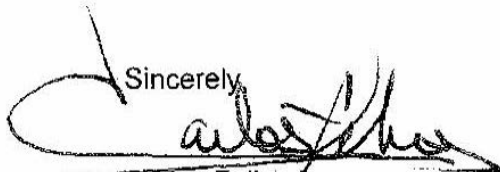


I take this opportunity to renew to you the assurances of my high esteem and consideration.

Sincerely,

Carlos Felix
Consul General of Mexico

532 Folsom Street, San Francisco, CA, 94105
Ph. (b)(6) Fax (415) 495 3971



Homeland Security

January 4, 2012

MEMORANDUM FOR: Stanford Miyamoto
Federal Security Director
Honolulu International Airport (HNL)

FROM: Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties

SUBJECT: Short Form Complaint No. 12-03-TSA-0035

The Office for Civil Rights and Civil Liberties (CRCL) has reviewed several allegations of profiling against Mexicans by employees of TSA at HNL during 2011. These allegations raise concerns of civil rights and civil liberties violations which merit additional review. Accordingly, CRCL and TSA's Office of Civil Rights and Liberties (OCRL) are commencing a joint inquiry into this matter and your assistance and cooperation with this investigation is requested and appreciated. To assist us, please do the following:

1. Preserve all available records (hard copy and/or electronic), including documents, emails, incident reports, complaint forms and/or copies of CCTV tapes pertaining to profiling of Mexicans by employees or officials of TSA at Honolulu International Airport (HNL).
2. Designate a Point of Contact.
3. Contact the CRCL Investigator and send the available records to the CRCL Investigator by January 17, 2012.

The CRCL Investigator in this matter is: Lawrence Lewis. Email: (b)(6)
Tel: 202-357-(b)(6) Thank you for your attention regarding this matter and we look forward to working with you during this inquiry.

Sincerely,

Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Attachment 11

Miyamoto, Stanford

From: Callahan, Heather <FSD>
Sent: Tuesday, December 20, 2011 9:37 AM
To: Miyamoto, Stanford
Cc: Houston, Scott; Walton, Falasteen; Williams, Skip (AD); (b)(6) Johnson, Scott T; Oswald, Ryan S.
Subject: RE: HNL SPOT Program

Stanford,

This is the same letter that S1 was sent. A coordinated answer from TSA for S1 DHS response is already well on its way to completion.

Please stand down at this time.

Heather

Heather Callahan

Deputy Director for Field Operations (Acting)
Transportation Security Administration
601 South 12 Street | TSA-29 | B9-314N | Arlington, Virginia | 25908
☎ 571-227-(b)(6) Office | (b)(6) Mobile
✉ (b)(6)

"Example is not the main thing in influencing others. It is the only thing." Albert Schweitzer

From: Miyamoto, Stanford
Sent: Tuesday, December 20, 2011 2:10 PM
To: Callahan, Heather <FSD>
Cc: Houston, Scott; Walton, Falasteen; Williams, Skip (AD); (b)(6) Johnson, Scott T
Subject: RE: HNL SPOT Program

Heather,

Proposed response to the Counsel General of Mexico attached for coordination.

Please let me know.....Mahalo.

Stanford N. Miyamoto

Assistant Area Director
Pacific Islands (Hawaii, Guam, Saipan, American Samoa)
300 Ala Moana Blvd., #8-153
Honolulu, HI 96850
(b)(6) cell
808 541 3329 fax
(b)(6)

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Attachment 12

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From: Callahan, Heather <FSD>
Sent: Monday, December 19, 2011 3:16 PM
To: Miyamoto, Stanford; Johnson, Scott T
Cc: Houston, Scott; Walton, Falasteen; Williams, Skip (AD); (b)(5)
Subject: Re: HNL SPOT Program

Stanford,
We just responded to a very similar letter. Would you forward to us, so we loop in all the right folks for a coordinated response.

Thanks
Heather
Heather Callahan
(b)(5)
Sent via BlackBerry

From: Miyamoto, Stanford
To: Johnson, Scott T; Callahan, Heather <FSD>
Cc: Houston, Scott; Walton, Falasteen; Williams, Skip (AD); Couts, Dave <Dave.Couts@dhs.gov>
Sent: Mon Dec 19 20:10:12 2011
Subject: RE: HNL SPOT Program

Heather and Scott,

Sorry to bother you, but I received a letter from the Consulate General of Mexico in San Francisco (attached) requesting information on the results of any investigation conducted into the alleged targeting of Mexican citizens should they be confirmed. He also mentions that the Mexican Consulate General staff in Hawaii has experienced targeted scrutiny in the past with secondary screening.

In light of this, I recommend we have OI conduct a thorough investigation of the HNL SPOT program soonest, since the DHS-OIG stated they would not do so.

Also, is it ok for me to respond back to the Consulate General of Mexico in general terms (b)(5)

(b)(5)

Mahalo,

Stanford

Stanford N. Miyamoto
Assistant Area Director
Pacific Islands (Hawaii, Guam, Saipan, American Samoa)
300 Ala Moana Blvd., #8-153
Honolulu, HI 96850
(b)(5) cell
808 541 3329 fax
(b)(5)

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From: Johnson, Scott T
Sent: Friday, December 02, 2011 3:35 PM
To: Miyamoto, Stanford
Cc: Houston, Scott; Callahan, Heather <FSD>
Subject: Re: HNL SPOT Program

Thanks Stanford We'll just have to let it all play out Thanks for the quick action

From: Miyamoto, Stanford
To: Johnson, Scott T
Cc: Houston, Scott; Soule, Greg; Melendez, Nico; Callahan, Heather <FSD>; Burche, Daniel; Carraway, Melvin; Coutts, Dave; Walton, Falasteen; Abreu, Frank M; Okinaka, Cy; Bush, Cherise
Sent: Fri Dec 02 19:24:01 2011
Subject: HNL SPOT Program

Scott,

Per our discussion:

- I have notified both TSM (BDO) (b)(6) and BDO (b)(6) (telephonically as both are on RDOs) that the DHS OIG is accomplishing a formal investigation regarding the anonymous racial profiling allegation and that because they were specifically named and for their protection, they will not perform their SPOT related duties/training until the investigation has been completed.
- I have also informed TSM (b)(6) that his application for collateral training duty with the National Training Team has been rescinded pending the completion of the investigation.
- Both TSM (b)(6) and BDO (b)(6) will be assigned administrative duties in the FSD staff not related to the SPOT program.
- I have ceased all other local administrative fact finding/investigation into this matter.

Both TSM (b)(6) and BDO (b)(6) understand the situation but are very concerned as to how this will affect their future with TSA, as they both have had outstanding careers with this agency and doing the best they can. BDO (b)(6) is especially concerned as a single parent with two daughters.

Please let me know if anything else needs to be done.....Mahalo.

Stanford N. Miyamoto

Assistant Area Director

Pacific Islands (Hawaii, Guam, Saipan, American Samoa)

300 Ala Moana Blvd., #8-153

Honolulu, HI 96850

(b)(6) cell

808 541 3329 fax

(b)(6)

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Miyamoto, Stanford

From: Miyamoto, Stanford
Sent: Monday, January 09, 2012 9:52 AM
To: Fong, Regan
Cc: 'Johnson, Scott T'; Whitaker, Eugene <TSA OCC>; Abreu, Frank M; Okinaka, Cy; Coutts, Dave; Walton, Falasteen; Fletcher, Louis; Callahan, Heather <FSD>; Chong Tim, Dana; SMITH, PATRICK M.; Lewis, Lawrence
Subject: HNL SPOT Program Investigation

Regan,

I need your help in conducting an investigation into an anonymous racial profiling allegation on two (2) of our TSA officers in the SPOT program at HNL. The two officers have been reassigned to other duties pending the completion of the investigation. DHS Office for Civil Rights and Civil Liberties (CRCL) and TSA's OCRL will be conducting a joint inquiry into the allegations but will not be able to implicate/clear the two officers.

Background information:

- HNL received anonymous complaints regarding the HNL SPOT program (racial profiling and other allegations) via a television investigative reporter in Aug 2011, per attached.



RE Questions about
TSA Honolulu...

- HNL SPOT Manager conducted an internal fact finding and found no evidence to support allegations.
- HNL SPOT management team conducted administrative review and audit of BDO work performance during irregular work hours to ensure SOP compliance.
- HQ OSO leadership and SPOT Program Manager recommended refresher training, covert inspection and standardization team visit to HNL.
 - Refresher Training conducted by HQ SPOT Program for all BDOs September 14-21. (All BDOs passed job knowledge test.)
 - Covert inspection accomplished 19-26 September with negative results of racial profiling.
 - Standardization Team visit has been postponed indefinitely due to R&S priority.
- In light of indefinite suspension of Standardization Team visit, HNL FSD tasked HNL DFSD (who has background in SPOT program) to accomplish a more detailed internal admin investigation into the anonymous allegations to ensure nothing overlooked.
- HQ OSO leadership asked DHS OIG (originally tasked to look at the Lobby 4 Checked Baggage incident) to also look at the HNL SPOT program in light of the racial profiling allegations.
- On Dec 2nd KITV 4 News aired article criticizing TSA for promoting TSA officer accused of racial profiling which spread nationally (officer was not promoted but selected to be a member on the national SPOT Training Team). (HQ removed TSA BDO from the national SPOT Training Team and directed that the two (2) TSA officers accused of racial profiling (for their protection), to not perform SPOT related duties until the DHS OIG accomplished the investigation. HQ also asked that HNL cease all other local administrative fact finding/investigation into this matter.)
- DHS OIG accomplished their second field visit at HNL from Dec 5-9 but did not accomplish an investigation (just an audit of the SPOT program). We were informed that results of this audit was kept separate from the audit they were conducting on Lobby 4 events and forwarded to DHS leadership as well as TSA OIG Leadership to review and determine further action.
- In December, Consulate General of Mexico in San Francisco sent letters to DHS/TSA (learning of the racial profiling news articles) stating that their own staff has experienced targeted scrutiny when traveling through

HNL. As a result, DHS OCRL and TSA OCR will conduct a compliance investigation of the allegations. In discussion with the DHS OCRL investigator, the inquiry will be general and not implicate/clear the two TSA officers accused of racial profiling.

- Besides the recent allegations made to the media regarding racial profiling, we also received allegations of harassment felt by the individuals accused of racial profiling and other members of the BDO program (see attached e-mails), as they feel the complaints (current as well as past that were already looked into and determined unfounded) are false and violate TSA policy (making false irresponsible statements possible SSI violations, conduct that adversely reflect on TSA, or negatively impact its ability to discharge its mission, cause embarrassment to the agency, or cause the public and/or TSA to question the employee's reliability, judgment or trustworthiness). These may need to be looked into also if all deemed to be unfounded.



Alleged Racial
Profiling



RE: Statement of
Events 122111...

Please let me know...

Mahalo,

Stanford

Stanford N. Miyamoto

Federal Security Director (Acting)
Honolulu International Airport (HNL)
300 Rodgers Blvd., #45
Honolulu, HI 96819

(b)(6) cell
808-831 (b)(6) office
808 831 4619 fax

(b)(6)

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RE Questions about TSA Honolulu

From: Carraway, Melvin
Sent: Tuesday, August 16, 2011 5:45 AM
To: Melendez, Nico; (b)(6) Payne, Sterling; (b)(6)
Cc: Miyamoto, Stanford; Johnson, Scott T; Whitaker, Eugene <TSA OCC>;
Adams, Eugene
Subject: RE: Questions about TSA Honolulu

All,

(b)(5)

(b)(5) As for the BDO program in HNL providing statistical information again can only come from the HQ offices.

(b)(5)

(b)(5) Mel

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

From: Melendez, Nico
Sent: Tuesday, August 16, 2011 7:24 AM
To: (b)(6) Payne, Sterling; (b)(6)
Cc: Miyamoto, Stanford; Carraway, Melvin
Subject: Fw: Questions about TSA Honolulu

Pretty significant accusations from HNL TSA staff and represented to me from an investigative reporter. He's not on deadline and has agreed to give me as much time as necessary to get some kind of answer. I'll probably use a statement in this case, but thought you should be aware because of the similarities to Newark. Will keep you advised of information as I receive it and submit answer/answers for approval.

Nico

Nico Melendez, MPA
TSA Public Affairs Manager
California-Arizona-Hawaii

O: 909-472-(b)(6)

C: (b)(6)

E:

3401 Centrelake Drive
Suite 625
Ontario, California 91761

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

From: prvs=201ee3fe7=kgkerr@kitv.com on behalf of Kerr, Keoki R
Sent: Mon 8/15/2011 4:08 PM
To: Melendez, Nico
Subject: Questions about TSA Honolulu

Dear Mr. Melendez:

Please find a list of questions about various operations, allegations,
Page 1

RE Questions about TSA Honolulu statistics and other information regarding the Transportation Security Administration office at Honolulu International Airport.

When did the behavior detection officer program begin at HNL TSA?

Since the BDO program started at HNL TSA, how many foreign nationals have been arrested after being stopped by BDOs at HNL?

What's the country-by-country breakdown of all of those illegal aliens arrested through cases initiated by BDOs at HNL since the BDO program began in Honolulu? (Example: Mexico. 70 arrests, China . 5 arrests, etc.)

Can you explain why so many Mexicans have been arrested in Honolulu, compared to people from other countries?

Why are two BDOs, (b)(6) and (b)(6) responsible for nearly all of the arrests of Mexicans in Honolulu? (Co-workers refer to them as the "Mexicutioners.") Is this true?

Some TSA employees complain those two BDOs are guilty of racial profiling, and it's well known they target Mexicans, inventing suspicious behaviors to justify pulling them in for extra scrutiny. How do you respond to these allegations?

TSA employees also complain managers know about the frequency of the arrest of Mexicans, since managers review arrest paperwork, but employees say managers "look the other way" because "all they care about is numbers" of arrests, not why people are arrested or whether they actually pose a threat to aircraft or passengers and crew. What's your response to these allegations?

TSA employees also say when two BDOs, (b)(6) and (b)(6), were caught sleeping on the overnight shift at HNL several years ago, they were never disciplined. Instead fixing the problem, TSA employees say the TSA simply eliminated the overnight shift of BDOs about two years ago. Is this true? Why was the overnight shift eliminated?

BDO (b)(6) a former Honolulu police officer, boasted of a friend who worked at the Drug Enforcement Administration who would tip him off to potential drug runners. During his work as a BDO officer, he found nearly \$1 million in cash that was seized from passengers, far more than any other BDO, and he won awards from the DEA and the TSA for his work. But his cash finding skills seemed to stop when his friend with the DEA moved away. Is this proper use of the BDO program, that's supposed to detect terrorists?

RE Questions about TSA Honolulu

HNL TSA managers claim that the BDO program is not driven by arrests or referrals to other federal agencies, but employees want to know why such referrals and arrests are needed to receive a positive work evaluation?

Do TSA behavior detection officers have specific training to address cultural sensitivity and civil rights, specific to their work duties, so they are discouraged from automatically targeting one ethnicity or people whose skin is a certain color?

What is the breakdown of the ethnic background of the BDOs working at HNL? (For example . 20% Caucasian, 40% Asian, 20% Pacific Islander, 10% Hispanic, etc.)

How many EEO complaints have been filed by HNL TSA employees against fellow HNL TSA employees in each of the following years: 2009, 2010, 2011 (this year so far)?

How many EEO complaints have been filed by HNL TSA employees against HNL TSA managers (including lead screeners, supervisors, screening managers, and upper-echelon management like AFSDs, DFSDs, FSD, et al) in each of the following years: 2009, 2010, 2011 (this year so far)?

How many sexual harassment complaints (a subset of EEO complaints) have been filed by HNL TSA employees against fellow HNL TSA employees in each of the following years: 2009, 2010, 2011 (this year so far)?

How many sexual harassment complaints (a subset of EEO complaints) have been filed by HNL TSA employees against HNL TSA managers (including lead screeners, supervisors, screening managers, and upper-echelon management like AFSDs, DFSDs, FSD, et al) in each of the following years: 2009, 2010, 2011 (this year so far)?

Does the TSA feel there's a morale problem among TSA employees at HNL?

What's being done to improve morale at TSA HNL?

Thank you for your time,

Keoki Kerr

KITV 4 News

(808) 223-7962

RE Questions about TSA Honolulu

Miyamoto, Stanford

From: (b)(6)
Sent: Wednesday, January 04, 2012 9:54 AM
To: Okinaka, Cy; Miyamoto, Stanford
Cc: (b)(6); (b)(6); (b)(6)
Subject: Alleged Racial Profiling

Aloha Cy,

I would like to inquire about the racial profiling allegations that were alleged by two (One formal BDO and One current BDO) against myself and (b)(6). I believe that there are two individuals that are responsible for taking this to the media. I would like to inquire if TSA is looking into these two individuals to see if they have broken any TSA MDs, SSI or PII violations in regards to going on the news and releasing SPOT information as well as my PII and others BDOs PII to Reporter Keoki Kerr who not only broadcasted it on the local news KITV-4 but also ABC news nationwide and worldwide. I feel that these two individuals have been causing disruptions in the HNL BDO Program for around two years now. I would like to know what kinds of steps is TSA taking in preventing this undue harm and causing emotional distress to not only myself and (b)(6) but also the HNL BDO team as a whole. I can't begin to stress the importance of having all these allegations come to light and investigated so that we can finally put all these false allegations to rest once and for all. I understand that Lawrence Lewis from DHS OCR will be coming shortly to investigate the racial profiling allegations. I have asked Stanford if I could be one of the first to meet with him so that I can get my name cleared and we can get to the bottom of this. I will also bring up to him who I believe the two individuals are and ask that he investigate the HNL BDO team as a whole past and present BDOs that still work for TSA and are currently here at HNL. This will help us get to the truth in the matter and finally end what has undoubtedly been a very stressing time for myself, (b)(6) and the rest of the HNLBDO Team.

Mahalo Nui Loa, (b)(6) 😊

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(b)(6)

Master Behavior Detection Officer

Employee Morale Group (HNLEMG) Founder-Point of Contact (POC)

TSA-HNL Federally Employed Women (FEW) Chapter (POC)

Integrated Conflict Management System Facilitator (ICMS)

Transportation Security Administration

Department of Homeland Security

300 Rodgers Blvd. #45

Honolulu, Hawaii 96819

(b)(5)

Office: 808-831 (b)(6)

Facsimile: 808-831-4619

E-mail: (b)(6)

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Miyamoto, Stanford

From: [redacted]
Sent: Thursday, December 22, 2011 4:28 PM
To: Okinaka, Cy
Subject: RE: Statement of Events 122111 [redacted]

Cy,

This is harassment and retaliation because I believe [redacted] has a personal vendetta against me; I have been a great manager to him; I have been fair, equitable, empathetic and caring. He continues to make false EEO claims and irresponsible statements against me and the program I manage. I believe he is working with [redacted] to eliminate the SPOT program at HNL. It may be because I am a female in a position of authority and he may be jealous of our achievements. I don't know but I am so hurt and bothered by this situation because his group has been so successful in influencing the nation, people and our community to believe that our SPOT program is violating policies. I am exhausted from the anonymous emails, the media allegations and the decrease in morale impacted by [redacted] [redacted] past actions of causing hurt to me and my team. This will not stop. He will continue to retaliate against me and the SPOT program. I will continue to be harassed. Me and my team have been investigated many times only to find out that we are doing our job...yet there is no accountability for taking action on the officers who are making false claims. I understand that it is my job to manage and respond to EEO complaints, harassment allegations and workplace violence issue, etc.....but when it has been established that I have been exonerated because everything has been proven untrue then what? Then TSA needs to hold these individuals accountable and ask them to stop violating policy.

You continue to tell me that you are following up on this situation and I appreciate your help in everything that you have contributed to. However, this complaint from him is another example of [redacted] harassing me & my team. He has a pattern, a destructive and violent personality (as verified in a memo of record by his use of vulgar language and profanity) and I am concerned with the evolving workplace violence issues with these group of individuals who I perceive to be led by [redacted] it appears that all anonymous emails are carefully researched and investigated please investigate [redacted] [redacted] of my interpretation of the situation:

- 1) Lack of Candor
- 2) Defamatory and/or irresponsible statements
- 3) Contacting the media

I don't think nothing is wrong with just asking him of his involvement, I am willing to do conflict resolution or find out the root cause of why he wants me removed from the SPOT program (in his EEO complaint; he asked for me to be removed from the SPOT program).

I will continue to perform exceptionally and do my best to keep my officers positive, motivated and mission oriented. I ask that you please enforce policy and procedure with the alleged individuals and TSA conduct an investigation that holds all officers accountable for their wrongdoings.

Thank you

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[redacted]

Transportation Security Manager
Behavior Detection Officer
Transportation Security Administration
Department of Homeland Security
300 Rodgers Blvd. #45
Honolulu, Hawaii 96819
Ph. (b)(6)
Office: 808-831 (b)(6)
Facsimile: 808-831-4619
E-mail: (b)(6)

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From: Okinaka, Cy
Sent: Wednesday, December 21, 2011 7:20 PM
To: (b)(6)
Cc: Okinaka, Cy
Subject: RE: Statement of Events 122111 (b)(6)

Aloha (b)(6)

As discussed today, please ensure you follow-up with your officers that are alleged to have failed to follow procedure and provide me a summary of your findings.

I will discuss further with the Area 3 TSM to find out if there were any concerns brought to the attention of a STSO in that area by any of the officers in the area who may have perceived this to be a threat.

Could you also expand on what makes you feel that this is retaliation against you and the SPOT program, and I'll ensure to look further into it as necessary. Mahalo.

CY OKINAKA

Assistant Federal Security Director - Screening Operations
Transportation Security Administration
HNL/PPG
300 Rodgers Blvd., #45
Honolulu, HI 96819
(808) 838 (b)(6) Business
(b)(6) Cellular

From: (b)(6)
Sent: Wednesday, December 21, 2011 1:59 PM
To: Okinaka, Cy
Subject: Fw: Statement of Events 122111 (b)(6)

I will look into the details of this situation;

Please follow up if (b)(6) made an immediate LEO notification based on his perception of the events. If he didn't, this is another violation of policy from (b)(6) in addition to retaliation against me and the SPOT program

(b)(6)

STSM HNL

(b)(6)

From: (b)(6)

To: (b)(6)

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

Cc: Weeks, Elizabeth

Sent: Wed Dec 21 18:50:11 2011

Subject: Statement of Events 122111 (b)(6)

Managers:

Please find attached my account of LTSO (b)(6) report.

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(b)(6)

Expert Behavior Detection Officer

DAC/EAC/GRT/LEL/SAT/SCF

Transportation Security Administration

Department of Homeland Security

300 Rodgers Blvd. #45

Honolulu, Hawaii 96819

Ph (b)(6)

Office: 808-831-(b)(6)

Facsimile: 808-831-4619

E-mail (b)(6)

DAC


Diversity Advisory Council

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ATTACHMENT

5



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: January 17, 2012
Activity or Interview of: Department of Homeland Security, Office of Inspector General (DHS/OIG) Audit Project No.: 11-140-AUD-TSA Regarding Behavior Detection Officer Program	Conducted by: Special Agent Keith A. Edwards Location of Interview/Activity: Office of Inspection (OOI) Arlington, VA

Subject Matter/Remarks

OOI obtained a copy of the DHS/OIG audit report titled, "Transportation Security at Honolulu International Airport, Project No.: 11-140-AUD-TSA. Behavior Detection Officer Program & Equal Employment Opportunity Complainants." This DHS/OIG audit was conducted between September 12-22, 2011. The DHS/OIG audit team reported,

"Based on our preliminary review of the BDO statistics, available information reported, and interviews with BDO management and staff, there is no direct evidence that racial profiling is prevalent in the HNL BDO Program."

Case Number:
M-12-0755

Case Title:
BDO practices at HNL

Revised February 28, 2006

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**Transportation Security at Honolulu International Airport
Project No: 11-140-AUD-TSA**

Behavior Detection Officer Program & Equal Employment Opportunity Complaints

Background

In August 2011, David Holmes, Transportation Security Administration (TSA) Assistant Administrator for the Office of Inspection, notified Anne Richards, Assistant Inspector General for Audits, of numerous allegations and complaints regarding racial profiling by Behavior Detection Officers (BDOs) at Honolulu International Airport (HNL). Mr. Holmes also noted allegations and complaints filed by HNL employees related to Equal Employment Opportunity (EEO) workplace issues and concerns. Mr. Holmes provided details of a media inquiry and requested that the Office of Inspector General (OIG) review the BDO program and EEO complaints at HNL as part of an ongoing audit (Project 11-140-AUD-TSA). Ms. Richards agreed to have the audit team gather preliminary data and information during its September 2011 site visit to HNL.

Screening of Passengers by Observation Techniques and Behavior Detection Officers

The Screening of Passengers by Observation Techniques (SPOT) program at HNL began in April 2007. This program uses behavior observation and analysis to identify potentially high-risk individuals who may pose a threat to transportation security. TSA certified and authorized BDOs to conduct SPOT screening operations.

BDOs may refer passengers for additional screening or to an airport law enforcement officer (LEO) if they exhibit certain behaviors. BDOs complete a SPOT referral if additional screening occurs at the checkpoint and a LEO report if a law enforcement officer is requested. The SPOT referral does not record personally identifiable information (PII), while the LEO Report contains PII such as passenger name, nationality, flight destination, etc. Additionally, the LEO report contains information obtained from the passenger's travel and identification documents that is self reported by the passenger and is not validated at the time it is collected. If a report includes more than one passenger, information on the additional passengers is limited.

Equal Employment Opportunity Complaints

TSA established avenues for TSA employees, former employees, and applicants for employment to initiate the EEO complaint process, the Office of Civil Rights. This process allows individuals to have their complaint resolved if they believe they have been subjected to unlawful discrimination or harassment based on one or more of the following factors: race, color, national origin, gender, age, religion, disability, sexual orientation, parental status, genetic information, and retaliation.

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Summary of Allegations

TSA received a media inquiry with allegations of racial profiling of Mexicans by two BDOs at HNL, who also have the highest numbers of referrals among all BDOs at HNL. According to the allegations, TSA HNL employees have reported that these two BDOs have invented suspicious behaviors to justify pulling Mexicans in for additional screening. The inquiry indicated that IINL TSA managers are aware of the large number of Mexican passengers targeted by BDOs but do not address it because of the high referral numbers. The inquiry also questioned the number of EEO complaints filed by TSA IINL employees for workplace issues and concerns, specifically those alleging sexual harassment.

Conclusion

The audit team recommends closing out the BDO/EEO audit steps included as part of the Audit of Transportation Security at Honolulu International Airport. General audit steps of that review should be able to address moral issues at the airport. The team plans to develop and submit an audit proposal to evaluate the effectiveness of the SPOT program for the FY 2013 audit plan.

Based on our preliminary review of BDO statistics, available information reported, and interviews with BDO management and staff, there is no direct evidence that racial profiling is prevalent in the IINL BDO Program. Additionally, there is a significant variance of BDO referral reports by BDO, but no immediate evidence supporting the allegations.

The 15 EEO complaints are limited to 10 TSA HNL employees, 4 of which are in the BDO program. Eleven of the 15 EEO cases are open pending a court hearing or decision. Three of the 15 cases are in the investigation phase and one case was dismissed. Six of the 11 open cases are pending a hearing with the Equal Employment Opportunities Commission Administrative Judge, three of them are pending an Acceptability Review by TSA Office of Civil Rights, and two are pending a Final Agency Decision.

Scope & Methodology

For the BDO allegations, the audit team met with seven BDOs, including the manager of the BDO program at HNL. The audit team obtained and reviewed the following BDO program documentation: policies and procedures, job responsibilities, training requirements, reporting requirements, number of BDOs at HNL, and BDO scheduling and coverage at IINL. The audit team also obtained and reviewed any personnel actions taken against BDOs since inception. The team reviewed referral reports from January 2009 to September 2011, to determine the number of referrals, nationality, and travel destination of passengers detained, questioned, and released or arrested.

For the EEO complaints, the audit team reviewed all EEO complaint cases filed by TSA HNL employees against fellow TSA HNL employees and management from January 2009 through September 2011. The team obtained and reviewed the EEO Complaint Resolution Process, in

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particular, the process for filing an EEO complaint, process for TSA/HNL management for handling an EEO complaint, and the process for addressing and providing corrective action from an EEO complaint.

BDO Program and EEO Complaints Results

BDO Program

IINL has 41 employees in the BDO program. HNL BDOs referred 212 passengers for law enforcement intervention for the calendar years of 2009, 2010, and mid-September 2011. Fifty-five passengers were either arrested or taken into custody, 146 passengers were cleared to fly after additional screening, and 7 left the airport or were denied boarding. Reports did not identify the outcome for the remaining 4 passengers.

We reviewed the nationality of passengers reported on the 212 LEO referrals and noted the nationality as follows:

- United States - (b)(3):49 U.S.C. § 11
- Mexico - (b)(3):49
- China - (b)(3):49
- Philippines - (b)(3):49
- Japan - (b)(3):49
- Other countries (b)(3):49 at or below (b)(3):49 referrals - (b)(3):49 U.S.C. § 11
- Unable to Determine Nationality - (b)(3):49 U.S.C. § 11

We further reviewed reports submitted by the 2 BDOs mentioned in the media inquiry. The inquiry names (b)(6) and (b)(7)(D) (a manager with the program) as targeting Mexican passengers. Our review of the 212 LEO referral reports showed that (b)(6) referred 54 passengers and (b)(7)(D) referred 8 passengers. The nationality breakdown of the BDOs is as follows:

- (b)(6)
 - Mexico - (b)(3):49
 - United States - (b)(3):49 U.S.C. § 11
 - Brazil - (b)(3):49
 - Other countries (b)(3):49 with (b)(3):49 fewer passengers U.S.C. § 114
 - Unable to Determine Nationality - (b)(3):49 U.S.C. § 114
- (b)(7)(D)
 - United States - (b)(3):49 U.S.C. § 1
 - Mexico - (b)(3):49
 - Columbia - (b)(3):49
 - China - (b)(3):49 U.S.C. § 1
 - Asian Pacific Islander - (b)(3):49 U.S.C. § 1
 - Tonga - (b)(3):49

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~~SENSITIVE SECURITY INFORMATION~~

HNL SPOT program managers issued 37 Letters of Guidance and Counseling to 15 BD Officers from August 2008 to August 2011. None of these actions were issued as a result of racial profiling. These letters addressed issues that include: excessive unscheduled leave requests, inappropriate behavior, irresponsible comments, failure to put referrals in log book, failure to follow protocols, and discrepancies in filling out referral reports. Three other officers received adverse actions including a seven day suspension and a last chance agreement/removal.

EEO Complaints

Ten TSA HNL employees filed 15 EEO complaints against fellow TSA HNL employees or HNL management from January 2009 to September 2011. Of the 10 employees, 4 of the employees were part of the BD program. The 15 complaints included allegations based on retaliation, race, age, disability, sex, sexual harassment. Three of the 15 EEO complaints included sexual harassment

Eleven of the 15 EEO cases are open pending a court hearing or decision. Three of the 15 cases are in the investigation phase and one case was dismissed. Six of the 11 open cases are pending a hearing with the Equal Employment Opportunities Commission Administrative Judge, three of them are pending an Acceptability Review by TSA Office of Civil Rights, and two are pending a Final Agency Decision.

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**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: January 17, 2012
Activity or Interview of: Daniel Burche Division Director Surveillance of Passengers by Observation Techniques (SPOT) Program Office of Security Operations (OSO) Covert Team review of Behavioral Detection Officers (BDOs) at Honolulu International Airport (HNL)	Conducted by: Special Agent Keith A. Edwards Location of Interview/Activity: Office of Inspection (OOI) Arlington, VA

Subject Matter/Remarks

Division Director Daniel Burche stated that at the direction of OSO Field Operations General Manager, a three teams, each consisting of three highly experienced SPOT managers, conducted a covert visit to HNL from September 19-26, 2011, to observe HNL BDOs while they worked.

Daniel Burche reported, "At no time did the team see any possible misconduct related to particular ethnic groups."

See attached report.

Case Number: M-12-0755	Case Title: BDO practices at HNL
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Revised February 28, 2005

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U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 22202-4220



Transportation
Security
Administration

MEMORANDUM

From: Daniel Burche, Division Director SPOT/TDC/EOB, OSC

To: Stanford Miyamoto, Federal Security Director, Honolulu International Airport

Through: Fala Walton, Regional Operations Officer, OSO

Heather Callahan, (Acting) Deputy General Manager, Field Operations, OSO

Mitch Brown, (Acting) General Manager, Field Operations, OSO

Scott Johnson, (Acting) Deputy Assistant Administrator, OSO

Subject: COVERT VISIT TO HONOLULU INTERNATIONAL AIRPORT

As requested by Office of Security Operations Field Operations General Manager, a 3-member team of highly experienced SPOT STSMs conducted a covert visit to Honolulu International Airport during the period September 19 – 26, 2011. Following a preliminary assessment, the STSMs began operating independently to observe SPOT Operations. The STSMs are identified as Team 1, Team 2, and Team 3.

Overall Observations:

There were 2 referrals made during this visit time. At no time did the team see any possible misconduct related to particular ethnic groups.

No BDO Managers were ever identified during the observational periods. Some BDOs that were observed conducted their job very well by performing behavior observations and walking the line operations. However, some that were observed failed to follow policies and procedures by conducting personal conversations with other uniformed TSA personnel or by using cell phones inappropriately. They also failed to remain on the checkpoints to conduct necessary observations and communicate with fellow team members.

BDOs failed to engage (b)(3):49 U.S.C. § 114(r) The team saw (b)(3):49 U.S.C. § 114(r)

(b)(3):49 U.S.C. § 114(r)

(b)(3):49 U.S.C. § Daily stationary assignments to cover breaks at long distance checkpoints would be key to show seamless operations leaving no checkpoints left un-manned.

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- **Day 1 September 19, 2011**
 - Teams 1 and 2 arrived at 1300 and conducted an airport assessment for best covert observation locations. They were able to identify BDOs at checkpoint 5.
 - Teams 1 and 2 arrived at the hotel at 1600.
 - Team 3 arrived at the airport at 1730 and conducted an airport assessment, subsequently arriving at the hotel at 2100.
- **Day 2 September 20, 2011**
 - **0800 team in-briefing covering:**
 - The HNL BDO program has 40 BDOs, to include one I Band and 3 H Bands
 - Passenger through put for the first six months (approximately 3 million)
 - Approximately 300 referrals with 45 resulting in law enforcement intervention
 - 10 arrests resulted from the LEO intervention
 - Of the 45 LEO interventions, the team determined that one BDO was doing about half of the referrals
 - **Team 1**
 - Arrived at 0930 and began at lobbies 2 and 3 which cater to Hawaiian airlines
 - (b)(3);49 U.S.C. § 114(r)
 - 1030 checkpoint pax flow is steady
 - (b)(3);49 U.S.C. § 114(r)
 -
 - 1130
 - Passenger flow heavy
 - (b)(3);49 U.S.C. § 114(r)
 - 1200 - 1600
 - Pax flow is extremely heavy.
 - (b)(3);49 U.S.C. § 114(r)
 -
 - **Team 2**
 - 0900 - 1000 Checkpoint 3
 - (b)(3);49 U.S.C. § 114(r)
 -
 -
 - 1000-1100 Checkpoint 2 (all international flights)
 - Passenger flow was heavy
 - (b)(3);49 U.S.C. § 114
 - Returned to checkpoint 3
 - (b)(3);49 U.S.C. § 114(r)

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- 1100-1200 at Checkpoint 5
 - (b)(3);49 U.S.C. § 114(r)
- 1300-1400 observed the inter-island and commuter terminal
 - Passenger flow was extremely heavy
 - (b)(3);49 U.S.C. § 114(r)
 - Traversed to checkpoint 5
 - (b)(3);49 U.S.C. § 114(r)
- Team 3
 - 0900-1000 at Checkpoint 5
 - Pax flow was slow but steady
 - (b)(3);49 U.S.C. § 114(r)
 - 1000-1100 at Checkpoints 4 and 5
 - (b)(3);49 U.S.C. § 114(r)
 - Passenger flow beginning to increase.
 - 1100-1200
 - (b)(3);49 U.S.C. § 114(r)
 - 1300-1400 assigned to commuter terminal
 - (b)(3);49 U.S.C. § 114(r)
 - 1400-1600
 - All team members conducted an airport assessment (b)(3);49 U.S.C. § 114(r)
 - (b)(3);49 U.S.C. § 114(r)
- HNL Day 3 September 22, 2011
 - The day began 0900 with in briefing and reporting.
 - Team 1
 - 1100- 1400 observed checkpoints at Hawaiian airlines
 - The pax flow was heavy and steady
 - (b)(3);49 U.S.C. § 114(r)
 - 1400 - 1600 observed Checkpoints 1, 2 and 3
 - Passenger flow was sporadic
 - (b)(3);49 U.S.C. § 114(r)
 - 1600-1800 at the inter-island checkpoint
 - (b)(3);49 U.S.C. § 114(r)

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o Team 2

- 1100-1300 assigned to the inter-island terminal

(b)(3);49 U.S.C. § 114(r)

- 1300-1800 (b)(3);49 U.S.C. § 114(r)

(b)(3);49 U.S.C. § 114(r)

(b)(3);49 U.S.C. § 114(r)

o Team 3

- 1100-1300 assigned to checkpoints 3 and 4

- o Passenger flow was steady

(b)(3);49 U.S.C. § 114(r)

- Checkpoint 3 was subsequently closed CP 3 don't close. Maybe CP 4.

- 1300-1500 assigned to Checkpoints 2 and 5

(b)(3);49 U.S.C. § 114(r)

- 1500-1800 assigned to Hawaiian airlines terminal

- o Passenger flow was moderate

(b)(3);49 U.S.C. § 114(r)

- 1800-1845

- o Heavy passenger flow at checkpoints

• HNL Day 4 September 23, 2011

o Team 1

- 0400-0830 at Hawaiian airlines and inter-island commuter

(b)(3);49 U.S.C. § 114(r)

- 0830-1300

(b)(3);49 U.S.C. § 114(r)

- o Passenger flow was steady

(b)(3);49 U.S.C. § 114(r)

o Team 2

- 0400-0800 assigned to Checkpoint 3 and 4

- o Checkpoint 4 was closed

- o Checkpoint 3 was slow (b)(3);49 U.S.C. § 114(r)

- 0800-1300 traversed through checkpoints 1, 2 and 3

- o Checkpoints were slow but steady

(b)(3);49 U.S.C. § 114(r)

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- **Team 3**
 - 0400-0830 assigned to checkpoints 3 and 4 4 is closed at this time.
 - Airport traffic was slow
 - (b)(3):49 U.S.C. § 114
 - 0830-1300 covered all checkpoints
 - (b)(3):49 U.S.C. § 114(r)
 -
- **HNL Day 5 September 24, 2011**
 - **The day began at 0700 for in brief and reporting**
 - **Teams 1 and 3**
 - 0900-1300 was assigned to checkpoints 2 and 3
 - The terminal was busy (b)(3):49 U.S.C. § 114(r)
 - 1300-1500 roved through the airport
 - (b)(3):49 U.S.C. § 114(r)
 -
 - **Team 2**
 - 0900-1000 was assigned to the inter-Island terminal
 - (b)(3):49 U.S.C. § 114(r)
 -
 - 1000-1100 traversed to the commuter terminal
 - (b)(3):49 U.S.C. § 114(r)
 - 1100-1500 went to the inter-island terminal
 - (b)(3):49 U.S.C. § 114(r)
 -
 -
 -
- **HNL Day 6 September 26, 2011**
 - **Teams 1 and 2**
 - 1300-1600 assigned to checkpoints 1, 2 and 3
 - (b)(3):49 U.S.C. § 114
 - Departed for AOR
 - **Team 3**
 - 1000-1300 assigned to checkpoints 1, 2, and 3
 - (b)(3):49 U.S.C. § 114
 - Departed for AOR

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**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 checked="" type="checkbox"/> Other	Date and Time: January 24, 2012
Activity or Interview of: Honolulu International Airport (HNL) Behavior Detection Officers (BDOs) Referrals to Law Enforcement Officers (LEOs) for possible enforcement action	Conducted by: Vicky Richardson, Program Analyst Robert Jones, Transportation Security Specialist Location of Interview/Activity: Transportation Security Administration (TSA) 300 Rodgers Blvd., Suite 45 Honolulu, HI 96819

Subject Matter/Remarks

PURPOSE:

To determine whether the HNL BDOs racially profiled persons by a specific ethnicity, such as undocumented Mexican Nationals, and referred suspected passengers to LEOs for whatever enforcement action they deem appropriate.

SCOPE and METHODOLOGY:

To accomplish our purpose, we:

- Reviewed the Screening of Passengers by Observation Techniques' (SPOT) Standard Operating Procedure (SOP) and all applicable policies and procedures;
- Obtained the List of BDOs in the HNL workforce;
- Obtained HNL BDO arrest data and incident reports from [redacted] SPOT Transportation Security Manager (STM);
- Examined and validated the HNL arrest data against the incident reports; and
- Analyzed and compiled the data by: BDO; type of arrest; and ethnicity of passenger arrested.

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(Revised 12-15-08)

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MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

We established the review period to be from January 2009 through December 2011, in order to coincide with the same time frame of the Department Homeland Security (DHS) Office of Inspector General (OIG) audit for the same issues.

Further, we discussed our observations and conclusions with the HNL Federal Security Director (FSD) Office staff responsible for managing the BDO program.

CRITERIA: Screening of Passengers by Observation Techniques' (SPOT), Standard Operating Procedure (SOP) dated April 11, 2011.

DETAILS:

The review determined that the HNL had a total of the current 32 SPOT¹ BDOs on staff. For the review period, 13 (40.6%) of the 32 HNL BDOs referred passengers to LEOs for possible enforcement action and the remaining 19 (59.4%) BDOs had no referrals to LEOs for any enforcement action. The LEO arrests for various charges were referred by the BDOs after the passengers were observed to display behaviors that posed a possible threat to the transportation security.

CONCLUSION:

Based on our review of HNL BDO referrals of passengers for LEO enforcement action, it was determined that the HNL BDOs did not target a specific ethnicity such as the Mexican Nationals for LEO arrests. For the review period from January 2009, through December 2011 (3 years), there were only 21 undocumented illegal alien arrests.

The alleged "Mexicutioner," BDO [REDACTED] referrals to LEOs for enforcement action resulting in arrests totaled 15 over a three year period. Of these 15 arrests: 10 were for illegal alien, four for fraudulent documents and one for drugs. Statistically, BDO [REDACTED] referrals to LEOs resulted in arrests made by authorities averaged of 3.3 illegal aliens per year between over a three year period.

BDO [REDACTED] referrals to LEOs for enforcement action resulting in an arrest totaled six over a three year period. Of these six arrests: four were for illegal alien, two for fraudulent documents and none for drugs. Statistically, BDO [REDACTED] referrals to LEOs resulting in arrests made by authorities averaged of 1.3 illegal aliens per year between over a three year period (see details below).

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

~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

We then categorized the 43 arrests by: BDO, type of arrest, and ethnicity of the arrested passenger as follows:

	BDOs	Total of all Arrests	As a % of Total
1	(b)(6)	(b)(3);49 U.S.C. § 114(r)	
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
	Total Count		

Note: The remaining 19 HNL BDOs (59%) referrals to LEOs for investigation resulted in no arrests between January 1, 2007 – August 18, 2011. Furthermore, 10 HNL BDOs (31%) assigned to the BDO program for more than 2 years, 10 months had (b)(3);49 referrals to LEOs resulting in arrests between January 1, 2007 – August 18, 2011.

We further examined the 43 referrals for ethnicity and reasons of arrest, and they are as follows.

	NATIONALITY							Total	Reasons			As a % of Total	
	US	Tongan	Mexican	Chinese	Korean	New Zealand	Belgian		Illegal Aliens	Fraud Docs	Drugs		Total
2009	(b)(3);49 U.S.C. § 114(r)							16	7	5	4	16	37.2%
2010 1/								15	9	3	3	15	34.9%
2011								12	5	3	4	12	27.9%
Total:								43	21	11	11	43	

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

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(Revised 12-15-08)

HNL Airport Arrests

Review Period: January 2009 through December 2011

	NATIONALITY							Reasons				
	US	Tongan	Mexican	Chinese	Korean	New Zealand	Belgian	Total	Illegal Aliens	Fraudulent Docs	Drugs	Total
2009	(b)(3), 49 U.S.C. § 114(r)							16	7	5	4	16
2010								15	9	3	3	15
2011								12	5	3	4	12
Total:								43	21	11	11	43

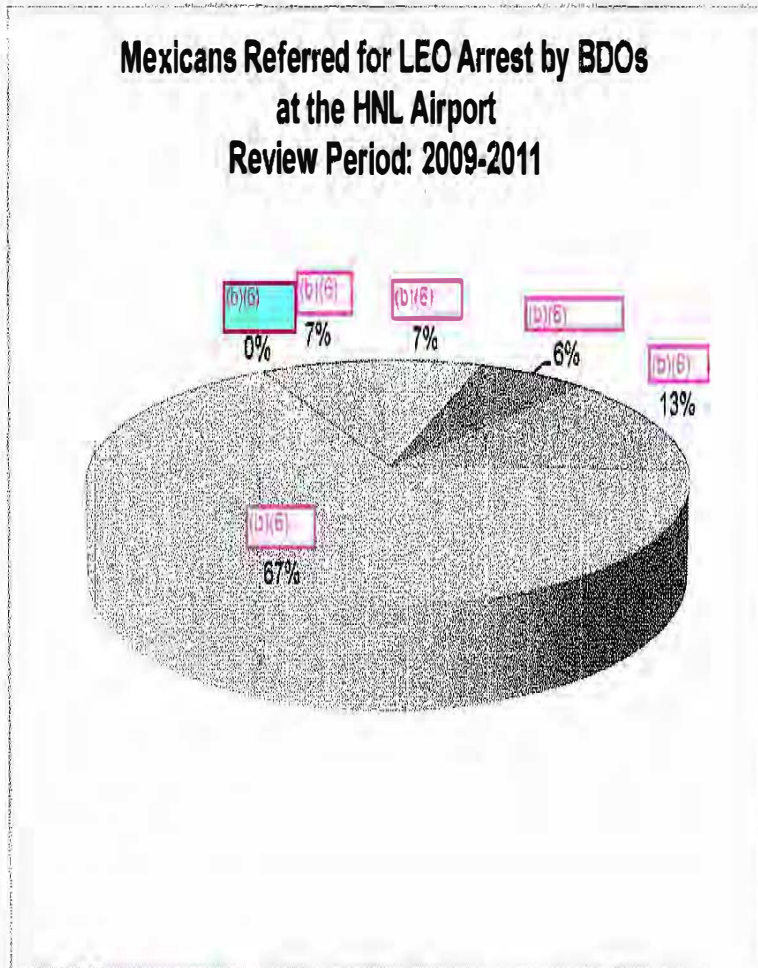
Note: 1/11/22/10 - SPOT Referral # 2035714 was cleared.

As a % of Total

	US	Tongan	Mexican	Chinese	Korean	New Zealand	Belgian
2009	(b)(3), 49 U.S.C. § 114(r)						
2010							
2011							
Total:							

BDOs	Illegal Aliens	Fraud Docs	Drugs	Total by BDO	As a % of Total
(b)(6)	(b)(3) 49 U.S.C. § 114(r)				
Total	21	11	11	43	
As a % of Total:	48.8%	25.6%	25.6%		

BDO	Mexican
(b)(6)	1
	2
	10
	1
	1



Note: (b)(6) referred an average of 3.3 Mexicans for LEO arrest per year.

BDOs	Fraud Total Docs Arrests
(b)(6)	(b)(3); 49 U.S.C. § 114(r)
Total Count	

HNL # of Arrests due to Fraudulent Documents Review Period: 2009-2011	
(b)(3); 49 U.S.C. § 114(r)	
(b)(6)	
HNLBDOs	

	Fraud Docs
(b)(6)	(b)(3); 49 U.S.C. § 114(r)
As a % of Total	25.6%

HNL Percent of Arrests due to Fraudulent Documents Review Period: 2009-2011	
% of Arrest	(b)(3); 49 U.S.C. § 114(r)
	(b)(6)
BDOs	

BDOs	Drugs Arrests	Total
(b)(6)	(b)(3):49 U.S.C. § 114(r)	
<hr/>		
Total Count	11	43

HNL # of Arrests due to Drugs
Review Period: 2009-2011

(b)(3):49 U.S.C. § 114(r)	
<hr/>	
(b)(6)	

HNL BDOs

	Drugs
(b)(6)	(b)(3):49 U.S.C. § 114(r)
<hr/>	
As a % of Total	25.6%

HNL Percent of Arrests due to Drugs
Review Period: 2009-2011

(b)(3):49 U.S.C. § 114(r)	
<hr/>	
(b)(6)	

HNL BDOs

Dates: 1/1/2007- 8/18/2011

BDO Name	Length of Time as BDO	Individual Stats			Year	Total Throughput	Throughput Monthly Average	Total Arrests	Arrest Monthly Average*	Total Throughput vs. Arrest %	Monthly Throughput vs. Arrest %
		Total Number of Referrals	Total Number of Referrals	Total Number of Arrests							
(b)(6)	3 yrs 8 mos	(b)(3),49 U.S.C. § 114(n)			ALL	37,396,485	623,274	(b)(3),49 U.S.C. § 114(n)			
	3 yrs 2 mos				2007	8,893,866	741,155				
	3 yrs 8 mos				2008	7,725,088	643,757				
	4 yrs 4 mos				2009	7,592,009	632,667				
	3 yrs 2 mos				2010	7,987,670	665,639				
	4 yrs 4 mos				2011	5,197,852	649,731				

* In 2007, 2009, and 2010 Arrests were not made each month; in 2011 only 8 months are represented

Source: D. Burche, SPOT

Date: 1/13/2011

Dates: 1/1/2007 - 8/18/2011

BDO Name	Fraudulent documents	Illegal alien	Other
----------	----------------------	---------------	-------

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32

(b)(6)

(b)(3), 49 U.S.C. § 174(f)

(b)(6)

> WORKING NOT BDO
- BDO

ATTACHMENT

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~~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 checked="" type="checkbox"/> Other	Date and Time: January 24, 2012
Activity or Interview of: Equal Employment Opportunity (EEO) Complaints made by employees at Honolulu International Airport (HNL)	Conducted by: Vicky Richardson, Program Analyst Rob Jones, Transportation Security Specialist Location of Interview/Activity: Transportation Security Administration (TSA) 300 Rodgers Blvd., Suite 45 Honolulu, HI 96819
Subject Matter/Remarks	

PURPOSE:

To determine whether HNL Behavior Detection Officers (BDOs) Equal Employment Opportunity (EEO) complaints were based on racial profiling at HNL.

SCOPE and METHODOLOGY:

To accomplish our purpose, we:

- Obtained and reviewed Equal Employment Opportunity (EEO) policies and procedures such as the:
 - a) Overview of the TSA's EEO Complaint Process -- Source: Ron Niemann, OCR on 1/17/12;
 - b) Reviewed the Transportation Security Administration (TSA) EEO Complaint Process (Flowchart) -- Source: OCRL2011;
- Obtained the List of EEO complaints from the Honolulu International Airport (HNL) -- Source: Ron Niemann, OCR on 1/17/12;
- Obtained the HNL EEO records maintained at the TSA FSD Office from (b)(6) SPOT Transportation Security Manager (STSM) to include descriptions of the EEO complaint; and
- Reviewed and validated the EEO complaints data from OCR against the EEO records received from the STSM.

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MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

We established the review period to be from January 2009 through December 2011. This corresponds with the same scope of the Department Homeland Security (DHS) Office of Inspector General (OIG) audit for the same issues.

We met with the STSM (b)(6) to discuss and establish the status of the EEO complaints.

CRITERIA:

- a) Overview of the TSA's EEO Complaint Process – Source: Ron Niemann, OCR on 1/17/12; and
- b) Reviewed the Transportation Security Administration (TSA) EEO Complaint Process (Flowchart) – Source: OCRL2011

DETAILS:

- There were 14 EEO complaints submitted to the EEO Office for the review period.
- The data on EEO complaints obtained from the EEO Office matched the number of complaints maintained at the HNL FSD Office.
- Four (14%) of 14 EEO complaints were filed by 3 BDOs (b)(6).
- Currently, there are only 2 EEO complaints open from 1 BDO (b)(6).
- None/Zero of the EEO complaints identified had race, or racial profiling as a basis for the complaint.

CONCLUSION:

- Based on this review of HNL EEO complaints filed by the HNL BDOs, none of the EEO complaints identified had race, or racial profiling as a basis for the complaint. (See details below).

Case Number:
M-12-0755

Case Title:
BDO practices at HNL

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Honolulu International (child offices included) Complaints FY 2009-2011

Complaint ID	Complainant First Name	Complainant Last Name	Formal/Mixed/Class Filed Date	Closed Date	Initial Contact Date	Office	Basis	Claim	Comments
1	(b)(6)	(b)(6)	1/11/10		09/16/2010	HNL	Age, Color, Disability, Race, Reprisal, Sex	Harassment	Not BDO
2	(b)(6)	(b)(6)	1/19/10		09/07/2010	HNL	Reprisal	Disciplinary Action	Not BDO
3	(b)(6)	(b)(6)	5/7/10		02/16/2010	HNL	Reprisal	Termination	Not BDO
4	(b)(6)	(b)(6)	6/7/10		01/19/2010	HNL	Age, Race, Reprisal, Sex	Training, Scheduling	Not BDO
5	(b)(6)	(b)(6)	7/5/10	09/06/2011	01/27/2011	HNL	Reprisal	Disciplinary Action, Harassment	Settled, Closed
6	(b)(6)	(b)(6)	7/5/10		01/31/2011	HNL	Disability	Harassment	AWOL
7	(b)(6)	(b)(6)	7/5/10		02/28/2011	HNL	Disability, Reprisal	Harassment	Not BDO
8	(b)(6)	(b)(6)	7/23/10		04/13/2010	HNL	Reprisal	Promotion denied	Not BDO
9	(b)(6)	(b)(6)	8/16/10		02/16/2010	HNL	Age, Race, Reprisal, Sex	Disciplinary Action, Harassment	Open
10	(b)(6)	(b)(6)	8/18/10		04/15/2010	HNL	Disability	Harassment	Not BDO
11	(b)(6)	(b)(6)	10/5/10		07/22/2010	HNL	Age, Race, Reprisal, Sex	Disciplinary Action, Harassment	Open
12	(b)(6)	(b)(6)	12/26/10		09/08/2010	HNL	Disability	Not Hired for TSO position	Not BDO
13	(b)(6)	(b)(6)	12/29/10		09/27/2010	HNL	Reprisal, Sex	Harassment	Closed; Settled; Not anymore a BDO
				Color Key	FY10 Case				
					FY11 Case				

Source: Ron Niemann, OCR
Date: 1/17/12

TSA HQ Control #	Date Received	Employee	Description	Type	EEOI
HS-TSA-01200-2010	2/5/11 10/21/2010	(b)(6)	EEOC based on disability (unspecified) while TSO when, on 3/19/10, supervisor forced you to violate your limited duty restrictions.	EEOC	Gold, Brittany
HS-10-TSA-005088	6/14/2010		EEOC based on sex (female) and reprisal (Opposed Management Practices/Filed a Sexual Harassment	EEOC	Barksdale, Sterling
HS-10-00919-2010	3/23/11 11/15/2010		EEOC based on subject to sexual harassment based on Sex (Female); age (1956); Race (caucasian); and, subjected to reprisal for prior EEO activity (Reporting sexual harassment to management in September of 2009)	EEOC	Takaki, Jamie
HS-10-17886-2010	3/23/11 11/1/2010		EEOC based on subject to sexual harassment based on Sex (Female); age (1956); Race (caucasian); and, subjected to reprisal for prior EEO activity (Reporting sexual harassment to management in September of 2009) when assigned to work the exit lane because of lifting restrictions although her BOO duties did not require lifting heavy bags.	EEOC	Takaki, Jamie
HS-10-TSA-18151	6/13/11 10/12/2010		EEOC based on Reprisal (testifying in a sexual harassment investigation) while LTS reassigned from BDO on 6/22/10	EEOC	ones, Fred due 6/20/11
HS-10-TSA-00553-2010	1/16/11 8/30/2010		EEOC based on race (white), sex (female), age (DOB: 1952), and retaliation (opposition to discriminatory SOP)	EEOC	Delgado, Helen
HS-10-TSA-005944-2010 (HS-TSA-01141-2010 old case #)	1/7/11 10/29/2010		EEOC based on race (African American) and reprisal (prior EEO Activity 8/19/03) while TSM when in April 2010, he was denied a promotion to I-Band	EEOC	Potter, Laura

TSA HQ Control #	Date Received	Employee	Description	Type	EEOI
HS-TSA-18245-2010	11/30/2010	(b)(6)	EEO based on Sex (female) when on June 8, 2009, she was subjected to non-sexual harassment hostile work environment	EEOC	Mitchell, Charlene
HS-TSA-00796-2011	4/26/2011	(b)(6)	EEOC based on reprisal (prior EEO activity) when December 2010-February 2011 (on-going) subjected to retaliation and harassment hostile work environment	EEOC	Mitchell, Charlene
HS-TSA-01079-2011	10/28/2011	(b)(6)	EEOC based on disability (diabetes) and reprisal (refused to participate in OI of a friend who was an EEO complainant); period Jan 13-Aug 18, 2011	EEOC	Gee, James
HS-TSA-00807-2011	5/3/2011	(b)(6)	EEOC based on Age (1962) and Reprisal/Retaliation (Prior EEO Activity 2004) when between May 2010 through February 10, 2011 and on-going, he has been subjected to a hostile work environment	EEOC	Mitchell, Charlene
HS-TSA-01832-2011	10/4/2011	(b)(6)	EEOC based on Age (1961) that since 8/16/11, subjected to non-sexual harassment/hostile work environment by: 8/16/11 STSO Cote yelled to finish IR; 9/23/11 yelled at by TSMs; & 9/2011 - rcvd LOC and expects to rcv LOR w/Suspension or Dismissal	EEOC	Mitchell, Charlene

ATTACHMENT

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~~SENSITIVE SECURITY INFORMATION~~



**MEMORANDUM OF INTERVIEW
OR ACTIVITY**

Type of Activity:

- Personal Interview
- Telephone Interview
- Records Review
- Other

Date and Time:

January 25, 2012

Activity or Interview of:

Ombudsman Referrals at

Honolulu International Airport (HNL)

Conducted by:

Vicky Richardson, Program Analyst
Rob Jones, Transportation Security Specialist

Location of Interview/Activity:

Transportation Security Administration
300 Rodgers Blvd., Suite 45
Honolulu, HI 96819

Subject Matter/Remarks

PURPOSE:

To determine whether HNL Behavior Detection Officers (BDOs) used the Office of Ombudsman to refer racial profiling issues at HNL.

SCOPE and METHODOLOGY:

To accomplish our purpose, we:

- Obtained and reviewed the Office of Ombudsman's policies and procedures;
- Obtained the List of Ombudsman referrals made by the HNL employees entitled, "Summary of Issue Type and Sub-Issue Type – Source: Tom Antush, Sr. Advisor, Office of Civil Rights and Liberties, Ombudsman of Concerns brought to the Office of the Ombudsman – Source: Tom Antush, Sr. Advisor, Office of Civil Right (OCR) & Liberties, Ombudsman and Traveler Engagement (571) 227-1612 and (202) 997-4034; and
- Reviewed Ombudsman referrals to determine the workplace issues submitted by the BDO.

We established the review period to be from January 2009, through December 2011. This corresponds with the same scope of the Department Homeland Security (DHS), Office of Inspector General (OIG) audit for the same issues.

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(Revised 12-15-08)

~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

DETAILS:

- Identified 2 referrals to the Ombudsman Office for the review period.
- None of the referrals were from the BDOs.
- The basis of the Ombudsman referrals was not about race or racial profiling.

CONCLUSION:

- Based on our review of the HNL Ombudsman referrals, we determined that the HNL BDOs had none/zero referrals that identified race or racial profiling.

Case Number:
M-12-0755

Case Title:
BDO practices at HNL

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~~SENSITIVE SECURITY INFORMATION~~



MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity:

- Personal Interview
- Telephone Interview
- Records Review
- Other

Date and Time:

January 23, 2012

Activity or Interview of:

Cash Seizures review made by Behavior Detection Officers (BDOs) at Honolulu International Airport (HNL) and interview of

(b)(6)

Transportation Security Manager (TSM) Honolulu International Airport (HNL)

Conducted by:

Transportation Security Specialist (TSS) Robert Jones and Program Analyst (PA) Vicky Richardson

Location of Interview/Activity:

Transportation Security Administration (TSA) Office
300 Rodgers Blvd., Suite 45
Honolulu, Hi 96819

Subject Matter/Remarks

TSS Jones and PA Richardson conducted a review concerning allegations that HNL BDO (b)(6) was receiving sensitive information from an agent of the Drug Enforcement Administration (DEA) drug task force. Two anonymous HNL BDOs alleged that BDO (b)(6) was being alerted by a friend assigned to the DEA drug task force watch for certain passengers carrying large sums of cash resulting him allegedly seizing \$1 Million.

TSS Robert Jones and PA Vicky Richardson conducted a review of all of the cash seizures made at HNL in order to validate the seized cash data collection methods, review seized cash reports, and clarify HNL terminology.

TSM (b)(6) provided a seized cash report detailing the amount of cash seized at HNL and sorted by each HNL BDO for the review period (January 2009 to December 2011). The data revealed that between 2009 and 2011, two HNL BDOs (6% of the BDO workforce) referred three (100%) of passengers to law enforcement officers for additional investigation for large sums of cash. Those

Case Number:
M-12-0755

Case Title:
BDO practices at HNL

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~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

three referrals resulted in cash seizures of \$62,644, with BDO (b)(6) being involved in two seizures totaling \$40,644. BDO (b)(6) was responsible for one seizure of \$22,000. No other BDOs were involved with cash seizures during this review period of January 2009 to December 2011.

It should be noted that on November 11, 2007, and April 22, 2008, BDO (b)(6) referred passengers to law enforcement officials that resulted in two large cash seizures totaling \$374,250. (b)(6) total referrals for cash seizures between 2007 and 2008 totaled \$538,860. BDO (b)(6) stated that he did have a long time friend, who was a Honolulu police officer (not a DEA agent) assigned to the DEA drug task force. (b)(6) said that this officer only contacted him twice with information concerning suspected individuals. (b)(6) instructed the officer to also contact the HNL coordinating center with this information so it could be disseminated to the entire BDO workforce. It should also be noted that law enforcement notifications that individuals may be carrying large sums of cash from illegal narcotic sales and transiting through HNL was made known to all of the HNL BDOs during shift briefings.

Currency Seized in HNL between 2007 and 2008

(b)(6)\$538,860

Currency Seized in HNL between 2009 and 2011

(b)(6)\$40,644
(b)(6) \$22,000

Case Number:
M-12-0755

Case Title:
BDO practices at HNL

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BDO Referrals at HNL which involved currency

Currency Seized from 2009 to 2011

BRN	Date	Agency Involved	Agent	\$ Seized Total	Primary BDO
09-010	2/11/2009	ICE	(b)(6),(b)(7)(C)	22,000.00	(b)(6)
10-019	5/30/2010	ICE	(b)(6),(b)(7)(C)	29,000.00	(b)(6)
11-028	6/27/2011	ICE	(b)(6),(b)(7)(C)	11,644.00	(b)(6)
Total currency seized from 2009 to 2011				\$ 62,644.00	

Additional Information:

Currency Seized from 2007 to 2011

BRN	Date	Agency Involved	Agent	\$ Seized Total	Primary BDO	Notes:
07-039	11/30/2007	DEA	(b)(6),(b)(7)(C)	250,000.00	(b)(6)	DEA seized \$20,000 at the checkpoint and \$230,000 in checked baggage. Per DEA's request, TSA distributed BDO to workforce regarding passenger.
08-076	4/22/2008	DEA	(b)(6),(b)(7)(C)	124,250.00	(b)(6)	
08-094	6/20/2008	ICE	(b)(6),(b)(7)(C)	10,275.25	(b)(6)	Passenger also got arrested.
08-105	7/22/2008	DEA	(b)(6),(b)(7)(C)	38,000.00	(b)(6)	
08-125	9/9/2008	Sheriffs	(b)(6),(b)(7)(C)	37,700.00	(b)(6)	Also bribery case. Per STSM, BDOs passed on information to DEA, in turn DEA seized \$37,700 in LAX.
08-143	10/9/2008	DEA	(b)(6),(b)(7)(C)	22,000.00	(b)(6)	
08-160	11/15/2008	ICE	(b)(6),(b)(7)(C)	55,635.00	(b)(6)	DEA agent (b)(6) was also involved
09-010	2/11/2009	ICE	(b)(6),(b)(7)(C)	22,000.00	(b)(6)	
10-019	5/30/2010	ICE	(b)(6),(b)(7)(C)	29,000.00	(b)(6)	
11-028	6/27/2011	ICE	(b)(6),(b)(7)(C)	11,644.00	(b)(6)	
				601,504.25		Total for BDO Lovstedt
				\$572,504		Total for BDO Moniz
						\$29,000

LEO with Currency but NOT Seized

BRN	Date	Agency Involved	Agent	\$ Total	Primary BDO	Notes:
08-045	3/19/2008	DEA	(b)(6),(b)(7)(C)	37,500.00	(b)(6)	
08-158	11/14/2008	DEA	(b)(6),(b)(7)(C)	30,000.00	(b)(6)	
11-005	2/3/2011	ICE	(b)(6),(b)(7)(C)	12,000.00	(b)(6)	

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~~SENSITIVE SECURITY INFORMATION~~



MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity: <input checked="" type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input checked="" type="checkbox"/> Records Review <input type="checkbox"/> Other	Date and Time: January 23, 2012
Activity or interview of: Training records review of Behavior Detection Officers (BDOs) assigned at Honolulu International Airport (HNL) and interview [redacted] Transportation Security Manager (TSM)	Conducted by: Transportation Security Specialist (TSS) Robert Jones and Program Analyst (PA) Vicky Richardson
	Location of Interview/Activity: Transportation Security Administration Office (TSA) 300 Rogers Blvd. Suite 45 Honolulu, HI 96819

Subject Matter/Remarks

TSS Robert Jones and PA Vicky Richardson reviewed all of the HNL BDOs training records to verify that all of the HNL BDOs had successfully received and completed their required TSA training from the Office Civil Rights (OCR) and the TSA Screening Passengers by Observation Technique (SPOT) office.

TSS Jones and PA Richardson reviewed each of the training records for the 33 BDOs assigned at HNL and validated that every one of the HNL BDOs had completed their required annual re-current Office of Civil Rights training and Equal Employment Opportunity training courses.

All of the HNL BDO officers had successfully completed their required 10 day Surveillance of Passengers by Observation Techniques (SPOT) certification course at TSA HQ after being selected to the BDO program. After passing the 10 day HQ course, each BDO is "certified" as a SPOT officer.

Case Number: M-12-0755	Case Title: BDO practices at HNL
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~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

Each newly certified HNL BDO officer is then placed on a six week On-The-Job (OJT) training program to complete their training.

TSS Jones and PA Richardson also reviewed all of the SPOT OJT records for all 33 HNL BDOs and verified that all were current in their required SPOT OJT training.

TSS Jones also requested additional records for former and inactive BDOs. A review of those records determined that all of the former HNL BDOs had also been current in their training requirements during the time they were in the HNL BDO program.

OOI confirmed that all HNL BDOs assigned from 2007-2011 had successfully completed all their required training in both Civil Rights and BDO SPOT OJT.

Case Number: M-12-0755	Case Title: BDO practices at HNL
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ATTACHMENT

12



MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity:

- Personal Interview
- Telephone Interview
- Records Review
- Other

Date and Time:

January 20, 2012
1:10 p.m.

Activity or Interview of:

Frank M. Abreu
Deputy Federal Security Director (DFSD)
Honolulu International Airport
Phone number (808) 478-1664

Conducted by:

Special Agent Keith Edwards

Location of Interview/Activity:

Transportation Security Administration (TSA),
Honolulu International Airport (HNL)
300 Rodgers Blvd., Suite 45
Honolulu, HI 96819

Subject Matter/Remarks

On January 20, 2012, DFSD Frank M. Abreu was interviewed about the allegations raised by reporter Keoki Kerr of KITV News 4 that behavior detection officers (BDOs) at HNL used racial profiling for screening passengers, slept on the overnight shift, used a source at the Drug Enforcement Administration (DEA) to target passengers, and a BDO supervisor failed a drug test. Abreu provided the following information:

Abreu was assigned to HNL on October 20, 2011, as the DFSD.

Allegations:

- Abreu became aware of the BDO racial profiling allegations during his first week at HNL through the local news channel. The news was going to release a full report of the allegations in a few days.

Case Number:
M-12-0755

Case Title:
BDO practices at HNL

~~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)

- The following day Abreu met with Acting Federal Security Director (FSD) Stanford Miyamoto and Assistant FSD-Screening Cy Okinaka concerning the news. Miyamoto and Okinaka informed him they were already aware of the allegations mention by the news.
- When the news story was released BDO officers and managers were all shocked and requested to meet with FSD Miyamoto and himself.

Internal Inquiry:

- Since there had been no internal inquiry or investigation into this matter, on November 16, 2011, FSD Miyamoto appointed Abreu to be inquiry officer into the BDO racial profiling allegations.
- Abreu coordinated with Screening Passengers by Observation Techniques (SPOT) Transportation Security Manager (b)(6) and began interviewing on November 21, 2011. Abreu interviewed thirteen BDO officers including three SPOT managers.
- Abreu was in the process of completing all thirteen statements from the interviews, when he was contacted by FSD Miyamoto who told him TSA Headquarters (HQ) directed them to stop the inquiry immediately.
- Abreu completed eight statements that he had prepared before terminating the inquiry. The interviews and statements were consistent amongst the officers regarding the allegations of racial profiling.
- None of the BDO's ever heard of the term "Mexecutioner" except one, (b)(6) who said it was the nickname of a professional boxer, but he never heard it used by the BDO's or within TSA.
- Each officer stated they had been trained and certified in SPOT and conducts their observations under SPOT Standard Operating Procedures (SOP).
- BDO's maintained they never used racial profiling to make referrals.
- BDO's with higher referral rates attributed their success with being comfortable engaging with passengers.

Illegal immigrants:

- Media reports have indicated that high amounts of illegal aliens of Mexican descent had immigrated to Hawaii for low paying farming jobs and illegal drug trafficking.

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

~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- Abreu had one report stating that illegal Mexican immigrants entered Hawaii using fake or altered Mexican passports that were not caught by TSA when entering through the mainland.

Covert SPOT Visit by HQ:

- In September 2011, prior to Abreu's arrival at HNL, TSA HQ conducted a covert SPOT visit to observe the SPOT program to ensure they were in compliance with SOP.
- Their report concluded that they did not observe any profiling related to a particular ethnic group and the SPOT program was in compliance with the SOP.

DEA seizure:

- Abreu said BDO (b)(6) and other BDO's were interviewed by HNL management regarding the allegation.
- (b)(6) had a friend who worked for Honolulu Police Department (HPD) that was assigned to the DEA task force.
- On one occasion (b)(6) was contacted by the HPD Officer who wanted help from TSA in locating a possible suspect that might be coming through the airport.
- The HPD officer was directed to the proper channels and was told to initiate an all points bulletin via TSA management.
- The information was subsequently sent to the BDO's and TSA's ticket document control/screening personnel at the airport.
- Abreu said (b)(6) maintained he had never taken information from the HPD officers or made up behaviors in order to make a stop.

Sleeping on the job:

- Abreu said the news allegation regarding two BDO's caught by management sleeping on the job on the overnight shift were false.
- The sleeping cot and pillow addressed by the news was in regard to BDO (b)(6) loaning a cot to BDO (b)(6) for (b)(6) father to go camping.
- Abreu related the cot stayed in the airport for a week before (b)(6) took it home.
- BDO's were interviewed by management regarding this issue and confirmed the information.
- Abreu said there was never any report of BDO's sleeping on duty.
- The BDO graveyard shift was cancelled because there were few flights departing at that time.

Case Number:
M-12-0755

Case Title:
BDO practices at HNL

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(Revised 12-15-08)

~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

Drug Testing:

- Upon his arrival in HNL, he was not aware of the drug test failure until the news report in November 2011.
- During his interview with BDOs, Abreu did not ask any questions regarding drug test failure for privacy reasons.
- Abreu conducted a separate inquiry into this concern at the direction of TSA legal counsel Bernie Whitaker.
- Abreu inquired with legal counsel why the employee was still working in an administrative capacity after seven months and not removed under a one-step process.
- The BDO created several delays in submitting paperwork to substantiate the positive cocaine reading.
- The BDO subsequently hired an attorney and presented an Inca Tea defense that could cause a false positive reading for cocaine.
- Abreu prepared his decision on Proposed Removal and his Last Chance Agreement which he signed on December 13, 2011, and December 14, 2011.

Abreu provided a signed sworn written statement (attached).

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

SWORN STATEMENT



Transportation Security Administration

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

*** SEE ATTACHED STATEMENT ***

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

Frank M. Abreu
Signature

Signed and sworn to before me, this 24th day of JAN, 20 12.

Witness

Keith A. Edwards

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



Statement Form

Name:	Frank M. Abreu	Date:	01/20/2012
Duty Assignment:	TSA/HNL		
Current Position:	DFSD		
Pay Band:	K		
Telephone Number:	808-478-1664		
OI Investigator:	Keith Edwards		

I, Frank M. Abreu, hereby make the following statement to Keith Edwards, who has identified himself to me as an Investigator with the TSA Office of Inspections. I am making this statement of my own free will, without any duress or coercion. (Below print your Statement of facts including; WHO, WHAT, WHEN, WHERE, HOW, and WHY.)

My name is Frank "Mike" Abreu, I'm currently the Deputy Federal Security Director at TSA/HNL.

[Redacted]

Six months later I then promoted to the J band DAFSD-S at LAX. After about a year and a half as the DAFSD I was then appointed A/AFSD-S at LAX and on October 23, 2011 I was again promoted and assigned to HNL (Honolulu) as the Deputy FSD.

It was during my first week here at HNL that I first saw on a local news channel some short spots being aired referencing TSA at HNL with a full report to air that coming Monday. The following day I went to work and talked with the A/FSD Stanford Miyamoto and AFSD-S Cy Okinaka concerning the news. AFSD Okinaka informed me that he believed the report was referring to an old allegation of racial profiling with the SPOT program and that they were already aware of the story. I asked if we should gather the BDO troops in advance and talk with them about the story to prepare them for its release but was told that they all already knew and had been expecting it for some time. The day following the release I came to work and found a number of BDO officer's and manager's waiting in the lobby requesting to speak with FSD Miyamoto and myself. They were all shocked to see the news report and each of them were offended by the accusations that were made in the story.

FSD Miyamoto and I talked about the situation at since neither of us had been working at HNL during this time we started researching some of the allegations brought forward under the KITV News report and could not find any official inquiry or investigations into the allegations. It was then that we decided that I should conduct an inquiry into the reported allegations.

On 11/16/2011 I was officially appointed inquiry officer into the SPOT Media Allegations. (Attachment 1) I contacted SPOT Manager (b)(5) and began scheduling officers for interview beginning Monday, 11/21/2011. Over the next two weeks I talked with approximately 13 officers from the SPOT program including 3 SPOT managers.

Initials: *fa*



SPOT Managers Interviewed:

(b)(6)

Officers Interviewed:

(b)(9)

Each officer was read the standard TSA Notification of Confidentiality/Non-retaliation/Truthfulness form and signed in agreement.

I was in the process of putting together their written statements from their interview with me so that they could review for accuracy and make any changes needed before signature when I was contacted by FSD Miyamoto who told me to Cease and Desist immediately from moving forward with the inquiry. I asked if I should finish writing up the statements from the people that I had already spoke to and was told that the order came from HQ to stop what we were doing immediately.

I have attached the thirteen (13) Confidentiality forms and the eight (8) statements that I had so far prepared before terminating my inquiry. **(Attachment 2)** I will say the statements were pretty consistent amongst all of the officers.

Racial Profiling "Mexicutioners":

In regards to the racial profiling and the term "Mexicutioner," all but one officer stated that they had never heard the term "Mexicutioner" before the news report. The one officer that had heard the term before was (b)(6) and when I asked where did he hear the term before he went on to state that it was a nickname given to Professional Boxer Manny Pacquiao and that he had heard it used in correlation with him and had never heard it used around TSA and any BDO activities. Each officer stated that they had been trained and certified in SPOT and conduct their observations under the SPOT SOP and do not use racial profiling as a technique nor have they ever worked with or witnessed any other officer utilizing racial profiling techniques. Officer's with the higher referral rate attribute their higher referrals with being more comfortable engaging the traveling public whereas the officer's with the lower rates have a harder time talking with strangers making it harder for them to elevate their behaviors to a referral.

Also public knowledge in media reports that Hawaii has a high amount of illegal aliens of Mexican descent who have immigrated to Hawaii for low paying laboring farming jobs and illegal drug trafficking. In fact I've also attached one report that stated that illegal Mexican immigrants made it here to Hawaii using fake or altered Mexican Passports that were not caught by TSA as they entered Hawaii through airports on the mainland.

CCTV here at HNL is only stored for a 30 day period and I was unable to pull up any CCTV to verify behaviors with the SPOT team with their documented immigration referrals.

Also, as a request by Office of Security Operations Field Operations General manager, a 3-member team of highly experienced SPOT STSMs conducted a covert visit to Honolulu International Airport during the time period of September 19-26, 2011. Following a

Initials:

[Handwritten signature]



Statement Form

preliminary assessment, the STSMs began operating independently to observe SPOT Operations at HNL. In their closing report the team made a comment that at no time did they see any possible misconduct related to particular ethnic groups.

DEA Seizures:

Regarding the allegation of a BDO Officer utilizing a connection with DEA to get information and falsify behaviors in order to stop people for the DEA it is again just not accurate information. Officer (b)(6) admitted when interviewed that he felt when watching the KITV report that they were probably talking about him because he did have a friend in the Honolulu Police Department (HPD) that was assigned temporarily to the Drug Task Force at HNL. He did not work for the DEA. (b)(6) reported that he had been friends with this HPD officer since childhood and they went to school together. (b)(6) stated that he had made a number of referrals over his BDO career some of which have yielded drugs and money and he was recognized by the DEA for his achievements but he contends that all of his referrals were done according to SPOT guidelines. He stated on one occasion he recalled being contacted by the HPD officer who wanted help from TSA in locating a possible suspect that they felt might be coming through the airport. Officer (b)(6) directed the HPD officer to the proper channels and told him to initiate a Be On the Lookout Alert (BOLO) via TSA management and they would then get the information out to the officer's in the field including BDO and TDC/Screening. (b)(6) stated that he had never taken information from the HPD officer and made up behaviors in order to make a stop. He said that part of his job is networking with other agencies which he felt that he was doing. Other officers interviewed all stated that they have never seen Officer (b)(6) fabricate any observations while teamed with him. Officer (b)(6) went onto say that he was not the initial or primary officer on some of his credited stops as well but the secondary officer. BDO (b)(6) identified his friend in HPD as Officer (b)(6),(b)(7)(C) and stated that he was now assigned to the Pearl City Police Station.

Sleeping on the Job:

As for the report of two BDO officer's caught by management sleeping on the job on the overnight shift. It never happened. What happened was (b)(6) was talking with his coworkers about his sick father and how they used to go camping when he was younger. (b)(6) went onto say that he'd like to go camping again with his dad while he still could but he was older now and not as healthy and would have a hard time getting up and down if he had to sleep on the ground like they used to. Officer (b)(6) then offered to (b)(6) a cot and camping equipment that he had that he could borrow to make it easier for his father to sleep on so that he wouldn't have to get up and down from the ground. Waring then brought in the COT and pillows to the office so that (b)(6) could see it and borrow it if needed. The COT stayed in the office for about a week before (b)(6) used it to take his father camping. (Note, his father passed soon after) The COT was never used by any officer while on HNL airport property. Each officer interviewed said that they only saw the COT and knew that it was there for the reasons stated above and it was never an issue. No one was ever observed sleeping on duty or sleeping on the COT at anytime. Nor was there any report to management for sleeping on duty. The graveyard shift was canceled by management in support of the mission due to the low number of people transitioning through the airport during those times.

Initials: 



Statement Form

Drug Testing: Double Standard:

In my interview with the officers I did not ask them any questions in regards to the Drug Test Failure for privacy reasons. I did a separate inquiry into that concern and was directed to my legal counsel, Bernie Whitaker. The Drug Test sample from the subject was taken on May 18, 2011 and the Test Results were reported on June 6, 2011, which were positive for cocaine metabolite. The current FSD was being removed at this time along with the AFSD-S and the DAFSD-S and Mr. Whitaker became the representative for TSA/HNL on this matter until FSD Richard Wiles from KOA was temporarily assigned to HNL as the Acting DFSD at which time he along with Whitaker took over this case. Upon my arrival to HNL on October 23, 2011 and not learning about this incident until the news report in November of 2011 I asked legal why we were already 7 months into this Drug Test Failure and yet still have an employee working in an administrative capacity here. I wondered why he wasn't immediately removed under a one step process after the failure or at least placed on indefinite suspension without pay while they prepared his removal so I asked for a timeline of events that brought us to the current day. (Refer to timeline by Eugene B. (Bernie) Whitaker) **(Attachment 3)**

Evidently the subject called out sick for a while delaying the paperwork and then tried submitting some prescription medication to explain his failure. They waited the week or two for the test on the medication and found that it did not explain or contribute to his failure. He then brought in more medication that he said might have caused the reading and they waited another week or two for that test which again said it did not contribute to his failure. By this time he had hired an attorney and two weeks later presented his Inca Tea Defense which he claimed contributed to his failure. He apparently was gifted some tea from Peru by his sister and did not know it contained cocaine when he drank it. MRO confirmed that the tea could cause a false positive reading and at that point legal made a recommendation to the Acting FSD to offer him a Last Chance Agreement. I then prepared his Decision on Proposed Removal and his Last Chance Agreement which he signed in agreement on 12/13 and 12/14/2011.(Attached) He was then ordered to complete his OLC training and any other training that was needed before he was allowed to return to the floor as a SPOT manager to resume his duties. At no time did the fact that (b)(6) who was names in an EEO complaint by other officers play any role in him keeping his employment. The fact is his statement regarding the EEO complaint was already taken by TSA prior to the Drug Testing and could have been used even if he were removed.

***** Nothing Follows *****

Initials:

Confidential

1/24/2012

Statement Form



I have read this entire statement consisting of 4 pages. I have been given the opportunity to make corrections. I declare under penalty of perjury that the foregoing is true and correct.

Signature: [Handwritten Signature]

Executed on this the ²⁴~~20~~ day of January, 2012

Signature of OI Investigator: [Handwritten Signature] Date: 1-24-12
3:20 PM

Initials: _____

Confidential

Page 5 Page 6 of 6

1/24/2012

Attachment 1



Transportation
Security
Administration

U.S. Department of Homeland Security

To: Frank Abreu, Deputy Federal Security Director
From: Stanford Miyamoto, Federal Security Director
Date: November 16th, 2011
Re: Appointment of Inquiry Officer, In re SPOT Media Inquiry

I hereby appoint you to conduct an inquiry, under the provisions of TSA Management Directive No. 700.2, *Informal Administrative Management Inquiries* and TSA MD 1100.73-3 into the following:

ATTACHED: HNL SPOT BDO Media Inquiry from Keoki Kerr (KITV 4)

Please refer to MD 1100.75-3 TSA MD 1100.73-5 Addressing Employee Responsibilities and Conduct, TSA MD 700.2 for Informal Inquiries.

You may interview subject or any other TSA employee. You are also authorized to review and copy TSA documents that pertain to the inquiry, including relevant personnel documents if any. Please prepare a written report, with witness statements if applicable, of your findings in this matter. In conducting this inquiry, I direct you to follow the provisions of TSA Management Directive No. 700.2, *Informal Administrative Management Inquiries*. Moreover, I direct you to initially contact legal counsel, Eugene "Bernie" Whitaker, (808) 227-3127, before beginning your inquiry and to seek the guidance of legal counsel, throughout the inquiry as you deem necessary.

You have 15 days from the date of this notification to complete your inquiry. Upon written or oral request, I may grant additional time to complete your inquiry.


Stanford Miyamoto, FSD

ON FILE COPY ONLY:
Reviewed and approved by Supervisory Field Counsel Eugene "Bernie" Whitaker

Initials: _____

Date: November 16th, 2011

Attachment 2

TRANSPORTATION SECURITY ADMINISTRATION

HONOLULU INTERNATIONAL AIRPORT

NOTIFICATION OF CONFIDENTIALITY/NON-RETALIATION/
TRUTHFULNESS

You are being questioned as part of an official inquiry conducted by DFSD Frank M. Abreu of TSA. The circumstances of this inquiry are to be treated as a highly confidential matter. You are not to discuss any part of this inquiry, including your testimony, with anyone except the inquiry officer. You are not to interfere with or impede the inquiry; you are not to solicit the testimony of others (if you know of a potential witness inform the inquiry officer); you are not to influence or attempt to influence the testimony of others. Breach of these directions may result in disciplinary action up to and including termination based TSA Management Directive No. 1100.73-5, Employee Responsibilities and Conduct.

You are also reminded that retaliation or attempts or to retaliate against employees for reporting suspected problems or against witnesses who are asked to provide information will not be tolerated by TSA; any violation of this policy may result in disciplinary and or criminal action. Employees must cooperate fully with all agency inquiries. When requested employees will submit a written, signed statement, all employees must give complete and truthful information as prescribed in TSA Management Directive No. 1100.73-5, Employee Responsibilities and Conduct, paragraph 7E,

I affirm that I have read and understand the foregoing.

(b)(6)

[Redacted signature box]

12/2/11 0910hrs
Date/Time



Inquiry Officer Frank Mike Abreu

12/2/11/0910
Date/Time

Change Date: 6/19/07 - WHG

TRANSPORTATION SECURITY ADMINISTRATION

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I affirm that I have read and understand the foregoing.

(b)(6)



Inquiry Officer

Frank Mike Abreu

11/22/11 10:00am
Date/Time

11/22/11 1000
Date/Time

Change Date: 6/19/07 - WTIG

TRANSPORTATION SECURITY ADMINISTRATION

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I affirm that I have read and understand the foregoing.

(b)(6)

11/29/11 8:20AM
Date/Time



Inquiry Officer Frank Mike Abreu

11/29/11/0820
Date/Time

Change Date: 6/19/07 - WHG

TRANSPORTATION SECURITY ADMINISTRATION

HONOLULU INTERNATIONAL AIRPORT

NOTIFICATION OF CONFIDENTIALITY/NON-RETALIATION/
TRUTHFULNESS

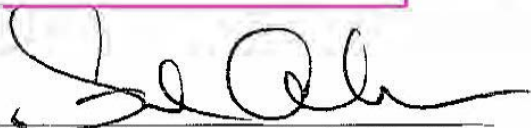
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(b)(6)

and the foregoing.

11/23/2011
Date/Time


Inquiry Officer Frank Mike Abreu

11/23/2011
Date/Time

Change Date: 6/19/07 - WHG

TRANSPORTATION SECURITY ADMINISTRATION

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I affirm that I have read and understand the foregoing.

(NAME)
[Redacted Signature Box]

11/23/11 1035
Date/Time



Inquiry Officer Frank Mike Abreu

11/23/11 1035
Date/Time

Change Date: 6/19/07 - WHG

TRANSPORTATION SECURITY ADMINISTRATION

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NOTIFICATION OF CONFIDENTIALITY/NON-RETALIATION/
TRUTHFULNESS


You are being questioned as part of an official inquiry conducted by DFSD Frank M. Abreu of TSA. The circumstances of this inquiry are to be treated as a highly confidential matter. You are not to discuss any part of this inquiry, including your testimony, with anyone except the inquiry officer. You are not to interfere with or impede the inquiry; you are not to solicit the testimony of others (if you know of a potential witness inform the inquiry officer); you are not to influence or attempt to influence the testimony of others. Breach of these directions may result in disciplinary action up to and including termination based TSA Management Directive No. 1100.73-5, Employee Responsibilities and Conduct.

You are also reminded that retaliation or attempts or to retaliate against employees for reporting suspected problems or against witnesses who are asked to provide information will not be tolerated by TSA; any violation of this policy may result in disciplinary and or criminal action. Employees must cooperate fully with all agency inquiries. When requested employees will submit a written, signed statement, all employees must give complete and truthful information as prescribed in TSA Management Directive No. 1100.73-5, Employee Responsibilities and Conduct, paragraph 7E,

I affirm that I have read and understand the foregoing.

(b)(6)

11/23/11 0930
Date/Time


Inquiry Officer Frank Mike Abreu

11/23/11 0930
Date/Time

Change Date: 6/19/07 - WHG

TRANSPORTATION SECURITY ADMINISTRATION

HONOLULU INTERNATIONAL AIRPORT

NOTIFICATION OF CONFIDENTIALITY/NON-RETALIATION/
TRUTHFULNESS

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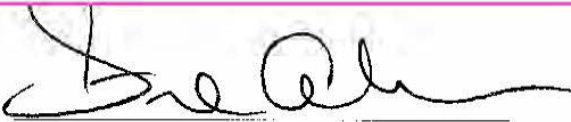
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I affirm that I have read and understand the foregoing.

(b)(6)

11/23/2011

Date/Time



Inquiry Officer

Frank Mike Abreu

11/23/11

Date/Time

Change Date: 6/19/07 - WHG

TRANSPORTATION SECURITY ADMINISTRATION

HONOLULU INTERNATIONAL AIRPORT

NOTIFICATION OF CONFIDENTIALITY/NON-RETALIATION/
TRUTHFULNESS

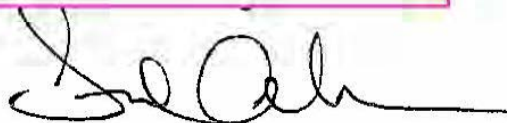
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I affirm that I have read and understand the foregoing.

(b)(6)

11/21/11
Date/Time



Inquiry Officer Frank Mike Abreu

11/21/11
Date/Time

Change Date: 6/19/07 - WIIG

TRANSPORTATION SECURITY ADMINISTRATION

NOTIFICATION OF CONFIDENTIALITY/NON-RETALIATION/
TRUTHFULNESS

You are being questioned as part of an official inquiry conducted by Frank Abram
_____ of TSA. The circumstances of this inquiry are to be
treated as a highly confidential matter. Do not to discuss your statement or testimony with other
witnesses or with persons who have no official interest in the proceedings until the inquiry is
complete.

You are not to interfere with or impede the inquiry; you are not to solicit the testimony of others
(if you know of a potential witness inform the inquiry officer); you are not to influence or
attempt to influence the testimony of others. Breach of these directions may result in
disciplinary action up to and including termination based TSA Management Directive No.
1100.73-5, Employee Responsibilities and Conduct

You are also reminded that retaliation or attempts to retaliate against employees for reporting
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Employees must cooperate fully with all agency inquiries. When requested employees will
submit a written, signed statement, all employees must give complete and truthful information as
prescribed in TSA Management Directive No. 1100.73-5, Employee Responsibilities and
Conduct, paragraph 7E,

I affirm that I have read and understand the foregoing.

(b) (6)
[Redacted Signature]

11/21/2011
Date/Time

[Signature]
Inquiry Officer/In

11/21/11
Date/Time

Change Date: 6/19/07 - WHG

TRANSPORTATION SECURITY ADMINISTRATION

NOTIFICATION OF CONFIDENTIALITY/NON-RETALIATION/
TRUTHFULNESS

You are being questioned as part of an official inquiry conducted by _____ of TSA. The circumstances of this inquiry are to be treated as a highly confidential matter. Do not to discuss your statement or testimony with other witnesses or with persons who have no official interest in the proceedings until the inquiry is complete.

You are not to interfere with or impede the inquiry; you are not to solicit the testimony of others (if you know of a potential witness inform the inquiry officer); you are not to influence or attempt to influence the testimony of others. Breach of these directions may result in disciplinary action up to and including termination based TSA Management Directive No. 1100.73-5, Employee Responsibilities and Conduct

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I affirm that I have read and understand the foregoing.

(b)(6)

11/21/2011 0925
Date/Time

[Signature]

11/21/11 / 0925
Date/Time

Inquiry Officer/In

Change Date: 6/19/07 - WHG

TRANSPORTATION SECURITY ADMINISTRATION

HONOLULU INTERNATIONAL AIRPORT

NOTIFICATION OF CONFIDENTIALITY/NON-RETALIATION/
TRUTHFULNESS

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I affirm that I have read and understand the foregoing.

(b)(5)

Employee's signature:

11/21/11 - 1400
Date/Time


Inquiry Officer Frank Mike Abreu

11/21/11 1400
Date/Time

Change Date: 6/19/07 - WHG

TRANSPORTATION SECURITY ADMINISTRATION

HONOLULU INTERNATIONAL AIRPORT

NOTIFICATION OF CONFIDENTIALITY/NON-RETAIATION/
TRUTHFULNESS

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I affirm that I have read and understand the foregoing.

(b)(6)

Employee's signature:



Inquiry Officer

Frank Mike Abreu

11/21/2011 1250 hrs
Date/Time

11/21/11 1250
Date/Time

Change Date: 6/19/07 - WIG

TRANSPORTATION SECURITY ADMINISTRATION
NOTIFICATION OF CONFIDENTIALITY/NON-RETALIATION/
TRUTHFULNESS

You are being questioned as part of an official inquiry conducted by _____
_____ of TSA. The circumstances of this inquiry are to be
treated as a highly confidential matter. Do not to discuss your statement or testimony with other
witnesses or with persons who have no official interest in the proceedings until the inquiry is
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Employees must cooperate fully with all agency inquiries. When requested employees will
submit a written, signed statement, all employees must give complete and truthful information as
prescribed in TSA Management Directive No. 1100.73-5, Employee Responsibilities and
Conduct, paragraph 7F,

I affirm that I have read and understand the foregoing.

(b)(6)

11/21/2011 0800
Date/Time



Inquiry Officer/In

11/21/11 0800
Date/Time

Change Date: 6/19/07 - WHG

Statement Form



Transportation Security Administration

Name:	(b)(6)	Date:	11/23/2011
Duty Assignment:	TSA/IINL		
Current Position:	SPOT-M-BDO		
Pay Band:	F		
Telephone Number:			
Inquiry Officer:	Frank "Mike" Abreu		

I, (b)(6), hereby make the following statement to Frank M Abreu, who has identified himself to me as the assigned Inquiry Officer appointed by A/FSD Stanford Miyamoto to look into the News Report on the BDO SPOT team at HNL.
 (Below print your Statement of facts including; WHO, WHAT, WHEN, WHERE, HOW, and WHY.)

My name is (b)(6) I was hired with TSA IINL in February of 2004 as a Part Time Screening Officer. In July of 2008 I was promoted to M-BD● where I am presently still assigned.

I did watch the News Report on the SPOT program by Keoki Kerr which aired earlier this month. I watched both the six o'clock and the ten o'clock reports.

I had no idea that this report was going to be aired on TV and don't agree with the allegations they made. Prior to this report I have never heard the term "Mexicutioner". I did feel that they might have been talking about me during some parts of the report because I know I've made a number of referrals but I'm a lso Mexican so it didn't make sense but it had me thinking. I also thought they might be talking about John Lovestedt also just because he makes a high number of referrals. Personally, I don't feel that a majority of his referrals are even Mexican though. I've never used nor have I ever witnessed anyone of my coworkers using racial profiling techniques.

As for the sleeping on the job, (b)(6) used to pull doubles and he would sometimes sleep between shifts. Maybe that's what someone thought if they saw him. I personally never saw a cot or even heard of it until after

Initials:

Statement Form



Transportation
Security
Administration

the news aired.

And the DEA part I have no knowledge of. I heard rumors about it but never saw anything like it.

I know nothing about the other things that came up in the report.

***** Nothing Follows *****

I have read this entire statement consisting of 1 page(s). I have been given the opportunity to make corrections. I declare under penalty of perjury that the foregoing is true and correct.

Signature: _____

Executed on this the ____ day of ____, 2011

Signature of Investigator: _____ Date: _____

Initials:

Confidential

Page 2

11/29/2011

Statement Form



Transportation Security Administration

Name:	(b)(6)	Date:	11/23/2011
Duty Assignment:	TSA/HNL		
Current Position:	SPOT-E-BDO		
Pay Band:	G		
Telephone Number:			
Inquiry Officer:	Frank "Mike" Abreu		

I, (b)(6), hereby make the following statement to Frank M Abreu, who has identified himself to me as the assigned Inquiry Officer appointed by A/FSD Stanford Miyamoto to look into the News Report on the BDO SPOT team at HNL.
(Below print your Statement of facts including; WHO, WHAT, WHEN, WHERE, HOW, and WHY.)

My name is (b)(6) I was hired with TSA HNL in October of 2002 as a Full Time Screening Officer. In early 2003 I was promoted to LTSO. In 2004 I became a Training Instructor and in April of 2007 I was promoted as E-BDO where I am presently still assigned.

I did watch the News Report on the SPOT program by Keoki Kerr which aired earlier this month. I didn't see it at the time that it aired but I looked it up on my computer after being called by two female friends outside of TSA alerting me of the story.

I had no idea that this report was going to be aired on TV and don't agree with the allegations they made. Prior to this report I have never heard the term "Mexicutioner". I didn't feel that any part of the report at anytime was talking about me but I did think that they were talking about (b)(6)

(b)(6) I have never used racial profiling techniques in my duties as a BDO nor have I witnessed anyone of my co-workers using racial profiling as well. Part of the reason I think the numbers might seem so high (b)(3);49 U.S.C. § 114(r)

(b)(3);49 U.S.C. § 114(r) Most of us in the BDO program are veterans of the program and we know not to profile people.

Initials:

Statement Form



Transportation Security Administration

In my time here at HNL as a BDO I probably had about 10 to 12 referrals that have resulted in arrests. Some were for immigration, fraudulent ID, Drugs, Prohibited Items, all different kinds. Of the 12 I think about 3 of them were immigration, two of which I think were Mexican and one Brazilian, but they all were referred based off of behaviors and not race.

As for the sleeping on duty part. I never slept on duty nor did I know of anyone else sleeping on duty. I did see a cot folded up and in the closet of the office below gate 26. In fact, I asked why the cot was there and someone said it was brought in for [redacted] to take it on a camping trip. I know that the graveyard shift was canceled because it didn't have enough people coming through at the time to warrant us staffing it. Not because of sleeping.

The DFA part I thought they were talking about [redacted] I haven't been partnered with [redacted] for years but there was a couple of times where he had referrals that resulted in the seizure of large amounts of cash. I don't know the reason behind it.

I know nothing about the other things that came up in the report.

***** Nothing Follows *****

I have read this entire statement consisting of 1 page(s). I have been given the opportunity to make corrections. I declare under penalty of perjury that the foregoing is true and correct.

Signature: _____

Executed on this the ____ day of ____, 2011

Signature of Investigator: _____ Date: _____

Initials: _____

Statement Form



Transportation Security Administration

Name:	(b)(6)	Date:	11/28/2011
Duty Assignment:	TSA/H L		
Current Position:	SPOT-E-BDO		
Pay Band:	G		
Telephone Number:			
Inquiry Officer:	Frank "Mike" Abreu		

I, (b)(5), hereby make the following statement to Frank M Abreu, who has identified himself to me as the assigned Inquiry Officer appointed by A/FSD Stanford Miyamoto to look into the News Report on the BDO SPOT team at HNL.
(Below print your Statement of facts including; WHO, WHAT, WHEN, WHERE, HOW, and WHY.)

My name is (b)(5) I go by (b)(5) I was hired with TSA HNL in July of 2004 as a Part Time Screening Officer. In mid year of 2007, I can't remember exactly, I applied for and was promoted to Master-BDO. In or about January of 2009 I was promoted again to Expert-BDO where I am presently still assigned

I did watch the News Report on the SPOT program by Keoki Kerr which aired earlier this month. I only saw the 10 pm news report.

I had no idea that this report was going to be aired on TV and don't agree with the allegations they made. While watching the news report I felt that they were directly talking about me particularly the part about the DEA Agent. It is true that I have a childhood friend and classmate that works with HPD and was assigned here at the airport in the Drug Enforcement Agency Task Force at one time. His name is (b)(6) I think he works in Pearl City now. The reason he left the airport task force was because he was promoted to motorman. When I learned that he was working at HNL I told my managers that he could be a good contact for us as we frequently are involved in referrals that at times turn up drugs. I've had a number of referrals during the time that (b)(6),(b)(7)(C) was assigned here at HNL that he had absolutely no part in. I can only recall one time in particular where I made a referral on

Initials:

Statement Form



Transportation
Security
Administration

a male traveler who exhibited enough behaviors according to the SPOT SOP which resulted in a referral. This person happened to be a potential suspect that the task force was looking for and had initiated a Be On the Look Out (BOLO) for. I've had many referrals in my time here with BDO and have continued to have the success of having referrals still result in LEO arrest even after Officer (b)(6),(b)(7)(C) was transferred.

As for utilizing Racial Profiling Techniques, I have never used Racial Profiling techniques while performing my SPOT BDO duties. I have however questioned some of the referrals from a couple of my coworkers in the past. I can't say that they were using racial profiling but while paired with (b)(6) and (b)(6) there were a couple of instances where I noticed they focused more on people of Mexican descent.

I remember one particular incident where I was working PCO with my partner (b)(6) at checkpoint 1. I saw a Mexican male enter the checkpoint area and I watched him more than usual because I knew (b)(6) was working at the back of the checkpoint and would probably key in on him. During the time that the male made his way through the front of the checkpoint I could see no behaviors. As he went through the checkpoint and walked out the back, I heard (b)(6) call over the radio that she had a male LEO referral. I checked to see and sure enough it was the same male. I can't say that she did or didn't see any particular behaviors because I wasn't with her nor could I see the male after he went past me. It just got me thinking. I used to think the same about (b)(6) when he was on the floor more before his promotion but in his case he just approached different kinds of people differently. It wasn't just Mexicans. I have never seen anyone I worked with make up behaviors to make a referral, I just don't always see the same things they do.

Initials:

Statement Form



Transportation
Security
Administration

I know nothing about the other things that came up in the report.

***** Nothing Follows *****

I have read this entire statement consisting of 1 page(s). I have been given the opportunity to make corrections. I declare under penalty of perjury that the foregoing is true and correct.

Signature: _____

Executed on this the ____ day of ____, 2011

Signature of Investigator: _____ Date: _____

Initials: _____

Statement Form



Transportation Security Administration

Name:	(b)(6)	Date:	11/21/2011
Duty Assignment:	TSA/HNL		
Current Position:	SPOT-TSM		
Pay Band:	H		
Telephone Number:			
Inquiry Officer:	Frank "Mike" Abreu		

I, (b)(6), hereby make the following statement to Frank M Abreu, who has identified himself to me as the assigned Inquiry Officer appointed by A/FSD Stanford Miyamoto to look into the News Report on the BDO SPOT team at HNL.
 (Below print your Statement of facts including: WHO, WHAT, WHEN, WHERE, HOW, and WHY.)

My name is (b)(6) I was hired with TSA HNL in October of 2002 as a Part Time Screening Officer. In 2005 I was promoted directly to STSO and was soon made Acting TSM for screening. In 2007 I was then promoted into the G-Band, Expert BDO and then was promoted to SPOT-TSM where I am presently still assigned.

I did watch the News Report on the SPOT program by Keoki Kerr which aired earlier this month.

I have never used Racial Profiling techniques while performing my SPOT BDO duties, nor have I ever seen or known of anyone of my coworkers utilizing such techniques.

As for the sleeping on duty, I was never assigned to the night shift or the graveyard shift so I never observed anyone ever sleeping on duty. I do however know about the story behind the cot. (b)(6) said he had a cot and offered it for (b)(6) to use on an upcoming camping trip with his dad. (b)(6) brought the cot into work to drop it off for (b)(6) and it sat there for a while until (b)(6) took it home to use for the trip. In fact, I went camping with them and that is why I know that is what it was for.

Initials: _____

Statement Form



Transportation
Security
Administration

I know nothing about the other things that came up in the report.

***** Nothing Follows *****

I have read this entire statement consisting of 1 page(s). I have been given the opportunity to make corrections. I declare under penalty of perjury that the foregoing is true and correct.

Signature: _____

Executed on this the _____ day of _____, 2011

Signature of Investigator: _____ Date: _____

Initials: _____

Statement Form



Transportation Security Administration

Name:	(b)(6)	Date:	11/22/2011
Duty Assignment:	TSA/HNL		
Current Position:	M-BDO		
Pay Band:	F		
Telephone Number:			
Inquiry Officer:	Frank "Mike" Abreu		

I, (b)(6), hereby make the following statement to Frank M Abreu, who has identified himself to me as the assigned Inquiry Officer appointed by A/FSD Stanford Miyamoto to look into the News Report on the BDO SPOT team at HNL. (Below print your Statement of facts including: WHO, WHAT, WHEN, WHERE, HOW, and WHY.)

My name is (b)(6). I was hired with TSA HNL in August of 2007 as a Part Time Screening Officer. In November of 2008 I was promoted and transferred into the BDO program as an M-BDO where I am presently still assigned.

I did watch the News Report on the SPOT program by Keoki Kerr which aired a couple of weeks ago. I was shocked to see that the story was being reported on TV. Prior to this report I have never heard the term Mexicutioner.

As for Racial Profiling, I have never used racial profiling techniques while performing my duties as a SPOT BDO. I have also never known any of my co-workers utilizing Racial Profiling as a way to identify suspicious passengers. In my 3 years or so with BDO I have worked with both (b)(6) and (b)(6) on many occasions and have been assigned with them on a few of the occasions where arrests were made on passengers transiting through HNL. In each of the cases I was directly involved with, all SPOT procedures were followed under the current SPOT SOP which resulted in the referral of these individuals to LEO's. It was the LEO who chose to initiate the arrest.

I believe the Higher referral rates by (b)(6) and (b)(6) were probably a

Initials:

Statement Form



Transportation Security Administration

direct result of the training we all received. Each of us had gone through training at different times and evaluated behaviors we saw differently. Just this last September they did a refresher course with everyone and now we are all on the same page....

As for the report on the DEA information, I knew that the officer had a friend in the DEA at the time but am not aware that any information from him was used for his referrals. All of that stuff went on before my time and I just heard some of the rumors being put out...

I know nothing about the other things that came up in the report.

***** Nothing Follows *****

I have read this entire statement consisting of 2 pages. I have been given the opportunity to make corrections. I declare under penalty of perjury that the foregoing is true and correct.

Signature: _____

Executed on this the ____ day of ____, 2011

Signature of Investigator: _____ Date: _____

Initials:

Statement Form



Transportation Security Administration

Name:	(b)(6)	Date:	11/23/2011
Duty Assignment:	TSA/HNL		
Current Position:	SPOT-M-BDO		
Pay Band:	F		
Telephone Number:			
Inquiry Officer:	Frank "Mike" Abreu		

I, (b)(6), hereby make the following statement to Frank M Abreu, who has identified himself to me as the assigned Inquiry Officer appointed by A/FSD Stanford Miyamoto to look into the News Report on the BDO SPOT team at HNL.
(Below print your Statement of facts including; WHO, WHAT, WHEN, WHERE, HOW, and WHY.)

My name is (b)(6) I was hired with TSA HNL in May of 2004 as a Part Time Screening Officer. In January of 2008 I was promoted to M-BDO full time, where I am presently still assigned.

I did watch the News Report on the SPOT program by Keoki Kerr which aired earlier this month. I was called about it after the six o'clock news so I watched it at 10 o'clock pm.

I had no idea that this report was going to be aired on TV and at no time during the report did I feel that they might be talking about me personally. When they talked about the "Mexicutioner's" I had an idea that they might be talking about (b)(6) and (b)(6) because they said one male and one female and I had heard only rumors concerning those two officers.

In my time with the BDO program I have rarely had the opportunity to be partnered with either one of them. When I was I had never seen them utilizing Racial Profiling techniques or make up behaviors to get a referral. I've never known anyone associated with our BDO program utilizing any Profiling techniques or singling out any race.

I've never been pressured by management to produce referrals.

Initials:

Statement Form



Transportation Security Administration

As for sleeping on duty or the "Cot" incident, I have no information on that. I never did personally see anyone sleeping on duty.

I did however, work with (b)(6) in the past and figured that he was the one they were talking about when they mentioned the friend in the DEA. I know for a fact that he did have a friend that worked with the DEA here at HNL. I saw him in the past talking with his DEA friend and knows that they used to talk on the phone as well. I did not see myself however that he made up behaviors in order to make a referral. I questioned sometimes how not only he, but other officers in BDO see behaviors and what they might interpret as exaggerated behaviors. I used to think that it was a problem before but then they had us all take a SPOT refresher training and things were better after that.

***** Nothing Follows *****

I have read this entire statement consisting of 1 page(s). I have been given the opportunity to make corrections. I declare under penalty of perjury that the foregoing is true and correct.

Signature: _____

Executed on this the ____ day of ____, 2011

Signature of Investigator: _____ Date: _____

Initials:

Statement Form



Transportation Security Administration

Name:	(b)(6)	Date:	11/21/2011
Duty Assignment:	TSA/HNL		
Current Position:	M-BDO		
Pay Band:	F		
Telephone Number:			
Inquiry Officer:	Frank "Mike" Abreu		
<p>I, (b)(6), hereby make the following statement to <u>Frank M Abreu</u>, who has identified himself to me as the assigned Inquiry Officer appointed by A/FSD Stanford Miyamoto to look into the News Report on the BDO SPOT team at HNL. (Below print your Statement of facts including; WHO, WHAT, WHEN, WHERE, HOW, and WHY.)</p>			
<p>My name is (b)(6). I was hired with TSA HNL in February of 2005 as a Part Time Screening Officer. In January of 2008 I was promoted and transferred into the BDO program as an M-BDO where I am presently still assigned.</p>			
<p>I did not watch the News Report on the SPOT program by Keoki Kerr which aired a couple of weeks ago. I had heard that it aired and I looked it up on the computer and read the story in print. When I read the part about a couple of officer's being known as the "Mexicutioner's" I thought of (b)(6) because I heard him use that term about a joke about BDOs. I know that the term "Mexicutioner" is the nickname given to the boxer Manny Pacquiao.</p>			
<p>I have never used racial profiling techniques while performing my duties as a SPOT BDO. I have also never known any of my co-workers utilizing Racial Profiling as a way to identify suspicious passengers. I think that the referral rate is (b)(3), 49 U.S.C. § 114(r) BDO group because (b)(3), 49 U.S.C. § 114(r) I have worked with both (b)(6) and (b)(6) on many occasions and have never seen them do anything not under the guidance of the SPOT program.</p>			
<p>Initials:</p>			

Statement Form



Transportation
Security
Administration

The only other thing in the story that I knew anything about was the allegation of the officer's caught sleeping on the graveyard shift. That wasn't true either. The cot was only there because one officer brought it in for another officer to use for a camping trip he was planning with his ill father.

I know nothing about the other things that came up in the report.

***** Nothing Follows *****

I have read this entire statement consisting of 2 pages. I have been given the opportunity to make corrections. I declare under penalty of perjury that the foregoing is true and correct.

Signature: _____

Executed on this the ____ day of ____, 2011

Signature of Investigator: _____ Date: _____

Initials: _____

Statement Form



Transportation Security Administration

Name:	(b)(6)	Date:	11/21/2011
Duty Assignment:	TSA/HNL		
Current Position:	M-BDO		
Pay Band:	F		
Telephone Number:			
Inquiry Officer:	Frank "Mike" Abreu		
<p>I, (b)(6), hereby make the following statement to <u>Frank M Abreu</u>, who has identified himself to me as the assigned Inquiry Officer appointed by A/FSD Stanford Miyamoto to look into the News Report on the BDO SPOT team at HNL. (Below print your Statement of facts including; WHO, WHAT, WHEN, WHERE, HOW, and WHY.)</p> <p>My name is (b)(6). I was hired with TSA IINL in October of 2004 as a Part Time Screening Officer. In October of 2008 I was promoted and transferred into the BDO program as an M-BDO where I am presently still assigned.</p> <p>I did watch the News Report on the SPOT program by Keoki Kerr which aired earlier this month. I didn't think it was true and really knew nothing about the allegations that were brought up. I've been a BDO for about three years now and I have never used Racial Profiling techniques while conducting my duties as a BDO. I have also worked with a number of different BDO officer's and have never known any of my coworkers to use Racial Profiling techniques as well.</p> <p>I know nothing about the other things that came up in the report.</p> <p>***** Nothing Follows *****</p> <p>I have read this entire statement consisting of 1 page(s). I have been given the opportunity to make corrections. I declare under penalty of perjury that the foregoing is true and correct.</p> <p>Signature: _____</p> <p>Executed on this the ____ day of ____, 2011</p> <p>Signature of Investigator: _____ Date: _____</p> <p>Initials: _____</p>			

Attachment 3



**Transportation
Security
Administration**

EUGENE B. (BERNIE) WHITAKER
TSA Supervisory Attorney – Pacific Rim
U.S. Department of Homeland Security
300 Ala Moana Blvd. Suite 8-153
Honolulu, Hawaii 96850
Ph: (808) 227-(b)(6)
Fax: (808) 541-3329
E-mail: (b)(6)

November 28, 2011

TO: Deputy FSD Abru

FROM: Eugene B. (Bernie) Whitaker
Supervisory Attorney Advisor
Transportation Security Administration

RE: (b)(6)

You asked, how we arrive at our present location. Good question. Short question, but I am afraid the answer is long:

- May 18, 2011 – BDO (b)(6) provides urine
- June 6, 2011 – Test positive for cocaine metabolite
- June 12, 2011 – MRO attempt to contact (b)(6) to ask if he has any defense or wants a split specimen, they cannot reach ((b)(6) is on leave)
- June 13, 2011 – MRO reports out positive cocaine urinalysis without talking to (b)(6)
- June 15, 2011 – MRO discovers how they miss (b)(6), contacted and (b)(6) wants split specimen test
- June 20, 2011 – MRO reports positive in split specimen
- June 22, 2011 – HNL drafts the one-step removal action to serve on BDO (b)(6) and ready to serve
- June 22- July 5, 2011 – (b)(6) calls in sick many time



- July 5, 2011 – (b)(6) (stil sick) drops of a list of his medication he believes could have caused positive result (remember we have not served (b)(6) (of course (b)(6) should have thought of this when the MRO called on June 15, 2011).
- July 5, 2011 – HNL sends list to MRO to make sure these meds do not cause a positive for cocaine
- July 14, 2011 – MRO confirms the listed meds will not yield positive specimen for cocaine
- July 19, 2011 – Before we can get a written opinon from MRO, (b)(6) submits two more drugs he forgot to send the first time. These too are sent to MRO
- July 21, 2011 - MRO confrims the two drugs will not cause positive result
- (b)(6)
- July 21, 2011 – (b)(6)
- (b)(6)
- July 28, 2011 – (b)(6) served Notice of Proposed Removal complete with MRO statement;
- August 1, 2011 – (b)(6) hires attorney, request delay;
- August 11, 2011 – (b)(6) submits inca tea defense – complete with lab analysis of Inca tea his sister brings back from Peru. Diagnostic Lab Services reports cocaine detected in the tea. Sister and brother-in-law have statement they brought tea back in and did not know had cocaine. (b)(6) declares he drank the tea prior to giving urine specimen and did not then know it had cocaine;
- August 11, 2011 – I contact MRO and provide information – (b)(6)
- (b)(6)

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: January 20, 2012 11:55 a.m.
Activity or Interview of: Cy Okinaka Assistant Federal Security Director for Screening (AFSD-S) Honolulu International Airport (HNL) Phone number (808) 242-8477	Conducted by: Special Agents Michael Striglers and Akemi Wayne
	Location of Interview/Activity: Transportation Security Administration (TSA) Honolulu International Airport 300 Rodgers Blvd., #45 Honolulu, HI 96819

Subject Matter/Remarks

AFSD-S Cy Okinaka was interviewed about the allegations raised by KITV 4 investigative reporter Keoki Kerr wherein he reported that HNL behavior detection officers (BDOs) used racial profiling for passenger screening, slept on the job, used a source at the Drug Enforcement Administration (DEA) to target passengers, and a BDO supervisor failed a drug test. Okinaka provided the following information in substance:

Okinaka became Acting AFSD-S in July 2011, with responsibility for oversight of the BDO program.

Racial Profiling:

- o No one mentioned any concerns regarding the allegations contained in the news story.
- o Okinaka was first made aware of any allegations of racial profiling against BDOs in HNL on or about August 18, 2011, through an e-mail sent by Acting Federal Security Director (FSD), Stanford Miyamoto which included questions from a reporter.

Case Number:
M-12-0755

Case Title:
BDO practices at HNL

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(Revised 12-15-08)

~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- o One of the allegations made was that co-workers referred to Screening Passengers by Observation Techniques (SPOT) Transportation Security Manager (TSM) (b)(6) and BDO (b)(6) as "Mexicutioners".
- o Prior to August 18, 2011, Okinaka had never heard of the term "Mexicutioner(s)", nor did he hear this term used in HNL.
- o Okinaka had no knowledge, nor did he hear, of allegations of racial profiling within or outside of the BDO program within TSA HNL.
- o TSA HNL requested immediate refresher training for all HNL BDOs, covert visits by a SPOT HQ team to determine if there are any findings of racial profiling, a standardization team visit, and had discussion on conducting an inquiry.
- o TSA HNL learned that the Department of Homeland Security (DHS) Office of Inspector General (OIG) that was scheduled to visit in early September 2011, and would be handling completing an inquiry into the allegations.
- o On approximately August 24, 2011, SPOT TSM (b)(6) told Okinaka that BDO (b)(6) (b)(6) reported to her (on or about August 22, 2011) that he had some concerns about BDO (b)(6) and the perception he had that she "profiles."
- o Okinaka and FSD Miyamoto decided to have SPOT TSM (b)(6) conduct an inquiry into the allegation.
- BDO (b)(6) was performing on-the-job training with (b)(6) and (b)(6) and did not observe indications that (b)(6) used racial profiling.
- o On approximately September 6, 2011, Okinaka received (b)(6) report and found no direct evidence/facts linking (b)(6) to racial profiling.
- o On approximately August 25, 2011, FSD Miyamoto and Okinaka met with the AM and PM shift BDOs to conduct a 360 type town hall session, to brief them on significant events and open the floor to concerns.
- o A standardization team visit was requested but not pursued because TSA HNL management was told the DHS OIG would handle the BDO allegations and was scheduled to visit in September 2011.
- o On approximately September 12, 2011, the DHS OIG team arrived to conduct an audit of HNL Management and Oversight of Screening Operations.
- o The DHS OIG audit team requested specific data related to the allegations and TSA HNL determined that no further inquiry was needed.
- o On approximately September 14 – 21, 2011, SPOT refresher training was conducted for all HNL BDOs.
- o On approximately September 19 -26, 2011, a covert team visited HNL and conducted a covert audit, on the BDOs performing their SPOT duties. The final report stated "At no time did the team any possible misconduct related to particular ethnic groups."

Case Number:
M-12-0755

Case Title:
BDO practices of HNL

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(Revised 12-15-08)

TSA 15-00014 - 012239

~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- o On approximately October 31, 2011, KITV News 4 aired a report in regards to the allegations made of racial profiling.
- o On approximately December 2, 2011, KITV News 4 aired a second report that one of the BDO's initially identified as conducting racial profiling, was promoted and would be receiving a pay increase.
- o The second report was in regards to SPOT TSM (b)(6) who was accepted to the SPOT National Training Team. It was not a promotion and did not include a pay increase.
- o FSD Miyamoto, Deputy FSD (DFSD) Frank "Mike" Abreu, and Okinaka determined that due to the vagueness of the scope of the OIG "Audit" and the feeling that TSA HNL needed to expeditiously address the allegations, DFSD Abreu would conduct an internal inquiry and notified TSA HQ.
- o TSA HQ recommended removal of BDO (b)(6) and SPOT TSM (b)(6) from performing any further BDO functions or oversight.
- o On approximately December 5, 2011, DHS OIG reported they completed the BDO portion of the audit and the results were sent to DHS HQ.
- o DHS OIG claimed the results would be sent to TSA OI to determine if an inquiry or investigation was needed.
- o Sometime in December 2011, TSA HQ informed us that DHS OIG would conduct an inquiry and ordered us to stop any local inquiry. DFSD Abreu immediately ceased the inquiry that he started.
- o In January 2012, Okinaka was informed that TSA OI and not DHS OIG would be conducting an inquiry. TSA OI arrived on January 20, 2012 to start the inquiry.
- o Okinaka opined that HNL had a high number of illegal alien arrest as an outcome of a BDO referral because Hawaii had lots of agricultural related jobs. There was a high likelihood of these individuals being caught at stress points such as TDC locations by trained BDOs. Hawaii was unique as there was no means of transit to other islands or out of state besides air travel. Therefore, all individuals wishing to travel out of the island would need to come through the airport. Okinaka thought that might be a big reason why HNL had a lot more SPOT referrals as compared to other airports nationwide.

Relationship with DEA Agent

- o Okinaka first heard the allegation that BDO (b)(6) had a DEA friend tipping him off to potential drug runners, on or about August 18, 2011, through FSD Miyamoto's e-mail.
- o In December 2011, FSD Miyamoto appointed DFSD Abreu to conduct an inquiry into the allegations.
- o Abreu found and reported that it was a misinterpretation.

Case Number:
M-12-0755

Case Title:
BDO practices of HNL

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(Revised 12-15-08)

~~**SENSITIVE SECURITY INFORMATION**~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

Sleeping While on Duty

- o Okinaka first heard the allegation of, SPOT TSM (b)(6) and BDO (b)(6) being caught sleeping while on the overnight shift through the email sent by FSD Miyamoto, on approximately August 18, 2011.
- o In December 2011, FSD Miyamoto appointed DFSD Abreu to conduct an inquiry into allegations.
- o Abreu found the sleeping allegation was a misinterpretation and no officers interviewed observed SPOT TSM (b)(6) or BDO (b)(6) sleeping at anytime while on shift.
- o Okinaka learned that one BDO was going camping and asked another to borrow a cot. The cot was then seen in the office.

TSM (b)(6) Drug Test

- o (b)(6) was informed via email from Deputy Assistant FSD Adam Myers that SPOT TSM (b)(6) had a positive drug test result on June 9, 2011.
- o Okinaka explained that management directive delegates authority for removals to DFSD or higher. Acting DFSD Richard "Dick" Wiles was assigned as the deciding official in this case.
- o During July 2011, Legal Counsel Eugene "Bernie" Whitaker recommended (b)(6)
- o Okinaka served (b)(6) the proposed Removal Action on July 27, 2011.
- o Okinaka was not involved in additional events that led to (b)(6) Last Chance Agreement served on approximately December 13, 2011.

Mexican Consulate Complaint

- o In December 2011, Okinaka learned that FSD Miyamoto received a letter from the Consulate General of Mexico claiming that their staff experienced targeted scrutiny when traveling through Honolulu.
- o Okinaka was aware of one complaint received from the Mexican Consulate regarding "Targeted Scrutiny".
- o Okinaka claimed sometime about September 8, 2008, TSA HNL received an e-mail from Michael Samaniego with Immigration and Customs Enforcement informing us of a complaint he received from (b)(6) alleging that he and the kids (b)(6) were subjected to harassment and mistreatment when going through the TSA HNL security checkpoint on August 7, 2008.

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

SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- Okinaka stated that TSA HNL investigated the matter, found no evidence of harassment, and (b)(3); 49 U.S.C. § 114(f)
- Okinaka had not received any other complaints from the Mexican Consulate in regards to any harassment or profiling that they experienced in HNL.
- Okinaka felt the recent letter stemmed from the allegations made to the news media rather than a recent incident.
- Okinaka recalled receiving a call from the Mexican Consulate's office regarding temporary Mexican Passports.
- Okinaka stated that temporary passports were not an acceptable form of identification listed in TSA's SOP.
- Okinaka stated that he did not recall ever denying a passenger boarding for only having a temporary passport.

Suspected anonymous complainants

- Background: Okinaka explained that BDO (b)(6) and BDO (b)(6) were in a romantic relationship that did not work out. (b)(6) was friends with (b)(6) and they began calling (b)(6) derogatory names. (b)(6) got involved because she had feelings for (b)(6). They filed complaints against each other. They all received discipline and/or corrective action. They became disgruntled because they believed no action was taken on their harassment complaints.
- He opined that (b)(6) and (b)(6) went to the media because they were disgruntled with management.
- (b)(6) and (b)(6) created distractions by going to the media.
- Okinaka felt that the anonymous complainant was someone in the BDO program.
- No one but BDO's is privy to the BDO SOP.

Anonymous Source

- Okinaka could not say with certainty who was the anonymous source providing information to the media.
- Okinaka opined that BDO (b)(6) and former BDO and Lead Transportation Security Office (b)(6) made the allegations for the following reasons:
 - Okinaka remembered past inquiries where complaints were raised by BDOs of unprofessional conduct after an alleged romantic relationship between (b)(6) and BDO (b)(6) went bad.

Case Number:
M-12-0755

Case Title:
BDO practices of HNL

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(Revised 12-15-08)

TSA 15-00014 - 012242

~~SENSITIVE SECURITY INFORMATION~~

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- o Okinaka did not understand why (b)(6) and LTSO (b)(6) became involved. Okinaka stated that they took the side of (b)(6) and were named in a complaint filed by BDO (b)(6)
- o The administrative action taken against the individuals was not known; therefore they felt management was unresponsive.
- o In January 2011, BDO management believed (b)(6) fraudulently used FMLA Sick Leave while on a ski trip with some fellow officers, while filming an episode of "The White Room Episodes".
- o Okinaka stated a TSA Office of Inspection investigation was conducted and action was pending against (b)(6) because (b)(6) wanted additional information from (b)(6). Okinaka stated that (b)(6) had been off of work, making it difficult for questioning to continue.
- o Okinaka felt (b)(6) was aware of testimony received from fellow officers, and felt he would be terminated.
- o Okinaka felt that due to pending action against (b)(6) he made the allegations as a distraction.
- o (b)(6) provided medical documentation for his leave time.
- o (b)(6) was absent without leave from work since December 27, 2011, by claiming he had work related stress. (b)(6) was on leave without pay (LWOP) since June 27, 2011. Okinaka calculated that (b)(6) had taken six months LWOP. Okinaka informed (b)(6) that, according to the Management Directive, no additional LWOP could be approved.
- o Okinaka received a letter from (b)(6) attorney claiming that Okinaka harassed and discriminated against (b)(6) based on his medical condition and was retaliating against (b)(6) due to a pending EEO case he has filed against (b)(6) co-workers and managers.
- o TSA HNL was moving forward with a proposed action for removal due to (b)(6) AWOL status and the results of the OI investigation.
- o (b)(6) filed for disability retirement and might have been trying to stall administrative actions until the disability was approved.

Other Complaints since June 2011

- o (b)(6) voluntarily opted out of the BDO program and was back in the HNL workforce.
- o Okinaka had received an anonymous complaint about a manager in (b)(6) area, had the matter investigated and took corrective action.
- o When (b)(6) moved to another area in HNL an anonymous complaint came in regarding that area. Okinaka provided a signed sworn written statement (attached).

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