



September 28, 2012

The Honorable John Pistole
Administrator
Transportation Security Administration
TSA-1 Administrator
601 South 12th Street
Arlington, VA 20598

Dear Administrator Pistole:

Thank you again for taking time this week to visit with our group to discuss our mutual goals of airport safety and security.

As a follow up to our discussion, please find below the five major issue areas we discussed with specific examples and proposed solutions:

TSA and Airport Police Screening Point Breach/Incident Protocol—Immediate Notification

Issue: When security breaches and/or incidents occur in TSA screening areas, TSA agents are attempting to investigate and/or self-correct breaches, exposing the travelling public to risk, delaying investigatory actions and causing unnecessary travel disruptions.

Example: In January 2012, two pipes which resembled pipe bombs were removed from a traveler's bag at LaGuardia Airport and set aside in a common area, prompting a security scare that was not reported to airport police until six hours later. See

http://www.nypost.com/p/news/local/queens/bomb_botch_at_lag_cNNAisTre0rBixGKlehknI.

Proposed Solution: TSA must be required to *immediately* notify airport police of security breaches and/or incidents at passenger checkpoints. Standard operating procedures must be prescribed between TSA and airport police when dealing with security breaches and/or incidents at passenger and baggage checkpoints.

Real-Time Airport Police Access to Closed Circuit Security Cameras

Issue: Most airports do not have a coordinated airport-wide closed circuit security camera system. Instead, TSA, airport management, tenants, vendors, and others own and operate camera systems without a common repository. Most importantly, there is no requirement that stakeholders provide airport police with a camera feed should a crime or incident occur. In all breaches, real-time access to video is essential to airport police containing and assessing situations. The absence of a standardization that requires that airport police must be provided

real-time access to any camera system on airport property has led to unnecessary disruptions and numerous incidents when perpetrators have eluded detainment.

Example: At Newark Airport in August 2012, traces of explosives were identified on the hands of a woman at the TSA screening point. TSA did not follow protocol and detain her for secondary screening nor did they immediately contact airport police when they realized their serious error. A half hour after the incident when airport police were notified, TSA could not even identify which of the three screening areas within the terminal was the breach area. As a result, the terminal was shut down for approximately three hours, delaying travel and inconveniencing thousands of passengers. See

<http://www.myfoxny.com/story/19199785/security-breach-at-newark-airport#ixzz22mr44BK7> .

Proposed Solution: Any entity with security cameras at Category X airports must provide a real-time feed to the airport police's primary video surveillance system. Each entity is responsible for the cost of providing the feed.

LEO Podium Positions/Screening Rule—300 Feet of Screening Area

Issue: Current statute requires that a law enforcement officer (LEO) “be able to provide prompt responsiveness to problems occurring at the screening points.” The definition of “prompt” has been interpreted broadly.

Example: At large New York City area airports, an officer must respond to “problems” at screening checkpoints within five minutes; a feat virtually impossible if an officer is charged with patrolling the entire terminal area and is performing other police functions. We share the concern you expressed about officer responses to TSA. The implementation of a 300 foot rule would address this matter and ensure a LEO is immediately prepared to answer TSA calls.

Proposed Solution: A uniform standard should be applied to all Category X airports which would require a LEO within 300 feet of the passenger screening area.

Mandatory Screening for All Airport Employees and Armed TSA

Issue: At various airports, prior to DHS permitting TSA to wear metal badges, all TSA employees were screened with other airport employees and passengers who enter the airport. TSA asserts that since they now wear metal badges that will set off screening alarms, they should be exempt from screening procedures. As a result, all TSA employees at LAX and any item they carry or have on their body (i.e. backpacks, purses, etc.) bypass the screening checkpoint.

Example: At LAX, all airport employees must go through the TSA screening checkpoint except TSA, armed on-duty law enforcement officers, and Federal Flight Deck Officers (who also carry weapons). This issue is of great concern considering TSA agents have the potential of bringing prohibited, dangerous and/or illegal items with them to work. Similarly, at JFK, airport employees are permitted to enter the airport via a rudimentary metal turnstile that is located immediately off the tarmac without passing through TSA screening. Again, these airports are among the most vulnerable to terrorist attacks in this country. In addition, two TSA agents are armed at LAX. They are: Don McMullen, Assistant Federal Security Director for TSA/Law Enforcement Division at LAX and a Task Force Officer on the FBI's Joint Terrorism Task Force, and John Lingram, TSA Assistant Special Agent in Charge at LAX and a former federal air marshal.

Proposed Solution: Policy should revert to pre-badge protocol which required TSA employees go through the TSA screening checkpoint before entering secure areas of the airport.

TSA Mission Creep/Definitive LEO and TSA Roles

Issue: TSA agents are charged with screening every passenger and bag boarding commercial aircrafts. TSA agents are not law enforcement officers and are not trained nor equipped to perform police work. Airport police officers are vetted, attend an academy, and continually receive criminal policing, hijacking, and terrorist training. They are not screeners and do not seek to perform TSA-specific duties. TSA has expanded the scope of their authority beyond screening areas to more traditional “police” work without clear lines of delineation with airport police, jeopardizing public safety, contributing to a break in chain-of-command, and delaying timely law enforcement responses. This “mission creep” threatens the security of the airport.

Example: TSA’s Behavior Detection Officer (BDO) program, which is designed to detect threat behavior patterns, has received almost universal criticism for its cost, lack of effectiveness, and racial profiling claims. Our officers have become frustrated with the program as BDO’s have not produced a viable terrorist threat at any of our airports, yet many police hours have been expended in dealing with BDO claims to no avail. See

<http://www.nytimes.com/2012/08/12/us/racial-profiling-at-boston-airport-officials-say.html?pagewanted=all> and <http://www.gao.gov/assets/310/304510.pdf> .

Proposed Solution: TSA employees who are not trained as federal law enforcement officers should be restricted to conducting passenger and bag screening and agents should have no jurisdiction beyond passenger and baggage screening checkpoints. A pilot program should be conducted at two or three Category X airports to test the feasibility of only airport police, who have the foundational LEO training, knowledge of the specific airport environment, and ability to make arrests, to perform behavior detection activities in order to determine the efficiency, effectiveness, and cost comparisons between airport police BDO and TSA BDO programs.

The members of the American Alliance of Airport Police Officers have a long and productive history and respected relationships with numerous federal partners including the FBI, Customs and airplane-based Federal Air Marshals. The key to the success of our mutual efforts is that each participant has clear definitions of responsibilities. The only federal entity with which our officers experience constant tension is with TSA non-law enforcement operations. It is important that we address the underlying issues and adjust our interactions to serve our mutual mission of keeping airports safe.

In this vein, we hope you will thoroughly review and advance our recommendations. As we discussed, all airports are not created equally. Our airports are among the most trafficked and terrorist-targeted in the country and world. The rank-and-file officers we represent are fully committed to our mission and we seek to have a productive and more defined relationship with TSA to accomplish this goal. The implementation of these five initiatives would promote these efforts.

We look forward to your responses and to working with you, House Homeland Security Chairman Peter King, and others to address these important concerns.

Sincerely,



Mr. Marshall McClain
President
Los Angeles Airport Peace Officers Association



Mr. Paul Nunziato
President
Port Authority Police Benevolent Assoc. Inc.

Cc: The Honorable Peter King, Member of Congress