

PLAYBOOK TRAINING REQUIREMENTS INSTRUCTIONS

The completion of the attached Playbook training requirements checklist is mandatory for Transportation Security Officers (TSOs) and Behavioral Detection Officers (BDOs) who will be performing Playbook operations. This instruction sheet provides additional guidance information that will assist in the completion and recording of initial and annual playbook qualification for TSOs and BDOs per Playbook SOP Revision 2, Section 2.5.

General Instructions:

All items of the Playbook training requirements checklist must be completed. For items that are not applicable, place *N/A* in the "Reviewing Officials" line. Items 1, 22, 23 and 25 require Transportation Security Managers (TSM) or BDO/TSM signature. Return signed and completed checklist to your Training Manager/Specialist.

Initial Playbook Qualification Instructions:

1. TSOs/BDOs must complete Playbook web-based training (WBT) lessons prior to starting the hands on portion of Playbook training.
2. TSOs participating in Playbook operations must maintain their TSA certification as described in MD 1900.8.
3. Upon completion of the WBT portion of the training, TSOs and BDOs requiring Playbook qualification will have to complete hands on Playbook Play activities and demonstrate proficiency in their Playbook duty areas. The Playbook training requirements checklist is used to record training proficiency.
4. The Playbook training requirements checklist is no longer in the Playbook SOP. The Training Manager/Specialist will have to provide the Playbook training requirements checklist to the TSO/BDO for completion. The checklist can be accessed from the Online Learning Center (OLC) using the following Item ID: SCR-ALL-PLAYBOOK-CHECKLIST.
5. The Training Managers/Specialist should coordinate this portion of the training with the Playbook Coordinator or designee. TSOs/BDOs requiring Playbook qualification should treat this portion of the training as On the Job training (OJT). Schedule sufficient training time for TSOs/BDOs to demonstrate proficiency in the required areas on the Playbook training requirements checklist.
6. The Playbook Coordinator or designee will ensure individuals are given training on applicable areas of the Playbook training requirements checklist before assignment of item 24, a 2-hour observation period. This item is used as the final performance demonstration in which TSOs/BDOs should demonstrate proficiency in Playbook operations.
7. Once all applicable areas of the Playbook requirements checklist are completed by the TSM or BDO/TSM, the Playbook Coordinator or designee should submit completed checklist to TSM for final review and signature.
8. Training Manager/Specialist records credit in the OLC using the following Item ID: SCR-ALL-PLAYBOOK-OJT.

Annual Playbook Re-Qualification Instructions:

1. On an annual basis TSOs and BDOs must re-qualify in accordance with Playbook SOP Revision 2.
2. TSOs/BDOs performing Playbook operations will have the following OLC Item in their learning plan; SCR-ALL-PLAYBOOK-ANNUAL-RECERT. This item will become available 90 days prior to the one year anniversary of initial qualification Item ID: SCR-ALL-PLAYBOOK-OJT sign-off.
3. To complete the annual re-qualification credit requirements for; SCR-ALL-PLAYBOOK-ANNUAL-RECERT, TSOs and BDOs must:
 - a. Review the Playbook training requirements checklist with a Playbook team member
 - b. Attain Playbook knowledge confirmation (sign-off) of the Playbook program applicable areas for his/her assigned duties
 - c. Playbook training requirements items marked with an * requires a managers signature. For TSOs Items 1, 22 and 25 will require completion with a TSM signature. For BDOs Items 1, 22, 23 and 25 will require completion with a BDO/TSM signature. The re-qualification sign-off process must be coordinated with the Playbook Coordinator or designee.
4. Once all applicable areas of the Playbook training requirements checklist are completed, return the completed checklist to a Training Manager/Specialist for review. Successful completion credit of annual re-qualification is entered using OLC Item ID: SCR-ALL-PLAYBOOK-ANNUAL-RECERT.

PLAYBOOK TRAINING REQUIREMENTS

Playbook SOP Revision 2, September 30, 2012

Name: _____

Date: _____

1. *Demonstrates the knowledge of all Playbook screening locations, to include the knowledge of the each Play intent and purpose. (TSO/BDO)

Date: _____ Reviewing Official: _____

2. Demonstrate the knowledge of appropriate signage placement.

Date: _____ Reviewing Official: _____

3. (b)(3) 49 U.S.C. § 114(r)

Date: _____ Reviewing Official: _____

4. (b)(3) 49 U.S.C. § 114(r)

Date: _____ Reviewing Official: _____

5. Demonstrates knowledge of procedures when an individual refuses Playbook screening in a non-public area.

Date: _____ Reviewing Official: _____

6. (b)(3) 49 U.S.C. § 114(r)

Date: _____ Reviewing Official: _____

7. (b)(3) 49 U.S.C. § 114(r)

Date: _____ Reviewing Official: _____

8. (b)(3) 49 U.S.C. § 114(r)

Date: _____ Reviewing Official: _____

9. (b)(3) 49 U.S.C. § 114(r)

Date: _____ Reviewing Official: _____

10. (b)(3) 49 U.S.C. § 114(r)

Date: _____ Reviewing Official: _____

11. (b)(3) 49 U.S.C. § 114(r)

Date: _____ Reviewing Official: _____

12. Demonstrates knowledge of procedures to conduct boarding gate screening.

Date: _____ Reviewing Official: _____

13. (b)(3) 49 U.S.C. § 114(r)

Date: _____ Reviewing Official: _____

14. (b)(3) 49 U.S.C. § 114(r)

Date: _____ Reviewing Official: _____

15. (b)(3) 49 U.S.C. § 114(r)

Date: _____ Reviewing Official: _____

16. (b)(3) 49 U.S.C. § 114(r)

Date: _____ Reviewing Official: _____

17. (b)(3) 49 U.S.C. § 114(r)

Date: _____ Reviewing Official: _____

18. (b)(3) 49 U.S.C. § 114(r)

Date: _____ Reviewing Official: _____

19. (b)(3) 49 U.S.C. § 114(r)

Date: _____ Reviewing Official: _____

20. (b)(3) 49 U.S.C. § 114(r)

Date: _____ Reviewing Official: _____

21. Demonstrates knowledge of STSO and/or Play Lead notification procedures.

Date: _____ Reviewing Official: _____

22. (b)(3) 49 U.S.C. § 114(r)

Date: _____ Reviewing Official: _____

23. (b)(3) 49 U.S.C. § 114(r)

Date: _____ Reviewing Official: _____

24. Complete one 2-hour Playbook screening familiarization period under the direct observation of a Playbook certified TSM, STSO or I.TSO.

Date: _____ Reviewing Official: _____

25. *Verification of training completion by the applicable Transportation Security Manager for position.(BDO/TSO)

Date: _____ Signature: _____

26. OLC credit entered and verified by the Training Manager/Specialist.

Date: _____ Signature: _____





Transportation
Security
Administration

Non-Disclosure Agreement

A representative from the Office of Inspection has briefed me relative to an internal investigation.

I will not disclose or release any information provided to me, pursuant to the interview, without proper authority or authorization. Should situations arise that warrant the disclosure or release of such information, I will do so only under approved circumstances and in accordance with the laws, regulations, or directives applicable to the specific categories of information. I will honor and comply with any and all dissemination restrictions cited or verbally relayed to me by the proper authority.

I further understand that unauthorized release may result in civil penalty or other disciplinary action.

Print name:



Signature:

Date: 06-13-2013

Issued by:

Date: 6/13/2013

Witnessed by:

Date: 6/13/2013

TSA Special Agent/Inspector

~~**WARNING:** This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

Attachment #9

~~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: June 14, 2013 4:30 p.m. |
| Activity or Interview of: STSM [redacted] - ORD | Conducted by: SA Mary Drury |
| | Location of Interview/Activity: TSA ORD Manager's Office |

Subject Matter/Remarks

OOI interviewed STSM [redacted] regarding the allegations of racial profiling by BDOs at ORD. The following is a summary of his verbal statements:

- [redacted] experience at TSA includes: employment since August of 2002, as a BDO, promoted as a LTSO, July 2005. In April 2007, assigned to the ORD SPOT program, and in May of 2011, promoted to STSM.
- He described the deployment of BDOs at ORD as intelligence driven assignments. "Secure Flight" conducts uniform prescreening of passenger information against federal watch lists for domestic and international flights.

[redacted] (b)(3) 49 U.S.C. § 114(r)

| | |
|--------------------------|---|
| Case Number: 113-0243 | Case Title: ORD - Racial Profiling by BDOs |
|--------------------------|---|

~~SENSITIVE SECURITY INFORMATION FOR 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 ADMINISTRATOR 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)

- (b)(3)49 U.S.C. § 114(f)
- Etihad and Royal Jordanian service Abu-Dhabi, United Arab Emirates and Amman, Jordan.
- (b)(3)49 U.S.C. § 114(f)
- STSM (b)(6) believes for someone to make the allegation of racial profiling, they must have taken the intelligence briefing out of context. He also believes that person may not understand the actual process and the safeguards implemented into the system to prevent racial profiling.
- STSM (b)(6) is emphatic in stating that he has never racially profiled nor was he ever instructed by anyone to perform the practice of profiling. He has never instructed anyone at any time to racially profile. He has never witnessed the practice and no one has ever brought it to his attention.
- In August of 2012, news stories surfaced regarding the allegation of racial profiling of BDOs at Boston's Logan Airport (BOS). As a result FSD Kathleen Petrowsky sent an email, addressed to all the BDOs, which was read at shift in-briefings regarding the program's expectations and that it is solely based on training in personal observation and individual assessment without regard to a person's race, ethnicity, or nationality.
- In December of 2011, all ORD BDOs were required to complete a briefing on the OLC titled "Preventing Racial, Ethnic, and Religious Profiling Training Brief".
- In February of 2013, the ORD BDOs attended a "SPOT refresher course" as part of the three day class; it provided the topic of preventing racial profiling and also provided a video from Administrator John Pistole regarding the subject."
- Further STSM (b)(6) has no information regarding the author of the anonymous letter alleging racial profiling.

Attachment:

(b)(6) sworn affidavit, dated June 14, 2014.

| | |
|---------------------------|---|
| Case Number: I132-0243 | Case Title: ORD – Racial Profiling by BDOs |
|---------------------------|---|

~~SENSITIVE SECURITY INFORMATION/NO FOR 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 ADMINISTRATOR 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)



Transportation
Security
Administration

~~SENSITIVE SECURITY INFORMATION~~

Non-Disclosure Agreement

A representative from the Office of Inspection has briefed me relative to an internal investigation.

I understand that this information is Sensitive Security Information, that is controlled under Title 49, CFR, Part 1520. I also understand that this information may not be released 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, Arlington, Virginia.

I further understand that unauthorized release may result in civil penalty or other disciplinary action.

Print name:



Signature:

Date:

06/13/2013

Witnessed by:

Mary S. Cherry
TSA Special Agent/Inspector

James R. Stone

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

~~SENSITIVE SECURITY INFORMATION~~

My name is (b)(6) also known as, (aka), (b)(6) I was hired in August of 2002 by the Transportation Security Administration, (TSA), as a Transportation Security Officer, (TSO) and promoted in July of 2005 to Lead Transportation Security Officer, (LTSO). I have been part of the Screening Passengers by Observation Technique (SPOT), program since April of 2007, where I have held the uniformed positions of Master Behavior Detection Officer, (BDO) and Expert Behavior Detection Officer, (BDO). In May of 2011, I was promoted to my current position, SPOT Transportation Security Manager, (STSM) (b)(6)

I have been directed to provide a statement as part of an investigation to the allegations that have been made on the subject of racial profiling in the SPOT program by BDOs and STSMs at Chicago's O'Hare International Airport, (ORD). (b)(6)

Secure Flight conducts uniform prescreening of passenger information against federal watch lists for domestic and international flights. (b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § (b)(6)

Etihad and Royal Jordanian are two international air carriers that service Abu-Dhabi, United Arab Emirates and Amman, Jordan; both destinations located in the Middle East. (b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § (b)(6)

I have never racially profiled, nor was I ever instructed by anyone to perform the practice of profiling. I have never instructed anyone at any time to racially profile. I have never witnessed anyone racially profiling nor have I ever heard of racial profiling occurring by anyone at ORD (b)(6)

The only time the subject has ever been mentioned by BDOs at ORD was in August of 2012, when news stories surfaced that BDOs at Boston's Logan Airport were allegedly engaged in racial profiling by targeting minorities for questioning based on their race or ethnicity during a pilot program named "assessor." ORD's Federal Security Director, (FSD), Kathleen Petrowsky sent an email addressed to the BDOs which was subsequently read at shift in-briefings regarding the programs expectations and that it is solely based on training in personal observation and individual assessment without regard to a person's race, ethnicity, or nationality (b)(6)

Our SPOT Standard Operating Procedure, (SOP), dictates that SPOT must be conducted without regard to race, color, religion, national origin, ethnicity, sexual orientation or disability. In December of 2012, all BDO personnel were required to complete a briefing on the Online Learning Center, (OLC), titled "Preventing Racial, Ethnic, and Religious Profiling Training Brief." It provided BDOs a working knowledge of how to prevent profiling during the screening process and to ensure effective and appropriate application of SPOT. It reminded all BDOs of their role in ensuring that behavior analysis security measures were appropriately and lawfully applied. In February of 2013, BDOs attended a "SPOT refresher" course at the TSA training offices in Rosemont, Illinois. As part of the 3 day class, it included the topic of preventing racial profiling and featured a video by Administrator John Pistole on the subject (b)(6)

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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~~

Page 2 of 2 (b)(6)



SWORN STATEMENT

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

I have read this entire statement consisting of 2 pages. I have been given the opportunity to make any corrections necessary to make the statement accurate. All of the information contained in this statement is true and accurate to the best of my knowledge and belief. I understand that I may be prosecuted for perjury or making false statements if I have intentionally misrepresented anything contained in this statement. I have not intentionally omitted any information or knowledge I have that relates to the matters under investigation or review (b)(6)

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

(Signature)

Signed and sworn to before me, this 14 day of June, 2013

Witness

Mary Drury
Special Agent

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

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 C.F.R. parts 15 and 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 Administrator 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.~~

Attachment #10

~~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: June 18, 2013 10:00 a.m. |
| Activity or Interview of: STSM (b)(6) - ORD | Conducted by: SA Mary Drury |
| | Location of Interview/Activity: TSA ORD Manager's Office |

Subject Matter/Remarks

OOI interviewed STSM (b)(6) relative to the allegation of the practice of racial profiling by the BDO program at ORD. The following is a summary of both his verbal and sworn written statement:

- (b)(6) has been employed by TSA since September 6, 2002. On May 24, 2009, he was promoted to STSM.
- During his SPOT training he was "taught to protect the civil liberties of the flying public, when conducting SPOT" meaning refrain from any racial profiling of any kind.
- In addition, if a person did not exhibit behaviors we were trained to observe, then we cannot allow any personal assumptions based on gender, age, ethnicity, religion or color.
- The only time a situation might allow targeting a particular description of a person was if directed by the FSD and that should be based on specific intelligence threat information. This is clearly stated in the SPOT SOP.

| | |
|--------------------------|---|
| Case Number: I13-0243 | Case Title: ORD - Racial Profiling by BDOs |
|--------------------------|---|

~~SENSITIVE SECURITY INFORMATION (NON-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 ADMINISTRATOR 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)

- Four months ago STSM (b)(6) attended a SPOT refresher course which was required of all of the BDOs at ORD. During that time racial profiling was specifically addressed.
- In addition, the SOP clearly states that no personal information (PI) should be obtained during the SPOT process and it should not be recorded in their reports or data base.
- All SPOT referrals are reviewed by STSMs to ensure compliance.
- STSM (b)(6) has never been directed to racially profile and was never advised of anyone that practiced racial profiling. He has never witnessed anyone racial profile.
- Further, he is shocked by the accusations regarding racial profiling at ORD and at BOS.
- There has been a heightened awareness of the issue and he has been instructed to brief BDOs on the subject.
- He realizes racial profiling is absolutely wrong and takes the allegation very seriously.
- STSM (b)(6) has no knowledge of who might be the author of the anonymous letter.

Attachment:

STSM (b)(6) sworn affidavit dated June 18, 2013.

| | |
|--------------------------|---|
| Case Number: 113-0243 | Case Title: ORD – Racial Profiling by BDOs |
|--------------------------|---|

~~SENSITIVE SECURITY INFORMATION FOR 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 ADMINISTRATOR 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)



Transportation Security Administration

SWORN STATEMENT

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

(b)(6)

*** SEE ATTACHED STATEMENT ***

I have read this entire statement consisting of 2 pages. I have been given the opportunity to make any corrections necessary to make the statement accurate. All of the information contained in this statement is true and accurate to the best of my knowledge and belief. I understand that I may be prosecuted for perjury or making false statements if I have intentionally misrepresented anything contained in this statement. I have not intentionally omitted any information or knowledge I have that relates to the matters under investigation or review. (b)(6)

(b)(6)

Signature

Signed and sworn to before me, this 18 day of JUNE, 2013.

Witness

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

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

~~SENSITIVE SECURITY INFORMATION~~

(b)(6) [redacted] have been employed with the Transportation Security Administration (TSA) since September 6, 2002 to present. I was promoted to manager in the Screening Passengers by Observation Technique (SPOT) program on May 24, 2009. During SPOT training I was taught to protect the civil liberties of the flying public when conducting SPOT by not racial profiling. I was taught that if a person did not exhibit behaviors we were trained to observe then we cannot allow any personal preferences to make assumption on any person based on gender, age, ethnicity, religion or color. The only time I would be allowed to profile an individual is if it is directed by the Federal Security Director (FSD) and provided such direction is based on specific intelligence threat information. This is also written in the SPOT Standard Operating Procedures (SOP). It was also a highlighted feature in the SPOT refresher course 4 months ago. The SPOT SOP also requires that no Personal Identifiable Information (PII) about SPOT- designated individuals is recorded in reports or databases. All SPOT referrals are reviewed by SPOT managers to ensure compliance. In my 4 years as a SPOT manager I have never been directed to racially profile. I have never been informed by anyone that other SPOT managers practice racial profiling. I have never witnessed racial profiling or directed a BDO to racial profile. I was shocked by the accusations that Boston Logan Airport was racial profiling and since then there has been at heightened awareness of the subject. Since that time I was instructed to brief BDO's on the subject of racial profiling and take a mandatory OLC class.

(b)(6)
6/18/2013

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

RS.
2 of 2



Transportation
Security
Administration

Non-Disclosure Agreement

A representative from the Office of Inspection has briefed me relative to an internal investigation.

I will not disclose or release any information provided to me, pursuant to the interview, without proper authority or authorization. Should situations arise that warrant the disclosure or release of such information, I will do so only under approved circumstances and in accordance with the laws, regulations, or directives applicable to the specific categories of information. I will honor and comply with any and all dissemination restrictions cited or verbally relayed to me by the proper authority.

I further understand that unauthorized release may result in civil penalty or other disciplinary action.

Print name:

(b)(6)
[Redacted Signature]

Signature:

Date:

6/18/13

Issued by:

Mary Slay

Date:

6-18/13

Witnessed by:

TSA Special Agent/Inspector

Date:

~~**WARNING:** This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

Attachment #11

~~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: June 19, 2013 11:45 a.m. |
| Activity or Interview of: STSM (b)(6) - ORD | Conducted by: SA Mary Drury |
| | Location of Interview/Activity: TSA ORD Manager's Office |

Subject Matter/Remarks

OOI interviewed STSM (b)(6) relative to the anonymous letter alleging racial profiling and various other complaints. The following is a summary of her verbal and sworn written statements:

- STSM (b)(6) has been employed by the TSA since August 18, 2002. She began as a TSO, became a MBDO in March 2007, promoted to EBDO in late 2007, and was promoted to STSM in June of 2008.
- SPOT certification training prohibits racial profiling. SPOT profiles behavior not individuals.
- All instruction from headquarters, the OLC, and the SOP prohibits racial profiling. It is unlawful. The ORD BDO management supports and abides by the rules and regulations. They instruct and enforce these same rules and regulations.
- BDOs profile SPOT recognized behaviors which are stress, fear, deception cues, and appearance factors.

| | |
|--------------------------|---|
| Case Number: 113-0243 | Case Title: ORD - Racial Profiling by BDOs |
|--------------------------|---|

~~SENSITIVE SECURITY INFORMATION/FOR 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 ADMINISTRATOR 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)

- There are safeguards implemented into the system. These safeguards include STSMs routinely monitoring and evaluating BDO personnel. STSMs review all SPOT referral reports, and track BDOs personnel referrals each pay period.
- STSM (b)(6) has never instructed BDOs to target a specific airline. It is not ethical. If she learned of any BDO targeting airlines, she would report it up the chain of command. No one has ever voiced any concern to her regarding racial profiling. She has never observed anyone that practiced racial profiling. If there was such a case, she would put the BDO on notice and report it up the chain of her command. She attests she has never racially profiled.
- As far as the allegation of falsifying Playbook hours, STSM (b)(6) explained that the BDO managers do not input PMIS numbers into the system. "BDO managers input audible Playbook hours only which are derived from a random structured schedule for personnel conducting SPOT at the checkpoints."
- STSM (b)(6) is saddened and upset by these random allegations. She maintains that she cares about the BDOs she manages and works hard to provide equal opportunity for assignments to all. She firmly believes in the SPOT program and its purpose. She has no information regarding the possible source of the anonymous letter.
- Further she offered to take a polygraph to verify her statement and clear her reputation.

Attachment:

STSM (b)(6) sworn affidavit dated June 19, 2013

| | |
|--------------------------|---|
| Case Number: 113-0243 | Case Title: ORD – Racial Profiling by BDOS |
|--------------------------|---|

~~SENSITIVE SECURITY INFORMATION/FOR 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 ADMINISTRATOR 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)



SWORN STATEMENT

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

(b)(6)

*** 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)

Signature

Signed and sworn to before me, this 19 day of JUNE, 2013.

Witness

Mary Drury

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

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

(b) (6)

B.) Class Room training local and conducted by HQ (i.e.: secret security briefings, BDO refresher training, Advance Behavior Detection Training and AIM's training, etc.) Individuals receiving training sign in on a training log (b) (6)

2.) Racial Profiling (b) (6)

During SPOT certification training driven by HQ, put simply ...prohibits racial profiling... period! (b) (6)

We profile SPOT recognized behaviors... period! (b) (6)

All instruction from HQ, the OLC, and the SOP prohibits such actions and it is unlawful. Our BDO management staff supports and abide these rules and regulations. We support and instruct these same rules and regulations to our subordinates. We profile SPOT recognized behaviors which are stress, fear and deception cues and appearance factors... period! (b) (6)

Safe guards to ensure these rules: (b) (6)

Managers routinely are out working side by side with, or conducting evaluations of BDO personnel at their work location (b) (6)

Managers review all SPOT Referral reports, track BDO personnel's referrals each pay period (b) (6)

Routinely OLC courses are assigned to all BDO's which stresses - prohibits racial profiling. (b) (6)

3.) Have you ever been instructed to; or directed to; or taught to Racial Profile? (b) (6)

NO. *I have never instructed BDO's to target specific airlines.* (b) (6)

It is not ethical, nor would I; I would report such instances up the chain of command (b) (6)

- Has anyone ever told you they were concerned about racial profiling? (b) (6)

NO. (b) (6)

- Have you ever observed anyone racial profile? (b) (6)

NO. (b) (6)

Individual would be put on notice and immediately reported up the chain of command (b) (6)

4.) Falsifying Playbook PMIS hours (b) (6)

We (BDO Managers) do not input PMIS numbers for the Playbook team also known as Flex team. (b) (6)

We (BDO Managers) supply the Flex team with the required number BDO personnel as directed. (b) (6)

BDO Managers input audible playbook hours only which are derived from a random structured schedule for personnel conducting SPOT at the checkpoints (b) (6)

I am willing to take polygraph test to verify my statement. (b) (6)

WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without being "need to know" as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator 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.

~~SENSITIVE SECURITY INFORMATION~~

6/19/2013

To whom it may concern:

I am writing this statement in response to erroneous allegations made in a letter which was signed by an unknown person(s) regarding the ORD BDO management team. Some allegations were personally directed toward my co-worker, (b)(6) and me which I found very hurtful and most definitely untrue. (b)(6)

I do not know who may be reviewing this so I am prefacing with a little bit of back ground on myself. First of all on a personal level, I am a white female over 40 years of age. I have and currently am co-parenting an adult-child who was born with cognitive learning disabilities, physical motor skills disabilities and experiences frequent seizures. I was actively involved with Illinois Special Olympics for many years as a spectator, mentor, chaperone and coach. Currently I have joint guardianship of this young adult who will always require assistance throughout life (b)(6)

I have worked since I was nine years old; I have worked at a full time job since I graduated high school. Pretty much my entire adult life. Many times I have held down 2 or 3 jobs at the same time and/or had full time job plus go to college with full credit schedule. Needless to say I developed a strong work ethic very early in life. I have held many jobs where women were not readily accepted and were discriminated against in many ways (b)(6)

I became employed by the United States government, Transportation Security Administration (TSA) on (b)(6) After 911 I was ready to serve my country again; I served in the Illinois Air National Guard shortly after high school; and TSA was an avenue I decided on. I was initially hired in as a screener, after a few years I started looking for new challenges within the organization to continue to make a difference and help the organization grow. I always seek to do better and help others attain the same. I was interested in, believed in and applied for the position of Master Behavior Detection Officer which was a new official program, layer of security within TSA. During this period in 2007 O'Hare (ORD) had just officially rolled the BDO Program. I was promoted to Master Behavior Officer in March of 2007; I was one of 12 individuals on the Behavior Detection team. During the growth process of the program I was instrumental in the development of the ORD BDO program, (i.e. mentoring, team building, operational fundamentals, etc.) After a little over 6 months I became eligible and earned the promotion to Expert BDO. The BDO program continued to grow and the opportunity came for me to apply, interview and successfully be promoted to SPOT Transportation Security Manager (STSM) in June of 2008. I am still currently a STSM at ORD. (b)(6)

Allegations to address: (b)(6)

- 1.) Falsifying Training Logs (b)(6)

Falsifying training logs is pretty much impossible (b)(6)

A.) Most training is done on the OLC website where each individual has to independently log into the computer with user name and password. It is data based at HQ (b)(6)

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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 49 CFR parts 15 and 1520.~~

2 of 3 (b)(6)

Attachment #12

~~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: June 20 and 24, 2013 9:30 a.m. |
| Activity or Interview of: STSM (b)(6) - ORD | Conducted by: SAs William Kalbfleisch and Mary Drury |
| | Location of Interview/Activity: OOI ORD Office |

Subject Matter/Remarks

OOI interviewed STSM (b)(6) relative to the allegations of racial profiling as outlined in an anonymous letter. The following is a summary of both his verbal and sworn written statements:

- (b)(6) began his employment with TSA on (b)(6). Since then, he has received the following promotions: LTSO in May 2004, EBDO in March 2007, and STSM in May 2011.
- He received SPOT training at BOS for a week long class room and OJT. He received "learned behavior recognition training," which explained the points associated to specific behaviors. The points are calculated to determine if the SPOT met a certain threshold for a referral. The SPOT program was developed and implemented exclusively on behavior pattern recognition techniques; it is supported by scientific research and is used by many other government agencies.
- Required OLC training constantly reminds the BDOs that racial profiling is against the law. There is also required Fourth amendment training.

| | |
|--------------------------|---|
| Case Number: 113-0243 | Case Title: ORD - Racial Profiling by BDOs |
|--------------------------|---|

~~SENSITIVE SECURITY INFORMATION/FOUO 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 ADMINISTRATOR 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)

- SPOT SOP clearly states that "SPOT must be conducted without regard to race, color, religion, national origin, ethnicity, sexual orientation, or disability except as directed by the FSD and provided such direction is based on specific intelligence threat information."
- The ORD FSD also sends regular emails reminding the zero tolerance for any racial profiling, most recently January 2, 2013.
- He vehemently maintains that he has never witnessed any racial profiling. Nor has he ever heard of any complaints of racial profiling. Further, he has never instructed anyone to racial profile.
- He describes the program's philosophy is to make sure everyone understands that racial profiling will never be tolerated.
- Regarding playbook operations: The only time there was instruction to target a particular group or individual; it came from the FSD and was based strictly on intelligence threat information.

(b)(3) 49 U.S.C. § 114(f)

- STSM (b)(6) is upset and saddened by the allegations of racial profiling; because it is against everything the program signifies.
- The BDO program has been riddled with rumors and misconceptions. Most of the TSOs and management do not understand the program because of its protected information and practices.
- STSM (b)(6) believes that the allegations of racial profiling are rumors that could be corrected; if they were able to brief other TSOs and managers of their purpose. He also believes that senior leadership at ORD should utilize the BDO program for effectively.
- STSM (b)(6) recalls, years ago they provided a power point presentation to TSOs, LTSOs and STSOs which fostered a better working relationship and provided them with a better understanding of the BDO program.
- STSM believes that there is a possibility that EBDO (b)(6) may have written the letter.

Case Number:
113-0243

Case Title:
ORD Racial Profiling by BDOs

~~SENSITIVE SECURITY INFORMATION/FOR 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 ADMINISTRATOR 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.~~

~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

Attachment:

STSM (b)(6) sworn affidavit dated June 24, 2013.

| | |
|--------------------------|---|
| Case Number: 113-0243 | Case Title: ORD Racial Profiling by BDOs |
|--------------------------|---|

~~SENSITIVE SECURITY INFORMATION FOR 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 ADMINISTRATOR 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)

My experience at TSA is as follows to the best of my knowledge: EOD date [redacted] TSO [redacted]

Promoted: Lead TSO on May 2004 [redacted]

Promoted: EBDO on March 2007 [redacted]

Promoted: STSM on May 2011 [redacted]

BDO PILOT PROGRAM DECEMBER 2005

I was asked at the time by TSM Glasure who now works with TSA K9, if I was interested in a Pilot program referred to as SPOT. I agreed and was interviewed I think from a couple of people from BOSTON Airport. One week after the interview I was called while on vacation to see if I wanted to be in the program. This was in Dec. of 2005. I was one of only 32 officers from four different airports, 8 each from (MIA, LAX, BOS, and ORD) to be part of this pilot program [redacted]

This training included a 1 week long class room and on the job training at BOSTON Airport. We were learned behavior recognition and how the points associated for the behaviors were calculated and how to conduct a referral based on the SPOT threshold. The SPOT program was developed and implemented based on behavior pattern recognition techniques used by various government agencies and supported by scientific research. [redacted]

[redacted] regarding safeguards for racial profiling in the program [redacted]

We are constantly reminded by OLC courses taken regarding racial profiling. We have all gone through the Fourth Amendment class given by our local legal department. Also it is clearly written in our SPOT SOP in Section 2.1. Spot must be conducted without regard to race, color, religion, national origin; ethnicity, sexual orientation, or disability except as directed by the FDS and provided such direction is based on specific intelligence threat information. Gender and age may only be considered as specified in Section 3.4. in table 4 and may not be the sole basis for referral. We also receive emails from our FSD regarding zero tolerance with regard from racial profiling most recent on January 2, 2013. [redacted]

I have never witnessed racial profiling [redacted]

I have never heard of anyone complaining about racial profiling. [redacted]

I have never instructed anyone to racial profile [redacted]

The program's philosophy is to make sure everyone understands that racial profiling is not tolerated and will not be tolerated. That anyone who has this mind set and follows through will be dismissed from their duties and removed from Government service. [redacted]

2 of 4

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

~~SENSITIVE SECURITY INFORMATION~~

under AFSD of LEO which at the time was Tom Herion. He understood the program and what we as BDO's were capable of doing.

(b)(6) [redacted] (b)(6) [redacted]

Also there was a time when we as BDO's with the help of STSM (b)(6) who was a trainer with the BDO program at the time would sit in on screening floor team training and give a power point presentation to TSO, LTSO and STSO. This would help foster a good working relationship and give them a better understanding of the program. It also helped them understand what and how they helped us in our process. The power point was a brief display of what we do as BDO's without giving any of our behaviors and or point values associated with them. After several weeks it stopped. We also at one time were able to be part of the orientation were we would take 45 minutes in the process to educate the new TSOs about the BDO program for their awareness prior to their OJT.

(b)(6) [redacted] (b)(6) [redacted] (b)(6) [redacted]

I take great pride in the work I do, and the opportunity to work for the government. I am also very proud of where I come from and the hard work my parents did as young adults from Mexico to give me and my brothers and sisters an opportunity at a better life. Through them is where I get my work ethic and morals and will forever be grateful for the lessons learned. I also want to say how very hurt and sadden I am regarding these allegations of racial profiling. This goes against everything that I have been taught and the way that I have been brought up. Furthermore it also goes everything that the BDO program does not condone.

AgAnns

(b)(6) [redacted] (b)(6) [redacted]

(b)(6) [redacted]

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

(b)(6) [redacted]

~~SENSITIVE SECURITY INFORMATION~~

Following the BOSTON incident regarding racial profiling it was constantly briefed to our officers in briefs and out briefs and email such as the ones from our FSD that it would never be tolerated

(b)(6)

(b)(6)

All Managers are able to enter the PMIS numbers for the BDO Program. It depends who is on duty and who gets to it first. As far as the Playbook team PMIS numbers they are entered by the Playbook Supervisor which is total separate from the daily BDO PMIS numbers entered. The playbook supervisor enters the hours for the BDO's assigned to playbook team for the day only.

(b)(6)

(b)(6)

(b)(6)

As far as assignments to playbook, BDO's are rotated into this assignment. This is normally assigned by the BDO manager who puts the assignments together for the next working day.

(b)(6)

(b)(6)

I have never been told to target any group or individual.

The only time we would target any group or individual is if directed by the FSD and provided that such direction is based on specific intelligence threat information which I believe would come from our Intelligence Officer Ross Preston or HQ.

(b)(6)

(b)(3) 49 U.S.C. § 114(r)

The only time we observe a specific flight

(b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § 1

This request is from HQ and our Senior Leadership to best of my understanding

(b)(6)

(b)(6)

(b)(6)

Training documents can they be falsified? As far as I know I am not aware of any being falsified or how they could be. Most of all of our training is done via OLC courses. On rare occasions we will be brief some important information that would need to be recorded via an in brief sign off sheet. Such as the new Screening Checkpoint Prohibited Items List (PIL) Update that was done on OLC and a training packet that was read and needed to have a sign off sheet attached to it for credit of completion.

(b)(6)

(b)(6)

(b)(6)

Rumors leading to misperceptions: I believe this is because perception of the BDO's and program is that we just stand around and do nothing. People do not understand the program because we are not allowed to give up any information regarding how we look for behaviors and point values that are assigned to them. Senior leadership has never bought into the program since it started as a pilot program in Dec. of 2005. It was never well received and still is not in my opinion. They in my opinion have never taken the time to understand what we do and therefore do not utilize us properly. It is very difficult to do a job when you feel that you are not supported. They are more in tune to the screening process and less to us. The only time I believe we were understood and respected was when we were

(b)(6)

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

of 4

(b)(6)



Transportation
Security
Administration

Non-Disclosure Agreement

A representative from the Office of Inspection has briefed me relative to an internal investigation.

I will not disclose or release any information provided to me, pursuant to the interview, without proper authority or authorization. Should situations arise that warrant the disclosure or release of such information, I will do so only under approved circumstances and in accordance with the laws, regulations, or directives applicable to the specific categories of information. I will honor and comply with any and all dissemination restrictions cited or verbally relayed to me by the proper authority.

I further understand that unauthorized release may result in civil penalty or other disciplinary action.

Print name: b(6)
Signature: [Redacted]

Date: 6/20/13

Issued by: Mandy Gray
Witnessed by: [Signature]
TSA Special Agent/Inspector

Date: 6/20/13
Date: 6/20/13

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

Attachment #13

~~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: June 20, 2013 12:15 p.m. June 26, 2013 11:30 p.m. |
| Activity or Interview of: STSM [redacted] - ORD | Conducted by: SAs William Kalbfleisch and Mary Drury |
| | Location of Interview/Activity: OOI ORD Office |

Subject Matter/Remarks

OOI interviewed STSM [redacted] relative to the allegation of racial profiling and other complaints contained an anonymous letter. The following is a summary of both her verbal and sworn written statements:

- STSM [redacted] has been employed with TSA since August 11, 2002. She began as a TSO. She became part of the BDO pilot program in December 2005, which was initiated in BOS. She became a national SPOT trainer in October 2006. She was promoted to STSM on May 9, 2009.
- She has never been informed that racial profiling was practiced at ORD. She does not believe racial profiling is practiced at ORD and has no knowledge that it has ever been practiced at ORD.
- As a trainer in the pilot program, she suspected one of the BDO pilot officers profiled, but it was never confirmed. She recommended that the officer not be admitted to the program and the officer was not.

| | |
|--------------------------|---|
| Case Number: 113-0243 | Case Title: ORD - Racial Profiling by BDOs |
|--------------------------|---|

~~SENSITIVE SECURITY INFORMATION/FOR 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 ADMINISTRATOR 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 12-16-08)

~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- STSM (b)(6) maintains that she has never directed anyone to racial profile. She quotes the SPOT National Training Guide: "SPOT BDOs should not consider race or ethnicity as a factor, unless there is specific threat information issued by the FSD authorizing the consideration of race or ethnicity as one factor in the evaluation process, and the threat information is based on current intelligence."
- In her role as a national SPOT trainer she failed students when she believed they profiled. It has never been accepted in the program.
- Safe guards in the SPOT program: The OLC courses assigned to BDOs every year include Guidance Regarding the Use of Race for Law Enforcement, and Introduction to Civil Rights. Also the SPOT SOP clearly states racial profiling is prohibited.
- STSM (b)(6) has never targeted or advised any of the BDOs to target Royal Jordanian Airlines or Etihad Airways.
- Playbook is directed by the daily CDM. Each Playbook team is supervised by a STSO. STSM (b)(6) never has been assigned to Playbook; but as a STSM she needs to supply (b)(3)(A) BDOs daily to work on Playbook.

(b)(3) 49 U.S.C. § 114(n)

- "SPOT referrals are conducted when an individual reaches the SPOT threshold (a cluster of behaviors that reaches a required point level)."
- Sometimes there are BOLOs that are sent from the ORD CDM. These may include Amber alerts, missing person etc.

(b)(3) 49 U.S.C. § 114(n)

- STSM (b)(6) finds the complaint letter upsetting. She has a hard time believing that someone in the ORD BDO program would advise anyone to racially profile. The letter almost sounded like someone had some personal issues and was using it as a vehicle for revenge. It also sounds like a BDO who possibly does not have all the knowledge of what takes place when there are intelligence notifications.

| | |
|--------------------------|---|
| Case Number: 113-0243 | Case Title: ORD Racial Profiling by BDOs |
|--------------------------|---|

~~SENSITIVE SECURITY INFORMATION/FOR 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 ADMINISTRATOR 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.~~

~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- STSM (b)(6) after reviewing the envelope of the letter, observed the handwriting to be familiar. She recommended interviewing EBDO (b)(6) as a possible source.
- It should be noted that STSM (b)(6) is married to BDO (b)(6)

Attachment:

STSM (b)(6) sworn affidavit dated June 26, 2013.

| | |
|--------------------------|---|
| Case Number: 113-0243 | Case Title: ORD Racial Profiling by BDOs |
|--------------------------|---|

~~SENSITIVE SECURITY INFORMATION/FOR 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 ADMINISTRATOR 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)



Transportation Security Administration

SWORN STATEMENT

I, (b)(6), having been duly sworn, hereby make the following statement to SA Mary Drury, 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. *MD*

*** SEE ATTACHED STATEMENT (b)(6)

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. (b)(6)

(b)(6)
Signature

Signed and sworn to before me, this 26 day of June, 2013.

Witness _____

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

~~**WARNING:** This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

~~SENSITIVE SECURITY INFORMATION~~

(b)(6)

I joined the Transportation Security Administration (TSA) on (b)(6)

I was hired as a Screener (b)(6)

In early December 2005 I was asked to interview for a pilot program. I interviewed with two officers from Boston Logan-International Airport. 12 of ORD TSO's, LTSO's went to BOS to learn this program. All 12 of us worked with officers from BOS, MIA & LAX. We all became a BDO Officer for the BDO Holiday roll out at the CAD-X Airports. During the pilot our score sheets contained: Race, ethnicity, gender...The reason for this information was to confirm we did not profile. The SPOT program became official in June of 2006 (b)(6)

Pilot BDO December 2005

I was hired as a National SPOT Trainer in October 2006 (b)(6)

I was hired as a SPOT Transportation Security Manager (STSM) on May 9th, 2009-Current (b)(6)

Question: Have you ever been informed that Profiling was being practiced?

Answer: No I was never informed that Racial Profiling was happening (b)(6)

Question: Do you believe that Racial Profiling is practiced at ORD?

Answer: I Do Not believe or have any knowledge that racial profiling is being practiced at ORD (b)(6)

Question: Have you ever witnessed racial profiling within the ORD BDO Program?

Answer: In the pilot program in ORD I only suspected one of the BDO pilot officers profiled, but was never able to confirm. That pilot officer did not become a member of the ORD BDO program during the official roll-out (b)(6)

Question: Have you ever directed anyone to Racial Profile?

Answer: No I have never directed anyone to racial profile. The only time that racial profiling may take place: is in the answer below (b)(6)

Question: Training: Racial profiling-policy.

This is from the SPOT National Training Guide:

SPOT BDO's should not consider race or ethnicity as a factor, unless there is specific threat information issued by the FSD authorizing the consideration of race or ethnicity as one factor in the evaluation process, and the threat information is based on current intelligence (b)(6)

~~**WARNING:** This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

~~SENSITIVE SECURITY INFORMATION~~

I as a National SPOT Trainer failed students when they profiled. It is not and has never been an accepted part of our program. (b)(6)

What was the response to Boston at ORD-BDO's?

Answer: The response that was stated by the ORD BDO's during in briefs was "Really Boston, this program started there", "What would make them do something like that"? The ORD BDO's ^{were} surprised that racial profiling took place at any of our airports but more shocked that it happened in Boston. (b)(6)

Question: Any safe guards in the program?

Answer: Yes, There is an OLC course assigned to the BDO's every year

One of the OLC Courses they complete: Guidance Regarding the Use of Race for Law Enforcement,

Introduction to Civil Rights, (b)(6)

SPOT SOP: Chapter 2 Certification, Staffing, Duties & Deployment 2.1 general Section D.: SPOT must be conducted without regard to race, color, religion, national origin; ethnicity, sexual orientation or disability except as directed by the FSD and provided such direction is based on specific intelligence threat information. Gender and age may only be considered as specified in section 3.4 in Table 4 and may not be the sole basis for referral. (b)(6)

Question: Ever target airlines, Etihad or Royal Jordanian?

Answer: -No I have never targeted or advised any of the BDO's to target either airlines. (b)(6)

Form:

Question: Have you ever failed anyone in the program? And Why?

Answer: Yes, I have failed students during the process of the BDO classroom/OJT. The failures have been for a few different reasons; ^{were} One of the reasons they ^{was} were unable to access the exhibited behaviors, they would make up behaviors on passengers just for me to believe they understood the job, the last would be students profiling; using race or ethnicity when describing an individual in the queue (I would advise the student we can not use race or ethnicity to describe a passenger) but yet the student would continue to describe passenger using race. (b)(6)

Playbook-Is directed by who-how does that work-intelligence based? assigned by who?

Answer: Playbook is directed by, Ralph Schumacher (TSM) The daily playbook is directed by the STSO of the designated team. To the best of my understanding of the Playbook team they do random Playbook (b)(6)

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

30f4

~~SENSITIVE SECURITY INFORMATION~~

plays, (b)(3) 49 U.S.C. § 114(r) I have never been part of a playbook team I am only advised that we need to supply (b)(3) BDO's daily to work on playbook and to ask the STSO for their assignments. On the first shift we assign BDO's on a weekly basic. We rotate them, 1 week it will be (b)(3) (b)(3) 49 U.S.C. § 114(r) we do rotate who is deployed (b)(6)

(b)(3) 49 U.S.C. § 114(r)

Question: Referrals?-Bolo's How does that work?

Answer: Referrals are conducted when an individual reaches the SPOT threshold (a cluster of behaviors that reaches a required point level) (b)(6)

Bolo's: When ORD has a BOLO the ORD Coordination Center send out an alert. Bolo's are Amber, missing person, theft, other agency looking for someone (b)(3) 49 U.S.C. § 114(i) ... (b)(6)

(b)(3) 49 U.S.C. § 114(r)

What do you think of the letter of complaint? Generally speaking, Why would someone send this letter with these accusations?

Answer: I find this letter upsetting and I can't believe that someone in our program would advise someone to profile. When I read this letter, as I said it was upsetting, but the way the letter was written a lot of it felt like it was personal. The BDO's don't have all the knowledge of what takes place when it comes to notifications, Intel, Bolo's, Intel. (b)(6)

Form

(b)(6)

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

4 of 4



Transportation
Security
Administration

Non-Disclosure Agreement

A representative from the Office of Inspection has briefed me relative to an internal investigation.

I will not disclose or release any information provided to me, pursuant to the interview, without proper authority or authorization. Should situations arise that warrant the disclosure or release of such information, I will do so only under approved circumstances and in accordance with the laws, regulations, or directives applicable to the specific categories of information. I will honor and comply with any and all dissemination restrictions cited or verbally relayed to me by the proper authority.

I further understand that unauthorized release may result in civil penalty or other disciplinary action.

Print name: (b)(6)
Signature: [Redacted]

Date: 06/20/2013

Issued by: Mary J. [Signature]
Witnessed by: [Signature]
TSA Special Agent/Inspector

Date: 6/20/13
Date: 6/28/13

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

Attachment #14

~~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: June 21, 2013 9:32 a.m. |
| Activity or Interview of: MBDO (b)(6) ORD | Conducted by: SAs William Kalbfleisch and Mary Drury |
| | Location of Interview/Activity: OOI ORD Office |

Subject Matter/Remarks

OOI interviewed MBDO (b)(6) regarding the anonymous letter containing allegations against the BDO managers including racial profiling. He was provided an opportunity to review a copy of the letter. The following is a summary of both his verbal and sworn written statements:

- MBDO (b)(6) has been employed with TSA since August 2002. He has held a variety of positions to include: TSO, LTSO, STSO, EBDO, and MBDO. He has also served on the Employee Advisory Council (EAC) from 2009 through 2012.
- In the spring of 2011, he was involved in helping identify several distractions throughout the airport and to provide some possible remedies. (He provided OOI with a copy of his document citing the issues and possible remedies which he provided FSD Kathleen Petrowsky.)
- MBDO (b)(6) admits that his handwriting appears somewhat similar to the letter's envelope. He maintains that he did not write the letter. If he had, he would have signed it and would not have remained anonymous. He also was quick to point out some of the grammatical errors and misspellings found in its context.

| | |
|--------------------------|---|
| Case Number: 113-0243 | Case Title: ORD - Racial Profiling by BDOs |
|--------------------------|---|

~~SENSITIVE SECURITY INFORMATION/FOR 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 ADMINISTRATOR 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)

- MBDO (b)(6) recalls some of the complaints alleged in the letter with the exception of racial profiling.
- He attests he has never been instructed to single out any group based on race or nationality. He has been instructed to SPOT train which prohibits racial profiling of any kind. He has heard of no rumors suggesting there is any profiling. He has never witnessed any racial profiling.
- Some of the other complaints he has heard in conversations and suggests interviewing BDOs (b)(6) and (b)(6)
- MBDO (b)(6) believes that the author of the letter may be confused regarding intelligence driven targeting, and maybe using it to highlight some of the poor management practices at ORD.

Attachments:

MBDO (b)(6) sworn affidavit dated June 21, 2013.

| | |
|--------------------------|--|
| Case Number: 113-0243 | Case Title ORD – Racial Profiling by BDOs |
|--------------------------|--|

~~SENSITIVE SECURITY INFORMATION/FOUO 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 ADMINISTRATOR 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)

SWORN STATEMENT

~~SENSITIVE SECURITY INFORMATION~~



Transportation Security Administration

I, (b)(6), having been duly sworn, hereby make the following statement to SA Mary Drury & SA Keith Reich, 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 (b)(6)

*** SEE ATTACHED STATEMENT *** (b)(6)

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)

(b)(6)
Signature

Signed and sworn to before me, this 21 day of June, 2013.

Witness

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

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

~~SENSITIVE SECURITY INFORMATION~~

(b)(6)

Experience:

Expert Behavior Detection Officer (EBDO)

02/2009 - Present

(b)(6)

I served as the only active BDO member of the Employee Advisory Council from 2009-2012, where I eventually was nominated to Secretary of the council. I have served as the Chair of the IT committee, where we train new hires on the various systems utilized by TSA (b)(6)

Input daily duty logs into our localized database. (b)(6)

Perform all the duties of the MBDO, see below (b)(6)

Master Behavior Detection Officer (MBDO)

09/2007 - 02/2009

Mentored several new BDO's in daily operations including but not limited to: Daily hour logs, IVCC worksheets, BDO Incident reports and Spotscore sheets. Evaluated their performances to facilitate the future development of their skills and job performance. (b)(6)

Participated in cross Agency exercises including Federal Air Marshal training and Periods of Heighted Awareness visual deterrence's (b)(6)

Identify potential threats to Aviation safety and prevent those threats from entering the sterile area of the Airport (b)(6)

Prepared reports, briefings and maintained documentation necessary as a Behavior Detection Officer (b)(6)

My prior TSA experience includes:

Supervisory Transportation Security Officer
Lead Transportation Security Officer (LTSO)
Temporary LTSO
Acting LTSO

07/2007 - 09/2007
05/2004 - 07/2007
12/2003-05/2004
8/2002 - 12/2003

In the spring of 2011 as part of the EAC, I was involved in helping identify several "distractions" throughout the airport and some possible remedies to fix these ongoing issues. After several months of work a finalized 14 page report was generated and provided to the FSD and her staff. I have included the document with my statement. There are several points I also had to discuss with various members of the BDO program to generate the report. I have had numerous conversations with several members to help identify the issues and help facilitate possible solutions (b)(6)

I understand I was interviewed by OOI, in regards to an anonymous letter written to DHS IG. The document contained allegations in OOI's opinion the most serious was around racial profiling. (b)(6)

I did not write the letter in question; however some of the details are familiar to me. With the exception of Racial profiling. (b)(6)

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

- 2 of 3

~~SENSITIVE SECURITY INFORMATION~~

I have never been instructed to single out any group based on Race or Nationality, only to conduct SPOT as trained. I have heard no local rumors regarding any type of profiling, nor have I witnessed any profiling (b)(6)

I have heard conversations of some of these complaints and recommend you talk to (b)(6) (b)(6) and (b)(6) (b)(6) (b)(6)

I am willing to talk the AFSD LE regarding my knowledge of PMIS reported here at ORT (b)(6)

(b)(6)

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~



Transportation
Security
Administration

Non-Disclosure Agreement

A representative from the Office of Inspection has briefed me relative to an internal investigation.

I will not disclose or release any information provided to me, pursuant to the interview, without proper authority or authorization. Should situations arise that warrant the disclosure or release of such information, I will do so only under approved circumstances and in accordance with the laws, regulations, or directives applicable to the specific categories of information. I will honor and comply with any and all dissemination restrictions cited or verbally relayed to me by the proper authority.

I further understand that unauthorized release may result in civil penalty or other disciplinary action.

Print name:

(b)(6)

Signature:

Date: 6/21/13

Issued by:

Wendy S. Gray

Date: 6/21/13

Witnessed by:

[Signature]
TSA Special Agent/Inspector

Date: 6/21/13

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

Attachment #15

~~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: June 21, 2013 2:00 p.m. |
| Activity or Interview of: BDO (b)(6) - ORD | Conducted by: SAs William Kalbfleisch and Mary Drury |
| | Location of Interview/Activity: ORD OOI Office |

Subject Matter/Remarks

OOI interviewed BDO (b)(6) regarding the allegations against the BDO managers contained in the anonymous letter, specifically racial profiling. He was given an opportunity to review the letter. The following is a summary both his oral and written statements:

- BDO (b)(6) was hired by TSA on June 24, 2007, as a TSO. He became a BDO in December of 2009. He has spent his entire time at ORD.
- BDO (b)(6) maintains he did not write the letter nor does he know who wrote the letter.
- He attests he never witnessed racial profiling practiced by any of his assigned BDO partners. He has never racial profiled. He was never instructed by managers to racial profile or target any particular airline.
- BDO (b)(6) explains that as a BDO, they are taught to profile behaviors and not at any time to single out race, gender, origin or religion.

| | |
|--------------------------|---|
| Case Number: 113-0243 | Case Title: ORD – Racial Profiling by BDOs |
|--------------------------|---|

~~SENSITIVE SECURITY INFORMATION FOR 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 ADMINISTRATOR 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)

- There are safeguards that are designed to prevent racial profiling from occurring. At ORD the BDOs never work alone, only with partners. BDOs must articulate the behaviors to their partner, before any referral begins.
- He does not believe there is racial profiling occurring at ORD. If he did, he would have reported it and would have used email, which is not anonymous. Racial profiling is unlawful and a serious accusation that should not be sent anonymously.
- BDO (b)(6) does remember a previous manager, Patrick Mitchell, counseling the BDOs because their referrals were low. That is not racial profiling; but maybe someone who does not understand the program may have misinterpreted him.

Attachments:

BDO (b)(6) sworn affidavit dated June 21, 2013.

| | |
|--------------------------|---|
| Case Number: 113-0243 | Case Title: ORD – Racial Profiling by BDOs |
|--------------------------|---|

~~SENSITIVE SECURITY INFORMATION FOR 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 ADMINISTRATOR 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 COVERED BY 5 U.S.C. 552 AND 49 CFR PARTS 15 AND 1520.~~

(Revised 12-15-08)



Transportation Security Administration

SWORN STATEMENT

I, (b)(6), having been duly sworn, hereby make the following statement to SA Drury & SA Kalbfleider 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. (b)(6)

(b)(6) * SEE ATTACHED STATEMENT ***

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

(b)(6)
Signature

Signed and sworn to before me, this 21 day of JUNE, 2013

[Signature]
Witness

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

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

(b)(6)

~~SENSITIVE SECURITY INFORMATION~~

My name is (b)(6) and I have been with TSA since June 24, 2007. Since I have been at TSA, since June 2007, I was a TSO till I was selected for the BDO program in November- December of 2009. As a BDO I have had my initial training for the certification for a BDO and the BDO refresher course in February 2013. The whole time I was with TSA I have only been at O'Hare Airport. (b)(6)

I was given the opportunity to review a letter that was written anonymously about the BDO program. Inside this letter that was sent to the Office of Inspector General, I have realized the reason why I have been questioned. The claim, specifically that I was asked, about was racial profiling. I don't have either knowledge of who sent this letter or the author of the letter (b)(6)

I do not know who wrote this letter but I do know for a fact that the author of the letter WAS NOT I. I am aware of many in the BDO program that have knowledge of the issues that were in the letter as we discuss them amongst ourselves constantly at O'Hare (b)(6)

I have never witnessed racial profiling being done by myself or any partners that I have worked with. I have never been told to racially profile anyone in the program during my duties as a BDO. As a BDO we are taught to profile behaviors but not on any one type of race/gender/origin/religion. From our training, I can tell you first hand that we have some safeguards in place to stop this from happening. Some of the safeguards are that we are never working alone. We must always articulate the behaviors to our partners before a BDO referral begins. That same safeguard might be a hindrance as our program states we cannot dispel any behaviors another certified BDO hands off or tells us they have seen. I only know that I was not part of the racial profiling nor do I have any information about the BDOs at O'Hare being told to racially profile (b)(6)

If I had thought that the program had a problem with racial profiling, I would have said something and done it by email to the Office of Inspector General, John Pistole and to the Department of Homeland Security Committee. I would have not written an anonymous letter and mailed it not knowing if it was going to be read. I would have attached a delivery report and a read receipt to my email regarding the issue, if I was to write something that was illegal and happening at O'Hare within the BDO program (b)(6)

I do believe there are many management problems listed in this letter and would agree that they are happening every day at O'Hare. Low morale, poor leadership and falsification of duty and hours allocation are present at O'Hare to name a few, but not what was alleged as racially profiling. (b)(6)

(b)(6)

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~



Transportation
Security
Administration

~~SENSITIVE SECURITY INFORMATION~~

Non-Disclosure Agreement

A representative from the Office of Inspection has briefed me relative to an internal investigation.

I understand that this information is Sensitive Security Information, that is controlled under Title 49, CFR, Part 1520. I also understand that this information may not be released 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, Arlington, Virginia.

I further understand that unauthorized release may result in civil penalty or other disciplinary action.

Print name:

(b)(6)

Signature:

(b)(6)

Date:

6/21/2013

Witnessed by:

Mary [Signature]
TSA Special Agent/Inspector

~~**WARNING:** This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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 U.S.C. 552 and 49 CFR parts 15 and 1520.~~

Attachment #16

~~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: June 21, 2013 10:55 a.m. |
| Activity or Interview of: MBDO (b)(6) - ORD | Conducted by: SAs William Kalbfleisch and Mary Drury |
| | Location of Interview/Activity: ORD OOI Office |

Subject Matter/Remarks

OOI interviewed MBDO (b)(6) regarding the allegations against the BDO managers contained in the anonymous letter, specifically racial profiling. She was given an opportunity to review the letter. The following is a summary of both her oral and written statements:

- MBDO (b)(6) was hired by TSA on November 3, 2002, as a TSO. She became a BDO in December of 2008. She has spent her entire time at ORD. She is also involved in the Integrated Conflict Management System (ICMS), as well as a Model Workplace Conflict Facilitator since 2005.
- MBDO (b)(6) attests that she did not write the letter and does not know who wrote the letter. She described the tone of the letter suggests it was most likely a group rather than one person.
- She has heard some of the complaints contained in the letter; however she has never heard any information to suggest there is racial profiling at ORD. She takes her work seriously and it angers her that someone would propagate that kind of lie.

| | |
|--------------------------|---|
| Case Number: 113-0243 | Case Title: ORD – Racial Profiling by BDOs |
|--------------------------|---|

~~SENSITIVE SECURITY INFORMATION/FOR 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 ADMINISTRATOR 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 12-16-08)

~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- MBDO (b)(6) has never witnessed racial profiling; and has never been directed to racial profile. Further, she has never been instructed to target any particular carrier. On the contrary, she has been told that non U.S. citizens have the same legal and civil rights as U.S. citizens while traveling in the U.S.
- MBDO (b)(6) explained that they are taught never to racial profile. They work in partners at ORD; and have been directed to communicate to their partner, the observed behaviors which meet the threshold, prior to making any referral.
- She does not believe there is racial profiling occurring at ORD. If she did, she would have reported it up the chain of command. During SPOT re-training in February 2013, it was stressed that it was their duty to report any such practice. She believes that racial profiling is unlawful and a serious accusation which diminishes their program.

Attachments:

MBDO (b)(6) sworn affidavit dated June 21, 2013.

| | |
|--------------------------|---|
| Case Number: I13-0243 | Case Title: ORD – Racial Profiling by BDOs |
|--------------------------|---|

~~SENSITIVE SECURITY INFORMATION/EOB 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 ADMINISTRATOR 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)



SWORN STATEMENT

(b)(6)

having been duly sworn, hereby make the following statement to

SA WILLIAM KALBREITSCHE

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)

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 21 day of June, 2013.

Witness

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

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

June 21, 2013

(b)(6) TSA Master Behavior Detection Officer at Chicago O'Hare International Airport understand that on June 21, 2013 10:45 a.m., am being questioned because of an anonymous letter Alleging Racial Profiling by SPOT Behavior Detection Officers. I was sworn in as a U.S. Government Employee for TSA on November 3, 2002. I became a certified Master Behavior Detection Officer December 2008 after receiving my SPOT training at Chicago, O'Hare International Airport in November 2008 and passing my written SPOT knowledge test with my on the job training. At this time the Instructors were very clear that, **"The SPOT PROGRAM and TSA DO NOT CONDUCT RACIAL PROFILLING! THAT ANYONE CAUGHT WOULD BE KICKED OUT OF THE PROGRAM AND POSSIBLY RECEIVE DISAPLAIN UP TO REMOVAL FROM TSA!"** The way it would be determined if someone was conducting Racial Profiling by referring passengers for SPOT Screening based on their ethnicity and not the behaviors observed is The SPOT Referral Report go into a national data base and are read by not only TSA H.Q but other government agency and those who would read the reports would be able to tell if it was racial profiling by reading the resolution for the behaviors that are observed. Because there would be patterns and they would be able to track the flights. We were also instructed that passengers travel in U.S. and it's territories that are not U.S. citizens have the same Legal Civil Rights as those who are. TSA as a whole have also received this training were ever we are conducting screening. In the SPOT program one way to prevent racial profiling is that we always work with a partner and must always commutate with that partner, what behaviors we have observed in order to meet our thresh hold before the passenger is referred for SPOT screening. **EVERY TSA EMPLOYEE KNOWS OUR PLEAGE TO PASSENGERS.** After what happened with the BDO program Boston all BDO's at Chicago O'Hare except those who joined the program after September 2012. I received refresher in February 2013 for three days to our training facility at Higgins, Rosemont IL. My training accrued on February 14, 15, and 16, 2013. The training was to make sure that we were all on the same page; changed in our SOP, report writing, how we asses behaviors and most importantly **"The SPOT PROGRAM and TSA DO NOT CONDUCT RACIAL PROFILLING! THAT ANYONE CAUGHT WOULD BE KICKED OUT OF THE PROGRAM AND POSSIBLY RECEIVE DISAPLAIN UP TO REMOVAL FROM TSA!"** We were also told that if we thought someone was conducting racial profiling that we could notify; our Managers, Senior leadership, H.Q or call the TSA HOT Line which was all in our OLC. And again that it is why we must work with a partner and communicate with them, as a way to keep us honest. I was angered and upset to read in the anonymous letter **ALLEGING RACIAL PROFILING** by any BDO's at CHICAGO, O'HARE INTERNATIONAL AIRPORT. I work very hard every day; I take my job very serious and have been with TSA for 10 and half years. This makes all of TSA look bad. I know that not only my hard work but every BDO and TSO that works at ORD has made Chicago a **HARD TARGET FOR TERROIST!** For someone to question not only my **INTERRITY BUT MY PARTNERS IS A LIE!** I have never witnessed or heard of anyone conducting RACIAL Profiling at O'Hare. Although I agree with and I am familiar with some of the other allegation in the letter I did not write it, nor do I know who did. I am well respected by my peers in the BDO progra (b)(6) leadership, management including all other level of screening at ORD due to being an ICMS/Mode (b)(6)

Page 2 of 3

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

Workplace Conflict Facilitator since 2005 to present and I have trained them in how to raise a concern and who to bring it to. TSA Officers seek me out looking for advice when they have a concern I have never heard any rumors what so ever of any RACIAL PROFILING AT O'HARE. **IF I DID I WOULD REPORT IT AHEADITLY BECAUSE IT IS AGAINST THE LAW. I WAS NEVER INSTURCTED OR DIRECTED IN ANYWAY TO RACIAL PROFILE.** In my opinion the letter appears to be writing by a group of people.



~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

page 3 of 3



Transportation
Security
Administration

Non-Disclosure Agreement

A representative from the Office of Inspection has briefed me relative to an internal investigation.

I understand that this information is Sensitive Security Information, that is controlled under Title 49, CFR, Part 1520. I also understand that this information may not be released 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, Arlington, Virginia.

I further understand that unauthorized release may result in civil penalty or other disciplinary action.

Print name:

(b)(6)

Signature:

Date:

06/21/2013

Witnessed by:

Mary [Signature]
TSA Special Agent/Inspector

[Signature] s/a

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

Attachment #17

~~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: June 24, 2013 2:00 p.m. |
| Activity or Interview of: EBDO (b)(6) - ORD | Conducted by: TSS Kevin Nolan and SA Mary Drury |
| | Location of Interview/Activity: ORD OOI Office |

Subject Matter/Remarks

OOI interviewed EBDO (b)(6) regarding the allegations against the BDO managers contained in the anonymous letter, specifically racial profiling. He was given an opportunity to review the letter. The following is a summary both his oral and written statements:

- EBDO (b)(6) was hired by TSA on February 24, 2003, as a TSO baggage screener. In June of 2004, he became an STSO. He became a BDO in September of 2007. He has spent his entire time at ORD.
- EBDO (b)(6) denies writing the anonymous letter. He has no problem speaking out and addressing the problems at ORD. Once at a town hall meeting, he presented Administrator Pistole with a booklet of problems at ORD. If he wrote a letter, he would sign it. He has no knowledge of the author's identity.
- He attests he never witnessed racial profiling by any member of the BDO program at ORD. He has never racial profiled. He was never instructed to target any particular air carrier.
- He does not believe racial profiling is occurring at ORD. If he did, he would have reported it

| | |
|--------------------------|---|
| Case Number: 113-0243 | Case Title: ORD – Racial Profiling by BDOs |
|--------------------------|---|

~~SENSITIVE SECURITY INFORMATION/FOR 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 ADMINISTRATOR 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)

- EBDO (b)(6) does not respect the managers in the BDO program. He believes they are incompetent. Further, he believes that TSA leadership at ORD is broken and requires major personnel change.

Attachments:

EBDO (b)(6) sworn affidavit dated June 24, 2013.

| | |
|--------------------------|---|
| Case Number: 113-0243 | Case Title: ORD – Racial Profiling by BDOs |
|--------------------------|---|

~~SENSITIVE SECURITY INFORMATION FOR 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 ADMINISTRATOR 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)



SWORN STATEMENT

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

(b)(6)

*** SEE ATTACHED STATEMENT ***

I have read this entire statement consisting of 2 pages. I have been given the opportunity to make any corrections necessary to make the statement accurate. All of the information contained herein is true to my knowledge and belief. I understand that I may be prosecuted for misrepresenting anything contained in this statement. I have not intended to disclose any information that relates to the matters under investigation or review.

(b)(6)

Signed and sworn to before me, this 24 day of June, 2013.

Kevin M. Nolan
Witness

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

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

Page 1 of 2 (b)(6)

SENSITIVE SECURITY INFORMATION

My name is (b)(6) and I have been asked to provide the following information.

I have been with TSA since (b)(6)

From 2/23/2003 till 6/10/2004 I was a baggage TSO at ORD

From 6/10/2004 till 9/11/2007 I was a checkpoint STSO here at ORD at CP-7 and CP-9.

From 9/11/2007 till the present I have been an Expert BDO at ORD

As part of an ongoing investigation I have been asked to respond to the following allegations.

1. Have I ever witnessed overt racial profiling in the ORD BDO program? No (b)(6)
2. Have I ever been told to racially (b)(6) and give specifics? No (b)(6)
3. Have I ever racially profiled? No (b)(6)
4. Have I ever been instructed to racially profile? No (b)(6)
5. Have I ever instructed anyone to racially profile? No (b)(6)
6. Do I know of anyone falsifying training records? I have no direct knowledge. I have asked to see certain training records and been refused. (b)(6)
7. Are there safeguards in the system to prevent racial profiling? No. (b)(6)
8. Do I have any suggestions for improvement? Leadership at TSA, ORD is broken and until such time as leadership changes are made the situation at ORD will remain dangerous. (b)(6)

9. I was asked if I know who wrote the letters under investigation? No (b)(6)

(b)(6)

~~WARNING: This record contains information controlled under 49 CFR parts 15 and 1520, except with the written approval of the Transportation Security Administration. Unauthorized release may result in criminal or civil penalties. For U.S. government agencies only. 5 U.S.C. 552 and 49 CFR parts 15 and 1520.~~

(b)(6)

page 2 of 2 pages

Attachment #18

~~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: June 28, 2013 9:30 a.m. |
| Activity or Interview of: MBDO (b)(6) - ORD | Conducted by: TSS Kevin Nolan and SA Mary Drury |
| | Location of Interview/Activity: ORD OOI Office |

Subject Matter/Remarks

OOI interviewed MBDO (b)(6) regarding the allegations against the BDO managers contained in the anonymous letter, specifically racial profiling. She was given an opportunity to review the letter. The following is a summary of both her oral and written statements:

- MBDO (b)(6) believes the issues and complaints contained in the letter are a result of discussions from the BDO refresher training course, in February of 2013, and the expectations meeting.
- The ORD expectation meeting/training was in-house to address the low number of SPOT referrals. Manager (b)(6) who has since left to work at Customs, conducted the training with Managers (b)(6). It also addressed the expectations of how BDOs should behave and act.
- Further, at that meeting, BDOs were told they were expected to get a referral at a "regular interval". They were told that they would be observed to determine if they were using the correct techniques to produce referrals. If they were not they would be facing a Performance Improvement Plan (PIP), which if further improvement did not result it might

| | |
|--------------------------|---|
| Case Number: 113-0243 | Case Title: ORD - Racial Profiling by BDOs |
|--------------------------|---|

~~SENSITIVE SECURITY INFORMATION/FOR 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 ADMINISTRATOR 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)

lead to removal from the program or possible termination. She believes that possibly "a concerned BDO" may have misinterpreted this message to mean racial profiling.

- MBDO (b)(6) attests that she did not author the letter and does not know who authored the letter.
- MBDO (b)(6) never witnessed racial profiling and never was instructed to racial profile.
- Further, she has never been instructed to target any particular carrier, unless there was specific intelligence. She believes that racial profiling or any rumor of racial profiling detracts from the intention of the SPOT program. They are taught never to racial profile.
- She does not believe there is racial profiling occurring at ORD. She believes the BDO program is good at ORD but it needs further direction and participation from the STSMs.

Attachments:

MBDO (b)(6) sworn affidavit dated June 28, 2013.

| | |
|--------------------------|---|
| Case Number: 113-0243 | Case Title: ORD – Racial Profiling by BDOs |
|--------------------------|---|

~~SENSITIVE SECURITY INFORMATION FOR 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 ADMINISTRATOR 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)



Transportation Security Administration

SWORN STATEMENT

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

*** SEE ATTACHED STATEMENT* (b)(6)

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

(b)(6)

Sig

Signed and sworn to before me, this 28 day of June, 2013.

Witness

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

~~SENSITIVE SECURITY INFORMATION~~

(b)(6)

I realize I am being interviewed regarding a letter containing allegations of Racial Profiling that I was allowed to review. In my opinion, I believe the issues and complaints in the letter are a result of discussions and complaints from the BDO refresher training and the O'Hare BDO expectations meeting. The O'Hare Expectations training was an in-house training to address the low number of referrals at O'Hare. Manager (b)(6) who has since left for customs, conducted the training along with Managers (b)(6). In the training, the managers discussed how they expected BDO's to act and behave. The managers went over how it was expected for a BDO to get a referral at regular intervals. It was also discussed that if a BDO didn't get a referral at a regular interval, they would be observed to see if they fulfilled a manager's expectation. If the BDO did not fulfill manager's expectations, they would discipline with consequences being a PIP, removal from the Program, or Termination. This wasn't the first time that BDO's were asked to step outside of the SOP when O'Hare was notified that the referral numbers were down. Manager (b)(6) stated in briefings that the qualifiers such as exaggerated or repetitive were to be overlooked because referrals are down. To my knowledge, in each instance referrals didn't increase but decreased even more. In the refresher training, the O'Hare BDO's would complain as how the BDO program was being run and the trainers would comment on how this was a clean slate and it should be conducted this way. When the BDOs asked how address the differences between how they were being trained and how Chicago conducts Spot since they had taken their complaints up the O'Hare chain of command, trainers instructed them to contact higher authorities. I believe the racial profiling aspect could have come from a concern that a BDO was using his ethnicity to obtain behaviors that would lead to a referral. I believe that the BDO was using his language skills and knowledge of the Middle Eastern Culture to aid the BDO program. I have never used racial profiling or been instructed to use a racial profile to conduct SPOT. I believe that racial profile detracts from the actual intention of the SPOT program. The only times I have been asked to focus my skills to a specific race or ethnicity was during intelligence based operations. I believe there are safeguards in the BDO Program to stop any instance of racial profiling. The BDO program is a good program but needs more direction and participation from the Managers at O'Hare.

I have never witnessed any racial profiling. I did not write the letter and I don't know who did.

End of statement
(b)(6)

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

2 of 2



Transportation
Security
Administration

~~SENSITIVE SECURITY INFORMATION~~

Non-Disclosure Agreement

A representative from the Office of Inspection has briefed me relative to an internal investigation.

I will not disclose or release any information provided to me, pursuant to the interview, without proper authority or authorization. Should situations arise that warrant the disclosure or release of such information, I will do so only under approved circumstances and in accordance with the laws, regulations, or directives applicable to the specific categories of information. I will honor and comply with any and all dissemination restrictions cited or verbally relayed to me by the proper authority.

I further understand that unauthorized release may result in civil penalty or other disciplinary action.

Print name:

(b)(6)

Signature:

Date: 6/28/13

Issued by:

Mary S. Conroy

Date: 6/28/13

Witnessed by:

Kevin M. [Signature]

Date: 6/28/13

TSA Special Agent/Inspector

~~**WARNING:** This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~

Attachment #19

SENSITIVE SECURITY INFORMATION



**MEMORANDUM OF INTERVIEW
OR ACTIVITY**

| | |
|---|---|
| Type of Activity: <input type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input checked="" type="checkbox"/> Records Review <input type="checkbox"/> Other | Date and Time: July 5, 2013 2:00 p.m. |
| Activity or Interview of: Review of ORD Referrals from October 1, 2012 through May 31, 2013 | Conducted by: SA Mary Drury Location of Interview/Activity: ORD OOI Office |

Subject Matter/Remarks

OOI conducted an inquiry with TSA Behavior Detection and Analysis Program to obtain ORD's referral statistics, in an effort to determine if the data indicates targeting of Middle Eastern carriers. The following statistics were provided by Tayla Balkovic:

- ORD referrals were queried from October 1, 2012 through May 31, 2013
- ORD's total number of BDO referrals (b)(3) 49 U.S.C.S
- Of the total (b)(3) 49 referrals generated, (b)(3) 49 passengers were scheduled to fly Royal Jordanian Airlines and (b)(3) 49 passengers were scheduled to fly Etihad Airways.

Attachments:

Copies of Tayla Balkovic's emails providing ORD referral statistics dated July 2, 2013.

| | |
|---------------------------------|---|
| Case Number: 113-0243 | Case Title: ORD -- Racial Profiling by BDOs |
|---------------------------------|---|

~~SENSITIVE SECURITY INFORMATION FOR 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 ADMINISTRATOR 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)

Drury, Mary <TSA-13>

From: Porte, Larry <TSA-13>
Sent: Tuesday, July 02, 2013 10:33 AM
To: Drury, Mary <TSA-13>
Subject: FW: ORD Inquiry

From: Warfield, Lon <TSA-13>
Sent: Tuesday, July 02, 2013 11:32 AM
To: Porte, Larry <TSA-13>
Subject: FW: ORD Inquiry

Additional info.

Lon A. Warfield
Deputy Director
U.S. Department of Homeland Security
TSA - Office of Inspection
Internal Affairs Division
Office: (571) 227- (b)(6)
Cell: (b)(3)49 U.S.C. § 114(r)

From: Balkovic, Tayla
Sent: Tuesday, July 02, 2013 11:14 AM
To: Cooper, Kanika <TSA-13>
Cc: Tauber, Sarah; Warfield, Lon <TSA-13>
Subject: RE: ORD Inquiry

Etihad Airways: (b)(6)

Tayla Balkovic
Behavior Detection and Analysis Program
Transportation Security Administration
Office of Security Operations
601 S 12th St, Arlington, VA 22202-4220
Desk: 571-227- (b)(6)
Cell: (b)(6)
Fax: 571-227-1941

From: Cooper, Kanika <TSA-13>
Sent: Tuesday, July 02, 2013 11:09 AM
To: Balkovic, Tayla

~~**WARNING:** This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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 U.S.C. 552 and 49 CFR parts 15 and 1520.~~

Cc: Tauber, Sarah; Warfield, Lon <TSA-13>
Subject: RE: ORD Inquiry

~~SENSITIVE SECURITY INFORMATION~~

Hey Tayla,

With the same timeline, can I get the total referrals/reports for Etihad Air as well.

If you have any questions, please let me know.

Thanks

From: Balkovic, Tayla
Sent: Tuesday, July 02, 2013 9:33 AM
To: Cooper, Kanika <TSA-13>
Cc: Tauber, Sarah
Subject: ORD Inquiry

Kanika,

Here are the below requested stats for 10/1/2012 to 5/31/2013:

Total Referrals: (b) (3)
Royal Jordanian Air: (b) (3)

Please let me know if you need any further information.

Thank you,

Tayla Balkovic

Behavior Detection and Analysis Program
Transportation Security Administration
Office of Security Operations
601 S 12th St, Arlington, VA 22202-4220
Desk: 571-227-(b) (6)
Cell: (b) (6)
Fax: 571-227-1941

~~**WARNING:** This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 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 Administrator 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.~~