked if he knew about airport security, (b)(6) stated he did not care about security."

- What was the purpose of asking (b)(6) if he knew about airport security?

(b)(6) displayed:

- Arrogance and contempt for the screening process

and requested that the BDO stop screening his bags because he wanted someone with real authority to search his bags.

Analysis: (b)(6) did not have contempt for the screening process, just for the BDOs who were searching his bags. He, based on this, did not appear to have a problem with his bags being searched.

(b)(6) also requested to speak to a TSA supervisor.

Due to the request of passenger (b)(6) BDOs stopped screening the passengers carry-on property to wait for MSP [Mass. State Police].

Analysis: This is so far the second correct thing in the incident report, the first being that the TSO and BDO (b)(6) stopped (b)(6) from proceeding past the WTMD.

(b)(6) further stated he would like to talk to the Massachusetts State Police or the Boston Police and he will answer their questions, and let them look at his bags.

Analysis: It again appears that (b)(6) did not want to answer the questions that the BDOs were asking and not that he was unwilling to be screened.

When asked about the miscellaneous pills that he divested during secondary screening, the passenger stated the pills were none of our concern.

Analysis: Indeed, the passenger is 100% correct about this. It is inappropriate, unless there is such a huge amount of pills that makes it excessive, to ask about any individual's medical items.

BDO (b)(6) notified [MSP], the Boston SPOT Duty Desk (SDD) and Security Manager Christopher Nunez of the need for law enforcement...

Analysis: Is this based on (b)(6) request for law enforcement or of the escalation of behaviors beyond 6 points based on the addition of points after referral for secondary/additional screening?

Passenger (b)(6) stated to the MSP Trooper (b)(6), (b)(7)(C) that he needed the Trooper to standby with him because criminals were doing security... STSM Nunez arrived. Trooper (b)(6), (b)(7)(C) conducted a NCIC query on (b)(6) with negative results.

Analysis: Why was the NCIC query conducted on (b)(6)?

Passenger (b)(6) stated to Trooper (b)(6), (b)(7)(C) that he did not feel safe in the presence of Behavior Detection Officers (b)(6) and STSM Nunez. Trooper (b)(6), (b)(7)(C) told (b)(6) that he had no reason to be afraid and agreed to stay on site while he spoke to STSM Nunez. Trooper (b)(6), (b)(7)(C) had no further reason to question the passenger.

The passenger completed TSA screening and the BDO team reported nothing further to warrant a security concern.

Analysis: It is of note that while (b)(6) is a U.S. citizen, he is of Pakistani descent.

BDO (b)(6) Statement: 05/05/13

Passenger (b)(6) was in line at the Delta Security checkpoint when BDO (b)(6) tried asking him to wait till he is called to the travel document checking station but the passenger did not respond and bypassed BDO (b)(6) BDO (b)(6) tried engaging him again but passenger (b)(6) pushed forward again ignoring BDO requests to wait till a TDC podium was available.

Analysis: Requesting that a passenger wait until the TDC is available does not appear to be an "authoritative command," e.g. "stop" "don't move." There is no reason that (b)(6) was required to pay attention to or heed BDO (b)(6) request.

In the divesting area Passenger (b)(6) was engaged by BDO (b)(6) and was asked how he was feeling? (b)(6) muttered words that did not make sense.

Analysis: Could (b)(6) have been muttering in a different language?

When asked if he was going home (b)(6) just ignored BDO (b)(6) The passenger avoided eye contact and his face became flushed.

Analysis: Travelers are not required to engage with BDOs if they do not want to. Travelers also do not have to say that they don't want to engage with BDOs. At this point (b)(6) has already ignored two attempts at casual conversation. (b)(6) was now engaged a third time when his non-verbal cues had already indicated to the BDOs that he was not interested in engaging with them. At this point (b)(6) like any reasonable person who does not wish to talk, appears to be getting increasingly frustrated.

The passenger was assessed does not respond to authoritative commands due to his failure to respond when asked to wait at TDC.

Analysis: Need to check with BDAD if this is an example of an 'authoritative command.'

(b)(6) opted out of AIT screening and was asked by TSOs to wait to the side for an available male to pat him down. At this time a TSO opened the station in front of the WTMD in an attempt to move a bin cart out; (b)(6) proceeded through the WTMD in an attempt to gain access to the sterile area. (b)(6) was stopped by TSO and BDO (b)(6) and directed to wait in the divest area for his SPD.

Analysis: A correct action by the TSO and BDO (b)(6)

The passenger received a pat-down and would not remove his sunglasses after being asked by the TSO. The passenger was then advised that the security team (b)(6) would be going through his bag. When (b)(6) was asked how he was feeling today, (b)(6) stated fine and that is none of your business.

Analysis: Yet another indication that (b)(6) was not interested in answering any questions posed by the BDOs.

(b)(6) stated I want a real Officer asking me questions. (b) further stated don't touch my bags until a State Police Officer or Boston Police Officer with real authority can search them. (b)(6) was asked about his military identification card...

Analysis: Why would BDOs ask any member of the military about their military identification card? Ask BDAD.

..., and if he knew about airport security protocols.

Analysis: Why would a BDO ask any traveler this? Ask BDAD.

(b)(6) stated that he did not care about security.

Analysis: Yet another indication that he was not interested in answering questions posed by the BDOs.

(b)(6) was very disrespectful throughout additional screening.

Analysis: While useful for context, this cannot be assessed against him.

(b)(6) kept repeating that the BDO team had no authority to search him or ask him anything about his life. MSP Troopers were called because of the several signs of deception displayed by (b)(6).

Analysis: This included the "contempt for the screening process" behavior that has been called out for First Amendment violations.

When the Troopers arrived the (b)(6) stated that the BDO team were criminals for searching his bag (b)(6) also stated that he wanted a Trooper to stand by his side because he was scared of the BDO team (b)(6) and TSM Nunez. Passenger (b) was disrespectful throughout the referral.

Analysis: This is the second time that BDO (b)(6) has stated that (b)(6) was disrespectful, to no apparent purpose. Being disrespectful is not an assessable behavior.

MBDO (b)(6) Statement: 05/05/13

Analysis: This statement speaks to BDO (b)(6) recollection of (b)(6) movements, actions, and statements. It does not speak to anything that BDO (b)(6) did or said.

On the above mentioned date and time BDOs (b)(6) referred passenger (b)(6) (b)(6) for a SPOT referral. (b)(6) opted out of AIT screening and was asked by TSOs to wait to the side for an available made to pat him down. AT this time a TSO opened the station in front of the WTMD in an attempt to move a bin cart out, (b)(6) proceeded through the WTMD in an attempt to gain access to the sterile area. (b)(6) was stopped by TSO and BDO (b)(6) and directed to wait in the divest area for his SPD.

Analysis: So far, this is word for word the same as BDO (b)(6) statement, minus all of BDO (b)(6) statements regarding BDO (b)(6)

During casual conversation passenger (b)(6) asked BDOs with what authority could they search his bag and ask him questions. (b)(6) also told BDOs to stop searching his bag that he wanted the State Police or Boston Police or someone with real authority to search his bag and ask him questions. When MSP arrived Passenger (b)(6) stated he needed troopers to stay with him because he was scared of the BDOs and STSM. Passenger (b)(6) also stated criminals were now doing security. After MSP arrived BDOs finished searching (b)(6) accessible property.

Analysis: This statement sheds no light on BDO (b)(6) thoughts, perspective, or recollection. It is an extremely short summary of the incident report and BDO (b)(6) statement, without any details.

(b)(6) CCTV

Queue 1:

3 pax walk through the queue. Come to TDC.

Then another pax.

Last (b)(6) comes through at 1:51:19. He is wearing sunglasses.

Queue 2:

(b)(6) joins the end of the line, with 4-5 people in front of him and 2 others at the TDC.

He appears to be waiting in line the same way as everyone else, moving forward as the line moves forward.

At 1:51:45 he puts his sunglasses on top of his head.

The BDOs indicate to the party of three that the second TDC is available. The third member of the party of three drops something (boarding pass?)

and the traveler behind her picks it up and hands it to her. She moves forward to join her party.

At 1:51:44 the next traveler is indicated to the third TDC (off-screen to the left) by the BDOs.

At 1:51:48 (b)(6) moves forward to be the next person in the queue, in front of the BDOs.

At 1:51:50 He starts to move forward, but the BDO says something to him. This is indicated by (b)(6) turning his head to look at the BDO.

It seems like (b)(6) doesn't really pay attention to what the BDO has said because he sees that the couple at the TDC closest to him is nearly

done processing the older couple so (b)(6) moves forward towards that TDC.

At 1:51:53 the older couple is walking away and (b)(6) begins to move towards the now available TDC when the BDO says something again to (b)(6)

that makes (b)(6) wait by the BDO until the older couple are well away from the TDC podium.

(Is this sufficient acknowledgment for the authoritative command of "stay here until the TDC is available"?)

At 1:51:57 (b)(6) then moves towards the TDC podium that is 3 feet away.

It appears that out of the 9 people in the queue, (b)(6) was the only non-white traveler.

The BDOs are not "walking the line." They are standing next to the TDC at the end of the queue together.

At 1:52:00 a young white female in a yellow sweatshirt comes through the queue and, like (b)(6) walks past the last stanchion waiting for the

TDC to finish processing (b)(6)

The BDOs do not say anything to this traveler, though she did not even wait until (b)(6) was finished being processed like (b)(6) had done for the couple who had been in front of him.

Queue 3:

This video shows the same queue as "Queue 2" from a different angle.

AT the bottom left corner of the video you can see the TDC closest to the last stanchion in the queue.

There is 1 TSO at the TDC, 1 TSO watching the TDC, and a BDO (b)(6) standing and watching his partner who is off-screen.

At 1:51:57 BDO (b)(6) (?) turns around to speak to his BDO partner and comes back on-screen.

By 1:52:03 it becomes obvious that the BDOs are watching (b)(6) being processed by the TDC.

At 1:52:13 the top of (b)(6) head can be seen at the very bottom of the screen moving past the TDC.

The BDOs at this point move back and follow (b)(6) progress to the divestiture area.

By 1:52:15 the BDOs have turned away from the queue entirely and are facing the checkpoint watching (b)(6) They slowly, casually, move towards the checkpoint.

At 1:52:50 they start moving past the stanchions that separate the TDC from the checkpoint, following (b)(6) progress.

By 1:53:04 the BDOs have moved to the right off-screen into the checkpoint. (b)(6) is still waiting in the divest line.

Divest:

By 1:53:22 BDOs (b)(6) come into the divest/x-ray area and stand at the x-ray machines helping push property through the x-ray.

At 1:53:51 (b)(6) begins to divest, taking off his backpack and getting two bins for his items.

At this point, I have only seen 1 African American couple, currently in front of (b)(6). Every other traveler appears to be Caucasian.

At 1:54:23 BDO (no glasses) approaches (b)(6) who is still divesting, and speaks to him. It is unclear if (b)(6) says anything back.

At 1:54:53 BDO (no glasses) leaves the x-ray/divest area and walks through the WTMD to get to the other side, following BDO (glasses).

The WTMD is roped off. It is opened up at 1:55:05 to let a cart of bins through.

At 1:55:07 (b)(6) wanders casually through the WTMD.

It is unclear at this point if he has opted out of the AIT.

(b)(6) is told to walk back to the divest side of the WTMD at 1:55:17 by the TSO moving the bin cart and BDO (glasses).

At 1:55:21 the divest TSO indicates to (b)(6) to empty his pockets and that he has to go through the AIT.

It is not obvious that he opts out, but then she indicates that he should wait to the side of the AIT for a male TSO to conduct the pat-down.

By 1:55:35 (b)(6) is waiting at the side of the AIT.

At 1:57:55 (b)(6) appears to indicate that he has emptied his pockets and he is asked to come through the opt out gate to the other side of the AIT.

WTMD1:

This video starts from 1:49:58 and goes to 1:59:59.

It primarily shows:

the BDO (glasses) taking up a station in front of the x-ray at 1:53:20

the closed off WTMD

The AIT machine

The BDO (glasses) leaving the front of the x-ray at 1:54:46.

The BDO (no glasses) leaving the other x-ray at 1:54:59 and going through the WTMD at 1:55:02.

BDO (no glasses) left the rope open to let the TSO bringing the bin cart through the WTMD and then walked off w/o making sure that no one walked through.

At 1:55:07 (b)(6) walks through the WTMD towards both BDOs whose backs are facing the WTMD.

At 1:55:10 the bin cart TSO indicates to (b)(6) that he should not have walked through the WTMD.

(b)(6) turns around and walks back through the WTMD to the divest area, helped along by BDO (glasses).

At 1:57:35 a male TSO is putting on his gloves in preparation to pat-down (b)(6)

At 1:57:46 the male TSO leans on the gate to talk to (b)(6)

At 1:57:56 the male TSO opens the gate to let (b)(6) come through to get his pat-down.

(b)(6) and the male TSO walk from the gate to the pat-down area off-screen at 1:58:03.

X-ray Belt Start:

This video starts at 1:53:39 with BDO (no glasses) shown clearly on the right, pushing property through the x-ray.

At 1:53:47 (b)(6) comes into partial view at the top left corner, divesting.

At 1:54:06 (b)(6) can be seen opening his backpack and taking out his laptop to put into a bin.

At 1:54:21, as soon as the traveler in front of (b)(6) moves towards the AIT, BDO (no glasses) moves towards (b)(6) who is still divesting.

At 1:54:24 BDO (no glasses) says something to (b)(6)

At 1:54:26 (b)(6) shakes his head no to the BDO (no glasses) and goes back to divesting.

BDO (no glasses) moves (b)(6) carry-on bag further down the rollers at 1:54:28.

Then BDO (no glasses) takes a step back and watches (b)(6) divest until 1:54:54.

When (b)(6) is finished divesting, BDO (no glasses) walks off through the WTMD.

(b)(6) pushes his property down the rollers and walks towards the WTMD at 1:55:04.

At 1:55:07 (b)(6) goes through the WTMD and goes off-screen.

At 1:55:19 (b)(6) walks back through the WTMD and his feet come into view.

At 1:55:35 (b)(6) walks to and waits at the side of the AIT.

At 1:57:44 (b)(6) waves at the male TSO who is preparing to give (b)(6) the pat-down.

At 1:57:48 (b)(6) again empties his pockets and shows his wallet and some other items.

(b)(6) keeps those items in his hands as he walks off-screen with the male TSO at 1:57:56.

X-ray Belt End:

At 1:56:24 the video shows (b)(6) property being consolidated into 1 bin on top of his laptop.

There is a TSO in front of (b)(6) property until 1:57:07.

It is unclear whether that is a BDO or a dynamic TSO, but the TSO/BDO wanders off, away from the x-ray.

The TSO is wearing blue gloves.

A blue-gloved TSO comes back at 1:58:07 to get (b)(6) property bin and another comes to take the black carry-on.

Search Table:

The TSO with (b)(6) property bin comes into view from the left at 1:58:14, with (b)(6) following.

Another TSO follows with the black carry-on.

The items are placed on the search table.

At 1:58:22 the TSO starts to give (b)(6) the advisements for the pat-down and puts the items from his hands on the table as well.

OFFICE OF CIVIL RIGHTS & LIBERTIES
OMBUDSMAN AND TRAVELER ENGAGEMENT
(CRI/OTE)

U.S. Department of Homeland
Security
601 South E Street
Washington, DC 20538



Transportation
Security
Administration

Via e-mail

(b)(6)

RE: (b)(6)

Dear Mr. (b)(6)

Thank you for contacting the Transportation Security Administration (TSA) with your concern regarding your screening experience at General Edward Lawrence Logan International Airport (BOS) on May 5, 2013. Your complaint was forwarded for review to TSA's Multicultural Branch, within the Office of Civil Rights & Liberties, Ombudsman, and Traveler Engagement (CRI/OTE) because it raises claims of infringement upon your civil liberties. CRI/OTE is charged with reviewing complaints, conducting inquiries, and making findings of fact and conclusions of law with respect to allegations of civil rights and civil liberties violations or discriminatory conduct, practices or policies by TSA.¹ Our office does not handle tort claims, including those of false imprisonment or intentional infliction of "pain." To file a claim with TSA's Claims Management Branch (CMB), please visit <http://www.tsa.gov/traveler-information/claims-management-branch>.

On May 6, 2013, you filed a civil liberties complaint via electronic mail with the Customer Service and Quality Improvement Manager (CSQIM) at BOS regarding your screening experience on May 5, 2013. In your complaint you allege that Behavior Detection Officers (BDO) (b)(6), and Transportation Security Manager (TSM) Nunez infringed

¹ The Assistant Administrator for Civil Rights & Liberties, Ombudsman and Traveler Engagement is responsible for the following within TSA: 1) "[s]erving as principal advisor on all matters involving "civil rights, civil liberties, equal opportunity and diversity precepts"; 2) "providing independent, informal and confidential conflict resolution assistance to . . . the public for issues involving TSA policies and personnel"; and, 3) "ensuring that . . . the traveling public [is] treated in a fair and lawful manner consistent with Federal laws and regulations governing privacy, information sharing, redress, civil rights and civil liberties." TSA Management Directive No. 100.0, TSA Roles and Responsibilities, (2012); see also Transportation Security Act of 2001, PL 107-71 (2001) and Department of Homeland Security Delegation Number 7060.2, Delegation to the Administrator of the Transportation Security Administration (2003).

upon your civil liberties. Specifically you state that you felt the BDOs went beyond the law in "interrogat[ing]" you and "rummag[ing]" through your papers, money, checkbook, and medicines.

As soon as BDO (b)(6) began asking you questions, you asked him to stop and requested a supervisor and a law enforcement officer (LEO). BDO (b)(6) told you "...that he was 'quite capable' of what he was doing, and that [you were] 'stuck with' him, for now." You were "unsettle[d]" by [TSM] Nunez's response to your questions regarding false imprisonment, interrogation, and investigating "over and above just screening for dangerous materials." You state that TSM "...Nunez chuckled self-satisfiedly, and said "we're not in court"... he then handed me a 'comment card', and told me that that was my only recourse." Once the LEOs arrived you explained to them your concern and they spoke to Transportation Security Manager (TSM) Nunez and BDO (b)(6)

We have completed our investigation of your complaint and have concluded that TSA singled you out for additional screening based on your race in violation of the Equal Protection Clause of the Fifth Amendment of the U.S. Constitution. CRL/OTF's findings of fact, conclusions of law, and description of remedies (if applicable) are set forth below.

A. Statements & Incident Reports

Our office reviewed evidence including CCTV video footage, the incident report, statements, and your complaint. The statements and incident report indicate that you exhibited suspicious behaviors and required additional screening. However, there is no indication that you exhibited these behaviors contrary to any other traveler in the queue.

While you were divesting your property at the x-ray, you were asked how you were feeling and if you were going home. You did not answer either question. You opted-out of the Advanced Imaging Technology (AIT) screening and were told to wait for a male Transportation Security Officer (TSO) in front of the roped off Walk Through Metal Detector (WTMD). A TSO was moving a cart full of bins through the WTMD and left the WTMD open for a moment. You walked through the WTMD, though you had been told to wait. The TSO who had moved the cart and BDO (b)(6) stopped you and brought you back.

During the pat-down by the TSO, the BDOs again observed you with further suspicious behaviors, which were relevant because you were already being scrutinized for allegedly suspicious behaviors. Once your pat-down was completed, the BDOs began a search of your property as part of your additional screening. You were asked about your military identification card. You were also asked about medication, in pill form, that was in your property and you stated that the pills were not TSA's concern.

In your concern about the additional screening process, you requested the presence of a law enforcement officer (LEO). Once the LEO arrived, you requested that he stay until the additional screening was completed because you felt unsafe, to which the LEO agreed. Once the additional screening was completed, you were cleared for travel.

B. Conclusions of Law

In your complaint the main concern appears to be that the BDOs went beyond their authority and withheld your civil liberties. We have determined that your Fifth Amendment right to Equal Protection was violated when you were singled out because of your race, in comparison to all other travelers in the queue, for additional scrutiny and screening. "The liberty protected by the Fifth Amendment's Due Process Clause contains within it the prohibition against denying to any person the equal protection of the laws."²

You may have also been treated differently because of your race based on the theory of disparate treatment, which prohibits the member of a protected group from being singled out and treated differently.³ Even if the theory of disparate treatment applied for non-employment settings, it hinges on discriminatory intent. Determined by the evidence that we have analyzed it appears there was intent to single you out and treat you differently based on your race.

Pursuant to TSA's Civil Rights Policy⁴, TSA personnel are prohibited from basing screening decisions on a traveler's protected status, including race. TSA must ensure that all persons and their accessible property passing through the security checkpoint undergo screening to protect against the introduction of weapons, explosives and incendiary devices into the sterile area of an airport and onboard an aircraft.⁵ Travelers may also undergo additional screening of their person and property, but TSA neither uses nor condones unlawful profiling in our security screening activities.

C. Remedies

We recommend that the BDOs who were involved in this matter undergo the new unlawful profiling BDO training within three months of receipt of this letter.

D. Right to Appeal

This letter constitutes a final decision by TSA CRI OTE. If you are aggrieved by any findings or conclusions as set forth in this letter, in whole or in part, you may seek judicial review in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the complainant resides. See 49 U.S.C. §46110 (2003). The petition for review must be filed not later than sixty (60) days after this order was issued.

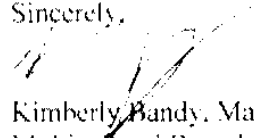
² *U.S. v. Windsor*, 133 S.Ct. 2675 (2013)

³ Civil Rights Act of 1991

⁴ http://www.tsa.gov/sites/default/files/assets/pdf/research/2012equal_employment_opportunity_and_diversity_policy_statement.pdf

⁵ Following the tragic events of September 11, 2001, Congress specifically charged the head of TSA with overall responsibility for civil aviation security. 49 U.S.C. § 114(a)-(b), (d); 6 U.S.C. § 202(c). Under 49 U.S.C. §§ 44901-902, Congress directed the Under Secretary of Transportation for Security (the head of TSA) to provide for the screening of all passengers and property before boarding an aircraft to ensure that no passenger is unlawfully carrying a dangerous weapon, explosive or other prohibited item. To that end, Congress has mandated that the Secretary of Homeland Security give "high priority to developing, testing, improving, and deploying" technologies at airport screening checkpoints to detect "nonmetallic, chemical, biological, and radiological weapons, and explosives, in all forms, on individuals and in their personal property," including such weapons and explosives that "terrorists would likely try to smuggle aboard." 49 U.S.C. § 44925(a).

Sincerely,



Kimberly Bandy, Manager
Multicultural Branch, Disability and Multicultural Division
Office for Civil Rights & Liberties, Ombudsman,
and Traveler Engagement
Transportation Security Administration
Department of Homeland Security