



**Homeland
Security**

January 3, 2012

The Honorable Michael Gianaris
New York State Senate
21-77 31st Street, Suite 100
Astoria, NY 11105

Dear Senator Gianaris:

Thank you for your letter of December 5, 2011, to Transportation Security Administration (TSA) Administrator John Pistole. Administrator Pistole asked the U.S. Department of Homeland Security (DHS) Office of Intergovernmental Affairs to respond to your concerns regarding recent allegations of improper screening of passengers by TSA employees at John F. Kennedy International Airport (JFK).

TSA sincerely regrets any discomfort or inconvenience the passengers at JFK experienced. Please be assured that at no time are Transportation Security Officers (TSO) authorized to conduct "strip searches" of passengers. Upon learning of the allegations of improper screening at JFK, TSA immediately conducted an investigation. TSA interviewed the TSOs who conducted the screening, reviewed CCTV footage where available, and interviewed the passengers who made the allegations. TSA determined that there is no evidence to support the claims that TSA employees conducted strip searches of any passenger.

The first passenger who alleged that she was strip-searched was travelling alone with a wheelchair assist and a pacemaker/defibrillator, making her ineligible for screening by Advanced Imaging Technology (AIT) or the walk-through metal detector (WTMD). She was referred for additional screening, where she voluntarily raised her shirt and stated that she was wearing a money belt under her clothing. TSOs immediately stopped her from raising her shirt and escorted her to a private screening area, where she removed what she told TSOs was a money belt, but was in fact determined to be a back brace. The TSOs screened the back brace through the x-ray machine and returned it to the passenger. It is not standard procedure for TSOs to screen back braces through the x-ray, and TSA apologizes for this employee's action. However, contrary to statements, at no point was the passenger asked to remove any items of clothing during screening.

The second passenger who alleged that she was strip-searched required a wheelchair assist and had a colostomy bag. She was referred for additional screening because she opted out of AIT screening and requested a pat down. While still in public view, the passenger began to voluntarily lower her pants to show the TSOs that she had a colostomy device. The TSOs informed her that she did not need to remove her clothing and escorted her to a private screening area. While in the private screening area, she received a pat down and the TSO asked that she visually present the colostomy device for inspection after which she was cleared to proceed into the sterile area. It is not standard operating procedure for colostomy devices to be visually inspected, and TSA also

apologizes for this employee's action. However, again, at no point was the passenger asked to remove any items of clothing during screening.

To reduce the likelihood of any future incidents occurring, TSOs at JFK are receiving refresher training to include scenario-based exercises on how to respectfully and safely screen passengers with disabilities or medical conditions to ensure all the proper procedures are followed. The Federal Security Director (FSD) at JFK will continue to monitor the performance of TSOs at JFK to ensure they conduct screening in accordance with our high standards of courtesy and professionalism.

TSA and DHS take privacy and civil liberties concerns very seriously. TSA's Disability Coalition maintains an ongoing dialogue with a broad and diverse coalition representing a cross-section of the disability community to understand their concerns and adapt screening procedures as necessary. Additionally, TSA announced last week that it will establish a 1-800 number dedicated to travelers with disabilities, medical conditions, or those who may require additional assistance during screening. Passengers will be able to call this number prior to flying to get guidance and information about screening based on their needs.

I appreciate your interest in the Department of Homeland Security, and I look forward to working with you on future homeland security issues. If your staff needs further information or assistance, they are requested to call Ms. Kim R. Johnson, State and Local Coordinator, Office of Intergovernmental Affairs at (202) 282-8481.

Sincerely,



Betsy Markey
Assistant Secretary