

MICHELLE LUJAN GRISHAM
1ST DISTRICT, NEW MEXICO

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www.lujangrisham.house.gov

P11

Congress of the United States
House of Representatives
Washington, DC 20515-3101

COMMITTEE ON AGRICULTURE
DEPARTMENT OPERATIONS, OVERSIGHT
AND NUTRITION
LIVESTOCK, RURAL DEVELOPMENT,
AND CREDIT
COMMITTEE ON THE BUDGET
COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM
ENERGY POLICY, HEALTH CARE,
AND ENTITLEMENTS
NATIONAL SECURITY

January 06, 2014

Sarah Dietch
Assistant Administrator, Office of Legislative Affairs
Transportation Security Administration Headquarters
East Tower, Floor 11, TSA-5
601 South Twelfth Street
Arlington, VA 20598-6001

Dear Ms. Dietch:

I am writing to you because of concerns being expressed by a constituent from my district. This constituent has expressed concerns over the "SPOT" program being used by the Transportation Security Administration.

My constituent has raised the issue because he has been stopped on a couple of occasions for questioning based on the observations made by the TSA officers. This program has recently come under attack for its inability to accurately pick out potential threats. According to a report given by the GAO "The meta-analyses GAO reviewed collectively found that the ability of human observers to accurately identify deceptive behavior based on behavioral cues or indicators is the same as or slightly better than chance (54 percent)."

Please get in touch with our constituent, (b)(6) and advise him on the procedure for filing a formal complaint. (b)(6) can be reached at the address (b)(6) (b)(6) by phone (b)(6) or by email at (b)(6)

Thank you for taking the time to address the concerns of my constituent.

Sincerely,

Michelle Lujan Grisham

Michelle Lujan Grisham
Member of Congress
Committee on Oversight and Government Reform
MLG/JM

PRINTED ON RECYCLED PAPER

107-001



2

Case Authorization and Privacy Release Form

Please Print

NAME (b)(6) DATE 22 Nov 2013
 HOME ADDRESS (b)(6)
 CITY (b)(6) NEW MEXICO ZIP (b)(6)
 HOME PHONE (b)(6) WORK PHONE (b)(6)
 EMAIL ADDRESS (b)(6) FAX _____
 SOCIAL SECURITY NUMBER [REDACTED] DATE OF BIRTH [REDACTED]
 Are you working with any other NM Delegation member (Y) (N) ✓
 If so, whom? _____

Please provide any other identification numbers relevant to your case, such as Veteran Case ID number, CSA number, IRS number, INS number, etc.

Please list any agencies you may have contacted regarding this issue as well as the date of contact and result of that inquiry.

You may also submit your case online at LujanGrisham.House.Gov

Attach a typed or clearly written description of the problem and any relevant documentation.

I hereby request and authorize United States Representative Michelle Lujan Grisham and/or members of her staff, to make an inquiry on my behalf in addressing this matter. I further understand that I will save harmless any agencies divulging information pursuant to this release of information, as well as Representative Michelle Lujan Grisham and/or any representative of her staff in these matters. (b)(6)

Printed Name (b)(6) Signature: _____ Date 22 Nov 2013

(In order to comply with the provisions of the Privacy Act of 1974, it is necessary that your signature be on file)

PLEASE SIGN AND RETURN TO:

Rep. Michelle Lujan Grisham
 505 Marquette Ave, NW
 Suite 1605
 Albuquerque, NM 87102
 Phone: (505)-346-6781
 Fax: (505) 346-6723
 Cisco Padilla2@mail.house.gov

Jemerson, Christine

From: TSAOLA
Sent: Monday, January 06, 2014 12:11 PM
To: TSA ExecSec Mail
Cc: Marston, Alex
Subject: FW: From the Office of Congresswoman Michelle Lujan Grisham
Attachments: TSA SPOT letter and PRF.pdf

From: Kutemeyer, James [<mailto:James.Kutemeyer@mail.house.gov>]
Sent: Monday, January 06, 2014 11:51 AM
To: TSAOLA
Subject: From the Office of Congresswoman Michelle Lujan Grisham

Please see attached letter

OSC

P3

TSA CONTACT CENTER RECORD

EID: 1241955
Contact Date: 12/26/2013 9:45:45 AM
Incident Date: 12/25/2013 3:30:00 AM
Medium: Email

Contact Type: Normal/General
Contact Status: Closed
Linked Event IDs:

Passenger Contact Information:

Contact Prefix:		Contact Address 1:	
Contact First Name:	(b)(6)	Contact Address2:	
Contact Middle Initial:		Contact City:	
Contact Last Name:	(b)(6)	Contact State:	
Contact Suffix:		Contact Zip:	
Contact Phone:	(b)(6)	Contact Country:	
Contact Email:	(b)(6)	Contact Fax:	

Passenger Inquiry:

Subject: FW: TSA Contact Us: Complaints

Hello TCC,

Please take appropriate action.

Thank you!

Rob Neumer

Program Analyst

Civil Rights Division

571-227-(b)(6)

From (b)(6) Duplicate

Sent: Wednesday, December 25, 2013 10:56 AM

To: TSA.Civilrights@dhs.gov

Subject: TSA Contact Us: Complaints

THIS GENERATED EMAIL HAS BEEN SENT FROM <http://www.tsa.gov/contact/index.shtm>

Remote Client IP: 10.238.90.252

Date Time: 12/25/2013 10:55:44 AM

Name:

(b)(6) Duplicate

Email:

HYPERLINK "mailto:(b)(6)"

Complaints:

Civil Rights

Flight Info (If applicable. Enter Flight#/Airline/Terminal/Airport/Gate/Etc):

Flight DL1815, MINNEAPOLIS TERMINAL ONE, EXPEDITED SECURITY CHECK POINT NEXT TO "G" GATE. TSA EMPLOYEE/OFFICER

(b)(6)

Comments:

Today (12-25-13) around 8:30 a.m., I was in the "expedited" check out line. The line was long, and I was waiting to go through the checkout point. I observed Officer (b)(6) was greeting people ahead of me. He came to me and greeted me with a suspicious stare that was longer than normal and was uncomfortable for me, so I broke eye contact with him and expected to go on my way. Immediately after breaking eye contact with Officer (b)(6) he walks a foot or so over to a screener and directs the screener to pull me out of line and "swipe my palms". I consented. I asked the screener why "I" was being singled out, the screener said "I was selected randomly". During the "swiping of my palms", Officer (b)(6) stood a foot away from me.

I did not observe Officer (b)(6) use any sampling tool, or require anyone before me to have to have their "palm swiped" I believe Officer (b)(6) singled me out, intentionally, because of my race. I am an African-American male living in a suburb of Minneapolis.

Upon completing the security check process, I filed a complaint against Officer (b)(6) at the security stand, and am following through with my complaint of 'racial profiling/discrimination' through this on-line process.

(b)(6)

Ph (b)(6) e-mail: HYPERLINK "mailto:(b)(6)"

TCC Response:

None Sent

Notes/Follow Up:

Agent Notes:

Supervisor DCollins sending the record to Multicultural Dept as a Red Complaint 12.26.2013

Follow Up:

ODPO Follow Up:

Record Data:

Response 1

Template Name: Referrals
Airline: Delta
Interaction Type: Complaint

Airport: Minneapolis-St. Paul International Arpt[MSP]
Subject Category: Civil Rights - Racial Profiling or Discrimination
Referral: Multicultural Division (Red)

To TSOC Date:
Last Updated By: deborah.collins
Opening Agent: brandon.nicholson
Fulfillment Sent:

From TSOC Date:
Last Update Date: 12/26/2013 2:22:18 PM
Opened Date: 12/26/2013 12:14:30 PM
Mail Return Date:

End Record

TSA CONTACT CENTER RECORD

EID: 1242243
Contact Date: 12/26/2013 12:10:03 PM
Incident Date: 12/25/2013 3:30:00 AM
Medium: DMD Email

Contact Type: Normal/General
Contact Status: Closed
Linked Event IDs:

Passenger Contact Information:

Contact Prefix:		Contact Address 1:	
Contact First Name:	(b)(6)	Contact Address2:	
Contact Middle Initial:		Contact City:	
Contact Last Name:	(b)(6)	Contact State:	
Contact Suffix:		Contact Zip:	
Contact Phone:	(b)(6)	Contact Country:	
Contact Email:	(b)(6)	Contact Fax:	

Passenger Inquiry:

Subject: FW: TSA Contact Us: Complaints

Hello External Compliance,

Please take appropriate action on this traveler's "racial profiling" issue.

Thank you!

Rob Neumer

Program Analyst

Civil Rights Division

571-227-(b)(6)

From: (b)(6) <(b)(6)>mailto:(b)(6)

Sent: Wednesday, December 25, 2013 10:56 AM

To: TSA.Civilrights@dhs.gov

Subject: TSA Contact Us: Complaints

THIS GENERATED EMAIL HAS BEEN SENT FROM <http://www.tsa.gov/contact/index.shtm>

Remote Client IP: 10.238.90.252

Date Time: 12 25 2013 10:55:44 AM

Name:

(b)(6)

Email:

HYPERLINK mailto:(b)(6)

Complaints:

Civil Rights

Flight Info (If applicable. Enter Flight# Airline Terminal Airport Gate Etc):

Flight DL1815, MINNEAPOLIS TERMINAL ONE, EXPEDITED SECURITY CHECK POINT NEXT TO G GATE. TSA EMPLOYEE OFFICER

(b)(6)

Comments:

Today (12-25-13) around 8:30 a.m., I was in the expedited check out line. The line was long, and I was waiting to go through the checkout point. I observed Officer (b)(6) was greeting people ahead of me. He came to me and greeted me with a suspicious stare that was longer than normal and was uncomfortable for me, so I broke eye contact with him and expected to go on my way. Immediately after breaking eye contact with Officer (b)(6) he walks a foot or so over to a screener and directs the screener to pull me out of line and swipe my palms. I consented. I asked the screener why I was being singled out, the screener said I was selected randomly. During the swiping of my palms, Officer (b)(6) stood a foot away from me.

I did not observe Officer (b)(6) use any sampling tool, or require anyone before me to have to have their palm swiped. I believe Officer (b)(6) singled me out, intentionally, because of my race. I am an African-American male living in a suburb of Minneapolis.

Upon completing the security check process, I filed a complaint against Officer (b)(6) at the security stand, and am following through with my complaint of racial profiling discrimination through this on-line process.

(b)(6)

PH: (b)(6) e-mail: HYPERLINK mailto: (b)(6)

TCC Response:

None Sent

Notes/Follow Up:

Agent Notes:

Sending to MB as a RED. Preston Smith 12/26/2013

Follow Up:

ODPO Follow Up:

Record Data:

Response 1

Template Name: No Response

Airline: Delta

Interaction Type: Complaint

Airport: Minneapolis-St. Paul International Arpt[MSP]

Subject Category: Civil Rights - Racial Profiling or Discrimination

Referral: Multicultural Division (Red)

To TSOC Date:

Last Updated By: john.p.smith

Opening Agent: rachel.benge

Fulfillment Sent:

From TSOC Date:

Last Update Date: 12/26/2013 5:00:43 PM

Opened Date: 12/26/2013 2:14:51 PM

Mail Return Date:

End Record

(b)(6)

INFORMAL

Hudson, Bryan W.

From: Hudson, Bryan W.
Sent: Tuesday, March 18, 2014 10:34 AM
To: (b)(6)
Subject: INFORMAL RESOLUTION -- (b)(6)
Importance: High

Dear Mr. (b)(6)

I am writing to follow up on our March 5, 2014 telephone conversation regarding the complaint that you filed with the Transportation Security Administration. Your complaint was forwarded to the Disability and Multicultural Division (DMD), a division of the Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement (CRL/OTE), for review. The Multicultural Branch (MB) administers Federal civil rights and civil liberties laws, regulations and policies in TSA's programs and activities per TSA Management Directives. TSA Management Directive No. 100.0, TSA Roles and Responsibilities, (2012) and No. 900.1, Passenger Screening Complaints (2013); see also Transportation Security Act of 2001, PL 107-71 (2001) and Department of Homeland Security Delegation Number 7060.2, Delegation to the Administrator of the Transportation Security Administration (2003).

In your complaint, you explain the following: On December 25, 2013, around 8:30 a.m., you were waiting to go through an expedited screening lane at Minneapolis Saint Paul (MSP) International Airport. At this time you were greeted by a Transportation Security Officer (TSO) who stared at you. This made you uncomfortable and you broke eye contact with him. Once this happened, the TSO went to another TSO and directed the other TSO to pull you out of line and swipe your palms. You believe that the TSO singled you out because of your race.

In a telephone conversation, on March 5, 2014, you indicated that you were willing to resolve this matter through an informal resolution process. At this time you informed MB that you believed that this matter could be resolved if the officer(s) involved with your screening underwent retraining or job counseling.

The Federal Security Director for MSP, on March 14, 2014, also agreed to participate in the informal resolution process. MSP has agreed to retrain his entire workforce as it relates to your complaint by providing shift briefings about proper procedures regarding the events you described. The FSD would also like to reach out to you directly to speak with you.

The informal resolution process is an informal and voluntary process to resolve complaints filed by the traveling public against TSA with CRL/OTE. MB does not issue a formal decision of findings of fact or conclusions of law for informal agreements that are reached between a complainant and TSA personnel at the location in question and expressly does not decide or conclude the merits of any allegations made within the complaint.

For MB to close this matter, please submit a brief statement confirming that you agree to resolve your complaint through the informal resolution process under the terms presented in this e-mail. If we do not receive a response from you within ten (10) business days of this proposed resolution, MB may consider the proposed resolution agreed to unless you can show good cause for no response during the timeframe.

Sincerely,

Bryan W. Hudson, Esquire
Policy Advisor
Disability and Multicultural Division

Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement
701 South 12th Street
Arlington, VA 20598
(571) 227-(b)(6) (o)

This message is intended for the use of the person or entity to whom it is addressed and may contain information that is sensitive, privileged and/or confidential, the disclosure of which is governed by applicable law. If you are not the intended recipient you are hereby notified that any disclosure, copying, or distribution of this information is strictly prohibited. If you have received this e-mail in error, please destroy or delete the message and contact the sender immediately.



Transportation
Security
Administration

(b)(6)

- ON-SITE

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



Transportation
Security
Administration

Dear (b)(6)

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

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

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

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

(b)(6)
In the meantime, you may wish to review TSA policies regarding screening for passengers on our website at www.tsa.gov.

Thank you.

Multicultural Branch
Disability and Multicultural Division

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

~~SENSITIVE SECURITY INFORMATION~~

Office of the Federal Security Director

U.S. Department of Homeland Security
Minneapolis – St. Paul International Airport (MSP)
3001 Metro Drive, Suite 200
Bloomington, MN 55425
952-229-3850





Transportation
Security
Administration

Date: January 22, 2014


To: Jessica Burniske
Disability and Multicultural Division
Office of Civil Rights & Liberties, Ombudsman, and Traveler Engagement

From: Clifford C. Van Leuven 
Federal Security Director
Transportation Security Administration, Minnesota

Subject: RE Civil Rights/Liberties Complaint, 

This responds to a TSA contact center record complaint made by Mr.  who traveled through TSA security checkpoint six at terminal 1 of the Minneapolis St. Paul International Airport on December 25, 2013 at approximately 8:30 a.m. Mr.  alleges racial profiling and/or discrimination because he is African American when his hands were screened and requests that appropriate action be taken.

I take this matter seriously and asked Assistant Federal Security Director Andrew Rhoades to inquire into this matter. Mr. Rhoades reviewed statements submitted by screening leadership and observed operations at the checkpoint six queue lines.

Investigation reveals that Mr.  entered the managed inclusion lane at checkpoint six the morning of December 25, 2013. He was randomly selected to enter the managed inclusion lane at that checkpoint. As part of an evolving risk-based security approach to enhance security, efficiency and passenger experience, TSA at MSP implemented a program called "Managed Inclusion 2" (MI2). This program employs a real-time threat assessment of passengers in conjunction with TSA's multi-layered security model. It involves randomly selecting travelers from the regular passenger queue and allowing them to enter a special, expedited lane that affords numerous advantages. In this lane, passengers are generally waived from the need to remove their shoes, belts and light jackets. They are also permitted to keep their laptops and

~~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**~~

compliant liquids in their bags. In return, passengers are subjected to additional security scrutiny, such as the Explosive Trace Detection (ETD) screening of hands.

A TSA employee selected Mr. (b)(6) for ETD screening of his hands in the queue line of checkpoint six based upon certain behavioral indicators. Mr. (b)(6) complied without complaint and after the results of the ETD sample proved to be clear, he proceeded through the checkpoint without further delay or scrutiny. A review of equipment records for the ETD located in checkpoint six queue used to screen Mr. (b)(6) hands indicates there were 54 ETD samples taken between 8:00 and 9:00 a.m. This equates to approximately one sample per minute. A copy of ETD equipment records accompanies this response.

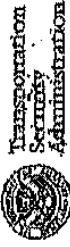
Mr. (b)(6) submitted a complaint at checkpoint six the morning of December 25, 2013 in addition to his on-line contact center complaint. He alleges in the complaint he submitted at the checkpoint he was not given notice. Before entering the managed inclusion lane at checkpoint six, he passed a sign stating "*Notice: You are entering an area where all persons and property are subject to additional screening.*" A copy of this notice accompanies this letter.

Based on our investigation, I have no evidence to substantiate the allegation that anyone in TSA racially profiled Mr. (b)(6). However, since the time of this complaint, my staff has reviewed policy to ensure we adhere to the highest security standards while balancing customer service concerns and perceptions of impropriety.

Attachments:

1. Comment Card submitted by (b)(6) dated (12/25/2013)
2. MBDO (b)(6) statement dated (1/1/2014)
3. Transportation Security Manager - BDO (b)(6) dated (1/7/2014)
4. TSA Contact Center Record (b)(6)
5. Photo of Required Signage at Checkpoint 6
6. December 25, 2013 ETD equipment records (SSI)

~~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.~~



Help us improve our customer service by completing and returning this card to a TSA drop-box, to a TSA supervisor or by mail.

Date: 12-25-13 Time: 0830 Airport: MSP - Minneapolis St. Paul

Date/Time of Travel: 12-25-13 Airline & flight number: DL 1815

Checkpoint/Area of airport: CPC / M12 TSA Employee ID known: BDD (b)(6)

COMPLIMENT/COMPLAINT (summarize):

While in line
I asked TSA employee AJA if I could see the camera that he took me
and she said no. I was told that I was being "sampled", I said that he should
show me that I was being "sampled". I said that he should show me
the camera that he took me and she said no. I was told that I was being "sampled".
I said that he should show me the camera that he took me and she said no.
I said that he should show me the camera that he took me and she said no.
I said that he should show me the camera that he took me and she said no.

Passenger's Name: (optional, we will not share with you) (b)(6)

(Optional) Phone number: (b)(6) e-mail:

NOTE: If you wish to file a claim with TSA for damaged or missing items, please visit our Web site at www.tsa.gov or call the TSA Contact Center at 1-866-289-9673. We believe in you.

Collection of this information is made under 49 U.S.C. 47101 & 49 U.S.C. 47102. Providing this information is voluntary. TSA will use this information to improve customer service and may share it with subject agencies for this purpose. For more information, please contact TSA, 606 Chippewa Drive, Dulles, VA 20146. This information is not to be used for any other purpose. TSA will not collect or use this information for any other purpose. This information is not to be used for any other purpose. This information is not to be used for any other purpose.



Transportation
Security
Administration

U.S. Department of Homeland Security
3001 Metro Drive, Suite 200
Bloomington, MN 55425

Date: 1/1/14

From: Daniel Scherer

To: (b)(6)

Re: Passenger on Christmas Day

I was working with the Management Inclusion Team on Checkpoint six walking the line on December 26, 2013 at approximately 8:15 a.m. As I was talking to passengers in the queue, I walked up to a passenger that would not make eye contact with me. He appeared to be evading me. I greeted him with a "Good Morning" but he did not respond. I then asked him "How are you doing?" He did not respond. I then went in front of him thinking he had not heard me and said "Hello, where are you going today?" He did look at me then and surly stated "Why do you care?" I smiled and told him "I was just making conversation." The passenger then ask me why I was asking him questions. I told him that I talk to a lot of people in line. The passenger appeared to be deliberately evading my questions. As Mr. (b)(6) approached the ETD station, Mr. (b)(6) was selected for ETD hand screening. When the results of the ETD sample returned clear, Mr. (b)(6) left the checkpoint queue and proceeded to be screened.

I regret (b)(6) thought he was selected for additional screening because of his race. I assure you I was carrying out my duties to the best of my ability based on passenger behaviors.

Since the time of the complaint, I appreciated my manager, TSM (b)(6) reinforcing the need to be aware of how our actions can be misconstrued.

(b)(6)

Name: (b)(6)

Title: BDO

U.S. Department of Homeland Security
TSA MSP, Minneapolis-St. Paul Airport
3001 Metro Drive, Suite 200
Bloomington, MN 56425



Transportation
Security
Administration

Date: January 7, 2014

From: (b)(6)
Screening of Passengers by Observation Technique
Transportation Security Manager
Minneapolis-St. Paul International Airport

Subject: Passenger Complaint (b)(6)

I reviewed Mr. (b)(6) December 25, 2013 complaint against Master Behavior Detection Officer (MBDO) (b)(6) I met with MBDO (b)(6) on January 7, 2014.

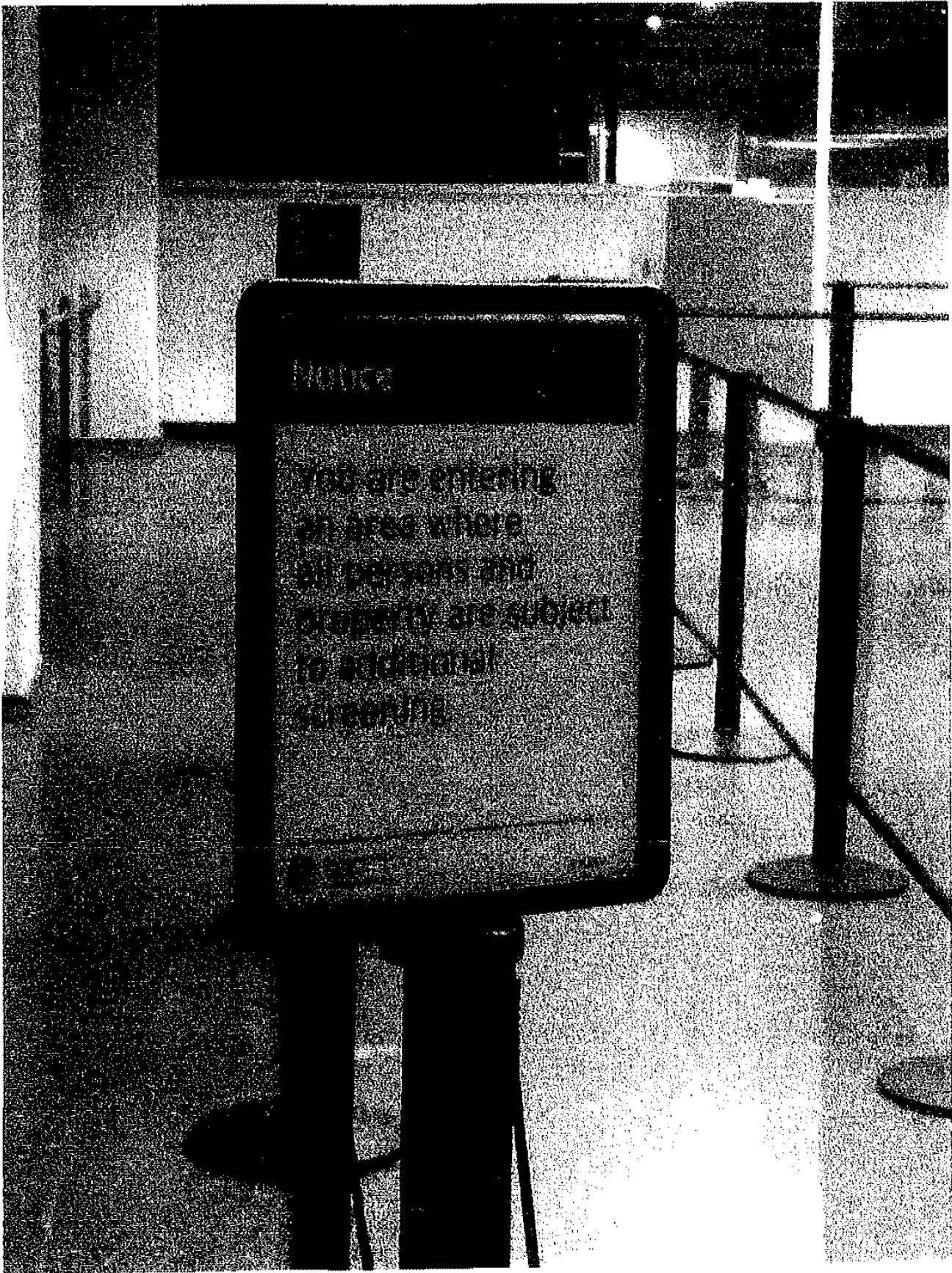
MBDO (b)(6) required duties while assigned as part of the Managed Inclusion (MI) operation that day (December 25, 2013) were as follows. MBDO (b)(6) was assigned to be in a position associated with a checkpoint Transportation Security Officer (TSO) as he/she samples passengers' hands/palms via an Explosive Trace Detection (ETD) machine. MBDO (b)(6) area of focus as a BDO is to observe and engage with any and/or all passengers to gauge reaction(s) to his engagements and to observe for certain behaviors.

MBDO (b)(6) engaged several passengers, including the passenger who filed the complaint against MBDO (b)(6). While performing his SPOT duties, he attempted to engage this passenger; the first time he was ignored and MBDO (b)(6) continued on to the next few people in line. Upon MBDO (b)(6) return to his original position, at the ETD machine, he attempted again to engage this passenger. During the second engagement the passenger reacted to MBDO (b)(6) and questioned why he was being asked questions.

As a result of Mr. (b)(6) complaint I have reviewed, with my staff, the need to be acutely aware of the perception of bias as we discharge our duties.

(b)(6)

1/22/2014
Date



Notice

This is an emergency exit area where all persons and property are subject to removal without compensation.

Hudson, Bryan W.

From: Bandy, Kimberly J
Sent: Friday, January 31, 2014 5:54 PM
To: Griggs, Christine; Walton, Kimberly
Cc: Hudson, Bryan W.
Subject: MSP complaints - For your awareness

We received the attached complaint in December from a pax traveling through MSP alleging a racial profiling. I have attached a summary of the actions taken and a copy of the complaint and the FSD's January 22nd response is attached. Bryan and Jessica worked on the complaint. They will be at the Thursday CRCL meeting if you want to discuss further.

Also attached is a listing of MSP complaints in our system.



MSP Complaint
Dec 2013- Racial...



MSP MB
Complaints.pdf

Kimberly Bandy
Branch Manager
Multicultural Branch
Transportation Security Administration - CRL/OTE
Department of Homeland Security
571-227-(b)(6) (office)
(b)(6) (Blackberry)
571-227-1921 (fax)



**Transportation
Security
Administration**

~~Sensitive Security Information~~

Multicultural Branch
Disability and Multicultural Division
Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement

Memorandum

TO: Kimberly Walton, Assistant Administrator
Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement
Christine Griggs, Deputy Assistant Administrator

FROM: Kimberly Bandy, Manager, Multicultural Branch
Bryan W. Hudson, Esq., Policy Advisor, Multicultural Branch

DATE: January 31, 2014

RE: MSP – BDO Profiling & Managed Inclusion (MI)

On December 26, 2013, a complaint was filed through TCC alleging racial profiling at Minneapolis Saint Paul International Airport (MSP). In sum, a male African-American traveler entered the Managed Inclusion 2 (MI-2) lane at MSP and a Behavior Detection Officer (BDO)

(b)(3) 49 U.S.C. § 114(r)

The traveler alleges no one before him received the ETD screening. The FSD confirmed screening was "based on certain behavioral indicators."

MI-2 is a deviation from traditional MI in that in conjunction with rather than canines.

BDOs conduct walk-the-line

When the traveler is excluded he is directed back to the standard screening lane.

Travelers have a constitutional right to not speak with a BDO. In this particular instance, the traveler should have been

Instead the traveler based on certain behavioral indicators." This was not SOP. based on behaviors, such as refusing to respond to the BDO, appears punitive in nature and raises First and Fourth Amendment concerns aside from the Fifth Amendment allegations. This is the exact same issue MB recently worked with BDAD to

Recommendation

An on-site inquiry be authorized to determine whether MSP is using BDOs to based on behavior indicators rather than using MI-2 and SPOT SOP.

~~Sensitive Security Information~~

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1550. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW" AS DEFINED IN 49 C.F.R. PARTS 15 AND 1550, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTIES OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1550.

~~SENSITIVE SECURITY INFORMATION~~

Office of the Federal Security Director

U.S. Department of Homeland Security
Minneapolis - St. Paul International Airport (MSP)
3001 Metro Drive, Suite 200
Bloomington, MN 55425
952-229-3850




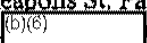
Transportation
Security
Administration

Date: January 22, 2014


To: Jessica Burniske
Disability and Multicultural Division
Office of Civil Rights & Liberties, Ombudsman, and Traveler Engagement

From: Clifford C. Van Leuven 
Federal Security Director
Transportation Security Administration, Minnesota

Subject: RE Civil Rights/Liberties Complaint 

This responds to a TSA contact center record complaint made by Mr.  who traveled through TSA security checkpoint six at terminal 1 of the Minneapolis St. Paul International Airport on December 25, 2013 at approximately 8:30 a.m.  alleges racial profiling and/or discrimination because he is African American when his hands were screened and requests that appropriate action be taken.

I take this matter seriously and asked Assistant Federal Security Director Andrew Rhoades to inquire into this matter. Mr. Rhoades reviewed statements submitted by screening leadership and observed operations at the checkpoint six queue lines.

Investigation reveals that Mr.  entered the managed inclusion lane at checkpoint six the morning of December 25, 2013. He was randomly selected to enter the managed inclusion lane at that checkpoint. As part of an evolving risk-based security approach to enhance security, efficiency and passenger experience, TSA at MSP implemented a program called "Managed Inclusion 2" (MI2). This program employs a real-time threat assessment of passengers in conjunction with TSA's multi-layered security model. It involves randomly selecting travelers from the regular passenger queue and allowing them to enter a special, expedited lane that affords numerous advantages. In this lane, passengers are generally waived from the need to remove their shoes, belts and light jackets. They are also permitted to keep their laptops and

~~WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1600. No part of this record may be disclosed to persons without a "need to know" as defined in 49 CFR parts 15 and 1600, 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 1600.~~

~~**SENSITIVE SECURITY INFORMATION**~~

compliant liquids in their bags. In return, passengers are subjected to additional security scrutiny, such as the Explosive Trace Detection (ETD) screening of hands.

A TSA employee selected (b)(6) for ETD screening of his hands in the queue line of checkpoint six based upon certain behavioral indicators (b)(6) complied without complaint and after the results of the ETD sample proved to be clear, he proceeded through the checkpoint without further delay or scrutiny. A review of equipment records for the ETD located in checkpoint six queue used to screen (b)(6) hands indicates there were 54 ETD samples taken between 8:00 and 9:00 a.m. This equates to approximately one sample per minute. A copy of ETD equipment records accompanies this response.

Mr (b)(6) submitted a complaint at checkpoint six the morning of December 25, 2013 in addition to his on-line contact center complaint. He alleges in the complaint he submitted at the checkpoint he was not given notice. Before entering the managed inclusion lane at checkpoint six, he passed a sign stating "Notice: You are entering an area where all persons and property are subject to additional screening." A copy of this notice accompanies this letter.

Based on our investigation, I have no evidence to substantiate the allegation that anyone in TSA racially profiled Mr (b)(6). However, since the time of this complaint, my staff has reviewed policy to ensure we adhere to the highest security standards while balancing customer service concerns and perceptions of impropriety.

Attachments:

1. Comment Card submitted by (b)(6) dated (12/25/2013)
2. MBDC (b)(6) statement dated (1/1/2014)
3. Transportation Security Manager - BDO (b)(6) dated (1/7/2014)
4. TSA Contact Center Record 1241955
5. Photo of Required Signage at Checkpoint 6
6. December 25, 2013 ETD equipment records (SSI)

~~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.~~

MSP Complaints

My Account Change Role Sign Out Help

Search » Standard Search (TSA Intake) » Results »

Search Results

DHS/TSA Civil Rights - bhudson (TSA Admin)

Matching Results: 26

Page 1 of 1 Display 73 per page Displaying 1 - 26 of 26

State	Complaint Number	Contact Number	Last Action Date	Sender	On Behalf Of	Date to TSA	Summary of Allegation	Primary Assignment	Due Date (90 Days)	Age of Case
Open	(b)(3):49 U.S.C. § 114(r)		01/23/2014	(b)(6)		12/26/2013	MSP region 3: Passenger believes he was chosen for additional screening due to <u>profiling</u> .	Hudson, Bryan	03/26/2014	36
Closed		(b)(3):49 U.S.C. § 114(r)	01/07/2014			12/31/2013	DLH region 3: TDC TSO made <u>racial slurs</u> about a minor passenger's name	Hudson, Bryan		7
Closed			12/03/2013			11/18/2013	Region 3 MSP: Passenger feels he was <u>racially profiled</u> when a TSA agent questioned him about his trip.	Hudson, Bryan		15
Closed			10/31/2013			10/18/2013	MSP region 3: African American couple were passed over for TDC while the TSO checked white passengers	Hudson, Bryan		13
Closed			08/23/2013			11/20/2012	Region #3 <u>racial profiling</u> .	Bandy, Kimberly		276
Closed	(b)(3):49 U.S.C. § 114(r)		08/14/2013			06/27/2013	MSP region 3: Passenger was insulted with anti-semitic remarks by a TSO.	Hudson, Bryan	09/25/2013	48
Closed			08/06/2013			07/31/2013	DLH Region 3: Passenger feels she was discriminated against because she chose to wear a dress instead of jeans and therefore received a pat down.	Hudson, Bryan		6
Closed	(b)(3):49 U.S.C. § 114(r)		06/26/2013			09/15/2012	Fly Rights Region # 3 (MSP) - Fly Rights	Bandy, Kimberly	12/14/2012	284
Open			02/22/2013			01/29/2013	Region 3 sex (transgender)	Bandy, Kimberly	04/29/2013	367
Closed			02/22/2013			02/19/2013	ORANGE MSP - completely inappropriate commentary about complainant's <u>race</u> . It was a phone call	Bandy, Kimberly		3
Closed			01/19/2012	(b)(6)		01/09/2012	"I have had the pat downs before as a random	Singh,		10

TSA 15-00014 - 009210

Closed	(b)(3);49 U.S.C. § 114 (r)	10/21/2011	(b)(3);49 U.S.C. § 114(r)	09/12/2011 "This is the second time I have had a piece of equipment damaged at the Minneapolis airport security!"	Singh, Harleen	39	📄
Closed		09/20/2011		09/16/2011 Traveler stated that he is a Canadian Citizen with frequent travels to the U.S. Traveler stated that each time he is flagged as a "Selectee" for addition screening.	Schoolfield, David	4	📄
Closed		09/09/2011		08/02/2011 Traveler dissatisfied with additional screening of her purse when coins left in her purse triggered alarm.	Grandpierre, Paul	38	📄
Closed		09/09/2011		06/21/2011 Traveler stated that TSA employee doing the pat down always goes for his genitals.	Schoolfield, David	80	📄
Closed		09/08/2011		09/04/2011 Traveler stated that TSO left zipper on checked baggage open about six inches, inspected and failed to close travelers prescribed medication container causing 60 capsules to fall into the interior of the bag.	Schoolfield, David	4	📄
Closed		08/25/2011		08/22/2011 The individual was "forced" to go through the scan machines and was "embarrassed"	Schoolfield, David	3	📄
Closed		05/19/2011		05/19/2011 "...was hand selected...then forced to go through the body scanner...The time I had to wait on display...seemed inordinately long...I was given several options: a pat down, the body scanner, or not be allowed to fly that day. I was also told by the "TSA POLICE" that they had the authority to hold me in detention or put me in jail and they would do just that, if I did not change my attitude...I chose the body scanner...I could hardly spread my short legs to the required stance and coupled with the overhead arm stretch, I felt extreme discomfort, embarrassment and public humiliation..."	Singh, Harleen	1	📄
Closed	(b)(6)	05/16/2011	(b)(6)	01/30/2011 The individual said "This is the biggest waste of time and money in America" and was about to go through either the WTMD or AIT he says that an STSO said "Not until you are	Titus, Shenandoah	106	📄

TSA 15-00014 - 009211

Closed	(b)(3)-49 U.S.C. § 114(f)	03/21/2011	(b)(3)-49 U.S.C. § 114(f)	03/20/2011 "TSA is directly controlling this line and discriminating against travelers by their class of ticket."	Singh, Harleen	1	
Closed		11/23/2010		11/22/2010 Upset that she went through the AIT and had a pat-down. Also lack of customer service and communication.	Singh, Harleen	1	
Closed		11/18/2010		11/18/2010 I went through the new full body scan and after that, I was pulled aside and subjected to the full pat down. It's my understanding that the full pat down were for those people who elected not to do a full body scan but yet, I had to endure both. I'm not easily offended, but I was during the full pat down. This search was done in full view of everyone going through security.	Singh, Harleen	1	
Closed		11/12/2010		11/08/2010 Passenger (b)(3)-49 U.S.C. § felt he was singled out for the AIT machine and for a full body pat down when no alarms went off and when 39 other people in line did not have to go through the same process at Minneapolis International Airport on 11/8/2010.	Titus, Shenandoah	4	
Closed		11/04/2010		10/29/2010 Objection to screening procedure	Titus, Shenandoah	6	
Closed		08/08/2010		08/08/2010	Singh, Harleen	1	
Closed		10/21/2009		10/21/2009	Singh, Harleen	1	

TSA 15-00014 - 009212

Hudson, Bryan W.

From: Van Leuven, Cliff
Sent: Friday, March 14, 2014 1:17 PM
To: Hudson, Bryan W.; Baudek, Brad; Santana, Ray
Subject: Conf call

Sorry about the late start- hate to waste everyone's time... I'm the guy who is always saying, "What time does the X o'clock meeting start?!" around here.

Our EA is sitting at her desk in a panic that she gave us the wrong conf bridge...

Good call- thanks for the guidance and assistance on this.

Cliff

Clifford C. Van Leuven

Federal Security Director- Minnesota

*Minneapolis-St. Paul, Bemidji, Brainerd, Duluth, Hibbing
International Falls, Rochester, St. Cloud, Thief River Falls*

Transportation Security Administration

Department of Homeland Security

Office: 952-229-(b)(6)

Mobile: (b)(6)

Email: (b)(6)

Transportation Security Administration
3001 Metro Drive, Suite 200
Bloomington, MN 55425

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent for delivering the message to the intended recipient, you are hereby notified that dissemination, distribution or copying of this communication is strictly prohibited. If you received this communication in error, please notify us immediately by replying to this message and delete the original message and its contents.

Hudson, Bryan W.

From: Hudson, Bryan W.
Sent: Wednesday, March 12, 2014 11:10 AM
To: Van Leuven, Cliff
Subject: Civil Rights and Liberties Complaint -- (b)(6)
Importance: High

Cliff,

I am looking at the (b)(6) complaint now; Jessica Burniske's detail from DHS ended. When you have a chance, can we arrange a time to speak about it (maybe Friday or Monday). I recently spoke with Mr (b)(6) who is inclined to resolve his complaint informally. OSO Procedures will most likely join us, and OCC may as well.

Thanks,
Bryan

Bryan W. Hudson, Esquire
Policy Advisor
Disability and Multicultural Division
Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement
701 South 12th Street
Arlington, VA 20598
(571) 227-(b)(6) (o)
(b)(6) (c)

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**Transportation
Security
Administration**

Hudson, Bryan W.

From: Silata, Michael
Sent: Friday, March 14, 2014 1:04 PM
To: Koogle, Bryan; Tarpey, Dominique; Baudek, Brad; Hudson, Bryan W.; Santana, Ray
Subject: MSP Call

Bryan K., will you please compile a brief email to Sarah reflecting the call disposition and our action item of the shift brief and document for the airport. Thank you all-Mike

Hudson, Bryan W.

From: Hudson, Bryan W.
Sent: Friday, March 14, 2014 2:44 PM
To: Van Leuven, Cliff; Baudek, Brad; Santana, Ray
Subject: RE: Conf call

No worries Cliff. It was a very good call. I will let you know when/if the complainant accepts the informal resolution.

Bryan

From: Van Leuven, Cliff
Sent: Friday, March 14, 2014 1:17 PM
To: Hudson, Bryan W.; Baudek, Brad; Santana, Ray
Subject: Conf call

Sorry about the late start- hate to waste everyone's time... I'm the guy who is always saying, "What time does the X o'clock meeting start?!" around here.
Our EA is sitting at her desk in a panic that she gave us the wrong conf bridge...
Good call- thanks for the guidance and assistance on this.

Cliff

Clifford C. Van Leuven
Federal Security Director- Minnesota
*Minneapolis-St. Paul, Bemidji, Brainerd, Duluth, Hibbing
International Falls, Rochester, St. Cloud, Thief River Falls*
Transportation Security Administration
Department of Homeland Security
Office: 952-229-(b)(6)
Mobile: (b)(6)
Email: (b)(6)

Transportation Security Administration
3001 Metro Drive, Suite 200
Bloomington, MN 55425

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Johnsen, Matthew <CTR>

From: TSA.Civilrights
Sent: Thursday, December 26, 2013 9:46 AM
To: TCC-Referrals
Subject: FW: TSA Contact Us: Complaints

Hello TCC,

Please take appropriate action.

Thank you!

Rob Neumer
Program Analyst
Civil Rights Division
571-227-(b)(6)

From: (b)(6) [\(b\)\(6\)](mailto:(b)(6))
Sent: Wednesday, December 25, 2013 10:56 AM
To: TSA.Civilrights@dhs.gov
Subject: TSA Contact Us: Complaints

THIS GENERATED EMAIL HAS BEEN SENT FROM <http://www.tsa.gov/contact/index.shtm>

Remote Client IP: 10.238.90.252
Date Time: 12/25/2013 10:55:44 AM

Name: (b)(6)
Email: (b)(6)

Complaints: Civil Rights

Flight Info (If applicable. Enter Flight#//Airline//Terminal//Airport//Gate//Etc): Flight DL1815, MINNEAPOLIS TERMINAL ONE, EXPEDITED SECURITY CHECK POINT NEXT TO "G" GATE. TSA EMPLOYEE/OFFICER (b)(6)

Comments: Today (12-25-13) around 8:30 a.m., I was in the "expedited" check out line. The line was long, and I was waiting to go through the checkout point. I observed Officer (b)(6) was greeting people ahead of me. He came to me and greeted me with a suspicious stare that was longer than normal and was uncomfortable for me, so I broke eye contact with him and expected to go on my way. Immediately after breaking eye contact with Officer (b)(6) he walks a foot or so over to a screener and directs the screener to pull me out of line and "swipe my palms". I consented. I asked the screener why "I" was being singled out, the screener said "I was selected randomly". During the "swiping of my palms", Officer (b)(6) stood a foot away from me.

I did not observe Officer (b)(6) use any sampling tool, or require anyone before me to have to have their "palm swiped" I believe Officer (b)(6) singled me out, intentionally, because of my race. I am an African-American male living in a suburb of Minneapolis.

Upon completing the security check process, I filed a complaint against Officer (b)(6) at the security stand, and am following through with my complaint of 'racial profiling/discrimination' through this on-line process.

(b)(6)

Johnsen, Matthew <CTR>

From: TSA.Civilrights
Sent: Thursday, December 26, 2013 12:10 PM
To: TSAExternalCompliance
Subject: FW: TSA Contact Us: Complaints

Hello External Compliance,

Please take appropriate action on this traveler's "racial profiling" issue.

Thank you!

Rob Neumer
Program Analyst
Civil Rights Division
571-227-(b)(6)

From: (b)(6)
Sent: Wednesday, December 25, 2013 10:56 AM
To: TSA.Civilrights@dhs.gov
Subject: TSA Contact Us: Complaints

THIS GENERATED EMAIL HAS BEEN SENT FROM <http://www.tsa.gov/contact/index.shtm>

Remote Client IP: 10.238.90.252
Date Time: 12/25/2013 10:55:44 AM

Name: (b)(6)
Email: (b)(6)

Complaints: Civil Rights

Flight Info (If applicable. Enter Flight#//Airline//Terminal//Airport//Gate//Etc): Flight DL1815, MINNEAPOLIS TERMINAL ONE, EXPEDITED SECURITY CHECK POINT NEXT TO "G" GATE. TSA EMPLOYEE/OFFICER (b)(6)

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I did not observe Officer (b)(6) use any sampling tool, or require anyone before me to have their "palm swiped" I believe Officer (b)(6) singled me out, intentionally, because of my race. I am an African-American male living in a suburb of Minneapolis.

Upon completing the security check process, I filed a complaint against Officer (b)(6) at the security stand, and am following through with my complaint of 'racial profiling/discrimination' through this on-line process.

(b)(6)

Johnsen, Matthew <CTR>

From: Hudson, Bryan W.
Sent: Thursday, January 02, 2014 1:47 PM
To: Van Leuven, Cliff
Subject: Civil Rights/Liberties Complaint - (b)(6).Duplicate

Importance: High

Dear FSD Van Leuven:

The Disability and Multicultural Division (DMD), of the Office of Civil Rights and Liberties, Ombudsman, and Traveler Engagement, has received a civil rights and/or civil liberties complaint regarding actions that allegedly occurred at MSP during screening. A copy of the complaint is attached.



A civil rights and/or civil liberties complaint alleges violation of Federal law, regulations, Executive Orders or DHS/TSA policy. As such, DHS requires TSA to process this matter with much greater attention to detail than a routine customer complaint. It is important for evidence to be preserved at your airport in the event of a formal resolution or for potential court or appellate review.

We ask that you take the following actions within 72 hours of this notice:

1. Assign a designated point of contact (POC) for the purposes of investigating this complaint and have him or her contact the DMD specialist listed below. Your POC should have the authority to agree to an informal resolution to the complaint on your behalf.
2. Gather and preserve any evidence that may be necessary to complete a formal fact-finding report. Specifically:
 - a. Video footage related to this complaint.
 - b. Written statements from TSA personnel who may have been involved in, witnessed, or have any knowledge of the alleged events.
 - c. Written statements from non-TSA personnel who may have been involved in, witnessed, or have any knowledge of the alleged events (e.g., Airport personnel, contractors, wheelchair attendants).
 - d. Any documents relevant to the complaint (e.g., Incident reports, comment cards, customer service reports).

The purpose of this investigation is to determine if a violation of civil rights and/or civil liberties has occurred and, if so, what actions will be taken to resolve the matter. This investigation does not only pertain to potential Standard Operating Procedure violations (SOP). Whether SOP was followed, or not, is only a part of the review process and is not, in and of itself, enough to prove or disprove allegations of civil rights or liberties violations.

DMD will attempt to resolve this complaint informally through mutual agreement between the complainant and your POC. However, if either party declines to participate in an informal resolution, the formal resolution process will be initiated.

If you have any questions, please let me know.

Sincerely,

Bryan W. Hudson, Esquire

Policy Advisor

Disability and Multicultural Division

Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement

701 South 12th Street

Arlington, VA 20598

(571) 227-^(b) (o)

^{(b)(6), Duplicate} (c)

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**Transportation
Security
Administration**

Johnsen, Matthew <CTR>

From: tsatcc@senture.com
Sent: Thursday, December 26, 2013 2:22 PM
To: CRL
Subject: FW: TSA Contact Us: Complaints
Attachments: (b)(6)

Categories: Red Category

The customers information has been attached to this email.

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

Thank you,
TSA Contact Center Representative

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

Johnsen, Matthew <CTR>

From: tsatcc@senture.com
Sent: Thursday, December 26, 2013 5:01 PM
To: CRL
Subject: FW: TSA Contact Us: Complaints
Attachments: (b)(6)

Categories: Red Category

The customers information has been attached to this email.

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

Thank you,
TSA Contact Center Representative

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Johnsen, Matthew <CTR>

From: Rhoades, Drew
Sent: Wednesday, January 22, 2014 1:30 PM
To: Burniske, Jessica
Cc: Van Leuven, Cliff; Clementi, Scott; Hudson, Bryan W.; Grabenbauer, Marcene
Subject: RE: MSP Response to Civil Rights/Liberties Complaint - (b)(6)

Jessica:

The password to open the file is (b)(6)

Sincerely,

Drew

Andrew Rhoades
Assistant Federal Security Director, Mission Support
3001 Metro Drive, Suite 200
Bloomington, MN 55425
Office: (952) 229-(b)(6)
Mobile (b)(6)

From: Rhoades, Drew
Sent: Wednesday, January 22, 2014 12:29 PM
To: Burniske, Jessica
Cc: Van Leuven, Cliff; Clementi, Scott; Hudson, Bryan W.; Grabenbauer, Marcene
Subject: MSP Response to Civil Rights/Liberties Complaint - (b)(6)

Good afternoon Jessica.

Attached you will find the FSD response to (b)(6) EEO complaint.

Unfortunately the area where this alleged violation occurred is not covered by CCTV cameras.

Should you have any questions, feel free to contact me at any time.

I will send the password to open the attached file separately.

Thank you,

<< File: MSP Response to (b)(6) Civil Rights-Liberties Complaint No (b)(6) pdf >>

Drew

Andrew Rhoades
Assistant Federal Security Director, Mission Support
3001 Metro Drive, Suite 200

Bloomington, MN 55425
Office: (952) 229-(b)(6)
Mobile: (b)(6)

From: Burniske, Jessica
Sent: Monday, January 06, 2014 3:14 PM
To: Rhoades, Drew
Cc: Van Leuven, Cliff; Grabenbauer, Marcene; Clementi, Scott; Hudson, Bryan W.
Subject: RE: Civil Rights/Liberties Complaint - (b)(6)

Dear Drew,

My contact information is included below. Please let me know if I can be of assistance in any way. I look forward to working with you!

Thanks!
Jessica

--

Jessica Burniske
Multicultural Branch
Transportation Security Administration

(b)(6)
571-227-(b)(6) office)
(b)(6) (BB)

From: Rhoades, Drew
Sent: Monday, January 06, 2014 3:20 PM
To: Burniske, Jessica
Cc: Van Leuven, Cliff; Grabenbauer, Marcene; Clementi, Scott; Hudson, Bryan W.
Subject: RE: Civil Rights/Liberties Complaint - (b)(6)

Hello Jessica.

Bryan Hudson asked that I work with you on this allegation. I will be in touch with you soon.

Can you provide me with your contact information?

Thank you.

Drew

Andrew Rhoades
Assistant Federal Security Director, Mission Support
3001 Metro Drive, Suite 200
Bloomington, MN 55425
Office: (952) 229-(b)(6)

Mobile: (b)(6)

From: Rhoades, Drew
Sent: Monday, January 06, 2014 2:08 PM
To: Hudson, Bryan W.
Cc: Van Leuven, Cliff; 'Grabenbauer, Marcene'; 'Clementi, Scott'
Subject: FW: Civil Rights/Liberties Complaint - (b)(6)
Importance: High

Good afternoon Bryan.

FSD Van Leuven has asked that I act as the point of contact for this allegation.

I will begin the process of gathering facts, video footage, and statements.

Are you available to discuss this allegation? Please let me know.

Thank you,

Drew

Andrew Rhoades
Assistant Federal Security Director, Mission Support
3001 Metro Drive, Suite 200
Bloomington, MN 55425
Office: (952) 229-(b)(6)
Mobile: (b)(6)

From: Hudson, Bryan W.
Sent: Thursday, January 02, 2014 12:47 PM
To: Van Leuven, Cliff
Subject: Civil Rights/Liberties Complaint - (b)(6)
Importance: High

Dear FSD Van Leuven:

The Disability and Multicultural Division (DMD), of the Office of Civil Rights and Liberties, Ombudsman, and Traveler Engagement, has received a civil rights and/or civil liberties complaint regarding actions that allegedly occurred at MSP during screening. A copy of the complaint is attached.

<< File: 17_Response (b)(6).pdf >>

A civil rights and/or civil liberties complaint alleges violation of Federal law, regulations, Executive Orders or DHS/TSA policy. As such, DHS requires TSA to process this matter with much greater attention to detail than a routine customer complaint. It is important for evidence to be preserved at your airport in the event of a formal resolution or for potential court or appellate review.

We ask that you take the following actions within 72 hours of this notice:

1. Assign a designated point of contact (POC) for the purposes of investigating this complaint and have him or her contact the DMD specialist listed below. Your POC should have the authority to agree to an informal resolution to the complaint on your behalf.
2. Gather and preserve any evidence that may be necessary to complete a formal fact-finding report. Specifically:
 - a. Video footage related to this complaint.
 - b. Written statements from TSA personnel who may have been involved in, witnessed, or have any knowledge of the alleged events.
 - c. Written statements from non-TSA personnel who may have been involved in, witnessed, or have any knowledge of the alleged events (e.g., Airport personnel, contractors, wheelchair attendants).
 - d. Any documents relevant to the complaint (e.g., Incident reports, comment cards, customer service reports).

The purpose of this investigation is to determine if a violation of civil rights and/or civil liberties has occurred and, if so, what actions will be taken to resolve the matter. This investigation does not only pertain to potential Standard Operating Procedure violations (SOP). Whether SOP was followed, or not, is only a part of the review process and is not, in and of itself, enough to prove or disprove allegations of civil rights or liberties violations.

DMD will attempt to resolve this complaint informally through mutual agreement between the complainant and your POC. However, if either party declines to participate in an informal resolution, the formal resolution process will be initiated.

If you have any questions, please let me know.

Sincerely,

Bryan W. Hudson, Esquire

Policy Advisor

Disability and Multicultural Division

Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement

701 South 12th Street

Arlington, VA 20598

(571) 227-^{(b)(6)} (o)

^{(b)(6)} (c)

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<< OLE Object: Picture (Device Independent Bitmap) >>

Johnsen, Matthew <CTR>

From: Hudson, Bryan W.
Sent: Monday, March 24, 2014 11:14 AM
To: Van Leuven, Cliff
Subject: RE: (b)(6)

Thanks Cliff

From: Van Leuven, Cliff
Sent: Sunday, March 23, 2014 2:01 PM
To: Hudson, Bryan W
Subject: Re: (b)(6)

Got it and the bcc- I'm asking my EA to contact him to arrange a time for us to talk.

Thanks Bryan- will adv how it went after I speak with him.

Cliff

Cliff Van Leuven
Federal Security Director- Minnesota
Minneapolis-St. Paul, Bemidji, Brainerd, Duluth, Hibbing, Int'l Falls, Rochester, St. Cloud, Thief River Falls

Transportation Security Administration
Department of Homeland Security
Office: 952-229-(b)(6)
Mobile: (b)(6)
Email: (b)(6)

From: Hudson, Bryan W.
Sent: Friday, March 21, 2014 09:45 AM
To: Van Leuven, Cliff
Subject: (b)(6)

Cliff,

Mr (b)(6) number is (b)(6) You should have also received a blind copy regarding the informal a moment ago.

Bryan

Johnsen, Matthew <CTR>

From: CRL
Sent: Thursday, January 02, 2014 1:40 PM
To: (b)(6)
Subject: RE: TSA Contact Us: Complaints
Attachments: Multicultural reply letter (b)(6).pdf

Dear (b)(6)

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

Thank You,

Multicultural Branch
Disability and Multicultural Division
CRL/OTE
TSA

Johnsen, Matthew <CTR>

From: (b)(6)
Sent: Friday, March 21, 2014 1:22 PM
To: Hudson, Bryan W.
Subject: Re: INFORMAL RESOLUTION - (b)(6)

Okay,

(b)(6)

On Fri, Mar 21, 2014 at 8:42 AM, Hudson, Bryan W. (b)(6) wrote:

(b)(6)

I wanted to clarify for you regarding the informal resolution below. MSP intends to provide two shift briefs to their officers: 1) one will be specific to appropriate procedures; and, 2) one will be specific to DHS' Nondiscrimination Policy in its security screening operations. You should also receive a telephone call in the near future from TSA leadership at MSP.

We will let you know once the shift briefings have been completed by MSP.

Bryan

From: (b)(6) (mailto:(b)(6))
Sent: Tuesday, March 18, 2014 1:34 PM
To: Hudson, Bryan W.

Subject: Re: INFORMAL RESOLUTION - (b)(6)

Hi Bryan,

I read your message, and because MSP (it seems) will agree to use my situation to better train their staff on issues of race (as well as procedures), I would like to resolve this matter informally.

I am happy to meet with any representative from MSP regarding my case, and participate in any process that better prepares their staff to understand how their decisions are impacted by race in anyway MSP believes appropriate.

Please let me know next steps.

(b)(6)

On Tue, Mar 18, 2014 at 9:33 AM, Hudson, Bryan W. (b)(6) wrote:

Dear Mr. (b)(6)

I am writing to follow up on our March 5, 2014 telephone conversation regarding the complaint that you filed with the Transportation Security Administration. Your complaint was forwarded to the Disability and Multicultural Division (DMD), a division of the Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement (CRL/OTE), for review. The Multicultural Branch (MB) administers Federal civil rights and civil liberties laws, regulations and policies in TSA's programs and activities per TSA Management Directives. TSA Management Directive No. 100.0, TSA Roles and Responsibilities, (2012) and No. 900.1, Passenger Screening Complaints (2013); see also Transportation Security Act of 2001, PL 107-71 (2001) and Department of Homeland Security Delegation Number 7060.2, Delegation to the Administrator of the Transportation Security Administration (2003).

In your complaint, you explain the following: On December 25, 2013, around 8:30 a.m., you were waiting to go through an expedited screening lane at Minneapolis Saint Paul (MSP) International Airport. At this time you were greeted by a Transportation Security Officer (TSO) who stared at you. This made you uncomfortable and you broke eye contact with him. Once this happened, the TSO went to another TSO and directed the other TSO to pull you out of line and swipe your palms. You believe that the TSO singled you out because of your race.

In a telephone conversation, on March 5, 2014, you indicated that you were willing to resolve this matter through an informal resolution process. At this time you informed MB that you believed that this matter could be resolved if the officer(s) involved with your screening underwent retraining or job counseling.

The Federal Security Director for MSP, on March 14, 2014, also agreed to participate in the informal resolution process. MSP has agreed to retrain his entire workforce as it relates to your complaint by providing shift briefings about proper procedures regarding the events you described. The FSD would also like to reach out to you directly to speak with you.

The informal resolution process is an informal and voluntary process to resolve complaints filed by the traveling public against TSA with CRL/OTE. MB does not issue a formal decision of findings of fact or conclusions of law for informal agreements that are reached between a complainant and TSA personnel at the location in question and expressly does not decide or conclude the merits of any allegations made within the complaint.

For MB to close this matter, please submit a brief statement confirming that you agree to resolve your complaint through the informal resolution process under the terms presented in this e-mail. If we do not receive a response from you within ten (10) business days of this proposed resolution, MB may consider the proposed

resolution agreed to unless you can show good cause for no response during the timeframe.
Sincerely,

Bryan W. Hudson, Esquire
Policy Advisor
Disability and Multicultural Division
Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement
701 South 12th Street
Arlington, VA 20598
(571) 227-(b)(6) (o)

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**Transportation
Security
Administration**

U.S. Department of Homeland Security
3001 Metro Drive, Suite 200
Bloomington, MN 55425

Date: 1/1/14

From: (b)(6)

To: Brian Stout / Grant Reno

Re: Passenger on Christmas Day

I was working with the Management Inclusion Team on Checkpoint six walking the line on December 26, 2013 at approximately 8:15 a.m. As I was talking to passengers in the queue, I walked up to a passenger that would not make eye contact with me. He appeared to be evading me. I greeted him with a "Good Morning" but he did not respond. I then asked him "How are you doing?" He did not respond. I then went in front of him thinking he had not heard me and said "Hello, where are you going today?" He did look at me then and surly stated "Why do you care?" I smiled and told him "I was just making conversation." The passenger then ask me why I was asking him questions. I told him that I talk to a lot of people in line. The passenger appeared to be deliberately evading my questions. As Mr. (b)(6) approached the ETD station, Mr. (b)(6) was selected for ETD hand screening. When the results of the ETD sample returned clear, Mr. (b)(6) left the checkpoint queue and proceeded to be screened.

I regret (b)(6) thought he was selected for additional screening because of his race. I assure you I was carrying out my duties to the best of my ability based on passenger behaviors.

Since the time of the complaint, I appreciated my manager, TSM Stout reinforcing the need to be aware of how our actions can be misconstrued.

(b)(6)

Name: (b)(6)

Title: BDO

U.S. Department of Homeland Security
TSA MSP, Minneapolis-St. Paul Airport
3001 Metro Drive, Suite 200
Bloomington, MN 55425



Transportation
Security
Administration

Date: January 7, 2014

From: Brian Stout
Screening of Passengers by Observation Technique
Transportation Security Manager
Minneapolis-St. Paul International Airport

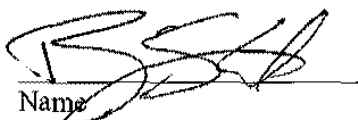
Subject: Passenger Complaint (b)(6)

I reviewed Mr. (b)(6) December 25, 2013 complaint against Master Behavior Detection Officer (MBDO) (b)(6) I met with MBDO (b)(6) on January 7, 2014.

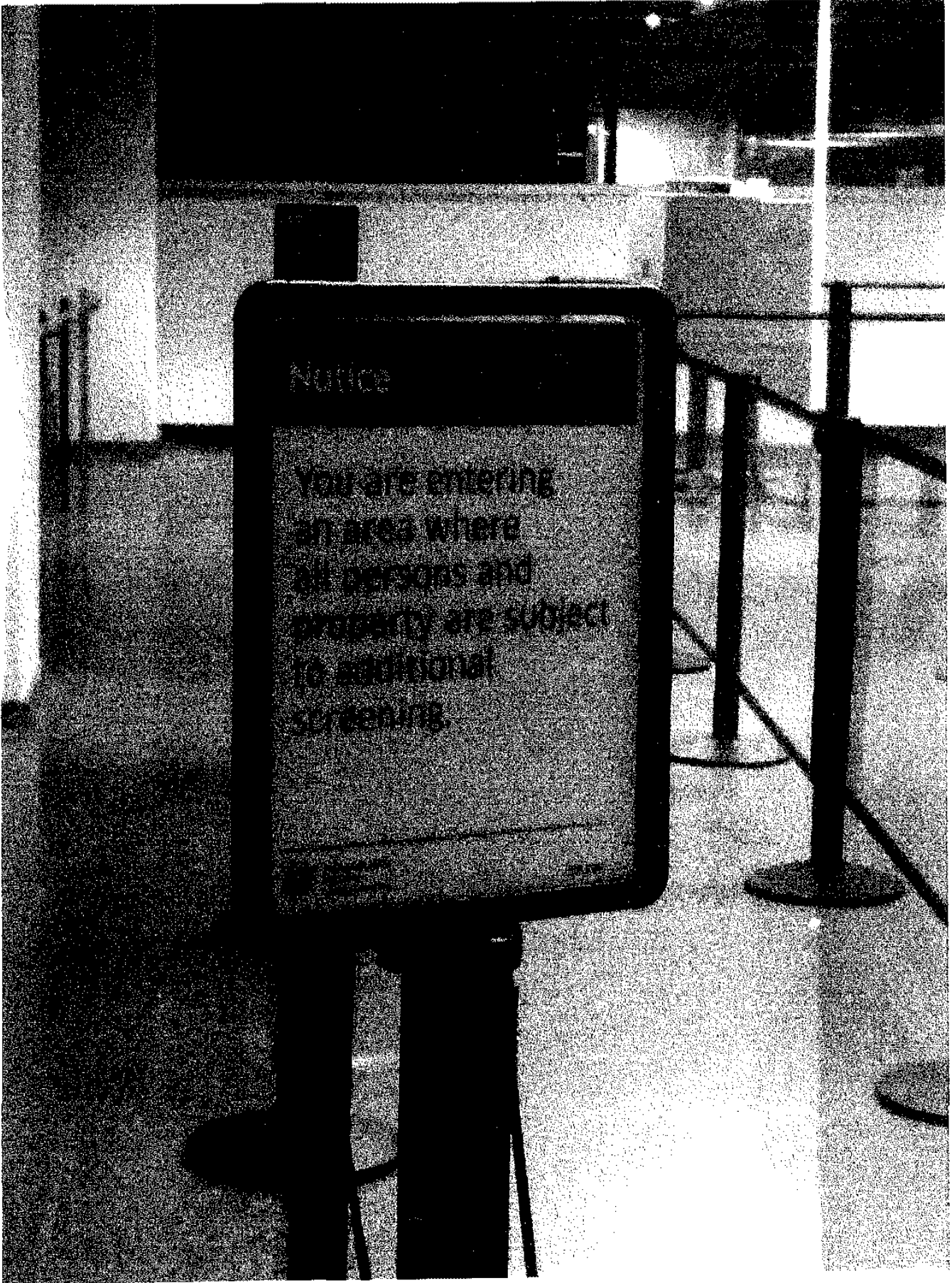
MBDO (b)(6) required duties while assigned as part of the Managed Inclusion (MI) operation that day (December 25, 2013) were as follows. MBDO (b)(6) was assigned to be in a position associated with a checkpoint Transportation Security Officer (TSO) as he/she samples passengers' hands/palms via an Explosive Trace Detection (ETD) machine. MBDO (b)(6) area of focus as a BDO is to observe and engage with any and/or all passengers to gauge reaction(s) to his engagements and to observe for certain behaviors.

MBDO (b)(6) engaged several passengers, including the passenger who filed the complaint against MBDO (b)(6). While performing his SPOT duties, he attempted to engage this passenger; the first time he was ignored and MBDO (b)(6) continued on to the next few people in line. Upon MBDO (b)(6) return to his original position, at the ETD machine, he attempted again to engage this passenger. During the second engagement the passenger reacted to MBDO (b)(6) and questioned why he was being asked questions.

As a result of Mr. (b)(6) complaint I have reviewed, with my staff, the need to be acutely aware of the perception of bias as we discharge our duties.

Name 

Date 1/22/2014



~~SENSITIVE SECURITY INFORMATION~~

Date: 12/20/2013
Date: 12/25/2013
Logoff: 2013-12-25 00:42:33.6141344-06:00
Logon ID: 42899903
Logon: 2013-12-25 03:46:37.7748576-06:00
Logoff: 2013-12-25 10:51:25.3241536-06:00
Logon ID: 42899903
Logon: 2013-12-28 11:07:18.2644144-06:00
Logoff: 2013-12-25 14:18:20.9469424-06:00
Logon ID: 42899901
Logon: 2013-12-25 15:17:06.7894112-06:00
Logoff: 2013-12-25 16:53:59.9557776-06:00

Samples: 276
Peak Hour: 2013-12-25 09:00:00.0000000
Peak Hour Samples: 54

~~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.~~

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



Transportation
Security
Administration

Dear (b)(6)

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

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

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

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

(b)(6)

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

Thank you.

Multicultural Branch
Disability and Multicultural Division

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