

DEPARTMENT OF HOMELAND SECURITY
Office of Inspector General

**REVIEW OF THE TRANSPORTATION SECURITY
ADMINISTRATION'S USE OF PAT-DOWNS IN
SCREENING PROCEDURES**

(REDACTED)



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**Homeland
Security**

Preface

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the Homeland Security Act of 2002 (*Public Law 107-296*) by amendment to the Inspector General Act of 1978. This is one of a series of audit, inspection, and special reports prepared as part of our DHS oversight responsibility to promote economy, effectiveness, and efficiency within the Department.

This report represents an abbreviated version of our sensitive security information report addressing the strengths and weaknesses of the Transportation Security Administration's use of pat-downs as part of its screening procedures. It is based on interviews with employees and officials of relevant agencies and institutions, direct observations, and a review of applicable documents.

The information contained in this report has been developed to the best knowledge available to us, and has been discussed in draft with appropriate management officials. It is our hope that this report will result in more effective, efficient, and economical operations. We express our appreciation to all of those who contributed to the preparation of this report.

A handwritten signature in cursive script that reads "Richard L. Skinner".

Richard L. Skinner
Inspector General

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Abbreviations

DHS	Department of Homeland Security
FSD	Federal Security Director
IMS	Inquiry Management System
LAX	Los Angeles International Airport
OIG	Office of Inspector General
PMIS	Performance Management Information System
SOP	Standard Operating Procedures
TSA	Transportation Security Administration

*Department of Homeland Security
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Executive Summary

This report presents an abbreviated version of our review of the Transportation Security Administration's (TSA) use of pat-downs in screening procedures.

In September 2004, the TSA made changes to strengthen its screening procedures in response to the August 2004 midair explosions of two Russian airliners, believed to have been caused by Chechen women transporting explosive devices concealed under their clothing. New passenger screening procedures included more frequent use of pat-down inspections, more latitude for screeners to refer individuals for additional screening, and increased use of explosives trace detection machines for passenger carry-on bag inspections.

We conducted a review of the additional procedures at the request of Congressman Edward J. Markey because of his concern that TSA screeners subjected some female air travelers to overly intrusive pat-down inspections as part of the additional screening process. Our objectives were to determine whether: TSA screeners adequately advised passengers of their rights under the screening process; TSA appropriately accommodated requests related to those rights; additional screening practices were applied proportionately to males and females; screeners were adequately trained to perform pat-down inspections; and TSA had procedures in place to investigate and resolve complaints about the process.

Overall, TSA screeners are applying pat-down procedures properly. Screeners advised passengers of their rights prior to conducting pat-down inspections, explained why the additional screening was necessary, and conducted pat-down inspections according to the training received on the revised additional screening procedures. Specifically, screeners used the back of their hand when patting down sensitive areas; screeners conducting pat-down inspections were of the same gender as passengers; screeners offered private screening locations to passengers subject to pat-down inspections; and female passengers undergoing pat-down inspections were not unnecessarily delayed. In February 2005, TSA developed its "Pledge To Travelers" to better inform passengers of their rights and to emphasize its commitment to customer service.

In December 2004, TSA modified the September 2004 additional screening procedures to reflect a more targeted, less intrusive pat-down inspection. Following implementation of the modified procedures, pat-down complaints received by TSA declined significantly. During the period November 22, 2004, through January 2, 2005, TSA received 79 pat-down complaints per million passengers selected for pat-downs. From January 3, 2005, through February 28, 2005, TSA received 13 pat-down complaints per million passengers selected for pat-downs. To further address screener pat-down performance TSA provided additional training to screeners including briefings, training aids, and through its On-line Learning Center.

TSA follows procedures for investigating and resolving pat-down complaints. Federal Security Directors (FSDs) were investigating and resolving pat-down complaints according to SOP. TSA monitors the number and nature of the complaints to track trends and identify areas of concern that may require special attention or corrective action.

We are not making any recommendations in this report because screeners are complying with TSA's additional screening SOP, and TSA has taken action to make additional screening less intrusive and to resolve pat-down complaints. TSA management concurred with our findings and did not provide written comments.

Background

Passenger screening is critical to the security of the nation's aviation system, particularly after the events of September 11, 2001. TSA is responsible for all passenger and baggage screening to ensure that weapons and other prohibited items are not brought on board aircraft. Passengers refusing to be screened are not permitted to board an aircraft.

From October 1, 2004, through February 28, 2005, TSA processed 289 million passengers, of which 46 million, or 16%, were selected for additional screening. Of these, only 1,471 or .003%, complaints were filed.

We conducted our fieldwork from December 2004 through March 2005 at 10 airports to determine screeners' compliance with additional screening procedures. A more detailed description of our purpose, scope, and methodology is provided as *Appendix A*.

Results of Audit

Screeners Followed SOP When Conducting Pat-Downs

Generally, screeners followed TSA's prescribed procedures for conducting pat-downs. From December 2004 through February 2005, we conducted tests of TSA's passenger pat-down screening procedures at 10 airports throughout the country to determine whether TSA screeners adequately advised passengers of their rights, and conducted pat-down inspections appropriately and according to revised pat-down procedures. Specifically, screeners advised passengers of their rights prior to conducting pat-down inspections, and explained why the additional screening was necessary. Accordingly, female passengers undergoing pat-down inspections were not subjected unnecessarily to overly intrusive search procedures; were not targeted by screeners for search; and were not unnecessarily delayed. Approximately 64% of the testing was performed by female auditors.

Also, a TSA contractor conducted a customer satisfaction survey to measure screener performance and to gather data that could be used to improve performance. Results of the survey showed that air travelers gave consistently high marks to TSA security screeners. Between 80% and 95% of passengers gave positive responses when asked about seven aspects of the federal security screening process, which included thoroughness and courtesy of screeners.

TSA evaluated the effectiveness of its September 2004 pat-down procedures, including customer feedback, and as a result, revised pat-down procedures. The number of pat-down complaints received by TSA declined significantly after the December 2004 procedures were put in place. TSA reported 1,471 pat-down complaints from October 1, 2004, through February 28, 2005. During the period of November 22, 2004, through January 2, 2005, TSA received 79 pat-down complaints per million passengers selected for pat-downs. From January 3, 2005, through February 28, 2005, TSA only received 13 complaints per million passengers selected for pat-downs.

In February 2005, TSA unveiled its "Pledge To Travelers." TSA developed the Pledge so travelers would know what to expect and to dispel concerns they may have regarding the screening process. According to TSA, the Pledge is a tangible reminder of TSA's promise to the traveling public to provide top-notch security and customer service. The Pledge is displayed at airports and posted on TSA's website. The Pledge consists of the seven following points:

TSA PLEDGE TO TRAVELERS
1. We pledge to do everything we can to ensure that your flight is secure.
2. We pledge to treat you with courtesy, dignity, and respect during the screening process.
3. We pledge that if additional screening is required, we will communicate and explain each step of the additional screening process.
4. We pledge to honor your request for a private screening at any time during the screening process.
5. We pledge that if additional screening of your person is required, it will be provided by a screener of the same gender.
6. We pledge to accept all feedback and to consider your input as a vital part of our effort to continually enhance the screening experience.
7. We pledge to respond to your comments in a timely manner.

Pat-Down Screening Training

Additional screening training was provided to screeners via briefings, training aids, videotapes, compact discs, and through TSA's Online Learning Center. The training included graphical demonstrations of the general techniques for conducting pat-down inspections. Screeners were also provided with a script to follow regarding what information to tell the passengers. Along with training on security procedures, each screener receives training on professional and courteous conduct to reduce the inconvenience to the public. TSA recently initiated a review course for all screeners to reemphasize TSA's customer service and courteous conduct goals.

Based on our tests, screeners were professional and respectful and did not use unnecessary or overly intrusive pat-down methods. In addition, according to a TSA customer satisfaction survey, between 80% and 95% of passengers gave positive responses when asked about seven aspects of the federal security screening process, which included thoroughness and courtesy of screeners as well as confidence in TSA keeping air travel secure.

According to TSA, many of the pat-down complaints involved passengers' objection to the pat-down process itself, not because screeners conducted the pat-down inspection incorrectly or inappropriately. TSA officials said that screeners were adequately trained to conduct pat-down inspections in a professional, respectful manner, while maintaining a high level of security.

Screeners are evaluated on their performance through written tests, annual certifications, covert testing conducted by TSA officials, mid-year and annual performance evaluations, and through observation by screening supervisors. Screening Checkpoint SOP are available for screeners to review to ensure that pat-down inspections are conducted according to SOP.

Investigation and Resolution of Pat-Down Complaints

TSA has processes to investigate and resolve pat-down complaints. TSA's website provides information to passengers for contacting TSA if they believe the pat-down inspection was done inappropriately. Passengers can file pat-down complaints with the TSA Contact Center, the External Compliance Division within the Office of Civil Rights, and at the airports. TSA tracks pat-down complaints through its Inquiry Management System (IMS) and its Performance Management Information System (PMIS). Pat-down complaints are forwarded to the Operational Research Analysis team and the FSDs for further review and action. TSA monitors the number and nature of complaints that it receives to track trends and identify areas of concern that may require special attention.

Passengers with pat-down complaints and comments may contact TSA through the TSA Contact Center (center) by telephone, email, or letter. The center reviews and evaluates all pat-down complaints and comments. The center employs a team of 40-50 contractors working 24 hours a day, 7 days a week. The center, which has pre-approved talking points to provide passengers with additional information on TSA's pat-down policies and procedures, records pat-down complaints in IMS. Upon receipt of a pat-down complaint, the center contacts the complainant to acknowledge receipt of the complaint and notifies the complainant that the complaint will be forwarded to the appropriate TSA officials for investigation and resolution. The center forwards all pat-down complaints to the Operational Research Analysis team for analysis. The Operational Research Analysis team then forwards the complaint to the appropriate FSD for further investigation.

Pat-down complaints that involve allegations of discrimination, based on race, color, national or ethnic origin, religion, or gender, are forwarded to TSA's External Compliance Division, within the Office of Civil Rights. The External Compliance Division forwards the allegations to the appropriate FSDs to conduct an investigation. The Division makes an independent evaluation of the results of the investigation and, where appropriate, recommends remedial action. If the investigation indicates a possible systemic problem, the Division may recommend appropriate policy and procedural changes. Discrimination complaints received directly by the External Compliance Division are maintained in a separate database.

Passengers also may file pat-down complaints or other travel related concerns at the airport, either in person or by completing a feedback form. Various TSA officials informed us that these complaint forms were readily available at the airport checkpoint; however, we did not observe them during our site visits. Pat-down complaints received by the airport are recorded in PMIS. In March 2005, TSA released a new PMIS version that includes a specific

complaint category for pat-down complaints. This PMIS revision allows TSA to more accurately capture the number and nature of pat-down complaints.

FSDs are responsible for investigating and resolving pat-down complaints.

On receipt of a pat-down complaint, FSDs or their representatives:

(1) contact each complainant to obtain additional information regarding the complaint; (2) interview the screener and other airport personnel to obtain additional information; (3) review incident reports and security video tapes, if available, to determine whether the pat-down inspection was conducted according to SOP; and (4) recommend additional training or disciplinary action, if necessary.

Our review of pat-down complaints received by TSA indicated that many of the complaints resulted from passengers who: were unhappy with the general pat-down policy; believed the pat-down inspection included inappropriate touching and that the search was intrusive and humiliating; had privacy concerns; and believed that the screeners were unprofessional or rude. We found no evidence that passengers were retaliated against by TSA when they expressed concern about the additional screening practices.

TSA is piloting new technology to detect weapons and explosives, which should eventually result in fewer pat-down inspections.

Purpose, Scope, and Methodology

We conducted this review at the request of Congressman Edward J. Markey, a member of the House of Representatives, Committee on Homeland Security, in response to his concern that TSA screeners at airport checkpoints were subjecting some female travelers to intrusive pat-down inspections as part of TSA's additional screening process.

The overall objectives of the audit were to determine whether:

- TSA adequately advised passengers of their rights under the screening process, and appropriately accommodated requests related to those rights;
- Additional screening practices were applied proportionately to males and females;
- Screeners were adequately trained to perform pat-down inspections; and,
- TSA had procedures in place for investigating and resolving complaints about the process.

To accomplish our review, we conducted fieldwork at TSA headquarters in Arlington, Virginia. We reviewed TSA's additional screening procedures, pat-down complaints, additional screening training information, agency reports on pat-down complaints, and other relevant documentation pertaining to the additional screening process.

To obtain a thorough understanding of additional screening policies and procedures, we interviewed key TSA officials, including the Chief Operating Officer; the Ombudsman; the Director, Aviation Support, Aviation Operations; the Branch Chief, Office of Strategic Management and Analysis, Performance Management Branch; officials from the Office of Workforce Performance and Training; officials from Operational Research and Analysis; and an official from the Office of Civil Rights. We also interviewed the Director, Technology and Liberty Program, of the American Civil Liberties Union, to obtain his organization's concerns regarding pat-down complaints.

In addition we interviewed, via telephone, the FSDs at the Denver International Airport, the Kansas City International Airport, and the Palm Beach International Airport because those three airports received the most pat-down complaints from October 1, 2004, through February 28, 2005.

We also interviewed, by telephone, the FSD at the Los Angeles International Airport (LAX) because more passengers and baggage are screened at LAX than any airport in the United States. Collectively, these four airports accounted for about 19% of all pat-down complaints received from October 1, 2004, through February 28, 2005.

We observed and evaluated additional screening practices at 10 airports nationwide. We completed 97 questionnaires after completing the screening process. The questionnaire included 15 questions designed to determine whether screeners were conducting pat-downs according to revised SOP. The airports that we evaluated included: Dallas/Fort Worth International Airport; Honolulu International Airport; the Kansas City International Airport; LaGuardia Airport; Miami International Airport; the Norfolk International Airport; Oakland International Airport; Ronald Reagan Washington National Airport; San Francisco International Airport; and Washington-Dulles International Airport.

We conducted fieldwork between December 2004 and March 2005 under the authority of the Inspector General Act of 1978, as amended, and according to generally accepted government auditing standards. A listing of the major contributors to this report is included as *Appendix B*.

Major Contributors to This Report

Alexander Best, Director, Transportation Security Audit Division
Lynn Richardson, Audit Manager
Eno Ukih, Auditor-In-Charge
Mark Phillips, Auditor

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